

PESSIS 2

Promoting employers'

social services in social dialogue

PESSIS 2

**PROMOTING EMPLOYERS' SOCIAL
SERVICES IN SOCIAL DIALOGUE**

**Final European Report 2
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CONTENT

1.	Introduction	5
1.1	Definitions	5
1.2	Methodologies	5
2.	Nature and structure of the social services sector	7
2.1	Workforce profile and sectoral rate of growth	7
2.2	Structure of sector	8
3.	Social dialogue in the social services sector	10
3.1	Understanding of social dialogue	10
3.2	Representativity	10
3.3	Well defined social dialogue structures	12
3.4	Employer-employee dialogue	13
3.5	Newly established social dialogue structures (post 1990)	14
3.6	Recently reformed social dialogue structures	14
4.	Collective bargaining in the social services sector	16
4.1	Types of issues covered	16
4.2	Coverage	16
4.3	Changes	16
4.4	Independence of partners	17
4.5	Role of state	17
4.6	Correlation of social dialogue & collective bargaining	19
4.7	Reactions to financial crisis	19
5.	The case for EU level Social dialogue in the social services sector	20
5.1	Social dialogue and the European Union	20
5.2	The legal base for social dialogue	20
5.3	Arguments for EU level social dialogue in the social services sector	20
6.	Conference report	22
7.	Conclusion and Recommendations	24
	PESSIS Project Recommendations	26
8.	References	27
	PESSIS Project country reports	27
	Other references	27





1. INTRODUCTION

The aim of the research project '*Project PESSIS: Promoting employers' social services in social dialogue*' was to provide a detailed understanding of how social dialogue is organised and structured (or not) in the social services sector in Europe. It aimed to identify barriers to increased cooperation among employers in the sector as well as highlighting examples of good practice. Eleven national studies contributed to an overall European perspective of social dialogue in the social services sector, which are included in this European Synthesis Report. The research project involved studies of social dialogue in the social services sector in Austria, Belgium, Finland, France, Germany, Greece, Ireland, The Netherlands, Scotland, Slovenia and Spain.

The aims of '*Project PESSIS 2: Promoting Employers' social services in social dialogue*' was to build on the findings of *Project PESSIS*. It aimed to extend the understanding of social dialogue in the social services to six more countries: Bulgaria, Czech Republic, Italy, Lithuania, Poland and Sweden.

The Final European Report 2 draws together the mapping of social dialogue in the social services sectors from each of the 17 national reports. Each national report presented a 'picture' of how social dialogue is organised at local, regional and national levels and addressed the following six research questions:

1. What is the size of the social services sector, both in terms of workforce and of employers in aggregated value?
2. How well represented is the sector in terms of number of employers and workers covered by collective agreements?
3. What are the types of social dialogue or collective agreements that exist?
4. How many employers of the sector are involved in social dialogue and at what level?
5. What are the key labour issues dealt with and at what level?
6. Are there any labour issues that could be dealt with at European Union (EU) level?

1.1 DEFINITIONS

There are several terms which have been used in this research project which are defined below.

1. The term social dialogue is defined as 'a dialogue between employers and employees'.
2. The terms public, for-profit and not-for profit sectors are widely used across Europe. They are defined in this report as:

Public sector commissioners of social services - Government departments, public sector agencies or municipal

authorities commission social services in many countries and contract for-profit and / or not-for profit providers to deliver social services.

Public sector funders of social services – public authorities (national, regional or local government) fund social services by providing money directly to individuals.

Public sector – In some countries, social services are still delivered by municipal or regional government authorities.

For-profit sector – Providers of social services which operate to make a profit. They may operate with shareholders or they may be private companies, owned by one or more individuals. In some countries, family businesses deliver social services. They may be large or small in size.

Not-for-profit sector – Providers of social services, which do not operate to make a profit. In some countries this sector may be called the voluntary or charitable sector. In some countries, volunteers deliver some of the services for the not-for-profit sector.

1.2 METHODOLOGIES

'Project PESSIS: Promoting employers' social services in social dialogue' was an exploratory research project which aimed to gather data on a sector that is under-researched in terms of social dialogue. A research strategy, drawn up by the European Research Coordinator, was discussed with the project partners in January 2012. After the appointment of the 11 national researchers, the strategy was further clarified after discussions between the national researchers and the European Research Coordinator via Skype.

Each national study started by gathering research that had already been done on the social services sector in each country. There were four main sources of information: employer organisations, trade unions, government departments and academic research. Reports covered the numbers of workers in the social services sector, the structure of the sector, existing systems of social dialogue, collective bargaining arrangements, and wider perspectives on employment relations in the social services sector. This information was used to map out the key elements of the social services sector.

As social dialogue in the social services sector is an under-researched topic, the main form of data collection took place either through a national workshop or through a series of key informant interviews. Workshop participants and key informants were sent a short briefing paper which outlined the initial mapping of the social services sector. The stakeholders included employer organisations, government

(national, regional, provincial, municipal) departments, trade unions, not for profit sector, for-profit sector and worker associations. Stakeholders were asked about their experience of social dialogue, the structures that exist to support social dialogue, existing collective agreements and the resources that the stakeholders have available to develop social dialogue at EU level. This stage of data collection was also used to raise awareness of the PESSIS project among stakeholders in each of the eleven countries. It generated a wide range of views and insights into social dialogue in the social services sector. The research was written up as a series of eleven national reports, which were then translated into English, when required.

A further testing of the findings of the research was done through the second meeting of project partners in April 2012. Initial research findings were presented and discussed by national researchers. Their comments and recommendations have been incorporated into this report.

A conference held on 22 June 2012 presented the key findings of the PESSIS project to an audience drawn from European and national project partners, the European Commission and other stakeholders. The main points raised in the conference are included in Chapter 6 of this report. The research was written up as a series of eleven national reports, which were then translated into English, when required.

For PESSIS 2, six researchers were recruited by the University of Greenwich in January/ February 2014. The research strategy was further clarified after discussions between the national researchers and the European Research Coordinator via Skype in February 2014. Each national study adopted the same methodologies as used by the initial 11 case studies.

An initial testing of the findings of the six case studies was done through the mid-project meeting of PESSIS 2 project partners in June 2014. Initial research findings were presented and discussed by the European Research Coordinator with PESSIS 2 project partners and their comments and recommendations have been incorporated into this report.

A final conference held on 23 September 2014 presented the key findings of the PESSIS and PESSIS 2 project to an audience drawn from European and national project partners and other stakeholders. The main points raised have been included in this report.

This Final European Report 2 uses material from the seventeen national reports to provide an analysis of social dialogue in the social services sector in seventeen European countries.

Table 1: Country case studies of social dialogue in the social services sector

European region	Countries
Central/ Eastern Europe	Bulgaria, Czech Republic, Lithuania, Poland, Slovenia
Continental Europe	Austria, Belgium, France, Germany, The Netherlands
Nordic region	Finland, Sweden
Southern Europe	Greece, Italy, Spain
UK and Ireland	Scotland, Ireland

This report is structured in the following chapters:

- Nature and structure of the social services sector
- Social dialogue in the social services sector
- Collective bargaining in the social services sector
- Conference report
- Presenting the case for social dialogue in the social services sector at EU level
- Conclusion & recommendations

2. NATURE AND STRUCTURE OF THE SOCIAL SERVICES SECTOR

In Europe, the term social services covers services for older people, people with disabilities and children as well as services to reach excluded and disadvantaged groups (CEC, 2010). The main focus of this Final European Report 2 is on long-term care for older people; care and rehabilitation for people with disabilities; and child care. Other services covered by the term social services have only been included when they have particularly strong systems of social dialogue.

The historical development of these services varies from country to country but has been strongly influenced by the establishment of the welfare state and the role of the voluntary/ not-for-profit sector, including churches and community groups. In Bulgaria, Czech Republic, Greece, Poland, Spain and Slovenia, entry to the European Union and access to funds led to the expansion of a not-for-profit social services sector. Social services are most often provided locally. In several countries, the social services sector is called the social enterprise, social economy or social profit sector, terms which capture the social values that inform the delivery of services and its contribution to social inclusion and social capital.

