

6. The European interprofessional and sectoral social dialogue and the economic crisis

Introduction

It was inevitable that, after a financial crisis had turned into an economic as well as a social crisis, that this would affect and demand the attention of national social partners, influencing their dialogue at different levels, as well as the European social dialogue and its actors. Among the latter, since the outbreak of crisis, its “phantom” has indeed been and remains in various ways omnipresent in all discussions conducted within both the European interprofessional and the sectoral social dialogue.

This chapter provides an overview of the most important features, processes and outcomes that, over the past year, have characterised both levels of the European social dialogue, describing how they have been affected by and/or responded to the economic crisis. Other significant developments are also covered including, for the interprofessional level, a brief examination of the implementation of the “leftovers” of the 2nd Joint Work Programme of the European social partners, as well as a concise overview of what may be regarded as some of the stronger and not so strong features of the recently adopted revised Framework Agreement on Parental leave (June 2009).

In view of the specific focus of this edition of the *Benchmarking Working Europe* report on the economic crisis, this chapter does not, as it has done in previous years, examine developments in European labour law. It would of course have been possible to discuss the Commission’s Better Regulation agenda, or the European “Competitiveness” (Internal Market, Industry and Research) Council’s claim, at its meeting of 24-25 September 2009, that the “*Services Directive could serve as a tool to help Europe recover more rapidly from the economic crisis when starting business on new markets is facilitated in all Member States at the same time as further trade barriers are abolished (insofar as) the Directive can realise considerable economic growth and job opportunities in the service sector in Europe*”.

As, in relation to both the aforementioned initiatives, it is highly unclear how, and indeed doubtful whether, they will contribute to more Social Europe, let alone help to overcome the crisis, it was decided instead to place the focus on the European social partners’ own debates in relation to the crisis, a further consideration being that most regulatory developments of relevance to the crisis (or to how it is to

be overcome) took place at the national level and are selectively touched upon in Chapter 5.

Themes

- 6.1 How has the European interprofessional social dialogue responded to the crisis?
- 6.2 European sectoral social dialogue and the economic crisis
- 6.3 Conclusions

6.1 How has the European interprofessional social dialogue responded to the crisis?

The crisis as an omnipresent “phantom” in the autonomous interprofessional social dialogue

When the first signs of the detrimental impact of the crisis on Europe’s economies and labour markets began to emerge in October 2008, the EU social partners had just started negotiations on the content of their 3rd autonomous joint work programme 2009-2010 (see Figures 6.1 and 6.2). Just as the Lisbon Strategy had largely influenced the two previous work programmes of 2003-2005 and 2006-2008 (*Benchmarking Working Europe 2009*, Chapter 6), it was clear that the crisis would form a crucial contextual framework for this third version which, as had been agreed from the outset, would be limited to a two-year programme, so as to coincide with the end of the Lisbon Strategy period, and would once again focus on the quality of actions taken or to be taken (with the creation of “more and better jobs” as the underlying top priority) rather than on their quantity. A further reason for this focus was that several important actions contained in the 2006-2008 work programme – like the negotiations on an autonomous framework agreement on inclusive labour markets (see also below) and a framework of actions on employment, as well as the talks foreseen on the “further development of a common understanding of the various instruments of the European social dialogue” – had

barely started or had not even yet been jointly embarked upon. Thus, in order to bring the “old actions” to a satisfactory end, as well as to identify the most appropriate new actions, the European social partners recognise, in the introduction of their 3rd autonomous work programme, that the requisite steps have to be taken in “the new context created by the current financial and economic crisis and they are ready to consider the short-, medium- and long-term implications this will have on workers and employers. To foster sustainable development, the European social partners consider that Europe

needs to restore economic growth, to improve competitiveness, productivity and job quality, to achieve full employment and social progress and to enhance environmental protection. In this context, they will seek to evaluate the appropriate mix of macro, micro and labour market policies conducive to stabilising the economy and to reaching sustainable growth and high levels of employment.” Developments in the economic and social crisis will thus certainly have a major impact on new actions such as a joint recommendation aimed at contributing to defining a Post-2010 Lisbon Strategy,

a joint action on the social and employment aspects of climate change, and the monitoring of the implementation of the common principles of flexicurity.

