



EUROPEAN PUBLIC ADMINISTRATION NETWORK

REPORT ON THE SURVEY INTO SOCIAL DIALOGUE

1. Background

1.1 European Social Dialogue is the process of consultation between management and labour at European level, whereby social partners can express opinions to influence the EU legislative process, or enter negotiations to conclude agreements among themselves in the social field on specific areas defined under Articles 137-139 of the EU Treaty which have the force of law.

1.2 Ministerial resolutions adopted during the Luxembourg Presidency provided the mandate for Directors General to seek ways of improving the Social Dialogue. In order to foster cooperation with the unified trade union confederation, EPAN set up an ad hoc Social Dialogue Working Group.

2. The survey

2.1 At their meeting in Berlin in September, the Social Dialogue Working Group agreed on the need to understand the differences between Member States' approaches to Social Dialogue (for example, what issues are important to them at national level, and how they cooperate with social partners) and also to give Member States the opportunity to express any concerns they have about the evolution of Social Dialogue and its possible extension into the area of central public administration. The UK Presidency therefore undertook a survey of Member States, the results of which are summarised in this paper.

2.2 The survey is intended to supplement the study carried out in 2004 by Robert Polet, which focused more on Member States' attitudes to the relative merits of the informal and formal dialogue, and of sectoral and inter-sectoral dialogue, rather than the framework which supports such dialogue in Member States. This latest information therefore offers valuable insight into practice and current thinking across the newly enlarged EU, and should assist Directors General in their discussions with the EU Trade Union Confederation.

2.3 The UK Presidency is grateful to colleagues in other Member States for their interesting and informative responses to the survey. The responses received are reproduced in full in Annex A, because much thought has gone into them and it seems sensible to maximise the benefit by sharing them within EPAN.

3. The findings

3.1 Though some common themes emerge, it is clear from the responses received that Member States have widely differing views on whether Social Dialogue should be extended into central public administration at all; whether it should be formal or informal; and whether EPAN as currently organised has the potential to represent employers in central public administration as a social partner. The authority of Director Generals to negotiate and conclude binding agreements is also uncertain.

3.2 The following is a very brief summary of the range of perspectives revealed by the survey.

How do Member States' administrations currently interact with their trade union partners?

3.3 As one would expect, this question reveals a wide range of approaches. In Luxembourg, negotiations are conducted on behalf of the whole of central public administration by the Minister of the Civil Service and Administrative Reform. The same is true in Finland, but collective bargaining takes place at different levels. In the Slovak Republic, negotiators nominated by the government engage with the trade unions in collective bargaining. In the Netherlands, negotiations on terms and conditions are conducted independently by different sectors of government (e.g. Home Affairs, Defence, etc), with the appropriate Minister taking charge. In Ireland, national pay agreements covering both the public and private sectors are negotiated centrally by the government, but non-pay agreements can be made by the Department of Finance. Hungary has a system of National Councils, which oversee respectively pay and conditions in the public sector (including the armed forces), and the interests of civil servants at national and local level. In Poland, a tripartite Commission on Social and Economic Issues, consisting of government, trade unions and employers' organisations, is one of the ways in which the Ministry of Labour and Social Policy promotes social dialogue. In Malta, the exchange of opinions with respect to the Public Service is performed by the Management and Personnel Office with the Office of the Prime Minister. In Italy a special agency (ARAN) is responsible for bargaining for most civil servants

3.4 These examples illustrate significant diversity of practice, and most of the other responses received add further levels of complexity, as you can see by consulting them. It is clear that Member States' administrations conduct negotiations with trade unions in a range of different forums, constituted differently and with different remits.

How do Member States define “central public administration”?

3.5 The majority of respondents (Cyprus, Finland, Ireland, Slovenia and the Netherlands are examples, but there are others) make a clear distinction between national and local or municipal government, and define central public administration as the workforce employed directly by national government departments. In Austria, however, the Federal Civil Service consists also of teachers, the police, the armed services and the judiciary.

Do Member States wish to extend formal Social Dialogue into central public administration and/or the wider public sector?

3.6 Opinions differ. Denmark and Sweden, for instance, as members of CEEP, feel that they are already fully engaged in formal social dialogue, and see no advantage in any additional arrangements. (CEEP is one of the three Social Partners recognised by the Commission. It is the European association which represents, among other things, public sector employers in the European Social Dialogue. See www.ceep.org.) The Swedish response adds that "currently SAGE (Swedish Agency for Government Employees) accepts and welcomes an informal social dialogue with the unions. The informality will become strength in itself since it provides opportunities for an open dialogue and exchange of values and experiences. This will in turn, in accordance with Swedish national experience, help the social partners to understand each others' perspectives and even open up joint efforts for a more effective administration. Rightly handled such an interchange of ideas will create enriched knowledge for both sides."

3.7 In contrast to these arguments in favour of informal Social Dialogue, Belgium would favour formal Dialogue because public administration employers would then have to be consulted about any major EU-wide proposals. Austria considers it acceptable to develop a formal European Social Dialogue, but only if the choice of issues for discussion were to be guided by the principle of subsidiarity. Italy indicates that formal social dialogue is important in aligning the policies of the state administration with that of the trade unions.

3.8 At the other end of the scale are countries like Slovenia, which does not consider it acceptable to develop any kind of formal Social Dialogue in the central public sector because the structural framework it implies might actually complicate matters. As the following table shows, the Member States which responded to the survey are equally divided on this matter.

	In favour of formal dialogue in central public administration	In favour of formal dialogue in wider public sector	Other/comments
Austria	√	X	Issues for discussion should be guided by the principle of subsidiarity.
Belgium	√	See note	Consider only for central administration initially.
Cyprus	X	X	Informal dialogue preferred: would allow better understanding of what form dialogue should take in the longer term.
Denmark	See note	See note	Membership of CEEP meets all current needs. Formal Social Dialogue would complicate things.
Finland	√	√	Future challenges such as the ageing population require a stronger social dialogue.
France	X -See note	X - See note	Whilst Social Dialogue is important in the modernisation process, it would be difficult to envisage how a committee could be established to undertake this work. At both the wide and narrow definition of public administration, it would be difficult to develop common rules, especially in the form of directives.
Germany	√	X	Germany supports the idea of formal social dialogue for issues at central (i.e. Federal) level. It upholds the idea that European Social Dialogue should be based on articles 137 &138 of the EC Treaty but would discourage any modification of the legal bases / draft

			Constitution for the time being.
Greece	See note	See note	The Greek administration does not primarily disagree with the concept of formal social dialogue. However, before proceeding, it would be important to weigh up the advantages and disadvantages of such a framework.
Hungary	√	See note.	Formal dialogue acceptable in wider public sector in the medium term.
Ireland	√	See note.	Informal dialogue also acceptable. Final agreement to Social Dialogue would depend on adequate recognition of interests as an employer. Terms and conditions for many employees in the wider public sector are determined by central public administration.
Italy	√	√	
Lithuania	See note	See note	Whilst Lithuania recognises that Social Dialogue can have positive attributes, there is no guarantee that Member States are ready for such changes and, as such, they may not benefit from it. The Lithuanian delegation is not ready to answer whether this could be applied at the wider public sector level.
Luxembourg	X	X	Central public administration includes many "wider public sector employees", such as teachers and the police.
Malta	√ - See note	√ - See note	Whilst considered acceptable, it would be developed on the understanding that the forum is consultative and

			Member States are free to adopt or merely acknowledge the outcome of such discussions.
Netherlands	X	X	Would only consider Social Dialogue for central public administration if a large majority of Member States insisted on it.
Poland	See note.		Position still under consideration.
Portugal	See note	See note	The scope of social dialogue in public administrations should be limited. Two aspects must be safeguarded relating to the fact that there are no European policies for the public administrations and that each Member State has its own negotiation regime.
Slovak Republic	√	√	
Slovenia	X	X	Same objectives could be achieved by informal Social Dialogue.
Spain	See note	See note	Domestic social dialogue in Spain is complex because of the various co-existing Administrations, hence different civil services. Striking a balance between national public interest and regional competences is a delicate matter, both from the employer and the unions' point of view. New legislation is currently being drafted. Therefore, whilst fully sharing and promoting the importance of social

			dialogue, a first reaction to the establishment of formal social dialogue at EU level must necessarily be cautious.
Sweden	See note.	See note.	Membership of CEEP meets all current needs. Any further development of formal Social Dialogue should be subject to analysis and discussion.

If formal Social Dialogue were to be extended into central public administration, on which issues would Member States like to see binding agreements?

3.9 The Belgian response reminds us that, despite the existence of about thirty committees of sectoral Social Dialogue, binding agreements are achieved only rarely. The Finnish response elaborates on this, pointing out that “out of three hundred texts adopted in the European Social Dialogue context – both interprofessional and sectoral – only six have been implemented by means of directives. The other texts express common positions, formulate common objectives to be attained by means of good practices, consist of guidelines for action, etc. Against this background I would not like to list any issues that should be negotiated aiming to binding agreements and I think that other kind of cooperation with trade unions should come first.” Other Member States, such as Denmark, Luxembourg and Sweden, do not specify issues for discussion because they are not in favour of formal Social Dialogue in central public administration at all.

3.10 The suggestions received are as follows.

Cyprus	<p>Important issues Modernisation of public service Fiscal consolidation and its impact on terms and conditions of employment Outsourcing of public services and its impact on terms and conditions of employment</p> <p>Goals Ease the efficiency of the public sector Reduction of the regulatory and administrative burden</p>
France	Depending on circumstances, discussions could focus on such issues as the fight against discrimination or conditions and security.
Greece	Constitutional issues.
Germany	Subjects listed in Article 137 of the EC Treaty.
Hungary	<p>Exchange of information and consultation in the following areas: Civil Service legal status Free movement of employees in public administration Working conditions</p>
Italy	Areas for future substantive discussion could include employment and codes of conduct.
Lithuania	Development of working conditions, social guarantees, quality of work and recruitment.
Malta	<p>Issues of efficiency and effectiveness (relationship between remuneration and productivity), rewards rather than sanctions. Redeployment, re-training, re-skilling of surplus and non-productive workers Issues of flexibility – conditions of work and work practices, staff deployment with the objective of ensuring an efficient and cost effective delivery of services. Diversity and family-friendly measures making public administrations more responsive to the needs of employers.</p>
Netherlands	<p>Portability of pension rights (European set of calculation rules for transfer, realising free movement of civil servants) Recognition of diploma requirements in the public sector and other employability factors European governance and integrity charter</p>
Portugal	The most important issues that should be raised with trade unions are those relating to the social policy (security and social protection of workers, hygiene and safety at work accidents at work and professional diseases, for instance).

Slovak Republic	<p>Current most important issues Civil servants' salaries Social status of civil servants</p> <p>Future most important issue Minimum guaranteed standards for civil servants in the area of social welfare and provision</p>
Slovenia	Working time
Spain	Mobility

3.11 Apart from a general concern with the way terms and conditions are affected by different policies, the only other issue to be mentioned more than once is the free movement of civil servants between Member States' administrations. It therefore cannot be said that there are any pressing issues which a majority of EPAN members would wish to see addressed by formal Social Dialogue.

Would EPAN be a suitable forum for formal Social Dialogue in central public administration?

3.12 Of the countries which favour Social Dialogue in central public administration, the majority agree that EPAN is, in principle, the most appropriate forum for it. It is recognised, however, that there would be resource implications (perhaps necessitating a permanent secretariat), and there is also a feeling that a strong focus on social issues might be achieved only at the expense of the Network's other activities. Several Member States suggest the extended Troika as a motor for Social Dialogue although there is concern that all 25 Member States should be represented and participate in discussions.

	EPAN would be a suitable forum for formal Social Dialogue.	Comments
Austria	√	EPAN is the most suitable forum. There should be regular meetings of DGs with the Trade Unions, and the preparatory work and reporting should be done by the extended Troika.
Belgium	√	DGs represent the employers, and can delegate to the extended Troika which reports to them. One possible consequence might be an increase in work, possibly necessitating a permanent secretariat.

Cyprus	See note.	At present, favour using EPAN as a forum for informal dialogue, report at intervals to DGs.
Denmark	X	Would reconsider in future if circumstances warranted it.
Finland	√	EPAN should become the employers' representative body and all 25 DGs should take part in the Social Dialogue. More preparatory work and cooperation would be required.
France	√	EPAN is an appropriate network due to its experience. However it would need to meet with the trade union delegation as a full meeting of DGs and not via the Troika or via an ad hoc group.
Germany	√	EPAN could be well suited to developing formal social dialogue although this should not be restricted to the Troika (i.e. all 25 DGs should participate) provided that procedural rules are applied and powers of representation are established. A preparatory working group could be set up to investigate proposals for the Social Dialogue within EPAN.
Greece	√	The extended Troika could work closely with the DGs to develop the most suitable forum for representation.
Hungary	√	The most suitable forum is the plenary meeting of 25 DGs. The DGs could delegate powers to a smaller sub-group of their colleagues.
Ireland	√	In principle. Would probably require full-time a secretariat to manage the process. This has proved true in other sectors where Social Dialogue has been introduced. It might also absorb most of the time of the DGs at the expense of EPAN's other activities.
Italy	√	Yes although it is important to select representatives as it would be difficult to manage discussions with all 25 member states. The Troika or an ad hoc group would be suitable alternatives.

Lithuania	√	All 25 Member States.
Luxembourg	√	To maximise impact, all 25 DGs should be involved. Examination of specific issues could be delegated to a sub-group (possible the extended Troika).
Malta	√	Preferred option is all 25 DGs although this would be dependent on existing workloads. If commitments are too great, an ad hoc group could be established.
Netherlands	X	EPAN not resourced to take on this role, which would crowd out the Network's other work. Might require a completely new structure, perhaps partly with a fluid composition determined by the issues under discussion.
Poland	X	Given different national regulations and practices concerning social dialogue and the fact that EPAN is an informal network of cooperation, EPAN seems inappropriate for carrying out a formal social dialogue in central public administration.
Portugal	See note	The participation of all DGs seems to be unfeasible. The Troika could be a possibility. However, its natural variability represents an inconvenient. Perhaps the setting up of a permanent Technical Committee , that reported to the directors-general, on a regular basis, could be weighed up.
Slovak Republic	√	Already treat EPAN as one way of improving Social Dialogue. The extended Troika should report to the 25 DGs.
Slovenia	√	An ad hoc group should report to DGs at intervals.
Spain	√	Useful because of frequency of meetings and existign structure. An ad hoc group or the extended Troika would be a more suitable platform for discussions.

Sweden	X	If we want a structure for reaching agreements or legal instruments that may affect the Member States' national regulation, the issue is very complex and needs a lot of further analyses. It would put constitutional demands on EPAN, which would have to transform itself from an informal network for public administrations to a formal employer representative with a clear mandate for all Member States.
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Do Directors General in fact have a mandate to conclude binding agreements?

3.13 Answers to this question reveal significant differences between Member States. Not all DGs are empowered to negotiate binding agreements, and in some Member States it would be difficult to secure delegated authority to do so. In Luxembourg, whose DG may negotiate binding agreements on behalf of both central government and the wider public sector, the issue is simple. In Austria the DG may negotiate on behalf of central government, but not on behalf of the regions. In Italy the Department of Public Administration would be the institution that would participate in negotiations and a representative of the Minister for Public Administration could act effectively. In some other Member States the picture is less straightforward. In Cyprus, for example, the DG may only conclude binding agreements if authorised to do so by the Council of Ministers on specific issues; while in Slovenia, a special negotiating group of senior officials is required. Even from this small sample it is clear that, under present conditions, DGs collectively could not negotiate and conclude binding agreements. Germany's administrative structure and any subsequent mandates would mean that discussions would only be applicable at the Federal level. A number of respondents indicated that they would require mandates from particular ministries if the issues encroached on issues that fell outside of the central ministry responsible for central Public Administration.

In principle, could DGs secure a mandate to negotiate with the EU Trade Union Confederation?

3.14 Despite the difficulty suggested in the previous paragraph, most respondents who do not already have a mandate felt that it would be possible to secure one, at least in respect of central public administration.

	Could obtain a mandate to negotiate for central public administration	Could obtain a mandate to negotiate for the wider public sector	Comments

Austria	√	X	
Belgium	√	X	For the wider public sector, would need to request specific mandate from appropriate political authority.
Cyprus	See note.		Definitive answer not possible at this point. A mandate would be difficult to obtain, because binding agreements can only be made by the Council of Ministers.
Denmark	See note.		The State Employer's Authority is already involved in formal European Social Dialogue by virtue of membership of CEEP. The Authority represents the interests of the central public sector, whereas the interests of the local and regional public sector authorities are represented by Local Government Denmark and Danish Regions respectively. Local Government Denmark and Danish Regions are also members of CEEP.
Finland	√	√	
France	√	See note	In France, the Ministry of the Civil Service would have a natural competence to negotiate with union organisations but it would be necessary to request mandates from other ministries if the discussions encroach into the functions of another ministry (such as the Ministry of Finance). It is unlikely that a single mandate to cover all issues related to the

			public sector could be obtained.
Germany	√	X	A mandate could be issued for discussions at Federal level although the German federal representatives have no competence/responsibility for those issues where the Federal Ministry is not the employer.
Greece	See note	See note	The law does not provide the possibility for the invitation and the conclusion of binding agreements with the trade unions of the wider public sector. The Head of the Directorate General for Personnel Management of the Ministry of the Interior, Public Administration and Decentralisation, who takes part in collective negotiations in the Public Sector in Greece, is possible to obtain a relative mandate by the Minister of the Interior Public Administration and Decentralisation.
Hungary	X	X	The Minister of the Interior is the appropriate authority in Hungary.
Ireland	√	√	In principle such a mandate could be obtained either from the Minister for Finance, the relevant Ministers responsible for the sector involved, or the Government. If the issue were of major significance for the whole public service, other Departments or agencies would probably also need to attend meetings. If a draft agreement exceeded the mandate, the approval of the

			Minister for Finance, or the relevant Minister or the Government would be required.
Italy	√	√	
Luxembourg	√	√	
Lithuania	√	√	In consultation with the Ministry of Social Security and Labour to negotiate with ETYUC if the matter were connected with employees working under labour contracts.
Malta	√	√	
Netherlands	√	X	
Poland	X	X	
Portugal	X	X	
Slovak Republic	√	√	
Slovenia	√	√	
Spain	See note	See note	Because of the heavy territorial decentralization, which comprise a national (central) administration along with seventeen regional (autonomous communities) administrations, each with strong autonomy regarding public employment, it would be difficult to obtain a mandate covering all issues. If only one could be mentioned, it would have to be the Ministry for Public Administrations. But please note this matter raises important problems from the Spanish domestic point of view.

Sweden	√	X	In the wider public sector, three different levels of responsibility (national, regional and municipal) have an interest.
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Would Member States be prepared to exchange information with trade unions, and consult trade unions on specific topics agreed in advance by all Member States and trade unions?

3.15 On this point at least there is unanimity amongst the Member States who responded to the survey. All agree that it would be a good thing for employers in central public administration to share information and discuss with trade unions issues of common concern to EU Member States. The one note of caution sounded by Sweden is that any such discussions should not be so specific as to compromise the confidentiality of any negotiations.

