

**Annual Meeting of Working Group 5 *Social Dialogue* of the Eastern Partnership Civil Society Forum**

**3 June 2013, Brussels**

**Minutes**

The first meeting of the Working Group 5 (WG5) took place on 3 June 2013 in the premises of the European Economic and Social Committee (EESC) in Brussels. The participants gathered to listen to expert presentations, to receive an overview of developments since the formation of the group at the Stockholm meeting and to decide on the future work of the group.

The meeting was opened by the coordinator of WG5 Gintaras Morkis, who also chaired the meeting. After the adoption of the agenda, Mr Andrzej Adamczyk, EESC Member, host of the meeting and the President of the Eastern Neighbours Follow-up Committee, and Ms Vivian Konnari, Eastern Partnership Desk Officer from the European External Action Service addressed the participants.

**Welcome Session**

**Mr Adamczyk** welcomed participants to the first regular meeting of WG5 and explained why the creation of the group was so important to the EESC. As the goal of the Eastern Partnership (EaP) is the promotion of EU values in the EaP countries, the EESC aimed at promoting the idea of social dialogue.

**Ms Konnari** underlined the importance of the year 2013 for the EaP. She stressed that the Association Agreements (AA) including Deep and Comprehensive Free Trade Agreements (DCFTA) are irreversible and therefore serve as a guarantee for democracy. Ms Konnari outlined the prospects for the Vilnius Summit and informed on the EaP Foreign Ministers Meeting on 22 July which will aim at reviewing the progress and preparing for the Summit. The focus of the EaP in the coming two years will be on the implementation of the agreements, while the need to guarantee the inclusiveness of the EaP should not be forgotten. She emphasized the need for the EU to reach out beyond governments to society at large in order to advance the goals of the EaP.

**Session 1 – Results of the inaugural meeting of WG5**

**Gintaras Morkis** presented the recommendations of WG5 prepared during its inaugural meeting at the Stockholm Forum (see <http://www.eap-csf.eu/en/working-groups/wg5-social-dialogue/resources/wg-5-inauguration-meeting-recommendations/>). He emphasized the need for a comprehensive study of the state-of-play of social dialogue in the EaP countries and the importance of raising awareness on the role of social dialogue in the EU within CSOs from

the EaP region. He stressed the need to extend the scope of the WG to focus on issues like labour migration, informal employment and trafficking.

Participants identified the absence of employer's organisations and trade unions in the WG as a problem for conduction discussions on social dialogue. The high number of employment in the informal sector, which is not organised in unions, and the fact that most of the larger unions in the EaP countries are state controlled or influenced (although the situation varies from country to country) were identified as additional problems. The high number of NGOs in WG5 in comparison to the traditional social partners is partly due to the fact that in some countries unions or/and employers organisations are legally registered as NGOs. It was stressed that NGOs sometimes have to represent social partners in the CSF, as for example for the 5<sup>th</sup> CSF in Chisinau no union from Azerbaijan applied and the fact that most unions in the EaP countries are not independent, limits their role in social dialogue so that NGOs would often be needed to assist here. Participants stressed that the issue of social justice, especially focusing on unemployment and poverty, should become a priority for the activities of WG5.

## **Session 2: EU social and employment policies - the role of social dialogue**

**Frederique Rychener**, International Policy Officer for Enlargement and Neighbourhood Policy from DG Employment, stressed that social dialogue is a pillar of the EU's social model. She put a special emphasize on the need for the principles of autonomy and representativeness to be respected for social dialogue to work and to deliver the desired outcomes. Ms Rychener expressed her gratitude for the fact that social partners are now better reflected within the EaP CSF.

**Philippe Pochet**, the General Director of the European Trade Union Institute, presented the four different steps of social dialogue on the European level to the WG5 participants. The first phase from 1985-92 was characterised by a different view on social dialogue from trade unions, which were more supportive, and the business side, which was not completely favourable to the perspective of signing binding agreements, while the notion that the EU should support social dialogue was incorporated in the Treaties. During the second phase, the Commission stepped back, while new social questions like telework appeared that could be tackled on the European level. The third phase focused on the implementation of these new agreements, while the current and fourth face is characterised by a quite strong ambition of employer's organisations and trade unions to sign agreements on the European level, while the Commission did not use the opportunity provided by the crisis to call for a social Europe. Therefore, the situation now consists of more radical attacks on the institution of social dialogue in all EU members and a complete lack of vision from the Commission side.

**Grigor Gradev**, Executive Secretary from the Pan European Regional Council, stressed that social dialogue in Europe is the result of two centuries of practice and as social dialogue is a

process, it only happens and works when the two sides see an added-value in it. He underlined that while the experience and knowledge of NGOs is valuable to social dialogue and the social partners, the agreements that result from social dialogue are made between trade unions and employer's organisations without NGOs, as the agreement puts legal responsibilities on the signing parties. Mr Gradev stressed that social dialogue is much broader than wage negotiations as it has a broad impact on the whole society. He referred to Georgia as an example for this, as the current replacement of officials within all levels of the administration with people closer to the current government is only possible because the Georgian labour law allows for layoffs without justification or reason given. He emphasized that the importance of social dialogue in the EaP countries will raise with the implementation of the AAs and DCFTAs as these will bring huge changes to the local labour markets. According to Mr Gradev WG5 should start a policy discussion and exchange that brings real added value and ensure that its recommendations are delivered to the right audience. Therefore, he underlined the need for the set-up of a special structure on social dialogue within the official EaP programme. The rotation principle of participation in the CSF was identified as an obstacle to a continued dialogue by him.

