

Sectoral Social Dialogue Meeting for ports

June 19th, 2015

Draft Report

Before starting the meeting the Committee held one-minute silence for the victims of the accidents at work occurred in Antwerp and Bremerhaven.

1. Adoption of the provisional agenda

The workers' delegation proposed to add a discussion item on the Port Service Regulation (PSR). Even though each of the four organisations involved in the Committee has a different view on the PSR, by deciding to engage in social dialogue each member also committed to improve working conditions while guaranteeing competitiveness to the sectors. According to the workers' delegation the Fleckenstein report is a very balanced one and contains all the elements that would allow establishing a framework on how to work in European ports tackling both the social dimensions and competitiveness-related concerns. It was added that the report furthermore gives a big role to social dialogue and social partners and that some of the amendments are actually strongly inspired by the declarations and position adopted by this committee. Finally, the workers expressed the expectation that all organisations involved in the committee actively support the approach of the EP report.

The employers affirmed that the EP report is going the good direction but said that it was difficult to go into more detailed discussions while negotiations were still being held within the TRAN committee. Potential discussions should be left for the future.

The agenda was adopted unanimously.

2. Adoption of the report from last meeting

The report was adopted unanimously.

3. Update on the conference held 'A social agenda for transport' held on June 4th and on meeting with Commissioner Bulc on June 16th

As regards the conference 'A social agenda for transport' held on June 4th, FEPORT secretariat reported the main elements rose during session partially dedicated to the SSDC for ports. In particular, it was stressed the role of social partners as facilitators and enablers of dialogue, the importance of a challenging Work Programme, the need for support from the Commission in terms of more flexibility and less bureaucratic procedures.

Social partners requested the Commission to give more space to the port sector in future events related to the social agenda for transport.

Social partners expressed their satisfaction about the meeting with Commissioner Bulc on June 16th. During the meeting, social partners emphasized certain challenges that the European port sector faces and that impact both its competitiveness and social dimension, such as the ever increasing size of ships; the competition from non-EU ports; the need to timely negotiate new working patterns and provide adequate training for technological innovation and minimise its social impact; the lack of adequate investments on hinterland infrastructures, which should be improved in order to cope with growing volumes, together with the removal of administrative barriers to the internal market; new energy landscapes and societal environmental pressure for the introduction of green technology; the need to ensure good working conditions and good social partnership in all ports.

Social partners reiterated their commitment to further strengthen trust amongst them and to work towards an even closer cooperation with the European institutions. Additionally, social partners requested more support to social dialogue, both politically and in terms of resources. On her side, the Commissioner Bulc said to be honored to meet social partners and that European ports are a dynamic environment and a huge source of employment in Europe. She ensured that she will be a fair companion of the social partners and that she will maintain close dialogue.

The representative of DG MOVE said that the meeting with the Commissioner had to be seen as the beginning of a new phase, where the human element would be taken into account.

4. SSDC 2015-16 work programme: discussion on actions taken so far, on how to tackle the priorities for the second half of the year and on the possible inclusion of additional priorities.

Social partners confirmed their will to deal and advance on the several issues included in the Work Programme 2015-2016. As regards the possible inclusion of technological innovation in the port sector in the future discussion of the SSDC, it was decided that the four secretariats will informally meet in order to decide how to proceed on the issue.

5. Occupational health and safety

a. Developments on EU-OSHA activities on fumigation

In January 2015, the SSDC for ports had requested EU-OSHA to include a structured review of all risks for human health coming from the exposition to fumigants in its Work Programme 2016. In May 2015, EU-OSHA answered proposed aproject along the following lines:

- Compilation and summary of existing information available at national level (through a request for information directed to the agency's Focal Point network) and from existing EU-OSHA resources (OSH wiki article and OSH in figures report on the transport sector);
- Review the information available from the Working Party Chemicals of the Advisory Committee on Safety and Health (ACSH);
- Coordination with the Commission to ensure a complementary approach to its ongoing work on the topic; particularly its scoping study on workers' exposure to fumigating agents and chemicals

that may be released in the transportation of goods, and the planned discussion in SCOEL on the scientific aspects of the possible adverse health effects arising from such exposures.

