

the European social model

**etui.**

## the European social model

- **the legal framework**
- tripartite
- interprofessional
- sectoral
- company level
- national level



# the European social model

## the legal framework : the Rome Treaty 1957

- part three : social policy
  - to improve the living and working conditions of labour
  - close collaboration in matters related to
    - employment
    - labour legislation
    - occupational training
    - social security
    - protection against accidents and diseases
    - industrial hygiene
    - **trade union and collective bargaining**
  - equal remuneration men/women
  - establishment of the European Social Fund to promote
    - employment facilities (training)
    - geographical and occupational mobility (conversion)
- part five : institutions of the Community
  - establishment of the Economic and Social Committee



## the European social model

### the legal framework : Community Charter of Fundamental Rights for Workers (1989)

- major principles of the European labour law model
  - free movement of workers
  - employment and remuneration
  - improvement of working conditions
  - social protection
  - **freedom of association and collective bargaining**
  - vocational training
  - equal treatment for men and women
  - **information, consultation and participation of workers**
  - health protection and safety
  - protection of children, adolescents, elderly and disabled persons
- Commission should translate this into legislation



## the European social model

### the legal framework : the Maastricht Treaty 1992

(see also Amsterdam Treaty 1997)

- article 136 : the Community and the Member States aim to promote employment, improve working and living conditions, establish suitable social security provisions, **ensure social dialogue** and develop human resources to enable a high, sustainable level of employment and to fight exclusion
- article 137 : action in the following areas
  - improvement of working environment, protection of health and safety
  - working conditions
  - social security and social welfare for workers
  - protection in the case of termination of the employment contract
  - **information and consultation of workers**
  - **representation and collective defence** of the interests of workers and employers, including **co-management**
  - employment conditions for nationals of third countries
  - integration of people excluded from the labour market
  - gender equality
  - the fight against social exclusion
  - modernisation of the system of social protection

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- article 138 : the Commission has the task of promoting **consultation of social partners** at Community level, facilitating their dialogue, consulting them before presenting proposals in the field of social policy and asking their opinion on the content of planned proposals
- article 139 : dialogue between the social partners at Community level may lead to **contractual relations, including agreements**, ratified by a Council decision
  - ➔ option of negotiating binding European framework agreements, officialised in the form of directives or autonomously implemented by the social partners



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## the legal framework : the Lisbon Treaty 2009

- confirmation of the role of social partners
- new social objectives
  - a highly competitive social market economy aiming at full employment and social progress
  - promotion of social justice
  - eradication of poverty
- Charter of Fundamental Rights (2000)  
attachment with same legal status as other rights
  - **information & consultation**
  - collective bargaining
  - industrial action
  - protection against dismissal
  - fair and just working conditions
  - social security and social assistance



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## company level

- **information & consultation (EWC) & participation (SE)**
- no legal framework for European collective bargaining
  - Commission Social Policy Agenda 2006-2010 :  
**creation of an optional European framework for transnational collective bargaining**
  - but... Social Policy Agenda renewed 7/2008 :  
encourage the social partners to fully take advantage of existing options, the EU will facilitate the application of European framework agreements by national social partners  
→ provisionally, no legislative initiatives!
- however : 215 agreements, charters, declarations...  
in EC database on transnational company agreements  
→ need for transnational negotiation within companies

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## company level : list of ICP directives

- 1994/45 and 2009/38  
establishment of European Works Councils
- 1998/59  
collective redundancies
- 2001/23  
transfer of undertaking
- 2001/86  
involvement of employees in the European Company
- 2002/14  
general framework for informing and consulting employees
- 2003/72  
involvement of employees in the European Cooperative Society
- 2005/56  
cross-border mergers

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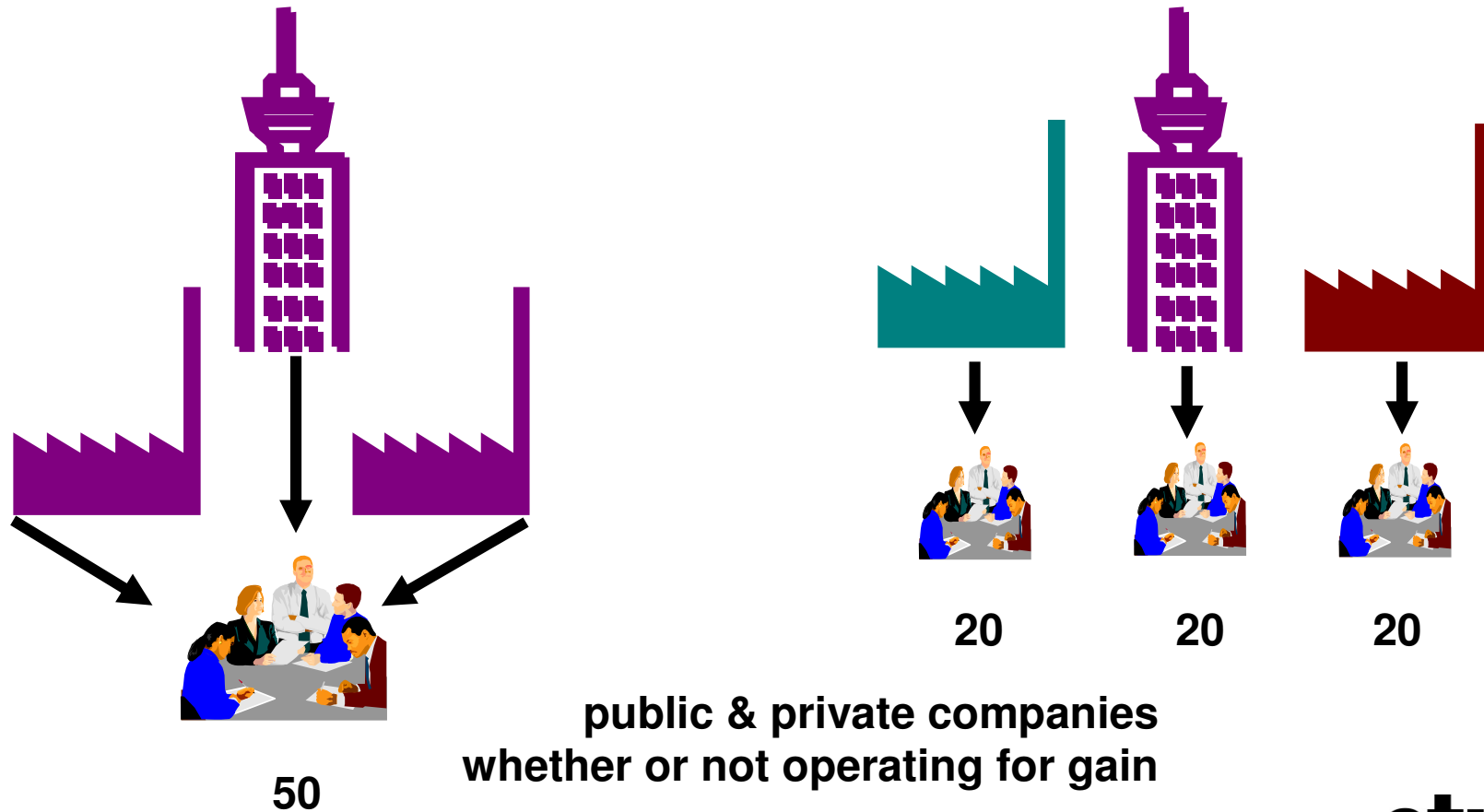
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- directive 2002/14 :

