

## **Working conditions and social dialogue**

### **National frameworks, empirical findings and experience of good practice at enterprise level in six European countries**

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# Contents

Executive summary	3
Introduction	5
Part One: The role of social dialogue for the improvement of working conditions – European and national experiences and empirical evidence	9
1 Working conditions as an issue of public policy	10
1.1 European level policy developments	10
1.2 National frameworks and the issue of working conditions in recent policy debates in six EU countries	12
2 The role of social dialogue in the regulation of working conditions	21
2.1 Sweden: Social partners as fundamental players in the shaping of working conditions	21
2.2 Germany and Austria: similar institutions at company level but differences in the culture of social dialogue	23
2.3 France: Social dialogue as an arena of political controversies	25
2.4 Spain: Increasing role of social partners in implementing better working conditions	27
2.5 Czech Republic: Prevalence of state-orientated practice and indefinite role of social dialogue	29
3 Conclusions	32
Part Two: Comparative analysis of existing research results on the effect of social dialogue on working conditions	34
4 Overview of relevant surveys	35
4.1 Working conditions and social dialogue in empirical surveys	35
4.2 Survey profiles and relevance of working conditions and social dialogue	38
4.3 Survey results regarding the impact of social dialogue on working conditions	45
5 <i>Conclusions regarding the effects of social dialogue on working conditions according to empirical surveys</i>	58
Part Three: The impact of social dialogue on working conditions in the construction and health care sector: Results from case studies on good practice	60
6 Overview	61
7 The impact of social dialogue on working conditions in the construction sector	63
7.1 Challenges and issues in the field of working conditions	63
7.2 The role of social dialogue in the improvement of working conditions at enterprise level	74
8 The impact of social dialogue on working conditions in the health care sector	74
8.1 Challenges and issues in the field of working conditions	74
8.2 The role of social dialogue for the improvement of working conditions at enterprise level	76
9 Overall conclusions	82
References	85
Annex: Overview of case studies and authors	88

## Executive summary

1. The research is based on previous work of Eurofound on the link between working conditions and social dialogue which also summarises difficulties with regard to verifying the link between social dialogue and improvements in working conditions.
2. The overarching purpose of the project was to test the hypothesis that working conditions are improved through active social dialogue by analysing the situation in six countries (Germany, France, Sweden, Spain, Austria, Czech Republic) in a more in-depth way, addressing in particular the question of the *exact role* of social dialogue with regard to improvements in working conditions at the enterprise level in relation to the construction and health care sector.
3. In order to address this questions, a three-dimensional methodological approach was applied: First, major framework conditions and context situations both with regard to working conditions as an issue of public policy debate in the specific national contexts have been analysed. Secondly, an analysis of existing research and working conditions surveys with regard to the specific influence of social dialogue has been carried out. Finally, a series of fieldwork and case studies on good practice covering 18 micro-economic experiences at the company level have been undertaken. The structure of this report reflects these three basic research tasks.
4. With regard to framework conditions and national context situations, it is important to stress a transnational guiding principle in the EU: According to the European Social Model, social partners and social dialogue play a key role in creating better jobs and improving the quality of work and working conditions.
5. However, when comparing the specific role of social partners and social dialogue in the context of regulating and improving working conditions in the six countries, significant differences appear under the common heading of the European Social Model and the European notion of social dialogue. There is a broad range of frameworks, ranging from social dialogue and collective bargaining being a constituent element of regulating working conditions at the company level and above to national experiences in which the exact role of social dialogue in this context is still unclear.
6. With regard to the second major dimension of the research project – the mapping of relevant empirical research regarding working conditions and social dialogue in the countries of concern – a wide variety of empirical surveys, empirical data, and reports by specialised institutions, secondary research, qualitative research and further sources has been identified. There are significant differences between all the surveys regarding methodological approaches, basic objectives and contents covered.
7. While only a few surveys allow for making direct correlations between social dialogue and working conditions, there also is quite a “narrow corridor” of independent variables regarding the analysis of social dialogue: Only two variables are common – the existence of a works council or similar form of employee interest representation and special occupational health and safety (OHS) bodies at the company level on the one hand and the coverage of an enterprise by a collective agreement on the other.

8. Against this, the “blind spots” are striking in particular with regard to the influence of *different forms* of industrial relations and social dialogue well as their impact at *different levels* on working conditions.
9. However, against these limitations, it is possible to draw some major conclusions on the impact of social dialogue as shaped by employee interest representation bodies and collective bargaining from an in-depth analyses of survey data of the Spanish surveys and from a special evaluation of the German IAB Establishment Panel Survey carried out in the context of our research project.
10. Since the analyses of empirical survey results leaves important questions about the exact role of social dialogue unanswered, there is a need to supplement quantitative survey results by more qualitative research. Therefore, a series of case studies was carried out focussing on the analysis of good practice experience with view on the role of social dialogue for improving working conditions at the company level in the two sectors of construction and health care.
11. With regard to both sectors, four main dimensions are addressed in the context of case studies on good practice: First, describing and evaluating the role of social dialogue at different levels and its effects on enterprise level practice of social dialogue. Secondly, the role of different actors functioning as initiators and drivers for improvements of working conditions. Thirdly, concrete outcomes/improvements and finally, assessing crucial factors of success.
12. Though there are significant differences between the two sectors of concern, joint trends and characteristics are also quite striking. In the context of major factors of success, for example, social partners in both construction and health care have emphasised similar preconditions for improvements and positive change.
13. In conclusion of the three basic research tasks carried out, this report comes back to the question raised in the conclusion of the Eurofound’s 2008 Comparative Analytical Report on Working Conditions and Social Dialogue on the *exact contribution* of social dialogue to improvements in working conditions.
14. Here, the overall conclusions focus on the following major research interests and summarise the basic results and evidence provided by each analytical level: How and by what concrete means has social dialogue contributed to an improvement of working conditions? What are major initiators and drivers? What relationship between company based social partners and other actors can be observed?
15. Stressing the role of social dialogue at *different levels* (including the EU level) and *different forms* of practice, the most concrete evidence and results arise from the fieldwork at enterprise level. In particular, the analysis shows that in order to be implemented effectively and result in concrete improvements, the shop floor level is the crucial level of regulation and social dialogue in this context. However, there are certain important preconditions and framework conditions to be taken into account in this context, such as a cooperative culture, competent partners as well as a basic joint understanding which are summarised in more detail in the overall conclusions of the report.

## Introduction

This report summarises the results of a research project which was carried out between July 2008 and May 2009 by a consortium of research institutes in five European countries (ORSEU/France, Oxford Research/Sweden, Labour Asociados/Spain, Research Institute for Labour and Social Affairs/Czech Republic), coordinated by Wilke, Maack and Partner which is also responsible for the preparation of this final report. The project and interim results have been monitored and followed up by an expert group coordinated by Eurofound which met at two meetings in September and December 2008.

### *Objectives of the study and key questions addressed*

Our research is situated within the continuous work of Eurofound on working conditions and social dialogue and results from various research projects carried out previously (in particular Eurofound 2008, see also the Eurofound Annual Report 2007 and the Annual Work Programme 2009) on the link between working conditions and social dialogue which also summarises difficulties with regard to verify the link between social dialogue and improvements in working conditions have been stated in the Comparative Analytical Report (CAR) “Working Conditions and Social Dialogue”:

*“A number of quantitative studies have attempted to show a link between the presence of social dialogue and improvements in a range of working conditions. (...) Nevertheless, while the findings of many studies are extremely relevant to this research, it is often difficult to determine the exact contribution that social dialogue has made to improvements in working conditions”. (Eurofound 2008: 38)*

Our project was carried out in order to deepen existing findings and to present further evidence at how social dialogue has been used and is useful in improving working conditions by concentrating on the experience of a limited number of countries and concentrating in particular on evidence from two economic sectors which are regarded as ‘problematic’ in terms of job quality and working conditions: construction and health care.

Based on a three-dimensioned methodological approach as outlined below in more detail, the overarching purpose of our research was to test the hypothesis that working conditions are improved through active social dialogue. With view on the question regarding the “exact contribution” quoted above, our study in particular addresses the following key questions:

- *What makes the difference for better working conditions?*
- *What are the reasons, why and under what forms of social dialogue does it happen?*
- *How social dialogue has been used and is useful in improving working conditions?*

### *Scope and methodology of the study*

In contrast to the comparative report carried out by Eurofound in 2008 on working conditions and social dialogue, our study differs in certain respects: First, our study is not addressing the whole EU27 area but focussing on six EU member states – Sweden, Germany, France, the Czech Republic, Spain and Austria. The selection of this country sample was made quite deliberately. The first four countries mentioned are representing certain types and “models” with regard to working conditions and traditions and frameworks of social dialogue and industrial relations.

Sweden is representing the “Nordic Model”, a universalistic and inclusive welfare system which is based on strong trade unions, social dialogue and collective bargaining. On the other hand Germany is characterised by a particularly strong notion of social partnership and social dialogue. In particular at the company and sectoral level of employment and industrial relations the role of collective bargaining and national agreements in German welfare and labour market policy is much less significant. In contrast to Sweden and Germany, the French system of social dialogue and working conditions regulations is characterised by rather conflict ridden styles of bargaining processes which are also resulting from a significant pluralism in trade unionism. A further feature of the French model lies in the strongly state centred style of policy decision making and a much more active and frequent intervention of governments in the field of industrial relations and social dialogue.

Finally, the Czech Republic represents the new EU member states in our sample of countries sometimes referred to as the “Centre East” model of industrial relations and social dialogue, characterised by certain features which are similar (fragmentation of industrial relations, state centred practice) but which also differ significantly from other models in Europe. A particularly interesting question in the context of our research however is on the specific role of social dialogue with view on the development and improving of working conditions at the company level and beyond.

Though originally not planned in the design of this research project by Eurofound, our sample of countries has been enlarged by the integration of two further national experiences: Spain and Austria. Though developed only since the mid 1970s following the fall of the Franco dictatorship, Spain has managed to design and to set up a comprehensive legal and institutional framework for the management of industrial relations and social dialogue which has been influenced also by the experience of other European countries. Therefore the Spanish system of industrial relations and tripartite relations and dialogue is occupying a place between the Southern European Model of trade union pluralism and a strong role of social dialogue at the national level and features of the dual model of interest representation at the enterprise level.<sup>1</sup>

In contrast to this, the Austrian model of social dialogue at various level is displaying several features which are particularly interesting in the context of our research: Here, the tradition of “policy concertation” between government and social partners which is based on very strong organisation due to the system of chambers as well as the tradition of consensus based labour relations and institutionalised social dialogue at national as well as sectoral and enterprise level should be stressed in particular.

Both countries have been included in our research for two main reasons: First, they enable us to carry out a somewhat more comprehensive comparison of the role of social dialogue with regard to working conditions. In particular with view on models which are based on a strong role of social partnership (Germany) and those systems which are characterised by trade union pluralism (France). But, secondly as at least as important, we included both countries in order to catch an additional reality and framework with regard to the regulation of working conditions and the perception of working conditions issues both in public policy and social dialogue. In Spain and Austria important and valuable empirical studies are available on our major research interest – the impact and influence of social dialogue for the improvement of working conditions.

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<sup>1</sup> Elected works councils are the main channel of workplace representation for employees in Spain, although the law also gives a specific role to the unions at the workplace and in larger workplaces the trade union delegate may be the key figure. See for example

It should be stressed here, that this report is neither able nor intending to present a complete overview of all existing information and framework conditions with regard to the national frameworks of working conditions (including the different facets of working conditions), social dialogue contexts and existing analyses of existing research results. This report is rather touching major aspects of these issues mainly from the angle of our crucial research question, i.e. the impact of social dialogue on working conditions. This leads to a second important methodological remark regarding the coverage of our research: Apart from addressing the role of social dialogue with regard to working conditions within different national frameworks and settings of industrial relations and labour traditions, our study focuses on existing and available quantitative evidence arising from empirical surveys on working conditions. Here again, we could build on previous work carried out by Eurofound (in particular Eurofound 2007) on major working conditions surveys in Europe. However, our research in this context focussed on two specific tasks: First, to screen existing surveys in our sample of six countries with regard to survey methods and questions specifically addressing social dialogue in the context of working conditions and secondly, analysing survey results with view on evidence and major outcomes with regard to the role of social dialogue on improvements achieved in working conditions. Here, our research also covered a third methodological dimension, i.e. the sectoral focus on the construction and health care sector. Since it proved to be difficult to obtain results of existing general empirical surveys with regard to these two sectors for different reasons (but mainly for cost and time reasons and this was possible only for two surveys in Germany), our research in this context very much concentrated in evaluating existing working conditions surveys and results of further quantitative and qualitative research on the two sectors with regard to our major research interest. Since empirical surveys on working conditions always only catch a certain dimension of the quality of labour and working life of employees in Europe, our research also included a third dimension, i.e. company based fieldwork on good practice with regard to analyse, elaborate and present findings on a positive impact of social dialogue at the micro-level on working conditions in the construction and health care sector. Adoption of a broad definition of “good practice” the identification and selection of cases followed a joint method and process in all six countries based on existing national documentations of good practice as well as after consultation with social partners.

### *Key definitions*

For the purpose of this report, the following definitions of social dialogue, working conditions have been used (as a reference see European industrial relations dictionary):

*Social dialogue:* “All types of formal dialogue, involving discussions, consultations, negotiations and joint actions undertaken by employer representatives and worker representatives on working conditions in the workplace.” In this report social dialogue developments are covered at all levels – national, sectoral, regional, company and workplace levels. This includes company and workplace-level collective bargaining between employers and employee representatives.

*Working conditions:* “Conditions relating to the working environment and the non-pay aspects of an employee’s terms and conditions of employment. This includes areas such as the organisation of work and work activities, training, skills and employability, health, safety and well-being, and working time and work-life balance.”

With regard to the two sectors, our study focuses on the following definitions were applied: Our definition of the *construction sector* is based on the NACE definition which classifies the construction sector in NACE section F, Section 45 quite clearly based on various activities in

the context of construction works at different sites, building works and installation and activities in the context of renting of construction or demolitions equipment.

In contrast to this, the *health care sector* is a highly complex sector, where a large range of very different tasks and jobs are carried out. Healthcare is concerned with the provision, distribution and consumption of healthcare services and related products. It is a complex sector because differences in subsectors and between countries are often significant. In line with NACE classification, the sector includes human health activities (hospital, medical and dental practice), residential care (residential nursing, residential care for mental retardation, health and substance abuse for elderly and disabled) and social work activities.

### *Structure of the report*

Our report is reflecting the three dimensional methodological approach of our research: Part one provides an overview of major framework conditions both with regard to working conditions as an issue of public policy debate in Europe and the specific national contexts in the six countries of concern. Part two is presenting major results from our analyses of existing research and working conditions surveys with regard to the specific influence of social dialogue. Finally, part three is presenting an overview of our fieldwork into good practice at the company level and results of the case studies carried out in the context of our research. It should be noted here that individual case study reports on the 18 cases are also published by Eurofound separately.

DRAFT

**Part One:  
The role of social dialogue for the improvement of  
working conditions – European and national  
experiences and empirical evidence**

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# 1 Working conditions as an issue of public policy

## 1.1 European level policy developments

The quantitative and qualitative dimensions of employment and work and in particular the emphasis of each dimension in policy debates and research has undergone some significant changes during the past decades in Europe: For example, the European Employment Strategy (EES), launched in 1997 initially focussed exclusively on the quantitative dimension, in particular of raising employment rates and reducing unemployment. Only since 2000 and in the context of the Lisbon Growth and Jobs Strategy, the EES has been extended by integrating also the objective to promote the quality and productivity at work, not only create *more* but also *better* jobs.

Since then, the issues of the quality of work and employment are highly relevant issues for the European employment policy agenda: The objective of improving the quality of work since then is an integrative part of the European Social Agenda (since 2000) and the European Employment Guidelines (and thereby of the national action plans and/or national reform programmes).<sup>2</sup> In 2001, the Commission adopted the communication “Employment and Social Policies: A Framework for investing in Quality” in order to provide a broad framework for promoting quality of work (EU Commission 2001) which included ten dimensions (the so-called “*Laeken Indicators*”, see table below) of what is meant by quality of work, encompassing two basic characteristics, i.e. characteristics of the job and the workers as well as wider economic aspects.<sup>3</sup>

### The Laeken indicators

Characteristics	Dimensions	Number of indicators
Job related characteristics	Intrinsic job quality	3
	Skills, life long learning and career development	2
Characteristics of work and labour market context	Gender equality	5
	Health and safety at work	1
	Flexibility and security	1
	Inclusion and access to labour market	6
	Work organisation and the work-life-balance	3
	Social dialogue and worker involvement	---
	Diversity and non-discrimination	2
	Overall work performance	3

Source: European Commission 2003.

<sup>2</sup> In 2003, improving quality and productivity at work became one of the three overarching objectives of the Employment Guidelines for 2003-2005, together with full-employment and strengthening social cohesion and inclusion.

<sup>3</sup> It should be mentioned here that the Laeken framework of job and employment quality was based on a conceptual framework which has been developed by Eurofound on the request of the Belgium EU Presidency in 2001. This framework for addressing work and employment quality objectives was built around four main dimensions clustering around a dozen sub-items (Eurofound 2005): *Career and job employment security; Health and well-being; Reconciling or working and non-working life; and Skills development.*

In 2003, the EU Commission published the Communication “Improving the Quality in Work” which reviewed the progress in improving quality of work issues in the EU which also included a list of indicators approved by the Council to measure and monitor quality of work (EU Commission 2003). Here it should be noted that, while the Council agreed on a number of indicators regarding each of the key dimensions, it was not possible to select joint indicators for the dimension of social dialogue and worker involvement.<sup>4</sup>

Since 2003, the emphasis of job quality issues has somewhat waned as a reaction to both new macro-economic policy orientations (in particular in the context of the economic downturn 2002-2004) as well as changing employment policy environments. A major landmark in this shift of focus surely has been the Kok-Report in 2003, which put an emphasis on quantitative aspects such as employment creation and incentives to work with only weak references to quality issues (see Davoine/Erhel 2006). According to this new logic the crucial element to foster well-being of European citizens is increasingly defined in terms of job creation, job productivity and structural reforms in order to unlocking barriers for job creation (Peña-Casas 2007,).

Furthermore, the European employment policy debate started to focus more on the Flexicurity approach aiming at shaping labour market reform strategies in a way to improve the adaptability of workers and enterprises, develop new forms of employment security better promoting labour market transitions etc. Within the concept of Flexicurity, the role of quality of work remains rather unclear (see EU Commission 2008b , p. 152).

Issues of quality of work regained visibility within EU employment policy debates again in the context of the German Presidency in the first half of 2007 when a number of ‘principles’ of ‘good work’ were put forward and mentioned in the Spring Council Conclusions: “*i.e. workers' rights and participation, equal opportunities, safety and health protection at work and a family-friendly organisation of work.*” (European Council 2007, p. 7)

Against this, decade after the launch of the European Employment Strategy labour market performance has significantly improved in quantitative terms (higher employment rates and lower structural unemployment) but no clear conclusions can be drawn with regard to quality of employment issues: In a recent review of working conditions in Europe, a mixed picture is drawn: Although there are notable improvements such as the reduction in accidents in the workplace, certain other dimensions of job quality have not really improved such as access to training opportunities and there seems to be a deterioration in areas such as work intensity (Peña-Casas/ Pochet 2009, p. 7).

In recent years, different developments have caused an increased concern in the public opinion about an ‘erosion’ and deterioration of the quality of jobs in the EU, including for example:

- Increased pressure in the context of globalisation and market integration resulting in an acceleration of downsizing and outsourcing and other forms of restructuring at company level

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<sup>4</sup> In its Communication the EU Commission had suggested an approach of selecting “a range or menu” of indicators selected from the following possibilities: Indicators measuring employee representation and involvement; percentage of employees covered by collective agreements; evolution of the number of days lost per 1000 employees in industrial disputes by economic activities (NACE); proportion of employees with recognised workers representation; coverage of works councils and other forms of representation and involvement; trade union density. See EU Commission 2003, p. 26.

- Increased use of fixed-term contracts, agency and sub-contracted work and part-time work which is often linked to lower pay and unstable employment conditions
- Knowledge-based economic progress which is putting low-skilled workers in particular at risk
- Replacing the full-time and male focussed wage earner model by the dual model which not only results in positive developments such as an increase female participation rate but also in new difficulties of combining work and family life

These and other trends clearly have negative effects on the quality of jobs and working conditions alike as stated in the recent “Employment in Europe Report” of the European Commission:

*“Overall, these factors are often perceived to go hand in hand with increased job insecurity; a deterioration of working conditions (e.g. increased stress and work-related health problems); reduced possibilities to combine work with other private and social responsibilities; and increasing inadequacy of existing social security schemes to cope with more heterogeneous and uncertain individual employment histories.”* (European Commission 2008c, p. 147)

Against this background, the EU Commission in its “*Renewed Social Agenda for Europe in the 21<sup>st</sup> Century*” (EU Commission 2008a) highlighted the promotion of more and better jobs once again as one of the key elements of the European Social Model. Within the current economic and employment context, the quality of work is increasingly seen an important aspect of reconciling economic efficiency and social cohesion in an environmental setting characterised by more intense global competition and accelerated restructuring of labour markets in Europe.<sup>5</sup>

## **1.2 National frameworks and the issue of working conditions in recent policy debates in six EU countries**

According to recent overviews and approaches to measure the quality of employment and work in Europe (e.g. Davoine et al. 2008 based on the Laeken indicators or Peña-Casas 2009 based on the EWCS), the sample of countries covered in this report represents major clusters<sup>6</sup> or groups of job and work quality in the EU today:

- *Sweden* as an example for the Nordic or Scandinavian group
- *Germany, Austria and France* representing a continental group
- *Spain* as an example for the *Southern group*, and finally the

<sup>5</sup> Referring to the challenges of globalisation and the inclusion of the external dimension for the future of the European Employment Strategy, there are also increasing links to the concept of “*decent work*” and the respective ILO employment quality strategy (ILO 1999) which already has been elaborated in 1999. The EU in this context has shown support for promoting the decent work agenda (EU Commission 2006). This emerging synergy is also illustrated by a conference on the measurement of the quality of work bringing together the different approaches developed by ILO, the EU and also Eurofound elaborating a common framework for international use under the heading of “*quality of employment*”. There was a general agreement to organise a framework to measure quality of employment based on 11 dimensions and an initial list of about 50 indicators.. A joint taskforce is currently developing achievements of the seminar and working on a list of indicators which is going to be discussed at a further seminar in 2009. See ILO 2008.

<sup>6</sup> While Davoine et al. 2008 referred to a “Nordic” cluster including the Scandinavian and the Anglo-Saxon countries, Peña-Casas 2009 defined two separate groups.

- Czech Republic as a country of the New Member States group<sup>7</sup>

Given the significant internal variety of both the quality of working conditions and the respective economic and social framework conditions in these groups of member states and clusters, it is interesting to compare national level debates with regard to working conditions and the quality of work in these countries.

### 1.2.1 Sweden: high autonomy of social partners

Sweden is characterised by high labour market standards compared to many other countries. This standard is also reflected in regulations regarding working conditions which are in general well developed in terms of coverage and contents.<sup>8</sup>

The basic legislative framework regarding working conditions is the “Work Environment Act” (*Arbetsmiljölagen*) already in 1977. The act includes regulation about the duties that the employers and other persons responsible for safety issues have concerning prevention of ill health and accident at work. One part of the act also regulates the cooperation between employers and employees. The Swedish Work Environment Authority is commissioned by the Government to regulate the laws in detail, which is described in the Work Environment Authority’s Status Book (*Arbetsmiljöverkets författningssamling*, AFS).

During previous years some changes took place in order to improve the health and safety practice at the enterprise level. A new regulation introduced in this context has been the so-called “Systematic Work Environment Management” SAM, see: AFS 2001).

#### **Systematic Work Environment Management in Sweden**

The Swedish practice of regulation of SAM (“*Systematiskt ArbetsMiljöarbete*”), requires that the employer shall investigate, carry out and follow up in activities in a way that ill-health and accidents at work are prevented and that the work environment is satisfied. SAM includes physical, psychological and social conditions and it should be a part of the everyday work, i.e. integrated systematically into work routines. There are requirements on different types of documentation. The employer is the main responsible for SAM. The employees participate in SAM and can report risks and accidents at work, suggest measures and how to realize them for instance. Safety representatives and employees take part of the planning and implementation of the work environment management. Occupational health service is an external expert resource in SAM. They can do risk appraisals, suggest measures and train the employees. The Swedish Work Environment Authority states that SAM is based on cooperation between employer, employees and safety representatives.<sup>9</sup>

It should be noted that Swedish legislation on working conditions such as the Work Environment Act or the Working Time Act (*Arbetstidslagen*, SFS) are “semidispositive” which means that the respective laws define minimum standards which might be replaced by more far reaching collective agreements between the social partners at sector or enterprise level.

Though the overall coverage of working conditions in enterprises in Sweden is displaying a high standard in the international comparative perspective, there are also challenges and problems.

One of the major problems in this context is the coverage of small companies by the health and safety and working environment system: Though small enterprises are covered by regional safety representatives, surveys have stressed that the standards of health and safety within small enterprises as compared to larger ones are significant lagging behind, mainly due

<sup>7</sup> Here, the Eastern European New Member States are meant.

