CAPACITY BUILDING SEMINAR “PROMOTING AND REINFORCING SOCIAL DIALOGUE”

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Belgrade, 22 January 2014
POLISH CRAFT ASSOCIATION

- Established: 1933
- Organisation of craft economic self-government
  - Law on crafts
  - Employers Organisation
    - Law on Tripartite Commission for social and economic issues
    - Law on employers organisations

 voluntary membership in general / 1 exemption
ZRP STRUCTURE

POLISH CRAFT ASSOCIATION
Tripartite Commission for Social & Economic Affairs
Labour Market Council

27 CRAFT AND SMALL BUSINESS CHAMBERS
Social Dialogue Commissions & Labour Market Councils
at voivodeships level

476 CRAFT GUILDS
Labour Market Councils
at districts level

Craft co-operatives

ENTERPRISES
POLISH CRAFT ASSOCIATION

since 1991  member of

since October’2003
represented in SDC (UEAPME delegation)
POLISH CRAFT ASSOCIATION

DEFINITION OF THE CRAFT ENTERPRISE

- Economic activity conducted by a natural person or a civil partnership of natural persons
- Personal involvement of the craftperson in work
- Activity on the craftperson’s own behalf and account
- Certified craft qualifications / skills
- Up to 50 employees
CRAFT ENTERPRISES

- Majority: micro-enterprises
- Over 100 craft professions
- Growing number of service-providers
- Decreasing number of manufacturing enterprises
- The strongest craft branches: building, automotive, food-processing, carpentering, metalworking, personal services …
REPRESENTATIVE SOCIAL PARTNERS

EMPLOYERS ORGANISATIONS
• Polish Craft Association (ZRP) / UEAPME
• Confederation Lewiatan / BusinessEurope
• Employers of Poland / CEEP ???
• Business Centre Club (BCC) / ......

TRADE UNIONS / ETUC
• Independent Self-governing Trade Union „Solidarity”
• All-Poland Alliance of Trade Unions (OPZZ)
• Forum of Trade Unions (FZZ)
POLISH SOCIAL PARTNERS

**Trade Unions density - around 12 -14 %**
Trade union members as a percentage of all employees in dependent employment

**Employers organizations density – around 20%**
Percentage of employees employed by companies that are members of an employer organisation
SOCIAL DIALOGUE in POLAND

- It was built from scratch after collapse of communist regime (1989)

- 1994 - first tripartite agreement between employers’ organisations, trade unions and government it established the legal framework for social dialogue

- 1997 – Poland’s new Constitution – according to which – the dialogue between social partners constitutes a pillar of the social market economy
SOCIAL DIALOGUE in POLAND
DO WE HAVE A POLISH MODEL OF SOCIAL DIALOGUE?

- The law
- Institutions
- Procedures
- The practice
SOCIAL DIALOGUE in POLAND
THE LEGAL BASIS

- EU Treaty
- Constitution of the Republic of Poland
- Legal acts:
  - Law on trade unions
  - Law on employers organisations
  - Law on settlement of collective disputes
  - Labour Code
  - Law on the Tripartite Committee for social and economic issues and for provincial social dialogue committees (....)
SOCIAL DIALOGUE in POLAND
national level

TRIPARTITE COMMISSION FOR SOCIAL & ECONOMIC AFFAIRS
nation-wide operations,

- the greatest scope of competences

- main goals:
  - reconciliation of the interests of employees, employers and the public good
  - maintaining social peace

- Presidium
- Secretaries from each organisation
- Tripartite teams (interprofessional and sectorial)

+ support from the government side (Dialog Centre facilities and annual budget for each side for some activities)

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SOCIAL DIALOGUE in POLAND
national level

TRIPARTITE COMMISSION

11 tripartite teams:
- Labour law and collective bargaining
- Social security
- Economic and labour market policy
- Development of social dialogue
- State budget, wages and social benefits
- Public services
- Cooperation with ILO
- Structural funds
- Revised European Social Charter
- EU
- Local government employees and civil service

13 SECTORAL TRIPARTITE TEAMS (energy industry; Metallurgy Sector; Miners; Sulphur Mining and Processing Industries; Textile Industry; Defence-Related Manufacturing; Chemical Sector; Fishery and Sailing; Construction and Public Utilities; Railways; Healthcare; Brown Coal-Mining Sector; Ship-Building Industry)
SOCIAL DIALOGUE in POLAND regional level – voivodeships level

REGINAL COMMISSIONS FOR SOCIAL DIALOGUE

- 4 sides:
  - representative social partners
  - Government represented by the voivode
  - Local self-government authorities side represented by the marshal of the voivodeship

- give opinions on issues under competences of the government and local administration of voivodeships
- lack of organizational, material and expert basis for their activities
- lack of legal instruments allowing them to influence the situation in regions
- unclear division of competences between the government and local self-governments which makes the cooperation difficult.
SOCIAL DIALOGUE in POLAND
BIPARTITE INSTITUTIONS

