



SOCIAL DIALOGUE

Social dialogue is a fundamental component of the European social model. It enables the social partners (representatives of management and labour) to contribute actively, including through agreements, to designing European social and employment policy.

LEGAL BASIS

Articles 151-156 of the [Treaty on the Functioning of the European Union](#) (TFEU).

OBJECTIVES

Under Article 151 TFEU, the promotion of dialogue between management and labour is recognised as a common objective of the EU and the Member States. The aim of social dialogue is to improve European governance through the involvement of the social partners in decision-making and implementation.

ACHIEVEMENTS

A. Development of (bipartite) social dialogue at EU level

According to the 1957 Treaty of Rome, one of the Commission's tasks was to promote close cooperation between Member States with regard to the right of association and collective bargaining between employers and workers. It took many years, however, for this provision to be implemented.

The Val Duchesse social dialogue process, initiated in 1985 by Commission President Jacques Delors, aimed to involve the social partners, represented by the European Trade Union Confederation (ETUC), the Union of Industries of the European Community (UNICE) and the European Centre of Public Enterprises (CEEP), in the internal market process. A number of joint statements on employment, education, training and other social issues resulted from this process.

In 1986, the [Single European Act](#) (Article 118b) created a legal basis for the development of 'Community-wide social dialogue' and European social dialogue began to take shape, firstly with the establishment of a steering committee, which in 1992 became the Social Dialogue Committee (SDC) — the main forum for bipartite social dialogue at European level. The SDC meets three to four times a year.

In 1991, UNICE, ETUC and CEEP adopted a joint agreement calling for mandatory consultation of the social partners on legislation in the area of social affairs and for a possibility for the social partners to negotiate framework agreements at Community



level. This request was acknowledged in the Agreement on Social Policy annexed to the Maastricht Protocol on Social Policy, which was signed by all Member States. At national level, the social partners were thereby given the opportunity to implement directives by way of collective agreement.

The [Treaty of Amsterdam](#) (1997) incorporated the Agreement on Social Policy, finally establishing a single framework for social dialogue in the EU. Cross-industry results of this process were the framework agreements on parental leave (1995), part-time work (1997) and fixed-term work (1999), all of which were implemented by Council directives.

The [Lisbon Treaty](#) (2009) further underlined the role of the social partners (Article 152 TFEU), emphasising the need to facilitate dialogue while respecting their autonomy and diversity.

However, with the economic and financial crisis, social dialogue came under increased pressure and at the same time was weakened by its decentralisation, a decline in bargaining coverage and state intervention in the area of wage policy. Against this background, and given that the Member States in which the social partnership is strongest have been the most successful in overcoming the crisis, Commission President Juncker announced a 'new start for social dialogue' at a high-level conference in March 2015. In June 2016, a quadripartite agreement which reaffirmed the fundamental role of European social dialogue in the EU's policy-making process, including in the European Semester, was signed by the social partners, the Commission and the Presidency of the Council of the European Union. At the Social Summit for Fair Jobs and Growth held in Gothenburg in November 2017, Parliament, the Commission and the Council proclaimed the [European Pillar of Social Rights](#). It provides, inter alia, for respect for the autonomy and the right to collective action of social partners and recognises their right to be involved in designing and implementing employment and social policies, including by means of collective agreements.

B. Achievements of social dialogue at EU level

Under Article 154 TFEU, **the** Commission must consult the social partners before taking any action in the field of social policy. The social partners may then choose to negotiate an agreement among themselves instead. They have nine months to negotiate, after which they may:

1. Conclude an agreement and jointly ask the Commission to propose a Council implementing decision, or
2. Conclude an agreement and implement it themselves, in accordance with their own specific procedures and practices and those of the Member States ('voluntary' or, later on, 'autonomous' agreements), or
3. Decide that they are unable to reach an agreement, in which case the Commission resumes work on the proposal in question.

Article 153 TFEU also gives Member States the possibility to entrust the social partners with the implementation of a Council decision adopted on the ratification of a collective agreement signed at European level.



From 1998, following [Commission Decision 98/500/EC](#) of 20 May 1998, sectoral social dialogue was also vigorously developed. Several committees that were created in the main economic fields produced valuable results. Three European agreements on the organisation of working time for seafarers (1998), on the organisation of working time for mobile workers in civil aviation (2000) and on certain aspects of the working conditions of mobile workers in interoperable cross-border services in the railway sector (2005) were concluded and implemented by means of Council decisions. The [Agreement on Workers' Health Protection through the Good Handling and Use of Crystalline Silica and Products containing it](#), signed in April 2006, was the first multi-sector agreement. Other sectoral agreements followed and were implemented by means of Council directives: an agreement on certain aspects of the organisation of working time in inland waterway transport ([Council Directive 2014/112/EU](#)); an agreement on the protection of health workers from injuries and infections caused by medical sharps ([Council Directive 2010/32/EU](#)); an agreement in the sea fisheries sector ([Council Directive 2017/159](#)); and an agreement between social partners in the maritime transport sector ([Council Directive \(EU\) 2018/131](#)).

However, for other agreements, the Commission decided not to propose a Council decision.