4. Conclusions

4.1 This necessarily brief overview shows that there is no real consensus among those who responded to the survey.

4.2 As far as current procedures are concerned, very little common ground is apparent between Member States, whose existing machinery for dialogue with social partners varies widely. Definitions of “central public administration” are, however, broadly consistent in that they tend to distinguish between those employed in national and other levels of administration.

4.3 Respondents are almost equally divided about the desirability of extending formal Social Dialogue into central public administration. However, even those opposed to formal Dialogue see benefits in less formal methods of contact, and there is a general willingness to consult trade unions or exchange information with them about topics determined by Member States or the unions themselves.

4.4 There is no noticeable pattern in the issues identified by some Member States as suitable for formal Dialogue.

4.5 Of the respondents who favour formal Social Dialogue, the majority consider EPAN to be an appropriate vehicle for it if it were to be initiated; but there is also a concern that this could not be achieved without establishing some form of permanent secretariat to support it. Some Member States also fear that it would change the focus of EPAN and leave less time for discussion of other issues. This will invariably have a number of resource and capacity implications.

4.6 A significant number of DGs are not currently empowered to negotiate and conclude binding agreements. Some believe they could secure delegated authority to do so, but with varying degrees of difficulty. For some it would apparently be impossible. If EPAN could not function collectively, a different option would be for a sub-group of DGs (perhaps the extended Troika) to act on behalf of EPAN as a whole.

4.7 Consideration should be given to what message is conveyed to the trade union delegation. Given the variation of opinions and diverse points of view, it seems that a unified body representing EPAN is not a likelihood.

However it may be appropriate to set expectations at this stage to ensure that a clear understanding of what EPAN has discussed, concluded and agreed as steps for the future is passed to the trade union delegation for reflection. In conclusion, there seems to be a broad understanding that Member States would prefer to see a representation from all 25 DGs at any future discussions, be they formal or informal.

5. The way forward

5.1 The findings of the survey will be considered at the meeting of Directors General for Public Administration in December 2005.

5.2 For the sake of completeness, Member States who have not yet responded to the survey are encouraged to do so. Outstanding responses (including any submitted too late to be referred to in this paper), will be read with interest and will inform future discussion.

5.3 It is unlikely that the full picture with responses from all Member States will show a consensus. In this way, there seems little point in pursuing formal Social Dialogue for the time being. Instead it is suggested that mutual areas of consideration are developed and that suitable vehicles are established to prepare and investigate more thoroughly the issue in question. A number of national initiatives and consultations between Government and trade unions are already taking place and these could form the basis for themes to be developed in EPAN; most respondents indicated that they would be prepared to discuss substantive issues of mutual interest provided that the themes are pre-determined.

5.4 It will fall to the successive presidencies of Austria and Finland in 2006 to decide how, or whether, Member States can move forward constructively together on this matter.

ANNEX A – RESPONSES

AUSTRIA

Name: Emmerich Bachmayer
Member State: Austria
Ministry / Department (Please indicate the nature of your ministry e.g. Financial policy, administrative policy, employment, etc): Federal Chancellery: Prime Minister's Office, Directorate General responsible for public service and administrative reform

Questions:

<p>1.1 In your administration, what processes do you follow to a) exchange information with trade union partners, b) to consult trade union partners on social issues or c) negotiate with trade union partners on binding contractual matters? i.e. information, consultation and negotiating activities are held nationally for the economy as a whole; information, consultation and negotiating activities are national for the central public administration; information, consultation and negotiating activities are devolved to the regional/local government or delegated to individual ministries or agencies?</p> <p>Austria has a long tradition of social partnership. The so called “big social partnership” takes decisions in the space beyond politics, extra-parliamentary decisions instead of legislative regulation is preferred on this level. Industrial relations (e.g. salaries, rights and duties) of public servants and employees are negotiated on regular basis in a collective bargaining round. It has to be mentioned that neither the federation as an employer nor the trade union for the public service are capable of concluding binding collective agreements: social partnership in the public sector is based on the common elaboration of legislation which is governing salaries, rights and duties of public sector workers (both civil servants and public employees). These bills are usually accepted by the parliament and thus put into the form of an act of parliament (law). The aim is to reach consensus, the last decision lies within the powers of the parliament. Agreements brought as bills into the parliament are sometimes selectively amended during the legislative procedure. Representatives of the regions (Länder) take part in collective bargaining rounds for salaries at federal level, but only have observer status. They conduct independent negotiations with the regional trade union branch which are also put in the form of an act of (regional) parliament</p>
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(regional law).

1.2 Are you in your national context the DG responsible for representing the employer's interests of the Civil Service? To what extent are you mandated to conclude binding agreements/to negotiate for central government? Do you have similar responsibilities for wider public service employment? If so, what?

In Austria, the Federal Chancellery is responsible for representing the interest of the federation as an employer. These issues fall within the sphere of competence of my Directorate General. Since all industrial relations of federal civil servants and federal public employees are governed by special legislation, the Secretary of State in the Federal Ministry of Finance Mr. Alfred Finz or me is mandated by the Federal Chancellor to negotiate on these issues. I have no competence to represent the regions (Länder) and the local authorities.

1.3 A) Does your administration consider it acceptable to develop a formal European Social Dialogue for issues in the central public administration sector or would you not want this? Please explain why this is the case. Please also explain in short the bandwidth of the central government in your country (e.g. in or excluding teachers, police, health workers etc).

B) Does your administration consider it acceptable to develop a formal European Social Dialogue for the Public sector in a larger sense as foreseen in Art 138/139 Treaty, and as such demanded by EPSU?

A: Yes, I consider it acceptable to develop a formal European Social Dialogue for the central public sector, because social policy is conducted at the European level in any way and through the establishment of a sectoral committee, EPAN could become a valuable player (through the right to be consulted by the European Commission) at the European level. Nevertheless, the choice which issues should be considered and discussed in the framework of a European Social Dialogue for the central public sector should always be guided by the principle of subsidiarity. Federal Civil Service encompasses the following professional groups:

- General administration
- Teachers
- Police
- Military Services
- Judicial Services (judges, public prosecutors)

B: No, a formal European Social Dialogue should strongly be limited to the boundaries set out in the Art 138/139 of the EC Treaty, Social Dialogue must not become a Trojan horse which could wear away the principle of subsidiarity.

1.4	<p>In your opinion, is EPAN the most suitable forum to develop a formal social dialogue in central public administration sector? If yes, would it be for all 25 DGs, the extended Troika or an ad hoc group that would report to DGs at regular intervals? What consequences do you foresee for the other activities of the network?</p>
<p>Yes, EPAN is the most suitable forum. It should be organised in a way that there meetings of all Directors General with the Trade Unions are held at regular intervals, the preparatory work and the reporting should be done by the (extended) Troika.</p>	
1.5	<p>A) If the social dialogue between EPAN DGs and trade unions happened to move from informal to a formal social dialogue in terms of the treaty for the whole of the public sector, could you obtain a mandate to negotiate with the EU trade union confederation? If not, who in your administration could obtain such a mandate? (Please indicate if another ministry or department would be responsible for negotiating).</p>
<p>B) Could you answer the same question as above under A) but for the situation that a formal social dialogue for the Central Government Sector alone were to be concluded.</p>	
<p>As already mentioned, the Secretary of State in the Federal Ministry of Finance Mr. Alfred Finz or me is mandated by the Federal Chancellor to represent the interest of the federation as an employer. Neither Secretary of State Mr. Alfred Finz nor I can speak for the regions or the local authorities.</p>	
1.6	<p>From a national (employers) point of view, what are the most important issues (current and future) that should be raised with the trade unions in terms of negotiations leading to binding agreements on a European level(maximum of 3) and which goals should be achieved?</p>
<p>Since European Social Dialogue encompasses many ways of formation (e.g. joint statements, joint actions) it is too early to talk about binding agreements at this point. Issues which should be discussed with the Trade Unions are the following: Mobility (private/public sector, between public sectors, between the public sectors of the EU-Member States) Social protection (e.g. working time) Common activities in the field of gender equality</p>	
1.7	<p>Would your administration be happy to exchange information with trade unions and consult trade unions on specific topics agreed in advance by all member states and the trade unions?</p>

Yes (depending on the topic which should comply with the principle of subsidiarity and be unanimously agreed).

BELGIUM

Questions:

- 1.1 In your administration, what processes do you follow to a) exchange information with trade union partners, b) to consult trade union partners on social issues or c) negotiate with trade union partners on binding contractual matters?
i.e. information, consultation and negotiating activities are held nationally for the economy as a whole; information, consultation and negotiating activities are national for the central public administration; information, consultation and negotiating activities are devolved to the regional/local government or delegated to individual ministries or agencies?

Belgium is a federal State in which the various governments (the federal government and the governments of the Communities and the Regions) are on an equal footing to carry out their own competencies and have for that purpose their own administration at their disposal. Each government fixes the working conditions of the personnel of its administration after having submitted them, beforehand, to the negotiation or the consultation with the trade union partners.

However, the federal Government is exclusively competent for certain working conditions which apply to all the civil servants, including those of the Communities and the Regions: those relating to the social security and to the relations with the trade union partners. In this case, the negotiations with the trade union partners are held jointly by representatives of the various governments.

- 1.2 Are you in your national context the DG responsible for representing the employer's interests of the Civil Service? To what extent are you mandated to conclude binding agreements/to negotiate for central government? Do you have similar responsibilities for wider public service employment? If so, what?

The Belgian DG representing Belgium within EPAN belongs to the federal administration and runs, under the authority of the Minister for the Civil Service, the government department in charge of the determination of the modes of human resources management and of the working conditions of the personnel of the federal public services.

Under the terms of the Belgian right, it is the political leaders or civil servants duly commissioned by these political leaders who have the power to negotiate with the trade union partners. This can be explained by the fact that if the negotiation results in an agreement, the latter is binding

as a political commitment of the authority to establish the agreed measures in legal or regulatory texts.

The Belgian DG can therefore be commissioned by the Minister for the Civil Service in order to lead the negotiations with the trade union partners with regard to the federal public services.

1.3 A) Does your administration consider it acceptable to develop a formal European Social Dialogue for issues in the central public administration sector or would you not want this? Please explain why this is the case. Please also explain in short the bandwidth of the central government in your country (e.g. in or excluding teachers, police, health workers etc).

B) Does your administration consider it acceptable to develop a formal European Social Dialogue for the Public sector in a larger sense as foreseen in Art 138/139 Treaty, and as such demanded by EPSU?

A) Yes. The participation in a sectorial committee of social dialogue would make the employers of the central public administrations turn into a partner which would obligatorily be consulted by the Commission for any initiative taken in the social field and thus also for the draft European standards affecting the working conditions of the personnel of these public administrations.

The federal central public administration consists of the government departments, the parastatal organisations and the scientific establishments. It thus does not include the armed forces, the police forces, nor the autonomous public companies (postal service, railroad, telecom ...).

The administrations of the Communities and the Regions include the government departments, the parastatal organisations and the scientific establishments. They thus do not include the educational establishments and the healthcare establishments.

B) In order to facilitate the representation of the employers for the setting up of a sectorial committee, we propose, with regard to the States having a federal structure, to consider it first for the central administrations of the federal government only and then, to expand it to the administrations of the other governments which have, in these States, a legislative competence.

1.4 In your opinion, is EPAN the most suitable forum to develop a formal social dialogue in central public administration sector? If yes, would it be for all 25 DGs, the extended Troika or an ad hoc group that would report to DGs at regular intervals? What consequences do you foresee for the other activities of the network?

It is the directors general who represent the employers. They can give delegation for the meetings to the extended Troika which reports to them.

Consequences: influence on the topics retained for EPAN activities, increase in work (permanent secretariat?).

1.5 A) If the social dialogue between EPAN DGs and trade unions happened to move from informal to a formal social dialogue in terms of the treaty for the whole of the public sector, could you obtain a mandate to negotiate with the EU trade union confederation? If not, who in your administration could obtain such a mandate? (Please indicate if another ministry or department would be responsible for negotiating).

B) Could you answer the same question as above under A) but for the situation that a formal social dialogue for the Central Government Sector alone were to be concluded.

B) The Belgian DG can be mandated for the federal central administration.

A) For the other public services, the Belgian DG will have to request a specific mandate from the concerned political authorities.

Notice: Under the terms of article 139, any commitment of the social partners in a possible negotiation which could result in a framework agreement and then in a directive with a binding legal effect, would require a preliminary mandate before engaging in such a negotiation and a later mandate to be able to approve the agreement.

There is thus a permanent political control by the Ministers responsible for the civil service on the discussions and possible negotiations entered into by the delegation of the employers.

1.6 From a national (employers) point of view, what are the most important issues (current and future) that should be raised with the trade unions in terms of negotiations leading to binding agreements on a European level(maximum of 3) and which goals should be achieved?

It is advisable to recall that the experience resulting from the functioning of about thirty committees of sectorial social dialogue shows that the discussions within these committees exceptionally lead to legally binding provisions.

In a first stage, it is appropriate to allow the social partners sitting in this sectorial committee to know each other in a better way and to appreciate each other.

The main part of this dialogue should consist in exchanging points of view, resulting in the formulation of good practices or in the proposal of

guidelines and action plans in order to achieve common goals.

Notice: In the framework of article 139, the introduction of a sectorial committee would only imply the mutual recognition of the partners of their will and capacity to get involved in a dialogue within the framework of this committee. Legally, these social partners remain completely free as for formulating opinions or getting involved in a negotiation.

1.7 Would your administration be happy to exchange information with trade unions and consult trade unions on specific topics agreed in advance by all member states and the trade unions?

Of course; this is the situation as it appears today.

CYPRUS

Name:
George Papageorgiou

Member State:
Cyprus

Ministry / Department (Please indicate the nature of your ministry e.g Financial policy, administrative policy, employment, etc):
MINISTRY OF FINANCE/PUBLIC ADMINISTRATION AND PERSONNEL DEPARTMENT (FINANCIAL POLICY, PUBLIC ADMINISTRATION POLICY AND PUBLIC SECTOR HUMAN RESOURCE POLICY)

Questions:

1.1 In your administration, what processes do you follow to a) exchange information with trade union partners, b) to consult trade union partners on social issues or c) negotiate with trade union partners on binding contractual matters?
i.e. information, consultation and negotiating activities are held nationally for the economy as a whole; information, consultation and negotiating activities are national for the central public administration; information, consultation and negotiating activities are devolved to the regional/local government or delegated to individual ministries or agencies?

With regards to the Civil Service, the exchange of information, collective consultations and negotiations between the Government and the Employees for determining general conditions of employment, take place within the framework of the Joint Staff Committee, which is the official central organ/mechanism set out for collective bargaining in the Civil Service. For the purposes of the Joint Staff Committee, the Government (Employer Side) is represented by the Permanent Secretary of the Ministry of Finance (Chairman) and the Director of Public Administration and Personnel Department (DG Public Administration) and the Employees are represented by their trade union PA.SY.DY .The Joint Staff Committee meets regularly once a month or at any time an extraordinary need arises.

The decisions and findings of the Committee, following a consensus of the two Sides, are forwarded as recommendations to the Council of Ministers. The recommendations are normally binding for each side but this does not violate the inalienable authority of the Council of Ministers to reach final decisions contrary to the unanimous recommendations of the Joint Staff Committee when this is deemed as necessary. The decision of the Council of Ministers on approving any matter dealt with at the Joint Staff Committee is made known to the Public Service by the Public Administration and Personnel Service of the Ministry of Finance in a circular. They are also promoted to implementation which usually requires the passing or amendment of legislation, subject to approval by the House of Representatives.

In case of persisting disagreement of the Council of Ministers with any recommendation of the Joint Staff Committee , the matter is referred to a Disputes Examination Board.

If a consensus is not reached on a particular issue at the Joint Staff Committee between the two Sides, the conflicting views are recorded and referred to a Ministerial Committee for further consideration and submission to the Council or Ministers.

In addition to the formal process mentioned above, an informal process for the exchange of information on various issues also takes place on a daily basis among the Government and the Trade Union (either in meetings/phone contacts with delegated officers of the Public Administration and Personnel Department) or even at the level of the Minister of Finance/ Permanent Secretary/Director of Public Administration and Personnel Department). Each Department also has an elected committee of employees-members of the Trade Union that are mandated to exchange information, consult with and discuss directly with the Director of their department (unofficially)on any issues that affect the interests of the particular employees they are representing.

1.2 Are you in your national context the DG responsible for representing the employer's interests of the Civil Service? To what extent are you mandated to conclude binding agreements/to negotiate for central government? Do you have similar responsibilities for wider public service employment? If so, what?

The Permanent Secretary of the Ministry of Finance and myself, as the Director of the Public Administration and Personnel Department (DG Public Administration), are responsible for representing the Government's (i.e., the Employer) interests in discussions with the Trade Union within the framework of the Joint Staff Committee. However, we are not mandated to conclude binding agreements unless authorised by the Council of Ministers on specific issues (since all such "agreements" are, as mentioned above, subject to final approval by the Council of Ministers and in most cases where legislation is involved, the House of Representatives).

With regards to wider public service employment, we have similar responsibilities concerning the educational service (teachers), the hourly-paid staff of central public administration and the police. As for Semi-Government Authorities and Local Authorities our role is advisory, stemming from the Government policy decided by the Council of Ministers.

1.3 A) Does your administration consider it acceptable to develop a formal European Social Dialogue for issues in the central public administration sector or would you not want this? Please explain why this is the case. Please also explain in short the bandwidth of the central government in your country (e.g. in or excluding teachers, police, health workers etc).

B) Does your administration consider it acceptable to develop a formal European Social Dialogue for the Public sector in a larger sense as foreseen in Art 138/139 Treaty, and as such demanded by EPSU?

A) Bandwidth of central Government

According to the Public Service Law of 1990 to 2005, the Civil Service does not include local authorities, police, army, fire department, teachers, judiciary, independent Government Officials (eg. the Attorney-General, Auditor-General etc), hourly-paid workers, contractual (temporary) employees or, generally, service in any public post in respect of which other provision is made by law. Thus, Central Public Administration (Civil Service) includes mostly the Ministries of central government and their respective Departments and Services, as well as a number of Independent Services

First, I would like to point out that the exact difference between formal and informal dialogue is not entirely clear to us, since even in the case of informal dialogue a process of "formalization" is required (procedural rules for, representation of both parties, framework where discussions take place etc). However, for purposes of this survey, we will take for granted that formal dialogue considers the proposals under Article 139-137 and implies negotiations that may or may not lead to binding agreements between recognized and representative social partners.

Although we support the notion of strengthening the European social dialogue in terms of enhancing the cooperation between the social partners and the sharing of experience at European level, at the moment we would prefer to encourage the development of an informal European Social Dialogue in central public administration rather than a formal process that would possibly entail negotiations and binding

agreements.

For one thing, an informal process would allow us to gain better understanding, especially for us new member states as to what form the social dialogue should take in the future. Also there is the issue of representativity not only of the EU Employer's Side, but in the case of new Member States, also of the Employee Side, taking into account that the Louvain study into Representativity did not look into the situation in new member states with regards to national employee's trade union representation by EPSU-CEPI and EUROFEDOP

Furthermore, there are also difficulties regarding our mandate, since, under the national structures for social dialogue (within the framework of the authorized national organ for collective bargaining in the central public administration as described in q. 1.1), the Council of Ministers has the authority to reach final decisions contrary to the unanimous recommendations made by the Permanent Secretary of the Ministry of Finance and the DG for Public Administration. Thus, the political consequences should Member States move into formal social dialogue at EU level should also be given serious consideration before any decision is made.

