1) Social dialogue and collective bargaining as two key concepts

1a) Social dialogue

Social dialogue is defined by the International Labour Organisation (ILO)
- to include 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 and referring "to all dealings between the government and workers' and employers' organizations concerning the formulation and implementation of economic and social policy". Or it may consist of bipartite relations only between labour and management (or trade unions and employers' organisations).
- Concertation 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 all of these.

Pre-conditions of effective social dialogue:
- Respect for the fundamental rights of freedom of association and collective bargaining
- Strong, independent workers' and employers' organisations with the technical capacity and knowledge required to participate in social dialogue
- Political will and commitment to engage in social dialogue on the part of all parties
- Appropriate institutional support

1b) Collective bargaining

Actors and levels of collective bargaining as to the International Labour Organisation (ILO):
- Collective bargaining takes place between an employer, a group of employers or one or more employers' organisations on the one hand and one or more workers’ organisations on the other.
- It may take place at many different levels, with one level sometimes complementing the other: a unit within an enterprise, enterprise level, sectoral, regional and national level.
- Collective bargaining serves a dual purpose:
  o It provides a means of determining the wages and conditions of work applying to the group of workers covered by the ensuing agreement through free and voluntary negotiations between the two independent parties concerned.
  o It also enables employers and workers to define by agreement the rules governing their relationship.

There are legal and structural pre-conditions for collective bargaining to function properly:
- The democratic foundations and the appropriate legal framework with which to ensure independence and the effective participation of social partners are essential.
- If there exists an extension mechanism, the coverage of collective agreements can be extended to those who are not directly involved in collective bargaining.
- A proper enforcement mechanism (legal, regulatory or soft regulations) is essential for collective agreements to become effective.

Sources:
2) European Social Dialogue

a) European Social Dialogue – A key element of the European Social Model

- The European social dialogue is recognised as a pillar of the European Social Model.
  - Acknowledging the autonomy of social partners – i.e. the representatives of management/employers’ organisations and labour/trade unions – and the diversity of industrial relations in Europe, it embodies the principle of social subsidiarity and complements the national practices of social dialogue and industrial relations.
  - It is the essential means by which the social partners contribute to the governance of the European Union and the definition of European social standards.
  - Social dialogue between representative organisations of workers and employers at all levels – company, local, regional, sectoral, national, and European – is generally seen as important for sustainable development, growth and employment creation, business performance and international competitiveness, job quality and good employment practices, as well as efficient and productive industrial relations.

- The EU Treaties stipulate that the European Union recognises and promotes the role of social partners at its level and facilitates dialogue between them.
  - They i.a. entitle social partners to exclusive consultations on policy initiatives in the area of employment and social affairs (Art. 154 TFEU).
  - They also confer upon social partners the possibility to initiate European legislation in this policy area through negotiations that suspend any legislative initiative by the European Commission and agreements that can be transposed into EU law upon their request (Art. 155 TFEU)

Article 154 (ex Article 138 TEC)
1. The Commission shall have the task of promoting the consultation of management and labour at Union level and shall take any relevant measure to facilitate their dialogue by ensuring balanced support for the parties.
2. To this end, before submitting proposals in the social policy field, the Commission shall consult management and labour on the possible direction of Union action.
3. If, after such consultation, the Commission considers Union action advisable, it shall consult management and labour on the content of the envisaged proposal. Management and labour shall forward to the Commission an opinion or, where appropriate, a recommendation.
4. On the occasion of the consultation referred to in paragraphs 2 and 3, management and labour may inform the Commission of their wish to initiate the process provided for in Article 155. The duration of this process shall not exceed nine months, unless the management and labour concerned and the Commission decide jointly to extend it.

