



EUROPEAN COMMISSION

DG Employment, Social Affairs and Inclusion

Employment and Social Legislation, Social Dialogue
Social dialogue, Industrial Relations

Brussels, 2 February 2011

**SECTORAL SOCIAL DIALOGUE
COMMITTEE
INLAND NAVIGATION**

Minutes Meeting of 24 November 2010

1. Adoption of the agenda and approval of the minutes of the previous meeting

The meeting was chaired by Mr Koning (employers). The agenda was adopted. The minutes of the previous meeting (24 September 2010) were approved.

2. Information from the Commission

The representative from DG Mobility and Transport (MOVE) reported on two documents that are currently being drafted: the White Paper for transport policy over the next decade, and the second progress report on the implementation of the NAIADES Action Programme. Social dialogue played a role in both draft documents. With regard to inland navigation, the conclusion of a specific social partner agreement on working time was given express mention here.

3. Progress on implementation of the work programme 2009-2010¹

Working time

Due to a lack of time, only point (a) (working time) was discussed. The remaining points on the agenda would be postponed to the next meeting (2 February 2011).

The participants were informed of the progress made at the drafting group meeting of 8 November. The pointers provided by the Commission representative (labour law) had been very helpful. The following issues were still open: some aspects of health and safety at work, and the large "package" on passenger vessels.

According to ETF, it was a problem that, over the years, working practices had been introduced in the passenger vessel sector which had not been monitored by the State.

¹

http://circa.europa.eu/Public/irc/empl/sectoral_social_dialogue/library?l=/inland_waterways/2010&vm=detailed&sb=Title

Now, employees were being asked to give their blessing to such practices. The previous day, ETF had drawn up new proposals with several more questions.

The Commission representative pointed out that her employment law colleagues had not yet stated their position on section 6 (seasonal work in the passenger shipping sector) because a common proposal had not yet been tabled.

The employers mentioned that the proposal did not deal with pay or compensation, but rather with maximum working times. The goal was to achieve the same overall level of protection as the general Working Time Directive.

ESO revisited the definition of working time, stating that the second sentence was supplementary information and not a definition. Outside working time there was no other period of availability (on-call time). The current formulation could however give rise to confusion and legal uncertainty. The definition of inland waterway operator was not perfect either, as there were persons who, under national law, were both an employee and an operator.

ETF urged the employers not to call into question once again the balanced text that had previously been achieved. It stated that the definitions in question had been discussed at length a long time previously and that they were compromises.

One possibility, it said, would be to address the aspect in even more detail in the recitals. It was decided that the drafting group (15 December) should make the second sentence clearer (definition of working time) and should possibly revise the recitals.

The number of hours and months (ETF proposal of 24 November) was also discussed further. The employers indicated that the period of seven months specified in point 1 was too short. It was also stated that point 6 ("All other contracts of employment shall be of indefinite duration") should be deleted. Following internal discussions, the workers indicated that points 1 and 6 should be limited to seasonal work².

ETF also submitted a proposed text on health and safety at work.

It was agreed that, as a result of the discussion, ETF would revise its proposed text by the following day before it was discussed with the passenger vessel representatives.

² Possible definitions: Definition by Eurofound:
<http://www.eurofound.europa.eu/areas/industrialrelations/dictionary/definitions/SEASONALWORK.htm>;

European Commission proposes common entry and residence conditions for third-country seasonal workers
<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/930&format=HTML&aged=0&language=EN&guiLanguage>

Participants 24.11.2010

Employers (4 ♂, 0 ♀)

EBU

Mr Koning (NL)

Mr Naaborgh (NL)

ESO

Mr Van Lancker (BE)

Mr Veldman (NL)

Workers (6 ♂, 2 ♀)

ETF

Mr Biesold (DE)

Mr Bleser (LU)

Mr Bramley (ETF)

Ms Chaffart (ETF)

Mr Jerabek (CZ)

Ms Kostova (BG)

Mr Lehninger (AT)

Mr Pauptit (NL)

European Commission

Mr Dieter (DG MOVE)

Ms Durst (DG EMPL)