



European Economic and Social Committee

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Social dialogue in the
Eastern Partnership
countries

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PRELIMINARY DRAFT OPINION

of the
Section for External Relations
on
Social dialogue in the Eastern Partnership countries

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Expert:

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1. **Conclusions and recommendations**

- 1.1 The Committee expresses its support for the Eastern Partnership (EaP), which aims to contribute to the economic and social development of Europe's neighbours in the east, consolidate democratic institutions and foster shared commitment to the standards and values underpinning the common European project.
- 1.2 From this perspective, the Committee reiterates the importance of civil society involvement and the need for constructive dialogue between the public authorities and civil society organisations (CSOs), whose expertise and commitment make a vital contribution to building democratic societies, where all can participate.
- 1.3 The Committee points to the vital role played by social dialogue, in which the social partners (employers' organisations and trade unions) and, if necessary, representatives of public authorities, come together to seek consensus and thereby reconcile the diverse social and economic interests of businesses and employees.
- 1.4 The Committee emphasises the unique nature of social dialogue, which must be allowed to take place at all the various levels and in all the various areas where the social partners can claim legitimate interests, in parallel to and complementing civil dialogue, which aims to foster participatory democracy in the broader sense. It notes that both social and civil dialogue are predicated on the independence of the social partners and CSOs and calls for respect for this independence, as one of the fundamental human and social rights defined by international and European organisations.
- 1.5 The Committee calls for compliance with these fundamental rights – in particular, freedom of association and the right to collective bargaining – to be fully recognised in the Eastern Partnership. More broadly, the EESC calls on the countries concerned to make the requisite efforts to achieve progress towards integrating European and international norms, as defined by the Charter of Fundamental Rights of the European Union, the European Social Charter (Council of Europe) and the International Labour Organisation (ILO) and towards establishing the "social rule of law". Compliance with these norms must be included amongst the formal criteria used in drawing up and evaluating association agreements. In this regard, the Eastern Partnership could draw inspiration from the approach the Commission adopted in establishing its Generalised System of Preferences (GSP+) scheme for trade.
- 1.6 The Committee believes that the Eastern Partnership ought to make a genuine contribution to strengthening social dialogue within the partner countries and, to this end, calls for regular consultations with the existing consultation structures during the preparation and evaluation of association agreements. In this regard, the Committee notes that the action plans proposed by the EaP cover a series of issues in areas including energy, various sectors of economic activity and the role of public services, which have a very direct impact on the interests of

employees and economic players and therefore warrant consultations not only at the level of overall economic policy but also at the level of the various sectors and territories concerned.

- 1.7 The Committee welcomes the Civil Society Forum (CSF) initiative to create a fifth working group to address social dialogue and asks that it be given a remit to address all aspects of social policy and employment.
- 1.8 The Committee calls for a review of the CSF's rules of procedure and civil society organisation selection procedures, to ensure that the involvement of representatives of the social partners is proportionate to the role their organisations play in the countries concerned. It emphasises that balanced representation of the social partners and other civil society organisations – taking as an example the three groups that co-exist within the EESC - would make the CSF a more representative and legitimate interlocutor with the national and European authorities associated with the Eastern Partnership.
- 1.9 The Committee would like to see coordination established between the CSF, its national platforms and national social dialogue bodies, so as to avoid unnecessary and damaging competition between these structures. Representatives of the social partners on national platforms could liaise between the latter and the existing bipartite or tripartite structures.
- 1.10 The Committee proposes that a fifth thematic platform focusing on social policy and employment be created within the Eastern Partnership. This platform should come under the remit of the European Commission's Directorate General for Employment, Social Affairs and Inclusion. It calls for this DG to be tasked, transitionally, with implementing a systematic programme aimed at fostering exchanges and identifying good practices between the EU and the partner countries in the area of social policy and employment, in connection with the objectives defined for this area by Multilateral Platform 2 (Economic integration and convergence with EU policies).
- 1.11 The Committee supports the CSF's call for its representatives – including the future coordinators of the fifth group – to be granted full rights on the Multilateral Platforms and at meetings of the Council of Ministers of the Eastern Partnership.
- 1.12 The Committee welcomes the creation of a Civil Society Facility and a European Endowment for Democracy (EED) and calls for the EED to be made operational as swiftly as possible. The Committee hopes that, by defining objective and transparent criteria, these funds will make a genuine contribution to strengthening civil society and its action and, in particular, to strengthening social dialogue in the countries concerned. It calls for an over-arching programme, modelled on the Initiative for Social Cohesion of the Stability Pact for South Eastern Europe, to be set up for the Eastern Partnership countries.

