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Industrial Relations in Europe 2012

Chapter 7: European social dialogue developments 2010 – 2012

European social dialogue supports and enriches the social dimension of the European Union by constituting a significant and attractive forum for negotiations, consultations and discussions. It facilitates communication and enables social partner consultations, joint actions and negotiations. The past two years have proved the importance of the European social dialogue, with the increasing number of social dialogue committees, numerous projects conducted and more than seventy common texts adopted by the social partners, including four agreements setting minimum standards.

7.1 Introduction

The two years since 2010 have been turbulent times for Europe. In the midst of a severe economic and financial crisis that is exerting a heavy social cost and increasing unemployment, European social partners have addressed difficult, sometimes conflicting policy issues in the search for common agreed solutions, thereby demonstrating the value of dialogue between management and labour at EU level. In times of crisis the EU's task of promoting the role of social partners at European level, as defined in the Treaty on the Functioning of the European Union (TFEU), takes on special significance and importance.

The Treaty mandates the European Commission with facilitating the dialogue between the social partners, i.e. the representatives of management and labour. This is achieved in the framework of the cross-industry social dialogue committee and some 40 social dialogue committees for different sectors of the economy. In these committees, employers' organisations and trade unions autonomously decide on their work programme and the issues they wish to address. The committees are the place for consultations, discussions and joint actions of the social partners. If the social partners wish, the committees also provide a forum for negotiations leading to binding agreements, which could become EU legislation (see box 7.1 for details).

Box 7.1 The principles of European social dialogue

The Treaty on the Functioning of the European Union (TFEU) recognises the importance of the social dialogue between management and labour and states explicitly in Article 152 that "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 Treaty acknowledges as well the role of the Tripartite Social Summit for Growth and Employment which meets at least once a year and brings together representatives of the Council Presidency, two subsequent Presidencies, the European Commission and the social partners, who are divided into two delegations of equal

size comprising 10 workers' representatives and 10 employers' representatives. Furthermore, Article 154 TFEU obliges the Commission to promote and support the consultation of management and labour at the European level. The Commission must consult the social partners twice on each legislative proposal in the fields of social policy: first on the possible direction of EU action, and in a second stage on the content of the Commission's proposal. In response to either a first- or second-stage consultation, the social partners have the right to inform the Commission that they wish to start formal negotiations on the given subject. If they decide to do that, the social partners have nine months to reach agreement, during which the Commission suspends its work on the proposal. The nine month period can be extended if needed and agreed with the Commission.

The social partners can negotiate binding agreements at EU level either in response to a Commission consultation or on their own initiative. According to Article 155 TFEU, agreements reached by the social partners can be implemented in two ways. First, agreements can be adopted "in accordance with procedures and practices specific to management and labour and the Member States", which means that the social partners are responsible for implementing agreements at national level and in a way stipulated by national legislation or practice (autonomous agreements). This procedure can be used for autonomous agreements between the social partners on any subject. Second, on matters falling under Article 153 TFEU, the social partners can jointly request the Commission to submit their agreement to the Council which can adopt it by decision, making it legally binding in the EU. The European Parliament will be informed if this legislative procedure is used. If the social partners' agreement is adopted as a legislative act, the Member States are obliged to implement its provisions as in the case of other Directives and the Commission monitors the transposition process to the national legal systems. Article 153 of the Treaty also allows the Member States to entrust national social partners with the implementation of a Directive's provisions.

In addition to European social dialogue at cross-industry and sectoral level, dialogue between the representatives of management and labour also takes place at the level of transnational companies, including through European works councils. Section 8.2.5 in chapter 8 provides basic information on these forms of social dialogue, while further details on transnational company agreements, including the 2012 Commission staff working document entitled "Transnational company agreements: realising the potential of social dialogue" are available online (<http://ec.europa.eu/social/main.jsp?catId=707&langId=en&intPageId=214>).

The continued attractiveness of European social dialogue for management and labour can be seen in the continuing interest in creating new sectoral social dialogue committees. One sector, the food and drink industry, launched its committee – the 41st European sectoral social dialogue committee – in early 2012. The social partners in the sports and active leisure sector are advancing towards the creation of a social dialogue committee, while organisations in the graphical and ports sectors are also working on setting up social dialogue committees. As a result the total number of social dialogue committees is expected to reach 44 in the near future (box 7.2).

Box 7.2 New sectoral social dialogue committees

In 2012, a new sectoral social dialogue committee was established for the food and drink industry, bringing the total to 41 sectoral social dialogue committees. The food and drinks industry had been the last industrial sector that was not covered by a European social dialogue committee. The first meeting of the new committee took place on 23 January 2012. During this meeting, a work programme was agreed by the social partners, EFFAT and

FoodDrinkEurope. The main priorities of the programme are employment and development of competition and policies affecting the food and drink sector. The committee is currently also examining the impact of the common agriculture policy on the sector.

The consolidation of social dialogue in the sports and active leisure sector has again advanced. Social dialogue here dates from 2008, when the European Association of Sport Employers (EASE) and Uni Europa Sport mutually recognised one another as social partners for the sport and active leisure sector, including not-for-profit sport, professional sport and active leisure. On 17 June 2011, the two organisations signed a joint statement on the Informal European Sectoral Social Dialogue Committee for sports and active leisure, in which EASE and Uni Europa Sport reaffirmed the importance of having one European sectoral social dialogue committee for the whole sector, as is the case for professional football. The two organisations also validated the operational structure of the future committee. On 11 and 12 December 2012, the Commission has launched the start of a test phase for this sector.

In the graphical sector, in 2011 Intergraf and UNI Europa Graphical submitted a project which aimed to continue the informal social dialogue between these two social partner organisations and prepare a formal request for the creation of a sectoral social dialogue committee for this industry. The graphical sector covers some 120,000 undertakings and around 710,000 workers in Europe (2009) and includes all types of printing activities, such as newspapers, books and packaging printing, as well as associated support activities, such as pre-press and pre-media services and book-binding. The committee is expected to be formally established in 2013.

In 2011 the EU social partners acting in the ports sector, ETF and International Dockworkers Council (IDC) on the workers side, and FEPORT and ESPO representing the employers, sent a joint letter to the Commission requesting the creation of a new social dialogue committee in this sector. Based on the assessment of the representativeness of these stakeholders, the ports social dialogue committee could be created in 2013.

This chapter chronicles the developments in European social dialogue during the past two years, which have witnessed the signing of several social partner agreements, showing that social partners are increasingly making use of the space for European collective bargaining provided for in the Treaty. The past two years also continued to be dominated by the fallout from the financial and economic crisis. A wide variety of topics were dealt with in the framework of European social dialogue, ranging from restructuring to corporate social responsibility, health and safety at work and training issues. In addition to the own initiatives of social partners, the Commission consultations and social partners' involvement in impact assessments provide a basis for the work of the social dialogue committees. In the formal mechanism foreseen by the TFEU, the social partners were consulted three times over the past two years, namely on the need to adapt EU Directives in the field of health and safety at work to a Regulation on the classification, labelling and packaging of chemicals, on the review of the European Company Directive, and on a quality framework for trainees. Yet the role of social partners in the law-making process as consulted stakeholders goes far beyond these formal social partner consultations. In fact the expertise of the EU cross-industry and sectoral social partners is continuously sought by the Commission in many policy areas, reflecting social partners' increasing role as consulted stakeholders in the preparation of legislative or strategic proposals (see also box 7.3).

The chapter will start with a chronological presentation of the four sectoral social partner agreements reached in 2012. This is followed by an overview of the activities connected to the crisis, including the related topics of restructuring, training and skills. Section 7.3 summarises the work of the sectoral social dialogue committees in other fields, such as health and safety, corporate social responsibility and gender equality, while the final part of the chapter reports on an evaluation of past actions developed in the cross-industry social dialogue committee.

Box 7.3 Social partner involvement in impact assessments

In line with Articles 8-10 TFEU, the European Commission conducts comprehensive assessments of the potential impacts of all its policies and initiatives. Stakeholders are consulted in a systematic manner during the preparation of these impact assessments. The guidelines used in preparing the assessments highlight the obligation to consult European sectoral social dialogue committees in cases where the Commission initiative could be expected to entail social implications for the concerned sector(s).

While based on available information, consultation of sectoral social dialogue committees is complementary to other forms of consultation, notably public consultations. It also differs from wider consultation of other actors of civil society in that social partners engaged in European sectoral social dialogue are recognised by the Commission as representative actors of the sector concerned. A possible joint position of the social partners in a sector can therefore give a strong and representative indication about realistic policies and their impacts and implementation.

A consultation of a sectoral social dialogue committee on an impact assessment covers the underlying problem definition and baseline scenario, subsidiarity questions, the relevant policy options and, in the further process, the estimated social and employment impacts of the various options and possible accompanying or mitigating policy measures. Social partners are particularly well placed to provide detailed evidence and expertise for their sector, including data and other technical input, thereby contributing to the quality of both the impact assessment and the Commission's decision-making.

7.2 Main developments in European social dialogue

7.2.1 European social partner agreements

The two-year period since 2010 has seen the signing of four sectoral social partner agreements: inland waterway transport, professional football, hairdressing and sea fisheries. For the agreements in waterway transport and hairdressing the social partners have requested implementation by Council decisions in accordance with Article 155(2) TFEU and the same request may be made by the social partners in the sea fisheries sector once their agreement is finalised. The Commission services are currently assessing the two finalised agreements with a view to deciding whether to present a proposal to the Council. In line with a well-established procedure, the Commission is examining the representativeness of the signatory parties and their mandate, the legality of all clauses in the agreements in relation to existing EU law, and the provisions regarding SMEs. In the case of the agreements in the inland waterways transport and hairdressing sectors, negotiated on the own initiative of the social

partners, the Commission is also assessing the appropriateness and value added of EU action in these respective fields, based on an estimation of costs and benefits. The agreement in the professional football sector will be implemented autonomously by the social partners according to the procedures and practices specific to management and labour and the Member States. Details of all four agreements are set out below.

Inland waterway transport

The agreement in the inland waterway transport sector concerns certain aspects of the organisation of working time. It was negotiated at the own initiative of the sectoral European social partners, who signed the agreement on 15 February 2012. The European Barge Union (EBU) and the European Skippers' Organisation (ESO) representing the employers' side, and the European Transport Workers' Federation (ETF) representing the workers' side, considered that the general Working Time Directive is not adapted to the needs of their sector (for example in the areas of reference periods and work organisation) and negotiated, between 2008 and 2011, an agreement which takes account of their sector's distinctive working conditions while ensuring a high level of protection for these workers' health and safety. It covers both crew members and shipboard personnel (for example hotel and catering workers on board ships).

The agreement lays down important minimum rules:

- total working time may not exceed 48 hours per week, though this may be averaged over up to 12 months
- total night working time may not exceed 42 hours per week
- a right to at least four weeks' paid annual leave, and to paid annual health checks
- a right to at least 10 hours' rest every day (at least six hours must be uninterrupted) and at least 84 hours' rest in total every week.

At the same time, the agreement provides some flexibility to suit the specificity of this sector. For example, the normal working day is eight hours, but daily working time may be longer, and some weekly rest days may be temporarily postponed, provided that the minimum standards set out above are always respected.

Professional football

On 19 April 2012, the EU social partners in the professional football sector signed an agreement on minimum requirements for standard players contracts. The agreement was the result of negotiations between the European sectoral social partners that started with the establishment of the Sectoral Social Dialogue Committee in 2008. The text was signed by the International Federation of Professional Footballers (FIFPro), the European Professional Football Leagues (EPFL), the European Club Association (ECA) – and UEFA, the governing body of European football. It is expected to be implemented in the EU, but also beyond the EU in all 53 UEFA countries.

The agreement is a significant achievement for the EU social dialogue in the professional football sector. Its main goal is to offer minimum social standards concerning players' contracts. To ensure that player contracts throughout Europe meet certain minimum standards, contracts must be in writing and registered and must be signed by the parent or guardian in the case of a minor player. Contracts must define the respective obligations of clubs and players. On the clubs' side, this includes provisions on regular payment of salaries, social security or paid leave and mandatory insurance coverage. The club must respect minimum wages for the players, if this has been agreed by social partners at national level. On the players' side, contracts must also refer to their duty to participate in training, to maintain a healthy lifestyle and to comply with disciplinary procedures. Standard contracts will also contain provisions on dispute resolution and applicable law. Further, the agreement provides that clubs and players will contractually commit themselves to act against racism and other discriminatory acts and to fight against doping in football. The agreement also contains provisions related to the protection of young sportspersons, in particular paragraph 6.5 which obliges clubs to respect Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work and to ensure that every youth player involved in its youth development programme has the right to follow mandatory school education in accordance with national law and that no one is prevented from continuing their non-football education.

The EU social partners in the professional football sector have committed themselves to autonomously implementing the agreement by using the most appropriate legal instruments as determined by the relevant parties at national level in the EU and in the remaining countries of the UEFA territory. The agreement has been accompanied by a joint letter stipulating that in a certain number of countries the standard of contractual protection is already above the standards provided for in the autonomous agreement and, consequently, no further action is required. The agreement should be implemented no later than three years after its date of signature in all countries concerned.

The agreement, its implementation and monitoring is not only an expression of the autonomy of the social partners, but also of the autonomy of sport as recognised in the Lisbon Treaty.

Hairdressing

The agreement of the social partners in the personal services (hairdressing) sector, Coiffure EU and UNI Europa Hair & Beauty, is a comprehensive framework agreement on the protection of the occupational health and safety of workers in the sector. It was signed on 26 April 2012 and aims to reduce the risk of occupational diseases and accidents in hairdressing, in order to protect the health and safety of workers. This is part of the overall objective of the EU sectoral social partners to increase the professionalism and profitability of the hairdressing sector. The negotiations on this agreement were launched on the own initiative of the European social partners and built upon their previous work on health and safety.

There is scientific evidence that hairdressers are exposed to high risk of occupational disease, in particular skin diseases and musculoskeletal disorders. Hairdressers are affected by these diseases to a much greater extent than the general population. Therefore, since the establishment of the sectoral social dialogue committee in this sector in 1999, the social

partners have worked on these issues, concluding a joint declaration ("covenant") on health and safety in 2005. New scientific research conducted since then documented continuing high rates of risk and uneven progress between and within Member States. The European social partners also felt that the protection provided to consumers through the European cosmetics legislation was not sufficient to address the work-related health risks of professional hairdressers. The social partners came to the conclusion, therefore, that only an EU-level agreement could bring about a sustainable improvement in the situation of occupational health and safety in hairdressing throughout the EU.

The negotiations leading up to the agreement and its implementation are being accompanied by further joint action of the European sectoral social partners on the issue of health and safety. In the framework of the so-called "SafeHair" projects, co-financed by the European Union, they have partnered with the University of Osnabrück with the purpose of providing scientific advice for the content of the agreement and of developing didactical materials for its practical application. Furthermore the sectoral social partners will disseminate the agreement throughout the European Union through a series of regional workshops in 2013.

The agreement builds on existing best practices in the Member States, where experience has been gained with the cost-effectiveness of the measures. It aims to set meaningful minimum standards to improve the situation EU-wide and addresses five main problem areas related to occupational health and safety in the hairdressing sector:

1. *Use of materials, products and tools with the aim of protecting the skin and respiratory tract:* the agreement foresees that gloves should be worn for wet work, that a balance between wet and dry work should be organised, and that certain materials, products and tools should be substituted for safer alternatives whenever possible.
2. *Musculoskeletal disorders:* the agreement specifies that a rotation of tasks should be organised whenever possible to avoid repetitive movements, that the most recent ergonomic practices should be taken into account when new equipment and tools are purchased, and that newly acquired treatment chairs should be height-adjustable.
3. *Working environment and organisation of work:* the agreement stipulates that salons should have sufficient space, adequate ventilation, especially for workstations where chemical substances are transferred or mixed, and that adequate facilities and products for the hand hygiene of workers are available.
4. *Maternity protection:* given the demographics of the hairdressing workforce, the agreement reiterates the importance of the protection of pregnant workers, in line with EU and national legislation, and stipulates that the employer and worker concerned should assess whether specific tasks can be carried out (in case of doubt a doctor should be consulted).
5. *Mental health and wellbeing:* the agreement underscores the importance of social dialogue, the necessity to carefully plan working time and work organisation in the salon, and confirms the implementation of the European cross-industry social partners' framework agreement on work-related stress of 8 October 2004.