Article 155 (ex Article 139 TEC)
1. Should management and labour so desire, the dialogue between them at Union level may lead to contractual relations, including agreements.

b) European Social Dialogue – Typology of texts, instruments and follow-up measures

<table>
<thead>
<tr>
<th>Category of texts</th>
<th>Sub-categories</th>
<th>Follow-up measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agreements (implemented in accordance with Article 154(2): minimum standards*)</td>
<td>Implementation by directives (Article 154)</td>
<td>Implementation reports</td>
</tr>
<tr>
<td></td>
<td>Implementation by social partners (Article 155)</td>
<td></td>
</tr>
<tr>
<td>Process-oriented texts (contain clear provisions and a process to monitor implementation)</td>
<td>Framework of actions, guidelines, codes of conduct, policy orientations</td>
<td>Follow-up reports</td>
</tr>
<tr>
<td>Joint opinions and tools</td>
<td>Declarations, guides, handbooks, websites, tools</td>
<td>No follow-up clauses; promotional activities</td>
</tr>
<tr>
<td>Procedural texts (concern</td>
<td>Rules of procedure, work</td>
<td>No follow-up clauses</td>
</tr>
</tbody>
</table>
Committees focus on a variety of issues, including qualifications, skill needs and mobility of workers, health and safety and the image of the sector or aim at influencing European policies in specific areas of interest to the sector, including ..., health and consumer protection legislation …and public procurement.

There are three main areas where SSDC might seek to take action (as a rule based on a joint work programme): firstly, in involving own members within the sector in the elaboration of joint priorities, views, statements, declarations; secondly in ensuring that the sector’s views are heard beyond the confines of the particular industry as well as in all policy areas, both through consultations and autonomous action; and thirdly, in

3) Sectoral Social Dialogue Committees (SSDC)

Instrument for the benefit of 145 million workers (out of about 185 million in 2008) and more than 6 million undertakings
Currently (early 2014) 43 SSDC are in place

These committees focus on a variety of issues, including qualifications, skill needs and mobility of workers, health and safety and the image of the sector or aim at influencing European policies in specific areas of interest to the sector, including ..., health and consumer protection legislation …and public procurement.

There are three main areas where SSDC might seek to take action (as a rule based on a joint work programme): firstly, in involving own members within the sector in the elaboration of joint priorities, views, statements, declarations; secondly in ensuring that the sector’s views are heard beyond the confines of the particular industry as well as in all policy areas, both through consultations and autonomous action; and thirdly, in
negotiating (framework) agreements, codes of conduct, guidelines, handbooks, framework of actions, etc. all to serve as “policy orientation” and for implementation.

- A first generation of committees involving the social partners at European level stemmed from the advisory and joint committees … as part of the ECSC Treaty and the initial steps towards the Common Market
- A second generation of committees formed in the 1990s … as joint committees or informal working groups, mainly in relation to the creation of the internal market and in response to liberalisation and privatisation and increasing cross-border mobility of workers
- Following the Commission Decision of 20 May 1998 on the establishment of Sectoral Dialogue Committees promoting the dialogue between the social partners at European level (98/500/EC), the then existing 24 first and second generation committees were transformed into European Sectoral Social Dialogue Committees (SSDC)

** Article 1 **

Sectoral Dialogue Committees (hereinafter referred to as ‘the Committees’) are hereby established in those sectors where the social partners make a joint request to take part in a dialogue at European level, and where the organisations representing both sides of industry fulfil the following criteria:

(a) they shall relate to specific sectors or categories and be organised at European level;
(b) they shall consist of organisations which are themselves an integral and recognised part of Member States’ social partner structures and have the capacity to negotiate agreements, and which are representative of several Member States;
(c) they shall have adequate structures to ensure their effective participation in the work of the Committees.

** Article 2 **

Each Committee shall, for the sector of activity for which it is established,

(a) be consulted on developments at Community level having social implications, and
(b) develop and promote the social dialogue at sectoral level.

