



European Social Dialogue

**- ETUC Resource Centre -
Training & Mentoring**

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Outline

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I. Types of Social Dialogue

- ▲ **Social dialogue: a tool to ensure smooth functioning of labour markets**
- ▲ **Three types of activities involving the social partners:**
 - ▶ **social dialogue** designates bipartite work by the social partners, whether or not prompted by the Commission's official consultations based on articles 138 and 139 of the Treaty
 - ▶ **consultation of the social partners** designates the activities of advisory committees and official consultations in the spirit of articles 138 and 139 of the Treaty
 - ▶ **tripartite concertation** designates exchanges between the social partners and European public authorities

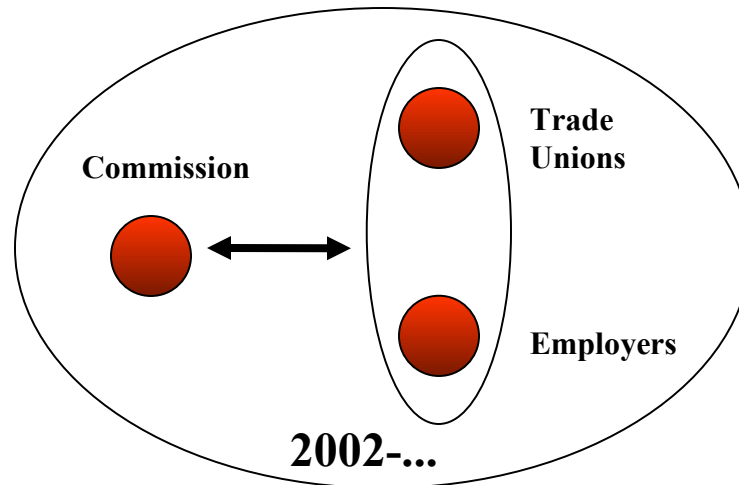
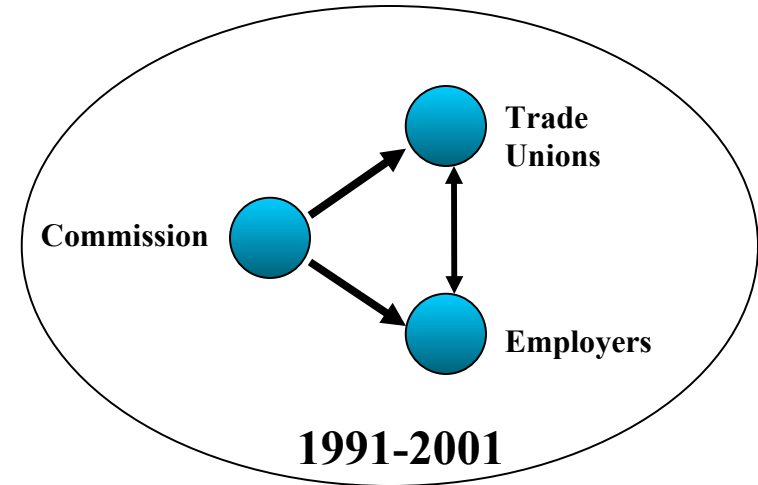
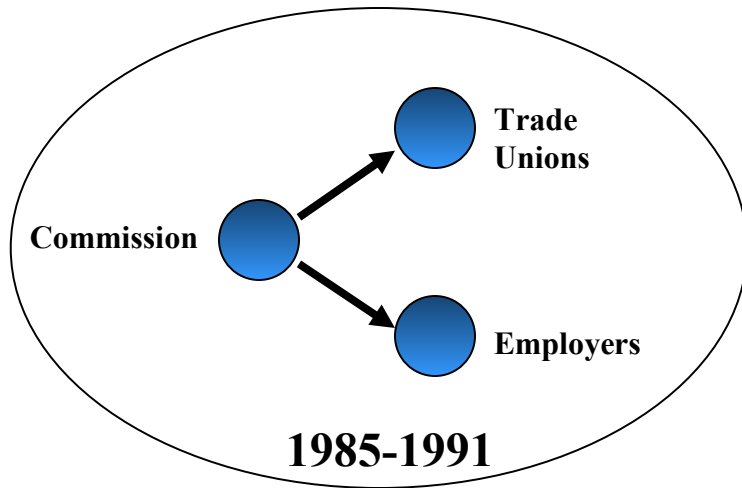
II. History

