



Social Dialogue Test Phase for Central Public Administrations

Mid-Term Evaluation

Final Report – December 2008



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Glossary of terms

CAF	Common Assessment Framework
CEEP	European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest
CEMR	Council of European Municipalities and Regions
CESI	European Confederation of Independent Trade Unions
DG	Director(s) General
DISPA	Directors of Institutes and Schools of Public Administration
eGov	e-Government
EIPA	European Institute of Public Administration
EPSU	European Federation of Public Service Unions
EU	European Union
EUPAN	European Public Administration Network
DGAFP	French Directorate-General of Administration and the Public Service
DG Troika	Directors-General of the present as well as the two previous and the two upcoming Presidencies
HR WG	Human Resource Working Group
IPSG	Innovative Public Services Group
SD	Social Dialogue
SD Steering Group	Group comprising Troika Secretariat, TUNED and two wise men
SD Working Group	Social Dialogue meetings of EUPAN and TUNED
TEC	Treaty Establishing the European Community
Troika Secretariat	Working group-level delegates of present as well as the two previous and the two upcoming Presidencies
TUNED	Trade Unions' National and European Administration Delegation

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EXECUTIVE SUMMARY OF MID-TERM EVALUATION

BACKGROUND AND TERMS OF REFERENCE

1. Social Dialogue is not a new topic for members of the informal European Union Public Administration Network (EUPAN). In fact, the issue has been on EUPAN's agenda for almost 20 years. A new attempt to approach Social Dialogue was launched under the 2007 German Presidency, when Ministers adopted the so-called "Action Plan on Social Dialogue". This plan foresees a two-year Test Phase for an "enhanced informal Social Dialogue" exploring topics and work forms of formal Social Dialogue. The following Portuguese Presidency developed this initiative further. At the end of 2007, the Director-Generals (DGs) responsible for public administration in the EU Member States approved three sets of instruments: rules of procedure, a 2008-2009 joint work programme for a Social Dialogue Test Phase to be started in 2008, and evaluation indicators for the Test Phase. The aim of the Test Phase would be to relaunch exchanges between EUPAN and the Trade Unions' Delegation for National and European Administration (TUNED) by informally experimenting new forms of relations between them, similar to those in Sectoral Social Dialogue Committees. As of January 2008, EUPAN, together with TUNED, entered a new stage: a two-year Test Phase.
2. In order to evaluate the development of Social Dialogue during the Test Phase, EUPAN agreed on the need for continuous assessment over the two-year period. The European Institute of Public Administration (EIPA), based in Maastricht, was commissioned to conduct the first one-year evaluation (so-called Mid-Term Evaluation) during the Slovenian and French Presidencies. In accordance with the Terms of Reference, the objective of this exercise is:
 - to conduct a simultaneous evaluation of the first twelve months of the two-year Test Phase with a view to determine what changes have been brought about, whether the quality of relationships between stakeholders has improved, and whether the outputs and outcomes were consistent with the objectives set.
3. The Terms of Reference put forward the following research question: *Does the change in structure of the Social Dialogue for European central government administrations significantly improve exchanges between employers and trade unions in EUPAN?*

To answer this question, the Mid-Term Evaluation was conducted through a series of questions that form the framework for analysis:

- **Changes brought about:** What *changes have been brought about* by introducing the "enhanced informal Social Dialogue" for European central public administrations?
 - **Quality of relationship between stakeholders:** How can we characterise the *quality of relations between the actors* involved in the "enhanced informal Social Dialogue"?
 - **Appropriateness and efficiency of structures:** To what extent *do the structures improve efficiency and are they appropriate* for achieving the employers' objectives?
4. Commissioned by the French Directorate-General for the Administration and the Civil Service (DGAFP), the evaluation process was overseen by a Steering Group. It included France, Sweden and the Czech Republic (observatory status). In addition, France and

Sweden appointed two wise men who to the group, namely Georges Monard and Knut Rexed, whose long-standing experience in the field informed decisions taken by the Steering Group. The Steering Group provided a validation function for the evaluation.

METHODOLOGY

5. The primary evaluation programme involved a range of research methodologies, both quantitative and qualitative. Based on a mainly three-fold methodological approach, including qualitative, quantitative and benchmarking methods, the findings and conclusions emerged from a most appropriate, sequential process of field and desk research, questionnaire surveys, benchmarking, and interviews within EUPAN, TUNED and the European Commission's DG Personnel and Administration; and DG Employment, Social Affairs and Equal Opportunities, as well as external interviews (other European Social Dialogue actors).
6. Overall, the research strategy for the evaluation comprised five key stages:
 - **Field research.** The first step to evaluating the first twelve months of the Test Phase involved "shadowing" all meetings relevant to Social Dialogue. The author attended all Director-General (DG), DG Troika, Troika Secretariat, Social Dialogue Steering Group, Human Resource Working Group, Social Dialogue Working Group and smaller Ad-hoc Working Group meetings. In total, he observed 22 meetings directly related to the Social Dialogue Test Phase. For the purpose of this evaluation, two wise-men, Georges Monard and Knut Rexed, supported the evaluator by also participating in the Social Dialogue Steering Group and Social Dialogue Working Group Meetings.
 - **Document research.** An early stage of the evaluation involved conducting a documentation review. This phase helped to collect useful information on the activities, management and governance of the Social Dialogue Test Phase for central public administrations and of European Social Dialogue issues more generally.
 - **Key informant interviews.** A total of 68 in-depth interviews were carried out either face-to-face or by telephone, with different stakeholder groups: members of EUPAN, TUNED, the European Commission (DG Personnel and Administration; DG Employment, Social Affairs and Equal Opportunities) and other stakeholders in European Social Dialogue (such as CEEP).
 - **Surveys of stakeholders.** Two questionnaires (in three languages) for different constituencies, and with a total of 38 questions, were put online. Responses from *all* stakeholders led to a final response rate for the survey of 70%, which is relatively high in comparison to the average expected response rates for online questionnaires of this nature.
 - **Benchmarking.** The benchmarking exercise included a comparative assessment of three sectors engaged in European Social Dialogue: local government; electricity; and

rail transport. Applying a most similar design, five criteria guided the selection of three sectors, thus controlling the number of sector characteristics (such as the nature of policy, level of formalisation, age of Social Dialogue, actors involved and level of success). The benchmarking firstly includes sectors that are/were state-owned and therefore represent policy areas with similar institutional heritage. Secondly, sectors that experienced periods of 'less formalised' Social Dialogue before entering a 'fully formalised' European Social Dialogue were included. Thirdly, sectors with different levels of experience (old vs. new) in European Social Dialogue were included. Fourthly, the study opted for sectors with similar actor structures controlling the role of EPSU. Last but not least, successful examples of European Sectoral Social Dialogues were selected (in terms of structure and output).

7. This executive summary draws on the findings from the research conducted and highlights the main conclusions and recommendations that emerged as a result of this Mid-Term Evaluation. These are outlined in the subsequent paragraphs.

MAIN FINDINGS

- 8 Overall, the first 12-month simulation of an “enhanced Social Dialogue” for central government administrations can be considered to have been successful and has brought progress in different fields. The changes brought about, the output produced and the quality of relationships between stakeholders have been efficient and appropriate for achieving the employers’ objectives of the Social Dialogue Test Phase.
- 9 Social Dialogue has again been brought to the top of the agenda, thus facilitating regular meetings at different levels between EUPAN and TUNED delegations, i.e. exchanges on substantial issues of importance to employers and employees in central public administrations.
- 10 Notwithstanding this progress, there are areas in which the performance of the Test Phase could be improved. These include communication, training, interaction with other stakeholders and the national level, preparation of meetings, continuity and monitoring.

CHANGES BROUGHT ABOUT

- 11 The main changes concerned work forms and organisational arrangements within the informal EUPAN network structure.
 - Firstly, four important documents were adopted by EUPAN and TUNED, laying down the “rules of the game” and specifying the topics to be addressed during the two-year Test Phase, as well as the evaluation’s indicators. Rules of procedure and a joint 2008-2009 work programme were adopted at the beginning of the Portuguese Presidency in summer 2007, with broad support from all stakeholders. A more operational Trio Presidential work programme consisting of the coordinated input of three consecutive EU Presidencies (France, Czech Republic and Sweden) was drafted together with TUNED and the European Commission (DG Employment, Social

Affairs and Equal Opportunities), and was eventually adopted by EUPAN and TUNED members in May 2008, laying down the priorities until the end of 2009.

- Secondly, four new entities were created: the DG plenary on Social Dialogue, the Social Dialogue Steering Group, the Social Dialogue Working Group, and Ad-hoc Working Groups to deal with specific issues wherever the need arises.
- 12 The organisational changes have predictably led to an increased workload. By convening an additional one-day meeting of a new Social Dialogue Working Group for example, all EUPAN members are affected. The Troika Secretariat members in particular have to attend a higher number of meetings. Five additional meetings are convened during each Presidency, which is intended to be the regular pattern: one additional DG Meeting on Social Dialogue; two Social Dialogue Steering Group Meetings; and two Social Dialogue Working Group Meetings.
- 13 The increased workload, however, did not negatively affect the attendance rate. Data on the level of participation for all four Social Dialogue Working Group meetings show that a very large number (97%) of the employers were present. This is an exceptionally high figure in comparison to other well-established Sectoral Social Dialogue Committees, such as local government, electricity and rail transport. The figures for TUNED however, look slightly different. Representatives from new Member States in particular, are barely part of the steadily increasing TUNED delegation – despite the European Commission’s substantial financial support.

Furthermore, two projects were adopted. One of the outcomes of the Test Phase was the creation of a joint position (work-related stress) and a “Trust” Project, financed by the European Commission.

QUALITY OF RELATIONS BETWEEN STAKEHOLDERS

- 14 In order to assess the quality of relationships between stakeholders in the Social Dialogue Test Phase, the evaluation examined relations between EUPAN and TUNED; between EUPAN/TUNED and the European Commission; and between EUPAN/TUNED and other actors in the European Social Dialogue. The analysis revealed much progress in improving the quality of relationships, as highlighted below:
- Overall, employers and trade union representatives have succeeded in implementing an increasingly constructive dialogue. In total, 81% of the stakeholders state that the quality of the relations between them has improved over the last year. This is mainly attributed to three developments: the intensification of contacts between EUPAN and TUNED (> 60%), the considerable improvement of the level of trust (> 80%), and the adoption of ‘joint decisions’ by consensus. While the internal coordination within TUNED appears to be more consensual compared to the informal EUPAN network, the Trio Presidential work programme – despite some divergence within EUPAN – was adopted by consensus.

- As regards relations with the European Commission, views are also positive. Contacts have intensified, both among EUPAN *and* TUNED members (> 30%). Furthermore, the European Commission has recently become more actively involved by informing EUPAN and TUNED members about relevant developments on European Social Dialogue topics.
- Employer and trade union representatives have also intensified their relationships with other actors of Social Dialogue; whereas contacts with the *national* counterparts have systematically increased, both among EUPAN and TUNED members (> 60%). However, there appears to be different approaches with regard to other European Social Dialogue actors. While EUPAN members have strengthened their contacts with CEEP (38%), TUNED members have focused on closer relationships with Sectoral Social Dialogue Committees (32%). Both the participation in the cross-sector workshop on third party violence at work under the Slovenian Presidency, and the interventions by CEEP in the 3rd and 4th Social Dialogue Working Group Meetings under the French Presidency, have facilitated this positive development.

15 Notwithstanding this progress, EUPAN and TUNED members have identified a certain number of challenges as regards their mutual relations.

- Despite the perceived improvements in relationships with partners in the Test Phase, European Social Dialogue is a lengthy and time-intensive process, and is not an end in itself. It is an instrument to promote social partners' goals and interests in a specific sector, based on respectful contacts between stakeholders. In order to achieve progress in certain specific substantive areas, the building of trust between parties is essential. More than 60% of EUPAN and TUNED members have identified this aspect as one of the key challenges with regard to the quality of relationships between stakeholders of the Social Dialogue Test Phase. Other key challenges identified by EUPAN and TUNED members include (for data see Appendix C.1 and C.2):
 - Need to increase knowledge about European Social Dialogue
 - Need to increase commitment by social partners
 - Representativeness of employers' and trade union representatives
 - Diversity of national industrial relation systems
 - Different levels of skills in delegations (language, group management, negotiation, diplomatic skills etc.)
- While the European Commission's role as observer and facilitator is widely appreciated by EUPAN and TUNED members alike, these actors have different views about the European Commission's level of activism. Whereas some TUNED members would like the European Commission to become more involved as policy initiator, most members of EUPAN welcome the European Commission's current "passive role". Furthermore, the European Commission is not a unitary actor; in the Social Dialogue Test Phase it acts simultaneously as employer (DG Personnel and Administration) *and* as facilitator (DG Employment, Social Affairs and Equal Opportunities). Being a player and subject of this Test Phase makes its role somewhat ambivalent.

APPROPRIATENESS OF STRUCTURES

- 16 Structural changes in the first year have generally succeeded in meeting the specific objectives of the Test Phase, namely:
- gathering information on EUPAN members related to European Social Dialogue;
 - experimenting with new forms of relations between stakeholders, similar to those in Sectoral Social Dialogue Committees; and
 - identifying the operational outcomes of the topics addressed¹.
- 17 The organisation of the process has been adequate: rules of procedure follow the good practice of other Sectoral Social Committees and the European Commission's Decision 98/500/EC; the 18-month Trio Presidential work programme is clearly linked with the joint 2008-2009 work programme and relevant activities at European and national levels. Interview data from EUPAN and TUNED members also show that the two chosen themes, "work-related stress" and "anticipation of change", are relevant, clear, detailed, of added value *and* appropriate.
- 18 Both EUPAN and TUNED members are committed to the Test Phase, agreeing that Social Dialogue for central public administration is an appropriate tool for sharing information and discussing issues of common concern. More than 80% of EUPAN and TUNED members have increased their knowledge about and interest in European Social Dialogue. In this respect, participation in the cross-sector workshop on third party violence at work during the Slovenian Presidency proved to be very suitable. In particular, EUPAN and TUNED members together have been able to increase their knowledge on the perspectives of their European *and* national counterparts. Over 60% of EUPAN and TUNED members have learnt about broader European social policy legislation beyond the Test Phase experience of Social Dialogue, such as: labour law directives; health and safety policy; issues of social inclusion and protection; equal opportunities and anti-discrimination.
- 19 The analysis also identified a number of areas in which the appropriateness of structures could be enhanced:
- The selection of appropriate topics is a very important area. Closely connected with the form of Social Dialogue, special attention needs to be paid to the selection of topics based on in-depth discussions amongst EUPAN members and with TUNED delegates at the European level (top-down process). The more specific and clearer the issues (i.e. the closer the intersection with Article 137 TEC), the greater the autonomy of EUPAN. However, non-Article 137 TEC topics also find widespread support among EUPAN and TUNED members (> 50%), which broadens the set of relevant issues and dilutes the boundaries between other policy areas discussed within EUPAN (such as Human Resources).
 - Mobility issues, flexicurity and the Lisbon agenda (performance management, efficiency, competitiveness, attractiveness and effectiveness of public services), which

¹ Of particular note in the framework of the Test Phase: the joint position on work-related stress and the project on anticipation of change, financed by the European Commission.

currently have wide support among EUPAN and TUNED members, are not covered by Article 137 TEC.

EFFICIENCY OF STRUCTURES

20 Structural changes of the Social Dialogue Test Phase for central public administrations have proven to be productive and efficient, in particular when compared to the output generated before the Test Phase *and* to the other Sectoral Social Dialogues.

- The Test Phase has produced mainly two outputs within a limited period of time:
 - Application for a joint EU Project on “Improving Trust”
 - Joint position on work-related stress
- With regard to new working methods, the Trio Presidential work programme has increased efficiency in two respects:
 - Forward planning: Based on the 2008-2009 work programme, it has facilitated EUPAN to engage in long-term strategic and operational planning together with the trade unions – beyond the six month duration of an EU Presidency
 - Continuity (avoidance of dysfunctional procedures): It does not substitute the work forms of the Social Dialogue Test Phase. Instead, this 18-month joint work programme rather facilitates closer cooperation between the employers and trade union representatives providing a complementary work form guaranteeing continuity over the next three Presidencies between the different stakeholders.
- Structural changes within the informal EUPAN network structure have also increased efficiency of the governance structures. While the workload has risen due to additional Social Dialogue meetings, discussions on the latter, however, have not pushed other important informal topics aside. On account of the probable partial personal identity, the additional Social Dialogue-related meetings (DG, Social Dialogue Steering Group, Social Dialogue Working Group) have always been scheduled directly after the “standard” EUPAN meetings; in addition, the DG Troika still functions as a “clearing house”, where all working group topics, including Social Dialogue, are discussed in preparation of the biannual DG meetings.

21. Notwithstanding this progress, there are a number of areas in which the efficiency of structures could be further enhanced. These are outlined below:

- Social Dialogue is not an end in itself, but it is an instrument to promote social partners’ goals and interests in a specific sector. Therefore, sector specificities need to be identified in order to gain high-quality output. Compared to other formalised Sectoral Committees, the selection of topics could be guided by the list of EU competences in Article 137 TEC; the principle of subsidiarity; by taking into account earlier outcomes (UK Presidency declaration on diversity; Finnish Presidency opinion on leadership); or suggestions by the European Commission. However, a definition of priority areas needs to take into account national level characteristics and activities

such as the definition and the particularity of the central public administration sector². Depending on the Member State, the notion of central public administration may include or exclude certain subsectors (teachers, medical personnel, armed forces, police, prison officers, forestry workers, judicial personnel). In an ideal world, this identification of national level needs and realities would *precede* any definition of themes of common interest and action at the European level.

Testing new forms of Social Dialogue within EUPAN, as well as identifying and agreeing upon EUPAN-specific priority areas could be the task of preparatory discussions among all interested EUPAN members on specific issues before meeting the TUNED delegation. Such (smaller) preparatory meetings of EUPAN members before any Social Dialogue meeting are not currently in place. Informal exchanges, however, have taken place (exchange of emails, contact by telephone etc.).

- The Trust Project, which probably came closest to the “formalised form of Social Dialogue” during the first twelve months of the Test Phase, has shown that EUPAN and TUNED operate differently. While TUNED operates in a so-called “negotiation mode”, the informal EUPAN network follows a “discussion model”, where members exchange experiences and thoughts on specific issues. If EUPAN intends to test a “formalised form of Social Dialogue” it will have to address the issue of mandate. Due to its informal character, it simply lacks a mechanism for defining clear mandates before meeting TUNED delegates. During the “negotiation phase” of the Trust Project with TUNED for example, the Slovenian Presidency suffered heavily from an unclear definition of mandate from its EUPAN colleagues. While TUNED spoke with “one voice”, EUPAN members transformed this meeting into a “social multilogue”. An unclear EUPAN mandate, however, delivers inefficient solutions, i.e. uncoordinated, cumbersome, and complicated exchange with the TUNED delegation. For the future, specific questions could be dealt with by small working groups, as is the practise in other Social Dialogues, in which a relatively small number of employers’ and trade union representatives meet to discuss specific Social Dialogue issues and projects before they ‘negotiate’ on the final details in the larger working group sessions.
- Many members of EUPAN are not directly involved in their countries’ national Social Dialogues and they lack experience with the informal network and of prior debates on Social Dialogue within the network. This brings disadvantages and clear advantages. On the one hand, inexperienced representatives lack EUPAN’s heritage in terms of long-standing traditions, such as its nature, tried and tested work forms etc. On the other hand, this can also be an advantage at a time where EUPAN is redefining itself. New network members can bring fresh and innovative ideas, from which EUPAN and the Test Phase may further profit in the future. Furthermore, EUPAN members who are directly involved in national Social Dialogue discussions will help to disseminate the achievements from the European to the national level.

² It should be noted that the themes identified for the Test Phase have been retained to take into account these specificities dealing with common topics for central public administrations (work-related stress, anticipation of change).

- For this evaluation it is too early to assess the impact of the Test Phase on the national level. Based on EIPA's comparative study on the 'Diversity of Social Dialogue structures', it is, however, necessary to inquire as to whether stronger social partnership at EU level will bring similar developments domestically. Are the national systems of industrial relations affected by EU social policy? If so, how? What impact does a joint position on work-related stress on the civil servants' daily work in central public administrations across Europe have? These questions will be an element of efficiency and effectiveness at a later stage.

SHORT-TERM RECOMMENDATIONS

- 21 Overall, the Mid-Term Evaluation has shown that the Test Phase has made much progress over the twelve months in terms of working structures, practices, output and efficiency; it has also worked successfully towards achieving the employers' objectives. Broadly speaking, the Test Phase has closely focused attention on addressing the needs of its key stakeholders at the European level, and has established linkages with other relevant EU actors to produce a noteworthy output. There is also evidence to show that the Test Phase has informed the EU policy process (foreseen consultation on Test Phase experience). Thus in general, this evaluation encourages EUPAN and TUNED to pursue their Test Phase along the lines that they have jointly defined.
- 22 The evaluation has, however, also highlighted a number of areas that require improvement or further attention during the second period of the Test Phase. The following short-term recommendations for 2009 are therefore framed in this regard and are centred on enhancing the dialogue between the different actors in the remaining twelve-month period of the Test Phase.

