



## 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 21.11.2008**

**Chair:** Ms A. DEBAERE (PEARLE- employers).

**1. Approval of the agenda**

Agenda was **approved** without any changes.

**2. Approval of the minutes of the last meeting (25.09.2008)**

The minutes of the last working group meeting were **approved**.

**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. She informed about main events for 2008, from recent policy developments she highlighted in particular the Reconciliation package. She informed also about discussions that took place during the cross-industry Social Dialogue Committee on 12 November 2008, and reported on the ongoing negotiations on parental leave. Details about ongoing activities in the field of employment and social policy presented at the meeting are included in *Annex I*.

**4. Project Proposal – Mediterranean Capacity Building Project**

Thomas DAYAN (TD) presented the proposal of the next possible enlargement project promoting social dialogue in Mediterranean area. Details of the proposal are included in *Annex II*.

Anita DEBAERE (AD) said that she has not received a full feedback on the proposal from her members. However, she suggested discussing the number of countries (and which countries) to be involved in the project. She stressed the importance of verifying the real need for promotion of social dialogue in the countries chosen for the project.

Liesbeth DEJONGHE (LD) suggested refreshing the study from 2004 on the situation of social dialogue in the countries proposed in the project.

BS reminded the social partners the rules of eligibility of projects for the Commission financing, underlying that the Commission may cover only costs of countries that have already the status of Candidate Countries (these are Turkey, Former Republic of Macedonia and Croatia). Some of the countries proposed in the project proposal do not have status of Candidate Countries yet (e.g. Serbia).

In the discussion that followed social partners considered which countries (and under which) the project should address. It was remarked that in general the outline of the project (*Annex II*) presents a good basis to be proposed for further discussion at the Plenary Session. However, the project proposal should include also a preparatory phase on the situation of social dialogue in the countries chosen to the project. Social partners identified the following countries to be involved: 3 Candidate Countries (Turkey, Former Republic of Macedonia and Croatia), 2 new Member States (Malta, Cyprus) and 4 old Member States (Portugal, France, Italy, Greece). Involvement and status of some other new Member States in the project is still to be discussed (e.g. Slovenia, Romania, and Bulgaria). Social partners agreed that the project should include also a "follow-up" of the project.

Finally, social partners **agreed** to update the draft of project proposal according to preceding discussions and to forward updated version for the discussion at the Plenary Session in December.

## **5. European Civil Society Culture Platforms – update and discussion**

AD gave a brief update on Cultural Platforms meetings that took place recently. PEARLE is particularly involved in the works of the *Cultural and Creative Industries* platform and participates in several working groups, such as: mobility of workers, exchange in globalised world, regulatory environment on EU level (IP issues) and the biggest one - interface between creation and the industries. So far, they have found the interchange with participating organisations as very constructive. On 11 December there will take place a Plenary Session that is going to present and discuss an integrated paper. AD informed that DG Culture intends to have a good draft paper from Culture Platforms in spring 2009.

Social partners **agreed** to report further actions within the Cultural Platforms at the Plenary Session, especially to report the outcomes from the upcoming (11 December) plenary session of European Civil Society Culture Platforms.

## **6. Health and Safety Guidelines – discussion on ways forward:**

DM underlined that FIA Guidelines were drew up on a basis of strong consensus between its members. She proposed few ways of moving forward this subject within this Committee:

- to look into the possibility of preparing a study (e.g. project financed by the Commission) which will look into the nature and frequency of injuries in the sector
- to reconsider the thematic areas to be addressed
- to cooperate with two European agencies working in the field of health and safety, this is Dublin Foundation and Bilbao Agency

AD asked workers to clarify the direction they wish to move with this topic and to put their ideas on paper, especially to be clear about what kind of support/cooperation will be needed from 2 agencies in question.

The workers **agreed** to discuss the issue within secretariat and to forward to employers a plan for further actions in this area drawing on the guidelines. It was agreed to get in contact with representatives from Dublin and Bilbao Agencies, if possible for the Plenary Session, or any other meeting in 2009.

## **7. Preparation for Plenary Session in December: other issues**

### **a) right to collective organisation of freelance/independent workers**

Dearbhal MURPHY (DM) explained that there is a big need for discussion in this field, especially in the context of Green Paper on labour law and in the framework of flexicurity. The problems of status of independent workers are increasingly rising, because of clash between rules

on competition and right to create and join the collective negotiations. Details of proposal for discussion on this topic are included in Annex III.

