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The European sectoral social dialogue: questions of representation and membership

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ABSTRACT

In the debates on the European social dialogue as a potential level of supranational industrial relations, the key questions of representations and mandates are often neglected. To what extent can the European sectoral social dialogue act for national constituencies across 27 Member States in the perspective of collective action by European associations? This article addresses this question by the means of three dimensions: the representation of heterogeneous members, the various degrees of national players' commitment in the European committees and finally, the definition of a common agenda among members.

INTRODUCTION

Since the 1960s, the European sectoral social dialogue (ESSD), although under various forms since then, brings together employer and trade union representatives from the different Member States in meetings in Brussels, in seminars in various places and in numerous multilateral contacts across countries.

So far, the European social dialogue is not seen by researchers as an arena for industrial relations in the 'classic' meaning of the terms because it rarely leads to 'hard' regulation and it does not correspond to restricted notions of collective bargaining leading to agreements that would generate enforceable rules, particularly on the core issue of wages (see, for instance, De Boer *et al*., 2005; Keller, 2005). Rather, it acts as a different type of instrument, either as a political tool contributing to coordination with European policies (Dufresne and Pochet, 2006) or as a socio-political process progressively developing and potentially contributing to the European integration and to the emergence of a multilevel system of industrial relations in the future (Didry and Mias, 2006).

At sectoral level, the 40 committees in activity in 2010 gather representatives from all the EU in meetings and seminars and produce a number of joint texts that may not

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be comparable with 'traditional' collective agreements as they exist at national level but that indicate at the very least that those activities are not just symbolic.

This article analyses to what extent the ESSD is capable of representing and acting for national constituencies across the Member States of the EU. In other words, are the European sectoral social partners able to unite, or at least combine, the interests of national member associations who act in contexts that are economically, socially and politically diversified and who are embedded in a variety of industrial relations regimes?

The article focuses on the 'vertical' dimension of coordination as defined by Traxler (2002) in terms of relationships between the representatives involved in collective bargaining and their constituencies. For the ESSD, vertical coordination is constituted by the relationships between the European trade union and employer associations that participate in the sectoral committees with their national member organisations in the Member States.

From a European perspective, this question is not a simple one: coordination is not an easy task when the 'two sides of the industry' have to represent member organisations from 27 countries that have a variety of resources, constraints and strategies, that are all embedded within highly differing institutional contexts and that face a variety of social, economic and political challenges. Therefore, not only is there the difference of interests between the two sides within each organisation, there are potential differences of interests among national affiliates from the 27 Member States.

The article examines the issue of 'vertical coordination' by the means of three analytical dimensions: first, to what extent are European sectoral social partners able to federate national interests and compose coalitions among diverse national constituencies that cover different socio-economic realities? Second, what is the degree of the national members' commitment and participation in the committees? Third and finally, coping with heterogeneity and with various degrees of participation, how can committees build up a common agenda, and what is the content of this agenda?

The intention here is to highlight the intra-organisation challenges that the European social partners have to face rather than comparing and classifying the sectors, which has been accomplished before (see, in particular, Pochet, 2006a). The first section presents a brief overview of recent literature and proposes to examine the question not only from a formal perspective centred on the institutional framework but rather as an arena where the players meet and try to coordinate all or part of their action across countries. The second section briefly discusses the methods used to collect the data that are presented in the later sections. Section three examines the variety of the European social partners' membership, considering the fact that heterogeneity in the membership constitutes, as such, a challenge for representation because it makes it more difficult to unite a variety of interests and to find a common ground on which starting any form of dialogue with other interest associations at European level. In the fourth section, the article analyses whether the national organisations are committed to and participate in the ESSD, and to what extent. It shows that the national member organisations' degree of participation largely varies from active involvement to simple absence. Fifthly and finally, given the heterogeneity of the national interests that have to be represented in the ESSD and given the various support from national members, can the EESD committees build up a common agenda to be discussed by employers and trade unions? Finding a common ground is a key issue for the European players not only between management and labour but also between the different national constituencies. This section analyses results in term of joint texts and content of the work programmes defined by the committees for the

years 2006–08, in order to understand on which topics and issues they can find leeway for coordination.

THE ESSD AS A COORDINATING INSTRUMENT?

The ESSD is rooted in the creation of the CECA (Communauté européenne du Charbon et de l'Acier—European Coal and Steel Community) and has adopted diverse forms since the signing of the Treaties of Rome. Over the last 25 years, several developments have resulted in changes in its institutional foundations, structures and scope: the reference to the social dialogue in the Single Act (1985), the inclusion of social dialogue procedures in the Maastricht Social Agreement in 1992 and later, in articles 138 and 139 (now 154 and 155) of the European Community Treaty; the transformation of older joint committees and informal work parties into homogenous 'sectoral social dialogue committees' by the commission decision of 20 May 1998 (European Commission, 1998); the creation of new committees up to 40 in 2010.

Certain nationally important sectors have obtained recognition only recently: the chemical industry or local and regional government were both established in 2004, steel in 2006; five other sectoral committees have been set up since 2005 (hospitals in 2006; gas and catering in 2007; football in 2008; metal, engineering and technology-based industries in 2010). Four others (non-ferrous metals, the automotive industry, cycling and sport) have submitted a formal request to create a committee. The growing number of committees is in itself an indication of mounting interest. Another interesting indicator is the number of the documents adopted by the social partners with more than 350 joint texts adopted by the social partners over the period 1999–2008 (see Figure 1).

