

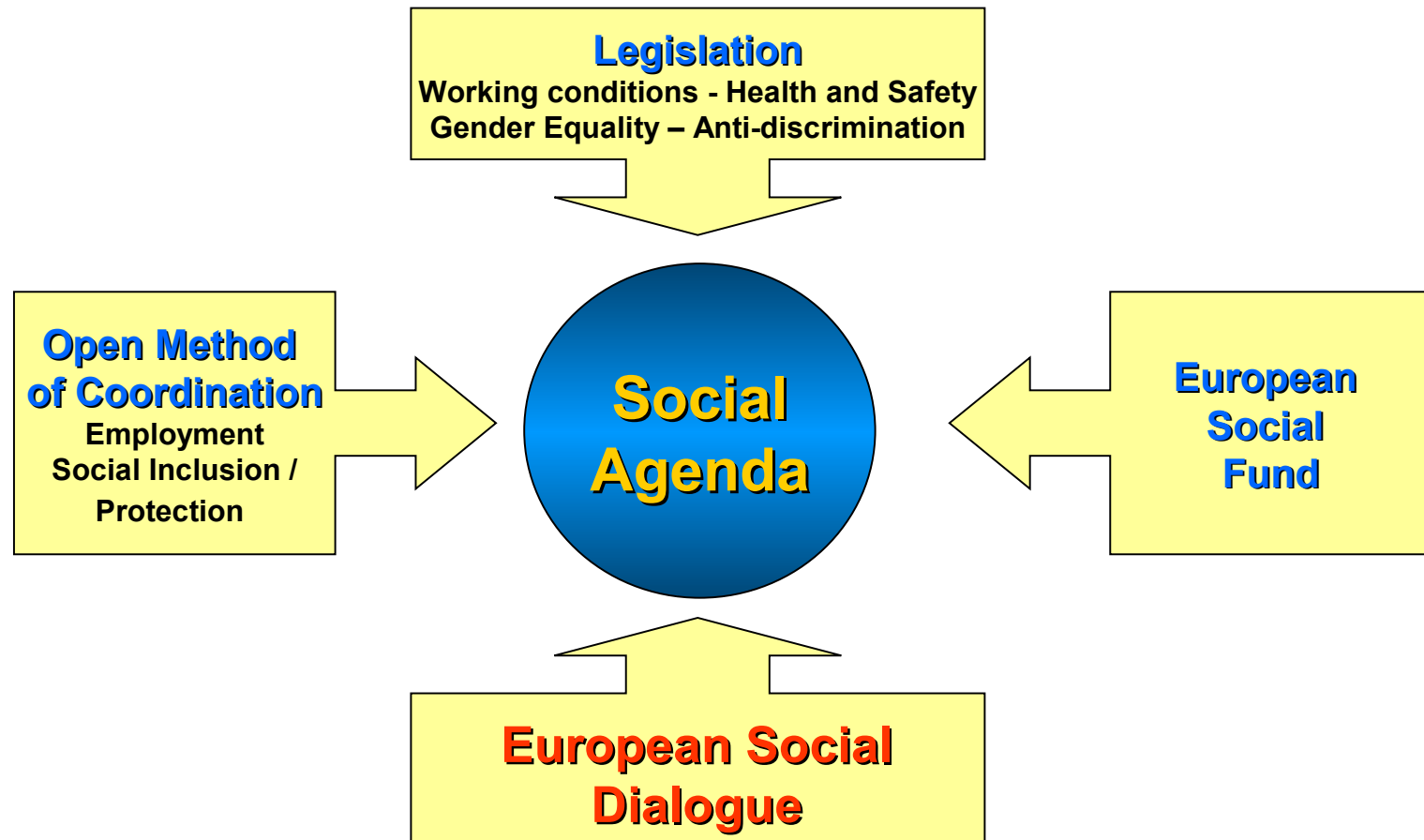


# European social policy and European social dialogue

## ETUC Training and Mentoring

Brussels, 26 February 2008  
Tobias MÜLLENSIEFEN







- Shared competence EU – Member States
- Limitative list of competences Art. 137
- Mostly directives, except social security coordination
- Minimum requirements of labour standards (no harmonisation !)





