INTEGRATED PROGRAMME OF THE EU SOCIAL DIALOGUE 2009-2011

European Social Dialogue: Achievements and Challenges Ahead:

Results of the stock-taking survey amongst national social partners in the EU Member States and candidate countries

Final Synthesis Report – May 2011

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PREFACE

In the framework of their Social Dialogue Work Programme 2009-2011,[1] the European social partners agreed to conduct actions to build on the outcomes of the previous joint projects on capacity building and to get an idea of the social partners' awareness and general assessment of the European social dialogue, its instruments as well as their effectiveness. In this way, the European social partners are continuing their joint work on effects and impacts of EU level social dialogue, e.g. as indicated in the 2006-2008 Work Programme, where they agreed that, "*based on the implementation of the telework and stress agreements and the frameworks of actions on the lifelong development of competencies and qualifications and on gender equality, further develop their common understanding of these instruments and how they can have a positive impact at the various levels of social dialogue*".[2]

A major activity in this context was a European level conference "*European social dialogue: achievements and challenges ahead*" that took place in Budapest on 3 and 4 May 2011. The event brought together more than 70 representatives of national social partner organisations and members of the European cross-sectoral social partners ETUC, BUSINESSEUROPE, CEEP and UEAPME.

At the conference, main challenges that national social partners face for effective involvement in the EU social dialogue, including the extent to which EU social dialogue agreements have been implemented at national level, were identified and discussed and according to the participants, the conference contributed to an exchange of experience and information on national conditions, frameworks and contexts of social dialogue as well as the relevance of EU level social dialogue outcomes. A comprehensive documentation of the conference is available at the European social partners' resource centres.[3]

In preparation of the conference and in order to take stock of 15 years (and more) of European level social dialogue, the European social partners have commissioned a team of experts to carry out a survey amongst national social partners. This survey was carried out between January and April 2011 mainly by telephone interviews based on a questionnaire (see annex).

It should be noted here, that this survey is not the first activity of the European social partners on social dialogue at EU as well as national levels: already in 2003, the European social partners took specific action in particular to improve the capacity of countries in the new Member States and (then) candidate countries to participate effectively in the European social dialogue. These activities have given rise to a number of comparative publications and ended with an EU level conference in June 2009 in Brussels.[4]

This final report summarises major results of the survey. Its structure corresponds closely to that of the survey and the replies received by an impressive number of representatives of national social partners. The report was presented and discussed at the conference in Budapest and was able to stimulate constructive discussions about the current state of European level social dialogue and the major challenges and needs arising for the future. In the light of the results of the conference in Budapest as well as by implementing comments received during the conference or in the aftermath, the report was revised and completed during May 2011.

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1 ETUC, BUSINESSEUROPE, UEAPME, CEEP: Work Programme of the European Social Partners 2009-2010, Brussels,

2 ETUC, BUSINESSEUROPE, UEAPME, CEEP: Work Programme of the European Social Partners 2006-2008, Brussels.

3 http://www.resourcecentre.etuc.org/ & http://www.erc-online.eu/Content/Default.asp.

4 See in particular the Final Report „Social Partners' Participation in the European Social Dialogue: What are the Social Partners' Needs? A review of activities and conclusions from the project", Brussels, December 2009 and the report on the projects final conference in Brussels on 25 & 26 June 2009. Documents are available at the EU social partners' resource centres on the web.

Regarding the nature and character of the report, the authors would like to stress the following: first, it is not their intention to provide a comprehensive evaluation of achievements and impacts of 15 years of European social dialogue. This has already been the issue of academic and political debate. Rather than this, this report focuses on the analysis of results of survey responses that have been received by national social partners, highlights major trends and draws initial conclusions regarding the implementation and relevance of different outcomes of European social dialogue at the national level. Here, the conclusions to be drawn from the survey results also reflect the outcomes of previous joint activities of the EU level social partners, in particular the capacity building projects between 2004 and 2009.

Second and as already indicated by the title of this report, the focus is on documenting and analysing the views of national social partners on achievements and challenges of European social dialogue. It was not the aim of the study to carry out an in-depth analysis/assessment of single autonomous framework agreements and other instruments (e.g. framework of actions). Readers who are interested in the implementation and concrete outcomes of single instruments can consult the respective evaluation and progress reports published by the European social partners (see the overview in annex).

Finally, readers will note that this report is based largely on quotations from interview notes and/or written replies received.[5] We think that this characteristic style best fits the specific purpose of the survey, which was to document the variety of existing experience, opinions and views of national social partners in an authentic way. Furthermore, we have been very pleased with the strong support this survey has received from national social partners – without which preparing this report would not have been possible.

However, it should also be noted that the assessments and interpretations this document contains reflect the points of views of its authors. It does not claim to reflect the individual or collective opinion of the European social partners at whose request it was drafted, nor those of the EU Commission, which backed the project financially.

Structure of this report

This report documents and discusses results of the survey in a way that reproduces the structure of the survey and the three main parts of the questionnaire that was used (see annex):

Chapter 1 presents some basic information about the evolution and character of European social dialogue and about the methodology of the survey and responses received.

Chapter 2 summarises the major results of the first part of the survey that focused on general awareness of EU level social dialogue and the assessment of its major impact from the point of view of the national social partners.

Chapter 3 on the "Implementation of framework agreements and relevance of other joint initiatives" presents the results of the part of the questionnaire survey that focused on the assessment and views of national social partners concerning different types of social dialogue outcomes, achievements and major results further to the implementation at national level and challenges faced in this context as well as important factors of success highlighted by survey respondents.

Chapter 4 presents results and summarises responses of national social partners on their general assessment, major expectations and future challenges. This part also gives suggestions on issues to be tackled (more) by European social dialogue and ideas on how to improve social dialogue at the European level.

Chapter 5 draws some general conclusions.

[5] It is important to note that the quotations presented throughout the report should not be regarded as official positions of the respective social partners' organizations; they reflect either the views expressed in written replies to the questionnaire or are quotes from interview notes taken by the respective researchers that have been cross-checked with the interview partners in most, but not in every case.

CONTENTS

1 INTRODUCTION AND OVERVIEW

Evolution and objectives of EU level social dialogue

The European Union recognises social dialogue as one of the pillars of the European social model, and a tool of social cohesion. This was confirmed with the entry into force of the Lisbon Treaty. The new article 152 of the Treaty on the Functioning of the European Union (TFEU) highlights the Union's commitment to promoting the role of European social partners, and supporting social dialogue. It also acknowledges the autonomy of European social partners.[6] In addition to cross-industry social dialogue, sectoral social dialogue is an increasing part of this European governance tool.

The consultation dimension of European social dialogue was already recognised in the Treaty establishing the European Coal and Steel Community in 1951 and the Treaty of Rome in 1957. The negotiation dimension of social dialogue at EU level was initiated by the so-called Val Duchesse process[7] in 1985 and further elaborated in the European social partners' agreement on social policy in 1991. This led to the social protocol annexed to the Maastricht Treaty in 1993 and permanently incorporated in the European Treaty in 1997.[8]

As a follow-up, the Commission adopted the Communication on adapting and promoting social dialogue at Community level[9] and the Decision of 20 May 1998, dealing specifically with the sectoral dimension of European social dialogue and creating European sectoral social dialogue committees. These committees are an arena for building trust, sharing information, discussion, consultation, negotiation and joint actions.

The social dialogue emerged as an instrument to uphold the aim of European institutions to coordinate the economic policies of the Member States with a view to achieving the objectives of the European Community. As such, social dialogue becomes a fundamental element of the European social model. To this aim, the Standing Committee on Employment, created in December 1970; was a first structure whose aim was to bring together representatives of employers, of employees and of EU institutions and to initiate dialogue, concertation and consultation. Although no concrete initiatives resulted from the activity of this committee, it set the basis of a process which developed over the next decades. The Single Act (1985) added a new objective for interaction between social partners, namely the possibility of developing contractual relations, and thereby marked the start of a structured social dialogue. The joint opinions signed in the following years were a demonstration of the social partners' ability to act together. However, their impact remained limited, due to the fact that the social partners had no means to influence Community policy-making and that these opinions did not commit the social partners to action. The Maastricht Treaty and subsequently the Amsterdam Treaty raised the stakes and confirmed new objectives for the social dialogue, namely direct contribution to EU legislation.

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6 Article 152 TFEU: 'The Union recognises and promotes the role of the social partners at its level, taking into account the diversity of national systems. It shall facilitate dialogue between the social partners, respecting their autonomy. The Tripartite Social Summit for Growth and Employment shall contribute to social dialogue.'

7 'Val Duchesse' is the term used to describe the emergence of the European social dialogue in the mid-1980s, the inaugural meeting of which was held in the Brussels-based manor of 'Val Duchesse'. This was the result of an initiative taken by Jacques Delors, President of the Commission, in January 1985, to invite the chairs and general secretaries of all the national organisations affiliated to the EU social partners (UNICE (today BUSINESSEUROPE), CEEP and ETUC).

8 Articles 154 and 155 TFEU (former articles 138 and 139).

9 Commission Communication 'Adapting and promoting the social dialogue at Community level', COM(1998)322final, 20.05.1998, and Commission Decision 98/500/EC annexed to it; OJ L 225, 12.08.1998, p 27.

The European Commission considers social dialogue as encompassing both the bipartite and the tripartite processes between the European social partners themselves and between the two sides of industry and the Commission. These processes are rooted in Articles 154 and 155 TFEU and may lead to legally or contractually binding agreements. At European level, social dialogue takes two main forms: a bipartite dialogue between European employers and trade union organisations, and a tripartite dialogue involving interaction between the social partners and the European public authorities.

In their joint declaration to the Laeken European Council of December 2001,[10] the European social partners clarified their views of the conceptual differences between tripartite concertation, consultation and social dialogue:

- tripartite concertation indicates exchanges between the social partners and European public authorities;
- consultation of the social partners refers to the activities of advisory committees and official consultations in the spirit of Article 153 TFEU;
- social dialogue is bipartite work by the social partners, whether or not it is prompted by the Commission's official consultations based on Article 153 and 154 TFEU.

Thus, the European social partners use a narrow definition, since they reserve the notion of social dialogue for their bipartite, autonomous work. Whenever European public authorities are involved, the social partners prefer to speak of tripartite concertation.

Sectoral and cross-industry social dialogue

Social dialogue ensures that the European social partners – BUSINESSEUROPE, CEEP (European Centre of Employers and Enterprises providing Public services), UEAPME (European Association of Craft, Small and Medium Sized Enterprises) and ETUC (European Trade Union Confederation) – not only have the possibility to conclude European agreements covered by law, but the right to be consulted on pending legislation.

According to the Commission's definition, *cross-industry social dialogue* "covers the whole economy and labour market" and its "purpose is to promote dialogue between trade unions and employers' organisations in key areas common to all fields of employment and social affairs". The existence of the Social Dialogue Committee (SDC) is central to this process. Founded in 1992, the Committee brings together employee representatives (ETUC, Eurocadres and the European Federation of Executives and Managerial Staff) and employer bodies (BUSINESSEUROPE, UEAPME and CEEP) to discuss key employment-related issues. To date, the social partners have negotiated seven cross-industry agreements, which were either transposed in directives or are implemented autonomously. These include:

- Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and ETUC. In 2009, the European social partners agreed on a revision of the parental leave agreement, transposed into Directive 2010/18/EC EU of 8 March 2010.
- Council Directive 97/81/EC of 15 December 1997 concerning the framework agreement on part-time work concluded by UNICE, CEEP and ETUC.
- Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP.
- A framework agreement on telework signed in 2002. This was the first time that the national social partners implemented an agreement in accordance with the procedures and parties specific to the social partners in the Member States.
- A framework agreement on work-related stress (2004).

[10] ETUC, UNICE, UEAPME, CEEP: Joint Contribution by the social partners to the Laeken European Council, Brussels 2001.

- A framework agreement on harassment and violence at work (2007).
- A framework agreement on inclusive labour markets (2010).

The European *sectoral social dialogue* is an instrument of EU social policy and industrial relations at sectoral level. It consists of negotiations between the European trade union and employer organisations of a specific sector of the economy. The Commission has expressed the view that the sectoral level "is the proper level for discussion on many issues linked to employment, such as working conditions, vocational training and industrial change, the knowledge society, demographic patterns, enlargement and globalisation".[11] For this reason, the Commission is committed to establishing more committees in order to ensure that all the main sectors are covered. By the end of 2010, there were 40 sectoral social dialogue committees, which have produced a variety of joint texts and agreements, covering 145 million workers in a range of sectors [12]

Outcomes of European cross-industry social dialogue

In their social dialogue at European level, social partners have developed trust and a shared understanding on a large range of issues such as economic and labour market policy, corporate social responsibility, vocational training, social dialogue practices and others. By engaging employers' and workers' representatives from Member States in a wider European debate, their cooperation has also had a beneficial impact on social dialogue at national level. Alongside framework agreements, which are transposed into Directives or implemented by national social partners autonomously, establishing certain standards and rights in the labour market, the number of different types of social dialogue outcomes has grown significantly during the last decade: joint opinions influence and initiate policy debates; transnational projects promote exchange of opinions and practices and forge links between practitioners in trade unions and employers' organisations. As such, the European social dialogue produces many results that are not easily measurable.

In recent years, however, there has been a qualitative shift towards more autonomous action. This is reflected by the increasingly frequent adoption of "new generation" texts, in which European social partners make commitments or recommendations at the national level, that they follow up with their national members. This has increased interest in the actual implementation and monitoring of European social dialogue results. Therefore, in its last Communication on social dialogue from 2004,[13] the Commission encouraged the social partners to include detailed follow-up provisions in their new generation texts and proposed a typology (see table below) and a checklist to be used by social partners.

The following table presents outcomes of cross-industry social dialogue as documented in the EU Commission's database of social dialogue texts. It should be noted that there are a number of further outcomes not reflected in the table, e.g. the various outcomes of the three integrated work programmes (study reports, compilations of good practice, conference reports etc.) and evaluation and progress reports on the implementation of initiatives, in particular autonomous framework agreements and frameworks of actions.[14]

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[11] EU Commission: Communication on "The European social dialogue, a force for innovation and change", COM (2002) 241 final, 26 June 2002.

[12] On the sectoral social dialogue, see also the EU Commission's COMMISSION STAFF WORKING DOCUMENT on the functioning and potential of European sectoral social dialogue", Brussels, 22.7.2010. SEC(2010) 964 final.

[13] EU Commission: Communication on "Partnership for change in an enlarged Europe - Enhancing the contribution of European social dialogue", COM (2004) 557, 12 August 2004.

[14] Perhaps the most comprehensive list of texts produced in the context of European cross-industry social dialogue is presented in the annex of a recent ETUC survey on European social dialogue. The list covers the years 1985 – 2010 and contains 75 texts. See ETUC: European Social Dialogue: State of Play and Prospects, Brussels, ETUC and OSE (European Social Observatory). Final Report, January 2011.

Table 1: Outcomes of European social dialogue 1995 - 2010

Type	Outcomes
Agreements implemented by Council Decision	- FA on parental leave, revised (2009) - FA on part-time work (1997) - FA on fixed-term contracts (1999) - FA on parental leave (1995)
Autonomous agreements	- FA on telework (2002) - FA on work-related stress (2004) - FA on harassment and violence at work (2007) - FA on inclusive labour markets (2010)
Frameworks of Actions	- Framework of actions on gender equality (2005) - Framework of actions for the lifelong development of competencies and qualifications (2002)
Joint declarations	- Joint declaration on Mid-term review of Lisbon Strategy (2005) - Declaration of the social Partners for the European Year of People with disabilities – Promoting equal opportunities and access to employment for people with disabilities (2003) - Joint Declaration for the Laeken Summit (2001) - 1999 Employment Guidelines: Joint Declaration of European social Partners to the Vienna European Council - Joint declaration on the occasion of the conference in Warsaw (1999) - European social Partners' declaration to the Cologne European Council (1999) - Declaration of the social partners on the employment of people with disabilities (1999) - Joint Declaration on the prevention of racial discrimination and xenophobia and promotion of equal treatment at the workplace (1995)
Joint opinions and policy orientations	- Joint statement on the Europe 2020 Strategy (2010) - Joint letter from the European social partners on childcare + annex (2008) - Key challenges facing European labour markets: European social partners joint analysis (2007) - Lessons learned on European Works Councils (2005) - European Observatory of Change, Contribution of the European social partners (2000) - Joint statement of the social partners to the Forum on 15 June 2000 (2000) - Joint opinion on the reform of the Standing Committee for Employment (1998) - Joint Opinion on the draft decision for the second phase of the Community programme for vocational training, Leonardo da Vinci II (1998) - Social partners' contribution to the Employment Summit (1997)
Joint Work Programmes and other joint texts (selection)	- Report on joint work of the European social partners on the ECJ rulings in the Viking, Laval, Rüffert and Luxembourg cases (2010) - Joint recommendations on support to economic recovery by the European Social Fund (2009) - European Social Partners' Work Programme 2008-2010 (2008) - Reconciliation of professional, private and family life: Social Partners' progress report (2008) - Work Programme of the European Social Partners 2006-2008 (2006) - Joint Report on Social Partner actions on employment in Member States (2005) - Joint contribution on the EU Youth Initiative (2005) - Joint contribution by the social partners' representatives in the Convention working group on social Europe (2003) - Work Programme of the European Social Partners 2003 – 2005

(2002)

Sources : EU Commission: Social dialogue texts database,EU SPs resource centres.

Methodological design and results of the stock-taking survey

In order to gather a comprehensive overview on the situation in different European countries and assess the implementation of EU level social dialogue at national level in a qualitative way, the expert coordinator in consultation with the European social partners' steering group has developed an interview schedule. This pre-structured interview schedule provided the basis for telephone interviews with all member organisations of the European social partners in the 27 EU Member States and the two candidate countries Turkey and Croatia.