Short-Term Recommendations for 2009:

Recommendation 1: *Continued use of efficient working methods.*

In view of the natural increase in the workload of stakeholders resulting from the Social Dialogue Test Phase, more and continued better use should be made of telecommunication channels between them (email, videoconferencing etc.) in order to reduce the number of meetings. Following the good practice of other sectors, the use of smaller working groups dealing with specific topics – as foreseen in the Trio Presidential programme – could also be promoted further.

Recommendation 2: *Continued and enhanced cooperation with other stakeholders.*

It is recommended that EUPAN and TUNED continue to enhance the level of cooperation with cross-industry social partners (in particular CEEP) *and* sectoral committees (local and regional authorities). Activities can range from seminars, conferences, research and publications, to developing joint actions involving a deeper level of cooperation. The focus should lie on subject areas with a high potential for synergies and mutual learning. The CEMR's definition of the 'local sector' could provide ideas for the central government level. The lack of representation of federal or highly regionalised countries'

regional authorities in European Social Dialogue could trigger discussions between Social Dialogue actors in public administrations on the boundaries of both sectors. Furthermore, it would help to identify and clarify advantages and disadvantages of “formalised forms” of European Social Dialogue, of a cross-sectoral *or* sectoral nature.

Recommendation 3: *Continued emphasis on building trust.*

It is recommended to pay continuous attention to the issue of mutual trust. Despite the progress made during the first twelve months, more than 60% of EUPAN and TUNED members have identified this aspect as a key challenge for the remaining period. Essential factors for trust building include in-depth discussions between EUPAN and TUNED, respect for previous commitments, consensus on working arrangements (deadlines etc.), honesty with regard to ambitions, objectives and information sharing on all important topics.

Recommendation 4: *Specific training needs.*

It is recommended to consider training of EUPAN and TUNED members. Engaging in a European level Social Dialogue will require further development of the skills of those involved (language skills, networking skills, cultural awareness and sensitivity, awareness of other countries’ conditions and industrial relation systems, awareness of views of other national social partners, European decision making and features of European Social Dialogue as such). In addition, professional training is needed to make stakeholders aware of their rights and responsibilities within the European Social Dialogue process.

Recommendation 5: *Continued closer cooperation with the European Commission.*

It is recommended that EUPAN and TUNED continue to work closely with the European Commission and to better define its role in Social Dialogue. Notwithstanding the progress made, EUPAN and TUNED should understand the different role of the European Commission in Social Dialogue compared with other EUPAN activities.

Recommendation 6: *Concentrate on key Social Dialogue topics.*

It is recommended for EUPAN and TUNED to concentrate on appropriate Social Dialogue topics, based on national and European needs and realities of actors on the ground. Specific actions would help to define future (more controversial) topics, i.e. topics following EU competences (Article 137 TEC), the principle of subsidiarity and previous EUPAN actions (see Comparative Study on Social Dialogue, 2008). Activities may consist of an ongoing European survey about the realities of industrial relations across the EU 27 (see Comparative Study on Social Dialogue, 2008) or workshops between groups of specific national industrial systems.

Recommendation 7: *Interaction with the national level.*

During the second year of the Test Phase it is recommended that employers and trade unions follow their work programmes in order to focus more on the interaction of European Social Dialogue activities with national level characteristics and activities. Attention should be given to the needs and requirements of the target group. National actors (especially those not yet members of EUPAN or TUNED) would be invited to give

feedback and to familiarise themselves with the work of EUPAN and TUNED (bottom-up approach).

Recommendation 8: *More structured informal dialogue and preparatory meetings to clarify national policies and EUPAN mandate.*

It is recommended that EUPAN members systematically convene half-day preparatory meetings before any encounter with the trade unions' representatives. Currently, EUPAN and TUNED operate very differently. While TUNED follows a "negotiation mode", the informal EUPAN network applies an "open discussion model". In order to also test a "formalised Social Dialogue" in the second year of the Test Phase, EUPAN should experiment with preparatory meetings. Compared to other "formalised" sectors, EUPAN otherwise misses the chance to identify different opinions, to clarify different national policies and experiences, and to define areas of consensus before any exchange with TUNED. Following the good practices of other sectors, this would also facilitate a process for producing a clear mandate, i.e. delegation of authority to the EUPAN Presidency (Social Dialogue co-chair) for discussions with the TUNED representative.

Recommendation 9: *Need for EUPAN members with Social Dialogue experience at national level.*

It is recommended to have more EUPAN members with Social Dialogue experiences at national level. National employers who represent their ministry/agency within EUPAN and who actively take part in national Social Dialogue will find it easier and will be more effective in disseminating European experiences and results of the Test Phase to their national counterparts. Furthermore, they will help to increase knowledge about the differences as regards the EUPAN employers: what are their competencies with regard to relevant topics for Social Dialogue (education and training, working conditions etc.)?

Recommendation 10: *Continuity of representation.*

It is recommended to consider how to ensure better continuity of representation of key EUPAN and TUNED members of the Social Dialogue Test Phase. European Social Dialogue is a time-consuming and long-term process relying on good relationships and trust between the stakeholders. Continuity of core membership representation is essential to achieving the employers' objectives during the Test Phase. A good balance should be achieved within the core membership, which should also include representatives with national Social Dialogue experience and from the new Member States (Presidential Trio for example).

Recommendation 11: *Developing indicators to measure impact.*

It is recommended to take into consideration regular monitoring of Social Dialogue activities. Indicators should be developed to assess the effective and efficient delivery of programmes and projects, as well as their impact at national level. Even if the emphasis is not on implementing common rules, instruments still require follow-up and monitoring provisions.

**Detailed Mid-Term Evaluation of Social Dialogue Test
Phase for Central Public Administrations**

Chapter 1: Introduction

BACKGROUND AND TERMS OF REFERENCE

- 1.1 Social Dialogue is not a new topic for members of the informal European Union Public Administration Network (EUPAN). In fact, EUPAN has been concerned with the issue for almost 20 years. Since the early 1990s, European Social Dialogue for central government administrations has been on the agenda of Directors-General (DGs) and Ministers responsible for public administration in the EU Member States (for a detailed historical overview see Mangenot and Polet, 2004: 4-7). Glancing at the EUPAN resolutions one realises that despite some attempts by individual Presidencies, the progress made over the last decades has been rather sluggish (see Appendix B.5: List of EUPAN resolutions related to Social Dialogue). A new attempt to approach Social Dialogue was launched under the 2007 German Presidency, when Ministers adopted the so-called “Action Plan on Social Dialogue”. This plan foresees a two-year Test Phase for an “enhanced informal Social Dialogue” exploring topics and work forms of formal Social Dialogue. The following Portuguese Presidency developed this initiative further so that at the end of 2007, the DGs approved three sets of instruments: rules of procedure, the evaluation’s indicators and a 2008- 2009 joint work programme for a Social Dialogue Test Phase to be started in 2008. The aim of the Test Phase would be to relaunch exchanges between EUPAN and Trade Unions’ Delegation for National and European Administration (TUNED) by informally experimenting new forms of relations between them, similar to those in Sectoral Social Dialogue Committees. As of January 2008, EUPAN, together with TUNED, entered a new phase. The two-year Test Phase was launched based on the previously agreed rules of procedure and work programme.
- 1.2 In order to evaluate the development of Social Dialogue during the Test Phase, EUPAN agreed on the need to continuous assessment over the two-year period. The European Institute of Public Administration (EIPA), based in Maastricht, was commissioned to conduct the first one-year evaluation (so-called Mid-Term Evaluation) during the Slovenian and French Presidencies. In accordance with the Terms of Reference, the objective of this exercise is:
 - to conduct a simultaneous evaluation of the first twelve months of the two-year Test Phase with a view to determining what changes have been brought about, whether the quality of relationships between stakeholders has improved, and whether the outputs and outcomes were consistent with the objectives set.
- 1.3 The Terms of Reference put forward the following central question:

Does the change in structure of the Social Dialogue for European central government administrations significantly improve exchanges between employers and trade unions in EUPAN?

To answer the main question, the Mid-Term Evaluation was conducted in line with a series of questions that form the framework for analysis, i.e. form the basis for the evaluation's structure:

- **Changes brought about:** What *changes have been brought about* by introducing the “enhanced informal Social Dialogue” for European central public administrations?
- **Quality of relationship between stakeholders:** How can we characterise the *quality of relations between the actors* involved in the “enhanced informal Social Dialogue”?
- **Efficiency and appropriateness of structures:** To what extent *do the structures improve efficiency and are they appropriate* for achieving the employers' objectives?

- 1.4 To oversee the evaluation process, a Steering Group within EUPAN was established. It included France, Sweden and the Czech Republic (observatory status). In addition, France and Sweden appointed two wise men to the group, namely Georges Monard and Knut Rexed, whose long-standing experience in the field informed decisions taken by the Steering Group. The Steering Group provided a validation function for the evaluation.

METHODOLOGY

- 1.5. The primary evaluation programme involved a range of research methodologies, both quantitative and qualitative. Based on a mainly three-fold methodological approach, including qualitative, quantitative and benchmarking methods, the findings and conclusions emerged from a most appropriate, sequential process of field and desk research, interviews within EUPAN, TUNED and the European Commission's DG Personnel and Administration; DG Employment, Social Affairs and Equal Opportunities, as well as external interviews (other European Social Dialogue actors), questionnaire surveys and benchmarking.
- 1.6 Overall, the research strategy for the evaluation comprised *five key stages*, as outlined below and detailed in the following paragraphs:
- Field-based analysis
 - Desk-based analysis
 - In-depth interviews
 - Surveys; and
 - Benchmarking

FIELD-BASED ANALYSIS

- 1.7 The first step to evaluating the first twelve months of the Test Phase involved “shadowing” all meetings relevant to Social Dialogue. The author attended Director-General (DG), DG Troika, Troika Secretariat, Social Dialogue Steering Group, Human Resource Working Group, Social Dialogue Working Group and smaller Ad-hoc Working Group meetings. In total, he observed 22 meetings directly related to the Social Dialogue Test Phase. For the purpose of this evaluation, the two wise-men, Georges Monard and Knut Rexed, supported the evaluator by also participating in the Social Dialogue Steering Group and Social Dialogue Working Group Meetings.

DESK-BASED ANALYSIS

1.8 The second step of the Mid-Term evaluation involved conducting a review of key documents. This phase helped to build a resource of information on the activities, management and governance of the Test Phase for central government administrations and on European Social Dialogue and its different actors more generally, namely: EUPAN, TUNED, the European Commission and other actors in European Social Dialogue. Key documents reviewed included, *inter alia*;

- EUPAN DG and ministerial meetings: Resolutions 2000-2008 (Appendix B.5)
- Ministerie van Sociale Zaken en Werkgelegenheid (2003), The European Social Dialogue: Developments, Sectoral Variation and Prospects.
- UK Presidency (2005) Report on the Survey into Social Dialogue.
- Finnish Presidency (2006) A review of the Social Dialogue between Directors-General of public administration and public sector employees – A study of the relevant elements of the formal Social Dialogue and the current situation within the EUPAN framework (Troika Secretariat Paper)
- Austrian Presidency (2006) Next Steps in Social Dialogue (Troika Secretariat Paper)
- TUNED (2006) Roadmap 2007-2009 for the European Social Dialogue in national and European administration.

1.9 Furthermore, monitoring data provided in documents, websites, the Circa, the Social Dialogue texts data base, and reports reflecting the current state of play of academic literature has been analysed. This has included details on the number and features of Sectoral Social Dialogue Committees at the European level, in particular the three sectors to be benchmarked against (local government, electricity and railways), incurred by the European Commission, the European Institute of Public Administration (EIPA), the Observatoire Social Européen and the European Foundation for the Improvement of Living and Working Conditions, such as:

- European Commission Decision 98/500/EC on the establishment of Sectoral Dialogue Committees promoting the dialogue between the social partners at European level (Appendix A.3).
- European Commission Communication 2002/341 on the European Social Dialogue: determinants for modernisation and change.
- European Commission Communication 2004/557 on partnership for change in an enlarged Europe – enhancing the contribution of European Social Dialogue.
- Manganot and Polet (2004) European Social Dialogue and the Civil Services. Europeanisation through the back door?, EIPA.
- Demmke (2007) Possibilities and limitations of a further development of the Social Dialogue at the EU level for the Public Services of the Member States, EIPA.
- Observatoire Social Européen (2004) Rapport final « Dialogue social sectoriel »

IN-DEPTH INTERVIEWS

1.10 This phase involved conducting in-depth interviews with EUPAN, TUNED and European Commission members, as well as other European Social Dialogue stakeholders. The interviews provided an overall insight into the evaluation issues and focused on issues that included, *inter alia*:

- Attitudes, expectations and hopes towards the two-year Test Phase
 - Tangible changes in work forms and structures within EUPAN
 - Perceived quality of relationship with European and national stakeholders
- 1.11 In selecting the interviewees, the evaluator developed a list of “Social Dialogue stakeholder groups” that would be relevant for the study. This list was reviewed and agreed by the Evaluation’s Steering Group. In addition, the Steering Group proposed individuals within each of the stakeholder groups who would be appropriate to interview. The list of stakeholder groups included the following:
- EUPAN
 - TUNED
 - European Commission (DG Personnel and Administration; DG Employment, Social Affairs and Equal Opportunities)
 - Other actors (CEEP, Sectoral Social Dialogue Committees ...)
- 1.12 From the list of stakeholders, 66 in-depth interviews were conducted between the beginning of January to mid-December 2008, either face-to-face or by telephone. Conducted during the course of the twelve-month Test Phase in Ljubljana, Brdo, Paris and Brussels and by telephone, the interviewees cover former and current EUPAN and TUNED members, the European Commission and its different DGs involved; experts and stakeholders of European Social Dialogue (such as CEEP, Sectoral Social Dialogue Committees etc.).
- 1.13 On the basis of these interviews, initial impressions concerning the key issues of the evaluation process could be formed. This insight allowed the evaluator to compose detailed questionnaires (in three languages) for different constituencies, defined in close cooperation with the Evaluation’s Steering Group.

SURVEYS

- 1.14 With a view to assessing the views of an even broader range of stakeholders on the changes brought about, as well as the quality of relationship between stakeholders and the efficiency and appropriateness of these developments, *two* complete sets of online surveys were conducted. In total, they consist of 38 questions. The two questionnaires are included in Appendices C.1 and C.2.
- 1.15 The two questionnaires were sent to all EUPAN, TUNED and European Commission members who have been directly and indirectly involved in the Social Dialogue Test Phase. While the first survey was launched on 28 May 2008, the second was only launched after the 2nd Social Dialogue Working Group meeting under the French Presidency in Brussels on 13 November 2008. The second questionnaire enabled us to include also the latest developments and experiences of the Social Dialogue Test Phase. The results of the two questionnaires further confirmed and enriched the evaluator’s initial impressions and identified new issues. A summary of the answers is included in Appendices C.1 and C.2.

BENCHMARKING

- 1.16 In order to address the aspect of appropriateness in particular and to generate helpful preliminary short-term recommendations for the remaining twelve months of the Social Dialogue Test Phase, the first year developments were benchmarked against three different Sectoral Social Dialogue Committees. On a similar basis to the in-depth interviews, the evaluator proposed a number of sectors that were relevant for the study. The list was reviewed and agreed by the Steering Group.
- 1.17 Five criteria guided the selection of the three sectors, thus controlling the number of sector characteristics (such as the nature of policy, level of formalisation, age of Social Dialogue, actors involved and level of success). The benchmarking firstly includes sectors that are/were state-owned and therefore represent policy areas with similar institutional heritage. Secondly, sectors that experienced periods of 'less formalised' Social Dialogue before entering a 'fully formalised' European Social Dialogue were included. Thirdly, sectors with different levels of experience (old vs. new) in European Social Dialogue were included. Fourthly, the study opted for sectors with similar actor structures controlling the role of EPSU. Last but not least, successful examples of European Sectoral Social Dialogues were selected (in terms of structure and output). Eventually, applying a most-similar design the following sectors were identified:
- Local government
 - Rail transport
 - Electricity

A full list of all European Sectoral Social Dialogue Committees is included in Appendix A.4.

SUMMARY OF EVIDENCE

- 1.18 This report presents the considered findings and conclusions the evaluator has formed by assessing all of these elements in the cumulative process described here. Additional interviews were designed to validate the emerging conclusions that we reached from field and desk research, questionnaire surveys and benchmarking, by testing themes and ideas with EUPAN, TUNED, wise men and European Commission members. We did not weight some any more than others, except if the evidence was clearly unrepresentative or not credible. In cases where we do not provide specific evidence to support a finding or conclusion, it is because we have combined the evidence to present a summary conclusion. The recommendations are based on our own analyses.

REPORT STRUCTURE

- 1.19 The main purpose of this Report is to present the findings from the Mid-Term Evaluation *and* to outline recommendations for future action in 2009. After having put the evaluation in context and taking into account the complexity of the Mid-Term Evaluation by using a three-fold methodological approach, this evaluation addresses each of the three sub-questions consecutively, corresponding to the following structure of the final report:

- **Chapter 2: *Changes brought about.*** This chapter contains the detailed assessment of the changes brought about during the Social Dialogue Test Phase. This chapter is divided into subsections on changes related to work form, and institutional changes within the informal EUPAN network structure.
- **Chapter 3: *Quality of relationships between stakeholders.*** This chapter addresses the second main focus area of the evaluation, namely the quality of relationships between the stakeholders of the Test Phase. This chapter is divided into sections on the quality of relationships between EUPAN and TUNED; consecutively between EUPAN/TUNED and the European Commission; and other actors of European Social Dialogue.
- **Chapter 4: *Appropriateness and efficiency of structures.*** This chapter contains the third main focus for the evaluation, namely the degree of appropriateness and efficiency of structures deriving from the Social Dialogue Test Phase. This chapter examines the degree to which the objectives set out in the 49 DG's resolutions are in line with the key issues discussed between employers and trade union representatives during the Test Phase; to some extent to which the objectives set out in the work programme have been achieved; and whether the human and financial resources to achieve the objectives were efficiently deployed.
- **Chapter 5: *Conclusions and short-term recommendations.*** This chapter summarises the main findings that have emerged from the Mid-Term Evaluation. On the basis of these findings, the section then outlines key recommendations for the second year of the Test Phase.

1.20 In addition, the Report contains a series of Appendices:

- **Appendix A: European Social Dialogue**
- **Appendix B: Social Dialogue for central public administrations**
- **Appendix C: Survey data**
- **Appendix D: Benchmarking**

Chapter 2: *Changes brought about* - What changes have been brought about by introducing the Social Dialogue Test Phase for central government administrations?

INTRODUCTION

2.1 This chapter addresses the first component of the Mid-Term Evaluation: changes brought about by introducing the Social Dialogue Test Phase for central government administrations. By taking stock of past developments from the first twelve months of the Test Phase, this chapter identifies two categories of change: on the one hand, work form-related change; and on the other hand, structural change within the existing informal EUPAN structure. The chapter is structured as follows:

- **Work form-related change:** this provides an overview of key developments in changing patterns of work forms within EUPAN.
 - Rules of procedure
 - Work programme
 - Trio Presidential work programme
- **Structural changes within EUPAN:** this provides an overview of institutional changes within the informal EUPAN structure.
 - DG plenary on Social Dialogue
 - Social Dialogue Steering Group
 - Social Dialogue Working Group
 - Ad-hoc, informal small Working Groups

WORK FORM-RELATED CHANGE

2.2 The first type of change relates to work forms within EUPAN. Compared to the pre-Test Phase, we identified three changes related to work forms. While rules of procedure and a work programme were adopted in the dawn of the Test Phase under the Portuguese Presidency at the end of 2007, the so-called Trio Presidential work programme was adopted after the first five months of the Social Dialogue Test Phase. Consisting of the coordinated input of three consecutive EU Presidencies – France, Czech Republic and Sweden – the Trio Presidential work programme, which was adopted between EUPAN and TUNED members in May 2008, lays down the priorities with respect to work forms for the Social Dialogue Test Phase until the end of 2009, i.e. the end of the Social Dialogue Test Phase for central public administrations.

