



**F.E.C.C.I.A.**

**Fédération Européenne des Cadres de la Chimie  
et des Industries Annexes**

**European Federation of Managerial Staff in the Chemical and  
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Affiliated to CEC – European Managers

Brussels, 1<sup>st</sup> December 2008

EUROPEAN COMMISSION

Employment, Social Affairs and Equal Opportunities DG

Social Dialogue, Social Rights, Working Conditions,  
Adaptation to Change

Social Dialogue, Industrial Relations

Dear Madam, Dear Sir,

Object : Consultation of the European social partners for a review of the implementation of the Commission Communication and Decision of 20 May 1998.

FECCIA, European Federation of Managerial Staff in the Chemical and Allied Industries, affiliated to CEC European Managers, represents 40 000 Executive and Managerial Staff in the chemical industry, pharmaceuticals and allied industries.

It participates actively in European social dialogue, but is not represented in the sectoral social dialogue committee in chemicals, which was established at the initiative of ECEG and EMCEF. The contacts with these organizations are excellent.

A presence of managerial staff in the sectoral social dialogue committees would not disrupt the existing balance and could bring a new dynamism, because managers are players of European construction.

Enclosed is the contribution of FECCIA to the consultation.

Sincerely,

François VINCENT

President

## Consultation of European social partners on the creation, functioning, outcomes and impact of social dialogue committees

### 1. *On the creation of social dialogue committees*

According to Commission Decision of 20 May 1998, the establishment of sectoral social dialogue committees is based upon the following prerequisites: (cf Article 1)

1. **Autonomy and bipartite dimension:** *"Sectoral social dialogue committees are established in those sectors where the social partners make a joint request"*
2. **Demarcation:** European social partners *"shall relate to specific sectors or categories"*
3. **Representativeness:** European social partners *"shall be composed of national members, which are themselves part of Member States' social partners structures in several Member States"*
4. **Contractual Capacity:** European social partners shall *"have the capacity to negotiate agreements"*
5. **Administrative Capacity:** social partners shall have *"adequate structures"* to ensure their effective participation in the work of the committees and in the consultations launched by the Commission.

In recent years, the formal creation of new committees has often been prepared by informal "test phase" periods.

#### 1.1 Questions on Autonomy

(1) How do European social partners consider their role during the preparation phase of the creation of social dialogue committees?

The FECCIA had already taken contacts with the other social partners, EMCEF and CEFIC.

When the employer association created the ECEG with a social mandate, the FECCIA had the hope to engage a European sectoral social dialogue.

(2) What should be the role of the Commission when the European social partners do not reach an agreement on establishing a sectoral social dialogue committee?

The European Commission could very well identify the European organisation concerned by the sectors and organise mediation meetings.

(3) What is the assessment of the European social partners on the added value of informal social dialogue phases ("test-phases") prior to the launching of new social dialogue committees?

The informal social dialogue phases are an indispensable precondition to verify that the statutes of the European organisations are adapted to the sectoral social dialogue, in particular according to the criteria retained by the European Commission, which are restrictive.

### **1.2 Questions on the sectors' perimeter**

(1) What should be the relevant cut-off point for European sectoral social dialogue committees, at EU level?

It would be necessary to define the socio-economical sectors according to the NACE codes.

(2) What should be the approach as regards the minimum size of sectors?

Idem

(3) How well are sectoral developments reflected in the sectoral social dialogue committees? (new emerging activities, new markets, new actors)

Idem

(4) What do you think of the Commission's objective to cover 100% of the economy with social dialogue committees?

It seems out of reach because of the "public-private" division but a step by step process is possible regarding the free economy.

### **1.3 Questions on representativeness**

(1) Has this criterion helped sectoral social partners to reinforce their structure and their organisation?

No, the FECCIA is still out of the social dialogue committee although it actively participated and validated the representativity study carried out by the Louvain University in the chemical sector.

(2) What should be the minimum level of representativeness for integrating new committees?

The social partners should prove their presence in the majority of the countries that have an activity in the sector concerned.

(3) How should "organisations representing certain categories of workers or of undertakings" be handled?

The FECCIA is part of those « organisations » since it represents executives and managerial staff in several European countries where the chemical industry is implanted. The FECCIA is a member of the CEC European Managers (Confédération Européenne des Cadres) that itself is not affiliated to the ETUC. The FECCIA would like a cooperation agreement with EMCEF because an adhesion would lead to a double affiliation (CEC and ETUC) which is not convenient. The FECCIA regularly meets with ECEG but the latter cannot have two distinct dialogues. This situation can only lead to more pluralism but a support from the European Commission would be welcome.

(4) What should be the most relevant approach to deal with double-affiliated organisations?