<sup>8</sup> The information summarized here is mainly based on a national overview report provided by our Swedish partner in the research project.

<sup>9</sup> Systematic Work Environment Management (Systematiskt arbetsmiljöarbete, AFS 2001:1)

to a lack of established and formalised practices of dialogue and cooperation and the availability of training.<sup>10</sup> Against the background of a growing share of small companies within the Swedish economy this represents a significant challenge to the Swedish labour market parties.

Issues of the work environment and in particular safety problems in Swedish enterprises have been frequently discussed during the last year, because of an increase in the number of accidents at work with fatal outcome. In the constructing sector the numbers of fatal workplace accident have increased. During the first six months in 2008 there were thirteen accidents with fatal outcome in the sector. That is a doubling compared to the same period 2007<sup>11</sup> Other evidence was provided by the Swedish Work Environment Authority which inspected more than 1100 small companies in the building sector in 2007/2008. The inspections showed that only 40 per cent of the companies have a well-functioning preventative work regarding the work environment.<sup>12</sup>

### 1.2.2 Germany and Austria: Dual models of regulation

Both Germany and Austria are characterised by a dual system of labour market regulation which is based on the one hand on legal stipulations establishing the general frame industrial and labour relations and self-regulation of social partners in various fields of labour market regulation and social security either in the context of institutional arrangements (e.g. in the field of social insurance, vocational training) or collective bargaining.

This dual system is also the basis of regulation in the different fields of working conditions as the regulations in the field of occupational health and safety illustrates: Key players are the government and institutions of the state at central as well as regional level on the one hand and statutory accident insurers on the other side which also are not only active in their core tasks of insurance but also in the field of implementing, monitoring and developing preventive measures in the field of health and safety at work. They run their own training and research institutions and act in the field of sector-specific prevention. Social partners are playing a crucial role in the implementation of health and safety as well as with regard to the shaping of working conditions in other fields at the company level through different channels and institutions.

In both countries, the European legislation regarding health and safety at the workplace and the development of a new rationale in this context (shifting focus from occupational safety to a broader and integrative concept of health and well-being and a stronger focus on the concept of prevention) has had major effects on the national systems.

In Germany the European Framework Directive 89/391/EEC of 12 June 1989 was finally transposed after significant delays only in 1996 via the *Health and Safety at Work Act (ArbSchG)* and amendments to the laws governing preventive health and safety measures in Social Code.

#### **The German Labour Safety Act (“Arbeitsschutzgesetz”)**

The underlying rationale of the act is a modern understanding of occupational safety and health, including measures to prevent industrial accidents and occupational health risks and socially acceptable work organisation. Prevention in the context of the shaping of working-conditions is an

<sup>10</sup> See: The Swedish Confederation of Trade Unions, Gellerstedt, S, 2007. *Skyddsombudens arbete och erfarenheter 2006*.

<sup>11</sup> The Swedish Work Environment Authority, 2008-09-01. *Projektrapport: Analys av utvecklingen av dödsfall till följd av olyckor på arbetsplatsen*.

<sup>12</sup> The Swedish Work Environment Authority, 2008-10-24. *1 100 inspektioner inom bygg viktig väckarklocka för många*.

important aspect of this new rationale. This not only includes physical measures and aspects but also psychological factors.

The Health and Safety at Work Act requires employers, to adopt the necessary occupational safety and health measures taking account of any circumstances affecting the safety and health of employees in the workplace. The employer must assess the effectiveness of such measures and, if need be, adjust to changing circumstances.

This means that occupational safety and health must be integrated into companies' decision-making processes, and this must be done systematically on the basis of risk assessments, planning, implementing as well as evaluation of measures carried out.

Assessment must take account of the kind of activity involved, and any plans must consider and create appropriate linkages between all relevant company-related factors, specifically technology, work organisation, other working conditions, social relations and the influence of the environment on the workplace.

There is also a general duty on all employers to seek advice and to cooperate with employee representatives and professional actors such as occupational doctors and occupational safety officers.

When they have specific grounds of complaint, workers now have a right of appeal to the competent authority where measures taken and resources provided by the employer are insufficient to guarantee safety and health protection at work, and the employer fails to take remedial action following such complaints.

The reformed health and safety legislation in Germany and Austria not only has implemented an enlarged notion of occupational health and safety in national labour law. More significantly the reforms have introduced the objective of a more human organisation of work ("*Menschengerechte Arbeitsgestaltung*") as a crucial task of modern health and safety at work practice. This objective already had been addressed by a federal research and support programmes in the 1970s followed by other programmes focussing on the improvement of working conditions against the background of technological, economic as well as social challenges.<sup>13</sup>

As changes in organisations and the structure of the economy have accelerated since the beginning of the 1990s, well-educated, experienced and motivated employees have increasingly been regarded as a key factor in companies' economic success and competitiveness. Therefore, the issue of improving the working conditions and the "*quality of work*" has gained importance for politicians, trade unions, employers and the general public in Germany. This also is illustrated by the Social-Democratic/Greens government which launched the "*New Quality of Work*" initiative (*Initiative Neue Qualität der Arbeit*, INQA) which is regarded as the most important single measure at national level in the field of "good" working conditions. INQA was established in 2001 and is a joint initiative by the Federal Government, the federal states, trade unions, employers' and business associations, social security organisations, foundations and individual companies. Its goal is to combine employees' expectations of healthy and satisfying working conditions with the need of enterprises to be competitive in an internationally integrated economy.<sup>14</sup>

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<sup>13</sup> The programme "*Humanisierung des Arbeitslebens*" (Humanization of Working Life) was followed by the programme "*Arbeit und Technik*" (Work and Techniques), and currently "*Innovative Arbeitsgestaltung*" (Innovative Work Structuring).

<sup>14</sup> Several initiatives have been launched under the umbrella of INQA, including sectoral initiatives in the construction sector and activities such as documenting good practice in the health care sector. Committees, networks and working groups run the operations of these initiatives. The two sectoral networks aim to improve the working conditions, for example measures that boost the efficiency and profitability of firms that operate within highly competitive markets, whereas the latter disseminates information and provides advice on how to prevent a high level of employee fluctuation among those whose work is highly demanding in physical and/or psychological terms.

Against the background of the worsening of labour conditions in many industrial sectors due to increasing agency-employment, as a result of the Hartz-reforms in the beginning of the decade and increasing pressure on wages, working time and other labour standards, the issue of decent or good work recently also has been adopted by trade unions: In 2005 the IG Metall launched its own campaign on “*Good Work*” (“*Gute Arbeit*”) and in 2007 the DGB inaugurated the “*Good Work Index*” which to a large degree has been developed with view on the Austrian example of the “*Working Climate Index*” (“*Arbeitsklima-Index*”) developed and carried out very successfully by the Upper Austrian Chamber of Labour.

There is a clear difference between Germany and Austria with regard to labour market developments and their effects on working conditions. While the Austrian labour market system developed after the Second World War and also the measure of active labour market policy and support developed during the 1970s and 1980s still are in place generally, Germany has experience a major change which very closely is connected to the so-called Hartz reforms carried out in the midst of the last decade: The four reform packages not only merged the general social welfare benefit (*Sozialhilfe*) with unemployment assistance (*Arbeitslosenhilfe*) but resulted either directly or indirectly to a worsening of the material situation of unemployed people as well as in an increase in “atypical work” such as “One-Euro-Jobs” (“*Ein-Euro-Jobs*”) or increasing figures of fixed-term contracts, low-paid jobs (topped by public funds) etc. The Hartz reforms polarised the German public significantly. They were fiercely opposed by the German trade union movement and similarly strong welcomed by the employers’ organisations. In particular the idea of fostering job creation by reducing employment protection and facilitating fixed-term and/or temporary agency employment has been one of the most controversial issues between unions and the employers’ associations.

Austria hasn’t experienced such a significant change and polarisation in its labour market system – the problem of unemployment and structural problems in the labour market haven’t been that strong as in Germany. This also at least partly explains that issues such as “*decent*” or “*good*” work are not that important as in Germany during the last years (see Krenn 2007).

Though of course also Austria has further improved its active labour market policy in recent years, both the Austrian government and the social partners very much have focussed on the quantitative aspect of employment growth and job creation and on the issue of competitiveness and innovation potentials of Austrian companies in the global context. In this context many joint bi-partite and/or tripartite initiatives have been carried out in particular with regard to life-long-learning, further training and improving the skills base in Austria (Voss 2008).

With regard to working conditions and health and safety, trade unions and the Chamber of Labour (based on findings of the *Working Climate Index*) have emphasised the problem of rising stress problems, growing insecurities about the future and intensification of workloads in working life. They also draw attention to the fact of the increasing number of sick leave, accidents at work and invalidity retirement for psychological reasons (see AK Oberösterreich 2007, also Eurofound 2008b)

### 1.2.3 *France and Spain: prevalence of law but increasing role of social partners in reform projects*

#### **France**

The French system of labour market regulation is characterised by the prevalence of the law on collective negotiation. For historical and cultural reasons, collective negotiation has been

developed with the impulsion, and under the control, of the State. Law has been seen as the best means to conciliate the necessity of discussion between social partners and the republican ideals of equality and general interest. In one sense, law has always accompanied collective negotiation, while in the same time searching to promote it.

In 1950 the company-based agreements were recognised and they acquired the status of a collective agreement in 1971. In 1982, the so-called *Auroux* laws deeply modified labour law, introducing in particular the obligation to negotiate at a sectoral level and at the company level. At this company level, the laws introduced the annual obligation to negotiate on wages, duration of work and work organisation. They instituted the right for a worker to retreat oneself in case of imminent danger. In the context of the *Auroux* laws, also the major institution in the field of enterprise health, safety and working conditions have been established, the „*Health, Security and Working Conditions Committees*” (CHSCT) which are legally required in companies with more than 50 employees.

#### **Health, Security and Working Conditions Committees in France**

According to French labour law, all employers have a duty to prevent occupational risks within their company with the CHSCT as the major instrument to implement this task. The CHSCT is made up of employee representatives, plus the head of the company. It must be consulted before any decision leading to significant changes in working conditions is taken. CHSCTs have the right to carry out surveys and call in experts. CHSCTs must be consulted in a lot of cases, ranging from protective infrastructure, fire protection etc. – their origin in industry companies – to new emerging risks such as asbestos or socio-psychological hazards. Thanks to their own right to call in expert for specific surveys, for instance in case of a removal or in case of a serious risk for workers, the Committee can have solid arguments to bargain with the management. Furthermore, it is the management which has to pay the cost of such expertises (if it thinks the call of an expert is not appropriate or useless, the management can denunciate the procedure to a Court). The rise of awareness concerning socio-psychological risks has considerably increased the recourse to independent experts (who needs to be certified by the Ministry of Employment).

CHSCTs are thus entrusted with large responsibilities, making them the cornerstone of protective measures against all occupational risks. In practice their connections with occupational medicine are strong.

Since 2001, French labour law also requires from all companies regardless their size to establishment and regular update a “unique document” assessing occupational risks and planning preventive actions. The format and content are however not specified by the law and let at the employers’ appreciation. They have to present it to the CHSCT when it exists. More generally, it is addressed to all internal actors (executives, delegates) and external actors (Labour Inspection, occupational medicine, social insurance etc.). According to national surveys, such a document was available in three out of four companies in 2004 (Coutrot 2007).

Not only with regard to occupational health and safety the framework of regulation has changed significantly in France during last the decade: Most famously for example, in 1997, the law on working time reduction and arrangement reduced the legal weekly duration to 35 hours (instead of 39). It was accompanied by a strong improvement of social dialogue in companies, even in the smallest.<sup>15</sup>

Against the background of various structural problems (coverage of small companies, role of social dialogue at different levels and in different forms such as cooperation, co-determination, negotiation, bargaining) issues around occupational health and safety and

<sup>15</sup> In small companies where there is no workers’ representatives, because of the existing thresholds for the election of a delegate for instance, law made it possible to “mandate” a worker to negotiate the working time arrangements with the management. One quarter of the establishments with at least 20 employees used this procedure.

working conditions has become a priority both of national politics and of social dialogue between the labour market parties: For example, the “asbestos” scandal which occurred in the 1990s showed the exposition of many workers to carcinogenic. In the 2000s, psychosocial risks, like stress, appeared as a growing issue, illustrated by series of suicides at the workplace (striking was the occurrence of several suicides in the automotive industry in a short period of time). Musculoskeletal disorders have also been given a particular attention in the debate. This shows the growing awareness of new forms of hardness at work that an economist termed “*the new disorders of productivism*”.<sup>16</sup>

In 2005, the government adopted a five-year plan for occupational health. Occupational work was given a primary status in global health policy. Four objectives were fixed: developing knowledge about dangers, reinforcing controls, launching monitoring instances and bettering prevention in companies. Prevention concerns in particular road risks for workers, musculoskeletal problems, exposition to noise and carcinogens. The plan now relies on regional committees in charge with prevention of risks at work. Social partners participate to these consultative committees.

### Spain

Similar to France, the Spanish labour market system including the regulation of working conditions is largely shaped by legislative frameworks established by the state. However, since the adoption of European directive on health and safety by the 1995 “*Law on Occupational Risk Prevention*” (Law 31/1995<sup>17</sup>) and in the context of successive labour law reforms (in particular Law 11/1994), the role of collective bargaining at various levels (national, sectoral, autonomous communities, provincial and local level as well as at the level of undertakings) has constantly grown. After the 1994 labour law reform and in the context of further reform packages in 1997, 2001 and 2006 a growing number of issues formerly regulated by legal norms (in most cases by the “*Statute of Workers Rights*”) are now able to be regulated further and/or alternatively by collective agreements.

The contents of these agreements usually cover all types of issues within the field of industrial relations; they essentially concern terms and working conditions and other matters relating to the employment contract (pay, working hours, working time, health and safety, occupational groups and categories, promotion, vocational training, geographical and functional mobility, disciplinary procedures, etc.) or relating to the collective aspects of labour relations (trade union rights, the rights of workers’ representatives, the joint committee, settlement of disputes concerning the interpretation and application of the agreement, etc.).

Problems with implementing occupational health and safety in Spanish enterprises, particularly in the small enterprise sector and a prevailing high rate of occupational accidents (in particular in the booming sector of construction<sup>18</sup> but also in other production sectors<sup>19</sup>)

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<sup>16</sup> See Askénazy (2004). Recently, the issue of socio-psychological hazards have been given a growing attention. A report written by two specialists was given to the Prime minister in March 2008. They propose to create a single national indicator permitting to measure stress, on the basis of the existing methods. This indicator would be used in a global national survey to be led by the National Institute of Statistics in relation with Occupational medicine. The report also suggests creating incentives to activate companies in the field of prevention of stress.

<sup>17</sup> Ley de Prevención de Riesgos Laborales, Law on Occupational Risk Prevention of 8th Novembre 1995.

<sup>18</sup> According to the latest data from the Occupational Safety and Health Institute referring to January-December 2008, the total incidence rate decreases by 11.4% compared to the previous year. There is a decrease in the index of minor accidents (-11.3%) and serious accidents (-18.4%), and an increase of 7.7% in the rate of fatal accidents. The reason for this decrease is the great impact in loss of employment (-13.4%) which has taken place in the sector as a result of the structural

and a public debate on the “quality” of work and a growing concern mainly stressed by trade unions about “precarious” employment has led to increased attention to the quality of working conditions in Spain (Rodríguez 2009). In particular, during the last years, the issue of employment growth and rapidly rising employment rates before the current economic crisis increasingly has resulted also in debates on the nature of new jobs created and the quality of working conditions.

Against this, several initiatives of the Spanish government have been launched in order to improve the existing system of health and safety at work and to improve generally the quality of working conditions in Spain. In this context, in particular the “*National Strategy on Safety and Health at Work for the period 2007 - 2012*” which is implementing the European Strategy Plan and the “*Intervention Plan for the Improvement of Occupational Health and Security and the Reduction of Labour Accidents*” have to be mentioned in this context as important initiatives which resulted in a number of activities and measures.

#### **1.2.4 Czech Republic: Developing a framework for decent working conditions including health and safety at work**

In the Czech Republic, the Labour Code is a crucial standard determining principal rules in the field of labour-law relations and major standards for working conditions. Traditionally, a significant role in the preparation of the Labour Code is played by Czech social partners. On 1 January 2007, new *Labour Code* came into effect (replacing a labour code that had applied, with various amendments, since 1965). Act no. 262/2006 Coll., the Labour Code (governing basic regulations for health and safety at work, among other things), established the principle in labour relations that “*anything not forbidden is permitted*”.

In addition, *Act No. 309/2006 Coll. on occupational health and safety* has also come into effect. The act contains key provisions regarding the professional competency of those working in the area of occupational health and safety, transposes into law the relevant EU regulations and covers other requirements for health and safety at work.

As far as the reform of control mechanisms in the field of labour relations and working conditions is considered, *Act No. 251/2005 Coll. on work inspection* entered into force, giving rise to a new institution, the *State Work Inspection Authority* and its regional inspectorates. With the act’s entry into force the agenda of the Czech Work Safety Authority and its inspectorates and part of the agenda of labour offices’ inspectorates (bar legislation governing employment and insolvency) were merged. The Act affects employers and their employees not only in the private sector but also in public sector (e.g., municipalities, districts, boroughs etc.). The Act defines the offences of individuals and the administrative torts of legal entities. In the event of a breach of regulations, inspectors are authorised to instil those punishments itemised in the law. A penalty of up to the amount of CZK 2 million can be assessed. The employer has the possibility to appeal the imposed fine, with the pertinent labour office making the final decision. The activities of the work inspection office also comprise the free-

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adjustment that is still taking place. Even though there is a general decrease in the total number of occupational accidents (-23.3%), the rate of fatal accidents has increased (7.7%). The accident rate is the number of accidents for every 100,000 workers affiliated (to the Social Security scheme) with professional contingencies coverage.

<sup>19</sup> For instance, in the fields of “Coal extraction and agglomeration” and “Metallurgy” which record higher accident rates than the construction sector (43.45% and 21.52%, respectively for the year 2008).

of-charge provision of general information and advice to both employers and employees about protection of work relations and work conditions.

The new Act on work inspection has brought the partial integration of inspection work under the authority of a single body. The state authorities (the trade unions as well) expect this re-arrangement of control powers to ensure that comprehensive supervision of compliance with labour relations and working conditions law is more effective in practice and will thus bring about a gradual shift in employers' and employees' hitherto considerably tolerant attitude to breaches of labour law.

In the first half of 2008, the Czech Ministry of Labour and Social Affairs drew up a draft of the *National Occupational Health and Safety Policy*. Through this document, the Czech Republic also fulfils the EU Council resolution of 25 June 2007 on the new strategy of the Community in the field of health and safety at work for 2007-2012, which calls upon the member states to work out and implement single domestic strategies in cooperation with social partners in order to reduce the number of industrial accidents and occupational diseases, especially in the sectors where their number exceeds the average. The national health and safety policy is a cross-section strategic document, which is based on priorities of relevant departments but also on groundwork documents drawn up by social partners, representing thus a result of mutual agreement of all the parties involved. The document stresses protection of public interest regarding occupational health and safety issues and determines, based on the existing evaluation of the current status and development, trends in health and safety in the Czech Republic, strategic objectives and tools for their implementation.

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## 2 The role of social dialogue in the regulation of working conditions

Even more than in the case of clustering the country sample under survey with regard to the regulation and standards of working conditions, there are large varieties with regard to the role of social dialogue in the context of working conditions. Against the background of different national traditions of social dialogue and labour relations European industrial relations research has identified major groups of types and models comprising certain features of social dialogue in the respective national settings. One recent overview is provided in the 2008 Employment in Europe report which is displayed in the following table and which also will serve as a guide to the following description of the role of social dialogue for the regulation of working conditions in the six countries analysed in the context of this report.

### Overview: Industrial relations models and the role of social dialogue

	North	Centre-West	South	West	Centre-East
<i>Welfare regime</i>	Universalistic	Segmented (status-orientated, corporatist)		Residual	Segmented or residual
<i>Employment regime</i>	Inclusive	Dualistic		Liberal	
<i>Industrial relations regime</i>	Organised corporatism	Social partnership	Polarised / state centred	Liberal pluralism	Fragmented/ state centred
<i>Power-balance</i>	Labour-oriented	Balanced	Alternating	Employer oriented	
<i>Principle level of bargaining</i>	Sector		Variable/unstable	Company	
<i>Bargaining style</i>	Integrating		Conflict orientated		Acquiescent
<i>Role of social partners in public policy</i>	Institutionalised		Irregular/ politicised	Rare/event driven	Irregular/ politicised
<i>Role of the state in industrial relations</i>	Limited (mediator)	"shadow of hierarchy"	Frequent intervention	Non-intervention	Organiser of transition
<i>Employee representatives</i>	Union based/ high coverage	Dual system/ high coverage	Variable*	Union based/ small coverage	
<i>Countries covered by this report</i>	Sweden	Germany, Austria	France, Spain	---	Czech Republic

\* In France both principles, in Spain dualistic  
Source: EU Commission (2008d), p. 49.

### 2.1 Sweden: Social partners as fundamental players in the shaping of working conditions

The Swedish model is based on social dialogue and active involvement of social partners in nearly all areas of employment and social policy. Apart from collective agreements it is also important to stress that employee representatives, e.g. trade unions are key actors in supervising, monitoring and implementing regulations in the field of working conditions, in particular in the health and safety field: Safety representatives at the enterprise level in companies with more than five employees are elected by the workers. Smaller companies are covered by a system of regional safety representatives which also are organised by the trade unions, i.e. health and safety issues are monitored and controlled by regional safety

representatives (RSR) who are delegated by the trade unions and frequently visit the companies.<sup>20</sup>

There are also other forms of social dialogue to improve the working conditions,:

- “Prevent“ is a non-profit organisation supported by the Confederation of Swedish Enterprise, the Swedish Trade Union Confederation (LO) and the Council for Negotiation and Co-operation (*Privattjänstemannakartellen*; PTK). The organisation is active in the area of work environment and spreads information about work environment issues and develops methods for workplaces to manage the work environment.<sup>21</sup>
- Also social insurance in Sweden is organised jointly by the social partners: *AFA Insurance* is owned jointly by LO, PTK and the Confederation of Swedish Enterprise. The main task for the organisation is to insure employees in the private sector, municipalities and county councils. The organisation is also working to prevent ill health at work, through financing research concerning work environment and health issues.<sup>22</sup>
- The Association of Local Authorities and Regions *SALAR* has together with a large number of trade unions active in the municipal sector entered into a central agreement called “Renewal – Work environment – Cooperation” (*Förnyelse – Arbetsmiljö – Samverkan*, FAS). The aim is that employers and local trade unions shall enter into local agreements. The purpose is to make health and work environment to a natural part of the everyday work and to start cooperation between employers, trade unions and employees.<sup>23</sup>
- In the construction sector, the social partners (Swedish Construction Federation, the Swedish Building Workers’ Union and the Union of Service and Communication Employees – Roads & Railways) have established a consultation and cooperation council in the area of work environment issues, the “Building Industry’s Central Work Environment Council” (*Byggindustrins Centrala Arbetsmiljöråd*, BCA). The council works as a drafting committee and comes with suggestions of how to change agreements concerning work environment, takes position in joint concerns, proposes investigations and joint information projects.<sup>24</sup>
- Finally, there are also joint initiatives to improve working conditions by awareness rising. For example the “Internet portal for Work Environment” (*Arbetsmiljöupplysningen*) where more than thirty partners contribute, deliver information and share knowledge about work environment issues.<sup>25</sup>

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<sup>20</sup> For a survey carried out by LO Sweden on regional safety representatives see Gellerstedt (2007). A summary of main results is also included in the Eurofound CAR on Working Conditions and Social Dialogue in Sweden, Eurofound (2008).

<sup>21</sup> Prevent, *Effektivare arbetsmiljöarbete*. <http://www.prevent.se/omprevent/default.asp>, 2008-10-27

<sup>22</sup> AFA Försäkring, 2007. *Om oss*. <http://www.afaforsakring.se/WmTemplates/Page.aspx?id=2464>, 2008-10-27

<sup>23</sup> FAS. *Om Fas*. <http://www.ifas.se/>, 2008-10-27

<sup>24</sup> The Swedish Construction federation, 2008. *Byggindustrins Centrala Arbetsmiljöråd (BCA)*. [http://www.bygg.org/Byggindustrins\\_Centrala\\_Arbetsmiljorad\\_\(BCA\).asp](http://www.bygg.org/Byggindustrins_Centrala_Arbetsmiljorad_(BCA).asp), 2008-10-27

<sup>25</sup> Arbetsmiljöupplysningen. *Om arbetsmiljöupplysningen*. <http://www.arbetsmiljoupplysningen.se/>, 2008-10-27

## 2.2 Germany and Austria: similar institutions at company level but differences in the culture of social dialogue

While the German and Austria system of employee representation at company level (dual representation through works councils<sup>26</sup> and trade union representatives (“*Vertrauensleute*”) display many similarities, there are also significant differences in the tradition of social dialogue and the notion of “social partnership” between the two countries.

In particular the system of “*policy concertation*” and the chambers model in Austria, which has contributed since the 1950s to a highly institutionalised system of social dialogue regardless all political changes.

