

**Commission Staff Working
Document
on the functioning and potential of
European sectoral social dialogue**



Objectives of the SWD

- Taking stock of the main achievements of EU sectoral social dialogue and its related committees
- Identifying possible improvements
- Based on a consultation of the EU social partners in 2009

Structure of the SWD

I Background

- EU social dialogue
- Legal basis
- Sectoral dimension

II A Success story

- The EU sectoral social dialogue committees (SSDC's)
- Dynamics of the SSDC's
- Diversity and relevance of outcomes
- Adapting to enlargement

III Further developing potential

- Consultations
- Negotiations
- Joint actions and other tools

IV Challenges

- Adapting to changes
- Synergies
- Effective delivery of the outcomes
- Better use of EU funding

V Conclusions

I Background



EU social dialogue


- Pillar of our **social model**
- Tool for social **resilience** and good **governance**
- Cross-industry and sectoral levels
- Strongly recognised in EU treaties
 - Maastricht (1993) with Social Protocol (1991) annexed
 - Amsterdam (1997)
 - Lisbon (2009)

Legal basis

- **Articles 154 & 155+New article 152 TFUE**
 - Promotion and recognition of the EU social dialogue by the Commission and the Union
 - **Respect of Diversity** of national systems and **autonomy** of social partners
 - Involvement of EU social partners in **Consultation & negotiation** processes

EU sectoral social dialogue

20 May 1998...further to the Amsterdam Treaty :
Communication on social dialogue and Decision
establishing criteria for SSDC's

- Representativeness
 - Capacity to negotiate
 - Administrative capacity
 - Mutual recognition
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II A Success story



The EU Sectoral Social Dialogue Committees (SSDC's)

Arena for : trust-building, information sharing, discussion, consultation, negotiation and joint actions

- More than **500** Texts
- **145** Mio workers covered (3/4 of the EU workforce)
- Involved in the EU policy-making processes
- Contribute to the Lisbon and EU 2020 Strategies

Dynamics of the SSSDC

- A “bottom-up” process based on the EU social partners’ commitment
- 3 generations of sectoral social dialogue committees since 1951
- Commission Decision of 20 May 1998:
An adequate “common framework” that can host various forms of social dialogue and adapted to the specificities of sectors

New committees are under preparation or “test phase”...

Diversity and relevance of the outcomes

500 texts adopted since 1998... ie: 1/2 per year, per committee

➤ Typology of 2004

- Joint opinions
- Process-oriented texts
- Agreements
 - **Autonomous** Agreements (implemented via national negotiation)
 - Implemented via **EU directives**

Examples of outcomes

➤ Joint opinions:

*Joint Declaration concerning Social Security Provisions in **Inland Waterways Transport***

➤ Process-oriented texts

- *Guidelines for consultation arrangements for functional airspace blocks in **Civil aviation***
- *Recommendations on self employment and bogus self employment in **Construction***

➤ Agreements

• **Autonomous Agreements**

Agreement on Workers Health Protection through the Good Handling and Use of Crystalline Silica and Products containing it

• Implemented via **EU directives**

*Agreement on prevention from sharp injuries in the **hospital and healthcare sector***

Adapting to enlargement

In the context of recent enlargements (2004 and 2007), all the European sectoral social partners' organisations have extended their partnership to relevant sectoral social partners in the new Member States

Active involvement of all national partners is essential to ensure legitimacy of the process

III Further developing potential



Consultations

- More and more consulted under article 154
- More and more involved in the Impact Assessment procedure, and in pilot phases of networks/Councils on skills and jobs

...EU sectoral social partners should be better equipped in order to respond, in terms of staff, expertise, financial resources...

Negotiations

➤ EU sectoral social partners can prepare EU legislation and/or adopt autonomous agreements

- COUNCIL DIRECTIVE 2010/32/EU of 10 May 2010 implementing the Framework Agreement on prevention from sharps injuries in the hospital and healthcare sector concluded by HOSPEEM and EPSU
- COUNCIL DIRECTIVE 2009/13/EC of 16 February 2009 implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC
- COUNCIL DIRECTIVE 2005/47/EC of 18 July 2005 on the Agreement between the Community of European Railways (CER) and the European Transport Workers' Federation (ETF) on certain aspects of the working conditions of mobile workers engaged in interoperable cross-border services in the railway sector
- COUNCIL DIRECTIVE 2000/79/EC of 27 November 2000 concerning the European Agreement on the Organisation of Working Time of Mobile Workers in Civil Aviation concluded by the Association of European Airlines (AEA), the European Transport Workers' Federation (ETF), the European Cockpit Association (ECA), the European Regions Airline Association (ERA) and the International Air Carrier Association (IACA)

Joint actions and other tools

- **Sea fisheries:** handbook on prevention of accidents at sea and the safety of fishermen
- **Construction:** common posting database
- **Gas:** toolkit on demographic change, age management and competencies
- **Horeca:** towards the implementation of the Qualification and Skills passport in the hospitality sector

Further potential still to be explored..., though the overall functioning of the committees cannot be assessed only by considering quantitative aspects

IV Challenges



Adapting to changes

➤ Size of committees

- A committee should be as **inclusive** as possible and as **focused** as necessary to be relevant for its stakeholders.
- It should include all relevant partners and ensure **adequate representativeness**

➤ Remit of sectors

- Have to be considered against the background of structural changes affecting economic activities and employment structures as a result of globalisation, market developments and technological change

➤ New actors

- Economic and social actors may appear or disappear in any given sector: New operators such as *low-cost companies* in civil aviation, *private operators* in postal services and telecommunications, *rural subcontractors* in agriculture
- Small and medium size enterprises are becoming more interested in European sectoral social dialogue

Synergies

- Improving pluri-sectoral cooperation and cross-fertilization among committees
 - Silica,
 - Third-party violence,
 - environmental public procurement
- Flow of information
 - Possible transfer of experience between committees

Effective delivery of the outcomes

- Full and **effective implementation** of the outcomes at the EU and national level
- Investing in **monitoring** processes (indicators)
- The Commission pays attention to issues such as the adoption of an appropriate work programme, rules of procedure and meaningful agendas for meetings, as well as action-oriented minutes and conclusions, and their **effective follow-up**
- Committees may experience periods of relative inactivity due to conflicts between social partners or to lack of representativeness. In such cases, the Commission will continue to provide assistance to the committees, while keeping open the **possibility of suspending a committee unable to fulfil its obligations.**

Better use of EU funding

- The Commission organises **more than 180 meetings a year**
- The Commission supports projects through **two budget headings** that enable it to fund social dialogue and information and training measures
- European sectoral social partners are asked to draw up relevant work programmes, agendas, working documents and contributions in due time, to organise effective meetings and to make **best use of facilities provided by the Commission**

(in terms of information and expertise sharing, interpretation regimes or rooms at the disposal of partners)

V Conclusions



Conclusions

- A success story !
- Room for improvement
 - Structure and representativeness of committees to be permanently monitored and updated
 - Improving the coverage and the inclusiveness of committees
 - Synergies to be systematically searched
 - Administrative capacity to be enhanced
 - Negotiation field to be more and better exploited
 - Better monitoring of effective implementation of the outcomes

There is a direct correlation between the effectiveness of national social dialogue and effectiveness at European level, and that each energises the other.

Support of the Commission

- **Pragmatic** approach to the diversity of the Committees' structures and outcomes
- **Optimization** of EU financial, informative and logistic supports
- Ensuring **full involvement** of the EU sectoral social partners in the EU decision-making processes, impact assessments procedures, networks and any other projects (*Councils on skills and jobs*)