



TRANSNATIONAL PARTNERSHIP “EXPERIENCE”

Rules of operation of Observatory and antennas specification of competencies

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**MINISTRY OF EMPLOYMENT
AND SOCIAL PROTECTION**

GENERAL SECRETARIAT
FOR MANAGEMENT OF COMMUNITY
AND OTHER RESOURCES



EUROPEAN UNION

EUROPEAN COMMISSION

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Defining the activities and the organisational and operational framework of an Observatory for the Promotion of Social Dialogue

A. INTRODUCTORY REMARKS

The purpose of this study is to develop an integrated framework for the establishment and operation of the Observatory on Active Ageing. A condition for the successful activation of the Observatory for the Promotion of Social Dialogue on Active Ageing is a clear definition of its activities and determination of the statutory framework for its organisation and operation.

The basic purpose of the establishment of the Observatory is to promote social dialogue on active ageing and manage the participation of older workers in the labour market.

Meeting the above-mentioned goal is based on:

- collection and analysis of data on an international level,
- determination of the statutory framework for operation on the basis of international experience, as well as the current statutory framework for operation both of the Economic and Social Council and also of similar institutions in the country,
- a detailed definition of the methodology for the implementation of the procedure for monitoring the existing situation,
- identification of the participants in the social dialogue process (approaching the target groups from both the supply and the demand side),
- publicising the actions of the Observatory so as to maximise the desired information and sensitisation of those directly involved in the question of active ageing, and
- exchange of concerns and experiences with similar centres and bodies in other countries

To date the existing situation has also been dealt with in detail in the studies carried out by the bodies participating in the development partnership of with regard to the position of older workers in the labour market in all three sectors of productive activities. The basic differences that arise on the basis of the sectors and individual branches of economic activity have also been dealt with.

The investigation of the international situation also included primary material which was collected from the visits made to similar institutions in the context of transnational cooperation to enrich the Observatory's operating framework, and also from the speeches and discussions that took place during the seminar organised in Athens by the "Empeiria" Development Partnership on 9/11/06 on the subject of "Management of Active Ageing."

Based on the partners' sectors of competence and specialisation, the Economic and Social Council, as the main body for conducting social dialogue in the country, took on the implementation of this action. Because the issue of active ageing arises with varying intensity in the different sectors of economic activity and one of the Observatory's objectives is to manage such phenomena, the basic areas in which its operation will be structured are the following:

- A. Constant collection of data on the developments taking place in the labour market, the statutory framework on employment and the policies to promote active ageing.
- B. Investigation and identification of the differences over time and evaluation of the impacts of intervention policies to promote active ageing.
- C. Awareness, information and sensitisation actions both for the labour force target group and for enterprises in all sectors of productive activities.
- D. Publication of printed and electronic material on developments and new opportunities.

B. BRIEF PRESENTATION OF THE OBSERVATORY FOR THE PROMOTION OF SOCIAL DIALOGUE ON ACTIVE AGEING

Promotion of active ageing and facilitation of quality participation in full-time jobs for older workers is a paramount policy goal of both the revised Lisbon Strategy and also the national strategy to boost employment and social cohesion. Keeping older people in the labour market in full-time, high-quality jobs is a key challenge for a socially oriented economy, which requires the synergy and additionality of all policies. It also requires systematic, constant monitoring of developments in the statutory framework and their impacts on the activation, quality and improvement of older people's skills and on social cohesion.

The Economic and Social Council believes that a particularly important part of its role is the active part it is playing in the direction of systematic monitoring of the developments taking place in the labour market in all three sectors of productive activities (primary, secondary, tertiary), as well as the development and promotion of social dialogue on issues of active ageing. To realise this objective, the Economic and Social Council will develop the Observatory in the context of the Empeiria Development Partnership, financed by the EQUAL Community Initiative. This will not be an isolated action but an integral continuation of its work as a whole. To be more specific, the operation of the Observatory is focused on:

- a) monitoring and evaluating the national policies aimed at promoting active ageing by means of actions to improve older employees' skills and provide incentives both to enterprises and to workers in order to boost active participation in the labour market.
- b) monitoring and evaluating the implementation process and the impacts on the process of supporting active ageing through individual actions implemented in the context of the above-mentioned policies.
- c) identifying delays and shortcomings and formulating specific suggestions for improvement.
- d) writing periodical reports on the above-mentioned topics.

e) carrying out sensitisation/information actions through the social dialogue processes.