Also in October 2008, the European social partners started their negotiations on an autonomous framework agreement on Inclusive Labour Markets. Although the 2nd Work Programme 2006-2008 had foreseen negotiations on an autonomous framework agreement on either lifelong learning or the integration of disadvantaged groups into labour markets, it was decided – after intense discussion and as the two

Figure 6.1 Implementation of the 3rd Work Programme of the European Social Partners 2009-2010 – Status 12/2009, new actions

Actions foreseen New actions	Actions undertaken
Joint recommendation contributing to the definition of the Post-2010 Lisbon agenda, also in the context of the current economic and financial crisis	Decision at Social Dialogue Committee meeting of 27/10/2009 to set up an ad hoc working group; first meeting of this group is scheduled for 03/02/2010.
Development of a joint approach to the social and employment aspects and consequences of climate change policies with a view to maximising opportunities and minimising negative effects and to identify possible joint actions	No joint action yet
Jointly monitoring the implementation of the common principles of flexicurity, notably in order to evaluate the role and involvement of the social partners in the process and to draw joint lessons	No joint action yet

Source: ETUC and ETUI (*Benchmarking Working Europe*, 2007/2008/2009). To be read in conjunction with Figures 2 in the respective chapters on social dialogue.

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issues were closely intertwined – to refocus the topic of negotiations. These negotiations proved extremely difficult from the outset. The causes of the difficulties included: 1) the employers’ wish to focus exclusively on “outsiders” (i.e. inclusion of those currently outside the labour market) versus the trade union insistence on the need to focus on “in- and outsiders” (i.e. to ensure also that those inside the labour market but at risk – e.g. because of restructuring – would remain inside) and on enabling all workers to make progress on the labour market; 2) the responsibility of the individual to ensure his/her labour market inclusion versus the responsibilities of enterprises, trade unions and public authorities in this respect; 3) the sometimes very thin borderline between what kinds of actions the social partners are genuinely in a position to undertake jointly and those that fall rather within the responsibility/competence of others (i.e. public authorities, NGOs, social economy, education systems, etc.). On top of this, there was of course the factor of the “crisis”. Although both sides of the negotiating table agreed – in particular at times of crisis – on the importance and urgency of tackling this issue, the argument of the crisis also undercut the still ongoing negotiations in relation to how far

Figure 6.2 Implementation of the 3rd Work Programme of the European Social Partners 2009-2010, continued actions from Work Programme 2006-2008 – Status 12/2009

Continued actions from WP 2006-2008	Actions undertaken
Negotiation of an autonomous framework agreement on inclusive labour markets	Negotiations started on 17/10/08 and ended 09/12/09; draft agreement is now up for adoption
Finalisation of the national studies on economic and social change in the EU27	Joint project “Integrated Programme of the EU Social Dialogue 2008-2010” “Subproject II Joint Study on restructuring in EU MS – Final phase (7 countries)”
Negotiation of a framework of actions on employment	No joint action yet
Continuation of the work on capacity building for social partners in an enlarged EU, in the EEA and in candidate countries including further developing the activities of the social partners’ respective resource centres	<ul style="list-style-type: none"> – Joint project “Integrated Programme of the EU Social Dialogue 2008-2010” - Subproject I: “<i>Joint project on Social partners’ participation in the European social dialogue: What are Social Partners’ needs?</i>” in Romania, Bulgaria, Croatia and Turkey – phase 2” – Subproject III: “Resource Centres – services and websites” – redesigned ETUC Resource Centre available at: http://resourcecentre.etuc.org/
Monitoring, assessing and evaluating the implementation of EU social dialogue framework agreements and frameworks of actions	<p><u>Stress at work:</u></p> <ul style="list-style-type: none"> – Commission Conference on 01/07/09 (DVD and conference documents available at: http://ec.europa.eu/social/main.jsp?catId=329&langId=en&eventsId=187&furtherEvents=yes) – Commission’s own implementation report in preparation and to be published by September 2010 <p><u>Harassment and violence</u></p> <ul style="list-style-type: none"> – 2nd joint EU social partners’ implementation table adopted at SDC of 16/06/2009 (available at: http://resourcecentre.etuc.org/Agreements-57.html) – ETUC follow-up project http://www.etuc.org/a/4629) <p><u>Gender equality:</u> Final evaluation report of 2009 available at http://resourcecentre.etuc.org/</p>
Further develop the European social partners’ common understanding of the various instruments resulting from their negotiations, determine their impact, etc.	No further concrete joint action yet
Other actions in reaction to Commission proposals and initiatives	<p>Replies to the following Commission consultations:</p> <ul style="list-style-type: none"> – 1st Consultation on notifications by Member States under Article 17(5) of Directive 2003/88/EC (working time of doctors in training) – 1st Consultation of the social partners on the protection of workers from the risks related to exposure to electromagnetic fields at work

