

Trade union strategies for promoting good labour relations in a changing industrial landscape





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Author: Volker Scharlowsky

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FOREWORD

Dear Readers and Friends,

People's trust in the ability of workers' organisations to play a part in setting the agenda is on the up again – that was one of the core statements of a seminar organised by the EZA in collaboration with Beweging.net – Ter Munk on the occasion of the 30th anniversary of the European social dialogue in March 2015 in Brussels.

This development is encouraging, as workers' organisations face huge challenges everywhere in Europe today: globalisation and the impact of the financial and economic crisis have exacerbated the situation in Europe's labour markets and resulted in increasingly precarious and atypical employment conditions. Unemployment among young and old and mass unemployment have increased markedly, with dramatic effects on the families affected. The internationalisation of trade and production makes it difficult for workers' organisations to organise themselves in multinationals. In addition, workers' organisations in a number of European countries are struggling with a social dialogue that has weak foundations in institutions and/or is restricted by the respective governments.

Analysing these and other challenges and drawing up recommendations for action was the task of the co-ordination of projects covering a total of eight education and training events organised by the EZA in the 2014 education and training year focusing on "Trade union strategies to promote good labour relations in a changing industrial landscape". In terms of issues, the seminars/working groups built on the previous year's project co-ordination. Initial results of the joint research project of the EZA and HIVA – Onderzoeksinstituut voor Arbeid en Samenleving – on "Conditions and criteria for a successful social dialogue in Europe from the point of view of workers'

organisations” were put up for discussion by the HIVA experts involved at some of the seminars/working groups.

My special thanks go to Volker Scharlowsky, who – as in the last education and training year – was the project co-ordinator giving input on content and methods, evaluating the results and drawing up this final report. In addition I wish to thank the member organisations involved for the good, result-oriented co-operation. The European Commission’s Directorate General for Employment, Social Affairs and Inclusion supported our activities with content and funding.

Our aim with the results and recommendations for action of this brochure is to give workers’ organisations and their multipliers ideas for their daily work, and we would very much welcome suggestions and comments on these issues that are so pressing for all workers in Europe. You can find our contact details on the back of this brochure.

Sigrid Schraml
EZA Secretary General

INTRODUCTION

Dialogue with the social partners and among the social partners – i.e. tripartite or bipartite – is one of the cornerstones of the European social model. This applies to the EU as a whole and to the member states of the European Union. This makes social dialogue the “core business” of European or national social policy in shared social responsibility.

In this, training, consultation and exchange of experience particularly with and between trade unions and corporate stakeholders are key methods of the work of the European Centre for Workers’ Questions (EZA) in conformity with the European social model. In 2014/2015 I was able to attend a number of activities promoted by the EZA in this field, help shape some of them, obtain and evaluate results.

This report therefore comprises three elements,

- in which the seminars and working groups incorporated are presented,
- the results and
- a few summarising thoughts.

The fact that institutionalised social dialogue and the promotion of it in 2015 has now been operating on a European level for 30 years made the work more attractive, giving an insight in an “anniversary year” into European reality and its development.

My express thanks go to everyone involved from the numerous states/workers’ organisations, academic bodies and my co-operation partners from the EZA secretariat for the co-operation shown at all times.

Berlin, March 2015



SUMMARY

A total of nine events between November 2013 and March 2015 made up the co-ordinated EZA projects on the issue of “Trade union strategies for promoting good labour relations in a changing industrial landscape”. In each case the focus was on the situation/prospects for more or less institutionalised social dialogue in the member countries, in some cases individual industries or sectors, and within the European Union in general.

The participants and speakers comprised some 330 representatives from about 20 countries, predominantly from trade unions or umbrella trade union organisations, as well as from employer organisations, academic institutions and from state functions.

A positive element shared by everyone involved was a commitment to some kind of social dialogue, which nevertheless contrasts starkly with the often inadequate reality which was accurately described. It seems understandable that there are differences in the configuration or intensity of the social dialogue that can be explained both historically and economically – for instance between Northern/Western Europe and Southern/Eastern Europe.

European social dialogue is a core aspect of the pan-European social policy of the social partners (employers/workers) and is defined as an important part of social policy under the system of the European Union’s social market economy, for the member states, too. Besides the bilateral dialogues of the respective social partners in the countries or across the EU in sectors or in general, there are also trilateral forms involving the governments. However, according to numerous reports in the seminars and working groups presented here, both the bilateral and the trilateral dialogue nationally and regionally are often only rudimentary and hardly result-oriented, not at all geared to workers’ interests – right through to open refusal on the part of companies to dialogue in some cases. In addition there are cumulative references

to political changes to the respective national participation structures to the disadvantage of the trade unions, particularly in the industry-wide representation of interests.

The report also makes it clear that although social dialogue is championed by the European Union, both the Parliament and the Commission have only a very limited insight into its reality, i.e. they evaluate it and politically accompany it inadequately. The report is rounded off by conclusions on better involvement: we refer to more regular monitoring/debate in the European Parliament, perhaps specific mediation to overcome permanent regional or sectoral problems in the balanced configuration of social dialogue, and thoughts on possible sanctions.

1 INTRODUCTION

1.1 Description of the issues

Politics, the economy and society are in a state of flux throughout Europe, but in different ways in the individual states. A starting point is the economic crisis, which also leads to the question what roles and prospects for action workers have, how their legal, social and economic situation develops. A second identifiable driving force behind the state of flux are fundamental, structural and longer-term developments in public services and private commercial enterprises – including privatisation strategies particularly in public services, as well as radical changes in the manufacturing sectors and increasing international influences, links/migratory flows, and last but not least the policy of European integration.

