Summary

Welcome and introduction

The chair, Norbert Schöbel (DG EMPL/B1, Social Dialogue, Industrial Relations), replacing Jean-Paul Tricart (Head of Unit DG EMPL/B1), welcomed participants to the Thematic Liaison Forum on 15 Years of EU Sectoral Social Dialogue – Quo Vadis? He started his introduction by giving the meeting the subtitle "The difficult road from potential to results" (quoting Ms Janine Goetschy) and referred to the Commission Decision of 20 May 1998 as starting point for the currently existing Sectoral Social Dialogue Committees. He recalled the Thematic Liaison Forum meeting organised in 2009 in view of assessing 10 years of sectoral social dialogue where it was concluded that during the ten years period more transparency and more effectiveness had been achieved, but that sectoral social dialogue outcomes had not been effectively implemented.

He added that the number of outcomes during the last 5 years has continued to increase: they doubled as far as agreements are concerned (at sectoral level, agreements increased from 7 in 2009 to 11 in 2013 of which one autonomous agreement and three agreements requested to be implemented by Directive) and almost doubled (93% increase) for process-oriented texts (framework of actions, guidelines or codes of conduct – texts which include follow-up provisions). The largest increase, however, was related to "joint opinions" which are addressed mainly to the European institutions and are considered as "lobbying" documents. Independently from the question how to interpret these figures and to see whether the focus of EU sectoral social dialogue is heading more towards information gathering and lobbying activities rather than on industrial relations issues, one main key issue would be to find a structured way to ensure the follow-up, monitoring and assessment of the policy impact of all these outcomes.

The chair informed participants about a new table regarding the "Follow-up of EU sectoral social dialogue outcomes 2012" (See PowerPoint Presentation, Annex 1) distributed at this meeting for information. It would be integrated in the next regular version of the EU Social Dialogue Newsletter. Although more on the process than on the content, it was considered to be a good starting point.

The chair added that during the last years sectoral social dialogue was confronted with a "double challenge":

1) In relation to the financial and economic crisis, the simplification and fitness check of EU legislation and the overall debate on EU social policy;

2) In relation to the increasing need for rationalisation due to the cuts of administrative resources and the limited financial resources – while at the same time the total
number of sectoral social dialogue committees has increased from 37 in 2009 to 43 Committees today.

For this Liaison Forum, the Commission had identified 4 key challenges which correspond to the four workshop topics. While three of them (the added value of EU social dialogue in relation to the national systems; synergies between sectoral and the cross-industry level; the improvement of follow-up and reporting mechanisms) were already discussed in 2009, the lack in the capacity of analysing and anticipating structural changes was identified as a fourth topic.

Finally, the chair referred to the draft version of the new VADEMECUM - A Practical Guide for EU Social Partner Organisations and their National Affiliates to Commission support to EU Social Dialogue which had been distributed for this occasion. It will be discussed further at the next Liaison Forum meeting to be held on 27 January 2014. (See PowerPoint Presentation, Annex 2)

**Session 1: Scene setting from an academic perspective**

**Prof Berndt Keller, Konstanz University: Sectoral social dialogue at EU level: problems and prospects of implementation** (See PowerPoint Presentation, Annex 3)

**Mr Keller** started his intervention by explaining the shift as from 1998 from the cross-industry level (“bargaining in the shadow of the law”) to the (autonomous) sectoral level, as illustrated by the increasing number of Sectoral Social Dialogue Committees and the high number of outcomes, although clearly showing qualitative deficits (e.g. few autonomous agreements binding for the signatory parties). He then turned to the problems of implementation, highlighting the specific difficulties of European social partners in this respect, as well as the limits of the procedures and instruments of implementation and follow-up, which are often of a "soft" character (recommendations, codes of conduct, framework of action, guidelines, brochures). He concluded by commenting on the most recent Commission Communication “Strengthening the Social Dimension of the Economic and Monetary Union” (COM(2013)690) and the "crucial, politically prominent case" of the framework agreement on health and safety in hairdressing – which became the starting point of an intense question and answer session on the role of EU social dialogue and particularly on the added value of non-binding outcomes in relation to binding agreements. Mr Keller clarified that in his view not only binding agreements are useful, but that pure "lobbying" activities do not require the setting of sectoral social dialogue committees.