Source: ETUC and ETUI (*Benchmarking Working Europe*, 2007/2008/2009), chapters on social dialogue.

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each of the involved actors (social partners, public authorities, etc.) should and could go in taking concrete action, in particular as regards the cost aspects of such action. Despite all this, and after more than 10 months of negotiations, the European social partners succeeded in concluding a draft autonomous framework agreement on 9 December 2009. This draft agreement has been submitted to their member organisations for their consultation in view of an eventual formal adoption by the respective decision-making bodies of the European social partners.

As for actions outside the framework of their work programmes, it is worthwhile mentioning three joint initiatives/talks in relation to which the crisis has already represented an influential argument.

Firstly, there was the start, at the beginning of 2009 and in view of the Tripartite Social Summit of March 2009, of joint talks in order to deliver at the Summit a “*Joint Declaration on action to address the current financial and economic crisis*” focussing mainly on the social and labour market implications of the crisis and including also an annex on “Recommendations of the European Social Partners on how the

European Social Fund (ESF) can support economic recovery”. The intended objectives of the declaration were to 1) recall the specific contributions of the European social dialogue to be delivered in this context via its 3rd Work Programme, specify the urgent short-run measures regarded as necessary by the European social partners in order to stabilise the economy and limit the most severe social consequences of the crisis, 3) describe the medium-term actions they considered necessary to turn the economy around and restore job creation, and 4) recall – in particular in these times of crisis – the need to intensify consultations between the social partners and the EU institutions. However, after several intense debates, the European social partners failed, for a number of different reasons, in their endeavour to arrive at such a joint declaration. One major reason was, for example, that the employers’ side wanted to integrate into the text a call for a general reduction of labour costs via the reduction of employers’ contributions, which would affect all incomes irrespective of their level. The trade union side was unable to accept this as it would – further – undermine, throughout Europe, many social security systems the financial sustainability of which had to be upheld and ensured,

all the more so at times of an economic but also social crisis. The social partners did, however, reach a compromise on the joint recommendations on the use of the ESF.

Secondly, there are the still ongoing *joint talks on the consequences of the ECJ judgments Laval, Viking, Rüffert and Commission vs. Luxemburg*. It may be recalled that in the course of 2007 and 2008, the European Court of Justice interpreted existing European rules on the posting of workers in the context of the freedom to provide services (Laval, Rüffert and Commission vs. Luxembourg cases) and on the freedom of establishment (Viking case). In these judgments, the European Court of Justice formulated, in particular, its interpretation of the relationship between fundamental social rights and economic freedoms in the internal market. In October 2008, the European Commission and the French presidency called on the European social partners to jointly develop an analysis of the consequences of the ECJ cases. This was accepted by all, albeit with hesitation and reservation on both sides and, on the trade union side, with very low expectations of a positive outcome. It was deliberately decided to call this exercise not

“negotiations” but “talks”, so as not to give the impression that the social partners could reasonably be expected to come up with an agreement on this topic. Though it had been intended that this should be a very quick exercise, the talks dragged on. In all likelihood they will soon be brought to an end with a progress report including some points of agreement, but, above all, points of divergence concerning the ECJ decisions. The social partners have so far focussed their discussions on two central themes, namely, a) the context of the single market and the impact of the ECJ rulings and b) the relationship between economic freedoms and fundamental (social) rights. During the discussions on the first point, the need to reinforce confidence in the social dimension was recognised. With regard to the economic and financial crisis, the social partners recognise that it could, among other things, further intensify the rise of protectionism and xenophobia recently observed in Europe.

