

SECTORAL SOCIAL DIALOGUE COMMITTEE FOR MARITIME TRANSPORT

1 MARCH 2018

DRAFT MINUTES

Chair: Mr George Koltsidopoulos

1. APPROVAL OF THE DRAFT AGENDA

The SSDC approved the draft agenda for the SSDC meeting of 21.12.2017, although with some changes in the order of the points.

2. APPROVAL OF THE MINUTES OF THE SSDC MEETING OF 22.12.2017

The SSDC approved the minutes of the SSDC meeting of 27.06.2017 (a small change will be introduced).

3. MATTERS ARISING

a. Health and safety

I. Review of Directive 92/29/EC (medical assistance on board)

ECSA indicated that it attended, on behalf of BusinessEurope, the expert working group in January, where ETF could not be represented. Other meetings were foreseen for March and April.

ECSA explained the limited mandate given to the expert working group by the Advisory Committee for Safety and Health at work (ACSH) – that is to consider only technical non-substantial amendments to the Directive's annexes. It said that it had considered that the articles of the Directive – and not only the Annexes – should be amended. However, given the limitations of the current revision, ECSA considered that it was important to use the opportunity to already try to make important changes to the Annexes by updating them and establishing a more risk-based approach.

ETF made reference to a draft set of guiding principles that had been prepared by ECSA. It did not consider it acceptable for a joint position; the review of the directive should be an opportunity not only to maintain EU standards but improve them. ETF wondered why it was only possible to deal with the technical annexes of the Directive, while in fact new developments (telemedicine for example) suggest that the text of the whole Directive should be addressed. ETF stressed that currently deaths at sea are twenty times that of shore-based occupations.

ECSA recalled that the Commission was clear on the fact that for the time being what is on the table are the technical revisions of the annexes, although the Commission took

note on the fact that this particular Directive would need more than just amendments to the annexes. The Advisory Committee on Health and Safety at work (ACSH) had to agree an opinion in its plenary in May in order for the Commission to then propose the technical adaptations after the summer for approval through comitology before the end of the year.

ETF took note of ECSA's explanations and suggested to work on the annexes while at the same time calling jointly on the Commission for a more thorough revision of the Directive.

II. Follow up of the Health and Safety report (3rd pillar of the IPWP project)

The OSHA representative, Ms O'Brien, presented the main future initiatives of her Agency in relation to health. OSHA is about to launch in April a campaign on occupational exposures to dangerous substances, based on the fact that cancers, in Europe, are unfortunately increasing. Ms O'Brien pointed out the 5 strategic objectives of the roadmap on carcinogens (raising awareness; promoting risk-awareness; targeting groups of workers with specific needs; dangerous substances and managing dangerous substances) and that the key message is to work together to address and tackle risks from dangerous substances.

She also indicated that OSHA just finished a study on fumigation of containers for the SSDC on ports.

She also pointed out to the Healthy workplace Summit of November 2019 and that the next campaign will be on musculo-skeletal disorders.

ECSA welcomed the presentation and referred to the report drawn up as part of the IPWP project which looked into the implementation of the EU OHS acquis in shipping and identified some interesting best practices. This report also recommended the creation of a platform for exchanges of good practices in this field - and ECSA therefore asked OSHA if it could assist ECSA and ETF in working towards this aim.

Ms O'Brien stressed that the OSHA governing board was responsible for deciding on a multiannual work programme. Hence her suggestion to ETF and ECSA to consider approaching that tripartite body well in advance in case they wish to get a particular action in the agency's budget. She also stressed that there are a number of budget neutral initiatives where Social Partners could progress their H&S agenda in cooperation with OSHA. Ms O'Brien also reminded that OSHA is a network organisation, with a tripartite "focal point" in each Member State to cascade its action by permitting a greater sharing of information; hence her suggestion to ETF and ECSA to make use of this extensive network to give visibility to their work on H&S related-issues.

ETF agreed that social partners should work with OSHA to follow up on the health and safety report and to further investigate best practices of better standards.

OSHA again referred to the positive example of the ports' sector, which was able to cooperate with the OSHA's tripartite body; likewise, OSHA could certainly promote the report of the social partners.

ETF and ECSA agreed to look at ways of cooperating further with OSHA and entrusted the Secretariats with the task of exploring these opportunities.

b. Education, training and certification of seafarers (STCW matters): update on state of play further to Commission Staff Working document on the REFIT evaluation of Directive 2008/106 on the minimum level of training of seafarers and Directive 2005/45/EC on the mutual recognition of seafarers' certificates by Member States and the various consultation exercise and discussion on ideas being proposed

The representative of DG MOVE (P. Lamprianidis) indicated that the consultation period was over and that the Commission's intention was to align the current Directive to the new amendments to the STCW Convention.

ECSA welcomed this initiative, (two Directives in one) and also the mechanism to integrate faster the amendments to the Convention. ECSA drew attention on the potential implications of possible proposals to introduce a discussion among the Member States on new requests to recognize third countries.

ETF welcomed the initiative and highlighted the importance of an efficient use of the European resources by aiming primarily to better training for the European seafarers. Recognition of third countries should take place only when the country fulfils the STCW Convention requirements and that only the major labour supply countries should be recognised and not every single country the shipowners requested. This just exacerbated the aim of training and employment European seafarers.