- Labour Law
  - Working conditions (e.g. working time, fixed-term work)
  - Information and consultation of workers, incl. European Works Councils
  - Protection of employees, in case of employer insolvency, transfer of undertakings, etc.
  - Health and safety of workers (e.g. asbestos, work equipment, visual display units)





- Free movement of workers
- Coordination of social security schemes
- Equality between men and women, in particular regarding pay
- Anti-discrimination (based on Art. 13 TEC: race/ethnic origin, religion/belief, age, disability, sexual orientation)





- « Soft law » - coordination instead of harmonisation
- Policy cycle:
  - objective setting
  - national plans
  - reporting
  - mutual learning (peer reviews)
  - recommendations





- **European Employment Strategy (1997):**
  - Employment Guidelines
  - integrated in Growth and Jobs Strategy (« Lisbon », 2005)
- **Social Inclusion and Social Protection:**
  - Social inclusion
  - Pensions
  - Health and long-term care





- European Social Fund
  - Created in 1957
  - Structural Fund managed at national level
  - financial support for projects to develop employability and human resources
  - accompanies European Employment Strategy
  - 11 billion € / year for 2007-2013







- **PROGRESS**
  - EU **PROGR**amme for **E**mployment and **S**ocial **S**olidarity
  - established in 2006, regrouping former action programmes (fight against exclusion, gender equality, etc.)
    - regular calls for proposals
- **European Globalisation Adjustment Fund (EGF)**
  - aim: help workers made redundant as a result of changing global trade patterns to find another job as quickly as possible
  - created 2007, 500 million € / year





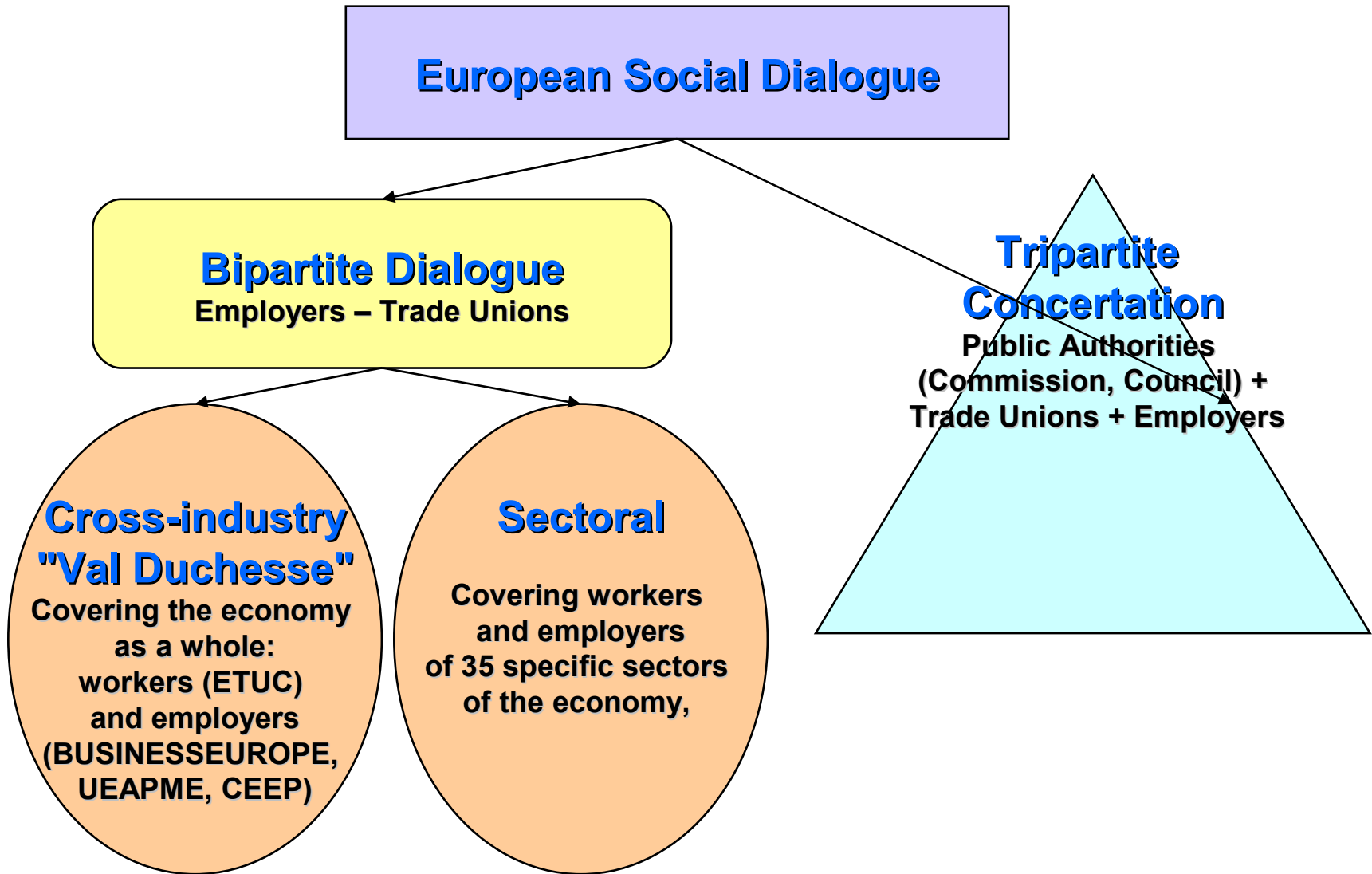
- Discussions, consultations, negotiations and joint actions undertaken by the social partner organisations representing the two sides of industry (“management and labour”, i.e. employer and trade union organisations) at European level.