**Dr Marta Kahancová, Managing Director, Central European Labour Studies Institute (CELSI): Sectoral social dialogue in the New Member States and its implications for the European level** (See PowerPoint Presentation, Annex 4)

**Ms Kahancová** explained the pillars of the European social model of industrial relations (developed by Streeck 1992; Traxler 2002; Visser 2006), which help to assess the quality of industrial relations across the EU member states. She stated that EU enlargement brought growing diversity, e.g. through the comparatively lower level of bargaining coordination in the new member states. After having assessed the challenges and implications of this diversity in industrial relations, she assessed the interactions between the national level and the EU-level developments in sectoral social dialogue. She concluded that the challenge would consist in strengthening the ‘missing link’ of sector-level bargaining coordination in the new member states, through capacity building, in particular on the employers’ side. Despite the missing link and the diversity across the EU, integration of social partners in EU-level social
dialogue structures would raise their motivation and commitment through showing clear benefits to social partners of their operation in both the national and European dimensions.

**Session 2: 15 years of practical experience in EU sectoral social dialogue: achievements, challenges and perspectives**

Ms Carola Fischbach-Pyttel, General Secretary, European Federation of Public Service Unions (EPSU), highlighted some positive achievements, e.g. the framework agreement on sharp injuries in the hospital sector or the European framework agreement for a quality service in central government administrations.

In her view, the challenges are often related to occurring problems, e.g. the representativeness of employers at EU level (i.e. central government) or the non-functioning of sectoral social dialogue structures at national level. According to an internal survey, health & safety at the workplace had been considered as the most important topic. She therefore criticised the negative consequences of the Commission's REFIT exercise for the European social dialogue.

As for the future, Ms Fischbach-Pyttel would like to see more commitments and better implementation. She added that negotiating in the shadow of a possible Directive was helpful and wondered about the future if this would no more be the case.

Mr Uwe Combüchen, Director General, Council of European Employers of the Metal, Engineering and Technology-based Industries (CEEMET), highlighted the autonomy of social partners as being the fundamental principle of EU social dialogue. In his view, the role of social partners needs to be clearly distinguished from the role of other stakeholders or the work of European Works Councils.

Mr Combüchen mentioned the difficult access for social partners, especially from the Member States that joined the EU since 2004, to ESF capacity building measures. He criticised the many parallel, often uncoordinated processes to sectoral social dialogue (e.g. European Sector Skills Councils; European Skills Alliances; CSR sector platforms; European network on workplace innovation; Cars21, LeaderShip2020; etc) accompanied by a decreasing number of social partner consultations.

Mr Combüchen referred to the positive first outcomes of the sectoral social dialogue between CEEMET and industriAll which is built on mutual trust and robust joint rules of procedure. Regarding the Commission's approach to the request of the sectoral social partners in the hairdressing sector for the legislative implementation of their agreement, he underlined that the Commission's task in such cases is to verify the legality of the provisions of the agreement. He emphasised that the Commission had not rejected the request of the sectoral social partners, but had merely announced in its "REFIT" Communication from October 2013 that it would not make a proposal to the Council during the current mandate due to this ongoing assessment process.

As for the future, the sector would need to cope with the big challenges of appropriate (sectoral) social partner involvement in the European economic governance processes. It would require better cooperation and coordination between different (manufacturing) sectors, better involving social partners from new Member States and ensuring a neutral and balanced bottom-up approach with the full support of national members. In his view, European social dialogue has to be more focused and based on the needs of companies and workers. The goal would be to make social dialogue improving framework conditions for a competitive MET industry with quality employment in Europe. He asked for flexible work
programmes and tools to evaluate the results of the EU social dialogue at national level. In his view, EU social dialogue budget lines tend to require bigger project budgets, which would risk excluding smaller social partner structures. He argued against an approach where EU support would favour work related to binding agreements more than non-binding results. In his view, this would not be in line with the autonomy of social partners.

