Social Dialogue
A Manual for Trade Union Education

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Preface

Dear readers,

On the occasion of the Employment Policy Conference “Jobs for Europe” in September 2012, José Manuel Durão Barroso President of the European Commission stated that “we have social dialogue, collective bargaining and consultation as part of our DNA”. It is precisely for this reason that every effort has to be invested in further developing and advancing social dialogue especially in new Member States and Candidate Countries where several important challenges have been identified, since the last two waves of the EU enlargement. Weak national labour legislation, poorly designed institutional frameworks, problems of representativity both on employers’ and workers’ side, barriers in external (language and international communication, dissemination of ESD-related information to TU members) and internal capacities (insufficient knowledge about ESD forms and processes), and the recognition that sectoral social dialogue and collective bargaining are the weakest link are just some of the issues that unless promptly and properly addressed risk to undermine the achievements of the European social dialogue as a whole. The European social dialogue has to deliver results to the benefit of social partners, their members and the society in all Member States alike. There is an urgent need for a new culture of SD in NMSCC, building mutual trust and commitment of social partners to jointly design and implement SD agenda on the issues of common interest in the sectors at national and EU level. Social dialogue is strong and successful if social partner organisations are strong and committed. Trade union education plays a crucial role in strengthening the capacity of your trade union. ACTRAV-ITC-ILO with its team of trainers will accompany you on this journey!

In front of you is a new pedagogical tool developed by the Programme for Workers’ Activities of the ITC-ILO within the framework of the EC-ILO Cooperation on Social Dialogue and Industrial Relations, implemented in 2011-2012. The project had a component of capacity-building for workers’ organisations in view of strengthening sectoral social dialogue in new Member States and Candidate Countries of the EU in selected sectors. It was realised in partnership with the EFFAT2 and EMCEF3 (as of May 2012 industriALL4) in response to the objective of the budget heading 04.03.03.01. Support for European social dialogue. The Manual, as a practical set of seven stand-alone modules for trade union education on the national level, has been conceived in this European context. Its ambition is to assist in building a basic knowledge-base on social dialogue in sectoral trade unions and boost their participation in European social dialogue bodies and processes. The main beneficiaries of the Manual will be national trade unions from NMSCC at the sectoral level, affiliated to European Trade Union Federations with which the ITC-ILO cooperated in previous EU-supported capacity-building projects, namely industriALL, EFFAT, ETF, UNI and EFBWW.

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1 The abbreviation NMSCC refers to New Member States and Candidate Countries of the European Union
2 EFFAT stands for European Federation of Food, Agriculture and Tourism Trade Unions
3 EMCEF stands for European Mine, Chemical and Energy Workers’ Federation
4 industriALL European Trade Union is a newly-established European trade union federation born in 2012 by merger among European Metalworkers’ Federation, European Trade Union Federation: Textile Clothing Leather and EMCEF
While different exercises have been tried and tested in a series of five social dialogue workshops, the Manual has been presented by its authors, Kristin Carls and Jeff Bridgford, for the first time in its integral form at the Closing Conference: Strengthening sectoral social dialogue in NMSCC in EFFAT and industriALL sectors, on 13-14 September 2012 in Brussels, that gathered over forty trade union leaders from the sectors of agriculture, hotel-cafés-restaurants, tourism, extractive industry, chemical industry and energy from the following countries: Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Romania, Slovakia, Slovenia and Macedonia (FYROM). To ensure its wider dissemination, the Manual is currently available in English, Hungarian, Romanian, Polish and Croatian and will be translated in more languages of Central and Eastern Europe.

Read it, use it and share it!

Evelin Toth Mucciacciaro
Activity Manager
Programme for Workers’ Activities – ITC-ILO
Introduction

Who?

This manual on Social Dialogue is designed for trade union trainers responsible for organising courses at the sectoral and/or national level. A particular focus is put on the Central and Eastern European Countries (CEECs), both EU New Member States and Candidate Countries, and thus the specific conditions and needs trade unionists from these countries face when it comes to strengthening Social Dialogue.

What?

The manual provides trade union trainers with a basic knowledge of the functioning of Social Dialogue processes and offers ideas for interactive methods for teaching. It is particularly oriented towards non-specialists on these topics and should enable anybody responsible for trade union training to deliver professional and effective training on Social Dialogue. The aim of the envisaged training sessions is to increase trade unionists’ capacities to participate actively in Social Dialogue processes at the sectoral, national and European levels. Firstly, as part of the training process it is important to develop a shared understanding of what Social Dialogue is, what benefits it can bring to practical trade union work and what challenges it presents. Secondly, the training should offer space for trade unionists to share the experiences they already have. Thirdly, building on such experiences, it should provide an opportunity for developing strategies for strengthening Social Dialogue in the different national contexts.

The manual comprises seven short training modules, each dealing with a specific issue. In Modules 1-4, training focuses on enabling trade unionists to gain a better understanding of the different aspects and levels of Social Dialogue. These modules cover a basic introduction to Social Dialogue, some more detailed explanation of the national and European level processes, as well as a presentation of European Works Councils as one specific instrument of company-based transnational dialogue. Modules 5 and 6 focus on skills training. They address the specific Social Dialogue competences of conflict resolution and negotiation skills. Module 7 deals with gender mainstreaming - a crucial, transversal topic in all Social Dialogue processes.

How?

While these different training modules together open up a wide panorama on different aspects of Social Dialogue knowledge and skills, each single module also can be used as a free-standing unit. This means that you as a trainer can choose different modules for different training purposes. Each module is structured in the following way: the first part offers background information for the trainer on the respective topic and indicates some further information materials; the second part proposes different activities for an interactive training session. These proposals usually comprise a short input presentation to be prepared and done by you the trainer on the basis of the initial background information provided. This input is complemented by various interactive exercises such as guided plenary discussions, discussions in pairs and small group working phases or the simulation of Social Dialogue processes. Where appropriate, activity sheets are included, and they can be copied and distributed to participants for the group work.
Module 1. Introducing Social Dialogue

Definition:
- negotiation, consultation, information
- bi- or tripartite → transnational, national, sectoral, company, plant

Functions:
- partnership approach → building consensus
- strategic objectives of ILO & European Social Model

Challenges:
- commitment
- implementation

Interactive exercise: shared and diverging interests
BACKGROUND INFORMATION

What is Social Dialogue, how does it work and what are the benefits and challenges?

What is Social Dialogue?

According to the International Labour Organization (ILO), Social Dialogue comprises

‘all types of negotiation, consultation or simply exchange of information between, or among, representatives of governments, employers and workers, on issues of common interest relating to economic and social policy. It can exist as a tripartite process, with the government as an official party to the dialogue or it may consist of bipartite relations only between labour and management (or trade unions and employers’ associations), with or without indirect government involvement. Social dialogue processes can be informal or institutionalised, and often it is a combination of the two. It can take place at the national, regional or at enterprise level. It can be inter-professional, sectoral or a combination of these.’

As can be seen from this definition, Social Dialogue can take many different forms, comprising namely collective bargaining but also other forms of negotiation, consultation and communication between the social partners and eventually also governments. In contrast, clearly unilateral arrangements, such as enterprises’ codes of conduct, cannot be considered forms of Social Dialogue.

Strengthening Social Dialogue is one of four key strategic objectives of the ILO for the enhancement of decent work, together with the promotion of labour standards, fundamental principles and rights at work, the creation of greater opportunities for secure and decent employment for both men and women, and the coverage and effectiveness of social protection for all.

It is also part of the European Social Model, as it

‘reflects the democratic principle (included in Article 11 of the Treaty on European Union – TEU) that representative associations should be able to express their views, to be consulted by, and hold dialogue with the public authorities’, and that workers and employers should be ‘involved in decision-making on issues that affect them closely.’

Legitimation for such principles can in addition be derived from the Charter of Fundamental Rights of the European Union which includes workers’ right to information and consultation within the undertaking as well as the right of collective bargaining and action (Articles 27 and 28).

The ILO Conventions and Recommendations most relevant to Social Dialogue are Convention 144 on tripartite consultation together with the respective Recommendation 152, Convention

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87 on freedom of association and the right to organise, and Convention 98 on collective bargaining and again the right to organise. As with these Conventions, one of the fundamental activities of the ILO to support Social Dialogue is precisely such standard setting. In addition, technical assistance, policy advice and training are important, as well as the direct support of the social partners by the ILO workers’ and employers’ offices (ACTRAV and ACT/EMP).

**How does it work and what are its benefits?**

The crucial aspect about Social Dialogue is its partnership approach. It starts from the assumption that trade unions and employers’ associations acknowledge the existence of a common problem and commit themselves to joint actions to deal with it. Social Dialogue is thus a tool for building consensus. Moreover, in its tripartite version, it gives the social partners (trade unions and employers’ associations) an instrument to influence government decisions and to lobby for their interests at the political level.

The ILO sees two main possible benefits in this dialogue approach: first, the democratisation of economic and social policy-making, and second, the reduction of social conflicts.\(^7\) Tripartite Social Dialogue is seen as an inclusive way of democratic decision making. As such it can add legitimacy to State actions, as well as to trade unions and employers’ associations that have their own interest and benefit in being present at the decision-making table. In both its tripartite and bipartite versions, Social Dialogue follows a practical, collaborative approach in order to develop a shared understanding of problems, find compromises and common responses. As such a tool of consent production and conflict reduction it is valuable especially during economic crises and transition periods.

These are some of the main possible benefits attributed to the partnership approach of Social Dialogue. However, such a cooperative attitude is not the only possible approach towards industrial relations. The choice between cooperation and conflict is a strategic one which depends on the concrete situation and the issues at stake. Yet, both are not mutually exclusive but complement each other. For example, employers might be pushed into a collaborative negotiation attitude only as a result of significant industrial action, while, a successful dialogue process with positive outcomes for workers might increase trade union membership and thus its strength in a next round of conflict.\(^8\)

**What are the challenges?**

There are some important preconditions for such a Social Dialogue approach to function. Since social dialogue institutions are a natural habitat for social partners, in order for them to function properly the first preconditions are democratic foundations and enabling legislation for social dialogue. Strong and representative workers’ and employers’ organisations must exist to participate as actors in the dialogue process. Moreover, there needs to be some shared interest and willingness from all sides involved to engage in such a cooperative and constructive dialogue. In reality, however, the aims of the parties involved often are very different. It is not always possible to reach a win-win situation or a compromise, and sometimes there also is a lack of willingness to dialogue, especially from the side of employers’ associations. In such a situation, pursuing a dialogue approach only from the trade union side will not necessarily be successful as it means searching for cooperation with a counterpart that is actually not looking...

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for compromises but fighting for its own interests. It is therefore crucial to select negotiation issues carefully for a Social Dialogue agenda. For example, it is useful to start Social Dialogue with areas where there are some effective margins for consensus and where small successes can be achieved. Such less conflictual topics might be health and safety, equal opportunities and non-discrimination, or training and lifelong learning.

Another central, and often problematic, aspect is to assure the implementation of the agreements that have been reached. A first crucial question in this respect is the more or less binding character of Social Dialogue outcomes. The functions of dialogue might range from a weak level of communication and information only, without any necessary commitment to reaching concrete policy outcomes, to effective negotiations with legally binding or non-binding outcomes. To give some positive examples, some particularly significant dialogue results are the European social partner agreements on parental leave, part time and fixed-term work that have all been implemented as European Council Directives, though their implementation in the various Member States still remains problematic. At the international level, ILO Conventions -adopted as outcomes of tripartite social dialogue among governments, representative employers’ organisations and trade unions - obtain legal force and become binding for those countries that have ratified them once the requisite number of ratifying countries has been reached. At the national level, ILO conventions become legally binding after the states have ratified them and incorporated them in their national legislation. All the New Member States and Candidate Countries of the EU ratified all eight core labour standards and a significant number of other ILO Conventions, although violations are sometimes reported to the Committee of Experts for the Application of Conventions and Recommendations. Further important examples of Social Dialogue at the global level are International Framework Agreements which have been signed by multinational companies and the Global Union Federations. These international agreements are not legally binding however and by now only cover 0.1% of the 82,000 existing multinational enterprises.

However, whether binding or not, implementation might still remain a challenge in all cases, as the step from written engagements to concrete action is not automatic. To mention just some of the possible challenges, one or more parties of the agreement might have promised more than what they really intend to deliver; social partners might face resistance within their own organisations and/or among their members; the coordination between different levels of Social Dialogue might cause problems, especially when it comes to the transposition of transnational and European forms of Social Dialogue to the lower levels. In other words, implementation again presupposes a real willingness to engage in joint actions.

