

# Final Report

Joint Project of the European Social Partner Organisations:  
“CEEC social partners’ participation in the European social dialogue:  
*What are Social Partners’ needs?*” (Phase 2A)

December 2004 to April 2005

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## Overview of the Project

In their work programme 2003-2005, the European social partners (UNICE-UEAPME, CEEP and ETUC) agreed to take a number of actions in the areas of employment, mobility and enlargement. In the context of their work on enlargement, the European level social partners undertook to assist the social partner organisations in CEECs to prepare for their full involvement in the activities of the European social dialogue following their accession on 1 May 2004. To this end they developed and completed a joint pilot project during the period November 2003 to August 2004 involving five of the new member states; The Czech Republic, Hungary, Lithuania, Poland and Slovakia.

Following the success of the joint pilot project, the European level social partners received approval for a second initiative designed to extend the benefits of the first phase to the three remaining CEEC new member states (Estonia, Latvia and Slovenia) and to review and assess progress made in the implementation of the national action plans agreed in the initial seminars. These follow up initiatives were respectively titled “phase 2A” and phase “2B” of the new project. This report describes the results of phase 2A of the project involving national seminars in Estonia, Latvia and Slovenia.

The project involved the design and organisation of a two-day seminar in each of the three remaining CEEC new member states between December and March 2005. During the course of each seminar, representatives of the national social partner organisations were invited to identify what they needed to do at the national level in order to strengthen their capacity to represent the views of their members in the European social dialogue. On the basis of the identified priorities, the social partners individually and jointly developed the specific and time-phased action plans that are included in the body of this report.

## Project Methodology

The seminar methodology adopted for phase 2A of the project was identical to that followed in the pilot stage. The reasons for this were;

- The pilot project seminar design was accepted by all of the sponsoring social partner organisations;
- The design worked well in practice and delivered the seminar objectives in full in a wide variety of different environments;
- The approach was discussed at the concluding meeting of the pilot project and recommended for use, without change, in any subsequent extension of the project; and
- Continuity of process and reporting enables a comparative analysis to be undertaken of the initial seminar in all eight countries and provides for a launch of phase 2B with the same point of departure for each participant.

Following broadly the same format as that used in the final report on the pilot project enables this report to build on the conclusions reached at that stage and to offer concluding comments that cover all eight countries.

The project methodology used in the pilot exercise is described in detail in the project report, but for those unfamiliar with this document, the methodology used is summarised below.

The national seminars were designed to identify the organisational and individual characteristics that would enable the national social partners to participate effectively in the European social dialogue. The objectives for the national social partners during the two-day events were;

- To identify the characteristics of organisations and individuals that will contribute most effectively to the European social dialogue;
- To develop individual social partner organisation and joint action plans to increase the effectiveness of their participation in the European social dialogue process.

Each of the seminars was attended by representatives of national employers' organisations and trade unions; representatives from the European social partners UNICE, UEAPME, CEEP and ETUC; and experts.

The seminar methodology was designed to assure the maximum participation of the national trade unions and employers with "added value" input from the participants from the European social partner organisations and the experts. The majority of the time in each national seminar was devoted to discussion in small working groups, regular plenary feedback forums and consensus building sessions.

To further facilitate the generation, development and ownership of ideas and strategies, the working groups were conducted in the national language with “whispering” interpretation available to the European social partner participants and experts that enabled them to follow the discussion and to intervene where appropriate.

Additionally, and in order to maximise bipartite discussion, agreement and action planning, where discussions took place in working groups, three groups were used:

- one containing exclusively trade union representatives;
- a second containing exclusively employers’ organisation representatives; and
- a third group of “joint” or “mixed” composition.

The outputs of all three groups were presented and discussed in plenary in order to develop overall consensus on priorities and actions.

Day one of the seminar was devoted to identifying the most important characteristics, actions and behaviours that would increase the effectiveness of the participation of the national social partners in the European social dialogue. Through successive combinations of working groups, feedback forums, expert input and consensus building sessions, the participants were encouraged to develop a short list of the most important issues that they believed would have to be addressed.

Day two was devoted to the development of individual social partner and joint action plans for each priority issue. The subsequent implementation of these action plans should improve the contribution of the national social partners to the European social dialogue.