From a quantitative and formal perspective, the number of committees and of texts indicates that much activity is taking place and that it leads to joint outcomes. However, this optimistic point of view must be tempered as less than 2 per cent of the

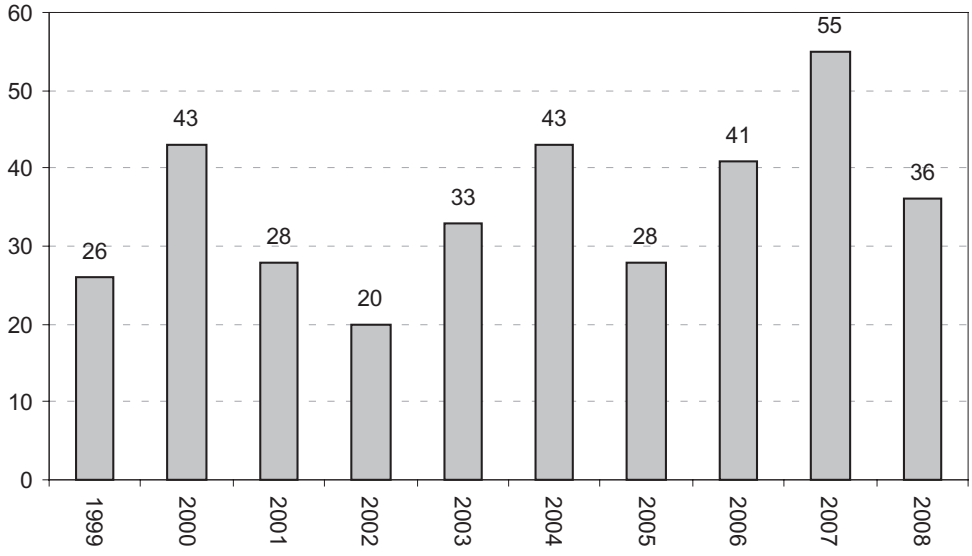

Figure 1: Number of documents per year (1999–2008)

Source: Observatoire Social Européen, own database 2008.

texts adopted at sectoral level are agreements with binding effect (Pochet, 2005; 2006b) and only 10 per cent are 'recommendations' that look similar to 'soft law'. Many of them have been adopted the last 4 years, which could indicate a trend towards more binding commitments.

If one looks at the legal and formal dimensions of the committees and their joint texts, they do not act as an industrial relations arena in the strict sense, defined as a set of practices and rules that regulate relationships between employees, employers and the state in companies, sectors or a whole geographical area (Lallement, 2008).

However, this does not mean that the ESSD has no consequence, at the very least, as a common lobbying platform oriented towards European policies (Dufresne and Pochet, 2006). It also plays a role in exchanging ideas and experience from different points of view, in 'capacity-building' initiatives in the new Member States, etc. According to Didry and Mias (2006), the European social dialogue supports the construction of new collective identities that transcend the traditional memberships, with the objective to produce joint opinions, recommendations about labour issues in Europe. The actors involved in the European social dialogue form a 'transnational advocacy network' able to generate transnational multi-level labour regulation (Trubek *et al.*, 2000).

It is in this way as a network as such that we will question the capacity of the ESSD to coordinate diverse national interests. The key question, then, is to what extent the European employer associations and the European trade unions federations are able to coordinate the interests of their national constituencies.

External variables and sectoral specificities are often highlighted when it comes to explaining the European mobilisation of the interest organisations. Leisink (2002), referring to Traxler (1998; see also Traxler 2003), showed that there are economic, institutional and political factors that may 'push' or 'pull' trade unions and employers organisations towards the European social dialogue.

In terms of institutional factors, strong trade unions will induce employers to participate in multi-level bargaining to try to balance the power relationship; strong employer's associations will provide resources and sanctions that will apply to all employers in a sector, increasing therefore the individual employer's interest to participate. The support from the state, notably by the means of state-led extension of collective agreements, will also favour the involvement of single employers in multi-employer bargaining. Leisink (2002) considered that the same factors, strong trade unions and employer associations mandated by their national affiliates, political concerns related to the role of the European Commission, will also favour a higher commitment within the ESSD.

In terms of economic factors, more integrated and more internationalised product markets will incite employers to participate in multi-employer bargaining at the European level because according to Leisink (2002), they will see potential advantages in transnational cooperation and in establishing common conditions for the whole sector.

Keller (2003; 2005) and Jacobi and Kirton-Darling (2005) insisted on the role of European policies, which incite social partners to find common positions to address to the European Commission. Historically, the constitution of the joint committees and informal working groups since the 1960s was linked to common EU policies; such is the case, for instance, in transport and agriculture. Later on came the internationalisation of markets, liberalisation, deregulation and privatisation that influenced committees such as postal services or telecommunications.

This perspective is coherent with the studies conducted by the Observatoire Social Européen (OSE, 2004) and Pochet (2005) that built a typology in which sectors differentiate themselves along to two variables: the dependence of a given sector to European policies and its exposure to international competition. Analysing the production of joint documents from different types of sectors, Pochet (2005) showed that the variability of outcomes from one ESSD committee to another can be explained by the socio-economic situation of each sector and its links with the European policies. Consequently, tight links with European policies, European-wide deregulation, high degree of exposure to international competition and a high degree of product integration will favour a commitment towards the European social dialogue.

These explanations mostly leave the main drivers of the vitality of the ESSD to external variables, such as the socio-economic context of the sector, without considering the relationships that are at play within the European associations, and with their national affiliates. Yet, it is an essential variable to take into account. As we said before, the ESSD can hardly be considered as a system of collective bargaining that would be comparable with national-level systems (Marginson and Sisson, 2004). European associations represent mainly national trade unions or national employers' federations and try to coordinate a diversity of national interests.

Therefore, the analysis of the coordination of interests among the national members by each European organisation is essential to understand the specific dynamics of the European social dialogue (Dufresne and Pochet, 2006; Pochet *et al.*, 2009). The question should then be, rather, to what extent the national-level members, who are trade union federations or employer associations and in some cases, single companies, are ready and willing to give a mandate to their European representatives.

As Béthoux *et al.* (2008) noted, the relevance of a specific arena of social dialogue mainly depends on the collective actors' capacity to structure in this arena and to develop action at this level. It depends on their capacity to define the European dimension of their sector. 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. It is a process by which the creation of a committee (be formal or informal) will progressively force the actors to determine a common agenda. This agenda is broader than the formal joint texts adopted and give a better picture of the scope of debates between the sectoral actors.

Accordingly, in the ESSD, the capacity of the European-level organisations does not only depend on their strategy but also on their capacity to act as representatives of their domestic constituencies. In this sense, the relationships between the European trade unions and employer associations and their respective affiliates is a key dimension because they will determine whether the national constituencies will accept action at a given level, will support it and will give a mandate to their representatives to act at this specific level. The relationships between the European-level players and their national member associations can be conceptualised in terms of power and politics: each of the players—the European organisations, on the one hand, and their national member associations, on the other—act within a number of constraints with the resources that they have to attain their own objectives (Friedberg, 1993).