In April 2012, the social partners in the hairdressing sector concluded an agreement on health and safety guidance for hairdressers and requested a Council implementing decision. This was opposed by some Member States, however. In June 2016, the hairdressing sector signed a new European framework agreement on occupational health and safety, again requesting implementation by means of a Council decision. Citing the better regulation agenda, the Commission decided to conduct a proportionate impact assessment before proposing a Council decision. In an open letter to President Juncker, the social partners objected to the use of the impact assessment process to justify not referring the agreement to the Council. In early 2018, the Commission informed the social partners that it would not propose a Council decision and proposed instead to support the autonomous implementation of the agreement through an action plan. The social partners agreed but reserved the right to request a Council decision at a later stage if the results were not satisfactory.

On 5 March 2018, the Commission informed the central government social partners that it would not propose their 2015 agreement on information and consultation rights to the Council for implementation as a directive ([2.3.6](#)). Following legal action by the EPSU (European Public Service Union), the European Court of Justice ruled on 24 October 2019 that the Commission's right of initiative entitled it to decide whether or not to make social partner agreements legally binding in all EU Member States.

In line with the second option listed above, the agreement on teleworking (2002) was the first agreement to be implemented as an 'autonomous agreement'. It was followed by other autonomous agreements on work-related stress, on the European licence for drivers carrying out a cross-border interoperability service (both 2004), on harassment and violence at work (2007), on inclusive labour markets (2010), and on active ageing and an intergenerational approach (2017).



Thirdly, in a number of cases, the social partners were unable to reach agreement. For example, negotiations on a framework agreement on temporary agency work ended in failure in May 2001. Thus, in March 2002 the Commission proposed a directive based on the consensus that had emerged among the social partners, and in 2008 the Temporary Agency Work Directive ([Directive 2008/104/EC](#)) was adopted. Similarly, after the social partners expressed their unwillingness to engage in negotiations, the Commission proposed a revision of the Working Time Directive ([Directive 2003/88/EC](#)) in 2004. Parliament, the Commission and the Council failed to reach an agreement in 2009 and a year-long negotiation process between the European social partners also broke down in December 2012 due to major differences over the treatment of on-call time. In 2013, the Commission resumed the review and impact assessment process, with a public consultation in 2015 and an implementation report in 2017, as well as an [interpretive communication](#). Some aspects relevant to working time have since been included in other legal acts, such as the Work-Life Balance Directive, the Transparent and Predictable Working Conditions Directive and the proposal for an amended Driving Time Regulation.

C. Tripartite social dialogue

From the very start of European integration, it was deemed important to involve economic and social stakeholders in drawing up Community legislation. The Consultative Committee for Coal and Steel and the European Economic and Social Committee bear witness to this. Since the 1960s, a number of advisory committees have assisted the Commission. From 1970 to 2003, one of the key tripartite social dialogue forums at European level was the Standing Committee on Employment. The standing committee was replaced in 2003 by the Tripartite Social Summit for Growth and Employment. The summit brings together high-level representatives of the incumbent EU Council presidency, the two upcoming presidencies, the Commission and the social partners with the aim of facilitating ongoing consultation. It meets at least twice a year, before the spring and autumn European Council summits.

ROLE OF THE EUROPEAN PARLIAMENT

Parliament has taken the view that social dialogue is an essential element in the traditions of the Member States and has called for a greater role for it at EU level. Parliament's Committee on Employment and Social Affairs has extended frequent invitations to the social partners at EU level to present their views. It has also often reminded the Commission of the need for a coherent EU industrial policy, in which the social partners should play a key role. The Lisbon Treaty introduced the right for Parliament to be informed about the implementation of collective agreements concluded at Union level (Article 155 TFEU) and about Commission initiatives to foster cooperation between the Member States (Article 156 TFEU), including in matters relating to the right of association and collective bargaining.

In the midst of the economic crisis, Parliament pointed out in its [resolution of 6 July 2010 on atypical contracts and new forms of social dialogue](#) that social dialogue is vital in order to achieve the employment targets of the Europe 2020 strategy. In January 2012, it stressed that by prioritising fiscal consolidation, the Annual Growth Survey's



recommendations would hamper not only job creation and social welfare, but also social dialogue. In its [resolution of 13 March 2014 on employment and social aspects of the role and operations of the Troika](#) and again in its [resolution of 15 February 2017 on Single Market Governance within the European Semester 2017](#), Parliament called for reinforcement of the role of social partners in the new economic governance process. Since 2014, their involvement at EU level has increased somewhat, although the picture varies at national level and social partners at both levels consider their involvement to be informative rather than genuinely consultative.

In the same vein, in its [resolution of 19 April 2018 on the proposal for a Council decision on guidelines for the employment policies of the Member States](#), Parliament called on the Commission and the Member States to step up concrete support for genuine social dialogue, going beyond mere consultation. On 16 April 2019, in its [resolution on the new directive on transparent and predictable working conditions](#) and its [resolution on the proposal for a European Labour Authority](#), Parliament reiterated once again that the autonomy of the social partners, their capacity to act as representatives of workers and employers and the diversity of national industrial relations systems should always be respected.

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