

INTEGRATED PROGRAMME OF THE EU SOCIAL DIALOGUE 2009 – 2011
JOINT STUDY OF THE EUROPEAN SOCIAL PARTNERS:

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

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The joint project on Social Dialogue

Main purpose

- *Social Dialogue Work Programme 2009 – 2010: Learn more about national social partners' awareness and general assessment of the European Social Dialogue, its instruments as well as effectiveness*

The study

- 12 months
- Supported by a team of experts
- Based on a written questionnaire survey amongst national member organisations between January and April 2011
- EU level conference in Budapest 3&4 May 2011

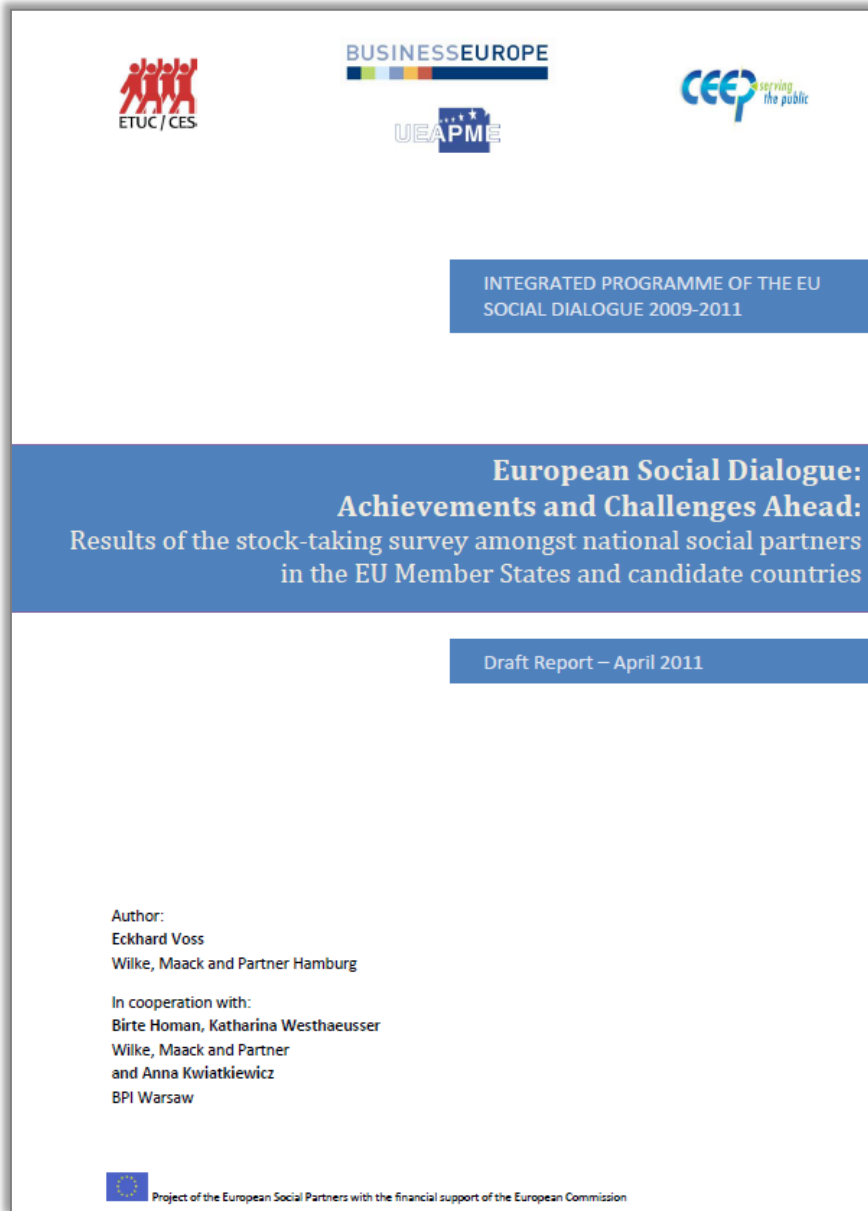
Building on previous activities in this field:

- Capacity building activities in new member states since 2004 – 2009
- Study should also be seen in the context of ongoing activities of the European social partners in the field of evaluating the implementation of framework agreements and other activities

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

This presentation



- Brief overview of 15 years of EU level social dialogue
- The survey
- Results:
 - General awareness of EU level social dialogue and assessment of major impact
 - Experiences of implementing the different instruments/outcomes of EU level social dialogue
 - General assessments, expectations and future challenges from the view of national social partners
- Initial conclusions

