



EUROPEAN COMMISSION
Employment, Social Affairs and Inclusion DG

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

Brussels, 27 May 2014

**SECTORAL SOCIAL DIALOGUE
COMMITTEE
CONSTRUCTION**

**Minutes of the Working Group Meeting
Employment
13 May 2014 (14:00-17:00)**

Chairman: Mr Werner BUELEN (EFBWW)

1. Welcome and introduction

The chairman, Mr Werner Buelen (EFBWW), welcomed the participants. The draft agenda of the meeting was adopted, with the addition of a presentation by Eurociett on 'Posting of temporary agency workers in the European Union'.

2. Approval of the minutes of the meeting held on 7.11.2013

It was agreed that the draft minutes of the previous meeting would be approved at the plenary meeting of 5 June 2014.

3. Posting of temporary agency workers in the European Union' – Presentation by Eurociett and discussion

Mr Michael Freytag provided a presentation on Eurociett (the organisation representing employers in the European sectoral social dialogue committee 'Temporary Agency Work') and its involvement in the debate on the posting of workers. During his presentation, Mr Freytag introduced the Eurociett/UNI Europa observatory on cross-border activities and identified a number of potential areas of common action for EU social partners of the construction and temporary agency work sectors. The participants discussed possible areas of cooperation and agreed to continue discussions at Secretariat level.

4. EC initiative on "Undeclared work" - Information and exchange of views

The Commission (Mr Tim Van Rie) presented the proposal for a decision of the European Parliament and of the Council on establishing a European Platform to enhance the cooperation in the prevention and deterrence of undeclared work. The presentation focused on the policy context of the initiative, consultation process and

impact assessment and the contents of the proposal (with particular attention to involvement of social partners as observers).

During the discussion, both EFBWW and FIEC expressed an interest in the initiative, underlining the need for an effective and pragmatic platform that addresses undeclared work (including under-declared work). EFBWW and FIEC expressed their intention to follow up on the proposal throughout the legislative process. They also indicated a strong interest to be included amongst the allowed observers, arguing that construction is among the sectors that are particularly affected by undeclared work. At secretariat level the EFBWW and FIEC will assess what has been done in the past on undeclared labour, based on the outcome the EFBWW and FIEC intend to submit concrete proposals to the platform. Eventually a joint EU-project on undeclared labour could be introduced.

5. Directive on “Enforcement of Posting” - Discussion and exchange of views on the outcome

Following the adoption of the Posting of Workers Enforcement Directive by the Council, the chairman invited the social partners to reflect on its implementation. Mr Domenico Campogrande provided FIEC’s assessment, which was relatively satisfactory. In view of the expected publication and entry into force, FIEC emphasized the need to follow-up on implementation. In an initial reaction, EFBWW expressed serious concerns, with regard to legal uncertainty and the provisions regarding control measures. EFBWW indicated that it was in the process of assessing the directive. The social partners agreed to each monitor further developments, in view of possible discussions at a later stage.

6. Directive on “Intracorporate transfers” - Discussion and exchange of views on the outcome

EFBWW (Mr Frank Schmidt-Hullmann) provided a mixed assessment of the directive with certain positive elements (legal provisions, enforced trade union rights) but also a number of elements of dissatisfaction (multinational groups bypassing minimum wage provisions; secondary posting)

FIEC (Mr Campogrande) identified a number of improvements in the text, but also a number of problematic issues (including intra-EU mobility, quota and the definition of categories of workers). Noting the complex nature of the directive, the social partners agreed to jointly monitor the process, with particular attention to secondary posting and quota. In addition, they agreed to provide offer advice to national members on technical issues regarding transposition.

7. Directive on “Seasonal workers” - Discussion and exchange of views on the outcome

FIEC (Mr Campogrande) noted that the directive does not explicitly exclude the construction from the scope of ‘seasonal activities’, but it leaves it up to each Member State to define which activities can be considered as seasonal, where appropriate in consultation with the social partners. The social partners agreed to exchange expertise and provide guidance to their national members, at their request.

8. Joint Social Dialogue projects

• Social ID card

Mr Buelen (EFBWW) provided an update on the joint project regarding the Social ID card. He noted good progress on the data collection in 13 Member States and on the mapping of legal aspects, which would provide the basis for conclusions and joint recommendations. FIEC (Mr Campogrande) welcomed the progress of the project, calling for close coordination in formulating recommendations. The provisional date for the dissemination conference was announced (9-10 October)¹.

• Update of the joint “Posting” website

Mr Campogrande (FIEC) reported on the state of progress regarding the update of the posting website. For those countries that have not reacted yet, Mr Campogrande encouraged national experts to provide missing information. EFBWW and FIEC agreed to continue following up the progress of the project and contacting the relevant national experts who had not yet provided an update.

9. EU Monitoring of national wage setting - Discussion and exchange of views

EFBWW (Mr Frank Schmidt-Hullmann) and FIEC (Mr Campogrande) expressed shared concerns regarding any proposal for a EU-level monitoring of national wage setting, stating that this would interfere with social partners' prerogatives over wage bargaining.

Referring to the Employment Package of 2012, Mr Van Rie indicated that the Commission fully respects the autonomy of the social partners. He informed the social partners that a tripartite exchange of views at cross-industry level had been organized in February 2013, to discuss wage developments (not wage setting mechanisms) and in particular the links between wages on the one hand, productivity, unemployment and inequalities on the other. He also referred to the Communication of 2 October 2013 on the social dimension of EMU, which confirms that the Commission, in line with the Treaty, acknowledges the diversity of national IR systems and the role of national social partners in wage setting, and aims to reinforce the role of social partners in European economic governance.

EFBWW and FIEC agreed to express their concerns to the appropriate responsible persons at EU-level

10. Miscellaneous

No further topics were added to the agenda.

11. Next meetings for 2014

The plenary meeting will take place on 5 June 2014. The Commission will liaise with social partners to identify meeting dates for 2015. The dates are expected by Autumn 2014.

¹ It should be noted that at the meeting of the project steering group, which took place on 23.5.2014, the EFBWW and FIEC proposed to the European Commission that the seminar should take place on 17-18.11.2014