Equal development of all five of the Observatory's sectors for action will ensure its effective contribution in the direction of improving the results of policies to promote active ageing. Collaboration with the scientific staff of the bodies participating in the development partnership is a basic condition for the success of the whole undertaking, as it ensures the know-how necessary for such undertakings, along with scientific support and constructive dialogue.

The working group responsible for the operation of the Observatory will be responsible for coordinating the whole action, setting the standards, providing guidelines, evaluating and defining the basic sectors for intervention, incorporating social cohesion and publicising the final remarks.

C. STATUTORY FRAMEWORK FOR OPERATION (The case of Greece)

The Observatory for the Promotion of Social Dialogue on Active Ageing operates as part of the Economic and Social Council in accordance with its rules of operation and competencies, as laid down in the Greek Constitution, Law 2232/1994 establishing the Observatory, and the Observatory's by-laws.

ESC of Greece consists of a President and another 48 members who form three groups with an equal number of members. The first group represents the employers, the second the workers and the third other categories.

Four members of the first group are appointed by the Federation of Greek Industries (SEV), four by the General Confederation of Greek Small Businesses and Trades (GSEVEE), four by the National Confederation of Greek Traders (ESEE), and one by each of the following: the Association of Greek Banks, the Panhellenic Federation of Hoteliers (POX), the Association of Greek Shipowners, the Association of Greek Contracting Companies (SATE).

In the second group, 11 members are appointed by GSEE and five by the Confederation of Public Servants (ADEDY); they are selected as far as possible from different branches.

In the third group members are appointed as follows: a) five from the Panhellenic Confederation of Unions of Agricultural Cooperatives (PASEGES) and two from the General Confederation of Greek Agricultural Unions (GESASE), b) one self-employed professional member from the Lawyers' Coordinating Committee, the Greek Medical Association, the Economic Chamber of Greece and the Geotechnical Chamber of Greece, c) one representative of consumers and d) three members from the Central Union of Municipalities and Communes of Greece (KEDKE).

In brief, the bodies of ESC are the General Assembly, the Executive Committee, the President and the three Vice Presidents, one from each group.

The General Assembly is responsible for formulating Opinions, publishing rules regarding the organisation and operation of ESC, and for any other matter which has not been assigned to another body. The General Assembly can also, by a majority of two-thirds of its nominated members, assign the expression of an opinion on a specific issue to the Executive Committee. In performing their duties, the members act independently. The General Assembly is required to convene in two meetings per year, once every six months and any time the President calls a meeting.

The opinion of ESC is transmitted to the Minister of National Economy and the current responsible Minister, along with all the necessary documents, including minutes of the meetings.

The Executive Committee consists of the president, the three vice presidents and three representatives of each group appointed by the respective groups. Unless the General Assembly decides otherwise, the Executive Committee manages current ESC issues, collects information and prepares the proposals for the Opinions delivered by ESC, which it submits to the General Assembly for a final vote.

In order to form an Opinion, a quorum of half the nominated members and a majority of the members present is required. Its proposals are transmitted to the President and communicated to the members of the General Assembly which is convened for the final Opinion. The Executive meets following a proposal by the President.

The President of ESC is appointed by decision of the Minister of Economy and Finance for a three-year term, following a proposal by the ESC General Assembly. The President is selected from among well respected individuals coming from and proposed successively every three years by each of the three groups of which ESC is formed. The President represents ESC, has responsibility for its action, directs the meetings of the General Assembly and the Executive Committee, sets the agenda and ratifies the minutes.

ESC also has three Vice Presidents, one from each of the three groups, elected by the General Assembly for a three-year term. The Vice Presidents sit in for and assist the President, as stipulated in the by-laws.

D. DETAILED ACTION PLAN

1. ORGANISATIONAL CHART FOR THE OPERATION OF THE OBSERVATORY FOR THE PROMOTION OF SOCIAL DIALOGUE ON ACTIVE AGEING (Based on the case of Greece)

As can be seen from the previous brief presentation of the composition and operation of ESC, all the social partners participating in the labour market, either from the demand side (employers) or from the supply side (workers), are represented on ESC. Obviously ESC is the most suitable institution for promoting social dialogue on active ageing.

Thus the Observatory for the Promotion of Social Dialogue on Active Ageing will be developed in the context of ESC. It will operate in accordance with the mode of operation of ESC described in brief above. To be more specific, the final decisions will be taken by the General Assembly following a recommendation from the working groups and the Executive Committee, and the President will be responsible for running of the whole undertaking.