- Clearly defined legal basis in Articles 138 and 139 of the EC Treaty.
- Two main forms:
  - bipartite dialogue between the European employers and trade union organisations;
  - tripartite dialogue involving interaction between the social partners and the public authorities.





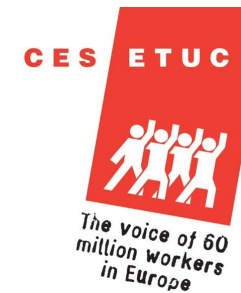
# European social partners – who are they?



Employers

Trade unions

## 1. Cross-industry – general social partners organisations



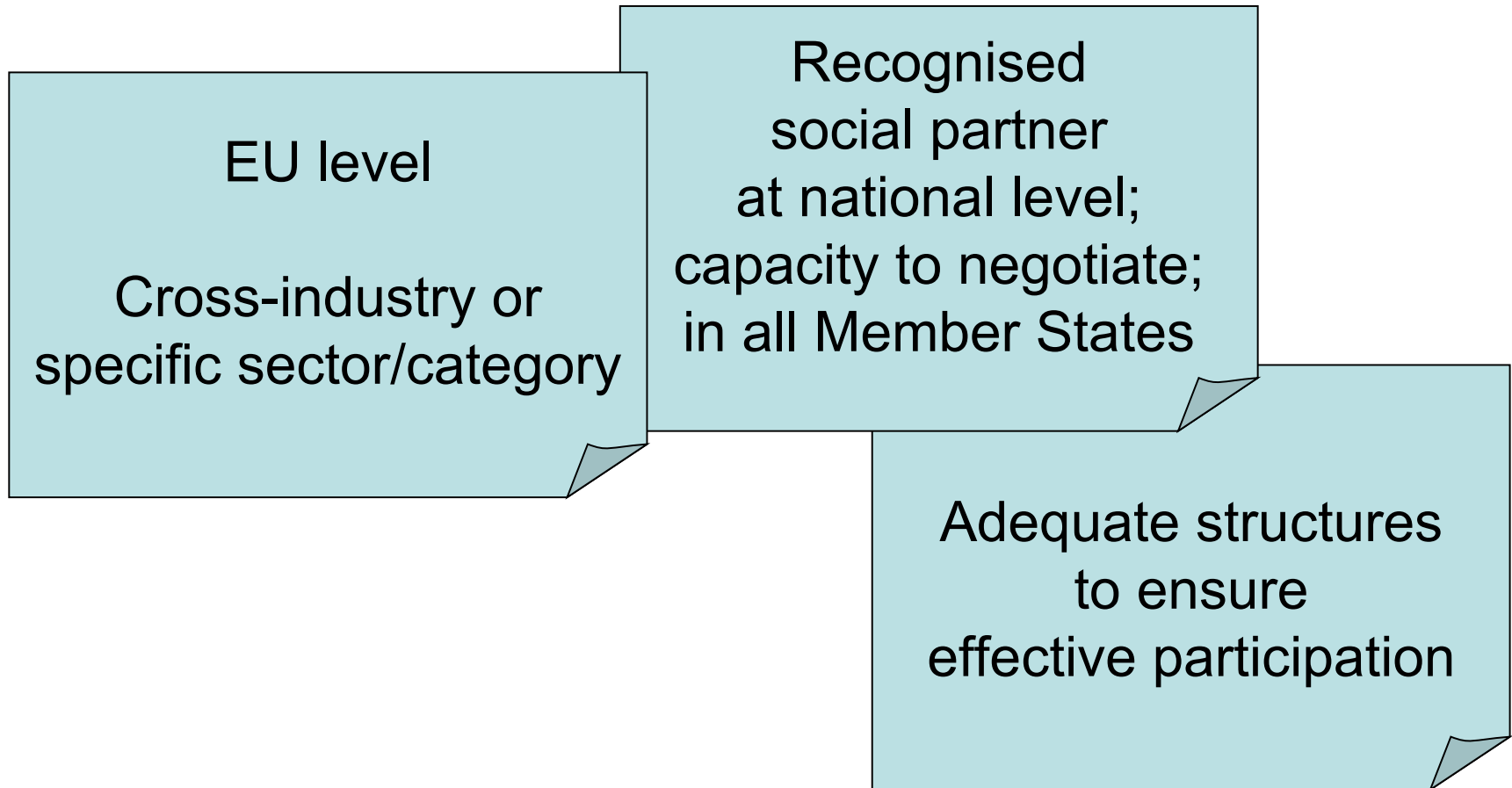
## 2. Cross-industry - Organisations representing certain categories of workers or undertakings