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9 This will be discussed in more detail in Module 3 on European Social Dialogue.
FURTHER INFORMATION MATERIAL

Texts

ILO: Social Dialogue, Finding a common voice, Geneva: International Labour Office, 


Online Resources and Databases


IDEAS FOR TRAINING

This training module is designed to enable participants to gain a better understanding of what Social Dialogue means, on the basis of a first exchange of experiences and opinions.

1. Input:

Start out the session by introducing the ILO definition of Social Dialogue contained in the background material. It would be best to ensure that it can be seen during the whole session, for example by putting it in keywords on a power point slide or flipchart, so that it can be referred to at a later stage. As the trainer you could follow the reading and explanation of the definition by two rounds of questions: In a first round ask about participants’ understanding, and in a second round their own experience of Social Dialogue. For example you could ask some of the following questions:

- Have you ever participated in (a) tripartite Social Dialogue, (b) bipartite Social Dialogue?
- Have you ever participated in company/sector/national/European/international Social Dialogue?
- If yes, what kind of Social Dialogue has that been: collective bargaining, consultation, exchange of information or else?

To make this a rather short introductory assessment, ask participants simply to raise their hands, while you count and communicate the scores. The idea at this stage is to obtain a first overview of your group of participants and their background. Following this round of questions, you should go on with a brief presentation, based on the background information above, in particularly underlining the cooperative spirit of Social Dialogue, the related potential benefits and challenges.

TIME: 10 minutes for the initial definition and questions, 15 minutes for the presentation, 10 minutes for eventual discussion and clarifying questions.
2. Group and plenary discussions: shared interests

In this exercise, ask participants to identify diverging as well as shared interests between workers and employers, in order to define the possible terrain for consensual Social Dialogue initiatives.

**Method:** Divide participants into small groups of up to 6 people and ask them to use the following activity sheet to identify and visualise the shared interests of workers and employers. The results of the group work should afterwards be presented by one speaker per group in the plenary session.

**TIME:** 5 minutes to explain the exercise, 20 minutes for the group work, 5 minutes per group for the plenary presentations and 10 minutes for a final joint discussion.

**Overall time needed for this session:** 90 minutes (with 4 working groups).
**ACTIVITY SHEET 1**

**Workers’ and employers’ interests**

**TASK:** Please make a list of (a) purely workers’ and (b) purely employers’ interests that come to your mind spontaneously. Then use the following diagram of overlapping circles to visualise the zone of shared interests. Workers’ interests should be written in the right, red circle, employers’ interests in the left, blue circle, and shared interests in the overlapping parts of the two circles. Is it possible to position all interests clearly and do you always agree within your group about the positioning? Choose one person to report back to the plenary session on your results and discussion.
Module 2. National Social Dialogue

Functions:
- collective bargaining as most meaningful form → standard setting
- policy formulation, decision making & implementation

Institutional settings in CEECs:
- strong national tripartite social dialogue
- weak national and sectoral collective bargaining

Challenges:
- patchy character of sectoral bargaining (CEECs)
- limited real effects of SD on decision making

Interactive exercise: good and bad social dialogue practices
What is national Social Dialogue, how does it work and what are the benefits and challenges?

What is national Social Dialogue?

The most meaningful form of Social Dialogue within one country is collective bargaining, which refers to negotiations between trade unions and employers about wages and working conditions that result usually in a binding and enforceable collective agreement. But, as already seen in Module 1 “Introducing Social Dialogue”, there are also various other kinds of Social Dialogue, ranging from negotiations to consultations to information exchange. Social Dialogue can take place at various levels: at the national, sectoral, company or plant level. And it may occur in bipartite form between unions and employers only, but also in tripartite form between unions, employers and government representatives.

National Social Dialogue usually covers topics that are closely related to industrial relations issues and working conditions (as in the case of collective bargaining), or it may deal with economic and social policy issues in a wider perspective. Social partners can be involved in Social Dialogue in three different ways. First, social partners can participate in the process of policy formulation, for example by giving advice and being consulted on government’s draft legislation or by publishing bipartite joint positions and declarations of intent. Second, they can take part in decision making, be it with regard to government policies or through the preparation of autonomous bipartite agreements and collective bargaining. Third, social partners can have a role in administering and supervising the implementation of established agreements and legislation, as for example in the case of the French, German and Italian social partners’ joint management of social security schemes.

How does it work?

The institutional setting of Social Dialogue varies from country to country. As regards the structures of national tripartite dialogue, in some countries, specific institutions for policy concertation exist, such as Economic and Social Councils. Consultation of social partners through these fora can be a statutory obligation for governments (for example in France) or simply based on an informal consensual approach (as in the Austrian case). In other countries, where no specific institutional structures exist, national pacts may be negotiated on an ad-hoc basis, but these depend on governmental willingness to engage in dialogue (for example in Italy, Spain and Germany). In all cases, however, institutions might serve as a supportive framework for Social Dialogue, but they do not guarantee that it will function effectively, as this necessarily requires the commitment of all parties involved. Sometimes, the dividing line between tripartite and bipartite dialogue gets blurred, for example as bipartite negotiations are initiated by government’s consultation requests or collective agreements implemented through state legislation (for example in France and Spain).11

National tripartite Social Dialogue is important in many EU countries. It is the main level of Social Dialogue in the Central and Eastern European Countries, but less developed in the Scandinavian countries (where bipartite Social Dialogue is the norm), Germany (with mostly informal and ad-hoc cooperation) and the UK (without national Social Dialogue). In all Central and Eastern European Countries national tripartite dialogue takes place within specific formal institutions, usually called Economic and Social Councils. Contrary to the ECOSOC at the European level, that comprises three groups: Employers Group, Workers Group and Various Interests Group, Economic and Social Councils in CEECs, in the spirit of the ILO tripartite values, consist of representatives of government and representative trade union and employers’ organisations. The only exceptions are Bulgaria, Hungary and Romania where these are open to civil society actors and NGOs.

In contrast, national, cross-industry bipartite Social Dialogue in the form of regular collective bargaining currently exists only in Spain, Belgium, Greece, and to some extent Slovenia. Such regular national collective bargaining used to be practiced also in Ireland, Finland and Romania, but in these countries this practice has been recently abandoned. In Bulgaria and Hungary social partners only formulate non-binding recommendations at the cross-industry level. However, other forms of cross-industry agreements on specific issues (such as training, employment or health and safety) may be reached, especially in the Western Member States (particularly in Belgium, Finland, France, Italy, Luxembourg, the Netherlands, Portugal, Spain and Sweden), but they are much less frequent in the Central and Eastern European Countries. Exceptions are Bulgaria, Estonia, Latvia, and Poland, where at least some cross-industry agreements have been signed. In Denmark and Sweden autonomous bipartite Social Dialogue is the norm, as it is such dialogue rather than legislation that generally sets the rules for industrial relations.

Sectoral bipartite dialogue is most developed in the Western Member States (particularly in Austria, Belgium, Denmark, Finland, France, Germany, Greece, Italy, the Netherlands, Portugal, Spain and Sweden) where it takes the form of regular collective bargaining. This is not the case, for example, in Ireland, Luxemburg and United Kingdom. In the Central and Eastern European Countries, sectoral bargaining is very rare, collective bargaining coverage is lower, and bargaining predominantly takes part only at the plant or company level. Where sectoral bargaining does exist in Central and Eastern Europe, it is usually limited to a few industries. Yet, while it is somewhat more frequent only in Bulgaria, Romania, Slovakia and Slovenia, some single agreements have been concluded also in the Czech Republic, Hungary and Poland, and they have started to emerge more recently also in Estonia.12

What are the benefits and challenges?

The main potential benefit of Social Dialogue as an instrument for managing national industrial relations is that it may help to solve conflict through compromising and by finding joint solutions. It creates space for interaction and decision-making by the social partners, and gives both trade unions and employer associations an opportunity to take an active, institutionalised and recognised role in the national policymaking process, be it through autonomous agreements or tripartite dialogue dealing with government’s labour market and social policies. National sectoral as well as cross-industry dialogue are important particularly in the form of collective bargaining as a means of setting minimum standards for working and employment conditions and thus avoiding workforce fragmentation and competition based on differences in labour costs and working conditions.

However, particularly with respect to tripartite dialogue, there is also a risk that unions may be put in the position of legitimating government policies and maintaining social peace without obtaining any real benefits for their members. In fact, one major criticism voiced by trade unions throughout Europe is that tripartite consultation is often a mere formality and that they are unable to have a real impact on government’s policies and decision-making. According to a joint survey undertaken by the ITCILO and ETUC in 2010, about 50% of trade unions stated that both tripartite and bipartite Social Dialogue processes, as they stand, have little real effect in terms of managing economic change and sector-level restructuring.\(^\text{13}\)

A particular challenge for sectoral bipartite Social Dialogue is its often only patchy character particularly in the Central and Eastern European Countries. This fragmentation leads to an overall worsening of working conditions and labour standards. It is closely related to the weakness of industrial relations institutions as well as sectoral trade union structures in these countries. While standard setting is largely left to the national and legislative level, unions lack strength in and for direct negotiations with employers. The absence of sectoral dialogue further weakens trade unions’ position as successful collective agreements are an important tool not only to establish and enforce minimum standards, but also a prerequisite to increase workers’ interest and participation in trade unions. However, this problem of fragmentation is not limited to Central and Eastern Europe. In many European countries there is an increasing trend towards decentralisation and fragmentation of collective bargaining, as a result of neo-liberal labour market strategies and industrial relations reforms, as well as employers’ pressure for greater flexibility.

Weak national structures of sectoral Social Dialogue also hinder trade unions’ effective involvement in European Social Dialogue processes. Yet, the other way round, EU-level attempts to develop and strengthen national dialogue practices and institutions, such as the requirement for governments to develop national action plans for the European employment strategy introduced with the Amsterdam Treaty (1997), have had limited or no impact. To improve the opportunities for Social Dialogue, particularly in the Central and Eastern European Countries, structural reform of sector-level trade unions is needed, in order to empower them as social partners at the national level. But above all, to develop trade union strength, a decisive rise in membership is necessary. Moreover, for national Social Dialogue to be meaningful, there also needs to be a commitment from the employers to participate, while in these countries effective sectoral employers’ associations often do not exist, are too small or are unwilling to bargain at sectoral level.

FURTHER INFORMATION MATERIAL

Texts and Training Materials


IDEAS FOR TRAINING

This training module is designed to enable participants to gain a better understanding of the different levels and forms of national Social Dialogue and to reflect on their own experience at the national level, particularly as regards the benefits and challenges of Social Dialogue.

1. Input:

Use the background information mentioned above to prepare a short presentation on the functioning of Social Dialogue at the national level, referring to its various levels, actors and forms, as well as the position of the different countries within a broader EU pattern, as indicated in the text.

TIME: 20 minutes for the presentation, plus 10 minutes for eventual clarifying questions

2. Partner and plenary discussions: good and bad practices for Social Dialogue

In this exercise, participants are asked to share opinions and experience of good and bad practices in national Social Dialogue.

Method: Distribute Activity Sheet 2 to participants and invite them to answer the questions first on an individual basis by filling out the table, and then to share experiences and opinions in groups of two people. For this purpose, each participant should turn to his/her right-hand neighbour and they should together discuss their answers. In a second round of exchanges, participants should turn to their left-hand neighbour and again discuss their experiences and opinions. Alternatively, to provide a more varied exchange of experience, you could ask
participants to choose their own partners for discussion. In the end, a plenary discussion can be used to report on emerging differences and/or shared experiences and strategies.

**TIME:** 10 minutes to explain the exercise, 15 minutes for the individual working phase, 15 minutes for each of the two rounds of partner exchange and 30 minutes for the plenary discussion.

*Overall time needed for this session:* 115 minutes
### National Social Dialogue Practices

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<th>What are the <strong>benefits of</strong> Social Dialogue in your country and sector?</th>
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<th>What are <strong>good practices</strong> of Social Dialogue in your country and sector? What works?</th>
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<th>What are the <strong>obstacles to</strong> Social Dialogue in your country and sector? What doesn’t work?</th>
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<th>What makes a <strong>good or a bad social partner</strong>? What are positive and negative social partner qualities?</th>
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<td>Good social partner qualities:</td>
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<td>Bad social partner qualities:</td>
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<th>In your opinion, how could Social Dialogue become more successful in your country and sector? What are the important <strong>do's and don'ts</strong> to strengthen Social Dialogue?</th>
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<td>Do’s:</td>
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<td>Don’ts:</td>
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Module 3. European Social Dialogue

Definition:
- bipartite work → cross-industry and sectoral levels

Functions:
- social partner agreements → common minimum standards
- joint texts and work programmes → lobbying

Challenges:
- limited number of binding agreements & patchy implementation
- difficult link between European and national level

Interactive exercise: benefits and challenges of European Social Dialogue
What is European Social Dialogue, how does it work and what are the benefits and challenges?

