Sectoral social dialogue?
A quantitative analysis[1]

Philippe Pochet*

Summary

Recent studies of the sectoral social dialogue have concluded that the types of documents adopted by the sectoral social partners are undergoing a qualitative change. It appears that significant developments are underway which need to be better understood and analysed. Any such exercise poses two challenges: one quantitative, since there are no standardised data concerning texts signed, and the other qualitative, relating to the precise nature of the texts adopted. How should they be described? How should they be classified? This article presents the results of a quantitative analysis, based on a database created at the Observatoire social européen covering all 353 agreements adopted since 1978. From this analysis we can already detect certain overall trends affecting the sectoral social dialogue.

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Sommaire

Des études récentes sur le dialogue social sectoriel ont conclu qu'un changement qualitatif dans la nature des documents adoptés par les partenaires sociaux sectoriels est en cours. Il semble qu'il se produise des évolutions notables qu'il convient de mieux appréhender, analyser et mesurer. Cette démarche comporte deux défis. Un défi quantitatif car il n'existe aucune donnée standardisée portant sur les textes signés et un défi qualitatif qui pose directement la question de la nature des textes adoptés. Comment les qualifier ? Comment les classer ? Cet article présente les résultats d'une analyse de nature quantitative, basée sur une base de données créée par l'Observatoire social européen, qui porte sur l'ensemble de 353 accords adoptés depuis 1978. De cette analyse, nous pouvons déjà dégager des dynamiques d'ensemble pour le dialogue social sectoriel.

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* Observatoire social européen
  E-mail: pochet@ose.be

D *Zusammenfassung*
Laut jüngsten Studien über den sozialen Dialog auf sektoraler Ebene ändert sich die Art der von den sektoralen Sozialpartnern angenommenen Vereinbarungen in qualitativer Hinsicht. Es zeichnen sich wichtige Entwicklungen ab, die besser verstanden und analysiert werden müssen. Hierbei stellen sich jedoch zweierlei Schwierigkeiten: Die erste – quantitativer Art – liegt darin, dass es keine standardisierten Daten zu den unterzeichneten Vereinbarungen gibt; die zweite ist qualitativer Art und betrifft die präzise Natur dieser Vereinbarungen. Wie sollten sie beschrieben werden? Wie sollten sie klassifiziert werden? Im vorliegenden Beitrag werden die Ergebnisse einer quantitativen Analyse vorgestellt. Sie basiert auf einer Datenbank des Observatoire social européen, die sämtliche 353 Vereinbarungen beinhaltet, die seit 1978 abgeschlossen wurden. Aus dieser Analyse lassen sich bereits gewisse allgemeine Trends für den sozialen Dialog auf sektoraler Ebene ablesen.

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Introduction

The sectoral social dialogue has attracted little attention until now. This lack of interest is all the more surprising in that most negotiations in the vast majority of Member States (EU 15) actually take place at sectoral level (see, for example, the *Industrial Relations Report 2004*).

Only very recently have there been any multi-sector, cross-cutting studies which adopt both a quantitative and qualitative approach (Benedictus *et al.* 2002; Pochet *et al.* 2004; European Commission 2004; Nordestgaard and Kirton-Darling 2004; Pochet and Degryse 2005).

All of these studies surmised that the types of documents adopted by the sectoral social partners were undergoing a qualitative change. In other words, it appeared that significant developments were underway which needed to be better understood, analysed and assessed. Any such initiative posed two challenges: one quantitative, since there are no standardised data concerning texts signed after 1997 (when the European Commission published a compendium of earlier texts), and the other qualitative, relating to the precise nature of the texts adopted. How should they be described? How should they be classified?

We shall present below the results of a quantitative analysis covering all 353 agreements adopted since 1978. From this analysis we can already detect certain overall trends affecting the sectoral social dialogue. As to qualitative aspects and trends specific to individual sectors, we would refer the reader to the studies carried out for the Commission and for UNI-Europa (Pochet *et al.* 2004; Pochet and Degryse 2005).

This article is structured as follows. Section 1 sets out the main stages leading up to the formation of the 31 sectoral committees in existence at end-2004. Section 2 classifies the texts adopted into six categories: 'agreements', 'recommendations', 'declarations', 'internal rules', 'tools' and 'common positions'. Section 3 examines the number of documents adopted both globally and per sector. We then disaggregate these data year by year in a table, stating in how many years each sector has signed one or more text(s) and how many sectors have signed one or more text(s) per year. Section 4 analyses the types of texts adopted in relation to the six categories defined in section 2. The next step, in section 5, is to look more closely at the themes covered, based on 11 topic areas. Last of all we shall consider the addressees of these texts, before offering a few concluding remarks.

Sectoral committees: some background information

Originally the bodies serving for the consultation of the European social partners were joint committees, established by the European Commission. A first wave of six joint committees was formed in the sectors covered by the 'integrated' common policies: mines (1952), agriculture (1964/1974)[2], road transport (1965), inland waterways (1967), sea fishing (1974) and railways (1972). Their members were appointed by the Commission, with an equal number of employers and employees. Informal working groups, set up at the request of the social partners, began to appear during the 1980s. They provided for a more pragmatic and flexible form of social dialogue, as well as being more informal. Such working groups were formed in a number of sectors with the Commission's backing: HORECA (1983), commerce (1985), insurance (1987), banking (1990), etc. A second wave of joint committees took shape in the late 1980s and early 1990s in the following sectors: sea transport (1987), civil aviation (1990), telecommunications (1990) and postal services (1994).

The 1991 Social Protocol laid down a legal framework which opened up new scope for dialogue at interprofessional level as well as in the various sectors. The entry into force of the Maastricht Treaty (and its Social Protocol) resulted in an obligation on the Commission to consult the social partners prior to the adoption of a legislative proposal and the possibility for them to sign collective agreements which may either be extended *erga omnes* by means of a Council directive or else be implemented by the social partners themselves at national level.