For the integrated operation of the Observatory the following committees were formed within ESC. However, based on ESC's by-laws, the committees' responsibilities are limited to making recommendations. In particular:

a) The body responsible for the operation of the Observatory in the context of the Economic and Social Council and for planning its activities is the **Coordinating Committee** which meets on a monthly basis and consists of:

- The President of the Coordinating Committee
- Two representatives of Group A - members of the Executive Committee or General Assembly
- Two representatives of Group B - members of the Executive Committee or General Assembly
- Two representatives of Group C - members of the Executive Committee or General Assembly

In more detail, after taking into account the recommendations of the Scientific Committee and the Management Committee, the Coordinating Committee will decide on the studies to be carried out by the Observatory in order to investigate the existing situation, on the publication of their conclusions and on the social dialogue processes that will take place on the vital questions regarding promotion of active ageing.

Taking part with speaking rights in the meetings of the Coordinating Committee are the General Secretary, the Scientific Associates and the Financial Officer of ESC, as well as any other person invited by the President of ESC whose presence is deemed to be necessary or useful.

b) In parallel with the Coordinating Committee, the **Management Committee** is also formed and meets on a monthly basis. The Committee's competencies will be:

- a) to make recommendations to the Coordinating Committee regarding the financial aspects of the decisions to be taken,
- b) to draw up and submit for approval to the Coordinating Committee an annual budget and progress report of the Observatory, and
- c) to monitor the implementation of the approved budget and inform the Coordinating Committee of any important deviations from it.

The Management Committee consists of three members of the Executive Committee or the General Assembly (who are not also members of the Coordinating Committee) and the Financial Officer of ESC.

d) Scientifically speaking, the work of the Coordinating Committee and the Management Committee and the implementation of planned actions is supported by the **Scientific Committee**. The Committee's competencies are the following:

- a) It makes recommendations to the Coordinating Committee regarding the scientific aspects of the decisions to be taken, and indicates, inter alia, the subjects requiring detailed investigation on the basis of the developments taking place in the statutory framework of industrial relations, along with

the key objects that will constitute the thematic fields for conducting the social dialogue.

- b) In the context of the decisions of the Coordinating Committee, it forms working groups which will be responsible for the scientific documentation of the studies carried out as well as for the scientific support of the various units of the social dialogue.
- c) It is responsible for implementing the scientific work of the Observatory.

It is made up of:

- ESC's scientific associates
- One expert appointed by Group A
- One expert appointed by Group B
- One expert appointed by Group C

The acting chairman of the Scientific Committee is appointed by decision of the Coordinating Committee.

All the above-mentioned bodies are convened by their Presidents or acting chairmen. They reach a quorum when the number of members present is greater than the number absent. Efforts are made for their decisions to be taken unanimously, and in the event that unanimity is not attained an absolute majority of the total number of their members is required.

d) Finally, the work both of the Coordinating Committee and of the Scientific Committee receives secretarial support from the **Observatory's Secretariat**, which consists of ESC's permanent and temporary staff.

2. DETAILED DESCRIPTION OF THE PROJECT

a. The Existing Situation in the International Environment

Ageing is not an issue arising in certain countries only, but a general phenomenon which cannot be dealt with in isolation. In recent years important progress has been made in cooperation with the EU on ageing issues. The development of policies to improve access to the labour market for older workers has been important, since if their rate of participation is not increased, the ageing of the population will have a significant impact on workforce availability, economic growth and the viability of the social protection systems. Beginning in 2000 progress has been made in increasing the employment rate among people aged 55-64, but active participation remains inadequate and must be increased in order to support economic growth, income from taxes and the systems of social protection.

To a large extent, the low rate of participation of older workers in the labour market reflects the deeply rooted attitude regarding early retirement, along with the lack of cooperation and unified orientation among employers, trade unions and politicians. The EU member states have taken important steps to keep older workers in employment, but the active participation of the social partners in the whole process is of equal importance for achieving the desired goal, as it facilitates the development of a longer and better quality working life.

At the European Councils in Stockholm (2001) and Barcelona (2002) two goals were set for policies aimed at active ageing, which must be met by 2010:

- half of the population of Europe in the 55-64 age group must be in work (Stockholm 2001)
- the average real age at which people stop working in the EU must be gradually increased by about five years (Barcelona 2002).

