

THE EU SOCIAL DIALOGUE



EU Employment & Social Policy instruments



Bipartite and tripartite activities

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 ECSC (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 ex138 and ex139

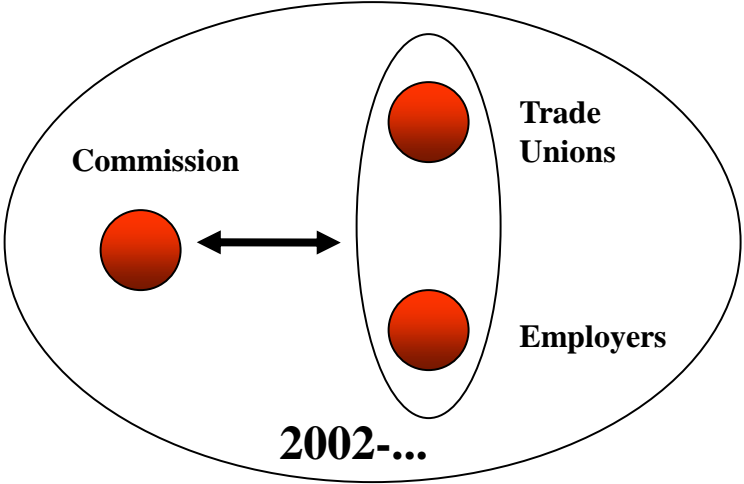
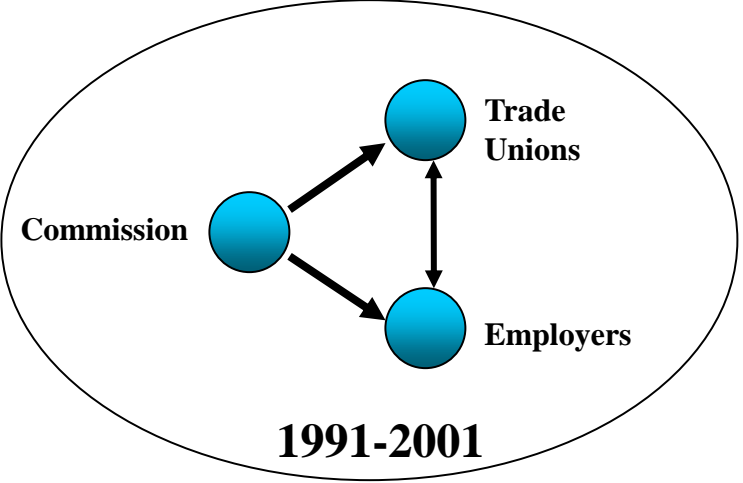
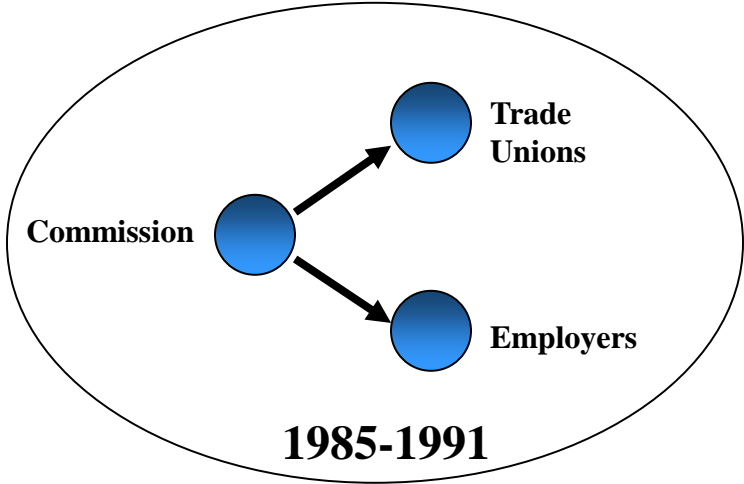
Since
2002

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

2024...

- Articles 154 and 155 of the Treaty on the Functioning of the European Union (TFEU), Relaunch, EC Communication, Val Duchesse (again),

History



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

- *“ 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.*
- *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.***
- *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.*
- *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

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

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 committees, working groups etc.

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

Negotiations



The negotiation began with each side holding tight to their original positions.

From national to Europe

Regular meetings in Brussels

Social partners from 27 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

EU cross-industry outcomes

- 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**



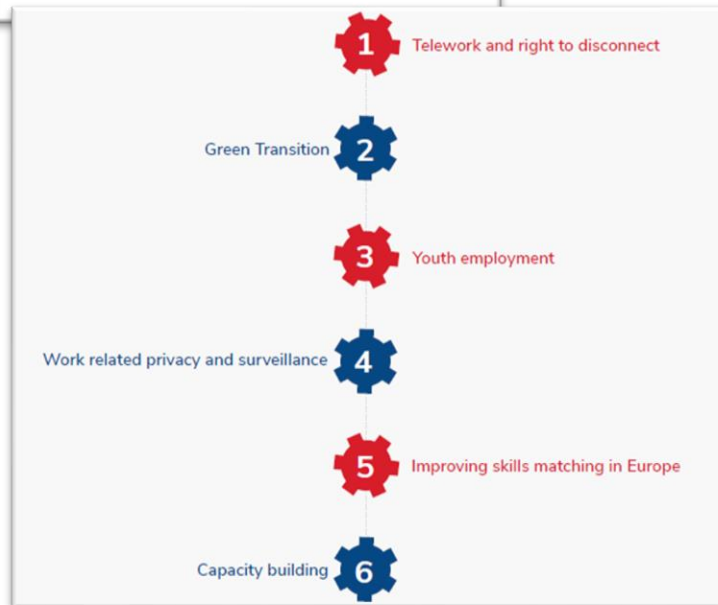
- Agreement on **telework**, 16 July 2002
- Agreement on **work-related stress**, 8 October 2004
- Agreement on **harassment and violence at work**, 21 April 2007
- Agreement on **inclusive labour markets**, 25 March 2010
- Agreement on **Active Ageing and an Intergenerational Approach**, February 2017