## general framework for informing and consulting employees in the European Community

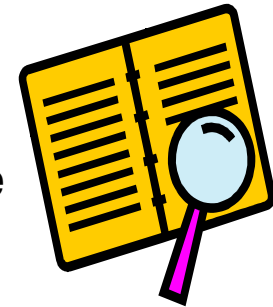


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- **directive 2002/14 : definitions**

## information

- transmission of data to enable representatives to acquaint themselves with the subject and to examine it
- at such time, in such fashion and with such content to enable an adequate study and prepare for consultation



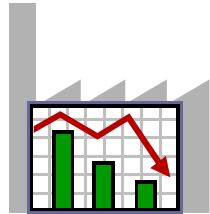
## consultation

- exchange of views and establishment of dialogue
- timing, method and content must be appropriate
- representatives must be able to meet the employer and obtain a response to their opinion, and the reasons for that response
- with a view to reaching an agreement

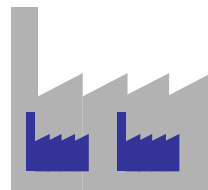


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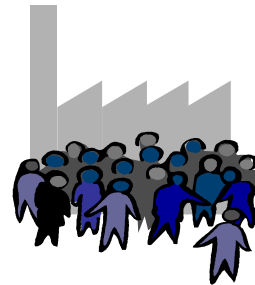
- **directive 2002/14 : competences**



recent and probable  
development of activities  
and economic situation



substantial changes in  
work organisation or  
contractual relations



situation, structure and  
probable development of  
employment



confidentiality

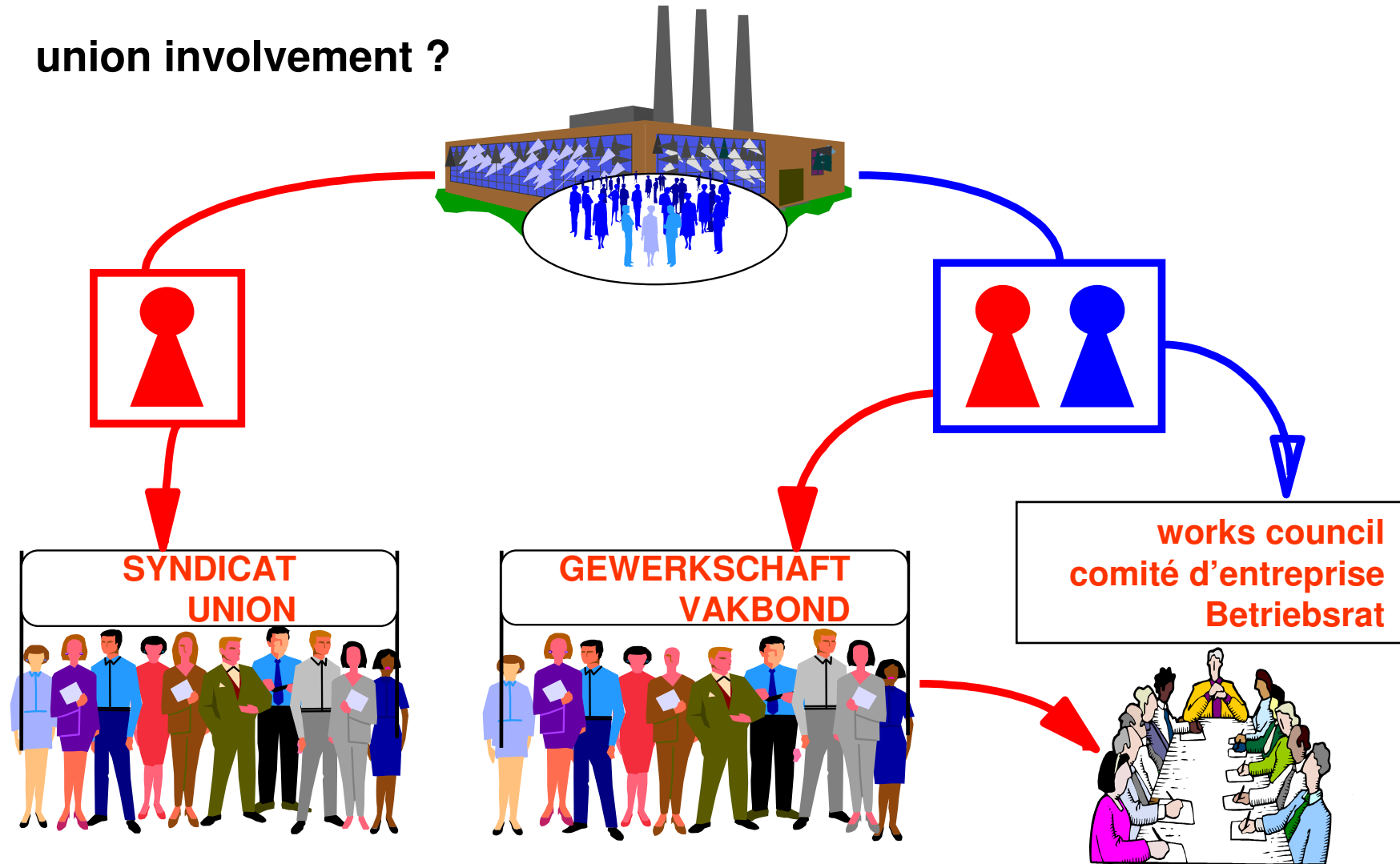
## **practical arrangements**

protection, judicial procedures, sanctions, works council, members...

