

CONFEDERATION

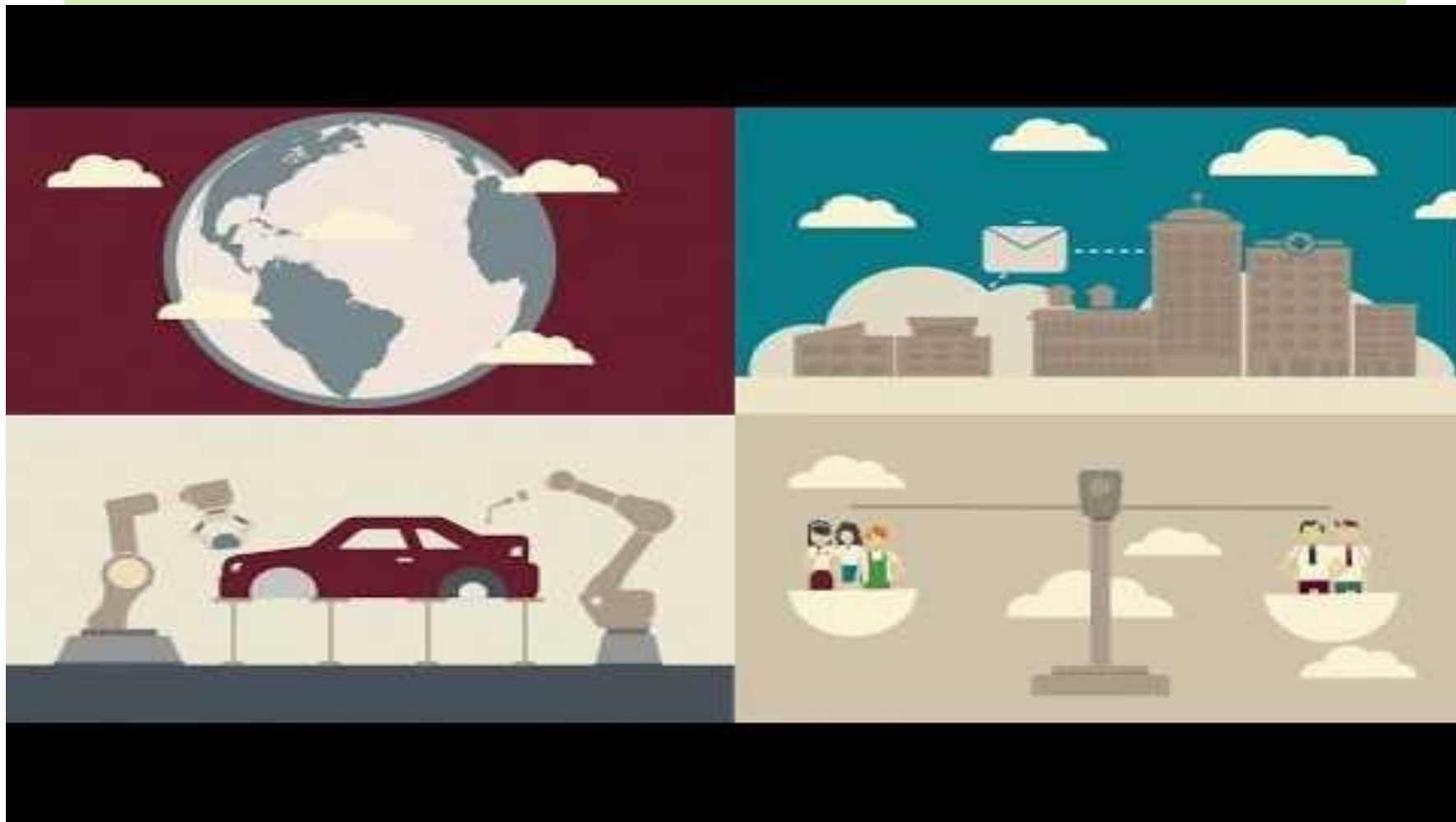
SYNDICAT

EUROPEAEN

TRADE UNION



THE EU SOCIAL DIALOGUE



THE EU SOCIAL DIALOGUE

Question Time!

THE EU SOCIAL DIALOGUE

...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



 The Confederation of European Business	 The European Centre of Employers and Enterprises providing Public services	 The European Association of Craft, Small and Medium-sized Enterprises
Established 1958	Established 1961	Established 1981
40 federations from 34 countries (in principle one per country)	Enterprises and authorities from the EU, Norway and Turkey (associated members) and several European associations (individual members)	Over 80 federations (40 full members and 42 associate members)
	Public services providers employ 30% of the EU workforce	More than 12 million enterprises

History

**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”*

EU Social dialogue (2)

- **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;

EU Social dialogue (3)

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)

Legal Basis

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)*

Legal Basis

Article 154 TFEU

(ex Article 138 TEC)

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....”.*

Legal Basis

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.”

