



# EU Social dialogue - The 'Acquis Communautaire'

DG Employment, Social Affairs and Inclusion  
Unit B1 Social Dialogue, Industrial Relation

*Social Europe*



***"It is precisely those European countries [...] with the most developed social partnerships that are among the most successful and competitive economies in the world. "***

*President Barroso, State of the Union 2012 Address*

***We also have social dialogue, collective bargaining and consultation as part of our DNA."***

*President Barroso, The Employment Policy Conference,  
6 September 2012*



# The 'Acquis Communautaire'

- ***Treaty Articles 152-155 TFEU, Art. 9 TFEU***
- ***The Charter of Fundamental Rights (Art. 12, 27, 28)***
- *Commission Decision of 20 May 1998 on the establishment of Sectoral Dialogue Committees*
- *Council Decision of 6 March 2003 establishing a Tripartite Social Summit for Growth and Employment*
- *Council Resolution of 6 February 2003 on corporate social responsibility*
- *Council Resolution of 6 February 2003 on Social Inclusion – through social dialogue and partnership*



# Industrial Relations in Europe

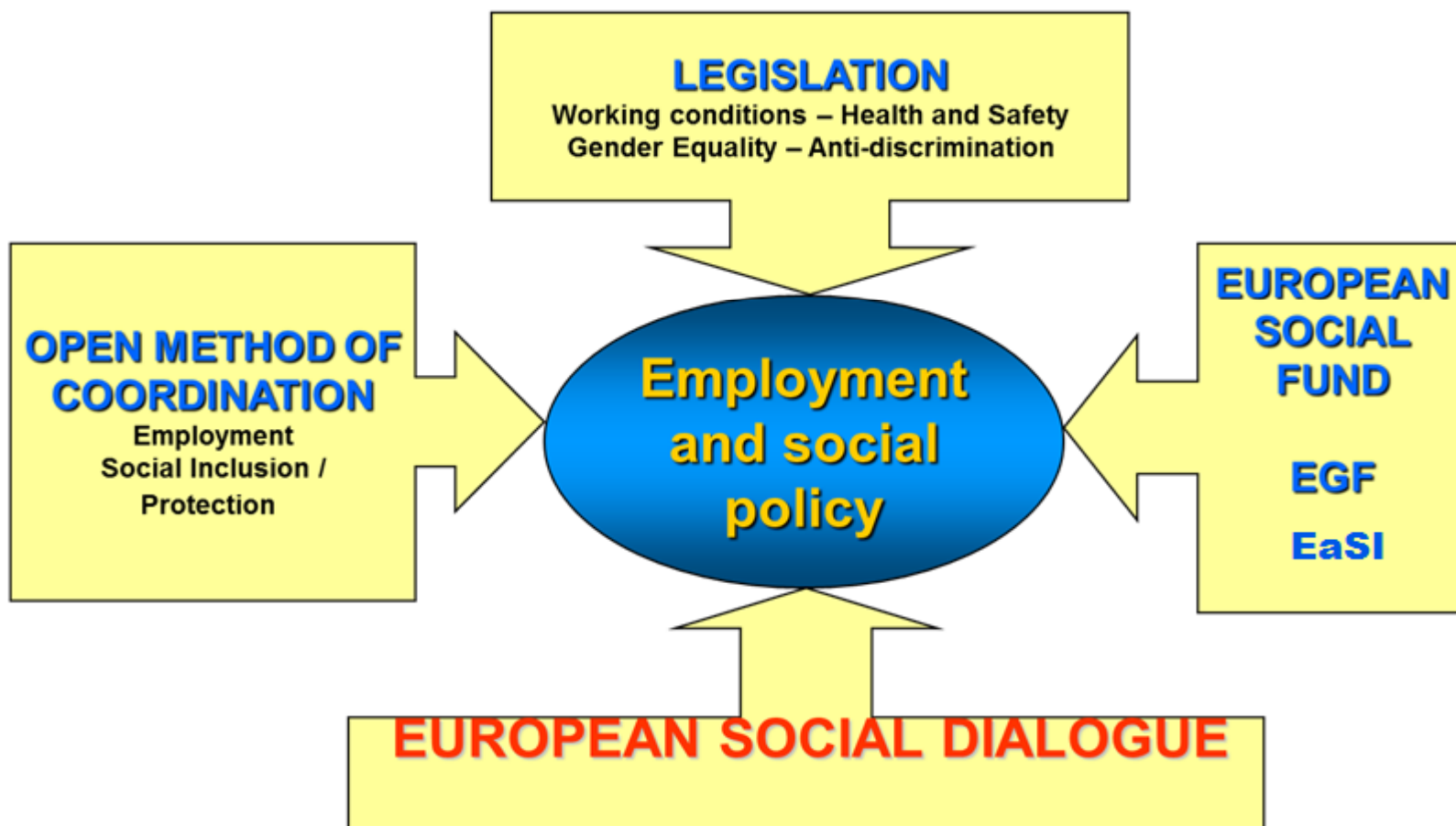
- *Social market economy as core value of the EU (Art. 3 TEU)*
- *Charter of Fundamental Rights:*
  - **Freedom of assembly and association (Art. 12)**
  - **Information and consultation within the undertaking (Art. 27)**
  - **Collective bargaining and action (Art. 28)**
- *Social dialogue as a central component of the European social model – at EU level and in the Member States*



