



EUROPEAN COMMISSION

Employment, Social Affairs and Inclusion DG

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

Sectoral Social Dialogue Committee (SSDC) on Personal Services

Plenary meeting on 13 December 2011, Brussels

Minutes

I- Ad-hoc committee on the functioning and development of the social dialogue

The Chair, Poul Monggaard (UNI Europa), welcomed the participants and introduced the discussion. He underlined that the upcoming signature of the "European Framework Agreement on Health Risk Prevention in the Hairdressing Sector" was a great achievement. Closing a long cycle of negotiations in the sectoral social dialogue committee, this success leads to the need to generate new ideas for the future of social dialogue, a task assigned to the ad-hoc group. Mr Monggaard stressed the necessity to communicate faster and better on the many issues of interest to the hairdressing sector and the need to update and revitalize the social dialogue process, by, possibly, opening up discussions to other personal services professions. He invited participants to present their ideas as well as the methodology they envisage to put them into practice.

Mr Laurent (UNI Europa) pointed out that exchanges of information were as crucial as agreements. He recommended working on three objectives: First, implementing the framework agreement (in terms of follow-up and dissemination); second, involving participants from new Member States; third, creating knowledge on the medium-term future of the sector. In his view, large hairdressing enterprises are gradually replacing independent workers and SMEs, and therefore must be associated to the social dialogue.

Mr Marino (Coiffure EU) suggested taking more advantage of internet tools in order to make all materials available and possibly to organize online training on social dialogue for potential participants to the SSDC. He added that the best strategy was to limit the number of objectives in order to work effectively, and gave his support to the idea of opening the sectoral discussions to other professions of the personal services sector, especially beauty care.

Mr Scarnati (UNI Europa) stressed the importance of enhancing the visibility of the SSDC. A good way forward could be to intensify the flow of information on the sector in the different member states by inviting national experts to SSDC meetings. That there are differences in the situation between EU countries is well known but a better picture of the details would be very beneficial. New areas of work could be welfare and social security, as there are big discrepancies between EU member states. Work could start on exchanges on the national legal frameworks. Opening the dialogue to big hairdressing firms would be important as they are representing an ever-increasing number of employees, cover a large scope of activities and are putting in place standardised work organisation practices, for instance in terms of working time.

Mr Koffijberg (Coiffure EU) stressed that the behaviour of consumers is changing quickly, requiring changes in business organisation, especially regarding the availability of hairdressers at late or early hours, leading to a fragmentation of the working day.

The Chair mentioned that an application was being prepared to ask Eurofound for a study on the trends and perspectives for the hairdressing sector in Europe, with a view to identifying the main factors influencing the sector and the challenges that it will face in meeting the demands of the customers.

Ms Pajuniemi (UNI Europa) agreed that it was essential to identify needs and trends for the future of the sector in Europe, in order to give some perspective for each individual national situation.

Mr Marino (Coiffure EU) suggested selecting a dozen issues of interest (such as training, working time, minimal qualifications or holidays) and addressing a questionnaire to the national social partners in all Member States, including those not currently involved in the SSDC.

The Chair evoked the recent Liaison Forum on capacity-building in the new member states where social partners were asked to make a special effort in favour of better including representatives from the new Member States. He argued that the development of social dialogue in and with the new Member States is of central importance as it is the only way to guarantee the application of European agreements in those countries, especially the European Hairdressers Certificate.

Mr Laurent (UNI Europa) raised two issues: fighting social and fiscal fraud in the black economy that creates unfair competition to employers paying taxes and respecting national labour codes; and gender issues and the specific difficulties faced by women, especially regarding the family/work balance.

Mr Marin (UNI Europa) recommended focusing a questionnaire on a limited set of issues such as the way to develop and reform social dialogue, involve representatives from the new Member States and implement agreements. He argued for better and more regular communication on the work and achievement of the European social dialogue, as well as on the results at the national level. He also agreed with the Chair that supporting national sectoral dialogues across Europe was essential to the implementation of agreements.

