



## EUROPEAN COMMISSION

DG EMPLOYMENT, SOCIAL AFFAIRS AND EQUAL OPPORTUNITIES

Social Dialogue, Social Rights, Working Conditions, Adaptation to Change

**Social Dialogue, Industrial Relations**

### SECTORAL SOCIAL DIALOGUE

#### HORECA

#### Plenary Meeting

1 December 2009

#### Summary of the decisions taken

#### List of participants:

##### For EFFAT:

Kerstin Howald  
Rudolf Komaromy  
Jozsef Mosonyi  
Zsuzsanna Varnai  
Maria Bogdanne Nanai  
Vera Krifaton  
Pál Kovács  
Katalin Kövágone Grubits  
Lucia Anile  
Emilio Fagnoli  
Fernando Medina  
Sirpa Leppakangas  
Aage Jensen  
Michel Légalité  
Marco Demurtas  
Elke Libbrecht

##### For HOTREC:

Marguerite Sequaris  
Martin Couchman  
Aki Raudas  
Susanne Svärd Elfström  
Emilio Gallego Zuazo  
Alessandro Nucara  
Lajos Bököcz  
István Kovács  
Edina Törö  
George Schembri  
Jean-Marc Banquet d'Orx  
Thomas Wolf  
Isabel Sobrino Maté

##### For the Commission:

Marina Patriarka, EUROFOUND  
Radoslaw Owczarzak, EUROFOUND  
Renate Penitz, DG ENTR  
Jean-François Lebrun, DG EMPL  
Elisabeth Aufheimer, DG EMPL (Chair)

The chair opens the meeting and welcomes the participants. She reads out the agenda which is amended to move item 4 before item 3, item 6 before item 5 and item 11 before item 7.

#### **1. Approval of the agenda**

The agenda is adopted.

## **2. Approval of the minutes of the SSD Plenary meeting of 15 June 2009**

The minutes are approved.

### **4. Undeclared work/Illegal working practices**

- EUROFOUND report on "Measures to tackle undeclared work in the European Union"
- Draft joint statement

Mr Owczarzak (EUROFOUND) presents the EUROFOUND report on "Measures to tackle undeclared work in the European Union".

The presentation can be downloaded at:

[http://circa.europa.eu/Public/irc/empl/sectoral\\_social\\_dialogue/library?l=/horeca/2009/20091201\\_plenartagung/20091201\\_presentation/ EN 1.0 &a=d](http://circa.europa.eu/Public/irc/empl/sectoral_social_dialogue/library?l=/horeca/2009/20091201_plenartagung/20091201_presentation/ EN 1.0 &a=d)

EFFAT and HOTREC thank Mr Owczarzak for the presentation of this interesting report. EFFAT and HOTREC are currently discussing a draft joint statement on undeclared work and will come back to EUROFOUND if more information is needed. They will also consider giving input to the 'knowledge bank' on undeclared work.

On the HOTREC draft revision of an EFFAT/HOTREC draft joint statement on undeclared work in the European Hotel and Restaurant sector (included in the files), Ms Howald (EFFAT) welcomed the progress made on the issue. She said if EFFAT and HOTREC agreed to quote the Commission Communication and the Parliamentary Resolution on "stepping up the fight against undeclared work" in their joint statement, the points taken up should be more balanced and the statement should also refer to e.g. the involvement of the social partners and to the need for efficient monitoring, control and sanctions.

Mr. Fagnoli (EFFAT) pointed out that the paragraph in the EP Resolution alluding to the "exclusion of companies using undeclared work from public contracts" should also be included in the joint statement. He underlined the common interest of employers and employees to combat undeclared work, as fair competition and fair working conditions are of benefit for both. He proposed to use the EUROFOUND initiative and to have reports on the situation at the annual plenary.

Mr. Couchman (HOTREC) indicated that, according to the EUROFOUND's report on "Measures to tackle undeclared work," there "is by no means clear-cut" evidence that penalties are "an effective way of reducing undeclared work" and that "increasing the penalties can result in greater non-compliance". He also reminded EFFAT representatives that the joint statement needs to find the right balance, asking for sensible and effective measures. He further indicated that the joint draft statement will need to be approved by HOTREC's General Assembly.

It is agreed to continue working on this issue between the secretariats as well as in the steering committee.

