THE EU SOCIAL DIALOGUE

Question Time!
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...ETUC's ROLE IN EU SOCIAL DIALOGUE
Bipartite and tripartite social dialogue

**Bipartite**
Employers / Trade Unions

- Cross industry: covering the whole economy
- Sectoral: 43 SSDC

**Tripartite**
Employers / Trade Unions / EU institutions

- Tripartite Social summit
- (Advisory) committees s.a SDC, EMCO, Macro eco dialogue, ...
## Participants EUSD at cross-industry level

### Representing European workers:

#### Representing European employers

<table>
<thead>
<tr>
<th>The Confederation of European Business</th>
<th>The European Centre of Employers and Enterprises providing Public services</th>
<th>The European Association of Craft, Small and Medium-sized Enterprises</th>
</tr>
</thead>
<tbody>
<tr>
<td>Established <strong>1958</strong></td>
<td>Established <strong>1961</strong></td>
<td>Established <strong>1981</strong></td>
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<tr>
<td>40 federations from 34 countries</td>
<td>Enterprises and authorities from the EU, Norway and Turkey (associated members) and several European associations (individual members)</td>
<td>Over 80 federations (40 full members and 42 associate members)</td>
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<td>(in principle one per country)</td>
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<td>Public services providers employ <strong>30%</strong> of the EU workforce</td>
<td></td>
<td>More than <strong>12 million</strong> enterprises</td>
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Before 1985
• Formal/informal consultations of social partners already enshrined in the ESCC (1951)

1985-1990
• Emergence of bi-partite social dialogue ("joint opinion period" after Val Duchesse) and the "internal market"

1991-2001
• Recognition of social dialogue in the Treaty and negotiations of agreements based on articles 138 and 139

Since 2002
• Social partners affirm their autonomy and adopt work-programmes for social dialogue

2010…
• Articles 154 and 155 of the Treaty on the Functioning of the European Union (TFEU)
EU Social dialogue

- SD is part and parcel of the EU social model
- Enshrined in the TFEU cfr Art. 151 and following...

“The Union and the Member States, having in mind fundamental social rights such as those set out in the European Social Charter signed at Turin on 18 October 1961 and in the 1989 Community Charter of the Fundamental Social Rights of Workers, shall have as their objectives the promotion of employment, improved living and working conditions, so as to make possible their harmonisation while the improvement is being maintained, proper social protection, dialogue between management and labour, the development of human resources with a view to lasting high employment and the combating of exclusion”
• **Social dialogue** at all levels is a tool for building consensus / resolving conflicts

• **In its tripartite version:**
  - an instrument to influence government decisions and foster the democratisation of the economic and social policy-making...
  - reforms which have been discussed, negotiated, are easier to implement than those imposed => reduction of social conflicts;
Social dialogue brings also « economic value-added »

« Countries with the most developed social partnership and effective social protection systems are among the most successful and competitive in the world » ...”and resisted the best to the crisis”.

(Joint IDEA, July 2015)
Treaty articles 152 to 155 TFEU

"The Union recognises and promotes the role of the social partners at all its level, taking into account the diversity of national systems. It shall facilitate dialogue between the social partners, respecting their autonomy" (Art. 152)
1. “The Commission shall have the task of promoting the consultation of management and labour at Union level and shall take any relevant measure to facilitate their dialogue by ensuring balanced support for the parties.

2. To this end, before submitting proposals in the social policy field (Art. 153), the Commission shall consult management and labour on the possible Union action.

3. If, after such consultation, the Commission considers Union action advisable, it shall consult management and labour on the content of the envisaged proposal. Management and labour shall forward to the Commission an opinion or, where appropriate, a recommendation.

4. On the occasion of the consultation referred to in paragraphs 2 and 3, management and labour may inform the Commission of their wish to initiate the process provided for in Article 155….”
Article 155 TFEU
(ex Article 139 TEC)

1. “Should management and labour so desire, the dialogue between them at Union level may lead to contractual relations, including agreements.

2. Agreements concluded at Union 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 153, at the joint request of the signatory parties, by a Council decision on a proposal from the Commission. The European Parliament shall be informed.”
● NOT in bipartite SD….

● …but consultations on some issues (poverty, CSR..) and in some advisory committees (informal EPSCO, ECOSOC, but not in TSS);

● … and involved in EESC;

● .. and, since the Better Regulation package (19/05/2015), also Public Consultation (except for SP agreements)…
PROCESS
Social partners have 6 weeks to prepare a 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 is sent to the Commission
Social partners have 6 weeks to prepare a reply

Decision of the Executive Committee whether to negotiate or not

- **NO**: No negotiations
- **YES**: ETUC prepares its decision and mandate
  - Exe. Comm 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)
  - The mandate adopted collectively
The Social Dialogue under Articles 154-155 EC Treaty

**COMMISSION**

- proposal in the social policy field
- if Community action is desirable
- where appropriate, Commission follow-up
- where appropriate, Commission follow-up
- Council decision and EU Directive in matter covered by 153 by qualified majority by unanimity (153-2)

