



EUROPEAN COMMISSION

Employment, Social Affairs and Equal Opportunities DG

Social Dialogue, Social Rights, Working Conditions, Adaptation to Change
Social Dialogue, Industrial Relations

Consultation of the European social partners for a review of the implementation of the Commission Communication and Decision of 20 May 1998

A. Objectives of the Communication:

Taking stock of the implementation of the Commission Decision of 20 May 1998, which set up the sectoral social dialogue committees with a view to better strengthen and promote the sectoral European social dialogue and its functioning in accordance with article 138 and 139 of the Treaty.

B. Background

The European sectoral social dialogue has developed rapidly, with 36 committees at present and several sectors preparing for the creation of new ones. Sectoral social dialogue produces outcomes of practical importance. Over 70 million workers and nearly six million undertakings can be covered by the decisions, declarations and agreements of the social partners at sectoral level. The objective of the Commission is to cover 100% of the economy. It is also to support the setting up of social dialogue committees gathering all relevant players that intervene in a given sector. This explains the growing importance of sectoral social dialogue and the European commitment to support and enhance its role.

The Commission Communication on "*Adapting and promoting the social dialogue at Community level*"¹, of **20 May 1998** and Commission Decision 98/500/EC², annexed to it, lay down precise provisions concerning the establishment, representativeness and operation of sectoral committees intended as central bodies for consultation, joint initiatives and negotiation.

Since 1998, the Commission supports the creation of new committees whenever the conditions, enacted by the Decision, are met: structured and representative players at European level having ability to negotiate agreements and willingness to undertake structured social dialogue.

¹ COM(98)322 http://ec.europa.eu/employment_social/social_dialogue/docs/com322_en.pdf

² Commission Decision of 20 May 1998 on the establishment of Sectoral Dialogue Committees promoting the Dialogue between the social partners at European level, OJ L 225, 12.8.98

Through its Communication³ of **26 June 2002** the "*European social dialogue, a force for innovation*" the Commission calls on the social partners to develop their autonomous social dialogue. The Commission sets out to encourage co-operation, groupings and synergies, to orient the dialogue more towards dialogue and negotiation and to give priority to committees producing concrete outcomes. Through its Communication⁴ of **12 August 2004** on "*Partnership for change in an enlarged Europe- enhancing the contribution of European social dialogue*" the Commission suggests a common typology with a view to assist the understanding of various social dialogue instruments and to help social partners to improve their transparency.

The Commission intends to review the implementation of its Communication and Decision of 20 May 2008.

According to Article 5 of the Commission Decision of 20 May 1998 on the establishment of social dialogue committees promoting the dialogue between the social partners at European level,

"The Commission shall regularly review, in consultation with social partners the functioning of the sectoral social dialogue committees and the pursuit of activities in the different sectors"

This is why the European social partners are invited by the Commission to reply to the following questions relating to : creation and functioning of the sectoral social dialogue committees, synergies between sectors, implementation of their outcomes and their impact. Social partners' contribution is of the utmost importance. For this review, we would welcome comment and opinion based, as much as possible, on concrete examples drawn from the experience in social dialogue sectors.

³ COM(2002)341 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2002:0341:FIN:EN:PDF>

⁴ COM(2004)557 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2004:0557:FIN:EN:PDF>

Consultation of European social partners on the creation, functioning, outcomes and impact of social dialogue committees

1. On the creation of social dialogue committees.

According to Commission Decision of 20 May 1998, the establishment of sectoral social dialogue committees is based upon the following prerequisites: (cf Article 1)

1. **Autonomy and bipartite dimension:** "Sectoral social dialogue committees are established in those sectors where the social partners make a joint request"
2. **Demarcation:** European social partners "shall relate to specific sectors or categories"
3. **Representativeness:** European social partners "shall be composed of national members, which are themselves part of Member States' social partners structures in several Member States"
4. **Contractual Capacity:** European social partners shall "have the capacity to negotiate agreements"
5. **Administrative Capacity:** social partners shall have "adequate structures" to ensure their effective participation in the work of the committees and in the consultations launched by the Commission.

In recent years, the formal creation of new committees has often been prepared by informal "test phase" periods.

1.1 Questions on Autonomy

- (1) How do European social partners consider their role during the preparation-phase of the creation of social dialogue committees?
- (2) What should be the role of the Commission when the European social partners do not reach an agreement on establishing a sectoral social dialogue committee?
- (3) What is the assessment of the European social partners on the added value of informal social dialogue phases ("test-phases") prior to the launching of new social dialogue committees?

1.2 Questions on the sectors' perimeter

- (1) What should be the relevant cut-off point for European sectoral social dialogue committees, at EU level?
- (2) What should be the approach as regards the minimum size of sectors?
- (3) How well are sectoral developments reflected in the sectoral social dialogue committees? (new emerging activities, new markets, new actors)
- (4) What do you think of the Commission's objective to cover 100% of the economy with social dialogue committees?

1.3 Questions on representativeness

- (1) Has this criterion helped sectoral social partners to reinforce their structure and their organisation?
- (2) What should be the minimum level of representativeness for integrating new committees?
- (3) How should "organisations representing certain categories of workers or of undertakings" be handled?
- (4) What should be the most relevant approach to deal with double-affiliated organisations?
- (5) Should a formal specific status (*of observers, associates, complementary European social partners*) be created besides the status of European social partners?

1.4 Question on capacity of European sectoral social partners to negotiate agreements

- (1) What is the understanding of this criterion by sectoral social partners?
- (2) What are the main obstacles to get and exercise such capacity?

