European social dialogue developments

1. Introduction

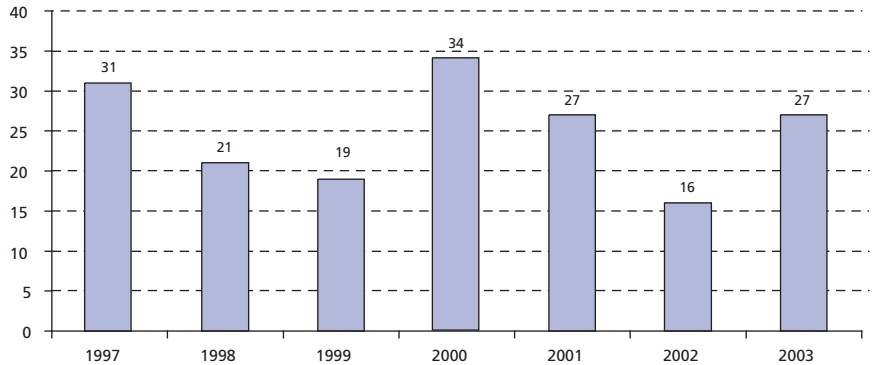
The European social dialogue — the dialogue between management and labour at the European level — is a key feature of the European social model, and the participation of the social partners in EU policy-making through the social dialogue combines a number of values typical to most national industrial relations systems in Europe, namely responsibility, solidarity and participation. The European social dialogue acts as a complement to national industrial relations systems and has developed in tandem with European integration and the efforts to build the European internal market in order to ensure that it develops in a consensual manner.

The importance of the social dialogue is such that it is recognised in the Treaties. Article 138 of the EC Treaty provides the Commission with the task of promoting the consultation of management and labour at Community level and taking any relevant measure to facilitate their dialogue.

The European social dialogue in its current form has evolved considerably since its launch in 1985 [83]. At that time there was little bilateral interaction between the social partners at cross-industry level, whereas now there is a great deal of active and regular dialogue between the cross-industry social partners. In addition, the sectoral social dialogue has expanded considerably, with four new sectoral social dialogue committees having been set up during the past two years, bringing the total to 30 [84]. More than 50 % of the economy is now covered by these committees. This is a welcome development, as the sectoral level is often the most appropriate level for the discussion of many labour market issues, which is why it has traditionally been the predominant level of collective bargaining in many Member States. The Commission's long-term aim is for all the main economic sectors to be covered by social dialogue committees [85].

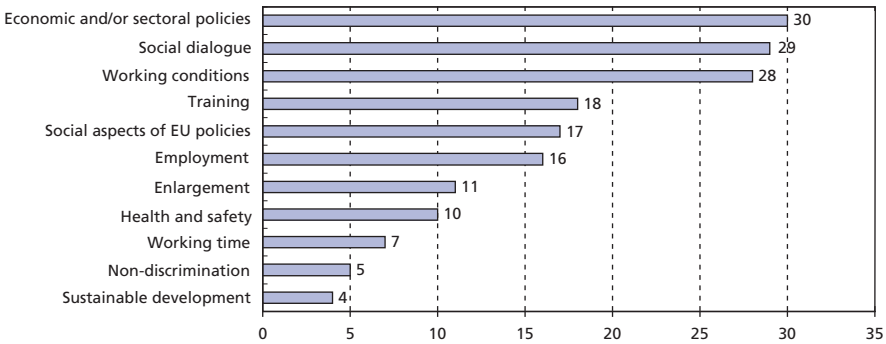
The work of the various social dialogue committees has resulted in the adoption of over 40 texts by the cross-industry social partners and over 300 by the sectors since the mid-1980s. These take a variety of forms ranging from joint opinions, to guidelines, codes of conduct, and agreements. Some of these initiatives, such as three of the agreements concluded by the cross-industry social partners and those in the transport sector, have been implemented by Council directives. The topics covered by these texts are diverse, encompassing employment, working conditions, training, health and safety, working-time, social dialogue, as well as more sector specific concerns. Some of these texts are responses to Commission consultations under Article 138, whereas oth-

Chart 3.1: Number of sectoral texts per year, 1997–2003
Total: 175 documents



Source: European Commission.

Chart 3.2: Number of sectoral texts per area, 1997–2003



Source: European Commission.

(83) *For an overview of the key stages in the evolution of the European social dialogue, see Box 3.3.*
(84) *For a full list of sectoral social dialogue committees, see Table 3.12.*
(85) *For an overview of the sectoral social dialogue, see 'The sectoral social dialogue in Europe', European Commission, 2003, http://europa.eu.int/comm/employment_social/publications/2003/ke4702397_en.html*

ers are purely autonomous initiatives or responses to Commission policy in specific sectors [86].

One of the most significant developments during the last couple of years has been the decision by the cross-industry social partners to pursue a more 'autonomous' dialogue. In their joint contribution to the Laeken European Council in December 2001, they indicated their intention to develop a more independent dialogue and these efforts culminated, in November 2002, with the adoption by the ETUC, UNICE/UEAPME and CEEP [87] of their first ever joint work programme covering the period 2003–05. (For further details on these organisations, see Chapter 1.)

This development is significant as it marks the first time that the cross-industry social partners have decided to take a more proactive approach to their dialogue rather than simply responding to Commission consultations under Article 138. In terms of agenda-setting, the practical implications are that it will result in greater interaction between the social part-

TABLE 3.1: EUROPEAN SOCIAL PARTNERS' JOINT WORK PROGRAMME 2003–05

Chapters	Themes	Actions	Calendar
Employment	Employment guidelines	Reports on social partner actions in Member States to implement the employment guidelines (taking into account the cycle of three years)	2003–05
	Lifelong learning	Follow-up of 'framework of actions' and evaluation report	2003, 2004 and 2005
	Stress at work	Seminar with a view to negotiating a voluntary agreement	2003
	Gender equality	Seminar on equal opportunities and gender discrimination aiming at a framework of actions	2003
	Restructuring	Identify orientations that could serve as a reference to assist in managing change and its social consequences on the basis of concrete cases	2003
	Disability	Update of joint declaration of 1999 as a contribution to the European year on disability	2003
	Young people	Promoting young people's interest in science and technology to help address the skills gap through a joint declaration and/or awareness-raising campaign	2003–05
	Racism	Updating joint declaration of 1995 (with participation of candidate countries)	2004
	Ageing workforce	Seminar to discuss case studies and explore possible joint actions	2004
	Harassment	Seminar to explore the possibility of negotiating a voluntary agreement	2004–05
	Telework	Monitoring of follow-up to framework agreement	2003–05
	Undeclared work	Seminar aiming at a joint opinion	2005
Enlargement	Industrial relations	Joint seminars on industrial relations (case studies on different ways of articulating different levels of negotiations)	2003–05
	Social dialogue	Two enlarged social dialogue committees per year	2003–05
	Restructuring	Study on restructuring in candidate countries	2003–04
	Lifelong learning	Include candidate countries in follow-up to framework of actions	Seminar in 2004, inclusion in reporting 2005
	Implementation of legal *acquis*	Joint seminar on European works councils	2004
	EU social and employment policies after enlargement	Prospective reflection to identify issues that will arise in the EU after enlargement such as increase in diversity, migrations, cross-border work, etc.	starting in 2004
Mobility	Action plan on skills and mobility	Seminar to identify areas where joint actions by the social partners at EU level could help address obstacles to mobility (notably for managerial staff), including supplementary pensions	2003–05

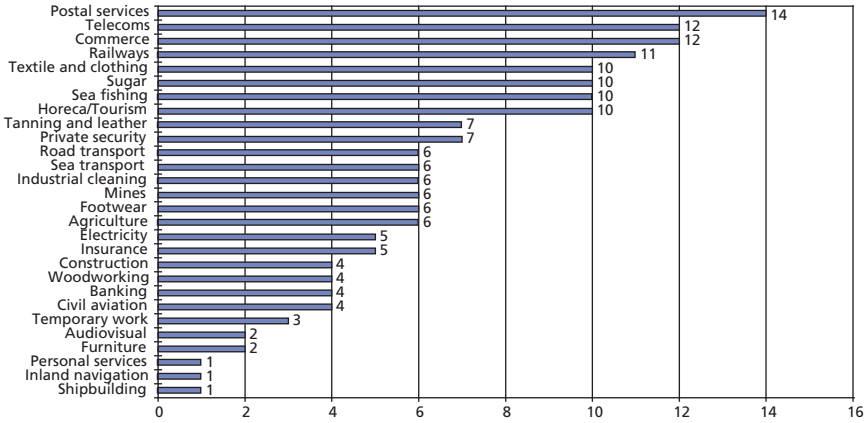
(86) For a full list of social partner consultations under Article 138, see Table 3.13.
(87) These abbreviations stand for the following: ETUC — European Trade Union Confederation; UNICE — Union of Industrial and Employers' Confederations of Europe; UEAPME — European Association of Craft, Small and Medium-Sized Enterprises; CEEP — European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest.

ners' priorities and those of the Commission so that when issues fall within both, the Commission's and the social partners' work programmes, the Commission will take account of the social partners' activities in deciding how to proceed, as was the case with the dossiers on restructuring and stress. The work programme is not however exhaustive as new priorities may emerge and the social partners will continue to respond as before to new Commission consultations. A growing number of sectors are also adopting their own work programmes.

Another significant evolution over the last few years concerns the nature of the texts adopted by the social partners. While the majority of social partner texts have tended in the past to be non-binding policy statements directed at either the European institutions, national authorities, or a mixture of both, more recently the social partners have begun to adopt an increasing number of 'new generation' texts (autonomous agreements, guidelines, codes of conduct, policy orientations) with commitments or recommendations directed at their members and which they undertake follow-up themselves. This is true of both the cross-industry and sectoral social partners.

It is however important to stress that the activities of the social partners are not confined to the adoption of joint texts. The social partners undertake many transnational joint projects, often with financial assistance from the Commission under its social dialogue, education and training, and health and safety budget headings. These projects consist of a large variety of activities, including the organisation of conferences, round tables, studies and publications, and the production of practical tools, such as vocational training and health and safety manuals, and guidance on procurement practices.

Chart 3.3: Number of documents per sector, 1997–2003



Source: European Commission.

The transnational nature of these projects means that they make a very practical contribution to increasing the interplay between industrial relations actors at the European and national levels, promoting the exchange of experience and best practice, and improving understanding of European level policy at the grass-roots level. Furthermore, joint projects such as studies and conferences often culminate in the adoption of joint texts.

Although the social partners are increasingly developing proactive initiatives independently of the Commission's agenda, the topics addressed by the social partners over the last couple of years continue naturally to be strongly influenced by the Commission's priorities and work programme, outlined in its five-year roadmap, the social policy agenda (COM(2000) 379 final), and updated by the mid-term review of the social policy agenda (COM(2003) 312 final), adopted in May 2003.

Chart 3.3 provides an indication of the number of joint texts adopted per sector during the period 1997 and 2003. It should be stressed that these figures need to be interpreted with caution as they only refer to joint texts rather than joint projects, yet a sector with relatively few joint texts might nevertheless be very active through the work it undertakes in joint projects. It should also be noted that this information is purely quantitative and includes all the joint texts adopted by the social partners, irrespective of qualitative considerations, including whether or not they include follow-up commitments.

Developments in the European social dialogue over the last couple of years can be summarised as a response to three main concerns: achieving the objectives of the Lisbon strategy; preparing for enlargement; and developing social dialogue as a way of improving governance at the European level.

2. A response to three main objectives

2.1. Working towards the Lisbon objectives

Since the year 2000, social dialogue developments have been taking place against the backdrop of the EU's Lisbon strategy, which has the objective of making the EU 'the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion' by the year 2010. The Lisbon strategy seeks to regain the conditions for full

employment and to strengthen cohesion through an integrated approach to EU policy-making which ensures that the economic, social and environmental dimensions are taken into account in all Community policies. The Lisbon strategy views social policy as a productive factor, contributing to both economic competitiveness and a better and fairer society.

The Commission's communication on the social dialogue published in June 2002 entitled 'The European social dialogue, a force for modernisation and change' [88] stressed the role of the social partners at all levels in contributing to the attainment of the strategic objectives set in Lisbon and the social dialogue as the driving force behind successful economic and social reforms. Social partners have a key role to play because they are close to the realities of the workplace and are therefore well-placed to assist the positive management of change by helping to find the right balance between the flexibility essential to businesses which are operating in a highly complex and changing environment, with the security needed by employees.

Box 3.1: Tripartite concertation at the EU level

Tripartite concertation has a long history at European level, dating back to the 1970s. It refers to the dialogue between the social partners and European public authorities, and is distinct from bipartite social dialogue.

Tripartite concertation at EU level has been extended in recent years and there are now four fields in which tripartite concertation takes place — macroeconomics, employment, social protection and education and training — each of which comprises both a technical and political level.

Since 1997 the European Council presidencies have been inviting the social partners to meet with the troika (the previous, present and following presidencies) on the eve of European Council meetings in order to discuss issues on the European Council agenda. The conclusions of the Nice European Council held in December 2000 provided for an annual social summit with the social partners prior to each spring European Council. Such meetings have been organised in March 2001 in Stockholm, in December 2001 in Laeken, and in March 2002 in Barcelona.

The June 2002 communication on social dialogue [89] stressed the importance of rationalising and improving tripartite concertation between the social partners and the public authorities. As a result, some important changes have taken place in the organisation of tripartite concertation during 2002–03. Most importantly, a proposal for a Council decision annexed to the communication takes up the suggestion of the social partners in their Laeken contribution of December 2001, and seeks to institutionalise the summits held over the last few years by setting up a Tripartite Social Summit for Growth and Employment. The Council decision was adopted on 6 March 2003, enabling the first tripartite social summit to be held on 20 March 2003 [90]. The decision indicates that these summits are to be jointly chaired by the President of the Council and the President of the Commission. The two social partner delegations comprise 10 representatives each from European cross-industry organisations either representing general interests or more specific interests of supervisory and managerial staff and small and medium-sized enterprises at European level. The technical coordination is provided for the employees' delegation by the ETUC and the employers' delegation by UNICE. The Council decision states that the ETUC and UNICE shall ensure that the views expressed by the specific and sectoral organisations are fully taken into account in their contributions and shall, where appropriate, include representatives from some of these organisations in their delegations.

The establishment of the tripartite social summit provides a new framework for European tripartite concertation. The idea is for all the different types of concertation to feed into the new tripartite social summit, with the aim of ensuring greater consistency in tripartite concertation and enabling the social partners to make a more integrated contribution to the various components of the Lisbon strategy.

The discussions at the first summit centred on the social partners' contributions towards the implementation of economic and social reform, and their achievements since the Barcelona Council in 2002, including the initiatives upon which they have made a start within the framework of their first joint work programme for 2003–05. The social partners also presented the first annual follow-up report on the implementation of the framework of actions on the lifelong development of competencies and qualifications.

In response to concerns among some Member States about the current economic and employment situation in Europe, it was decided at the European Council meeting in October 2003 that an extraordinary summit would be held on 11 December 2003 in order to obtain the views of the social partners with regard to restoring the potential for economic and employment growth. The summit discussed the Commission's proposal for a European initiative on growth, designed to stimulate economic recovery within Europe, and the final report of the Employment Task Force set up in March 2003. The 'Kok report' as it is commonly referred to, takes stock of the present situation in the EU labour market, analyses the main reasons why the EU risks not meeting all of its employment targets and identifies concrete reforms [91].

At the March 2004 tripartite social summit, the social partners endorsed the idea of a 'Partnership for Change', which stresses the role of partnership as the best way of addressing the challenge of economic growth and competitiveness, and the importance of deepening existing practices and traditions of partnership, and maximising existing social dialogue processes — both cross-industry and sectoral — with a view to ensuring the effective implementation of the necessary reform measures. The parties reaffirmed their commitment to the Lisbon agenda and the need for Member States to step up their efforts to achieve the Lisbon objectives. It was agreed that the theme of partnership for change should be followed up at subsequent summits.

