Working conditions and social dialogue
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Authors: Eckhard Voss
Co-authors: Nicolas Farvaque and Marion Lefebvre (France), Ricardo Rodriguez (Spain), Karolin E. Lovén and Thomas Brunk (Sweden), Hana Doleželová and Jaroslav Hála (Czech Republic), Kim Schütze (Germany)
Research consortium led by: Wilke, Maack and Partner, Hamburg, in cooperation with: ORSEU (Lille), Oxford Research (Copenhagen/Göteborg), Labour Asociados (Madrid), Research Institute for Labour and Social Affairs (Prague)
Research managers: Jean-Michel Miller, Stavroula Demetriades
Project: Working conditions and social dialogue
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Over the course of this decade, quality of work and employment has become a central element of European employment policy – in the European Employment Strategy, the European Social Agenda and the European Employment Guidelines (and thereby of the national action plans and reform programmes).

However, concerns have grown about the actual quality of work and employment. In 2008, the European Commission in its renewed social agenda for Europe in the 21st century once again highlighted the creation of more and better jobs as one of the key elements of the European social model; in this model, social dialogue and the social partners have an important role to play both in creating better jobs and improving the quality of work and working conditions.

A number of quantitative studies have attempted to draw a link between the presence of social dialogue and improvements in a range of working conditions, including reduced working time, increased working time flexibility to suit employees’ needs, access to and participation in training, the existence of equal opportunities policies, and job security measures. Nevertheless, it is often difficult to determine the exact contribution that social dialogue has made to improvements in working conditions, not least given the complexity of the subject and associated methodological issues.

Previous Eurofound research has looked at data and case studies outlining the impact of social dialogue on working conditions across Europe. The present research aims to deepen existing findings and to present further evidence on the role that social dialogue plays in improving working conditions. Basing its findings on research looking at national experiences in six EU Member States, the report also looks at the issue from the perspective of two sectors – construction and healthcare – regarded as challenging in terms of job quality and working conditions. We trust that it will make a valuable contribution to assessing the role of social dialogue in improving working conditions, and highlight avenues for further strengthening this role.

Jorma Karppinen

Erika Mezger

Director

Deputy Director
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Executive summary

Introduction

The link between social dialogue and working conditions is indicated in previous research. Nevertheless, it is often difficult to determine the exact contribution that social dialogue has made to improvements in working conditions. This report explores the theme of working conditions and social dialogue in an effort to deepen existing findings and to present further evidence on how social dialogue has been used in improving working conditions. The findings are based on research conducted between July 2008 and May 2009, with a particular focus on the experiences of six EU Member States – Austria, the Czech Republic, France, Germany, Spain and Sweden. The research also looks at the issue from the perspective of two economic sectors – construction and healthcare – that are regarded as ‘problematic’ in terms of job quality and working conditions.

This report builds on the ongoing research of the European Foundation for the Improvement of Living and Working Conditions (Eurofound) into working conditions and social dialogue. This report is divided into three parts: the first provides an overview of major framework conditions from both a European and national perspective; the second presents the main results from the analyses of existing research and working conditions surveys with regard to the specific influence of social dialogue; the third and final part gives an overview of examples of good practice at company level and of the results of the case studies carried out in the context of the research.

Policy context

The quality of work and employment has become highly relevant for the European employment policy agenda, particularly since the start of this decade. Since 2000, for example, in the context of the Lisbon Growth and Jobs Strategy, improving quality of work has become an integral part of both the European Employment Strategy (EES) and the European Social Agenda, as well as of the European Employment Guidelines and thereby the national action plans and/or national reform programmes.

Nonetheless, since 2003, the emphasis on job quality issues has diminished somewhat in response to new macroeconomic policy orientations – particularly in the context of the economic downturn – as well as changing employment policy environments. In recent years, a number of developments have led to increased public concern about a deterioration in the quality of jobs in the European Union. Against this background, the European Commission in its Renewed social agenda for Europe in the 21st Century (2008) once again highlighted the promotion of more and better jobs as one of the key elements of the European social model. According to this model, social dialogue and the social partners play an important role in creating better jobs and improving the quality of work and working conditions.

Key findings

Despite the guiding principle of the European social model, substantial differences appear between the six countries considered in this report regarding the specific role of social dialogue and the social partners in regulating and improving working conditions. A broad range of frameworks is evident – ranging from social dialogue and collective bargaining being a constituent element of regulating working conditions at the company level and above, to national experiences in which the exact role of social dialogue in this context is still unclear. In Sweden, for instance, the social partners at both national and sectoral levels play a major role. In Austria and Germany, the social partners play an important role in the context of implementing national regulations. By contrast, in the Czech Republic, the role of the social partners and of bipartite social dialogue is still rather weak, and the country demonstrates a strongly ‘government centred’ approach to regulating and improving social dialogue and working conditions.
Turning to the analysis of existing empirical research on working conditions and social dialogue, significant differences emerge between the surveys in terms of methodology and objectives: only a few surveys allow for a direct correlation to be made between social dialogue and working conditions. Despite these limitations, some important conclusions can be drawn about the impact of social dialogue as shaped by employee interest representation bodies and collective bargaining.

In general, social dialogue and the existence of works councils seem to have a clear impact on negotiated and institutionalised solutions in the field of working conditions – for instance, in the form of company-based agreements. Analysis of French and Spanish surveys illustrates the positive impact of occupational health and safety representational bodies on activities seeking to prevent risks and improve working conditions. The favourable impact of work councils on providing for a broader range of working time arrangements is confirmed in the German IAB Establishment Panel Survey; however, no clear correlation emerges between social dialogue at company level and the quantity of further training measures implemented.

A focus on the construction and healthcare sectors gives an insight into good practice examples regarding the role of social dialogue in improving working conditions at company level. In construction, for example, the specific culture of social dialogue at enterprise level is considered a major determining factor for positive outcomes and improved working conditions. In healthcare, a corporate culture that is based on employee involvement and participation, as well as on cooperative modes of decision making and enterprise development, is mentioned among the key success factors. Although differences are evident between the two sectors, the social partners in both sectors emphasised similar preconditions for improvements and positive change.

Policy pointers

- The shop-floor level is one of the most crucial levels of regulation and social dialogue for the effective implementation of concrete improvements in working conditions.
- The work of employee interest representation bodies at company level is extremely demanding; thus, the support of external actors in the field of working conditions – such as trade unions at sectoral or local level, professional organisations, or joint or tripartite social partner organisations – is very important in order to assist employee representatives at company-level actors on the employee side, particularly in small and medium-sized enterprises (SMEs).
- Actors at company level – such as employer and employee interest representation bodies, trade unions, and specific bodies dealing with working conditions – need to be given a certain role and responsibility. In order to function properly, the rules of interaction between the social partners at company level need to be defined as precisely as possible.
- In order to be effective and to result in real improvements, different actors have to work together on the basis of joint interests and a shared understanding of challenges, anticipating a win–win situation that will benefit both sides of industry. As the good practice examples presented in this report show, crucial prerequisites for this joint practice of social partners at company level are mutual trust and understanding, a strong and pragmatic orientation towards problem-solving, and the open-mindedness of both social parties.

Further information

The report Working conditions and social dialogue is available online at: http://www.eurofound.europa.eu/publications/htmlfiles/ef0943.htm

Jean-Michel Miller, Research Manager
mim@eurofound.europa.eu
Introduction

This report summarises the results of a research project that was carried out between July 2008 and May 2009 on the theme of working conditions and social dialogue in Europe. The research was conducted by a consortium of research institutes in five European countries – the Research Institute for Labour and Social Affairs (in the Czech Republic), ORSEU (France), Labour Asociados (Spain) and Oxford Research (Sweden), coordinated by Wilke, Maack and Partner (Germany), who are also responsible for the preparation of this final report. The project and interim results have been monitored and followed up by an expert group coordinated by the European Foundation for the Improvement of Living and Working Conditions (‘Eurofound’), which met at two meetings in September and December 2008.

Objectives of study

The research was carried out in the context of ongoing work by Eurofound on working conditions and social dialogue, and follows previous research projects on this theme (see, for example, Eurofound, 2008; Broughton, 2008; and Eurofound, 2009). The research underlines the difficulties with regard to verifying the link between social dialogue and improvements in working conditions, as highlighted in the comparative analytical report entitled Working conditions and social dialogue (Broughton, 2008, p. 38):

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

Against this background, this particular project seeks to deepen existing findings and to present further findings on how social dialogue has been used and can contribute to improving working conditions. The research focuses on the experiences of a limited number of countries and concentrates, in particular, on evidence from two economic sectors that are regarded as challenging in terms of job quality and working conditions – construction and healthcare.

Based on a three-dimensioned methodological approach, as outlined in greater detail in the following section, the overarching purpose of the research has been to test the hypothesis that working conditions are improved through active social dialogue. In the context of the aforementioned question regarding the ‘exact contribution’ of social dialogue to improved working conditions, the study addresses the following key questions in particular.

- What factors are conducive to better working conditions?
- What are the reasons for such improvements and under what forms of social dialogue are working conditions enhanced?
- How is social dialogue useful for improving working conditions?

Scope and methodology of study

In contrast to the comparative report carried out by Eurofound in 2008 on working conditions and social dialogue (Broughton, 2008), this study differs in a number of respects. Firstly, the study does not address all of the 27 EU Member States (EU27) but instead focuses on six EU Member States –
Working conditions and social dialogue

Sweden, Germany, France, Czech Republic, plus Spain and Austria. The selection of this country sample was quite deliberate. Each of the first four countries in the list represents a type or 'models' with regard to working conditions and traditions or frameworks of social dialogue and industrial relations.

Sweden represents the ‘Nordic model’ – a universalistic and inclusive welfare system based on strong trade unions, social dialogue and collective bargaining. Germany is characterised by a particularly strong emphasis on social partnership and social dialogue; particularly in terms of industrial relations at the company and sectoral level, the role of collective bargaining and national agreements in German welfare and labour market policy is much less significant. In contrast to Sweden and Germany, the French system of social dialogue and working conditions regulations is characterised by rather conflictual styles of bargaining, which also result from a significant level of pluralism in trade unionism. A further feature of the French model lies in the strongly state-centred style of policy decision-making and the much more active and frequent intervention of government in the field of industrial relations and social dialogue.

Finally, the Czech Republic represents the new EU Member States (NMS), characterising what is sometimes referred to as the ‘Centre East’ model of industrial relations and social dialogue. This model is characterised by certain features that are similar to some models in Europe – for example, in terms of the fragmentation of industrial relations and a state-centred practice – but that also differ significantly from other models. A particularly interesting question in the context of the research concerns the specific role of social dialogue in the development and improvement of working conditions at the company level and beyond.

Although it was not originally planned in Eurofound’s design of this research project, the sample of countries has been extended through the integration of two further national experiences – those of Spain and Austria. Spain has managed to design and establish a comprehensive legal and institutional framework for the management of industrial relations and social dialogue, which has also been influenced by the experiences of other European countries – although this framework has only been developed since the mid-1970s following the fall of the Franco dictatorship. Therefore, the Spanish system of industrial relations, tripartite relations and dialogue occupies a place between the southern European model of trade union pluralism where social dialogue has a strong role at the national level and features of the dual model of interest representation at the enterprise level.$^1$

In contrast to this, the Austrian model of social dialogue at various levels displays several features that are especially interesting in the context of this research. In particular, emphasis should be placed on the tradition of ‘policy concertation’ between the government and social partners, which is based on strong organisation due to the system of chambers; the tradition of consensus-based labour relations and institutionalised social dialogue at national as well as sectoral and enterprise levels should also be highlighted.

Both Austria and Spain have been included in the research for two main reasons. Firstly, they allow for a more comprehensive comparison of the role of social dialogue with regard to working conditions – with a particular focus on models that are based on a strong role for social partnership (Germany)

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$^1$ Elected works councils are the main channel of workplace representation for employees in Spain, although the law also gives a specific role to the trade unions at the workplace, and in larger workplaces the trade union delegate may be the key figure.
and on systems that are characterised by trade union pluralism (France). Secondly, and equally importantly, the two countries were included to allow a different framework to be captured regarding the regulation of working conditions and the perception of working conditions issues in both public policy and social dialogue. In Austria and Spain, important and valuable empirical studies are available on the major research interest of this study – the impact and influence of social dialogue on the improvement of working conditions.

It should be highlighted that this report cannot and does not intend to present a complete overview of all existing information and framework conditions regarding the national frameworks of working conditions (including the different facets of working conditions), social dialogue contexts and existing analyses of available research results. Instead, the report touches on the major aspects of these issues mainly from the angle of the crucial research question – the impact of social dialogue on working conditions. This leads to a second important methodological remark regarding the coverage of this research. Apart from addressing the role of social dialogue with regard to working conditions within different national frameworks and settings of industrial relations and labour traditions, the study focuses on existing and available quantitative evidence arising from empirical surveys on working conditions. Here again, it is possible to build on previous analyses carried out by Eurofound on major working conditions surveys in Europe (see, for example, Weiler, 2007).

However, the research for this report focused on two specific tasks: firstly, to assess existing surveys on the six countries in question with regard to survey methods and questions specifically addressing social dialogue in the context of working conditions; and secondly, to analyse survey results with a particular focus on evidence and major outcomes regarding the role of social dialogue in improving working conditions. The research also covered a third methodological dimension – that is, the sectoral focus on the construction and healthcare sector. Since it proved difficult to obtain the results of existing general empirical surveys with regard to these two sectors for different reasons – and mainly due to cost and time reasons, this was possible only for two surveys in Germany – the research tried to concentrate on evaluating existing working conditions surveys and the results of further quantitative and qualitative research on the two sectors with regard to the major research interest.

As empirical surveys on working conditions only capture a certain dimension of the quality of labour and working life of employees in Europe, the research included a further dimension – namely, company-based fieldwork on good practice with respect to analysing, elaborating and presenting the findings regarding the positive impact of social dialogue at the micro level on working conditions in the construction and healthcare sector. Adopting a broad definition of ‘good practice’, the identification and selection of cases followed a joint method and process in all six countries, based on existing national documentation of good practice and following consultation with the social partners.
Key definitions

For the purpose of this report, the following definitions of social dialogue and working conditions have been used (as cited in Eurofound's European industrial relations dictionary)²:

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

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

With regard to the two sectors in question, the study focuses on the following definitions. The definition of the construction sector is based on the Statistical Classification of Economic Activities in the European Community (Nomenclature statistique des activités économiques dans la Communauté européenne, NACE) (Section F, Section 45), which classifies the construction sector as encompassing various activities in the context of construction works at different sites, building works and installation and activities in the context of the renting of construction or demolition equipment.

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

Structure of report

The structure of the report reflects the three-dimensional methodological approach of the research. The first part provides an overview of major framework conditions – both with regard to working conditions as an issue of public policy debate in Europe and in terms of the specific national contexts in the six countries of concern. The second part presents the main results from the analyses of existing research and working conditions surveys with regard to the specific influence of social dialogue. The third and final part gives an overview of the fieldwork conducted on good practice at company level and of the results of the case studies carried out in the context of the research.

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² http://www.eurofound.europa.eu/areas/industrialrelations/dictionary/index.htm
Part 1:
European and national experience
European-level policy developments

The quantitative and qualitative dimensions of employment and work – and in particular the emphasis of each dimension in policy debates and research – have undergone some significant changes during recent decades in Europe. For example, the European Employment Strategy (EES), launched in 1997, initially focused exclusively on the quantitative dimension – especially on raising employment rates and reducing unemployment. Only since 2000 and in the context of the Lisbon Growth and Jobs Strategy has the EES been extended by integrating into it the objective of promoting the quality and productivity of work – to create both more and better jobs.

Since then, the issues of quality of work and employment have become highly relevant for the European employment policy agenda. The objective of improving the quality of work has become an integral part of the European Social Agenda, as well as of the European Employment Guidelines and thereby the national action plans and/or national reform programmes. In 2001, the European Commission adopted the communication Employment and social policies: A framework for investing in quality in order to provide a broad framework for promoting quality of work (European Commission, 2001). This framework included 10 dimensions – the so-called Laeken Indicators (Table 1) – of what is meant by the quality of work. These indicators encompass two basic characteristics – characteristics of the job and of workers, as well as wider economic aspects.

### Table 1 Characteristics and dimensions of the Laeken indicators

<table>
<thead>
<tr>
<th>Characteristics</th>
<th>Dimensions</th>
<th>Number of indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Job-related characteristics</td>
<td>Intrinsic job quality</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Skills, lifelong learning and career development</td>
<td>2</td>
</tr>
<tr>
<td>Characteristics of work and labour market context</td>
<td>Gender equality</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Health and safety at work</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Flexibility and security</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Inclusion and access to labour market</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>Work organisation and work-life balance</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Social dialogue and worker involvement</td>
<td>–</td>
</tr>
<tr>
<td></td>
<td>Diversity and non-discrimination</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Overall work performance</td>
<td>3</td>
</tr>
</tbody>
</table>

Source: European Commission, 2003

In 2003, the European Commission published the communication Improving quality in work (European Commission, 2003). This communication reviewed the progress made in improving quality of work issues in the EU and also included a list of indicators approved by the European Council for measuring and monitoring quality of work. It should be noted that, while the Council agreed on a number of indicators regarding each of the key dimensions, it was not possible to select joint indicators for the dimension of social dialogue and worker involvement.

Since 2003, the emphasis on job quality issues has somewhat waned as a reaction to new macroeconomic policy orientations – particularly in the context of the economic downturn – as well
as changing employment policy environments. A major landmark in this shift of focus was the Kok report in 2003, which emphasised quantitative aspects such as employment creation and incentives to work, with only weak references to quality issues (see Davoine and Erhel, 2006). According to this new logic, the crucial element for fostering the well-being of European citizens is increasingly defined in terms of job creation, job productivity and structural reforms in order to dismantle barriers to job creation (Peña-Casas, 2007).

Furthermore, the European employment policy debate started to focus more on the ‘flexicurity’ approach, which seeks to shape labour market reform strategies in a way that improves aspects such as enhancing the adaptability of workers and enterprises, developing new forms of employment security, and better promoting labour market transitions. Within the concept of flexicurity, the role of quality of work remains rather unclear (see European Commission, 2008a, p. 152).

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

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

In recent years, different developments have led to:

- increased pressure in the context of globalisation and market integration, resulting in an acceleration of downsizing and outsourcing and other forms of restructuring at company level;
- greater use of fixed-term contracts, agency and sub-contracted work, along with part-time work, which is often linked to lower pay and unstable employment conditions;
- knowledge-based economic progress, which is putting low-skilled workers in particular at risk;
- the replacement of the model of the full-time, male wage-earner model with the dual-earner model, which results in some positive developments, such as an increase in the female participation rate, and also in some new difficulties in terms of combining work and family life.

These and other trends clearly have negative effects on the quality of jobs and working conditions, as stated in the recent report Employment in Europe (European Commission, 2008a, p. 147):

‘Overall, these factors are often perceived to go hand in hand with increased job insecurity; a deterioration of working conditions (e.g. increased stress and work-related health problems); reduced possibilities to combine work with other private and social responsibilities; and increasing inadequacy of existing social security schemes to cope with more heterogeneous and uncertain individual employment histories.’
Against this background, the Commission in its *Renewed social agenda: Opportunities, access and solidarity in 21st century Europe* (European Commission, 2008b) once again highlighted the promotion of more and better jobs as one of the key elements of the European social model. Within the current economic and employment context, the quality of work is increasingly seen an important aspect of reconciling economic efficiency and social cohesion in an environmental setting characterised by more intense global competition and accelerated restructuring of labour markets in Europe.

**Working conditions in recent national policy debates**

According to recent overviews of and approaches to measuring the quality of employment and work in Europe (see, for example, Davoine et al, 2008 based on the Laeken indicators; or Peña-Casas, 2009 based on the European Working Conditions Survey), the sample of countries covered in this report represents major clusters or groups in relation to job and work quality in the EU today:

- Sweden as an example of the Nordic or Scandinavian group;
- Austria, France and Germany representing the continental group;
- Spain as an example of the southern group;
- the Czech Republic representing the eastern European NMS.

Given the significant internal variety of both the quality of working conditions and the respective economic and social framework conditions in these groups of Member States and clusters, it is interesting to compare national-level debates regarding working conditions and the quality of work in these countries.

**Sweden – greater autonomy of social partners**

Sweden is characterised by high labour market standards, compared with many other countries. This standard is also reflected in its regulations regarding working conditions, which are generally well developed in terms of coverage and contents.

The basic legislative framework regarding working conditions in Sweden is the Work Environment Act (*Arbetsmiljölagen*), which was introduced in 1977. The act includes regulations on the duties of employers and other persons responsible for safety issues concerning the prevention of ill-health and accidents at work. One part of the act also regulates the cooperation between employers and employees. The Swedish Work Environment Authority (*Arbetsmiljö Verket*) is commissioned by the government to regulate the laws in detail, as described in the Work Environment Authority's Statute Book (*Arbetsmiljöverkets författningssamling*, AFS).

In previous years, some changes took place in order to improve health and safety practices at enterprise level. A new regulation introduced in this context is the so-called Systematic Work Environment Management (*Systematiskt Arbetsmiljöarbete*, SAM) (see Swedish Work Environment Authority, 2001).

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1 While Davoine et al (2008) referred to a ‘Nordic’ cluster including the Scandinavian and the Anglo-Saxon countries, Peña-Casas (2009) defined two separate groups.

4 The information summarised here is mainly based on a national overview report provided by the Swedish partner in the research project.
Systematic work environment management in Sweden

The Swedish SAM regulation requires the employer to investigate, carry out and follow up on activities in order to prevent ill-health and accidents at work and to ensure that work environment conditions are satisfied. SAM includes physical, psychological and social conditions and is supposed to be a part of the everyday work – in other words, integrated systematically into work routines. There are also requirements regarding different types of documentation. The employer is mainly responsible for SAM. The employees participate in SAM and can report risks and accidents at work, as well as suggesting measures and ways of implementing them. Safety representatives and employees take part in the planning and implementation of SAM. The occupational health service is an external expert resource in SAM. This service can conduct risk appraisals, suggest measures and train the employees. The Swedish Work Environment Authority states that SAM is based on cooperation between the employer, employees and safety representatives (Swedish Work Environment Authority, 2001).

It should be noted that Swedish legislation on working conditions such as the Work Environment Act or the Working Time Act (Arbetstidslagen, SFS) is 'semidispositive' – in other words, the respective laws define minimum standards, which may be replaced by more far-reaching collective agreements between the social partners at sector or enterprise level.

Although the overall coverage of working conditions regulations in enterprises in Sweden appears to be of a high standard in an international comparative perspective, challenges and problems have also arisen in this respect. One of the major problems is the coverage of small companies by the health and safety and working environment system: even though small enterprises are covered by regional safety representatives, surveys have indicated that the health and safety standards within small enterprises compared with larger ones are lagging behind significantly. This is mainly due to a lack of established and formalised practices of dialogue and cooperation and the limited availability of training (see Gellerstedt, 2007). Given the growing proportion of small companies within the Swedish economy, this represents a significant challenge to the country's labour market parties.

Work environment issues – particularly safety problems in Swedish enterprises – have been frequently discussed during the last year due to an increase in the number of fatal accidents in the workplace, especially in the construction sector. During the first six months of 2008, some 13 fatal accidents occurred in the sector, which is double the number compared with the same period in 2007 (Swedish Work Environment Authority, 2008a). Other evidence was provided by the Swedish Work Environment Authority, which inspected more than 1,100 small companies in the building sector in 2007–2008. The inspections showed that only 40% of the companies have a well-functioning preventive system in place regarding the work environment (Swedish Work Environment Authority, 2008b).

