

Summary Minutes

Meeting of Directors General for Industrial Relations

03 June 2022

Online meeting

1. WELCOME AND ADOPTION OF THE AGENDA

Stefan OLSSON (Chair, Director, DG EMPL C – ‘Working conditions and social dialogue’) opened the meeting and welcomed participants, in particular new members, as follows:

- for Denmark, Christian Andersen-Molgaard, replacing Eva Jensens
- for Ireland, Dermot Mulligan replacing Clare Dunne
- for the Netherlands, Tjalle Aarden replacing Ingrid Vanhecke
- for Estonia, Ulla Saar replacing Sten Andreas Ehrlich

Jelena Blagus (Croatia), who was participating for the first time in a DGIR meeting, also introduced herself.

The draft agenda was adopted with no changes.

2. APPROVAL OF THE MINUTES OF THE MEETING OF DIRECTORS GENERAL HELD ON 19 NOVEMBER 2021 (VIRTUAL MEETING)

The summary minutes of the November 2021 DGIR were adopted without amendment.

3. PRESENTATION OF THE CZECH PRESIDENCY'S PRIORITIES IN THE FIELD OF SOCIAL AFFAIRS

Dana ROUČKOVÁ, Deputy Minister of Legislation from the Czech Ministry of Labour and Social Affairs (MoLSA) presented the Czech Presidency's priorities, building on the French/Czech/Swedish Trio's 18-month rolling programme.

In her opening remarks, the Deputy Minister drew attention to the refocused political priorities not only due to the negative impact of the COVID-19 pandemic but more importantly due to the deepening Ukrainian crisis and ensuing energy challenges and energy poverty.

In the context of the crisis in Ukraine, Ms ROUČKOVÁ gave a snapshot of the efforts by the Czech government and people in helping and assisting the influx of refugees whose number by June has reached about 500.000 (5% of the overall population of the Czech Republic). About 55% of the refugees are children, and 80% of adults are women. Refugees staying in the country have access to education, to labour market, and social services. Apart from language barriers, she highlighted that bottlenecks and challenges exist in the provision of housing and employment opportunities. She noted that providing assistance places extra financial burden on hosting local communities and municipalities.

Moving to the subject of sectoral priorities of the Presidency, the Deputy Minister highlighted the themes they will follow: Energy poverty; Refugee integration; Integration of people with disabilities into the labour market; Ensuring quality working conditions and protection of workers; Reducing child poverty; Minimum income; Strengthening the role and independence of equality bodies.

As regards energy poverty, she mentioned that the Czech Presidency will address the current energy crisis, the soaring prices and will pay attention to the most vulnerable.

As regards legislative and non-legislative proposals, the Deputy Minister announced the priorities would be:

- Council Recommendation on long-term care;
- Directive on improving working conditions in platform work;
- Council Recommendation on the revision of the Barcelona targets;
- Directive on pay transparency.

The legislative and non-legislative proposals to be launched during the Czech Presidency but completed during the Swedish Presidency will be:

- Council Recommendation on minimum income;
- Council Recommendation to support the social dialogue at national level;
- Directive on strengthening the role and independence of equality bodies;
- Directive on the protection of workers from the risks related to exposure to asbestos at work.

List of CZ Presidency events:

High-level events with the participation of the Minister in Prague	Date of Event	Form of Event
High Level Presidency Conference on Child Support in the Context of the Child Guarantee	7– 8 July 2022	Physical
Presidency Conference on Supporting People with Disabilities in their Integration into the Labour Market	20–21 September 2022	Physical
Presidency Conference on Economic Empowerment of Women	3–4 October 2022	Physical
Informal Meeting of Ministers for Employment and Social Policy (EPSCO)	13–14 October 2022	Physical
Conference on Tackling Energy Poverty	24 October 2022	Physical
Regular meetings and committees in Prague	Date of Event	Form of Event
Meeting of Directors General for Industrial Affairs	3 June 2022	Online
Informal Meeting of the Social Protection Committee (SPC)	19–20 September 2022	Physical
Informal Meeting of the Employment Committee (EMCO)	22–23 September 2022	Physical
Meeting of the Senior Labour Inspection Committee (SLIC)	12– 13 October 2022	Online
Social Attaches Trip	14– 15 October 2022	Physical
Meeting of the Mutual Information System on Social Protection (MISSOC)	10–11 November 2022	Online
Informal Meeting of the EURES Coordinators	14–16 November 2022	Physical
Meeting of the ESF Committee and Technical Working Group (TWG)	5–6 December 2022	Physical
Informal Meeting of the ESF Committee	7 December 2022	Physical
Meeting of the Administrative Commission on Social Security for Migrant Workers	14–15 December 2022	Physical/Hybrid
Board Meeting of the European Network of Public Employment Services (PES)	15–16 December 2022	Online

