European Foundation for the Improvement of Living and Working Conditions

Dynamics of European sectoral social dialogue

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Research project: Dynamics of European Sectoral Social Dialogue

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Cataloguing data can be found at the end of this publication

Luxembourg: Office for Official Publications of the European Communities, 2009

ISBN 978-92-897-0843-2

The European Foundation for the Improvement of Living and Working Conditions is an autonomous body of the European Union, created to assist in the formulation of future policy on social and work-related matters. Further information can be found on the Foundation website at www.eurofound.europa.eu

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Printed in Denmark

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Foreword

European sectoral social dialogue is rooted in the creation of the European Union. Over the last decade, there have been many changes to its institutional foundations, structures and scope. Given the continually evolving and diverse nature of the dialogue, the need for a closer examination of the dynamics at play in this area was identified in previous research on European industrial relations. This report seeks to enrich and provide new insights into the analysis.

The dynamics at play differ from the traditional sectoral-level collective bargaining in operation within the Member States and are of a different nature: that is, multi-level, with close cooperation with the European authorities, numerous coordination processes, and subtle forms of mutual learning and dissemination of ideas.

A significant outcome of the sectoral social dialogue committees, established in 1998, is the increasing production and adoption of joint texts. It is clear that there is more to European sectoral social dialogue than what the institutional setting and formal texts show. The dynamics at play are complex, multiple and difficult, since they involve multiple players from different institutional 'worlds'. However, the analysis shows that a multiplicity of activities are being carried out and a high degree of vitality exists.

In terms of the relationships among the different sectoral committees, one noteworthy aspect is the growing interaction both between the cross-industry and sectoral level, and among the sectors of the economy themselves. Telework was the first example of such a crossover. It is clear that there is more to European sectoral social dialogue than what the institutional setting and formal texts show.

The coordination of the various actors involved can be challenging as the European sectoral social partners have to represent national member organisations that operate in different countries and use different languages. Moreover, the national parties are subject to different socioeconomic realities, objectives, type of structures and roles in their domestic system of industrial relations. Implementation of the texts can also be uneven. Nevertheless, the joint texts and the presentation of good practices offer opportunities to learn from one another, raise awareness and foster cooperation as well as informal contacts among the different actors with respect to common initiatives.

We trust that this report will shed light on the vibrant and important role of European sectoral social dialogue and the work of the growing number of sectoral social dialogue committees.

Jorma Karppinen
Director

Country codes

EU15	15 EU Member States prior to enlargement in 2004 (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the UK)
NMS	12 New Member States, 10 of which joined the EU in 2004 (Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia) and the remaining two in 2007 (Bulgaria and Romania)
EU27	27 EU Member States

EU27

AT	Austria
BE	Belgium
BG	Bulgaria
CY	Cyprus
CZ	Czech Republic
DK	Denmark
EE	Estonia
FI	Finland
FR	France
DE	Germany
EL	Greece
HU	Hungary
IE	Ireland
IT	Italy
LV	Latvia
LT	Lithuania
LU	Luxembourg
MT	Malta
NL	Netherlands
PL	Poland
PT	Portugal
RO	Romania
SK	Slovakia
SI	Slovenia
ES	Spain
SE	Sweden
UK	United Kingdom

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Executive summary

Introduction

This study seeks to provide an overview of the current state of play regarding European sectoral social dialogue. It aims to provide new insights into this area by going beyond the formal aspects of social dialogue to examine the relationship between the social partners and representatives at European and national level.

The study is based on a range of complementary and comprehensive literature and research on European social dialogue. It sets the scene by outlining the analytical framework used to interpret the dynamics at play among the European players, and goes on to focus on three main areas pertaining to European sectoral social dialogue: recent developments and outcomes in this area; the interactions between players either directly or indirectly involved in this dialogue; and the implementation and impact of the social dialogue texts in EU Member States.

Policy context

Although European sectoral social dialogue is rooted in the creation of the European Union, over the last decade it has undergone changes to its institutional foundations, structures and scope. These can be attributed to a number of developments, including the inclusion of social dialogue in general in the Maastricht Social Agreement and later in Articles 138 and 139 of the EC Treaty, the transformation of older joint committees into 'sectoral social dialogue committees' and the creation of new committees. A significant outcome of the sectoral social dialogue committees, established in 1998, is the increasing production and adoption of joint texts. Although different trends are apparent between the sectors, in general it appears that there are increasing synergies between the cross-industry and the sectoral social dialogue.

Key findings

Recent institutional developments

While the number of texts is unevenly spread over the years, they are nevertheless increasing in number. The texts cover a diverse range of topics, many of which are 'common positions' addressed to European institutions with a view to influencing EU policymakers. From a quantitative perspective, less than 2% of the texts adopted at sectoral level are agreements with binding effect, while fewer than 10% are expected to have some impact at national level.

Where implementation is non-existent or inadequate, the European Commission could, at the request of the social partners, decide to extend key provisions to all parties and, indeed, some binding texts have already been translated into EU legislation.

Coordination of multi-level actors

With regard to the dynamics among the players, the findings indicate a growing interaction and stronger links between the cross-industry and the sectoral level – with telework offering an example of such a crossover.

Concerning the capacity of the European sectoral social partners to represent national interests and coordinate national constituencies, each sector has it own specific dynamics in terms of potential coordination across countries. In each sector, the European sectoral social partners have to represent national member organisations that operate in different countries, speak different languages, and

are subject to different socioeconomic realities, objectives, type of structures and roles in their domestic system of industrial relations.

Some sectors have a more homogenous membership structure, with direct representatives in the sector or at company level. Other sectors comprise social partner structures which may play a role in collective bargaining, but which have weak links with companies and their workers. Moreover, some sectors may consist of members that are not 'social partners' as such.

The national constituencies' involvement in European social dialogue also varies from one country to another. The findings point to three broad categories of commitment: a proactive approach; a more reactive approach where the players follow the example of others; and a totally passive approach – although these categories are not necessarily static. The national players' commitment to European sectoral social dialogue may also depend on a range of factors, such as level of interest in issues being discussed by the committees, resources and support available for engaging in this form of dialogue, and the national context and legal framework within which these organisations are operating.

Implementation and impact of texts

The follow-up procedures used by the various actors to verify implementation differ in their nature and effectiveness. Overall, the study identifies six types of follow-up procedures: written surveys sent to members; annual or periodic reports outlining results; oral reports given at plenary meetings; the presentation of good practices; the organisation of conferences or creation of websites to improve the visibility of the texts; the creation of another text or further initiative.

In terms of the actual implementation of the texts, due to their voluntary nature, this appears to depend on the goodwill and capacities of the national organisations. Such factors are, in turn, influenced by a number of contingent factors, such as the nature of the text in terms of the type of commitment involved and the issues being addressed, the national legal and institutional frameworks, and the level of experience of an organisation in a particular area.

It is difficult to determine the precise impact of the texts owing to the lack of regular monitoring and the voluntary nature of the texts themselves. Nevertheless, all of the respondents conceded that the joint texts and the presentation of good practices foster cooperation as well as informal contacts among the different actors with respect to common initiatives. Moreover, the European texts can be used as a means of adding pressure, or at least as a way of increasing the awareness of the government or other actors about a particular issue. Therefore, the implementation of these texts may not be as sporadic as it seems, since more informal or less visible processes may also be underway.

Policy pointers

- In some sectors, social dialogue appears to be purely formal, with no actual impact at EU or national level. Therefore, there is a need for the aims of social dialogue to be further clarified.
- The recent crystalline silica dust agreement provides for a highly sophisticated monitoring system, which could be an inspiration for other sectors.

- Greater recognition needs to be made of the fact that the role of the different players within the European social dialogue committees differs according to the opportunities and constraints which they perceive in their own environment and based on their framework of action, which varies from one country to another.
- It is clear that implementation processes could benefit from more structured methods and tools.
- The study shows that, despite the sporadic implementation of the texts, the joint texts and presentation of good practices offer opportunities for the social partners to learn from one another and to examine how their peers across Europe are dealing with such issues.

Introduction

Background and objectives

European sectoral social dialogue is rooted in the creation of the European Union and has adopted diverse forms since the signing of the Treaties of Rome. However, over the last decade, several developments have resulted in a change in its institutional foundations, structures and scope. These developments include: the inclusion of social dialogue in general in the Maastricht Social Agreement and later in Articles 138 and 139 of the EC Treaty[1]; the transformation of older joint committees and informal work parties into homogenous 'sectoral social dialogue committees' by European Commission Decision 98/500/EC of 20 May 1998 (European Commission, 1998a; Pochet, 2005a, 2005b, 2006a and 2006b); and the creation of new committees – up to 36 in 2008 – with three more committees having applied for formal recognition.

This project was embedded in current research programmes on European sectoral social dialogue in order not only to expand on their most recent findings, but also to bridge the gaps in the literature, particularly with regard to the dynamics at play in the European sectoral social dialogue committees. The study was carried out as a continuation of the 'New structures, forms and processes of governance in European industrial relations' project, conducted in 2006 by the European Foundation for the Improvement of Living and Working Conditions (Eurofound) and recently published (Léonard et al, 2007). The conclusions of the governance project underlined the need for a closer examination of the sectoral dynamics at play in European sectoral social dialogue, by investigating in greater detail dimensions such as the 'socioeconomic characteristics of the sector, links with European policies, relationships between the European social dialogue committees and the national sector, if any, structures and actors, and the dynamics at play within the committees' (Léonard et al, 2007, p. 77).

Recent studies provide abundant data and information on, and analyses of, European sectoral social dialogue. The European Social Observatory (*Observatoire social européen*, OSE) conducted a study on behalf of the European Commission on the dynamics of European sectoral social dialogue, which included 29 interviews and 42 questionnaires addressed to the members of sectoral committees and the Commission civil servants in charge of sectoral dialogue (Observatoire social européen, 2004). OSE also created a database that gathers all joint documents adopted since the beginning of the sectoral social dialogue. All documents are classified according to stable categories; OSE proposed a typology based on six categories (Pochet, 2006b). The study was well received by both employers and trade unions.

In 2005, the European division of Union Network International, UNI-Europa, asked OSE (Pochet and Degryse, 2005) to carry out a more in-depth analysis of their social dialogue. For this project, OSE conducted interviews with all persons in charge of sectoral dialogue at UNI-Europa and with some key national actors; a total of 15 interviews took place. The employers and trade unions of the sugar industry also asked OSE to draft a guide explaining how to access European structural funds, and this tool later became a product of their sectoral social dialogue. These different contracts afforded OSE members privileged access to internal meetings of the organisations involved in the sectoral dialogue, and to various joint meetings of the sectoral social dialogue committees.

[1] http://www.eurofound.europa.eu/areas/industrialrelations/dictionary/definitions/EUROPEANSOCIALDIALOGUEVIAARTICLES138139OFTHEECTREATY.htm

In light of existing findings, it was important to generate additional and new insights on the 'Dynamics of the European sectoral social dialogue' project. Accordingly, the project intended to go beyond the purely formal aspects of this social dialogue and to examine the dynamics of the European sectoral social dialogue committees, taking into account the relationships between the committees and their relevant interlocutors.

OSE and the Institute for Labour Studies (*Institut des Sciences du Travail*, IST) at the Catholic University of Louvain (*Université catholique de Louvain*, UCL) decided to jointly lead the project. Both are complementary institutions with a long tradition of cooperation, formal or otherwise. A recent example is the 2007 joint study for the European Centre for the Development of Vocational Training, CEDEFOP. They both have proven expertise in European social dialogue (see for example Dufresne et al, 2006), and in the representativeness of sectoral social partner organisations (see IST's studies on behalf of the European Commission from 1998 to 2006). They combined their research experience: this includes numerous contacts with members of the European sectoral social dialogue committees, two extensive databases on texts resulting from European sectoral social dialogue – provided by OSE – and on sectoral social partners' national member organisations – compiled by IST – as well as contacts with the relevant players and experience in semi-structured interviews on European social dialogue. Both institutions also have a broad perspective on social Europe (Zeitlin and Pochet, 2005) and on the diversity of industrial relations in Europe (Léonard, 2004 and 2005; Léonard et al, 2006; Spineux et al, 1999).

Methodology

Empirical data was collected in three ways:

1. documentary research – the research team drafted an updated literature review on European sectoral social dialogue, which gives a complete overview of scientific input on the subject and supports the analyses presented in the report;
2. secondary data – the research team exploited available secondary data, one source of which was the 'representativeness studies' conducted by IST from 1999 to 2006 and by Eurofound from 2007 onwards. These studies provide detailed data on the European sectoral social partners' member organisations and their roles in the EU Member States. Along with the interviews, the studies support an analysis of the relationships between European sectoral social dialogue and the institutions and players in the Member States. A second important source is the OSE database, which contains the different types of texts signed in the committees, as well as the different committees' work programmes;
3. primary data collection through interviews – the research team conducted in-depth semi-structured interviews with 45 respondents at European and national level. The table in Annex 1 presents the distribution of interviews. Among them, four interviews were carried out with the European Commission and four with the cross-industry social partners. At European level, 11 interviews were conducted with trade union organisations and 10 with employer organisations. At national level, 10 interviews took place with employer organisations and six with trade union organisations.

The final report was also based on input from two workshops organised by Eurofound in Brussels: one on 11 December 2007, the second on 22 May 2008. These workshops brought together

representatives from the European sectoral social partners, the European Commission, academia and other experts in the field.

Structure

The report first presents the analytical framework used to organise the analysis and interpret the dynamics at play among the various European players. It also outlines the situation between these actors and the national-level institutions and players.

Chapter 2 goes on to examine recent developments and outcomes in European sectoral social dialogue. The chapter summarises the current situation of the European sectoral social dialogue committees, before considering the committees' activities more closely, first through their production of formal texts and, secondly, through an analysis of their work programmes.

Chapter 3 then analyses the dynamics among the social dialogue players, raises the difficult question of coordination in a multi-level context, and examines the different forms of coordination at European and national level.

Chapter 4 focuses on the implementation of European sectoral social dialogue texts. Overall, three questions structure the approach in this regard. Which processes are used to implement the texts? Do the European social partners collect and receive information and data on implementation? If so, what are the results so far?

The concluding chapter synthesises the main research findings.

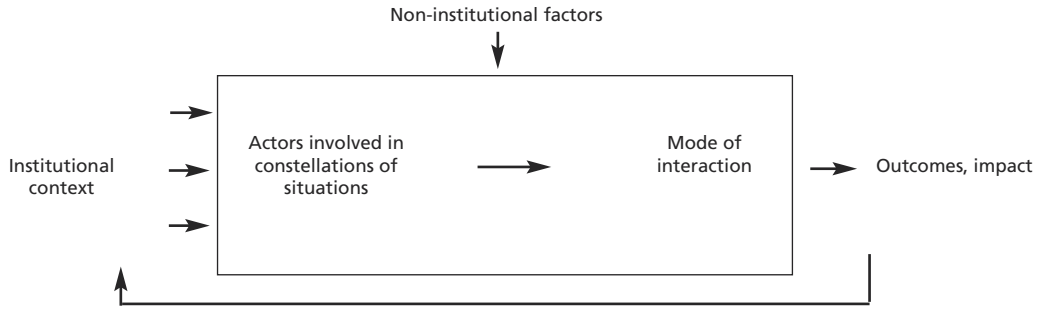
Analytical framework 1

The aim of the research project was to map European sectoral social dialogue and to provide an in-depth analysis of its current dynamics. This report intends, however, to go beyond the purely formal aspects of this social dialogue in order to examine the dynamics of the European sectoral social dialogue committees, by taking into account the relationships between the social partners and their relevant interlocutors at European and national level.

Going beyond formal institutional dimensions leads to questions with regard to the European players and their actions. Why, to varying degrees, do European social partners get involved in European sectoral social dialogue? What are their strategies in the specific European sectoral social dialogue 'system of action' (Friedberg, 1993), in particular, in a multi-level context involving both institutions and relationships between players at European level, as well as between European and national players embedded in their own national institutional context?

Mayntz and Scharpf (2001) provide an interesting starting point for an examination of these questions. They propose an integrative theoretical framework (actor-centred neo-institutionalism), combining actors and institutions, with a view to explaining regulation processes and self-organisation at play at macro-social level (Figure 1).

Figure 1 Mayntz and Scharpf's analytical model



Source: Mayntz and Scharpf, 2001, p. 101 (translated from French)

With this model, Mayntz and Scharpf conceptualise the relationship between institutions and social actors. They insist on the necessity of integrating all relevant players which intervene directly or indirectly in the field of social regulation. Furthermore, they underline that, although a given institutional context defines limitations or opportunities for action, it does not determine the action itself. Therefore, although each actor's actions are constrained or promoted by the institutional context, they are not entirely predetermined. This explains why, in a similar institutional context, changes occur in the players' action, and why different actors can adopt diverging strategies in a common context.

Applied to European sectoral social dialogue, this perspective raises a number of questions. What institutions are to be considered? Who are the intervening actors and what are the relationships among these actors? What strategies do they deploy? What are the relationships between institutions and actors?

The notion of institution can be interpreted in a narrow way, as the formal rules and bodies that structure social interactions, or in a broad way, as 'a set of rules, formal or informal, that actors

generally follow, whether for normative, cognitive or material reasons' (Hall and Soskice, 2001). J. Rogers Hollingsworth's definition, based on Burns and Carson (2002), is similar, and also insists on the fact that institutions provide norms regulating players' actions and interactions: 'An institution is a complex of relationships, roles and norms which constitute and regulate recurring interaction processes among participants in socially defined settings or domains' (Hollingsworth, 2002).

This definition is sufficiently large to encompass different types of norms that organise European sectoral social dialogue, including the changes that have occurred over the last 15 years. More specifically, these changes incorporate the following:

- the definition of criteria that determine whether a European association recognised as a social partner organisation can participate in European sectoral social dialogue (European Commission, 1993);
- the inclusion of Articles 138 and 139 in the EC Treaty, providing a procedure that combines the consultation of the social partners by the European Commission with the option to leave social regulation to bipartite agreement between management and labour organised at European level;
- the European Commission's Decision 98/500/EC of 20 May 1998 transforming older joint committees and informal work parties into homogenous 'sectoral social dialogue committees';
- the setting up of the new committees;
- the clarification of the typology of texts in the Commission's 2004 Communication on *Partnership for change in an enlarged Europe – Enhancing the contribution of European social dialogue* (European Commission, 2004b).

This report will explore how the social partners act and interact with this set of rules. It will examine whether Articles 138 and 139 EC lead them to conclude agreements rather than to discuss 'softer' forms of texts. The study will also investigate whether they participate actively in the European sectoral social dialogue committees and why they do so. Furthermore, the research will consider why various committees function differently, even though they benefit from the same institutional support. The institutional framework changes, old committees adapt and new committees are created, but change is not restricted to formal bodies and norms. It also affects the European social partners themselves, which must progressively restructure and organise.

As Béthoux et al (2008) note, the relevance of a specific arena of social dialogue mainly depends on the collective actors' capacity to structure themselves in this arena and to develop action at this level. This capacity, in turn, is determined by the actors' perception of the political, economic and social context at this level, and by the extent to which they find it a relevant and meaningful terrain in which to develop their own actions.

Analysing the cross-industry social dialogue, Didry and Mias (2005) observe that, over the last 20 years, institutionalisation has taken place by means of the progressive production of norms by the social partners. Simultaneously, this institutionalisation has been fostered by the constitution of these actors as social partners, which progressively define themselves as players on the European playing field – with a mandate from their national member organisations – contributing to the development of a European identity.

A similar point of view can be applied to the sectoral social dialogue. The actors involved must establish themselves as European players in a changing EU, at the very least because they have to include and represent the social partners from the new Member States (NMS). These actors also engage with the institutions: they use them, modify them and interpret them in a variety of ways. As Reynaud (1989) clearly explains, the interaction between social actors always involves not only exchanges concerning the rules that the players intend to produce, but also the rules of their own actions.

It is interesting to examine how the European sectoral social partners act and use – or do not use – the rules and norms of their own institutional context. This, in turn, raises questions about the actors' strategies in relation to European sectoral social dialogue. In defining their strategies, the European sectoral social partners have to consider the constraints and opportunities that they identify and perceive (Crozier and Friedberg, 1977; Friedberg, 1993). These include the European normative framework, such as the extent to which it is perceived as constraining, useful, relevant or flexible. Constraints and opportunities also include the actors' own resources – for example, what resources they have in terms of persons, expertise, time and money. Furthermore, they involve the other actors' objectives and strategies and, therefore, the relationships between the different European associations, the relationships between the trade unions and employer organisations, as well as the relationships with the European Commission and with the national constituencies. The strategies also depend on the actors' identity, and particularly on the extent to which they define themselves as active players in the European field, entrusted with a role in the European policy. This study investigates the implications that this has for an analysis of the dynamics of European sectoral social dialogue.

Finally, the analytical model proposed by Mayntz and Scharpf (2001) must be adapted to reflect the multi-level nature of European sectoral social dialogue. The system is a multi-level one in which institutions and players at European level intervene directly, but it also implies complex relationships including a variety of national organisations and institutional structures (Figure 2).

Figure 2 Mayntz and Scharpf's analytical model adapted to European sectoral social dialogue

Source: Mayntz and Scharpf, 2001

In an analysis of the context, two levels of analysis have to be taken into account: the European institutions and players, and the relationship between the latter and the national bodies.

First, the European institutions and players include not only the employer representatives and trade union officials who participate in the committee, but also the European Commission. Their relationships take place within the specific institutional context constituted by the norms and rules that organise European social dialogue, such as, for instance, Articles 138 and 139 EC. They also take

place in the broader economic and political context of the EU. These contexts define a first set of constraints and opportunities within which the social partners can determine their own strategies and action.

Secondly, in a European-level arena such as sectoral social dialogue, the relationship with the Member States is a core issue, notably in terms of coordination, the mandate from national players to their European representatives and implementation of texts. The relationships with the national institutions and the national-level sectoral players define a second complex set of constraints and opportunities for the European players.

It is useful to examine the extent to which the European sectoral social partners are able to unite, or at least combine, the interests of national constituencies acting in national contexts that are diversified in economic, social and political terms. Moreover, these national players are embedded in a variety of industrial relations regimes offering them different roles, capacities, objectives and strategies. Understanding this complex situation is important 'upstream', when the European social partners have to try to integrate a diversity of interests among their own national members, to set an agenda and to engage in discussions with the 'other side of industry' at European level. It is also decisive 'downstream', when a given text has to be implemented or transposed in each national context.

As noted, national members are embedded in their own institutional bodies and procedures that directly influence the implementation process and its feasibility. Considering the weak degree of constraint involved in European sectoral social dialogue texts and the fact that the European social partners have no capacity to constrain their own member organisations, it may be expected that implementation will occur mainly when the national players find an opportunity to use the text in their own domestic agenda and have the capacity to do so. Therefore, the question of implementation is far from being a mere technical or legal matter. Rather, it implies a double level of power relationships: one between the European sectoral social partners and their national member organisations, the other within each industrial relations system of the national member organisations.

In such a multi-level context, how do the European sectoral social partners engage with the institutional framework regulating their social dialogue? The question can be divided into the following three sub-questions.

