



European
Commission

A new start for Social Dialogue



Social Europe

A new start for Social Dialogue

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Understanding European social dialogue

Social dialogue refers to the discussions, consultations, negotiations and joint actions that regularly take place between such social partners as employers and trade unions. Social dialogue covers a wide range of social and work-related issues, and sometimes involves public authorities. At the EU level, it was launched in 1985 by European Commission President Delors at Val Duchesse.

Developing and fostering social dialogue is an essential element of the European social model, as it plays a crucial role in promoting competitiveness and fairness and enhancing economic prosperity and social well-being. European social dialogue complements the social dialogue happening at the national level.

LEVELS OF DIALOGUE

CROSS-INDUSTRY

Covering the economy as a whole

SECTORAL

Covering workers and employers in more than 40 specific sectors of the economy

TYPES OF DIALOGUE

BIPARTITE

Dialogue between European employers' organisations and workers' organisations

TRIPARTITE

Interaction between employers' organisations, trade unions and EU institutions (European Commission, European Council, Council of the European Union)

DRIVERS OF DIALOGUE

AUTONOMOUS

All types of joint activities that follow the work programmes of the social partners

TREATY-BASED

Consultation and possible negotiation of agreements in social policy fields (Articles 153 – 155 of the Treaty on the Functioning of the European Union (TFEU))

Who are the European social partners?

CROSS-INDUSTRY SOCIAL PARTNERS

Cross-industry social dialogue involves the organisations that represent workers and employers from both the private and public sectors, small and medium-sized enterprises (SMEs), and professional and managerial staff.

General cross-industry organisations:

- BUSINESSEUROPE
- European Centre of Employers and Enterprises Providing Public Services (CEEP)
- European Trade Union Confederation (ETUC)

Cross-industry organisations representing certain categories of workers or undertakings:

- European Association of Craft and Small and Medium-Sized Enterprises (UEAPME)
- Eurocadres
- European Confederation of Executives and Managerial Staff (CEC)

Specific organisations

- Eurochambres

SECTORAL SOCIAL PARTNERS

Around 80 European organisations from specific economic sectors take part in social dialogue within their respective sectors.

Representativeness

To be recognised as a partner in European social dialogue, an organisation must be organised at the EU level and be capable of both taking part in consultations and negotiating agreements. Organisations should be **representative** of several EU Member States, while their national members must be recognised as social partners in their respective countries.

Representative interest organisations in the sense of Articles 154–155 TFEU must:

- be cross-industry or relate to specific sectors or categories and be organised at the European level;
- consist of organisations that are themselves an integral and recognised part of Member State social partner structures, have the capacity to negotiate agreements, and be representative of several Member States; and
- have adequate structures to ensure their effective participation in the consultation process⁽¹⁾.

Since 2006, Eurofound, the EU agency responsible for conducting research on living and working conditions, has carried out over 40 studies on representativeness. Eurofound provides the Commission with the evidence needed to assess the representativeness of the European social partners.

(1) COM Decision 98/500/EC, 20 May 1998.

Types of dialogue

The European Union promotes social dialogue. Once the European-level employer and worker organisations decide to start an official dialogue process, the Commission will provide the framework to enable it. This framework includes the cross-industry Social Dialogue Committee, as well as 43 sectoral social dialogue committees covering such diverse economic sectors as agriculture, banking, commerce, civil aviation, construction, the chemical industry, education, hospitals and healthcare, hotels and restaurants, transport and many more (see p.11 for the full list of sectors covered).

Bipartite social dialogue at European level takes place between the employer and trade union organisations. The issues discussed can affect either industry as a whole or specific sectors of the economy. Bipartite dialogue takes place in the above mentioned committees, with the European Commission serving as facilitator and mediator.

In **tripartite social dialogue**, representatives of employers' and workers' organisations meet, together with representatives of the EU institutions (European Commission, European Council, Council of the EU), at the biannual Tripartite Social Summit for Growth and Employment. They also hold regular talks at the technical and political level on macro-economics, employment, social protection and education and training.

DID YOU KNOW?

Sectoral social dialogue has developed considerably, from just 19 economic sectors in 1999 to 43 committees in 2016. It has also produced six framework agreements that were implemented by directives (e.g. in maritime transport, rail, civil aviation, hospitals and healthcare, and inland waterways). The committees' work is determined by work programmes as agreed to by the social partners.

