

Communication from the Commission - COM (2004) 557 final of 12 August 2004**“Partnership for change in an enlarged Europe -
Enhancing the contribution of European social dialogue”****CEEMET Position Paper****INTRODUCTION**

CEEMET represents the interests of employers’ organisations in the metal, engineering and technology-based industries from 18 European countries with a particular focus on social policy issues. Furthermore, CEEMET has established and is developing a network of contacts with employers’ organisations in the new EU Member States. Our member organisations currently represent around 200,000 companies, employing some 12 million people.

CEEMET acknowledges that the Commission’s Communication of 12 August 2004 on ”Partnership for change in an enlarged Europe - Enhancing the contribution of European social dialogue” demonstrates the importance that the Commission attributes both to the enlarged European Union and to social dialogue at Community level. An autonomous dialogue in the appropriate form between the social partners at interprofessional and sector level can contribute to creating a more favourable economic climate and therefore help to improve competitiveness, innovation and growth. This can then lead to improved employment opportunities and enhanced social cohesion.

CEEMET fully supports the UNICE position of 25 November 2004 on this Communication but would like to highlight some aspects of particular importance for its members and add some points with regard to sector specific issues raised in the Communication.

ENLARGEMENT

Enlargement offers both opportunities and challenges, also for social dialogue and CEEMET believes that, to help to address these, it is important and necessary to have representative and stable social partners’ organisations in the new Member States. However, CEEMET considers that it is equally important to take into account the state of development of social dialogue in these countries and to build on the current situation rather than try to impose on them the systems of the “old” Member States. The development of employer and trade union organisations in the “new” Member States should be facilitated but, in doing so, this must duly respect their national traditions and cultures of social dialogue.

Furthermore, CEEMET is of the opinion that the consideration of new ways to improve the technical capacities of social partners’ organisations in these countries should take into account the results of previous programmes for fostering social dialogue, such as the Phare twinning projects, and build on these experiences. The results of these programmes should be properly assessed in order to identify the lessons that can be learnt for the future and to determine what, if anything, remains to be done.

Finally, in its comments on enlargement and the development of social dialogue in the new Member States, the Commission's Communication gives the impression that the Commission is willing to follow a "top-down" approach. However, CEEMET believes that a "bottom-up" approach would be more appropriate and more sustainable. As stated above, CEEMET is firmly of the view that it is not possible to set up strong social partners' organisations in the new Member States without taking into account their historical and traditional background. This approach would be in line with the Communication's explanations under point 4.2 that, for effective sectoral social dialogue, a "bottom-up" approach is essential. The same principle should also be applied with regard to the development of social dialogue structures in the "new" Member States, where in most of them, sectoral social dialogue is poorly developed, if it exists at all.

RESPECT THE AUTONOMY OF SOCIAL PARTNERS

Although the Commission states that it recognises the autonomy of social partners, several proposals in its Communication appear to be contradictory to this important principle. While fully recognising the Commission's right of initiative in the Treaty, CEEMET is strongly opposed to the Commission exercising its right of initiative at any time, especially during negotiations between the social partners or whilst social partners agreements are being implemented. Furthermore, CEEMET believes that the Commission should refrain from interfering in the monitoring that is undertaken by the social partners of their own agreements by, for example, drafting check-lists, preparing lexica for social dialogue terminology or organising national seminars in Member States. These measures would, in CEEMET's opinion, hamper the autonomy of social partners and could discourage them from developing joint activities.

EUROPEAN SECTORAL SOCIAL DIALOGUE

In its Communication, the Commission reiterates its views that Sectoral Social Dialogue Committees are "the" appropriate bodies for bipartite sectoral social dialogue. CEEMET strongly opposes this point of view and urges the Commission to recognise the existence of an autonomous and genuinely bipartite, needs-driven and results-oriented social dialogue outside of these committees.

At the moment, only those parties that are involved in a Sectoral Social Dialogue Committee – whether or not they are recognised national social partners' organisations as stipulated in the Commission's Decision of May 1998 on the establishment of the Sectoral Social Dialogue Committees (COM (98)322) – are officially informed and consulted by the Commission. CEEMET regards this as a form of discrimination vis-à-vis those organisations which have a genuine and autonomous social dialogue outside of the Commission's Sectoral Social Dialogue Committee structures. CEEMET has entered into a form of social dialogue - with the EMF (European Metalworkers' Federation) - through regular meetings in a framework of "ad-hoc" working groups and believes these activities, which have led to the adoption of joint documents and the organisation of a joint conference, should be recognised as a form of social dialogue that entitles the parties to be formally consulted by the Commission. According to the Treaty, the Commission must provide a "balanced" support to the social partners without specifying that they must belong to a Sectoral Social Dialogue Committee. CEEMET therefore believes that ignoring social partner organisations, which have not entered into a Sectoral Social Dialogue Committee, is contrary to the Treaty and discriminatory.

THE DEVELOPMENT OF SYNERGIES BETWEEN THE DIFFERENT LEVELS OF SOCIAL DIALOGUE

CEEMET is strongly opposed to the Commission's idea that synergies between sectoral social dialogue and European Works Councils should be developed for the following reasons:

- European Works Councils discuss internal company issues whereas sectoral social dialogue deals with cross-industry matters.
- European Works Councils are information and consultation bodies and not negotiation bodies.

- According to the EU-Directive 94/45, trade unions – like employers’ organisations - are not involved in the activities of European Works Councils whereas they participate in sectoral social dialogue.

As far as the synergies between sectors as well as between the sectoral and cross-industry organisations are concerned, CEEMET is, in principle, prepared to support better cooperation. However, since each sector has its own specific circumstances, the results of the social dialogue in one sector are not automatically transferable to other sectors. Furthermore, this issue should be discussed between the sectoral and cross-industry organisations concerned with due respect for their autonomy.

STUDIES

CEEMET fully supports the Commission’s idea to update the **study on the representativeness of social partners**. In CEEMET’s view, all sectors and interprofessional organisations must be looked at without an objectively unjustified distinction being drawn between those sectors that have a Sectoral Social Dialogue Committee and those that have not.

However, CEEMET is strongly opposed to the preparation of a **study on transnational collective bargaining** as it believes that, taking into consideration the specific circumstances of national collective bargaining in each country, it is difficult to imagine that transnational collective bargaining can ever become a reality. The current trends towards more flexibility and the greater decentralisation of collective bargaining are in sharp contrast to this idea. CEEMET considers that any moves towards transnational collective agreements are neither realistic nor desirable. Furthermore, and as UNICE rightly stresses, “European negotiations and the resulting framework agreements which establish broad principles are fundamentally different from collective agreements resulting from bargaining on wages and working conditions in the Member States”. In support of this view, it is important to note that in the “old” 15 Member States, let alone in the 10 “new” Member States, national sectoral collective bargaining does not always exist.

CONCLUSIONS

CEEMET would like to reiterate its strong support for the autonomy of the social partners and therefore calls on the Commission to refrain from adopting any measures that could limit their autonomy. As regards sectoral social dialogue, CEEMET is firmly of the view that social dialogue can take place outside of Sectoral Social Dialogue Committees and does not accept the Commission’s argument that appears to consider that these Committees are “the” only appropriate bodies for bipartite social dialogue.

Brussels, December 2004