2. **The Eastern Partnership and the contribution of civil society: background**

- 2.1 Just as the Union for the Mediterranean aimed to strengthen European Neighbourhood Policy (ENP) in relation to the EU's southern neighbours, the Eastern Partnership (EaP) was set up to deepen and extend the ENP for the EU's neighbours to the East (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine), with a view to achieving the objective of "political association and economic integration" of the six partner countries¹. The EaP was officially launched on 7 May 2009, at the Summit of Heads of State of the six partner countries and representatives of the EU and the Member States, in Prague.
- 2.2 The EaP proposes a two-track approach: (1) bilateral, designed to "create a closer relationship between the EU and each of the partner countries"; (2) multilateral, designed to "provide a new framework where common challenges can be addressed". The Commission proposed establishing "four policy platforms, bringing together representatives of the partner countries, the EU Member States and the European institutions: (1) democracy, good governance and stability; (2) economic integration and convergence with EU policies; (3) energy security; and (4) contacts between people. In addition, a number of flagship initiatives and "comprehensive institution-building (CIB) programmes" are planned to support the proposed approach.
- 2.3 Provision was made for the EaP to involve "government representatives and the European Commission, [but also] other EU institutions, international organisations (such as the OSCE and CoE), International Financial Institutions, parliaments, business representatives, local authorities, and a wide range of stakeholders in the fields covered by the thematic platforms². In particular, it was proposed that an EaP "Civil Society Forum" (CSF) be established to "promote contacts among CSOs and facilitate their dialogue with public authorities".
- 2.4 The CSF was intended to encourage the participation of a wide range of players, including, "trade unions, employers' organisations and professional associations, NGOs, think-tanks, non-profit foundations, national and international CSOs/networks and other relevant Civil Society (CS) actors"³. Following a selection process from among the interested parties, organised by the Commission and the Council, the CSF held its first gathering in Brussels in November 2009, at which it adopted its rules of procedure, determined its working methods – intended to correspond with the EaP's Thematic Platforms – and elected a steering committee. Since then, it has held annual general assemblies (Berlin, November 2010; Poznań, November 2011) and supported the establishment of "national platforms" with the aim of devolving its work to national level in the six partner countries.

1 Statement by Jose Manuel Barroso, President of the European Commission, at the press conference of 3 December 2008.

2 Communication from the Commission to the European Parliament and the Council, Eastern Partnership, 3 December 2008, COM(2008) 823 final, p. 12.

3 http://eeas.europa.eu/eastern/civil_society/docs/results_en.pdf.

