

Sectoral Social Dialogue Committee for Ports

Plenary meeting, 27 November 2017

1. and 2. Adoption of the agenda and adoption of the report of the previous meeting

The agenda was adopted as were the minutes of the previous meeting that took place on 1 March 2017. The chair welcomed the relaunch of this SSDC after 1 meeting and a half of suspension.

He added that it was time now to move towards common positions and joint commitments from both sides of the industry, in a constructive manner.

3. Update on EU-OSHA study on fumigation of containers

It was indicated that the study of OSHA is nearly finished and that it should include good practices on the matter.

OSHA made a presentation on health risks and prevention practices during the handling of fumigated containers in ports. Containers are fumigated to protect them (i.e. from the insects). Main relevant fumigants are phosphine and methyl bromide and they might have bad effects on health and safety.

Among the most potentially exposed workers are those working during fumigation and those stuffing and stripping containers. OSHA indicated that so far no fatalities have been reported, but several reports describe adverse health effects on workers due to the opening and unloading operations.

The strategy of preserving health has to be based on risk assessments and also on preventive actions, such as the identification of fumigated containers and, where required, monitoring equipment. OSHA concluded by saying that the problem of fumigation is probably underestimated (fumigated containers are almost never labelled).

OSHA shared some recommendations and procedures for control measures that should be developed: containers should not be opened until the risk assessment concludes that it is safe; a standardized screening/monitoring procedure for containers arriving at European harbours should be followed; relevant regulations regarding labelling should be enforced.

FEPOR indicated that guidelines for (small) terminals from social partners could be useful and that shippers have to provide precise information. FEPOR stressed that upstream, and accurate, information on potential risks is essential for terminals. There must be a balance between constraints stemming from regulations and health and safety.

On the three key recommendations, FEPOR added that the most relevant is the one on enforcement of relevant regulations. The main question is how to involve the concerned stakeholders, bearing in mind that the employers of the SSDC on ports do not usually have direct contact with the content of a container.

ETF stressed that labelling, as foreseen by IMO, should be mandatory and that education should be ensured for the concerned people in the South-East part of Asia and in Africa.

The NL member of ETF raised the issue how to deal with this problem at the level of the European Social Dialogue, also taking account of the competition's impact.

The Chair acknowledged the importance of health and safety and also of the need of a level playing field.

FEPOR added that competition between ports exists but terminals do not compete on health and safety. Rules are there and have to be applied.

IDC indicated that rules have to be followed not only in the ports, but also when it comes to the final destination. At European and national level, there is the need to act as well at the level of the social partners.

FEPOR pointed out that a joint letter should be prepared, detailing a list of requests to be addressed at the appropriate level and bearing in mind that the matter does not concern only the port sector, but also other actors in the logistic chain well beyond the ports.

ETF and the Chair indicated that involving shippers, particularly in the Far East, is crucial because they fill and fumigate inbound containers.

IDC agreed on the proposal, restating that also the social partners should take their responsibilities seriously; indeed, the shippers when they are not fulfilling their tasks, should be penalized. The Commission, in one of its existing fora, should come up with an initiative on the overall issue of fumigation.

The NL member of ETF agreed with the proposal of pushing for an action plan related to the whole transport chain, suggesting that for example green subsidies for importers should be under condition of the proper implementation of the health and safety regulations and social dialogue in place.

FEPOR, while reminding it has supported work on this issue already for four years, stressed that the completion of OSHA's study on fumigation is very positive action by the SSDC. The Commission noted that this was a good achievement of the social partners via the SSDC.

OSHA is about to finalise its report and the social partners, if they so wish, social partners can send OSHA concrete examples of best practices.

The Chair concluded by saying that a road map for the next steps of this issue should be prepared on the basis of a precise calendar.

4. Update on project: “*The changing face of ports: socio-economic impact of market-based and technological developments on EU ports*”

ETF indicated that the technological and market-based developments in the port sector, (e.g. shipping company mergers and alliances, growing size of ships) have an

impact on socio-economic dimension of ports. The earlier study on mega-ships triggered the discussion on this issue, and the current joint project is focused on researching this topic further.