# European social dialogue: a pillar of Europe's social model

- *Social partners contribute to **defining European social standards***
  - **EU social partners are involved in the European policy-making process:**
    - Social partner consultations
    - Increased consultation of sectoral dialogue committees in the Commission's impact assessment process
  - **Outcomes of their autonomous dialogue**
- *European Social Dialogue complements the **national practices of social dialogue** and industrial relations which exist in the Member States*

# EU employment and social policy





# European Social dialogue

## ***What is it?***

- *Discussions, consultations, negotiations and joint actions*
- *undertaken by the social partner organisations*
- *representing the two sides of industry (employers, trade unions)*
- *at European level (limited to EU Member States).*



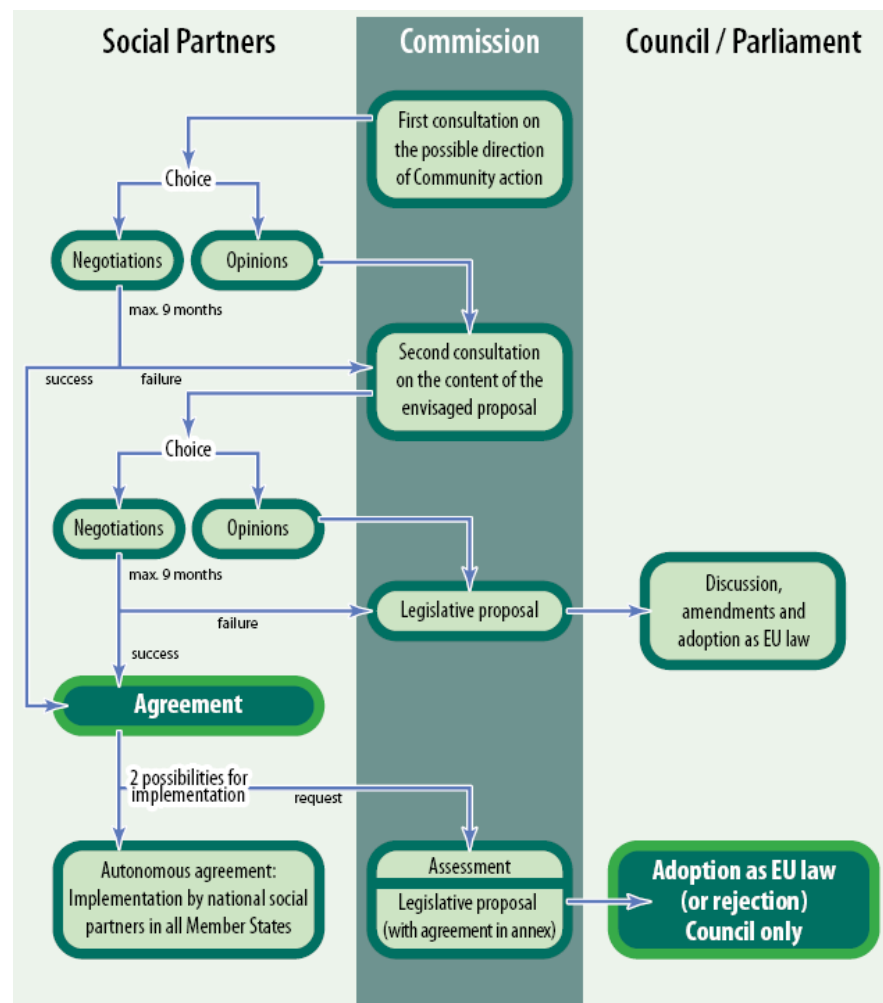
# European Social dialogue

## *Strong institutional recognition*

- *Article 9 (new horizontal clause)*