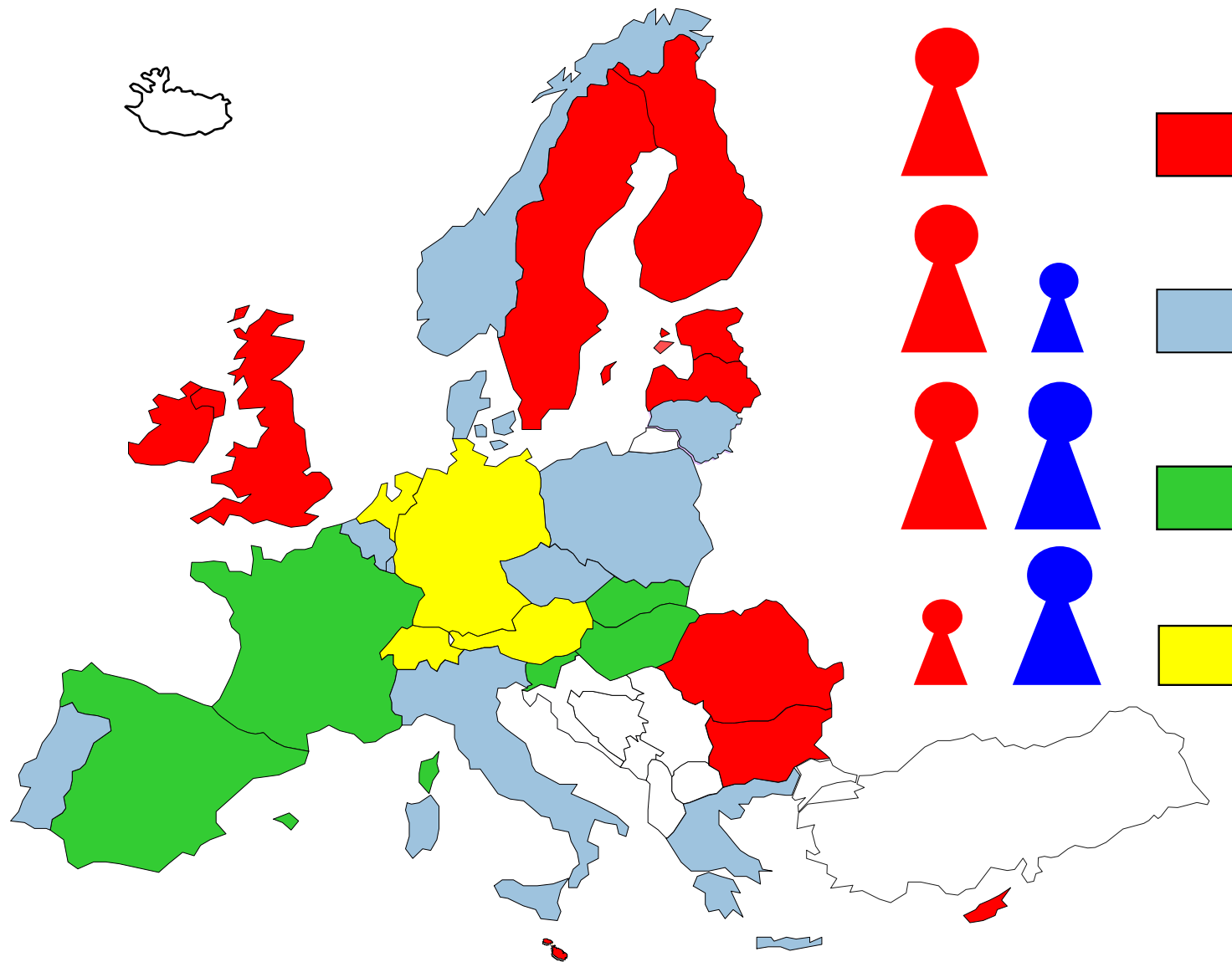
**→ see transposition into national law  
and industrial relations practices**

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- union involvement ?

