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Joint Seminars of the European Social Partner Organisations

“Social partners’ participation in the
European social dialogue

... what are the social partner’s needs?”

Phase 2

Report of the Croatian National Seminar

Hotel Dubrovnik, Zagreb
Croatia

6th November 2008

Prepared by ARITAKE-WILD
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As a part of the European Social Partners work programme 2006 – 2008, the follow up meeting of the previous year’s seminar designed to enable the national social partner organisations in candidate countries (Croatia and Turkey) and New Member States (Bulgaria and Romania) to improve their capacity for current or future involvement in the European social dialogue was held in Zagreb, Croatia on 6th November 2008. This phase of the programme builds on similar work undertaken in the New Member States in eight Central and Easter European countries as a part of the social partners work programme 2003 – 2005¹,

The objectives for the Croatian social partners during this one- day event were:

- ✧ Review progress on the implementation of the action plans developed Phase one of the project;
- ✧ Identify and discuss any problems that had been encountered and propose ways to resolve them;
- ✧ Identify future “individual organisation” and “joint” priority actions for the Croatian social partners.

The seminar was attended by 11 representatives of the Croatian employers' organisations and 10 trade unions; representatives from the European social partners BUSINESSEUROPE, UEAPME and ETUC and experts. The full attendance list for the seminar is attached to this report as appendix one.

The seminar methodology was designed to assure maximum participation of the Croatian trade unions and employers with “added value” input from the participants from the European social partner organisations and the experts. A significant part of the event involved discussions in working groups followed by a plenary feedback. The event ended with a consensus building session. To further facilitate the generation and development of ideas and strategies as well as effective communication, the working groups were conducted in the Croatian language with “non-intrusive” interpretation available to the European social partner participants and experts. Full simultaneous interpretation was provided in the plenary sessions. In order to maximise

¹ As part of the European social partner work programme 2003 – 2005, initial and follow-up seminars were held in the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia between January 2005 and May 2006. Reports of the 16 national seminars and synthesis reports from the two sub projects can be found on the resource centre websites of the European social partner organizations (<http://resourcecentre.etuc.org/> for trade unions and <http://www.erc-online.eu> for employers).

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bipartite discussion and the development of action priorities, discussions were held in three working groups: one contained exclusively trade union representatives; the second contained exclusively employers' organisation representatives and the third group was of "mixed" composition. The outputs of all three groups were presented and discussed in plenary.

This report follows the format of the seminar agenda, providing an overview report of each of the seven working sessions that made up the seminar. The detailed agenda for the meeting is included as appendix two, but the seven working sessions making up the seminar can be summarised as follows:

	Outline session content	Nature of the session
Session one	Welcome, introduction and purpose of the day	Expert input, EU social partners - plenary
Session two	"Report on the implementation of the action plan – what went well, what proved difficult, what we were unable to implement and why?" – presentations of the national trade unions and national employers	National social partners input - plenary
Session three	European level social partner presentation on the European Social Dialogue agenda and plans for the future	EU social partners - plenary
Session four	Three groups work on the questions: "In the light of the plenary presentations – what are the most important learning points for the development of future action plans?" "Based on our experience in implementing the action plans, and in the context of changing organisational and national / European priorities – what do we need to do in the next 12 months and in the next three years?"	National social partners - working groups
Session five	Working group feedback on the proposed actions	National social partners - plenary
Session six	Review of tools offered by European social partners <ul style="list-style-type: none"> - What has been most and least useful? - What could be done in the future? 	EU social partners followed by plenary discussion
Session seven	General discussion on the possible content/priorities of future action plans and final remarks from the EU social partners	Consensus building session – plenary

Session one (Expert input) – Welcome and introduction of the purpose of the seminar

The chairman, Alan Wild, welcomed the participants and introduced the purposes of the seminar. He reminded everyone that last year the participants discussed how to fast track engagement of the Croatian social partners in the EU level social dialogue and they had defined some priority activities and actions. The present meeting was to enable a review of progress against the identified priorities; to indicate the areas of success and the areas for further improvement; and to define plans for future development. Its goal was also to offer an update on future plans for development of the EU level social dialogue as well as an assessment of usefulness of tools offered by the EU level social partner organizations to their Croatian counterparts.

After the introduction round, Alan Wild recalled the broad issues discussed the previous year which were the following:

- ✧ Representivity and participation in the social dialogue;
- ✧ Setting priorities and planning;
- ✧ Building skills and capacities;
- ✧ Improving communication;
- ✧ Accessing necessary funds.

