



Brussels, 6 February 2019

**SECTORAL SOCIAL DIALOGUE
COMMITTEE RAILWAYS**

Minutes of the Plenary meeting

15 November 2018

Mr Tuti chaired the meeting. He welcomed the participants.

The agenda of the meeting was adopted. It was agreed that priority should be given to the discussion around Gender Equality.

The minutes of the 2017 plenary meeting were adopted.

1. Exchange with Ms Maja Bakran, Deputy Director General of DG MOVE

On the occasion of the social partners jointly signing up to the ‘Women in Transport - Platform for change’, Ms. Bakran was invited to represent the Commission as organizer of this platform and receive this joint pledge.

Ms. Bakran welcomed the activity of the social partners to promote equal opportunities and in particular the regular monitoring of the situation. She called the efforts of the social partners of the rail sector exemplary. Irrespective of some imperfections the annual monitoring provides very valuable figures.

She stressed that the Commission plans to continue these efforts beyond the elections in 2019 and invited the social partners to attend the annual Women in Transport Conference (Bruxelles, 27 November, addressing the issue of reconciliation of work and family life). She informed that the Platform meeting on 19 March 2019 will focus on harassment and gender based violence. A topic whose relevance the recent ETF study had confirmed.

Another topic on which Ms. Bakran expressed the wish to cooperate with the social partners was automation. She highlighted that a research project to look into the future skills profiles and needs in the transport sector was ongoing (Horizon 2020 project: Skillful – Skills and competences development of future transportation professionals at all levels) and a study will start next year. She encouraged social partners to anticipate changing skill needs and to discuss with national authorities how this could be supported by the ESF.

She highlighted the importance of fighting stereotypes and prejudices against working in the transport sector and in particular towards women in transport. This being important to make the sector an attractive workplace. She invited social partners to collaborate with schools to motivate young people to join the sector and to support the Commission in that respect.

Confirming the need to collaborate on these topics and in particular to involve the social partners on these issues, workers' and employers' representatives thanked Ms. Bakran for her intervention. During the discussion ETF delegates highlighted the need to address the risks of digitalization and to develop strategies to manage transitions. - In the past women were recruited in periods of labour shortage and laid off in periods of unemployment, such cyclical developments should be avoided in the future.

The social partners asked the Commission for the assessment of social impacts of in particular the Shift2Rail projects and to involve the social partners from the beginning in these projects and assessments.

Social partners agreed with the Commission that digitalization will have a huge impact on the sector, but they also pointed out that such discussion should not discourage youth from becoming e.g. a train driver. The professions will change, however, in the foreseeable future they will still be needed. The social partners referred to the results of their study on the attractiveness of the rail sector.

Mr Zlati explained that the workforce in the rail sector in Hungary is ageing and it is difficult to recruit workers. Therefore the introduction of new ICT-tools is rather difficult. He called on the employers to encourage and support workers more to update their qualifications. Concerning gender equality the Hungarian trade union has a 3-year agreement with the national railway company (MAV-group). For the fight against 3rd party violence he saw incidences often reported widely, but information about sanctions given to the perpetrators receiving much less attention. Such transparency could demonstrate that antisocial behavior is sanctioned and thus discourage potential wrongdoers. Efforts to solicit better protection for ticket inspectors from the national authorities have failed.

Ms. Bakran agreed largely with the social partners on the scale of the transition which digitalization might trigger. Digitalization will not come 'over night', therefore it is very important to learn from previous periods of technical change and to manage the process well. She agreed that people will be needed to work in the sector and stressed that the new Multiannual Financial Framework of the EU foresees the possibility of assistance for these transition processes also encouraging the social partners to discuss needs for training with national authorities. However, also indicating that employers have a responsibility to invest in the skills of their employees as well. She reasoned that a well-managed digital transformation will make the railsector a more attractive workplace.

Concerning the promotion of gender equality the Commission does not prepare legislation. The activities center on incentives and exchange of experience, as provided by the platform for change. Once the new Commission will be in place progress might be evaluated and one will have to see whether and which further steps will be taken. She assured that this topic will remain on the agenda.

For abuse and 3rd party violence she advocated for a zero-tolerance approach.

