Fourth meeting of the Expert group on Transnational Company Agreements

Experiences of EMCEF – SSD Chemical sector

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The issues

- EMCEF
- Issues in the SSD
- Multisectoral/sector/company agreements - Chemical industry
- EMCEF Mandate Procedures
- Challenges of the SSD
EMCEF

- **European Mine, Chemical and Energy Workers’ Federation** affiliated to the ETUC (also representing the pulp & paper and glass sectors)

- **Founded in 1996** through the merger of **EFCCGWU** (European Federation of Chemical and General Workers’ Unions) and **MEF** (Mineworkers’ European Federation)

- **Affiliated organizations**: 130 national trade unions from 35 European countries, representing 2.5 million members in the companies

- Works in cooperation with the **ETUC** + 11 other European Industry Federations, and the **ICEM** (sister organization at international level)

- **Main activities**: Social Dialogue, Collective Bargaining, Coordination work on EWCs, Industrial Policy and OHS; Support and solidarity actions, etc.

- **Involved in 5 European sector social dialogues** (chemical industry, extractive industries, electricity, gas, paper & pulp); + NEPSI (Crystalline silica)

- **New** European Industry Federation (EMCEF+EMF+ETUC-TCL) **2011?**

- For more information: [www.emcef.org](http://www.emcef.org)
Issues in the sectoral SD’s

- Sector-based issues of European integration
- Energy policy
- Raw material policy
- Environment
- Restructuring
- Occupational Health & Safety
- Demographic challenges
- Employment
- Corporate Social Responsibility (CSR)
- Equal opportunities
- Stress and violence at work
- Life-long learning and training
- Possibilities of sectoral social dialogue in the context of the financial and economical situation
Multisectoral/sector/company agreements - Chemical industry

- **Multisectoral** agreements – NEPSI (Crystalline silica)
- **No sector** agreements - as yet
- **No European TCA’s** signed by EMCEF – as yet
- **Global** framework agreements with multinational companies
  - ✔ ICEM (global union)
    - International Federation of Chemical, Energy, Mine and General Workers' Unions
  - ✔ Several global agreements in the chemical, oil, electric, mining, rubber and paper sectors
    - E.g. Rhodia (ICEM), Freudenberg (IG BCE/ICEM), Umicore (ICEM/IMF/3 Belgian federations)
Multisectoral agreement – NEPSI (Crystalline Silica)

- NEPSI – European NetWork for Silica
- Social dialogue "Agreement on Workers' Health Protection Through the Good Handling and Use of Crystalline Silica and Products Containing it“, 25 April 2006
  - Represents to date 18 European industry sectors
  - Contracting parties: EMCEF, EMF and European industry sector associations

http://www.nepsi.eu/
Sector agreements – Chemical industry

- No sector agreements - as yet
- Our target:
  - EMCEF action and strategy plan for 2008-2012
    - Intention to "reach binding agreements that commit signatories"
  - Motion of EMCEF 4th Congress 2008
    - Agreements should be "converted into directive"
- Project in chemical industry: negotiations for a binding agreement on life-long learning and training (job profiles)
Binding agreement in the SSD for the Chemical industry

- **Project financed by EU:** "Towards a binding agreement between the European Chemical Employers Group (ECEG) and the European Mine, Chemical and Energy Workers’ Federation (EMCEF)"

  - **First step and a test phase,** "towards further binding agreements that would contribute to defending competitiveness, safety, and employment levels in the chemical industry"

- **Background:** Although chemical processes and job profiles are pretty much the same across Europe, no uniform description of these profiles exist and therefore no European competence certificate is available for workers who move across borders
Binding agreement in the SSD for the Chemical industry (2)

- Competences and job profiles for certain occupations in the chemical industry
  - Jobs known as process operator and first line supervisor

- Skills/competence certificates
  - Validate the accumulated experience of workers
  - Recognized by all companies in the chemical sector
  - Implication towards the mobility and migration of workers

- Built in to the agreement would be links to:
  - EU initiatives on European classification of skills, competences and occupations; Employment Council conclusions on new skills for new jobs; establishment of European sector councils on employment and skills at EU level
Binding agreement in the SSD for the Chemical industry (3)

- Working group meeting on 7 July 2010
- Project application, 31 August
- Joint task force meeting, 13 September
  - 8 representatives of ECEG and 8 of EMCEF
  - Geographical and gender balance
  - Forthcoming meetings: 25 November, 25 January 2011 and 10 March
- Joint conference: 15 April 2011
  - 40 participants
  - The outcome: final agreement to be signed at a SSD plenary meeting in the course of 2011
- The EMCEF Executive Committee “adopts the text with a qualified majority of at least 2/3”
Binding agreement in the SSD for the Chemical industry (4)

- Enforcement measures (EMCEF/ECEG) in 7 languages:
  - Dissimination of information on the agreement
  - Information on
    - Uniform job profiles
    - Good practices and training in EU states
  - A special homepage
  - USB sticks
  - Award of the first European skills certificates
  - Etc.
EMCEF Mandate Procedures

