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**SOC 511
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COVER NOTE

From: Council General Secretariat
To : Delegations

Subject: Joint Statement on "A new start for a strong Social Dialogue"

Delegations will find attached the text of the Joint Statement "A new start for a strong Social Dialogue". The Joint Statement was signed on 22 June 2016 by four European-level social partner organisations, the European Commission and the Netherlands Presidency of the Council of the European Union.

A New Start for Social Dialogue

Statement of the European Social Partners, the European Commission and the Presidency of the Council of the European Union

The promotion of dialogue between management and labour is recognised in the Treaty on the Functioning of the European Union as a common objective of the Union and the Member States. The Union recognises and promotes the role of social partners at its level, taking into account the diversity of national systems, and facilitates the dialogue between the social partners, respecting their autonomy.

The Commission initiated, at a high level conference on 5 March 2015, an initiative for a New Start for Social Dialogue. At that High-Level Conference, the Social Partners and the Commission agreed that the new start for social dialogue should aim for a more substantial involvement of the social partners in the European Semester, a stronger emphasis on capacity building of national social partners, a strengthened involvement of social partners in EU policy and law-making and a clearer relation between social partners' agreements and the better regulation agenda.

The signatories welcome the fundamental role of the European social dialogue as a significant component of EU employment and social policy making, and therefore welcome the strengthening of the dialogue between management and labour. In this perspective

1. **The European social partners** agreed to focus their efforts on the following fields of action:

The cross-industry European social partners:

- a) will contribute to enhance the Tripartite Social Summit and the Macroeconomic Dialogue;

- b) will implement the actions agreed in their autonomous work programme 2015 – 2017 on improving capacity-building and implementation outcomes. This will include where appropriate supportive actions to their members, as agreed in the context of the newly established Social Dialogue Committee sub-group mandated to look into follow-up and implementation of EU social dialogue instruments;
- c) plan to implement a joint project in 2016-2018 which includes amongst others:
 - i. the preparation of an analytical report aiming to foster the use of the European Social Fund – ESF – by the social partners at national level;
 - ii. the organisation of two seminars to exchange practices and foster a stronger role of the social partners in the European semester process;
 - iii. the organisation of a fact-finding seminar on digitalisation;
- d) will continue to improve coordination between the various organisations at cross-industry and sectoral levels. In this coordination, the respective organisations should respect each other’s autonomy and allow for constructive and timely input in the policy making process.
- e) will inform the Commission at the beginning of their negotiations of all framework agreements and frameworks of actions;
- f) will inform the Council at the beginning of their negotiations of framework agreements for which they have agreed to ask implementation by a Council decision;
- g) will organise fact finding seminars at the beginning of their negotiations on autonomous framework agreements and/or frameworks of actions.

The cross-industry and sectoral European social partners:

- a) will continue to involve their respective members in joint and separate capacity building actions and projects aimed at:
 - i. promoting cross-industry and sectoral social dialogue, including their outcomes at all levels;
 - ii. ensuring implementation of their autonomous framework agreements in all Member States (in line with Art. 155.2 TFEU). The type of support to be provided to implement these agreements could take different forms. This may include ad-hoc EU social partners' actions to ensure implementation in the Member States; capacity building activities; exchange of good practices among national social partners;
- b) will continue efforts and assess the need for further actions in their respective social dialogues to reach out to affiliates in Member States not yet covered, improve membership and representativeness of both trade unions and employers' organizations, and ensure that there is a capacity to enter into agreements with an appropriate mandate;
- c) commit to make publicly available the text of any agreement for which the social partners request the Commission to present a proposal for implementation by a Council decision.

2. The Commission will endeavour to:

- a) promote and improve social dialogue in accordance with the spirit of Article 154 TFEU;
- b) involve social partners in policy- and law-making at Union level, for instance via its consultations with the Union social partners on key initiatives included in its work programme that do not fall under the scope of Articles 153 and 154 TFEU, but which may have significant implications for the social and employment situation;

- c) enhance the involvement of Union-level social partners in economic governance and the European Semester;
- d) in line with the Better Regulation Agenda and taking into account the specificities of the social partner agreements:
 - i. provide support to the social partners, during the negotiation of such agreements, including, upon request, technical and legal information, and
 - ii. continue to assess the representativeness of Union social partners, inter alia based upon the analysis carried out through Eurofound representativeness studies;
- e) examine whether the use of European Structural and Investment Funds, notably the European Social Fund, and other relevant EU budget lines, can contribute to strengthening the capacity of national social partners by promoting social dialogue and capacity building;
- f) encourage the promotion of knowledge-building on social dialogue and support capacity-building through mutual learning, identification, and exchanges of good practices.

3. **The Presidency of the Council of the European Union** recalls that the Council conclusions on "A new start for a strong social dialogue" adopted on 16 June 2016 call on the Member States to take the necessary steps to:

- a) closely involve the social partners in the design and implementation of relevant reforms and policies, in line with national practices;

- b) support the improvement of the functioning and effectiveness of social dialogue at national level, which is conducive to collective bargaining and creates an appropriate space for social partners' negotiations. Having regard to national industrial relations practices, this should in particular involve national governments and social partners discussing and agreeing on how this dialogue should be conducted with a clear division of competences and mutual respect, while respecting each other's autonomy;
- c) promote the building and strengthening of the capacities of the social partners through different forms of support, including legal and technical expertise. This should be ensured at all relevant levels, depending on the needs of countries and social partners, including to become solid and representative organisations;
- d) ensure the timely and meaningful involvement of the national social partners, while fully respecting national practices, including throughout the European Semester, in order to contribute to the successful implementation of Country Specific Recommendations (CSRs);
- e) with full respect for the social partners' autonomy and upon request by social partners, provide information and advice, including legal and technical information, as considered appropriate and relevant, on implications and practicalities for Member States of transposing agreements negotiated by the social partners at Union level.

The undersigned

For ETUC

For BUSINESSEUROPE

For CEEP

For UEAPME

For the European Commission

For the Netherlands Presidency of the Council
of the European Union