- First, what kinds of institutions are meant? This refers to recent developments in the formal dimensions of European sectoral social dialogue. It is necessary to understand how these institutions have evolved over recent years, and to show the developments and outcomes of the dialogue – for example, the way in which the current 36 committees function, and what they produce in terms of types of texts classified according to the European Commission's taxonomy.
- Secondly, how do actors act and interact within the European sectoral social dialogue committees and with their national constituencies? How do European sectoral social partners act and interact in the committees? What are the respective strategies and objectives that guide their action in the committees? Addressing the social partners' strategies requires examining the opportunities and constraints that they face in that 'system of action', because the way in which players act and interact depends on how they see and interpret a set of constraints and opportunities that they have to deal with. For this, the relationships with the national member organisations must be

considered in order to understand the type of mandate that they are willing – or unwilling – to give to their European representatives.

- Thirdly, if European sectoral social dialogue outcomes can be clearly categorised under the European Commission's four types of texts, which largely refer to implementation procedures and provisions, what is happening on the ground as regards the implementation in practice? Implementation in the Member States is a key question and is decisive as regards the capacity of European sectoral social dialogue to regulate the employment relationships, whether it is in a 'soft' or a 'hard' manner. This, in turn, questions the social dialogue's capacity to constitute a level of industrial relations of its own – if one defines industrial relations, classically, as practices and rules on which are based employment relationships between management and labour for a company, a branch, a region or the whole economy (Lallement, 1996). The issue of the implementation of texts raises a number of sub-questions beyond the formal differentiation of texts as defined by the Commission. What are the processes used to implement these texts? Do the European social partners collect and receive information and data on implementation? If so, what are the results to date?

Chapters 2, 3 and 4 will successively address these questions. Overall analysis will show how the European social partners develop the institutions of European sectoral social dialogue, as part of their interactions and respective strategies.

Recent institutional developments 2

Role of sectoral social dialogue committees

A detailed history of sectoral social dialogue has already been presented in Dufresne et al (2006), which was partly based on the study that OSE conducted for the European Commission (Observatoire social européen, 2004).

In 1998, the Commission decided to revitalise the social dialogue by establishing sectoral social dialogue committees (European Commission, 1998a; Dufresne, 2006b). In doing so, the Commission aimed to better specify the double function of such committees: on the one hand, they are consultative bodies able to influence European public policies – this was the specific role of the previous committees; on the other hand, they should be capable of developing bilateral relations and reaching agreement, if possible. This second function was not totally absent from the previous committees – for example, in the case of the committee for the agricultural sector – but was much less important than the consultative function.

At the beginning, mainly the 'old' committees adopted this new structure. However, progressively, new demands appeared and new sectors sought to be formally recognised. Not only has the number of committees increased, so too has the numerical and strategic importance of the sectors that have been recognised by the European Commission. Thus far, 36 sectoral social dialogue committees exist (Table 1).

Indeed, certain nationally important sectors have only recently obtained recognition, such as the chemical industry in 2004 or local and regional government in the same year. Five sectoral committees (steel and hospitals in 2006, gas and catering in 2007, football in 2008) have been formed since 2005, while three sectors (non-ferrous metals, the automotive industry and cycling) have submitted a formal request to create a sectoral committee.

Recent developments show a slow but constant evolution towards a better integration between the cross-industry and sectoral level, as well as more horizontal cooperation and exchange between the sectors (see Chapter 3). Such cooperation could also take place within one side of industry, such as the trade union movement. For example, UNI-Europa held various in-house meetings for exchanging information on practices, and an improved means of coordinating, where necessary, the sectors in which UNI-Europa is involved.

At sectoral level, the present configuration of the various players broadly corresponds to the post-1993 situation in cross-industry dialogue: the European Commission still plays an active part, in general, by supporting and organising dialogue between the social partners. Although the latter are often critical about this aspect – citing for example changing desk officers, moving dates of meetings and changing the languages for which an interpretation service can be provided (see also Observatoire social européen, 2004) – the social partners recognise that no dialogue would take place without the support of the Commission. A total of four Communications of the European Commission (1996, 1998a, 2002c and 2004b) paved the way for the evolution of this dialogue. The Commission called on the social partners to consolidate their practices, to broaden their field of action in parallel with EU policy priorities and to play a truly proactive role in targeting the policies and priorities of the Lisbon Strategy.

Table 1 Official sectoral social dialogue committees, 1 July 2008

Sector	Employees	Employers	Date of becoming:		
			Joint committee	Informal working group	Sectoral social dialogue committee
Agriculture	EFFAT * (2000)	GEOPA-COPA (1958)	1964		1999
Audiovisual	UNI-MEI (1999), EFJ, FIA (1952), FIM	EBU, ACT, AER, CEPI, FIAPF			2004
Banking	UNI-Europa (2000)	EBF (1960), ESBG (1963), EACB (1970)		1990	1999
Catering	EFFAT (2000)	FERCO (1990)		1998	2007
Chemical industry	EMCEF (1996)	ECEG (2002)			2004
Civil aviation	ETF (1999), ECA (1991)	ACI-Europe (1991), CANSO (1998), ERA (1980), IACA (1971), AEA (1973)	1990		2000
Cleaning industry	UNI-Europa (2000)	EFCI (1988)		1992	1999
Commerce	UNI-Europa (2000)	EuroCommerce (1993)		1985	1999
Construction	EFBWW (1984)	FIEC (1905)		1992	1999
Electricity	EPSU (1974), EMCEF (1996)	Eurelectric (1999)		1996	2000
Football	EPFL ECA	FIFPro (1966)			2008
Footwear	ETUF:TCL (1964)	CEC (1959)		1982	1999
Furniture	EFBWW (1984)	UEA (1954)			2001
Gas	EMCEF (1996) FSESP/EPSU (1974)	Eurogas (1994)			2007
Horeca/tourism	EFFAT (2000)	Hotrec (1992)		1983	1999
Hospitals	FSESP/EPSU (1974)	Hospeem (2005)			2006
Inland waterways	ETF (1999)	UENF (2001), ESO/OEB	1967		1999
Insurance	UNI-Europa ** (2000)	CEA (1953), BIPAR (1937), ACME (1978)		1987	1999
Live performance	EAEA (1999)	Pearle (1991)			1999
Local and regional government	EPSU (1978)	CEMR-EP (1951)		1996	2004
Mining	EMCEF (1996)	APEP (1983), Euracoal (1953), Euromines (1995)	1952		2002
Personal services (hairdressing)	UNI-Europa (2000)	CIC-Europe *** (1991)		1998	1999
Postal services	UNI-Europa (2000)	PostEurop (1993)	1994		1999
Private security	UNI-Europa (2000)	CoESS (1989)		1993	1999
Railways	ETF (1999)	CER **** (2002)	1972		1999
Road transport	ETF (1999)	IRU (1948)	1965		2000
Sea fishing	ETF (1999)	Europêche/Cogeca (1959)	1974		1999
Sea transport	ETF (1999)	ECSA (1990)	1987		1999
Shipbuilding	EMF (1971)	CESA (1965)			2003
Steel	EMF (1971)	Eurofer (1976)	1951 (European Coal and Steel Community, ECSC)		2006
Sugar	EFFAT (2000)	CEFS (1954)		1969	1999
Tanning and leather	ETUF:TCL (1964)	Cotance (1957)		1999	2001
Telecommunications	UNI-Europa (2000)	ETNO (1991)	1990		1999
Temporary agency work	UNI-Europa (2000)	Eurociett (1967)			1999
Textiles/clothing	ETUF:TCL (1964)	Euratex (1995)		1992	1999
Woodworking	EFBWW (1984)	CEI-Bois (1952)		1994	2000
Total	14 European industry federations	52 European sectoral employer federations	11	16	36

Notes: See Annex 5 for full names of organisations. * Federation formerly known as EFA, founded in 1958. ** Formerly Euro-FIET (1972) and ECF-IUF (1981). *** Now known as Coiffure EU. **** Federation formerly known as CCFE, founded in 1988.
Source: Table updated based on Pochet, 2005b, updating European Commission, 2002a

As for the social partner organisations participating in the committees, the picture varies when comparing employer organisations with trade unions. The former are split among 52 different sectoral organisations, which are not members of the Confederation of European Business (BusinessEurope), although many of them participate in the coordination meetings organised by the employer body. This situation contrasts with the trade union side, which is integrated into the European Trade Union Confederation (ETUC).

In some cases, the employer groups are represented by several organisations for a single industry, such as civil aviation or banking. In other sectors of the economy, it is even more complicated, as the employers represent conflicting market segments; this is often the case in economic areas that have been privatised, such as audiovisual, gas, electricity and hospitals. The opposite holds true for the trade union side. For instance, UNI-Europa covers nine committees and the European Transport Workers' Federation (ETF) covers six in the transport sector. Meanwhile, the European Federation of Public Service Unions (EPSU), the European Mine, Chemical and Energy Workers' Federation (EMCEF) and the European Federation of Trade Unions in the Food, Agriculture and Tourism Sectors and Allied Branches (EFFAT) are each in charge of four committees. This does not necessarily imply that they are formally internally coordinated but, clearly, that more possibilities arise for formal or informal exchange; an interview in 2008 with the European Metalworkers' Federation (EMF) revealed the formal possibilities, while EPSU confirmed the informal opportunities.

The social partners' role and visibility were highlighted during the convention and negotiations on the proposed Constitutional Treaty, by the explicit inclusion of an article in primary EU law. After the transformation of the Constitutional Treaty into the Lisbon Treaty, the provision on social partnership was moved to the new Article 152 of the Treaty on the Functioning of the European Union (TFEU):

> *'The Union recognises and promotes the role of the social partners at its level, taking into account the diversity of national systems. It shall facilitate dialogue between the social partners, respecting their autonomy. The Tripartite Social Summit for Growth and Employment shall contribute to social dialogue.'*

Three points merit highlighting in this regard. First, it is now the Union as a whole – not only the Commission (precedent wording) – which provides recognition and support. Secondly, the social partners' autonomy is fully recognised. Thirdly, the Tripartite Social Summit, which includes the heads of state or government, is now mentioned in the treaty. This development indicates that the social dialogue in its various facets now has better visibility, provided that the Lisbon Treaty is ratified.

Type of outcome

The growing number of committees is an indication of mounting interest. Another notable indicator is the quality of the documents adopted by the social partners. In its 2004 Communication, the European Commission drew attention to a new generation of agreements that, in its opinion, were more akin to reciprocal commitments, since their content was more binding than before (European Commission, 2004b). The main challenge was to ensure that these texts did not just remain symbolic, but were acted on at national level. In this sense, sectoral dialogue faces the same challenges as cross-industry social dialogue.

OSE distinguishes two broad categories of documents: first, those mainly intended for the attention of European or national public authorities, which may be called common positions; secondly, texts

that are primarily addressed to the social partners themselves, which may be termed reciprocal commitments (for more detail, see Observatoire social européen, 2004; Pochet, 2005a, 2005b, 2006a and 2006b; Dufresne et al, 2006).

The European Commission uses slightly different categories. It groups together, in the same broad category, all text without follow-up, whether it is addressed to the public authorities or to the social partners. This study will use these categories. In the Commission's words, the definitions are as follows.

- 'Agreements' are implemented either by means of a directive or by the social partners themselves, known as autonomous agreements.
- 'Process-oriented texts' contain clear provisions and a process to monitor implementation. This category has been expanded to cover all texts making explicit reference to a monitoring process.[2] The point here is to check whether any monitoring provisions exist, and not whether they have actually been put into practice. In this category, the Commission distinguishes between framework for action, code of conduct, guidelines and policy orientation. However, due to the limited number of texts (31 in the last nine years), these subcategories will not be used.
- 'Joint opinions and tools' are divided into three subcategories:
  - Joint opinions – These are generally intended to provide input to the European institutions and/or national public authorities. They include texts that: respond to a Community consultation, such as Green and White papers, consultation documents or Communications; adopt a joint position with regard to a given Community policy; explicitly ask the Commission to adopt a particular stance; or ask the Commission to undertake studies or other actions. Joint opinions often relate to sectoral policies and aim to influence Community policymaking. Employers sometimes use social dialogue as a mechanism for reinforcing requests made directly to the relevant Directorate General (DG) of the Commission. As an instrument, joint opinions can prove useful for trade unions too, since they do not always have access to the DGs responsible for sectoral policy. Thus, joint opinions may be considered as 'joint lobbying' (Dufresne, 2006a);
  - 'Declarations' – These are addressed to the social partners but are vague and do not contain monitoring procedures;
  - 'Tools' – These mainly comprise studies, training packages or dissemination media such as websites. The criterion for inclusion in this group is that they be adopted by the social partners; for example, this definition excludes studies carried out by consultants.
- 'Procedural text' concerns the rules of the procedure for social dialogue.

In order to better illustrate recent developments, the nine years since the establishment of the new committees can be divided into three distinct periods. The first period is 1999–2001, when the new committees were set up, and the second is 2002–2004, when these committees reached maturity. In a previous study (Observatoire social européen, 2004), the sectoral social dialogue seemed to be developing qualitatively towards greater sectoral partner autonomy. The third and final period, 2005–2007, will enable this research to confirm whether the trend detected during the previous period came to fruition.

[2] Thus, some texts classified as declarations in previous research are now regarded as recommendations.

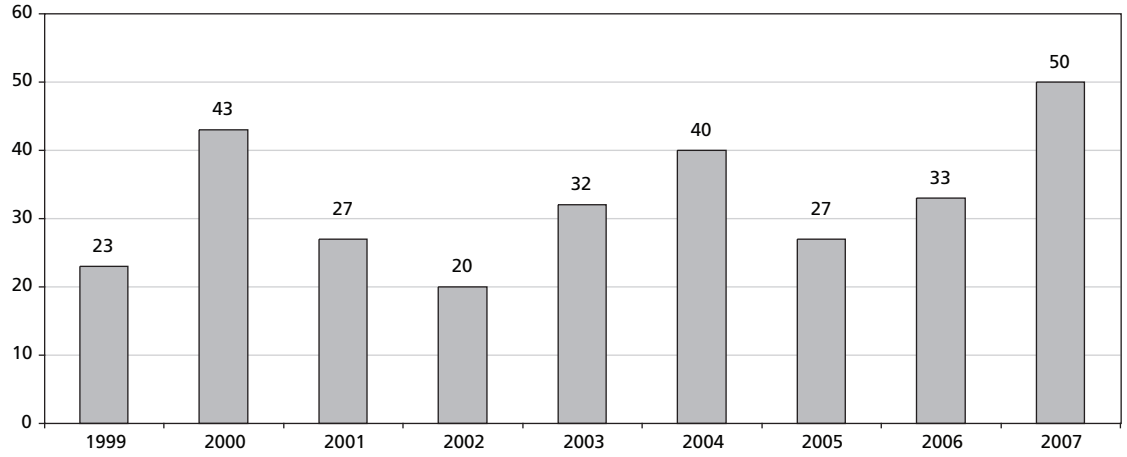
This quantitative approach clearly has its limitations. As with all attempts to define periods, this exercise is not exempt from criticism. The objective was much more functional than analytical, intending only to trace the main dynamics of these periods and not to draw clear-cut conclusions about the time frames under consideration.

The whole period encompasses almost 300 documents and enables this study to present overarching trends and to verify hypotheses quantitatively. It reveals little, however, about the actual quality of the texts or about the level of social progress fostered, or even about what goes on in the committees. To give just one example, the fact that the textiles sector has not signed a joint document for some years does not mean that nothing is happening in this area. The partners in this sector have for instance undertaken intensive capacity-building work in the NMS and held a major joint conference on this topic in 2007, as will be outlined later.

Figure 3 shows the number of joint texts adopted annually. No clear trend emerges, as is immediately apparent, although the number of documents appears to be slightly increasing. On average, just over one joint text emerges by sector each year. However, this number is misleading since 'productivity' varies considerably from one industry to another, as Figure 4 indicates. It is difficult to explain the yearly difference that may stem from the agendas of too many actors and committees; this makes it impossible to precisely identify the impact of diverse variables.

Overall, though, the number of texts adopted is rather stable: 93 documents for the period 1999–2001; 92 for 2002–2004 and 110 for the last period. Given that a further five committees have been created since the period 2005–2007, stability – with a slight increase in 2007 – is the best way to describe the overall quantitative dynamics.

Figure 3 Number of documents a year, 1999–2007 (295 documents)

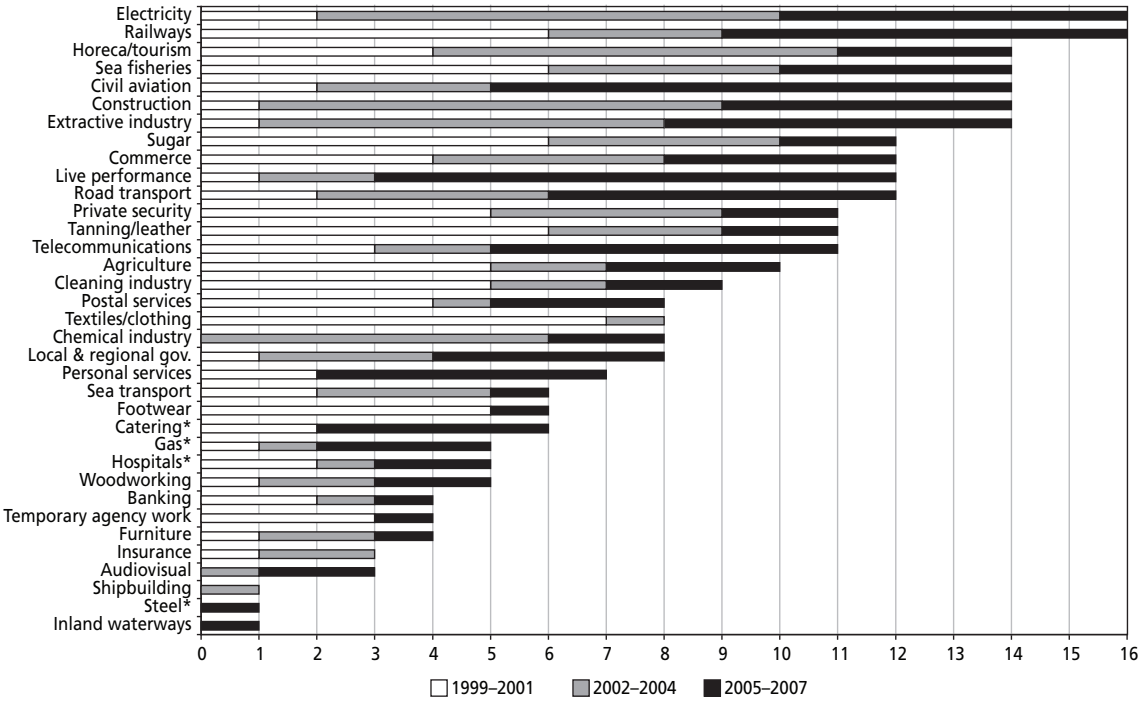


Source: OSE, own database 2008

Figure 4 shows the output of joint texts according to sector. The most prolific fields of economic activity throughout the entire period are electricity, railways, hotels, restaurants and catering (horeca)/tourism, sea fisheries, construction, civil aviation and the extractive industry. Those with the fewest joint texts are inland waterways, steel, shipbuilding, audiovisual, insurance, furniture, temporary agency work and banking.

Looking at the last three years, seven industries – civil aviation (nine texts), live performance (culture) (nine), railways (seven), electricity (six), extractive industry (six), road transport (six) and telecommunications (six) – have been most productive, with 49 joint texts (about 45%) out of a total of 110 documents. By contrast, the textiles and clothing, shipbuilding and insurance industries have not concluded a single joint text in the past three years. A total of seven industries (furniture, temporary agency work, banking, sea transport, footwear, steel and inland waterways) have concluded only one text over the three years and eight sectors have concluded only two texts.

Figure 4 Number of documents, by sector, 1999–2007

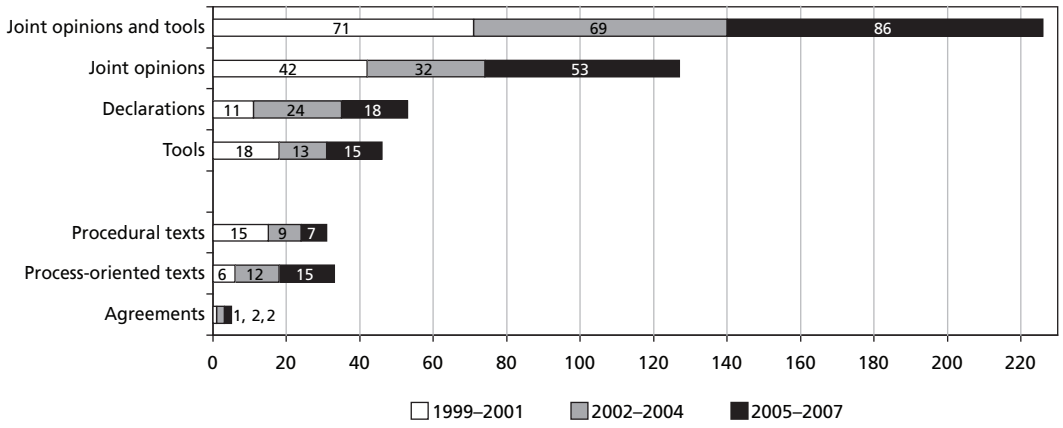


Note: The sectors with an asterisk were established in 2006 or 2007.
Source: OSE, own database 2008

Figure 5 shows the nature of the texts signed. The findings of this quantitative analysis are relatively clear-cut: the trend detected earlier – towards a dialogue that is more binding on the signatory parties – is only partially borne out by the quantitative data. A total of two binding agreements have been concluded in the past three years, and five for the entire nine-year period (about 2% of the total). Meanwhile, 15 process-oriented texts have been concluded in the past three years or 33 for the entire period (about 11% of the total). In the latter case, an increase can be seen compared with the period 1999–2001, and relative stability compared with the 2002–2005 period, taking into account the increase in the number of committees. On the other hand, in 2005–2007 far fewer declarations were made, which are the weakest form of reciprocal commitment between the social partners.

Furthermore, most of these agreements and process-oriented texts have been adopted in new sectors of the economy. This indicates that a cumulative effect has not occurred, with one or more sectors moving ahead towards more binding internal procedures, despite encouragement from the European Commission to move in this direction. Rather, a number of initiatives appear to materialise at a given moment in a particular sector, often for different reasons. This confirms the results of the previous study (Observatoire social européen, 2004).

Figure 5 Number of documents, by type, 1999–2007



Source: OSE, own database 2008

As regards binding agreements, the first sectoral agreements served to adapt Council Directive 93/104/EC[3] concerning certain aspects of the organisation of working time to the specific needs of the various transport sectors. The second stage was the signing of two important texts by the railways sector in 2004, one of them transformed into Council Directive 2005/47/EC[4] on certain aspects of working conditions of mobile workers engaged in interoperable cross-border services (Hilal, 2005), the other used partly as the basis of Directive 2007/58/EC[5] amending two earlier directives concerning the Community's railways. Lastly, an autonomous agreement on crystalline silica was concluded in 2006. This was the 'Agreement on workers' health protection through the good handling and use of crystalline silica and products containing it (112Kb PDF)', published in the Official Journal.[6] Its signatories were EMCEF and EMF, alongside 15 employer organisations (see also Chapter 4).[7]

In November 2007, the European Community Shipowners' Associations (ECSA) and ETF reached an agreement implementing an International Labour Organization (ILO) Convention: the Maritime Labour Convention 2006. This is a complex procedure, as it aims to integrate certain provisions of the ILO convention into Community law (see also Chapter 4).

Figure 6, finally, examines the main addressees of these documents. Over the period as a whole, the majority of the texts are common positions intended for the European Commission, a trend that has strengthened in the past three years. The figure confirms that most of the texts are addressed to the European institutions, which was much less the case for the period 2002–2004.