EU LEVEL SOCIAL DIALOGUE: HISTORY AND ACHIEVEMENTS

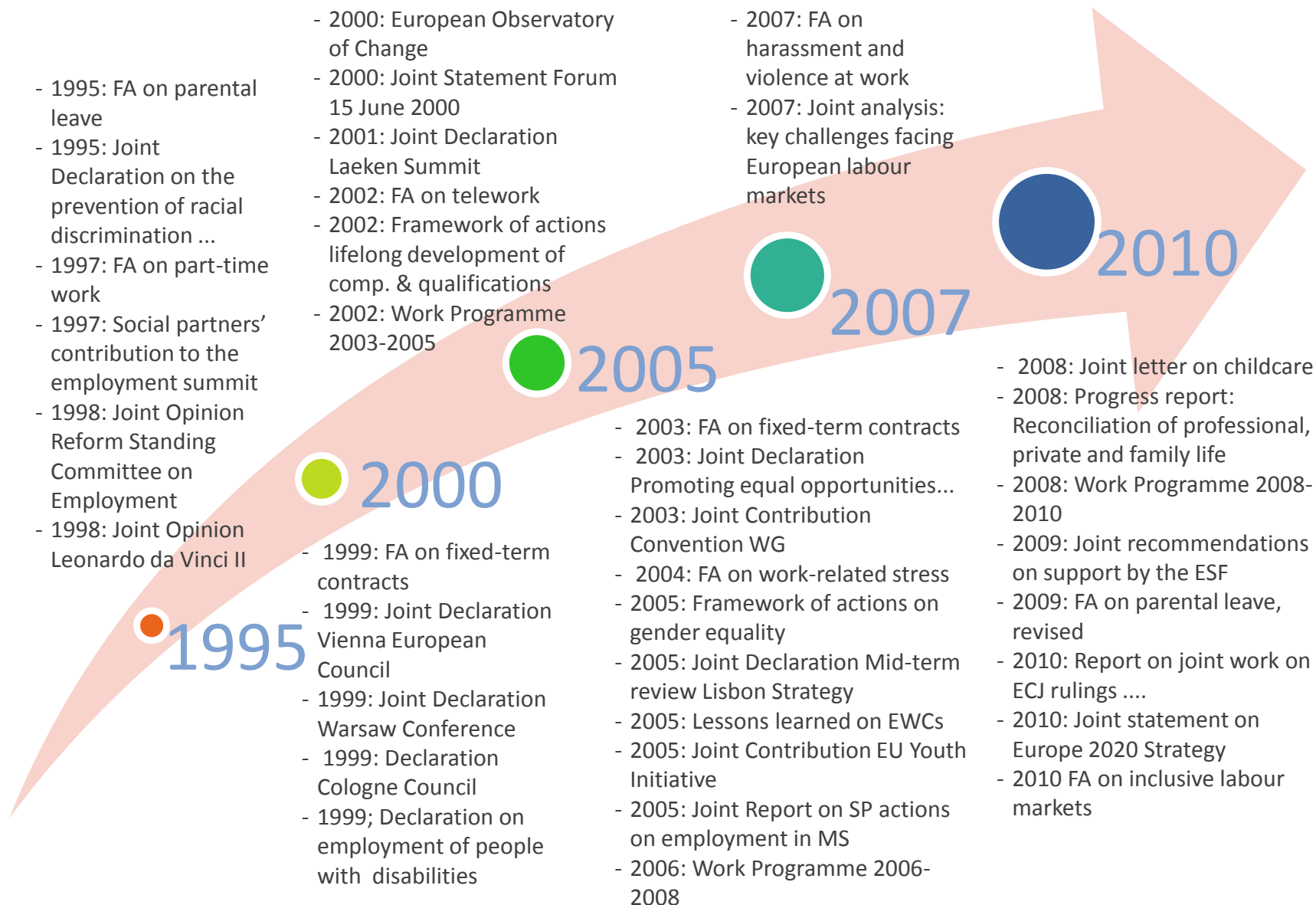
Evolution and role of EU level social dialogue