In many countries, the sector is expanding because of a growing demand for social services. European countries have ageing populations with longer life expectancy and higher rates of disability and morbidity which increase the demand for care services (European Foundation, 2009). This is an important economic, social and political issue for the majority of European countries and governments are attempting to find ways of funding the growing demand for social services. At the moment, the funding of social services is mostly from the state, whether as provider of services or by providing funding for social services that are run by either for-profit/ not-for-profit providers or providing funding directly to individuals who then pay service providers. The extent to which individuals should pay for their own care directly is often determined by income and means testing in some countries.

In recent decades, almost all countries have experienced an increase in private for-profit sector provision although it remains the smallest sector in the majority of countries in the study. There has also been a reduction in state provision in many countries. The growth of for-profit providers is often accompanied by competition within the sector which affects wages and the position of not-for-profit providers. For-profit provision can be seen most clearly in the provision of home care services. New providers also challenge existing systems of representativity for employer organisations.

2.1 WORKFORCE PROFILE AND SECTORAL RATE OF GROWTH

The social services sector is a labour intensive sector which is expanding rapidly in many countries. Table 2 shows the numbers of workers in the social services in the 11 countries examined by the PESSIS project. It is difficult to compare different countries because definitions of social services may vary from country to country. In many countries, social services are the responsibility of more than one government department but are found most often in the health, local government or social welfare departments. Health and social services workers are often grouped together in national statistics, which makes it difficult to define the precise number of social services workers. In some countries, social services only refer to a non-market sector providing care services to different groups. In other countries, there are three distinct sectors: public, for-profit and not-for-profit. The table below shows the eleven countries with population, social sector employment and, when available, growth rates.

Table 2: Number of workers in social services and value/ growth of sector

Country	Population (million) (2008)	% population aged 65+	Out of the total number of social workers – social worker assistants	Volunteers
Austria	8.3	18.1	385,000	3.35% pa
Belgium	10.6	17.6	330,000	Value of sector €7.8million Non-market sector growth rates 5.00% p.a.
Bulgaria	7.2	19.2	30,000	n/a
Czech Republic	10.5	16.8	100,000	0.7% GDP
Finland	5.3	18.8	185,800	3.7% jobs growth
France	65.7	17.6	980,000	7% jobs growth rate 2000-2007
Germany	82.2	20.7	1,788,656 and 222,943 (without social insurance)	€1.5 billion Gross added value 6.7% 16.2% jobs growth and 8.1% jobs growth (without social insurance)
Greece	11.2	20.1	37,822	Lack of evidence
Ireland	4.4	12.2	155,000	€4,509 million
Italy	60.7	21.2	480,634	Economic impact of not-for-profit sector estimated at 4.3 GDP
Lithuania	2.9	18.2	14,900	n/a

The Netherlands	16.4	15.3	694,000	2004-9 Elderly 2.6% jobs growth Disabled 3.2% jobs growth Childcare 11.4% jobs growth
Poland	38.4	14.2	775,400 jobs in health and social services	775,400 jobs is 5.4% of workforce (161,300 FTE in social services = 1.2% workforce)
Scotland	5.2	17.0	198,600	n/a
Slovenia	2.0	17.1	9,508	n/a
Spain	45.0	17.7	568,000	€12,322 billion value added 1.17% of GDP (2010)
Sweden	9.6	19.1	416,100	n/a

n/a = data not available Sources: Eurostat, National Statistics (Scotland) and PESSIS/ PESSIS 2 project country reports

Many countries reported that the social services sector is one of the fastest growing sectors in terms of value and employment expansion although there are often differences between services for older people, people with disabilities and childcare. In Germany, although both ordinary jobs and jobs without social insurance expanded, there was a significant increase in jobs without social insurance in social welfare. As a labour intensive sector, in a period of rising unemployment, the social services sector is making a significant contribution to employment provision as well as to value added activities, although there is yet to be full recognition of the potential of the sector. There are signs that the austerity measures, adopted by some European governments, are beginning to impact on this expansion even though demand for social services will remain high because of the expanding percentage of the population aged 65+. Reductions in social services budgets are affecting the negotiation of wages and working conditions.

The social services sector has a high proportion of women workers. In some countries over 90% of workers are women, many working part-time, e.g. Finland, Germany, Greece, Lithuania, the Netherlands and Poland. Many countries have problems with recruitment and retention of workers. In almost all countries volunteers make a significant contribution to overall social services provision. A large percentage of women workers are aged 40 or above in many countries. France is an exception to this trend, with a larger percentage of workers under 40. In several countries, a relatively high proportion of social services workers are migrant workers, for example, Austria, Netherlands and Scotland. In some Central and Eastern European countries, care workers leave to work in other European countries in search of higher wages.

This profile of social services workers has several implications for the future. The rapid growth rate of this sector will, in future, have to be met by an expansion in either a younger workforce or by drawing in more male workers or more migrant workers. It will require changes in the image

of employment in the social services sector, which is current characterised as a low paid, part-time, female workforce, in order to attract a wider range of workers.

2.2 STRUCTURE OF SECTOR

Comparing national social services data to obtain a picture of the contribution of public, for-profit and not-for profit sectors make to overall social services provision is difficult because of the use of different terminology in each country. Table 3 shows the number or percentage of jobs in the public, for-profit and not-for-profit sectors for countries where there is available data.

Table 3: Percentage of social services jobs in public, for-profit and not-for-profit sectors

Country	Public	For-profit	Not-for-profit	Volunteers
Austria	n/a	243	122	1
Bulgaria	95.8%	5.2%	5.2%	Recent expansion of for-profit/ not-for-profit sectors
Finland	62% elderly 89.7% childcare 50% other social Services	18.6% elderly 5.8% childcare 15.3% other social Services	18.6% Elderly 4.6% Childcare 34.5% other social services	Expansion of for-profit & not-for profit
France	30% jobs	8% jobs	62% jobs	For-profit sector expanding. Not-for-profit includes 100% of disabled jobs and 37% childcare jobs)
Italy	44%	10%	46%	
Poland	70%	30%	30%	Total health and social care jobs
Scotland	33.9% jobs (focus on adoptions, adult placement & adult care)	39.9% jobs (focus on child-minding & adult care homes, school care accommodation & nursing agencies)	26.0% jobs (focus child care agencies, offender management)	Sectors have specialist focus
Slovenia	n/a	n/a	26.7% jobs	Limited data
Sweden	Overall social services 75% but Personal assistants 22%	Overall social services 25% but Personal assistants 72%	Overall social services 25% but Personal assistants 72%	

Sources: PESSIS country reports

Although several countries, for example, Finland, Bulgaria, Lithuania, still have a large public sector provision, the contributions of not-for-profit and for-profit sectors are growing throughout the seventeen study countries. In Italy,

the not-for-profit sector provides 73% of social services. In Bulgaria and Poland, there has been some expansion of the not-for-profit sector.

There is some evidence that the not-for-profit sector specialises in certain types of services, for example, for people with disabilities in France. Child-minding provision is most often found in the for-profit/ not-for-profit sectors.

The local nature of social services has influenced the size of enterprise involved in the social services sector. Table 4 shows the percentages or number of enterprises in the public, for-profit and not-for-profit sectors.

Table 4: Percentage or number of enterprises in public, for profit and not for profit sectors

Country	Public	For-profit	Not-for-profit	Volunteers
Belgium			2,222 Elderly services 1,063 Disabled services 2,788 children/ young people	Data on number of enterprises
Czech Republic	33% services provided	1.7% services provided	58.5% services provided	
Germany	5% residential elderly 23.7% child/youth centres	40% residential elderly	55% residential elderly 76.3% child/youth centres	Over 100,000 enterprises with 90% not-for profit
Greece	68 day care homes 1,009 assistance-at-home 1,319 municipal crèches 52 disability centres	10,000 beds in care homes 1,200 crèches	270 elderly care homes	
Ireland	200 local disability centres 5,276 home helps (largest provider)	128 home care providers 3,000 play centres 000s child minders	800 local disability centres 41 home care providers	
Italy	11%	16%	73%	Breakdown of units of social services
The Netherlands			Disability – 525 enterprises 75% with fewer 10 employees Elderly – 125 nursing homes, 360 retirement homes, 1,150 home care enterprises Childcare – 2,800 75% with fewer 10 employees	Disability & childcare enterprises – small numbers of employees

Poland	Residential social assistance institutions (48%) Nursing homes (72.3%) Other residential social assistance institutions (20.6%)	Residential social assistance institutions (12.2% For profit) Residential social assistance institutions (39.6% - Not for profit NFP) Nursing homes (27.7% for-profit & NFP) Other residential social assistance institutions (79.4% For-profit & NFP)	Limited data
Spain		5,534 enterprises	19,000 social action with 73% with less than 10 employees
Sweden	Pre-schools 57% Municipal older care provision 84%	Pre-schools 33%	Pre-schools 10% Combined Private / not for profit older care provision 14%

Sources: PESSIS country reports

Childcare centres, crèches and kindergartens are frequently small in size. In the Netherlands, three quarters of the 2,800 childcare enterprises employed less than 10 people. In Poland there is a mix of public and not-for-profit/ for-profit provision in nursing homes and different types of residential social assistance institutions. In Sweden, although municipal care for older people still dominates provision, for-profit and not-for-profit providers are expanding in pre-schools and long-term care.

