



# MASARYK UNIVERSITY FACULTY OF LAW

## European Social Partners European Social Dialogue Framework Agreements



# Social Dialogue

- Any communication activity involving social partners intended to influence the arrangement and development of work related issues.
- Forms of social dialogue:
  - Biletaral
  - Trilateral
- Levels of social dialogue:
  - Company
  - Branch/Sectoral
  - Regional
  - National
  - European/International



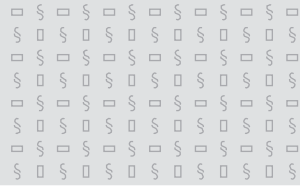
# Parties to the European Social Dialogue

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



# History of the European Social Dialogue

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



# Instruments of the European Social Dialogue

- Framework of Actions
- Joint texts
- Resolutions
- Agreements



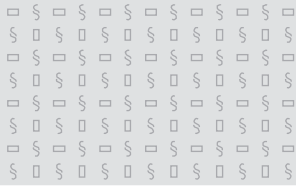
# Legal Basis of the European Social Dialogue

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



# Consultation procedure

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



# Autonomous agreement

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





# Implementing of Agreements

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



# Agreements which have become directives

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



# Autonomous implementation

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



# Autonomous agreements

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