Mr Marino (Coiffure EU) underlined that the ultimate long-term objective of social dialogue should be a collective agreement on a European work contract setting general principles applicable throughout the EU. Regarding work on gender issues, he argued that work should focus on gathering information in order to identify good risk prevention practices that do not impair work (in case of pregnancy for instance). This requires opening the table to experts on these issues.

Answering on gender issues, Mr Scarnati (UNI Europa) regretted that the framework agreement was limited to health and safety issues linked to pregnancy and the handling of chemicals, and leave aside the issue of the respect of family life.

Mr Koffijberg (Coiffure EU) agreed that work on the underground market was important, and argued for research on consumer wishes for the future on where, when and where to cut their hair. He evoked that the amount of transactions in cash is likely to diminish, which will impede the functioning of the underground market. He stressed the need for a vision for the future of the sector.

Mr Coray (Coiffure EU) argued that beyond exchanging information, the role of the SSDC was to develop a common vision for the sector. In that regard, he argued in favour of defining the overall goal of social dialogue instead of concentrating on differences between countries or between employers and workers.

Mr Laurent (UNI Europa) agreed that an approach that focuses on a vision for the future was interesting and important, but not sufficient. The SSDC needs to keep its capacity to reach agreements and to foster national social dialogue. It should be clear that at national level, social partners put into practice what the SSDC wants to achieve at EU level.

Guy Marin (UNI Europa) expressed his support for defining a set of issues to work on, and looking at the situation for each issue in all EU member states in order then to define common minimum standards.

The Chair agreed on the need for a vision, and underlined that Eurofound research would greatly help getting a clearer picture of the future of the sector in order to find a way ahead. He summarised the results of the debate in defining the three pillars supporting the SSDC's future:

- A mission or vision: defining guiding principles. He invited the participants of the ad-hoc committee to come up with thematic proposals on the mission of the European social dialogue by the next meeting, in view of establishing a common document.
- Research and data: producing knowledge to fulfil this mission. The application to Eurofound must be completed in order to dispose of quality knowledge that will allow developing relevant projects.
- Consensus: reaching a common understanding and joint agreements between the two sides.

Mr Schwarz (Commission) congratulated the participants for their good and creative discussion and invited the social partners to focus their energy on the implementation of their agreements as follow-up activities constitute a huge workload. Concerning capacity-building efforts called upon by the Commission, he stressed that they concerned the European social partner organisations (their administrative capacity), as well as the members of these organisations (membership should be broad and inclusive to ensure proper representativeness). The Commission offers some financial support for capacity-building through two budget lines that can support projects aiming at information exchanges, awareness-raising, targeted and regional meetings organisation, country visits, and cooperation. The next deadline for application is March 2012. Mr Schwarz reinforced the Chair's point that it is essential to ensure a wide implementation of agreements and dissemination of the work of the SSDC in all member states. On inviting external experts, he recalled that their participation can be financed to some extent by the Commission if they can be included in the contingent of on or the other side at regular social dialogue meetings

The Chair underscored that the SSDC was not rushing into new projects and was taking follow-up activities very seriously.

Mr Hofmann (Coiffure EU) agreed that the implementation phase was indeed crucial, in particular considering that even among members of the SSDC, some were not very active in promoting the European agreements. A degree of control is therefore a priority. He argued for a work programme limited to a set of issues aiming at reaching tangible results, at best agreements. Otherwise, achievements risk being limited.

Mr Laurent (UNI Europa) agreed and insisted that SSDC members must come well prepared to guarantee the quality of the discussions in the committee. He agreed that the implementation of the European Hairdressers Certificate would represent an important workload for European and especially national social partners.

The Chair came back to the issue of opening the SSDC to other personal services sectors. He suggested inviting experts from neighbouring sectors to the next meeting. Closing the discussions, the Chair asked the participants to give written feedback to the secretariats as soon and as comprehensively as possible.

II- Plenary meeting

The plenary meeting was chaired by Poul Monggaard (UNI Europa), who welcomed the participants and introduced the agenda with an amendment in the order of issues.