Austria and Germany – dual models of regulation

Both Austria and Germany are characterised by a dual system of labour market regulation: on the one hand, this system is based on legal stipulations establishing the general framework of industrial and labour relations; on the other hand, the self-regulation of social partners is evident in various fields of labour market regulation and social security, either in the context of institutional arrangements – for example, in the field of social insurance or vocational training – or collective bargaining.
This dual system also forms the basis of regulation in the different fields of working conditions, as the regulations in the field of occupational health and safety illustrate. Key players are the government and institutions of the state at central as well as regional level; they are accompanied by statutory accident insurers, who are active in their core tasks of insurance and in the field of implementing, monitoring and developing preventive measures in the area of health and safety at work. They run their own training and research institutions and act in the field of sector-specific prevention. The social partners play a crucial role in the implementation of health and safety, as well in the shaping of working conditions in other fields at company level through different channels and institutions.

In both Austria and Germany, the European legislation regarding health and safety at work and the development of a new rationale in this context – one which shifts the focus from occupational safety to a broader and integrative concept of health and well-being and a stronger focus on the concept of prevention – has had major effects on the national systems.

In Germany, the European Framework Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work was finally transposed in 1996: following significant delays, the Directive was transposed through the Occupational Health and Safety at Work Act (Arbeitsschutzgesetz, ArbSchG) and amendments to the laws governing preventive health and safety measures in the country’s Social Code.

### German Health and Safety at Work Act

The underlying rationale of the German Occupational Health and Safety Act (ArbSchG) encompasses a modern understanding of this area, including measures to prevent industrial accidents and occupational health risks and socially acceptable work organisation. Prevention in the context of shaping working conditions is an important aspect of this new rationale. This not only includes physical measures and aspects but also psychological factors.

The ArbSchG requires employers to adopt the necessary occupational health and safety measures, taking account of any circumstances affecting the safety and health of employees in the workplace. The employer must assess the effectiveness of such measures and, if necessary, adjust to changing circumstances.

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

Assessment must take account of the kind of activity involved, and any plans must consider and create appropriate links between all relevant company-related factors – specifically, technology, work organisation, other working conditions, social relations and the influence of the environment on the workplace. Employers also have a general duty to seek advice and to cooperate with employee representatives and professional actors, such as occupational doctors and occupational safety officers.

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

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The reformed health and safety legislation in Austria and Germany has not only led to a broader notion of occupational health and safety in national labour law. More significantly, the reforms have also introduced the objective of a more human organisation of work (menschengerechte Arbeitsgestaltung) as a crucial task of modern health and safety at work practice. This objective had already been addressed by federal research and support programmes in the 1970s, which were followed by other programmes focusing on the improvement of working conditions against the background of technological, economic and social challenges.

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

Against a background of changing working conditions in many industrial sectors – which is linked to a number of factors including the increased use of agency employment, as a result of the Hartz reforms in the beginning of the decade, and greater pressure on wages, working time and other labour standards – the issue of ‘decent’ or ‘good’ work has also recently been adopted by the trade unions. In 2005, for instance, the German Metalworkers’ Union (Industriegewerkschaft Metall, IG Metall) launched its own campaign on ‘Good work’ (Gute Arbeit). In 2007, the Confederation of German Trade Unions (Deutscher Gewerkschaftsbund, DGB) inaugurated the ‘Good Work Index’, which has largely been developed on the basis of the Austrian example of the ‘Working Climate Index’ (Arbeitsklima Index) developed and successfully implemented by the Upper Austrian Chamber of Labour (Arbeiterkammer Oberösterreich, AK Oberösterreich).

There is a clear difference between Austria and Germany with regard to labour market developments and their effects on working conditions. In Austria, the labour market system developed after the Second World War – and the measure of active labour market policy and support developed during the 1970s and 1980s – is still generally in place. In contrast, Germany has experienced a major change, closely connected to the so-called Hartz reforms introduced during the last decade. The four reform packages not only merged the general social welfare benefit system (Sozialhilfe) with unemployment assistance (Arbeitslosenhilfe); they also resulted either directly or indirectly in a worsening of the material situation of unemployed people, as well as an increase in the level of ‘atypical work’, such as ‘one-euro jobs’ (ein-euro jobs), or a growth in the number of fixed-term contracts and low-paid jobs, topped up by public funds. The Hartz reforms polarised the German public significantly. They were fiercely opposed by the German trade union movement and, conversely, strongly welcomed by the employer organisations. In particular, the idea of fostering job creation by reducing employment protection and facilitating fixed-term and/or temporary agency employment has been one of the most controversial issues between the trade unions and employer organisations.
Austria has not experienced such a significant change and polarisation in its labour market system – for example, the problem of unemployment and structural problems in the labour market have not been as strong as in Germany. This also at least partly explains why issues such as decent or good work have not been as important in Austria compared with Germany during recent years (see Krenn, 2007).

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

With regard to working conditions and health and safety, trade unions and the Chambers of Labour (Arbeiterkammern, AK) in Austria – based on the findings of the Working Climate Index – have emphasised the problem of rising stress, along with growing insecurities about the future and the intensification of workloads in working life. They have also highlighted the increasing number of people taking sick leave, along with the rise in numbers of accidents at work and the rise in invalidity retirement for psychological reasons (see AK Oberösterreich, 2007; Broughton, 2008).

France and Spain – growing role for social partners

France

The French system of labour market regulation is characterised by the prevalence of the law in collective bargaining. For historical and cultural reasons, collective bargaining has been developed under the initiative and control of the government. Legislation has been seen as the best way of reconciling the necessary discussion between social partners and the republican ideals of equality and general interest. In one sense, the law has always accompanied collective bargaining, while at the same time sought to promote it.

In 1950, company-based agreements were recognised and eventually acquired the status of a collective agreement in 1971. In 1982, the so-called ‘Auroux’ laws deeply modified the country’s labour law, introducing in particular the obligation to negotiate at both the sectoral and company levels. At company level, the laws introduced the annual obligation to negotiate on wages, the duration of work and work organisation. They also instituted the right for workers to avoid potentially dangerous situations in the workplace. In the context of the Auroux laws, the major institution in the field of health, safety and working conditions in companies was also established – the Workplace Health and Safety Committees (Comité d’hygiène, de sécurité et des conditions de travail, CHSCT), which are legally required in companies with more than 50 employees.

Workplace Health and Safety Committees in France

According to French labour law, all employers have a duty to prevent occupational risks within their company, with the CHSCT being the major instrument for implementing this duty in companies. The CHSCT is made up of employee representatives, along with the head of the company. It must be consulted before any decision that leads to significant changes in working conditions is taken. CHSCTs have the right to carry out surveys and consult experts.

The committees must be consulted in many cases, ranging from issues concerning protective infrastructure and fire protection – their origin in industry companies – to new emerging risks
such as asbestos or psychosocial hazards. Because of their right to consult experts for specific surveys, for instance in the case of a removal or where a serious risk is posed for workers, the committee can put forward solid arguments when negotiating with management. Furthermore, the management has to pay for the cost of such expertise; if it believes that the expert's recommendation is not appropriate or valid, the management can appeal the decision through the courts. The rise in awareness concerning psychosocial risks has considerably increased the recourse to independent experts, who must in turn be certified by the Ministry of the Economy, Industry and Employment (Ministère de l'Économie, de l'Industrie et de l'Emploi).

CHSCTs are thus entrusted with considerable levels of responsibility, making them the cornerstone of protective measures against all occupational risks. In practice, their links with occupational medicine are strong.

Since 2001, French labour law also requires that all companies, regardless of their size, establish and regularly update a 'unique document' to assess occupational risks and plan preventive actions. The format and content of such documents are, however, not specified by the law and are at the employers' discretion. Employers have to present the document to the CHSCT, if one exists. More generally, the document is addressed to all internal actors (executives, delegates) and external actors (labour inspectors, occupational medicine representatives and social insurance representatives). According to national surveys, the document was in place in three out of four companies in 2004 (Coutrot, 2007).

The regulatory framework has changed significantly in France during the last decade in terms of a number of aspects of working conditions, not only with regard to occupational health and safety. Most notably, in 1997, the law on working time reduction and arrangements reduced the legal working week to 35 hours instead of 39 hours. This was accompanied by a strong improvement in social dialogue in companies – even in the smallest companies.⁶

Against the background of various structural problems – including the coverage of small companies, along with the role of social dialogue at different levels and in different forms such as cooperation, co-determination, negotiation and bargaining – issues regarding occupational health and safety and working conditions have become a priority both of national politics and of social dialogue between the labour market parties. For example, the asbestos scandal in the 1990s revealed how many workers had been exposed to carcinogenic hazards. In the 2000s, psychosocial risks such as stress emerged as a growing issue, as illustrated by a series of suicides at the workplace – including a number of suicides in the automotive industry in a short period of time. Musculoskeletal disorders have also attracted growing attention. This reflects the growing awareness of new hazards in the workplace – described by one economist as 'the new disorders of productivism' (Askénazy, 2004).

In 2005, the government adopted a five-year plan for occupational health. The latter was given a primary status in global health policy. Four objectives were established: developing knowledge about hazards; reinforcing controls; launching monitoring measures; and improving prevention in

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⁶ In small companies where there are no worker representatives – due to the existing thresholds for the election of a delegate, for instance – the law made it possible to 'mandate' a worker to negotiate the working time arrangements with the management. One quarter of the establishments with at least 20 employees used this procedure.
companies. Prevention entails – in particular – minimising risks on the road for workers, tackling musculoskeletal problems and minimising exposure to noise and carcinogens. The plan is particularly reliant on regional committees, which are in charge of the prevention of risks at work. Social partners also participate in these consultative committees.

Spain
As with France, the Spanish labour market system – including the regulation of working conditions – is largely shaped by legislative frameworks established by the state. However, since Spain’s adoption of the European health and safety directive through the Law on Occupational Risk Prevention (Ley de Prevención de Riesgos Laborales) of 8 November 1995 (Law 31/1995) – and in the context of successive labour law reforms, in particular Law 11/1994 – the role of collective bargaining at various levels has constantly grown; the different levels encompass national, sectoral, autonomous communities, provincial and local level, as well as the level of undertakings. After the 1994 labour law reform, and in the context of further reform packages in 1997, 2001 and 2006, a growing number of issues formerly regulated by legal norms – in most cases by the Statute of Workers’ Rights – can now be regulated by collective agreements.

The contents of these agreements usually cover all types of issues within the field of industrial relations. They essentially concern terms and working conditions along with other matters relating to the employment contract – such as pay, working hours, working time, health and safety, occupational groups and categories, promotion, vocational training, geographical and functional mobility, and disciplinary procedures. At the same time, the agreements may relate to the collective aspects of labour relations – for example, trade union rights, the rights of worker representatives, the joint committee, or the settlement of disputes concerning the interpretation and application of the agreement.

In Spain, increased attention has been given to the quality of working conditions for a number of reasons. These include: problems encountered in implementing occupational health and safety in Spanish enterprises, particularly in small enterprises; the prevailing high rate of occupational accidents, especially during the boom in the construction sector, but also in other production sectors; public debate about the ‘quality of work’; and the growing concerns about ‘precarious employment’, mainly expressed by the trade unions (Rodriguez, 2009). During recent years in particular, the issue of employment growth and rapidly rising employment rates before the current economic crisis had also increasingly led to debates on the nature of new job creation and the quality of working conditions.

Against this background, several initiatives have been launched by the Spanish government in order to improve the existing system of health and safety at work and to generally enhance the quality of working conditions in Spain. Particular emphasis should be placed on two important initiatives that have resulted in a number of activities and measures – the National Strategy on Safety and Health at Work for the period 2007–2012, which implements the European Strategy Plan, and the

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7 Such industries include, for instance, ‘coal extraction and agglomeration’ as well as ‘metallurgy’, which recorded higher accident rates than the construction sector, at 43.5% and 21.5% respectively for 2008.

**Czech Republic – developing a framework for decent working conditions**

In the Czech Republic, the Labour Code is a crucial standard determining principal rules in the field of labour law relations and major standards for working conditions. Traditionally, the social partners have played a significant role in the preparation of the Labour Code. On 1 January 2007, the country's new Labour Code came into effect, replacing the previous one, which had applied – with various amendments – since 1965. Under Act No. 262/2006 Coll., the Labour Code governs basic regulations for health and safety at work, among other things, and establishes the principle in labour relations that ‘anything not forbidden is permitted’.

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

In relation to the reform of control mechanisms in the field of labour relations and working conditions, Act No. 251/2005 Coll. on work inspection entered into force, giving rise to a new institution – the State Work Inspection Authority (Státní úřad inspekce práce, SÚIP) and its regional inspectorates. The Act provided for the merging of the agenda of the former Czech Work Safety Authority and its inspectorates and part of the agenda of the labour office inspectorates, excluding legislation governing employment and insolvency. The Act affects employers and their employees both the private and the public sector – for example, in the municipalities, districts and boroughs. It also defines individual offences and the administrative torts of legal entities. In the event of a breach of regulations, inspectors are authorised to enforce penalties stipulated under the law. A penalty of up to CZK 2 million (about €77,128 as at 17 July 2009) can be assessed. The employer is permitted to appeal the imposed fine, with the relevant labour office making the final decision. The activities of the work inspection office also comprise the free-of-charge provision of general information and advice to both employers and employees about the protection of work relations and working conditions.

The new Act on work inspection has resulted in the partial integration of inspection work under the authority of a single body. The state authorities along with the trade unions expect that this rearrangement of control powers will lead to a more comprehensive monitoring of compliance with labour relations and working conditions law in practice, thus bringing about a gradual shift in employers’ and employees’ hitherto quite tolerant attitude to labour law violations.

In the first half of 2008, the Czech Ministry of Labour and Social Affairs (Ministerstvo práce a sociálních věcí ČR, MPSV ČR) drew up a draft of the National Occupational Health and Safety Policy. Through this document, the Czech Republic also fulfils the EU Council Resolution of 25 June 2007 on the ‘new strategy of the Community in the field of health and safety at work for 2007–2012’. This resolution calls on the Member States to devise and implement single domestic strategies in cooperation with the social partners in order to reduce the number of industrial accidents and occupational diseases – particularly in sectors where the rate exceeds the general average. The Czech National Occupation Health and Safety Policy is a cross-section strategic document, which is based
on the priorities of relevant departments as well as groundwork documents drawn up by the social partners; therefore, it represents the result of a mutual agreement between all the parties involved. The policy document emphasises the protection of public interest regarding occupational health and safety issues and – based on the existing evaluation of the current status and development – identifies trends in health and safety in the Czech Republic, along with strategic objectives and tools for their implementation.
Large disparities with regard to the role of social dialogue in working conditions are even more evident than in relation to the regulation and standards of working conditions in the country clusters under consideration. Against the background of different national traditions of social dialogue and labour relations, European industrial relations research has identified major groups and models comprising certain features of social dialogue in the respective national settings. A recent overview is provided in the Employment in Europe report (European Commission, 2008a), as displayed in Table 2, which will also serve as the basis for the following description of the role of social dialogue in regulating working conditions in the six countries analysed in this report.

Table 2  Overview of industrial relations models and role of social dialogue

<table>
<thead>
<tr>
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<th>North</th>
<th>Centre-West</th>
<th>South</th>
<th>West</th>
<th>Centre-East</th>
</tr>
</thead>
<tbody>
<tr>
<td>National examples</td>
<td>Sweden</td>
<td>Germany, Austria</td>
<td>France, Spain</td>
<td>--</td>
<td>Czech Republic</td>
</tr>
<tr>
<td>Welfare regime</td>
<td>Universalistic</td>
<td>Segmented (status-oriented, corporatist)</td>
<td>Segmented (status-oriented, corporatist)</td>
<td>Residual</td>
<td>Segmented or residual</td>
</tr>
<tr>
<td>Employment regime</td>
<td>Inclusive</td>
<td>Dualistic</td>
<td>Dualistic</td>
<td>Liberal</td>
<td>Liberal</td>
</tr>
<tr>
<td>Industrial relations regime</td>
<td>Organised corporatism</td>
<td>Social partnership</td>
<td>Polarised/state centred</td>
<td>Liberal pluralism</td>
<td>Fragmented/state-centred</td>
</tr>
<tr>
<td>Principle level of bargaining</td>
<td>Sector</td>
<td>Sector</td>
<td>Variable/unstable</td>
<td>Company</td>
<td>Company</td>
</tr>
<tr>
<td>Bargaining style</td>
<td>Integrative</td>
<td>Integrative</td>
<td>Conflict oriented</td>
<td>Conflict oriented</td>
<td>Acquiescent</td>
</tr>
<tr>
<td>Role of social partners in public policy</td>
<td>Institutionalised</td>
<td>Institutionalised</td>
<td>Irregular/politicised</td>
<td>Rare/event driven</td>
<td>Irregular/politicised</td>
</tr>
<tr>
<td>Role of state in industrial relations</td>
<td>Limited (mediator)</td>
<td>‘Shadow of hierarchy’</td>
<td>Frequent intervention</td>
<td>Non-intervention</td>
<td>Organiser of transition</td>
</tr>
<tr>
<td>Employee representatives</td>
<td>Union based/high coverage</td>
<td>Dual system/high coverage</td>
<td>Variable*</td>
<td>Union based/small coverage</td>
<td>Union based/small coverage</td>
</tr>
</tbody>
</table>

Note: In France, both union based and joint employee–employer interest representation applies, while in Spain, a dual system of works council and trade union representatives applies.
Source: European Commission, 2008a, p. 49

Sweden – social partners as key players in shaping working conditions

The Swedish model is based on social dialogue and the active involvement of the social partners in nearly all areas of employment and social policy. Apart from collective agreements, it is also important to stress that employee representatives, such as the trade unions, are key actors in supervising, monitoring and implementing regulations in the field of working conditions – particularly in the area of health and safety. For instance, safety representatives at the enterprise level are elected by the workers in companies with more than five employees. Smaller companies are covered by a system of regional safety representatives, who also are organised by the trade unions; the safety representatives monitor and control health and safety issues and frequently visit the companies (see Gellerstedt, 2007; Brunk and Lundberg, 2007).
Other forms of social dialogue also exist with the aim of improving working conditions.

- ‘Prevent’ is a non-profit organisation supported by the Confederation of Swedish Enterprise (Svenskt Näringsliv), the Swedish Trade Union Confederation (Landsorganisationen i Sverige, LO) and the Council for Negotiation and Cooperation (Privattjänstemannakartellen, PTK). The organisation is active in the area of work environment, disseminating information about such issues and developing methods for workplaces to manage the work environment (see Prevent, 2008).

- Social insurance in Sweden is also jointly organised by the social partners: for instance, AFA Insurance (AFA Försäkring) is jointly owned by LO, PTK and the Confederation of Swedish Enterprise. The main task of the organisation is to insure employees in the private sector, municipalities and county councils. The organisation is also working to prevent ill-health at work, through financing research on the work environment and health issues.8

- The Swedish Association of Local Authorities and Regions (Sveriges Kommuner och Landsting, SKL) has, together with a large number of trade unions active in the municipal sector, entered into a central agreement entitled ‘Renewal – Work environment – Cooperation’ (Förnyelse – Arbetsmiljö – Samverkan, FAS). The aim of the accord is that employers and local trade unions will enter into local agreements, making health and the work environment into a natural part of everyday work and encouraging cooperation between the employers, trade unions and employees.9

- In the construction sector, the Swedish Construction Federation (Sveriges Byggindustrier, BI), the Swedish Building Workers’ Union (Svenska Byggnadsarbetareförbundet, Byggnads) and the Union of Service and Communication Employees (Facket för Service och Kommunikation, SEKO) – Roads and Railways have established a consultation and cooperation council in the area of work environment issues. The body is called the Building Industry’s Central Work Environment Council (Byggindustrins Centrala Arbetsmiljöråd, BCA). The council works as a drafting committee and makes recommendations on how to change agreements concerning the work environment, as well as taking a position in joint concerns, proposing investigations and contributing to joint information projects.10

- Finally, joint initiatives are also undertaken to improve working conditions through awareness-raising measures. For example, the ‘Internet portal for work environment’ (Arbetsmiljöupplysningen) is an initiative involving more than 30 partners, who contribute and deliver information and share knowledge about work environment issues.11

Germany and Austria – similar institutions, different social dialogue cultures

The German and Austrian systems of employee representation at company level display many similarities – such as dual representation through works councils and the presence of trade union representatives (Vertrauensleute).12 However, substantial differences are also evident between the two countries in their traditions of social dialogue and the notion of ‘social partnership’.

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9 See overview (in Swedish) of FAS agreement online at: http://www.ifas.se/.
11 See overview (in Swedish) of the Arbetsmiljöupplysningen initiative online at: http://www.arbetsmiljöupplysningen.se/.
12 The existence of separate works councils for blue-collar workers and salaried staff is a marked difference between the two systems.
One notable difference is the system of ‘policy concertation’ and the chambers model in Austria, which has contributed since the 1950s to a highly institutionalised system of social dialogue regardless of political changes.

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

In contrast to this, under the German model of social partnership, institutionalised policy consultation is organised in a much more voluntary and informal way. A further contrast between both countries is related to the organisation of social partners’ interests. In this respect, Austrian social partnership is based on the system of chambers, which results in an almost universal coverage rate of collective bargaining.

### Austrian system of chambers

Following recent legal changes in Slovenia, Austria remains the only EU country where compulsory membership is stipulated for some employers’ bodies. As well as private voluntary organisations, which exist in most other European countries, Austria has a system of chambers, the most important of which are the Austrian Federal Economic Chamber (Wirtschaftskammer Österreich, WKÖ), the Chamber of Agriculture (Landwirtschaftskammer Österreich, LKÖ) and the AK. The chambers function as semi-public bodies, which are legally responsible for representing the interests of their constituent groups. Because of their legal and official status, membership of the chambers is compulsory for all companies, farmers, and wage and salary earners.

The principal governmental function of the chambers is to advise on draft legislation and administrative regulations affecting their constituencies. In the system of collective bargaining, the WKÖ is the main player on the employer side. On the employee side, this bargaining task is performed by the trade unions rather than the AK. Although there is a strong personnel connection between the AK and the trade unions, the relationship is based not on competition but on a mostly informal division of tasks. The AK is an important actor in the field of social partnership. Its main task is to represent employee interests to the government, whereas the task of collective bargaining lies with the trade unions.

Source: Voss, 2008, p. 30

Notwithstanding these differences, both Austria and Germany display similar characteristics with regard to the role of the social partners and employee representatives at different levels in the regulation of working conditions.
Social dialogue and trade union involvement also wield significant influence in the overall regulation of health and safety at work through bipartite structures: in terms of public accident insurance, this involves the German Social Accident Insurance (*Deutsche Gesetzliche Unfallversicherung*, DGUV) and the Austrian Social Insurance for Occupational Risks (*Allgemeine Unfallversicherungsanstalt*, AUVA); the relevant sectoral company health insurance associations are the Occupational Health and Safety Agencies (*Berufsgenossenschaften*) in Germany and the Labour Inspectorate (*Arbeitsinspektion*) in Austria. In terms of social dialogue at sectoral level, the company health insurance associations and trade unions influence measures, along with projects at company level and legislative initiatives. In Germany, for example, trade unions are also represented by the Federal Institute for Occupational Safety and Health (*Bundesanstalt für Arbeitsschutz und Arbeitsmedizin*, BAUA), helping to plan work programmes and design research programmes.

