

Sectoral Social Dialogue Committee for Ports

Working Group Meeting – 03/03/2015

Draft report

Sectoral Social Dialogue Meeting for ports

- Adoption of Work Programme for 2015-2016**

The Work Programme for 2015-2016 as circulated prior to the meeting was adopted (see Annex I). Social partners emphasised how the work programme is flexible and it may adapt to social partners' work, new areas of interest and external resources. As detailed in the outline of the Work Programme, work on most topics will begin in 2015 but will continue along 2016, while new topics may also be introduced. In the Health and Safety area – topics of Fumigation and Health and Safety-on-board, social partners intend to accelerate the work, although it may also depend on the assistance and resources from other institutions. For Training and Qualifications it will be interesting to see where the EU-Portraits project fits. Social partners expect to see the results of the project by 2016. The topic of Lashing will depend on the progress of the other topics. In this sense, social partners have also included an additional item on the agenda for the present meeting on broadening the scope of the social dialogue, a point welcome by DG-MOVE.

- Presentation from OSHA on health and safety assessment tool**

Upon social partner's request, Mrs. Julia Flintrop from EU-OSHA presented the Oira Tool on Health and Safety risk assessment, in order to assess the usefulness of the tool for the work on on-board vessel risk assessment. See presentation as Annex II.

After an introduction to the structure and functioning of EU-OSHA, Mrs. Flintrop presented how the Oira tool works by showing a practical risk assessment from the private security sector, which in a way could resemble the work on vessels since the worker is performing its duties on the premises of a third party employer not liable for the H&S of those workers. What Oira basically does is establishing the companies' H&S Risk Assessment and the Action Plan, which is also downloadable.

Oira is in principle designed and directed to small/medium companies, although it may be adapted to the port sector where in most cases larger companies operate nonetheless. The tool allows for structuring different models and scenarios - ports, ships, situations...

The information contained in Oira needs to be provided and agreed by social partners, and the tool can be adapted according to this information. It is the experts from the sector who provide the input, and OSHA has the software. Social partners need to agree on an approach

(also decide on political and strategic questions that may be or may not be covered by the tool) and communicate it to OSHA.

Following the presentation, Social partners discussed about how operational the tool might be in terms of time (it has to be a rather quick checking process not to penalise ship-owners), how practical for sharing the information to the other ports and making sure that the problem has been solved and questions relating to the liability from ship-owners.

- **Exchange of Views on Fumigation with Unit B3 of DG EMPL**

Mr. Alec Morris, from DG-EMPL Unit B3 in Luxembourg started his intervention by explaining how the topic of fumigation is a rather complex issue. It covers a wider range of locations other than just ports, many different types of gases, and applicable legislations - international, European and national legislation depending on the various locations. It is rather difficult to put all the pieces together. In this sense, Mr. Morris explained how Unit B3 does not deal with everything, and encouraged social partners to provide information from the ground too.

The work on fumigants has been developed in different committees:

1. Committee on chemicals: has been working on fumigation from a broader approach for the last 18 months to identify: types of chemicals, levels and consequences.
2. Joint Research Centre (RSC): administrative arrangement signed in November 2014 for 24 months. Scoping study: exposure for workers and off-gases from a scientific point of view. The report is expected to be delivered in the next 24 months or earlier. It is a complex issue as it involves many workplaces.
3. Senior labour committee: works on the enforcement of laws at work. The Chemex committee will be in charge of developing the action plan once the scientific research has been completed.

Mr. Morris emphasised that, in many cases, legislation is already in place but the problem is how to manage action. For example, the 1998 Framework Directive H&S at work, supplemented by Directives 21/22 on fumigants covers a wide range of this topic at EU level. For this reason, he recommended that for specific actions such as opening up containers it might be best to work of guidance and sharing of best practices rather than legislation, since it will be a long process.

