



**FABEC Implementation Phase**

# **Consultation of Staff Representative Bodies**

**EC Information**

**Annex K**



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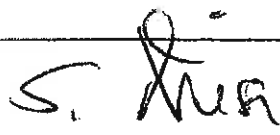
## DOCUMENT SUMMARY

<b>Objective :</b> Provide required evidence when establishing FABEC			
<b>Origin :</b> FABEC Social Dialogue Manager		<b>Audience :</b> FABEC Provisional Council, ANSCB, ASB, AFG, European Commission	
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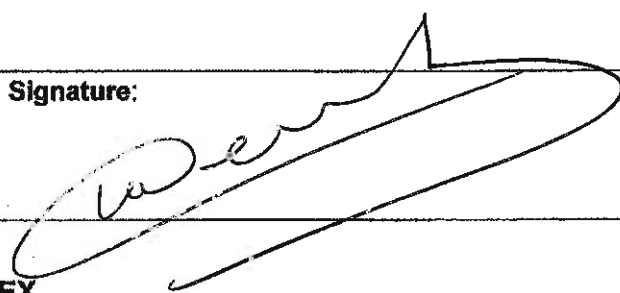
## DOCUMENT CHANGE RECORD

Version	Status	Date	Reason for changes	Author of changes
0 1	Draft	07 Mar 12	Initial draft	AFG
0 2	Final	13 Mar 12	Input from SDM and HR SC	SDM

## APPROVALS

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## QUALITY CONTROL

<b>Name:</b> Manuel De Klerck <b>Function:</b> AFG Quality Manager <b>Date:</b> 12/4/12	<b>Signature:</b> 
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## ATTACHMENTS CONTAINED IN THIS ANNEX

ID	Origin	Status	Version	Date	Description
K.1	SDM			13 Mar 12	FABEC Consultation set-up and Staff Representative Bodies involved
K.2	SDM	Final	3 1	02 Mar 12	ToR – FABEC Social Dialogue Committee
K.3	SDM		-	13 Mar 12	FABEC Consultation Activities towards Staff Representatives

## **1 INTRODUCTION**

Regulation (EC) No 549/2004 lays down the framework for the creation of the Single European Sky. Article 10 of this regulation specifies that consultation mechanisms shall be established for an appropriate involvement of stakeholders – including professional staff representative bodies – for the creation of the Single European Sky.

In addition to the legal obligation FABEC Management considers its staff to be a key contributing factor to the achievement of FABEC. A timely involvement of Staff Representative Bodies is therefore seen as an important prerequisite to the successful implementation of FABEC and as an overriding enabler for change. The purpose is to facilitate social acceptance of FABEC project results through information and consultation of staff on strategic decisions and social issues at FABEC level.

FABEC Management therefore decided to establish an appropriate mechanism for information and consultation of FABEC Staff Representative Bodies. In order to underline the importance of staff involvement FABEC Management also established the position of a Social Dialogue Manager in October 2009 who centrally controls all FABEC activities related to information/consultation of Staff Representative Bodies.

## **2 FABEC CONSULTATION SET-UP**

The FABEC Consultation set-up consists of a 2-layer structure:

- For the first (= strategic) layer FABEC CEOs and Staff Representative Bodies with Social Partner status agreed on the establishment of a FABEC Social Dialogue Committee (SDC).
- The second layer allows more detailed specialist discussions with FABEC Subject Matter Experts. Also, the second layer infrastructure is used by FABEC States to inform and consult on their topics.

A more detailed overview of the 2-layer-structure and the Staff Representative Bodies involved in the consultation process is available in Attachment 1. The Terms of Reference of the Social Dialogue Committee are given in Attachment 2.

## **3 FABEC CONSULTATION ACTIVITIES**

FABEC organized a number of meetings on numerous topics related to FABEC with Staff Representative Bodies. An overview of the history and current interaction is given in Attachment 3.