- Social dialogue as a main pillar of the European Social Model:
 - Consultative dimensions already included in Coal and Steel Community 1951 and Treaty of Rome 1957
 - Standing Committee on Employment 1970
 - Single Act 1985 and Val Duchesse 1985
 - EU social partners agreement 1991
 - Social Dialogue Committee 1992
 - Maastricht Treaty 1993 and Amsterdam Treaty 1997: Direct involvement in EU social legislation
 - Establishing the Tripartite Social Summit for Growth and Employment 2003
 - Art. 152 of the Lisbon Treaty 2007:
“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 social partners, respecting their autonomy.”
- Dimensions and role of EU level social dialogue:
 - Interaction between employers, trade unions and EU authorities (European Commission, Council of Ministers)
 - Official consultation and bipartite negotiations according to Art 153 TFEU
 - Autonomous dialogue following the joint work programmes

Sectoral and cross-industry social dialogue

- Cross-industry social dialogue ensures that EU social partners have the possibility to conclude European agreements covered by law and have the right to be consulted on pending legislation
- Cross-industry social dialogue:
 - *“covers the whole economy and labour market”*
 - *“purpose is to promote dialogue between trade unions and employers’ organisations in key areas common to all fields of employment and social affairs”*
- Sectoral social dialogue:
 - *„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“*
 - By the end of 2010, 40 sectoral social dialogue committees have been established
- Achievements and outcomes:
 - EU database contains more than 300 joint texts agreed between European social partners at cross-industry and sector level:
 - 7 framework agreements (three implemented by Council Decision, four autonomous agreements)
 - Further types of outcomes: Frameworks of Actions, joint declarations and opinions, policy orientations, texts and other initiatives in the context of the joint work programmes