(88) *COM(2002) 341 final.*
(89) *COM(2002) 341 final.*
(90) *OJ L 70, 14.3.2003, p. 31.*
(91) Jobs, jobs, jobs — Creating more employment in Europe, *report of the Employment Taskforce, November 2003, http://europa.eu.int/comm/employment_social/employment_strategy/task_en.htm.*

The communication made various recommendations for enhancing the social partners' involvement in the different aspects of the Lisbon strategy, including the establishment of a new Tripartite Social Summit for Growth and Employment, set up in March 2003, to be held on the eve of each spring European Council. The purpose of the tripartite social summit is to ensure greater consistency in the various concertation processes and to enable the social partners to make a more integrated contribution to the various components of the Lisbon strategy.

In the 2002 communication, the Commission encourages the social partners to put forward points for action at the European level and to address the following subjects which are important for achieving the Lisbon objectives: preparing for entry into the knowledge society by recognising the vital role of lifelong learning and the acquisition of skills; incorporating mobility and career pathways into discussions on working conditions; active ageing; promoting equal opportunities; taking into consideration employment and wider access to the labour market; promoting sustainable development; incorporating quality as a factor in global performance both in aspects of work organisation and in health and safety; and, worker involvement and the negotiated anticipation of change.

In 2004, the Commission adopted its most recent communication on social dialogue, entitled 'Partnership for change in an enlarged Europe — Enhancing the contribution of European social dialogue' [92]. As the mid-term point of the Lisbon strategy approaches and against the backdrop of the recent enlargement of the EU to ten new Member States, the communication takes stock of the European social dialogue, particularly in view of the recent calls for a partnership for change to help deliver the reforms necessary to enable the Lisbon objectives to be met on schedule. It complements the earlier communications by focusing on ways of improving the impact and effectiveness of the European social dialogue. In view of the increasing adoption by the social partners of new generation texts which the social partners undertake to implement themselves at the national level, the communication stresses the importance of good quality industrial relations at the national level and the need to maximise synergies between the European social dialogue and other levels of social dialogue, in particular national, sector and company levels and makes proposals for achieving this, especially with regard to capacity-building, awareness-raising, transparency and the follow-up given to social partner texts.

The themes identified by the cross-industry social partners in their work programme and the topics addressed by the sectoral social partners in their joint texts and projects during the last couple of years reflect the priorities of the Lisbon strategy and seek to make a contribution to achieving its objectives.

2.2. Responding to the challenge of enlargement

Preparation for the enlargement of the EU on 1 May 2004 also featured high among the European social dialogue activities over the last couple of years, and was, indeed, one of the main concerns of the Commission's

TABLE 3.2: DESCRIPTION OF TRIPARTITE CONCERTATION PRACTICES AT EUROPEAN LEVEL

Macroeconomic issues	Following the European Council of Cologne in June 1999, a macroeconomic dialogue was set up to encourage growth and employment, involving the social partners in the discussion of economic, monetary, budgetary and fiscal policy. Technical meetings take place with the Employment Committee (EMCO) and the Economic Policy Committee (EPC), and political-level meetings with the Employment and the Economic and Financial Affairs Ministers, the Commission and the European Central Bank.
Employment issues	The decision setting up the Tripartite Social Summit for Growth and Employment abolished the Standing Committee on Employment (SCE) and established a tripartite dialogue on employment along the lines of the macroeconomic dialogue. Technical meetings take place with the EMCO, and political-level meetings with the Informal Employment and Social Affairs Council usually held at the beginning of each presidency.
Social protection issues	Tripartite concertation in the field of social protection was strengthened in 2002, in particular by the closer association of the social partners in the work of the Social Protection Committee, and in the preparation and implementation of the national action plans for social inclusion. Technical meetings take place with the Social Protection Committee, and political-level meetings with the Informal Employment and Social Affairs Councils.
Education and training issues	A Council decision taken on 29 November 2002 established a new process of structured dialogue between the troika of ministers, the social partners and the Commission. The first political level meeting was held on 5 February 2003, at which all parties expressed a desire to promote ongoing concertation on the questions of lifelong learning, the development of competencies, and research.

(92) COM(2004) 557 final.

June 2002 communication which stressed the need to strengthen the capacities of social partners in the new Member States.

This enlargement presents a challenge for European industrial relations because of the considerable differences between the industrial relations systems of most of the new Member States compared with those of the majority of EU-15. In particular, EU-15 tend to have strong traditions of bipartite collective bargaining and the predominant level of bargaining has generally been the sectoral one. The rates of workers covered by collective agreements tend to be high, and this is true even of countries with relatively low rates of unionisation due to the regular use of extension procedures (see Chart 1.5 in Chapter 1 for data on bargaining coverage rates in the EU).

In contrast, the industrial relations picture in many of the new Member States is very different. The main form of social dialogue in these countries is tripartite, and bipartite dialogue at national and sectoral level is relatively new and under-developed. Where collective bargaining occurs, it generally takes place at company level. The role of collective bargaining is therefore fairly limited and the coverage rate is low (estimated to be 25–30 % on average). Slovenia is an exception, because of the compulsory nature of collective bargaining. Although the possibility for extension procedures is provided for in the legislation of many of these countries, they are rarely used. The situation is compounded by the weakness of the social partner organisations and their limited financial resources, a situation which has not been assisted by the considerable decline in unionisation during the 1990s and the difficulties faced by employers' organisations in recruiting members.

These weaknesses pose a challenge in terms of the effective participation of the social partners from the new Member States in the European social dialogue, including their ability to implement and monitor new generation texts effectively, and their capacity to make use of the possibility provided in some EU directives for certain provisions to be implemented by collective bargaining.

As a consequence of the challenges presented by this latest enlargement, as will be demonstrated later, enlargement has been a high priority for both the Commission and the social partners.

2.3. The contribution of social dialogue to improving governance

Over the last few years a parallel, but related, debate has been taking place on improving European governance, with a growing concern to ensure the application of the principle of subsidiarity, the notion that decisions should be taken at the lowest appropriate level and as close as possible to the citizen. As part of this debate, the 'White Paper on European governance' [93] adopted in July 2001 stressed the importance of effective consultation for improving the quality of legislation and has advocated the use of co- and self-regulation mechanisms. The White Paper states that 'the social partners should be further encouraged to use the powers given under the Treaty to conclude voluntary agreements'.

The social dialogue consultation mechanisms predated the governance debate and were in fact pioneering in this respect. Indeed the social dialogue is recognised as constituting a special form of co- and self-regulation. This is due to the special nature of the social partners compared to other pressure or interest groups which stems from their ability to take part in collective bargaining. It is largely for this reason that the social dialogue has a specific Treaty basis in Articles 138 and 139.

The Commission's June 2002 communication on the social dialogue stresses the important contribution of the social dialogue to better governance and makes various recommendations for improving the involvement of the social partners. The August 2004 communication complements this by recommending ways of improving the impact of the results of the social dialogue.

As the debate on European governance has evolved, a growing recognition and advocacy of a larger variety of governance instruments has also emerged, including a range of 'soft' law measures, such as the open method of coordination (OMC), which was strongly recommended by the High Level Group on Industrial Relations and Change for use by the social partners [94].

The OMC is an instrument which was originally devised with governments in mind as a tool for helping to implement the Lisbon objectives, but it can also be adapted to use by the social partners. It is a method of peer review, which entails setting certain targets or benchmarks (quantitative where possible) and regularly reporting on progress towards them. It is a useful way of achieving progress in areas in which legislation may not be the most appropriate solution, often because Member States already have a complex and diverse array of measures in place, but in which they or the social partners nevertheless have an interest in working together at the European level, either because of the cross-border implications of certain policies which require international cooperation, or because European

(93) COM(2001) 428 final.
(94) The report of the high level group can be found at the following website: www.europa.eu.int/comm/employment_social/socdial/social/index_en.htm

societies face certain common problems, such as adapting to technological change, declining birth rates, and ageing populations.

The OMC could be useful for the social partners because it provides a pragmatic way of making progress in areas in which the policy space is already densely occupied, and responds effectively to the growing view that the European level should serve to facilitate the effective exchange of best practice between national, local and enterprise level and thereby promote mutual learning. For the OMC to work, however, commitment is necessary among the parties concerned.

The final section of the chapter discusses the trend among the European social partners towards the use of a greater diversity of instruments, including 'new generation' texts which they undertake to follow up themselves.

3. Policy developments: working towards the Lisbon objectives

3.1. Lifelong learning and mobility

The Lisbon objective of becoming a dynamic, knowledge-based economy requires investment in human resources, in other words the promotion of education and training in order to ensure that employees possess the new skills which are required in a knowledge-based economy. Ensuring that they remain employable throughout their working lives is a lifelong process. Many of the social partners' activities therefore represent a response to this challenge.

In March 2002, the cross-industry social partners, the ETUC, UNICE/UEAPME and CEEP, adopted the framework of actions for the lifelong development of competencies and qualifications. The text stresses the importance of the principle of the shared responsibility of all players for lifelong learning (e.g. the social partners at national, sectoral and company level, public authorities, employers and individual employees). It emphasises that the lifelong development of competencies depends on the implementation of the following four priorities:

- identification and anticipation of competencies and qualification needs;
- recognition and validation of competencies and qualifications;
- information, support and guidance;
- resources.

This framework of actions is innovative both in terms of the content of the text and as an instrument. With regard to the content, it seeks to go beyond the earlier approach which prevailed in the social partners' joint opinions adopted between 1985 and 1995, which tended to adopt a narrower view of vocational training and to focus on issues such as the right to training and equal access. In contrast, in the framework of actions, the social partners have adopted a broader approach by considering the issue of training from the angle of learning, both formal and informal; and by introducing the concept of 'competencies' which have to be validated and recognised so as to facilitate geographical mobility; by extending the scope to all categories (young people, employees, job-seekers) and all age groups; and by adopting a multi-level approach (national, regional, local and company).

As an instrument, this framework of actions is also significant as it is the first time that the cross-industry social partners have decided to implement one of their texts via the open method of coordination (OMC). The member organisations of UNICE/UEAPME, CEEP and the ETUC undertake to promote the framework in Member States at all appropriate levels taking account of national practices. At European level, the social partners will continue to contribute to ongoing discussions on transparency and recognition of competencies and qualifications. The social partners have agreed to monitor progress towards achieving the four priorities on an annual basis (reporting in February–March each year) and will, after three annual reports, evaluate the impact on both companies and workers. This evaluation can, if necessary, lead to an update of the priorities identified. The social partners' ad hoc group on education and training will be responsible for the evaluation, which will be presented in March 2006.

In their joint work programme the social partners indicate that they will include the new Member States in the reporting activities from 2005 onwards and a seminar was held in May 2004 in order to prepare for their inclusion.

The first and second follow-up reports were produced in March 2003 and 2004 respectively. National efforts have been building on previously existing initiatives, and both reports reflect the diversity of Member States' industrial relations systems and a variety of priorities as a result of differing national circumstances and needs.

The first report indicated that considerable efforts had been made:

- to disseminate the text (e.g. translate it, hold information meetings, analyse and discuss the priorities);
- to discuss the text among the social partners and to integrate the priorities in collective agreements;
- to promote the approach and priorities through tripartite concertation with public authorities;
- to follow up certain priorities through more focused projects by the social partners either jointly or individually.

TABLE 3.3: SOCIAL PARTNER JOINT TEXTS ADOPTED BETWEEN JANUARY 2001 AND JUNE 2004 (95)

Sector	Title of joint text
Agriculture	*European agreement on vocational training*, December 2002
Banking	*Joint declaration on lifelong learning*, November 2002
Civil aviation	*Joint opinion on the crisis in air transport*, October 2001 *Joint letter to Commissioner de Palacio supporting the bottom-up approach for functional blocks of airspace in the single European sky policy*, October 2003
Cleaning industry	*Joint declaration on employment*, February 2001 *Common recommendations of the European social partners for the cleaning industry*, March 2002 *Framework programme of the social dialogue committee in the cleaning industry*, March 2004
Commerce	*European agreement on guidelines on telework in commerce*, April 2001 *Voluntary guidelines supporting age diversity*, March 2002 *Joint statement on corporate social responsibility*, November 2003 *Statement on promoting employment and integration of disabled people in the European commerce and distribution sector*, May 2004
Construction	*Recommendations to the national federations regarding implementation of Directive 2001/45/EC on 'working at heights'*, April 2003 *Joint declaration regarding the proposed COM(2001) 386 — 2001/0154/CNS directive of 11 July 2001 relating to entry and residence conditions for workers who are nationals of other countries*, June 2003 *Joint statement on the European Commission's proposal for a directive on services in the internal market, COM(2004) 002*, April 2004 *Joint statement on the European Week for Safety and Health at Work — 2004*, April 2004
Cross-industry	*Joint contribution by the social partners to the Laeken European Council*, December 2001 *Declaration of the social partners for the European year of people with disabilities: promoting equal opportunities and access to employment for people with disabilities*, January 2003 *Framework of actions on the lifelong development of competencies & qualifications*, March 2002 *Framework agreement on telework*, July 2002 *Orientations for reference in managing change and its social consequences*, October 2003 *Framework agreement on work-related stress*, October 2004
Electricity	*Joint declaration on the conference on the social implications of the restructuring of the electricity sector in the candidate countries*, 2002 *Eurelectric-EPSU-EMCEF joint declaration on telework*, 2003 *Joint statement of Eurelectric, EMCEF and EPSU and final report on the study on lifelong learning in the electricity sector*, 2003 *Joint declaration on equal opportunities and diversity in the electricity sector*, June 2003 *Joint statement on the future skills needs in the European electricity sector*, June 2004
Footwear	*Existing code of conduct for the footwear sector extended to organisations representing the footwear retail sector*, February 2002
Horeca	*Common position on the Commission communication on tourism*, 2001
Local & regional government	*CEMR-EP/EPSU joint statement on telework*, January 2004
Mines	*Joint positions in the context of the draft directives on the management of waste and greenhouse gas emissions trading*, 2002 *Joint position on training and continuing training*, April 2003
Personal services	*Code of conduct — guidelines for European hairdressers*, June 2001
Postal services	*Equal opportunities in the postal sector: good practices*, 2001
Private security	*Joint declaration on the European harmonisation of legislation governing the private security sector*, December 2001 *Code of conduct and ethics for the private security sector*, July 2003
Railways	*Agreement on certain aspects of the working conditions of railway mobile workers assigned to interoperable cross-border services*, January 2004 *Agreement on the European licence for drivers carrying out a cross-border interoperability service*, January 2004
Road transport	*Joint declaration on the road safety action programme*, September 2003 *Joint declaration on post-enlargement in the road transport sector*, September 2003 *Joint recommendations of the European social partners to the representatives of management and trade unions in local public transport companies in the EU on insecurity in local public transport*, November 2003
Sugar	*Common position on the generalised system of preference for clear and consistent rules of origin conceived as an essential counterpart to the opening of borders*, 2001 *Joint declaration on the impact of enlargement for the sugar industry*, 2002 *Code of conduct on corporate social responsibility in the European sugar industry*, February 2003 *Joint position paper on the Commission communication relating to reform of the COM in sugar*, December 2003
Telecommunications	*Guidelines for telework in Europe*, February 2001 *Guidelines for customer contact centres*, June 2004
Temporary work	*Joint declaration on the development of the sectoral social dialogue*, July 2001 *Joint declaration — objectives of the European directive on private agency work*, October 2001

(95) This list is not necessarily exhaustive.

Although it was still early to detect particular trends resulting directly from the adoption of the framework of actions, it appeared to be providing an impetus for debates between the social partners at national level on the development of competencies and qualifications, and in some cases activities were being organised around the four priorities identified at European level.

The second follow-up report indicated that activities in the bipartite social dialogue had been less geared in the second year towards the dissemination of the framework of actions and focused more on competence development at different levels. Different means had been used to that end, including collective agreements, joint projects, the establishment of discussion forums and the development and promotion of concrete tools to help companies develop learning activities. National social partners had been actively involved in tripartite activities, including the design of public policies on education and training in several countries. The second report also included some information on initiatives taken at the European sectoral level.

Lifelong learning is of course also a key issue for the sectors and therefore featured in the work of the majority of the sectoral social dialogue committees. The various sectors have undertaken numerous joint projects, culminating in some cases in the adoption of joint texts. In some instances, reference was made to the cross-industry framework of actions.

