

SOCIAL DIALOGUE

UNIVERSAL VALUE OF SOCIAL DIALOGUE

Since its founding in 1919, the ILO recommended the practice of social dialogue on a broad basis, as an instrument which can reconcile the requirements for social justice, on the one hand, and those for business competitiveness and economic growth, on the other hand. ILO definition for social dialogue includes all forms of information exchange, consultation, collective bargaining and mechanisms for joint decision-making based on different procedures between the governments, the employees' and employers' representatives (regardless of the procedure) on issues relating to economic and social policies of common interest. It can lead to a tripartite process in which the government officially takes part, or to bilateral relations between the trade unions and employers' organizations, respectively, the management of the companies.

It is possible the conduct of social dialogue to be informal or institutionalized, or more, as often happens, to combine both characteristics. It may affect several levels: international, continental, national, sectoral, local, company or plant. The paramount goal of social dialogue is to promote social peace and stability, and thus social and economic development. This is a mechanism that promotes consensus on fundamental issues between the main industrial actors. It also limits the social conflicts through procedures for peaceful solving of disputes. Social dialogue generally contributes to the wise management of public affairs and promotes the principles of democracy. Social dialogue, an element of good governance, promotes the democratic management of public affairs. Although it can grow only in democratic societies, the role it plays is fundamental for the transition to democracy. The structure and process of fruitful social dialogue can solve difficult economic and social issues; can create conditions for good governance and **decent work** in conditions of freedom, equality, security and dignity.

It would still be naive to think the social dialogue for panacea. Conflicts will not simply disappear, but social dialogue can offer a framework within which to approach them and to find solutions.

DIAGRAM OF SOCIAL DIALOGUE

TRADE UNION ORGANIZATIONS
EMPLOYERS' ORGANIZATIONS

EMPLOYEES
EMPLOYERS

STATE

PARLIAMENT, GOVERNMENT, MINISTRY AND ETC.

The state participates in social dialogue at two levels: as a representative of public interest and as an employer. As a representative of public interest, it not only adopts laws and regulations, but also monitors their implementation. As an employer, it is subject to the requirements for effective management as any other employer.

For real and effective social dialogue the following conditions are necessary:

- Recognition of fundamental rights: right of association, right of union membership and collective bargaining, workers must have right to strike and adequate protection against any kind of union discrimination.
- The trade union and employers' organizations must be representative and independent, to represent the interests of their members, to work in a democratic manner on the basis of transparent processes and to have the necessary technical capacity and access to adequate information in order to participate properly in social dialogue.
- Assertion of political will by all countries to participate in social dialogue with the appropriate level of trust and commitment based on a common framework and understanding for the aims of the dialogue.
- Suitable institutional support by the state for creation of an environment allowing the trade union and employers' organizations to operate freely, creation of a legal framework for effective implementation of the agreements already reached.

There is no model for social dialogue, which can be transferred directly from one country to another. Although the observance of the universal principles of freedom of association, right to union membership and collective bargaining have to be guaranteed, it is important the social dialogue to be adapted to the national circumstances, so it to include the local conditions and to meet the most demanding situations, and also to be possible decisions to be made on the level that is closest to the problems. Finally, the social dialogue should obviously evolve over time in order to follow the development of the society and economy.

SOCIAL DIALOGUE HAS KEY DIMENSIONS. FIRST, IT IS A FUNDAMENTAL ELEMENT OF THE EUROPEAN DEMOCRACY, SECOND- IT IS ALSO AN INSTRUMENT FOR ECONOMIC AND SOCIAL MODERNIZATION, THIRD- IT IS AN IMPORTANT COMPONENT OF THE **acquis communautaire**, RECOGNIZED BY

THE TREATY ALONG WITH THE OTHER TOOLS FOR EMPLOYMENT AND SOCIAL POLICY.

Social dialogue in the center of the European social model

Important part of *acquis communautaire*, social dialogue is in the core of the European social model, which gives the social partners from the old continent the opportunity to engage in autonomous dialogue, which can lead to collective agreements in all aspects and problems in the industrialized world. It provides procedures for consultation between the relevant social partners in the EU, joint actions, discussions and negotiations, supported by the EU institutions.

Although the types of industrial relations, negotiations, employees' representation and participations in the dialogue are different in the different countries, the countries from the EU benefit equally, overcoming their differences. Therein lies the European specificity - the approach to social issues, designed to ensure, on the one hand, workers' rights and, on the other, to ensure social unity. Social dialogue is essential for the achievement of the objectives for social and economic unity of the EU, as stated in the Lisbon strategy: creation of full employment and strengthening social unity. Commission's task is to promote the consultations between the social partners. That is why it undertakes all appropriate measures to facilitate the dialogue and to maintain the balance between the parties.

The Treaties of Maastricht (1992) and Amsterdam (1997) have almost legislative role for the European social partners. The Commission must consult them when has the intention to submit proposals in the social field. Till the moment there are published 15 joint positions on issues such as economic growth, introduction of new technologies, education, vocational training and etc.

Moreover, the social partners have developed the ability to reach agreements that can, if all partners are agree to be implemented by the Council or by themselves on a proposal o the Commission. Currently, there are six framework agreements of this kind, relating to parental leave, part-time work, fixed term contracts, teleworking, work stress.

THE THREE FUNCTIONS OF SOCIAL DIALOGUE

The benefit of social dialogue lies in its three functions. They meet specific activities in the systems of confrontation /negotiation functions/, of working out /regulative functions/ and their impact on the society /functions of unity/.

The negotiation functions concern the added value of the conflict of interests between employers and employees in the bipartite mechanisms. They concern different issues on informing employees by the management, improvement of working conditions and etc.

The regulative functions are connected with the working out by the social partners and public authorities of regulations which give structure to the industrial relations.

The function of unity concerns the impact of the industrial relations on the society as a whole: integration of the different categories of workers in the

society, the whole society to accept the national social model and to create relations of solidarity between the employed and the other citizens /for example through governance of the social institutions/.

The social partners play an equal important role in the European Economic and Social Council, where they sit shoulder to shoulder with other representatives of the civil society. The Tripartite Social Council for growth and jobs also contributes to the development of social dialogue.

Institutionalization of the European social dialogue

Adopted in Nice on 7 December 2000 in order to be included in the future Constitution, the Charter of Fundamental Social Rights of Workers has provisions aimed at strengthening the European social dialogue. Although it is not mandatory (it is not formally ratified by the member states), it undoubtedly has pedagogical, moral and political value. The Charter states that all people are given the freedom of association. This suggests conditions for establishment of a trade union and membership in it; the right of workers and their representatives to information and consultation at company level; the right of trade union and employers' organizations to conclude collective agreements and in case of conflict of interests- to use collective actions as strikes.

Article 136 of the EC Treaty states that the social dialogue is a fundamental right. Article 138 of the Treaty states that the Commission has the task to promote the consultations with the social partners at EU level and to take all measures to facilitate the dialogue between them, providing balanced support.

Article 139 stipulates that the social dialogue at EU level may result if the social partners want, in agreements and contracts which to be executed in accordance with the procedures and practices applicable to the social partners and member countries. In the areas relating to Article 137, the Council may also undertake measures on a proposal from the Commission or on the joint request of the social partners.

EUROPEAN SOCIAL DIALOGUE -
DIAGRAM