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

Works councils play a major role in monitoring and enforcing occupational health and safety measures. In many respects, the scope of workforce representation has expanded to include aspects such as dealing with workers’ individual health-related complaints, integrating occupational health and safety into broader company life and management concepts, cooperating with occupational health and safety authorities and institutions, as well as accident insurers, and helping individual workers to look after their own health concerns within the company. In order to fulfil these ambitious goals, workforce representatives need the support of the trade unions, especially in the form of training, advice and their integration into company, multi-company or regional networks. It should be mentioned that enterprise safety delegates – known as ‘Sicherheitsbeauftragter’ in Germany or ‘Präventionsfachkraft’ in Austria – are often trade union members.

In both Austria and Germany, the trade unions play a particularly important role in improving working conditions and health and safety standards, especially in small and medium-sized enterprises (SMEs). As works councils are often non-existent or have little influence in SMEs, trade union consultation and joint projects by the trade unions, the company health insurance associations and other actors are important for tackling the problem of SMEs’ not fully implementing the law. In particular with regard to SMEs, external consultation and information is needed to target these enterprises, as well as less knowledge-intensive sectors. Practice shows that a support structure

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13 As DGUV pays for wage losses due to sick leave, as well as for pensions and health treatment due to work-related diseases, the sectoral company health insurance associations are obliged to look after preventive measures and to investigate occupational health risks either through research, inspection, consultation or by providing information material.
provided by the trade unions – including training provisions – and consultants are fundamental for supporting worker representatives in negotiating, concluding and implementing occupational health and safety measures in SMEs.

The reformed occupational health and safety legislation – and its underlying modern concept of occupational health and safety prevention and protection – also affect all areas and levels of trade union and workforce representation. The legislation has significantly increased the responsibility and tasks of employee representatives in this respect, both in the context of the Protection of Employees Act (ArbeitnehmerInnenschutzgesetz, ASchG) in Austria and the Health and Safety at Work Act (Arbeitsschutzgesetz) in Germany (Wittig-Goetz, 2006).

France – social dialogue as an arena of political controversy

The major underlying characteristics of social dialogue in France result from the significant structural weakness of trade union membership. At the same time, significant trade union pluralism is evident along political and professional divisions; this has led to difficult and complex social dialogue relations at and between the different levels – enterprise, sectoral and intersectoral. In contrast to weak trade union coverage, collective bargaining covering 90% of workers is at a high level in France, mainly due to the principle of ‘extension’, whereby a collective agreement signed by some trade unions can be extended to the entire branch by the Ministry of the Economy, Industry and Employment.

The structural problems of social dialogue, but also changes in political orientations in recent years, have resulted in major reform proposals – for example, addressing the issue of the representativeness or modernisation of social dialogue and bargaining in general.14

Social dialogue and the role of the social partners in the French labour market is a highly politicised issue. In May 2004, a law on the ‘modernisation of social dialogue’ reformed the rules of social dialogue. The legislation imposed a mandatory concertation between the government and the social partners before any reform concerning work, employment and vocational training be introduced. The government takes the initiative in this respect, sending the social partners an ‘orientation document’, which outlines its assessment, objectives and modalities for a possible negotiation. The social partners have to inform the public authorities whether or not they wish to negotiate and the length of time they need to prepare themselves for negotiation. The 2004 law also gives more weight to company-based negotiation: some fields of negotiation that were previously limited to the branch level are now open to a company-based dialogue.

In the field of working conditions, instruments for social dialogue at the company level exist in companies with over 50 workers, hence excluding the smallest firms. This is the case regarding the CHSCT health and safety committees. When they exist, their mobilisation can also differ. In terms

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14 The French system is composed of different levels of bargaining. For a long time, the country has followed a pyramidal approach, based on favourability towards the employee. In 2004, the so-called Fillon Law seriously modified this principle. The law has reversed the hierarchy of norms and designated company-based negotiation as the main place where norms are produced, except for some issues such as minimum wages, where the former hierarchy of norms still prevails. The Fillon Law made it possible in companies with no trade union representative (délégué syndical) for agreements to be signed by an employee representative (délégué du personnel) or by the employee representatives elected at the works council, neither of whom are necessarily unionised. This can be a source of deregulation.
of new concerns such as stress at work and psychosocial difficulties, these committees tend to acquire a new, important role.

Following the recent government initiatives in the field of working conditions – for example, the 2005 multi-annual plan on occupational health and the inauguration of a tripartite conference two years later – the French social partners have launched their own initiatives and agreements on various issues concerning working conditions. In this context, the tripartite conference on working conditions, launched at the end of 2007, has resulted in a series of propositions in the fields of prevention of occupational risks and improved intervention. At national level, a new Steering Committee on Working Conditions will be created, including the state, social partners and the French National Agency for the Improvement of Working Conditions (Agence Nationale pour l’Amélioration des Conditions de Travail, ANACT). At the same time, the fund for improving working conditions is due to be reformed. Awareness-raising measures have been taken at the national and regional levels. In addition, companies are being asked to give training to their executives on occupational health issues and psychosocial hazards, and to monitor and rectify exposure to hazards. The role of the CHSCTs is also being reinforced.

Following the transposition of the European social partners’ Framework Agreement on work-related stress, the French social partners reached an agreement in July 2005. One of the outcomes of this accord is that it is the employer’s responsibility to determine appropriate measures to combat work-related stress, in association with the worker representatives. Sectoral or company-based agreements can only deviate from this accord if they introduce more favourable conditions for workers.

Other recent national agreements focus on the issue of ‘active ageing’ (emploi des seniors). In 2005, for instance, multi-industry bargaining followed the 2003 law on the reform of the pension system. In 2008, the government launched a new ‘mobilisation plan’ for the employment of older workers, in an effort to retain them in employment. Employers are offered incentives to retain older workers in their company and to improve human resource (HR) management, particularly the use of training and skills assessment. The government also wants to extend, before the end of 2009, the obligation for companies to negotiate on the anticipation of employment and skills (Gestion prévisionnelle des emplois et des compétences, GPEC) to the area of active ageing and senior employment; the obligation was originally introduced in 2005 for companies with over 300 workers. Furthermore, in May 2009, a decree was published on senior workers, making it compulsory before 1 January 2010 for companies with over 50 workers to negotiate an agreement or action plan on senior work, which would need to be validated by the public authorities. Otherwise, companies are liable to a fine amounting to 1% of the payroll. Today, about 10 sectoral agreements on senior employment have been signed – as is the case, for instance, in the banking industry, which has been engaged in raising the average age of retirement. Few companies have been engaged in negotiations in the context of company restructuring and the adaptation of skills, training etc. For older workers, the possibility to earn a wage while receiving a partial pension has also been introduced, to encourage them to engage in part-time employment.

Arrangements concerning difficult working conditions or ‘hardness’ (pénibilité) were the topic of further bargaining, which proved far more difficult. Initiated in 2003 during the debate on the law on the pension system reform, the negotiations on difficult working conditions have not yet resulted in an agreement between the social partners. The situation of workers who have worked in ‘hard jobs’
and their access to a full pension constitute a key focus of the debate. One issue is the definition and assessment of ‘hardness’. A common definition was reached, which includes exposure to heavy physical constraints, an ‘aggressive’ environment (noise, heat, toxic hazards), working rhythms (such as night work) and psychosocial hazards.

Finally, in the field of training, multi-industry negotiations were launched in 2001. These led to a general agreement signed by all the partners (which is quite rare) in 2003 and legislation in 2004. A new, individualised ‘right to training’ (Droit individuel à la formation, DIF) was introduced for all permanent employees, providing for a right to 20 hours of training a year.

Spain – growing role of social partners

With regard to the Spanish labour market system – and also generally in terms of Spain’s transition to democracy after the end of the Franco regime – the social partners have played an important role. This role has been regularly highlighted in surveys and analyses concerning Spanish society. The role of social partners in ensuring economic, social and political stability has been remarkably consistent during recent decades, regardless of major political changes and the respective governments in place. Against this general background, the Spanish social partners and social dialogue are also an important factor in the regulation of working conditions at various levels – from the central national level to company level.

In recent years, this role has changed. For example, in the context of the changing role of collective bargaining, and at the very least in areas affecting working conditions, it has grown against the background of new challenges – for instance, in the field of training and education, and with regard to the reaction to structural problems and challenges in the field of working conditions and health and safety at work.

The existence of specific representation structures for safety and health at work is of particular interest in this context. In undertakings with more than six employees, safety prevention representatives or delegates are to be elected by and from employee representatives in the undertaking. These representatives are consulted in advance on work organisation and the introduction of new technologies. They are competent in the area of hazard prevention – including in promotion, the provision of proposals, employee cooperation, the implementation of schemes, training, evaluation and supervision. If it is not possible for the works council or staff representatives to meet, they may take the decision to suspend work in the undertaking if there is a serious and imminent threat to safety. They are entitled to inspect plants and to interview employees during working time; they have the same protection and resources as staff representatives and members of the works council. In undertakings with more than 50 employees, a safety and health council with consultative functions may be set up; half of the members of this council comprise safety representatives, while the other half consist of representatives of the undertaking.
Role and levels of collective agreements in Spain

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

Regarding the different levels of collective agreements, the norm is based on a general principle of non-concurrence, that is, the non-application of a regulation at a level that is already regulated conventionally – unless these levels are articulated as a consequence of the abovementioned regulation and distribution of topics into levels of negotiation, or unless this concurrence operates from lower levels. 15

Among the different forms of sectoral collective agreements, the most important ones are those whose scope is the county (provincias) level, that is, those at territorial level. This type of sectoral collective agreement covers 72% of Spanish undertakings and 53% of Spanish employees. Nevertheless, it is necessary to highlight the qualitative importance of national sectoral agreements in the Spanish collective bargaining system. National agreements are particularly representative as they cover virtually all workers with a collective agreement in sectors including the textiles industry, leather and shoe manufacturing, the paper industry, graphic arts and publishing, chemicals, banking and savings banks, and construction and building.

Other levels of collective agreements are very much characterised by sectoral structures, such as company size and industry characteristics. For instance, sectoral provincial agreements have traditionally had greater prominence as they cover practically all workers with a collective agreement in sectors encompassing the timber industry, the manufacturing of metal products and construction; the agreements in the latter sector are considered to be provincial, although a framework agreement at state level exists, which is further developed in provincial agreements. Regional agreements (Autonomous Communities of Catalonia, the Basque region and Valencia) also have certain relative importance for workers in agriculture, retail and wholesale trade, hotels and restaurants, domestic work, nursing homes, and private education.

However, agreements at the level of the undertaking predominate, in some cases being the only type of agreement enforced in branches of production characterised by large undertakings.

Finally, ‘agreements of groups of undertakings’, which are scarcely present in most activity sectors, are nonetheless relevant, representing about one third of workers with a collective agreement in ‘other transport materials’, as shown in the agreement for Spanish shipbuilders; or the ‘protection and distribution of electricity, gas and water’ – as demonstrated through the agreements at the energy companies Endesa and Iberdrola or at Union Fenosa.

In the three years preceding 2008 (based on definitive data for 2005, advance data for 2006 and provisional data for 2007), an increase can be observed in the number of workers per undertaking in agreements at company level; this may signify a change in the former trend if the provisional figures for 2006 and 2007 are confirmed.

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15 The possibility of concurrence entails a limitation, except in relation to certain topics, from higher levels to company level or lower than national level (Articles 83 and 84 of the Statute of Workers’ Rights).
Due to Spain’s poor record with regard to accidents at the workplace, the government and administrative institutions such as social security launched various initiatives to improve the situation (Rodríguez, 2009). The social partners have been playing an integral part in this context. For example, the 2004 tripartite Joint Declaration for Social Dialogue included strategies to reduce accidents at the workplace. In recent years, the Spanish social partners have also been involved in further initiatives in the context of reforming the institutional system of health and safety: examples of such activities include the establishment of the National Institute for Security and Health at Work and the Foundation for Prevention of Risks at Work, or measures to improve the role and effectiveness of the labour inspection system. These activities were also legally backed by the Spanish ‘Intervention plan for the improvement of occupational health and security and reduction of labour accidents’: they are also supported by the establishment of a National Observatory of Working Conditions – an institution that gathers information and supports the various actors in the field of preventing risks at work.

In light of the structural problems regarding health and safety at work in smaller enterprises in Spain, a number of reform projects are currently underway to help improve the coverage by health and safety institutions. Within the framework of the National Strategy on Safety and Health at Work, which implements the European Strategy on Occupational Health and Safety 2007–2012, a key priority is improving the system of representation and intervention with regard to SMEs. The debate on possible solutions is based on the premise that worker representation or joint employer–employee bodies dealing with health and safety issues are necessary for proper prevention. For this reason, promoting the existence of worker representation also entails the promotion of improved prevention in a larger number of undertakings. Although the number of delegates appointed had been increasing in recent years, there were still many establishments with no delegates. This is particularly evident in the smaller undertakings with fewer than six employees, which are the most numerous, where this function cannot exist due to legal reasons; significant limitations are also apparent in undertakings with fewer than 10 employees. This finding, together with a greater rate of accidents and worsening working conditions on average for this size of undertaking, has led to initiatives seeking to improve representation through the appointment of worker representatives or joint bodies that will support better prevention practices in the sphere of health and safety. Experiences in certain regions – such as Navarra or Asturias – have shown the usefulness of health and safety representatives: besides representing the workers’ interests in the sphere of the undertaking, they also provided support and advice for the promotion of prevention activities.

As a result, the following aim was approved as Objective 3 of Spain’s National Strategy on Safety and Health at Work: ‘To strengthen the role of social partners and the involvement of employers and employees in the improvement of safety and health at work.’ The goal of this objective is two-fold: it seeks to promote employers’ compliance with prevention measures, and it aims to facilitate the active exercising of workers’ rights to information, consultation and participation regarding issues of

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16 According to 2006 and 2007 figures, Spain has one of the highest accident rates in the EU15, accounting for 20% of the fatal accidents recorded. The most obvious reasons for this are: non-compliance with prevention regulations, employment instability and a lack of control; for instance, there is only one labour inspector for every 23,300 workers in Spain, half the amount in the EU15. Although this figure has decreased significantly in recent years, the accident rate with sick leave in Spain is double the average figure in Europe (2006). Almost 1,000 people die every year as a result of occupational accidents. However, these figures need to be treated with caution. Differences between insurance schemes in the EU are often mentioned as they do not guarantee homogeneity in statistical data regarding occupational accidents. Although these differences are weighted by Eurostat, the overall results tend to be detrimental to Spain. Spanish employers, together with the French and German employers, are the only ones in the EU that comply with the obligation to notify all occupational accidents. Moreover, Spain together with France uses a broader concept of work-related accidents.
occupational risk prevention, through the creation of joint bodies with sufficient technical training and competences.

**Czech Republic – prevalence of state-oriented practice**

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

With regard to working conditions and health and safety standards at company level, the Czech system is very much based on state-led administrative institutions, in particular the labour inspection office. The activities of the labour inspection office also comprise the free-of-charge provision of general information and advice to both employers and employees concerning the protection of work relations and work conditions. The provisions for the participation of employees and their representatives – most often the trade unions and in some cases occupational health and safety representatives – are set out in detail in the country's Labour Code. This code defines relatively broadly employers' obligations towards trade union organisations – mainly regarding prevention, the control of health and safety at work and the training of employee representatives for this objective. The social partners play an invaluable role in collective bargaining at both company and sectoral levels, where specific occupational health and safety standards appropriate for particular companies or sectors are formulated.

The key institution in this context is the Council of Economic and Social Agreement (Rada hospodářské a sociální dohody, RHSD), which acts as an advisory body to the Czech government authorities. The RHSD has no power to initiate legislation and its existence is not prescribed by law. Rather, the council is the outcome of a political agreement between the government, trade unions and employers, with conclusions of the tripartite negotiations not being legally binding. The RHSD discusses a wide range of topics, including economic policy, labour law relations, collective bargaining and employment, social issues, wages and salaries in the civil service, issues related to the civil service, occupational health and safety, HR development and training, and the position of the Czech Republic within the EU. In practice, all of the crucial government legislative initiatives regarding social and economic issues – including the important labour legislation – are usually discussed first at the RHSD. The council is the most important forum for providing trade unions as well as employers with the opportunity to regularly inform the government about their position and to present their viewpoints. Thus, the RHSD plays a key role as a forum promoting the maintenance of social consensus.
Controversial reform of Czech labour law

The Czech Labour Code was drawn up in 2006 by the then governing social-democratic led coalition. From the outset, the new labour legislation – to which the trade unions contributed significantly at the preparation stage – was opposed by the employers. The employers criticised the regulation for its conformity to the previous legal status, which was generally considered to be an obstacle to the broader application of contractual forms, including collective agreements, due to its predominantly mandatory nature. The employers’ discontent was accompanied by expressions of disagreement by the parliamentary right-wing contingent, which mainly criticised the new legal regulation of trade union rights.

In March 2008, following complaints by a group of members of parliament, numerous provisions of the Labour Code were cancelled by a judgement of the Constitutional Court (Ústavní soud ČR). The provisions concerned, among other things, a restriction of trade unions’ supervisory powers – trade union organisations will no longer have the right to carry out inspections of companies’ observance of the Labour Code, the Employment Act, other industrial regulations, internal regulations and obligations ensuing from collective agreements. The trade unions retain the right to carry out inspections of the health and safety situation in a company, and to require the employer to respond immediately to any trade union warning regarding a violation of health and safety duties, thus avoiding a potential, immediate hazard to employees’ life or health, or other health and safety hazards. However, the unions will not be authorised to impose ‘sanctions’ in the form of issuing a binding instruction to remove defects that are discovered, or banning work or overtime work and night work.

Overall, the Labour Code amendments have reportedly weakened the position of the trade unions in labour law relations, or in determining and modifying working conditions. The trade unions are fundamentally opposed to the court decision and to measures recently proposed by the Czech government to mitigate the impact of the current economic crisis.17

Also against the background of European requirements, evidence of an institutionalised social dialogue covering the field of health and safety at work is apparent in the Czech Republic. Particularly noteworthy is the Council for Occupational Health and Safety – a government advisory body that approves documents of major importance – such as the National Action Plan for Occupational Health and Safety (2008–2009), and the National Policy of Occupational Health and Safety of the Czech Republic.

Certain aspects of working conditions – including working time – are regulated by so-called ‘higher-level collective agreements’ (HLCAs) at sectoral level. The HLCAs represent the most important form of social dialogue at the sectoral level. As a rule, they regulate specific matters concerning the position of trade union bodies and, in particular, determine sectoral standards for working conditions: these include measures for occupational health and safety, all in compliance with the legislation exceeding the scope of the legal regulation. This is exemplified in the case of working time arrangements: the basic length of working time according to the Labour Code is 40 hours a week; however, 52.9% of HLCAs (55.6% in 2007) contain provisions for shortening working time to 37.5 hours a week, without a reduction in wages. Moreover, 52.9% of HLCAs (66.7% in 2007) extend holiday entitlement to five weeks, compared with the four weeks stipulated under the country’s Labour Code.18

17 The proposed Labour Code amendments include an extension of the timeframe in which fixed-term employment contracts can be continuously renewed, along with more flexible provisions concerning the termination of employment – for example, enabling employers to give notice without stating a reason for the termination (with substantial severance pay). A reduction in the standard period of notice is also being considered from the current two months to one month.

18 According to data from the Czech-Moravian Confederation of Trade Unions (Českomořavská konfederace odborových svazů, ČMKOS), which represents a majority sample, among the 32 trade unions (33 in 2007) affiliated to ČMKOS, a total of 18 HLCAs (19 in 2007) were concluded in 2008; these agreements covered approximately 5,364 employers (5,485 in 2007) and almost 607,952 employees (620,485 in 2007). The applicable legislation requires that a copy of the HLCAs is issued to the Ministry of Labour and Social Affairs of the Czech Republic (Ministerstvo práce a sociálních věcí CR, MPSV CR) for their records. In 2007, the MPSV CR received and registered 26 HLCAs, and 25 in 2008.
According to the European social model, the social partners and social dialogue have a key role to play in helping to create better jobs and to improve the quality of work and working conditions. This role has been reiterated in a recent statement of the European Commission, in the context of the 2008 Industrial Relations in Europe report, which clearly states that:

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

(European Commission, 2009)

Against this background, the area of working conditions has evolved as a major field of continuous dialogue, joint declarations and programmes, as well as a target of framework agreements by the European social partners since the 1980s.

**European social dialogue**

Consultation and cooperation between the social partners began in the 1960s and 1970s within the advisory committees, the standing committee on employment and the tripartite conferences on economic and social questions. However, it was not until 1985 – with the launch of bipartite social dialogue under the initiative of the then President of the Commission, Jacques Delors – that social dialogue really began to evolve into a forum for negotiation at European level. The evolution of cross-industry social dialogue in Europe can be traced since then in three distinct stages. During the first period (1985–1991), the bipartite activities mainly led to the adoption of resolutions, declarations and joint opinions without any binding power.

The signing on 31 October 1991 of an agreement between the social partners, which was later incorporated into the Protocol on Social Policy, annexed to the Maastricht Treaty (1993), marked the beginning of the second period. After this, agreements negotiated by the European social partners could, if desired, be given legal force through a decision by the European Council, which would then be transposed into the legislation of each Member State. The 1991 agreement was integrated into Articles 138 and 139 of the Treaty of Amsterdam, and led to the implementation of three agreements through Council directives – more specifically, pertaining to parental leave (1995), part-time work (1997) and fixed-term contracts (1999).

The third period was inaugurated in December 2001, when the European interprofessional social partners presented a ‘joint contribution’ to the Laeken European Council. This phase was characterised by the growth in independence and autonomy of the European social dialogue. The foundations of this new era were bolstered the following year at the Social Dialogue Summit in Geneva on 28 November 2002, when the social partners adopted their first joint multi-annual work programme for 2003–2005. This more autonomous form of social dialogue can also be seen in the second method chosen by the social partners for implementing the negotiated European agreements in Article 139(2) – ‘in accordance with the procedures and practices specific to management and labour and the Member States’. This method was chosen for the ‘autonomous’ agreements concluded on telework (2002) and work-related stress (2004). In both cases, the social partners confirmed their commitment to directly implementing these agreements at national level through their member organisations. The partners also provide for monitoring procedures, notably through implementation reports.
However, when comparing the specific role that the social partners and social dialogue play in regulating and improving working conditions within the six countries covered by the research, some significant differences emerge from under the common blanket of the European social model and the notion of social dialogue. In particular, in Sweden, the social partners both at national and sectoral levels play a major role: social dialogue and collective bargaining not only make an important contribution in the context of implementing national legislation, but also represent constituent elements of the labour market system. Moreover, the case of Sweden clearly supports the assessment often made that productive collective bargaining and social dialogue play an important role in societies and companies that combine good working conditions, high levels of motivation, high productivity and competitiveness.

The overview of national frameworks of social dialogue has also revealed some interesting results regarding the developing role of social dialogue – in particular, collective bargaining – for the regulation of working conditions in France and Spain. In both countries, public awareness of shortcomings in the implementation of occupational health and safety issues – also considered in the context of other challenges in the field of working conditions, such as skills development or ‘active ageing’ – have resulted in government-led initiatives to strengthen the role of social dialogue and collectively agreed solutions at various levels (national, regional, local and company level). This is against the background of weak trade union membership structures and, especially in France, often conflicting labour relations. In striking contrast to Sweden, social dialogue in France, but also Spain, is very much ‘state driven’ or ‘government centred’.