In the agriculture sector, the social partners signed a European agreement on vocational training in December 2002 which seeks to raise the level of qualifications of agricultural workers and to facilitate their mobility within the EU. The agreement is to be implemented in accordance with national procedures and practices and proposes a number of initiatives and practical recommendations to national social partners, national authorities and the Commission with regard to skills assessment, the validation of vocational skills, the transparency of diplomas, and qualifications. With a view to facilitating mobility, the agreement proposes a model for an agricultural worker's booklet of vocational qualifications and skills. Mobility is not only essential for adapting to structural changes, it is also important for helping to resolve the problem of the shortage of skilled labour in the sector.

Social partners in the banking sector have prepared an inventory of the legislative framework and practices on lifelong learning in their sector in 18 countries, and adopted a joint declaration on lifelong learning in this connection in November 2002. This joint declaration recognises the importance of training to companies' competitiveness and aims to promote a culture of continuing training. It identifies the same four main themes as those in the cross-industry social partners' framework of actions, but takes into account the specificities of this particular sector.

European social partners in the postal sector have also been inspired by the framework of actions and the sectoral social dialogue committee's new website includes a questionnaire which seeks to collect examples of best practices on training and skills development in the sector. More than 50 good practices have already been collected.

Social partners in the electricity sector commissioned a study on lifelong learning and vocational training needs in their sector, which resulted in the adoption of a joint statement in June 2003. The study was drawn up on the basis of the responses received to questionnaires sent to electricity companies in several countries. Training is an important issue for the electricity sector as the liberalisation of energy markets has considerably changed the context in which electricity companies now operate, and in order to remain an attractive employer and to maintain the competitiveness of the industry, the electricity sector must find suitable ways of ensuring that staff have the skills which are needed in this new context. The text identifies the challenges relating to the needs of older workers, female employees and young workers entering the industry. The electricity social partners intend to use the conclusions of the study to explore further the question of lifelong learning at a joint workshop aimed at exchanging examples of best practice.

Social partners in the mines sector adopted a joint position on training and continuing training in April 2003 stressing the importance of training to economic and social development, the need for new social skills in addition to the more traditional technical occupational skills and the need for training content to adapt to the needs of the information society.

In the construction sector, the European social partners have developed a brochure on tutorship for building and public works companies. The brochure has been developed because the sector suffers from image problems which means that at the same time as many skilled workers over the age of 50 are leaving the industry, many younger workers are leaving the sector either during training or after just a few years' of work. This results in wasted resources for the different vocational training systems and a lower return on businesses' investments in human resources. The brochure has therefore been designed in order to provide the construction sector's social partners and businesses with information and tools to help them address these problems through tutorship. It includes examples of best practice.

Employers in the construction sector, represented by FIEC (European Construction Industry Federation), have organised a number of 'thematic visits', designed to share and spread best practices in vocational training. These visits have also helped to identify certain problems facing the construction industry, and have included a large number of participants from FIEC member federations from the candidate countries in the run-up to enlargement.

Furthermore, the texts of other sectors include references to lifelong learning/training even if it is not necessarily the primary concern of the text in question, as in the case of the code of conduct on corporate social responsibility in the European sugar industry adopted in February 2003.

Similarly, the code of conduct and ethics for the private security sector adopted in July 2003 addresses the question of vocational training, stressing the need for appropriate training in order to ensure minimum standards of professionalism in the sector. It indicates that in the absence of national regulations or standards, companies should, at a minimum, provide a level of training corresponding to the training manual developed by the social partners in the sector in 2001 on basic training requirements for private security guards.

Finally, the common recommendations for the cleaning industry adopted in March 2004 also stress the importance of vocational training to promoting professionalism which is in turn fundamental to ensuring the sustainable development of the sector. In this text, the sectoral social partners refer explicitly to the cross-industry framework of actions and declare their intention to actively pursue work in this area with a view to promoting the development of vocational training at all levels.

3.2. Telework: modernising employment relations

Another important aspect of the Lisbon agenda concerns the modernisation and improvement of employment relations, a topic on which the Commission consulted the social partners in 2000. During 2001, the social partners informed the Commission that they wished to negotiate their own agreement, which culminated in the adoption by the ETUC (along with the Eurocadres/CEC liaison committee), UNICE/UEAPME and CEEP of the framework agreement on telework signed on 16 July 2002.

In the preamble, the social partners state that in line with the EU's Lisbon strategy, the agreement is a contribution to preparing the transition to a knowledge-based economy and society. The agreement defines the scope of telework and establishes a general European framework for teleworkers' conditions of employment. It covers eight areas: employment conditions, data protection, privacy, equipment, health and safety, organisation of work, training and collective rights. It aims to ensure that teleworkers are afforded a general level of protection equivalent to workers working on the employer's premises.

Like the previous framework agreements on parental leave, part-time work and fixed-term work, it was negotiated following a consultation of the social partners under Article 138 of the EC Treaty on *Modernising and improving employment relations*. However, this agreement departs from the three other agreements as it is the first time that the social partners have decided to implement an agreement via the first implementation route in Article 139(2) of the EC Treaty, namely in accordance with the 'procedures and practices specific to management and labour and the Member States'. The three previous agreements have all been implemented via the second route, namely by Council directives.

The main difference between this implementation method and that used for the three other agreements is that it is the social partners themselves — more specifically, the national members of the European signatory organisations — who will implement the agreement, rather than Member States. Indeed, in the vast majority of Member States, the three previous agreements were implemented either by revising existing legislation or introducing new laws.

The social partners have three years in which to implement the agreement — until July 2005 — and they then have a further year — until July 2006 — to produce a joint report on implementation.

At the time of writing, the UK, Sweden and the Netherlands had adopted non-binding guidelines agreed jointly by the main peak social partner organisations. Although the UK guidelines are non-binding, the fact that the Confederation of British Industry (CBI) and the Trades Union Congress (TUC) have decided to agree the guidelines together, with the Department of Trade and Industry's (DTI) support for publication, has been considered to be significant in the British industrial relations context. The Swedish and Dutch guidelines are intended to serve as recommendations for lower levels of bargaining, at either sectoral or company level, but have no binding force in themselves. In Ireland, the social partners will update the existing non-binding code of practice dating from 1999. In mid-2004, cross-industry negotiations had been initiated in Austria, Belgium, Finland, Greece, Ireland, Iceland, Luxembourg and Norway. In Denmark, Germany and Sweden the issue is expected to be taken up in the sectoral collective bargaining rounds during 2004. In Portugal, the recently amended labour

code includes 10 articles dealing specifically with telework. In Hungary, also the labour code has been amended to include provisions on telework, and similar steps are under way in the Czech Republic.

While telework is still a relatively undeveloped form of work in some countries, in others, existing collective agreements already address the issue. This is the case, for example, with regard to the electric power-supply, telecommunications, information technology services and mineral oil production sectors in Austria. Similarly, in some countries, company level agreements address the issue [96].

Some European sectoral social partners have also addressed the issue of telework. The commerce and telecommunications sectors adopted joint texts in 2001 prior to the cross-industry agreement as a response to the Commission consultation. Their texts highlight similar issues to the cross-industry agreement, including the voluntary nature of telework, the principle of equitable treatment with other employees, costs involved, equipment, confidentiality, health and safety considerations, access to training and collective rights.

The guidelines on telework in the telecommunications sector foresaw a follow-up and the findings produced in 2003 indicate a high level of implementation of the guidelines in the 17 large traditional operators in the sector. The report explains that in all cases telework is voluntary, the principle of equitable treatment is respected, the equipment is always provided by the company and the costs are generally borne by it. In each instance, teleworkers have equal access to training and career opportunities, health and safety rules are applied, measures have been taken to ensure that teleworkers do not experience exclusion or isolation, in all companies teleworkers must respect the confidentiality of all data, and they benefit from the same collective rights.

More recently, social partners in the electricity (2003) and local and regional government sectors (2004) adopted very similar joint texts welcoming the cross-industry agreement and calling on their members to implement it in their sectors in accordance with national procedures and practices specific to management and labour by the July 2005 implementation deadline for the cross-industry agreement. Both sectors also undertake to monitor the implementation of the agreement in their sectors in 2005. The similarity of the two sectors' approaches has been influenced by the fact that employees are represented by the same trade union organisation, EPSU (European Federation of Public Service Unions) [97].

3.3. Restructuring: Anticipating and managing change

Corporate restructuring is a crucial issue in the framework of the fulfilment of the Lisbon objectives with regard to both its economic and social implications, and particularly in view of the likely consequences of EU enlargement. Restructuring has therefore been an important discussion topic for the cross-industry social partners and was included in their joint work programme. The social partners' deliberations on restructuring were, however, originally triggered by a Commission consultation under Article 138 of the EC Treaty on *Anticipating and managing change: a dynamic approach to the social aspects of corporate restructuring* launched in January 2002. This consultation paper explains that the Lisbon strategy is based on a positive approach to change. Change is viewed as contributing to innovation, increasing, productivity (by modernising the organisation of work), and raising profitability, and should therefore be embraced, anticipated and managed responsibly.

During 2002–03, the cross-industry social partners held three seminars examining case studies of restructuring and, on 29 October 2003, they presented a joint text to the Commission entitled 'Orientations for reference in managing change and its social consequences', which includes an annex with 10 case studies on which the orientations were based (for more information on the case studies, see Chapter 5).

The orientations stress the need for explaining the reasons for change in good time to workers or their representatives; the need for good information and consultation of workers throughout the process of change; and the need to maintain and develop workers' competences and qualifications in order to develop their employability. It also addresses the territorial dimension (the economic and social repercussions of restructuring on the regions in which they are based) and the specific circumstances of SMEs.

These orientations constitute a first step towards identifying and developing best practices on anticipating and managing restructuring throughout Europe. The cross-industry social partners' work programme foresees two further initiatives relating to this topic, namely a study on restructuring in the new Member States, and a joint seminar on the implementation of the European works councils directive, which will also involve further work on themes relevant to the topic of

(96) See, Industrial relations developments in Europe 2002, *European Foundation for the Improvement of Living and Working Conditions and the European Commission, 2003.*

(97) *In the electricity sector trade unions are also represented by EMCEF (European Mine, Chemical and Energy Workers' Federation).*

restructuring. The framework of actions on the lifelong development of competencies and qualifications, adopted prior to the orientations, is also relevant to this issue in view of the importance of continuous training to ensuring the employability of employees.

At the sectoral level, the electricity social partners organised a joint conference on the social implications of the restructuring of the electricity sector in the candidate countries, in Budapest, in September 2002, which resulted in the adoption of a joint statement. Case studies were presented on the effects of liberalisation and privatisation on companies, employees and customers in the EU, and the preparation of the candidate countries for EU membership was also discussed. In 2003, three workshops were held in Prague, Bucharest and Tallinn in order to discuss the social implications of the internal electricity market.

In May 2003, the telecommunications social partners organised a conference in Cyprus on 'Social dialogue: a key factor for success in restructuring European telecommunications companies'.

The code of conduct on corporate social responsibility in the European sugar industry adopted in February 2003 also includes a section on restructuring. The code stresses the need for restructuring to take place in a socially responsible way, including the importance of timely information and consultation and the need to improve the employability of employees. The code is accompanied by an annex of examples of good practice, several of which address cases of socially responsible restructuring.

Finally, some of the European social partners have undertaken unilateral initiatives, such as the conference held by EMCEF in April 2004 exploring good practices for informing and consulting workers in cases of restructuring.

3.4. Corporate social responsibility (CSR)

Another topic attracting growing interest among the social partners and which can make a contribution to the Lisbon objectives, but also the European strategy for sustainable development and better global governance, is corporate social responsibility (CSR). This is the concept whereby companies, often in response to market pressures, acknowledge the importance of sustainability issues and their role in addressing them, by integrating social and environmental concerns in their business operations and their interaction with their stakeholders on a voluntary basis.

Following the appeal for CSR launched at the Lisbon Summit in March 2000, the Commission published a Green Paper seeking to launch a debate on the concept and to obtain stakeholders' views on how it should be taken further at European level. This was followed up in 2002 by the adoption by the Commission of a communication outlining its strategy [(98)].

The social partners began by addressing the issue of CSR in the context of global social governance. The question of fundamental rights, including in the context of business relations of EU-based firms with third countries, had already been explored by several sectors prior to the launch of the Commission's initiatives on CSR and had resulted in the adoption of charters and codes of conduct in the textile/clothing, tanning/leather, and footwear sectors. In the footwear sector, the original code of conduct on child labour was extended in scope in 2000. In the codes of all three sectors, the European social partners call on their members to comply with the core labour standards as defined in International Labour Organisation (ILO) Conventions, namely the abolition of forced labour, the freedom of association and the right to collective bargaining, the abolition of child labour and non-discrimination in employment.

The tanning/leather code of conduct goes beyond these core labour rights as it includes clauses on reasonable working hours, decent working conditions and decent remuneration. The tanning/leather and footwear (2000) codes foresee the possibility of the European social partners organising training and awareness-raising programmes. They both also call on member organisations and enterprises to integrate the code in their relations with suppliers or sub-contractors and indicate the need for independent verification of the implementation of the code in order to ensure credibility.

The implementation of these codes has gradually been gathering pace. For example, some training and awareness-raising projects (some of which are ongoing) have recently been undertaken by the social partners in the textile/clothing and tanning/leather sectors to promote the implementation of these codes in the candidate countries, such as Bulgaria and Turkey.

The commerce sector had also undertaken various initiatives, including the adoption of three joint statements on combating violence, combating child labour and combating racism and xenophobia, as well as an agreement on fundamental rights

(98) 'Promoting a European framework for corporate social responsibility: Green Paper', COM(2001) 366 final and 'Corporate social responsibility: A business contribution to sustainable development', COM(2002) 347 final.

and principles at work. Like some of the codes of conduct mentioned above, the latter text urges companies and workers in the European commerce sector to comply with the main ILO conventions, including the development of their own codes of conduct for their business relations with third countries. In March 2002, the woodworking sector adopted a code of conduct calling on their members to actively encourage companies and employees in the sector to observe the main ILO conventions.

A growing interest in the broader issue of CSR is now evident among some of the European sectoral social partners. Indeed CSR opens up two new dimensions for the European social partners. Firstly, it opens up the possibility of the social partners' agreements having an impact beyond the EU's borders. Secondly, it opens up potential new areas for negotiation, such as the wider concept of quality and sustainable development issues.

The sugar sector has been the first to undertake a CSR-specific effort to ensure the voluntary respect of certain social standards, by adopting a code of conduct on CSR in February 2003. The text sets a series of voluntary minimum standards for affiliated sugar companies in a number of areas including human rights, education and training, health and safety, pay and working conditions, restructuring and social dialogue. It also states that the European sugar industry expects socially responsible behaviour from its suppliers and seeks thereby to contribute to promoting the concept of CSR at the global level. The preamble states that the code is intended to serve as a vehicle for exchanging experience in order to help develop best practice. The code foresees regular annual assessment of its implementation at European level, and the first follow-up report was formally approved in February 2004. The purpose of the first report was to describe the measures taken during 2003 to disseminate knowledge and awareness of the code prior to its entry into force on 1 January 2004, rather than to assess the application of the various norms at this stage. A collection of good practices, which are intended to provide a source of inspiration for companies, has been annexed to the code and will be regularly updated.

The report explains that during 2003, members of the employers' social working group, which comprises company human resource directors or individuals responsible for social affairs within federations, have spent considerable time in explaining and promoting the concept of CSR to the managements of different companies and human resource directors in the sugar industry with the aim of having the concept gradually integrated into the human resource policy of companies. Contacts were also made in some instances with trade union organisations, external bodies or public authorities. The code has been translated into 14 European languages, it has been posted on the websites of the European social partners — CEFS (employers) and EFFAT (trade unions) [(99)]— and has received press coverage. The social partners in the sector have found that the existing structures at both the European level (the sectoral social dialogue committee) as well as those at national level were adequate for implementing and monitoring the code. Furthermore, in June 2004, the social partners in the sugar sector opened a website for their social dialogue to help raise its visibility and their work on CSR.