Session two (National social partners input) - “Report on the implementation of the last action plan – what went well, what proved difficult, what we were unable to implement and why?”

Separate presentations by the employers’ organisation and trade union followed the introductory comments. The employers recalled the objectives of the first seminar and its recommendations: better cooperation between social partners to become a stronger partner in negotiations with the government; adopting lessons from the EU level social dialogue; and resolving the issue of representivity. They underlined that it was not a time-phased action plan, but more an identification of problems and challenges. The following achievements were presented:

- ✧ More regular, including ad hoc, meetings (bilateral, tripartite) are held;
- ✧ Government takes the social partners more seriously - evidenced by their involvement in negotiations on the tourism sector, on amendments to labour code and on EU accession;
- ✧ A system of regular reporting to the government on held/cancelled/refused meetings with ministries and other institutions was set up;
- ✧ Employers’ organisations are invited to different working groups for drafting laws and regulations and to give their opinions;
- ✧ Attempts to become more constructive when working in the national social partnership have been made;
- ✧ Training programmes related to the social partners’ role in the social dialogue have been organised;
- ✧ Cooperation on international issues with BUSINESSEUROPE and the International Organisation of Employers has been established on a variety of initiatives;
- ✧ The employers’ organisation is active in the Joint Consultative Committee between the EU and Croatia;
- ✧ Information and documents are regularly disseminated among members.

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The employers added that there was a HUP initiative prior to 2007 aimed at strengthening bilateral cooperation among the Croatian social partners adding that, despite the fact that trade unions and employers sometimes have different priorities, there is effective bilateral cooperation on the sector level on concrete issues e.g. in the tourism and construction sectors. In some circumstances discussions that were intended to be bilateral ended up being tripartite – an important example is the discussion on the minimum wage and the labour code.

At the end of the presentation reasons were given for success in implementing some actions and not others. These included: the HR capacity of the organisation remains limited; there was on occasions, a lack of willingness to work together; and last, but not least, priorities were changing as the domestic political agenda shifted.

Following this intervention, the trade unions presented their feedback. They recalled the trade union group “action plan” from the last year meeting, which consisted of the following goals:

- ✧ Changing national criteria to define representivity – trade unions still believe that a major problem is the different rules that exist for representivity of employers’ organisations and trade unions. Current rules facilitate the recognition of too many national trade union confederations;
- ✧ Developing bipartite social dialogue in order to reduce the influence of the government over social dialogue;
- ✧ Developing the infrastructure for sectoral social dialogue by ensuring matching trade union and employers’ structures;
- ✧ Developing the skills and knowledge of trade union staff;
- ✧ Achieving more funding to strengthen organisational capacities;
- ✧ Establishing relationships based on shared problems and views to facilitate the development of joint actions.

Achievements of the Croatian trade unions were outlined as follows:

- ✧ The organisation of a round table on youth employment in cooperation with the employers’ organisation;
- ✧ Continuing collective bargaining and participation in different joint working groups;
- ✧ The organisation of a meeting on October 4th 2007, as an immediate follow up to the previous seminar. Possible initiatives and priorities on how to develop bilateral social dialogue had been put into writing;
- ✧ Application for common EU funded projects;
- ✧ The creation of a working group to work on potential restructuring of federations and confederations;
- ✧ Engagement of new staff responsible for EU affairs;
- ✧ Creating two centres: a centre for industrial democracy and a centre for regional development and the EU integration.

The general conclusion was that one year was a too short time against which to measure real progress. A two-year time frame is needed to identify national social dialogue priorities on the basis of serious analysis and research. This could be followed by the creation of joint working groups on issues like lifelong learning; competitiveness; the labour market and migration; undeclared work; and CSR. The trade unions added that now was a good time to define priorities, to work together on implementing EU framework agreements and strengthening capacity for the development of joint projects that can be submitted under the IPA programme.

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The attempt to hold a joint meeting in August 2008 had proved unsuccessful due to employers' organisation cancellation of the meeting and it was time to restore that initiative.

The power point presentation made by the national social partners' can be found in appendices three and four.

In conclusion Alan Wild stated that there were a variety of activities going on in Croatia and there appeared to be a clear idea of the actions and priorities that needed to be undertaken going forward.

