

Social Dialogue Committee for Central Government Administrations - SDC CGA

SD Committee Central Government Administrations – Working Group meeting
25 November 2014, Brussels
Minutes

DRAFT (dated 27 November 2014)

Revised draft 26 January – EUPAE comments in yellow

Present		
TUNED		
HELLMAYR Sophie	GÖD	Austria
KORECKY Peter	GÖD	Austria
DEVOS Jean Paul	CSC SP	Belgium
GILLES André	CGSP	Belgium
SUCHA Blanka (late arrival)	STATORG	Czech Republic
TSIAKKAROS Stélios	CFDT Interco	France
MOOS Christian	DBB	Germany
AGG Geza	KSZSZ	Hungary
RONAYNE Eoin	CPSU	Ireland
GRIECO Nicoletta	FP CGIL	Italy
WEYDERT Camille	CGFP	Luxembourg
OUWEHAND Marco	AbvaKabo	Netherlands
GALLEGO Jesús	FSP UGT	Spain
BRUNZELL Karin	ST	Sweden
LEJON Britta – Chair	ST	Sweden
OSTBERG-SVANELIND Maria	SSR	Sweden
KEMPEN Peter	USF	Europe
TUNED Secretariat		
SALSON Nadja	EPSU	Brussels
CHARDONNET Aurore	CESI	Brussels
GASSNER Diane	EPSU	Brussels
EUPAE		
PAPPENSCHPELLER Thomas		Austria
DRUART Jacques		Belgium
NECKEBROECK Bruno		Belgium
DJIDER Nacer-Eddine		France
LE GOFF Thierry		France
BUSCH Dagmar		Germany
MAIWALD Christian		Germany
TALAMO Valerio		Italy
SARMAVICIUS Osvaldas		Lithuania
BOSSEART Danielle		Luxembourg
GRIXTI Mario		Malta
WOODS Thomas		Malta
GANHAO Teresa		Portugal
SILES SUARES Teresa		Spain
European Commission		
MARTINELLI Stefano	DG Employment	Brussels

09h00-11h00: Separate preparatory meetings of TUNED and of EUPAE (with interpreters)

1. Welcome and announcements

The chair, Britta Lejon (TUNED spokesperson and ST President, Sweden), welcomed the participants who introduced themselves.

The floor was then passed on to Stefano Martinelli, recently appointed EC policy officer charged with the SDC CGA, amongst other sectoral social dialogue committees, to introduce himself. Mr Martinelli has been working at the Commission since 2000, with extensive background on cross-sectoral social dialogue both at national level and EU levels. He said it was too early to provide much details of upcoming initiatives by the Commission which took office less than a month ago, but the overall workprogramme will be issued on 16 December. He said it was important that the position of EC Vice President charged with social dialogue and Euro Mr Valdis Dombrovskis (from Latvia) had been confirmed.

The Chair thanked the Commission and said that today's meeting will concentrate on two items for which two documents had been sent late due to the late meeting of the Steering Group that took place only last Friday: First, on information and consultation rights, second, policy recommendations as the final product of the EU-funded project for a quality administration for people in a vulnerable situation.

2. Adoption of the minutes of 30 September working group meeting – document to follow

Due to the late sending of the draft minutes it was agreed to leave more time for comments – by 20 December – the draft is attached (in EN). Passed this deadline the minutes will be deemed adopted.

3. Adoption of the agenda

The agenda was adopted unchanged

4. **Workers' rights to information and consultation:** *As agreed on 30 September, we will discuss a first draft skeletal text prepared by the Steering Group- document pending*

The chair underlined the importance of the issue whilst taking the time necessary to find a consensus on the draft skeleton text and to recognize that this was all part of a process.

EUPAE France introduced the text adding the precision that the draft had not been validated by all members of the steering.

