

# **European Social Dialogue: Practical application to difficult issues**

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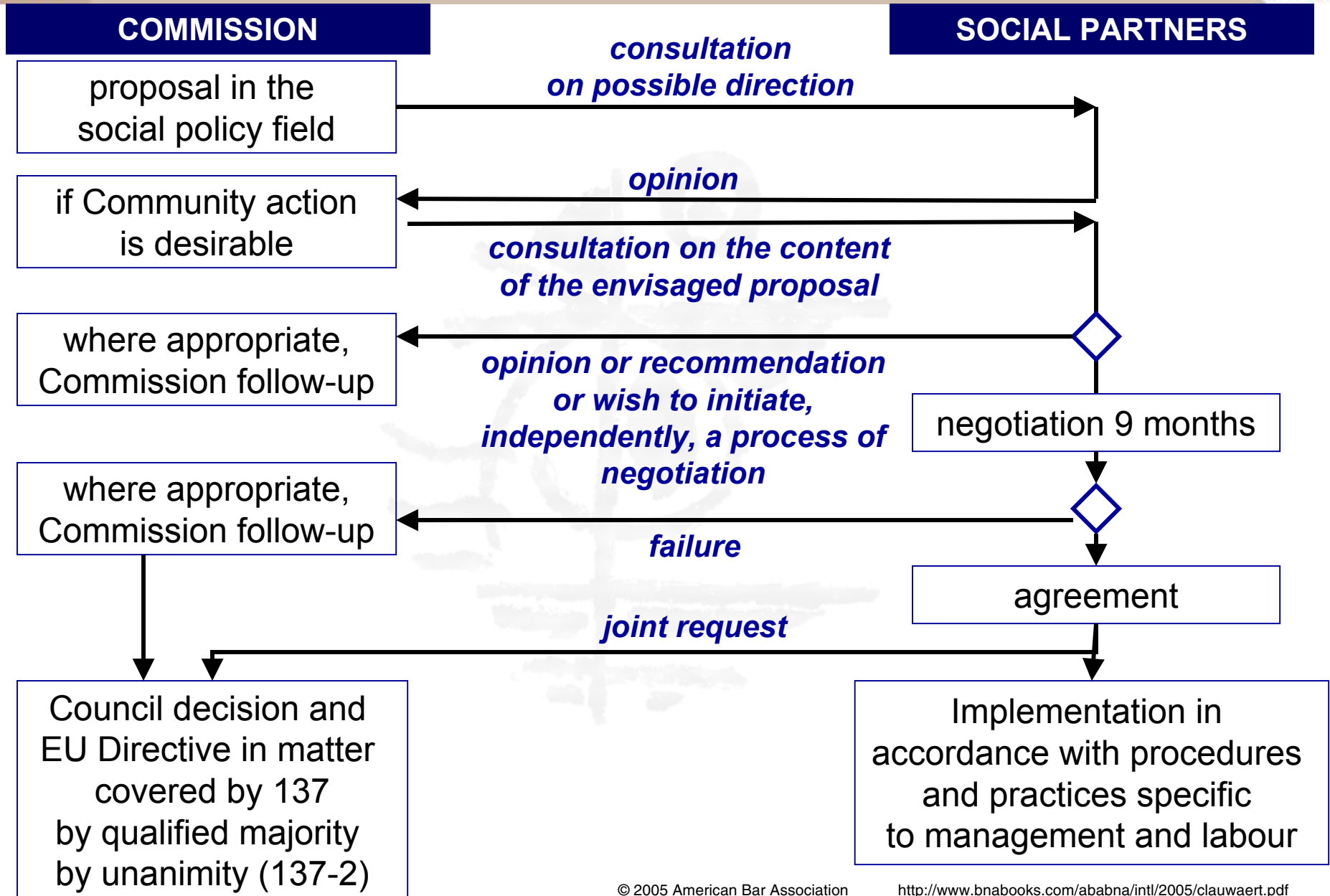
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- 1. Institutional evolution of the European Social Dialogue**
- 2. The Social Dialogue under Articles 138-139 EC Treaty**
- 3. Results of the EU Social Dialogue 1994-2002**
- 4. Content EU Social Partners Work Programme 2003-2005 (28/11/2002)**
- 5. Scoreboard on the implementation of the Work Programme**
- 6. Some prospects for the future**
- 7. Some references for further reading**