Rules of procedure:

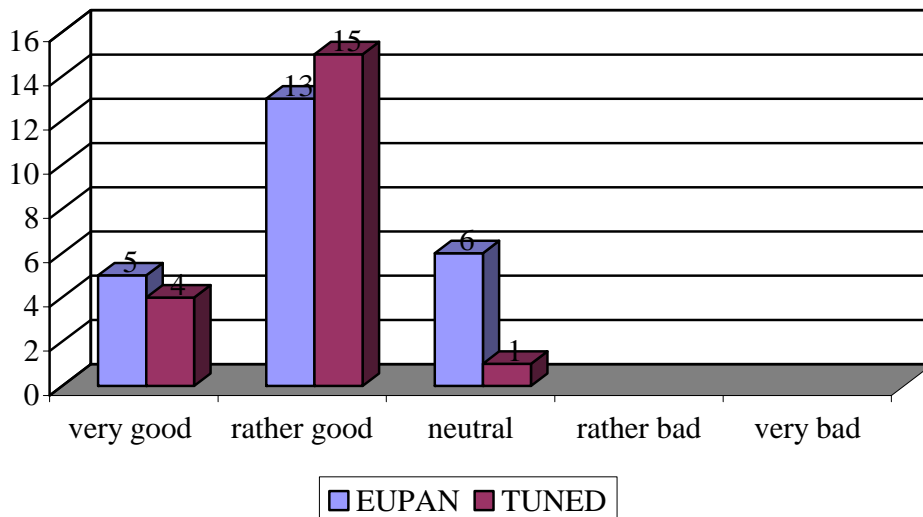
2.3 One of the first points agreed upon between EUPAN members in order to simulate, amongst others, a “formalised Social Dialogue” for central public administrations, was the adoption of operational rules of procedure. As foreseen in the European Commission Decision 98/500/EC on the establishment of Sectoral Dialogue Committees (Art. 5.1 and

5.3, cf. Appendix A.3), it was towards the end of the 2007 Portuguese Presidency that all 28 EUPAN members adopted the rules of procedure together with TUNED (see Appendix B.6).

2.4 Compared with other “formalised” sectors, such as railway, electricity and local governments, which have been identified by the European Commission as “best practices” the operational rules of procedure for central public administrations follow their example very closely (see Appendices D.4, D.5 and D.6 for examples of rules of procedure from other sectors).

2.5 This relatively positive impression is also reflected in the two surveys of stakeholders. Both EUPAN and TUNED members assess the rules of procedure adopted under the 2007 Portuguese Presidency as “rather good” to “very good” (see figure 1).

Figure 1. Evaluation of Rules of Procedure



“Before starting the Test Phase it was necessary to lay the foundations. It is like the construction of a house: before you can set up the pillars and the roof on top, you first need a solid concrete foundation. The rules of procedure are the foundation of a Social Dialogue Test Phase for central public administrations. [...]”

EUPAN member

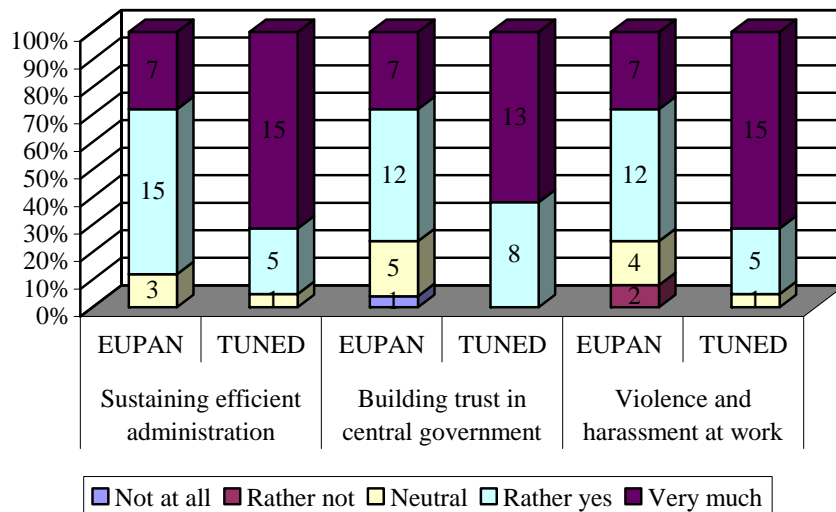
Work programme:

2.6 In addition to the rules of procedure, the DGs also approved a joint 2008-2009 work programme for the Test Phase under the 2007 Portuguese Presidency (see Appendix B.7). Following the European Commission Decision 98/500/EC, they adopted a two-year programme; freely choosing the subjects they wished to deal with. The 2008-2009 work programme mainly consists of three issues: sustaining efficient administration; building trust in central government administration; violence and harassment at work.

2.7 Asked whether they would be satisfied with the themes chosen in the work programme, figure 2 shows that EUPAN and TUNED members are by and large satisfied. While TUNED members tend to be more satisfied, figure 2 also displays an almost universally strong EUPAN support, with more than 80% of EUPAN members.

“They are as inclusive as possible, and as relevant as needed.”
EUPAN member

Figure 2. Are you satisfied with the themes chosen in the work programme?



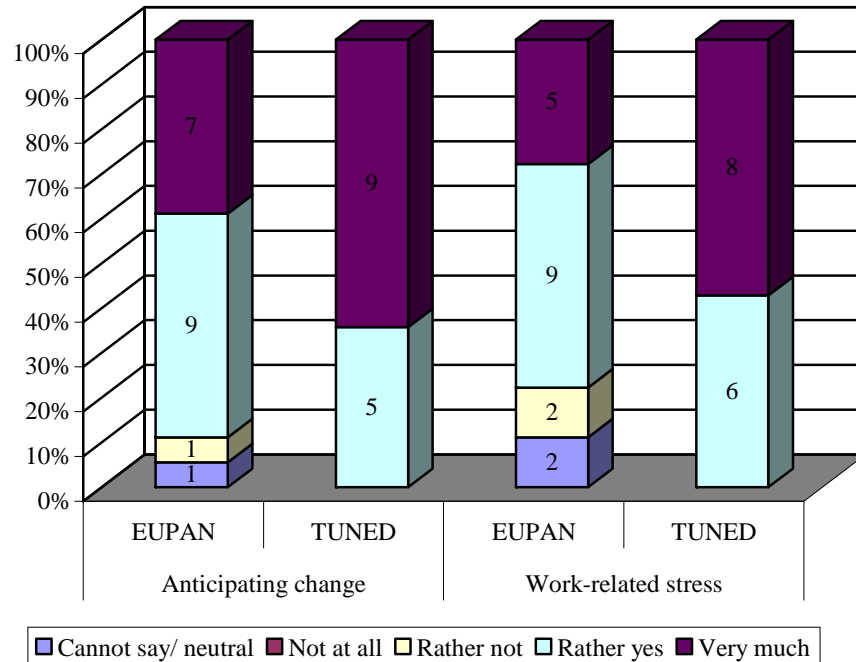
Trio Presidential work programme:

2.8 Based on the 2008-2009 work programme adopted amongst EUPAN members, France, the Czech Republic and Sweden developed, together with TUNED and the European Commission (DG Employment, Social Affairs and Equal Opportunities), an *operational* 18-month Trio Presidential programme. Finalised and adopted across EUPAN members and with TUNED by consensus at the end of the 2008 Slovenian Presidency, it identifies mainly two topics of joint interest: “work-related stress” and “anticipation of change”.

“The Trio programme ‘translates’ the work programme adopted by EUPAN under the Portuguese Presidency into a small number of concrete and operational tasks.”
EUPAN member

2.9 EUPAN and TUNED members are satisfied overall with the two themes chosen (see figure 3).

Figure 3. Are you satisfied with the themes chosen in the Trio Presidential work programme?



Only a few EUPAN members are not satisfied with the chosen topics, which can be summarised by the following quotation:

‘My problem is that we have chosen ‘work-related stress’ as a part of violence at work, (should it not be the other way around), [...] lifting focus away from the real concrete issue in favour of discussing workings in a meaningless resolution [...]’
 EUPAN member

STRUCTURAL CHANGES WITHIN INFORMAL EUPAN STRUCTURE

2.10 The second type of change brought about since the start of the Test Phase is institutional. It groups all major institutional changes brought about within the existing informal EUPAN network structure. While we acknowledge that Social Dialogue-related issues have been added to *all* agendas of EUPAN’s different working levels, it is mainly the four new informal entities that were created and, therefore, attracted our attention in the following: DG plenary on Social Dialogue, the Social Dialogue Steering Group, the Social Dialogue Working Group and Ad-hoc Working Groups.

2.11 Figure 4 highlights in red the key institutional changes to the existing structure of the informal EUPAN network as a whole.

Figure 4. EUPAN structure before and *during Social Dialogue Test Phase*

DG plenary			<i>DG Plenary on Social Dialogue</i>	
DG Troika				
Troika Secretariat				<i>Social Dialogue Steering Group</i>
DISPA WG	eGov WG	IPSG WG	HR WG	<i>SD WG</i>
		CAF		<i>Ad-hoc Working Groups</i>

DG plenary on Social Dialogue:

2.12 As well as the regular biannual one-day DG meeting at the end of a six-month term of each EU Presidency, additional time was scheduled for Social Dialogue. While the Slovenian Presidency devoted approximately two hours to the issue, it was under the French Presidency that an additional half-day DG meeting was added – exclusively devoted to Social Dialogue.

Social Dialogue Steering Group:

2.13 Another structural innovation was realised through the creation of the so-called Social Dialogue Steering Group. Integrated into the EUPAN structure, the existing Troika Secretariat has been extended by a half-day session exclusively devoted to Social Dialogue. Meeting on the same day as the Troika Secretariat, the Social Dialogue Steering Group consists of the members of the Troika Secretariat, alongside a TUNED delegation of a similar size. Its main task is to prepare and coordinate the work on Social Dialogue.

Social Dialogue Working Group:

2.14 In addition to the long standing informal EUPAN working groups such as IPSG, eGov, DISPA and Human Resources (HR) the Test Phase triggered the establishment of an additional working group: the so-called Social Dialogue Working Group.

2.15 Following the European Commission’s Decision 98/500/EC, the Social Dialogue Working Group consists of a maximum of 40 representatives of employers’ and trade union representatives, comprising, however, a relatively *unequal* number from both sides. Due to mainly linguistic and financial constraints, the TUNED delegation often consisted of around ten members, whereas EUPAN members are almost fully represented. Only at the final Social Dialogue Working Group meeting, which was financed by the European Commission, did TUNED have a higher representation (20). However, the TUNED delegation consisted of not more than 10 different countries, with only two delegates from the new Member States (both from Hungary).

<p><i>“The language issue causes us a lot of headaches. Our national members do not have sufficient language skills to follow meetings where interpreting services are not provided. For TUNED this is probably one of the most challenging problems.”</i></p> <p style="text-align: right;">TUNED member</p>

Ad-hoc, informal small Working Groups

2.16 On a number of occasions during the Test Phase, so-called Ad-hoc Working Groups were established. Firstly, under the Slovenian Presidency, an Ad-Hoc Working Group was created to draft and finalise the application material for the EU funded joint project on “Improving Trust in central government administration through Effective Social Dialogue”. During the 3rd Social Dialogue Working Group Meeting in Paris on 9 September 2008 under the French presidency, two additional Ad-Hoc Working Groups were set up to discuss in smaller groups the specific content of a joint position on work-related Stress .

CONCLUSION

2.17 The main changes concerned work forms and organisational arrangements within the informal EUPAN network structure.

- Firstly, three important documents were adopted to lay down the “rules of the game” and specify the topics to be addressed during the two-year Test Phase. Rules of procedure and a joint 2008-2009 work programme were adopted at the beginning of the Portuguese Presidency in summer 2007, with broad support from all stakeholders. A more operational Trio Presidential work programme consisting of the coordinated input of three consecutive EU Presidencies (France, Czech Republic and Sweden) was drafted together with TUNED and the European Commission (DG Employment, Social Affairs and Equal Opportunities), and was eventually adopted by EUPAN *and* TUNED members in May 2008, laying down the priorities until the end of 2009.
- Secondly, four new entities were created: the DG plenary on Social Dialogue, the Social Dialogue Steering Group, the Social Dialogue Working Group, and Ad-hoc Working Groups.

2.18 The organisational changes have predictably led to an increased workload. By convening an additional half-day meeting of a new Social Dialogue Working Group for example, all EUPAN members are affected. The Troika Secretariat members in particular have to attend a higher number of meetings. Five additional meetings are convened during each Presidency, which is intended to be the regular pattern: one additional DG Meeting on Social Dialogue; two Social Dialogue Steering Group Meetings; and two Social Dialogue Working Group Meetings. In this respect, the cancellation of the 4th Troika Secretariat meeting scheduled to take place under the French Presidency is noteworthy. This has raised the question as to whether a strong focus on Social Dialogue will come at the expense of other network activities.

2.19 The increased workload, however, did not negatively affect the attendance rate. Data on the level of participation for all four Social Dialogue Working Group meetings show that a very large number (97%) of the employers were present. This is an exceptionally high figure in comparison to other well-established Sectoral Social Dialogue Committees, such as local government, electricity and rail transport.

Furthermore, two projects were adopted. One of the outcomes of the Test Phase was the creation of a joint position (work-related stress) and a “Trust” Project, financed by the European Commission.

Chapter 3: *Quality of relationships between stakeholders* - How can we characterise the quality of relations between the different stakeholders of the Social Dialogue Test Phase?

INTRODUCTION

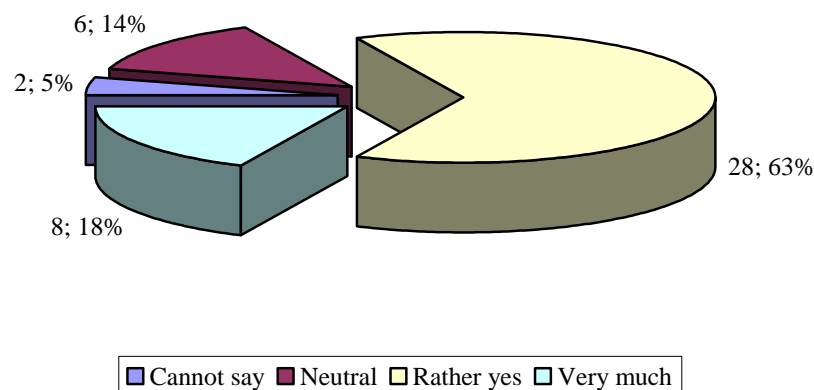
3.1 This chapter addresses the second component of the evaluation’s question: the quality of relations between the different stakeholders of the Test Phase. For this purpose, the report identifies and measures the degree of change in quality of relationships established by and within the framework of the “enhanced form of informal Social Dialogue”. The section is structured as follows:

- Analysis of quality of relationships between EUPAN and TUNED
- Analysis of quality of relationships with the European Commission
- Analysis of quality of relationships with other actors

ANALYSIS OF QUALITY OF RELATIONSHIPS BETWEEN EUPAN AND TUNED

3.2 Generally speaking, the quality of relationships between employers and trade union representatives has significantly improved since the start of the Social Dialogue Test Phase. Based on interviews and survey data, a total of 81% of EUPAN and TUNED members refer to a perceived improvement (see figure 5). Only very few interview partners have argued that it “*is too early too call*” (EUPAN member).

Figure 5. **Has the quality of relationships between the stakeholders improved since the start of the evaluation?**



“This is a huge step forward compared with the situation before the Test Phase.”
TUNED member

“This is real now [...]. You can feel it.”
EUPAN member

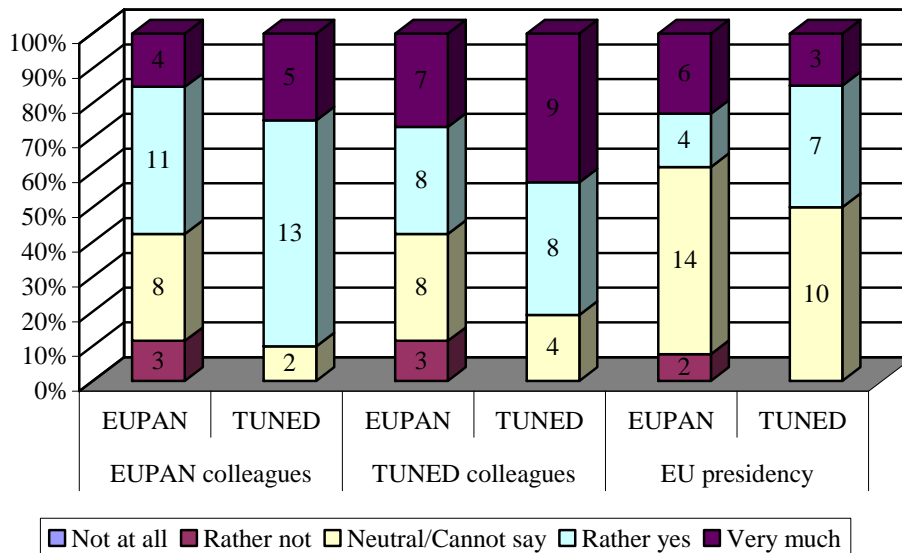
3.2 This perceived improvement of quality of relationships between EUPAN and TUNED can be traced back to three major reasons:

- Firstly, a significant increase in contacts between the two stakeholders;
- Secondly, an increased level of confidence and trust across both camps; and
- Thirdly, a relatively consensual approach towards adopting common actions.

INCREASE IN NUMBER OF CONTACTS

3.3. Being asked whether EUPAN and TUNED relationships have intensified since the start of the Test Phase, figure 6 shows that more than 60% of EUPAN and TUNED members acknowledge a considerable increase in contacts with their counterparts. While contacts with the Presidency have been intensified in less than 50% of the cases, TUNED members especially seem to have profited from an increased exchange between its own members and EUPAN representatives.

Figure 6. Has the relationship between EUPAN and TUNED intensified?



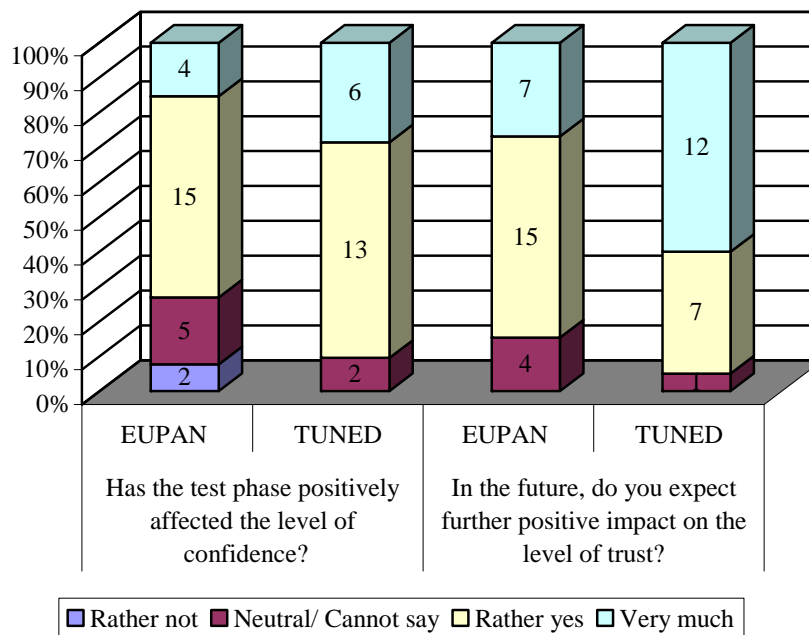
« Par une meilleure connaissance des motivations et des stratégies des différents acteurs et surtout par des rencontres plus fréquentes autour de discussions informelles. »
EUPAN member

“I could not really ‘intensify’ my relations with TUNED, since I already had good relations with my national trade union counterpart before the start of the Test Phase.”

INCREASE IN LEVEL OF CONFIDENCE AND TRUST

3.4 In addition to an increased number of contacts between and within the stakeholders of the Social Dialogue Test Phase, the vast majority (80%) of employers' and trade union representatives agree that the Test Phase has also positively affected their level of confidence (see Figure 7), with further signs of improvement during the French Presidency.

Figure 7. Level of confidence between EUPAN and TUNED



3.5 When asked about the future, the respondents were even more positive. Figure 7 illustrates that more than 92% of the respondents expect a further positive impact on their level of trust. Three interview partners bring it to the point:

“There is evidently increasing trust between the partners.”

TUNED member

“I have the feeling now that we are a little bit more open minded now.”

EUPAN member

“TUNED is not only a guest but has transformed into a partner on equal footing. Nevertheless, there is still space for further improvement.”

TUNED member

HIGH LEVEL OF CONSENSUS

3.6 A third reason for the tangible improvement of quality of relationships between EUPAN and TUNED is the high level of consensus between both actors when adopting common actions. By disentangling fuzzy concepts such as confidence and trust, we investigated whether decisions during the Test Phase were taken by consensus. We identified ten major decisions taken between EUPAN and TUNED:

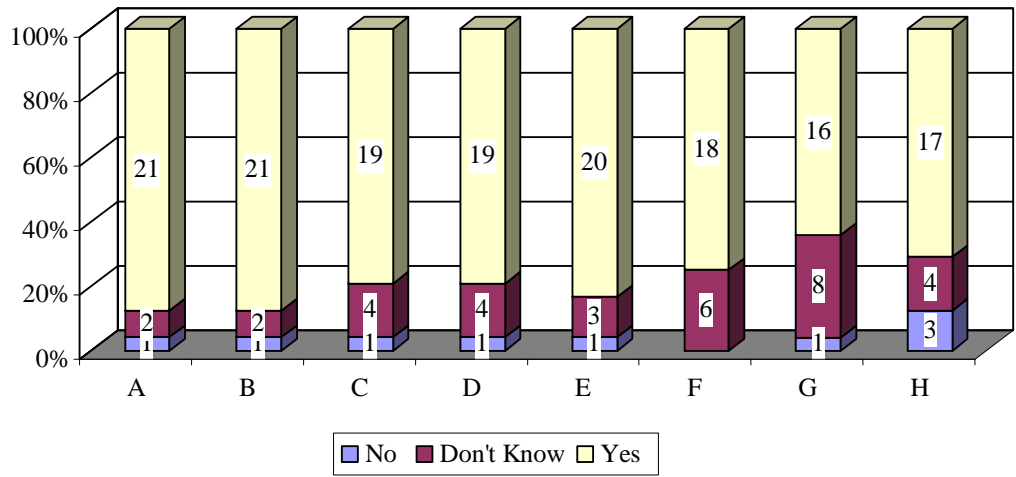
- 2008-2009 joint work programme
- Rules of procedure
- Agenda of 1st Social Dialogue Meeting, Brdo (Slovenia)
- Agenda of 2nd Social Dialogue Meeting, Brussels (Belgium)
- Agenda of 3rd Social Dialogue Meeting, Paris (France)
- Agenda of 4th Social Dialogue Meeting, Brussels (Belgium)
- Joint EU project on 'Improving trust in government through an effective Social Dialogue'
- Participation as observer at the third party violence at work conference, Brussels (Belgium), 14 March 2008
- Work programme of the Presidential Trio (France, Czech Republic and Sweden)
- Joint position on work-related stress

3.7 Figures 8-10 display that all recent decisions taken during the Test Phase within the EUPAN and TUNED structures and between EUPAN and TUNED were taken by consensus. While the internal coordination within TUNED appears to be more consensual compared to EUPAN, the Trio Presidential work programme – despite some divergence within EUPAN – was adopted by consensus.