**Ms Anita Debaere**, Director, Performing Arts Employers’ Associations League Europe (PEARLE), focused on the need to better integrate representatives from the new Member States in the EU social dialogue. In the new Member States there is notably a strong need for support from the European associations to help push their ministries to recognize employers’ associations in the cultural sector as sectoral social partners. Strong unions need strong employers and vice versa.

In the same line, she highlighted the successful integration of new Member States’ representatives in the EU social dialogue as a key achievement of Live Performance committee, thanks to a number of (both joint and separate) capacity building projects. She also referred to the jointly developed chapter on "noise at work in the music and entertainment sectors" of the non-binding guide for good practice for the application of the Directive on noise at work. The social partners of the sector are currently developing a concrete tool (i.e. the online interactive risk assessment tool) which will be of direct application on the ground, demonstrating the added value of joint social partner activity.

One of the main challenges for social partners of the sector are the changes in the labour market and the way of working, namely increasing project based working, involving more short term contracts and self-employed workers, and leading to the fading of boundaries and traditional roles – except for larger entities or institutions. This requires adaptation of the social partners and social dialogue structures.

**Mr Sylvain Lefebvre**, Deputy General Secretary, IndustriALL, talked about the constructive development of EU sectoral social dialogue and highlighted the positive example of the NEPSI agreement on "Workers Health Protection through the Good Handling and Use of Crystalline Silica and Products containing it". He underlined that health and safety should be a key element and therefore regretted the "roll-back" of health & safety regulation, which he considered to be a regression for the social dimension of the EU. He criticised the sometimes too rigid procedures imposed by the Commission and requested therefore more flexibility. He also criticised the fact that there were less formal consultations of EU social partners in comparison to the increasing number of general public consultations. In this context, he took the view that the Commission services should give priority to "joint positions" coming from social partners in relation to position papers coming from other stakeholders in consultation procedures. He also requested that social partners should be directly involved in strategically important studies elaborated by the Commission (e.g. employment in the energy sector).

Mr Sylvain Lefebvre presented very briefly the main positive results of the 11 sectors for which IndustriALL is responsible. He also raised some self-criticism, including the need for further improvements within EU social partner organisations. From the Commission, however, he would like to see clear support structures, in particular for multi-sectoral initiatives.

**Mr Oliver Röthig**, Regional Secretary, UNI Europa, referred to the well-known hairdressing agreement. For him, it is an example of genuine European subsidiarity, based on the EU Treaty, providing for a tailor-made approach for small businesses (hairdressing salons on average have less than three workers). It addresses serious OSH risks (e.g. occupational skin diseases), may yield important cost savings and contributes to the welfare of the workers in the sector. He added that despite the benefits of the agreement, it seems that is
now being used as the lead example of red tape (REFIT). In his view, the current omission towards the agreement would put into question EU social dialogue, the autonomy of the social partners and Social Europe as such. He said that it was the joint view of the hairdressing social partners that the Commission must propose the agreement to the Council without further delay for making it legally binding.

Mr Jacky Leroy, Director General, European Public Administration Employers (EUPAE), stressed the positive outcomes of the sectoral social dialogue committee, in particular the European framework-agreement EUPAE/TUNED for a quality service in Central Government Administrations, which was adopted in December 2012 and which sets out 20 commitments for a quality service in central government administration. He referred to two joint opinions, one on the Commission Green Paper "Restructuring and anticipation of change: what lessons from recent experience?" and the other on equal pay between women and men. He also explained the work done in relation to the EU 2020 strategy and to the effects of the crisis.

As for the future, Mr Leroy stressed the need to further increase the representativeness within EUPAE. He also said that EU social dialogue should more focus on sensitive items, like for instance working hours or posting of workers.

