



EUROPEAN COMMISSION

Employment, Social Affairs and Equal Opportunities DG

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

**SOCIAL DIALOGUE
COMMITTEE
LIVE PERFORMANCE**

DRAFT MINUTES WORKING GROUP MEETING ON RISK ASSESSMENT 15.10.2009

Chair: Ms A. DEBAERE (Pearle* – employers)

Meeting of the Secretariats and interested delegates from the risk assessment working group for an update and planning meeting

1. APPROVAL OF THE AGENDA

Agenda was **approved** without any modifications.

2. APPROVAL OF THE MINUTES FROM THE LAST WORKING GROUP (15.09.2009)

The minutes of the last working group meeting were **approved** without any amendments.

3. INFORMATION FROM THE COMMISSION ON THE ONGOING ACTIVITIES IN THE FIELD OF EMPLOYMENT AND SOCIAL AFFAIRS

Beata SASINOWSKA (BS) gave an update on the latest initiatives of DG Employment and Social Affairs. She informed about the newly adopted Report on *Reinforcing the social dimension of the growth and jobs strategy*, and about some developments in negotiations in personal services social dialogue Committee and about other ongoing activities in the sectoral social dialogue committees. Details about ongoing activities in the field of employment and social policy presented at the meeting are included in **Annex I**.

4. UPDATE ON THE ACTIVITIES OF THE COMMITTEE SINCE THE PREVIOUS WORKING GROUP SESSION:

a. Joint statement presented at European Culture Forum

Dearbhail MURPHY (DM) said that the presentation of statement at the European Culture Forum met a wide interest among participants. The work of social dialogue Live Performance Committee was presented, together with detailed activities and ongoing projects. The joint statement gave a critical analysis of approach to creative industry that

was developed during the forum. Anita DEBAERE (AD) informed that the statement will be published on the website of the Forum¹.

b. Southern European social dialogue project: finalization briefing note and questionnaire

Thomas DAYAN (TD) informed that visits to Southern European countries are ongoing. He visited social partners in Bulgaria, where Jaap Jong and he met also with the deputy minister of culture as well as the deputy minister of labour. Bulgaria is a very interesting country where the collective agreement was signed in July 2009, just one year after BAROK, the employers' organisation was created as a result of the European social dialogue conference which took place in Sofia on June 2007. One of the ongoing debates in Bulgaria is to transfer the agreement into the legally binding instrument. There is enough information about live performance sector in the public sector, but really a little in the private sector.

The visits will continue and the final report on the situation in each country will be prepared.

c. Theatre Technicians' Forum: final draft of the report

AD informed that the Report drafted by Umberto and Chris is in the circulation for comments and suggestions before presenting it at the Plenary in November 2009.

Johannes STUDINGER (JS) said that the draft joint action plan for the future has to be discussed during the Plenary.

AD is looking forward to receive some feedback from members, having in mind that the questionnaire was very detailed and it was quite complicate to replay to some questions. She said that is also important to consider how to link this project with Sectoral Skills Councils.

JS said that this shows that it is better to work on the basis of interviews than just questionnaire. Face to face contacts might be more efficient. He suggested revising working methods for future activities. This time he believes in the success of the project because of strong involvement and enthusiasm of experts but this may not be a case with future projects.

TD asked employers whether they consider extending in the future this project for other categories.

AD said that it is too early to think about it at this stage. She would prefer to wait for results of EU initiative on Skills Councils.

5. PREPARATION OF THE AGENDA OF THE UPCOMING PLENARY MEETING

Social partners **decided** to include the following items in the Agenda of next Plenary meeting:

¹ http://ec.europa.eu/culture/news/news1904_en.htm

- Final Report from TTT Forum and project
- Update on South European project
- Feedback fro Risk Assessment WG
- Financial crisis – update
- Culture Forum and Agenda – feedback and step forwards (speaker from DG EAC)
- Draft Working program for 2010

6. **AOB**

There were no issues discussed under AOB item.

Meeting of the newly created Working Group on Risk Assessment (RA WG)

1. **ROUND TABLES OF INTRODUCTIONS**

(see the attached list of participants)

2. **REVIEW OF THE DRAFT MANDATE OF THE WORKING GROUP**

No new proposals were submitted at this stage.

3. **FOCUS ON THE NETHERLANDS – REIN DOUZE, ASSOCIATION OF PERFORMING ARTS IN THE NETHERLANDS TO PRESENT THE DUTCH RISK ASSESSMENT TOOL FOR THE PERFORMING ARTS**

Mr Rein DOUZE (RD) presented the Dutch Risk Assessment Tool for the live performing arts (see presentation in *Annex II*). An example of an Arbo catalogue is available on www.sociaalfondsorkesten.nl. The digital tool to identify and evaluate risks for live performance is available on www.arbopodium.nl. This tool is voluntary and its use requires a fee. In Netherlands a basic risk assessment should be done by every employer who is free to use any tool available on the market (or to produce the one for its own needs). There is also an obligation to prepare a production risk assessment tool if you go with your performance outside of your usual business place.

In the discussion that followed, TD asked who is responsible for safety of self-employed artists. RD said that if the artist does something on his own then he is responsible for safety standards. If self-employed receives clear instruction from manager of opera (theatre etc) then the manager is responsible for the safety of a self employed person.

DM asked why you have to pay for the tool. RD answered that it was very expensive to prepare this tool (developed by independent experts on the basis of ARBO tool). The amount of fee is very reasonable and on the other hand the safety and health of employees should be considered as very important, despite of the price for the tool.