As the analysis has shown, the Czech Republic also demonstrates a strongly ‘government centred’ approach with regard to both regulating and stimulating social dialogue, as well as regulating and improving working conditions. However, in contrast to France and Spain, the role of the social partners and of bipartite social dialogue in the Czech Republic is still rather weak. The role of the state is striking in this country, particularly given the lack of any tradition of autonomous social dialogue in labour and social relations. This is also illustrated by the nature of social consultation, which is conducted in a tripartite manner in the Czech Republic, as the experience of the Council of Economic and Social Agreement demonstrates.

Finally, in relation to Austria and Germany, the analysis has shown a further variant of social dialogue and its functioning in terms of shaping and improving working conditions. In these countries, the social partners play an important role in the context of implementing national regulations. Social dialogue practice is deeply rooted in the labour market system and the notion of joint interests of the social parties as ‘partners’. However, in contrast to Sweden and the strong role of collective bargaining and trade union-led social dialogue, the Austrian and German models of social partnership display a significant difference at two major levels of interaction. While works council-led dialogue at the micro level of enterprises is largely based on consultation, co-determination and the conclusion of agreements, social dialogue at sectoral level is more often shaped by the political interests of sectoral trade unions and employer organisations’ policy orientations.
Part 2:
Analysis of existing research
Overview of previous surveys

In mapping out the relevant empirical research regarding working conditions and social dialogue in the six countries surveyed in this project, a wide variety of data, reports by specialised institutions, secondary research, qualitative research and further sources have been identified – for example, Eurofound’s comparative analytical report on Working conditions and social dialogue (Broughton, 2008). In this context, it is useful to distinguish at least three types of data sources:

- general empirical surveys on working conditions;
- secondary analyses and qualitative research;
- quantitative and qualitative surveys, analyses and reports on the construction and healthcare sectors.

Research on working conditions and social dialogue

Empirical surveys

In a comparative analysis of national and international working conditions surveys, carried out by Eurofound, a major conclusion was that ‘a large variety of methods exist for conducting working conditions surveys, as well as a wide range of questions or series of questions within surveys not exclusively focused on working conditions’ (Weiler, 2007, p. 56).

Since the major purpose of this research is to evaluate the results of national empirical surveys regarding the relationship between social dialogue and working conditions, many of the surveys analysed in the context of Eurofound’s comparative report were also taken into account in the research – focusing in particular on results and outcomes regarding the major research purpose (see Table 3, codes CZ01, DE01, ES01, ES02, FR02, FR03, SE01).

While most of these surveys focus directly on the issue of working conditions, often from the ‘quality’ perspective (see Table 3, codes CZ01, ES01, ES02, FR02, FR03, SE01), other surveys also address a wide range of company policies and corporate development – as is the case regarding the German IAB Establishment Panel Survey (DE01). Moreover, the survey may examine industrial relations at the company level in general – as seen in the case of the German Works Council Survey (DE02) and the French survey on industrial relations and company bargaining (Relations professionnelles et négociations d’entreprise, REPONSE) (FR01).

One survey in the sample occupies a special position, since it is the only one that exclusively addresses the issue of employee interest representation – the German Works Council Survey carried out by the Economic and Social Research Institute (Wirtschafts- und Sozialwissenschaftliches Institut, WSI) of the Hans Böckler Foundation (Hans Böckler Stiftung, HBS). This survey is carried out periodically and covers all aspects of employee interest representation in German companies.

Finally, two surveys in the sample – the Austrian Working Climate Index (AT01) and the German Good Work Index (DE03) – focus exclusively on the issue of employee satisfaction/dissatisfaction in terms of their perception of work both over time and between different sectors, as well as among groups of employees and with regard to other aspects.
Most of the surveys analysed in depth in the context of this research share the following common features:

- they are carried out regularly, normally on an annual basis in several waves, with the exception of three surveys (CZ01, CZ02, SE02);
- they address a representative sample of the survey population;
- the survey population, in most cases, comprises employees or employed persons – only one survey (DE01) is dedicated exclusively to employers, while some address both employees and employers (ES02, FR01);
- a number of the surveys address specific target groups – either employee representatives only (DE02, SE02) or as a certain target group (FR01);
- most of the surveys are regularly adjusted to take account of new topics, such as restructuring, older workers, training and employee participation, with the exception of the two surveys focusing on work climate issues and the Swedish Work Environment Survey (SE01).

Table 3 provides an overview of the sample of empirical surveys analysed as part of this research project. As most of the surveys have already been described in the context of previous work carried out by Eurofound (in particular, Eurofound 2007b and 2008b), the following table only gives a broad overview of the main aspects.

### Table 3  Overview of national surveys

<table>
<thead>
<tr>
<th>Country</th>
<th>Code</th>
<th>Survey</th>
<th>Institution</th>
<th>Funding</th>
<th>Surveyed population</th>
<th>Focus of survey</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria</td>
<td>AT01</td>
<td>Working Climate Index</td>
<td>Chamber of Labour Upper Austria (AK Oberösterreich) in cooperation with the</td>
<td>Chamber of Labour (AK)</td>
<td>Employees</td>
<td>Perception and assessment of workers on different aspects of job satisfaction, including working conditions</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Institute for Empirical Social Studies (Institutfür Empirische)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Czech Republic</td>
<td>CZ01</td>
<td>Measuring the Quality of Working Life</td>
<td>Research Institute for Labour and Social Affairs (Výzkumý ústav práce a sociálních vecí, VÚPSV)</td>
<td>Government</td>
<td>Employees</td>
<td>All aspects relevant to working life, including working conditions and occupational health and safety issues</td>
</tr>
<tr>
<td></td>
<td>CZ02</td>
<td>Quality of Working Life</td>
<td>Public Opinion Research Centre (Centrum pro výzkum veřejného mínění, CVVM) and Occupational Safety Research Institute (Výzkumný ústav bezpečnosti práce, VUBP)</td>
<td>Government</td>
<td>Employed persons</td>
<td>All aspects relevant to working life, including working conditions and occupational health and safety issues</td>
</tr>
</tbody>
</table>

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### Overview of previous surveys

<table>
<thead>
<tr>
<th>Country</th>
<th>Code</th>
<th>Survey</th>
<th>Institution</th>
<th>Funding</th>
<th>Surveyed population</th>
<th>Focus of survey</th>
</tr>
</thead>
<tbody>
<tr>
<td>France</td>
<td>FR01</td>
<td>REPONSE</td>
<td>Directorate for Research, Analysis and Statistics (Direction de l'Animation de la Recherche, des Études et des Statistiques, DARES) of the Ministry of Labour, Social Relations, Family Affairs, Solidarity and Urban Affairs (Ministère du Travail, des Relations Sociales, de la Famille, de la Solidarité et de la Ville)</td>
<td>Government</td>
<td>Employers, employees and employee representatives</td>
<td>Industrial relations and company bargaining; perception of social dialogue by workers, management and employee representatives</td>
</tr>
<tr>
<td></td>
<td>FR02</td>
<td>Working Conditions Survey</td>
<td>DARES – Ministry of Labour, Social Relations, Family Affairs, Solidarity and Urban Affairs</td>
<td>Government</td>
<td>Employees</td>
<td>Perception and assessment of workers on different aspects of working conditions</td>
</tr>
<tr>
<td></td>
<td>FR03</td>
<td>SUMER</td>
<td>DARES – Ministry of Labour, Social Relations, Family Affairs, Solidarity and Urban Affairs, and the Occupational Medical Inspection</td>
<td>Government</td>
<td>Employees</td>
<td>Perception and assessment of workers on different aspects of working conditions, health and work environment (technical questionnaire was devised by an occupational doctor)</td>
</tr>
<tr>
<td>Germany</td>
<td>DE01</td>
<td>IAB Establishment Panel</td>
<td>Research Institute of the Federal Labour Office (Institut für Arbeitsmarkt- und Berufsforschung an der Bundesanstalt für Arbeit, IAB)</td>
<td>Government</td>
<td>Employers</td>
<td>Survey of various economic and social indicators of enterprises, including working conditions and industrial relations topics</td>
</tr>
<tr>
<td></td>
<td>DE02</td>
<td>WSI Works Council Survey</td>
<td>Economic Research Institute of the Hans Böckler Foundation (WSI)</td>
<td>Trade unions</td>
<td>Works council representatives</td>
<td>Practice and experience of works councils, addressing a large spectrum of topics and relevant issues</td>
</tr>
<tr>
<td></td>
<td>DE03</td>
<td>Good Work Index</td>
<td>Confederation of German Trade Unions (DGB)</td>
<td>Trade unions</td>
<td>Employees</td>
<td>Perception and assessment of workers on different aspects of job satisfaction, including working conditions</td>
</tr>
<tr>
<td>Spain</td>
<td>ES01</td>
<td>Survey on Quality of Life in the Workplace</td>
<td>Ministry of Labour and Immigration (Ministro de Trabajo e Inmigración)</td>
<td>Government</td>
<td>Employed persons</td>
<td>Information about the quality and perception of life and labour conditions of workers</td>
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<tr>
<td></td>
<td>ES02</td>
<td>National Survey on Working Conditions</td>
<td>Ministry of Labour and Immigration</td>
<td>Government</td>
<td>Employers and employees</td>
<td>All aspects relevant to working life, including working conditions and occupational health and safety issues</td>
</tr>
</tbody>
</table>
Working conditions and social dialogue

Table 3 (continued)

<table>
<thead>
<tr>
<th>Country</th>
<th>Code</th>
<th>Survey</th>
<th>Institution</th>
<th>Funding</th>
<th>Surveyed population</th>
<th>Focus of survey</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sweden</td>
<td>SE01</td>
<td>Work Environment Survey</td>
<td>Statistics Sweden (Statistiska Centralbyrån, SCB) on behalf of the Work Environment Authority (Arbetsmiljöverket, AV)</td>
<td>Government</td>
<td>Employed persons of different status</td>
<td>All aspects of health and safety at work, and the ‘work environment’ in general</td>
</tr>
<tr>
<td></td>
<td>SE02</td>
<td>Survey of regional safety representatives</td>
<td>Swedish Trade Union Confederation (LO)</td>
<td>Trade unions</td>
<td>Regional safety representatives</td>
<td>Focusing on the role and practical experience of regional safety representatives</td>
</tr>
</tbody>
</table>

Source: Wilke, Maack and Partner, based on information provided by national project partners

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

- several representative surveys carried out in the Czech Republic on industrial relations and working life topics (presented in Doleželová et al, 2009);
- empirical surveys and research findings of special projects in Sweden, focusing on working conditions in general or on certain aspects, such as the coverage of small enterprises by work environment regulations.19

Survey profiles and relevance of working conditions and social dialogue

General company surveys: IAB Establishment Panel Survey
The Establishment Panel Survey – conducted by the Institute for Employment Research (Institut für Arbeitsmarkt- und Berufsforschung, IAB) in Germany – covers a wide range of topics on enterprise development, such as: employment development, business policy and business development, investment activities, innovations, personnel structure, vocational training and apprenticeships, recruitment, wages and salaries, working time, further training, and general data about the establishment. In the context of the aforementioned topics, the IAB Establishment Panel Survey includes a section on working time and working time arrangements, along with questions concerning employment guarantee, employee participation, training and qualification measures.

19 A national overview paper on relevant surveys was prepared by Oxford Research in the context of the project.
IAB Establishment Panel Survey

The IAB Establishment Panel is a representative annual panel survey of enterprises, addressing various employment policy parameters. Initiated in 1993, the survey is conducted once a year between the end of June and October, covering about 16,000 establishments in all economic sectors of all sizes. As a panel survey, it follows a longitudinal approach, meaning that largely the same establishments are questioned every year. It covers establishments that participated in previous surveys.

In the beginning, the main objective of the survey was the establishment of an information database, allowing for the analysis of labour demand. Nowadays, the consolidated findings serve as a basis for policy recommendations, as well as for decision-making by social partners and other key actors of the structural economic and labour market policy in Germany. The IAB survey also serves the Federal Employment Office (Bundesagentur für Arbeit, BA) as a benchmark for companies and as a database for researchers. In addition to the general analysis of the survey, the IAB carries out several specific projects on sub-issues and for specific sectors. Furthermore, as well as the standard questionnaire, the survey focuses on one relevant, up-to-date topic every year. Generally, the survey is carried out through face-to-face interviews, with the exception of some written/postal questionnaires issued in certain federal states since 2000, which should be taken into account when analysing the data.

Source: IAB (www.iab.de)

One interesting aspect of the IAB Establishment Panel Survey in the context of the current research objective is the possibility of carrying out matched-pair comparisons of enterprises – that is, of those that are covered either by formal institutions of social dialogue and employee interest representation (with the existence of a works council as the variable), or by collective bargaining (see below). In this respect, many secondary evaluations of panel data have been carried out, also addressing topics in the field of working conditions and the influence of works councils and collective bargaining.

Questions on social dialogue in the IAB Establishment Panel Survey

Only two questions in the IAB Establishment Panel Survey directly address the existence of social dialogue structures at company level and the coverage by collective bargaining:

Q79. Is your establishment covered:
– by a sectoral collective agreement?
– by a company-based agreement between management and the trade unions?
– no collective agreement?

Q84. Does your establishment have:
– a works council in accordance with the Works Constitution Act?
– any other company-specific form of employee representation, such as a staff spokesperson, a round table or the like?

Source: IAB Enterprise Panel Questionnaire, 2007 (author’s own translation)

Surveys on industrial relations at enterprise level

Both the French REPONSE survey and the German WSI Works Council Survey focus on industrial relations at the establishment level. Table 4 summarises the main areas covered in the three parts of the REPONSE survey – addressing representatives of the management, worker representatives and the workers.
The table does not deal with sub-questions, although it shows the relative importance given to the relevant thematic area. Quantitatively speaking, working conditions as such are not assigned primary importance. Nevertheless, in order to address the overall issue of the link between social dialogue and the improvement of working conditions, the survey offers some interesting possibilities through the following elements.

### Table 4 Main topics covered and population surveyed in REPONSE survey

<table>
<thead>
<tr>
<th>Topics covered</th>
<th>Management (HR) representatives</th>
<th>Workers representatives</th>
<th>All employees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Characteristics of the establishment and the company</td>
<td>12</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>Personal data of the interviewee; functions in the establishment and company</td>
<td>11</td>
<td>16</td>
<td>5</td>
</tr>
<tr>
<td>Workers’ representation institutions (do they exist, how long are they in operation?)</td>
<td>19</td>
<td>46</td>
<td>5</td>
</tr>
<tr>
<td>Information, consultation and participation of workers in establishment</td>
<td>4</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>Economic environment and strategy of the establishment and company</td>
<td>12</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>Human resources management, organisation and working conditions</td>
<td>18</td>
<td>–</td>
<td>6</td>
</tr>
<tr>
<td>Involvement of workers; wage policy</td>
<td>17</td>
<td>9</td>
<td>3</td>
</tr>
<tr>
<td>Collective discussions and negotiation (about wage/non-wage issues); working time arrangements</td>
<td>32</td>
<td>19</td>
<td>1</td>
</tr>
<tr>
<td>Social climate in establishment; collective conflicts</td>
<td>24</td>
<td>21</td>
<td>5</td>
</tr>
</tbody>
</table>

Note: The figures shown refer to the number of questions included in the questionnaires.  
Source: Wilke, Maack and Partner; Office européen de conseil, recherche et formation en relations sociales (ORSEU), 2004–2005

It is important to note that the REPONSE survey consists of three parts, addressing employers, worker representatives and the workers using different questions. Both the employer and worker representative parts of the questionnaire contain many questions with regard to the character, form and ‘culture’ of social dialogue at company level, including questions regarding the CHSCTs. The part of the questionnaire addressing workers includes a number of questions that may be particularly relevant in the context of this research.

### Questions on social dialogue in REPONSE survey

The REPONSE survey featured the following two questions.

**Q15.** Some workers can represent their colleagues towards the management. Are the following representatives present in your establishment:
- a trade union representative?
- an elected worker representative?
- a colleague who acts as a spokesperson?

**Q16.** To your knowledge, have the management and worker representatives discussed or negotiated on the following issues in 2004:
- wages, bonuses, classification?
- working time and working time arrangements?
- employment (recruitment, redundancies, anticipated retirement)?
- working conditions?

Source: REPONSE questionnaire, 2004–2005 (author’s own translation)
The WSI Works Council Survey exclusively addresses works council representatives regarding all topics relating to their daily work as interest representation bodies. Significant issues covered by this comprehensive questionnaire, featuring about 150 questions, include the implementation of collective agreements, company-based agreements on job security, gender-specific aspects, and further aspects of working conditions and company-based industrial relations. In recent years, special surveys have also been carried out covering the following issues: working conditions in the software industry and in information technology (IT) services (2001); work–life balance issues, equal opportunities and employment pacts (2003); working conditions, health and safety at the workplace (2004); and company restructuring (2006). In 2008, a special survey was conducted on the issue of ‘innovations, working conditions and health and safety’.

Table 5 Relevant topics covered by WSI Works Council Survey

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

Source: Wilke, Maack and Partner, based on the WSI survey questionnaire, 2007

Surveys focusing on working conditions and quality of working life

A number of the surveys cover a broad range of issues concerning working conditions – the Swedish Work Environment Survey, the two Spanish surveys on Quality of Life in the Workplace and the National Survey on Working Conditions, along with the two Czech surveys on Measuring the Quality of Working Life and the Quality of Working Life. Table 6 below gives an overview of the main issues regarding working conditions that are addressed in these surveys.

In contrast to some of the surveys described above, which also deal with company-based industrial relations, the working conditions surveys cover to only a limited degree social dialogue institutions and/or workplace interest representation issues. Within the sample of surveys presented here, only the Spanish surveys include questions that allow for matched-pair comparisons and links between workplaces with employee representation/coverage through bargaining and negotiations and working conditions issues. The Spanish Survey on Quality of Life in the Workplace includes two questions addressing both employee interest representation and collective bargaining as major forms of social dialogue. Firstly, the survey asks whether or not an internal structure of representation and negotiation exists in the company – for example, in the form of a delegate or works council; secondly, it asks whether or not the establishment is covered by a specific agreement at company or sectoral level.
## Table 6  Topics covered in surveys focusing on working conditions and quality of working life

<table>
<thead>
<tr>
<th>Name of survey</th>
<th>Topics covered in field of working conditions</th>
</tr>
</thead>
</table>
| Quality of Working Life (CZ) | • Work–life balance issues, including working time topics  
• Perception of job security  
• Job satisfaction |
| Measuring the Quality of Working Life (CZ) | • Job satisfaction  
• Job routine and monotonous work, autonomy at work  
• Intensity of work  
• Quality of work performed |
| National Survey on Working Conditions (ES) | Workers’ survey:  
• Knowledge and information received on any toxic products handled  
• Freedom to choose the organisation of working hours; work–life balance  
• Option to take health surveillance; risk evaluations undertaken at the workplace and results thereof  
• Perception of being well or badly informed about occupational risks, and whether information or training has been received in the last two years  
• Victim of occupational accidents in the last two years  
• Perception of whether work affects health  
Employers’ survey:  
• Prevention activities carried out  
• Training conducted for workers  
• Regular training procedure on risks  
• Regular information procedure on risks  
• Degree of workers’ participation in decision-making regarding their job |
| Survey on Quality of Life in the Workplace (ES) | • Satisfaction with aspects such as wages, working hours, contract stability, physical environment, health and safety, training, level of autonomy in carrying out work, and participation in taking decisions  
• Exposure to stress, physical effort, risks, monotony, harassment or discrimination  
• Being informed by the company about occupational risks and availability of protection means  
• Training received in the last year, including duration |
| SUMER Survey (FR) | • Organisational and relational constraints, such as work rhythm, autonomy, initiatives  
• Work environment  
• Physical constraints  
• Exposure to biological agents, such as chemicals  
• Assessment made by the occupational doctor (who devised the questionnaire) on the overall quality of the work environment  
• Self-assessment of the worker regarding their own work situation (Karazek’s questionnaire) and health status |
| Working Conditions Survey (FR) | • Work organisation, such as margins of manoeuvre or organisational constraints  
• Working time and working time arrangements  
• Occupational risks, difficult/harsh conditions, physical effort  
• Mental burden, including work pressure, means provided, work demands and duties, tensions at work  
• Prevention and work-related accidents |
| Work Environment Survey (SE) | • Physical work environment  
• Psychological work environment  
• Working time and overtime  
• Part-time contracts  
• Possibilities and need for rehabilitation, as well availability of occupational health service  
• Amount of stress and balance between work and family life  
• Potential influence over work environment and job itself  
• Working environment for young and older persons  
• Extent of systematic work environment management at the workplace  
• Threats and violence at the workplace, including sexual and other forms of harassment  
• Sleeping behaviour  
• Absence due to illness  
• Health and potential risks such as heavy lifting, monotonous movements and resulting pain  
• Risk assessment, occupational risks  
• Level of advice and support from management and colleagues (social relations at work)  
• Development and training/education of workers  
• Structural work to improve the working environment |

Source: Author’s own overview based on national reports of the research partners
In contrast to this, the *Survey of Working Conditions*, which is much more oriented towards health and safety issues, asks whether or not a ‘prevention delegate’ – that is, a representative in issues of work risk prevention – exists in the establishment. This question is asked in both the workers’ and employers’ section of the survey.

### Questions on social dialogue in Spanish working conditions survey

The Spanish Survey on Working Conditions consists of two different questionnaires for workers and employers. Relevant variables are described below.

#### Workers’ section

**Independent variable:**
- existence of a prevention delegate (specific representative in issues of work risk prevention).

**Dependent variables:**
- knowledge and information received on the toxic products handled;
- degree of freedom to choose the organisation of working hours; perception of compatibility between home and work life;
- option to take health surveillance; risk evaluations undertaken at the workplace and results thereof;
- perception of being well or badly informed about occupational risks, and whether information or training has been received in the last two years;
- a victim of occupational accident in the last two years;
- perception of whether work affects health.

#### Employers’ section

**Independent variable:**
- existence of prevention delegate (specific representative on issues of work risk prevention).

**Dependent variables:**
- existence of prevention resources organised by the undertaking;
- prevention activities carried out;
- training provided for workers;
- regular training procedure on risks;
- regular information procedure on risks;
- degree of workers’ participation in decision-making regarding their job;

Source: Questionnaires of the *Sixth National Survey of Working Conditions*, 2007 (author’s own translation)

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

The Austrian Work Climate Index (*Arbeitsklima-Index*) was developed by the Upper Austrian AK in Linz in collaboration with the two research institutes IFES and SORA in Vienna. Since 1997, continuous surveys on work satisfaction among employees in Austria in the context of the Work Climate Index have been carried out. The index today is a well-known standard for work satisfaction in economic sectors and companies.20

In contrast to this, the Good Work Index, which is organised by DGB, has been established only in recent times. On behalf of DGB, the survey is carried out by TNS Infratest Sozialforschung GmbH and analysed by the International Institute for Empirical Social and Economic Research

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20 In existence for more than 10 years, the Work Climate Index has been developed further: since 1998, an interactive online index exists – also in English and Russian since 2006. Furthermore, in 1998, a special Work Climate Index of foreign employees in Upper Austria was published, followed by a Gender Index in 2003. In 2007, a major international symposium took place in cooperation with Eurofound and a Health Index was developed.
In the context of the Good Work Index, the quality of work is measured across 15 working dimensions based on various items. For each item, a value between zero and 100 is calculated and the average of all items for one dimension can be added to create the value of that dimension. The 15 dimensions are allocated to the three sub-indices ‘resources’, ‘physical and emotional strain’ and ‘income and security’, so that a value can be calculated for each sub-index. The corresponding values of the three sub-indices are then incorporated in equal parts – one third each – into the Good Work Index.