What is European Social Dialogue?

At the European level, the term Social Dialogue is used for the bipartite work of the social partners, trade unions and employer associations. Articles 151 to 155 of the Treaty on the Functioning of the European Union (TFEU) commit the European Commission to consulting social partners on economic and social policy issues and give social partners the right to pursue autonomous negotiations at European Community level. Such bipartite Social Dialogue is an integral part of the European Social Model, and the institutions of the European Union have the task to actively promote Social Dialogue (Article 152 TFEU).

How does it work?

European Social Dialogue exists at the cross-industry and sectoral levels. On both levels, it may be generated by consultation under the auspices of the European Commission or as an autonomous negotiation process. At the cross-industry level the main body for discussion is the Social Dialogue Committee which meets three times a year. It is composed of 32 representatives of each of the two sides of the European social partners and chaired by the European Commission. Workers are represented by the European Trade Union Confederation (ETUC), while the employers are represented by three different European associations: the Confederation of European Business (BUSINESSEUROPE, formerly UNICE), the European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest (CEEP) and the European Association of Craft Small and Medium-Sized Enterprises (UEAPME).

At the sectoral level, in 2012, there are 41 different Sectoral Social Dialogue Committees (SSDC), covering some 145 million workers, i.e. more than three quarter of the EU’s workforce. In these committees 63 European-level sectoral employers’ bodies and 15 sectoral trade union organisations are involved. Most of the trade union organisations are European Trade Union Federations affiliated to the ETUC. SSDCs can be formed on the joint request of the social partners concerned. In order to be admitted to the discussions, the social partners must be representative and organised at the European level. Their member organisations must be a recognised part of Member States’ social partner structures, have the capacity to negotiate agreements and possess adequate structures to ensure effective participation at the European dialogue level (Decision of the European Commission: 98/500/EC). SSDCs must meet at least once a year. Representatives of all national affiliates of the European federations can participate in these meetings. All Social Dialogue meetings on European level are funded by the EU which reimburses travel costs and accommodation and provides for the technical and administrative infrastructure.

The most important function of European Social Dialogue is the establishment of social partner agreements. When consulted by the Commission, the social partners can simply issue a joint opinion on the Commission’s legislative proposal which will then be discussed, eventually amended and voted by the Council and the European Parliament. Alternatively, they may also engage in their own negotiations which may lead to a social partner agreement. A social partner
agreement can be implemented in two ways. The social partners can ask the Commission to implement it as a Directive, and in this way, once accepted by the Council, the agreement is legally binding and has the force of law. On the other hand, the social partners can decide to implement the agreement on their own, and in this case it is the responsibility of the national social partners to ensure that the provisions of the agreement are carried out in all EU Member States ‘in accordance with the procedures and practices specific to management and labour and the Member States’ (TFEU Art 155). In this case, the concrete forms of implementation may vary from country to country.

In addition, social partners both at the cross-industry and the sectoral level can decide at any time to launch their own autonomous negotiations to reach agreements on policy issues of joint interest. As further forms of autonomous Social Dialogue, the European social partners can produce various types of outcomes. These mostly deal with policy priorities and orientations, strategies and action plans, either oriented towards the European institutions or engaging the social partners themselves (see the table at the end of the module). They might also engage in transnational projects such as joint publications, seminars, conferences and capacity building in New Member States, or follow-up the implementation of signed agreements at the national level.

What are the benefits and challenges?

European Social Dialogue can be used as a powerful tool to improve working conditions and to establish common minimum standards throughout Europe. Looking at its outcomes so far, two phases can be distinguished since the 1990s. In the second half of the nineties, three cross-industry agreements were reached in response to consultation of the social partners by the Commission and finally implemented by Directives - on parental leave (in 1996, revised in 2008), on part-time work (1997) and fixed-term work (1999). From 2001 onwards, cross-industry social partner initiatives took a more autonomous form, resulting in a series of autonomous agreements implemented by the social partners themselves at the national level. These autonomous agreements cover issues such as telework (2002), work-related stress (2004), harassment and violence at work (2007), as well as inclusive labour markets (2010). Moreover, in this period, social partners signed the first three cross-industry multi-annual work programmes as well as two frameworks of action. The latter indicated policy priorities in the fields of lifelong learning (from 2002 to 2006) and gender equality (2005 to 2009).

At the sectoral level, there are some social partner agreements implemented by Directives and others autonomously implemented by national social partner organisations. Five agreements were implemented by Directives: working time regulations for seafarers (1998) and mobile civil aviation staff (2000), working conditions for cross-border mobile workers in the railway sector (2004), minimum employment conditions again for seafarers (2008), and workers’ protection against ‘sharp injuries’ in the hospital and healthcare sector (2009). For two further agreements such implementation by means of a directive has been requested by the social partners. These two agreements have been signed in 2012 and regard the organisation of working time in inland waterway transport and the protection of occupational health and safety in the hairdressing sector. In early 2013, social partners are expected to send another request to the EC regarding the implementation of the ILO Work in Fishing Convention (C188). Five agreements have instead been autonomously implemented by the national social partners: the first one in the railway sector regarding the introduction of a European license for drivers (2004), the second as a multi-sectoral agreement covering 14 industries regarding health and safety protections for workers exposed to crystalline silica (2006), a third one on a European certificate and common training standards for hairdressers (2009), and a fourth one regarding competence profiles and minimum core competences for process operators and first-line supervisors in the chemicals
industry (2011). The latest autonomous agreement which still has to be implemented by the social partners been signed in April 2012. It deals with minimum requirements for standard player contracts in professional football.

Besides these agreements, many joint texts have been produced through Social Dialogue processes: 667 different documents until 2011. The large majority are joint opinions, on economic and social policy issues. The most frequently treated topics are economic and/or sectoral issues, Social Dialogue procedures, training and lifelong learning, health and safety, employment promotion, working conditions, social aspects of EU policies, corporate social responsibility, working time, gender equality, and sustainable development.

Despite the benefits and the high relevance of the issues covered in these agreements, European Social Dialogue has also had to face a series of challenges. First of all, as already mentioned in the introduction, the concept of dialogue presupposes a shared willingness to engage in a cooperative, constructive and consensus-oriented form of interaction. Whereas, in reality, the aims of the parties involved often are very different. Generally speaking, the ETUC in principle is in favour of achieving legally binding EU-wide rights and protection for workers. Employers, and especially BusinessEurope, are generally opposed to EU-wide regulations, but might nonetheless be inclined to sign European social partner agreements if the alternative is a Directive.

Clearly, in order to enjoy the maximum benefits from European Social Dialogue, implementation is crucial. This is still an important challenge. While, as seen above, considerable effort goes into the preparation and negotiation of joint texts and opinions, the number of binding agreements achieved is still modest. Among these, the most effective ones are those implemented as Directives, as these achieve the status of European law. When it comes to the autonomous agreements, implementation is more difficult. As a result of national differences in industrial relations systems, implementation often remains patchy, without effectively achieving common minimum standards throughout the EU. The link between the European and the national level is complicated also because the national member organisations of the EU-level social partners do not always have a direct bargaining role at the local level and often possess only limited authority over their affiliates. Due to these problems of implementation, the described shift in cross-industry dialogue from agreements implemented by Directives towards autonomous ones, as well as the growing focus on declarations of intent (be it in form of ‘work programmes’ or ‘frameworks for action’), can be considered as weakening the effectiveness of European Social Dialogue.

Additional challenges for European Social Dialogue result from a lack of tools and structures: Often there are not enough information, data, financial and human resources as well as training available at the national level to ensure effective participation in European level dialogue as well as implementation of agreements. In addition language is a serious barrier to full participation. These various structural obstacles are strongest in the Central and Eastern European Countries which generally have weaker industrial relations systems. In these countries, representative employers’ associations are often lacking, and trade unions are more fragmented. While European Social Dialogue as such will not resolve these particular national problems, commitment from all countries’ social partners at the European level helps to reinforce social partners’ positions at the national level.
FURTHER INFORMATION MATERIAL

Texts and Training Materials

http://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=570&type=2&furtherPubs=no

http://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=6352&type=2&furtherPubs=no

The Challenges regarding the European Sectoral Social Dialogue are presented in Appendix 3 of this Manual, in the power point format. This presentation is available in several languages of Central and Eastern Europe.

Online Resources and Databases

European Sectoral Social Dialogue:


ETUC: http://www.etuc.org/r/59


<table>
<thead>
<tr>
<th>TYPE OF TEXT</th>
<th>NAME</th>
<th>CONTENT</th>
<th>FUNCTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agreements establishing binding standards:</td>
<td>Framework agreements implemented by EU directives</td>
<td>set EU-wide binding general principles for labour standards which are implemented through EU Directives</td>
<td>provide for implementation</td>
</tr>
<tr>
<td></td>
<td>Autonomous framework agreements</td>
<td>set general principles for labour standards which are binding on the signatories and implemented at the national level according to the different labour relations systems</td>
<td></td>
</tr>
</tbody>
</table>
## Typologies of European Social Dialogue Texts

<table>
<thead>
<tr>
<th>Recommendations on standards and principles (non-binding process-oriented texts):</th>
<th>Frameworks of action</th>
<th>define policy priorities</th>
<th>engage social partners to a follow-up at national level, including evaluation of goal achievement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guidelines and codes of conduct</td>
<td>provide recommendations for national standard setting</td>
<td></td>
<td></td>
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<tr>
<td>Policy orientations</td>
<td>promote particular policies</td>
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<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Exchange of information (voluntary):</th>
<th>Joint opinions</th>
<th>provide input to EU institutions or national public authorities, lobbying function</th>
</tr>
</thead>
<tbody>
<tr>
<td>Declarations</td>
<td>describe commitment to future work, directed to social partners themselves</td>
<td></td>
</tr>
<tr>
<td>Tools</td>
<td>give information to employees and companies, for examples in form of guides or manuals</td>
<td></td>
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</tbody>
</table>

<table>
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<tr>
<th>Procedural texts (voluntary):</th>
<th>Rules of procedure</th>
<th>are used to establish rules of procedure especially for the sectoral Social Dialogue committees</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>lay down the rules for bipartite dialogue</td>
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</table>


## IDEAS FOR TRAINING

This training module is designed to enable participants to gain a better understanding of how European Social Dialogue works and what its benefits and challenges are. They should moreover be encouraged to share opinions about the commitment of their national trade union structures to European Social Dialogue as well as the relevance of its outcomes for their national industrial relations systems.

### 1. Input:

As European Social Dialogue is a rather complex issue, a structured input of information is needed in the first place. For this purpose, use the background information above to prepare a presentation on the functioning of European Social Dialogue.

**TIME:** 20-30 minutes, including time for clarifying questions.
2. Group and plenary discussions: benefits and challenges of European Social Dialogue (ESD)

Following the introductory presentation, a plenary discussion is proposed here to stimulate debate among participants on (a) ESD and its benefits, (b) important areas of ESD intervention, and (c) participation of national trade unions in ESD, as seen from a national and/or sectoral perspective.

Method:

At the end of the input presentation, raise these three issues as themes for discussion and, in three rounds, ask participants to intervene on each of them. You can use the proposed questions below for this purpose, choosing the most pertinent for your training context. Choose one person for each topic and ask him or her to take notes of the arguments on a flipchart to provide a trace of the discussion. You can use these notes to resume the discussion at the end and to highlight the most concrete proposals or also the most controversial points. If you prefer, instead of engaging immediately in a plenary discussion, you can also split up the group into smaller working groups, each discussing one of the topics and then presenting it to the plenary session.

Questions for the plenary discussion:

(a) Benefits: What are the benefits of ESD for your specific sector? What do you see as pros and cons of ESD?

(b) Fields of intervention: From the perspective of your national and/or sectoral contexts, which topics should be best dealt with at the European level? What are issues that cannot be resolved satisfactorily at the national level and could need a Europe-wide agreement? Which issues should not be decided at the European level but better left to national industrial relations? Which issues could achieve consensus at the European level?

(c) Participation: Does your trade union participate in ESD? Do you think there is a need to increase your trade union’s participation in ESD and if yes, what could be realistic strategies? What could your trade union do to get more involved and what is needed to achieve this? To what extent is your trade union involved in cooperation and information exchange with the relevant European Trade Union Federations, and is this cooperation satisfactory?

