

Networks for a social

Europe

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European Commission



Principles

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

**Charter of fundamental rights of
the European Union, Art.27**

**Employee involvement part of the labour
relations and corporate governance models
in Europe**

Need for anticipating and managing change

Differences between National systems

Directives since the 70's

**European
Social
Dialogue**



European Social Dialogue Cross-Industry & Sectoral



ART 138 of the Treaty

The Commission has a responsibility to promote consultation of the social partners at community level and to take every useful measure to facilitate their dialogue, taking care to ensure a balanced support of both sides.

The Commission consults social partners first

Social partners can engage into a dialogue

ART 139 of the Treaty

The Community level dialogue between the social partners can lead, if they wish it, to contractual relations, including agreements.

The implementation can be made either by an EU instrument or through national channels

New Article 152

The Union recognises and promotes the role of the social partners at its level, taking into account the diversity of national systems.

It shall facilitate dialogue between the social partners, respecting their autonomy.

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

What forms does the European Social Dialogue take?

TRIPARTITE

Tripartite Social Summit

Macroeconomic dialogue
Dialogue on **education**
Dialogue on employment

High level groups

BIPARTITE

Autonomous

“Val Duchesse”
Social Dialogue

Sectoral social
dialogue
committees

Company
Transnational
agreements

Cross
industry

Sectoral
|

Company



New negotiations

Framework of action

**Framework
agreement**

**Parental leave
revision**

Joint analysis

On labour

Market

Challenges



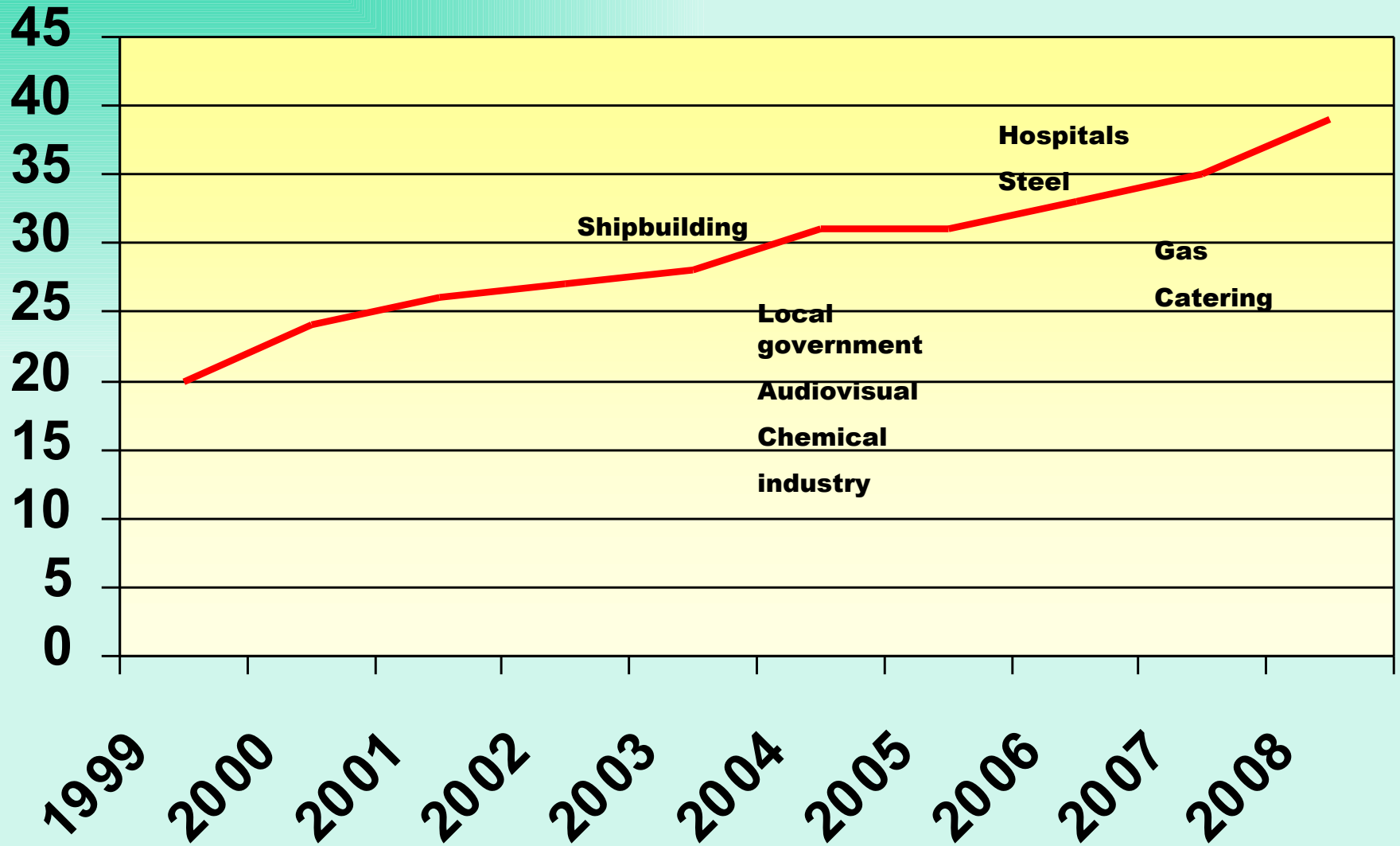
Implementation

Stress

Violence

Gender equality

SSDC - Quantitative evolution



