

MUNI
LAW

European Social Dialogue

European Social Partners
European Social Dialogue
Framework Agreements

Social Dialogue

- Any communication activity involving social partners intended to influence the arrangement and development of work related issues.
- Forms of social dialogue:
 - Bilateral
 - Trilateral (Workers + Employers + Public Authority)
- Levels of social dialogue:
 - Company
 - Branch/Sectoral
 - Regional
 - National
 - European/International

Parties to the European Social Dialogue

- Representatives of workers and employers, who operate one the European level.
- Workers' side: ETUC
- Employers' side:
 - CEEP
 - BUSINESSEUROPE
 - UEAPME

History of the European Social Dialogue

- 1986 – The Single European Act:
 - Social dialogue recognised in the EC Treaty
 - Bipartite documents with no legally binding force
- 1991 – Protocol on Social Policy
 - Annexed to Maastricht Treaty
 - Formal recognition of the right of the European social partners to negotiate binding framework agreements
- 2001 – Autonomous Social Dialogue

Instruments of the European Social Dialogue

- Framework of Actions
- Joint texts
- Resolutions
- Agreements

Legal Basis of the European Social Dialogue

- Articles 154 and 155 TFEU
- Procedures of involvement of the European Social Partners to the legislation process:
 - Consultation
 - Direct regulation via Agreement

Consultation procedure

- European Commission must consult management and labour:
 - every proposal in social policy field
 - content of the proposal
- Consultation may lead to the adoption of opinions or recommendations.
- European Social Partners must be asked if they want to regulate the issue by agreement.

Autonomous agreement

- If Social partners wishes so, the negotiation procedure is launched.
- They are given 9 months.
- If they fail to reach an agreement, the procedure falls back to the Commission.
- If they success, their agreement is legally binding

Implementing of Agreements

- Two possible ways of implementation:
 - transformation into a directive
 - autonomous way
- If the first way was chosen, Council is asked to issue a Directive by Commission and Social partners. Council must decide and approve.
- Agreements concluded within 1995 and 2004 were usually implemented via Council decision as directives.

Agreements which have become directives

- 1995 – Framework Agreement on Parental Leave
- 1997 – Framework Agreement on Part-time Work
- 1999 – Framework Agreement on Fixed-term Work
- 1998 - European Agreement on the Organisation of Working Time of Seafarers
- 2000 - European Agreement on the Organisation of Working Time of Mobile Workers in Civil Aviation
- 2004 - European Agreement on the Certain Aspects of the Working Conditions of Mobile Workers Assigned to Interoperable Cross-Border Services

Autonomous implementation

- Based on practices specific for social partners (especially collective bargaining).
- Social partners themselves are obliged to perform the content of the agreements without any necessary action taken by Council or Commission.
- Agreements are called Autonomous Agreements.

Autonomous Agreements

- 2002 - Framework Agreement on Telework: Jose Maria
- 2004 - Framework Agreement on Work-Related Stress
- 2007 - Framework Agreement on Harassment and Violence at Work
- 2010 - Framework Agreement on Inclusive Labour Markets of 2010.