# **ARITAKE-WILD**

Integrated Programme of the European Social Dialogue

# **Final report**

A review of activities and conclusions from the project

"Social Partners' Participation in the European Social Dialogue: What are the Social Partners' needs?"

> Alan Wild ARITAKE-WILD December 2009

Project of the European Social Partners with the financial support of the European Commission

# Integrated Programme of the European Social Dialogue

# Final report<sup>1</sup>

# A review of activities and conclusions from the project

"Social Partners' Participation in the European Social Dialogue: What are the Social Partners' needs?"

1.	Executive summary.	3
2.	Project overview and methodology.	8
3.	Summary of the main themes emerging from the project.	11
4.	An evaluation of the project methodology and outcomes	24
5.	Conclusions and reflections.	31

# CONTENTS

<sup>&</sup>lt;sup>1</sup> This report is presented as an "expert report". It represents the views of the individuals involved in its preparation and does not purport to represent the views, either individually or collectively, of the European level social partner organisations that were responsible for its commissioning.

#### Integrated Programme of the European Social Dialogue

#### Final report

A review of activities and conclusions from the project

"Social Partners' Participation in the European Social Dialogue: What are the Social Partners' needs?"

#### 1. Executive Summary

For those seeking to gain an overview understanding of the project, this executive summary should be read in conjunction with the conclusions and reflections to be found at the end of the report (pp30 to 33).

#### Introduction

In a series of consecutive joint work programmes that started in 2003, the European social partners agreed to take specific actions designed to improve the capacity of New Member States in Central and Eastern Europe (CEECs) and Candidate Countries to participate effectively in the European Social Dialogue. The participating countries in the project were Bulgaria, Croatia, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia and Turkey. Over the five year duration of the project, the European social partner organisations held 24 seminars in twelve countries involving more than 500 national representatives of employers' organisations and trade unions.

In each country, an initial two day seminar was used to identify the constraints to effective participation in the European social dialogue and to develop action plans to address them. In a second follow-up seminar, the results of the countries' efforts to implement their action plans were presented and they worked to develop future priorities and strategies.

In overview terms, the most striking outcome from the "initial seminar" phase of the project is the consistency in the issues identified as constraints on the effective engagement of national social partners in the European social dialogue. In similar terms, the outcome from the "review" phase of the project in each country is the consistency in the areas where the national social partners managed to make improvements, and those areas they found most difficult to tackle. This macro level similarity in the issues arising and the approaches taken to addressing them is very important to note. It should not however mask the significance of the considerable differences in the nature, extent and mix of the issues identified by individual countries; the balance of the actions taken; and their success in delivering improvements in effectiveness. The countries participating in the project were, and remain, at different stages of social partner maturity and integration into the European Union. There consequently remains a significant difference between the participating countries in their impact in the social dialogue at the European level.

#### The main themes emerging from the project

The issues identified by the national social partners have been clustered in this report into two broad headings. First, issues related to the "functioning and effectiveness of social dialogue" in the country; and second, issues associated with "resourcing and organising for impact" at the European level. Our analysis is structured in this way as we believe the project outcomes demonstrate the following important points;

There is a clear and direct correlation between the effectiveness of national social dialogue and the impact of the national social partners at the European level. In short, national social partner effectiveness seems a pre-requisite for European level success;

There is a discernable focus in terms of project-related conclusions and actions from all the national seminars on issues associated with "resourcing and organising for impact at the European level". This focus is unlikely to be successful in the absence of a functioning system of autonomous bipartite social dialogue in the country.

The report discusses five issues under the heading "the functioning of social dialogue in the country" as follows;

- *i)* The influence of tripartism at the outset of the project, bipartite and tripartite forms of social dialogue were generally seen as alternatives. The importance of the role of government in shaping the employment policy agenda led participants to focus on the need to improve tripartism and to use it as a vehicle to introduce a forum for bipartite, but not autonomous, discussion. This view changed significantly over the period of the project and has been reflected in the improvements made in the operation of bipartite social dialogue in many of the participating countries. It was also clear that in Bulgaria, Romania, Croatia and Turkey, who joined the project in 2007, there was less questioning of the "need" for bipartite dialogue and more focus on how best to deliver it.
- *ii)* The role of government it was clear from the seminars that not all governments from the participating countries share an equal enthusiasm for autonomous bipartite social dialogue or positive engagement with the social partners in policy making. The role of government is crucial in promoting social dialogue and facilitating the creation of space for it. Whilst for many countries, "passive disinterest" or "benign neglect" might best describe the attitude of government, it is clear that in some countries the problems encountered are of a higher order.
- *iii)* Managing social partner pluralism (structural) without exception, every trade union and employer action plan spoke of improving inter and intra organisational coordination and reporting. The issues discussed are of two distinct varieties. The first are structural and relationship issues that obstruct cooperative behaviours. The second are practical issues related to managing coordination between organisations that share an objective of working better together. It is important on a country by country basis to separate the problems associated with the existence of conflicting or competing interests and where there is little will to cooperate and those where multiple representational channels exist but there is a genuine will at the most senior levels in the organisation to improve coordination. In the former case, no amount of investment in people, priority setting, rule making and committee meetings will adequately resolve the situation.
- iv) From conflict to trust, respect and working together all participating countries talked of the need to improve trust and respect in social dialogue as a prerequisite for social partner effectiveness. Despite this common problem, it was clear that the relationship environment was more difficult in some countries than others. Two inhibiting attitudes were observed. The first, "because the social partners cannot agree on everything, they can't agree on anything"; the second, "the natural role of trade unions and employers is to oppose each-other making "blocking and opposition" expected behaviours". Until the social partners work through these issues and establish a habit of working together, progress on this issue will not be easy. More positively, the approach to action planning adopted by the social partners toward the end of the project showed a more creative and positive approach than had been seen earlier and there was an enormous increase in the number of joint externally funded projects under way.
- v) Issues of representivity and the influence of collective bargaining systems
   In all of the participating countries, both sides of the national social partnership faced issues of
   representivity. Trade unions have lost members in the participating countries alongside the massive
   restructuring, privatisation and foreign inward investment programmes that have dominated the
   economic landscape. In most of the participating countries employers' organisations as voluntary
   membership institutions basically grew from a zero base in 1989. The limited role played by multi
   employer bargaining means that the social partners have less experience of working together on key
   issues and of implementing multi-employer agreements.

In countries where bipartite dialogue does not suffer from chronic relationship and structural problems, resourcing and organising are important issues to resolve for improved effectiveness. It was clear from the seminars that an acute shortage of financial and human resources in most organisations can be substantially reduced by cooperating between organisations to eliminate duplication; that setting clear priorities on the European agenda that match domestic priorities results in a more relevant and manageable workload; and learning from the success of others provides new ideas for organising for efficiency. Five issues are discussed in the report under the heading "resourcing and organising for impact at the European level";

- i) Financial and material resources both sides of the social partnership in the participating countries face the problem of high workloads and limited resources. In the short term a high degree of emphasis has been placed on the need to secure additional external resources specifically associated with European issues in order to cope with a demanding agenda. Indeed, European and national support for the development of effective social dialogue is probably essential to the development of the social partner organisations in the short to medium term in order to enable them to survive the enormous workload challenges faced and to build themselves into sustainable organisations based upon internally generated revenues. It may be that the provision of external funding specifically to support organisations in the building of sustainable medium term business plans may be a sound investment if long term self sufficiency is the objective.
- ii) The quality and quantity of people financial constraints on the social partner organisations have translated themselves into a shortage of people with the experience and skills to manage European issues effectively. Putting financial constraints on hiring new staff to one side, the social partner organisations still suggested that the identification of the specific competencies required for successful participation in international social partner meetings; the assessment of overall organisational capacity for success; and the identification of skill deficits and the means of addressing them for the individuals they currently employ, or have access to, were identified as important needs early in the project and continue to be highlighted in the action plans of virtually every social partner organisation. A key staff skills problem faced by most organisations was their difficulty in finding appropriate technical and language capacities in the same individual.
- iii) Inter and intra organisational communication and cooperation the existence of multiple representative organisations has tended to exacerbate the resource scarcity issue as already limited human resources in different organisations duplicate work on the same priority issues and they invest heavily in cross organisational debate and coordination. In countries where structural or competiveness based issues were not insurmountable obstacles to inter organisational cooperation, the practical issues associated with cooperation and communication still dominated discussion. These related to the need to identify a common list of priorities between organisations; agreeing common mandates for European level discussions and negotiations; finding processes to implement European level decisions; establishing regular and reliable information flows; and sharing resources to reflect agreed priorities rather than duplicating activities on only the most important item or items on the agenda.
- iv) Matching EU and national agendas although many of the national social partners have worked very hard to implement European level framework agreements, it was often suggested that dealing with these issues competed for time with a very heavy domestic agenda dominated by structural change and major revisions of the core of the labour code. Towards the end of the programme this criticism had reduced considerably.
- Cooperating with other countries particularly in the smaller new member states, it was realised that for them to have a meaningful impact on European policy making they needed to forge alliances with the social partners in countries with similar concerns.