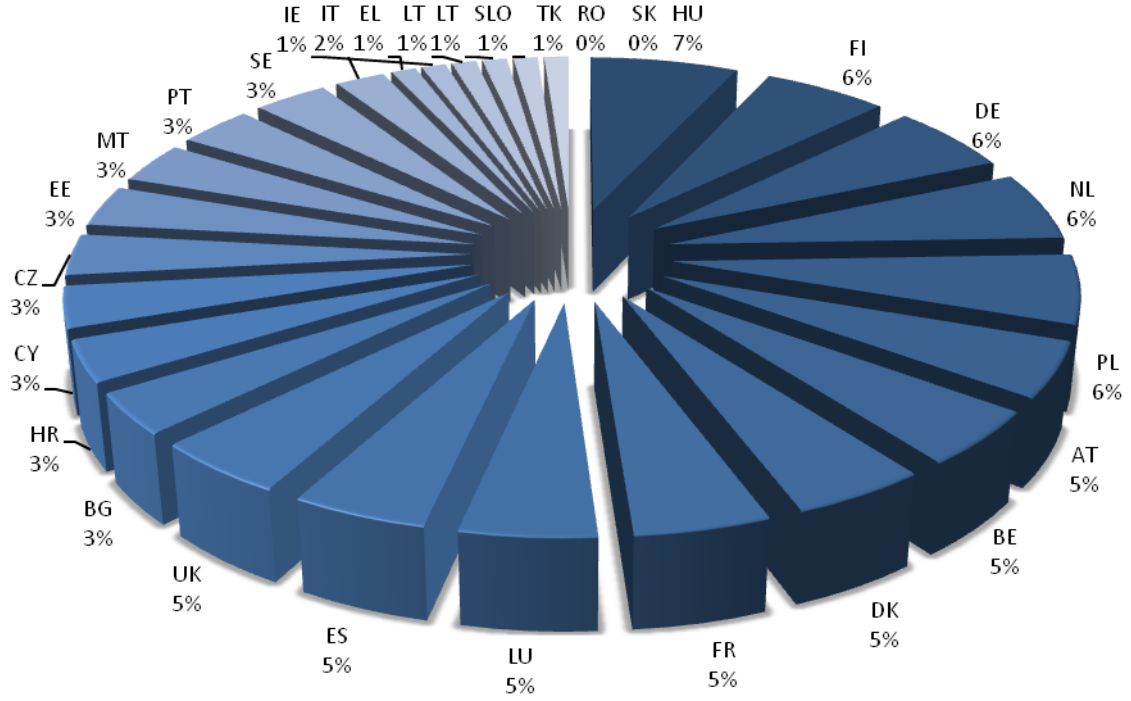
The interview schedule (see annex) consists of three main parts:

- Awareness of the EU level social dialogue and its impact on the national level
- Implementation and relevance of framework agreements and other joint initiatives
- General assessment, expectations and future challenges regarding European social dialogue

At the beginning of the year 2011, an electronic version of the interview schedule, together with a letter from the European social partners explaining the project and the methodology, was sent to 169 member organisations of the European social partners. Consequently, the individual organisations were contacted by multilingual project team members by telephone and email to set dates for telephone interviews. Interviews were then carried out mainly in January, February and March 2011. Also at the beginning of April some final interviews were carried out. It should be noted, that some member organisations preferred to provide the project team with a written reply to the questionnaire instead of responding to a telephone interview.

Overall, out of a total of 169 national social partners contacts affiliated to ETUC, BUSINESSEUROPE, CEEP and UEAPME, 86 organisations finally participated in the survey. This gives a response rate of around 51%. Figure 1 illustrates the geographical distribution (in %) of the respondent organisations. 66% of respondents came from 12 countries: organisations from Hungary were strongly represented with 6 respondents, followed by Finland, Germany, the Netherlands and Poland with 5 responding organisations each and Austria, Belgium, Denmark, France, Luxemburg, Spain, UK with 4 responding organisations each. Romania and Slovakia are the only countries not represented in the survey since no feedback was received from any national social partner organisation affiliated to one of the EU-level social partners.

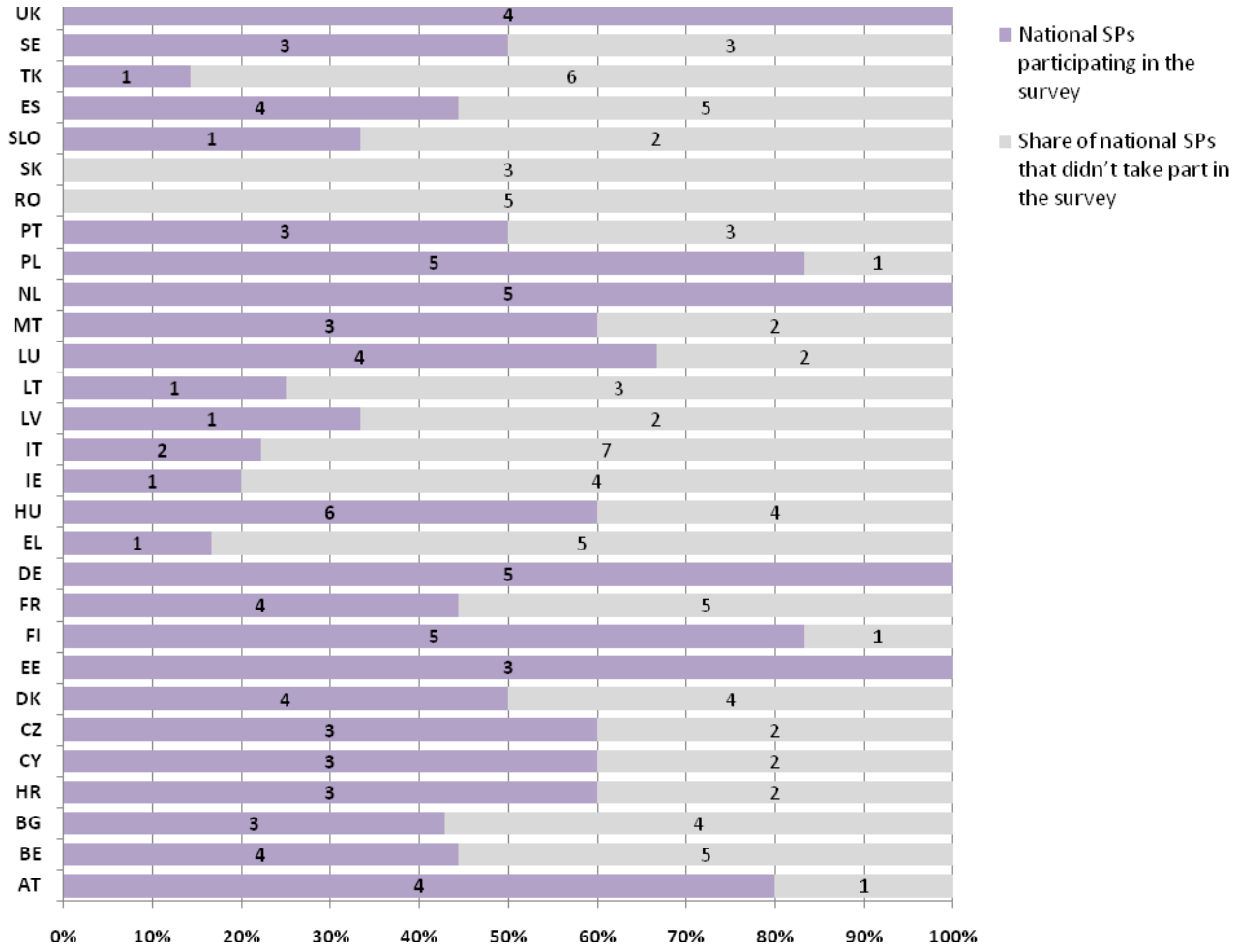
Figure 1: Country of origin of the respondent organisations



Source: Wilke, Maack and Partner.

Figure 2 shows the respondent rates for each country. For example, in Estonia, Germany, the Netherlands and the UK, with respondent rates of 100%, interviews could be conducted with all respective national social partner organisations affiliated to the EU level organisations. It should be noted that in 7 countries, more than three quarters of the national members took part in the survey, in 15 countries more than half were covered and in 22 countries the participation rate was more than one third or more.

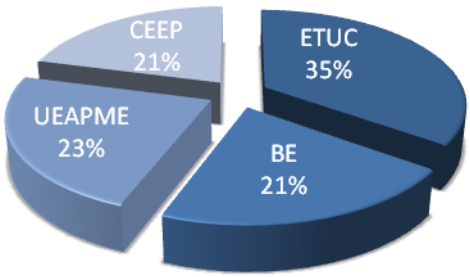
Figure 2: Coverage of national social partner organisations by country (in %)



Source: Wilke, Maack and Partner.

As concerns membership of respondents in European Social Partner organisations, out of the 86 respondents, 30 are members of ETUC, 20 of UEAPME and 18 each of CEEP and BUSINESSEUROPE.

Figure 3: Percentage of respondent organisations affiliated to European social partners



Source: Wilke, Maack and Partner.

2 ASSESSMENT OF THE GENERAL ROLE OF EU LEVEL SOCIAL DIALOGUE AND ITS IMPACT ON THE NATIONAL LEVEL

This chapter summarises the replies and comments to the first part of the questionnaire survey which focused on the impact of EU level social dialogue on national policy agendas. In this context also the question was asked which initiatives of the EU social partners had the greatest impact on the work of the national social partners.

According to many interview partners it should be stressed that the most important achievement of the social partners in Europe social dialogue is the implementation of the social dialogue in the European Union and the Treaty as a legitimate instrument of policy making alongside legislation. This not only has an important impact on those countries where structures of social dialogue are comparatively weak but also on countries that are characterised by a long tradition and strong impact of social dialogue and social partners on national policy making, e.g. Denmark or Sweden:

> Before acceding to the EU, Denmark relied on the national social dialogue to a larger extent than most other European countries. First there was some scepticism in EU as to whether social dialogue could be as effective as regulation by law. However, the Maastricht Treaty legitimised social dialogue at European level and logically also the existing social dialogue in Denmark. This systemic aspect, especially, was very important. (DK: DA)
>
> The European social dialogue is an inspiration and an extra platform/arena for the national social dialogue. The European social dialogue reinforces the link between the European level and national, regional and local levels and vice versa (because the national social dialogue is a prerequisite for a well functioning European dialogue). The work within European social dialogue also gives visibility to a lot of good work done by the social partners at both European and national, regional and local levels, both prior to, independently of, in parallel with and with reference to the European social dialogue. (SE: SALAR/CEEP)

Furthermore, according to the overwhelming majority of respondents the various outcomes of social dialogue have changed and influenced the world of labour and social conditions in Member States. As many interview partners stressed, in particular the agreements on parental leave and part-time work have directly influenced and changed the working lives of people in many countries positively, i.e. avoiding discrimination of part-time workers or improving work-life-balance and gender equality.

Depending on the specific national challenges and needs, the EU level agreements and in particular those implemented by Council Directives have had quite a significant impact on national conditions, e.g. in Hungary in the field of fixed-term contracts:

> Most important impact on daily work: Fixed-term contracts: there was a lot of abuse in Hungary and many traditional employment contracts were replaced by fixed-term contracts. Due to the agreement the problem was acknowledged, which had practical advantages for both sides (employers and employees), and led to a change in organisation of work places. (HU: MGYOSZ)

In countries where legislation and national measures are already in place on these specific issues, social dialogue also had clear added-value and positive effects according to the interview partners:

> Implementation helped raise the profile of the already existing national measures (AT: WKÖ)
>
> Due to a long tradition of social dialogue, most European initiatives don't offer anything new. However, the telework agreement complemented and enhanced an existing agreement concluded many years ago. (DK: PERST/CEEP)
>
> Regarding gender equality, on basis of the framework agreement on parental leave of 1995 and in order to transpose the directive accordingly, the "Law on conciliation working and family life" came into force in 1999. (ES: CC.OO)
>
> The transformation of the agreement into directives was a great success for the European social dialogue. The Directive on part-time work (as well as on working time) had the most important impact on legislation. (FI: SAK)

> The agreement on parental leave was the most important initiative: this was the only measure that didn't exist in LUX before. Concerning all the other agreements, Luxembourg was already more advanced. (LU: FDA-FEDIL)

Other interview partners stressed the role of European social dialogue in providing a framework and reference point for discussions at national level on issues that are already under examination or were regarded as important, for example as in the case of Cyprus with regard to harassment and violence at work:

> Although the social partners were aware of the need to address the issue of harassment and violence at work, and they were planning to do so, the framework agreement at the EU level accelerated the process and provided the framework for discussion. As a result, a framework agreement on harassment and violence at work was signed between the social partners at the national level. (CY: OEB)

This important role of autonomous framework agreements was also confirmed and stressed by interview partners from countries that are characterised by mature structures of social dialogue:

> The autonomous agreement on telework has also enabled the Belgian social partners to conclude a collective agreement on the issue, applicable to all private sector workers, and thus to fill a legal void. (BE: Unions)
>
> Violence and harassment are a focal point in the Danish regions and have been for many years. The regions had been working on this long before the European social partners conducted the agreement on violence and harassment. However, the EU social partners' agreement reinforced and complemented the focus on the theme, generating a renewal of the discussions on how to identify, prevent and manage violence and harassment at the workplace. (DK: Danish Regions)
>
> The agreement on telework had the most important impact because it came at precisely the right moment. It was also important because of a considerable increase in teleworkers in the Netherlands in the last ten years. It was already an important issue. (NL: VON-NCW)
>
> One positive effect is the reinforcement of actions at the national level on some specific issues like gender equality, for example, or support of training and education initiatives. The European Social dialogue has complemented the current discussions at national level. (PT: CGT-IN)

However, the impact of the autonomous agreements seems to be the strongest in countries where no such regulations existed so far:

> *Telework and regulation of female work* - Bulgarian social partners signed a national agreement to settle these issues. The adoption of changes in regulations is underway at this time. These questions are relevant and had not been settled yet. Their solution was successfully implemented by employers and unions at national level. (BG: BICA/CEEP)
>
> The Framework Agreement on work-related stress and the Framework Agreement on telework had the most important impact in the national context as at that time, the issues covered by these agreements were quite new. National legislation did not include sufficient regulations on the subject and social partners initiated translation, discussions and distribution of information to affiliated member organisations and state institutions. The conditions and aims of these agreements were promoted to be developed in collective agreements at local and sectoral levels. European social partners' framework agreements have also been signed by national social partners. (LV: LBAS)
>
> The agreements were important for putting some conditions in the Labour Code. They provided the social partners with a strong background. (LT: LPK)

The Slovenian member of UEAPME reports that European social dialogue has introduced issues and challenges to the national agenda that had not been addressed so far, e.g. work-related stress or harassment and violence:

> *Work-related stress*: Negotiations began in 2003 when Slovenia wasn't member of the EU. In Slovenia nobody paid much attention -- the phenomenon wasn't well-known. After acceding to the EU and having to implement it in practice they became aware, there were a lot of discussions about it. This is an important issue, but legally not much has been done. *Harassment and violence*: The issue wasn't covered well before the agreement, which had a grand impact. Now there are discussions and talks about it and it is implemented in regulations, there were some important contributions. (SL: OZS)

Different impacts of different instruments: In particular with regard to the two types of framework agreements, interview partners stressed the need to make distinction between the autonomous framework agreements as an outcome of the autonomous social dialogue on the basis of the joint work programme of the social partners on the one hand and, on the other negotiations taking place in the framework of initiatives by the EU Commission in the context of the so-called "negotiated social legislation" i.e. a clearly legislative role of agreements that then are implemented by Council Directives.

In particular, according to interview partners from trade union organisations, the agreements implemented by Council Directives are most efficient and have the biggest impact because they directly influence legislation.

> In the first case, where the aim is to improve working conditions/workers' rights, the outcome was better than in the case of autonomous social dialogue. (DE: DGB)
>
> The agreements implemented by Council Decision had the most important impact because they are directly adopted by Bulgarian legislation. (BG: CITUB/ETUC)
>
> Those transposed by Council Directive because they are implemented by law and everyone has to abide. Other initiatives hardly have the same effect. (UK: TUC)

The differences in the impact of the two types of framework agreements are summarised by the Cypriot employers as follows:

> The framework agreements on parental leave, fixed-term contracts and part-time work (e.g. implemented by Council Directives) had a great impact on our work as these were EU Council Directives and should be transferred to National Law. Ad-hoc tripartite technical committees were set up for the examination of the Directives and the final transfer to National Law. Moreover, the autonomous framework agreements on harassment and violence at work and on work-related stress had a great impact on our work as these were examined in ad-hoc tripartite technical committees and were signed by the social partners. The framework agreement on inclusive labour markets had a great impact as it sparked social dialogue at the national level, over a number of measures and/or policies that should be adopted with regards to the Cyprus labour market. (CY: OEB)

But framework agreements are only one output of European social dialogue. There are also other instruments that are regarded as "softer" tools aiming at providing orientation, guidance and support for the development of initiatives. Many interview partners stressed that these joint texts have strengthened similar national initiatives and positions, and supported the consultation on the issue by national tripartite bodies, as for example the Belgium trade unions report:

> National social dialogue is certainly influenced by the EU through the Lisbon strategy replaced by Europe 2020, including targets for employment rates as well as the issues of active aging, flexicurity (BE: Unions)

Here again, in particular social partners in the Member States that joined the EU during the last decade stressed the added-value of these joint initiatives:

> The European social dialogue stimulates the national social dialogue and it did so also before the entry into the EU in 2007. The social partners did their best to respect the European framework but success depends on the level concerned. On inter-professional level, the social dialogue in Bulgaria is more successful than on the sectoral level. (BG: CITUB)
>
> A new law on social dialogue will be implemented in 2 or 3 months or at the latest in July by the new government, the direction of the law isn't known. The Economic and Social Council was partly renewed but basically suspended. The National Interest Reconciliation Council is still in force legally but its status can't be compared to the one during the socialist government; there were only five meetings instead of 20. The European social dialogue hopefully will reinforce the national social dialogue also due to the Hungarian EU presidency. (HU: STARTOSZ)
>
> European social dialogue does complement and reinforce our national agenda. GRTU is represented on the European Economic and Social Committee which gives us a direct voice in social dialogue. We do have social dialogue nationally even though we would like to see improvements, but this is complemented by the social dialogue at EU level as we sometimes are not consulted locally and we learn of very important issues from our representatives in Brussels. (MT: GRTU)

A representative of the Confederation of Industry in the Czech Republic, SP ČR also highlighted the inspiring influence of European social dialogue:

> *The awareness is slowly increasing.* The Czech Republic represents the group of countries where the national social dialogue is inspired or guided by the European social dialogue. After the EU accession it was not easy to manage at national level topics "coming from Europe" which were not priority in time of economic transformation and building of social dialogue structures. The situation is already improved, but still topics like harassments are not top on the agenda. (CZ: SP ČR)

A Hungarian trade union representative also reports that European social dialogue has had a positive impact on the sectoral bipartite dialogue, which had no previous basis in the country's tradition:

> The European social dialogue influenced Hungarian social dialogue on sectoral level. Before there weren't any sectoral agreements, traditionally there only were discussions at workplace level (due to the status as ex-socialist country). Currently there are more than 30 sectoral bipartite committees that don't have the same role as in the old Member States; they are only consultation bodies and not negotiation partners. On the enterprise or workplace level: the culture of social dialogue has grown, the attitude of social partners changed, negotiation wasn't known before. (HU: MOSZ)

In this context, interview partners throughout Europe also highlighted the close link between European and national social dialogues:

> European social dialogue is a bottom-up process. Thus, the issues to be dealt with in the European social dialogue ultimately are chosen by the national member federations of BUSINESSEUROPE, UEAPME, CEEP and ETUC. This character of the European social dialogue ensures that its topics are of relevance for national member federations. (DE: BDA, ZDH,VKA)
>
> The European social dialogue is a good supplement for more discussions on special topics. Through the follow-up reports the social partners are forced to discuss recent developments and plan for the future. (SE: LO)

In Greece, the social partners reported positively on the effects the autonomous agreement on telework had on the national social dialogue and regulation of labour relations:

> There was a general positive influence, the possibility to discuss certain issues in an easier way; the most important example was the aforementioned agreement on telework. (GR: GSEE)

Also according to French and Italian social partners the EU level agreements and joint initiatives had a positive influence on national social dialogue:

> The transposition from European to national level is always difficult for the negotiating parties. The most important agreement was the agreement on telework because it was the first autonomous agreement. The national social partners felt obligated to show that they were capable of transposing the agreement on a national level. The agreement on work-related stress was a motor for the national negotiations and despite the frozen negotiations concerning "hard" (*pénible*) work they were able to implement the text. As mentioned before, due to the agreement on work-related stress, the French social partners were able to overcome some difficulties in the discussion process. (FR: CFDT)
>
> It has reinforced the national agenda a lot. In many cases it produces effects on the national level. The agreements were stated as references for the social dialogue on the national level. The Italian social partners always tried to enrich and complement the results of the European social Dialogue with their own specific regulations. There is a close link between the European and the national levels. There is an interaction and a mutual relationship as the Italian social partners also contributed to the European social dialogue. (IT: Confindustria)

Finally it should be noted that the impact of European social dialogue on the two candidate countries Croatia and Turkey seems to be of a more indirect character as the Croatian employers' federation HUP reports for example:

> As a candidate country, alignment with national legislation has priority. The implementation of framework agreements will only be discussed in the second round of the negotiation process that hasn't started yet. (HR: HUP)

3 IMPLEMENTATION OF FRAMEWORK AGREEMENTS AND RELEVANCE OF OTHER JOINT INITIATIVES

This section of the report summarises results of the main part of the questionnaire survey that focused on the implementation and relevance of the different outcomes of 15 years of European social dialogue from the national social partners' point of view:

- The implementation of the three agreements via Council Decisions and the four autonomous framework agreements (questions B.1 and B.2)
- Assessments regarding the two framework for actions on lifelong development of competencies and qualifications and on gender equality (questions B.3 and B.4)
- And the question regarding the influence and impacts of other EU social partners' initiatives, in particular the joint declaration on Europe 2020 and the joint labour market analysis (2007) as well as the joint projects carried out in the context of the integrated work programmes after 2003 (question B.5 and B.6)

Relevance and implementation of framework agreements

To date, the European social partners have concluded seven cross-industry framework agreements under Articles 154 and 155 of the Treaty on the functioning of the European Union. Two different types of framework agreements have been reached:

First, the European social partners have reached agreements that are implemented by a Council Decision / Directive of the Commission by which the agreement becomes part of EU law. Three agreements implemented by Council Directive have been reached so far: parental leave (1996, revised 2009), part-time work (1997) and fixed-term contracts (1999).

During the last decade and apart from the revised parental leave directive, the European social partners have not concluded any framework agreement that has been implemented by Council Directive. Instead, four autonomous framework agreements have been negotiated whereby the social partners themselves take responsibility for implementing measures at national, sectoral and enterprise level. The agreements on telework (2002), on work-related stress (2004), on harassment and violence at work (2007) and on inclusive labour markets (2010) are of this type.

As already documented in the previous chapter, trade unions generally regard framework agreements implemented by Council Directive as being the most relevant, because they have a direct influence of labour law regulation, as illustrated by the following statements by the Portuguese trade unions and employers for example:

> Generally, the first Directives had the biggest impact because they were implemented by law so they have a general and immediate effect on practice in Portugal. The Framework agreements and autonomous agreements also influenced their work but not to the same extent. (PT: UGT)
>
> From the CIP perspective, the joint initiatives which had the most important impact in our work were:
>
> - the social partner agreements implemented by EU Council Directive since they were transposed to national law and the social partners were consulted during the transposition process (e.g. 2003 Portuguese Labour Code);
> - the Framework agreement on telework, since it influenced the decision to establish a legal framework on the subject within the Portuguese Labour Code (2003);
> - the Framework agreement on harassment and violence at work since it influenced the notion of harassment established in the revised Portuguese Labour Code (2009) – taking account of the agreement, the concept of harassment was widened;

> - the framework for actions on the lifelong development of competencies and qualifications, since it reinforced the importance of the subject and promoted discussions within the CIP structure and between social partners and the Government regarding the ways to develop lifelong strategies;
> - the autonomous framework agreements when they promoted the development of several actions to fulfil the goals of the agreements. (PT: CIP)

Agreements implemented by Council Directive

According to the interview partners, the impact and concrete consequences that both types of framework agreements may have on the labour conditions and relations very much depend on whether or not there are already national regulations in place with regard to a specific issue or topic. In particular, in countries without legislation and/or regulations governing the issue – here the Directives had the most important impact.

An example for the latter is Portugal, Sweden or Belgium:

> Portugal has a very strong legislative tradition and all the Council Decisions have been transposed within the period set by the Directive. The implementation was an important step forward for national legislation in Portugal. Generally, the framework agreements are regarded as being important and they are supported in their EU context, even if, for example, concerning parental leave, Portuguese law had been yet more favourable in certain aspects than the European provisions. (PT: UGT-P)
>
> The Agreements on part-time work and fixed term contracts: These two agreements were implemented through a new Swedish Act on Prohibition of discrimination of part-time and fixed term workers. (SE: SALAR/CEEP)
>
> Regarding the impact of these agreements on national working conditions, as has been said above, the agreement on parental leave has considerably improved the situation of workers because any similar provisions did not exist before. (BE: Unions)

The wider impact of the Directives on the EU as a whole is described by a French interview partner:

> Even if in France, the agreements haven't changed a lot, they are very important for other countries: They were signed within the EU 15 and became part of the *acquis communautaire*. Workers from acceding countries could benefit from the protection they provided. (FR: CFDT)

The following statement from Bulgaria and also from Turkey as a candidate country illustrates this:

> The agreement on parental leave was implemented in 2004 but it didn't play a major role because there was already more developed national legislation. The agreement on part-time work and fixed- term contracts had much more impact. They provided a framework for an already existing tendency. (BG: CITUB)
>
> The Turkish law on parental leave refers directly to the European Directive and quotes parts of it. (TK: TISK)

But also in countries where regulations had been in place before the Directive was transposed, social partners in most cases stress that European legislation has had a positive effect, i.e. by more favourable regulations or by a national implementation that went beyond the minimum standards defined in the Directive:

> They have been implemented partly by collective agreements and partly by legislation. The Directives brought some changes in collective agreements. The part-time directive brought the most important changes especially in the public sector. (DK: DA)
>
> The parental leave directive is an example of a successful negotiation in the framework of social dialogue. The implementation of the directive also provided for fathers' rights under this kind of provisions. In some countries these measures have represented a completely new and innovative right for workers. (IT: CISL)
>
> A major improvement was access to occupational pensions for fixed-term and part-time workers. (SE: LO)
>
> From the point of view of the trade unions, however, there are still gaps and incorrect transposition in some cases. But national legislation also is more advanced than the respective Directives (including on gender equality and discrimination). (ES: CC.OO)

However, social partners also highlighted problems and shortcomings in the implementation of framework agreements under Council Directives, for example a discrepancy between the theoretical legal regulation, and implementation in practice:

> A distinction must be made between theory and practice. In theory all three are implemented, but in practice not on an adequate level. Parental leave: in Cyprus the right to parental leave exists and is safeguarded, but there is no willingness to take advantage of it/ no large numbers affected because the legal framework is extremely limited and should be improved. In practice the law doesn't have much effect. (CY: SEK)

> The regulation is good but due to lack of monitoring capacity, in practice sometimes the outcome could be negative. (LV: LBAS)
>
> Every agreement has been fully implemented; however, they only have a small impact on working practice. (DK: CEEP)

Reasons for the difficulties in gaining real impact on the labour market are described in the response received by a Spanish trade union representative as follows:

> Concerning parental leave, the main problem is the lack of social protection for those who take care of children or disabled relatives. Consequently, involvement of men in these tasks is difficult to establish and the career and social security contributions of women suffer. An extension of parental leave would be necessary due to the deficiencies in day care facilities for 0-3 year-old children and even more for adults with illnesses. (ES: CC.OO)

In many cases, Council Directives were implemented by the national governments in line with the EU law. The involvement and consultation of social partners in this process showed significant differences. In general the role of social dialogue was in line with the respective national conditions but in some cases the national governments followed the practice already agreed between social partners in collective agreements like in the case of fixed-term contracts in Italy:

> The fix-term directive has been implemented by an agreement of the social partners' (except CGIL) in 2001 and afterwards by a legislative act. (IT: Confindustria and also CISL)

However, depending on the concrete national background of industrial relations, national social partners also report that they don't have any influence on the implementation, monitoring and evaluation of framework agreements implemented by Council Directives, as an interview partner in the UK reports:

> Due to an implementation by Council Directive, the social partners lose the ownership of the subject/agreement because the application of the law is monitored by labour inspectors. (UK: TUC)

Autonomous framework agreements

Our survey has revealed some general aspects of the implementation and impact of autonomous framework agreements in the EU Member States and the two candidate countries.

As already shown by the various implementation and evaluation reports published by both national and European social partners on the autonomous framework agreements (see annex) the way of implementing autonomous framework agreements differ significantly between countries and in general seems to depend very much on the following factors in particular:

- Relevance of the issue and topic addressed (i.e. whether or not, the issue at stake is already covered/addressed by national legislative or other regulation or not)
- Quality of social dialogue in the respective country
- Role of labour law and collective bargaining

These factors result in a certain specificity of the respective national situations which is illustrated for example by the case of implementing the first autonomous European framework agreement on telework in the Netherlands as the following summary shows:

Framework agreement on telework:
Previous European Framework Agreements, followed by directives, had been implemented by means of legislation, usually after extensive consultation with the social partners in the tripartite Social Council. In the case of the European Framework Agreement on Telework, the Dutch legislator decided that it had no role in implementing the agreement and that it could leave the issue to the social partners themselves. In the case of telework, the recommendation of the Labour Foundation is quite general. It basically brings the framework agreement to the attention of employers and employees, without going beyond it, and addresses issues that might have been specific for the Dutch situation with its high incidence of part-time and flexible work. The full text of the European Framework Agreement is attached to the recommendation, together with a description of the relevant Dutch labour law with respect to telework and some examples of provisions on telework in existing collective agreements, many of which date back to the 1990s. However, only in the last few years, have more collective agreements included a paragraph on telework.
Source: NL: FNV comments on the survey

The following table tries to present an initial overview of these national specificities in implementing autonomous framework agreements, as described in the interviews carried out in the context of this survey and the written replies received. Furthermore, it is important to note that the table neither intends nor is able to present a comprehensive and general overview[15] - the purpose of the exercise has been to illustrate the variety of activities. However, a quite striking result of the overview is that the implementation by national collective agreements and/or legislation has been carried out only in a comparatively small number of countries even for the two earlier agreements on telework and work-related stress.

Table 2: Implementation of autonomous framework agreements as reported by interview partners

Category	National collective agreements and/or legislation	Examples of other activities*
Telework (2002)	- Belgium - Bulgaria - Denmark - Spain - France - Greece (legislation) - Hungary (legislation, without influence of social partners) - Italy - Luxembourg - Netherlands - Portugal (legislation) - Slovenia (FA resulted in amendment to the labour law) - Not necessary because national legislation already in place: Sweden	- Guidelines, brochures - Regulations in the public sector (AT: Vienna) - Unilateral activities
Work-related stress (2004)	- Belgium - Cyprus - Denmark - Spain - France - Hungary (“partially”, “ongoing on sectoral level”) - Malta - Slovenia (incorporated in the Health and Safety at work act - Not necessary because national legislation is in place: Finland, Italy, Netherlands, Sweden	- Checklist /”Stress Test” (e.g. AT) - Joint Declaration of the social partners (e.g. PL) - Joint programme of the social partners (e.g. BG, PT) - Unilateral initiatives
Harassment and violence at work (2007)	- Cyprus - Denmark - Spain - France - Luxembourg (collective agreement) - Malta - Portugal (issue entered into Labour law revision) - Negotiations between social partners currently (March 2011) under way: Bulgaria, Italy - Not necessary because national legislation is already in place: Belgium, Malta, Netherlands, Sweden	- Joint declaration (LU) - Joint brochure of social partners (e.g. AT) - Website (e.g. AT, SE, UK) - Seminars and training (e.g. SL) - Joint workshops and further joint activities planned (e.g. PL) - Unilateral initiatives (e.g. DE)

[15] The most comprehensive overviews of national implementation practice are presented in the various implementation reports and the evaluation reports prepared by the European social partners. See literature in the annex to this report.

*Note: It should be noted that the examples here are only examples and in no case covering all countries and activities carried out by national social partners. For a more detailed overview please check the implementation reports published by the European social partners.

Sources: Interviews and written survey replies

The table does not cover the implementation of the agreement on inclusive labour markets that was signed only recently in 2010 - an evaluation of implementation measures at national level between the European social partners will start only in the summer of 2011. However, in the responses to the survey, most interview partners reported ongoing discussions on how to implement the agreement in their respective national contexts. The responses indicate different assessments with regard to both questions on how to implement the framework agreement and its relevance for the national agenda. While some countries indicated that national collective agreements are considered, other interview partners stated that national implementation seems unnecessary because the agreement already is covered by sufficient national practice.

Whether or not national regulations and rules addressing the issues at stake were already in place in the respective country, the overwhelming majority of interview partners stress that there is a significant added-value of the autonomous framework agreements which have a positive impact on national debates and different initiatives on respective issues. Furthermore, many interview partners have stressed that autonomous framework agreements have contributed positively to the role of social partners and social dialogue in labour relations in general:

> The European framework agreement on work-related stress of October 8, 2004 has been transposed into French law by the national inter-professional agreement of July 2, 2008. Upon initiation of this negotiation, the French social partners confirmed their willingness to go beyond a simple transposition of the Europe Agreement signed 4 years earlier. Especially the need to emphasise training of management and executives, first to educate them concerning psychosocial risks and, secondly, to prevent and cope with these risks, is reaffirmed in this agreement, as is the indispensable role of employee representative bodies in the prevention of occupational hazards. However, the final text still is unsatisfactory, especially because there is no obligation to negotiate at sector level, a shortcoming that could considerably reduce the impact of the agreement. So we asked our structures to request negotiation of an agreement on psychosocial risks in their business sector, in order to strengthen the collective agreements and supervise negotiations in companies, so the agreement creates concrete guarantees for employees. (FR: FO)
>
> Italy had a very early start with telework and was the first country to implement this agreement; it was a very important agreement because it opened a new season for the social dialogue due to its direct implementation. The Secretary Generals of the Trade Unions and the Presidents of the Employer Organisations signed an agreement for the implementation that is valid in all sectors and in all companies. It has the same effects as a law. (IT: Confindustria)
>
> The telework agreement was in interest of both social partners bringing opportunity to reconcile professional and family life and giving change particularly to young women on maternity leave to be involve in the work process. Telework was only agreement which became part of a common working program of the bilateral social dialogue. (CZ: SP ČR)
>
> The implementation of the framework agreements has undeniably increased the awareness of the wider public with regard to the matters that each agreement covers. Moreover, the implementation of the agreements has created a framework in which the social partners will be working for years to come. In effect, the agreements paved the way for further discussion, closer cooperation and work of the social partners in related fields.(CY: OEB)

It is also interesting to look at those cases where autonomous framework agreements have *not* been implemented by bilateral agreements between social partners. Here, implementation often was not (yet) possible due to problems in developing a joint understanding between trade unions and employers. For example, national agreements were not possible because of diverging interests of national social partners as in the case of Austria, the Czech Republic or Estonia.

> Telework was only implemented by the employers' organisations by publishing a practical guide where the links between the framework agreement and the national legislation were highlighted. The trade unions wanted to agree on a general collective agreement which was not acceptable for the employers. (AT: WKÖ)
>
> The agreements on harassment and violence and on work related stress were not so manageable for the national social partners. They generate discussion and some unilateral project activities, but not real co-operation. (CZ: SP ČR)

> No, formally, they have not been implemented. One reason might be that there is no collective bargaining tradition in Estonia. Of course, the employers' confederation can raise awareness on these topics – but it is not very popular. No real platform exists to use or to implement those autonomous framework agreements. (EE: ETTK)
>
> For example, the autonomous framework agreement on telework was translated first (after a joint initiative and joint application for translation funds from the employer confederation and trade union confederation), then negotiations between social partners followed the translation – and they haven't agreed on the implementation yet. (EE: EAKL)

As the following statements illustrate, trade unions in general seem to be more interested and prepared to negotiate national collective agreements than employers:

> The trade unions are more willing to negotiate on those issues than the employers' organisations but progress is limited. (EE: EAKL)
>
> Luxembourg law provides that the employer is responsible for health and safety at the workplace. Employer organisations think that they have implemented everything correctly, but the Trade Unions would prefer to establish a national framework agreement.(LU: FDA-DEFIL)

In contrast to legally binding regulations, employer representatives have stressed flexibility of different and tailor-made forms of implementation as a strong point of autonomous framework agreements. For example, the Spanish social partner CEPEYME highlighted in the response to the survey and the Polish employers organisation PKPP "Lewiatan" stated:

> A directive would have been weaker than a framework agreement. It is always difficult to please all parties in all countries. Within a framework agreement, it is easier for social partners to content everyone. Framework agreements can lead to guidelines with legal effectiveness at the national level. In Spain, for example, there have been some verdicts/court decisions of the Spanish Supreme Court that refer to some of the EU social partner agreements. Therefore, those agreements gained legal effectiveness. A framework agreement might be less intimidating than a directive and might obtain acceptance easier. (ES: CEPEYME)
>
> Framework agreements stimulate changes in thinking about the labour market and attempts to modernise the existing labour code. (PL: PKPP "Lewiatan")

Regarding contents, our survey shows that the impact of framework agreements very much varies according to the concrete topic. On some issues the impact on national labour relations and working life seems to be much stronger than on others.

As the Spanish social partners report, also the autonomous agreements on telework and harassment at work had an important impact:

> On the basis of these agreements, it was possible to start referring to these documents in collective bargaining. They were also useful for companies for an interpretation of controversial items or definitions. (ES: CEOE)
>
> Some of the provisions of the autonomous agreements have been used by case-law to interpret cases. For example, the Supreme Court has used the voluntary concept of telework in a Spanish company case. (ES: CEOE)

In this context the German trade unions have stressed a structural problem of autonomous framework agreements that cover areas and policy fields that are already regulated by national legal frameworks: at least from the German point of view, the topics of work-related stress for example are covered by comparatively strong health and safety legislation that is also characterised by the strong role of social partners. Against this, from the point of view of the German unions there is no need to implement the autonomous framework agreement on this topic because this will not have any clear added-value impact.