B) In our opinion, it would be even more difficult at the moment to develop a formal dialogue in the public sector in the larger sense, given that we do not have the mandate to speak on behalf of the whole public sector.

1.4 In your opinion, is EPAN the most suitable forum to develop a formal social dialogue in central public administration sector? If yes, would it be for all 25 DGs, the extended Troika or an ad hoc group that would report to DGs at regular intervals? What consequences do you foresee for the other activities of the network?

The answer to this issue is not a simple yes or no. On the one hand, EPAN is an informal network based on cooperation and the exchange of experience between Member States. It is thus difficult to envisage EPAN becoming a forum for negotiations whereby binding agreements may be reached between the social partners on behalf of national public administrations.

On the other hand, if a formal dialogue were to be developed, the DGs for Public Administration in the case of most member states participate in the social dialogue structures of their Member State and are perhaps the most authorized to speak on behalf of the Employer side, even though, in our case, a full mandate could not easily be obtained for the reasons described above.

At the moment, we are more inclined to see EPAN as a suitable forum for an informal dialogue whereby common topics of interest for discussion are identified and take place within an ad hoc group that would report to DGs at regular intervals .

1.5 A) If the social dialogue between EPAN DGs and trade unions happened to move from informal to a formal social dialogue in terms of

the treaty for the whole of the public sector, could you obtain a mandate to negotiate with the EU trade union confederation? If not, who in your administration could obtain such a mandate? (Please indicate if another ministry or department would be responsible for negotiating).

B) Could you answer the same question as above under A) but for the situation that a formal social dialogue for the Central Government Sector alone were to be concluded.

Given the restrictions described above (i.e., that binding agreements can only be made by the Council of Ministers), it appears difficult to obtain a mandate to negotiate at EU level unless extensive time framework was available when discussing a particular issue so that it could be forwarded to our Council of Ministers for their guidelines. Thus, a definitive answer cannot be provided at this point. This applies to both cases referred to in A) and B) (i.e. in the case of the whole of the public sector and also for the Central Government Sector). Also, in the case of the police and the educational service (social dialogue for the whole public sector), representatives from the Ministry of Education and the Ministry of Justice and Public Order respectively would also need to participate in negotiations.

1.6 From a national (employers) point of view, what are the most important issues (current and future) that should be raised with the trade unions in terms of negotiations leading to binding agreements on a European level(maximum of 3) and which goals should be achieved?

Important issues:

- Modernization of public service
- Fiscal consolidation and its impact on terms and conditions of employment
- Outsourcing of public services and its impact on terms and conditions of employment

Goals:

- Increase the efficiency of the public sector
- Reduction of the regulatory and administrative burden

1.7 Would your administration be happy to exchange information with trade unions and consult trade unions on specific topics agreed in advance by all member states and the trade unions?

Yes, we would be happy to do that.

DENMARK

Name: Ida Krarup, special adviser (on behalf of Director-General, Mrs. Lisbeth Lollike)
Member State: Denmark
Ministry / Department (Please indicate the nature of your ministry e.g. Financial policy, administrative policy, employment, etc): Ministry of Finance, State Employer's Authority

Questions:

1.1	<p>In your administration, what processes do you follow to a) exchange information with trade union partners, b) to consult trade union partners on social issues or c) negotiate with trade union partners on binding contractual matters? i.e. information, consultation and negotiating activities are held nationally for the economy as a whole; information, consultation and negotiating activities are national for the central public administration; information, consultation and negotiating activities are devolved to the regional/local government or delegated to individual ministries or agencies? In accordance with the Danish collective bargaining model, framework agreements and general issues regarding pay and employment terms are negotiated between the Ministry of Finance (State Employer's Authority) and the Danish Central Federation of State Employees' Organisations (CFU) in connection with the collective bargaining, which typically takes place every third year.</p> <p>Collective agreements fixing pay and employment terms for the various personnel groups in central government are concluded between the Ministry of Finance (State Employer's Authority) and the individual employee organisations.</p> <p>In the periods between the collective bargaining, the State Employer's Authority and the CFU cooperate, on an ongoing basis, on various projects of mutual interest. They include, for example, the organisation of theme days, the publication of joint guidelines on general codes, discussions of EU issues, the launch of surveys etc</p>
1.2	<p>Are you in your national context the DG responsible for representing the employer's interests of the Civil Service? To what extent are you mandated to conclude binding agreements/to negotiate for central government? Do you have similar responsibilities for wider</p>

public service employment? If so, what?

The State Employer's Authority carries out the function of central government employer. This entails the prescription and interpretation of rules in the area of personnel, and the tasks of concluding collective agreements and other agreements regarding pay and employment conditions.

The State Employer's Authority provides ministries and government agencies with general as well as specific advice on personnel-related matters.

- 1.3 A) Does your administration consider it acceptable to develop a formal European Social Dialogue for issues in the central public administration sector or would you not want this? Please explain why this is the case. Please also explain in short the bandwidth of the central government in your country (e.g. in or excluding teachers, police, health workers etc).
B) Does your administration consider it acceptable to develop a formal European Social Dialogue for the Public sector in a larger sense as foreseen in Art 138/139 Treaty, and as such demanded by EPSU?

A) The State Employer's Authority has been member of CEEP since 2000, and is thereby already involved in a formal European Social Dialogue.

Apart from the State Employer's Authority the Danish Section of CEEP also comprises employers' organisations representing the local and regional authorities of the public sector in Denmark.

The State Employer's Authority's membership of CEEP shall be seen as one of the means we use in our role as a social partner to be proactive and to obtain influence at an early stage in relation to European regulation and agreements which may affect the state labour market.

Concerning European labour market issues the current situation is that our interests are generally very much in line with those of the employers' organisations representing local and regional authorities. Consequently, the members of the Danish Section of CEEP will normally be able to settle on a common position on the raised issues.

Against this background the cross-sectoral activities of CEEP seem currently sufficient to take care of our (formal) interests at European level.

The major personnel groups in the State Sector are academic staff, office staff, internally trained police and defence staff, skilled labour etc as well as teachers.

B) The State Employer's Authority find that the scope of Art. 138 and 139 is sufficient for the formal European Social Dialogue for the public sector. European Social Dialogue should therefore not be developed beyond this scope.

1.4 In your opinion, is EPAN the most suitable forum to develop a formal social dialogue in central public administration sector? If yes, would it be for all 25 DGs, the extended Troika or an ad hoc group that would report to DGs at regular intervals? What consequences do you foresee for the other activities of the network?
Cf. the answer under 1.3.A, the State Employer's Authority find that the cross-sectoral activities of CEEP are currently sufficient to take care of our (formal) interests at European level.

Therefore, concerning the question of EPAN we do not see a need for development of a more formal dialogue with the European trade unions.

We find the existing informal dialogue between the DG's and the European trade unions very valuable, as it gives us opportunities of having open and in-depth discussions and exchange of opinions on various issues of joint interest. We are in favour of initiatives aiming at making the informal dialogue more structured and focussed. In this connection we would like to congratulate the UK Presidency on the initiative of launching a discussion on equality and diversity between the DG's and the trade union delegation.

The development of a formal social dialogue would in our opinion complicate things, as it would lead to demands of negotiations and agreements - and thereby also contradict the current process in Denmark of simplifying the collective state sector agreements.

Though, should the circumstances change in the future, leading us to find a more formal dialogue desirable and necessary, we will be ready to participate.

1.5 A) If the social dialogue between EPAN DGs and trade unions happened to move from informal to a formal social dialogue in terms of the treaty for the whole of the public sector, could you obtain a mandate to negotiate with the EU trade union confederation? If not, who in your administration could obtain such a mandate? (Please indicate if another ministry or department would be responsible for negotiating).
B) Could you answer the same question as above under A) but for the situation that a formal social dialogue for the Central Government Sector alone were to be concluded.

As described above, the State Employer's Authority is already involved in formal European social dialogue by virtue of our membership of CEEP.

Concerning the question of mandate, the State Employer's Authority represents the interests of the central public sector, whereas the interests

<p>of the local and regional public sector authorities are represented by Local Government Denmark and Danish Regions respectively. Local Government Denmark and Danish Regions are also members of CEEP.</p>	
1.6	<p>From a national (employers) point of view, what are the most important issues (current and future) that should be raised with the trade unions in terms of negotiations leading to binding agreements on a European level(maximum of 3) and which goals should be achieved?</p> <p>As is emerges from the description above under 1.4., we are not in favour of negotiating binding agreements on a European level beyond those CEEP may be involved in.</p>
1.7	<p>Would your administration be happy to exchange information with trade unions and consult trade unions on specific topics agreed in advance by all member states and the trade unions?</p> <p>As described above, we find the informal social dialogue (including discussions on substantial issues of joint interest) between the DG's and the European trade unions very valuable. Such discussions at European level could, where appropriate, lead to follow-up discussions etc. between social partners at national level.</p>

FINLAND

<p>Name: Teuvo Metsäpelto</p>
<p>Member State: Finland</p>
<p>Ministry / Department (Please indicate the nature of your ministry e.g Financial policy, administrative policy, employment, etc): Ministry of Finance, Department for Government Personnel Management (Financial policy, administrative policy, personnel policy)</p>

Questions and answers:

1.1. In your administration, what processes do you follow to a) exchange information with trade union partners, b) to consult trade union partners on social issues or c) negotiate with trade union partners on binding contractual matters?
i.e. information, consultation and negotiating activities are held nationally for the economy as a whole; information, consultation and negotiating activities are national for the central public administration; information, consultation and negotiating activities are devolved to the regional/local government or delegated to individual ministries or agencies?

The form that social dialogue can take depends on the subject of the dialogue. Statutory provisions determine joint cooperation of central government agencies and personnel, and are endorsed by joint cooperation agreements at the state central level and agency level. Matters falling within the scope of joint cooperation procedure before decisions are reached consist of changes in the tasks that have an impact on the status of the personnel, staff transfers and discontinuation of agency, the budget proposal and operational and economic plans of the agency, plus principles governing personnel administration, internal information activities and the use of external labour force.

Where general development plans in administration are made by a ministry that have a substantial impact on the status of the staff and covering the whole of central government or the agencies of more than one administrative domain, the ministry is obligated to inform personnel representatives of the planned changes and their impetus on the staff, and is required to hear the opinions of staff representatives.

Matters related to the conditions of contract of personnel fall within the field of negotiating and agreement operations. Matters other than those of a contractual nature fall within the scope of legislation and administrative decisions. The opinions of wage earner representatives are also heard on a broad scale when legislative proposals on working conditions are being prepared.

The Office for the Government as Employer represents the state employer, for the state sector. The Department for Government Personnel Management of the Ministry of Finance serves as the Office for the Government as Employer.

Collective bargaining in Finland takes place at different levels. At national level the "Incomes and labour-market policy agreement" is concluded by employers' national central organisations, including the Office for the Government as Employer, and workers' national central organisations. It is not specific to the public sector. This agreement is not binding and does not guarantee labour peace. The Office for the Government as Employer on one side, and workers' sector-level central organisations on the other side conclude the "Collective agreement for state civil servants and for employees under contracts". This agreement contains the expenditure framework and includes general employment terms such as weekly working time, paid sick leave and paid holidays. However, some issues are outside of the field of the collective agreements: pensions, responsibilities and qualifications requirements, etc. Employer agencies and workers' agency-level unions conclude specific

collective agreements, which are more detailed agreements and relate to pay systems and issues of working hours.

1.2. Are you in your national context the DG responsible for representing the employer's interests of the Civil Service? To what extent are you mandated to conclude binding agreements/to negotiate for central government? Do you have similar responsibilities for wider public service employment? If so, what?

The public sector in Finland covers the state sector and the municipal sector.

The State Sector includes 13 ministries. The State's functions include the judicial system, the police, national defence, higher education (universities) and research, central administrative bodies either with or without regional and / or local government bodies (taking care of such key areas as taxation and prison administration) and the financing of various public functions. The State also carries the responsibility for the payment of unemployment benefit and the management of transport and communication.

The Office for the Government as Employer represents the state employer, for the state sector. The Department for Government Personnel Management of the Ministry of Finance serves as the Office for the Government as Employer. So I as the Director General of this organisation am responsible for representing the employer's interests of the Civil Service.

The Office for the Government as Employer has different responsibilities. It manages the state's general employer policy and human resources policy and it represents the State in negotiating and signing collective agreements.

Employees in public healthcare, education and culture, social welfare services and community planning and public works are mainly employed by the municipal sector. At local government level, the Commission for Local Authority Employers represents the employer interests of municipalities and municipal associations. So the Office for the Government as Employer hasn't any mandated to conclude binding agreements or to negotiate for local government level. The Commission for Local Authority Employers is a member of the Council of European Municipalities and Regions (CEMR) and it's Employers' Platform. CEMR together with EPSU (European Federation of Public Service Unions) has established a sectoral dialogue committee.

1.3. A) Does your administration consider it acceptable to develop a formal European Social Dialogue for issues in the central public administration sector or would you not want this? Please explain why this is the case. Please also explain in short the bandwidth of the central government in your country (e.g. in or excluding teachers, police, health workers etc).

B) Does your administration consider it acceptable to develop a formal European Social Dialogue for the Public sector in a larger sense as foreseen in Art 138/139 Treaty, and as such demanded by EPSU?

A) Yes, our administration considers it acceptable. The challenges that our public administrations are facing in the future – such as the demand for higher productivity, the ageing population and the competitiveness of public sector as an employer – demand strengthening the social dialogue on the EU-level.

About the central government look at the answer for the question 1.2.

B) Yes, our administration considers it acceptable.

1.4 In your opinion, is EPAN the most suitable forum to develop a formal social dialogue in central public administration sector? If yes, would it be for all 25 DGs, the extended Troika or an ad hoc group that would report to DGs at regular intervals? What consequences do you foresee for the other activities of the network?

Yes, EPAN should become the employers' representative body and all 25 DGs should take part in the social dialogue. More preparatory work and cooperation will be needed in order to initiate better dialogue and to strengthen the whole employer side.

1.5 A) If the social dialogue between EPAN DGs and trade unions happened to move from informal to a formal social dialogue in terms of the treaty for the whole of the public sector, could you obtain a mandate to negotiate with the EU trade union confederation? If not, who in your administration could obtain such a mandate? (Please indicate if another ministry or department would be responsible for negotiating).

Yes, I could obtain a mandate to negotiate for the whole state sector but not for the municipal sector. About the public sector look at the answer for the question 1.2.

B) Could you answer the same question as above under A) but for the situation that a formal social dialogue for the Central Government Sector alone were to be concluded.

Yes, I could obtain a mandate to negotiate.

1.6 From a national (employers) point of view, what are the most important issues (current and future) that should be raised with the trade unions in terms of negotiations leading to binding agreements on a European level (maximum of 3) and which goals should be achieved?

Out of three hundred texts adopted in the European Social dialogue context – both interprofessional and sectoral - only six have been implemented by means of directives. The other texts resulting from European Social Dialogue express common positions, formulate common objectives to be attained by means of good practices, consist of guidelines for action, etc. Against this background I would not like to list any

issues that should be negotiated aiming to binding agreements and I think that other kind of cooperation with trade unions should come first.

1.7 Would your administration be happy to exchange information with trade unions and consult trade unions on specific topics agreed in advance by all member states and the trade unions?

Yes. I think that EPAN DGs and the trade unions should agree jointly the work programme for the social dialogue. The topics should be related to the EPAN work programme.

FRANCE

Member State:
France

Ministry / Department (Please indicate the nature of your ministry e.g Financial policy, administrative policy, employment, etc):
Ministère de la fonction publique / Direction générale de l'administration et de la fonction publique (DGAFP)

Questions:

1.1 In your administration, what processes do you follow to a) exchange information with trade union partners, b) to consult trade union partners on social issues or c) negotiate with trade union partners on binding contractual matters?

i.e. information, consultation and negotiating activities are held nationally for the economy as a whole; information, consultation and negotiating activities are national for the central public administration; information, consultation and negotiating activities are devolved to the regional/local government or delegated to individual ministries or agencies?

Dans la fonction publique française, le dialogue social se caractérise davantage par la concertation que par la négociation. Les fonctionnaires sont vis-à-vis de l'administration dans une situation statutaire et réglementaire (et non contractuelle) ayant pour conséquence que l'Etat employeur fixe unilatéralement les conditions d'emploi de ses agents ainsi que l'étendue de leurs droits et de leurs obligations. La concertation consiste en une information et surtout une consultation préalable et obligatoire des organisations syndicales avant la prise d'actes unilatéraux. Les instances de concertation, caractérisées par le paritarisme (elles sont composées d'un nombre égal de représentants de l'administration et

de représentants du personnel), se retrouvent dans les trois versants de la fonction publique française: la fonction publique de l'Etat (ministères: intérieur, défense, enseignement, affaires étrangères, emploi, santé, économie et industrie, justice, agriculture, culture et communication, écologie, fonction publique), la fonction publique territoriale (communes, départements, régions) et la fonction publique hospitalière (hôpitaux).

Trois types d'instances existent :

- les trois conseils supérieurs, compétents pour toutes les questions statutaires générales relatives à chaque fonction publique ;
- des commissions compétentes pour chaque corps sur toutes les questions d'ordre individuel relatives à la carrière des fonctionnaires ;
- des comités techniques compétents, au niveau des ministères et au sein des services, sur les questions d'organisation du travail, de recrutement, de formation, de règles statutaires particulières, d'hygiène et de sécurité.

La concertation est ainsi un élément essentiel du dialogue social au sein de l'administration française. La négociation dispose d'une place moindre. Toutefois, le champ de la négociation s'est étendu, au-delà de l'évolution des rémunérations prévue dans le statut, et ce de manière empirique, à des domaines comme par exemple la réforme des carrières, la formation continue, l'hygiène et la sécurité, l'emploi des handicapés, l'emploi d'agents non titulaires, les congés de fin d'activité, sans formalisation juridique. C'est ainsi que des accords sont parfois conclus soit au niveau inter fonction publique, soit dans chacune des fonctions publiques, soit au niveau ministériel ou local.

1.2 Are you in your national context the DG responsible for representing the employer's interests of the Civil Service? To what extent are you mandated to conclude binding agreements/to negotiate for central government? Do you have similar responsibilities for wider public service employment? If so, what?

Le ministre de la fonction publique est compétent pour représenter les intérêts de l'administration en tant qu'employeur et coordonne les règles applicables au sein des trois fonctions publiques. En effet, concernant le traitement des sujets ayant des incidences sur les trois fonctions publiques, la fonction publique de l'Etat (la plus importante en nombre) sert le plus souvent de référence. Les thèmes sont abordés au sein du Conseil supérieur de la fonction publique de l'Etat, présidé par le ministre de la fonction publique (et dont est membre titulaire le directeur général de l'administration et de la fonction publique). Cette instance peut inclure des experts de l'administration et des organisations syndicales appartenant aux deux autres fonctions publiques.

1.3 A) Does your administration consider it acceptable to develop a formal European Social Dialogue for issues in the central public administration sector or would you not want this? Please explain why this is the case. Please also explain in short the bandwidth of the central government in your country (e.g. in or excluding teachers, police, health workers etc).