The EU itself demands, promotes and practises various forms of social dialogue on a European level. Company participation structures, company-specific possibilities for co-determination, sectoral social partner structures and political social dialogue between the social partners and the executive are ways of incorporating the interests of trade unions or trade union confederations, particularly with the aim of representing the interests of as many workers as possible. These ways are sometimes viewed critically, sometimes handled restrictively and to a reduced extent – and in each case precisely not by the workers/their organisations. However, practically every segment of the seminars and working groups included made it clear how different the respective national systems and possibilities for trade union action are, and thus how complex transnational co-operation is.¹

¹ cf. with regard to this section e.g.: <http://www.worker-participation.eu/Nationale-Arbeitsbeziehungen/Landkarte>
This interactive map produced by the European Trade Union Institute ETUI gives an overview of the various national worker participation provisions and possibilities for trade union action.

Besides a multi-track model with works councils and trade unions as well as continuously structured/organised employer associations and trade unions (examples: Austria, Germany), there are structures in which solely trade unions dominate on the employee side, for instance also directly organising workers' representation in companies (Romania, Poland). Unlike Austria with its non-competing trade union structure, there are states with competing trade unions and umbrella trade union organisations in a partially co-operative structure (Belgium), as well as in free competition between organisations (Spain, Bulgaria), where patently not always the ideological background (in particular Christian-social and socialist principles) prevails. In the report it is also evident that there are states with strictly regulated trade union legislation (the Former Yugoslav Republic of Macedonia), and those that have renounced structure-forming legislation (Germany). Finally there are significant differences in the degree of trade union organisation and the coverage of collective wage agreements – evidently these are not necessarily the reason for the differing assertiveness of workers.

The seminars were therefore not only about descriptions of the current situation, but time and again primarily about the question of how workers can express themselves more effectively on a company, national and European level, and represent their interests. The EZA itself says about this: “In times of crisis and mass unemployment the European social dialogue is needed now more than ever before in a political and economic union”², i.e. is necessary precisely in tough economic times, as evidenced by contemporary history. Examples and reports from Germany³ show: social partnership, social interaction in a company is no “fair-weather event” when everything is fine and the economic situation is strong. Social partnership is ideally suitable

2 EZA (ed.): EZA Internet Guide for the European Social Dialogue. Concept document, Königswinter, 2014, stored under: http://www.eza.org/fileadmin/system/pdf/Konzeptdokument/Konzeptdokument_2014_EN.pdf (10.02.2015)

3 cf. e.g. the contemporary witness reports from the immediate postwar years reported by the author in Brussels on 03.03.2015 – Aachen public service, Münsterland textile industry, Ruhr area coal and steel industry – and the environment bonus/‘clash for clunkers’ bonus in the automobile industry in 2009.

Also similar: Discussions of the company visits in Latvia and Romania (cf. 2.2. and 2.6.)

or possible in crisis situations. It takes all parties involved seriously, integrates them and creates joint responsibility even when tough decisions have to be taken.

For the EZA as an association of workers' organisations from 27 European countries based on Christian-social values, social dialogue also has a socio-ethical dimension, shortly to be introduced.

Three basic concepts define the conception of social ethics:

- Human dignity (decency)
- Solidarity (compassionate cohesion)
- Subsidiarity (responsibility and self-help).

A special focus is labour as gainful employment: it embraces the whole of human activity, mental and physical, self-employed and employed labour, everything that sustains life. In our society, however, labour in the form of paid work plays a special role, as income for the majority of the population can be achieved only through their manpower being made available.

Yet when labour plays a special role, it seems logical to regard capital and other resources as means, but less important than labour. John Paul II said: everything contained in the concept of capital is "only a collection of things. Man, as the subject of work, [...] man alone is a person."⁴. But how is the balance between the representatives of capital and workers to succeed unless it is on an equal footing, i.e. through dialogue?

⁴ Encyclical *Laborem exercens*, 1981, no. 12

Now we know that things often operate differently in the economic reality – the only catchphrase bandied about is “shareholder economy”, i.e. an economy committed solely to capital. Social ethics, on the other hand, calls for fairness in the interplay of economic and social forces. That is key to the search for a balance of interests and objectives, the basic pattern of social dialogue.

For a last reference we are grateful to the Jesuit priest and social ethicist Oswald von Nell-Breuning, who with his academic work and political advice – both for trade unions and political parties – and his trenchant position within the church arising from the 19th century “labour question” – primarily the speech about the organising of workers – in social ethics terms made the modern “man in today’s economic society”⁵ with the aim of a socially integrated and co-determining citizen. He championed economic co-determination: “That the owners have a legitimate interest in having a say when appointing the people who control and manage their assets on the business side, makes sense; that they alone should be entitled to do so whilst those who invest their labour in the company and have to have others control and manage their own person are simply supposed to resign themselves to the company management engaged or replaced by the owners at their discretion, makes less sense.”⁶

The entire issues can also be defined by questions to which answers were sought in the seminars or which were discussed in the working groups. These are specifically:

- What means can trade unions use?

5 In the original title of a book published by Oswald von Nell-Breuning: *Der moderne Mensch in der heutigen Wirtschaftsgesellschaft*, Munich 1975

6 DIE ZEIT, 48/1968, <http://www.zeit.de/1968/48/warum-ich-fuer-die-mitbestimmung-bin>, stored on 06.01.2015

- What future do they have in Europe?
- How is trade union work changing?
- Where do governments of the EU member states stand on social dialogue?

And especially:

- How can social dialogue be made more effective?

As the report shows, the issue is neither narrowly defined nor conclusively dealt with by the seminars and working groups. That was also hardly to be expected, given the breadth of issues, the different economic and social structures in Europe, and the differing political developments in the states.

1.2 Legal and organisational starting points of social dialogue in the EU

The EU has a number of legal provisions and thus instruments for shaping social dialogue on an EU level. The oldest committee is the European Economic and Social Committee (EESC) that has been in existence since 1957 with its groups of workers, employers, and other interests (for instance consumer organisations). Altogether we can differentiate between formalised structures and often more informal forms of contact and information, which include forms of lobbies and individual trade union liaison bodies. All in all, though, we may say that business-related lobbying is considerably more comprehensive, and in comparison the trade union players are a small group of mainly larger national umbrella organisations. In addition,

the establishment of the European Trade Union Confederation (ETUC) along with the European Trade Union Institute (ETUI) and sectoral organisations (EPSU; IndustriALL, etc.) created the conditions for co-shaping comprehensive forms of worker participation on a European level.