4. ROUND TABLE OF EXPERIENCE FROM EACH SIDE OF THE EXPERT DELEGATES ON THE PRACTICES IN THE AREA OF RISK ASSESSMENT IN THE LIVE PERFORMANCE SECTOR IN THEIR COUNTRY

Representatives of Working Group on Risk assessment from the employers' side: Mr Keijo KOLI (Finland), Mr Mark BISEART (Belgium) and from the workers' side: Marten GUNNARTZ (Sweden), Diane BAXTER (UK) and Willy DONAGHY (UK) presented national practices on risk assessment in the live performance sector.

Marten GUNNARTZ said that he is the only trade unions representative chosen to control the safety issues in the work place around Sweden. He said that issues of safety in Sweden are not a subject of bilateral negotiations. Everything is regulated by law which is strict and has to be followed (see info about legislation here: <http://www.av.se/inenglish/lawandjustice/workact/>). He believes that safety issues are well treated in Sweden.

Keijo KOLI presented a Risk Assessment paper prepared together with insurance company some years ago. There is for example a checklist that you have to go through before every new performance.

Mark BISAERT said that in Belgium there is a technical regulation called ARAB that specifies the security measures that have to be used in theatres and other live performance venues. ARAB has a broader scope than live performance sector, but it includes also some provisions specific for the sector. There is also some separate legislation concerning for example fire prevention and working hours (which differs from sector to sector as it is based on collective agreements in place). He recognises that there is a certain problem with ARAB regulation which is nowadays too old and does not take into account new risks and dangers that may arrive on the stage. There is also a problem with working time regulation, which differs between Belgium and Netherlands, for example. Performers from Netherlands have different working time arrangements and there is a dilemma which arrangement should be applied in case of mobility of artists. Therefore he is in favour of EU-level instrument that can facilitate mobility and a better understanding of safety issues across Europe.

Diane BAXTER and Willy DONAGHY presented a situation in UK where health and safety issues are regulated by the special Executive Body responsible for the implementation of legislation. All employers' organisations have a responsibility to take into account H&S issues. Smaller organisations do it on their own, bigger one hire an expert responsible for risk assessment and H&S at work place. There is a wide variety of different H&S standards which poses serious problems, even within one institution such as London Theatre for example, the standards vary. Musicians unions try to impose certain level of H&S on their employers but it's quite difficult as there are different groups of employers (e.g. theatres and orchestras). In the regions situation is even more different, there is a local executive authority responsible for H&S with legal statutory rights, which has a very important role in ensuring that H&S issues are in place. There were several dangerous accidents noted in the regions, for example two exactly the same accidents in the same working place. This proves that H&S issues are not always carefully taken into account by managers. Thus trade unions created a working group that worked on the Code of Conduct on the basis of existing best practices. There is also a Theatre Safe and Healthy Committee that associates technical organisations, various interest groups and employers. They developed some documentation on the management of accidents and risks. The group monitors accidents and check trends (e.g. is the

accident associated with new technologies?). At the moment this document is not obligatory but it will be incorporated in the future into the collective agreement via which it will form a part of every individual labour contract (see *Annex III*, or link: <http://www.hse.gov.uk/pubns/indg163.pdf>).

5. DISCUSSION ON THE NEXT STEPS FOR THE GROUP AND HOW IT SHOULD SHAPE ITS WORK

After presentation of national practices social partners discussed the way forward. **It was decided:**

- to share national practices through presentations from different member states during next meetings;
- to study in more detail the Dutch tool and Finnish questionnaire
- to address the issue of H&S during the Southern European conference in February 2010.
- to consider whether there are patterns and practices available in Member States that could be used as a source across the EU by social partners

Secretariats will coordinate in order to organise further steps.

6. DATE AND TIMING OF THE NEXT MEETING

Next Risk Assessment WG (RA WG) will take place in January 2010 and will be organised on the same day as the general WG meeting of the Committee. It **was decided** that the RA WG will meet between 9.30 and 11.30. Preparatory meeting for the general WG will take place between 11.30 and 12.30 and the joint session will start at 14.30. If in practice this schedule turns out to be too tight, new arrangements will be discussed (for example a possibility to organise a separate ad hoc meeting of RA WG).

7. AOB

There were no issues discussed under AOB item.

Annexes attached as pdf files:

- I. Ongoing activities in the field of employment and social policy (03.06.2009)
- II. PPT presentation of Mr Rein DOUZE (Dutch RA tool)
- III. UK example – H&S Executive *Five Steps to Risk Assessment*

Annex: List of participants 15.10.2009

<p><u>Employers</u></p> <p>Pearle* Mr Mark BISEART (BE) Ms Anita DEBAERE (BE) Mr Rein DOUZE (NL) Mr Keijo KOLI (FI) Ms Caterina PASQUI (BE)</p> <p>5 employers (2 women, 3 men) (0 new MS, 5 old MS)</p>	<p><u>Workers</u></p> <p>MEI Mr Wiliam DONAGHY (UK) Mr Johannes STUDINGER (BE)</p> <p>FIA Mr Marten GUNNARTZ (SE) Ms Dearbhal MURPHY (BE)</p> <p>FIM Ms Diane BAXTER (UK) Mr Thomas DAYAN (FR)</p> <p>6 workers (2 women, 4 men) (0 new MS, 6 old MS)</p>
<p><u>European Commission</u></p> <p>Ms Beata SASINOWSKA (DG EMPL F/1)</p>	

Next meeting: Plenary Session – 9 November 2009