

## **SOCIAL DIALOGUE BRIEFING FOR PESSIS 2**

This briefing document explains the background to social dialogue at European level and the value of working at European level social dialogue. There are four sections:

1. Definitions of social dialogue;
2. Evolution of social dialogue in Europe;
3. Value of sectoral social dialogue committees;
4. Setting up a social dialogue committee at EU level.

### 1. Definitions

Social dialogue is defined by the ILO as “*all types of negotiations, consultations or exchange of information between or among governments/employers/ unions (labour administrations, trade unions and employers’ associations) to develop consensus on policy approaches and practical measures to ensure equitable social and economic development*”.<sup>1</sup> In the European Union (EU), social dialogue is seen as a way of promoting a new organization of work, so modernising the relationship between management and labour.<sup>1</sup> The EU defines social dialogue as a bi-partite arrangement between employers and trade union organisations and as a tri-partite arrangement between social partners and public authorities. Social dialogue is presented as the way “*social partners assist in the definition of European social standards, and play a vital role in the governance of the Union*”.

Social dialogue is different to civil dialogue, which is the dialogue between public institutions and civil society organisations. Civil dialogue covers wider economic, social, cultural and environmental issues. Social dialogue deals with relations between employers and employees.

### 2. Evolution of social dialogue in Europe

Social dialogue at a European level has evolved since formal bi-partite social dialogue, between employers and trade unions at European level, started in 1985. Initial negotiations led to a number of joint opinions, resolutions and declarations were developed through bi-partite negotiations but were not legally binding.<sup>ii</sup> The social dialogue process was strengthened after 1993, with the introduction of the Protocol on Social Policy (annexed to the Maastricht Treaty, 1993), which allowed agreements by social partners to be “*given legal effect by a Council Decision and transposed into national legislation of Member States*”.<sup>iii</sup> This marked a significant development in bi-partite negotiations because they could result in binding and legal agreements. Three agreements, which covered parental leave (1995), part-time work (1997) and fixed term contracts (1999) were agreed and formalised through Council directives.<sup>iv</sup>

A significant stage started after 1998, when sectoral social dialogue committees were created, supported by the 1998 Communication from the Commission “*Adapting and promoting the social dialogue at Community level*”.<sup>v</sup> This set up conditions for the establishment, representativity and working of new sectoral committees. There are now 43 sectoral social dialogue committees, including the hospital sector, local and regional government, central public administration, energy and water. The process of setting up an EU level social dialogue committee takes several years because employers and employee organisations have to have appropriate levels of representation at national level so that, as members of an EU level committee, they can be truly representative. It also takes time for employers and employees organisations to start an effective dialogue at EU level.

### Value of sectoral social dialogue committees

Sectoral social dialogue committees at European level provide an opportunity for employers and employees to discuss and come to agreement on issues that have cross-border implications and that require action at European level. For example, the European Hospital sectoral social

dialogue committee has discussed and made an agreement on good practices in the recruitment of international health workers. The same committee has also worked on occupational health and safety issues, related to needle sharps, which resulted in the European Commission publishing a Directive. This is a good example of how negotiations in an EU level sectoral social dialogue committee can be given 'legal effect'.

The PESSIS (promoting employers' social services organisations in social dialogue) project has recognised that there are issues facing the social services sector which are shared by countries across Europe. The recruitment and retention of staff are two issues that impact on the way in which the social services sector operates. An opportunity for employers and employees in the social services sector to discuss these issues at EU level would have the potential to develop agreements which could be applied to all European countries.

#### Setting up an EU social dialogue committee

The social partners of a sector have to apply jointly to the European Commission in order to set a sectoral social dialogue committee at European level. Both social partners have to satisfy a number of criteria which include: having an organisational structure at European level; recognition as part of Member States social partner structures; capacity to negotiate agreements and be representative of several member states; and adequate structures to ensure their effective participation in the work of committees.

Sectoral social dialogue committees have a maximum of 50 representatives of social partners, with an equal number of employers' and workers' representatives. They are chaired either by a representative of the social partner or a representative from the European Commission. The European Commission provides the secretariat for each social dialogue committee as well as playing an active role in formalising and administering each committee.

Jane Lethbridge  
[j.lethbridge@gre.ac.uk](mailto:j.lethbridge@gre.ac.uk)  
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<sup>i</sup> Articles 3&4 Maastricht Treaty, 1993

<sup>ii</sup> [http://europa.eu.int/comm/employment\\_social/social\\_dialogue/index\\_en.htm](http://europa.eu.int/comm/employment_social/social_dialogue/index_en.htm)

<sup>iii</sup> Protocol on Social Policy (annexed to the Maastricht Treaty, 1993)

<sup>iv</sup> [http://europa.eu.int/comm/employment\\_social/social\\_dialogue/index\\_en.htm](http://europa.eu.int/comm/employment_social/social_dialogue/index_en.htm)

<sup>v</sup> COM(1998) 322 final of 20 May 1998 Communication from the Commission "*Adapting and promoting the social dialogue at Community level*"