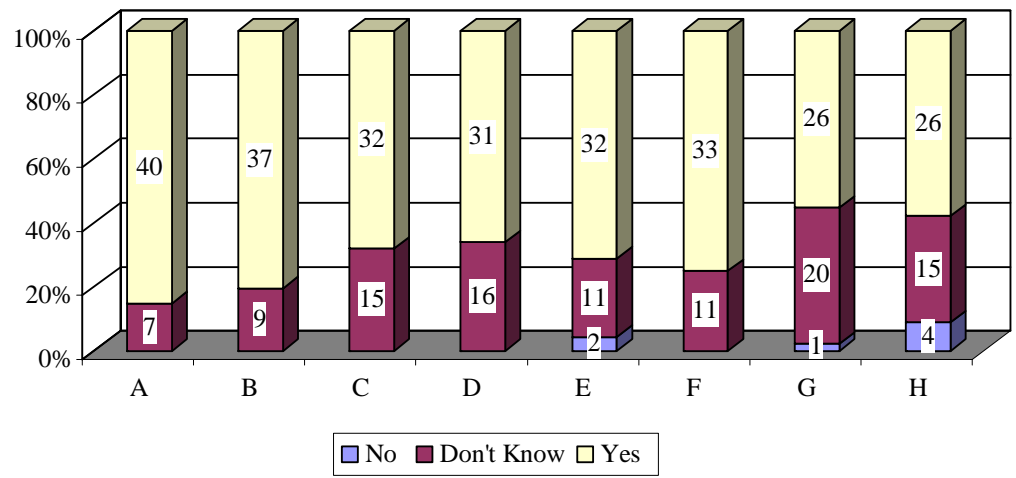
Figures 8-10. **Have recent decisions in the test phase been taken by consensus?**

- A: Work programme
- B: Rules of procedure
- C: Agenda of 1st Social Dialogue Meeting, Brdo (Slovenia)
- D: Agenda of 2nd Social Dialogue Meeting, Brussels (Belgium)
- E: Agenda of 3rd Social Dialogue Meeting, Paris (France)
- F: Joint EU project on 'Improving trust in government through an effective Social Dialogue'
- G: Participation as observer at the third party violence at work conference, Brussels (Belgium), 14 March 2008;
- H: Work programme of the Presidential Trio (France, Czech Republic and Sweden)

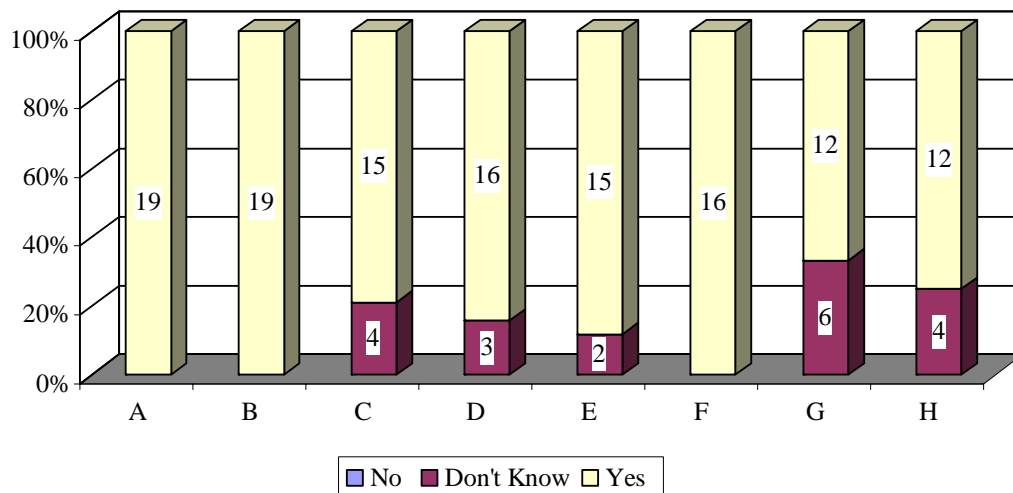
- among EUPAN members (Fig. 8)



- among TUNED members (Fig. 9)



- between EUPAN and TUNED members (Fig. 10)



“All decisions are now taken jointly [...]”
EUPAN member

“Yes, if consensus means that you collectively and actively take joint positions. There is a lack of participation from many countries and a severe lack of coordination on the employer side. I would say that there is a clear deficit on the employer side, leading to the fact that TUNED could dominate the stress issue for example.”
EUPAN member

ANALYSIS OF QUALITY OF RELATIONSHIPS WITH THE EUROPEAN COMMISSION

3.8 Interview and survey data imply that EUPAN and TUNED members have implemented an increasingly constructive dialogue with the European Commission since the start of the Test Phase.

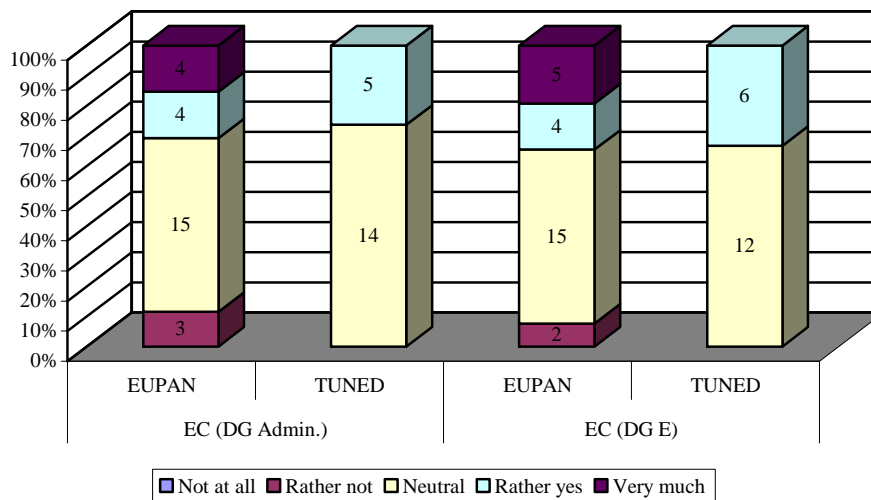
3.9 This positive finding is reflected in mainly three developments:

- Firstly, an increase of contacts between EUPAN/TUNED and the European Commission;
- Secondly, a relatively high level of satisfaction across EUPAN and TUNED members of the European Commission’s role during the Test Phase;
- Thirdly, a recent increase in active information sharing with EUPAN and TUNED on relevant European Social Dialogue issues.

INCREASE IN NUMBER OF CONTACTS

3.10 About 30% of EUPAN and TUNED members state that they have increased their contacts with the European Commission (see figure 11).

Figure 11. Has the relationship intensified between EUPAN/TUNED and the European Commission?



3.11 Figure 11 also shows that this relatively high number is independent from the differentiation offered between DG Personnel and Administration and DG Employment, Social Affairs and Equal Opportunities. This is surprising given that DG Employment has only been taking part in Social Dialogue Working Group Meetings since the 2008 summer recess. This leads to the conclusion that EUPAN and TUNED members are not yet differentiating well between both DGs.

3.12 However, the European Commission is not one unitary actor – particularly not during the Social Dialogue Test Phase for central public administrations. The European Commission is acting at the same time as employer and facilitator. While DG Administration constitutes the “28th employer representative” within the informal EUPAN network, it is DG Employment that facilitates and observes Social Dialogue activities at the European level. Nevertheless, until now it has been rare to find both DGs represented in a Social Dialogue Working Group Meeting – as observer/facilitator *and* employer representative.

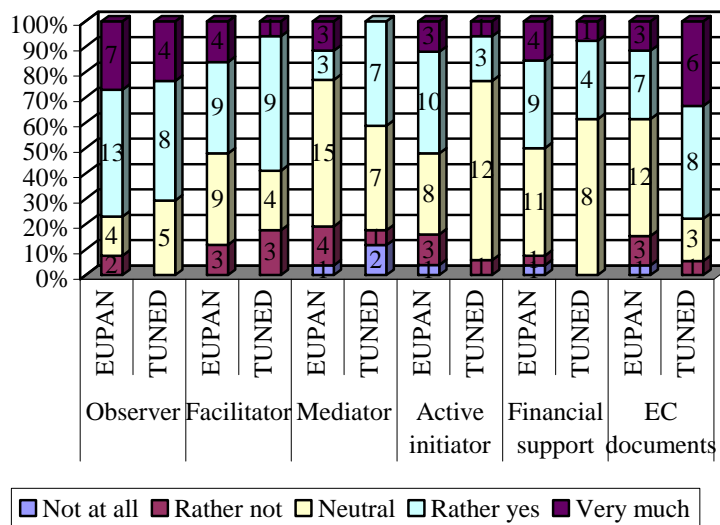
„With DG Administration one can feel the role conflict.”

EUPAN member

OBSERVER AND FACILITATOR

3.13 A majority of EUPAN and TUNED members consider the European Commission to fulfil its role as observer and facilitator fully, but are rather neutral when it comes to the European Commission’s role as mediator (see Figure 12). During the 4th Social Dialogue Meeting in Brussels under the French Presidency, the European Commission in particular (both DG Administration and Personnel and DG Employment, Social Affairs and Equal Opportunities) was actively sharing relevant information on European Social Dialogue-related issues.

Figure 12. Does the European Commission so far fulfil its role?



3.14 While the European Commission’s financial support is not fully recognised by all members of the two delegations either, the European Commission is seen more as a silent participant in Social Dialogue Meetings, rather than an active mediator triggering different opinions between TUNED and EUPAN members. Whereas EUPAN welcomes the European Commission’s conscious “passive role”, TUNED interview partners would prefer to see the European Commission play a more active role in the future.

“Until now there is no need of a stronger relation with the Commission.”

EUPAN member

“The Commission is doing a great job. I consider her rather passive attitude in a positive way. She leaves the social partners with room to manoeuvre, which they need in order to hopefully find to each other.”

EUPAN member

“This is all the European Commission can possibly do.”

EUPAN member

“DG Employment should become more active.”

TUNED member

ANALYSIS OF QUALITY OF RELATIONSHIP WITH OTHER ACTORS

3.15 It is noteworthy that EUPAN and TUNED members’ quality of relationships with other actors of European Social Dialogue have also improved.

“[...] but it goes even beyond TUNED and the Commission. [...] I have much more frequent contacts with other European and national actors.”

EUPAN member

3.16 Both, EUPAN and TUNED systematically increased their contacts with their national counterparts. Figure 13 displays a considerable share of 60% on both sides.

“I could have probably intensified my contacts with other actors on the European level. But, actually, I was more interested in the stakeholders on the national level, which I do speak to more often now.”

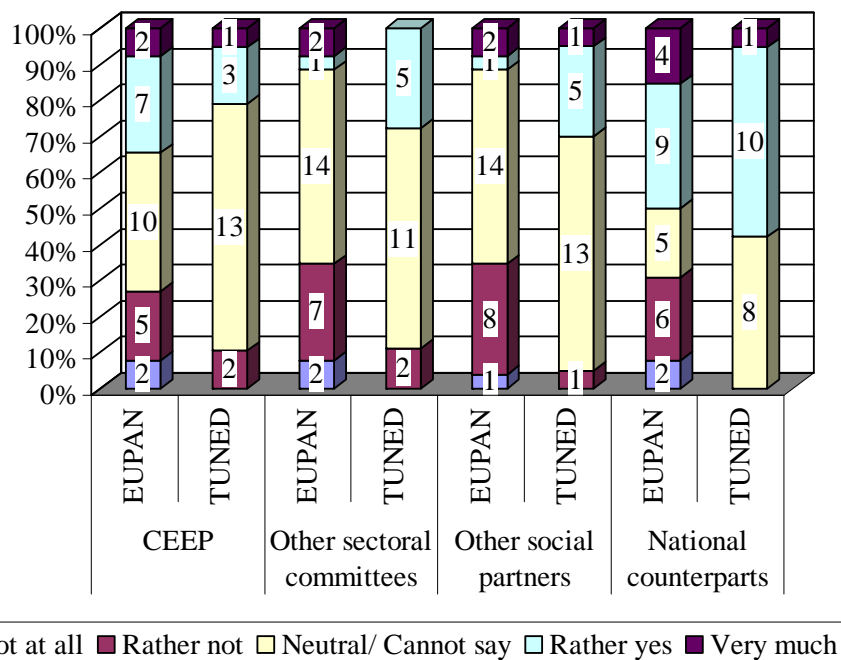
EUPAN member

3.17 However, figure 13 also illustrates that the focus of employers and trade union representatives has differed. EUPAN members mainly increased their contacts with CEEP, the European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest. On the contrary, TUNED representatives have mainly increased their contacts with other sectors and European social partners.

“I think our relationship with CEEP is ambiguous, as is their role in this work. Are they being helpful? I am not sure!”

TUNED member

Figure 13. In your opinion, have your relationships with the following stakeholders intensified since the start of the Test Phase?

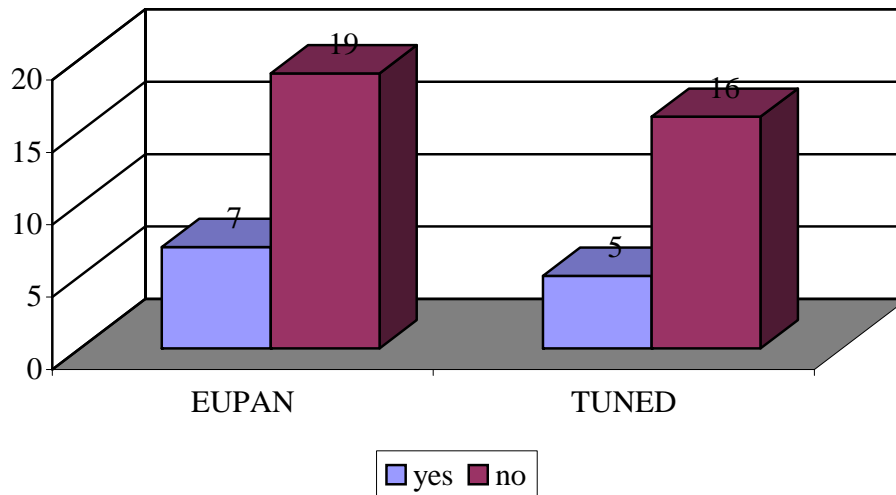


“The discussions with the national counterparts have changed. Contacts with the national TUNED delegate has increased, contacts with the other union representatives have decreased somewhat [...].”

EUPAN member

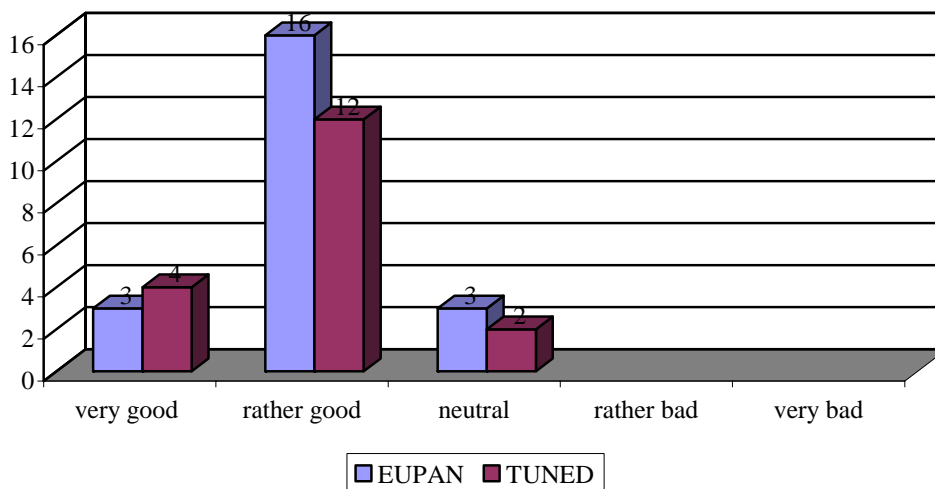
- 3.18 In this respect, the participation in the cross-sector workshop on “Third Party violence at work” in Brussels on 12 March 2008 is noteworthy. Organised by the European Commission (DG Employment, Social Affairs and Equal Opportunities) and in cooperation with four Sectoral Social Dialogue Committees (local and regional government, hospitals, commerce and private security), the aim was to exchange specific country/sectoral examples to complement the Cross-Sectoral Autonomous Agreement on Violence and Harassment at Work (see Appendix A.5). Three sectors – central public administration, electricity and education – were invited as observers to the workshop.
- 3.19 Overall, this workshop on Third Party violence at work was a good opportunity for EUPAN and TUNED members to establish and strengthen contacts with other stakeholders in European Social Dialogue. In total, twelve members of EUPAN and TUNED attended the workshop (see figure 14).

Figure 14. **Involvement in Social Dialogue-related activities: Cross-sectoral Social Dialogue conference on “Third Party Violence at Work” in Brussels on 14 March 2008**



3.20 Those attending the Third Party violence at work workshop considered the experience to be “very good”. Figure 15 displays the overall positive evaluation of the workshop by EUPAN and TUNED members, which, next to an increased number of contacts with other stakeholders in European Social Dialogue, consequently informed further discussions around the broader issue of “violence and harassment at work and work-related stress” in the subsequent Social Dialogue Working Group Meetings under the Slovenian and French Presidencies (see also DG resolution 2008, Brdo, Slovenian Presidency).

