

EUROPEAN SOCIAL PARTNER'S INTEGRATED PROGRAMME OF THE EU SOCIAL DIALOGUE 2014-2016

CAPACITY BUILDING SEMINAR “PROMOTING AND REINFORCING SOCIAL DIALOGUE”

**Edyta Doboszynska, Polish Craft Association (ZRP) / UEAPME
Belgrade, 22 January 2014**

POLISH CRAFT ASSOCIATION

➔ **Established: 1933**

➔ **Organisation of craft economic self-government**

Law on crafts

Employers Organisation

Law on Tripartite Commission for social and economic issues

Law on employers organisations

voluntary membership in general / 1 exemption

ZRP STRUCTURE



POLISH CRAFT ASSOCIATION

since 1991 member of



since October'2003
represented in SDC (UEAPME delegation)

POLISH CRAFT ASSOCIATION

DEFINITION OF THE CRAFT ENTERPRISE

- ➔ Economic activity conducted by a natural person or a civil partnership of natural persons
- ➔ Personal involvement of the craftperson in work
- ➔ Activity on the craftperson's own behalf and account
- ➔ Certified craft qualifications / skills
- ➔ Up to 50 employees

CRAFT ENTERPRISES

- ➔ Majority: micro-enterprises
- ➔ Over 100 craft professions
- ➔ Growing number of service-providers
- ➔ Decreasing number of manufacturing enterprises
- ➔ the strongest craft branches: building, automotive, food-processing, carpentering, metalworking, personal services ...

REPRESENTATIVE SOCIAL PARTNERS

EMPLOYERS ORGANISATIONS

- Polish Craft Association (ZRP) / **UEAPME**
- Confederation Lewiatan / **BusinessEurope**
- Employers of Poland / **CEEP ???**
- Business Centre Club (BCC) /

TRADE UNIONS / **ETUC**

- Independent Self-governing Trade Union „Solidarity”
- All-Poland Alliance of Trade Unions (OPZZ)
- Forum of Trade Unions (FZZ)

POLISH SOCIAL PARTNERS

Trade Unions density - around 12 -14 %

Trade union members as a percentage of all employees in dependent employment

Employers organizations density – around 20%

Percentage of employees employed by companies that are members of an employer organisation

SOCIAL DIALOGUE in POLAND

- ➔ It was built from scratch after collapse of communist regime (1989)
- ➔ 1994 - first tripartite agreement between employers' organisations, trade unions and government
it established the legal framework for social dialogue
- ➔ 1997 – Poland's new Constitution – according to which – the dialogue between social partners constitutes a pillar of the social market economy

SOCIAL DIALOGUE in POLAND

DO WE HAVE A POLISH MODEL OF SOCIAL DIALOGUE ?

- ➔ The law
- ➔ Institutions
- ➔ Procedures
- ➔ The practice

SOCIAL DIALOGUE in POLAND

THE LEGAL BASIS

➔ EU Treaty

➔ Constitution of the Republic of Poland

➔ Legal acts:

- Law on trade unions
- Law on employers organisations
- Law on settlement of collective disputes
- Labour Code
- Law on the Tripartite Committee for social and economic issues and for provincial social dialogue committees
(.....)

SOCIAL DIALOGUE in POLAND

national level

TRIPARTITE COMMISSION FOR SOCIAL & ECONOMIC AFFAIRS

nation-wide operations,

➔ the greatest scope of competences

➔ main goals:

- reconciliation of the interests of employees, employers and the public good
- maintaining social peace

•Presidium

•Secretaries from each organisation

•Tripartite teams (interprofessional and sectorial)

+ support from the government side (Dialog Centre facilities and annual budget for each side for some activities)

www.dialog.gov.pl

SOCIAL DIALOGUE in POLAND

national level

TRIPARTITE COMMISSION

11 tripartite teams:

- *Labour law and collective bargaining*
- *Social security*
- *Economic and labour market policy*
- *Development of social dialogue*
- *State budget, wages and social benefits*
- *Public services*
- *Cooperation with ILO*
- *Structural funds*
- *Revised European Social Charter*
- *EU*
- *Local government employees and civil service*

13 SECTORAL TRIPARTITE TEAMS (*energy industry; Metallurgy Sector; Miners; Sulphur Mining and Processing Industries; Textile Industry; Defence-Related Manufacturing; Chemical Sector; Fishery and Sailing; Construction and Public Utilities; Railways; Healthcare; Brown Coal-Mining Sector; Ship-Building Industry*)

SOCIAL DIALOGUE in POLAND

regional level – voivodeships level

REGIONAL COMMISSIONS FOR SOCIAL DIALOGUE

- ➡ 4 sides:
 - representative social partners
 - Government represented by the voivode
 - Local self-government authorities side represented by the marshal of the voivodeship
- ➡ give opinions on issues under competences of the government and local administration of voivodeships
- ➡ lack of organizational, material and expert basis for their activities
- ➡ lack of legal instruments allowing them to influence the situation in regions
- ➡ unclear division of competences between the government and local self-governments which makes the cooperation difficult.

SOCIAL DIALOGUE in POLAND

BIPARTITE INSTITUTIONS

➔ Lack of such institutions

➔ Phare 2000 Social Dialogue Twinning project

One of the goals: to establish bilateral forum for EU issues (established; some success, no continuity ...)

➔ Committee for Metal Industry Employees – officially appointed... and some preparations to establish bipartite committee for construction industry – unsuccessful

➔ rather non-institutionalised initiatives of social partners to be presented to the government:

„Package of activities to combat the crisis consequences” (2009)

Joint statement on social security contributions from civil law contracts and on changes in public procurement law (2014)

Agreement on minimal wage in the construction sector (2014)

➔ European Social Dialogue and implementation of agreements and Frameworks of actions and a flywheel effect for bilateral dialogue at the national level

SOCIAL DIALOGUE in POLAND

collective bargaining

- ➔ decentralised system of collective bargaining
- ➔ based on the company or sectoral level negotiations
- ➔ percentage of employees covered by collective agreements: 25 % (2012)
- ➔ In December 2014 there were 174 multi-employer agreements registered (including 14 „dead” ones; 74 partly terminated by one side)

SOCIAL DIALOGUE in POLAND

CHALLENGES

- ➔ Tripartite structure predominant at national, sectoral and regional level
 - ➔ Low density of social partners
 - ➔ Bilateral - autonomous social dialogue: incidental ad hoc initiatives (no institutions and/or procedures for autonomous negotiations)
 - ➔ Weak system of collective bargaining
 - ➔ Lack of proper legal instruments for regional /local social dialogue
-
- ➔ **Crisis of social dialogue institutions since 2013**

SOCIAL DIALOGUE in POLAND CHALLENGES

- ➔ A dialog within each organisation
- ➔ Readiness of the members to accept decisions taken by their representatives and follow commitments
- ➔ An attitude of SMEs (especially micro SMEs) to the social dialogue
- ➔ Development of skills and competences indispensable for social partners at any level
- ➔ Changes in mentality of the Polish society – including social partners: from confrontation to cooperation

SOCIAL DIALOGUE in POLAND

implementation of European Social Dialogue instruments

Framework agreement on telework

->The agreement between Polish social partners has been concluded and then transposed into the law (amendment to the Labour Code).