## European Institutional framework



**A cornerstone in the evolution of the EU social dialogue remains the Agreement on Social Policy. In October 1991, UNICE, the ETUC and CEEP adopted a joint agreement calling for mandatory consultation of the EU social partners on Commission proposals in the area of social affairs, and an option for negotiation between EU social partners to lead to framework agreements. This agreement was first enshrined in the Agreement on Social Policy (ASP), annexed to the Maastricht Treaty. The subsequent incorporation of the Maastricht ASP into the EC Treaty in Amsterdam means that the EC Treaty now provides a single coherent framework for all 15/25 Member States. While the latest amendment of the EU institutional Treaty in Nice in 2001 did not alter the provisions on the EU social dialogue, the trade unions hope that, at the next intergovernmental Conference in 2004, the Treaty provisions will be strengthened (e.g. in relation to the recognition of the (co-regulatory) role of the EU social partners and the promotion of their autonomous social dialogue).**



**Under the Title XI, the EU social dialogue procedure of Article 138 EC Treaty is divided into several stages: a procedure of first consultation of management and labour on potential EU proposals in the social policy field. If Community action is perceived as necessary, a second consultation takes place on the possible content of the proposal in question. Management and labour are able to deliver opinions or recommendations. At this stage, either the Commission takes action or, at the request of the EU social partners, negotiations can be initiated over a period of 9 months (if not extended).**

**According to Article 139 EC Treaty, the negotiations may lead to contractual relations, including agreements. These agreements may be implemented “in accordance with the procedures and practices specific to management and labour and the Member States”. This option was chosen, for example, by the negotiators on the improvement of paid employment in the agriculture sector and on telework (and currently stress at work) at interprofessional level. The second option for implementation of a EU framework agreement is by a Council decision on a proposal from the Commission and at the joint request of the signatory parties. In such cases, which represent a procedure for extending agreements negotiated and concluded by the EU social partners, the Council is required to take a decision on the EU social partners’ text without changing the substance (e.g. agreements on parental leave, part-time work and fixed-term contracts).**

# Results of the EU Social Dialogue 1994-2002

TOPIC	FRAMEWORK AGREEMENT INTO DIRECTIVE	FRAMEWORK AGREEMENT VIA SP	EU LEGISLATION	DATE	TOPIC	FRAMEWORK AGREEMENT INTO DIRECTIVE	FRAMEWORK AGREEMENT VIA SP	EU LEGISLATION	DATE
<b>EWC</b>			Dir. 96/45/EC	1994				Part of Dir. 2000/78/EC	2000
<b>PARENTAL LEAVE</b>	Dir. 96/34/EC			1995	<b>SEXUAL HARASSMENT</b>			Dir. 2000/43/EC Dir. 2002/73/EC	- 2002
<b>PART-TIME WORK</b>	Dir. 97/81/EC			1997	<b>TEMPORARY AGENCY WORK</b>	Failure of SD negotiations		Directive proposal under discussion	2001 - 2002
<b>WORKING TIME</b>		Agricultural sector 24.07.1997		1997	<b>SE</b>			Dir. 2001/86/EC	2001
<b>REVERSAL BURDEN OF PROOF</b>			Dir. 97/80/EC	1997	<b>WORKING TIME</b>	Road transport Dir. 2202/15/EC			2002
<b>WORKING TIME</b>	Sea Transport Dir. 99/63/EC			1999	<b>PROTECTION AGAINST INSOLVENCY</b>			Dir. 2002/74/EC (rev Dir. 80/987/EEC)	2002
<b>FIXED-TERM CONTRACTS</b>	Dir. 99/70/EC			1999	<b>INFORMATION AND CONSULTATION TELEWORK</b>			Dir. 2002/14/EC	2002
<b>WORKING TIME</b>	Civil Aviation Dir. 2000/79/EC			2000			"Voluntary" Agreement 16.07.2002		2002
<b>WORKING TIME</b>	Railway sector Via Dir. 2000/34/EC			2000	<b>LIFE LONG LEARNING</b>		"Framework of actions" 28.02.2002		2002