The agreement in the hairdressing sector became the subject of much attention when several media outlets, especially in the UK, criticised and in some cases misrepresented its contents. For instance, several newspaper articles claimed that the agreement would lead to a ban on the wearing of high-heeled shoes in hairdressing salons or to a limit to the number of haircuts that can be performed in a day, neither of which is true. The media attention was matched by growing political attention, with nine Member States and an Acceding Country expressing concerns about the agreement and asking the Commission not to present it to the Council, on the grounds of subsidiarity and proportionality. At the same time, the Party of European Socialists, several Members of the European Parliament and many European trade union confederations, including the ETUC, criticised the initiative of these Member States and asked the Commission to continue the procedure as foreseen in the Treaty.

The current debate around the hairdressers' agreement points to the need to improve and clarify the criteria to be used by the Commission in the assessment of social partners' agreements that are submitted to the Commission for implementation by means of a legislative instrument. Such criteria were defined most recently in a communication of 2002¹. Since then new practices and methods of preparation of legislative proposals have been introduced in line with the principles of the Smart Regulation agenda. These involve inter alia the preparation of extensive ex ante impact assessments defining the problem, setting the objective clearly and comparing costs and benefits across a range of different policy options. The Commission has indicated that it would look at the ways in which, without undermining the autonomy of the social partners, the impact of future agreements should be evaluated, thereby enabling the Commission and the Council to make an informed decision. For its part, and in respect of the agreements that were submitted in 2012, the Commission will analyse their impact, including their benefits and costs, on the basis of all facts and figures available. The results of the assessments of the agreements in the hairdressing and inland waterway transport sectors should be available during the course of 2013.

Sea fisheries

With the objective of ensuring that fishers have decent conditions of work on board fishing vessels, in 2007 the International Labour Conference of the International Labour Organization (ILO) adopted the Work in Fishing Convention (C188). Its provisions address minimum requirements for work on board, conditions of service, accommodation and food, occupational safety and health protection, medical care, and social security. The ILO Convention has been adopted by all 27 Member States of the European Union.

In order to ratify the Convention, both national and EU regulations need to be adopted. With regard to EU law, the Commission initiated a legislative process through the consultation of the social partners in 2007. Following a period of negotiations, the EU social partners acting in the sea fisheries social dialogue committee, ETF (representing workers) and Europêche and Cogeca (the employers' representatives) signed an agreement on 21 May 2012 implementing the ILO Work in Fishing Convention. By concluding this agreement, the European social

¹ COM (2002) 341 of 26 June 2002. "The European social dialogue, a force for innovation and change"

partners contribute to the systematisation of the social *acquis communautaire* in the fishing sector, with the aim of encouraging Member States to ratify the Convention and complete a European and global level playing field on the matter. The EU social partners have expressed the intention to ask for the Commission to present to the Council their agreement in order to implement it via a Council decision in accordance with article 155(2) TFEU. To this end, they sent to the Commission an official letter, by which they expressed their intention to revise their so-called autonomous agreement signed on 21 May 2012, so that it fully complies with the existing EU law and *acquis communautaire* as far as working conditions, labour law, sea fisheries and maritime transport regulation are concerned.

7.2.2 The crisis and European social dialogue

7.2.2.1 Cross-industry social dialogue

Employment

Over the past two years increasing divergences have become apparent between the cross-industry social partners at EU level, in particular on the causes of the crisis, the austerity programmes and the economic policy mix. The European Trade Union Confederation (ETUC) has frequently expressed its dissatisfaction with the austerity policies which have been pursued at EU and national levels during the past two years and which, in its view, have paralysed growth, caused employment to deteriorate, increased inequalities and weakened confidence in the EU. At the Tripartite Social Summit on 1 March 2012 ETUC called for a new vision for Europe and announced that it would draw up proposals for a new social contract for Europe. On the employers' side, BUSINESSSEUROPE welcomes the emphasis placed on growth and competitiveness by EU leaders. It emphasises the risk of the EU engaging in continuing cycles of low and slow growth and the need for determined action to restructure the EU economy through smart structural reforms, “even if some may be painful”. There is, however, consensus between the two sides on the potential added value of EU level social dialogue, acknowledged not only on the occasion of high-level meetings (such as the Tripartite Social Summit), but also in joint projects carried out throughout 2011, as well as in individual positions.

Nevertheless, over the past months, the social partners have reached something of a consensus in relation to their responses to the crisis at EU level: both sides consider that the first political priority at EU level should be restoring growth and jobs. Both workers and employers' organisations believe that creating the conditions for strong investment and concrete actions at EU and national level to boost growth and support job creation should be the overarching objectives of the European Union's future political agenda. The social partners support a policy mix and believe that they should play a role in this policy mix. They state that they are ready to contribute to the design of reforms if these reforms lead to restoring growth, jobs, competitiveness and social cohesion.

Box 7.4 The negotiations on working time

The cross-industry social partners at EU level began negotiations in December 2011 on a review of the Working Time Directive, which ended without an agreement in December 2012. The Commission will now need to decide whether it should still present a legislative proposal (based on its consultations and impact assessment work) during the current mandate.

During the negotiations delegations agreed on keeping the process out of the media spotlight and that they would refrain from any interim statements while their talks continue. The general atmosphere was reported as constructive. Regarding scope, the employers' side wished to focus on on-call time and paid annual leave/sick leave, while the trade unions' side considered that all issues, including the opt-out from maximum working time, must be on the table.

In late July 2012 the cross-industry social partners sent a joint letter to Commissioner Andor, asking for the extension of time beyond the basic nine-month period mentioned in the Treaty, and indicating that their talks were making progress. On 14 August the Commission agreed to extend the period for the social partners' negotiations until 31 December 2012, when the social partners informed the Commission that they were not able to reach an agreement.

In the past two years a number of important developments in the cross-industry social dialogue can be highlighted, including the adoption by the European social partners of their 4th joint work programme covering the period between 2012-2014 and the launch of negotiations on working time (see box 7.4), which ended, however, without an agreement. Nevertheless, these are strong signs of the social partners' commitment to social dialogue at all levels. The 4th joint work programme, which was adopted following three negotiation meetings, reflects the commitment of both sides to make their contribution to the shaping of a sustainable exit from the crisis. It foresees the launch of a reflection in the social dialogue committee on the role of social partners in the economic and social governance at EU level (see also box 7.5). Moreover, it also foresees a joint analysis on the functioning of labour markets and on mobility and economic migration (two pillars of the EU's employment package). The programme includes the following: joint work on youth employment, including transitions from education to work; an analysis of the functioning of the European labour markets (targeting both short-term, crisis-related challenges as well as structural issues); follow-up work on gender equality; follow-up work on education and lifelong learning; mobility and economic migration; the consequences of the European economic governance on social dialogue at EU and national level; and a joint assessment of social dialogue instruments and capacity-building projects.

Following the Commission's Communication on a Youth Opportunities Initiative in December 2011, in January 2012 the members of the European Council called for immediate action targeted at youth unemployment, to be developed by Member States in a strong partnership with the social partners. Social partners welcomed this initiative and indicated their willingness to take part in its implementation. They considered the initiative to be a good basis, but underlined the need for more concrete measures in order to be effective. There was a general consensus that creating growth is a crucial step in tackling the crisis and that young people need to be fully involved in that exercise through active participation in the labour market. ETUC specifically highlighted that youth unemployment is a moral, social and economic issue. It believes that more funds are needed to coach young people, while mobility

and stimulating young business starters are not necessarily the best means to tackle the issue. With its Youth Committee, ETUC has set up a focus group and will forward its recommendations for concrete measures to the Commission.

On the employers' side, BUSINESSEUROPE has advocated supporting youth entrepreneurship and particularly dual learning and apprenticeships. It believes that there is also a need for better matching the skills of young people with the skills needed by companies. BUSINESSEUROPE has established a taskforce on youth employment to look at concrete proposals on how the EU can better support apprenticeships and dual learning systems through the use of EU Funds. The document "Creating opportunities for Youth" puts forward recommendations to the EU institutions, the member states and the companies at EU and national level.

According to the document, the EU should take a range of actions, including the allocation of a share of the European Social Fund and of the Erasmus for All programme to provide seed funding for Member States that wish to establish or reform their dual learning systems and support European and national campaigns for changing the perception of vocational education and organise a regular forum for discussions on monitoring of the European apprenticeship strategy. The Member States are also encouraged to support and facilitate dual learning and apprenticeship systems, for instance through integrating work-based learning into the educational system. Employers' organisations are encouraged to take part in the governance of dual learning apprenticeship systems and contribute to the design of curricula and their adaptation over time. Furthermore, they should try to motivate companies to become involved in the dual system. Finally, companies should provide high-quality training and promote the take-up of apprenticeships by the younger generation.

In the framework of their agreement on inclusive labour markets from 2010 the social partners have organised a large number of awareness-raising actions at national level. In some Member States, the social partners have focused on youth, for instance in Austria they have promoted joint projects targeted at accelerating youth integration into the labour market and in Denmark they have provided a significant contribution to improve the vocational and educational system.

Box 7.5 The role of social partners in the new EU economic governance structures

In his speech on the State of the Union in September 2011, President Barroso emphasised his intent to further develop EU social dialogue:

To guarantee these fundamental values (of the Social Charter) in Europe, I believe we need to boost the quality of social dialogue at European level. The renewal of Europe can only succeed with the input and the ownership of all the social partners – of trade unions, of workers, of businesses, civil society in general

More active involvement of the social partners in the EU governance has been the subject of debate at various occasions over the last two years: it was discussed at previous Tripartite Social Summits in 2011 and 2012 and was highlighted in a letter sent to the Commission by the French Ministers of Labour and of European affairs on 29 April 2011.

There is wide consensus on the need to better involve social partners in the governance of the Europe 2020 Strategy, in particular to ensure a contribution on the substance of debates. The Tripartite Social Summit is a major element of this governance. However, a more comprehensive discussion and involvement of social partners in the preparation of EU policy priorities is needed.

A core document of the Europe 2020 governance is the Annual Growth Survey (AGS). In this context, the idea of consulting social partners on employment and social issues ahead of the AGS - through an exchange of views with the Commission on its analysis/proposals - is explored by the Commission together with the social partners. This would also be in line with the proposals made by French and German Ministers to improve the governance and provide the opportunity for an exchange with the social partners as part of the preparation of the AGS, at a decisive moment of the implementation of the strategy between the end of the European Semester and the beginning of the new cycle. The Commission shares the view of the Ministers that EU and national social partners should be further involved in the EU governance and in the implementation of national reform plans in the context of the European Semester

Through the AGS the Commission has emphasised the need for modernising wage-setting systems, so that wage developments better reflect developments in labour productivity and competitiveness. This is a necessary condition to reduce unemployment and favour correction of large macroeconomic imbalances that have materialised in a number of European countries. The role of social partners and collective bargaining has to be respected in the process. The Commission is engaged to promote and support social dialogue throughout the EU, while fully respecting the autonomy of the social partners and the diversity of national systems of industrial relations.

The Employment Package, presented in April 2012, proposes to reinforce the involvement of the EU social partners in the European Semester, together with the reinforcement of multilateral surveillance in the area of employment policies and a strengthening of the link between employment policies and relevant financial instruments. Among other elements the Commission has put forward plans for EU-level exchanges of views and monitoring on wage developments. A first exchange with the social partners on wages developments at EU level took place at the end of January 2013.

Flexicurity

In May 2011 the European social partners completed a joint study on *The implementation of flexicurity and the role of the social partners*, the main purpose of which was to “jointly monitor the implementation of the common principles of flexicurity, notably in order to evaluate the role and involvement of the social partners in the process and to draw joint lessons.” A further aim was to promote greater trust and mutual understanding among the social partners to facilitate the implementation of the flexicurity principles at national level. The project specifically examined the impact of the crisis on the concept of flexicurity.

Importantly, the study showed that if flexicurity is implemented in a balanced way, an overwhelming majority of employers and a certain majority of trade unions believe that it has the potential to provide win-win situations. At the same time, however, the project indicated that certain challenges remain, and not only those caused by the 2008 global financial and economic crisis. In particular, in countries where the past decade has been characterised by

strong pressure towards a liberalisation of labour law regulations and more flexible forms of employment, it has proved very difficult for the social partners to develop a joint understanding and common view on flexicurity. The study uncovered rather worrying evidence from countries normally cited as models of flexicurity, namely the Netherlands and Denmark, where trade unions are concerned about negative effects of recent reforms and changes in the balance of flexibility and security in the labour market. The Dutch trade unions reject the concept of flexicurity and while the Danish trade unions are still convinced of the potential strength of this labour market model, they are concerned about the erosion of some of its major components.

The major concern of trade unions in most countries is related to the imbalance of flexibility and security in today's labour market, the polarisation between workers "inside" and at the "margins", the increase in precarious forms of work and other trends of labour market segmentation. In this context, both trade union representatives and employers have stressed the need to define "modern social protection rights" that reflect the challenges and risks in today's labour markets. Making the notion of flexicurity live for Europe's small and micro businesses is also a major challenge that can only be addressed by businesses, employers' organisations, trade unions and the state working together to provide a positive and supportive environment for skills development and the management of individual and collective job transitions.

7.2.2.2 Sectoral social dialogue

The crisis and restructuring (see also box 4.2 in chapter 4)

The social dialogue committee for **local and regional government** has adopted several joint opinions and statements on the crisis and restructuring. In December 2010, the social partners in this sector (the Council of European Municipalities and Regions Employers' Platform (CEMR-EP), representing municipal employers, and the European Federation of Public Service Union (EPSU), representing workers) issued a joint analysis on the impact of the economic crisis, followed by a common statement on the crisis in October 2011. In March 2012, as a reaction to the consultation on the European Commission's Green Paper on restructuring, CEMR-EP and EPSU adopted a common response. In their documents, the social partners remind decision makers to take into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, and the fight against social exclusion in defining and implementing EU policy as set out in Article 9 of the Treaty on the Functioning of the European Union (TFEU). CEMR-EP and EPSU expressed their concern about the current economic and social developments and jointly stated that:

(1) The austerity policy followed by dramatic cuts in public services and investments has only contributed to the negative development in growth and employment and will continue to undermine labour markets and the social model of Europe. The current overriding concern in economic policy has been to foster economic stability and balance budget deficits at the expense of the public sector without reflecting on alternatives of public income.

(2) As a result resources for local and regional government are being continuously cut, which leaves local and regional government with new and greater obligations to maintain quality local public services. Creating new financial burdens is risking a race to the bottom for the provision of these services to European citizens, and excluding the most vulnerable, the young, the elderly, the low-skilled or the unemployed.

(3) The European Council must take a long-term perspective, maintaining sustainable development in all its dimensions, when coordinating their responses to the crisis and to reflect this in their national reform plans, in order to ensure that local and regional governments are able to continue long-term planning and develop viable approaches. Strengthening, facilitating and enhancing the social dialogue, including finding innovative ways of cooperating, is vital in achieving this goal.