## 3. Sectoral social partner organisations (examples)



and others...





- Combining the values of responsibility, solidarity and participation
- Complements the national practices of social dialogue and industrial relations which exist in all Member States
- Social partners assist in the definition of European social standards
- Vital role in the governance of the European Union.





### Article 138 EC Treaty:

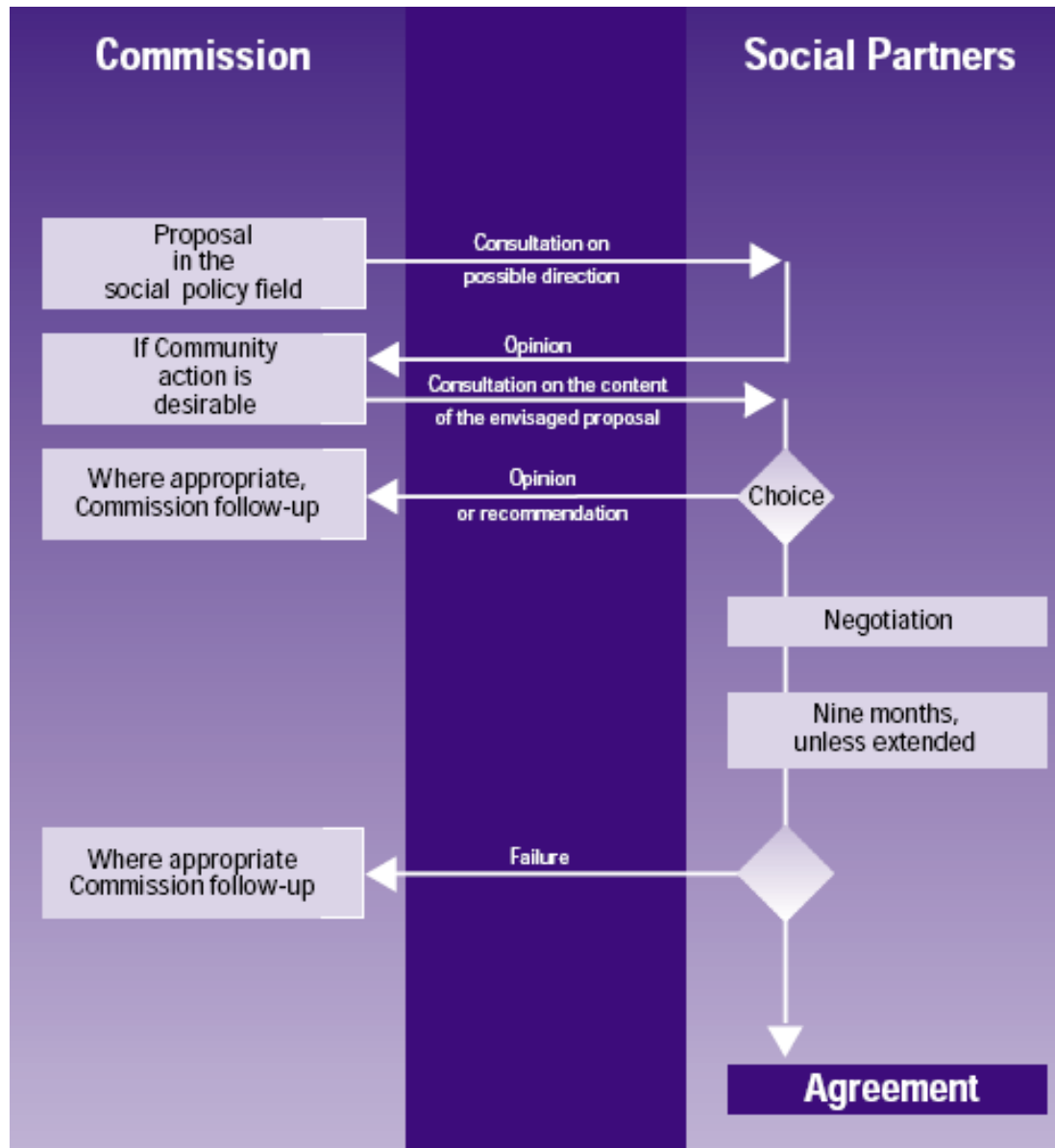
*"The Commission shall have the task of promoting the **consultation** of management and labour at Community level and shall take any relevant measure to facilitate their dialogue by ensuring balanced support for the parties... To this end, before submitting proposals in the social policy field, the Commission shall consult management and labour..."*

