01.10 Social dialogue

1. Basic Information
1.1 Desiree Number: PL0003.10
1.2 Title: Social dialogue
1.3 Sector: Social policy
1.4 Location: Poland

Twinning code: PL2000/IB/SO01

2. Objectives
2.1 Wider objective
Further development of institutional basis of social dialogue and preparation of social partners for active participation in social dialogue.

2.2 Immediate objectives
1. Creation of the institution of inter-sectoral dialogue.
2. Development of autonomous social dialogue.

2.3 Accession partnership and NPAA priority
Strengthening the capacity of social partners to participate in social dialogue is the short-term priority of the AP as well as its supplements the priorities in NPPM (Priority 3.5.1.6).

The Regular Report also stresses the need to establish strong institutions for the social dialogue in Poland.

2.4 Contribution to National Development Plan: n.a.

2.5 Cross Border Impact: n.a.

3 Description
3.1 Background and justification

The scope of the project should be seen as a result of the partners organisations’ request expressed during their meeting with the Minister of Labour in April 1999. The subject of the meeting was to discuss a screening list on social policy and it was requested by partners to involve them in the process of negotiations with the EU and to inform about social dialogue mechanisms in the EU.

Further development of social dialogue in Poland is becoming increasingly important. The economic reforms often result in many social and industrial conflicts that should be peacefully resolved. Economic reforms are strongly related to the process of the accession of Poland to the EU. Therefore, social partners organisations should participate in both processes. The knowledge about the nature of the European integration and the social partners’ role in this process is unevenly spread among social partners’ organisations. The project aims at strengthening the partners’ organisations themselves and at their inclusion in the process of accession (this task is particularly important in the context of prospective national referendum on the accession of Poland).

The aim of the project is also to facilitate the transition from sectoral tripartite dialogue into sectoral bipartite dialogue.

- Inter-sectoral dialogue in Poland – major problems and proposals for a change

Polish experience in relation to social dialogue begins with the “August Agreement” of 1980. Since then, Poland has gained much experience concerning the practice of concluding collective agreements at the national level, particularly tripartite agreements. The existing mechanism of social dialogue in Poland is based on tripartite negotiations. Negotiations at the national level concern the important socio-economic issues and wage agreements. The most important social dialogue institution is, because of its competence and scope of activity, the Tripartite Commission for Socio-Economic Affairs (TCSEA) which was created by The Agreement on State Enterprise in the Process of Transformation (1993). Tripartite committees act on the basis of the resolution of the Council of Ministers No. 7/94 of 15/2/94. The preamble of this resolution describes the TCSEA as a forum for “dialogue and agreement between government and the organisations of employers and employees concerning the directions and ways of implementing social economic policy”.

Until recently the tripartite dialogue was considered to be the most effective form of a co-operation between Governmental and social parties in negotiating issues related to restructuring of economy.

The participation of the government was supposed to guarantee implementation of settlements included in the agreements. Political and administrative changes, which are being introduced in Poland, weaken the position of the TCSEA. Privatisation and reforms of the private sector reduce the importance of the central agreements. Changes in trade unions and in organisation of employers questioned representative nature of members of the TCSEA. However, because of the ongoing restructuring process (in the non-privatised sectors the Government is still an employer), and in the context of Polish accession negotiations with the EU (one of the most important areas of the national policy) the Government involvement will still be required. Social partners’ organisations often express their concerns about insufficient involvement in the process of
negotiations with the EU. Therefore, the immediate task of the TCSEA will be to develop social partners’ opinions and resolutions concerning the Government negotiation positions. The Government will consult the TCSEA with respect to all important issues and documents resulting from the process of EU negotiations. The partners will develop detailed tasks of the TCSEA themselves. However, the Government expects that the tasks will include: negotiating inter-sectoral issues; preparing common positions toward government policies; preparing common positions toward EU policies; and direct co-operation with social dialogue institutions at the Community level.

