

Promoting Employers' in Social Services in Social Dialogue

Briefing in preparation of the Final Conference

Brussels, September 23, 2014

The Social Services Sector is a rapidly growing sector in both social and economic terms, in particular due to demographic changes. However, the sector also faces a common set of problems which are challenging traditional forms of delivery. The EU is playing an increasingly important role in terms of policy action, promoting cooperation among Member States and facilitating the exchange of good practices. Employers in the social services sector have a contribution to make, but are not involved in the debate concerning their sector at EU level. This is a missed opportunity as the delivery of services depends on the future of the workforce.

Solutions to problems of recruitment and retention of staff will have to involve improved working conditions, more training and support for professionalization, as well as focus on quality and better access to public funding. All these issues could be addressed through European Social Dialogue (ESD).

This was the outcome of the first [PESSIS project](#) run in 2012. Since then, the [second phase of the PESSIS project](#) which started in January 2014 has focused on expanding the research to additional countries and on exploring the interest of national employers in 5 countries to participate in ESD.

The rest of this briefing develops on what has been achieved over the past few months and also brings to light what still needs to be done, if national employers were willing to participate in ESD.

1. Who is involved in this Project?

The overall project is supported at European level by Social Services Europe, which brings together 9 European-level networks of social and health service providers: [EASPD](#), [EPR](#), [Caritas Europa](#), [Solidar](#), [Eurodiaconia](#), [FEANTSA](#), [CEDAG](#), the [Red Cross – EU Office](#) and [Workability Europe](#). On the Trade Union side, the project is supported at European level by the [European Federation of Public Service Unions](#) (EPSU), which also represents unions organising in the field of social services, including the non-profit sector.

The project partners at national level are [Volkshilfe Österreich](#) (Austria - AU), [UNIPSO](#) (Belgium – BE), [Fegapei](#) (France – FR), [AWO](#) (Germany – GER) and [VGN](#) (the Netherlands – NDL). For a full list of the Employers who have been involved in the discussions at national level, please see the National Outcomes in the relevant countries.

2. What is European Social Dialogue? Who are the key actors?

For the European Union, social dialogue is seen as a way of promoting a new organisation of work, so modernising the relationship between management and labour. As such, ESD brings together employer and employee representative organisations at EU level to “assist in the definition of European social standards and play a vital role in the governance of the Union”.

There are two strands in ESD: cross-industry and sectoral:

Cross-industry ESD tackles broad issues affecting all –or most- industries in Europe. It brings together the [European Trade Union Confederation](#) (ETUC) on the trade union side and [the Confederation of European Business](#) (BUSINESSEUROPE), the [European Centre of Employers and Enterprises providing Public services](#) (CEEP) and the [European Association of Craft, Small and Medium-Sized Enterprises](#) (UEAPME) on the employers' side.

EU-level sectoral social dialogue provides a structured framework to tackle issues between Employers and Employees – in the framework of exchanges of information or of models of good practice, in jointly advocating EU institutions, in negotiating (framework) agreements, frameworks of actions, guidelines, etc – which are more sector specific. There are now 43 sectoral social dialogue committees, including for example the hospital sectoral committee which brings together the [Hospital and Healthcare Employers Association](#) (HOSPEEM) and the EPSU, or the local and regional government sectoral committee which brings together the [Council of European Municipalities and Regions](#) (CEMR) and again EPSU.

3. What is the added value of European Social Dialogue for Employers?

ESD provides an opportunity for EU-level platforms/associations of national employers and employees to discuss and come to agreement on issues that have cross-border implications and that require action at European level. For example, the European Hospital sectoral social dialogue committee has discussed and made an agreement on good practices in the recruitment of international health workers. The same committee has also worked on occupational health and safety issues, i.e. related to needle sharps, this dossier having resulted in the European Commission publishing a Directive. This is a good example of how negotiations in an EU level sectoral social dialogue committee can be given ‘legal effect’. In addition, participation in ESD would provide the sector with an increased influence over EU policy making as the European Commission is obliged to consult social partners in all proposals related to Employment and Social policy. It would also allow the sector to have a say on Europe’s agenda-setting activities, such as the Europe 2020 Strategy or the Social Investment Package.