The question of coordination with the national constituencies also has two sides: upstream and downstream; 'upstream', when the European social partners are trying to integrate a diversity of interests among their own national members, to set up an agenda and to engage in discussions with the 'other side of industry' at the European

level and 'downstream', when a given text has to be implemented or transposed in each national context. However, the European agenda is different of the national ones. It is not possible to upload national traditions, preferences or practices. The goal is mainly to define new approaches (soft law), topics (teleworking) or practices (code of conduct) that could complement the national activities. The downloading stream has to adjust (or not) these novelties to the national traditions.

In the next sections, we will focus on the 'upstream' dimension. The objective here is not, similar to what Leisink (2002) or Pochet (2005) did, to highlight the contrast between the different sectors but to go deeper in the analysis of the capacity of European sectoral committees to federate the interests of national constituencies. The following sections examine this question by the means of three analytical dimensions that constitute challenges for the European social partners: representing a common sector; getting commitment from national members; defining a common agenda.

METHODOLOGY

Empirically, the article presents data derived from several research results. The first set of results stem from a study conducted by the authors for the European Foundation for the Improvement of Living and Working Conditions, Dublin, on '*New structures, forms and processes of governance in European industrial relations*' (European Foundation, 2007a) in 2006–07. It included semi-structured interviews with 49 respondents: European social partners, national players and academic experts.

The second set of data focused specifically on the sectoral social dialogue (Pochet *et al.*, 2009). Original documents such as the sectoral committees' work programmes were collected as well as 45 interviews were conducted with sector-level respondents at European and national levels. At the European level, the objective was to gather data covering many different sectors in order to have an extended view of the work conducted at this level, and thus, 15 sectors were analysed at this level. At the national level, the objective was to examine more closely specific sectoral cases. For this, the article used selected cases, with a view to understand further the dynamics at play between the European players and their national constituencies and to highlight the differentiated processes that take place in the diverse sectors. They are selected in contrasted sectors, agriculture and postal services that have diverse activities, markets and degree of internalisation, which correspond to the different 'push' and 'pull' factors according to Leisink (2002).

Such types of data have their limits. Interviews collect essentially the point of view of the respondents. However, actors play an important role in the process, and we believe their perceptions and beliefs influence, for the most part, their involvement and in the end, the dynamism of the process. Moreover, such types of data do not pretend to contribute to an in-depth analysis of the processes at stake; however, it contributes largely to offer an exploratory and global view of an understudied issue and propose several hints to go deeper with further research.

REPRESENTING HETEROGENEOUS MEMBERS

The specific issue of representativeness of European social partners is formally regulated by three criteria defined by the European Commission in 1993. To be considered representative, a European employer or trade union organisation at cross-industry or at sector-level has to: '*be cross-industry, or relate to specific sectors or categories and be*

organised at European level; consist of organisations which are themselves an integral and recognised part of Member States' social partner structures and with the capacity to negotiate agreements, and which are representative of all Member States, as far as possible; have adequate structures to ensure the effective participation in the consultation process' [COM (93) 600 final of 14 December 1993].

Defining which European organisation is representative according to these three criteria and will consequently be allowed to participate in a committee as 'social partner' requires information on the social partner organisations in all Member States for each sector. This is made by the so-called 'representativeness studies' initiated by the Commission since 1999.

For the purpose of each study, the pragmatic starting point used by the commission is the demarcation of a given sectoral committee by the NACE (Statistical Classification of Economic Activities in the European Community) codes that determine the content of the economic activities covered. For all sectors, the 'representativeness studies' aim at identifying and describing the social dialogue structures and trade unions and employer associations in each of the Member States (see, for instance, European Foundation, 2007b; 2008; 2009; Institut des Sciences du Travail, 2006a; 2006b).

Indeed, the membership of each European sectoral social partner covers organisations in all Member States, with a variety of sizes, roles, structure, etc. A first source of variation is the scope of the national member organisations: the different members do not necessarily cover the same sectoral perimeter.

Traxler (in European Foundation, 2007b) differentiates four types of situation: there is 'congruence' when the perimeter of the organisations in a given country corresponds to the NACE demarcation; 'sectionalism' refers to situations where the organisations' perimeter is narrower than the NACE demarcation; 'overlap' characterises situations where the organisations cover not only the NACE perimeter but also parts of other sectors; finally, 'sectional overlap' covers situations where the organisations act for parts of the NACE perimeter and parts of other sectors.

In all 'representativeness studies', the data indicate that the perimeter of social dialogue in the Member States does not correspond perfectly to the demarcation as defined by the NACE code at European level. There is therefore a double divergence: one is between the various Member States where the organisations cover differentiated socio-economic situations; the second one is between the organisations in the Member States and the demarcation of the European committee itself.

An interesting case is given by the postal services, which may seem, at first sight, fairly simple in terms of definition of the activities covered and social partner organisations involved. It also corresponds to a sector where 'push' and 'pull' factors identified by Leisink (2002) are effective: since the late 1990s, the sector has undergone major changes and Regalia (2007) particularly points to liberalisation, diversification of operators and of their characteristics, increase and diversification of services provided, definition of a universal guaranteed service, redefinition and harmonisation of regulations in accordance with European directives, adaptation at national level (e.g. the introduction of a sectoral minimum wage in Germany).

In postal services, at the European level, the definition of the sector is given by the NACE codes 64.1, including NACE 64.11, national post activities, and NACE 64.12, courier services other than national post activities. As for trade unions, no national member organisation corresponds to the perimeter as defined by NACE 64.1, and the recent data collected by the European Foundation (2008) show the diversity of trade

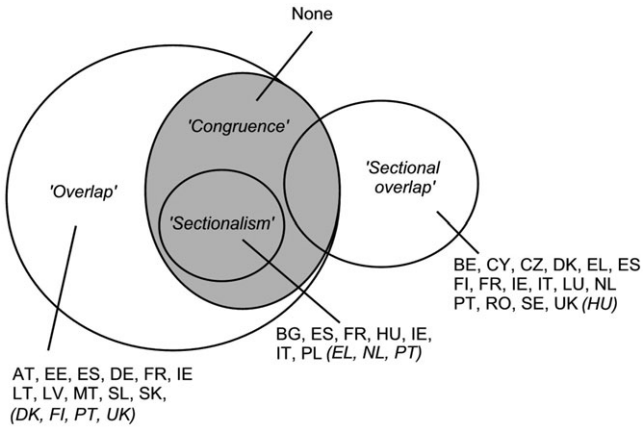

Figure 2: 'Domain coverage' of trade unions in postal services

Note: The figure presents the situation for the organisation(s) in each country; italics indicate the situation of smaller organisations.

