

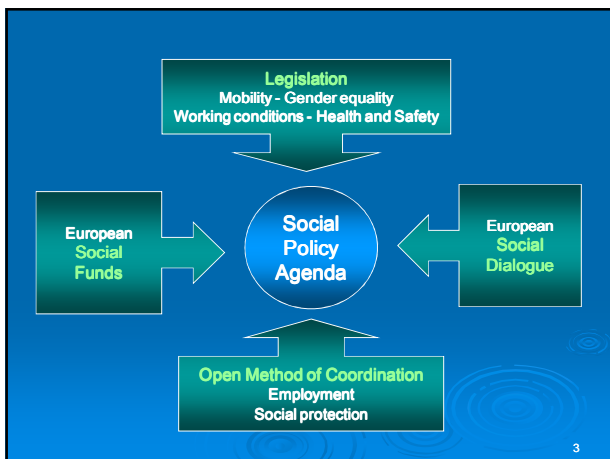
Evolution of Social Dialogue at European level

François Ziegler
European Commission

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I A democratic EU decision-making process

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A Strong institutional recognition

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Years of European
Social Dialogue
has led to progress
in social Europe

ART 138 of the Treaty

The Commission has a responsibility to promote consultation of the social partners at community level and to take every useful measure to facilitate their dialogue,

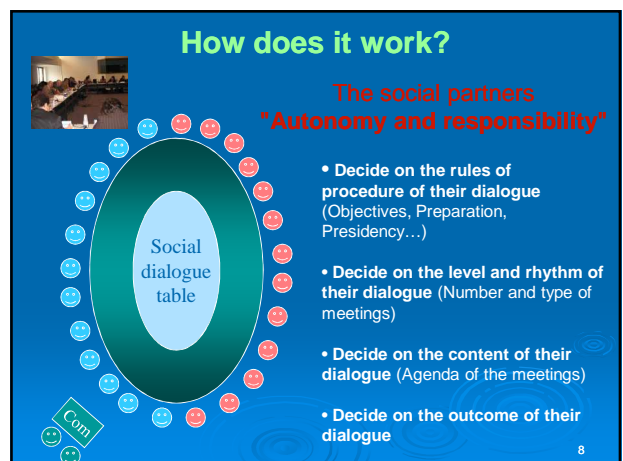
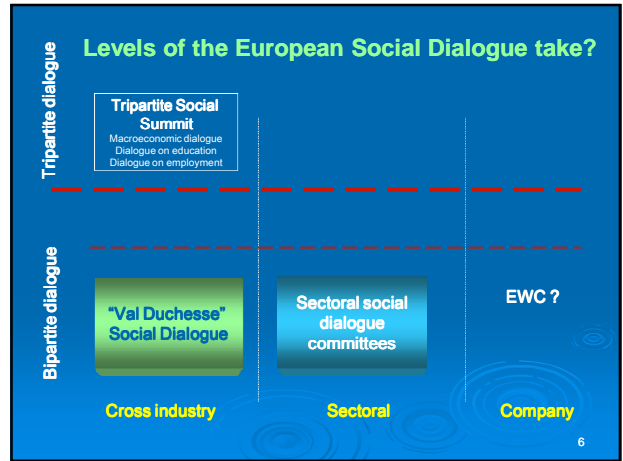
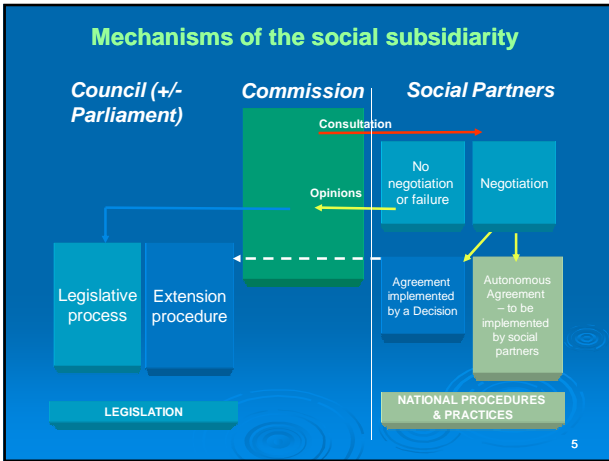
[Consultations]

ART 139 of the Treaty

Should management and labour so desire, the dialogue may lead to contractual relations, including agreements

[Negotiations]

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II Institutional developments

New legal basis for social dialogue ?

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Treaty of Lisbon (2009 ?)



➤ New Article 152

« *The Union* recognises and promotes the role of the social partners at its level, taking into account the diversity of national systems. It shall facilitate dialogue between the social partners, respecting their autonomy.

The Tripartite Social Summit for Growth and Employment shall contribute to social dialogue. »

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The Charter of Fundamental Rights

- Article 12 : Freedom of assembly and of association

“Everyone has the right to freedom of peaceful assembly and to freedom of association at all levels, in particular in political, trade union and civic matters, which implies the right of everyone to form and to join trade unions for the protection of his or her interests.”

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The Charter of Fundamental Rights

- Article 27 : Workers' right to information and consultation within the undertaking

“Workers or their representatives must, at the appropriate levels, be guaranteed information and consultation in good time in the cases and under the conditions provided for by Union law and national laws and practices.”

