



EUROPEAN COMMISSION  
Employment, Social Affairs and Inclusion DG

Employment and Social Governance  
**Social Dialogue**

Brussels, 8 June 2018

**SECTORAL SOCIAL DIALOGUE  
COMMITTEE RAILWAYS**

## **SSDC Rail Steering Committee**

Brussels, ETF-Premises,

28 September 2017, 9.00 – 13.00

### MINUTES

Matthias Rohrmann (AgvMoVe/DB, CER) as president of the Rail Committee chaired the meeting. He welcomed all participants, it followed a short tour de table to mutually introduce the members of the steering committee. Henrik Horup (Danish Railway Workers Union, ETF) was excused by ETF.

#### **1. Approval minutes last Steering Committee (28/06/2016) and agenda**

The minutes of the previous meeting (28/06/2016) and the agenda were adopted.

#### **2. Discussion of the future (multi-annual) work programme of the SSDC Rail**

Giorgio Tuti (ETF Railway Section President) explained that in a situation of politically decided market opening social partners have the task to organize the market in a social way. Therefore he attributes high importance to the work programme of the committee and aims at true negotiations between the social partners. These negotiations should lead to internally binding outcomes as well as to negotiations under Art. 155 TFEU. He also saw that the Committee could agree on recommendations towards the Commission for measures flanking the liberalization process. He stated that the re-launch process should focus on the content.

He identified three topics as particularly interesting for ETF:

- the role of temporary agency work, which often allows circumvention of collective agreements
- the problem that the respect of working time rules differs substantially in Europe and that their implementation is insufficiently monitored and ensured

- standards of vocational education and training leading to a specific qualification (train driver) differ very much. Considering the related safety aspects he argued that such differences are not acceptable.

All three of them are safety related and should in so far also be of immediate concern for the employers.

In a more long-term perspective he saw also digitalization and further automation as topics for the work programme, but these topics were – for the time being – considered less promising in view of achieving concrete outcomes with regard to negotiations.

Finally he suggested to look into the five recommendations which the Committee had developed in the past and to see which of them could be developed further into something more binding.

The social partners agreed that the work-programme should be focused and ETF confirmed that it was not expected to work on all topics immediately. Instead the ETF proposal was more to be seen as providing a medium – longer term perspective and a menu from which to pick priorities.

Yves Baden (CFL, chair of the HR Directors Group within CER) agreed that safety is an important topic for CER, however, before agreeing on the topic he asked for a better understanding of what was meant.

On behalf of ETF, M. Tuti suggested to discuss a) precarious forms of temporary agency work, b) recording (and controls) of working time, including the question of tachographs on the locomotive and c) minimum qualification standards for staff (potentially) travelling across borders. M. Rohrmann replied for CER that a discussion on temporary agency work is possible if the analysis is performed in a more neutral way. In view of the membership of CER, which includes also companies making use of such services, CER cannot commit to discriminate against this form of employment per se. It was agreed to keep that point, but to jointly develop a shorter and less political wording. The main objective being to create reasonably similar conditions for all companies, which do not go to the detriment of workers, which do not foster competition by worsening working conditions and where safety concerns are taken into account.

Concerning the minimum qualification standards, Barbara Grau (SNCF, CER) indicated that CER considers that such standards should not be defined by the duration of training. Instead CER would aim at a description of the necessary competences.

M. Rohrmann signalled openness to a better monitoring of the working time, however, expressed doubts that the tachographs could resolve the problem as train drivers also spend working time not driving. It was agreed that the issue of monitoring should also be seen in the context of the work of ERA on the relevant TSI. Further reflection might allow to phrase and organise this topic in a way that it would complement the work of ERA. It would be an objective that the work of the social partners feeds into the discussion at ERA.

CER expressed interest to jointly work on a document with recommendations to increase the attractiveness of the sector, following up on the recently finalized project. M. Rohrmann also referred to a congress he had visited recently, where young employees had obtained awards, thus recognizing their work and making their contribution more

visible. ETF confirmed its willingness to follow-up on the project also highlighting that this would not be the first priority for ETF, as it was unlikely that such work would lead to binding results and in so far the impact would probably be more limited. Here CER reminded that the non-binding joint opinion on transfer of staff which were developed by the Committee had actually triggered legislative processes in Germany and France, meaning that these instruments should not be underestimated. For ETF Sabine Trier agreed that joint opinions could be useful, however, she stressed the need to jointly follow-up on these products, also referring to a situation where this had not been the case.

It was agreed to put attractiveness as a second point on the work programme of the Committee.

Subsequently the social partners touched on the question of governance and how to bring the work of the EU-level social dialogue closer to the national member organisations. CER argued in favour of a specific project aiming at more effectiveness of the social dialogue. ETF did not reject the proposal, but considered it less promising and saw a need to be more precise concerning methodology and content of such a project. Based on previous experience ETF was sceptic about the usefulness of a bottom-up approach to identify topics for EU level social dialogue. ETF preferred to identify the topics with European relevance and added value based on the EU level challenges and the experience of the secretariats.