- Informal Working Groups – involving EPSU – turned into SSDC (as of/after 1998)
  - Electricity 1996 => 2000
  - Local and regional government (LRG) 1996 => 2004; second representativity study 2013/2014, as a decade ago only about half of current EU MS had this status
- SSDC – involving EPSU – set up without having operated Joint Committees, Informal Working Groups or a test phase beforehand
  - Hospitals (and healthcare) 2006; for NACE sectors 86 and 87; NACE rev.2 classes 86-87, and notably NACE rev.2 class 86.1, most closely cover the sector, including hospital, human health and care activities**; representativeness study for EU27 2007
  - Gas 2007
  - [Education: 2010]
- Test phase before formalisation – involving EPSU
  - Central Government Administrations (CGA) (test phase 2008, formalisation 2010)

** NACE: Categories relevant for local and regional government, hospitals and social services

**European Classification of Economic Activities (NACE), 2-digit according to Rev. 2 (2006)**

- O84 - Public administration and defence; compulsory social security
- O84.1 - Administration of the State and the economic and social policy of the community
- O84.11 - General public administration activities
- O84.12 - Regulation of the activities of providing health care, education, cultural services and other social services, excluding social security
- O84.13 - Regulation of and contribution to more efficient operation of businesses
- O84.24 - Public order and safety activities
- O84.25 - Fire service activities
PESSIS 2 Project – Action 2 “National Focus Groups / Round Tables

Summary information on social dialogue, collective bargaining,
EU-level social dialogue and Sectoral Social Dialogue Committees
compiled by Mathias Maucher, EPSU, updated and annotated version 8 July 2014

Q Human Health and Social Work Activities
Q86 Human health activities
Q86.1 Hospital activities
Q86.2 Medical and dental practice activities
Q86.9 Other human health activities
Q87 Residential care activities
Q87.1 Residential nursing care activities
Q87.2 Residential care activities for mental retardation, mental health and substance abuse
Q87.3 Residential care activities for the elderly and disabled
Q87.9 Other residential care activities
Q88 Social work activities without accommodation
Q88.1 Social work activities without accommodation for the elderly and disabled
Q88.9 Other social work activities without accommodation

Employment (2008)
Nr || Sector || Employed || Employees || SELF || WOMEN || TEMP || LOW QUAL || HIGH QUAL
86 Human health activities 12.73 11.31 11% 79% 13% 26% 12% 43%
87 Residential care activities 3.89 3.80 2% 81% 16% 23% 39% 25%
88 Social work activities without accommodation 4.57 4.35 5% 83% 17% 40% 24% 28%

Number of employees in the EU in 2008, by sector (NACE-2)
Nr || NACE class and description || Number of employees (in 1000) || Number of employees (in %)
86 Human health activities 11.405 6.14%
87 Residential care activities 3.780 2.04%
88 Social work activities without accommodation 4.347 2.34%

Sources for sections 2) and 3)

- EC/DG EMPL: European Sectoral Social Dialogue
  http://ec.europa.eu/social/main.jsp?catId=480
- EC/DG EMPL: Social Dialogue Text Database
  http://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=570&furtherPubs=yes
- EC/DG EMPL: Industrial Relations in Europe 2012 [EN], 2013
  http://ec.europa.eu/social/main.jsp?catId=738&langId=fr&pubId=7498
- EC: Commission Staff Working Paper on the functioning and potential of European sectoral
  Via http://ec.europa.eu/social/main.jsp?catId=329&langId=en&furtherPubs=yes
- EC/DG EMPL: European Social Dialogue Newsletter [EN] (5 editions as of June 2014)
  http://ec.europa.eu/social/main.jsp?langId=en&catId=480&newsId=2027&furtherNews=yes
- Eurofound: Dynamics of European Sectoral Social Dialogue, 2009
  http://www.eurofound.europa.eu/publications/htmlfiles/ef0898.htm
- Eurofound: Employment and industrial relations in the health care sector, 2011
  http://www.eurofound.europa.eu/eiro/studies/tn1008022s/index.htm
- Eurofound: Representativeness studies
- Jane Lethbridge: Social dialogue in the hospital sector at EU level, in: Transfer: European