- Lack of such institutions
- Phare 2000 Social Dialogue Twinning project
  One of the goals: to establish bilateral forum for EU issues (established; some success, no continuity …)
- Committee for Metal Industry Employees – officially appointed… and some preparations to establish bipartite committee for construction industry – unsuccessful
- rather non-institutionalised initiatives of social partners to be presented to the government:
  „Package of activities to combat the crisis consequences” (2009)
  Joint statement on social security contributions from civil law contracts and on changes in public procurement law (2014)
  Agreement on minimal wage in the construction sector (2014)
- European Social Dialogue and implementation of agreements and Frameworks of actions and a flywheel effect for bilateral dialogue at the national level
SOCIAL DIALOGUE in POLAND
collective bargaining

- decentralised system of collective bargaining
- based on the company or sectoral level negotiations
- percentage of employees covered by collective agreements: 25 % (2012)
- In December 2014 there were 174 multi-employer agreements registered (including 14 „dead” ones; 74 partly terminated by one side)
SOCIAL DIALOGUE in POLAND
CHALLENGES

- Tripartite structure predominant at national, sectoral and regional level
- Low density of social partners
- Bilateral - autonomous social dialogue: incidental ad hoc initiatives (no institutions and/or procedures for autonomous negotiations)
- Weak system of collective bargaining
- Lack of proper legal instruments for regional/local social dialogue

- Crisis of social dialogue institutions since 2013
SOCIAL DIALOGUE in POLAND
CHALLENGES

- A dialog within each organisation
- Readiness of the members to accept decisions taken by their representatives and follow commitments
- An attitude of SMEs (especially micro SMEs) to the social dialogue
- Development of skills and competences indispensable for social partners at any level
- Changes in mentality of the Polish society – including social partners: from confrontation to cooperation
SOCIAL DIALOGUE in POLAND
implementation of European Social Dialogue instruments

Framework agreement on telework
-> The agreement between Polish social partners has been concluded and then transposed into the law (amendment to the Labour Code).

Framework agreement on work-related stress

Framework agreement on harassment and violence at work
-> Joint declarations / -> Recommendations
-> Joint Team for psychosocial risks

Framework agreement on inclusive labour markets
Partly implemented. Negotiations launched and halted. Problems: Too broad scope and vague content of the ESP agreement; problems with coordination of the positions; influence of the crisis in Tripartite Committee

Framework of actions for the lifelong development of competencies and qualifications
As a guidelines for national actions

Framework of actions on youth employment
To be implemented; initial phase
SOCIAL DIALOGUE
Capacity Building

- Knowledge
- Experience – skills developed in practice
- Readiness to learn and develop
- Time to engage to participate or follow
- Financial means to participate or follow
- Cooperation capacities
  - Cooperation - the resultant of 3 main elements:
    - Mutual trust
    - Common interests
    - Good communication

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Capacity Building via European Funds

- EU support available at EU level
  - via social partners organisations as European umbrella organizations and social partners
  - directly for networks and partnerships of national social partners

- EU support available at national level
  - under Cohesion policy instruments
  - or under pre-accession instruments for candidate countries
ZRP and Capacity Building via EFS

- **EU support available at EU level**
  - joint projects of European social partners focused on capacity building
  - projects of TU Solidarity with the aim to prepare Polish social partners to implementation of the European framework agreements (stress, violence & harassment, ILM)
  - PEGASE

- **EU support available at national level**
  - own projects aimed at ZRP capacity building
ZRP and Capacity Building via EFS

the starting point:

PHARE & EQUAL
ZRP and Capacity Building via EFS
the starting point: Phare and Equal

- **BSP I & II**: SME FIT, SMECA
  social dialogue and social policy components
  *ZRP as an recipient*
- **BSP III, SME FIT II**
  social dialogue
  *ZRP shares knowledge and experience*

- **Equal**: Managing adaptation to structural change
- **Equal**: SMEs vs ITC tools
  *partnerships with TU and employers org.*
ZRP and Capacity Building via EFS
the starting point: Phare and Equal

- Phare 2000 Social Dialogue budget line
- Twinning project of Polish and Danish Ministries of Labour and Social Partners
- 2002 – 2003

- training of trainers (4 trainers from ZRP): theory and practice
- setting up a Round Table for European Integration, a bilateral autonomous social dialogue body
  learning from each other, making contacts, networking of TU and employers representatives;

TELEWORK agreement implemented
ZRP and Capacity Building via EFS


- emphasize the need for the active involvement of social partners in programming and implementing of ESF programmes,
- made specific reference to the partnership and capacity building !!!!!!!