▲ Three main stages of development:

- ▶ Before 1985: formal/informal consultations of SPs
- ▶ 1985-1990: emergence of bi-partite social dialogue ("joint opinion period")
- ▶ 1991-2001: recognition of social dialogue in the Treaty and negotiations of agreements based on article 138 and 139 of the Treaty
- ▶ Since 2002: social partners re-affirm their autonomy and adopt a work programme for social dialogue 2003-2005 and 2006-2008.

II. History

Towards a new era of partnership?



II. EU Social Dialogue: actors

Representing European workers

- ▶ **ETUC** – European Trade Union Confederation;
- ▶ Established in 1973;
- ▶ 82 member organisations in 36 countries;
- ▶ 60m members;
- ▶ **12 European Industry Federations**;
- ▶ **Eurocadres** (professional & managerial staff)
- ▶ **FERPA** (retired & older people)

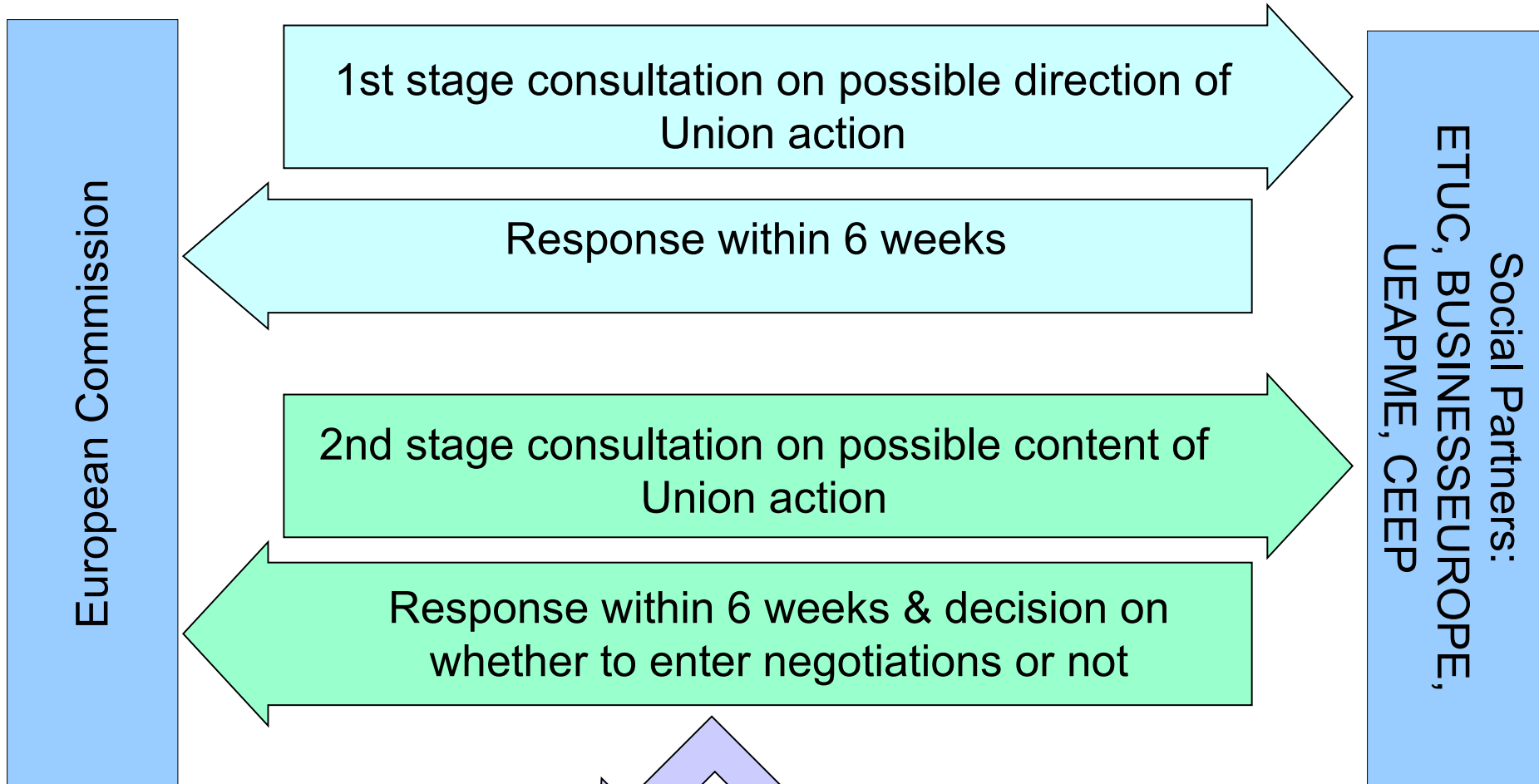
Representing European employers

- ▶ **BUSINESSEUROPE** – the Confederation of European Business;
- ▶ Formerly known as UNICE
- ▶ Established 1958;
- ▶ 39 federations from 33 countries;
- ▶ More than 20m companies;
- ▶ **UEAPME** – European Association of Craft, Small and Medium-sized Enterprises
- ▶ **CEEP** – European Centre of Enterprises with Public Participation and of Enterprises with General Economic Interest

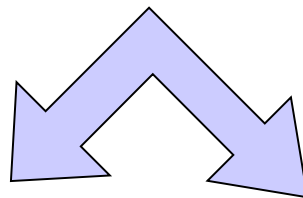
II. Treaty provisions

▲ Treaty articles art. 138 and 139:

- ▶ consultation of the social partners in the social field (definition of social field in art.137)
- ▶ two-stage consultation (on “possible direction” and “content” of future Union action)