Enterprises providing care or services for people at home have small numbers of employees, although in one or two countries, larger companies are becoming involved. The small size of social services enterprises in the for-profit and not-for-profit sectors has implications for the representation of both workers and employers. Public provision of social services is most often focused on local authority/ municipal authorities with larger operating units.

Key points

- Social services sector is a rapidly growing sector contributing to social and economic value
- Social services are labour intensive activities and there is a growing demand for workers with problems of recruitment and retention
- The majority of workers are women and low paid, often working part-time
- Much of the labour force is aged 40+
- Social services sector is fragmented with a majority of small sized enterprises in for-profit and not-for-profit sectors
- Expansion of competition and entry of the for-profit sector
- Decline of public/ government provision in many countries

3. SOCIAL DIALOGUE IN THE SOCIAL SERVICES SECTOR

3.1 UNDERSTANDING OF SOCIAL DIALOGUE

Although the seventeen countries in the PESSIS/ PESSIS 2 Project show that there are national differences in the definitions and arrangements for social dialogue, there are also some strong similarities between countries in that there is some form of dialogue between employers and employees that affects the social services sector in each country. As a way of explaining the incidence of social dialogue in the social services sector, the analysis of social dialogue will draw on definitions and arrangements at a wider national level, which set the context for social dialogue in the social services sector. This analysis will deal with the seventeen study countries in four groups:

1. Well established social dialogue structures - Austria, Belgium, France, Germany, the Netherlands
2. No formal social dialogue structures but existing employer/employee agreements - Finland, Italy, Scotland, Sweden
3. Newly established social dialogue structures (post-1990) – Bulgaria, Czech Republic, Lithuania, Poland, Slovenia
4. Recently reformed social dialogue structures – Greece, Ireland, Spain

Before the discussion of arrangements in these three groups, the representativity of the employers and employees will be discussed in relation to these four groups of countries (Table 5, 6, 7, 8).

3.2 REPRESENTATIVITY

In countries where there is a strong system of social dialogue in the social services sector, there are several examples of well-established organisations representing employers. In the Netherlands, each branch dealing with people working with disabilities, the elderly and children has a single large organisation representing the majority of employers but smaller representative employers' organisations also exist alongside. In contrast, one of the main problems confronting the social services sector in Germany is the lack of a unifying organisation for not-for profit employers.

There have been recent changes in some representative organisations, which have often involved the merging of existing structures and the creation of a single new structure. In France, the process of drawing together larger employers to form a single agency started in the 1990s. In Austria, a single employer organisation, *SozialwirtschaftOsterreich* was created in 2012.

In Scotland, the Convention of Scottish Local Authorities (COSLA) acts as an employer organisation in collective agreement negotiations, which impact on the social services sector. In addition, there are several alliances of independent providers of elderly care and the Scottish Child-minding Association which are consulted on government policies but do not take part in collective bargaining. In Spain, although there is no social dialogue in the social services sector, there are employers' organisations for related sectors, e.g. social action.

Table 5: Representativity in countries with well developed social dialogue systems

Country	Employers' representative associations	Workers/ trade unions
Austria	<p><i>SozialwirtschaftOsterreich</i> (2012) largest professional association of employers</p> <p>Caritas, Diakonia & Red Cross and Vorarlberg employer association of social and health services and 10 other employer associations</p>	<p>Union of Public Services</p> <p>Union of Municipal Employers</p> <p>Trade union of private employees (GPA-DJP)</p> <p>Vida</p>
Belgium	<p>UNIPSO (<i>Union des entreprises à profit social: Wallonia</i>)</p> <p>UNISOC (<i>Union des entreprises à profit social: national level</i>)</p> <p>VERSO (<i>Vereniging voor Social Profit Ondernemingen: Flanders</i>)</p> <p>CBENM (<i>Confédération Bruxelloise des Entreprises Non Marchandes: Brussels</i>)</p> <p>Sectoral member federations of UNIPSO</p> <p>An organization representative of social profit sector employers may be appointed as an expert and mandated by the public authority... thereby 'qualifying' it to be part of its delegation. In this way, the organization representing employers fully partakes in the process of employer/worker consultation</p>	<p>Trade unions and government 'public purse' funder</p>
France	<p>Social & health associate branch (BASS) Joint</p> <p>Committee created 1996 – UNIFED - 5 employers organisations (French Red Cross, Fehap, FLCLCC, Fegapel, Syneas)</p> <p>Domestic aid branch</p> <p>ADESSA A DOMICILE, ADMR, FNAAFP/CSF, UNA regrouped as USB Domicile</p> <p>Social & familial link branch</p> <p>Joint Negotiations Committee – equal no of negotiators appointed by SNAEC SO Administration Board</p>	<p>Social & health associate branch (BASS) Joint</p> <p>Committee created 1996 – 5 employees organisations (CFDT, CFE/CGC, CFTC, CGT, CGT-FO)</p> <p>Domestic aid branch</p> <p>5 trade unions (CFDT, CFE-CGC, CFTC, FO, UNSA SNAPAD)</p> <p>Social & familial link branch</p> <p>5 trade unions (CFDT, CFTC, CFE-CGC, CGT, FO)</p>

Germany	8 Employers - Caritas, Diakonia, ZWST, AWO, German Red Cross, DPWW, Public providers VKA, private providers bpa	Ver.di
The Netherlands	<p>Employers: Disabilities Dutch Association of Health care Providers for People with Disabilities (VGN) is the employer organisation 162 members Also a trade organisation called <i>MEE Nederland</i>. Based on membership, the VGN comprises 95.6 percent of the branch and MEE Nederland, 2.1 percent</p> <p>Employers: Elderly <i>ActiZ</i> with 415 members, which represents 73 percent of the nursing homes, retirement homes and home-care providers and <i>BranchebelangThuiszorg (BTN)</i> (home-care branch advocacy group) is a smaller employer organisation for entrepreneurs in home care and postnatal care; it has 90 members.</p> <p>Employers: Childcare <i>BrancheorganisatieKinderopvang (Branch Organisation for Child Care)</i> is the only national employer organisation responsible for child care and has well over 1,100 members, representing 80 % total employment in the branch.</p>	<p>Trade unions</p> <p>Disabilities Abvakabo FNV, CNV PubliekeZaak, NU'91 and FBZ</p> <p>Elderly Abvakabo FNV, CNV PubliekeZaak, NU'91 and FBZ.</p> <p>Childcare Abvakabo FNV, CNV PubliekeZaak and Vakbond de Unie</p>

Table 6: Representativity in countries with dialogue between employer and employees

Country	Employers' representative associations	Workers/ trade unions
Finland	Employers – municipalities & communities of municipalities (public and private),	Union of Health & Social Care Services (Tehyry) and Finnish Union of Practical Nurses (Super ry)
Italy	Public sector - Social Policy Departments Forum NFP sector: Federsolidarieta Concooperativa; AGCI Solidarieta; Legacoop sociale	Three main trade unions: CGIL, FP CGIL, FILCAMS CGIL; CISL, FISASCTA CISL; UIL, UIL FPL, UIL TUCS
Scotland	Coalition of Care & Support Providers (vol. sector employers – company level) Convention of Scottish Local Authorities (COSLA) – involved in negotiations Scottish Care (independent providers) – not negotiate but on government consultation groups and Scottish Child-minding Association –not involved in negotiations	3 Trade unions: Unison, Unite, GMB
Sweden	Swedish Association of Local Authorities and Regions; KFO; Almega Tjänsteföretagen; SKL (SALAR); Vårdföretagarna; Arbetsgivaralliansen; KFS; SKL/PACTA; the Cooperative Employers Association	Swedish Municipal Workers Union; National Union of Teachers in Sweden; Kommunal, Vision and SSR

