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EUROPEAN ASSOCIATION OF CRAFT, SMALL AND MEDIUM-SIZED ENTERPRISES  
UNIONE EUROPEA DELL' ARTIGIANATO E DELLE PICCOLE E MEDIE IMPRESE

**UEAPME reply to the  
Consultation of the European social partners for a review of the implementation of the  
Commission Communication and Decision of 20 May 1998**

**Introduction**

UEAPME is pleased to reply to the European Commission consultation for a review of the implementation of the Commission Communication and Decision of 20 May 1998 concerning the European sectoral social dialogue.

UEAPME welcomes this consultation as stipulated in Article 5 of the Commission decision of 20 May 1998, which notably aims to take stock of the implementation of the decisions of 1998 in view to better strengthen and promote sectoral social dialogue and its functioning.

UEAPME as interprofessionnal social partner is not in the capacity to reply to the various detailed, specific and sometimes even ambiguous questions on the experience of sectoral social dialogue. Consequently UEAPME will limit itself to questions related to sectoral social dialogue and its link to the interprofessional social dialogue.

**I - General comments**

UEAPME would like to start by recalling the role and importance of social dialogue at all levels as one of the main pillars of the EU social model.

Moreover social dialogue is a key tool which strongly contributes to improving the functioning of labour markets and to reaching the Lisbon Strategy objectives on "growth and jobs". Last but not least social dialogue plays a unique role in a modern governance process.

Therefore UEAPME advocates a good functioning sectoral social dialogue at all levels adapted to the specificities of the various branches of economic activities.

In the past 23 years the European social dialogue has been successfully developed by autonomous social partners for autonomous social partners.

The autonomy of social partners is one of the fundamental principles which should also be strictly respected for the sectoral social dialogue by the European Institutions and notably by the European Commission.

Indeed the respect of the autonomy of social partners has been expressly mentioned for the first time in the future Article 152 of the Lisbon treaty.

## **II - Specific comments on sectoral social dialogue**

### **1 . On the creation of social dialogue committees**

The development of the sectoral social dialogue at EU level for the last ten years has been a real success and should be recognized as such.

UEAPME welcomes this development which is strongly characterized by a noticeable diversity of situations and actors.

This diversity mirrors the diversity of situations of sectoral social dialogue in the Member States which should be taken into account and respected in view of further developments.

#### **1.1 - Question on autonomy**

Based on our previous comments and remarks, the European Commission should strictly respect the autonomy of sectoral social partners as it applies to the interprofessional social dialogue.

Sectoral social partners should be free to shape the instruments they consider best suited to their objectives. Their autonomy should be also fully respected notably in terms of organisation, objectives, agenda, content and results.

For example in the past the Commission tried to codify the various texts resulting from the interprofessional and sectoral social dialogues. This type of initiative is clearly running against the autonomy of social partners and should be avoided. It is up to social partners to decide about their dialogue and its result and the tools they consider necessary to use.

#### **1.2 - Questions on the sector's perimeter**

1 - Sectoral social dialogue is largely complementary to interprofessional social dialogue. Both dialogues should have well defined tasks and responsibilities with a clear demarcation between interprofessional and sectoral level.

It is important to better differentiate between subjects that should be dealt with at cross-industry level and subjects that should be dealt with by sectors.

Interprofessional social dialogue should deal with horizontal economic, social and employment issues where sectoral social dialogue should deal with the specific matters of the branches including when necessary the adaptation to their sectors of the framework conditions and agreements decided at interprofessional level.

In terms of content the adaptation at sectoral level of EU framework agreements such as the one on telework or on stress has proved the practical complementarity between the interprofessional and sectoral levels.

However an optimal functioning of the two levels of social dialogue requests a good coordination and well organised reciprocal flows of information on the respective activities.

At European level, a regular exchange of views and information between employers exists on a voluntary basis within the European Employers' Network.