35 Sectoral Committees

Sea transport
Road transport
Civil aviation
Inland navigation
Railways

Agriculture
Extractive Industry
Sea fishing
Sea Ports

Construction

Woodworking
Furniture
Sugar

Personal services
Cleaning industry
Private security

Textile/clothing
Tanning/leather
Footwear

Banking
Insurance

Commerce

Telecommunications
Postal services

Temporary agency
work

Horeca
Catering

Electricity
Gas

Live performance
Audiovisual
Professional cycling
Football

Steel
Shipbuilding
Automobile
Non ferrous metal
Metal sector

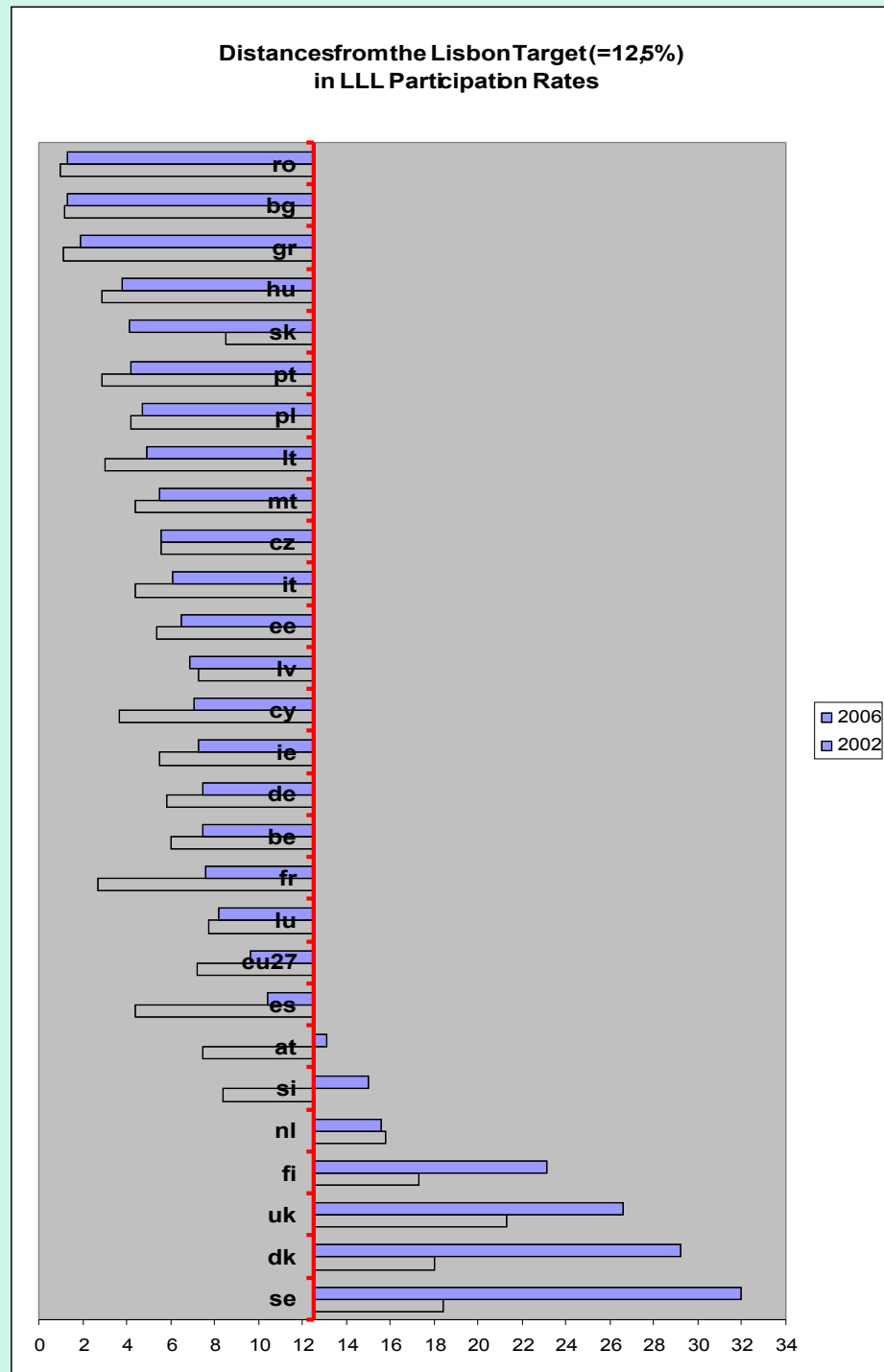
Hospitals
Local government
Central administration
Education

Chemical

Challenges

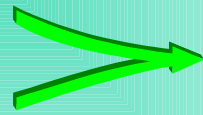
Modernisation Agenda

Life long learning
H & S
Working conditions



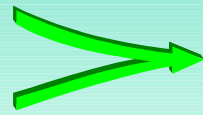
European negotiations - 2008

Cross-Industry



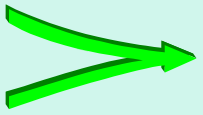
Autonomous agreement on the access of most disadvantaged groups to the labour market

Cross-Industry



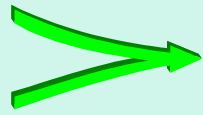
Framework for action on employment

**Rail
Working
conditions**



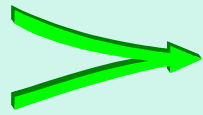
Revision of the Clause 4 on the number of consecutive rests away from home (Rail Agreement 2004)

**Inland
Navigation
Working time**



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

**Hairdressers
EU
Certificate**



Minimum Requirements in terms of competencies to become hairdresser

7 Agreements establishing minimum standards implemented by

Council decision

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

European Framework Agreement on Part-time Work

PREAMBULE

This framework agreement is a contribution to the overall European strategy on employment. Part-time work has had an important impact on employment in recent years. For this reason, the parties to this agreement have given priority attention to this form of work. It is the intention of the parties to consider the need for similar agreements relating to other forms of flexible work.