Forums for European social dialogue

- **Tripartite Social Summit (TSS):** Given its high-ranking composition (presidential level) and proximity to the European Council's decision-making process, the TSS serves as the main political forum for consulting the social partners. As the TSS takes place before the European Council's March and October meetings, it is a key opportunity to debate the economic and social policies that are later discussed by Heads of State and Government.
- **Macroeconomic Dialogue (MED):** The MED is a high level forum (ministerial level) for the Council, Commission, European Central Bank and social partners to exchange views. Instituted by the June 1999 Cologne European Council, its objective is to contribute to the growth and stability of the EU's macroeconomic framework.
- **Social Dialogue Committee (cross-industry) (SDC):** The SDC is the main forum for EU bipartite social dialogue at the cross-industry level.
- **Sectoral social dialogue committees (SSDCs):** SSDCs provide a forum for discussing and consulting on employment and social policy proposals in specific sectors.
- The **Liaison Forum** facilitates the exchange of information between all EU social partner organisations and the Commission.
- Advisory committees
- Seminars and joint projects by the social partners

DID YOU KNOW?

Under the EU Treaty, social partners can directly shape employment relations across Europe by concluding agreements at the EU level.

How does social dialogue work?

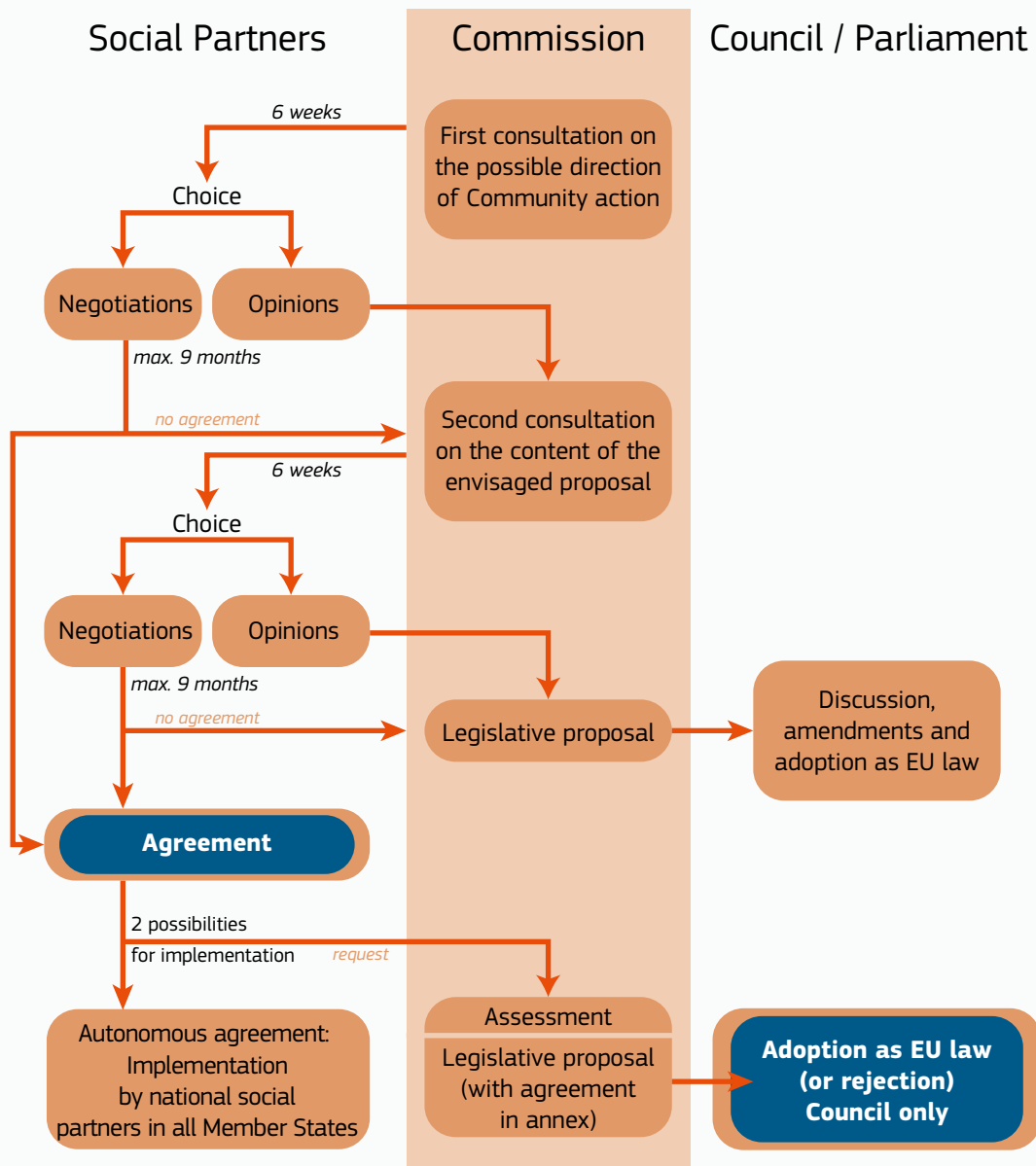
The social partners know the reality of Europe's workplaces. They understand the needs of workers and businesses and defend their interests. Involving them at the EU level helps ensure that EU level initiatives take their concerns into account. As a result, they play a key role in developing EU social policy and defining European social standards. Not only does the dialogue between social partners influence the way labour markets and work are organised, it also helps boost economic growth, create jobs and ensure workplace fairness. It is therefore the European Commission's role to support and promote social dialogue.