1.5 Questions on the administrative capacity

- (1) What could European social partners undertake to strengthen their capacity?
- (2) What is the understanding of "adequate structure"?
- (3) What progress has been made? And how was it made? (in terms of capacity building, use of ESF, participations, contributions inside committees)
- (4) What are the on-going challenges? (expertise, effective participation)

2. On the functioning of social dialogue committees

According to Communication Decision of 20 May 1998, the functioning of social dialogue committees is based upon:

1. **Consultation:** *"Each committee shall be consulted on developments at community level having social implications"*
2. **Promotion of social dialogue:** *"Each committee shall develop and promote the social dialogue at sectoral level"*
3. **Adoption of Rules of procedures and work programme:** *"Each committee shall together with the Commission establish its own rules of procedure"*
4. **Composition:** *"The representatives of the two sides of the industry shall take part in the meetings and the promotion of equality between women and men should be insured"*
5. **Chairmanship and secretariat support:** *"The Commission shall provide the secretarial services and meetings shall be chaired either by a delegate of the employers or the employees or, of the Commission"*

2.1 Questions on Consultation

- (1) What is the social partner's assessment on consultations within the social dialogue committees?
- (2) How could consultations between social dialogue committees and other consulting bodies be better articulated?

2.2 Questions on the promotion of social dialogue

- (1) What is the impact of the European social dialogue on the visibility and defence of the sectors' interests?
- (2) What sort of tools should be available for promoting the outcomes of the European social dialogue (exchange of information, consultations)
- (3) How could social partners better use the committees for an autonomous social dialogue?

2.3 Questions on rules of procedure and work programme

- (1) Should the rules of procedures be more harmonised, standardised or developed more with the cooperation of the Commission?
- (2) Should the decision-making process inside committees be reviewed regularly?
- (3) What is the best pace for drawing up work programmes (annual/ biannual?)

2.4 Questions on composition of delegations

- (1) How do social partners promote the participation of new Member States' representatives?
- (2) What measures should they take for ensuring a balance between men and women within delegations?

2.5 Questions on Chairmanship and secretariat

- (1) How can the balance between the Commission' priorities and the social partners' work programme be ensured in the drafting agendas of meetings?
- (2) Should a deadline be set for communicating agendas, working papers or any other documents (slides) prior to social dialogue committees' meetings?
- (3) How could the logistics of meetings be improved (table plans, names, pre-meetings and debriefings with secretariats and the Commission)
- (4) How could the chairing of the meetings be improved? (objectives to reach, summarizing discussions, synergies between Chairs and the Commission)
- (5) What sort of tools should be used for ensuring follow-up of the meetings? (debriefings, questionnaires, indicators, monitoring of actions)
- (6) What use is made of the minutes? by the European social partners, by their members?

3. Synergies and cooperation

According to the Commission Communication of 26 June 2002, synergies between sectors should be reinforced

3.1 Questions on the cooperation between social partners and the Commission

- (1) To what extent could the support given by the Commission be improved?
- (2) How could the transparency of social dialogue committees' work be enhanced?
- (3) How is the Commission website on social dialogue used by social partners?
- (4) What should be the role of the Commission in integrating new actors in committees?
- (5) Do you think that the SSDC's work and contributions are adequately taken into account in European social policies?

3.2 Cooperation between sectors and the cross-industry level

- (1) How should sectors integrate cross-industry autonomous agreements in their work and reflection?
- (2) To what extent do social partners cooperate with the cross-industry social dialogue? With the European Works Councils?

3.3 Cooperation between sectors

- (1) Could you envisage other tools than the "forum de liaison" for ensuring the coordination between sectors?
- (2) What is your assessment of pluri-sectoral initiatives?
- (3) What type of tools should be available for better identifying common issues between sectors?
- (4) What can you learn from other committees' practices?

3.4 Cooperation inside sectors

- (1) What are the reasons/obstacles of national members for participating/ not participating in European social dialogue meetings?
- (2) Are new actors well represented in committees?
- (3) What are the main obstacles facing newcomers when joining committees?
- (4) How do European social partners work with national member organisations whose resources, constraints and strategies vary greatly from one country to another?

4. On the implementation of outcomes of sectoral social dialogue

According to the Commission Communication of 12 August 2004, the aim of the Commission is to promote awareness and understanding of the results of the European social dialogue, and to improve their impact and follow-up.

4.1 Questions on typology of texts

- (1) To what extent is the typology suggested by the Commission within its Communication known by the European social partners?
- (2) How is this typology used by social partners when European negotiations are launched?
- (3) Has this typology helped social partners to draft follow-up provisions?
- (4) Could social partners involved in sectoral social dialogue committees give concrete examples?

4.2 Questions on negotiation process

- (1) Should specific rules of procedure for the negotiations be approved by social partners before launching negotiations?
- (2) Should observers (or other social partners) be invited during the negotiation process?
- (3) Should non-EU social partners be more involved in negotiation processes?
- (4) How do social partners assess the legal support of the Commission (DG EMPL, other DG's) during the negotiations phase?

4.3 Questions on the implementation of outcomes

- (1) What type of implementing indicators could be developed?
- (2) How could European social partners guarantee more binding and effective transposition and implementation by their affiliates?
- (3) What sorts of incentive actions are most appropriate for ensuring implementation?
- (4) To what extent should social partners involve Member States in the implementation of their outcomes?

<h4>5. On the impact of Sectoral social dialogue committees</h4>

- (1) What are the key challenges faced by your sector?
- (2) What specific responses have activities of your sectoral social dialogue committee given?
- (3) What are the main difficulties that could put into question the pursuit of activities of a sectoral social dialogue committee? (lack of trust, of delivery, of capacity, weakening of representativeness, new perimeter, economical changes...)
- (4) How do you see to address them?