[3] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31993L0104:EN:HTML

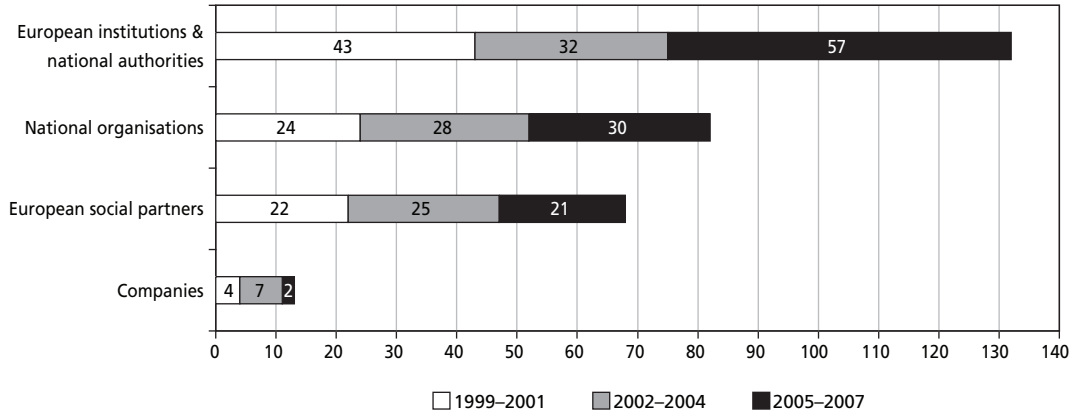
[4] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32005L0047:EN:HTML

[5] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:315:0044:01:EN:HTML

[6] OJ C 279 of 17 November 2006, pp. 2–8, available online at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2006:279:0002:0008:EN:PDF

[7] The 15 European employer organisations are as follows: European Glass Fibre Producers Association (APFE), International Bureau for Precast Concrete (BIBM), European Foundry Association (CAEF), Council of European Employers of Metal, Engineering and Technology-Based Industries (Ceemet), European Cement Association (Cembureau), European Ceramics Industries (Cerame-UNIE), European Mortar Industry Organisation (EMO), European Special Glass Association (ESGA), European Insulation Manufacturers Association (Eurima), European Association of Mining Industries (Euromines), European and International Federation of Natural Stones Industries (Euroroc), European Container Glass Federation (FEVE), European Association of Flat Glass Manufacturers (GEPVP), European Industrial Minerals Association (IMA-Europe) and European Aggregates Association (UEPG).

Figure 6 Number of documents, by addressee, 1999–2007



Source: OSE, own database 2008

Issues covered

This section covers the topics addressed by the sectoral social partners in the joint texts. It compares the formal results – that is, joint texts adopted – with the development of topics that appeared on the agenda of the sectoral committees. In this case, the study is not especially interested in whether the topics have been transformed into formal text but rather by the emergence or not of new topics, and/or whether one topic proves more interesting than a formal text. The next section will present the case of the textiles sector as an example of a dynamic committee operating without a formal text having been adopted recently. Looking at the committees' work programmes, contrasting developments emerge: some are in line with the evolution of the production of joint texts, while others indicate new trends or other types of activities that will not necessarily call for a joint text (see Annex 2).[8]

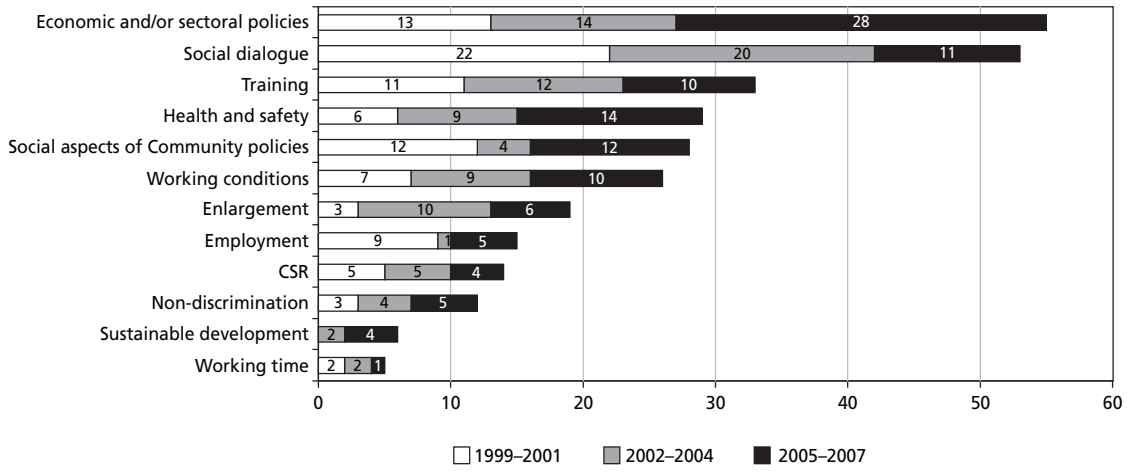
As for the subject matter of these joint texts, this research has mainly used the categories devised by the European Commission in the 1990s, with only a few additions. In its database, the Commission has doubled the number of categories. This study has preferred to keep a limited number with little adaptation, partly because the new categories proposed by the Commission only include a maximum of five texts and are often ad hoc, and partly because they can be introduced into a broader category. As stated in the previous report for the Commission (Observatoire social européen, 2004), it is often difficult to classify the content of a text as it covers different topics that are the result of bargaining processes between the social partners.

The modifications with regard to the categories as used by the European Commission in the 1990s are the following: the 'gender equality' category has been broadened to encompass the theme of 'non-discrimination', and further categories have been added – 'sustainable development' and 'corporate social responsibility (CSR)/code of conduct/charter'. This research distinguishes between economic and sectoral policies, on the one hand, and the social consequences of European integration, on the other.

[8] This research is confident of covering all work programmes for 2006, 2007 and 2008, but not for the years before. As many work programmes as possible have been collected, but they were not systematically published on the European Commission website. Moreover, some economic sectors did not have a formal text for their work programme in the past. Therefore, this study will only present the findings for the last three years.

Concerning the work programme, the tables in Annex 2 were, in a first step, drawn up by using the 12 categories of the joint texts. Within these broad categories, this study has distinguished different subcategories. Finally, a few items did not fit into any of the existing categories and were consequently listed at the end of the tables. Figure 7 outlines the number of documents concluded in the 12 categories between 1999 and 2007.

Figure 7 Number of documents, by topic, 1999–2007



Source: OSE, own database 2008

Looking at the topics broached, the past three years account for the largest number of documents devoted to economic and sectoral policies. Interestingly, adaptation to change and restructuring issues are rarely addressed in common texts, but these topics are already on the work programme of a growing number of committees.

Regarding social dialogue, the number of texts has decreased, partly due to the fact that this topic is mainly dealt with under procedural text, that is, the text generally adopted at the creation of the committee. Only a few sectors have modified the basic agreement and the work programmes do not really focus on this topic. Today, social dialogue in the NMS also attracts less interest than before, a fact confirmed by the declining figures covering the enlargement domain. Enlargement is no longer at the top of the agenda; various practices did not lead to the formal adoption of a joint agreement (see, for example, the following section on textiles).

With the development of the so-called Copenhagen-Maastricht-Helsinki process on lifelong learning, training has gained in importance as a topic at European sectoral level (Léonard et al, 2007). However, to date, this development is not reflected by the number of joint texts adopted; indeed, this number shows a slight decrease. Nevertheless, in analysing the topics discussed and the agenda of the sectoral committees, training is a domain attracting increasing attention: it is on the agenda of 21 committees. It may be assumed that, in the coming years, more texts will cover training and retraining. This theme is often linked with demography and fears of labour shortages in the near future.

More surprising is the relative decline in joint texts on 'CSR/code of conduct/charter'. This can partly be explained by the fact that, once adopted in a sector, new instruments need not be adopted later.

The main concern then is the implementation of the code or charter. This analysis is also supported by the reading of the work programme. When 'CSR/code of conduct/charter' is indicated as an item on the work programmes, mostly it is the follow-up of a CSR, code or charter adopted previously, as Table 2 indicates.

Table 2 Work programmes including code of conduct, by sector and theme, 2006–2008

Sector	Theme
Audiovisual 2007	Information exchange
Catering 2007	Promotion Translation Updating Future conclusion
Footwear 2006	Follow-up
Sugar 2007	Report Implementation (communication, standards, examples of good practice)
Tanning and leather 2006–2008	Follow-up negotiations
Telecommunications 2007	First half of 2007: carry out good practices project Second half of 2007: dissemination, follow-up and implementation
Textiles 2007	Signing of the code by the NMS partners

Source: European sectoral social dialogue joint texts

Texts dealing with sustainable development are on the increase, owing to the global warming debate. Nonetheless, they still only represent a minority of the joint documents. Surprisingly, this topic is not on the agenda of many committees. According to some correspondents in the workshops organised by Eurofound, this situation is likely to change as related discussions are already underway in many committees. The topic is also likely to be addressed by the cross-industry social partners in their next triennial work programme.

Non-discrimination is another topic experiencing a slightly increased profile in the joint texts, which is also the case in the work programmes – even if only about one third of the committees have this item formally on their agenda.

The social aspects of community policies are no longer on committee agendas, in spite of many joint documents having been signed in the last three years. This topic is very much influenced by the EU agenda and by the revision of the Lisbon Strategy and the European Employment Strategy, attracting numerous joint reactions. Consequently, the work programmes are not good indicators of the importance of these topics.

Working conditions are still an important issue. A glance at the work programmes shows that flexicurity is now a theme under discussion in different committees, a development which hardly comes as a surprise following its promotion at EU level. Flexicurity is described as an optimal balance between labour market flexibility and security for employees against labour market risks. Working time, a topic strongly linked to the working time directive, is now a marginal topic. However, it is worth noting that the inland waterways committee is discussing this subject and could sign an agreement in the future.

Table 3 Work programmes including health and safety, by sector, 2007–2008

Sector	Topic
Agriculture	Musculoskeletal disorders (2007–2008) Fatal industrial accidents (2008)
Catering	Obesity (2007/2008) Food hygiene (2007–2008)
Chemical industry	Responsible care (2007/2008) Chemical products (2007/2008)
Civil aviation	Workplace health promotion (2007/2008)
Commerce	Safer shopping (violence and abusive behaviour) (2007–2008)
Construction	Reducing accidents (2008/2011) Registration, evaluation, authorisation and restriction of chemical substances (REACH) (2008/2011) Stress (2008/2011) Illnesses (cement) (2004/2007)
Electricity	Stress (2007–2009) Raise awareness on health and safety issues (2008–2009)
Extractive industry	Accident causes (2007/2008/2009) Musculoskeletal disorders (2007/2008/2009) REACH (2008/2009) Noise (2008/2009) Methane/nitrogen dioxide (NO_2) (2007/2008/2009) Carcinogens directive (2007)
Furniture	Best practices (2007–2008) Cancerogens (formaldehyde) (2007–2008) Accident reduction project (2008)
Gas	Health and safety (2007/2008)
Horeca	Diet, physical activity (2008) Alcohol (2008)
Hospitals	Blood-borne infections (2008)
Live performance	Health and safety (2007–2009) Best practices (2007) Noise (2007–2009)
Maritime transport	Food safety/nutrition (2008) Fatal and non-fatal accidents at work (2008) Drugs and alcohol (2008) Security (2008)
Personal services	Chemical products (2007) Cosmetics directive (2008)
Postal services	Accident prevention (2007)
Private security	Violence (2007–2008) Stress (2007–2008) Attacks (2007–2008)
Road transport	Stress (2007–2008)
Sea fishing	Safety (2008) Prevention of accidents (2008)
Steel	Best practices (2007/2008)
Telecommunications	Musculoskeletal disorders (2007–2008) Best practices (2007–2008)
Woodworking	Health and safety (2007–2008)

Source: European sectoral social dialogue joint texts

Health and safety issues are also being addressed with growing frequency. The increased production of joint texts is mirrored by a rising number of committees with the topic on their agenda. The following paragraphs will analyse in greater detail the content of agendas in the domain of health and safety. Tables 3 and 4 present the activities as indicated in the health and safety work programmes; Table 3 outlines the data according to sector, while Table 4 lists these activities by topic.

In all, 20 sectors have health and safety discussions on their agenda, compared with 14 joint texts adopted over the last three years. Among the 22 sectors listed above, construction and the extractive industry have a broader agenda.

A grouping according to broad topics shows the diversity of the themes discussed (Table 4). Many of them are directly related to the EU agenda and others are at the heart of health and safety, such as accidents or noise. Another category also emerged, covering more than just the workplace in a strict sense, such as obesity, smoking and health in general.

Table 4 Work programmes including health and safety, by topic, 2007–2008

Topic	Sector
Accidents	Agriculture
	Construction
	Extractive industry
	Postal services
Safety	Sea fishing
Best practices	Furniture
	Live performance
	Steel
	Telecommunications
Health and safety	Gas
	Live performance
	Woodworking
Illnesses	Construction
Musculoskeletal disorders	Agriculture
	Extractive industry
	Telecommunications
Noise	Extractive industry
	Live performance
Chemical products/REACH	Chemical industry
	Construction
	Extractive industry
	Personal services
Carcinogens directive	Extractive industry
	Furniture
Stress	Construction
	Electricity
	Private security
Obesity	Catering, horeca
No smoking	Horeca
Workplace health promotion	Civil aviation
Others	
Methane/NO_2	Extractive industry
Blood-borne infections	Hospitals
Ergonomic guide	Cleaning

Source: European sectoral social dialogue joint texts

Activities of the textiles sector

In terms of activities, an interesting example is the textiles sector, which has not signed joint texts for some years but has been involved in many other activities. Between 2005 and 2008, the European textiles, clothing and leather sector faced one of the most important crises in its history. The end of quotas, due to new World Trade Organization (WTO) directives, added to the company relocations initiated during the 1980s to low salary countries in Africa, Asia and Latin America, resulting in a substantial reduction in employment in the sector.

The textiles sectoral social dialogue committee was, in 1999, one of the first to be set up after the official establishment of these committees in 1998. It comprises the European Trade Union Federation of Textiles, Clothing and Leather (ETUF:TCL) and the European Apparel and Textile Organisation (Euratex). Dialogue in the sector was already sufficiently positive to facilitate the setting up of a committee; the partners had much in common. Many collective bargaining inventory tools existed at national level but, because of the lack of means and comparative tools, they were not used. Codes of conduct and framework agreements had also been in existence for numerous years, in a sector that is a precursor in this regard.

Since 2004, although few new agreements have been signed, social dialogue has developed. Exchanges of good practice have taken place among organisations in the 15 EU Member States before enlargement (EU15) and the NMS. The consequence of that cooperation is to focus on competition with non-European – especially Chinese – products. Thus, the framework for a European social dialogue is strong.

The last textiles quotas were suppressed in 2007, which has reinforced the role of the social federations. Employers and workers agree that company restructuring and change are a normal process within the sector; the social partners have agreed on an objective of 'zero unemployed workers'. Eastern and central European members are requesting exchanges of practice on this matter. In the beginning, they benefited from relocations in the sector; however, today, their situation is the same as those of western Europe 20 years ago although western investments have, for a short period, softened the trend.

Another notable feature of the textiles sector is the change in the size of companies, with more large companies than in the past. Today, about 2.5 million workers are employed in the sector – half of whom are occupied in textiles, while the other half work in the clothing subsector. However, the sector was losing 4.5% to 6% of jobs every year due mainly to the increase of imports in Europe.

Euratex and ETUF:TCL share a similar definition of social dialogue, albeit with some small differences. For ETUF:TCL, social dialogue is more than just a large collective bargaining tool; it is a forum where problems that have an impact on the social situation of the sector, including trade and industry issues, should be discussed. For Euratex, social dialogue is a subsidiary process which completes the collective bargaining at company, local and national levels. Employer and worker representatives are involved in a process of cooperation.

As said, few new agreements have emerged in the textiles sector in recent years. Nevertheless, many social dialogue-related questions are debated. The partners have even discussed difficult issues such as restructuring, which, officially, is still not on their agenda. However, the issue of pay is never

mentioned at European level. Training and lifelong learning are central issues for the sector, which obviously needs new kinds of skills to deal with restructuring. In fact, training is a sensitive issue in a sector facing restructuring and change, and the need for new skills. Because of this need, the sector has had to develop actions and practices in the area of training, as well as exchanges of good practice and cooperation with training organisations, schools and universities.

Both employers and trade unions believe that activities enhancing the image and the attractiveness of the textiles sector are essential. All of the EU Member States are experiencing the same problem of labour shortages, which is why Romanian employers have hired Chinese workers.

Although the social partners agree on the importance of restructuring, they strongly disagree on the agenda for restructuring. Euratex explained that restructuring was happening at national level and that Member States tackle the issue in different ways. For the European trade unions, however, the anticipation of such change requires formal agreements. The textiles sector was one of the first to address CSR, with the social partners signing a code of conduct in 1997.

The social partners are preparing their sectoral social dialogue agenda in the context of current events in Europe and the social impact of European debates on the sector. The European Commission is a facilitator; however, the social partners consider that its involvement is insufficient. They have asked the Commission to be informed not only on social affairs, but also on all policies likely to have an impact on labour and employment in the textiles sector, such as trade, the internal market and industry. The social partners have exchanges with other sectors featuring similar characteristics; for example, both Euratex and ETUF:TCL have had informal exchanges with the steel industry. However, although numerous small and medium-sized enterprises (SMEs) operate in the textiles sector, Euratex has had no contact with the European Association of Craft, Small and Medium-sized Enterprises (*Union Européenne de l'artisanat et des petites et moyennes entreprises*, UEAPME).

After the latest EU enlargement in January 2007, the European social partners initiated actions in the NMS and in non-EU countries, in an attempt to support the development of a real social dialogue. Employer organisations of only two states – Latvia and Turkey – refused to initiate a dialogue with the national trade unions. Elsewhere, the best practices of the sector were explained and presented to the national partners.

Conclusion

Sectoral social dialogue at European level has not developed in the same way as the cross-industry social dialogue. The latter began with non-binding texts, principally in consensual areas such as training and lifelong learning and were mainly addressed to the European Commission. Subsequently, there was a move towards agreements extended by means of decisions by the Council of the European Union, at the request of the social partners, evolving into what are referred to as autonomous agreements and more flexible instruments, as in the case of lifelong learning. By contrast, a quantitative analysis of the sectoral social dialogue highlights a plethora of documents unevenly spread over the years but growing in number. The majority are common positions addressed to the European institutions with a view to influencing EU policymaking. In other words, one important function of social dialogue consists of joint lobbying of the EU.

No evidence emerges at sectoral level of a progression from tools or weak documents – 'weak' in the sense of being vague or purely declamatory – towards more binding agreements. That is why training, which was so important in the 'Val Duchesse'[9] social dialogue at cross-industry level and later in the autonomous social dialogue after 2000 (Heyes, 2007; Winterton, 2006), has not always taken a central position in sectoral dialogue. Nevertheless, training and lifelong learning have become a more important issue at sectoral level over the past few years (Léonard et al, 2007).

From a quantitative perspective, the conclusions are clear: fewer than 2% of the texts adopted at sectoral level are agreements with binding effect, and fewer than 10% are expected to have any impact at national level. The European Commission's attempt in 2004 to clarify the nature of the documents signed, in order to improve their quality and implementation process, has not yet been entirely successful.

Different trends are apparent from one sector to another: some sectors are more inclined towards consultation and the adoption of common positions, while others are more inward-looking and prefer reciprocal commitments. However, no obvious difference emerges between the sectors, and internal developments in various directions are visible; for example, the sea transport and civil aviation industries concluded binding agreements on working time but have subsequently been unable to negotiate any other binding agreement.

The current trend is towards texts that are morally binding and process oriented (Visser and Ramos Martin, 2008); these documents increasingly resemble codes of conduct or optional guidelines. Thus, implementation is the task of decentralised stakeholders, perhaps with some moral pressure being exerted on any actors that fail in their duty. The other source of pressure is that, where implementation is non-existent or inadequate, the European Commission – at the request of the social partners – could decide to extend the key provisions to all parties through a Council decision, according to its 2004 Communication on change in an enlarged Europe (European Commission, 2004b). Indeed, some binding texts have been translated into European legislation.

At the outset, social dialogue and EU collective agreements were thought of as an alternative to EU legislation and a means of creating a multi-layer industrial relations system. Some 20 years after the Single European Act in 1986 and the first steps towards establishing social dialogue, the outcome bears a strong resemblance to the open method of coordination and the European Employment Strategy. The same implementation and participation difficulties seem to arise at EU and national level.

[9] 'Val Duchesse' is the term used to describe the emergence of European social dialogue in the mid 1980s. This was the result of an initiative taken by Jacques Delors, the incoming President of the European Commission in January 1985, to invite the chairs and general secretaries of all the national organisations affiliated to the EU-level organisations of employers and workers to a meeting at the castle of Val Duchesse outside Brussels on 31 January 1985.

Coordination of multi-level actors 3

Coordination between sectors and with cross-industry social dialogue

One noteworthy aspect is the growing interaction both between the cross-industry and sectoral levels, and among the economic sectors themselves. A stronger linkage is emerging between cross-industry and sectoral autonomous agreements. The area of telework was the first example of such a crossover: telecommunications was the first sector to sign an agreement, after which the cross-industry agreement was reproduced in various sectors.

In general, sectors covered by EPSU tend to be those most inclined to extend cross-industry agreements to sectoral level. According to the interviews conducted as part of this study, two reasons may arise in this regard. First, the European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest (*Centre européen des entreprises à participation publique et des entreprises d'intérêt économique général,* CEEP) is directly or indirectly part of the sectors covered. Being part of the cross-industry social dialogue, CEEP is also more willing to translate the agreement at sectoral level. It is also often the case that EPSU has been in the trade union delegation at cross-national level. Secondly, it is difficult to find common ground in these sectors. Adapting existing documents is less time-consuming. Nevertheless, little information is available about the impact on individual sectors of adopting agreements concluded at cross-industry level. Two of the examples below concern inter-sector coordination.

Following the conclusion of the cross-industry framework agreement on harassment and violence at work (ETUC et al, 2007), the European Commission brought together those sectoral partners potentially interested in supplementing this agreement by the inclusion of third-party violence by perpetrators outside the company. The latter is a major problem in sectors such as commerce and banking. However, the employers of these two sectors were not interested in participating in such an approach.

In addition, four areas of economic activity have adopted 'best value' codes: private security, cleaning, textiles and catering.[10] All of the codes aim to prevent calls for tender that only take financial aspects into account in the evaluation process. Quality, training and the payment of decent wages, for example, should likewise be taken into consideration. These four sectors have decided to combine their efforts and propose common principles for these codes; they organised an important conference on 18 April 2008 to disseminate awareness of such codes. As the texts of the different codes indicate clearly, the provisions are slightly different (see Box).

The codes of the textiles and cleaning industries demonstrate a new development: the emergence of coordination processes between sectors.

The development of sectoral process-oriented texts reveals just how specific each sector is. Some ad hoc progress has been achieved but is not expanding more widely. Nevertheless, evidence emerges of incipient coordination both between sectors – going beyond the bounds of individual European trade union federations – and between the sectoral and cross-industry social partners.