Following its framework decision of 20 May 1998 (European Commission 1998), the Commission decided on 1 January 1999 to harmonise the system, replacing the two former types of body with sectoral social dialogue committees (SSDCs), *'intended to promote dialogue between the social partners at European level'*. Thus the sectoral social dialogue was put on an institutional footing as an extension of the interprofessional social dialogue initiated at Val Duchesse in 1985 (Didry and Mias 2005). SSDCs are formed by joint request of the social partners and approved by the Commission. They comprise a maximum of 40 representatives (with an equal number from both sides of industry) and

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2 The social dialogue began in 1964 but the committee was not formally established until 1974.

are chaired either by one of the social partner representatives or, at their request, by the Commission representative who in any event acts as the committee secretary. Each committee is expected to adopt its own rules of procedure and work programme (often annual). It holds at least one plenary meeting per year and handles more specific matters at enlarged secretariat meetings or in restricted working groups. The negotiating mandate is determined by national organisations: the Commission has not laid down any rules as to the means of approving joint texts.

The number of sectoral social dialogue committees (SSDCs) has grown since the reform: the sectors organised into committees increased from 20 in 1998 to 31 in 2004. Ten joint committees and 16 informal working groups were transformed into SSDCs, while five sectors established committees directly: live performance (1999), temporary workers (1999), furniture (2001), shipbuilding (2003) and audiovisual (2004). Last of all, following the REACH proposal[3], the chemical industry finally decided to seek recognition as a new committee.

By contrast, certain sectors with a tradition of national collective bargaining are not represented, for example metalworking and public services. There may however be changes in the pipeline. Some progress seems to have been made in metalworking since the end of the European Coal and Steel Community (ECSC) (the creation of a shipbuilding committee was the first step) and the national public authorities are considering the possibility of establishing one, especially now that the local and regional government committee has been recognised.

It also has to be said that the employers' representation is somewhat fragmentary. This is particularly true for civil aviation but also for the mining, banking and audiovisual sectors. Each of the 11 European trade union industry federations (EIFs) sits on at least one committee. UNI-Europa is present in 11 and transport in five.

Texts adopted: an explanation

The official titles of the joint documents vary considerably: common opinions, declarations, resolutions, proposals, guidelines, recommendations, codes of conduct, social labels, etc. It is not possible to create meaningful categories on the basis of the official designations. We shall refer to them generically as 'joint texts' or 'joint documents'.

In the study carried out for the Commission we distinguished between 'mutual undertakings' between the social partners and 'common positions', i.e. documents intended for the public authorities, first and foremost the Commission. With regard to 'mutual undertakings', we distinguished between 'tools', 'declarations', 'recommendations' and 'agreements'. 'Internal rules', laying down the rules of the game, constitute a further category. Let us spell out the differences:

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3 Proposal concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), (COM(2003)644 final), 29 October 2003.

Table 1: The 31 sectoral social dialogue committees officially established as at 31 December 2004 in alphabetical order

Sector	Workers	Employers	Former joint committees	Informal working groups	SSD committees
Agriculture	EFFAT (1) (2000)	GEOPA/COPA (1958)	1964		1999
Audiovisual	EAEA, EFJ	EBU, ACT, AER, CEPI, FIAPF			2004
Banking	UNI-Europa (2000)	FBE (1960), ESBG (1963), EACB (1970),		1990	1999
Chemical industry	EMCEF (1996)	ECEG			2004
Civil aviation	ETF (1999), ECA (1991)	ACI-Europe (1991), CANSO (1998), ERA (1980), IACA (1971), AEA (1973)	1990		2000
Cleaning industry	UNI-Europa (2000)	EFCI (1988)		1992	1999
Commerce	UNI-Europa (2000)	EuroCommerce (1993)		1985	1999
Construction	EFBWW (1984)	FIEC (1905)		1992	1999
Electricity	FSESP/EPSU (1974), EMCEF (1996)	Eurelectric (1999)		1996	2000
Footwear	ETUF-TCL (1964)	CEC (1959)		1982	1999
Furniture	EFBWW (1984)	UEA (1954)			2001
HORECA/Tourism	EFFAT (2000)	Hotrec (1992)		1983	1999
Inland waterways	ETF (1999)	UENF (2001), ESI/OEB	1967		1999
Insurance	UNI-Europa (2) (2000)	CEA (1953), BIPAR (1937), ACME (1978)		1987	1999
Live performance	EAEA (1999)	Pearle (1991)			1999
Local and regional government	FSESP (1978)	PfE CCRE (1951)		1996	2004
Mines	EMCEF (1996)	APEP (1983), EURACOAL (1953), Euromines (1995)	1952		2002
Personal services (hairdressing)	UNI-Europa (2000)	CIC Europe (1991)		1998	1999
Postal services	UNI-Europa (2000)	PostEurop (1993)	1994		1999
Private security	UNI-Europa (2000)	CoESS (1989)		1993	1999
Railways	ETF (1999)	CER (3) (2002)	1972		1999
Road transport	ETF (1999)	IRU (1948)	1965		2000
Sea fishing	ETF (1999)	Europêche/COGECA (1959)	1974		1999
Sea transport	ETF (1999)	ECSA (1990)	1987		1999
Shipbuilding	EMF (1971)	CESA (1965)			2003
Sugar	EFFAT (2000)	CEFS (1954)		1969	1999
Tanning and leather	ETUF-TCL (1964)	COTANCE (1957)		1999	2001
Telecommunications	UNI-Europa (2000)	ETNO (1991)	1990		1999
Temporary work	UNI-Europa (2000)	EuroCIETT (1967)			1999
Textiles/clothing	ETUF-TCL (1964)	Euratex (1995)		1992	1999
Woodworking	EFBWW (1984)	CEI-Bois (1952)		1994	2000
Total	11 European industry federations	48 employers' federations			31

(1) Formerly known as EFA – founded in 1958.
(2) EURO-FIET (1972) – ECF-IUF (1981).
(3) Formerly known as CCFE – founded in 1988.

Source: Table updated and completed, *Industrial Relations 2002*.

a) Agreements

This category corresponds to agreements initiated between the European social partners (pursuant to Article 139), intended for national organisations and with a follow-up procedure determining precise mechanisms and deadlines for implementation. Agreements may or may not be converted into directives.

b) Recommendations

This category comprises texts whose provisions are drawn up by the European social partners, intended for national organisations and for which a follow-up and evaluation procedure is laid down at national and European level. There is deemed to be follow-up if the text of the joint document sets out (reasonably precise) procedures for national implementation and for a European-level evaluation of this follow-up at a given point in time. This is therefore a procedural definition. Follow-up as defined here should not be confused with implementation, which relates to substantial aspects.

c) Declarations

This category corresponds to 'declarations of intent' drawn up by the European social partners, intended for national organisations or for themselves, and where no explicit follow-up procedures are set out in the text or where the procedure is vague.

d) Tools (for training and action)

This category comprises various sub-categories: studies (only studies carried out jointly by the social partners and not by European and/or national consultants); handbooks; glossaries or databases.

e) Internal rules

Internal rules are recognition agreements between the social partners.

f) Common positions

This category corresponds to texts addressed to the European institutions. These texts may be produced under very different circumstances. Sometimes the prime purpose of a common position is very obvious but, in other cases, it may be vague due to being watered down by the numerous matters covered.