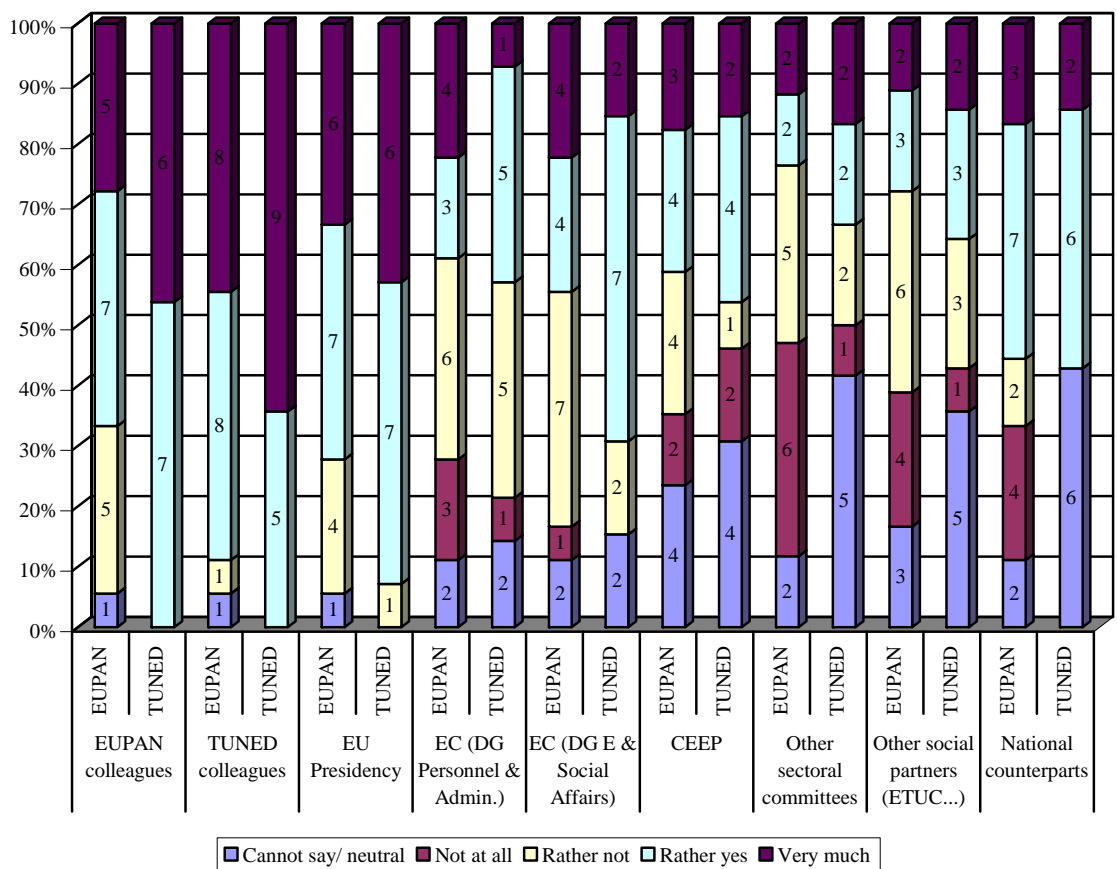
Figure 15. **Evaluation of participation in cross-sectoral Social Dialogue conference on “Third Party Violence at Work”**



CONCLUSION

3.21 In order to assess the quality of relationships between stakeholders in the Social Dialogue Test Phase, the evaluation examined relations between EUPAN and TUNED; between EUPAN/TUNED and the European Commission; and between EUPAN/TUNED and other actors in the European Social Dialogue. The analysis revealed much progress in improving the quality of relationships, as highlighted below:

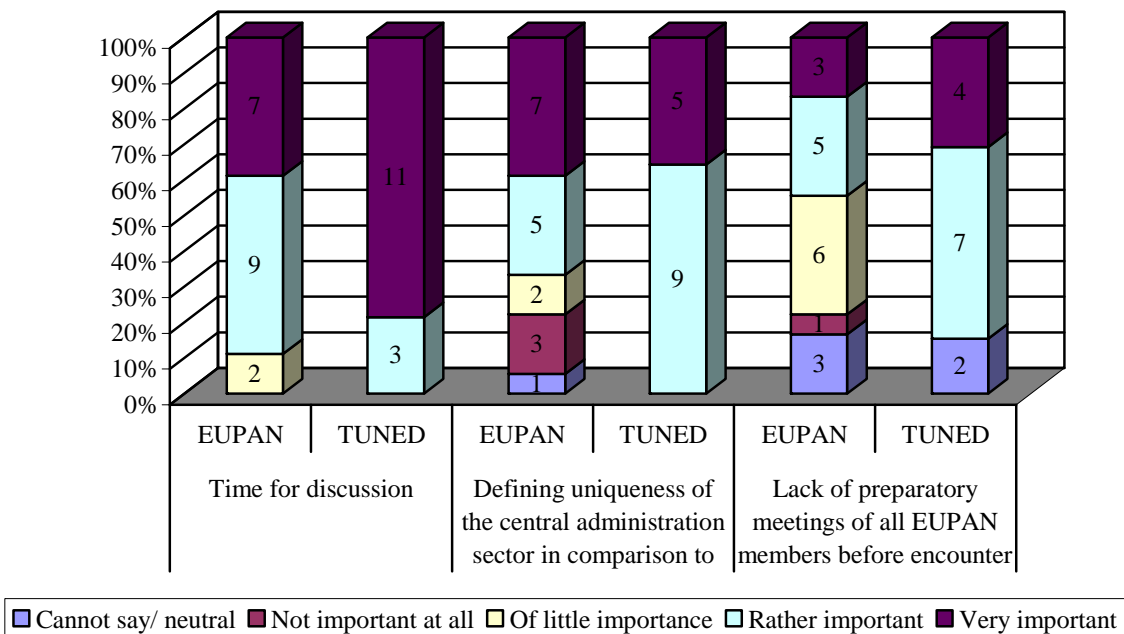
Figure 16. **In your opinion, have your relationships with the following stakeholders intensified during the French Presidency?**



3.22 Overall, employers and trade union representatives have succeeded in implementing an increasingly constructive dialogue. In total, 81% of the stakeholders state that the quality of the relations between them has improved over the last year. This is mainly attributed to three developments: the intensification of contacts between EUPAN and TUNED (> 60%), the considerable improvement of the level of trust (> 80%), and the adoption of joint decisions by consensus. While the internal coordination within TUNED appears to be more consensual compared to the informal EUPAN network, the Trio Presidential work programme – despite some divergence within EUPAN – was adopted by consensus.

- 3.23 As regards relations with the European Commission, views are also positive. Contacts have intensified, both among EUPAN *and* TUNED members (> 30%). Furthermore, the European Commission has recently become more actively involved by informing EUPAN and TUNED members about relevant developments on European Social Dialogue topics.
- 3.24 Employer and trade union representatives have also intensified their relationships with other actors of Social Dialogue; whereas contacts with the *national* counterparts have systematically increased, both among EUPAN and TUNED members (> 60%). However, there appears to be different approaches with regard to other European Social Dialogue actors. While EUPAN members have strengthened their contacts with CEEP (38%), TUNED members have focused on closer relationships with Sectoral Social Dialogue Committees (32%). Both the participation in the cross-sector workshop on third party violence at work under the Slovenian Presidency, and the interventions by CEEP in the 3rd and 4th Social Dialogue Working Group Meetings under the French Presidency have facilitated this positive development.
- 3.25 Notwithstanding this progress, EUPAN and TUNED members have identified a certain number of challenges as regards their mutual relations.
- 3.26 Despite the perceived improvements in relationships with partners in the Test Phase, European Social Dialogue is a lengthy and time-intensive process, and is not an end in itself. It is an instrument to promote social partners' goals and interests in a specific sector, based on respectful contacts between stakeholders. In order to achieve progress in certain specific substantive areas, the building of trust between parties is essential. More than 60% of EUPAN and TUNED members have identified this aspect as one of the key challenges with regard to the quality of relationships between stakeholders of the Social Dialogue Test Phase. Other key challenges identified by EUPAN and TUNED members include (for data see Appendices C.1 and C.2):
- Need to increase knowledge about European Social Dialogue
 - Need to increase commitment by social partners
 - Representativeness of employers' and trade union representatives
 - Diversity of national industrial relation systems
 - Different levels of skills in delegations (language, group management, negotiation, diplomatic skills etc.)

Figure 17. How would you assess the key challenges in the European level relationship between EUPAN and TUNED?



3.27 While the European Commission’s role as observer and facilitator is widely appreciated by EUPAN and TUNED members alike, these actors have different views about the European Commission’s level of activism. Whereas some TUNED members would like the European Commission to become more involved as policy initiator, most members of EUPAN welcome the European Commission’s current “passive role”. Furthermore, the European Commission is not a unitary actor: in the Social Dialogue Test Phase it acts simultaneously as employer (DG Personnel and Administration) *and* as facilitator (DG Employment, Social Affairs and Equal Opportunities). Being a player and subject of this Test Phase makes its role somewhat ambivalent.

Chapter 4: *Appropriateness and efficiency of structures* - To what extent are these structures appropriate for achieving the employers' objectives and improving efficiency?

INTRODUCTION

4.1 This chapter addresses the third component of the evaluation's question: the appropriateness and efficiency of structures - *to what extent do the structures improve efficiency and are appropriate for achieving the employers' objectives?* For this purpose, the report identifies and measures two classic evaluation concepts: appropriateness and efficiency. The section is structured as follows:

- **Appropriateness of structures:** This refers to the quality being in line with EUPAN's initial objectives to have a Test Phase of an "enhanced form of Social Dialogue for central public administrations"
- **Efficiency of structures:** This refers to the processes by which EUPAN works, across all aspects of its operations. It covers matters of governance, work organisation, support systems planning and procedures, awareness of cost factors, financial management, and avoidance of dysfunctional procedures. Are the resources deployed in a rational manner, based on an analysis of the tasks and priorities? Are there bottlenecks in the system?

APPROPRIATENESS OF STRUCTURES

OBJECTIVES

4.2 Evaluating the causal relationship between the objectives of the Test Phase and the resources put into place to reach those aims, one needs to recall the Test Phase's core goals. Under the 2007 German Presidency, when Ministers passed the so-called "Action Plan on Social Dialogue", the attempt was launched (and further developed under the consecutive Portuguese Presidency) to set up a two-year Test Phase for an "enhanced form of informal Social Dialogue" to explore topics and work forms of formal Social Dialogue. The aim of the Test Phase would be to reshape exchanges between EUPAN and TUNED by informally experimenting new forms of relations between them, similar to those in Sectoral Social Dialogue Committees.

4.3 In a nutshell, the core objectives of the Test Phase are mainly three-fold:

- Information about European Social Dialogue;
- Experimenting new forms of relations between stakeholders, similar to those in Sectoral Social Dialogue Committees; and
- Exploring topics of Social Dialogue with operational and concrete outcomes.

- 4.4 This set of objectives is also reflected and further developed by some respondents. Their expectations with regard to the Social Dialogue Test Phase for central public administrations can be grouped into short- and long-term expectations (see Table 1).

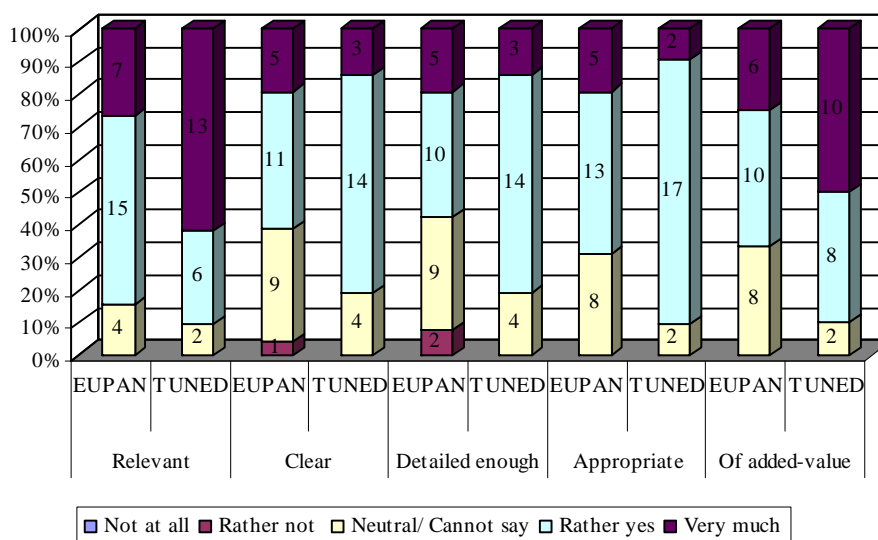
Table 1. **Short- and long-term expectations**

Short-term expectations	Long-term expectations
1) Better understanding of European Social Dialogue/ Sectoral/ Cross-Industry Social Dialogue	1) Initiation of national Social Dialogues based on European experience (top-down approach)
2) Improved form of Social Dialogue for central public administrations (building trust amongst stakeholders)	2) Early warning system for national actors on European initiatives
3) Exchange of information, experiences and understanding of European and national actors' motivations and strategies	3) Reflection of national experiences of Social Dialogue to the EU level (national experiences as a benchmark for EU level; bottom-up approach)

APPROPRIATENESS - Objective 1: Exploring work forms of formal Social Dialogue

- 4.5 In light of exploring work forms of formal Social Dialogue it was most suitable to follow the European Commission Decision 98/500/EC by adopting rules of procedure and a 2008-2009 joint work programme at the end of the Portuguese Presidency in order to launch the two-year Test Phase as of 1 January 2008.
- 4.6 When asked whether the three chosen themes for the 2008-2009 work programme are appropriate, relevant, clear, detailed enough, and of added-value, both, EUPAN and TUNED members are mainly supportive (see figure 18). Both camps clearly see the relevance and added value of the chosen topics.

Figure 18. Do you think that the themes chosen for the work programme are ...?



4.7 The Trio Presidential programme has been a logical follow-up to the 2008-2009 joint work programme and therefore very suitable for the Test Phase’s objectives as it is *operational*.

4.8 Furthermore, it is noteworthy that the Trio Presidential programme succeeded in linking the relevant issues with the previously adopted 2008-2009 joint work programme and other initiatives at the European level. While “work-related stress” relates to third party violence and harassment at work and to an existing European joint cross-industry framework agreement in the field, “anticipation of change”, on the other hand, is linked to EUPAN’s joint orientation document on managing change and its social consequences of October 2003; the issue of sustaining efficient administration, flexibility and Lisbon agenda; and to the 2005 European Commission communication on corporate restructuring.

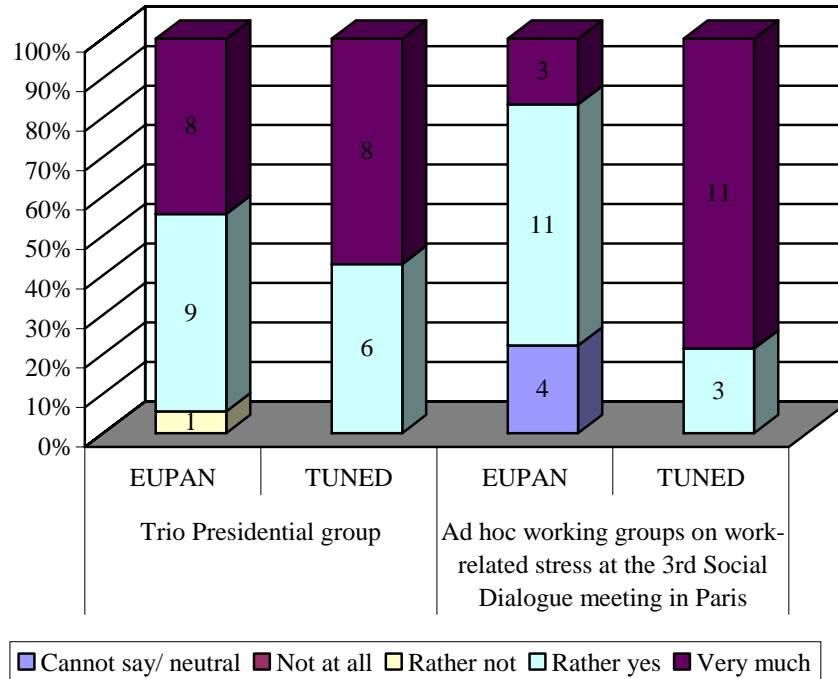
“Now one can plan ahead the work for the next two years [...], before everything was ‘last-minute’ [...] and ad-hoc [...].”
EUPAN member

“Topics are interesting, but are not on the political agenda in civil service in my country”.
EUPAN member

“These themes are crucial to national administrations (because of the rate of reforms) and to Social Dialogue. They also link in with the EU social agenda.”
TUNED member

4.9 With regard to the appropriateness of the Trio Presidential group and the Ad-hoc working groups on work-related stress at the 3rd Social Dialogue Meeting in Paris, figure 19 shows that EUPAN and TUNED consider them to be appropriate. With only one exception on the EUPAN side, both delegations are overall supportive.

Figure 19. According to yourself, how appropriate are the following structures and their functions?



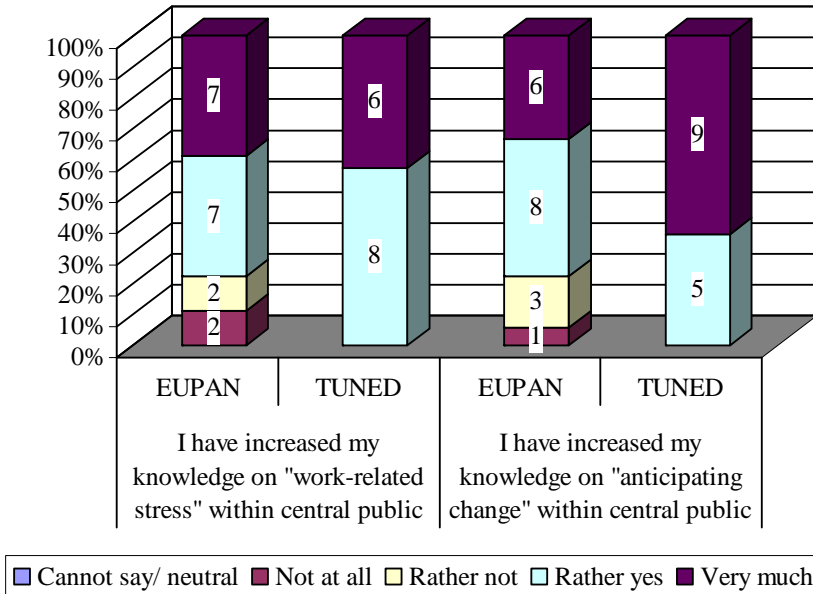
“The trio model has so far proven to be good, as it gives time to work in depth on selected subjects. However, it may also require some particular measures in order to ensure appropriate continuity to future work.”
TUNED member

“The Trio Presidential group is an efficient work model for a project of this type as it allows for a continuity of focus.”
EUPAN member

“[...] It would have been even better though if the group was a quintet including Slovenia and Spain.”
EUPAN member

4.10 Furthermore, knowledge about the two chosen topics has been further improved. Whereas TUNED members are systematically more positive, a critical group of EUPAN members questions this effect.

Figure 20. How would you evaluate the appropriateness of the Social Dialogue Test Phase on a personal level?



APPROPRIATENESS - Objective 2: Experimenting new forms of relations between stakeholders, similar to those in Sectoral Social Dialogue Committees

POLITICAL COMMITMENT

4.11 In the past, EUPAN members had already agreed on several occasions that Social Dialogue for central public administrations is a good thing for sharing information and discussing with trade unions issues of common concern to EUPAN (see Annex Council resolutions on Social Dialogue; UK, 2006). In terms of new forms of relations between stakeholders, current interview data show that this previously expressed political commitment across EUPAN and TUNED members has been further strengthened.

4.12 Both EUPAN and TUNED members show broad support (see figures 21-22) and clearly see an added value of the Test Phase's changes. While TUNED members (Figure 22) are systematically more positive in their attitudes, EUPAN delegations see an added value particularly in areas such as shared values, mutual learning and exchange of good practices. Other areas only find little EUPAN support (content, European bargaining area, influence on European social policies) (Figure 21).

Figure 21. Is there added value of the Social Dialogue Test Phase for the EUPAN network in the following areas?

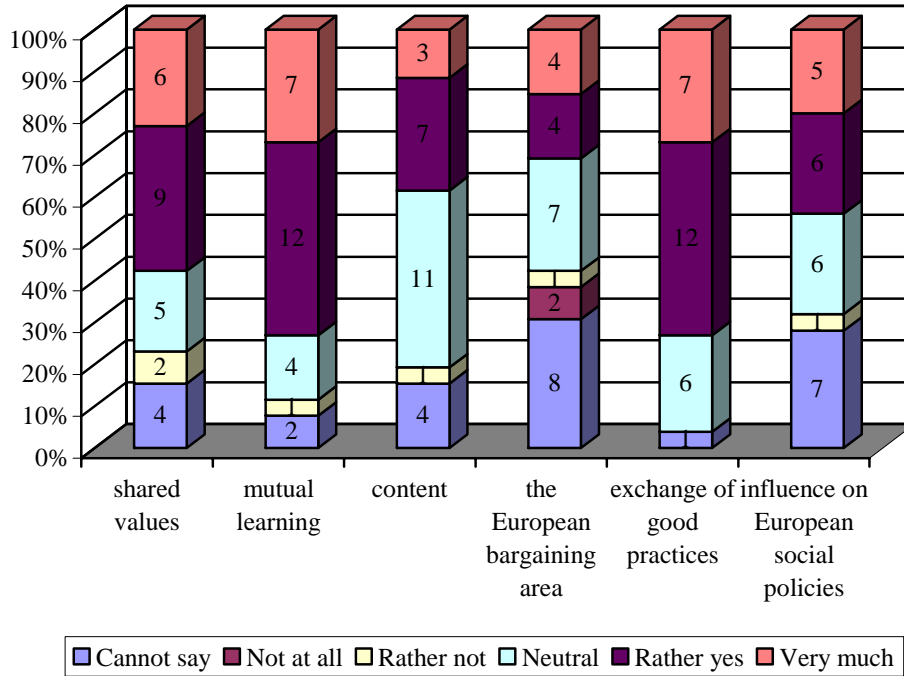
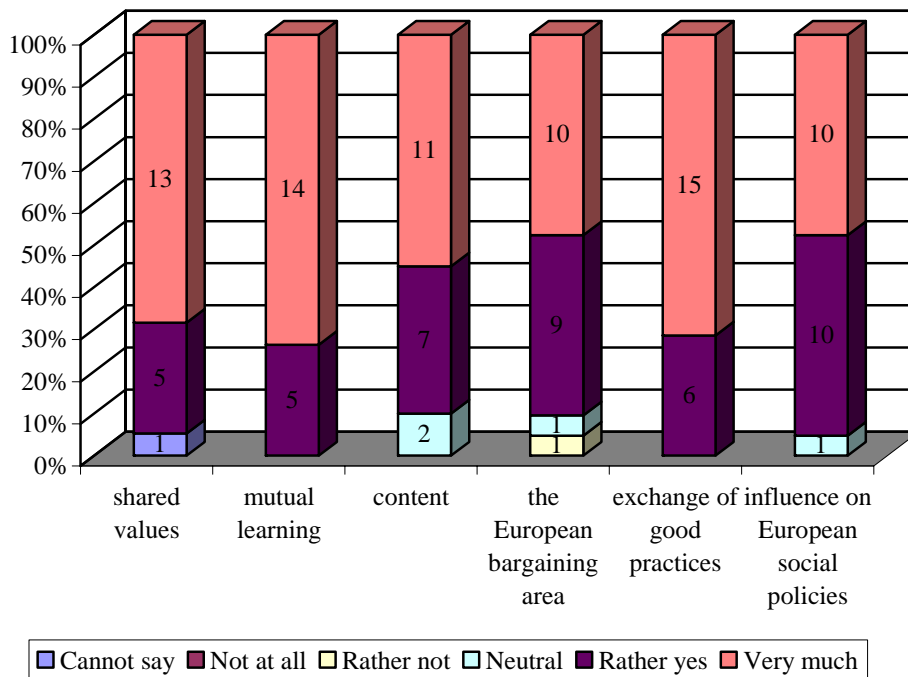


Figure 22. Is there added value of the Social Dialogue Test Phase for TUNED in the following areas?



