

Social Dialogue mapping

Description scheme for country overviews

EUROPEAN UNION

Sources:

1/ Eurofound Working Life Profiles <https://www.eurofound.europa.eu/eu-level>

Introduction on Social Dialogue at EU level (1)

The procedure set out in Articles 154 and 155 of the TFEU combines the consultation of the social partners by the Commission with the option to leave social regulation to bipartite agreement between management and labour organised at European level. According to Article 154, the Commission, before submitting social policy proposals, has to consult management and labour on the possible direction of any action. If, after such consultation, the Commission considers that action is advisable, it is obliged to consult management and labour on the content of the proposal.

If the social partners ask to deal with the issue by bipartite social dialogue, the Commission will suspend its legislative initiative. The bipartite dialogue may lead to contractual relations, including agreements. If the social partners do not reach an agreement, the Commission can still decide to tackle the issue via the normal legislative procedure. If the social partners do reach an agreement, Article 155(2) provides two ways to ensure implementation: the autonomous reliance on national procedures and practices specific to management and labour and the Member States; or 'implementation by Council decision', which leads in practice to implementation by Council directive. These procedures can be used to arrive at both intersectoral and sectoral agreements.

Eurofound's 2014 study Representativeness of the social partners in the European cross-industry social dialogue established the representativeness of the European Trade Union Confederation (ETUC), The Council of European Professional and Managerial Staff (Eurocadres), and the European Confederation of Executives and Managerial Staff (CEC) on the trade union side. On the employer side, it established the representativeness of BusinessEurope, the European Association of Craft, Small and Medium-sized Enterprises (UEAPME), and the European Centre of Employers and Enterprises providing Public Services (CEEP).

Trade Unions (1)

▪ European-level cross-industry trade union confederations

Long name	Abbreviation	Members
European Trade Union Confederation	<u>ETUC</u>	No available information on membership. No notable changes in membership or changes in representation. The ETUC was set up in 1973 and is made up of 90 national trade union confederations in 39 countries, in addition to 10 European trade union federations. The ETUC's member confederations cover a wide variety of types of work in many sectors.
Council of European Professional and Managerial Staff	<u>Eurocadres</u>	Set up in 1993, it represents almost six million professionals and managers. Members of Eurocadres are national confederations and federations as well as European trade union federations.
European Confederation of Executives and Managerial Staff	<u>CEC</u>	Founded in 1989, it is composed of nine European branch federations and 17 national organisations, accounting for a total of 1.5 million managers and professionals in 15 European countries.

Employers' organisations (1)

European-level cross-industry trade union confederations

Long name	Abbreviation	Members
European Trade Union Confederation	ETUC	No available information on membership. No notable changes in membership or changes in representation. The ETUC was set up in 1973 and is made up of 90 national trade union confederations in 39 countries, in addition to 10 European trade union federations. The ETUC's member confederations cover a wide variety of types of work in many sectors.
Council of European Professional and Managerial Staff	Eurocadres	Set up in 1993, it represents almost six million professionals and managers. Members of Eurocadres are national confederations and federations as well as European trade union federations.
European Confederation of Executives and Managerial Staff	CEC	Founded in 1989, it is composed of nine European branch federations and 17 national organisations, accounting for a total of 1.5 million managers and professionals in 15 European countries.

European-level cross-industry employer organisations

Long name	Abbreviation	Members
BusinessEurope	BusinessEurope	BusinessEurope has member federations at national level in EU Member States. No membership numbers of individual companies are available.
European Association of Craft, Small and Medium-sized Enterprises	UEAPME	UEAPME's members are composed of representative national, cross-sectoral organisations representing craft activities and/or small and medium-sized businesses in different sectors of the economy within the European Union.
European Centre of Employers and Enterprises providing Public Services	CEEP	CEEP has national and sectoral member organisations in EU Member States. It covers mainly public sector organisations, although some private sector organisations that provide public services may also be included.

Organisation of Social Dialogue

- **EU level: Tripartite and bipartite fora**

The EESC is a consultative body of the European Union. It has 350 members, who are nominated by national governments and appointed by the Council of the European Union for a renewable five-year term of office. The latest renewal was in October 2015 for the period 2015–2020.

The Tripartite Social Summit is the highest level for tripartite social dialogue and brings together the EU institutions at president level and the European social partners at top management level. It contributes to the effectiveness of social dialogue for the drafting and implementation of EU economic and social policies.

The Liaison Forum, which is organised several times per year by The DG for Employment, Social Affairs and Inclusion, offers a regular platform for EU social partners' representatives to discuss, share information and exchange experiences on subjects of interest.