She stated that the 4th Railway Package states that binding social partner agreements or national law have to be respected by all service providers and that this is monitored thoroughly. She saw it as not justified to assume a link between the railway package and a deterioration of working conditions. She invited social partners to inform the Commission if they observe non-compliance with these rules.

Following her intervention, the social partners jointly presented Ms Bakran their written commitment to support the Platform for Change.

2. Gender Equality and Equal Opportunities

a. Presentation of the Fifth Annual Report ‘Women in Rail’

Ms Kürzl and Mr Gansrigler (both ÖBB) presented the recent report on the development of women employment in the EU railway sector (see ppt). It is built on data for 2017 collected in 2018. The survey received responses of 31 companies amongst which are the big European railway companies, so that it is quite representative for the situation of women in the rail sector.

Several members of the Committee acknowledged the good quality of the report and encouraged the other members to read and disseminate the report. Two questions were raised which might be relevant for future reports: a) women in the rail sector are about five times more likely to work part-time than their male colleagues – how is this in other sectors? b) women participation in top management has increased beyond the average participation of women in the sector: will the other (management) levels catch up?

Ms Kürzl explained that ÖBB sees the support to equal opportunities for women as one element in a broader diversity strategy. ETF raised the question of practical consequences of the findings in the report.

The members of the committee were invited to clarify open points with Ms Kürzl and Mr Gansrigler directly.

b. Review of the ‘Women in Rail’ Joint Recommendations - Presentation of the work of the Task Force, discussion and decision on follow-up actions

Ms Grau (CER/SNCF) and Ms Marzola (ETF/FILT-CGIL) presented the work of the task force (ppt) and a proposal from ETF to allow for progress on the eight thematic areas agreed by the task force (pdf). Ms Marzola asked CER to enter into negotiations with the intention to arrive at an autonomous agreement between the social partners.

In the discussion CER highlighted the usefulness of the Joint Recommendations and saw the need to maintain and review these recommendations and stressed that this would allow building on previous work and achievements.

Social partners mutually assured each other that gender equality is an issue of longstanding concern and successful cooperation. However, in particular the workers side complained about slow progress and requested to step up these activities by agreeing to start real negotiations on an autonomous agreement. Also linking the topic with the relaunch of the social dialogue in the rail sector.

It was clarified that autonomous agreements are fully in the hands of the social partners. They decide on the content and agree how they want to implement. The Commission

expects that Social Partners follow-up on such agreement, undertaking best efforts to implement. It is something on which the signatory parties commit each other.

Following the request of ETF to make a firm commitment to negotiate an autonomous agreement, CER responded that an immediate start of negotiations would be premature. In result the social partners agreed to enter into negotiations once the preparations of the task force are sufficiently advanced to do so. Social partners mandated the task force to do the preparatory work. This assignment includes exploring how a revision of the recommendation would link with the agreement.

It was agreed to aim at starting the negotiations in July 2019 - following the steering group meeting. This date should allow to do the necessary preparatory work, including the consultation of relevant internal bodies on CER and ETF side and to allow for a formal decision of the steering group on the scope of the negotiations. It was agreed that the plenary meeting (6 November 2019) should then be informed so to discuss and endorse first results.

Criticism of CER that documents were not delivered in time was sharply rejected by Mr. Tuti, explaining that this had not be an issue and that the discussion on formalities should not become a pre-text to avoid the discussion on the substance.

3. Automation, Competence and Safety Culture – presentation by Ms. Gigantino (ERA)

Ms. Gigantino presented key figures concerning rail safety (2017 - see ppt) and gave an overview of the ERA's position concerning automation, competence and safety culture (see ppt). More comprehensive presentations can be found at the ERA webpage.