4. Are Employers in the social services sector interested in European Social Dialogue?

As part of the PESSIS project, Round tables took place in five countries: AU, BE, FR, GER, NDL. The meetings were attended by Employers in the Social and Health Services sector on their interest in participating in European Social Dialogue. It is clear that all Employers saw the added value of social dialogue, and are interested in strengthening employers’ representation at national level.

Similarly, all countries viewed European Social Dialogue as important, albeit to varying degrees. Employers in NDL agreed that setting up a ESD for the social services sector was of interest to them, but that it had to be held up against other priorities and the capacity to organise, take part and contribute to such a social dialogue. In FR, the participants viewed involvement in ESD as important but that it remained rather abstract to the participants. In AU, BE and GER, the Employers were strongly in support of participation in ESD. Some of the reasons they take such a position can be explained about the fact that it is key to participate from the start in the process leading to European norms being implemented in their own respective Member States (for example, the working time directive) and bringing afore the specificities of our sector. Other arguments are that European Social Dialogue encourages the exchange of good practices between social partners from different EU Member States, can help to facilitate social dialogue at national and regional levels and could work as a safeguard against the commodification of social services and a move towards a more social Europe.

5. How should the social services sector participate in European Social Dialogue?

As part of the national discussions, Employers in each country discussed four possible options in terms of how our sector could participate in European Social Dialogue. It is important to note that the results of these meetings, as stated below, remain a theoretical preference rather than a conclusive decision.

a. Join the sectoral social dialogue committee for Local and Regional Governments

The first option was to join the sectoral social dialogue committee for Local and Regional Governments, which currently brings together HOSPEEM and EPSU. In all five countries, it was agreed that this sectoral committee was ill-suited to also represent the sector mainly due to the differences in legal status between the two sectors; local and regional governments being public, social and health services –as considered in this project- being private enterprises.

b. Join the sectoral committee social dialogue for the Hospital and Healthcare sector

The second option was to join the sectoral social dialogue committee for the Hospital and Healthcare sector. The NDL employers considered this option to be their favourite due to the proximity to their own sector in terms of content, as well as due to the practical reasons that this option would require less time and effort to set-up than to create a new sectoral committee. In FR, there was also some interest in this option due to the person-centred focus of their work and the fact that HOSPEEM also represents the Healthcare sector. Other Employers in FR understood these arguments but believed that the core of the professions are different as one focuses on curing, the other on support (i.e. cure, care vs. inclusion, support). This argument was also supported in the other countries. To solve this issue would mean that the sectoral committee would have to radically change its statutes, something which was believed to be an unreasonable and complex demand.

c. Create an inter-sectoral committee for the non-for-profit sector including the social, health, cultural and education sectors

The third option proposed was to create an inter-sectoral committee for the non-for-profit sector including the social, health, cultural and education sectors. There was some interest in FR in this option due to the broad representation it would bring. However, most participants in the discussions in FR, as well as all attending in the four other countries, believed this scope of representation to be too large which would lead to any agreements to be based on the smallest common denominator. In BE, it was argued that as the EU does not differentiate profit and non-profit making, this proposal would in any case not be valid.

d. Create a sectoral committee for the social services sector

The fourth and final option was to create a sectoral committee for the social services sector. This option was the preferred option in AU, BE, FR and GER. This was mostly due to the fact that such an option would avoid the social services sector to be marginalized by others and strengthen the voice and specificities of our sector at European, and also national level. In the NDL, it was argued that such a process would require relatively more work to set up rather than join a pre-existing committee. In other countries, it was also argued that although this option was preferred, it was key to define the issues and the scope of the sector, due to the differences in each country.