Source: European Foundation (2008).

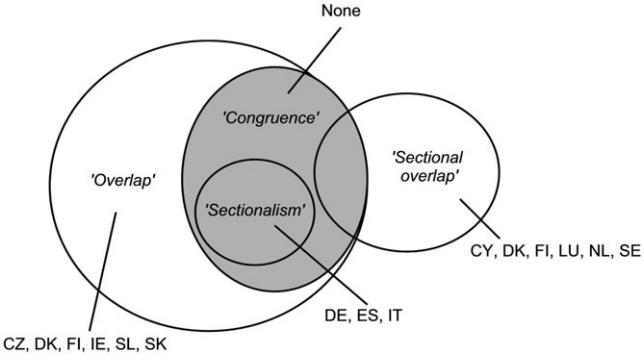

Figure 3: 'Domain coverage' of employer organisations in postal services

Note: The figure presents the situation for the 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.

Source: European Foundation (2008).

union scope across the countries. In Bulgaria, Hungary and Poland, the trade unions represent a part of the sector as delineated by the NACE code; in most countries, they cover a larger perimeter or a part of the sector plus parts of other branches (see Figure 2). Heterogeneity, however, is smaller on employer side, where the national members are mostly single companies that are the former monopolistic operators (Figure 3).

This clearly highlights the heterogeneity of the national situations, but in addition, it also indicates that national members potentially represent different socio-economic realities and diversified interests that are difficult to combine in a coalition at the European level.

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

Responding to the diversity in the scope of the organisations across Member States, the institutional foundations of social dialogue differ. Data in postal services display high coverage rates—over 50 per cent—in nearly all countries except Cyprus and Poland (European Foundation, 2008). Multi-employer bargaining is rare, present only in Denmark, Finland, Germany, Slovenia, Sweden and to a lesser extent, Ireland. This clearly reflects the structure of the players themselves in a sector where a single company plays the key role in social dialogue in most countries, leading to single-employer bargaining that, at the same time, covers a majority of the workforce in the sector (European Foundation, 2008).

In the interviews conducted with members of the committee, the respondents are aware of the heterogeneity but they do not necessarily perceive it as a difficulty for discussions in the committee. They see it also as an opportunity to learn from each other: for 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 employers' 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 new Member States, 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 associations. A founding member of the postal committee stated that '*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*'. In this case, the uneven process of liberalisation and the emergence of new private actors have clearly increased the intra-organisation diversity.

The situation is fairly similar in agriculture, a sector that is highly dependent on European policies, but where companies and markets are much less integrated, and where trade unions and employer associations have less power than in the postal services. In agriculture, on the employer side, it can be difficult to distinguish clearly whether the representation of farmers is on the employers' or workers' side. Employers' representatives cover a diversity of members: cooperatives, associations, companies, and there are not necessarily 'social partners' as such (European Foundation, 2007a). 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, with national members who are not 'social partners' as such, who play very different roles and who are not 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'.

On the other side, most domestic trade unions in agriculture cover a broader sector than the demarcation as formally defined by NACE01 (European Foundation, 2007b). In such a context, finding and defining common interests is a real challenge as interviewees themselves underline: '*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*' (national trade union respondent).

However, the multi-employer prevails in the agricultural sector in a majority of countries, with rather high coverage rates, even if that must be nuanced by the fact that the sector has a large proportion of self-employed workers who are not concerned by social dialogue.

The scope of social dialogue structures in a given country—joint committees, collective agreement coverage, membership—and the field covered by the trade unions and employer associations rarely correspond to the economic definition given by the NACE code. Furthermore, the scope of social dialogue structures and organisations may differ from one country to another. Therefore, if, apparently a given sectoral committee at European level corresponds to a clear-cut demarcation, in fact, it does not cover similar socio-economic situations in the different Member States. The share of dependant workers in agriculture is also very different from one country to another. Diversity *per se* does not constitute a difficulty, but it increases the complexity that the European players have to face. More importantly, it makes it difficult for the European sectoral organisations to find or define common interests among national constituencies acting in different 'worlds'.

To sum up, the European sectoral social partners do not only have to represent national member organisations that live in different countries and speak different languages. They also have to represent member organisations that do not cover the same socio-economic reality and that have different missions, various types of structures and diverse roles in their domestic contexts of industrial relations. Therefore, defining a common interest involves much intra-organisational negotiation, in a context where it is highly difficult to find common ground among national member organisations, which have different missions and interests because they act in sectors that are defined differently from one country to another, that are structured differently and that play different roles.

GETTING COMMITMENT FROM NATIONAL MEMBERS

Beyond this first challenge of representation, to what extent are national members affiliated to the European social partner organisations interested to get committed in European-level social dialogue? National affiliates' commitment is mediated by the European associations, but it is only the national associations that are active and powerful within the European organisations that will support active participation in the European social dialogue.

From the results of the interviews conducted with national respondents, one can identify three degrees of commitment in the committees: some national actors are central to the dynamics of the committee through proactive involvement; others also participate, but on a more 'ad hoc' basis and with a rather reactive position; finally, a third group includes the absent players. These categories have been proposed to

illustrate the different types of involvement of the national actors within the committees. Nevertheless, they are not static, and actors are able to switch from one category to another.

The 'central players' constitute a first group. Some national players indeed regularly participate in committee meetings. They are closely involved in the decision-making process through their work in specific working groups or smaller group meetings. They bring their national inputs to the committee and usually have an underlying project for the European social dialogue. These are generally convinced of the necessity of *trans*national relationships and believe in the development of a European dimension in social matters. Besides material reasons, such as human and financial resources, which facilitate or favour active participation, the organisations' strategic and political objectives can explain their active presence and involvement.