The FECCIA wishes not to have a double affiliation for its national organisations, although it is the case regarding the textile sector in which CFE-CGC is directly affiliated to FSE-THC. The European Commission should research under which conditions the pluralism can enrich the debate in the sectoral social dialogue. Executives and managerial staff are a concrete example since they are the engines of the European construction thanks to their management functions. They speak several languages, are mobile and a number of goods and service markets are already European. **Thus they are not reticent to free-exchange and competition but they wish more regulation.**

(5) Should a formal specific status (*of observers, associates, complementary European social partners*) be created besides the status of European social partners?

Those statutes could allow a progressive approach towards pluralism.

#### **1.4 Question on capacity of European sectoral social partners to negotiate agreements**

(1) What is the understanding of this criterion by sectoral social partners?

The capacity to negotiate is essential but even more essential is the capacity to implement the negotiated agreement. The typology of the agreements allows understanding the process sought after.

A binding agreement could be directly applicable but it is wishful thinking. In the current state, going through a national agreement is mandatory.

(2) What are the main obstacles to get and exercise such capacity?

The main obstacle is the subsidiarity of social policy.

In the case of CEC European Managers, the collective representation of executives and managers varies from a country to another whereas the reality of their function is quite the same.

### **1.5 Questions on the administrative capacity**

(1) What could European social partners undertake to strengthen their capacity?

It is not a priority issue but the independence of this administrative capacity should not be questioned. It is a delicate topic on which the European Commission should be open on the means while remaining demanding on the objectives.

(2) What is the understanding of "adequate structure"?

(3) What progress has been made? And how was it made? (in terms of capacity building, use of ESF, participations, contributions inside committees)

(4) What are the on-going challenges? (expertise, effective participation)

## **2. On the functioning of social dialogue committees**

According to Communication Decision of 20 May 1998, the functioning of social dialogue committees is based upon:

**1. Consultation:** *"Each committee shall be consulted on developments at community level having social implications"*

**2. Promotion of social dialogue:** *"Each committee shall develop and promote the social dialogue at sectoral level"*

**3. Adoption of Rules of procedures and work programme:** *"Each committee shall together with the Commission establish its own rules of procedure"*

**4. Composition:** *"The representatives of the two sides of the industry shall take part in the meetings and the promotion of equality between women and men should be insured"*

**5. Chairmanship and secretariat support:** *"The Commission shall provide the secretarial services and meetings shall be chaired either by a delegate of the employers or the employees or, of the Commission"*

### **2.1 Questions on Consultation**

(1) What is the social partner's assessment on consultations within the social dialogue committees?

The capacity of influence towards the European Members of the Parliament is acknowledged.

The European Commission does not use the prior consultation in the sectoral field, except when it is a white book but it is not reserved to social partners.

(2) How could consultations between social dialogue committees and other consulting bodies be better articulated?

In the chemical sector, the high-level group did not judge necessary to resend to the sectoral dialogue committee the issue of the needs in qualified workforce and the social policy aimed at improving competitiveness. The sectoral dialogue committee did not invite FECCIA, which represents qualified workforce, to debate on the topic. The debate on the priorities should be tripartite because secondary topics are more easily addressed than important topics.

## **2.2 Questions on the promotion of social dialogue**

(1) What is the impact of the European social dialogue on the visibility and defence of the sectors' interests?

Weak

(2) What sort of tools should be available for promoting the outcomes of the European social dialogue (exchange of information, consultations)

The principle of prior consultation would allow better defining what is at stake in the sectoral social dialogue.

(3) How could social partners better use the committees for an autonomous social dialogue?

In better specifying the stake of sustainable development with its three pillars: economic, social and environmental.

## **2.3 Questions on rules of procedure and work programme**

(1) Should the rules of procedures be more harmonised, standardised or developed more with the cooperation of the Commission?

(2) Should the decision-making process inside committees be reviewed regularly?

(3) What is the best pace for drawing up work programmes (annual/ biannual?)

## **2.4 Questions on composition of delegations**

- (1) How do social partners promote the participation of new Member States' representatives?
- (2) What measures should they take for ensuring a balance between men and women within delegations?

Which measures should be taken to ensure the participation of executives and managers within delegations?

To allow the European federations affiliated to CEC European Managers to have at least a seat within the delegation.

## **2.5 Questions on Chairmanship and secretariat**

- (1) How can the balance between the Commission' priorities and the social partners' work programme be ensured in the drafting agendas of meetings?
- (2) Should a deadline be set for communicating agendas, working papers or any other documents (slides) prior to social dialogue committees' meetings?
- (3) How could the logistics of meetings be improved (table plans, names, premeetings and debriefings with secretariats and the Commission)
- (4) How could the chairing of the meetings be improved? (objectives to reach, summarizing discussions, synergies between Chairs and the Commission)
- (5) What sort of tools should be used for ensuring follow-up of the meetings? (debriefings, questionnaires, indicators, monitoring of actions)
- (6) What use is made of the minutes? by the European social partners, by their members?