Austria is distinct from other EU countries in the scope and influence of its specific form of social partnership. Social partnership is not just a system of labour management relations or of wage bargaining, but one of institutionalised cooperation between labour, business, and government that covers all important aspects of economic and social policy. Social partnership at the national level in Austria does not refer to social pacts as it does elsewhere in Europe. It stands for a durable and rather robust pattern of day-to-day policy making which is capable of solving political conflicts by a routine of policy cooperation. As an institutionalised system of social concertation the Austrian model is based on a network of autonomous interaction between unions and employer organisations and close participation of interest groups in political decision making, including drafting legislation. Typical policy areas covered by the social dialogue system are social policy, including of course working conditions and occupational health and safety but also fiscal policy, monetary policy, investment policy, industrial policy, social welfare, labour law, job creation and training, employment and EU issues (Voss 2008, p. 27-29).

While in contrast to this, the German model of social partnership, institutionalised policy consultation is organised in a much more voluntary and informal way, a further contrast between both countries is related to the organisation of social partners’ interests. Here, Austrian social partnership is based on the system of chambers (see textbox below) resulting in an almost universal coverage rate of collective bargaining.

### **The Austrian system of chambers**

Following recent legal changes in Slovenia, Austria remains the only EU country where there is a compulsory membership of some employers’ bodies. As well as private voluntary organisations, which exist in most other European countries, Austria has a system of chambers, the most important of which are the Economic Chamber (*Wirtschaftskammer*), the Chambers of Agriculture (*Landwirtschaftskammer*) and the Chambers of Labour (*Arbeiterkammer*). The chambers function as semi-public bodies, legally responsible for representing the interests of their constituent groups. Because of their legal and official status, membership in the chambers is compulsory for all companies, farmers, and wage and salary earners. Their principal governmental function is to advise on draft legislation and administrative regulations affecting their constituencies. In the system of collective bargaining the Economic Chambers are the main players on the employer side. On the employee side this bargaining task is performed by the trade unions, not the Chambers of Labour. Although there is a strong personnel connection between the Chambers of Labour and the trade unions, the relationship is based not on competition but on a mostly informal division of tasks. The Chambers of Labour are important actors within the social partnership. Their main task is to represent employee interests vis-à-vis the government, whereas the task of collective bargaining lies with the trade unions.

Source: Voss 2008, p. 30.

<sup>26</sup> The existence of separate works councils for blue collard workers and salaried staff is a marking difference between the two systems.

However, with regard to the role of social partners and employee representatives at different level in the regulation of working conditions, both Austria and Germany are displaying similar characteristics:

There is a significant influence of social dialogue and trade union involvement in the overall regulation of health and safety at work through bipartite structures, i.e. public accident insurance (Germany: *Deutsche Gesetzliche Unfallversicherung*, DGUV; Austria: *Allgemeine Unfallversicherungsanstalt AUVA*) and sectoral company health insurance associations (Germany: *Berufsgenossenschaften*<sup>27</sup>; Austria: *Arbeitsinspektion*). By the social dialogue at sectoral level, the company health insurance associations and the trade unions influence measures, projects at company-level and legislative initiatives. In Germany for example, trade unions are also represented on the Federal Institute for Occupational Safety and Health (*Bundesanstalt für Arbeitsschutz und Arbeitsmedizin*, BAUA), helping to plan work programmes and design research programmes.

At company level, there is a duty for employers' to directly cooperate with the works council on occupational health and safety as well as in other fields of working conditions. Above that, both in Germany and Austria occupational health and safety is a major field of direct co-determination practice, i.e. there is a legal obligation of the employer to reach an agreement on OHS issues. The works council is responsible for dealing with all company-related problems. Depending on its size, one or more works council members may be responsible for OHS, i.e., making sure that OHS regulations are observed and putting forward proposals on how to improve OHS. In Austria for instance, the social partners represented by the Economic Chamber and the Chamber of Labour jointly with the AUVA run a joint portal supporting actors at the company level in the context of workplace related risk assessments ([www.eval.at](http://www.eval.at)). It should also be mentioned here, that both in Austria and Germany there is an initiator right of employee representatives in this field also.

Works councils play a major role with regard to monitor and enforce occupational safety and health measures. In many respects, the scope of workforce representation has extended in order to include such things as taking up workers' individual health related complaints, integrating occupational safety and health into broader company life and management concepts, cooperating with occupational safety and health authorities and institutions, as well as accident insurers, and helping individual workers to look after their own health concerns within the company. In order to fulfil this ambitious goals, workforce representatives need support from their trade unions, especially in the form of training, advice and their integration into company, multi-company or regional networks. It should also be mentioned in this context that enterprise safety delegates (Germany: "*Sicherheitsbeauftragter*", Austria: "*Präventionsfachkraft*") very often are trade union members.

Both in Austria and in Germany, trade unions play a particularly important role in improving working conditions and health and safety standards in particular in small and medium sized companies: As works councils are often non-existent or of low influence in small and medium-sized enterprises, trade union consultation and joint projects by the trade unions, the company health insurance associations and other actors are important to tackle the problem of SME still not fully implementing the law. In particular with regard to SMEs, external consultation and information is needed to reach out to SME and to less knowledge-intensive

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<sup>27</sup> As DGUV pays for wage losses due to sick leave as well as for pensions and health treatment due to work-related diseases, the sectoral company health insurance associations are obliged to take care for preventive measures and to investigate occupational health risks either by research, inspection, consultation or by providing information material.

sectors. Practice shows, that a support structure provided by trade unions – including training provisions – and consultants is fundamental to support worker representatives to negotiate, to conclude and to implement OHS measures in SMEs.

The reformed occupational safety and health legislation and its underlying modern concept of occupational safety and health prevention and protection also affect all areas and levels of trade union and workforce representation. It significantly increased the responsibility and tasks of employee representatives in this context, both in the context of the Austrian “*ArbeitnehmerInnenschutzgesetz*” as well as in the German “*Arbeitsschutzgesetz*” (Wittig-Goetz 2006).

### **2.3 France: Social dialogue as an arena of political controversies**

Major underlying characteristics of social dialogue in France are resulting from the significant structural weakness of trade union membership. At the same time there is significant trade union pluralism along political and professional divisions which results in difficult and complex relations of social dialogue at and between different levels (enterprise, sector, intersectoral). In contrast to weak trade union coverage, collective bargaining coverage which covers 90% of workers is at a high level in France mainly due to the principle of “extension” (a collective agreement signed by some unions can be extended to all the branch by the Ministry of Employment).

The structural problems of social dialogue but also changes in political orientations in recent years have resulted in major reform proposals for example addressing the issue of representativeness or modernisation of social dialogue and bargaining in general.<sup>28</sup>

Social dialogue and the role of social partners in French labour market practice is a highly politicised issue: In May 2004, a law on the “*modernisation of social dialogue*” reformed the rules of social dialogue. It imposed a mandatory concertation between the government and the social partners before any reform concerning work, employment and vocational training. It is the government who has the initiative, as it sends to the social partners a “orientation documentation” which exposes its assessment, objectives and modalities for a possible negotiation. Social partners have to let the public authorities know whether or not they wish to negotiate and under which delay. The 2004 law also gives more weight to company-based negotiation. Some fields of negotiation, which were so far limited to the branch level, are now open to a company-based dialogue.

In the field of working conditions, instruments for social dialogue at the company level exist in companies over 50 workers, hence excluding the smallest. This is the case for Workplace Health and Safety Committees, CHSCT. When they exist, their mobilisation can differ moreover. Regarding new concerns like stress at work and psycho-social troubles, these committees nevertheless tend to acquire a new, important role.

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<sup>28</sup> The French system is composed of different levels of bargaining. For long they have followed a pyramidal approach, the principle being that of favorability towards the employee. In 2004, the so-called *Fillon Law* (from the name of then Minister of employment, now the Prime Minister) modified in depth this principle. The law actually has reversed the hierarchy of norms and consecrated company-based negotiation as the main place where norms are produced, , except for some issues (like minimum wages) where the former hierarchy of norms still prevails. The Fillon Law, indeed, made it possible, for companies with no union representative (*délégué syndical*), that agreements be signed by an employee representative (*délégué du personnel*) or the employee representatives elected at the works council, who both are not necessarily unionised. This can be a source of deregulation.

Following the recent government initiatives in the field of working conditions (e.g. the 2005 multi-annual plan on occupational health and the inauguration of a tripartite conference two years later), French social partners have launched their own initiatives and agreements on various issues with regard to working conditions:

In this context, the *tripartite conference on working conditions* launched by the end of 2007 has resulted in a series of propositions in the fields of prevention of occupational risks and improvement of the intervention of actors. At a national level, a new “*Steering committee on working conditions*” will be created, including the state, social partners, and the French “Agency for the Improvement of Working Conditions” (*ANACT*). The Fund for improving working conditions will be reformed. Awareness-raising measures have been taken at the national and regional levels. Companies are called to give training to their executives on occupational health issues and socio-psychological hazards, and to monitor and rectify exposure to hazards. Workplace Health and Safety Committees should also be reinforced.

Resulting from the transposition of the European Social Partners’ Framework Agreement on *work-related stress* an agreement between the French social partners was reached in July 2005. One of the outcomes is that it is the employers’ responsibility to determine appropriate measures to struggle against work-related stress, in association with the representatives of the workers. Sectoral or company-based agreements can only derogate to this agreement in a more favourable sense for the workers.

Other recent national agreements focus on the issue of “active ageing” (“*emploi des seniors*”): In 2005 a multi-industry bargaining followed the 2003 law on the reform of the pension system. In 2008, a new “mobilisation” plan for *senior employment* was launched in 2008 by the Government, aiming at keeping older workers in employment. The employers are given incentives to maintain older workers in their company and to improve the HR management, in particular the use of training and skill assessment. The Government also wishes to extend before the end of 2009 the obligation for companies to negotiate on anticipation of employment and skills (*Gestion prévisionnelle des emplois et des compétences, GPEC*), initiated in 2005 for companies over 300 workers, to active ageing and senior employment. A decree was published in May 2009 on senior workers, making it compulsory for companies over 50 workers and before the 1<sup>st</sup> of January 2010 to negotiate an agreement or an action plan on senior work, that would need to be validated by the public authorities. Otherwise, the companies are exposed to a fee amounting 1% of the payroll. Today, about ten sectoral agreements on senior employment have been signed, for instance in the Bank industry which engaged in putting back the mean age of retirement. Very few companies have engaged in a negotiation on the anticipation of employment. Along with this, for older workers, the possibility to cumulate wages with partial pensions is developed, aiming at encouraging them to keep a part-time job. Today, about ten sectoral agreements on senior employment have been signed, for instance in the Bank industry which engaged in putting back the mean age of retirement.

Arrangements concerning *workplace hardness* (“*pénibilité*”) were the topic of another bargaining, which proved much more difficult. Initiated in 2003 during the debate on the law on the reform of the pension system, the negotiation about hardness has not reached an agreement yet between social partners. The very point is the situation of workers who have worked in hard jobs and their access to a full pension. One issue is the definition and assessment of hardness. A common definition was reached that includes heavy physical constraints, an “aggressive” environment (noise, warm, toxics), working rhythms (night work e.g.) and socio-psychological hazards.

Finally, in the field of *training*, multi-industry negotiations were launched in 2001, leading to a general agreement signed by all the parts (which is sufficiently rare to be noted) in 2003 and a law in 2004. A new individualised right to training (DIF) was created for all permanent employees: a cumulative right to a 20-hour period of training per year.

## **2.4 Spain: Increasing role of social partners in implementing better working conditions**

With regard to the Spanish labour market system and also in general with regard to the Spanish route to democracy after the end of the Franco regime the social partners have played an important role which has been regularly stressed in surveys and analyses of the Spanish society. This important role of social partners for economic, social and political stability has been remarkably stable during the last decades regardless major political changes and the respective governments in place. Against this general background Spanish social partners and social dialogue of course is also an important factor of the regulation of working conditions at various levels from the central national level to the level of enterprises.

In recent years, this role has changed, e.g. in the context of a changing role of collective bargaining, and at least in areas which are affecting working conditions has grown against the background of new challenges (e.g. in the field of training and education) or with regard to the reaction of structural problems and challenges in the field of working conditions and health and safety at work.

The existence of specific representation structures for safety and health at work is of particular interest in this context. In undertakings with more than six employees, *safety prevention representatives (delegates)* are to be elected by and from among employee representatives in the undertaking. These representatives are to be consulted in advance on work organisation and the introduction of new technologies. They are competent in the area of hazard prevention (promotion, provision of proposals, employee cooperation, and implementation of schemes, training, evaluation and supervision). If it is impossible for the works council or staff representatives to meet, they may take the decision to suspend work in the undertaking if there is a serious and imminent threat to safety. They are entitled to inspect plants and to interview employees during working time and have the same protection and resources as staff representatives and the members of the works council. In undertakings with more than 50 employees, a safety and health council, with consultative functions, may be set up, half the members of which are safety representatives, the other half being representatives of the undertaking.

### **Role and different levels of collective agreements in Spain**

According to the Spanish National Statistics Institute, there were approximately 5,776 legally-binding collective agreements during 2005, covering 10,755,727 Spanish workers. It can be said that approximately two out of three Spanish workers were (and are) covered by a statutory collective agreement. The vast majority of these collective agreements are agreements at undertaking level. In fact, three out of every four Spanish collective agreements during 2005 – exactly 75.4% - were this type of agreement. However, the vast majority of Spanish workers and undertakings – 88.4% and 99.6% respectively- are covered by sectoral agreements.

Regarding different levels of collective agreements, the norm is based on a general principle of non-concurrence (non-application of a regulation at a level that is already regulated conventionally), unless these levels are articulated as a consequence of the abovementioned regulation and distribution of topics into levels of negotiation, or unless this concurrence operates from lower levels.<sup>29</sup>

<sup>29</sup> The possibility of concurrence entails a limitation, except in certain topics, from higher levels to the level of the undertaking or lower than national level (articles 83 and 84 Statute of Workers' Rights).

Amongst different forms of sectoral collective agreements the most important ones are those whose scope is counties or “*provincias*”, that is, at *territorial level*. This type of sectoral collective agreement covers 72% of Spanish undertakings and 53% of Spanish employees. Nevertheless, it is necessary to highlight the qualitative importance of national sectoral agreements in the Spanish collective bargaining system: National agreements are particularly representative as they practically cover all workers with a collective agreement in the following sectors, amongst others: textile industry, leather and shoe manufacturing, paper industry, graphic arts and publishing, chemical industry, banking and savings banks, and construction and building.

Other levels of collective agreements very much are characterised by sectoral structures such as company size and industry characteristics: *Sectoral provincial agreements* traditionally have greater prominence as they cover practically all workers with a collective agreement in the following activity sectors: timber industry, manufacturing of metal products and construction (the agreements in this sector are considered to be provincial, although a framework agreement at state level exists which is further developed in provincial agreements). Also, *regional agreements* (Autonomous Communities of Catalonia, Basque Country and Valencia) have certain relative importance with regard to workers in agriculture, retail and wholesale trade, hotel and restaurant trade, home support, old persons’ homes, and private education. *Agreements at the level of the undertaking* predominate, in some cases being the only type of agreement enforced in productive branches characterised by large undertakings. Finally, *agreements of groups of undertakings*, which are scarcely present in most activity sectors, are certainly relevant, representing approximately one third of workers with a collective agreement in the following sectors: *Other transport materials*, (Agreement of the group of Spanish ship builders), and in *Protection and distribution of electricity, gas and water*, through the agreements of Endesa, Iberdrola and Unión FENOSA.

In the last three years (definitive data for 2005, advance data for 2006 and provisional data for 2007), an increase can be observed in the number of workers per undertaking in agreements at undertaking level; this may signify a change in the former evolution trend if the provisional figures for 2006 and 2007 are confirmed.

As a consequence of the poor record with regard to accidents at workplaces<sup>30</sup> the government and administrative institutions (e.g. Social Security) launched various initiatives to improve the situation (Rodríguez 2009). Social partners have been taking an integral part in this context. This for example is illustrated by the 2004 tripartite “*Joint Declaration for the Social Dialogue*” which also dealt with strategies to reduce accident incidents at the workplace. During the last years, Spanish social partners were involved in further initiatives also in the context of reforming the institutional system of health and safety (e.g. the “*National Institute for Security and Health at Work*”, the “*Foundation for Prevention of Risks at Work*” or improving the role and effectiveness of the Labour Inspection system). These activities were also legally backed by the Spanish “*Intervention Plan for the Improvement of Occupational Health and Security and Reduction of Labour Accidents*” and by establishing a “*National Observatory of Working Conditions*” as an institution of gathering information and data and supporting the various actors in the field of the prevention of risks at work.

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<sup>30</sup> According to 2006 and 2007 figures, Spain is one of the countries in EU-15 with the highest accident rates, accumulating 20% of the fatal accidents recorded. The most obvious reasons for this are: non-compliance with prevention regulations, employment instability and a lack of control (there is one labour inspector for every 23,300 workers in Spain, half the amount than EU-15). Although this figure has decreased significantly in the last few years, the accident rate with sick leave in Spain is double the average figure in Europe (in 2006). Almost one thousand people die every year as a result of occupational accidents. However, these figures need to be read with caution. Differences between the insurance schemes that exist in the EU are often mentioned as they do not guarantee homogeneity in statistical data regarding occupational accidents. Although these differences are weighted by EUROSTAT, the overall results tend to be detrimental to Spain. Spanish employers, together with the French and German employers, are the only ones within the EU which comply with the obligation of notifying all occupational accidents. Moreover, Spain, together with France, uses a broader concept with regard to work-related accidents.

Against the background of structural problems with regard to health and safety at work in smaller enterprises, there are currently reform projects underway aiming at a better coverage by health and safety institutions: Within the national framework “*National Strategy on Safety and Health at Work*” which is implementing the European Strategy on Occupational Health and Safety 2007 – 2012, improving the system of representation and intervention with regard to SMEs is a priority. The debate on possible solutions is based on the premise that representation of workers or joint employer-employee bodies dealing with issues of safety and health constitutes a requirement of a preventive nature. For this reason, promoting its existence also entails the promotion of greater prevention in a larger number of undertakings. Although the number of delegates appointed had been increasing in the last few years, there were still many establishments with no delegates. Especially in the smaller undertakings with less than six employees, which are the most numerous, this function can not exist due to legal reasons; and in undertakings with less than ten employees there is a real limitation which is significant. This, together with a greater rate of accidents and worse working conditions on average for this size of undertakings, led to initiatives to improve representation by workers representatives or joint bodies that will support a better prevention. Experiences in certain regions (Navarra or Asturias) had shown the usefulness of health and safety representatives that, besides representing the workers’ interests in the sphere of the undertaking, provide support and advice for the promotion of prevention activities.

As a result, the following was approved as Objective 3 of the “National Strategy on Safety and Health at Work”: “*To strengthen the role of social partners and the involvement of employers and employees in the improvement of safety and health at work.*” The objective is two-fold: On the one hand, promoting the employers’ compliance with prevention measures; and, on the other, to facilitate the active exercise of these rights to information, consultation and participation of workers on issues of occupational risk prevention by creating joint bodies with sufficient technical training and competences.

## **2.5 Czech Republic: Prevalence of state-orientated practice and indefinite role of social dialogue**

With regard to the impact of social dialogue on the quality of working conditions, it needs to be stated clearly that the determining factor for the production of standards on working conditions in the Czech Republic is the legislative framework, whereas collective bargaining in terms of results achieved is rather an extension. The impact of collective agreements on working conditions also varies, depending on the economic sector, size of the company and employer’s significance and funds available.

With regard to working conditions and health and safety standards at the enterprise level, the Czech system is very much based on state-led administrative institutions, in particular the labour inspection office: The activities of the work inspection office also comprise the free-of-charge provision of general information and advice to both employers and employees about protection of work relations and work conditions. The conditions for participation of employees and their representatives (most often trade unions, eventually representatives for occupational health and safety issues) are set down in detail by Labour Code. This Act defines relatively broadly employers’ obligations towards trade union organizations, regarding mainly prevention, control of health and safety at work and training of employees’ representatives for this objective. Social partners play irreplaceable role in collective bargaining at both company and sectoral levels where specific occupational health and safety standards adequate to certain company of sector are formulated.

The key institution here is the “Council of Economic and Social Agreement” (*Rada hospodářské a sociální dohody* RHSD), acting as an advisory body to the Czech government authorities (it has no power to initiate legislation and has never been an official point commenting legislation). Existence of RHSD is not prescribed by law. It is a result of a political agreement between the state, trade unions and employers, with conclusions of the tripartite negotiations not being legally binding. Areas which are commented by the RHSD, include economic policy, labour-law relations, collective bargaining and employment, social issues, wages and salaries in the civil service, issues related to the civil service, occupational health and safety, human resource development and training, position of the Czech Republic within the EU. In practise, all the crucial government legislative initiatives regarding social and economic issues (including the important labour-law legislation) are usually discussed first at the RHSD. RHSD is the most important forum providing trade unions as well as employers with a possibility to inform the government on a regular basis about their attitudes and present their standpoints. The indispensable role is played by RHSD as a forum promoting maintenance of social consensus.

#### **Controversial reform of the Czech labour law**

The labour code was drawn up in 2006 by the then governing Social Democrat-led coalition. From the very beginning, the new labour-law regulation, to the preparation of which trade unions contributed significantly, gave rise to discontent of employers who criticized it for its conformance with the previous legal status which is generally considered due to its predominantly mandatory law to be an obstacle for a broader application of contractual forms, including collective agreements. Discontent at the employers' side was accompanied by expressions of disagreement by the parliamentary right wing criticizing mainly the new legal regulation of trade union rights. In March 2008, following complaint by a group of MPs, numerous provisions of the Labour Code was cancelled by the Judgment of the Constitutional Court. Among others, these provisions concern the trade union authorization to check employer's adherence to the labour law regulations, in-company regulations and employer's obligations arising from the collective agreement, except for the control of employers regarding health and safety conditions which can still be carried out by the trade unions, with its expenses covered by the state. Despite the court has stated with regard to the health and safety issues, that the employer must respond immediately to the warning by the trade unions relating to a violation of health and safety duties and avoid thus, by himself, a potential, immediate hazard to employees' life or health, or other health and safety hazards; on the other hand, the trade unions were deprived of their authorisation to request, via a binding instruction, the employer to remove a defect of machinery and equipment in the operation, in operating procedures and in case of immediate hazard to employees' life or health to ban to continue the work, and moreover, their right to ban overtime work and work at night which could jeopardize safety and protection of employees' health. In total, the changes made to the Labour Code result in a weakened position of trade unions in labour-law relations, or determination and modification of working conditions. Trade unions are fundamentally opposed to the court decision and to measures recently suggested by the Czech government to mitigate impacts of the current economic crisis.<sup>31</sup>

However, also against the background of European requirements, there is also an institutionalised social dialogue covering the field of health and safety at work: The “Government council for occupational health and safety” is an advisory body of the government, which approves documents of major importance, e.g. the National Action Plan

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<sup>31</sup> The amendment to the Labour Code under preparation includes e.g. time when employment contracts for determinate period can chain without limitation is planned to be extended from two to three years, and elimination of trade unions involvement is also assumed. The existing regulation of employment termination methods is to be expanded by a notice by the employer without stating a reason for it (with a high severance pay), there is also a plan to have a possibility (both for the employer and the employee) to pay off oneself from the term of notice, if agreement concerning termination of employment is not reached. In such situation, the moment of employment termination would be after the lapse of one-week period of notice. Also, the proposal considers a reduction of the standard period of notice from the current two to one month, and so on.

for Occupational Health and Safety (for 2008–2009), National Policy of Occupational Health and Safety of the Czech Republic, etc.

A regulation of certain aspects of working conditions, among others working time is regulated in so-called “higher collective agreements” at sectoral level: The higher-level collective agreements (HLCA) represent the most important form of social dialogue at the sectoral level. As a rule, they regulate specific matters concerning position of trade union bodies and particularly determine sectoral standards for working conditions, including respective measures for occupational health and safety, all in compliance with the legislation exceeding the scope of the respective legal regulation. For example in the case of working time: the basic length of working time according to Labour Code is 40 hours per week. 52.9% of HLCA (55.6% in 2007) contain provisions for shortening working time without a reduction in wages to 37.5 hours per week. 52.9% of HLCA (66.7% in 2007) extend holiday entitlement to 5 weeks (4 week according the Labour Code).<sup>32</sup>

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<sup>32</sup> According to data from ČMKOS (which represent a majority sample), out of a total of 32 trade unions (33 in 2007) associated in CMKOS concluded in 2008 a total of 18 HLCAs (19 in 2007) that covered approximately 5,364 employers (5,485 in 2007) and almost 607,952 employees (620,485 in 2007). The applicable legislation provides for a duty to present the Ministry of Labour and Social Affairs of the Czech Republic (Ministerstvo práce a sociálních věcí CR, MPSV CR) with a copy of a concluded HCLA for storage. In 2007 MPSV CR had received and registered 26 HLCAs , in 2008 25.

### 3 Conclusions

According to the European Social Model, social partners and social dialogue by influencing policy decisions, negotiating social pacts and collective agreements as well as by participating in particular programmes and policies have a key role in helping to create better jobs and improving the quality of work and working conditions.

This notion has been reiterated by a recent statement of the European Commission in the context of the presentation of the 2008 “Industrial Relations in Europe Report” quite clearly:

*“The social partners have a key role in helping to create more and better jobs because they are ideally placed to know the reality of the workplace and to commit their members to action. They are involved on the one hand in influencing policy decisions, negotiating social pacts and collective agreements, and on the other hand by participating in particular programmes and policies.”<sup>33</sup>*

Against this, the field of working conditions has evolved as a major field of continuous dialogue, joint declarations and programmes as well as framework agreements of the European Social Partners since the 1980s.