It will be necessary in future, we believe, to be more rigorous about describing certain texts as 'joint documents'; we are thinking, for example, about joint letters written to the Commission and studies carried out jointly. For the record, we took no account in our work of studies conducted by external consultants. That does not mean such documents are not important – some of them undoubtedly have been – but that, in our opinion, they should not be counted as joint texts. Our analysis will be based on two periods. The first period covers all documents since the very outset, i.e. beginning with the first joint document in agriculture in 1978 on working time; the second period runs from 1998 onwards, the date when it was decided to establish the new social dialogue committees. Even though these were only set up from 1999 onwards, we have kept 1998 as the starting date because that is when the Commission clearly stated that it expected to see a renewed sectoral social dialogue.

Number of documents

The social dialogue resulted in 353 joint texts during the period under investigation (1978-2004).

Figure 1: Total number of documents per year, all sectors together (353 docs)
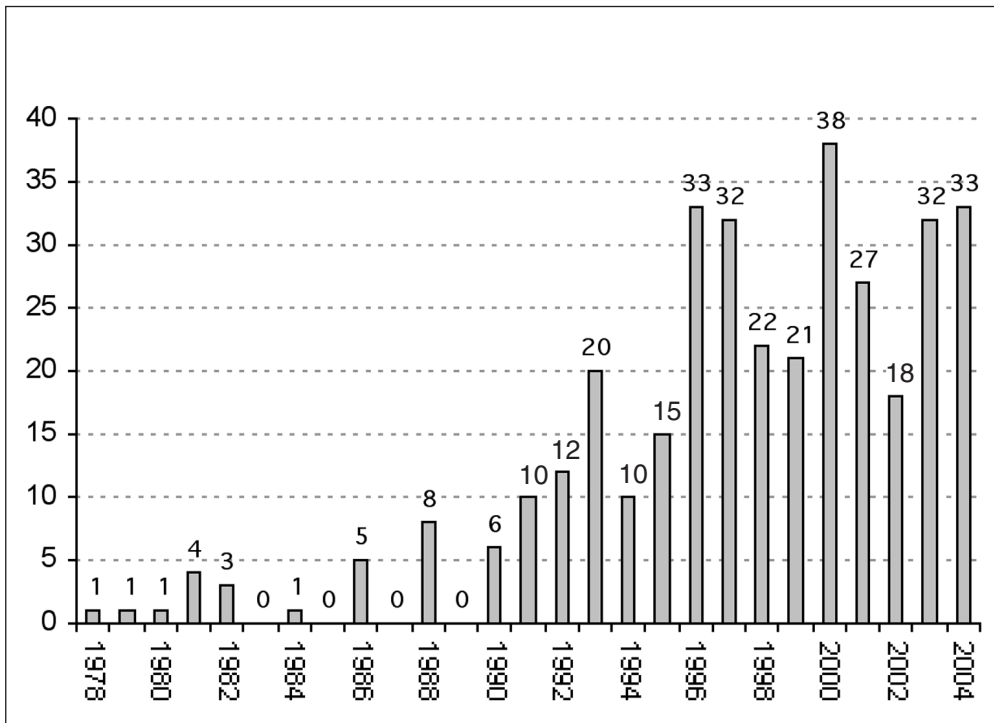
Since the very first joint text was signed in the sectoral social dialogue in 1978, the yearly distribution reveals a significant increase in their numbers. Yet the increase is not continuous and there are sharp fluctuations from one year to another. In addition, more documents were signed after 1998 than between 1978 and 1997 (that year alone accounted for 32 joint documents). Finally, the number of documents began to rise in 1996, or two years before the formation of the new committees.

We should sound a methodological note of caution here: there have been more committees as time has gone by, and it is therefore quite natural to find a growing number of joint documents. Table 2 (below) shows the total number of committees (officially established) by year. The second row shows the number of committees at the time when they signed their first agreement. The difference between the two figures derives from the fact that once a committee is officially recognised we have included agreements signed earlier when it was not yet official.

The 33 (Figure 1) agreements of 1996 (for 19 committees) are therefore more numerous in relative terms than the 27 documents (Figure 1) of 2001 for 28 committees. In the

Table 2: Establishment of SSDCs and dates of signature of first agreements, by year

	1952	1965	1967	1969	1972	1974	1978	1982	1983	1985	1986	1987	1988	1990
No of SSDCs	1	2	3	4	5	7	7	8	9	10		12		15
First text							1				2		4	7

	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
No of SSDCs		18	19	21		23		24	27		28		29	31
First text	8	9	11	14	15	19	21	22	23	27	28	29	30	31

former case, each committee issued 1.5 texts on average; in the latter just one each. Figure 2 shows the relative productivity of each sector.

There are highly significant differences between one sector and another. Four of them (telecoms, agriculture, railways and postal services) each signed more than 20 joint texts and account for almost a third of all joint documents. Ten sectors, on the other hand, signed five joint documents apiece or fewer: these are recently established committees for the most part. The sectors which were the most prolific before 1998 were no longer necessarily so thereafter. This is the case for telecoms, agriculture and civil aviation.

Further detailed examination of the broad figures show in how many years (since 1998) there was one or more document(s) per sector. Only two sectors, sugar and commerce, signed one or more document(s) per year. Private security signed one in six years out of seven. Railways, HORECA/tourism, postal services, sea fishing, telecommunications and sea transport: five years out of seven. At the other end of the scale, inland waterways has signed no agreement since 1997. Moreover, seven sectors signed no joint texts at all in 2003 or 2004: these are agriculture, footwear, furniture, inland waterways, personal services, textiles/clothing and temporary work.