- Art. 152 TFEU (New): Union recognises and promotes the role of social partners at Union level + Tripartite Social Summit  
Article 154 TFEU: promotion of **consultation** of European social partners by the Commission + balanced **support** for their dialogue  
Article 155 TFEU: **agreements** concluded by EU social partners

# European social dialogue

- Consultation of social partners **compulsory** before any proposal in social policy field
- **Two-stage** consultation process:
  - possible direction
  - content
- Social partners **can** decide to start negotiations at either stage
- Legislative process is suspended





# Negotiation

## 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. ...*



# European social dialogue

Agreements  
implemented by  
Directive ↔ « Autonomous »  
agreements

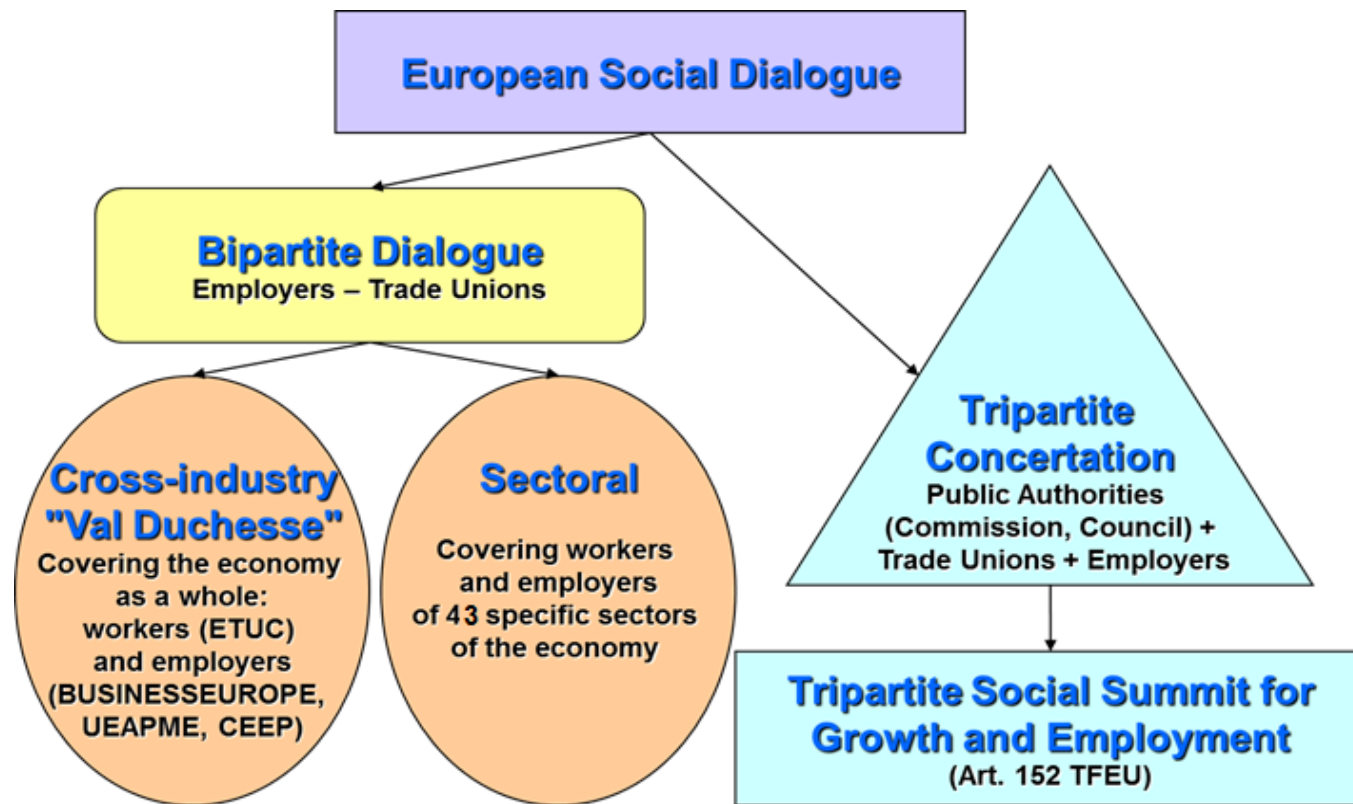
The difference is not in content, but  
in way of implementation:



Council decision  
(Directive) – obligation  
on Member States to  
transpose

« Autonomous » route –  
obligation on (national)  
social partners to  
implement

# European social dialogue





# European sectoral social dialogue

<b>Natural resources sectors</b>	Agriculture	Extractive industries	Sea fisheries
<b>Manufacturing sectors</b>	Chemical industry	Construction	Electricity
	Footwear	Furniture	Gas
	Paper industry	Shipbuilding	Steel
	Sugar	Tanning and leather	Metal
	Textile and clothing	Woodworking	Food and Drinks
	Graphical industry		
<b>Services sectors</b>	Audiovisual	Banking	Central government administrations
	Civil aviation	Contract catering	Education
	Industrial cleaning	Commerce	Hotel and Restaurant
	Hospitals and Healthcare	Inland waterways	Insurance
	Live performance	Local and regional government	Personal services/Hairdressing
	Postal services	Private security	Professional football
	Railways	Road transport	Maritime transport
	Telecommunications	Temporary agency work	Ports

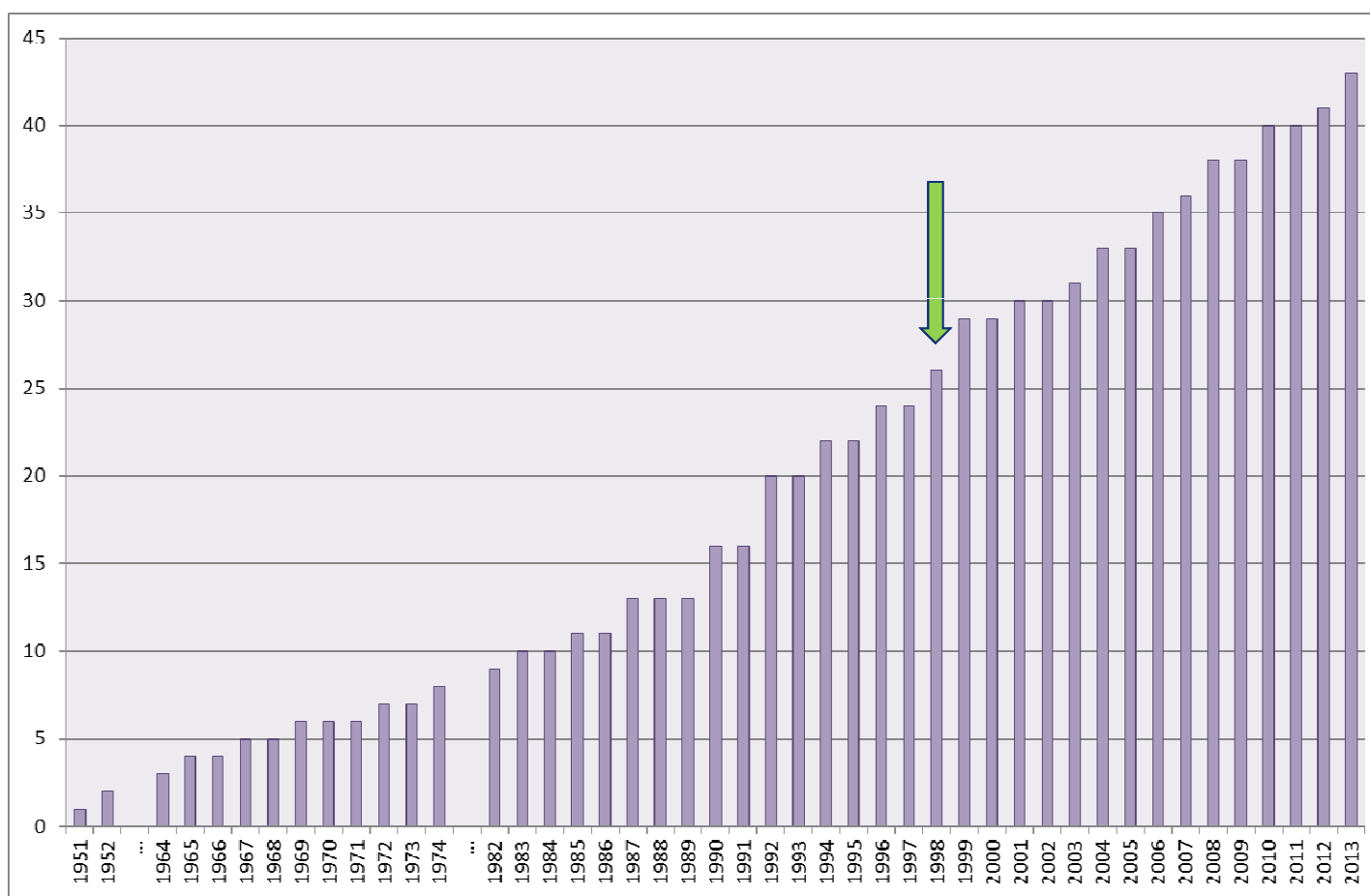


# European sectoral social dialogue

## ***Sectors not (yet) covered***

- *legal, business, marketing, office support services (7m)*
- *social work (4.3m)*
- *household work, domestic personnel (2.4m)*
- *information & communication technology services (2-2.5m)*
- *science, research & development (1.4m)*
- *sports and recreation activities (1.1m) - Testphase*
- *waste collection (1m)*
- *water collection and supply (0.5m)*
- *extraction and manufacture of petroleum (0.3m)*

## Number of Sectoral Social Dialogue Committees





## Outcomes European Social Dialogue

- **To date (November 2013)**
  - **771** jointly agreed texts
- **20 agreements adopted by EU social partners setting minimum standards**