An evaluation of the project methodology and outcomes

At the end of this process it is correct to ask two simple questions; "Was it worth it?" and "What have we learned?" A simple analysis would involve an assessment of reported delivery against the action plans developed in the initial seminar by the time the follow-up seminar was held 18 months to two years later. A more complex analysis would be to assess whether the integration and impact of the participating countries in the European social dialogue has improved over the period since 2004, and if it has, to what extent is this due to the impact of the project? Both questions are reviewed in detail in the report, but the outcome of the analysis can be summarised in four points;

- For most countries, their integration into the European social dialogue process has improved significantly. A number of countries have enhanced their impact on European decisions and have taken substantive steps to implement European level agreements;
- Insofar as delivery against the detailed action plans developed in the seminars is concerned, there is a mixed bag of results. Most countries took their action plans seriously and reported substantial progress against them. The issues they found most difficult were the structural problems that, in some countries, inhibited more progress against the practical resourcing and organising actions;
- Aside from a narrow measure of results against actions, it was clear in virtually every country that relationships between the social partners measured by issues such as respect, dignity, preparedness to seek joint agendas and listening to the other side, had undergone a paradigm shift;
- The actions taken in this project by the national and European social partners have combined with the opportunities offered in other initiatives, and notably European funds available to the social partners for joint projects, to significantly improve the working of the social partnership in the majority of countries.

*Implementation of the initial seminar action plans* – when the areas where improvements have been made are compared with the problems that acted as constraints on progress and with the areas identified for future action, the following broad conclusions can be drawn;

- The areas where most improvement was reported remain the areas where most attention is required going forward – improving the functioning of bipartite social dialogue and delivering better cooperation between the members of the employers and the trade union sides;
- Some progress was reported in building the human capacities of the social partner organisations to deliver at the European level – and more work needs to be done;
- Little progress was reported on the approach of government to bipartite social dialogue and the willingness of employers to engage – and in the countries where this was a problem at the outset of the project, it remains a problem;
- Little progress was reported on moving European issues up the national priority ranking and a new and related issue arose in future action plans associated with communicating European issues better both to members and to the general public.

The impact of European level social partners' initiatives associated with the project – during the course of the project, the European social partners identified and worked on issues where it was determined that European assistance to address common issues would add value. Accordingly the scope of the project grew gradually to incorporate a number of discrete and ongoing activities designed to assist the participating countries reach their objectives. Work on five commonly identified problems was undertaken by the European level social partners;

- Securing additional resources assistance in the identification of funding sources to improve the effectiveness of social dialogue and help in making appropriate submissions;
- ♦ Organisational and individual capacity auditing the provision of tools to facilitate the analysis of organisation and staff competence for successful engagement in the European social dialogue;

- Training and development providing opportunities for staff in participating organisations to benefit from experiential participation in European level meetings; attend training programmes; adopt mentors; and undertake language training;
- Improving communication provision of a "one stop shop" for information relevant specifically to the social partners on social dialogue issues and the facility to get important documents translated for national use.
- Mini cases the identification and preparation of short case studies highlighting successful actions undertaken as a result of the national action plans in the project.

*Reflections on the project methodology* – for the most part the methodology as it was initially designed and evolved through the project worked well. The practical orientation of the design; a strong process for building the steps toward an action plan involving periodic checking and consensus building; creating self direction and ownership amongst the participants with appropriate support and challenge rather than lectures from experts; and the overall approach of the European social partner representatives that presented a practical demonstration of cooperation combined in an effective way.

As always there were areas that needed to be improved along the way, and some lessons to be learned;

- The relevance of the European agenda to nationally determined priorities is fundamentally important if the European social dialogue is to be taken more seriously. Consequently, the presentation of the European social partners action programmes was refined a number of times during the project to improve its relevance to the seminar participants and its fit in the programme;
- The seminars were most effective when there was a balance in numbers of participants from each side of the social partnership and where the seniority mix of participants was broadly equivalent;
- The outcome of seminars was better where the national organisers ensured that participants were aware of what would be expected of them and, particularly for the follow-up seminar, that adequate preparations had been made by the national participants for presentations;
- Outcomes improved where there was a high degree of consistency of attendance between the initial and follow-up seminars and the participants involved had played a role in delivering the action plans established.

Finally, this report is designed to be analytical rather than descriptive and where interpretations are made or conclusions drawn, they are those of the author and not of the European social partners, the national social partner organisations in participating countries or the European Commission. Any errors or omissions are also the sole responsibility of the author.

# Integrated Programme of the European Social Dialogue

#### Final report

A review of activities and conclusions from the project

"Social Partners' Participation in the European Social Dialogue: What are the Social Partners' needs?"

#### 2. Project overview and methodology

#### Background

In their overall joint work programmes 2003 - 2005 and 2006 - 2008, the European social partners (ETUC, BUSINESSEUROPE, CEEP and UEAPME) agreed to take specific actions designed to help social partner organisations in the Central and Eastern European and Candidate Countries to identify what they needed to do at the national level in order to strengthen their capacity to act effectively as social partners mandated to represent the views of their members in the European social dialogue.

Over the five year period starting in Slovakia in January 2004 and ending in February 2009 in Turkey, the European social partner organisations held 24 seminars in twelve countries involving more than 500 national representatives of employers' organisation and trade unions. The seminars were attended by representatives of the European social partner organisations and were facilitated by the external project expert, Alan Wild of Aritake-Wild. The participating countries were Bulgaria, Croatia, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia and Turkey.

"Initial" and "follow-up" seminars were held in each participating country;

- In the initial two day seminar, representatives of the national social partner organisations were invited to identify practical actions that would strengthen their capacity to engage effectively in the European social dialogue. On the basis of identified priorities, the social partners individually and jointly developed specific and time-bound action plans;
- In the follow-up one day review seminar held between one and two years later, the national social partner representatives were asked to review progress on the implementation of the action plans developed during the first phase of the project; to identify and discuss any problems that had been encountered and propose ways to resolve them; and to identify future "individual organisation" and "joint" priority actions.

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. The participants in the three working groups established during each seminar comprised "employers", "trade unions" and "joint" membership<sup>2</sup>. To further facilitate the generation, development and ownership of ideas and strategies the working groups were conducted in the national language of each seminar.

<sup>&</sup>lt;sup>2</sup> In a small minority of cases, the national social partners did not form a "joint" group either for reason of imbalance in seminar attendance or unwillingness on the part of the social partners to do so.

Country	Initial seminar	Follow-up seminar				
Slovakia	29 & 30 Jan 2004	1 Feb 2006				
Lithuania	17 & 18 Feb 2004	25 May 2005				
The Czech Republic	9 & 10 March 2004	21 Jun 2005				
Hungary	15 & 16 June 2004	4 Oct 2005				
Poland	20 & 21 June 2004	15 Nov 2005				
Slovenia	24 & 25 Jan 2005	15 Feb 2006				
Estonia	7 & 8 Feb 2005	29 Mar 2006				
Latvia	10 & 11 Mar 2005	26 Apr 2006				
Turkey	22 & 23 Feb 2007	3 Feb 2009				
Bulgaria	28 & 29 Mar 2007	14 Nov 2008				
Romania	26 & 27 Sept 2007	10 Dec 2008				
Croatia	1 & 2 Oct 2007	6 Nov 2008				

The schedule of national seminars held is in the table below;

Three review meetings were also held at key stages in the project to discuss the findings to date and review plans for subsequent phases (in June 2004, April 2005 and June 2006). A major seminar involving around 100 representatives from the social partner organizations in the 27 EU Member States plus the candidate countries of Croatia and Turkey was held in Brussels in January 2008 to present and discuss interim project findings and to help frame the themes and conclusions of the final report.

For those who wish to research specific elements of the project in more detail, a number of detailed reports and documents can be found on the websites of the trade union and employers' resource centres hosted by ETUC and by BUSINESSEUROPE on behalf of the three participating employers' organizations<sup>3</sup>. These include the reports of the 24 national meetings, interim project reviews and synthesis reports.

During the course of the project, the national social partners identified additional initiatives to address issues common to a number of countries that could best be taken by the European social partner organisations. These included;

- Training and monitoring programmes on European social dialogue results for national trade union and employers representatives;
- Employer (www.erc-online.eu) and trade union e-based resource centres (www.resourcecentre.etuc.org) containing key information on European social dialogue related issues;
- A translation fund to enable the national social partners to jointly request translations of social dialogue results (e.g. framework agreements, framework of actions and joint declarations) and other related texts;
- A practical tool to assess the social partners' capacity to engage successfully at the European level focused on building organisational competence through better targeted recruitment, personal development planning for existing staff and an overall organisational capacity evaluation;
- Seminars and practical assistance to help national social partners to identify and secure external sources of funding.

<sup>&</sup>lt;sup>3</sup> www.<u>resourcecentre.etuc.org</u> (ETUC resource centre) and <u>www.erc-online.eu</u> (employers' resource centre, under 'capacity building').

#### Purpose and structure of the report

The purpose of this report is to review the conduct and impact of the whole five year project and it is structured into the following mains sections;

- A description of the main themes emerging from the national seminars and examining the similarities and differences between the problems faced and the approaches taken to address them in the twelve participating countries;
- An evaluation of the impact of the project on the effectiveness of national engagement in the European social dialogue; and
- ♦ Conclusions for further reflection, consideration and discussion.