Sur le premier point, la France considère que le dialogue social, indispensable au plan interne pour préparer et accompagner le processus de modernisation de l'administration, ne l'est pas moins au niveau européen. Pour autant, la mise en place d'un comité de dialogue social pour le

secteur des administrations publiques centrales ne semble pas actuellement envisageable aux vues des difficultés que soulève la création de ce comité, tant au niveau de la représentation des employeurs, que de la diversité des mandats de négociation de chaque pays, liée notamment à la définition du périmètre des administrations centrales.

Sur le second point, le périmètre de l'administration recouvre l'ensemble des fonctionnaires, qu'ils relèvent de la fonction publique de l'Etat (ministères et établissements publics : intérieur, défense, enseignement, affaires étrangères, emploi, santé, économie et industrie, justice, agriculture, culture et communication, écologie, fonction publique), de la fonction publique territoriale (communes, départements, régions) ou de la fonction publique hospitalière (hôpitaux), soit près de cinq millions de personnes.

B) Does your administration consider it acceptable to develop a formal European Social Dialogue for the Public sector in a larger sense as foreseen in Art 138/139 Treaty, and as such demanded by EPSU?

La création d'un comité sectoriel plaçant la fonction publique dans le champ des articles 138/139 du Traité, pouvant aboutir à des accords sous forme de directives, ne semble pas opportun, l'édiction de règles communes en matière de fonction publique, via le dialogue social, étant extrêmement difficile.

1.4 In your opinion, is EPAN the most suitable forum to develop a formal social dialogue in central public administration sector? If yes, would it be for all 25 DGs, the extended Troika or an ad hoc group that would report to DGs at regular intervals? What consequences do you foresee for the other activities of the network?

Oui, le réseau EPAN, par l'expérience qu'il a acquise et démontrée depuis sa création, semble le plus à même de mettre en œuvre un dialogue social efficace. La Troïka ne permet pas la représentation de l'ensemble des ministres ou directeurs généraux, s'agissant d'un domaine dans lequel les Etats membres sont, par principe, totalement responsable de leur organisation. Ce système fonctionne lorsque les échanges se limitent à l'information voire à la concertation, mais il semble inadapté s'il s'agit de négociation. Un groupe ad hoc ne peut être satisfaisant pour les mêmes raisons. Au vu des enjeux, seule la réunion des 25 directeurs généraux serait légitime pour une concertation avec les organisations syndicales dans le cadre d'un dialogue social européen.

1.5 A) If the social dialogue between EPAN DGs and trade unions happened to move from informal to a formal social dialogue in terms of the treaty for the whole of the public sector, could you obtain a mandate to negotiate with the EU trade union confederation? If not, who in your administration could obtain such a mandate? (Please indicate if another ministry or department would be responsible for negotiating).

B) Could you answer the same question as above under A) but for the situation that a formal social dialogue for the Central Government Sector alone were to be concluded.

En France, les règles générales relatives à l'organisation de la fonction publique sont globalement communes aux fonctions publiques de l'Etat, des collectivités territoriales et des hôpitaux. Dans l'hypothèse d'un dialogue social européen, le ministère de la fonction publique aurait une compétence naturelle pour négocier avec les organisations syndicales au niveau européen, mais des mandats particuliers devraient être assumés par les ministères concernés si les négociations portent sur un domaine autre que la seule fonction publique de l'Etat (« central government sector » c'est-à-dire les ministères et leurs établissements publics). Par ailleurs, le ministère des finances devrait être convié à ces discussions, au regard des enjeux budgétaires que représente la fonction publique. Il est donc difficilement envisageable, après coordination avec les ministères intéressés, qu'une seule administration obtienne un mandat global pour négocier sur l'ensemble des questions relevant du secteur public.

1.6 From a national (employers) point of view, what are the most important issues (current and future) that should be raised with the trade unions in terms of negotiations leading to binding agreements on a European level(maximum of 3) and which goals should be achieved?

Le ministère de la fonction publique ne pense pas que les conditions nécessaires pour mener des négociations avec les organisations syndicales au niveau européen, dont l'objectif serait d'aboutir à des accords liant les Etats membres, soient remplies actuellement. Néanmoins, si des sujets devaient être abordés sous la forme d'une concertation formelle entre les représentants des administrations centrales et les organisations syndicales au niveau européen, le ministère de la fonction publique privilégierait des sujets tels que la formation, la lutte contre les discriminations ou encore l'hygiène et la sécurité.

1.7 Would your administration be happy to exchange information with trade unions and consult trade unions on specific topics agreed in advance by all member states and the trade unions?

L'échange d'information entre les administrations et les organisations syndicales au niveau européen peut être envisagé si les Etats membres donnent préalablement leur accord, à l'unanimité, sur le champ et le périmètre des thèmes susceptibles d'être abordés.

GERMANY

Name:
Ms. Ina SCHÖNEBERG

Member State:
GERMANY

Ministry / Department (Please indicate the nature of your ministry e.g Financial policy, administrative policy, employment, etc):
Federal Ministry of the Interior (*Directorate-General "D" - Public Service*)

Questions:

1.1 In your administration, what processes do you follow to a) exchange information with trade union partners, b) to consult trade union partners on social issues or c) negotiate with trade union partners on binding contractual matters?

i.e. information, consultation and negotiating activities are held nationally for the economy as a whole; information, consultation and negotiating activities are national for the central public administration; information, consultation and negotiating activities are devolved to the regional/local government or delegated to individual ministries or agencies?

Within the public service, we make a distinction between civil servants and public employees.

On account of the specific definition of the civil servant status as a relationship of service and loyalty governed by public law, the legal status of, and conditions of employment for, civil servants in Germany are not determined through negotiations with trade unions but by law. On this basis, the top organizations of trade unions (and professional associations) will be involved in preparing general regulations relating to the rights and duties of civil servants (cf. Section 94 of the Act on Federal Civil Servants (Bundesbeamtengesetz); such participation takes the form of an information and hearing process at the federal level before any pertinent legal provisions are adopted. In a similar way, trade unions are involved in preparing legal provisions at the Land level.

Responsibility for public service employees in the Federal Republic of Germany lies with three independent employers (federal administration, Länder and local authorities) which autonomously negotiate with the trade unions. On some occasions in the past, joint negotiations of all employers were conducted, but this was done on a voluntary basis. The Federal Ministry of the Interior is responsible for the public service at the federal level, for which the Ministry conducts collective bargaining negotiations with the trade unions on essential conditions of employments. There are no other formal procedures for the exchange of information or for consultation.

1.2 Are you in your national context the DG responsible for representing the employer's interests of the Civil Service? To what extent are you mandated to conclude binding agreements/to negotiate for central government? Do you have similar responsibilities for wider public service employment? If so, what?

The Federal Ministry of the Interior is responsible for regulating the legal status of civil servants at the federal level. In addition, the Constitution provides for (federal) legislative competence as regards framework legislation concerning Land civil servants. The Länder have the competence to adopt specific provisions under Land law to complete such framework legislation. So far, the Federation (federal government) has been responsible, in particular, for regulating the remuneration and pensions and allowances for all civil servants in Germany. However, during the forthcoming legislative period, it is intended to restructure the respective law-making powers, e.g. to transfer the responsibility for the remuneration and pensions/allowances for Land civil servants to the Länder themselves. The Federation would no longer have competence for framework legislation but would, instead, get the power to regulate certain rights and duties of Land civil servants. This means that in future extensive powers to regulate the legal status of Land civil servants would be vested in the Länder. The majority of civil servants serve with the Länder (about 1.3 million civil servants) while only 130,000 civil servants (not counting military personnel) are in the federal public service.

The Federal Ministry also is responsible for public service employees at the federal level. Collective bargaining and the resultant collective agreements are, on principle, part of the remit of the Directorate-General for Public Service Law. It is only in the case of collective bargaining agreements of major political and financial consequence that the higher level of the Ministry (State Secretary / Minister) will take part in the negotiations and sign the respective agreements. The Federation/Ministry has no responsibility for wider public service employment, because the Federation/Ministry is not the employer.

1.3 A) Does your administration consider it acceptable to develop a formal European Social Dialogue for issues in the central public administration sector or would you not want this? Please explain why this is the case. Please also explain in short the bandwidth of the central government in your country (e.g. in or excluding teachers, police, health workers etc).

The Federal Ministry of the Interior supports the idea that, at the European level, a formal Social Dialogue, as envisaged in Article 138 of the EC Treaty, should be developed on issues concerning the central (i.e. for Germany: federal) public administration sector. Since the EU already makes generous use of its mandate - under Article 137 of the EC Treaty - to adopt pertinent directives and will continue to do so, the issue now is to develop a practice-relevant instrument in order to assert the positions put forward by the central public administrations qua employers in the course of the European Commission's preparatory work.

The federal administration includes the supreme federal authorities (Federal Chancellor and Federal Ministries, Federal President, German Bundestag ("Federal Parliamentary Assembly" - Lower House of Parliament), Bundesrat ("Federal Council" - Upper House of Parliament, consisting of members of the Land Governments), Federal Constitutional Court, Federal Court of Audit) and the subordinate federal authorities. Direct central (i.e. federal) administration covers the Foreign Service, the federal financial administration (i.e. fiscal and customs administration),

the Federal Armed Forces, federal waterways and shipping, the Federal Police, the Federal Criminal Police Office, and intelligence services.

B) Does your administration consider it acceptable to develop a formal European Social Dialogue for the Public sector in a larger sense as foreseen in Art 138/139 Treaty, and as such demanded by EPSU?

The European Social Dialogue should be based on Articles 137 and 138 of the EC Treaty. In our view, any renewed discussion regarding the draft of a European Constitution and/or modification of the legal bases of the Social Dialogue should, for the time being, be discouraged.

1.4 In your opinion, is EPAN the most suitable forum to develop a formal social dialogue in central public administration sector? If yes, would it be for all 25 DGs, the extended Troika or an ad hoc group that would report to DGs at regular intervals? What consequences do you foresee for the other activities of the network?

EPAN can, at any rate, be a well suited forum for developing a formal social dialogue in the central public administration sector provided that the necessary procedural rules are agreed and the Delegations' powers of representation are clearly established. Final decisions should be taken by all 25 Directors General because all Member States must be given the opportunity to participate in the process. The social dialogue should therefore not be confined to the Troika. For the same reason, it would be appropriate to set up, for this specific purpose, a working group for preparing the social dialogue within EPAN.

1.5 A) If the social dialogue between EPAN DGs and trade unions happened to move from informal to a formal social dialogue in terms of the treaty for the whole of the public sector, could you obtain a mandate to negotiate with the EU trade union confederation? If not, who in your administration could obtain such a mandate? (Please indicate if another ministry or department would be responsible for negotiating).
B) Could you answer the same question as above under A) but for the situation that a formal social dialogue for the Central Government Sector alone were to be concluded.

A) No - the federal level has no competence/responsibility for those public service sectors where the Federation/Ministry is not the employer.

B) Yes - as regards the public service at the federal level, responsibility for negotiations regarding the civil servants/ public employees of the Federal Government would lie with the Federal Ministry of the Interior.

1.6 From a national (employers) point of view, what are the most important issues (current and future) that should be raised with the trade unions in terms of negotiations leading to binding agreements on a European level(maximum of 3) and which goals should be

achieved?

As stated under 1.3 and 1.4 above, involvement of EPAN should initially not lead to the conclusion of binding agreements on the basis of Article 139 of the EC Treaty, but should keep within the framework provided under Article 138 of the EC Treaty and, in this context, deal with the subjects listed in Article 137 of the EC Treaty.

1.7 Would your administration be happy to exchange information with trade unions and consult trade unions on specific topics agreed in advance by all member states and the trade unions?

Yes.

GREECE

Name:
Dimitrios PITSOGIANNIS- Director General
Head of Directorate General for Personnel Management

Member State:
Greece

Ministry / Department (Please indicate the nature of your ministry e.g Financial policy, administrative policy, employment, etc):
Ministry of the Interior, Public Administration and Decentralisation
Directorate General for Personnel Management

Questions:

1.1 In your administration, what processes do you follow to a) exchange information with trade union partners, b) to consult trade union partners on social issues or c) negotiate with trade union partners on binding contractual matters?
i.e. information, consultation and negotiating activities are held nationally for the economy as a whole; information, consultation and negotiating activities are national for the central public administration; information, consultation and negotiating activities are devolved

to the regional/local government or delegated to individual ministries or agencies?

In Greek Public Administration, law 2738/1999 established *Collective Negotiations in the Public Sector*. According to the provisions of this law, the employer's interests of the Civil Service are represented by the Ministries of a) the Interior, Public Administration and Decentralization, b) Economics & Finance, c) Health & Social Solidarity, d) Employment & Social Protection.

The employees' interests are represented by the Supreme Confederation of the Workers at the Public Sector, called ADEDY, (third degree trade union of the whole public sector) as well as the federations (second degree trade unions) of the employees.

The representatives of both sides proceed to formal dialogue, whose conclusion might lead to binding contractual agreements.

It is being noted that the cooperation is also being conducted through formal correspondence as well as with regular meetings of the representatives of the trade unions with representatives of the public administration.

1.2 Are you in your national context the DG responsible for representing the employer's interests of the Civil Service? To what extent are you mandated to conclude binding agreements/to negotiate for central government? Do you have similar responsibilities for wider public service employment? If so, what?

As mentioned above, The Ministries of a) the Interior, Public Administration and Decentralization, b) Economics & Finance, c) Health & Social Solidarity, d) Employment & Social Protection represent the employer's interests of the Civil Service and are responsible for concluding binding agreements with the trade unions.

The law does not provide the possibility for the invitation and the conclusion of binding agreements with the trade unions of the wider public sector.

The Head of the Directorate General for Personnel Management of the Ministry of the Interior, Public Administration and Decentralization *ex officio* takes part in and is responsible for the management of the system of *Collective Negotiations in the Public Sector in Greece*.

1.3 A) Does your administration consider it acceptable to develop a formal European Social Dialogue for issues in the central public administration sector or would you not want this? Please explain why this is the case. Please also explain in short the bandwidth of the central government in your country (e.g. in or excluding teachers, police, health workers etc).
B) Does your administration consider it acceptable to develop a formal European Social Dialogue for the Public sector in a larger sense as foreseen in Art 138/139 Treaty, and as such demanded by EPSU?

Our administration does not primarily disagree with the idea of developing a formal European Social Dialogue for issues in the central public administration. Furthermore, we might consider the possibility of developing a formal European Social Dialogue for the Public sector in a larger

sense as foreseen in Art 138/139 Treaty. However, before we would be able to decide, we would like to know the advantages and disadvantages of the whole concept.

We also bring to your attention that the term “central government”, in Greece, includes the Ministries and the Legal Entities of Public Law.

- 1.4 In your opinion, is EPAN the most suitable forum to develop a formal social dialogue in central public administration sector? If yes, would it be for all 25 DGs, the extended Troika or an ad hoc group that would report to DGs at regular intervals? What consequences do you foresee for the other activities of the network?

The extended TROIKA that would work closely with the DGs is in our opinion the most suitable forum to develop a formal social dialogue in central public administration sector. However, the consequences that something like this would have should be traced.

- 1.5 A) If the social dialogue between EPAN DGs and trade unions happened to move from informal to a formal social dialogue in terms of the treaty for the whole of the public sector, could you obtain a mandate to negotiate with the EU trade union confederation? If not, who in your administration could obtain such a mandate? (Please indicate if another ministry or department would be responsible for negotiating).
B) Could you answer the same question as above under A) but for the situation that a formal social dialogue for the Central Government Sector alone were to be concluded.

As mentioned above, the Head of the Directorate General for Personnel Management of the Ministry of the Interior, Public Administration and Decentralization *ex officio* takes part in and is responsible for the management of the system of *Collective Negotiations in the Public Sector in Greece*.

It is possible for the Head of the above mentioned Direction General to obtain such a mandate, provided that Minister of the Interior, Public Administration and Decentralization assign a relative mandate to him.

- 1.6 From a national (employers) point of view, what are the most important issues (current and future) that should be raised with the trade unions in terms of negotiations leading to binding agreements on a European level (maximum of 3) and which goals should be achieved?

Constitutional issues are those that in our opinion have to be dealt with.

- 1.7 Would your administration be happy to exchange information with trade unions and consult trade unions on specific topics agreed in advance by all member states and the trade unions?

Our Administration would not disagree with something like that, provided that this would lead to the promotion of the interests of the employees as well as the promotion of public interest.

HUNGARY

Name:
Dr Ferenc Dudás, state secretary

Member State:
Hungary

Ministry / Department (Please indicate the nature of your ministry e.g Financial policy, administrative policy, employment, etc):
Ministry of the Interior

Questions:

1.1 In your administration, what processes do you follow to a) exchange information with trade union partners, b) to consult trade union partners on social issues or c) negotiate with trade union partners on binding contractual matters?

i.e. information, consultation and negotiating activities are held nationally for the economy as a whole; information, consultation and negotiating activities are national for the central public administration; information, consultation and negotiating activities are devolved to the regional/local government or delegated to individual ministries or agencies?

The National Council for Conciliation of Public Service Interests (OKÉT, *Országos Közszolgálati Érdekegyeztető Tanács*) is a nationwide forum for conciliation of interests in matters of labour, occupation, wage and income policy affecting collectively the legal relations governed by the acts on the Legal Status of Civil Servants, on the Legal Status of Public Servants, on the Service Relations of Professional Members of Armed Force, and on the Legal Status of Professional and Contractual Soldiers of the Hungarian Army.

The Council for Conciliating of Civil Servants Interests (KÉT, *Köztisztviselői Érdekegyeztető Tanács*) operates with participation of the

Government and the negotiating team of the national interest groups for representation of employees' interests of civil servants for the purposes of conciliating the interests of administrative organisations and civil servants, settling disputes by way of negotiations, and arriving at appropriate agreements.

The National Council for Conciliating Interests of Civil Servants of Local Governments (ÖOKÉT, *Országos Önkormányzati Köztisztviselői Érdekegyeztető Tanács*) operates with participation of the minister of the interior, the national interest groups for representation of interests of local governments, and the negotiating team of the national interest groups for representation of employees' interests of civil servants of local governments for the purpose of conciliating the interests of the office of board of representatives of local governments and the civil servants it employs, settling disputes by way of negotiations, and reaching agreements on a national level.

The civil servant conciliation of interest at the workplace serves the purpose of conciliating workplace issues relating to civil service. The head of the administrative organisation shall consult the local employee interest group in connection with the regulations within to the director's sphere of authority regarding the performance, working time and time of rest of civil servants as well as the rewards and allowances of civil servants.

1.2 Are you in your national context the DG responsible for representing the employer's interests of the Civil Service? To what extent are you mandated to conclude binding agreements/to negotiate for central government? Do you have similar responsibilities for wider public service employment? If so, what?

Public service in a wider sense:

In OKÉT, the Government is in consultation with the representatives of the national trade union associations and the national interest representation groups of local governments. On behalf of the Government, the minister of occupational policy and labour represents the employer's side.

Civil service in a narrow sense:

The sphere of authority of KÉT comprises issues relating to the living and working conditions of civil servants employed in state administration as well as to their employment conditions. In this relation, its opinion must be requested:

- a) in issues related to civil service legal relations,
- b) in association with the regulations of the central and social insurance budget affecting those in civil service relationship,
- c) in matters of principles of human resources management and personal allowance in administration,

d) the rules of the Ethical Code for Civil Servants shall be determined and issued together with the ÖÖKÉT.
On behalf of the Government, the minister of the interior represents the employer's side.