Recognising the diversity of situations in Member States and acknowledging that part-time work is a feature of employment in certain sectors and activities, this agreement sets out the general principles and minimum requirements relating to part-time work. It illustrates the willingness of the Social Partners to establish a general framework for the elimination of discrimination against part-time workers and to assist the development of opportunities for part-time working on a basis acceptable to employers and workers.

This agreement relates to employment conditions of part-time workers recognising that matters concerning statutory social security are for decision by the Member States in accordance with the principle of non-discrimination, the parties to this agreement have agreed to refer to the 1997 European Council of Ministers Decision on the

Framework Agreement on Fixed-term Work

Preamble

This framework agreement illustrates the role that the social partners can play in the European employment strategy agreed at the 1997 Luxembourg extra-ordinary summit and, following the framework agreement on part-time work, represents a further contribution towards achieving a better balance between "flexibility in working time and security for workers".

The parties to this agreement recognise that contracts of an indefinite duration are, and will continue to be, the general form of employment relationship between employers and workers. They also recognise that fixed-term employment contracts respond, in certain circumstances, to the needs of both employer and workers.

The parties to this agreement reiterate the view expressed in the 1997 part-time agreement that Member States should give effect to this Declaration without delay. In addition, it is also recognised that innovations in occupational social protection systems are necessary in order to adapt them to current conditions, and in particular to provide for the transferability of rights.

The ETUC, UNICE and CEEP request the Commission to submit this framework agreement to the Council for a decision making these requirements binding in the Member States which are party to the Agreement on social policy annexed to the Protocol (No 14) on social policy annexed to the Treaty establishing the European Community.