CEMR-EP and EPSU also recall their joint statements from February and December 2010 presenting a joint analysis on the impact of the economic crisis on local and regional government, which contained a range of key messages to the European Council on issues such as public spending, supporting sustainable employment, the positive role of public sector policies, access to finance, and balanced economic governance.

The social partners in the local and regional government sector have also launched a common project entitled *Future of the workplace: providing quality jobs, modern and sustainable workplaces in local and regional government*, which began in January 2012. The final objective was to develop a common European framework for action for municipalities and regions as employers, which was adopted in December 2012. This framework of action is composed of a series of six recommendations, which aim at contributing to a social and sustainable Europe at the local and regional level that supports the public sector as an employer. These recommendations concern the following issues: improving performance and securing necessary resources, recruitment and retention, skills and lifelong learning, gender equality, migration and providing sustainable workplaces.

Similarly, in December 2011 the **central government administrations** social dialogue committee adopted a joint statement on the effects of the crisis. This followed a letter in June 2011 on the Europe 2020 strategy on jobs and growth and the Single Market Act to the President of the European Council and the President of the European Commission. In their contribution to the consultation on the Commission green paper on restructuring, the social partners in this sector, the Trade Unions' National and European administration Delegation (TUNED) and the European Public Administration Employers (EUPAE), welcomed the references to the important role that central administrations play both as an employer and service provider for Europe's social cohesion, competitiveness and thus in tackling the effects of the crisis. They feel that this is particularly welcome as, in their view, this role has often been in the past underestimated or neglected in European policies. Further, they welcome the fact that the Green Paper recognises that public sector employees are affected by cutbacks across the EU, and thus that the impact of restructuring must be dealt with in the public sector as well as the private sector. The issue of the crisis and restructuring also runs through the committee's work programme of 2011-2013. EUPAE and TUNED have also launched their first project since the creation of the sectoral social dialogue committee. The aim of this

project, entitled *Improving the Image of Central Government Administrations in Europe*, is to enhance the attractiveness and image of the sector which faces austerity measures, restructuring and demographic changes. The final project conference took place in Prague on 4 October 2012.

In December 2012, EUPAE and TUNED also signed a European *Framework Agreement for Quality Service*. Through this framework of actions, the European social partners in this sector commit themselves and their national affiliate members to implement public service values, including a high level of quality, safety, affordability, equal treatment, the promotion of universal access and of user rights, as set out in the protocol attached to the EU Treaties on services of general interest as well as the right to good administration enshrined in the European Charter of Fundamental Rights. To meet these requirements, 20 commitments were made by the European public employers and trade union representatives. They pledge, in particular, to enhance the efficiency of public services, and to ensure quality, cordiality, fairness and integrity, the quality of working life, trade union rights, and communication and transparency vis-à-vis users, and in the relationship between employers and employees.

In December 2010, the social dialogue committee for **hospitals and healthcare** adopted a framework of actions on recruitment and retention. In this, the sectoral social partners – the European Hospital and Healthcare Employers' Association (HOSPEEM) and EPSU – reaffirmed that access to healthcare services for all is a fundamental human right and forms an essential part of the European social model. They also call upon all relevant actors to be committed to the effective functioning of healthcare services. This implies a multifaceted approach that has to take into account the various challenges different countries are experiencing in terms of healthcare shortages. These challenges are multiple and complex and include the ageing population, which increases the demand for healthcare services and social services, coupled with an ageing workforce and difficulties in recruiting and retaining healthcare workers. Given the demanding nature of the work in this sector, ensuring an optimal working environment is particularly important in order to ensure that patients receive high-quality care. The financial and economic crisis affects the healthcare sector in different ways in different countries. In the view of the social dialogue committee, cuts in healthcare resources as applied in some Member States are short-sighted measures with detrimental consequences for public health, the availability of health care staff and infrastructures. To maintain and further improve the services, the committee urges Member States to maintain their autonomy and capacity to plan services and organise resources at local, regional and national level, with a view to securing and building the overall sustainability of healthcare systems. HOSPEEM and EPSU commented as well on the Action Plan for the EU Health Workforce and issued a joint statement on the subject in September 2012. The Action Plan is a component of the so-called “Employment Package” which focuses on growth and employment in Europe. The social partners agree with the analysis of quantitative trends presented in the Action Plan and suggested several ways of improving the situation in the sector, for example, earmarking EU funds (ESF) in order to retain health workers in countries suffering from outward migration of these workers.

In September 2010, the European Trade Union Committee for Education (ETUCE) organised a conference on the impact of the economic crisis on the **education** sector, with contributions from the European Federation of Education Employers (EFEE) and the European Commission. The results of two surveys carried out in 2009-2010 and presented at the conference were very diverse, although the overall trend is worrying, in particular regarding public spending on education and on teachers' working conditions. The social dialogue committee established in June 2010 adopted its first joint opinion on education, training and research, entitled *Investing in the future*, in January 2011. Programmes of fiscal consolidation should, in the opinion of the EU-level social partners in this sector, give priority to areas of spending that are an investment in the future, thereby supporting access to learning at all levels. Member States and employers should make the appropriate investments and organisational arrangements to ensure that all Europeans are provided with attractive opportunities for lifelong learning. While accepting that education should continue to be a national competence and that it should therefore not be regulated at European level, the social partners support the EU initiatives of mutual learning and coordination of policies, as well as EU-funded education and training programmes. The social partners see it as their responsibility to work together to influence European initiatives so as to ensure that they are useful and practical.

In April 2012 the social partners in the **postal services** social dialogue committee signed a new joint declaration on the evolution of their sector. It sets key principles to better guide the profound restructuring that is affecting all postal companies in Europe: anticipation of change, recognition that change management benefits from cooperation between social partners, development of the employability of workers and encouragement of investment in the postal sector. The declaration updates an earlier document dating from 2007 and builds upon the conclusions drawn from several projects co-financed by the EU, within which the European social partners in the postal sector set up a social observatory.

In the postal sector social partners are also in continuous co-operation and information exchange with the Commission with regard to postal reform and sector developments. They play an important role in the Postal Users Forum organised by the Commission once per year in Brussels, where postal services users, postal operators and trade unions discuss the effects of postal liberalisation in direct dialogue with the Commissioner and/or high level representatives from the Commission. Moreover, the social partners are contributing to the study on main developments in the postal sector 2010-2013 and to the 5th report on the application of the Postal Directive, which will be published early 2014.

The social dimension of the Energy 2050 Roadmap is a key issue for social partners in all energy-related sectoral social dialogue committees. The Roadmap states that the transformation of the European energy sector will affect employment and jobs, require a modified approach to education and training and a more vigorous social dialogue. In order to efficiently manage the upcoming change, the involvement of social partners at all levels will be necessary in line with just transition and decent work principles.

The sectoral social dialogue committee for the **extractive industries** regularly discusses the restructuring of the European energy sector and the challenges posed by the climate change.

The European social partners in this sector have criticised Council Decision 2010/787/EU establishing a time limit for the financial support of uncompetitive coal mines, in so far as according to them, the strict rules for granting of closure aid impede the development towards a subsidy-free industry. The committee has also worked on the issue of shale gas, including the economic and environmental aspects of its exploitation and resource efficiency. In addition, it has engaged with the EU's initiative, a Resource-efficient Europe, which is part of the Europe 2020 Strategy, the EU's Energy 2050 Roadmap and the EU's Roadmap for moving to a low-carbon economy by 2050. The social partners also issued a joint position on the European Parliament's report *An effective raw materials strategy for Europe* with the aim of presenting their opinion on the issue of taxation of raw materials. They also expressed their position regarding reuse, resource efficiency and recycling where technically, environmentally and economically feasible and encouraged innovation and sharing of proven best practice to increase resource efficiency. They believe that in the current difficult financial and economic climate, a further tax burden would be a wrong signal to recovery. Several existing studies on raw material taxation, at both European and national levels, demonstrate a mixed picture on the effectiveness of energy taxation. Therefore the social partners believe that a tax on mineral resources is not an adequate fiscal tool for increasing resource efficiency.

The Budapest III declaration adopted in January 2012 expresses similar views of the social partners on the extraction and use of coal. Essentially the social partners support the position that the fight against climate change and maintenance of the European industrial base, and the competitiveness of European industry are not mutually exclusive goals. The social partners advocate the increased use of technology in tackling any environmental pollution that might result from coal mining, increased research and development spending in the mining sector, which has for many decades provided cheap energy and secure jobs for workers in many European countries. They also mention the use of carbon capture and storage (CCS) and carbon capture readiness (CCR) technologies, which will help to make the extraction and use of coal cleaner in the future than it is today. According to the declaration, the above-mentioned Council decision 2010/787/EU limiting the financial support of uncompetitive coal mines should be changed, extending support beyond 2018 due to the changing geopolitical situation and the need to guarantee current energy prices, security of energy supply and provide secure jobs. The debate connected to this decision feeds into the larger debate about restructuring, environmental sustainability versus industrial competitiveness and the need to maintain growth and jobs in Europe.

The social dialogue in the **gas** sector, similarly to the extractive industries, has been highly influenced by the process of restructuring of the European energy market. Structural changes in the sector led to the problem of representativeness on the employers' side. The liberalisation of the energy market and the separation of transmission and distribution operation systems has increased the number of companies active in the sector. However, these are not represented in the sectoral social dialogue committee on gas as Eurogas remains the only employers' organisation participating in the dialogue. It is therefore not surprising that the committee has spent a lot of time looking into the future of the sector and examining its changing structure, including the fragmentation of the sector, the development of specific

sectors of gas consumption, the security of supply concerns, relations between conventional and unconventional (shale) gas as well as how electricity and gas convergence has positive as well as negative effects. Other areas of interest are corporate social responsibility (CSR), the changing regulatory framework, including fragmentation of company structures and the value chain. The social partners in this sector have also issued a joint declaration on the Energy Roadmap 2050, pointing out that more attention should be paid to the social dimension of Europe's energy policy, and particularly to its role in creating employment both directly in the energy sector and indirectly in the broader economy. They also stressed that the Roadmap should address in greater detail the issue of emerging skills and competency problems for the European labour market and the different energy sectors, including the gas industry. It is clear that a lack of skilled and competent staff will be a constraint on further development of the energy sector and energy services.

The sectoral social dialogue committee in **electricity** has been dealing with ongoing restructuring in the European energy market. Following the publication of the Commission's Green Paper on restructuring, the social partners in this sector discussed a possible update of the 2008 toolkit on socially responsible restructuring and stressed that the Commission should respect the position the Treaty gives to the employers and trade unions and follow the established procedures. Moreover, employers emphasised the importance of addressing restructuring at the local level and pointed to the broader societal context. The Energy 2050 Roadmap and the envisaged restructuring in this triggered analyses on the social dimension of the transformation process, including issues of just transition, employment, skills and qualifications. In 2011, the social partners finalised a project entitled *Towards a low carbon electricity industry: employment effects and opportunities for the social partners*, which emphasised that the profound changes that are expected will be positive as well as negative and will cause significant shifts in employment between sectors: "In terms of number of jobs, studies consider an increase in the workforce of the electricity sector, but with differences between types of fuels. Coal- and oil-fuelled power plants will see their workforce reduce, while gas and renewables will increase." The development in the distribution field is more difficult to estimate. The social partners' joint position on smart meters 12/2010 notes that new technology can contribute to raising customers' awareness of their energy consumption, developing new products and services in the retail market and promoting a broader technological development of the network infrastructure (so-called smart grids).

The social partners in the electricity sector also asked the Commission for the inclusion of Just Employment Transition Principles in the Energy 2050 Roadmap. In a joint study, they indicated that "just transition can be seen as the transition (or shift) towards a more sustainable and environmentally-friendly economy, based on social dialogue between governments, employers and trade unions, in a way that promotes high economic growth and investment in low-carbon technologies, while ensuring a smooth social transition through adaptation and mitigation actions as well as through the development of skilling and reskilling

programs (or just new skills) and the creation of quality jobs.” This approach is also in line with the agreement reached at the Climate Change Summit in Cancun in December 2010, where the EU and other governments recognised the importance of ensuring a just transition, decent work and quality jobs. The social partners also commented on a public consultation on the external dimension of EU energy policy. In a joint position, they stated that the European Commission should recognise the dialogue between the social partners as a valuable contribution in Europe and in neighbouring countries to shaping the external dimension of EU energy policy and energy dialogue. Further, trade unions from several European Member States conducted a project on the relationship between the quality of social dialogue and nuclear safety. Social dialogue in the nuclear energy sector is always closely linked to the state and characterised by the prominent role of employee representations. This project stressed the role of maintaining a vibrant social dialogue in times of restructuring, the end of former monopolies and increased reliance on subcontracting.

Since 2008, the social dialogue committee for the **live performance** sector has been discussing the impact of the crisis on this sector. The economic slowdown has placed the sustainability of this sector under pressure due to the consequences of austerity for public finances. In May 2009, the social partners adopted a joint statement, expressing their concerns and calling for sustained public funding support for the performing arts. In January 2011, the social partners sent a joint letter to the Dutch authorities, conveying their concerns about what they considered to be alarming plans for the future funding of the performing arts in the Netherlands, urging the Dutch government to reconsider its intentions. In December 2012, the social partners of the live performance committee were among the signatories of an open letter of the International Cultural Industry Associations to the Spanish Prime Minister Mariano Rajoy, as well as the European Parliament and the Commission, protesting against the Spanish government's intentions to abolish the reduced VAT rate applicable to admissions to cultural activities such as cinema, live music events and theatre. The organisations concerned claim that this will lead to a reduction of investments in the entire Spanish cultural sector and will destroy thousands of jobs.

Employment, industrial policy and competitiveness

Against a background of continuing economic uncertainty in many parts of the EU, the related topics of industrial policy, the competitiveness of economic sectors, the employability of the workforce and the challenge of demographic change have continued to receive special attention in social dialogue.

An agreement on competence profiles for process operators and first line supervisors in the **chemical industry** was signed by the social partners in this sector – ECEG and EMCEF – on 15 April 2011. This framework of action was the outcome of a project managed jointly by the two social partners, and includes the definition of minimum core competences for the two job profiles and a commitment by their national member organisations to report annually on all implementation actions. On 20 March 2012, ECEG and EMCEF also adopted a joint opinion on the proposal for a Directive on energy efficiency, with the aim of ensuring the global competitiveness of the European chemical industry.

In the **civil aviation** social dialogue committee, three of the recognised social partners, representing airports, independent ground handlers and workers (ACI-Europe, the International Aviation Handlers' Association (IAHA) and the European Transport Workers' Federation, ETF), adopted a joint opinion on the consultation regarding the potential impact of new Commission proposals on ground-handling services. Although the airlines could not subscribe to the end result, the achievement of this *Statement on the revision of the ground handling directive* of 7 April 2011 was considered to be an important step forward in the social dialogue in this sector. The signatory parties called for improvements to the current tender system and for a social clause on transfer of staff in case of partial or total loss of activity. The Commission proposal, published on 1 December 2011, is now being discussed by Council and Parliament.

In November 2011, the European social partners from the **air traffic management** (ATM) working group jointly organised a conference on *The role of the European Social Dialogue in the implementation of the Single European Sky*, during which they signed a declaration in which they outlined their future work. In their joint conference statement, the ATM social partners set out a number of aims to address the social challenges that the industry is facing: to maintain and enhance safety across Europe; to ensure a sustainable European aviation industry through the implementation of the Single European Sky, and to make it a success story; to improve industrial relations through the continued improvement of social dialogue based around agreed principles; and to contribute to deliver an efficient ATM industry.