Table 7: Representativity in countries with newly established social dialogue structures (post-1990)

Country	Employers' representative associations	Workers/ trade unions
Bulgaria	None	Federation of Independent Trade Unions of Governmental Organisations (FITUGO) Union of Administrative Employees (PK Admin) Federation of Trade Unions –Health Services (FTU-HS) Medical Federation “Podkrepna” (MF PODK)
Czech Republic	Union of Employers Associations (38 Associations with 6 Social Services Associations) Organisations of social services providers: Czech Association of Social Home Care; Association of Advisory Places; Czech Council of Social Services; Czech Association streetwork; Union of Asylum Houses.	Trade Union in Health and Social Care
Lithuania	Association of Local Authorities, Association of Key Personnel and social care institutions for Lithuanian Elderly and Disabled People and the Association of Lithuanian Child Care Institutions,	Lithuanian Trade Union (TU) for Social Institution Workers; Republican Consolidated TU, Lithuanian Union of Social Workers; Lithuanian Union of Civil Servants; Lithuanian TU of Education (Association of Child Care Homes TU); Lithuanian Federation of Public Services Unions; Lithuanian TU League; Lithuanian Union of Health Care Workers; Lithuanian Union of Nursing & Social Care Workers (Solidarumas).
Poland	Local Government Association of Social Welfare Centres (FORUM); National Association of County and Municipal Family Assistance Centres (CENTRUM); National Association of Municipal Social Welfare Centres (RAZEM)	NSZZ Solidarnosc (Solidarity) National Section of Social Assistance Workers; Health and Social A
Slovenia	Ministry of Labour, Family and Social Affairs (MOLFSA) Association of Social Institutions of Slovenia (not represented in social dialogue at national level)	The Confederation of Trade Unions of Slovenia PERGAM

Table 8: Representativity in countries with recently reformed social dialogue structures

Country	Employers' representative associations	Workers/ trade unions
Greece	Main employers: the Hellenic Association of Private Kindergartens (PASIPS) and PEMFI (Hellenic Union of Nursing and Care Homes)	Trade unions - GSEE (General Confederation of Greek Workers); OIYE (Federation of Private Sector Employees of Greece); OSNIE
Ireland	Public employers, state authorities and IBEC – Irish Business and Employer Confederation National Federation of Voluntary Bodies -62 member organisations; Community Sector Employers Forum; Not-for-Profit Business Association; Disability Federation of Ireland represents disability issues and 127 members in civil society dialogue	SIPTU IMPACT Irish Nurses & Midwives Association UNITE facilitated by Labour Relations Commission

Spain	<p>Collective bargaining - most representative employers organizations in the Sector</p> <p>Collective bargaining for social action</p> <p>OEIS, AEEISSS and AESAP, with a representation percentage of 27.5% each</p> <p>FAIS and APAES: with a 7% representation.</p> <p>AEFYME: with 3.5%.</p> <p>No social dialogue between social services employers/ employees but several organisations recently set up: Third Sector Platform, created in early 2012, made up by 7 large Third Sector organizations (Social Action and Intervention and People with Disabilities) - aims to talk directly to the government but does not have the legal status of an employers' organization; 'Dependency System Consulting Committee' set up, although the organizations (general/ national level); Disability Patronage (2012) State Council of Non-Governmental Social action Organizations</p>	CB – most representative trade unions
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(Partnership of 16) have grouped together to raise awareness of situation. There is a new agreement between the Partnership of 16 and the Assembly of Deputies of France which aims to clarify contractual relationships between domestic aid associations and general councils and to implement new methods of setting tariffs. There is also a move towards a single health and social associative branch convention. In Spain, the national economic crisis has resulted in the creation of new organisations, for example the Third Sector Platform, which are bringing together not-for-profit organisations in the social services sector, initially to raise awareness and lobby for action.

3.3 WELL DEFINED SOCIAL DIALOGUE STRUCTURES

Austria, Belgium, France, Germany and the Netherlands have well defined social dialogue structures, which have influenced their social and economic development over many decades. The main differences lie in the role of the state which varies from state as a key player in tri-partite arrangement to that of regulator and final arbiter.

One of the main issues facing the development of social dialogue in the social services sector in Europe is the weakness of employers' organisations. In countries of Central and Eastern Europe, there is a lack of employers' organisations. In Bulgaria, there is no single employers' organisation and in other countries this type of organisation is under-developed. In other countries employers are often fragmented. Table 9 shows the types of groupings that underpin employers' representativity in many European countries.

Table 9: Types of employers' organisations

Sector	Types of groupings
Public	Representing municipal authority providers; sub-sector, e.g. older people, people with disabilities, childcare
Not-for-profit	Voluntary organisations; faith-based organisations; sub-sector, e.g. child care; social enterprises
For-profit	Types of service e.g. associations of nursing homes, kinder-gartens; sub-sector, e.g. older care.

From a trade union perspective, several trade unions represent workers in almost all the social services sectors. Trade union coverage varies from country to country. Although unionisation in public sector social services is high in Finland, Ireland, Scotland, Sweden and the Netherlands, it is much lower in the for-profit and not-for-profit sectors in almost all countries.

There are some organisational responses to the financial crisis which suggest that new structures may be evolving to address the specific problems of the social services sector. In France, sixteen organisations of professionals and users

Austria has a system of social partnership which is based 'on the belief that conflicts of interest can be solved through dialogue and that there can be a balancing of economic and social interests through compromise' (*Österreichische Gesellschaft für Umwelt und Technik*, 2012). There is a system of works councils at company level for enterprises with more than five employees. Although social dialogue agreements are voluntary and informal, legislation determines which specific interest groups and professional organisations can actually negotiate agreements. There is a collective agreement which covers the whole of the health sector, social services, disability, child and youth welfare services and labour market services.

Belgium has a well defined social dialogue system that addresses key issues in each sector and reaches agreement in labour law. Representativeness is defined by law with different terms for employers' and workers' organisations. The social dialogue system is organised at national, regional, local and commune levels. Government plays a key role in representing the public authority that defines the terms of negotiations and funding. In the social profit sector, joint committees and sub-committees cover the following sectors: home help and elderly care services, enterprises and 'sheltered' workshops employing the disabled, social welfare, and the non-market sector. Employers' organisations are formally recognised as representative by the national administration and are represented on these committees. As public authorities are funders of the social profit sector, negotiations are tri-partite. Most social profit companies/ enterprises are represented in these structures and non-market agreements have developed. Once these have been signed, committees negotiate collective labour agreements.

In France, the state plays a key role in defining and organising social dialogue and has recently tried to reform social

dialogue with changes to systems of representation for workers. Social dialogue is negotiated between the state, employers' organisations and trade unions. Social services social dialogue is subject to the collective approval of conventions and agreements by the state. The social services sector is covered by three 'branches': social and health, domestic help and social and family. Although there is a recognised social dialogue structure for social services at branch levels, the social services social dialogue partners are not recognised in the national social dialogue plan.

In Germany, the social dialogue system is arranged by different economic sectors/ industries and employers and employees negotiate collective agreements, which determine working conditions and wages. Works committees represent worker interests at company level. The Ministry of the Economy declares wage agreements legally binding. In the social services sector, there is no overall representative organisation that draws together the six not-for profit providers, which results in uneven coverage of negotiations. As the funding of social services is partly from public funds, budget cuts are making pay negotiations difficult. In this sense the government plays a role in the negotiations as funder.

In the Netherlands, the term social dialogue is used to cover more than negotiations between employers and employees and includes other forms of negotiation, consultation and information gathering. Other stakeholders, for example academics, may be involved in consultations. Social dialogue between social partners involved in the care of the disabled, the elderly and in child care takes place in the Netherlands on four different levels: national, by the health and welfare sector, at the branch level and within the facilities. The Dutch Collective Labour Agreement Act (1927) regulates the groups who are allowed to negotiate collective bargaining agreements and those who are bound to the agreements. There are three collective agreements that cover the social services sector, covering disability care, services for older people and childcare.