FABEC management informed and consulted Staff Representative Bodies on all relevant topics. During this process it became clear that it is confronted with 2 main groups of Staff Representatives with very different political goals and positions. This includes diverging views on the main elements of the establishment of FABEC, i.e. the institutional set-up and governance, the level of cooperation and the financial framework for FABEC. This situation made it and will continue to make it difficult to respond to the diverging needs of staff and to consider the conflicting views of different Staff Representative Bodies in the project work.

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**FABEC Implementation Phase**

# **FABEC Consultation Set-up and Staff Representative Bodies involved**

**EC Information**

**Attachment K.1**



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## **Structural set-up:**

At the transnational FABEC level a framework for information and consultation of staff has been developed as one element of FABEC Stakeholder consultation. This framework consists of a 2-layer-structure. The first layer (i.e. Social Dialogue Committee, SDC) is intended to provide an opportunity to inform and consult staff representatives at the strategic level of the ANSP Chief Executive Officers. The second layer allows more detailed specialist discussions with FABEC Subject Matter Experts. The second layer infrastructure is also used by FABEC States to inform and consult on their topics. The exact method of involvement within the second layer varies by topic (e.g. dedicated meetings, written information).

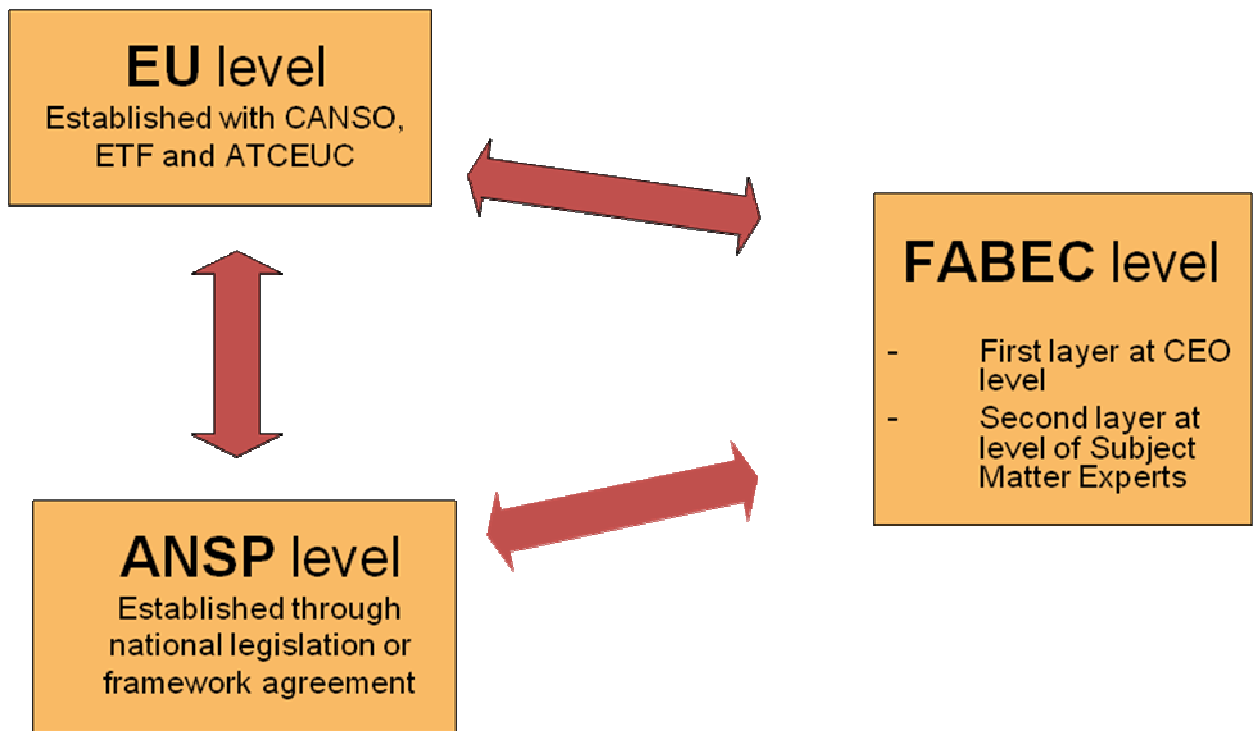
Between January 2010 and February 2012 activities at the first layer (SDC) were blocked due to a conflict between 2 main groups of Staff Representatives, the European Transport Workers' Federation (ETF) and the MOSAIC ATM Regional Coordination (MARC). The conflict centred around the question of MARC's capacity to have a formal social partner status; as a consequence Terms of Reference for the SDC could not be agreed on. FABEC management mediated that conflict successfully among other things by following an advice given by the European Commission. The conflict was finally settled and on 2 March 2012 the SDC Terms of Reference were adopted in the official constitutive SDC meeting.