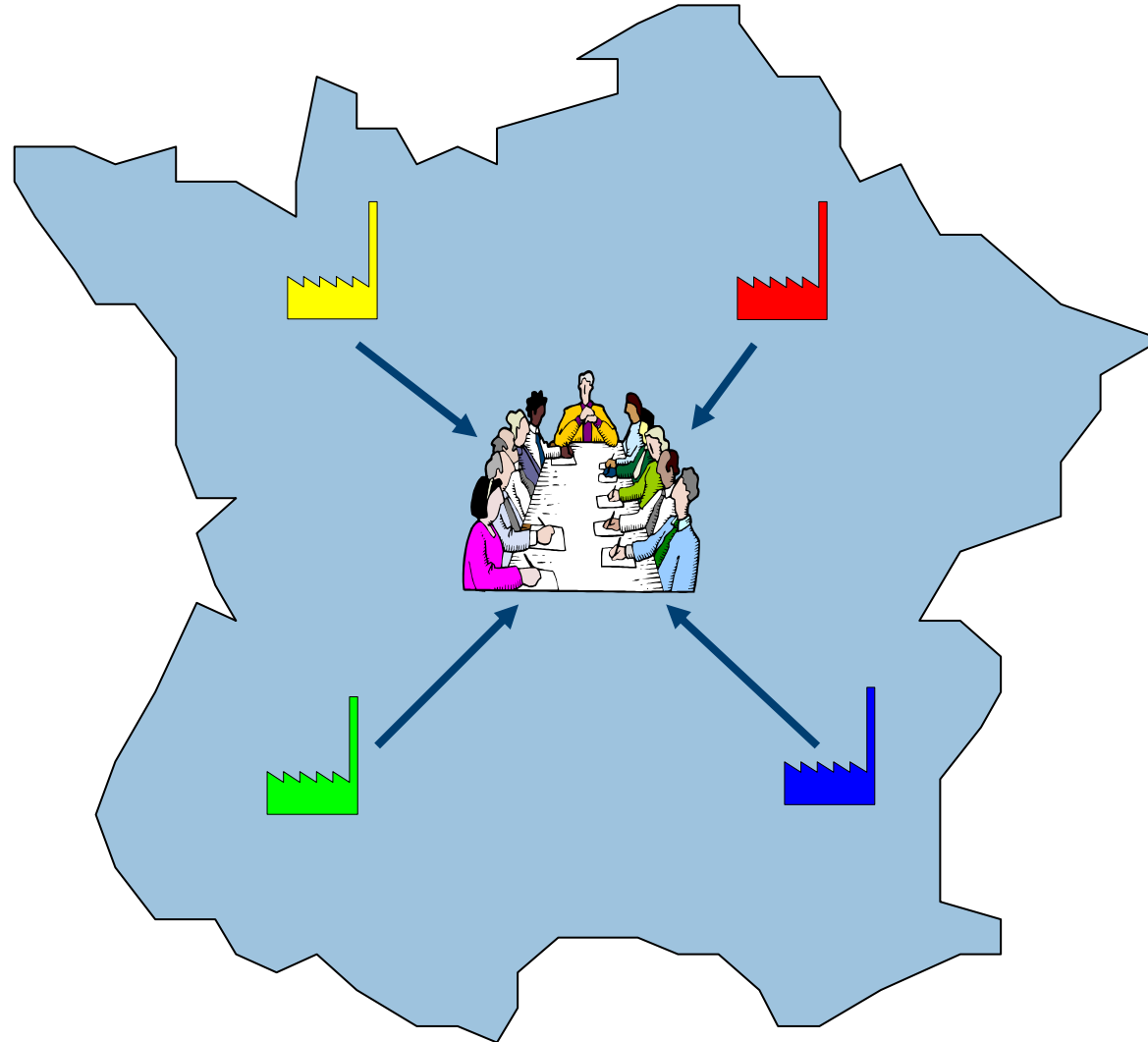


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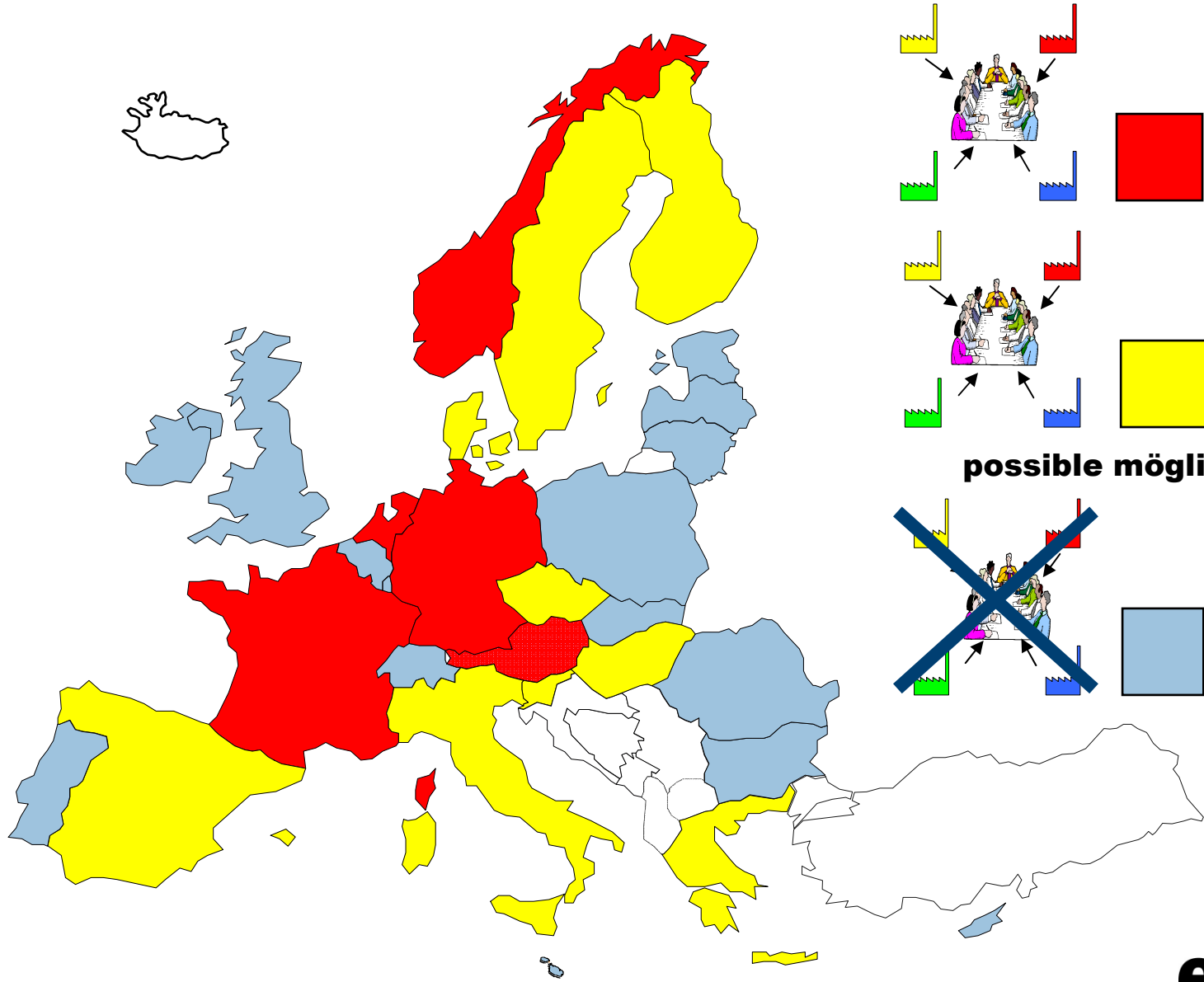


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- **group works council**



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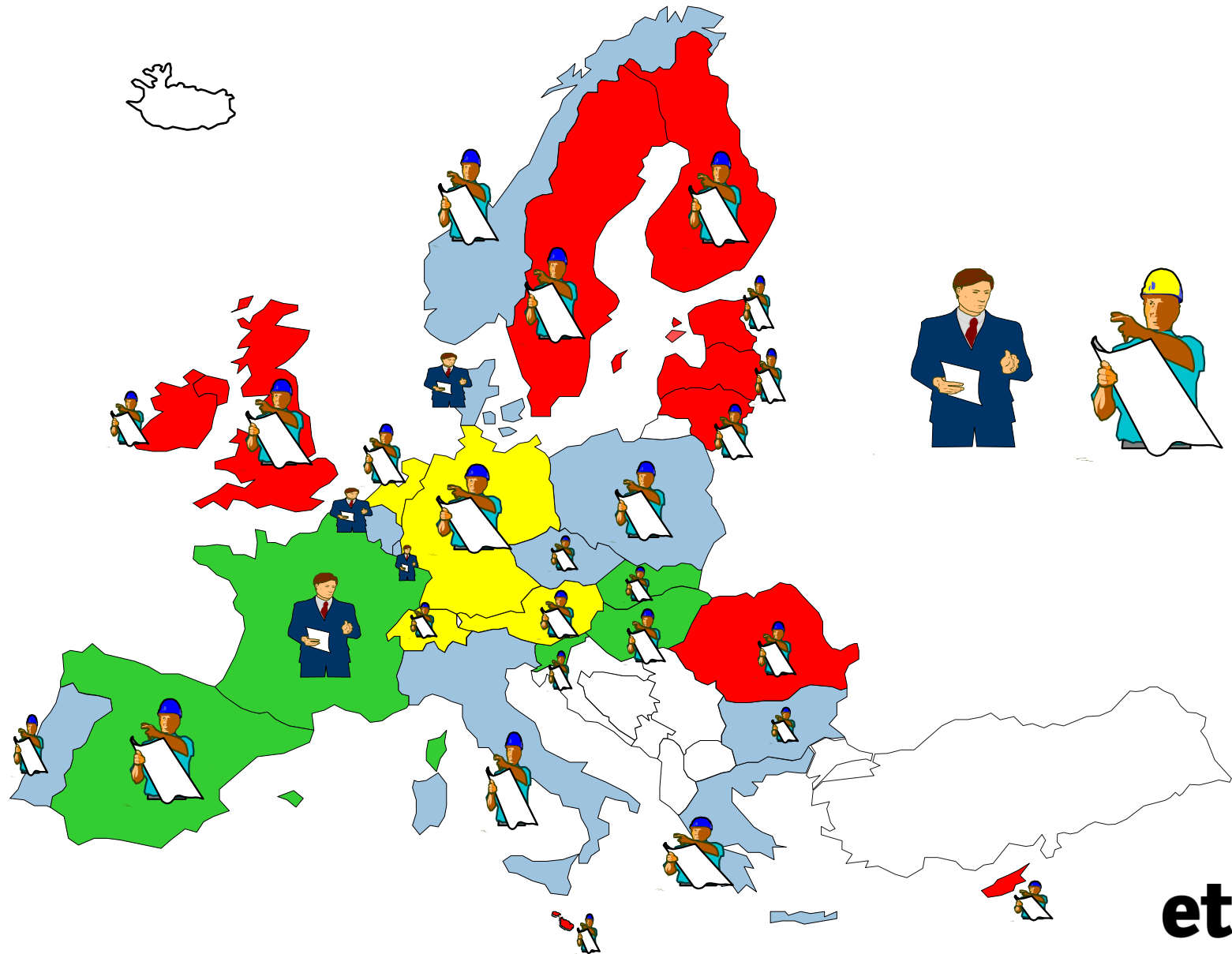