Session 3: Parallel workshops

Workshop 1: How to better involve EU social partners in the analysis and anticipation of the structural changes at sectoral level? – Facilitator: Ms Helena Winiarska; Rapporteur: Ms Ilaria Savoini (EuroCommerce)

Ms Helena Winiarska, Policy Officer, DG EMPL/B1, opened the workshop outlining that its aim was to discuss how to better involve social partners in the anticipation of change, which is collective responsibility for employers and workers. A sound analysis would help social partners to have a more forward-looking view on the changes ahead and to build a consensus on best strategies to address it. With the objective of promoting a more proactive approach, the workshop aimed to clarify the common meaning of analysis, what it involves and in which way social partners can contribute to the process in anticipating/managing change.

Ms Stavroula Demetriades, Senior Programme Manager, Eurofound, stressed that it is important for social partners to study closely structural changes, global competition, and technological developments, as it allows them to anticipate shifts in industry segments, skill needs and impacts on industrial relations structures. In terms of broadening the sector's knowledge base, it is crucial to study and disseminate successful partnerships involving different sectoral stakeholders, as well as to promote traineeship schemes. Speaking about innovative solutions, Ms Demetriades called for wider analysis and dissemination of successful company experiences involving employees and their representatives in the design and implementation of such good practices in an environment of mutual trust.

Mr Fernando Vasquez, Team Leader, DG EMPL/C2, spoke about the importance of fully exploiting the "natural capacity" of social partners to deal with change through information and consultation of workers, collective bargaining and support to workers in transition. He highlighted the need to move from reaction to anticipation, from employment/working conditions/social issues to holistic approaches covering the business case, and from company-based approaches to wider territorial ones. Mr Vasquez touched upon the economic and social divergence within the EU and its implications for EU-wide social
dialogue. He also outlined the main elements of the Commission's Quality Framework on Restructuring, adopted on the same day as the Liaison Forum.

The following debate evolved around the importance of sectoral social partners' involvement in and contribution to the political decision-making with impact on their sector (e.g. textile and clothing industry affected by the trade opening policy), different means of consultation at the disposal of the Union (social partners' consultation vs. a broader stakeholders' one) and examples of joint texts directed at encouraging national organisations to take more active part in change analysis and anticipation (e.g. electricity, central government administration).

**Workshop 2: How to better demonstrate the added value of EU sectoral social dialogue in relation to the national industrial relations systems?** – Facilitator: Mr François Ziegler; Rapporteur: Ms Stéphanie Le Berre (Euratex)

Mr François Ziegler, Policy Officer, DG EMPL/B1, introduced the topic and recalled the role of the Commission which is to promote and facilitate social dialogue at European level, while respecting the diversity of national industrial relations systems. He introduced the two speakers to the workshop and asked them how their European organisations deal with such diversity and different traditions, levels of bargaining, of unionisation, and how the EU level of social dialogue can impact the development of national structures, and vice-versa.

Ms Anna Wedin, Head of Department, Svensk Handel, Member of EuroCommerce, described how EuroCommerce had to evolve in recent years so as to adapt to changes and diverse national social dialogues. However, EU social dialogue is still considered to be a "sleeping beauty" for many of her members.

Mr Werner Buelen, Political Secretary, European Federation of Building and Woodworkers (EFBWW), focused his criticisms on the lack of efficient support from the Commission side and highlighted the hairdresser's case as an example. He thought that the Commission is not paying enough attention to what social partners are doing, and is just acting in a very administrative way. The Commission should not just facilitate social dialogue but rather provide a strategy.

Carola Fischbach-Pyttel suggested that a level playing field at European level should be created that goes along with the internal market. Domenico Campogrande (FIEC) gave positive examples of joint projects for which national members needed to provide input. This type of common initiative could be a starting point for negotiations at national level for some members. Jean Dekindt (UITP) suggested that a common platform should be established so as to better coordinate national and European levels. Sylvain Lefebvre stressed that the opinions of the EU social partners were rarely taken into account by the Commission services. Ilaria Savoini (EuroCommerce) reminded that the specificities of EU social partners should be recognised, for they are often considered to be at the same level as any other stakeholder of the civil society. François Ziegler recalled that the EU social partners are the sole institutionalised actors who are recognised as such by the Treaties. He asked the speakers how they would currently "sell" their European activities to their national affiliates. Werner Buelen and Anna Wedin admitted that it would be indeed difficult due to the existing loss of confidence in the EU under the current circumstances.

