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**on the functioning and potential of  
European sectoral social dialogue**

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## EXECUTIVE SUMMARY

**This document aims to take stock of the main achievements of the European sectoral social dialogue and to review the functioning of the European sectoral social dialogue committees. It highlights the dynamics, outcomes and potential impact of the committees' work since 1998, and identifies possible improvements with a view to extending the scope and quality of the consultation and negotiation processes.**

**Background:** In accordance with the Lisbon Treaty, the Commission is committed to promoting and facilitating European social dialogue at both cross-industry and sectoral levels. The sectoral dimension has a long-standing tradition in the European Member States and is reflected in the structure of the social partners' organisations.

Based on the provisions enacted in the Amsterdam Treaty, in 1998, the Commission set out the framework of European sectoral social dialogue. Subsequently, the Commission has created 40 European social dialogue committees, which now cover 145 million workers in Europe, in sectors of crucial importance (*e.g. transport, energy, agriculture, construction, commerce, fisheries, public services, metal, shipyards, education, etc.*)

European sectoral social dialogue committees are fora for consultations on European policies. They are also tools for autonomous social dialogue among the European social partners who may develop joint actions and conduct negotiations on issues of common interest, thereby contributing directly to shaping EU labour legislation and policies.

The committees work on issues such as occupational health and safety, vocational training, skills, equal opportunities, mobility, corporate social responsibility, working conditions, sustainable development, etc.

**Outcomes and prospects:** The committees have produced various types of outcome, some binding, some not, including agreements implemented through EU legislation. The number of agreed texts with legally-binding effects has been increasing over time (since 2004 alone, four such texts were agreed, the same number of new Directives adopted in the fields of employment and health and safety during that period).

Through their achievements, these committees have contributed to improving European employment and social policies, as well as working conditions in Europe. They have the potential to go on doing so. Indeed, their experience and expertise of economic and social change at sectoral level can help design appropriate industrial policies. They can take part in the negotiation of agreements helping to modernise industrial relations. They can develop their contribution within the 'Europe 2020' strategy framework, thereby strengthening ownership and implementation of the strategy.

If improvements are to be achieved, European sectoral social partners and their national affiliates should continue to pay attention to their administrative capacity, representativeness and delivery. As for the Commission, it should continue its support and carry out closer monitoring, to ensure better synergies between committees and a more significant contribution to European policies.

## 1. INTRODUCTION

The European Union recognises social dialogue as one of the pillars of the European social model, and a tool of social cohesion and resilience. This was confirmed with the entry into force of the Lisbon Treaty. The new article 152 of the Treaty on the Functioning of the European Union highlights the Union's commitment to promoting the role of European social partners, and supporting social dialogue. It also acknowledges the autonomy of European social partners<sup>1</sup>. In addition to cross-industry social dialogue, sectoral social dialogue is an increasing part of this European governance tool.

The consultation dimension of European social dialogue was recognised in the Treaty establishing the European Coal and Steel Community in 1951, and the Rome Treaty in 1957. The negotiation dimension was initiated by the so-called Val Duchesse process<sup>2</sup> in 1985 and further elaborated in the European social partners' agreement on social policy in 1991. This led to the social protocol annexed to the Maastricht Treaty in 1993 and permanently incorporated<sup>3</sup> in the European Treaty in 1997.

As a follow-up, the Commission adopted the Communication on adapting and promoting social dialogue at Community level<sup>4</sup> and the Decision of 20 May 1998, dealing specifically with the sectoral dimension of European social dialogue and creating European sectoral social dialogue committees (*hereafter: 'committees'*). These committees are an arena for trust-building, information sharing, discussion, consultation, negotiation and joint actions.

At the joint request of the European social partners acting in a given sector, the Commission continues to create committees in sectors in which the conditions of the 1998 Decision are met: the European social partners must have national affiliate members in several countries; the affiliates must themselves be recognised as national social partners; (representativeness at national level); they should be able to negotiate and to adopt agreements at European level; (capacity to negotiate); they should have adequate structures and be able to ensure effective participation. Representativeness at European level is based on a combination of these three criteria and regularly monitored by the Commission<sup>5</sup>

The Commission has, so far, created 40 committees. Through their decisions, declarations and agreements, the committees cover almost 145 million employees, i.e. more than three-quarters of the European workforce. They have adopted more than 500 texts<sup>6</sup> of various kinds, binding to lesser or greater degrees, including agreements to be implemented in the Member States, either by European directives or by customary national procedures. The European social partners in the hospitals, maritime transport, civil aviation and railways sectors have

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<sup>1</sup> Article 152 TFEU: *'The Union recognises and promotes the role of the social partners at its level, taking into account the diversity of national systems. It shall facilitate dialogue between the social partners, respecting their autonomy. The Tripartite Social Summit for Growth and Employment shall contribute to social dialogue.'*

<sup>2</sup> 'Val Duchesse' is the term used to describe the emergence of the European social dialogue in the mid-1980s, the inaugural meeting of which was held in the Brussels-based castle of 'Val Duchesse'. This was the result of an initiative taken by Jacques Delors, President of the Commission, in January 1985, to invite the chairs and general secretaries of all the national organisations affiliated to the EU social partners (UNICE (today BusinessEurope), CEEP and ETUC).

<sup>3</sup> Articles 154 and 155 TFEU (former articles 138 and 139).

<sup>4</sup> Commission Communication 'Adapting and promoting the social dialogue at Community level', COM(1998)322final, 20.05.1998, and Commission Decision 98/500/EC annexed to it; OJ L 225, 12.08.1998, p 27.

<sup>5</sup> With the assistance of EUROFOUND and according to a standardised methodology

[http://www.eurofound.europa.eu/eiro/comparative\\_index.htm](http://www.eurofound.europa.eu/eiro/comparative_index.htm)

<sup>6</sup> Social dialogue data base: <http://ec.europa.eu/social/main.jsp?catId=521&langId=en>.

altogether adopted six agreements on working conditions, working time and occupational health and safety which were implemented through Council Directives.

The committees are, first and foremost, fora to discuss and agree on how to improve working conditions and industrial relations in their respective sectors. By doing so, they contribute to the modernisation of economic and social policies. European sectoral social partners have particular expertise in their sectors and in the realities of their workplaces. They are well placed to help respond to issues such as management of change, restructuring, anticipation of skills and training needs, transitions to employment, occupational safety and health, labour market integration, youth employment, equal opportunities and sustainable development, all issues relevant to the 2000-2010 Lisbon strategy, and which will continue to be part of the 'Europe 2020' strategy<sup>7</sup>. This is why the European sectoral social partners are increasingly involved in the European policy-making process.

This Staff Working Document was prepared following a consultation of European social partners in 2009. This consultation produced 54 contributions, which were discussed with sectoral social partners throughout 2009 and 2010. This Staff Working Document takes stock of these discussions and identifies possible improvements with a view to facilitate better functioning of the European sectoral social dialogue committees.

## **2. THE EUROPEAN SECTORAL SOCIAL DIALOGUE COMMITTEES**

### **2.1 Dynamics of the committees**

There are currently 40 European sectoral social dialogue committees<sup>8</sup> and discussions are under way regarding the possible creation of new committees for ports and sport<sup>9</sup>.

A first generation of committees stemmed from the advisory and joint committees, which were created as part of the European Coal and Steel Community Treaty and the initial steps to the Common Market (*steel, mines, agriculture, sea fisheries*). These committees then became sectoral social dialogue committees following the 1998 Decision to do so.

A second generation of committees was set up as the internal market took shape, with greater liberalisation, privatisation and cross-border mobility of workers. Developed in the 1990s as joint committees or informal working groups, this generation of committees was formalised in 1999 (*construction, banking, commerce, insurance, postal services, telecommunications, electricity, live performance*). Since 2000, the model of the European sectoral social dialogue committee has been extended to other sectors, such as hospitals, catering, shipyards, audio-visual, the chemical industry and metal, engineering and technology-based industries. Their main focus has been on issues such as qualifications and the mobility of workers, health and safety, skill shortages, or means of influencing European policies.

Despite big differences among sectors in terms of the extent to which their activities extend across the EU, the size of the organisations involved in them, and the structure of the social

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<sup>7</sup><http://ec.europa.eu/eu2020/>.

<sup>8</sup> This figure comprises also the sector of central administrations which has positively completed its test phase in 2010. See also: Dynamics of European sectoral social dialogue, Eurofound, 2009, <http://www.eurofound.europa.eu/pubdocs/2008/98/en/2/EF0898EN.pdf>.

<sup>9</sup> Social partners in the agro-food industry are also exploring the possibility of a sectoral social dialogue committee following a recommendation of the high level group on the competitiveness of the agro-food industry.

partners' organisations<sup>10</sup>, the committees, created in 1998, have provided a common framework that can host various forms of social dialogue using different working methods and meeting formats.

All the committees have certain elements in common. European organisations which share common objectives, agendas and work programmes, and recognise each other can, if they wish to form a committee, present a joint request to the Commission, which will assess their representativeness. Then it will provide logistical and operational support. For European social partners who want to try out sectoral social dialogue provisionally before making a formal commitment, the Commission has proposed a preliminary test phase. This offers more flexibility, and has been used in the case of *central administrations*.

Such a process helps to integrate the principles of European social dialogue both at European and national level. It contributes to building trust, developing a partnership approach and encouraging appropriate structures with of representative social partners' organisations. A test phase can enable social partners to learn about European policies and to understand the Commission's missions and capacities.