- 2.5 On its creation, the Committee welcomed the EaP initiative⁴, declaring that it was, "ready to play its part in implementing [it] by supporting civil society in the partner countries" and offering to "make available the experience it has gained from creating networks of organised civil society in a number of countries and regions, including the eastern neighbours".
- 2.6 The EaP has now been in existence for four years and has supported a range of extremely useful reforms relating to the economy, trade, energy and free movement of persons. However, with regard to civil society's contribution to the EaP, although the Committee reiterated its support for the establishment of the CSF, it also regretted that, employers, trade unions and other socio-economic organisations (such as farmers, consumers and representatives of SMEs) at national level are involved little if at all in the activities of the national platforms.
- 2.7 In so doing, the Committee was conveying the concerns expressed repeatedly by European and international employers' organisations and trade unions. Mario Sepi, the EESC president, thus noted, in a letter addressed to the CSF steering committee in May 2011, that the term "civil society" included not only NGOs and community-based organisations but also "the stakeholders in the labour market (trade unions and employers) and organisations (such as consumers organisations) representing social and economic players which are not social partners in the strict sense of the term"⁵. The Committee stressed the urgency of this issue in its opinion of 16 June⁶, stating that, "if the structural inadequacy of the Forum is not to be addressed, consideration must be given to other ways of mobilising the socio-economic players in the EaP countries in the implementation of the goals of the EaP".
- 2.8 In response, the CSF proposed (1) to relax the rules for the selection of CSOs, which restricted the latter's participation in the CSF assembly to two one-year terms and would lead ultimately to the exclusion of the trade unions and employers organisations that were most involved and (2) to set up a fifth working group, on social dialogue within the CSF, which would be open, without restrictive conditions, to representatives of employers organisations and trade unions. These proposals were accepted by the Civil Society Forum's general assembly in Poznań in November 2011.
- 2.9 At its most recent general assembly, the CSF also discussed ways of consolidating its status and stepping up its action. To this end, it decided to set up an association with legal status, enabling it to take part in the cooperation programmes introduced by the Commission for the EaP, and a permanent secretariat to carry out the coordination work inherent in its role. It also called for a "Facility" to be opened to support civil society and the CSOs. Furthermore, it

⁴ EESC opinion on Involvement of civil society in the Eastern Partnership, OJ C 277, 17.11.2009 p. 30-36.

⁵ Letter from Mario Sepi, EESC President, to the members of the CSF Steering Committee, 19 May 2011, in which the EESC president referred to the definition given by the Commission in its "General principles and minimum standards for consultation of interested parties by the Commission" (COM(2002) 704).

⁶ EESC opinion on the contribution of civil society to the Eastern Partnership, [OJ C 248, 25.8.2001, p. 37-42](#).

insisted that its representatives be entitled to participate fully in the EaP's various activities, from meetings of the multilateral platforms through to the Ministerial Meeting. The EESC is pleased that, as the 2012 CSF meeting approaches, everything that was called for has become a reality.

3. Social versus civil dialogue: characteristics and complementarity

- 3.1 Social dialogue is the dialogue that takes place between representatives of employers and workers - either directly between them or between both parties and the government and its representatives (including regional and local authorities) - with the aim of promoting economic and social progress and fostering constructive resolution of the conflicts arising from divergent social and economic interests. Social dialogue normally aims to provide a normative framework, in the form of legislation, government regulations or collective agreements, which are binding on the signatories and those they represent, but whose scope can also be broadened, by a decision of the government and the social partners, to include all socio-economic players. The form taken by social dialogue in each country depends on the rules and procedures introduced at national level. In most EU and neighbouring countries, it relies on the existence of bi- or tripartite consultation and negotiation structures.
- 3.2 Social dialogue is predicated on the recognition of fundamental social rights, defined by the International Labour Organisation (ILO), the European Social Charter (Council of Europe) and the Charter of Fundamental Rights of the European Union. This includes recognition of the independence of trade union and employers' organisations and the right of workers or employers to be affiliated to an organisation of their choice.
- 3.3 Civil dialogue is the dialogue that takes place between all the various CSOs and between the latter and the government or its representatives with the aim of fostering participatory democracy, by drawing on the expertise and commitment of the public through organisations set up by ordinary citizens either to defend particular interests or to promote particular objectives or values. In a number of EU or neighbouring countries, civil dialogue is conducted at national level via structures such as social and economic councils or committees for consultations with civil society.
- 3.4 Civil dialogue is predicated on recognition of fundamental civil and human rights, in particular, freedom of expression, association and assembly. These rights are set out in the Charter of Fundamental Rights of the European Union.
- 3.5 Although social dialogue and civil dialogue are conducted primarily at national level, their importance has also been recognised at European level, where they are conducted under a variety of arrangements. In view of its role as the consultative body for European civil society and, in particular, the fact that it is made up of equal numbers of representatives of employers' organisations (Group I), workers (Group II) and other CSOs (Group III), the European Economic and Social Committee is situated at the point where social and civil dialogue meet

and is therefore in a position to "facilitate a structured process of joint elaboration of standpoints involving the various categories of economic, social and civil activity which it represents"⁷.