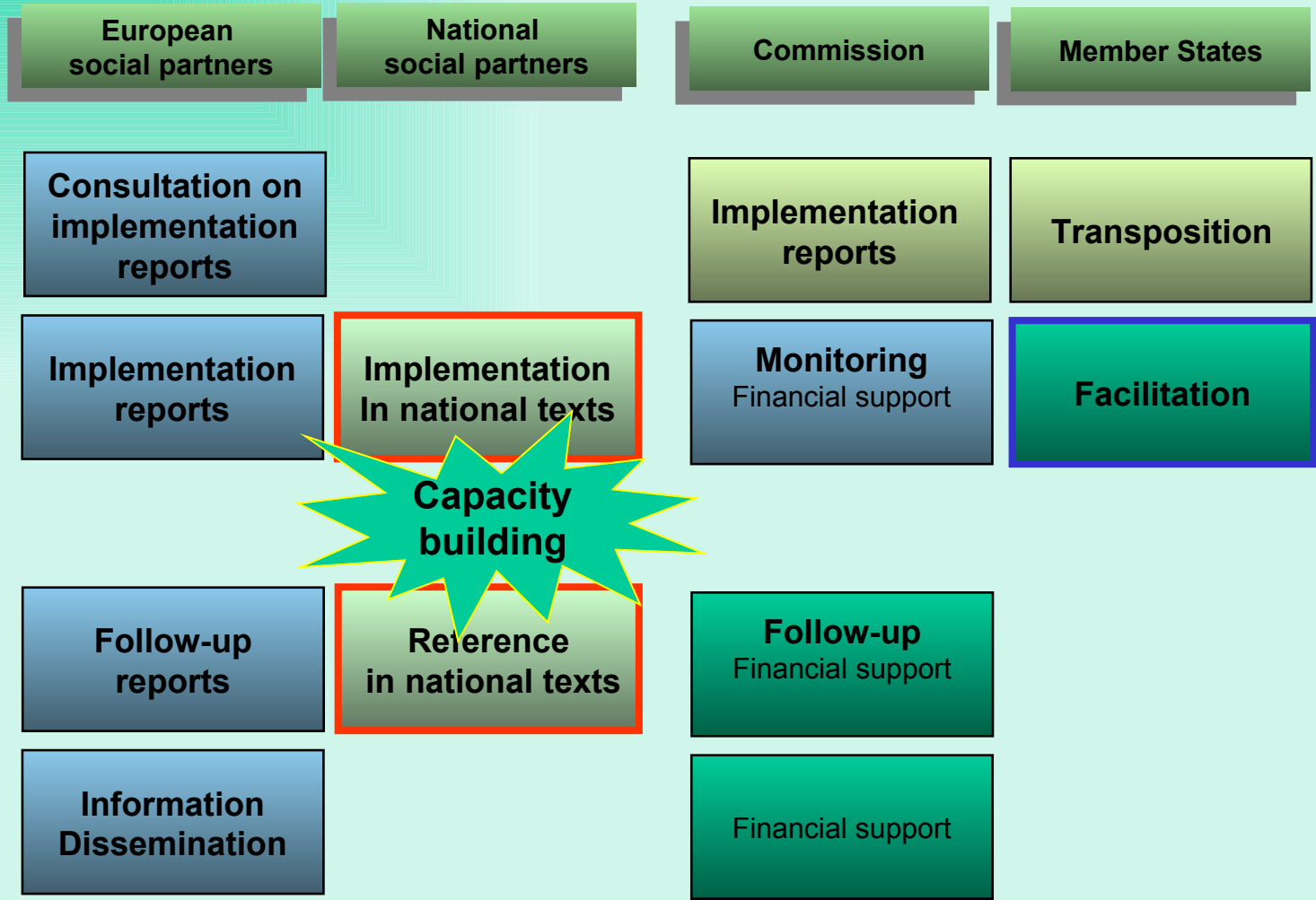


Links

European / National

Cross industry / Sectoral

ROLES of actors



Link / Cross-industry



Ongoing work

**Monitoring
Construction
Electricity**

**Joint analysis
on violence
Private security**

Electricity - 2 Joint declarations on Stress and on violence

Gas – Joint declaration on violence at work

Construction – Joint recommendation / Prevention of occupational stress

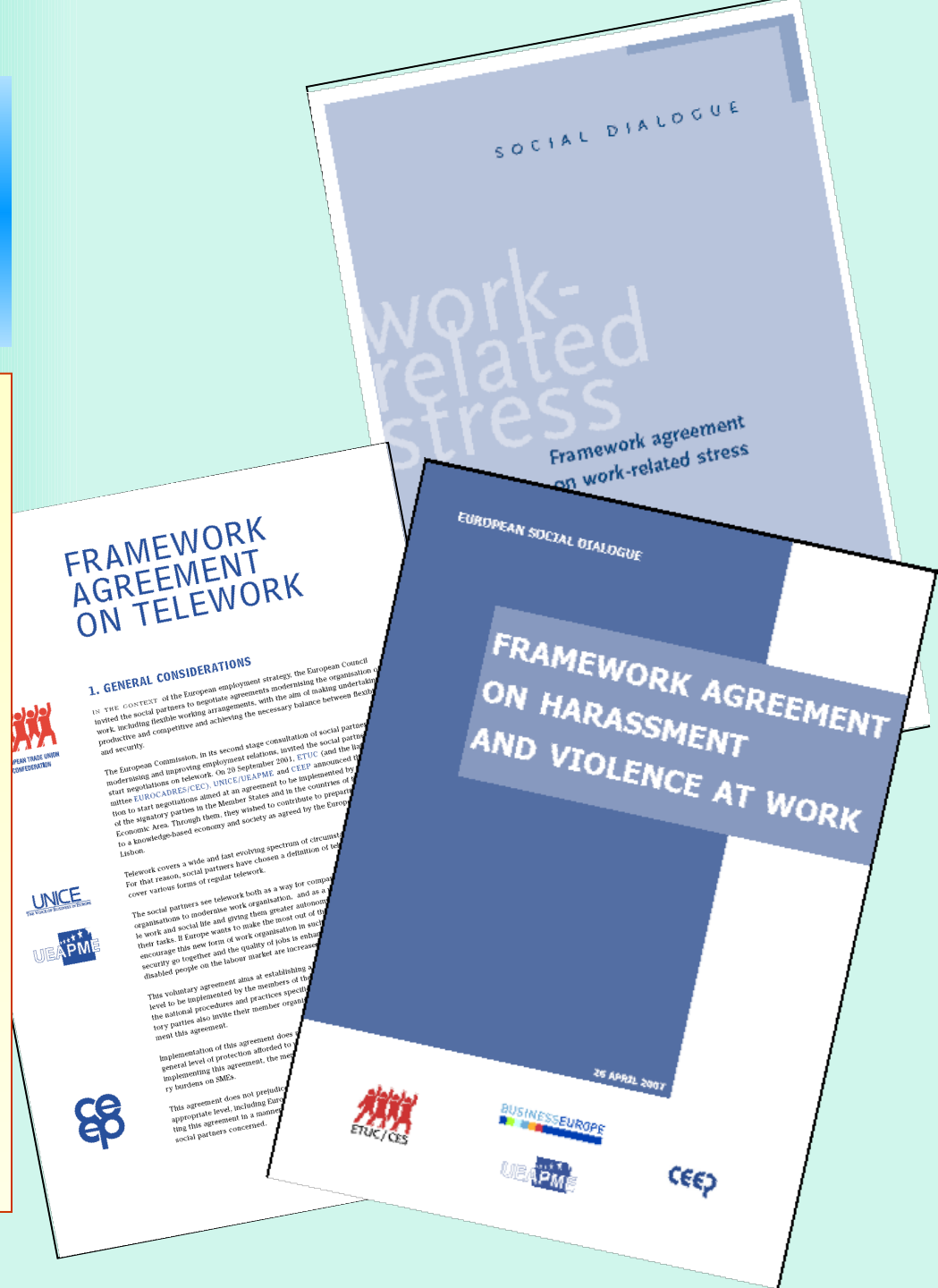
Private security – follow-up of stress initiative

Local government – Guidelines / Gender equality plans

**5 Autonomous Agreements
establishing minimum standards
implemented by the procedures and
practices specific to management and
labour and the Member States**