The macroeconomic dialogue is based on the principle that key macroeconomic policy stakeholders and decision makers, and those responsible for wage formation (management and labour organisations) should have a proper understanding of each other's positions and constraints.

Bipartite dialogue between European employer organisations and trade union organisations takes place at cross-industry level and within sectoral social dialogue committees. The cross-industry social dialogue committee is the main body for bipartite social dialogue at European level. It consists of a maximum of 66 representatives of the social partners, equally divided between employer organisations and workers' representative organisations. It also includes the EU secretariats of the cross-industry social partners, as well as representatives from national member organisations on each side. It can also set up technical working groups to discuss specific issues.

Tripartite and bipartite fora

Name	Type and composition	Frequency of meetings	Issues covered
Liaison Forum	Employer and employee representatives.	The forum meets several times a year.	All issues relevant to social dialogue.
European Economic and Social Committee(EESC)	EESC members belong to one of three groups: employers, workers or experts with special interests.	The EESC holds plenary sessions every one or two months.	The task of members is to issue opinions to the Council, the Commission and the European Parliament on all EU issues, including employment and social affairs.
Tripartite Social Summit	Employer and employee representatives.	The summit meets at least once a year, before the spring European Council meeting.	All areas of social policy that are relevant to cross-industry social dialogue.
Macroeconomic dialogue	High-level exchange of views between representatives of the Council, Commission, European Central Bank and European social partners.	Meetings are held twice a year.	The interaction between wage developments and monetary, fiscal and structural policies.
Cross-industry social dialogue committee	Employer and employee representatives.	This committee meets three or four times a year.	All relevant social and employment topics.

Name	Type and composition	Frequency of meetings	Issues covered
European Social Fund committee (ESF)	Partnership between the European Commission, national and regional authorities and a wide range of other partners, such as non-government organisations and workers' organisations.	The ESF operates on a seven-year programming period.	The ESF is Europe's main instrument for supporting jobs, helping people get better jobs and ensuring fairer job opportunities for all EU citizens.
Advisory Committee on Safety and Health at Work	Tripartite body chaired by the European Commission.	The committee meets twice a year in a plenary.	All issues related to the safety and health of workers.
Scientific Committee on Occupational Exposure Limits (SCOEL)	The 21 members of SCOEL are highly qualified, specialised, independent experts selected on the basis of objective criteria.	Plenary meetings take place four times a year.	Evaluation of the potential health effects of occupational exposure to chemicals.
Advisory Committee on Free Movement of Workers	Tripartite body: it is composed of six members for each Member State: two representing the government, two the trade unions and two the employer associations.	The committee meets twice a year.	The committee examines problems concerning freedom of movement and employment within national manpower policies.
Advisory Committee on Social Security for Migrant Workers	Tripartite body, established by Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons and their families moving within the Union.	At least once a year.	All matters relating to social security for migrant workers.

• Sectoral level

European sectoral social dialogue underwent a significant development in 1998, when the Commission established sectoral dialogue committees to promote dialogue between sectoral-level social partners at European level (Commission decision 98/500/EC). The decision set out precise details about the establishment, representativeness and operation of the new sectoral committees.

European sectoral social dialogue committees are fora for consultations on European policies. They are also tools for autonomous social dialogue among the European social partners, who may develop joint

actions and conduct negotiations on issues of common interest. In this way, they can directly shape EU labour legislation and policies.

The sectoral social dialogue committees are established with due regard for the autonomy of the social partners. The social partner organisations must apply jointly to the European Commission in order to take part in social dialogue at European level. Eurofound's representativeness studies have been, since 2006, key indicators for the European Commission when deciding on the representativeness of EU-level social partner organisations. The European Commission website provides further details on the process of deciding representativeness.

Sectoral social dialogue committees consist of a maximum of 66 social partner representatives, with an equal number of representatives of both employers and employees. They are chaired either by one of the social partner representatives or, at their request, by a representative of the Commission which, in all cases, provides the secretariat for the committees.

As of February 2017, there were 43 sectoral social dialogue committees, which have produced a variety of joint texts and agreements, covering 170 million workers in a range of sectors. A number of sectors are not yet covered by social dialogue. These sectors include social work; household work and domestic personnel; information and communication technology services; science, research and development; sports and recreational activities; waste collection; water collection and supply; and extraction and manufacture of petroleum. The PESSIS project represents a long-term process aimed at establishing a European network representing employers in the social services sector at European level.