1) Cooperation with others sectors about violence at the workplace

Ms Savoini (Eurocommerce) presented the "multi-sectoral guidelines to tackle third-party violence and harassment related to work" adopted in 2010 by organisations from the commerce, healthcare, private security, local and regional governments, and education sectors. As the 2007 cross-industry agreement on harassment and violence at work did not tackle third-party violence, the Commission invited social partners to work on this issue. Concerned with the safety of employees as well as consumers and the interests of the employers, the commerce and other sectors carried out projects in this area in 2008 and 2009 with valuable outcomes, and decided to start negotiations on a process-oriented text. Guidelines defining third party violence and offering advice and support for prevention activities were signed in July 2010. They emphasize the value of joint work by the social partners to fight third party violence, build on best practices identified and are adaptable to all specific national circumstances. A joint project financed by the Commission was carried out throughout 2011 to promote and disseminate these guidelines. They were translated into all relevant languages and presented in various regional workshops. The signatory social partners are very active in ensuring quality follow-up. Sharing their experience with other sectors is an essential dimension of awareness raising activities. The guidelines are the second instance of a multi-sectoral initiative since the agreement on crystalline silica and have proven highly beneficial to complement the implementation of the cross-sectoral agreement. The implementation results will be published by all concerned committees in progress reports followed by a joint report in 2013. Ms Savoini invited the personal services SSDC members to consider getting involved by providing feedback on this initiative, exchanging on best practices to prevent third party violence, and give insights on ways to implement the guidelines further.



Presentation IS
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Mr Schwarz (DG EMPL) clarified that social partners are free to join and sign any social partners' agreement.

In the following discussion, various participants expressed their support for this violence prevention initiative and stressed the importance to translate the guidelines into the

languages of all member states, to make them accessible to all levels. The deficient legislative framework of certain countries was pointed out.

Ms Schröding (UNI Europa) mentioned similar work carried out in Austria on crime at the work place in all services sectors.

The Chair concluded by ensuring Ms Savoini that the social partners of the hairdressing sector would look at the material and the options of joining and maybe make adaptations to the guidelines.

2) Report from the ad-hoc committee on the functioning and development of the social dialogue

The Chair summarised the conclusions of the ad-hoc committee on creating a new mission and new vision for social dialogue in the sector. He stressed that the planned application for a Eurofound study on the sector would provide new or updated knowledge on the trends and perspectives, opening the way for new projects and initiatives. However, the participants agreed to concentrate on the implementation of the framework agreement on health risk prevention. In addition, participants agreed on opening the sectoral social dialogue to experts from related sectors or from Member States, in order to intensify the exchange of information on the situation of the sectors across the EU. A special effort should be made in involving participants from the new Member States. In all these areas, the social partners were invited to provide input to the European secretariats, which will allow drafting a joint text on the future of social dialogue.

An exchange of views followed, demonstrating some diverging perspectives on the future mission of the SSDC: several speakers favoured broadening the scope of work to include related sectors and broadening discussions to national situations to better understand the situation of the sector, while others argued for focusing the work on implementing existing agreements.

The Chair stated that the purpose of the European social dialogue was to establish tools safeguarding the future of the hairdressing sector in Europe in addition to the good work done at the national and EU levels.

Mr Marin (UNI Europa) pointed out that the SSDC's role was also to point at bad practices in the member states and to contribute to correcting them.

Mr Marino (Coiffure EU) concluded that increasing mutual knowledge between countries and cross-border information was important in order to identify good practices. He regretted that no definite conclusions were reached on broadening the SSDC to other beauty professions, and argued for taking up these issues in the review group meeting.

3) Proposal for using the Eurofound Stakeholder Enquiry Service to examine recent trends in the European hairdressing sector

The Chair and Mr Hofmann (Coiffure EU) updated the participants on the ongoing application to Eurofound for a study on the future of the sector. They explained that the influence of a number of factors should be examined that may have an impact on the quantity and quality of employment and the ability of the sector to meet the demands of the consumers. These include among others wages, prices, VAT, the types of enterprises, training, adjustment measures and the working environment.