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

**Implementation reports
by the social partners**



Plurisectoral initiatives

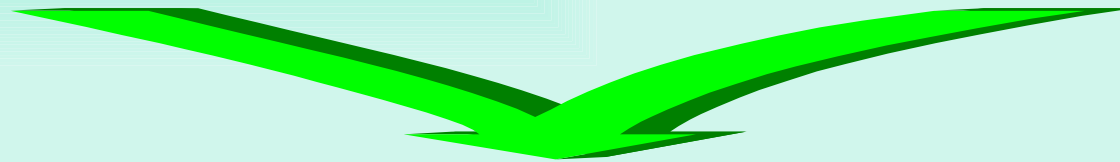
Third Party Violence

**Local
government**

Commerce

**Private
security**

Hospitals



**Letter of intent
Seminar – 14 March 2008
Creation of a joint negotiation ad hoc group**

**Transport
Cleaning industry**

**Horeca
Education**

**Electricity
Telecommunications**

**Finance
Post**

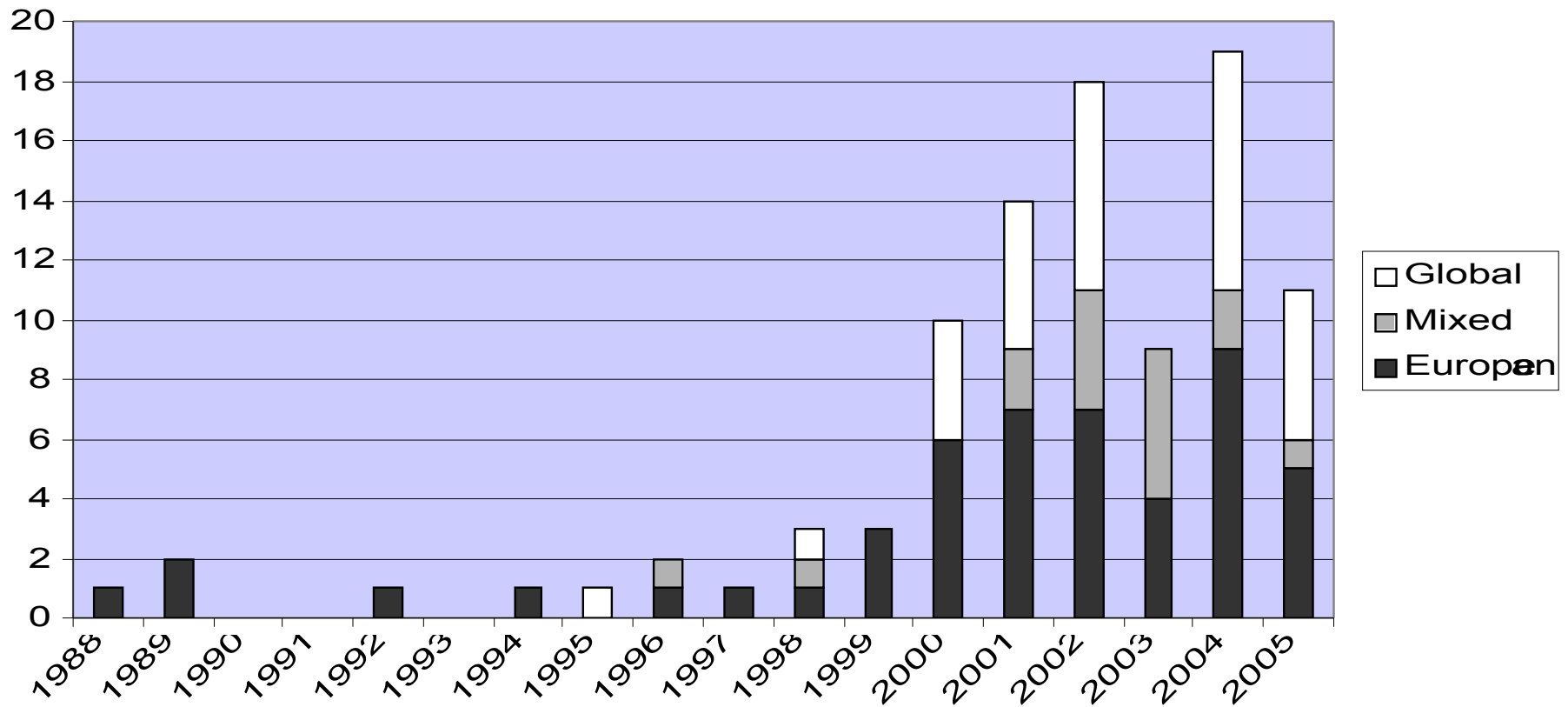
Developpement of the company level

Forms of transnational negotiation at company level become a reality

- **At company level, growing number of transnational texts concluded, about 110 recorded (70 European)**
- **More than 90 companies (50 European) involved such as:**
 - **Axa, Ford, GM on restructuring**
 - **Dexia, Deutsche Bank on employment, training, mobility**
 - **Club Méditerranée on subcontracting**
 - **Vivendi on H&S, GE plastics on data protection**
 - **Areva on equal opportunities**
 - **Generali, SKF, SCA on CSR-fundamental rights**

