



EUROPEAN COMMISSION

DG EMPLOYMENT, SOCIAL AFFAIRS AND EQUAL OPPORTUNITIES

Social Dialogue, Social Rights, Working Conditions, Adaptation to Change
Social Dialogue, Industrial Relations

**Minutes of the plenary meeting
of the Social Dialogue Committee
for the Construction Sector
Brussels
20 May 2008**

1) Welcome and Introduction

The meeting is chaired by Mr John Stanion (UK/CC – FIEC) who welcomes the participants.

He announces that Mr Jackie Morin, head of the Social Dialogue unit at the European Commission, will leave the unit at the end of August. He appreciates the excellent work of Mr Morin and the strong and efficient support he had always provided to the SSDC in the Construction Industry and thanks him very warmly on behalf of the FIEC and the EFBWW.

The chair reports on the FIEC Congress 2008, to be held in Dublin on 19-21 June. A new President and steering committee will be elected and the way the responsibilities are to be shared in the future, will be discussed. He himself will chair a SSDC plenary meeting for the last time.

The chair reads out the agenda, which is amended.

2) Approval of the minutes of the plenary meeting held on 11 December 2007:

The EFBWW and the FIEC confirm that they have received the different language versions of the minutes and approve them.

3) EU-Africa negotiations on "Posting" of workers

The EFBWW and the FIEC have sent a joint letter to Commissioner Mandelson. They expressed their concern for not having been consulted on the negotiations between the European Union and some Central African countries, in the framework of the WTO (World Trade Organisation), regarding the posting of building and woodworkers in the European Union.

Mr Carlos Gimeno Verdejo, DG Trade, explains that consultations of the social partners were not planned in the framework of the World Trade Organisation. It was necessary to make a minimal offer, concerning only woodworkers (joiners, carpenters and fencing workers), and no other sectors. The contractual employers in Central Africa have to sign a contract with a

European company; the workers have to fulfil minimum requirements of working experience. Normally three years of working experience are required; for woodworkers it is six years. In addition, working conditions and wages have to be the same for the African workers and for the workers in the host-countries.

A commitment is possible only if there is a lack of European workers. Therefore, these offers have a minimal impact on the employment situation in Europe.

The EFBWW wants to know how the certifications and the experience of the workers could be checked. It would be almost impossible to control the wages actually paid.

Mr Gimeno answers that the monitoring of the implementation is up to each Member State. Since there are clearly defined requirements for the coming of the workers and also agreements with all the Central African countries, the posting of wood workers has a minimal impact on the construction industry.

4) Developments in the construction sector in Europe in the context of the European Legislation

A hearing on the draft version of the EESC report will be held on 22 May.

5) Ongoing joint grant applications under budget heading 04.03.03.01:

a) Research on "self-employment" and "bogus self-employment" in the construction industry: Mr Buelen, EFBWW, reports on the ongoing work. A first meeting will be held in London on 30 May. All subcontractors have been identified, and the contract has been signed. The number of countries has been reduced from 18 to 11, and the national experts will be designated by the social partners. It will be necessary to discuss the scope of the report and the items; a balance has to be found between "regulation" and "non-regulation". It will be crucial to determine, to which extent the Member States are able to redefine "legal work" and "illegal work".

b) "Posting" Database:

Mr Campogrande, FIEC, reports on the "Posting" Database project. The decision of the Commission has not yet been sent, but the feedback is positive. (*In the meantime DG EMPL has confirmed the award of the grant*).

Contrary to what was done during the first phase, the national reports will be drafted by national experts designated by the concerned national social partners. When official acceptance is granted, the project will be launched and a coordinator will be appointed

c) ICPCI-REACH

Mr Gehring, EFBWW, outlines the project "REACH in the construction sector", which has been discussed in detail during the working group meeting "Health and Safety". The question of the funding of this project remains open. The EFBWW has not yet received an official notification from the Commission, but a positive answer is not expected. (*In the meantime DG EMPL has confirmed that it will not award a grant for this project*).

The EFBWW hopes to reach a consensus with the chemical industry.

The FIEC thanks EFBWW for all the information and insists that the financing of the REACH project should be guaranteed and that the participation of the chemical industry is essential.

6) Other joint grant applications:

Recognition of the bricklayers' qualifications:

Mr Gehring, EFBWW, reports on the bricklayer project which was submitted under the Leonardo budget line in February.

The official answer of the Commission is expected in June.

(Note: since then DG EAC has accepted the bricklayer project).

7) New Social Dialogue multi-annual working program 2008-2011 for final approval:

The new working program 2008 – 2011 is unanimously agreed upon.

8) Vocational training:

Report from the working group meeting held on 12 February 2008, by Mr Campogrande, FIEC, and Mr Gehring, EFBWW.

For details see minutes of the SSDC working group meeting, held on 12 February, on:

http://circa.europa.eu/Public/irc/empl/sectoral_social_dialogue/library?l=/construction/2008/20080212_arbeitsgruppe&vm=detailed&sb=Title

9) Occupational health and safety:

Report from the working group meeting held on 13 March 2008, by Mr Gascón, FIEC, and Mr Gehring, EFBWW.

For details see minutes of the SSDC working group meeting, held on 13 March, on:

http://circa.europa.eu/Public/irc/empl/sectoral_social_dialogue/library?l=/construction/2008/20080313_arbeitsgruppe&vm=detailed&sb=Title

10) Employment

Report from the working group meeting held on 15 April 2008, by Ms Dufour, FIEC, and Mr Buelen, EFBWW, who outlines the situation concerning the future High Level Committee on the "Posting Directive".

For details see minutes of the SSDC working group meeting, held on 15 April, on:

http://circa.europa.eu/Public/irc/empl/sectoral_social_dialogue/library?l=/construction/2008/20080415_arbeitsgruppe&vm=detailed&sb=Title

11) Miscellaneous

Discussion on the possible organization of a joint workshop on the impact of the recent ECJ judgements on the "Posting" Directive:

FIEC and EFBWW agree to organize a common workshop on the European Court of Justice (EJC) cases "Laval", "Viking" and "Rueffert", in order to have an exchange of views and to discuss on possible future joint actions.

Mr Campogrande, FIEC, refers to the International Social Security Association Symposium, where the impacts on Health and Safety in the Construction Industry will be discussed. FIEC could provide speakers for this conference. The organisers would like that on this occasion a joint declaration be signed by the social partners, but it is not clear yet whether it is the international social partners (CICA and BWI) or the European ones (EFBWW and FIEC). Mr Haegglund answers that the EFBWW will discuss these questions next week at the EFBWW executive committee meeting.

On behalf of the committee, Mr Haegglund thanks Mr Stanion for his efficient work during the last four years and wishes him all the best.

12) Next meetings 2008:

WG Vocational training:	26/27 June/Gijon
WG Health and Safety:	13/14 October
WG Employment:	20/21 November
Plenary meeting :	16 December