Outcomes of cross-industry EU level social dialogue 1995 - 2010



THE SURVEY AMONGST NATIONAL SOCIAL PARTNERS

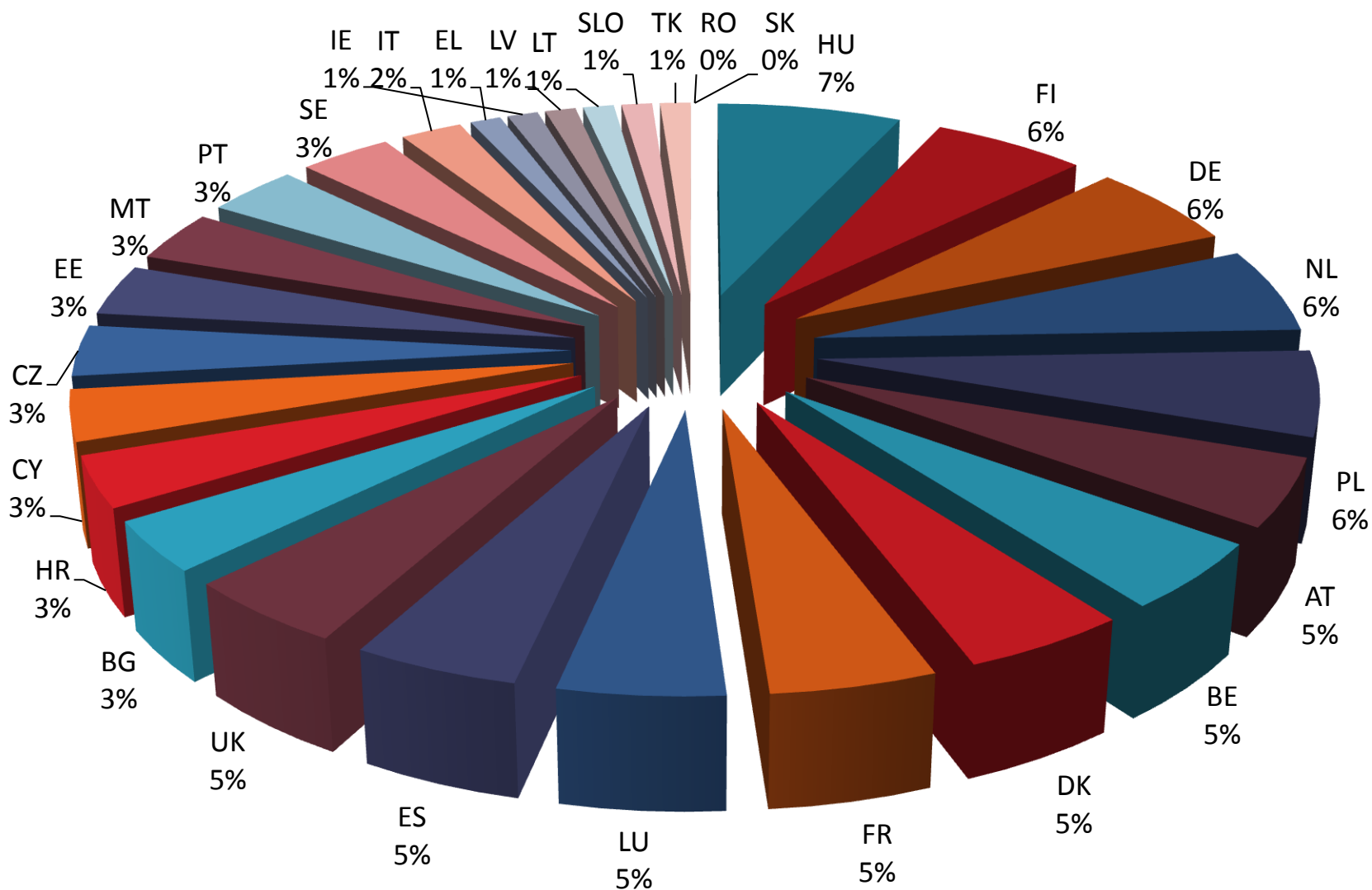
Survey Methodology

- Objective: to gather a comprehensive overview on the situation in different European countries and to assess the implementation of EU level social dialogue at national level in a qualitative way
- A pre-structured interview schedule was developed by the expert coordinator and the European SPs Steering Group
- It consisted of 3 parts and 13 open questions :
 - 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 SD
- The questionnaire was sent by email to 169 member organisations of the European social partners in EU27, Turkey and Croatia at the beginning of 2011
- The member organisations were then contacted by the project team members by email and by telephone in order to arrange for telephone interviews
- Interviews were carried out mainly between January and March 2011
- Some organisations preferred to provide a written reply to the questionnaire