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<sup>10</sup> As for the social partner organisations participating in the committees, the employer's delegations are often represented by several organisations for a single industry (civil aviation or banking). In other sectors of the economy, it is even more complicated, as the employers may represent conflicting market segments (in economic areas that have been privatised). Employers are split among 62 different European sectoral organisations. This situation contrasts with the trade union side, which is much more integrated (17), namely into the European Trade Union Confederation and its big sectoral federations. Moreover, the delegations of the committees may comprise organisations which are recognised as European sectoral social partners by the Commission, and also other social partners' representatives who add complementary representativeness.

**Table 1: Establishment of the European sectoral social dialogue committees (SSDC)**

	Sectors (40)	European sectoral social partners		Informal Structure	Formal SSDC
		Employees (17)	Employers (62)		
1 <sup>st</sup> generation	Steel	EMF	Eurofer	1951*	2006
	Extractive industries	EMCEF	APEP, EURACOAL, UEPG, IMA, Euromines	1952*	2002
	Agriculture	EFFAT	GEOPA/COPA	1964**	1999
	Road transport	ETF	IRU	1965**	2000
	Inland waterways	ETF	EBU, ESO	1967**	1999
	Railways	ETF	CER, EIM	1972**	1999
	Sea fisheries	ETF	Europêche, COGECA	1974**	1999
	Maritime transport	ETF	ECSA	1987**	1999
2 <sup>nd</sup> generation	Sugar	EFFAT	CEFS	1969	1999
	Footwear	ETUF: TCL	CEC	1982	1999
	Horeca/Tourism	EFFAT	Hotrec	1983	1999
	Commerce	UNI europa	EuroCommerce	1985	1999
	Insurance	UNI europa	CEA, BIPAR, AMICE	1987	1999
	Telecoms	UNI europa	ETNO	1990**	1999
	Banking	UNI europa	EBF-BCESA, ESBG,EACB	1990	1999
	Civil aviation	ECA, ETF	ACI-Europe, AEA, CANSO ERA, IACA, IAHA,	1990**	2000
	Cleaning industry	UNI europa	EFCI	1992	1999
	Construction	EFBWW	FIEC	1992	1999
	Textiles/clothing	ETUF:TCL	Euratex	1992	1999
	Private security	UNI europa	CoESS	1993	1999
	Postal services	UNI europa	PostEurop	1994**	1999
	Woodworking	EFBWW	CEI-Bois	1994	2000
	Electricity	EPSU, EMCEF	Eurelectric	1996	2000
	Personal services	UNI europa	Coiffure EU	1998	1999
	Tanning & leather	ETUF:TCL	COTANCE	1999	2001
	Live performance	EAEA	Pearle		1999
Temporary work	UNI europa	Eurociett		1999	
Furniture	EFBWW	UEA, EFIC		2001	
3 <sup>rd</sup> generation	Shipbuilding	EMF	CESA		2003
	Audiovisual	EUROMEI, EFJ, FIA, IFM	EBU, ACT, AER, CEPI, FIAPF		2004
	Chemical industry	EMCEF	ECEG		2004
	Local & Regional Gvts	EPSU	CEMR	1996	2004
	Hospitals	EPSU	HOSPEEM		2006
	Catering	EFFAT	FERCO	1998	2007
	Gas	EMCEF, EPSU	EUROGAS		2007
	Professional Football	FIFPro	EPFL, ECA		2008
	Metal***	EMF	CEEMET	2006	2010
	Paper	EMCEF	CEPI		2010
	Education	ETUCE	EFEE		2010
	Central Administrations	TUNED (EPSU+CESI)	EUPAN	Test-phase (2008-2010)	

\* Advisory committees under ECSC Treaty \*\*Joint committees under Rome Treaty

\*\*\* Metal, Engineering and Technology-Based Industries

## 2.2 Diversity and relevance of outcomes

In its 1998 Communication, the Commission said that European sectoral social dialogue committees were a tool for consultations, negotiations and joint actions. In 2004, the Commission suggested a typology<sup>11</sup> to classify social dialogue outcomes. This emphasised that the added value of a text depends not solely on whether it is binding, but on its operational follow-up and effective implementation.

Outcomes may be:

**(1) agreements** (*whether or not implemented through European directives*) which are binding and must be followed up and monitored, since they are based on Article 155 of the Lisbon Treaty;

**(2) process-oriented texts** (*frameworks of action, guidelines, codes of conduct, policy orientations*), which, albeit not legally binding, must be followed up, and progress in implementing them must be regularly assessed;

**(3) joint opinions and tools**, intended to influence European policies and to help share knowledge.

Most of the texts adopted by European sectoral social dialogue committees consist of technical tools which help to give a European dimension to specific issues (*eg, common website on posting of workers in the construction sector; common vocational CVs in agriculture; a guide and regular reporting on responsible restructuring in the sugar industry, etc*). European sectoral social dialogue has also adopted binding agreements which are implemented by European directives or through internal procedures, both at sectoral and pluri-sectoral level.

The overall functioning of the committees cannot be assessed solely on the basis of the number of texts they produce. Concrete measures taken at national or company level may not always be documented and most outcomes are rather qualitative in nature, aiming to raise awareness, support social dialogue at national/regional or company level, or influence policy-making. Joint texts, presentations of good practice or involvement in common projects (seminars, conferences, studies, workshops) offer opportunities for social partners to learn from one another and to build trust.

Joint opinions and common contributions to consultation have also proved to be powerful instruments for influencing European policies or defending a sector's interest, for instance, in the debates on the directives on posting of workers<sup>12</sup> and on services in the internal market<sup>13</sup> in the construction sector.

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<sup>11</sup> Communication from the Commission *Partnership for change in an enlarged Europe — Enhancing the contribution of European social dialogue* COM(2004) 557 final of 12 August 2004.

<sup>12</sup> Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services.

<sup>13</sup> Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market.

**Table 2: Examples of significant tools and outcomes from the European sectoral social dialogue committees (2006-2010)**

<b>Agriculture</b>	Framework agreement on the reduction of workers' exposure to the risk of work-related musculo-skeletal disorders (2006)
<b>Civil aviation</b>	Guidelines for consultation arrangements for functional airspace blocks (2007)
<b>Commerce</b>	Toolkit on preventing third-party violence in commerce (2009)
<b>Construction</b>	Recommendations on self employment and bogus self employment (2010) Common 'posting database'(2008)
<b>Catering</b>	Common statement on obesity (2007)
<b>Electricity</b>	Toolkit for socially responsible restructuring with a best practice guide (2008)
<b>Gas</b>	Toolkit on demographic change, age management and competencies (2009)
<b>Hospitals</b>	Code of conduct and follow-up on ethical cross-border recruitment and retention (2008)
<b>Cleaning Industry</b>	Manual on ergonomics in cleaning operations (2007)
<b>Insurance</b>	Joint statement on demographical challenges (2010)
<b>Local and regional governments</b>	Guidelines to drawing up gender equality action plans (2007)
<b>Personal services</b>	Agreement on the implementation of European hairdressing certificates (2009)
<b>Private security</b>	European educational toolkit for three private security activities/profiles: 1. Mobile patrolling, 2. Alarm response centres, 3. Airport security (2006)
<b>Railways</b>	The concept of employability in the railway sector — Recommendations (2007) Joint recommendations for better representation and integration of women in the railway sector (2007)
<b>Sea Fisheries</b>	Handbook on prevention of accidents at sea and the safety of fishermen (2007)
<b>Sugar</b>	Fifth implementation report (2007) on the code of conduct on corporate social responsibility
<b>Leather/Tanning Industry</b>	Social and environmental reporting standard (2008)
<b>Telecoms</b>	Diversity at work: review of good practices (2007)
<b>Textile and clothing</b>	Recommendations: how to secure better anticipation and management of industrial change and sectoral restructuring (2008)

**Table 3: European sectoral and pluri sectoral agreements (implemented through EU directives or internal procedures)**

Sectors	Agreements
<b>Hospitals</b>	COUNCIL DIRECTIVE 2010/32/EU of 10 May 2010 implementing the Framework Agreement on prevention from sharps injuries in the hospital and healthcare sector concluded by HOSPEEM and EPSU
<b>Maritime Transport</b>	COUNCIL DIRECTIVE 2009/13/EC of 16 February 2009 implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the <b>Maritime Labour Convention</b> , 2006, and amending Directive 1999/63/EC
	COUNCIL DIRECTIVE 1999/63/EC of 21 June 1999 concerning the Agreement on the organisation of <b>working time of seafarers</b> concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European
<b>Railways</b>	COUNCIL DIRECTIVE 2005/47/EC of 18 July 2005 on the Agreement between the Community of European Railways (CER) and the European Transport Workers' Federation (ETF) on certain aspects of the <b>working conditions of mobile workers</b> engaged in interoperable cross-border services in the railway sector
<b>Civil aviation</b>	COUNCIL DIRECTIVE 2000/79/EC of 27 November 2000 concerning the European Agreement on the Organisation of <b>Working Time of Mobile Workers in Civil Aviation</b> concluded by the Association of European Airlines (AEA), the European Transport Workers' Federation (ETF), the European Cockpit Association (ECA), the European Regions Airline Association (ERA) and the International Air Carrier Association (IACA)
<b>14 industrial sectors</b>	Agreement on workers' health protection through the good handling and use of <b>crystalline silica</b> and products containing it (signed on 25 April 2006)

### 2.3 Adapting to enlargement

In the context of recent enlargements (2004 and 2007), all the European sectoral social partners' organisations have extended their partnership to relevant sectoral social partners in the new Member States.