### Article 139 EC Treaty:

*"Should management and labour so desire, the dialogue between them may lead to **contractual relations**, including agreements."*







- Consultation of social partners compulsory before any proposal in social policy field
- Two-stage consultation process:
  - possible direction
  - content
- Social partners can decide to start negotiations
- Legislative process is suspended



## Topic:

1. European Works Councils
2. Reconciling work and family life
3. Adaptation of the burden of proof
4. Working time flexibility and workers' security
5. Prevention of sexual harassment
6. Worker information and consultation
7. Protecting workers against employers' insolvency
8. Modernisation of employment relations
9. Exposure to asbestos at work
10. Economically dependent workers
11. Data protection
12. Corporate restructuring
13. Supplementary pensions
14. Stress at work
15. Carcinogen substances
16. Revision of the working time directive
17. Revision of EWC directive
18. Musculoskeletal disorders
19. Violence at the workplace
20. Simplification of "health and safety" directives
21. Active integration of people furthest from the labour market
22. Reconciliation of work, private and family life
23. Cross-border transfer of undertakings

## Outcome:

- Directive  
Agreement on parental leave – Directive
- Agreements on part-time work and fixed-term work - Directives
- Directive  
Directive
- Agreement on telework  
Directive
- Social partner initiatives  
Commission proposal  
Agreement on work-related stress
- Commission proposal  
ongoing  
Directive in preparation  
Agreement on harassment and violence at work  
Proposal to revise directives  
ongoing
- ongoing  
ongoing





## **Article 139**

1. Should management and labour so desire, the dialogue between them at Community level may lead to contractual relations, including agreements.
2. Agreements concluded at Community level shall be implemented
  - either in accordance with the procedures and practices specific to management and labour and the Member States
  - or, in matters covered by Article 137, at the joint request of the signatory parties, by a Council decision on a proposal from the Commission.





Agreements  
implemented by  
Directive ↔ « Autonomous »  
agreements

The difference is not in content, but  
in way of implementation:



Council decision  
(Directive) – obligation  
on Member States to  
transpose

« Autonomous » route –  
obligation on (national)  
social partners to  
implement