4. Social dialogue in the six EaP countries

4.1 The Committee has addressed the situation of the social partners and the social dialogue in the six EaP countries in a number of opinions. The following observations are based on these various earlier opinions and are intended simply to illustrate a number of shared issues, bearing in mind that the specificities of each country must not be forgotten⁸.

4.2 Employers' and workers' organisations exist in all six partner countries. Some emerged out of the social or economic organisations that existed under the Soviet system, having been re-established on a new basis at the beginning of the 1990s. Others are new organisations set up during the democratisation and economic liberalisation process that began in these countries following the demise of the USSR. In some countries, pluralism has prevailed, with a multiplicity of organisations. In others there is a single organisation representing employers (Azerbaijan, Georgia and Moldova) or workers (Armenia, Azerbaijan, Georgia and Moldova).

4.3 How independent these organisations are in relation to the government and the public authorities varies from one country to another and from one organisation to another. In Belarus, the current regime has shown no qualms about intervening directly in the running and activity of employers' organisations and trade unions. In countries where there is only one employers' or workers' organisation, the effective monopoly these organisations enjoy restricts, sometimes severely, the full exercise of freedom of association and collective bargaining. Lastly, attention should be drawn to the recurring difficulty for governments in all countries across the region, including those that claim officially to be aligned with democracy and the market economy, in accepting the independence and legitimacy of the organisations representing employers or workers. What is more, this does not apply only to the social partners, as CSOs that are critical of the public authorities and their practices have also found on a regular basis.

4.4 National consultation and concertation bodies, mostly tripartite in structure, exist in all the countries. Bipartite structures also exist at sectoral level, but far less systematically. The ILO has played a leading role in this area, particularly through the establishment of its Decent Work Country Programmes. However, although the structures are in place, all too often, their functioning leaves a lot to be desired. Most of the organisations feel that there is still a

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Opening address by the EESC President, Roger Briesch, at the seminar "European social dialogue and civil dialogue: differences and complementarities", held in Brussels, on 10 June 2003. The composition of the EESC is determined by Article 300(2) of the Treaty of Lisbon.

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Cf. in particular: "EU-Ukraine relations: a new dynamic role for civil society" (REX 252, September 2008); "The EU's relations with Moldova: What role for organised civil society?" (REX 238, December 2007 and REX 339, July 2012); "Belarus Civil Society" (REX 220, September 2006); "Civil society involvement in implementing the ENP Action Plans in the countries of the Southern Caucasus: Armenia, Azerbaijan and Georgia" (REX 241, May 2009).

tendency for the social dialogue that takes place within them to be overly formal and sporadic and, in addition, that there are considerable limitations on the issues that can be addressed. In practice, the tripartite structures tend to serve as channels for the government to inform the social partners about decisions that have, in many cases, already been taken and can no longer be altered. The EaP and the accompanying programmes have almost never been included on the agenda of these meetings.

- 4.5 The six partner countries have all ratified the ILO's core conventions and some of the other major conventions, although there are wide disparities between them when it comes to integrating these conventions (for instance, 61 of the 69 conventions ratified by the Ukraine are now in force, whereas Georgia has ratified and applied only 16). The six countries have also integrated the most important clauses in the European Social Charter (albeit with certain reservations concerning the protocol on collective bargaining, which it should be possible to resolve). However, all this does not mean that the fundamental social rights are respected, far from it. In addition to the complaints issued against Belarus, a number of complaints against Moldova, Ukraine and Georgia have also been brought before the ILO. The difficulty of establishing the social rule of law and the lack of consideration for European and international standards displayed by some governments is having very direct consequences for freedom of association, social dialogue, social rights and the status of employees in general. Furthermore, it should be noted that, in all these countries, the legal system is slow and often dysfunctional and therefore incapable of ensuring that the law is enforced, within an appropriate time-frame and with sufficient force of dissuasion, in the social field.
- 4.6 In 2010, the CSF supported a research project proposed by the Eurasia Partnership Foundation (EPF) aimed at investigating the state of social dialogue in the various countries, at the various different levels at which it operates. For practical reasons, this project could not be implemented. The Committee draws attention to the value of this project, which complements the Civil Society Facility project on mapping the organisations comprising civil society in the various countries. The initial project, in which representatives of the social partners should be closely involved, ought to be integrated into this research on civil society. It should address all the various levels of social dialogue (national, regional, local; tripartite, bipartite) and its key objective should be to identify the barriers and impediments to implementing genuine social dialogue in the various countries. The Committee calls for this project to be included in the priorities of the programmes to which the CSF should be given access.
5. **The debate on issues relating to social dialogue, social policy and employment in the framework of the CSF**
 - 5.1 From the beginning, the Committee has stressed the importance of involving civil society in the EaP - and the CSF was set up for this purpose. In 2009, CSOs interested in taking part