As a consequence of above mentioned conflict, FABEC management used the second layer for all transnational information and consultation activities between January 2010 and February 2012. This approach ensured adherence to SES II legislation for that period of time.

The 2-layer-transnational-set-up is complemented by adequate links to the individual (national) ANSP Social Dialogue processes which are based on national legislation and/or framework agreement. In addition to the activities at a transnational FABEC level, further activities at ANSP level complemented the information/consultation process. Also, any kind of negotiation on FABEC project results fall under the remit of individual ANSPs' Social Dialogue processes.

In order to complete the set-up, an adequate link to the EU ATM Social Dialogue process was established.

The following picture provides an overview of the structural set-up of the FABEC information and consultation process and its relationship to the two Social Dialogue processes at European Commission and at individual ANSP level:



#### **Staff Representative Bodies:**

Between 2009 and February 2012 FABEC management involved 3 groups of Staff Representatives:

- European Transport Workers' Federation (ETF)
- MOSAIC ATM Regional Coordination (MARC)
- International Federation of Air Traffic Safety Electronics Associations (IFATSEA)

For the first layer (SDC), however, the Terms of Reference (adopted on 2 March 2012) have established a process to involve employee representative organizations/bodies that have a recognized social partner status in an ANSP. In every ANSP these organizations/bodies determined among themselves how to use the number of seats that are available for employee representatives. This approach ensured bottom-up-legitimacy and supported the resolution of above mentioned conflict between ETF and MARC. The approach includes the possibility of transnational mandates. The 2 relevant professional associations, IFATSEA and IFATCA, were offered an observer status in the SDC and both organisations have sent an observer to the constitutive SDC meeting on 2 March 2012..





**FABEC Implementation Phase**

**Terms of Reference  
FABEC Social Dialogue Committee**

**EC Information**

**Attachment K.2**



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# FABEC Implementation Phase

## Terms of reference

### FABEC Social Dialogue Committee



<b>Originator</b>	Social Dialogue Manager	<b>Addressee</b>		<b>Version</b>	3.1
				<b>Status</b>	Adopted

#### GENERAL

The following terms of reference define the framework of FABEC Social Dialogue Committee conduct of business.

#### 1. TITLE

The title of the Committee shall be called the 'FABEC Social Dialogue Committee' hereafter referred to as the FABEC SDC.

#### 2. COMPETENCE

The FABEC SDC aim is to inform and consult Social Partners on strategic decisions and social issues at FABEC level. For the purpose of this document the term "Social Partner" will only be used for the employee representative side at ANSP level (and not for the FABEC management side).

The FABEC SDC provides Social Partners an opportunity to discuss and express their opinions on strategic decisions.

#### 3. MEMBERSHIP

The FABEC SDC shall comprise representatives of FABEC management and of Social Partners.

##### Prime members from Social Partner side

- In order to determine the total number of seats for Social Partners, the European Works Council legislation shall be applied in analogy. More specifically, the legislation's subsidiary requirements shall be applicable, i.e. seats per ANSP determined by number of employees in that ANSP vs. total FABEC workforce; 1 seat for every started 10% (off total FABEC workforce)
- In addition, the principle of a minimum of 2 seats per ANSPs shall be established in order to allow smaller ANSPs to have different employee groups represented, thus ensuring a minimum diversity
- Based on current workforce numbers the two a.m. principles lead to 19 seats in total, thereof: 5 seats for DSN Social Partners, 4 seats for DFS Social Partners, 2 seats for Skyguide Social Partners, 2 seats for LVNL Social Partners, 2 seats for Belgocontrol Social Partners, 2 seats for MUAC Social Partners, 2 seats for ANA Social Partners. As workforce numbers may change, above mentioned distribution will be looked at at the beginning of each calendar year.