4) European Framework Agreement on Health Risk Prevention in the Hairdressing Sector

Mr Vos (Coiffure EU) presented the state of play on the health risk prevention framework agreement on the side of Coiffure EU. Although he stressed the employers' pride for the accomplishment that represents this agreement for the SSDC, he expressed their great regret that the Commission had to ask the social partners to exclude the self-employed from the scope of the agreement for legal reasons, as this damages the level-playing-field in the sector. After overcoming many difficulties in their group, the employers decided that they would agree to the solution suggested by the Commission to include in the preamble a clause strongly encouraging member states to include the self-employed when implementing the agreement nationally. Additionally, from the employers' side, it is a condition that the agreement must be implemented by directive. Mr Vos expressed his hope that in the future, Member States and the social partners will do their utmost to apply the agreement to all members of the profession.

Mr Laurent (UNI Europa) saluted the work accomplished in the three years of negotiations. The employers' group, initially sceptical with respect to this agreement, have come to see the negotiations as an opportunity, while unions have managed to specify and articulate their demands in a realistic way: the practical guide attached to the agreement makes the agreement user-friendly and operational. Mr Laurent recalled that the process of consensus-building between the employers and the workers as well as within both groups had been a long and demanding exercise, considering the great variety of situations across the EU. The very constructive approach of both sides allowed the SSDC to reach a "historic" agreement for the sector and for European social dialogue. The agreement is divided in three parts. The first one sets out rules and norms (on products manipulation, the working environment, the mental burden and maternity); the second part offers a series of practical rules and recommendations, and the last part sets out implementing provisions. Regarding the difficult issue of the self-employed, which is a priority for employers, the unions are happy to accept the proposal to integrate a clause in the Preamble. Indeed, further to causing unfair competition, self-employed disregarding the norms and rules defined in the agreement endanger everyone's health and safety. UNI Europa members support the employers' demand for implementation by directive; although they fear that the Council is not particularly in favour of the agreement and that there will be many people to convince. But the rights of the social partners enshrined in the treaty must be upheld. The unions suggest a solemn signature ceremony, if possible in the presence of Commissioner Andor.

Mr Schwarz (Commission) explained the procedure that would follow:

- a meeting of the social partners with the legal experts from the Commission must be scheduled in order to finalise the text, which will then be translated into the languages most relevant for the social partners (German, French and Italian).
- A date will be set for the official signature ceremony, and Commissioner Andor's cabinet will be contacted to try and secure his participation.
- After the signature, the Commission's unit for health and safety at work (within DG Employment) will draft a proposal for a directive, which will be forwarded to the Council after adoption by the College of Commissioners.
- Council negotiations could take some time, so that it is uncertain whether a final decision will be reached before the end of the Cypriot Presidency.

The Chair thanked the speakers and concluded that the practical matters of signature and implementation would be agreed with the secretariats.

5) Project "SafeHair 2.0"

The Chair reported that a good and productive discussion had taken place during the workshop organised in Ljubljana by the University of Osnabrück on 10 and 11 November 2011. The next SafeHair 2.0 sessions will take place in Valetta and Berlin, and a report will follow.

Mr Röhr (Coiffure EU) pointed out that the University of Osnabrück has developed a medical reference document, which offers background information and supports the provisions of the agreement.

6) European Hairdressing Certificates

The Chair indicated that the website of the EHC had been updated according to comments made in the preceding session of the SSDC. Further suggestions for improvement will be taken into account when resources are available. Soon, country access codes will be delivered to those countries that have been approved for issuing the certificate, so that the logo can be downloaded.

Mr Vos (Coiffure EU) pointed out that the design of the certificate document should be finalised by the end of January.

Mr Hofmann (Coiffure EU) recalled that the access codes would be available only for countries having received approval after all information on the education and training of hairdressers have been received and checked.

7) Commission information points (if any)

There were no information points.

8) Any other business

Mr Vos (Coiffure EU) indicated that Coiffure EU had been informed of a discussion on the issue of possible reproductive health damages linked to hairdressing chemicals taking place in Denmark. There is also some related information from Germany. This issue should be taken to the SSDC and is relevant to the health and safety discussion.

The Chair confirmed that this would be put on the agenda.