



EUROPEAN COMMISSION

Employment, Social Affairs and Equal Opportunities DG

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

SECTORAL DIALOGUE COMMITTEE AUDIOVISUAL

DRAFT MINUTES PLENARY SESSION MEETING 15.06.2009

Chair: Mr M. KERKI (EURO-MEI, employees)

1. INFORMATION POINT ON THE ENLARGEMENT PROJECT – DISCUSSION OF THE NEXT STEPS:

Mr Johannes STUDINGER (JS) informed that the Commission rejected the proposal giving the following reasons: "*The proposed action is not cost-effective, notably in regard to the high travel and subsistence costs linked to the information and consultation visits and the Regional Seminar in Malta*". He reported that in May 2009 the secretariats met in order to consider a possible follow up to the Commission decision. It was suggested to propose a new project application and to organise national round tables instead of one Regional Seminar in Malta with focus on those countries that participated in the seminar last year. This will reduce significantly the travelling and subsistence allowance costs and at the same time a transnational dimension of the project will be guaranteed by Regional Seminars in few countries. The discussion on the issue of collective bargaining should be remained in the agenda of national seminars.

Mr Allan JONES (AJ) added that the promotion of social dialogue in new Member States represents an area of full commitment of employers.

It **was decided** to give a mandate to the secretariats of the social partners' organisations to prepare a new project proposal to be submitted for the September session of the call VP/2009/001.

2. TRAINING PROJECT:

a) Update from the sub-working group on the future of the status of project proposal

Mr Pierre VANTORRE (PV) informed that the agreement on the number of working days in the project proposal on training was reached (working days reduced from 148 days to 90). The project proposal is ready for submission to the Commission for the open call of proposal VP/2009/001 in September 2009.

Mr Bernard BROYET (BB) added that the project is very important for the sector and it is in line with the Commission own initiatives in the field of training such as New Skills for New Jobs or European Skills Councils. Therefore he believes that this project should be supported.

Social partners **agreed** to give a mandate to the sub-working group on training who will submit the project application for financing by 1 September 2009 within the call of proposals VP/2009/001

b) Presentation from Mr Frederik STUCKI (AER) of new Guide on Vocational Training in Radio and Television

Mr Frederik STUCKI (FS) presented a new guide on training for radio and TV titled "Building Horizons" which provides a useful tool for all target groups on training horizons in the sector. This Guide is addressed to the following groups: 1/ program creators in training, meaning people who are directly involved in producing a program content, 2/ trainers, editors and people managing the training and 3/ training providers. The objective of the Guide is to provide general guidelines, to define and extend training objectives, to address different needs of broadcasters and individuals, and finally to define the timeframe and content of training. The Guide consists of series of useful publication materials printed separately, which can be used as checklists, as a planning tool, as a central instrument, or as a tool to verify gaps and to decide about improvements. Concerning the content - the Guide addresses 44 different basic competences and 12 advanced competences. Details concerning different competences and tools provided by the Guide can be found in the presentation attached to the Minutes in [Annex I](#).

In the discussion that followed, Ms Dearbhal MURPHY (DM) asked whether the Guide provides any link with already existing training courses. FS answered that the Guide itself does not make any reference to existing courses but the website of the Guide includes a list of all training institutions. DM added that this Guide could be linked to the ongoing Commission initiative on mapping skills and competences in different sectors. She reminded that the audiovisual sector was not included in the Commission analyse. Ms Nathalie LABOURDETTE (NL) said that there is a very good Spanish study prepared by University of Barcelona which addresses the issue of competences in the production and she suggested forwarding this study to the Committee.

Social partners **agreed** to continue exchanging information and best practices in the field of training.

3. INFORMATION FROM THE COMMISSION ON THE RECENT ACTIVITIES OF DG EMPL:

Ms Beata SASINOWSKA (BS) gave an update on the latest initiatives of DG Employment and Social Affairs. She informed about the new Commission Communication – "EU Shared Commitment for Employment" approved by the Council at its meeting 8-9 June. Furthermore, BS informed that the Council adopted "Conclusions on flexicurity in times of crisis" and "Conclusions on social services as a tool for active inclusion, strengthening social cohesion and an area for job opportunities". She explained also new rules applicable to the European Globalisation Adjustment Fund. She briefly presented the Work Program of Swedish Presidency. She informed also about results of parental leave negotiations at the cross-industry level. She presented also some recent developments on the sectoral social dialogue level in the hospital sector, HORECA and personal services. As the last point she presented the calendar of future events. Details about ongoing activities in the field of employment and social policy presented at the meeting are included in [Annex II](#).