Framework agreement on work-related stress

Framework agreement on harassment and violence at work

-> Joint declarations / -> Recommendations

-> Joint Team for psychosocial risks

Framework agreement on inclusive labour markets

Partly implemented. Negotiations launched and halted. Problems: Too broad scope and vague content of the ESP agreement; problems with coordination of the positions; influence of the crisis in Tripartite Committee

Framework of actions for the lifelong development of competencies and qualifications *As a guidelines for national actions*

Framework of actions on youth employment

To be implemented; initial phase

SOCIAL DIALOGUE

Capacity Building

- Knowledge
- Experience – skills developed in practice
- Readiness to learn and develop
- Time to engage to participate or follow
- Financial means to participate or follow
- Cooperation capacities

Cooperation - the resultant of 3 main elements:

- Mutual trust
- Common interests
- Good communication

.....

Capacity Building via European Funds

⌘ EU support available at EU level

- ✓ via social partners organisations as European umbrella organizations and social partners
- ✓ directly for networks and partnerships of national social partners

⌘ EU support available at national level

- ✓ under Cohesion policy instruments
- ✓ or under pre-accession instruments for candidate countries

ZRP and Capacity Building via EFS

⌘ EU support available at EU level

- ☒ joint projects of European social partners focused on capacity building
- ☒ projects of TU Solidarity with the aim to prepare Polish social partners to implementation of the European framework agreements (stress, violence & harassment, ILM)
- ☒ PEGASE

⌘ EU support available at national level

- ☒ own projects aimed at ZRP capacity building

ZRP and Capacity Building via EFS

the starting point:

PHARE & EQUAL

ZRP and Capacity Building via EFS

the starting point: Phare and Equal

☒ **BSP I & II: SME FIT, SMECA**

social dialogue and social policy components

ZRP as an recipient

☒ **BSP III, SME FIT II**

social dialogue

ZRP shares knowledge and experience

☒ **Equal: Managing adaptation to structural change**

☒ **Equal: SMEs vs ITC tools**

partnerships with TU and employers org.

ZRP and Capacity Building via EFS

the starting point: Phare and Equal

- ☒ Phare 2000 Social Dialogue budget line
Twinning project of Polish and Danish Ministries of Labour and Social Partners
2002 – 2003
- ✓ training of trainers (4 trainers from ZRP): theory and practice
- ✓ setting up a Round Table for European Integration, a bilateral autonomous social dialogu body
learning from each other, making contacts, networking of TU and employers representatives;

TELEWORK agreement implemented

ZRP and Capacity Building via EFS

ESF Regulation (EC) No 1081/2006 for the 2007-2013 programming period and No 1304/2013 for 2014-2020

- ⌘ emphasize the need for the active involvement of social partners in programming and implementing of ESF programmes,
- ⌘ made specific reference to the partnership and capacity building !!!!!!!

Article 6 of ESF Regulation No 1304/2013

2. To encourage adequate participation of the social partners in actions supported by the ESF, the managing authorities of an operational programme in a region defined in Article 90(2)(a) or (b) of Regulation (EU) No 1303/2013 or in a Member State eligible for support from the Cohesion Fund shall ensure that, according to the needs, an appropriate amount of ESF resources is allocated to capacity building activities, in the form of training, networking measures, and strengthening of the social dialogue, and to activities jointly undertaken by the social partners.

ZRP and Capacity Building via EFS

National Strategic Reference Frameworks

Operational programmes

Priority axes

!!! How the multiple roles of social partners provided in ESF Regulations are taken into account

ZRP and Capacity Building via EFS

- ⌘ Status of social partner

- ⌘ Knowledge and experience
 - ✓ Social dialogue area
 - ✓ EU funding area

- ⌘ Friendly conditions under the National Strategic Reference Frameworks

- ⌘ Staff to prepare and run projects

ZRP and Capacity Building via EFS

Operational Programme: HUMAN CAPITAL

⌘ 5 priorities implemented at central level

Priority 2: Development of human resources and adaptation potential of enterprises and improving the health condition of working persons

