

THE EU SOCIAL DIALOGUE



Overview

General overview &
Actors



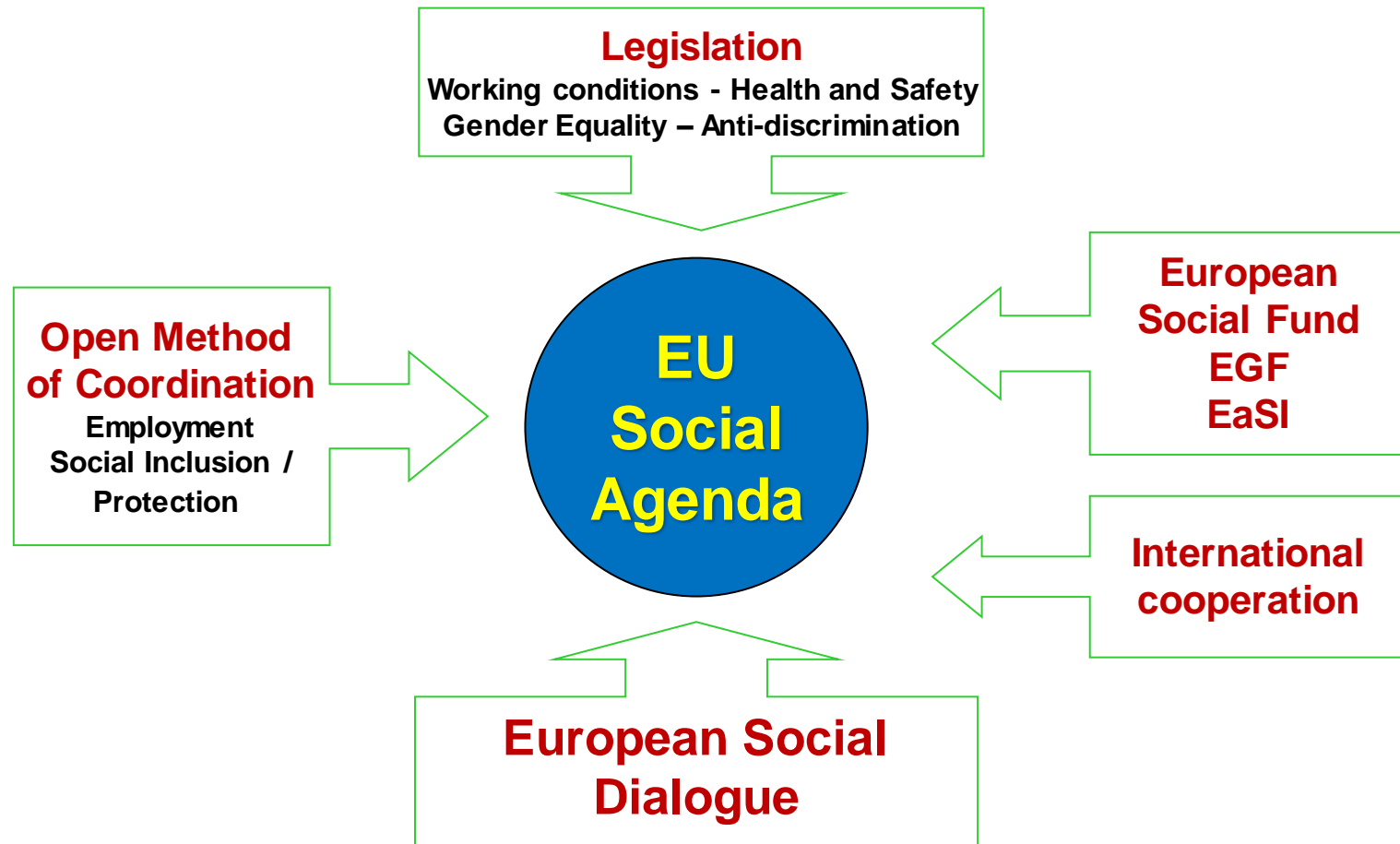
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graph TD; A[General overview & Actors] --> B[History of the EU social dialogue]; B --> C[Process]; C --> D[Results];
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History of the EU social
dialogue

Process

Results

EU Employment & Social Policy instruments






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 35 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

What is BUSINESSEUROPE?