The study will be aimed at reviewing the existing literature on ports and maritime transport sectors in order to outline the main trends in these sectors. It will also include an empirical research based on analysis of selected European ports.

The ultimate goal is to obtain "models" showing the impact of various changes occurring in maritime transport for each group of ports analysed.

The consultant, together with the project's steering group, will choose some terminals of small, medium and large size in order to ensure representativeness. The list of ports will be finalised in the coming days, while ETF reminded that the study will be concluded by a final Conference, foreseen for the end of 2018.

5. Socio-economic impact of foreign direct investments on EU ports: discussion with DG MOVE

ETF introduced this point, indicating that it had internal discussions on the issue of the impact of foreign direct investment (FDI) on ports and that it is eager to discuss it with Social Partners and DG MOVE. ETF's objective is therefore to launch the discussion in order to assess what the state of play in Europe is.

FEPOR concurred on the fact that FDI is a major element of discussion and that a good compromise/balance between the facilitating legitimate investments whilst ensuring that European strategic interests are not undermined through strategic FDI from third countries has to be found.

IDC reiterated the case of the port of Piraeus, for which an official complaint on unlawful state aid was submitted (SA 28876 (2012/C)).

DG MOVE presented the main lines of the Commission's proposal for a Regulation of September 2017 aimed at establishing a framework for screening of FDI into the EU, and the related Communication "Welcoming Foreign Direct Investment while Protecting Essential Interests". DG MOVE, while reminding that DG TRADE is in the lead for this file, indicated that the proposal provides a policy response to protect legitimate interests with regard to FDI that raise concerns for security or public order of the Union or its Member States. The scope of the screening remains limited to likely threats to security and public order, therefore it does not concern labour issues.

The objective of the draft Regulation is to establish a framework for the Member States and in certain cases the Commission (those involving substantial EU funding), to screen FDI in the EU, while allowing Member States to take into account their individual situations and national circumstances.

DG MOVE also mentioned the work in the Connectivity Platform set up between EU and China in 2015, seeking synergies between China's OBOR and EU's TEN-T policy, as a positive force to address the whole issue, and the EU-China Maritime Transport Agreement (14th meeting held in Trieste in July 2017).

FEPOR indicated that ports have been specifically mentioned by the text of the Commission as a key element of the debate.

In relation to the Connectivity Platform, it was noted that FEPOR is a member of the Connectivity Platform.

ETF raised the idea of having a specific tool for social partners to be involved in the EU-China dialogue and asked how we can be sure that Chinese investments in Europe respect social sustainability.

The NL member of ETF raised as well the need of ensuring that in the debate the social dimension is properly included. He added that we need to be clear how to deal with the Chinese companies employing Chinese people in the European ports under Chinese health and safety rules and working conditions.

On this specific point, DG MOVE pointed out that the proposal of the Commission follows the June 2017 European Council Conclusions and the call of the European Parliament in its Resolution of 5 July 2017, and, in any case, it is a fundamental obligation that all foreign investors in the EU comply with applicable EU and national laws.

IDC indicated that the most blatant case was the one of Greece where a private Chinese company has destroyed the existing socio-economic model.

It would be important to refer not only to the issue of national security but also to the issue of a social model, and there should be a social clause in FDIs to address this issue.

ETF agreed on this point, adding that the reciprocity principle should definitely include the necessity of respecting by everybody the European social standards.

For the ES member of ETF, safety and public order should indeed be linked to labour law.

The DE member of ETF indicated that we should refer to the social clause and the social impact, also in view of the aggressive policy of China. We should also consider whether a country like China, without democratic standards, will respect such standards in Europe.

FEPOR indicated that China should not crystalize our focus and that we should rather develop a common strategy, particularly in relation to the rules of FDI for the future. FEPOR also stressed that its members are respecting workers' rights in accordance with the legislation that is applicable in the country where they carry out their activities.

Europeans are not only victims and indeed, rules must be respected by everyone.

ETF said that there is a problem with China and that it calls for a strategy vis-à-vis third countries. Chinese companies are also active in the shipping market. ETF wondered if common points and concerns could be raised also with other sectoral Social Dialogue Committees.