These problems have also been highlighted by the Slovenian employers' organisations OZS in their description of the difficulties in implementing the framework agreement on work-related stress in the best possible way:

> The Economic and Social Body (highest body of social partnership) set up a special group in 2008 whose aim was to draft a national agreement on work-related stress, but the Trade Unions were too ambitious, too aggressive: they wanted to transpose the EU agreement in an intersectoral national agreement, the Employer side thought that this step was premature and left too much room for abuse, as collective agreements are legally binding in Slovenia it was to dangerous to draft one without being able to precisely define stress. However, work-related stress is included in the 2007-2009 tripartite social agreement on health and safety. Moreover the European framework agreement led to a better understanding and to a discussion about the subject -- in the future it will be regulated more. (SL: OZS)

Concerning other issues, implementation is reported to be difficult since these issues do not always meet the requirements of certain sectors (telework) or an agreement with employers is much more difficult to reach (e.g. part-time work, equality issues):

> There are still important differences between sectors regarding the extent of agreements and their content and effects. The topics that were treated most were work/life reconciliation and harassment. Though differences in salary, access to work, career opportunities and quality of contracts (unlimited and full-time) still remain. (ES: CC.OO)

Agreements imply a stable, strong social dialogue that does not exist in the respective national case:

> Violence was more important, and it is difficult to implement because it is a special agreement with principles but without concrete regulations. The implementation needs a culture with more focus on social dialogue than Hungarian Social partners have. The text was translated but isn't known to employees -- only leaders and experts are familiar with it. (HU: MOSZ)
>
> They have not been implemented. One reason might be that there is no collective bargaining tradition in Estonia. Of course, the employers' confederation can raise awareness on these topics – but this is not very popular. No real platform exists to use or to implement those autonomous framework agreements. (EE: ETTK)
>
> Framework agreements on work-related stress as well as harassment and violence gave new perspective and put new subjects on the table. The way they were implemented is not ideal, since there are no obligations/well-defined responsibilities allocated to social partners. Both trade unions in Poland believe that this is caused by the very general nature of European agreements. According to Solidarność, autonomous agreements are not understood by the government - the government does not have a long-term perspective of the Polish labour market; regulations are needed on the topics covered in the European agreements; employers are against enriching EU agreements as to content and form. (PL: NSZZ Solidarność)

Similar barriers are reported by national social partners in Lithuania, Croatia and Slovenia.

> Autonomous framework agreements are signed by national social partners but these agreements are only recommendations at national level as we have no general sectoral agreements and all issues concerned have been discussed at company level only. (LV: LBAS)
>
> There are no important joint actions to implement it, the social dialogue in Slovenia is very weak at the moment as a result of the crisis (SL: OZS)

Also the situation in the UK is characterised by the absence of collective bargaining as a tool of regulating labour relations at the national level. Here, the implementation of framework agreements is mainly based on guidelines and exchange of good practice. These may have an impact on company based action:

> As in the UK transposing the results of collective bargaining into laws is not usual practice, the autonomous framework agreements are implemented by non-mandatory guidelines and adapted to the reality of workplaces in the UK. The guidance gives examples of good practice but there is autonomy at company level because no one solution fits all workplaces. For the guidelines on telework and work-related stress, a web-tool was created to download the guidelines but there was no mechanism to monitor implementation. For the agreement on inclusive labour markets a similar tool is planned. (UK: TUC)

Finally, a further result of the survey has been that social partners in a number of countries have stressed the different character of the first and second autonomous framework agreements as compared to the two recent ones on harassment and violence, and on inclusive labour markets. Though quite different assessments were made by national social partners (see below) the more recent agreements are regarded by many interview partners as more general texts that target raising awareness and defining certain principles rather than setting certain minimum standards or benchmarks of practice that are resulting in concrete obligations and tasks to be implemented by national social partners.

This "openness" of autonomous framework agreements is assessed in quite a different way by national social partners and there are also quite different assessments made by unions on the one hand and employers' organisations on the other as illustrated by the following two examples.

The Finnish member of CEEP has underlined the difference between the framework agreements on telework that had an impact on public services in Finland and the agreements on work-related stress and harassment and violence at work:

> In case of the framework agreement on work-related stress, one can say that rather than providing concrete tools, it emphasised the problems related to stress at work. Similarly, the framework agreement on harassment and violence at work functioned more like an awareness-raising campaign. (FI: Local Public Employment Administration)

The German DGB has taken a quite critical view of the vague nature of the last agreement on inclusive labour markets:

> For example the last text on inclusive labour markets ... The point is that this so-called agreement doesn't contain any commitment for both sides, does not say what social partners at national level will do to reach inclusive labour markets. We will not use it because it does not have any positive impact for us in Germany. (DE: DGB)

In contrast to this, the Lithuanian employers' federation LPK is stressing considers this text to be particularly important and positive for the national debate:

> The latest agreement on inclusive labour markets for example was very important because it provided a strong background for the discussions at national level: What do they have to do? What could the conditions be? What actions could be decided? For example, the problems in Lithuania include unemployment and unemployment of elderly people – and their inclusion in the labour market. (LT: LPK)

Other national social partners and in particular representatives of employers' federations also indicated in the context of this survey that the inclusive labour market agreement was helpful in providing a platform for further national debate, exchange and coordination. For example the British social partners agreed to implement the framework agreement mainly by organising an exchange between key actors on the labour market:

> Discussion on scope made clear that the social partners did not want to look to impose an obligatory approach (i.e. they wanted a non-legislative approach) and should follow a route not dissimilar to previous agreements. It was agreed that, due to the nature of the agreement, they would need to draw on the experience of other organisations from the third sector. Discussion on outcome led to an agreement for a departure from previous agreements where we have produced hard copy guidance; in favour of a web-based solution which would draw on experience and examples from the social partners and other sectors. (UK: PPE/CEEP)

The positive role and added-value of autonomous framework agreements enabling the national social partners to implement them in a way that is most suitable for the national economic, social and employment conditions has also been highlighted by other employer representative interview partners:

> The autonomous agreements which have been implemented by the social partners have also had a significant impact in forming the joint agenda and policy for the social partners. The implementation measures have varied, ranging from awareness-raising campaigns to guidelines and training. Because of the nature of the issues (non-legislative) tackled in the agreements on telework, work-related stress and harassment and violence at the workplace, the implementation measures have been targeted at the work-place level addressing employers and employees dealing with these issues. (FI: EK)

Framework of actions

General results and assessments

Though one or both framework of actions were followed-up at national level by national collective agreements in a few countries only, e.g. in Belgium (both) and Portugal (lifelong competency development), nevertheless the overall impact is assessed as positive by the overwhelming majority of interview partners in our survey, as the following statements of the German employers' federations and the Czech Confederation of Industry illustrate:

> The influence of both frameworks of actions cannot be measured in exact numbers. However, both topics – lifelong learning and gender equality – are of high priority for German employers. The framework of actions unquestionably contributed to the responses of German employers and social partners to the challenges of lifelong learning and gender equality. (DE: BDA, ZDH, VKA)
>
> *Framework of action on equality between men and women*: The implementation is successful. We keep the topic on the agenda and also cooperation and understanding between social partners is better. (CZ: SP ČR)

The Austrian, Spanish and Italian social partners report that apart from the frameworks themselves the specific conditions for monitoring and evaluating implementation has an important effect:

> The framework itself did not so much influence the national agenda, but the yearly reporting exercise helps recall what has been achieved in this field. (AT: WKÖ)
>
> The annual (implementation) report always reminds us to do more in terms of national initiatives. (AT: IV)
>
> The added value of such a framework is that it creates a culture or an attitude at national level: people think that they need to deal with this topic. (ES: CEOE)
>
> The framework gave rise to an annual report on implementation, so it reinforced the discussion. (FR: CFDT)
>
> The framework always is a point of reference. With the Trade Unions, the Employer Organisation took part in the implementation and the Social partners initiated a lot of joint activities. (IT: Confindustria)

Danish and Belgium social partners underline a similar effect of European frameworks of actions having a supportive role for national social dialogue:

> The framework for actions offered a structure for discussions that would have taken place anyway. It helped the social partners not to forget any aspects of the problem. Changes are taking place continuously. The most important aspect of the framework for actions is that neither employer organisations nor trade unions can ignore the problem they are committed to deal with it. (DK: DA)
>
> The Framework of actions on gender equality is an excellent example of the type of activities initiated by the European social partners. (...) In Belgium, this framework has been implemented jointly by the social partners within the NLC. (BE: Unions)

Bulgarian interview partners report that both gender and the lifelong development of competences have become more important for national policies in recent years though not explicitly indicating the exact role of the European initiatives in this context:

> Since 2008 there is a strategy to encourage gender equality, employer organisations and trade unions participate in different programmes. Legislation is relatively well developed. Employer organisations and trade unions participate on every level and cooperate with the national agency for education and qualification. An operational programme decided on a tripartite level is in place and 20 000 workers will participate in the activities in 2011. (BG: CITUB)

Similarly interview partners in the Czech Republic and Lithuania stress that lifelong learning has become more important for national debates in recent years although they do not indicate what role the European framework of action played in this context:

> *Framework of actions for lifelong development of competencies and qualifications*: It was an impetus for the national social partners to push at the national level the development of the national lifelong learning strategy and relevant legal framework. (CZ: SP ČR)
>
> They have been talking about lifelong learning for several years. In Lithuania, there are many unqualified employees. Social partners and government are very active and they are working on creating a system for lifelong learning and qualifications right now. It might be finalised in 2011 and become law. (LT: LPK)

This statement also describes a general problem with regard to concrete impacts and relevance of the two frameworks of action: one cannot be sure about causal relations, i.e. whether or not the framework initiated clear added-value and stimulated either joint or unilateral activities at national level that wouldn't have taken place if the framework had not been in place.

What is possible, however, is getting a representative overview of assessments made by national social partners in the context of the questionnaire survey on the impact of the two frameworks (see table below). It has to be noted here that the following overview is only able to provide a general picture as arising from the interviews carried out in the context of the survey with national social partners. The purpose of the table is not to present a comprehensive overview of all national action taken by social partners to implement and follow-up the two framework agreements. This kind of information is provided in the national implementation reports that have been prepared by national social partners and the evaluation reports prepared by the European social partners in 2006 on the Framework of Actions on lifelong development of competencies and qualifications and in 2009 on the Framework of Actions on gender equality.[16]

[16] For more details see the overview in the annex. All reports are also available at the resource centre oft he European social partners: http://www.resourcecentre.etuc.org/ & http://www.erc-online.eu/Content/Default.asp

Table 3: Assessments of interview partners regarding the relevance of frameworks of actions

Framework	Little impact due to already existing regulations and advanced practice	Little impacts due to lack of sufficient activities and national implementation structures	Significant impact - either initiating or reinforcing policies
Lifelong development of competencies and qualifications (2002)	- Austria - Denmark - Netherlands - Estonia - Finland - France - Luxembourg - Malta - Sweden	- Estonia - Greece - Hungary - Lithuania	- Belgium (Joint implementation by *Conseil national du Travail*,) - Bulgaria - Czech Republic - Cyprus - Spain - Hungary - Italy - Portugal
Gender Equality (2005)	- Austria - Denmark - Estonia - Spain - Finland - France - Hungary - Luxembourg - Malta - Netherlands - Sweden	- Estonia - Greece - Hungary - Lithuania	- Belgium (national agreement) - Bulgaria - Czech Republic - Cyprus - Germany - Latvia - Italy - Portugal - UK

Sources: Interviews

A further result of the survey is that, like for the implementation and impact of autonomous framework agreements, social partners in the CEEC report particularly that the implementation of frameworks of actions has been rather weak or virtually non-existent due to weak or insufficient political will and/or relevant implementation structures.

There are also significant differences with regard to the assessment of needs/challenges from the national perspective, e.g. in Estonia: while trade unions stress that both frameworks are implemented, but no joint initiatives have been carried out so far, the private employer federation agrees on their limited impact on national practice but at the same time points out that concerning equality as well as training and skill-development sufficient programmes are already in place in Estonia.[17] This position also is taken by the Estonian member of UEAPME:

> There is an extensive set of measures aiming at supporting lifelong development of competencies and qualifications at the national level. Many of these initiatives are partly financed by EU structural funds and/or by Estonian national funds. There are also special programmes for SMEs, e.g. additional training for employers and staff. (EE: EVEA)

There are also national cases where social partners report a general lack of activities because the issues addressed by the European frameworks of action are not a high priority on the agenda of social dialogue and national reform politics, e.g. in Hungary (here, the frameworks were not even translated into the national language). It is also quite remarkable that the positions of social partners in Hungary for example on lifelong learning vary significantly: While employers' representatives report that vocational training and lifelong learning is high on the agenda of both policies and at the level of company based and sectoral social dialogue, trade unions are stressing the existing deficits:

[17] This also corresponds to the replies of the Estonian social partners to the annual implementation reports on the framework of actions published by the European social partners. The Estonian social partners only contributed to the 3rd follow up report published in 2005, highlighting that there are numerous government initiatives on this issue.

> The framework for actions for lifelong development was not translated. Lifelong learning is not of priority importance to Hungarian workers, there are worse problems such as low wages and working conditions. Labour market institutions aren't really developed and therefore lifelong learning cannot be implemented in practice. (HU: MOSZ)

From the point of view of the UK trade unions, the underlying rationale of frameworks of actions as a soft instrument of change and regulation does not work in the UK:

> Frameworks for actions are the weakest of all tools. There is no huge influence. (UK: TUC)

LIFELONG DEVELOPMENT OF COMPETENCES AND QUALIFICATIONS

Regarding the impact of the framework of actions on lifelong development of competences and qualifications that was agreed between the European social partners already in 2002, a number of national social partners reported that the lifelong learning initiatives of the European Social partners have had an important influence on reforms and have changed public policy mindsets:

> The European initiatives have brought the topic back to national level again where it is on the agenda and a national life-long learning strategy is being prepared. This is of great importance for changing the worlds of work and professional life. Many countries already have a national qualification framework and Austria will also adopt one now. In this way, a European wide change of paradigm has been reached that also brought transparency to assessment of qualifications. (AT: IV)
>
> The framework of actions on lifelong development of competencies has influenced our work at the national level to a great extent. It paved the way for the organisation of a national system of qualifications and it reinforced the concept of life-long learning. Moreover, it emphasised the importance of investing in human capital and the value of training courses as they develop people's employability and adaptability. (CY: OEB)
>
> The development of competencies and qualifications are very important issues in Portugal because of the low levels of education and vocational training of workers. In this context, the framework for actions on the lifelong development of competencies and qualifications reinforced the importance of the subject and promoted discussions within the CIP structure and between social partners and the Government regarding the ways to develop lifelong strategies. (PT: CIP)
>
> The related texts had an important impact on bilateral negotiations; in particular, because they pushed social partners and the government towards discussions on those topics. All social partners (trade unions and employers, especially the four employers' confederations that participate in social dialogue) have signed a bilateral agreement on vocational training in 2006. Subsequently, another tripartite agreement (with the government) on the reform of vocational training has been signed as well (14th March 2007). (PT: UGT-P)

The framework of actions also had a significant impact on national policy, for example in Spain, where social dialogue and consultation between social partners on lifelong learning and competence development in the aftermath of the 2002 framework of action on lifelong development of competences and qualifications has resulted in numerous initiatives and changes, as a representative of the Spanish trade unions reported to our survey:

> Regarding the lifelong development of competencies and qualifications, for several years now an important process of social dialogue has been developing on this subject in order to establish legal regulations and instruments for its implementation. Among other rules established in that period are:
>
> - Organic law on qualifications and vocational training, 2002;
> - General management of vocational qualifications system;
> - Agreement on vocational training, signed by CC.OO., UGT, CEOE, CEPYME and the Ministry of Labour and Social Affairs in February 2006
> - IV National Agreement on Training signed in February 2006 by CC.OO., UGT, CEOE and CEPYME;
> - Law governing the National Catalogue of Professional Qualifications, 2006. (ES: CC.OO)

A supportive role of the European framework of action for national social dialogue has also been reported by the Belgium trade unions by their joint statement on the survey:

> Once again, the framework has been implemented by the social partners through the NLC. This exercise helped to identify initiatives at both inter-sectoral and sectoral level. (BE: Unions)

GENDER EQUALITY

The framework of actions played an important role in many countries and supported active involvement of social partners in national policies on the gender equality issue as the following remarks illustrate:

> The implementation of the framework of actions on gender equality played an important role in the national context, serving as a basis for joint activities of national social partners in realisation of an ESF project on capacity building of social partners' organisations (2004-2006). A lot of national social partners' activities were included in the National Programme on Implementation of Gender Equality for 2007-2010. (LV: LBAS)
>
> The framework of actions on gender equality has influenced our work at the national level to a great extent. The social partners at the national level have collaborated on a number of joint activities and awareness-raising campaigns. (CY: OEB)
>
> Traditionally, equality issues weren't approached in a serious way, in theory everybody is pro gender equality, but practice was very different, it took some time even for the Trade Unions to talk seriously about the issue. The framework had a positive influence on the environment in which the topic was discussed. (CY: SEK)

Also in Sweden:

> The framework of actions on gender equality helped the social partners discuss and think through some important topics. (SE: LO)

Similarly in Germany, social partners report that the framework of action on gender equality has had a positive impact not only on the dialogue between social partner, and also more broadly. Although the consultation and elaboration process is not easy, the framework of actions was a good basis for joint activities between the DGB and the employers' organisations on the issue, which did not exist before. Though of course there were different interests and concerns of the social partners, developing a joint basis for activities under the umbrella of the framework of actions was possible. A major landmark in this context was the joint DGB-BDA conference "*Framework of actions on gender equality – midterm reflection and perspective*" in Berlin in July 2008 that was attended by around 150 participants. On the basis of practical examples at company level and an exchange of experiences made by social partners, the conference illustrated how companies can successfully implement measures to ensure gender equality.[18]

According to a representative of the DGB, the framework of actions not only stimulated the dialogue between social partners in Germany but also had an important impact on the gender equality debate in German politics in general.

Today, the four priorities defined in the framework (gender roles, equal pay, women in decision-making positions and work-life balance) are widely accepted in German politics and mirrored by recent initiatives of the government on gender issues.