- ▶ possibility to enter negotiations and to conclude an agreement replacing Union action
- ▶ two options regarding implementation



No negotiation or failure of negotiations:
Adoption of Union action through normal procedures



Negotiation:

- 9 months to reach agreement
- If success, agreement replaces Union action
- Implementation through Directive or by own SP means

First reply

“Commission consults European social partners on need for Community action” (stage 1)

- ▶ Social partners have 6 weeks to prepare reply on the need for EU action on specific issue
- ▶ ETUC Secretariat prepares draft reply for consultation
- ▶ Draft discussed in the relevant working group(s)
- ▶ Adoption by Executive Committee or by written procedure
- ▶ Reply sent to Commission

Second reply

Commission consults European social partners
on content of legislation (stage 2)

- ▶ Decision of the Executive Committee whether to negotiate or not
- ▶ ETUC prepares its decision and mandate
 - ▶ EC shall determine the mandate of the delegation for negotiations. The decision shall have the support of at least 2/3 of the member organisations directly concerned by the negotiations (art 14 of the ETUC Statutes)
 - ▶ mandate adopted collectively

Second reply

▲ ETUC Procedure

- ▶ +/- same procedure as in the first reply
- ▶ Sometimes written procedure is enough
- ▶ Other times discussion by the executive Committee

Second reply

Decision of the Executive Committee whether to negotiate or not

▼ If no ► **No negotiations**

▲ If yes ► ETUC informs employers organisations

However...