In these five countries which have well established social dialogue systems, the social services sector has either specific arrangements or is covered by wider social dialogue or collective bargaining agreements. However, there are signs that even where there are well defined social dialogue arrangements there are difficulties in the social services sector which are the result of a lack of representation and reductions in the funding of services within the sector. France has been trying to reform social dialogue through changes to employee representation and although a social dialogue operates within the social services sector, the social services partners are not recognised in the national social dialogue plan. Germany faces difficulties because of a lack of representative not-for profit employers' organisations at federal level.

3.4 EMPLOYER-EMPLOYEE DIALOGUE

Finland, Italy, Scotland and Sweden all have structures that provide for some dialogue between employers and employees but there are some significant differences in the strength and effectiveness of these arrangements, especially in the light of recent financial crises. None of this group of countries use the term 'social dialogue' but all countries have well developed collective bargaining arrangements established through systems of industrial relations, supported by legislation. In Finland, negotiations between employers from public and for-profit sectors, trade unions and the government take place regularly with the government promising the 'common good' for contracted parties. Public social services comply with municipal collective agreements. For-profit social services comply with collective agreements of the for-profit social services sector.

In Italy, in the early 2000s government and social partners signed the first National Collective Labour Agreement (CCNL), which is recognized as the main employment regulatory and negotiation tool between companies and workers. It is the regulatory act which defines all rules to be implemented within a sector for collective bargaining. However the NCLN is not valid for the organisations which are not represented at the negotiating table and the this affects the social services sector. Social cooperatives are obliged to implement the CCNL. There are nine collective agreements in the social services charitable sector and 40 in social services sector.

In Scotland, the public sector has a well established system of industrial relations which draws public sector employers and trade unions together in negotiations. Although there are no nationally negotiated agreements for the social services sector, it is covered by collective agreements in the NHS (health service) and local authority sectors. There is a less well-established system of collective bargaining for the for-profit sector, which is voluntary and decentralised and operates at the company level. Small for-profit and not-for-profit organisations are considered 'not big enough for collective bargaining'.

In Sweden, social dialogue is part of the 'Swedish model' with different collective agreements and is regulated by law. Social dialogue is considered to consist of three parts: the bargaining of collective agreements; influence on political decisions and; long term support of good dialogue between employers and employees. Collective agreements cover the conditions of employment as well as the general relationship between employer and employee.

3.5 NEWLY ESTABLISHED SOCIAL DIALOGUE STRUCTURES (POST 1990)

Central and Eastern European countries set up formal social dialogue structures after 1990. In Bulgaria, a National Council for Tripartite Cooperation was set up in 1993. Social services social dialogue is discussed at national level by the National Council for Tripartite Cooperation and at the Sectoral Council for Tripartite Cooperation in health care, which discusses laws and regulations affecting facilities for social care for children, crèches and older people. At the Municipal Councils for Social Cooperation, labour market issues, social policy, social services and municipal budgets are discussed. Social dialogue in the Agency for Social Assistance (ASA) is institutionalised through a Council for Social Cooperation which has representatives of two trade union federations and the employer (Director of ASA).

In the Czech Republic, social dialogue is not legally defined because it is seen as a constant process. The Council of Social and Economic Agreement is a voluntary and consultative body of trade unions, employers' organisations and the state and was set up in 1990. Social dialogue in the social services sector at national level is a tri-partite arrangement between the Ministry for Labour and Social Affairs, the Union of Employers' Associations and the Trade Union in health and social care. As a local level, there is social dialogue between the trade union and employer.

In Lithuania, the Tripartite Council of the Republic of Lithuania was set up in 1995 and covers government administrations, trade unions and employers' organisations. Although social services employers are organized into three main groups: e.g. Association of Local Authorities, Association of Key Personnel and social care Institutions for Lithuanian Elderly and Disabled People and the Association of Lithuanian Child Care Institutions, not all of these representatives take part in social dialogue at national level. In 2013, the government launched a 'Promotion of Social Dialogue' for the whole of the Lithuanian economy and of the six completed projects, one was orientated towards the social services sector.

Poland set up the Tripartite Commission for Social and Economic Affairs, similar to Bulgaria, Czech Republic and Lithuania, in 1994. It provided a forum for social dialogue between the government, employers and trade union organisations. In 2013, all three representative trade unions suspended their participation because of the government's changes to the Labour Code, which have introduced flexible working hours and had been made without adequate consultation. Social dialogue in the social services is weak because of the poor state of social dialogue in Poland, little interest in social policy, over-regulation, problems with the financing of social welfare institutions and low levels of unionization.

In Slovenia, there is a recognised system for social dialogue that operates at national level. Social partners cooperate at national level through the Economic and Social Council

and discuss industrial relations, conditions of work, labour legislation as well as broader issues affecting workers; employers and government policy. However social services partners and not-for profit organisations are not directly involved in the Economic and Social Council and this affects the quality of dialogue in the social services sector. At the moment, this impacts on negotiations over pay for social services workers and the interests of users. The Ministry of Labour, Family and Social Affairs (MOLPSA) represents both interests of users and workers but the interests of users dominate in negotiations. This problem is attributed to the lack of influence of social services employers at national level.

In countries of Eastern and Central Europe, new social dialogue arrangements were set up after 1990 but the functioning of these systems is still hindered by several factors. There is a lack of representativity of employers and employees in some countries. Even when there are social dialogue arrangements for the social services sector, social partners are not always represented in the national social dialogue structures. Governments play an important role in tri-partite social dialogue arrangements.

3.6 RECENTLY REFORMED SOCIAL DIALOGUE STRUCTURES

Ireland, Greece and Spain have all undergone labour reforms as a result of their financial crises but each country exhibits some form of social dialogue. In Ireland, the term 'civil dialogue' is used rather than 'social dialogue' but the financial crisis led to the creation of the Public Services Agreement 2010-14 (The Croke Park Agreement) which was negotiated after extensive consultation with social partners, who included public employers, trade unions and state authorities. This agreement will operate until 2014.

In Greece, there have been attempts to organise social dialogue at national level and within the social services sector. The Greek Economic and Social Council (OKE) attempted to conduct an organized social dialogue. Both the public sector and the private sector unions of the social services sector have contributed to enhancing the social dialogue as well as other key NGOs. However recent labour legislation was passed without consultation with the social partners and has resulted in the destruction of an industrial relations system built up over the last 50 years.

In Spain, there are arrangements for social dialogue in several sectors between employers, trade unions and government or public administrations and the term is interpreted as being collective bargaining. Depending on the issues under discussion, these arrangements can be extended to associations, organizations or interest groups although they are not legally binding. There is no social dialogue between social sector employers, trade unions and government at the moment although there are collective agreements that cover workers in the elderly care sector in home care and institutional homes and for workers working with people disabilities in a wide range of services and

activities. Workers with children are also covered by a collective agreement but are currently subject to a court action as to whether this should be part of a collective agreement covering Social Action and Intervention. There is a lack of private sector participation and a lack of representativity of employers which impedes negotiations for national collective agreements.

In Spain, although there are a set of collective agreements that cover the social services sector, recent labour reforms (Labour Market Law 2012) allow stakeholders/ social partners to withdraw from national collective agreements and negotiate agreements at company level. The impact of this law will be influenced by the actions of the individual companies and enterprises and the extent to which they abandon national level agreements.

This analysis of the seventeen study countries shows there is some evidence of social dialogue in the social services sector even if the systems are not well defined or different terms are used. What is common to all countries is some form of collective agreement, informed by a basic negotiation between employers and employees. In several countries, collective agreements are negotiated directly for all or part of the social services sector. In other countries, wider collective bargaining arrangements cover the sector. The next section will analyse the content of the existing collective bargaining agreements that apply to the social services sector.

Key points

- Social services sector often covered by a range of employers' organisations and more than one trade union
- Some form of dialogue between employers and employees in all countries
- Five countries with well developed social dialogue systems but differences in role played by state
- Four countries with some form of dialogue ranging from well developed collective bargaining based on legislation, to less well defined agreements covering fewer issues
- Five countries with newly developed social dialogue systems provide some coverage for social services
- Three countries with recently reformed social dialogue systems
- Evidence that some existing arrangements are threatened by lack of recognition of social services partners
- The role of the state is becoming increasingly significant in social dialogue in the social services sector in both positive and negative ways
- Budgets cuts are leading to new alliances



4. COLLECTIVE BARGAINING IN THE SOCIAL SERVICES SECTOR

All of the seventeen study countries have some form of collective bargaining agreements covering all or part of the social services sector (Table 9). There are significant differences in terms of coverage of the workforce, coverage of different sectors and the range of labour issues included in each collective agreement. This is an important starting point for future negotiations between employers and employees and for the development of any future social dialogue.