As general comments, EUPAE Chair said:

- There was support for the idea of a text that will not be an adaptation to the public sector of the 2002 Directive on a common framework on information and consultation rights. Although the directive does provide positive provisions, the intention is to draft a text that concerns the public sector that takes due account of its specificities, values and needs
- Public sector workers protection, the degree of which is already high, differs from one country to another. National rules are already available and the EU common standards do not pose particular problems
- On the scope of the text, its breadth will be corroborated to how detailed the section regarding topics subject to information and consultation rights will be; bearing in mind

that the selected topics will exclude any that fall upon the political sphere, for instance decisions relating to merging or separation of ministries

- On the definitions of information and consultation, the 2002 directive provides a good basis without drawing an automatic link to reaching an agreement except for some topics, e.g. restructuring
- There was no obligation to reach an agreement even though the current state of play goes to that direction

The Chair reminded of the reasons why the Committee decided to engage in information and consultation rights including the fact that in a number of countries social dialogue has been much affected, in some cases in a harsh way, and that the objective is therefore to improve the social dialogue (as stated in the SDC CGA work programme 2014-2015). It was also important that social partners keep the upper hand in view of a possible initiative by the Commission in this policy area.

The Commission confirmed indeed the intention to publish a consultation of social partners on the review of three main directives dealing with information and consultation rights and that a joint position by the SDC CGA would be very welcome in this regard. The consultation was expected to feature in the EC workplan expected to be published on 16 December.

EUPAE Belgium stresses both the pre-eminence of the political decision in many Member States and the specificities of the central government administrations. It points to the risk of probable lack of mandate to elaborate a text that can imply modifications to the existing national legislation and invites to envisage the alternative consisting in a text acting the willingness to effectively apply the existing national legislations as those are supposed to be conform to the treaties ratified at the ILO or the Council of Europe.

Following the above general remarks, TUNED-Netherlands proposed to go through the proposed skeleton text heading by heading. The proposal was agreed.

Heading 1 introduction

- EUPAE France proposed
 - To add a reference to ILO convention No 151,
 - To clarify the reference to EU directives that do not, or only partially, apply to public administrations and to add that the formulation of those directives is completely inadequate for central government administrations.
 - TUNED secretariat responded that this was to justify the need to establish common minimum standards for the public sector (for the very reason that the directive 2002 as mentioned above and two directives relating to collective redundancies and transfers of undertaking do not apply to public administrations except in the Nordic countries, whilst other social directives provide for exemption for certain categories of workers in the civil service). It was agreed however to reword this point.
 - To add a reference to national rules on information and consultation
- The Chair sought an addition on the positive link between information and consultation and high quality administration. This was supported by TUNED France, adding that the rights were critical to efficiency.

Heading 2 Principles

- The Chair said it was difficult to distinguish this heading from the one regarding objectives, proposed to merge the two
- EUPAE France said that items 2.3.2 (preserve jobs) and 2.3.3 (develop employability) would be better placed under heading 6 Topics

Heading 3 Objectives:

- No comments other than above

Heading 4 Definitions

- As said above, EUPAE France said that the definitions of the 2002 directive provide a good basis and proposed to add definitions of “employers and workers’ representatives”
- To this, TUNED secretariat added that all provisions relating to the definitions in the 2002 directive would provide a good basis, and that the timing of both information and consultation is key (information and consultation must be timely).

Heading 5 Scope

This was a lengthy discussion that led to two divergent views:

- EUPAE France proposed a list of different categories of workers, statutes, administrations, etc
- TUNED France, EUPAE Italy and Belgium expressed preference for a collective non exclusive approach, either based on common criteria or put more simply to say that the coverage is the one that applies to the sector of central government administrations.
- TUNED secretariat added that the wording in the EC quality framework on restructuring (December 2013) that applies to the public sector could be of inspiration i.e. general reference to public sector workers.
- TUNED Austria said that all civil servants have the same rights as any other workers since 1914. EUPAE Italy also said that both the police and military have trade union rights in Italy.
- EUPAE France (chair) added that the breadth of the scope will be determined by the degree of details of minimum standards, ~~in other words the less detailed the latter, the broader the former or the more detailed the latter the broader the former~~

The Chair concluded that a general approach would be preferable, importantly it cannot be limited to civil servants but must cover all workers.