The European social partners in the **rail sector** (the Community of European Railways and Infrastructure Companies (CER), the European Rail Infrastructure Managers (EIM) and ETF) have been working on the challenges of demographic change in the context of the project *Employability in the face of demographic change - prospects for the European rail sector*. The result is a guide with more than 30 examples of good practices, addressing the issue of demographic change and employability in European railway companies. These actions focus on the areas of recruitment and retention, education and training, further education and qualifications, health promotion, and appropriate working conditions for the various life phases. In addition, the guide includes the outcomes and evaluation of a survey that was carried out during the course of the project. A total of 35 European railway companies and trade unions participated in this survey. Given the advanced average age of the workforce in many of the companies surveyed (34% of the workers are older than 50) and the difficulties for certain occupational groups, almost 80% of these companies expect that demographic change will impact on recruitment in their companies. At the same time, however, age-specific actions have not yet spread very widely among railway companies.

Similar to many other economic sectors of activity, the European **insurance** sector is exposed to a process of far-reaching change, which to a large extent is driven by demographic developments. The creation of socio-economic conditions that will allow both employees and employers to keep pace with this changing environment represents a huge challenge for Member States, the EU institutions and the social partners. The social partners in the insurance sector decided on a very wide approach to the demographic challenge, including not only age-related human resources policies but also work-life balance in wider sense,

qualifications, lifelong learning, health and safety. A project entitled *Addressing the Demographic Challenge in the European Insurance Sector: A Collection and Dissemination of Good Practices* is the first project dealing with the demographic challenge in the insurance sector from a pan-European perspective. It aims to raise the attractiveness of the sector by sharing and disseminating good practices and therefore includes the publication of a booklet of good practices, a conference in June 2012 and a seminar in September 2012. It is a major step forward in the follow-up to the Insurance sectoral social dialogue committee joint statement of January 2010. The good practices collected for inclusion in the booklet will be selected on the basis of their originality and innovative character. The project is also directly linked to the Europe 2020 strategy and the European Year for Active Ageing and Solidarity between Generations 2012. The Commission has welcomed the priority given by the European social partners in this sector to key issues such as demographic change, work/life balance, lifelong learning and health and safety, noting that their contribution is crucial for the European Union to meet the objectives of the Europe 2020 Strategy.

The subject of active ageing was also discussed by the social partners working on common guidelines in the **hospitals and healthcare** sector. Further, the social partners in the **chemical sector** adopted general remarks in January 2011 on the Commission's *Green Paper towards adequate, sustainable and safe European pension systems*. The European Chemical Employers Group (ECEG) and the European Mine, Chemical and Energy workers' Federation (EMCEF) state that they subscribe to the most of the targets presented in the Commission's document, however, they perceive some specific goals to be inadequate, particularly the provisions on occupational pension schemes. Furthermore, the social partners expressed their disagreement with the procedure followed by the Commission and argued that they were insufficiently consulted on the issue. The social partners did, however, note that the existing institutions concerning pension policy at the European level are sufficient.

The sectoral social partners in the **temporary agency work** sector, the European Confederation of Private Employment Agencies (Eurociett) and UNI Europa, prepared and launched a joint project on *Temporary agency work and transitions in the labour market*. The project aims to assess the possible role of the sectoral social partners in facilitating transitions in the labour market (from education to work, from unemployment to work, and from different types of labour contracts). It looks at the profile of temporary agency workers (skills level, age, gender, main sectors in which they work) and at the career of temporary agency workers (for example, the situation before and after temping, average length of assignment, types of labour contracts offered to them, quality of transitions and applicable working conditions). The project also aims to find out to what extent some agency workers might be in a precarious situation, focusing in particular on women, migrant, low-skilled and older workers. In a further development, during the past two years the social partners in this sector have supported their national members during the implementation phase of Directive 2008/104/EC on temporary agency work. In close cooperation with their global counterparts, Eurociett and UNI Europa also promoted the ratification of ILO Convention 181 on Private Employment Agencies as a relevant international framework for regulation on temporary

agency work and as a way to promote decent work. The final conference of the project took place in December 2012.

In April 2012, the social partners in the **commerce** sector issued a joint contribution on social issues for the European Retail Action Plan which is being prepared by the European Commission. The main policy objective of a this Action Plan is to ensure a consistent and systemic approach to the treatment of issues identified as hampering the provision of more efficient and fair retail services in Europe. In their contribution, the social partners call upon the Commission and the Member States to: promote social dialogue, collective bargaining and the development of free and democratic trade unions and employers organisations across the EU; promote and fund initiatives for improving health and safety at the workplace and fostering a more inclusive labour market; take all possible action to fight the use of undeclared work, while reducing administrative burdens, especially for SMEs, as an incentive to develop regular activities; support projects aimed at identifying skills needs and mismatches; and provide the necessary funding for investments in education and training, including for the development of systems for the recognition of skills acquired on the job.

In September 2011, taking forward the work of its working group on demographic challenges, the social partners in the **education** sector launched a joint project on recruitment and retention of teachers. Many Member States are facing shortages of teachers, notably for certain subject matters and at disadvantaged and remote schools. In addition, concerns are being raised regarding the evolution of the quality of the teaching workforce. The project's objective was to examine the current situation and existing national policies regarding recruitment and retention in the education sector in order to develop a joint approach among the social partners to respond to the main challenges. The resulting recommendations, endorsed at the committee's plenary meeting in November 2012, called upon the social partners to: continue to monitor this serious issue and to build on and consolidate these results in their future work, with a possibility of looking for further projects on exchange of national practices; consider strategies to address job insecurity and its negative consequences; remind national policy makers and decision makers of their full responsibility in this respect, notably by developing new strategies aimed at increasing the attractiveness of the teaching profession and enhancing the image and the public perception of the teaching profession; launch and engage in a cross-sectoral dialogue with other stakeholders, as recruitment and recruitment issues do not only affect the education sector.

In the **metal industry**, the Council of European Employers of the Metal, Engineering and Technology-Based Industries (CEEMET) and the European Metalworkers' Federation (EMF) issued a declaration on 2 December 2010 calling for high-quality vocational education and training (VET) as prerequisite for a competitive and sustainable European industrial base. These social partners also formed an ad-hoc working group on competitiveness and employment in a globalised economy, which issued a declaration stressing their determination to work together towards the realisation of the goals of the Europe 2020 Strategy in their sector on the same day. On 14 March 2011, they unveiled a tool to attract people to educational pathways that lead to the metal, engineering and technology-based industry. On Further, on 15 April 2011, they went on to publish a joint opinion on the Commission

Communication on an *Industrial Policy for the globalisation era*, focusing on the challenges associated with the skills base, restructuring, and improving framework conditions for industry. Skills and training remained at the top of their agenda, as they formulated another joint opinion on 27 October 2011, calling for an increased permeability between VET and higher education. On 30 November 2011, they presented a tool-box for recovering and strengthening competitiveness and safeguarding sustainable employment in the European metal industry. Finally, in 2012, EMF and CEEMET, working with a number of employers' organisations in the automotive sub-sector completed the first phase towards an establishment of a sectoral skills council.

In the **steel sector**, EMF and the European Confederation of Iron and Steel Industries (EUROFER) issued out a joint opinion on industrial policy in June 2009, which addresses the challenges of an energy-intensive industry in sustainable development. These challenges were also the topic of the European Steel Day organised by EUROFER with the participation of the EMF and the European Commission in Brussels on 28 June 2012.

In the **shipbuilding industry**, EMF and the Community of European Shipyards' Associations (CESA) adopted a joint opinion on 8 December 2010 on a review of the framework on state aid to shipbuilding. The social partners took an active part in the consultations leading to a review of the EU's flagship policy towards the sector under the title LeaderSHIP 2020. To raise the profile of the industry and its attractiveness among employees and job-seekers, CESA held an event on the occasion of the European Maritime Day in Gothenburg on 22 May 2012.

In the **construction** sector, on the basis of their work programme, the social partners are working on the following themes: attractiveness of the sector to young workers; competitiveness; and a climate friendly construction industry. The social partners adopted a range of documents concerning employment in the sector, such as a joint opinion on self-employed and bogus self-employed people in February 2011; a joint position paper on the Directive on conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfers in February 2011 and January 2012; and a joint proposal for improving the application and the enforcement of the posting of workers Directive (96/71/EC) in July 2011 and December 2012.

The sectoral social dialogue committee for sea fisheries expressed its opinion concerning the problems currently facing the **fishing** industry in Europe. The social partners were of the view that they were not properly consulted in the preparation of impact studies on changes in the Common Fisheries Policy, despite the risk that they see of the suggested modifications leading to a reduction in the number of jobs, vessels and fishing quotas. Furthermore, they argue that significant reduction in quotas for some species of fish was decided without assessing their impact. Finally, the social partners noted that regulation aimed at curbing illegal fishing is very complicated and causes problems for fishers. They requested that the Commission and Member States simplify these rules to make them more comprehensive.

Skills and Training

Many sectoral social dialogue committees continued their work on training and skills development. On 6 December 2011, the European sectoral social partners in the **textile, clothing and leather** (TCL) sectors agreed to establish a *European Council for Education and Employment in Textile Clothing Leather*. The objective of this "EU TCL Skills Council" is to foster the enhancement of the networking of the various European Textile Clothing and Leather Observatories and education and labour market stakeholders and to promote synergies for a better, more sustainable and more competitive European TCL industry. By bringing together corporate executives, owner-operators of smaller firms, employees, union leaders, educators and government representatives in a network that will inform the policy recommendations of the TCL European social partners, the skills council will be addressing a wide range of issues related to technological change, qualification standards, labour development planning, and human resource development. The EU TCL Skills Council is the first skills council to be set up by European sectoral social partners.

In the **road transport** sector, the International Road Transport Union (IRU) and ETF, together with partners, have undertaken a joint social partner project on training in the commercial road transport sector, covering mobile and non-mobile employees of road transport companies (the "STARTS" project – Skills, Training and the Road Transport sector). The social partners recognise the indispensability of high-quality training for developing an efficient, properly skilled, safe and sustainable workforce in commercial road transport. In recent years the sector's workforce has had to expand rapidly and improve its range of skills to respond to numerous changes to the working environment and increasingly complex legal, operational, and product-related requirements. They believe that it is in the mutual interest of both employers and workers to identify what is needed to optimise the positive impact of training in the road transport sector and to ensure that it can be delivered in the most effective and efficient way. The objective of the project is to determine the main challenges and best solutions for improving the provision of training to drivers and other workers performing certain non-mobile, logistics-related tasks. On 24 October 2012, the social partners adopted the conclusions and recommendations of the STARTS project.

In the context of an EU-funded research project (PLATINA) in support of the inland waterway transport action programme NAIADES, the social partners in **inland waterway transport** are involved in the work package on jobs and skills for which they provided input on the harmonisation of job profiles based on professional competencies for operational and management level. This work will feed into future standards of training and certification in inland navigation.

In **maritime transport** in the framework of the EU-funded project *Enhancing Recruitment and Training in the European Shipping Industry*, ETF organised three workshops and a final conference during the course of 2009 and 2010. The objective of this project was to identify ways to attract young people to a seafaring career and to develop a more stimulating career path and mobility within the maritime cluster. The ETF report served as a basis for adopting a related ETF policy on training and recruitment in the maritime industry.

The social partners in the **postal services** sector launched a joint project to investigate the impact of the introduction of new technologies on skills needs in their sector. The project builds on the joint declaration on training and skills development from 2006 and examines how skills and jobs are matched in European postal companies against the backdrop of profound restructuring affecting the postal sector.

The social partners in the **hospitals and healthcare** sector in March 2011 submitted a joint response to public consultation on the Directive on the Recognition of Professional Qualifications (2005/36/EC). Three issues were identified as key objectives which need to be guaranteed when updating the Directive: health and safety of patients; quality of service provision in health and social care; and the high level of qualification and professional standards for the healthcare workforce. The European social partners emphasised their interest in being involved and their availability to participate throughout the further consultation and legislative process.

After having completed the mapping exercise on existing and emerging observatories on employment and training and a feasibility study, the social partners in the **commerce** sector entered at the end of 2011 the second phase of the creation of a European sector council on employment and skills. At the final conference, held on 5 December 2012, the social partners agreed on the establishment of a skills council. The aim of this is to foster a better understanding of the impact on skills needs of challenges faced by the commerce sector, such as the introduction of ICT, globalisation and emerging markets. It will also aim better match demand and supply of training, as well as the offer and demand on the labour market.

In January 2011, the social partners in the **education** sector adopted *Joint Guidelines on Trans-regional Cooperation in Lifelong Learning among Education Stakeholders*. These guidelines were drawn up in the context of a joint project by EFEE, ETUCE and the Organising Bureau of European School Students Unions (OBESSU). They aim to identify the critical factors for successful implementation by all interested and involved parties of the national lifelong learning (LLL) strategies. They provide guidance on: how to improve school education contribution to the achievement of key competences for LLL; how the needs of learners and education practitioners are to be included in the national LLL strategies; and how to successfully involve all stakeholder groups in the implementation of the national LLL strategies. These guidelines are being disseminated and promoted among the relevant European, national, regional and local stakeholders and their impact will be evaluated after two years.

In November 2011, the EFEE, in partnership with the ETUCE, concluded a project on *Leadership and governance in schools as instruments for improving students' results and preparing them for lifelong learning*. In addition to its contribution to general education objectives, this project contributed to the identification and development of the skills needed by school leaders in the 21st century, and hence to the adaptation of the workforce to a changing environment. The conclusions of the project will feed into discussions in the context of the European Policy Network on School Leadership, in which EFEE and ETUCE are partners.

The **live performance** sector will take part in one of the "reference groups" for the development of the *European Skills, Competences, Qualifications and Occupations* (ESCO) taxonomy, which will describe the most relevant skills, competences and qualifications needed for several thousand occupations. To ensure that ESCO meets the needs of its users, interested parties, such as employment services, social partners, companies, education and training institutions and developers of job search web tools, have been invited to take part in its development. In order to ensure the visibility and accurate description of the live performance sector's occupations, the social partners in this sector have taken up this invitation.

The mapping of skills has also been conducted by the social partners in the **gas and electricity** sectors. Two parallel joint projects were implemented to analyse national activities and institutions dealing with skills and qualifications, and labour market research that is focused on the gas and electricity sectors. The aim of the projects was to assist the social partners in identifying existing work that can benefit the European social dialogue and provide insight into the potential of European sector skill councils. The social partners from the **extractive industries** sector also monitored the Commission proposal on the establishment of sector skill councils, as well as the *New Skills for New Jobs* initiative.

Responding to a call for proposals of the Commission in the context of its New Skills for New Jobs initiative, the social partners in the **audiovisual** and **live performance** sectors launched a project that aims to map sectoral actors across the EU that are involved in skills analysis and forecasting as well as education and training. The resulting report, which was finalised in November 2012, will be the basis for a decision by the respective social dialogue committees on whether to create a sector council on employment and skills – be it separate councils or one council covering the two sectors. Such a sector skills council should improve the anticipation of future skills needed in the sector(s) concerned, contribute to better matching between skills and labour market needs, and bridge the gap between the worlds of education and work.

In the **construction** sector the Bricklayer project (2008-2010) has investigated the possibilities, means and problems associated with implementation of the European Qualifications Framework (EQF), the European Credit System for Vocational Education and Training (ECVET) and the development of a sectoral qualifications framework in relation to bricklaying.² The sector is also working on a feasibility study to set up EU Sector skills Council for Construction (2011-2012) under the Progress programme.

In **agriculture**, the social partners continue to develop and implement a passport for skills called *Agripass*.³ The Employer's Group of Professional Agricultural Organisations in the European Union (Geopa-Copa) is running a project on vocational training of agricultural workers aimed at developing skills necessary to facilitate the mobility of workers. The European Federation of Trade Unions in the Food, Agriculture and Tourism (EFFAT) is

² <http://www.adam-europe.eu/adam/project/view.htm?prj=6228>

³ <http://www.adam-europe.eu/adam/project/view.htm?prj=3858>

developing a project on quality employment in a sustainable agriculture. Social partners are currently running a joint project on the impact of the future common agriculture policy on employment in the sector of agriculture.