**Autonomous
agreements**



Implementation by Social Partners

EU cross-industry outcomes



Telework and right to disconnect



In 2002, the European Social Partners reached their forward-looking agreement on telework, defining telework, which was then a new form of organising and/or performing work in the context of an employment relationship. This agreement addressed issues such as, provision of equipment and health and safety, as well as establishing that teleworkers have the same employment conditions as workers who work in the employers' premises.

One of the key challenges going forward is for the social partners to take stock of the digitalisation developments and the learnings from the sanitary crisis on telework, in light of their existing agreement of 2002 which laid the foundation for social dialogue and collective bargaining on voluntary telework solutions. This includes the issues such as hybrid work, the right to disconnect, organisation of work in particular the management of online workers and the link with working-time, health and safety, work life balance, surveillance, privacy, and data protection.



INSTRUMENT:

Review and update of the 2002 Autonomous Agreement on Telework to be put forward for adoption in the form of a legally binding agreement implemented via a Directive¹

Green Transition



Green transition, decarbonisation and circular economy along with digitalisation contributes to changing jobs, tasks, and to creating new occupations while others disappear. These transitions are interlinked and mutually reinforcing. Digitalisation can contribute to more environmentally friendly production processes, service provision and lifestyles, while greening of the economy requires more advanced technologies and digital solutions to accompany structural changes. The speed and scale of this transformation in the labour market requires the early and effective involvement of the social partners in order to raise awareness and to identify solutions that can be tailored to sectors specificities and implemented at the local level. Social partners should play an active role to ensure that a just transition, underpinned by appropriate public funding and investments, creates quality jobs and supports enterprises and workers adapting to change, including new skills needs, upskilling, redesign of jobs, organising job-to-job transitions and work organisation improvements.



INSTRUMENT:

Framework of Actions

Resources

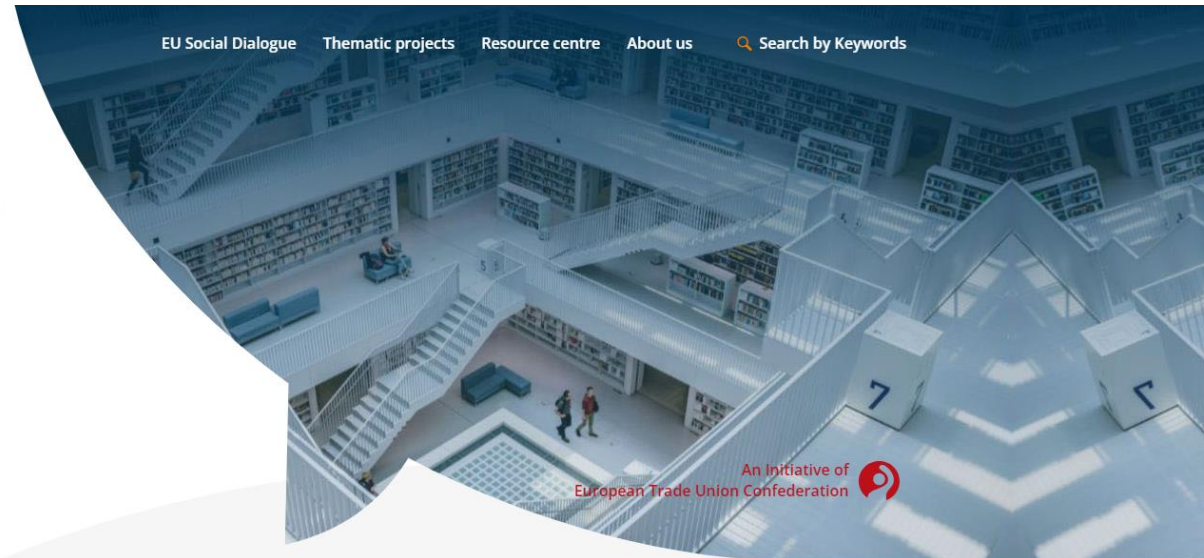
ETUC Resource Centre



All about the
European
Social
Dialogue

Find out more!!!

Start Exploring >



What's new?

European Social Partners Framework Agreement on Digitalisation Interpretation Guide



ETUC Interpretation
guide for the European
Social Partners
Agreement on
Digitalisation



European
Social Dialogue

Seventh joint
multiannual work
programme for 2022-2024

posted on 28/06/2022

The seventh joint multiannual

THANK YOU