If one side has no mandate ► **No negotiations**

If both sides have a mandate ► **joint letter to the EC announcing negotiations**

Negotiations

Composition of the team

- ▲ **Art.14 ETUC Statutes:** the Executive Committee shall determine the composition of the delegation for negotiation
- ▶ ETUC & Employers designate respectively a negotiator (for ETUC is in general a member of the Secretariat)
- ▶ ETUC & Employers choose a neutral chair person for negotiations

Negotiations

Sessions

- ▲ Everybody can speak, input from each representative, prepared at home with members**
- ▲ Secretariat prepares basic input**
- ▲ Plenary meetings: both negotiator and/or other members can speak (although most often is the negotiator)**

Negotiations

Principles

- ▲ **Nothing is agreed until everything is agreed**
- ▲ **Negotiating team negotiates on the basis of its mandate. It cannot go under the mandate. If it goes beyond it is discussed by the Executive Committee**
- ▲ **The Executive Committee is regularly informed on progress made**

Negotiations

Possible outcomes

▲ Success

- ▶ Negotiation team accepts text
- ▶ Executive Committee accepts or rejects the agreement

▼ Failure

- ▶ Negotiation team reports that it cannot reach agreement within the mandate
- ▶ Executive Committee decides whether to ask a change in mandate or recommend to break negotiations
- ▶ Executive Committee adopts revised mandate or decides to break negotiations

II. EU Social Dialogue: results at cross-industry level

from 1986 to 2007

▲ 6 Framework agreements

- ▶ Agreement on parental leave, 14 December 1995 > EU Directive
- ▶ Agreement on part time work, 6 June 1997 > EU Directive
- ▶ Agreement on fixed term contracts, 19 March 1999 > EU Directive
- ▶ Agreement on telework, 16 July 2002 > Implementation by SPs
- ▶ Agreement on work-related stress, 8 October 2004 > Implementation by SPs
- ▶ Agreement on harassment and violence, 26 April 2007 > Implementation by SPs

II. EU Social Dialogue: results at cross-industry level

from 1986 to 2007

▲ 2 Framework of actions

- ▶ Framework of actions on the lifelong development of competencies and qualifications, 14 March 2002
 - ▶ Framework of actions on gender equality, 22 March 2005
- ▲ More than 50 joint reports, recommendations, declarations, opinions, compendia of good practices etc.**

III. EU Social Dialogue at sectoral level

35 Sectoral Social Dialogue Committees

Agriculture
Audiovisual
Banking
Catering
Chemical industry
Civil aviation
Cleaning industry
Commerce
Construction
Electricity_
Extractive industry
Footwear
Furniture
Gas
Horeca
Hospitals
Inland waterways
Insurance
Live performance

Local and regional government
Personal services
Postal services
Private security
Railways
Road transport
Sea fisheries
Sea transport
Shipbuilding
Steel
Sugar
Tanning and leather
Telecommunications
Temporary agency work
Textile and clothing
Woodworking

***Automotive industry**

***Non-ferrous metals**

III. EU Social Dialogue: structure

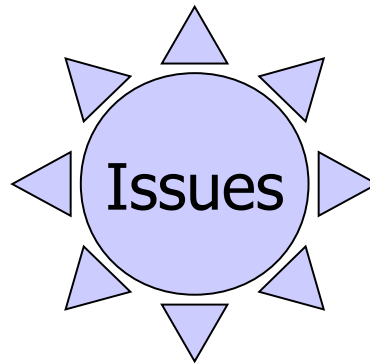


IV. Tripartite concertation: issues

In the framework of the Lisbon Strategy ...

Macro-economic policy
including structural reforms

Employment policy



Education and Training

Social protection

IV. Tripartite concertation: structure

Discussions between social partners and public authorities on economic and labour market issues

- Why?*
- ▶ to help devising widely supported policies
 - ▶ to exchange views on policies
 - ▶ to give advice

- With whom?*
- ▶ the Council: when planning, before deciding
 - ▶ the Commission: before proposing or when implementing