Inclusion of NGO and other stakeholders

- ❖ 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

First reply

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

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

Second reply

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

Social partners have 6 weeks to prepare a reply

Decision of the Executive Committee whether to negotiate or not

NO

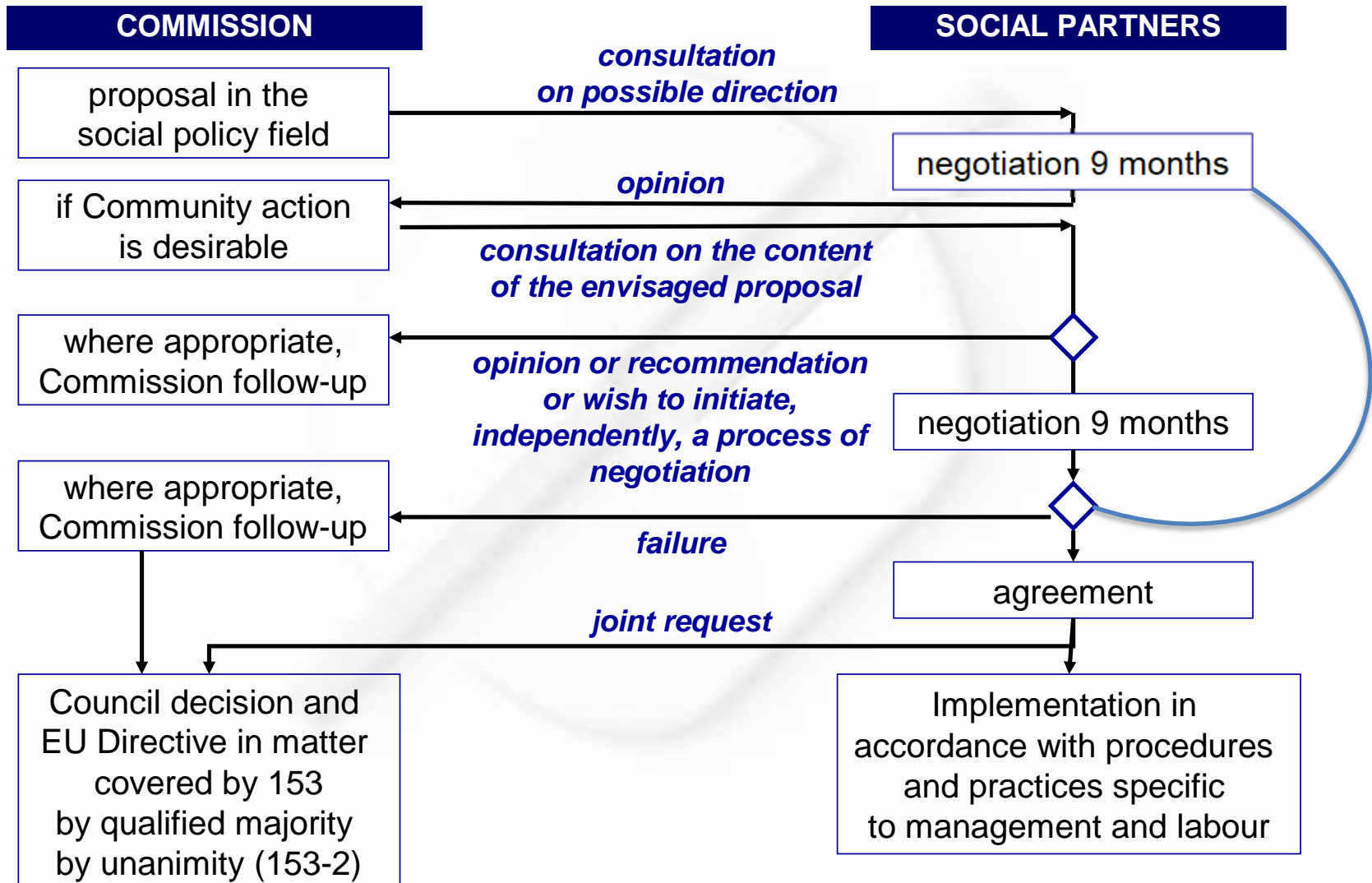
No negotiations

YES

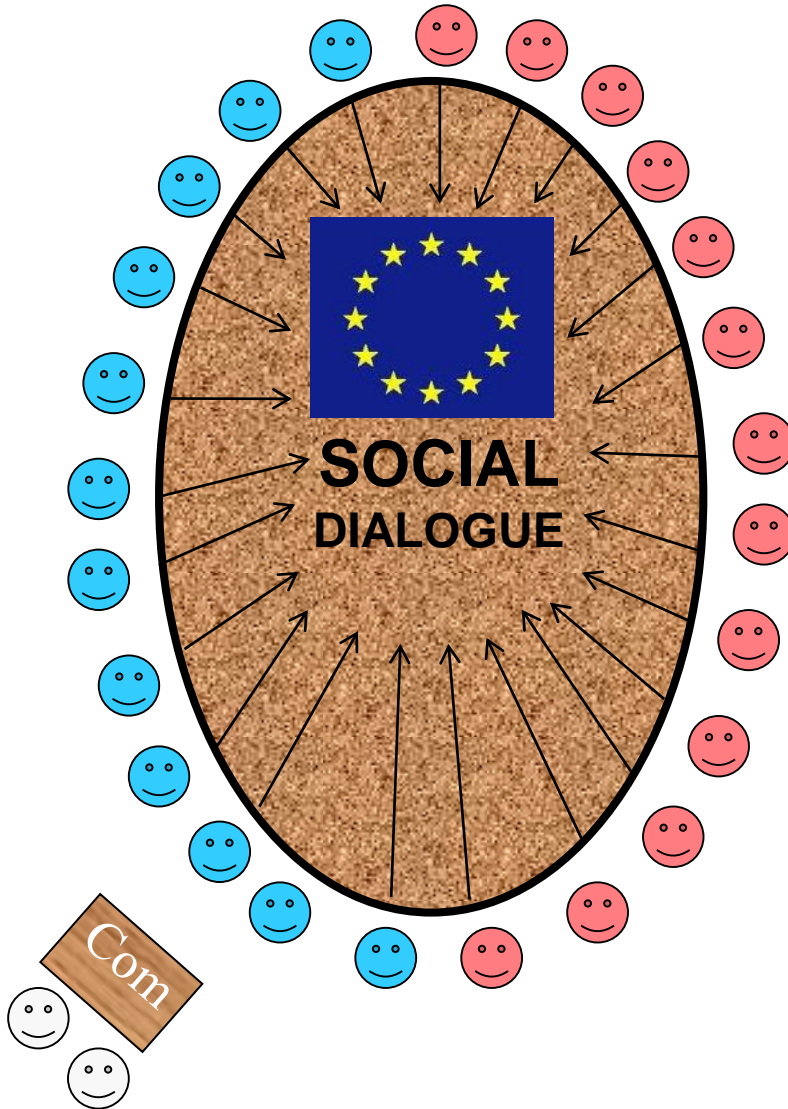
ETUC prepares its decision and mandate

- ❖ 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



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

EU cross-industry outcomes (1)

- 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
 - Directive 99/70/EC of 28 June 1999

Transposed
via Directive



- 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*

Autonomous
agreements



Implementation by Social Partners

EU cross-industry outcomes (2)

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*)

2015 – 2017 European Social Dialogue Work Programme

Partnership for inclusive growth and employment

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

THE 2015-2017 WORK PROGRAMME OF THE EUROPEAN SOCIAL PARTNERS

'Partnership for inclusive
growth and employment'

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EUROPÉEN
TRADE UNION

BUSINESSEUROPE

ceep
Your voice.
Your interests.
Your future.

UEAPME

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

What	Why	With whom
Macro-economic policy including structural reforms	To help devising widely supported policies	The Council: when planning, before deciding
Employment policy	To exchange views on policies	The Commission: before proposing or when implementing
Education and Training	To give advice	
Social protection		

Tripartite concertation

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.