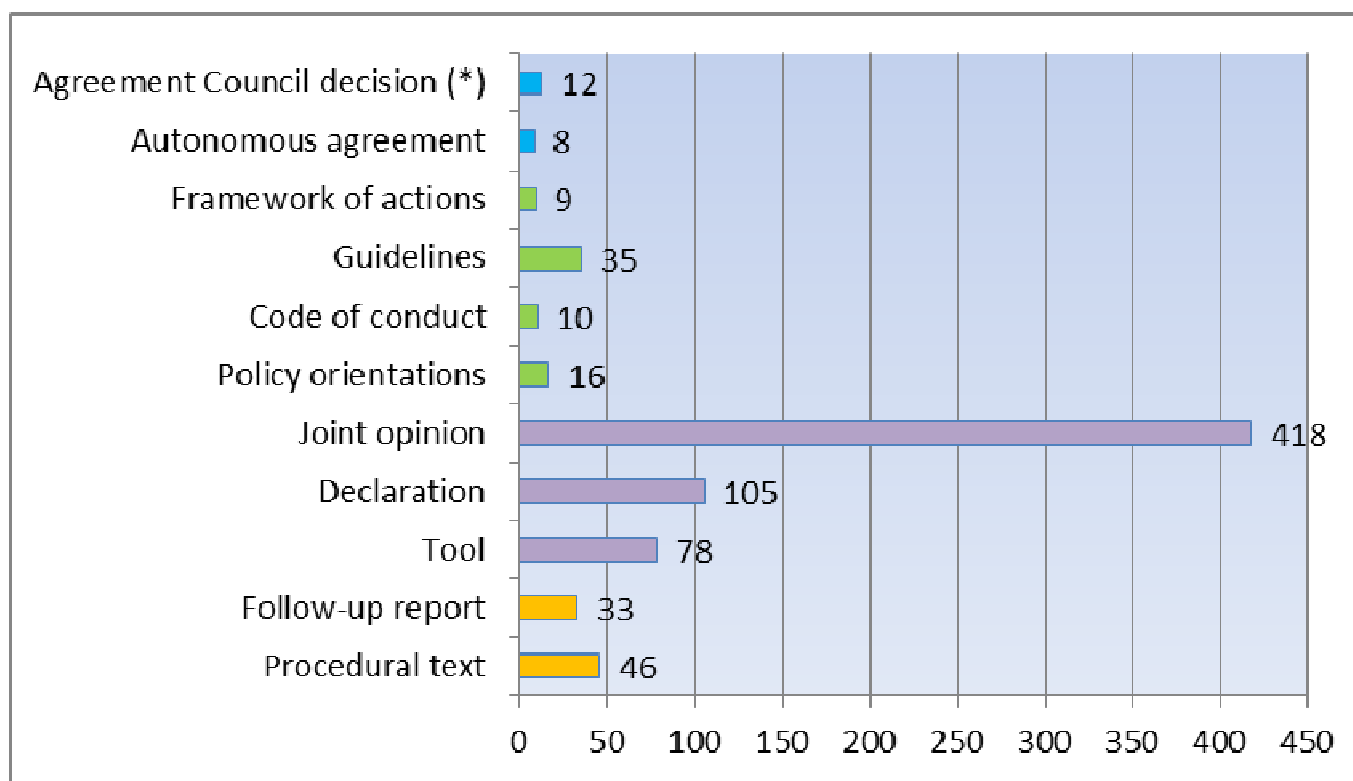
	Cross-industry	(Multi-)sectoral
Autonomous implementation	4	4
Implemented by Council Directive	4	8 (5 +3 requests)