The report also makes use of the outcomes of a parallel and ongoing project launched recently by the European level social partners to develop "mini-cases" of effective social dialogue practices in the participating countries. These "mini-cases" are the subject of a separate and complementary study, but some cases are referenced briefly at appropriate places in this report to provide practical examples of how countries have improved their social dialogue performance by addressing the issues identified in the seminars.

Finally, this report is designed to be analytical rather than descriptive as the comprehensive list of project documents referenced above provides detailed descriptions of the outcomes of individual seminars and meetings. Where interpretations are made or conclusions drawn, they are those of the author and not of the European social partners, the national social partner organisations in participating countries or the European Commission. Any errors or omissions are also the sole responsibility of the author. Finally, the report is not intended to commit the European or national social partners to specific actions.

# 3. Summary of the main themes emerging from the project.

#### A macro view of the project's major themes

In overview terms, the most striking outcome from the "initial seminar" phase of the project is the consistency in the issues identified as constraints on the effective engagement of national social partners in the European social dialogue. In similar terms, a distinctive outcome from the "review" phase of the project is the consistency in the areas where the national social partners managed to make improvements, and those areas they found more difficult to tackle.

This macro level similarity in the issues arising and the approaches taken to addressing them is very important to note. It should not however mask the significance of the considerable differences in the nature, extent and mix of the issues identified by individual countries; the balance of the actions taken; and their success in delivering improvements in effectiveness. The countries participating in the project were, and remain, at different stages of social partner maturity and integration into the European Union. There is consequently a significant difference between the participating countries in terms of their impact in the social dialogue at the European level today.

Three broad national groupings can be discerned;

- Countries where social dialogue at the national level and the engagement of the social partners in European social dialogue can be compared favourably with countries that have participated in the European social dialogue for more than 20 years (Czech Republic, Hungary, Poland and Slovenia);
- Countries where there are still significant obstacles to effective national social dialogue and where this is reflected in the difficulties they find in operating effectively at the European level (Estonia, Latvia, Lithuania and Slovakia);
- The newest member states and candidate countries where engagement in the European social dialogue is at the very early stage of development or has not yet taken place (Bulgaria, Croatia, Romania and Turkey).

Reflecting these differences, the report attempts to strike a balance between identifying and commenting on general themes and illustrating the issues which distinguish the "more" from the "less" effective social partner organisations and countries.

The issues raised in the initial seminars are listed below according to the frequency in which they appear as "identified obstacles" in the "action plans" of the twelve countries;

#### Most reported identified obstacles

- 1. Dealing with social partner pluralism and assuring better coordination among trade unions or employers and reporting to members;
- 2. Establishing a regular and effective national level bipartite dialogue between the social partners;
- 3. Securing more financial and material resources;
- 4. Improving the quantity and quality of human resources;
- 5. The role of government;
- 6. Moving from conflict based relationships to partnership approaches by building greater "trust and respect" between the social partners;
- 7. Introducing or increasing joint work or projects between the social partners;
- 8. Matching the European and national social dialogue agendas and identifying priority issues early; and
- 9. Developing cooperative approaches with national social partner organisations in other member states.

The issues listed from the seminar outcomes offer a mix of underlying structural and relationship problems, practical questions of organisation and coordination and potential solutions. Accordingly, and for the purposes of the following analysis, the nine themes above can be reorganised and clustered under two headings;

- I. Issues related to the "functioning and effectiveness" of social dialogue in the country;
- II. Issues associated with "resourcing and organising for impact" at the European level.

The analysis is structured in this way as we believe the overall outcomes and national action prescriptions going forward reflect the following points;

- There is a clear and direct correlation between the effectiveness of national social dialogue and the impact of the national social partners at the European level. In short, national social partner effectiveness seems a pre-requisite for European level success;
- ♦ There is a discernable focus in the project-related conclusions and actions from all the national seminars on issues associated with "resourcing and organising for impact at the European level". Focussing on these actions alone is unlikely to be successful in the absence of a functioning system of autonomous social dialogue in the country.

Whilst there is an inevitable linkage and overlap between the two headings, clustering the areas for action in this way facilitates a clearer analysis of the most important constraints on effective engagement in the European social dialogue process and the identification of the most appropriate issues to address in individual countries. The seminar outcomes suggest that a focus on "resourcing and organising" is entirely appropriate for some countries whilst for others, addressing the more fundamental obstacles to national social dialogue success should be the priority.

Below we attempt to make a distinction between those countries where the functioning of bipartite social dialogue is an obstacle to further progress and those where a focus on resourcing and organising for success is more likely to be appropriate. This assessment is not a scientific one and, whilst we have tried to stay up to date with the participating country's ongoing progression, it should be noted that the seminars on which the judgments are based were held between five months and four years ago. For this reason, although there are substantial differences between the countries, we have used two simple categories rather than attempt to establish points on a continuum.

National social partner effectiveness in the European social dialogue							
Functioning of bipartite social dialogue tends to be a significant obstacle to further improvement	Focus on resourcing and organisation is mos likely to result in substantial improvements						
<ul> <li>♦ Bulgaria</li> <li>♦ Croatia</li> <li>♦ Estonia</li> <li>♦ Latvia</li> <li>♦ Lithuania</li> <li>♦ Romania</li> <li>♦ Slovakia</li> <li>♦ Turkey</li> </ul>	<ul> <li>♦ The Czech Republic</li> <li>♦ Hungary</li> <li>♦ Poland</li> <li>♦ Slovenia</li> </ul>						

The structure of the remainder of this section of the report discusses the identified constraints under the broad headings of "The functioning of the social dialogue in the country" and "resourcing and organising for impact at the European level". In order to minimise "issue overlap", the nine identified priorities from the national seminars are summarised and restructured under the eight subheadings in the table below;

I. The functioning of social dialogue in the country	II. Resourcing and organising for impact at the European level					
The influence of tripartism.	Financial and material resources.					
The role of government.	The quality and quantity of people.					
Managing social partner pluralism (structural).	Inter and intra organisational communication and cooperation.					
From conflict to trust, respect and working together.	Matching EU and national agendas.					
Issues of representivity and the influence of collective bargaining systems.	Cooperating with other countries.					

# I. The functioning of social dialogue in the country

It is suggested above that there is a clear and direct correlation between the effectiveness of national social dialogue and the impact of the national social partners in European level dialogue. The notion that a working system of autonomous bipartite social dialogue is a pre-requisite for European level success was recognised in every country. The establishment of an effective and ongoing formal or informal dialogue between the social partners at the national level, or making major improvements in current arrangements, were stated priorities for every participating country.

Discussion of the inhibitors to the development of autonomous bipartite social dialogue is structured under the five headings in "column one" above. In some countries one or two issues dominated (typically either the role of government or the effect of social partner pluralism) whilst in others there was a more complex cocktail of ingredients.

# i) The influence of tripartism

In discussing the relationship between tripartite and bipartite forms of social dialogue, it is worth reflecting on the changing attitudes toward the need for bipartite dialogue that emerged over the five years of the project. When the project started in 2004 there was relatively little understanding amongst either of the national social partner organisations in the participating countries, and in particular employers, of the need for autonomous bipartite social dialogue. Each country already had some kind of established system of tripartite social dialogue and they often saw little demand for a bipartite model for reasons other than to facilitate their participation in the European social dialogue. In more than one country, the initial project meeting was the first time the social partners had met formally together without government and it was frequently suggested that the outcomes of the meeting would be better if the government was present.

This view changed significantly over the period of the project and has been reflected in the improvements made in the establishment and operation of bipartite social dialogue in many of the participating countries. It was also clear that in Bulgaria, Romania, Croatia and Turkey, who joined the project in 2007, there was less questioning of the "need" for bipartite dialogue and a more immediate focus on how best to deliver it. By the end of the project it was clear that most social partners shared the view that their influence in the tripartite committees in which they are formally consulted on key macroeconomic decisions could be

improved if bipartite dialogue was more effective. It was also generally accepted that the pattern where either employers or trade unions enjoyed the upper hand in influencing government depending on the result of successive general elections, or where government played employers against the trade unions in order to press its own agenda, was an inadequate and unsatisfactory process. Finally, the social partners are now increasingly pressing for "more space" for the exercise of bipartite dialogue.

In the mini case on effective social dialogue submitted by the Polish social partners, they describe their recent reaction to what they felt was an inadequate response by national government to the current economic and financial crisis by developing their own agreed approach.



# *ii) The role of government*

It was clear from the seminars that not all governments from the participating countries share an equal enthusiasm for autonomous bipartite social dialogue or positive engagement with the social partners in policy making. In a number of participating countries the government was reported to be somewhat lukewarm to the nurturing and encouragement of bipartite dialogue. It was frequently suggested that government felt that bipartite dialogue was more a system that had to be introduced as a result of adopting European Union laws and philosophies than one fitting to national needs. On the tripartite front, concertation was often seen to be either a matter of routine rather than genuine consultation, or a system government used to play the two sides of the social partnership against each other.

Government can support bipartite dialogue by encouraging the development of institutions and creating the space for dialogue on issues that matter. It is equally open to government to stifle dialogue by encouraging adversarial posturing between unions and employers in tripartite discussions and by filling the available space with detailed and prescriptive regulation.