The commerce sector has also begun to explore the wider concept of CSR, with the organisation in November 2003 of a conference devoted to the subject, at the end of which the commerce social partners adopted a joint statement which urges all commerce companies in Europe to implement CSR policies. The European social partners undertake for their part to promote CSR in business activities, and to raise awareness, for example, through the convening of round tables and the collection and dissemination of good practices. The success of the statement is dependent on the commitment of the social partners and, it suggests, that where European works councils exist, they can play a positive role. The follow-up given to the joint statement will be monitored on a regular basis.

Further projects on CSR are under way in the tanning/leather, banking and Horeca sectors. The postal services sector is seeking to gather examples of CSR best practices which are to be published on their sectoral social dialogue committee's new website. In addition, certain trade union and employers' organisations have been exploring the implications of CSR on a unilateral basis.

Several of the European social partners — UNICE, CEEP, UEAPME, Eurocommerce, ETUC, CEC/ Eurocadres — took part in the EU multi-stakeholder forum on CSR, the aim of which was to promote innovation, transparency and convergence of CSR practices and instruments. Launched by the Commission in October 2002, the forum completed its work in June 2004. The Commission is scheduled to publish a communication in early 2005 assessing progress in the implementation of its CSR strategy and proposing the next steps to be taken.

(99) CEFS stands for the Comité européen des fabricants de sucre, and EFFAT stands for the European Federation of Trade Unions in the Food, Agriculture and Tourism sectors and allied branches.

These efforts in the field of CSR are partly a reflection of a new phenomenon in social regulation emerging at the transnational company level over the last 10 years or so towards the increasing adoption of corporate codes of conduct intended to serve as guidelines to companies concerning labour practices in their supply chains. Codes of conduct such as these are attracting considerable analytical interest as sources of social regulation, however, the question of their effectiveness and credibility has come under scrutiny and was part of the mandate given by the Commission to the EU CSR forum.

With a view to the future, the promotion of CSR and its integration in daily business management requires the development of new CSR-related professional skills. In addition to a need for CSR management specialists in firms and CSR performance assessors, such as social auditors and analysts, every manager and employee will need to acquire new skills to be able to understand and manage CSR issues in their work. As a consequence, CSR-related training will need to be included as a new lifelong learning issue. The emergence of new CSR-related professions will also have consequences in terms of professional recognition. These are all issues which are likely to be addressed by the social partners in the coming years.

Until now research has tended to focus essentially on the definition of CSR and the reasons why it makes good sense for businesses. The concept of CSR has, however, evolved to embrace environmental as well as social issues (sustainable development) and the key question concerns how to integrate these issues as well as the involvement of all relevant stakeholders in company management. CSR is beginning to be linked to the global social governance debate [(100)]. Developments in CSR and the linkage with other fields such as corporate governance and industrial relations are now beginning to be examined more closely. In the field of industrial relations, in the coming years, it will be interesting to examine questions such as the role of European social partner texts and international framework agreements between multinational enterprises and international trade unions in transnational social regulation, the impact of these agreements on the various levels of industrial relations, the relevant actors, and the cooperation between trade unions and other stakeholders.

TABLE 3.4: SOCIAL PARTNER TEXTS ON CSR AND RELATED TOPICS

Footwear	Charter on the employment of children (Extended to cover footwear retailing as well as manufacture in 1998)	1995, updated in 1996
Commerce	Joint statement on combating violence in commerce	1995
Commerce	Eurocommerce and Euro-Fiet joint statement on combating child labour	1996
Textile & clothing	Code of conduct — a charter by social partners in the European textile/clothing sector	1997
Commerce	Eurocommerce and Euro-Fiet agreement on fundamental principles and rights at work	1999
Commerce	Joint statement on combating racism and xenophobia	2000
Footwear	Code of conduct — a charter by social partners in the footwear sector	2000
Tanning & leather	Code of conduct in the leather and tanning sector	2000
Woodworking	Code of conduct — a charter for the social partners in the European woodworking industry	2002
Sugar	Code of conduct — corporate social responsibility in the European sugar industry	2003
Commerce	Eurocommerce and Uni-Europa Commerce joint statement on corporate social responsibility	2003

(100) See *International Labour Organisation (2004),* A Fair Globalisation — Creating opportunities for all, *report of the World Commission on the Social Dimension of Globalisation, Geneva, 24 February 2004, http://www.ilo.org/public/english/wcsdg/index.htm*

3.5. The ageing workforce

Long-term demographic trends in Europe, in particular longer life-expectancy and declining birth rates, mean that European populations are ageing and that an increase in the employment rates of older workers is crucial for the economy as a whole in order to make use of the full potential of labour supply to sustain economic growth, tax revenues and social protection systems. The promotion of active ageing is reflected in two complementary targets that the EU has set itself. The 2001 Stockholm European Council agreed that 50 % of the EU population in the 55-64 age group should be in employment by 2010, and the 2002 Barcelona European Council concluded that the effective average age at which people should stop working in the EU should be raised by five years by this date.

In February 2004, the Commission adopted a communication entitled 'Increasing the employment of older workers and delaying the exit age from the labour market' [101], which urges Member States — in line with the European employment strategy — to take urgent action to develop active ageing policies and stresses, among other things, the importance of social partnership. It indicates that the social partners have an important role to play through collective agreements on interconnected issues such as wage-setting, including the weight given to seniority, work organisation and improvements in safety and working conditions, lifelong learning, the removal of incentives for early retirement, higher pension entitlements for people to stay in work longer, as well as flexible retirement schemes combining gradual retirement with part-time work. The social partners can also help to promote best practice in relation to age management. The communication urges the European social partners to complement the initiatives taking place at national level.

The subject of older workers has begun to attract the attention of some of the European social partners, with the adoption by the commerce sector in March 2002 of voluntary guidelines supporting age diversity. These guidelines seek to promote and recommend best practice concerning older workers for the benefit of both companies and employees when addressing the age aspects of human resource management. They include the principle of non-discrimination, an age-neutral approach to employment, recruitment, and vocational training, and the need for flexible working-time arrangements. The commerce social partners also undertake to continue exploring measures aimed at giving older workers the possibility to remain in active working life.

The social partners have also begun to address the issue in their work on lifelong learning. For example, both the cross-industry framework of actions on the lifelong development of competencies and qualifications and the electricity social partners' joint statement on lifelong learning address the need to adapt training systems to the needs of an ageing workforce.

The subject of active ageing can therefore be expected to be developed further by the European social partners in the near future. Indeed, it has been included in the cross-industry social partners' work programme as they intend to hold a seminar in 2004 at which they will discuss various case studies and explore the possibility of undertaking further actions.

3.6. The quality of employment and services

The notion of quality — of work, of social policy and of industrial relations — are important principles in the Lisbon strategy and the Commission's social policy agenda, and are an integral part of the idea of strengthening the role of social policy as a productive factor.

The work of several sectors has sought to promote the quality of work. For example, the sugar sector's above-mentioned code of conduct on CSR seeks to improve the quality of work in the European sugar industry. In the private security sector, the code of conduct and ethics adopted in July 2003 recommends a series of minimum standards to companies and employees in order to ensure a necessary degree of professionalism and quality. The code covers a range of issues, including selection and recruitment, vocational training, social dialogue, working conditions, salaries and income, health and safety, equal opportunities and non-discrimination, work organisation and relations with clients, the police and other security firms.

In March 2004, with similar concerns regarding the quality of working conditions and the image and professionalism of the sector, the European cleaning industry social partners agreed on some common recommendations exploring areas for further development, including the question of working patterns, health and safety issues and the need to promote social integration and combat discrimination. The recommendations have served as a basis for the sector's work programme, which proposes a more concrete framework of actions and initiatives on these topics.

The private security and cleaning industry sectors share another common difficulty with regard to the

(101) COM(2004) 146 final.

tendency for procurement choices in these sectors to be based purely on cost considerations. This has implications for the quality of working conditions of employees in the sector as well as the quality of the services provided. Both sectors have therefore produced manuals on selecting best value in public tendering which are intended to raise awareness among awarding authorities of the importance of quality considerations in the choices made by them. The social partners are making efforts to ensure that the manuals are translated into as many languages as possible and are distributed widely at the national level.

In September 2003, the social partners in the local public transport sector organised a joint conference on 'Quality at work and quality of services' during which best practices were presented in four fields: vocational training; equal opportunities and balance between working life and family life; work organisation; and health and safety. The parties involved will further develop their dialogue on this complex and interdependent topic which is crucial in a context of growing commercial competition.

3.7. Health and safety

Health and safety standards are part of the notion of high quality work and this is a topic which features in the activities of virtually all the sectors. This is also an area in which the social partners have over the years produced a large number of guides and practical tools (for example, in the agriculture, construction and cleaning industry sectors).

The European social partners in the construction sector have been, for example, developing common projects to improve health and safety at the workplace and to reduce the economic cost of work-related accidents since the early 1990s. More recently, in 2002, they produced a guide of best practices to help companies and employees involved in the construction process to implement the directive on mobile construction sites (Directive 92/57/EEC of 24 June 1992) more effectively and to thereby reduce the number of occupational accidents. Another initiative in the sector consists of the recommendations adopted by the construction social partners in April 2003 regarding the meaning of certain definitions necessary for the implementation of Directive 2001/45/EC on 'working at heights'. These recommendations provide practical assistance to national federations and companies in the sector clarifying how the European level legislation should be interpreted, transposed and implemented in the Member States.

The personal services sector is currently preparing a study on the feasibility of a website collecting official information relating to the sector, such as legislation in the Member States concerning occupational diseases, collective agreements negotiated at national level by the social partners, etc. Another project in the sector seeks to develop better ergonomic tools and furniture in order to reduce occupational risks such as repetitive strain injury.

In the railway sector, two significant Article 139(2) agreements were adopted by the sectoral social partners in January 2004. The first, concerns certain aspects of working conditions of mobile railway workers assigned to cross-border interoperability services. This agreement seeks to establish common minimum health and safety standards for mobile workers in the European railway freight market, which was liberalised in March 2003. With the second agreement, the social partners agreed on the use of a European licence for drivers carrying out a cross-border interoperability service, which is based on common health and safety conditions and common competence standards. The social partners have requested that the first agreement on working conditions be implemented in accordance with the second implementation option in Article 139(2) of the EC Treaty; it will therefore in principle be transformed into a Council decision so that the provisions will apply to all railway undertakings and thereby create a level playing field for all operators in the European railway market. In contrast, the second agreement on the drivers' licence, going beyond the scope of Article 137 of the Treaty, will be implemented in accordance with the first implementation method described in Article 139(2), namely the procedures and practices specific to management and labour in the Member States. The agreement has influenced the legislative proposal adopted on 3 March 2004 by the Commission on the certification of train drivers.

Finally, in October 2004, the cross-industry social partners adopted an agreement on work-related stress. These negotiations were originally triggered by a Commission Article 138 consultation launched in December 2002 on stress and its effects on health and safety at work. The agreement which has been reached is the cross-industry social partners' second autonomous agreement to be implemented in accordance with the procedures and practices specific to management and labour in the Member States. The objective of the agreement is to provide employers and workers with a framework to identify and prevent or manage problems of work-related stress. The content of the agreement is described in greater detail in Chapter 4. The agreement is to be implemented within three years of its signature and, in the fourth year, a full report on the implementation actions taken will be prepared by the Social Dialogue Committee (SDC). In addition, a yearly table will be prepared by the SDC summarising the ongoing implementation of the agreement.

3.8. European employment strategy

The European employment strategy (EES) launched at the Luxembourg Jobs Summit in November 1997 is the tool for coordinating national employment policy priorities at European level. As part of the EES, a set of employment guidelines are drawn up each year setting out common priorities for Member States' employment plans. Each Member State then draws up a national action plan (NAP) which describes how these guidelines will be put into practice nationally. The NAPs generally serve as baseline documents but are rarely the central instrument for discussing and defining national employment priorities.

The contribution of the social partners to the effective governance of the Strategy (through consultation) and to the objectives of the Strategy is highly recognised. The Commission's joint employment report 2003/04 indicates that the involvement of the social partners in developing the NAPs is progressing, and their contributions to implementation are better presented and reported, but that their involvement could nevertheless still be improved. Participation has either developed within an established institutional set-up, or has focused on specific action. European social partner involvement has been strengthened by the adoption of their joint work programme 2003–05 and the institutionalised Tripartite Social Summit for Growth and Employment, which regularly meets on the eve of the spring European Council (see also Box 2.1, Chapter 2).

In March 2004, the European cross-industry social partners — ETUC, UNICE/UEAPME, CEEP — produced their first report on how the national social partners were involved in the preparation of the 2003 NAPs, and this was presented to the spring summit of the European Council. The report indicates that national social partners from 14 Member States (Austria, Belgium, Denmark, Finland, Germany, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden, the Netherlands and the UK) reported on their involvement in the preparation of the NAPs for employment and on key initiatives taken at national, local, sectoral and company levels, which contributed to implementation of the European employment guidelines. The report explains that the social partners were usually consulted during the preparation of the NAPs. In most Member States, employers and trade union organisations submitted separate comments (Italy, Portugal, Spain, Netherlands, UK), whereas in some (Belgium, Denmark, Sweden), joint contributions were included as an integral part of the NAP in a summarised version and added as annexes. In Germany and Greece, the involvement of the social partners improved compared with previous years, and in Portugal also to a certain extent. In some cases the consultation was seen as too superficial due to the absence of discussions with government (Austria), the lack of in-depth discussions on policy content (Denmark), or insufficient time for consultation (Finland, Belgium, Netherlands).

4. Responding to the challenge of enlargement

Preparations for enlargement have been an important feature of the work of many sectors as well as the Commission during the last couple of years.

4.1. Social partner initiatives with regard to enlargement

One of the main challenges for the social partners has been to identify their counterparts in the new Member States with whom a dialogue can be established, which is not always a simple task as in many of these countries bipartite national and sectoral level social dialogue is virtually non-existent. Numerous sectors — including commerce, private security, cleaning industry, postal services, fisheries, textile, footwear, tanning/leather and banking — have undertaken conferences, forums, and round tables in order to try to identify their counterparts.

While some European sectoral social partner organisations have members in virtually all of the new Member States, others have none at all. In general, the trade unions have found it easier to identify counterparts than employers, partly as a result of the fact that following the dismantling of the former planned economies, employers' organisations are a new phenomenon in many of these countries. Indeed, historically, the legitimate actors on the employer side were the chambers of commerce and industry.

Some sectors have undertaken joint initiatives seeking to prepare for the consequences of enlargement on their particular sector. For example, the construction social partners have sought to address the implications for their sector of the large new pool of labour which enlargement will entail. The rail, road and inland waterway transport sectors have studied questions linked to the risks of 'social dumping' and suitable methods for dealing with it. In the rail sector, the social partners have addressed the problems of competition and the opening up of markets, and in the telecommunications and electricity sectors, the impact of liberalisation and privatisation have been discussed.