## Recent EU Sectoral agreements

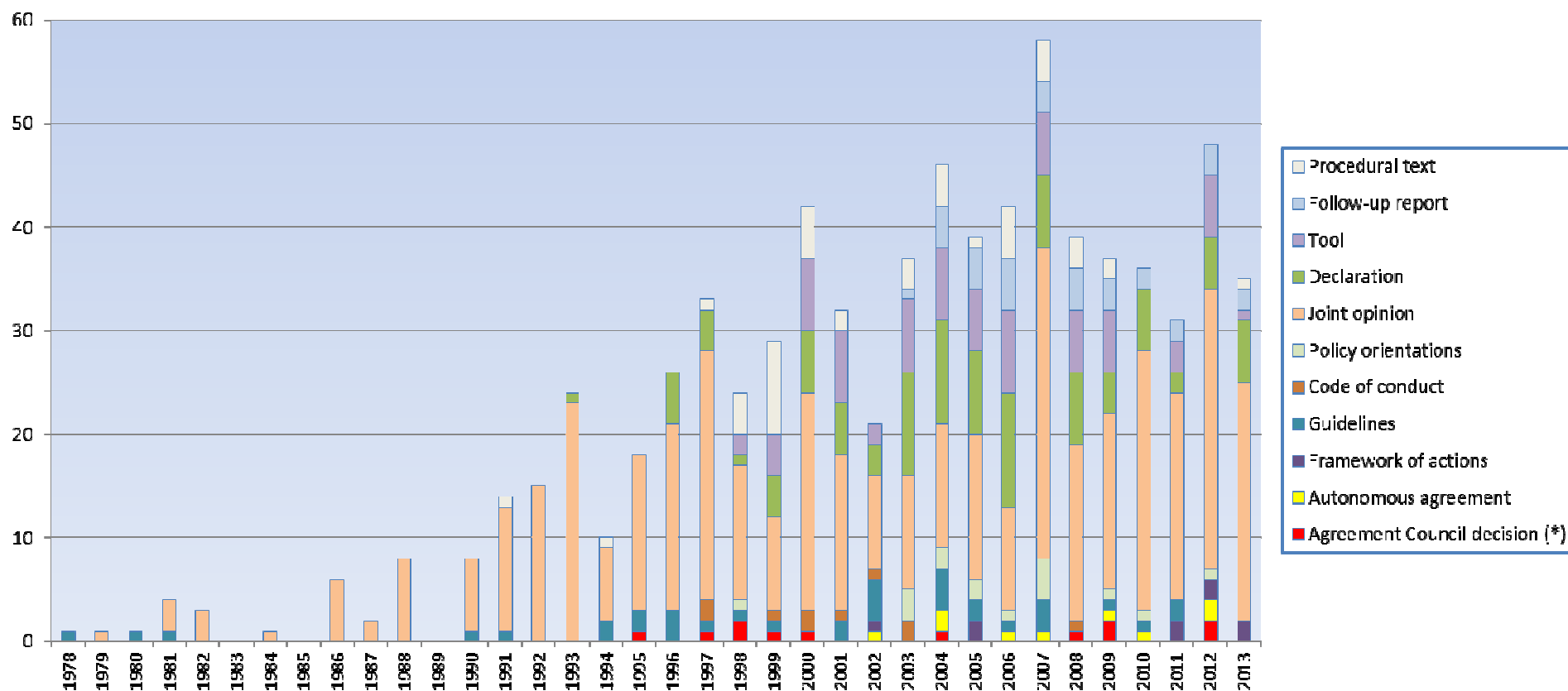
- ***3 agreements for which implementation by EU legislation is requested by EU social partners***
  - European agreement concerning certain aspects of the organisation of working time in inland waterway transport – *Signed on 15 February 2012*
  - European framework agreement on the protection of occupational health and safety in the hairdressing sector – *Signed on 26 April 2012*
  - Agreement between the European social partners in the Fisheries sector concerning the implementation of the Work in Fishing Convention, 2007 (C188) of the International Labour Organization – *Signed on 21 May 2012*
- ***1 agreement to be implemented autonomously by EU social partners and their national affiliates***
  - Minimum requirements for standard player contracts in the professional football sector – *Signed on 19 April 2012*

## Types of European Social Dialogue outcomes



(\*) Including 3 agreements for which implementation by Council decision has been requested

# Outcomes European Social Dialogue – year by year





# European social dialogue outcomes

## ***Cross-industry agreements implemented by Directive***

- *Parental leave – 1995 / 2009 (revision)*
- *Part-time work – 1997*
- *Fixed-term work – 1999*