The sphere of authority of ÖÖKÉT comprises issues relating to the living and working conditions of civil servants employed in local governments as well as to their employment conditions. It is entitled to request opinions and information on issues related to civil service legal relations and in matters of principles of human resources management and personal allowance in public administration.

1.3 A) Does your administration consider it acceptable to develop a formal European Social Dialogue for issues in the central public administration sector or would you not want this? Please explain why this is the case. Please also explain in short the bandwidth of the central government in your country (e.g. in or excluding teachers, police, health workers etc).
B) Does your administration consider it acceptable to develop a formal European Social Dialogue for the Public sector in a larger sense as foreseen in Art 138/139 Treaty, and as such demanded by EPSU?

In the central public administration, I consider it acceptable to develop a formal European Social Dialogue. The public administration cooperation is strengthening among EU member states that enables and calls for the formal European Social Dialogue.

The scope of civil service in a narrow sense pertains to the legal status of civil servants fulfilling their duties in central administrative organisations, regional and local organs, county-level and metropolitan administrative offices as well as in the offices of the body of representatives of local governments. Teachers, police and health workers are excluded. They are under the scope of the acts on the Legal Status of Public Servants; and on the Service Relations of Professional Members of Armed Force.

In public sector in a wider sense, I consider it acceptable to develop a formal European Social Dialogue in medium term.

1.4 In your opinion, is EPAN the most suitable forum to develop a formal social dialogue in central public administration sector?
If yes, would it be for all 25 DGs, the extended Troika or an ad hoc group that would report to DGs at regular intervals? What consequences do you foresee for the other activities of the network?

Yes, the most suitable forum to develop a formal social dialogue is the plenary meeting of the 25 DGs. The board of the 25 DGs may empower a board of 5 DGs for exchange information and consultation in special cases.

[A possible solution for the voting: Under the approval of at least 4/5 of the Member States and half of the 6 Member States with the highest number of population.]

I expect a more efficient cooperation from the widened competences.

1.5	<p>A)If the social dialogue between EPAN DGs and trade unions happened to move from informal to a formal social dialogue in terms of the treaty for the whole of the public sector, could you obtain a mandate to negotiate with the EU trade union confederation? If not, who in your administration could obtain such a mandate? (Please indicate if another ministry or department would be responsible for negotiating).</p> <p>B)Could you answer the same question as above under A) but for the situation that a formal social dialogue for the Central Government Sector alone were to be concluded.</p>
<p>There is no formal regulation for the national representation of the would be formal European Social Dialogue. In the area of civil service in a narrow sense, the minister of the interior performs the representation in Hungary.</p>	
1.6	<p>From a national (employers) point of view, what are the most important issues (current and future) that should be raised with the trade unions in terms of negotiations leading to binding agreements on a European level(maximum of 3) and which goals should be achieved?</p>
<p>Exchange of information and consultation in the following areas:</p> <ol style="list-style-type: none"> 1) Issues related to the civil service legal relationship; 2) Issues regarding free movement of employees in public administration; 3) Issues concerning working conditions. 	
1.7	<p>Would your administration be happy to exchange information with trade unions and consult trade unions on specific topics agreed in advance by all member states and the trade unions?</p>
<p>I consider it significant to exchange information with trade unions and consult trade unions on specific topics agreed in advance.</p>	

IRELAND

Name:	Eddie Sullivan
Member State:	

Ireland

Ministry / Department (Please indicate the nature of your ministry e.g. Financial policy, administrative policy, employment, etc): Department of Finance [Pay and Remuneration Division].

The Department of Finance deals with economic and budgetary policy, including the preparation of the annual budget and expenditure estimates.

It also has responsibility for pay and non-pay terms and conditions of employment in the civil and public service.

National agreements are negotiated centrally by the Government [represented by the Department of the Taoiseach (Prime Minister) and the Department of Finance], private sector employers, and the national trades unions organisations. Agreements normally run for periods of 2 to 4 years and set out the arrangements for pay in both the private sector and in the civil and public service. They also contain a wide range of social and economic initiatives - national agreements often include specific measures or initiatives affecting the terms and conditions of employment of both civil and public servants.

The Department has a general policy role in relation to non-pay terms and conditions both in the civil service and in the public service. However, it represents the employers' interest in both developing and implementing policy in relation to pay and non-pay terms and conditions in the civil service. It represents the employer's interest in negotiations with the civil service unions. As pay is determined by the national agreements, these negotiations deal in the main with non-pay issues.

For other parts of the public service, the employer's interest is represented by the relevant Department or agency dealing with the sector. The main sectors are education, health, defence, justice [police and prisons] and local government. Again, these negotiations deal in the main with non-pay issues. The terms and conditions agreed for the civil service tend to set standards which are followed in other parts of the public service, for example, in relation to issues such as pensions, annual leave, sick pay arrangements. Depending on the importance of the issue, the Department of Finance will from time to time become directly involved in policy making or in negotiations with public service unions in conjunction with other employers.

Questions:

1.1 In your administration, what processes do you follow to a) exchange information with trade union partners, b) to consult trade union

partners on social issues or c) negotiate with trade union partners on binding contractual matters?
i.e., information, consultation and negotiating activities are held nationally for the economy as a whole; information, consultation and negotiating activities are national for the central public administration; information, consultation and negotiating activities are devolved to the regional/local government or delegated to individual ministries or agencies?

In Ireland, there are long-established Social Partnership arrangements for the exchange of information, consultation, and negotiation between Government, public and private sector employers, and the trades unions. The national agreement process was outlined above.

Arrangements operate at a number of different levels:

- discussions and negotiations are held with the unions in the context of national agreements as explained above;
- to support the process, there are a number of national “Partnership” bodies which meet regularly to exchange information and views on economic and social issues; Government, employer bodies, trades unions and voluntary organisations are represented on these bodies and a wide variety of economic and issues are discussed and agreed, both in the context of discussions on national agreements and at other times;
- at sectoral level within the civil and public service, there are conciliation and arbitration systems which allow management or staff representatives to table claims for changes to terms and conditions of employment; where agreement is not possible, conciliation and arbitration arrangements apply;
- within the civil service, the work of the conciliation and arbitration system centres around a “General Council”, with representatives from the Department of Finance and the civil service unions; the council meets once a month; parallel arrangements apply in other sectors of the public service; agreements reached at General Council are published as Department of Finance circulars and these form a major part of the terms and conditions of employment of civil servants.

Are you in your national context the DG responsible for representing the employer’s interests of the Civil Service?
Yes.

To what extent are you mandated to conclude binding agreements/to negotiate for central government?

I have a mandate to conclude binding agreements for the civil service in the normal course – in the context of national agreements and at the monthly Civil Service General Council. Where an agreement would require a significant change of policy or increase in public expenditure, the prior approval of the Minister for Finance or the Government is required.

Do you have similar responsibilities for wider public service employment? If so, what?

No – the mandate does not cover the wider public service. However, as mentioned above, the Department of Finance does have a general policy role in relation to the terms and conditions for the civil and public service. Civil Service terms standards for the rest of the public service and negotiations with the civil service unions have to take account of this factor. On occasion, it is necessary to consult other sectors or the Government before an agreement is finalised. Depending on the nature of the issue, it is also necessary from time to time that the Department of Finance is represented with the responsible Department or agency in discussions with the public service unions.

1.2 A) Does your administration consider it acceptable to develop a formal European Social Dialogue for issues in the central public administration sector or would you not want this? Please explain why this is the case. Please also explain in short the bandwidth of the central government in your country (e.g. in or excluding teachers, police, health workers etc).

We consider it acceptable to develop both informal and formal Social Dialogue for central public administration for the following reasons: [a] Social Dialogue is provided for in the Treaty in Articles 137-139; [b] Social Dialogue arrangements are in place at EU level in a wide range of sectors and we see no reason why they should not apply in central public administration; and [c] the development of an EU Social Dialogue for central administration would be a natural extension of the arrangements which already operate in Ireland.

However, we think that a final decision on the development of EU Social Dialogue in central public administration is dependent on the nature of the discussion and negotiation procedures which would be put in place to carry it out. In particular, we consider it essential that such procedures take full account of our interest as employers. While we agree in principle with Social Dialogue for the reasons mentioned, our final agreement to such a development would be dependent on it being the case that our interest as an employer was taken account of in a reasonable and appropriate way.

On “bandwidth” – we define “central public administration” as the civil service; that is, the staff of ministerial departments [eg, Department of Finance, Department of Transport, etc.] and of other offices operating under the aegis of a minister [eg, the Revenue Commissioners [tax collection] or the Central Statistics Office]; teachers, health staff, postal workers, local government staff, police, prison officers, and members of the defence forces are part of the “public service”, but not the “civil service”. As pointed out above, many of the terms and conditions of employment of these other groups are often determined by those applying in the civil service.

B) Does your administration consider it acceptable to develop a formal European Social Dialogue for the Public sector in a larger sense as foreseen in Art 138/139 Treaty, and as such demanded by EPSU?

See previous answer.

1.3 In your opinion, is EPAN the most suitable forum to develop a formal social dialogue in central public administration sector? If yes, would it be for all 25 DGs, the extended Troika or an ad hoc group that would report to DGs at regular intervals? What consequences do you foresee for the other activities of the network?

In principle, I think EPAN is a suitable forum for the development of a formal Social Dialogue – so far as I am aware, it is the only body which could develop a Dialogue in respect of central public administration.

However, we have serious doubts about the ability of the network, as it is currently organised and resourced, to carry out a formal Social Dialogue - that is, to sustain a process of discussion and negotiation with the trades union representative bodies which may lead to EU legislation. [It may, of course, be possible for EPAN to engage in an informal Dialogue with its present resources.]

In our view, to develop a formal Dialogue would require the creation of a full-time secretariat to manage the process on behalf of DGs. In view of the importance of the issues to be discussed for all Member States, it's likely that such a secretariat would have to work under the instruction of all DGs rather than the Troika or an ad hoc sub-group. It's significant that, in other sectors where formal Dialogue has already been introduced, it is carried on by representative organisations at EU level which devote significant resources to the exercise. I should also point out that EPSU/CESI have full-time staff resources which could be used to carry on the formal dialogue

Clearly, such a development would change the nature of EPAN very significantly – it's probable that the formal Dialogue would absorb most if not all the time of DGs and so lead to a down-grading of the network's other activities.

1.4 A) If the social dialogue between EPAN DGs and trade unions happened to move from informal to a formal social dialogue in terms of the treaty for the whole of the public sector, could you obtain a mandate to negotiate with the EU trade union confederation? If not, who in your administration could obtain such a mandate? (Please indicate if another ministry or department would be responsible for negotiating).

Yes – in principle such a mandate could be obtained either from the Minister for Finance, the relevant Ministers responsible for the sector involved, or the Government. If the issue were of major significance for the whole public service, it's likely in practice that the other Departments or agencies would also need to attend meetings. Permanent representation would remain with the Department of Finance. However, if a draft agreement went significantly beyond the mandate, the approval of the Minister for Finance, or the relevant Minister or the Government would be required before giving final agreement.

B) Could you answer the same question as above under A) but for the situation that a formal social dialogue for the Central Government Sector alone were to be concluded.

Yes – in principle such a mandate could be obtained. Again, if the draft final agreement went significantly beyond the mandate, I would need the approval of the Minister for Finance or the Government before giving final agreement.

1.5 From a national (employers) point of view, what are the most important issues (current and future) that should be raised with the trade unions in terms of negotiations leading to binding agreements on a European level (maximum of 3) and which goals should be achieved?

There are no issues which we wish to raise with the trade unions leading to formal agreement at EU level.

1.6 Would your administration be happy to exchange information with trade unions and consult trade unions on specific topics agreed in advance by all member states and the trade unions?

Yes.

ITALY

Name:
Federico Basilica, Head Of The Department Of Public Administration

Member State:
Italy

Ministry / Department (Please indicate the nature of your ministry e.g Financial policy, administrative policy, employment, etc):
Department Of Public Administration (Administrative Policy)

Questions:

1.1 In your administration, what processes do you follow to a) exchange information with trade union partners, b) to consult trade union partners on social issues or c) negotiate with trade union partners on binding contractual matters?

i.e. information, consultation and negotiating activities are held nationally for the economy as a whole; information, consultation and negotiating activities are national for the central public administration; information, consultation and negotiating activities are devolved to the regional/local government or delegated to individual ministries or agencies?

The actual normative system of trade unions relationships foresees a series of relational models with the trade unions, that are substantially the information, the consultation, the co-decision, the bargaining. In particular the subject of fundamental and additional wages constitutes an object of bargaining.

1.2 Are you in your national context the DG responsible for representing the employer's interests of the Civil Service? To what extent are you mandated to conclude binding agreements/to negotiate for central government? Do you have similar responsibilities for wider public service employment? If so, what?

For most civil servants, the bargaining is not made by the Government, but by a special Agency in representation of the public administrations (ARAN).

1.3 A) Does your administration consider it acceptable to develop a formal European Social Dialogue for issues in the central public administration sector or would you not want this? Please explain why this is the case. Please also explain in short the bandwidth of the central government in your country (e.g. in or excluding teachers, police, health workers etc).
B) Does your administration consider it acceptable to develop a formal European Social Dialogue for the Public sector in a larger sense as foreseen in Art 138/139 Treaty, and as such demanded by EPSU?

A) Yes, because a common reality is constituted to try to conform the policies of the States' administrations in harmony with the trade unions.
B) Yes. Favourable to open a dialogue with a wide number of trade unions, identifying some criterions to verify in any case their degree of representativeness.

1.4 In your opinion, is EPAN the most suitable forum to develop a formal social dialogue in central public administration sector? If yes, would it be for all 25 DGs, the extended Troika or an ad hoc group that would report to DGs at regular intervals? What consequences do

you foresee for the other activities of the network?

Yes, but a selection is necessary. Not all the 25 representatives could participate simultaneously to the activities. The Troika system or an ad hoc group are both acceptable solutions

- 1.5 A) If the social dialogue between EPAN DGs and trade unions happened to move from informal to a formal social dialogue in terms of the treaty for the whole of the public sector, could you obtain a mandate to negotiate with the EU trade union confederation? If not, who in your administration could obtain such a mandate? (Please indicate if another ministry or department would be responsible for negotiating).
B) Could you answer the same question as above under A) but for the situation that a formal social dialogue for the Central Government Sector alone were to be concluded.

Yes, the Department of Public Administration would be the Italian institution that would be acting in such Social Dialogue; a representative of the Minister for public administration could act effectively. The same answer is given for the B option.

- 1.6 From a national (employers) point of view, what are the most important issues (current and future) that should be raised with the trade unions in terms of negotiations leading to binding agreements on a European level (maximum of 3) and which goals should be achieved?

We propose the following themes: a) employment; b) codes of conduct.

- 1.7 Would your administration be happy to exchange information with trade unions and consult trade unions on specific topics agreed in advance by all member states and the trade unions?

The Department for Public Administration is favourable to exchange information with trade unions.

LITHUANIA

Name:

Neringa Matonytė (Chief Specialist of the Law and Personnel Division of the Civil Service Department under the Ministry of the Interior)

Member State:
Republic of Lithuania

Ministry / Department (Please indicate the nature of your ministry e.g Financial policy, administrative policy, employment, etc):
Civil Service Department under the Ministry of the Interior of the Republic of Lithuania (main institution performing the functions of the general management of the public service)
Kalvarijų g. 3, LT-09310 Vilnius
Lithuania
Tel. +370 5 271 8547; Fax +370 5 271 8563
E-mail: vtd@vrm.lt

Questions:

1.1 In your administration, what processes do you follow to a) exchange information with trade union partners, b) to consult trade union partners on social issues or c) negotiate with trade union partners on binding contractual matters?
i.e. information, consultation and negotiating activities are held nationally for the economy as a whole; information, consultation and negotiating activities are national for the central public administration; information, consultation and negotiating activities are devolved to the regional/local government or delegated to individual ministries or agencies?

The central institution for the negotiation, exchange of the information, consultation is the Tripartite Council of the Republic of Lithuania in the national level. It consists of the representatives of the Government, the trade unions and the employers. Essential functions of it are to analyse law drafts, legal act drafts concerning social, economic and working matters; to propose conclusions and suggestions on social partnership development; to receive the information that is needed for its functions, etc.

It should be mentioned that under the Law of Trade Unions trade unions have right under their request to receive the information from state institutions and organizations as regards working, economic and social matters needed for their activity. However, not all information can be set forth for the trade unions. The requirements of the legal acts must be observed. Taking in accordance that Lithuanian trade unions are still “young” and have not significantly active in the decision-making etc., it could be mentioned that the negotiation, exchange of the information or even bilateral partnership between state institutions and trade unions is not so intensive.

Also trade unions and their associations have the possibility to make proposals for bodies of the government and state institutions on enactment, amendment or abrogation of legal acts on working, economic and social matters. Some amendments of the Law on Civil Service were initiated by the trade unions and are valid from 1 July, 2002.

- 1.2 Are you in your national context the DG responsible for representing the employer's interests of the Civil Service? To what extent are you mandated to conclude binding agreements/to negotiate for central government? Do you have similar responsibilities for wider public service employment? If so, what?

The Civil Service Department is the central institution that is responsible for the implementation of the management of the civil service in the national level. Also the Department shall pursue the ensuring of the implementation of the Law on Civil Service and any related legislative acts. As regards to this aim the Department initiate amendments, abrogations of the legal acts, makes proposals, suggestions. In addition to that the Department shall participate in the development of a professional and effective civil service. To fulfill this aim Department analyzes arising problems of application of the Law on Civil Service and related legislative acts, executes monitoring of application of the Law on Civil Service and related legislative acts, maintains the Register of Civil Servants, approves of public servants' training programmes, co-ordinates the implementation of training strategy of public servants, ensures a uniform management system of public service human resources and career planning of public servants, etc

- 1.3 A) Does your administration consider it acceptable to develop a formal European Social Dialogue for issues in the central public administration sector or would you not want this? Please explain why this is the case. Please also explain in short the bandwidth of the central government in your country (e.g. in or excluding teachers, police, health workers etc).
B) Does your administration consider it acceptable to develop a formal European Social Dialogue for the Public sector in a larger sense as foreseen in Art 138/139 Treaty, and as such demanded by EPSU?

A) Development of a Formal European Social Dialogue could lead to positive steps in a public administration. However, there is no guarantee that the new member states are ready for such changes and it is possible that they would not experience such virtues. Under Lithuanian Law on Civil Service "Civil servant" means a natural person who performs duties in the civil service and carries out public administrative activities (implementing the policy of a particular sphere of state governance, co-ordinating such implementation and the activities of institutions in a particular sphere of state governance, managing and allocating financial resources and controlling their use, carrying out audits, adopting and implementing legal acts, decisions of state and municipal institutions or agencies in the sphere of public administration, preparing or co-ordinating draft legal acts, agreements or programmes and providing conclusions thereon, managing the personnel, or having public administrative powers in respect of non-subordinate persons). The definition of civil service excludes such

groups of workers as teachers, medical staff, judges, persons working under labour contract even if their workplace is any state or municipal institution or agency.