**Workshop 3: How to create more synergies between EU sectoral social dialogue and the cross-industry at EU level?** – Facilitator: Mr Norbert Schöbel; Rapporteur: Mr Martin Jefflén (Eurocadres)

Ms Cinzia Sechi, Advisor, ETUC, explained the organisational structure of ETUC where sectoral workers' organisations are full member of ETUC and are part of its negotiation team.
She raised some examples where initiatives at ETUC level had an impact on the work at sectoral level (e.g. stress at work) and vice-verso (e.g. in the area of restructuring). As possible ways for improvement, she mentioned favouring a more bottom-up approach and better synergies with BusinessEurope.

Ms Rebekah Smith, Advisor, Social Affairs Department, BusinessEurope, stressed the autonomy of social partners and indicated that although sectoral employers' organisations are not part of BusinessEurope, coordination mechanisms exist through the so-called European Employers Network.

Ms Kerstin Howald, Tourism Sector Secretary, European Federation of Trade Unions in the Food, Agriculture and Tourism sectors (EFFAT), made a positive assessment of the existing mechanisms, but acknowledged that more could be done, e.g. in relation to the activities at company level or in view of better communication (e.g. through the EU Social Dialogue Newsletter).

Mr Enrique Calvet-Chambon, Adviser to the Board of SEA Europe, Co-Chair of the Sectoral Social Dialogue Committee for Shipbuilding, Member of the Economic and Social Committee (CCMI), highlighted the principle that the more the activity is related to the sector, the higher would be its added value.

During the discussion, there was consensus that synergies between cross-industry and the sectoral level had improved over the last years. Coordination mechanisms were considered to be important to avoid parallel processes. Sectoral committees were invited to stick to their characteristics. It was concluded that it would be helpful to further improve the communication with the aim of increasing the visibility of outcomes (e.g. translating the EU Social Dialogue Newsletter in other languages than English) and strengthening the synergies in relation to the European Works Councils.

Workshop 4: In what way can the follow-up and reporting mechanisms in relation to sectoral agreements and process-oriented texts be further improved? – Facilitator: Ms Ellen Durst; Rapporteur: Mr Tim Van Rie (DG EMPL)

Ms Ellen Durst, Policy Officer, DG EMPL/B1, introduced the workshop by specifying that it was not about joint opinions (addressed to third parties) or declarations (addressed to the social partners), but about agreements and so-called process-oriented texts. Agreements are to be implemented and monitored by a given date, whilst process-oriented texts involve regular reporting on progress made in following up the objectives of the texts.

Mr Massimo Bellavista, Project Manager, Lega Pesca, Member of Europêche, stressed that their sectoral dialogue committee was one of the few that has signed an agreement (on the ILO Convention 188 on Work in Fishing). After a long negotiation process, the final version was submitted to the Commission about a year ago, but the Commission has not yet taken a decision to present a proposal to Council. Instead, it had decided to carry out an impact assessment, which was a new element in the process and which would delay the decision even further. Mr Bellavista therefore asked for a greater clarity and stronger support from the Commission.

Ms Myriam Chaffart, European Transport Workers' Federation (ETF), also expressed ETF's disappointment with the delay in the implementation of the social partner agreement in inland waterway transport concluded in February 2012, which had been carefully negotiated between all parties concerned. She regretted the current delay and invited the Commission and the other European institutions to take social dialogue as a serious matter. Should the current attitude of disrespect by some Member States and Commission services persist, ETF would need to rethink the usefulness of putting resources into EU social dialogue.
Mr Dominique Bailly, Director of HR performance and strategic planning, Le Groupe La Poste (France), Member of PostEurop, informed about the "Social Observatory" of the postal sector which was set up with the help of three joint projects carried out since 2008. These were aimed at following the main social impacts of the current evolutions and helped to verify if social regulation kept up with this development.