The legal basis for social dialogue on the European level is found in Articles 154 and 155 of the Treaty on the Functioning of the European Union (TFEU). The key points are:

- Recognition of a central role of the social partners
- Consultation of the social partners is to be encouraged
- Dialogue between them is to be supported
- Social partner agreements can replace Commission projects

In socio-political terms, there is also the possibility of being active through the public institutions – Commission, Parliament, Council –, through social partner activities, or in a joint initiative. Forms of European social dialogue are structured accordingly:

In general for the EU

- Sectoral Social Dialogue Committees
- Social Dialogue Committee
- European Economic and Social Committee, EESC (since 1957)
- Trade Union Intergroup in the Parliament

- Liaison bodies
- Trade union organisations (e.g. ETUC)
- European Works Councils
- Education and training, consultation (EZA, for instance)

The Sectoral Social Dialogue Committees have since acquired considerable importance; there are about 40 now. In addition, there are European Works Councils which, according to information from the Hans Böckler Foundation, are formed in a third of the corporate groups eligible to have an EWC⁷.

Moreover, with its financial support the EU promotes in particular education and training and advice for developing social dialogue in its various structures, not least with regard to European regions in need of development.

1.3 The project co-ordination tasks

The project co-ordination monitors and supports concrete projects in line with the agreement concluded, and afterwards draws up its own findings. Project co-ordination is neither a form of indirect project management, nor does it set any targets. Nor is its task to supervise or evaluate those involved in the projects.

For instance, firstly the implementing organisations are offered specific advice on preparing the seminar/working group or assistance; secondly,

⁵ Jaeger, R.: Europäischer Betriebsrat – Was man wissen sollte. Working paper, published by the Hans Böckler Foundation, Düsseldorf 2011, stored under http://www.boeckler.de/pdf/mbf_ebr_was_man_wissen_sollte.pdf, 15.11.2014

overarching arrangements, contacts – including contacts with speakers if necessary – and initial documentation on the individual seminars/working groups are provided, not least in the shape of a brief report that is usually drawn up. Moreover, the continuity of staffing enables references back to the content of sessions held, as and when required.

2 SEMINARS AND WORKING GROUPS

2.1 Kick-off event: Working group in the context of the EZA kick-off seminar “Key areas for the European social dialogue”

28.-29.11.2013, KK NSZZ “Solidarność” (Komisja Krajowa NSZZ “Solidarność”), Wieliczka, Poland

Key points of the project sequences were discussed in the working group. It was agreed that the Project Co-ordinator would plan participation in each of the project events and in addition would draw up a final full report. The Co-ordinator can also assist the organisations involved when it comes to questions of preparation for the events with technical advice or with contacts.

2.2 Seminar “Criteria for quality assessment of social dialogue in the Baltic States”

24.-26.04.2014, LKrA (Latvijas Kristīga Akadēmija), Jūrmala, Latvia

Seven speeches and a visit to the Riga HQ of the Maxima retail group⁸ were the features of the seminar of the Christian Academy of Latvia. The focus was on social dialogue with regard to the Baltic States and also, in part, on a comparison with the rest of the EU.

⁸ cf. 3.3.

The seminar was organised by Skaidrite Gutmane, Rector of the host academy, and Guntis Dislers, a member of its staff. The well structured and full programme was determined by the perspectives of the state and role of social dialogue (bilateral and trilateral) in the Baltic States. A broader view was provided by the contributions from Juris Osis (member of the academic staff of the Free Trade Union Confederation of Latvia) on qualitative criteria, and on the German situation (Volker Scharlowsky, M.A.), who basically diversified the issue analytically and with examples.

The focus was on two topics: the situation of social dialogue, and strategies for further development. The problems of social dialogue pointed up by Baltic trade union representatives (Egis Baldzans, Vice-President of the Free Trade Union Confederation of Latvia, Dr. Aimar Altosaar, representative of the Estonian Trade Union Confederation Eesti Tööküsimuste Keskus/ETÖK, and Peteris Krigers, President of the Free Trade Union Confederation of Latvia) originate from the organisational weakness of the employer organisations, as well as from the existing black economy and, in a long-term context, the change in core societal values since the Second World War (food for thought from Dr. Ivars Indans, a Latvian socio-economist). Guy van Gyes (Research Manager at HIVA – Onderzoeksinstituut voor Arbeid en Samenleving at the University of Leuven, Belgium) made a key contribution to a broader view of the rather empirical systematisation of social dialogue in Europe by illustrating its traditional strength in the Western/Northern European industrial areas, as also shown by the example of worker co-determination provisions in Germany.

Improving social standards – not just in terms of economically based social dialogue, but applied on a broader societal basis – was another focus of the seminar (Juris Osis and Prof. Elvyra Aciene/Prof. Indre Dirgeliene, both from the University of Klaipeda, Lithuania). The speaker from the Latvian trade union movement presented numerous models of the empirical classifica-

tion/indices of the respective quality of social dialogue that are supposed to make the national social development readable on the basis of key indices, requiring a marked improvement in quality in Latvia from his point of view. This speech was expanded on and supplemented by the presentation of exemplary training for a better multicultural mutual understanding with a view to an improved development of social standards in Lithuania.

2.3 Working group “Social partnership - workers’ participation in development and implementation of structural reforms in the Former Yugoslav Republic of Macedonia, countries from the region and the EU countries”

07.-10.05.2014, YHACM - UNASM - UIATUM (Union of Independent Autonomous Trade Unions of Macedonia), Ohrid, FYR of Macedonia

The seminar concentrated on sharing experience of the social and trade union situation and contributions relating to legislation on industrial disputes. The main feature of the working group as a whole was that it was attended predominantly by participants from the Western Balkans, including individual employers rather critical of the country’s socio-economic situation.