Heading 6 Topics

- EUPAE France said that this is likely to be the heart of the discussions, important to ring-fence what falls upon the political sphere
- To this TUNED France said that the text can be based on the list of topics as surveyed by EUPAE and that without challenging political decisions these have consequences that are subject to information and consultation rights
- EUPAE Italy advised to not go too much into details or risk getting into hot waters
- TUNED Belgium said that this is closely linked to the heading on definitions
- TUNED secretariat asked whether some space could be maintained on transmission by the employers of a motivated opinion to explain decisions, to which EUPAE France said that the delivery of motivated opinions is by definition what social dialogue is about. In contrast EUPAE Belgium said that motivated opinions go further than information and consultation rights, it was best to see how far we can go to define what should be subject or not to information and consultation
- The Chair said that there are ways to not interfere with the politics of decisions

Heading 7 Means of implementation

- EUPAE France, Chair, said that the 2002 Directive provide a good basis. Asked about more details on this, he said they can include right of expertise, training, human resources which are all parts of an effective social dialogue
- EUPAE Belgium said that the subject of protection of trade unions might not be relevant in the text under discussion i.e. information and consultation of civil servants
- TUNED Belgium proposed to keep some space in the text to a reference to the quality of social dialogue

Heading 8 non regression clause

- No comments

In conclusion, it was decided a drafting group be established that will be convened to meet once or twice in between January and March – the group should be balanced in terms of TUNED/EUPAE delegates, geography, gender whilst limited in numbers around 10 delegates to function as a drafting group. It will meet in EN with possible interpretation in Fr. No funding was available, although It was said that the Commission can provide additional support including meetings in case social partners engage and/or complete negotiations. Details on how to proceed with this will be sought with the Commission.

Members who are interested to take part in the drafting group should inform the Secretariat by 20 December at the latest

5. EU-funded project Quality Administration for vulnerable people

- Report of final project conference, Paris 6-7 November 2014
- Final research report: pending
- Adoption of joint recommendations: document pending

The chair thanked EUPAE France for holding the conference in Paris on 6-7 November and was grateful for the participation of Mrs Minister Lebranchu. She said that the objective was to adopt the recommendations but the revised draft was only available the day before the meeting.

She passed on the floor to EUPAE France who introduced the draft set of policy recommendations.

There were reservations regarding paragraphs 14 (negotiated working time), 21 (automaticity of the rights), 28 (appropriate staffing), 33 (tensions between national, EU and international provisions); 40 (reference to pay) 47 and 48 (outsourcing). EUPAE Chair added that for some the above it was more a matter of wording than content. Final research results: sent to Paris participants...

TUNED secretariat said that the draft was a revised draft that had been sent to the Committee members in view of the Paris conference, that some of the changes for which EUPAE had expressed reservations actually came from EUPAE steering members, that it would be a pity to not adopt the recommendations in view of the DG/TUNED informal meeting on 5 December agenda when the recommendations were expected to be presented.

EUPAE responded that there was too little time to react by next week.

Accordingly it was agreed to set a deadline of 20 December for comments with a view to adopting the text by end of January

6. Follow-up to adopted texts

- Recommendations towards closing the gender pay gap: English and French versions are available @ <http://www.epsu.org/r/569> and @ <http://www.cesi.org/what-we-do/trade-councils-and-commissions/trade-councils/central-administration-and-finances-trade-council/>

The commission was thanked for doing the translation into French

EUPAE Italy said that the text had also been translated into Italian; a copy will be sent to TUNED and EUPAE secretariat for web positing

It was reminded that all agreed texts are posted on the EC website
<http://ec.europa.eu/social/main.jsp?catId=521&langId=en>

- Response to EC public consultation on EU 20/20 strategy: final text pending (deadline for submission was 31 October)

The response was sent to the Commission.

7. AOB

8. Date of next meetings in 2015

13 April = Working Group – **2 June** = Plenary and **16 October** = Working Group.

After the meeting the date of the next steering group was fixed to 12 March 2015 allowing for sufficient time for mailing agreed texts to members of the SDC CGA