

## **Sectoral Social Dialogue Committee for Ports**

**Working group meeting, 7 March 2016**

### **1 and 2. Adoption of the agenda and of the minutes of the previous meeting (9 December 2015)**

The agenda of the meeting is adopted as are the minutes of the previous meeting. The Belgian delegation wants to add to the minutes that due to the lethal accident in the port of Antwerp a working group has been established in which has adopted different measures as to prevent such an accident in the future.

### **3. Impact of maritime transport development and of technological changes: discussion on a draft framework for a social partners' project**

FEPOR and ETF indicated that they stand ready to draft the Terms of Reference in view of the incoming call for proposals of DG EMPL.

DG EMPL confirmed that the call for proposals (budget line 01) will be published in April and will allow the social partners to jointly submit a project.

The call's objectives should be in line with these already proposed by the Commission last year.

### **4. Safety on ships: report on the meeting with ECSA and way forward**

The social partners of the SSDC on ports informed about the outcome of the meeting that they had with ECSA on 19 February 2016.

It was decided that the social partners will aim at the inclusion of a common check list in the Annex III of the Directive 2001/96/EC. This would be a "package" comprised of several checklists which already exist in the IMSBC Code but are not referred to in Annex III of Directive 2001/96/EC.

This inclusion would have two advantages: terminals would receive accurate information and the administrative burden could be reduced, which would be a plus for the employers.

The social partners now aim at submitting a proposal to the Commission (DG MOVE) on 28 June 2016 in relation to the Annex III.

DG MOVE reminded that as indicated in the note of DG MOVE's Legal Unit, social partners should not expand the scope of the Directive. In principle, an amendment of this Annex is possible as long as such amendment is "in line with international and Community instruments which have been adopted, amended or brought into force after the adoption of this Directive, provided that the scope of this Directive is not thereby broadened".

For these reasons, it is recommended that social partners do liaise and cooperate with DG MOVE on the exact content and wording of the suggested changes of the Annex, so that the Commission can support the proposed modified text of the Annex.

FEPOR confirmed this line, adding that alignment between international and European legislation is important, and it has to be understood that social partners are just working to ensure that European practices are coherent with international law.

The social partners indicated that there is consensus among them to introduce in the Annex the ship shore health and safety check-list, amongst others, and to make sure that it becomes binding, thus the need to incorporate it in the Annex.

IDC said that in fact the introduction of the check-list cannot solve all the problems and dialogue with maritime and terrestrial actors also is important. When a boat arrives in a port, dockers must know what is the working equipment required to carry out their duties in a safe manner. Reference is also made to the creation of an EU wide database of safety hazards on board of vessels.

FEPOR showed some openness towards IDC's position.

The Chair reminded that nevertheless the social partners should remain in the scope of the Directive, otherwise it will not be possible to go for a binding result.

In any case, the social partners indicated that the next meeting with ECSA is already planned: it will take place on 26 May.

FEPOR suggested to call in the debate the EMSA's Agency which could help when it comes to safety control; EMSA would be ready to provide information on this issue.

## **5. Fumigation of containers: EU-OSHA presentation on the ongoing study**

### **Fumigation and exposure to toxic gases:**

#### **a. Information on the EU-OSHA project**

Mrs O'Brien from OSHA reminded that there has been a request from the social partners of the ports' sector to carry out a study on the exposition to fumigants including some recommendations on how such risks can be minimized.

In relation to the involvement of the social partners, she particularly mentioned the following points:

- how to keep the members updated during the research
- how SSDC can participate in the promotion and communication
- possible involvement in the Healthy Workplaces Campaign

FEPOR indicated it wishes to be directly involved with OSHA's work and also mentioned the importance of both European and international legislation.

Mrs O'Brien confirmed that the terms of reference of the study still need to be launched but that she is happy to share them in due time with the social partners.

IDC finally indicated that it is important to deal with fumigation but also with toxic gases.

In relation to the international dimension, FEPOR confirmed that China has, indeed, to comply with the international legislation (IMO's level). FEPOR stressed that this issue can best be resolved by the proper enforcement of existing international legislation.

Mrs O'Brien announced that the next campaign on health and safety will be launched on 14 April 2016, the theme being "Healthy ageing in the work places". Both the Deputy NL Minister for Social affairs and Commissioner THYSSEN will take part to the launch of this campaign.

## **6. EU portraits**

After a presentation from the consultant on the state of play of the project, the social partners made some questions and comments. Among these comments, some pointed out (particularly the DE and ES trade unions) that not all relevant actors have been consulted during the workshops organised by the project in the 7 Member States.

DG MOVE reminded that in 2015 the project was amended especially to align the scope of the project to the needs and priorities of the social partners. The project was already extended to 6 months and will thus finish at the end of 2016. The project leader also indicated that the study was in fact an open document and that social partners can still express their needs and the project will take them into account.

FEPOR indicated that when it comes to training, port operators and terminals are not eager to disclose their information, since companies are also competing through the training they provide to their employees. Besides, for the sake of accuracy and transparency, FEPOR stated that it was important to acknowledge the fact that if EU Portraits has slowed down, it is because it was started before the European Social Dialogue for Ports was actually launched. Social partners did not have the opportunity to decide upon the topics which required additional technical support. Now that the scope of the study has been discussed and redefined in cooperation with social partners, FEPOR members are certainly willing to participate to the study.

IDC also insisted on their autonomy both when it comes to the choice of the themes and on the timing of their discussions.

IDC added that the study came much too early and that time is needed to organize its contribution. DG MOVE reminded that time was already given to the social partners and that it was ready to allow them some more time to complete their contributions.

The Spanish and the Belgian delegation draw the attention to the negative experiences they have with studies funded by the European Commission.

The Chair concluded by strongly recommending to the social partners to contribute to the study, in order to make it profitable for them and for all the parties involved. A questionnaire, extending the scope of the project beyond the current 7 Member States, with the help of the social partners, will be circulated by DG MOVE and discussed with the social partners.

## **7. AOB**

Next meeting of the SSDC for ports will take place on 28 June 2016.