B) We are not ready to answer this question.

1.4 In your opinion, is EPAN the most suitable forum to develop a formal social dialogue in central public administration sector? If yes, would it be for all 25 DGs, the extended Troika or an ad hoc group that would report to DGs at regular intervals? What consequences do you foresee for the other activities of the network?

Yes, it is. The best variants are to compose from all 25 member states' representatives or to set up an ad hoc groups according to the analysing theme.

1.5 A) If the social dialogue between EPAN DGs and trade unions happened to move from informal to a formal social dialogue in terms of the treaty for the whole of the public sector, could you obtain a mandate to negotiate with the EU trade union confederation? If not, who in your administration could obtain such a mandate? (Please indicate if another ministry or department would be responsible for negotiating).

B) Could you answer the same question as above under A) but for the situation that a formal social dialogue for the Central Government Sector alone were to be concluded.

A) If the issues would be connected with the employees working in the public sector it is possible that a mandate would be granted for the Department to represent the viewpoint as a employer. Also it could be delegate to Ministry of Social Security and Labour to negotiate with ETUC if the matter would be connected with employees working under the labour contracts.

B) The answer is the same as in A).

1.6 From a national (employers) point of view, what are the most important issues (current and future) that should be raised with the trade unions in terms of negotiations leading to binding agreements on a European level(maximum of 3) and which goals should be achieved?

The current most important issues could be the development of the working conditions, social guarantees, proper system of the recruitment to the public sector, quality of work. As we foresee the annual evaluation of the civil servant and his activity could be problematic in the future and it should be under review.

1.7 Would your administration be happy to exchange information with trade unions and consult trade unions on specific topics agreed in

advance by all member states and the trade unions?

We see that there is lack of partnership between trade unions and employers in Lithuania. Trade unions do not have broad experience and long-term traditions as trade unions in old EU member states. As the aims and the functions of any institution or agency are set by its founder (Government, Parliament, Ministry and etc.) we are not able to decide to assume such function in advance. It could be pointed out that the trade unions as well as persons or other institutions and agencies have right to request to receive information that could be posted them by the laws.

LUXEMBOURG

Name:
Pierre Neyens

Member State:
Luxembourg

Ministry / Department (Please indicate the nature of your ministry e.g Financial policy, administrative policy, employment, etc):
Ministry of Civil Service and Administrative Reform

Questions:

1.1 In your administration, what processes do you follow to a) exchange information with trade union partners, b) to consult trade union partners on social issues or c) negotiate with trade union partners on binding contractual matters?

i.e. information, consultation and negotiating activities are held nationally for the economy as a whole; information, consultation and negotiating activities are national for the central public administration; information, consultation and negotiating activities are devolved to the regional/local government or delegated to individual ministries or agencies?

Information, consultation and negotiating activities between employers' and employees' in the field of the public sector are held at the level of the central public administration. They are lead and implemented by the Ministry of Civil Service and Administrative Reform

1.2 Are you in your national context the DG responsible for representing the employer's interests of the Civil Service? To what extent are you mandated to conclude binding agreements/to negotiate for central government? Do you have similar responsibilities for wider public service employment? If so, what?

Yes, the DG of the Ministry of Civil Service and of Administrative Reform (MFPRA) is the responsible DG for representing the employers' interests of the Civil Service.

The negotiation of binding agreements for central government belongs to the area of responsibility of the DG of the MFPRA. In Luxembourg, the competence for negotiating binding agreements for the wider public service also belongs to the DG of the MFPRA. In this sense, the responsibilities are the same as for the central government.

1.3 A) Does your administration consider it acceptable to develop a formal European Social Dialogue for issues in the central public administration sector or would you not want this? Please explain why this is the case. Please also explain in short the bandwidth of the central government in your country (e.g. in or excluding teachers, police, health workers etc).
B) Does your administration consider it acceptable to develop a formal European Social Dialogue for the Public sector in a larger sense as foreseen in Art 138/139 Treaty, and as such demanded by EPSU?

The bandwidth of the central government in Luxembourg includes all civil servants, with teachers, police, health workers etc...

Our administration is opposed to develop a formal European Social Dialogue for issues in the central administration because our traditional negotiation - procedures and mechanisms would be entirely inverted as far as the key-issues will be discussed and negotiated in Brussels with trade-unions in majority composed with delegates of EPSU and not CESI (of whom our most representative trade-union CGFP in Luxembourg is member)

1.4 In your opinion, is EPAN the most suitable forum to develop a formal social dialogue in central public administration sector? If yes, would it be for all 25 DGs, the extended Troika or an ad hoc group that would report to DGs at regular intervals? What consequences do you foresee for the other activities of the network?

To my opinion, EPAN is the most suitable forum to improve the Social dialogue at European level. In order to ensure a high level of acceptance and legitimacy of this Social dialogue among the members of EPAN, it would be of importance to involve all the 25 DGs (to discuss the broader issues) and to establish a sub-group (which could be the extended Troika) to further elaborate on more detailed questions.

Since the Social dialogue deals to a large extent with topics related to human resource management, the further development of this dialogue

will mostly impact on the HRM working group (such as for instance regarding the topics discussed by the Group).	
1.5	<p>A) If the social dialogue between EPAN DGs and trade unions happened to move from informal to a formal social dialogue in terms of the treaty for the whole of the public sector, could you obtain a mandate to negotiate with the EU trade union confederation? If not, who in your administration could obtain such a mandate? (Please indicate if another ministry or department would be responsible for negotiating).</p> <p>B) Could you answer the same question as above under A) but for the situation that a formal social dialogue for the Central Government Sector alone were to be concluded.</p> <p>In both cases, the answer would be yes.</p>
1.6	<p>From a national (employers) point of view, what are the most important issues (current and future) that should be raised with the trade unions in terms of negotiations leading to binding agreements on a European level (maximum of 3) and which goals should be achieved?</p> <p>The answer to this question is closely linked to 1.3.</p>
1.7	<p>Would your administration be happy to exchange information with trade unions and consult trade unions on specific topics agreed in advance by all member states and the trade unions?</p> <p>We would indeed welcome an improvement of the cooperation between trade unions and Employers at the European level and a more intense discussion of topics of common concern.</p>

MALTA

<p>Name: Joseph Izzo – Permanent Secretary, Office of the Prime Minister</p>
<p>Member State: Malta</p>

Ministry / Department (Please indicate the nature of your ministry e.g. Financial policy, administrative policy, employment, etc):

The Office of the Prime Minister is the hub and nerve centre of the Government. It plays a central role in decision-making, particularly in the fields of administrative policy and people management.

Questions:

1.1 In your administration, what processes do you follow to a) exchange information with trade union partners, b) to consult trade union partners on social issues or c) negotiate with trade union partners on binding contractual matters?

i.e. information, consultation and negotiating activities are held nationally for the economy as a whole; information, consultation and negotiating activities are national for the central public administration; information, consultation and negotiating activities are devolved to the regional/local government or delegated to individual ministries or agencies?

On a national level the process of sharing of information, consultation and negotiation on economic and social issues is done within the Malta Council for Economic and Social Development (MCESD). MCESD is a tripartite forum comprising trade unions, employers' organisations and the Government. The Council under the MCESD Act, comprises a Chairperson, Deputy Chairperson (the Principal Permanent Secretary, who is also the Head of the Public Service performs the role of Deputy Chairperson) and 14 members. Its aims are:

- to promote social dialogue and consensus amongst the social partners and, where necessary, with other organisations in civil society; and
- to submit recommendations to the Government on national economic, social and related issues.

The Council can submit recommendations or express an opinion either at the Government's request or on its own initiative.

The MCESD was established under the Malta Council for Economic and Social Development Act 2001, which aimed to build on the experience gained since 1989 with the non-statutory Malta Council for Economic Development.

The process of sharing of information, views, consultation and negotiation with respect to the Public Service is performed by the Management and Personnel Office (MPO) within the Office of the Prime Minister (OPM). MPO is government's central agency responsible for all matters related to human resources in the Public Service. MPO keeps regular communication with the line ministries, and receives information, views and feedback from them. Line ministries play an important role on matters and issues regarding human resources of direct or specific interest

to them. Both the MPO and, where appropriate, the line ministries engage in discussions and negotiations with trade unions as regards to conditions of work and remuneration.

The processes with respect to the wider public sector, consisting of statutory corporations and authorities, including autonomous regulatory bodies, government-owned limited liability companies and foundations, is under the responsibility of the Collective Bargaining Unit (CBU) within the Ministry of Finance. Although the CBU plays both a vigilant and an advisory role in the whole process, it is not a signatory part to the agreements concluded in the wider public sector.

In 2005, Government established a Recruitment and Re-Deployment Advisory Group within the Office of the Prime Minister specifically to manage situations of surplus staff where they exist and to ensure comparability between entities in the wider public sector and with the Public Service.

1.2 Are you in your national context the DG responsible for representing the employer's interests of the Civil Service? To what extent are you mandated to conclude binding agreements/to negotiate for central government? Do you have similar responsibilities for wider public service employment? If so, what?

The Principal Permanent Secretary is head of the Public Service. He is responsible for the overall organisation and management of the Public Service, particularly human resource management. The Management and Personnel Office which falls directly under the responsibility of the Permanent Secretary at the Office of the Prime Minister represents the Governments' interests of the Public Service and the Principal Permanent Secretary, as an 'ideal' employer and standards setter, and is the central agency entrusted with negotiating, concluding and ensuring adherence to the agreements.

The MPO is also responsible for HR policy and planning, employee relations, appointments to managerial, administrative and clerical grades, industrial relations in the Public Service and monitoring recruitment and deployment of staff in the wider public sector. Again, the line ministries play their particular role in the process where their particular requirements demand it.

1.3 A) Does your administration consider it acceptable to develop a formal European Social Dialogue for issues in the central public administration sector or would you not want this? Please explain why this is the case. Please also explain in short the bandwidth of the central government in your country (e.g. in or excluding teachers, police, health workers etc).
B) Does your administration consider it acceptable to develop a formal European Social Dialogue for the Public sector in a larger sense as foreseen in Art 138/139 Treaty, and as such demanded by EPSU?

a) The development of a formal European Social Dialogue for issues in the central public administration is primarily considered acceptable. However, this position is based on the understanding that the forum will be a consultative one where opinions are expressed and information is pooled and shared, but Member States would be at liberty to adopt or otherwise as appropriate any outcome resulting from the discussions taking into careful consideration the specific issues under discussion and the particular circumstances of each Member State.

The central administration is responsible for:

- all professional grades employed in the public service including teachers, medical officers, nursing staff and all other public health related staff, architects and engineers;
- the police force; (the members of the police force are not represented by a union
- administrative and clerical grades;
- technical grades;
- industrial and supervisory staff;
- employees on contract.

b) Similarly it would be considered acceptable to develop a formal European Social Dialogue for the Public sector in a larger sense as provided for in Articles 138/139 of the EU Treaty but as long as this is based on the same understanding expressed in (a) above.

1.4 In your opinion, is EPAN the most suitable forum to develop a formal social dialogue in central public administration sector? If yes, would it be for all 25 DG's, the extended Troika or an ad hoc group that would report to DGs at regular intervals? What consequences do you foresee for the other activities of the network?

We consider EPAN to be a suitable network under which a formal social dialogue in central public administration sector could be developed. It would be preferred if the forum is open to all 25 DG's, however, considering the present load of activities of the network together with the added work generated from the social dialogue should this be developed, it would be best if it were entrusted to an ad hoc group that would report to DGs in a similar way to the other groups of the network.

1.5 A) If the social dialogue between EPAN DGs and trade unions happened to move from informal to a formal social dialogue in terms of the treaty for the whole of the public sector, could you obtain a mandate to negotiate with the EU trade union confederation? If not, who in your administration could obtain such a mandate? (Please indicate if another ministry or department would be responsible for

negotiating).

B) Could you answer the same question as above under A) but for the situation that a formal social dialogue for the Central Government Sector alone were to be concluded.

a) Yes, I would expect that as the DG responsible for representing the Government's interests of the Public Service and the public sector, the holder of this office would be entrusted with the mandate to represent Malta.

b) Same as in (a) above.

1.6 From a national (employers) point of view, what are the most important issues (current and future) that should be raised with the trade unions in terms of negotiations leading to binding agreements on a European level (maximum of 3) and which goals should be achieved?

- Issues of efficiency and effectiveness in the public sector, with special emphasis on the relationship between remuneration and productivity, rewards rather than sanctions. Re-deployment, re-training and re-skilling of surplus or non-productive workers, with the objective of making efficient use of existing human resources in view of the continuously changing world of work, primarily as a result of a changing economy and globalisation;
- Issues of flexibility both in terms of conditions of work and work practices and staff deployment with the objective of ensuring an efficient and cost effective delivery of services;
- Issues of diversity and family friendly measures with the aim of making public administrations more responsive to the needs of the employees and the communities they serve.

1.7 Would your administration be happy to exchange information with trade unions and consult trade unions on specific topics agreed in advance by all member states and the trade unions?

When the choice of topics is agreed in advance we do not foresee any difficulties in participating in an exchange of information, ideas and views with trade unions. Such an ongoing process could facilitate negotiations both at EU and at the Member States levels.

NETHERLANDS

Name:

Rob Kuipers
Member State: Netherlands
Ministry / Department (Please indicate the nature of your ministry e.g Financial policy, administrative policy, employment, etc): Ministry of the Interior and Kingdom Relations, Director General for Management of the Public Sector, employment, governance & administrative policies, Innovation & eGovernment, pay & pensions.

Questions:

1.1 In your administration, what processes do you follow to a) exchange information with trade union partners, b) to consult trade union partners on social issues or c) negotiate with trade union partners on binding contractual matters?

On a national scale several general tripartite bodies exist where Employers, employee and governmental organisations meet each other to exchange information consult each other and also to produce common recommendations to Government. On the workingfloor workerscouncils operate (OR:Ondernemingsraden) for consultation.

For the public sector the following highly decentralised system applies for negotiation

Organization

The public sector in the Netherlands comprises the government on the one hand and the semi-public sector on the other. The semi-public sector comprises health care and other privatized institutions (public transport, museums, etc.). From an administrative viewpoint, the government is structured on three levels: the State (central government), 12 Provinces and 572 Local Authorities (*Gemeenten*).

Sectoral model

In addition to the above-mentioned administrative division, the government is divided into thirteen sectors for the settlement of terms and conditions of employment. We mention only eight here:

<u>Sectors</u>	<u>Minister responsible</u>
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1. State	Home Affairs
2. Education and Science	Education, Culture and Science
3. Defence	Defence
4. Police	Home Affairs
5. Judiciary	Justice
	<u>Employers' association</u>
6. Local Authorities(<i>Gemeenten</i>)	Union of Dutch Local Authorities (<i>Vereniging van Nederlandse Gemeenten</i>)
7. Provinces	Association of Provincial Authorities (<i>Interprovinciaal Overleg</i>)
8. Water authorities (<i>Waterschappen</i>)	Association of Water Authorities (<i>Unie van Waterschappen</i>)

The first five sectors constitute central government. On the employer's side, the relevant Minister is in charge of negotiations for these sectors. The provinces, local authorities and water authorities have set up employers' associations, which negotiate on behalf of their members.

The eight(13) sectoral employers have formed the Association of Public Sector Employers (*Verbond van Sectorwerkgevers Overheid - VSO*) for the purpose of discussion and collective representation of interests.

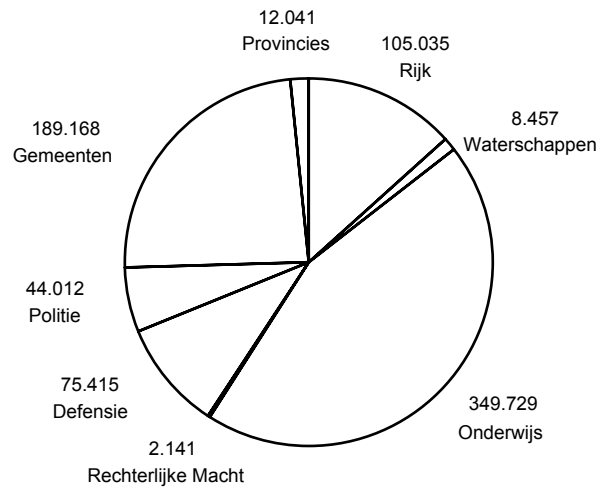
On the employees' side, negotiations are handled by the public servants' unions.

Size

In 1995 the Dutch government had some 786,000 employees, which is about 13% of the *total* employment. This means that nearly 1 in 8 employees in the Netherlands is a public servant. In 1995 employees were divided between the different government sectors as follows:

[clockwise:
Provinces
State
Water Authorities

Education
 Judiciary
 Defence
 Police
 Local Authorities]
 [decimal points => commas]



1

Employment in the public sector is not restricted to the government. A substantial proportion of public employment is concentrated in the semi-public sector, where it is estimated that 14-15% of the Dutch labour force is employed. The subsectors health care and social services make up the largest share of the semi-public sector.

2. Terms and conditions of employment and labour relations

Agreement requirement

The 'agreement requirement' was introduced into government in 1988. In order to amend or introduce schemes from which individual members of staff can derive rights, agreement with the majority of the labour unions of public servants has to be reached. Only then can the regulations regarding legal position be amended.

Negotiations

In principle, negotiations on terms and conditions of employment have taken place at sectoral level since 1993 and cover such subjects as general pay levels, general working time and supplementary entitlements relating to sickness and unemployment, insofar as these go beyond the statutory entitlements for employees. Only in the area of pensions do the eight sectoral employers still negotiate jointly with the public servants' unions. From the year 2001 it became also possible for each sector to agree its own pension scheme. The financial possibilities open to the government employer during the negotiations are primarily determined by the contribution made by the Cabinet to the government's bargaining range on terms and conditions of employment. The Cabinet's contribution is based on the expected change in the collectively agreed rate of pay in the market sector. Policy considerations, for example an adjustment in connection with labour productivity, are also taken into account in determining the Cabinet's contribution. On the basis of the Cabinet's contribution the government employers can determine their own contribution to the negotiations. The level of social security contributions and pension contributions is also a factor here. Changes in these contributions have to be absorbed within the terms and conditions bargaining range

i.e. information, consultation and negotiating activities are held nationally for the economy as a whole; information, consultation and negotiating activities are national for the central public administration; information, consultation and negotiating activities are devolved to the regional/local government or delegated to individual ministries or agencies?

1.2 Are you in your national context the DG responsible for representing the employer's interests of the Civil Service? To what extent are you mandated to conclude binding agreements/to negotiate for central government? Do you have similar responsibilities for wider public service employment? If so, what?

In a national context I am the direct employer of the central government staff only. However in the present situation I am also the guardian of the general civil service legislation and the governmental co-ordinator for the Public Sector as a whole, in the sense that I have a say in the distribution of public means over the different sectors for pay and personnel purposes and that I am supposed to try to realize general cabinet aims by "co-ordinating" other sectors. In the latter capacity one might argue that I have responsibilities for wider public service employment & labour market problems, however my armour is in practice very light for the latter purpose and my heavy armour for two sectors (Municipality law and Provinces Law where my Minister can destroy unfavourable decisions) is considered highly inappropriate (abuse of power) in this decentralised social context. Therefore I am not really mandated for anything outside the central government sector and for that I would have

to engage heavily in “interactive policymaking” referring to the Dutch process of co-operating in the polder.