Mission

- ✓ “Ensure that the voice of business is heard in European policy-making”

Purpose

- ✓ “Advocate for growth and competitiveness at the European level”

Pillars

- ✓ Members FIRST
- ✓ Staff: about 45 persons
- ✓ Supporting network of 70 companies (ASGroup)
- ✓ Alliance for a Competitive European Industry
- ✓ European Alliance for CSR

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 e.g. SDC, EMCO, Macro eco dialogue, ...**

History (1)

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**

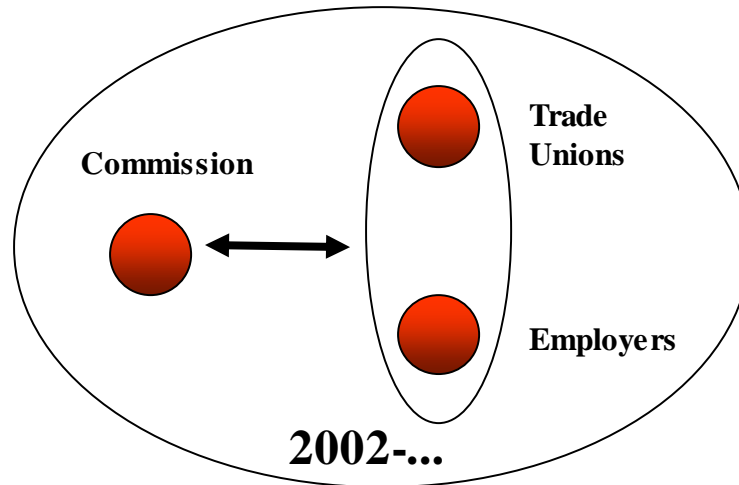
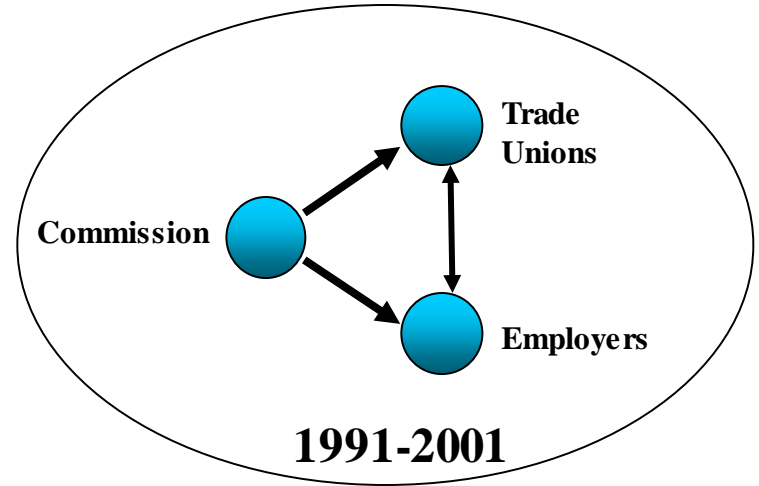
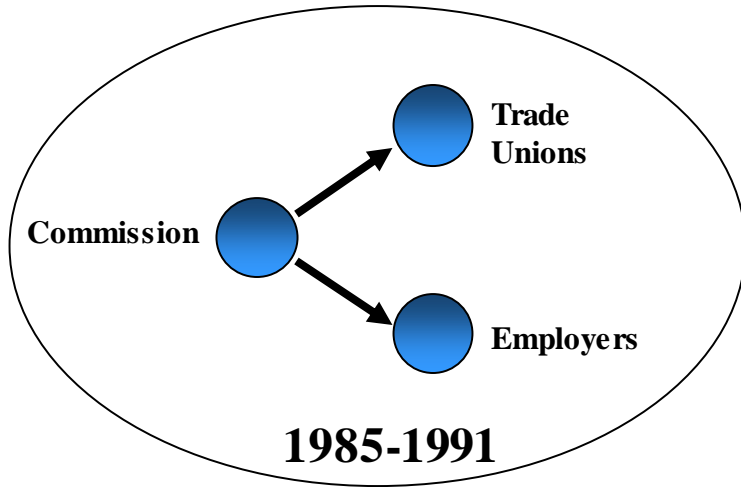
Since
2002