EMPLOYMENT		
THEMES	ACTIONS	CALENDAR
Employment guidelines	reports on Social Partner actions in Member States to implement employment guidelines (taking into account the cycle of 3 years)	2003-2005
Lifelong learning	follow-up of "framework of actions" + evaluation report	2003, 2004 and 2005
Stress at work	seminar in view to negotiate a voluntary agreement	2003
Gender equality	seminar on equal opportunities and gender discrimination aiming at a framework of actions	2003
Restructuring	identify orientations that could serve as a reference to assist in managing change and its social consequences on the basis of concrete cases	2003
Disability	update of joint declaration of 1999 as a contribution for the European year on disability	2003
Young people	promoting young people's interest in science and technology to help addressing the skills gap through joint declaration and/or awareness-raising campaign	2003-2005
Racism	updating joint declaration of 1995 (with participation of candidate countries)	2004
Ageing workforce	seminar to discuss case studies and explore possible joint actions	2004
Harassment	seminar to explore possibility of negotiating a voluntary agreement	2004-2005
Telework	monitoring of follow-up to framework agreement	2003-2005
Undeclared work	seminar aiming at a joint opinion	2005

ENLARGEMENT		
THEMES	ACTIONS	CALENDAR
Industrial relations	joint seminars on industrial relations (case studies on different ways of articulating different levels of negotiations)	2003-2005
Social dialogue	2 enlarged Social Dialogue Committees per year	2003-2005
Restructuring	study on restructuring in candidate countries	2003-2004
Lifelong learning	include candidate countries in follow-up to framework of actions	seminar in 2004, inclusion in reporting 2005
Implementation of legal acquis	joint seminar on European Works Councils	2004
EU social and employment policies after enlargement	prospective reflection to identify issues that will arise in the EU after enlargement such as increase in diversity, migrations, transborder work, etc.	starting in 2004

MOBILITY		
THEMES	ACTIONS	CALENDAR
Action plan on skills and mobility	seminar to identify areas where joint actions by the social partners at EU level could help addressing obstacles to mobility (notably for managerial staff), including supplementary pensions	2003-2005

- **Who? :**
  - ▼ ETUC (trade union side); UNICE (private employers) - UEAPME (SME's); CEEP (« public » employers)
- **Background:**
  - ▼ Several stimuli by European Commission to establish autonomous social dialogue (1999, 2002)
  - ▼ Wish of Social Partners to indeed set this up
  - ▼ Their joint contribution to the Laeken European Council (December 2001)
- **What?**
  - ▼ Three big priorities
    - Employment
    - Enlargement
    - Mobility
  - ▼ But balanced range of themes of common interest for employers and workers
  - ▼ Spectrum of diversified instruments
  - ▼ Not exhaustive, nor exclusive
  - ▼ Does not suspend the Commission's power to take initiatives under Article 138 EC Treaty
- **Objective**
  - ▼ Useful contribution to the Lisbon Strategy (« more and better jobs through building the knowledge society)
  - ▼ Further preparing enlargement
  - ▼ Continue to visualise and validate their role as EU co-regulator and co-policymaker

