



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

Working group meeting on 24 October 2011, Brussels

Minutes

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

1. European Hairdressing Certificate

The Chair presented the new website of the European Hairdressing Certificate, www.euhaircert.eu. It contains letters to the national social partners, an explanation of levels A, B and C and comprehensive documentation. The Chair also showed the design for the logo of the EHC, which will exist in black/white and full colour versions.

Mr Vos (Coiffure EU) clarified that the EHC logo will be complemented by the logos of UNI Europa and Coiffure EU. A full certificate will also be designed. The logo will exist in English only, even if the certificates themselves will also be in the national language.

The Chair announced that the EHC logo and material will be ready for use as of January 2012.

2. Health and Safety

The Chair recalled the current state of play, especially regarding the scope of the agreement with respect to the self-employed. He pointed out that Coiffure EU would report back on its internal discussions at the next plenary meeting on 13 December.

Mr Schwarz (European Commission) reminded participants that the legal basis for social partner agreements that are implemented by Council directive, Article 153 of the Treaty on the Functioning of the European Union, foresees legislation to "protect worker's health and safety", i.e. focusing on the protection of employees and not of self-employed. The evidence collected in the course of the study showed that there are not sufficient grounds to argue that the burden placed on employers by the agreement is so large that it would produce changes in the labour market and a distortion of competition. It is therefore necessary to keep the focus of a possible directive on the protection of workers' health and safety (and not that of the self-employed), as foreseen in the Treaty. Consequently, those self-employed that work on their own and never employ any workers, trainees or apprentices cannot be included in the agreement.

However, in line with legal precedent, those self-employed that work alongside employees in a single salon (i.e. chair-renters) would be covered by the agreement, as

their inclusion is necessary for the protection of the workers at the same workplace. In addition, when transposing the European directive into national legislation, the Member States would be free to decide to include all self-employed in the scope of application. It is therefore possible for the European social partners to call upon the Member States to make use of this possibility. Such a recommendation by the European social partners would be forwarded to the Council by the Commission together with the agreement and draft directive and it would be referred to in the Commission's explanatory memorandum on the directive. This would give maximum political visibility to the European social partners' desire to have the provisions of the possible directive apply to all hairdressers, irrespective of their employment status. Nonetheless, the final decision about whether to include all self-employed or not would be up to each Member State.

Mr Schwarz also mentioned that the Commission had received two letters referring to the draft agreement in the hairdressing sector. Among other issues, the letter from the Dutch government, addressed to the Commission's Director for Employment and Social Legislation and Social Dialogue, underscored that EU directives on occupational health and safety cannot apply to the self-employed. The letter from the Employment and Social Affairs Committee of the European Parliament, addressed to Commissioner Andor, requested an update on the current situation of the draft agreement. Both letters show that governments and political decision makers at the European level have taken a keen interest in the draft agreement on health risk prevention in the hairdressing sector and are closely following the developments and decisions of the social partners.

3. The situation of the hairdressing sector

The Chair announced that he had received a short reply from Mr Welz at the European Foundation for the Improvement of Living and Working Conditions (Eurofound), who confirmed that there might be a possibility to conduct a project on the hairdressing sector in 2012 in the context of the stakeholder enquiry service. He requested Coiffure EU and UNI Europa to draw up a joint proposal.

The Chair outlined some principal factors affecting the hairdressing sector and challenges for the future, which could be examined in the context of such a research project.



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Mr Vos (Coiffure EU) pointed out the limited nature of the funds that Eurofound has available for the stakeholder enquiry service, so that there would always be more questions than could be answered in the context of this research. The most important aspect was to find out how the cope with the changes in the sector stemming from the proliferation of chains and of self-employment. A small working party should be set up to define the research proposal, so that everyone should give their input to this group. In addition, the support of the Commission is also important.

Mr Schwarz (European Commission) underscored the limited nature of Eurofound's budget, but assured participants that within those limits the Commission would look favourably upon a joint request by the sectoral social partners to Eurofound. Mr Schwarz

also announced that Eurofound is currently undergoing an internal restructuring, so that the names of the interlocutors there may change in 2012.

Mr Marin (UNI Europa) highlighted that the all aspects of the development of the sector needed to be examined. The social partners will need to anticipate and prepare for some of these developments, while other aspects should probably be fought because they are detrimental to the social partners and to the sector. For example, the growing popularity of Brazilian hair smoothing and straightening treatment takes place without any regulation, even though the products used are very dangerous.¹

Mr Vos (Coiffure EU) issued a challenge to the participants to come of with a common vision of the sector, also on the issue of employment. What will the sector look like in 20 years? He found that this kind of debate was sometimes lacking in the European social dialogue. In the Netherlands, there will be separate research, starting from the wishes of the consumer, who is the one who will decide in the end where the sector will go.

Mr Röhr (Coiffure EU) highlighted that the participants in social dialogue are not academic experts and that the wording of precise research questions would go beyond their expertise.

Mr Vos (Coiffure EU) agreed but underscored that the social partners could define what they want to know so that the experts can take care of the precise questions and research.

The Chair pointed out that the social partners would have a good month's time to take up the challenge.

4. The development of European social dialogue in the personal services sector

The Chair pointed out that this social dialogue committee existed since 1998. It was therefore necessary to listen to comments from participants that joined the committee more recently. He suggested setting up a working group of 4 people to review the functioning of the committee.

Mr Hofmann (Coiffure EU) called on the committee to design the future of the hairdressing sector and to finish the things that have been started, notably the European Hairdressing Certificates and the draft European Framework Agreement on the Prevention of Health Risks in the Hairdressing Sector.

The Chair proposed nominating 2 members from each side to participate in the review group.