These tasks would be carried out in 2016, with a report delivered to the SSDC for Ports in the first quarter of 2017. Social partners decided to positively to EU-OSHA proposal.

Social partners stressed that the IMO “recommendations on the safe use of pesticides in ships applicable to the fumigation of cargo transport units” address the hazards to personnel arising from the operations involved in the carriage of fumigated containers. Social partners requested the European Commission to assess how EU legislation applies these recommendations and which is the level of implementation. Results of the assessment will be presented to next Social Dialogue Committee meeting.

Social Partners recognized that fumigation of containers concerns all actors of the transport logistics chain. For this reason, the Commission will inform participants on whether the issue has already been discussed by other transport sectorial social dialogue committees.

ETF secretariat informed other social partners that ITF is carrying on a campaign on container safety regarding all transport sectors. More information will be circulated on the issue.

b. Report and discussion on accidents recently occurred in Antwerp and Bremerhaven

. All delegations expressed their condolences for the tragic events occurred. Currently, legal investigations are ongoing in both ports. Social partners agreed that the results of the investigations will be presented in the SSDC for ports.

6. Safety on Ships

According to the Council directive on the introduction of measures to encourage improvements in the safety and health of workers at work (89/391/EEC), “without prejudice to the other provisions of this Directive, where several undertakings share a work place, the employers shall cooperate in implementing the safety, health and occupational hygiene provisions and, taking into account the nature of the activities, shall coordinate their actions in matters of the protection and prevention of occupational risks, and shall inform one another and their respective workers and/ or workers' representatives of these risks” (art. 6 par. 4). In the next Social Dialogue meeting, the European Commission will present what are the legal obligation deriving from this Directive and how this is implemented in the Member States. **However, social partners recognized that the discussions should involve other stakeholders, such as the shipowners. In particular, the SSDC for ports should liaise with the Maritime SSDC on the issue.**

The workers’ delegation emphasised that, although it will be crucial to involve the shipowners at a later stage, the Committee should first define the scope of its work on safety on ships. It was recalled that all safety-related rules on construction of ships take into account seafarers’ work and not the specificities of dockwork and the operations that dockers conduct on board. The objective of any initiative taken on this issue by the Committee should be to make sure that all ships calling EU ports have an adequate level of safety. Initiatives aimed at improving on board safety are already

done in some EU ports. However, in order to avoid competition on health and safety standards amongst the different ports and ensure a level playing field, it would make sense to have a common approach for all EU ports. It was also said that, if a part of the responsibility lies with the shipowners, the employers should play a strong role in claiming safe working places for their employees.

It was agreed that the employees' delegation will prepare a background document that will constitute the basis for discussion within the Committee in view of possible joint initiatives.

. It was also suggested that EMSA database on maritime accidents could perhaps contain information on structural problems of the ships. For this reason, it was decided to invite EMSA to the next Social Dialogue Committee meeting in order to assess which information could be used for the Committee purposes.

7. Update on EU-PORTRAITs project

The EU-PORTRAITs project manager provided an overview on progress made regarding the EU-PORTRAITs project. Currently, the consortium is preparing a questionnaire that will be sent to the four secretariats for review. Once the questionnaire is ready, the secretariats will send a list of contacts of key representatives of employers, employees and authorities involved in port worker training to the EU-PORTRAITs consortium.

The European Commission announced that it will be possible to organise a port visit and workshop under the EU-PORTRAITs project. Costs of participants will be reimbursed. Practical arrangements will be organized in the upcoming months.

8. Presentation of the 'Better Regulation Package' and possible implications for the EU-level sectoral social dialogue

The European Commission presented the "Better Regulation Package", recently approved. According to the Commission, the package fully acknowledges the importance of social dialogue and the only new obligation would be constituted by the publication of social dialogue agreements on the associations' websites.

ETF expressed its concerns on the new right of the Commission to carry on an impact assessment that inform the Commission's decision whether or not to accept a social partners' agreement concluded at their own initiative, and consequently to present a proposal for a Council Decision. The Commission answered that the impact assessment enables the Commission to defend and support the social partners' agreements towards the Council.

9. Any other business

No other business was raised.