In some sectors, the social partners have gone beyond discussions and undertaken joint measures together. For example, in the textile and clothing sector, the code of conduct on fundamental rights adopted in 1997 by the European social partners has been extended to the new Member

TABLE 3.5: SOCIAL PARTNER INITIATIVES TO PREPARE FOR ENLARGEMENT

Sector	Initiative
Agriculture	Conference on involving the candidate countries and the social partners in the social dialogue, Budapest, January 2000 Social dialogue in agriculture with a view to EU enlargement, 2002
Banking	Bilateral round tables, Hungary, Czech Republic, Poland, Malta, Slovenia, Slovakia, 1999–2002
Civil aviation	Conference on the social dialogue in industry, September 2000 Seminar on the social dialogue in the European common aviation area, September 2001
Cleaning industry	Joint declaration on enlargement, with the social partners undertaking to cooperate in order to contribute to structuring the sector in the candidate countries, January 2001 Training sessions on the theme of the social dialogue and enlargement, September and October 2002
Commerce	Round tables and seminars: Estonia and Hungary 1998, Czech Republic and Poland 1999, Lithuania and Slovakia 2000, Latvia and Slovenia 2002
Construction	Conference 'Enlargement: chance or risk', Berlin, 2002 Round table, Warsaw, 2002
Cross-industry	Warsaw Conference, March 1999 Bratislava Conference, March 2001 Five cross-industry employers' round tables, 1997–2001 ETUC study on the relocation of enterprises, 2001 CEEP seminar on services of general interest, 1999 and 2001 Five national seminars, 2004
Electricity	Conference on the social implications of restructuring in the electricity sector in the candidate countries, Budapest, September 2002 Three regional workshops (Prague, Bucharest, Tallinn) on the social implications of the internal electricity market, 2003
Footwear	First economic and social forum, Prague, November 2001 Second economic and social forum, 2004
Furniture	Seminar on extending the social dialogue to central and eastern Europe, Budapest, July 2002 Fostering the social dialogue in the furniture sector, 2003
Horeca	Seminar on the European social dialogue, organised by EFFAT, with representatives of Hungarian trade unions, Brussels, May 2000 Initial meeting of Horeca associations with their counterparts in the candidate countries with a view to preparing an enlarged sectoral social dialogue at European level, 2002
Live performing arts	Conference on moving towards enlargement of the European social dialogue in the arts, Brussels, 2003
Media	Status of workers in the media, arts and entertainment sector in the applicant countries, 2002 The prospects of the European social model in public service broadcasting: a challenge to the enlargement process, 2004
Mines	Promotion of sustainable development and its social aspects in the mining industry with a view to EU enlargement, 2002
Postal services	First conference on enlargement and the social dialogue, Bucharest, 2001 Second conference on enlargement and social dialogue, 2003
Private security	Training sessions on the social dialogue and enlargement, October 2002
Railways	Information seminars in the candidate countries, 2004
Sea fishing	Round table on the sectoral social dialogue and enlargement, Malta, 2002 and Riga, 2003
Sea transport	Seminar on the social aspects of employment, Brussels, May 2002
Sugar	Conference on the impact of enlargement on the sugar industry, Bratislava, November 2002 Impact of EU enlargement on employment, 2002
Tanning/leather	First economic and social forum, Hungary, September 2001 Second economic and social forum, Bucharest, October 2002 Third economic and social forum, 2004
Telecommunications	Seminar on the implications of the liberalisation of markets, Hungary, October 2001
Textiles/clothing	Seminar on the social dialogue and fundamental rights, Turkey, 2000 First economic and social forum, Poland, May 2002 Second economic and social forum, 2004

States. Thematic seminars have also been organised in Turkey, with the aim of carrying out a comparative analysis of working conditions in the sector.

Table 3.5 provides a non-exhaustive overview of some of the initiatives undertaken by the social partners in order to prepare for enlargement.

4.2. Commission initiatives to prepare for enlargement

The Commission has undertaken various initiatives to help prepare the European social dialogue and the social partners for enlargement.

First of all, it has sent a consistent political message to the public authorities and social partners in the candidate countries concerning the importance of social dialogue to the Community *acquis*. It has stressed the importance of the candidate countries developing stronger bipartite structures, and the importance of the social dialogue to the legal *acquis*, as many Community directives specify that they may be implemented in the Member States by means of legislation or agreements between the social partners.

The Commission has also stressed the need for capacity-building among social partners in these countries in its 2002 and 2004 communications on the social dialogue and has undertaken various kinds of activities in order to help the social partners in this respect. It is, however, important to note that as the social partners are autonomous and the social dialogue in the EU is based on the freedom of the right to association, capacity-building is essentially a bottom-up process depending on the efforts of the social partners themselves.

The Commission has constantly endeavoured to promote capacity-building by insisting on the use of the Phare programmes to fund projects on the social dialogue [102]. Projects to promote national, sectoral and/or regional social dialogue have been undertaken in the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia. As most of the projects have only been finalised recently, it is still too early to know the outcomes. The types of initiatives undertaken by these projects include the provision of support for setting up sectoral dialogue committees, training the social partners in consultation, negotiation and language skills, and strengthening the public authorities' administrative capacity for social dialogue.

Through its social dialogue budget headings, the Commission has also co-financed many of the above-mentioned joint initiatives of the social partners in EU-15 to help them prepare their sectors for enlargement (see above). More recently, the Commission has co-financed a couple of capacity-building projects in the new Member States organised by the International Training Centre of the International Labour Organisation. One project is aimed at trade unions in the commerce sector, and the other is aimed at cross-industry employers' organisations. Both projects seek to train social partner representatives from the new Member States in negotiating skills, and to provide them with the skills to act as trainers themselves when they return to their respective countries.

Further to membership, social partners in the new Member States are now eligible to apply for grants from these budget headings. These budget headings are intended to finance specific projects, and cannot therefore finance operational expenditure. Nevertheless, the projects they fund can be useful for activities such as training and awareness-raising measures, which are also an important aspect of capacity-building.

At the cross-industry social partners' Bratislava Conference in March 2001, the social partners called for enlarged meetings of the cross-industry Social Dialogue Committee. The Commission responded by organising enlarged meetings in January 2002 and January 2003. Following the signature of the accession treaties in April 2003, candidate country social partner representatives have been entitled to participate as observers in the Social Dialogue Committee, as well as in the sectoral social dialogue committees, in the run-up to enlargement.

TABLE 3.6: TIMETABLE FOR THE PHARE TWINNING PROJECTS ON SOCIAL DIALOGUE

	CY	CZ	EE	HU	LV	LT	MT	PL	SK	SI
No of projects related to SD		1	1	1	1	1		1	2	1
Project start date		2001	2001	2001 *	2001	2002		2001	2000 2001	2001
Project end date		2002	2003	2004	2003	2003		2002	2001 2003	2002-03

** A new project was submitted in 2003, about which no information is available.*

(102) The Phare programme is a pre-accession instrument financed by the European Communities to assist the applicant countries of central Europe in their preparations for joining the EU.

The Commission has also sought to improve knowledge and awareness of industrial relations in the new Member States through various publications, including a special *European social dialogue newsletter* in 2000 devoted to this subject and its *Industrial relations in Europe* reports. The European Foundation for the Improvement of Living and Working Conditions is also undertaking a great deal of work on increasing knowledge of industrial relations in these countries. Finally, the Commission has provided grants to projects resulting in publications aimed at improving knowledge on industrial relations in the new Member States (e.g. by the ILO, academic institutions, etc.).

Finally, building on the social partners' 1999 Warsaw Conference and their 2001 Bratislava conference [103], in January 2004 the Commission organised a large-scale conference on the social dialogue in an enlarged Europe, involving some 250 participants, including 180 social partner representatives from the EU and the acceding countries in Ljubljana. The aim of the conference was to highlight the important role of social dialogue as an instrument of social policy in the run-up to enlargement.

The conference stressed the following elements:

- the importance of strong social dialogue to achieving the Lisbon objectives and reconciling economic performance and social progress;
- the need to strike the right balance between bipartite and tripartite social dialogue;
- the need for autonomous, well-structured and representative social partner organisations which are capable of taking part in the European social dialogue;
- the need to expand the subjects discussed in the social dialogue committees in order to take account of the specific interests of the new Member States;
- the need to step up exchanges and initiatives aimed at strengthening links between social partners in EU-15 and new Member States.

A report of the conference proceedings will be published in 2004.

5. European social dialogue as a form of better governance: the trend towards 'new generation' texts

As explained earlier in the chapter, a new trend has been emerging in recent years towards the adoption of more ambitious texts by the social partners. This section discusses and seeks to clarify certain aspects of these new instruments.

The trend towards the adoption of more ambitious texts by the social partners is demonstrated firstly by their success in negotiating several framework agreements which have been implemented by Council directives, making them binding and applicable to all concerned workers. At the cross-industry level this includes the agreements on parental leave (1995), part-time work (1997) and fixed-term work (1999) negotiated by UNICE/UEAPME, CEEP and the ETUC. At the sectoral level this includes the two framework agreements on working time negotiated by the sea transport (1998) and civil aviation (2000) sectors. In addition, the European social partners in the railway sector have jointly requested that their agreement on certain aspects of the working conditions of railway mobile workers assigned to interoperable cross-border services be implemented by Council decision (2004).

Another illustration of this new trend is the increasing adoption by the social partners of 'new generation' texts which make recommendations to their members and which they undertake to follow up themselves, rather than relying on the EU institutions and Member States. At the cross-industry level this includes the *Framework of actions on the lifelong development of competencies and qualifications*, adopted in February 2002, the *Framework agreement on telework*, adopted in July 2002, and the *Framework agreement on work-related stress*, adopted in October 2004.

At the sectoral level, examples include: the codes of conduct in the textile/clothing (1997), tanning/leather (2000) and footwear sectors (1996, 2000); the agreement on the improvement of paid employment in agriculture (1997); the telework guidelines in the telecommunications sector (2001); the agreement on vocational training in agriculture (2002); the sugar sector's code of conduct on CSR (2003); the commerce sector's joint statement on CSR (2003); and the railway sector's Article 139 agreement on the European licence for drivers carrying out a cross-border interoperability service (2004).

(103)The Warsaw Conference held in March 1999 was the first conference on the role of the social partners in the enlargement process. It was organised at the joint request of the social partners with Commission support. It constituted a decisive point of departure for the social dialogue in the candidate countries, following which the social partners launched numerous initiatives both jointly and individually. The Bratislava Conference of March 2001 provided a follow-up to the Warsaw Conference and assembled social partners from the EU and the 13 candidate countries. The aim was to present and discuss the main results of a joint study, Social dialogue and consultation in the candidate countries, status and prospects, *which took stock of the consultation and social dialogue systems and practices in the candidate countries. The concluding statement which was adopted made suggestions for practical action. For more information, see* European social dialogue newsletter — special edition of September 2000 — 'Preparing for enlargement', *http://europa.eu.int/comm/employment_social/enlargement/socialdialogue_front_en.htm*

Box 3.2: Representativeness

The question of the representativeness of the organisations consulted under Article 138 is fundamental as it constitutes the basis of the legitimacy of the social partners for consultation by the Commission and for their bipartite contractual commitments. As a consequence, whenever an application to set up a sectoral social dialogue committee is made, the Commission sends the social partner organisations concerned a questionnaire to enable them to evaluate the extent to which they meet the criteria for establishment, particularly their capacity to negotiate agreements or their representativeness which determines the relevance of the social dialogue. Some 50 European-level organisations are now consulted in accordance with Article 138 of the EC Treaty, and are listed in the annex to the communication (COM(2004) 557 final).

In order to define the representativeness of the social partners to be consulted, the Commission carried out a study in 1993 on the representativeness of the European cross-industry organisations. In 1997, the Commission decided to update the results of this study and to examine representativeness at the sectoral level. The Institute of Labour Sciences at the Catholic University of Louvain-la-Neuve (UCL) was commissioned to conduct the research and their network of national experts collect the data on the basis of questionnaires prepared by the UCL team. The social partners at both national and European level are consulted on the validity of the results. The UCL has conducted studies in more than 20 sectors.

The following sectoral representativeness studies have been carried out:

1999: construction, commerce, telecommunications, postal services and textile-clothing sectors.
2000: civil aviation, railways, sea transport, road transport, inland waterways, banking, insurance.
2001: electricity, hairdressing, local public services, hotel, restaurants, cafés, agriculture.
2003: private security, central public services.
2004: cleaning industry, temporary work, culture and media (ongoing).

The following monographs have been carried out on social partners in the candidate countries:

2003: cross-industry social partners, textiles and commerce sectors.
2004: road transport, construction and electricity sectors (ongoing).

The existing studies are available at the webpage of the UCL: http://www.trav.ucl.ac.be/recherche/dg5-part2.htm.

The adoption of these texts means that new territory is being entered at the European level and more can be expected in the future. Indeed, the cross-industry social partners' joint work programme for 2003–05 refers to a further voluntary agreement (harassment), framework of action (gender equality), and other non-binding instruments.

The Commission has welcomed this new willingness among the social partners to assume greater responsibility for following up their texts, stating in its June 2002 communication that, 'as a rule, negotiation is the most appropriate means for settling questions related to work organisation and employment relations at both multisectoral and sectoral level' [104]. However, the Commission has also stressed that special consideration should be given to the question of how to implement the texts adopted by the European social partners. In its 2004 communication on the social dialogue, the Commission stresses the importance of structured reporting with regard to all new generation texts, urging the social partners to systematically include detailed follow-up and reporting provisions in such texts and proposing support of various kinds.

5.1. A large variety of titles and follow-up provisions

At present the new generation texts are characterised by considerable diversity with regard to their titles, their format and the degree of precision of the follow-up provisions.

The diversity of titles is a reflection of the rather loose terminology currently employed by the social partners, a difficulty identified by the Commission in its June 2002 and August 2004 communications.

This diversity is demonstrated by the different approaches of two sectors — commerce and telecommunications — with regard to the same topic, namely telework. Both sectors adopted joint texts on this subject in 2001 addressing similar concerns to the cross-industry agreement adopted the following year. Although broadly similar in terms of content, the European agreement on guidelines on telework in commerce does not include any specific follow-up provisions and consists instead of non-binding guidelines for the industry. In contrast, although the title of the guidelines for telework in Europe adopted by the telecommunications social partners suggests that this is a weaker instrument than the commerce sector text, the follow-up provisions are in fact more explicit, recommending implementation of the guidelines by telecommunications companies by a given date (end of 2001), albeit on 'a voluntary basis and according to each country's laws and collective bargaining practices', and specifies a date for monitoring of the adoption of the guidelines in 2002. Eighteen months

(104) COM(2002) 341 final.

after adoption of the guidelines, a questionnaire was sent to all the companies in the sector, to which the 17 large traditional European operators responded. The findings indicate a high level of implementation of the guidelines.

The range of follow-up provisions foreseen by the social partners is also demonstrated by the various sectoral codes of conduct which have been adopted. At one end of the spectrum, the code of conduct on corporate social responsibility in the European sugar industry adopted in February 2003 includes very clear follow-up provisions. It indicates that the social partners will undertake joint assessments of the implementation of the code of conduct at European level by a system of annual reports to be presented in February of the following year within the framework of the sectoral social dialogue committee at a meeting specifically devoted to the subject. It also explains the purpose of the first report, when it is to be presented and how the reporting system will function (February 2004). The first report has been produced on schedule and fulfils the undertaking made in the code of conduct.

The three codes of conduct in the textile/clothing, tanning/leather and footwear sectors also contain detailed follow-up provisions. In each case, the European social partners indicate the date by which they undertake to promote and circulate the codes. The three codes also explain that the follow-up will take place within the framework of the European sectoral social dialogue committee, that the implementation of the codes will be evaluated on a yearly basis, and they indicate the date by which the first evaluation should take place. Both the tanning/leather and footwear codes state that for credibility, implementation of the codes has to be controlled in an independent fashion.

In contrast, the follow-up and reporting provisions in some texts are much vaguer, with the social partners simply undertaking to regularly discuss the follow-up given, or undertaking to follow it up but without giving any indication as to how often. Some texts include no follow-up provisions at all.

It should be stressed, however, that the purpose here is not to suggest that joint texts with more general statements concerning follow-up are necessarily less effective than those with more precise provisions. Indeed, it could well be the case that sectors with relatively vague commitments end up following up their texts effectively. Equally, experience shows that it is not because monitoring commitments have been included that they have necessarily been followed up in practice. The main intention here is simply to illustrate the variety of formal implementation and monitoring provisions which currently exist in the social partner texts.

5.2. Typology of the results of European social dialogue

The Commission's 2004 communication on social dialogue addresses the issues outlined above and proposes a typology of European social dialogue results in order to improve transparency and assist understanding of the social dialogue outcomes. This typology identifies four broad categories of social partner texts, each of which have sub-categories: agreements implemented in accordance with Article 139(2); process-oriented texts; joint opinions and tools; and procedural texts. It should, however, be pointed out that the rather loose use of terminology by the social partners in the titles of their texts makes it difficult to categorise them and some overlap categories.

The new generation texts fall within the categories of 'autonomous agreements' and 'process-oriented texts'.