### **3. European Qualification and Skills Passport**

- Report on the work of the external expert and the Project Steering Committee
- State of play

Ms Howald (EFFAT) reports on the current situation. The technical preparation of the implementation of the European qualification and skills passport for the hospitality sector is carried out by Hungarian experts and the project steering committee, which advises the contractor, is composed of representatives of the countries which expressed their interest in participating in the experimental stage (Italy, Spain, Malta, Hungary, Ireland). The main task is to complete the list of skills. Two meetings have already been held in September and in

November 2009, a third one will be held in February 2010 and the final conference and presentation of the outcome will take place in April or May 2010.

Mr Gallego Zuazo (HOTREC) gives a presentation of the Spanish model:

The presentation can be downloaded at:

[http://circa.europa.eu/Public/irc/empl/sectoral\\_social\\_dialogue/library?l=/horeca/2009/20091201\\_plenartagung/20091201\\_presentation\\_1/ EN 1.0 &a=d](http://circa.europa.eu/Public/irc/empl/sectoral_social_dialogue/library?l=/horeca/2009/20091201_plenartagung/20091201_presentation_1/ EN 1.0 &a=d)

Mr Nucara (HOTREC) thanks him for this information and points out that the task should not be to develop a common system of classifications of jobs. Ms Howald (EFFAT) reminds of the agreement made earlier that the list of skills should not refer to clearly identified professions, but to areas of services in the hospitality sector.

## **6. Sectoral Skills Councils**

- State of play
- ECORYS surveys
- Restructuring Forum "Sectors' New Skills for New Jobs", 7-8 December 2009 in Brussels

Mr Lebrun (European Commission, F3) gives an overview of the work on "sectoral skills councils". It is a matter of establishing a network of sectoral observatories working in the area of employment and skills at the national level. DG EMPL, F3 has carried out prospective sectoral studies for 18 sectors on employment and qualifications. The presentation of the results will take place on 7/8 December 2009.

A feasibility study was carried out by ECORYS to examine how the exchange between already existing national structures could be strengthened. There were two issues to be examined:

- a) to collect what exists already at the national level (observatories, other national bodies)
- b) to analyze the results.

The outcome of this study will also be presented at a conference on 7/8 December 2009.

The social partners must have an important role in this approach. If there are bodies to be created it will only happen upon request from the social partners. The plan is not to create a European "super-structure"; the idea is to link national observatories in order to exchange information and analyze the main trends concerning jobs and qualifications in the Member States.

National authorities can benefit from this exchange, as well as the social partners. The European Commission will discuss with the social partners how these instruments can be used and incorporated into the social dialogue. It is a tool meant to help, not to replace social dialogue. There is also financial support which could come from EC budget lines.

EFFAT and HOTREC point out that there had probably been a lack of communication regarding these sectoral councils: it is feared that these councils deal with issues that are already on the agenda of the social partners. The social partners agree with the idea that the sectoral skills councils should not constitute a second structure beside the social dialogue. Synergies could be found with the EQF (European Qualification Framework).

Ms Howald (EFFAT) informs that the Horeca SDC has already begun exchanging information about existing national bodies, e.g. the Italian joint observatory.

EFFAT representatives also express disappointment that the "Comprehensive sectoral analysis of emerging competences and economic activities in the European Union" could not be carried out for the whole tourism sector, as initially envisaged by the Commission.

They thank Mr Lebrun for having clarified things with his presentation.

Mr Lebrun (European Commission) apologizes for the communication deficit and emphasizes the cooperation with DG EAC and CEDEFOP.

## **5. The impact of the economic crisis on the hospitality sector**

- Discussion on measures taken at national, regional or company level

Ms Sequaris (HOTREC) gives a presentation on "VAT and the hospitality industry- Recent and future developments in the Member States".

The presentation can be downloaded at:

[http://circa.europa.eu/Public/irc/empl/sectoral\\_social\\_dialogue/library?l=horeca/2009/20091201\\_plenartagung/20091201\\_presentation\\_2/EN\\_1.0\\_&a=d](http://circa.europa.eu/Public/irc/empl/sectoral_social_dialogue/library?l=horeca/2009/20091201_plenartagung/20091201_presentation_2/EN_1.0_&a=d)

Mr Légalité (EFFAT) insists upon the fact that the VAT reduction in France did not benefit the consumers nor the workers. Mr Medina (EFFAT) does not see any results on employment and wants to know if and how a VAT reduction could help to overcome the economic crisis.