[10] The four codes are: Code of conduct and ethics for the private security sector (18 July 2003); Selecting best value for the public procurement of cleaning services (17 September 2004); Public procurement awarding guide for the clothing-textiles sector (January 2005); and Guide to the economically most advantageous offering in contract catering (January 2006).

Summary of four 'best value' codes

Private security:
This code was established by the representatives of the relevant European social partners, the Confederation of European Security Services (CoESS) and UNI-Europa, as part of their social dialogue. They sought to ensure the development of standards of conduct and ethics, the purpose of which is to benefit companies, employees, clients and society in general.

Cleaning:
In order to promote the quality of services and to professionalise the sector, the European Federation of Cleaning Industries (EFCI) and UNI-Europa have published a guide designed for contracting authorities. It serves as a practical tool aiming to guide authorities through the different phases of analysing and awarding public contracts, by offering an objective system of quality criteria. This enables them to determine best value.

Textiles:
This guide aims to offer an information, training and decision-making tool for the relevant departments of national authorities, public purchasing departments and supplier companies. It underlines the technical value and quality standards that will help them to identify bidders offering top-quality supplies.

Catering:
This code features:
- more transparent processes for awarding contracts;
- a better analysis of the needs of the purchasing entities;
- a response that is more in line with the expectations of the entities and of their users;
- higher levels of quality, hygiene and food safety;
- guarantees in terms of jobs, working conditions and training for those working in the contract catering sector.

The guide offers:
- a range of contractual solutions;
- a standard format that indicates what the specifications for contract catering must include, enabling all entities to formulate their expectations and needs clearly and in a structured manner;
- analytical tools enabling the economically most advantageous offer to be selected.

Coordination with national members

It is useful to explore the extent to which the European sectoral social partners have the capacity to federate national interests and constitute coalitions among their national constituencies in order to develop their own action at European level. The representativeness criteria are clearly defined and all European social partners participating in the European sectoral social dialogue committees respond to those criteria. However, beyond these formal rules, what interests do the European social partners represent exactly?

The issue of capacity concerns the definition of the sector as such. A given European sectoral social dialogue committee may cover a similar socioeconomic situation to varying extent in the different Member States. Diversity does not constitute a difficulty in itself, but it does augment the complexity that the European players have to face and, more importantly, makes it difficult for the European sectoral organisations to find or define shared interests and common goals with national

constituencies acting in different 'worlds'. Data on the demarcation of the sector in the Member States therefore give an indication of the degree of homogeneity or heterogeneity of a given sector across countries, and this indirectly indicates the degree of difficulty in defining a common ground at European level.

Moreover, the national member organisations play different roles in the specific institutional context. Thus, it is important to know the type of membership European organisations represent, in terms of the role of national members in their domestic industrial relations system. The representativeness studies mentioned earlier in this report give detailed information on the composition of the membership (see the European Commission's website[11] for all data in this regard). A comparative analysis across countries and different sectors indicates that defining a common ground across countries is not an easy task, since national members not only face different socioeconomic situations, but also play different roles in their respective contexts. Furthermore, sectoral variations show that the European social partners' capacity to construct coalitions among their members varies from one sector to another.

Diversity of sectoral domains

Indeed, the European sectoral committees may not even cover similar socioeconomic situations across all Member States. The definition of a given sector in a particular country, from an industrial relations perspective, results from its domestic institutional history and the progressive constitution of the actors and the industrial relations bodies in the sector. It does not necessarily correspond to the economic demarcation of the sector. Variations across the countries can also reasonably be expected, and data on selected sectors analysed for this study indicate that the variation can be significant.

The representativeness studies identify and describe the social partners, sector by sector, in all Member States. For this purpose, the notion of social partners is defined as including all organisations whose membership domain is sector-related. It also includes organisations that are either party to sector-related collective bargaining or a member of a European social partner consulted under Article 138 EC, and/or which participates in European sectoral social dialogue (see, for instance, Institut des Sciences du Travail, 2004; Traxler, 2007).

The membership of each European sectoral social partner covers organisations in all Member States, with a variety of sizes, roles and structure. A first source of variation is the scope of the national member organisations: the different members do not necessarily cover the same sectoral domain. Traxler (2007) differentiates four types of situation:

- 'congruence' – where the domain of the organisations in a given country corresponds to the particular demarcation in the General industrial classification of economic activities within the European Communities (*Nomenclature générale des activités économiques dans les Communautés européennes*, NACE);
- 'sectionalism' – where the organisations' domain is narrower than the NACE demarcation;
- 'overlap' – where the organisations cover not only the NACE domain but also parts of other sectors;

[11] http://ec.europa.eu/employment_social/social_dialogue/represent_en.htm

- 'sectional overlap' – where the organisations cover parts of the NACE demarcation and parts of other sectors.

Data on selected industries – agriculture, postal services and electricity – show that the boundary of a given sector can vary greatly from one country to another, and few national players represent a similar socioeconomic domain. The European sectoral social partners therefore represent national members acting in diversified situations, not only in terms of economic growth, employment, number and types of companies, but also in terms of a definition of the field that they represent.

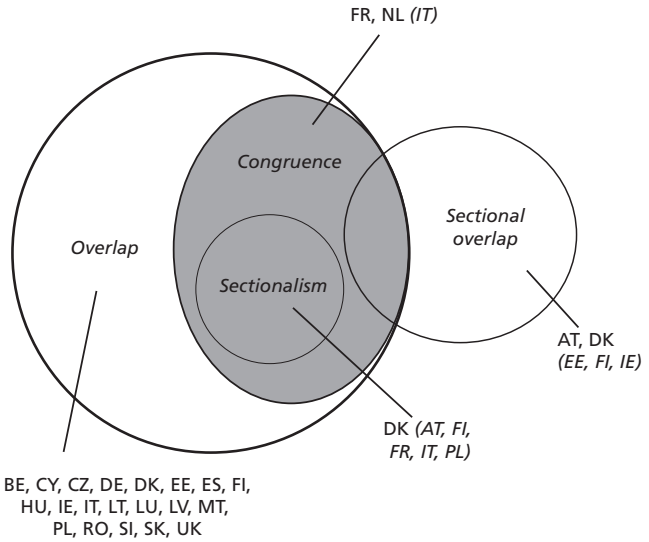
Agriculture

In principle, agriculture is defined by NACE 01: agriculture, hunting and related services. In terms of the domain that the social partners in all Member States represent under the label 'agriculture', differences emerge on the trade union and employer sides. Figure 8 presents the domain covered by the trade unions, while Figure 9 shows the situation for employer organisations.

It is important to note that, in agriculture, the distinction between the representation of workers' and employers' interests is not always an easy task, as Traxler (2007, p. 8) notes:

> *'farming is often practised as "own account" employment. Hence, employers are rarely the main constituents of farmers' organisations. Moreover, their members may regard their economic position as being more similar to that of employees rather than employers, since they are often economically dependent on large buyers, such as food-processing companies or retail chains, and as they are often engaged in farming as an auxiliary activity, alongside their primary job as an employee outside of the agricultural sector.'*

Figure 8 Domain coverage of trade unions in agriculture



Notes: The figure presents the situation for the trade union organisation(s) in each country; italics indicate the situation of smaller organisations. No data for BG, EL, PT and SE.
Source: Traxler, 2007

The data clearly indicate that most trade unions cover a broader sector than the NACE 01 demarcation, and this is also the case for employer organisations. Finding and defining common interests in such a context is a real challenge, as interviewees themselves underline. A national trade union respondent to this study explained:

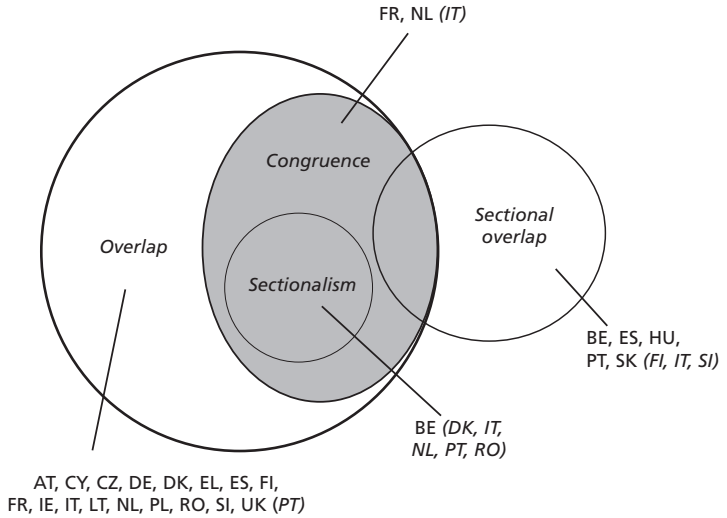
> *'The various national systems do not function in parallel. Problems do not occur or develop similarly from country to country, and they are not solved in the same way either. It is therefore difficult to establish the links.'*

The same respondent adds that working methods may differ:

> *'Nordic countries often involve technical experts in the committee meetings. Southern countries, such as France, prefer to take a more political or ideological approach. These different methods can favour misunderstanding and hamper common trade union positions, an obstacle to setting up platforms for strong demands at European level.'*

On the employer side, as Traxler (2007) notes, in most countries employer organisations cover a larger domain that includes agriculture and farming in the broad sense, involving cooperatives or regional associations.

Figure 9 Domain coverage of employer organisations in agriculture



Notes: The figure presents the situation for the employer organisation(s) in each country; italics indicate the situation of smaller organisations. No organisations in LU and MT. No data for BG, LV and SE.
Source: Traxler, 2007

The particular status of farmer organisations that do not act as social partners in the Member States introduces some asymmetry with the European employer organisation. According to Traxler (2007):

> *'The Employers' Group of the Committee of Agricultural Organisations in the European Union (GEOPA-COPA) specialises in dealing with employer interests and social dialogue, as opposed to the interests of farmers in other policy areas. Like the Committee of Agricultural Organisations in the European Union (Comité des organisations professionnelles agricoles de l'union européenne, COPA), its domain covers agriculture in terms of agricultural holdings*

involved in livestock or arable farming. This includes membership of national associations of cooperatives, although most of them are affiliated to the General Committee for Agricultural Cooperation in the European Union (Comité général de la coopération agricole de l'union européenne, Cogeca).'

An interview with a national employer representative confirms that European employers in agriculture have to face both national diversity and the heterogeneity of their own membership. National members might not be social partners and may play different roles, without being necessarily interested in social dialogue in general.

'COPA is composed of 56 organisations from 27 countries. The requirements of these organisations differ, and also the reality that they face and the social dialogue cultures vary, and they can be highly different from one country to another. Some organisations are then more sensitive to social dialogue than others.'

EU enlargement has also made it difficult to identify the owner of the farms in former collectivist regimes in some of the NMS (Traxler, 2007).

Postal services

At European level, the postal sector is defined according to the code NACE 64.1, including NACE 64.11 for national post activities and NACE 64.12 for courier services other than national post activities.

Since the late 1990s, the sector has undergone major changes that directly affect its scope. Regalia (2007) particularly points to liberalisation, but also highlights the diversification of operators and of their characteristics, the increase and diversification of the services provided, the definition of a universal guaranteed service, and the redefinition and harmonisation of regulations and operations in postal services, in accordance with EU directives.

In particular, liberalisation started after Directive 97/67/EC[12] on common rules for the development of the internal market of Community postal services and the improvement of quality of service; this development constituted a major challenge. According to Glassner (2008), 'the sector is divided between a single main provider, mostly the former monopolistic public postal services companies, and various private companies that differ strongly in terms of their size and market shares.'

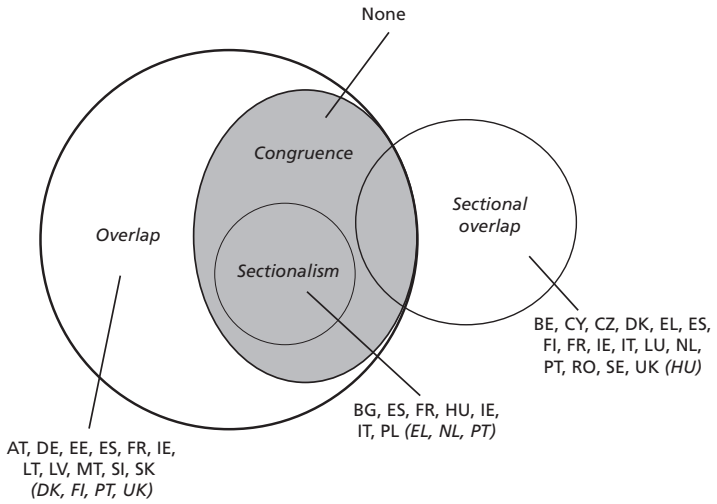
Hence, the sector is undergoing deep transformation, and the European social partners – UNI-Europa and the Association of European Public Postal Operators, PostEurop – have to contend with both heterogeneity and change. Heterogeneity, however, is less pronounced on the employer side, where the national members are mostly single companies that are the former monopolistic operators.

As for trade unions in postal services, no national member organisation corresponds to the demarcation of the sector as NACE 64.1 defines it, and the recent data collected by Eurofound show the diversity of trade union scope across the countries (Glassner, 2008). In Bulgaria, Hungary and Poland, the trade unions represent a part of the sector as delineated by the NACE code; however, in

[12] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31997L0067:EN:NOT

most countries, they cover a larger domain, or a part of the sector and parts of other branches (Figure 10).

Figure 10 Domain coverage of trade unions in postal services



Notes: The figure presents the situation for the trade union organisation(s) in each country; italics indicate the situation of smaller organisations.
Source: Glassner, 2008

This finding clearly highlights the heterogeneity of the national situations. It also indicates that national members potentially represent different socioeconomic realities and diversified interests that are difficult to combine in a coalition at European level.

On the employer side, the national members of PostEurop are mostly individual companies that are the former monopoly postal enterprises, where collective bargaining takes place. Employer organisation structures do not therefore correspond to what are traditionally called sectoral social partners. An asymmetry also exists between the employer representatives, which represent companies, and the trade unions that mostly represent employees in the postal services sector or parts of it. Greater symmetry of employer organisations across countries has emerged than that of trade unions, but this is associated with the prevalence of single-employer industrial relations in the former monopolistic companies.

The members of the committees do not necessarily perceive heterogeneity as a difficulty. Indeed, they regard it as an opportunity to learn from each other. According to a Polish respondent on the employer side, for instance,

> *'the objective currently is to collect good practice and good ideas that could be implemented in Poland. (…) Social dialogue is also a means to hear the others' point of view and to see how other postal operators deal with their trade unions.'*

A Belgian employer representative echoes this point of view:

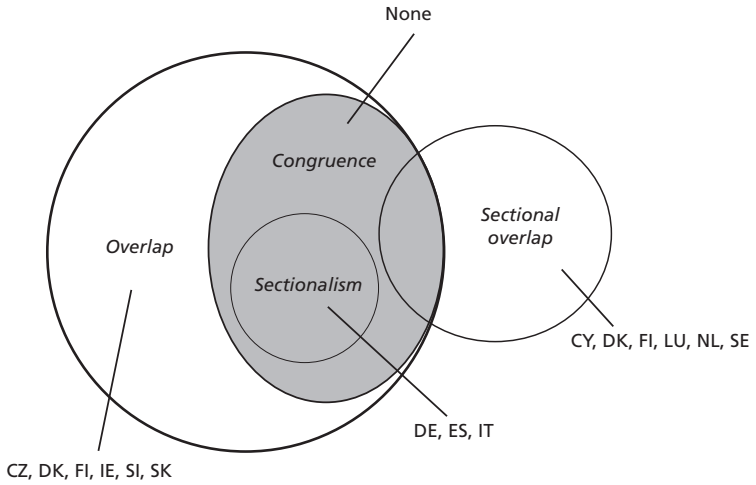
> *'The important thing is that the working groups are a useful means of learning what others do. There is also an added value in the meetings with the NMS, because they are in a different reality that requires action in concrete terms rather than theoretical concepts.'*

Nevertheless, heterogeneity generates greater difficulty in defining common positions within European organisations. The Belgian employer representative further highlighted:

> *'The committee has been created in the context of sector liberalisation. The interests of PostEurop members were not the same in this context, and there was more divergence between countries than between trade unions and employers.'*

Figure 11 illustrates the domain coverage of employer groups in the postal services sector.

Figure 11 Domain coverage of employer organisations in postal services



Notes: The figure presents the situation for the employer organisation(s) in each country. In AT, BE, BG, EE, EL, FR, HU, LT, LV, MT, PT and UK, members are not sectoral social partners in the strict sense, but individual companies. No employer organisations exist for PL and RO.
Source: Glassner, 2008

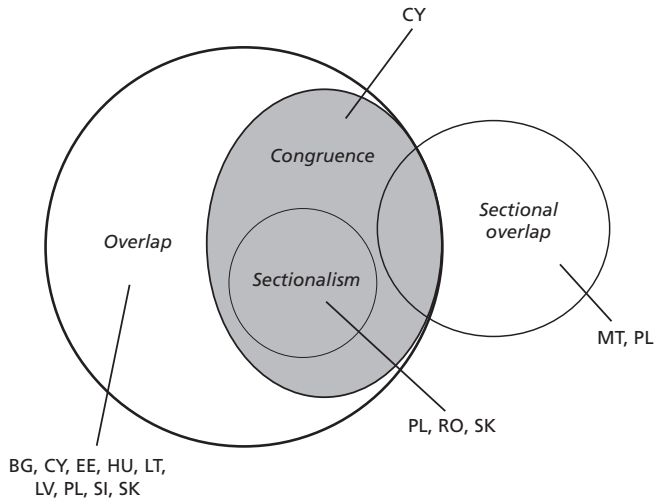
Electricity

With regard to the electricity industry, recent and detailed data cover the NMS only. The sector is formally defined by NACE code 40, which covers 40.1 production and distribution of electricity, 40.11 production of electricity, 40.12 transmission of electricity, and 40.13 distribution and trade of electricity.

Trade union structures in the NMS usually cover more than electricity activities, since they generally represent workers from the broader energy sector (Figure 12). The situation is similar on the employer side, where most organisations represent the larger energy sector (Figure 13). It is worth noting that, in Lithuania, Malta and Slovenia, no employer organisation exists, and a single employer is the interlocutor in social dialogue; in Malta, the state acts on the employer side in social dialogue.

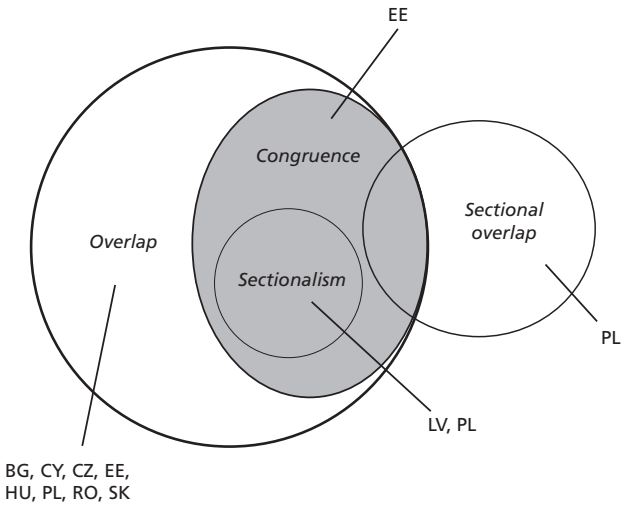
Similar configurations might be expected in the electricity industry as in postal services. However, the situation actually differs, since electricity employers in the NMS are organised in sectoral-level organisations that cover the diverse branches – production, distribution, transmission and trade – and also other activities in energy production and distribution.

Figure 12 Domain coverage of trade unions in electricity industry, NMS



Note: The figure presents the situation for the trade union organisation(s) in each country.
Source: Institut des Sciences du Travail, 2004

Figure 13 Domain coverage of employer organisations in electricity industry, NMS



Notes: The figure presents the situation for the employer organisation(s) in each country. No employer organisation acts as a social partner in LT, MT and SI.
Source: Institut des Sciences du Travail, 2004

Role of sectoral industrial relations structures in Member States

The national members cover diverse sectoral realities, and they also play different roles in the national system of industrial relations. On the whole, the sector is an important level of collective bargaining in the EU15, whereas it is generally considered as playing a weak role in the NMS, at least with regard to wage bargaining (Table 5). However, it is important to assess what exactly terms such as 'weak' or 'under-developed' mean. Studies dealing with this issue are generally based on a global evaluation of the relative role played by the sectors in national systems of industrial relations (see, for instance, European Commission, 2004a; Schulten, 2004; European Commission, 2006c). A

frequent approach consists of distinguishing groups of countries according to the dominant bargaining level.

Table 5 Wage bargaining levels, EU27

Country	Intersectoral level	Sectoral level	Company level
AT		***	*
BE	***	**	*
BG	No data	No data	No data
CY		***	*
CZ		*	***
DE		***	*
DK	*	***	**
EE		*	***
EL	**	**	*
ES	*	**	**
FI	***	**	*
FR		*	***
HU	*	*	***
IE	***		*
IT		***	**
LT		*	***
LU		**	**
LV		*	***
MT		*	***
NL	*	***	*
PL		*	***
PT	*	***	*
RO	No data	No data	No data
SE		***	*
SI	**	**	*
SK	*	**	**
UK			***

Note: *** = dominant level of wage bargaining; ** = important bargaining level; * = weak bargaining level.
Source: European Commission, 2004a, p. 39

The data on the main level of wage bargaining – provided by the European Commission's report *Industrial relations in Europe 2004* – make it possible to distinguish three groups of countries:

- countries where the cross-industry level prevails (Belgium, Finland[13], Ireland and, to a lesser extent, Slovenia);
- countries where the sectoral level plays a major role (Austria, Cyprus, Denmark, Germany, Greece, Italy, the Netherlands, Portugal, Slovakia, Spain, Sweden and, to a lesser extent, Luxembourg);

[13] In the second quarter of 2008, Finland decided to decentralise wage bargaining to the sectoral level.

- countries where wage bargaining is decentralised at company level (the Czech Republic, Estonia, France, Hungary, Latvia, Lithuania, Malta, Poland and the United Kingdom).

This typology concerns pay bargaining only; nevertheless, it indicates that, in most of the NMS, the sector does not play a key role in industrial relations. In fact, in a given country, differences may arise from one sector to another, each branch having specific dynamics (Marginson and Sisson, 2004). The 'sector weakness' in the NMS may not be identical in all sectors. In other words, beyond the global architecture of the national industrial relations systems, sector differences within the countries are likely to emerge.

Agriculture

Table 6 outlines the coverage rate of sectoral collective bargaining in the agricultural sector in each country and shows where multi-employer bargaining is important. It does not fully represent the role that the national members play in their respective industrial relations systems; however, it provides an indication of the importance of collective bargaining in the sector. This, in turn, can indirectly indicate whether the national sectoral structures are involved in social dialogue and produce regulations. It also reveals, in terms of the implementation of European texts, whether national sectoral structures could be used as domestic platforms for transposition. Nevertheless, caution is urged in interpreting the table, since it only reflects a specific part of industrial relations activities.

Multi-employer bargaining prevails in agriculture in a majority of countries, and coverage rates are above 50% in more than half the EU Member States. It should be remembered, however, that it covers employees only, whereas a large proportion of the self-employed workforce – as well as those involved in undeclared work – remains outside the scope of industrial relations.

It is interesting to note that the NMS profile is more diverse than might be expected. Beyond the supposed general weakness of sectoral collective bargaining in the NMS, the data on agriculture seem to indicate that multi-employer bargaining prevails in six countries: two with a low coverage rate, Bulgaria and Slovakia, and four with higher coverage rates, Estonia, Hungary, Romania and Slovenia. In four NMS, multi-employer bargaining does not play a significant role: Latvia, Malta, Poland and Lithuania.