## Agreements implemented by directive:

- parental leave - 1995
- part-time work - 1997
- fixed-term work - 1999

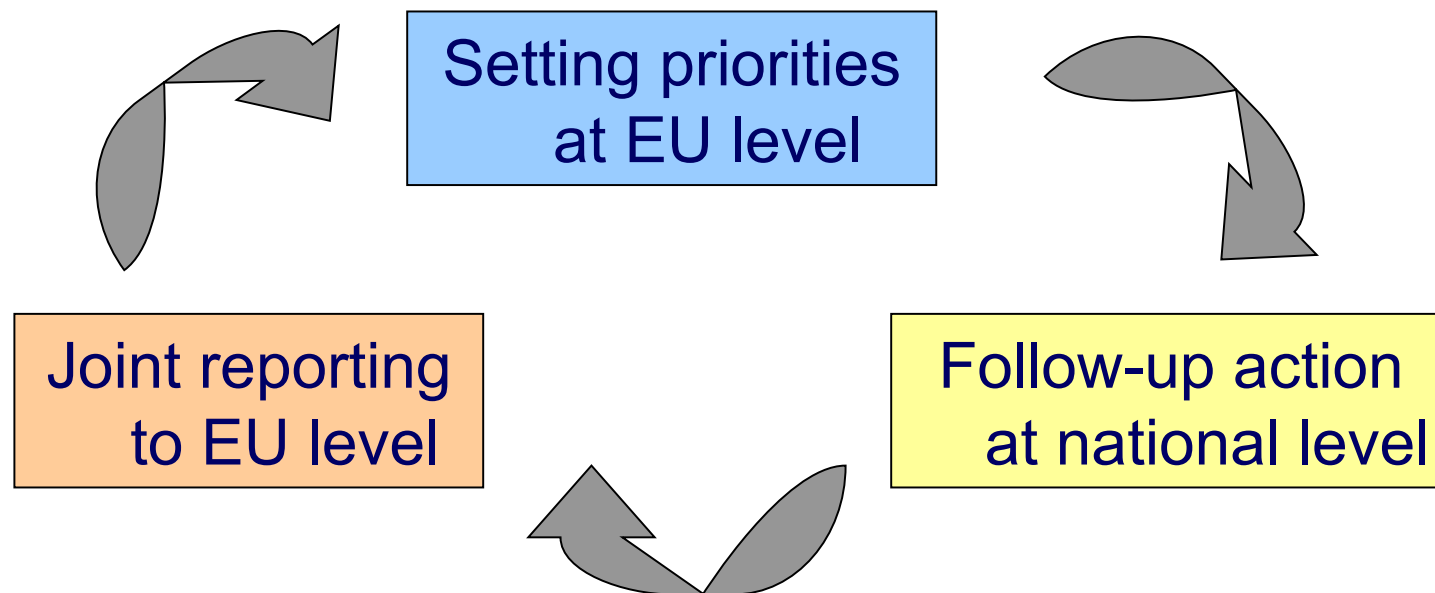
## « Autonomous » agreements implemented by social partners:

- telework - 2002
- work-related stress - 2004
- harassment and violence at work - 2007





### Frameworks of action



- Framework of action on the lifelong development of competencies and qualifications - 2002
- Framework of action on gender equality - 2005



**Agreements  
(Article 139.2  
EC Treaty)**

**Agreements - Directives**

**Autonomous agreements**

**Implementation**

**Process-oriented  
texts**

**Frameworks of action**

**Guidelines and Codes of conduct**

**Policy orientations**

**Follow-up at  
National level**

**Exchange of  
information**

**Joint opinions**

**Declarations**

**Tools**

**Information  
Dissemination**



# 35 Sectoral Social Dialogue Committees

+ 2 submitted requests (\*)

**Agriculture**  
**Extractive industry**  
**Sea fishing**

**Chemical industry**  
**Steel**  
**Shipbuilding**  
**Construction**  
**Gas**  
**Electricity**  
**Woodworking**  
**Furniture**  
**Footwear**  
**Textile/clothing**  
**Tanning/leather**  
**Sugar**  
**Automobile (\*)**  
**Non ferrous metals (\*)**

**Commerce**  
**Hospitals**  
**Life performance**  
**Inland Navigation**  
**Industrial cleaning**  
**Horeca**  
**Catering**  
**Banking**  
**Insurance**  
**Audiovisual**  
**Temporary agency work**  
**Telecom**  
**Civil aviation**  
**Sea transport**  
**Road transport**  
**Railways**  
**Private security**  
**Postal services**  
**Personal services**  
**Local / regional government**