A first set of objectives among domestic member associations is composed of trying to influence European policies and accordingly, to act before any unilateral decision by the Commission. In agriculture, the social partners operate in a sector highly affected by European policies, and one of the objectives frequently cited by the national respondents is to act jointly or individually to try to influence the reform of the common agricultural policies. In postal services, the social partners intend to weight on the liberalisation process and to set common working conditions among the 27 countries in order to prevent wage dumping and poorer working conditions and to ensure the continued provision of universal postal services in each Member State (see Joint Declaration on the Evolution of the Postal Sector, of 22 June 2007).

A second type of objective is composed of transforming national activities into *trans*national ones, an objective indirectly linked to European integration and market globalisation. In postal services, as a consequence of liberalisation, the former monopolistic groups tend to reorganise their activities on a *trans*national basis. This objective can be found in large postal companies such as Deutsche Post, La Poste (France), TNT or Royal Mail. On the trade union side, there is a concern to encourage the national trade unions to act at this *trans*national level to protect minimum standards of working conditions.

A third preoccupation leading to commitment is to be informed about what the others are doing and to exchange experiences. This kind of activity generally involves informal bilateral cooperation between selected partners besides meetings in the European committee. According to the interviewees, informal relationships are more likely to develop among partners from countries with a close cultural background and comparable institutional structures (Nordic countries, for example). However, these particular relationships also depend on the issues under discussion.

Finally, the national member organisations can also participate in order to express national positions, promote their national system and orient the European social context.

So far, most social issues are strongly rooted in the national conception of the welfare states. National players are attached to these specificities, while the European integration phenomenon demands common instruments to solve common issues, which leads to a difficult articulation between national specificities and *trans*national movements.

A second type of commitment is, rather, as 'observers'. The 'observers' are not present regularly; they participate when they think that the issue at stake has a certain added value that makes it worthwhile facing some material obstacles, such as the lack of time or financial resources. The interviews show that these seem to be more often representatives from smaller organisations with scarcer human and financial

resources. It can also be the situation of some organisations from the new Member States that are not sufficiently structured or prepared to fully integrate the social dialogue committee. For instance, regarding its 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*'. This type of participation can be seen more as a 'passive reaction' than a 'proactive action', the aim being, rather, to react to some issues and to learn about them than to propose a project.

This third type of (non)-participation covers heterogeneous national organisations that seem to have several reasons not to participate. The interpretation here is hypothetical, based as it is on what the more active members say about the others and because those '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 that are necessary to be present in Brussels, lack of knowledge of one of the working languages and weakly structured organisation with too few representatives. This situation may be the case for most organisations from the new Member States that face a lack of resources to invest into European affairs and meetings (Léonard *et al*., 2006). Other elements of explanation can be found in the socio-cultural background of the post-socialist countries. Whereas a culture of social dialogue is well rooted in most Western countries, trade unions and the system of collective bargaining can be looked at with suspicion in post-communist regimes.

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

Throughout the description of the three degrees of commitment, opportunities presented by—and constraints to—involvement and interest in the social dialogue committees can be identified.

Human and financial resources seem to be an important element because major organisations are more likely to be active than smaller organisations. 'Richer' organisations can afford to have people working 'full time' on these questions and representing their interests, whereas others may only intervene when it is essential to be present and to represent their interests via other organisations. However, the resources dedicated to this level of activity also depend on the organisation's interest to invest in European social dialogue (see Murhem, 2008 for the Swedish case).

The national context also influences an organisation's participation. Organisations with 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—right-wing or left-wing government—also plays 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 of British employers in some sectors not willing to be involved in social issues or social partnership.

The institutional constraints that are specific to each domestic context is also an important factor for understanding the relative absence of most of new Member States (see also Ghellab and Vaughan-Whitehead, 2003): in some countries or sectors, trade unions or employer associations are simply not organised or structured, and moreover, 'soft' issues, such as training for instance, are not a priority in social partners' agenda. The main role of the sectoral social dialogue here is to contribute to

create collective national actors that did not exist before the creation of the sectoral committee.

Finally, all respondents agree that actors' involvement highly depends on the issues discussed in the committee.

Accordingly, the different degrees of participation are not static categories, and the actors can evolve from one situation to another according to the evolution of their own constraints, opportunities and interests.

BUILDING UP A COMMON AGENDA ACROSS A DIVERSITY OF INTERESTS

In such a context, defining a common agenda in the committees is not an easy task. It does not only imply discussions between employers and trade unions at the European level and exchanges with the European Commission, but also much complex intra-organisation bargaining.

How then are the agendas of the ESSD committees built? Who decide and how common positions on several topics are defined?

From the interviews, it appears the processes of agenda building rely essentially on exchanges and frequent contacts among the different actors. Processes of policy learning and socialisation are then at stake.

The committee meeting agendas are generally realised jointly by the European umbrella organisations following internal discussions with their national members.

In agriculture, the agenda is generally discussed and decided by the two European-level social partner organisations GEOPA-COPA (Employers Group of Professional Agricultural Organisations) and EFFAT (European Federation of Food, Agriculture and Tourism Trade Unions) under the auspices of one small secretariat group. The agenda is set according to individual initiatives or follows a proposition from the Commission. This was the case for the agreement on muscoloskeletal disorders [*agreement on the reduction of workers' exposure to the risk of work-related musculoskeletal disorders in agriculture* (2005)]. The positions of each organisation were previously discussed in each organisation during internal meetings with their member organisations. The topics are then further discussed within a working group, and then a joint text can be concluded during a plenary meeting.

In the postal sector, the agenda is first discussed within a 'bureau' formed with representatives of each organisation (PostEurop and Uni-Europa) and a committee chairperson. Issues are further developed in working groups formed by an equal number of national trade unions and employers. These groups are clearly identified according to five important issues for the sector: training, corporate social responsibility, accident prevention, development of the postal sector and exchange with other sectors. The results of the joint works are presented in plenary sessions and decisions can be made to produce a text on this issue.

In each sector, the role of the European umbrella organisations is then crucial. They have, at first, to find common positions among all their national members and then they have to defend these positions and to find compromise with the other part of the industry. This task is not easy given the important diversity of interests that are represented. Nevertheless, the analysis of the topics of the joint texts and the work programmes shows the importance and the variety of the European social dialogue activities.