The outcome of this equal weighting of the three sub-indices is a relatively strong weighting of the individual comments in the income and security sub-index. As a composite indicator, the Good Work Index defines the quality of work as ‘good work’ (with a score of >80), ‘fair work’ (score of 50–
or ‘bad work’ (score of <50). Characteristics of ‘good work’ could involve a combination of good or personal development opportunities, a low level of strain, and high income and employment security.

### Table 7 Structure and indicators of Work Climate Index and Good Work Index

<table>
<thead>
<tr>
<th>Work Climate Index</th>
<th>Index-building structure</th>
<th>Sub-indices</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Four index components, 25 index-building questions plus background questions (including individual and household-related questions)</td>
<td>Society</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Economic optimism/pessimism</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Satisfaction with the social position as an employee</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Satisfaction with employee rights</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Company</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Economic future of the company</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Satisfaction with the company’s image</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Satisfaction with the style of leadership</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Satisfaction with the company’s social security benefits</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Job</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Satisfaction with the job in general</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Satisfaction with life in general</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Satisfaction with one’s income</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Sufficient level of income</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Satisfaction with one’s relations with colleagues and co-workers</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Satisfaction with working hour arrangements</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Satisfaction with work-life balance</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Burdened by loneliness, isolation in the workplace</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Burdened by time pressure</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Mental strain/stress, exhausting or taxing work</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Poor health conditions at the workplace</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Danger of accident or injury</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Burdened by technical or organisational innovations/changes</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Burdened by continuous change in work procedures and demands</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Aiming for a position in the same company</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Expectations</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Satisfaction with career opportunities</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Satisfaction with opportunities for further education</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Job market outlook</td>
</tr>
<tr>
<td>Good Work Index</td>
<td>Three sub-indices, 15 clusters of questions, 31 questions</td>
<td>Resources</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Opportunities for qualification and development</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Creativity</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Career opportunities</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Opportunities for participation and organisation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Information flow</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Leadership abilities</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Business culture</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Collegiality/climate</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Meaningful work</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Working time</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Physical and emotional strain</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Work intensity</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Emotional requirements</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Physical requirements/conditions at the workplace</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Income and security</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Security</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Income</td>
</tr>
</tbody>
</table>

*Source: Michenthaler, G. (IFES), The Austrian Work Climate Index, presentation given at the European Working Conditions Observatory (EWCO) seminar on ‘Job satisfaction’, Helsinki, 9–10 November 2006; Fuchs, 2007.*
Impact of social dialogue on working conditions

Evaluation of IAB survey results
The data from the IAB Establishment Panel Survey have frequently been evaluated either by IAB research staff at the Federal Research Institute of Labour in Nuremberg or by other researchers. The following general results are particularly noteworthy in the context of this research.

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

Further training activities Several studies confirm a positive effect of works councils on enterprise-based further training activities. Companies with a works council are not only more likely to finance and implement further training courses for their employees but are also likely to spend more money on training per employee (Gerlach and Jirjahn, 2001). A positive impact of works councils on further training activities is also confirmed in other studies (Zwick, 2005; Bellmann and Ellguth, 2006). Furthermore, these studies indicate that training in new technologies and products is particularly important (Hübler, 2003).

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

Group work and working life reorganisation While no correlation is apparent between the introduction of group work in companies with a works council compared with those without a works council, studies based on IAB data show a positive correlation between good economic performance, the existence of a works council and the introduction of group work (Hübler and Jirjahn, 2002).

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

The survey evaluation reveals some interesting results with regard to the specificities of the construction and health sectors and in relation to differences between companies with or without a
works council and coverage of collective bargaining agreements. The IAB Enterprise Panel Survey only includes two questions or independent variables with a direct reference to collective bargaining and employee interest representation at the enterprise level: the first question relates to the existence of a collective agreement (‘Is your establishment covered by a sectoral agreement, a company-based agreement between management and the trade unions, or no collective agreement?’); the second question focuses on the existence of a works council or another form of employee representation (‘Does your establishment have a works council in accordance with the Works Constitution Act?’ and ‘any other company-specific form of employee representation like a staff spokesperson, a round table or the like?’).

With regard to dependent variables, certain aspects related to working conditions have been analysed for both the construction and private health sectors in comparison with the overall average of all economic sectors. Before presenting these results, some general information on certain aspects of working conditions in construction and healthcare compared with the entire enterprise population are summarised.

**Working conditions and social dialogue in German enterprises**

A first, important result of this analysis concerned the level of coverage of enterprises by collective bargaining agreements at various levels, and the prevalence of works councils: significant differences were found to exist between the construction and healthcare sectors.

While almost 60% of German construction companies are covered by collective bargaining agreements, only 38% of healthcare enterprises and 34% of the whole enterprise population were covered in 2006. Company-based agreements as a form of collective bargaining in healthcare – with 14% of enterprises covered by this type of agreement – are much more significant than in construction (2%) or for the overall average (3%).

The existence of a works council in German companies is very much driven by the size of the company. In this regard, size-specific characteristics of the construction sector (which has a high proportion of small companies) and the healthcare sector (with an above-average size structure) explain the clear differences in the coverage rates. According to the IAB survey results, while only 4% of enterprises in 2006 and only 8% of the overall enterprise population had a works council, the proportion of enterprises with a works council or staff representation in public enterprises in the healthcare sector was significantly higher at 28%.

Further interesting results from the IAB survey evaluation 2006 are listed below.

- A notable proportion of managers in construction and healthcare enterprises report significant problems in recruiting qualified workers. While the overall average proportion of qualified workers in all German enterprises was 13% in 2006, in healthcare enterprises it was 18% and in construction companies it was as high as 24%. At the same time, it is important to note that the proportion of qualified labour in both sectors is higher than the average of all economic sectors – 66% in construction and 63% in healthcare, compared with an average of 57% in the overall economy.
With regard to part-time work, the IAB results confirm other descriptions reflecting a high proportion of fixed-term employment contracts in the healthcare sector (87% of enterprises reporting that they employ part-time workers) and a below-average proportion of part-time work in construction (57%, as against an overall average of 72%).

Fixed-term work seems to be an important topic primarily in healthcare enterprises, with 52% of enterprises reporting that they employ workers on the basis of fixed-term contracts; in construction, the proportion is only 14% and it is similarly low in the overall economy at 15%.

In terms of overtime, both construction and healthcare were characterised by a higher proportion of companies reporting overtime work in 2006 (construction, 54% and healthcare, 55%) while the overall average was 44%.

Correlation of social dialogue and working conditions

The IAB survey data quite clearly show that enterprises with a works council are much more likely to be covered by a collective agreement than those enterprises without such a body. While 80% of all enterprises with a works council are also covered by a collective agreement, only one third of companies without a works council are covered. Interestingly, both in construction and healthcare, the proportion of enterprises without a works council but covered by a collective agreement is higher than in the overall enterprise community (Table 8).

Table 8 Companies with works council covered by a collective agreement

<table>
<thead>
<tr>
<th></th>
<th>Whole enterprise population</th>
<th>Construction</th>
<th>Healthcare</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>With works council</td>
<td>Without works council</td>
<td>With works council</td>
</tr>
<tr>
<td>Yes</td>
<td>80%</td>
<td>33%</td>
<td>97%</td>
</tr>
<tr>
<td>No</td>
<td>20%</td>
<td>67%</td>
<td>3%</td>
</tr>
</tbody>
</table>


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

With regard to the quality and standard of working conditions, the analyses must focus on specific topics. The IAB data allow at least some assessment with regard to fixed-term employment contracts and company measures for older employees.

For the proportion of enterprises employing staff on fixed-term contracts, the IAB data reveal both significant characteristics of this type of work in healthcare (where it is considered as significant) compared with construction and the average enterprise community (where it is much less significant). The results are quite surprising, regarding the impact of works councils in this context. In all three groups, fixed-term work contracts seem to be much more prevalent in those companies with a works council than in those without one (Table 9). However, one must be cautious with regard to coming to conclusions from these figures since no data are available on company size. Moreover, given the strong correlation between company size and the existence of a works council (the bigger a company, the more likely that a works council exists), the figures below can also be interpreted as follows:
fixed-term work contracts are much more likely to be found in bigger companies than in smaller ones and smaller companies are much less likely to have a works council than bigger ones. Therefore, once again, there is no clear and easy correlation between works councils and the standard of working conditions.

**Table 9 Enterprises employing workers on fixed-term contracts**

<table>
<thead>
<tr>
<th></th>
<th>Whole enterprise population</th>
<th>Construction</th>
<th>Healthcare</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>With works council</td>
<td>Without works council</td>
<td>With works council</td>
</tr>
<tr>
<td>Yes</td>
<td>51%</td>
<td>12%</td>
<td>46%</td>
</tr>
<tr>
<td>No</td>
<td>49%</td>
<td>88%</td>
<td>54%</td>
</tr>
</tbody>
</table>

Source: Wilke, Maack and Partner, based on IAB Establishment Panel Survey 2006; data refer to 30 June 2006

The link between works councils and company size also has to be taken into account with regard to the issue of measures for older employees. In this regard, in particular, the differences are striking (Table 10). In Germany, at least 60% of enterprises in construction with a works council, and almost 75% of enterprises in healthcare with a works council in 2006, have adopted measures for older employees. By contrast, the majority (90% on average in construction and 71% in the healthcare sector) have not developed such measures.

**Table 10 Companies with measures for older employees**

<table>
<thead>
<tr>
<th></th>
<th>Whole enterprise population</th>
<th>Construction</th>
<th>Healthcare</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>With works council</td>
<td>Without works council</td>
<td>With works council</td>
</tr>
<tr>
<td>Yes</td>
<td>61%</td>
<td>11%</td>
<td>60%</td>
</tr>
<tr>
<td>No</td>
<td>39%</td>
<td>89%</td>
<td>40%</td>
</tr>
</tbody>
</table>

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

Although, in this case, company size must also be taken into account, the differences between those enterprises with a works council and those without are obvious and a positive correlation is clearly apparent.

**Impact on further education activities**

Further education activities and the individual worker's chance to continuously develop their own competences and skills are regarded as important aspects of the quality of working life. In this context, the IAB 2007 survey data have produced some quite worrying results. When asked about measures of further education supported by the enterprise in the first half of 2007, only 1.5% of all enterprises replied positively. This means that 88.5% of the enterprise population has not been engaged in further education activities at all in this specific period of time. In addition, it appears that there is no significant difference between those companies covered by a works council and those that are not covered.

When analysing different forms of further education activities in the minority of enterprises that offer further education, no striking or direct correlations are visible. Works councils seem to have some
impact on certain forms of further education: – for example, on in-house training and seminars, particularly in construction and the overall enterprise population, as well as on quality-workplace circles and ‘other measures of further education’ – in construction and the average enterprise population more than in healthcare. On the other hand, only with regard to activities of external training and seminars, no significant differences are apparent between companies with or without a works council. Finally, it should be noted that there is no single form of further education in which enterprises without a works council are more likely to be involved.

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

Table 11 Impact of works councils on further education: proportion of different forms of further education in companies

<table>
<thead>
<tr>
<th>Sector</th>
<th>Whole enterprise population</th>
<th>Construction</th>
<th>Healthcare</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>With works council</td>
<td>Without works council</td>
<td>With works council</td>
</tr>
<tr>
<td>External training and seminars</td>
<td>86%</td>
<td>85%</td>
<td>99%</td>
</tr>
<tr>
<td>In-house training and seminars</td>
<td>74%</td>
<td>42%</td>
<td>63%</td>
</tr>
<tr>
<td>Further education on the job</td>
<td>65%</td>
<td>52%</td>
<td>53%</td>
</tr>
<tr>
<td>Participation in workshops, presentations etc</td>
<td>63%</td>
<td>51%</td>
<td>59%</td>
</tr>
<tr>
<td>Self-determined learning supported by media</td>
<td>31%</td>
<td>21%</td>
<td>8%</td>
</tr>
<tr>
<td>Quality circle, workplace circles</td>
<td>20%</td>
<td>8%</td>
<td>11%</td>
</tr>
<tr>
<td>Other measures of further education</td>
<td>16%</td>
<td>11%</td>
<td>21%</td>
</tr>
</tbody>
</table>

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

Impact on working time flexibility

In contrast to further education measures, the evaluation of IAB survey data in the field of working time organisation allows for quite clear conclusions with regard to the impact of social dialogue. For instance, works councils clearly seem to have a positive effect on working time flexibility. As Table 12 shows, in all three groups of sectors, the share of certain instruments of working time flexibility in companies with a works council is higher than in companies without a works council – the only exception being ‘work on Saturdays if needed’ in the healthcare sector. This ‘flexibility gap’ between companies where a works council exists and those without a works council is particularly striking with regard to instruments such as ‘working time corridors’ (allowing companies to reduce or extend working time by a certain amount of hours) and negotiated forms of working time reductions in order to safeguard employment and avoid redundancies.

Results of surveys on company-based industrial relations

REPONSE survey

In France, there has been a multiplication of laws in the field of working conditions over the past 10 years. The main aim of such laws, as seen above, is to give strong incentives to employers to negotiate at company level. As a result, negotiations of agreements at company level regulating items such as working time, qualifications, vocational training and working conditions have increased significantly.
Table 12 Impact of works councils on working time flexibility: proportion of different forms of working time organisation

<table>
<thead>
<tr>
<th></th>
<th>Whole enterprise population</th>
<th>Construction</th>
<th>Healthcare</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>With works council</td>
<td>Without works council</td>
<td>With works council</td>
</tr>
<tr>
<td>Work on Saturdays if needed</td>
<td>50%</td>
<td>48%</td>
<td>88%</td>
</tr>
<tr>
<td>Shifting working times</td>
<td>47%</td>
<td>33%</td>
<td>42%</td>
</tr>
<tr>
<td>Flexible working time for part-time staff</td>
<td>32%</td>
<td>19%</td>
<td>12%</td>
</tr>
<tr>
<td>Working time corridors</td>
<td>16%</td>
<td>3%</td>
<td>4%</td>
</tr>
<tr>
<td>Working time reduction for employment security</td>
<td>6%</td>
<td>2%</td>
<td>11%</td>
</tr>
</tbody>
</table>

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

According to the REPONSE 2004–2005 survey, two out of three establishments with more than 20 employees negotiated with the social partners regarding working conditions in the period 2002–2004. Overall, one out of four organisations reports that it signed an agreement on working conditions with employee representatives. Particularly with regard to working conditions, there has been a sharp increase in the level of negotiations, as only 47% of establishments mentioned a negotiation on working conditions between 1996 and 1998 (Coutrot, 2007). One obligation for all companies after 2001 was to develop and implement a document on assessing and preventing occupational risks. Between 2002 and 2004, it appears that the companies that did implement this document initiated negotiations in 71% of cases, compared with 56% of those where no such document had yet been written (ibid). An agreement was signed in 25% of the former group of companies, compared with 16% of the latter. Thus, in less than a decade, a significant increase in negotiations can be observed at company level in the field of working conditions.

The REPONSE survey also shows other results (Table 13). For instance, the presence of a CHSCT increases the probability that the establishment has negotiated on working conditions and that an agreement has been signed (Coutrot, 2008). The model used by the economists at DARES emphasises the positive influence of other elements on the propensity to negotiate working conditions, such as:

- belonging to a group – even more so if this group is quoted in the stock exchange;
- membership of a professional organisation;
- a less conflictual character of social relations in the establishment;
- the presence of a unionised delegate;
- more specific to some establishments, the experience of repeated occupational accidents in the past, or disciplinary sanctions against some employees.

In these latter cases, according to the study’s author, negotiations are expected to remedy a deteriorated situation.
Table 13  Impact of CHSCTs on working conditions in France

<table>
<thead>
<tr>
<th>Employee Protection/Assessment</th>
<th>With CHSCT</th>
<th>No CHSCT</th>
<th>All</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employees with individual protection against noise</td>
<td>73%</td>
<td>60%</td>
<td>67%</td>
</tr>
<tr>
<td>Employees with individual protection against radiation</td>
<td>47%</td>
<td>44%</td>
<td>45%</td>
</tr>
<tr>
<td>Employees with individual protection against biological agents</td>
<td>59%</td>
<td>35%</td>
<td>49%</td>
</tr>
<tr>
<td>Employees with individual protection against chemical agents</td>
<td>67%</td>
<td>57%</td>
<td>62%</td>
</tr>
<tr>
<td>Negative assessment from the occupational doctor on organisational risks*</td>
<td>20%</td>
<td>17%</td>
<td>18%</td>
</tr>
<tr>
<td>Negative assessment from the occupational doctor on physical risks**</td>
<td>31%</td>
<td>32%</td>
<td>31%</td>
</tr>
<tr>
<td>Negative assessment from the occupational doctor on chemical risks***</td>
<td>25%</td>
<td>35%</td>
<td>30%</td>
</tr>
<tr>
<td>Negative assessment from the occupational doctor on biological risks****</td>
<td>12%</td>
<td>22%</td>
<td>17%</td>
</tr>
<tr>
<td>Employee had a work-related accident with a stoppage of work over the past 12 months</td>
<td>4.1%</td>
<td>4.6%</td>
<td>4.4%</td>
</tr>
<tr>
<td>Employee judges the work as arduous</td>
<td>29%</td>
<td>27%</td>
<td>28%</td>
</tr>
<tr>
<td>Employee judges the work as stressful</td>
<td>38%</td>
<td>32%</td>
<td>35%</td>
</tr>
<tr>
<td>Employee judges the work as bad for health</td>
<td>30%</td>
<td>24%</td>
<td>27%</td>
</tr>
<tr>
<td>Employee judges his/her health to be poor</td>
<td>21%</td>
<td>18%</td>
<td>19%</td>
</tr>
</tbody>
</table>

Notes: * All employees in the private sector; ** All employees exposed to a physical risk (77% of employees); *** All employees exposed to a chemical risk (15% of employees); **** All employees exposed to a biological risk (38% of employees).

Source: Medical monitoring of risks (Surveillance Médicale des Risques, SLMER) survey 2003 – Coutrot, 2009

An important conclusion from the REPONSE survey seems to be that the more frequent the collective negotiations, the better the working conditions. The REPONSE survey indicates that this improvement in social dialogue has been accompanied by a slight global improvement in working conditions, but with some important caveats (Bue et al, 2007). Compared with the previous wave of the survey in 1998, the 2005 wave of the REPONSE survey emphasised an overall slight improvement for workers with regard to certain indicators – tensions with the public or colleagues, time pressure, constrained versatility, time schedule not known in advance, less night work, more autonomy with regard to time schedule, as well as more workers benefitting from a weekly 48-hour rest period. Nevertheless, working conditions have worsened compared with the results of surveys carried out in 1984 and 1981. Moreover, this short-term slight improvement has not benefited all workers. Blue-collar workers have seen their working conditions deteriorate over this period, particularly with regard to physical demands and work intensity – such as the obligation to stick to very short production delays, lifting heavy weights, exposure to noise and vibrations – which is alarming as they were already very exposed to other conditions. For these reasons, the authors of the study prefer to call the evolution over time ‘a pause in work intensification’. With this phrasing the authors aim to emphasise the fact that the improvement at global level takes place in a longer trend of deterioration of working conditions, and in particular a reinforcement of rhythm constraints and mental burden.

WSI Works Council Survey

In addition to the focus on works councils and thereby on companies with an existing employee representation structure, the WSI survey only indirectly allows for conclusions to be drawn with regard to the influence and relationship between social dialogue and working conditions.

In terms of working conditions, some significant results of the 2008 WSI survey have been summarised in a recent report (Ahlers, 2009). Most health and safety actors seem to have difficulties
transferring the psychosocial elements of ‘risk assessments’ (ArbSchG) into the establishments. Compared with the structural problems of implementing the new German occupational health and safety policy in German enterprises, one important result of the WSI survey is that if works councils are actively involved in the process, risk assessments succeed in a better and more sustainable way than in situations where works councils are not involved in this process.

Since the WSI survey also allows for sectoral comparisons of various aspects of social dialogue and works council practices at the enterprise level, a special evaluation of the WSI survey with regard to the construction and healthcare sectors was carried out based on data from the 2007 survey. The methodological approach of the WSI survey does not allow for conclusions to be drawn on the correlation between social dialogue and working conditions, since the survey population consists exclusively of works councils. However, the special sectoral evaluation provides general information on the character of social dialogue in these two specific sectors compared with the average or general enterprise population in Germany. Based on the general structure of the WSI survey questionnaire, Table 14 presents some striking results that allow for some general conclusions regarding the development of working conditions and social dialogue in the construction and healthcare sectors. It should be noted again that the data presented below are not representative of all companies in construction and healthcare but only of those having a works council representation in place.