Several ETF members challenged the presentation: They wondered about the quality of the statistics, suggesting it should not only report on incidences, which resulted in accidents, but also on issues such as signals not followed properly. Lowering language requirements for train drivers was criticized as a nuisance, suggesting that the legislator was more interested in interoperability than in safety. It was asked whether licenses have been revoked because of serious accidents. Ms. Gigantino explained that the reporting is done based on self-declaration by the infrastructure managers to the ERA and based on clear definitions for the various types of incidents. With this approach, lines, which are not managed by the national infrastructure manager, are not included in the monitoring. She also stressed that the data for 2017 was so far only collected and would still need to be analysed. This concerned in particular the causes of accidents. Concerning the question of language requirements she replied that discussions and evidence collection are still ongoing, including studies on the subject and a pilot project. Mr. Aufrère indicated that exemptions from the reporting obligation are to be seen very carefully.

In concluding her intervention Ms. Gigantino stressed that the reporting should lead a 'just culture' i.e. at encouraging employees and companies to declare incidents so to avoid accidents.

4. Exchange with Mr. Fitch, Head of unit Rail Interoperability and Safety (DG MOVE)

Mr. Fitch explained that the creation of a 'just culture' was also important for the Commission, which supported the infrastructure managers in a twinning programme. Reflection on whether and how to continue this programme are ongoing. Opening it up to more partners might be an option and the views of the social partners on that were welcome.

The Commission is at the closing stage of adopting the package of implementing measures to put in place the 4th railway package. It shall be adopted in January 2019. As of June 2019 ERA should take over large part of the authorization work both for railway undertakings and for rolling stock which is obligatory in the case of cross-border operation. To achieve that, amendments to the technical implementing regulations (TSIs) were needed and national rules needed to be made more consistent.

Concerning the amendment of Annex VI of the train driver directive, the Commission has put forward a proposal, which shall allow the sector to explore alternative means of safe communication between train drivers and infrastructure managers other than the B1 language requirement for the train driver. Such means will have to be at least as safe as the existing requirements and before a pilot-project could start the proposed means will have to pass a number of checks, comply with strict criteria and be fully integrated in the safety management system. Before the Commission would finally approve such trial also the trade unions will need to be consulted. Trade union expressed that they are following these developments with skepticism. The Commission replied that for the sake of competitiveness of the mode of transport and when considering the flaws of the existing practice, it is worthwhile to look into new solutions.

Another piece of legislation under revision is the Operations TSI. With this revision, the Commission aims at more efficient pan-European operations in particular in the area of freight. National rules shall be scrutinized whether they should not be set at the EU level (i.e. harmonized) or whether one could allow rail companies to set these rules at the company level and include them in the company level security system, thus allowing for more flexibility.

Provided a positive decision of the Council the Shift2Rail initiative will continue post 2020. This continuation is planned to focus on automation in the sector, looking into how to improve the competitiveness of the sector as compared to other modes of transport and how to make it attractive as a workplace.

ETF highlighted that the increased competitiveness of the rail sector should not be achieved by bringing the working conditions in the rail sector down to those in road transport and that the Commission is perceived as not paying sufficient attention to the enforcement of rules. In particular in cross-border traffic, compliance with rules is poorly checked. Also the lack of involvement of the social dialogue committee or the trade unions in particular in the first generation of Shift2Rail projects injected skepticism how serious the Commission was about the involvement of trade unions in the future. It was stressed that for credible discussions about the attractiveness of the sector as a workplace the involvement of trade unions was essential and social dialogue was the most suitable forum to discuss these topics.

The Commission confirmed its interest in collaboration with the social partners on how to make the sector more attractive and committed to discuss the findings of the ongoing study on the future employment needs in the sector with the social partners.

5. Conclusions

For the next plenary meeting, the chair asked for a less packed agenda.

Agenda point 3 (temporary work agencies in the rail sector) was taken off the agenda because of lack of time. The discussion was transferred to the working group meeting foreseen for 2 April 2019 and then to the steering group meeting on 4 July.

Agenda point 5 (finalization of the project on Rail Mobile Workers) was delegated to the secretariats, which shall involve other bodies as needed.

Agenda point 7a (project proposal): The Committee was not able to submit a project proposal in 2018. It aims to apply for a project in 2019. The secretariats were encouraged to work on a proposal. It was indicated that the deadline for project applications shall be much earlier in 2019 than it was in 2018 (envisaged late May/early June).

Agenda point 7b (social partners' activities in the 'EU Platform for Change') was linked with the intervention of Ms. Bakran.