One limitation of quantitative analysis is that, by its very nature, it focuses on figures. In actual fact, on the one hand not all sectors are equally ambitious with regard to the quantity of texts they wish to produce; on the other, the generation of a large number of texts says nothing about the quality of those texts, nor about the internal dynamic at work. Such data alone, therefore, can certainly not be considered indicative of the vitality of dialogue in a sectoral committee. For example, HORECA is the sector which signed the most joint documents, but a careful analysis reveals the weakness of the content of these texts. Thus we must draw a distinction according to the types of document signed. It should also be noted that in other cases, such as textiles/clothing, the absence of any joint texts did not prevent the protagonists in the sector from cooperating intensively when confronted with the end of the multifibre agreements (Pochet 2005).

Types of document

As stated above, we have defined six types of joint document: agreements, recommendations, declarations, tools, internal rules and common positions.

Figure 2: Number of documents per sector
1978-2004 (353 docs): 1978-1997 (white, 162 docs); 1998-2004 (grey, 191 docs)
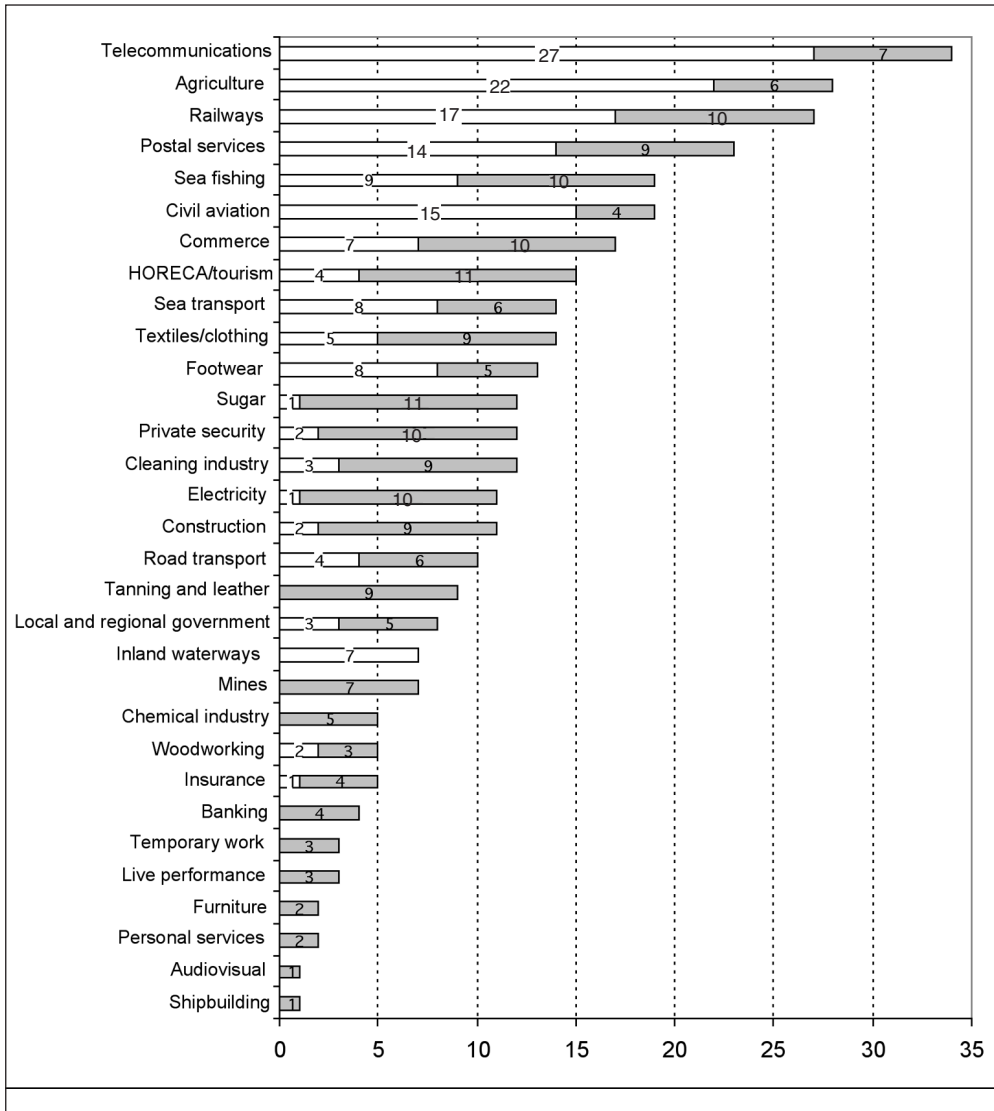
An analysis of all 353 documents reveals that a large majority of them – 216 (60%) – are common positions. Next come declarations – 46 – and then, in turn, tools, recommendations, internal rules and lastly agreements (5) (see Figure 3).

Therefore, if we interpret the social dialogue restrictively as the negotiation of binding agreements, 'agreements' constitute fewer than 2% of all texts. Three of these are directly related to the sectoral implementation of the 1993 Working Time Directive in

**Figure 3: Number of documents by type 1978-2004: 1978-1997 (white);
   1998-2004 (grey)**
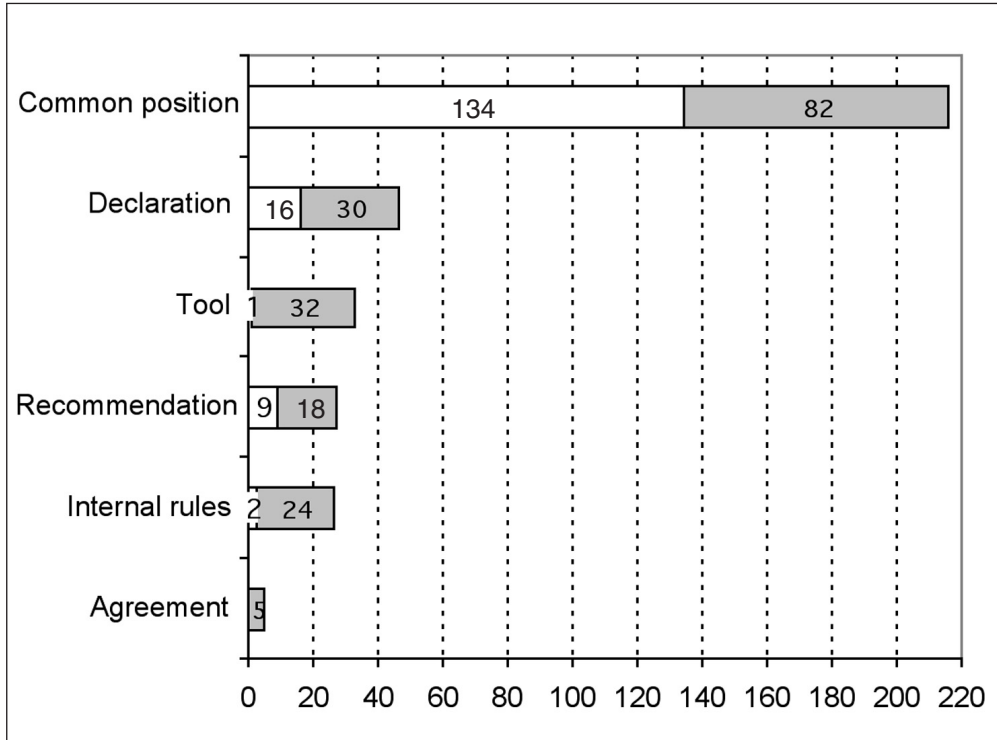
the transport sectors[4], in the wake of the European directive. The other two were signed
in the rail transport sector in 2004 (for a detailed analysis see Champin 2004).