4.1 TYPES OF ISSUES COVERED

The content of the collective agreements reflects, to some extent, the nature and quality of the negotiations that inform them. All of the collective agreements cover wages and many include working conditions but several only cover basic wage negotiations, for example, Greece. In contrast, several countries with well-developed collective agreements cover employer/employee relations, contracts, working hours, holidays and other absences, training, and trade union rights, for example, France, the Netherlands, Sweden.

As well as analysing collective agreements in terms of the issues and terms covered, there are several other factors that need to be taken into account when assessing them. The age and maturity of the arrangements have an important influence on the process of negotiations. The collective bargaining arrangements of several countries, for example, Belgium, the Netherlands, Sweden, are determined by legislation that is at least 40 years old. An established industrial relations system can inform the way in which relationships between employers and employees are managed. However, industrial relations systems are not static arrangements and have been subject to change in recent decades.

4.2 COVERAGE

One of the factors that can influence the strength of an industrial relations system is the extent of the unionisation of the workforce and the inclusion of employers in the agreements. Coverage of a collective bargaining arrangement is one of the most important factors in assessing its value to the sector. Austria, Finland and the Netherlands have some of the highest levels of coverage. Austria has 95% coverage or 90,000 workers. In Finland, 84.7% of municipal workers are unionised and municipal collective agreements cover public social services. In the Netherlands collective bargaining arrangements cover all workers in the sector.

Several other countries show a more limited coverage. In Germany, 32% of enterprises and 52% of employees are covered by industry wage agreements and 5% of enterprises and 11% of employees covered by house/company wage agreements. Perhaps more significantly 63% of enterprises and 37% of employees work without any involvement in collective agreements. In Italy, there are only 9 larger National Collective Labour Agreements which represent social health care and educational departments in public, private and not-for-profit organisations.

Coverage in Central/ Eastern Europe is much lower with Bulgaria having 25% coverage and Czech Republic and Poland have coverage of less than 20%. In the Czech Republic, about 200 out of a total of 2,500 social services providers have a collective agreement. In Lithuania, there are 11 collective agreements which cover social care homes. In the majority of countries, the coverage of workers in the for-profit and not-for-profit sectors is much less than in the public sector.

4.3 CHANGES

There have been some recent changes in the collective bargaining arrangements that cover part or all of part of the social services sector, reflecting some of the changes taking place in the sector.

In Austria, it took six years, from 1997-2003, to unify all the collective bargaining agreements for the health and social services sector and there are still problems in relation to wage systems. In the Netherlands, a merger of collective agreements in the nursing/retirement homes and home care took place between 2008 and 2010 but attempts to renegotiate the collective agreement covering child care workers have not been successful yet because of budget cuts.

In France, there have been negotiations over the past two years to revise 66 collective agreements for the social and health associate branch but these have been inconclusive. Also in France, a new collective agreement to cover workers providing services to the individual, was signed in January 2012 but immediately deemed inapplicable by the trade unions.

4.4 INDEPENDENCE OF PARTNERS

The independence of partners in the negotiation processes has an influence on the effectiveness of collective agreements. In several countries there are carefully defined arrangements which determine which parties/ organisations can negotiate for employers and employees and these players have recognised bargaining power, for example Belgium, the Netherlands. The social partners are often recognised in legislation or have to be approved by government to take part in social dialogue and collective bargaining negotiations. In other countries, such as France, the state plays a strong role in creating and influencing the social dialogue process and the collective bargaining process. In Central/ Eastern Europe, new systems of social dialogue were set up after 1990. Some of these new structures are not yet fully functioning with a lack of employer representation in Bulgaria and fragmented trade unions in Poland.

Spain and Greece have reformed the existing collective bargaining structures, with the introduction of company/ firm level collective bargaining, which has created a fragmented system.

4.5 ROLE OF STATE

In several countries the role of the state as a funder of social services has an influence on the collective bargaining process and in some cases negatively. In Finland, the government plays a role of looking after the 'common good' through employment laws, social policy reforms and tax relief. In Belgium, the government, as the public authority funding social enterprises, is involved in the tri-partite negotiations with employers and employees.

In countries of Central/ Eastern Europe, the state is part of tripartite social dialogue negotiations at national level. The dominant role of government in the funding of social services also gives it a strong influence in the social services sector. With budget reductions, this has influenced collective bargaining negotiations. The Lithuanian government recently limited wage increases.

The use of public procurement processes in the social services sector is making collective bargaining more difficult. In Austria, as a result of the public procurement process and the role of the state in the payment of social services, the state is only willing to pay for the cheapest wages. This restricts the capacity of the social partners (employers/ employees) to negotiate. In Scotland, the absence of a regulatory framework for public procurement, combined with cuts to budgets makes negotiations between public sector employers and trade unions problematic. In Bulgaria, Germany and Lithuania, budget cuts have made wage negotiations difficult.



Table 9: Analysis of collective bargaining agreements

Country	Collective agreements	Wages/ salaries / allowances	Working conditions/ arrangements/ patterns	Annual leave & other types of leave	Training provision/ Supervision/ professional development	Contracts/ Terms of employment	Health & safety	Union recognition/ consultation
Austria	BAGS 2012	YES	YES		YES			
Belgium		YES	YES	YES	YES	YES	YES	YES
Bulgaria	CA in health sector; Municipal CA for crèche workers and social services workers ; branch CAs in Social Assistance Agency	YES	YES	YES	YES	YES	YES	YES
Czech Republic	Collective Bargaining Act	YES	YES	YES		YES	YES	YES
Finland	Municipal general CA, CA of private social services	YES	YES	YES				
France	National conventions – 1) disabilities 2) domestic aid 3) social/family, young children	YES	YES					
Germany	3 types settlement: wages; skeleton; single issue	YES (some minimum wages)	YES	YES				
Greece	PASIPS	YES		YES	YES			
	PEMFI	YES						
Ireland	Public Service Agreement 2010-14 (Croke Park Agreement)	YES	YES					
Italy	National Collective Labour Agreements	YES	YES			YES	YES	
Lithuania	Law on Public Services	YES	YES	YES	YES	YES	YES	YES
Netherlands	CLA Disabled	YES	YES	YES	YES	YES	YES	YES
	CLA Elderly	YES	YES	YES	YES	YES	YES	YES
	CLA Childcare	YES	YES	YES	YES	YES	YES	YES
Poland	Sectoral CA for employees of municipal organizational units, municipal social assistance institutions, nursing homes managed by county	YES		YES		YES		YES
Scotland	NHS	YES	YES		YES			
	Local authorities/ Single status	YES	YES					
Slovenia	Three levels CA: general, sectoral; some professionals	YES	YES	YES	YES	YES	YES	YES
Spain	CAs for elderly; social action/ intervention	YES	YES(substitution key issue)	YES				YES
Sweden	Collective agreements valid for 3 years	YES	YES	YES	YES	YES	YES	YES

4.6 CORRELATION OF SOCIAL DIALOGUE & COLLECTIVE BARGAINING

In Austria, Belgium and the Netherlands, there is a strong correlation between the system of social dialogue and the system of collective bargaining. In the Netherlands, there is a long tradition of collective labour agreements as well as social dialogue. The attempts to negotiate new collective agreements can be interpreted as a system that is attempting to deal with a changing situation within the social services sector.

In France, although there are recognised and functioning systems of social dialogue and collective bargaining, the social services employer organisations are not part of the national social dialogue plan. Similarly, in Slovenia, social services employers are not part of the national social dialogue structure. Germany has a recognised system of social dialogue and collective bargaining but the structure of the social services sector and lack of representative organisations for not-for-profit employers makes the system dysfunctional.

In Bulgaria, Czech Republic, Lithuania and Poland, new social dialogue structures were set up after 1990 but often lack commitment and appropriate organisational structures to function effectively. Collective bargaining arrangements are dominated by the state which is an integral part of a tri-partite system of social dialogue at national level.