TIME: At least 10 minutes for discussion on each of the three topics. If you opt for the preliminary group work, this will take more time: 5 minutes for explaining the tasks, at least 15 minutes for the group work and 15 minutes for the presentations (5 minutes each), plus time for comments from other participants (further 15 minutes, 5 per topic), and a final conclusion of the outcomes done by yourself (5 minutes).

Overall time needed for this session: between 55 and 85 minutes.
Module 4. European Works Councils

Definition:
- first genuinely European institution of interest representation at enterprise level

Functions:
- information and consultation
- European solidarity

Challenges:
- still low coverage rate (1/3)
- still limited involvement of workers’ representatives from CEECs

Interactive exercise: effective use of EWCs
What are European Works Councils, how do they work and what are the benefits and challenges?

What are European Works Councils?

European Works Councils (EWCs) are bodies which underpin the right to information and consultation of workers in multinational companies within the European Union. The possibility to form such bodies for workers’ representation at the European level was introduced in 1994 by the European Works Council Directive (Directive94/45/EC) subsequently updated in 2009 (recast Directive2009/38/EC). As the European Foundation for the Improvement of Working and Living Conditions states:

“EWCs are highly significant in terms of European industrial relations since they represent the first genuinely European institution of interest representation at enterprise level. They reflect a growing recognition of the need to respond to the ‘Europeanisation’ of business emerging from the Single European Market by supplementing existing national channels of information and consultation, a goal which was expressed in the Social Charter of 1989 and the accompanying Social Action Programme.”

EWCs are an example of Social Dialogue at the European level. This means that they are conceived of as an instrument of cooperation, and this spirit of cooperation between employers’ and workers’ representatives, based on the respect of reciprocal rights and obligations, is explicitly required by the EWC Directive. It is a core element of the functioning of EWCs, also because the Directive leaves space to the involved parties to decide upon the precise functioning and structuring of EWCs and the ways in which they want to cooperate. Yet, as for Social Dialogue in general, such a cooperative spirit is difficult to prescribe by law and it can be very difficult to enforce legally.

How do they work?

The basic functions and rights of EWCs are information and consultation on business decisions. While consultation is only possible for topics involving a business decision by management, information must be provided on all transnational company matters that effect employees’ interests. Such transnational matters are those that regard undertakings in at least two Member States, have potential effects on the companies’ workforce on a European level, or involve the transfer of activities between Member States.

Information given by management should enable employees’ representatives to undertake in-depth assessment of the possible impact of a management decision. Consultation should give employee representatives the opportunity to express an opinion about the proposed measures which may be taken into account by management in the decision making process. Such consultation should occur within a reasonable time, without unnecessarily obstructing or prolonging decision processes and without prejudice to the responsibilities of management. Management has to give a response to the opinion expressed by the EWC.

http://www.eurofound.europa.eu/areas/industrialrelations/dictionary/definitions/europeanworkscouncils.htm
EWCS can be formed in enterprises which have at least 1,000 employees within the EU and at least 150 employees in each of at least two Member States. They can be launched either by central management or at the workers’ request. In the latter case, the establishment of an EWC requires the support of at least 100 employees or their representatives from at least two different undertakings in at least two Member States. The precise rules for the functioning of the EWC itself are decided in negotiations between management and workers’ representatives within a so-called “Special Negotiation Body” (SNB).

What are the benefits and challenges?

In 2012, 935 multinational companies have an EWC. This makes just over one-third of the 2,400 multinationals which are potentially covered by the EWC Directive. According to the European Trade Union Confederation (ETUC), this coverage rate “could be seen as an unsatisfactory outcome. The trade union side, however, sees it as no mean achievement, knowing the battles that workers have had to fight to get this far. Nonetheless, it is clearly inadequate. The companies that have so far failed to set up EWCs tend to be smaller enterprises, often with a low level of trade union organisation, with managements hostile to involving workers in decision-making, or companies that have undergone drastic restructuring in recent years. An active, representative trade union organisation is the first guarantee of a well-functioning EWC.”

The benefits of EWCS for trade unions and workers are multiple. In addition to their primary information and consultation function, EWCS are a possible means to create and strengthen European solidarity. For this purpose, it is important that workers’ representatives consider their EWC mandate in a European perspective, using it to cooperate across borders rather than to compete and fight solely for national interests. National trade unions can play an important role in supporting and monitoring the work of EWCS. Among others, they can be invited by the EWCS as experts and participate in the meetings with an advisory status. This gives them an opportunity to collect first-hand information on company developments and strategies, to strengthen international networks and also to increase own visibility and recognition at plant level.

Though EWCS have no decision-making power, their information and consultation rights can be useful well beyond dialogue with management, also for networking between the different national workers’ representatives and trade unions, and thus for coordinating and informing struggles at the multinational company level. Obtaining in-time information and coordinating trade union action across borders is particularly relevant in a globalised world in which multinational companies can take advantage of national differences in labour standards and costs and also potential competition for investment and jobs, which makes the defence of rights and interests particularly difficult for trade unions. Cross-border information and coordination are especially important when it comes to a relocation of company activities from one country to another. But also in less dramatic situations, information, consultation and coordination at European level are relevant for trade unions among others to work towards an upward harmonisation of working conditions, to create mutual support for collective bargaining and unionising campaigns, or also to strengthen workers’ rights when moving between undertakings in different countries etc.

16 http://www.etuc.org/r/57
One pioneering example for EWCs’ importance in terms of benefits and challenges is the Renault-Vilvoorde case. In 1997, faced with the closure of the Vilvoorde plant in Belgium, the Renault EWC organised a Europe-wide strike and engaged in legal action against the company. In two court sentences the plant closure was ruled unlawful as it took place without prior information and consultation of the EWC. Workers’ representatives obtained a modification of the pre-existing EWC agreement strengthening the information and consultation rights in due time, i.e. allowing for a possible impact on the decision process. Despite this legal victory, this case also demonstrates the weakness of EWCs in managing industrial change and influencing management’s decisions. At the end of the process, the plant remained closed, with the loss of 3,000 jobs.

Another problematic aspect of EWCs’ actual functioning, is the limited involvement of workers’ representatives from Central and Eastern Europe. 42% of the 1,242 multinationals that operate in the Central and Eastern European Countries (CEECs) have EWCs, but mostly headquarters are in Western countries, and generally little attention is paid to integrating workers’ representatives from Central and Eastern Europe into the work of these existing EWCs.

As for European Social Dialogue in general, further challenges for efficient trade union involvement result from a lack of resources, particularly time and foreign language competence to understand information and manage communication between different countries. Another important issue is ‘confidentiality’. Participating in EWCs puts workers’ representatives in the difficult position of having to deal with confidential business information and at the same time having to defend trade union members’ interests, especially when the information concerning business decisions may have negative effects on working and employment conditions, as in the case of relocation, plant closures and redundancies.
FURTHER INFORMATION MATERIAL

Texts and Training Materials

ETUI / Picard, Séverine (2010): European Works Councils: a trade union guide to directive 2009/38/EC, Brussels: ETUI,

ETUI / Demaitre, Jagodzinski (2012): Manual for European workers’ representatives, How to make your meetings more successful, Brussels: ETUI,

Eurofound / Voss, Eckhard (2007): The experience of European Works Councils in new EU Member States,

Online Resources and Databases

Database on European Works Council Agreements by ETUI: www.ewcdb.eu

European Works Councils:

Directive 94/45/EC establishing European Works Councils:


Directive 2001/86/EC supplementing the European Company Statute:

Directive 2002/14/EC establishing a framework for employees’ information and consultation:
IDEAS FOR TRAINING

This training module is designed to enable participants to gain a better understanding of the basic functioning of European Works Councils and the ways they can be used by trade unions for defending workers interests as well as strengthening European solidarity.

1. Input:

Prepare a short presentation using the background information given in the above text in order to provide participants with some basic knowledge about the role and functioning of EWCs.

TIME: Calculate about 15 minutes for the presentation, plus 10 minutes for clarifying questions.

2. Group and plenary discussions: how to make effective use of European Works Councils

This group work should provide participants with an opportunity to share experience on EWCs, identify best practices for cross-border trade union cooperation and formulate demands and strategies for efficient EWC work.

Method: Divide participants into groups of up to 6 people, if possible representing different countries but from similar sectors to facilitate cross-border exchanges. Ask them to make a list of possible benefits for trade unions and workers from engaging in the establishment and working process of an EWC, as well as a list of the challenges such work faces. Next, the working groups should discuss the following questions. Activity Sheet 3 can be used to facilitate the group work.

(a) How can EWCs be used for trade union purposes and workers’ interests? What are the most relevant pieces of information that can be gained from this work and how can they be used?

(b) What should an EWC do? What are or would be important fields of intervention for EWCs as seen from different national and/or sectoral experiences? What are differences and common points between diverse national and/or sectoral contexts?

(c) How can EWCs be used to build and strengthen European solidarity among trade unions and workers? What are possible strategies to overcome existing problems of language, culture and competition for corporate investment?

A summary of discussion results should be written on a flipchart and presented together with the lists of benefits and challenges to a final plenary discussion.

TIME: 5 minutes to explain the exercise, at least 45 minutes for the group work (15 minutes for the lists of benefits and challenges, 10 minutes for each question), 5 minutes for the presentation of each group and at least 15 minutes for a final plenary discussion.

Overall time needed for this session: 110 minutes (with four working groups).
**ACTIVITY SHEET 3**

**TASK:** Please make two lists, one of possible benefits for trade unions and workers from engaging in EWC work, and one of the challenges such work faces. Next, discuss the questions below on the strategic use of EWCs, the most important fields of intervention, and their role in strengthening European solidarity. In the end, discussion results should be briefly presented to the plenary session.

<table>
<thead>
<tr>
<th>The work of European Works Councils</th>
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<tbody>
<tr>
<td>Benefits for trade unions and workers:</td>
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<tr>
<td><strong>How can the structure of an EWC be used for trade union purposes and workers’ interests?</strong></td>
</tr>
<tr>
<td>What are the most relevant pieces of information that can be gained from this work and how can they be used?</td>
</tr>
<tr>
<td><strong>What should an EWC do?</strong></td>
</tr>
<tr>
<td>What are or would be important fields of intervention for EWCs as seen from different national and/or sectoral experiences?</td>
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</tr>
<tr>
<td><strong>How can EWCs be used to build and strengthen European solidarity among trade unions and workers?</strong></td>
</tr>
<tr>
<td>What are possible strategies to overcome existing problems of language, culture and competition for corporate investment?</td>
</tr>
</tbody>
</table>
Module 5. Resolving Conflict

**Definition:**
- conflicts as interest struggles
- positive and negative aspects

**Conflict strategies:**
- competing: assert own interests → power resources
- collaborative: joint solution → relationship
- compromising, accommodating & avoiding

**Interactive exercises:** experiences of conflict in trade union work & strategic use of language
BACKGROUND INFORMATION

What is conflict and what are the possible strategies to resolve it?

What is conflict?

Conflict is a state of discord as regards the distribution of material or symbolic resources between the parties involved. It occurs because of the actual or perceived opposition of needs, values and interests. In industrial relations, such interest conflicts revolve around the terms and conditions of work and employment, their costs, rules and limits, and workers’ rights. In practical terms this will cover wages, employment contracts and stability, working times and conditions, health and safety, social protection, collective rights and trade union organisation, but also issues such as the quality of work, recognition and participation in the work process. Conflicts may have positive and negative aspects. Engaging in conflicts means standing up for one’s rights and interests. They may be an opportunity for change and growth. They may stimulate creativity and help to rethink old ways of acting. They may be necessary to manage existing differences and effectively solve problems. But conflicts may also be unproductive. Apart from requiring energy, resources and time, conflicts may of course be lost, be damaging or remain unsolved.

Various strategies might be used to resolve conflicts, and at a formal level one of them is Social Dialogue. Generally speaking, in a conflict, each party involved tries to fight for its own interests. Regarding the capacity to win this struggle, power positions and resources are crucial. This is all the more the case in an industrial relations context where such resources are most often distributed unequally. The resources to be employed in a conflict are manifold. Besides material, directly coercive and/or economic power, they also comprise social and cultural aspects, such as the competence of analytical thinking which is at the basis of choosing an effective conflict strategy. Or the capacity to cooperate, aggregate interests and join forces collectively. Moreover, as conflict is interactive, relational and communicative skills are important to effectively put into practice the chosen strategy. For example, the choice of suitable language and the capacity to understand a counterpart’s viewpoints and motivations (in our case the employers’ interests) are crucial.

What are possible strategies to resolve it?