The Commission is fully aware that promoting European sectoral social dialogue within 27 Member States is a challenge, since European sectoral social partners represent national member organisations that operate in different countries, use different languages, and are subject to different socio-economic realities, in different national industrial relations systems<sup>14</sup>. In addition, the sectoral dimension of collective bargaining was rather under-developed in most new Member States. This is why the Commission has supported European and national social partners' initiatives to improve the administrative capacity of social

<sup>14</sup> Following enlargements, the European social partners have, sometimes, included new actors who do not always have the capacity for collective bargaining.

partners, particularly in the convergence regions, and to promote the extension of European social dialogue in the new Member States<sup>15</sup>.

Actively involving all national social partners is essential to ensure the European social dialogue process is legitimate, and achieves effective outcomes and follow-up at national level in all Member States. European social partners have made progress in ensuring affiliate members from Member States take part in their delegations, but more remains to be done, for example in sectors that are still largely dominated by traditional, and often state owned, economic operators.

### 3. IMPROVING THE CONSULTATION AND NEGOTIATION DIMENSIONS OF THE EUROPEAN SECTORAL SOCIAL DIALOGUE COMMITTEES

#### 3.1 Consultation and administrative capacity of the European social partners

The European social partners are increasingly involved in the European policy-making process.

Under Article 154 of the Lisbon Treaty, European social partners are consulted by the Commission on the principle and content of any European social policy initiative. In recent years, the pace and number of these formal consultations have increased (see annex 2). Moreover, the European social partners are consulted by Commission services dealing with sectoral policies (*such as trade, internal market, education, industrial or transport policies*).

The Commission has developed a methodology and procedure for **Impact Assessment** of all its initiatives. Assessment guidelines include a specific reference to consulting European sectoral social dialogue committees, offering them a new opportunity to contribute towards shaping European policies<sup>16</sup>. If the partners are to be effective in this new role, they have to have the capacity to deliver timely reactions to such consultations.

European sectoral social partners can also play an active role in promoting the networking of national sectoral observatories, other bodies and representatives from education and training providers with the objective to share information and best practice at European level on trends in employment and skills needs (see annex 7). Such Pilot networking projects will be launched soon in some sectors, with the active participation of European social partners. . As a follow-up to the December 2008 Commission Communication on New Skills for New Jobs<sup>17</sup> and in the June 2009 Communication *A shared commitment for employment*.<sup>18</sup>, the

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<sup>15</sup> The European Social Fund (ESF) can significantly support initiatives aimed at strengthening the administrative capacity of social partners' organisations in new Member States. In addition, the Commission budget lines on social dialogue and industrial relations have supported specific projects at sectoral levels.

Round tables and country visits were organised by more than a dozen of the committees (see European Commission's Industrial Relations in Europe 2008 report, chapter 8). With the support of the European Commission, the social partners in the *textile and clothing* and *tanning and leather* sectors carried out two projects, between 2006 and 2008, with a view to encouraging the full participation of the sectoral social partners from new Member States and candidate Countries in the European sectoral dialogue and reinforcing their administrative capacity. These actions concluded with the signature of National Action Plans and their implementation.

<sup>16</sup> [http://ec.europa.eu/governance/impact/commission\\_guidelines/commission\\_guidelines\\_en.htm](http://ec.europa.eu/governance/impact/commission_guidelines/commission_guidelines_en.htm)

To allow a transparent and efficient consultation, the Commission will publish a list of all planned impact assessments, along with the Commission work programme.

<sup>17</sup> *New Skills for New Jobs: Action Now*

<http://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=697&furtherNews=yes>.

<sup>18</sup> COM (2009) 257 final: *A Shared Commitment for Employment*.

Commission explored the possibility of setting up **European Councils on Skills and jobs**. This initiative was also recommended as one of its key actions by the expert group on New Skills for New Jobs<sup>19</sup> and supported the Consultative Commission on Industrial Change at the European Economic and Social Committee<sup>20</sup>.

To respond positively to increasing calls for participation and consultation, European social partners must have the capacity to ensure consultations are coordinated among their members, as well as being able to deliver outcomes and contributions. However, their capacity depends on that of their national affiliates whose strengths and resources may be limited, or whose structures may still be evolving in particular, in the new Member States and in sectors experiencing structural change, including the entry of new actors. It is crucial that national sectoral social partners and authorities develop and assess their own capacity, partly by making full use of European funding from the social dialogue budget headings and the European Social Fund<sup>21</sup>. Given the key role that the European sectoral social partners can play in the policy-making process, this issue of capacity is of utmost importance.

### 3.2 Negotiations and capacity to negotiate agreements

Together with European social legislation, European social dialogue is a major instrument for improving labour standards in the European Union and contributing to modernising labour markets.

Since the Amsterdam Treaty<sup>22</sup>, European social dialogue has had the capacity to be an autonomous source of European social policy legislation. European social partners may adopt agreements that can be implemented through a Council Directive, which makes them legally binding for all employers and workers in Europe once they are transposed into national legislation or collective agreements (*'erga omnes' effect*); they may also adopt autonomous agreements to be implemented through customary national procedures. In the latter case, the agreements are binding only for the signatories and their affiliates (*'relative' effect*).<sup>23</sup>

In its 1998 Communication on European social dialogue, the Commission encouraged the development of joint actions and negotiations at both cross-industry and sectoral level. It particularly highlighted the potential of European sectoral social dialogue. As a result, the capacity to negotiate agreements at European level was included among the conditions for participating in a committee. This negotiation dimension has proved very useful for European sectoral social partners to enable adaptation of general EU working time rules to the specific circumstances in their sectors, such as railways, civil aviation or maritime transport. Sectoral social dialogue negotiations were also launched to prepare for consultations on possible legislative initiatives (*agreements on protection of workers against sharps injuries in*

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<sup>19</sup> *New Skills for New Jobs: Action Now*

<http://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=697&furtherNews=yes>

<sup>20</sup> Exploratory opinion CCMI/68 adopted the 17/02/2010 on *Matching skills to the needs of industry and evolving services — possible introduction of sector-based employment-skills councils at European level*.

<sup>21</sup> Article 5§3 of EC regulation (1081/2006) of 31 July 2007: *'Under the Convergence objective, an appropriate amount of ESF resources shall be allocated to capacity-building, which shall include training, networking measures, strengthening the social dialogue and activities jointly undertaken by the social partners, in particular as regards adaptability of workers and enterprises referred to in Article 3(1)(a)*.

<sup>22</sup> Article 155 TFUE (former article 139).

<sup>23</sup> This option does not exclude the agreement from being applied or transposed, totally or partially, via legislation at the national level: see Commission Staff working Paper of 2 July 2008: Report on the implementation of the European social partners' Framework Agreement on Telework SEC(2008)217.

*hospitals, against silica crystalline dusts in industry, or on the implementation of the ILO maritime convention).*

More recent developments suggest that the number of sectoral agreements may grow even further and that such negotiations are increasingly independent from formal consultations initiated by the Commission. There are negotiations starting or on-going in a range of sectors including personal services, professional football, inland waterways and sea fisheries.

However, sectoral social partners may not yet have fully exploited the potential that this framework offers for sectoral negotiation. For instance, major sectors where large transnational companies are prevalent (*steel, telecommunications, chemical industry, civil aviation*) tend to pay less attention to the European sectoral level because the social partners prefer to negotiate directly at company level, including also within European Works Councils). The public sector was also absent from sectoral negotiations until the benchmark agreement on sharps injuries in the hospital sector, completed in 2009.

To the extent that they are justified on grounds of subsidiarity, flexible regulatory solutions are called for at EU level to tackle the increasing complexity of today's world of work<sup>24</sup>. Issues such as health and safety, working conditions, and working time have clearly in certain cases a specific sectoral dimension. The sectoral social partners' capacity to negotiate balanced compromises and their expertise on the ground can help them to play a very effective role in addressing specific issues at sectoral level when these are common to all, or at least most Member States. The Commission is eager to continue providing technical and financial support to such negotiations whenever it is required. As consistency with European law and quality in legal drafting are particularly important for agreements to be implemented by means of European Directives, the Commission is ready to provide legal assistance during negotiations where appropriate.

#### **4. REINFORCING THE COVERAGE AND REPRESENTATIVENESS OF THE EUROPEAN SECTORAL SOCIAL DIALOGUE COMMITTEES**

##### **4.1 Adapting the scope and size of the committees**

Since 1998, the Commission has been asked to create committees in large economic sectors (*construction, agriculture, postal services, hospitals, education, commerce, metal, engineering and technology-based industries*) as well as in smaller sectors such as shipyards, or micro sectors such as professional football. This highlights the issue of the committees' demarcation. Defining the perimeter of a given sector<sup>25</sup> is all the more difficult since sectoral coverage of social dialogue and collective bargaining vary widely among Member States. Moreover, the structure of committees varies from one sector to another.

The Commission assesses whether the limits of a given sector are relevant with regard to the economic activity involved, and takes into account the institutional configuration of its social partners, bearing in mind that a critical size is needed to achieve concrete results. In practice, the coverage of a sectoral social dialogue committee is closely related to the

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<sup>24</sup> As demonstrated by issues such as health and safety at work or working time, the sectoral dimension is a significant part of this complexity.

<sup>25</sup> Based on the NACE classification, in accordance with the methodological approach adopted by EUROFOUND, which currently conducts the studies on representativeness [http://www.eurofound.europa.eu/eiro/comparative\\_index.htm](http://www.eurofound.europa.eu/eiro/comparative_index.htm).

representativeness of its members<sup>26</sup>. This is why a committee should be as inclusive as possible<sup>27</sup> and as focused as necessary to be relevant for its stakeholders. It should include all relevant partners and ensure adequate representativeness.