Management of ageing from the viewpoint of age composition of the working-age population and its rates of participation in employment is focused on efforts to keep down rates of unemployment and/or “early” withdrawal from work, mainly through retirement before the officially set age. Another

important aspect of management of the employment of people after a certain age (usually after 50 for women and 55 for men) is determined by whether employment after that age is a right of the individual exercised on a voluntary basis for the purpose of addressing phenomena of social isolation and exclusion (Scandinavian countries) or whether it is imposed as an obligation in order to maintain the right to retire and the viability of the insurance and pensions systems.

According to the European Employment Strategy and general economic policy orientations, the countries of Europe are oriented towards the implementation of *integrated strategies to prolong working life* which provide incentives to keep older workers in work. Policies to promote active ageing focus on measures to restrict early retirement schemes, put in place a flexible (part-time) relationship between retirement and employment, rearrange pay schemes, change the jobs or job duties of people after a certain age, and measures to apply ergonomics to jobs.

To be more specific, the incentives to remain in active employment refer to:

- financial incentives to discourage early retirement and to make sure that work pays,
- facilitation of access to training and lifelong learning strategies,
- effective active labour market policies,
- good working conditions conducive to job retention, in particular in relation to health and safety, arrangements regarding new forms of work and care services.

Obviously, incentives for older workers to remain in the labour force must be reflected in real prospects for employment.

As regards financial incentives, the policies implemented on the European level are aimed at reforming early retirement schemes and more generally ensuring proper implementation of other benefit schemes, such as those referring to cases of long-term unemployment, long-term sickness and disability, which may be solutions for avoiding withdrawal from the labour market by making it pay to remain in the labour market.

Of course, one should not overlook the fact that financial incentives and social insurance regulations are not the only decisive factors in prolonging the working life of older workers (aged 55-64). Non-financial reasons also play an important part in their decision to remain in or return to the labour market.

In more detail, the following have a significant influence on the decision to remain in active working life:

- Health and safety conditions at work

The problems of health and safety at work occupy a central position for the well-being of older workers and their ability to remain in the labour force. Favourable regulations from the employers' side with regard to the above-mentioned issues may cause some workers to delay their exit from the labour market or to seek transitional employment until full retirement begins.

- Better quality of employment

Quality of employment is also related to the above questions; it is a basic factor in the return to the labour market of older workers and people with family obligations.

- A good-quality, easily accessible health care scheme for older workers.
- New forms of work organisation

Various studies have shown that a substantial proportion of older workers prefer a process of progressive withdrawal, mainly for age-related health reasons.

- Access to training

Productivity of older workers does not decline due to age but rather due to outdated skills. The problem of obsolescence of job skills may be

addressed effectively through training. To date the age structure of workers taking part in training programmes has shown that older workers benefit less from training compared with other age groups. It is important to reverse this trend, because the productivity potential of older workers is not lessened by age but by obsolescence of skills.

- Effective active labour market policies

Older workers are affected more than other age groups of workers in the event of merger, acquisition, restructuring or staff cuts in an enterprise for financial and technical reasons. Labour market reintegration is promoted through training policies as well as individualised intervention, advisory and support services. The above-mentioned policies clearly have more positive impacts on efforts to reintegrate older workers than the so-called “passive” policies, such as unemployment benefits.

The immediate priority that must therefore be set is replacing passive policies with active policies to combat unemployment, as well as with policies that support the engagement of older unemployed people, while also providing guidance that encourages the transition to another job or to self-employment. The promotion of such policies to prolong working life in employment is of primary importance for the European employment strategy. It is also fundamental for achieving the EU goal of the transition of this age group to full-time employment.

- Equal treatment in employment and occupation

Employment and occupation are crucial to ensuring equal treatment for all and contribute to full participation in economic, social and cultural life.

b. Some facts regarding Active Ageing in Greece

Management of active ageing in the context of the Community Initiative Equal refers to the right to employment and the social process for people aged 55-65.

For Greece in particular, the changes regarding the position of people aged 55-64 in the labour market in the 1993-2004 period, were by and large not particularly strong*.

Men aged 60-64 may constitute an exception, albeit a marginal one, as the developments indicate that they leave the labour market relatively early. Developments also show the wider presence of older women in the labour market. At any rate, the weak changes seen for older people are also reflected in the fact that in Greece, in the context of planning labour force management practices from the side of the enterprises, older workers do not constitute a distinct group.

With regard to prospects, emphasis must be placed on two anticipated divergent demographic changes, which to some degree could affect the presence of older people in the labour market in the years to come. More specifically:

- a) a decrease in the population aged 15-54, and
- b) an increase in the number of people aged 55-64.

It does not appear that in the coming 5-20 years these changes can be combined with lower employment rates, from the supply side, for the working-age population.

