

EZA Project Coordination 2015

Successful Social Dialogue in Europe – Criteria, Values and Implementation





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Foreword

Dear Readers and Friends,

Strengthening the social dialogue in Europe is the stated aim of President Jean-Claude Juncker's European Commission; he himself is launching a number of political initiatives in conjunction with the European Semester and talking of a "new start".

In the 2015 education and training year, EZA carried out a series of seminars with the aim of analysing the state of social dialogue on the European and national, sectoral and thematic level by means of selected questions. It became clear that the immediate prospects for a "new start" varied a great deal from country to country, and were manifestly less favourable in Central, Eastern and Southern Europe than in other regions of Europe.

In the five seminars comprising the project series, workers' representatives from every country and from various sectors expressed a considerable need for capacity building and other education and training measures, the desire for Europeanisation of trade union work as a response to the globalisation of production and trade, and the opinion that collective bargaining was a key instrument for improving workers' working and living conditions.

The series of seminars completed a three-year cycle of co-ordinated projects on the overall issue. Alongside it, EZA together with HIVA – Onderzoeksinstituut voor Arbeid en Samenleving – conducted a research project on "Conditions and Criteria for Social Dialogue in Europe - The Workers' Perspective", the results of which were published as a book and presented at EZA education and training seminars.

My special thanks go to Volker Scharlowsky, who headed up the series of seminars in the last three years, provided input on content and methodology (including for subject-oriented company visits), evaluated the results and drew up this Final Report. I would also like to thank the member organisations involved for their good result-oriented co-operation. The European Commission's Directorate General for Employment, Social Affairs and Inclusion supported our activities with content and funding.

We hope the results and recommendations for action in this brochure furnish workers' organisations and their multipliers with ideas for their daily work, and would be delighted to receive suggestions and comments on these issues that are so pressing for every worker in Europe.

Sigrid Schraml
EZA Secretary-General

Introduction

Below is the report on the coordinated projects implemented from late 2014 to early 2016 relating to the focal issue. For me personally it follows on from the experiences of the two preceding sets of coordinated projects addressing the issues “Trade union strategies to promote good labour relations in a changing industrial landscape” (2014) and “Prospects for trade union action in Europe during and after the crisis: challenges, strategic approaches, self-conception and positioning” (2013). Yet it also supplements them with different topics, in some cases new contributors, and additional findings included in summary form and conclusions. Every report on the coordinated projects appeared in the “Contributions to the Social Dialogue” series of publications.

At the same time the report gives us the opportunity to thank every stakeholder from the organising hosts, those taking part, and the European Centre for Workers’ Questions (EZA) in Königswinter for such good cooperation. Our work would not have been possible without their collaboration and support.

This report is based on the contributions to the seminars, accompanying preliminary debates and subsequent discussions, as well as the seminar materials. The report cycle also incorporated experiences from a conference supported by the EZA on “30 years of social dialogue” – March 2015 in Brussels – and the study since published by the HIVA on social dialogue and the EZA comments on social dialogue on the same issue, and latterly the 6th European Social Week in Doorn (the Netherlands). This reveals a network of discussions and events into which the seminars focused on here were integrated.

Berlin, March 2016



Scope of the project coordination

This report summarises results, findings and conclusions from the project coordination work on the issue of “Implementation of good criteria of social dialogue” within the framework of the seminars held by the EZA.

The series of seminars begins with the annual EZA kick-off seminar – in this case November 2014 in Budapest – and ends with the last incorporated seminar in Lisbon in February 2016 (cf. the Overview in 2.).

The European dimension of these seminars is addressed succinctly and partly in cross-references and contributions to the seminar discussions. Shortly before the kick-off seminar in late 2014, EU Commission President Jean-Claude Juncker announced a new start of the European social dialogue; in spring 2015 the EZA celebrated the European instrument’s 30th anniversary with a large conference. And the results of the “Conditions and Criteria for Social Dialogue in Europe – the Workers’ Perspective”¹ project have been available since autumn 2015. This is a study, partly carried out during seminars, commissioned by the EZA.

The large need for information and discussion on the European and respective national social dialogue became clear, as did the ideas/wishes to develop this structure for action and discourse further, in particular to make European workers’ organisations more assertive. The further need for training was addressed.