Postal services

Data for postal services display high coverage rates – over 50% – in almost all countries, except Cyprus and Poland (Table 7). Not surprisingly, the coverage rate tends to be higher in postal services than in agriculture in nearly all countries, except Austria, Finland and Spain.

In contrast to agriculture, multi-employer bargaining is rare, present only in Denmark, Finland, Germany, Slovenia, Sweden and, to a lesser extent, Italy. This clearly reflects the structure of the players themselves, in a sector where a single company plays the main role in social dialogue in most countries. This situation leads to single-employer bargaining that, at the same time, covers a majority of the workforce in the sector.

Table 6 Collective bargaining coverage in agricultural sector, EU27

Country	Collective bargaining coverage (%)	Proportion of multi-employer bargaining as % of total collective bargaining coverage
AT	99	70
BE	100	100
BG	20	Prevailing
CY	Not available	Existing
CZ	Not available	Existing
DE	60 (West Germany), 19 (East Germany)	Prevailing
DK	50	90
EE	71	Prevailing
EL	Not available	Not available
ES	100	Almost 100
FI	100	100
FR	100	100
HU	69.5	59.8
IE	Not available	100
IT	100	100
LT	≤ 75	40
LU	0	0
LV	0	0
MT	0.17	0
NL	100	100
PL	0	0
PT	76	98.9
RO	77	100
SE	No data	No data
SI	100	100
SK	22.5	84.2
UK	11.6	0

Source: Traxler, 2007

Table 7 Collective bargaining coverage in postal services, EU27

Country	Collective bargaining coverage (%)	Proportion of multi-employer bargaining as % of total collective bargaining coverage
AT	77	0
BE	100	0
BG	52.3	0
CY	~ 20	0
CZ	> 82	Not available
DE	< 80	~ 80
DK	~ 90	~ 95
EE	98	0
EL	~ 100	0
ES	~ 60	Not available
FI	90	100
FR	100	0

Table 7 (*continued*)

Country	Collective bargaining coverage (%)	Proportion of multi-employer bargaining as % of total collective bargaining coverage
HU	97	0
IE	~ 53	0
IT	~ 99	~ 14
LT	~ 90	0
LU	100	Not available
LV	84	0
MT	84	0
NL	~ 100	Not available
PL	0	0
PT	94	0
RO	82.2	0
SE	100	100
SI	~ 100	~ 100
SK	90–95	Not available
UK	< 63	0

Source: Glassner, 2008

Electricity

With regard to the electricity industry, data are available for the NMS only (Table 8). The case of electricity supports the general assumption that the sector does not enjoy a strong level of industrial relations in the NMS, since sectoral collective bargaining prevails in three countries only: Bulgaria, Hungary and Slovenia. The conclusion must, however, be nuanced, because major companies play a significant role in this branch of economic activity and, even where bargaining takes place at company level only, the coverage rate of the workers in the sector is very high, close or equal to 100% in six countries – Cyprus, Estonia, Hungary, Latvia, Malta and Slovenia – and above 90% in two others – Lithuania and Romania. The data indicate that Poland is the only NMS with a coverage rate well below 50% of the workforce.

Table 8 Collective bargaining coverage in electricity industry, NMS

Country	Collective bargaining coverage (%)	Multi-employer bargaining
BG	50–55	Prevailing
CY	~ 100	No
CZ	58.6–76.4	Existing (mainly company level)
EE	~ 100	No (company level)
HU	~ 100	Prevailing
LT	~ 90	No (company level)
LV	100	No (company level)
MT	~ 100	No (company level)
PL	18	No (company level)
RO	> 95	Existing (sector and company)
SI	100	Prevailing
SK	No data	Existing (sector and company)

Source: Institut des Sciences du Travail, 2004, data from 2003

Comparison between sectors

Comparing three sectors – the chemical industry, construction and road transport – in the 12 NMS, Arnould et al (2006, pp. 17–18) conclude that the importance of sectoral-level collective bargaining within a given country varies:

> *'In half of the countries, the configuration of sector-level collective bargaining within a specific country varies from one sector to another. For instance, in Estonia, a sector-level bargaining process exists for the road transport sector and furthermore leads to the conclusion of a collective agreement. However, there are no sector-level bargaining structures in the two other sectors, construction and chemicals. This situation is also observed in Latvia for the construction sector. These examples bring us to the conclusion that the existence or absence of structures for sector-level collective bargaining and their capacity to conclude collective agreements does not only depend on a national context (history, IR traditions within this country, …). […] [Across] the various countries studied, sector-level collective bargaining is generally better developed in the road transport sector than in the construction sector and to a larger extent than in the chemical industry.'*

The data examined above support the idea that each sector has its specific dynamics in terms of potential coordination across countries.

In agriculture, it can be difficult to distinguish clearly whether the representation of farmers is on the employers' or workers' side. Employer representatives cover a diversity of members: cooperatives, associations and companies, and social partners do not necessarily exist. However, the multi-employer level of bargaining prevails in a majority of countries, with rather high coverage rates, despite the fact that the sector has a large proportion of self-employed workers who are not concerned by social dialogue.

In postal services, on the employer side, individual companies are the main players and, even if they do not act as social partners involved in sectoral social dialogue, they can directly act as players covering a major part of the activities and employment of the sector in most countries. Single and clearly identified organisations are in similar managerial situations, although the respective economic situation and company strategies vary greatly from one national context to another. On the trade union side, the membership of UNI-Europa is more diverse, with more organisations playing different roles. Defining common interests within the European organisation can therefore be more complex.

In the electricity industry, the data on the NMS reflect the path dependency to former sectoral structures that involve a variety of energy activities as they were structured before liberalisation. As might be expected, the larger companies play the main role in national social dialogue in this branch of economic activity, with very high coverage rates. This can facilitate European social dialogue since a direct relay exists on the employer side in the NMS.

To sum up, the European sectoral social partners represent national member organisations that not only operate in separate countries but also use different languages. In addition, they represent member organisations that do not cover the same socioeconomic reality and that have diverse missions, disparate types of structures and varying roles in their domestic system of industrial relations.

Institutionally, the European partners have to cope with path dependency to domestic structures and bodies of industrial relations, which determine the role and domain coverage of the member organisations. In terms of relationships between the various actors, the European partners have to work with national member organisations whose resources, constraints and strategies vary greatly from one country to another.

The situation, however, differs from one economic sector to another, since the membership structure varies. Some sectors – such as postal services and sugar – have a more homogenous membership, with direct interlocutors in the sector or at company level. Other sectors are composed of social partner structures that can play a role in collective bargaining at sectoral level but have weak links with the companies and the workers – as observed in the agricultural sector. Still other sectors also consist of members that are not social partners as such.

Defining a common interest does not therefore only present a difficulty to the relationship between trade unions and employers in terms of having to cope with complex European issues. It also involves much intra-organisational negotiation, in a context where it is difficult to find common ground among national member organisations, which have a variety of missions and interests because they act in sectors that are defined differently from one country to another, which are structured differently and that play diverse roles.

Accordingly, certain intra-organisational negotiations with the national members can be as important, or more important, than the discussions between trade unions and employers. In such a situation, it is not surprising that the respondents to this study consider the committees as a powerful tool for exchanging experiences and learning from each other, but that their capacity to define some kind of joint regulation is more uncertain.

Involvement of national players in the committees

According to Pochet (2006b), the European social partners' strategies and objectives that determine their involvement in a sectoral social dialogue committee could be explained by their external environment and more precisely by the characteristics of their sector in the European context. Besides these reasons, and in addition to Pochet's typology, the strategies adopted by these organisations within European sectoral social dialogue can also be explained by the relationships between the players involved, and by the involvement and mandate of the national members.

This section focuses on the opportunities and constraints that stem from the national members and that impact on their European federation, and how this affects the strategies of these federations within European sectoral social dialogue. The section then analyses the nature of national members' commitment to their European federation and European sectoral social dialogue committee. Three sectors have been examined, with interviews at European and national level, in order to carry out this analysis: agriculture, commerce and postal services. These three sectors were classified according to Pochet's typology:

- European-scale industrial relations – agriculture;
- exposure to competition and interconnection across national borders – postal services;
- developing an autonomous social dialogue independent of cross-industry dialogue – commerce.

These external characteristics of the sectors partly explain the strategies of the national organisations themselves. However, the three sectors actually function more similarly than expected. The involvement of the national members, their strategies and objectives, and how they act together form other important factors that explain the dynamics at play. Each organisation is not involved in European social dialogue in the same way and with the same goals. This section examines whether and to what extent the national actors participate in European sectoral social dialogue. It explores their objectives and investigates the opportunities and constraints that favour or prevent their participation.

When it comes to participating in the social dialogue committee, all national partners do not have the same commitment to agenda setting or decision making. Beyond the formal organisation of the committee and coordination role of the European federations, other strategic and material factors explain the degree of involvement of the national actors in the decisions taken by the committee.

From the results of the interviews conducted with several national actors, three types of actors were identified according to their degree of involvement within the sectoral social dialogue committees. It appeared that some actors were central to the outcomes of the committee through proactive involvement, while others were 'followers' as they adopted a more reactive involvement. The third category includes the absent actors. These categories have been proposed to illustrate the different types of involvement of the national actors within the committees. However, they are not static and actors may switch from one category to another.

Key players

Actors from this first category are regularly present at committee meetings. They are closely involved in the decision-making process through their work in specific working groups or smaller group meetings. They bring to the committee their national inputs and usually have an underlying project for European social dialogue. Most of these actors are also convinced of the necessity of transnational relationships and believe in the development of a European dimension in social matters.

The interviews in the three sectors examined indicate that the key players are members of significant organisations from large Member States of the EU15 and some large countries among the NMS, depending on the maturity of their organisation and the importance of the sector in the country. While conducting the research, it was not possible to interview a sufficient sample of interlocutors to give a detailed profile of the actors. However, the data gathered are sufficient to draw general tendencies and profiles. It should be added that this first kind of actor was, of course, keener to participate in the interviews and that the profile drawn of the other two categories is partly based on these players' responses.

Beyond material reasons such as human and financial resources, facilitating or favouring active participation in the committee, the organisations' strategic and political objectives can be identified; these provide explanations for the active presence and involvement of the actors. Among the objectives, external factors, the impact of European integration on the sectors and the national context explain a large part of the strategies adopted by the actors and the reasons for their active commitment to the committee.

A first set of objectives consists of trying to influence European policies and, accordingly, to act before any unilateral decision on the part of the European Commission.

- In agriculture, the social partners act in a sector highly impacted by European policies; acting jointly or individually to try to influence the reform of the common agricultural policies is an objective frequently cited by the actors.
- In postal services, the actors aim to influence the liberalisation process and set common working conditions among the EU27 in order to prevent wage dumping and poor working conditions. They also seek to ensure the continued provision of universal postal services in each country and have published a joint statement on the evolution of the postal sector.
- In commerce, the social partners are less concerned than the other economic sectors examined by European policies. However, they are concerned about any directive that could affect working conditions in the sector.

A second type of objective consists of transforming national activities into transnational ones, an objective indirectly linked to European integration and the globalisation of markets.

- As a consequence of the liberalisation of postal services in Europe, the old monopolistic groups tend to reorganise their activities on a transnational basis. This objective can be found in large postal companies such as Deutsche Post (Germany), La Poste (France), TNT Post (the Netherlands) or Royal Mail (UK). On the trade union side, the concern arises to encourage the national trade unions to act at this transnational level to protect minimum standards of working conditions.
- Commerce also comprises transnational activities through the operations of large retail chains such as the grocery retailer Carrefour (France), the furniture outlet IKEA (Sweden), the clothing store H&M (Sweden) or the supermarket group Lidl (Germany), which foster transnational cooperation. It is important, too, for trade unions to cooperate at this level in order to secure common working conditions for all employees throughout Europe.
- In agriculture, common instruments are also at play because of the growing mobility of workers across borders. For instance, the agricultural social dialogue committee is actively promoting the creation of common European curriculum vitae for all professions in the sector, the Agripass.

A third preoccupation leading to a commitment to participate in the European sectoral social dialogue committee is to be informed about what the others are doing and exchanging experience; in the words of one interview respondent, 'Europe is learning from Europe'. This kind of activity generally involves informal bilateral cooperation between selected partners, and meetings in European sectoral social dialogue. According to the interviewees, such informal relationships are more likely to develop among partners from countries with a close cultural background and similar institutional structures. For instance, in each economic sector the Nordic countries form a group seen as solid and coherent, and likely to reinforce its weight in the decision-making process. Such cooperation also takes place among the Benelux countries (Belgium, Luxembourg and the Netherlands) and France.[14] However, these particular relations also depend on the issues discussed. Some relationships can develop between actors at an earlier stage in the process and those with more experience in certain matters.

[14] This is essentially a hypothesis; its actual application should be the subject of further studies.

Finally, the national member organisations may also participate in European sectoral social dialogue in order to express national positions, promote their national system and guide the European social context.

So far, most social issues are strongly rooted in the national conceptions of the welfare states. National players are attached to these specificities while European integration demands common instruments to solve common issues, which creates a tension between national contexts and transnational movements. Most of the respondents, when talking about national systems of collective bargaining and European social dialogue, refer to 'two parallel worlds'.

Actors on the periphery of committees

This second type of player acts more like an observer within the committees. Such actors are not present regularly. They participate when they think that the issue at stake has a certain added value which makes it worthwhile overcoming some material obstacles, such as lack of time or financial resources. As a Belgian respondent in the postal sector explained: 'I prefer to participate in working groups under our European umbrella organisation than in the social dialogue committee.'

The interviews showed that such actors seem to be more often representatives from smaller organisations and smaller EU15 Member States with scarcer human and financial resources. It can also be the situation of some organisations from the NMS that are not sufficiently structured or prepared to fully integrate the social dialogue committee. Regarding involvement in the committee, a Polish respondent stated: 'I am in the process of collecting good practices…but I intend to be more actively involved in the future.' Meanwhile, a Belgian respondent noted: 'The plenary sessions of the committee are attended by many trade union representatives from the NMS.'

The participation of this second category of actors can be seen more as a passive reaction than a proactive action, the aim being to react to some issues and learn about them than to propose a project. Another Belgian respondent in the commerce sector commented: 'What is interesting about social dialogue is an awareness that there are some issues that do not exist in Belgium yet but that we will have to face in the near future (…) to maintain what we have, we need to know the future issues that are around the corner.'

Non-participants

This third category covers a heterogeneous group with national organisations that seem to have several reasons not to participate. The interpretation here is, of course, hypothetical, based as it is on what the more active members say about the others, and because the absentees could not be reached for interview for understandable reasons.

These organisations might first be interested in participating actively, but they face material obstacles: lack of the financial or human resources necessary to be present in Brussels, lack of knowledge of one of the three predominant European languages or a weakly structured organisation with too few representatives. This situation might be the case of most organisations from the NMS, which face a lack of resources to invest in European affairs and meetings.

A second set of explanations applies to the post-socialist countries. While a culture of social dialogue is well rooted in most western countries, trade unions and the system of collective bargaining could be viewed with suspicion in post-communist regimes. An employer in the postal sector explained:

'Employers from the NMS are more involved in the committees of our peak organisation than in the social dialogue committee. This is because they have not the same negotiation tradition and the European social dialogue seems to them less effective than meetings with other employers, where discussions are more concrete, because they are about technical or organisational issues with short-term effects while social dialogue is more about big principles with a long-term effect.'

Finally, some organisations have limited or no interest in participating in European social dialogue either because social affairs are not on their agenda or because European issues seem too ambitious and too far removed from domestic preoccupations.

Factors influencing level of involvement

In the overview of the three categories of actors, the opportunities presented by – and constraints to – involvement and interest in the social dialogue committees could be identified. Human and financial resources seem to be an important element as major organisations are more likely to be active than smaller organisations. However, the resources reserved for European social dialogue will depend on the degree of interest that the organisation has in this level of social partnership.

Different types of objectives were expressed by the most active respondents. These kinds of objectives were proactive, such as acting at transnational level or influencing European policy. Less active organisations in this regard are more likely to react to some positions than to effectively act and make new proposals. The diverse kinds of activities can be at first explained by the available human and financial resources. Organisations with more resources can afford to have people working full time on these questions and representing their interests, while other organisations may only intervene when it is essential to be present and represent their interests towards other organisations.

The national context will also determine the presence of the organisations. Those with the necessary resources to participate will generally come from corporatist countries with a high level of membership and opportunities to intervene in the national decision-making process. Political support will also play a role and current important national issues, as well as organisations' internal strategies, will favour or prevent their presence within the committee. For instance, national context could explain the relative absence from some economic sectors of British employers, which are unwilling to be involved in social issues and social partnership.

The national institutional context is a further important factor for understanding the relative absence of most of the NMS.[15] Trade unions or employer organisations in some countries or economic sectors are simply not organised or structured for ideological reasons, and 'soft' issues such as training are not yet a priority for the social partners. To quote a Polish respondent, 'collective bargaining now focuses more on economic issues such as wages than "less important" issues such as training or CSR, but we expect to deal with those issues […] when the economic problems are resolved.'

Finally, all respondents agreed that actors' involvement was highly dependent on the topics discussed within the committee.

[15] Regarding this issue, see Ghellab and Vaughan-Whitehead, 2003.

As noted, these categories are in no way static and the actors evolve from one category to another according to the evolution of their constraints and opportunities to participate within the committees.

Role of European secretariats

The national members' commitment to European sectoral social dialogue will also depend on the information and coordination efforts made, unilaterally or jointly, by the European-level federations. These organisations introduce their national members within the work of the committees to varying degrees. In the three sectors analysed, the coordination roles of the European secretariats, although different, are based on the same principles. Each secretariat is free to prepare the social dialogue meetings with its members according to its own organisational choices, and they all benefit from the same opportunities to obtain material and financial resources from the European Commission.

The agenda-setting and decision-making processes differ from one sector to another. Worker and employer representatives may also organise their decision-making process in different ways. The European-level social partners are the only organisations that take part formally in European social dialogue and that have signed the texts issued, according to Article 138 EC.

In terms of physical presence, the secretariats form their respective delegations in the committee from designated national members. Secretariat representatives usually serve on the committees. Each committee organises two to three plenary meetings a year and several internal meetings in order to discuss the different issues on the agenda.

In agriculture, the agenda is generally discussed and decided by the two European-level social partner organisations under the auspices of one small secretariat group. The agenda is set according to individual initiatives or joint initiatives of the two secretariats, with the agreement and input of their affiliates. General positions or issues to add to the agenda are the result of previous discussions among the European organisations and their members during unilateral meetings.

In the commerce sector, the European organisations prepare, in turn, a yearly work programme, compiled following the input of the national members. This is then proposed to the other side, discussed, modified and submitted to the opinion of the national members of the two organisations, and subsequently approved at the committee's plenary session. Agenda setting is initiated during one of the secretariat meetings.

EuroCommerce – the retail, wholesale and international trade representation to the EU – holds subcommittee meetings attended by national members according to their interests, such as fiscal affairs, international trade or environmental issues. The EuroCommerce delegation to the social dialogue committee is constituted from members of the social affairs committee, comprising 15 to 20 members. Delegations generally meet the day before or on the morning of the committee meeting in order to prepare and coordinate their common positions. National members will participate in the different meetings organised according to the items on the agenda. Plenary sessions are attended by all and allow members to present joint work that could result in the adoption of a statement, which must be agreed unanimously.

The PostEurop delegation is organised on a different basis to that of other sectoral organisations. Because of opposing opinions among employers regarding the liberalisation of the postal sector,

PostEurop is not physically present within the social dialogue committee, according to an interview with a member of the social affairs committee from PostEurop. While PostEurop is only formally part of the postal sector social dialogue, the employers' delegation comprises individual former monopolistic postal groups, which are a member of PostEurop but are independent of this organisation as regards social dialogue.

Moreover, the postal social dialogue committee is structured in working group meetings. These groups are clearly identified according to five important issues for the sector: training, CSR, accident prevention, development of the postal sector and exchange with other sectors. Each group is composed of an equal representation from employers and trade unions; each delegation proposes permanent or semi-permanent members in the groups. As in the two other sectors of agriculture and commerce, the results of the joint work are presented in plenary sessions and decisions can be made to issue a text.

The role of the secretariats to organise, coordinate and inform their respective delegation is highly important to the promotion of European social dialogue among their national members. However, the involvement of these European-level organisations will also strongly depend on the input that their members are willing and able to give.

Conclusion

The commitment of the national social partners within the European sectoral social dialogue committees will depend on several factors. External factors such as the transnational character of the sector or the impact of European directives on working conditions are essential but not sufficient to explain the internal activities of the committees. Although these kinds of factors will encourage the European-level organisations to get involved in social dialogue on sectoral issues, the involvement of their national affiliates is vital for effective outcomes, and this will depend on numerous factors beyond the promotion and coordination role of the secretariats.

National members' presence within the social dialogue committee depends primarily on the issues discussed. However, some members are more active than others. The role of the organisations is dependent on the human and material resources that they can invest in European sectoral social dialogue and their role will also differ depending on their national context. The institutions and legal framework of each country define a particular room for manoeuvre for the actions of the social partners at national level – a latitude that is reflected at European level.

The role of the different actors within the committees will differ substantially depending on the opportunities and constraints that their environment offers. The actions of the players, beyond their individual objectives, will take place in a framework of action that changes from one country to another and from one organisation to another.

Implementation and impact of texts 4

Implementation processes

At present, implementation is a central focus of the discussion between the social partners, as well as among academics. It is certain that sectoral social dialogue has produced a range of interesting joint texts. The question is whether such texts have much weight and what impact they may have at national level. This chapter will begin by giving an overview of the different texts implemented. The second part of the chapter will distinguish between the various types of follow-up processes. The last section will analyse three specific cases in this respect.

Agreements

It is particularly difficult to evaluate the national implementation of the autonomous agreements between the social partners at cross-national level. Although it is already difficult to assess the implementation of the social EC directives (Falkner et al, 2005), in this particular case it is sufficient to analyse the body of legislation implementing EU law. If autonomous agreements exist, implementation can be achieved through national legislation, through collective agreements at cross-national, sectoral, regional or enterprise level, or even through codes of conduct. The wording of the agreements is often less clear in legal terms than a directive. Moreover, the social partners' evaluation is generally more focused on tracing the process of implementation than on a detailed analysis of correct and adequate implementation.

One agreement worth examining is the crystalline silica dust agreement, which can be considered a highly sophisticated agreement in terms of its implementation procedure.[16] To better understand the logic of such an approach, the context and the negotiation process of the agreement must also be taken into account.

Exposure to silica dust can cause cancer. Many EU countries already have measures in their national legislation in place, based on Community directives, in order to reduce exposure to silica dust. Such measures include the adoption of occupational exposure limits (OELs). Some countries – notably Denmark and the Netherlands – have also classified crystalline silica as a carcinogen. At Community level, crystalline silica is still not listed in Annex 1 of Council Directive 67/548/EEC[17] which lays down the rules on the classification, packaging and labelling of dangerous substances. Although it was decided in 1998 that silica was not to be regarded as a priority for classification under Annex 1 of the directive, the matter re-emerged in 2004–2005.