Thirdly, and to end on a positive note, there were the *negotiations on the revised parental leave agreement*. Having begun these negotiations in September 2008, after six months and seven negotiating rounds, on 18

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June 2009 the European social partners signed an agreement revising their 1995 Framework Agreement on Parental Leave. This is regarded as a milestone since it was the first time in the history of the European social dialogue that such an exercise to revise a pre-existing framework agreement had been undertaken. The joint European social partners’ press release stated that “*the successful conclusion of this agreement illustrates the positive role of the European social dialogue in finding solutions to respond to important challenges, also in times of crisis.*” This is certainly true, if only because in 2009 this revision is the most genuine positive result to have come out of the European social dialogue. But it is also true when considering that, here again, the negotiations were on several occasions overshadowed and complicated by the element of crisis.

Whereas some – in particular on the employers’ side – even questioned whether, as a matter of principle, negotiation of such a revision in times of crisis was the most appropriate signal to give, insofar as there existed more fundamental problems requiring strong solutions, the “crisis argument” was also – albeit with fluctuating success – used when specific

demands were put forward such as on 1) including in the negotiations other forms of leave (paternity leave, filial leave (i.e. leave to take care of dependent family members), etc.), 2) extension of the periods of parental leave; 3) raising the age of the child in relation to whom leave entitlement should be granted and 4) integration of references to the fact that the parental leave should be paid. Figure 6.3 gives an overview of what are – in our own view – the positive results achieved, as well as aspects concerning which we have mixed feelings or even consider the revised agreement to represent a

missed opportunity. On 30 November the European Council of Ministers of Employment/Social Affairs reached a political agreement on the text of the proposal for a Directive incorporating this revised framework agreement.

Figure 6.3 Analysis of the pros and cons of the revised framework agreement on Parental Leave

Pros	<ul style="list-style-type: none"> – 1 month additional leave (4 instead of 3 for each parent now of which 1 month is non-transferable) (Clause 2§2) – Strengthening of the “individual” nature of the right (Clause 2§1) – Strengthening of the rights of “atypical” workers (fixed-term, part-time, agency work) to parental leave (Clause 1§3 and 3§1(b)) – Increased protection against unfavourable treatment as a result of exercising the right to parental leave (and thus not only in relation to dismissal as in 1995 agreement) (Clause 5§4) – Rights to flexible arrangements upon return to work/ arrangements for “keeping in touch” during the leave period (Clause 6) – Respect for diverse family structures (Clause 1§1) – New reference to rights of parents with children with disabilities or long-term illness (Clause 3§3)
Mixed feelings	<ul style="list-style-type: none"> – Principle of non-transferability for whole period of leave (in 1995 the whole period was considered “in principle” non-transferable) (Clause 2§2 and Preamble 16) – Only references to role and level of income in relation to the take-up of parental leave, in particular by fathers, and thus not a clear statement/provision making it obligatory to ensure paid parental leave by providing an adequate replacement income. (Clause 5§5 and Preamble 18-20) – Strengthening of the rights of “atypical” workers (fixed-term, part-time, agency work) to parental leave (Clause 1§3 and 3§1(b))
Missed opportunities	<ul style="list-style-type: none"> – No increase of the age of the child (remains 8 years – Clause 2§1) – Deals only with parental leave and not with other forms of leave like paternity leave or, filial leave (i.e. leave to take care of dependent family members) – No new rules on leave for reasons of “<i>force majeure</i>” (i.e. mostly seen as very short-term leave of one or a few days to take care of a child that has fallen suddenly ill in cases where no other care could be found at short notice) (Clause 7)

Source: ETUI own input.

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Concerns and mobilisation of European sectoral social partners against the economic crisis

In 2009, several initiatives in the European Sectoral Social Dialogue Committees addressed the issue of the impact of the economic and financial crisis on sector-related policies. As shown in Figure 6.4, at least seven European Sectoral Social Dialogue Committees issued joint positions on the impact of the economic crisis on their respective sectors and urged the European and national public authorities to take seriously their responsibilities to maintain employment and competitiveness.