Initially, the Committee will be considered by the Government as a consultative body. The Committee of Social Partners will consist of representatives of the most representative social partners’ organisations. The Ministry of Labour will initiate and facilitate the establishment of the Committee by inviting the most representative partners’ organisations to establish a Round Table for European Integration (nucleus of the Committee) as an immediate policy forum for the partners to get used to working with one another in a non-adversarial problem-solving fashion. The Round Table will be established on the basis of the prime minister decision. The 5 most representative social partners organisations (acting on the whole territory of the country, covering all sectors of economy and having the biggest number of members): OPZZ, NSZZ “Solidarnosc”, Chamber of Farmers, Polish Employers’ Confederation and the Polish Confederation of Private Employers will be invited to form and regularly take part in the Round Table working meetings. As the Round Table’s operations and the project implementation develop, social partners may invite other social partners and voluntary organisations to join. The premises and services of the Social Partnership Centre “Dialog” will be offered and the Centre will act as a secretariat to the Round Table, as well as a venue for training and seminars. The Round Table will subsequently be transformed into the Committee for Social Partners.

The accession requires social partners to become familiar with the law and institutions of the EC, further European integration and the policy of the community. The mechanism of social dialogue at different levels, which are being worked out before Poland's accession to the EU, should ensure active participation of social partners at the European level. At the same time it should ensure the creation of a national system of social dialogue which will guarantee the existence of market economy based on dialogue of social partners as stated in article 20 of Poland’s constitution.

- Bipartite Dialogue in Poland – major problems and proposal for a change
- sectoral dialogue

The changes introduced in Poland (privatisation and restructuring of many sectors) created a need for social dialogue at the sectoral level. Especially the restructuring of metallurgy and mining industries, and the restructuring of the defence industry required the co-operation of social partners. Three teams representing each sector were established. The representatives of government, as an owner of enterprises in these sectors and as an initiator of restructuring, also participated in the activities. This form of sectoral dialogue does not work in relation to privatised sectors, which are encountering difficulties related to market mechanisms (for example, the recent Russian crisis). Along with the process of privatisation the Government involvement in sectoral dialogue will be naturally eliminated. This is the case with the light industry, where the direct impact of the government on the situation in the enterprises and their employees is virtually impossible. This situation also demonstrates the need for developing autonomous dialogue among social partners.

New phenomenons in social dialogue are the autonomous initiatives of social partners, showing their readiness to tackle the problems of particular sectors. Until now teams were usually created upon the request of trade unions, but recently the team for textile industry was established upon mutual request of trade unions and organisations of employers. The important issue is that in the sectors, where it is possible, the existing tripartite teams could in a systematic way be transformed into a bipartite structure of sectoral dialogue that will be ready for activities at European level. Considering the future accession of Poland to the EU and the tendency for the de-centralisation of social dialogue in the EU Member States, there is an urgent need for the establishment of the institutions which will act as consultative forum for different sectors and which will promote social dialogue at the sectoral level. Besides the future benefits resulting from the activities of those consultative institutions, the experience gained by social partners will be helpful in establishing co-operation with the European representatives of particular sectors, operating in the EU on the basis of the Commission’s Decision 98/500/EC, regarding the establishment of committees for sectoral dialogue at European level.

The Ministry of Labour will assist the social partners in their efforts to form joint sectoral committees and to gain knowledge and exchange experiences with their EU counterparts. A progressive transformation of the existing Light Industry Committee into bipartite committee will be assisted by the project. Additionally, the project will support the establishment of 2 new autonomous committees: the Committee for Fishery Industry and the Committee for Machinery Industry.
• mediation