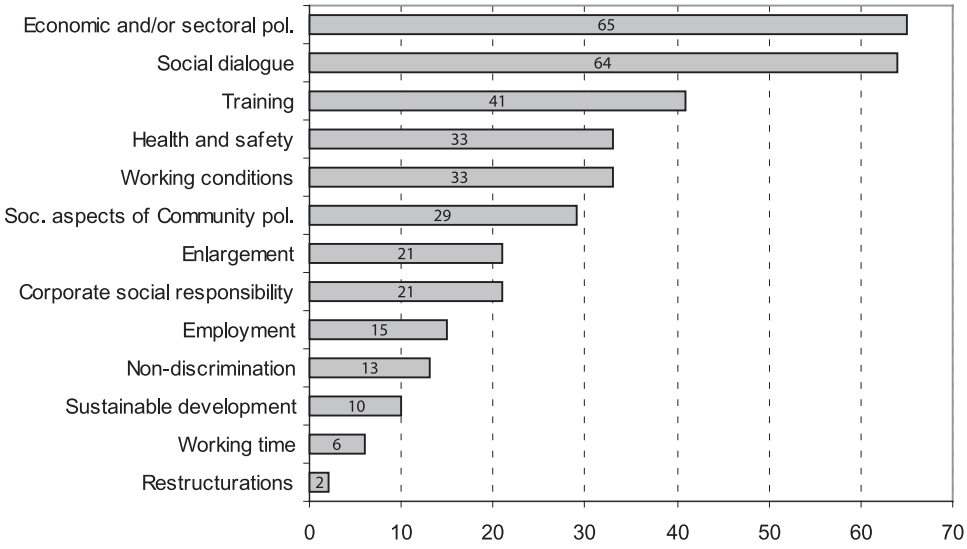

Figure 4: Number of documents by topic 1999–2008

Source: Observatoire Social Européen, own database 2008.

There are no precise data on the topics that each European organisation tries to bring—or not to bring—in the discussions of the committees. Therefore, this section uses the data given by the topics that are on the agenda of 36 committees (metal is not taken onto account as it was created in 2010) as an indirect indication of the issues that the European social partners are mandated to discuss before reaching an agreement between 'the two sides of the industry' to discuss on theses issues. The analysis of the issues here is based on two types of sources: first, the topics covered by the joint texts signed from 1999 to 2008 (Figure 4, see also Pochet, 2005; 2006b), and second, the content of work programmes for the years 2006, 2007 and 2008 for all committees (Table 1 in annex).

The quantitative data account for the largest number of documents devoted to economic and sectoral policies. It confirms the importance of joint lobbying at the EU level and trying to influence the legislative process at the sectoral level. The importance of social aspects of community policies—which cover the global social policies—has decreased in the committees' agenda 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 and European Employment Strategy, attracting a lot of joint reactions. Consequently, the work programmes are not good indicators of the importance of these topics.

The importance of the topic 'social dialogue' has decreased, which can easily be explained by the fact that this topic is mainly dealt with under 'procedural texts', that is, the texts generally adopted at the creation of the committees and that define the rules of the game. Only a few sectors have modified their original 'basic agreement'. The work programmes do not focus on this topic any more. Today, social dialogue in the new Member States also attracts less interest than before as a specific topic for discussions.

Training is a domain attracting more and more attention and is on the agenda of 21 committees. We can assume that more and more texts will deal with training and

Table 1: Themes and topics of committees' work programmes, 2006–08 (source of data: OSE's database)

Theme	Keyword	Agriculture	Audiovisual	Banking	Catering	Chemical industry	Civil aviation	Cleaning industry	Commerce	Construction	Electricity	Footwear	Furniture	Gas	Horeca-Tourism	Hospitals	Inland waterways	Insurance	Live performance	Local and regional government	Mines	Personal services	Postal services	Private security	Professional football	Railways	Road transport	Sea fishing	Sea transport	Shipbuilding	Steel	Sugar	Tanning and leather	Telecoms	Temporary agency work	Textiles—clothing	Woodworking
Economic and/or social policies	Adaptation to change		x	x							x	x		x				x		x						x				x	x	x				x	
	Sectoral Policies				x		x	x				x	x	x								x	x	x		x	x		x	x	x	x	x		x	x	x
	EU policies, legislative developments		x				x	x			x			x	x			x	x	x	x						x	x	x	x					x	x	
Social dialogue (SD)	SD (in general)				x			x	x			x				x							x				x			x		x		x	x	
	SD in NMS		x	x								x	x			x	x	x	x	x						x						x	x		x	x
Training	Lifelong Learning/ education/vocational training	x	x	x	x	x	x					x	x		x	x			x	x		x	x	x		x	x	x		x		x	x	x	x	x
Health and safety	Accidents/alcohol/best practice/NO2/ Musculoskeletal Disorders/etc.	x			x	x	x		x	x	x		x	x	x	x			x		x		x	x			x			x			x			x
Social aspects of EU policies	Undeclared work							x		x					x																						
	Future of the industry						x							x																								
	Impact on employment	x									x																										
Working conditions	Working condition (in general)								x						x	x	x					x		x		x	x		x								
	Flexicurity			x						x										x				x										x			
	Working time						x	x									x							x													
Enlargement	Enlargement (in general)			x		x			x	x				x				x	x						x	x								x	x	
Employment	Employability/employment	x				x					x					x		x							x		x	x						x		
CSR	CSR: best practice (code of conduct)		x		x		x					x				x								x						x	x	x		x		x	
	CSR (in general)			x	x	x	x		x		x				x	x					x		x							x			x		x		
Non-discrimination	Gender equality/diversity/equal opportunities		x		x				x		x					x			x					x		x	x							x	x		
	Sexual harassment										x				x					x																		
Sustainable development	Environment								x												x						x				x					x	
Others	Migrants, seasonal workers, self-employed, temporary workers	x							x	x					x					x				x										x			
	Social security									x									x																			

retraining in the coming years. This theme is often linked with demography and the fears of labour shortage in a near future.

What is more surprising is the relative decrease in 'corporate social responsibility/ codes of conduct/charter' over the years. This can partly be explained by the fact that once adopted in a sector, new instruments do not need to be discussed later. The main concern, then, is the implementation of a given code or charter, which is reflected in the work programmes: when work programmes mention the topic 'CSR', most of the time, it concerns the follow-up of a code or charter previously adopted.

By contrast, the number of texts dealing with sustainable development is increasing, owing to the global warming debate. Surprisingly, this topic was not on the agenda of many committees in 2008. According to some interviewees, this is likely to change because discussions are already underway in many committees.