In order to ensure a bottom-up-legitimacy, above mentioned seats will be reserved for Social Partner organisations/bodies that are recognized as Social Partners for the respective ANSP (provided for by national law, collective agreement and/or practice). They must be an integral and recognized part of ANSP Social Partner structures and will be determined for every ANSP separately. For every ANSP recognized Social Partners provided for by national law, collective agreement and/or practice will determine among

themselves how to use above mentioned seats. Mandates of representation can be given by ANSP Social Partners to transnational organizations/bodies. In case a mandate is given to a transnational organization/body, joint texts (guidelines, recommendations etc.) intended to be signed by both the employer and the employee side will, on the employee side, only be signed by the respective ANSP Social Partners.

#### **Prime members from FABEC Management side**

FABEC management side of the FABEC SDC shall consist of the following representatives:

- The 7 Air Navigation Service Providers Chief Executive Officers (ANA Luxembourg, Belgocontrol, skyguide, LVNL, MUAC, DFS, DSNA),
- The Human Resources/Training Standing Committee Chairman,
- The FABEC Program Steering Group Chairman,
- The ANSP FABEC Group Chairman
- The FABEC Social Dialogue Manager

#### **Alternates**

Alternates shall be appointed in case of unavailability of one of the prime members for both Social Partner and FABEC management side.

#### **Observers**

Professional Associations (IFATSEA, IFATCA) may appoint 1 observer per association who may attend FABEC SDC meetings. A Communication Cell representative can attend FABEC SDC meetings as observer. Other observers may be allowed by the Chairman of the SDC on request.

The list of FABEC SDC prime member, alternates and observers is established and registered in an approved document (by name).

#### **Experts**

The FABEC SDC Chairman may invite experts at the request of FABEC management or Social Partners in order to have their opinion on specific items of the agenda. The request will be notified in writing to the FABEC SDC Chairman at least five days before the actual date of the meeting. These experts only participate to the part of the meeting dedicated to discussion on the topics on which their attendance is required.

In case a mandate is given to a transnational organisation/body, that transnational organisation/body shall be allowed to send a permanent expert to the SDC meetings.

## **4. CONDUCT OF BUSINESS**

#### **Meetings notification and frequency**

FABEC SDC Chairman is responsible for organizing FABEC SDC meetings at least twice a year. The meeting dates are fixed at the beginning of each year. Meetings are planned to last at the most one day.

Notifications are sent at least 3 months before meetings to the prime members and observers of the FABEC SDC. If one of the prime members could not attend the meeting the FABEC SDC Chairman will be advised within 2 weeks. Therefore a notification will be sent to an alternate representing the same organisation than the unavailable prime member.

If an expert participation (see §3 membership) is required for the meeting a notification will be sent at least 48 hours before the actual date of the meeting.

#### **Agenda and working papers**

The agenda is fixed by the FABEC SDC Chairman together with Social Partners. In case of disagreement the Chairman may decide. The agenda and all related working papers shall be submitted at the same time as the notification of the meeting. If not possible all documents shall be sent at least 14 days before the actual date of the meeting. Additional agenda items shall belong to the FABEC SDC scope of competence. The request will be notified in writing to the FABEC SDC Chairman. The FABEC SDC Chairman will send these additional items to all FABEC SDC members at least 48 hours before the actual date of the meeting.

All items not addressed during the FABEC SDC meeting, if agreed, will be on the agenda of the next FABEC SDC meeting.

### **Conduct of meetings**

FABEC SDC meetings are closed sessions.

At the beginning of the meeting the FABEC SDC Chairman provides the list of participants and recaps the agenda items.

The items may be addressed in a different order than planned in the agenda if decided by the majority of the FABEC SDC members present.

The FABEC SDC Chairman may decide a session adjournment at his own initiative or at the request of one of the FABEC SDC members present.