The social partners' fundamental role in shaping legislation pertaining to social policy is defined in Articles 152, 154 and 155 of the Treaty on the Functioning of the EU (TFEU).

As shown in the graph below, before the Commission submits a social policy-related proposal it starts by consulting the social partners, first on the possible direction of EU action and, if the Commission considers the EU-level action advisable, on the content of the envisaged proposal. The social partners may limit themselves to providing the Commission with an opinion or recommendation on the subject in question or, per Article 155 TFEU, they can start negotiations on the matter themselves.

Article 155 also grants the social partners the right to negotiate agreements on their own initiative. These agreements can then be implemented across the EU by the social partners themselves or through EU legislation.

Consultation and negotiation procedure under Articles 154 and 155



Producing results

To date, the social dialogue negotiation procedure (Articles 154-155 TFEU) has produced four agreements at the cross-industry level that have been implemented through directives:

- the framework agreement of December 1995 on **parental leave** gives all employees an individual, non-transferable right to at least three months parental leave until their child reaches a given age (to be defined at national level) of up to eight years. The accord also entitles employees to time off for urgent family matters. (Directive 96/34/EC)
- the social partners **revised the parental leave agreement** in June 2009. Changes included an increase in the minimum parental leave entitlement from three to four months per employee, with at least one month being non-transferable between parents. (Directive 2010/18/EU)
- the framework agreement of June 1997 on **part-time work** established the principle that part-time workers cannot be treated less favourably than comparable full-time workers solely because they work part-time. (Directive 97/81/EC)
- the framework agreement of March 1999 on **fixed-term work** laid down the principle that fixed-term workers cannot be treated less favourably than comparable workers on open-ended contracts solely because they have a fixed-term contract. (Directive 1999/70/EC)

A number of **sectoral agreements** have also been implemented by directives. These include agreements to establish limitations on working time in different transport sectors (seafarers, civil aviation, railway, inland waterways), to implement the Maritime Labour Convention and to prevent sharp injuries in the hospital and healthcare sectors.

EU social dialogue may also result in **autonomous agreements**. In these cases, the social partners establish a general framework at the EU level that obliges their affiliated national organisations to implement the agreement in accordance with national procedures and practices specific to management, labour and the Member States. Currently, there have been four autonomous agreements concluded at the cross-industry level:

- **telework** (2002)
- **stress at work** (2004)
- **harassment and violence at work** (2007)
- **inclusive labour markets** (2010)

Inclusive labour markets: In 2010, the EU-level cross-industry social partners adopted a joint autonomous framework agreement outlining what can be done to improve labour market inclusion. The agreement presents the main challenges and develops a range of actions that the social partners can take to help people in disadvantaged situations enter, remain and progress in the labour market. It also aims to increase awareness among employers and workers about the benefits of inclusive labour markets.

Preventing violence and harassment at work: Research shows that every year one out of every 20 workers is exposed to bullying and/or harassment. In response to this finding, in 2007 employers and trade unions reached an agreement on a zero-tolerance approach to moral and sexual harassment and physical violence in the workplace. The agreement established procedures for European companies to deal with possible cases.