> The fact, today there is a broad consensus in German politics, that making progress with regard to equality between women and men in working life has to be based on the triad of equal pay, women in decision-making positions and work-life balance. This shows that the framework of actions came at the right time and addressed the most important issues and challenges. (DE: DGB)

In Belgium, the social partners report that the framework of action on gender equality also contributed to greater transparency and visibility of joint social partners' activities and initiatives with the public:

> In Belgium, this framework has been implemented jointly by the social partners within the NLC. This work has helped visibility of the initiatives taken by the social partners at both cross-sectoral and sectoral level to promote gender equality. (BE: Unions)

In the Netherlands, as reported by the social partners, the framework of action on gender equality has had an important impact and influence on the national social dialogue and the implementation of measures aiming at improving equality between women and men in working life because this framework existed in the Netherlands at the constitutional level only. However, as the reply of the

[18] For more information see the 3rd follow-up report on the implementation of the framework of actions on gender equality by the European social partners, 2008, p. 36ff.

Dutch trade union federation FNV illustrates, the issue of equal treatment had been on the agenda of the Dutch Labour Foundation (*Stichting van de Arbeid*) already for a long time. For example already in 2001 the Foundation had developed an equal pay check list that helped key actors in the field of company and sector bargaining, as well as employers, HR managers and works councils. More recent initiatives are the "Part-time plus" initiative (see textbox below), the establishment of a national working group on equal pay by the Dutch government in 2006 and many other tripartite or bilateral initiatives.

Gender equality - "Taskforce Part-time plus"
At the request of the (national) social partners, the Dutch government established a Taskforce Part-time plus in 2007 to stimulate women to work more hours. In the Netherlands most women choose to work part-time, sometimes in very small jobs, which don't give them economic independence and which affect their career opportunities. These preferences of Dutch women confirm the existing gender roles and are obstacles for further change. The work of the Taskforce is targeted at influencing cultural aspects: how to change the preferences of Dutch women. But employers are also stimulated to give women more opportunities to work longer hours. (NL: FNV)

In the UK, the framework of actions has also stimulated joint activities between the social partners focusing on issues that they regard as important challenges. As a representative of the public sector in the context of this survey reported, a good example has been the 12 month project "EQPay" that was implemented by the social partners in public services in 2009.

The EQPay Project of CEEP UK
"The project EQPay was run by CEEP UK with the support of CEEP. It was initiated to help underpin not only CEEP's implementation of the Framework of Actions on Gender Equality, but also to provide the organisation with important background information to be able to contribute to the review of EU Equal Pay legislation.
It largely arises from a concern expressed by a number of member organisations of CEEP UK that current measures and methods being used to tackle the gender pay gap in the public services in the UK are often not serving to reduce the pay gap significantly, while at the same time bringing significant costs and disruption to public services and could bar the way to more effective measures to tackle differentials in the wages of women and men.
CEEP UK was therefore keen to learn from the experience of other public service employers and enterprises providing services in the general interest which have assessed the causes of and sought to address the gender pay gap within their sector or enterprise."
Source: EQPay - Social partner approaches to reduce the gender pay gap in the public services. Final Report, November 2009

Depending on the specific national context, the influence of the framework of actions and the role of social partners in implementing policies in the respective issue varies a lot. In contrast to the countries and examples mentioned above, there are other national cases where national social partners report that the impact on politics was quite weak:

> The framework of actions on gender equality had a rather minor impact in comparison to the other agreements. The government's proposal for the Spanish law on equality didn't take this framework of actions into account too much. It didn't really influence the negotiations. (ES: CEOE)

This seems to be a result of quite a comprehensive framework on gender equality already in existence in Spain and a number of governmental as well as tripartite initiatives implemented in recent years as the Spanish UEAPME member PIMEC reports in a reply to the survey. The reply also highlights special initiatives on equal opportunities in smaller enterprises:

Legal and other regulations on gender equality in Spain
The organisational law 3/2007 adopts provisions concerning equality between women and men. It introduces the right to work in the field of equal opportunities: equal treatment and opportunities in the working environment, equality and conciliation, equal career plans and other measures promoting equality. Art. 45 LO 3/2007 establishes the obligation for companies to respect equal treatment and equal opportunities, so they must adopt measures to prevent discrimination. These measures must be negotiated with employee's representatives. In case of companies with more than 250 employees, these measures must be in an Equality Plan. The equality plans contain the equality targets, the strategies and practices, and the systems of monitoring and evaluation. One of the aspects tackled in equality plans is remuneration. Even if SMEs are not obliged to negotiate equality plans, the Spanish Government and also the Catalan Government are encouraging them with different actions, e.g. state subsidies for SMEs or by consulting and supporting services for SMEs. In Catalonia, the Labour Relations Council (trade unions, employers and Catalan Gov.) has a Committee for equality issues that launched a list of recommendations for collective bargaining last year.
Source: Written response to the questionnaire survey received by PIMEC/ES.

Joint initiatives and joint projects

There are different types of joint declarations and initiatives concluded by the cross-industry European social partners such as joint declarations, analyses, recommendations, reports, case studies, etc. Starting with the "Joint declaration on the prevention of racial discrimination and xenophobia and promotion of equal treatment at the workplace" in 1995, the European social partners have agreed on around 15 joint statements and declarations during the last 15 years, the latest one being the "Joint statement on the Europe 2020 strategy" in 2010.

Starting in 2003, the European social partners have carried out joint projects (co-financed by the EU) under the umbrella of joint integrated work programmes covering issues such as restructuring, climate change and flexicurity. They particularly focused on improving the links between social dialogue at national level and European level: through the joint project on capacity building for social partners joining the EU in the 2004 and 2007, by setting up a joint translation fund, training and mentoring programmes and the employer and trade union resource centres' websites.[19]

In the following part, we will concentrate on presenting the survey results on those activities that were mentioned and commented by national social partners most frequently: The joint labour market analysis of 2007, the joint statement on Europe 2020 and the joint projects, in particular those on capacity building and support of social dialogue in the then new member states and the joint studies on restructuring and flexicurity in the context of the integrated work programmes of the EU social partners.

The Joint Labour Market Analysis and the Joint Statement on Europe 2020

Though not addressed by all interview partners in the context of this research, our survey shows that the assessments made by national social partners on the joint labour market analysis (2007) and the joint statement on Europe 2020 are very diverse. Though major differences can be observed in the positions and opinions made by employers on the one hand and trade unions on the other hand, there are also variations within the representation of each group of interest.

A first and quite striking observation of survey replies is that many employers have interpreted the joint labour market analysis as an important contribution to the flexicurity discussion in Europe, as well as in their respective countries:

> The Joint Labour Market Analysis contributed a lot to the discussion of flexicurity. The document was often used as a reference when the Austrian social partners prepared their common position on the Post-Lisbon Strategy. (AT: WKÖ)
>
> Among the other documents, the joint analysis of key challenges facing the European labour markets was the most significant because it showed a joint commitment to analyse rigidities and persistent problems in the European labour market. (FI: EK)
>
> The European social partners' joint analysis of employment / labour markets: It includes references to the flexicurity concept which has been a controversial concept. If there is joint framework at European level at least that gives recommendations, this can facilitate the discussions at the national level. (ES: CEOE)
>
> The influence of the Joint Declaration on Europe 2020 and the Joint Labour Market Analysis: Both declarations gave guidance for the national debate on the EU2020 strategy as well as labour market policies. Both declarations showed that the joint understanding of certain topics – as for instance flexicurity – is more advanced at European level in comparison to the national level. In this sense both declarations are a driving force to take a more open stance towards these concepts and assessments. (DE: BDA, ZDH, VKA)

In contrast to this, trade union representatives have expressed concerns about this kind of "instrumentalisation" of the joint analysis and also the Europe 2020 statement that are formulated very broadly "*thus giving leeway for constructive ambiguity*":

[19] www.resourcecentre.etuc.org and www.erc-online.eu.

> With regard to the Joint Labour Market Analysis, this analysis was described by employers at the national level as the flexicurity opinion, although the first paragraph of this analysis explicitly mentions that it is not. As you can imagine at a time when our unions have taken upon themselves to combat precarious jobs at the workplace, the one-sided interpretation of the analysis by employers was unfortunate. (NL: FNV)

The Dutch Christian trade union federation CNV reports that the joint labour market analysis has been interpreted by the national government as a recommendation that was used to justify liberalisation of the law on dismissals. To counter this, it has been stressed that the character of certain texts such as the "joint analysis" should be made clearer by the European social partners in order to avoid confusion.

Social partners from other countries – representatives of employers' as well as trade union federations – also stressed the overly general character of the joint analysis and the 2020 declaration, considering this to be a weakness:

> There was a national positioning of the social partners on the 2020 Strategy in Austria already at a very early stage of the debate. This was of very great importance. Comparatively, the content of the European social partners' joint declaration was much weaker. (AT: VOEWG)
>
> The joint analysis and declaration had no influence. The topics treated within these initiatives are important, but the wording of the declaration is rather general. (EE: ETTK)
>
> It is only a declaration -- that isn't enough. European social dialogue should be more than a declaration. The Declaration was disseminated and that was it. (GR: GSEE)

However, there are also many national social partners that have taken a more nuanced position on the value of the two joint texts as the following opinions illustrate:

> It hasn't been influenced by them. However, policy declarations like the Joint Declaration on Europe 2020 are important. They make ongoing discussions more realistic. In addition, a joint position of the European social partners and a consensus is much more useful and helpful for politicians than individual positions. (DK: DA)
>
> The Joint Declaration has an indirect influence only. Both supported policies on flexicurity, a topic that is very important for employers. The Joint Analysis also influenced the need to increase labour participation. (NL: VNO-NCW).
>
> The Labour Market Analysis was discussed by the social partners. Even if the points of view differed extremely, employers and trade unions tried to mobilise their members on the subject. (PT: UGT-P)
>
> The Joint Declaration on Europe 2020 influenced our work since it points the way to achieve the goals of the Europe 2020 strategy and it is used by CIP for the discussion at national level regarding this strategy. (PT: CIP)
>
> The Joint Declaration was discussed between social partners and they agreed on a growth strategy. (UK: TUC)
>
> The joint statement on the Europe 2020 strategy confirmed the social partners' common position; the knowledge triangle (education, research, innovation) is the key element in the strategy and this should also be reflected in the budget context. Our national agenda has been aiming at strengthening the knowledge triangle and the EU level push helps. (FI: AKAVA)

In particular in countries with a comparatively weak social dialogue and/or where social partners have little influence in public policy reform, stress was on the usefulness of the joint labour market analysis and the 2020 statement as an information base and reference point for national consultation with governments and other key actors:

> "EU 2020 strategy is also very important for the Hungarian economy especially in the context of the Hungarian EU presidency, because Hungary has the same problems as those mentioned on European level, and tries to use the same strategy for economic development; in this context job creation is the most important point to improve the economic situation. In addition, the education system should be improved, especially concerning higher education: there is a need for qualified personnel in the green industry, training/education in this domain should be improved" (HU: MGYOSZ)
>
> At national level, the social partners take joint initiatives on guidelines and discuss them in tripartite Committees. CY: CCI)
>
> The Joint Labour Market Analysis paved the way for further discussion at the national level with regard to the Cyprus economy and labour market, the structural changes that need to be implemented and the policies that need to be adopted in order to enhance competitiveness of the Cypriot enterprises, to increase the economic growth and productivity and to tackle the negative effects of the economic crisis. (CY: OEB)

> The EU 2020 strategy gave extra information to conclude a more complete proposal to the government. It is an ongoing process and a debatable issue still under discussion. The SEK also presented its point of view to the Ministry of Finance concerning the EU 2020 strategy. The joint declaration on EU 2020 has a very important role in influencing social partners on national level. (CY: SEK)
>
> The Declaration was very important in these crisis times, but it is a political statement that has no technical or practical value. It is of great value but not in a regulatory way. The Joint Labour Market Analysis was very important in the debate on temporary work and youth unemployment. It is a scientific and political analysis that supported the discussions. (IT: Confindustria)
>
> It has been discussed during "governmental breakfasts" - tripartite meetings to discuss concrete reforms/tasks. (CZ: CMKOS)
>
> It has had an influenced. It is good to see that the problems are the same all over Europe and the documents provide a good background to debate with the government. (LT: LPK)
>
> We have used several ideas included in the Joint Declaration on Europe 2020, the Joint Labour Market Analysis (2007) and others, while negotiating with the Latvian government on different issues. Last year in September and November we had several meetings with our government on the Europe 2020 strategy and the National reform programme. At these meetings we expressed our main demands, which should be taken into account, while preparing the National reform programme: more focus on education (especially vocational education and lifelong learning), research, innovation and job creation, less focus on austerity measures (high taxes, reduced public and private consumption). Our main concern regarding the National reform programme is that all national targets, which are set for 2020, are slightly below or worse than those which are defined as standard targets in the Europe 2020 strategy. (LV: LBAS)
>
> Initiatives like the Joint Labour Market Analysis are positive because within the EU, there are 27 different labour markets and it is very interesting to compare what is happening in the different countries and to learn how strategies are implemented in different countries. (MT: MEA)

ACTIVITIES UNDER THE UMBRELLA OF THE INTEGRATED WORK PROGRAMMES

Since 2003, activities under the umbrella of the three integrated work programmes of the European social partners include a number of different activities such as capacity building and support for social dialogue in the new member states or joint studies are assessed by the national social partners in general as important and quite positive.

Many interview partners stressed the supportive role of these instruments for their daily role and influence in national policy making. Social partners from the CEEC in particular stressed the positive impact and supportive role of the capacity building projects and the technical funds, e.g. for translations.

> The three joint projects have been very successful. The most influential elements have been the links between social dialogue at European and national level and the emphasis placed on further promotion of social dialogue and cooperation between Employer Organisations and Trade Unions. Through the social dialogue and cooperation between Employer Organisations and Trade Unions on different projects and initiatives, a better understanding of the concerns of each party has been achieved. Moreover, communication has been improved to a great extent. (CY: OEB)
>
> The projects give the national Social partners an opportunity to accede to information and databases that make daily work easier. (CY: SEK)
>
> The joint projects help build trust, confidence and knowledge among the relevant players. The seminars on restructuring helped create a better understanding of the drivers and consequences of restructuring and create a knowledge base for eventual further action. The capacity-building project helped prepare actors from the new Member States for the social dialogue practiced at European level and allowed the "old" social partners to get acquainted with the new ones. (AT: WKÖ)
>
> The joint projects on restructuring (and anticipation of change) and flexicurity have also given valuable information on the labour market situation and needs for reform in various Member States. This information has proven to be very important in adjusting to changes in the labour markets caused by the economic crisis. It will very probably be revisited in the near future. (FI: EK)
>
> The joint programmes are useful, CMKOS always participate. There is a possibility to learn and also to explain that there is no single and universal EU from the social perspective. The joint programmes offer a possibility to meet representatives from other countries. Also co-financing from ESF is appreciated as it contributes to improving capacity of social partners in the CEEC. (CZ: CMKOS)

> The projects were very important. Without them, nothing would have happened. They contributed to institution and capacity building in the new Member States as well as in all Member States. Links and relations between employers and workers have been established. The cooperation was very successful and the participants learned a lot from each other. (DK: DA)
>
> Although the joint European social dialogue projects didn't change the world, one clear benefit of the initiatives and tools is the awareness-raising effect. (EE: EAKL)
>
> The most important was the project on restructuring. As an Employer Organisation, we had the opportunity to discuss models and see best practice in national seminars but also to confront ideas on a European level and to learn from the experience of others. (IT: Confindustria)
>
> Regarding the joint projects, we have to highlight the one concerning restructuring because of the importance of the subject and because it got social partners to discuss the issue, therefore allowing an exchange of best practices. (PT: CIP)
>
> Concerning the joint projects, the exchange of experience is very important. And so is the translation fund because without it, knowledge on national level about the outcomes of European social dialogue would be even worse. (SE: LO)
>
> The joint projects have been successful. They have been good and important in identifying and analysing issues of mutual interest for trade unions, workers and employers at both European and national levels. The projects have contributed to awareness raising, increased knowledge, mutual learning and understanding and served as inspiration and support to both the European and national social dialogue and they have strengthened the link between the European and the national social dialogue. (SE: SALAR/CEEP)
>
> The project on restructuring was very interesting. The ETUC did not adopt the orientations for reference to manage change and the joint project made it possible to organise seminars and to make progress on this issue. (FR: CFDT)

A further strong point of the integrated programmes, according to the national social partners, has been that the projects have enabled the social partners to work on their own agendas and stay autonomous:

> Some of the most influential elements of the joint projects were the following: Setting up an own agenda; reinforcing autonomy and acting more independently from the Commission (ES: CEOE)

The assessment of the joint study on flexicurity in the context of the 2009-2011 integrated work programme has been assessed by the national social partners quite controversially: here, different positions mirror assessments made already in the context of the joint labour market analysis 2007.

> Generally, joint projects at the European level enrich the national discussion. For example flexicurity is very high on the agenda in Malta. In the last 2 years it may have been the top issue on the agenda. Therefore, the joint projects are important. (MT: MEA).
>
> The case of flexicurity was a very good and successful example of the social dialogue process in Finland. We hope that the work will continue in the future with the new government. EU has also organised several excellent seminars on the subject. (FI: AKAVA)
>
> One example with a rather negative impact is the flexicurity initiative. The European social partners' project on flexicurity has weakened the position and the demands of the trade unions in Portugal on this issue. (PT: CGTP-IN)
>
> These joint initiatives are important at European level but their influence on the national level remains limited if we think in terms of awareness among union members. These documents, however, have a documentary value. The joint analysis of the labour market for example had some relevance to the parties for the objective data contained. But the conclusions were not shared as they approached the issue of flexicurity carelessly -- that is a very controversial topic in the Belgian unions. (BE: Unions)
>
> *Flexicurity*: At present, there is only formal knowledge, there is a need to put it into practice in a way that better balances flexibility and security. (CZ: CMKOS)

Factors contributing to successful implementation, challenges and other important issues from the point of view of the national social partners

The survey and exchange with national social partners have revealed a number of factors that are regarded as important in the context of successful implementation of the various outcomes of European social dialogue at national level. While these opinions are documented here in brief, further and more general conclusions are summarised in the final chapter of this report.

The most important factor of successful implementation that results in concrete action and has a real impact at national level according to the interview partners is a well-structured, operational bilateral as well as trilateral social dialogue:

> These kinds of agreements and regulations can come into effect in the Netherlands because of our good tradition of social dialogue and negotiations. This model of seeking a compromise position at the bargaining table (often described as the *Poldermodel*), is a prerequisite for high quality framework agreements at the national level. (NL: FNV)

As the survey replies show in many other countries, tripartite institutions are regarded as a key when it comes to consultation, dissemination of results and developing joint initiatives based on joint European social partner initiatives: the Belgian social partners highlighted the role of the National Labour Council; in Cyprus the importance of frequent meetings of social partners in the national social council and technical committees were stressed and similar roles have been described by social partners in Croatia concerning the Economic and Social Committee, in Hungary for the National Interest Conciliation Committee, the Economic and Social Council in Luxembourg and Slovenia and the Maltese Council for Economic and Social Development and the Employment Relations Board (as advisory bodies to the government).