**Table 14 Special evaluation of WSI Survey data 2007, main sectoral results**

<table>
<thead>
<tr>
<th>Main chapters of the questionnaire</th>
<th>Main results in construction</th>
<th>Main results in healthcare</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General data</strong></td>
<td>Trade union membership is slightly above the average for all sectors (29.6% compared to 27.4%). Fixed-term work contracts, part-time work and so-called ‘mini-jobs’ are not very relevant for the sector. About 40% of all companies are reported to employ temporary agency workers directly.</td>
<td>40% of respondents report a very low trade union membership (below 10%). Trade union membership is significantly below the overall average. High proportion of fixed-term contracts (reported by 92% of all respondents), part-time work (96%), ‘midi’ (61%) and ‘mini’ jobs (71%); increasing role of ‘midi’ and ‘mini’ jobs – for example, jobs with a maximum gross monthly income of €800 and €400, respectively; Only 21% of companies are reported to employ temporary agency workers – below the average for all sectors.</td>
</tr>
<tr>
<td><strong>Main developments and problems faced by works councils</strong></td>
<td>In most areas of working conditions (staff reductions, older employees, change in work organisation, further training, increase in work intensity, equal opportunities), works councils report no significant pressures or increase in problems. Priority areas of interest include working time organisation (overtime work and working time accounts) and health and safety issues (important for more than 75% of all respondents).</td>
<td>Issues where works councils report an increasing need for action include: further training, health and safety at work, increased work intensity and pressure, change in work organisation, problems of older employees, work–life balance, and the need to develop more flexible working time models.</td>
</tr>
</tbody>
</table>

55 Mini-jobs’ are forms of atypical employment with incomes below a certain level.
### Table 14 (continued)

<table>
<thead>
<tr>
<th>Main chapters of the questionnaire</th>
<th>Main results in construction</th>
<th>Main results in healthcare</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fields of enterprise practice and specific issues</td>
<td>Company-based agreements cover, in particular, working time accounts and health and safety issues. In both areas, the sector is in an above-average position. However, the areas of further qualifications and measures for older employees are below the average for regulation by company-based agreements.</td>
<td>In most areas of working conditions, coverage by company-based agreements is significantly below the average, particularly with regard to working time arrangements, overtime work, initial qualification, company-specific social benefits and older employees. Slightly above the average is the proportion of companies having an agreement on further qualifications. Only 29% of company representatives report a company agreement on work safety (the average for all sectors is 37%).</td>
</tr>
<tr>
<td>Works council, staff, employer and trade union</td>
<td>Above-average coverage by collective bargaining agreements – only 11% of all companies are not covered by an agreement. In nearly 70% of those companies not covered by a collective agreement, weekly working time is longer than in the agreement. 45% of respondents in companies not covered by a collective agreement consider working conditions to be worse than in companies covered by an agreement. Issues of high priority for works councils include non-payment issues only – further education (85%) and retaining working time standards (84%).</td>
<td>Coverage by collective agreements is clearly below the average: 36% of companies are not covered by a sectoral agreement. About 35% of companies are covered by a company agreement, which reflects the average level. 57% of respondents in companies not covered by a collective agreement consider working conditions to be worse than in companies covered by an agreement. Issues of high priority for works councils are very similar to those reported by works councils in construction. 40% of all works councils report a lack of support from employees.</td>
</tr>
<tr>
<td>Employer–employee relationship</td>
<td>Relationship between works councils and management is quite positive. Respect for co-determination rights is assessed more positively than the average level – only 13% of respondents report frequent problems in this context, compared with an average of 14%.</td>
<td>Employee representatives report a worsening of the corporate climate significantly above the average. 23% of works councils report frequent problems in the context of respecting co-determination rights by the employer.</td>
</tr>
</tbody>
</table>

*Source: Wilke, Maack and Partner, on the basis of a special evaluation of the WSI survey data 2007 carried out by the Institute for Applied Social Sciences (Institut für angewandte Sozialwissenschaft, Ifas)*

With regard to the correlation and impact of social dialogue on working conditions and in light of the methodological limitations mentioned previously, the following results of this sectoral evaluation should be highlighted:

- both the construction and healthcare sectors differ significantly from each other with regard to the quality of employer–employee relations (which is assessed more positively in construction than in healthcare) and the coverage by collective agreements as well as the strength of trade union membership;

- almost 60% of healthcare respondents report that working conditions in those companies not covered by a (sectoral) collective agreement are worse than in those covered by an agreement; this compares with the same response from only 47% of the works council representatives interviewed in the construction sector;

- in construction, only 13% of works council representatives report ‘frequent’ problems in the context of co-determination rights, while in the healthcare sector the figure is 23%.
Findings from Spanish working conditions surveys

Both the *Survey on Quality of Life in the Workplace* and the *National Survey on Working Conditions* allow for an analysis of the relation between social dialogue or collective bargaining and working conditions.\(^{22}\)

With regard to the former, two independent variables are possible: on the one hand, whether a binding agreement exists in the sphere of the respondent’s undertaking, and on the other, whether a structure exists within the undertaking that facilitates this bargaining task. In Spain, these institutions are the staff delegates in undertakings with up to 50 employees and works councils or company boards in larger undertakings.

In the National Survey on Working Conditions, an independent variable is provided by the indicator ‘existence of a work risk prevention delegate’, as prescribed in the Law on Occupational Risk Prevention. Most of the potential participation of workers is embodied and channelled through the provision of this delegate, making it a key element in the prevention regulation that transposes EU Framework Directive 89/391. Since risk prevention delegates may be found in establishments with more than six employees, this is a good indicator of the existence of day-to-day bargaining and the management of social dialogue in practice with regard to working conditions within the undertaking.

An evaluation of these social dialogue variables with regard to dependent variables covering different aspects of working conditions carried out in the context of this research project (Rodriguez, 2009) displays some interesting results regarding the correlation between social dialogue and working conditions.

With regard to the Survey on Quality of Life in the Workplace, of the dependent variables analysed, a statistically significant link has been found only among those variables related to training activities carried out by the undertaking. That is, the presence of structures that facilitate collective bargaining – staff delegate, works council or staff board – seems to influence training activity in the undertaking. The data evaluation shows that training activities are more frequent in undertakings or organisations that report a representative structure than in those where no such representative structure exists (Table 15).

**Table 15** Representation and training offered in undertakings, Spanish National Survey on Working Conditions, 2007

<table>
<thead>
<tr>
<th>Existence of staff delegate, works council or staff board</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>‘Has your undertaking carried out any training activity in the last year?’</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes*</td>
<td>65.8%</td>
<td>34.4%</td>
</tr>
<tr>
<td>No</td>
<td>29.0%</td>
<td>59.9%</td>
</tr>
<tr>
<td>Don’t know</td>
<td>5.2%</td>
<td>5.7%</td>
</tr>
<tr>
<td>Total undertakings</td>
<td>3,222</td>
<td>2,140</td>
</tr>
</tbody>
</table>

*Note:* *Salaried employees who have responded that their undertaking has organised some training activity.

*Source:* Rodriguez, 2009, p. 15

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\(^{22}\) For further information on both surveys, see Weiler (2007). The *Survey on Quality of Life in the Workplace* (*Encuesta de Calidad de Vida en el Trabajo*) has also been described in Broughton (2008).
More specifically, a greater number of workers with representation in the undertaking stated that they had ‘participated in a training course, organised and financed by their undertaking, in the last 12 months’ (Table 16).

**Table 16** Representation and participation in company training, Spanish National Survey on Working Conditions, 2007 (%)

<table>
<thead>
<tr>
<th>Existence of staff delegate, works council or staff board</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>‘Has participated in a course in the last 12 months’</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>44.8</td>
<td>23.7</td>
</tr>
<tr>
<td>No</td>
<td>20.9</td>
<td>10.7</td>
</tr>
</tbody>
</table>

*Note: Salaried employees who have responded that their undertaking has organised some training activity.*

*Source: Rodriguez 2009, p. 15*

Thus, the level of satisfaction with the training provided by the organisation is greater among those who state that there is a representative structure in their organisation than among those without such a structure. Similarly, in the case of answers regarding whether the worker knows if their undertaking has carried out any training activity in the past year, the knowledge of those employees covered by a staff delegation, works council or staff board is significantly higher than in those companies without such institutions – 65.8% compared with 34.4%, respectively. More specifically, with regard to the question of whether a worker had ‘participated in a training course, organised and financed by the enterprise in the past 12 months’, there are clear positive effects of workplaces covered by a staff delegation, works council or staff board compared with those with no coverage – 44.8% and 23.7%, respectively.

Finally, employees in workplaces covered by a specific regulation agreement or statute existing in the undertaking or sector of economic activity have better chances of enrolling and actually taking part in training activities: 66.4% of employees covered by such agreements replied that training activities are carried out in their undertaking, while only 43.1% of employees in undertakings not covered by such agreements mentioned training opportunities. Differences also emerge in the participation rate of employees in training courses. While 46.3% of employees in undertakings covered by a specific regulation agreement or statute have participated in training courses in the 12 months preceding the survey, only 29.3% in other undertakings had an opportunity for training.

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

With regard to the National Survey on Working Conditions (in particular, the part answered by workers), it should be noted that this survey consists of a larger number of indicators, both process variables (activities to improve working conditions) and result variables (general or particular assessments on perceptions of working conditions). With the aim of fine-tuning the results, the analysis of workers in industry was carried out separately from workers in the construction sector in relation to most questions. Awareness of the role of the prevention delegate is more apparent in these two sectors – for example, 67% of workers in industry know of their existence at the workplace, along with 51.1% of workers in construction.
Summarising basic results of this special evaluation of the Spanish surveys, it can be stated that the nature and aim of the surveys carried out limits the possibility of analysing in depth the direct relationship that may exist between social dialogue and the improvement of working conditions. However, some evidence may be found, especially in the case of conditions associated with health and safety at work, as the scope of the Survey on Quality of Life in the Workplace is too wide to specifically research other working conditions and their potential link to social dialogue and/or collective bargaining.

In the case of working conditions associated with health and safety, the variable analysed was the presence of a specific legal structure of representation at the workplace, such as a prevention delegate. In this case, a secondary analysis carried out with the three surveys shows that the existence of worker representation at the workplace has a direct impact on the dynamics or process and depth of activities geared towards the prevention of occupational risks and, in general, an improvement in working conditions. This relationship cannot be confirmed statistically with regard to variables of the state of working conditions. Paradoxically, neither can this relationship be linked statistically with the overall perception of workers on their working conditions. With regard to the latter, the results obtained suggest that this mutual influence or relationship exists as ongoing activities are probably associated with improvements. However, statistical analysis is unable to categorically prove this relationship: although the existence of differences may be observed, they are statistically weak.

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

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

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

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

A detailed discussion of results is available in Rodríguez (2009).
In the *Fifth National Working Conditions Survey with employers*, this strong relationship – having a representative at the establishment with greater prevention activity – can be observed in the variable related to the availability of specific resources to carry out all activities that are compulsory by regulation, in particular those regarding training and informing workers.

Looking at the level of social dialogue as being more directly and positively involved in the improvement of working conditions, the Survey on Quality of Life in the Workplace only includes the existence of collective bargaining as a variable. It does not allow for the differentiation of levels of collective bargaining. Therefore, the link between the workers’ answers (perception of working conditions) and the level of collective bargaining cannot be analysed. Experience shows that a more direct – and sometimes more positive – relationship is more likely in the case of agreements at company level.

One interesting result should also be mentioned regarding the perception of health risks by employees and the role of social dialogue. The availability of prevention resources in the undertaking, the frequency of efficient prevention activities such as risk assessment, training and information, health surveillance and other measures, and the perception of having good information available all seem to be closely linked to the presence of prevention delegates in the undertaking. Paradoxically, this does not seem to lead to a better perception of working conditions by those who have a specific representative in their workplace, as seen in Table 17 documenting results from the National Working Conditions Survey.

**Table 17  Impact of job on health, Spanish National Working Conditions Survey, 2007**

<table>
<thead>
<tr>
<th>Prevention delegate present?</th>
<th>Industry</th>
<th>Construction</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Do you consider that your job is affecting your health?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>27.8%</td>
<td>23.5%</td>
</tr>
<tr>
<td>No</td>
<td>69.7%</td>
<td>74.9%</td>
</tr>
<tr>
<td>Number of respondents</td>
<td>909</td>
<td>247</td>
</tr>
</tbody>
</table>

Source: Rodriguez, 2009

Although the differences in this case are not statistically significant, the opposite is observed: workers in undertakings that have a prevention delegate are more critical of the risks that working conditions have on their health. This outcomes presents a paradox since, in theory, these workers benefit the most from prevention measures. This may be due to the effect of ‘objectifying risk’, whereby a greater attention to risk control at the workplace makes workers more aware of the threats to their health. Hence, rather than perceiving this as a counterproductive effect, it must be considered as an indicator of greater awareness, and hence control attitude, among workers.

**Results of index surveys in Austria and Germany**

*Austrian Working Climate Index*

Since the results of the Work Climate Index with regard to the positive influence of social dialogue on working conditions and other aspects of working life have been documented already in the Eurofound report *Working conditions and social dialogue* (Broughton, 2008), only the main results...
are repeated here. Based on analyses of survey data between 2000 and 2005 – representing almost 4,000 respondents – in companies with between 20 and 99 employees (thus avoiding an overrepresentation of larger companies), both with and without works councils, significant differences have been identified. Companies with a works council record a number of advantages relating to working conditions. The use of regular overtime is between 18% and 24% less; moreover, job security is higher and labour turnover is lower. In general, employees represented by a works council have higher job satisfaction. On the working climate index scale, staff with a works council reach a value of 106 index points for overall job satisfaction, which is one point higher than staff in companies without a works council.

**German Good Work Index**

By analysing working conditions from an employee’s point of view, DGB’s Good Work Index facilitates the identification of critical areas of working conditions as well as potential risks at work. In general, over the years, DGB’s Good Work Index facilitates various comparative studies – for example, on the development of working conditions or the quality of work in each of the concrete working dimensions, in comparison with employees’ requirements. Furthermore, it facilitates studies on the correlation between ‘good work’ and different aspects of working life such as the self-assessment of one’s working ability in the future, satisfaction with the workplace or the probability of changing the establishment.

Previous surveys already contained some interesting conclusions on the relationship between working conditions and social dialogue. In DGB’s 2007 survey on the Good Work Index, it was concluded that in establishments with a works council or personnel board representing staff interests, better working conditions can be found than in establishments without such representation structures (DGB, 2007, p. 18):

‘Where a works council or staff council is representing the interests of the workforce, better working conditions exist than in companies where no interest representation exists.’

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

This was confirmed in the 2008 survey which states that working conditions are better in establishments with interest representation. This could be partly explained by a lower number of ‘precarious workplaces’ in establishments with interest representation (DGB, 2008, p. 24):

‘Some 15% of employees have good work, 56% average work, 29% bad work – though only in enterprises in which a works council, staff representation or staff council represents the interests of the workforce. If there is no interest representation, the picture is different: 12% good work, 53% average work, 35% bad work. A context which plays a role in this context surely: in companies with an interest representation significantly less precarious labour relations exist.’

With regard to these results, it should also be noted that they have been interpreted critically by questioning in particular the methodological basis of the DGB Good Work Index (Gesamtmetall and ifaa, 2009).
The analyses illustrate significant differences between the various surveys in terms of survey population, objective and issues covered in the field of industrial relations and working conditions and methods of survey design as well as data gathering. With regard to evidence on the main research interest for this study, the following conclusions can be summarised.

- Only a few surveys in the sample allow for direct correlations to be drawn between social dialogue and working conditions since both areas are covered by different types of services, with only very small cross-references between industrial relations and working conditions. This is rather surprising in light of the strong emphasis that European and many national policymakers put on the role of social dialogue in improving working conditions.

- A ‘narrow corridor’ of independent variables exists regarding social dialogue, as can be concluded from the analyses of survey results in Spain and Germany, and to a lesser degree also in France. Only two variables are common: the existence of a works council or similar forms of employee interest representation and special occupational health and safety bodies at company level (covered in the Spanish and French surveys) on the one hand, and the coverage of an enterprise by a collective agreement on the other.

- In contrast, the ‘blind spots’ are striking, particularly with regard to the impact or influence of different forms of industrial relations and social dialogue (dual/single forms of interest representation, joint bodies, trade union bodies, or occupational health and safety bodies) as well as the impact of social dialogue and collective bargaining practice at different levels – that is, at national, sectoral, provincial or regional, as well as company or local levels of dialogue and bargaining between the social partners. Other forms of social dialogue can also be mentioned that are much more invisible – informal and direct forms of dialogue and bargained solutions between employees and management not covered by legislative regulations. Their impact on working conditions is extremely hard to analyse and access.

However, in contrast with these limitations, some important conclusions regarding the impact of social dialogue as shaped by employee interest representation bodies and collective bargaining can be drawn from the in-depth analyses of survey data, particularly regarding those from Spain and Germany.

- In general, social dialogue and the existence of works councils seem to have a clear impact on negotiated and institutionalised solutions in the field of working conditions in the form of company-based agreements, as well as coverage of different forms of working conditions through social dialogue at the enterprise level.

- In addition, as the evaluation of the Spanish surveys and the French survey results show, the existence of occupational health and safety representation bodies seems to have a positive impact on the depth and dynamics of activities geared towards, for example, activities aiming to prevent occupational risks and improve working conditions.

- This conclusion is strongly confirmed by the German survey on the effects of social dialogue on working time organisations. This evaluation shows that enterprises with a works council are characterised quite clearly by a significantly broader range of different instruments and working time models than other companies.

- A positive impact of works councils on the variety of instruments in other fields such as further training or measures for older employees can also be drawn from the evaluation of the German
IAB survey. However, looking at the rather worrying results of this survey regarding overall activities of companies in the area of further training measures, no clear correlation arises between social dialogue at company level and the quantity of measures carried out by an enterprise.

Finally, an interesting issue with regard to survey results is employees’ perceptions of working conditions and quality of work. In this regard, the results are quite mixed. For example, the WSI survey clearly shows that most employees – or in this case employee representatives – strongly believe that working conditions are improved when an enterprise is covered by collective bargaining. Similarly, the two surveys measuring satisfaction of employees with their work in Austria and Germany have repeatedly emphasised a positive impact of social dialogue on various indicators of working conditions.

In contrast to this clear picture, the in-depth analyses of Spanish survey results revealed a more varied picture. Paradoxically, the existence of social dialogue does not seem to result in employees perceiving their working conditions more positively, but rather appears to increase the awareness of risks, problems and critical issues. This might make employees more critical with regard to the quality of their working conditions than employees in enterprises without significant discussion of working conditions through social dialogue.

The need for supplementing empirical and quantitative surveys by more qualitative research is quite evident. Therefore, the final part of this report will focus on the results of company-based fieldwork carried out in this context.
Part 3:
The construction and healthcare sectors
The evaluation of national surveys and other quantitative and qualitative results regarding the impact of social dialogue on working conditions was accompanied by fieldwork and the analysis of good practice experience. There are good reasons for focusing on the construction and healthcare sectors in the context of fieldwork on working conditions and social dialogue.

In both sectors, many challenges arise with regard to working conditions, such as those listed below.

- Implementing occupational health and safety standards in the construction sector remains a challenge for companies throughout Europe, particularly for SMEs.

- The healthcare sector – particularly the caring professions – is characterised by other challenges in the area of working conditions. These include poor pay, often involuntary part-time work and unfavourable working time models, which result in employees (the majority of whom are women) having a negative perception of the sector. In addition, the care workforce in many European countries includes a high proportion of migrant workers.

- Accelerated by labour law deregulation, increased competition due to changes in the regulation of both the healthcare and construction sectors (in addition to other factors) has resulted in both sectors experiencing a growth in more flexible forms of employment – for example, part-time work, fixed-term employment contracts and temporary agency work – which are putting new pressures on working conditions.

- In a context of companies that are almost entirely micro enterprises and SMEs, both sectors are characterised by rather weak structures of formalised social dialogue at company level – that is, coverage by works councils or company-based trade union structures.

- Clear differences and contrasts also emerge with regard to social dialogue in the two sectors. The construction sector is easy to define in terms of professions, subsectors, types of work and labour as well as ownership structures – such as private companies. However, the care sector is characterised by an extreme internal variety of different types of services and labour provided, different organisational forms (hospitals, ambulant, home and/or residential care) and different forms of ownership structures (public–private, for-profit and non-profit, as well as church-run organisations).

- Different traditions and experiences with regard to social dialogue exist at the sectoral, national and European levels. While the construction sector is characterised by significant initiatives and involvement of the social partners both at national as well as European level in the form of European social dialogue, such experience is lacking in the more diverse sector of health and care.

While the fieldwork for this study and the analysis of good practice with regard to how social dialogue initiates and supports improvements in working conditions were focused on the level of enterprises and companies, the study also had to take into account the following analytical premises.

- Practical experience has to be linked to the wider context of working conditions and social dialogue in the national framework.

- Good practice is also largely determined by factors rooted in the company’s environmental context, various stakeholder interests and other specific company characteristics. Therefore, developments in social dialogue initiatives and their effect on working conditions have to be empirically studied case by case.
Working conditions and social dialogue

- Besides these objective factors of influence – company-specific or environmental factors – working conditions and operational practices of social dialogue are also influenced by corporate culture, social relations and interactions and the expectations and interests of actors both inside and outside the company – at sectoral level, for example – which must also be taken into account.

It was not possible to deal with and evaluate the sectoral, national and European levels of social dialogue in the limited context of this research. However, the study has tried at least to address these important framework conditions in the case study reports where necessary.

The sample of case studies displays the following characteristics.

- Apart from one exception, the cases refer to companies in the private sector in order to improve the comparability in particular with regard to social dialogue structures.

- Most cases are single company cases. However, with the aim of also covering the important issues of working conditions and social dialogue with regard to micro and small enterprises, some case study reports focus in particular on sectoral initiatives of the social partners (FR02, ES01 and ES02) and/or networks of companies (FR04 and – partly – DE02).

- Case study reports are based mainly on already available material on the target companies or organisations and interviews with both key actors on behalf of the management and of the interest representation body.

- Interviews and case study reports have been carried out and prepared on the basis of a common interview guideline and a joint structure of contents by national partners in the countries involved in this project (see Annex for a list of case studies and authors).

The following chapters present results of the fieldwork carried out as part of this study in the construction and healthcare sectors, focusing mainly on two major questions.

The first question looks at the main challenges and issues associated with working in the construction and healthcare sectors. It also considers whether there is a common understanding on the part of both management and employees with regard to these issues or whether they differ in their perceptions.

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

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24 The exception in this case is the healthcare case study in the Czech Republic (CZ02), since this sector is still overwhelmingly dominated by public companies and it was not possible to identify a good practice case in the private sector.
Challenges and issues in working conditions

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

At the same time, construction has one of the worst health and safety records among European industry sectors. According to a report by the European Agency for Safety and Health at Work (EU-OSHA) published in 2004, about 1,300 workers are killed each year at construction sites in the former EU15 alone (the 15 Member States prior to EU enlargement in 2004); this figure is more than twice the average of other sectors of the economy and constitutes nearly a third of all fatal accidents in the EU (EU-OSHA, 2004, p. 6). Of course, many more workers suffer injuries or become ill at work each year. The construction sector is therefore regarded as one of the most physically demanding sectors of industry with workers in the sector suffering greater exposure to physical risk factors, including noise and extreme temperatures. In addition, around 45% of construction workers believe that their work affects their health. In many European countries, the majority of those workers in construction who retire early do so due to occupational health problems – earlier than workers in other sectors.

There are also other aspects with regard to challenges in the area of working conditions. Construction activity is primarily local. Overall, 93% of undertakings employ fewer than 10 people. Employment is often temporary in nature and is increasingly being carried out by temporary agency workers and/or subcontractors.

Challenges perceived at company level

With regard to the perception of major challenges of working conditions by actors at company level, all of the case studies conducted during this study confirm the high priority given to occupational health and safety issues. Company management, works councils and trade unions agree that occupational safety, the prevention of accidents and occupational diseases, as well as health issues in general, are the top priority topics in the area of working conditions. This is illustrated by the Swedish case studies (for example, SE01) but it is has also been highlighted in all other cases. According to the Swedish case (SE01):

‘Even though great improvements have been made, it is still challenging to improve working conditions and reduce the number of accidents and casualties in the sector as a whole and at JM [SE01] according to both parties. The challenges are very much sector specific, such as in relation to casualties, accidents, injuries, early retirement pension and sick leave due to accidents.’

In response to this challenge, the large companies in the sample, in particular, regard a good occupational health and safety record as a top priority in the context of corporate policy and corporate culture. As the cases of Spie Batignolles (FR01), Skanska (SE02) and Strabag (AT01) illustrate, a high standard of occupational health and safety is also regarded as a positive factor of competition since the image of the company in this regard is important in the context of winning

major contracts. Therefore, both Skanska and Spie Batignolles – alongside many other big players in this sector – have adopted a clear ‘zero accidents’ policy in the field of occupational health and safety.

Spie Batignolles has developed a far-reaching policy with regard to working conditions. The target of this policy has been security. The ‘zero accident’ policy was launched in 2000. Three conditions were fixed for this policy to be a success: a strong impetus given from the management level, the involvement of all the actors and permanent awareness-raising of these issues. As the chief executive officer (CEO) of Spie Batignolles stated in an interview published in *Le Monde Économie* on 25 February 2009:

‘We could have had as an objective to diminish the frequency rate of occupational accidents. But with such an approach, the issue is never resolved, as one still accepts that accidents will occur. For us, the only acceptable objective was to have no accidents at all.’

