



## EUROPEAN COMMISSION

Employment, Social Affairs and Equal Opportunities DG

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

### SECTORAL SOCIAL DIALOGUE COMMITTEE INLAND NAVIGATION

#### **Working group meeting 5 February 2007 Minutes (adopted on 27 March 2007)**

#### **1. Adoption of the agenda and approval of the minutes of the previous meetings**

The meeting was chaired by Mr Koning (employers). The agenda was adopted. The minutes of the previous meetings (2 October 2006, plenary meeting of 10 November 2006) were approved.

#### **2. Occupational profiles and vocational qualifications**

The Netherlands study on occupational profiles in Europe was not quite finished. The Danube study was complete and the final report expected in mid-March. Mr Lehninger (workers) summarised the results. He felt that there was no point in comparing occupational profiles in the EU until all of the above studies were available. However, Mr Düttemeyer (employers) asked whether other organisations would agree with the existing depiction of the occupational profile in Germany.

#### **3. Working time**

Two documents were available in various languages: a definition of "working time" (ETF proposal) and a summary of the various proposals for a possible agreement.

It was discussed first of all who should be covered by the agreement and to whom the term "crew member" applied. No final decision was reached as to whether it should be limited to nautical crew or should perhaps include other personnel working on the ship (catering services, entertainers). It was clear, however, that the negotiating parties could only conclude agreements on behalf of their members and that, should they be implemented by means of a directive (Article 139 of the EC Treaty), the representativeness of the parties in relation to the scope of the agreement would be checked. The workers' group announced that it would get in contact with the trade union federation EFFAT. The discussion concerning Clause 1.1 of the summary was therefore postponed, but the subsequent paragraphs were discussed under the premise that at least nautical crew were covered.

In the discussion on working time (Clause 2a) agreement was initially reached on the simpler definition "time during which the worker is working on, to and for the vessel".

The status of the separate ETF paper on the definition of working time was discussed in detail. The employers' group pointed out certain contradictions (e.g. the fact that time outside hours of rest and hours of work was also to be considered as working time) and questioned certain demands (journey to and from the vessel). The ETF said a detailed, complete list was needed of the latest judgments of the Court of Justice. This was not a collective agreement in which financial entitlements would be discussed.

Following internal consultations, the ETF proposed the following solution:

- Clause 2a: working time: "time during which the worker is working on, to and for the vessel, and all the time the crew is at the disposal of the employer or his representative unless directed to rest".
- The parties would agree on a short list of activities which unequivocally counted as working time. The point concerning the journey to and from the vessel was deleted.
- Time spent on board should be recorded so that the worker would know how much time he had spent on board in total during his working life.

The EBU proposed an alternative wording: "time during which the crew member is working on, to and for the vessel, has been detailed for work or has to remain ready to follow the employer's instructions".

Both sides felt that the last two definitions proposed were very similar. The list of activities was to be drawn up jointly. The terms employee, worker and crew member had yet to be clarified<sup>1</sup>.

#### **4. Forthcoming meetings**

The next ordinary meeting was scheduled for 27 March 2007. For this meeting the Commission representative would prepare a first draft of the new work programme (each sectoral dialogue committee needed to have an updated work programme).

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<sup>1</sup> For information, Article 3(a) of the framework Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work defines a worker as "any person employed by an employer, including trainees and apprentices but excluding domestic servants".

*List of participants 5.2.2007*

<p><u>Employers:</u></p> <p><b>EBU:</b> DALAISE, Jean-Francois DÜTEMEYER, Gunter KONING, Michiel NAABORGH, Jacques</p> <p><b>ESO:</b> BECKSCHÄFER, Andrea VAN LANCKER, Christiaan VELDMAN, Jan</p>	<p><u>Workers:</u></p> <p><b>ETF:</b> BIESOLD, Karl-Heinz BLESER, René BRAMLEY, Nick CREASE, Richard HERTOGS, Beatrice JERABEK, Milan KARAVATCHEV, Rossen KERKHOF, Joris LEHNINGER, Gunter MITEV, Kasimir VAN DER ZEE, Jan WEICKER, Raymond</p>
<p><u>European Commission:</u></p> <p>DIETER, Rolf (DG TREN/G.2) DURST, Ellen (DG EMPL/F.1)</p>	