## **3. Synergies and cooperation**

According to the Commission Communication of 26 June 2002, synergies between sectors should be reinforced

### **3.1 Questions on the cooperation between social partners and the Commission**

- (1) To what extent could the support given by the Commission be improved?
- (2) How could the transparency of social dialogue committees' work be enhanced?

- (3) How is the Commission website on social dialogue used by social partners?
- (4) What should be the role of the Commission in integrating new actors in committees?

The FECCIA asks for the support of the European Commission to have at least one seat within the workers delegation in the chemical sectoral social dialogue.

- (5) Do you think that the SSDC's work and contributions are adequately taken into account in European social policies?

### ***3.2 Cooperation between sectors and the cross-industry level***

- (1) How should sectors integrate cross-industry autonomous agreements in their work and reflection?
- (2) To what extent do social partners cooperate with the cross-industry social dialogue? With the European Works Councils?

### ***3.3 Cooperation between sectors***

- (1) Could you envisage other tools than the "forum de liaison" for ensuring the coordination between sectors?
- (2) What is your assessment of pluri-sectoral initiatives?

The only initiative that came out is the agreement on silice cristalline. The European Commission did not intervene on the legislative initiative that could result of it allowing the building sector to join the agreement. The perimeter is thus incomplete whereas the building workers are confronted with the same problem as other sectors.

- (3) What type of tools should be available for better identifying common issues between sectors?

A translation of national agreements and a database on those issues would improve the liaison forum. More professionalism on the articulation between collective negotiation and legislation.

- (4) What can you learn from other committees' practices?

### ***3.4 Cooperation inside sectors***

- (1) What are the reasons/obstacles of national members for participating/ not participating in European social dialogue meetings?
- (2) Are new actors well represented in committees?
- (3) What are the main obstacles facing newcomers when joining committees?
- (4) How do European social partners work with national member organisations whose resources, constraints and strategies vary greatly from one country to another?

Within FECCIA, the national organisations are in charge of declining the orientation commonly decided within the steering committee or after a meeting with the European employers. Releases are written and translated in different languages. A comparison of the implementation is carried out in the following months.

#### **4. On the implementation of outcomes of sectoral social dialogue**

According to the Commission Communication of 12 August 2004, the aim of the Commission is to promote awareness and understanding of the results of the European social dialogue, and to improve their impact and follow-up.

##### **4.1 Questions on typology of texts**

- (1) To what extent is the typology suggested by the Commission within its Communication known by the European social partners?

The FECCIA is not very attached to this terminology. It is the content which is commented.

- (2) How is this typology used by social partners when European negotiations are launched?
- (3) Has this typology helped social partners to draft follow-up provisions?
- (4) Could social partners involved in sectoral social dialogue committees give concrete examples?

##### **4.2 Questions on negotiation process**

- (1) Should specific rules of procedure for the negotiations be approved by social partners before launching negotiations?
- (2) Should observers (or other social partners) be invited during the negotiation process

The FECCIA renews its demand of openness and pluralism. It wishes to have a negotiation role.

(3) Should non-EU social partners be more involved in negotiation processes?

(4) How do social partners assess the legal support of the Commission (DG EMPL, other DG's) during the negotiations phase?

#### **4.3 Questions on the implementation of outcomes**

(1) What type of implementing indicators could be developed?

(2) How could European social partners guarantee more binding and effective transposition and implementation by their affiliates?

Guarantee is a big word. Each national instance is confronted with a multitude of priorities which do not ease a quick implementation.

Simultaneous meetings at local level should be organised during the negotiation process.

(3) What sorts of incentive actions are most appropriate for ensuring implementation?

(4) To what extent should social partners involve Member States in the implementation of their outcomes?

It is an essential issue. Each member state should have a law that integrates the European negotiation process within its own legislative process. In France, the national committee of collective negotiation is not competent to treat the European agreements.

#### **5. On the impact of Sectoral social dialogue committees**

(1) What are the key challenges faced by your sector?

The REACH regulation, the ETS Directive the international competitiveness, the loss of influence of exact sciences.

(2) What specific responses have activities of your sectoral social dialogue committee given?

Common positions

(3) What are the main difficulties that could put into question the pursuit of activities of a sectoral social dialogue committee? (lack of trust, of delivery, of capacity, weakening of representativeness, new perimeter, economical changes...)

(4) How do you see to address them?