- 1.3 A) Does your administration consider it acceptable to develop a formal European Social Dialogue for issues in the central public administration sector or would you not want this? Please explain why this is the case. Please also explain in short the bandwidth of the central government in your country (e.g. in or excluding teachers, police, health workers etc).
B) Does your administration consider it acceptable to develop a formal European Social Dialogue for the Public sector in a larger sense as foreseen in Art 138/139 Treaty, and as such demanded by EPSU?

A) Though I have strong reasons to believe that my Ministers are not at all interested in the creation of an European Social Dialogue for the Central Government as we see not much perspective to achieve anything useful there what we cannot achieve at home or through the EU legislative process, we might accept it eventually if there were to be a large majority insisting on the creation of such a forum. Teachers, police and health workers do not belong to central Government in the Netherlands.

B) No we have no mandate for such a forum, and we do not expect to get it. Decentralized employers in the Netherlands already participated in this inter sectoral dialogue and in a sectoral (utility) one and found it all an absolute loss of time. From the number and size of common conclusions reached in the formal dialogue, it can be easily derived that there is no balance between the hours of work involved and results achieved. We are not optimistic for the future as even rather selfevident priorities(eg European portability of pensionrights) recently could not be solved after five years, so the formal European social dialogue has proven not to be much complement nor substitution for legislation or decentralised national agreements.

- 1.4 In your opinion, is EPAN the most suitable forum to develop a formal social dialogue in central public administration sector?
If yes, would it be for all 25 DGs, the extended Troika or an ad hoc group that would report to DGs at regular intervals? What consequences do you foresee for the other activities of the network?

In my opinion EPAN might collapse under the task of a permanent social dialogue, as those topics would crowd out the other activities in the network, that –to our taste- are already sometimes underdeveloped or insufficiently relevant to inspire DG’s in their governmental tasks. If there had to be a central government dialogue a separate structure might have to be envisaged and financed by the Commission, perhaps with partly the same faces in the working groups and partly completely new faces from other entities within our administrations that are willing to engage in these laborious dialogues, dependent of the topics discussed in a particular period.

- 1.5 A) If the social dialogue between EPAN DGs and trade unions happened to move from informal to a formal social dialogue in terms of

the treaty for the whole of the public sector, could you obtain a mandate to negotiate with the EU trade union confederation? If not, who in your administration could obtain such a mandate? (Please indicate if another ministry or department would be responsible for negotiating).

B) Could you answer the same question as above under A) but for the situation that a formal social dialogue for the Central Government Sector alone were to be concluded.

A) No I think I would not get the mandate and I think it would be difficult for anybody else to acquire such a mandate.

B) Yes I could with the affirmative.

1.6 From a national (employers) point of view, what are the most important issues (current and future) that should be raised with the trade unions in terms of negotiations leading to binding agreements on a European level (maximum of 3) and which goals should be achieved?

1) Portability of pension rights (European set of calculation rules for transfer, realising free movement of civil servants)

2) Recognition of diploma requirements in the public sector and other employability factors

3) European Governance and integrity charter

1.7 Would your administration be happy to exchange information with trade unions and consult trade unions on specific topics agreed in advance by all member states and the trade unions?

Yes.

POLAND

Name:

Jan Pastwa

Member State:

Poland

Ministry / Department (Please indicate the nature of your ministry e.g. Financial policy, administrative policy, employment, etc):

Civil Service Office (HRM in the civil service)

Questions:

- 1.1 In your administration, what processes do you follow to a) exchange information with trade union partners, b) to consult trade union partners on social issues or c) negotiate with trade union partners on binding contractual matters?
i.e. information, consultation and negotiating activities are held nationally for the economy as a whole; information, consultation and negotiating activities are national for the central public administration; information, consultation and negotiating activities are devolved to the regional/local government or delegated to individual ministries or agencies?

Ministry of Labour and Social Policy plays a leading role in carrying out, coordinating and promoting the social dialogue through such trilateral institutions as Three-Party Commission on Social and Economic Issues (Government, trade unions and employers' organizations), Commission on Collective Labour Agreements and special trilateral teams. Also other government representatives are engaged in the social dialogue, amongst others, secretaries and undersecretaries of state of the adequate ministries as members and co-chairs of branch trilateral teams and representatives of voivodes in voivodship social dialogue commissions.

According to the Law on trade unions, a trade union enjoys a right to express opinion on propositions and drafts of legal acts related to the tasks of trade unions. Civil Service Office consults trade unions' opinions on propositions and drafts of legal acts. Within this procedure, trade unions can pose additional questions and doubts.

The Head of the Civil Service also meets with representatives of national trade union organizations. Meeting are held both on initiative of the Head of the Civil Service and on request by organizations concerned. Discussions cover such topics as labour relationship, working conditions, remuneration, social benefits, and other issues of economic policy of mutual interest and competence.

The Head of the Civil Service set up a Team on the Dialogue with Social Partners. The Team is aimed to be a forum for exchanging opinions among various categories of government administration stakeholders: representatives of the members of the civil service corps organized in trade unions, representatives of public and private employers, and representatives of non-governmental organisations and associations, which activities focus on raising legal and ethical standards of public life.

- 1.2 Are you in your national context the DG responsible for representing the employer's interests of the Civil Service? To what extent are you mandated to conclude binding agreements/to negotiate for central government? Do you have similar responsibilities for wider public service employment? If so, what?

Not. As it was answered above – Minister of Labour and Social Policy. And there is no binding agreements for central government in civil service in Poland.

1.3 A) Does your administration consider it acceptable to develop a formal European Social Dialogue for issues in the central public administration sector or would you not want this? Please explain why this is the case. Please also explain in short the bandwidth of the central government in your country (e.g. in or excluding teachers, police, health workers etc).

As regards a formal European Social Dialogue, a position of Poland has not been worked out yet.

The Civil Service corps consists of employees employed in servants' positions in: the Chancellery of the Prime Minister, Offices of Ministers and Chairmen of Committees which are members of the Council of Ministers and offices of central agencies of Government administration, voivodship (regional) offices and other offices which constitute structures supporting local agencies of Government administration, subordinate to Ministers or central Government administration, Government Centre for Strategic Studies, headquarters, inspection offices and other organisational units which compose structures in support of heads of unified voivodship (regional) services, inspections and guards as well as heads of powiat (county) governmental services, inspections and guards, unless relevant laws state otherwise.

B) Does your administration consider it acceptable to develop a formal European Social Dialogue for the Public sector in a larger sense as foreseen in Art 138/139 Treaty, and as such demanded by EPSU?

1.4 In your opinion, is EPAN the most suitable forum to develop a formal social dialogue in central public administration sector? If yes, would it be for all 25 DGs, the extended Troika or an ad hoc group that would report to DGs at regular intervals? What consequences do you foresee for the other activities of the network?

Given different national regulations and practices concerning social dialogue and the fact that EPAN is as an informal network of cooperation, EPAN seems inappropriate for carrying out "a formal social dialogue in central public administration network."

1.5 A) If the social dialogue between EPAN DGs and trade unions happened to move from informal to a formal social dialogue in terms of the treaty for the whole of the public sector, could you obtain a mandate to negotiate with the EU trade union confederation? If not, who in your administration could obtain such a mandate? (Please indicate if another ministry or department would be responsible for negotiating).

Minister of Labour and Social Policy used to co-chair the Three Party Commission (Government, trade unions and employers' organizations).

B) Could you answer the same question as above under A) but for the situation that a formal social dialogue for the Central Government Sector alone were to be concluded.

Minister of Public Administration.

1.6 From a national (employers) point of view, what are the most important issues (current and future) that should be raised with the trade unions in terms of negotiations leading to binding agreements on a European level(maximum of 3) and which goals should be achieved?

1.7 Would your administration be happy to exchange information with trade unions and consult trade unions on specific topics agreed in advance by all member states and the trade unions?

Yes.

PORTUGAL

Name: Teresa Nunes

Member State: Portugal

Ministry / Department (Please indicate the nature of your ministry e.g Financial policy, administrative policy, employment, etc):

Ministry of Finance and Public Administration – Directorate General for Public Administration

Questions:

1.8 In your administration, what processes do you follow to a) exchange information with trade union partners, b) to consult trade union partners on social issues or c) negotiate with trade union partners on binding contractual matters?

i.e. information, consultation and negotiating activities are held nationally for the economy as a whole; information, consultation and negotiating activities are national for the central public administration; information, consultation and negotiating activities are devolved to the regional/local

government or delegated to individual ministries or agencies?

In Portugal processes of exchange of information, consultation and negotiation with trade union organizations are developed in the field of public administration and civil service and are carried out through the Central Government, which is usually represented by the Ministry of Finance and Public Administration.

1.9 Are you in your national context the DG responsible for representing the employer's interests of the Civil Service? To what extent are you mandated to conclude binding agreements/to negotiate for central government? Do you have similar responsibilities for wider public service employment? If so, what?

As results from the answer to the aforementioned item, in Portugal the directors-general do not represent the interests of public administration in the aforementioned processes, which are of the responsibility of the Government, through the Ministry of Finance and Public Administration.

1.10 A) Does your administration consider it acceptable to develop a formal European Social Dialogue for issues in the central public administration sector or would you not want this? Please explain why this is the case. Please also explain in short the bandwidth of the central government in your country (e.g. in or excluding teachers, police, health workers etc).
B) Does your administration consider it acceptable to develop a formal European Social Dialogue for the Public sector in a larger sense as foreseen in Art 138/139 Treaty, and as such demanded by EPSU?

B) The scope of social dialogue in public administrations should be limited. Two aspects must be safeguarded related to the fact that there are no European policies for the public administrations and that each Member State has its own negotiation regime.

1.11 In your opinion, is EPAN the most suitable forum to develop a formal social dialogue in central public administration sector? If yes, would it be for all 25 DGs, the extended Troika or an ad hoc group that would report to DGs at regular intervals? What consequences do you foresee for the other activities of the network?

The participation of all directors-general seems to be unfeasible. The Troika could be a possibility, however, its natural variability represents an inconvenient. Perhaps the setting up of a permanent Technical Committee, that reported to the directors-general, on a regular basis, could be weighed up.

- 1.12 A) If the social dialogue between EPAN DGs and trade unions happened to move from informal to a formal social dialogue in terms of the treaty for the whole of the public sector, could you obtain a mandate to negotiate with the EU trade union confederation? If not, who in your administration could obtain such a mandate? (Please indicate if another ministry or department would be responsible for negotiating).
- B) Could you answer the same question as above under A) but for the situation that a formal social dialogue for the Central Government Sector alone were to be concluded.

In accordance with what has been previously stated, as the competence to negotiate with trade union organizations related with Public Administration is of the responsibility of the Government (through the Ministry of Finance and Public Administration) the directors-general could not be mandated to this end, unless there is an appropriate decision in this sense.

- 1.13 From a national (employers) point of view, what are the most important issues (current and future) that should be raised with the trade unions in terms of negotiations leading to binding agreements on a European level (maximum of 3) and which goals should be achieved?

The most important issues that should be raised with trade unions are those relating to the social policy (security and social protection of workers, hygiene and safety at work accidents at work and professional diseases, for instance).

In fact, if social dialogue is not binding (declarations of intentions, protocols in the fields of training, administrative modernization and hygiene and safety at work, etc.) the process becomes more simplified and can be extended to other subjects.

- 1.14 Would your administration be happy to exchange information with trade unions and consult trade unions on specific topics agreed in advance by all member states and the trade unions?

It is deemed advantageous to exchange information and consultation under the terms set out in the question formulated.

SLOVAK REPUBLIC

Questions:

1.1 In your administration, what processes do you follow to a) exchange information with trade union partners, b) to consult trade union partners on social issues or c) negotiate with trade union partners on binding contractual matters?
i.e. information, consultation and negotiating activities are held nationally for the economy as a whole; information, consultation and negotiating activities are national for the central public administration; information, consultation and negotiating activities are devolved to the regional/local government or delegated to individual ministries or agencies?

Representatives of trade union are represented on advisory body of civil service management. Collective bargaining in the civil service is a process of negotiating the terms and conditions of the civil service performance within the framework laid down in the Civil Service Act pursuant to paragraph 118. The relevant trade union body shall perform control over conditions for the Civil Service performance within a Service Office. A member of the respective trade union body, a member of the personnel council and a personnel trustee shall be protected against measures that could threaten them, including termination of the Civil Service employment relationship, and which could be motivated by their position or activities. A Service Office shall decide on the means of using the social fund, upon the agreement with the relevant trade union body.

Where necessary the Chairman of the Office negotiates with the members of SLOVES¹ presidency.

Negotiators nominated by the Slovak Government and trade unions in charge of employees participate on collective bargaining.

The higher-level collective agreement is a frame for bargaining collective agreements on individual service office level.

1.2 Are you in your national context the DG responsible for representing the employer's interests of the Civil Service? To what extent are you mandated to conclude binding agreements/to negotiate for central government? Do you have similar responsibilities for wider public service employment? If so, what?

¹ SLOVES is the relevant trade union body for civil servants in Slovak republic

Civil servants in Slovak republic have a civil service employment relationship to a state. A chairman of the Civil Service Office (CSO) is a Director General responsible for the performing of the civil service, and he doesn't have a responsibility for the wider area of employment in the public administration. The chairman of the CSO, pursuant to appointment of government, is one of the signatory of the higher-level collective agreements for the civil service.

1.3 A) Does your administration consider it acceptable to develop a formal European Social Dialogue for issues in the central public administration sector or would you not want this? Please explain why this is the case. Please also explain in short the bandwidth of the central government in your country (e.g. in or excluding teachers, police, health workers etc).

Discussion takes place in Slovak republic acceptance of development a formal European Social Dialogue concerning the issues in the central public administration sector with respect to miscellaneous ness forms of the civil service and the position of a trade-union, representing civil servants in EU member states. The Slovak civil service has 41 500 civil servants without the public servants (teachers, police, health workers etc.)

B) Does your administration consider it acceptable to develop a formal European Social Dialogue for the Public sector in a larger sense as foreseen in Art 138/139 Treaty, and as such demanded by EPSU?

Our administration considers it acceptable to develop a formal European Social Dialogue for the Public sector in the large sense as foreseen in Art 138/139 Treaty. SLOVES (member of the EUROFEDOP) is a trade union representing civil servants and it participates on European Social Dialogue on Directors General level.

1.4 In your opinion, is EPAN the most suitable forum to develop a formal social dialogue in central public administration sector? If yes, would it be for all 25 DGs, the extended Troika or an ad hoc group that would report to DGs at regular intervals? What consequences do you foresee for the other activities of the network?

We treat EPAN as one of the forms for the development of the formal social dialogue in central public administration sector. In our opinion the extended Troika would report to all 25 DGs.

1.5 A) If the social dialogue between EPAN DGs and trade unions happened to move from informal to a formal social dialogue in terms of the treaty for the whole of the public sector, could you obtain a mandate to negotiate with the EU trade union confederation? If not, who in your administration could obtain such a mandate? (Please indicate if another ministry or department would be responsible for negotiating).

The Chairman of the CSO will represent the Slovak civil service on Troika negotiations regarding to a European Social Dialogue.

B) Could you answer the same question as above under A) but for the situation that a formal social dialogue for the Central Government Sector alone were to be concluded.

See 1.5 A

1.6 From a national (employers) point of view, what are the most important issues (current and future) that should be raised with the trade unions in terms of negotiations leading to binding agreements on a European level(maximum of 3) and which goals should be achieved?

Current most important issues are:

- civil servants salaries and
- social status of civil servants.

Future most important issue is:

- reaching of minimal guaranteed standards for civil servants in the area of social welfare and provision.

1.7 Would your administration be happy to exchange information with trade unions and consult trade unions on specific topics agreed in advance by all member states and the trade unions?

Slovak administration treat the European Social Dialogue as a form for better governance and welcome the possibility to exchange information with trade unions on specific topics agreed in advance by all member states.

SLOVENIA

Name:
Roman Rep

Member State:
Slovenia

Ministry / Department (Please indicate the nature of your ministry e.g Financial policy, administrative policy, employment, etc):
Ministry of Public Administration, Directorate for Management and Personnel

Questions:

1.1 In your administration, what processes do you follow to a) exchange information with trade union partners, b) to consult trade union partners on social issues or c) negotiate with trade union partners on binding contractual matters?
i.e. information, consultation and negotiating activities are held nationally for the economy as a whole; information, consultation and negotiating activities are national for the central public administration; information, consultation and negotiating activities are devolved to the regional/local government or delegated to individual ministries or agencies?

Information, consultation, and negotiating activities are national for the public sector. Depending on the topic negotiating activities are delegated also to individual ministries.

1.2 Are you in your national context the DG responsible for representing the employer's interests of the Civil Service? To what extent are you mandated to conclude binding agreements/to negotiate for central government? Do you have similar responsibilities for wider public service employment? If so, what?

Ministry of Public Administration is responsible for civil servants system, including salary system in public sector. Pursuant to Civil Servants Act any changes referring working relationship in central public administration must be consulted/discussed with trade union. Thus, DG is responsible that all activities concerning trade union interests are discussed prior any relevant decision on employer's side is made. Nevertheless to negotiate with trade unions in public sector special negotiating group consisted of representatives (DGs or other senior officials) from all ministries shall be established by the government (e. g. to negotiate salary system in a whole public sector). This group is headed by governmental negotiator nominated by the government. DG is not mandated to conclude binding agreements. Such mandate has only government if the case refers to whole public sector or minister responsible for particular area.

1.3 A) Does your administration consider it acceptable to develop a formal European Social Dialogue for issues in the central public administration sector or would you not want this? Please explain why this is the case. Please also explain in short the bandwidth of the central government in your country (e.g. in or excluding teachers, police, health workers etc).
B) Does your administration consider it acceptable to develop a formal European Social Dialogue for the Public sector in a larger sense

as foreseen in Art 138/139 Treaty, and as such demanded by EPSU?

A) Our administration doesn't consider it acceptable to develop a formal European Social Dialogue for issues in the central public administration. We believe that the same goals could be achieved through informal social dialogue without additional costs and barriers caused by formal procedures. Our experiences show that the public sector trade unions have among themselves a lot of problems related to their coherence and coordination. Slovenian public administration (central government, central public administration) exclude teachers, health workers etc. Police, Custom Service, Tax Administration etc. are organized within the ministries, so they fit into public administration (e.g. Police is organized within the Ministry of the Interior, Custom Service and Tax Administration within the Ministry of Finance ...). Our public administration is consisted of ministries, bodies within ministries (e.g. Police), governmental offices and administrative units (state bodies on local level headed by principal who is responsible to the minister for public administration).

B) Our administration doesn't consider it acceptable to develop any kind of formal European social dialogue.

1.4 In your opinion, is EPAN the most suitable forum to develop a formal social dialogue in central public administration sector? If yes, would it be for all 25 DGs, the extended Troika or an ad hoc group that would report to DGs at regular intervals? What consequences do you foresee for the other activities of the network?

Our opinion is that EPAN is the most suitable forum to develop social dialogue. The most appropriate way should be that an ad hoc group would report to DGs at regular intervals.

1.5 A) If the social dialogue between EPAN DGs and trade unions happened to move from informal to a formal social dialogue in terms of the treaty for the whole of the public sector, could you obtain a mandate to negotiate with the EU trade union confederation? If not, who in your administration could obtain such a mandate? (Please indicate if another ministry or department would be responsible for negotiating).