The outline format of the national seminars, as presented below, was discussed with the participants of this phase (2A) of the project at a meeting on 7<sup>th</sup> December 2004. The participating national social partners were happy to proceed with the project on the basis of this methodology. A detailed seminar agenda is attached as appendix one.

Outline seminar content			
		Session description	Nature of the session
DAY ONE	Session one	"Explaining the European Social Dialogue".	Expert input - plenary
	Session two	"Building successful organisations and individuals for European Social Dialogue".	Working groups
	Session three	Working group feedback. "Building successful organisations and individuals for European Social Dialogue".	Plenary presentations
	Session four	"Successful social partners and successful meetings" – presentation of research findings.	Expert input – plenary
	Session five	"The characteristics, actions and behaviours that contribute to successful engagement in social partnership".	Consensus building session – plenary.
DAY TWO	Session six	"Action plan development on the agreed priority issues"	Working groups
	Session seven	Working group feedback. "Action plan development on the agreed priority issues"	Plenary presentations
	Session eight	Discussion and agreement on specific action plans	Consensus building session – plenary.

Each of the seminars was chaired/facilitated by the independent expert selected by the European social partners to design and manage the seminars, Alan Wild of Aritake-Wild.

A report was prepared and translated immediately after each national seminar for the use of the seminar participants. Each report provides an overview of the eight working sessions, and concludes with the agreed action plan that was the outcome of the final working session.

Finally, and after the completion of the national seminars, the European level social partners met at a concluding meeting in Brussels on 26 April 2005 to review and agree the draft report prepared by the experts on this phase of the project.

## The National Seminar Conclusions

The purpose of this section of the report is to list the action plans developed by each country's social partners. It does not comment on the discussions that took place in generating the national plans or review critically the actions that were agreed upon at the national level. This critical analysis can be found in the final section of this report.

The full national reports, which provide a comprehensive review of each of the seminars and describe the diversity, richness and detail of the national debate, are attached as appendix five.

Almost without exception, the national action plans below focus on a limited number of common areas;

- ◇ establishing a regular national level dialogue between the social partners;
- ◇ in-group coordination and member reporting;
- ◇ early identification of priority issues;
- ◇ financial and material resources;
- ◇ developing cooperative approaches with national social partner organisations in other member states; and
- ◇ human resource quality.

The fact that the areas for action were common to each country reflects a reality where the participants face similar challenges from very different points of departure. These start points are marked by differences in resource availability, existence of formal structures and the maturity of relationships between the social partners.

Each national action plan is reproduced below in exactly the form that it was agreed at the seminar. No attempt has been made to further refine, improve or otherwise change the documents.

### **Slovenia**

The first national seminar was held on 24 and 25 January 2005. It was attended by 24 national social partner representatives and 8 European social partner representatives and experts. The attendance list for each of the national seminars is attached as appendix six.

The Slovenian social partners agreed on the following action plan:

<i>Slovenian Social Partner Action Plan</i>	
<i>Trade unions</i>	
◇	Introduce in the newspaper Work Unity, a specific section dealing with social dialogue at the European level;

- ◇ Ensure regular discussion of European issues in the most senior trade union policy-making bodies;
- ◇ Nominate a specific individual to find sources of European funding that could be accessed by the Slovenian trade unions;
- ◇ Make maximum use of the new ETUC resource centre in the wide circulation of relevant information on European issues;
- ◇ Propose the establishment of an informal group of Slovenian trade union officials to identify and discuss their common interests in Europe at the next meeting of the board of the Confederation of Free Trade Unions.

#### *Employers' organisations*

- ◇ AES will establish working groups comprising a network of employers' organisations and members to construct joint employer opinions on European issues. UNICE and UEAPME will assist their respective members in identifying the dates of important EU meetings and key issues on which to concentrate preparatory work at national level;
- ◇ Establish joint employer meetings to discuss the implementation of European level agreements;
- ◇ Based on information provided by the joint European employers' resource centre maximise Slovenian access to European funding;
- ◇ Rules will be formulated for the improvement of information flows between and within national employers' organisations on European issues.