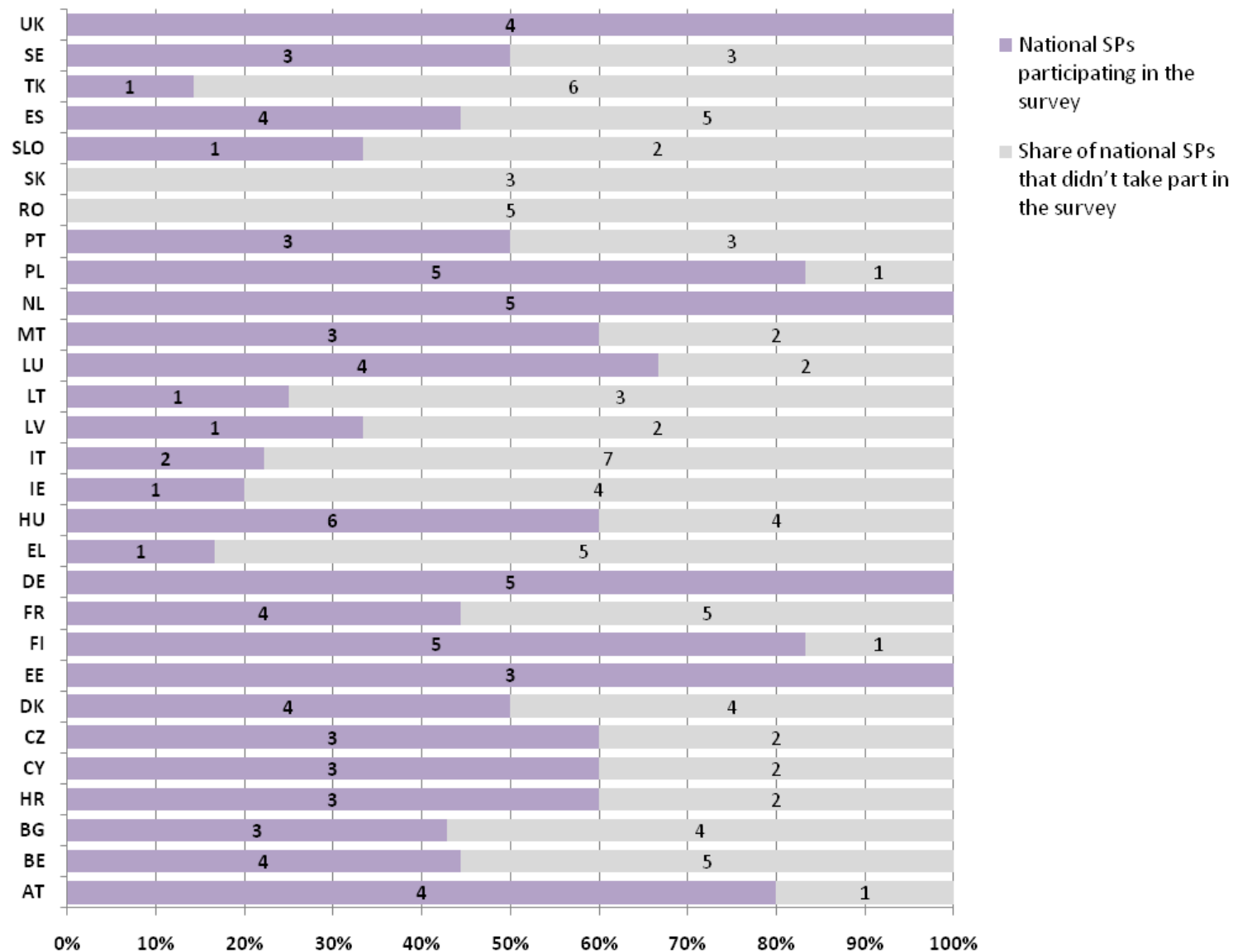
Replies to the stock-taking survey

- Overall, out of 169 national social partner contacts, 86 participated in the survey
- This equals a response rate of 51%
- Geographical distribution of the respondent organisations (in %):
 - 66% of respondents came from 12 countries
 - Organisations from countries like Hungary, Finland, Germany, the Netherlands or Poland were strongly represented
 - National social partner organisations affiliated to one of the EU-level social partners from Romania or Slovakia didn't take part in the survey
- Seeing the respondent rates of each country,
 - Estonia, Germany, the Netherlands and the UK had respondent rates of 100%
 - in Poland, Finland and Austria, more than $\frac{3}{4}$ of the respective national social partner organisations participated in the survey
 - in another 9 countries, 50% or more of the respective national social partner organisations were covered (SE, PT, MT, LU, HU, CZ, CY, HR)
 - Overall, in 22 out of 27 countries, the participation rate was higher than 30%

Replies: Geographical distribution of the respondent organisations

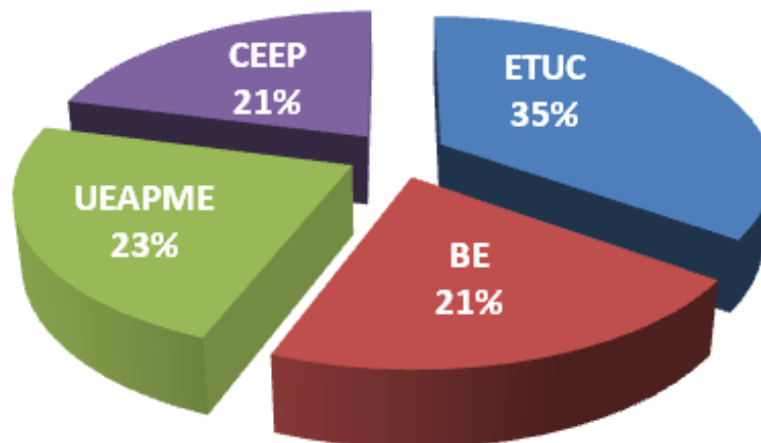


Participation: Coverage of national SP organisations by country



Participation: Respondent organisations affiliated to European SPs

Participation in %



Participation in absolute numbers

	Total	CEEP	ETUC	UEAPME	BUSINESS- EUROPE
Replies	86	18	30	20	18

AWARENESS & GENERAL ASSESSMENT OF IMPACTS

Assessment of the general role of social dialogue and its impact on the national level

➤ First part of the questionnaire survey

➤ Most important achievement:

Anchoring of social dialogue in the EU fabric as a legitimate instrument of EU policy making alongside legislation

➤ This has important impacts not only on countries with comparatively weak structures but also on countries with a strong and long tradition of social dialogue

Before acceding to the EU, Denmark relied on the national social dialogue to a larger extent than most other European countries did. First there was some scepticism in EU whether Social Dialogue could be as effective as regulation by law. However, the Maastricht Treaty legitimized Social Dialogue at European level and logically also the existing social dialogue in Denmark. Especially this systemic aspect was very important. (DK)

➤ According to overwhelming majority of respondents, EU level social dialogue has changed and shaped working and social conditions in Europe and has a positive influence on working lives

➤ Depending on national context:

