

From: [REDACTED] (EMPL)
To: KAUFFMANN Barbara (EMPL); IVANKOVIC-KNEZEVIC Katarina (EMPL); GELENG Manuela (EMPL); PASERMAN Ruth (EMPL); CURELL GOTOR Jordi (EMPL)
Cc: KORTE Joost (EMPL); OLSSON Stefan (EMPL); PEREIRA Ana Carla (CAB-SCHMIT); [REDACTED] (EMPL); [REDACTED] (EMPL); [REDACTED] (EMPL); [REDACTED] (SG); [REDACTED] (EMPL); [REDACTED] (EMPL); [REDACTED] (EMPL); [REDACTED] (EMPL); [REDACTED] (EMPL); [REDACTED] (EMPL)
Subject: Flash report: Social Dialogue Committee 14/6/22
Date: lundi 20 juin 2022 14:53:07

Dear all,

With thanks to [REDACTED], please find below the Flash from the last Social Dialogue meeting of 14th June.

Best,

[REDACTED]

Flash report: Social Dialogue Committee 14/6/22

The SDC is the main body for cross-industry bi- and tripartite social dialogue at EU level. It meets 3 times a year to discuss employment and social topics.

It was the first SDC meeting since the start of the pandemic that allowed for in-person participation (hybrid format). The meeting was chaired by [REDACTED], [REDACTED].

- **2022 social dialogue initiative**

Joost Korte updated social partners on the preparations of the **2022 social dialogue initiative**.

With respect to the planned **Communication**, he mentioned the possible action proposals for strengthening EU social dialogue that received support from social partners: (1) the establishment of a network of social dialogue coordinators, (2) the information session on the Commission Work Programme shortly after its adoption, (3) the focus on the implementation of autonomous agreements in the Social Dialogue Call for Proposals, (4) the new platform for promotion and analysis of EU social dialogue, (5) the visiting programme for young future leaders of social partner organisations. On the new support framework for social partner agreements, he referred to the feedback received from social partners that they would welcome early feedback and legal advice, but that the need for an impact assessment (IA) is questioned. While referring to the better regulation tool 10, he indicated that, in his view, an IA should be avoided as much as possible but there may be cases where it is inevitable (i.e. when there are consequences for other parts of the society). Regarding the Sectoral Social Dialogue structures, he outlined the idea of introducing clusters with a view to foster cooperation on topics of common interest across several Sectoral Social Dialogue Committees (SSDCs). For the meeting organisation, he understood that it would be difficult to agree on a new approach before the adoption of the Communication, therefore, the Commission will continue to offer the current way of meeting organisation for the coming year in order to avoid any abrupt changes, and he stressed the need to continue the discussion and to explore new possibilities to ensure the long term sustainability of organising such meetings.

In their reactions, *social partners* agreed to most points of convergence as raised by the DG. However, there still remain some differences. On the supporting frame, they raised concerns about the need for any impact assessment of social partner agreements. *BusinessEurope* asked for more clarity and concrete formulations. For *SMEUnited* and *SGL Europe* a Call for Evidence (CfE) and an Open Public Consultation (OPC) would not be acceptable. According to *ETUC*, the logic of an IA (need for EU action, compare options) would not apply to social partner

agreements as EU cross-industry social partners are clearly the most representative organisations and know best matters related to working conditions. *ETUC* suggested looking for alternative ways to gather and present evidence. *Employers* raised concerns about the confusion that potential clusters may create with the role of cross-industry social partners. A top-down approach should be avoided. In this context, *ETUC* pointed to the importance of multisector outcomes. *BusinessEurope* advocated the creation of 2 new tripartite Advisory Committees on employment and social protection (as per its own proposal). *ETUC* welcomed the initiative of a social dialogue coordinator, insisting on linking those to the SDC.

On the forthcoming **Council Recommendation**, *Joost Korte* highlighted the need for unanimity in the Council and the absence of a negotiating role for the European Parliament. The Commission intends to propose an ambitious text, which could rely on the recent agreement on the Minimum Wage Directive for the part on collective bargaining. For monitoring purposes, the Commission could propose to organise a stocktaking event every 2 years. With respect to collective bargaining and procurement, some significant steps have been taken in the context of the Minimum Wage negotiations. The idea is to procure only to companies that respect collective bargaining. The Recommendation could also refer to this matter.