It is not just government that is responsible for a "regulations dominated" approach to labour market policy. Two important social partner related issues foster a strong role for the state;

In general, both sides of the social partnership have capitalised on short term opportunities to negotiate gains with friendly governments only to affect adversely relationships with the other partner and to see their gains lost following a subsequent election. This "yoyo" relationship is an easy one to fall into for organisations that have typically found it easier to "oppose and block" rather than develop joint agendas;

Questions of representivity of the social partners (discussed below) mean that social partners are often reliant on government to implement any agreements they reach as they do not themselves have adequate means for assuring compliance with their provisions. In some countries, it was suggested that even the implementation of the outcomes of the seminar might have been improved by the attendance of government participants in order to encourage an understanding of the problems discussed and their buy-in to solutions.

The role of government as an employer was also suggested to make it difficult for them to provide meaningful space for autonomous social dialogue. Although the number of state sector workers is generally declining, government remains a major employer in many of the participating countries. Due to government concerns about the impact of social partner decisions on constrained national budgets, it was frequently suggested that the failure of government to distinguish clearly between the roles of "elected government" and "business owner" in its approach to social dialogue politicised attitudes and discussions.

Whilst for many countries, "passive disinterest" or "benign neglect" might best describe the attitude of government, it was clear from the countries in the final phase of the seminar involving Bulgaria, Croatia, Romania and Turkey and also in Slovakia, the problems encountered under the heading "role of government" were of a different order. First, government was criticised for failing to assure the consistent and effective implementation of current labour laws. Second, it was accused of failing to address legal issues that seriously inhibit social partner effectiveness. In Turkey the legal and administrative deterrents to trade union membership were at the top of the agenda. In Croatia, laws on social partner representivity were said to promote organisational fragmentation on the trade union side. The reluctance of government to support the decisions of social dialogue through the legal extension of collective agreements was also discussed.

Nonetheless, progress has been made in a number of countries. The availability of new, primarily European, funds for social dialogue related projects has enabled the social partners to undertake initiatives that they would previously have found prohibitively expensive. Additionally, the Lisbon agenda put a range of new issues onto the table that were generally outside the scope of the current labour code and where the trade unions and employers could reach agreement on practical actions on issues like lifelong learning and "flexicurity". The Croatian mini case reported below (page 17) is a good practical example of a lifelong learning initiative and the Slovenian case (page 19) demonstrates activities undertaken by the social partners to improve flexicurity.

There are other positive examples. Since 2004 the government of Hungary has recognised the potential benefits of effective bipartite dialogue and has invested heavily in its development at the national and sectoral levels. In a creative attempt to influence government attitudes and behaviours, the social partners in Estonia invested in training civil servants on the role and benefits of social dialogue.

#### *iii) Managing social partner pluralism (structural)*

In many countries of the world both employers' organisations and trade unions are either looking to merge or to develop cooperative arrangements based on a clear division of tasks between complimentary sister organisations. By contrast, in many of the project countries, the trend still seems to be toward fragmentation and competitive behaviours on the part of social partner organisations. Earlier in this section eight countries are identified where the practical functioning of bipartite social dialogue tends to be a significant obstacle to further improvement. These are Bulgaria, Croatia, Estonia, Latvia, Lithuania, Romania, Slovakia and Turkey. Amongst the countries where organisational pluralism on the employers' side remains an issue are Bulgaria and Slovakia. For the trade unions, examples of structural obstacles related to pluralism are Romania and Croatia.

Without exception, every trade union and employer action plan spoke of improving inter and intra organisational coordination and reporting. The issues discussed are of two quite different varieties. The first are structural issues that obstruct cooperative behaviours. The second are practical issues related to managing coordination between organisations that share an objective of working better together. It is important on a country by country basis to separate the problems associated with the existence of competing interests and where there is little will to cooperate and those where multiple representational channels exist but there is a genuine will at the most senior levels in the organisation to improve coordination. In the former case, investment in people, priority setting, rule making and committee meetings are unlikely to resolve the situation.

It is this first issue relating to non cooperative behaviours that is addressed below. The second, relating to organising for improved efficiency, is dealt with later in this section of the report.

In some cases an unwillingness to cooperate closely is associated with organisations competing for the same membership base; in others it is associated with political affiliation; and in employers' organisations disagreements can exist between organisations representing different categories of business – for example between those representing small and micro enterprises and those representing medium to large-sized companies. The situation is exacerbated by the fact that in some cases one or more important national representative organisations are not members of ETUC or of BUSINESSEUROPE, CEEP or UEAPME. This meant that in some cases significant organisations were not present at the seminar discussions. This leads to obvious problems in forming a representative national bipartite social dialogue or in assuring the full implementation of agreements reached at the European level to which non member organisations are not committed.

In theory this inter-organisational cooperation problem should not have arisen on accession. All twelve participating countries have long been members of the International Labour Organisation (ILO) and have established arrangements to deal with their relationships with it. Arrangements that have been satisfactory at the ILO for a number of years have not worked satisfactorily at the European level for three reasons. First, decisions in Geneva are exclusively the responsibility of the government that ratifies a Convention to deliver. Second, ILO decisions are often limited to "world lowest common denominator" standards, European ones often make a substantive difference to day to day employment life. Third, European Directives and social partner agreements are not voluntary, and a variety of legal and follow-up structures exist to assure effective enforcement.

If the project countries are to maximise their influence at the European level, current competitive behaviours, where they exist, need to be modified. The acknowledgment of this fact at the operational level is reflected in the country action plans and there is an improving degree of cooperation at the technical level even between competing organisations. However the degree of support for genuine cooperation at the level of the highest decision makers varies from country by country.

#### iv) From conflict to trust, respect and working together.

The national social partners in all countries identified a number of relationship related issues that often arise in less mature systems of social dialogue. It should be recalled that as the majority of the participating countries were emerging from a centrally controlled economic system, social partnership at the European level had already been embraced institutionally in the European political process for more than 20 years and national systems of social partnership in some countries had been in existence for more than a century.

All participating countries talked of the need for improving trust and respect in social dialogue as a prerequisite for social partner effectiveness. Despite this common problem, the relationship environment was reported to be more difficult in the Baltic states of Latvia, Lithuania, Estonia and in Romania and Turkey. In some of these countries, either through lack of attendance in the seminar by one social partner group or a reluctance to work in other than either "employer" or "trade union" teams, it was impossible to

orchestrate joint work other than in plenary session. At the other end of the spectrum are countries like the Czech Republic, Slovenia and Poland where relatively strong relationships have been fostered.

It is clear that certain typical inhibiting mindsets persist in some countries;

- ♦ Because the social partners cannot agree on everything, they can't agree on anything;
- ☆ The natural role of trade unions and employers is to oppose each-other making "blocking and opposition" expected behaviours.

Until the social partners work through these issues and establish a habit of working together, progress on this issue will not be easy.

Looking more positively at this issue, the approach to action planning adopted by the social partners toward the end of the project showed a more creative and positive approach than had been seen earlier. The number of joint projects, often funded by the European Commission, has blossomed. The Croatian mini-case below is one example of the increasing volume of joint project work being undertaken, in this case at the sectoral level and involving small and micro enterprises.

MINI CASE – CROATIA A joint approach to educating and training workers in the construction industry	The project also dealt with issues of social inclusion by its express aim of targeting workers with some construction experience, but who had not reached an appropriate standard of basic education through the regular schooling system.
When the Croatian economy was faced with a labour market shortage of construction workers with adequate basic education and vocational skills, the social partners decided to take a proactive approach to resolving the problem. They collaborated with public authorities and educational establishments that specialised in construction work to design, implement and enforce a programme to train existing and new workers in the industry.	In this context the initiative used both non-formal and formal methods of learning in order to meet the particular needs of the participants. It was backed up by government regulation defining minimum requirements for workforce qualification in all but the smallest construction projects. The first experimental cycle of the project ended in the spring of 2008 in the construction school in Cakovac, a region well- known for its construction firms and workers. To date, three groups of workers from firms in Sisak, Varazdin and Cakovac regions have successfully graduated from the programme. There are plans to scale up the initiative in other areas of need.

The social partners throughout the participating countries suggested, and in many cases subsequently implemented, actions to deliberately speed up the maturing process by identifying joint projects where "win/win" solutions are possible; matching busy national agendas with European priorities; and seeking to learn from others. This development cannot be disassociated from the increasing availability of European funding to facilitate the undertaking of joint projects. It was clear in virtually every case, although from different points of departure, relationships between the social partners, measured by parameters like dignity, respect and listening to the other side, improved significantly between the initial and follow-up seminars. Although there may be some distance to go, through this project, other initiatives and a more general exposure to the "European partnership model" there has been nothing short of a paradigm shift in relationships in most countries. In Turkey, European funding has been used to accelerate the development of social dialogue at the enterprise level, anticipating future national implementation of European laws on information and consultation.