In this context, there is a significant difference between the large enterprises and the experience of micro enterprises and SMEs. The zero-accident strategy in large enterprises often results in quite rigid regulations and implementation measures in the field of occupational safety at construction sites and significant measures with regard to awareness-raising among employees as well as risk-prevention efforts. However, micro and small enterprises are in a different position: they do not have the means and resources – such as specialised staff – to follow such an extensive policy approach. Therefore, the main challenge in SMEs, as illustrated in the various case studies (in particular DE02, FR02 and ES01), is an effective implementation and management of occupational health and safety at construction sites and awareness-raising among both workers and managerial staff with regard to issues concerning health and safety at work. As highlighted in the case of the French CPHSCT in the Poitou-Charentes region (FR02):

‘Micro enterprises’ workers in the construction sector face many hazards regarding their health and security: falls, the use of engines, toxic substances, road accidents, etc. However, workers in micro enterprises do not benefit from the same preventive schemes as those in the biggest companies, which have specific workers dedicated to risk prevention and security, notwithstanding the existence of health and safety committees in companies with more than 50 workers. Moreover, in France, written staff rules are not compulsory for companies with fewer than 20 workers.’

In the context of demographic change and – at least before the current economic crisis developed – bottlenecks in the labour market, the issue of labour shortages is often a challenge. As the Czech case study on Metrostav (CZ01) illustrates, improvements in areas such as education and training issues, social benefits and other measures aim to improve the overall image and employment quality in the construction sector. The case highlights the following improvements:

‘(…) working hours, further education, financial and non-financial employee rewarding, or health and safety measures. A good level achieved in these areas is a priority for the company and the search for methods for its achievement is then a challenge.’

Improvements in working conditions and more generally efforts to improve the image of work and labour in construction are also regarded as a challenge by both management and employee interest representation structures in the German SME case on Freudenthal and Sigepool (DE02). As a bigger employer with about 700 employees, a qualified, motivated and satisfied workforce is regarded as the
key to the success and competitive advantage of the company. At the same time, both management and employee representatives report increasing difficulties in attracting suitably qualified workers. Furthermore, from their point of view, the image of a construction company in a given region is mainly defined not solely by wage levels but increasingly also by other factors such as corporate culture, working environment and career opportunities.

The trade union representative from Byggnads (SE02) also underlines:

‘the importance of keeping the employees and continuing to develop their competences as major challenges in the coming years of low economic activity. He also mentions the importance of making the construction sector attractive to young people and states that this will be a challenge in many ways, not least for the tradition of working hours.’

Interestingly, a major challenge for the construction sector is regarded only to a limited degree as a challenge that has to be addressed by specific action. Although the ‘greying’ of the workforce in the construction sector is highly relevant and threatens to become a more significant problem in particular in the context of increasing the pension age in many countries in Europe, this is regarded as a challenge and a problem outside the realm of enterprise policy. The reason for this is quite simple: in light of the fact that so many construction companies are small, schemes developed in other sectors of the economy for early retirement and part-time work for older people are not applicable to the micro enterprises and SMEs in the construction sector.

Therefore, companies are only able to deal with this problem on the basis of individual arrangements often made in consultation with employee representatives – for example, to employ older workers in areas and fields that are less physically or mentally demanding, as reported in the Freudenthal and Sigepool case study (DE02).

Finally, at least in the large company cases (SE02, DE01 and AT01), the relatively dramatic change in the structure and character of the construction workforce has been explicitly mentioned as a challenge. The increasing role of subcontracting – with many different companies working on the same construction sites – and a marked increase in temporary agency work, foreign subcontracting companies and self-employed workers have resulted in new challenges with regard to working conditions and occupational health and safety issues. For the large companies in the sector, therefore, it is a major task to ensure that working conditions among their subcontractors are improved, as the Swedish case study on Skanska (SE02) illustrates:

‘Skanska has also a clear vision to spread knowledge and focus on the work environment of its subcontractors. It is a clear challenge for the company to take a holistic responsibility for all actors in its construction projects by educating them and teaching them about the company’s safety programme.’

Role of social dialogue in improving working conditions at enterprise level

Social dialogue at different levels
At national and European level, the role of the individual social partners in the context of working conditions and in particular with regard to health and safety standards is clearly defined. The employer is responsible for implementing the minimum legal standards regarding working conditions
and health and safety at work. In the construction sector, the issues of risk assessment and instruction are particularly relevant. In this regard, employers are required to assess risks and take practical measures to protect the health and safety of their workers at the level of individual construction sites and within the company as a whole. They are also required to keep accident records, provide information and training, consult employees, as well as cooperate and coordinate measures with contractors.

In this context, the use of workers’ knowledge helps to ensure that health and safety hazards are identified and workable solutions implemented. Consultation helps to ensure that workers are committed to health and safety procedures and improvements in this area. In fact, formalised procedures of employee involvement are foreseen in national regulations with regard to health and safety frameworks, which are also regulated in the European Directive 92/57/EEC on the implementation of minimum safety and health requirements at temporary or mobile construction sites. Workers have a right to receive information about the risks to health and safety, preventive measures, first aid and emergency procedures at the workplace. In general, employers have to consult their workforce on health and safety measures and also before the introduction of new technology or products.

### Council Directive 92/57/EEC on minimum safety and health requirements at construction sites

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

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

However, as the case studies show, particularly the cases covering the experience of micro enterprises and SMEs, these regulations first provide a general framework of minimum standards for national regulation; the real situation at construction sites and in small companies is often totally different due to the non-existence of sufficient forms of implementation and control. Considering the background of low trade union membership rates, according to the interview partners for this study (particularly on the employee and trade union side), this results in a situation in which the overwhelming majority of construction companies do not have any form of social dialogue at all.

Therefore, social dialogue at the local, regional and/or sectoral level is also crucial for the improvement of working conditions in individual enterprises. The cases of the French CPHSCT in the Poitou-Charentes region (FR02) as well as the Labour Foundation for the Construction Sector (Fundación Laboral de la Construcción, ES01) clearly illustrate this important role of social dialogue at the supra-company level.
Intersectoral agreement on social dialogue in France in the craft industry

In order to improve social dialogue, an intersectoral agreement on social dialogue in the craft industry was signed at national level in 2001 between the main Craft Employers’ Association (Union professionnelle artisanale, UPA) and the five representative trade unions. The signatories agreed on a contribution of 0.15% of the wages bill for companies with fewer than 10 workers. The idea was to develop the capacity of the craft industry to organise its social dialogue and to develop collective tools. The Ministry for the Economy, Industry and Employment decided to extend this agreement to all companies in the craft industry. In the meantime, following this 2001 intersectoral agreement, branches in the craft industry signed sectoral agreements concerning the financing of social dialogue by contributions based on wages. The agreement signed by UPA and trade unions in the construction sector was eventually extended by the Ministry in November 2008. This extension means that all micro enterprises in the construction sector now have to comply with the abovementioned wage contribution to finance social dialogue.

At the regional level, in the Poitou-Charentes region, the regional health and security committee in the construction sector, which has just been set up by the social partners to improve working conditions in craft enterprises, will have more means to launch initiatives on the basis of this national agreement.

Source: CPHSCT case in the Poitou-Charentes region (FR02)

The difficulty in organising social dialogue within the micro enterprises and SMEs in order to address structural challenges was another major driving force for the establishment of the Labour Foundation for the Construction Sector in Spain, according to the case study on the Foundation (ES01):

‘A will arises from those debates to reach an understanding on the path to follow in order to improve working conditions in the sector, through: training; the development of human resources and employment; as well as strengthening of safety and health strategies at work, especially in the area of work risk prevention. These three areas of attention will concentrate all social dialogue policy in the sector, besides all regular topics of collective bargaining. The Labour Foundation is institutionally born from these three elements, taking the form of a joint agreement reached within the General Collective Agreement on Construction signed for the period 2007–2011.’

A particularly interesting case in this context is the experience described in the case study report on Freudenthal and Sigepool (DE02): Freudenthal is a medium-sized company, regarded as an example of good practice both in the field of implementing health and safety standards at construction works in addition to well-functioning social dialogue – including support for the works council, a cooperative corporate culture and active employee involvement. Some years ago, the company's works council started an initiative to network SMEs in the region in order to support and develop health and safety measures in other companies in the sector. This measure became known as the ‘Sigepool’ initiative. To date, this initiative has been very successful, particularly in organising training activities for employee representatives in the area of health and safety, as well as in the context of awareness raising, lobbying and other areas. Emphasising the concrete added value of implementing health and safety management into the enterprises’ everyday practices and lobbying in general for ‘good work’ in the construction sector, the Sigepool initiative today is a well-known case that has been regularly praised in the context of the INQA initiative of the German government as a good practice experience.
The Sigepool initiative, which is still run by a network of works councils of SMEs and is supported by the Trade Union for Building, Forestry, Agriculture and the Environment (Industriegewerkschaft Bau- und Agrar-Umwelt, IG BAU), has in particular contributed to the following provisions:

- disseminating principles of the safety management system and the employees’ responsibilities among SMEs;
- implementing awareness-raising and training measures for employees with regard to specific hazards and risks at work, as well as procedures that should be followed to avoid any risks;
- organising training – in cooperation with the respective professional organisations – for example, for employee safety representatives on safety prevention, as well as specific health and safety instructions for working with technical equipment;
- campaigns and promoting the added value of ‘good construction work’.

The significant role of social dialogue in developing positive framework conditions for an improvement of working conditions throughout the construction sector, but particularly with regard to SMEs, has also resulted in significant transnational activities. Such activities relate to those both in the context of European social dialogue covering the construction sector, as well as other initiatives such as the 2004 Bilbao Declaration or Europe-wide campaigns by the social partners in the sector.

### Bilbao Declaration

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

- integrating health and safety standards into procurement policies, supported by guidelines for purchasing goods and services;
- ensuring that health and safety are taken into account at the design and planning stages of construction projects;
- using site inspections and other techniques to encourage more businesses to comply with health and safety legislation;
- developing guidelines to help businesses, especially SMEs, to comply with this legislation;
- stimulating higher health and safety standards through social dialogue and agreements on training, accident reduction targets and other issues.

### Initiators and drivers at company level and beyond

From the case studies on good practice, no distinctive groups or types of experience can be identified that would have been suitable initiators and drivers of practice and measures aiming to improve working conditions at company level. However, some joint patterns have emerged regarding the role of different actors. At the same time, differences are evident with regard to the question of whether strong joint interests and a common understanding of employee interest representation bodies and management alike are triggering a practice of improvement.

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26 European Construction Industry Federation (FIEC), European Federation of Building and Woodworkers (EFBW), European Builders Confederation (EBC), European Federation of Engineering Consultancy Associations (EFCA), Architects’ Council of Europe (ACE) and European Council of Civil Engineers (ECCE).
The cases in Sweden provide striking examples of this ‘common agenda approach’. Against the background of an already high standard of working conditions – including a strong awareness of the need for a good working environment to enhance productivity and competitiveness – as well as a strong role for social dialogue at enterprise level and beyond, social dialogue is regarded as the most important instrument of change, reform and improvements in the workplace. This is also illustrated by the fact that the social partners in the two Swedish cases mentioned below are not only dealing with a general improvement of working conditions in the respective enterprises but have started to work on process-related and systematic reforms and improvements to target the overall framework conditions.

- In the case of JM AB (SE01), instruments – such as kick-off meetings – have been developed in the context of implementing the best possible working conditions environment in new construction projects. These are fundamentally based on an evaluation of different workplaces with regard to their working conditions standards and the identification of best practice in this context.

- At Skanska (SE02), a programme for safety representatives has been developed as part of a ‘systematic’ concept for improving the work environment and integrating this into overall company practice.

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

At the same time, both Swedish cases emphasise the high degree of consensus and joint understanding about challenges, objectives and major tasks in the context of improving the working environment; for example at Skanska:

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

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

‘Both parties are driving forces in the effort to improve working conditions. However, the work involved in introducing kick-off meetings was initiated by the trade union representatives for blue-collar workers. The concept was developed by the central trade union representative and has been spread throughout the company. These bottom-up initiatives are today taken into account and channelled into the new kick-off and start-up meetings. The effect is that blue-collar workers have become increasingly interested in safety and working conditions and have become an important...’
driving force. Both social parties have the ambition to be the leading forces in the construction sector on improving the working environment and safety.'

This case study also illustrates the important role of trade unions in the context of projects aiming to improve the working environment and specific working conditions issues; in the case of JM AB, these include Byggnads and SEKO.

The situation in the other countries tends to differ from this pattern insofar as the position of trade unions at the enterprise level is much weaker, as in the case of the other major multinational company, Strabag in Austria (AT01). But there are also contrasting elements with regard to the common character of projects defined and carried out mutually by the social partners: these are based on a rather deliberated structure and institutionalised framework of responsibilities, roles and competences in the areas of employee involvement and social dialogue with regard to working-environment issues.27

In contrast to this, the experience of the Czech company Metrostav (CZ01) is characterised by more modest objectives and tasks of social dialogue in the field of working conditions:

‘Both the company management and trade unions agree that the legislation governing working conditions is followed by the company. Moreover, the working conditions agreed in the collective agreement surpass the framework stipulated by the Labour Code and other regulations and also exceed the standard determined in the higher-level collective agreement valid for the construction sector.’

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

‘According to the then human resource manager, in 1995–1996, the company suffered harsh difficulties and was near disappearing. For him, two solutions were on offer: either a general cost-saving policy, but in the end Spie Batignolles would not have had any comparative advantage over the local SME; or a different, more costly approach, with the aim of implementing a “differentiation by the quality” and a new business model centred on human value. The strategy is resumed in the company motto “Constructing value”. According to the former human resources manager, the HR aspects are a full component of the business model.’

27 An overview of the different levels and institutions of employee involvement in the Swedish enterprises in the area of working conditions is provided in the overview tables attached to the case study reports SE01 and SE02.
The Strabag case differs from these patterns in relation to the following aspects.

Like other large companies in the construction sector, Strabag is characterised by a high standard of working conditions in a range of aspects – including pay, training and career opportunities. Furthermore, Strabag also respects legal requirements of interest representation, adopting collective bargaining agreements and implementing the principle of social dialogue in the corporate culture. Headquartered in Austria, Strabag displays strongly the Austrian notion of social partnership. As a multinational company, Strabag also illustrates both the limitations and opportunities of employee interest representation and social dialogue at the transnational level. Although the European works council (EWC) at Strabag is still mainly a forum for mutual information and exchange between employers and employees as well as between employees on a transnational basis, there is also a certain dynamic in the practice of European interest representation through the EWC. In this regard, the issue of working conditions and in particular challenges in the field of occupational health, safety and prevention are regarded by the EWC representatives interviewed as certainly among the most important issues where transnational consultation or even negotiation processes with the management may evolve in the future.

At the same time, Strabag is still a private company with shareholders expecting profits and returns on investments. As employee representatives and management also report, Strabag faces an increase in competition on prices and other trends in the market environment leading to additional pressure on pay and working conditions – for example, the need for employees to do overtime or work on Saturdays.

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

In this context, national or regional initiatives and campaigns of trade unions that have been developed, for example in Germany, Austria and other countries in the survey sample, are also important. For instance, joint approaches involving all of the social partners often play an important role in improving working conditions at the micro level, as the following example from France illustrates.

### Contribution of social dialogue in the French construction sector

A case study reviewed on ANACT’s web portal illustrates the links between social dialogue and working conditions at company level. The initial issue for one small company with 18 workers was the introduction of a new and very innovative technological device. The management has launched a concertation with the workers to improve the efficiency of this introduction and to improve working conditions. The new production tool is a completely new engine, for which workers are not prepared. The project aimed to raise productivity and improve working conditions. This is a case of internal concertation with the help of an external actor – a specialist from ANACT – but with no specific participation by the trade unions or representatives. It illustrates what happens in most small companies.
In this context, it should also be mentioned that the European level plays an important role in terms of social dialogue, which is regarded as a key element of the European social model. Therefore, joint declarations, recommendations and joint action programmes such as those developed between the European Construction Industry Federation (FIEC) and the European Federation of Building and Woodworkers (EFBWW) are important for the overall framework of working conditions in Europe’s construction sector and perhaps as a role model for national developments at sectoral and enterprise level.

### European social dialogue in the construction sector

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

### Practical outcomes

Every April for the last three years, a representative from the Union of Construction and Woodworkers (Gewerkschaft Bau-Holz, GBH) has visited construction workers in Vienna at their construction sites. Usually, the workers receive a small package containing sunglasses, sun protection cream and an information leaflet on the dangers of working without any protection in the sun – for example, the risk of skin cancer. This initiative, which has been developed jointly by GBH, the sector’s employer federation and the Austrian accident insurance organisation (which is financing the costs), illustrates a practical outcome of social dialogue affecting working conditions and workers’ health. This initiative not only supports the health of workers but also raises awareness of the importance of preventive practice. Similarly, in the case of Spie Batignolles (FR01), every worker receives ear protection and new health and safety equipment each year.

Similar campaigns – mostly aiming to create awareness in the area of avoiding accidents and practices damaging to health, as well as promoting an awareness-raising campaign – are carried out
at construction sites all over Europe with the involvement of the social partners, governmental institutions, social insurance organisations and professional bodies.

According to the social partners interviewed in the case studies, one of the most often quoted outcomes of good practice is the reduction of workplace accidents, better preventive practice – including improvements in risk assessment and the instruction of employees working at construction sites – and in general an improved awareness about health and working environment issues. This clearly is a win-win situation both for the workers in terms of protecting their health and for the employers in terms of a reduction in absenteeism due to accident or illness. This is illustrated by impressive results regarding occupational accidents in the case of Spie Batignolles. For example:

‘In two thirds of the entities of the group, the goal of zero accidents is a reality (no accidents resulting in a stoppage of work). In the subsidiary for the north of France, for instance, this goal has been reached for the past three years. At the end of the 1990s, the frequency of work-related accidents at Spie Batignolles was about 30 accidents. Now, the number stands at around 10 accidents in the “historic” subsidiaries of the group and 18 in some recently acquired companies. The average for the sector is between 50 and 55 accidents.’

While the health and safety issue clearly dominates most of the cases evaluated in this research, there are also other concrete effects and outcomes of social dialogue on working conditions, which sometimes also have the character of ‘secondary outcomes’:

- positive effects on the satisfaction, motivation and the feeling of responsibility among employees and a reduction of staff fluctuation rates;
- improvements in the competencies of those in management, employee representatives and employees with regard to health and safety and other issues related to working conditions;
- improvements in the general culture and climate of work in the respective enterprise. This also contributes to the overall attractiveness of the companies analysed in the sample in the labour market.

As the French, Spanish and German examples illustrate, the initiatives of the social partners in the context of the French craft agreement, the Spanish Labour Foundation for the Construction Sector or the German works council and company network also directly support a better coverage, implementation and awareness of occupational health and safety with regard to working conditions in micro enterprises and SMEs. As the Spanish case study on the Labour Foundation (ES01) reveals:

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

With regard to the French and German cases, the most important concrete results of social dialogue have been raising awareness and supporting actors in micro and small enterprises with regard to implementing effective management and organisation of working conditions regulations – in particular, occupational health and safety schemes.
Finally, and perhaps most importantly, the Czech good practice case of Metrostav (CZ01) exemplifies a number of positive outcomes of the enterprise collective agreement on working conditions. Given the weaker position and role of social dialogue in the Czech Republic and in other central and eastern European Member States, Metrostav is particularly interesting when compared with companies in other EU countries in terms of the following aspects.

- Health and safety at work: improvements are recorded in nearly all fields, including a constant decline in the number of occupational accidents, medical prevention, safety at workplaces and health protection. Metrostav, therefore, currently holds a ‘safe enterprise’ certificate.

- Work organisation and work contracts: significant progress has been reported, for example, in terms of the introduction of above-average holiday schemes, a decline in fixed-term work contracts and monitoring of works contracts by the social partners.

- Care for employees and training: several examples of social benefits and assistance are recorded, as well as activities in supporting employees in ongoing training and retraining.

Factors for success

Not surprisingly, the most important factor of success for the good practice examples analysed in this research is the character and specific nature of social dialogue itself, as highlighted in the Skanska case (SE02):

‘Social dialogue seeking to change attitudes and values has been a major factor of success according to both parties. The structures for social dialogue on safety and working conditions have always existed but the function and quality of this dialogue have increased by communicating its roles, responsibilities and values, as well as the systematic measures for improving working conditions. This has enhanced and increased the status and knowledge of the safety representatives.’

According to all interview partners, regardless of their national and enterprise specific background, the ‘specific character’ of social dialogue or the ‘specific culture of dialogue’ at enterprise level is the major determining factor for positive outcomes in improving working conditions. This includes the fact that social dialogue clearly has to be more than a formal institutionalised practice and should be incorporated in the everyday practices of the enterprise. Furthermore, another important factor seems to be that there be a common understanding among employees and management regarding the role and responsibility of social dialogue, including a common agenda and a more clearly defined procedure.

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

- a clear commitment from management regarding the role of social dialogue, employee involvement, the importance of working conditions and the quality of employment as an important factor contributing to the economic success of the company. This means that social dialogue and work environment issues be fully integrated into the enterprise practices as a whole and not be simply a ‘niche practice’ of specified staff and HR representatives;
active engagement and competent trade union and employee representatives;

- involving workers – particularly blue-collar workers – in the process and convincing them of the importance of its added value. This allows for a smoother process and improves outcomes.

Finally, the importance of concrete objectives and approaches (including ‘carrot and stick’ measures) must be stressed as a major factor of success. This is clearly highlighted in two of the French and Swedish cases. For instance, based on an agreement between management and all of the trade unions, the actors at Spie Batignolles (FR01) have connected their occupational health and safety strategy with the profit-sharing scheme in the company:

'Part of the profit sharing ("intéressement" scheme) depends on the results of this policy. In concrete terms, if no improvement in the reduction of the work accident rate occurs, then a variable part of the profit-sharing scheme (up to 20%) is not distributed. This has been a major factor of awareness. (...) the negotiation on this issue reached a consensus, as all of the unions signed the agreement.'
Challenges and issues in working conditions

The healthcare sector in Europe, particularly private companies in the sector, is one of the most important sources of job creation in the overall economy in all EU Member States. As reported by Eurostat, the Statistical Office of the European Communities, almost one-fifth of jobs created across the EU between 1995 and 2001 were in the health and social services sectors, which today accounts for almost 10% of the total workforce.

The fragmented nature of the care sector in terms of occupational profiles also corresponds to a wide diversity of ownership structures: these include public companies, a high proportion of non-profit organisations such as charities, organisations of the Catholic and Protestant churches, private associations, and commercial private companies.

Although characterised by constant employment growth and labour shortages in many occupations and countries, healthcare is not regarded as an attractive sector by European employees. This is mainly due to the high proportion of low-paid and non-standard jobs in the sector, as well as significant numbers of hazards, risks, and complex occupational health and safety management problems. These include manual handling, strains and demanding working positions, exposure to chemicals, biological hazards, stress and violence, work organisation, working hours, shift work and night work.

In the report *Employment in social care in Europe*, Eurofound has listed further characteristics of working conditions in the social care sector (Neményi et al., 2006):

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

Recent survey results with regard to working conditions in the healthcare sector confirm the multitude of challenges in the context of working conditions in the sector. According to a sector-specific evaluation of the German Good Work Index, which the trade union federation DGB carried out in 2007–2008, poor working conditions are the main cause of the prevailing labour shortage in care professions. All occupational groups in the health and eldercare sector in Germany are clearly lagging below the average German index of ‘good work’: in healthcare, 46% and in eldercare 52% of all employees regard their work and payment conditions as ‘poor’. A further 47% of workers in healthcare and 36% in eldercare rate the working conditions of their job as ‘average’ and only 7% of workers in the healthcare sector and 12% in eldercare regard their working conditions as ‘good’ (DGB, 2008).