This non-exhaustive list illustrates that certain national conditions are fostering or hindering successful implementation and concrete achievements for the outcomes of European social dialogue at the level of individual Member States.

Depending on the specific national tradition and system of bilateral relations, the instrument of national inter-professional agreements are regarded as very important in achieving and implementing European initiatives in a smooth and successful way, as interview partners in countries such as Belgium, Portugal, France, Italy or Spain have emphasised:

> The inter-professional agreements in collective bargaining that were signed by the trade union confederations CC.OO and UGT and the employer confederations CEOE and CEPYME between 2002 and 2008 reflected these subjects. They had a significant influence on the conventions and collective agreements that were signed in different sectors and companies. (ES: CC.OO)

In contrast to this, replies of social partners from countries where these structures and preconditions are either non-existent or regarded as rather weak, a smooth implementation and follow-up of the results achieved at European level social dialogue is difficult as the following opinions illustrate:

> There is no serious branch-level/sectoral social dialogue – not much has been done with sectoral dialogue. An exception is the social dialogue in the health care sector and in the transport sector. Furthermore, there are no legal mechanisms to implement initiatives of the European social dialogue in Estonia. (EE: EAKL)
>
> They are not implemented. There is no effect on every day work life, they know the texts but there is no national approach to implement them in Bulgaria. The problem is that there is no organisation/institution or body to monitor the implementation on a national level and the texts apply more to public / State employees. For those in the private sector, the texts aren't so important. Civil servants may interpret the texts as they like and apply them in their own way. (BG: NCSC)
>
> Autonomous framework agreements are signed by national social partners but these agreements are recommendations only at national level as we have no general sectoral agreements and all issues concerned have been discussed at company level only.(LV: LBAS)
>
> There is still a gap in the governance model concerning the involvement of social partners. There is little progress. Since social dialogue is not very developed in Malta, the success of social partner interviews in Malta is questioned. (MT: MCCEI)

National social partners in Hungary and the Czech Republic stressed that an important precondition for a successful implementation of the EU social dialogue outcomes is that these results are supported by national governments and this not always is the case:

> In general, the social partners in Hungary were involved only at the end of the legislation process. Concerning working time (part-time) they were informed by the government and asked for their opinion (with no guarantee that it would influence the decision). The new government doesn't involve social dialogue in legislation; the National Interest Conciliation committee was convened once or twice. On a sectoral level, social dialogue didn't take place. (HU: MOSZ)

> Generally speaking the implementation of the common text, particularly agreements depends also on the will of the state administration *to recognize and to accept* the results of the European social dialogue. And this willingness is still very low. (CZ: SP ČR)

In particular with regard to autonomous framework agreements but also for the framework of actions, some national social partners and in particular representatives of trade union organisations have also indicated that these instruments are not suitable mechanisms to have any serious influence on the real world of labour and social relationships in their respective national backgrounds. Social partners in these countries therefore would be interested in stronger implementation mechanisms and practices. However, these often are not feasible due to a lack of agreement between employers and trade unions:

> The European social dialogue influenced the national agenda very little. The influence isn't as high as it should be. In the last decade, it wasn't very successful as the agreements (on telework, stress and harassment) were very "weak" and very difficult to implement on national level. In addition, the level of legislation in Finland was already relatively high and therefore European social dialogue had no answers for their problems. There was no real framework to handle the questions on national level. Furthermore, the attitude of employers in Finland had changed and it was difficult to make a reasonable agenda because employers weren't willing to talk about serious problems and difficult questions. As they weren't willing to give a mandate to BUSINESSEUROPE to negotiate there weren't any good results. (FI: SAK)
>
> There were expectations concerning the restructuring project, but there are not so many concrete results. (FI: AKAVA)
>
> One main challenge is the implementation of agreements that are by definition put in practice by the signatory parties. In particular, the autonomous framework agreements are weak. (PT: CGTP-IN)
>
> It is to find subjects that really matter and to set higher standards that would mean a better regulation in Sweden or other countries with existing high standards. The results should be obligations and not only texts and policies. The European social dialogue should be more concrete. (SE: LO)
>
> The implementation still is limited concerning sectoral collective agreements or conventions within companies. Only in companies related to new technologies is there a significant incidence of telework, although it doesn't always respond to the criteria of the autonomous framework agreement. It does not result from negotiation or agreement of the trade unions nor from worker representation in companies. Attempts to establish a telework system in the public authorities also failed. (ES: CC.OO)
>
> In general the framework agreements followed by Council Directives have been implemented by means of legislation (after consultation of social partners). After 2002, there has only been one framework agreement followed by a Directive (parental leave revision). If an agreement is 'voluntarily' agreed upon by social partners at European level, the results are often non-conclusive. (NL: FNV)

Similar assessments have been made on the framework of actions. Here critical voices recognise an inspiring role of European initiatives but see an insufficient impact on real life due to lack of resources and other forms of support, as for example Czech CMKOS responded to the survey:

> Both frameworks of actions (gender equality as well as LLL and competency development) are inspirational, but it is very difficult to take such a topic on board without any supporting documents [analyses, examples of good practices etc. (CZ: CMKOS)

An even more critical view has been taken by the Polish social partners on the instrument of frameworks of actions: NSZZ Solidarność stated that the frameworks had no significant impact in Poland and joint implementation was not effective. For PKPP the initiatives were followed by discussions between the social partners. However, they add that at the same time, more concrete measures were taken by public authorities. NSZZ Solidarność states that both gender equality and lifelong learning or competences are issues that have entered the national debate only recently and until today have not been addressed by serious social dialogue or other joint initiatives.

4 GENERAL ASSESSMENT, EXPECTATIONS AND FUTURE CHALLENGES

This section summarises replies of national social partners on a number of issues linked to major challenges, trends and ways of improving European social dialogue as included in the third part of the questionnaire where interview partners were asked to respond to the following questions:

- *What, in your view, are the main future challenges for European Social Dialogue?*
- *How do you think the new Europe 2020 strategy will affect European Social Dialogue?*
- *How could the overall performance of European Social Dialogue be improved in your view?*
- *In your view what issues should be tackled (more) at the European level?*
- *Finally, what are the best outcomes that European Social Dialogue should try to accomplish?*

What has been quite striking was that the replies received and interviews carried out have surprisingly a great deal in common, in particular with regard to the main future challenges, issues to be tackled (more) and to the question what the best outcomes that European social dialogue should try to accomplish/reach should be.

However, at the same time there are different views on questions such as how to improve the overall performance of social dialogue and how to react to major challenges.

Main challenges facing the European social dialogue

Perhaps the most important challenge facing the European social dialogue, according to national social partners throughout the EU, is the question of its future role in European policy making. Here, many interview partners have expressed concern about a weakening influence of social dialogue at the EU level:

> The main challenge will be that the work in the social dialogue is adequately reflected in European social policy. At the moment this is not the case. The successful work of social partners and the many initiatives taken by the horizontal as well as by the sectoral social dialogue committees should spur the European Commission to present fewer regulatory initiatives and give greater weight to autonomous work by social partners when selecting projects. Additionally, German business is concerned to note tendencies in the European Commission to dilute the process for consulting the social partners laid down in the EU treaty through Internet consultations targeting general civil society. German business therefore calls on the Commission to keep an unmistakable separation between social and civil dialogue. There must be a clear division of tasks between all players in the EU's institutional fabric. It is the social partners, with their representativeness and their practical experience, who address European social-policy themes in the framework of the social dialogue. (DE: BDA, ZDH, VKA)
>
> The European Court of Justice rulings in the Viking, Laval, Rüffert and Luxembourg cases caused great concern in the trade unions in Spain as well as in other countries of the EU, mainly due to the high implantation of multinational companies in Spain. There is a special follow-up to the debates that were caused by these rulings in the European institutions and among social partners. (ES: CC.OO)
>
> The recognition of autonomous EU social partners' agreements is highly important especially to ensure that the EU social partners' agreements will be respected by e.g. the European Court of Justice. (DK: Danish Regions)
>
> Unfortunately, by the time, social dialogue seems to be weakening both on procedures and outcomes. In addition of the weakness of the Unions, both the behaviour of the Commission and the attitude of the Employers have contributed to the problems. We wonder if the so called "corporate social responsibility" mechanisms have also contributed to this trend, by "taking away" from the negotiation table many labour and social subjects. European social dialogue should be taken seriously by the EC, not only as a procedure which has to be kept due to the treaty. Continue trust and knowledge-building activities. (AT: WKÖ)

> The Commission interprets sections 153 and 154 TEC very (too) strictly. This means two things: first, the Commission does not play its role as a motor to stimulate social dialogue and on the other hand, the Commission does not routinely consult the social partners as soon as it launches an initiative that relates directly or indirectly to social policy. For example, the consultation launched by the Commission about the Single Market Act is exemplary: this document contains 50 measures, some of which directly affect social policy but the social partners were not consulted specifically. (BE: Unions)
>
> The first challenge might be the European Commission itself. European social dialogue and European social partners sometimes feel like formalities that are not so vital for the European Commission. (EE: EAKL)
>
> The interpretation of the scope of the social dialogue, as seen by the European Commission, is far too narrow. For the moment, the Commission consults the social partners only if the question has a social policy legal base in the treaty. However, proposals based on the other legal bases in the treaty may be labour market and social policy issues as well. Migration of labour force and certain internal market questions are topical examples. A fresh concrete example is the directive on the intra-company transfers of highly qualified labour force. This is mainly a labour market issue, but the Commission did not consult the social partners at all. This is not acceptable. The social dialogue consultation has to take place in all cases where there is a relevant labour market and social policy element. The formal legal basis is not the crucial thing in this context, but the real policy content of the proposal. (FI: AKAVA)

A further challenge that was stressed by many interview partners from both trade unions and employers' federations in particular from countries that have already gained mature experience in EU level social dialogue is the need to maintain autonomy and work on autonomous agendas. Here, many interview partners stressed the added-value and importance of joint studies and other "softer" initiatives that should be regarded as important.

> It is important for the European social dialogue to continue to play an autonomous role based on autonomous work programs – the European Commission should only prepare integrated guidelines in close collaboration with the European social partners. (AT: WKÖ)
>
> The main challenge is to develop a concept for the dialogue that is truly European and not copy national systems or accumulate experiments. There has to be a European "umbrella". (DK: DA)
>
> To continue reinforcing autonomy: the social partners need to obtain respect of the European Commission and other institutions. They have to underline their own priorities and to bring their own agenda face to face with the agenda of the Commission. Autonomy is important – but so are connections. There should be initiatives proposed by the social partners and initiatives from the Commission. The agenda could be reinforced with more innovative issues. (ES: CEOE)
>
> The main challenges are to be involved in European Social Governance and to continue to play a role and to keep their autonomy. (IT: Confindustria)
>
> Another challenge is the trade union's own agenda which is not always linked to the agenda of European social dialogue that tends to be set by the European Commission. (PT: CGTP-IN)

Another challenge mentioned by the overwhelming majority of interview partners is the need to continue to support well-functioning structures for social dialogue throughout Europe, and in particular in those countries where the role of social dialogue still is rather weak.

> A functioning social dialogue in the new Member States and in Eastern Europe would be desirable. (AT: VOEWG)
>
> In Latvia, the concept of social partnership and social partners is not legally defined; social partners are not mentioned in our labour law or in any other legislative document, so it is very difficult to maintain serious social dialogue. Such a situation has to be changed with assistance of European social partners and European Institutions. (LV: LBAS)
>
> How can new generations of Europeans be convinced that EU social dialogue is useful and modern, and important as a social model? (CZ: CMKOS)
>
> Social dialogue is influenced very much by the national conditions: In many Member States social dialogue is weak, therefore if the government is not interested in implementing agreements, national social partners do not have any influence (this observation especially concerns the new Member States). More interest for EU level social dialogue from the side of the Commission would be welcomed. (PL: NSZZ Solidarność)

Finally, a number of social partners are concerned about a certain trend of watering down and/or weakening outcomes of European social dialogue that no longer results in concrete action and objectives agreed by the social partners associated with certain obligations and duties on both sides:

> The most important challenge is to keep European social dialogue from becoming senseless. If there aren't any results that can be achieved with employers there won't be any social dialogue. Employers have to become more willing to discuss and to appreciate social dialogue. (FI: SAK)

> Problems linked to the system of autonomous agreements and their implementation should be resolved as soon as possible. Joint opinions, declarations etc. are useful, but they should result in common actions. One example: the social partners agree that the knowledge triangle is the key element of Europe 2020 and in the budgetary context. Now the reform of the EU budget is going on. Logically, the social partners should draft a common opinion on this issue, but there are no signs of this kind of co-operation. (FI: AKAVA)
>
> The future challenges in our view ascertaining that dialogue is effective and does not stop at dialogue for its own sake and that European social dialogue is given increased importance by the institutions and should be concentrated rather than dispersed. (MT: GWU)
>
> Main future challenges: To achieve more binding agreements, preferably more agreements to be implemented by Council decision. (SE: TCO)

However, in this context, the survey has also illustrated that with the enlargement of the European Union the variation in interests, national framework conditions and respective challenges have grown. This, as well as the current economic and social environment, also results in certain challenges for European social dialogue as the Finnish employer organisation EK has highlighted in its written reply to the survey:

> In the aftermath of the economic crisis and the austerity measures many countries are facing, we are testing the social dialogue structures at European, national and workplace level. Because of this, we are going to be facing turbulent times in the near future. The trade unions are demanding more security and stricter legislation which would only make the situation worse. In order to succeed in global competition, European companies need flexibility and improved productivity. It will be increasingly difficult to find solutions that can accommodate both employers' and employees' needs. The working time directive is a good example of how difficult it has become to come to an agreement at European level. (FI: EK)

Assessment of the Europe 2020 Strategy and its effect on European social dialogue

The survey illustrates rather broad variations with regard to the impact and effects of the Europe 2020 strategy on European social dialogue as well as on the world of labour and social relations in Europe in general. This is not very surprising for a number of reasons given the background and the nature of the Europe 2020 strategy that addressed a large number of topics, challenges and policy fields.

This conceptual universality is also mirrored in the statements and opinions expressed by the national social partners. In general the Europe 2020 strategy is assessed significantly more positively from the point of view of employers than from the trade unions' point of view, as the following quotes illustrate:

> Employability and flexicurity are important elements of the EU 2020 strategy – these are core themes for the European social partners. (AT: WKÖ)
>
> The new Europe 2020 strategy will be a challenge for the European social dialogue, as there are many matters that will have to be revisited and altered. The European social dialogue's role throughout the process will be essential as a means towards achieving the strategy's ends. Thus, the European social dialogue will come to have a significant importance in the future. (CY: OEB)
>
> EU 2020 is a step forward, therefore the elements of the strategy will be affecting the European social dialogue, main issue is to avoid the mistakes made during the implementation of the Lisbon Strategy; the strategy has to be evaluated frequently to avoid negative effects. (CY: SEK)

In contrast to this, trade unions are much more concerned about the wider context and the way the Europe 2020 strategy is implemented, either with or without social dialogue playing a role that has the potential to shape and influence things:

> EU 2020: This question should also cover the new agreement concerning the euro area which entails salaries, pensions and other highly relevant topics for the social partners. There is no doubt that Europe 2020 connected to euro area agreement will have a deeper impact than previously just for this reason. Secondly, euro countries are taking steps towards deeper integration and this development will affect many questions in the 2020 strategy. (FI: AKAVA)
>
> Social partners should be involved in the establishment and national implementation of the different flagship initiatives. However the lack of consultation at the European level on economic governance proposals, including the macroeconomic imbalance procedure, does not seem positive to us. (NL: FNV)

Issues to be tackled (more) by European social dialogue

When looking at the more than 80 responses to the survey from 27 countries it is quite striking that a number of issues and topics that should be addressed by future European social dialogue have been mentioned quite frequently either by both trade unions and employers organisations or by either side.

Both interview partners and respondents from employer and trade union organisations have suggested addressing the issue of crisis and recovery by cross-industry European social dialogue in order to develop either concrete demands or joint understandings that would be helpful for national social partners:

> The most urgent question at the moment might be: How to recover from the crisis? At national level, employment is *THE* major topic. Another urgent issue would be reinforcement of the capacity to compete. Furthermore, flexicurity is an important issue. It would be interesting to benchmark the different labour relations systems in order to learn from success cases. (ES: CEOE)
>
> In our opinion, the main future challenges for European social dialogue are the following: to find the best way out of the current economic crisis without sacrificing workers' rights and welfare, to increase membership, to popularise our ideas in society, especially among young people. (LV: LBAS)
>
> Introducing regulations ensuring more protection for workers during economic crises. (PL: OPZZ)
>
> Ways out of the crisis should be tackled more. (ES: CEPEYME)

A number of employers also suggested carrying out further joint projects, monitoring and analysing major trends in the European labour markets:

> Diagnosis of the present situation is not that important, but analysing future trends of the labour market is and offering more concrete solutions on how to support enterprises and employees in the process of emerging from the crisis. (PL: PKPP "Lewiatan")
>
> Demography, flexicurity and social innovation (do things differently, in other structures, modernise) have to be tackled more. (NL: VON-NCW)
>
> Economic growth and improvement of Europe's competitiveness and its productivity should be a priority. (PT: CIP)

Other issues to be addressed from the point of view of the employers' federations are listed in the exemplary replies below. It should be noted that "flexicurity" has been mentioned by most employers' comments on issues to be tackled by future European social dialogue:

> (...) monitoring the national implementation of the flexicurity principles; issues related to demographic change; mobility and qualifications. (AT: WKÖ)
>
> Support entrepreneurship, active ageing and training and more financial support for in SMES. (CY: CCI/UEAPME)
>
> Managing economic, social, and environmental change to ensure sustainable development and social cohesion; increasing the capacities of national and sectoral social partners' organisations; promoting active participation of new Member States social partners' representatives; creating more and better jobs, investing in human capital and life-long training; improving adaptability through flexicurity while attracting more people to the labour market in view of the decline in working age population; supporting the SMEs; increasing productivity and enhancing the competitiveness of enterprises; achieving sustainable economic growth; improving living and working conditions (work-life balance, OHS). (CY: OEB)
>
> The aspect of job creation serving the aim of flexicurity and competitiveness should be tackled more. (HU: MGYOSZ)
>
> It is crucial to take account of the economic and competitive side of the social policy after the crisis and in times of globalisation (migration for economic causes, productivity, wage policy) (IT: Confindustria)

In contrast to this, trade union interview partners have particularly highlighted the need to focus more on the issue of security in contemporary European societies and labour markets.

