European cross-industry Social Dialogue

“How it works, what it brings, how we can improve it”

European Social Dialogue Academy
Brussels, 02 May 2016

Juliane Bir, ETUC
Today’s discussion

General overview & Actors

History of the EU social dialogue

Process

Results
GENERAL OVERVIEW
&
ACTORS
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
Social partners at cross-industry level

Representing European workers

Established 1973

89 member organisations in 39 countries

10 European Trade Union Federations
Eurocadres (professional & managerial staff)
FERPA (retired & older people)

45 million workers (± 44% women)
# What is the ETUC?

<table>
<thead>
<tr>
<th>Mission</th>
<th>Purpose</th>
<th>Pillars</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓ Actively promote and represent workers’ interests in Europe</td>
<td>✓ Making social Europe a key priority in European policy with a focus on workers’ interestes and well-being for all</td>
<td>✓ A pluralist, unified and democratic organisation</td>
</tr>
<tr>
<td>✓ Advocate for a European social model that enables Europe to become prosperous, competitive and inclusive</td>
<td>✓</td>
<td>✓ A Congress, An Executive and a Steering committee</td>
</tr>
<tr>
<td>✓ Defend social values such as solidarity, equality and cohesion</td>
<td>✓</td>
<td>✓ An elected Secretariat</td>
</tr>
<tr>
<td></td>
<td>✓</td>
<td>✓ Different interests’ groups (Women, Youth, IRTUCs)</td>
</tr>
<tr>
<td></td>
<td>✓</td>
<td>✓ Staff: about 50 persons</td>
</tr>
<tr>
<td></td>
<td>✓</td>
<td>✓ A research institute (ETUI)</td>
</tr>
</tbody>
</table>
## Social partners at cross-industry level

### Representing European employers

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Established</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>The Confederation of European Business</td>
<td>1958</td>
<td>41 federations from 35 countries, Enterprises and authorities from the EU, Norway and Turkey (associated members), several European associations (individual members)</td>
</tr>
<tr>
<td>The European Centre of Employers and Enterprises providing Public services</td>
<td>1961</td>
<td>Enterprises and authorities from the EU, Norway and Turkey (associated members) and several European associations (individual members)</td>
</tr>
<tr>
<td>The European Association of Craft, Small and Medium-sized Enterprises</td>
<td>1981</td>
<td>Over 80 federations (40 full members and 42 associate members)</td>
</tr>
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</table>

- **Public services providers** employ 30% of the EU workforce
- More than **12 million** enterprises

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Social partners at cross-industry level represent key stakeholders in the European business landscape. These organizations collectively advocate for employers' interests across various sectors, ensuring a unified voice for economic development and regulatory influence. Their established tracks and memberships reflect a commitment to fostering cooperation and addressing common challenges at a European level.
What is BUSINESSEUROPE?

**Mission**
- “Actively promote and represent business in Europe”
- “Advocate a favourable and competitive business environment to foster sustainable economic growth”

**Purpose**
- “Influence EU policies to create a business-friendly environment”

**Pillars**
- Members FIRST
- Staff: about 45 persons
- Supporting network of 57 companies (ASGroup)
- Alliance for a Competitive European Industry
- European Employers Network
HISTORY
OF THE EU SOCIAL DIALOGUE
Before 1985
• Formal/informal consultations of social partners

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 articles 138 and 139

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

2010...
• Articles 154 and 155 of the Treaty on the Functioning of the European Union
History

1985-1991
Commission -> Trade Unions
Commission -> Employers

1991-2001
Commission -> Trade Unions
Commission -> Employers

2002-...
Commission
Trade Unions
Employers
PROCESS
Consultation of the social partners in the social field (definition of social field in art.153)

Treaty articles art. 154 and 155 TFEU

- 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
First reply

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

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

Social partners have 6 weeks to prepare a reply

ETUC and Employers exchange on respective decision to negotiate or not

If both sides have a mandate ➤ Joint letter to the EC announcing negotiations

If one side has no mandate ➤ No negotiations

Outcome is sent to the Commission
1st stage consultation on possible direction of Union action
Response within 6 weeks

2nd stage consultation on possible content of Union action
Response within 6 weeks & decision on whether to enter negotiations or not

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

If Negotiation
- If success, agreement replaces Union action
- Implementation through Directive or by own SP means
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 Exec Comm
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 social dialogue 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

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

Autonomous agreements

Implementation by Social Partners
3 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
- Framework of actions on youth employment, June 2013

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

- Joint declaration on EU social partners’ involvement in the EU economic governance (2013)
- Joint declaration on EU Apprenticeships (2013)
- Joint letter on childcare (2008)

4 joint work programmes

5 Integrated programmes (joint projects)
EU cross-industry & sectoral SD

One Interprofessional Social Dialogue Committee

43 Sectoral Social Dialogue Committees

Employers

Trades Unions
EU sectoral social dialogue committees

Chemical
Personal services
Telecommunications
Live performance

Construction
Textile/clothing
Temporary agency work
Audiovisual

Commerce
Banking
Woodworking
Hospitals

Horeca Catering
Agriculture
Electricity
Sea transport

Extractive Industry
Steel
Shipbuilding
Local government

Sea fishing
Tanning/leather
Automobile
Central administration

Footwear
Furniture
Non ferrous metal
Inland navigation

Sugar
Metal sector
Central administration
Railways

Professional cycling
Football
Sea Ports

Cleaning industry
Private security
Postal services
Central administration

Footwear
Tanning/leather

Footwear
Tanning/leather

http://ec.europa.eu/social/main.jsp?catId=480&langId=en&intPageId=1843
Bipartite and tripartite social dialogue

**Bipartite**

Employers / Trade Unions

- Cross industry: covering the whole economy
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**Tripartite**

Employers / Trade Unions / EU institutions

- Tripartite Social summit
- Advisory committees
**Tripartite concertation**

**In the framework of the Lisbon Strategy ...**

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<th>What</th>
<th>Why</th>
<th>With whom</th>
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<td>Macro-economic policy including structural reforms</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>
</tr>
<tr>
<td>Social protection</td>
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</tbody>
</table>
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.
THE IMPORTANCE OF THE EU SOCIAL DIALOGUE
EU social dialogue driving forces

Follow-up during and after the negotiations

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

A favourable political context / support of EU institutions

Political independence

Responsible actors

The quality of the negotiators involved, their expertise and dedication
The Voice of European Workers

Thank you for your attention!

European Trade Union Confederation

Confédération européenne des syndicats

Website and texts:
www.etuc.org
http://resourcecentre.etuc.org/
Email: jbir@etuc.org