Peaceful procedures of solving collective labour disputes should also be considered a form of social dialogue. In Poland collective labour disputes are currently conducted on the basis and according to rules established by the Law on Solving of Collective Labour Disputes (23/5/91). According to the law the reason for the dispute may be defined as anything concerning the working conditions, pay, social benefits, trade rights or freedom of association. According to the legal provisions, mediation together with reconciliation constitutes an obligatory phase (if parties do not agree within five days) in conducting labour disputes. Both parties to the dispute agree on a mediator, chosen from a panel accredited by the Minister of Labour and Social Policy, the national inter-trade union organisation and the national trade union association representing employees of the majority of enterprises. Such a mediator works on the basis of a private financial agreement with the parties concerned. There is an ongoing discussion about changing the way the State supports social dialogue in relationship to mediation in Poland. At present, for many enterprises, there is no public or semi-public institution that can provide a free or affordable professional mediation. The creation of a new mediating institution is considered to be of great importance. This will require legislative amendments. These regulations will be drafted by the MOLSP. The Social Partnership Centre “Dialog” will play an important role in this mediation system.

3.2 Linked activities
• PHARE SPREAD (Project PL 9215-01) “Solving Collective Labour Disputes”, was implemented in 1995-1996 with the participation of the Department of Collective Industrial Relations (presently the Department for Social Dialogue) in the Ministry of Labour and Social Policy. The main objectives of the project were: to support the “Dialog” Social Partnership Centre in becoming a meeting place and training centre for social partners; to establish the Main Library of Labour and Social Security; to carry out surveys on industrial relations including settlement of collective disputes; to do research concerning collective labour relations, activities of trade unions, employers organisations, collective negotiations and conclusion of collective labour agreements; to provide technical support for the Mediation Service and to provide a follow-up for the publishing series “Social Dialogue Library”.
• PHARE SPREAD (Project PL 9215-02) “System of Collective Bargaining and Tripartism” was jointly implemented by the MOLSP and social partners (trade unions and organisations of employers) in 1995-1996. The project was focused on the development of a collective bargaining system at the enterprise and higher levels through promotion of modern methods and techniques for collective bargaining. Phare support was given for the implementation for projects prepared by NSZZ “Solidarnosc”, OPZZ and the Confederation of Polish Employers (KPP). Activities undertaken in the framework of Project 02 aimed at: promotion of peaceful methods of solving collective disputes; promotion of concluding collective labour agreements at the enterprise and above level; and creation of a lasting basis for social dialogue.

3.3 Results:
3.3.1. Creation of the institution of inter-sectoral dialogue.
• New legal acts on social dialogue consulted with social partners and ready by mid 2001.
• The Round Table’s status and procedures established; basis for the Committee established; social partners ready to work effectively in the Committee; social partners’ position papers on the government negotiation documents being prepared.
• Social partners equipped with first hand knowledge on EU and MS policies and practices on inter-sectoral dialogue.
• Appr. 620 members of social partners' organisations trained on EU policies, social dialogue in the EU, and on inter-sector dialogue at national and Community levels.
• Centre for Social Partnership “Dialog” properly equipped and able to deliver/host training.

3.3.2. Development of autonomous social dialogue.
• Transformation of the Light Industry Committee into bipartite committee; establishment of the 2 new bipartite committees; appr. 80 members of social partners' organisations and Ministries’ officials trained on sectoral dialogue and ready to form autonomous sectoral committees in order to co-operate with sectoral committees at the EU level.
• Recommendations on the mediation institution prepared.

3.4 Activities:
3.4.1. Creation of the institution of inter-sectoral dialogue.
Long term pre-accession advisor - PAA (16 man/months) will help the MOLSP to develop institutional and legal framework of the Committee of Social Partners (preparation draft law on the Committee), and ensure the continuous advancement of all operations (inputs) through mobilisation of long-term and short-
term experts, organisation and co-design of training courses etc. Effective co-operation with the medium-term experts placed in the Social Partnership Centre “Dialog” is of particular importance. PAA will be placed in the Department of Structural and Regional Policies of MoLSP. She/he should have relevant experience in the field of social dialogue (co-operation with social partners) and should be fluent in English.

**Long-term TA**: EU expert (16 man/months) will help the members of the Round Table/Committee to reinforce institutional capacity of the Committee (internal regulations, scope of activity, status, procedures, membership rules etc.) and to prepare methods for reaching consensus and developing common positions. Advisor will assist the Chairman of the Committee and other members. He/she will be placed in the Committee Secretariat (Social Partnership Centre “Dialog”).