MINI CASE - TURKEY "Establishing local information and consultation councils in The group researched and benchmarked examples of municipalities" workplace information and consultation councils in the European Union to improve their understanding of their operation and establish the basis for an agreement that would work in the local context. The project was then expanded to a further 165 leaders of the metropolitan municipality, districts and trade unions. Through a European funded project undertaken over the The agreement sets out detailed arrangements for setting period November 2006 to September 2007 the trade up works councils, their terms of reference and operating union HAK-IS and the management of the Konya procedures in enterprises with more than 30 workers. municipality established arrangements for the Whilst the agreement is based on the 2002 Directive it establishment of an information and consultation council differs from it in some important ways. in line with the principles of the 2002 European Directive not yet implemented in Turkey. It is interesting to note that whilst the agreement is based on terms of the European Directive it differs The agreement reached in September 2007 and signed from it in a number of ways. It is also notable that the by the General President of HAK-IS and the mayor of agreement does not follow the specific pattern of any Konya metropolitan district established the Konya Social one of Europe's various national models of information Dialog Platform. The agreement also had the objective and consultation. of establishment a general model for the establishment and functioning of enterprise level works councils in The agreement provides for the establishment of Turkey. councils in enterprises with 30 workers rather than the 50 contained in the Directive. The list of issues to be In developing the works council agreement, the considered by the council is considerably longer and project involved an initial joint group of 18 people from broader than the more limited list of items in the the Konya Metropolitan Municipality, the Konya Directive. Where the agreement is less detailed than Provincial Organisation of HIZMET IS, HAK-IS and the European Directive is in the precise definitions of representatives from three district municipalities within both information and consultation and specific the metropolitan municipality. provisions for dealing with circumstances where major decisions are contemplated.

The truth remains that the essential underpinning elements of cooperation, trust and respect at the heart of effective bipartite dialogue can only be built over time and with positive efforts. At the extreme, and where relationship-based inhibitors are chronic, no amount of work on other issues will make the sides effective.

#### v) Issues of representivity and the influence of collective bargaining systems

In all of the participating countries except Turkey, effective national level employers' organisations as voluntary membership bodies did not really exist prior to 1989 and it has taken time for business to respond to the notion that it should invest in organisations that reflect collective views in macroeconomic policy decision making. In several cases, trade union membership in the participating countries has declined rapidly alongside the massive restructuring, privatisation and foreign inward investment programmes that have dominated the economic landscape of the countries.

With the exception of Slovenia, multi employer bargaining at the sectoral or national levels has not taken firm root in any of the participating countries and the wage setting model is dominated either by an absence of collective bargaining or bargaining at the enterprise level. This means that employers' organisation membership is not essential in influencing the management of wage fixing; employers' organisation members are unaccustomed to giving a negotiating mandate to those that represent them; and the social partners together have relatively little experience of implementing multi-employer agreements. These factors limit the ability of the national social partners to act on behalf of their members, and this problem is compounded where important trade union or employers' confederations are not members of the European level social partner organisations.

This issue is not unique to the participating countries in the project, in other countries, whilst the social partners have learned to work better together on European issues, they still rely on government assistance either through laws or ergo omnes extension provisions to give effect to agreements at the multi employer level.

Issues of representivity and negotiating mandate will continue to hamper the ability of the European social partners' ability to implement agreements reached at the European level with the required degree of effectiveness through their national members. The social partners in the participating countries have begun to work together on a range of projects that do not require formal agreement yet help cement the value of the social partnership and in some, as the Polish example above shows, formal agreements have been reached on key issues. The question remains to what extent the established systems of multi employer bargaining that permeate much of "old Europe" are essential pre-requisites to the ability of the social partners to implement effectively European level decisions and agreements on substantive issues.

The following case example from the Czech Republic examines the issues faced by national social partners in the implementation of European level autonomous agreements.



# II. Resourcing and organising for impact at the European level

In the introduction to this section of the report we note that there was a discernable focus in terms of the "conclusions and actions" adopted in the seminars toward actions associated with resourcing and organising for impact at the European level. In most countries "money" and "people" came top of the "initial seminar" constraint agenda. Unfortunately, we also suggest that putting the prime emphasis of activity on these issues alone is unlikely to be successful in countries where there are substantial relationship based and structural obstacles to the functioning of bipartite social dialogue.

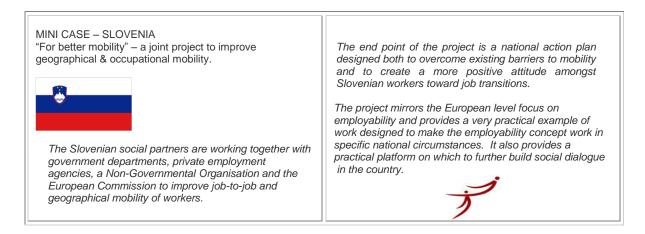
This is not to say that the identified issues of communication, cooperation, financial and human resources, agenda prioritisation and learning from best practice are not important. In countries where bipartite dialogue does not suffer from chronic relationship and structural problems, these are important issues to resolve for improved effectiveness. It was clear from the seminars that the acute shortage of financial and people resources faced by most organisations can be substantially reduced by cooperating between organisations to eliminate duplication; setting clear priorities on the European agenda that better align to domestic priorities results in a more relevant and manageable workload; and learning from the success of others provides new ideas for organising to optimise efficiency.

#### i) Financial and material resources

Both sides of the social partnership in the participating countries face the problem of high workloads and limited resources. Post 1989, the trade unions typically inherited large and bureaucratic organisations and infrastructure which they have had to modernise and restructure to cope with falling membership revenues, in some cases. Employers' organisations have been built in most cases from a very low base and have had to work hard to secure membership contributions to support their growth. In the run up to joining the EU, the social partners had to deal with the demands of membership negotiation, ongoing economic restructuring on a massive scale and consultation on wholesale changes to the national labour code to implement the European *acquis communautaire*. They have since had to deal with the practical implementation of legislative and structural change on their members and member organisations. The workload falling on these organisations has been substantial.

Priority setting, cooperation to avoid duplication, rebalancing budgets between national and European issues and membership growth strategies will all help efficiency. In the short term the national social partners have placed a high degree of emphasis on the need to secure additional external resources specifically associated with European issues in order to cope with a demanding agenda. Indeed, European and national support for the development of effective social dialogue is probably essential to the development of the social partner organisations in the short to medium term in order to enable them to survive the enormous workload challenges faced and to build themselves into sustainable organisations based upon internally generated revenues.

Initially it was suggested in the seminars that the national social partners that had attempted to locate external sources of funding had found it difficult to identify appropriate budget lines; to develop satisfactory project proposals; and to monitor and report effectively. As a result of both experience and the training and practical hands on assistance given by the European level social partners through this project in identifying and securing external resources, the trade unions and employers have begun to make use of European funds more frequently and more effectively. The Slovenian mini case below illustrates how the national social partners have attracted European funding to work together on an important new area of employment policy.



The provision of project income that supports the development of joint initiatives and helps to build the human capacity of social partner organisations is essential today and will continue to be so into the medium term future. In the longer term however, it is clear that reliance on project income is not a sustainable substitution for efforts to achieve self sufficiency through membership growth, service development and sharing resources either by cooperation or structural change.

It may be that the provision of external funding specifically to support organisations in the building of sustainable, medium-term business plans may be a sound investment if long-term self-sufficiency is the objective. One way this has already been done is by establishing mechanisms for learning from trade unions and employers' organisations with a long history of success in "old Europe". Whilst undeniably valuable, it should be recognised that this process has its limits. For these organisations, much of their success today is based on a long history of multi-employer collective bargaining. This experience is only valuable if the social partner organisations in the participating countries can implement similar systems to drive increased membership and influence. Experience to date on this front is not promising. Multi employer collective bargaining is in transition toward more decentralised approaches in much of old Europe. If they are to be successful, future investment to assist organisations develop sustainable long term business plans will need to be more creative.

#### *ii)* The quality and quantity of people

Financial constraints on the social partner organisations have translated themselves into a shortage of people with the experience and skills to manage European issues effectively. Putting financial constraints on hiring more staff to one side, the social partner organisations still suggested that actions were necessary to improve the performance of current individuals, departments and organisations. They also suggested that the identification of the specific competencies required for successful participation in international social partner meetings; the assessment of overall organisational capacity for success; and the identification of skill deficits and the means of addressing them for the individuals they currently employ, or have access to, were important needs early in the project and these issues continued to be highlighted in the project action plans of every social partner organisation.

A key staff skills problem faced by most organisations was their difficulty in finding appropriate technical *and* language capacities in the same individual. Those with the most appropriate country based technical skills for international discussions and negotiations lack knowledge of other European systems, and most importantly the language skills that enable them to work on complex non-mother-tongue documents and to engage in informal discussions outside of the meetings where translation is provided. In general terms, whilst younger staff members have good language skills, they tend to be weaker on the technical aspects of the job requirements.

This mismatch of language and technical skills was a theme that ran through some of the earlier national action plans resulting from national seminars. In general, the social partner project action plans focused on two areas:

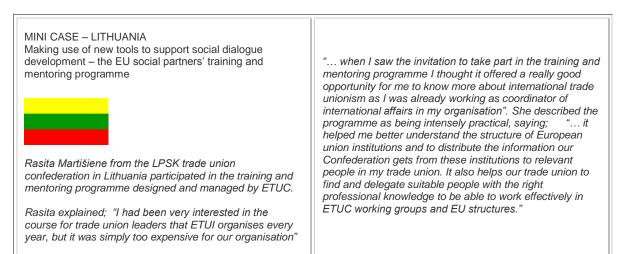
- i. The conduct of audits or "mapping" of available language and technical capabilities in order to better use existing resources and to prioritise hiring, training and development activities; and
- ii. The provision of fast track "technical" learning opportunities for younger people, including intensive training workshops, work experience placements and funded "observation" places at EU social dialogue meetings.