**Matthias Thorn**, Senior Advisor from the International Organisation of Employers, stressed the importance of representativeness for a clear mandate in negotiations. He underlined that the clear international definition of social dialogue as done by the International Labour Organisation (ILO) should have consequences for the composition of WG5. Therefore, it would be essential to attract more employer's organisations to the group by offering them real value-added. In this respect, Mr Thorn stressed that the application process to the Forum does not work for employer's organisations. An exemption for social partners would be needed. Without employer's organisations, WG5 would risk losing its credibility. Concerning the way ahead for the WG, the suggested study should be conducted and utilised to draft a work programme. He informed the WG on a two-week international Labour Conference which will take place in Geneva from 5 June onwards and promised to report back to WG5.

During the discussion the fact that businesses in EaP countries are often in the hands of few people which also have a huge political influence thereby making a real dialogue with them often impossible was elaborated upon. Freedom of assembly was identified as the main pre-condition for a working social dialogue as most workers do not join independent unions, who would be defending their rights, as they are afraid of losing their jobs. It was stressed that EaP governments are often not aware of the benefits of social dialogue or – as in Moldova where a three-party social dialogue exists – the understanding of how social dialogues works is rather low with new governmental officials. Ms Rychener underlined that social dialogue is on the agenda in the discussions conducted between the EU and the partner countries.

NGO representatives from Armenia informed that in the Armenian WG5 a sub-group on child rights had been formed and expressed their concerns about the suggested reorganisation of the

WG to attract more social partners and excluding the issue of social rights as suggested in the presentation of Mr Thorn, who in reaction specified that NGOs were of course welcome in WG5, but that the need to attract more social partner persists.

### **Session 3: Social dialogue in the EaP countries**

**Andrzej Adamczyk** informed on the previous initiative to set-up of a panel on social dialogue under Platform II, which was blocked by the Georgian. Now after the Georgian Government changed, this might become a possibility. He underlined that the rotation system for Forum participation is “absurd” as it reduces the number of participants due to the fact that in most countries only one large employer’s organisation or union exists. Furthermore, rotation destroys institutional memory.

Mr Adamczyk presented the concept note for a study on social dialogue in the EaP countries (see <http://www.eap-csf.eu/assets/files/Documents/concept%20note%20study%20on%20SD.pdf>). The study has three main objectives: to analyse the legal and administrative framework; to map social dialogue organisations and their needs as well as to evaluate the strengths and weaknesses of social dialogue in each EaP country.

Participants welcomed the idea of a clarifying study and suggested to organise a seminar on social dialogue in addition, which should inform WG5 as well as provide ideas and suggestions. Participants were informed that the best way to receive funding for such a seminar would be by forming a consortium and drafting a project proposal for the next call of the Civil Society Facility. The consortium as well as the project proposal should be ready before the call is published in order to allow for timely submission.

The opinion of the EESC on “Social dialogue in the EaP countries” (see [http://www.eap-csf.eu/assets/files/Documents/ces774-2012\\_00\\_00\\_tra\\_ac\\_en.pdf](http://www.eap-csf.eu/assets/files/Documents/ces774-2012_00_00_tra_ac_en.pdf)) was presented by **Hubert Cambier**, the expert of the rapporteur of the opinion. Mr Cambier stressed the important difference between social and civil dialogue and underlined that social dialogue is not possible without freedom of assembly as a real social dialogue needs certain civil rights as its foundation. Concerning the CSF Mr Cambier explained that the criteria of representativeness is not taken into account when selecting members, which puts every organisation on the same level and leads to an underrepresentation of social partners. Furthermore the rule of rotation and limitation of mandates negatively influences the efficiency of the Forum. He welcomed the establishment of WG5 and stressed the need to avoid the duplication of existing bodies. Therefore, National Platforms should try to link with existing bodies for the conduction of social dialogue existing in their countries.

**Alicia Krzyzanowska** from DG TRADE briefed participants on the impact of the implementation of DCFTAs and stressed that the role and opinions of WG5 in this context are

highly welcomed by the Commission. She stressed that the implementation of each DCFTA depends on the country implementing the agreement.

#### **Session 4: The way forward – discussion and decision**

During the strategic discussion on the way forward for WG5 it was suggested to try to involve the official unions existing in the EaP countries into the work of the group as it would not be wise to exclude them keeping in mind their size. Also a quota for social partner participation in the Forum and a policy of inviting trade unions to send observers to the Forum were suggested.

Some representatives of NGOs pointed to the fact that NGOs interested in social rights are the large majority within the WG and that therefore two subgroups – one on social dialogue for the social partners and one on social justice for all NGOs – should be set up. Furthermore they stressed the need to elect an NGO representative as the second WG-coordinator, while on the other hand also a union representative was suggested to replace Paata Beltadze, who was also coming from a trade union. In order to avoid a split of the group due to voting on the issue without finding a consensus, it was decided that no second WG-coordinator will be appointed and that for the time being no sub-groups within WG5 will be created. The need to work together in order to achieve good results was stressed by participants. NGOs and social partner representatives decided to work on topics that unite the group and identify projects of common interest within a broader scope of the group.

In order to represent the broadening of the scope of the group Mr Morkis suggested to change the name of WG5 to “Social & Labour Policies and Social Dialogue” which was accepted by the participants. He also stressed that NGOs interested in the broader scope of social dialogue were highly welcome to the group. The discussion on a possible creation of subgroups should be continued until and during the Chisinau Forum.

Minutes produced by:

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