- **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)**

History (2)



EU Social dialogue (1)

SD is part and parcel of the EU social model

Enshrined in the TFEU Art. 151:

*“**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 + WEF 2015)

Legal Basis (1)

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 (2)

Article 154 TFEU

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 (3)

Article 155 TFEU

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.”*

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

“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

Second reply

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

Social partners have 6 weeks to prepare a reply

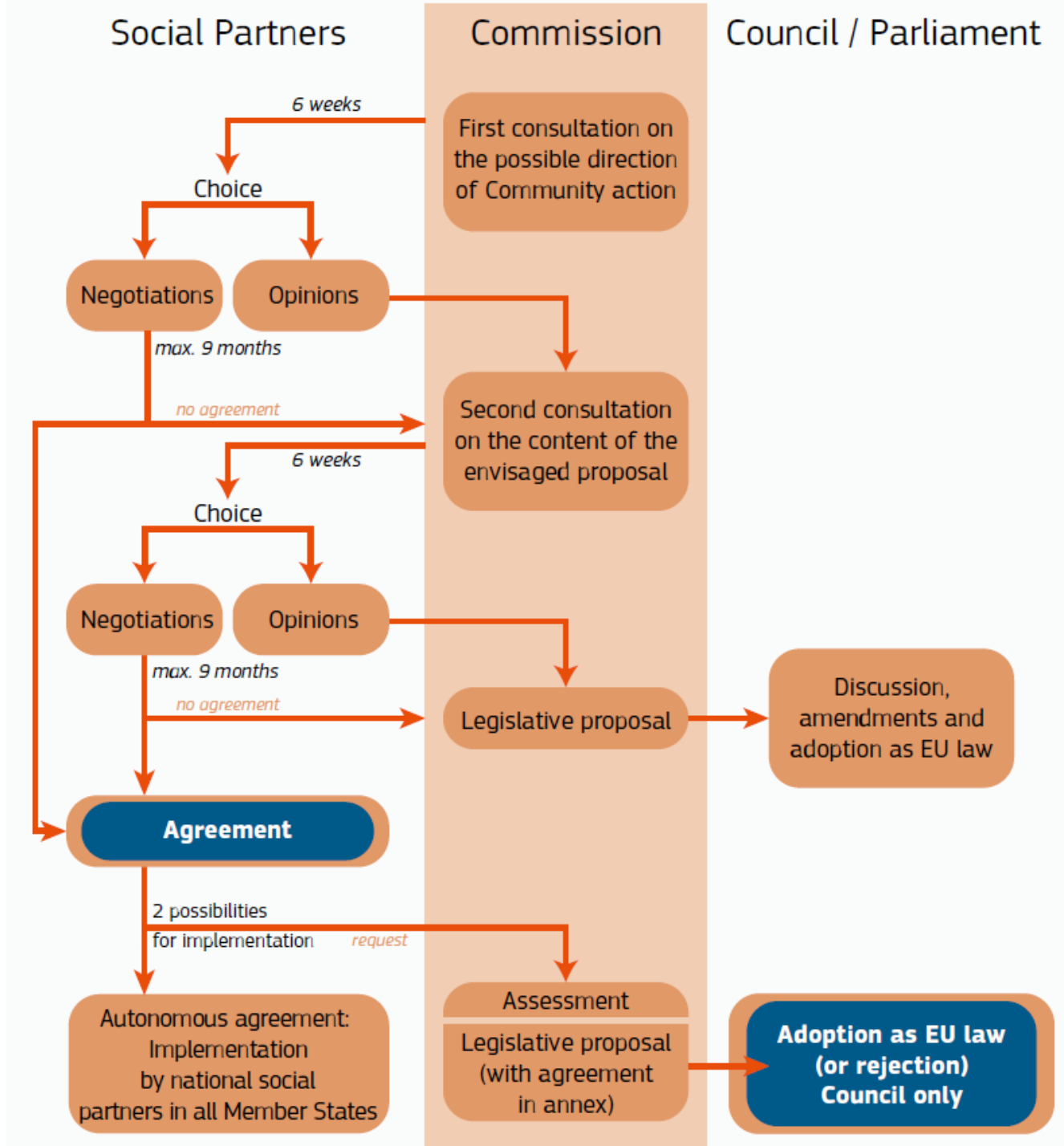
ETUC and Employers exchange on respective decision to negotiate or not