## **5. CHAIR**

The FABEC SDC Chairman will be the ANSP Strategic Board member in charge of Human Resources issues.

A Vice-Chair is appointed to chair FABEC SDC meetings in case of Chairman unavailability.

The Chairman opens, closes and suspends meetings sessions. He is in charge of good conduct of meetings. He ensures that FABEC SDC internal rules are correctly applied.

## **6. SECRETARY**

FABEC SDC secretariat will be provided by the FABEC management side. It is ensured by the FABEC Social Dialogue Manager who may be assisted by a member of the HR/Training SC.

A deputy secretary will be appointed at the beginning of each FABEC SDC meeting among Social Partners' prime members. This appointment is only valid for the duration of the meeting.

Secretaries may be helped in their tasks by an agent coming from outside the FABEC SDC. This agent may assist to the FABEC SDC meetings without taking part to discussions.

## **7. MINUTES**

FABEC SDC secretaries provide the minutes of FABEC SDC meetings.

The minutes are signed by FABEC SDC Chairman and countersigned by FABEC SDC secretaries. The minutes are sent to all FABEC SDC prime members and alternates as well as observers no later than one month after the date of the session. Comments on the minutes may be sent to the secretariat no later than one month after their release.

The last FABEC SDC meeting minutes approval will be the first point of the agenda of next FABEC SDC meeting.

A repository of all FABEC SDC minutes is kept by the FABEC SDC secretariat.

## **8. PRACTICE OF MANDATE**

### **Facilities**

FABEC SDC members' practice of mandate shall be facilitated as much as possible. Special absence permission will be granted by their employers, on presentation of meeting notification, to FABEC SDC members on Social Partners' side and experts in order to be able to participate to FABEC SDC meetings.

Absence permission includes:

- A time equal to FABEC SDC meeting estimated duration. This time shall be at least equal to half a day,
- Travel time,
- A time equal to meeting estimated duration for meeting preparation and drafting of minutes of the

meeting.

**Compensation**

The travel and accommodation costs of FABEC SDC members to attend FABEC SDC meetings shall be borne by their employers in accordance with their own regulation in force.

FABEC SDC members receive no financial remuneration for the practice of their FABEC SDC mandate.

**Confidentiality**

Confidentiality about facts and documents conveyed in the framework of the FABEC SDC mandate can be agreed on for specific topics.

**9. AMENDMENT**

FABEC SDC members shall be consulted and invited to provide a formal advice for each amendment of FABEC SDC present terms of reference.

Amended terms of reference are adopted by consensus between the FABEC Management representatives and the ANSP Social Partners.



**FABEC Implementation Phase**

# **FABEC Consultation Activities towards Staff Representatives**

**EC Information**

**Attachment K.3**



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### **Information and consultation activities at FABEC level:**

The following information and consultation activities took place at FABEC level between 2008 and March 2012:

#### **Workshop with HR Working Group and Employee Representatives in April 2008**

During the FABEC feasibility study the Human Resources Working Group carried out a workshop in order to provide a forum for national and international employee representatives to express their views on the Social Dialogue process during the implementation and post-implementation phase.

#### **Bilateral meetings in February 2009**

During the implementation phase Marc Hamy, former CEO HR Champion, held a series of bilateral meetings with employee representatives in order to inform and consult on project activities.

#### **Bilateral meetings in December 2009 / January 2010**

A second series of bilateral meeting was held by the current CEO HR Champion, Maurice Georges, in order to inform and consult employee representatives on the envisaged FABEC Social Dialogue set-up.

#### **Social Dialogue Committee meeting in January 2010**

The first official SDC meeting (carried out without agreed Terms of Reference) informed employee representatives on the new FABEC program reinforcement structure as well as on the current project status and the formal requirements to establish FABEC as a FAB. In order to provide an overview of possible future social dialogue topics, a draft working agenda was proposed.

#### **Meeting on Institutional aspects and the FABEC States Treaty in March/April 2010**

Staff Representatives were informed and consulted on the activities on institutional aspects, in particular on background, intention and content of the FABEC States Treaty. They also received a copy of the FABEC States Treaty draft version.