**Short-term TA**: Pool of EU (16 man/months) and Polish (16 man/months) experts on various EU policies as well as representatives of different EU MS social partners organisation. The experts and representatives will advice Committee members on different UE policies and partner organisations practices in the MS.

**Training**: preparation of training materials and delivery of training courses/workshops to Committee members, members of their respective organisations and members of other social partners organisations on EU policies (2 two-day sessions for two groups of 100 persons each), Social dialogue in the EU (appr. 200 persons) and autonomous, inter-sectoral social dialogue in the MS (appr. 200 persons). (List is indicative and to be finalised with twinning partner).

**Study visits**: 4 study visits for 11 participants each (Committee members) to Institutions of the EU (11 participants) and Institutions of Social Dialogue at the national level (Spain, Ireland and Austria -3 visits of 11 participants each). (List is indicative and to be finalised with twinning partner).

**Conference** on autonomous social dialogue. Conference materials will be published and widely disseminated (200 participants, publication of 2 000 brochures)

**Equipment**: purchase and installation of equipment for Social Partnership Centre “Dialog” needed for organisation of training courses and conferences and for acting as Secretariat of the Round Table for European Integration (conference room for 150 persons including equipment for simultaneous translation). The purchase will be conditioned by the decision on the role of Social Partnership Centre “Dialog” in the settlement of disputes and mediation system.

### 3.4.2. Development of autonomous social dialogue.

**Training**: preparation of training materials and delivery of training courses to members of sectoral partner organisations and representatives of the Ministries concerned (4 two-day courses for 30 participants each). (List is indicative and to be finalised with twinning partner).

**TA**: three short term EU experts (30 man months) will assist the Committee for Light Industry, the Committee for Fishery and the Committee for Machinery Industry.

**Study visits**: visits of partner’s organisations representatives and Ministries representatives to sectoral committees and mediation institutions at the EU level (6 visits for 11 persons each). (List is indicative and to be finalised with twinning partner).

### 4 Institutional Framework

**Ministry of Labour and Social Policy**: (Project Management Team will be placed in the Department for Structural and Regional Policies).

Department for Social Dialogue. This Department which is an organisational unit of the MOLSP is a leader in terms of policy and legislation creation in the area of social dialogue. The tasks of the Department include: drafting legislation on collective labour law and social dialogue; monitoring of the effects of the adopted regulations; co-operation with social partners organisations; promotion of social dialogue as a mean of the dispute resolution; monitoring and analysis of the collective disputes and social conflicts; assisting the team of mediators, and developing mediation mechanisms.

**Partners organisations**: The legal framework for establishing and acting of social partners’ organisations is the act on trade unions and the act on employers’ organisations.

At present there are ca. 20.000 trade unions registered in Poland. They act at different levels and they differ regarding the number of their members (it is not obligatory for trade unions to provide data about the number of members for statistical needs). According to the data from the NSZZ Solidarnosc the number of members reaches 1.2 million. According to OPZZ its membership amounts to 2.9 million out of which 400.000 pensioners and unemployed. Public opinion surveys show that 3 million persons in Poland are members of trade unions, out of which 1.2 million Solidarnosc members, 800 thousand OPZZ members and 1 million of other trade unions. They constitute 20 per cent of the working population. Regardless of these outcomes one can assume that the biggest trade unions are OPZZ and NSZZ Solidarnosc. The latter is a member of ETUC.
The organisations of employers, unlike trade unions, are relatively new. They started their activities after the legal act of 1991 on employers organisations had come into force. The public sector still plays a considerable role in Poland, therefore public employers’ representation is necessary. At present there are 2 confederations of employers: the Polish Employers Confederation and the Polish Confederation of Private Employers. The former one (member of UNICE) was established in 1989 and gathers 20 sectoral organisations and 23 regional organisations. The Polish Confederation of Private Employers was established in 1999 and gathers 14 regional and sectoral organisations. It represents the employers of the private sector (over 1000 private companies employing over 0.5 million employees) which is prevailing in the Polish economy from the point of view of both its contribution to GNP and the number of the employees.

