



EUROPEAN COMMISSION

DG Employment, Social Affairs and Inclusion

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

Brussels, 27 March 2012

**SECTORAL DIALOGUE  
COMMITTEE  
RAILWAYS**

## **Concise minutes of the "Adaptability and Interoperability" working group meeting**

**21 November 2011 (afternoon)**

The meeting was chaired by the chairman of the working group, Mr Piteljon (workers). The agenda was adopted (with a change in the order of points). The minutes of the working group meeting of 6 July 2011 were adopted.

### **(1) Protection of staff in case of change of operator and quality and social criteria in tender specifications**

As agreed at the last meeting, experts from several countries had been invited to present concrete examples and share their experience in the above-mentioned field. These examples were presented by Mr Olofsson (employers) and Mr Fällman (workers) for Sweden, by Mr Geene (employers) and Ms Lohle (workers) for The Netherlands and by Ms Streichert (employers) and Mr Schlömer (workers) for Germany. The detailed slide presentations were disseminated after the meeting.

The Q&A on the different presentations were related to: the change from public to private operators; the expected beneficial effects of demographic change (interest of the new operator to take over staff who will become scarce); the difficulty that not all companies want to take over all the staff (excluding for instance the cleaning staff – an example from SE); the definition by law (in NL) that a change of operator constitutes a transfer of undertaking; the impact of a lack of a national minimum wage in DE; the lack of concrete examples in DE; the uncertainty regarding the transfer of civil servants (put at the formerly public company's disposal) to a new operator.

CER announced that the organisation considered a joint study as premature now. The question would be further looked at by the HR directors and CER proposed to come with a proposal to the plenary meeting (planned for 19 June 2012). A project proposal could then be submitted by the August 2012 deadline. ETF regretted that this scenario would lead to a *de facto* start of the joint work in December next year. The workers' organisation feared that this would coincide with the period where both sides of industry would do their lobbying on the expected fourth railway package proposals, which might not be the best background for a fruitful cooperation. The employers' side referred to the two other planned projects (insecurity, psychosocial risks) and regretted that no decision could be made before the HR directors' meeting in May 2012.

## **(2) Agreement on working conditions: state of play of the Commission study**

Mr Rentrop (DG EMPL, Labour Law Unit) informed the participants that the study on the Implementation of Directive 2005/47/EC on the agreement on certain aspects of the working conditions of mobile workers engaged in interoperable cross-border services in the railway sector was at the stage of the draft final report. This draft report had not yet been validated by the Commission services. CER noted their impression that almost no small or medium sized enterprises had been interviewed. The employers' organisation recalled that the Commission should have issued its report on the implementation of the Directive in July 2011. Mr Rentrop regretted that it was impossible today to indicate a probable date of adoption, given that the Labour Law Unit had currently other important files on the table (posting of workers, working time). ETF drew the Commission's attention on the fact that some companies tried to circumvent the agreement by moving their staff to the other side of the border. Mr Rentrop said that the consultant had identified such alternative modes of operation where cross-border transport took place without staff crossing borders. The agreement was not applicable in these cases.

## **(3) Psychosocial risks: state of play**

As indicated at the last meeting, ETF's new intern (Ms Guerin) had started working on the subject and collected a lot of background information. Five main stressors had been identified. Now the challenge was to set the priorities of the rail sector, taking account the different railway professions. Ms Guerin explained that the objective would be to identify good practices which already existed in the sector (and in other sectors). ETF proposed to discuss a first draft project proposal at the next meeting planned for 27 March 2012.

The CER reiterated their wish not to restrict the work on stress, but to deal with all psychosocial risks (including stress). CER strongly recommended holding a meeting together in order to avoid that the preparatory work went into the wrong direction.

**Participants 21.11.2011**

<p><b>Employers (5 ♂, 3 ♀)</b></p> <p><b>CER</b> Mr Geene (NL) Ms Grau (FR) Ms Ignatova (BG) Mr Inglese (IT) Mr Müller (DE) Mr Olofsson (SE) Mr Preumont (CER) Ms Streichert (DE)</p> <p><b>EIM</b> Not represented</p>	<p><b>Workers (8 ♂, 4 ♀)</b></p> <p><b>ETF</b> Mr Bartl (DE) Mr Fällman (SE) Mr Gamez Ramirez (ES) Mr Gobe (FR) Ms Guerin (ETF) Ms Lohle (NL) Ms Marzola (IT) Mr Piteljon (BE) Mr Schlömer (DE) Ms Trier (ETF) Mr van Oort (NL) Mr Wassin (FR)</p>
<p style="text-align: center;"><b>European Commission</b></p> <p style="text-align: center;">Ms Durst (DG EMPL/B.1) Mr Grillo (DG MOVE/B.2) Mr Pedret Cuscó (DG MOVE/B) Mr Rentrop (DG MOVE/B.2) Mr Wirkus (DG EMPL/B.2)</p>	
<p style="text-align: center;"><b>Others</b></p> <p style="text-align: center;">Mr Champin (observer)</p>	