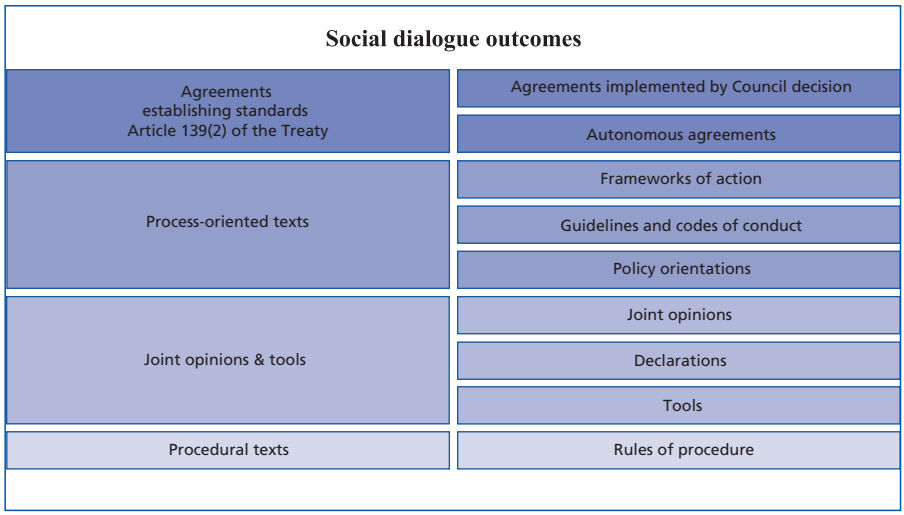
5.2.1. Agreements implemented in accordance with Article 139(2): minimum standards

The texts in this category establish minimum standards and entail the implementation of certain commitments by a given deadline. Article 139(2) makes it clear that two main types of agreement fall within this category, the main difference relating to the method of implementation foreseen.

The first kind of agreements are implemented at the joint request of the signatory parties by a Council decision (in practice so far by Council directives) on a proposal from the Commission. This category includes the three cross-industry framework agreements on parental leave, part-time work and fixed-term contracts, as well as the sea transport and civil aviation sector agreements on working time, and the railway sector agreement on the working conditions of mobile workers assigned to cross-border interoperable services. The three cross-industry framework agreements were negotiated as a result of a Commission consultation under Article 138, whereas the sectoral agreements make use of the space left to the social partners by a directive [105] to adapt the Community provisions to the specific needs of the sector.

In most Member States these agreements have been implemented either by revising or introducing new legislation. The responsibility for ensuring that these agreements are transposed and implemented lies with the

(105) In this instance Directive 93/104/EC concerning certain aspects of the organisation of working time (OJ L 307, 13.12.1993).



Member States, even in cases where the provisions are implemented through collective bargaining by the social partners. As a legislative act adopted by the Council is required to ensure the implementation of agreements in this category, they can only fall within the areas in which the Community institutions have competence to act and which are listed in Article 137 of the EC Treaty.

Responsibility for monitoring these agreements lies with the Commission, although the social partners are systematically consulted on the implementation reports. The Commission's June 2002 communication states that 'the Commission believes that the social partners who triggered the regulatory text hold special responsibility for its implementation' and that Member States should associate the social partners in the transposal at national level of Community texts that result from negotiated agreements.

The ETUC's European Trade Union Institute (ETUI) has already produced its own monitoring reports on the parental leave, part-time and fixed-term work agreements through its Netlex network of national legal experts. The agreement on working time in civil aviation and the agreement on working conditions in the railway sector indicate that the social partners will undertake evaluations of the implementation of these agreements.

The second category of agreements ('autonomous' agreements [106]) are implemented via the first implementation option in Article 139(2), namely in accordance with 'the procedures and practices specific to management and labour and the Member States'. This means that it is the social partners themselves who are responsible for implementing and monitoring these agreements. The framework agreement on telework of July 2002 is the first cross-industry example of this type of agreement. In October 2004, they adopted their second agreement of this kind, on work-related stress. The question of effective implementation and monitoring is particularly important in the case of agreements of this kind which have been negotiated subsequent to a Commission consultation under Article 138. While respecting the autonomy of the social partners, the Commission also has a monitoring role with regard to this type of agreement to assess the extent to which it has effectively contributed to the achievement of the Community's objectives.

The agreement on the European licence for drivers carrying out a cross-border interoperability service is a sectoral example of this type of agreement, but not one triggered by an Article 138 consultation. This agreement has provided important input to the directive proposed by the Commission.

5.2.2. Process-oriented texts

This category consists of a variety of joint texts which are implemented in a more incremental and process-oriented way than agreements. In these texts, the European social partners make recommendations of various kinds to their members for follow-up, and they should involve regular evaluation of the progress made towards achieving their objectives in order to ensure they have a real impact.

Texts of this kind can be useful in areas in which legislation at European level may not be the most appropriate solution, often because of the complex and diverse array of measures already in place in the Member States, but in which the social partners may nevertheless have an interest in working together. They can also assist the exchange of good practice and mutual learning. As the discussion above demonstrates, there is currently considerable variety in the titles employed by the social partners as well as the precision of the follow-up provisions of the texts falling within this second category.

There are three main types of instrument falling within this category.

Frameworks of action

Frameworks of action consist of the identification of certain policy priorities towards which the national social partners undertake to work. These priorities serve as benchmarks and the social partners report annually on the action taken to follow-up these texts. There is so far one cross-indus-

(106) The cross-industry social partners have referred to these texts as 'voluntary agreements' in their 2003–05 work programme.

TABLE 3.7: AGREEMENTS IMPLEMENTED IN ACCORDANCE WITH ARTICLE 139(2): MINIMUM STANDARDS

Type of agreement	Examples
Agreements implemented by Council decision Implemented by Council decision, monitored by the Commission	• framework agreement on parental leave, 1995; • framework agreement on part-time work, 1997; • framework agreement on fixed-term work, 1999; • European agreement on the organisation of working time of seafarers, 1998. • European agreement on the organisation of working time of mobile workers in civil aviation, 2000; • agreement on certain aspects of the working conditions of mobile workers assigned to interoperable cross-border services [107].
Autonomous agreements implemented by the procedures and practices specific to management and labour and the Member States Implementation and monitoring by the social partners	• framework agreement on telework, 2002; • agreement on the European licence for drivers carrying out a cross-border interoperability service, 2004; • framework agreement on work-related stress, 2004.

try example, namely on lifelong learning, adopted in February 2002. This establishes four priorities for implementation at different levels and annual reports will be drawn up in order to carry out regular, systematic assessment of the action taken and the progress achieved. After the third annual report, the social partners will evaluate the impact on both companies and workers, which can, if necessary, lead to an updating of the priorities identified in March 2006.

Guidelines and codes of conduct

Guidelines and codes of conduct make recommendations to national affiliates concerning the establishment of standards or principles. In some cases these are intended to serve as minimum European standards or principles to be implemented at national or company level. In other cases they seek to promote higher standards than those provided for in existing legislation.

These texts may be adopted either in areas where the diversity and complexity of national legal situations and existing arrangements means that they may be the most realistic approach (code of conduct and ethics for the private security sector), or alternatively, they may be adopted on new topics which are relatively unregulated at national level (guidelines for telework in telecommunications and the European agreement on guidelines on telework in commerce). Such texts may in some instances help to prepare the ground for future Community legislation.

This category also includes codes of conduct intended to promote the implementation in companies' supply chains of existing internationally agreed standards in the area of labour law established by international conventions (e.g. in the footwear and tanning/leather sectors). The content of some of these codes of conduct goes beyond the core ILO conventions.

Policy orientations

This sub-category refers to texts in which the social partners pursue a proactive approach to promoting certain policies among their members. The texts explain how these will be promoted (e.g. collection and exchange of good practice, awareness-raising activities) and how the social partners undertake to assess the follow-up given and its impact.

5.2.3. Joint opinions and tools: Exchange of information

This category consists of social partner texts and tools which contribute to exchanging information, either upwards from the social partners to the European institutions and/or national public authorities, or downwards, by explaining the implications of EU policies to national members. The instruments in this category do not entail any follow-up provisions.

Joint opinions

This category includes the majority of social partner texts adopted over the years such as their joint opinions and joint statements, which are generally intended to provide input to the European institutions and/or national public authorities. These include texts which respond to a Community consultation (Green and White Papers, consultation documents, communications), which adopt a joint position with regard to a given Community policy, which explicitly ask the Commission to adopt a particular stance, or which ask the Commission to undertake studies or other actions.

(107) Implementation by Council decision requested at the time of writing.

TABLE 3.8: PROCESS-ORIENTED TEXTS

Type of text	Examples [108]
Frameworks of action — working towards common priorities Follow-up and annual reporting by the social partners	• Framework of actions on the lifelong development of competencies and qualifications, 2002.
Guidelines, codes of conduct — establishing standards or principles Regular follow-up and reporting by the social partners	Establishing new European standards or principles: • recommendation framework agreement on the improvement of paid employment in agriculture, 1997 [1]; • agreement on promoting employment in the postal sector in Europe, 1998; • guidelines on telework in telecommunications, 2001; • European agreement on guidelines on telework in commerce, 2001; • code of conduct — guidelines for European hairdressers, 2001; • voluntary guidelines supporting age diversity in commerce, 2002; • joint declaration on lifelong learning in the banking sector, 2002; • European agreement on vocational training in agriculture, 2002 [1]; • code of conduct on CSR in the European sugar industry, 2003; • code of conduct and ethics for the private security sector, 2003; • electricity sector joint declaration on telework, 2003; • local and regional government joint statement on telework, 2004; • statement on promoting employment and integration of disabled people in the commerce and distribution sector, 2004; • guidelines for customer contact centres (telecommunications), 2004. Promoting and enforcing existing internationally agreed standards: • code of conduct on child labour in the footwear sector, 1996; • code of conduct for the European textile/clothing sector, 1997; • agreement on fundamental rights and principles at work, in the commerce sector, 1999; • code of conduct in the leather and tanning sector, 2000; • code of conduct in the footwear sector, 2000; • code of conduct — a charter for the social partners in the European woodworking industry, 2002.
Policy orientations — the proactive promotion of policies Regular follow-up and reporting by the social partners	• joint recommendation on apprenticeship in the sugar sector, 1998; • electricity sector joint declaration on equal opportunities/diversity, 2003; • orientations for reference in managing change and its social consequences, 2003 (cross-industry social partners); • joint statement on CSR in commerce, 2003; • common recommendations of the European social partners for the cleaning industry, 2004.

(1) Although these texts are referred to as 'agreements', they have been included in this category as their provisions appear to consist mainly of recommendations to their members and do not include a date by which implementation of the various objectives must be accomplished.

(108) Some of these texts do not include detailed provisions on follow-up and reporting, but have been included because they consist of recommendations to their members.

Declarations

This category refers to texts which are essentially declarations — usually directed at the social partners themselves — outlining future work and activities which the social partners intend to undertake (e.g. the organisation of seminars, round tables, etc.).

Tools

This category refers to the tools developed by the social partners, such as guides and manuals, providing practical advice to employees and companies on subjects such as vocational training, health and safety and public procurement, often with the assistance of Community grants. The social partners sometimes undertake promotional activities to raise awareness of their existence. These tools can make a practical contribution at the grass-roots level, for example by helping to explain the implications of EU legislation on certain topics, or helping to exchange knowledge of good practice.

Procedural texts

This final category consists of texts which seek to lay down the rules for the bipartite dialogue between the parties. This includes the cross-industry social partners' agreement of 31 October 1991, which made proposals for the revision of the policy-making procedures in the EC Treaty in the social policy field. These proposals were incorporated virtually verbatim into the Treaty on EU by the Intergovernmental Conference of 1991. This category also includes the social partner texts which determine the rules of procedure for the sectoral social dialogue committees.

5.3. Summing-up

The trend towards the adoption of more ambitious texts by the social partners is still a recent phenomenon, and further developments can be expected, both in terms of the number of texts adopted and the clarity of drafting. In particular, there is a need for a more consistent use of terminology in order to facilitate comprehension of these texts to those not directly involved in the social dialogue. If these texts are to have an optimal impact, it is also important for them to include clear and detailed follow-up provisions, which is not at present always the case.

The question of the impact of the European social dialogue is attracting growing interest, and this is indeed one of the main issues addressed by the most recent Commission communication on the social dialogue. It will be important over the coming years to examine the follow-up given in practice by the social partners to their texts.

6. Conclusion: The contribution of the European social dialogue to the Europeanisation of industrial relations

The European social dialogue is an important tool for economic and social modernisation, for anticipating and managing change, and for achieving the Lisbon objectives. This chapter has demonstrated the considerable activity over the past couple of years in the European social dialogue, in particular, the large number of joint texts adopted by the European social partners and the large number of

TABLE 3.9: JOINT OPINIONS AND TOOLS

Type of instrument	Examples [109]
Joint opinions	• Position on training and continuing training (mines), 2003; • joint declaration on the European harmonisation of legislation governing the private security sector, 2001; • joint declaration on the objectives of the European directive on private agency work (temporary work sector), 2001; • joint opinion of the European social partners in aviation, 2001.
Declarations	• Joint declaration on the social partners of the cleaning industry and EU enlargement, 2000; • joint statement and final report on the study on lifelong learning in the electricity sector, 2003.
Tools	• Selecting best value — a guide for organisations awarding contracts for cleaning services (cleaning industry), 2003; • training kit of basic office cleaning techniques (cleaning industry), 2001; • European vocational training manual for basic guarding (private security), 2001; • brochure on tutoring in the construction industry, 2004; • website of the postal sector social dialogue committee, 2003.

(109) This list is not exhaustive and only provides a few examples.

joint projects undertaken by them relating to the Lisbon strategy and preparing for enlargement. The chapter has also explained the qualitative change in their dialogue: while their joint texts were previously directed primarily at the European and national public authorities, they are increasingly adopting so-called new generation texts which make recommendations to their members and which they seek to follow up themselves. The European social dialogue is therefore now characterised by a greater variety of instruments. Another important change is that whereas in the past, social dialogue at the European and national levels was rather disconnected, now there is greater interaction between the two, with the European social dialogue having a greater impact than before on national social dialogue. This means that the national social partners now have a greater need to engage at the European level, but also that the impact of the European social dialogue will, in the future, largely depend on the way in which its results are reintegrated at the national level.

All this activity is contributing to the Europeanisation of industrial relations, along the lines identified in Chapter 1. More specifically, rather than resulting in convergence — in other words the vertical or upward transfer of authority — the European social dialogue is helping to bring the European level closer to national or local discussions and practices, and national and local actors closer to each other, while respecting national and cultural differences. As explained in Chapter 1, this view of Europeanisation is a horizontal one, implying better coordination across national borders, which can be more easily reconciled with the overall trend towards decentralisation in industrial relations.

In concrete terms, by helping to bring together social partners from different countries, the European social dialogue helps to promote mutual learning among the actors, both with regard to understanding better the perspectives of their counterparts on the other side of industry, but also by increasing their understanding of different national traditions and cultures and what happens beyond their borders. Over time, the social partners at different levels and on both sides of industry have come to realise the benefits of being involved in this process of Europeanisation, in particular the benefits of exchanging best practice and learning from other national experiences. The new generation texts, by involving the national social partners more directly in the follow-up of their texts, should intensify this process further by implicating the social partners at different levels more intensely in joint cooperation.

