



**EUROPEAN COMMISSION**  
Employment, Social Affairs and Inclusion DG

Employment and Social Legislation, Social Dialogue  
**Social dialogue, Industrial Relations**

## **Sectoral Social Dialogue Committee on Personal Services**

### **Plenary meeting on 21 June 2011, Brussels**

#### **Minutes**

The meeting was chaired by Poul Monggaard (UNI Europa), who welcomed the participants.

#### **1. Report from the meeting on European Hairdressing Certificates**

The Chair reported on the outcomes of the meeting on 31 May (see the minutes for that meeting). Mr Hofmann (Coiffure EU) mentioned that the secretariat still needed to be defined and the logo needed to be designed. The cost for this will be borne by Coiffure EU and UNI Europa.

The Chair presented the details of the solution that was agreed on 31 May.



Implementation.ppt

He emphasized that it will be very important to maintain the database of certificate holders on the national level in order to make the system work.

Mr Hofmann (Coiffure EU) asked each country to carefully check their national systems against the requirements for levels B and C before sending the application to the secretariat in Denmark. The logo that is being designed should reflect the identity of the organisations, but also the fact that this is a EU certificate. The card or certificate itself will also need to be designed.

The Chair underlined that this design work would be done in the next several months.

#### **2. Handling of non-traditional forms of establishment in the hairdressing sector**

Mr Vos (Coiffure EU) gave a presentation on the situation and developments in the Netherlands.



Netherlands.ppt

He pointed out that very small salons (self-employed and mobile) and large chains and franchise systems are growing, although it is difficult to get precise figures. Tax conditions are decisive for these developments. These are different types of enterprises with different goals: whereas someone working at home often does so to get a second

income, large chain companies above all would like to make a profit. Those salons with staff account for 85% of turnover but only 42% of establishments, while 58% of enterprises do not have any employees and account for just 15% of the sector's turnover. There are 15 companies in the Netherlands that have more than 10 salons each, accounting for 11% of employment. He suggested asking for a study of these developments from Eurofound.

The Chair asked how these developments affected the political orientations of the national employers' organisation ANKO. Mr Vos responded that on the one hand, ANKO favours the free development of the sector without excessive regulation. On the other hand, the organisation is concerned about the development of the profession of hairdressing, its quality and professionalism. There is no easy answer to address these concerns.

Mr Hofmann (Coiffure EU) inquired about how the study was carried out and its cost. Mr Vos replied that the study was commissioned by the social partners in the Netherlands and carried out by the research centre for SMEs. A similar study is carried out every 4 years at a cost of roughly 100 000 Euro each.

Mr Röhr (Coiffure EU) remarked that the same developments could be observed in Germany. This raises questions about the future of social dialogue, about the quality of the services provided and even questions about old-age poverty, since for many of the sole entrepreneurs, there is no social security coverage. He felt that a EU-wide comparative study of these developments in the hairdressing sector is a necessity.

Ms Schröding (UNI Europa) agreed that similar developments could also be observed in Austria. There is ongoing price dumping, also being committed by big chains. At the same time, chain enterprises often invest in the training of their staff and they achieve good results in the examinations.

Mr Scarnati (UNI Europa) saw some parallels to the problems in Italy, although some phenomena are different. For example, hairdressing at a private home is not allowed. Undeclared work is a big problem in Italy, as is the correct use of chemical substances and cosmetics. Allowing mobile hairdressing would create more problems and would be bad for the hairdressing sector in Italy. Since the situation is very different in the countries of the EU, it would be difficult to harmonise the regulations of the hairdressing sector. However, the common goal is to ensure the quality and professionalism of the services provided by hairdressers. Still, it is already difficult to agree within one country on the best set of regulations, for example concerning chair renting. Therefore it is difficult to see how there could be some kind of common conclusion from this discussion at EU level.

Mr Marino (Coiffure EU) was of the opinion that this was a very important debate. He supported the calls for a EU-wide study examining the trends in the hairdressing sector.

Mr Vos (Coiffure EU) emphasized that the goal of the debate was to understand the developments in the different countries and how the market could be guided.

Mr Hofmann (Coiffure EU) agreed, but considered that EU policies have been in favour of liberalisation for quite some time. For instance, the policy has been to abolish the restrictions for access to a profession. At the same time, there are many other factors that

influence these developments, such as tax legislation or regulations on opening hours, so that there is much work to do in order to understand the developments.

Mr Röhr (Coiffure EU) asked whether the European Union and the Commission was aware of the dark side of liberalisation and flexibilisation, as presented in the discussion today.