This approach to the size of sectors does not prevent the Commission from promoting, on an ad hoc basis, the creation of working groups for addressing sub-sectoral issues (*air traffic management within civil aviation*) or pluri-sectoral issues (e.g. trade policy, sustainability, impact assessments and monitoring mechanisms) or for launching negotiation processes (e.g. *on crystalline silica*<sup>28</sup>) where necessary.

#### **4.2 Involving new players to adapt to change**

The limits of sectors also have to be considered against the background of structural changes affecting economic activities and employment structures as a result of globalisation, market developments and technological change.

Economic and social actors may appear or disappear in any given sector. New operators such as *low-cost companies* in civil aviation, *private operators* in postal services and telecommunications, *rural subcontractors* in agriculture, have appeared in recent years. In the public sector, some organisations underwent privatisation and restructuring. In addition, the structure of social partners' organisations may evolve at both European and national level and lead to the emergence of new or stronger actors. For example, small and medium size enterprises are becoming more interested in European sectoral social dialogue. .

New economic entrants in a market may not necessarily be interested or adequately organised to participate in a social partner's organisation. However, if such new players wish to join European social dialogue and meet the relevant criteria, committees should promote and encourage their involvement in their respective delegations to ensure their composition reflects changes in economic and employment realities. Such new players can complement representativeness in a given sector if new organisations take part in committees, based on mutual recognition and agreement. Simple measures such as invitations to new actors to join and/or attend meetings as full members or observers<sup>29</sup> where appropriate can help to facilitate the integration of all relevant partners. The Commission will be attentive to these developments in its monitoring of the representativeness of the committees while fully respecting the autonomy of social partners.

#### **4.3 Encouraging gender balance**

Some committees have adopted texts and projects on gender equality in the labour market, such as equality action plans or good practice guides for the workplace. But when it comes to taking part in the committees' delegations, women tend to be under represented, given their weight in the sectors involved.

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<sup>26</sup> Employers organisations are generally structured in accordance with a narrow scope while trade unions tend to be organised on a wider basis.

<sup>27</sup> The Commission will, for example, encourage the creation of a large overarching sport committee instead of creating a separate committee per discipline.

<sup>28</sup> European Network for Silica (NEPSI) formed by the Employee and Employer European sectoral associations having signed the Social Dialogue 'Agreement on Workers' Health Protection Through the Good Handling and Use of Crystalline Silica and Products Containing it' on 25 April 2006.

<sup>29</sup> This was done successfully during the drafting of the agreement on the protection of workers against crystalline silica dust in 2006. In some committees or working groups, representatives of special interest groups, SMEs and/or self-employed can also participate as observers.

The situation varies from sector to sector, and is mainly due to the appointment process within national affiliate organisations. However, in line with European policy on gender equal opportunities and non-discrimination<sup>30</sup>, the Commission has invited the European social partners to work with their national affiliates to achieve better gender balance in both participation rates and representation on the boards of committees<sup>31</sup>. In the same spirit, the Commission has invited European social partners to further develop existing actions and to consider new actions to raise awareness and to keep gender equality on their agenda.

## **5. ENHANCING EFFICIENCY OF THE EUROPEAN SECTORAL SOCIAL DIALOGUE COMMITTEES**

### **5.1 Synergies and information between sectors**

The Commission supports and encourages initiatives between committees, and between cross-industry and sectoral European social dialogue. In recent years, these synergies have borne fruit, not just regarding topics discussed, but also with outcomes, notably autonomous agreements. This type of cooperation reinforces the value that European sectoral social dialogue can add, while avoiding duplication of work and divergence of social partners' positions.

Among sectors, a significant breakthrough was achieved in 2006, when 14 industrial sectors concluded an autonomous multi-sectoral agreement on *workers' health protection through the good handling and use of crystalline silica and products containing it*.

The first example of crossover synergy between cross-industry and sectoral social dialogue occurred in tele-working (2002). Telecommunications was the first sector to adopt guidelines, after which a cross-industry agreement was reproduced in various sectors. Following the autonomous agreement on work-related stress (2004), joint texts in private security, construction, electricity, and central administrations directly referred to it.

In 2006, the cross-industry autonomous agreement on violence at work did not set out detailed provisions on violence from third parties (i.e. violence exerted by individuals from outside the enterprise<sup>32</sup>). Commerce, local and regional governments, hospitals and private security sectors subsequently sought to complement the cross-industry agreement from a specific sectoral and/or multi-sectoral point of view. In 2010, they started negotiating a process-oriented text.

In addition to these pluri-sectoral examples, it is worth highlighting the possible transfer of experience between committees. One issue affecting a number of sectors is that of socially responsible public procurement. Several committees worked on this from their own point of view, and the subsequent exchange of experiences resulted in the publication of a series of similar brochures/manuals to guide organisations and public authorities awarding contracts for these sectors.<sup>33</sup> Their experience is relevant for the work of the Commission on social considerations in public procurement. It has also been taken up across a wider range of

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<sup>30</sup> Article 10 TFUE: *'In defining and implementing its policies and activities, the Union shall aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation'*.

<sup>31</sup> The Commission services collect data on gender composition of the committee's delegations.

<sup>32</sup> It can range from abusive behaviour of clients and patients to armed robbery.

<sup>33</sup> Private security (1999), cleaning services (2002), textile and clothing (2005), and contract catering (2006).

sectors.<sup>34</sup> Such cooperation requires a regular flow of information on European sectoral social dialogue activities and monitoring to identify items that are potentially of common interest. One of the Commission instruments to facilitate cross-fertilisation among committees is the Liaison Forum,<sup>35</sup> which brings together representatives of all European sectoral social dialogue organisations four times a year.

Developing synergies among committees and among cross-industry and sectoral social dialogue could usefully contribute to promoting EU employment and social policy objectives, as laid down in article 9 of the Lisbon Treaty.<sup>36</sup>

## 5.2 Effective delivery and better monitoring of implementation

The capacity of European sectoral social dialogue to improve working conditions throughout Europe depends on outcomes being implemented in the workplace. In its Communication of 12 August 2004<sup>37</sup>, the Commission drew European social partners' attention to the need for detailed follow-up and reporting provisions to monitor the impact of their outcomes.

Most European sectoral social partners' organisations are characterised by a low degree of centralisation. They have limited capacity to influence their national affiliates. Follow-up at the national level of dialogue held at the European level depends on involving national sectoral social partners effectively in EU dialogue, and on the interaction between the EU social dialogue mechanisms and various national industrial relations systems. Effective follow-up at national level is also clearly linked to the representativeness of social partners, and this is why it is important that committees are as inclusive as possible, and able to involve new players when relevant: national organisations which are not involved in the work of the committees at European level may not want to implement provisions that they did not contribute to.

Most outcomes of EU sectoral social dialogue are of a 'soft' nature, that is, they aim to raise awareness, disseminate good practice, or help to build consensus and confidence. Results at national level can be evaluated with qualitative indicators, though not with systematic quantitative data.

Regarding the way in which autonomous agreements concluded at EU level are implemented at national level, such agreements commit signatories and their national affiliates to implementation through national arrangements at their initiative (legislation, collective agreements, codes of conduct, joint promotion of tools etc). The obligation to follow up is even stronger when social partners decide to negotiate an agreement that results in a Commission legislative proposal being suspended. This puts pressure on EU social partners to implement such agreements fully and effectively. European social partners need to invest

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<sup>34</sup>See the Commission Staff Working Document on a guide to taking account of social considerations in public procurement ('Buying social!').

<sup>35</sup> The Commission organises this Forum 4-5 times a year and invites to it the Secretaries-General and Presidents as well as other interested members of the European social partner organisations and of the social dialogue committees, both at sectoral and cross-industry level. The main purpose of the Forum is to provide for an exchange of information and experience and enhance synergies across sectors and between sectoral and cross-industry social dialogue.

<sup>36</sup> 'In defining and implementing its policies and activities, the Union shall take into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health'.

<sup>37</sup> See footnote 11.

more in monitoring processes, and to develop relevant indicators to improve implementation and evaluation of their agreed texts.<sup>38</sup>

The Commission can support them through coordination and technical support, including translation in accordance with the original agreed by the national social partners, and with implementation guides, awareness-raising, continuous learning processes, monitoring and reporting by European social partners and the European Commission.

The Commission has a responsibility to monitor the work of sectoral social dialogue committees and to stimulate their activities taking into account the specificities of each sector. The Commission pays attention to issues such as the adoption of an appropriate work programme, appropriate rules of procedure, and meaningful agendas for meetings, as well as action-oriented minutes and conclusions, and their effective follow-up. Experience has shown that committees may experience periods of relative inactivity due to conflicts between social partners or to lack of representativeness. In such cases, the Commission will continue to provide assistance to the committees, while keeping open the possibility of suspending a committee unable to fulfil its obligations.

### **5.3 Better use of European funding**

There is Commission funding to support the launch and functioning of European sectoral social dialogue. This is available for the organisation of meetings, the reimbursement of experts' expenses, and interpretation. The Commission organises more than 180 meetings a year (representing an average of 1-2 plenary meetings and 3-4 working group meetings per committee per year).

The Commission is in favour of using funding in an economic, efficient and effective way. European sectoral social partners are asked to draw up relevant work programmes, agendas, working documents and contributions in due time, to organise effective meetings and to make best use of facilities provided by the Commission (*in terms of information and expertise sharing, interpretation regimes or rooms at the disposal of partners, for example*).