#### **Meeting on FABEC work progress in July 2010**

The meeting dealt with FABEC ANSP strategic work and the 5-year-work-plan. Current activities on Performance Scheme and financial regulation were discussed. Information was given on the roadmap to establish FABEC and on current activities in the various domains (i.e. Operations, Technical, Institutional/Regulatory/Legal, Safety, Finance, Human Resources).

#### Consultation on ANS Service Provision in September 2010

FABEC States informed Staff Representatives about their current work on how ANS Provision could be organized in FABEC. They presented high-level principles and the various options / models for the institutional set-up and governance. Also, decision criteria were discussed.

#### Work with Staff Representative Bodies on detailed analysis of their concepts for FABEC in September/October 2010

In order to achieve an in-depth understanding of the main concepts of Staff Representative Bodies for FABEC as well as their current positions in light of the FABEC work progress, FABEC Management conducted a detailed analysis, the result of which was verified and approved by Staff Representative Bodies.

#### Performance Plan Pre-consultation in April 2011

Prior to the official consultation in May 2011, national Staff Representative Bodies were given the opportunity to attend a pre-meeting. During the meeting information was given on all aspects of the FABEC Performance Plan; national Staff Representative Bodies had the opportunity to express their views.

#### Performance Plan Consultation in May 2011

Staff Representative Bodies attended, together with Airspace Users, the consultation on the FABEC Performance Plan and used the opportunity to present their opinions during the meeting. Also, they had the opportunity to hand in additional views by e-mail after the meeting.

#### Written information on Provisional States structures in July 2011

FABEC States provided information on their provisional structures and gave an overview on their next steps to implement them.

#### Written upfront information on Airspace Strategy activities in September 2011

Staff Representative Bodies received upfront information on the results of the first CEO workshop on Airspace Strategy.

#### Meeting on Provisional States structures in January 2012

FABEC States informed Staff Representatives about the status of the ratification process of the FABEC Treaty as well as on the content of the States Governance Manual, in particular structures and processes around the Provisional FABEC Council, the 4 Sub-Committees, the FABEC Bureau and the ANS Consultative Board. Also, issues around the Performance Plan and the financial framework for FABEC were discussed.

#### Consultation on Institutional set-up & Governance in the Provisional FABEC Council in January 2012

All 3 groups (ETF, MARC and IFATSEA) had the opportunity to give a presentation on their position on institutional set-up and governance and the question how Air Navigation Service Provision should be organized for FABEC. ETF presented their Co-op-model advocating for a cooperation of seven structurally independent ANSPs. MARC lobbied for their opposite model of gradual convergence into a Single Service Provider. IFATSEA focused on issues related to technical staff.

#### Information on Airspace Strategy in the ASB in January 2012

The ASB presented a high-level overview of the current work on Airspace Strategy. ASB also explained, in response to a recent letter from MARC, why the big five airports will be focused on and what he plans for gradual implementation of the 2 main concepts of the Airspace Strategy are (i.e. Free Route and XMAN/AMAN/DMAN/ACDM).

#### Social Dialogue Committee meeting on 2 March 2012

FABEC Management and Staff Representative Bodies first adopted the SDC Terms of Reference. Furthermore Staff Representatives were informed and consulted about the main elements of FABEC project work, i.e. on Airspace Strategy, Safety Management, Technical Strategy, Human Resources issues and Finance issues.

#### **Outlook on next steps:**

The following activities are planned as the next steps:

#### Consultation on FABEC establishment on 11 May 2012

It is planned to inform and consult Staff Representatives, together with other stakeholders, on the main elements of the FABEC case (prior to submission of the documentation to the European Commission).

#### Workshop on Technical Strategy in the 3<sup>rd</sup> quarter 2012

Staff Representative Bodies expressed an interest in a detailed specialist discussion with FABEC Subject Matter experts on the FABEC Technical Strategy. It was agreed to hold a workshop when the project work has further matured which will presumably be the case in the 3<sup>rd</sup> quarter of 2012.

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