DG MOVE highlighted the fact that an important Workshop would have taken place on 6 March.

c. Directive on transparent and predictable Working Conditions

DG EMPL's representative (Paloma Garcia Garcia) indicated that the proposal was adopted by the Commission in December 2017 and that now it was at the level of the Council. The Directive implements the Pillar of Social Rights and it follows the two-stage consultation process of the social partners foreseen by the Treaty.

She further added that the Commission proposal aims at limiting the possibility to exclude workers from the protection of the Directive by aligning its personal scope to the notion of worker in the case-law of the European Court of Justice. The proposal sets new information to be provided in writing and establishes some new minimum rights such as a limit to the length of probationary periods to 6 months, a ban on exclusivity clauses or a right to predictability of work. The proposal also includes enforcement provisions to better enforce those rights. The Council is expected to adopt a general approach in June. She further explained that Chapter II of the proposal applies to seafarers without prejudice to Directive 2009/13/EC and that the rest of the chapters will apply to seafarers.

ETF felt reassured by these developments but asked how this new proposal relates to the Maritime Labour Convention (MLC) in order to avoid duplication, confusion and additional burden whilst not excluding seafarers from any additional rights being made available to shore based workers. For ETF it is clear that MLC is a minimum, not a maximum and should be continuously improved and as such the MLC should not be used as an excuse not to enhance seafarers' rights in Europe. Rather the Social Partners should be taking improvements agreed at European level to the ILO and arguing for their inclusion in the MLC

ECSA referred back to the responses to the two stage consultations of social partners ahead of the proposal. It noted that unfortunately this proposal does not reflect the call made in such replies to ensure that the *lex specialis* applies to seafarers –it noted that although article 1.7 there is a recognition of the *lex specialis* – the social partners' agreement implementing the MLC (Directive 2009/13) it noted that the wording chosen by the commission entails that both legal frameworks in the *lex specialis* and this directive would apply. ECSA also raised concerns about specific articles in the directive – Article 3.2n obligation to provide information; Article 5 the maximum (of 6 months) probationary period and Article 9 On minimum predictability of work given that seafarers may be call upon to replace workers on sick leave given a vessel needs to be always fully crewed to operate and are given compensatory time in lieu.

DG EMPL replied that the provision on minimum predictability of work will only apply to seafarers whose schedule is mostly variable and mostly determined by the employer. She also said that B2 Unit will be happy to further help them with any specific questions.

4. REPORT ITEMS

a. Skills and Career Development in the Shipping sector: presentation of the project application on a Blueprint for a sectoral cooperation on skills

ETF confirmed that the joint application was sent to the Commission. The Commission should send its response (hopefully positive) by August and, then, work for the social partners should start in January 2019.

b. Home Affairs files affecting seafarers/shipping companies: update on the Modernisation of Visa Policy

ECSA indicated that the revised proposal of the Commission should be adopted by mid-March and that the social partners will monitor this document; the social partners confirmed that they intend to prepare a joint submission on this file, particularly on the visa application.

c. Reduction of administrative burdens on seafarers and ship-owners

The IT representative of ECSA said that ECSA wants to work with ETF to forge a common position, once the new proposal of the Commission will be adopted in Spring. ETF concurred on this.

d. Commission study on the implementation of responsibilities of labour supplying countries pursuant to the MLC, 2006

DG MOVE's representative (S. Ekwall) indicated that the Commission will come with a report by the end of the year. The starting point will be the study, adopted in 2016 but the Commission will not restrict itself to the consultant's view since it will also integrate a strong social dimension element.

DG MOVE favoured some bilateral discussions with the social partners on this incoming Commission's report.

e. Women in SHIPPING and Platform for Change: exchange of information and possible follow-up

ECSA's presentation highlighted the fact that in the maritime transport there is a positive trend, (6, 9% of the officers ' trainees are female) in the gender issue, strengthened by the fact that in DE, for instance, there is a slight increase of female seafarers.

In relation to life on board, there are no distinction of any kind between women and men and there is equal pay. Bullying and harassment are not a gender problem, in fact they are a matter of leadership.

The DK representative of ECSA pointed on incoming initiatives in DK: her organisation is launching a campaign for women (girls at sea); it will start in April and will last for three months. Other countries have done it, such as UK or Norway. The campaign will indicate that more women are needed and will look into the matter of recruitment. A survey will be launched as well and will look for the right tools to fight against harassment.

The MT representative of ECSA indicated that also in her country the issue of seeing why not so many women go to the maritime transport sector is investigated. In UK, a maritime task-force on female participation has been set up, chaired by the responsible UK Minister.

ETF pointed out that creating better working conditions in general would also benefit women. Role models are needed and issues such as medical provisions for women, maternity and paternity leave, communication on board, adequate uniforms and protective equipment, and advice on career transitions should be improved.

A short video on Sea to sea was shown during the SSDC's meeting: it was considered by both ETF and ECSA as a good initiative.

The CR member of ETF said that campaigns against harassment of women seafarers, and to increase the number of women onboard are definitely needed, since 3 out of 8 female members of the union reported being harassed, and for many captains the solution not to hire women seems the easiest and this is not acceptable.

The FR member of ETF pointed to a French report which indicates that 36% of women declare that they have been harassed and that the ship-owners have completely ignored some cases of harassment and rape.

5. DATES OF THE NEXT SSDC MEETINGS

The next SSDC meetings will take place on Monday 25.06.2018 and on Tuesday 9 October 2018.