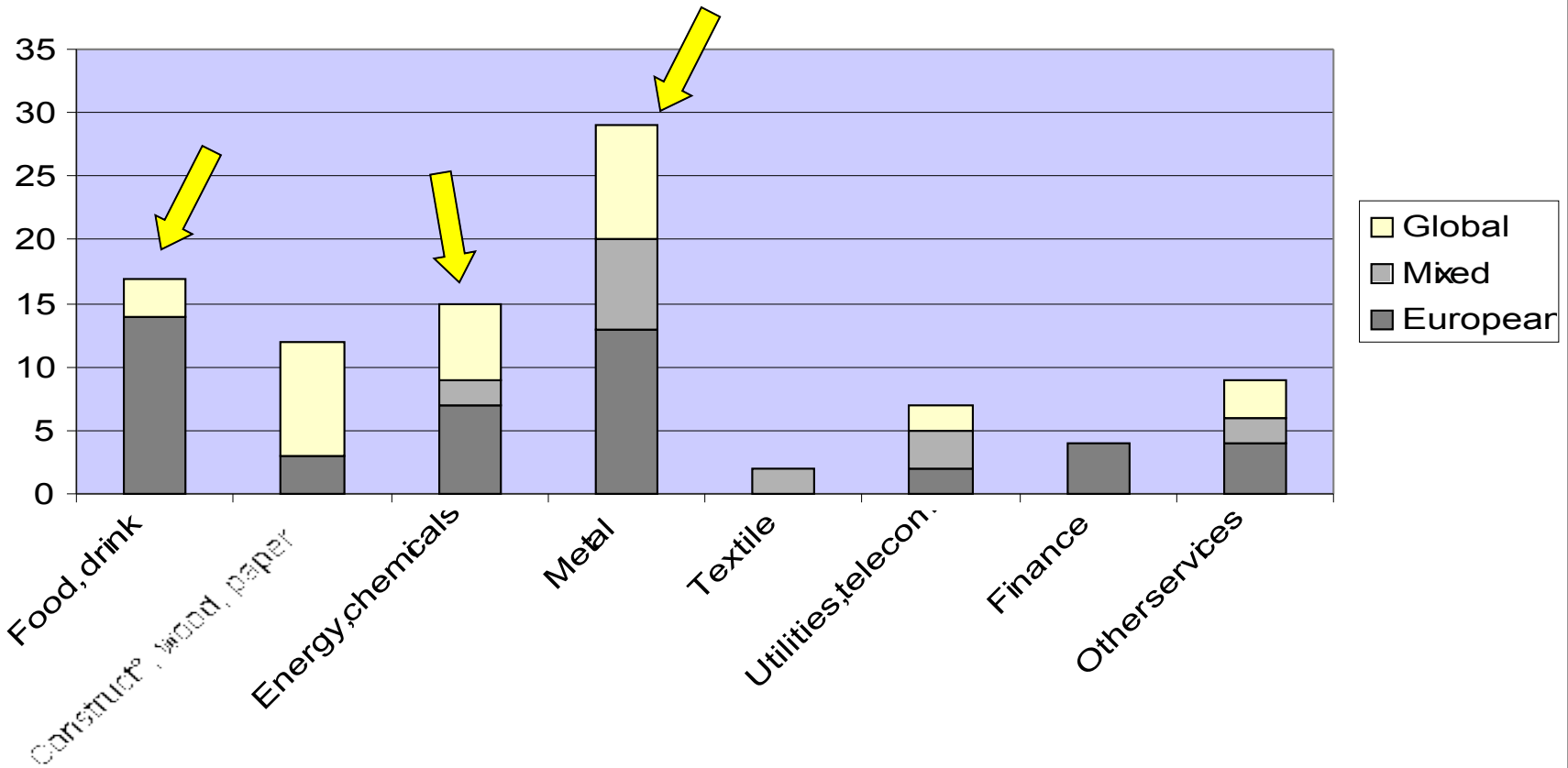
Global, European or mixed scope of the texts concluded