4. EQUAL OPPORTUNITIES:

a) Presentation from EBU of Diversity Toolkit and discussion

Mr Eric MAY (EM) representative of EBU presented the EBU Diversity Toolkit for public broadcasters. His full presentation can be found in the [Annex III and IV](#).

In the discussion that followed, social partners asked Mr MAY to whom this Toolkit is targeted. EM answered that the Toolkit was prepared for public broadcasters but he believes that it can also be broadly used by other organisations and enterprises. Catherine ALMERAS said that the diversity problem is very often a matter of habits to present in the TV certain type of people and ethnicity.

b) Discussion on future directions in the field of equal opportunities

AJ presented the Employers Statement on Equal Opportunities which confirms the employers' position with respect to equal opportunities (see *Annex V*).

In response to this statement, JS said that trade unions welcome the statement of employers and they wish to continue works on this topic. However, the workers' ambition is to go beyond the exchange of good practices at national/regional/European level and to tackle the issue with a purpose to reach common recommendations. He proposed to tackle the subject under the following 6 headings: 1/ the awareness raising/fighting of stereotypes, 2/ recruitment opportunities, 3/ training opportunities, 4/ equal pay, 5/ career development and 6/ work-life balance.

AJ considered the JS proposal as very useful. He added that the Employer's Statement on Equal Opportunities gives a confidence that employers are interested in continuing a discussion on the equality issues. He said that one of the subject that employers are particularly interested in is a work-life balance package (as presented by the Commission in the WG meeting on 30 of January 2009).

Andy PRODGER added that the crucial issue is a problem of portrayal and stereotypes (from the age, gender, ethnicity perspective). In addition, JS underlined that the key issue is the implementation of all existing laws on equal opportunities and not only their endorsement. He said that obviously employers and trade unions share the same concerns but the question is how the Committee can make them applicable in the reality. This is way the trade unions want to propose the adoption of common recommendations. Following this, he proposed that trade unions will come back to the employers before next WG meeting with a response to the Employers' Statement on Equal Opportunities together with a specific action plan on how to address the 6 proposed headings. It was also proposed to present during the next meeting a new Study on Media & Diversity financed by the Commission (<http://www.media4diversity.eu/en/category/section/about>).

Employers agreed to continue the work of the Committee on the basis of presentations from different Member States; they also accepted the workers' proposal to elaborate on the employers' statement and to have a presentation of Study on Media & Diversity at the next working group meeting.

Following this discussion, Mr Jean Paul TRICART (JPT) encouraged social partners to continue to work on equal opportunities. He underlined that the gender equality is a very important component of EU social policy as it is mentioned in the Treaty since the beginning of the EU (art. 12 TEC) and then since the Treaty of Amsterdam also non discrimination on other grounds has been added (e.g. religion, belief, disabilities, ethnicity, etc – see art. 13 TEC). He drew attention of the Committee on the fact that there has been in the past a number of initiatives undertaken by social partners in other sectors, as well as by the Commission services and he invited the Audiovisual Committee to base its work on the experience of others. With regard to the Statement of Employers on Equal Opportunities he suggested to align the wording of some elements in the statement to the EU vocabulary used in the European legislation and various policy instruments in order to guarantee a better understanding and to avoid some confusions in the interpretation of statement.

5. REVIEW OF THE 5 YEARS WORK OF THE AUDIOVISUAL COMMITTEE TOGETHER WITH DISCUSSION ON THE FUTURE DEVELOPMENTS IN THE EUROPEAN SOCIAL DIALOGUE:

a) Presentation of the Committee joint review of selected questions from the Questionnaire to the new Communication on sectoral social dialogue

AJ presented the review prepared by the employers starting from highlighting the particularities of the Audiovisual sector, describing its character and then presenting the employers' position on the capacity of European social partners to negotiate, on the administrative capacity, on the functioning of the committee, on the consultation process, on the promotion of social dialogue and finally on the challenges and the policy impact of sectoral social dialogue committees. The employers' position is attached to the Minutes as *Annex VI*.