> Flexicurity: at present only formal knowledge, there is a need to put it into practice; now only more flexibility, and not enough security. Flexicurity should be treated as legal obligation to combine flexibility and security. (CZ: CMKOS)
>
> It seems important for the EU to takes issues into consideration like precarious work, improved working conditions and career security. (FR: FO)
>
> Issues to be tackled: Labour market, unemployment and employment, quality employment, protection of employees (LU: LCGB+CGT-L)

These issues are already linked to the European Social Model and main challenges in the field of social policy and cohesion that have been highlighted by many interview partners both from trade union organisations and employers' organisations in their responses and statements to the survey:

> A third challenge could be the social policies in Europe because there is not one European Social Model but at least 4 or 5 different ones. It would be good if European social dialogue could tackle the issue of a European Social Model and then the question of how to make it more balanced. (EE: EAKL)
>
> European labour market institutions should be reinforced and improved to cope with unemployment, and establish a *EUROPEAN* labour market. (HU: MOSZ)
>
> The main challenges are the future of Europe in general as well as the economic crisis. The European institutions were very active concerning social matters at first but today there isn't a real social agenda. First of all, a stronger social dimension has to be re-established. Economic and social progress has to go together. This doesn't only depend on the social partners; the European Commission also has to participate. (PT: UGT-P)
>
> The Social policies of the Member States need to learn from the experiences of other countries; this should be tackled more. (BG: NCSC)
>
> Social policy should be re-examined and restructured to support people suffering from poverty and unemployment. (CY: SEK)
>
> Career and capacities, pensions and demography, working life (related to Health and Safety) (FI: SAK)
>
> Reform of the social protection systems / care systems / pension funds. (LT: LPK)

A number of interview partners (from France, Poland, Sweden, UK) also suggested that European social dialogue should also address the issue of demographic change and the sustainability of pension systems in Europe. Here too, reference was made to the EU Commission's initiatives in this context and the need to address this issue by joint analyses despite all the difficulties this may cause.

> *Issues to be tackled (more):* Education and further training, new skills, ageing societies and demographic developments. (AT: IV)
>
> *Pension systems*: Reaction to Green Paper on Pensions (2010), especially with the view that a White Paper is planned for publication in 2011. (PL: PKPP "Lewiatan")
>
> Pension schemes in Europe could be a topic for joint analyses (NL: CNF)
>
> Pensions and social security systems: after a crisis these issues become even more important. (TK: TISK)

Rather than suggesting concrete topics and issues to be addressed by European social dialogue some interview partners, stress the need to select themes and issues that really matter for European social dialogue and that are relevant for national social partners:

> The most important challenge is to choose the right subjects and form, in order to be relevant. This is important in order to bring messages to the national social partners. Only relevant texts will be taken up or implemented by the national social partners. (NL: VON-NCW)
>
> There are two options: issues which could lead to agreements or issues where the divergences are especially large. Both are needed. (FI: AKAVA)

However, it has also been stressed by some interview partners in this context that European social dialogue should address those subjects and focus on joint issues "*that can be implemented*." (SE: LO)

This task is very ambitious: take for example the topic of pensions that was suggested by many interview partners as an issue of growing importance but is regarded at the same time as an extremely sensitive issue as in the case of retirement age and pensions. Conversely, some interview partners have suggested these should be addressed first by "softer" activities such as studies, exchange of opinions and experience and then followed-up by tighter instruments.

Finally, it has to be stressed here, that particularly the representatives of national employers' organisations representing small enterprises, including the craft sector consider that the specific role of SMEs in the European labour market, their contribution to recovery, growth and job creation should become a more transversal issue of European social dialogue. As for example UNIZO in Belgium, ISME in Ireland, ZRP in Poland or PIMEC in Catalonia have stressed, that there is a need for more SME specific analyses and joint initiatives in order to understand the specificities of small enterprises in Europe and their differences in terms of social dialogue and other aspects (e.g. flexibility and security, lifelong learning and skills needs).

Suggestions on how to improve European social dialogue

A remarkably large number of general as well as more concrete suggestions have been put forward in the replies of the national social partners with regard to improving European social dialogue and its performance.

A suggestion was made specifically on the weakening of the role of the social dialogue in European institutions and in the field of European policy making; there is a need to strengthen European social dialogue.

> The European social partners should be an important voice, for example alongside to the European Economic and Social Committee. The tripartite committee prior to the Employment Committee is very essential. European social dialogue is important on a formalised institutional level. (AT: VOEWG)
>
> The overall performance of European social dialogue is remarkable. As there is always room for further improvement, its performance could be improved by the following actions/policies: Utilize, "institutionalize" and extend European social dialogue to cover all matters that need to be examined, prior to the adoption of any decisions and/or policies. Increase the efficiency of the process and the effectiveness of its outcomes. Increase the capacities of national and sectoral social partners' organisations. Promote active participation of new Member States social partners' representatives. (CY: OEB)
>
> A more continuous dialogue should be established at the highest level (European Commission and Council), European social dialogue should become more systematic and not be restricted to some topics only. (HR:HOK)
>
> Develop more stable procedures for the dialogue. (SE: TCO)

In order to strengthen European level social dialogue, some national social partners have made very concrete suggestions, e.g. the Belgium trade unions in their statement to the survey:

> We therefore advocate:
>
> - institutionalisation through a social dialogue directive at European level;
> - a greater involvement of stakeholders (including employer contacts and the Commission) to improve the content of agreements;
> - strengthening the European sectoral social dialogue as it anticipates changes to achieve in all areas, it contributes to a better anticipation of change and greater equity of treatment among the same group;
> - strengthening national social dialogue: in fact, a well functioning European social dialogue can only exist if it is based on a national social dialogue that is just as "effective". Now it is clear that national "performances " vary widely from one country to another, especially at sectoral level;
> - strengthening links between industry and sectoral level;
> - establishing of a framework for transnational agreements in Europe. (BE: Unions)

According to many interviewed social partners' representatives, the strength of European social dialogue very much depends on the strength of national social dialogue and the role social partners are playing in the respective national arenas. Therefore, many interview partners have stressed the need to improve and strengthen social dialogue at the national level as well.

In order to further increase the effectiveness and efficiency of social dialogue, the European Commission should give priority – as and when necessary – to strengthening and supporting national members of European social-partner organisations. The project to strengthen social-partner organisations in Member States that have acceded since 2004 – financially supported by the European Commission and implemented jointly by BUSINESSEUROPE and ETUC – could serve as a model in this respect.(DE: BDA, ZDH, VKA)

> The overall performance of European social dialogue could be improved by providing European institutions with bigger mandates to influence processes in Member States. (LV: LBAS)
>
> There should be real European legislation in the social field. Trade Unions should be more internationalised, transnational rights on collective labour movements should be established. Fundamental rights of associations should be under the competence of the EU. (HU: MOSZ)

With regard to the correlations between EU level and national social dialogue and recent trends at the national level in particular many participants at the conference stressed the need for European social partners to pay more attention to trends, developments and problems in regard to national level social dialogue, e.g. in the context of follow-up activities to the project.

In this context numerous respondents from Central and Eastern European countries have emphasised the positive effects and the added-value of the European social partners' initiatives to strengthen social dialogue and support the capacity-building process. At the same time, the need to go further is stressed, e.g. by the Czech employer organisation:

> Many positive steps have been already done, but there is still space for improvements. Lessons learnt from the implementation of the existing common text help us to go forward:
> - To be involved in the development of the further joint working programme of the European social partners and to contribute actively.
> - To put the text regularly on the agenda of the national tripartite body and its relevant teams.
> - To start more systematic and efficient co-operation for implementation new more complex agreements (Inclusive labour markets). (CZ: SP ČR)

However, interview partners have also confirmed the need to continue this work and supportive practice and to fill the still existing gap between countries where social dialogue plays a major role and those countries where this is not yet the case. This gap has already been described in the final report of the joint social partners' project on "Participating in the European social dialogue: What are social partners needs?" that was carried out in different phases during 2004 to 2009.[20]

In order to improve the overall performance, interview partners from both employers and the trade unions have stressed the need for European level social dialogue to engage more in stronger instruments and focus more on concrete results and achievements:

> The main challenge is to go back to an interpretation of the European social dialogue as an instrument to create agreements and not only declarations. (GR: GSEE)
>
> It would be important to focus on practical implementation rather than on creating theoretical documents. For example, dealing with the economic crisis: How can workers' organisations be involved? Mutual meeting of the social partners, information exchange and training for employee representatives and works councils would be essential for practical implementation. (AT: VOEWG)
>
> Social dialogue outcomes should not be so soft; there is sufficient room for maneuver to implement them in national contexts, but it is very difficult to implement them while they are so general; also the result of implementation is weaker. (PL: NSZZ Solidarność)
>
> The current situation is that social dialogue produces complex texts, that are not concrete and little are hardly binding if at all. It is important for the credibility, for social dialogue to be translated into concrete agreements in order to bring real added value and create rights and obligations for all workers and employers in the EU. To do this, it is essential that everyone involved, including the Commission, share the ambition to build a social Europe with a real social agenda. As long as these goals are not met, the dialogue will continue to produce texts considered disappointing from a trade union perspective. (BE: Unions)
>
> Texts should become more concrete, binding and precise. At this time, they are too general also due to the rising number of Member States. The negotiation power of the social partners should be reinforced. (PT: UGT-P)
>
> It is important to make the instruments stronger. (…) The performance could be improved by the introduction of elements of compulsion. (UK: TUC)

But there are also other views, in particular from representatives of employers' organisations that suggest rather the opposite, stressing the need to define principles rather than standards and the respect of diversity of implementation paths:

> The European social dialogue has to show possible ways and to leave it to the national social partners to choose a solution adapted to their specific labour market situation. Directives aren't a solution. (LU: FDA_FEDIL)
>
> The strength of social dialogue results from its diversity. (DE: BDA, ZDH, VKA)
>
> It is more important to create a number of principles for the development of the European labour market than to tackle specific issues that would be difficult to achieve because of the differences between the Member States, It is ridiculous to attempt to have common standards (DK: DA)

A quite important result of the survey and the responses received from trade union organisations in particular on how to improve the performance of European social dialogue is linked to the relationship between inter-professional social dialogue and sectoral dialogue as well as other forms of transnational social dialogue, e.g. in multinational companies.

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[20] Alan Wild: Social Partners' Participation in the European Social Dialogue: What are the Social Partners needs? A Review of activities and outcomes form the project, Brussels, December 2009.

Here, for example representatives of the Italian employers federation, and particularly Belgian, French and also German trade union representatives have stressed the need and added-value of a closer link between cross-sectoral and sectoral social dialogue at EU level both in terms of functional relationships (i.e. cross-sectoral social dialogue should support sectoral dialogue) and of content (i.e. identification of important issues and challenges addressed already by social dialogue in certain sectors, addressing these issues as an inter-professional dialogue and thereby developing EU wide solutions):

> To improve performance, the European social dialogue should be more flexible with less ritual. The Partners should concentrate more on content than on structures. It should be more concrete and active. But it is on the right path. (IT: Confindustria)
>
> The content of social dialogue should strengthen and develop the sectoral social dialogue and links between industry and sectoral levels. The sectoral level social dialogue developed significantly in 1998 when the Commission imposed the sectoral social dialogue committees promoting the dialogue between sectoral social partners at European level. The sectoral social dialogue is an essential tool for the social partners to develop exchanges with different contents by sector (development of common positions, modernisation of sectors, etc.). Or even to be the source of real innovations. To date, the range of results produced by the sectoral social dialogue is wide. The diversity of products includes texts: joint opinions and recommendations, joint declarations, guides to good practice, codes of conduct, agreements, seminars, conferences and roundtables, as well as the production of studies and textbooks. These often come ahead of the production of joint texts. Thus, better coordination between sectors and between sectoral and inter-professional dialogue would help resume talks about certain topics at the cross-sectoral level, to feed the discussion in order to conclude new framework agreements. (BE: Unions)
>
> The most important level for a concrete engagement is the sectoral social dialogue. On company level, there is no transnational legal framework. The Trade Union actors have to find themes that are important in each of the company's subsidiaries and for all the workers. These are difficult to determine. The competence of EWC should be enlarged and the concept of "multinationals" should be defined: a legal framework is necessary but very complicated. The inter-professional European social Dialogue may be the basis for the sectoral Dialogue and activities on the sectoral level. But the different sectors also have to learn from each other. (FR: CFDT)
>
> On a sectoral level, social dialogue is often more advanced and can be taken as an example. (PT: UGT-P)

A concrete example of well-functioning social dialogue that has had a real impact is described in the response of the Belgium trade unions to the survey, related to the social dialogue in the temporary agency work sector:

Achievements of sectoral social dialogue: Temporary Agency Work
The European social dialogue in the temporary work sector was launched in 2000. The social partners in this sector, UNI-Europa for the employees and Euro-Ciett for the employers originally structured dialogue around their work on the European directive on temporary work agencies. This legislative initiative has led UNI-Europa and Euro-CIETT to negotiate and adopt common positions on various aspects of this proposal. In 2008, on the eve of the adoption of the directive on temporary agency work, UNI-Europa and Euro-Ciett focused their work on the text content in the hope of being heard by the European Parliament and Council. On June 10, 2008, the Council reached an agreement by qualified majority on the proposal. Following its approval by the European Parliament on 22 October 2008, the Directive was formally adopted by the Council on November 19, 2008. It shall come into force within three years. The Commission and the social partners, at both inter-sectoral and sectoral level, have supported the agreement.
Source: Reply of the Belgium trade unions to the survey

The relation between sectoral and cross-sectoral social dialogue also has been an important issue addressed at the projects' conference in Budapest. Several national social partners stressed that there is a need to clarify better the different roles and characters of both types of social dialogue. According to the majority of participants and speakers, cross-industry social dialogue at the EU level in general should play a complementary role with regard to sectoral developments. Furthermore, many participants stated, that the potential of synergies, mutual reinforcement and support has not yet been fully exploited. In this context and with view on the very dynamic development of European sectoral social dialogue, also the need to better monitor developments at sectoral level, organise an exchange of experience and information arises.

Two further suggestions on how to improve the performance and achievements of social dialogue have been made by the national social partners in the context of the survey interviews as well as at the conference in Budapest: First, the need to increase and improve the "visibility" of social dialogue, disseminate better the results and also improve transparency of the processes:

> They only known outcomes and decisions of European social dialogue come through the media. Before accession to the EU there was a lot more information, now as they are Member States they aren't very informed anymore, they are obliged to know, but there isn't a lot of dialogue between the social structures; there isn't a lot information in the media and the effects or outcomes of the European social dialogue aren't perceived on a national level in Bulgaria. (BG: NCSC/UEAPME)
>
> Apparently, these initiatives have not been very well publicised. They are not well-known and therefore didn't concretely influence EVEAs work at the national level. (EE: EVEA/UEAPME)
>
> The European social dialogue has to be more visible. In Bulgaria, the social dialogue isn't known very well. There is only one employer organisation out of 6 that is a member of BUSINESSEUROPE. The gains of the social dialogue should be respected more by the authorities. (BG: CITUB)
>
> The capacity to give more visibility should be improved. This relates to the output of European social dialogue as well as to its visibility with European institutions, national social dialogue forums, authorities at national level. The capacities to follow-up agreements could be reinforced. (ES: CEOE)
>
> Social dialogue should be more popularised in media: what is a social partnership and how do social partners cooperate with civil society. (LV: LBAS)
>
> One major challenge is to raise awareness and the recognition of the European social dialogue. (TR: TISK)

Secondly, interview partners as well as participants at the Budapest conference have stressed the need to take much more account of the specific situation and needs of micro and small enterprises. It should be noted here that this need has been stressed, among others, by national member organisations of UEAPME:

> At the national level in Estonia, EVEA is recognised to negotiate national legislation. They are involved in forming economic policy and in negotiating labour law. But, for the moment, they are not involved in tripartite negotiations and they don't negotiate with trade unions. The Estonian Employers' Confederation ETTK is involved in those negotiations and EVEA is planning to get involved again in the future. For the moment, the interests of SMEs are under-represented due to capacity constraints. (EE: EVEA/UEAPME)
>
> For SME (Crafts) it was very difficult to implement the regulations because the legislator provided 6 months of paid parental leave (only 3 months were provided by the European agreement). The SMEs had difficulties to pay because the amount exceeded the normal wage they pay. (LU: FDA-FEDIL)
>
> The impact, particularly on parental leave and fixed term contracts, has further undermined flexibility in the workforce for labour intensive SMEs and added to the administrative burdens for these enterprises. The impact also negatively affects cost competitiveness of SMES. (IE: ISME)
>
> The issues that need to be tackled more at the European level are the following: The effects of the economic crisis, especially on the SMEs and unemployment; the necessity fof economic and social reforms; assisting SMEs in enhancing their productivity, competitiveness and sustainability (CY: OEB)
>
> Another challenge would be to make SMEs more visible in social dialogue (EE: EVEA)
>
> To cope with the economic crisis, create employment, to involve the government more in the support process, reduction of bureaucracy, more information to micro companies, technical renewal, credit policy. European social dialogue should become aware of the lack of representation of small business. (HU: IPOSZ)
>
> Social dialogue has to be opened for SMEs (HU: STRATOSZ)
>
> There needs to be more emphasis on the unique concerns and issues affecting SMEs and less influence by big business and the Trade Unions. (IE: ISME)

The specificity of social dialogue for small enterprises is illustrated by the joint activity of the French social partners on developing a framework for social dialogue in the French craft sector as the following example highlighted by the French employers' federation and UEAPME member UPA illustrates:

Developing suitable forms of social dialogue in the French SME sector

As a matter of fact, UPA and the 5 representative trade union organisations signed an agreement, on 12 December 2001 on the development of social dialogue in crafts. Social dialogue is an essential element if one really wants flexibility in labour relations. It assumes nevertheless – in order to be efficient - the introduction of social relation systems that consider the diversity of company types and the respective realities of each professional sector. So, considering that the head of an SME is the best positioned to express himself on the feasibility of contractual instruments and/or regulatory instruments but also that an employee of an SME is the best positioned to express himself on his needs within the company, the 2001 agreement provides for places and levels of exchange adapted to craft enterprises by introducing joint management/labour territorial commissions consisting of representatives of the organisations signing the agreement, to give them a chance to consider the issues and to find answers together to the legitimate expectations of crafts companies and their employees, including in terms of flexibility.

Source: UPA response to the survey

5 OVERALL CONCLUSIONS

The following general conclusions key issues arising from the survey replies from more than 80 national social partner representatives in 27 EU and the candidate countries Turkey and Croatia as well as emerging from statements and debates at the Budapest conference at the beginning of May 2011 can be derived:

Perhaps the most important result is that social partners – unions or employers, representatives of the public, private and small business sector, and in the West and the East, as well as in the North and South of Europe, underline the clear added-value of European cross-sectoral social dialogue.

A major achievement according to the national social partners has been that social dialogue has led to the inclusion of social partners in European policy-making and this linked to a number of positive impacts and added-value for national social partners. The social partners are consulted not only on social policies, but also on macroeconomic policies, which extends their impact beyond the policies of their direct interest, though not for all social partners in a sufficient way.

