

## European Pillar of Social Rights

### CER input to the European Commission's first preliminary outline of a European Pillar of Social Rights

#### Introduction

The Community of European Railway and Infrastructure Companies (CER) is the main association representing the European railway sector vis-à-vis the EU institutions. CER's membership is spread across EU member states, as well as EFTA and EU accession countries, and it covers the different activities that can be found in the sector (passenger and freight operations, infrastructure management).

CER promotes the rail sector as the backbone of a seamless and integrated transport system, which supports the overall competitiveness of the European economy by contributing to economic growth, job creation and the development of an inclusive society.

CER is a European social partner, representing management in the Sectoral Social Dialogue for Railways. CER's members are directly involved in national collective bargaining, at sectoral and company level.

CER is taking this occasion to present some preliminary remarks on this initiative as well as express some concerns about its possible evolution.

#### General remarks

In general, CER understands that the European Commission launched a consultation on a European Pillar of Social Rights as a way to fostering convergence between the Member States.

As an environmentally-friendly, low-emission and safe transport mode, railways play a key role for the achievement of the European Commission's objectives on decarbonisation and fight to climate change.

The sector counts approximately 1.06 million direct employees, and more than an equal number of jobs is created by railway activities in other sectors, such as manufacturing, wholesale trade, building services and advertising<sup>1</sup>. Railway companies are important employers in the countries where they operate, and in some cases the biggest employer.

Nevertheless, the railway sector is under severe financial pressure and a sector which is already very much regulated. Therefore, any new initiative taken at European level should

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<sup>1</sup> Study 'The economic footprint of railway transport in Europe':  
<http://www.cer.be/publications/studies/economic-footprint-railway-transport-europe-0>

aim at improving the sector's competitiveness and ensure a level-playing field, both in economic and social terms.

CER is of the opinion that the ways and means of pursuing the principles of the Pillar should be developed, decided upon and implemented at the national level. In this regard CER consciously points out that the existing legal competencies of the EU should not be extended by the Pillar and the proven balance between regulations at national level and EU level, in particular the principle of subsidiarity, should remain unchanged. In fact, the majority of the topics addressed in the Pillar are not depending on companies' actions but on public actions and political decisions.

On the other hand, should any action be initiated by the European Commission as a follow-up to this consultation, CER would like to express some remarks on the areas listed below, which it considers as priorities for the sector.

Finally, CER would like to stress that the initiative of a European Pillar on Social Rights and the individual topics that are addressed in its preliminary outline are topics related to the social policy area (Article 153 TFUE) and on which social partners should be consulted according to Article 154 TFUE. When developing initiatives in this area, the European Commission should acknowledge the role and specific input provided by the European Social Partners and consult them according to the letter of the EU Treaties. More specifically, CER calls on the European Commission to consult also the Social Partners according to Article 154 TFUE should it plan any specific initiatives as a follow-up to the present consultation.

## CER comments on selected topics included in the first preliminary outline of the Pillar

- Skills, education and lifelong learning

As a third of the European railway workforce will retire in the next ten years<sup>2</sup>, young people have to be encouraged to choose technical professions and educations. There are some long-standing and some emerging skill shortages in the sector. Key occupations with skills shortages are especially drivers, engineers and other technical professions.

Therefore, apprenticeships in the companies are a necessary tool and Europe can help to improve the attractiveness of apprenticeships in the sector.

In most of the cases companies organise training and qualification for railway jobs on their own costs. As for other professions, the education for the sector should be provided by the public sector or adequate financial resources should be allocated by the state or by Europe, because the financial resources of the companies are limited. Professional railway schools with public financing should be encouraged.

Lifelong learning is also a very important aspect for the railway sector, as continuous training has to be set up in order to ensure that staff competences are maintained, e.g.

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<sup>2</sup> European Railways at a junction: the Commission adopts proposals for a Fourth Railway Package [http://europa.eu/rapid/press-release\\_IP-13-65\\_en.htm](http://europa.eu/rapid/press-release_IP-13-65_en.htm)

for train drivers. Retraining is also necessary when employees need to change professions due to new technologies, and because of the changing business environment.

- Gender equality, work-life balance and childcare

CER agrees with the European Commission's statement that women continue to be underrepresented in employment and supporting their labour market participation becomes an economic and social imperative. This is in particular true for the railway sector as on a European average only about 20% of the employees are women. Women remain an untapped resource for the sector, which is confronted with an ageing workforce and recruitment difficulties.