A detailed contribution from the UNASM President, Slobodan Antovski, introduced the issues and offered an opportunity for queries and contributions to the discussion on the situation of UNASM/trade unions in Macedonia and Western Europe, as well as on the role of works councils. This made it clear that in disputes the independent trade union organisation/its officials also have to deal with political/regulatory problems, and – looking at other states – the level of information has to be improved.

Legal experts Dr. Todor Kalamtiev and Aleksandar Ristovski (both from the University of Skopje, Macedonia) presented guidelines on both the social partnership and the industrial dispute and Macedonian legislation governing them.

An exhaustive feedback session at the end of the second day of discussion in particular gave a genuine impression of the difficult social and trade union situation in individual sectors/companies.

The political, economic, social and also organisational shift in Macedonia and the surrounding area is patently not over, and results in distortions that play a major part in discussions. A contribution from Kosovo showed a basically similar situation to that in Macedonia.

The registration/re-registration acts for trade unions and labour legislation manifestly aimed at impeding industrial disputes, the oft-criticised labour inspectorate, the altogether obviously low degree of organisation, and little willingness on the part of employers to take part in social partnership – according to the tenor of the contributions – create a situation characterised by inter alia an extremely low income level, labour migration and a high unemployment rate.

But the subject of social responsibility was also raised by individual seminar-goers from the business viewpoint, it being made clear that the current policy particularly in Macedonia is regarded as free market with no particular social responsibility that is of little benefit to working people and is not yet embarking on a satisfactory course of modernisation. For example: the statutory minimum wage in Macedonia manifestly fails to cover minimum needs and does not apply, for instance, in the relevant textile industry.

2.4 Seminar “Preservation of the social dimension in a competitive economy: European social dialogue in a changing industrial landscape”

22.-25.09.2014, Recht en Plicht, Belgrade, Serbia

Speeches and detailed, structured national reports determined the seminar agenda of the trade unionists operating primarily in the textile industry. It became clear how relevant the textile industry is for Southeast European countries in particular, as well as how fragile workers’ rights and social dialogue are.

The seminar was headed up by Jan Callaert, General Secretary of ACV-CSC Metea, whilst the Serbian Autonomous Trade Union Confederation was primarily responsible for organisation on the spot. Some two thirds of the seminar were taken up by the programmed speeches, with the last third being reserved for national reports. The three central topics were: the situation in the sector, workers’ rights, particularly in Southeast Europe, and economic and social prospects in the EU, including approaches to discussing trade union strategies. These topics were also covered by speeches and presentations/the national reports in terms of content.

The focuses of discussion on the contributions and in the national reports arose firstly from the range of the economic situations in the countries of origin and the additional overview contributions from the speakers of HIVA and IndustriAll Europe, and secondly from the tough trade union working conditions and manifestly reduced workers’ rights in individual states. Whereas the textile industry worldwide is under considerable pressure of competition, campaigns like “clean clothes” are only partially successful, and in addition protective rights and workers’ rights are under pressure in

various European states. Strategies for changing labour laws were illustrated with the specific case of Serbia. In social and economic terms the discussion thus focused on the role of the EU – implementing the principle of social dialogue, economic strategies, the opportunities for trade union co-operation were discussed. The specific case of the European Economic and Social Committee (Pierre-Jean Coulon, EESC member of the Workers’ Group) was also an exemplary illustration of how European co-operation can be promoted.

2.5 Seminar “Collective bargaining and social dialogue in the new European social construction”

06.-08.10.2014, USO – CCFAS (Unión Sindical Obrera – Centro Confederal de Formación y Acción Social), Costa de la Calma, Spain

The seminar dealt firstly with the prospects of possibilities of collective action (agreements) and secondly with the European prospects of economic/national framework conditions. On the second day consideration was given to the “International Day for Decent Work”.

The seminar was structured into eight thematic sessions – usually in the form of a presentation followed by rather few questions – and a final round. In the first round it was introduced on a high level by the head of the Balearic government José Ramón Bauzá Díaz and EZA President Bartho Pronk. A further four sessions concentrated on the Spanish take on the social situation, the status of the welfare state, good work and European social models. In addition the attitude to the TTIP free trade agreement was discussed on the basis of the ATTAC position.

A common thread running through the contributions to the seminar was a fundamental criticism of neoliberal politics, both in Spain, the EU in general and in other member states. The impact on the labour and income situation was discussed considering various aspects, including the viewpoint of a Catholic workers' education and training institution (Hermandad Obrera de Acción Católica, HOAC). The ETUC proposals for a social Europe and a European employment programme (the "Marshall-Plan") were highlighted as prospects for the European work.

In the high-level "political" introduction to the seminar the head of the government (Bauzá Diaz, People's Party) emphasised the permanence of trade unions as opposed to "cyclic governments", and stressed his intention to achieve the EU 2020 employment target (75% of people aged between 20 and 64 in employment) on the Balearic islands by increasing employment. In contrast the other speakers (Bartho Pronk and Margalida Riutort Cloquell, Caritas Director Mallorca) referred to social problems affecting not just the Balearics. They made clear both criticism of the state of social dialogue and the increasing importance of church and independent aid organisations in the face of the state abandonment of social responsibility.

The status and objectives of the social dimension of the world of work were the focus of empirical contributions and from the trade union perspective. For instance, the academic Jan van Peteghem (University of Leuven, Belgium) used various key indicators to present the state of social dialogue also as the consequence of a failure of workers' organisations to become involved. He also underpinned his thesis of a possible decoupling of strong trade unions and effective social dialogue: rather, successful companies and state mediation were required. International USO Secretary Javier de Vicente Tejada presented two core aims of the European Trade Union Confederation: the implementation of a social contract for Europe, and the institution of an ten-year investment plan of 200 billion euros a year, funded principally by

Eurobonds. The problem, he said, was little acceptance in Europe to date. Contributions from practice also made clear the range of national opportunities for trade union action, strategies and concrete problems.