- Filling legislative gaps and initiating national practice
- Improving / enhancing / complementing regulation
- Raising awareness / initiating reforms
- Supporting national dialogue in bipartite and tripartite form
- Provision of guidance, reference and frameworks

IMPLEMENTATION AND RELEVANCE OF DIFFERENT OUTCOMES

- Part B of the questionnaire:
 - The implementation of the three agreements implemented by Council Decisions and the four autonomous framework agreements
 - Assessments regarding the two framework for actions on lifelong development of competencies and qualifications and on gender equality
 - 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

Framework Agreements

- FA's implemented by Council Decision/Legislation:
 - Parental Leave 1995 / revised 2009
 - Part-time work 1997
 - Fixed-term contracts 1999
- Autonomous agreements:
 - Telework 2002
 - Work related stress 2004
 - Harassment and Violence at work 2007
 - Inclusive labour markets 2010
- General observations:
 - In general respondents regard FA's implemented by legislation as being the most relevant and stronger instrument because they directly influence labour law
 - Assessment very much depends on whether or not there is already a national framework in place
 - Even in those countries where frameworks in place the national social partners stress the important impact in terms of creating a European wide framework and/or common practice/standards
 - Evaluation of implementation and follow-up is crucial in order to assess structural and practical barriers and obstacles (e.g. parental leave, telework)

The implementation of autonomous framework agreements

- Way of implementation differs significantly
- The following factors seem to be particularly relevant:
 - Relevance of the topic for the national agenda
 - Quality of social dialogue in the respective country
 - Role of labour law and collective bargaining
- A broad variety of implementation:
 - National legislation and/or collective agreements
 - Sectoral initiatives of implementation
 - Bilateral initiatives (training, guidance, websites, declarations, conference, workshops etc.)
 - Unilateral action

The implementation of autonomous framework agreements

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 H&S tripartite agreement) - 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 (legislation) - 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 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)

* it has to be noted here 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.

Autonomous framework agreements: Added value and problems

- Positive impact on national debates and initiatives addressing the issue
- Positive contribution to the role of social partners in policy making and reform processes
- In contrast to legislation, autonomous agreements are more flexible instruments – they can be adjusted to the needs of national, sector and/or enterprise specific requirements
- Problems and barriers for implementation:
 - Difficulties in developing a joint understanding on the way of implementation
 - Lack of being able to conclude an agreement
 - Weaknesses of social dialogue
 - Overlapping with already existing national frameworks (e.g. in the field of health and safety) where already strong instruments exist
- “Openness” with regard to implementation mode is considered by some interview partners as an added-value and strength while others are considering this as a weakness
- Differences between autonomous agreements:

In case of the framework agreement on work-related stress, one can say that rather than providing concrete tools, it emphasized the problems related to stress at work. Similarly, the framework agreement on harassment and violence at work was functioning more like an awareness-raising campaign. (FI)

Frameworks of Actions

- FA on lifelong development of competencies and qualifications , 2002
- FA on gender equality, 2005
- Though implemented only in a few cases by national collective agreements, the overall impact is evaluated as positive by overwhelming majority of interview partners
- Variety of positive impacts:
 - Initiating national social dialogue and joint action on the issue
 - Providing guidance, reference and concepts that strengthen the position of social partners in the national context
- Due to the fact, that both gender equality and lifelong learning are important issues in most countries (though not in all), it often is difficult to identify cause and effect of FA's and assess concrete relevance
- In particular in countries with rather weak structures and basis of social dialogue, implementation and development of concrete action was very difficult according to many interview partners
- Some interview partners therefore reported that FA seem not to be the best suitable instrument for the respective country
- A further observation is that in some countries social partners had quite different and sometimes diverging assessments on the impact and relevance of the two FAs

Assessment of the impact of frameworks of actions

Framework	Little impact due to already existing regulation 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 competences and qualifications (2002)	- Austria - Denmark - Netherlands - Estonia - Finland - France - Luxembourg - Malta - Sweden	- Czech Republic - Estonia - Greece - Hungary	- Belgium (national agreement) - Bulgaria - Cyprus - Spain - Hungary - Italy - Lithuania - Portugal
Gender Equality 2005)	- Austria - Denmark - Estonia - Spain - Finland - France - Hungary - Luxembourg - Malta - Netherlands - Sweden	- Czech Republic - Estonia - Greece - Hungary - Lithuania	- Belgium (national agreement) - Bulgaria - Cyprus - Germany - Latvia - Italy - Portugal - UK