Mr John Baldwin, Head of International Affairs, Communication Workers Union, UK, Member of Uni Europa, considered it also important to avoid competition solely on the price and stressed that the quality of services also needed to be taken into consideration. He deplored that knowledge of EU social dialogue was often poor and that the current developments related to wages and living standards for workers ("race to the bottom") was putting into question the existence of a social Europe.

The debate focused on the Commission's role to ensure the follow-up of social dialogue texts. The audience considered legally binding implementation as the most effective way of ensuring compliance. The facilitator asked the participants to present examples of follow-up und reporting mechanisms of process-oriented texts (not legally binding) and several social partner organisations provided some input (for instance regarding codes of conduct). The participants considered a strong representativeness as a condition sine qua non for effective implementation and also mentioned peer pressure ("name and blame") as a useful tool. Several participants also emphasized the importance of project funding by the Commission for implementation.

**Intermezzo: Success stories – Giving more visibility to EU sectoral social dialogue achievements**

Mr Stefaan Ceuppens, Policy Officer, DG EMPL/B1, gave an overview of the development of the number of sectoral social dialogue committees and the number of jointly agreed texts (to date 771 texts recorded in the EU social dialogue text database), as well as the types of outcomes (e.g. 20 agreements, 418 joint opinions) and their development across the years and per sector. *(See PowerPoint Presentation, Annex 5)*

The Commission then presented an overview of "Success Stories" received from EU social partners related to the 15 years of sectoral social dialogue. In total 27 contributions were received, of which 3 agreements, 3 frameworks of action, 1 guidelines, 1 policy orientation, 2 joint opinions and 17 tools. *(See PowerPoint Presentation, Annex 6)*

Participants were informed that additional contributions could be sent to the policy officer in charge or to the following functional mailbox: empl-social-dialogue@ec.europa.eu. All success stories would be published in January 2014 in a special edition of the EU Social Dialogue Newsletter.

**Session 4: Reporting from the workshops to the plenary followed by concluding remarks by the chair**

After the reporting from the workshops (see above) the chair underlined the following points (without the intention to be comprehensive):

*In terms of latest developments*
- More visibility of outcomes at sectoral level; in particular sectoral agreements to be implemented through legislation are nowadays more "under scrutiny";
The principles for the assessment of social partner agreements for which implementation by Council decision is requested, which are laid down in two Commission Communications (1993 and 1998), are now complemented by the requirements of the Commission's Smart Regulation agenda.

**In terms of criticisms**
- "The crucial, politically prominent case" of the framework agreement on health and safety in hairdressing (Prof. Keller);
- The consequences of the Commission's REFIT exercise by a number of European social partners.

**In terms of suggestions**
- Strengthen the analytical capacity of EU social partners and the Commission to better anticipate structural changes;
- Integrate national social partners in EU-level social dialogue structures despite the "missing link" and the diversity across the EU (Dr. Kahancová);
- Improve cooperation with cross-industry social partners;
- Develop better follow-up/monitoring mechanisms for EU sectoral social dialogue;
- Focus on commitments and implementation processes while in parallel supporting a balanced approach where non-binding outcomes (e.g. lobbying documents, tools, etc.) also are considered to be relevant;
- Find flexible support structures, in particular for multi-sectoral initiatives;
- Give higher priority to joint positions of EU social partners;
- Rethink the role of social partners in studies, impact assessment and consultation procedures;
- Improve contacts with other DGs;
- Awake the "sleeping beauty" through better communication of processes and outcomes;
- Respect the autonomy of social partners and pay attention to their voice.

The chair announced that the Commission would launch early 2014 an evaluation of the functioning, effectiveness and outcomes (cross-industry and sectoral level) as well as the financial support to European Social Dialogue, with a view to propose a new Communication related to social dialogue beginning of 2015. The input of this Liaison Forum would be taken into account.

The chair thanked interpreters for their work, speakers for their input, participants for their contributions and the whole the team for their support to organise this Forum.