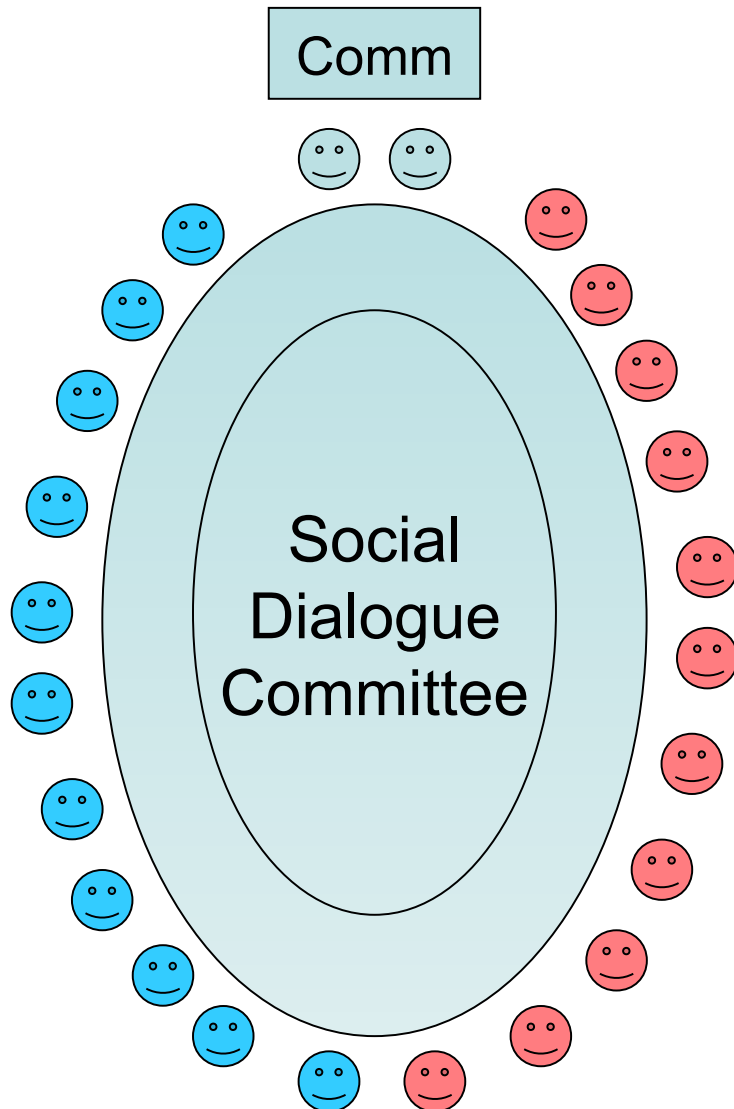
- Agreements:
  - **Railways**: Agreement on certain aspects of the working conditions of mobile workers assigned to interoperable cross-border services, 2005 – *implemented by Council directive*
  - **Extractive industries (multi-sectoral: mining, ceramics, glass, ... - 13 sub-sectors)**: Agreement on workers health protection through the good handling and use of crystalline silica and products containing it (extractive industry), 2006 – *autonomous agreement*





- Frameworks of action:
  - **Agriculture**: Reduction of risk of musculo-skeletal disorders, 2005 – *follow-up reports*
  
- Guidelines/Codes of conduct/Recommendations:
  - **Construction**: Prevention of occupational stress, 2006
  
- Declarations:
  - **Temporary agency work**: Joint declaration on flexicurity, 2007
  - **Cleaning industry**: Joint declaration on day-time work, 2007