e. European perspective on four options

Informational discussions were also held at European level between members of Social Services Europe, several European Employer organisations (CEEP, HOSPEEM, CEMR) and EPSU to help feed into the discussions between national Employers, who will form the basis of any European Social Dialogue for the social services sector. The outcome of the discussions for Social Services Europe is clear. The fourth option to create a Sectoral Committee for the Social Services Sector stands out as the best option in terms of interest, feasibility, identity of the sector and political willingness. In particular, the twin track approach appears to receive the most support; that is, both joining CEEP to be represented at cross-sectoral level and creating a social services sectoral Committee. This approach would allow the sector to get access to cross-sectoral social dialogue through a well-established organisation, guaranteeing a certain level of impact on their work. Following a first round

of exchange it seems as if this could take form under the umbrella of a sectoral employers' association for social services, similar to HOSPEEM for the hospital sector or to EFEE for the education sector. The twin-track approach will also allow us to create a sectoral committee with a specific interest on discussing very sector-specific problems Employers and Employees in social service provision encounter.

f. An emerging consensus

All these national and European discussions led to the mid-term seminar which brought together, on 5 and 6 June 2014, the project partners who presented the provisional outcomes. It was agreed that some sort of consensus seems to have emerged, which would be to focus on the creation of a sectoral committee for the social services sector, whilst also respecting the opinions expressed in each national outcome, with particular attention on those in the Netherlands. There also appears to be consensus on the need to participate in cross-sectoral social dialogue, possibly through the work and structures of CEEP.

6. What issues can be discussed in European Social Dialogue?

PESSIS 1 and the PESSIS2 discussions brought to light the fact that there are many issues facing the social services sector which are shared by many countries across Europe and which also have cross-border implications

These topics/issues could be covered by our sector in European Social Dialogue, and in various forms (guidelines, agreements, codes of conduct, best practices, etc). In the PESSIS 1 and 2 discussions, the following subjects were brought up:

- recruitment and retention of staff,
- health and safety at the workplace,
- professional skills, training and qualifications,
- mobility of workers,
- improving the image of the sector
- the EU working time directive
- socially responsible/sustainable public procurement

7. What issues are not discussed in European Social Dialogue?

It is key to determine how and what can be done at European level on these subjects and what should be kept at national level. It is already clear however that all "hard" topics such as the negotiations on wages, working hours, the right to strike shall not be dealt with at European level. The principle of subsidiarity is key to European Social Dialogue; in other words, that matters should be handled by the smallest, lowest or least centralized authority capable of addressing the matter effectively.

8. What can be the scope of a social services sectoral committee?

Defining the topics which could be worked on in European Social Dialogue would then help to define the scope of "social services" in Europe. Several questions still arise: should the sector be defined in terms of "sub-sectors" (long-term disability care, long-term elderly care, child care, etc) or should the sector be defined in terms of key professions in the sector?

The Statistical Classification of Economic Activities in the European Community (NACE) may be useful in order to help define social services within a given framework ([EN](#), [FR](#), [GER](#)).

9. Conclusions and Objectives of Final Conference

Over the last few years, through both PESSIS 1 and 2, the idea that the social services sector could take part in ESD has made some significant steps forward. Despite the fact that social dialogue for the social services sector is developed to varying degrees throughout Europe, there is a strong sense that this process is transforming into something more and more concrete. The fact that the European Union is creating more and more norms effecting the social services sector throughout the EU, it is only natural that the social services sector be keen on having a better say in the development of these European norms, policies and actions. It is clear that participation in ESD can significantly contribute to this.

Furthermore, if one adds to this that many Employers in the sector have similar challenges (as mentioned above), it is key for them to be able to discuss these issues with their peer organisations of other MS and the representative trade unions at European level in order to find common solutions, to exchange best practices, to do joint lobbying, etc..

That being said, more work is needed before the sector takes part in ESD: the issues and scope need to be defined, the national social partners (both employers and trade unions) need to be willing to further their interest in participating in ESD, additional countries need to be further involved. As such, the PESSIS 2 final conference will hope to answers to these questions; questions which are key to the future of our sector in European Social Dialogue, but also in national or regional social dialogue. In a globalized world where the importance of borders is being reduced, it is key to find common solutions to common issues which the social services sector or sub-sector with an important share of the workforce face(s) across Europe. Participation in European Social Dialogue seems to be one important tool to better understand and address these issues and problems.

Annexes

- **National and European Outcome of discussions**
- **European Social Dialogue, briefing by Jane Lethbridge**
- **European Social Dialogue, in-depth briefing by Mathias Maucher**
- **Draft Agenda of Final Conference**

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