4. OVERALL UPDATE BY THE COMMISSION ON RECENT AND UPCOMING INITIATIVES AND ACTIVITIES.

Stefan OLSSON (Director EMPL C. ‘Working Conditions and Social Dialogue’) first drew the DGIR members’ attention to the following ongoing legislative files:

- Upcoming trilogue which should allow for a conclusion of negotiations on the Minimum Wages Directive, to be formalised in the EPSCO Council;
- As regards the proposal for a Directive on platform work, the French Presidency made progress in Council and the draft report from the European Parliament (EP) rapporteur is published. Amendments are to be discussed before summertime and report to be adopted in November, providing the basis for the Czech Presidency to progress on the file.

Stefan OLSSON then referred to the ‘legislative own initiative reports’ (under Article 225 TFEU), with which the EP invites the Commission to follow up with concrete legislative proposals.

After such reports already on asbestos and the right to disconnect, the EP has decided to prepare such a report on the revision of the European Works Councils Directive.

On the right to disconnect, as the EP suggested, EU social partners have announced their intention to negotiate on the topic (negotiations to start in autumn 2022, covering right to disconnect and telework, based on the 2022 autonomous agreement of the European social partners on telework).

As regards asbestos, the EP has asked for an update of the existing Directive (as already considered by the Commission), taking a wide perspective beyond the area of work and entering also into matters of public health. As a result, in early autumn, a revised directive regarding asbestos at work (eg. about limit values for exposure of workers removing asbestos) should be presented, within a broader, joint package addressing all aspects raised in the EP report.

On the European Works Council Directive, work has now started in the EP EMPL Committee and the rapporteur has tabled a draft report which is due for adoption at Committee level in autumn. The EP is then likely to adopt its report around the end of the year. The Commission’s reply to the Article 225 Resolution from the EP is expected within 3 months of its adoption.

Stefan OLSSON continued with information on the range of measures put forward the context of the war in Ukraine.

Already on 4 March, the EU activated the Temporary Protection Directive¹. Besides the legal right to stay in an EU Member State (for an initial period of 1 year, which can be extended up to 3 years), beneficiaries of temporary protection have access to education and training, labour market, healthcare, housing and social welfare.

On 21 March the Commission also published operational guidelines to support Member States in applying the Temporary Protection Directive, which are meant as a living document to reflect the situation on the ground and take due consideration of the evolving needs of the Member States.²

¹ Council Directive 2001/55/EC ; [EUR-Lex - 32001L0055 - EN - EUR-Lex \(europa.eu\)](#)

² [EUR-Lex - 52022XC0321\(03\) - EN - EUR-Lex \(europa.eu\)](#)

On 23 March, the Commission presented the Communication “Welcoming those fleeing war in Ukraine: Readyng Europe to meet the needs” (COM(2022)131 final) outlining the actions being taken to support Member States in meeting the needs of those fleeing the war in Ukraine. It covers issues such as immediate support, protection for children, access to education, labour market, healthcare and accommodation.

To maximise the use of the funds - ESF, ERDF and FEAD -, the Commission adopted on 8 March the CARE proposal (“Cohesion’s Action for Refugees in Europe” adopted as Regulation (EU) 2022/562 of the European Parliament and of the Council of 6 April 2022) allowing Member States and regions to provide emergency support to people fleeing from Russia’s invasion of Ukraine. CARE introduces the necessary flexibility into the 2014-2020 Cohesion policy rules and extends the 100% EU financing rate for one more year. CARE also allows a swift reallocation of available funding to such emergency support.

He also referred to the launch on 23 March of a Ukrainian version of the EU Skills Profile Tool for Third Country Nationals.³ This questionnaire is designed to be used as part of a structured interview. It is already being used in Employment Services and Reception centres, to help people connect with jobs that match their skills, get referrals for further learning or help with re-composing missing diplomas.

The Commission is also working on the recognition of Ukrainian qualifications in various ways, notably with new guidelines published in April to facilitate the recognition of ‘professional’ qualifications obtained in Ukraine.⁴

Finally the European Training Foundation has established a resource hub to help both Ukrainians seeking assistance in having their qualifications recognised, and others who need help in interpreting them.⁵

Stefan OLSSON concluded with information on enlargement preparation, mentioning the ongoing examination of the replies of Ukraine, Georgia and Moldova to the questionnaire put to them with a view to assessing their accession requests, aiming at a decision on the latter later in June.