To assist in the mapping of existing talent, the European social partners used the project to commission the development of a specific tool that identified important personal and technical competencies; provided a basis for organisation and individual evaluation against the required competencies; and offered a simple process for the development of organisational and personal development plans including ideas for development on a low or zero budget. The competence framework has also been used as a tool for the assessment of internal and external candidates for new posts with European social dialogue responsibilities.

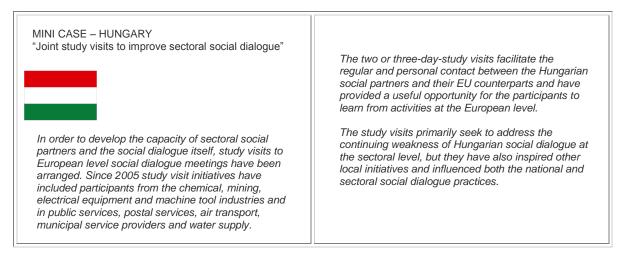
The fast track learning issue was addressed in different ways by the employers and trade unions. The trade union participants in the project stressed language problems more than their employer counterparts. Consequently, ETUC has invested heavily both in the provision of English language training for technical specialists and formal technical training for younger staff with an existing good knowledge of English. A

testimony from a Lithuanian participant in the ETUC training and mentoring programme is contained in the mini-case below.

For employers, the mismatch has been addressed by providing "shadow" funded places at key meetings and personal briefing/mentoring programmes for those needing to further develop their technical skills. At the same time, this has enabled more experienced technicians to benefit from the presence at international meetings of a national colleague with better language skills.



The social partners have also used European funding to shape their own capacity building programmes as the case of Hungary below shows.



#### iii) Inter and intra organisational communication and cooperation.

The existence of multiple representative organisations has tended to exacerbate the resource scarcity issue as already limited human resources in different organisations duplicate work on the same priority issues and invest heavily in cross organisational debate and coordination. In countries where structural or competiveness based issues were not insurmountable obstacles to inter organisational cooperation and practical issues associated with cooperation and communication still dominated discussion. These related to the need to identify a common list of priorities between organisations; agreeing common mandates for European level discussions and negotiations; finding processes to implement European level decisions;

establishing regular and reliable information flows; and sharing resources to reflect agreed priorities rather than duplicating activities on only the most important item or items on the agenda.

Within organisations, improving intra organisational cooperation between those with national and those with international responsibilities and communicating European issues in a positive manner to staff, members and the general public were issues which many organisations struggled with. There was limited evidence of major success in tackling this problem. Firstly because the negative aspects of social partner pluralism got in the way, and second because the national and international staff in social partner organisations are simply too busy to focus to the extent necessary on communicating effectively. Notwithstanding this, progress on dealing with inter federation coordination despite organisation plurality was reported in almost all countries. Examples include Romania through the establishment of inter-confederation working groups and for the employers in Hungary and Poland.

One of the benefits of the series of seminars in the project was that it forced those attending to put aside day to day issues and arguments and to focus on the process of working better together. This in and of itself generated a better understanding of the problem and generated concrete ideas to resolve it. In a number of countries, the social partners identified important issues where they could undertake joint work or projects, either with or without external funding. The mini-cases illustrated in this paper indicate how the Polish social partners addressed the current economic and financial crisis, and how the Slovenian social partners used external funding to approach the issue of encouraging labour market mobility. Nonetheless, finding the time, resources and an appropriate place on the organisation priority list to deliver on ideas remain important obstacles to progress in a number of countries.

#### iv) Matching EU and national agendas

In the early seminars a frequently expressed criticism of the European social dialogue agenda was that several issues were not seen to be relevant to national priorities. Although many of the national social partners have worked very hard individually and together to implement European level framework agreements, it was often suggested that these dealing with these issues competed for time with a very heavy domestic agenda dominated by structural change and major revisions of the core of the labour code. In the absence of a greater complementarity of European and national interests, it is unsurprising that the balance of financial, material and human resources devoted to European level issues was seen as inappropriately low.

Towards the end of the programme this criticism had reduced considerably as the European agenda embraced new issues like lifelong learning, the ageing workforce, the integration of marginal and disadvantaged workers, flexicurity, restructuring and practical analyses of labour markets and the implications for future employment policy making. Finally, the social partner organisations appear to have begun to learn that not every European level "priority" should be given the same level of priority or intensity of effort at the national level. It is a positive sign that they have begun to prioritise the issues on which to invest more attention.

# v) Cooperating with other countries

Particularly in the smaller countries, it was realised that for them to have an impact on European policy making they needed to forge alliances with the social partners in countries with similar concerns. The Baltic alliance between Latvia, Lithuania and Estonia and the linkage between them and the Nordic countries is a clear example. Agreeing on areas where countries need to cooperate on policy making issues has moved onto more proactive cooperation on employment policy related issues.

# 4. An evaluation of the project methodology and outcomes

By any measure, the project described in this report is a significant one. In pure numerical terms it has spanned 12 countries involving more than 500 trade union and employers' organisation representatives in 24 joint national seminars. It has also absorbed a substantial amount of time and energy on the part of the European social partner organisations as well as trade union and employers' organisation staff and members in the participating countries. At the European and national levels, busy staff spent valuable time arranging seminars, securing and briefing appropriate participants and producing action based notes of meetings. At the national level, social partners have worked to deliver often challenging actions against the background of an already stretched domestic agenda, and the European social partners have developed a comprehensive range of support tools to assist them in reaching the objectives of the programme.

At the end of this long and complex process it is correct to ask two simple questions; "Was it worth it?" and "What have we learned?" A simple analysis would involve a review of reported delivery against the action plans developed in the initial seminar by the time the follow-up seminar was held between one and two years later. A more complex review would involve assessing whether the integration and impact of the participating countries in the European social dialogue has improved over the period since 2004, and if it has, to what extent this is due to the impact of the project?

The following paragraphs look at these questions in more detail, but the outcome of the analysis can be summarised in four points;

- I. For most countries, their integration into the European social dialogue process has improved significantly. A number of countries have enhanced their impact on European decisions and have taken substantive steps to implement European level agreements;
- **II.** Insofar as delivery against the specific and detailed action plans developed in the seminars is concerned, there is a mixed bag of results. Most countries took their action plans seriously and reported substantial progress against them. The issues they found most difficult were the structural problems that, in some countries, inhibited progress on the practical resourcing and organising actions;
- **III.** Aside from a narrow measure of results against actions, it was clear in virtually every country that relationships between the social partners measured by issues such as respect, dignity, preparedness to seek joint agendas and listening to the other side, had undergone a paradigm shift; and
- **IV.** The actions taken in this project have combined with the opportunities offered in other initiatives, and notably the funds available to the social partners for joint projects, to improve the working of the social partnership in the majority of countries.

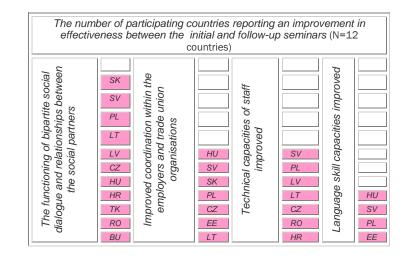
Looking in more detail at the nature and extent of the impact of the project, this section of the report considers three questions;

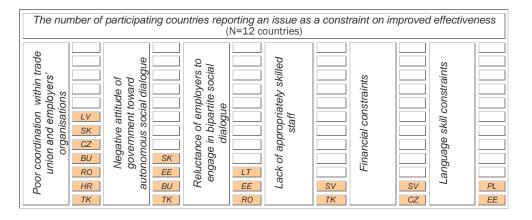
- i) How the national social partners fared in the implementation of their initial seminar action plans;
- ii) The impact of European level social partners' initiatives associated with the project;
- iii) Reflections on the project methodology.

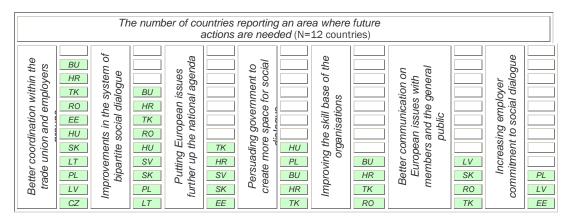
#### *i.* Implementation of the initial seminar action plans

During each of the follow-up workshops, the national social partners offered feedback on their phase one action plans; discussed in working groups and in plenary the adaptation of these plans in the light of experience and changing priorities; and drew conclusions on future priority needs and issues.

The action plans adopted by the national social partners during the initial seminar varied in length, detail and focus. Probably the most comprehensive action plans were developed in the Czech Republic and Croatia. Nonetheless, and even where action plans were relatively short and objectives broad in nature, for example in Lithuania, Latvia and Turkey, they still represented significant and real challenges for the organisations concerned. Whilst outcomes varied, all of the national social partners were able to report improvements in effectiveness and everyone was able to point to areas where more work needs to be done. The following tables list the areas where positive outcomes were most frequently reported by both the trade unions and employers; the most frequently reported constraints on progress; and the areas where future action was important. The issues are listed in order of frequency of mention on each issue.