TABLE 3.10: THE IMPLEMENTATION AND MONITORING PROVISIONS OF ARTICLE 139(2) AGREEMENTS

Text	Implementation and monitoring provisions	Implementation
Agreements establishing minimum standards implemented by Council decision		
Framework agreement on parental leave, 14 December 1995	*The ETUC, UNICE and CEEP request the Commission to submit this framework agreement to the Council for a decision making these requirements binding in the Member States of the European Community with the exception of the United Kingdom of Great Britain and Northern Ireland.*	**Council Directive 96/34/EC of 3 June 1996** Commission implementation report published in June 2003
Framework agreement on part-time work, 6 June 1997	*The ETUC, UNICE and CEEP request the Commission to submit this framework agreement to the Council for a decision making these requirements binding in the Member States which are party to the agreement on social policy annexed to the protocol on social policy annexed to the Treaty establishing the European Community.*	**Council Directive 97/81/EC of 15 December 1997** Commission implementation report published in February 2003
Framework agreement on fixed-term work, 18 March 1999	*The ETUC, UNICE and CEEP request the Commission to submit this Framework agreement to the Council for a decision making these requirements binding in the Member States which are party to the agreement on social policy annexed to the Protocol (No 14) on social policy annexed to the Treaty establishing the European Community.*	**Council Directive 1999/70/EC of 28 June 1999** Commission implementation report due in spring 2004
European agreement on the organisation of working time of seafarers, 30 September 1998	*… Whereas Article 4(2) of the agreement on social policy provides that agreements concluded at European level may be implemented at the joint request of the signatory parties by a Council decision on a proposal from the Commission …*	**Council Directive 1999/63/EC 21 June 1999** Implementation by 30.6.2002. No monitoring foreseen so far by the social partners.
European agreement on the organisation of working time of mobile workers in civil aviation, 22 March 2000	*… Having regard to the fact that Article 139(2) of the Treaty provides that agreements concluded at European level may be implemented at the joint request of the signatory parties by a Council decision on a proposal from the Commission,* *Having regard to the fact that the signatory parties hereby make such a request* *The parties shall review the above provisions two years after the end of the implementation period laid down in the Council decision putting this agreement into effect.*	**Council Directive 2000/79/EC 27 November 2000** Implementation by 1.12.2003. Social partners' evaluation end 2005/beginning 2006.
European agreement on certain aspects of the working conditions of railway mobile workers assigned to interoperable cross-border services, 27 January 2004	***Having regard to:*** *the fact that Article 139(2) of the Treaty provides that agreements concluded at European level may be implemented at the joint request of the signatory parties by a Council decision on a proposal from the Commission,* *the fact that the signatory parties hereby make such a request.* ***Follow-up of the agreement:*** *The signatory parties will follow the implementation and application of the agreement in the framework of the Sectoral Dialogue Committee set in accordance with Commission Decision 98/500/EC.* ***Evaluation:*** *The parties shall evaluate the above provisions two years after the signature of the present agreement in the light of the first experiences of development of interoperable cross-border services.* ***Revision:*** *The parties shall review the above provisions two years after the end of the implementation period laid down in the Council decision putting this agreement into effect.*	**Adoption of a Council directive foreseen**

Autonomous agreements establishing minimum standards implemented by national procedures and practices		
Framework agreement on telework, 16 July 2002	***Implementation and follow-up:*** *In the context of Article 139 of the Treaty, this European framework agreement shall be implemented by the members of UNICE/UEAPME, CEEP and ETUC (and the liaison committee Eurocadres/CEC) in accordance with the procedures and practices specific to management and labour in the Member States. This implementation will be carried out within three years after the date of signature of this agreement. Member organisations will report on the implementation of this agreement to an ad hoc group set up by the signatory parties, under the responsibility of the social dialogue committee. This ad hoc group will prepare a joint report on the actions of implementation taken. This report will be prepared within four years after the date of signature of this agreement.*	**National members of the signatory organisations**
Agreement on the European licence for drivers carrying out a cross-border interoperability service, 27 January 2004	*The agreement shall be implemented by the CER-affiliated companies pending a European directive. For the part covering the scope of this agreement, both parties want the directive to be written on the basis of this agreement.* *The text formalises existing and often comparable practices implemented by several railway companies and constitutes a framework for the new interoperability practices. If a new European directive covers certain points set out in this agreement, the new directive will be applied.* ***Follow-up of the agreement:*** *A committee composed of representatives of all parties having taken part in drawing up the agreement shall meet every six months, during the first two years, under the auspices of the Committee on Social Dialogue, to discuss problems linked to the implementation of this agreement and shall examine the main experiences of the interoperable services.*	**CER-affiliated companies**
Framework agreement on work-related stress, October 2004	***Implementation and follow-up:*** *In the context of Article 139 of the Treaty, this voluntary European framework agreement commits the members of UNICE/UEAPME, CEEP and ETUC (and the liaison committee Eurocadres/CEC) to implement it in accordance with the procedures and practices specific to management and labour in the Member States and in the countries of the European Economic Area.* *The signatory parties also invite their member organisations in candidate countries to implement this agreement.* *The implementation of this agreement will be carried out within three years after the date of signature of this agreement.* *Member organisations will report on the implementation of this agreement to the Social Dialogue Committee. During the first three years after the date of signature of this agreement, the Social Dialogue Committee will prepare a yearly table summarising the ongoing implementation of the agreement. A full report on the implementation actions taken will be prepared by the Social Dialogue Committee during the fourth year.*	**National members of the signatory organisations**

TABLE 3.11: THE FOLLOW-UP PROVISIONS OF PROCESS-ORIENTED TEXTS

Text	Follow-up provisions
Frameworks of action — working towards common priorities	
Framework of actions for the lifelong development of competencies and qualifications, March 2002	***Actions and follow-up:*** *The member organisations of UNICE/UEAPME, CEEP and ETUC will promote this framework in Member States at all appropriate levels taking account of national practices. Meetings can be organised at national level for presentation of this document. Given the interest of the matter under consideration, the social partners also decide to transmit this document to all interested players at European and national levels. The social partners will draw up an annual report on the national actions carried out on the four priorities identified. After three annual reports, the social partners will evaluate the impact on both companies and workers. This evaluation can lead to an update of the priorities identified. The ad hoc group on education and training will be entrusted with this evaluation, which will be presented in March 2006.*
Guidelines, codes of conduct — establishing new European standards or principles	
Recommendation framework agreement on the improvement of paid employment in agriculture in the Member States of the European Union, 24 July 1997	*The signatory parties agree to take concerted action to implement measures to improve the employment situation in the agricultural and rural sector in the European Union.* *The signatory parties recommend, having regard to national practices and circumstances, the national and/or regional and/or provincial professional and trade union organisations representing employers and workers in the agricultural sector in the Member States of the European Union to develop negotiations of collective agreements on improving paid employment in agriculture, including its working conditions, on the basis of this text.* *In particular, the signatory parties recommend that, at the time of negotiations conducted at national and/or regional and/or provincial level, they lead to the conclusion of agreements on the adaptation of working time on the basis of the minimum provisions proposed below.* ***Provisions relating to the implementation of this recommendation framework agreement:*** *Given the changing economic background to this recommendation framework agreement, the signatory parties ask the Joint Committee on Social Problems affecting Agricultural Workers in the European Union to examine the situation in the Member States in the various areas affected by this text every two years from the standpoint of both national legislation and applicable collective agreements.*
Agreement between the trade unions and the employers in the postal sector in Europe — promoting employment in the postal sector in Europe, 29 October 1998	*The postal employers, management and trade unions represented in the Joint Committee on Postal Services … conclude a framework agreement for the promotion of employment in the postal sector, in order to implement at the national level on the basis of the following provisions …* *Every year Communications International, Eurofedop and the postal employers, who have signed this agreement, will review this agreement in order to further develop the progressive nature of the philosophy contained herein. … The results and conclusion of this process will be published and distributed as a report of the Joint Committee on Postal Services.* *This framework agreement will be effective as of 1 June 1998.*
Guidelines for telework in Europe in telecommunications, 7 February 2001	*The Sectoral Social Dialogue Committee recommends these guidelines for adoption by the end of 2001, on a voluntary basis and according to each country's laws and collective bargaining practices.* *The SDC agrees to monitor the adoption of these guidelines in 2002.*
European framework agreement on guidelines on telework in commerce, 26 April 2001	*Social partners for commerce in different Member States of the European Union have chosen or may choose to regulate telework in various ways, through particular agreements on appropriate levels or through integrating telework issues in existing collective agreements or recommendations. Whatever approach is selected, the following guidelines are recommended when introducing and implementing telework.*
Code of conduct — guidelines for European hairdressers — 'How to get along code', 26 June 2001	*The guidelines set out below are recommendations jointly addressed by UNI-Europa and CIC Europe to the employers and the employees active in the hairdressing sector, as well as to the national organisations that represent them. These guidelines lay down standards for behaviour for the activities in the hairdressers' sector. Consequently, UNI-Europa and CIC Europe strongly recommend that their constituents live up to these guidelines and implement them in their daily practice.* *UNI Europa and CIC Europe will follow up the code in the framework of the European sectoral social dialogue.*
Voluntary guidelines supporting age diversity in commerce, 11 March 2002	*… Eurocommerce and Uni-Europa agree that the following guidelines are recommended for the benefit both of enterprises and employees when approaching the age aspects of human resources management.* *… Eurocommerce and Uni-Europa are committed to improving the employment and employability of all workers, and in this way are helping to support European Community policies in this area. They will continue to explore measures aimed at giving ageing workers the possibility to remain in active working life.*
Joint declaration on lifelong learning in the banking sector, 2002	*Bank social partners should consider the following principles, rights and responsibilities …*

Text	Follow-up provisions
European agreement on vocational training in agriculture, 5 December 2002	***Subject and field of application:*** *The present European agreement, concluded in accordance with the provisions of Article 139 of the Treaty, is intended to propose to national organisations representing agricultural employers and employees, the authorities in the Member States and the Commission a number of initiatives relating to vocational training for agricultural workers.* ***Implementation of this agreement:*** *In accordance with the provisions of the first part of Article 139(2) of the Treaty, implementation of this agreement shall be in accordance with the procedures and practices proper to the social partners at national level and to the Member States. To ensure this implementation, the signatory organisations propose that the national social partners work jointly and, if necessary, in cooperation with the competent State authorities.* *To facilitate the implementation of this agreement, the signatory organisations shall set up a follow-up commission within the Sectoral Social Dialogue Committee in Agriculture. This commission will circulate to the national social partners documents relating to the organisation of vocational training in the different Member States and will be available to advise them about how to achieve practically the objectives set out in this agreement. An assessment of the implementation of this agreement will be drawn up in three years.*
Code of conduct on CSR and the European sugar industry, 7 February 2003	***Monitoring, assessment, updating:*** *The EFFAT and the CEFS will, within the context of their Sectoral Social Dialogue Committee, ensure the monitoring of the progressive implementation of this code of conduct and the regular updating of the examples of good practice.* *To this effect the EFFAT and the CEFS will conduct a joint assessment of the implementation of the code of conduct at European level, in the form of an annual report covering the calendar year and to be presented in February of the following year, within the framework of the Sectoral Social Dialogue Committee, at a meeting specifically devoted to this subject.* *This annual report will be prepared on the basis of data collected by the European social partners. To this effect, every year the EFFAT and the CEFS will designate an ad hoc group which will be responsible for the process of collecting, preparing and presenting these data and including two Sectoral Committee members from each organisation.* *This code of conduct will come into effect on 1 January 2004. The year preceding this date will be devoted to prepare for its implementation. The first report, to be presented in February 2004, will take stock of the activities undertaken so far and the monitoring structures jointly arranged at European level to ensure adequate communication, promotion and training on the CSR code of conduct. The examples of good practice will also be updated as needed.*
CoESS and UNI-Europa code of conduct and ethics for the private security sector, 18 July 2003	***Implementation and follow-up of the code of conduct:*** *CoESS and UNI-Europa believe that the social partners of each company have a particularly important role to play in the implementation of this code.* *CoESS and UNI-Europa wish to place emphasis on the need for companies and employees to incorporate the principles of this code in their activities. They also emphasise the need for national employer and trade union organisations to promote this code's application to the greatest extent possible.* *CoESS and UNI-Europa undertake, on a regular basis, to monitor and evaluate the implementation of this code within their social dialogue. To this end, it is critical that monitoring and preliminary evaluations take place both at company level and at national level.*
Eurelectric-EPSU-EMCEF joint declaration on telework, 2003	*EPSU/EMCEF and Eurelectric call upon their affiliated member organisations to implement the inter-sectoral agreement in accordance with the national procedures and practices specific to management and labour as referred to in the agreement before 16 July 2005.* *EPSU/EMCEF and Eurelectric will monitor the implementation of the agreement in the electricity sector through the sectoral social dialogue committee.*
CEMR-EP / EPSU joint statement on telework, 13 January 2004	*EPSU and CEMR-EP will encourage their members to use the agreement when discussing the introduction or management of telework, devising policies or concluding agreements on telework in the local and regional government sector, in accordance with the national procedures and practices specific to management and labour. CEMR-EP and EPSU will monitor developments and undertake a first assessment in 2005.*
UNI-Europa Commerce and Eurocommerce statement on promoting employment and integration of disabled people in the European commerce and distribution sector, 28 May 2004	***Implementation:*** *Promoting employment and integration of disabled people in European commerce and distribution will remain as a subject for the European social dialogue for commerce. To follow up on this statement, the European social partners call on their affiliated employers' organisations and trade unions to:* • *convene round table discussions to provide European social partners with feedback on best practice approaches;* • *collect and disseminate good practices on support for the employment and integration of disabled people in working life;* • *include the promotion of the integration of disabled people into social dialogue;* • *present this statement to European works councils, where they exist and encourage a discussion;* • *monitor developments related to this statement on a continuous basis.*

Text	Follow-up provisions
UNI-Europa and ETNO guidelines for customer contact centres, June 2004	*These guidelines are a set of broad principles relating to the customer contact business. The aim of the guidelines is to set a high business standard and recognise those customer contact centres that are committed to the key principles embodied in that standard. We are convinced that those that commit to the guidelines will be the leaders in the field and as such will be attractive to business partners, potential employees, employment agencies, the community and their customers. Our objective is to encourage all employers operating customer contact centres to commit to these guidelines.*
Guidelines, codes of conduct — promoting and enforcing existing internationally agreed standards	
Child labour — a charter by European social partners in the footwear sector, 7 March 1995 updated 13 December 1996	*The social partners will further see that the present charter be implemented separately as well as jointly through a social sectoral dialogue at all levels.* *The CEC, the ETUC/TCL and their respective national affiliated federations shall circulate this charter in all relevant languages, particularly in companies represented by the above organisations, further recommending that these companies include this charter in the terms of purchase with their subcontractors and suppliers.* *The CEC and the ETUC/TCL agree to carry out an assessment of the charter's implementation as part of the social dialogue at European level, at the latest one year following the signing of the agreement …*
Code of conduct — a charter by social partners in the European textile/clothing sector (July 1997)	***Circulation and promotion:*** *Euratex and the ETUF/TCL commit to promote and circulate this charter in the relevant languages and at all levels by 31 December 1997 at the latest.* *Euratex and the ETUF/TCL call on their respective member organisations to adopt this charter and to encourage its progressive implementation at companies' level.* ***Follow-up and assessment:*** *Euratex and the ETUF/TCL agree to follow up, in the framework of the social sectoral dialogue at European level, the progressive accomplishment of the implementation of this charter.* *To that effect Euratex and the ETUF/TCL will conduct a yearly evaluation of the charter's implementation, the first evaluation will take place no later than 10 July 1998. The results of such an evaluation will be reported on in the framework of the social sectoral dialogue.*
Eurocommerce and Euro-Fiet: agreement on fundamental rights and principles at work, 6 August 1999	*Eurocommerce and Euro-FIET recommend to their members to actively encourage companies and workers of the European commerce sector to comply, whenever possible, with the following fundamental rights, embodied in ILO conventions, including developing their own codes of conduct for their business relations with third countries …* ***Promotion and dissemination:*** *Eurocommerce and Euro-FIET shall promote and disseminate this joint statement.* *Eurocommerce and Euro-FIET recommend to their respective member organisations to endorse this joint statement and to encourage its implementation.* ***Implementation and assessment:*** *Eurocommerce and Euro-FIET will regularly discuss the implementation of this joint statement. On the basis of the discussion on its implementation, the parties will, in the framework of their European social dialogue, evaluate the implementation and, if necessary, make recommendations or undertake any relevant actions.'* *The Sectoral Social Dialogue Committee recommends these guidelines for adoption by the end of 2001, on a voluntary basis and according to each country's laws and collective bargaining practices.* *The SDC agrees to monitor the adoption of these guidelines in 2002.*
Code of conduct in the leather and tanning sector, 10 July 2000	*Cotance and ETUF/TCL call on their members to actively encourage companies and workers of the European leather and tanning sector to respect and to include, directly or indirectly (including sub-contracting) in their possible codes of conduct in all countries, worldwide, in which they operate the following ILO conventions …* ***Circulation, promotion and implementation:*** *Cotance and the ETUC/TCL commit themselves to promote and to circulate the code in the relevant languages at all levels, by 31 December 2000, at the latest.* *Cotance and the ETUF/TCL call on their respective members … to adopt this code and to encourage its progressive implementation at company level.* *Cotance and the ETUF/TCL will call on their member organisations to integrate the code as a prerequisite in all contracts with their sub-contractors and their suppliers. Cotance and the ETUF/TCL will thus encourage the companies to make sure that the code is understood by their sub-contractors/suppliers and their respective workers.* ***Follow-up, assessment and redress mechanisms:*** *Cotance and the ETUF/TCL agree to follow up, in the framework of the social sectoral dialogue at European level, the progressive accomplishment of the implementation of the present code of conduct.* *To that effect, Cotance and the ETUF/TCL will conduct at least a yearly evaluation of the implementation of the present code, the first taking place no later than 30 June 2001. …* *Cotance and the ETUF/TCL agree that the implementation of the results of the code have to be controlled in an independent fashion, guaranteeing the credibility of the control to all interested parties.*