Free trade agreements

The French ATTAC spokesperson Susan George criticised both the objectives and the conduct of the negotiations of TTIP as undemocratic and wrong. In particular, she underlined the negative consequences for agriculture, public services, senior citizens, workers, young people, the climate, and democratic/constitutional state development. European and US social models were incompatible, she said; 1.3 million jobs were at risk according to a (secret) EU study. She also criticised the planned investor state dispute settlement (ISDS). It was also pointed out that the Spanish trade union confederation USO was against TTIP, but there was also a clear range in trade union positions throughout Europe, from rejection through reservations about the content and critical backing to basic consent.

2.6 Seminar “Social dialogue or the dictatorship of the multinationals?”

09.-12.10.2014, CNS “Cartel Alfa” / F.N.CORESI (Confederația Națională Sindicală “Cartel Alfa” / Fundația Națională CORESI), Predeal, Romania

The seminar addressed the question of social relations in and with multinationals. It concentrated on their strategies, trade union opportunities for action, as well as political incorporation in national law. The seminar was rounded off by a visit to a company committed to social dialogue⁹.

⁹ cf. 3.3.

The seminar was structured into eight sessions, which tackled the basic possibilities of European and company-specific social dialogue, and contrasted this with the situation in countries represented, in particular Romania, as well as Bulgaria and Cyprus.

The key question in the seminar was: How is social dialogue to be understood and shaped? It was discussed from the angle of trade union experience, experience with the work of international works councils, and from the viewpoint of business associations. It repeatedly included the perception that on the one hand governments react to pressure from business and amend laws to the disadvantage of workers and their organisations, yet on the other hand social dialogue can be possible¹⁰.

Petru Dandea, a Romanian member of the EESC, emphasised that there were fundamental declarations of intent regarding social dialogue on the European level. The Commission had to contact the social partners in each case. Accordingly, social dialogue is generally bipartite, but can be organised on a tripartite basis. In contrast, Andreas Christofi, a representative of the trade union confederation DEOK (Cyprus) spoke of an “invasion” of Cyprus by the multinationals, in car hire and retail chains, for instance. So, although there was investment, there was little skilled work and scarcely any social dialogue.

A selective counterpoint was set by employers’ representative Puiu Doru (Romania), representative of the Association of Sectoral Committees. It tends to represent small and medium-sized (primarily commercial) enterprises, and explicitly champions training activities in the international context and of an international standard.

¹⁰ cf. 4. on the summarising final remark

2.7 Seminar “The significance of the European social dialogue for socially responsible restructuration, skills management and the introduction of new technologies in the European Graphical sector”

23.-25.11.2014, ACV-BIE (Algemeen Christelijk Vakverbondbouw – industrie&energie), Ostend, Belgium

The seminar featured core issues in the plenary session, intensified in the shape of working groups on the closing day of the seminar. The focus was also on skills and vocational training.

Overall – and evidently in the general estimation of the social partners – the traditional printing and graphical sector is under huge pressure from international collaboration and new technologies, albeit with the exception of the packaging industry.

By way of example, Laetitia Reynaud (political adviser to the Intergraf employers’ association) presented extensive data. A clear focus of the seminar was on the requisite skills and professional qualifications. The composition of the seminar and discussions also showed that social dialogue is possible in an industrial structure in a state of upheaval, despite a relatively young European sectoral dialogue (since May 2013).

Fatih Aydemir, senior organizer for UNI Global Union Graphical & Packaging, highlighted the global situation – including that of social dialogue. UNI encompasses a total of 900 trade unions and more than 20 million employees. Here, too, it was made clear that social dialogue as a “trouble-shooter” loses its effectiveness when its power of enforcement/agenda-setting is lacking. There are, however, activities aimed at a global social partner agreement.

2.8 Working group “The cooperation between trade unions and works councils in Europe – working group with special regard to the activity of multinational companies”

16.-18.02.2015, MOSZ (Munkástanácsok Országos Szövetsége), Budapest, Hungary

The working group was structured into five presentations and several brief contributions, with the facilitator incorporating some question and discussion sessions. Besides in-depth presentations of the situation, the discussions and contributions addressed the importance of independent works council structures and the difficulties of shaping social dialogue in multinational companies, especially across national borders.

What became clear time and again was the discrepancy between the Western European states, with their traditions of workers’ participation, and the Southern/Eastern European states; likewise the differing assessment of dual-track/single-track representation of interests – works councils and trade unions, or just trade unions with a works council structure.

Major topics of discussion included the connection/contrast between trade union company presence and works councils, the problems involved in setting up European Works Councils, and the more difficult situation compared to that in Western European states when it comes to enshrining/securing social dialogue in the Southern/Eastern European states.

It became clear that in principle the Solidarnosc representative, for instance, and other delegates advocate a concerted, single-track representation of interests by the trade unions. They distanced themselves from the

traditional co-operation between works council and trade union (Germany and Belgium) as a “Western European model”.

The problems with setting up, and the rights of, European Works Councils (EWCs) were also evident, it being noticeable that the Eastern European participants in particular tend to have little practical experience, as they have little contact with EWC members, or evidently only a few EWC players are known in the respective organisations. Social dialogue as a whole is obviously under pressure in these countries from the state/legislative deterioration in national opportunities for trade union action, and from the strengthening of corporate autonomy (which more than anything supports the employer side).

A conclusion that emerges is that it is manifestly more difficult in Eastern European economic systems to implement ILO conventions in full than in Western Europe. In addition, it is necessary to structurally strengthen the opportunities for developing European Works Councils.