The Commission also supports projects through two budget headings that enable it to fund social dialogue and information and training measures<sup>39</sup> at both European and national level. Sectoral social partners are involved in more than 100 projects. Each year, there are some 30-50 projects involving sectoral social partner organisations and their affiliates.

## **6. CONCLUSION**

This assessment of European sectoral social dialogue over the last 12 years shows the value of its contribution to the European social model. It shows that there is a direct correlation between the effectiveness of national social dialogue and effectiveness at European level, and that each energises the other. It highlights the need for sectoral social dialogue committees to face up to the need to adapt to new challenges and changes in policy.

Sectoral social dialogue committees offer social partners a framework for coordination, joint action and negotiation, and this could be further exploited by all sectoral social partners. To

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<sup>38</sup> For example, those laid down for the implementation of the autonomous agreement on *workers' health protection through the good handling and use of crystalline silica and products containing it*.

<sup>39</sup> Budget heading 04.03.03.01 on Industrial Relations and Social Dialogue,

Budget heading 04.03.03.02 on Information and training measures for workers' organisations.,

boost the consultation dimension committees should be involved more systematically in the impact assessment process. Taking part in sectoral skills councils can help social partners to get involved in joint actions with other partners as a complement to their autonomous dialogue.

To promote the negotiation, dimension the committees provide a flexible tool to address labour issues and solutions tailored to the diversity and complexity of different sectors. The Commission will ensure that its financial and technical support for sectoral social dialogue committees is adequate and proportionate, so that European social partners can deliver high-quality contributions and achieve joint outcomes that are properly implemented and monitored.

To extend the coverage of sectoral social dialogue committees to the whole economy and labour market, the Commission has a flexible, pro-active approach. This highlights the added-value of starting new sectoral social dialogue committees. The Commission has always promoted an inclusive approach to creating EU sectoral social dialogue committees, while respecting the principles of pluralism<sup>40</sup> and the autonomy of social partners. European social partners should adopt measures facilitating the integration of all relevant social partners.

Before starting a new committee, social partners are invited to consider running a test phase. They should assess whether their administrative capacity can cope with more involvement in the EU policy-making process. To reinforce capacity, particularly in new Member States, national sectoral social partners and authorities are invited to make full use of financial support from the social dialogue budget headings and the European Social Fund.

To reinforce the representativeness of European social dialogue, European social partners should review the composition of their committees regularly to ensure they reflect changes in their sector and in the economy as a whole. The development of sectoral social dialogue makes it necessary to step up the rate at which sectoral representativeness studies and updates are carried out to keep pace with developments.

To make European sectoral social dialogue more effective, special attention should be paid to consultation, consistency and synergies among sectors. The Liaison Forum is the appropriate platform for these discussions and exchanges of best practice.

To give visibility to the outcomes of European sectoral social dialogue and to support monitoring of implementation, social partners should make use of all the support available from the Commission. This involves coordination and technical support, awareness-raising and reporting. The Commission regularly presents developments in European social dialogue in its biannual "*Industrial Relations in Europe*" report, and reports to Member States in the Group of Directors-General for Industrial Relations.

The current economic crisis has confirmed the importance of European social dialogue at both cross-industry and sectoral level, as well as the relevance of social partner initiatives tailored to the realities of companies and sectors. As well as cross-industry social dialogue, sectoral social dialogue is particularly relevant, as demonstrated by the work underway in various committees. Sectoral social partners can contribute to this effort.

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<sup>40</sup> The civil aviation committee respects the specificities of ground handling, air traffic management and cockpit crews while ensuring synergies between the sub-sectors.

The Commission will go on supporting such initiatives as part of the Europe 2020 strategy and its mutually reinforcing economic, social, and environmental policies with a view to paving the way for recovery from the current crisis.

## Annex 1

### **European sectoral social partners' organisations consulted under Article 154 (TFEU)**

#### *Sectoral organisations representing employers*

- Association of Commercial Television in Europe (ACT)
- Airports Council International — Europe (ACI-Europe)
- Association of European Airlines (AEA)
- Association of European Professional Football Leagues (EPFL)
- Association of European Public Postal Operators (PostEurop)
- Association of European Radios (AER)
- Association of Mutual Insurers and Insurance Cooperatives in Europe (AMICE)
- Association of National Organisations of Fishing Enterprises in the EU (EUROPECHE)
- Banking Committee for European Social Affairs (EBF-BCESA)
- Civil Air Navigation Services Association (CANSO)
- Coiffure EU
- Committee of Agricultural Organisations in the European Union (COPA)
- Community of European Railway and Infrastructure Companies (CER)
- Community of European Shipyards' Associations (CESA)
- Confederation of European Paper Industries (CEPI)
- Confederation of National Associations of Tanners and Dressers of the European Community (COTANCE)
- Council of European Employers of the Metal, Engineering and Technology-Based Industries (CEEMET)
- Council of European Municipalities and Regions (CEMR)
- Employers' Group of the Committee of Agricultural Organisations in the European Union (GEOPA)
- Euracoal
- Euromines
- European Aggregates Association (UEPG)
- European Apparel and Textile Organisation (EURATEX)
- European Association of Cooperative Banks (EACB)
- European Association of Potash Producers (APEP)
- European Barge Union (EBU)
- European Broadcasting Union (EBU)
- European Chemical Employers Group (ECEG)
- European Club Association (ECA)
- European Community Shipowners Association (ECSA)
- European Committee of Sugar Manufacturers (CEFS)
- European Confederation of the Footwear Industry (CEC)
- European Confederation of Iron and Steel Industries (Eurofer)
- European Confederation of Private Employment Agencies (Eurociett)
- European Confederation of Woodworking Industries (CEI-Bois)
- European Construction Industry Federation (FIEC)
- European Coordination of Independent Producers (CEPI)
- European Federation of Cleaning Industries (EFCI)
- European Federation of Contract Catering Organisations (FERCO)
- European Federation of Education Employers (EFEE)
- European Federation of National Insurance Associations (CEA)

- European Federation of Security Services (CoESS)
- European Furniture Manufacturers’ Federation (UEA)
- European Furniture Industries’ Confederation (EFIC)
- European Hospital and Healthcare Employers’ Association (HOSPEEM)
- European Industrial Minerals Association (IMA)
- European Rail Infrastructure Managers (EIM)
- European Regions Airline Association (ERA)
- European Savings Banks Group (ESBG)
- European Skippers’ Organisation (ESO)
- European Telecommunications Network Operators’ Association (ETNO)
- European Union of the Natural Gas Industry (EUROGAS)
- General Committee for Agricultural Cooperation in the European Union (COGECA)
- Hotels, Restaurants and Cafés in Europe (HOTREC)
- International Air Carrier Association (IACA)
- International Aviation Handlers’ Association (IAHA)
- International Federation of Film Producers’ Associations (FIAPF)
- International Federation of Insurance Intermediaries (BIPAR)
- International Road Transport Union (IRU)
- Performing Arts Employers’ Associations League Europe (PEARLE)
- Retail, Wholesale and International Trade Representation to the EU (EuroCommerce)
- Union of the Electricity Industry (EURELECTRIC)

### *Sectoral European trade union organisations*

- European Arts and Entertainment Alliance (EAEA)
- European Confederation of Independent Trade Unions (CESI)
- European Cockpit Association (ECA)
- European Federation of Building and Woodworkers (EFBWW)
- European Federation of Journalists (EFJ)
- European Federation of Public Service Unions (EPSU)
- European Federation of Trade Unions in the Food, Agriculture and Tourism Sectors and Allied Branches (EFFAT)
- European Metalworkers’ Federation (EMF)
- European Mine, Chemical and Energy Workers’ Federation (EMCEF)
- European Trade Union Committee for Education (ETUCE)
- European Trade Union Federation: Textiles, Clothing and Leather (ETUF:TCL)
- European Transport Workers’ Federation (ETF)
- International Federation of Actors (FIA)
- International Federation of Musicians (IFM)
- International Federation of Professional Footballers’ Associations — Division Europe (FIFPro)
- Union Network International — Europe (UNI europa)
- Union Network International — Media and Entertainment International — Europe (EUROMEI)

## Annex 2

### **Art 154 Sectoral Consultations since 2006 (From database on consultations of the EU social partners)**

<b>Dates</b>	<b>Subject</b>	<b>Social partners contribution</b>	<b>Results</b>
2006	Musculoskeletal disorders	First phase of consultation, 2004	Framework of actions in the <b>agriculture</b> sector, 2006
2006	Strengthening of maritime labour standards	First phase of consultation, 2006	Agreement on <b>Maritime Labour Standards</b> , 2008 implemented through an EU directive, 2009
2006	Blood-borne infections due to needle stick injuries	First phase of consultation, 2006 Second phase, 2007	Framework Agreement on prevention from sharps injuries in the <b>hospital</b> sector, 2009 <i>implemented through an EU directive, 2010</i>
2007	Carcinogens, mutagens and reprotoxic substances	First phase of consultation, 2004 Second phase in 2007	<b>Multisectoral agreement</b> on crystalline silica, 2006
2009	Exclusions from certain directives of seafaring workers	First consultation, 2009	
2009	Exposure to electromagnetic fields at work	First consultation, 2009	
2010	Reviewing the working time directive	First-phase consultation, 2010	