The social partners in the **personal services/hairdressing** sector are continuing with the implementation of their 2009 autonomous agreement establishing European hairdressing certificates. The social partners have clarified the administrative aspects and are ready to award the first European hairdressing certificates in the near future to hairdressers fulfilling the qualification requirements.

The social partners in the **hotel and restaurant (HORECA)** sector (EFFAT and the Confederation of National Associations of Hotels, Restaurants, Cafés and Similar Establishments in the European Union and European Economic Areas, HOTREC), are running a project on the implementation of the European Qualification and Skills Passport, which will be integrated into EURES. Further, the HORECA sector is in the preparatory phase of the possible setting up of an employment and skills council. It is also involved in the ESCO initiative, with the establishment of a reference group.

Box 7.6 Financial support: the social dialogue and industrial relations budget lines

The European Commission's promotion of European social dialogue includes financial support, mainly in the form of grants to social partners and other industrial relations stakeholders. On the basis of Article 154 TFEU, the most important financial programmes are the three headings in the EU budget earmarked for: industrial relations and social dialogue; information and training measures for workers' organisations; and the information, consultation and participation of representatives of undertakings. Further details on these funding opportunities can be found on the following website: <http://ec.europa.eu/social/main.jsp?catId=86&langId=en>.

Industrial relations and social dialogue

This budget heading supports the European social partners and other organisations active in the field of industrial relations in contributing to addressing the overarching EU employment and social policy challenges as laid down in the Europe 2020 strategy and in connection with EU initiatives to address the consequences of the economic crisis.

Each year, through a call for proposals with two application deadlines, the Commission supports around 80 projects led by the social partners and other organisations active in the field of industrial relations. These projects cover activities linked to the work programmes of the European cross-industry and sectoral social dialogue committees, as well as measures to strengthen the social partners' capacity, especially in the new Member States and candidate countries, and which contribute to the development of European social dialogue (excluding national capacity-building activities, which can be funded under the European Social Fund).

The total funding available under this budget heading in 2012 is EUR 16.5 million. Of this, around EUR 13.5 million will fund projects through the call for proposals. Other activities supported in 2012 include studies in the field of industrial relations and social dialogue, meetings of the European social partners, including the cross-industry and sectoral social dialogue committees, and a joint project with the International Labour Organisation, which will cover social partner capacity-building and training, and industrial relations analysis.

Information and training measures for workers' organisations

This budget heading provides support for information and training measures for workers' organisations carried out by European, national and regional workers' organisations. Each year, through a call for proposals with one application deadline, the Commission supports around 25 projects in this field. This budget heading also provides support to the European Trade Union Institute (ETUI) and the European Centre for Workers' Questions (EZA), which are the major European institutions providing training and research for European workers' organisations. ETUI works with the European Trade Union Confederation (ETUC) and EZA works with the Christian workers' organisations, which are also members of the ETUC. The total funding available under this budget heading in 2012 is EUR 17 million. Of this, around EUR 3.42 million will be awarded through the call for proposals.

Information, consultation and participation of representatives of undertakings

This budget heading provides support for operations to ensure the conditions for fostering the development of employee involvement in undertakings, by promoting the relevant EU legislation. This includes the Directives on European works councils and on employee involvement in the European Company and European Cooperative Society, the Directive establishing a general framework for informing and consulting employees in the European Community, and the Directive on cross-border mergers of limited liability companies and fostering transnational company agreements. Each year, through a call for proposals with two application deadlines, the Commission supports around 50 projects in this field. The total funding available under this budget heading in 2012 is EUR 7.5 million, all of which is to be awarded through the call for proposals.

7.3 Other themes in European sectoral social dialogue

Health and safety

Health and safety issues belong to subjects regularly discussed by the social partners in the European social dialogue committees. The last two years have seen several new initiatives in this policy area, including projects, common statements, joint declarations and exchanges of information in sectors ranging from agriculture, through construction to public services.

In February 2012, the social partners in the **extractive industries** sector expressed by means of a joint letter their concern about the rejection of future funding for the NePSI (Negotiation Platform on Silica) initiative. NePSI strives to improve the health protection and training of workers encountering silica dust in order to minimize and preferably eliminate exposure by implementing good practices. In their 2012 letter, the social partners, some of whom were NePSi signatories, emphasised the crucial importance of the autonomous Agreement on Respirable Crystalline Silica, signed in 2006, and its role in encouraging and demonstrating the continuously improving implementation of good practice, both at national and industry level. The NePSI initiative has received continuous financial support from the Commission since 2006, but this could not be granted on a continuous basis. The employers agreed to cover the costs of the implementation of the NePSI agreement during 2012.

In September 2012 the social partners issued a *Joint statement on the further improvement of the working conditions and occupational health of employees in the extractive industries in*

the context of European social dialogue, which updates a previous document from 2004 and expands its coverage to new social partners that have joined the social dialogue committee over the past eight years. The statement covers all people involved in raw and secondary (including recycled) material exploration, extraction and processing activities in extractive industry companies, whether performed on the surface, underground or using drilling equipment, and discusses key areas such as health and safety, training and vocational education.

The social partners in the **electricity** sector agreed on a joint position the security and safety in the nuclear industry in December 2011. They emphasised the necessity for the nuclear industry to meet the highest levels of safety possible and expressed the need for a European approach in this area. They state that the stress tests are a step in the right direction and open the process for discussions on European health, safety and security standards for the nuclear sector. They believe that, following the potential recommendations of the stress tests, appropriate measures need to be taken to ensure that power stations meet the safety levels required. The joint position also states that subcontracted workers should also benefit from a high level of health and safety and training. Furthermore, it expresses the importance of consultation and the need for the regulatory bodies to take account of the views of the trade unions. Once decisions are taken to decommission a nuclear power station highest standards should remain ensured and qualified workers should be given the opportunity to remain in the nuclear industry.

In the **education sector** the ETUCE, building on its longstanding work in this area and in partnership with the EFEE, ran in 2011 a project on work-related stress in the case of teachers. The action, the outcomes of which will feed into the discussion on this topic by the social dialogue committee of the education sector, aimed to collect comparative data on how work-related stress affects teachers in the EU/EFTA countries.

Since 2009, the social dialogue committee in the **live performance** sector has been exchanging information on national initiatives in the field of health and safety, notably on risk assessment tools and practices. In their 2012-2013 work programme, the social partners agreed to work towards a joint statement highlighting their exchange of views, the work of the European Agency for Safety and Health at Work (OSHA), the existing toolkits and the overall value of such initiatives. They also engaged in the development of a risk assessment tool as support for touring productions, based on the Online Interactive Risk Assessment tool of the OSHA, by the end of 2013.

In the **construction** sector, the European Federation of Building and Woodworkers (EFBWW) and the European Construction Industry Federation (FIEC), working in the framework of the new Community strategy on health and safety at work (2007-2012), edited a guide on health and safety which has been published in 12 languages. Furthermore, the social partners are currently running activities regarding the safe removal of asbestos.

The employers' organisation in the **agricultural** sector, Gopa-Cogeca, is running a project on the implementation of policies on musculoskeletal disorders and the impact of the sector's European 2005 agreement on reducing risk of musculoskeletal disorders. Moreover the social

partners in this sector (EFFAT and Gopa-Cogeca), agreed on a resolution on *Protecting workers' health against plant protection products* in September 2010.

EFFAT and FERCO (European Federation of Contract Catering Organisations) in the **contract catering** sector have created an on-line food and hygiene tool. This instrument aims to promote stringent food hygiene standards and provides free of charge in-house training, mostly for SMEs, in the hospitality sector.

The social partners in the **leather** industry adopted in May 2012 a joint statement on the ban of Cr VI in leather and leather products. They welcomed the initiative of Denmark to propose within the framework of REACH the extension at EU level of the restrictions for Hexavalent chromium (chromium VI). They also requested from the EU authorities to effectively protect European customers from imported leather products which could contain Cr VI.

In the **furniture** sector, the social partners adopted in 2011 a joint position on the New Community Strategy on Occupational Safety and Health. The European Federation of Building and Woodworkers (EFBWW), European Furniture Industries Confederation (EFIC) and European Furniture Manufacturers Federation (UEA) in their common statement suggest a conversion of the EU recommendation concerning occupational diseases (2003/670/EU) into a Directive containing minimum requirement. The social partners state that they do not want a total harmonisation in the field, but indicate the need for the adoption of minimum requirements. They also note that the health hazards in the sector become more complex as a result of the increasing use of numerous different hazardous substances or growing stress levels. In 2010 the social partners also conducted a common project on the reduction of accidents in the sector. In December 2012, the social partners finalised the project *Nano in furniture – State-of-the-art 2011*. This project intends principally to present an inventory of available nano-products, measurement results, risk assessment proposals, prevention techniques and nano-reference values.

The social partners in the **woodworking** industry (the European Confederation of Woodworking Industries (CEI-Bois), EFBWW and European Panel Federation, EPF), adopted in 2010 a joint declaration on workers' exposure to formaldehyde. They also launched a project which aims to provide additional translations and further dissemination of the *Less Dust* brochure, especially in new Member States and candidate countries, which aims to prevent the negative impact of wood dust on workers' health.

On 12 October 2011, the European sectoral social dialogue committee for the **paper industry** adopted its Work Programme 2012, based on four main issues: health and safety (healthy workplace campaign); skills and qualifications, demographic change; resources and raw materials policies; and social sustainability reporting. Further, the social partners in this sector recently finished their work on a report on good health and safety practices in the European paper industry.

In the **hospital and health** sector, the social partners have also taken action to improve health and safety conditions: in 2012 they initiated a common project on the promotion and support for the implementation of Directive 2010/32/EU on the prevention of sharps injuries.

In 2011 the social partners in the **postal services** sector launched a survey on slips, trips and falls in their sector. This work builds upon their 2009 joint declaration on accident prevention and aims at gaining an overview of the occurrence and consequences of slips, trips and falls in the postal sector, along with prevention measures. As a follow-up, the social partners organised a technical seminar in early 2012 to discuss health and safety at work and share good practices.

In early 2011, the **telecommunications** social partners adopted a joint declaration on good practice guidelines designed to improve the mental wellbeing of workers within the telecommunications sector. The guidelines are the result of a joint project entitled *Good Work – Good Health*, which the social partners had carried out in 2009 and 2010.

Corporate social responsibility

The social partners in several social dialogue committees have been focusing on corporate social responsibility (CSR) and its role in a given sector. In the **hotel and restaurant** sector, for example, the social partners have regularly monitored an initiative to improve corporate social responsibility during plenary meetings. Further, the social partners in the **gas** sector have invested a considerable amount of work in a survey on CSR policies. A presentation was made on the results of a survey in September 2011. The survey showed that policies, agreements and reporting on equality and diversity, health and safety, management of change, skills and CSR itself showed differences in attention and intensity. Work on CSR did not continue since there was no agreement between the social partners on how to progress – this mirrors the on-going changes and difficulties in social dialogue in the gas sector.

In December 2011, the European social partners in the **tanning and leather** industry kicked off the third phase of their *Social and Environmental Reporting in the Leather Industry* initiative, which began in 2008. In 2010, national social and environmental reports from Bulgaria, France, Germany, Italy, Lithuania, the Netherlands, Poland, Portugal, Romania, Spain, Sweden, and the United Kingdom were presented in joint seminars and at a main event organised within the framework of the project.

The social partners in the **postal sector** have been working on the environmental activities of companies and unions in the sector, including aspects of employee engagement and training. Taking the growing importance of environmental responsibility in the postal sector into account, the social partners discussed different points of view and collected good practices.

The sectoral social dialogue committee in the **local and regional government** sector adopted a joint statement on socially responsible public procurement in June 2011. The social partners expressed a positive attitude towards the European Commission's guide on socially responsible public procurement (SRPP) and underlined that the guide should be read in conjunction with the Lisbon Treaty, which recognises local and regional autonomous governments. Furthermore, the social partners declared that they will actively promote the guide.

In the **sugar sector**, the implementation reports of the corporate social responsibility Code of Conduct were presented to the plenary sessions of the sectoral social dialogue committee. In

addition, after publication of the new ISO 26 000 certification, which provides guidelines for social responsibility, the social partners reflected on possible adjustment of the Code of Conduct. They also discussed the major economic challenges facing the European sugar industry as well as the future European policy for sugar after 2013 in the context of the EU's common agriculture policy.

In September 2012, the social partners in the **hospital and health care** sector, EPSU and HOPSEEM, adopted a joint report on the use and implementation of a code on conduct that they had agreed four years earlier. The code of conduct addresses the problem of unethical recruitment practices related to the mobility and migration of health workers. The social partners organised a survey to gather information from national social partners on the use of the code of conduct and to obtain feedback concerning potential changes and improvements of the existing document. The report identifies key issues and challenges for two groups of countries: immigration and emigration of health workers.

In the **graphical sector**, the social partners – Intergraf and UNI Europa Graphical – conducted a common project on socially responsible restructuring, which was concluded in September 2012. The social partners cooperated informally as the sectoral social dialogue committee for this sector has not yet been established.

In their joint opinion on *The contribution of culture in combating poverty and social exclusion*, adopted in December 2010, the social partners in the **live performance** sector welcomed the initiative of the then Belgian Presidency of the Council to discuss the contribution of culture to combating poverty and social exclusion in the context of the European Year for Combating Poverty and Social Exclusion in 2010. They underlined the need for specific programmes to be available to finance projects and activities that seek to increase the integration of excluded groups. The social partners also called upon the Member States to endorse the principle of access to culture and to support the sector to develop appropriate policies.

Harassment and violence

In September 2010, the European social partners in the **hospitals, regional and local government, education, commerce and private security services** sectors (EPSU, Hospeem, CEMR, ETUCE, EFEE, UNI-europa, Eurocommerce and COESS) signed guidelines to tackle third-party violence and harassment at work. The guidelines, which build upon existing best practice in these sectors, set out the practical steps that can be taken by employers, workers and their representatives/trade unions to reduce, prevent and mitigate problems. Following the signature of the guidelines, the five sectors undertook a joint project to support the implementation of the guidelines within the Member States. In addition, the European education sector social partners are carrying out an implementation project which involves case studies and the development of a sector-specific guide to support the implementation of the multisectoral guidelines. The five sectoral European social dialogue committees were scheduled to prepare a joint progress report in 2012 and a final joint evaluation will be undertaken in 2013.

The **rail** sector has finalised a joint project on *Insecurity and the Feeling of Insecurity in Rail Passenger Transport*, which was carried out as follow-up of joint recommendations made the social partners in this sector. At the final conference of the project, which took place in December 2012, the social partners issued joint recommendations (a) to support their members in taking measures that help to increase security and the feeling of security of staff and passengers vi-à-vis third-party violence, (b) to contribute to improving working conditions in rail passenger transport, and (c) to initiate strategies aimed at preventing and handling third-party violence at work via practical measures in its communication, prevention, intervention and aftercare.

The sectoral social partners in **public transport** addressed also the problems of physical insecurity and the feeling of insecurity in their sector (caused by, for example, threats from passengers). In 2003 they decided on a joint approach to this issue and jointly agreed on recommendations to tackle these problems. In 2011 the social partners examined the progress made in the sector since 2003 and published their observations in a report which stated that the implementation process of the recommendations can be judged as positive. Nevertheless, the document indicates that there still room for improvement.