Chambers of farmers constitute the units of farmers self-government. The chambers of farmers are associated in the National Council of Farmers’ Chambers. Its responsibilities are the following: preparing opinions on the draft legal acts concerning agriculture and food economy as well as programmes in agricultural policy; presenting its findings on the situation in agriculture to the competent governmental authorities; supporting chambers of farmers in their activities and representing the chambers at the central level.

**Sectoral Committees:** The Committee for Light Industry was created on 27/1/99 as a tripartite committee. It consists of representatives of all major partner organisations acting in the sector. Seventeen sessions of the Committee were organised so far.

New committees to be established by May 2000 are: Committee for Fishery: The Ministry of Agriculture invited social partners to form a committee on 14/1/2000. All major sectoral organisations (including non-government organisations) have expressed their interest in participating in the Committee. It is envisaged that the Committee will be entirely bipartite. The Ministry of Labour has also invited representatives of the machinery industry partners’ organisations to form a bipartite committee.

**Social Partnership Centre “Dialog”:** The Centre was established in December 1994 by the Minister of Labour decision as a learning and knowledge centre for social partners. It is a non-profit institution. Its statutory aim is to promote methods of solving social disputes by peaceful means and to strengthen mechanisms and institutions of the social dialogue in Poland by assisting and educating social partners organisations. The Centre has been conducting a large number of training courses on labour code, collective disputes resolution, health and safety, mediations, negotiations, social insurance. The Centre closely cooperates with trade unions, employers organisations, government institutions (MOLSP, National Labour Office, Polish SME Foundation), experts and academics. The institution has participated in a variety of international projects (ACAS, ILO). The Centre is able to provide 6 conference rooms and one training hall as well as accommodation premises for 100 persons in its building in Warsaw. The Centre will host regular meetings of the Round Table for European Integration and bipartite committees and act as their secretariat (4 staff members will work in the Secretariat). It is envisaged that Social Partnership Centre “Dialog” will play an important role in the mediation system.

The Social Partnership Centre “Dialog” will become owner of the equipment.

### 5 Detailed Budget

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<th>National Cofinancing</th>
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<td>Study visits</td>
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<td>0.370</td>
<td>1.630</td>
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The Polish authorities have assured that the Government cofinancing is available either through the reserve budget foreseen specifically by the Ministry of Finance for this purpose each year, or directly through the budget of the relevant Ministry.

6. Implementation Arrangements
6.1 Implementing Agency:
PAO: P. Samecki, Undersecretary of State at the Office of the Committee for European Integration Al. Ujazdowskie 9, Warsaw. Tel.: 4822 694 75 42, 4822 694 7195, 4822 694 6064. FAX: 4822 694 7194, 4822 625 0380. CFCU: Foundation “Cooperation Fund”, 6/12 Nowy Swiat St., 00-400 Warsaw. The CFCU is responsible for handling tendering, contracting and payments of contracts on behalf of the Ministry of Labour and Social Policy which itself shall be responsible for preparing projects and managing their technical implementation.

6.2 Twinning
Beneficiary will be the Ministry of Labour and Social Policy. All project activities may be implemented in the form of twinning. Twinning package will consist of the assistance of a pre-accession advisor (PAA), long term EU expert, other EU experts, training courses, study visits, conference and publications. It is envisaged that the social dialogue institution of a MS and the Ministry of Labour of the MS will be the twinning partner. Direct involvement of the social partners organisations’ experts of the MS are of particular importance.
Contacts: Mr. Michal Kubisz, Director, Department for Structural and Regional Policies, Ministry of Labour and Social Policy, ul. Kopernika 3, 00-367 Warszawa, Poland, tel. +48/228288177, fax. +48/22828 68 06, e-mail: Michal_Kubisz@mpips.gov.pl
Ms. Mala Bielawska, Head of the Pre-accession Programmes Division, Department for Structural and Regional Policies, Ministry of Labour and Social Policy, ul. Kopernika 3, 00-367 Warszawa, Poland, tel. +48/228280657, fax. +48/228286806, e-mail: Mala_Bielawska@mpips.gov.pl