FEPOR concluded by saying that its position still needs to be finalized on this issue and that, in any case, EU legislation must be applied by everyone. The role of the Commission and Member States is to ensure this is the case.

6. Safety on board of ships: update and way forward

As an introductory remark, DG MOVE indicated that in relation to Directive 2001/96/EC establishing harmonised requirements and procedures for the safe loading and unloading of bulk carriers, a workshop with EMSA in Lisbon was going to be held later on that day.

FEPOR stressed the objective in this matter is to ensure that Directive 2001/96/EC has been successfully transposed into national law in the various Member States.

IDC indicated that there is a strong need to accelerate on this matter, since mortal accidents are still happening (in Le Havre in 2012 and in London in 2017, to name two). A new meeting with ECSA seems necessary. IDC explained in detail how the accidents took place and added that there were due to the ship's design.

DG MOVE noted that if the check-list included in the Directive would have been properly followed, these terrible accidents would not have taken place.

FEPOR indicated that an expansion a mandatory ship/shore safety checklist is needed for other vessel types, while the DE member of ETF declared that while ports can be unsafe places of work for dockers, this is a matter on which the social partners could document the situation.

The BE member of ETF added that checklists should be constantly adapted to very changeable situations. In addition, there is a lot of pressure put on dockers to unload the ships fast.

FEPOR concluded by saying that a small working group of both social partners will be set up to move forward on this issue, also linking it to the discussion on the Bulk Directive.

7. Presentation of the report on 'Violence against women at work in transport'

The BE Member of ETF presented the key findings of the report, highlighting the alarming evidence of high levels of violence against women transport workers across Europe. The perpetrators are the customers, the colleagues and the managers. More than one fifth of the respondents stated that they had to bear multiple examples of violence.

The main conclusion is that violence against women is widespread and it is a growing problem in the transport service.

The Chair acknowledged that the problem is probably underestimated.

The BG member of ETF reminded about the project undertaken by them on "Zero tolerance to violence harassment".

FEPORIT indicated that it fully supports this initiative and fight and that it stands ready to move more on this issue; it highlighted the importance of the ILO's Convention on the matter.

ETF announced that it will send to the Social Partners a draft proposal for a joint statement on this topic in the following days. The work on women in ports should be also resumed by following up with the Social Partners' Recommendations on Women's Employment in the Port Sector.

8. Women in Transport Campaign

DG MOVE (G.Bergot) indicated that the objective of the *Women in Transport - EU Platform for change* that will be launched today (27 November 2017) is to strengthen women's employment and equal opportunities for women and men in the transport sector thanks to the actions brought about by the Platform members. It will also serve as a forum to discuss and exchange good practices.

The Platform will address gender equality, but will link it also to competitiveness in the sector, demonstrating that this is a win-win situation.

The Platform intends to be action-oriented and the Commission acts only as the Secretariat.

Among the founding members of the Platform, there are the EESC, the European Parliament and the Council, plus a few Member States (ES, HR, SE and AT) as well as some EU social partner's organisations, which are intended to have quite an active role, such as ECSA, ESPO, FEPORIT, ETF, UITP.

ETF indicated that it is working on this topic and that it considers this initiative very positive. More efforts are needed though, since in the transport sector there is still a predominant male culture. In fact, bullying and harassment are undermining the attractiveness of the sector for women. However, the Platform's approach to automation and digitalisation as a way to increase women employment has to be treated with caution. That is why ETF hesitated before joining and supporting the Commission's initiative. ETF added that digitalisation will not necessarily create more jobs for women, possibly the contrary.

FEPORIT indicated that we should move from a joint statement to an action plan.

The Chair noted that technological evolution will continue, we cannot really stop it and it will, of course, change work.

9. Any other business

To note that on the ETF side, Mike Gibbons, the current VP of the Committee informed that this was his last meeting with this SSDC. He insisted on the need to keep the workers strongly involved in the strategic plans led by DG MOVE. He also insisted on the positive and effective work undertaken by the social partners.

The foreseen meetings of the SSDC for ports for 2018 are: Thursday 7 March, Wednesday 4 July and Wednesday 7 November.