Following AJ's presentation, 4 representatives of trade unions (John BARSBY from EFJ, William MAUNIER from EURO-MEI, Thomas DAYAN from FIM and Andy PRODGER from FIA) presented the workers' position on the functioning of sectoral social dialogue committees (see trade union's position in *Annex VII*).

As a conclusion, MK highlighted that the work in the Audiovisual Committee was difficult at the beginning but he observes important improvements due to the continuity of personal relations of people involved in the work of this Committee. Although there are still differences between both sides he believes that there are also important similarities which can be observed in the papers presented today by employers and by trade unions. Both sides **agreed** that the progress has to be made and both employers and trade unions are committed to continue their work in the field of European social dialogue.

b) Follow up from Mr Jean-Paul TRICART, Head of Unit of the Social Dialogue, Industrial Relations Unit in DG Employment and Equal Opportunities; exchange of views

Following both presentations from social partners – Mr Jean Paul TRICART congratulated to the Committee for its 5th anniversary and expressed his gratefulness for social partners' contributions to the ongoing discussions on the new Communication on Sectoral social dialogue. He said that the timetable for adoption of the Communication depends in a large extent on the continuity of the current College of Commissioners and on the results of the Irish referendum early autumn. He said that he would prefer to propose a new Communication for the adoption by the new College rather than the current one and to link it with the Commission package on the employment and social affairs in times of the financial crisis.

With regard to the social partners' comments concerning the consultation process, JPT said that the existing consultation instruments should be used better both by the Commission and by social partners and that the social partners should be fully involved in the consultation process. However, he underlined that the added value of each Committee should be its capacity to respond and deliver quickly to the Commission proposals. If the Committee is not able to use effectively the opportunity to deliver in a short time then naturally the Commission services for reason of efficiency will use more often public consultations and online surveys instead of direct contacts with the Committees. He said that the newly added provision on the consultation of social partners in the framework of impact assessments may one day disappear if in the practice it turns out to be rather a burden than an efficient instrument of consultation.

With regard to the issue of negotiations JPT underlined that none of the Committees can exclude *a priori* from its objectives the possibility to reach binding agreements. Neither the structure, nor the history of the Committee can justify this approach. He said that in principle social partners are recognised by the Treaty as co-legislators and that their role is to create legislation (e.g. agreements) to be implemented autonomously by social partners or by means of Council Directive. Therefore the capacity to negotiate and implement binding agreements is a key component for establishing and maintaining sectoral social dialogue committees.

In addition, JPT encouraged the Committee to continue its work on the enlargement project as the promotion of social dialogue in new Member States is one of the priorities of the Commission.

In the discussion that followed, BB highlighted that the Audiovisual Committee has its specific characteristics e.g. a lot of small enterprises, private and public sector combined, different types of working contracts (e.g. fixed term workers, permanent workers, free-lancers, self-employed) combined together with many challenges faced by the sector due to the globalisation and introduction of digital technologies. All of these constitute a big challenge for the Committee but none of these factors excludes a priori a willingness of social partners to search for a common agreement. AJ added however that he would prefer not to overuse the term "agreement" in the field of social dialogue because the term had different levels of meaning in different countries and organisations. He expressed his doubts about the real impact of some EU level agreements on the national systems. Luke CRAWLEY said that he observes an increase in a pace of work of the Committee since last 12 months although he believes that there is still room for improvement. He said that an openness to reach agreements is a crucial element and it is recognised so by both sides.

6. AOB:

As agreed during the last WG, the employers proposed to consider whether the Committee could react to some pertinent problems related to the piracy. In order to proceed with this issue the employers presented to workers a draft position paper (see *Annex VIII*). The workers sent the reply to employers before this plenary meeting (see *Annex IX*).

Against this background, Anne GOZE shared with the Committee the new legislation proposal in France that was supposed to regulate the problems of piracy in the Internet environment. She informed however that this legislation proposal has been a subject to three serious concerns reflected by the Constitutional Council, namely: 1/ it is considered that the access to Internet resources is a basic freedom of every citizens, 2/ every user of Internet resources is presumed to be innocent until proved to be guilty of illegal use and 3/ the Internet surfer can be deemed to commit a crime only by the court and not by the administrative body (a regulator).

It was **agreed** to discuss this item at the next meeting in order to give to the employers a considerable time to react to the workers' paper.