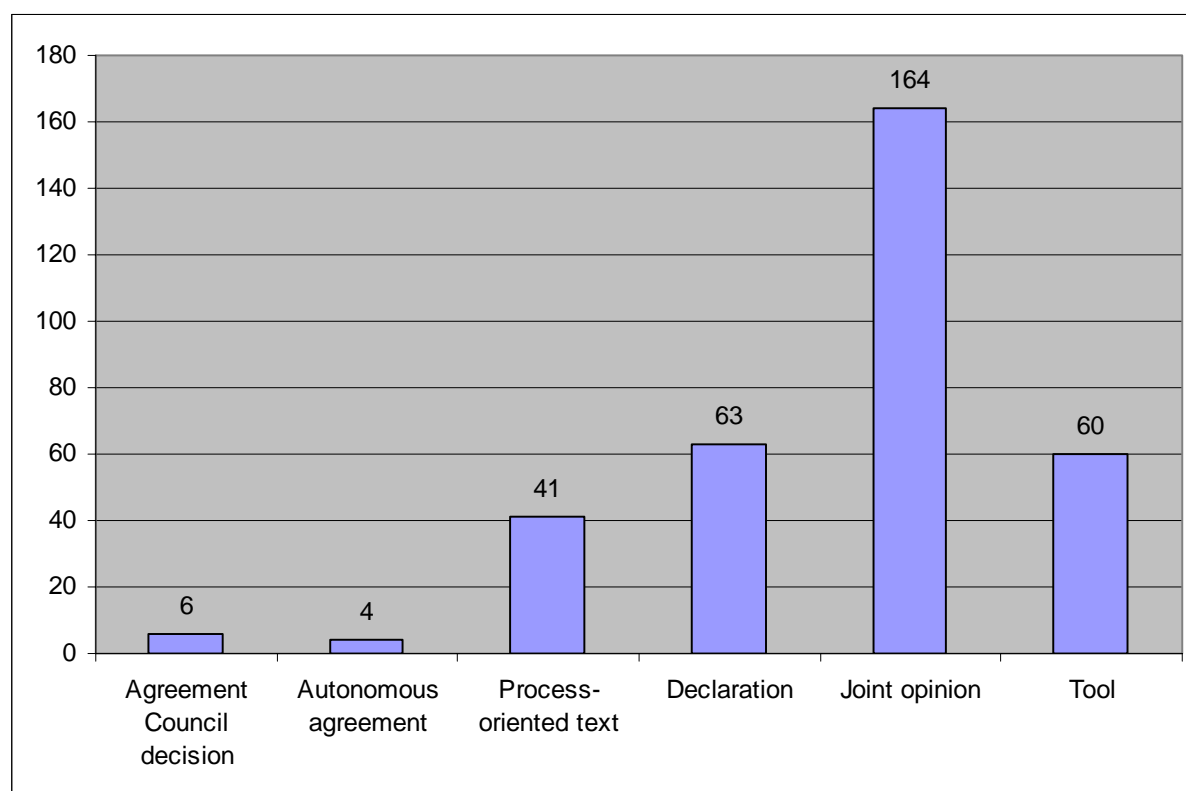
### Annex 3

#### Categories of texts and outcomes of European sectoral social dialogue<sup>41</sup>

Category of texts	Sub-categories	Follow-up measures
<b>Agreements</b>	Implementation by directives Implementation by social partners (Article 155)	Implementation reports
<b>Process-oriented texts</b>	Framework of actions; guidelines, codes of conduct, policy orientations	Follow-up reports
<b>Joint opinions and tools</b>	declarations, guides, handbooks websites, tools	No follow-up clauses Promotional activities

### Annex 4

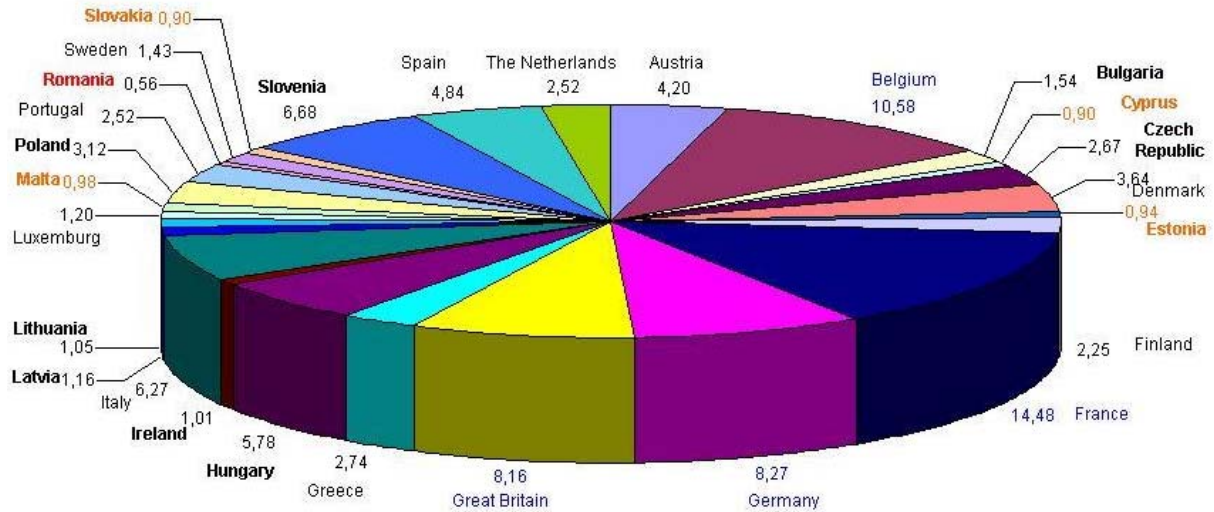
#### Joint outcomes of the European social dialogue committees (1998- February 2010)



<sup>41</sup> This typology does not imply any ranking between outcomes, taking into account that new committees usually first focus on joint opinions and common projects to improve understanding and strengthen trust before envisaging agreements, while long-standing or more experienced committees are more likely to engage in the negotiation of agreements.

## Annex 5

### **Total participation of Member State representatives in delegations taking part in committee plenary meetings (based on 8 sectors, 2005-2008)**



The overall participation graph shows that social partner representatives from the new Member States Cyprus (0.90%), Malta (0.98%), Estonia (0.94%), Romania (0.56%) and Slovakia (0.94%) have participated least in all the plenary sessions analysed, followed by Bulgaria (1.54%), Ireland (1.01%), Lithuania (1.05%), Latvia (1.16%), Luxemburg (1.20%) and Sweden (1.43%). Participation rates have been highest for representatives from Belgium (10.58%), France (14.48%), United Kingdom (8.16%) and Germany (8.27%).

## Annex 6

### **Responsibilities in the implementation process of autonomous agreements and process-oriented texts**

Actors	Responsibilities
National social partners	Main responsibility for implementation Translation (if necessary) Dissemination of autonomous agreement and information Discussions/negotiations between social partners Developing implementing measure Reporting about implementation activities
European social partners	Assistance and advice (e.g. translation, best practices) Coordination and monitoring of activities Yearly progress reports and final implementation reports Interpretation (in case of doubts/requests)
National authorities	Subsidiary role in implementation, e.g. through regulation or legislation (not compulsory)
Commission	Assistance and financial support (if necessary) Monitoring and assessment

## Annex 7

### **European Sector Councils on Jobs and Skills**

#### **Context**

In the December 2008<sup>42</sup> and June 2009<sup>43</sup> Communications, the Commission announced the possibility of providing a framework and financial support to Member States setting up networking projects called "European sector councils on jobs and skills". During 2009, the Commission consulted stakeholders, particularly EU sectoral social partners, about this idea, during sectoral social dialogue committees, at the Liaison forum and during a restructuring forum on 7-8 December dedicated to anticipating skills at sectoral level<sup>44</sup>. Social partners welcomed the idea of reinforced cooperation and exchanging information about skills needed. To assess the feasibility of setting up European sector councils, the Commission launched a feasibility study last year, with a survey and interviews with key stakeholders. Results from the study recommended setting up sector skills councils under certain conditions. In its report<sup>45</sup>, the expert group on New Skills for New Jobs also recommended the creation of EU sector councils to analyse what skills would be needed; to address skills mismatches and to bring updated information and advice to the attention of policymakers and other stakeholders in the field of employment, education and training. This initiative also has the support of the Consultative Commission on Industrial Change at the European Economic and Social Committee<sup>46</sup>.

#### **Objectives**

Companies and workers of a given sector face common challenges across the Union. This applies to anticipating skills and matching them with the requirements of the labour market. There is, however, little or no exchange of information between those who monitor the development of these issues at national level. The Commission therefore wishes to offer support for a platform at sectoral level for social partners and national observatories on skills and employment. This would enable sharing of information and best practice and provide recommendations on quantitative and qualitative trends in employment and skills needs in a given sector, as well as on other issues related to qualifications and competences.

The Commission invites the sectoral social partners to take the lead and engage on a voluntary basis in networking efforts aimed at developing a European sector council in their sector on a voluntary basis. The Commission will provide a framework and financial support for partners inviting in this regard, within the limits of its resources to develop this networking. This support will be conditional on an evaluation of the councils in terms of output, commitment, satisfaction and value-added.

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<sup>42</sup> COM (2008) 868 final: *New Skills for New Jobs — Anticipating and matching labour market and skills needs*.

<sup>43</sup> COM (2009) 257 final: *A Shared Commitment for Employment*.

<sup>44</sup> <http://ec.europa.eu/social/main.jsp?catId=88&langId=en&eventsId=209&furtherEvents=yes>.

<sup>45</sup> *New Skills for New Jobs: Action Now* <http://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=697&furtherNews=yes>.

<sup>46</sup> Exploratory opinion CCMI/68 adopted the 17/02/2010 on *Matching skills to the needs of industry and evolving services — possible introduction of sector-based employment-skills councils at European level*.