4.7 REACTIONS TO FINANCIAL CRISIS

The social services sector is directly affected by the austerity programmes that have been introduced in response to the financial crisis in Europe. In both Germany and the Netherlands, budget cuts contribute to making negotiations about collective agreements difficult to resolve. In Ireland, social partners are disaffected with the existing collective agreement. In Spain, new labour reforms are threatening the existence of national collective bargaining agreements with a possible move towards company level collective bargaining. In Poland, there has been a breakdown of the social dialogue process because trade unions were unwilling to negotiate with government after changes in the Labour Code increased employment flexibility.

Key points

- Basic collective agreements just cover wages and more comprehensive agreements cover a wider range of issues from pay, working hours/ conditions, contracts, consultation, absences and trade union rights
- Coverage by collective bargaining agreements is highest with public social services workers and lowest for private sector workers
- Recent changes in the social services have led to changes and mergers between collective agreements
- Important role of state with some tri-partite arrangements and others influenced by state as funder of social services
- In some countries with strong social dialogue arrangements, the collective bargaining agreements build on these relationships
- In countries where there is not a strong tradition of social dialogue, collective bargaining arrangements are often separate.

5. THE CASE FOR EU LEVEL SOCIAL DIALOGUE IN THE SOCIAL SERVICES SECTOR

5.1 SOCIAL DIALOGUE AND THE EUROPEAN UNION

Social dialogue at European Union level was officially launched in 1985 and it refers to discussions, consultations, negotiations and joint actions undertaken by social partner organisations (or social partners) which represent the two sides of industry: the trade unions and the employer organizations. The European social dialogue is one of the main instruments for employment and social policy at EU level apart from legislation, the open method of coordination and the European social fund. The role of the European Commission is to provide balanced support to both sides of industry and to chair most of the social dialogue meetings as an important mediator.

Social dialogue at sectoral level was set up in 1998 after the Commission decided to cover specific branches of the economy, for example, retail trade, construction, agriculture, transport, financial services. There are now over 36 sectoral dialogue committees. Organisations representing employers and workers at European level have to:

- Relate to specific sectors or categories;
- Be organized at European level;
- Consist of organisations which are integral and recognized part of member state social dialogue structures, having the capacity to negotiate agreements and being representative of several Member states;
- Have adequate structures to ensure their effective participation in the work of the committees.

There are two types of social dialogue:

- **Bi-partite** dialogue takes place between employers and trade unions. Bi-partite dialogue occurs in both cross-industry and within sectoral social dialogue committees
- **Tri-partite** dialogue involves employers, trade unions and public authorities, mostly at cross-industry level.

5.2 THE LEGAL BASE FOR SOCIAL DIALOGUE

The Treaty on the Functioning of the European Union (Lisbon Treaty) states that the Union and its member states shall share competencies in the area of social policy, for the aspects defined in the Treaty. Articles 151, 152, 154 and 155 refer to specific processes that together constitute social dialogue.

Article 151 refers to 'fundamental social rights' and recalls the objects of the Union and its Member States to promote

employment, improve living and working conditions, proper social protection and 'dialogue between management and labour'.

Article 152 refers to the facilitation of social dialogue by the EU. 'The Union recognizes and promotes the role of the social partners at its (EU) level, taking into account the diversity of national systems. It shall facilitate dialogue between social partners, respecting their autonomy'. The Tripartite Social Summit for Growth and Employment, which meets annually, contributes to social dialogue by ensuring the effective participation of social partners in implementing EU social and economic policies.

Article 154 sets out the form of consultations between the EC and the social partners. The European Commission has a specific role in 'promoting the consultation of management and labour at EU level and shall take any relevant measures to facilitate their dialogue by ensuring balanced support for the parties'. The EC 'shall consult management and labour on the possible direction of Union action, before submitting proposals in the social policy field'. The EC may also 'consult management and labour on the content of the envisaged proposal'

Article 155 outlines how negotiations between the social partners should be arranged, especially when social dialogue 'may lead to contractual relations, including agreements'.

There is a clear legal basis for social dialogue, including sectoral social dialogue, at EU level. However, it is up to the social partners of the social services sector to initiate and create this dialogue within the legal framework.

5.3 ARGUMENTS FOR EU LEVEL SOCIAL DIALOGUE IN THE SOCIAL SERVICES SECTOR

- All European countries have an ageing population and growing demand for social services. Although the social services sector is expanding rapidly in terms of value and job creation, it also faces a common set of problems which are threatening this expansion. Delivery of services will depend on establishing a sustainable workforce. Labour issues, such as maximum working hours, maternity/ paternity leave, and terms and conditions of workers in outsourced services, will be addressed most effectively at European level.

- EU level social dialogue will help to promote social partnership through structural involvement of social partners in decision making processes. EU level social dialogue would help to create agreement on a range of instruments, codes of conduct, guidelines, framework for action which could be adapted to social dialogue at national level. Social dialogue at EU level will have a 'lighthouse' effect on national social dialogue.
- EU level social dialogue will help to share successful models of good practice and solutions to problems facing the social services sector, e.g. recruitment and retention of workers, public procurement issues. Common problems exist across European countries and will be most effectively addressed at EU level.
- EU level social dialogue will contribute to strengthening the social services sector through providing exchanges of information at EU between social partners which would contribute to a better understanding of changes in the sector and how to safeguard the social value of social services.

Key points

- Legal basis for social dialogue at EU level
- Social dialogue at EU level will address problems of a rapidly expanding sector threatened by the lack of a sustainable workforce
- Social dialogue at EU level will strengthen social dialogue at national level
- Social dialogue at EU level will help share models of good practice and solutions to problems facing social services
- Social dialogue at EU level will facilitate sharing of information about how to safeguard the social value of social services



6. CONFERENCE REPORT

The European Economic and Social Committee (EESC) in Brussels hosted the final conference of the PESSIS (Promoting Employers' Social Service Organisations in Social Dialogue) project on 22 June 2012. The conference started with a panel of speakers presenting their perspectives on social dialogue. Xavier Verboven (EESC) outlined the role of the European Economic and Social Committee in bringing employers, trade unions non-governmental organisations together. Luk Zelderloo (EASPD) launched a call for social dialogue in the social services sector, which employs an average of 11% of the workforce in European countries, but which does not have a EU social dialogue committee. He described social dialogue 'as the building block for a Social Europe'.

Mathias Maucher (EPSU) outlined the role of the European Federation of Public Service Unions (EPSU) as the recognised social partner for the Health and Social Services and Local and Regional Government Sectoral Social Dialogue Committees. One of the priorities and organisational development objectives of EPSU is to increase coverage by collective bargaining and collective agreements and to better organise and represent workforce in social services sector, for public, not-for-profit and for-profit/commercial provision.

Heather Roy (Social Services Europe) argued for more recognition of the economic and social value of the social services sector. Funding for social services should be seen as an investment rather than a cost because it can help people achieve their potential through supportive and integrated health and social services. Yet, demand for social services is greater than the supply available in terms of workforce. The sector will only be able to contribute fully if recruitment, working conditions, low wages, training and retraining, the gender gap, mobility, informal and undeclared care work are addressed through dialogue at a strategic level across European and national levels.

Jean-Paul Tricart (DG Employment) acknowledged that the European Commission (EC) was very interested in what could be done to promote social dialogue in the social services sector and is flexible about the approach to be taken. He emphasized that the process of building social dialogue was a voluntary process and was in the hands of the social partners themselves. The EC recognises social dialogue as a form of cooperation between national social partners. The experience of the EC shows that employers have to recognise that they have shared interests with each other at national level, defining their identity as a sector, before they can come together at European level. One of the characteristics of the social services sector is the role of public authorities as funders of services, who may not want to cooperate with not-for-profit organisations, an issue which will have to be addressed. Jean-Paul Tricart

stressed that it would take at least two years to test out new arrangements for social dialogue.

An overview of the findings of the PESSIS research was presented by Jane Lethbridge and case studies of France, Austria, Spain, Germany, Belgium and Ireland were presented by the national researchers. The following key issues were raised in discussion:

- The state plays an important role in the social services sector as funder. Budget reductions are affecting the delivery of social services and so the role of the state is becoming more influential in negotiations between employers and workers. When the public sector is also an employer, its actions are often defined by legislation, unlike for-profit or not-for-profit employers who can negotiate within a broader framework.
- One of the challenges facing the not-for-profit social services sector is how to protect itself from the process of commodification, which defines different aspects of care by their cost rather than quality? The expansion of the for-profit sector makes the risk of costs driving care much greater.
- Although social dialogue arrangements may contribute to better working conditions, wages and quality of services, the relationship is not always clear. Countries, such as the Netherlands, which have strong social dialogue structures also have good working conditions but with newer social dialogue structures, it takes time to improve working conditions. However, in settings where there is no social dialogue there are almost always poor working conditions.