Autonomous agreements have also been concluded at the sectoral level (such as the 2004 **agreement** on the European license for train drivers conducting cross-border, interoperability services) and multi-sectoral level (such as the 2006 **agreement** on Workers' Health Protection through the Good Handling and Use of Crystalline Silica and Products containing it).

However, the outcomes of social dialogue go far beyond legislation and autonomous agreements. A substantial part of the European social partners' work involves following relevant EU policy developments and ensuring that their joint voices are heard in the interests of the companies and workers they represent. European social dialogue also results in the publication of various joint texts and tools that provide political guidance and practical advice to support their members' activities.

Framework of actions on youth employment: In June 2013, the EU cross-industry social partners signed a framework of action on youth employment. Here they committed to promoting solutions for reducing youth unemployment and called on national social partners, public authorities and other stakeholders to actively work towards this goal.

A new start for social dialogue

Social dialogue is crucial to promoting both competitiveness and fairness in Europe. Countries with a long tradition of social dialogue tend to have stronger, more stable economies and are often Europe's most competitive .

Knowing the important role that social dialogue plays and the positive benefit it has on a country's economy, the challenge today is to enhance its role across all EU Member States.

Rising to this challenge, President of the European Commission Jean-Claude Juncker announced a 'new start for social dialogue'. The initiative was launched at a high-level conference in March 2015, where social partners and the Commission agreed on a need for:

- a closer involvement of the social partners in the European Semester,
- stronger emphasis on capacity building of national social partners,
- increased involvement of social partners in EU policy and law-making,
- a clearer relation between social partners' agreements and the Better Regulation Agenda.

Steps aimed at implementing these areas started shortly after the conference and further specific actions were formalised by a joint statement signed on 27 June 2016 by European Commission Vice-President for the Euro and Social Dialogue Valdis Dombrovskis; Commissioner for Employment, Social Affairs, Skills and Labour Mobility Marianne Thyssen; the European cross-industry social partners (ETUC, BUSINESSEUROPE, UEAPME, CEEP) and by the Netherlands Presidency of the Council of the European Union.

The joint statement underlines the fundamental role of European social dialogue as a significant component of EU employment and social policy making. It also identifies the actions to be undertaken by the signatories, with the objective of further strengthening social dialogue at the EU and national levels. Furthermore, the statement refers to the conclusions on 'a new start for a strong social dialogue', previously adopted by the EU Ministers of employment and social affairs in June 2016.

Social partners in cross-industry social dialogue

European Trade Union Confederation (ETUC)	http://www.etuc.org
Confederation of European Business (BUSINESSEUROPE)	http://www.businesseurope.eu
European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest (CEEP)	http://www.ceep.eu
European Association of Craft, Small and Medium Sized Enterprises (UEAPME)	http://www.ueapme.com
Eurocadres (Council of European Professional and Managerial Staff) - as part of the ETUC delegation	http://www.eurocadres.org
European Confederation of Executives and Managerial Staff (CEC) - as part of the ETUC delegation	http://www.cec-managers.org

Sectoral social dialogue committees

Natural resources sectors	Agriculture	Extractive industry	Sea fisheries
Manufacturing sectors	Chemical industry	Construction	Electricity
	Food and drink industry	Footwear	Furniture
	Gas	Metal Industry	Paper Industry
	Shipbuilding	Steel	Sugar
	Tanning and leather	Textile and clothing	Woodworking
Services sectors	Audiovisual	Banking	Catering
	Central government administrations	Civil aviation	Commerce
	Education	Graphical Industry	Horeca
	Hospitals	Industrial cleaning	Inland waterways
	Insurance	Live performance	Local and regional government
	Maritime transport	Personal services	Ports
	Postal services	Private security	Professional football
	Railways	Road transport	Telecommunications
	Temporary agency work		

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Considering the important role that social dialogue plays for the European social model by promoting competitiveness, fairness, economic prosperity and social well-being, the European Commission is working to promote social dialogue across the EU. At the heart of this effort is the 'new start for social dialogue', a joint endeavour by EU institutions and social partners that aims to further strengthen social dialogue at the EU and national levels.

Further information on social dialogue
<http://ec.europa.eu/social/socialdialogue>



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