The conflict-resolution strategies proposed in this module are following the logic of the Thomas Kilmann model of conflict resolution. Conflict management resources available on the internet are used to explain the concepts. We describe five conflict-resolution strategies, differentiating between a degree of assertiveness versus a degree of cooperativeness present in each of them. The most obvious strategies appropriate for labour related conflicts are competition and collaboration, or a combination of the two. Let’s compare and contrast the five proposed strategies: competing, accommodating, avoiding, compromising and collaborating. The competing strategy is highly assertive and uncooperative. In a competing strategy the main issue is to assert one’s own interests, by using one’s own power positions and directly attacking the other party. In this case the goal to reach is much more important than the relationship with the other party. Such an approach can be effective for standing up for workers’ rights and interests and also to win recognition. A competing strategy can also increase trade unions’ power positions. Yet, engaging in such a strategy of competition requires a sound analysis of the weak points of the
employer’s side in order to decide where to attack most efficiently. From a trade union perspective, adopting a competing strategy might often be the only possible way to react to employers using the same strategy.

In a **collaborative strategy**, on the other hand, the focus is on trying to work together with the other party to reach goals and solutions that satisfy both sides. This strategy is **highly assertive and highly cooperative**. In this case, the relationship between the actors involved, between trade unions and employers, is of the highest importance, not least because collaboration necessarily requires a mutual commitment. It is appealing because it offers the possibility of reaching a win-win situation for both parties and has a potential to establish a non-hierarchical relationship between the two parties. However, such collaboration presupposes the existence of some possible common ground and therefore the willingness of all parties to step back from their own interests and power positions. The decision to collaborate rather than to compete will rarely result from a humanistic approach of promoting positive relationships as a goal in itself. Instead, it may well be a tactical choice motivated by own interests, for example in avoiding the costs and risks of competing interaction. Or, it can be an attempt to undermine the other party’s competing strategy in case own resources do not suffice to win such competition. Collaborating requires developed conflict resolution skills based on mutual respect, a willingness to listen to others, and creativity in finding solutions.

Two further, but less goal-oriented, strategies would be to avoid conflict or to drown it in a strategy of accommodation. This implies making concessions and giving up own interests in order to maintain harmony and preserve the relationship with the other party. The **avoiding strategy** means taking an **unassertive and uncooperative** approach to the conflict by making a choice to stay away from the issues over which the conflict is taking place and from the people you are in conflict with. Avoiding might take the form of diplomatically sidestepping an issue, postponing an issue until a better time, or simply withdrawing from a threatening situation. The **accommodating strategy** is a **cooperative and unassertive** strategy in which the relationships are of great importance, while your own goals are of little importance. In the accommodating strategy, people are afraid that if the conflict continues, someone might get hurt, and that this would ruin the relationship. Therefore they are ready to make concessions and give up own interests in order to maintain harmony and preserve the relationship with the other party.

Finally, a fifth strategy is that of compromising which lies in the middle ground between collaboration and accommodation. It is **both assertive and co-operative but only to some extent**, meaning that persons applying a **compromising strategy** are moderately concerned with their own goals and about their relationships to their counterparts. They’re willing to sacrifice part of their goals and relationships in order to find agreement for the common good. The priority of a compromising strategy lies on reaching a trade-off between own objectives and those of the counterpart based on an exchange of mutual concessions rather than achieving a really joint solution to the problem. Different from the accommodating strategy, concessions in this case are always only conditional.

(For a comparison of the five conflict strategies also see the handout at the end of the Module and the graphs in Appendix 4.)

The choice between these different strategies or strategies depends on the distribution of capacities, resources and power relations between the parties involved, the type of conflict, the issues at stake and their relevance to each side. It is clearly a strategic choice, determining the most appropriate tools to reach one’s goals, and attempting to structure the interaction accordingly. One important question in choosing a more competing or collaborative conflict
strategy is how important it is to preserve the relationship and reach an agreement with the other actors or whether own interests can be fought through directly without having to rely on any cooperation and care for future interaction. Such an analysis is all the more necessary in the case of labour conflicts, where the relationship with the employer(s) is no end in itself, but might be of strategic or tactical relevance for reaching the trade union goal of defending workers’ rights. In the text below we are suggesting a number of situations in which one or the other strategy may be considered appropriate.

**IDEAS FOR TRAINING**

This training module has been designed to enable participants to gain a better understanding of the nature of different conflict strategies as well as improve their capacity to analyse conflicts and choose appropriate strategies.

1. **Input:**

Prepare a short presentation on conflict types and strategies based on the background information given above. In addition, you can use Activity Sheet 4 as a hand-out to clarify the differences between the five presented conflict-solving strategies.

**TIME:** 15 minutes for the presentation plus 10 minutes for clarifying questions

2. **Group and plenary discussions: conflict types and strategies**

This activity will enable participants to distinguish different conflict types and to encourage them to discuss the link between these different types and the choice of a particular strategy of conflict resolution in an industrial relations context.

**Method:** Divide participants into small groups of up to 6 people and ask them to share experiences of conflict from their daily trade union work. Hand out Activity Sheet 5 to do the exercise. After the group work, results of the discussions should be presented in the plenary session.

**TIME:** 5 minutes for explaining the activity, 45 minutes for the group work, about 30 minutes for the plenary discussion, depending upon the number of participants and working groups.
3. Group and plenary discussions: the strategic use of language

The aim of this activity is to increase participants’ awareness of the effects and the strategic use of different types of language in a conflictual situation.

Method: Again, this is for small groups of about 4 people. You could use the same groups as for the previous activity in order to give participants the possibility to relate back to former discussions on their own experiences of conflict. Briefly re-explain the relevance of language to conflict resolution and introduce the characteristics of negative and positive language presented in the table on Activity Sheet 6. Then ask the participants to work in groups to comment on these characteristics, add further elements to the list and discuss the reasons behind the choice of a specific type of language. After the group work, results once again should be presented in the plenary session.

TIME: 5 minutes to explain the task, 30 minutes for the group work and about 30 minutes for the plenary discussion, depending on the number of participants and working groups.

Overall time needed for this session: 170 minutes, depending on the number of working groups.
ACTIVITY SHEET 4

**COLLABORATING** is an appropriate form of dealing with conflict when used in the following situations:

- When there is a high level of trust.
- When you want others to also have ownership of solutions.
- To gain commitment by incorporating others’ concerns into a consensual decision.
- To find an integrative solution when both sets of concerns are too important to be compromised.
- When your objective is to learn – e.g., testing your own assumptions, understanding the views of others.
- When the people involved are willing to change their thinking as more information is found and new options are suggested.
- To merge insights from people with different perspectives on a problem.
- When you need to work through animosity and hard feelings.

**Strategic philosophy:** The process of working through differences will lead to creative solutions that will satisfy both parties’ concerns

**Drawbacks:** The process takes lots of time and energy, some may take advantage of other people’s trust and openness

**COMPETING** is an appropriate form of dealing with conflict when used in the following situations:

- When time is short and a quick decision and action is needed.
- When the outcome is critical and cannot be compromised.
- When you know you are right and are doing the correct thing.
- In emergencies or when safety is a concern.
- When being right matters more than preserving the relationship with the other party.
- When important but unpopular actions are needed such as enforcing rules, or administering discipline.
- When one’s position, authority, or rights are being challenged.
- When implementing strategic change and strong, confident leadership needs to be demonstrated.

**Strategic philosophy:** When goals are extremely important, one must sometimes use power to win

**Drawbacks:** Can escalate conflict, losers may retaliate; When ‘winning at all costs’ results in harm to people or the organization

**AVOIDING** is an appropriate form of dealing with conflict when used in the following situations:

- When an issue is trivial and other issues are more important or pressing.
- When there is no opportunity to constructively address the concern - attempts to deal with the problem will likely result in futility and may make matters worse. It may not be the right time or place to address the issue.
- When the potential cost of confronting the conflict outweighs the benefits in addressing it - this requires assessment and judgment.
✔ To buy time and give angry people an opportunity to “cool down” so that tensions can be reduced - it is important for parties to take a break to regain perspective and composure when the situation becomes heated.

✔ To refrain from making a rushed decision and allow time to obtain more information or support - well planned and prepared decisions are usually the best decisions.

✔ When it is more appropriate for others to resolve the conflict - resist getting in the middle of conflicts that are better dealt with by other people.

✔ When the issue at hand is a “smoke screen” for the real problem that needs to be addressed - look for the core of the problem and not just the symptoms.

**Strategic philosophy:** Avoids conflict by withdrawing, sidestepping, or postponing

**Drawbacks:** Important decisions may be made by default, postponing may make matters worse

**ACCOMMODATING** is an appropriate form of dealing with conflict when used in the following situations:

✔ When you realize that you are wrong (or less experienced or knowledgeable) – to allow a better position to be heard from others, and to show that you are reasonable.

✔ When you are willing to let others learn by mistake.

✔ When the issue is much more important to the other person than to yourself – to satisfy the needs of others, and as a goodwill gesture to help maintain a cooperative relationship.

✔ To build up social credits for later issues which are important to you.

✔ When continued competition would only damage your cause – when you are outmatched and losing.

✔ When preserving harmony and avoiding disruption are especially important.

✔ When what the parties have in common is a good deal more important than their differences.

**Strategic philosophy:** Appease others by downplaying conflict, thus protecting the relationship

**Drawbacks:** One’s own ideas don’t get attention, credibility and influence can be lost

**COMPROMISING** is an appropriate form of dealing with conflict when used in the following situations:

✔ When the counterparts with equal power are strongly committed to mutually exclusive goals.

✔ When the counterparts establish what they can trade and what they want in exchange in order to achieve a compromise.

✔ As a backup mode when collaboration or competition fails to be successful.

✔ When time can be saved by reaching intermediate settlements on individual parts of more complex issues.

✔ To arrive at expedient solutions under time pressure.

✔ When goals are moderately important.

**Strategic philosophy:** Both ends are placed against the middle in an attempt to serve the “common good” while ensuring each side can maintain something of their original position

**Drawbacks:** Important values and long-term objectives can be derailed in the process, may not work if initial demands are too great, can produce cynicism, especially if there’s no commitment to honour the compromise solutions
**ACTIVITY SHEET 5**

**TASK:** Think about conflicts in your daily trade union work. Every person in your group should describe one conflictual situation to the others. The first person who tells his/her story fills in the column number 1 in the table below by ticking the boxes corresponding to this/her conflict experience, the second person fills in the column number 2 and so on. The table should help to compare the different experiences of conflict and to characterise them with regard to the type of conflict, the power relations between the actors involved, the chosen strategies of conflict solution and the outcomes. On this basis, discuss in your group why and under which conditions certain strategies have succeeded or failed in achieving your objectives and resolving a conflict. At the end, present the results of your discussion to the plenary.

<table>
<thead>
<tr>
<th>Conflict Experiences</th>
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</thead>
<tbody>
<tr>
<td><strong>Conflict</strong></td>
</tr>
<tr>
<td><strong>Type of conflict</strong></td>
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<tr>
<td></td>
</tr>
<tr>
<td><strong>Distribution of power between the actors</strong></td>
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<td></td>
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<tr>
<td></td>
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<tr>
<td><strong>Strategies used for conflict solution by my/our side</strong></td>
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<tr>
<td><strong>Strategies used for conflict solution by the other side</strong></td>
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<td></td>
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<td></td>
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<tr>
<td><strong>Outcomes</strong></td>
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</tbody>
</table>
**ACTIVITY SHEET 6**

**TASK:** Take a look at the characteristics of negative and positive language in the table below. Can you add any further aspects from your own trade union experience to this list? Discuss within your group what are the reasons for choosing between these two language types within a conflictual interaction in an industrial relations context and what are their possible effects and outcomes in terms of finding conflict solutions. Also think about some communicative strategies that would be useful for each of the different conflict strategies (competing, compromising, cooperating, accommodating, avoiding). At the end, present the results of your discussion to the plenary session.

<table>
<thead>
<tr>
<th>Negative Language</th>
<th>Positive Language</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tells what can’t be done</td>
<td>Tells what can be done</td>
</tr>
<tr>
<td>Subtle tone of blame</td>
<td>Suggests alternatives &amp; choices</td>
</tr>
<tr>
<td>Words that tell what you cannot do: can’t, won’t, unable to</td>
<td>Sounds helpful &amp; encouraging</td>
</tr>
<tr>
<td>Does not stress positive actions</td>
<td>stresses positive actions &amp; consequences</td>
</tr>
</tbody>
</table>

**What kind of language and communicative strategies should be useful for:**

- **competing strategy:**  
  (I WIN, YOU LOSE)

- **cooperating strategy:**  
  (I WIN, YOU WIN)

- **compromising strategy:**  
  (WIN SOME, LOSE SOME)

- **accommodating strategy:**  
  (I LOSE, YOU WIN)

- **avoiding strategy:**  
  (NO WINNERS, NO LOSERS)
Module 6. Negotiating with Employers

Definition:
- agreement between conflicting interests
- moving oneself

Phases:
- preparation
  - objectives & strategy
  - argumentation
  - negotiation team
- actual negotiation
  - information
  - proposals & concessions
- agreement & implementation

Interactive Exercise: simulating a negotiation process
What is negotiation and what are its different phases?