Adressing a question from a delegate, Adam POKORNY (Head of Unit EMPL C.1 ‘Labour law’) gave further information on the preliminary contents of the draft report of MEP Radtke regarding the revision of the European Works Council Directive: the main focus appears to be on access to justice and sanctions (e.g. minimum levels of fines for undertakings not abiding by the Directive’s requirements, exclusion of these companies from procurement / EU funding); proposals to limit the scope of ‘confidentiality’; broader concept of ‘transnationality’; and some more technical proposals such as holding at least 2 meetings a year, or relating to the ‘historic’ agreements to be aligned to the provisions of the Recast Directive).

³ <https://ec.europa.eu/migrantskills/#/>

⁴ <https://education.ec.europa.eu/document/guidelines-on-fast-track-recognition-of-ukrainian-academic-qualifications>

⁵ <https://www.etf.europa.eu/en/education-and-work-information-ukrainians-and-eu-countries/information-for-people-fleeing-ukraine?t=>

5. COMMUNICATION ON DECENT WORK WORLDWIDE AND PROPOSAL FOR A DIRECTIVE ON CORPORATE SUSTAINABILITY DUE DILIGENCE (PRESENTED BY THE EUROPEAN COMMISSION ON 23 FEBRUARY 2022)

Ruth SEITZ (Deputy Head of Unit EMPL E.3 ‘International affairs and ETF’) presented the Communication on Decent Work Worldwide.⁶ This is a timely initiative of the Commission after the Covid19 crisis has shown how the EU is dependent on global supply chain and it goes hand in hand with the Commission proposal for a Directive on Corporate Sustainability and Due Diligence (COM/2022/71 final) in the context of the promotion of a just and sustainable economy. Decent work, as defined by the International Labour Organisation (ILO), aims at protecting four inseparable and mutually reinforcing elements, namely: employment, standards and rights at work, social protection, social dialogue and tripartitism. Fostering decent work is key for the EU in its efforts to eradicate forced and child labour. The Communication is structured around the following pillars:

- *EU as a responsible global leader*

Economic progress and global trade cannot be done at the expense of human rights. The EU economy is connected to millions of workers worldwide who should benefit from decent working conditions. It is also in the interest of EU companies that minimum standards are in place worldwide to avoid a race to the bottom in market competition.

- *EU comprehensive approach*

The Communication aims at supporting the four elements of the universal concept of decent work as defined by the ILO and especially at eliminating forced and child labour. In addition, the Commission has recently published a call for evidence open until 20 June 2022 to gain the views of stakeholders on the implementation of the announced ban on products made by forced labour.

- *EU toolbox*

The Communication proposes to use existing EU policies and initiatives to foster higher standards worldwide. This includes boosting sectorial EU policies with outreach beyond the EU and engaging in bilateral and regional relations as well as in international and multilateral fora with global stakeholders.

Maija LAURILA (Head of Unit JUST A.3 ‘Company law’) then continued with a presentation of the proposal for a Directive on Corporate Sustainability Due Diligence.

She first explained the context, highlighting the horizontal nature of the file, requiring also much coordination in Member States.

There are various tools and instruments to support the green transition, while there was a very strong push from the EP towards a specific EU instrument in the area of due diligence. This proposal was overall much awaited.

There is already an international voluntary framework – which is not sufficient as such, but which can be a basis on which to build the legislative proposal, as follows:

- ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (1977);

⁶ https://ec.europa.eu/commission/presscorner/detail/en/ip_22_1187

- UN Guiding Principles on Business and Human Rights (2011);
- OECD Guidelines for Multinational Enterprises (2011) and Due Diligence guidance for responsible business conduct.

The reasons for which the EU needs to act lie mostly in the need to involve companies directly in the green transition and in a more resilient economy, while providing them with legal certainty. The protection of the environment and human rights in global supply chains is seen as a global duty of the EU, while better exploiting the potential of the internal market.

About the personal scope of this proposal, the Commission chose to define it by using double criteria: turn-over of companies and number of employees. It results in two groups: very large companies (more than 500 employees, more than net €150 million of turnover) and those of a smaller size (more than 250 employees, more than net €40 million of turnover). The second group is only to be defined in so called within ‘high impact sectors’; i.e. textiles, agriculture and extraction of minerals. The rules will apply to this second group 2 years later than to the first one. Micro companies and small and medium enterprises (SMEs) are not directly concerned by the proposed rules.