The European Association of Silica Producers (Eurosil) began considering the conclusion of a multi-sector social dialogue agreement under Article 139 EC as an alternative to regulation on the basis of a draft 'prevention practices' document. In September 2004, the employer organisation established a 'silica platform' comprising 10 employer organisations, and initiated consultations with the chemical, mining, metallurgical and building workers' federations – that is, EMCEF, EMF and the European Federation of Building and Woodworkers (EFBWW). A number of employer associations that had not been accredited as social partners were granted recognition by the European Commission specifically for this purpose. In the end, all of the employer associations took part in the official negotiations, except for the European Construction Industry Federation (*Fédération de*

[16] The following paragraphs refer, with the authors' permission, to an article by Musu and Sapir, 2006.

[17] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31967L0548:EN:NOT

l'industrie européenne de la construction, FIEC). On the trade union side, EFBWW opted out of the discussions on the grounds that legislation was the only way of guaranteeing equal rights (Musu and Sapir, 2006). EMF for its part felt that the agreement could be progressive, especially due to the monitoring process and the involvement of the social partners. In actual fact, the final debate was a broader one about the merits and drawbacks of legislation versus the collective bargaining approach at European level.

The main aim of the silica dust agreement is to minimise exposure to crystalline silica dust at work by applying 'good practices' in order to prevent, eliminate or reduce the health risks of exposed workers. It also seeks to increase knowledge of the potential health impacts of exposure to crystalline silica dust and of the importance of good practices. The agreement applies to the production and use of crystalline silica and to products containing it, but also covers related ancillary activities like handling, storage and transport. It stipulates that 'employers and employees, and the workers' representatives, will jointly make their best endeavours to implement the good practices at site level'. The list of good practices contained in Annex 1 of the agreement will be adapted and updated on an ongoing basis. The good practices relate to risk assessments and controls on workers exposed to crystalline silica dust, monitoring the effectiveness of measures taken and of employees' health, as well as training courses for workers. A monitoring system will be introduced at each site to determine, in association with the company works council and the worker representatives, if necessary, whether the good practices are being applied or not.

A monitoring committee, comprised of equal numbers of worker representatives and employers, will deal with issues related to the application and interpretation of the agreement. It will also report on how the agreement is being applied by industry sectors and submit its report to members, the European Commission and the national workers' health and safety authorities. The agreement, which enters into effect for a period of four years, will then be automatically extended for further periods of two years. Should future European legislation covering crystalline silica be proposed, the agreement's signatories will meet to examine the consequences for the agreement.

The agreement broke new grounds in terms of monitoring: it is the first autonomous agreement to include such rigorous monitoring procedures. However, it is still too early to determine the effectiveness of the agreement.[18] Nevertheless, the DG for Employment, Social Affairs and Equal Opportunities announced that the European Commission will launch an impact assessment of possible amendments to Directive 2004/37/EC[19] on the protection of workers from the risks related to exposure to carcinogens or mutagens at work, including the possibility to add silica to the list of good practices by the end of 2008. It will be interesting to observe the reactions of the actors, as the agreement clearly stated that draft legislation could lead to the renegotiation of the agreement.

Process-oriented texts

In addition to the agreements implemented, 15 texts adopted over the past three years can be regarded as process-oriented texts. Annex 4 of this report gives an overview of all process-oriented follow-up provisions from 1999 to 2007. The commerce and electricity sectors have both adopted four texts, although two of the electricity sector's texts are related to the implementation of the cross-industry autonomous agreements.

[18] For further information, see the European Network on Silica (NEPSI) website at http://www.nepsi.eu.

[19] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:229:0023:0034:EN:PDF

Table 9 summarises the main features of the texts by sector and topic during the three-year period 2005–2007.

Table 9 Process-oriented texts by sector, topic and date, 2005–2007

Title of text	Sector	Topic	Date
CEMR/EPSU guidelines on drawing up gender equality action plans in local and regional government	Local and regional government	Non-discrimination	14-Dec-07
Joint declaration on violence at work	Gas	Working conditions	15-Nov-07
Joint declaration on harassment and violence at work	Electricity	Working conditions	Nov-07
Joint declaration on stress	Electricity	Working conditions	Nov-07
The concept of employability in the railway sector	Railways	Working conditions	04-Oct-07
Joint recommendations for a better representation and integration of women in the railway sector	Railways	Non-discrimination	12-Jun-07
FERCO-EFFAT agreement on CSR in the contract catering sector	Catering	CSR	31-Jan-07
For health and safety in the electricity sector	Electricity	Training	13-Dec-06
Social partners sign letter of intent – the European Commerce Qualification project (Berufsbildende Qualifizierung für den Wertschöpfungsprozess des Handels in Europa, BeQuaWe)	Commerce	Training	26-Nov-06
IRU and ETF joint recommendations on employment and training in logistics	Road transport	Training	31-Mar-06
Joint recommendation on the prevention of occupational stress in the construction sector	Construction	Health and safety	10-Jan-06
Joint statement of the EU social partners in the postal sector on CSR	Postal services	CSR	23-Nov-05
European agreement on the reduction of workers' exposure to the risk of work-related musculoskeletal disorders in agriculture	Agriculture	Health and safety	21-Nov-05
Covenant on health and safety, in particular the use and handling of cosmetic products and their chemical agents	Personal services (hairdressing)	Health and safety	21-Sep-05
EU bank social partners joint statement (some aspects related to CSR)	Banking	CSR	15-May-05

Note: See Annex 5 for full names of organisations.
Source: OSE, own database, 2008

Three of the texts referred to in Table 9 relate to the issue of CSR: that is, those pertaining to the banking, postal services and catering industries. The catering agreement is the most comprehensive of these three agreements, covering among other things the following topics: fundamental rights at work, quality in work, health and safety, training, information and consultation, work–life balance, equal opportunities, non-discrimination and the integration of people with disabilities, fair pay, restructuring, the fight against obesity, the awarding of contracts and the choice of suppliers. It is also the only agreement of the three to contain relatively clear implementation procedures. Interestingly, the structure of this agreement was largely inspired by the code of conduct in the sugar sector.

Three of the texts deal with the issue of training: that is, those in the electricity, commerce and road transport sectors. A further three of the texts focus on the issue of health and safety: namely, those pertaining to the construction, agriculture and personal services (hairdressing) sectors. The

hairdressing agreement consists of two parts. The first part calls on the European Commission to adopt a directive protecting hairdressers who use cosmetics professionally, introducing a system of health and safety certification for cosmetics. In the second part of the agreement, the social partners agree on shared objectives that must not, under any circumstances, contravene national laws or cause a reduction in protection.

The railway sector and the local and regional government sector have concluded an agreement on non-discrimination. Lastly, the electricity and gas sectors have taken up the cross-industry document on harassment and violence at work, calling for it to be applied in their sectors; the electricity sector has also taken up the 'stress' agreement.

Analysing the number of texts by sector, electricity has concluded three process-oriented texts, while the railway sector has concluded two such texts over the last three years.

Follow-up procedures

Different techniques are applied in the follow-up procedures and these can be regrouped under six categories. This section provides an example of each technique. In many cases, however, different procedures are foreseen and these categories are not mutually exclusive.

Written survey among members

Often, the national implementation is verified through a survey questionnaire sent to the national affiliates. This questionnaire is generally a joint questionnaire: in other words, it can be completed by both sides of industry at national level, or each side may choose to send its questionnaire back to its European body. The advantage of this last possibility is that it can generate competition and be used by each side to encourage the national affiliates to answer by passing on the questionnaire that has been duly completed by the other side. In general, this is a long process with only limited results. The EU secretariats have to mobilise and personally call their affiliates for a return, which is generally well below 50%. The survey can be based on a single joint text or a sample. For example, the commerce and private security industries have decided to cover most of their joint texts.

> *'The sectoral social partners intend to conduct a simple survey among their affiliated members in February to April 2008 to investigate these issues. The results will be presented at the June 2008 plenary meeting.'* – Electricity sector, Joint declaration on stress, November 2007

Annual or periodic reports

A more systematic approach is the elaboration of an annual or biannual report. This technique was used by the social partners at cross-industry level for the framework of action on equality between men and women and on lifelong learning, and for their autonomous agreements on telework, stress and harassment at work. Such an approach is more sophisticated since the report is made public and largely disseminated. To ensure the best results, this approach should be considered as strategic by both parties. In a sense, it is a tool for showing that 'something has happened' at national level and that the 'soft law' approach is more than mere rhetoric.

> *'Three years after signing these recommendations, the European social partners will perform a study on the measures introduced by their affiliated companies and unions for the implementation of these actions.*

They will perform a second study to analyse the developments that will have taken place since their first joint study (the study period was 2004).' – Joint recommendations for a better representation and integration of women in the railway sector, 12 June 2007

Plenary meetings

A third technique – consisting of an oral report made by the parties in a plenary meeting – is less formal. Each affiliate is supposed to give an outline of the achievements at national level. Compared with the annual report, this is a much more informal approach and does not necessarily lead to a written document.

'Whilst the European social partners agree to review this statement in the context of the bank social dialogue committee, they agree that the use of such practices is enhanced through voluntary means and in full respect of national company practices.' – EU Bank Social Partners Joint Statement, Employment and social affairs in the European banking sector: Some aspects related to corporate social responsibility, 18 May 2005

Presentation of good practices

The presentation of a series of good practices is often linked to a charter or a CSR text. A typical example is the charter of the sugar sector reviewed each year; in this approach, both sides agree on selected good practices related to one or more provisions of the charter. This technique is linked to the importance of the enterprises in the sector.

'EFFAT and FERCO will invite their members to disseminate and discuss this agreement at national level.

To ensure a wide dissemination and good understanding of the agreement at national level, it will be translated into the different European languages by the national delegations. The French, English and German versions will be deemed authentic.

EFFAT and FERCO members will be encouraged to report on examples of best practices developed by enterprises in relation with this agreement. These best practices will be assessed in periodic reports so as to ensure the follow up of the implementation of the present agreement.

This report will be discussed in the framework of the EFFAT-FERCO social dialogue and will be disseminated among national member associations.' – FERCO-EFFAT Agreement on corporate social responsibility in the contract catering sector, 31 January 2007

Conferences and websites

The follow-up process can also be carried out through the organisation of a public event or by setting up a common website – as seen, for instance, in the sugar and postal services sectors. In such cases, compliance with the text's provisions is supposed to increase by allowing for better visibility. For example, the postal services sector organised an annual CSR day where good practices in the sector were shared and exchanged. In four economic sectors – telecommunications, sugar, postal services and hospitals – websites were set up on CSR-related topics.[20]

[20] For the telecommunications sector, see the website www.msdonline.org (21 October 2005); for sugar, see the website www.eurosugar.org (4 June 2004); for postal services, see the website www.postsocialdialog.org (16 January 2004); and for hospitals, see the websites www.epsu.org and www.hospeem.eu.

New texts and initiatives

The follow-up procedure can also be addressed through a new text or initiative. Often, the dialogue on a topic is a dynamic process, with each step leading to another. The follow-up provision is therefore more of a pretext to enhanced dialogue rather than an object in itself. In other words, the main objective of the follow-up process is to reinforce the consensus among the members and between the partners, rather than being an actual implementation exercise.

> *The first step of implementing these common recommendations is the adoption of a European Social Dialogue Committee work programme, which proposes a more concrete framework of actions and initiatives which fully integrates the principles and objectives they set.*
>
> *Lastly, the EFCI and UNI-Europa consider these common recommendations as a dynamic document and intend to evaluate, at regular intervals, the appropriateness of the principles and objectives that they pose in the light of the realities of the profession and its developments.* – Common recommendations of the European social partners for the cleaning industry, 1 March 2004

Implementation of the texts at national level

In terms of implementation, the following caveat should be noted. To 'implement' a text is generally understood as meaning 'to put it into effect' – that is, to incorporate the provisions of the text into the legal framework of the Member State. However, for the purposes of this chapter, 'implementation' is rather understood as any kind of influence that the text could have on the initiatives taken by the national social partners, with or without any impact on the employees of the sector. It was in this broad sense that the actors were interviewed.

Soft application

In the previous section, the different follow-up procedures adopted by the European secretariats were examined. Through these different methods and procedures, the European organisations try to firstly promote their texts at national level and, secondly, to gather as much information as possible on a potential 'implementation' or use of the texts by their national members.

However, the secretariats seem to encounter difficulties in obtaining this kind of information. Most of the affiliates do not answer or, if they do, the answers are incomplete.

This section summarises the information on 'implementation' reported by the affiliates interviewed at national level. At this point, the words of Keller (2003) should be noted: 'European peak associations have no power or authority to enforce compliance of their national member organisations and can, therefore, by no means guarantee binding and effective transposition and implementation by their affiliates.'

Thus, the implementation of the joint texts is, unless concluded under Article 139(2) of the EC Treaty, not binding and mainly consists of recommendations towards the national organisations or opinions addressed at the European institutions.These texts come under the 'soft' regulation category. The aims of such methods are as follows: to make national policies gradually more convergent through voluntary exchanges of information on what has worked at national level; to disseminate best practice; and to encourage policy learning in order to achieve shared goals in a certain domain (Bomberg and Stubb, 2003).

The texts issued in the three sectors analysed fall under the category of process-oriented texts, which are implemented in a more progressive and 'softer' way than agreements. The European social partners make recommendations to their members but without imposing any obligation on them to transpose the European texts. At the same time, these texts are divided into three categories of instruments involving different kinds of follow-up, as well as different degrees of implementation.

The implementation is on a voluntary basis and will depend on the goodwill and capacities of the national organisations, which, once again, will be contingent on the following external factors:

- nature of the text (type of commitment, issue);
- national legal framework;
- maturity of the organisation (level of experience in a certain area).

Nature of the text

According to the typology defined by the European Commission (European Commission, 2004a), the category 'process-oriented texts' contains subcategories depending on the way in which the recommendations towards the national partners are expressed and the degree of latitude it leaves to adapt the agreement to their national context. These subcategories are as follows:

- policy orientation (level 1);
- guidelines (level 2);
- framework of actions (level 3).

Level 1: Policy orientation

A policy orientation defines the broad objectives that the social partners are recommended to follow in certain areas. However, no concrete initiatives are defined in the text and the aim is to promote the development of certain initiatives. Moreover, the means to achieving this are not defined and the objectives are only broadly defined, thus giving considerable latitude to the actors to develop the issue according to their own will, abilities and needs.

This type of text will generally be followed up by the presentation of good practices and further informal contacts among the different actors.

The 'Joint statement of the EU social partners in the postal sector on CSR' (2005) promotes the development of this issue within the companies of the postal sector. In particular, it emphasises the need to promote and raise awareness of CSR, to inform and further develop the social dialogue at European, national and company level on CSR issues, as well as reinforcing the recommendation 'to familiarise [our members] about existing good practices and initiatives'.

CSR days are organised to enable some members to present examples of good practice, either unilaterally or jointly, with the other side of industry. These presentations could influence certain initiatives at national level, although the way in which members implement CSR in their own enterprise is left up to them.

In Portugal, although certain provisions can influence the country's initiatives, a variety of measures have already been undertaken. These presentations allow actors to build sustained relationships with other European partners, as the following quotation by a Portuguese respondent illustrates:

> *'Portuguese Post is currently developing a plan on "equal opportunities" inspired by a good practice presented by the French La Poste. Informal contacts were then developed to exchange opinions about the experience.'*

It is also worth citing an excerpt from Poste Italiane's 2006 social report (2006, p. 16):

> *'The concern for the issue of social responsibility that emerged during the international workshop of postal companies on CSR hosted by Poste Italiane in Rome in October 2005 led to the organisation of a CSR Day in November 2006. Through the discussion of cases and best practices, this meeting allowed the most important issues for discussion to be identified, including equal opportunity and the balancing of work and private life. One of the critical problems discussed was the importance of communication in informing employees about, and involving them in, social responsibility initiatives, a question on which Poste Italiane is already working'.*

This led to the company adopting with the trade unions a protocol of understanding on CSR.

With regard to the CSR agreement in the commerce sector ('Joint statement on corporate social responsibility 2003'), a Finnish respondent made the following statement: 'The agreement gives some guidelines to companies, but it is then up to companies to follow or ignore those recommendations because the text is not legally binding […] Occasionally, certain ideas found in the agreement are adapted by some companies […] The [national organisation] promotes the statement to its members.'

Level 2: Guidelines

Guidelines define social dialogue objectives in more concrete terms, in turn making it easier for the implementation process to be evaluated.

For instance, the 'Joint agreement on vocational training in agriculture' (2002) proposes to the national members that vocational training bodies should include social partners on their board. It also recommends that:

> *'[…] the organisations representing agricultural employers and employees be involved in the organisation of training. Participation or consultation of the social partners shall be essential at various stages in the organisation of training […] such as […] in drawing up frames of reference for diplomas, preparing training programmes, evaluating the training provided, organising juries for examinations and organising work placements.'*

Another important recommendation of the text is the creation of a common instrument to evaluate the competencies and skills of the workers – namely, through the Agripass process.

First, the national members were asked to create their own instrument of evaluation. Subsequently, with these common criteria in mind, certification was created for two agricultural professions: those of pig farmer and of intensive culture farmer. The objective of the process is the eventual creation of common certification for all agricultural professions. This third step has not yet been reached and the European actors intend to finalise this process by 2010 ('Resolution regarding the creation of an Agripass CV 2007').

The text defines the more concrete actions to be realised by the social partners. In order to follow the implementation process, task forces or follow-up groups are created and, periodically, the members are invited to present their achievements. Questionnaires are also sent to national member organisations and the results are presented in seminars or conferences. On this basis, GEOPA-COPA organised a seminar in September 2004 on the assessment of the text's implementation.

The following are some examples of answers regarding the implementation of the text.

In England and Wales, the social partners have tried to jointly develop certifications to recognise workers' skills and qualifications in accordance with the European CV Agripass programme. This initiative has involved a joint collaboration between the social partners – the UK's Department for Environment, Food and Rural Affairs (Defra) and training providers (data source: interview with a UK representative from the agriculture sector).

According to the conclusions of the GEOPA report, the agreement led to several initiatives in the Member States (GEOPA, 2004).

In Denmark, the social partners agreed to participate in the organisation of vocational training in accordance with the terms of the EFFAT-GEOPA agreement. Joint social partner committees define criteria for diplomas and deliver these diplomas.

In Austria, the validation of non-formal and informal learning was applied in 2003. In 2004, the social partners established an association for training in agriculture and forestry, as advised by the agreement.

Level 3: Framework of actions

The framework of actions defines political priorities and recommends actions for realising these priorities.

The 'Agreement on the reduction of workers' exposure to the risk of work-related musculoskeletal disorders in agriculture' (2005) recommends that the national organisations set up a national observatory for health and safety in agriculture. This observatory should seek to improve the available knowledge about risks related to musculoskeletal disorders.

With regard to risk prevention, the agreement advises the national social partners to take initiatives 'in order that an authority or body in each Member State is made responsible for defining and coordinating policies for the prevention of musculoskeletal disorders' and 'to help organise national information and training programmes for workers and employers concerning the prevention of musculoskeletal disorders'.

With regard to 'implementation', in order to obtain results, organisations send out questionnaires and/or ask their members to make presentations about their work in plenary sessions. According to the respondents interviewed, members active in the working groups also generally play a role in the follow-up phase, whereas those who are not tend to give no answer or only give brief answers. The national organisations' main objective is to obtain information about other practices and to engage in a mutual learning process.

According to national members, the implementation of texts stemming from the social dialogue committee is highly relative. It depends on the social partners' interest in the issue, as well as their relationship with the other side of industry, the national authorities, and the political weight of the issue.

Poland is, to date, the only Member State to have set up a national observatory for musculoskeletal disorders in agriculture.

However, texts from these joints agreements do have the benefit of allowing the national actors to raise awareness among their peers about a particular issue. Stating that 'it comes from Europe' can give the issue a certain degree of legitimacy. A French respondent to this study explained:

> *'The European agreement on musculoskeletal disorders allows us to raise awareness of the issue through the members of our sectoral joint committee on health and safety […] and then to integrate this issue in a sectoral collective agreement.'*

National legal framework

The implementation process is highly dependent on the legal and institutional frameworks of the EU Member States. The role of the social partners in the implementation of the texts will differ according to their legal abilities as defined in the national industrial relations systems. These rules will then favour or constrain the abilities and opportunities of the social partners to act within their national context and to follow the guidelines as defined in the European agreements.

For instance, the role of the employer federations and the trade unions in the organisation and definition of a vocational training system will differ completely from one country to another. In France and Italy, the social partners play a consultative role in these matters, while the government reserves the right to take the final decision (Verdier, 2001, 2007; Winterton, 2006). In contrast, actors from corporatist countries such as Belgium, Germany or Sweden will have more latitude to take initiatives and to negotiate collective agreements on vocational training issues (*ibid*).

According to a Spanish respondent in relation to the agreement on musculoskeletal disorders in agriculture: 'the follow-up is harder to realise at national level because the issues discussed at European level need laws to be implemented at national level. The social partners may consult the government over these issues but cannot conclude collective agreements.' However, the Spanish partners have more latitude in vocational training issues and have been involved in the realisation of a common certificate for the recognition of competencies in agriculture.

Maturity and level of experience of organisation

The content of the texts is one variable that influences their implementation, as is the domestic institutional context in which the national players act. In addition, the national players' level of experience in a given matter or domain may also influence their interest in implementing a given text.

Implementation will depend on the organisation's level of experience in a certain area. The experiences contained in the agreements could correspond to the national experiences. Conversely, the national experience could have influenced the text, in which case some kind of implementation is needed, while countries with a less advanced experience could learn from the text and therefore choose to implement it should it prove useful in the national context.

Some organisations are already well advanced in the issue covered by the text. In such cases, either no implementation is needed or the national initiative merely requires fine-tuning to conform to the European agreement.

In the commerce sector, a Belgian respondent stated that no implementation was needed because national legislation and collective agreements went beyond the requirements of the European texts, which, thus, represented a step backwards in the opinion of the national social partners.

In Sweden, the actors responded to the monitoring questionnaire on the 'Joint statement on promoting and integrating disabled people in the European commerce and distribution sector' (2004) by stating that: 'We have strengthened the writings on combating discrimination in the collective agreements.'

The data for Sweden are confirmed by research compiled by Murhem (2006), who observes that: 'In many cases, such as recommendations on fighting racism, against child labour … the trade unions and employers share a common view, and thus the need for implementation according to the joint texts is negligible […]. Also, many of the measures contained in those texts do not meet Swedish standards […] [and] the text will, naturally, not be implemented.'

Furthermore, the contents of the agreement are generally inspired by certain national experiences and practices. For some organisations, therefore, the agreement may not introduce any new ideas on a particular point and implementation may not be necessary.

On the other hand, if the organisation is less advanced in some issues, it can learn from others through their presentation of good practices. For instance, as a Polish respondent from the postal sector commented:

> *'The objective for now is to collect good practices and ideas that could be implemented in Poland.'*

Conclusion

Most of the texts issued within the European sectoral social dialogue committees have no obligatory or binding effect on the EU Member States. Implementation of the process-oriented texts is dependent on voluntarism and on the goodwill of the national actors. This is, evidently, the very essence of so-called voluntary agreements, in contrast to binding agreements.

Such a process comes under the 'soft convergence' category, initially used in the open method of coordination in social and employment policies. The aim is to gradually render national policies more convergent through the voluntary exchanges of information on practices that have been effective at national level, and to disseminate these best practices to encourage policy learning with an eventual view to achieving shared goals (Bomberg and Stubb, 2003).