#### **European Social Dialogue**

Consultation and cooperation between the social partners began in the 60s and 70s within the advisory committees, the standing committee on employment and the tripartite conferences on economic and social questions. However, it was in 1985, with the launch of a bipartite social dialogue on the initiative of the then President of the Commission, Jacques Delors, that the dialogue really began to evolve into a forum for negotiation on a European level. When we retrace the evolution of the cross-industry social dialogue in Europe since then, we can see three distinct stages: During the first period (1985-1991), the bipartite activities mainly led to the adoption of resolutions, declarations and joint opinions without any binding power. The signing, on 31 October 1991, of an agreement between the social partners, which was later incorporated into the Protocol on Social Policy, itself annexed to the Maastricht Treaty (1993), marked the beginning of the second period. After this, agreements negotiated by the European social partners could, if they so desired, be given legal force through a decision by the Council, which would then be transposed into the legislation of each Member State. The agreement of 31 October 1991 was integrated into Articles 138 and 139 of the Treaty of Amsterdam, and led to the implementation of three agreements through Council directives (parental leave in 1995, part-time work in 1997 and fixed-term contracts in 1999). The third period was inaugurated in December 2001, when the European interprofessional social partners presented a ‘*joint contribution*’ to the Laeken European Council. This phase is characterised by the growth in independence and autonomy of the European social dialogue. The foundations of this new era were bolstered the following year at the Social Dialogue Summit in Geneva on 28 November 2002 when the social partners adopted their first joint multiannual work programme for 2003-2005. This more autonomous social dialogue can also be seen in the second method chosen by the social partners for implementing the negotiated European agreements in Article 139(2), namely ‘in accordance with the procedures and practices specific to management and labour and the Member States’. This method was chosen for the ‘autonomous’ agreements concluded on telework (2002) and work-related stress (2004). In both cases, the social partners committed to directly implementing them at a national level through their member organisations. They also provide for monitoring procedures, notably through implementation reports.

However, when comparing the specific role social partners and social dialogue plays in the context of regulating and improving working conditions in the six countries covered by our research some significant differences appear under the common blanket of the European Social Model and the European notion of social dialogue. A striking result is the major role social partners and in particular employers’ organisations and trade unions both at the national

<sup>33</sup> “Industrial Relations in Europe Report 2008”, DG Employment, Social Affairs and Equal Opportunities, Memo/09/45, Brussels, 3 February 2009.

and the sectoral level are playing in *Sweden*. Here, social dialogue and collective bargaining not only play an important role in the context of implementing national legislation but furthermore are constituent elements in labour market system. Above that, the case of Sweden clearly is supporting the assessment often made that strong collective bargaining and social dialogue play an important role in societies and companies which combine good working conditions, high levels of motivation, high productivity and competitiveness.

Our overview of national frameworks of social dialogue also revealed some interesting results regarding an increasing role of social dialogue and in particular collective bargaining for the regulation of working conditions in *Spain* and *France*: In both countries a public awareness of deficits in the implementation of OHS issues but also in the context of other challenges in the field of working conditions (e.g. skills development, “active ageing”) resulted in government-led initiatives to strengthen the role of social dialogue and collectively agreed solutions at various levels (national level, regional and local level and at the company level). However, against the background of weak trade union membership structures and – in particular in France – often conflicting labour relations, central government is playing an important role in these developments. Against this, in striking contrast to Sweden, social dialogue in France but also in Spain is very much “state driven” or “government centred”.

As our analyses has shown, also the *Czech Republic* is an example for such a strongly “government centred” approach with regard to both regulating and stimulating social dialogue as well as regulating and improving working conditions. However, in contrast to Spain and France, the role of social partners and bi-partite social dialogue in this context still is rather weak. In particular against the lack of any tradition of autonomous social dialogue in labour and social relations, the role of the state is striking here. This is also illustrated by the nature of social consultation which is carrying out in a tripartite manner in the Czech Republic as the experience of the “*Council of Economic and Social Agreement*” illustrates.

Finally, regarding *Austria* and *Germany* our analyses has shown a further variant of social dialogue and its functioning with regard to shaping and improving working conditions: Here, the social partners play an important role in the context of *implementing* national regulations. Social dialogue practice is deeply rooted in the labour market system and the notion of joint interests of the social parties as “partners”. However, in contrast to Sweden and the strong role of collective bargaining and trade union led social dialogue the Austrian and German model of social partnership displays a significant difference of social dialogue at two major level of interaction: While works council led dialogue at the micro-level of companies is largely based on consultation, co-determination and concluding agreements, social dialogue at sectoral level is much more shaped by organised interests, i.e. sectoral trade union and employers organisations.

**Part Two:  
Comparative analysis of existing research results on  
the effect of social dialogue on working conditions**

DRAFT

## 4 Overview of relevant surveys

In our mapping of relevant empirical research regarding working conditions and social dialogue in the six countries surveyed in our project, a wide variety of empirical surveys, empirical data, and reports by specialised institutions, secondary research, qualitative research and further sources has been identified, e.g. the “Eurofound Comparative Analytical Report on Working Conditions and Social Dialogue” (Eurofound 2008a). In this context it is useful to separate at least three types of data sources:

- General empirical surveys on working conditions
- Secondary analyses and qualitative research
- Quantitative and qualitative surveys, analyses and reports on the construction and health care sector

### 4.1 Working conditions and social dialogue in empirical surveys

#### 4.1.1 Overview of empirical surveys

In a recent comparative analysis of national and international working conditions surveys carried out by the Eurofound, a major conclusion was that there “*exists a wide variety of methods for conducting working conditions surveys and a wide range of questions or series of questions within surveys not exclusively focused on working conditions.*” (Eurofound 2007, p.56).

Since the major purpose of our research was to evaluate results of national empirical surveys regarding the influence and relationship between social dialogue and working conditions, many of the surveys analyzed in the context of the comparative report of the Eurofound were also taken into account in our research –focusing in particular on results and outcomes with regard to our major research purpose (these are: DE01, SE01, FR02, FR03, ES01, ES02, CZ01 in the table below).

While most of these surveys are focusing directly on the issue of working conditions, often from the “quality” angle (SE01, FR02, FR03, ES01, ES02, CZ01) there are also surveys which address a wide range of enterprise policy and corporate development (as in the case of the German IAB enterprise panel survey, DE01) or industrial relations at the enterprise level in general (the German *Works Council Survey*, DE02 and the French *REPONSE* survey, FR01).

Regarding the latter, one survey in our sample occupies a special position since it is the only one addressing exclusively employee interest representations: The *Works Council Survey* carried out by the Economic and Social Research Institute of the Hans Boeckler Foundation in Germany. This survey which is carried out periodically covers in the most comprehensive way all aspects of employee interest representation in German companies.

Finally, two surveys in our sample exclusively focus on the issue of employee satisfaction/dissatisfaction with the aim to measure developments in the perception and climate of work both over time and between different sectors, groups of employees and with regard to other aspects (the Austrian *Working Climate Index*, AT01 and the German *Good Work Index*, DE03).

Most of the surveys analysed in depth in the context of our research are sharing the following common features of all empirical surveys presented and analyses in the context of our research are:

- With three exceptions (SE02, CZ01, CZ02) they are carried out regularly, normally on an annual base with several waves
- They address a representative sample of the survey population
- The survey population in most cases are employees or employed persons and only one (DE01) is dedicated exclusively to employers while some other are addressing both employees and employers (FR01, ES02)
- Three surveys address specific target groups: employee representatives only (DE02, SE02) or as a certain target group (FR01) amongst others
- With the exception of the two surveys focussing on work climate issues and the Swedish Work Environment Survey (SE01) all surveys are they are regularly adjusted according to new topics (e.g. restructuring, older workers, training, employee participation etc.).

The following overview is illustrating the sample of empirical surveys analysed in the context of our research. As most of the surveys have already been described in the context of previous work carried out by Eurofound (in particular Eurofound 2007 and 2008a), the following table is just presenting a broad overview on certain aspects.

#### Overview of national surveys analysed

Country	Code	Survey	Institution	Financing	Surveyed population	Focus
Germany	DE01	<i>IAB Establishment Panel</i>	Research Institute of the Federal Labour Office	Government	Employers	Survey of various economic and social indicators of enterprises, including working conditions and industrial relations topics
Germany	DE02	<i>WSI Works Council Survey</i>	Economic Research Institute of the Hans-Boeckler Foundation	Trade Unions	Works council representatives	Practice and experience of works councils addressing a large spectrum of topics and relevant issues
Germany	DE03	<i>Index "Good Work"</i>	German Trade Union Federation DGB	Trade Unions	Employees	Perception and assessment of workers on different aspects of job satisfaction, including working conditions
France	FR01	<i>REPOSE</i>	DARES – Ministry of social affairs, labour and solidarity	Government	Employers, employees and employee representatives	Industrial relations and company bargaining. Perception of social dialogue by workers, management and employee representatives
France	FR02	<i>Working Conditions Survey</i>	DARES – Ministry of social affairs, labour and solidarity	Government	Employees	Perception and assessment of workers on different aspects of working conditions

Country	Code	Survey	Institution	Financing	Surveyed population	Focus
France	FR03	<i>SUMER</i>	DARES – Ministry of social affairs, labour and solidarity, and Occupational Medical Inspection	Government	Employees	Perception and assessment of workers on different aspects of working conditions, health, work environment. Technical questionnaire realised by an occupational doctor
Sweden	SE01	<i>Work Environment Survey</i>	Swedish Statistics on behalf of the Work Environment Authority	Government	Employed persons of different status	Covering all aspects of health and safety at work and in general the “work environment”
Sweden	SE02	<i>Survey among regional safety representatives</i>	Confederation of Trade Unions (LO)	Trade Unions	Regional safety representatives	Focussing on the role and practical experience of regional safety representatives
Spain	ES01	<i>Survey on Quality of Life in the Workplace</i>	Ministry of Labour and Immigration	Government	Employed persons	Information about the quality and perception of life and labour conditions of workers
Spain	ES02	<i>National Survey on Working Conditions</i>	Ministry of Labour and Immigration	Government	a) employers b) employees	All aspects relevant for working life including working conditions and OHS issues
Austria	AT01	<i>Working Climate Index</i>	Chamber of Labour Upper Austria in cooperation with IFES and SORA	Chamber of Labour	Employees	Perception and assessment of workers on different aspects of job satisfaction, including working conditions
Czech Republic	CZ01	<i>Measuring the Quality of Working Life</i>	Research Institute for Labour and Social Affairs	Government	Employees	All aspects relevant for working life including working conditions and OHS issues
Czech Republic	CZ02	<i>Quality of Working Life</i>	Public Opinion Research Centre and Occupational Safety Research Institute	Government	Employed persons	All aspects relevant for working life including working conditions and OHS issues

Source: Wilke, Maack and Partner on the basis of information provided by national project partners in the context of the project.

#### 4.1.2 Qualitative surveys and other research

Apart from these major empirical surveys which also have been addressed by secondary research and topic-specific evaluation and analyses, including various aspects of working conditions’ development and social dialogue, our research also took account of other empirical surveys and projects addressing working conditions issues in a more specific way, in particular the following:

- Several representative surveys carried out in the Czech Republic on industrial relations and working life topics<sup>34</sup>

<sup>34</sup> Presented in: Doleželová, H. / Hála, J. / Kroupa, A. (2009): Working Conditions and Social Dialogue Project – Czech Republic. National Paper prepared in the context of the project, Prague, March 2009.

- Empirical surveys and research findings of special projects in Sweden focussing on working conditions in general or certain aspects such as the coverage of small enterprises by work environment regulations<sup>35</sup>

## 4.2 Survey profiles and relevance of working conditions and social dialogue

### 4.2.1 General company surveys: IAB Establishment Panel Survey

The IAB Establishment Panel Survey is covering a wide range of topics of enterprise development such as employment development, business policy and business development, investment activities, innovations, personnel structure, vocational training and apprenticeships, recruitment, wages and salaries, working times and further training as well as questions concerning general data of the establishment. In the frame of the topics mentioned above, the IAB Establishment Panel is including a section on working time and working time arrangements and questions concerning employment guarantee, employees' participation, training and qualification measures.

#### **The IAB Establishment Panel Survey**

The Establishment Panel of the Institute for Employment Research IAB (*Institut für Arbeitsmarkt- und Berufsforschung*) is a representative annual panel survey of enterprises on various employment policy parameters, existing since 1993. The survey is conducted once a year between end of June and October, covering around 16,000 establishments in all economic sectors and of all sizes. As a panel survey, it follows a longitudinal approach, meaning that largely the same establishments are questioned every year. It covers establishments that participated in previous surveys. In the beginning, its main objective was the establishment of an information database allowing the analysis of the demand for labour. Nowadays, the consolidated findings serve as a basis for policy recommendations, decision-making of social partners and other key actor of structural economic policy and labour market policy in Germany. The IAB survey also serves the Federal Employment Office as well as a benchmark for companies and as a data base for researchers. In addition to the general analysis of the survey, the IAB carries out several specific projects on sub-issues as well as for specific sectors. Furthermore, the survey focuses, in addition to the standard questionnaire, on one relevant up-to-date topic every year. Generally, the survey is carried out by personal interviews with the exception of some written/postal questionnaires in certain federal states since the year 2000 which has to be taken into account while analysing the data.

Source: IAB. [www.iab.de](http://www.iab.de).

One interesting aspect of the IAB establishment survey with view on our research objective is the possibility to carry out matched-pairs comparisons of enterprises which are covered either by formal institutions of social dialogue and employee interest representation (existence of a works council as the variable) or by collective bargaining (see textbox). Against this, many secondary-evaluation of panel data have been carried out addressing also topics in the field of working conditions and the influence of works councils and collective bargaining.

#### **Questions on social dialogue in the IAB Establishment Panel Survey**

There are only two questions directly addressing the existence of social dialogue structures at the enterprise level and the coverage by collective bargaining:

##### **Q79. Is your establishment covered...**

- by a sectoral collective agreement.....
- a company based agreement between management and the trade unions
- no collective agreement

##### **Q84. Does your establishment have...**

<sup>35</sup> National overview paper on relevant surveys prepared by Oxford Research in the context of the project.

- a works council in accordance to the Works Constitution Act?.....
- any other company specific form of employees' representation like a staff spokesman, a round table or the like?

Source: IAB Enterprise Panel Questionnaire 2007, own translation.

#### 4.2.2 Surveys on industrial relations at enterprise level: REPONSE, WSI Survey

Both the French *REPONSE* and the German *WSI survey* focus on industrial relations at the establishment-level. The following table summarises the main areas covered in the three parts (addressing representatives of the management, workers representatives and workers) of the *REPONSE* survey.

The table does not pay attention to sub questions, though it shows the relative importance given to the relevant thematic area. Quantitatively speaking, working conditions as such are not given a primary importance. Nevertheless, in order to address the overall issue of relations between social dialogue and the improvement of working conditions, the survey offers some interesting possibilities through the following elements.

##### REPONSE Survey: Main fields of topics covered and population surveyed

	Management (HR) representatives	Workers representatives	All employees
Characteristics of the establishment and the company	12	---	---
Personal data of the interviewee, functions in the establishment and company	11	16	5
Workers' representation institutions (do they exist, how are they constituted, etc.)	19	46	5
Information, consultation and participation of the workers to the establishment's life	4	5	1
Economic environment and strategy of the establishment and the company	12	---	---
Human resources management, organisation and working conditions	18	---	6
Involvement of workers, wage policy	17	9	3
Collective discussions and negotiation (about wage/non wage issues), working time arrangements	32	19	1
Social climate in the establishment, collective conflicts	24	21	5

Note: The numbers indicated are the number of questions included in the questionnaires

Source: Wilke, Maack and Partner / ORSEU.

It is important to note that the survey consists of three parts addressing employers, workers representatives and workers with different questions. While both the employers' and workers' representative parts of the questionnaire contain many questions with regard to the character, form and "culture" of social dialogue at the company level, including questions regarding the CHSCT (Security and Safety Council), the workers part of the questionnaire includes some questions which seem particularly relevant in the context of survey (see textbox):

##### Questions on social dialogue in the REPONSE Survey

**15. Some workers can represent their colleagues towards the management. Are the following representatives present in your establishment?**

- A union representative
- An elected workers' representative
- A colleague spokesperson

**16. To your knowledge, have the management and workers' representatives discussed or negotiated on the following issues in 2004 ?**

- Wages, bonus, classification
- Working time and working time arrangements
- Employments (recruitment, redundancies, anticipated retirement)
- Working conditions

Source: REPONSE 2004-2005 Questionnaire, own translation.

The WSI *Works Council survey* is exclusively addressing works council representatives on all topics with regard to their daily work as interest representation bodies. Important issues covered by the comprehensive questionnaire (containing around 150 questions) are for example the implementation of collective bargaining agreements, company based agreements on job security, gender specific aspects and further aspects of working conditions and company based industrial relations. During recent years, special surveys focussing on important topics and issues have been carried out also covering the following issues: Working conditions in the sector of software and IT-Services (2001); work-Life-Balance, equal opportunities and employment pacts (2003); working conditions, health and safety at the workplace (2004); company restructuring (2006). In 2008, a special survey has been carried out on the issue of "Innovations, working conditions and health and safety".

**WSI Survey 2007: Relevant fields of topics covered**

Main chapters of the questionnaire	Relevant questions
<i>General data</i>	Including unionisation rate
<i>Main developments and problems faced by works councils</i>	Most challenging problems of the works council Main problems the works council is currently dealing with including working conditions topics Existence of company based agreements
<i>Fields of enterprise practice and specific issues</i>	Number and structure of staff including employment status (contract) Working conditions of employees with a fixed-term contract Information on various aspects of working conditions (working time, pay, holidays, benefits) Coverage by collective agreements
<i>Works council, staff, employer and trade union</i>	Experience of conflicts, arbitration procedures Corporate culture with regard to information and consultation Cooperation with trade union
<i>Size, structure and gender composition of the works council</i>	Trade union membership Full time works council representatives

Source: Wilke, Maack and Partner based on the WSI survey questionnaire.

**4.2.3 Surveys focussing on working conditions and the quality of working life**

The Swedish *Work Environment Survey*, the two Spanish surveys on *Quality of Life in the Workplace* and the *National Survey on Working Conditions*, the two Czech surveys on "*Measuring the Quality of Working Life*" and on the "*Quality of Working Life*" all address and cover a broad range of working conditions issues as the following overview table illustrates.

**Topics covered in the context of Surveys focussing on working conditions and the quality of working life in Sweden, Spain, France and the Czech Republic**

Survey	Topics and issued covered in the field of working conditions
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Survey	Topics and issued covered in the field of working conditions
Work Environment Survey (SE)	<ul style="list-style-type: none"> <li>- physical work environment</li> <li>- psychological work environment</li> <li>- working time &amp; overtime</li> <li>- part time contracts</li> <li>- possibilities and need for rehabilitation and availability of occupational health service</li> <li>- amount of stress and the balance between work and family</li> <li>- possibilities of having an influence on the work environment and the job itself</li> <li>- young and elderly working environment</li> <li>- the extent of systematic work environment management at the workplace</li> <li>- threats and violence at the workplace, sexual and other forms of harassment</li> <li>- sleeping behaviour</li> <li>- absence due to illness</li> <li>- health and heavy lifting, monotonous movements and pain due to this</li> <li>- risk assessment, occupational risks</li> <li>- amount of coaching and support from the leaders and colleges (social relations at work)</li> <li>- development and training/education of workers</li> <li>- structural work to improve working environment</li> </ul>
Survey on Quality of Life in the Workplace (ES)	<ul style="list-style-type: none"> <li>- Satisfaction with aspects such as wages, working hours, contract stability, physical environment, safety and health, training, level of autonomy in carrying out work and participation in undertaking decisions</li> <li>- Exposure to stress, physical effort, situations of risk, monotony, harassment, discrimination</li> <li>- Being informed by the undertaking on occupational risks, availability of protection means</li> <li>- Training received in the last year, duration</li> </ul>
National Survey on Working Conditions (ES)	<p><i>Workers survey:</i></p> <ul style="list-style-type: none"> <li>- Knowledge and information received on the toxic products handled</li> <li>- Freedom to choose the organisation of working hours, work-life balance</li> <li>- Option to take health surveillance. Risk evaluations undertaken at the workplace and result thereof</li> <li>- Perception of being well or badly informed on occupational risks and whether information or training has been received in the last two years</li> <li>- Having suffered occupational accidents in the last two years</li> <li>- Perception of whether work affects their health</li> </ul> <p><i>Employers survey:</i></p> <ul style="list-style-type: none"> <li>- Prevention activities carried out</li> <li>- Training for workers carried out</li> <li>- Regular training procedure on risks</li> <li>- Regular information procedure on risks</li> <li>- Degree of participation of workers in decision-making regarding their job</li> </ul>
Working conditions survey (FR)	<ul style="list-style-type: none"> <li>- Work organisation (Margins of manoeuvre, Organisational constraints, ...)</li> <li>- Working time and working time arrangements</li> <li>- Occupational risks, harshness, physical efforts</li> <li>- Mental burden (working in urgency, means provided, demands, duties, tensions at work, etc.)</li> <li>- Prevention and work-related accidents</li> </ul>
SUMER Survey (FR)	<ul style="list-style-type: none"> <li>- Organisational and relational constraints (rhythm, autonomy, initiatives, etc.)</li> <li>- Work environment</li> <li>- Physical constraints</li> <li>- Exposure to biological agents, chemicals</li> <li>- Assessment made by the occupational doctor (who realises the questionnaire) on the overall quality of the work environment</li> <li>- Self-assessment of the worker on his/her working situation (Karazek's questionnaire) and health status</li> </ul>
Measuring the Quality of Working Life (CZ)	<ul style="list-style-type: none"> <li>- Job satisfaction</li> <li>- Job routine and monotonous work, autonomy of work</li> <li>- Intensity of work</li> <li>- Quality of work performed</li> </ul>
Quality of Working Life (CZ)	<ul style="list-style-type: none"> <li>- Work-Life-Balance issues, including working time topics</li> <li>- Perception of job security</li> <li>- Job satisfaction</li> </ul>

Source: Own table based on national reports of research partners.

In contrast to the surveys presented above which also deal with company based industrial relations, the working conditions survey cover only to a limited degree institutions of social dialogue and/or workplace interest representation issues. Within our sample of surveys presented here, only the Spanish surveys include questions that allow for matched-pair comparisons and links between workplaces with employee representation/coverage by bargaining and negotiations and working conditions topics: The Spanish *Survey on Quality of*

*Life in the Workplace* includes two questions addressing both employee interest representation and collective bargaining as major forms of social dialogue: First, whether or not an internal structure of representation and negotiation in the undertaking (delegate, works councils, etc.) and secondly, whether or not the undertaking is covered by a specific agreement at undertaking or sectoral level.

In contrast to this, the *Survey of Working Conditions* which is much more orientated towards health and safety issues contain in both the workers and the employer's survey the question whether or not a "prevention delegate", i.e. a representative in issues of work risk prevention exists in the undertaking.

#### **Questions on social dialogue in the Spanish Survey of Working Conditions**

This survey consists of two different questionnaires for workers and employers. Relevant variables are as follows:

##### **Workers part:**

*As independent variables:*

- Existence of a prevention delegate (specific representative in issues of work risk prevention)

*As dependent variables:*

- Knowledge and information received on the toxic products handled
- Degree of freedom to choose the organisation of working hours. Perception on compatibility between home and work
- Option to take health surveillance. Risk evaluations undertaken at the workplace and result thereof
- Perception of being well or badly informed on occupational risks and whether information or training has been received in the last two years
- Having suffered occupational accidents in the last two years
- Perception of whether work affects their health

##### **Employers part:**

*As independent variables:*

- Existence of prevention delegate (specific representative on issues of work risk prevention)

*As dependent variables:*

- Existence of prevention resources organised by the undertaking
- Prevention activities carried out
- Training for workers carried out
- Regular training procedure on risks
- Regular information procedure on risks
- Degree of participation of workers in decision-making regarding their job.

Source: *Questionnaires of the "6th National Survey of Working Conditions" (2007), own translation..*

#### **4.2.4 Surveys and indexes on working climate and good work**

The Austrian *Work Climate Index* ("*Arbeitsklima-Index*") was developed by the Upper Austrian Chamber of Labour in Linz in collaboration with the two research institutes IFES and SORA in Vienna. Since 1997 continuous surveys on work satisfaction of employees in Austria in the context of the *Work Climate Index* have been carried out. The Index today is a well-known standard for work satisfaction in economic sectors and companies.<sup>36</sup>

<sup>36</sup> Existing for more than ten years now, the WCI has been developed further: since 1998 an interactive online index exists, since 2006 also in English and Russian languages. Also in 1998 as special Work Climate Index of foreign employees in Upper Austria was published and in 2002 a Gender Index was developed. In 2007 a major international symposium in cooperation with the European Foundation for the Improvement of Living and Working Conditions (\*) took place and a Health Index was developed.