- The European Trade Union Federations have each adopted procedures how to obtain mandate, how to discuss and negotiate and how to approve transnational agreements (e.g. EMCEF, EMF, ETUF-TCL, EPSU)

- Trade unions are up for negotiating company agreements provided that mandate procedures are followed and the national/branch collective agreements are not undermined

- The EMCEF Mandate Procedures was approved by the General Assembly in 1 July 2010 (Executive Committee on 9 September 2009)

- Test phase of implementation since September 2009
EMCEF Mandate Procedures (2)

Main content:

- Cooperation with other European Trade Union Federations
- Sector Social Dialogues: Nominations, platform and statements, procedure
- **Sector Social Dialogues: Sector agreements**
  - Decision on platform and delegation, negotiation on text and information duty towards affiliates, adoption of texts, if no agreement achieved, implementation
- **Company agreements (CSR, etc.)**
  - Mandates, decision on platform and delegation, nomination of experts, negotiation on text and information duty towards members, adoption of texts, if no agreement achieved, implementation
  - EWCS have no mandate to negotiate collectively
- Actual European Collective Negotiations (eg. Sector level)
  - Not an immediate possibility
EMCEF Mandate Procedures (2)

Sector Social Dialogues: Sector agreements

- Decision on platform and delegation

✓ “The Secretariat informs the Executive Committee and the Social Dialogue Committee that a negotiation is underway. **If this involves other sister organizations, cooperation will be sought.**

✓ The **Executive committee decides** in consultation with the Social Dialogue Committee and the nominated members for the SSD whether a negotiation should take place (can happen through written procedure and with a simple majority)

✓ The **decision on the platform and the delegation is taken by the Executive Committee** in consultation with the Social Dialogue Committee and all the affiliates, summarizing their opinions on the draft platform proposed by the Social Dialogue Committee or the Presidium (Can happen through written procedure and with a simple majority)”
**Company agreements**

- **Mandates**
  
  ✓ “EWCs have no mandate to negotiate collectively. The affiliates can however give mandate to EMCEF on behalf of and with participation of the organizations involved in the company in question to undertake negotiations.
  
  ✓ When EMCEF is informed that a company wants to start negotiating such an agreement, it will seek to **ensure that this is done with the trade unions and not with EWC members only.**
  
  ✓ Any negotiation on a company agreement that would have been started by a EWC/SNB outside of EMCEF Mandates Procedures or outside of the information-consultation scope will not be supported by EMCEF and will not carry any obligations for EMCEF affiliates.”
EMCEF mandate procedures (4)

Company agreements

- Decision on platform and delegation
  
  ✓ “The EMCEF affiliates in the EWC and the EMCEF EWC coordinators have the duty to inform the Secretariat that a negotiation is being proposed and whether this involves other sister organizations. If so, cooperation will be sought.
  
  ✓ The Secretariat informs the Executive Committee and the affiliates concerned that a negotiation is about to start.
  
  ✓ These affiliates concerned decide whether a negotiation should take place with a 2/3 majority through written procedure in each country where the company is present. Affiliates in a country that represents more than 10% of the European workforce can prevent the start of negotiations. Affiliates’ representativity will be calculated on the basis of the effective number of unionized members in the company. Failure by an affiliate to disclose this number when replying to the consultation on platform and/or delegation will entail nullity of the reply for this particular affiliate.
  
  ✓ These affiliates decide on the platform and delegation with 2/3 majority as to the mandates above. Organized members of the EWC can be part of the delegation if nominated by their union.
  
  ✓ The delegation is besides the specific mandate bound by general EMCEF policies.”
Company agreements

➢ Adoption of texts
  ✓ “All countries involved have to approve the agreement for it to be binding for the affiliates. At national level approval is decided with a **2/3 majority** according to national traditions. The EMCEF Secretariat will inform the affiliates concerned and give a deadline for decision.”

➢ Implementation
  ✓ “The implementation of agreements at national level will be the responsibility of the EMCEF affiliates in the company concerned and can start when the text has been properly adopted according to the abovementioned rule.
  ✓ The Executive Committee of EMCEF needs to be informed about the implementation.”
Challenges of the SSD

- SSD at the moment:
  - Mostly restricted to exchanging information, sharing best practices and building a joint appreciation of a limited number of issues
  - This is very good, too, but...
- Strengthening of social dialogue; the employers’ organisations mandates
- Negotiations on sectoral and company level
- Extension of social dialogues also on national level; **implementation and supervision**
- Strengthening of SD in CEE: capacity building
Challenges of the SSD

- In view of the new Reform Treaty, the consultations with the social partners become more important and ambitious
- SSD partners are colegislators for social matters ("sharp injuries" directive, maritime convention directive)
- Binding agreements?
  - Need for European level legal framework and mandate procedures for negotiations
    - ETUF’s mandate procedures (e.g. EMF, EMCEF, EPSU)
    - Now: Implementation through national negotiations
  - Topics: Demographic change; Health and Safety; Restructuring; Qualifications and skills
  - What about: working time, other working conditions (?)
  - No: wages
- Our affiliates: keep in mind relationship/differences between SD and collective bargaining
Thank you for your attention

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