In general, the European industry federations and the respective employers' associations agree that what started as a financial crisis has reached the level of a global economic crisis that directly and severely affects employees and employment in all sectors in Europe and in particular the sectors mentioned in the table: transport, construction, chemicals, commerce, public services and regional and local government. Effects of the economic crisis can be witnessed in terms of a general decline in activity, the introduction of short-time working schemes, temporary or permanent layoffs, restructuring plans, but also the restricted access to capital and credit insurance that has led to the lowering of employees' purchasing power and a large increase in bankruptcies among SMEs.

In order to help maintain the competitiveness of their respective sectors during the economic crisis, as well as to prevent worst-case scenarios, most European sectoral social partners mentioned in Figure 6.4, and including their respective national and local level of representation, have carried out analysis of the effects of the economic crisis in, for example, the construction sector or in the public sector. All of them also conducted activities in the framework of the social dialogue to find mutually acceptable solutions designed to reconcile recovery and growth with decent employment opportunities. However, sectors invariably foresee a worsening of the current economic

situation if no measures are taken and all sectors, in general, appeal for three kinds of measure: 1) to increase EU and national financial support in order to maintain investment and restore credit, 2) to invest in public infrastructure needed for the recovery of the economy, 3) to support training and further qualification schemes in order to retain skilled workers in the sector (especially during periods of unemployment) and boost the employability of workers who are particularly vulnerable on account of educational or skills deficits.

Additionally, the chemical sector, for example, has requested measures to respect existing European and national

legislation on information and consultation as well as the involvement of European Works Councils in cases of restructuring. The inland waterway transport sector faces severe economic and social impacts due to the economic crisis, the most severe being the race to the bottom regarding freight rates and the worsening of working conditions. Indeed, companies do not hesitate to recruit workers on rates of pay that are below the applicable minimum wage or to establish subsidiaries in Member States without specific social regulation for Inland Waterway Transport. This latter issue led to a Joint sectoral contribution by the European sectoral committee's members to the Commission's

Figure 6.4 Main joint positions in the sectoral social dialogue committees in reaction to the economic crisis in 2009

Commerce	Euro Commerce and UNI Commerce statement of 18.12.08 on the effect of economic and resulting financial crisis on both businesses in commerce and consumers.
Regional and local government	CEMR-EP-EPSU joint Message of 27.02.09
Live performance	EAEA-PEARLE statement on 'The impact of the financial crisis in the live performance sector' of 06.05.2009.
Chemical	EMCEF-ECEG declaration on the global economic crisis of 13.05.09.
Road transport	IRU-ETF statement on the economic crisis of 14.05.09.
Construction	EFBWW-FIEC declaration on 'The global economic crisis and its consequences for the European construction industry. Positive measures and concerns of the European Social Partners EFBWW and FIEC' of 30.06.09.
Inland waterway transport	EUB, OEB-ESO and ETF contribution to the Commission's Consultation on the future of transport of 30.11.09.

Source: ETUI own input. The joint texts referred to in the above table can be consulted in the European Commission, *Social Dialogue texts database*.

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Consultation on the future of transport, calling for the creation of transparent EU legislation to ensure a uniform legal and social security system applicable for all crew members, thus taking into account the transnational nature of the daily work in Inland Waterway Transport (currently not tackled in the EU regulation 883/2004 on the coordination of social security systems that will enter into force in May 2010). In the construction sector, meanwhile, further measures are required to maintain skilled workers in order not to lose human resources for the future, or to provide incentives for workers to buy and renovate properties and guarantee access to mortgages. Other sectors call upon the Member States and the EU to adopt special recovery plans – as in the road transport sector or the live performance sector – in order to restore or safeguard growth and quality employment.