In contrast to this, the “*Good Work Index*” which is organised by the Confederation of German Trade Unions (*Deutscher Gewerkschafts Bund*, DGB) has been established only recently. On behalf of the DGB, the survey is carried out by TNS *Infratest Sozialforschung GmbH* and analysed by the Institute for Empirical Social and Economic Research (*Institut für Empirische Sozialökonomie*, INIFES) since 2007 (see Fuchs 2007). Against the background of an increased awareness in German society about a worsening of working conditions, the aim of the “*Good Work Index*” is to determine how employees perceive and assess their working conditions and to initiate a competition for “Good Work”. It is supposed to be an indicator for “good work” thereby also supporting the dissemination of good practice and illustrating both economic and social benefits of “good work”.

Both the Austrian and the German index are aiming to support the major actors on the labour market for example by providing information to be used for different purposes such as:

- Measuring the work satisfaction of employees
- Gathering basic information and data on specific sectors, occupations or groups of workers
- Analysing trends in the labour market
- Measuring corporate culture and climate in sectors or individual companies

A distinctive feature of these surveys also is that they can be used for enterprise internal surveys about employees’ attitudes. Employers and special interest groups (e.g. works councils) can order survey from the survey organisers. In addition, surveys in concrete sectors (e.g. the health sector) have been carried out.

Both surveys also display similar methodological characteristics: While in the *Work Climate Index* a representative sample of the employed population is interviewed face-to-face in quarterly poll waves of approx. 1,000 interviews per quarter (making 4,000 each year) the *Good Work Index* is carried out in annual waves with a representative sample of the German employed population from all regions, sectors, income groups and employment contracts. For example, in the first quarter of 2007 around 6,200 employees have been interviewed on the basis of postal questionnaire surveys.

Also the process of index building is carried out in similar way: The *Work Climate Index* consists of 25 index building basic questions and 20-30 thematic questions regarding conditions of work and other issues (see table below).

**Structure and indicators of the *Work Climate Index* and the *Good Work Index***

	Index building structure	Sub-Indices
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	Index building structure	Sub-Indices
<b>Work Climate Index</b>	4 index components 25 index building questions plus background questions (including individual and household related)	<p><b>Society</b></p> <ul style="list-style-type: none"> <li>- Economic optimism/pessimism</li> <li>- Satisfaction with the social position as an employee</li> <li>- Satisfaction with employee rights</li> </ul> <p><b>Company</b></p> <ul style="list-style-type: none"> <li>- Economic future of the company</li> <li>- Satisfaction with the company's image</li> <li>- Satisfaction with the style of leadership</li> <li>- Satisfaction with the company's social security benefits</li> </ul> <p><b>Job</b></p> <ul style="list-style-type: none"> <li>- Satisfaction with the job in general</li> <li>- Satisfaction with life in general</li> <li>- Satisfaction with one's income</li> <li>- Sufficient level of income</li> <li>- Satisfaction with ones relations with colleagues and co-workers</li> <li>- Satisfaction with working hour arrangements</li> <li>- Satisfaction with work-life-balance</li> <li>- Burdened by loneliness, isolation in the workplace</li> <li>- Burdened by pressure of time</li> <li>- Mental strain/stress, exhausting or taxing work</li> <li>- Poor health conditions at the work place</li> <li>- Danger of accident or injury</li> <li>- Burdened by technical or organizational innovations/changes</li> <li>- Burdened by continuous change in work procedures and demands</li> <li>- Aiming for a position in the same company</li> </ul> <p><b>Expectations</b></p> <ul style="list-style-type: none"> <li>- Satisfaction with career opportunities</li> <li>- Satisfaction with opportunities for further education</li> <li>- Job market outlook</li> </ul>
<b>Good Work Index</b>	3 sub-indices 15 clusters of questions 31 questions	<p><b>Resources</b></p> <ul style="list-style-type: none"> <li>- Opportunities for qualification and development</li> <li>- Creativity</li> <li>- Career opportunities</li> <li>- Opportunities for participation and organisation</li> <li>- Information flow</li> <li>- Leadership abilities</li> <li>- Business culture</li> <li>- Collegiality/Climate</li> <li>- Meaningful work</li> <li>- Working time</li> </ul> <p><b>Physical and emotional strain</b></p> <ul style="list-style-type: none"> <li>- Work intensity</li> <li>- Emotional requirements</li> <li>- Physical requirements/Conditions at the workplace</li> </ul> <p><b>Income and security</b></p> <ul style="list-style-type: none"> <li>- Security</li> <li>- Income</li> </ul>

Source: Michenthaler, Georg (IFES): *The Austrian Work Climate Index, presentation at the EWCO Seminar "Job Satisfaction", Helsinki, 9-10 November 2006. Fuchs 2008.*

Index building in the Austrian index is carried out on the basis of the 25 index building questions which are grouped in four index building components: "Society", "Company", "Job", and "Expectations". However, as the following table illustrates, the sub-indices and respective questions are organised in a quite different way in the two surveys.

In the context of the *Good Work Index*, the quality of work is measured along fifteen working dimensions based on various items. For each item, a value between 0 and 100 is calculated and the average of all items of one dimension adds up in the value of the dimension. Since the fifteen dimensions are allocated to the three sub-indices "Resources", "Physical and Emotional Strain" and "Income and Security", the arithmetic means of the relevant

dimensions results in a value for each sub-index. The corresponding values of the three sub-indices are then incorporated in equal parts (one third each) into the “Good Work Index”.

The outcome of this equal weighing of the three sub-indices is a relatively strong weighing of the individual comments in the “Income and as a composite indicator the “Good Work Index” defines the quality of work as “Good Work” (> 80), “Fair Work” (50-80) or “Bad Work” (< 50). Characteristic for “Good Work” would be a combination of good (personal development) opportunities, little strain and high income and employment security.

### **4.3 Survey results regarding the impact of social dialogue on working conditions**

#### **4.3.1 Results of a special evaluation of the IAB Survey Results**

##### **General remarks**

The data from the IAB Establishment Panel Survey have frequently been evaluated either by own research staff at the Federal Research Institute of Labour in Nürnberg and by other researchers. The following general results are particularly noteworthy in the context of our research:

**Fluctuation of workers:** Various research studies confirm that HR policy in companies covered by a collective agreement and having a works council is more orientated towards employee interests than in those not covered (Frick/Möller 2003) resulting in a significantly lower rate of fluctuations. With regard to older employees evaluation of IAB data also show that companies covered by collective bargaining on average are employing a higher share of older employees than those companies covered not by a collective agreement (Heywood/Jirjahn/Tsertsvadze 2005).

**Further training activities:** There are several studies confirming a positive effect of works councils on enterprise based further training activities. Companies with a works councils not only are more likely to finance and implement further training courses for their employees but are also spending more money on training per employee (Gerlach/Jürjahn 2001). A positive impact of works councils on further training activities is also confirmed in other studies (Zwick 2004, Bellmann/Ellguth 2006) which also indicate that training in the context of new technologies and products is particularly important (Hübler 2003).

**Working time:** Though there seems to be no clear correlation between works councils/collective bargaining coverage and overtime in German enterprises (Jirjahn 2005), surveys on the basis of IAB data show that there is a positive influence of works councils on innovative working time models, in particular working time accounts (Hübler/Jirjahn 2003, Ellguth/Promberger 2004). A recent study based on data from the IAB Establishment Panel is also showing that works council have a positive effect on the implementation of collective agreements with regard to working time regulations and that the weekly working time in Western German establishments with works councils was in average 0.6 hours less than in other establishments. In general it seems that though works councils have an impact on overtime work in general but that there are positive effects on working arrangements orientated towards employee interests (Ellguth/Promberger 2007).

**Group work and working life reorganisation:** While there seems to be no correlation between the introduction of group work in companies with a works council as compared to those without, studies based on IAB data show a positive correlation between good economic

performance, existence of a works council and introduction of group work (Hübler/Jirjahn 2002).

In the context of our research project a special sectoral evaluation of IAB “Enterprise Panel surveys” has been carried out by IAB staff based on survey raw data from the 2006 and 2007 surveys. Both in construction and in private health, a sufficient number of company data was available in order to be regarded as representative for the situation of companies with at least one employee in the two sectors in Germany.

The survey evaluation reveals some interesting results with regard to the specificities of the two sectors of concern and with regard to differences between companies with or without works councils and coverage by collective bargaining agreements. The IAB Enterprise Panel Survey only includes two questions/independent variables with a direct reference to collective bargaining and employee interest representation at the enterprise level: First, the existence of a collective agreement (“Is your establishment covered by a sectoral agreement”; (...) a company based agreement between management and the trade unions”; or “(...) no collective agreement”) and secondly the existence of a works council or another form of employee representation (Does your establishment has a works council in accordance to the Works Constitution Act?” and “any other company specific form of employee representation like a staff spokesman, a round table of the like”?)

With regard to dependent variables, certain aspects related to working conditions have been analysed for both sectors in comparison to the overall average of all economic sectors. Before presenting these results, some general information on certain working condition aspects in construction and health care compared to the whole enterprise population will be summarised here:

### **General results regarding working conditions and social dialogue in German enterprises**

A first and important result was the coverage of enterprises by collective bargaining agreements at various levels and works councils where significant differences exist between the sectors of construction on the one hand and health care on the other:

While nearly 60% of German construction enterprises are covered by collective bargaining agreements, only 38% of health care enterprises and 34% of the whole enterprise population was in 2006. Company based agreements as a form of collective bargaining in health care with a share of 14% of enterprises covered by this type is much more important than in construction (2%) or in the overall average (3%).

The existence of a works council in German companies is very much is driven by the size of the company. And here, size-specific characteristics of the construction (a high share of small companies) and the health care sectors (above the average size-structure) are explaining the clear differences in the coverage rates: While according to the IAB survey results, only 4% of enterprises in 2006 had a works council and only 8% of the overall enterprise population had one, the respective share of enterprises with a works council or staff representation (in public enterprises) in the healthcare sector was significantly higher with 28%.

Further interesting results of the IAB survey evaluation 2006 are:

- A significant share of managers in construction and health care enterprises report significant problems in recruiting qualified workers: While the overall average share in all German enterprises was 13%, the respective share in health care enterprises was 18% and in construction companies as high as 24%. At the same time it is important to note that the share of qualified labour in both sectors is higher than in the average of

all economic sectors: 66% (construction) and 63% (health care) as compared to an average of 57% (overall economy).

- With regard to part-time work, the IAB results confirm other descriptions stressing a high share of fixed-term labour contracts in the health care sector (87% of enterprises report to employ part-time workers) and a below-the average share of part-time work in construction (57%, as compared to an overall average of 72%).
- Also the issue of fixed-term work mainly seems to be an important topic in health care enterprises with 52% of enterprises reporting to employ workers on the basis of fixed-term contracts – in construction this share is only 14% and in the overall economy similarly low with 15%.
- A fourth result regard overtime work: Here, both construction and health care are characterised by a higher share of companies reporting overtime work in 2006 (construction: 54%; health care: 55%) while the overall average was 44%.

### Results regarding the correlation of social dialogue on working conditions

The IAB survey data quite clearly show that enterprises with a works council are much more likely to be covered by a collective agreement than those enterprise without this type of employee representation body: While 80% of all enterprises having a works council are also covered by a collective agreement, only one third of companies without a work council are covered. Interestingly, both in construction and the health care sector the shares without a works council but covered by an agreement is higher than in the overall enterprise community as the table below shows.

#### Share of companies covered by a collective agreement (as of 30.6.2006)

	Whole enterprise population		Construction		Health care	
	Works Council					
	With WC	Without WC	With WC	Without WC	With WC	Without WC
<b>Yes</b>	80%	33%	97%	59%	73%	43%
<b>NO</b>	20%	67%	3%	41%	27%	57%

Source: Wilke, Maack and Partner based on IAB Establishment Panel Survey 2006.

Whether or not this correlation also has an impact on the quality of working conditions remains questionable, since the existence of a collective agreement does not necessarily mean that working conditions are better than in the case of no collective agreement.

With regard to the quality and standard of working conditions the analyses has to focus on specific topics. And here, the IAB data allow at least some assessments with regard to fixed-term contracts and measure for older employees.

For the share of enterprises employing staff on a fixed-term basis contracts, the IAB data reveal both significant characteristics of this type of work in health care (important) high as compared to construction and the average enterprise community (much less important). There are quite surprising results on the impact of works councils in this context: In all three groups fixed-term work contracts seem to be much more relevant in those companies with a works council than in those without as the table below illustrates. However, one must be cautious to build quick conclusions from these figures since we do not have any data on company-size classes available and given the strong correlation between company size structure and works council existence (the bigger a company the more likely is that a works council exists) the figures below can also be interpreted in the following explanation: Fixed-term work contracts are much more likely in bigger companies than in smaller ones and smaller ones are much

less likely to have a works council than bigger ones. So here again, there is no clear and easy correlation between works councils and working conditions' standards.

**Share of enterprises employing workers on the basis of fixed-term work contracts (as of 30.6.2006)**

	Whole enterprise population		Construction		Health care	
	Works Council exist					
	With WC	Without WC	With WC	Without WC	With WC	Without WC
<b>Yes</b>	51%	12%	46%	13%	83%	17%
<b>NO</b>	49%	88%	54%	87%	40%	60%

Source: Wilke, Maack and Partner based on IAB Establishment Panel Survey Data 2006.

The link between works councils and company size also has to be taken into account with regard to the issue of measures for older employees. Here in particular the differences are striking: At least 60% (construction) up to nearly three quarters (health care) of enterprises in Germany with a works council in 2006 have adopted measures for older employees while the overall majority (90% on average and in construction, 71% in the health care sector) have not developed such measures.

**Share of companies with measures for older employees**

	Whole enterprise population		Construction		Health care	
	Works Council exist					
	With WC	Without WC	With WC	Without WC	With WC	Without WC
<b>Yes</b>	61%	11%	60%	9%	72%	29%
<b>NO</b>	39%	89%	40%	91%	28%	71%

Source: Wilke, Maack and Partner based on IAB Establishment Panel Survey Data 2006.

Though also here one has to take into account the aspect of company size, the differences between those enterprises with and those without a works council are very obvious and there seems to be clearly a positive correlation.

**Impact on further education activities**

Activities of further education and the individual workers chance to continuously develop own competences and skills is regarded as an important aspect of ones quality of working life. Here the IAB 2007 survey data have produced some quite worrying results: Asked about measures of further education supported by the enterprise in the first half of 2007, only 1.5% of all enterprises replied positively which means that 88.5% of the enterprise population has not been engaged in further education activities at all in this specific period of time. Another result in this context is, that there is no significant difference between those companies covered by a works council and those covered not.

When analysing different forms of further education activities in this (minority) of enterprise being active on further education also no striking and direct correlations are visible: There seems to be some significant impact of works councils on certain forms of further education (e.g. in-house training and seminars in particular in construction and overall enterprise population, quality/workplace circles and "other measures of further education" also in construction and the average enterprise population more than in health care). On the other hand, only with regard to activities of external training and seminars no significant differences between companies with/without a works council are visible. Finally, it should be noted that there is no single form of further education where enterprises without a works council are more likely to be involved in.

However, with regard to further education, direct correlations are less visible and less obvious than in the field of measure for older workers.

**The impact of works councils on further education: Share of different forms of further education in companies carrying out measures of further education**

Sector	Whole enterprise population		Construction		Health care	
	With WC	Without WC	With WC	Without WC	With WC	Without WC
External training and seminars	86%	85%	99%	85%	76%	94%
In-house training and seminars	74%	42%	63%	27%	91%	88%
Further education on-the job	65%	52%	53%	49%	85%	68%
Participation in workshops, presentations etc.	63%	51%	59%	41%	79%	85%
Self-determined learning supported by media	31%	21%	8%	11%	15%	29%
Quality circle, workplace circles	20%	8%	11%	5%	42%	47%
Other measures of further education	16%	11%	21%	12%	31%	24%

Source: Wilke, Maack and Partner based on IAB Establishment Panel Survey 2007.

**Impact on working time flexibility**

In contrast to further education measures the evaluation of IAB survey data in the field of working time organisation allow for quite clear conclusions with regard to the impact of social dialogue: Works councils clearly seem to have a positive effect on working time flexibility. As the following table shows, in all three groups of sectors the share of certain instruments of working time flexibility in companies with a works council is higher than in companies without a works council (with only one exception being “work on Saturdays if needed” in the health care sector). This “flexibility gap” between companies with a works council exists and those without is particularly striking with regard to instruments such as “working time corridors” and negotiated forms of working time reductions in order to safeguard employment/avoid redundancies.

**The impact of works councils on working time flexibility: Share of different forms of working time organisation**

Sector	Whole enterprise population		Construction		Health care	
	With WC	Without WC	With WC	Without WC	With WC	Without WC
Work on Saturdays if needed	50%	48%	88%	73%	41%	63%
Shifting working times	47%	33%	42%	20%	66%	55%
Flexible working time for part-time staff	32%	19%	12%	8%	56%	40%
Working time corridors	16%	3%	4%	1%	18%	7%
Working time reduction for employment security	6%	2%	11%	5%	11%	2%

Source: Wilke, Maack and Partner based on IAB Establishment Panel Survey 2007.

**4.3.2 Results of surveys on company based industrial relations: REPOSE and WSI survey**

**REPOSE**

In France there has been a multiplication of laws in the field of working conditions over the past ten years. Their particularity, as seen above, is to give strong incentives to employers to negotiate at the company level. As a result, level negotiations of agreements on company

level regulating items such as working time, qualification and vocational training and working conditions has increased significantly.

According to the REPONSE 2004-2005 survey, two establishments out of three (scope: > 20 employees) have run a negotiation with the social partners regarding working conditions in the three preceding years (2002-2004). Even one out of four declares having signed an agreement on this issue with employee's representatives. In particular with regard to working conditions there is a sharp increase in negotiation, as only 47% of establishments mentioned a negotiation on working conditions between 1996 and 1998 (Coutrot 2007). One factor has been the obligation made to all companies, after 2001, to elaborate and implement the "Unique document" on assessment and prevention of occupational risks. Between 2002 and 2004, it then appears that the companies who have elaborated this document have run a negotiation in 71% of cases in which year, compared to 56% of those where this document has not been written yet (Coutrot 2007). The signature of an agreement reaches 25% of the former compared to 16% of the latter. One can then observe an outstanding increase in negotiations at the company-level in the field of working conditions in less than a decade. The survey also shows other results (see table below): The presence of a *Workplace Health and Security Committee* (CHSCT) increases the probability that the establishment has negotiated on working conditions and that an agreement has been signed (Coutrot 2008). The model used by the economists of the DARES emphasises the positive influence of other elements on the propensity to negotiate working conditions: belonging to a group, and even more if this group is quoted in the stock exchange; the membership to a professional organisation; a conflict character of social relations in the establishment; the presence of a unionised delegate; and, more specific to some establishments, the experience of repeated occupational accidents in the past, or disciplinary sanctions against some employees. In these latter cases, as the author of the study says, the negotiation is supposed to remediate to a deteriorated situation.

#### France: The Impact of CHSCTs on working conditions

	With CHSCT	No CHSCT	All
% of employees having an individual protection against noise	73%	60%	67%
% of employees having an individual protection against radiations	47%	44%	45%
% of employees having an individual protection against biological agents	59%	35%	49%
% of employees having an individual protection against chemical agents	67%	57%	62%
Negative assessment from the occupational doctor on organisational risks (1)	20%	17%	18%
Negative assessment from the occupational doctor on physical risks (2)	31%	32%	31%
Negative assessment from the occupational doctor on chemical risks (3)	25%	35%	30%
Negative assessment from the occupational doctor on biological risks (4)	12%	22%	17%
Employee had a work-related accident with stoppage of work over the last 12 months	4,1%	4.6%	4.4%
The employee judges his/her work is arduous	29%	27%	28%
Employee judges his/her work is stressful	38%	32%	35%
Employee judges his/her work is bad for his/her health	30%	24%	27%
Employee judges his/her health to be bad	21%	18%	19%

(1) Field: all employees in the private sector; (2) Field: all employees exposed to a physical risk (77% of employees); (3) Field: all employees exposed to a chemical risk (15% of employees); (4) Field: all employees exposed to a biological risk (38% of employees). Source: SUMER 2003 – Coutrot (2009)

An important conclusion from the REPOSE survey seems to be that *the more frequent the collective negotiations, the better the working conditions*. What the REPOSE survey can permit to say is that this improvement of social dialogue has been accompanied with a global slight improvement in working conditions, but with some important caveats.<sup>37</sup> Compared to the previous wave (realised in 1998), the 2005 wave of REPOSE emphasised an overall slight improvement for workers with regard to certain indicators: tensions with the public or colleagues, time pressure, constrained polyvalence, time schedule not known in advance, less night work, more autonomy with regard time schedule, more workers benefiting from a weekly 48-hour time off. Nevertheless, working conditions have worsened compared to the results of surveys realised in 1984 and 1981. Moreover this short-term slight improvement has not benefited to everyone. The blue collars have seen their working conditions deteriorated over this period, in particular in the field of physical hardness and work intensity (obligation to stick to very short delays, heavy weights, exposition to noise, vibrations, etc.), which is alarming as they were already very exposed. For these reasons, the authors of the study prefer to call the evolution "*a pause in work intensification*", to emphasise the fact that these global good news take place in a longer trend of deterioration of working conditions, and in particular an reinforcement of rhythm constraints and mental burden.

### **WSI Works Council Survey**

Against the focus on works councils and thereby on *companies with an existing employee representation structure* the WSI survey does only indirectly allow to make conclusions with regard to the influence and relationship between social dialogue and working conditions.

With regard to working conditions, the following major results of the 2008 WSI survey have been summarised recently (Ahlers 2009): Most actors of Health and Safety seem to have difficulties to transfer the psycho-social elements of „risk assessments“ (*German Law for Health and Safety, Arbeitsschutzgesetz*) into the establishments. Against the structural problems of implementing the new German occupational health and safety policy in German enterprises, one important result of the WSI survey is that if works councils are involved actively in the process, „risk assessments“ succeed in a better and more sustainable way than in situations where works councils are not involved in this process.

Since the WSI survey also allows for sectoral comparisons of various aspects of social dialogue and works council practice at the enterprise level, a special evaluation of the WSI survey with regard to the construction and health care sector was carried out based on data of the 2007 survey. Though the methodological approach of the WSI survey does not allow for conclusions on the correlation of social dialogue and working conditions (since the survey population consists exclusively of works councils), the special sectoral evaluation provides general information on the character of social dialogue in these two specific sectors compared to the average/general enterprise population in Germany. Based on the general structure of the WSI survey questionnaire, the following table is presenting some major and striking results which allow for some general conclusions regarding the development of working conditions as well as social dialogue in the construction and health care sector. It should be noted again that the figures presented below are not representative for all companies in the construction and health care sector but only for those having a works council representation in place.

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<sup>37</sup> J. Bue, T. Coutrot, S. Hamon-Cholet, L. Vinck, "Conditions de travail : un pause à l'intensification du travail", DARES, Premières synthèses, n° 01.2, 01/2007

## Special evaluation of WSI Survey data 2007: Major sectoral results

Main chapters of the questionnaire	Major results construction	Major results health care
General data	<p>Trade union membership is slightly above the average of all economic sectors (29.6% compared to 27.4%).</p> <p>Fixed-term work contracts, part-time work and so-called "mini-jobs" are not very relevant for the sector.</p> <p>Approx. 40% of all companies are reported to employ agency workers directly.</p>	<p>40% of respondents report a very low trade union membership (below 10%). All in all, trade union membership is significantly below the overall average.</p> <p>High share of fixed-term contracts (reported by 92% of all respondents), part-time work (96%), "midi" (61%) and "mini" jobs (71%). Increasing role of "midi" and "mini" jobs (e.g. maximum gross income per month of 800/400 Euros).</p> <p>Only 21% of companies are reported to employ agency workers – below the average of all economic sectors.</p>
Main developments and problems faced by works councils	<p>In most areas of working conditions (staff reductions, older employees, change in work organisation, further training, increase in the intensity of work, equal opportunities) works councils are reporting no significant pressures or increase in problems.</p> <p>Priority areas of interest: Working time organisation (overtime work, working time accounts) and health and safety issues (important for more than 75% of all respondents).</p>	<p>Issues were works councils report an increasing need for action are:</p> <p>Further training, health and safety at work, increased work intensity and pressure, change in work organisation, problems of older employees, work-life balance, need to develop more flexible working time models.</p>
Fields of enterprise practice and specific issues	<p>Company based agreements are covering in particular working time accounts and health and safety issues. In both areas the sector is above the average. Below the average of regulation by company based agreements: further qualification, measures for older employees.</p>	<p>In most areas of working conditions coverage by company based agreements is significantly below the average: particularly striking in regard to working time arrangements, overtime work, initial qualification, company specific social benefits, older employees.</p> <p>Slightly above the average: share of companies having an agreement on further qualification.</p> <p>Only 29% (average of all sectors = 37%) of company representatives report about a company agreement on work safety.</p>
Works council, staff, employer and trade union	<p>Coverage by collective bargaining agreements above the average – only 11% of all companies not covered by an agreement.</p> <p>In nearly 70% of companies not covered by a collective agreement weekly working time is longer than in the agreement.</p> <p>45% of respondents in companies not covered by a collective agreement are regarding working condition as worse as compared to companies covered by an agreement.</p> <p>Issues of high priority for works councils (non-payment issues only: Further education (85%) and retaining working time standards (84%)</p>	<p>Coverage by collective agreements clearly below the average: 36% of companies not covered by a sectoral agreement. Approx. 35% of companies are covered by a company agreement = average.</p> <p>57% of respondents in companies not covered by a collective agreement are regarding working condition as worse as compared to companies covered by an agreement.</p> <p>Issues of high priority for works councils very similar to those reported by works councils in construction.</p> <p>40% of all works council report a lack in support from employees.</p>
Employer – employee relationship	<p>Relationship between works councils and management quite positive: Respect of co-determination rights assessed more positively than on average – only 13% respondents are reporting frequent problems in this context (average = 14%).</p>	<p>Employee representatives reporting a worsening of corporate climate significantly above the average.</p> <p>23% of works councils report frequent problems in the context of respecting co-determination rights by the employer.</p>

Source: Wilke, Maack and Partner on the basis of a special evaluation of the WSI survey data 2007 carried out by INFAS.