Working conditions

The sectoral social dialogue committee in **road transport** was consulted in 2010 on the Commission's plans to improve the digital tachograph system. The sectoral social partners IRU and ETF agreed on a *Joint Statement on the review of the tachograph regulation*, which the Commission took into consideration when preparing its proposal to amend Council Regulation (EEC) No 3821/85 on recording equipment in road transport. In their joint opinion, the social partners stress the importance of the digital tachograph for ensuring the respect of drivers' working conditions, the improvement of road safety and fair competition between transport operators. The IRU and ETF welcomed the review of Council Regulation (EEC) No 3821/85 as a means to improve its performance and strengthen its ability to meet the above-mentioned objectives. For both sides of industry, it is essential that the device be made effectively resistant to fraudulent manipulation so that it provides reliable and trustworthy data on driver activities, which is crucial for its functions. While maintaining and improving its functions, the IRU and ETF want the device to be more efficient to operate and better integrated within the working environment.

As a follow-up to their common criteria for rest facilities drawn up in 2006 and taking into account the Council Resolution of 8-9 November 2010 on preventing and combating road freight crime and providing secure truck parking areas, IRU and ETF adopted a *Joint statement on parking along Europe's road transport network* on 5 July 2011. In this, they call for proper parking provision and facilitation of access in order to meet political, social and road safety imperatives. Considering that the lack of adequate parking and rest facilities impact on the quality of rest of professional drivers, leading to an increased risk of fatigue and ultimately impacting in a negative way on road safety, IRU and ETF call for the European Commission to adopt a coordinating role in improving the provision of accessible, secure, and free parking areas and rest facilities for professional drivers. The social partners also call on governments to ensure that parking areas do not become magnets for crime and to build or

upgrade significantly more secure parking areas to enable industry to remain compliant with EU regulations and improve road safety and working conditions for drivers and operators.

The social partners in the **private security** industry, the Confederation of European Security Services (CoESS) and UNI Europa, signed a joint opinion on the revision of the public procurement Directive on 30 May 2012. In this, they called on European institutions to broaden the definition of the sustainability of tender offers to include social obligations of tenderers, such as respect of labour agreements, skills, and health and safety. On this basis, they were joined by the social partners in the cleaning, the catering and the textile industries in a pluri-sectoral joint opinion, which involved the European Federation of Cleaning Industries (EFCI), the European Apparel and Textile Confederation (ERATEX), the European Federation of Contract Catering Organisations (EFCO), and EFFAT. In the **hotel and restaurant** sector, EFFAT, together with the employer's organisation, HORTEC, issued a *Joint Statement on Undeclared Work in the European Hotel and Restaurant Sector* in December 2010 and together are monitoring the situation. Furthermore, the social partners in the **construction** sector are collaborating with the aim of combating all forms of unfair practices and ensuring decent working conditions for workers.

In June 2012, the social partners from Air Traffic Management Working Group, the Air Traffic Controllers European Unions Coordination (ATCEUC), the Civil Air Navigation Services Organisation (CANSO) and ETF, adopted guidelines for consultation arrangements for Functional Airspace Blocks. The Guidance is being set up in the framework of the Single European Sky initiative. This tool will help employers and workers to set up appropriate consultation arrangements and improve working conditions.

Box 7.7: Case study research in sectors with above-average job growth and below-average job quality

The WALQING research project “Work and Life Quality in New and Growing Jobs” investigated which jobs are growing and what is the quality of these jobs. In a 2nd phase it carried out 53 company case studies in sectors with above-average job growth and below-average job quality.

The findings are summarized in the walqing social partnership series; assembling reports around “**Stakeholder policies and problem assessment**” and providing a detailed overview of social partnership relations in some of the 11 countries involved in the project in the 5 selected sectors of

- Office & Domestic Cleaning,
- Green Construction,
- Waste Management,
- Restaurants & Catering,
- Elderly Care.

Two sectors were chosen by each national team for closer investigation.

For each of the sectors investigated by WALQING, a brochure summarises key findings and selected good practice examples. All reports are available for download at the walqing web resource: <http://www.walqing.eu/index.php?id=154>

Office & Domestic Cleaning:

Ursula Holtgrewe/Karin Sardadvar (eds) (2012): *The Cleaning Sector: Office Cleaning.*

Green Construction:

Ursula Holtgrewe/Karin Sardadvar (eds) (2012): *The Construction Sector: 'Green' Construction.*

Waste Management

Ursula Holtgrewe/Karin Sardadvar (eds) (2012): *The Sewage & Refuse Disposal Sector: Waste Collection.*

Catering

Ursula Holtgrewe/Karin Sardadvar (eds) (2012): *The Hotels & Restaurants Sector: Catering.*

Elderly Care

Ursula Holtgrewe/Karin Sardadvar (eds) (2012): *The Health & Social Work Sector: Elderly Care*

The accompanying national social partnership case study reports, ordered by sector, can be found at <http://www.walqing.eu/index.php?id=64>.

Equality

In the **road transport** sector, the social partners in the urban public transport sector have undertaken a joint social partner project on women's employment in the urban public transport sector (WISE). The project aims to collect and evaluate data and trends from various European countries and transport companies in order to obtain a clear picture of the situation of women in transport professions. In addition, by way of a qualitative survey, it aims to gain an impression of the real life of women employed in public transport companies (for instance focusing on issues such as unsuitable workplace ergonomics or the reluctance of some male drivers to accept female drivers). Further, case studies in several companies will provide a direct insight into current strategies of public transport companies concerning female employees. The expected outcomes of the project will be recommendations regarding women in employment, to be signed by the social partners, and an action guideline *Women in transport professions* for decision-makers in companies, trade unions and employers' associations, containing the results of the project and information on good practice examples.

The social partners in the **rail transport** sector also carried out a project on women in rail (WIR), which is a follow-up of a previous European project and baseline study on the situation of and policies for, women in the railway sector carried out by CER and ETF in 2004-2005 and subsequent policy orientations of 2007 (*Joint recommendations for a better representation and integration of women in the railway sector*). The project produced a *Good Practices and Implementation Guide*, a comparative study, which covers 25 railway companies from 17 European countries for a total of 750,000 employees, and a summary report of three thematic seminars, which were organised within the framework of the project. The comparative study evaluates the implementation of the recommendations and the development of the situation of women in employment in the sector since 2003, from a qualitative and quantitative point of view, showing a slight improvement, although little

progress in the operational professions in the sector. The *Good Practices and Implementation Guide* explains the main problems and current developments for female employees in the rail sector in the areas of recruitment, reconciliation of work and private life, career and equal pay and overall equality policy. It puts forward actions to improve female employment and contains 10 case studies from six countries.

The working group on higher education and research, which was created in the context of the social dialogue committee for the **education** sector, engaged in a reflexion on "what makes up an attractive career in higher education and research". Based on the observation that women are less well represented at the higher levels in post-graduate education and research, in particular in management positions, gender equality issues are a particular focus, in addition to the mobility of researchers and the question of how to create a supportive environment for early stage researchers.

In October 2011, the social partners in the **audiovisual** sector adopted a *Framework of Actions on Gender Equality*. This set of actions covers gender portrayal, gender roles at work, equal pay, equality in decision making, and the reconciliation of work and personal life. This framework of actions builds amongst others on the 2005 cross-industry social partners' Framework of Actions on Gender Equality, while acknowledging the sector's specific responsibility with regard to the protection and promotion of fundamental freedoms and democracy across the European Union. The social partners also carefully considered how to promote and respect the fundamental rights of equality and non-discrimination on the one hand and freedom of expression on the other. The European social partners in this sector are committed to promoting these actions and recommendations among their member organisations and have therefore launched a joint project with that purpose, beginning at the end of 2012 and running for one year. A seminar will be organised in November 2013, allowing for exchanges of information and sharing of best practises on the implementation of the Framework of Actions in different countries.

The European social dialogue committee for **Central Government Administrations** adopted a common statement *Towards equal pay between women and men* in December 2011. The committee stated that there is a need to revise European equal pay legislation and called upon the European Commission to conduct analysis in the field of gender pay gap, including the examination of causes contributing to this problem. The social partners suggested the implementation of quantitative targets to reduce gender pay gaps. Furthermore, they noted that Eurostat should monitor gender pay data.

As can be seen, gender equality remained an important topic for the social partners. There is, however, a need to further strengthen commitments and actions to advance gender equality through social dialogue and tripartism. It is also necessary to broaden the coverage of sectors, and to encourage the European social partners to keep gender equality high in the agenda as a horizontal priority and implement specific actions not only in the gender pay gap area but also in the other priorities previously included in the Framework of Actions. In particular, steps to reduce gender segregation, to improve work-life balance in sectors mostly male-dominated and also to tackle gender pay gap in sectors mostly female-dominated are needed.

Furthermore, cooperation with social partners is also an integral part of the European Disability Strategy 2010-2020. This includes involving social partners at EU level, with full involvement of SME representatives, to develop models of good practice on reasonable accommodation and good quality jobs and to provide employers and policy makers with information on positive measures.

Mobility and migration

Three of the recognised social partners within the European social dialogue committee on **civil aviation**, representing airlines and workers, adopted a joint opinion on the general rules regarding social security coordination regulations No (EC) 883/2004 and 987/2009 that apply to all persons working in two or more EU countries. In their *Joint Position on the Social Security Regime Applicable to Air Crews* of 8 June 2011, the Association of European Airlines (AEA), the European Cockpit Association (ECA), and ETF express their wish that the principles of the above regulations, based on place of work, be applied to mobile air transport workers. The social partners believe that the "home base" of mobile air transport workers is the best determinant of the applicable social security law. Many airlines provide their services from so-called home bases, the place where the personnel normally starts or ends a duty period or a series of duty periods. This is also the location with which the worker has the greatest connection during their employment. The new social security rules for aircrew,⁴ which came into force on 28 June 2012 clarify that they are due to pay social security contributions and are eligible to receive benefits in the country where they start and end their shifts, in other words their home base, instead of that the country where their airline is based.

There remain obstacles to the mobility of cultural workers and productions within and outside the EU. In April 2011, the social partners in the **live performance** sector adopted a joint statement calling upon culture ministers to support the establishment of *Mobility information services for artists and for culture professionals* in the Member States. They believe that such a network of information points across Europe would answer the need for basic information, as well as tailored advice and guidance for culture professionals working or seeking to work in another Member State. They called for their national members to be involved in the creation and management of such structures.

Capacity-building

The social partners in several sectors took actions to strengthen social dialogue through capacity-building measures. Most of the initiatives were targeted at the new Member States, where social partners are usually weaker (see Chapter 2). For instance, in the **construction** sector, EFBWW ran a project on *Capacity Building for Setting up Paritarian Funds in Central and Eastern European Countries*. Other initiatives were aimed at reinforcing the existing European and the national networks of the social dialogue, for example a project managed by EFFAT in the **agriculture** sector.

⁴ Regulation (EU) 465/2012; OJ L 149, 8.6.2012, p. 4

In close cooperation with the sectoral European social partners, the International Training Centre of the ILO organised in 2011 two parallel capacity-building projects in the **commerce sector**, targeting respectively employers' organisations and trade unions in the new Member States and some Candidate Countries. The projects aimed to reinforce the institutional capacity of national organisations, in order to improve engagement in policy development and sectoral social dialogue, both at national and EU level. As the projects ran in parallel, an integrated approach was ensured and social partnership was fostered. A bipartite workshop brought all participants together at the end of the period of separate training actions.

In December 2010, the social partners in the **temporary agency work** sector, Eurociett and UNI Europa, organised a round table on temporary agency work social dialogue in Istanbul in coordination with the Turkish social partners. As was the case with previous round tables in a number of countries (such as Bulgaria in 2009, Hungary in 2007 and Poland in 2006), the aim was to establish and/or improve national social dialogue in the sector and to promote European social dialogue.

Capacity-building projects were also conducted in the **banking sector**. Drawing on the UNI Europa Finance strategy on transnational collective bargaining, adopted in 2008, a new initiative was implemented. Its main goals were to strengthen the network, cooperation and joint action among trade unions on collective bargaining across the EU27 and to develop a sustainable mechanism for gathering information and data on local/national collective bargaining. The project aims to facilitate cooperation and coordination among affiliates, enhance the prospects of successful social dialogue and overall to add value to trade union involvement in securing the long-term competitiveness of the European finance sector. Another project called *Tandem* aimed to deepen the relationships and mutual influences between the activities of EWCs and the sectoral social dialogue. The project included workshops, conferences and the dissemination of findings through reports and an interactive website. The social partners made progress in discussing CSR, the wider issue of skills and more specifically skills councils and a potential joint project on life-long learning based on a 2005 joint declaration on CSR.

Measures to improve integration of the social partners from new EU Member States into the sectoral social dialogue was undertaken in the **insurance sector**, as almost eight years after enlargement they remain underrepresented in the sectoral social dialogue committee. The new Member States are also covered by a project addressing the demographic challenges for the sector, including a workshop in Prague aimed at social partners from the new Member States, which was organised in September 2012.

The social partners in the **live performance** sector have undertaken several joint projects since 2004 with a view to integrating the new Member States in the EU sectoral social dialogue and strengthening social dialogue in the different EU Member States. In its 2011 and 2012-2013 work programmes, the social dialogue committee confirmed its continued commitment to these objectives. Starting in 2011, both the employers' and workers' delegations undertook separate projects to strengthen the capacities of their members in new Member States. Both projects had a grass-root, hands-on approach, building on an analysis of the specific needs of employers' and workers' organisations in the different countries. The

social partners agreed to exchange views on how best to build on the findings of their separate projects, including possible renewed joint action to further strengthen social dialogue across the EU and to better involve national partners, in particular those in the new Member States.

For several years, the social partners of the **audiovisual** sector have been engaged in joint actions to promote social dialogue in the sector, notably in the new Member States, and to improve the participation of representatives of these countries in the social dialogue committee. A first project culminated in a regional seminar in Prague in June 2008, providing for an exchange on the structure and functioning of social dialogue in the sector. A second project, targeting countries that were not covered by the first project, resulted in a joint declaration which was adopted at a conference in Sofia in October 2010. In this Sofia Declaration, the European social partners in this sector confirm their strong commitment to social dialogue, stating that all Member States should recognise the necessity and benefits of employers' associations and trade unions, and the mutual recognition between employers and workers; in order to strengthen European social dialogue, it is necessary to have strong employers' associations and strong unions who are able and capable to negotiate on collective agreements. They state further that social dialogue should be considered, developed and strengthened where possible in the audiovisual sector in those countries where it is absent. The declaration includes suggestions for action towards these objectives, addressed at the European Union, national governments and employers and workers organisations in the new Member States.

Building on the experience of the previous projects, the European social partners in the sector have launched a new round of national capacity-building workshops in the Czech Republic, Estonia, Latvia, Lithuania and Poland in the period from November 2011 to June 2012. A regional seminar on national and EU social dialogue for national social partners from these countries and representatives of European social partners from the sector was organised in October 2012. The resulting Tallinn Declaration stresses the sector's unequivocal support for the European Parliament's resolution of May 2012, which states that "press and media freedom are hallmarks of a democratic society". Confirming the principles and commitments set out in the Sofia Declaration, the European social partners in this sector expressed the views that: social dialogue and collective bargaining are important factors for economically and socially sustainable growth, equipping the social partners to adapt to change and face challenges, more particularly in times of crisis; freedom and association and social dialogue need to be inclusive and cover all forms of employment; collective bargaining should cover all workers, including the most vulnerable; and skills development should be considered a fundamental right of workers as well as an essential tool for industry to grow and adapt to change. The social partners also called upon the EU and the Member States to abstain from political interference and respect editorial freedom; ensure the necessary funding; and develop an appropriate regulatory framework enabling the sector – both public and private – to develop its full potential.

