

# Joint Statement on Social Standards in the European Shipbuilding and Ship Maintenance, Repair and Conversion Sector

## INTRODUCTION

Conscious of standards already set by European agreements such as the Charter of Fundamental Rights and the *acquis communautaire* as a whole, SEA Europe and industriAll – European Trade Union jointly adopt the following set of social standards for the European shipbuilding sector in pursuance of their effort to promote safe and socially just working conditions in all shipyards. This document is not legally binding and obeys the principle of subsidiarity regarding national rules.

The shipbuilding industry is a high-technology sector that provides quality employment and is characterised by:

- A growth sector oriented towards the future with high growth potential on the global market.
- A European industrial policy: LeaderSHIP 2020.
- The permanent need for flexibility due to more and more individual large-scale projects and therefore fluctuations in work capacity within the companies.
- The legitimate aspiration of workers for more quality, stable employment and decent wages with thorough health and safety protection.
- An institutionalised social dialogue at the European level:
  - providing the foundation for innovative capacity, competitiveness and sustainable employment;
  - pursuing the target of establishing the best framework for developing social standards for the national, the regional and the company level, including all partners involved in shipyard production processes, while fully respecting European and national rules and levels of decision-making for management and trade unions;
  - that will jointly fight to establish and enforce the respect of decent rules and labour relations, also outside the European Union.
- A holistic approach that should not be a cost factor but a guarantee for a viable maritime sector in Europe.
- A situation of changing labour markets, which means that a positive image of the sector is an essential factor for attracting skilled recruits.
- The need to ensure that a positive image is fostered proactively and through concrete activities. A positive image is in the joint interest of companies and unions. The joint activities of industriAll Europe and SEA Europe in tackling skills and training needs are a good example. Their joint European, national and company-level image campaigns were quite successful.
- The fact that the sector promotes exemplary social standards and decent working conditions in yards all over the world. What is of utmost importance world-wide is to ensure no social dumping and a level playing field of social standards.

## ELEMENTS OF COMMON SOCIAL STANDARDS

The European Sectoral Social Dialogue Committee (SSDC) for shipbuilding invites and encourages all companies in the European shipbuilding and ship maintenance, repair and conversion (SMRC) sector to negotiate and further develop basic elements of common social standards.

The common social standards of the European shipbuilding and SMRC sector shall not affect the autonomy of the social partners, especially the right to negotiate and conclude collective agreements in accordance with national law and practices while respecting prevailing European law.

Compliance with the agreed social standards and the prevailing legal provisions shall be respected in every shipyard, in accordance with the specific national labour law framework for collective bargaining, industrial relations and the labour market. The social standards shall adhere to and promote the fundamental principles and workers' rights established by the International Labour Organisation (ILO) and the European Union (EU).

They shall include the following elements:

### Coverage by collective agreements

Every employer shall adhere to the corresponding legal provisions and respective collective agreements for the benefit of the employees, contract or temporary workers within their company.

### The right of association and workers' representation

The right to form and join trade unions as well as the right to collective bargaining must be recognised. Worker representation, according to the relevant national legislation, in all companies in the shipbuilding and SMRC sector shall be guaranteed, in order to ensure on-going social dialogue and anticipation of social problems as well as adherence to and monitoring of labour, safety and environmental requirements.

Companies must be committed to providing their employees with regular information on their company's operations and on issues likely to affect working conditions and employment. The SSDC calls to the attention of all its members the provisions of Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community.

### Health, safety and environment

Companies in the European shipbuilding and SMRC sector shall seek to achieve accident-free workplaces and the elimination of occupational diseases as their ultimate goal, aiming at the highest European standards.

The respective national and European health and safety regulations must be adhered to, including the provision of protection equipment. Companies shall ensure that effective occupational health and safety policies based on prevention are applied. In this context, adequate training must be given to all employees.

### Training, development of human resources and fostering innovation

Companies in the European shipbuilding and SMRC sector are committed to the development of human resources as a foundation for innovation. Required skills and competences must be developed through continuous training and lifelong learning policies to meet the needs of an innovative industry.

Workers' representatives in the companies, within the meaning of Article 2 (e) of Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community, should be involved in establishing policies and common objectives on training and education. Social dialogue at the pertinent levels shall treat topics related to the anticipation of change.

### Working conditions

Minimum wages, when established by law or collective agreement, must be respected. Acknowledging the objective and indispensable needs of the shipyards' flexibility, the SSDC wants to contribute to fair conditions for sub-contracted labour in the companies. The European as well as the respective national or company-level standards and rules in terms of working time must be respected.

In line with existing European regulation, the SSDC shall endeavour to further improve working conditions in all EU member states, candidate and associate countries. The SSDC recognises that decent work and decent salaries are fundamental in ensuring the continuous improvement of living and working conditions in Europe. Considering the ever-differing legal framework conditions and standards across European countries, the SSDC generally supports further harmonisation in Europe and appeals to all stakeholders to establish a level playing field in Europe and worldwide.

### Restructuring

Where restructuring is unavoidable, employees and the relevant representative bodies on company, national and European level shall be informed and consulted in good time in line with Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies, Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses, Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community, and Directive 2009/38/EC of the European Parliament and of the Council of 6 May 2009 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees. Furthermore, employees' skills and competencies shall be continuously developed to ensure employability and facilitate employment transitions.

### Suppliers and sub-contractors

Sub-contracting is a common practice in European shipyards. Companies in the European shipbuilding and SMRC sector should take into account that their suppliers as well as sub-contractors are also required to meet the criteria of social responsibility and should adhere to the principles of social standards as stated herein or as stated in an already existing social charter of the respective company, whichever is better.

Done at Brussels on 14 October 2013

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European Ships and Maritime Equipment Association (SEA Europe)

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industriAll – European Trade Union