Mr Schwarz (European Commission) replied that this was a large and general topic that is the subject of ongoing debates, both at technical and at political level. The policy of flexicurity strives to strike the right balance between flexibility and security, but this is not always easy to achieve. It is definitely a good idea for the social dialogue committee to weigh in on these questions through statements, conferences or projects. The project on health and safety, led by Osnabrück University, provides such an opportunity for drawing policymakers' attention to a specific problem that could be addressed by new legislation. The Commission has just approved funding for the second phase of that project. In addition, Eurofound maintains several possibilities for responding to requests for research from social partners, for example through their stakeholder enquiry service. Coiffure EU and UNI Europa should contact Eurofound in Dublin directly to find out if a study on the hairdressing sector would be possible.

The Chair read a draft letter from the social dialogue committee to Eurofound, requesting their assistance with a research project on developments in the European hairdressing sector. The letter will be finalised between the secretariats of Coiffure EU and UNI Europa in the coming weeks.

Ms Marti (UNI Europa) presented the results of a small survey among trade unions on the practice of chair renting in the hairdressing sector.



Chair hiring 2011.ppt

### **3. State of play regarding the draft European Framework Agreement on the Prevention of Health Risks in the Hairdressing Sector**

Ms Weber (GHK Consulting) presented an overview of the results of the study on the social policy consequences of the agreement's scope.



Hairdressing presentation GHK.ppt

Mr Laurent (UNI Europa) clarified that the study shows that 75% of hairdressers would be covered by the agreement, even if self-employed without workers were excluded from the scope. In addition, the study confirms that the cost of implementing the agreement is not high, while resulting in substantial benefits. Implementing the agreement does not threaten the competitive position of employers.

Ms Weber agreed in part, although she pointed to the weak data basis that supported these conclusions. She repeated that there was no estimate for big-ticket items such as chairs or washbasins included in the cost calculation.

Mr Röhr (Coiffure EU) argued for a wide coverage of the agreement, including all self-employed, as this was a moral obligation. The evidence from Germany favouring this approach is overwhelming and the agreement has limited costs but large benefits.

Mr Marino (Coiffure EU) stated that the Italian employers could not sign up to the agreement if it didn't cover everyone active in hairdressing. Health protection is a common concern, but there are also costs for health and safety measures.

Ms Van Iperen (UNI Europa) asked whether the study looked at the impact of the agreement on specific segments of the hairdressing sector, especially mobile hairdressing. For example, would they be obliged to possess their own treatment chair?

Ms Weber responded that the study assumed that such provisions would never apply to mobile hairdressers. Mr Schwarz (European Commission) reminded participants that it was already agreed previously that the precise wording of the clauses defining the scope of the agreement would need to take into account such situations and exceptions.

Mr Scarnati (UNI Europa) argued for the widest possible coverage of the agreement, since it would create unfair competition otherwise. The goal was to contribute towards a responsible and professional hairdressing sector.

While the Chair suggested that the Netherlands could provide a text regarding the mobile hairdressers, Mr Laurent (UNI Europa) strongly argued in favour of not modifying the agreed text. In case a specific solution is required, it should be very simple and in the form of a single sentence specifying the exemption. Mr Scarnati (UNI Europa) also warned against opening up the text to country-specific exceptions.

Mr Hofmann (Coiffure EU) considered the study interesting and suggested examining it closely to see whether lessons could be learnt for improving the provisions of the agreement.

Mr Röhr (Coiffure EU) underlined that the agreement is clear regarding mobile hairdressers. It is obvious that some provision don't apply to them.

Mr Tricart (European Commission) presented the Commission's view of the results of the study. He thanked the consultants for their work and welcomed the conclusion of the study, which – despite shortcomings because of lack of data – provides a solid base for assessing the situation. The study shows that there are real specific occupational health risks in the hairdressing sector. Some occupational diseases are significantly more widespread in the hairdressing sector than in others, e.g. skin diseases. The Commission welcomes the initiative of the social partners to tackle these problems. The study also shows that the costs of ill health are large for the sector (absenteeism, leaving the sector early, high turnover of staff, etc.). The costs are high not just for the workers and employers concerned, but also for society at large: having to leave a chosen profession because of ill health leads to costs related to retraining, to costs related to health insurance coverage, to negative effects for social inclusion, etc. Due to the structure of the workforce, this affects mainly young and female workers. The evidence shows that the measures contained in the agreement are useful to address the challenges of health and safety in hairdressing. At the same time, the study concludes that the measures needed to minimise occupational health risks are not very expensive: the estimate from Germany sees these costs as 1.2% of the turnover of an average salon. The study demonstrates that the high and growing proportion of self-employment in the

hairdressing sector is due to policies encouraging entrepreneurship, tax regulations and the loosening of requirements for setting up a hairdressing business. The study concludes that health and safety regulations do not decisively affect the structure of the sector. Most countries already include all the self-employed in their sector-specific legislation. In the study, only in Hungary and the Netherlands is the legislation limited to employers and dependent workers. Still, even in those two countries, there is little evidence that the growing proportion of self-employed is being driven by a desire to avoid complying with occupational health and safety legislation. Rather, tax and entrepreneurship policies play the decisive role

Mr Tricart highlighted that this conclusion has consequences for the scope of a European directive implementing the agreement, due to the particular institutional setting of European social dialogue and the relevant Treaty provisions. In particular, it means that workers and their employers would be covered to the maximum extent possible under EU law, including chair renters working alongside employers and workers in the same salon. At the same time, a European directive implementing the agreement cannot oblige Member States to apply the same rules to single-person entrepreneurs.