Non-discrimination is another topic undergoing a slight rise in the joint texts, and this is also the case in the work programmes, even if only around one-third of the committees have this item formally on their agenda.

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 (banking, construction, private security, temporary agency work), a development that hardly comes as a surprise. Working time, a topic strongly linked to the working time directive, is now a very marginal topic. It is worth noting that inland waterways is discussing this topic and could sign an agreement in the future.

Interestingly, adaptation to change and restructuring issues are very rarely addressed in common texts, but these topics are already in the work programme of a growing number of committees, and the crisis make this topic more important.

Health and safety issues are being tackled with increasing frequency. The increased production of joint texts is mirrored by an increasing number of committees that have the topic on their agenda. In all, 20 sectors have health and safety discussions on their agenda (an interesting multi-sectoral agreement cover the silica dust, see Musu and Sapir, 2006). This dynamic had also led to the adoption of a collective agreement transformed into a directive in the hospital sector in 2010. It should be remembered that the social partners at a cross-industry level do not address directly the questions related to health and safety, giving priority to the legislative road.

Overall, in terms of topics covered, the quantitative data show the diversity of themes discussed, many of them directly related to the EU agenda. The majority of documents are 'common positions' addressed to the European institutions, with a view to influencing EU policy makers. In other words, one important function of social dialogue is composed of the joint lobbying of the EU. However, new themes are also emerging at the EU level: lifelong learning, non-discrimination, flexicurity or at a lesser extent, sustainable development.

The diversity of circumstances, issues and dynamics is one explanation of the difficulties involved in building a well-structured system of industrial relations at the community level. However, it seems that several sectors have reached a critical point. In some, social dialogue appears purely formal, with no actual impact at the EU or at a national level. Those sectors that adopted 'recommendations', which could also be described as 'soft law' (23 committees have signed such texts in the past 10 years) are all facing the same problems: how should these texts be implemented nationally and monitored at EU level?

In total, the agendas and the content of joint text confirms the interest of the players involved in discussing issues that are connected to European policies and challenges,

confirming the interest of domestic players to support, or at least accept, a European social dialogue specifically on topics that they can not directly cover in their domestic agenda.

For national players, the European social dialogue may be seen as an opportunity when it offers the possibility, especially on trade union side, to deal with issues on which they have no power to act in their domestic legal framework. In such cases, the social actors can use the European texts as a mean of exerting pressure or at least of increasing awareness of the government or other actors about a particular issue.

CONCLUSION

Finally, to what extent can the ESSD represent national constituencies across the Member States of the EU?

In a way, social dialogue as such fosters coordination among national constituencies. It provides an arena and resources for the European actors and their national member associations to build up new forms of collective action and to define a common understanding of the EU challenges. As such, common socio-economical issues and European integration provide common concerns for the national actors to tackle across their domestic boundaries; however, without a concrete place where to meet together, coordination can hardly become a reality. ESSD committees provide such a space to meet and exchange ideas that contribute to the emergence of a new collective identity transcending the traditional borders. Moreover, it leads to dialogue between trade unions and employer organisations on concrete issues that are specifically addressed at a European level, and to the production of joint texts including agreements.

Yet, by definition, the social partners involved act at two parallel levels: at the specific European level, on the one hand; in relation with their domestic constituencies, on the other. It is then important to consider the 'vertical coordination' dimension that connects the European players and their national affiliates, and the interests and strategies of the national social partners.

One of the reasons why the ESSD is specific is that it gathers constituencies that are, most often, associations from 27 countries. The national member associations are all embedded within particular national institutions, and they also have their own interests and strategies (or lack of) towards the European social dialogue. Therefore, its capacity to produce outcomes must not be assessed only against its institutional framework or by a simple comparison with the traditional national-level industrial relations systems (Marginson and Sisson, 2004) or by the general approach of the national sectoral actors towards the EU integration process (in favour, reluctant or against). One can only understand this capacity by examining how the 'constellation', involving the actors and their respective institutions, works.

The European players have to be capable of coordinating diverse national interests and building up common *trans*national projects. However, industrial relations systems in Europe are heterogeneous and workers and employer representatives do not cover the same socio-economic reality, they do not play the same role or they do not have the same structures, from one country to another. In addition, all national players are not able or willing to get involved the same way in the European social dialogue. Some are more committed than others, according to their respective national strategies, resources, room for manoeuvre and personal commitment to the European dimension.

To simply gather trade unions and employer federations from 27 countries is, as such, an incredible challenge. Besides, to find common grounds to discuss or even to negotiate is extremely difficult. The diversity of languages and cultures makes the tasks of European umbrella organisations a real brain-teaser. However, a diversity of themes, including many directly related to the EU agenda, is discussed and results in joint texts.

Finally, the ESSD is not only specific because it acts as 'a political arena' but because it is composed of particularly complex sets of coalitions among a wide variety of domestic players that act with their own constraints and strategies. This vertical dimension is often neglected in the literature, which most often criticises the limited ambition of European social partners or the dependency to the Commission. Yet, when considering the challenge of federating national member associations, it is clear that the ESSD can not be assessed from the same criteria as national collective bargaining. It is indeed specific, with a complexity because of its European field of intervention where much intra-organisation with numerous and diverse affiliate is needed.

References

Béthoux, E., A. Jobert, L. Machu and A. Mias (2008), 'Introduction. Le Dialogue Social Dans l'Espace Européen: Branches, Entreprises, Territoires', in A. Jobert (ed), *Les Nouveaux Cadres du Dialogue Social: l'Espace Européen et les Territoires* (Brussels, P.I.E.-Peter Lang) pp. 13–24.

De Boer, R., H. Benedictus and M. van der Meer (2005), 'Broadening without Intensification: The Added Value of the European Social and Sectoral Dialogue', *European Journal of Industrial Relations*, **11**, 1, 51–70.

Didry, C. and A. Mias (2006), *Le Moment Delors, Les Syndicats au Coeur de l'Europe Sociale* (Brussels, P.I.E.-Peter Lang).

Dufresne, A. and P. Pochet (2006), 'Introduction', in A. Dufresne, C. Degryse and P. Pochet (eds), *The European Sectoral Social Dialogue* (Brussels, P.I.E.-Peter Lang) pp. 49–81.