The illustrations above produce an interesting picture when the areas where improvements have been made are compared with the problems that acted as constraints on progress and with the areas identified for future action. The following broad conclusions can be drawn;

- The areas where most improvement was reported remain the areas where most attention is required going forward. These are improving the functioning of bipartite social dialogue and delivering better cooperation between the members of the employers and the trade union sides;
- Some progress was reported in building the human capacities of the social partner organisations to deliver at the European level but more work needs to be done;
- Little progress was reported on the approach of government to bipartite social dialogue and the willingness of employers to engage. In the countries where this was a problem at the outset of the project, it remains a problem;
- Whilst no progress was reported in the seminars on moving European issues up the national priority ranking it is clear that the national social partners in most countries have worked hard to implement European level framework agreements. Interestingly, a new and related issue arose in future action plans associated with communicating European issues better both to members and to the general public.

#### ii. The impact of European level social partners' initiatives associated with the project

During the entire course of the project, the European social partners identified and worked on issues where it was clear that European assistance to address common issues would add value. Accordingly the scope of the project grew gradually to incorporate a number of specific and ongoing activities designed to assist the participating countries reach their objectives. Work on five commonly identified problems was undertaken by the European level social partners;

- Securing additional resources assistance in the identification of funding sources to improve the effectiveness of social dialogue and help in making appropriate submissions;
- Organisational and individual capacity auditing the provision of tools to facilitate the analysis of organisation and staff competence for successful engagement in the European social dialogue;
- Training and development providing opportunities for staff in participating organisations to benefit from experiential participation in European level meetings; attend training programmes; adopt mentors on EU social dialogue; and undertake language training;
- Improving communication provision of a "one stop shop" for information relevant specifically to the social partners on social dialogue issues and the facility to get important documents translated for national use and dissemination.

♦ Mini cases – the identification and preparation of short case studies highlighting successful actions, some undertaken as a result of the national action plans concluded in the project.

At the centre of each of the approaches are web based trade union and employer "resource centres" which can be accessed directly from each of the European social partner sites<sup>4</sup>. Starting from fairly rudimentary beginnings in 2005, the sites have developed into important resource bases that have proved useful to audiences outside the participating countries.

Securing additional resources – all national social partners identified the need to secure additional resources specifically associated with European issues generally and capacity building for social dialogue specifically as constraints. A number of national social partners that had attempted to locate external sources of funding had found it difficult to identify appropriate budget lines; to develop satisfactory project proposals; or to monitor and report effectively. The initial solution to this was to arrange Brussels based workshops identifying the main budget lines, application protocols and monitoring and reporting requirements. Over time the initial "one size fits all" service has evolved into a more tailored source of individual advice and support to organisations making specific budget requests.

It is clear from the descriptions of national social partner work programmes and the mini case illustrations that the use made by national social partners of external funding has increased substantially. Whilst we have no objective data, it is clear from the later seminars and the mini-cases contributed that some countries have developed the internal capacities to apply for and manage externally funded projects, and these organisations make much more used of the facility than others.

*Organisational capacity auditing* – an understanding of the specific competencies required for successful participation in international social partner meetings; the assessment of overall organisational capacity for success; and the identification of skill deficits and the means of addressing them for individuals were highlighted as important needs early in the project and were often highlighted in the action plans of the social partner organisations.

The European social partners commissioned the development of a specific tool that identified the most important personal and technical competencies; provided a basis for organisation and individual evaluation against the required competencies; and offered a simple process for the development of organisational and personal development plans including ideas for development on low or zero budgets. The competence framework has also been used as a tool for the assessment of internal and external candidates for new posts with European social dialogue responsibilities.

The materials developed are in the form of a self managed evaluation tool and are available on the employer and trade union resource centre sites. We have no information on the extent to which they have been used.

*Training and development* – the key staff skills problem faced by most organisations was their difficulty in finding appropriate technical *and* language capacities in the same individual. Those with the most appropriate country based technical skills for international discussions and negotiations lacked knowledge of other European systems, and most importantly the language skills that would enable them to work on complex non-mother-tongue documents and to engage in informal discussions outside of the meetings where translation was provided. In general terms, whilst younger staff members had good language skills, they were weaker on the technical aspects of the job requirements.

This skill mismatch was addressed in different ways by the employers and trade unions. The trade union participants in the project stressed language problems more than their employer counterparts. Consequently, ETUC has invested in the provision of English language training for trade union specialists

<sup>&</sup>lt;sup>4</sup> <u>www.resourcecentre.etuc.org</u> and <u>www.erc-online.eu</u>.

and formal training on EU social dialogue mechanisms and process for younger staff with an existing good knowledge of English. The programme is described in more detail in the Lithuanian mini case summarise earlier in the report. The take up of the ETUC training and mentoring initiative has been quite successful and three rounds have been run since January 2008 involving over 60 trade union officials. Both the employers and trade unions have also established a "seminars on demand" initiative designed to support national seminars in the participating countries to further develop EU social dialogue results at national level. In 2008 ETUC organised seven seminars in the Czech Republic, Estonia, Latvia, Lithuania, Poland, Slovakia and Turkey<sup>5</sup>. BUSINESSEUROPE organised three events in 2007/8 involving Slovenia, Hungary and Poland.

For employers, the skill mismatch has been addressed by providing "shadow" funded places at key meetings and personal briefing/mentoring programmes for those needing to further develop their technical skills. At the same time, this has enabled more experienced technicians to benefit from the presence at international meetings of a national colleague with better language skills. The employer programme is less formally structured than the ETUC equivalent and is based upon putting together a tailor made programme for each participating individual.

*Improving communication* – Initiatives to improve communication have focussed on two areas. First, the expressed need for a "one stop shop" for social dialogue related information and useful links to other sites has led to the development of the current employer and trade union resource centre sites as they exist today. The second important service is the facility for the funding of translation of European social dialogue agreements into the national languages of participating countries. The preparation of a jointly agreed text in the national language is the first important step in the process of implementation of European level framework agreements. In order to benefit from the translation service, the national social partners must make a joint request for a particular text. In a small way, this requirement encourages the social partners to work together on the identification of needs and priorities. The table below illustrates the use made to date of the fund to date.

EU SOCIAL DIALOGUE AGREEMENTS	BG	CS	ET	HR	HU	LV	LT	PL	RO	SK	SL	тк
Framework Agreement on Harassment and Violence at work, 26/04/2007												
Framework Agreement on Work-related Stress, 08/10/2004												
Framework Agreement on Telework, 16/02/2002												
Framework Agreement of Fixed-term contracts, 19/03/1999												
Framework Agreement on Part-time work, 06/06/1997												
Framework Agreement on Parental Leave, 14/12/1995												
Framework of Actions on Gender Equality, 22/03/2005												
Framework of Actions on the Lifelong Development of Competencies and Qualifications, 14/03/2002												
Joint Labour Market Analysis, 18/10/2007												
Lessons Learned on European Works Councils, 07/04/2005												
Orientations for reference for managing change and its social consequences, 20/01/2003												

*Mini* Cases – Social dialogue mini cases describing initiatives taken to fulfil elements of the action plans established during the course of the project in nine countries is the most recent European social partner initiative. The cases highlight examples of good practice from Croatia, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovenia and Turkey on a variety of issues from personal development to sectoral social dialogue initiatives and the reaching of national level agreements. Small extracts are included in this report and the full descriptions are available in a separate publication and on the employers and trade union resource centres. This is a new initiative and it remains to be seen the extent to which it provokes ideas and initiatives in the participating countries and elsewhere in the European Union.

<sup>&</sup>lt;sup>5</sup> For more information on the programme, objective and participants, of the trade unions national seminars on demand see: http://resourcecentre.etuc.org/National-seminars-on-demand-80.html

# iii) Reflections on the project methodology

The underpinning elements of the project methodology were;

- To create a dedicated space where the national social partners could reflect on the specific issue of the effectiveness of the country's linkages with the European social dialogue;
- To work in a practical and methodical manner from the identification of issues; the establishment of priorities and the development of action plans owned by the social partners using a variety of workshop elements including work in small groups, consensus building in plenary, expert input and external encouragement and challenge from the European social partners and experts;
- A two stage approach, where the achievements against the objectives the national social partners had established for themselves were formally reviewed after an 18 to 24 month period. Progress was measured, constraints on progress identified and new plans developed;
- The working methods of the project included using meal and overnight breaks to facilitate the preparation of summaries of the discussions and provide opportunities for participant reflection; creating ownership of the issues and actions rather than offering prescriptions; and working to the maximum extent possible in the national language of the participants;
- Periodic formal and informal steering group reviews to improve the methodology incrementally seminar by seminar and to agree on supporting projects to be run concurrently with the seminars.

Taking the latter point, whilst it was not a part of the initial plan developed in 2003, it became clear that there were common issues where the European level social partners could provide support for the implementation of action plans. From a relatively limited point of departure the project evolved into much more than a series of seminars. By the end of the project it had developed into a broad ranging combination of working meetings and ongoing practical support activities. The European social partner initiatives are described in detail above.