Mr Tricart underscored that these types of self-employed (without workers) are already subject to the same legislation as other hairdressers in many Member States. This would not change. On the contrary, when Member States transpose the possible directive, they can enlarge the scope to include the self-employed if they so wish; this will also depend on the national affiliates of Coiffure EU and UNI Europa to provide input and follow-up.

To highlight this issue, which is of such importance to Coiffure EU and UNI Europa, and to encourage Member States to appropriately consider the self-employed in their national transposition of a possible EU directive, Mr Tricart suggested adding a clause to the joint declaration between Coiffure EU and UNI Europa that would be signed at the same time as the agreement itself. In this clause, the social partners could call on Member States – and the national members of Coiffure EU and UNI europa – to take all necessary and useful measures to ensure that the benefits of the agreement apply to all hairdressers, regardless of their status. Such a declaration could be signed at the same time as the agreement itself.

Mr Tricart assured the participants that the Commission would refer to such a declaration by the social partners in the explanatory memorandum to Council, if and when the agreement is presented as a directive. It would almost certainly also come up in the discussions before Council, when the Commission (possibly with a role for Coiffure EU and UNI Europa) would have to justify and defend the agreement and its implementation by directive.

Mr Tricart also explained that Commission together with the Polish Council Presidency will organise a conference in Warsaw on 24 and 25 November to commemorate 20 years of the social partners' agreement that provided the basis for the social dialogue provisions of the Treaty. This high-level event would be an appropriate setting for the signature of the agreement and an accompanying joint declaration. If the social partners need more time to consider the issues, however, it is of course possible to sign the agreement at a later date.

The Chair thanked Mr Tricart for his remarks and briefly summarised the situation.

Mr Röhr (Coiffure EU) wondered why the Commission couldn't commit to extend the agreement to self-employed hairdressers out of its own initiative. Even if the social partners are not competent to do so, the Commission should examine this.

Mr Tricart replied that the legal basis for actions under the social policy provisions of the Treaty applied equally to social dialogue agreements and to Commission initiatives. In some other cases, for instance on rest periods for lorry drivers, the European legislation has a different legal basis that allows for the regulation of self-employed, for instance in the interest of road safety. In the present case, however, the Commission is bound by the same Treaty provisions on workers health and safety as the social partners.

Mr Marino (Coiffure EU) professed to have learned a great deal, but also expressed his profound disappointment of having to realise that when he speaks in European social dialogue, he only speaks for 30% of the hairdressing sector. Until now he thought he was speaking on behalf of all hairdressing businesses.

Mr Vos (Coiffure EU) expressed his understanding of the situation, but also voiced his disappointment at the conclusions. He announced that Coiffure EU would need a period to reflect on the situation before deciding on a way forward. The event in November will likely be too soon to have reached a definite conclusion.

Mr Hofmann (Coiffure EU) appealed to all the participants to go ahead with the agreement and to follow the process as outlined by Mr Tricart.

Mr Laurent (UNI Europa) reminded participants that many political forces were against social dialogue, and several national governments would prefer it if the European social partners never used their right under the Treaty to conclude binding agreements that become directives. Therefore Coiffure EU and UNI Europa should prove those critics wrong by showing the added value that social dialogue agreements bring and by defending the results of European social dialogue. In fact, when the social partners stick to the letter of the Treaty and cover workers and employers by their agreement, this removes one potential point of criticism that could be brought forward against the agreement.

Mr Vos (Coiffure EU) reiterated that the employers could not commit to anything specific at this point, but he assured that Coiffure EU will take the issue seriously, that it will work on it and that it will report back on the current state of affairs at the steering group meeting of the social dialogue committee in September.

#### **4. Any other business**

Ms Van Iperen (UNI Europa) asked whether the Commission could assure a more timely preparation of the minutes of the social dialogue meetings. Mr Schwarz (European Commission) replied that he could not give an absolute guarantee that minutes will always be ready a fixed number of days after each meeting, but he assured the social partners that as a general rule, the minutes of the previous meeting are available at the latest by the date of the next meeting.

The Chair thanked the participants and the interpreters and closed the meeting.