	THEME/ CALENDAR	ACTION TAKEN
EMPLOYMENT	<b>Employment Guidelines</b> (2003-2005)(*)	1 <sup>st</sup> joint report presented at the March 2004 Tripartite Social Summit 2 <sup>nd</sup> joint report finalised February 2005 and to be presented at the March 2005 Tripartite Social Summit
	<b>Lifelong Learning</b> (2003-2005)(**)	1 <sup>st</sup> joint Evaluation report 14/03/2003 2 <sup>nd</sup> joint Evaluation report finalised February 2005
	<b>Stress at work</b> (2003)	Seminar: 25-26/02/2003 Start negotiations: 18/09/2003 Framework Agreement signed by ETUC-UNICE/UEAPME-CEEP on 8/10/2004
	<b>Gender equality</b> (2003)	Seminar: 13-14/03/2003 Start negotiations: 01/12/2003 Framework of actions signed March 2005
	<b>Restructuring</b> (2003)	Seminars: October 2002/ March and May 2003 EU social partners text "Orientations for reference in managing change and its social consequences" (finalised 16/10/2003); but not adopted by the ETUC
	<b>Disability</b> (2003)	Joint Declaration of the EU Social Partners for the European Year of People with Disabilities (20/01/2003)
	<b>Young people</b> (2003-2005)	Start action June 2005
	<b>Racism</b> (2004)	Start action June 2005
	<b>Ageing workforce</b> (2004)	Start action June 2005
	<b>Harassment</b> (2004-2005)	Issue also identified for eventual future negotiations in Framework agreement on Stress at work 1 <sup>st</sup> Commission consultation on "Violence at work" (including harassment in all its forms) launched 23/12/2004; joint EU social partner seminar on 12/ May 2005
	<b>Telework</b> (2003-2005)	Information exchanges on new developments at each SDC-meeting (**); ETUC/ETUI regular and ongoing own monitoring report
<b>Undeclared work</b> (2005)	Joint Seminar foreseen in autumn 2005t	
ENLARGEMENT	<b>Industrial relations</b> (2003-2005)	Preparatory Project meeting: 9-10/12/2003; Start-off Conference: 9-10/01/2004 (Ljubljana); Several joint seminars were held in 5 new member states during 2004; next steps for 2005 are to expand the project to the other new member states and a second round of seminars in the "first group of countries" to evaluate the implementation of the adopted action plans
	<b>Social dialogue</b> (2003-2005)	"Enlarged" SDC meetings: 29/01/2003, 01/10/2003, 05/03/2004, as from 05/2004 full member of each meeting
	<b>Restructuring</b> (2003-2004)	Project outline adopted in autumn 2004
	<b>Lifelong learning</b> (seminar 2004/ reporting: 2005 - )	Seminar May 2004
	<b>Implementation of legal acquis</b> (2004)	Two case-study seminars on EWC's (22-23/10/2004; 27-28/10/2004); joint conclusions March 2005
<b>EU social and employment policies after enlargement</b> (2004 - )	Forms now part of reporting on employment guidelines and LLL (see above * and **)	
MOBILITY	<b>Action plan on skills and mobility</b> (2003-2005)	Seminar Commission and Social Partners (13/02/2003 - Brussels); no concrete follow up foreseen

## ◀ A new era of social dialogue?

- ▼ As said: not exclusive, not exhaustive and does not hinder Commission to act
- ▼ Will finally depend on the results achieved (quantitative and qualitative)

## ◀ Challenges to face:

- ▼ The diversity of often non-legally binding instruments and their implementation
- ▼ Diversity of items (e.g. more macro-economic oriented, social exclusion,...)
- ▼ The adaptation of new EU countries both on EU and national level to this form of dialogue, its structures and its « rules of the game »

## ◀ Thus, clearly a need:

- ▼ To ensure fulfilment of the foreseen programme
- ▼ But moreover for in-depth follow-up of implementation and application in order to:
  - Prepare for eventual review of content and nature of (adopted) instruments
  - Continue to adapt by «trial & error» where necessary the «rules of the game» of the EU social dialogue

## ◀ Bottom line:

**« A lot, if not everything, will depend on the good will of all (!) Social Partners concerned »**

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**Or ETUC Website – Section “Our Activities” ( <http://www.etuc.org/r/59>)**

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**European Commission (2002), *The European social dialogue, a force for innovation and change*, COM (2002) 341 final, Brussels, 26 June 2002**

**European Commission (2004), *Partnership for change in an enlarged Europe: Enhancing the contribution of European social dialogue*, COM (2004) 557 final, Brussels, 12 August 2004**

**Or: European Commission website « Social dialogue section »**

**[http://europa.eu.int/comm/employment\\_social/social\\_dialogue/](http://europa.eu.int/comm/employment_social/social_dialogue/)**

**Thank you very much for your attention !**

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