B) Could you answer the same question as above under A) but for the situation that a formal social dialogue for the Central Government Sector alone were to be concluded.

A) Beside DG from Ministry of Public Administration the mandate to negotiate with the EU trade union confederation in larger sense could obtain someone from Ministry of Labour, Family and Social Affairs,

B) The same answer as under A)

1.6	From a national (employers) point of view, what are the most important issues (current and future) that should be raised with the trade unions in terms of negotiations leading to binding agreements on a European level(maximum of 3) and which goals should be achieved?
	Working time
1.7	Would your administration be happy to exchange information with trade unions and consult trade unions on specific topics agreed in advance by all member states and the trade unions?
	Yes, our administration would be happy to exchange that kind of information with trade unions.

SPAIN

Name: Ms. Olga Mella Puig
Member State: Spain
Ministry / Department (Please indicate the nature of your ministry e.g Financial policy, administrative policy, employment, etc): Ministry for Public Administration (public employment, cooperation and coordination between different national administrations i.e. Autonomous Communities, local)

Questions:

1.15	In your administration, what processes do you follow to a) exchange information with trade union partners, b) to consult trade union partners on social issues or c) negotiate with trade union partners on binding contractual matters?
	i.e. information, consultation and negotiating activities are held nationally for the economy as a whole; information, consultation and negotiating activities are national for the central public administration; information, consultation and negotiating activities are devolved to the regional/local government or delegated to individual ministries or agencies?

Information and consultation between administration and union partners regarding public employment is carried out at the Consejo Superior de la Función Pública, where Administrations (national, regional and local) and Unions are represented at their highest level. E.g. The Minister for Public Administrations acts as chairman; only those unions which have obtained more than 10% of the representation in staff councils at State level, or 15% of the representation at regional level are entitled to be part of the Commission.

Negotiation of specific work conditions takes place at different levels. The Mesa General de la Función Pública is a general forum and the highest framework for all public administrations. Its general agreements have wide-ranging effects in most areas of public administrations.

At State level, negotiation is held within the Mesa General de la Administración del Estado. At regional level, there are Mesas Generales de Negociación in each of the seventeen autonomous communities.

Sectorial or local commissions (Mesas sectoriales and Mesas descentralizadas) deal with the specific working conditions of a particular area, sector or department, as well as the application of agreements concluded at general level.

1.16 Are you in your national context the DG responsible for representing the employer's interests of the Civil Service? To what extent are you mandated to conclude binding agreements/to negotiate for central government? Do you have similar responsibilities for wider public service employment? If so, what?

In a broad sense, yes. But strictly speaking, social dialogue is carried out through commissions which have an entity of their own. From a political point of view, the Minister for Public Administrations and the Minister for Finances are involved as well.

1.17 A) Does your administration consider it acceptable to develop a formal European Social Dialogue for issues in the central public administration sector or would you not want this? Please explain why this is the case. Please also explain in short the bandwidth of the central government in your country (e.g. in or excluding teachers, police, health workers etc).
B) Does your administration consider it acceptable to develop a formal European Social Dialogue for the Public sector in a larger sense as foreseen in Art 138/139 Treaty, and as such demanded by EPSU?

Domestic social dialogue in Spain is complex because of the various co-existing Administrations, hence different civil services. Striking a balance between national public interest and regional competences is a delicate matter, both from the employer and the unions' point of view. New legislation is currently being drafted.

Therefore, whilst fully sharing and promoting the importance of social dialogue, a first reaction to the establishment of formal social dialogue at EU level must necessarily be cautious.

1.18 In your opinion, is EPAN the most suitable forum to develop a formal social dialogue in central public administration sector? If yes, would it be for all 25 DGs, the extended Troika or an ad hoc group that would report to DGs at regular intervals? What consequences do you foresee for the other activities of the network?

EPAN probably would be a suitable forum because of its size and regular meetings. However, a formal social dialogue would probably involve other instances. From an operational point of view, an extended Troika or an ad hoc group seem suitable.

1.19 A) If the social dialogue between EPAN DGs and trade unions happened to move from informal to a formal social dialogue in terms of the treaty for the whole of the public sector, could you obtain a mandate to negotiate with the EU trade union confederation? If not, who in your administration could obtain such a mandate? (Please indicate if another ministry or department would be responsible for negotiating).
B) Could you answer the same question as above under A) but for the situation that a formal social dialogue for the Central Government Sector alone were to be concluded.

Because of the heavy territorial decentralization, which comprise a national (central) administration along with seventeen regional (autonomous communities) administrations, each with strong autonomy regarding public employment, it would be difficult to obtain a mandate covering all issues. If only one could be mentioned, it would have to be the Ministry for Public Administrations. But please note this matter raises important problems from the Spanish domestic point of view.

1.20 From a national (employers) point of view, what are the most important issues (current and future) that should be raised with the trade unions in terms of negotiations leading to binding agreements on a European level (maximum of 3) and which goals should be achieved?

Notwithstanding the aforementioned on-going drafting process, as well as the particular structure of domestic social dialogue, an area of possible interest would be mobility.

1.21 Would your administration be happy to exchange information with trade unions and consult trade unions on specific topics agreed in

advance by all member states and the trade unions?

My administration welcomes and favours dialogue with trade unions as a means of mutual understanding leading to a better delivery of service. Therefore, informal exchange of information on previously agreed topics would be most welcome.

SWEDEN

Name:
Karl Pfeifer, acting Director General

Member State:
Sweden

Ministry / Department (Please indicate the nature of your ministry e.g. Financial policy, administrative policy, employment, etc):
Swedish Agency for Government Employers; employer co-ordination and negotiation, agreements at central level

Questions:

1.1 In your administration, what processes do you follow to a) exchange information with trade union partners, b) to consult trade union partners on social issues or c) negotiate with trade union partners on binding contractual matters?

Response to a & b)
Information between the trade union partners and SAGE are of course exchanged in a vast number of ways. Most of the dialogue, consultation and information exchange between the parties are probably done informally. The Employment Act², which applies to the labour market as whole including the Government office and Government agencies, offers merely a set of rules that provides a minimum standard concerning the employer's duty to inform the trade unions. The Employment Act states (19 §.) that the employer are obliged to regularly brief the union, to whom the employer is bound by a collective agreement, on how the agency is developing concerning its production, finances and staff policy guidelines. The provision in question (19 §.) aim at a more general obligation to inform, unlike the obligation to inform that is comprised in the obligation to negotiate (11-13 §.). Although the obligation to inform in these cases can be very detailed, it only concerns the object for

² An English translation can be found at the following link: <http://www.sweden.gov.se/content/1/c6/01/99/19/6ec580ac.pdf>

negotiation (which in turn is limited to the (proposed) employer-decisions that can have major impact on the members of the trade unions concerning their role as employees). More important, however, is the possibility for the employers and the trade unions to close agreements on co-operation. These agreements, in most cases, extend the obligation for the employer to inform the union. Thus, for the government administration (i.e. the state), the framework-agreement "Cooperation for development" regulates these questions. The freedom to close such agreements is limited, among other things, to agreements that do not infringe upon the political democracy or decreases an agency's decision-making power. This is also explicitly noted in the agreement (MBA-R) for the Government Offices (i.e. Ministries' staff in Sweden), where the above mentioned obligations do not apply to issues handled by the government.

Furthermore, the agreement 'Co-Operation for Development' supports a motion

- ❖ from debate to dialogue,
- ❖ from confrontation to agreement,
- ❖ from union-based loyalty to work-based loyalty,
- ❖ from strict employers' perspective to leadership.

Response to c)

According to the Employment Act 10 § an employees' organisation have the right to negotiate with an employer on any matter relating to the relationship between the employer and any member of the organisation who is, or has been, employed by that employer.

For the state sector there are three types of agreements.

- A basic agreement – making up the rules of the game i.e. governs which organisations that may decide in matters concerning pay and general working conditions. It also outlines the negotiation procedure and names the organisations that may initiate industrial action. This agreement has to be approved by the government before it becomes valid.
- Central Agreements about conditions and terms of employment including pay, social insurances, job security and more.
- Local agreements for the direct local interpretation including individual pay rise, working time etc³.

The Swedish system puts great responsibility to the local social partners to conclude agreements that are adapted to the needs and the available resources of the actual agency. The whole negotiating system is nowadays built up to support this decentralised model.

There are also fields where the government social partners are driving joint development projects through a Development council. The council gives monetary support to different local joint development projects. The council is governed by a joint board that takes all decisions in

³ The processes of negotiation are further described in our response to question 1.2

consensus.

Finally there are a few other joint bodies for the administration of supplementary pensions, job security benefits and more.

i.e. information, consultation and negotiating activities are held nationally for the economy as a whole; information, consultation and negotiating activities are national for the central public administration; information, consultation and negotiating activities are devolved to the regional/local government or delegated to individual ministries or agencies?

1.2 Are you in your national context the DG responsible for representing the employer's interests of the Civil Service? To what extent are you mandated to conclude binding agreements/to negotiate for central government? Do you have similar responsibilities for wider public service employment? If so, what?

The Swedish Government has delegated most of the responsibility for its employer policy to the agencies. Agency heads are thus responsible for their respective agencies' employer policy, i.e. matters relating to staff and managerial recruitment, skills development and mobility, and conditions of pay and employment. Consequently the responsibility to take decisions on HRM-policies is decentralised and rests with each independent government agency. The interest of the central government employers is channelled through the head of the Swedish Agency for Government Employers (SAGE).

SAGE - is formally a government agency, to which the government has delegated employer responsibility since 1965. Since July 1994 SAGE acts on behalf of instructions from its central government member agencies. At the top of SAGE there is an Employers' Council with representatives for the about 250 affiliated agencies. The Employers' Council decides upon the orientation of employer policy and sets membership fees – by which SAGE is fully funded – in proportion to agencies' payroll expenditures. The SAGE Board is the supreme executive body which plays a central part in wage negotiations with the trade unions. The Director-General, as executive head of the agency, is appointed by the Board. SAGE develops employer policies in different fields and it serves its members with experts and consultation. Certain policies are discussed and formed by the members in meetings and networks. All central government agencies are obliged to be members of SAGE, the Government Office included.

Thus SAGE is organised as an employers' union for the about 250 separate government employers. SAGE co-ordinates the joint work between the agencies, which have a clearly delegated responsibility for their own employer policy and also are powered with a mandate and an obligation to co-operate between each other. Nationally SAGE is the counterpart to the three unions at national government level. The system may be further described as follows:

The employment of civil servants in Sweden is regulated both by law and by collective agreements. There is an ambition to reduce the differences between regulations in the public and private sectors, and to avoid, as far as possible, introducing general rules for the public sector by legislation. The aim is to increase flexibility and variation in the public sector by making individual solutions possible in different sectors and administrative authorities. The staffing policy of the state is thus seen as an important instrument by the Parliament and Government towards achieving an efficient administration.

The central government administration forms a sector of its own in the Swedish labour market. The social partners in the central government sector are, from the labour side, represented by OFR, the Public Employees' Negotiation Council; SACO-S, the Swedish Confederation of Professional Associations and by SEKO, the Swedish National Union of Service and Communication Employees. SAGE represents the collective of government agencies as employer. The three unions and SAGE carry the responsibility for the different agreements that regulates most of the terms and conditions for government employment.

Agreements on agency level are negotiated within a few framework agreements covering the entire central administration. There are three types of agreement, namely the basic agreement, the general framework agreement and local agreements. The basic agreement and the general framework agreement are negotiated at the central level between the Swedish Agency for Government Employers and the central unions. The basic agreement that deals with the negotiation procedure, is valid over time, and must be confirmed by the Government. The general framework agreement deals with overall salary levels and other general conditions. Particular aspects of it are that the social partners agree to maintain peace in the workplaces and that no further industrial action may be taken. Local agreements determine the individual pay and other local conditions of employment and are negotiated at the agency level between management and union representatives. There are no centrally determined pay scales or remuneration schemes which must be followed. Pay increases are based on a valuation of the qualifications, results and work performances of each individual employee. Local agreements are seen by most staff as the most important. The agencies are fully responsible for the results and consequences of their collective agreements. Adjustments of their budgets which are not specified into different cost items, are not made automatically, but through an index reflecting the change in the labour costs in the industrial sector. There is no financial compensation for agreed pay increases which are higher than the index.

For further information, for example about the of separation of tasks between different parts of the public sector, please read the following booklet:

<http://www.arbetsgivarverket.se/publicerat/ovriga-publikationer/Central%20Government.pdf>

There are a few remaining laws that impact upon central government employment and central government employees' work: the Instrument of Government, the Public Administration Act and the Public Employment Act. In some instances, there are particular demands on public activities that necessitate special legislation. The few remaining special provisions in the Public Employment Act have gradually diminished in number.

The remaining provisions are mainly formal rules relating to hiring and termination procedures, disciplinary responsibility and additional activities detrimental to confidence. In the Public Employment Act there are also regulations against incidental employment :“ An employee may not have any employment or any assignment or exercise any activities that may adversely affect confidence in his or any other employee’s impartiality in the work or that may harm the reputation of the authority.”

Following this thread the director general of SAGE has no mandate to represent the Swedish public sector as whole.

- 1.3 A) Does your administration consider it acceptable to develop a formal European Social Dialogue for issues in the central public administration sector or would you not want this? Please explain why this is the case. Please also explain in short the bandwidth of the central government in your country (e.g. in or excluding teachers, police, health workers etc).
B) Does your administration consider it acceptable to develop a formal European Social Dialogue for the Public sector in a larger sense as foreseen in Art 138/139 Treaty, and as such demanded by EPSU?

The European social dialogue is a component of the European social model, with a clearly defined basis in the EC Treaty. The European social dialogue in general refers to the discussions, consultations, negotiations and the joint actions undertaken by the social partner organisations representing the two sides of industry (management and labour). Articles 138 and 139 of the EC Treaty expresses a part of the formal European social dialogue and give the dialogue a specific role in the process of European integration: Before submitting a legislative proposal in the social policy field, the Commission must consult the European social partners. The partners then have the ability to halt the normal, legislative process that the Commission have opened and enter into an agreement with each other. However, there is of course a possibility for the partners to close agreements on topics that falls under their competence, even if the Commission hasn’t opened the co-op procedure under article 138.

SAGE takes already, as being a paying member in the CEEP, active part in the formal European Social Dialogue. One of the grounds for membership is that the employer mandate in the Swedish government is delegated to the agencies and legally separated from their role as public authorities. Accordingly SAGE represents the collective of government employers, nationally and internationally. The access to early information and possibilities to have an influence on cross sector matters are the major benefits with the membership in CEEP and partaking in the formal social dialogue. The social dialogue may increasingly come into effect in regulations at national level, a development that may affect the level and forms of engagement, also for national administrations. This is also one of the issues discussed in EPAN. On the other hand many countries’ central administrations have not yet separated their role as employer from other

government businesses, why they most likely can not join the CEEP. Nor is it likely with a fourth sovereign inter-sectoral partner. A formal social dialogue for public⁴ administrations at cross sector level is therefore not likely or even possible in the near future. It may also be discussed if public administration should form a sector of their own. Public administration embraces though a vast variety of businesses and the one's already participating in the sector-dialogue might find themselves better at home in already existing sectors.

Accordingly the issue of developing a formal social dialogue is should be undertaken further analyses and further discussion in EPAN. The Swedish standpoint is that the possibilities for partaking in the formal social dialogue exist as soon as the national governments separate employer policies, employer role and employee regulation from political influence and the core public service regulations. The Swedish case in point of fact form an example of this.

- 1.4 In your opinion, is EPAN the most suitable forum to develop a formal social dialogue in central public administration sector? If yes, would it be for all 25 DGs, the extended Troika or an ad hoc group that would report to DGs at regular intervals? What consequences do you foresee for the other activities of the network?

Sweden is currently in favour of an informal social dialogue only. The exchange of ideas and information should follow the line of work between DGs – HRWG – DG:s and occasionally reach into other work groups. Furthermore Sweden takes a sceptic position to creating new ad hoc groups for the social dialogue unless the meaning is to bring the dialogue into the existing structure of work groups, i.e. mainly the HRWG.

EPAN is currently an informal network for public administrations and cannot take any formal responsibility for binding agreements or statements with the unions at EU level. If the current discussion is aiming to reach a structure for reaching agreements or legal instruments that may affect the member states national regulation, the issue is very complex and needs a lot of further analyses. It would put constitutional demands on EPAN, which would have to transform itself from being an informal network for public administrations to being a formal employer representative with a clear mandate for all of the member countries. From the Swedish perspective it would also question SAGE's membership in the CEEP.

Currently SAGE accepts and welcomes an informal social dialogue with the unions. The informality will become strength in itself since it provides opportunities for an open dialogue and exchange of values and experiences. This will in turn, in accordance with Swedish national experience, help the social partners to understand each others perspectives and even open up for forthcoming joint efforts to for a more effective administration. Rightly handled such an interchange of ideas will create enriched knowledge for both sides.

⁴ SAGE only represents the state administration and can only respond for that part of the Swedish public administration. Still, since the question is put principally about public administrations we use the word "public" here.

1.5	<p>A) If the social dialogue between EPAN DGs and trade unions happened to move from informal to a formal social dialogue in terms of the treaty for the whole of the public sector, could you obtain a mandate to negotiate with the EU trade union confederation? If not, who in your administration could obtain such a mandate? (Please indicate if another ministry or department would be responsible for negotiating).</p> <p>B) Could you answer the same question as above under A) but for the situation that a formal social dialogue for the Central Government Sector alone were to be concluded.</p> <p>Response to A): No, there is no single part that can mantle such a responsibility. At least there are three different political levels of public administration that have to be represented: the state level, the regional (county) level and the municipal level. For further information see below:</p> <p>There are, somewhat simplified, three levels of public work, Central Government level, County Council level and Municipal level. Each level forms its own system, carry the right to levy its own taxes and employ its own staff.</p> <p>The legislation for managing the different levels of public servants is similar to some extent and different to some. The Employment Protection Act is valid all over the labour market. The Public Employment Act is valid all over the Public Sector. Other laws are specific for the central government (State). This is the case for the part of the constitution that is called 'The Instrument of Government' (RF 1974) and the Administrative Act (FL 1986:223).</p> <p>Partly due to the fact that a lot of the legislation is discretionary, most of the regulation is concluded by central agreements between the social partners in the different sectors. In addition to this, there are substantial possibilities for a single public employer, through local negotiations, to create their own set of rules within the general framework. In practice, within the Central Government Sector, every agency carries its own responsibility for how it will carry out its assignment. This includes the personnel and staffing policies which are decentralised within the framework of rules set up through legislation and agreements.</p> <p>Response to B: Yes!</p>
1.6	<p>From a national (employers) point of view, what are the most important issues (current and future) that should be raised with the trade unions in terms of negotiations leading to binding agreements on a European level (maximum of 3) and which goals should be achieved?</p>

Not relevant since we are not in favour of a formal social dialogue

1.7 Would your administration be happy to exchange information with trade unions and consult trade unions on specific topics agreed in advance by all member states and the trade unions?

The Swedish administration has no problems with exchanging information of general kind as long as the information does not concern specific circumstances due to “negotiation secrecy”.

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