AD said that she couldn't get into details of proposal, as she received paper just few days before the meeting. She would like to clarify what is the current state of discussions on Green Paper within the Commission before moving forward with the subject.

It was **agreed** to discuss this subject at the Plenary Session, after receiving updated information from the Commission on the state of internal discussions on the subject.

#### **b) visas and work permits for performers travelling to USA**

AD informed that the Commission has not sent its answer to the letter yet. Updated feedback from DG Justice is therefore needed. She also informed that there are ongoing consultations in DG Justice on the views for future policy directions for the next 3 years. She believes that the problem of travelling performers should be included in their future policies.

At the Plenary Session social partners will receive an update from representative of DG Justice.

#### **c) other issues**

It was **agreed** that the following items will be discussed at the Plenary Session:

- Project proposal – Mediterranean Capacity Building Project
- Civil Society Platforms
- Health and Safety Guidelines
- Theatre Training Project

After further discussion (and suggestion from Mr Carlos PONCE) it **was agreed** to add the point on social status of workers in the performing arts sector: discussion on possible joint action.

### **8. Exchange of views on the Committee Working Program for 2009**

Social partners reviewed their 3-years Work Program for 2007-2009 (attached to minutes as Annex IV) in order to update it for the year 2009. The following **was agreed**:

- 1) to change bullet point 1 in WP for: Southern European capacity-building projects;
- 2) to change bullet point 2 in WP for: Theatre Technical Projects;
- 3) to keep bullet point 3 in WP unchanged;
- 4) to keep bullet point 4 in WP unchanged;
- 5) to precise bullet point 5 in WP and to include also discussions on third-country nationals travelling to Europe in the scope of topic on mobility of workers in the performing arts sector;
- 6) to delete bullet point 6 in WP, as the paper on Noise Directive has already been adopted. The subject can be discussed if needed in 2009 under the bullet point 3 (health and safety issues);
- 7) to change bullet point 7 in WP to the following: Cultural Economy and European Year on Creativity and to add new bullet point 8: Follow up from the Communication on Culture and from the works of Culture and Creative Industries Platforms;
- 8) to delete bullet point 8, as it was decided to include it into the bullet point 5 (mobility of workers);
- 9) to change bullet point 9 in WP to the following: Copyright, neighbouring rights and other issues relevant for the EU live performance sector (not limited to digital area);
- 10) to delete bullet point 10 in WP as the joint statement on Green paper has already been adopted.

It **was agreed** that Secretariats on the basis of discussions that took place at the meeting will draft new revised WP for 2009 for acceptance at the Plenary Session.

9. **AOB**

AD asked the Commission whether the final calendar for meetings in 2009 has been already adopted.

BS replied that in 2009 there are foreseen 4 WG and 2 PL, final dates still to be decided.

Annexes attached as pdf files:

- I. Recent and ongoing activities in the field of employment and social affairs (21.11.2008)
- II. Draft Description: Conference for the Social Dialogue in the Performing Arts Sector of the Southern Europe
- III. Independents/Free-lancers/Casual/Self-Employed Workers: A theme for discussion and action in the Social Dialogue Committee on Live Performance
- IV. Social Dialogue Committee Live Performance, Work programme 2007-2009.

Annex: List of participants 21.11.2008

<p><u>Employers</u></p> <p>Ms Liesbeth DEJONGHE (Pearle*) Ms Anita DEBAERE (Pearle*)</p>	<p><u>Workers</u></p> <p><b>MEI</b> Ms Yvette BUTOYI (MEI) Mr Wiliam DONAGHY (BECTU) Mr Carlos PONCE (FES-UGT) Ms Pier VERDERIO (MEI)</p> <p><b>FIA</b> Mr Marko SIMCIC (GLOSA) Ms Dearbhal MURPHY (FIA) Ms Katalin RAKSI (SDS) Mr Matt Clarke (Equity UK)</p> <p><b>FIM</b> Ms Diane BAXTER (BMU) Mr Antony MARSCHUTZ (SNAM) Mr Thomas DAYAN (FIM)</p>
<p><u>European Commission</u></p> <p>Ms Beata SASINOWSKA (DG EMPL F/1)</p>	

*Next meeting: Plenary Session, 15 December 2008*