¹ Van Gyes, G./Van Peteghem, J./De Spiegelaere, S.: Conditions and Criteria for Social Dialogue in Europe – the Workers’ Perspective, Aachen, 2015, published by the EZA

1 Introduction

1.1 Description of the issue

The focus of the remit/issue is dealing with social dialogue from a worker's viewpoint – throughout Europe and nationally, at sectoral level or looking at specific issues. Besides constantly required basic information – especially to obtain a comparable level of discussion in the seminars – the key factor is the respective experience and practical implementation. In retrospect these seminars can be regarded as a “school of social dialogue”.

“Good criteria of social dialogue” also means discussing the question of how the vastly differing state of social dialogue in the EU member states can be generally improved and altogether upgraded.

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

First and foremost the structures of the EU call for a formalised and professionalised dialogue of the social partner organisations and triologue forms with the institutions of the European Union. These are based on Articles 152, 154 and 155 of the Treaty on the Functioning of the European Union (TFEU). They refer to the linking of EU decision-making processes with the activities of the European social partners and to the acceptance of autonomous social partner agreements.

With the social dialogue committee, the EU has the “main body for bipartite (i.e. between trade unions and employers) social dialogue at European level²”. In addition, when he took up office in late 2014 Commission President Juncker started initiatives for improving or “restarting” the European social dialogue.

National forms of dialogue are manifold and should serve to shape economic and social policy in a concrete way, as well as collective bargaining to some extent. Political traditions or current government policies also play their part. What is more, the breadth and depth of collective bargaining provisions differ considerably. These include collective wage agreements, minimum wage regulations, arbitration systems and other social partner agreements.

Finally, we must mention European Works Councils (EWCs). However, actual possibilities for co-determination generally lag behind knowledge and information. Moreover, many potential EWCs have not been set up.

Beyond the EU are the structures and opportunities for action of the International Labour Organisation (ILO), which has instruments of observation, action and directives (ILO standards) practically worldwide but ultimately depends on acceptance by governments.

1.3 Project coordination tasks

The project coordination accompanies and assists concrete projects and afterwards formulates its own findings. Project coordination is not a form of indirect project management, nor does it set any targets. Neither is it envisaged as supervision or evaluation.

² European Commission, <http://ec.europa.eu/social/main.jsp?catId=479&langId=en>, accessed on 02.05.2015

The organisations hosting the seminars are firstly offered specific advice on and/or assistance with preparation for a seminar, and secondly provided with overriding agreements, contacts – and possibly speaker contacts – as well as initial documentation for the individual seminars, last but not least generally a brief report. Because of staff continuity they are also supplied when necessary with cross references of content to seminars already held on the same issues, sometimes going back several years.

The work phase began with the EZA kick-off seminar in Budapest in November 2014 and ends with the submission of this report from March 2016 terminating the coordination phase.

2 Measures considered

2.1 Kick-off seminar: Priorities of the European Social Dialogue

Dates: 27-28 November 2014

Organiser: MOSZ (Munkástanácsok Országos Szövetsége)

Seminar venue: Budapest, Hungary

Initial contact was made during the kick-off seminar with the project coordinating team and seminar organisers. This was useful for making some arrangements at an early stage.

Moreover, the focus was on fundamental questions of social dialogue, such as the project coordinator's presentation entitled "Strengthening social dialogue in Europe – necessities; prospects and development".

2.2 Seminar: The significance of social dialogue with regard to gender equality and the balance between work and private life

Dates: 21-24 September 2015

Organiser: Recht & Plicht

Seminar venue: Elewijt, Belgium

Seminar carried out with parts using sophisticated methods to discuss the reality and aims of trade union gender policy, with a particular focus on parental leave.

Seminar procedure and core issues

The participants were mainly from Belgium, the Netherlands, Southern and Eastern Europe. By and large the seminar was run by Rein de Tremerie (ACV), who also introduced the content.

The focus was on key issues of the gender debate – income discrimination, career restrictions – and frequently on questions of forms and objectives of parental leave provisions.

What was remarkable was the intention of seminar-goers to increase their participation through interactive methods despite simultaneous translation.

Focal points of discussion

Gender issues and the deep-rooted associated attitudes of many people were a focus of the first part. It covered an overview of stereotypes and their widespread entrenchment, a slow change in attitude, trends in attitudes, economic and social disadvantages.

A second focus was a compilation and presentation of regional situations, with the employment of women and parental leave provisions being relatively frequently discussed: clearly the difference in approaches, the tendency to practise maternity leave/equal participation of partners (Southern/Eastern Europe versus Western/Northern Europe).