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The Charter of Fundamental Rights

- Article 28 : Right of collective bargaining and action

“Workers and employers, or their respective organisations, have, in accordance with Union law and national laws and practices, the right to negotiate and conclude collective agreements at the appropriate levels and, in cases of conflicts of interest, to take collective action to defend their interests, including strike action”.

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The Charter of fundamental rights

- The Charter is applied by the European court of justice since 2003
- Recent Cases “Laval” and “ Viking” concerning the right of strike (art.28)

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III Practical developments

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Consultations (2007)

- Cross-border transfers of undertakings
- Reconciliation of professional, private and family life
- More and better seafaring jobs in the EU
- Carcinogens, mutagens and reprotoxic substances
- Musculoskeletal disorders
- Active inclusion
- Needlesticks Injuries

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Consultations (2008)

- Equal treatment between men and women engaged in an activity, in a self-employed capacity
- European Works Councils
- Exposure to environmental tobacco smoke at the workplace
- (...)

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37 Sectoral Committees

Sea transport Road transport Civil aviation Inland navigation Railways	Agriculture Extractive Industry Sea fishing Sea Ports	Construction	Woodworking Furniture Sugar
Personal services Cleaning industry Private security	Textile/clothing Tanning/leather Footwear	Banking Insurance	Commerce
Telecommunications Postal services	Temporary agency work	Horeca Catering	Electricity Gas
Live performance Audiovisual Professional cycling Football	Steel Shipbuilding Automobile Non ferrous metal Metal sector	Hospitals Local government Central administration Education	Chemical

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Social dialogue texts

Agreements establishing standards Article 139.2 of the Treaty	Framework agreements Autonomous agreements	Implementation
Recommendations concerning standards and principles	Frameworks of action Guidelines and Codes of conduct Policy orientations	Follow-up at National level
Exchange of information	Joint opinions Declarations Tools	Information Diffusion

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7 Agreements implemented by Council decision

1. Framework agreement on parental leave, 1995
2. Framework agreement on part-time work, 1997
3. European agreement on the organisation of working time of seafarers, 1998
4. Framework agreement on fixed-term work, 1999
5. European agreement on the organisation of working time of mobile workers in civil aviation, 2000
6. Agreement on certain aspects of the working conditions of mobile workers assigned to interoperable cross-border services, 2005
7. Agreement on the maritime labour convention, 2008

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5 Autonomous Agreements



- Framework agreement on **telework**, 2002
- Agreement on the European licence for drivers carrying out a **cross-border interoperability service**, 2004
- Agreement on **Stress** at work, 2004
- Social Dialogue Agreement on Crystalline **Silica**, 2006
- Harassment and **violence** at work, 2007

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Recent works (examples)

- Agriculture - Reduction of workers' exposure to the risk of work-related **musculo-skeletal disorders**
- Sea fishing : guide for **accident prevention**
- Telecoms : MSD – dissemination of best practices / ergonomics
- Multisectoral **agreement on crystalline silica**
- Electricity - 2 **Joint declarations on Stress** and on violence
- Gas – **Joint declaration on violence at work**
- Construction – **Joint recommendations / Prevention of occupational stress**
- Private security – follow-up of stress initiative
- Local government – **Guidelines / Gender equality plans**
- Agriculture - Resolution on the creation of **Agripass CV**
- Construction – **Database on posting** of workers
- Telecoms - Social and economic aspects or **CSR**
- Chemical Industry – **Skills for chemical business**
- Post – **Joint declaration on training and skills development**
- **Hospitals: code of conduct on Ethical cross-border recruitment and retention**

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Sectoral Current negotiations

Hospitals: protection of workers against sharp injuries

Rail: Working conditions

- Revision of the Clause 4 on the number of consecutive rests away from home (Rail Agreement 2004)

Inland Navigation : Working time

- Adaptation of the working time regime to the specificity of the sector

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Cross-industry negotiations

- The cross- industry social partners intend to open negotiations on the revision of directive on **parental leave** issued of their common agreement and on the **access to the labour** market for most disadvantaged people.

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Implementation of the work-related stress agreement

- **Adopted in 2004 - December 2008:** The European social partners' report presents the implementing measures from 21 Member States as well as from Norway and Iceland
- The implementing measures took different forms:
 - social partner (framework) **agreements** (for example joint guidelines in Sweden);
 - national, sectoral or **company collective agreements** (for example in Belgium or France);
 - national **legislation** (for example in the Czech Republic and Latvia);
 - **tripartite cooperation** with public authorities (for example the joint promotion of the management standards for work-related stress in the UK);
 - and complementary activities (for example tools for the measurement of stress or training).

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IV Prerequisites for participating to the European social dialogue

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ROLES of actors



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Prerequisites for participating to the European social dialogue

- *Sectoral and cross sectoral dimension*
- *Corporate dimension*
- *Bipartite dimension*
- *Autonomy of social partners*

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Prerequisites for participating to the European social dialogue

- *Representativeness of social partners*
- *Administrative capacity*
- *Reliable statistics concerning trade union membership/collective agreements coverage, etc...*
- *Freedom to associate or not*
- *Freedom to negotiate*

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Prerequisites for participating to the European social dialogue

- *Ability to sign agreements*
- *Capacity to implement european social dialogue agreements through national collective bargaining*
- *Right to be consulted on any matter linked to social policies and working conditions*

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