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

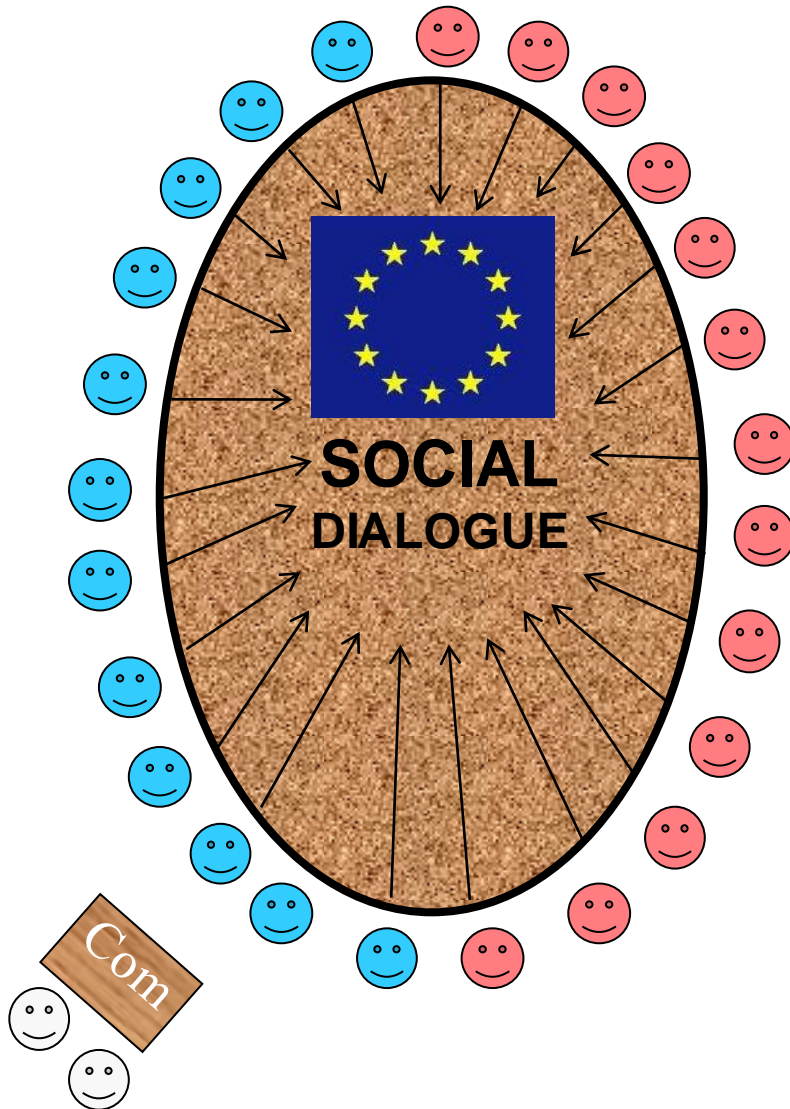
If one side has no mandate ► **No negotiations**

Outcome is sent to the Commission

Consultation of the Social Partners under Articles 154-155



Negotiations



From national and European level

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

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

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**, February 2017
- *Agreement on Digitalisation*, June 2020

Autonomous
agreements



Implementation by Social Partners

EU cross-industry outcomes (2)