2.3 Seminar: Implementation of good criteria of social dialogue by employee representations in the public sector and public enterprises

Dates: 24-26 September 2015

Organiser: EUROFEDOP (Europese Federatie van het Overheidspersoneel)

Seminar venue: Ljubljana, Slovenia

The EUROFEDOP seminar combined discussions on social dialogue in the public sector with a hands-on phase in a hospital to concretise social dialogue. The particular issues were also addressed in more detail in working groups.

Seminar procedure and core issues

The EUROFEDOP seminar comprised four units. In the opening unit, besides basic observations and introductory words there were three opening addresses on the issues described in more detail below. The three subsequent seminar sections each consisted of an informative phase – in the first section hands-on in a hospital – before a working group phase and concluding reporting/summary in a plenary session.

The focal issues were in-company practical experience, company-specific/trade union findings and rather basic classifications of social dialogue.

One decidedly positive aspect was methodical approaches with a company visit and group discussions, divided up by languages.

Focal points of discussion

Stavroula Demetriades (Chief Programme Manager of EUROFOUND) characterised company representation cultures from “intensive and trusting” to

“limited and conflict-ridden”. At the same time she announced that the institution would focus increasingly on the public sector and research into it. Emmanuelle Perin (Catholic University of Leuven, Higher Institute of Labour Science) also described the historical origin of the social dialogue and highlighted its progressively increasing influence on politics. She talked about concrete effects, such as the identification of institutions that do not work correctly in cross-border employment. Adam Pokorny (Head of Unit, European Commission) stressed the Commission’s aims, but also said social dialogue was not well developed in every state. He views social fairness and mutual trust as core aims.

The three following half-day phases – including a social partner discussion at the Central Hospital – delved further into the issues, also addressed the particular country-specific situations, and in some cases gave all manner of tips, including from a German viewpoint. It was repeatedly made clear, for instance, that particularly in the postal and telecommunications sector the successor companies to the post office have developed a strong economic position in Southern and Eastern Europe, albeit generally with criticised social partner strategies (deficient co-determination structures) and often poor working conditions.

In terms of state influences, the inadmissible influence on the trade unions and the weak social partner contacts in Croatia were underlined.

Another reiterated complaint was that in the EU the idea of social dialogue is limited and undermined when a strict majority principle is applied on the worker/trade union side.

In conclusion EUROFEDOP President Fritz Neugebauer summarised the findings and explicitly advocated further intensive international work. And the trade unionists working under the toughest conditions (in Southern/Eastern Europe) should not lose heart either. Social partnership is, he said, a key

parameter of social development in the EU, which ought not to forget its principles of solidarity which after 1985 the ideas of social market economy and social dialogue should have characterised on a European level.

Results and future tasks

One aim is to continue and improve the working methods of social dialogue. In addition, another option should be created for those countries in which social partnership works badly or hardly at all, for example in the framework of capacity building. Competition among associations should be increasingly discussed/treated as problematical.

2.4 Seminar: Improving social dialogue and workers' participation through binding transnational agreements in the European social dialogue committees and multinational companies

Dates: 18-21 November 2015

Organiser: BIE int. / ACV-BIE (Bouw-Industrie & Energie International / Algemeen Christelijk Vakverbondbouw – industrie & energie)

Seminar venue: Houffalize, Belgium

Seminar procedure and core issues

Besides focusing on presenting and discussing the various forms of social dialogue, the seminar comprehensively presented and discussed trade union and in-company experience. This included an insight into practice at a production site of an international group (L'Oréal).

Focal points of discussion

By way of introduction, Bogdan Hossu (President of Cartel Alfa and EZA Vice-President) highlighted the value of international cooperation events, but also stressed some political dimensions, such as the lack of transparency of international structures (TTIP negotiations, international labour markets).

Fons De Potter (Vice-President ACV-BIE) and Bert Van Der Spek (International Secretary CNV Vakmensen) emphasised the importance of international networking and the necessity for cooperation in order to pool trade union strengths.

The focus of the first section of the seminar was social dialogue practice on a European level from different viewpoints and sectors respectively. This was explained both from a trade union angle and taking company examples. The role of European Works Councils (EWCs) was discussed in detail.

There was a link between the role of international agreements and possibilities for action, as illustrated by the ILO, for, as it was emphasised, outside the trade union and company-specific structures there was another prospect for shaping participation and especially working conditions. Taking selected examples, Luc Cortebeeck (President of the ILO Workers' Group) was able to show how the use of the ILO instruments can massively improve working conditions, e.g. in Qatar.