Social partners also expressed their concerns about the legislation in place and how it applies or it is enforced in the countries of origin – as only 1% of all fumigated containers are labelled as such, or what law is applicable to EU ports when the flag of the vessel is non-EU, from a third country, which in that case IMO legislation might be applied. The workers' group stated the need to better inform workers on what the risks associated to fumigated containers are, as in most of the cases they are not aware. An action plan would be needed to raise workers' awareness across Europe. Improved controls and the establishment of a

systems of sanctions for those who infringe the rules were also advocated by the workers' delegation.

Everyone agreed that other stakeholders such as European shippers and outside the EU should be involved in the process in order to tackle the issue with a more comprehensive approach.

Mr. Morris pointed out how indeed the IMDG code for labelling is not working as it should be. However, he stressed the fact that B3 is not responsible for liability and legislation. He may assist social partners nonetheless to put forward their concerns and issues to him, and he could contact the responsible people and get the dialogue moving. There are many grey areas that should be identified, mapped out and solved.

It was also pointed out that the issue should also be dealt with from the perspective of work-related diseases and that fumigation of bulk cargo should be taken into account.

- **Report from Possible meeting with Commissioner Bulc**

Rémi Mayet explained how the social partners' letter to Commissioner Bulc had a satisfactory follow-up but she had been busy over this time to provide a response. However, the cabinet informed Mr. Mayet that she is willing to meet the 4 organisations before the next Social Dialogue meeting scheduled for 19 June 2015. Three possible dates for the meeting are circulated. A briefing on the meeting will be prepared by social partners and sent to Mrs. Bulc's cabinet.

Rémi Mayet also explained that DG-MOVE and the Transport Committee are organizing a high level conference on the Social Agenda for Transport on the 4th June 2015.

There will be 3 main sessions: (i) Training and attractiveness of the sector, (ii) Working conditions, (iii) How to revitalise social dialogue. The main objective of the conference is to collect input from stakeholders and discuss about challenges and problems related to social dialogue in the transport sector by fostering an exchange in the sense of cross-sector fertilisation, as well as come up with initiatives that may be undertaken by the EC.

Information and the invitation to the conference will be circulated in the due time.

- **Presentation of EU-Portraits – Presentation of developments of EU-Portraits project by project leader.**

Mr. Maria Boyle, from the EU-Portraits project, presented all the developments and changes in the project following a request from the social partners to adapt the project to the current social dialogue needs, and the exchanges and feedback provided for the revised scope of the project. (See presentation attached as Annex III).

In this regard, Mrs. Boyle informed how in WP2 the number of countries of reference will be extended from the initial seven, although active input from social partners will be needed to provide information and contacts. In WP3, the scope has been revised to include future training trends and needs. Also, WP4 was changed to include Health and Safety and Future training needs as trends. Also, the ILO guidelines will not be the framework of reference as requested by social partners. For WP5, there will workshops organized in 7 countries.

Mrs. Boyle encouraged social partners to take an active role and bring practical input to the project. More specifically, SSDC members are requested to assist in the following areas:

- Identification of H&S priorities. As this project activity will start soon, input by the SSDC sub-committee should be received by mid-April.
- Support by the SSDC in identifying relevant stakeholders from countries not included in the project partnership, who will provide input to the project on training activities at national level in their countries, so that additional countries are represented in the project. To this end a questionnaire could be distributed during the June 19th meeting of the SSDC to national representatives.

SSDC members welcomed the added value and the new consensus on the project

- **Port Visit**

On the point raised by social partners about the possibility of organizing one of the SSDCP meetings at a different location from Brussels while organizing a port visit funded by the European Commission, Stefano Martinelli, explained how unless such a visit is included as a specific element in a framework of a Joint Proposal that will provide flexibility to organise outside meetings and conferences, it is very unlikely an individual visit can be funded by DG-EMPL. On the overall, the European Commission is rather reluctant to organise meetings outside of Brussels, and also not all expenses are up to DG-MOVE.

Social partners agreed that the budget line could be a useful tool although applying for such funding implies an administrative effort.

- **Scope of Social Dialogue**

The ETF explained how social partners have agreed to broaden the scope of the social dialogue and discuss on more sensitive issues related to developments and changes in the sector from the political and technological point of view, always respecting national sensitiveness and taking a pro-active role.