## Social Partners

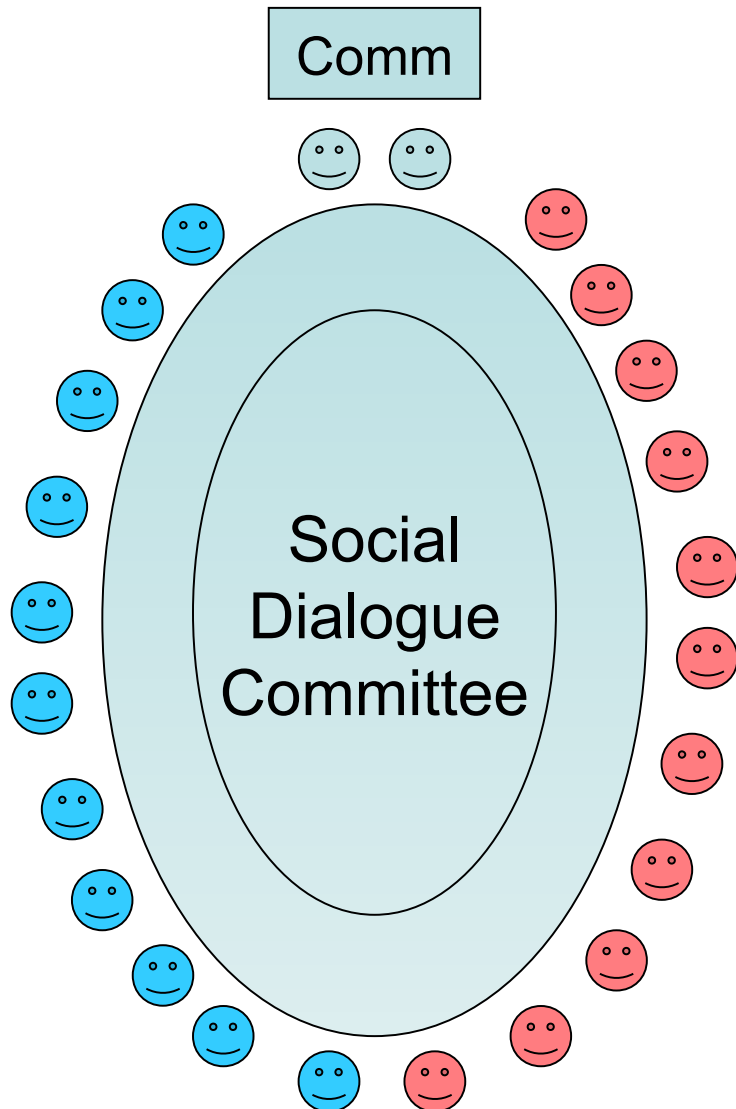
"Autonomy and responsibility"

**Decide on the rules of procedure of their dialogue** (objectives, preparation, presidency...)

**Decide on the level and rhythm of their dialogue** (number and type of meetings)

**Decide on the content of their dialogue** (meeting agenda)

**Decide on the outcome of their dialogue** (instruments)



## Commission

- **Driver (Art. 138 consultations)**
  - **Facilitator (meetings)**
  - **Support (technical & financial)**
- pro-active and reactive role**



**04.03.03.01**  
**Social Dialogue and Industrial Relations**

**04.03.03.02**  
**Information and training measures  
for workers' organisations**

**04.03.03.03**  
**Information, consultation and  
participation of representatives of  
undertakings**





- New instruments – « soft law » : « new generation texts » (autonomous agreements, frameworks of action)
- Focus on implementation and follow-up at national level – regular monitoring and reporting
- More structure and forward-planning: multi-annual work programmes (2003-2005, 2006-2008)
- Capacity-building for social partners from new Member States: « integrated programme »





- « Flexicurity »: improving the functioning of labour markets
- Reconciliation of work, family and private life
- European Works Councils ??
- Lifelong learning
- Integration of disadvantaged groups on the labour market
- Restructuring
- Demographic change (active ageing, youth integration)
- Mobility of workers
- ...





# Thank you for your attention!

## More information about European social dialogue:

[www.ec.europa.eu/socialdialogue](http://www.ec.europa.eu/socialdialogue)

The screenshot shows a Microsoft Internet Explorer browser window displaying the 'Social Dialogue' page on the European Commission website. The browser's address bar shows the URL: [http://ec.europa.eu/employment\\_social/social\\_dialogue/index\\_en.htm](http://ec.europa.eu/employment_social/social_dialogue/index_en.htm). The page header includes the European Commission logo and the text 'Employment, Social Affairs & Equal Opportunities Social Dialogue'. Below the header, there is a navigation menu with 'Contact | Search'. The main content area features a 'Social Dialogue' logo on the left and a central text block. The text block describes European social dialogue as a unique component of the European social model, based on the EC Treaty. It mentions two main forms: 'bipartite dialogue' and 'tripartite dialogue'. A sidebar on the left lists various resources such as 'News Conferences', 'Cross-industry Social Dialogue', and 'Social Dialogue Texts Database'. A 'Focus on' box on the right highlights recent events, including a 'Forum was held in Brussels' and a 'Working Together for Results' conference. At the bottom of the page, there are links for 'Main dates' and 'Results of the online survey on social dialogue'.