#### *Joint action by national social partners*

- ◇ Improvements in bipartite Slovenian social dialogue should build upon existing forms of joint discussion e.g. the economic and social council;
- ◇ Jointly benchmark and review social dialogue models from other member states in order to further improve Slovenian practice;
- ◇ In order to further improve mutual trust and respect between the social partners, they will develop an action plan, with regular meetings and conferences, to discuss European issues, review progress, and maximise areas of agreement on non-contentious issues such as lifelong learning.



## **Estonia**

The second national seminar was held on 7 and 8 February 2005. It was attended by 27 national social partner representatives and 8 European social partner representatives and experts.

The Estonian social partners agreed on the following action plan:

### *Estonian Social Partner Action Plan*

#### *Employers' organisations*

- ◇ Identify hot issues at EU level;
- ◇ Identify Estonian employers' priorities;
- ◇ Identify experts on specific issues on the European agenda and convene working groups appropriate to assure that high quality inputs can be made in a timely manner;
- ◇ Improve information flows to and from member companies and organisations on social dialogue decisions and their impact;
- ◇ Develop cooperative relationships with other organisations representing Estonian business interests in order to benefit from the full range of available expertise.

#### *Trade unions*

- Improve preparation for Estonian involvement in European social dialogue meetings by:
- ◇ Creating a two-tier decision making system in EAKL to improve branch involvement on European issues;
  - ◇ Improve information flows from the ETUC so that important issues can be addressed in a timely way;
  - ◇ Propose to the Employers that a briefing system be established to exchange views on European issues;
  - ◇ In the Autumn of 2005 undertake a review of the issues adopted in the European social dialogue;
  - ◇ Suggest to the Estonian government that they make a contribution to the costs of Estonian social partner representation in Brussels.

#### *Joint action by the national social partners*

- ◇ Informal communication should be initiated between the social partners to identify common ground for dialogue;
- ◇ Social partner specialists working on European issues should assure regular, informal exchanges of views with their counterparts;
- ◇ The social partner organisations should improve member communication on European issues.

## **Latvia**

The third national seminar was held 10 and 11 March 2005. It was attended by 30 national social partner representatives and 8 European social partner representatives and experts.

The Latvian social partners agreed on the following action plan:

<i>Latvian Social Partner Action Plan</i>
<i>Employers' organisations</i>
<ul style="list-style-type: none"><li>◇ Improve horizontal discussions between LDDK and LAK to consolidate employers' views and opinions.</li><li>◇ Continue to work closely with Estonia and Lithuania and identify a strategy for coalition development with other member states on key issues.</li></ul>
<i>Trade unions</i>
<ul style="list-style-type: none"><li>◇ LBAS should establish a regular routine of member meetings to discuss key European social dialogue issues and strategies.</li><li>◇ In addition to strengthening cooperation with the Nordic member states, the trade unions will deepen relationships with Estonia and Lithuania. Further opportunities for coalition building will be investigated with Poland and other member states of a similar size to Latvia.</li></ul>
<i>Joint action by the national social partners</i>
<ul style="list-style-type: none"><li>◇ Establish an informal round table that meets regularly to discuss European social dialogue issues and prepare the ground for any negotiations.</li><li>◇ Use the Telework and Stress agreements as practical projects to work on together to;<ul style="list-style-type: none"><li>a. Produce jointly agreed texts of the agreements in Latvian,</li><li>b. Collaborate on the development of informative support materials and their dissemination,</li><li>c. Prepare for reaching agreement on the implementation of these agreements in Latvia.</li></ul></li></ul>

## Overall Conclusions

The purpose of this section of the report is to identify the general conclusions that can be drawn from the full series of eight initial national seminars i.e. the “pilot” and “2A” phases of the project.

The content of this section is based on discussions between the national and European social partner representatives that took place at the “concluding meeting” of the pilot project held in Brussels on 24<sup>th</sup> and 25<sup>th</sup> June 2004; the European level social partner observations made at the “concluding meeting” of phase 2A of the project held on 26<sup>th</sup> April 2005; the separate observations of the European social partners (ETUC, UNICE, UEAPME and CEEP); and the views of the various experts that assisted throughout the project. This section updates and builds upon the overall conclusions contained in the final report of the pilot project.

The eight countries involved in this project differ greatly in their size, state of economic development, the maturity of current social dialogue systems, the resources available to the social partners and the attitude of national Government to the promotion of social dialogue. It is nonetheless possible, noting the dangers of stereotyping the countries involved, to draw certain general conclusions from the project as a whole.