### **Structure proposed**

European sector councils would take the form of networks among national observatories on skills and employment, together with European sectoral social partners (or other representative stakeholders) who would chair the council of their sector and be responsible for its day-to-day management. To ensure that skills mismatch issues are adequately addressed, relevant European representatives from education and training organisations should be invited to participate.

### **Timetable and Commission support**

The Commission envisages setting up sector councils in two phases: first, identifying existing national observatories and councils on jobs and skills, and second, setting up the sector council, bringing together these bodies in a network. The first and second phases of the process should be launched in 2010 and 2011 for a limited number of pilot sectors. The Commission also envisages the possibility of supporting the setting up of a transversal council to allow for exchanges among sector councils.

## **Annex 8**

### **Involvement of social partners and sectoral social dialogue committees (SSDC) in the Commission impact assessment procedure**

The annex to the revised Impact Assessment Guidelines<sup>47</sup> contains a specific section on standards for consulting social partners (p. 15, point 5.2). It makes a distinction between initiatives in the field of social policy on the one hand, and social implications for a specific sector on the other. The revised guidelines clarify the need for consultation of existing European sectoral social dialogue committees should there be social implications in the sector concerned:

*Commission Decision 98/500/EC stipulates that each sectoral social dialogue committee, for the sector of activity for which it is established, 'shall be consulted on developments at Community level having social implications'. You should therefore verify whether your initiatives will create social implications for a sector for which a sectoral social dialogue committee exists. If this is the case a consultation of the committee has to be organised with the assistance of the Unit 'Social Dialogue and Industrial Relations' in DG EMPL.*

EU social partners have welcomed the clarification in the revised guidelines regarding the need for timely and systematic information and consultation of SSDCs if there are social implications at sectoral level.

Consultation of sectoral social dialogue committees is complementary to other forms of consultation, notably public consultations, and it differs from wider consultation of other actors in civil society in that social partners engaged in SSDCs are recognised by the Commission as representative actors of the sector concerned. A consultation of an SSDC on an impact assessment would include a definition of the underlying problem, the relevant policy options and an estimate of social and employment impacts of the various options and any relevant accompanying mitigating policy measures.

A possible joint position of the committee on the impact assessment can therefore give a strong, representative indication about realistic policies and their impacts and implementation. It can improve policy-making and facilitate the communication of decisions. Addressing requests to the relevant committees has two advantages. It is a means of obtaining a formal and representative view based on existing social dialogue structures and contributes to the development and policy relevance of European social dialogue at sectoral level.

The consultation of SSDCs in the context of impact assessments is organised on the basis of their existing work programmes and meeting planning, in cooperation with the '*Social Dialogue and Industrial Relations*' Unit of DG EMPL and other Commission services involved. The policy services responsible for the impact assessments take due account of the opinions expressed by the European social dialogue committees in the context of their consultation. To enable transparent and efficient consultation, the Commission will publish a list of all planned impact assessments, along with the Commission work programme.

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<sup>47</sup> See footnote No15.

## Annex 9

### Overview of NACE classifications for the committees

Sector	NACE classification
Agriculture	NACE rev.2 class 01 (mainly equivalent to NACE rev.1.1 class 01) most closely covers the sector, including the growing of crops, fruits and vegetables, the raising of animals, landscape gardening, hunting and related agricultural and animal husbandry service activities, and excluding forestry and logging and related activities, fishing and fish farming and veterinary activities.
Agro-food industry **	NACE rev.2 classes 10-12 (mainly equivalent to NACE rev.1.1 classes 15-16 and 51.3-51.4) most closely cover manufacture of food products, beverages and tobacco products.
Audiovisual services	NACE rev.2 classes 18, 58-60 and 63 (mainly equivalent to NACE rev.1.1 classes 22 and 92) most closely covers the sector, including: printing and publishing activities; the reproduction of recorded media; motion pictures and video, radio and television programme production, distribution and broadcasting activities; recreational, cultural and sporting activities; activities of news agencies.
Banking	NACE rev.2 class 64 (mainly equivalent to NACE rev.1.1 class 65) most closely covers the sector and includes banks, credit institutions and financial service activities other than insurance and pension funds.
Central administration*	NACE rev.2 class 84 (mainly equivalent to NACE rev.1.1 class 75) most closely covers the sector, including general public administration activities, regulation of the activities of providing health care, education, cultural services, compulsory social security and other social services, foreign affairs, defence activities, justice and judicial activities, public order and safety activities, and fire service activities.
Chemical industry	NACE rev.2 classes 20-22 (mainly equivalent to NACE rev.1.1 classes 24-25) most closely covers the sector, including petrochemicals and plastics, specialty and fine chemicals, pharmaceutical products and pharmaceutical preparations, and consumer and other chemicals.
Civil aviation	NACE rev.2 classes 51.1, 51.21 (mainly equivalent to NACE rev.1.1 classes 62.A and 62.2) and NACE rev.2 class 52.2 most closely cover the sector, including scheduled and non-scheduled passenger and freight air transport as well as relevant support activities, ground handling and air traffic management.
Cleaning industry	NACE rev.2 class 81.2 (mainly equivalent to NACE rev.1.1 class 74.7) most closely covers the sector, including: services provided by specialised contractors, building maintenance and associated cleaning, cleaning of trains, buses and planes, waste management services and disinfecting and exterminating activities.
Commerce	NACE rev.2 classes 45-47 (mainly equivalent to NACE rev.1.1 classes 50-52) most closely cover the sector, including retail and wholesale trade including repair and trade of motor vehicles.
Construction	NACE rev.2 classes 41-43 (mainly equivalent to NACE rev.1.1 class 45), covering all forms of building and civil engineering activities as well as specialised construction activities such demolition and site preparation and the renting of construction or demolition equipment with operators.
Contract catering	NACE rev.2 class 56.29 (mainly equivalent to NACE rev.1.1 classes 55.51-55.52) most closely covers the sector, including canteens, catering and other food service activities.
Education	NACE rev.2 class 85 (mainly equivalent to NACE rev.1.1 class 80) most closely covers the sector, including pre-primary, primary, general secondary, technical and vocational, tertiary, adult and other education
Electricity	NACE rev.2 class 35.1 (mainly equivalent to NACE rev.1.1 class 40.1) most closely covers the sector, including the production, transmission, distribution and trade of electricity.

Extractive industries	NACE rev.2 classes 05 and 07-09 (mainly equivalent to NACE rev.1.1 classes 10 and 13-14) most closely covers the sector, including: mining of hard coal, lignite, iron and non-ferrous metal ores, and minerals; extraction of peat and salt; other mining and quarrying activities and support activities; it excludes the extraction of crude petroleum and natural gas.
Footwear	NACE rev.2 classes 15.2, 22.19 and 22.29 (mainly equivalent to NACE rev.1.1 class 19.3) most closely cover the sector, including the manufacture of footwear from materials such as textiles, plastics, rubber or leather as well as specialised products such as snowboard boots and protective footwear.
Furniture	NACE rev.2 class 31 (mainly equivalent to NACE rev.1.1 class 36.1) most closely covers the sector, including manufacture of office and shop furniture, kitchen and other furniture.
Gas	NACE rev.2 class 35.2 (mainly equivalent to NACE rev.1.1 class 40.2) most closely covers the sector, including production, distribution and trade of gas.
Horeca	NACE rev.2 classes 55-56 (mainly equivalent to NACE rev.1.1 class 55) most closely covers the sector, including hotels and accommodation, restaurants, catering, cafés, canteens, short-stay accommodation and similar establishments.
Hospitals	NACE rev.2 classes 86-87, and notably NACE rev.2 class 86.1 (mainly equivalent to NACE rev.1.1 class 85.11), most closely cover the sector, including hospital, human health and care activities.
Information and communication technology services (ICTS) **	NACE rev.2 classes 58-63 (mainly equivalent to NACE rev.1.1 classes 22, 64.2, 72, 92) most closely cover publishing activities, motion picture, video and television programme production, sound recording and music publishing activities, programming and broadcasting activities, news agencies, telecommunications, computer programming and information services activities.
Inland waterways	NACE rev.2 classes 50.3-50.4 (mainly equivalent to NACE rev.1.1 class 61.2) and NACE rev.2 class 52.2 most closely cover the sector, including inland passenger and freight water transport as well as relevant support activities.
Insurance	NACE rev.2 class 65 (mainly equivalent to NACE rev.1.1 class 66) most closely covers the sector and includes insurance, reinsurance and pension funding, except compulsory social security.
Live performance	NACE rev.2 class 90 (mainly equivalent to NACE rev.1.1 class 92.3) most closely covers the sector, including artistic and literary creation, performing arts, interpretation, operation of arts facilities, fair and amusement parks and other entertainment activities in direct contact with the public.
Local and regional government	No specific NACE classification covers local and regional government. NACE rev.2 class 84.1 (mainly equivalent to NACE rev.1.1 class 75.1) covers administration of the state and the economic and social policy of the community, and NACE rev.2 class 84.2 (mainly equivalent to NACE rev.1.1 class 75.2) covers the provision of services to the community as a whole (excluding central government). Other activities such as social work, health care and education are covered by other NACE classes and may in many cases form part of local and regional government, too.
Maritime transport	NACE rev.2 classes 50.1-50.2 (mainly equivalent to NACE rev.1.1 class 61.1) and NACE rev.2 class 52.2 most closely cover the sector, including sea and coastal passenger and freight transport as well as relevant support activities.
Metal industry	NACE rev.2 classes 25-30 (mainly equivalent to NACE rev.1.1 classes 28-30) most closely cover the sector, including manufacture of metal products; computer, electronic and optical products; electrical equipment; machinery and equipment; motor vehicles; ships and boats.
Paper industry	NACE rev.2 class 17 (mainly equivalent to NACE rev.1.1 class 21) most closely covers the sector, including manufacture of pulp, paper and paper products.
Personal services	NACE rev.2 class 96.02 (mainly equivalent to NACE rev.1.1 class 93.02) most closely covers the sector, including hairdressing and other beauty treatment.
Postal services	NACE rev.2 classes 53.1-53.2 (mainly equivalent to NACE rev.1.1 class 64.11-64.12)