However, follow-up of the European sectoral social dialogue texts is left to the initiative of the European-level social partner organisations and, once again, is dependent on the interest of the national members in terms of whether or not they choose to answer their questionnaires. Scoreboard ranking and regular monitoring procedures are thus missing in most of the economic sectors and the

'shaming of underperformers effect' is less than efficient. Therefore, it is extremely difficult to determine the impact of the texts in the Member States due to: first, the lack of a regular monitoring and ranking process; and secondly, the nature of the texts themselves, which are voluntarily defined in a broad sense in order to be adaptable to any institutional and cultural context.

The impact of these texts is thus currently unknown, and it would appear that the implementation process has been patchy across Europe.

However, all of the respondents agreed that the joint texts and the presentation of good practices offer opportunities to learn from one another and to examine how social partners across Europe are dealing with particular issues. This process, in turn, fosters cooperation, as well as informal contacts among different actors with respect to common initiatives.

Another opportunity offered by the texts is that the social actors at national level could use the European texts as a means of adding pressure, or at least as a way of increasing the awareness of the government or other actors about a particular issue.

Up to now, few studies have reported on the implementation of the European sectoral social dialogue texts within the Member States. Murhem (2006), when examining the situation in Sweden, remarks that the 'no' answer from the trade unions cannot be considered as evidence that the sectoral texts have not been implemented in Sweden. Their perception of implementation and of the impact of the texts on workers' daily lives can be different from the expected results of the joint texts and will depend on their own goals regarding social dialogue. Moreover, each text has a different impact and objective at national level, which could be indirect and underlying and thus hard to assess.

On the basis of Murhem's conclusion (2006) about Sweden, the institutional framework seems to be a strong component to take into account when considering the implementation of texts at national level, in accordance with the 'path dependency' theory.

Implementation of texts may therefore not be as 'patchy' as it seems; rather, the sense of 'patchiness' could be a consequence of the underlying nature of the texts and their generally broad objectives.

Conclusions 5

The aim of this study has been to develop an understanding of the dynamics at play in European sectoral social dialogue. The study sought to do this by looking more closely at a set of dimensions beyond their formal institutional characteristics and outcomes, in turn leading to original observations in relation to three complementary issues:

- recent developments and outcomes in European sectoral social dialogue (Chapter 2);
- the interactions between the parties directly or indirectly involved in this dialogue (Chapter 3);
- the key question underlying the implementation of texts in the EU Member States (Chapter 4).

Development and outcomes

After a brief presentation of the analytical framework in Chapter 1, Chapter 2 analysed the recent developments and outcomes in European sectoral social dialogue by sketching the current situation regarding European sectoral social dialogue committees and their activities – both in terms of the production of formal texts and of the objectives and projects as formulated in their work programmes. The growing number of committees is, in itself, an indication of the social partners' increasing interest in European sectoral social dialogue.

In terms of outcomes, the number of texts adopted in the committees is extremely stable. With regard to the topics covered, an analysis of the texts shows the diversity of themes discussed, many of them directly related to the EU agenda. Overall, the quantitative analysis of European sectoral social dialogue highlights a plethora of documents unevenly spread over the years but nevertheless increasing in number. The majority are 'common positions' addressed to the European institutions with a view to influencing EU policymakers. In other words, one important function of social dialogue involves the joint lobbying of the EU by the social partners. From a quantitative perspective, the conclusions are clear: less than 2% of the texts adopted at sectoral level are agreements with a binding effect, while fewer than 10% are expected to have some impact at national level.

The diversity of circumstances, issues and dynamics is one explanation for the difficulties involved in building a well-structured system of industrial relations at Community level. It seems, however, that several economic sectors have reached a critical point. In some sectors, social dialogue appears to be purely formal, with no actual impact at EU or national level. The sectors that have concluded process-oriented texts, which could also be described as 'soft law' (23 of the 36 committees have signed such texts in the past 10 years), are all facing the same problems regarding how these texts should be implemented nationally and monitored at EU level, as well as what linkage should occur between the European and national sectoral levels. Therefore, the aims of social dialogue require further clarification. The recent silica dust agreement, referred to in Chapter 4, provides for a highly sophisticated monitoring system, which could be an inspiration to other sectors.

These texts are, nonetheless, morally binding and process oriented, and increasingly resemble codes of conduct or optional guidelines. As a result, implementation is a task for decentralised stakeholders, perhaps with some moral pressure being exerted on any actors that fail in their duty. Another source of pressure is that, where implementation is non-existent or inadequate, the European Commission – at the request of the social partners – could decide to extend the key provisions to all parties.

The purpose assigned to social dialogue depends partly on the diverging visions of Europe. According to the classic federalist vision, its objective is to take up or coordinate the key elements of national trade union objectives and develop a multi-layer system of industrial relations (Falkner, 1998). A more experimental vision sees the aim of European social dialogue as one of innovation in respect of both themes and instruments (Pochet, 2003; Visser and Ramos Martin, 2008). For the time being, the European sectoral and cross-industry social dialogues are both manifestly following the latter approach.

Dynamics among the players and sectors

Chapter 3 went on to analyse the dynamics among the players, raising the question of coordination in a multi-level context.

In terms of the relationships among the different sectoral committees, one noteworthy aspect is the growing interaction both between the cross-industry and sectoral level, and among the sectors of the economy themselves. Stronger links are emerging between cross-industry and autonomous sectoral agreements. Telework was the first example of such a crossover.

In terms of coordination with the national constituencies, the data examined from a sectoral perspective – more specifically in the agricultural, postal services and electricity sectors – highlight the fact that each sector has its own specific dynamics in terms of potential coordination across countries.

In each sector, the European sectoral social partners represent national member organisations that operate in different countries and use different languages. In addition, they represent member organisations that do not cover the same socioeconomic reality and that have different missions, types of structures and roles in their domestic system of industrial relations. Institutionally, they have to cope with path dependency to domestic structures and bodies of industrial relations, which determine the role and domain coverage of the member organisations.

The situation, however, differs from one economic sector to another, since the membership structure varies. Some sectors – such as postal services and sugar – have a more homogenous membership, with direct interlocutors in the sector or at company level. Other sectors are composed of social partner structures that can play a role in collective bargaining at sectoral level but have weak links with the companies and the workers – as observed, for example, in the agricultural sector. Meanwhile, other sectors may also consist of members that are not social partners as such.

Therefore, defining a common interest not only represents a difficulty for the relationship between trade unions and employers in terms of having to cope with complex European issues; it also involves much intra-organisational negotiation, in a context whereby it is highly difficult to find common ground among national member organisations, which have different missions and interests because they act in sectors that differ in terms of their definition, structure and the roles played, from one country to another.

Moreover, the national constituencies' commitment to European social dialogue varies from one country to another. In other words, all national partners do not have the same commitment to

collaborating with 'their' committee's agenda-setting or decision-making process. The interviews indicate that the national players' participation can be roughly characterised by three different degrees of commitment: some players are proactive, trying to shape the agenda and contribute to a definition of the European dimension of the sector; others can be seen instead as 'followers' as they adopt a more reactive position; the third group can be defined as the absent or passive national members. These categories have been set up to illustrate the different types of involvement of the national actors within the committees; however, they are not necessarily static, since actors are able to evolve from one category to another. Moreover, it is not possible to link attitudes to any single nationality; rather, the involvement is very often linked to personal preferences.

The national players' commitment to European social dialogue depends on several factors, besides the promotion and coordination role of the secretariats. Such factors include the following.

- Issues discussed in the committees seem to be an important factor in deciding whether national members will be present or not. Some are more active than others, depending on the perception they have of the importance and interest of a given issue.
- The role of the organisations also depends on the human and material resources that they can devote to European sectoral social dialogue. Often, the participants of the NMS lack such resources and support.
- Their participation also differs according to their national context, since each country's institutions and legal framework define particular room for manoeuvre for the actions of the social partners at national level – a latitude that is reflected at European level.

To summarise, the role of the different players within the European sectoral social dialogue committees differs according to the opportunities and constraints that they perceive in their own environment; in addition, beyond their own interests and objectives, their action depends on their framework of action, which varies from one country to another.

Implementation and impact of texts

Finally, Chapter 4 focuses on the implementation of social dialogue texts. Implementation in the EU Member States is a key question, which is decisive in terms of the capacity of European sectoral social dialogue to regulate employment relationships – be it in a 'soft' or a 'hard' manner. In terms of follow-up procedures, different techniques can be observed, which can be grouped under the following six categories.

- A written survey among members – often, verification of national implementation is completed through a questionnaire sent to the national affiliates. The EU secretariats have to mobilise and personally call their affiliates for a return, which is generally well below 50%.
- Annual or periodic reports – to ensure favourable results, these reports should be considered as strategic by both parties. In a sense, they are tools for showing that 'something has happened' at national level and that the 'soft law' approach is more than mere rhetoric.
- Task forces, working groups or plenary meetings – a third technique is less formalised. It consists of an oral report made by the parties in a plenary meeting. Each affiliate is supposed to present their achievements at national level.

- Presentation of good practices – this is often linked to a charter or CSR text, and to the importance of the enterprises in the sector.
- Conferences or websites – the follow-up process can also occur through the organisation of a public event and/or creation of a common website. In such cases, compliance with the provision of the texts is supposed to increase as a result of better visibility.
- New texts or initiatives – the follow-up can also be another text or initiative. Often, the dialogue on a topic is a dynamic process, with each step leading incrementally to another. The follow-up provision is therefore more of a pretext to further the dialogue than an object in itself as such. In other words, the main objective of the follow-up process is to reinforce the consensus among members and partners, rather than being a real implementation exercise.

In many cases, different procedures are foreseen and these categories are not mutually exclusive.

To complete the information on implementation gathered in the interviews with the European players, interviews were conducted with affiliates at national level. Although these findings are not representative of all situations in the different countries, they do give an insight into how the national players envisage implementation from their own domestic point of view.

The implementation of texts largely depends on the initiatives of the European-level organisations and on the goodwill of the national members. The goodwill of the latter, in turn, is influenced by the nature of the text – such as the type of commitment or issue involved – and by their own national legal framework, as well as by the experience that a particular organisation has in the domain covered by a given text. Once again, the domestic institutional framework is a key dimension to take into account when considering the implementation of texts at national level, in accordance with the 'path dependency' theory.

So, does this mean that implementation does not take place? Up to now, few studies have reported on the implementation of European sectoral social dialogue texts from within the Member States. The perception of implementation and of the impact of the texts in workers' daily lives can differ from the results originally anticipated with respect to the joint texts and will depend on their own particular goals regarding social dialogue. Furthermore, each text has different objectives and their impact at national level can be indirect and thus hard to assess. It is difficult to determine the impact of the texts in the Member States due to the lack of a regular monitoring and because of the nature of the texts themselves.

However, respondents unanimously agreed that the joint texts and the presentation of good practices offer opportunities to learn from one another and to examine how social partners across Europe are dealing with particular issues. This process fosters cooperation, as well as informal contacts among different actors sharing common initiatives.

Another opportunity offered by the texts is that the social actors at national level can use the European texts as a means of exerting pressure or at least of increasing the awareness of the government or other actors about a particular issue. Implementation may therefore not be as 'patchy' as it seems, since more informal or less visible processes are at play.

The dynamics at play differ from the traditional sectoral-level collective bargaining in operation within the Member States and are of a different nature: that is, multi-level, with close cooperation with the European authorities, numerous coordination processes, and subtle forms of mutual learning and dissemination of ideas.

It is clear that there is more to European sectoral social dialogue than what the institutional setting and formal texts show. The dynamics at play are complex, multiple and difficult, since they involve multiple players from different institutional 'worlds'. However, the analysis shows that a multiplicity of activities are being carried out and a high degree of vitality exists.

The recent creation of new sectoral social dialogue committees is just the tip of the iceberg, and indicative of the vitality of European sectoral social dialogue. Many developments are currently taking place, and key issues such as implementation processes require more structured methods and tools. Clearly, therefore, there is scope for further research.

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Annex 1:
List of organisations interviewed

	Type of organisation	Sector	Country
European level			
European Commission *(four interviews)*			
BusinessEurope	Employer	Cross-industry	
Ceemet	Employer	Steel	
CEEP	Employer	Public enterprises	
CER	Employer	Railways	
ECEG	Employer	Chemical industry	
ECSA	Employer	Sea transport	
EFFAT	Trade union	Agriculture	
EFFAT	Trade union	Catering	
EMF	Trade union	Steel	
EMF	Trade union	Transversal	
EPSU	Trade union	Hospital	
ETF	Trade union	Transport	
ETUC	Trade union	Cross-industry	
ETUF:TCL	Trade union	Textiles	
Euratex	Employer	Textiles	
EuroCommerce	Employer (2 interviews)	Commerce	
Eurofer	Employer	Steel	
GEOPA-COPA	Employer	Agriculture	
La Poste	Employer	Postal services	
UEAPME	Employer	Cross-industry	
UNI-Europa	Trade union	General services	
UNI-Europa	Trade union	Commerce	
UNI-Europa	Trade union	Postal services	
UNI-Europa	Trade union	Cleaning	
National level			
ASAJA	Employer	Agriculture	Spain
Belgian Post *(La Poste/De Post)*	Employer	Postal services	Belgium
CGT-FO	Trade union	Postal services	France
CGT-FO	Trade union	Agriculture	France
CNE	Trade union	Commerce	Belgium
Confagricoltura	Employer	Agriculture	Italy
CTT	Employer	Postal services	Portugal
Deutsche Post	Employer	Postal services	Germany
Finnish Federation of Commerce	Employer	Commerce	Finland
French postal services *(La Poste)*	Employer	Postal services	France
LO-Handels	Trade union	Commerce	Sweden
National Farmers' Union (NFU)	Employer	Agriculture	United Kingdom
Polish Post *(Centrala Poczta Polska)*	Employer	Postal services	Poland
SEKO–Post	Trade union	Postal services	Sweden
SETca/BBTK	Trade union	Commerce	Belgium
Slovak Association of Commerce and Tourism	Employer	Commerce	Slovakia

Note: See Annex 5 for full names of organisations.

Annex 2:
Keywords in sectoral social dialogue work programme

Annex 2 gives an outline of the key issues discussed in the work programmes of the European sectoral social dialogue committees. Interestingly, adaptation to change – which means restructuring – is rarely addressed in common texts but already appears on the work programme of a growing, albeit still limited, number of committees.

Economic and/or sectoral policies (1)			
Keyword	**2008**	**2007**	**2006**
Adaptation to change	Audiovisual	Audiovisual	
	–	–	Banking
	Electricity	Electricity	Electricity
	–	–	Footwear
	Gas	Gas	–
	Insurance	Insurance	
	Local and regional government	Local and regional government	Local and regional government
	Railways	Railways	
	Shipbuilding	Shipbuilding	
	Steel	Steel	Steel
	Sugar	Sugar	Sugar
	Textiles	Textiles	Textiles

Note: '–' = year without item (keyword or social dialogue); 2007–2008: footwear and banking have not signed the work programme.

Economic and/or sectoral policies (2)			
Keyword	**2008**	**2007**	**2006**
Sectoral policies **Study of the sector**	Catering	Catering	Catering
	Civil aviation	Civil aviation	Civil aviation
	Cleaning	Cleaning	
	–	–	Footwear
	Furniture	Furniture	Furniture
	Gas	Gas	–
	Leather		Leather
	Personal services	Personal services	
	Postal services	–	
	Private security	Private security	
	Railways	Railways	
	Shipbuilding	Shipbuilding	
	Steel	Steel	Steel
	Sugar	Sugar	Sugar
			Temporary agency work
	Textiles	Textiles	Textiles
	Woodworking	Woodworking	Woodworking

Note: '–' = year without item (keyword or social dialogue); 2007–2008: footwear and banking have not signed the work programme.

Economic and/or sectoral policies (3)			
Keyword	**2008**	**2007**	**2006**
	Audiovisual	Audiovisual	
	Civil aviation	Civil aviation	Civil aviation
	Cleaning	Cleaning	
	Electricity	Electricity	Electricity
	–	–	Furniture
	Horeca	Horeca	Horeca
	Insurance	Insurance	
	Live performance	Live performance	
Communications policies	Local and regional government	Local and regional government	Local and regional government
Legislative developments	Mining	Mining	Mining
	Railways	Railways	
	Road transport	Road transport	Road transport
	Sea fishing		Sea fishing
	Sea transport		
	Shipbuilding	Shipbuilding	
	Sugar	Sugar	Sugar
	Telecommunications	–	–
	Temporary agency work	Temporary agency work	–
	Textiles	Textiles	Textiles

Note: '–' = year without item (keyword or social dialogue); 2007–2008: footwear and banking have not signed the work programme.

Social dialogue			
Keyword	**2008**	**2007**	**2006**
Social dialogue (in general)	Catering	Catering	Catering
	Cleaning	Cleaning	
	Commerce	Commerce	Commerce
	–	–	Footwear
	Hospitals	Hospitals	Hospitals
		Leather	Leather
	Sea fishing		Sea fishing
	Steel	Steel	Steel
	Temporary agency work	Temporary agency work	Temporary agency work
	Textiles	Textiles	Textiles
Social dialogue (cross-sectoral)	Hospitals	Hospitals	Hospitals
	Postal services	Postal services	
Social dialogue in NMS	Audiovisual	Audiovisual	
	Banking	Banking	Banking
	–	–	Footwear
	Furniture	Furniture	Furniture
	Hospitals	Hospitals	Hospitals
	–	–	Inland waterways
	Insurance	Insurance	
	Leather		Leather
	Live performance	Live performance	
	Local and regional government	Local and regional government	Local and regional government
	Railways	Railways	
	Sea fishing		Sea fishing
	Telecommunications	Telecommunications	Telecommunications
	Textiles	Textiles	Textiles
	–	–	Woodworking

Note: '–' = year without item (keyword or social dialogue); 2007–2008: footwear and banking have not signed the work programme.

Training			
Keyword	**2008**	**2007**	**2006**
	Agriculture	Agriculture	Agriculture
	Audiovisual	Audiovisual	
			Banking
	Catering	Catering	Catering
	Chemicals	Chemicals	Chemicals
	Civil aviation	Civil aviation	Civil aviation
	–	–	Footwear
	Furniture	Furniture	Furniture
	Horeca	Horeca	Horeca
	Hospitals	Hospitals	Hospitals
	Leather		Leather
Lifelong training	Live performance	Live performance	
Training and education	Local and regional government	Local and regional government	Local and regional government
Vocational training	Personal services	Personal services	
	Postal services	Postal services	
	Private security	Private security	
	Railways	Railways	
	Road transport	Road transport	Road transport
	Sea fishing		Sea Fishing
	Sea transport		
	Steel	Steel	Steel
	Telecommunications	Telecommunications	Telecommunications
	Temporary agency work	Temporary agency work	Temporary agency work
	Textiles	Textiles	Textiles
	Woodworking	Woodworking	Woodworking
	Commerce	Commerce	Commerce
	Construction	–	–
Young people	–	Mining	
	Sea transport		
Job profile	Inland waterways	Inland waterways	Inland waterways

Note : '–' = year without item (keyword or social dialogue); 2007–2008: footwear and banking have not signed the work programme.

Health and safety			
Keyword	**2008**	**2007**	**2006**
Accident **Alcohol** **Best practices** **Blood-borne infections** **Ergonomics** **Food hygiene** **Illnesses** **Methane/NO2** **Musculoskeletal disorders** **Noise** **No smoking** **Obesity** **REACH** **Responsible care** **Safety** **Stress**	Agriculture	Agriculture	Agriculture
	Catering	Catering	Catering
	Chemicals	Chemicals	Chemicals
	Civil aviation	Civil aviation	Civil aviation
	Commerce	Commerce	
	Construction	Construction	Construction
	Electricity	Electricity	Electricity
	Furniture	Furniture	Furniture
	Gas	Gas	–
	Horeca	–	–
	–	Hospitals	Hospitals
	Leather		–
	Live performance	Live performance	Live performance
	Mining	Mining	Mining
	Personal services	Personal services	Personal services
	Postal services	Postal services	
	Private security	Private security	
	Road transport	Road transport	–
	Sea fishing		Sea fishing
	Sea transport		
	Steel	Steel	Steel
	Telecommunications	Telecommunications	Telecommunications
	Woodworking	Woodworking	Woodworking

Note: '–' = year without item (keyword or social dialogue); 2007–2008: footwear and banking have not signed the work programme.

Social aspects of community policies			
Keyword	**2008**	**2007**	**2006**
Undeclared work	Cleaning	Cleaning	
	Construction	Construction	Construction
	Horeca	Horeca	Horeca
Future of the industry (social aspects)	–	–	Civil aviation
	Gas	Gas	–
Impact on employment	Agriculture	–	–
	Electricity	Electricity	Electricity
Status of artists	Live performance	Live performance	
Crisis in sector			Sea fishing
Social consequences	Sugar	Sugar	Sugar

Note: '–' = year without item (keyword or social dialogue); 2007–2008: footwear and banking have not signed the work programme.

Working conditions			
Keyword	**2008**	**2007**	**2006**
Working conditions (in general)	Commerce	Commerce	Commerce
	Horeca	Horeca	
	Hospitals	Hospitals	Hospitals
	Inland waterways	Inland waterways	–
	Personal services		
	Private security		
	Railways	Railways	
	Road transport	Road transport	–
	Sea transport		
Flexicurity	Banking	Banking	–
	Construction	–	–
	Private security	Private security	
	Temporary agency work	Temporary agency work	–
Flexible working practices	Local and regional government	Local and regional government	Local and regional government

Note: '–' = year without item (keyword or social dialogue); 2007–2008: footwear and banking have not signed the work programme.

Enlargement			
Keyword	**2008**	**2007**	**2006**
Enlargement (in general)			Banking
			Chemicals
	Commerce	Commerce	Commerce
	Construction	Construction	Construction
	Gas	Gas	–
	Live performance	Live performance	
	–	–	Road transport
	Sea fishing		Sea fishing
			Temporary agency work
	Textiles	Textiles	Textiles
Working conditions systems in NMS	Insurance	Insurance	
Health and safety	Furniture	–	

Note: '–' = year without item (keyword or social dialogue); 2007–2008: footwear and banking have not signed the work programme.

Employment			
Keyword	**2008**	**2007**	**2006**
	Agriculture	–	
	Chemicals	Chemicals	
	Electricity	Electricity	Electricity
Employability	–	Hospitals	Hospitals
Employment	Insurance	Insurance	
	Railways	Railways	
	Sea fishing		–
	Sea transport		

Note: '–' = year without item (keyword or social dialogue); 2007–2008: footwear and banking have not signed the work programme.

Corporate social responsibility (CSR)			
Keyword	**2008**	**2007**	**2006**
	Audiovisual	Audiovisual	
	Catering	Catering	–
	Cleaning	Cleaning	
	–	–	Footwear
Best practices (code of conduct)	Leather		Leather
	Security		
	Sugar	Sugar	Sugar
	Telecommunications	Telecommunications	–
	Textiles	Textiles	Textiles
	–	–	Banking
	Catering	Catering	Catering
	Chemicals	Chemicals	Chemicals
	Civil aviation	Civil aviation	Civil aviation
	Commerce	Commerce	Commerce
	Electricity	Electricity	Electricity
CSR	Horeca	Horeca	Horeca
	–	Hospitals	Hospitals
	Mining	Mining	Mining
	Postal services	Postal services	
	Sugar	Sugar	Sugar
	Telecommunications	Telecommunications	Telecommunications
	Textiles	–	–

Note: '–' = year without item (keyword or social dialogue); 2007–2008: footwear and banking have not signed the work programme.