SD : some preconditions

.... and success factors

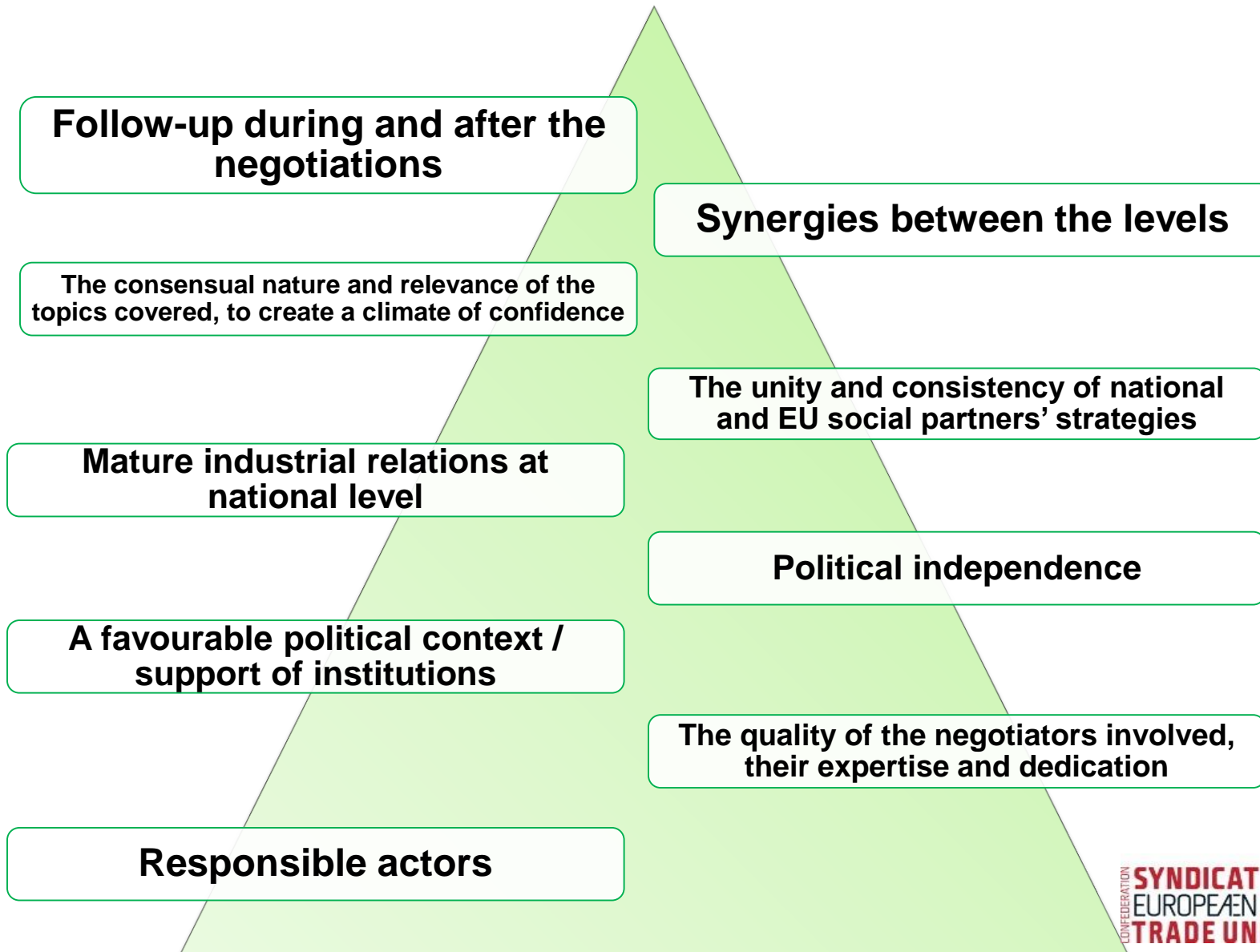
Preconditions

- 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, independent, 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



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by subject
 by country
 ☐ Search in PDF files also

HOME

EU SOCIAL DIALOGUE

INTEGRATED PROGRAMMES

RESOURCE CENTRE

LINKS

the European Commission and the Council sign a Quadripartite Statement on a New Start for Social Dialogue

INTEGRATED PROGRAMMES

Gender Equality Toolkit

Joint Conference - European Social Dialogue

Apprenticeships

EU social dialogue instruments

Expert Report - Promoting social dialogue and better implementation of EU social partners' autonomous framework agreements in selected countries
20.07.2016

A European Quality Framework for Apprenticeships - A European Trade Union Proposal
14.04.2016

VIEW ALL REPORTS

FORTHCOMING SEMINARS

Sep 2016

Mo	Tu	We	Th	Fr	Sa	Su
29	30	31	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	1	2
3	4	5	6	7	8	9

ACTORS

LATEST NEWS ON SOCIAL DIALOGUE

VIEW ALL NEWS

Quadripartite statement signed by the European social partners, the European Commission and the Council on A New Start for Social Dialogue

07.07.2016

European Social Partners agree on a new Work Programme 2015-2017 and publish an In-Depth Employment Analysis

16.07.2015

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European | Confédération
Trade Union | européenne
Confederation | des syndicats

The Voice of European Workers

THANK YOU

ANNEXES

1/ ART 153 TFEU

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).