Scope of the transnational texts recorded

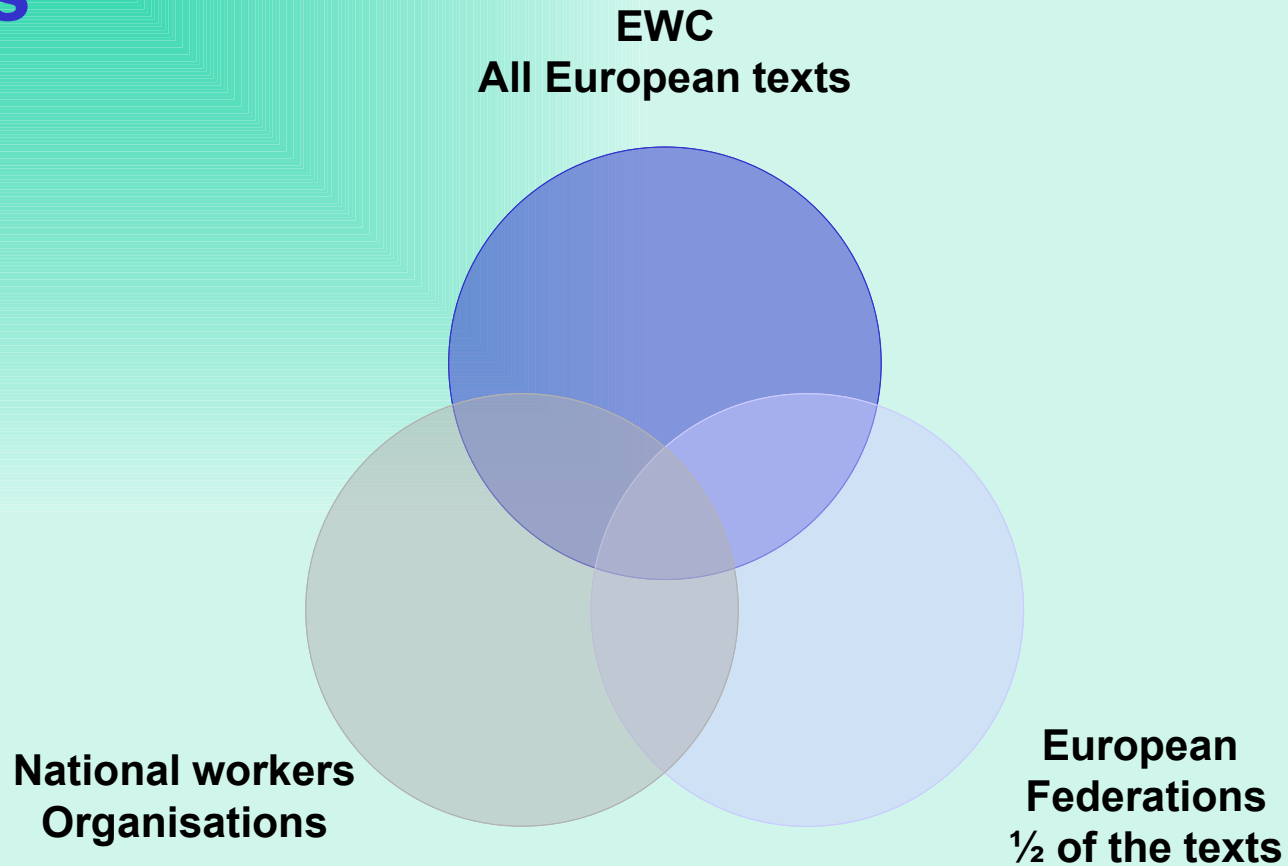


Metal and food, energy, chemicals & drink sectors particularly involved in the process