were selected, using the criteria set out in the "Concept Paper" drawn up by the Commission⁹: (1) origin – geographical area and country, (2) diversity and proportionality, (3) experience with matters relating to the EU, ENP and EaP. On this point, it is worth drawing attention to the vague terms in which these criteria are couched and the absence, in particular, of any requirement of representativeness. Although specific mention is made of employers' organisations, trade unions and professional associations in criteria two, this has resulted in the social partners being markedly under-represented.

- 5.2 Until now, the CSF has not had a dedicated working group to address social dialogue, social policy and employment and respect for fundamental social rights. Some of these issues have been addressed in Working Group II (Economic integration and convergence with EU policies). However, it is clear that the result of adding these issues to an already busy agenda - the establishment of a Deep and Comprehensive Free Trade Area – is that they have not been given the full attention they deserve. The same goes for Working Group I, which focuses on human rights and is interested only tangentially in respect for fundamental economic and social rights.
- 5.3 Consequently, the Committee welcomes the CSF's decision to respond positively to its initiative and to establish a fifth working group focusing on social dialogue, noting that it should go beyond promoting social dialogue in the six partner countries and address economic and social policy in broad terms, the role of public services, the operation of the labour market, professional training, working conditions and working relations as such - in other words, the full range of issues generally covered by social dialogue, including social protection, respect for social rights, the fight against the informal economy, impoverishment and the problems resulting from what is, in many cases, mass immigration. It should be added that, although representatives of the social partners are required to be included in the membership of this working group, this must not be seen as excluding other representatives, for example of consumer and farmers' organisations or other CSOs active in the social sphere, which should also be able to participate. That also goes, of course, for membership of the other working groups, which should also be open to representatives from employers' organisations and trade unions concerned by the issues they address.
- 5.4 It is proposed that when this fifth working group is established, its leaders (according to the rules: one from the EU and one from a partner country) will be entitled to take part in the Steering Committee of the CSF, whose membership would therefore increase from 17 to 19. The Committee supports this proposal, but points out that this must not be taken as adequate representation of the social partners in the management of the CSF. Looking at the current composition of the Steering Committee (2011-2012), this would mean that three out of the nineteen members (the two coordinators plus the representative of the EESC, who happens to be from a trade union organisation) would represent the social partners. Consequently, the Committee calls for the CSF's rules of procedure to be reviewed to ensure that the social

partners are more fairly represented. Another positive step would be for each "group" - in the sense used by the Committee ("employers", "trade unions" and "other CSOs") - to be responsible for selecting its own members, using criteria adapted to the situation of the organisations belonging to each "group".

- 5.5 The EaP should serve to strengthen the social dialogue conducted in the formal structures that exist in the partner countries. Hitherto, the CSF has sought to decentralise its work by setting up "national platforms". These are extremely active in many of the countries, but their status in relation to the public authorities has yet to be defined. Alongside these "platforms" responsible for promoting civil dialogue, it would be advisable for role of the existing national tripartite structures in promoting social dialogue to be recognised and for the CSF to have direct links with them, as well as with the "national platforms". Similarly, the EaP should encourage the partner States to involve the social partners systematically, in the framework of social dialogue, in everything that touches on the social and economic aspects of its activities, including the association agreements established on a bilateral basis.