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- chair



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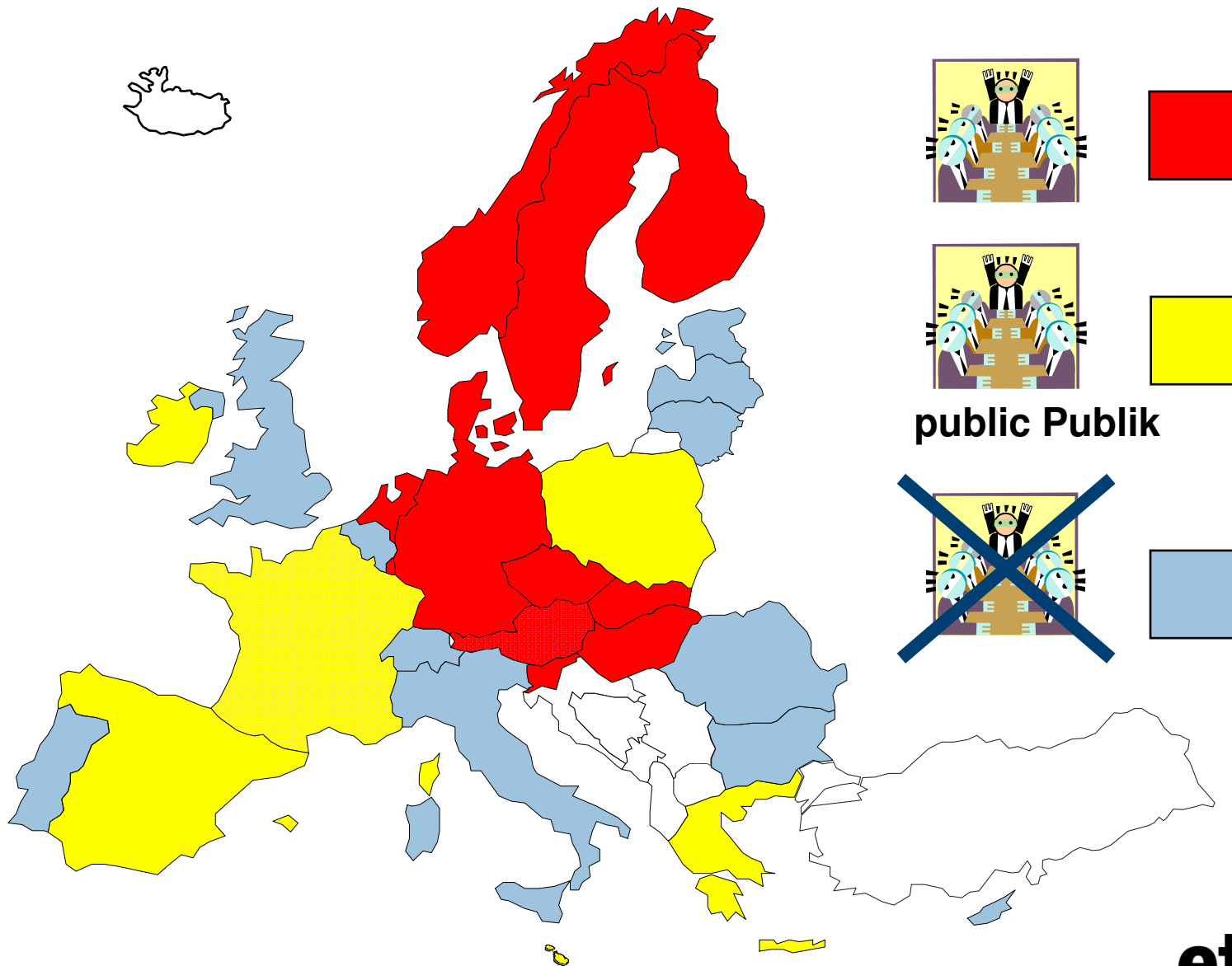


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- board level representation