Session three (EU social partners input) – *the European social partners' presentation on the European Social Dialogue agenda and plans for the future.*

Steven D'Haeseleer of BUSINESSEUROPE, Julianne Bir of ETUC and Helen Hoffmann of UEAPME briefly presented results of the European level social; joint work programmes; and the tools and services offered to new member states and candidate countries. Their presentation is attached as appendix five.

Session four (Working groups) - *"Learning points for the development of the future action plans and action plans for the next 12 months and over the next 3 years"*

The national representatives were divided into three working groups: a "trade union group"; an "employers' organisation group" and a "joint group" of trade union and employers' organisation participants. The representatives of BUSINESSEUROPE and UEAPME joined the employers' organisation group; a representative from the ETUC together with one expert joined the trade union group; representatives from ETUC and one expert, joined the "joint group". A chairperson/rapporteur was selected by each group from amongst the national participants. The working groups were given 90 minutes to consider the following questions:

- ✧ What have we learnt and how are we going to use it for the future action plan?
- ✧ What do we need to do between now and the accession?

Session five (Working group feedback) – *Reflecting on lessons learnt and future activities*

After lunch the participants met again in the plenary session to report back from their working groups. The report back from the three groups can be summarised as follows (the group views are presented in the order of presentation);

Trade Union Group

- ✧ Not too much has changed as regards to bilateral cooperation. Representivity is still one of the biggest problems hindering effective cooperation. This needs to be solved before joining the EU as it influences the quality of the bilateral social dialogue in Croatia;
- ✧ As a result of the previous seminar the Croatian social partners have learnt to talk with each other in a more constructive way;
- ✧ Trade union pluralism means that the balance of the dialogue between employers and trade unions is skewed toward employers;
- ✧ In Croatia there remains more focus on tripartite social dialogue than on bilateral discussions. The government is too strong a participant in comparison with the social partners;
- ✧ In order to achieve optimum results bilateral discussions should start from those issues where there is greater scope to find an agreement (e.g. mediation; life long learning);
- ✧ It is necessary to define how we are going to address the implementation of framework agreements, especially those that are not translated into Directives;
- ✧ A continuous dialogue should replace some of today's ad hoc discussions so that all important issues can be tackled in detail and in a timely fashion.

Employers' Organisation Group

- ✧ There was not enough time to implement the action plan from the previous year. In reality a year is a very short period;
- ✧ It is necessary to strengthen bipartite social dialogue - for example by introducing regular meetings every three months. There is also a need for rules defining the framework for social dialogue and the roles and responsibilities of the partners from both sides;
- ✧ There are many joint objectives and a number of joint projects can be taken on. An example might be joint training programmes that organised at the regional, sectoral and national levels. Stronger bilateral social dialogue and more joint actions may result not only in improving the effectiveness of the social dialogue, but also translate into increased membership.
- ✧ There is an urgent need for more streams of funding to strengthen the social partner organisations' capacity to deliver;
- ✧ There is a need to continue aligning gender and labour market legislation to EU standards and to continue transposing directives into Croatian law;

Joint Group

- ✧ One of the most important achievements resulting from the last year meeting is the will to discuss issues honestly and openly;
- ✧ There is a need to organise more meetings of a bipartite character; an option could be defining a one-year plan;
- ✧ It is necessary to strengthen bipartite social dialogue to present joint opinions to the government and to avoid the situation where the government imposes its solutions on social partners e.g. as in the minimum wage negotiations;
- ✧ Employers' representatives admitted that sometimes there was a delay in answering trade unions letters, but the problem is a lack of sufficient human resources rather than ill will;
- ✧ There is a need to reflect upon a new role of social partnership, a new role of employers' organisations and a new role of trade unions – a joint conference, for instance, could be sponsored by the government or financed from the Partnership Fund;
- ✧ Work on the labour act has to continue as there are still issues that need to be resolved;
- ✧ In order to advance social dialogue in Croatia the idea of appointing an expert moderator to take things forward might be considered.

Following this intervention Alan Wild suggested that two main issues appeared consistently in the presentations:

1. Dissatisfaction with the unbalanced nature of tripartite social dialogue where the government is perceived to be too strong. One solution is the strengthening of bipartite social dialogue. In this case a facilitator's help might be sought to help in developing a structure and an agenda for effective national level bipartite dialogue. He agreed that a good opportunity to start a new approach could be a meeting of the social partner organisations' leaders to plan an agenda for 2009. A good follow-up occasion might be the Social Partnerships Day that falls on 21st January 2009.
2. Social partner pluralism in trade unions is presented as a major constraint. In fact, either trade union pluralism or employers' organisation pluralism is a common feature in many EU countries. He suggested that it is possible to have a successful social dialogue despite this feature and suggested contacting counterparts to exchange experiences and practices of social dialogue in a pluralistic setting. The key to success was a willingness to make things work.