While there is no sectoral social dialogue in the non-profit social services sector, a project to promote employers' social services organisations was carried out in 2012. The aim of the project was to provide a detailed understanding of how social dialogue is organised and

structured in the social services sector in Europe. The mapping exercise and exchange of good practice promoted by this first project could ultimately lead to explore the possibility for the creation of a European sectoral social dialogue committee. As highlighted in the Social Business Initiative⁵, social enterprises are an important part of promoting a highly competitive social market economy. Several studies demonstrated that industrial relations tend to be more peaceful in social enterprises, since their method of governance favours participation and openness.

Industrial policy

The social partners in the industrial sectors, in particular trade unions, have expressed interest in participating in the impact assessment process presented by the Directorate-General for Internal Market and Services. They also discussed the following issues without producing a joint statement: system of governance and remuneration and anti-discrimination in access to and the provision of goods and services.

Following dissolution congresses of the European Metalworkers' Federation (EMF), the European Mine, Chemical and Energy workers' Federation (EMCEF), and the European Trade Union Federation of Textiles, Clothing and Leather (ETUF-TCL) on 15 May 2012, the three federations joined forces in the foundation congress of the new IndustriAll European Trade Union on 16 May. The new organisation now constitutes one of the largest European trade union federations and represents the employee side in 11 sectoral social dialogue committees.

The international dimension

Third-country contractors and workers were the subject of a joint statement by EFBWW and FIEC, the social partners in the **construction** sector. In this, they expressed their concern that unhealthy and unfair competition with third-country contractors based on the lowest price endangers social rights and environmental considerations. The statement notes that some foreign companies are state-owned and state-aided, which endangers the level playing field in the EU and puts European companies under pressure. They therefore recommend changing European legislation or its application, for example the Posting of Workers Directive and Regulations on EU public procurement.

The social partners in **agriculture** issued a common declaration on the association agreement of the European Union – Euromed – in September 2010. They also issued a joint declaration on the Commission's Communication (2009) 591 *A better functioning food supply chain in Europe* in September 2010 and a common opinion on roll-over protection structures for narrow-track wheeled tractors in December 2010.

The Free Trade Agreement between the EU and Ukraine was the subject of a joint statement by the social partners in the leather sector. In May 2012 they expressed their concern that the Ukrainian market will not be substantially open for European producers. They state that this

⁵ COM(2011)682 of 25 October 2011

deal should not be perceived as a precedent and similar arrangements should not be made with other countries. Furthermore, the Commission is asked to monitor the trade flows in the sector and to report to the social partners on the development of trade and its effects on industry on both sides.

In the **maritime transport** sector, ETF and the European Community Shipowners' Association (ECSA) called for an ambitious, holistic and coordinated EU response to piracy. The social partners recognised the complex character of the problem and indicated multifaceted concerns: diplomatic, military, trade and most importantly humanitarian. The EU is believed to be able to address the problem and make a significant improvement in the area due to its coordinated and broad approach. They adopted a common position that stresses the need for urgent action to protect seafarers.

7.4 Cross-industry social dialogue: evaluation of past actions and outlook

The cross-industry social partners have conducted a study entitled *European social dialogue achievement and challenges ahead*, which was completed in May 2011. This showed that the social partners throughout Europe are concerned about recent developments at the European as well as national policy level that undermine the strong role of social dialogue in policy-making and decision-taking. When looking at the EU-level as well as the national level in terms of implementing the outcomes of social dialogue, it appears that implementation is most effective in those cases where the national social partners are able to develop joint positions and initiatives and where these fit into the agenda of governments.

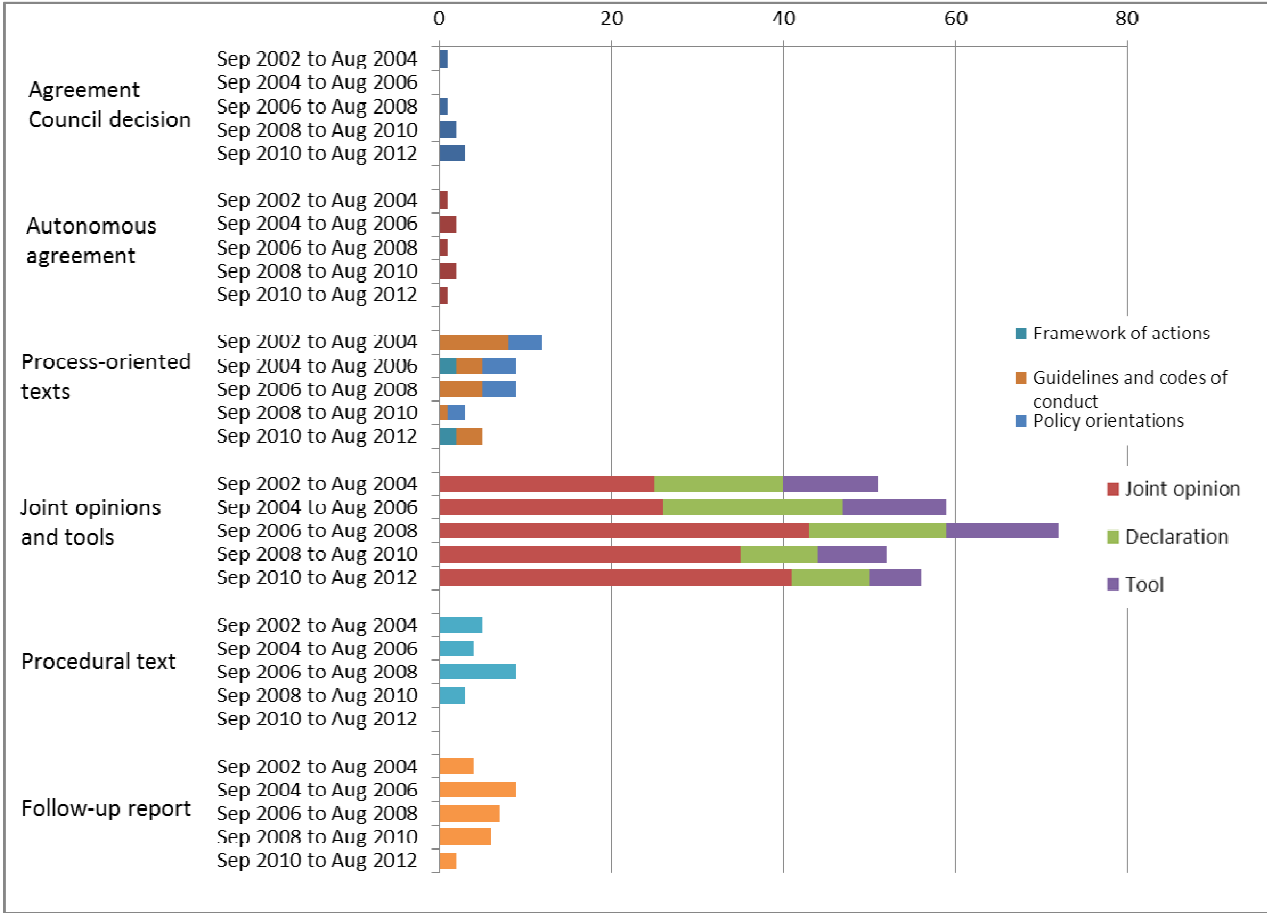
While generally the positive impact and the creation of added-value for national developments are relatively unquestioned, the same cannot be said about the performance and concrete outputs of 15 years of social dialogue at the EU level. Here, both similarities as well as dissonances are striking and the survey has revealed differences, nuances and different opinions and assessments that do not always correspond to the usual differences between trade unions on the one hand and employers on the other. While most social partners have expressed positive opinions on the implementation of autonomous framework agreements, the assessments made of the role and usefulness of softer instruments, such as frameworks of actions, joint statements and texts, vary significantly and seem to depend at least as much on different national backgrounds and traditions of social dialogue as on affiliation either to employers' organisations or trade unions. Here, both employers and unions have raised concerns about concrete achievements and progress made in some countries and also suggested a number of ways on how to improve the performance of EU-level social dialogue.

While some social partners appreciate the application of softer instruments such as joint studies, analyses or joint statements, others regard this as a weakening of social dialogue and demand outcomes that are as concrete as possible and have a real impact on social conditions. Finally, there is tension between principles and diversity versus standards and convergence. While trade unions in particular are interested in concrete outcomes of social dialogue that contribute to reducing inequalities and strengthening standards of working and living in

Europe, employers' representatives have stressed the need to respect diversity and are much more in favour of developing common principles (for example in the area of flexicurity) rather than defining certain minimum social standards of social Europe.

In addition to studies on the situation and the development of social dialogue, in October 2011 the cross-industry European social partners (ETUC, BUSINESSEUROPE, CEEP, UEAPME) adopted a joint implementation report on the Framework Agreement on Harassment and Violence at Work, which was concluded in April 2007. In May 2012, the cross-industry European social partners transmitted their report to the European Commission. The document states that the framework agreement has brought real added value in terms of raising awareness and better equipping employers and workers to deal with situations of harassment and violence at work. The social partners believe that the key to this is the flexible nature of the agreement, which can be tailored to the different national, sectoral and company realities. Indeed, the report finds that, rather than duplicating existing measures, the social partners have concentrated on building on these, using different forms of implementation measures and taking inspiration from the framework agreement. Furthermore, not just the outcomes but also the social dialogue processes and discussions by which the social partners arrived at those outcomes are important. Nevertheless, the European social partners and their members acknowledge that there are gaps in the reporting of the implementation of the agreement, as a number of countries have not yet submitted joint implementation reports. This is a wider issue, and ensuring a better implementation of autonomous social dialogue instruments will be considered by the European social partners in the context of the next EU social dialogue work programme. The European Commission was aiming to launch its own study to monitor the implementation of the agreement in late 2012.

Chart 7.1 Number and type of texts adopted by the European social dialogue committees, 2002-2012



Note: There may be slight inconsistencies with data presented in earlier editions of Industrial Relations in Europe due to corrections and reclassifications of social dialogue texts.

7.5 Conclusion

European social dialogue has clearly maintained its vitality and value over the past two years, despite external circumstances that are very challenging for industrial relations almost everywhere in Europe. The instrument of European social dialogue has been at the disposal of EU-level social partners for more than two decades, a historical milestone that was commemorated in autumn 2011 with a conference in Warsaw (see box 7.8). This followed the publication in 2010 of a Commission staff working document on the functioning of sectoral social dialogue, in which the Commission encouraged the European and national sectoral social partners to make full use of their capacity to negotiate, to reinforce their administrative capacity and representativeness and create synergies between sectors. The continuing interest in establishing new sectoral social dialogue committees for additional sectors of the economy is testimony to the fact that employers and trade unions alike value European social dialogue, which has become an integral part of European social governance.

Box 7.8 Conference on the European Social Partners' Agreement

The conference *Negotiation, consultation and autonomy of EU Social Partners – 20 years of the Social Partners' Agreement* celebrated two decades of European social dialogue since the European Social Partners' Agreement of 1991. It reviewed the process which led to the integration of the Maastricht Social Protocol into the Amsterdam Treaty (currently Arts 154 and 155 TFEU) and placed it in the current context. The aim of the conference was to assess the changes that have been brought about by European Social Dialogue in EU primary and secondary law, how the consultation and negotiation process between EU social partners has evolved, and the concrete results of this, in order to evaluate the current state of European social dialogue. The event allowed an exchange of views among social partners, Member States and other participants on the way these provisions function and likely future developments.

The aim was thus not only to commemorate past achievements, but also to look forward. It was not the purpose to take decisions with immediate effect but rather to introduce, test and debate ideas for the way forward.

The conference was organised in Warsaw on 24-25 November 2011 in cooperation with the Polish Presidency – which was represented by the Minister and Deputy Minister for Employment and Social Affairs – and brought together high-level representatives of the cross-industry and sectoral social partners at European and national level, as well as representatives of Member States, EU institutions – including Commissioner Andor – and academics.

In the different sessions of the conference, several examples of outcomes of European social dialogue, both at cross-industry and sector level, were presented. These presentations, as well as the panel discussions and exchanges with participants, provided insights into the challenges that the European social dialogue is facing as well as in the joint and divergent views of the two sides of industry.

Both sides strongly emphasised the importance of respecting the autonomy of the social partners, both as regards fixing their agenda for discussion and – where appropriate – the negotiation and implementation of their agreements. They agreed that care should be given to the choice of the appropriate type of instrument, depending on the objective pursued.

The importance of taking ownership for social dialogue outcomes was emphasised. This does not only concern autonomous agreements, but also agreements implemented by EU Directive, where the social partners should also take responsibility for promoting and implementing the agreement at national level. The Directive on sharps injuries in the hospital sector was mentioned as a positive example of this continued engagement of the social partners.

This ownership also includes a willingness to regularly assess existing agreements and, if necessary, to revise them. Trade unions in particular voiced concerns about the quality of implementation of European social partner agreements at national level, in particular the autonomous agreements that are implemented “in accordance with the procedures and practices specific to management and labour and the Member States”. The impression is that there is a trend to consider the autonomous agreements as allowing for an optional implementation. Both sides nevertheless confirmed their commitment to the aim of full implementation of agreements. The debate on how implementation can be strengthened will need to be continued.

Without wanting to question the social partners' autonomy, some Member States voiced concerns about the added value and quality of social partner agreements, calling for an "impact assessment-like" process when social partners on their own initiative decide to enter into negotiations that could lead to agreements, in particular when these are to be implemented by way of Council Decision. In cases where the Commission formally consults social partners on a social policy issue in accordance with Article 154 TFEU, it already produces an analytical document that underpins the second stage consultation.

The vitality of European social dialogue is also demonstrated by a continuation of the trend that has already been identified in the previous edition of *Industrial Relations in Europe*: once again, the past two years have seen the signature of an unprecedented number of binding agreements signed between EU social partners. The agreements in the inland waterways transport, professional football, hairdressing and sea fisheries sector are testimony to the fact that social partners are making increasing use of the negotiating space provided to them by finding tailor-made solutions to particular problems affecting their specific sectors. At the same time, the overall number of texts signed in the preceding two years has continued its downward trend, despite the increase in the number of committees: 65 social partner texts were concluded since the summer of 2010, which was the lowest during the past decade (see chart 7.1). It will become clear in the coming years if these developments are just a coincidence, or whether they are part of a long-term maturation of European social dialogue outcomes towards fewer documents overall, but more binding agreements.

At the same time, the challenges for European social dialogue are now perhaps greater than they ever were in the past 20 years. Divergences of opinion between social partners about the causes of the crisis and the measures needed to overcome it are placing a strain on several social dialogue committees, especially at cross-industry level. Trust between employers and trade unions is a key ingredient in successful social dialogue, but in the current conflictual circumstances trust is anything but a given. The lack of a social partner agreement on the revision of the Working Time Directive after one year of negotiations illustrates these difficulties. The open question of the involvement of social partners in the emerging macroeconomic governance at EU and Euro area level is a further issue that will potentially redefine the role of the European social partners (see box 7.5).

The EU Treaty provisions give an important role to social partners, as legitimate representatives of management and labour at EU level, both as actors and as stakeholders in the law-making process. The social partners are formally consulted twice by the Commission before it proposes social policy initiatives, and on each occasion the social partners have the option of entering into bipartite negotiations on the subject. This particular role, far more important than in many national constitutional orders, reflects the widely shared perception of social partners as those who know best the world of work, and are best-placed to develop feasible solutions to problems affecting employers and workers in their daily professional lives. Due to their expertise in many policy areas, the EU cross-industry and sectoral social partners have an increasing role as consulted stakeholders in the preparation of legislative or strategic proposals at EU level. This is also the reason why public opinion and institutional

actors are increasingly looking at EU social dialogue for credible advice or potential win-win solutions that can make a difference in fighting the most serious labour market and social problems of today.