However, our survey has also shown that social partners throughout Europe are concerned about recent developments at the European as well as national policy level that are undermining a strong role of social dialogue in policy making and decision taking.

When looking at the EU as well as the national levels of implementing concrete outcomes of social dialogue in the best possible way, it is clear that certain framework conditions and prerequisites have to be in place. Though there is no single path for successful implementation, the responses to our survey and the comments made in the conference show that implementation has been most effective in those cases where national social partners are able to develop joint positions and initiatives and where these fit into the agenda of governments. With regard to issues where this is not the case, achievements are much more difficult as the following national examples illustrate:

> The scope and content for good quality frameworks depends on the economic and political context. Over the last few years the possibilities for conducting cross-industry social dialogue framework agreements have diminished. (NL: FNV)
>
> If I had to choose, those related to harassment and parental leave had the most important impact. However, this is only due to the fact that on these subjects, the opinion of the government and the trade unions were similar. Other topics like employment and contracts are very important but the results of social dialogue differed a lot during the period 1997- 2010. There were important agreements as well as important conflicts. The reforms haven't improved the precariousness and volatility of employment that characterises the Spanish Labour market. (ES: CC.OO)
>
> The role of the state/government in the European model of flexicurity should be developed. In Slovenia flexicurity is very important, but it is very difficult to include the aspect of security. The role of the state is very important. It must be understood that this isn't a problem to be regulated between employers and workers. The state has to intervene because of the critical economic situation in order to reduce unemployment. (SL: OZS)

With regard to concrete outcomes and achievements of European social dialogue, national social partners have highlighted and appreciated many concrete positive results that have contributed to progress and positive developments in social and working life in Europe, including the strengthening of national social dialogue itself, in particular in those European countries where social partners and social dialogue do not play a very important role at this time.

While generally, the positive impact and the creation of added-value for national developments are relatively unquestioned, the same cannot be said about the performance and concrete outputs of 15 years of social dialogue at the EU level. Here, both similarities as well as dissonances are striking and the survey has revealed differences, nuances and different opinions and assessments that do not always correspond to the usual differences between trade unions on the one hand and employers on

the other. While most social partners have expressed positive opinions on the achievements with regard to the implementation of autonomous framework agreements, the assessments made of the role and usefulness of softer instruments, such as frameworks of actions, joint statements and texts, vary significantly and seem to depend at least as much on different national backgrounds and traditions of social dialogue as on affiliation either to employers' organisations or trade unions. Here both employers and unions have raised concerns about concrete achievements and progress made in some countries and also suggested a number of ways on how to improve the performance of EU level social dialogue. As the discussions at the conference in Budapest and the national experience reported there illustrated very clearly, the preconditions of social dialogue between European countries vary significantly: while social dialogue in some countries is rooted firmly in the fabric of economic, social and labour market policy making, in other countries a serious lack of acceptance, trust and seriousness has been reported that are undermining and hindering the possibility to implement EU level social dialogue properly. In this context it also has been stressed frequently by EU level as well as national level social partners that European social dialogue is neither able nor willing to substitute national social dialogue and/or or its deficiencies.

With regard to the relationship between European and national social dialogue, a number of important messages are arising in particular from the debates and exchange between representatives of national and European social partners at the Conference in Budapest on 3 and 4 May 2011:

- There is no one-sided correlation between European and national level social dialogue. Social dialogue is both a top-down process as well as a bottom-up relationship in terms of major aspects such as providing support, organising the implementation of results, development of topics to be addressed or dissemination and transparency.
- An important task for social partners at European as well as national level in the future will be to find the right balance between top-down and bottom-up processes between national and European social dialogue.
- European social dialogue is not able to substitute a functioning national level social dialogue and/or substitute its shortcomings (e.g. in terms of functioning structures, trust, joint understanding between social partners and governments). In this context it has to be recalled that social dialogue according to the European Treaty plays a substantial role in shaping social Europe and the implementation of the Fundamental Rights of the European Union. The project has illustrated, that this basic principle of social Europe currently is not respected throughout the European Union in an equal and sufficient way.
- In this context, the majority of participants in the project as well as in the conference have stressed the need to monitor and study developments of social dialogue and labour relations at national level more thoroughly in order to grasp current trends, develop solutions of mutual support and improve the existing comparative knowledge. According to the national social partners in particular in those countries that joined the European Union more recently, the joint projects of capacity building and exchange carried out in the past have been very important to develop functioning structures, practice and dialogue orientated cultures. However, the current project has also shown that this process is far from completed and more action is needed in the future in order to avoid a situation in Europe that is characterised by a duality in regard to social dialogue, i.e. functioning and of relevance for people in some countries but only formal and not relevant at all in other countries.

The survey as well as the debates at the final conference has illustrated, that the assessment of achievements of social dialogue depends very much on the benchmarks chosen. Our project has also shown that we are far from a common catalogue of benchmarks – what is regarded as quite a big success and positive impact in one country could be regarded as a step back and weakness in another country. What is regarded as a positive aspect and an achievement by employers' organisations could be a major concern for trade unions. For those who assess the performance of social dialogue in the light of ultimate goals such as creation of unified social standards at European level, the results

of social dialogue are not impressive. For those who evaluate the outcomes of social dialogue in terms of participation, joint understanding and the potential to influence social Europe, the outcomes are quite remarkable.

As indicated in the previous chapter, the final part of our questionnaire survey also included a question that we haven't addressed so far: *What are the best possible outcomes that European social dialogue should try to accomplish?* The following exemplary opinions expressed in the context of our interviews and the statements we received illustrate a remarkable diversity of interests and expectations with regard to this question.

> Social dialogue is a tool through which social Europe can be enforced and consolidated in a framework of solidarity and growth. (IT: CISL)
>
> It should try to accomplish a better quality of life for citizens through the creation of more job opportunities, more social inclusion and improved competitiveness. (MT: MEA)
>
> The strength of social dialogue results from its diversity. Social partners identify the best procedures for the issue in question, and develop the follow-up mechanisms that best suit them. Any harmonisation – whether in relation to the duration of a work programme, the follow-up procedure or procedures more generally – runs counter to this diversity and will weaken the social dialogue. (DE: BDA, ZDH, VKA)
>
> In the very long term, social dialogue should be the driver of social Europe by adopting, as co-legislator, social norms applicable to all workers in the European Union. Currently, we are far from this: social dialogue, despite 20 years of existence, is still finding its way into social Europe which is still trying to identify itself too. But the dialogue is directly confronted with the consequences of enlargement, the crisis and turn to the right of the EU. The context has changed and 20 years is relatively little if one refers to the history of some unions in Europe. Thus in order to achieve better results, European social dialogue should become a priority for European and national social partners and they should dare to negotiate together and thereby assume a real European social dialogue, without forgetting the role of active support the European Commission should play in this regard. (BE: Unions)
>
> Ideally a solution that makes a real difference for the individual worker and the working conditions is the best outcome. (UK: TUC)
>
> Analysis and recommendations on genuinely EU-wide issues. (UK: CBI)

But the European social partners not only have to deal with strong diversity of expectations with regard to the best possible outcomes to be achieved. Our survey also shows a significant "stress ratio" of different and sometime diverging views on major challenges to be addressed by EU level dialogue and also on different types of instruments to be applied in order to achieve the best possible outcomes:

Important issues to be addressed by European social dialogue: While some social partners have made very concrete suggestions on issues and topics to be covered (better) by EU level dialogue, others are rather in favour of a deliberate (and open) process of jointly identifying those issues and topics where achievement of concrete outcomes is most likely.

Soft versus stronger instruments: While some social partners appreciate the application of softer instruments such as joint studies, analyses or joint statements, others regard this as a weakening of social dialogue and are demanding concentration on outcomes that are as concrete as possible and have a real impact on social conditions. In general this issue is a complex one and there are no simple correlations between causes and consequences. While there are cases where social partners in countries with comparatively weak structures of social dialogue are demanding a stronger legislative role of social dialogue, there are also examples from the same groups where soft instruments are regarded as having real added-value to support the development of joint understandings and solutions. Our survey also showed that it is not possible to draw clear conclusions on the soft-strong option based on the affiliation of a social partner either to the employers' or trade union side.

Finally, there is tension between *principles and diversity* versus *standards and convergence*. While trade unions in particular are interested in concrete outcomes of social dialogue that contribute to reducing inequalities and strengthening standards of working and living in Europe, employers' representatives have stressed the need to respect diversity and are much more in favour of developing common principles (e.g. flexicurity) rather than defining certain minimum standards of social Europe.

These tensions and frictions don't make it easy for the European social partners to develop a common agenda of autonomous social dialogue in Europe that fits all interests and expectations. As a representative of the Danish Regions, a CEEP member organisation, highlighted,

> The enlarged EU also enlarges the themes relevant to different stakeholders. It will be a challenge for the European social dialogue to strike the right balance and find the right topics to satisfy the needs of social partners across the EU27(+). (DK: Danish Regions)

However, some remarkable and all-in-all very constructive suggestions have also been made by interview partners and conference participants on how to improve the mechanisms and processes for identifying joint issues of interest and on how to improve the performance of European social dialogue in general, e.g. by

- strengthening the link between cross-sector and sectoral social dialogue because both should be regarded as mutually supportive;
- increasing the "visibility" of European social dialogue and improving the dissemination of concrete outcomes in the public at the European as well as national level;
- developing a joint understanding of the role and specific nature of the different types of instruments that have been applied and tested during the last 15 years (also in order to avoid dissatisfactions);
- improving the transparency of mechanisms, procedures and decision taking in the context of European social dialogue for national member organisations and vice-versa;
- strengthening the capacity as well as competence of European social dialogue structures and institutions;
- continuing the support for capacity-building, mutual learning and exchange of experience in regard to strengths, weaknesses, opportunities as well as threats of national social dialogue;
- taking into account the specific needs of certain groups of national social partners, e.g. in the public sector or in the micro and small enterprise sector;

Given the positive replies and the constructive suggestions made by national social partners to this project, there are reasons to be optimistic (in difficult times) that European social dialogue can meet the challenges and will successfully continue or even increase its substantive role in Europe as well as in national contexts.

ANNEX

List of respondents to the survey

No	Organisation	Country	Affiliation
1	IV	Austria	BUSINESSEUROPE
2	BKA-GV	Austria	CEEP
3	VÖWG	Austria	CEEP
4	WKÖ	Austria	UEAPME
5	UNIZO	Belgium	UEAPME
6	FGTB	Belgium	ETUC
7	CSC	Belgium	ETUC
8	CGSLB	Belgium	ETUC
9	BICA	Bulgaria	CEEP
10	NCSC	Bulgaria	UEAPME
11	CITUB	Bulgaria	ETUC
12	HUP	Croatia	BUSINESSEUROPE
13	HOK	Croatia	UEAPME
14	SME Association of HUP	Croatia	UEAPME
15	OEB	Cyprus	BUSINESSEUROPE
16	CCCI	Cyprus	UEAPME
17	SEK	Cyprus	ETUC
18	SPCR	Czech Republic	BUSINESSEUROPE
19	AMSP CR	Czech Republic	UEAPME
20	CMKOS	Czech Republic	ETUC
21	DA	Denmark	BUSINESSEUROPE
22	KL Local Government	Denmark	CEEP
23	State Employers Authority	Denmark	CEEP
24	Danish Regions	Denmark	CEEP
25	ETTK	Estonia	BUSINESSEUROPE
26	EVEA	Estonia	UEAPME
27	EAKL	Estonia	ETUC
28	EK	Finland	BUSINESSEUROPE
29	Local Public Employment Adminstration	Finland	CEEP
30	Yrittajat	Finland	UEAPME
31	SAK	Finland	ETUC
32	AKAVA	Finland	ETUC
33	Air France	France	CEEP
34	UPA	France	UEAPME
35	CFDT	France	ETUC
36	FO	France	ETUC
37	BDA	Germany	BUSINESSEUROPE
38	BVÖD	Germany	CEEP
39	Kommunaler Arbeitgeberverband	Germany	CEEP
40	ZDH	Germany	UEAPME
41	DGB	Germany	ETUC
42	GSEE	Greece	ETUC

No	Organisation	Country	Affiliation
43	MGYOSZ	Hungary	BUSINESSEUROPE
44	Hungarian Rail Association	Hungary	CEEP
45	STRATOSZ	Hungary	CEEP
46	IPOSZ	Hungary	UEAPME
47	SZEF	Hungary	ETUC
48	MOSZ	Hungary	ETUC
49	ISME	Ireland	UEAPME
50	Confindustria	Italy	BUSINESSEUROPE
51	CISL	Italy	ETUC
52	LBAS	Latvia	ETUC
53	LPK	Lithuania	BUSINESSEUROPE
54	FEDIL	Luxembourg	BUSINESSEUROPE
55	FDA	Luxembourg	UEAPME
56	CGT-L / OGB-L	Luxembourg	ETUC
57	LCGB	Luxembourg	ETUC
58	MEA	Malta	CEEP
59	GRTU	Malta	UEAPME
60	GWU	Malta	ETUC
61	VNO-NCW	Netherlands	BUSINESSEUROPE
62	Ministry of the Interior	Netherlands	CEEP
63	MKB	Netherlands	UEAPME
64	FNV	Netherlands	ETUC
65	CNV	Netherlands	ETUC
66	PKPP Lewiatan	Poland	BUSINESSEUROPE
67	KPP	Poland	CEEP
68	ZRP	Poland	UEAPME
69	NSZZ Solidarnoscz	Poland	ETUC
70	OPZZ	Poland	ETUC
71	CIP	Portugal	BUSINESSEUROPE
72	CGTP-IN	Portugal	ETUC
73	UGT-P	Portugal	ETUC
74	OZS	Slovenia	UEAPME
75	CEOE	Spain	BUSINESSEUROPE
76	PIMEC	Spain	UEAPME
77	CEPYME	Spain	UEAPME
78	CC.OO	Spain	ETUC
79	TISK	Turkey	BUSINESSEUROPE
80	SALAR	Sweden	CEEP
81	LO	Sweden	ETUC
82	TCO	Sweden	ETUC
83	CBI	United Kingdom	BUSINESSEUROPE
84	PPE	United Kingdom	CEEP
85	North East Regional Employers' Organisation	United Kingdom	CEEP
86	TUC	United Kingdom	ETUC

Available evaluation, progress and implementation reports published by the European social partners on Autonomous Framework Agreements and Frameworks of Action

EU Agreement / Text	Reports
Framework Agreement on harassment and violence	- Progress Report 2010 - Progress Report 2009 - Progress Report 2008
Framework Agreement on work-related stress	- Progress Report 2008 - Progress Report 2007 - Progress Report 2006
Framework Agreement on telework	- Implementation Report 2006 - National Implementation Reports: Austria, Belgium, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovenia, Spain, Sweden, United Kingdom
Framework of Actions on gender equality	- Evaluation Report 2009 - 3rd Implementation Report 2008 - 2nd Implementation Report 2007 - 1st Implementation Report 2006
Framework of Actions on lifelong development of competencies and qualifications	- Evaluation Report 2006 - 3rd Follow-up Report 2005 - 2nd Follow-up Report 2004 - 3rd Follow-up Report 2003

Questionnaire of the survey

Information on the interview partner and the interview

NAME	
COUNTRY	
ORGANISATION	
FUNCTION	
AFFILIATED TO	☐ETUC ☐BUSINESSEUROPE ☐UEAPME ☐CEEP
DATE OF INTERVIEW	

A Awareness of EU level social dialogue and its impact on the national level

A.1 *The EU social partners have undertaken a large number of joint initiatives over the last 15 years, e.g. framework agreements, frameworks of actions, joint declarations and other initiatives. (see list in annex).*
Which EU social partner joint initiatives that you can recall have had the most important impact on your work in the national context?

Please explain the reason.

A.2 *How has European Social Dialogue complemented or reinforced your own national agenda? Please give a concrete example.*

B Implementation of framework agreements and relevance of other joint initiatives

Framework agreements
To date the European social partners have concluded a number of cross-industry framework agreements under Articles 154 and 155 of the Treaty on the functioning of the European Union. Two different types of framework agreements have been reached: First, **autonomous framework agreements**, whereby the social partners themselves take responsibility for implementing measures at national, sectoral and enterprise level. Such agreements are known as "autonomous agreements". **Four autonomous agreements** have been negotiated so far: the telework (2002), the work-related stress (2004), the harassment and violence at work (2007) and inclusive labour markets (2010). Apart from these agreements, the European social partners have reached agreements that are implemented by a Council Decision / Directive of the Commission by which the agreement becomes part of EU law. **Three agreements implemented by Council Directive have been reached so far:** the parental leave (1996, revised 2009), the part-time work (1997) and fixed-term contracts (1999) agreements. (see full list in annex)

B.1 *Have the agreements implemented by Council Decision been implemented at national level?*

If so: *to what extent has each of them been implemented and what impact has each of them had on working practices in your country.*

If not implemented (yet or properly): what are the reasons and obstacles?

B.2 *Have the four autonomous framework agreements been implemented at national level?*

If so: *to what extent has each of them been implemented and what impact has each of them had on working practices in your country.*

If not implemented (yet or properly): *what are the reasons and obstacles?*

Framework of actions and other joint initiatives
ETUC, BUSINESSEUROPE-UEAMPE and CEEP have signed two frameworks of actions to date, setting out common objectives and guidelines. They have to be promoted and implemented by the signatories' member organisations at all appropriate levels.
Furthermore, there are different types of joint declarations and initiatives concluded by the cross-industry European social partners such as joint declarations, analyses, recommendations, reports, case studies, etc. (see list in annex)

B.3 *To what extent has the framework for actions on gender equality influenced your work in your country and how?*

B.4 *To what extent has the framework for actions on the lifelong development of competencies and qualifications influenced your work at in your country and how?*

B.5 *How has your work at national level been influenced by EU social partners joint initiatives such as the Joint Declaration on Europe 2020, the Joint Labour Market Analysis (2007) and others?*

Joint projects of the European social partners 2003 – 2009
Starting in 2003, the European social partners have carried out joint projects under the umbrella of joint integrated work programmes covering issues such as restructuring, improving the links between social dialogue at national level and European level, ETUC and Employers' capacity building for social partners in countries acceding to the EU in 2004 and 2007, the translation fund, ETUC language training, and the employer and trade union resource centres.

B.6 *In your view how successful have the three joint projects undertaken between 2003 and 2009 been and what were the most influential elements?*

C General assessment, expectations and future challenges

C.1 *What, in your view, are the main future challenges for European Social Dialogue?*

C.2 *How do you think the new Europe 2020 strategy will affect European Social Dialogue?*

C.3 *How could the overall performance of European Social Dialogue be improved in your view?*

C.4 *In your view what issues should be tackled (more) at the European level?*

C.5 *Finally, what are the best outcomes that European Social Dialogue should try to accomplish?*