The European Commission states that more than 900 texts have been produced as a result of sectoral social dialogue, ranging from joint opinions and responses to consultations, autonomous agreements and agreements that have been given legal force by means of a European directive. Recent agreements have included a framework agreement on the prevention of sharps injuries in the hospital and healthcare sector, concluded by the European Hospital and Healthcare Employers' Association and the European Federation of Public Service Unions (EPSU) in July 2009, and an agreement on health and safety in the hairdressing sector, concluded by UNI-Europa Hair & Beauty and Coiffure EU in April 2012. More recently, on 21 December 2015, an agreement was signed on information and consultation rights of central administration employees by representatives from the European Confederation of Independent Trade Unions, EPSU and the European Union Public Administration Employers.

• Enterprise level

European works councils (EWCs) are standing bodies that provide information and consultation for employees in Community-scale undertakings and Community-scale groups of undertakings, as required by the 1994 European works council directive (Directive 94/45/EC, now updated by the recast Directive 2009/38/EC). EWCs are highly significant in terms of European industrial relations since they represent the first genuinely European institution of interest representation at enterprise level.

The thresholds required for an enterprise to be covered by the directive are 'at least 1,000 employees within the Member States and at least 150 employees in each of at least two Member States'. It is left

to Member States to decide on the mechanism for determining the selection of employee representatives, 'in accordance with the principle of subsidiarity'.

According to figures from the European Trade Union Institute (ETUI), around 2,400 multinationals are potentially covered by the EWCs directive. However, as at 2017, only 1,485 EWCs had been created, of which 1,115 were still active.

The recast directive strengthens the role and rights of EWCs in several areas. Notably, it:

- reinforces and more clearly defines the information and consultation rights of EWCs;
- links and more clearly differentiates the information and consultation of EWCs and of national bodies, providing a new definition of transnational matters covered by EWCs;
- gives a greater role to trade unions;
- entitles EWC members to training without loss of pay;
- contains rules on adapting EWCs in the case of structural change in the multinational concerned.
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• Representatives at workplace level

EU-based companies may become a European company, also known as a *Societas Europaea* (SE). SEs operate on a Europe-wide basis and are governed by the European Company Statute (Council regulation (EC) 2157/2001). Council Directive 2001/86/EC supplements this regulation and stipulates employee involvement in SEs in the form of information and consultation of employees and, in some cases, board-level participation

.EU-based companies may become SEs in one of the following four ways:

1. merger;
2. creation of a joint holding company;
3. creation of a subsidiary;
4. when a single EU-based company is transformed into an SE, provided it has had a subsidiary governed by the law of another Member State for at least two years.

There are three possible scenarios with regard to employee involvement in an SE, as outlined below.

- The special negotiating body (SNB) may decide, with a two-thirds majority, not to open negotiations or to terminate existing negotiations. In this case, national rules on information and consultation of employees come into force and only an EWC is constituted.
- The SNB and the competent bodies of the participating companies conclude an agreement on the involvement of employees according to Article 4 of the directive.
- The SNB and the competent bodies of the participating companies fail to reach an agreement or agree voluntarily to apply the obligatory standard rules according to Article 7 of the directive.

In March 2017, 2,757 SEs had been established, according to the ETUI's [worker participation website](#). However, the ETUI estimated in 2017 that only 451 SEs have both normal business activities and more than five employees. Germany is home to more than half of the identified normal SEs (232), followed by the Czech Republic (90), France (24) and the Netherlands (16). In the Czech Republic particularly, the number of normal SEs is likely to be significantly higher as most Czech SEs are set up as employee-free 'shelf companies' by specialised providers. These shelf companies are sold to customers who wish

to establish businesses quickly. As often little is known about the further development of the workforce after the sale, they have to be classified in the ETUI's database as 'UFO SEs'.

- **Representatives at international level**

Outside the formal European social dialogue, European and international agreements exist, usually classed as transnational company agreements (TCAs) These are defined by the European Commission as *an agreement comprising reciprocal commitments the scope of which extends to the territory of several States and which has been concluded by one or more representatives of a company or a group of companies on the one hand, and one or more workers' organisations on the other hand, and which covers working and employment conditions and/or relations between employers and workers or their representatives.*

According to the 2009 Eurofound report European and international framework agreements: Practical experiences and strategic approaches, TCAs can be subdivided into international framework agreements (IFAs) and European framework agreements (EFAs). IFAs are signed by global union federations (GUFs) and have a global scope of application, whereas EFAs have a regional (European) scope of application and are signed by European industry federations (EIFs), EWCs and/or national unions and central management.

The Commission notes that TCAs have grown in significance since the first initiatives in 2000. By 2017, 282 such agreements had been recorded in the joint European Commission/ILO database.