### *No “one size fits all” solution*

The first general conclusion is that any temptation to apply a “one size fits all solution” or “single model of bipartite dialogue” to the eight CEEC new member states participating in the project should be resisted. Although the overall conclusions reached at the end of each individual meeting on first sight seem quite similar, the concrete issues faced by the social partners in the eight countries visited are both complex and very different. This means that the social partners will need to take varying routes in working to resolve essentially similar overall problems.

For example, although they still have a lot of work to do, the social partners in the Czech Republic and Slovenia are individually well organised, have basically sound relationships with each other and benefit from a degree of Government support. This contrasts with the situation experienced in Lithuania and, to an extent Estonia, where a well established tradition on how social partners can engage in a respectful social dialogue does not yet exist; in Slovakia where the national Government is taking steps to dilute the influence of trade unions and employers’ organisations; and in Hungary where it proved impossible to get all of the social partner organisations around the same table with participants of sufficient decision making stature to the seminar.

The need for diverse approaches to the resolution of essentially similar problems needs to be constantly borne in mind throughout this section.

### *Bipartism or Tripartism*

By far the most common issue encountered in the first series of national seminars, and most extensively discussed at the concluding meeting of the pilot

project, was the subject of the relationship between tripartite and bipartite dialogue. This issue did not register the same level of prominence in the three countries participating in the second phase (2A) of the project. The reasons for this are examined later.

In each of the five participating countries in the pilot project the Government had already established tripartite consultation mechanisms to advise, to a greater or lesser extent, on the move from state control to market economy. This same tripartite structure was also used, again to a greater or lesser extent, in the development of national laws, and in particular labour laws, that were required to implement the European *acquis*.

At the commencement of each seminar, it was clear that not everyone saw the need for a system of autonomous bipartite social dialogue. Bipartite and tripartite dialogues were frequently seen as mutually exclusive and it took some time before certain participants could see that bipartite social dialogue and tripartite concertation could be *complementary* and not *alternative* approaches to partnership.

By the end of the seminars every country had concluded that not only was an autonomous system of bipartite social dialogue necessary to link effectively with the European level equivalent, but that effective bipartite dialogue could lead to increase the influence of the social partners in the existing tripartite system.

A series of practical problems associated with the development and maintenance of an autonomous bipartite dialogue were identified:

- i) *Resources*; Few of the trade unions and none of the employers believed that effective bipartite dialogue structures could be established using only existing resources. Trade unions reported falling membership and declining revenues. Employers' organisations described the difficulties they had experienced since their creation of getting sufficient companies to see the benefit of membership. Both parties described considerable internal difficulties associated with shifting extremely scarce resources from the local to the international level.
- ii) *Bipartite autonomy in a tripartite framework*; Temptations were great to seek "quick fixes" to the resource question by using the structure and resources provided by Government to the tripartite social dialogue. However, the social partners in every country acknowledged the adverse impact of using tripartite resources on the autonomy of the social dialogue in terms of priority and agenda setting; the ability to meet as and when they wished or to effectively control work performed by the Government-funded secretariat. This approach was therefore seen as resource efficient but sub-optimal in terms of autonomy.
- iii) *The Government as an employer*; In each of the project countries the Government remains a major employer. Both employers and trade unions felt uncomfortable with the failure of Government to separate its

political responsibilities from those it has as an employer. It was frequently said that the inability or unwillingness of the government to distinguish between the roles of “elected Government” and “business owner” in its engagement in the social dialogue politicised discussions to a great extent. This issue will be further elaborated below.