With regard to the correlation and impact of social dialogue on working conditions and against the methodological limitations mentioned above, the following results of this sectoral evaluation are to be stressed:

- Both sectors differ significantly from each other with regard to the quality of employer-employee relations which is assessed more positively in construction than in the health care sector and the coverage by collective agreements as well as strength of trade union membership.
- An important result in this context is that nearly 60% of respondents in the health care sector report that working conditions in those companies not covered by a (sectoral) collective agreement are worse as compared to “only” 47% of interviewed works council representatives in the construction sector.
- Another interesting result in this context is that in construction, only 13% of works council representatives report about “frequent” problems in the context of co-determination rights while in the health care sector the respective figure is 23%.

#### 4.3.3 *Correlations between social dialogue and working conditions arising from the Spanish working conditions surveys*

Both the “*Survey on Quality of Life at Work*” and the “*National Survey on Working Conditions*”<sup>38</sup> allow an analysis of the relation between social dialogue/ collective bargaining and working conditions:

With regard to the former, two independent variables are possible: On the one hand, the existence or not of a binding agreement in the sphere of the respondent’s undertaking and on the other, the existence of a structure within the undertaking that facilitates this bargaining task. In Spain, these institutions are the staff delegates (in undertakings with up to 50 employees) and works councils or boards in larger undertakings.

In the National survey on working conditions the other survey analysed, an independent variable is provided by the indicator “existence of a work risk prevention delegate” (according to the “*Law on Occupational Risk Prevention*”). Most of the potential participation of workers is embodied and channelled through this institution, thus becoming a key figure in the prevention regulation which transposes EU Framework Directive 89/391. Since risk prevention delegates may be found in establishments with more than six employees, this is a good indicator for the existence of day-to-day bargaining and the management of social dialogue in practice with regard to working conditions within the undertaking.

An evaluation of these variables of social dialogue with regard to dependent variables covering different aspects of working conditions carried out in the context of our research project (Rodríguez 2009) is displaying some interesting results regarding the correlation of social dialogue and working conditions.

With regard to the *Survey on Quality of Life at Work* out of the dependent variables analysed, a statistically significant link has only been found in those variables related to training activities carried out by the undertaking. That is, the presence of “*structures that facilitate collective bargaining*”, the staff delegate, works council or staff board, seems to influence training activity in the undertaking. The data evaluation shows that training activities are more frequent in undertakings or organisation stating that there is a representative structure in their undertaking or organisation compared to those where no representative structure exists.

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<sup>38</sup> For further information on both surveys see the Eurofound comparative analyses of working conditions surveys (Eurofound 2007). The Spanish Survey on Quality of Life in the Workplace (“*Encuesta de Calidad de Vida en el Trabajo*”) has also been described in the Comparative Analytical Report (Eurofound 2008).

### Spanish National Survey on Working Conditions (2007):

Existence of staff delegate, works council or staff board" (%)		
"Has your undertaking carried out any training activity in the last year?"	YES	NO
YES *	65.8	34.4
NO	29.0	59.9
DOESN'T KNOW	5.2	5.7
n.	3222	2140

Base: Waged employees who have responded that their undertaking has organised some training activity. Source: Rodriguez 2009, p. 15.

More specifically, the answer to whether the worker had "participated in a training course, organised and financed by their undertaking, in the last 12 months" was affirmative to a greater extent for those with representation in the undertaking.

Existence of staff delegate, works council or staff board (%)		
"Has participated in a course in the last 12 months"	YES	NO
YES	44.8	23.7
NO	20.9	10.7

Base: Waged employees who have responded that their undertaking has organised some training activity. Source: Rodriguez 2009, p. 15.

Thus, the level of satisfaction with "the training provided by the undertakings or organisation" is greater amongst those who state there is a representative structure in their undertaking or organisation compared to those where there is no representative structure. Similarly, in the case of answers regarding whether or not the worker knows if their undertaking has carried out any training activity in the last year the knowledge of those employees covered by a staff delegations, works council or staff board is significantly higher than in those companies without such institutions (65.8% - 34.4%). More specifically, also with regard to the question whether a worker had "participated in a training course, organised and financed by the enterprise in the last 12 months" there are clear positive effects of workplaces covered by staff delegations, works council or staff board (44.8% against 23.7%).

Finally, employees in workplaces covered by a specific regulation agreement or statute existing in the undertaking or sector have better chances to enrol and actually take part in training activities: 66.4% of employees covered by such agreements reply that there are training activities carried out in their undertaking while only 43.1% of employees in undertakings not covered by such agreements do so. Also there are differences in the participation rate of employees in training courses: While 46.3% of employees in undertakings covered by specific regulation agreement or statute have participated in training courses in the last 12 months before the survey, only 29.3% in other undertakings reported so.

This correlation between social dialogue and a greater presence of training in the undertaking is not surprising, given that a topic that is frequently negotiated at undertaking or sectoral level is continuous training. Hence, greater training activity for workers can be deduced from a greater activity in social dialogue.

With regard to the *National Survey on Working Conditions* (workers part) it should be noted that this survey consists of a larger number of indicators available, both process variables (activities to improve working conditions) and result variables (general or particular assessments on perception of working conditions). With the aim of fine-tuning the results, the analysis of workers in industry was carried out separately from workers in the construction sector in most questions. The figure of prevention delegate is more present in these two

sectors (67% of workers in industry know of their existence at the work place; similarly, 51.1% in construction).

Summarising basic results of this special evaluation of the Spanish surveys<sup>39</sup>, it can be stated that though the nature and aim of the surveys carried out limits the possibility of analysing in depth the direct relationship that may exist between social dialogue and the improvement of working conditions. However, some evidence may be found, especially in the case of conditions associated with safety and health at work, as the scope of the *Survey on Quality of Life at Work* is too wide to specifically research other working conditions and their potential link to social dialogue and/or collective bargaining.

In the case of working conditions associated to safety and health, the variable analysed was the presence of a specific legal structure of representation at the workplace such as a prevention delegate. Here, a secondary analysis carried out with the three surveys shows, that the existence of worker representation at the workplace has a direct impact on the dynamics (*process*) and depth of activities towards the prevention of occupational risk and, in general, with an improvement in working conditions.

On the contrary, this relationship can not be confirmed statistically with regard to variables of the *state* of working conditions. Paradoxically, neither can this relationship be linked statistically with the overall perception of workers on their working conditions. With regard to the latter, the results obtained suggest that this mutual influence/relationship exists as existing activities are probably associated to improvements. However, statistical analysis is unable to categorically prove this relationship: although the existence of differences may be observed, they are statistically weak.

Therefore, at least statistically speaking, the existence of social dialogue does not seem to be directly related to a more positive perception of workers on their working conditions (safety and health especially). Furthermore, it may even be stated that the awareness process regarding occupational risks, as a result of some form of social dialogue, probably makes workers more critical with regard to the state of their working conditions. This does not necessarily have a negative effect; quite the opposite, it implies a more proactive attitude from workers in the defence of their health and, hence, a stimulus to the work of their representatives and the undertaking.

In the *Quality of Life at Work Survey*, a sufficient statistical link has been found with regard to the influence of having general or specific representatives available with the so-called process variables regarding the improvement of working conditions; specifically with regard to training organised by the undertaking on the one hand and training which the responding worker has benefited from on the other side.

In the *6th National Working Conditions Survey with workers*, this relationship has been proved with regard to the following process variables:

- information,
- training,
- risk assessment,
- control measures taken,
- health examinations
- adaptation of working hours to family commitments.

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<sup>39</sup> A detailed discussion of results is available in Rodriguez title of publication (2009).

In the *5th National Working Conditions Survey with employers*, this strong relationship – having a representative at the establishment with greater prevention activity – can be observed in the variable related to the availability of specific resources to carry out all activities which are compulsory by regulation, in particular those regarding training and information of workers.

Concerning the level of social dialogue as more directly and positively involved in the improvement of working conditions, the Survey on *Quality of Life at Work* only includes the existence of collective bargaining as a variable; it does not allow the differentiation of levels; therefore, the link between the workers’ answers (perception of working conditions) and the level of collective bargaining can not be analysed. Experience shows that a more direct (and given the case, more positive) relationship is more likely in the case of agreements at undertaking level.

There is also one interesting result regarding the perception of health risks by employees and the role of social dialogue: The availability of prevention resources in the undertaking, the frequency of efficient prevention activities such as risk assessment, training and information, health surveillance and others, the perception of having good information available, etc., seem to be closely linked to the existence of prevention delegates in the undertaking. Paradoxically, this does not seem to lead to a better perception of working conditions by those who have a specific representative as the following table documenting results from the *Survey of Working Conditions* illustrates:

**Spanish National Survey on Working Conditions (year):**  
**Do you consider that your job is affecting your health? (%)**

	Prevention delegate exists			
	Industry		Construction	
	YES	NO	YES	NO
YES	27.8	23.5	24.4	18.8
NO	69.7	74.9	74.2	78.7
N	909	247	430	207

Source: Rodriguez 2009.

Although the differences in this case are not statistically significant, the opposite is observed; that is, workers from undertakings which have a prevention delegate are, in turn, more critical with regard to the risks that working conditions have on their health. This is a paradox since, in theory, these workers are benefited the most by prevention activities. This may be due to the effect of “objectifying risk”, whereby a greater attention to risk control at the work place makes workers more aware of the threats to their health. Hence, rather than perceiving this as a counterproductive effect, it must be considered as an indicator of greater awareness, and hence control attitude, from workers.

#### 4.3.4 Results of the index surveys in Austria and Germany

##### *Austrian Working Climate Index*

Since results of the Work Climate Index on a positive influence of social dialogue on working conditions and other aspects of working life have been documented already in the “Comparative Analytical Report on Working Conditions and Social Dialogue” carried out by Eurofound (Eurofound 2008), we are only repeating major results: Based on analyses of survey data between 2000 and 2005 (a total of nearly 4,000 respondents) in companies

between 20 and 99 employees (in order to avoid an overrepresentation of larger companies) with and without works councils, significant differences have been identified: Companies with a works council record a number of advantages relating to working conditions. The use of regular overtime is between 18% and 24% less frequent; job security is higher and labour turnover lower. In general, employees represented by a works council have higher job satisfaction. On the working climate index scale, staff with a works council reaches a value of 106 index points for overall job satisfaction, which is one point higher than staff in companies without a works council.

#### *German Good Work Index*

By analysing working conditions from an employee's point of view, the DGB "*Good Work Index*" facilitates the identification of critical areas as well as potentials at work. In general, over the years, the DGB "*Good Work Index*" will facilitate various comparative studies, e.g. on the development of working conditions or the quality of work in each of the concrete working dimensions – in comparison to employees' requirements. Furthermore, it facilitates studies on the correlation between "good work" and different aspects of working life as the self-assessment of one's working ability in the future, satisfaction at the workplace or the probability of changing the establishment.

Previous surveys already contained some interesting conclusions on the relationship between working conditions and social dialogue. In the 2007 survey, it was concluded that in establishments with a works council or personnel board representing staff interests, there exist better working conditions than in establishments without interest representation:

*"Where a works council or staff council is representing the interests of the workforce, better working conditions exist than in companies where no interest representation exists."*  
(DGB 2007, p. 18).

However, it should be noted, that at least in the context of the 2007 survey report no detailed data and information were provided on this issue.

This was confirmed in the 2008 survey stating that in establishments with interest representation work was better. This could be partly explained by a lower number of "precarious workplaces" in establishments with interest representation.

*"15% of employees have Good Work, 56% Average Work, 29% Bad Work – though only in enterprises in which a works council, staff representation or staff council represents the interest of the workforce. If there is no interest representation, the picture is different: 12% Good Work, 53% Average Work, 35% Bad Work. A context which plays a role in this context surely: In companies with an interest representation significantly less precarious labour relations exist."* (DGB 2008, p. 24)

With regard to these results it should also be noted, that these results have also been interpreted critically by questioning in particular the methodological basis of the DGB Index (see Gesamtmetall/ifaa 2009).

## **5 Conclusions regarding the effects of social dialogue on working conditions according to empirical surveys**

Our analyses illustrates significant differences between the different surveys in terms of survey population, objective and issues covered in the field of industrial relations and working conditions and methods of survey design as well as data gathering. With regard to evidence on our major research interest the following conclusions can be summarised:

- Only few surveys in our sample allow for making direct correlations between social dialogue and working conditions since both areas are covered by different types of services with only very small cross-references between industrial relations and working conditions. This is rather surprising against the strong emphasis European and many national policy makers put on the role of social dialogue for improvements in working conditions.
- There is a “narrow corridor” of independent variables regarding social dialogue as can be concluded from our analyses of survey results in Spain and Germany (and to a lesser degree also in France): Only two variables are common – existence of a works council or similar forms of employee interest representation as well as special OHS bodies at the company level (covered in the Spanish and French surveys) on the one hand and the coverage of an enterprise by a collective agreement.
- Against this, the “blind spots” are striking in particular with regard to the impact/influence of different forms of industrial relations and social dialogue (dual/monistic forms of interest representation, joint bodies, trade union bodies, bodies in the field of OHS) as well as the impact of social dialogue and collective bargaining practice at different levels, i.e. national level, sectoral level, provincial/regional level as well as company/local levels of dialogue and bargaining between social partners. And not to mention other forms of social dialogue which are much more invisible: Informal and direct forms of dialogue and bargained solutions between employees and management not covered by legislative regulations. Their impact on working conditions is extremely hard to analyse and access.

However, against these limitations there are some important conclusions regarding the impact of social dialogue as shaped by employee interest representation bodies and collective bargaining to be concluded from our in-depth analyses of survey data in particular from Spain and Germany:

- In general, social dialogue and the existence of works councils seems to have a clear impact on negotiated and institutionalised solutions in the field of working conditions in form of company based agreements, coverage of different forms of working conditions by social dialogue at the enterprise level etc.
- In addition, as the evaluation of the Spanish surveys and the French survey results show, the existence of OHS representation bodies seem to have a positive impact on the depth and dynamics of activities towards for example activities aiming at preventing occupational risks and improvements of working conditions.
- This conclusion is strongly confirmed by German survey on effects of social dialogue on working time organisations: Our evaluation shows that enterprises with a works council are characterised quite clearly by a significant broader range of different instruments and working time models than other companies.

- A positive impact of works councils on the variety of instruments in other fields such as further training or measures for older employees can also be drawn from the evaluation of the German IAB survey. However, with view on the rather worrying results of this survey regarding overall activities of companies in the field of further training measures, not clear correlation is arising between social dialogue at company level and the quantity of measures carried out by an enterprise.

Finally, an interesting issue with regard to survey results is perception of working conditions and the quality of work by employees themselves: Here, our results are quite mixed. For example the WSI survey clearly shows that most employees (or in this case employee representatives) strongly believe that working conditions are improved in particular by a coverage of enterprises by collective bargaining. Similarly the two surveys measuring in particular satisfaction of employees with their work in Austria and Germany repeatedly have stressed a positive impact of social dialogue on various indicators of working conditions.

In contrast to this clear picture, our in-depth analyses of Spanish survey results revealed a more differentiated picture: Quite paradoxically, the existence of social dialogue in the first place seems not to result in a more positive perception of employees of their working conditions but seem to increase first the awareness regarding risks, problems and critical issues. This might make employee more critical with regard to the quality of their working conditions than employees in enterprises without significant articulation of working conditions by social dialogue.

Against this, the need for supplementing empirical and quantitative surveys by more qualitative research is quite evident. Therefore the final part of our report will focus on results of company based fieldwork carried out in this context.

**Part Three:  
The impact of social dialogue on working conditions  
in the construction and health care sector: Results  
from case studies on good practice**

DRAFT

## 6 Overview

The evaluation of national surveys and other quantitative as well as qualitative results regarding the impact of social dialogue on working conditions was accompanied by field work and the analysis of good practice experience. There are good reasons for focusing on the construction and health care sector in the context of fieldwork on working conditions and social dialogue:

In both sectors, there are many challenges with regard to working conditions, e.g.

- The implementing occupational health and safety standards in the construction sector still are a challenge throughout Europe, in particular in the SMEs.
- On the contrary, the health care sector and in particular the field of caring professions is characterised by other challenges in the field of working conditions: poor pay, often involuntary part-time work, unfavourable working time models etc. which result in a rather negative image of the sector from the point of employees which are overwhelmingly female. Above that, the care workforce in many European countries also is characterised by a high share of migrant workers.
- Accelerated by labour law deregulation, increased competition due to changes in the regulation of both sectors and other factors both sectors have experienced a growth in indefinite and more flexible forms of employment, e.g. part-time work, fixed-term contracts, agency work etc. which are putting new pressures on working conditions.
- Against a structure of overwhelmingly micro, small and medium sized companies, both sectors are characterised by rather weak structures of formalised social dialogue at company level (i.e. coverage by works councils, company based trade unions structures etc.)
- There are also clear differences and contrasts with regard to social dialogue in the two sectors: While the construction sector which is easily to define in terms of professions, sub-sectors and types of work and labour and also ownership (private companies), the care sector is characterised by an extreme internal variety of different types of services and labour provided, different organisational forms (hospitals, ambulant, home and/or residential care etc.) and different forms of ownership structures (public-private, profit-non-profit, church organisations etc.).
- This also has resulted in different traditions and experiences with regard to social dialogue at the sectoral, national and European level: While the construction sector is characterised in by significant initiatives and involvement of social partners both at national as well as European Level (European Social Dialogue), such experience is missing in the scattered sector of health and care.

While our field work and the analysis of good practice with regard to social dialogue initiating and supporting improvements of working conditions was focused on the level of enterprises and companies, we also had to take into account the following analytical premises:

- Practical experience has to be linked to the wider context of working conditions and social dialogue in the respective national framework.
- Good practice also is largely determined by factors rooted in the company's environmental context, various stakeholder interests and other specific characteristics of the company. Therefore, actual developments of social dialogue initiatives and their effect on working conditions have to be empirically studied case by case.

- Beside these objective factors of influence (company-specific, environmental etc.) working conditions and operational practice of social dialogue is also influenced by corporate culture, social relations/interactions, expectations and interest of actors both inside and outside the company (e.g. at sectoral level) which has also be taken into account.

As a matter of fact, it was not possible to deal with and evaluate sectoral, national and also European levels of social dialogue in the limited context of our research, we have tried at least to address these important framework conditions in the case study reports were necessary.

Our sample of case studies is displaying the following characteristics:

- Apart from one exception<sup>40</sup> the cases are located in the private sector in order to improve the comparability in particular with regard to social dialogue structures.
- Most cases are single company cases. However, in particular in order to also cover the important issue of working conditions and social dialogue with regard to micro and small companies, some case study reports also focus on sectoral initiatives of social partners (FR02, ES01, ES02) and/or networks of companies (FR04 and – partly – DE02).
- Case study reports are based mainly on already available material on the cases and interviews with both key actors on behalf of the management and on behalf of the interest representation body.
- Interviews and case study reports have been carried out and prepared on the basis of a common interview guideline and a joint structure of contents by national partners in the countries involved in this project.<sup>41</sup>

In the following chapters we are presenting results of our fieldwork in the construction and health care sector focussing mainly on two major questions (this also is displayed in the structure of contents of this part of the report:

*First*, which are the main challenges and issues in the field of working in the two sectors of concern? Is there a joint understanding on both the management and employee side with regard to these issues or do they differ in their perception?

*Secondly*, and as examples of good practice, each case studied is characterised by above-the average level with regard to the working conditions frameworks at the enterprise level. Our major question in this context is, how and by which concrete means social dialogue contributed to this good practice record and the respective improvement of working conditions. Here, we put a special emphasis on the following topics: The initiators and drivers, process related issues; relationship between internal and external actors (such as sectoral or national social partners and other actors) as well as factors of success and critical factors.

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<sup>40</sup> This is CZ02, the health care case study in the Czech Republic since this sector is overwhelmingly dominated by public companies still and it was simply not possible to identify a good practice case in the private sector.

<sup>41</sup> Case study authors are also displayed in the overview table in the annex.

## 7 The impact of social dialogue on working conditions in the construction sector

### 7.1 Challenges and issues in the field of working conditions

#### 7.1.1 General trends and challenges in the field of working conditions

The construction sector with nearly 12 million operatives directly employed in the sector, is not only Europe's largest industrial employer but also strategically important for Europe providing building and infrastructure on which all sector of the economy depend.

At the same time, construction also has one of the worst health and safety record amongst European industry sectors. According to a report of the European Agency for Safety and Health at Work published in 2004 around 1,300 workers killed each year on construction sites EU-15 alone - which was more than twice the average of other sectors and nearly 1/3 of all fatal accidents in the European Union.<sup>42</sup> Of course many more workers being injured or made ill each year. The construction sector is therefore regarded as one of the most physically demanding sectors of industry with workers in the sector having greater exposure to physical risk factors, as well as noise and temperature. Against this, around 45% of construction workers say that their work affects their health<sup>43</sup> and in many European countries the majority of those workers entering the pension age are doing this due to occupational health problems earlier than workers in other sectors.

There are also other aspects with regard to challenges in the field of working conditions: Construction activity is primarily local. 93% of undertakings employ less than 10 people. Employment is often temporary and to an increasing degree carried out by agency-workers and/or sub-contractors.

#### 6.1.2 Challenges perceived by the actors in the context of case study work

With regard to the perception of major challenges of working conditions by actors at company level, all our case studies confirm the high priority given to occupational health and safety issues: Both management, works councils and trade unions agree that occupational security and prevention of accidents / occupational diseases as well as health issues in general are the top-priority topics in the field of working conditions. This is illustrated by the Swedish case studies but it has also been highlighted in all other cases:

“Even though great improvements have been made it is still challenging to work with improving working conditions and reduce number of accidents and casualties in the sector as a whole and at JM according to both parties. The challenges are very much sector specific such as casualties, accidents, injuries, early retirement pension and sick leaves due to these accidents.” (*Case study report SE01*)

In response to this challenge, in particular the large companies in our sample regard a good OHS record as a top priority in the context of corporate policy and corporate culture. As the cases of *Spie Batignolles*, *Skanska* and *Strabag* illustrate, a high standard of occupational

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<sup>42</sup> European Agency for Safety and Health at Work (2004): Report - Prevention of risks in construction in practice, Luxembourg, p. 6.

<sup>43</sup> European Agency for Safety and Health at Work: “The construction sector has one of the worst occupational safety and health records in Europe.” See: <http://osha.europa.eu/en/sector/construction>.

health and safety is also regarded as a positive competition factor since the image of the company in this regard is important in the context for the winning of major contracts. Therefore, both *Skanska* and *Spie Batignolles* – as many other big players in this sector – have adopted a clear “Zero Accidents” policy in the field of OHS:

*“Spie Batignolles has developed a far-reaching policy in the field of working conditions. The very target has been security. The “Zero accident” policy was launched in 2000. Three conditions were fixed for this policy to be a success: a strong impetus given from the top, the involvement of all the actors and a permanent awareness-raising to these issues. (...) As the CEO said in an interview<sup>44</sup>: “We could have had as an objective to diminish the frequency rate of occupational accidents. But with such an approach, the issue is never resolved, as one still accepts that accidents will occur. For us, the only acceptable objective was to have no accident at all” (Case study report FR01)*

In this context, there is a significant difference between the large enterprises and the experience of micro, small and medium sized ones: While the zero accident strategy in large enterprises results often in quite rigid regulations and implementation measure in the field of occupational safety on constructions sites and significant measures in the field of awareness rising amongst employees and risk preventions, micro and small companies are in a different position: They do not have the means and resources (including specialised staff) to follow such an extensive policy approach and therefore the main challenge in the small and medium sized companies as illustrated in our cases (in particular DE02, FR02 and ES01) is an effective implementation and management of occupational health and safety at construction sites and the awareness rising of both workers and managerial staff with regard to health and safety at work issues.

*“Micro companies’ workers in the construction sector face many hazards regarding their health and security: falls, the use of engines, toxics, road accidents, etc. However, workers in micro companies do not benefit from the same preventive schemes as those in biggest companies, who have specific workers dedicated to risk prevention and security, notwithstanding the existence of Health & Safety committees in companies with more than 50 workers. Moreover, in France written staff rules are not compulsory for companies with less than 20 workers.” (Case study report FR02)*

In the context of demographic change and – at least before the current economic crisis broke out – bottlenecks on the labour market, the issue of labour shortage often is a challenge. As the following quote from the Czech Republic illustrates, improvements in the areas such as education and training issues, social benefits and other measures aiming at improving the overall image and employment quality in the sector as the quote from the Czech case study illustrates:

*“(...) working hours, further education, financial and non-financial employee rewarding, or health and safety measures. A good level achieved in these areas is a priority for the company and the search of methods for its achievement is then a challenge.” (Case study report CZ01)*

Improvements in working conditions and generally to improve the image of work and labour in construction also is regarded as a challenge by both management and employee interest representation in the German SME case (DE02): As a “bigger” employer with around 700 employees, a qualified, motivated and satisfied workforce is regarded as the key factor of success and competition advantage of the company. At the same time both management and employee representatives report about increasing difficulties in attracting qualified workers. And from their point of view the image of a construction company in a given region is mainly

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<sup>44</sup> *Le Monde Économie*, 25/02/2009.

defined not by wage levels only but increasingly also by other factors such as corporate culture, working environment, career opportunities etc.