Table 7.1: European sectoral social dialogue committees

Sectoral Social Dialogue Committees (SSDC)					
Creation			Sector	Employees	Employers
Joint (advisory) Committee	Informal working group	SSDC			
1951		2006	Steel	industriAll	Eurofer
1952		2002	Extractive Industries	industriAll	APEP, EURACOAL, Euromines, IMA-Europe, UEPG
1964		1999	Agriculture	EFFAT	GEOPA/COPA
1965		2000	Road Transport	ETF	IRU
1967		1999	Inland Waterways	ETF	EBU, ESO
	1969	1999	Sugar	EFFAT	CEFS
1972		1999	Railways	ETF	CER, EIM
1974		1999	Sea Fisheries	ETF	Europêche/ COGECA
	1982	1999	Footwear	industriAll	CEC
	1983	1999	Hotel and Restaurant	EFFAT	Hotrec
	1985	1999	Commerce	UNI Europa	EuroCommerce
	1987	1999	Insurance	UNI Europa	AMICE, BIPAR, Insurance Europe
1987		1999	Maritime Transport	ETF	ECSA
	1990	2000	Civil Aviation	ETF, ECA	ACI-Europe, AEA, , ASA Europe CANSO, ERA, IACA
	1990	1999	Telecom-munications	UNI Europa	ETNO
	1990	1999	Banking	UNI Europa	EACB, EBF-BCESA, ESBG
	1992	1999	Construction	EFBWW	FIEC
	1992	1999	Industrial Cleaning	UNI Europa	EFCI
	1992	1999	Textile and Clothing	industriAll	Euratex
	1992	1999	Private Security	UNI Europa	CoESS
1994		1999	Postal Services	UNI Europa	PostEurop

	1994	2000	Woodworking	EFBWW	CEI-Bois
	1996	2004	Local and Regional Government	EPSU	CEMR
	1996	2000	Electricity	industriAll	Eurelectric
	1998	1999	Personal Services/Hairdressing	UNI Europa	Coiffure EU
	1998	2007	Contract Catering	EFFAT	FERCO
	1999	2001	Tanning and Leather	IndustriAll	COTANCE
		1999	Temporary Agency Work	UNI Europa	Eurociett
		1999	Live Performance	FIM, FIA, UNI-MEI	Pearle*
		2001	Furniture	EFBWW	UEA, EFIC
		2003	Shipbuilding	IndustriAll	CESA
		2004	Audiovisual	EFJ, FIA, FIM, UNI-MEI	ACT, AER, CEPI, EBU, FIAPF
		2004	Chemical Industry	industriAll	ECEG
		2006	Hospitals and Healthcare	EPSU	HOSPEEM
	2006	2010	Metal industry	industriAll	CEEMET
		2007	Gas	industriAll, EPSU	EUROGAS
		2008	Professional Football	ECA, EPFL	FIFPro
	2008	2010	Central Government Administrations	TUNED	EUPAN
		2010	Education	ETUCE	EFEE
		2010	Paper Industry	industriAll	CEPI
		2012	Food and Drink Industry	EFFAT	FoodDrink Europe

Table 7.2: European social partner joint texts, 2010 – 2012

Title	Topic	European social dialogue committee	Type	Date
Multi-sectoral guidelines to tackle third-party violence and harassment related to work	Harassment	Multisectoral	Guidelines	30/09/2010
Promoting Social Dialogue in the Audiovisual industry. A joint declaration of the European social partners of the Audiovisual sector	Social dialogue	Audiovisual	Declaration	01/10/2010
Towards a New European Energy Policy 2011-2020 Draft report of MEP Lena Kolarska-Bobinska	Social aspects of EU policies	Electricity	Joint opinion	13/10/2010
EFBWW-FIEC joint statement on third-country contractors and workers in the EU	Economic and/or sectoral policies	Construction	Joint opinion	19/10/2010
Competitiveness and Employment in a Globalised Economy	Employment	Metal	Declaration	02/12/2010
Education and Training	Training/lifelong learning	Metal	Declaration	02/12/2010
Joint EFFAT-HOTREC Statement on Undeclared Work in the European Hotel and Restaurant Sector	Undeclared work	Horeca	Declaration	03/12/2010
Review of the Framework on State Aid to Shipbuilding	Social aspects of EU policies	Shipbuilding	Joint opinion	08/12/2010
The contribution of culture in combating poverty and social exclusion. A joint statement on behalf of the European sectoral social partners 'live performance' in the framework of the European Year for Combating Poverty and Social Exclusion 2010	Social aspects of EU policies	Live performance	Joint opinion	10/12/2010
Joint position on smart meters	Social aspects of EU policies	Electricity	Joint opinion	14/12/2010
European Sectoral Social Dialogue Local And Regional Government joint statement to the European Council meeting	Economic and/or sectoral policies	Local and regional government	Joint opinion	15/12/2010
Common opinion from Geopa-Copa and EFFAT on roll-over protection structures for narrow-track wheeled tractors	Health and safety	Agriculture	Joint opinion	16/12/2010
Joint letter to the Netherlands	Economic and/or sectoral policies	Live performance	Joint opinion	05/01/2011
Investing in the future - A joint declaration on education, training and research	Economic and/or sectoral policies	Education	Joint opinion	18/01/2011
Joint Guidelines on Trans-regional cooperation in Lifelong Learning among education stakeholders	Training/lifelong learning	Education	Guidelines	18/01/2011
General remarks on the Green Paper towards adequate, sustainable and safe European pension systems" of the European Commission	Social aspects of EU policies	Chemical industry	Declaration	31/01/2011
EFBWW-FIEC position on the proposal of a Directive on "Conditions on entry and residence of third-country nationals in the framework of an intra-corporate transfer" ("ICT") COM(2010)378	Working conditions	Construction	Joint opinion	16/02/2011
Employability in the face of demographic change - prospects for the European rail sector	Working conditions	Railways	Tool	24/02/2011
Eighth Implementation Report (2010) on the Code of conduct on Corporate Social Responsibility	CSR - Corporate social responsibility	Sugar	Follow-up report	28/02/2011
Joint declaration on Good Practice Guidelines "Good Work - Good Health: Improving the mental wellbeing of workers within the telecommunications sector"	Health and safety	Telecommunications	Guidelines	02/03/2011

Attracting people to the educational pathways	Training/lifelong learning	Metal	Tool	14/03/2011
Professional qualifications	Training/lifelong learning	Hospitals	Joint opinion	23/03/2011
Statement on the revision of the ground handling directive	Social aspects of EU policies	Civil aviation	Joint opinion	07/04/2011
European Framework Agreement on Competence Profiles for Process Operators and First Line Supervisors in the Chemical Industry	Training/lifelong learning	Chemical industry	Framework of actions	15/04/2011
Industrial Policy for the globalization era	Economic and/or sectoral policies	Metal	Joint opinion	15/04/2011
Mobility information services for artists and culture professionals - Culture Council 19-20 May. A joint statement on behalf of the European social partners of the "Live performance" sector	Social aspects of EU policies	Live performance	Joint opinion	28/04/2011
The EC Guide on Socially Responsible Public Procurement(SRPP)	Public procurement	Local and regional government	Joint opinion	01/06/2011
Joint Position on the Social Security Regime applicable to Air Crews	Mobility	Civil aviation	Joint opinion	08/06/2011
Joint statement on parking along Europe's road transport network	Working conditions	Road transport	Joint opinion	05/07/2011
Opinion on the problems currently facing the fishing industry in Europe	Economic and/or sectoral policies	Sea Fisheries	Joint opinion	09/09/2011
Position - Reinhard Butikofer report	Economic and/or sectoral policies	Extractive industry	Joint opinion	09/09/2011
Professional qualifications	Training/lifelong learning	Hospitals	Joint opinion	20/09/2011
Joint opinion on the Agenda for new Skills and Jobs	Employment	Commerce	Joint opinion	20/10/2011
Report on the Implementation of the Joint Recommendations from 2003 signed by ETF and UITP, IRU and supported by CER and CEEP	Working conditions	Road transport	Follow-up report	20/10/2011
Crisis Statement	Economic and/or sectoral policies	Local and regional government	Joint opinion	21/10/2011
Framework of Actions on Gender Equality	Gender equality	Audiovisual	Framework of actions	27/10/2011
Permeability between vocational education and training (vet) and higher education	Training/lifelong learning	Metal	Joint opinion	27/10/2011
Joint statement on the role of the European social dialogue in the implementation of the Single European Sky	Social dialogue	Civil aviation	Declaration	17/11/2011
Joint Position of the European Social Dialogue for the Furniture Industry on the New Community Strategy on Occupational Safety and Health	Health and safety	Furniture	Joint opinion	22/11/2011
Recovering and strengthening competitiveness and safeguarding sustainable employment	Economic and/or sectoral policies	Metal	Tool	30/11/2011
Security and safety in the nuclear industry	Health and safety	Electricity	Joint opinion	06/12/2011
Contribution regarding Energy Roadmap 2050	Social aspects of EU policies	Gas	Joint opinion	09/12/2011
Towards equal pay between women and men	Gender equality	Central Government Administrations	Joint opinion	20/12/2011

Proposal for a directive on « Intra-corporate transfers » (« ICT ») EFBWW-FIEC joint position paper in support of the compromise Amendment 24 adopted by the EMPL Committee (« Jaakonsaari Report »)	Working conditions	Construction	Joint opinion	16/01/2012
Budapest III declaration on Coal Policy	Economic and/or sectoral policies	Extractive industry	Joint opinion	27/01/2012
European agreement concerning certain aspects of the organisation of working time in inland waterway transport	Working time	Inland waterways	Agreement Council decision	15/02/2012
Joint declaration on CAP and sugar reform – towards 2020	Economic and/or sectoral policies	Sugar	Joint opinion	28/02/2012
Joint EFFAT-CEFS position on EU Trade policy	Economic and/or sectoral policies	Sugar	Joint opinion	28/02/2012
Ninth Implementation Report (2011) on the Code of conduct on Corporate Social Responsibility	CSR - Corporate social responsibility	Sugar	Follow-up report	28/02/2012
Joint statement on the proposal of 22 June 2011 for a directive on energy efficiency	Sustainable development	Chemical industry	Joint opinion	20/03/2012
Statement on the amendments of the Professional Qualifications Directive	Mobility	Education	Joint opinion	28/03/2012
European Commission's Green Paper Restructuring and anticipation of change: what lessons from recent experience?	Restructuring	Central Government Administrations	Joint opinion	29/03/2012
CEMR-EPUS joint response to the European Commission's Green Paper COM (2012) 7 final Restructuring and anticipation of change: what lessons from recent experience?	Restructuring	Local and regional government	Joint opinion	30/03/2012
Follow-up of the Joint Recommendations 'Better Representation and Integration of Women in the Railway Sector' - Implementation - Evaluation - Review	Gender equality	Railways	Follow-up report	30/03/2012
New Joint Declaration on Postal Sector Evolution	Restructuring	Postal services	Declaration	18/04/2012
Agreement regarding the minimum requirements for standard player contracts in the professional football sector in the European Union and in the rest of the UEFA territory	Working conditions	Professional Football	Autonomous agreement	19/04/2012
Contribution of the social partners for commerce regarding consensus social issues for the Retail action plan	Social aspects of EU policies	Commerce	Joint opinion	24/04/2012
Declaration of the European social partners on health and safety in the hairdressing sector	Health and Safety	Personal services	Declaration	26/04/2012
European framework agreement on the protection of occupational health and safety in the hairdressing sector	Health and Safety	Personal services	Agreement Council decision	26/04/2012
Agreement on the work in fishing	Working conditions	Sea Fisheries	Agreement Council decision	21/05/2012
Joint position on the revision of the public procurement directive	Public procurement	Private security	Joint opinion	25/05/2012
Joint Statement on the Free Trade Agreement between the EU and Ukraine	Economic and/or sectoral policies	Tanning and leather	Joint opinion	29/05/2012
Joint Statement on the Ban of Cr VI in Leather and Leather Products	Health and safety	Tanning and leather	Joint opinion	29/05/2012
WIR - Women In Rail - Good Practices and Implementation Guide	Gender equality	Railways	Tool	14/06/2012
Guidelines for Consultation arrangements for Functional Airspace Blocks	Economic and/or sectoral policies	Civil aviation	Tool	21/06/2012
Joint opinion on the modernisation of EU public procurement policy	Public procurement	Pluri-sectoral	Joint opinion	28/06/2012
Joint Statement on the CAP reform	Economic and/or sectoral policies	Food and drink industry	Joint opinion	19/07/2012

Project report "Women Employment in Urban Public Transport Sector"	Gender equality	Road transport	Tool	30/08/2012
Use and implementation of the EPSU-HOSPEEM Code of Conduct on Ethical Cross-Border Recruitment and Retention in the Hospital Sector. Joint Final Report by EPSU and HOSPEEM	Social aspects of EU policies	Hospitals	Joint opinion	05/09/2012
Use and implementation of the EPSU-HOSPEEM Code of Conduct on Ethical Cross-Border Recruitment and Retention in the Hospital Sector	Ageing workforce	Hospitals	Follow-up report	05/09/2012
Joint statement on the further improvement of the working conditions and occupational health of employees in the extractive industries	Health and safety	Extractive industry	Joint opinion	06/09/2012
Joint declaration on Somal piracy	Health and safety	Maritime transport	Joint opinion	07/09/2012
Joint opinion on the matter of the European Audiovisual Observatory	Economic and/or sectoral policies	Audiovisual	Joint opinion	10/09/2012
Joint opinion on the revision of the IORP directive	Social aspects of EU policies	Pluri-sectoral	Joint opinion	27/09/2012
Joint Statement on the 2011 Transport White Paper	Economic and/or sectoral policies	Road transport	Joint opinion	24/10/2012
Conclusions and recommendations of the STARTS (Skills, Training and the Road Sector) project	Training	Road transport	Joint opinion	24/10/2012
A European Project by ETUCE and EFEE: "Recruitment and retention in the education sector, a matter of social dialogue" – Joint recommendations to the ESSDE	Economic and/or sectoral policies	Education	Declaration	08/11/2012
Promoting Social Dialogue in the Audiovisual Industry – Tallinn Declaration	Social dialogue	Audiovisual	Declaration	22/11/2012
Joint FIEC-EFBWW proposed amendments on the proposal for a Directive on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services [COM(2012) 131]	Working conditions	Construction	Joint opinion	29/11/2012
Promoting security and the feeling of security vis-à-vis third-party violence in the European railway sector - Recommendations of the European railway sector social partners	Working conditions	Railways	Joint opinion	05/12/2012
Joint position regarding the European Commission proposal for a draft directive on the enforcement of the Posting of Workers' directive {COM (2012) 131 final} as well as the draft report of Mrs Danuta Jazłowiecka (2012/0061(COD))	Working conditions	Industrial cleaning	Joint opinion	06/12/2012
Joint statement on the further opening of the EU road haulage market	Social aspects of EU policies	Road transport	Joint opinion	07/12/2012
Open letter from International Cultural Industry Associations on VAT increase in Spain	Economic and/or sectoral policies	Live performance	Joint opinion	07/12/2012
Framework agreement for quality service	Restructuring	Central Government Administrations	Framework of actions	12/12/2012
Joint opinion of EFBWW and FIEC on the new Community strategy on health and safety for 2013-2020	Health and safety	Construction	Joint opinion	17/12/2012
Framework of action on restructuring	Restructuring	Local and regional government	Framework of actions	18/12/2012
Joint recommendations on temporary agency work facilitating transitions in the labour market	Employment	Temporary agency work	Declaration	19/12/2012