Text	Follow-up provisions
Code of conduct — a charter for the social partners in the footwear sector, 17 November 2000	*The CEC and the ETUF/TCL call on their members to actively encourage companies and workers of the European footwear sector to comply with the following ILO conventions ….* ***Circulation, promotion and implementation:*** *The CEC and the ETUF/TCL commit to promote and to circulate the code in the relevant languages and at all levels by … at the latest.* *The CEC and the ETUF/TCL shall call on their respective member organisations to adopt this code and to encourage its gradual implementation at company level.* *The CEC and the ETUF/TCL shall organise, if needed, training and awareness programmes.* *The CEC and the ETUF/TCL shall call on their member organisations and companies to include this code as a prerequisite into all contracts with suppliers or sub-contractors. The CEC and the ETUF:TCL shall encourage companies to ensure that the code is understood by the said suppliers/sub-contractors and by their respective workers.'* ***Follow-up, assessment and appeal mechanisms:*** *The CEC and the ETUF/TCL agree to follow up, in the framework of the sectoral social dialogue at European level, the gradual fulfilment of the implementation of this code of conduct. In case of complaints, it is asked for a communication to be addressed to one of the social partners, specifying the nature of the complaints; a discussion will follow in the framework of the European social dialogue.* *To this effect, the CEC and the ETUF/TCL will conduct an evaluation of the implementation of the present code, at least once a year in the framework of the European social dialogue; the first evaluation will take place no later than 17 November 2001. …* *The CEC and the ETUF/TCL agree that, in case of control, the implementation of the results of the code will have to be monitored by institutes or organisms that are recognised and active on a worldwide level and that are independent of industry and of trade unions, hence guaranteeing the credibility of the control to all interested parties. The selection of such institutes or organisms will be decided upon in common agreement between the CEC and the ETUF/TCL.* *The CEC and the ETUF/TCL can decide, jointly and freely, to consider, in the framework of the European sectoral social dialogue, any new initiative that might be carried out as an extension of the code's implementation.*
Code of conduct — a charter for the social partners in the European woodworking industry, 20 March 2002	*CEI-BOIS and EFBWW call upon their members actively to encourage the enterprises and workers in the European woodworking industry to observe the following ILO conventions ….* ***Dissemination and promotion:*** *CEI-BOIS and EFBWW have undertaken to disseminate this charter in the appropriate languages at every level by 30 June 2002.* *CEI-BOIS and the EFBWW will call upon their respective member organisations to adopt this charter and encourage its progressive application at enterprise level.* ***Follow-up and evaluation:*** *CEI-BOIS and the EFBWW have agreed, under the sectoral social dialogue, to monitor the progress made in implementing this charter.* *To this end, CEI-BOIS and the EFBWW will carry out an annual evaluation of the charter's implementation, for the first time on 30 June 2003 at latest. The findings of this evaluation will be reported in the sectoral social dialogue. They will be able to request any technical assistance required for this purpose from the Commission and the Member States.* *CEI-BOIS and the EFBWW, in the context of the European sectoral social dialogue, may decide jointly and freely to take any other initiative in connection with implementation of this charter.*
	Policy orientations: the proactive promotion of policies
Joint recommendation on apprenticeship in the sugar sector, 1998	*… the European social partners in the sugar sector recommend to sugar companies:* *• to maintain the already considerable effort undertaken by some of them in the field of apprenticeship — or any other training process for young people — in terms of number and the quality of the training;* *• whenever economically and socially feasible, to make a significant effort to offer young people more training periods and places as apprentices in order to improve their skills on the labour market.* *Every year, the European social partners conduct a review of the measures implemented and the results achieved.*

Text	Follow-up provisions
Electricity sector joint declaration on equal opportunities/diversity, 2003	*… ESPU/EMCEF and Eurelectric recommend that the social partners at the appropriate level assign a high priority to the issues raised in this declaration.* *… collective agreements and other initiatives could be some of the instruments in this regard. Such considerations include the development of tools and methods necessary to reach equality.* ***2003 actions*** *• EPSU/EMCEF and Eurelectric have decided to continue to work on addressing the issues raised in this statement. A study into diversity issues will be undertaken in 2003.* *• The social partners will work together to contribute to redress any gender pay gap.* *• EPSU/EMCEF and Eurelectric further recommend that the statement is taken as a basis for measures to address equality, diversity and ageing challenges at national and company level.* *Future evaluations are recommended.*
Orientations for reference in managing change and its social consequences (cross-industry social partners), 2003	*The orientations drawn up by the social partners are based on the lessons learnt from these 10 case studies and are intended to be disseminated to all the actors concerned.*
Joint statement on corporate social responsibility in the commerce sector, November 2003	***Monitoring and assessment:*** *To follow-up on this joint statement the European social partners will endeavour to:* *• convene round table discussions, exploring concrete measures to promote corporate social responsibility;* *• collect and disseminate good practices;* *• ensure monitoring of the follow-up of the European social dialogue for commerce related to corporate social responsibility;* *To monitor and assess on a regular basis the follow-up to this statement.*
Common recommendations of the European social partners for the cleaning industry, March 2004	***Why common recommendations?*** *The EFCI and UNI-Europa … would like to achieve the following aims through this document::* *• to formalise a series of fundamental principles which have guided their work for over 10 years of European social dialogue;* *• give a political framework to their future activities;* *• address a series of recommendations to cleaning companies, their employees, as well as to their clients (public and private) and to public authorities (European, national and local).* ***Implementation and follow up*** *This document is not an end in itself, but aims to provide a framework for a sustainable and harmonious development of the profession. Its adoption by the EFCI and UNI-Europa is a mark of their goodwill and that of their respective members, to integrate the objectives and the principles it contains in their future initiatives and to ensure their promotion amongst all those concerned, including those from outside the profession.* *Most of the common recommendations are primarily aimed at cleaning companies, their personnel as well as the social partners of the sector, at national and European level. However, the realisation of the general objectives that it sets and the sustainable development of the profession also rely on the development of initiatives aimed at reinforcing the cooperation with public authorities (national and European) as well as to raise the awareness of purchasers of services (public as well as private) to the realities of the profession.* *The first step of implementing these common recommendations is the adoption of a European Social Dialogue Committee work programme which proposes a more concrete framework of actions and initiatives which fully integrates the principles and objectives they set.* *Lastly, the EFCI and UNI-Europa consider these common recommendations as a dynamic document and intend to evaluate, at regular intervals, the appropriateness of the principles and objectives that they pose in light of the realities of the profession and its developments.*

Box 3.3: Key stages in the evolution of the European social dialogue

1985 — The launch of the bipartite dialogue, initiated and supported by the Commission, and traditionally known as the 'Val Duchesse' process, after the place where the first meeting was held. The social partners begin to adopt non-binding joint opinions.

1991 — Against the background of the 1991 Intergovernmental Conference, the social partners negotiate the agreement of 31 October 1991, proposing reforms to the Treaty decision-making provisions in the social policy field. The social partners' proposals are incorporated virtually verbatim into the protocol on social policy annexed to the Treaty on EU.

1993 — Commission communication concerning the application of the agreement on social policy (COM(1993) 600 final) clarifies certain aspects of the new social policy provisions.

1994 — The Treaty on EU enters into force.

1995 — Successful negotiation of the parental leave agreement, the first Article 139 framework agreement implemented by Council directive.

1996 — Commission communication concerning the development of the social dialogue at Community level (COM(1996) 448 final).

1997 — Successful negotiation of the second framework agreement implemented by directive — on part-time work.

1997 — The provisions of the protocol on social policy are incorporated into the Amsterdam Treaty as Articles 138 and 139.

1998 — Commission communication on adapting and promoting the social dialogue at Community level (COM(1998) 322 final) defines the criteria for the establishment, composition and operation of sectoral social dialogue committees and constitutes a new departure for the development of sectoral social dialogue at European level. These new committees replaced the previously existing joint committees (for example, on sea transport, civil aviation, inland waterways, road transport, railways, telecommunications services, social problems of agricultural workers, social problems in sea fishing and postal services).

1999 — Successful negotiation of the third framework agreement implemented by directive — on fixed-term work.

2000

March — At the Lisbon Summit of the European Council, Heads of State and Government set out a 10-year strategy for the economic and social development of the EU. The common vision requires an integrated approach across a range of economic, social and environmental policy areas, in order to achieve sustainable economic growth, more and better jobs, with greater social cohesion. The successful implementation of the Lisbon strategy requires the active involvement of the social partners.

December — Adoption of the social policy agenda, COM(2000) 379 final, the Commission's five-year roadmap in the social policy field, which underlines the importance of social dialogue as a productive factor promoting competitiveness. Promotion of the notions of quality of work, quality of social policy and the quality of industrial relations.

2001

December — 'joint contribution' of the social partners to the Laeken European Council indicating their wish to pursue a more autonomous dialogue and to draft their own work programme.

2002

February — Presentation by the High Level Group on Industrial Relations and Change in the EU of its report to the Commission.

March — Adoption by the cross-industry social partners of the framework of actions on the lifelong development of competencies and qualifications, the first joint text to be implemented by the open method of coordination.

June — Publication of the Commission communication, 'The European social dialogue, a force for innovation and change' (COM(2002) 341 final), describing the contribution of the social dialogue to achieving the Lisbon objectives, improving governance and making recommendations for strengthening social dialogue in an enlarged Europe.

July — Adoption of the framework agreement on telework, the first autonomous agreement.

November — Adoption by the European cross-industry social partners of their first joint multi-annual work programme for the period on 2003–05.

2003

March — First Tripartite Social Summit for Growth and Employment meets.

May — Commission communication, 'Mid-term review of the social policy agenda' (COM(2003) 312 final). Promotion of the 'costs of non-social policy' and continuing promotion of the notion of quality, including in industrial relations, stressing the need to develop indicators and increase understanding of different industrial relations practices, particularly in view of enlargement.

2004

August – Adoption of the Commission Communication 'Partnership for change in an enlarged Europe – Enhancing the contribution of European social dialogue' (COM(2004) 557 final). It calls on the social partners to make a concrete contribution to achieving the Lisbon objectives and proposes ways of enhancing the impact of the results of the European social dialogue.

October – Adoption of the framework agreement on work-related stress, the second autonomous agreement.

TABLE 3.12: THE SECTORAL SOCIAL DIALOGUE COMMITTEES

Sectors	Employees' organisations	Employers' organisations	Date of creation
Agriculture	EFFAT	GEOPA/COPA	1999
Audiovisual	EFJ, EURO-MEI, FIA, FIM	ACT, AER, CEPI, EBU, FIAPF	2004
Banking	UNI-Europa	EACB, ESBG, FBE	1999
Civil aviation	ECA, ETF	ACI EUROPE, AEA, CANSO, ERA, IACA	2000
Cleaning industry	UNI-Europa	EFCI	1999
Commerce	UNI-Europa	Eurocommerce	1999
Construction	EFBWW	FIEC	1999
Electricity	EMCEF, EPSU	Eurelectric	2000
Footwear	ETUF/TCL	CEC	1999
Furniture	EFBWW	UEA	2001
Horeca	EFFAT	Hotrec	1999
Inland waterways	ETF	EBU, ESO	1999
Insurance	UNI-Europa	ACME, BIPAR, CEA	1999
Live performance	EAEA	Pearle	1999
Local and regional government	EPSU	CEMR	2004
Mines	EMCEF	APEP, Euracoal, Euromines, IMA	2002
Personal services	UNI-Europa	EU Coiffure	1999
Postal services	UNI-Europa	PostEurop	1999
Private security	UNI-Europa	CoESS	1999
Railways	ETF	CER	1999
Road transport	ETF	IRU	1999
Sea fishing	ETF	Europeche/Cogeca	1999
Sea transport	ETF	ECSA	1999
Shipbuilding	EMF	CESA	2003
Sugar	EFFAT	CEFS	1999
Tanning and leather	ETUF/TCL	Cotance	2001
Telecommunications	UNI-Europa	ETNO	1999
Temporary work	UNI-Europa	Euro CIETT	2000
Textile and clothing	ETUF/TCL	Euratex	1999
Woodworking	EFBWW	CEI-Bois	2000

TABLE 3.13: SOCIAL PARTNER CONSULTATIONS UNDER ARTICLE 138

Date	Subject	Social partners' contribution	Result
1993	European works councils	Opinion following attempt at negotiations	Council Directive 94/45/EC Council Directive 97/74/EC of 15 December 1977 extending, to the UK and Northern Ireland, Directive 94/45/EC
1995	Reconciling working life and family life	Framework agreement on parental leave (14.12.1995)	Directive 96/34/EC (UK: 97/75/EC) Implementation deadline: 15.12.1999
1995	Adaptation of the burden of proof in cases of discrimination based on sex	Separate opinions	Directive 97/80/EC (UK: 97/75/EC) implementation deadline: 1.1.2001
1995	Flexibility in working time and workers' security	Framework agreement on part-time work (6.6.1997) Framework agreement on fixed-term work (18.3.1999) Failure of negotiations on temporary work (May 2001)	Directive 97/81/EC (UK: 98/23/EC) Implementation deadline: 20.1.2000 Directive 1999/70/EC Implementation deadline: 10.7.2001 Proposal adopted by the Commission on 20 March 2002. Political agreement yet to be reached in Council
1996	Prevention of sexual harassment at work	Separate opinions	Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions
1997	Worker information and consultation		Directive 2002/14/EC Implementation deadline: 23.3.2005
2000	Protecting workers against employers' insolvency	Separate opinions	Council Directive 2002/74/EC of the European Parliament and the Council of 23 September 2002 amending Council Directive 80/987/EEC on the approximation of the laws of the Member States relating to the protection of employees in the event of the insolvency of their employer
2000	Modernising and improving employment relations	Framework agreement on telework (July 2002)	Social partners' agreement to be implemented by national social partners. Implementation deadline: 16.7.2005
2000	Protecting workers against the risks connected with exposure to asbestos at work	Separate opinions	Common Position (EC) No 53/2002 of 23 September 2002 adopted by the Council, acting in accordance with the procedure referred to in Article 251 of the Treaty establishing the European Community, with a view to adopting a directive of the European Parliament and of the Council amending Council Directive 83/477/EEC on the protection of workers from the risks related to exposure to asbestos at work
2000	Health and safety at work for the self-employed	Separate opinions	Council recommendation of 18 February 2003 concerning the improvement of the protection of the health and safety at work of self-employed workers
2001	Protecting employees' personal data	On 27 August 2001 the Commission launched a first stage consultation of the social partners Separate opinions Second phase of consultation in progress	
2002	Anticipating and managing change. A dynamic approach to the social aspects of corporate restructuring.	Orientations for reference in managing change and its social consequences (October 2003)	

	Subject	Social partners' contribution	Result
2003	Portability of supplementary pensions	First stage consultation of the European social partners (SEC/2002/597 published on 27.5.2002) Separate opinions Second stage consultation of the European social partners adopted by the Commission on 12.9.2003	No negotiations by the social partners. Commission to consider whether to propose a directive
2003	Stress and its effects on health & safety at work	Framework agreement on work-related stress (October 2004)	Social partners' agreement to be implemented by national social partners. To be implemented within 3 years, plus 1 year for monitoring.
2004	Extension of the scope of the directive on carcinogenic substances (90/394/EEC)	First stage of consultation April - July 2004 Second stage of consultation - 2005	In progress
2004	Psychosocial risks, harassment & violence at work	First phase of consultation scheduled in November 2004	
2004	Revision of the working time directive	First phase of consultation launched in December 2003 Second phase of consultation May-July 2004. Social partners declined invitation to enter negotiations.	Commission adopted a proposal in September 2004 amending the working time directive.
2004	Revision of the European works councils directive	First phase of consultation launched in April 2004	In progress