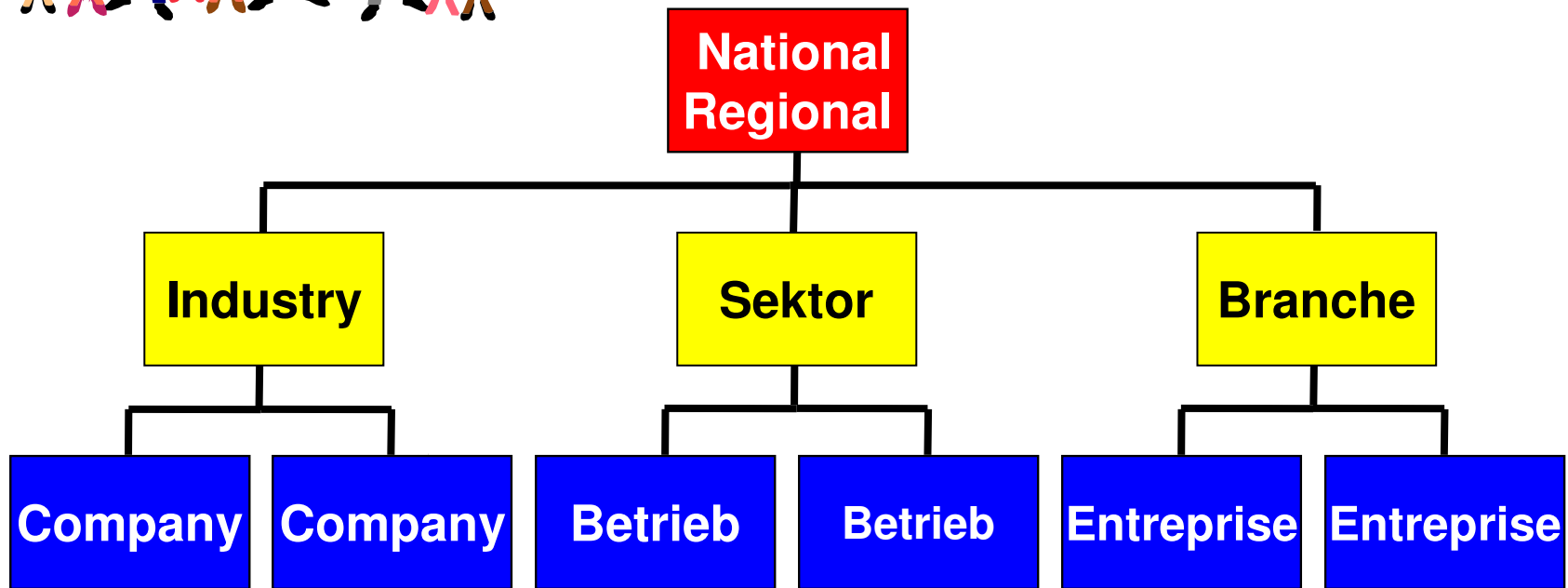


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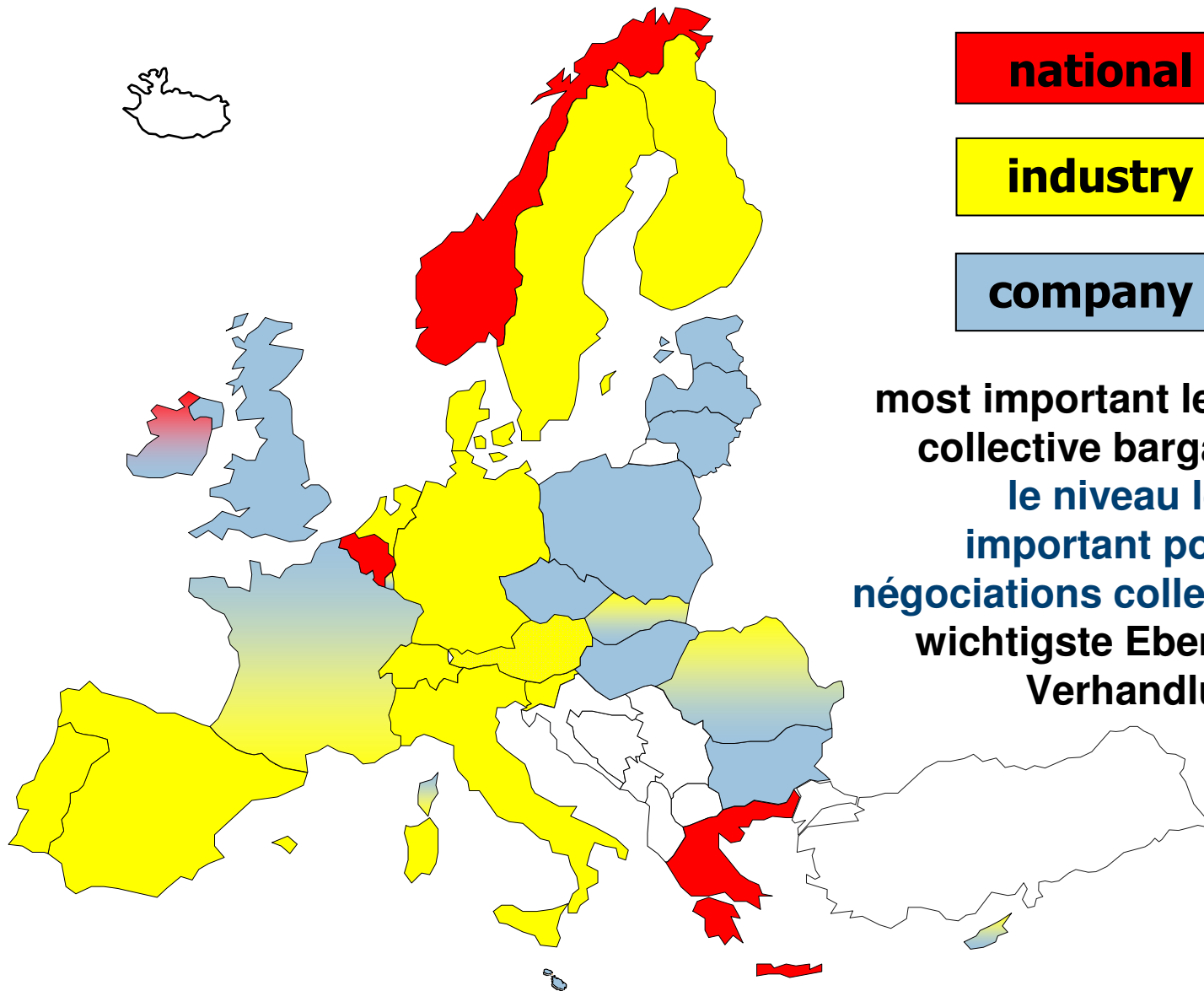