Non-discrimination			
Keyword	**2008**	**2007**	**2006**
Gender equality **Equal opportunities** **Diversity**	Audiovisual	–	
	Catering	Catering	Catering
	Commerce	Commerce	Commerce
	–	Electricity	Electricity
	Hospitals	–	–
	Local and regional government	Local and regional government	Local and regional government
	Private security	Private security	
	Railways	Railways	
	Road transport	Road transport	
	Telecommunications	Telecommunications	Telecommunications
	Temporary agency work	Temporary agency work	–
Sexual harassment	–	–	Horeca
	Electricity	–	–
	Local and regional government	–	–

Note: '–' = year without item (keyword or social dialogue); 2007–2008: footwear and banking have not signed the work programme.

Sustainable development			
Keyword	**2008**	**2007**	**2006**
Biomass	Woodworking	Woodworking	–
Environment	Commerce	Commerce	Commerce
	Mining	Mining	–
	Steel	Steel	Steel
Sustainable development	Sea fishing	–	–

Note: '–' = year without item (keyword or social dialogue); 2007–2008: footwear and banking have not signed the work programme.

Working time			
Keyword	**2008**	**2007**	**2006**
Working time	Civil aviation	Civil aviation	
	Cleaning	Cleaning	
	Inland waterways	Inland waterways	Inland waterways
	Private security	Private security	

Note: '–' = year without item (keyword or social dialogue); 2007–2008: footwear and banking have not signed the work programme.

Other			
Keyword	**2008**	**2007**	**2006**
Migrants	Agriculture	–	–
	Commerce	Commerce	–
Seasonal workers	Construction	Construction	Construction
Self-employment	Horeca	Horeca	Horeca
Temporary agency workers	Private security		
	Temporary agency work	–	–
Pensions	–	Construction	Construction
	Temporary agency work	Temporary agency work	–
Social security	–	–	Live performance

Note: '–' = year without item (keyword or social dialogue); 2007–2008: footwear and banking have not signed the work programme.

Annex 3:
Number of jobs per sector

Sector/industry	Number of jobs
	20,000,000 + jobs
Commerce	23,500,000 (2002)
	10,000,000 + jobs
Construction	11,800,000 (2002)
Local and regional government	8,000,000 (2004) (3)
Horeca/tourism	6,400,000 (2001)
	5,000,000 + jobs
Agriculture	5,500,000 (2004) (1)(2)
	3,000,000 + jobs
Hospitals	3,500,000 (2006) (4)
Banking	3,400,000 (2000)
	2,000,000 + jobs
Temporary agency work	2,800,000 (2004)
Live performance	2,700,000–3,900,000 (2002)
Road transport	2,600,000 (2000)
Cleaning industry	2,600,000 (2001)
Textiles/clothing	2,200,000 (2004)
	1,000,000 + jobs
Chemical industry	2,000,000 (2004) (3)
Postal services	1,700,000 (2004)
Railways	1,300,000 (2002)
Telecommunications	1,300,000 (2000)
Insurance	1,000,000 (2002)
Personal services	+1,000,000 (2001)
Private security	1,000,000 (2004)
	500,000 + jobs
Furniture	850,000 (2003)
Audiovisual	700,000 (2004) (3)
Catering	600,000 (2006) (4)
Electricity	500,000 (2000)
	100,000 + jobs
Civil aviation	400,000 (2000)
Woodworking	350,000 (no date)
Shipbuilding	350,000 (2002)
Steel	330,000 (2006) (4)
Footwear (manufacturing)	300,000 (2002)
Gas	208,700 (2006) (4)
Sea transport	200,000 (2003)
Sea fishing	100,000 (1996)
Extractive industry	100,000 (2003)
	0–100,000 jobs

Sector/industry	Number of jobs
Tanning and leather	50,000 (2002)
Sugar	30,000 (2004)
Football	28,000 (2008)
Inland waterways	20,000 (2002)

Notes: Number of jobs is to the nearest hundred thousand.
(1) One million permanent employees and 4.5 million seasonal workers.
(2) The figures followed by (2004) are taken from data gathered from the questionnaires sent out to federations.
(3) According to a statement by Ms Odile Quintin at the inaugural meetings of the new committees.
(4) See link (in French) http://ec.europa.eu/employment_social/social_dialogue/sectoral_fr.htm.

Annex 4:
Process-oriented texts (1999–2007)

Sector	Process-oriented texts	Implementing provisions and follow-up
Agriculture	European agreement on vocational training in agriculture 5 December 2002	In accordance with the provisions of the first part of Article 139(2) of the EC Treaty, implementation of this agreement shall be in accordance with the procedures and practices proper to the social partners at national level and to the EU Member States. To ensure this implementation, the signatory organisations propose that the national social partners work jointly and, if necessary, in cooperation with the competent state authorities.
	European agreement on the reduction of workers' exposure to the risk of work-related musculoskeletal disorders in agriculture 21 November 2005	The signatories to this agreement have decided to set up, within the Sectoral Social Dialogue Committee for Agriculture, a monitoring committee responsible for evaluating, within the next three years, musculoskeletal disorder prevention policies in the Member States.
Banking	EU bank social partners joint statement (some aspects related to CSR) 18 May 2005	Conclusions and follow-up: The present project follows and further develops the mechanisms applied in finalising the lifelong learning joint statement of 2003. While the European social partners agree to review this statement in the context of the banking social dialogue committee, they agree that the use of such practices is enhanced through voluntary means and in full respect of national company practices.
Catering	FERCO-EFFAT agreement on CSR in the contract catering sector 31 January 2007	*Implementation, monitoring and review of the document:* EFFAT and FERCO will invite their members to disseminate and discuss this agreement at national level. To ensure a wide dissemination and good understanding of the agreement at national level, it will be translated into the different European languages by the national delegations. The English, French and German versions will be deemed authentic. EFFAT and FERCO members will be encouraged to report on examples of best practice developed by enterprises in relation with this agreement. These best practices will be assessed in periodic reports so as to ensure the follow-up of the implementation of the present agreement. This report will be discussed in the framework of the EFFAT-FERCO social dialogue and will be disseminated among national member associations.
Chemical industry	Memorandum of understanding on responsible care 21 May 2003	ECEG, EMCEF and CEFIC shall inform their members about the activities arising from the memorandum. They will review this memorandum three years from the date of signature to check progress and, if necessary, develop and improve the partnership.
Cleaning	Common recommendations of the European social partners for the cleaning industry 1 March 2004	Lastly, EFCI and UNI-Europa consider these common recommendations as a dynamic document and intend to evaluate, at regular intervals, the appropriateness of the principles and objectives that they pose in light of the realities of the profession and its developments.
Commerce	EuroCommerce and Euro-Fiet agreement on fundamental rights and principles at work 6 August 1999	EuroCommerce and Euro-Fiet shall regularly discuss the implementation of this joint declaration. Based on these discussions, the parties shall, in the context of their European social dialogue, evaluate the implementation of the joint declaration and, where appropriate, shall formulate recommendations or undertake the necessary action.
	European agreement on guidelines on telework in commerce 26 April 2001	The social partners of the commerce sector in the various EU Member States have decided, or may decide, to regulate telework in various ways, through specific agreements at appropriate levels or by incorporating the issue of telework into collective agreements or existing provisions.
	EuroCommerce and UNI-Europa Commerce joint statement on CSR 5 November 2003	To follow up on this joint statement, the European social partners will endeavour: to convene roundtable discussions, exploring concrete measures to promote CSR; to collect and disseminate good practices; to ensure monitoring of the follow-up of the European social dialogue for commerce related to CSR; and to monitor and assess on a regular basis the follow-up to this statement.
	Social partners sign letter of intent – BeQuaWe European Certified Training 26 November 2006	In order to prepare the setting up of the certification body and to follow the activities of this body, an advisory committee will be formed, in which the signatories of this agreement will be represented. The certification rules of the BeQuaWe [European Commerce Qualification project] project shall be implemented jointly.

Construction	Joint recommendation of the European construction industry's social partners on the prevention of occupational stress in the construction sector 10 January 2006	FIEC and EFBWW, the European social partners in the construction sector, will examine the progress achieved in the framework of this joint statement, two years after its signature, within their European social dialogue.
Electricity	Joint declaration on telework between Eurelectric, EPSU and EMCEF – adopted by the EPSU executive committee on 12–13 November 2002	ic will monitor the implementation of the agreement in the electricity sector through the sectoral social dialogue committee.
	Joint declaration of Eurelectric and EPSU/EMCEF on equal opportunities and diversity Ju-1-03	This statement and a follow-up study on diversity are intended to contribute to the promotion of equality between women and men at work […]. Eurelectric and EPSU/EMCEF should encourage programmes aiming to increase equal opportunities and diversity. Collective agreements and other initiatives could be among the instruments in this regard. Such considerations include the development of tools and methods necessary to achieve equality […]. Future evaluations are recommended within a time frame to be decided on by the social partners.
	For health and safety in the electricity industry 13 December 2006	Eurelectric and EPSU/EMCEF will monitor the follow-up to the health and safety and training document and develop the recommendations to contribute to a higher level of health and safety. This will take place in the permanent standing committee on health and safety with representatives from the parties.
	Joint declaration on violence at work 1 November 2007	Intermediate reports will be produced in December 2008 and 2009. A final report is foreseen for the June 2010 meeting, allowing for decisions to be taken on any necessary further actions.
	Joint declaration on stress 1 November 2007	The sectoral social partners intend to conduct a simple survey among their affiliated members during February to April 2008 to investigate these issues. The results will be presented at the June 2008 plenary meeting.
Extractive industry	Joint declaration of the social dialogue committee for the mining sector on general questions of health and safety in raw materials extractions 8 October 2004	One year after the adoption of this joint declaration, the European employee and employer organisations of the social partners involved will draw up an inventory of the measures contained in this declaration. In three years' time, a report will be drawn up on progress in implementing these measures. These reports will be submitted to the social dialogue committee for the mining sector.
Footwear	Code of conduct – a charter of the social partners in the footwear sector 17 November 2000	CEC and ETUF:TCL agree to follow up, in the framework of sectoral social dialogue at European level, the gradual fulfilment of the implementation of this code of conduct. […] To this effect, CEC and ETUF:TCL will conduct an evaluation of the implementation of the present code of conduct, at least once a year in the framework of European social dialogue; the first evaluation will take place no later than 17 November 2001. They could ask the Commission and Member States to provide the necessary assistance in order to carry out the evaluation.
Gas	Joint declaration on violence at work 15 November 2007	EPSU, EMCEF and Eurogas call on their affiliated member organisations to implement the intersectoral agreement in accordance with the national procedures and practices specific to management and labour, as referred to in the agreement, before April 2010. EPSU, EMCEF and Eurogas will monitor the implementation of the agreement in the gas sector through the sectoral social dialogue committee. The secretariats are requested to consider in which way the implementation can best be monitored and provide an update on the implementation to the sectoral social dialogue committee in December 2008 and December 2009, with a final report in 2010, allowing EPSU, EMCEF and Eurogas to consider further action if necessary.
Horeca and tourism	An initiative for improving CSR in the hospitality sector 10 December 2004	EFFAT and Hotrec will include in their discussions the work of the European Multi-Stakeholder Forum on CSR, in particular as far as SMEs are concerned, at the plenary meeting of 6 June 2006.
Leather and tanning	Code of conduct in the leather and tanning sector 10 July 2000	To that effect, Cotance and the ETUF:TCL will conduct at least a yearly evaluation of the implementation of the present code, the first taking place no later than 30 June 2001.

Local and regional government	CEMR-EP and EPSU joint statement on telework 13 January 2004	EPSU and CEMR-EP will encourage their members to use the agreement when discussing the introduction or management of telework, devising policies or concluding agreements on telework in the local and regional government sector, in accordance with the national procedures and practices specific to management and labour. CEMR-EP and EPSU will monitor developments and undertake a first assessment in 2005.
	Guidelines to drawing up gender equality action plans 14 December 2007	performance over time. Equality plans are also a useful tool to help better implement equality legislation or other equality objectives. A template for a gender equality plan is proposed in Appendix 3.
Personal services	Code of conduct – Guidelines for European hairdressers: 'How to get along code' 26 June 2001	UNI-Europa and CIC-Europe will follow up the code in the framework of the European sectoral social dialogue.
	Covenant on health and safety – in particular, the use and handling of cosmetic products and their chemical agents 21 September 2005	Objective: to monitor and compare current activity to best practice published from time to time by the European social partners. The European social partners within the personal services sector will, at each plenary meeting in the social dialogue, give a report on the progress achieved under this Covenant on health and safety between European social partners in the hairdressing industry.
Postal services	Joint statement of the EU social partners in the postal sector on CSR 23 November 2005	The postal enterprises under the umbrella of PostEurop and UNI-Europa Postal encourage the postal sector to further develop and demonstrate own initiatives, taking account of national companies' practices.
Private security	Code of conduct and ethics for the private security sector 18 July 2003	CoESS and UNI-Europa undertake, on a regular basis, to monitor and evaluate the implementation of this code within their social dialogue. To this end, it is critical that monitoring and preliminary evaluations take place both at company and national level.
Railways	The concept of employability in the railway sector – recommendations 4 October 2007	European social dialogue on railways will promote and accompany the process of extending and implementing employability as a central theme of modern human resources (HR) policy and carry out interim assessments from time to time. This can occur through various instruments: policy conferences, conferences for exchanging work and experiences, monitoring, and making available instructive materials (case studies for good practice, basic guides, specimen agreements, etc).
	Joint recommendations for a better representation and integration of women in the railway sector 12 June 2007	Three years after signing these recommendations, the European social partners will perform a study on the measures introduced by their affiliated companies and unions for the implementation of these actions. They will perform a second study to analyse the developments that will have taken place since their first joint study (the study period was 2004).
Road transport	IRU and ETF joint recommendations on employment and training in logistics 31 March 2006	After three years (by the end of March 2009), the social partners will evaluate the impact of these recommendations on both companies and workers.
Sea fishing	Social clause to be inserted in the fishing agreement with third countries 19 December 2001	The employment contracts of local fishermen, a copy of which will be forwarded to the signatory parties, will be drawn up between the shipowners' representative and the fishermen and/or their trade unions or representatives in concert with the competent local authorities. These contracts will guarantee to the fishermen the benefits of the social security system applicable to them, including life, illness and accident insurance. The remuneration levels of local fishermen cannot be lower than those applicable to the crew in the state signatory of the fishing agreement with the EU and, in any case, not lower than the ILO standards.
Sugar	CSR in the European sugar sector – Code of conduct 7 February 2003	EFFAT and CEFS will, within the context of their sectoral social dialogue committee, ensure the monitoring of the progressive implementation of this code of conduct and the regular updating of the examples of good practice […]. To this effect, EFFAT and CEFS will conduct a joint assessment of the implementation of the code of conduct at European level – in the form of an annual report covering the calendar year and to be presented in February of the following year, within the framework of the sectoral social dialogue committee, at a meeting specifically devoted to this subject.
Telecommunications	Guidelines for telework in Europe's telecommunications sector 7 February 2001	The social dialogue committee recommends these guidelines for adoption by the end of 2001, on a voluntary basis and according to each country's laws and collective bargaining practices. The social dialogue committee agrees to monitor the adoption of these guidelines in 2002.

Woodworking	Code of conduct – a Charter for the social partners in the European woodworking industry 20 March 2002	CEI-Bois and EFBWW have agreed, under the sectoral social dialogue, to monitor the progress made in implementing this charter […]. CEI-Bois and EFBWW, in the context of European sectoral social dialogue, may decide jointly and freely to take any other initiative in connection with the implementation of this charter.

Note: See Annex 5 for full names of organisations.

Annex 5:
List of abbreviations

Abbreviation	Full name
ACI-Europe	Airports Council International-Europe
ACME	Association of European Cooperative and Mutual Insurers
ACT	Association of Commercial Television in Europe
AEA	Association of European Airlines
AER	Association of European Radios
APEP	European Association of Potash Producers
ASAJA	Agrarian Association of Young Farmers (*Asociación Agraria Jóvenes Agricultores*)
BeQuaWe	European Commerce Qualification project (*Berufsbildende Qualifizierung für den Wertschöpfungsprozess des Handels in Europa*)
BIPAR	European Federation of Insurance Intermediaries
BusinessEurope	Confederation of European Business
CANSO	Civil Air Navigation Services Organisation
CCFE (now CER)	European Railway Community (*Communauté des chemins de fer européens*)
CEA	European Insurance Committee (*Comité européen des assurances*)
CEC	European Confederation of the Footwear Industry (*Confédération européenne de l'industrie de la chaussure*)
Ceemet	Council of European Employers of the Metal, Engineering and Technology-based Industries
CEEP	European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest (*Centre européen des entreprises à participation publique et des entreprises d'intérêt économique général*)
CEFIC	European Chemical Industry Council (*Conseil européen des fédérations de l'industrie chimique*)
CEFS	European Committee of Sugar Manufacturers (*Comité européen des fabricants de sucre*)
CEI-Bois	European Confederation of woodworking industries (*Confédération européenne des industries du bois*)
CEMR-EP	Council of European Municipalities and Regions – Employers' Platform
CEPI	European Coordination of Independent Producers (*Coordination europeénne de producteurs independents*)
CER	Community of European Railway and Infrastructure Companies
CESA	Community of European Shipyards Associations
CGT-FO	General Confederation of Labour – *Force Ouvrière* (*Confédération générale du travail – Force ouvrière*)
CIC-Europe (now Coiffure EU)	European Association of Hairdressers' Employers (*Confédération internationale de la coiffure*)
CNE	National Federation of White-collar Workers (*Centrale nationale des employés*)
CoESS	Confederation of European Security Services
Cogeca	General Committee for Agricultural Cooperation in the European Union (*Comité général de la coopération agricole de l'union européenne*)
Confagricoltura	General Confederation of Italian Agriculture (*Confederazione Generale dell'Agricoltura Italiana*)
Cotance	Confederation of National Associations of Tanners and Dressers of the European Community
CTT	Post Office of Portugal (*Correios de Portugal, S.A. – Correios, Telégrafos e Telefones*)
EACB	European Association of Co-operative Banks

Abbreviation	Full name
EAEA	European Arts and Entertainment Alliance
EBF	European Banking Federation
EBU	European Broadcasting Union
ECA	European Cockpit Association
ECEG	European Chemical Employers Group
ECF-IUF (now UNI-Europa)	European Committee of Food, Catering and Allied Workers' Unions (ECF) within the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF)
ECSA	European Community Shipowners' Associations
EFA (now EFFAT)	European Federation of Agricultural Workers' Unions
EFBWW	European Federation of Building and Woodworkers
EFCI	European Federation of Cleaning Industries
EFFAT	European Federation of Trade Unions in the Food, Agriculture and Tourism Sectors and Allied Branches
EFJ	European Federation of Journalists
EMCEF	European Mine, Chemical and Energy Workers' Federation
EMF	European Metalworkers' Federation
EPFL	European Professional Football Leagues
EPSU	European Federation of Public Service Unions
ERA	European Regions Airline Association
ESBG	European Savings Banks Group
ESO/OEB	European Skippers Organisation/Organisation Européenne des Bataliers
ETF	European Transport Workers' Federation
ETNO	European Telecommunications Network Operators' Association
ETUC	European Trade Union Confederation
ETUF:TCL	European Trade Union Federation: Textiles, Clothing, Leather
Euracoal	European Association for Coal and Lignite
Euratex	European Apparel and Textile Organisation
Eurelectric	Union of the electricity industry-Eurelectric
Eurociett	European Telecommunications Network Operators' Association
EuroCommerce	Association for retail, wholesale and international trade interests
Eurofer	European Confederation of Iron and Steel Industries
Euro-FIET (now UNI-Europa)	European Regional Organisation of the International Federation of Commercial, Clerical, Professional and Technical Employees (*Fédération internationale des employés, techniciens et cadres*)
Eurogas	European Union of the Natural Gas Industry
Euromines	European Association of Mining Industries
Europêche	Association of the National Organisations of Fishery Enterprises in the European Union
Eurosil	European Association of Silica Producers

Abbreviation	Full name
FERCO	European Federation for Contract Catering Organisations (*Fédération européenne de la restauration collective concédée*)
FIA	International Federation of Actors (*Fédération internationale des acteurs*)
FIAPF	International Federation of Film Producers' Associations (*Fedération internationale des associations de producteurs de films*)
FIEC	European Construction Industry Federation (*Fédération de l'industrie européenne de la construction*)
FIFPro	Football International Federation of Professional players
FIM	International Federation of Musicians (*Fédération internationale des musiciens*)
GEOPA-COPA	Employers' Group of the Committee of Agricultural Organisations in the European Union (*Comité des organisations professionnelles agricoles de l'union européenne*)
Hospeem	European Hospital and Healthcare Employers' Association
Hotrec	Confederation of national associations of hotels, restaurants and cafes in the European Union
IACA	International Air Carrier Association
IRU	International Road Transport Union
IST	Institute for Labour Studies (*Institut des sciences du travail*)
LO Handels	Commercial Employees' Union (*Handelsanställdas Förbund*, Handels), affiliated to the Swedish Confederation of Trade Unions (*Landsorganisationen i Sverige*, LO)
NACE	General industrial classification of economic activities within the European Communities (*Nomenclature générale des activités économiques dans les Communautés européennes*)
NFU	National Farmers' Union (UK)
OSE	European Social Observatory (*Observatoire social européen*)
Pearle	Performing Arts Employers Associations League Europe
PostEurop	Association of European Public Postal Operators
UEA	European Furniture Manufacturers Federation (*Union européenne de l'ameublement*)
UEAPME	European Association of Craft, Small and Medium-sized Enterprises (*Union européenne de l'artisanat et des petites et moyennes entreprises*)
UEFA	Union of European Football Associations
UENF	European Barge Union (*Union européenne de la navigation fluviale*)
UNI-Europa	Union Network International – Europa
UNI-MEI	Union Network International – Media Entertainment International
SEKO-Post	Union of Service and Communication Employees (*Facket för Service och Kommunikation*, SEKO)-Post
SETca/BBTK	Belgian Union of White-collar Staff, Technicians and Managers (*Syndicat des Employés, Techniciens et Cadres de Belgique/Bond der Bedienden, Technici en Kaders van België*)

European Foundation for the Improvement of Living and Working Conditions

Dynamics of European sectoral social dialogue

Luxembourg: Office for Official Publications of the European Communities

2009 – VIII, 97 p. – 21 x 29.7 cm

ISBN 978-92-897-0843-2

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EF/08/98/EN

4 5 TJ-78-08-468-EN-C

European sectoral social dialogue has its roots in the creation of the European Union. Over the last decade, there have been numerous changes to its institutional foundations, structures and scope. This report gives an overview of the current state of play regarding European sectoral social dialogue. It focuses on three main aspects: recent developments and outcomes, the interactions between parties either directly or indirectly involved in this dialogue, and the implementation and impact of the social dialogue texts in EU Member States. The findings demonstrate that there is growing interaction and stronger links between the cross-industry and the sectoral levels and that a high degree of vitality characterises the processes.

The European Foundation for the Improvement of Living and Working Conditions is a tripartite EU body, whose role is to provide key actors in social policymaking with findings, knowledge and advice drawn from comparative research. The Foundation was established in 1975 by Council Regulation EEC No. 1365/75 of 26 May 1975.

Publications Office
Publications.europa.eu

ISBN 978-92-897-0843-2