2.9 Seminar “30 years of European social dialogue – successes, challenges and prospects for development”

03.-04.03.2015, Beweging.net, Brussels, Belgium

In a “stock-taking seminar” it was made clear that the European organisations of the social partners and the European Commission view organised social dialogue as the fundamentally right way in the EU, but all stakeholders see the continuing great need for action. The seminar was also an opportunity to acknowledge 30 years of European social dialogue.

The seminar comprised six panels. The first two rounds were dedicated mainly to a general survey of the European social dialogue, whilst each of the following seminar sessions focused on particular topics: labour relations, qualifications, the role of workers' organisations. With the manifest involvement of representatives of the employers, all in all the seminar demonstrated the significance and also the necessity of developing social dialogue further, and actively shaping it on a national and European basis in order to position the European social model/the European social market economy for the expected challenges.

The first panel with Raymond Maes (Deputy Head of Unit, European Commission, DG Employment, Social Dialogue and Labour Relations Unit), Renate Hornung-Draus (Chair of the Social Committee of Business Europe), Patrick Itschert (Deputy Secretary General of the European Trade Union Confederation) and Guy Van Gyes (Research Manager HIVA – Onderzoeksinstituut voor Arbeid en Samenleving, University of Leuven, Belgium) evidenced fundamental agreement.

However, Maes, who argued for investment, for greater economic co-ordination and for "dynamic social dialogue" – also as policy against long-term unemployment – provoked critical comments, too. Hornung-Draus recalled starting points which she saw clearly as more concerted in 1985 among the ten EU member states at the time than in the current situation. She referred firstly to the learning process required by everyone involved then and now. Secondly, she regarded the 2004 enlargement to the east as a turning point for employers as well – organisational problems evidently included. Hornung-Draus insists on scope for developing the social partners' work.

Itschert (ETUC) expressed critical objections to the established European austerity policy and remained non-committal about the Juncker investment plan ("only on paper so far"). He called for investment in infrastructure and rules

with deadlines applicable to the social partners as well as for agreed activities – whilst observing their independence on a national level in particular.

Van Gyes reported on the results of research¹¹ and came up with criteria/definitions for social dialogue: at its heart a “coalition for social welfare”. The challenges he identified were social dumping, income trailing behind growth in productivity, and a European minimum wage.

A second panel revealed differing experiences with social dialogue due to regional and economic reasons, and highlighted the range of options for action between the west, south and east of the EU, as well as different trade union traditions. The core themes that had already been made apparent repeatedly in previous seminars were: firstly, competition between the workers’ organisations (Carlos Solas Ruiz, President of AJUPE-USO, Spain) obviously also with government interference, weak social partner organisations as well as obstructions posed by labour law (Bogdan Hossu, President of Cartel Alfa, Romania); secondly, single trade union and social partner tradition in Germany without denying manifest weaknesses.

Hossu referred to progress in his country in industry owing to the continuing considerable importance of small businesses. It is practically impossible to organise the latter. He also addressed the problematical role of other stakeholders – not least the World Bank – which supported solely liberal positions without considering workers. Ruiz saw a way in greater European trade union commitment, including protests against further austerity policies.

In the discussions it became clear that the trade union situation was rated differently, particularly in Southern Europe; altogether more concerted or rather more stable economic situations were not to be assumed in Spain or Portugal yet, despite progress.

¹¹ Research project commissioned by the EZA

Two further plenary sessions, one with Emma Argutyan (General Secretary of the Employers' Confederation ECEG) and Jan Franco (International Secretary of ACV-BIE, Belgium), the other with Ronald Janssen (political adviser to the European Trade Union Confederation), delved further into the social partnership viewpoint across Europe, and also further introduced problems arising from globalisation trends. Self-confidence in the face of one's own value ("Commission needs and consults social partners"/Argutyan) and similarly viewed challenges became clear: skills development, education and training and ensuring social dialogue against inter alia critical counter-movements (Franco) tended to be uncontroversial; the fight against social dumping is increasingly a trade union position.

The EU REFIT project to cut red tape or deregulate health and safety legislation (Franco: "health and safety regulation needed"), general prospects of job security as a joint task of the social partners, also new forms of self-employment could only be intimated.

Janssen drew attention to a reinterpretation in the financial sector: the spreading wage/productivity trend, e.g. between Germany and other states, has become reinterpreted as a necessity in the falling wages trend. The increasing deregulation, precisely in collective bargaining policy, confronts the trade unions with considerable problems, and also creates competition (whereas in Spain, for instance, works councils can suspend collective wage agreements, in Greece collective bargaining is increasingly transferred to individual company levels) and in the end this has consequences for other states (wage cutting discussion in Switzerland), also in the climate of deflationary trends.

Following an introduction from Patrick Develtere, President of Beweging.net (Belgium), i.e. the host organisation, Sofia Fernandes (a member of the Jacques Delors Institute academic staff) examined the social impact of the

economic and financial crisis. She emphasised that, on the one hand, specific problems have been known for some time (age structure/ageing society), on the other hand the consequences of the crisis could be described in a societal trend: to link up social policy, global competition and tighter public spending. She categorically emphasised the continuing necessity of efficient national welfare systems, whereas prevailing macroeconomic trends have reinforced social distinctions.

As a positive example she cited Finland, which spends about 30% of its GDP on social investments and at the same time is economically successful: social investments are therefore investments in the future, e.g. on education, training, active labour market policy, preventive healthcare.

The concluding discussions and summaries (the latter from Bartho Pronk/EZA and Patrick Develtere/Beweging.net) once again illustrated problem areas (some of them social) such as the relatively high school drop-out rates, possible correlations between the crisis and the birth rate, and last but not least the need for action to improve the situation of working people: "People need systems, structures and players that try to give them more security. Social dialogue is the best system." (Develtere).

3 COMPILATION OF RESULTS

This section specifies results, proposals and opportunities for action that are not seminar-specific. Reference to individual seminars/working groups is made only occasionally, for across all the seminars/working groups it is evident that firstly there are recurring descriptions of situations, and secondly – albeit with exceptions – the strategies of the organisations and public institutions involved are similar in some cases.