¹ After the meeting Ms Lacroix (Coiffure EU) provided documents from France concerning enforcement action and withdrawal from the market of several products for Brazilian hair straightening, which do not comply with the legislation in force:



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Mr Vos (Coiffure EU) suggested that the group should give answers on a few questions, notably on how to stimulate discussion in the social dialogue committee, on how to proceed and on how to organise the meetings for this purpose.

The Chair pointed out that as the first step, the participants should be clear on what they want to know. Then it could be put into the framework suggested by Mr Vos. The Chair proposed to start with this discussion immediately after the formal working group meeting on this day.

Mr Vos (Coiffure EU) underlined that the nominations of Coiffure EU for this group would need to be done in consultation with the national federations.

5. Commission information points and any other business

The Chair summarised the proposed work programme for 2012. It would consist of the Eurofound study, the continued work on the SafeHair project and the follow-up of the agreement on health and safety, the start of the European Hairdressing Certificates on 1 January, and the small working group on the functioning of the social dialogue in the form of a workshop on the future of the committee.

Mr Schwarz (European Commission) asked whether the social partners were interested in hearing a presentation at the next meeting about the multi-sectoral guidelines on third-party violence and harassment at work. He also confirmed the meeting planning for 2012, which starts with a working group meeting on 3 April, followed by a plenary on 20 June. The steering group will meet on 13 September, followed by a working group meeting on 31 October and a plenary on 13 December.

Mr Scarnati (UNI Europa) supported the proposal to hear about the issue of third-party violence and learning what other sectors have done.

Mr Vos (Coiffure EU) also agreed, but he pointed out that this problem is much larger in the commerce and retail sectors than in hairdressing.

The Chair agreed to put the topic on the agenda of the plenary meeting on 13 December 2011.

6. Working group on the future of the social dialogue committee

The Chair reiterated that both sides agree on the necessity and the remit of this small working group.

Mr Hofmann (Coiffure EU) underlined the importance of nominating participants from different countries so that not all of them come from the same country or region on the employers' and unions' side. He emphasized that the group should discuss the important issues and should not just produce paper for paper's sake.

The Chair announced the nominations from UNI Europa. Mr Montjardin from Belgium, Ms Pajuniemi from Finland and Mr Scarnati from Italy will participate in the review group.

The Chair also suggested discussing the topics that should be on the agenda of the group. If it is decided to organise a seminar on the functioning of the social dialogue, the question could be tackled in that setting. Together with the Eurofound research, this would become part of the documentation on the future of the social dialogue committee.

On the suggestion of Ms Marti (UNI Europa), each participant was invited to make some initial comments.

Ms Pajuniemi (UNI Europa) remarked that she had difficulty following the discussions in the social dialogue committee, since she just joined. For instance, she had not yet heard about the European Hairdressing Certificates.

The Chair was not surprised by this observation, even if the European social partners had already worked on this topic for 14 years.

Mr Scarnati (UNI Europa) pointed out that the participants do not know enough about the situation in each other's countries. There is a lack of information about the situation of industrial relations and social dialogue in the different countries and at EU level. He suggested organising more exchanges of experience on national industrial relations and social dialogue. While very important topics were discussed in the European social dialogue committee in the past, such as health and safety or training, the committee should also focus on developments in the individual countries and exchange information on it.

Mr Marino (Coiffure EU) underlined the important work that has been done at the level of the European social dialogue committee. The committee has permitted dialogue with and between people that did not know each other before. Mr Marino expressed his satisfaction at the work that has been done, but he called for going further. This could include the exchange of information, for example on VAT rates, wages, retirement age, rates for chair rentals, etc., and it should involve the new Member States. Such an exchange of information would be crucial to harness the large experience that the members of the European social dialogue committee have.

Mr Garone (Coiffure EU) called for the committee to also consider the beauty care sector. Many of the topics are of common interest to hairdressers and beauticians, for instance the relationship to wholesalers. Links to the wellness sector could also be included in the social dialogue.

Mr Hofmann (Coiffure EU) wondered what the social dialogue committee was doing wrong. He criticised that the speed at which the committee works was sometimes too slow. He also called for an improvement in communication, especially towards the national level in each country. Maybe things that happen at EU level are picked up in the capital city, but in the regions people have never heard of it. Currently the information does not filter down to the basis. Improved communication should be the focus of the work of the group.

The Chair agreed and highlighted that the participants in European social dialogue have the obligation to pass on the information. He pointed out the challenges that this poses, since even when there is an effort made to inform, people can still complain that they haven't been informed sufficiently. He underscored that the social dialogue committee needs to work on issues that are important for the members of the social partners. Often, however, people at the base only realise this once things are put into practice nationally

and then they question it. European social dialogue should therefore have the dimension to challenge the members, so that they react and interact early enough.

Mr Hofmann (Coiffure EU) proposed to meet again in this configuration for 2 hours in the morning of 13 December, before the next plenary meeting. The group could then report back to the social dialogue committee in the afternoon so that decisions can be taken.

Mr Schwarz (European Commission) pointed out that all documents of the various European social dialogue committees can be consulted online on the CIRCA database website.² Communication is a general issue for most European sectoral social dialogue committees, and different committees have tried to address the problem in different ways. For instance, some committees have created their own websites or have produced brochures about their work. However, there is no magic formula to overcome the challenge of communication.

The Chair thanked the participants and agreed that the next meeting of the review group will take place on 13 December in the morning before the plenary of the social dialogue committee. He thanked the interpreters, wished the participants a safe trip home and closed the meeting.

² The section of the personal services social dialogue committee can be found at the following address:
http://circa.europa.eu/Public/irc/empl/sectoral_social_dialogue/library?l=/personal_services&vm=detailed&sb=Title