A somewhat different view is obtained by scrutinising the texts signed since 1998. 82 of
these are common positions, which still constitute the largest category but now cover
fewer than 45% of all joint texts. Declarations, tools and recommendations are clearly
gaining ground. The question now arising is how this move towards more social dialogue
between social partners is distributed across time. The next figure presents the results
(1998-2004) on an annual basis so as to give a more precise idea.

What is striking about the distribution of documents by type and by year is a relative sta-
bility for internal rules, peaks for tools and declarations, and a general tendency towards

4 European agreement on the organisation of working time of seafarers (30 September 1998); Agreement
   on some aspects of the organisation of working time in the rail transport sector (30 September 1998);
   European agreement on the organisation of working time of mobile staff in civil aviation (22 March 2000).

Figure 4: Number of documents by type and by year (1998-2004)
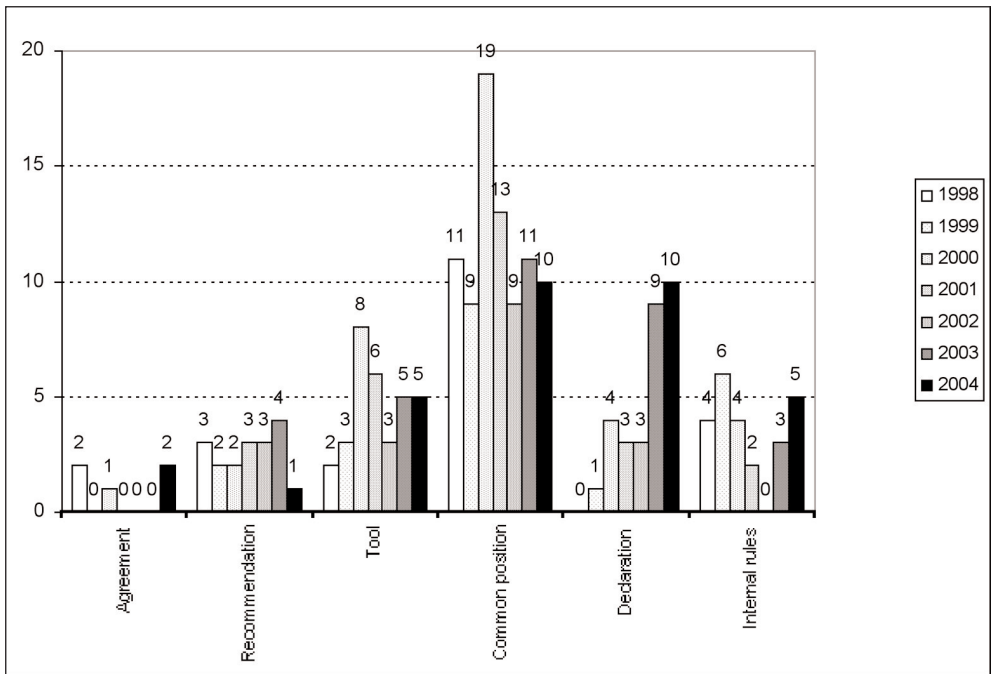
a reduction in common positions. Developments are, however, erratic rather than representing a systematic year-on-year downward trend. In 2003, for the first time, there were fewer common positions (11) than the sum of declarations, recommendations and agreements (12), i.e. joint undertakings by the social partners. The same happened again and was more pronounced in 2004, with 10 common positions against the sum of 13 declarations, recommendations and agreements. This would seem to indicate a shift from a social dialogue initially more prone to issue common positions addressed to the Community authorities, towards a social dialogue focusing more on internal social partner priorities. Only the results of the next few years will confirm whether or not this is a meaningful trend.

Between 1978 and 2004 13 sectors adopted recommendations and three others, agreements. Interestingly, they are not the same ones. One might think that this outcome is mainly due to the implementation of the Working Time Directive, but we should add that the trade union side in the transport sector is reluctant to sign up to 'soft' instruments such as recommendations (Noordestgaard and Kirton-Darling 2004). So-called recommendations are often codes of conduct or charters, as in the case of sugar, textiles, footwear, leather, woodworking and private security. Agriculture has adopted several recommendations on working time and has been a pioneer in this field. Three sectors – agriculture, electricity and sugar – have passed recommendations on training. We know extremely little about the effective implementation of recommendations: in many cases follow-up has been minimal and fragmentary and, as in textiles, has sometimes been set