**What is negotiation?**

Negotiation is about trying to find an agreement between conflicting interests. It is a central means of Social Dialogue and considered one of the core activities of trade unions. The idea of negotiating is to defend workers’ interests through arriving at some sort of compromise with employers rather than through open confrontation and industrial action. But, obviously, both strategies of negotiation and conflict are not necessarily mutually exclusive. Industrial action can be a means to enforce trade unions’ position at the negotiation table and, vice versa, negotiation can be one way to solve industrial conflict and to translate the pressure built up, for example by means of a strike, into an agreement on better pay or working conditions.

Crucially, negotiating requires moving oneself: moving away from one’s own “most favourable position” towards an acceptable common ground for both employers and workers. But, this movement necessarily has a limit, a “point of rupture” beyond which one or all parties involved will prefer to break-up the relationship instead of accepting a disadvantageous agreement. To give just one example for this necessary mediation, in the case of collective dismissals trade unions often have to face the following questions: What is a reasonable price to be paid to defend employment? Are wage reductions or worse working conditions acceptable to keep workers employed and if yes, up to which point? Are limited redundancies acceptable to keep the majority of workers in jobs?

An important precondition to reaching an agreement is to focus the negotiation not on opposing, fixed positions, but on the concrete interests and needs that underlie these positions. In this way, both sides can gain from the negotiation by trying to enlarge the zone of converging interests and thus effectively fulfil their own needs. However, as already described in Module 5 on conflict resolution, the choice between a more competing or collaborative strategy of negotiation is a strategic one which depends on the type of negotiation, the issues, objectives and not least the power relations between the actors involved. Finally, obtaining a win-win situation requires not only good negotiation skills but also a readiness by both employers and trade unions to enter into an effective compromise.

**How does it work?**

A negotiation process has different phases - the preparation, the actual negotiation, the achievement of an agreement and its implementation. In order to reach trade union objectives, it is crucial to prepare the negotiation well. First, it is necessary to identify the problems at stake, to analyse their causes and consequences and to contextualise them. This includes identifying the different parties involved, their interests and respective power positions as well as potential allies. Next, the objectives of the negotiation have to be set and put into an order of priority. This also entails defining a “best alternative to an agreement” (BATNA)\(^\text{19}\) to be pursued in case of a


\(^{19}\) BATNA refers to what is the best you might reasonably hope for if negotiations failed (Improve your negotiation skills, ETF, September 2010).
breakdown in negotiations, and to reflect on the objectives of the counterpart in order to imagine a realistic agreement. On this basis of clear, prioritised and realistic objectives, the most appropriate negotiation strategy can be finally chosen.

Following this strategic choice, there is a need to structure the argumentation during the negotiation. This entails preparing supportive arguments for sustaining positions, as well as finding answers to possible counter-arguments, developing questions to the employer(s) and deciding on possible proposals to be made during the negotiation. The last step of the preparation is to divide the roles within the trade union negotiation committee between those who lead the negotiation, those who facilitate the process by synthesising and taking care of times and needs for breaks (for internal consultations within each negotiation committee), and those who observe the process and share their reflections during the breaks. Beyond these three distinct functions, committee members need good teamwork skills and, where possible, they should be trained before the negotiation process. In selecting the team, particular attention should be paid to having a good mix of skills, such as team building, coordination and communication skills, initiative, creativity and analytical thinking, as well as common sense and grassroots knowledge. On the whole, the negotiation team should be representative of the workers concerned by the negotiation. Or, at least it should provide for the participation of other, for example by means of a supporting group formed around the actual negotiation team.

During the negotiation itself, in a first instance, it is important to obtain as much information as possible on the objectives and intentions of the employer(s) while revealing only the absolutely necessary. Therefore, a communication strategy of active listening should be used. Some basic rules are to listen more than to talk, to ask positive questions that make the employer side explain its positions, to summarise in a neutral way the topics discussed, not to engage with the positions of the other party, but to test the strength of these arguments, to find out the employer’s priorities as well as possible fields of compromise.

A negotiation is not a debate. The aim is not to defend one’s position at all costs, but to influence the other parties and to convince them to move to a common ground of joint interests. The core elements of a negotiation therefore are the proposals to be made to reach this common ground. Depending on the situation, negotiators may want to start with uncontroversial issues, which could be easily resolved and leave the more contentious ones to the end. Alternatively, negotiators may feel there are real issues of difference and they need to get straight to the core and discuss the most important issues first since it might take a lot of time to find a compromise. Concessions are an integral part of such an exchange and a precondition to achieve an agreement on a proposition. However, in order to obtain a true exchange, proposals and concessions always have to be conditional. There should never be any concession without a return.

A successful negotiation produces an agreement that resolves the original conflict and allows both parties to meet part of their interests and needs. However, even after an agreement has been reached, the delicate issue is to move from words to action and to implement a decided agreement. To a large extent, the success and thus also the limitations of an agreement depend on the effective commitment of the involved parties to the compromises achieved once they have left the negotiation table. As a first step to facilitating implementation, it is important that both parties are clear about what they have agreed. Therefore, at the end of a negotiation the agreement has to be fixed and approved as a written document that indicates each single point which has been arranged.
FURTHER INFORMATION MATERIAL

Texts and Training Materials


IDEAS FOR TRAINING

This training module is designed to enable participants to familiarise themselves with the different phases and techniques of a negotiation process.

1. Input:

Based on the background information given above, prepare a short presentation in which you define negotiation as one possible form of labour conflict resolution and explain its different phases.

TIME: 15 minutes, plus 5-10 minutes for clarifying questions
2. Group and plenary discussions: simulating a negotiation process

Through this activity participants will practice the techniques of negotiation within a simulated negotiation process. The exercise includes preparing and going through the negotiation process, as well as analysing the simulations and their results. This should give participants some practical hints to increase their negotiation skills.

**Method:** Divide participants into a straight number of groups with four to six persons each. One half of the groups get the task to prepare a negotiation in which they represent the trade union side. The other half takes the role of the employers’ side. Within each group, participants should choose among themselves one negotiation leader, one facilitator and one observer (see background information above). With the help of the Activity Sheets 7 and 8 all groups should first prepare the negotiation. Afterwards, two groups, one from the trade union and one from the employers’ side, should simulate a negotiation in front of the others. The rest of the participants should observe and take notes for a final joint evaluation. After 15 minutes the teams change and two other groups start a new simulated negotiation.

The topics for negotiation should be chosen according to the group’s needs and participants’ backgrounds. Either you as the trainer take this decision in advance or let the participants themselves come up with ideas at the beginning of this exercise. Negotiation could for example deal with the issue of collective redundancies caused by the relocation of a company undertaking to another country, with an employer’s request for greater working time flexibility or an employer’s attempt to introduce reduced pay and worse conditions for newly employed staff.

**TIME:** 10 minutes to explain the exercise, and possibly 10 minutes for the participants to choose the topics for negotiation, 45 minutes for the preparatory group work, 15 minutes for each simulation, 20 minutes for the final evaluation.

**Overall time needed for this session:** at least 105 minutes (with two groups).
**ACTIVITY SHEET 7**

Objectives and arguments

**TASK:** Please use the following table to prepare the negotiation by defining the objectives that your group will pursue as well as developing the arguments that you will use in the process. Also think about the objectives and the arguments of the counterpart.

<table>
<thead>
<tr>
<th>Agenda for the negotiation I</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Objectives of the negotiation:</strong></td>
</tr>
<tr>
<td><strong>Analysis of the objectives</strong></td>
</tr>
<tr>
<td>Our team</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>The counterpart</td>
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<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Arguments</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Our arguments</td>
</tr>
<tr>
<td>Possible arguments of the counterpart</td>
</tr>
</tbody>
</table>
**Positions and interests**

**TASK:** Please use the following table to prepare the negotiation by defining the content of the negotiation as well as the interests and needs of the parties involved.

<table>
<thead>
<tr>
<th>Agenda for the negotiation II</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Objectives of the negotiation:</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>The content of the negotiation and the interests of the parties</strong></th>
</tr>
</thead>
</table>
| **What?** | *What is the central issue according to each of the involved parties?*
| Our team | The counterpart |

| **Why?** | *What is the pursued benefit? What are the interests involved?*
<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Our team</td>
</tr>
</tbody>
</table>

| **What for?** | *What needs do the parties try to satisfy with their demands?*
<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Our team</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Do any other external interests exist? Are there any third parties relevant to the negotiation?</strong></th>
</tr>
</thead>
</table>

Module 7. Gender Mainstreaming

Definition:
- combating gender inequalities at all levels
- positive discrimination & re-organisation of decision processes

Gender mainstreaming and Social Dialogue:
- active participation of women & commitment of all
- gender equality agenda & monitoring of gender effects
- segregation, pay gap, work and family, harassment
- less workforce division & TU membership & qualified female workforce

Challenges:
- recognition as priority & effective participation

Interactive exercise: experiences with gender mainstreaming
What is gender mainstreaming, how does it work and what are the benefits and challenges?

What is gender mainstreaming?

In July 1997, the United Nations Economic and Social Council defined the concept of gender mainstreaming as follows: “Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in any area and at all levels. It is a strategy for making the concerns and experiences of women as well as of men an integral part of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres, so that women and men benefit equally, and inequality is not perpetuated. The ultimate goal of mainstreaming is to achieve gender equality.”

Gender mainstreaming is an encompassing strategy of combating gender inequalities at all levels - “gender relations should be taken into account in every policy measures from the planning stage to the performance review.” (4th Action Programme on Equal Opportunities of EU/1995) The core of gender mainstreaming is the promotion of equal treatment and opportunities for men and women within society. This implies gender specific activities and affirmative action to counter both direct and indirect discrimination as well as disadvantageous positions for men or women. The re-organisation of decision processes is central, in a way that allows for equal participation, as well as an equitable distribution of policy measures and resources. While most existing gender discrimination still clearly concerns women, gender mainstreaming insists on the joint responsibility of both men and women for achieving gender equality. In addition, within this approach, existing discriminations are recognised as socially determined facts. These are two important differences as compared to traditional policies for the promotion of women’s status which often ascribed inequalities to supposed female specificities and considered their reduction as women’s responsibility.

As regards labour markets and working conditions, central areas of discrimination and thus topics for mainstreaming initiatives are employment segregation and women’s access to vocational training, the gender pay gap, conciliation of work and family life in general and maternity in specific, as well as sexual harassment, unfair treatment and trafficking. Key International Labour Standards deal with all these areas. Among these are the ILO Conventions C100 on equal remunerations (1951), C111 on discrimination in employment and occupation (1958), C156 on workers with family responsibilities (1981), C183 on maternity protection (2000, revision of C103 from 1952) as well as various further conventions on working conditions (night work, home work, part time work, occupational safety and health), employment promotion (employment policies, human resource development, termination of employment) and specifically on migrant workers’ rights (C86 and C151) and decent work for domestic workers (C189).

At the level of European Social Dialogue (ESD), all three ESD agreements implemented by EU Directives have special gender relevance, as they deal with parental leave, as well as part-time and fixed-term work in which women are overrepresented. ESD has also directly addressed the issue of gender equality in a framework of action that has covered the period from 2005 to 2009.
The four priorities for action set there are to address gender roles, to promote women in decision-making, to support a sustainable work-life balance, and to tackle the gender pay gap. As to European Works Councils, 44% of achieved agreements deal with the promotion of equal opportunities and the reduction of discrimination in general. However, only few specifically tackle gender relations, insisting on the combating of sexual harassment, professional and career inequalities as well as discrimination in recruiting and remuneration.

How does it work?

There are two main steps to be taken to make gender mainstreaming work.\(^1\) First of all, gender differences have to be understood as such and then systematically taken into consideration by decision-making actors. This requires identifying how existing policy and decision-making processes reflect and reinforce inequalities between men and women. Only on this basis can targeted policies and practices be developed to overcome these inequalities. This does not only regard the recognition and space given to relevant gender topics, but also the equal representation and participation of women in decision-making processes.