Sectors involved in transnational texts recorded



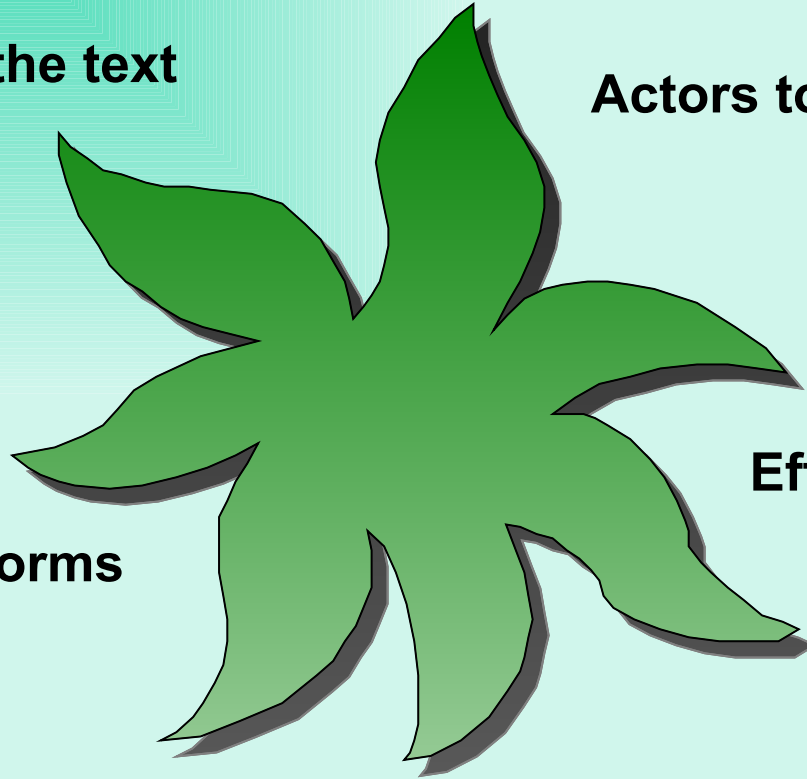
Actors



Open questions

Form of the text

Actors to the negotiation

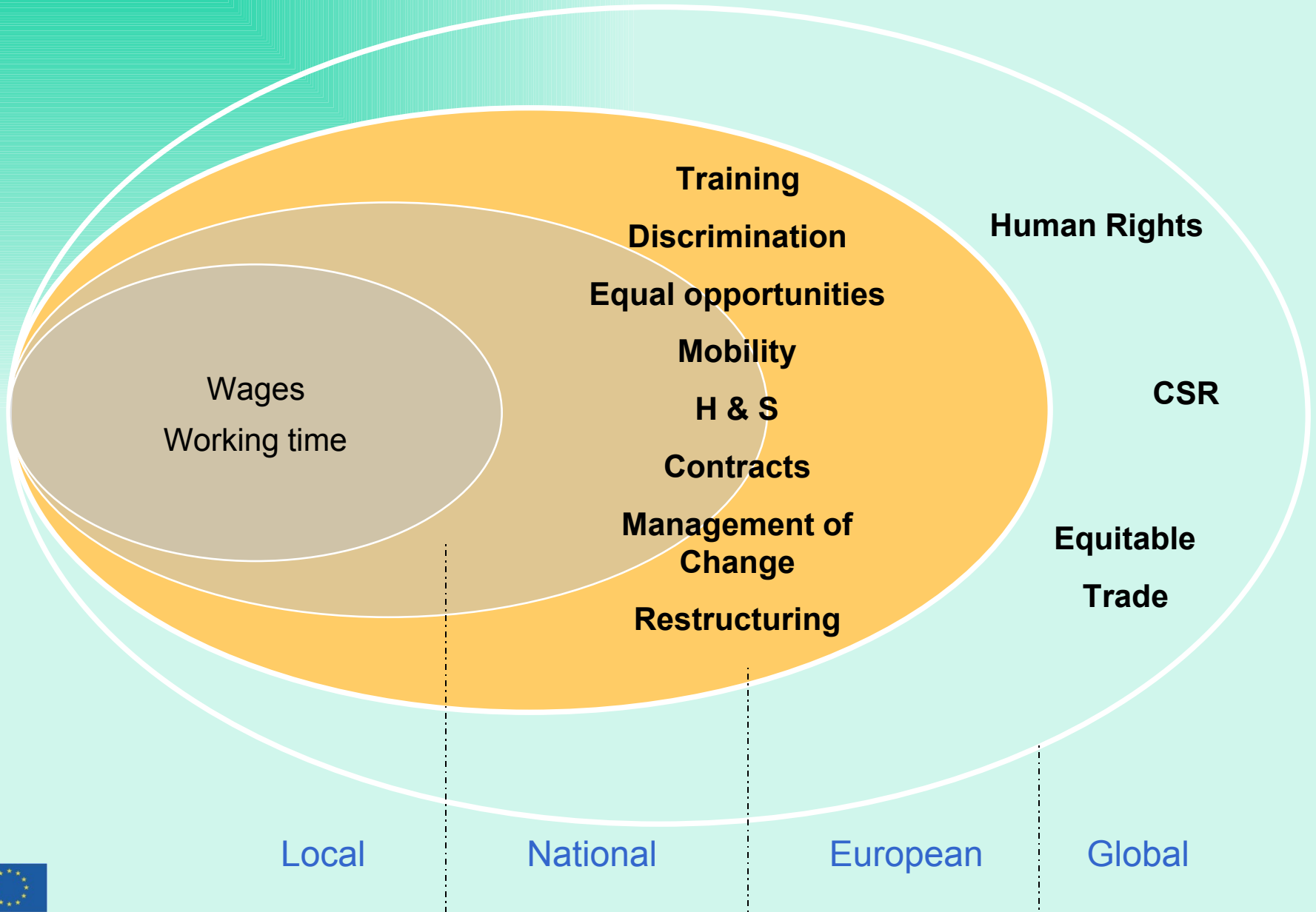


Effects of agreements

Link between norms

**Uncertainty, for ex. by merger or acquisition
Dispute resolution**

Domains - Towards a new articulated IR system?



Information & Consutation

1. Framework directive on Information and consultation

A general framework for informing and consulting employees adopted in 2002:

Directive 2002/14/EC

- A general framework setting out minimum requirements
- A right to information and consultation
- National adaptation of practical arrangements in a way as to ensure effectiveness
- Employer and employees' representatives shall work in a spirit of cooperation, taking into account the interests both of the company and of the employees

2. Information and consultation on specific issues

- **Collective redundancies 98/59/EC**
- **Transfers of undertakings 2001/23/EC**
- **Health & Safety framework 89/391/EC**

3. European Works Councils - EWCs

The first Directive dealing with transnational information and consultation: European Works Councils Directive 94/45/EC

- **To apply in Community-scale undertakings or groups: 1000 employees, 150 in each of two MS**
- **Gives employees right to seek creation of EWC**
- **Representatives of undertakings from all Member States to be involved in negotiations**
- **Priority to negotiations between social partners**
- **‘Subsidiary requirements’ (Annex) on EWC only apply if negotiations fail or refused**
- **Procedures for selection of employee representatives-Member State level**

EWCs - Progress under Directive

- **2260 companies in the scope**
- **820 EWCs active**
- **14.5 million employees represented - about 60% of employees concerned – by 15 000 employee representatives**
- **Incorporated into existing industrial relations systems without difficulty**
- **Directive under revision**

The review: a long story

- **1999: Due, according to art 15 of directive 94/45/EC**
- **2000: Report on application COM(2000)188**
- **2001: Resolution Parliament A5-0282/2001 Menrad**
- **2001: Directive involvement in SE 2001/86/EC**
- **2002: Directive framework I & C 2002/14/EC**
- **2003: Directive involvement in SCE 2003/72/EC**
- **2003: Opinion Ecosoc CESE 1164/2003 Piette**
- **2004: First consultation social partners**
- **2004: Case studies-lessons learned by social partners**
- **2005: Communication restructuring COM(2005)120**
- **2006: Resolution Parliament PA_TA(2006)0088 Cottigny**
- **2006: Opinion Ecosoc CESE 1170/2006 Iozia**
- **2007: Resolution Parliament PA_TA(2007)0185 joint motion**
- **20 Feb. 2008: Second consultation social partners C(2008)660**



The problem

Half of EWCs not consulted before a transnational restructuring decision is made public (Waddington), high profile cases Volkswagen, Nokia,...

Legal uncertainties: M&As, what is a consultation? Link national/ transnational, Special Negotiating Body setting

The objectives

Effectiveness of transnational information and consultation rights

Legal certainty

Better regulation – interplay between directives



More Information ... EUROPA website for social dialogue

<http://ec.europa.eu/socialdialogue>