3.1 Summary

The majority of speeches and presentations, contributions to discussions and comments related to the state of national/sectoral and company-level social dialogue. Those attending the events tend to be active in these contexts and less on an EU level, rarely in European Works Councils. This was, then, presumably a broad cross-section of the forms of social dialogue to be found in Europe.

The characteristics of social dialogue vary in the regions of Europe. The traditionally rather more industrialised and technologically more advanced states in Northern and Western Europe have an ingrained culture of dialogue, co-operation and worker participation. Although these areas are not without problems, they are structured as a general rule in such a way that they already have conflict resolution mechanisms on a bilateral level of the social partners (parity, conciliation, legal remedies). Conflicts with governments are likewise dealt with in a “socially tempered” way. There are usually informal structures to complement formalised processes.

Diametrically opposed to this are the experiences of individual company or trade union stakeholders from the South and East of the EU: rudimentary dialogue structures, in some cases open refusal to dialogue, and a trend towards governments that prefer (neo-)liberal economic models to regulatory mechanisms based on social partnership. In addition, the sometimes tough competition between ever weaker workers' organisations makes effective an policy to defend workers' interests even more difficult. Informal exchange structures seem underdeveloped.

It has become apparent that the European dimension of social dialogue fulfils an important balancing and supplementing function – in several respects. The transfer of knowledge and exchange of experience are centrally improved for difficult regions/sectors – from the European Economic and Social Committee (EESC) through to the limited number of European Works Councils, not least in funded European social dialogue seminars and events. In addition, the social partners' European institutions offer strategic co-ordination possibilities in terms of content and on an organisational level.

Finally – as the last superordinate aspect – it became clear that multinationals in particular react to social partner interests with strategies that vary by region: socially moderate and in a spirit of social partnership in some regions, confrontational in others.

3.2 Selected examples of the practices of social dialogue

The following synopsis specifies some of the examples of social dialogue presented in the seminars/working groups. They demonstrate positive and critical developments, citing individual companies or sectors. Altogether

they illustrate the differences between possibilities and situations addressed in the introduction.

Positive: Graphical, paper and printing sector in Europe

Although the sector is economically under pressure due to technical innovations and many altered structures, it is systematically developing social dialogue.

Negative: Air Berlin

Already two years ago, the second largest German airline caused a furore with anti-trade union comments. The company has since been restructured in such a way that it has been substantially withdrawn from German regulations on workers' participation, yet still operates centrally in its country of origin: the company was transferred in legal terms to the United Kingdom.

Positive: Co-operation between university – trade union in Latvia

The Orthodox Christian University in Jūrmala near Riga not only runs courses in icon painting, it also co-operates with workers' organisations with a view to training in trade union work.

Negative: Trade union rights in Spain

Legislation and practice combine to devalue collective wage agreements: works councils can suspend them by agreement.

Positive: Businesspeople in Macedonian seminar

The Macedonian trade union organisation UNASM, itself under pressure from restrictive government policy, welcomed to its international seminar SME businessmen and businesswomen who engage in European politics and criticise state policy.

Negative: Amazon Germany

In its expansion in Germany, the company has been trying for years to circumvent workers' participation regulations, social security for employees, and fair collective wage provisions, risking public and company-level disputes through to full-scale strikes.

Positive: Selgros Germany/Romania

The trading group based in Germany is actively involved in social dialogue in Romania, on a company and sectoral level. This includes time off work for trade union officials.

Negative: Trade unions rights in Macedonia

Registration/re-registration acts are making it difficult for free trade union work in Macedonia. At the same time there are reports of arbitrary accusations against trade union leaders.

Positive and negative: METAROM as an example of an intercontinental multinational company

METAROM accepts and funds a system of cross-continent exchange of experience and consultation. There is criticism, however, of the low level of commitment shown.

Negative: Labour law in Romania

Amendments to labour and trade union legislation have markedly restricted possibilities of organisation and collective bargaining, because it has been almost impossible to acquire new members and look after existing ones in smaller firms, which form the backbone of the economy, and to conclude collective wage agreements for them.

3.3 Two company visits

Company visit to Riga (cf. 2.2)

The field trip to the Riga HQ of the Maxima group of companies (the largest group in Lithuania with some 30,000 employees, with a strong presence in the three Baltic States, retail trade) concluding the seminar ended with the seminar's brief final round. Beforehand, two high-ranking representatives of the Maxima management had presented current developments for expanding the company-specific social dialogue in the presence of Peteris Krigeris, President of the Free Trade Union Confederation of Latvia, and put forward initiatives for improving social commitment as a whole. In late 2013, the Maxima group was hit by the collapse of a supermarket in Riga that caused 50 deaths. The surviving dependants were given assistance/compensation. According to statements, (since then) the company management has focused on positioning Maxima as a social partner and thus addressing the consequences of the disaster internally as well. Campaigns and initiatives to develop company co-operation and communication have therefore been started.

Before the disaster the precarious working conditions and the low pay, for instance of the checkout workers, were more or less an internal trade union matter, but this has become a general public issue.

Company visit to Brasov (cf. 2.6)

Some two dozen seminar-goers in Predeal managed to grab some practice air: they visited the Selgros cash-and-carry store in Brasov. Accompanied by Managing Director Alexandru Vlad, who is also the leader of the employer organisation, and trade union chairman Viorel Stratulat, they not only visited the store but also learned of the social and trade union situation in the company. For instance, the leaders of the company trade union have fixed days off for trade union work. Problems are discussed in direct talks – the atmosphere seemed relatively relaxed, even though Selgros had undergone downsizing: avoiding layoffs by making use of natural turnover, it was stressed.

Selgros, a multinational retail group based in Germany, is number four of the Romanian C&C stores. The Brasov store employs about 240 workers, practically all of them full-time, some of them working in a large fresh meat processing section.