Measure 2.1 Development of human resources

Sub-measure 2.1.2 Partnerships for increasing of adaptability

Priority 5: Good governance

Measure 5.5 Development of social dialogue

Sub-measure 5.5.1 System support for social dialogue

Sub-measure 5.5.2 Strengthening of social dialogue participants

⌘ 4 priorities implemented at regional level

Priority 8: Regional human resources and competences in regions

Measure 8.1 Development of employees and enterprises in regions

Sub-measure 8.1.3 Support for local partnerships with the aim of adaptability development

ZRP and Capacity Building via EFS

examples

Effective experts = efficient dialogue

HCOP 2007-2013, Priority 5 – Good Governance,
Measure 5.5 – Development of social dialogue,
Sub-measure 5.5.2 - Strengthening of social dialogue participants

Implementation period: 01 June 2009 - 31 May 2011

⌘ Goals:

Enhancement of efficiency of ZRP member organizations considering their participation in social dialogue at national and regional level.

Improvement of skills and competences of ZRP representatives from member organizations to take active part in social dialogue initiatives

Supporting participation of ZRP in actions resulted from the European social dialogue.

⌘ Activities: seminars, workshops, trainings, networking

ZRP and Capacity Building via EFS

examples

Sectors in dialogue

HCOP 2007-2013, Priority V – Good Governance,
Measure 5.5 – Development of social dialogue,
Sub-measure 5.5.2 - Strengthening of social dialogue participants

Implementation period: 01 Sept 2011 - 28 Febr 2013

⌘ Goals:

Establishment of Secretariat for European Sectoral Dialogue
(coordination of sectoral cooperation between ZRP and UEAPME and its Forums.

Organization of the network of 24 Experts for European
sectoral dialogue.

Development of competences

(experts and their co-workers, members of the Board)

Elaboration of sectoral system of consultations, tested through
preparation of 32 ZRP position papers in the framework of UEAPME consultations

⌘ Activities: selection of sectoral experts and building a network;
trainings; study visits; cooperation with advisers; seminars;
position papers; newsletter.

ZRP and Capacity Building via EFS

Sectors in dialogue

NETWORK OF
EXPERTS

SECRETARIAT
for ESD

SECTORAL
SYSTEM
OF
CONSULTATIONS

4 prs → Construction
Forum

4 prs → Cosmetics Forum

4 prs → Transport Forum

4 prs → Food Forum

8 prs → UEAPME in general

Artists – 3 prs
Gold-smiths - 2 prs
Photographers - 1 prs
Tailors/Textile – 1 prs
Optician - 1 prs

SECRETARY

ADVISORS

library

1
8

M
I
E
S
I
E
C
Y

1. DRAFT SYSTEM

2. CONSULTATIONS

3. TESTING PHASE
32 positions

4. SYSTEM- MODEL

ZRP and Capacity Building via EFS

examples

**Improvement of the system of social dialogue
and strengthening institutions and participants of social dialogue**

Systemic project managed by the Ministry of Labour

HCOP 2007-2013, Priority V – Good Governance,
Measure 5.5 – Development of social dialogue,

Period of implementation: July 2008 – December 2009

⌘ Components:

A study on the condition of social dialogue in Poland, with
recommendations

Training need analysis vs social partners and pilot training sessions

Seminars

Study visits to EU MS

Elaboration of the concept of institutional support for social dialogue
participants (+ experts opinions)

www.dialog.gov.pl

ZRP and Capacity Building via EFS examples

HCOP 2007-2013 Priority 2: Development of human resources...

Sub-measure 2.1.2 Partnerships for increasing of adaptability

ZRP project in partnerships:

- ✓ *Innovations – that is simple Public relations vs competitiveness and adaptability of SMEs*
- ✓ *Flexicurity Promotion*
- ✓ *Flexicurity Platform*
- ✓ *Project Partnerships for development of SMEs competitiveness*

ZRP and Capacity Building via EFS

examples

ESF projects at the regional level

under the HCOP 2007-2013

Sub-Measure 8.1.3 Support for local partnerships with the aim of adaptability development

with participation of SME and Craft Chambers, members of
ZRP