7. SOCIAL EVENT (EBU OFFICES)

Before starting the social event celebrating the 5th Anniversary of the Audiovisual Committee, the employers have expressed their gratitude for the work of Mr Marc KERKI who terminated his function as a President of EURO-MEI and a chairman of this Committee. The appreciation for his work was also expressed by trade unions' representatives and by the Commission representative. The Committee wishes Mr Marc KERKI all the best for the future.

Annexes attached as pdf files:

- I – Presentation of Mr Frederik STUCKI on the new Guide on Vocational Training in Radio and Television
- II – Recent and ongoing activities in the field of employment and social affairs (15.06.2009)
- III – Presentation of Mr Eric MAY on EBU Diversity Toolkit – text
- IV – Presentation of MR Eric MAY on EBU Diversity Toolkit - slides
- V – Equal Opportunities Statement by the Employers
- VI – Employers' response to the questionnaire on future of social dialogue
- VII – Unions response to the questionnaire on future of social dialogue
- VIII – Employers proposal for Draft Joint Opinion on protecting creativity, innovation and jobs
- IX. Workers reply to the Employers proposal for Draft Joint Opinion on protecting creativity, innovation and jobs

Annex: List of participants 15.06.2009

<u>Employers</u>	<u>Workers</u>
<p>EBU Mr Bernard BROYET (FT, France) Ms Nathalie CORDONNIER (EBU, BE) Mr Peter FOGELMARCK (SVT, SE) Mr Allan JONES (EBU, UK) Ms Rossitza KUKUSHEVA (BNR, BG) Ms Nathalie LABOURDETTE (UER, CH) Mr Eric MAY (EBU, DE) Ms Simone NG-A-THAM (NPO, NL) Mr Heini SARJOKARI (YLE, FI) Ms Christina SPRINGER-GERLACH (ARD, DE) Ms Marisa GARIDO (RTP, PT) Ms Manuela DUMITRESCU (ROR, RO) Mr Mircea NEACSA (TVR, RO) Ms Oltea CATINEANU (ROR, RO)</p> <p>AER Mr Frederik STUCKI (BE)</p> <p>CEPI Ms Giovanna FUMAGALLI (BE) Ms Anne GOZE (FR)</p> <p>17 employers representatives (11 women, 6 men) (4 new MS, 13 old MS)</p>	<p>EURO-MEI Mr Heinrich BLECHER-NAGELSMANN (DE) Ms Yvette BUTOYI (BE) Ms Francoise CHAUZAUD (FASAP-FO, FR) Mr Luke CRAWLEY (BECTU, UK) Mr Klaus Peter HELLMICH (DE) Mr Gun KARLSSON (Unionen, SE) Mr Marc KERKI (BE) Mr Juan MARTINEZ (FSC-CCOO, ES) Mr William MAUNIER (SNRT-CGT, FR) Mr Raimo SÖDER (FI) Mr Johannes STUDINGER (BE) Mr Carlos PONCE (FES-UGT, ES) Mr Pierre VANTORRE (F3C-CFDT, FR) Ms Jiri HUBICKA (OS MEDIA, CZ)</p> <p>EFJ Mr John BARSBY (MUJ, UK) Mr Marc GRUBER (BE) Mr Nikolaos MEGRELIS (JUADN – Greece) Ms Pamela MORINIERE (IFJ, BE)</p> <p>FIA Ms Catherine ALMERAS (SFA, FR) Mr Matt CLARKE (Equity, UK) Mr Andrzej DEBSKI (ZASP, PL) Ms Dearbhal MURPHY (FIA, BE) Mr Bertrand NAVARRE (FIA, BE) Mr Maciej PACUŁA (ZASP, PL) Mr Andy PRODGER (Equity, UK)</p> <p>FIM Mr Hubert BIEBAUT (FIM, BE) Mr Nigel M'CUNE (BMU, UK) Ms Lottaliina LEHTINEN (FMU, FI) Mr T. DAYAN (FIM, FR)</p> <p>29 workers representatives (7 women, 22 men) (2 new MS, 26 old MS)</p>
<p><u>European Commission</u></p> <p>Ms Beata SASINOWSKA (DG EMPL F/1) Mr Jean Paul TRICART (DG EMPL F/1)</p>	

FURTHCOMING MEETINGS: 2 October 2009 (WG), 4 December 2009 (PL)