3.4 Thoughts on action

By way of example, here are recommendations for action from two seminars:

1. Seminar run by CNS “Cartel Alfa”/F.N.CORESİ in Predeal, Romania (cf. 2.6):

- Dictates from multinationals are a danger.
- SMEs need to be integrated in trade union work.
- Social partnership should be practised worldwide, multinational trading companies obviously being a major problem.

- Trade unions can seldom fight or win against multinationals on their own, they need partners like church groups.
- Catholics and Protestants have a longer socio-ethical tradition, but the Orthodox Church also makes its voice heard now.
- Trade unionists need to be involved in parties/NGOs.

These statements link three areas: trade union, Christian-social and other civil society or party political levels of action. This underlines the experience that isolated and/or un-coordinated action is less helpful than work in and with alliances, coalitions or co-operations to achieve defined goals. In a broader sense this equates to the classic “Western European” successful social tradition and way of working. What would be helpful in this context is a continual boost to the socio-political work of the major churches and faith communities, as well as a marked development of socio-political expertise among the European parties including appropriate dialogue structures with trade unions and employer organisations – with sights firmly fixed on the respective national level of parties and social partners.

The experiences from the concrete seminars, the recorded results of the seminars/working groups and the multifaceted discussions suggest further possibilities in no small measure geared to the structures and possibilities of action of the European institutions.

2. MOSZ seminar in Budapest, Hungary (cf. 2.8)

The workshop came up with several concrete recommendations how to reduce the legal and practical discrepancies emerging at different subsidiaries of the same multinationals:

- Strengthen direct contacts and communication channels between trade unions and works councils on the company level, especially between works councils and trade unions operating at the subsidiaries of multinationals; inform each other about key points of collective agreements, about working conditions, about the quality of participation in decision-making processes;
- Create industry-based and company-based social media sites to publish initiatives of mutual interest, like calls for solidarity actions, calls for sharing best and worst practices, calls for the exchange of experience, invitations to meetings and events, or calls for co-operation in order to set up a European Works Council (EWC);
- Create a online database with contact data (names, phone numbers, e-mail addresses) of works council chairs and trade union leaders at multinational corporations entitled to set up, but still lacking a European Works Council in order to help to co-ordinate the procedure of setting up an EWC;
- Set up an EU-level mediation body for managing conflicts at multinational companies, members of this mediation body must be experienced in settling labour disputes, participate in regular EU-level training in labour relations;
- Publish an annual “black book” or “black list” of multinationals severely violating workers’ rights and dignity, tolerating or enforcing working conditions endangering the health and safety of employees;
- The European Parliament should request a yearly report from the member states’ governments about the state of social dialogue on a national, sectoral and company level, assess the reports, ask the opinion of trade unions before finalising the assessment.

4 PROPOSALS FOR FURTHER DISCUSSION

The numerous contributions to discussions and recommendations for action are grouped below in five points. These five points can only strengthen the effectiveness of the basic idea of social dialogue: all in all it is up to the European Commission, the Parliament and the governments of the member states to frame the jointly resolved structure of the social market economy in such a way that it is also actually feasible for the social partners – both autonomous and effective.

1. Strengthen European works council structures and the European Works Councils

The two are interlinked: with companies that have sites in several countries it should be possible to urge the formation of works councils, but greater co-operation between them is required. Whether this will be an EWC structure remains to be seen and is contingent on various factors. The precondition is the actual unrestricted right to activity on a company level.

2. Strengthen parliamentary reporting

The EU funds social dialogue activities. It would therefore be logical if the social dialogue situation in the EU member states were reported and discussed more in the European Parliament. It is conceivable that this will not change current problems or critical structures in the short term. It would be a starting point, though, to document and comment regularly on positive and negative trends as an ongoing review.

A start to this could be MEPs seeking more contacts with trade unions and visiting firms along with the trade unionists in charge – for instance to companies, parts of companies or industrial zones that receive EU funding.

What must be prevented is sectoral collective bargaining structures in particular being reduced by national labour laws, in some cases more or less wrecked, as this is detrimental to socio-economic development.

3. EU mediation

The question arises whether – similar to dispute settlement procedures – EU mediators could be engaged using a regulated process in continually failing regional dialogue structures. The model could be the instrument of binding arbitration in some collective bargaining disputes, although this is not uncontested in every case.

The starting point would be defining the requirements/minimum standards, for instance in drawing up rules on the awarding of EU funds. If an EU member state, specific sectors or companies wish to apply for public funds, a “clearance certificate” from the social partners would have to be presented. In the event of ongoing failure or continual problems, EU mediation on the development of social dialogue could be proposed or prescribed.

4. Sanction mechanisms

Sectoral and also national social dialogue is part of the EU philosophy. However, so far there have been no known examples of the Commission or MEPs introducing sanctions or preliminary investigations by referring to inadequate or lacking social dialogue, particularly in member states. It would also be a request to trade unions, works councils and other social organisations to start up where applicable a black book with bad examples/experiences, and thus cite examples to the Commission and Parliament.

5. Improve the database

A generally accessible database structure with basic data on the particular trade unions responsible for specific companies and works councils of multinationals – contracted by the governments or directly overseen by the European Commission – would not only make it easier to establish sectoral contacts where EWC structures are possibly still inadequate, but also make it clear that when works councils operate it is an essential duty in the public interest.

Another question to be asked is whether all parties involved are doing enough to publicise the exchange of experience, mutual encouragement, a motivating or mobilising example. A further question is to what extent European trade union organisations incorporate social media and journalists approachable for social issues. This applies equally to every member state.

FINAL REMARK

European social dialogue should be strengthened and given greater commitment: the Chairman of the German Trade Union Confederation, Reiner Hoffmann – an experienced and staunch European – has been calling for this for years. “Strengthen the enforcement power of social dialogue”¹² is his credo for further social development.

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