**SOCIAL PARTNERS**

- consultation on possible direction
- opinion on the content of the envisaged proposal
- opinion or recommendation or wish to initiate, independently, a process of negotiation
- failure
- joint request

- negotiation 9 months
- agreement

Implementation in accordance with procedures and practices specific to management and labour.
Negotiations

From national to Europe
Regular meetings in Brussels
Social partners from 28 EU countries
A negotiating team
A drafting group
Language: basically EN
Up to 9 months to negotiate
Review at the level of Executive Committee
Negotiations

Principles and procedure

- 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)
- 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
RESULTS
• Agreements on **parental leave**, 14 December 1995 + 18 June 2009
  • Directive 96/34/EC of 3 June 1996
  • Directive 10/18/EC of 8 March 2010

• Agreement on **part time work**, 6 June 1997
  • Directive 97/81/EC of 15 December 1997

• Agreement on **fixed term contracts**, 19 March 1999

• Agreement on **telework**, 16 July 2002

• Agreement on **work-related stress**, 8 October 2004

• Agreement on **harassment and violence at work**, 21 April 2007

• Agreement on **inclusive labour markets**, 25 March 2010

• Agreement on **Active Ageing and an Intergenerational Approach**, 8 March 2017

**Transposed via Directive**

**Autonomous agreements**
3 Framework of actions (process oriented)

- Framework of actions on the lifelong development of competencies and qualifications, 14 March 2002
- Framework of actions on gender equality, 22 March 2005
- Framework of actions on youth employment, June 2013

More than 50 other joint documents: reports, recommendations, declarations, opinions, compendia of good practices, etc.

- Joint Recommendation on Social Partnership in Employee Training (2018)
- Joint Recommendations on ESF and Capacity Building (2018)
- In-depth Employment Analysis (2015)
- Joint declaration on EU social partners’ involvement in the EU economic governance (2013)
- Joint declaration on EU Apprenticeships (2013)

5 joint work programmes

5 Integrated programmes (joint projects)
Our approach:

- **Contribute autonomously to policies** affecting directly or indirectly employment and labour markets

- **Foster and strengthen the development of autonomous social dialogue** across European countries

- **Act at bipartite and tripartite levels**, taking possible European Commission upcoming proposals and initiatives as basis

- **Develop social partners’ role** in the process of the European Semester
One Interprofessional Social Dialogue Committee

43 Sectoral Social Dialogue Committees

EU cross-industry & sectoral SD
Bipartite and tripartite social dialogue

**Bipartite**
Employers / Trade Unions

- Cross industry: covering the whole economy
- Sectoral: 43 SSDC

**Tripartite**
Employers / Trade Unions / EU institutions

- Tripartite Social summit
- Advisory committees
# Tripartite concertation

<table>
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<tr>
<th>What</th>
<th>Why</th>
<th>With whom</th>
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<tbody>
<tr>
<td>Macro-economic policy including structural reform</td>
<td>To help devising widely supported policies</td>
<td>The Council: when planning, before deciding</td>
</tr>
<tr>
<td>Employment policy</td>
<td>To exchange views on policies</td>
<td>The Commission: before proposing or when implementing</td>
</tr>
<tr>
<td>Education and Training</td>
<td>To give advice</td>
<td></td>
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<tr>
<td>Social protection</td>
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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.
SD: some preconditions ....

.... and success factors
Preconditions

- Democratic foundations and an enabling legislation/practice;
- Willingness from all parties; shared interests;
- Respect of the specificities of the SP (no mix with NGOs);
- Strong, independant, representative and responsible SP;
- Mutual recognition / respect;
- Capacities and resources;
- Commitment to implement the outcomes;
Challenges

• No "one size fits all" solution.
• Bipartism or tripartism
• Attitude and role of government
• Leadership and in-group coordination
• Financial and material resources
• Labour market conditions
Social dialogue driving forces

- Follow-up during and after the negotiations
- Synergies between the levels
  - The consensual nature and relevance of the topics covered, to create a climate of confidence
- Mature industrial relations at national level
- The unity and consistency of national and EU social partners’ strategies
- Responsible actors
  - The quality of the negotiators involved, their expertise and dedication
- A favourable political context / support of institutions
  - Political independence
THANK YOU
ANNEXES

1/ ART 153 TFEU
(a) improvement in particular of the working environment to protect workers' health and safety;
(b) working conditions;
(c) social security and social protection of workers;
(d) protection of workers where their employment contract is terminated;
(e) the information and consultation of workers;
(f) representation and collective defence of the interests of workers and employers, including co-determination, subject to paragraph 5;
(g) conditions of employment for third-country nationals legally residing in Union territory;
(h) the integration of persons excluded from the labour market, without prejudice to Article 166;
(i) equality between men and women with regard to labour market opportunities and treatment at work;
(j) the combating of social exclusion;
(k) the modernisation of social protection systems without prejudice to point (c).