Not only private sectors, but also public services, are deeply affected by the financial and economic crisis. Accordingly, the European Federation of Public Services Unions (EPSU) adopted, at its 8th Congress (June 2009), a resolution on the financial and economic crisis and its consequences for the public sector and the economy at large. The aim is to prevent the current crisis from being used to diminish

the role of government and public services. A set of action points was thus drawn up to tackle the economic and financial crisis including a) the promotion of investment in public infrastructure and services in order to encourage stability; b) the promotion of policies to prevent mass unemployment; c) strict regulation of the banking sector and financial products to ensure that their main function is to support the real economy. According to EPSU, regulating the financial markets would ensure that governments use the public money invested in the financial system to seek fundamental changes, particularly increasing control, transparency and democratic governance with a focus on long-term investment – especially in public infrastructure, public services and an environmentally and socially sustainable economy. Furthermore, a policy of wage moderation should be at the centre of political and economic debate, as it has been a characteristic of European collective bargaining in all sectors of the economy for more than ten years. EPSU fears that while the economic crisis has placed the issue of wage moderation at the centre of political and economic debate, there is an increasing risk that the recession could be used as a reason to restrain wages. A study carried out for the electricity and gas social dialogue committees confirms that the electricity and gas sectors

have shed about 300,000 jobs over the previous decade, while showing significant increases in profits and total dividend payout. Finally EPSU stresses that an adequate strategy to address the crisis requires the involvement of the social partners (EPSU 2009).

On a side note, the European Organisation of Military Associations (EUROMIL) addressed the issue of the impact of the financial and economic crisis on policy choices for the armed forces and their subsequent impact on employment and working conditions in the sector. At the 100th EUROMIL Presidium held on 6 November 2009 national military associations and trade unions of EUROMIL expressed their concerns and EUROMIL pointed out that, while analysts forecast that expenditure for defence is likely to be less affected by cuts in countries with a larger GDP, countries with a smaller GDP will have to make strategic choices that will impact on the armed forces. Such strategic choices will affect salaries, recruitment, exercise and training, cause delays for particular protective equipment or lead to an increase in private funding and outsourcing.

Furthermore, direct impacts of the economic crisis were witnessed in many European sectors. For example, the

restructuring of the German engineering group Siemens involved cutting 16,750 jobs among its 400,000 global workforce and will affect all segments of the group and production sites in various European countries. The European Metalworkers' Federation (EMF) has been much involved in coordinating trade union action, together with the European Works Councils (EWC). Here again, as in most cases, central management's information policy does not include information and consultation of the EWC (here the Siemens Employees Committee – SEC) as it had not been informed about the details of the restructuring plan, thus not respecting elementary provisions of European law regarding information and consultation of workers (on EWCs see also Chapter 5). Solidarity actions, together with actions taken to stress the Commission's responsibility to ensure proper application of EU law, led Siemens to sign a restructuring plan including financial support as well qualification-improving measures for the workforce.

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As Figure 6.5 shows, numerous other activities took place in the framework of the European sectoral social dialogue. In a large majority of cases, international or European framework agreements were signed between European industry federations and multinationals on issues that included ethical employment, fundamental labour rights, ethical cross-border recruitment, working conditions for maritime workers, and health and safety at the workplace. In general, over the last decade, there has been an increase in such agreements within the framework of the European sectoral social dialogue, accompanied in some cases by clear policies on the part of the European industry federations (see for example EMF 2009).

In the automobile industry, the EMF, together with European Employees Forum (GM's EWC), reacted to General Motors' outsourcing plans involving massive jobs cuts in Europe in 2008 and 2009. EMF supported the employees' request to management to respect existing agreements and conclude a European framework agreement on restructuring. Facing the GM management strategy to push through change at local level, the European Employees Forum and EMF organised a European-wide employee mobilisation. In summer 2009, negotiations on the future of GM's European operations

in Europe – namely to sell Opel and Vauxhall, its main European operations, to Magna and Sberbank – showed the power of multinational companies to place national governments and trade unions in opposition, even in situations of extreme trade difficulties. In this case, the planned sale had led to highly controversial debates, as subsequent restructuring would have fallen disproportionately on plants in Europe. Such restructuring at a time of financial and economic crisis clearly represents a hard challenge for European-level trade union cohesion.

In the same vein, the European Metalworkers' Federation (EMF) and

UNI Europe affiliates in Europe joined forces calling for meaningful information and consultation processes to help pave the way for acceptable solutions for all workers in a restructuring phase following the takeover by the computer manufacturer Hewlett-Packard of the information technology service provider Electronic Data Systems, HP. Such restructuring forecasts a general reduction of 24,000 jobs, with about 9,300 in Europe including freeze wages and benefits, thus without respecting EU and national legislation requirements on the information and consultation of the workforce.