The impact of joint initiatives

- EU level social dialogue has resulted in numerous other activities and outcomes, e.g. Joint declarations, analyses, recommendations, reports etc. starting from the joint declaration on the prevention of racial discrimination and xenophobia and the promotion of equal treatment at the workplace in 1995 until the most recent joint statement on the Europe 2020 strategy in 2010
- With view on joint texts the survey very much focussed on two concrete outcomes:
 - The *joint labour market analysis*, 2007 and the *joint statement on Europe 2020*
- Observations:
 - Very diverse assessments
 - Significant differences not only between countries but also between union and employers' organisations in single national cases
 - Assessments very much depends on the general expectations in regard to EU level social dialogue outcomes
 - Employers representatives in general made a more positive assessment, in particular in regard to the joint labour market analysis (as a case for “flexicurity”)
 - Trade union representatives have been more critical about these texts and their impacts on national debates (e.g. NL)
 - In particular in member states in CEEC, the joint initiatives are reported of having contributed positively to social dialogue and tripartite consultation on major challenges of contemporary labour markets

Activities under the umbrella of the integrated work programmes

- The three integrated work programmes that are implemented by the EU level social partners since 2003 are covering quite different issues such as capacity building and support for social dialogue in new member states, translation funds, joint research studies and events on topics such as social dialogue, restructuring, climate change, or flexicurity
- Observations:
 - The joint work programmes are assessed very positively – according to national social partners they are important to implement and carry out activities following an autonomous agenda of EU level social dialogue and acting more independently from the EU Commission
 - Most interview partners – not only in the CEEC – have stressed the clear added value and the importance of the capacity building and support activities
 - There are again significant differences in the assessment of single projects (e.g. restructuring or flexicurity) between countries as well as organisations
 - Many interview partners have stressed the specific value and necessity of activities under the joint work programme as tools to prepare and develop more concrete outcomes

Factors contributing to a successful implementation and challenges

- Most important factor of a successful implementation is a well-structured and strong social dialogue at national level
- In particular the existence of well functioning tripartite institutions and/or traditions of national tripartite and/or bipartite agreements are regarded as an important factor contributing to a successful implementation of EU level social dialogue outcomes
- In contrast to this, implementing EU level social dialogue outcomes in countries without such a tradition and/or comparatively weak structures of social dialogue is much more difficult:

The inter-professional agreements in collective bargaining that were signed by the Trade Union confederations CCOO 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)

In general, the social partners in Hungary only were involved at the end of the legislation process. Concerning working time (part-time) they were informed by the government and asked for their opinion (without guarantee that it would influence the decision) (HU).

- Some interview partners have also raised the question whether or not rather “soft” or “open” instruments are able to have any concrete impact:

Joint opinions are political statements that don't have any consequences. (AT)

It has to find subjects that really matter and to set higher standards that would mean a better regulation also 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)

GENERAL ASSESSMENT, EXPECTATIONS AND CHALLENGES

Focus of the survey and overview

- 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?*
- Replies received to these questions had surprisingly much in common, in particular with regard to major challenges and issues to be tackled (more)
- In general, EU level social dialogue is facing “difficult times”:
- *In the aftermath of the economic crisis and the austerity measures many countries are facing 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. (...) It will be increasingly difficult to find solutions which can accommodate both the 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)*

Main challenges the European social dialogue is facing

- According to many interview partners there are insecurities in regard to the future role of social dialogue in European policy making – many interview partners are concerned about a weakening of the influence of social dialogue in EU institutions:
 - Interview partners are also concerned about a lack of recognition autonomous European agreements are receiving by EU level institutions (ECJ rulings in the Viking, Laval, Rüffert and Luxembourg cases)
 - Too strict/narrow interpretation of Art. 153/154 by EU Commission
 - Growing influence of national governments on EU initiatives reduced a democratic process of policy making and consultation (e.g. as in the case of the Pact for the Euro)
- Against this a number of challenges are arising from the point of view of national social partners:
 - Maintaining the work on an autonomous agenda and being more pro-active on own issues
 - Strengthening the influence of social partners and social dialogue *throughout* Europe
- In particular trade unions are concerned about the increase in only “soft” outcomes – from their point of view, more binding outcomes and concrete agreements that result in national obligations of implementations are needed