“The trade union representative from Byggnads also underlines the importance of keeping the employees and keep develop their competences as major challenges in the coming years of low economic activity. He also mentions the importance of making the construction sector attractive to young people and states that this will be a challenge in many ways, not the least for the tradition of working hours.” (Case study report SE02)

Interestingly, a major challenge to the construction sector is regarded only to a limited degree as a challenges which has to be addressed by specific action: Though the “greying” of the workforce also for the construction sector is highly relevant and poses to become a big problem in particular in the context of the increases of the pension age in many countries in Europe, this is regarded as a challenge and problems outside the realms of enterprise policy. The reason for this is quite simple: Against the overwhelmingly small character of the companies, schemes developed in other sectors for early retirement and old-age part-time work does not fit the construction sector and the micro, small and medium sized companies.

Given this, companies are only able to deal with this problem on the basis of individual arrangements often made in consultation with employee representations , e.g. to employ older workers in areas and fields which are less health demanding as it was reported in the German case study DE02.

Finally, at least and explicitly in the contexts of the large company cases SE02, DE01 and AT01 the relative dramatic change in the structure and character of the construction workforce has also been mentioned as a challenge: The increasing role of sub-contracting with many different companies on the same construction sites and also a strong increase in agency work and foreign sub-contracting companies and self-employed are resulting in new challenges with regard to working conditions and OHS issues. For the large companies therefore it is a major task to improve working conditions at “their sub-contractors” as the Swedish case study report illustrates:

“Skanska has also a clear vision to spread their knowledge and focus on work environment to their subcontractors. It is a clear challenge for the company to take a holistic responsibility for all actors in the construction projects by educating them and teaching them in their safety programme.” (Case study report SE02)

## **7.2 The role of social dialogue in the improvement of working conditions at enterprise level**

### *7.2.1 Overview of the role of social dialogue at different levels*

On the national and European level, the role of both social partners’ sides in the context of working conditions and in particular with regard to health and safety standards is clearly defined: The employer is responsible for implementing the minimum legal standards working conditions and health and safety at work. In the construction sector the issues of risk assessment and instruction are particularly relevant: Employers are required to assess risks and take practical measures to protect the safety and health of their workers at the level of individual construction sites and in the whole companies, keep accident records, provide information and training, consult employees and co-operate and co-ordinate measures with contractors.

In this context the usage of workers’ knowledge helps to ensure hazards are spotted and workable solutions implemented. Consultation helps to ensure that workers are committed to

safety and health procedures and improvements. In fact, the involvement and formalised procedures of employee involvement is foreseen in national regulations with regard to health and safety frameworks which are also regulated in the European Directive 92/57/EEC (see textbox below). Workers have a right to receive information about the risks to health and safety, preventive measures, first aid and emergency procedures. In general, the employer has to consult their workforce on health and safety measures and also before the introduction of new technology or products.

**Council Directive 92/57/EEC on minimum safety and health requirements at constructions sites**

The Directive defines minimum requirements at temporary or mobile construction sites. It highlights the coordination required by the various parties before and during construction, in particular:

- clients/project supervisors have to appoint one or more safety and health coordinators and have to ensure that a safety and health plan is prepared before the construction phase starts
- clients/project supervisors have to take safety and health into account when designing the project
- during the construction phase coordinators have to ensure that risks are adequately managed and that the health and safety plan is taken into account
- cooperation between employers in matters of safety and health has to be implemented and monitored.

However, as our cases and in particular the cases covering the experience of micro, small and medium sized enterprises illustrates, these regulations first of all are providing a general framework of minimum standards for national regulation – the real world at construction sites and in small companies often is totally different against the background of the non-existence of sufficient forms of implementation and control. Considering the background of low trade union membership rates, according to our interview partners in particular on the employee and trade union side, this is resulting in a situation in which the overwhelming majority of construction companies do not have any form of social dialogue at all.

Therefore, social dialogue at the local, regional and/or sector-wide level is crucial also for the improvement of working conditions in single enterprises. The cases of the French CPHSCT in the Poitou-Charentes region (FR02) as well as the *Labour Foundation for the Construction Sector* (ES01) are clearly illustrating this important role of social dialogue at the supra-company level.

**The intersectoral agreement on social dialogue in France**

In order to improve social dialogue, an intersectoral agreement on social dialogue in the craft industry was signed at the national level in 2001 between UPA (main craft employers' federation) and the five representative workers unions. The signatories agreed on a contribution of 0.15% on the wages bill for companies with less than 10 workers. (...) The very idea was to develop the capacity of the craft industry to organise its social dialogue and to develop collective tools. The Ministry of employment decided to extend this agreement to all companies in the craft industry (...) In the mean time, following this 2001 intersectoral agreement, branches in the craft industry signed sectoral agreements concerning the financing of social dialogue by contributions based on wages. The agreement signed by UPA and trade unions in the construction sector was eventually extended by the ministry of Employment in November 2008. This extension means that all microcompanies of the construction sector now have to comply with the above mentioned contribution on wage to finance social dialogue. (*Case study report FR02*)

The difficulty to organise social dialogue within the micro, small and medium sized enterprises in order to address structural challenges was another major driving force for the establishment of the Labour Foundation for the Construction Sector (LFC) in Spain:

“A will arises from those debates to reach an understanding on the path to follow in order to improve working conditions in the sector, through: Training; the development of human resources and employment as well as strengthening of safety and health strategies at work, especially in the area of work risk prevention. These three areas of attention will concentrate all social dialogue policy in the sector, besides all regular topics of collective bargaining. LFC is institutionally born from these three elements, taking the form of a joint

agreement reached within the General Collective Agreement on Construction signed for the period 2007-2011.” (Case study report ES01)

A particular interesting case in this context is the experience described in the case study report on *Freudenthal / Sigepool* (DE02): *Freudenthal* is a medium sized company regarded as a good practice both in the field of implementing health and safety standards at the construction works as well as well-functioning social dialogue (support of the works council, cooperative corporate culture, active employee involvement). Some years ago, the company’s works council started an own initiative of networking small and medium sized companies in the region in order to support and develop health and safety measures in other companies in the sector, known as the “*Sigepool*” initiative. This initiative has been very successful in particular in organising training activities for employee representatives in the health and safety field as well as in the context of awareness rising, lobbying and other areas. Stressing concrete added-value of implementing health and safety management into the enterprises’ everyday practice and lobbying in general for “good work” in the construction sector the *Sigepool* initiative today is a well-known case which has not only been regularly praised in the context of the INQA Initiative of the German government as a good practice experience.

The *Sigepool* initiative which is still run by a network of works councils of small and medium sized companies and supported by the construction trade union IG BAU, has particularly contributed to the following:

- Disseminating principles of the safety management system and the employees’ responsibilities amongst small and medium sized companies
- Awareness rising and training measures for employees with regard to specific hazards and risks at work as well as procedures that should be followed to avoid any risk
- Organising training (in cooperation with the respective professional organisations) for employee safety representatives on safety prevention, specific safety and health instructions for working with technical equipment etc.
- Campaigns and lobbying the added-value of “*good construction work*”

The significant role of social dialogue in developing positive framework conditions for an improvement of working conditions throughout the construction sector, but particularly with regard to small and medium sized companies has also resulted in significant transnational activities both in the context of European Social Dialogue covering the construction sector as well as other initiatives such as the 2004 *Bilbao Declaration* (see textbox) or European wide campaigns of social partners in the sector.

#### **The Bilbao Declaration**

In November 2004, all major stakeholders in the European construction sector<sup>45</sup> signed the *Bilbao Declaration*, committing them to specific measures to improve the sector’s safety and health standards. These include:

- integrating health and safety standards into procurement policies, supported by guidelines for purchasing goods and services
- ensuring safety and health is taken into account at the design and planning stages of construction projects
- using site inspections and other techniques to encourage more businesses to comply with safety and health legislation
- developing guidelines to help businesses comply with this legislation, especially SMEs

<sup>45</sup> European Construction Industry Federation (FIEC), European Federation of Building and Wood Workers (EFBWW), European Builders’ Confederation (EBC), European Federation of Engineering Consultancy Associations (efca), Architects’ Council of Europe (ACE), European Council of Civil Engineers.

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|--|
| <ul style="list-style-type: none"><li>- stimulating higher standards of safety and health via social dialogue and agreements on training, accident reduction targets and other issues.</li></ul> |
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### 7.2.2 *Initiators and drivers at company level and beyond*

From our case studies on good practice, no distinctive groups or types of experience can be identified which would have been suitable initiators and drivers of practice and measures aiming to improve working conditions at the company level. However, there are some joint patterns of the role of different actors. At the same time there are differences with regard to the question whether or not strong joint interests and a common understanding of employee interests representation bodies and management alike is triggering practice of improvement or not.

Striking examples for this “common agenda approach” are the cases in Sweden: Here, against the background of an already high standard of working conditions (including a strong awareness about the need of a good working environment for productivity and competitiveness) as well as a strong role of social dialogue at the enterprise level and beyond, social dialogue is regarded as the most important instrument of change, reform and improvements. This is also illustrated by the fact, that the social partners in the two Swedish cases are not only dealing with a general improvement of working conditions in the respective enterprises but have started to work on process related and systematic reforms/improvements which are targeting the overall framework conditions:

- In the case of *JM AB* (SE01) the development of instruments in the context of implementing the best possible environment of working conditions in new construction projects (“kick-off-meetings”) which are fundamentally based on an evaluation of different workplaces with regard to their working conditions standards and the identification of best practice in this context
- At *Skanska*, (SE02) the development of a programme for safety representatives as part of a “systematic” concept for improving the work environment and integrating this into overall company practice.

Both initiatives clearly go beyond legal requirements and focus on improving the general quality of work in the two companies by innovative measures.

At the same time, both Swedish examples stress the high degree of consensus and joint understanding about challenges, objective and major tasks in the context.

“The systematic work for improving the work environment has been developed and is a result of a genuine interest and pressure from the trade union/safety representatives and has been very much supported by the management. The introduction programme for safety representatives has been a project that has been developed and implemented by the trade unions and supported by the management/employer. The programme has been a driving force in itself for the improvement of working environment and conditions and has had synergy effects by increasing everybody’s awareness about these issues. Employees and leaders have become more interested and the attitude to safety and working conditions has changed radically as a result. Therefore the employees themselves have become a more and more important driving force in the company. All forces are working towards the goal.” (*Case study report SE02*)

However, when looking on the concrete processes of developing and preparing initiative, it becomes clear that sometimes one social partner is playing the role of initiating something before both sides agree on a common agenda of implementation as the *JM AB* case example illustrates:

“Both parties are driving forces in order to improve working conditions. However the work with introducing Kick-off meetings was initiated by the trade union representatives for

blue-collar workers. The concept was developed by the central trade union representative and has been spread in the company. The bottom up initiatives are today taken to account and channelled in the new Kick-off and Start-up meetings. The effect is that blue-collar workers have become more and more interested in safety and working conditions and have become an important driving force. Both social parties have the ambition to be leading in the construction sector on improving working environment and safety.” (Case study report SE01)

This quote also illustrates an important role of trade unions in the context of projects aiming to improve the working environment and specific working conditions issues – in the case of *JM AB* the Swedish Building Workers’ Union *Byggnads* and the Union of Service and Communication Employees (*SEKO*).

The situation in the other countries tend to differ from this pattern insofar as the position of trade unions at the enterprise level is much weaker, as in the case of the other big multinational company *Strabag*. But there are also contrasts with regard to the common character of projects defined and carried out mutually by the social partners – which of course are based on a rather deliberated structure and institutionalised framework of responsibilities, roles and competences in the field of employee involvement and social dialogue with regard to working environment issues.<sup>46</sup>

In contrast to this, the experience of *Metrostav* is characterised by more modest objectives and tasks of social dialogue in the field of working conditions:

“Both the company management and trade unions agree that the legislation governing working conditions is followed by the company. Moreover, the working conditions agreed in the collective agreement surpass the framework stipulated by the Labour Code and other regulations and also get ahead of the standard determined in the higher-level collective agreement valid for the construction sector.” (Case study report CZ01)

However, also the French case FR01 and the German medium sized example of DE02 are characterised by a strong mutual approach of improving working conditions and thereby the quality of employment in general. This also results from a certain economic background, a specific corporate culture and a business concept. The latter is largely based on values such as “high quality” as a competition factor and success in a highly competitive market, a workforce as the core competitiveness advantage of the enterprise and regarding employee involvement as a crucial precondition and support for finding innovative solutions and change management. The following quote from the case of *Spie Batignolles* illustrates this background which is very similar to the *German Freudenthal* experience:

“According to the then human resource manager, in 1995-6, the company suffered harsh difficulties and was near to disappear. For him, two solutions were on offer: either a general cost killing policy, but in the end *Spie Batignolles* wouldn’t have had any comparative advantage with the local SME; or a different, more costly, approach, aiming at implementing a “differentiation by the quality” and a new business model, centred on the human value. The strategy is resumed in the company motto, “Constructing value”. According to the former HRM, the HR aspects are a full component of the business model.” (Case study report FR01)

The *Strabag* case – as *Skanska* representing one of the big multinational construction companies with several 10,000 employees worldwide and the first European Company in the EU (established in 2004) - differs from these patterns in various aspects:

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<sup>46</sup> An overview of the different levels and institutions of employee involvement in the Swedish enterprises in the field of working conditions is provided in the overview tables attached to the respective case study reports SE01 and SE02.

As other large companies in the construction sector, *Strabag* is characterised by a good standard of working conditions in terms of various aspects (aside from pay, for example training, career opportunities etc.). Also, *Strabag* is respecting legal requirements of interest representation, adopting collective bargaining agreements and implementing the principle of social dialogue into the corporate culture (headquartered in Austria, *Strabag* is displaying strongly the Austrian notion of social partnership). As a multinational company the *Strabag* case also is illustrating both the limitations and opportunities of employee interest representation and social dialogue at the transnational level: Though the EWC at *Strabag* still is mainly a forum of mutual information and exchange between employers and employees as well as between employees on a transnational basis, there is also a certain dynamic in the practice of European interest representation through the EWC. And here, the issue of working conditions and in particular challenges in the field of occupational health, safety and prevention are regarded by the EWC representatives interviewed certainly amongst the most important issues where transnational consultation or even negotiation processes with the management may evolve in the future.

At the same time *Strabag* still is a private company with shareholders expecting profits and returns on investments. As employee representatives and management people report also *Strabag* faces an increase in competition on prices and other trends in the market environment which leads to additional pressure on pay and working conditions (e.g. the need to overtime work, work on Saturdays etc.).

In this context, the management states that it is important to reach consent with the works council and trade unions on needs in order to stay competitive and strategies to improve and stabilise the position on national and international markets. However, not all measures carried out by the *Strabag* management in recent years were based on consent – some decisions for example resulting in significant outsourcing, wage cuts and working time measures were opposed by employee representations and trade unions. The overall picture therefore with regard to social dialogue at *Strabag* may be described as “demanding and providing”.

A further aspect in this context are national or regional initiatives and campaigns of trade unions which have been developed for example in Germany, Austria and other countries of our sample. Here, joint approaches involving all social partners often play an important role for the improvement of working conditions at the micro-level as the following example from France is illustrating.

**Positive contributions of social dialogue to working conditions in the French construction sector**

A case study reviewed on the web portal of the French *National Agency for the Improvement of Working Conditions* (ANACT) illustrates the links between social dialogue and working conditions at the company level. The initial issue for this small company (18 workers) was the introduction of a new and very innovative technological device. The management has launched a concertation with the workers for this introduction to be efficient and in order to improve working conditions. The new production tool is a completely new engine, for which workers are not prepared. The project aimed at raising productivity and improving working conditions. This is a case of internal concertation with the help of an external actor (a specialist from the French Agency) but with no specific participation of unions or representatives (to be checked). It illustrates what happens in most small companies.

In this context it should also be mentioned that the European level is playing an important role for social dialogue which is regarded as a key element of the European Social Model. Therefore, joint declarations, recommendations and joint action programmes as those developed between the EU peak organisations FIEC and EFBWW (see textbox below) are important for the overall framework of working conditions of the construction sector in Europe and perhaps as a role-model for national developments at sectoral and enterprise level.

### European Social Dialogue in the construction sector

The social partners have issued a number of joint declarations in support of the Directive of the European Parliament and of the Council of 16 December 1996 concerning the *posting of workers* in the framework of the provision of services and self-employed workers; the last one was signed in December 2007. In June 2000 FIEC and EFBWW signed a joint declaration on employment and organised a round table in Warsaw in 2002 with representatives of the candidate countries. In March 2008, they signed a *joint declaration on parity funds*. In 2004, FIEC and EFBWW published a brochure on mentoring with the aim of *promoting integration, training and retention of young people in the sector, while preserving the skills of older workers*. Currently they are working on projects to develop skills and qualification criteria in the construction sector. A technical guide to good practice on coordination in hygiene and safety in order to reduce the number of industrial accidents on construction sites was created in 2002, as well as a technical guide to good practice in coordinating health and safety for the use of *small and medium-sized undertakings*. The aim of this publication is to make all players in the sector, from technician to architect via site manager or subcontractor, aware of the basic rules to follow on construction sites. In April 2002 the social partners adopted joint recommendations for facilitating the implementation of Directive 2001/45 on work at a height, and a joint statement on the European Week for Safety and Health at Work: "*Building in Safety*" was set up in April 2004. In April 2006, EFBWW and FIEC signed a joint recommendation on the prevention of *Work Related Stress*. This recommendation is in line with the *framework agreement on work-related stress*, signed by the European cross-industry social partners in October 2004. The follow-up of this joint paper will take place in the framework of the *multi-annual working programme 2008 – 2011* of the sectoral social dialogue committee in the construction industry.

### 7.2.3 Concrete outcomes

Already for the third time, construction workers in Vienna are annually visited by a representative of the construction sector trade union GBH (*Gewerkschaft Bau Holz*) at their construction sites during April. They will receive a small box containing trendy sunglasses, sun protection cream and an information leaflet on the dangers of unprotected working in the sun, e.g. skin cancer. This initiative which has been developed jointly by the Austrian construction sector union, the employers' federation and the Austrian accident insurance (which is financing the costs) illustrates a concrete outcome and result of social dialogue effecting working conditions and the directly health of workers. This initiative does not only support the health of the workers but raises the awareness on the importance of preventive practice. Similarly, at the French case of *Spie Batignolles* (FR01), every worker is receiving ear protection and new health and safety equipment each year.

Similar campaigns – mostly aiming at awareness rising in the field of avoiding accidents and health damaging practices as well as awareness raising campaign – are carried out on construction sites all over Europe with social partners (as well as governmental institutions, social insurance organisations and professional bodies).

Against this, one of the mostly quoted concrete outcome of the good practice experience according to the social partners interviewed in the case studies is the reduction in accidents, better preventive practice (including improvements in risk assessments and the instruction of employees on construction sites) and in general an improved awareness about health and working environment issues. This clearly is a win-win-situation both for the workers (it's their health!) and the employers (reduction in absenteeism due to accident or illness). This is illustrated by impressive results regarding occupational accidents in the French case of *Spie Batignolles* for example:

“In 2/3 of the entities of the group, the goal of zero accident is a reality (no accident with stoppage of work). In the subsidiary for the North of France, for instance, it has been three years long that this goal is reached. In the end of the 1990s, the frequency rate of work-related accidents at *Spie Batignolles* was around 30. It is now around 10 in the “historic” subsidiaries of the group and 18 in some recently acquired companies. The average for the sector is between 50 and 55.” (Case study report FR01)

While the health and safety issue is clearly dominating most of the cases evaluated in our research, there are also other concrete effect and outcomes of social dialogue on working conditions, which sometimes also have the character of “secondary outcomes”:

- Positive effects on the satisfaction, motivation and the feeling of responsibility of employees and a reduction of fluctuation rates amongst staff
- Improvements in the competences of management actors, workers’ representatives and employees with regard to health and safety and other issues related to working conditions
- Improvements in the general culture and climate of work in the respective enterprise. This also contributes to the overall attractiveness of the companies analysed in our sample on the labour markets.

As the French, Spanish and German examples illustrate the initiatives of the social partners’ in the context of the French craft agreement, the Spanish labour foundation or the German works council and company network are also directly supporting a better coverage, OHS implementing and awareness with regard to working conditions in micro, small and medium sized companies as the Spanish case study report illustrates:

“The sector’s structure, with the existence of a myriad of dispersed and atomised small enterprises with different interests, makes it extremely difficult to carry out activities towards sectoral cohesion, such as training or extending a preventive culture with regard to occupational risks, which are understood to be objective needs of the sector. This is the field where the Labour Foundation for the Construction Sector is set, and where the most striking achievements and improvements in social dialogue between the parties are undertaken: Training and promotion of a preventive culture in the risks assessment.” (Case study report ES01)

With regard to the French and German cases most important concrete results of social dialogue has been awareness rising and supporting actors in micro and small companies with regard to implementing an effective management and organisation of working conditions regulations and in particular OHS schemes.

Finally, and perhaps most importantly, the Czech good practice case (see CZ01) of *Metrostav* exemplifies a number of concrete outcomes of results and positive effects of the enterprise collective agreement on working conditions. Given the weaker position and role of social dialogue in the Czech Republic and in other EU member states in Central and Eastern Europe, *Metrostav* is particularly interesting compared to other EU countries:

- *Health and safety at work*: improvements are recorded in nearly all field, including a constant drop in the number of work accidents, medical prevention, safety at workplaces and health protection – *Metrostav* therefore is holding the certificate of a “Safe Enterprise”
- *Work organisation and work contracts*: A significant progress is reported, e.g. the introduction of above the average level holiday schemes<sup>47</sup>, drop of fixed-term work contracts, monitoring of works contracts by the social partners etc.
- *Care for employees and training*: several examples of social benefits and assistance are recorded in this context as well as activities in supporting employees in their continuous and further training interests and in the field of re-training

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<sup>47</sup> This point actually might also result from a certain corporate tradition in the company rather than significant progress.

#### 7.2.4 Factors of success

Not surprisingly the most important factor of success for the good practice examples analysed in our research is the character and specific nature of social dialogue itself:

“Social dialogue in order to change attitudes and values has been a major factor of success according to both parties. The structures for social dialogue for safety and working conditions have always been there but the function and the quality has increased by communication these roles, responsibilities and the values and the systematic work for improving working conditions. This has enhanced and increased the status and knowledge of the safety representatives.” (Case study report SE02)

The “specific character” of social dialogue or better, the “specific culture of dialogue” at the enterprise level according to all interview partners regardless of their national and enterprise specific background is the major determining factor for positive outcomes and results for the improvement of working conditions. This certainly includes that social dialogue clearly has to be more than a formal institutionalised practice but should be lived and incorporated in the everyday practice of the respective enterprise. Another important factor also seems to be that there is a common understanding amongst employees and the management on the role and responsibility of social dialogue including a common agenda and a most concrete procedure.

Social partners at the company level also stress the important role of other factors of success in the context of improvements and positive changes resulting from social dialogue:

- A clear commitment of the management regarding the role of social dialogue, employee involvement and the importance of working conditions and the quality of employment as an important factor which contributes to the economic success of the company. This means that social dialogue and work environment issues are fully integrated into the enterprise practice as a whole and not a “niche-practice” of specified staff and HR people.
- Active engagement and competent trade union representatives and workers’ representatives
- Involving also workers (in particular blue-collar workers) into the process and convincing them about the added-value is important. This makes the whole process smoother and improves the concrete outcomes

Finally, the importance of most concrete objectives and agendas for improving working conditions which also include a practice of “carrot and sticks”, have to be mentioned as an important factor of success. This is clearly stressed in two of the French and Swedish cases: Based on an agreement between management and all trade unions, the actors at *Spie Batignolles* have connected their OHS strategy with the profit sharing scheme in the company:

“Part of the profit sharing (“*intéressement*” scheme) depends on the results of this policy. In concrete terms, if no improvement in the reduction of the accidents rate occurs, then a variable part of the profit sharing scheme (up to 20%) is not distributed. This has been a major factor of awareness. As told above, the negotiation on this issue reached a consensus, as all the unions signed the agreement.” (Case study report FR01)

## 8 The impact of social dialogue on working conditions in the health care sector

### 8.1 Challenges and issues in the field of working conditions

#### 8.1.1 General trends and challenges

The healthcare sector in Europe and in particular private companies in the sector is one of the most important source of job creating in the overall economy in all EU member states: As reported by Eurostat almost one fifth of jobs created across the EU between 1995 and 2001 occurred in the health and social services sectors, which today amounts to almost 10% of the total workforce.

The fragmented nature of the care sector in terms of occupational profiles corresponds also to a highly diversity of ownership structures (public companies, a high share of non-profit organisations such as charities, organisations of the catholic and protestant church, private associations as well as commercial private companies).