Mr Banquet d'Orx (HOTREC) makes reference to the current situation in France and points out that the VAT reduction is applied only in the restaurant sector and does not include alcoholic beverages. Some enterprises were able to survive only because of the VAT reduction, and concerning the objective of 40.000 new jobs, he adds that this promise was made before the economic crisis took place.

Mr Bököcz (HOTREC) explains some good practices from Hungary to combat the economic crisis. In the beginning of 2009 information was disseminated concerning possible measures by local governments and European sources for maintaining jobs. To avoid panic-like reactions, the social partners agreed upon procedures in two directions: how to slow down the drop in sales and how to cut costs in a reasonable way with regard to energy, a new working time management as well as other cost areas.

Mr Fargnoli (EFFAT) underlines that a VAT reduction has to contribute to keeping people in employment. Another means to start a positive circle through the stimulation of consumption is the reduction of non-wage labour costs. **According to him, excessive tax burdens can have a negative impact on the sector.**

## **11. Latest developments in tourism matters**

- Update by the Commission

Ms Penitz (DG ENTR) explains that several initiatives with regard to the economic downturn have been taken by the tourism unit in DG Enterprise:

- Two Eurobarometer surveys
- Study on the competitiveness of the EU Tourism Industry: the Executive Summary of this study is also available in French, German, Italian and Spanish language:

[http://ec.europa.eu/enterprise/newsroom/cf/newsbytheme.cfm?displayType=library&tpa\\_id=136&lang=en](http://ec.europa.eu/enterprise/newsroom/cf/newsbytheme.cfm?displayType=library&tpa_id=136&lang=en)

Another Eurobarometer survey will be undertaken in January or February 2010 allowing comparison with the previous (winter) EUROBAROMETER.

EFFAT and HOTREC agree to approach, on the basis of the findings of the competitiveness study, the new Commissioner with some common proposals.

## **7. Committee of Experts on Posting of Workers**

- Report from the meeting held on 30 October 2009

Ms Howald (EFFAT) briefly reports on the last expert meeting which was mainly a technical one. The message from the Commission was that there is no plan to revise the Posting of

Workers Directive as such, but only to possibly add a separate legal act, a regulation. There are currently two projects undertaken:

- 1) to assess problems concerning the transposition of the Directive in the Member States
- 2) to look at collective bargaining related aspects in the light of some recent European Court of Justice rulings.

The Spanish EU Presidency is planning a conference on the posting of workers (April 2010) in order to create an inventory of all the existing problems.

### **8. Third Party Violence at the Workplace**

- State of play

Ms Howald (EFFAT) reports on the current situation. There exists a European framework agreement on harassment and violence at work. A couple of sectors (commerce, private security, hospitals, local and regional government) have decided to undertake a more in-depth work on third party violence at the workplace.

Two conferences were held in October. Currently the social partners of the above mentioned sectors are working on a draft joint document of commitments for future common work on this issue.

A new meeting will be held on 13 or 14 January; HOTREC and EFFAT will be invited.

Mr Komaromy (EFFAT) reports on the activities on this issue in Austria, e.g. a survey carried out amongst 60 companies, which showed that many incidents occur in the hospitality sector, attacking employers and workers, and a big conference with the presence of the Minister for Social Affairs, and a press conference, organized by the services union VIDA.

### **9. Review of European Social Dialogue**

- Consultation of the Social Partners for a review of the implementation of the Commission
- Communication and Decision of 20 May 1998 – Update by the Commission

Ms Aufheimer (DG EMPL) explains that the adoption of the new Communication is postponed to spring 2010.

### **10. Legislative developments in social matters, update by the Commission:**

Ms Aufheimer briefly reports on the new Commission and presents the CV of Mr László Andor, the new Commissioner for employment and social affairs. Commissioner Ms Viviane Reding will be responsible for equal opportunities.

With the new Lisbon Treaty which starts being enforced as of today, the role of the social partners and the social dialogue are strengthened.

### **12. Miscellaneous:**

### **13. Meetings in 2010:**

Steering Committee:	26 February 2010
	07 May 2010
	10 September 2010
	12 November 2010
Plenary Meeting:	03 December 2010
QSP Conference	April or May 2010