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- bargaining level

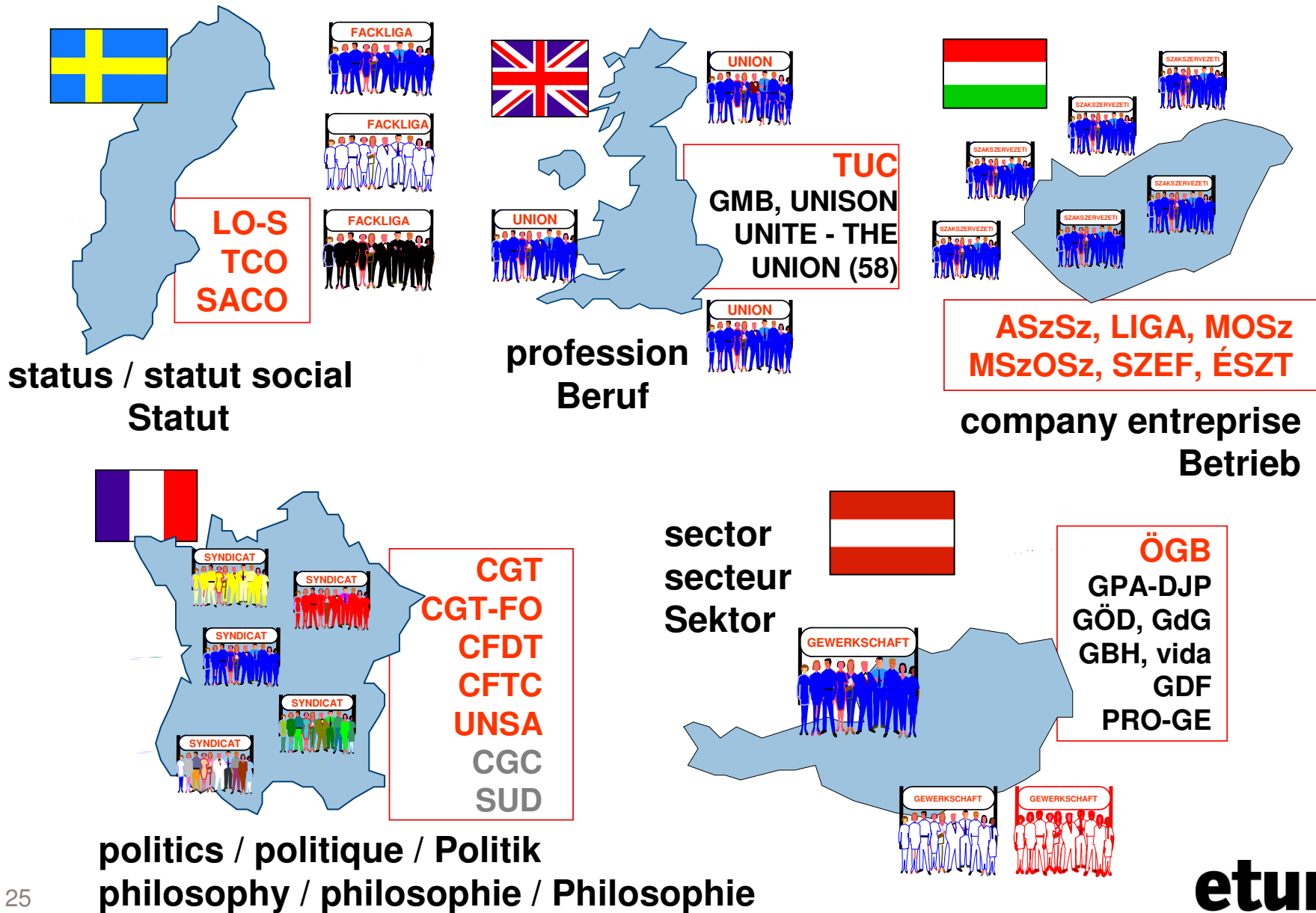


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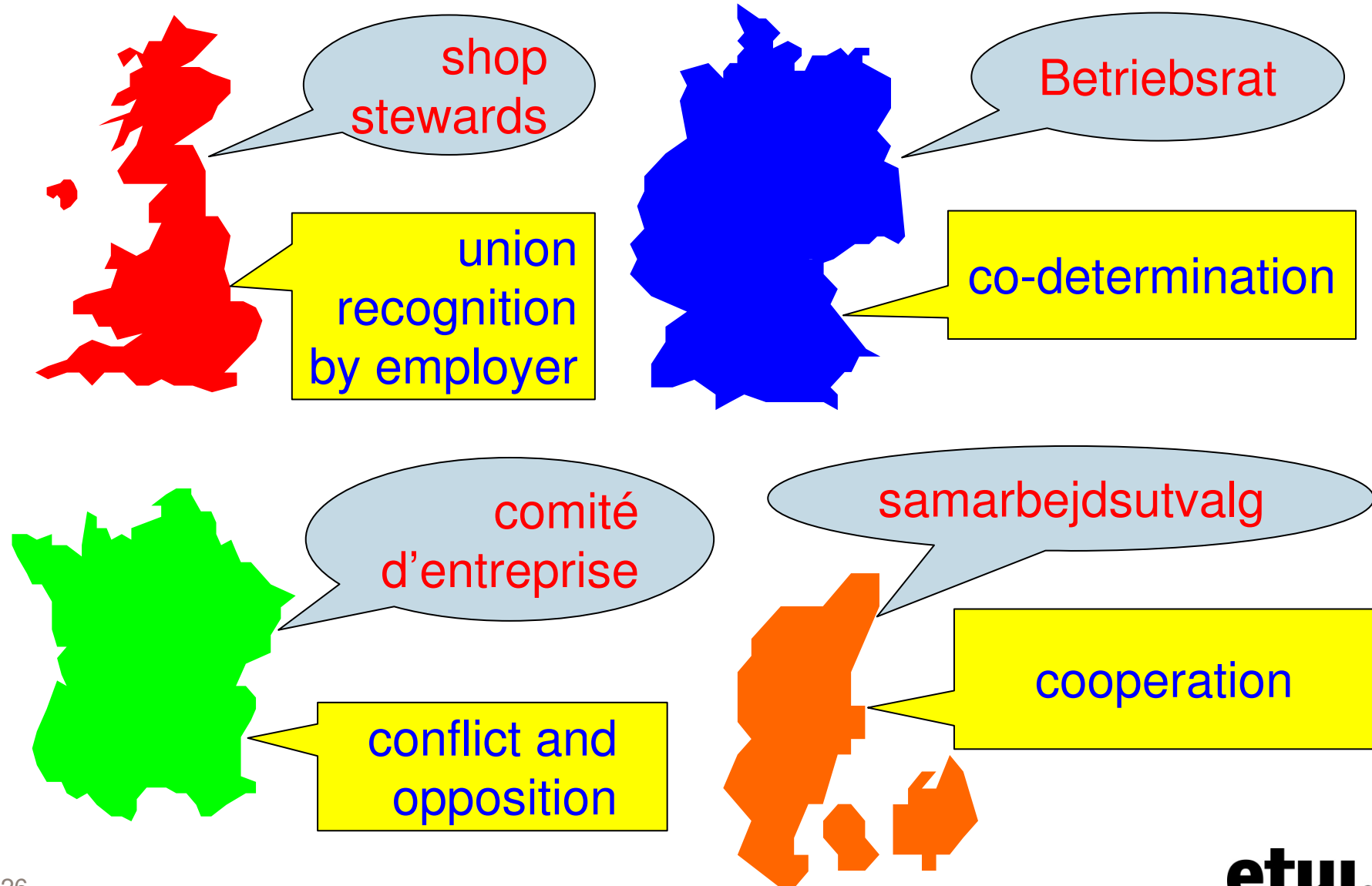


most important level of  
collective bargaining  
le niveau le plus  
important pour les  
négociations collectives  
wichtigste Ebene der  
Verhandlungen