Against this backdrop, central requirements for a gender-sensitive Social Dialogue process are the active participation and voice of women in negotiation committees, the awareness of and commitment to gender issues among all committee members, and the elaboration of a detailed gender equality agenda, including a clear strategy for its achievement and priority setting (also with respect to other trade union issues and resources). During the negotiation process, an attentive monitoring of gender effects of negotiated issues has to be undertaken, paying particular attention to hidden discriminations such as the undervaluation of women’s work, the overrepresentation of women in low paid and/or insecure jobs, or their restricted access to formally agreed equal rights.

Examples for existing good practices in promoting gender equality through collective bargaining above all relate to the reduction of employment segregation, the reconciliation of work and family life and measures to combat sexual harassment. In particular, they refer to employers’ recruitment policies (targets, positive discrimination, specific training) and arrangements for employee-induced working time flexibility, part time work and parental leave options. As to sexual harassment, comprehensive bargaining strategies need to address prevention and awareness raising, effective complaints procedures and support structures as well as enforceable sanctions.

What are the benefits and challenges?

The benefits of gender mainstreaming through Social Dialogue and equality bargaining are multiple. They regard both men and women, not least because more gender equality also means less workforce divisions and competition, thus opposing employers’ policies of “divide and rule”. Moreover, specific benefits to women generally have ripple effects on families and communities. Trade unions should have a particular interest in sustaining gender equality in the workplace as women are a growing portion of the workforce. Engagement in gender mainstreaming could make trade union membership more attractive to women. At the same time, protection from discrimination, access to equal treatment and pay are basic workers’ rights and their realisation


\(^{21}\) For the following argumentation see also ICFTU/ WCL: Negotiating better working and living conditions, Gender mainstreaming in collective bargaining, Booklet 1: Company level, p. 29, p. 34-35.
and defence core elements of trade unions’ activities. Also for employers gender mainstreaming can have a positive effect as it helps to attract more qualified women, increase productivity (due to reduced absenteeism and turnover as well as increased workforce commitment), and contribute to a positive company image.

However, obstacles and problems persist. Gender equality is still long from being transversally recognised and treated as a priority in all aspects of Social Dialogue. Also within trade unions, women's participation and power are still problematic and sometimes conflictual issues. And even where there is commitment to gender issues, effective policies and structures often lag behind. However some women's associations see gender mainstreaming above all as an instrument of social pacification. They consider that they would either have to give up their more radical positions and criticisms to fit into the new mainstream; or else they would find themselves marginalised and excluded from policy processes as well as the distribution of resources. More generally, women’s associations also criticise the limited amount of financial resources dedicated to gender politics, as well as insufficient real increases in women’s participation in decision making processes obtained so far.

**FURTHER INFORMATION MATERIAL**

**Training Materials**

ICFTU/WCL (2005): Negotiating better working and living conditions, Gender mainstreaming in collective bargaining, Booklet 1: Company level.


**ILO Conventions and ESD texts**


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22 See for example the European project Sister Cities Going Gender (2005): Gender mainstreaming – does gender mainstreaming improve women’s chances to participate in decision-making processes?, Vienna, p. 17-18.
Gender Mainstreaming:


IDEAS FOR TRAINING

This training module aims to increase participants’ awareness of gender inequalities and to familiarise them with the concept of gender mainstreaming, so that they can understand the core relevance of gender relations to all levels and issues of Social Dialogue, as well as within trade unions.

1. Input:

Based on the background information given above, introduce participants to the concept of gender mainstreaming and its relevance in Social Dialogue.

TIME: 15 minutes, plus 10 minutes for clarifying questions, eventual comments and discussion.

2. Group and plenary discussions: experiences with gender mainstreaming

This exercise is meant to enable participants to reflect and share experience about practices of gender mainstreaming in their countries.

Method: Divide the participants into small groups of up to four to six people and ensure that both women and men are represented in each group, to the maximum possible extent. Ask the groups to discuss the following questions: What are the most pressing gender inequality issues in your country at the four levels of (a) labour markets, (b) social security, (c) working conditions and (d) trade unions? What counter-measures of gender mainstreaming are taken by governments, social partners and within trade union’s structures? What resistance and barriers to gender mainstreaming exist at each of these levels? Use Activity Sheet 9 to take notes of the discussion.

At the end, results of the group discussions should be shared and eventual differences discussed in a plenary session.

TIME: 5 minutes to explain the exercise, 30 minutes for the group work, 30 minutes for the plenary discussion

Based on the former exchange of experience with gender mainstreaming, in this exercise participants will be asked to develop recommendations for a gender-sensitive Social Dialogue process.

**Method:** Hand out three big Post-its (or three A4 sheets of paper) to each participant and invite them to think about three priority recommendation for achieving gender mainstreaming through Social Dialogue. Each priority should be written in big letters. Recommendations could refer to relevant topics of negotiation and measures to be taken as well as to structural issues regarding the dialogue process itself. Following a short individual preparation phase, one participant after the other should come to the front of the classroom, read out his/her recommendations and stick his/her sheets on the wall. The sheets should be sorted under the headlines of “negotiation topics”, “measures” and “dialogue process”. Your role as trainer would be to take care of these classifications and to comment on the outcomes in the end.

**TIME:** 5 minutes to explain the exercise, 10 minutes to write down the recommendations, 2-3 minutes per participant to present his/her sheets, 10 minutes for the final comments and eventual discussion

**Overall time needed for this session:** 145-165 minutes (for a group of 20 participants)
**Group discussion on gender inequalities and mainstreaming**

**TASK:** Please discuss the state of gender inequalities and mainstreaming initiatives in your country by filling in the following table.

<table>
<thead>
<tr>
<th>Gender inequalities and mainstreaming initiatives</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>What are the most pressing gender inequalities in your country at the level of:</td>
<td></td>
</tr>
<tr>
<td>➔ labour markets?</td>
<td></td>
</tr>
<tr>
<td>➔ social security?</td>
<td></td>
</tr>
<tr>
<td>➔ working conditions?</td>
<td></td>
</tr>
<tr>
<td>➔ your trade union?</td>
<td></td>
</tr>
<tr>
<td>What measures of gender mainstreaming are taken at the level of:</td>
<td></td>
</tr>
<tr>
<td>➔ government policies?</td>
<td></td>
</tr>
<tr>
<td>➔ legislation?</td>
<td></td>
</tr>
<tr>
<td>➔ Social Dialogue and collective bargaining?</td>
<td></td>
</tr>
<tr>
<td>➔ your trade union’s structures?</td>
<td></td>
</tr>
<tr>
<td>What resistance and barriers to gender mainstreaming exist at each of these levels?</td>
<td></td>
</tr>
<tr>
<td>➔ government policies:</td>
<td></td>
</tr>
<tr>
<td>➔ legislation:</td>
<td></td>
</tr>
<tr>
<td>➔ Social Dialogue and collective bargaining:</td>
<td></td>
</tr>
<tr>
<td>➔ your trade union’s structures:</td>
<td></td>
</tr>
</tbody>
</table>
Appendices

APPENDIX 1: Useful links

APPENDIX 2: Main ILO Conventions relevant to Social Dialogue

APPENDIX 3: The challenges regarding European Sectoral Social Dialogue

APPENDIX 4: Comparison of five conflict management strategies
APPENDIX 1: Useful links

European Trade Union Federations:

EAEA, European Arts and Entertainment Alliance: http://www.iaea-globalunion.org/eaea
EUROCOOP, European Confederation of Police: http://www.eurocop.org
EFBWW/FETBB, European Federation of Building and Woodworkers: http://www.efbww.org
EFFAT, European Federation of Food, Agriculture and Tourism Trade Unions: http://www.effat.eu/public/
IndustriAll, European Federation for Industry and Manufacturing workers: http://www.industriall-europe.eu/
EPSU, European Federation of Public Service Unions: http://www.epsu.org/
ETF, European Transport Workers’ Federation: http://www.itfglobal.org/ETF/
ETUCE/CSEE, European Trade Union Committee for Education: http://etuce.homestead.com/ETUCE_en.html
UNI-EUROPA, European trade union federation for services and communication: http://www.uniglobalunion.org/Apps/uni.nsf/pages/reg_europaEn

ILO:

ACTRAV Turin, Labour Education Programme of the Bureau for Workers’ Activities: http://actrav.itcilo.org/index_en.php

EC:

APPENDIX 2: Main ILO Conventions relevant to Social Dialogue

Social Dialogue:

ILO Convention 87, Freedom of association and Protection of the Right to Organise Convention, 1948, 
http://www.ilo.org/ilolex/cgi-lex/convde.pl?C087

ILO Convention 98, Right to Organise and Collective Bargaining, 1949, 
http://www.ilo.org/ilolex/cgi-lex/convde.pl?C098

ILO Convention 144, Tripartite consultation, 1976, 
http://www.ilo.org/ilolex/cgi-lex/convde.pl?C144

ILO Convention 154, Collective Bargaining, 1981, 

ILO Recommendation 152, Tripartite Consultation, 1976, 
http://www.ilo.org/ilolex/cgi-lex/convde.pl?R152

ILO Recommendation 091, Collective Agreements, 1951, 
APPENDIX 3: The challenges regarding European Sectoral Social Dialogue

Slide 1

The challenges regarding European Sectoral Social Dialogue

ITC-ILO Conference, Brussels, 14 September 2012

Norbert Schöbel, Head of Sector
Unit B.1, Social Dialogue, Industrial Relations

www.ec.europa.eu/socialdialogue

Slide 2

European social dialogue: a pillar of Europe’s social model

What is European social dialogue?
- discussions, consultations, negotiations and joint actions
- undertaken by the social partner organisations
- representing the two sides of industry ("management and labour", i.e. employers’ and trade union organisations)
- at European level
Appendices

Slide 3

European social dialogue: a pillar of Europe’s social model

- LEGISLATION: Working conditions, Health and Safety, Gender equality, etc.
- OPEN METHOD OF COORDINATION: Employment, Social Inclusion/Protection
- EUROPEAN SOCIAL FUND: EGF, PROGRESS

Slide 4

European social dialogue: a pillar of Europe’s social model

**Strong institutional recognition**

- **Art. 152 TFEU**: Union recognises and promotes the role of social partners at Union level + Tripartite Social Summit

- **Article 154**: promotion of **consultation** of European social partners by the Commission + balanced support for their dialogue

- **Article 155**: agreements concluded by social partners
European social dialogue: a pillar of Europe’s social model

- Social partners contribute to defining European social standards
  - European social partners are involved in the European policy-making process:
    - Social partner consultations
    - Increased consultation of sectoral dialogue committees in the Commission’s impact assessment process
  - Outcomes of their autonomous dialogue

- Social Dialogue complements the national practices of social dialogue and industrial relations

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European social dialogue: a pillar of Europe’s social model

Consultation and negotiation procedure in accordance with Articles 154 and 155 TFEU

Social Partners → Commission → Council / Parliament

- Negotiation
- Initiatives
- Consultation
- Agreement
- Implementation
- Adoption

- Post-consultation on possible decisions
- Consent of the European Parliament
- Council consultation on the content of the envisaged proposal
- Adopted proposal
- Legislative proposal
- Agreement
- Adoption
- Final adoption in the Council
- Adoption in the European Parliament

Social Europe
Slide 7

European social dialogue: forms

European Social Dialogue

Bipartite Dialogue
Employers – Trade Unions

Cross-industry Social Dialogue Committee
Covering the economy as a whole: workers (ETUC) and employers (BUSINESS EUROPE, EURADIE, CEEP)

Sectoral Social Dialogue Committees
Covering workers and employers of 41 specific sectors of the economy

Tripartite Concertation
Public Authorities
Commission, Council + Trade Unions + Employers

Tripartite Social Summit for Growth and Employment
(Art. 122 TFEU)

Slide 8

Level of bargaining

National or tripartite
sectoral
country
Slide 9

European social dialogue: actors

1. Cross-industry – general social partner organisations
   - BusinessEurope
   - CEEP
   - CES ETUC
   - ITF

2. Cross-industry – organisations representing certain categories of workers or undertakings
   - UBAPME
   - Eurocadres
   - CEC

3. Sectoral social partner organisations
   - 63 sectoral employer’s organisations
   - 15 sectoral worker’s organisations

Slide 10

European sectoral social dialogue

• Legal basis: Commission Decision of 20 May 1998 “on the establishment of Sectoral Dialogue Committees promoting the Dialogue between social partners at European level” (98/500/EC)

• Criteria for a new committee (Article 1)
   - Organisations on both sides must:
     - relate to specific sectors or categories and be organised at European level;
     - be composed of organisations that are part of the social partner structures in the Member States;
     - have the capacity to negotiate agreements;
     - be representative of several Member States;
     - have adequate structures to ensure effective participation in the work of the committee.
Slide 11

**European sectoral social dialogue**

Establishing a new SSDC: steps

- Joint request by the social partners, addressed to Commissioner EMPL, explaining the reasons of the request to create a SSDC, may include draft work programme
- Acknowledgement of receipt by Commissioner, with questionnaire that will allow for assessing representativeness of social partners
- Assessment by the Commission whether all criteria are fulfilled, including representativeness, on the basis of questionnaire
- Acceptance/refusal of creation SSDC by Commissioner
- Formal representativeness study by the European Foundation for the Improvement of Living and Working Conditions (Eurofound, Dublin)

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Slide 12

**European sectoral social dialogue**

Establishing a new SSDC: assessment by EC

- Do the organisations relate to a specific sector, defined according to the standard NACE classification of economic activities?