For the most part the methodology as it was initially designed and evolved through the project worked well. The practical orientation of the design, a strong process for building the steps toward an action plan involving periodic checking and consensus building, creating self direction and ownership amongst the participants with appropriate support and challenge rather than lectures from experts and the overall approach of the European social partner representatives that presented a practical demonstration of cooperation.

As always there were areas that needed to be improved along the way, and some lessons to be learned;

- The relevance of the European agenda to nationally determined priorities is fundamentally important if the European social dialogue is to be taken more seriously. Consequently, the presentation of the European social partners action programmes was refined a number of times during the project to improve its relevance to the seminar participants and its fit in the programme;
- The seminars were most effective when there was a balance in numbers of participants from each side of the social partnership and where the seniority mix of participants was broadly equivalent;
- The outcome of seminars was better where the national organisers ensured that participants were aware of what would be expected of them and, particularly for the follow-up seminar, that adequate preparations had been made for presentations;
- Outcomes improved where there was a high degree of consistency of attendance between the initial and follow-up seminars and the participants had a role in delivering the action plans established.



In short, the best results came when the national organisers were closely engaged in the content as well as the practical administration of the seminars. In these cases they were able to secure relevant participation and assure proper briefing and preparation.

# 5. Conclusions and reflections

The project is an important one. Positive engagement in the European social dialogue by all EU Member States is fundamental to the current and future success of the process. It is in this context that the following conclusions and reflections are made.

The body of the report contains a series of recommendations for actions going forward in each section as they arise. The purpose of this part of the report is not to pull a list of these ideas and suggestions into one place. It seeks rather to draw from the overall conduct of the project a limited number of more fundamental considerations for reflection in developing future actions to improve the effectiveness of social dialogue both at the national and European level.

It is important to make two observations. First, the paragraphs below are designed to generate further discussion and are intentionally expressed in a manner that is likely to provoke debate. Second, the reflections are those of the author, and not of the individuals or organisations that have supported the project.

The conclusions and reflections are presented under the following headings;

- ♦ Similarities and differences;
- ♦ Structures and behaviours or practical efficiency measures;
- ♦ Making a habit of working together;
- ♦ Getting used to living with limited resources;
- $\diamond$  The benefits of joined up thinking.

#### 1. Similarities and differences

It is tempting to conclude from the project that the action and policy approaches to improving the effectiveness of national level and European level social dialogue in all countries joining the European Union are the same. After all, the seminar outcomes list for each country, essentially similar problems, constraints and areas for action. Whilst this coincidence of issues is important, it is far too simple to draw as a conclusion.

Within the participating group, countries whose performance in social dialogue at the national level and their engagement in the process at the European level differ substantially identified the same overall issues to work on. These are;

- Dealing with social partner pluralism and assuring better coordination among trade unions or employers and reporting to members;
- Establishing a regular and effective national level bipartite dialogue between the social partners;
- ♦ Securing more financial and material resources;
- ♦ Improving the quantity and quality of human resources;
- $\diamond$  The role of Government;
- Moving from conflict based relationships to partnership approaches by building greater "trust and respect" between the social partners;
- ♦ Introducing or increasing joint work or projects between the social partners;
- Matching the European and national social dialogue agendas and identifying priority issues early; and

 Developing cooperative approaches with national social partner organisations in other member states;

We have no evidence of this, but would nonetheless suggest that the issues listed above are not only common to new entrants into the European Union, but;

- ♦ Some of them are common to all current EU members;
- ♦ Others are applicable to a number of countries, irrespective of the duration of their engagement in the European social dialogue; and
- $\diamond$  Many tend to apply to both employers' and trade union organisations.

If this is true, it is an important conclusion that outlines the general areas of national and European activity that may serve to improve social dialogue performance as a whole.

More importantly, the outcomes of the project can be used to identify those areas that will make the most substantial difference in performance on a country by country basis, and those areas where efforts may not produce the best return on any money and effort invested. It is these issues that are dealt with below.

#### 2. Structures and behaviours or practical efficiency measures

The analysis in the body of the report distinguished between two kinds of action – those related to improvements in structures and behaviours and those relating to organising for efficiency. A reminder of the action headings discussed in the report is below;

The functioning of social dialogue in the country	Resourcing and organising for impact at the European level
The influence of tripartism.	Financial and material resources.
The role of government.	The quality and quantity of people.
Managing social partner pluralism (structural).	Inter and intra organisational communication and cooperation.
From conflict to trust, respect and working together.	Matching EU and national agendas.
Issues of representivity and the influence of collective bargaining systems.	Cooperating with other countries.

The body of the report proposes four basic hypotheses.

- 1. A country's performance in the European social dialogue is directly related to the effectiveness of social dialogue at the national level;
- 2. There are two fundamental constraints on national performance those relating to fundamental problems associated with structures and behaviours and those related to resourcing and organising;
- Countries do not consciously distinguish between the two kinds of issues and, in their action plans, tend to focus on practical actions associated with resources and organisation; and
- 4. Unless the fundamental issues associated with structures and behaviours are addressed, the return on investment associated with practical resourcing and organising actions will be substantially less than it should be.

What this suggests for the participating countries, and perhaps for other countries outside of the sample, is that for social dialogue to be more effective there is a hierarchy of actions. Some countries need to focus on structural and behavioural issues, whilst others will benefit from actions to improve efficiency.

# 3. Making a habit of working together

Within the European countries outside of the participating group, historic systems of national and sectoral social dialogue have been long established to deal with issues of fundamental importance to workers and to business. Often this is based upon multiemployer collective bargaining. Practice in working together over time has improved relationships and the social partners have learned the most effective ways to put any agreements or accords they reach into practice. Sometimes they do this independently, sometimes with the help of government.

The participating countries have much less experience of working together and their opportunity to gain this experience has been constrained by two factors. First, national governments have tended to control the labour market policy agenda - either through strongly regulatory or strongly deregulatory doctrines. Second, wage setting arrangements have tended toward decentralised approaches.

Despite these constraints, if the social partners are to build solid relationships, they need to find a space in the employment policy agenda where they can work together. Over the duration of the project this opportunity has presented itself in three forms;

- $\diamond$  The need to participate in the European social dialogue following accession;
- ♦ The emergence of relevant European level priorities outside the traditional space of labour law. These include the Lisbon agenda and more recently, responses to the financial crisis;
- ♦ The availability of European funds that enable the social partners to undertake joint initiatives in important areas.

The exploitation of these opportunities, whenever they arise, is crucial to the development of effective social dialogue.

# 4. Getting used to living with limited resources

Shortages of material and human resources have been frequently raised as constraints to more active participation in the European social dialogue. There is no doubt that the social partner organisations tend to suffer from an acute mismatch between workload and resources.

When looking to solutions, the participating countries tend to associate the relative success of their richer neighbours with material wealth. This may or may not be the case, but what seems clear is that in the near term at least, most social partner organisations in the EU are likely to suffer increased financial pressures. In short this means that the social partners have to maximise any limited opportunities that may arise to secure additional income, whilst recognising that they will need to become more effective in their management of limited resources. The areas for concentration therefore become;

- Investing in the training and development of existing staff, and where opportunities arise to recruit new or replacement staff, recognising that these offer rare and valuable chances to improve the overall calibre of the organisation;
- Establishing clear priorities for action which balance and match European and national priorities, and focus on the issues of most importance;
- Cooperating with sister social partner organisations in the country to ensure that already limited resources are not being used in wasteful duplication or dysfunctional activities;

Identifying external projects that align with national priorities and using them both to support staff development and to develop the habit of working cooperatively within and between the social partner organisations.

# 5. The benefits of joined up thinking

One of the most important lessons of the project has been the combined positive effect of a series of parallel activities initiated by different organisations.

- i) The project itself forced the national social partners to spend "quality time" thinking about the way they work together and to identifying the kinds of actions they might take;
- Between the project seminars, the European social partners identified and took timely action to develop supporting tools to help willing social partners do the right thing and to keep the project on the agenda for all of the participating countries. This included the use of training and mentoring schemes to reinforce the skills and motivation of committed staff;
- iii) The progressive development of the European social partner agenda has increased the correlation between European and national priorities;
- iv) The availability of project related resources has made it possible for social partners, often facing acute financial constraints, to afford to undertake local, national and transnational projects that shift the employment policy agenda into new areas and create the habit of working together.

Whilst joined up thinking between well intentioned actors has not happened by accident, there are examples where investments have resulted in a duplication of activities. In looking forward, those interested in the development of social dialogue would do well to work on complementary projects that deliberately produce exponential returns.

Beyond current workplans, areas for future funding that might be considered are;

- Projects aimed specifically at identifying and resolving structural constraints on successful autonomous social dialogue in particular countries. This may involve the engagement of national governments in creating a more positive environment;
- Projects that assist the social partner organisations in the design and implementation of sustainable medium term action plans that enable them to maximise their potential impact with limited resources.

In summary, this has been a long and complex project involving an enormous amount of time, resource and effort at both the European and national levels. These resources have been willingly given and, for the most part, the social partners have engaged positively in the process.

It is clear that the preparedness and capacity of the social partners to work at the national and European level in an autonomous fashion has improved. It is also clear that progress has varied country by country and much still remains to be done. Going forward, capacity building initiatives need to be reinforced and this needs to be done in a well coordinated manner and targeted toward the precise needs of the social partners.