29 In 2006, a special evaluation of the Austrian Working Climate Index in the healthcare sector was carried out, drawing similar conclusions (Böhm, 2006).
The most important factors contributing to poor working conditions, according to the survey, are low wages and high work intensity – for example, in relation to overtime work, shift work or split working days. Other important factors – among a total of 15 index-building topics – are poor opportunities for career development, insecurity about the occupational future and a lack of opportunity to influence the work environment.

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

**Challenges perceived by actors**

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

- difficult working times, shift work and weekend working, strict working time regulations and high physical and psychological pressure – particularly for employees in homecare services, and care for elderly and disabled people;
- strict time frames and regulations: this has led to a substantial amount of overtime among the workforce;
- high psychological risk factor and high overall stress factor due to the close relationship between carer and patient;
- in the area of eldercare, extremely stressful conditions compared with care for disabled persons, a very low level of staff coverage reaching only 50%, with a strikingly high percentage of sickness among workers and, increasingly, an average age of 50 years among employees;
- gender inequality: the health and care sector is largely female and enterprises in the sector have problems recruiting qualified male workers.

In line with this assessment, the interviewed employee representatives of the French Home Care Services Association (*Association de soins et services à domicile, ASSAD*) (FR04), a non-profit medium-sized care provider in Besançon in eastern France, summarised the following major problems with regard to the working conditions of the approximate 640 employees in the company (only around 25% are full-time employees and 99% are female staff):

- working hours and the length of the working day, including work on Sundays, public holidays and night work;
- travel – having a car is almost essential for the job, while travel reimbursements are generally considered as too low (even if – in this association – the level of reimbursement is slightly above the minimum stipulated in the collective agreement);
- work-related injuries and incapacities – there are about 10 dismissals for incapacity every year;
- physical hazards: carrying persons, using toxic substances, travel (with its attendant road hazards) and musculoskeletal problems;
- psychosocial problems such as stress and the feeling of isolation.

Furthermore, the employee representation has identified the following problems: increasing time pressures on employees which make it difficult to have lunch breaks, for example; a lack of career opportunities, since a large proportion of employees are involuntarily on part-time work contracts; and low wage levels, particularly for part-time workers.

With regard to specific challenges in hospital care, both the Czech case on Pelhřimov Hospital (CZ02) and the Swedish case on St Göran Hospital (SE03) are illustrative examples. The following is the case in the Swedish example:

"The working conditions and its challenges are very much sector specific. Both trade union representatives and management representatives address the same challenges. The demand from patients has increased dramatically over the last years while at the same time resources have been reduced. This has increased stress levels and significantly influenced the work environment. The company has faced challenges within all areas such as working time, employment contracts, pay, gender equality, training, sick leave etc."

According to most interview partners, working conditions in the healthcare sector – both in hospitals and in the homecare and social care sector – have worsened during recent years as a result mainly of increased competition and pressure on wages, costs and other aspects such as working time and social benefits. This poses serious threats for non-profit companies in the sector providing a significant part of health and social services, particularly in Austria, Germany and Spain. In all of these countries, there is also a growing number of commercial private companies, in the area of mobile daycare for disabled persons and older people, that are competing mainly on the basis of low costs.

**Role of social dialogue at enterprise level**

Considering the fragmented structure of the healthcare sector, social dialogue at national and sectoral level has a crucial role to play in developing common and sector-wide frameworks covering different aspects of working conditions – for example, minimum standards and training programmes.

While at the European level this type of sector-based dialogue only started to emerge in recent times – thereby illustrating the difficulties in organising the sector as a whole – some national experiences are more advanced.
Social dialogue in the hospital sector

In 2006, the European Federation of Public Service Unions (EPSU) and the European Hospital and Healthcare Employers’ Association (HOSPEEM) launched the social dialogue committee for the hospital sector. The committee has adopted a joint declaration on health services and a Code of Conduct on Ethical Cross-border Recruitment and Retention. It has also concluded a project on ‘Social dialogue in the new EU Member States’. On the 23 June 2008, the committee adopted its second Joint Work Programme 2008–2010, which is centred on five main themes: retention, strengthening social dialogue structures, the ageing workforce, third-party violence and new skills needs.

This rationale is illustrated by the experience of the Spanish social partners’ ‘Framework agreement on assistance services for dependent persons’ (ES02):

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

An example of exchanging experiences and learning from good practice is the initiative of the social partners and the German government within the sphere of the INQA focusing on the care sector (INQA Care).

The role of social dialogue at enterprise level for the improvement of working conditions at workplaces in all cases analysed is regarded as crucial from the point of view of the management as well as the employee interest representation, as the Austrian case of Diakoniewerk Gallneukrichen (AT02) illustrates:

‘As a matter of fact, the corporate culture is characterised by the necessary understanding and excellent knowledge regarding the function and responsibilities of the works council. The common priority for management and the works council is to prevent problems and tension at an early stage and to effectively address and solve problems at this stage.’

In this context, joint institutions in an undertaking, as legally provided for in larger companies, are considered to be particularly important for improvements in working conditions at enterprise level, as highlighted by the interview partners in Sweden (Health and Safety Cooperation Committees) and France (CHSCT). For example, according to the study on the François Baclesse Centre (FR03):

‘The important role of the CHSCT (health and safety committee) has been emphasised. The case study is illustrative of the growing awareness of musculoskeletal and also psychosocial problems. Concerning the former, the introduction of new, modern equipment is often a solution, but (…) this is a costly measure. Concerning the latter, the case study has also shown the influence of work organisation on this growing issue. When it can influence the debate and give workers and workers’ representatives a voice about organisational issues, the CHSCT is a tool with great potential for improving working conditions through social dialogue.’
Again, Sweden and the two Swedish cases illustrate a high standard and intensity of social dialogue, which seems to be a constituent element of corporate practice in nearly all fields of enterprise development. In the case of St Göran Hospital (SE03):

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

On the contrary, the Czech case of Pelhřimov Hospital (CZ02) reveals that social dialogue does not play a significantly active role apart from in relation to pay issues. The case study clearly underlines the importance of the competence and professionalism of employee interest representatives:

‘Social dialogue in a small hospital is not highly developed and deals only with a few issues. Social partners confirm jointly that they do not plan any expansion of social dialogue. The reason must also be that the chairs of the trade unions, who are not trade union officials by profession, and trade union members, have a highly demanding profession so that they only allocate for this activity enough time to deal with topical problems. Legal regulations governing the operation of healthcare facilities also set a solid framework, due to which room for collective bargaining is limited compared with other sectors and the private sector. Thus, social dialogue is not able to resolve organisational problems in the healthcare sector.’

Initiators and drivers at company level and beyond

Fieldwork in the healthcare sector indicates the actions taken by the key actors – in initiating changes and improvements in working conditions and the working environment – that clearly relate to the two social partners’ main interests.

First, management interests are clearly oriented towards improving the business environment and the quality of the service provided. In particular, companies providing care have to rely on a qualified, motivated and satisfied workforce as the major source and basis of competitiveness. Therefore, social dialogue and employee involvement, as well as cooperative corporate cultures, are pivotal for company success, as the case of the François Baclesse Centre (FR03) in Normandy in northern France shows.

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

‘The hospital is characterised by an open culture of dialogue, which allows getting in touch with the respective person by phone at any time in order to arrange an appointment as soon as possible. In addition, there are numerous company-specific practices of social dialogue mirroring the corporate culture, which is based on a decentralised way of organisation with an emphasis on transparency.’
In the cases studied, management regards social dialogue as particularly important in introducing change, implementing restructuring or reorganisation, and taking initiatives to improve the quality of services. This is the case in the Lillkärr Geriatric Care Centre (SE04) in Sweden:

‘The initiative to start the systemised quality work came from the management; a new manager came and she started the work by reorganising and changing almost everything at the workplace. At first, resistance was high among the employees. After two years, things had changed and the insistent work of the manager began to produce results. The employees have been increasingly involved in the systematic quality work and today both the management and the employees seem to be equally strong driving forces in this regard.’

Secondly, employee representatives in most cases highlight the problem of deteriorating working conditions, particularly in the context of pay, working time and an increasing intensity of work. For them, involvement in social dialogue and bargaining with the management is a crucial instrument in improving working conditions and the quality of work from the perspective of workers. Since employee representatives are in a weaker position structurally with regard to setting agendas for corporate change projects, interest representation bodies either have to convince the management of the added value of their projects – for example, a new working time model that might improve employee motivation or reduce absenteeism – or else table an issue on the common agenda in exchange for a project promoted by the management. This process of ‘giving and taking’ has been reported in most cases by the employee interest representation bodies. It also plays a role in the initiatives pushed forward by the works council of the German care provider Brücke e.V. (DE03) in the following areas of change:

- anti-discrimination and equality policy – resulting in a company agreement – also addressing issues of equality and integration of disabled workers, older workers and gender equality;
- regulations and a company agreement on holiday planning;
- regulations with regard to interest representation of young employees and trainees, as well as disabled workers;
- regulation on conflict management and mediation in the case of conflict; this resulted in clearly defined procedures and methods of handling conflict that are transparent for all of the actors involved.

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

First, social dialogue has a general effect on working conditions, as reported in the Austrian case of Diakoniewerk Gallneukirchen (AT02). In this case, most importantly, the introduction of the collective agreement in 2006 has led to a general improvement of working conditions. Former ‘grey areas’ were successfully eliminated and mandatory rest periods between shifts officially defined. The weekly working time was reduced from 40 to 38 hours.
A positive outcome of social dialogue is also illustrated by the agreement on night work in the French case of Centre François Baclesse (FR03):

‘In order to guarantee a regular rhythm of night work, a rotation system was negotiated at the enterprise level between the social partners that differs from the sectoral collective agreement, which is regarded by the employee representatives at the company level as too inflexible. The negotiation between the employee representatives and the company management resulted in a new model of night shifts, which is regarded by both sides as the best possible solution. The new model is also supported by the occupational doctor.’

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

- improvement in the field of internal communication in the form of an employee newsletter and an annual works council newsletter;
- the creation of a daycare centre for employees with children in the hospital;
- 16 company-level agreements between management and the works council covering a broad area of topics in the field of working conditions, such as incentives and bonus payments, training and qualification, handling of drug problems among staff and annual personal development meetings;
- introduction of trained conflict mediators and an official complaints system;
- initiatives established by the works council such as ‘colleagues help colleagues’ and the organisation of joint sporting events funded by the management;
- introduction of a system of allowing workers to inform the works council of work overload.

Factors of success

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

A certain precondition seems to be the type of social dialogue, which has to be incorporated into a cooperative culture of enterprise development as a whole. Successful social dialogue at the enterprise level is not carried out on customised but on tailor-made solutions, practices and structures. This is illustrated by all nine case examples – all have developed their own ‘culture of social dialogue’ and employee interest representation bodies, which as well as being based on national legal frameworks also clearly go beyond these, particularly in the case of Brücke e.V. (DE03).

While not considering itself a large company, Brücke e.V. employs 600 people and has been developing a significant variety and a decentralised structure of social dialogue in different areas. The works council and the employee representatives are involved in legally stipulated practices and procedures of employee participation and co-determination in company developments, such as HR policy, training, dismissals on individual and business grounds, change in the company organisation and health and safety; in addition, they are involved in company-specific fields and social dialogue practices. The company has also established an elaborated and comprehensive system of conflict regulation and arbitration in cases of conflict both between management and employees, as well as between management and the works council.
As mentioned in the previous chapter, a further crucial factor of success relates to personnel relationships and trust, both with regard to the relationship between employees and management, and between works councils or other forms of employee interest representation and the workers. This is highlighted by the François Baclesse Centre (FR03):

‘The trade union representative has observed a clear improvement in social dialogue over the last two years, since the change of general manager and general secretary. Before that, according to the representative, social dialogue was blocked. There is now a real will of exchange, listening and cooperation. The director comes to the meetings and is available for consultation, which was not the case before. Therefore, according to the union representative, the relations between the representative and the management have been much improved.’

With regard to the specific role of the employee interest representation body, the case of Brücke e.V. (DE03) again illustrates quite a complex function within the company:

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

In summary, and with some additions, the following key factors of success should be listed:

- a corporate culture based on employee involvement and participation, as well as on cooperative modes of decision making and enterprise development;
- mutual trust among the actors involved – management, interest representations and senior workers;
- informal modes of social dialogue – such as ‘flat hierarchies’, or open and direct communication – together with institutionalised dialogue and binding outcomes (either company agreements signed by both sides and/or written company regulations that are part of the work contract);
- the existence of a concrete agenda of priorities, targets and tasks for social dialogue both on the side of management and employees;
- a ‘culture’ of employee interest representation and a clear understanding of the employee interest representation body’s role and functions is another crucial factor of success; a proactive role for employees in social dialogue very much depends on the individual commitment, motivation and the competences of the employee interest representatives;
- finally, the success of company-based employee initiatives and projects is also supported by trade union policies and initiatives at the sectoral level – for example, nationwide initiatives or campaigns – as well as at the local level.
Returning once again to the question raised in the conclusion of the Eurofound report *Working conditions surveys – a comparative analysis* (Weiler, 2007) on the ‘exact contribution’ of social dialogue to improvements in working conditions, it is now possible to draw some overall conclusions based on the results of the three levels of analysis carried out in the context of this study – that is, frameworks and contexts, empirical surveys and case study evidence.

Thus, it is important to refer to the major research questions used and the evidence provided by each analytical level. For example, it is important to consider the following questions. How and by which means did social dialogue contribute to an improvement in working conditions? What are the major initiators and drivers? What type of relationship can be observed between company-based social partners and other actors?

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

Of course, the European level of regulation and European social dialogue is quite far removed from the realities at the shop-floor level throughout Europe and can only provide for and establish a general framework of minimum requirements for national regulation, guidelines, reference principles or general ideas regarding the role and different dimensions of social dialogue within the Member States. The analysis for this study has illustrated significant differences between the countries analysed, largely resulting from specific traditions and cultures of labour relations and labour market organisation. Differences are also quite striking in the regulation of working conditions and the role of social dialogue, which ranges from far-reaching and direct responsibilities in Sweden, to a still largely unsettled role with certain variants in other countries.

This does not mean that EU-level social dialogue has no impact on improving working conditions in practice. In fact, the effects of EU occupational health and safety regulations on reform processes and new overall concepts of health and safety at work, particularly with regard to prevention – as seen, for example, in Austria, the Czech Republic and Germany – have shown that social dialogue has an impact on working conditions. In its elaboration, such EU regulation was directly influenced by sectoral and cross-sectoral social partner positions.

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

However, in this study, some general trends and features can be summarised. Based on EU-wide regulation, the social partners – such as employers, employee interest representation structures and specific joint bodies – play an important role in implementing the respective national framework for working conditions and occupational health and safety standards.

In this context, the fieldwork for this study in relation to good practice at company level revealed some important results with regard to the role of different forms of dialogue, groups of actors and levels of practice.
The main scope of social dialogue and collective bargaining at the national level defines certain principles and develops joint initiatives and programmes in order to improve working conditions with regard to problems and challenges detected – particularly in relation to construction and healthcare. The exact role and position of different forms of social dialogue – such as consultation, joint agreements, bargaining and negotiation – very much depend on the specific national labour relations background. This is demonstrated, for example, in the constituent role of collective bargaining in the Nordic model, the Austrian/German notion of ‘partnership’ or a still very much state-centred model in France.

Both the analyses of national situations in this study and the fieldwork in relation to good practice at company level have shown that, in order to be implemented effectively, social dialogue that aims to improve working conditions has to be closely connected with the shop-floor level. Trade unions and sectoral employer organisations seem to play an important role, since they organise and articulate the interests of company-based actors. One important message arising from the study of sectoral initiatives is, therefore, that sectoral-based social dialogue is a crucial element in bringing about improvements in working conditions.

These conclusions also result from critical aspects and barriers identified in the context of the fieldwork, with regard to the role of the social partners at company level in improving working conditions.

The work of employee interest representation bodies at the company level is extremely demanding, as the case studies on SMEs have illustrated. SMEs tend to have a works council chair on a part-time basis, as well as a lack of personnel support resources. There is a distinct need for improvement, particularly against the background of the important role that SMEs play with regard to implementing change and improvements in the field of enterprise labour relations. In this context, support from external actors, such as trade unions at sectoral or local level, professional organisations, joint social partners’ or tripartite organisations in the field of working conditions, is extremely important in order to support company-level actors on the employee side.

Regarding the exact role of different actors at company level – such as the employer, employee interest representations, company-based trade union structures, and bodies dealing with working conditions – and the interaction of different actors at various levels, some general conclusions can be drawn from the fieldwork for this study. Actors at the company level need to have a certain role to play and responsibility to fulfil. The rules of interaction between the social partners at company level have to be defined as precisely as possible in order for social dialogue to function well. This is a clear message from the fieldwork carried out on good practice.

However, the role of different actors as initiators and driving forces very much depends on the framework conditions at company level. Each case is unique: sometimes the sectoral or even national social partners are the major drivers of improvement – for example, regarding measures for older workers, or further training. On other occasions, the management side is the main driving force – for instance, with regard to ‘zero-accident strategies’. Elsewhere, employees appear to be more influential – as seen, for example, in relation to issues concerning work–life balance and working time organisation. Simple conclusions can seldom be drawn in this context. However, one aspect quite evidently arises from the fieldwork for this study: in order to be effective and to see real
improvements, different actors have to work together to achieve joint interests and a shared understanding of challenges and expectations of a win–win situation, beneficial for both sides of industry. As the good practice examples presented in this report show, crucial preconditions for this joint practice of the social partners at the company level include mutual trust and understanding, a strong and pragmatic orientation towards problem solving, and open-mindedness on the part of both social parties.

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

As previous work carried out by Eurofound has shown, most of the surveys analysed in the context of this research aim to assess the quality of working conditions, overall trends, and major challenges both generally and with regard to certain economic sectors, groups of employees and types of companies. However, no single survey has been identified covering the specific research interest of this study or at least the issue of the role of social dialogue or different forms of dialogue in the context of implementing working conditions regulations at the company level, not to mention the issue of ‘improvements’.

The surveys that have been analysed in a more in-depth manner in this research, therefore, only allow for some comparisons based on two independent variables at best – the existence of works councils or other bodies of (joint) representation at company level on the one hand, and coverage by collective agreements on the other hand. Although the analyses presented in this study have shown some effects and some general conclusions with regard to the impact of these forms of social dialogue on the quality of working conditions, process-related aspects and varieties of practice, the analysis clearly does not allow for any conclusions with regard to ‘real improvements’ or standards of working conditions. Such conclusions have only been drawn in the context of the two index-building survey approaches focusing on the ‘climate’ of work and ‘good work’ as perceived by employees or employee representatives. As part of this approach, however, the other side of the equation is missing – that is, the perception of employers and company managers regarding the quality of work and working conditions.


Working conditions and social dialogue


Krenn, M., Eurofound, Quality in work and employment – Austria, 2007, available online at www.eurofound.europa.eu/ewco/studies/tm0612036s/at0612039q.htm
Peña-Casas, R., Quality of work and employment in EU policy arena: Conceptual frameworks and monitoring indicators, Brussels, Observatoire social européen, 2007.


## Annex 1:
Overview of case studies and authors

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<tr>
<th>Case study</th>
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Annex 2:
Interview guidelines for management and employee representatives on working conditions and social dialogue

Structure of the guideline
1. Information on the respondent and the company
2. Corporate culture, interest representation and social dialogue
3. Challenges and issues in the field of working conditions
4. Improvements of working conditions and the role of social dialogue
5. Critical elements and unsolved issues

1 Information on the respondent and the company
1.1 Function and occupational background of the respondent in the company
1.2 History and current structure of the company
1.3 Market background/frame and main activities of the company
1.4 Number of employees and workforce structure (functions, gender, qualifications)
1.5 Employment trends (e.g. ongoing restructuring, consolidation, expansion)

2 Corporate culture, interest representation and social dialogue
2.1 Which forms of interest representation, employee participation (works council if applicable, board level/group level representation, other joint bodies, other forms of direct participation) and social dialogue exist at the company?
2.2 Trade unions’ structure (unions, density, history) and collective bargaining coverage
2.3 How is employee interest representation and social dialogue organised in the company (e.g. number of annual meetings, select committee meetings, joint bodies; who is responsible for the agenda with regard to working conditions etc.)?
2.4 Interaction and organisation between different forms of interest representation (e.g. joint trade union committees, organisation of collective bargaining etc.)
2.5 Description of the relations between management and employee representatives and corporate culture (co-operative, partnership, conflict-ridden etc.)
2.6 What are the greatest current issues and matters of interest with regard to employee interest representation and employee–employer relations in the company?

3 Challenges and issues in the field of working conditions
3.1 Which are the major challenges and issues with regard to working conditions in your company? To which extend would you describe them as sector specific?
3.2 Are there any specific challenges in the following fields?
   - Working time
   - Labour contracts (part-time, temporary work, agency work etc.)
   - Gender equality
   - Qualification, skills and further training
   - Older workers
   - Psychological risk factors and stress
   - Physical risk factors
3.3 How would you describe the general trend regarding the quality of working conditions in these areas during the last five years?

3.4 How do you assess the capacity and role of different levels and types of action with regard to regulating and improving working conditions at the company level?
   • National legislation
   • General collective bargaining agreements and social dialogue initiatives at national level
   • Sector specific initiatives, collective bargaining and social dialogue
   • Initiatives, agreements and social dialogue at the company level

4 Improvement of working conditions and the role of social dialogue

4.1 Please tell an exemplary ‘success story’ with regard to improving working conditions in your company.

4.2 Which were concrete positive and practical outcomes and improvements of this story?

4.3 Who took the initiative to address the challenges identified above as crucial?

4.4 Have there been any conflicts with management or between different groups of employees?

4.5 How was the process of improving working conditions practically organised at the company?

4.6 Which bodies were mainly responsible and which role did social dialogue play in this context?

4.7 Which factors do you regard as crucial for the success of improving working conditions?

4.8 Do you think that social dialogue between management and employees contributed to the improvement of working conditions?

4.9 Which factors would you describe as hindering and critical?

5 Critical elements and unsolved issues/questions

5.1 From your point of view, what have been the most critical elements in the example described before?

5.2 Which questions/challenges were not addressed sufficiently by social dialogue? Which main reasons do you see in this context?

5.3 Do you see any barriers regarding a more positive influence of social dialogue on good working conditions? How could the practice of social dialogue be improved?
European Foundation for the Improvement of Living and Working Conditions

**Working conditions and social dialogue**

Luxembourg: Office for Official Publications of the European Communities

2009 – VIII, 101 p. – 21 x 29.7 cm

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Quality of work and employment is a central concern of European policymaking. In recent years, the role played by social dialogue – a key element of the European social model – in improving working conditions has been the subject of increasing interest.

This report seeks to investigate the contribution played by social dialogue structures in boosting the quality of work and employment. Focusing in particular on national experience in six Member States, and the situations of the construction and healthcare sectors, it provides an overview of major framework conditions from both a European and national perspective, presents key findings from existing research and national working conditions surveys, as well as giving an overview of examples of good practice at company level and of the results of case studies carried out as part of the research for this report.

The European Foundation for the Improvement of Living and Working Conditions is a tripartite EU body, whose role is to provide key actors in social policymaking with findings, knowledge and advice drawn from comparative research. The Foundation was established in 1975 by Council Regulation EEC No. 1365/75 of 26 May 1975.