Though characterised by constant employment growth and labour shortage in many occupations and countries, the healthcare is surely not regarded as an attractive sector for European employees. This mainly results from a high share of low-paid and indefinite work relationships as well as significant numbers of hazards, risks, complex occupational safety and health management problems in areas such as manual handling, strains and poor postures, chemicals, biological hazards, stress and violence, work organisation, working hours, shift working and night work etc.

In a report on employment in social care, the Eurofound has summarised further characteristics of working conditions in the social care sector in Europe (Eurofound 2006):

- physical and emotional stress;
- irregular working hours;
- heavy reliance on part-time and short-term contracts;
- geographical and professional isolation;
- lack of a clearly defined career path.

Recent survey results with regard to working conditions in the health care sector confirm the multitude of challenges in the context of working conditions in the sector. According to a sector specific evaluation of the German “*Good Work Index*” of the trade union federation DGB carried out in 2007/2008 bad working conditions are the main cause for the prevailing labour shortage in care professions<sup>48</sup>: All occupational groups in the health and eldercare sector in Germany are clearly lagging below the average German index of “good work”: In healthcare 46% and in the eldercare even 52% of all employees regard their work and payment conditions as “bad”. A further 47% in healthcare and 36% in eldercare assess the working conditions of their job as “average” and only 7% in the healthcare sector and 12% in eldercare regard their working conditions as “good” (DGB 2008).

The most important factors contributing to bad working conditions in the sector according to the survey are low wages and high work intensity (overtime work, shift work, split working

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<sup>48</sup> Already in 2006 a special evaluation of the Austrian Working Climate Index on the health care sector was carried out drawing similar conclusions. See Böhm (2006).

days etc.). Other important factors (amongst a total of 15 index building topics) are poor career development chances, insecurity about the occupational future and a lack in the chance to influence the personnel work environment.

Another worrying result in this context is that more than 50% of care workers do not think that they will be able to carry out their work until the pension age but have to leave the job earlier due to physical and/or health reasons.

### ***8.1.2 Challenges perceived by the actors in the context of case study work***

The general assessment of working conditions presented above has been confirmed also in the context of the fieldwork conducted in six European countries. The following list of factors contributing to an overall problematic picture of working conditions taken from the case study report on the *Diakoniewerk Gallneukirchen* (AT02) is representative for enterprises in the field of non-residential care:

- Difficult working times, shift work and weekend working, strict time regulations and high physical and psychological pressure. Particularly for employees in homecare services, care for the elderly and people with disabilities.
- Strict time frames and regulations: this scenario has led to a substantial amount of overtime among the workforce.
- High psychological risk factor and overall stress factor due to the close relationship between carer and patient.
- Serious situation in elderly care: extremely stressful conditions compared to handicapped aid, the level of staff coverage is very low and reaches only 50 per cent, with a strikingly high percentage of sicknesses on top.
- Gender inequality: health and care sector is clearly dominated by female employees. In fact, enterprises in the sector have problems recruiting qualified male people for this sector.
- Increasing average age among employees in elderly care of 50 years.

Very similar to this assessment the interviewed employee representatives of the French company ASSAD (*Association de soins et services à domicile* – Domiciliary care services association) (FR04), a non-profit medium sized care provider in Besançon summarised the following major problems with regard to the working conditions of the approx. 640 employees (there from only around 25% full-time employees and 99% female staff):

- Working hours and the length of working day, including work on Sundays, public holidays and night work
- Displacements - the job almost requires having a car, while reimbursements for displacements are generally considered as too low (even if in this association, the level of reimbursement is a bit above the minimum stipulated in the collective agreement)
- Work-related injuries and incapacities (there are about 10 dismissals for incapacity every year)
- Physical hazards: carrying persons, using toxics, displacements with road hazards, musculoskeletal troubles,
- Socio-psychological troubles (stress, isolation)

Apart from that, the employee representation has identified the following problems: Increasing time pressures on employees making it difficult to have lunch breaks for example; lack of career opportunities, large part of employees which involuntary are on part-time work contracts, and a problem of low wage levels in particular for part-time workers.

With regard to specific challenges in hospital care, both the Czech case (CZ02) and the Swedish case of the *St Görän Hospital* (SE03) are illustrative examples:

“The working conditions and its challenges are very much sector specific. Both trade union representatives and management representatives address the same challenges. The demand from patients has increased dramatically the last years while resources have been reduced at the same time. This has increased the stress and the work environment has been influenced very much. The company has had challenges within all areas such as working time, labour contracts, pay, gender equality, training, sick leave etc.” (Case study report SE03)

According to most interview partners, working conditions in the healthcare sector (both in hospitals and in the homecare and social care sector) have worsened during the recent years. This in particular results from an increased competition and pressure on wages, costs and other aspects such as working time, social benefits etc. This poses serious threats in particular for the non-profit companies in the sector which provide a significant part of health and social services in particular in Austria, Germany and Spain. In all of these countries there is also a growing number of commercial private companies in particular in the field of mobile day-care for disabled persons and the elderly competing on the market mainly on the basis of low-costs.

## **8.2 The role of social dialogue for the improvement of working conditions at enterprise level**

### *8.2.1 Overview of the role of social dialogue at different levels*

Against the fragmented structure of the health care sector, social dialogue at national and sectoral level has a crucial role developing common and sector wide frameworks covering different aspects of working conditions, e.g. minimum standards, training programmes.

While at the European level this type of sector based dialogue only started recently (see textbox) – thereby illustrating the difficulties to organise the sector as a whole – there are some national experiences which are more advanced.

#### **Social dialogue in the hospital sector**

In 2006 *EPSU* and *HOSPEEM* (the European Hospital and Healthcare employers' association) launched the Social Dialogue Committee for the Hospital Sector. The Committee has adopted in its first years a joint declaration on health services and a Code of Conduct on Ethical Cross-border Recruitment and Retention. It also successively concluded a project on Social Dialogue in the new EU-Member States. On the 23rd of June 2008 the Committee adopted their second Joint Work Programme 2008-2010 which is centred on 5 main themes: retention, strengthening Social Dialogue structures, the ageing workforce, third-party violence and new skill needs.

This rationale is illustrated by the experience of the Spanish framework agreement of the “social partners on assistant services for dependent persons”:

“The care sector is fragmented in terms of territory and activity (sub-activities). Moreover, it is also fragmented with regard to the idiosyncrasy of each institution offering the service, either ideological (non-profit religious organisations) or with regard to approach (integrated assistance groups). For this reason, the Agreement intends, as its main priority, to become a valid instrument to rationalise the activity and to create sufficient connections between the realities of the sector, in such a way that a homogenous body appears in offering this type of services, at least in relation to professionalism and employment.” (Case study report ES02)

An example of exchanging experiences and learning from good practice is the initiative of social partners and the German government within the umbrella of INQA (translated as “*Initiative New Quality of Work*”) focussing on the care sector (“*INQA Care*”).

The role of social dialogue at the enterprise for the improvement of working conditions at concrete workplaces in all cases analysed is regarded as crucial from the point both of the management as well as from the employee interest representation as the following quote from the Austrian case of the *Diakoniewerk Gallneukirchen* illustrates:

“As a matter of fact, the corporate culture is characterised by the necessary understanding and excellent knowledge on function and responsibilities of the works council. The common priority for management and works council is to prevent problems and tension at a minimum stage and to effectively address and solve problems at the very same level, they have their beginning.” (Case study report AT02)

In this context also joint institutions at the company level as legally foreseen in larger companies are stressed as being particularly important for improvements in the working conditions at the enterprise level as in particular interview partners in Sweden (*Health and Safety Cooperation Committees*) and France (*Health and Security Committee, CHSCT*) highlighted:

“The important role of the CHSCT (Health and security committee) has been emphasised. The case study is illustrative of the growing awareness of musculoskeletal troubles and psychosocial ones. Concerning the former, the introduction of new, modern, equipments, is often a solution, but as was seen above, this is a costly measure. Concerning the latter, the case study has also shown the influence of work organisation on this growing issue. When it can influence the debate and give workers and workers’ representatives a voice about organisational issues, the CHSCT is a tool with a big potential for improving working conditions through social dialogue.” (Case study report FR03)

Again, Sweden and the two Swedish cases illustrate a high standard and intensity of social dialogue which seems to be a constituent element of corporate practice in nearly all fields of enterprise development:

“All areas within working conditions have been addressed by social dialogue during many years of cooperation between management and trade unions as mentioned above. A holistic approach is the foundation of the cooperation and this includes all areas of working conditions such as stress, working time, training, participation and influence, labour contracts, gender and equality issues, physical and psychological risk factors etc. None of the representatives that were interviewed could think of any issues/areas that are not dealt with in social dialogue today.” (Case study report SE03)

Quite contrarily to this, the Czech case of the *Pelhřimov Hospital* shows another reality of social dialogue which does not play any significantly active role apart from pay issues. The following quotation clearly underlines the importance of competence and professionalism of employee interest representatives:

“The social dialogue in a small hospital is not much developed and deals only with few issues. Social partners confirm jointly that they do not plan any expansion of the social dialogue. The reason must also be that chairmen of the trade unions, who are not trade union officials by profession, and trade union members, have a highly demanding profession so that they earmark for this activity just the time to deal with topical problems. Legal regulations governing the operation of health care facilities set also a solid framework, due to which room for collective bargaining compared with other sectors and private sector is limited. Then the social dialogue is not able to resolve system problems in the health care sector.” (CZ02)

### 8.2.2 Initiators and drivers at company level and beyond

Fieldwork in the healthcare sector illustrates patterns of driving forces and key actors initiating change and improvements in working conditions and the environment of work which clearly relates to the two social partners' main interests:

*Management interests* clearly are orientated toward improving the environment of doing business and the quality of the service provided. In particular, care companies have to rely on a qualified, motivated and satisfied workforce as the major source and basis of competition potentials on the market. Therefore, social dialogue and employee involvement as well as cooperative corporate cultures are pivotal as the French case of *François Baclesse Centre* in the Normandy illustrates.

This example also illustrates the important role of corporate cultures and a common perception of social dialogue as an important factor in company development and the quality of work which is also illustrated in other cases, e.g. the case of the *Kliniken Ludwigsburg-Bietigheim* (DE04):

“The hospital is characterised by an open culture of dialogue, which allows getting in touch with the respective person by phone at any time in order to arrange an appointment as soon as possible. In addition, there are numerous company specific practices of social dialogue mirroring the corporate culture, which is based on a decentralised way of organisation with an emphasis on transparency”. (Case study report DE04)

In the cases studied, Management regards Social Dialogue as particularly important while introducing change projects, implementing restructuring or reorganisation projects as well as initiatives improving the quality of services provided as the case of the *Lillkärr Geriatric Care Centre* in Sweden illustrates:

“The initiative to start the systemised quality work came from the management; a new leader came and she started the work by reorganising and changing almost everything at the workplace. At first the resistance was big among the employees. After two years things had changed and the insistent work started to give results. The employees have been more and more involved in the systematic quality work and today both the management and the employees seem to be equally strong driving actors.” (Case study report SE04)

On the other hand, *employee representations* in most cases stress the problem of worsening working conditions, in particular in the context of pay, working time and an increasing intensity of work. For them, involvement in social dialogue and bargaining with the management is a crucial instrument for the improvement of working conditions and the quality of work from the perspective of the individual workers. Since the employee representation structurally is in a weaker positions with regard to agenda setting of corporate change projects, interest representation either have to convince the management on the added-value of their own projects (for example a new working time model which might improve employee motivation or reduce absenteeism) or have to put an issue on the common agenda in exchange of a project which is promoted by the management. This game of “giving and taking” has been reported in most cases by the employee interest representation bodies. It also plays a role for the initiatives pushed forward by the works council of the German care provider *Brücke e.V.* (DE03) in the following areas of change which were initiated by the works council:

- Anti-Discrimination and equality policy (resulting in a company agreement) also addressing issues of equality and integration of handicapped workers, older workers, gender equality
- Regulations and company agreement on holiday planning

- Regulations with regard to interest representation of young employees and trainees as well as disabled workers
- Regulation on conflict management and mediation in the case of conflicts – this resulted in clearly defined procedures and modes of handling conflicts which are transparent for all actors involved

### 8.2.3 Concrete outcomes

Despite the limited number of good practices studied (nine cases), the concrete outcomes reported are quite impressive. Concrete results have been reported and exemplified in nearly all areas of working conditions such as health and safety, better working time schemes, introducing conflict mediation practices, work-life balance etc.

First of all, social dialogue has a general effect on working conditions as reported by the Austrian case of the *Diakoniewerk Gallneukirchen* (AT02: Most importantly, the introduction of the collective agreement in 2006 has led to a general improvement of working conditions. Former grey areas were successfully eliminated and mandatory rest periods between shifts officially defined. The weekly working time was reduced from 40 hours to 38 hours per week.

A positive outcome of social dialogue is also illustrated by the agreement on night-work at the French case of the *Centre François Baclesse*:

“In order to guarantee a regular rhythm of night work a rotation system was negotiated at the enterprise level between the social partners that differs from the sectoral collective agreement which is regarded by the employee representatives at the company level as too inflexible. The negotiation between the employee representatives and the company management resulted in a new model of night-shifts which is regarded by both sides as the best possible solution. The new model also is supported by the works doctor.” (Case study report FR03)

Depending on the concrete objectives, a wide variety of concrete improvements are possible as an effect of pro-active social dialogue, negotiations and a joint project of social partners at company level. A comprehensive list of results and practice orientated arrangements is reported for example in the case of the *Kliniken Ludwigsburg-Bietigheim* (DE04):

- Improvement in the field of internal communication, i.e. employee newsletter and annual works council newsletter
- Day-care centre for employees with children in the hospital
- 16 company-level agreements between management and the works council covering a broad area of topics in the field of working conditions such as incentives and bonus payments, training and qualification, handling of drug-problems amongst staff, annual personal development meetings etc.
- Introduction of trained conflict mediators and an official complaints system
- Initiatives established by the works council called “colleagues help colleagues”, the organisation joint sport events (financed by the management) etc.
- Introduction of a system of announce overload of work by employees to the works council

### 8.2.4 Factors of success

Factors and concrete forms of social dialogue positively affecting and improving company based working conditions are very similar to the ones identified in the construction sector:

A certain precondition seems to be the *specificity* of social dialogue which has to be incorporated in a cooperative culture of enterprise development as a whole. Successful social

dialogue at the enterprise level is not carried out on customised but tailor-made solutions, practices and structures. This is illustrated by all nine cases – all have developed their own “culture of social dialogue” and employee interest representation which of course is based on national legal frameworks but clearly goes beyond as the case of *Brücke e.V.* (DE03) illustrates exemplary.

While not considering itself as a ‘large company’, *Brücke e.V.* employs 600 people, and has been developing a significant variety and a decentralised structure of social dialogue in different fields: The works council and the employee representation is involved not only in legally foreseen practices and procedures of employee participation and co-determination in company developments (such as HR policy, training, dismissals on individual and business grounds, change of the company organisations, health and safety) but also in company specific fields and practices of social dialogue. The company also has established an elaborated and comprehensive system of conflict-regulation and arbitration in cases of conflict both between management at various and employees and between management and the works council

As mentioned in the previous chapter, a further crucial factor of success are personnel relationships and trust both with regard to the relationship between employees and management as well as between works councils or other forms of employee interest representations and the workers:

“The trade union representative has observed a clear improvement in social dialogue over the last two years, which is to say since the change of general manager and general secretary. Before that, according to her, social dialogue was blocked. There is now a real will of exchange, listening and cooperation. The director comes to the meetings and is available, which was not the case before. Therefore, according to the union representative, the relations between the representative instances and the management have been much improved.” (Case study report FR03)

With regard to the specific role of the employee interest representation body, the following quotation from the *Brücke e.V.* case again illustrates quite a multiple function within the company:

“For company managers in particular the works council has a crucial importance and a very important role to play in the context of a motivated workforce, of social stability and employee satisfaction. Though there are management driven tools developed in this context (regular employee information newsletter, conflict regulation instruments) the works council is the most important actor of communication between management and the workforce, functioning as a mediator and transmission belt in the context of change and restructuring in particular. However, the works council is having a slightly different view on its main function in the context of management-employee communication: it often feels rather as a “buffer stop” or a buffer in the context of conflict and problems from either side.” (Case study report DE03)

To sum up and add some further key factors of success, the following aspects should be mentioned in particular:

- Corporate culture which is based on employee involvement and participation as well as on cooperative modes of decision making and enterprise development.
- Mutual trust of actors involved (management, interest representations, senior workers).
- Not only informal modes of social dialogue (“flat hierarchies”, “open doors”, direct communication) but institutionalised dialogue and binding outcomes (either company agreements signed by both sides and/or written company regulations which are part of the work contract) are important.

- Existence of a concrete agenda of priority, targets and tasks for social dialogue both at the side of the management and at the employee side.
- Here, it should be mentioned that a certain “*culture*” of employee interest representation and self-concept of the employee interest representation body is another crucial factor of success: A pro-active role of employees in social dialogue very much depends on the individual commitment, motivation and also the competences of the employee interest representatives.
- Finally, the success of company based employee initiatives and projects also is supported by trade union policies and initiatives at the sectoral (e.g. nationwide initiative, campaigns etc.) as well as at the local level.

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## 9 Overall conclusions

Coming back to the question raised in the conclusion of the 2008 “Comparative Analytical Report” of Eurofound (Eurofound 2008) on the “*exact contribution*” of social dialogue to improvements in working conditions, we are now able to draw some overall conclusions based on the results of the three levels of analysis carried out in the context of our study (frameworks/contexts, empirical surveys and case study evidence).

Here, we would in particular refer to our major research questions in this context and the evidence provided by each analytical level: How and by which concrete means social dialogue contributed to an improvement of working conditions? Which are major initiators and drivers? Which relationship between company based social partners and other actors can be observed?

With regard to *general framework conditions and contexts* of public debates and labour relations at the European and various national contexts, a major result of our survey is quite self-evident: By definition within the European Social Model, social partners and social dialogue in general have a key role to play in helping to improve working conditions. At the European level this notion of social dialogue positively influencing working conditions is illustrated by sectoral and cross-industry European Social Dialogue dealing with various aspects of working conditions.

Of course the European level of regulation and European social dialogue is quite far away from the realities at the shop floor level throughout Europe and can only provide for and establish a general framework of minimum requirements for national regulation, guidelines, reference principles or general notions with regard to the role and different dimensions of social dialogue within the EU member states. Here, our analysis has illustrated significant differences between the countries analysed resulting very much from specific traditions and cultures of labour relations and labour market organisation. This is also quite striking with regard to the regulation of working conditions and the role of social dialogue which is ranging from far-reaching and direct responsibilities in this context, as in Sweden, to a still largely unsettled role with certain variants in-between.

This does not mean that there is no impact of EU level social dialogue on the improvement of working condition on the ground: In particular, the effects of EU regulations on occupational health and safety on reform processes and new overall concepts of health and safety at work (in particular with regard to prevention) for example in Germany, Austria or the Czech Republic have shown that there is an impact of social dialogue. In its elaboration, this EU regulation was directly influence by sectoral and cross-sectoral social partner positions.

The role of different forms and levels of social dialogue with regard to influencing, modelling, implementing, monitoring and improving working conditions at the workplace level is largely determined by national contexts of labour market regulation and industrial relations.

But here, some general trends and features can be summarised: Based on EU wide regulation social partners, i.e. employers, employee interest representations and specific joint bodies play an important role on implementing the respective national framework of working conditions and occupational health and safety standards on the ground.

In this context, our fieldwork on good practice at the company level revealed some important results with regard to the role of different forms, groups of actors and level of practice:

The main realm of social dialogue and collective bargaining at the *national level* defines certain principles, develops joint initiatives and programmes in order to improve working conditions with regard to certain problems and challenges detected (particularly with regard to construction and health care).

In this context, the exact role and position of *different forms of social dialogue* (consultation, joint agreements, bargaining, negotiation) very much depends on the specific national labour relations background (e.g. constituent role of collective bargaining in the Nordic Model, the German/Austrian notion of “partnership” or a still very much state centred model in France).

Both our analyses of national context situations and our fieldwork into good practice at company level has shown that in order of being implemented effectively on the ground, social dialogue aiming at improvements in working conditions has to be closely connected to the shop floor level. Here, trade unions seem to play a very important role as well as sectoral employer organisations since they organise and articulate interests of company based actors and vice-versa. One important message arising from our study of sectoral initiatives is therefore, that *sectoral based social dialogue* is a crucial element for improvements in working conditions.

These conclusions also result from *critical aspects and barriers* identified in the context of our fieldwork with regard to the role of social partners at company level for improvements in working conditions:

Employee interest representations at the company level are carrying out an extremely demanding job as particularly our case studies on small and medium sized companies have illustrated. In SMEs, their own “work environment” is characterised by rather “bad working conditions” such as being a works council chairperson on a part-time base, lack of personnel support resources etc. Here, there is a distinctive need for improvement arises in particularly against the background of the very important role they play with regard to the implementation of change processes and improvements in the field of enterprise labour relations. In this context support by external actors, e.g. trade unions at sectoral or local level, professional organisations, joint social partners’ or tripartite organisations in the field of working conditions are extremely important in order to support company level actor at the employee side.

Regarding the exact role of different actors at company level (employer, employee interest representations, company based trade union structures, specific bodies dealing with working conditions) and the interaction of different actors at various levels, some general conclusions from our fieldwork can be drawn: Actors at the company level need to have to *certain role and responsibility* to play. The rule of the game of interaction between social partners at the company level have to be defined as precisely as possible in order to function well. This is a clear message of our fieldwork into good practice. However, the role of different actors as initiator and drivers very much depends on the concrete framework conditions at company level – each case is unique with sometimes being sectoral or even national social partners major drivers for improvement (e.g. in the field of measures for old-aged workers, further training), sometimes the management side (e.g. “*zero accident strategies*”), sometimes employees (work-life balance, working time organisation etc.). Simple conclusions can hardly be found in this context. However, one aspect is quite evidently arising from our fieldwork: in order to be effective and to result in real improvements, different actors have to work together on the basis of joint interest and a shared understanding of challenges and expectations of a

win-win-situation, which is of benefit for both sides of the industry. As the good practice examples presented in our report show, a crucial pre-condition for this joint practice of social partners at the company level are mutual trust and understanding, a strong and pragmatic orientation toward problem solving and open-mindedness of both social parties.

Not accidentally, our second major research dimension, i.e. the evaluation of national surveys with regard to the correlation between social dialogue and improvements made in the field of working conditions, has not yet been mentioned in the context of this conclusion: The simple reason is that results are far from being clear and that no direct correlations are to be made in this context. One important reason for this lies in methodological aspects, the other results from the specific survey objectives.

As previous work of Eurofound has shown, the major objectives of most of the surveys analysed in the context of our research are aiming to assess the quality of working conditions, general trends, and major challenges both generally and with regard to certain economic sectors, groups of employees, types of companies etc. But no single survey has been identified covering our specific research interest or at least the issue of the role of social dialogue/different forms of dialogue in the context of implementing working conditions regulations at the company level, not to mention the issue of “improvements”.

The surveys analysed more in-depth in the context of our research therefore only allow for some matched-pair comparisons based on two independent variables at best: existence of works councils or other bodies of (joint) representation at company level on the one hand and coverage by collective agreements on the other hand. Though our analyses have shown some effects and some general conclusions were able to be drawn with regard to general impacts of these forms of social dialogue on the quality of working conditions, process related aspects and varieties of practice, our analysis clearly does not allow for any conclusions with regard to “*real improvements*” or standards of working conditions. Such conclusions only have been drawn in the context of the two index-building survey approaches focussing the “climate” of work and “good work” as perceived by employees or employee representatives. Within this approach of course, the other side of the medal is missing, i.e. the perception of employers and company managers on the quality of work and working conditions.

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## Annex: Overview of case studies and authors

		Case study	Country	Sector	Author
01	DE01	Strabag	Germany	Construction	E. Voss
02	DE02	Freudenthal / Sigepool	Germany	Construction	E. Voss
03	DE03	Bruecke e.V.	Germany	Health Care	E. Voss
04	DE04	Kliniken Ludwigsburg	Germany	Health Care	K. Schuetze
05	FR01	Spie Batignolles	France	Construction	N. Farvaque
06	FR02	(CPHSCT) de l'Artisanat du Bâtiment en Poitou-Charentes	France	Construction	N. Farvaque
07	FR03	François Baclesse Centre	France	Health Care	N. Farvaque M. Lefebvre
08	FR04	ASSAD Besançon-Pontarlier	France	Health Care	N Farvaque M. Lefebvre
09	SE01	JM AB	Sweden	Construction	K. E. Lovén
10	SE02	Skanska	Sweden	Construction	K. E. Lovén
11	SE03	St Görän Hospital	Sweden	Health Care	K. E. Lovén
12	SE04	Lillkär Geriatric Care Centre	Sweden	Health Care	K. E. Lovén
13	CZ01	Metrostav a.s.	Czech Republic	Construction	H. Doleželová
14	CZ02	Pelhřimov Hospital	Czech Republic	Health Care	H. Doleželová
15	AT01	Strabag	Austria	Construction	E. Voss
16	AT02	Diakoniewerk Gallneukirchen	Austria	Health Care	K. Schuetze
17	ES01	Labour Foundation for the Construction Sector	Spain	Construction	R. Rodriguez
18	ES02	Framework Agreement on Assistance Services for Dependent Persons	Spain	Health Care	R. Rodriguez