European Commission (1998), 'Commission Decision 98/500/EC of 20 May 1998 on the Establishment of Sectoral Dialogue Committees Promoting the Dialogue between the Social Partners at European Level', OJ L 225 of 12 August 1998, pp. 27–28.

European Foundation (2007a), *New Structures, Forms and Processes of Governance in European Industrial Relations* (Luxembourg, Office for Official Publications of the European Communities).

European Foundation (2007b), *Representativeness of the Social Partners: Agricultural Sector* (Dublin, European Foundation for the Improvement of Living and Working Conditions), Retrieved 12 November 2009 from http://www.eurofound.europa.eu/eiro/studies/tn0608017s/index.htm

European Foundation (2008), *Representativeness of the European Social Partner Organisations: Post and Courier Services. Comparative Study* (Dublin, European Foundation for the Improvement of Living and Working Conditions), Retrieved 12 November 2009 from http://www.eurofound.europa.eu/eiro/studies/tn0712017s/index.htm

European Foundation (2009), *Representativeness of the European Social Partner Organisations: Steel Industry. Comparative Study* (Dublin, European Foundation for the Improvement of Living and Working Conditions), Retrieved 12 November 2009 from http://www.eurofound.europa.eu/eiro/studies/tn0811027s/index.htm

Friedberg, E. (1993), *Le Pouvoir et la Règle* (Paris, Le Seuil).

Ghellab, Y. and D. Vaughan-Whitehead (eds) (2003), *Sectoral Social Dialogue in the Future EU Member States: The Weakest Link?* (Geneva, ILO).

Institut des Sciences du Travail (2006a), 'Study on the Representativeness of the Social Partner Organisations in the Fishing Industry', Project No. VC/2005/0753, Université catholique de

Louvain: Institut des Sciences du Travail, Retrieved 13 November 2009 from http://www.uclouvain.be/cps/ucl/doc/trav/documents/Rapport_EN_peche.pdf.

Institut des Sciences du Travail (2006b), 'Study on the Representativeness of the Social Partner Organisations in the Extracting Industry', Project No. VC/2005/0753, Université catholique de Louvain: Institut des Sciences du Travail, Retrieved 13 November 2009 from http://www.uclouvain.be/cps/ucl/doc/trav/documents/rapport_EN_mines.pdf.

Jacobi, O. and J. Kirton-Darling (2005), 'Creating Perspectives, Negotiating Social Europe', *Transfer*, **11**, 3, 333–342.

Keller, B. (2003), 'Social Dialogues—The State of the Art a Decade after Maastricht', *Industrial Relations Journal*, **34**, 5, 411–429.

Keller, B. (2005), 'Europeanisation at Sectoral Level. Empirical Results and Missing Perspectives', *Transfer*, **11**, 3, 397–408.

Lallement, M. (2008), *Sociologie des Relations Industrielles*, 2nd edn (Paris, La Découverte, Coll. Repères).

Leisink, P. (2002), 'The European Sectoral Social Dialogue and the Graphical Industry', *European Journal of Industrial Relations*, **8**, 1, 101–117.

Léonard, E., D. Rochet and I. Vandenbussche (2006), 'The Challenges of Enlargement', in A. Dufresne, C. Degryse and P. Pochet (eds), *The European Sectoral Social Dialogue* (Brussels, P.I.E. Peter Lang) pp. 305–334.

Marginson, P. and K. Sisson (2004), *European Integration and Industrial Relations, Multi-Level Governance in the Making* (Basingstoke, Palgrave Macmillan).

Murhem, S. (2008), 'Swedish Trade Unions and Sectoral Sector-Level Industrial Relation—Goals and Strategies', in M. Rönnmar (ed.), *EU Industrial Relations v. National Industrial Relations* (Leiden, Wolter Kluwer) pp. 105–118.

Musu, T. and M. Sapir (2006) 'Silice: l'accord empêchera-t-il l'UE de légiférer?' *HESA Newsletter*, October 2006, 30–31, pp. 4–9.

OSE (Observatoire Social Européen) (2004), *Rapport Final 'Dialogue Social Sectoriel'*, Contrat VC/2003/0400—S12.365647 (Bruxelles, Observatoire Social Européen).

Pochet, P. (2005), 'Sectoral Social Dialogue? A Quantitative Analysis', *Transfer*, **11**, 3, 313–332.

Pochet, P. (2006a), 'A Typology', in A. Dufresne, C. Degryse and P. Pochet (eds), *The European Sectoral Social Dialogue. Actors, Developments and Challenges* (Brussels, P.I.E.-Peter Lang) pp. 109–130.

Pochet, P. (2006b), 'A Quantitative Analysis', in A. Dufresne, C. Degryse and P. Pochet (eds), *The European Sectoral Social Dialogue. Actors, Developments and Challenges* (Brussels, P.I.E.-Peter Lang) pp. 83–108.

Pochet, P., E. Léonard, E. Perin and A. Peeters (2009), *Dynamics of the European Sectoral Social Dialogue* (Luxembourg, Office for Official Publications of the European Communities), Retrieved 16 February 2010 from http://www.eurofound.europa.eu/publications/htmlfiles/ef0898.htm.

Regalia, I. (2007), *Industrial Relations in the Postal Sector* (Dublin, European Foundation for the Improvement of Living and Working Conditions), Retrieved 13 November 2009 from http://www.eurofound.europa.eu/eiro/studies/tn0704018s/tn0704018s.htm).

Traxler, F. (1998), 'Collective Bargaining in the OECD: Developments, Preconditions and Effects', *European Journal of Industrial Relations*, **4**, 2, 207–226.

Traxler, F. (2002), 'Wage Policy, Bargaining Institutions and Monetary Policy: Empirical Findings and Policy Implications for European Monetary Union', in P. Pochet (ed.), *Wage Policy in the Eurozone* (Brussels, P.I.E.-Peter Lang) pp. 111–130.

Traxler, F. (2003), 'Coordinated Bargaining: A Stocktaking of Its Preconditions, Practices and Performance', *Industrial Relations Journal*, **34**, 3, 194–209.

Trubek, D. M., J. Mosher and J. S. Rothstein (2000), 'Transnationalism in the Regulation of Labor Relations: International Regimes and Transnational Advocacy Networks', *Law and Social Inquiry*, **25**, 4, 1187–1211.