IV. Tripartite concertation with the Council

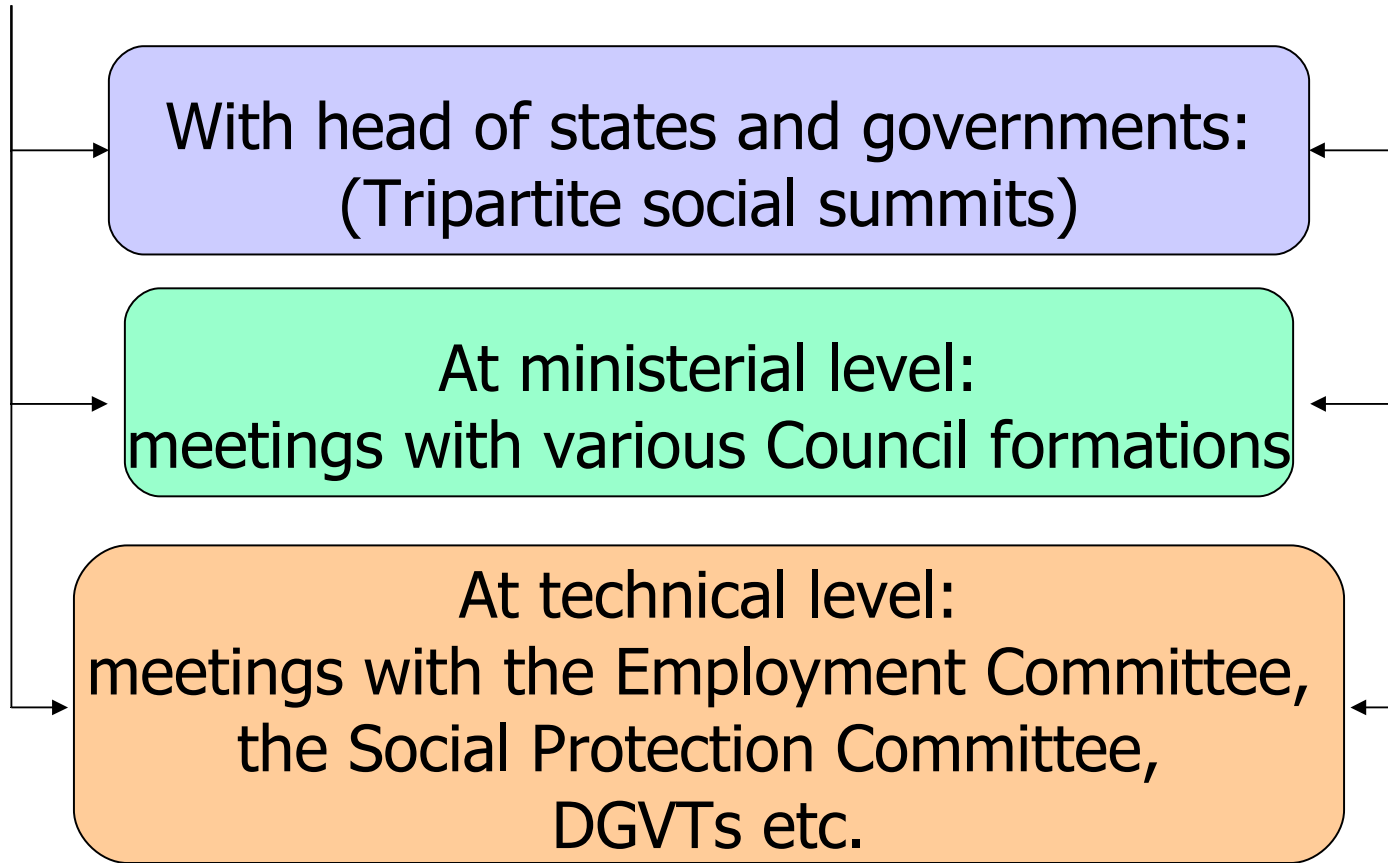
COUNCIL

SOCIAL PARTNERS

With head of states and governments:
(Tripartite social summits)

At ministerial level:
meetings with various Council formations

At technical level:
meetings with the Employment Committee,
the Social Protection Committee,
DGVTs etc.





THANK YOU