- iv) *Strength and representivity;* Both sides were aware of the need to strengthen their role as social partners in the eyes of Government and the general public as well as vis-à-vis their own constituents. Steps to increase their representivity towards their constituents would assist them in their efforts to improve their effectiveness in discussions and negotiations at either national or European level. Furthermore, without broader membership, it would be hard to deliver national or European level agreements without relying on governmental help. Government regulation was frequently seen as the only way that they could assure compliance with their decisions and agreements.
- v) *Membership of European level organisations;* most but not all key national level trade unions and employers’ organisations participating in the tripartite social dialogue in their country are members of the European level social partner organisations. This raises important questions for implementation of voluntary agreements in some countries.
- vi) *Scope for bipartite dialogue in a heavily regulated environment;* The project countries have a long history of high Government intervention in the labour market. In the face of a Government with strong interventionist tendencies it is difficult for the social partners to find space for their autonomous activities. The absence of a recognised, autonomous and influential role feeds the negative spiral of representivity, membership and resources.
- vii) *The top down demand for national bipartite social dialogue;* It appeared from the debate, that those most demanding autonomous bipartite social dialogue were not so much the national trade unions, employers’ organisations and their members, but the European Union institutions. The key driver being the essential role of social dialogue in EU decision-making and governance in the area of labour affairs. In the absence of this top down “demand-side pull”, there would seem to be little “supply-side push” for the development of sophisticated bipartite dialogue. Strong, autonomous and financially self sufficient social partners are very unlikely to simply “emerge” from the environment currently prevailing in the project countries.

The discussion of this issue during the second phase of the project was considerably less charged. Although the participants all spoke of the need to find ways to engage in constructive national dialogue on European issues, they were much more clear that this would be bipartite in nature. Nonetheless, during

the course of discussion, they identified similar constraints to the further development of bipartite social dialogue. Notably;

- ◇ lack of resources;
- ◇ the strength and representivity of the social partners;
- ◇ membership of European level social partner organisations;
- ◇ the scope for bipartite dialogue in a heavily regulated environment;  
and
- ◇ the top down demand for social dialogue.

It is difficult to say whether this difference is due to the size of the member states involved in the second phase or whether the understanding of bipartite social dialogue has improved since the accession of the new member states and their deeper involvement in the European social dialogue process.

Despite this difference in emphasis, it can be concluded that the issues outlined above are common concerns and apply to a greater or lesser extent to each of the CEEC social partner organisations. There are no “quick fix” solutions to these problems and the development of an autonomous national social dialogue depends first and foremost on the needs and actions of the national social partners themselves. However, actions by the national Government can either support or undermine their efforts. Moreover, the European level social partners and financial support from the EU can help to initiate movement.

#### *Attitude and role of Government*

One seminar participant in the pilot phase described Government attitude to social partners and social dialogue as comparable to the need to have exotic animals in a zoo. The Government knew that, to please the European Union, it needed such animals – but in reality, it considered them to be difficult to control, expensive to feed and temperamental. Although it was careful to keep these animals alive, the Government would seek to control the animal’s behaviour rather than creating conditions that would allow it to prosper.

At the tripartite level, it was commonly claimed, the Government tended to prefer to reinforce its own position as decision maker by trading one side off against the other and the prospect of employers and trade unions developing and pursuing a shared agenda was not something to be encouraged.

However, the Government was not the only player bearing responsibility for this situation. In the short term this approach allowed either trade unions or employers to side with a friendly Government, leaving the excluded party with little alternative but to oppose everything and wait for a change of Government after an election. Both employers and trade unions described themselves as being more experienced with “opposing and blocking” followed by “maximising advantage”, than in developing a genuine long term shared agenda on key economic and social issues.

The structure of ownership further complicates relations between social partners and the Government. The state remains a very influential employer in its own

right but is either unable or unwilling to separate the roles of politics and business ownership.

Once more, the level of discussion of this issue in the second phase of the project was more muted. One consistent feature to emerge however was the observation that highly regulated environments left the social partners with little space to establish meaningful social dialogue.

In both the first and second phases of the project, the social partners concluded that by developing more long term cooperative relationships, the social partners themselves can work together to improve the situation.

#### *Leadership and in-group coordination*

The issue of leadership and in-group coordination found equal prominence in the action plans of all eight countries. In many countries of the world both employers' organisations and trade unions are either looking to merge or to develop fruitful cooperation based on a clear division of tasks between complementary sister organisations. By contrast, in most of the project countries, the trend still seemed to be towards competitive behaviours on the part of these organisations.

If the project countries are to maximise their influence at the European level, these competitive behaviours need to be modified. Their acknowledgment of this fact at the operational level is reflected in each action plan in each of the eight participating countries. The need for improved coordination of group positions; the identification of areas of consensus between the social partners; and a sharing of duplicated resources are major items on every agenda. However, the degree of support for such cooperative attitudes at technical level by the highest decisions makers in the organisation varied from country to country.