The obligations as established by the draft Directive are set both at company and individual levels:

- *Corporate due diligence duty*: the concrete obligations for the company are comparable to the OECD guidance steps, i.e. identifying, preventing, bringing to an end, and accounting for negative human rights and environmental impacts in company’s own operations, subsidiaries and value chains (with an added broad concept of ‘established business relationships’);
- *Duties for directors*:
 - *Due diligence*: setting up and overseeing the due diligence processes and integrating due diligence into the corporate strategy.
 - *Duty of care*: when acting in the interest of the company, taking into account human rights, climate change and environmental consequences.

There are specific further obligations as regards climate change, the core element of the European Green Deal. These obligations apply to the first group of companies, and require the business strategy to be compatible with limiting global warming to 1.5 °C in line with the Paris Agreement.

The material scope, for the purpose of legal certainty, relies on a list of international conventions in the area of human rights and environment, on the basis of which a range of possible violations has been identified.

In terms of enforcement, first to note that the concept of due diligence in itself contains a need for remedying potential issues. The Directive proposes both an administrative supervision through a European Network of National Supervisory Authorities and a degree of harmonisation of civil liability, so that victims can bring cases to courts and sue companies, which are liable for damages if they failed to comply with the obligations and caused harm (and through a specific regime, the responsibility not being limited to the first tier).

Finally, stakeholders are important players for the purpose of the Directive, including social partners. They have a role in the definition of due diligence policies or later, in putting complaints to the company or sharing substantiated concerns to the supervisory authority.

Jelena BLAGUS (Croatia) put a question on civil liability, specifically about the overriding mandatory application where otherwise 3rd country law would apply: would that amount to an amendment of Rome II Regulation (Article 7, damages)? Maija LAURILA explained that the

provision of the draft Directive would not amount to a modification of Rome II Regulation, but rather bring a comparable result of allowing the application of the law of the Member State where the action is brought.

6. PRESENTATION BY THE COMMISSION ON EU ACTIVITIES IN THE FIELDS OF SOCIAL DIALOGUE (INTER-PROFESSIONAL AND SECTORAL) AND LABOUR LAW (INCLUDING RECENT RULINGS OF THE EU COURT OF JUSTICE)

Sven MATZKE (Deputy Head of Unit EMPL C.3 ‘Social dialogue’) shared updates on social dialogue in 2022. A new social dialogue initiative is planned to be adopted in late 2022 as an update to the last policy document in 2004. The initiative will include a communication and a proposal for a Council recommendation.

The communication will outline the main challenges for social dialogue and collective bargaining and present a set of concrete actions on how to strengthen social dialogue at the European level.

Four areas of action are identified:

- 1) Modernise the structure of EU sectoral social dialogue by bringing together and having more multisectoral teams, to ensure more representativeness by possibly merging some existing committees and creating new committees where justified (eg. Social services);
- 2) Strengthen the outcomes and impact of EU social dialogue, such as social partners’ agreements, by offering the possibility for the Commission to provide first informal feedback during the negotiations, and legal drafting support when requested and financial support for the implementation of autonomous agreements;
- 3) Improve the contribution of EU social dialogue to EU policy making, by organizing more targeted and timely consultations through the creation of social dialogue coordinators in relevant DGs as a direct contact point for social partners;
- 4) Improve the Commission’s support for the EU social dialogue regarding meeting organisation, creating a new platform for the promotion and analysis of social dialogue outcomes, establishing a visiting programme for young social partner leaders.

The proposal for a Council recommendation will address the main challenges for social dialogue at national level. The starting point will be the implementation of Principle 8 of the European Pillar on Social Rights. There are three components in the pillar principle:

- promotion of social dialogue with a focus on the involvement and consultation of social partners;
- promotion of collective bargaining;
- capacity building of social partners.

The proposal will need to take in consideration social partners’ autonomy and national specificities.

Marie LAGARRIGUE (Deputy Head of Unit EMPL C.1 ‘Labour law’, DG Employment, Social Affairs and Inclusion, European Commission) shared updates on the preparation of a new implementation report and an updated Interpretative Communication on the Working Time Directive which will be presented during the next DGIR subgroup meeting in Autumn 2022.

She also reported on recent rulings of the EU Court of Justice on the Working Time Directive. Adam POKORNY (Head of Unit EMPL C.1 ‘Labour law’) reported on recent rulings on the Fixed-Term Work Directive, the Part-Time Work Directive, the Temporary Agency Work Directive, the Employer Insolvency Directive and the Transfer of Undertaking Directive. Details can be found in [the annex](#).

7. INVITATION BY THE SWEDISH DELEGATION TO THE NEXT MEETING IN DECEMBER 2022

The future Swedish Presidency expressed hopes to host the next meeting in person on 13 December in Stockholm.

8. ANY OTHER BUSINESS

N.A.