Social partners stressed the need for caution when referring to the Minimum Wage Directive in the context of the Recommendation since both processes are different. *SGI Europe* also enquired about the monitoring of the Recommendation (beyond the event) and called for the involvement of EMCO in this respect. *SMEUnited* insisted on the involvement of social partners in the monitoring.

On the conditionality of social dialogue, *ETUC* would welcome if the Recommendation could go a bit further by including conditionality for access to some EU instruments. The *employer* side does not agree to the proposal of conditionality in public procurement, since it is important to have a level playing field for businesses.

In his reply, *Joost Korte* pointed to the fact that IAs and a good evidence base are very helpful for defending proposals in the Council. He clarified that OPC and CfE would only be done if after 2nd stage social partner consultation there is no agreement between social partners to enter into negotiations. On the new tripartite Advisory Committee, he wondered whether there is really a need for setting this up such a permanent structure. He invited social partners to discuss this in a separate meeting. Regarding the clusters, he indicated that it is not the aim to replace cross-industry social partners. On the Minimum Wage Directive and the Recommendation, he agreed that both processes should not be mixed, but that there has been substantial progress in an area where the EU has never legislated which could be helpful for being more ambitious in the Recommendation. On public procurement, the rules also intend to promote social dialogue. Regarding the monitoring of the Recommendation, this should not only happen via a stocktaking event, but also by regular Commission reporting and a reporting mechanism at national level. On the social dialogue coordinators, they should receive a standing invitation to SDC and other gatherings such as the Liaison Forum.

- **Recent developments in employment and social policies**

Joost Korte briefly updated social partners on **recent developments in employment and social policies**. He referred to the guidance to Member States to help people fleeing Russia's war against Ukraine in accessing jobs, training and adult learning (adopted on 14/06), the agreements reached on the Directives on Minimum Wage and Women on Boards, the proposal on Platform Work Directive on which the CZ Presidency aims to achieve a General Approach, and the upcoming Commission initiatives (minimum income, essential services, asbestos, care strategy).

ETUC expressed concerns about deleting from the COREPER agenda the ILO Convention 190 on eliminating violence and harassment in the world of work. *Joost Korte* explains that the file is stuck because of a discussion on legal competence. *BusinessEurope* highlighted the issue of skills shortages pointing to 3 key areas (in work benefits to mobilise inactive, mobility within EU and

legal migration) and informed that a position paper is under preparation. *Joost Korte* agreed with the analysis but questioned what can be done in addition at the EU level since there are already several initiatives.

- ***Skills and Talents Package***

██████████, ████████ C2 (DG HOME), presented the Skills and Talents Package in the context of legal migration which consists of a Communication on attracting skills and talent to the EU and of recasts of the Long-Term Residents Directive and the Single Permit Directive. Social partners supported the initiative and highlighted the need of involving social partners in the governance of the processes. For *BusinessEurope*, it would be important to get in touch with sectors that face skills shortages. *BusinessEurope* will also create a webpage with information on measures reported by members. *SMEunited* enquired about the timing of the recasts. *ETUC* called upon the Commission to target all categories of migrants not only high skilled. *DGB* highlighted the need for a proper legal basis for the talents pool. On the timing, the *Commission* responded that the CZ presidency will start with Single Permit Directive and that SE would need to take over. There was a need to discuss interconnections with existing tools such as EURES.

- ***Activities of social partners***

Social partners informed participants about the **EU social dialogue work programme 2022-2024** which will be adopted at the EU Social Partners Conference on 28 June. Regarding the **second implementation report of the 2020 autonomous agreement on digitalisation**, so far there have been 12 joint inputs, 2 from the employers side (EL, PT) and 1 from the trade union side (IT). While the report had been adopted in the morning, it will be finalised soon. As regards the update on the **integrated projects**, there will be a joint activity to support members with the implementation of the digitalisation autonomous agreement by (1) developing a digital tool with a repository of examples; (2) country visits to understand what is happening on the ground and to help overcome difficulties. On capacity building, there will be a joint seminar in Turkey on 16-17 June. The forthcoming project proposal of social partners will again focus on capacity building.

The next SDC meeting is scheduled on 27 September 2022 (hybrid format).