Issues to be tackled (more) by European social dialogue

- Issues and topics that have been mentioned quite frequently:
 - Crisis and recovery
 - Issues in the context of current labour market challenges: demographic change, competitiveness, youth unemployment, equality, flexibility and security, managing change and restructuring, job creation with employers focusing more on competitiveness and unions more on security-related issues (e.g. precarious work, working conditions in general, quality of employment)
 - Training, competences and skills development
 - The future of the European Social Model and issues related to social policy such as the sustainability of pension systems and other social security issues
- A further result of the survey is that there are significant differences in the national social partners point of view of the character of the issues covered:
 - While many interview partners stressed that EU level social dialogue should cover issues, where a certain joint understanding between trade unions and employers already exist and there is a potential/chance to reach binding and concrete outcomes
 - Other highlight the need to tackle also more controversial issues (e.g. flexicurity, pensions) in order to develop joint understanding and positions at EU level and influence EU level policy more substantially

There are two options: issues which could lead to agreements or issues where the divergence is especially large. Both are needed. (FI)
- Finally, in particular SME employers organisations are suggesting that both the specific needs of small enterprises should be taken into account in stronger way both as an horizontal issues (“think small”) as well as by specific activities

Suggestions on how to improve European social dialogue

- Remarkable number of concrete as well as general suggestions have been made by national social partners
- Focus on strengthening the influence of social dialogue at European level as well as suggestions on improving the efficiency of social dialogue outcomes
 - Strengthening the formal structures of EU level consultation and dialogue
 - Increase the capacity of EU level dialogue
 - Strengthening the link between cross-industry and sector level dialogue (in terms of issues addressed as well as with regard to outcomes reached)
- According to most interview partners, the strength of EU level social dialogue is reflecting its influence and potential at national level. Therefore, it is essential to strengthen and support national social dialogue
- Many interview partners have suggested to adjust and better balance more open and “softer” instruments on the one hand and more concrete and binding instruments/outcomes on the other hand. In particular trade unions are demanding that the instruments applied in the future should be more stronger and linked to clear obligations while employers’ representatives often stress the opposite
 - *It is important to make the instruments stronger. (...) The performance could be improved by the introduction of elements of compulsion.*
 - *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 .*

Suggestions on how to improve European social dialogue

- To sum up, the following suggestions seem to be crucial from the point of view of the national social partners:
 - Strengthening the link between cross-sector and sectoral social dialogue because both should be regarded as mutually supportive
 - Increase the “visibility” of European social dialogue and improve the dissemination of concrete outcomes in the public at the European as well as national level
 - Develop 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)
 - Improve the transparency of mechanisms, procedures and decision making in the context of European social dialogue for national member organisations
 - Strengthen the capacity as well as competence of European structures and institutions of social dialogue
 - Take 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

INITIAL CONCLUSIONS

General conclusions

- Initial conclusions as arising from responses of more than 80 national social partners in 27 EU member states and candidate countries:
 - There is a clear added-value delivered by European cross-industry social dialogue from the perspective of individual countries – social dialogue has positively contributed to working conditions, social cohesion, labour relations as well as macro-economic policies
 - EU level social dialogue has been able to support and strengthen national social dialogue in the new member states
 - Social partners throughout Europe are concerned about recent trends both at EU level as well as national level of policy making and the involvement of social dialogue
 - A successful implementation of social dialogue outcomes is favored by certain framework conditions – here the situation in Europe is very diverse, necessary preconditions are not always in place and the differences still are striking
 - With regard to the assessment of concrete impacts and different instruments applied the variety of opinion both between countries and between different social partners is striking – this also results from different benchmarks, expectations and orientations
 - These differences are also expressed in the clear variety of answers received to the question *“What are the best possible outcomes that European social dialogue should try to accomplish?”*

General conclusions

- EU level social dialogue is facing quite different expectations not only in regard to outcomes and results but also in regard to other aspects, in particular:
 - Important issues to be addressed: *Issues that could lead to an agreement versus issues that are rather controversial*
 - Nature of instruments and “toolbox”: *Soft/open versus strong/binding outcomes*
 - Wider objectives and understanding of the European social model: *European harmonization and development of certain common standards versus common principles and maintaining diversity of working and living conditions*
- These are tensions and frictions that don't make it easy for the European social partners to develop and implement a common agenda of European social dialogue that fits all interests and expectations:

The enlarged EU also enlarges the themes relevant for 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(+).
- In this context – and also to avoid dissatisfaction - it seems to be important to clarify the specific nature, objectives and role of different types of instruments/outcomes
- In general, the positive replies and the constructive suggestions made by national social partners to the survey should motivate EU level social partners and contribute to optimism that European social dialogue is able to meet these challenges