Agenda point 7c (CER-ETF exchange on driver's cab ergonomics) was postponed.

Mr Rohrmann suggested to put a presentation of the Eurofound study on 'Exploring the connections between EU- and national-level social dialogue'¹, (which includes a specific subsection on the link between national and European social dialogue in the rail sector) on the agenda of one of the next meetings, preferably the working group meeting in April.

The social partners agreed to communicate on three topics:

- their involvement in the platform for Change,
- the report on 'Women in Rail'
- the intention to start negotiations on an autonomous agreement on more gender equality in the sector

The next plenary meeting is planned for 6 November 2019.

¹ <https://www.eurofound.europa.eu/publications/report/2018/exploring-the-connections-between-eu-and-national-level-social-dialogue>

Participants

<p>Employers 24 (12 ♂, 12 ♀)</p> <p>CER Mr BADEN (CFL, LU) Ms BURY (HR RAIL, HR) Ms CALDANA (CER) Ms CESCOVA (SZDC, CZ) Mr DERITZI (ERGOSE, EL) Mr GANSRIGLER (OEBB, AT) Ms GRAU (SNCF, FR) Mr HARTFELD (VDV, DE) Mr JORDI (SBB, CH) Mr KOUCKÝ (SZDC, CZ) Mr KROULIK (ZSSK, SK) Ms KÜRZL (ÖBB, AT) Ms LANG (SBB, CH) Mr LELOVSKY (ZSSK, SK) Ms LEMUT (SŽ, SL) Mr LOCHMAN (CER) Ms MAKUCHOVA (ZSSK, SK) Ms PILKOVA (ZSSK, SK) Mr RAIGNEAU (SNCF, FR) Mr ROHRMANN (Agv MoVe/DB, DE) Ms TOMASSINI (FSI, IT) Ms TREGEROVA (ZSSK, SK) Mr WOJCIECHOWICZ (PKP, PL)</p> <p>EIM Ms DUREZ</p>	<p>Workers 38 (28 ♂, 10 ♀)</p> <p>ETF Mr ALEKSOV (FTTUB, BG) Mr ASLAKSEN (NLF, NO) Mr AUFRERE (FGTE-CFDT Cheminots, FR) Mr AVALLONE (SEV, CH) Ms BIANCHY (Syprolux, LU) Ms CARSTENS (EVG, DE) Ms FRANCKEN (FNV, NL) Mr GEORGIEV (FTTUB, BG) Mr GOBÉ (CGT, FR) Mr GRACE (Unite, UK) Mr HEBENSTREIT (vida, AT) Mr HORVÁTH (VSZ, HU) Mr KIRCHNER (EVG, DE) Mr KOMILJOVICS (VSZ, HU) Mr LEJEUNE (CSGP Cheminots, BE) Mr MALY (CZ) Mr MARTIN (CGSP-ACOD, BE) Ms MARZOLA (FILT CGIL, IT) Mr MELEG (VSZ, HU) Mr MERENZ (FNCTTFEL, LU) Mr METCALFE (ASLEF, UK) Ms MINDUM (SZH, HR) Ms NEMECKOVA (ETF) Mr NICOLÁS (FSC-CCOO, ES) Mr OLSEN (NLF, NO) Mr PITELJON (CGSP Cheminots, BE) Ms RATHGEB (VIDA, AT) Ms ROLLE (UILTRASPORTI, IT) Mr SANCHEZ (FSC-CCOO, ES) Mr SØR-REIME (NJF, NO) Ms STANEVA (FTTUB, BG) Mr STERBA (CZ-railway workers, CZ) Mr TAUCHNER (VIDA, AT) Ms TRIER (ETF) Mr TSCHIGG (FIT-CISL, IT) Mr TUTI (SEV, CH) Mr ZAPARANIK (OZZ, SK) Mr ZLATI (VSZ, HU)</p>
<p>European Commission Ms. BAKRAN (MOVE) Ms MARIN-COMBEAUD (MOVE) Mr FITCH (MOVE) Ms WILLIAMS (MOVE) Ms CASPAR (EMPL)</p>	<p>ERA Ms GIGANTINO</p>