6.3 Non standards aspects: n.a.

6.4 Contracts
Two contracts are envisaged: twinning agreement (1.63M€) and purchase of the equipment (0.37M€)

7. Implementation Schedule
7.1 Start of tendering / call for proposals: October 2000
7.2 Start of project activity: March 2001
7.3 Project Completion: June 2003

8. Equal Opportunity: the project will promote equal opportunities between men and woman in the field of social dialogue.


11. Investment criteria: n.a.

12. Conditionality and sequencing
Benchmarks:
- Twinning Agreement signed: January 2001
- Activities start: March 2001
- Draft law of the Committee of Social Partners prepared: December 2002
- The Round Table Status and procedures established: July 2002
- Establishment of the Committee for Fishery industry
- Establishment of the Committee for Machinery Industry
Purchase of the equipment will be conditioned by the decision on the role of Social Partnership Centre “Dialog” in the settlement of disputes and mediation system.
**Annex 1: LOGFRAME PLANNING MATRIX FOR PROGRAMME**

<table>
<thead>
<tr>
<th>Programme No.</th>
<th>PL 2000</th>
<th>Programme title</th>
<th>Social dialogue</th>
<th>Sources of Information</th>
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<tr>
<td><strong>Wider Objective</strong></td>
<td>Further development of institutional basis of social dialogue and preparation of social partners for active participation in social dialogue</td>
<td>Social partners able to establish institutions of inter-sectoral dialogue and prepare joint position</td>
<td>Necessary legal regulations concerning the Committee of Social Partners as well as sectoral dialogue prepared. Social partners to be able to effectively co-operate with their counterparts at the Community level</td>
<td>Social partners common position on government policies Draft of new legal act on the Committee of Social Partners</td>
<td>1. Efficient project management 2. Effective co-operation among the partners involved 3. Undisturbed legislative process</td>
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<td><strong>Immediate Objectives</strong></td>
<td>Creation of the institution of inter-sectoral dialogue Development of autonomous social dialogue</td>
<td>New legal acts on social dialogue consulted with social partners and ready by mid 2001 Round Table status and procedures established</td>
<td>Meetings of Round Table attended by members of five most representative social partners organisations Social Partners opinions on the government negotiations documents being prepared 620 social partners organisations members trained</td>
<td>Reports from the meetings of the Round Table attended by members of the five most representative social partners organisations Common opinion of social partners on the issues discussed in the Round Table meetings Brochures published Reports on training delivered by the Social Partnership Centre “Dialog”</td>
<td>1. Undisturbed legislative process 2. Appropriate project co-ordination 3. Effective co-operation among the partners involved 4. Proper promotion of training courses 5. Proper distribution of published brochures</td>
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<td>Twinning assistance to: the Ministry of labour and Social Policy, Social Partnership Centre “Dialog”, social partners organisations, Round Table/Committee members</td>
<td>New legal regulations on the Committee of Social Partners</td>
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<td>Investment support for Social Partnership Centre “Dialog”</td>
<td>Recommendations on the mediation institution prepared</td>
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<td>Training support for social partners organisations, members of sectoral partner organisations and representatives of the ministries concerned</td>
<td>Members of the Round Table trained in EU policies, mechanisms of social dialogue at Community level</td>
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<td>Study visits for Round Table/Committee members, representatives of social partners organisations and ministries concerned</td>
<td>App. 1100 social partners organisations members and ministries officials trained</td>
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<td>Conference on autonomous social dialogue</td>
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Annex 2: Cumulative Implementation, contracting and disbursement schedule

| Date Drafting | 20.02.2000 |
| Planning Period | 09/2000–03/2003 |

Budget Allocation

| Cost Estimate (M€) | 2 |

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