Figure 5: Sector-by-sector breakdown II (1978-2004)
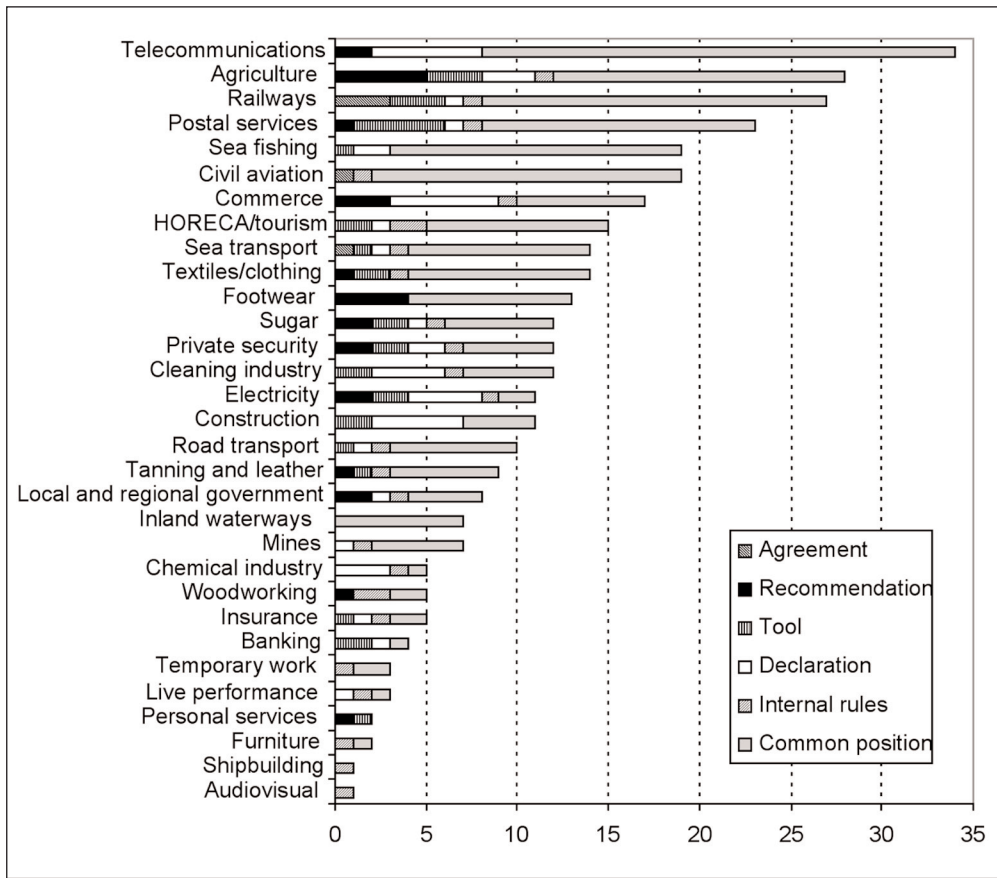
in motion after a delay of several years. The sugar code of conduct is innovative in that it arranges for precise follow-up of implementation with the publication of a summary document.

This figure also shows that 20 sectors at best adopted declarations, a rather meagre achievement in terms of joint undertakings.

A detailed sector-by-sector analysis (AIAS 2002; Pochet *et al.* 2004) makes plain that there is no general dynamic progressing from common positions to tools, declarations, recommendations and then agreements. In other words, an examination of each sector individually reveals no obvious gradual move towards more binding undertakings in terms of follow-up. Meaningful trends can only be inferred from the sum of all the different sectors.

It is now time to turn our attention to content, and to analyse the topic areas covered by these joint documents.

Topic areas covered

Many joint documents are confused and deal with a variety of topics without their main objective emerging clearly. For a number of them we had to make a choice, which proved quite difficult in some cases[5]. We could not emphasise too strongly the need for caution when interpreting these results. For this reason we used several fields when constructing our database. Here we shall present the results for the main fields only.

The topic areas have been grouped into 11 categories:

a) Health and safety
b) Training
c) Employment
d) Working time
e) Social dialogue (including the 26 sets of 'internal rules')
f) Enlargement (the texts on enlargement mainly deal with the issue of extending social dialogue to the east European countries)
g) Working conditions (including non-standard forms of work: telework, illegal employment, etc.)
h) Non-discrimination (including equality between men and women)
i) Sustainable development (including environment)
j) Economic and/or sectoral policies (in a sense, 'industrial' policy in the broad sense of the term)
k) Social aspects of Community policies (social consequences of sectoral strategies).

In the main, the topic areas selected correspond to those put forward by the European Commission in its *Industrial Relations Report* for 2000.
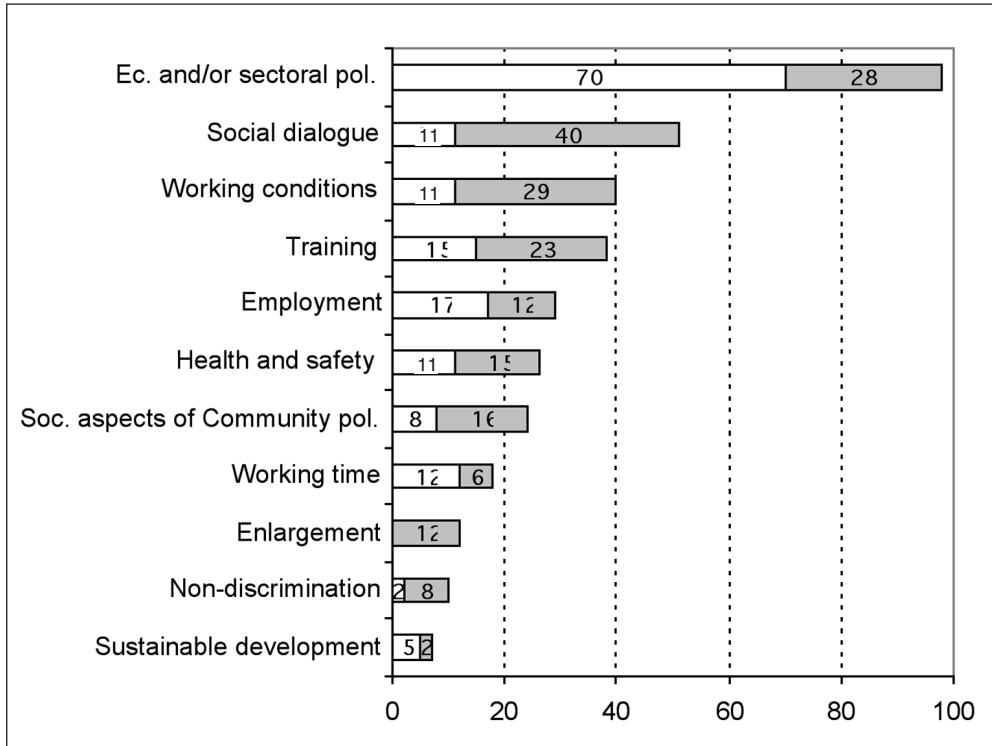
'Economic and/or sectoral policies', 'social dialogue' and 'working conditions' are the three largest topic areas judging by the number of texts (Figure 6). The order is reversed after 1998, with 'social dialogue' in the lead followed by 'working conditions'. We would however be particularly reluctant to comment in any further detail, since these are also the areas with the most general headings and hence they encompass many documents whose aims are equally general. We would recall in addition that the 'social dialogue' category also covers 'internal rules' between social partners, of which there are 26 sets. The rarest topics are sustainable development, non-discrimination, working time and health/safety. It is particularly surprising to see non-discrimination, including gender equality, so low down the list. Contrary to expectation, 'employment' and 'working time' crop up more frequently before 1998 than afterwards.