If the project countries are to exert a more effective influence in the short to medium term at the European level, the need for improved cooperation must be rapidly embraced by the most senior managers in both trade unions and employers' organisations.

#### *Financial and Material Resources*

With very few exceptions, the employers' organisations and trade unions spoke of financial and material resource shortfalls. These tended to be generally less acute in the trade unions. It is clear nonetheless that the organisations are struggling to do more than their sister federations in established EU countries with fewer resources and are faced with certain "chronic" difficulties.

Contrary to what happened in the established EU countries, which were able to switch resources gradually from the domestic to the European stage as the locus of law creation gradually shifted from the national level to the European, the social partners in the project countries have had to cope with the national implementation of the European acquis at the same time as being required to become operational in dealing with the new issues on the European level agenda. The short term workload they face is quite extraordinary.

Moreover, the most successful employers' organisations and trade unions in the established EU countries have built financially and structurally sound organisations out of a long history where collective answers to common challenges made sense both for unions and companies. There is no comparable history upon which to build in the project countries.

In the second phase of the project, the participants applauded the actions that had been recently initiated by the European social partners to establish resource centres for employers' organisations (based in UNICE) and for trade unions (based in the ETUC). These were seen as welcome additions to their resource base and could help them to build stronger relationships with the European level social partner organisations, to identify issues early, to undertake research and to prepare more effective social dialogue strategies.

There is little doubt that these recently launched initiatives will be of considerable value, nor is there doubt that the social partner organisations can do much to help themselves from a resource point of view through membership growth, service development and sharing resources. However, given the circumstances they face and their existing resource base, current actions will probably not be sufficient for the social partner organisations in most new member states to impact dramatically at the European level in the short to medium term.

#### *Human Resource quality*

Although many organisations mentioned the pure shortage of numbers of people available to them, the overriding human resource issue they identified was that of language capability. Moreover, the best language skills they had in their organisations were typically possessed by those with little knowledge or experience in the technical issues or in social negotiations.

This mismatch of language and technical skills was a general theme in the actions contained in each of the national action plans. The plans concentrated on two themes;

- i) The conduct of audits of language/technical capabilities within individual organisations and within the employers' organisation and trade union sides as a whole in order to better use existing resources and to prioritise training and development efforts;
- ii) To provide fast track learning opportunities for younger people, including work experience placements and funded "observation" places at social dialogue meetings.

Again, in the second phase workshops, the participants were pleased to welcome the recently launched initiative by the European social partners to develop a competency evaluation framework to help them better use existing resources, to prioritise training and development efforts and to offer training and development events.

#### *Next steps*



Both phases of the seminar programme were viewed as valuable exercises. They brought to the surface the practical problems of connecting with the European social dialogue machinery and supported the development of concrete action plans to facilitate this. Aside from the technical objectives of the seminars, the opportunity was provided for the national social partners to work together in a practical way on developing consensus approaches to certain issues. Additionally, the seminars proved to be an important source of two-way learning and relationship building between the European and national social partners.

The obvious next step (now phase 2B of the project) is to undertake “one year on” reviews of all eight countries. These one day seminars will follow up on the action plans produced in the first stage of the process and will add further reinforcement to their progressive implementation. They will also enable the European level social partners to identify;

- ◇ How the national social partners have been successful in addressing the issues above;
- ◇ The areas where the problems faced have proved to be less easy to resolve;
- ◇ Why particular problems have proved difficult to resolve; and
- ◇ The internal and external constraints on strengthening further national social partners in CEEC countries.

## Appendices

1. Generic National Seminar Agenda  
(English, Slovenian, Estonian and Latvian versions)
2. Complete texts of the Country Reports from Slovenia, Estonia and Latvia
3. Attendance Lists for each National Seminar and for the preparatory and final meetings
4. *Presentation* - The European Social Dialogue  
(English, Slovenian, Estonian and Latvian versions)
5. *Presentation* - The European Social Dialogue Process  
(English, Slovenian, Estonian and Latvian versions)
6. *Presentation* - Successful Social Partners and Successful Meetings  
(English, Slovenian, Estonian and Latvian versions)