3 Frameworks of Actions (process oriented)

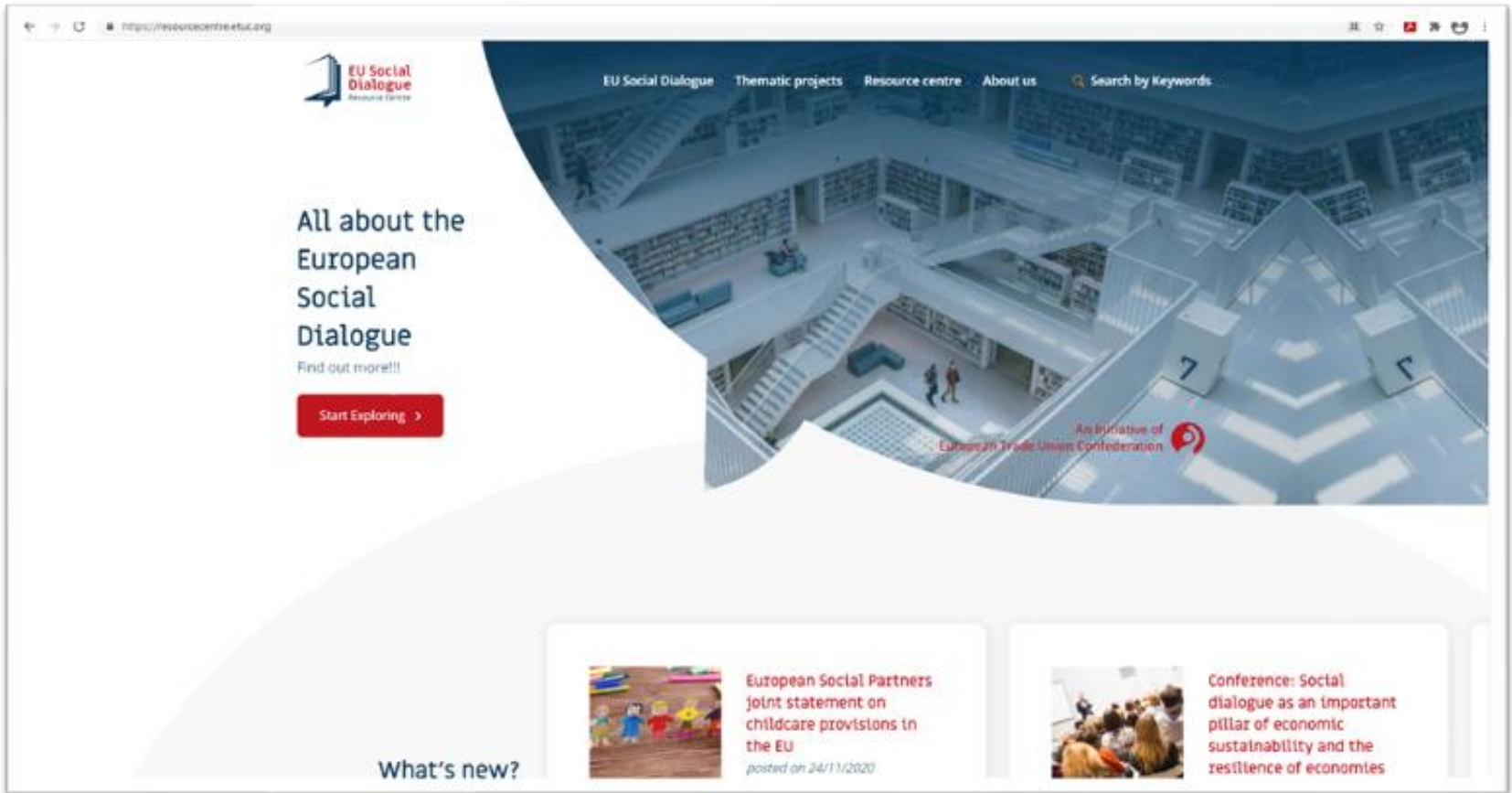
- Lifelong development of competencies and qualifications, 2002
- Gender equality, 2005
- Youth employment, June 2013

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

- European social partners' joint contribution Report by Andrea Nahles on social dialogue (2020)
- Joint statement on childcare provisions in the EU (2020)
- Joint Recommendations on Promoting Social Partnership in Employee Training (2018)
- Joint Recommendations on the ESF (2018)
- Apprenticeships (2016, 2017)
- Quadripartite Statement on a New Start for a Strong Social Dialogue (2016)

6 joint work programmes

Integrated programmes (*joint projects*)



EUSD Resource Centre Website
<https://resourcecentre.etuc.org/>

European Trade Union Confederation | Confédération européenne des syndicats

The Voice of European Workers

THANK YOU