Let us now move on to the distribution by year and by topic. Here too, there are significant differences for certain years.

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5   The same difficulty has been highlighted by other research teams which have analysed these agreements (in particular AIAS 2002).

Figure 6: Number of documents by topic (1978-2004): 1978-1997 (white, 162 docs); 1998-2004 (grey, 191 docs)

No very clear trends emerge from a year-on-year analysis of topic areas, with the exception of 'economic policies' and 'social aspects'. Indeed, the number of texts on economic and/or sectoral policies falls off sharply as from 1998 (there were 11 in 1997). Seven texts on the social aspects of Community policies were signed in 2000 and none at all in 2003. One might infer from this that the most general topics intended for the European institutions are on the decline. It should also be noted here that many 'common positions' were directly linked to the process of deregulation in utility sectors. Deregulation is virtually complete in some of these sectors. In 1997, 12 out of 30 joint documents came from just two sectors: telecommunications and postal services. 'Enlargement' peaked in 2002. More surprisingly, not one text geared directly to employment was signed in either 2003 or 2004 and there was only one in 2002, despite it being a period of economic crisis.

Working time is the principal topic area as far as Agreements are concerned. This is not surprising because it proved possible to adapt the 1993 Working Time Directive to the transport sector, giving rise to three Agreements. As for Recommendations, working conditions was the topic most frequently addressed. Here too, the outcome would appear logical because most of the documents are codes of conduct. We did in fact

Figure 7: Number of documents by topic and by year (1998-2004)
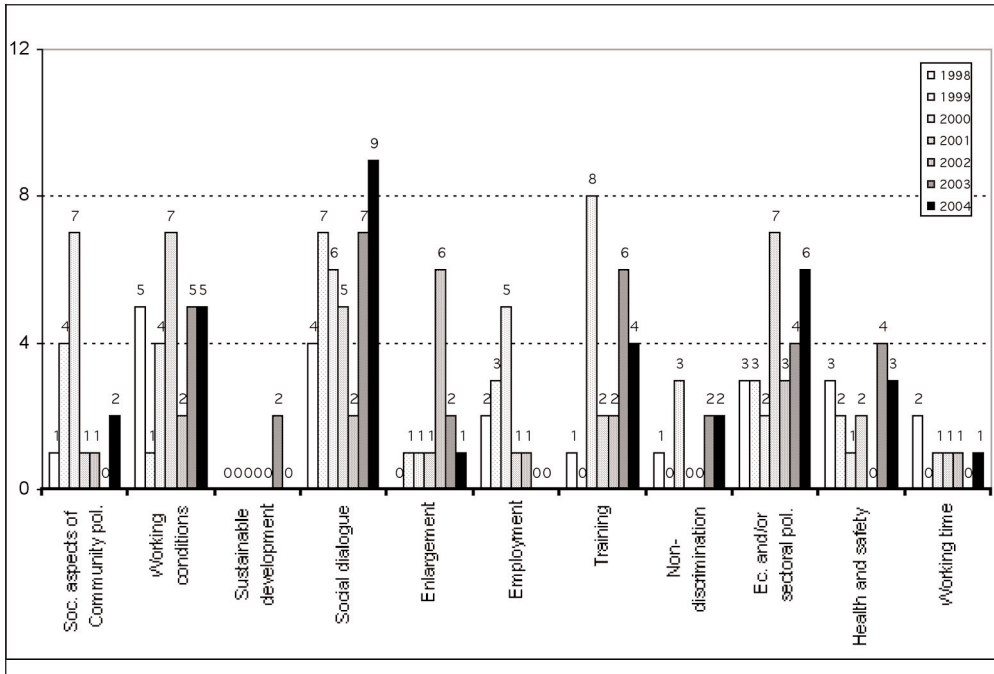
define working conditions very broadly, and this tallies with the subjects covered by the various codes of conduct. With respect to Declarations, the main theme is training, followed by enlargement. 'Common positions' deal above all with economic and sectoral policies, followed by the social consequences of Community policies. Once again, this finding was to be expected since these are documents addressed to the Community

Table 3: Occurrence of topic areas in three types of joint document (1998-2004)

	Declarations	Recommendations	Agreements
Social aspects of Community policies	1		
Working conditions	4	11	1
Social dialogue	3	2	
Enlargement	6		
Employment		1	
Training	9	2	
Non-discrimination	3	2	
Economic and/or sectoral policies	2		
Health and safety	3		
Working time			4

authorities. As for Tools, health and safety is the main topic area. Even though we should remain cautious and not draw over-hasty conclusions, it does seem that each instrument lends itself to particular topic areas.
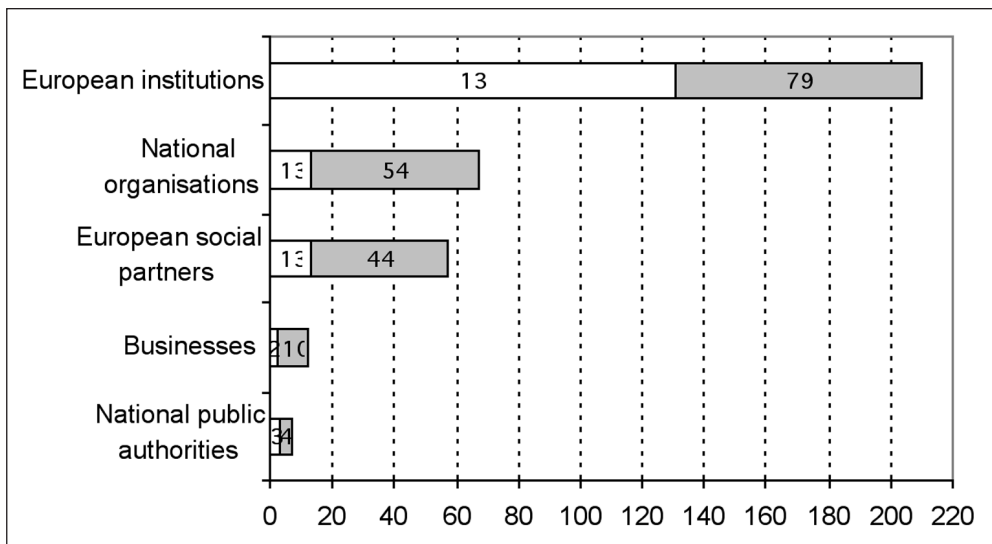
Addressees

Five categories of addressee have been identified: 1) European social partners, 2) European institutions, 3) national organisations, 4) businesses and 5) national public authorities. As for the topic areas, we have created two fields in order to take account of the diversity of addressees in many documents.