At the European level the initiative “Europe on the move” often called ‘Mobility Package / Europe on the Move’ is under preparation. Negotiations with European Parliament will start in November and are expected to continue in 2018. CER proposed to have a joint declaration of the social partners basically proposing the high social standards of the rail sector as an achievement from which road transport should take inspiration. CER stressed that the intention was neither to directly criticize the companies in road transport nor to invite for a deterioration of the working conditions in rail transport. In that context CER also referred to a position paper of DGB which might be looked at to understand what was aimed at. ETF was open to such a paper, depending on the content and the wording, thereby stating that the rail-section within ETF would be very careful to not overstep its competences and to not interfere on issues which were considered as genuine road-topics and thus needs to consult internally. ETF also mentioned that it assumed that such declaration could not limit itself to purely positive messages since that risks to provoke reactions to the detriment of the rail working conditions. but that it should also point to improvements in the road sector.

It was agreed that the road package would not become part of the work programme, however, social partners would aim to put together a draft joint declaration before end October. CER committed itself to provide a first draft. If social partners could agree on a joint draft they would propose to the plenary meeting to adopt the declaration. This would allow using the joint declaration in the decisive phase of the legislative process.

Similar to digitalization also the developments in road transport were considered as topics which one would continue to follow attentively, but which would – for the time being – not feature in the work programme of the committee.

Concerning ETF’s suggestion to revisit the recommendations also in view of potential for more binding action, CER pointed out that some of these recommendations might need to be updated and that in the proposed form there would also be a risk of losing focus. ETF agreed that a revision of the recommendations would need to be done first and also that

the idea was not to start working on all recommendations, however such prioritization and revision should not be used as a means to avoid more binding action.

It was agreed to accept in the work programme the point with the following exact wording: “review of the existing CER/ETF joint recommendations with the willingness of follow-up actions, e.g. negotiations and transformation into binding agreements.

The prioritization will be discussed at the plenary meeting, so that a decision can be taken still in December. Subsequently in January-March it could be discussed how to organize the work concretely, so that a project application could be put together before the 2018 deadline for applications, if that was considered necessary.

### **3. CER statement on the concept of governance of the SSDC Rail**

As mentioned before it was shortly discussed whether a project could help to bring the European level closer to the national organizations. Furthermore CER reiterated the wish for a high level representation on both sides also confirming that the participation in the meeting was good and allowed for the type of discussion one was aiming at.

The discussion in the steering group was seen as very constructive and productive and social partners agreed that more than a half day meeting would have been needed.

Social partners mutually assured each other that occasional time-outs are necessary elements of a negotiation situation.

Considering time constraints and previous discussions CER did not see a need to go further into the issue.

### **4. Decision on the framework agenda and preparation of the SSDC Plenary meeting on 1<sup>st</sup> December**

The agenda for the plenary should basically be built around three blocks:

- information elements, updating the delegations on recent developments and potentially also to signing a joint declaration. Further points of mainly informative nature would be the debriefing from the ongoing project on rail mobile workers and potentially also the conclusions of the attractiveness project.
- the discussion and adoption of the work programme, including a decision on how to approach the joint recommendations
- a thematic focus linked to the work programme, probably on the safety . This thematic focus should allow for a good discussion and exchange between the delegates.

Beyond these three blocks the plenary will see the nomination of a new president (ETF) and a new vice-president (CER) of the committee.

CER and ETF agreed that it was necessary to focus the agenda and that further work was needed to prepare the meeting. A small preparatory meeting was envisaged for 25 or 26 October.

Social partners agreed that the following documents are in preparation:

- a) Work programme (to be ready for adoption on 1 December)

- b) Joint declaration in view of the 'road package' (draft by CER, sent to ETF by end October, aiming at adoption on 1 December)
- c) Reports of the Rail-mobile workers project (work had already started, the scientific and legal experts will send their drafts to the project Steering Committee)
- d) Agenda of the plenary meeting (to be sent to Commission on 27/10 at latest)

**5. A.o.B.**

None.

**Participants**

<p><b>Employers 7 (3 ♂, 4 ♀)</b></p> <p><b>CER</b>  Ms Caldana (CER)  Ms Beaudonnet (SNCF, FR)  Ms Grau (SNCF, FR)  Mr Baden (CFL, LU)  Mr Lochman (CER)  Mr Rohrmann (AgyMoVe, DE)</p> <p><b>EIM</b>  Ms Durez</p>	<p><b>Workers 10 (4 ♂, 6 ♀)</b></p> <p><b>ETF</b>  Ms Carstens (EVG, DE)  Ms Cseke (VSZ, HU)  Mr Gobé (CGT Cheminots, FR)  Ms Guerin (ETF)  Ms Marzola (FILT-CGIL, IT)  Ms Trier (ETF)  Mr Tschigg (FIT-CISL, IT)  Mr Tuti (SEV, ETF)  Mr Zlati (VSZ, HU)  Ms Zlatkova (FTTUB, BG)</p>
<p><b>European Commission</b>  Ms Caspar (EMPL)</p>	