Article 6 of ESF Regulation No 1304/2013

2. To encourage adequate participation of the social partners in actions supported by the ESF, the managing authorities of an operational programme in a region defined in Article 90(2)(a) or (b) of Regulation (EU) No 1303/2013 or in a Member State eligible for support from the Cohesion Fund shall ensure that, according to the needs, an appropriate amount of ESF resources is allocated to capacity building activities, in the form of training, networking measures, and strengthening of the social dialogue, and to activities jointly undertaken by the social partners.
ZRP and Capacity Building via EFS

National Strategic Reference Frameworks

Operational programmes

Priority axes

!!! How the multiple roles of social partners provided in ESF Regulations are taken into account
ZRP and Capacity Building via EFS

- Status of social partner

- Knowledge and experience
  - Social dialogue area
  - EU funding area

- Friendly conditions under the National Strategic Reference Frameworks

- Staff to prepare and run projects
ZRP and Capacity Building via EFS

Operational Programme: HUMAN CAPITAL

- 5 priorities implemented at central level

Priority 2: Development of human resources and adaptation potential of enterprises and improving the health condition of working persons
  Measure 2.1 Development of human resources
  Sub-measure 2.1.2 Partnerships for increasing of adaptability

Priority 5: Good governance
  Measure 5.5 Development of social dialogue
  Sub-measure 5.5.1 System support for social dialogue
  Sub-measure 5.5.2 Strengthening of social dialogue participants

- 4 priorities implemented at regional level

Priority 8: Regional human resources and competences in regions
  Measure 8.1 Development of employees and enterprises in regions
  Sub-measure 8.1.3 Support for local partnerships with the aim of adaptability development
ZRP and Capacity Building via EFS examples

Effective experts = efficient dialogue

HCOP 2007-2013, Priority 5 – Good Governance, Measure 5.5 – Development of social dialogue, Sub-measure 5.5.2 - Strengthening of social dialogue participants

Implementation period: 01 June 2009 - 31 May 2011

Goals:
- Enhancement of efficiency of ZRP member organizations considering their participation in social dialogue at national and regional level.
- Improvement of skills and competences of ZRP representatives from member organizations to take active part in social dialogue initiatives
- Supporting participation of ZRP in actions resulted from the European social dialogue.

Activities: seminars, workshops, trainings, networking
ZRP and Capacity Building via EFS
examples
Sectors in dialogue

HCOP 2007-2013, Priority V – Good Governance,
Measure 5.5 – Development of social dialogue,
Sub-measure 5.5.2 - Strengthening of social dialogue participants

Implementation period: 01 Sept 2011 - 28 Febr 2013

＊Goals:
- Establishment of Secretariat for European Sectoral Dialogue
  (coordination of sectoral cooperation between ZRP and UEAPME and its Forums.
- Organization of the network of 24 Experts for European sectoral dialogue.
- Development of competences
  (experts and theirs co-workers, members of the Board)
- Elaboration of sectoral system of consultations, tested through preparation of 32 ZRP position papers in the framework of UEAPME consultations

＊Activities: selection of sectoral experts and building a network; trainings; study visits; cooperation with advisers; seminars; position papers; newsletter.
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Sectors in dialogue

NETWORK OF EXPERTS

4 prs ➔ Construction Forum
4 prs ➔ Cosmetics Forum
4 prs ➔ Transport Forum
4 prs ➔ Food Forum
8 prs ➔ UEAPME in general
  Artists – 3 prs
  Gold-smiths - 2 prs
  Photographers - 1 prs
  Tailors/Textile – 1 prs
  Optician - 1 prs

SECRETARIAT for ESD

SECRETARY

ADVISORS

library

SECTORAL SYSTEM OF CONSULATIONS

1. DRAFT SYSTEM
2. CONSULTATIONS
3. TESTING PHASE
   32 positions
4. SYSTEM- MODEL
ZRP and Capacity Building via EFS
examples

Improvement of the system of social dialogue and strengthening institutions and participants of social dialogue

Systemic project managed by the Ministry of Labour

HCOP 2007-2013, Priority V – Good Governance,
Measure 5.5 – Development of social dialogue,

Period of implementation: July 2008 – December 2009

Components:

A study on the condition of social dialogue in Poland, with recommendations
Training need analysis vs social partners and pilot training sessions
Seminars
Study visits to EU MS
Elaboration of the concept of institutional support for social dialogue participants (+ experts opinions)

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ZRP and Capacity Building via EFS examples

HCOP 2007-2013 Priority 2: Development of human resources…

Sub-measure 2.1.2 Partnerships for increasing of adaptability

ZRP project in partnerships:

✓ Innovations – that is simple
Public relations vs competitiveness and adaptability of SMEs

✓ Flexicurity Promotion

✓ Flexicurity Platform

✓ Project Partnerships for development of SMEs competitiveness
ZRP and Capacity Building via EFS

examples

ESF projects at the regional level
under the HCOP 2007-2013

Sub-Measure 8.1.3 Support for local partnerships with the aim of adaptability development

with participation of SME and Craft Chambers, members of ZRP