INCREASED KNOWLEDGE OF EUROPEAN AND NATIONAL SOCIAL DIALOGUES

4.13 Furthermore, a perceived increase in knowledge about various aspects of European Social Dialogue is apparent (Figure 23 and 24). This illustrates the appropriateness of chosen work forms for the Test Phase. Figure 23 displays that more than 80% of EUPAN and TUNED members have increased their knowledge about and interest in European Social Dialogue in general.

“Member States can see now how Social Dialogue works and whether this might be interesting for them [...]”.

EUPAN member

Figure 23. I have increased my...

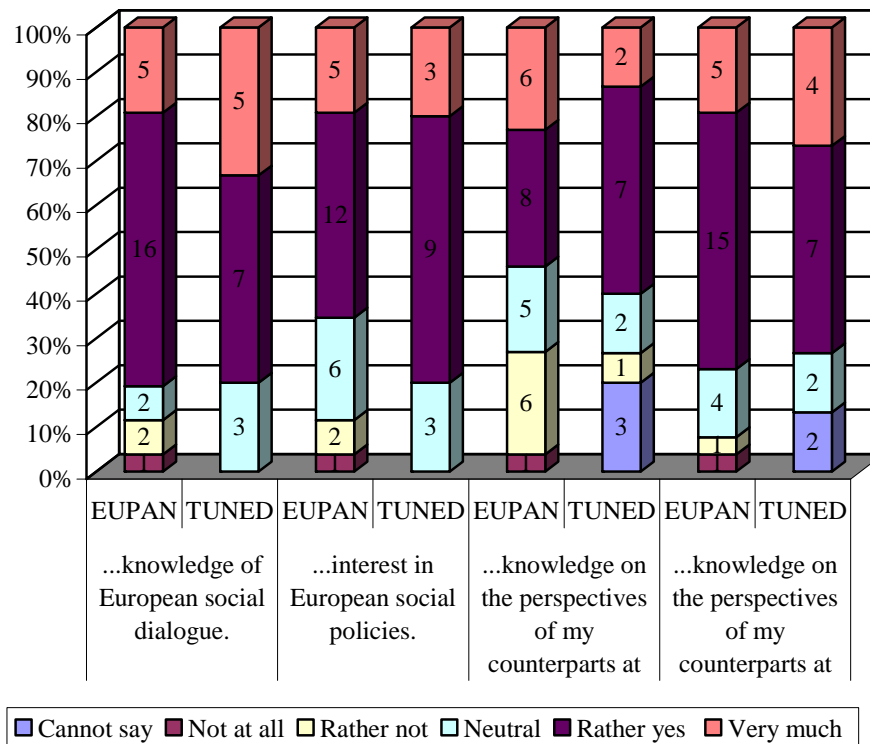
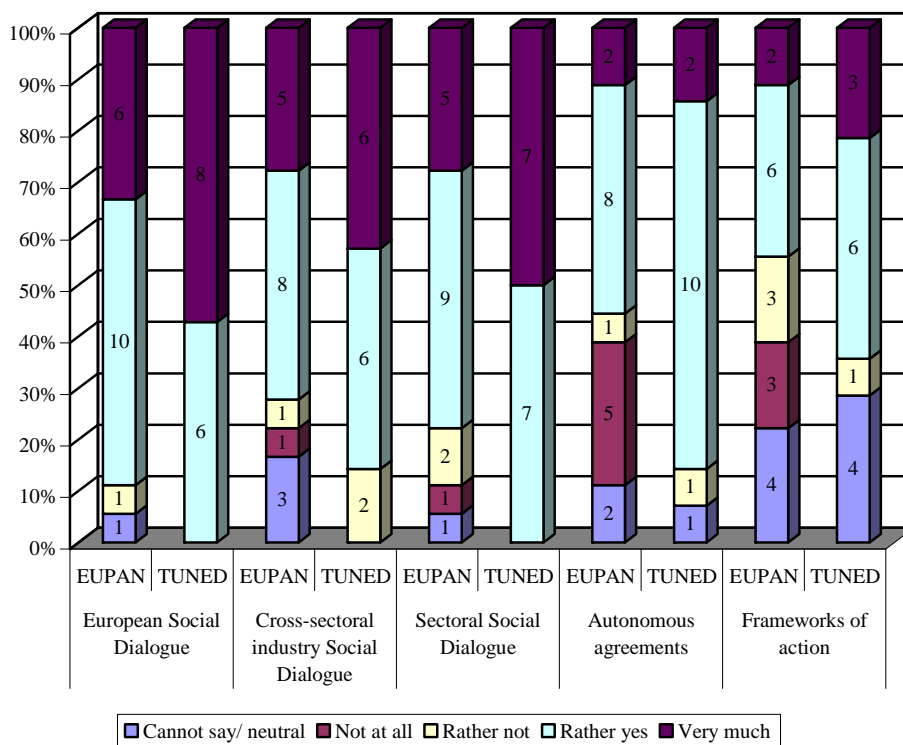


Figure 24. In your opinion does the Test Phase have a positive influence on awareness building with regard to European social policy instruments, such as...?



4.14 Figure 23 also illustrates that the Test Phase has been very suitable in increasing EUPAN and TUNED members’ knowledge on the perspectives of their European and national counterparts.

4.15 In this respect, the participation in the Cross-Sector Workshop on third party violence at work, in Brussels on 12 March 2008 was very suitable for increasing knowledge on the functioning of European and national level Social Dialogues in areas that are similar to the central public administration sector, and for familiarising themselves with a ‘formal Social Dialogue’ at the European level; moreover, on an issue with concrete relevance to central public administrations. Clearly linked to the then upcoming Trio Presidential programme, a group of 12 representatives followed the invitation to Brussels, for which all travel expenses were covered by the European Commission (DG Employment, Social Affairs and Equal Opportunities).

“This was an excellent opportunity to meet actors from other sectors and to exchange our experiences with European Social Dialogue [...] together with my colleagues from EUPAN”

TUNED member

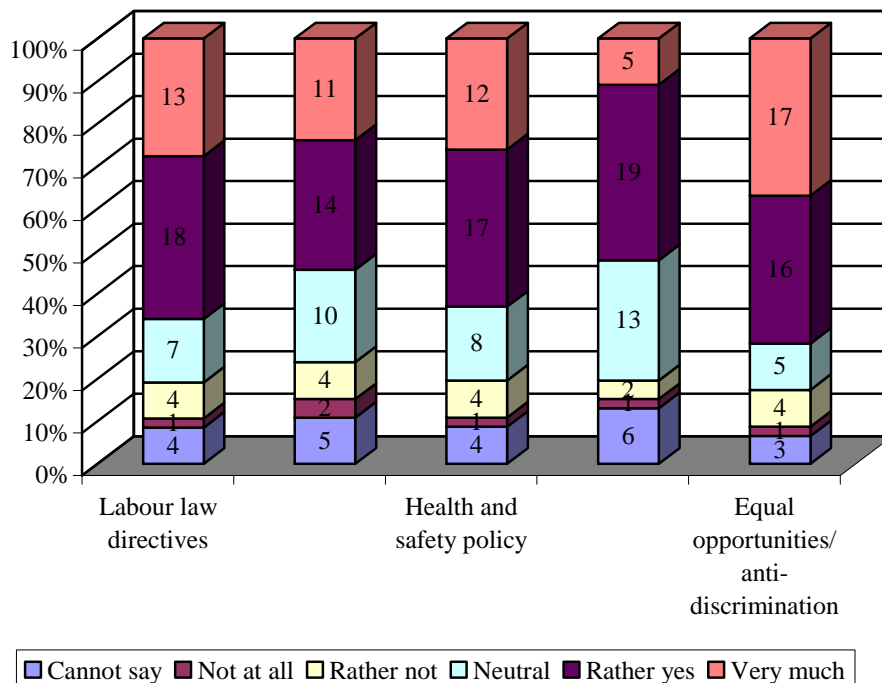
AWARENESS BUILDING OF EUROPEAN SOCIAL POLICY LEGISLATION

4.14 Another indicator for the relatively high level of appropriateness for achieving the Test Phase's second objective is related to the improved awareness-building with regard to European social policy legislation more generally. As figures 25 displays, the "soft" Social Dialogue Test Phase has succeeded in building and raising awareness with regard to "hard" European social policy issues. More than 60% of EUPAN and TUNED members have learnt about broader European social policies, such as labour law directives, the employment strategy, health and safety policy; issues of social inclusion and protection, equal opportunity and anti-discrimination. The "new EUPAN members" especially, who joined the informal network in 2004, profited from the Test Phase by learning more about "Social Europe".

"Of course I knew what Directives there are, but I hardly new anything on Social Dialogue before I joined the network. I, finally, discovered what they always mean by "Social Europe". I think that European Social Dialogue is an important component of "Social Europe". [...] it will take some time before this will work on the national level in my country [...]"

EUPAN member

Figure 25. Does the Test Phase have a positive influence on awareness-building with regard to European social policies, such as...?



APPROPRIATENESS – Objective 3: Exploring topics of formal Social Dialogue.

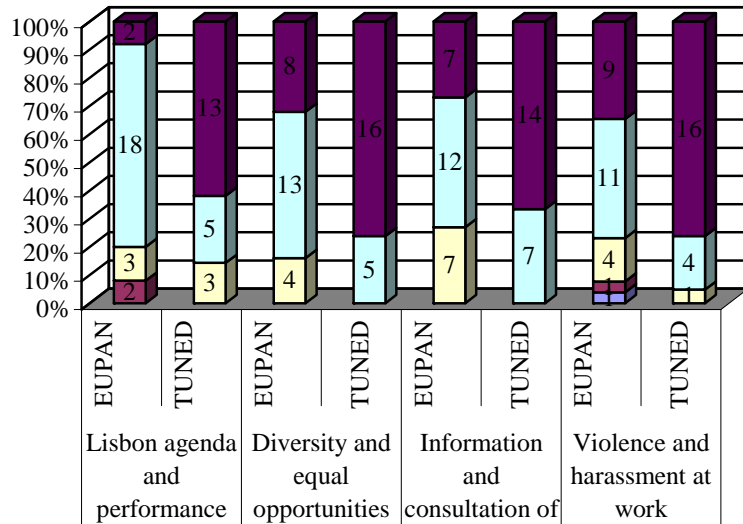
4.15 The range of topics to be discussed between social partners in a European Social Dialogue is predetermined by Article 137 TEC (see Annex A.2 for full text). Selecting *appropriate* topics for the Social Dialogue Test Phase is an important objective. The more specific and clearer the issues (i.e. the closer the intersection with Art. 137 TEC), the greater the autonomy of EUPAN and the more robust the boundaries between the other policy areas discussed within the informal network (such as Human Resources).

4.16 Basically, all suggested topics for the Test Phase find support across EUPAN and TUNED members. However, most of the proposed topics go far beyond the boundaries of Art. 137 TEC. Figures 26-29 illustrate that Art. 137 TEC topics (such as information and consultation; violence and harassment at work; protection of employees in the workplace; working conditions; education and training), as well as non-Art. 137 TEC topics (diversity and equal opportunities; ethics and prevention of corruption; Lisbon agenda and performance management; restructuring public service reform; pension and demographic change; efficient allocation of competencies; flexicurity; mobility), find a high level of support from more than 60%/50% of members. Only wage policy has been considered less important by the majority of all members.

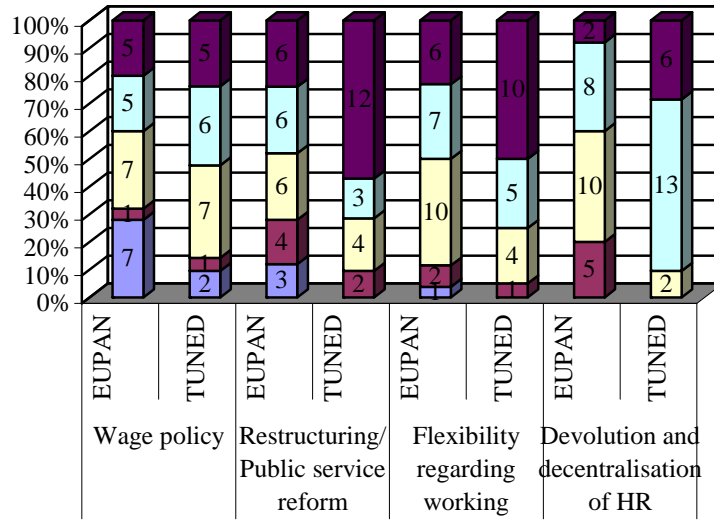
“Everything that does not hurt – except for wages, this hurts.”

TUNED member

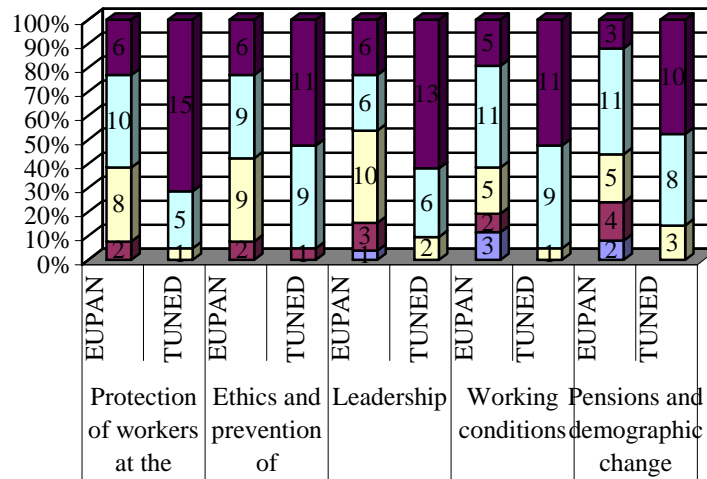
Figures 26-29. As regards which topics do you think that Social Dialogue between EUPAN and TUNED is important?



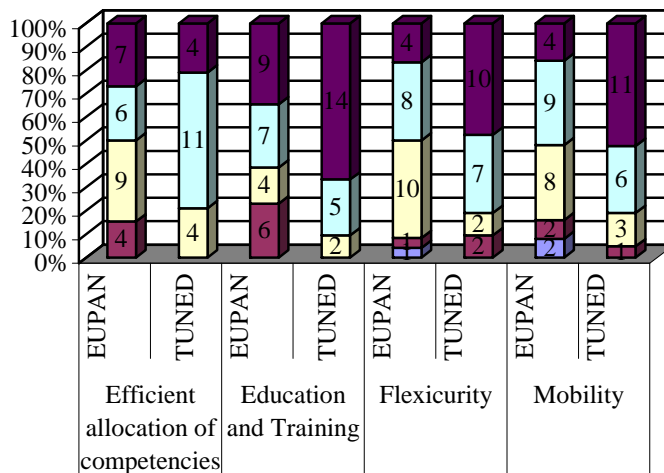
■ Not important at all ■ Of little importance ■ Neutral/ cannot say ■ rather important ■ very important



■ Not important at all
 ■ Of little importance
 ■ Neutral/ cannot say
 ■ rather important
 ■ very important



■ Not important at all
 ■ Of little importance
 ■ Neutral/ cannot say
 ■ rather important
 ■ very important



■ Not important at all
 ■ Of little importance
 ■ Neutral/ cannot say
 ■ rather important
 ■ very important

CONCLUSION: APPROPRIATENESS OF STRUCTURES

- 4.17 Structural changes in the first year have generally succeeded in meeting the specific objectives of the Test Phase, namely:
- exploring practices of formal Social Dialogue;
 - experimenting with new forms of relations between stakeholders, similar to those in Sectoral Social Dialogue Committees; and
 - exploring topics of formal Social Dialogue.
- 4.18 The organisation of the process has been adequate: rules of procedure follow the good practice of other Sectoral Social Committees and the European Commission’s Decision 98/500/EC; the 18-month Trio Presidential work programme is clearly linked with the joint 2008-2009 work programme and relevant activities at European and national levels. Interview data from EUPAN and TUNED members also show that the two chosen themes, “work-related stress” and “anticipation of change”, are relevant, clear, detailed, of added value *and* appropriate.
- 4.19 Both EUPAN and TUNED members are committed to the Test Phase, agreeing that Social Dialogue for central public administration is an appropriate tool for sharing information and discussing issues of common concern. More than 80% of EUPAN and TUNED members have increased their knowledge about and interest in European Social Dialogue. In this respect, participation in the cross-sector workshop on third party violence at work during the Slovenian Presidency proved to be very suitable. In particular, EUPAN and TUNED members together have been able to increase their knowledge on the perspectives of their European *and* national counterparts. Over 60% of EUPAN and TUNED members have learnt about broader European social policy legislation beyond the Test Phase experience of Social Dialogue, such as: labour law directives; health and

safety policy; issues of social inclusion and protection; equal opportunities and anti-discrimination.

- 4.20 The analysis also identified a number of areas in which the appropriateness of structures could be enhanced:
- 4.21 The selection of appropriate topics is a very important area. Closely connected with the form of Social Dialogue, special attention needs to be paid to the selection of topics based on in-depth discussions amongst EUPAN members and with TUNED delegates. The more specific and clearer the issues (i.e. the closer the intersection with Article 137 TEC), the greater the autonomy of EUPAN. However, non-Article 137 TEC topics also find widespread support among EUPAN and TUNED members (> 50%), which broadens the set of relevant issues and dilutes the boundaries between other policy areas discussed within EUPAN (such as Human Resources).
- 4.22 Mobility issues, flexicurity and the Lisbon Agenda (performance management, efficiency, competitiveness, attractiveness and effectiveness of public services), which currently have wide support among EUPAN and TUNED members, are not covered by Article 137 TEC.

EFFICIENCY OF STRUCTURES

- 4.23 To evaluate efficiency of the structures, this section is divided into three parts. While the first part focuses on the Test Phase's degree of success by assessing the output produced so far, the second and third parts assess the efficiency of the new work forms between the stakeholders and institutional changes within the EUPAN network structure,.

EFFICIENCY IN TERMS OF OUTPUT

GENERAL INTRODUCTION

- 4.24 Before we present and analyse the output of the Test Phase in more detail, it is appropriate to briefly grasp the entire possible spectrum of outputs of Social Dialogue at the European level.
- 4.25 European Social Dialogue is given solid institutional recognition in the European Treaties (for a brief historical overview see Appendix A.1). Articles 137-139 TEC differentiate between mainly two outputs of European Social Dialogue:
- consultation on European Commission activities; and
 - adoption of instruments.
- 4.26 In terms of consultation, the European Commission has to consult the social partners of their views before submitting a proposal in the social policy field (Art. 137 TEC). With regard to the adoption of instruments, the following hierarchical ranking of the measures adopted by European Social Dialogue Committees can be distinguished:
- agreements implemented in accordance with 139(2)
 - process-oriented texts
 - joint opinions and tools
 - follow-up reports

4.27 The production of documents within the European Social Dialogue legal framework is mixed. Table 2 summarises the output of European Social Dialogue Committees between 1999-2007, following the hierarchical ranking of measures proposed by the European Commission. Despite “general wisdom”, the data show that “binding” documents represent only 2% of the total output of the last ten years. Almost half of the total produced between 1999-2007 consists of “non-binding” common positions.

Table 2. Number of documents per type adopted by Social Dialogue committees between 1999- 2007

Number of documents per type (1999 – 2007)	
Common position	116 (48%)
Declaration	55 (23%)
Tool	45 (19%)
Recommendations	20 (8%)
Agreements	5 (2%)
Total	241

Source: European Foundation for the Improvement of Living and Working Conditions.

OUTPUT OF SOCIAL DIALOGUE TEST PHASE FOR CENTRAL PUBLIC ADMINISTRATIONS

4.28 Compared to the output generated by European Social Dialogue Committees in previous years and in particular to the pre-Test Phase period, the Social Dialogue Test Phase for central public administrations has proven very productive. Whereas consultations by the European Commission have been relatively rare, the first twelve months of the Test Phase have generated a set of activities. The output generated during the first year of the Test Phase is comparable to the three benchmarked sectors (see Appendix D.7).

4.29 Whereas EUPAN and TUNED agreed early in 2008 not to provide any input to the second stage consultation of European social partners on the revision of 94/45/EC on European Works Councils in accordance with Article 138 TEC, during the French Presidency, both showed interest in considering a participation in the consultation procedure, which concerns the European Commission’s new Communication on the future of the European Social Dialogue (amending European Commission Communication 98/500/EC). The consultation process would consist of a dense questionnaire sent to all actors of European Social Dialogue (including questions on Social Dialogue test phases).