- Representativeness
  - Do the organisations’ domains embrace potentially all employees in the corresponding sector:
    - all groups of employees
    - all types of economic activities
    - all types of companies
    - companies of all sizes
  - Are there other social partner organisations at national and EU level in the relevant sector?
European sectoral social dialogue

- 41 committees
- 145 million workers covered
  - three quarters of the EU workforce
  - > 6 million undertakings
- 667 texts (until 2011)
  - Joint opinions and tools
  - Process-oriented texts
  - 20 agreements (7 cross-industry, 13 sectoral)
    - 9 autonomous agreements
    - 9 implemented via EU Directives (2 more to be implemented)

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European sectoral social dialogue

<table>
<thead>
<tr>
<th>Natural resources sectors</th>
<th>Agriculture</th>
<th>Extractive industries</th>
<th>Sea fisheries</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacturing sectors</td>
<td>Chemical industry</td>
<td>Construction</td>
<td>Electricity</td>
</tr>
<tr>
<td></td>
<td>Footwear</td>
<td>Furniture</td>
<td>Gas</td>
</tr>
<tr>
<td></td>
<td>Paper industry</td>
<td>Shipbuilding</td>
<td>Steel</td>
</tr>
<tr>
<td></td>
<td>Sugar</td>
<td>Tanning and leather</td>
<td>Metal</td>
</tr>
<tr>
<td></td>
<td>Textile and clothing</td>
<td>Woodworking</td>
<td>Food and Drinks</td>
</tr>
<tr>
<td>Services sectors</td>
<td>Audiovisual</td>
<td>Banking</td>
<td>Central government administrations</td>
</tr>
<tr>
<td></td>
<td>Civil aviation</td>
<td>Contract catering</td>
<td>Education</td>
</tr>
<tr>
<td></td>
<td>Industrial cleaning</td>
<td>Commerce</td>
<td>Hotel and Restaurant</td>
</tr>
<tr>
<td></td>
<td>Hospitals and Healthcare</td>
<td>Inland waterways</td>
<td>Insurance</td>
</tr>
<tr>
<td></td>
<td>Live performance</td>
<td>Local and regional government</td>
<td>Personal services / Hairdressing</td>
</tr>
<tr>
<td></td>
<td>Postal services</td>
<td>Private security</td>
<td>Professional football</td>
</tr>
<tr>
<td></td>
<td>Railways</td>
<td>Road transport</td>
<td>Maritime transport</td>
</tr>
<tr>
<td></td>
<td>Telecommunications</td>
<td>Temporary agency work</td>
<td></td>
</tr>
</tbody>
</table>
**Slide 15**

**European sectoral social dialogue**

**Sectors not (yet) covered**
- legal, business, marketing, office support services (7 m)
- social work (4.3 m)
- household work, domestic personnel (2.4 m)
- information and communication technology services (2-2.5 m)
- financial broker and real estate activities (2 m)
- science, research & development (1.4 m)
- sports and recreation activities (1.1 m)
- waste collection (1 m)
- water collection and supply (0.5 m)
- extraction and manufacture of petroleum (0.3 m)
- print/graphical (0.85 m)

**Slide 16**

**European sectoral social dialogue**

**Social Partners**
"Autonomy and responsibility"

**Social Dialogue Committee**

- Decide on the rules of procedure of their dialogue (objectives, preparation, presidency…)
- Decide on the level and rhythm of their dialogue (number and type of meetings)
- Decide on the content of their dialogue (meeting agenda)
- Decide on the outcome of their dialogue (instruments)
European sectoral social dialogue

Commission

- Driver (Art. 154 consultations)
- Facilitator (meetings)
- Support (technical & financial)

➔ pro-active and reactive/supportive role

Support by the European Commission

- Neutral chairperson or other role, if requested
- Preparation of meetings, jointly with the European secretariats
- Reimbursement of travel cost, rooms, interpretation
- Minutes; publication of results; (translation)
- Cooperation with the other relevant services for effective information and consultation
- Social dialogue budget support for social partners’ projects in relation to work programme; negotiations; EU-level capacity-building (alternatively ESF for national actions)
- Organisation of Liaison Forum; promotion and support of cross-sectoral activities
Slide 19

Typology of European social dialogue outcomes

- Agreements establishing minimum standards
- Framework agreements
- Autonomous agreements
- Implementation reports
- Frameworks of action
- Guidelines and Codes of conduct
- Policy orientations
- Follow-up reports
- Joint opinions
- Declarations
- Information Dissemination
- Tools

Slide 20

European social dialogue outcomes – cross-industry

**Cross-industry agreements implemented by Directive**
- Parental leave – 1995 / 2009 (revision)
- Part-time work – 1997
- Fixed-term work – 1999

**“Autonomous” agreements implemented by cross-industry social partners**
- Telework – 2002
- Work-related stress – 2004
- Harassment and violence at work – 2007
- Inclusive labour markets – 2010
Slide 21

European social dialogue outcomes: sectoral

Agreements
- Railways – Agreement on some aspects of the organization of working time (Directive; 1998)
- Maritime transport – European agreement on the organization of working time of seafarers (Directive; 1998)
- Civil aviation – European agreement on the organization of working time of mobile staff in civil aviation (Directive; 2000)
- Railways – Agreement on certain aspects of the working conditions of mobile workers assigned to interoperable cross-border services (Directive; 2004)
- Railways – Agreement on the European licence for drivers carrying out a cross-border interoperability service (autonomous; 2004)
- Multi-sectoral – Agreement on Workers Health Protection through the Good Handling and Use of Crystalline Silica and Products containing it (autonomous; 2008)
- Railways – Joint declaration on the application of the CER-ETF Agreement on a European Locomotive Driver’s License (autonomous; 2009)
- Personal services – European agreement on the implementation of the European Hairdressing Certificates (autonomous; 2009)
- Hospitals – Framework agreement on prevention from sharp injuries in the hospital and healthcare sector (Directive; 2009)

Slide 22

The recent EU social partners sectoral agreements

- 3 agreements for which implementation by EU legislation is requested/expected by EU social partners:
  - European agreement concerning certain aspects of the organisation of working time in inland waterway transport - Signed on 15 February 2012
  - European framework agreement on the protection of occupational health and safety in the hairdressing sector - Signed on 26 April 2012
  - Agreement between the European social partners in the Fisheries sector concerning the implementation of the Work in Fishing Convention, 2007 (C188) of the International Labour Organization - Signed on 21 May 2012

- 1 agreement to be implemented autonomously by EU social partners and their national affiliates:
  - Minimum requirements for standard player contracts in the professional football sector - Signed on 19 April 2012
Slide 23

European social dialogue outcomes: sectoral

Process-oriented texts
- EPSU- HOSPEEM code of conduct and follow up on Ethical Cross-Border Recruitment and Retention in the Hospital Sector (2008)
- Multi-sectoral guidelines on third-party violence and harassment at work (2010)
- Education – Joint Guidelines on Trans-regional cooperation in Lifelong Learning among education stakeholders (2011)
- Framework of Actions on Gender Equality (audiovisual sector, 2011)

Joint opinions and tools
- Common posting database in construction
- Qualification and skills passports in hospitality sector

Slide 24

ESD outcomes (SD texts database)
Slide 25

ESD outcomes (SD texts database)

Average number of texts/year per sector (1998-2011)

Slide 26

Challenges of European social dialogue

- Actively involving all national social partners
  - Is essential to ensure the European social dialogue process:
    - Is legitimate
    - Achieves effective outcomes and follow-up at national level
  - European social partners have made progress, but more remains to be done

- Consultation and administrative capacity
  - European social partners are involved in the European policy-making process
  - Requires capacity to coordinate among their members and to deliver timely reactions
  - Capacity depends on that of their national affiliates
**Slide 27**

**Challenges of European social dialogue**

- **Capacity to negotiate agreements at European level**
  - One of the conditions for participation in a sectoral dialogue committee
  - The potential offered by the institutional framework to sectoral negotiation is not yet fully exploited
  - Commission provides technical and financial support to negotiations, as well as legal advice upon request

- **Capacity to implement agreements**
  - Most European sectoral social partner organisations have limited capacity to influence their national affiliates
  - Follow-up at national level depends on:
    - Effective involvement of national sectoral social partners in EU dialogue
    - Interaction between the EU social dialogue mechanisms and national industrial relations systems
    - Representativeness of social partners

**Slide 28**

**Specific challenges for "New" Member States**

- **Structural weaknesses at national level**
  - Historical reasons (transitions of societies; privatisations; structure of employers’ organisations; tripartite social dialogue)
  - Social partner often have not the "capacity" to participate in capacity-building measures

- **Specific sectoral weaknesses at EU level**
  - E.g. social dialogue at company level

- **Potential for adaptations!**
  - E.g. EU Industrial Policy recognises more and more the sectoral level – Supporting structures need to be identified!
**European social dialogue: other support by the European Commission**

**Budget lines to support social dialogue and improve expertise**

- **Budget heading 04 03 03 01 – Industrial Relations and Social Dialogue**
  - **EUR 16 500 000 (2011)**
  - **Objectives**
    - Support to European social dialogue at the cross-industry and sectoral levels
    - Improving expertise in the field of industrial relations
  - **Activities**
    - Project grants (80-85/year)
    - Social dialogue meetings
    - Studies, publications
    - Information and communication
    - Conferences
    - Joint work with ILO

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**European social dialogue: other support by the European Commission**

**Budget lines to support social dialogue and improve expertise**

- **Budget heading 04 03 03 02 – Information and training measures for workers’ organisations**
  - **EUR 17 000 000 (2011)**
  - Project grants (20-25/year)
  - Operational grants ETUI, EZA

- **Budget heading 04 03 03 03 – Information, consultation and participation of representatives of undertakings**
  - **EUR 7 500 000 (2011)**
  - Project grants
European social dialogue: other support by the European Commission

**European Social Fund**
- Supports initiatives aimed at strengthening the administrative capacity of social partner organisations in Member States (national actions)

**Instrument for Pre-Accession Assistance (IPA)**
- Helps potential candidate and candidate countries in their quest to join the EU
- Relevant components:
  - Transition Assistance and Institution Building
  - Human Resources Development

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Slide 32

European social dialogue on the internet

European social dialogue on the internet

Social Dialogue texts database:

Thank you for your attention!
APPENDIX 4: Comparison of five conflict management strategies

Slide 1
Comparison of conflict strategies
- High Importance
  - competing
  - collaborating
- Low Importance
  - avoiding
  - compromising
  - accommodating

Slide 2
Collaborating
- is both assertive & co-operative
- value own goals & relationships
- view conflict as problems to be solved
- seek solution to achieve goals for both
- can improve relationships by reducing tension
- attempt to work with other to find solution to satisfy both

Slide 3
Competing
- is assertive & uncooperative
- win/lose and be winner
- power-oriented: forces one to accept their solution
- goals are more important than relationship
- do not care if others like/accept them
- win by attacking, overpowering, overwhelming & intimidating others
- might mean: standing up for own rights; defending a position you believe is correct or trying to win

Slide 4
Avoiding
- is unassertive & uncooperative
- does not pursue his/her own concerns or the others
- does not address conflict: easier to withdraw (physically & psychologically) than to face it
- may side-step the issue, postpone it for later or withdraw
- believe it is hopeless to resolve conflict & feels helpless

Slide 5
Accommodating
- unassertive & co-operative
- neglects own concerns to satisfy others
- element of self-sacrifice (own goals are of little importance)
- want to be accepted and liked by others
- think conflict should be avoided in favour of harmony
- may obey another person when would prefer not to

Slide 6
Compromising
- is intermediate in both assertive & co-operativeness
- seek solution where both sides gain something
- falls on middle ground between competing & accommodating - gives up more than collaborating but less than accommodating
- willing to sacrifice part of their goals & relationships to find common ground
- addresses issue more directly than avoiding
- might mean splitting the difference, exchanging concessions, or seeking a quick middle-ground position