To enable women to enter and stay in the labour market and also in order to improve work-life balance for parents, CER is of the opinion that access to quality and affordable childcare services, provided by the public sphere, is crucial. The European Commission's recommendation in this sense is welcome and right. National governments have a role to play in order to make sure that such social infrastructure is put in place and/or other measures like fiscal policies make it easier for parents to come back to work.

CER supports that gender equality shall be fostered, ensuring equal treatment in all areas, including recruitment, pay and career opportunities. For example, maternity or parental leave mustn't lead to career obstacles.

However, CER deems that priority should be given to those measures that allow working parents and caregivers to be present at work and maintain their participation in the labour market.

Measures promoting a better work-life balance should be put in place, like the availability of part-time options and flexible working arrangements. However, it has to be kept in mind that railway companies need to ensure continuity and regularity of service in a highly-regulated environment in both the technical and legislative spheres. Labour organisation has to take into account specific work patterns, such as the widespread use of shift work and work on-board trains, and constraints due to technical and operational requirements, such as, for instance, the need to respect timetables and to carry out the necessary maintenance work. As a direct consequence of the type of services they provide, railway companies necessitate of a certain degree of flexibility in the application of measures promoting a better work-life balance.

- Health and safety at work

Well-being and safety of personnel in general and the prevention of incidents in particular are important topics in the railway sector. It is important for the satisfaction and the safety of customers and employees. However, there is already a wide set of legislation at EU and national level and therefore it seems that adequate protection is already in place.

Health and safety at work is also linked to working conditions. The railway sector is of the opinion that, in order to create a level playing field concerning intermodal competition,

the obligations of control by the Member States in terms of effective control of working conditions should be strengthened.

It should be clear that new forms of employment (e. g. self-employment) should also be covered by health and safety at work with an obligation to control for Member States.

Awareness and self-commitment of the employees are pre-prerequisite for a sound management of health and safety issues.

- Social dialogue and involvement of workers

CER members are convinced about the key contribution of social dialogue in ensuring quality of employment.

At European level, social dialogue contributes to the social dimension of EU policies and is a place where labour force and management can exchange good practices, identify common challenges and define joint approaches. For this reason, CER welcomes the attention paid by the European Commission, and President Juncker himself, to social dialogue and in particular the initiative on a 'New Start for Social Dialogue'.

In this context, CER would like to stress the specificity and importance of the European sectoral social dialogue. Sectoral social dialogue committees are fora in which very concrete topics and sector-specific issues are discussed, and through their outputs they can feed into the development of sector-related EU policies having also a strong social dimension.

- Access to transport

Public transport is considered as an essential service and railway companies play an important role as providers of that service.

CER members are well aware of the sector's contribution towards enhancing social inclusion. In parallel, adequate third-party funding – at EU and national level - is necessary in order to support companies' efforts.

Railway infrastructure comes in a very dense network, which necessitates regular maintenance and upgrades even in low-density areas and least visited stations. Given these specificities, the development of railway infrastructure cannot be provided by companies only, but it also largely depends on public support. EU-wide infrastructure financing programmes such as the Connecting Europe Facility (CEF) give priority to railways as one of the most environmentally-friendly transport modes and thus are key for the development of large-scale, trans-European infrastructure projects that will eventually benefit EU passengers and customers.

With regard to the specific issue of accessibility for persons with reduced mobility (PRM), the sector already presents a set of detailed technical standards and assistive measures to ensure PRM-accessibility (Technical Specifications for Interoperability for People with Reduced Mobility – PRM TSI).

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#### About CER

The Community of European Railway and Infrastructure Companies (CER) brings together more than 70 railway undertakings, their national associations as well as infrastructure managers and vehicle leasing companies. The membership is made up of long-established bodies, new entrants and both private and public enterprises, representing 73% of the rail network length, 80% of the rail freight business and about 96% of rail passenger operations in EU, EFTA and EU accession countries. CER represents the interests of its members towards EU policy makers and transport stakeholders, advocating rail as the backbone of a competitive and sustainable transport system in Europe. For more information, visit [www.cer.be](http://www.cer.be) or follow us via Twitter at @CER\_railways.