

**Negotiation, consultation and autonomy of EU Social Partners
20 years of the Social Partners' Agreement**

**Warsaw
24-25 November 2011**

Rev10

Concept

The aim of this conference is to recall the process from the adoption of the European Social Partners' Agreement of 1991 to the integration of the Maastricht Social Protocol into the Amsterdam Treaty (currently Arts 154 and 155) and to place it into the current context, assessing what changes it brought about both in EU primary and secondary law, how the consultation and negotiation process between EU social partners evolved, what concrete results it has led to, and an evaluation of the current state of social dialogue. It will allow an exchange of views among social partners, Member States and others on the way these provisions work and likely future developments.

The conference will be organised in Warsaw in cooperation with the PL Presidency. It will be held on **24 and 25 November 2011**.

It will bring together some 200 participants, representatives of the cross-industry and sectoral social partners at European and national level, but also representatives of member states, EU institutions, academics and others interested in social dialogue and industrial relations.

The conference will address the consultation and negotiation dimension of the EU social dialogue, including the outcomes of the autonomous social dialogue. A key focus will be the setting of an EU method of negotiation – what are its triggering factors (consultations or own initiatives), its scope and nature, how can it be promoted, and what are the pre-conditions and patterns, if any, of a successful negotiation. This will raise further issues related to the implementation of any agreements, the institutional issues surrounding both the negotiation process and the negotiators, and the implications of the choices made.

Apparently half of all recent Community social legislation is accounted for by social partner agreements. Does this reflect the reality of the negotiation dimension? Social partners, governments and the Commission should address the development of the 'negotiation dimension' in these political terms. How can this be promoted and reinforced? Are there specific conditions which lead to successful negotiations? What is the view of the Member States? What are the implications of EU social partners' institutional status of legislator/regulator for social matters at EU level? Do social partners have the resources they need to attain their objectives?

Draft Programme

THURSDAY NOVEMBER 24

9.00-9.30 Session 1 – Opening of the Conference

- László Andor, Commissioner for Employment, Social Affairs and Inclusion
- XXX, Polish Minister

9.30-10.30 Session 2 – From the social agreement to the Treaty - challenges

This session will aim to 'set the scene' by retracing the story of how the social partners' agreement of 31 October 1991 evolved first into the social protocol in the Maastricht Treaty, then into Articles 137 and 138 of the Amsterdam Treaty, and subsequently into Articles 154 and 155 of the Lisbon Treaty, the implications and the challenges. Furthermore, new Article 152 TFEU now provides that the Union as a whole and not only the Commission is committed to promoting social dialogue at its level. This breakthrough should be also linked with the entry into force of the charter of fundamental rights (Articles 12, 27, 28). It should address the historical perspective and the legal implications.

Chair:

Speakers:

- J. Lapeyre (confirmed),
- P. Venturini (confirmed)
- Th de Liedekerke (confirmed),
- Claude Didry, ENS - Cachan, (tbc)

10.30-11.00 break

11.00-12.30 Session 3 – From the social agreement to the Treaty – putting European social dialogue into practice

Following on from the previous session, this would allow social partners from both cross-industry and sectoral social partners to give examples of the actual results of the Treaty provisions and to respond to the questions and challenges raised in the previous session.

Chair: – Expert or Commission

- Development of autonomous social partner activities and the work programme of cross-industry social dialogue
 - Leif Dergel, TCO (ETUC)
 - Michael Brodie, PPE, UK Section of CEEP (tbc)
- The 1998 Commission Decision and the development of Sectoral social dialogue (sectoral social partner)

12.30-14.00 - Lunch

14.00-15.30 Session 4 – How the consultation phase enriches EU social policy

The aim of this session will be the practical use of the provisions of Art 154 of the Treaty, which launches the consultation phase of a Commission initiative. It should be seen in the context of 'regulation by social partners for social partners', i.e the social partners as owners and users of the process. It should focus on what works and what does not, including the interaction between Commission initiatives and the autonomy of the social partners.

Chair: Commission or expert

- Employer (Ms Liliane Volozinskis, Social Affairs Director, UEAPME)
- Barbara Surdykowska, Solidarnosc
- Member State
- Commission legislative unit

15.30-16.00 break

16.00-18.00 Session 5 – Challenges of implementation of autonomous agreements

This session would go deeper into some of the issues and challenges of implementing and reporting on autonomous agreements.

This session would present three examples of autonomous agreements:

Opening: DVD on Stress

Chair: Commission

- Stress
Henrik Schilder, Local Government Denmark, CEEP
Maria Helena Andre, ETUC
- Telework
Elena Crasta, ETUC
Edyta Doboszynska, ZRP Poland, UEAPME
- Crystalline Silica
EMF (trade union)
Nepsi (employers)

Evening: Dinner

FRIDAY NOVEMBER 25

9.00 -10.15 Session 6 – Implementation of agreements by Directive – Social partners' experience

The two morning sessions would be devoted to the implementation of social partner agreements by EU legislation. The first session would allow the cross-industry and sectoral social partners to present examples of each and to explore the relationship with the development of a European collective negotiation dimension. It would be based on presentations of examples with the approach and the response.

Opening: DVD on sharps injuries

Chair:

- Cross-industry example: parental leave
Andrée Debrulle, ETUC
Ms Anu Sajavaara, EK Finland, BUSINESSEUROPE
- Sectoral example: sharps injuries
Carola Fischbach-Pyttel EPSU (tbc)
Godfrey Pereira, Hospeem (tbc))
- Member State

10.15-10.45 – break

10.45-12.30 - Session 7 – Implementation of agreements by Directive – challenges and prospects for member states and social partners

In this second session on agreements implemented by legislation the aim would be to discuss in more depth the issues which are involved in the decision and in the implementation.

Chair: Commission

- Patrick Itschert (confirmed), ETUC
- Jørgen Rønne, (confirmed), Chairman of BUSINESSEUROPE's Social Affairs Committee
- Member State representative
- MEP or national MP

12.30-14.00 lunch

14.00-15.00 Session 8 - European Social dialogue –prospects for the development of the consultation and negotiation dimensions of social dialogue

Panel session with representatives of European social partners to round up the issues which have been discussed during the conference, with special reference to the European collective negotiation dimension, the conditions for success, the choice of instrument and the political considerations. This session could address the issue of the relationship and coordination between national and European social dialogue – maybe even the role of these vertical linkages in strengthening European macroeconomic coordination.

Chair: Commission or moderator

- Bernadette Ségol, ETUC
- Ph de Buck, BUSINESSEUROPE
- A Benassi, UEAPME
- R Resch, CEEP

15.00-15.30 Session 9 – Closing

Commission - A Silva

PL Presidency