## ***"Autonomous" agreements implemented by cross-industry social partners***

- *Telework – 2002*
- *Work-related stress – 2004*
- *Harassment and violence at work – 2007*
- *Inclusive labour markets – 2010*



# European sectoral social dialogue

## *Support by the European Commission*

- Neutral chairperson or other role, if requested
- Preparation of meetings, jointly with the European secretariats
- Reimbursement of travel cost, rooms, interpretation
- Minutes; publication of results; (translation)
- Cooperation with the other relevant services for effective information and consultation
- Social dialogue budget support for social partners' projects in relation to work programme; negotiations; EU-level capacity-building (alternatively ESF for national actions)
- Organisation of Liaison Forum; promotion and support of cross-sectoral activities



# European sectoral social dialogue

*Legal basis: Commission Decision of 20 May 1998 "on the establishment of Sectoral Dialogue Committees promoting the Dialogue between social partners at European level" (98/500/EC)*

*Criteria for the establishment of a committee (Article 1)*

*Organisations on both sides must:*

- **relate to specific sectors or categories and be organised at European level;**
- **be composed of organisations that are part of the social partner structures in the Member States;**
- **have the capacity to negotiate agreements;**
- **be representative of several Member States;**
- **have adequate structures to ensure effective participation in the work of the committee.**



# European social dialogue: challenges

- **Actively involving all national social partners**
  - is essential to ensure the European social dialogue process:
    - is legitimate
    - achieves effective outcomes and follow-up at national level
  - European social partners have made progress, but more remains to be done
- **Consultation and administrative capacity**
  - European social partners are involved in the European policy-making process
  - Requires capacity to coordinate among their members and to deliver timely reactions
  - Capacity depends on that of their national affiliates



# European social dialogue: challenges

- **Capacity to negotiate agreements at European level**
  - One of the conditions for participation in a sectoral dialogue committee
  - The potential offered by the institutional framework to sectoral negotiation is not yet fully exploited
  - Commission provides technical and financial support to negotiations, as well as legal advice upon request
- **Capacity to implement agreements**
  - Most European sectoral social partner organisations have limited capacity to influence their national affiliates
  - Follow-up at national level depends on:
    - effective involvement of national sectoral social partners in EU dialogue
    - interaction between the EU social dialogue mechanisms and national industrial relations systems
    - representativeness of social partners



# Financial support: Budget lines to support EU social dialogue

- *Budget heading 04 03 01 08 – Industrial relations and Social dialogue*
  - Call for proposals VP/2014/01 (Social Dialogue)
  - Call for proposals VP/2014/04 (Industrial Relations)
- *Budget heading 04 03 01 05 – Information and training measures for workers' organisations*
  - Call for proposals VP/2014/02
- *Budget heading 04 03 01 06 – Information, consultation and participation of representatives of undertakings*
  - Call for proposals VP/2014/03



# Financial support: ESF and IPA

- **European Social Fund**

*Supports initiatives aimed at strengthening the administrative capacity of social partner organisations in Member States (national actions)*

- **Instrument for Pre-Accession Assistance (IPA)**

*Helps potential candidate and candidate countries in their quest to join the EU - Relevant components:*

- **Transition Assistance and Institution Building**
- **Human Resources Development**



## Links – EU Social Dialogue

- **DG EMPL – Sectoral Social Dialogue:**
- <http://ec.europa.eu/social/main.jsp?catId=480&langId=en>)
- **Social Dialogue Text Database:**
- <http://ec.europa.eu/social/main.jsp?catId=521&langId=en>
- **NEW: Industrial Relations in Europe 2012:**
- <http://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=7498>
- **EU Social Dialogue Newsletter – to subscribe contact:**
- [EMPL-SD-NEWSLETTER@ec.europa.eu](mailto:EMPL-SD-NEWSLETTER@ec.europa.eu)



# Thank you for your attention!

*Social Europe*