Furthermore the initiative of the European Commission namely the Liaison Forum offers a good platform of exchange of information at various levels between the stakeholders. This is

the place for the European Commission to primarily inform the European social partners but sometimes even used in the past for consultations with all European social partners. It is also a structure where the two levels of European social dialogue, interprofessional and sectoral, meet and present their results and exchange views.

In the future it could offer an opportunity for exploring possible further cooperation between European sectoral social partners.

On the creation of new sectoral social dialogue committees, UEAPME would like once more to recall that the basic rule should be the full respect of the autonomy of actors concerned.

UEAPME is seriously concerned with the Commission's objective to cover 100% of the economy with social dialogue committees. It seems to be a clear attempt to impose the Commission's views on sectoral social partners. Moreover there is a high risk of fragmentation in creating too many sectoral social dialogues with subsectors.

UEAPME is fully opposed to this top down approach. Social dialogue can in no case be dictated by the European Commission. The creation of new European sectoral social dialogue committees should be a demand driven process, where social partners' autonomy is fully respected.

### 1.3- Questions on representativeness

Besides the respect of autonomy of social partners, the question on representativeness is the other key issue of the European social dialogue.

For its part UEAPME as employers' organisation representing Crafts and SMEs made a long and painful experience to be fully recognised as interprofessional social partner.

While UEAPME accepts the basic principle underlying the European social dialogue namely the mutual recognition between the actors already involved in the social dialogue, UEAPME would like to underline the persistence of strong difficulties for SME organisations to be accepted and fully involved in the European sectoral social dialogue committees.

In fact there is a constant structural weakness in the European sectoral social dialogue with the lack of participation of SME organisations. The overwhelming majority of the current sectoral social dialogue committees is composed of industrial employers' organisations.

A practical example of this reality is the construction sector where it took a lot of efforts and time before reaching an agreement between FIEC (Fédération de l'Industrie Européenne de la Construction) and EBC (European Builders Confederation). Despite the representativeness of EBC, the construction SME sectoral organisation is only present as an observer in the FIEC's delegation of the European construction social dialogue committee. Such a long lasting provisional situation cannot be considered as satisfying for the millions of small businesses willing to be active and heard in the European social dialogue.

Of course there are many reasons explaining the deficit of representation. However the situation seriously needs to be improved in the future if one wants European sectoral social dialogue committees being fully representative and outcomes of this dialogue supported and implemented by all companies in Europe.

UEAPME counts within its affiliated members several European sectoral SMEs organisations which have a real interest to participate in one way or another in the European sectoral social dialogue.

Therefore in parallel to the question of SMEs' participation in the European sectoral social dialogue, there is a strong need to support the capacity building of SMEs sectoral organisations at national but also at regional level notably in the EU 12.

## **2. On the functioning of social dialogue committees**

### 2.1 - Questions on the promotion of social dialogue

The Social dialogue website set up by the European Commission has been a very useful tool for giving more visibility to the social dialogue in general and to its outcomes in particular. One of the main added values is the presentation of the interprofessional and sectoral social dialogues and their respective actors and achievements on a single website.

It also strongly contributes to a better understanding of the complementarity of the two levels. The promotion of outcomes of the European social dialogue based on regular exchange of practices between the various sectors would be very useful and could be further enhanced in the current the Liaison Forum.

### **Conclusions:**

- UEAPME recalls the importance of social dialogue as one main pillar of the European social model and a key tool for reaching the Lisbon Strategy objectives of growth and jobs
- UEAPME insists however on the necessity for the Commission to fully respect the fundamental principle of autonomy of European social partners be it for interprofessional social dialogue or sectoral social dialogue
- UEAPME acknowledges the success of the European sectoral social dialogue since 1998
- UEAPME supports further development of the European sectoral social dialogue as long as the European Commission fully respects the autonomy of social partners and respects a demand driven process
- UEAPME deplors the lack of participation and recognition of SMEs in European sectoral social dialogues and asks for a reinforcement of sectoral SME organisations at all levels in view of strengthening the representativeness of European sectoral social dialogue committees in the future
- UEAPME agrees on the necessity to further promote the European social dialogue via notably the existing website created by the European Commission.

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