Sector-specific contributions (chemical industry, construction, the graphic industry) and regional aspects, including the informal economy, showed differing approaches. This clearly illustrated the actual procedure as well as the respective restrictions on and limitations of trade union action.

Results and future tasks

The presentation of ILO possibilities and the role of works councils and trade unions made it clear that these should be more intensively discussed and highlighted.

The need for training was also clearly highlighted to enable workers and their organisations to benefit from rights and opportunities. This also applies to cooperation with the ILO institutions.

2.5 Seminar: The role of collective bargaining in promoting decent jobs

Dates: 25-28 February 2016

Organiser: CFTL (Centro de Formação e Tempos Livres)

Seminar venue: Lisbon, Portugal

Seminar procedure and core issues

Through basic contributions and practical examples, in the plenary phases the participants discussed the question of how and to what end the workers' influence can be improved. The focus was on Southern, Central and Eastern European experiences. The seminar made clear the connection between organisational skills and organisational strength respectively and decent jobs with fair working and pay conditions.

Focal points of discussion

In introductory contributions and an opening round-table discussion, the situation of shaping collective agreements was presented and analysed.

The paradox is the general broad consent to social dialogue and the contrary reality. This is often characterised by a lack of collective agreements and major problems in bringing regulations up to date and/or developing them further, such as in the case of the traditionally well organised Portuguese banks.

In the experience and opinion of trade unions, national historical, economic and cultural differences, as well as labour market policies that limit or impede workers' rights and collective agreements, make the fight against poverty more difficult instead of bringing the European economic area together.

The work at the Volkswagen Poznan factory and also the international cooperation, especially with the German metalworkers union (IG Metall) and the Wolfsburg VW works council, was presented as an altogether positive example of trade union work in the company and across borders.

Two things became clear in the panel discussions: firstly that trade unions find it hard on a local, regional or company level to gain ground. Secondly, there are further opportunities for action in lobbying. There is generally still too much reticence vis-à-vis and with European stakeholders and institutions.

Health and health management were dealt with as a specific issue of collective agreements. Jelena Soms (Lithuania), for instance, reported on company health and welfare committees. Healthy lifestyles and in-company conflict management are part and parcel of the structures in this internationally operating company, as are help with stress and mobbing.

Results and future tasks

In the concluding discussions there was regret that European trade unions and their federations are not strong enough to assert better rights on a European level.

Strategies were also drawn up: for instance, strikes across Europe should be possible; European agreements should be concluded on taxation and workers' rights; international companies should be better looked after by trade unions.

It was also made clear that collective bargaining offered manifold possibilities for helping to improve working and living conditions, not least in the areas of work and health.

3 Summary of results

Thematic aspects

The key conclusions from the coordinated seminars can be pooled in several central aspects, some of which have also played a part in previous years.

Expectations of European policy and trade union work

The key demands or wishes and expectations are for a socially fairer European policy, for often policy is defined too much by austerity measures and cuts.

In this context there is also regret about inadequate, vague workers' rights that are hard to enforce on a European level.

Another central expectation is to develop a more assertive trade union policy on a European level. The expectation is for a trade union movement that can support national organisations through concerted action that is more likely to be asserted.

The desirable stronger ability to act was specified to some extent. Pan-European collective agreements and industrial action to implement them ought to become trade union tools.

Explicit mention was made in this respect firstly to the education and training sector and secondly to the correlation between work and health.

Thoughts on methods for further work

Breaking down multilingual discussion forums into more participation-oriented work or small groups is difficult. Occasionally this is patently quite successful. Groups are formed in line with language skills, thus temporarily reducing translation needs or in some cases dispensing with translation altogether (EUROFEDOP, Ljubljana).

Surveys on specific issues with reduced and visualised terms proved successful in practice. They do not replace any discussions or legitimate arguments; and they complement opportunities for action (Recht & Plicht, Elewijt).

Company visits

Seminar modules that can be conducted outside the seminar venue and in the workplace context graphically illustrate working conditions. They also afford the opportunity to present social partner relations closer to reality than solely in a seminar room.

Ljubljana Hospital

During the EUROFEDOP seminar one section was carried out as a visit to a hospital. A part of this seminar section was a presentation of in-company social partner discussions.

L'Oréal

During the BIE int./ACV-BIE seminar a visit was made from Houffalize to one of the internationally operating group's production sites. The company visit became a very instructive part of the programme due to substantially auto-

mated production processes, first-hand information on the promotion of women and in-company training, as well as international co-operation across different company sites.

4 Sources

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