	most closely cover the sector, including postal and courier activities. However, the services provided by postal operators may also include communication, logistics, retail, money transmission and other financial services, and many others besides. Indeed, the NACE rev.2 classification has been adapted to allow for a distinction of activities into 'postal activities under universal service obligation' and 'other postal and courier activities'.
Private security	NACE rev.2 class 80 (mainly equivalent to NACE rev.1.1 class 74.6) most closely covers the sector, including private security activities, security systems service activities and investigation activities.
Professional football	NACE rev.2 class 93.12 (mainly equivalent to NACE rev.1.1 class 92.62) most closely covers the activities of sport clubs. Professional football is one part of this classification.
Railways	NACE rev.2 classes 49.1-49.2 (mainly equivalent to NACE rev.1.1 class 60.1) and NACE rev.2 class 52.2 most closely cover the sector, including passenger and freight rail transport as well as relevant support activities.
Road transport	NACE rev.2 classes 49.3-49.4 (mainly equivalent to NACE rev.1.1 class 60.2) and NACE rev.2 class 52.2 most closely cover the sector, including passenger and freight transport as well as relevant support activities.
Sea fisheries	NACE rev.2 class 0.3 (mainly equivalent to NACE rev.1.1 class 0.5) most closely covers the sector, including marine and freshwater fishing and aquaculture.
Shipbuilding	NACE rev.2 classes 30.1 and 33.15 (mainly equivalent to NACE rev.1.1 class 35.1) most closely cover the sector, including the building, repair and maintenance of ships and boats.
Sports **	NACE rev.2 class 93.1 (mainly equivalent to NACE rev.1.1 classes 92.6 and 93.0) most closely covers sports activities, including the operation of sports facilities, activities of sports clubs, fitness facilities and other sports activities.
Steel	NACE rev.2 class 24.10 (equivalent to NACE rev.1.1 class 27.1) most closely covers the sector, including manufacture of basic iron and steel and of ferro-alloys.
Sugar	NACE rev.2 classes 10.81-10.82 (mainly equivalent to NACE rev.1.1 classes 15.83-15.84) most closely cover the sector, including the manufacture of sugar and sugar confectionary.
Tanning & leather	NACE rev.2 class 15.1 (mainly equivalent to NACE rev.1.1 classes 19.1-19.2) most closely covers the sector, including tanning and dressing of leather, and manufacture of luggage, handbags, saddlery and harness.
Telecommunications	NACE rev.2 classes 60.1-60.2, 61 and 82.2 (mainly equivalent to NACE rev.1.1 class 64.2) most closely cover the sector, including: radio and television broadcasting; wired, satellite and other telecommunications activities; maintenance of the network; and call centre activities.
Temporary agency work	Temporary agency work cuts across NACE sector classifications and refers to situations where workers are employed by an agency, and then, via a commercial contract, hired out to perform work assignments at a user enterprise.
Textile & clothing	NACE rev.2 classes 13-14 (mainly equivalent to NACE rev.1.1 classes 17-18) most closely cover the sector, including the manufacture and production of textiles and clothing.
Woodwork	NACE rev.2 class 16 (mainly equivalent to NACE rev.1.1 class 20) most closely covers the sector, including sawmilling and planing of wood and manufacture of wood and products of wood and cork, except furniture, and excluding forestry and logging activities.

\* committee in test phase; \*\* candidate sector for new representativeness studies

## Annex 10

### Number of employees in the EU in 2008, by sector (NACE-2)

	<i>NACE class and description</i>	<i>Number of employees (in 1000)</i>	<i>Number of employees (in %)</i>
1	Crop and animal production	2.277	1.23 %
2	Forestry and logging	404	0.22 %
3	Fishing and aquaculture	95	0.05 %
5	Mining of coal and lignite	366	0.20 %
6	Extraction of crude petroleum and natural gas	95	0.05 %
7	Mining of metal ores	62	0.03 %
8	Other mining and quarrying	258	0.14 %
9	Mining support service activities	129	0.07 %
10	Manufacture of food products	4.115	2.22 %
11	Manufacture of beverages	496	0.27 %
12	Manufacture of tobacco products	60	0.03 %
13	Manufacture of textiles	863	0.46 %
14	Manufacture of wearing apparel	1.532	0.83 %
15	Manufacture of leather and related products	476	0.26 %
16	Manufacture of wood and of products of wood and cork	1.140	0.61 %
17	Manufacture of paper and paper products	702	0.38 %
18	Printing and reproduction of recorded media	1.017	0.55 %
19	Manufacture of coke and refined petroleum products	230	0.12 %
20	Manufacture of chemicals and chemical products	1.413	0.76 %
21	Manufacture of basic pharmaceutical products and pharmaceutical preparations	849	0.46 %
22	Manufacture of rubber and plastic products	1.569	0.85 %
23	Manufacture of other non-metallic mineral products	1.479	0.80 %
24	Manufacture of basic metals	1.391	0.75 %

25	Manufacture of fabricated metal products	3.828	2.06 %
26	Manufacture of computer	1.658	0.89 %
27	Manufacture of electrical equipment	1.507	0.81 %
28	Manufacture of machinery and equipment n.e.c.	3.192	1.72 %
29	Manufacture of motor vehicles	3.168	1.71 %
30	Manufacture of other transport equipment	1.113	0.60 %
31	Manufacture of furniture	1.325	0.71 %
32	Other manufacturing	989	0.53 %
33	Repair and installation of machinery and equipment	935	0.50 %
35	Electricity	1.549	0.83 %
36	Water collection	441	0.24 %
37	Sewerage	149	0.08 %
38	Waste collection	887	0.48 %
39	Remediation activities and other waste management services	48	0.03 %
41	Construction of buildings	4.977	2.68 %
42	Civil engineering	1.399	0.75 %
43	Specialised construction activities	7.677	4.14 %
45	Wholesale and retail trade and repair of motor vehicles and motorcycles	3.207	1.73 %
46	Wholesale trade	6.632	3.57 %
47	Retail trade	15.710	8.46 %
49	Land transport and transport via pipelines	4.976	2.68 %
50	Water transport	290	0.16 %
51	Air transport	482	0.26 %
52	Warehousing and support activities for transportation	2.561	1.38 %
53	Postal and courier activities	1.930	1.04 %
55	Accommodation	2.090	1.13 %
56	Food and beverage service activities	5.389	2.90 %
58	Publishing activities	1.113	0.60 %

<b>59</b>	Motion picture	312	0.17 %
<b>60</b>	Programming and broadcasting activities	277	0.15 %
<b>61</b>	Telecommunications	1.315	0.71 %
<b>62</b>	Computer programming	2.067	1.11 %
<b>63</b>	Information service activities	225	0.12 %
<b>64</b>	Financial service activities	4.058	2.19 %
<b>65</b>	Insurance	1.104	0.59 %
<b>66</b>	Activities auxiliary to financial services and insurance activities	898	0.48 %
<b>68</b>	Real estate activities	1.255	0.68 %
<b>69</b>	Legal and accounting activities	2.235	1.20 %
<b>70</b>	Activities of head offices; management consultancy activities	811	0.44 %
<b>71</b>	Architectural and engineering activities; technical testing and analysis	1.887	1.02 %
<b>72</b>	Scientific research and development	770	0.41 %
<b>73</b>	Advertising and market research	799	0.43 %
<b>74</b>	Other professional	497	0.27 %
<b>75</b>	Veterinary activities	147	0.08 %
<b>77</b>	Rental and leasing activities	441	0.24 %
<b>78</b>	Employment activities	1.015	0.55 %
<b>79</b>	Travel agency	544	0.29 %
<b>80</b>	Security and investigation activities	1.185	0.64 %
<b>81</b>	Services to buildings and landscape activities	2.932	1.58 %
<b>82</b>	Office administrative	1.066	0.57 %
<b>84</b>	Public administration and defence; compulsory social security	15.573	8.39 %
<b>85</b>	Education	14.727	7.93 %
<b>86</b>	Human health activities	11.405	6.14 %
<b>87</b>	Residential care activities	3.780	2.04 %
<b>88</b>	Social work activities without accommodation	4.347	2.34 %

<b>90</b>	Creative	541	0.29 %
<b>91</b>	Libraries	603	0.32 %
<b>92</b>	Gambling and betting activities	307	0.17 %
<b>93</b>	Sports activities and amusement and recreation activities	1.146	0.62 %
<b>94</b>	Activities of membership organisations	1.618	0.87 %
<b>95</b>	Repair of computers and personal and household goods	332	0.18 %
<b>96</b>	Other personal service activities	1.884	1.02 %
<b>97</b>	Activities of households as employers of domestic personnel	2.392	1.29 %
<b>98</b>	Undifferentiated goods- and services-producing activities of private households for own use	11	0.01 %
<b>99</b>	Activities of extraterritorial organisations and bodies	171	0.09 %
No answer		696	0.37 %
<b>Total</b>		<b>185.615</b>	<b>100.00 %</b>

*Source: Eurostat, Labour Force Survey; annual averages*