4.30 In terms of common output, the Test Phase has produced two key activities, whose efficiency will be assessed in the following:

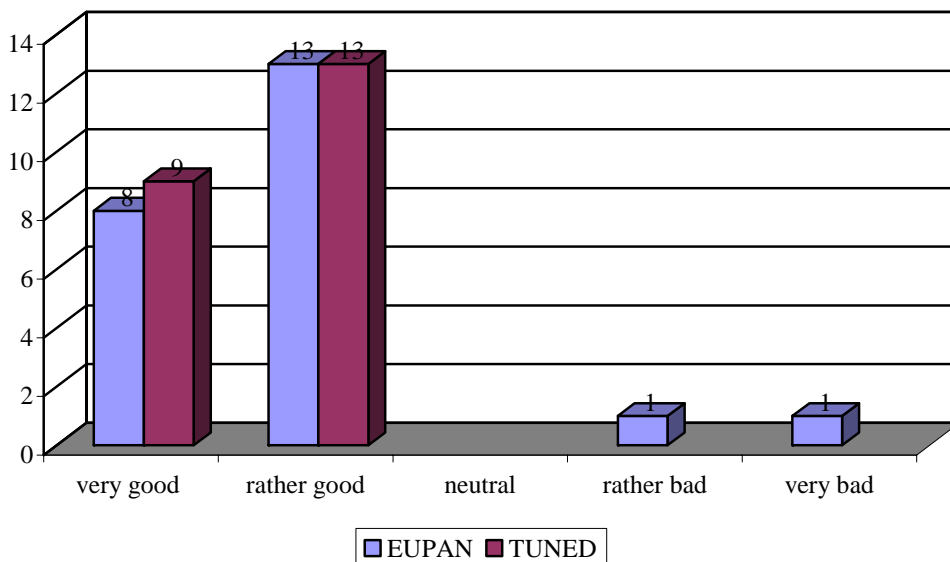
- Application for EU Project on “Improving trust”
- Joint position on “work-related stress”

EU JOINT PROJECT ON “IMPROVING TRUST”

4.31 Under the Slovenian Presidency, EUPAN and TUNED agreed to apply for a joint EU funded project. In a relatively short period of time, both delegations together submitted their project “Improving trust in central government administration through effective Social Dialogue”, which was eventually approved by the European Commission (DG Employment, Social Affairs and Equal Opportunities) on 29 June 2008. It covers all 27 EU Member States, plus the Candidate Countries, and is suitable for achieving the employers’ objectives, i.e. it is clearly linked to the Slovenian priority on trust, the Trio Presidential programme on anticipation of change and TUNED’s consecutive priorities, such as the role of Social Dialogue, employees’ rights and how to ensure quality change in public administration.

4.31 Furthermore, figure 30 displays that EUPAN and TUNED members have been equally positive about the first preliminary outcome of the Test Phase. With two exceptions on the EUPAN side, the first work experience is evaluated as “very good” to “rather good”.

Figure 30. **Evaluation of preliminary output: Application for a joint project “Improving trust in central government administrations through effective Social Dialogue”**



- 4.32 Interview partners have mentioned mainly four reasons for their positive evaluation:
- **Cost factor awareness:** Firstly, EUPAN and TUNED members succeeded in being granted EUR 190 800; facilitating travel arrangements, translations, the dissemination of results etc.

- **Efficient work organisation:** Secondly, the coordination of the application procedure between both actors was mainly carried out by one Ad-hoc Working Group and a follow-up exchange of emails. Following the example of other European Sectoral Social Dialogues, all interested parties were invited to participate in the preparatory application phase. In the end, a small number of EUPAN and TUNED members followed the invitation and participated in the drafting group. Preceded by preparatory meetings on both sides, the afternoon session brought together both parties to draft the final application form.
- **Follow-up activity:** Thirdly, interview partners welcomed the foreseen follow up activities for 2009 which are clearly linked to prior EUPAN and TUNED activities, such as the equality and diversity conference in Copenhagen.
- **Forward planning:** Fourthly, the future prospect of outputs and outcomes are ambitious and promising. Next to a research report to be carried out by an independent research institute, EUPAN and TUNED together aim to adopt joint conclusions on improving trust, *and* joint recommendations on anticipation of change at the end of 2009. Furthermore, the exchange of national good practices is foreseen, as well as the improvement of knowledge about the EU legal framework.

- 4.33 Those few assessing the application procedure negatively brought forward one reason:
- Insufficiently concrete, too broad.

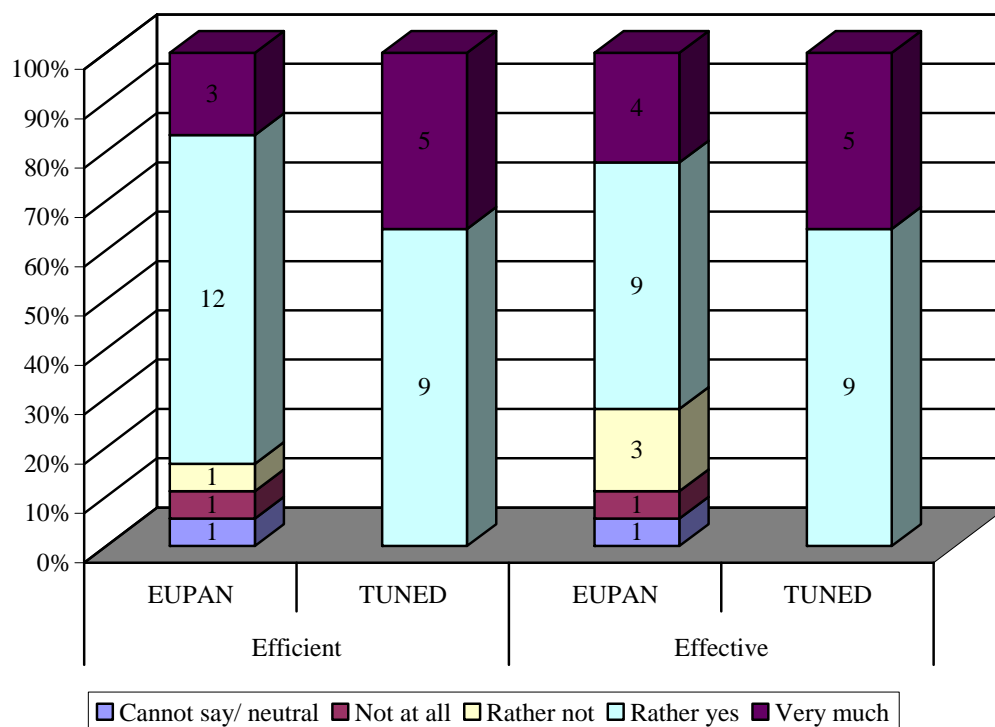
“The adopted programme is all too wide and most concrete work risks to be watered down by a superficial handling of all the other aspects of the programme.”

EUPAN member

JOINT POSITION ON WORK-RELATED STRESS

- 4.34 The second important output of the Social Dialogue Test Phase is the “joint position of EUPAN and TUNED on work-related stress in central government administrations”. Adopted on 19 December 2008, it crowns the French Presidency, recognising that a good working environment is a precondition for healthy and attractive work places and for ensuring quality and efficiency in carrying out the job. Nonetheless, the text remains rather vague and unspecific towards the specific needs of the central public administration sector with regard to work-related stress. This, however, is in line with most of the other joint positions adopted in the three benchmarked sectors. It is noteworthy that EUPAN and TUNED acknowledge and foresee the need for follow-up monitoring actions. These may increase the awareness and understanding of work-related stress within central government administrations to identify, prevent and manage problems of work-related stress. For dissemination purposes, actors might want to consider attaching an Annex to the joint position, including the European Framework agreement on work-related stress (2004).
- 4.35 Figure 31 also displays that the evaluation of the joint position can be considered to be positive. Except for a smaller group of EUPAN members, data show overall satisfaction.

Figure 31. How would you evaluate the process leading to the draft joint position on work-related stress?



4.36 Moreover, the joint position was drafted in a relatively short period of time. During the 3rd Social Dialogue Working Group Meeting in Paris on 9 September 2008, two Ad-hoc Working Groups were set up. They facilitated a more in-depth discussion between smaller sub-groups of EUPAN and TUNED members to draft and agree on key components of a preliminary joint text on work-related stress. It was further developed and finalised by the French Presidency together with TUNED, plus additional input provided electronically by those members interested.

“The stress document is harmless in the sense that it partly copies the European agreement [...]. It does not focus enough on the shared responsibilities meaning that employees carry a responsibility, as well in relation to themselves and their colleagues and for their private life.”

EUPAN member

“The process leading to the draft joint position on work-related stress was an inclusive one that gave both EUPAN and TUNED the opportunity to comment on and to influence the final text. EUPAN needs to provide more and better opportunities for coordination.”

EUPAN member

“There was too little coordination in EUPAN, i.e. on the employer side.”

EUPAN member

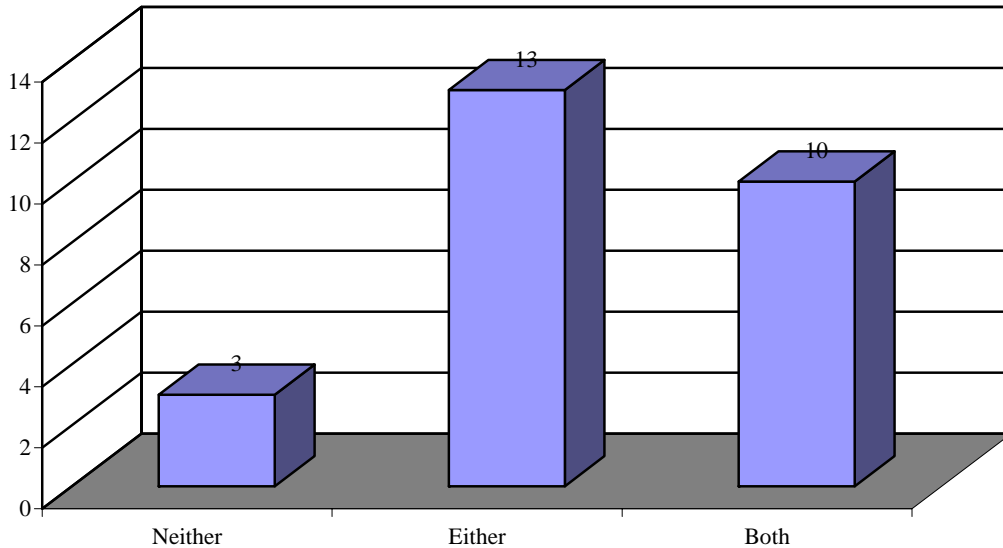
EFFICIENCY OF WORK FORMS

- 4.37 Evaluating efficiency of the work forms used during the Test Phase, the Trio Presidential programme in particular has increased efficiency in two respects:
- **Planning security:** Firstly, based on the 2008-2009 work programme, it has facilitated EUPAN to engage in long-term continued strategic operational planning together with the trade union’s representatives – beyond the six-month duration of an EU Presidency.
 - **Avoidance of dysfunctional procedures:** Secondly, it does not substitute the work forms of the Social Dialogue Test Phase. Instead, this 18-month joint work programme rather facilitates closer cooperation between the employers and trade union representatives providing a *complementary* work form *guaranteeing continuity* over the next three Presidencies and between the different stakeholders.

EFFICIENCY OF INSTITUTIONAL CHANGES WITHIN EUPAN

- 4.38 Assessing efficiency of the institutional changes within the informal EUPAN structure, it is noteworthy that despite the four new informal structural changes within EUPAN, the DG Troika still functions as a “clearing house”. It is here that all working group topics, including Social Dialogue, are discussed in preparation of the biannual DG Meetings.
- 4.39 The DG plenary on Social Dialogue adds an extra half-day to the regular biannual DG meeting, but also guarantees that discussions on Social Dialogue will not push aside other important informal topics, such as Human Resources or IPSG.
- 4.40 On account of the probable partial personal identity, the additional Social Dialogue-related meetings (DG, Social Dialogue Steering Group, Social Dialogue Working Group) have always been scheduled directly after the “standard” EUPAN meetings.
- 4.41 Despite the explicit wording in the rules of procedure, which foresees a Social Dialogue Working Group to be integrated in the existing Human Resource Working Group, the Social Dialogue Working Group has been transformed into an independent entity.
- 4.42 This is nicely reflected, amongst others, in figure 32 which displays that EUPAN delegations have become further specialised on Social Dialogue issues by devoting more human resources to the Test Phase. In more than 50% of the cases, EUPAN representatives in the Social Dialogue Working Groups, for example, differ in person and ministry/agency from those present in the Human Resources Working Group.

Figure 32. **Participation in HRWG and/ or Social dialogue Working Group**



4.43 Table 3 further specifies the division of labour for every EUPAN member.

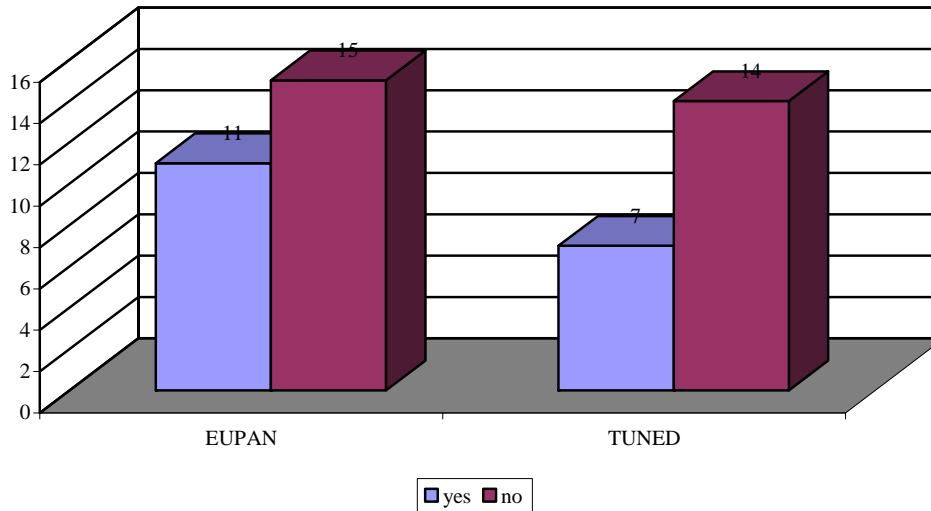
Table 3. EUPAN representation in different Working Groups: Human Resources and Social Dialogue

Same representation in HR and SD WGs	Different representation in HR and SD WGs
Cyprus, Denmark, Hungary, Ireland, Italy, Latvia, Malta, The Netherlands, Slovak Republic, Sweden	Austria, Bulgaria, Czech Republic, France, Germany, Greece, Lithuania, Luxembourg, Portugal, Romania, Slovenia, Spain, Belgium, (Poland)

This development has been reinforced even further in some EUPAN delegations over the last months.

4.44 In assessing the members' level of experience with EUPAN and Social Dialogue, data show that stakeholders have relatively little European experience. Figure 33 clearly illustrates that 57% among EUPAN and 67% among TUNED members were not involved in European level Social Dialogue-related activities prior to the Test Phase, i.e. the task force under the 2007 Portuguese Presidency. At the same time, most EUPAN members are not actively involved in national Social Dialogues.

Figure 33. **Involvement in Social Dialogue-related activities: Task force under 2007 Portuguese Presidency**



4.45 On the TUNED side, figures are less positive. Considering TUNED’s financial and language constraints, the level of participation could only recently be improved. At the last Social Dialogue Working Group meeting, TUNED delegates passed the total number of 20. Due to the European Commission’s financial support (travel expenses and language services), this can be considered a significant improvement compared to earlier meetings. Nevertheless, it is noteworthy that TUNED delegates from the new Member States were almost completely lacking. Only the Hungarian trade unions were represented by two delegates: only one country out of 12 new Member States.

CONCLUSION: EFFICIENCY OF STRUCTURES

4.46 Structural changes of the Social Dialogue Test Phase for central public administrations have proven to be productive and efficient, in particular when compared to the output generated before the Test Phase *and* to the other Sectoral Social Dialogues.

4.47 The Test Phase has produced mainly two outputs within a limited period of time:

- Application for a joint EU Project on “Improving Trust”
- Joint position on work-related stress

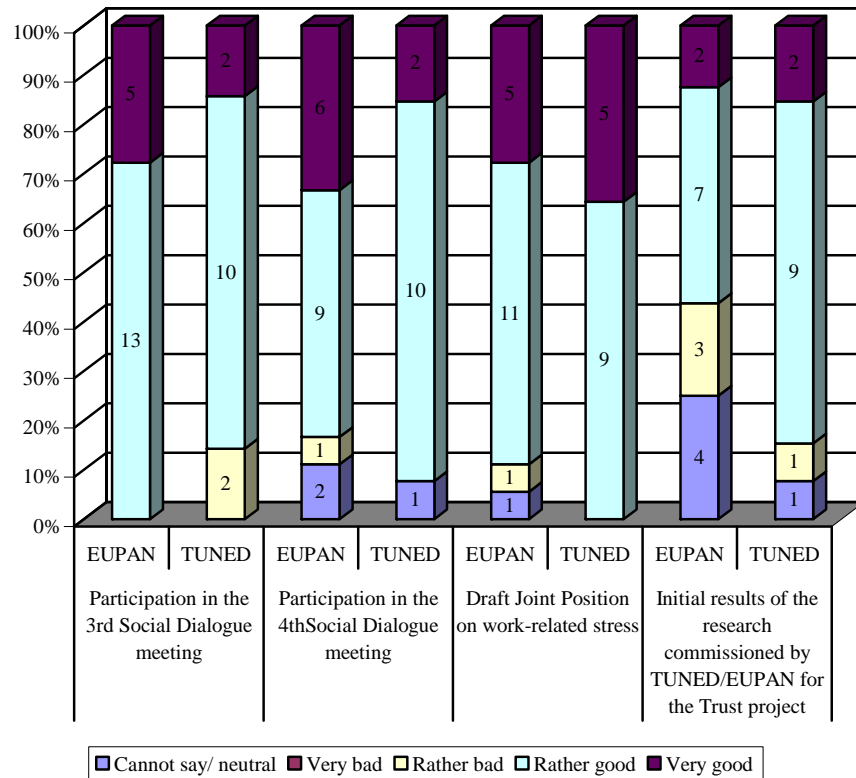
4.48 In addition, EUPAN and TUNED have been considering whether to participate in one consultation process launched by the European Commission (DG Employment, Social Affairs and Equal Opportunities) on the future of European Social Dialogue (amendment proposal to European Commission Decision 98/500).

4.49 With regard to new working methods, the Trio Presidential work programme has increased efficiency in two respects:

- **Forward planning:** Based on the 2008-2009 work programme, it has facilitated EUPAN to engage in long-term strategic and operational planning together with the trade unions – beyond the six month duration of an EU Presidency
- **Continuity (avoidance of dysfunctional procedures):** It does not substitute the work forms of the Social Dialogue Test Phase. Instead, this 18-month joint work programme rather facilitates closer cooperation between the employers and trade union representatives providing a complementary work form guaranteeing continuity over the next three Presidencies between the different stakeholders.

4.50 Structural changes within the informal EUPAN network structure have also increased efficiency of the governance structures. While the workload has risen due to additional Social Dialogue meetings, discussions on the latter, however, have not pushed other important informal topics aside. On account of the probable partial personal identity, the additional Social Dialogue-related meetings (DG, Social Dialogue Steering Group, Social Dialogue Working Group) have always been scheduled directly after the “standard” EUPAN meetings; in addition, the DG Troika still functions as a “clearing house”, where all working group topics, including Social Dialogue, are discussed in preparation of the biannual DG meetings.

Figure 34. How would you evaluate the following preliminary results of the Social Dialogue Test Phase in the second half of 2008?



- 4.51 Notwithstanding this progress, there are a number of areas in which the efficiency of structures could be further enhanced.

“We are walking in the right direction, but still there is a lot to walk.”