Figure 6.5 European sectoral social dialogue main activities in 2008-2009

Sectors	Activities
Hospitals	Code of conduct (April 2008) on ethical cross-border recruitment and retention practices signed by Hospeem (European Hospital and Healthcare Employers' association) and EPSU.
Maritime transport	European Agreement to improve working conditions for over 300,000 maritime workers across Europe signed in May 2008 between the ETF and the European Community Shipowners' Associations (ECSA).
Bank	International framework agreement on fundamental labour rights signed in September 2008 between the Danish-based finance multinational Danske Bank and UNI Finance with the help of six trade unions in the Nordic countries and Ireland.
Private security	International framework agreement on 'Ethical employment partnership' signed in December 2008 between G4S (world's largest security solutions group) and UNI Property Services together with GMB (British General Municipal, Boilermakers and Allied Trade Union).
Energy	European framework agreement on improving professional development of the group's European employees, through the implementation of an annual anticipation process linked to future employment prospects signed in June 2009 with the Thales Group and European Metalworkers' Federation EMF
Healthcare	European Framework agreement signed in July 2009 by the European Hospital and Healthcare Employers' Association (Hospeem) and EPSU, the European Federation of Public Services Unions.

Source: ETUI own input.

6.3 Conclusions

From the above it is clear that, in a variety of different modes, the “phantom of the crisis” was throughout 2009 – and of course continues to be – omnipresent in all discussions in the European interprofessional as well as sectoral social dialogue. As for the interprofessional level, all issues tackled or in the process of being dealt with have in one way or the other suffered and/or been influenced by the changed context introduced by the economic crisis. While the fact of the crisis certainly did not facilitate the negotiations – indeed it undoubtedly rendered them more complex – its irruption had the effect of increasing the importance and the urgency of certain issues under discussion (like the negotiations on inclusive labour markets).

In the European sectoral social dialogue too, the crisis has “occupied” several sectoral social dialogue committees and talks/initiatives. Apart from the six joint texts agreed upon and relating directly to the crisis, the changed context also overshadowed this level of social dialogue both directly and indirectly.

With the crisis – and in particular its social and labour market implications – far from over, it can be predicted with little risk of error that the “crisis element” will weigh heavily in the future

negotiations and is unlikely to make them any easier. This will undoubtedly be the case at the interprofessional level where several issues of the 2nd as well as the 3rd Work Programme still have to be embarked upon, some of these being of particular relevance in the current context including the scheduled discussions on a joint recommendation aimed at contributing to defining a Post-2010 Lisbon Strategy, a joint action on the social and employment aspects of climate change, and the monitoring of the implementation of the common principles of flexicurity. A similar conclusion can without doubt be drawn in relation to the sectoral level when looking at the economic (and thus social) forecasts, although some sectors are bound to be harder hit than others.

Furthermore, 2010 promises also to be an interesting and challenging year as the European social partners will have at least to start their discussions on what, in the 2nd and 3rd work programme, they referred to as the need to “develop further their common understanding of the various instruments resulting from their negotiations, determine their impact on the various levels of social dialogue, further co-ordinate the various levels of social dialogue and negotiations, including the development of better synergies between European interprofessional

and sectoral social dialogue”. To date, no joint action has been undertaken in relation to this need. However, the exercise is bound to become all the more interesting insofar as, at the beginning of 2010, the Commission is highly likely to launch a Communication indicating its objectives and actions for the review of the European sectoral social dialogue on the basis of the numerous contributions received in the context of the consultation launched on 14 October 2008 for “a review of the implementation of the Commission Communication and Decision of 20 May 1998”. These contributions included – alongside some very sectoral-social-dialogue-specific questions – some extremely pertinent questions about how to ensure better synergies between both levels of European social dialogue and, in particular, in relation to better implementation or at least taking into account of negotiation results reached on the respective levels.

It thus remains to be seen how successful (or otherwise) the European social partners will be in further tackling the impact of the crisis as well as the future of their respective social dialogue processes, structures and outcomes, and this is the case equally at the interprofessional and the sectoral level. It will be seen, in particular, to what extent their effectiveness in tackling

these two crucial issues can be used as a benchmark to evaluate the efficiency and effectiveness of the European social dialogue as such!