After this short summary the floor was opened to comments. It was explained that employers' organisation (HUP) is in a quite difficult situation as it was set up only in 1993 and in 1996 the labour code regulating collective bargaining was adopted. The employers' organisation had been created from nothing and its financial and human capacities are still very limited in the face of increasing challenges.

Reflecting on this, the trade unions suggested that there should be no major problem with representivity issue as there is only one partner accepted at the European level (SSSH) and this should be taken into account for the bilateral social dialogue. Financially SSSH had faced

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problems of a different nature. They had inherited approximately 700 staff and facilities in the 1990's and had faced the problem of rationalisation.

The Croatian social partners agreed that they should work on a model for effective cooperation going forward.

Session six (Expert input) - *“Review of tools offered by the European social partners: What has been most and least useful? What could be done in the future? - EU social partners presentation*

Julianne Bir of ETUC agreed that the representivity issue has to be solved and responded to a request to provide different examples for effective cooperation that could be used as basis for development of the Croatian model.

Following this intervention, Cinzia Sechi of ETUC and Matthew Higham of BUSINESSEUROPE briefly presented the resources available for the national social partners to develop social dialogue. They reminded participants of the two resource centre websites (trade union and employers); that Croatian social partners can be sent as observers to Brussels based EU social dialogue meetings and have their travel/accommodation costs reimbursed; of the existence of the translation fund that the Croatian social partners have already made use of; and of the possibility to organise events on the EU social dialogue with funding support. Finally they brought the respective tutoring and mentoring programme to the attention of the Croatian social partners.

The Croatian social partners asked what funding might be available to assist with the further development of national social dialogue. They were informed that finance was available to improve social dialogue insofar as it related to European issues.

Session seven (Plenary) – *General discussion on the possible content/priorities of future action plans following the presentations from working groups and remarks from the EU social partners*

There was a short discussion among national social partners after the EU social partners' presentations when the following issues were raised;

Croatian Social Partners Priorities and Issues

- ✧ The need to strengthen social partners organisations in terms of the quantity and quality of human resources;
- ✧ The ongoing need to clarify “rules of representivity” to facilitate the development of an effective model for bipartite social dialogue;
- ✧ The need to pursue fundraising opportunities more actively with a view to strengthen social dialogue in Croatia.

At the end of the meeting the European social partner organisations' representatives offered their insights.

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Steven D'Haeseleer of BUSINESSEUROPE said that he learnt a lot during the meeting, mainly about the situation in Croatia. He added that joining the EU level social dialogue a clear obstacle to be overcome is the lack of a permanent platform for national bilateral social dialogue. In his view the resource centre segments of the Integrated Programme activities could offer very useful assistance to the Croatian social partners.

Helen Hoffmann of UEAPME agreed that the seminar had offered a lot of insight into Croatia's social dialogue at a pre-EU accession stage with their specific national priorities, e.g. migration and fighting undeclared work. There was a clear need for setting up social dialogue structures to meet regularly and to influence public policy.

Juliane Bir of ETUC pointed out that there had been a major improvement between the previous year's meeting and the present one. She said it was an encouraging sign as good relations and the will to cooperate evidenced at the meeting were the preliminary conditions for further advancement of social dialogue and the ability to face challenges linked to Croatia's accession to the EU. The areas for improvement remained by and large the same as the previous year, namely the rules for representivity and relations with the government. She suggested that the influence of the government on social dialogue in Croatia could be reduced by the stronger bipartite dialogue and that stronger social partners would together be more able to influence the government agenda.

At the close of the meeting Alan Wild thanked the Croatian trade unions for preparing the seminar, all the Croatian social partners for their active and enthusiastic participation, the European social partners for their participation and input and the interpreters for making a successful meeting possible.

List of Appendices

Appendix one	Seminar attendance list
Appendix two	Seminar agenda
Appendices three and four	Presentations from the Croatian social partners
Appendix five	Presentation on the European Social Dialogue agenda and plans for the future



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