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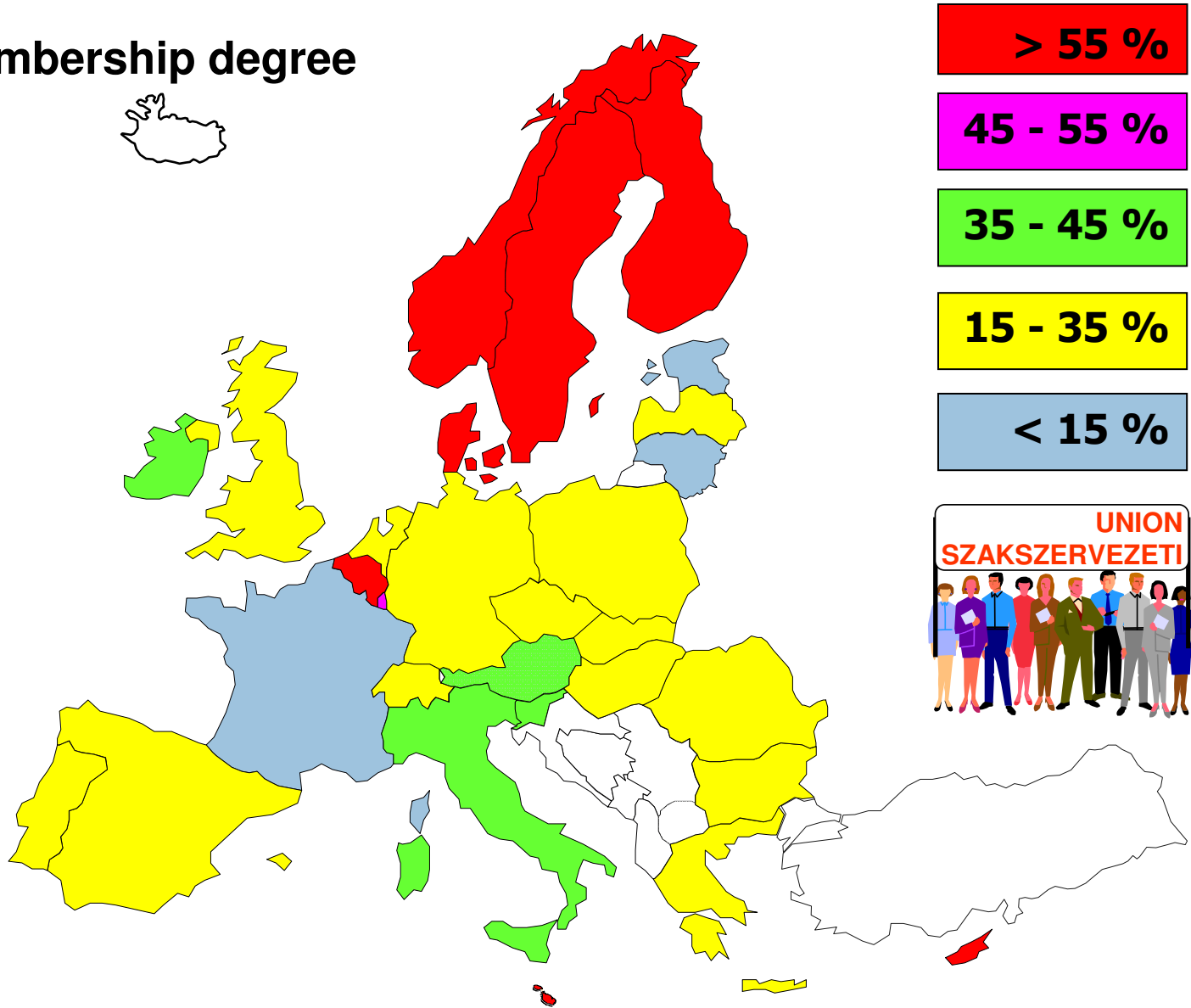


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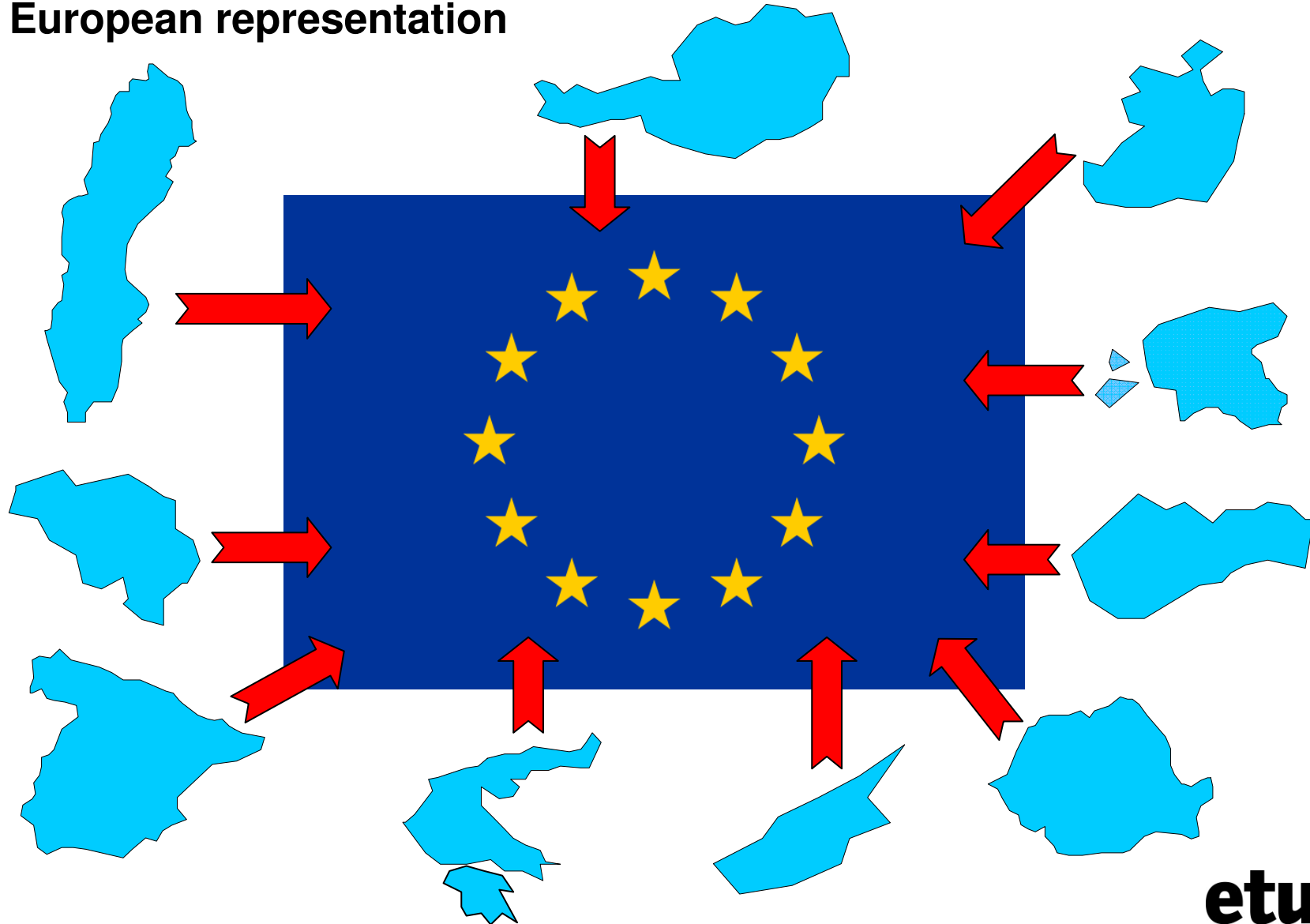
# the European social model

- membership degree



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- **European representation**



# ICARUS

Information and  
Consultation: Approaches of  
Research coordinating Good  
Union Standards