6. **Issues relating to social dialogue at the level of the EaP**

- 6.1 In 2011, the Commission and the European External Action Service (EEAS), in a critical analysis of the impact of the ENP on the countries concerned, put forward a "new response to a changing Neighbourhood"¹⁰. This new strategy, which comprises several approaches, focuses, rightly, on deepening democracy, establishing partnerships with civil society and supporting sustainable economic and social development, focusing in particular on economic growth and job creation. On this point, both the Commission and the EEAS stress that "feeble growth, rising unemployment and an increased gap between rich and poor are likely to fuel instability" in the countries concerned. In response to this, there is a need to "enhance dialogue on employment and social policies" alongside the existing macro-economic dialogue already initiated with the partner countries.
- 6.2 While evaluation conducted by the Commission and the EEAS obviously takes account of the events which have taken place in the southern Mediterranean, the analysis also has wider implications. Problems such as unemployment, impoverishment, the informal economy, immigration and human trafficking are a reality in the East as well as in the South, a reality whose destabilising effects have an impact not only on the political institutions in the countries concerned, but also on the region as a whole. Consequently, the Committee, which in 2011 expressed its support for the new strategy being proposed¹¹, calls for the kind of balanced and sustainable growth which encourages job creation and greater social security to be taken into account fully as a priority in the EaP.

¹⁰ Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A new response to a changing Neighbourhood, COM (2011) 303 final.

¹¹ EESC opinion on A new response to a changing Neighbourhood, [OJ C 43, 15.2.2012, p. 82-93](#).

- 6.3 The EaP has structured its activity essentially around four thematic platforms, each under the responsibility of a particular Commission DG. With regard to the social objectives set out for platform II (Economic integration and convergence with EU policies), the DG for Employment, Social Affairs and Inclusion has set up several initiatives aimed at promoting best practice in the area of social policy and employment. However, a more structured programme has not been established, owing to opposition from one of the partner countries, which is openly casting doubt on whether these issues should be addressed by the EaP.
- 6.4 Conversely, the Committee reaffirms the importance of a social dimension and stresses that it must be addressed in parallel with the economic dimension of the programme of reforms proposed by the EaP. Accordingly, it hopes that a fifth platform will be established, focusing on social policy and employment, and notes that this would have the additional benefit of ensuring that the DG for Employment and Social Affairs is associated more effectively with the activities of the EaP. This platform should aim to promote a number of standards and good practices which the partner countries and the EU representatives would agree to consider as indicators of the social progress that ought to accompany economic progress. The CSF should be involved in this work through its fifth working group.
- 6.5 The inclusion of social and employment policy amongst the EaPs priorities would need to be matched by adequate funding and tailor-made programmes for implementing these priorities. In this regard, the Commission could draw on the example of the Initiative for Social Cohesion programme set up several years ago in connection with the Stability Pact for South Eastern Europe. The aim of this programme was to, "better incorporate the social dimension in economic development and reconstruction efforts in the region" and, to this end, to "build on best European practice" to support reforms in the social sector.
- 6.6 The Committee welcomes the decision taken by the Commission and the EEAS, to create a Civil Society Facility and a European Endowment for Democracy, which should help to strengthen civil society, OSCs and their capacity for action. However, reiterating what it said in 2003¹² and 2011¹³, the EESC calls on the Commission "to learn from the experience gained with the Civil Society Facility for the Western Balkans in order to avoid some shortcomings" and, in particular, to take better account of the specific characteristics of the social partners and the other economic and social organisations in connection with access to sources of funding.
- 6.7 Lastly, the Committee urges the organisations already taking part in the Eastern Partnership to better account of the social dimension. It also calls on the Council of Europe to incorporate, in future reports and recommendations, assessments of the social rights situation in relation to the principles set out in the European Social Charter and the articles that have and have not

12 EESC opinion on The role of civil society in the new European strategy for the Western Balkans, [OJ C 80, 30.3.2004, p. 158-167](#).

13 EESC opinion on The contribution of civil society to the Eastern Partnership, [OJ C 248, 25.8.2011, p. 37-42](#).

been ratified by the States concerned. Given its status as a tripartite organisation and the fact that it is extremely active in the countries concerned it would also like to see the ILO involved more closely, in future, in the work of the EaP.