A large majority of documents are primarily intended for the European institutions, yet this applies basically to the period as a whole. It is no longer the case if we take 1998 as our starting date. Next come national organisations: of the 67 documents, just 13 were addressed to them before 1998, thereby marking a major change in the nature of the social dialogue. Last of all come national public authorities with a fairly high figure, since there are 26 sets of 'internal rules' which are by definition addressed first and foremost to the national authorities.

It is worth noting that 12 joint texts are intended primarily for businesses, while 15 more have businesses as a second addressee. The emergence of businesses as addressees is

Figure 8: Number of documents per addressee (1978-2004): 1978-1997 (white, 162 docs); 1998-2004 (grey, 191 docs)

worth singling out and must be related to two factors: first, codes of conduct, which usually have businesses as one of their addressees and, secondly, the important role played by multinationals in certain sectors (in some cases they are direct members of employers' organisations).

Lastly, national public authorities are also mentioned, especially with respect to training and lifelong learning.

Concluding remarks

Sectoral social dialogue has not developed in a way that mirrors the interprofessional social dialogue. The latter began with non-binding texts, principally in consensual areas and addressed to the Commission. Then there was a move towards 'agreements' extended *erga omnes* by means of Council directives, finally ending up with so-called voluntary agreements and more flexible instruments as in the case of lifelong learning.

Our quantitative analysis has brought to light a plethora of documents distributed unevenly across the years but growing in number especially from 1996 onwards. The majority of these documents consist of 'common positions' addressed to the European institutions, particularly after 1998.

There is no evidence of a gathering momentum from 'tools' towards 'agreements'. Nor has there always necessarily been a consensual issue at the outset. This is borne out by an analysis of the questionnaires used in our research which makes plain that, whatever the topic area, the conclusion of an initial joint document is consensual by its very nature (for example working time in agriculture). Therefore training, which was so important in the Val Duchesse social dialogue, has not always come first in the sectoral dialogue.

Classifying the joint documents has enabled us to make more sense of this combined output than did previous approaches based on two categories. It proved difficult to classify many of the texts, and choices had to be made. However, the aim was not to supply precise statistics but to distinguish between and highlight dynamics and trends. One point is clear: fewer than 2% of the texts adopted are agreements with binding effect.

Several commentators have stressed the importance of 'common positions' as a way of feeding into the drafting of Community legislation and minimising deregulation, or as a direct means of introducing social concerns into European policy-making. Similarly, training 'tools' have often been referred to as instruments *'with a real impact on people's working conditions'*; by the same token, certain 'agreements' which are held up as important or even exemplary have sometimes come in for (anonymous) criticism.

What we have sought to highlight are the differing tendencies, some more inclined towards consultation – 'common positions' – and others more for internal consumption in given sectors – 'mutual undertakings'. This duality is confirmed by an analysis of 'internal rules', which likewise demonstrate divergent degrees of ambition. Some of them mention the possibility of arriving at detailed, binding texts but others avoid this subject.

Topic areas were a particularly sensitive matter. This was undoubtedly the most difficult part of our quantitative work, but the difficulty is also very indicative of the ambiguous nature (to put it mildly) of many joint documents. Without going into detail, divergent tendencies emerge. Nonetheless, our quantitative and qualitative analysis does reveal certain overall trends.

Most of the 'agreements' have been signed in sectors which are tied to European policies (transport; agriculture has signed quasi-agreements). Sectors in which the national industries have been deregulated (telecoms, postal services, electricity etc.), where there is both competition and interconnection, are the ones where there have been most 'recommendations' (not codes of conduct). Traditional sectors (banking, insurance) are in search of a European goal. Sectors that are 'in decline' (textiles, footwear, sugar etc.) and highly exposed to international competition are the ones where the largest number of codes of conduct has been signed. Sectors aiming to raise their profile (private security, cleaning industry etc.) and achieve European 'quality labels' are striving towards codes of conduct not based on the ILO standards (ethics, for instance). Finally, the commerce sector is experimenting with a variety of instruments in its desire to give greater prominence to its specific needs.

Trade-offs are clearly taking place: sectors in decline are joining forces to manage the industrial and employment crisis; sectors linked to the common policies are attempting to build European-level industrial relations; sectors exposed to interconnection are handling deregulation/privatisation by creating space for bargaining in areas where there is a tradition of partnership. Traditional sectors are engaging in 'conservative' social dialogue until such time as they find a genuine subject of negotiation; sectors with an image problem are constructing their European goals with relative degrees of success, and some are trying to reinvent themselves with the aid of Europe.

The diversity of situations, issues and dynamics explains why it is so difficult to build a well-structured system of industrial relations at Community level. It nevertheless seems to me that several sectors have reached a critical point. First and foremost, in view of the overall development of the sectoral social dialogue, those sectors which are performing least well, in whatever category they may be, are confronted with various questions as to the prospects for further dialogue, entailing an analysis of the obstacles and how to overcome them.

However, the same applies to sectors which have made substantial headway in recent years. They all in fact come up against the same problems: how should the texts be followed up? What linkage should there be between the European and national sectoral levels? and between the sectoral and interprofessional dialogue? Thus the aims of the social dialogue absolutely have to be clarified. And yet progress has often (but not always) been possible precisely because the purpose of the dialogue was – and remained – ambiguous. Headway could thereby be made in a social dialogue context without it necessarily being broadcast loud and clear. It would now be beneficial to clarify the status of the various joint texts, as well as their follow-up and practical implementation. In

other words, whereas at one time the ambiguous nature of the SSD may have been positive and creative, it now runs the risk of becoming an impediment.

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Translation from the French by Janet Altman