These are outlined below:

- 4.52 Social Dialogue is not an end in itself, but it is an instrument to promote social partners’ goals and interests in a specific sector. Therefore, sector specificities could be identified in order to gain high-quality output. Compared to other formalised Sectoral Committees, the selection of topics could be guided by the list of EU competences in Article 137 TEC; the principle of subsidiarity; by taking into account earlier outcomes (UK Presidency declaration on diversity; Finnish Presidency opinion on leadership); or suggestions by the European Commission. However, a definition of priority areas needs to take into account national level characteristics and activities such as the definition and the particularity of the central public administration sector³. Depending on the Member State, the notion of central public administration may include or exclude certain subsectors (teachers, medical personnel, armed forces, police, prison officers, forestry workers, judicial personnel). In an ideal world, this identification of national level needs and realities would *precede* any definition of themes of common interest and action at the European level.
- 4.53 Testing new forms of Social Dialogue within EUPAN, as well as identifying and agreeing upon EUPAN-specific priority areas could be the task of preparatory discussions among all interested EUPAN members on specific issues before meeting the TUNED delegation. Such (smaller) preparatory meetings of EUPAN members before any Social Dialogue meeting are not currently in place. Informal exchanges, however, have taken place (exchange of emails, contact by telephone etc.).
- 4.54 The Trust Project, which probably came closest to the “formalised form of Social Dialogue” during the first twelve months of the Test Phase, has shown that EUPAN and TUNED operate differently. While TUNED operates in a so-called “negotiation mode”, the informal EUPAN network follows a “discussion model”, where members exchange experiences and thoughts on specific issues. If EUPAN intends to test a “formalised form of Social Dialogue” it will have to address the issue of mandate. Due to its informal character, it simply lacks a mechanism for defining clear mandates before meeting TUNED delegates. During the “negotiation phase” of the Trust Project with TUNED for example, the Slovenian Presidency suffered heavily from an unclear definition of mandate from its EUPAN colleagues. While TUNED spoke with “one voice”, EUPAN members transformed this meeting into a “social multilogue”. An unclear EUPAN mandate, however, delivers inefficient solutions, i.e. uncoordinated, cumbersome, and complicated exchange with the TUNED delegation. For the future, specific questions could be dealt with by small working groups, as is the practise in other Social Dialogues, in which a

³ It should be noted that the themes identified for the Test Phase have been retained to take into account these specificities dealing with common topics for central public administrations (work-related stress, anticipation of change).

relatively small number of employers' and trade union representatives meet to discuss specific Social Dialogue issues and projects before they 'negotiate' on the final details in the larger working group sessions.

- 4.55 Many members of EUPAN are not directly involved in their countries' national Social Dialogues and they lack experience with the informal network and of prior debates on Social Dialogue within the network. This brings disadvantages and clear advantages. On the one hand, inexperienced representatives lack EUPAN's heritage in terms of long-standing traditions, such as its nature, tried and tested work forms etc. On the other hand, this can also be an advantage at a time where EUPAN is redefining itself. New network members can bring fresh and innovative ideas, from which EUPAN and the Test Phase may further profit in the future. Furthermore, EUPAN members who are directly involved in national Social Dialogue discussions will help to disseminate the achievements from the European to the national level.
- 4.56 For this evaluation it is too early to assess the impact of the Test Phase on the national level. It is, however, necessary to inquire as to whether stronger social partnership at EU level will bring similar developments domestically. Are the national systems of industrial relations affected by EU social policy? If so, how? What impact does a joint position on work-related stress on the civil servants' daily work in central public administrations across Europe have? These questions will be an element of efficiency and effectiveness at a later stage.

Chapter 5: Conclusions and tangible short-term recommendations

- 5.1 Overall, the first 12-month simulation of an “enhanced form of Social Dialogue” for central government administrations can be considered to have been successful. The changes brought about, the output produced and the quality of relationships between stakeholders have all been efficient and appropriate for achieving the employers’ objectives of the Social Dialogue Test Phase.

Social Dialogue has again been brought to the top of the agenda, thus facilitating regular meetings at different levels between EUPAN and TUNED delegations, i.e. exchanges on substantial issues of importance to employers and employees in central public administrations.

The Test Phase has closely focused attention on addressing the needs of its key stakeholders at the European level, and has established linkages with other relevant EU actors and produced a noteworthy output. There is also evidence to show that the Test Phase has informed the EU policy process. In general, therefore, this evaluation encourages EUPAN and TUNED to pursue their Test Phase along the lines that they have jointly defined.

Notwithstanding this progress, there are areas in which the performance of the Test Phase could be improved. These include communication, training, interaction with other stakeholders and the national level, preparation of meetings, continuity and monitoring.

CHANGES BROUGHT ABOUT

- 5.2 The main changes concerned work forms and organisational arrangements within the informal EUPAN network structure.
- Firstly, three important documents were adopted to lay down the “rules of the game” and specify the topics to be addressed during the two-year Test Phase. Rules of procedure and a joint 2008-2009 work programme were adopted at the beginning of the Portuguese Presidency in summer 2007, with broad support from all stakeholders. A more operational Trio Presidential work programme consisting of the coordinated input of three consecutive EU Presidencies (France, Czech Republic and Sweden) was drafted together with TUNED and the European Commission (DG Employment, Social Affairs and Equal Opportunities), and was eventually adopted by EUPAN and TUNED members in May 2008, laying down the priorities until the end of 2009.
 - Secondly, four new entities were created: the DG plenary on Social Dialogue, the Social Dialogue Steering Group, the Social Dialogue Working Group, and Ad-hoc Working Groups.

- 5.3 The organisational changes have predictably led to an increased workload. By convening an additional half-day meeting of a new Social Dialogue Working Group for example, all EUPAN members are affected. The Troika Secretariat members in particular have to attend a higher number of meetings. Five additional meetings are convened during each Presidency, which is intended to be the regular pattern: one additional DG Meeting on Social Dialogue; two Social Dialogue Steering Group Meetings; and two Social Dialogue Working Group Meetings.

The increased workload, however, did not negatively affect the attendance rate. Data on the level of participation for all four Social Dialogue Working Group meetings show that a very large number (97%) of the employers were present. This is an exceptionally high figure in comparison to other well-established Sectoral Social Dialogue Committees, such as local government, electricity and rail transport. The figures for TUNED however, look slightly different. Representatives from new Member States in particular, are barely part of the steadily increasing TUNED delegation – despite the European Commission’s substantial financial support.

Recommendation 1:

Continued use of efficient working methods.

It is recommended that, in view of the natural increase in workload of stakeholders of the Social Dialogue Test Phase, more and continued better use be made of efficient communication channels between them (email, videoconferencing etc.). Following the good practice of other sectors, the use of smaller working groups dealing with specific topics – as foreseen in the Trio Presidential programme – could also be promoted further.

QUALITY OF RELATIONSHIPS BETWEEN STAKEHOLDERS

- 5.4 In order to assess the quality of relationships between stakeholders in the Social Dialogue Test Phase, the evaluation examined relations between EUPAN and TUNED; between EUPAN/TUNED and the European Commission; and between EUPAN/TUNED and other actors in the European Social Dialogue. The analysis revealed much progress in improving the quality of relationships, as highlighted below:

- Overall, employers and trade union representatives have succeeded in implementing an increasingly constructive dialogue. In total, 81% of the stakeholders state that the quality of the relations between them has improved over the last year. This is mainly attributed to three developments: the intensification of contacts between EUPAN and TUNED (> 60%), the considerable improvement of the level of trust (> 80%), and the adoption of ‘joint decisions’ by consensus. While the internal coordination within

TUNED appears to be more consensual compared to the informal EUPAN network, the Trio Presidential work programme – despite some divergence within EUPAN – was adopted by consensus.

- As regards relations with the European Commission, views are also positive. Contacts have intensified, both among EUPAN *and* TUNED members (> 30%). Furthermore, the European Commission has recently become more actively involved by informing EUPAN and TUNED members about relevant developments on European Social Dialogue topics.
- Employer and trade union representatives have also intensified their relationships with other actors of Social Dialogue; whereas contacts with the *national* counterparts have systematically increased, both among EUPAN and TUNED members (> 60%). However, there appears to be different approaches with regard to other European Social Dialogue actors. While EUPAN members have strengthened their contacts with CEEP (38%), TUNED members have focused on closer relationships with Sectoral Social Dialogue Committees (32%). Both the participation in the cross-sector workshop on third party violence at work under the Slovenian Presidency, and the interventions by CEEP in the 3rd and 4th Social Dialogue Working Group Meetings under the French Presidency, have facilitated this positive development.

Recommendation 2:

Continued and enhanced cooperation with other stakeholders.

It is recommended that EUPAN and TUNED continue to enhance the level of cooperation with cross-industry social partners (in particular CEEP) and sectoral committees (local and regional authorities). Activities can range from seminars, conferences, research and publications, to developing joint actions involving a deeper level of cooperation. The focus should lie on subject areas with a high potential for synergies and mutual learning. CEMR's definition of the 'local sector' could provide ideas for the central government level. The lack of representation of federal or highly regionalised countries' regional authorities in European Social Dialogue could trigger discussions between Social Dialogue actors in public administrations on the boundaries of both sectors. Furthermore, it would help to identify and clarify advantages and disadvantages of "formalised forms" of European Social Dialogue, of a cross-sectoral *or* sectoral nature.

5.5 Notwithstanding this progress, EUPAN and TUNED members have identified a certain number of challenges as regards their mutual relations.

- Despite the perceived improvements in relationships with partners in the Test Phase, European Social Dialogue is a lengthy and time-intensive process and is not an end in itself. It is an instrument to promote social partners' goals and interests in a specific

sector, based on respectful contacts between stakeholders. In order to achieve progress in certain specific substantive areas, the building of trust between parties is essential. More than 60% of EUPAN and TUNED members have identified this aspect as one of the key challenges with regard to the quality of relationships between stakeholders of the Social Dialogue Test Phase. Other key challenges identified by EUPAN and TUNED members include (for data see Appendices C.1 and C.2):

- Need to increase knowledge about European Social Dialogue
- Need to increase commitment by social partners
- Unclear mandate of EUPAN
- Representativeness of employers' and trade union representatives
- Diversity of national industrial relation systems
- Different levels of skills in delegations (language, group management, negotiation, diplomatic skills etc.)

Recommendation 3:

Continued emphasis on building trust.

It is recommended to pay continuous attention to the issue of mutual trust. Despite the progress made during the first twelve months, more than 60% of EUPAN and TUNED members have identified this aspect as a key challenge for the remaining period. Essential factors for trust building include: in-depth discussions between EUPAN and TUNED; respect for previous commitments; consensus on working arrangements (deadlines etc.); honesty with regard to ambitions and objectives, and information sharing on all important topics.

- While the European Commission's role as observer and facilitator is widely appreciated by EUPAN and TUNED members alike, these actors have different views about the European Commission's level of activism. Whereas some TUNED members would like the European Commission to become more involved as policy initiator, most members of EUPAN welcome the European Commission's current "passive role". Furthermore, the European Commission is not a unitary actor: in the Social Dialogue Test Phase it acts simultaneously as employer (DG Personnel and Administration) *and* as facilitator (DG Employment, Social Affairs and Equal Opportunities). Being a player and subject of this Test Phase makes its role somewhat ambivalent.

Recommendation 4:

Specific training needs.

It is recommended to consider training of EUPAN and TUNED members. Engaging in a European level Social Dialogue will require further development of the skills of those involved (language skills, networking skills, cultural awareness and sensitivity, awareness of other countries' conditions and industrial relation systems, awareness of views of other national social partners, European decision making and features of European Social Dialogue as such). In addition, professional training is needed to make stakeholders aware of their rights and responsibilities within the European Social Dialogue process.

Recommendation 5:

Continued closer cooperation with the European Commission.

It is recommended that EUPAN and TUNED continue to work closely with the European Commission and to better define its role in Social Dialogue. Notwithstanding the progress made, EUPAN and TUNED should understand the different role of the European Commission in Social Dialogue compared with other EUPAN activities.

APPROPRIATENESS OF STRUCTURES

- 5.6 Structural changes in the first year have generally succeeded in meeting the specific objectives of the Test Phase, namely:
- being informed of European Social Dialogue;
 - experimenting with new forms of relations between stakeholders, similar to those in Sectoral Social Dialogue Committees; and
 - exploring topics of Social Dialogue, with operational and concrete outcomes..

The organisation of the process has been adequate: rules of procedure follow the good practice of other Sectoral Social Committees and the European Commission's Decision 98/500/EC; the 18-month Trio Presidential work programme is clearly linked with the joint 2008-2009 work programme and relevant activities at European and national levels. Interview data from EUPAN and TUNED members also show that the two chosen themes, "work-related stress" and "anticipation of change", are relevant, clear, detailed, of added value *and* appropriate.

Both EUPAN and TUNED members are committed to the Test Phase, agreeing that Social Dialogue for central public administration is an appropriate tool for sharing information and discussing issues of common concern. More than 80% of EUPAN and TUNED members have increased their knowledge about and interest in European Social Dialogue. In this respect, participation in the cross-sector workshop on third party violence at work during the Slovenian Presidency proved to be very suitable. In particular, EUPAN and TUNED members together have been able to increase their knowledge on the perspectives of their European *and* national counterparts. Over 60% of EUPAN and TUNED members have learnt about broader European social policy legislation beyond the Test Phase experience of Social Dialogue, such as: labour law directives; health and safety policy; issues of social inclusion and protection; equal opportunities and anti-discrimination.

5.7 The analysis also identified a number of areas in which the appropriateness of structures could be enhanced:

- The selection of appropriate topics is a very important area. Closely connected with the form of Social Dialogue, special attention needs to be paid to the selection of topics based on in-depth discussions amongst EUPAN members and with TUNED delegates. The more specific and clearer the issues (i.e. the closer the intersection with Article 137 TEC), the greater the autonomy of EUPAN. However, non-Article 137 TEC topics also find widespread support among EUPAN and TUNED members (> 50%), which broadens the set of relevant issues and dilutes the boundaries between other policy areas discussed within EUPAN (such as Human Resources).
- Mobility issues, flexicurity and the Lisbon agenda (performance management, efficiency, competitiveness, attractiveness and effectiveness of public services), which currently have wide support among EUPAN and TUNED members, are not covered by Article 137 TEC.

Recommendation 6:

Concentrate on concrete Social Dialogue topics.

It is recommended for EUPAN and TUNED to concentrate on appropriate Social Dialogue topics, based on national and European needs and realities of actors on the ground. Specific actions would help to define future (more controversial) topics, i.e. topics following EU competences (Article 137 TEC), the principle of subsidiarity and previous EUPAN actions (see Comparative Study on Social Dialogue, 2008). Activities may consist of an ongoing European survey about the realities of industrial relations across the EU 27 (see Comparative Study on Social Dialogue, 2008) or workshops between groups of specific national industrial systems.

EFFICIENCY OF STRUCTURES

5.8 Structural changes of the Social Dialogue Test Phase for central public administrations have proven to be productive and efficient, in particular when compared to the output generated before the Test Phase *and* to the other Sectoral Social Dialogues.

- The Test Phase has produced mainly two outputs within a limited period of time:
 - Application for a joint EU Project on “Improving Trust”
 - Joint position on work-related stress
- With regard to new working methods, the Trio Presidential work programme has increased efficiency in two respects:
 - **Forward planning:** Based on the 2008-2009 work programme, it has facilitated EUPAN to engage in long-term strategic and operational planning together with the trade unions – beyond the six month duration of an EU Presidency
 - **Continuity (avoidance of dysfunctional procedures):** It does not substitute the work forms of the Social Dialogue Test Phase. Instead, this 18-month joint work programme rather facilitates closer cooperation between the employers and trade union representatives providing a complementary work form guaranteeing continuity over the next three Presidencies between the different stakeholders.
- Structural changes within the informal EUPAN network structure have also increased efficiency of the governance structures. While the workload has risen due to additional Social Dialogue meetings, discussions on the latter, however, have not pushed other important informal topics aside. On account of the probable partial personal identity, the additional Social Dialogue-related meetings (DG, Social Dialogue Steering Group, Social Dialogue Working Group) have always been scheduled directly after the “standard” EUPAN meetings; in addition, the DG Troika still functions as a “clearing house”, where all working group topics, including Social Dialogue, are discussed in preparation of the biannual DG meetings.

5.9 Notwithstanding this progress, there are a number of areas in which the efficiency of structures could be further enhanced. These are outlined below:

- Social Dialogue is not an end in itself, but it is an instrument to promote social partners’ goals and interests in a specific sector. Therefore, sector specificities could be identified in order to gain high-quality output. Compared to other formalised Sectoral Committees, the selection of topics could be guided by the list of EU competences in Article 137 TEC; the principle of subsidiarity; by taking into account earlier outcomes (UK Presidency declaration on diversity; Finnish Presidency opinion on leadership); or suggestions by the European Commission. However, a definition of priority areas would need to take into account national level characteristics and activities such as the definition and the particularity of the central public administration sector. Depending on the Member State, the notion of central public administration may include or exclude certain subsectors (teachers, medical personnel,

armed forces, police, prison officers, forestry workers, judicial personnel). In an ideal world, this identification of national level needs and realities would *precede* any definition of themes of common interest and action at the European level.

- Testing new forms of Social Dialogue within EUPAN, as well as identifying and agreeing upon EUPAN-specific priority areas could be the task of preparatory discussions among all interested EUPAN members on specific issues before meeting the TUNED delegation. Such (smaller) preparatory meetings of EUPAN members before any Social Dialogue meeting are not currently in place.

Recommendation 7:

Interaction with the national level.

During the second year of the Test Phase it is recommended that employers and trade unions follow their work programmes in order to focus more on the interaction of European Social Dialogue activities with national level characteristics and activities. Attention should be given to the needs and requirements of the national target group. National actors (especially those not yet members of EUPAN or TUNED) would be invited to give feedback and to familiarise themselves with the work of EUPAN and TUNED (bottom-up approach).

- The Trust Project, which probably came closest to the “formalised form of Social Dialogue” during the first twelve months of the Test Phase, has shown that EUPAN and TUNED operate differently. While TUNED operates in a so-called “negotiation mode”, the informal EUPAN network follows a “discussion model”, where members exchange experiences and thoughts on specific issues. If EUPAN intends to test a “formalised form of Social Dialogue” it will have to address the issue of mandate. Due to its informal character, it simply lacks a mechanism for defining clear mandates before meeting TUNED delegates. During the “negotiation phase” of the Trust Project with TUNED for example, the Slovenian Presidency suffered heavily from an unclear definition of mandate from its EUPAN colleagues. While TUNED spoke with “one voice”, EUPAN members transformed this meeting into a “social multilogue”. An unclear EUPAN mandate, however, delivers inefficient solutions, i.e. uncoordinated, cumbersome, and complicated exchange with the TUNED delegation. For the future, specific questions could be dealt with by small working groups, as is the practise in other Social Dialogues, in which a relatively small number of employers’ and trade union representatives meet to discuss specific Social Dialogue issues and projects before they ‘negotiate’ on the final details in the larger working group sessions.

Recommendation 8:

More structured informal dialogue and preparatory meetings to clarify national policies and EUPAN mandate.

It is recommended that EUPAN members systematically convene half-day preparatory meetings before any encounter with the trade unions' representatives. Currently, EUPAN and TUNED operate very differently. While TUNED follows a "negotiation mode", the informal EUPAN network applies an "open discussion model". In order to also test a "formalised Social Dialogue" in the second year of the Test Phase, EUPAN should experiment with preparatory meetings. Compared to other "formalised" sectors, EUPAN otherwise misses the chance to identify different opinions, to clarify different national policies and experiences, and to define areas of consensus before any exchange with TUNED. Following the good practices of other sectors, this would also facilitate a process for producing a clear mandate, i.e. delegation of authority to the EUPAN Presidency (Social Dialogue co-chair) for discussions with the TUNED representative.

- Many members of EUPAN are not directly involved in their countries' national Social Dialogues and they lack experience with the informal network and of prior debates on Social Dialogue within the network. This brings disadvantages and clear advantages. On the one hand, inexperienced representatives lack EUPAN's heritage in terms of long-standing traditions, such as its nature, tried and tested work forms etc. On the other hand, this can also be an advantage at a time where EUPAN is redefining itself. New network members can bring fresh and innovative ideas, from which EUPAN and the Test Phase may further profit in the future. Furthermore, EUPAN members who are directly involved in national Social Dialogue discussions will help to disseminate the achievements from the European to the national level.

Recommendation 9:

Need for EUPAN members with Social Dialogue experience at national level.

It is recommended to have more EUPAN members with Social Dialogue experiences at national level. National employers who represent their ministry/agency within EUPAN and who actively take part in national Social Dialogue will find it easier and will be more effective in disseminating European

experiences and results of the Test Phase to their national counterparts. Furthermore, they will help to increase knowledge about the differences as regards the EUPAN employers: what are their competencies with regard to relevant topics for Social Dialogue (education and training, working conditions etc.) ?

Recommendation 10:

Continuity of representation.

It is recommended to consider how to ensure better continuity of representation of key EUPAN and TUNED members of the Social Dialogue Test Phase. European Social Dialogue is a time-consuming and long-term process relying on good relationships and trust between the stakeholders. Continuity of core membership representation is essential to achieving the employers' objectives during the Test Phase. A good balance should be achieved within the core membership, which should also include representatives with national Social Dialogue experience and from the new Member States (Presidential Trio for example).

- 5.10 For this evaluation it is too early to assess the impact of the Test Phase on the national level. It is, however, necessary to inquire as to whether stronger social partnership at EU level will bring similar developments domestically. Are the national systems of industrial relations affected by EU social policy? If so, how? What impact does a joint position on work-related stress on the civil servants' daily work in central public administrations across Europe have? These questions will be an element of efficiency and effectiveness at a later stage.

Recommendation 11:

Developing indicators to measure impact.

It is recommended to take into consideration regular monitoring of Social Dialogue activities. Indicators should be developed to assess the effective and efficient delivery of programmes and projects, as well as their impact at national level. Even if the emphasis is not on implementing common rules, instruments still require follow-up and monitoring provisions.

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