The concluding panel debate highlighted a number of issues for the future.

Penny Clarke (EPSU) emphasised the impact of austerity policies adopted by many European governments on the social services sector, particularly the impact of outsourcing on low paid workers. She pointed out that there were already opportunities for social dialogue in the social services sector at EU level, for example, EPSU was interested in engaging with Social Services Europe to discuss shared responses to the Public Procurement Directive.

Jorge Nuño Mayer (Caritas Europa) identified one of the biggest challenges for social dialogue in the social services sector at EU level as to whether for-profit and not-for-profit providers could work together. Although there were differences in the ways in which the sector functioned, both sectors had to address ways of securing a high quality and stable workforce. This has implications for models of representativity in the social services sector.

Jan Spooren (Social Services Europe) raised the question of how to 'sell' the concept of social dialogue to employers. Social dialogue could be presented as a solution to the problems facing the social services sector and was a form of modernisation. There are also European level policy initiatives such as the recently published EC Staff Working Paper on 'Exploiting the employment potential of personal and household services' that the social services sector need to contribute to shaping.

Jane Lethbridge (external perspective) highlighted the social and economic value of the social services sector and its contribution to job creation during a period of rising unemployment. The sector is being affected by austerity programmes and the effects of public procurement, which threaten its social value. One of the future challenges will be how to provide services to people at home in ways which meet the needs of services users but also ensures high quality working conditions for the workforce.

The conference concluded by agreeing that setting up the instruments for social dialogue for social services employers should be handled at EU level. The conference acknowledged that the PESSIS research has provided important insights into existing social dialogue structures in the social services sector in 11 countries, the relevant actors, coverage and representativity. It had also provided a picture of how collective bargaining arrangements affect the social services sector. More information is needed on how social dialogue functions and the views of the social partners about how social dialogue could be changed and improved. A more critical appreciation is needed of how national stakeholders view social dialogue at EU level and how it could address their needs, in relation to available resources.

7. CONCLUSION AND RECOMMENDATIONS

The social services sector is a rapidly growing sector in terms of employment and value, as measured in both social and economic terms. This needs to be more widely recognised at national and European levels. More research is needed to present the detailed social and economic value of the sector by country. The employment growth of this sector, during a period of rising unemployment, has important implications for its place within national economies. However, the profile of the labour force shows that it is predominantly low paid, female, part-time and aged over 40 years old. This profile has implications for the future expansion of the sector.

The majority of EU countries have ageing populations with only some having rising fertility rates. A common set of problems face the social services sector which are challenging traditional forms of delivery. The growing emphasis on home care and personalised services raises questions about how social services can 'be of service to people' in future. Delivery of services will depend on the future of the social services workforce, which needs to be sustainable. Solutions to the problems of recruitment and retention will have to involve improved pay and working conditions, more training and support for professionalisation. The growing cross-border mobility of social care workers requires wider recognition of qualifications and as well as greater provision of training by for-profit and not-for-profit providers. Labour issues, such as maximum working hours, maternity/paternity leave, and terms and conditions of workers in outsourced services could be addressed at European level. The Agency Directive needs to be revised and improved.

The value of the not-for-profit sector should be more widely recognised with a broader interpretation of 'Services of General Interest'. The privatisation of services, the introduction of public procurement processes and the lack of regulatory frameworks in the social services sector are resulting in low pay and the deskilling of the workforce, which threaten the strong values that inform the delivery of social services. High quality social services require high quality, well-paid workers. EU procurement processes need to be modernised so that the labour intensive nature of the social services sector is recognised and contracts are awarded in terms of the quality of the service rather than the lowest cost. This would help to attract new workers to the sector.

There are several systems of representativity in the social services sector at national level but many countries lack strong employers' organisations, even where there is a tradition of social dialogue. In several countries, employers in the social services sector are not organised into any representative organisation. The public sector has stronger systems of representation, often required by law. The expansion of both the for-profit and not-for-profit sectors

means that they will have to recognise their responsibilities as employers and form strong employers' organisations to support this process. In three of the study countries, even where there are systems of social dialogue, social services partners are not recognised in the national social dialogue process. This affects their capacity to take part in effective collective bargaining negotiations and reflects the lack of recognition of the social services sector in the overall economy.

There is some system of collective bargaining in all of the seventeen countries, which covers all or part of the social services sector. Coverage is highest for public sector workers and lowest for for-profit and not-for-profit workers. Some of these existing arrangements are facing problems because of funding problems within the social services sector. However, collective bargaining arrangements are an important set of structures on which to build further employer-employee dialogue. As a sector that is characterised by low pay and problems with recruitment and retention, the future of the sector will depend on finding shared solutions to these problems at national and EU levels.

EU level social dialogue has a strong legal basis and this framework should be used to establish an EU level social dialogue committee in the social services sector. An EU social dialogue committee could start by exchanging models of good practice and other solutions to problems facing social services. Action at EU level could address several problems facing the future of the social services sector across Europe, e.g. maintaining a sustainable workforce. It would help to strengthen social dialogue at national level. As the balance of provision of social services across public, for-profit and not-for-profit sectors is changing, any new or strengthened systems of representation will have to include employers and employees from all sectors.

Some countries, for example, Belgium and France, with well-developed social dialogue systems were cautious about whether an EU social dialogue committee would give value to their national social dialogue arrangements. Agreeing on common values would be an important basis for future European cooperation. An indication of the importance of language and shared values can be seen in the experience of Ireland, where social partners felt that social and civil dialogue should be separated from social partnership so that dialogue can continue between employers and employees.

More information about the social services sector, especially the growing for-profit sector, in a wider range of countries is needed to inform European actions and maintain an information base on the sector. A greater understanding of

existing systems of social dialogue in this sector as well as good practices across the sector would increase the knowledge base on social dialogue. This would help to show the similarities between countries even though social services are characterised by local provision.



PESSIS PROJECT RECOMMENDATIONS

European Union (EU) level

1. Poor working conditions, shortage and retention of staff, lack of training opportunities, needs of women workers, and working time are all issues that face the social services sector in many European countries.

Recommendation: This wide range of common problems facing all national social services sectors should be addressed through the development of social dialogue at European level.

2. Social dialogue in the social services sector is not organised at European Union (EU) level or sectoral level.

Recommendation: The European Commission should support the development of social dialogue instruments for the social services sector at EU level.

3. Further data is needed to further understand how social dialogue is organised in the social services sector in the some of the new PESSIS 2 study countries and to continue with studies of the remaining European countries.

Recommendation: The European Commission should commission follow-up research to further understand how social dialogue is organised in Czech Republic, Lithuania, Italy and Sweden, to identify models of good practice and to understand the full economic and social contribution of the sector.

4. The not-for-profit sector is expanding fast and becoming a significant employer in all countries.

Recommendation: New opportunities to promote reflection within the sector in order to identify employer responsibilities and ways of meeting them should be facilitated across Europe.

5. The European social services sector is diverse often with a lack of representation. More work is needed to understand how systems of employer representativity are created.

Recommendation: Employers and employees must recognise the role of actors at EU level to support social dialogue in the social services sector. More work to support the development of representativity for employers, through workshops and seminars, is needed at national and EU level.

6. Existing social dialogue in the social services sector needs to be better understood and more widely recognised.

Recommendation: Use the Latvia, Luxembourg and Dutch EU Presidencies to promote the PESSIS/PESSIS 2 project conclusions and recommendations.

National level

7. Social partners in the social services sector need to develop a shared language for negotiations between employers and employees.

Recommendation: Support the creation of new social dialogue pilot projects to bring social partners together to create an effective social dialogue between employees and employers in the social services sector.

8. Additional research is required to explore new ways of developing social services delivery, drawing on new technologies as well as preserving sensitive local delivery.

Recommendation: National governments and other stakeholders should commission research to explore how social services delivery could be restructured, using new technologies and new forms of organisation at local, regional and national levels.

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