In any case, from the point when the percentage of people aged 55-64 in the working-age population will increase, the increase in total employment will keep pace with the increased presence of older people. Over time, the increase in total employment cannot keep pace with the exclusion of older people from the labour market.

* National Statistical Service of Greece (ESYE)

In Greece we are in a transitional period which has not yet ended as regards older workers and older people in general. At the same time, important problems are emerging in the labour market from the restructuring taking place in productive activities and the constant decrease in employment in the primary sector, due to the impacts of the Common Agricultural Policy and the changes occurring in agricultural production. At the same time, changes in the labour market have been caused by the improved educational level of the population, a decrease in gender discrimination and increased participation of women and immigrants in the labour market.

Avoidance of phenomena of exclusion of older people from the labour market will depend on the smoothest possible completion of the restructuring taking place in the labour market. What is more, the factors connected with supply serve to advocate for an increased presence of such people in the labour market in the years to come, insofar as the workers entering the 55-64 age group will have different occupational characteristics than workers currently at those ages.

The different characteristics will include a higher level of education and higher age of first entry into the labour market for younger people, which is determined by the fact that they remain a relatively long time in the educational system, as well as the particular characteristics of Greek society. Apart from changes in demand, a decisive part in the greater integration of older workers in the labour market will be played by labour force management practices and choices regarding work organisation, which to date have not been particularly favourable.

c. Some facts regarding France

(abstract from report for VADEMECUM, Ms Ghislaine Tafforeau, DP "KHEOPS")

Of the 2,680,000 unemployed persons in receipt of unemployment benefit or supplementary benefit, more than 400,000 aged between 55 and 64 were, at their own request, declared exempt from the obligation to look for work. Because of this, they are no longer counted in the unemployment statistics.

Not all those exempt from seeking employment receive benefits. In 2004, 19% of those exempted from job-seeking received no benefit.

Exemption can be granted quickly: less than three years after first signing on at a Job Centre in a third of cases, and less than nine months for one out of every two.

At the end of 2004, exemption concerned nearly 6% of the 55 to 64 age group.

A. MEASURES TO MAINTAIN EMPLOYMENT AND ENCOURAGE EARLY RETIREMENT

- Delalande measure: 1987

This measure was aimed at reducing the number of redundancies affecting older workers. For each employee over 50 who is laid-off, a company has to pay unemployment contributions equivalent to 3 months' gross salary. This measure is to be progressively abolished.

- Exemption from job seeking

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FNE(National employment foundation): Agreement on early retirement and pension entitlement: This agreement was reached with the local employment bodies: it provides for pension rights for those over 57.

Progressive early retirement is abolished: This allowed for a period of part-time work for employees nearing retirement age in the private sector.

“End of career leave” is a measure allowing civil servants to take early retirement.

B. TYPE OF CONTRACTS

A reform of vocational training dating from 4th May 2004 introduced an element that could help create or maintain jobs for the over 50s, namely:

- Vocational training period
- Vocational training contract

The vocational training period aims to keep permanent staff in employment.

Its purpose is to support employees who are undergoing difficulties (age, qualification, return to work...) or who wish to set up or take over a business.

Training periods alternate with on-the-job experience.

The vocational training contract helps you build on an initial training course and obtain a diploma which you can then use to get back into the job market.

C. MEASURES TO ENCOURAGE RECRUITMENT OF OLDER WORKERS

Job support schemes were introduced to combat discriminatory selection practices in the labour market, but they also play an important role in encouraging recruitment of the over 50s: in 2002, 107,230 people from this age group found employment through these schemes. The over fifties are considered to be a priority group.

It is always difficult to measure the impact of measures in terms of outcome for the beneficiaries.

The results would appear to show that a period in a job support scheme gives someone over 50 a better chance of reintegrating the labour market.

- In the non-commercial sector, these schemes are the «contrat emploi solidarité» or CES, and the «contrat emploi consolidé» or CEC.
- In the commercial sector, the support scheme is called the «contrat initiative employ» or CIE.

These three schemes have the common purpose of combating long-term unemployment and exclusion from the labour market. They are aimed at the unemployed of over 50.

The 'CES' and 'CEC' (see above)

Employers are exonerated from paying contributions (with the exception of unemployment contributions) for the duration of the contract, for a 20-hour week, with a salary based on the 'SMIC' (minimum wage).

- For conventions taking effect after 20th August 2004, the proportion of the salary paid by the state is equal to:
 - 80% if the contract concerns a person employed by an organization with 'charitable' status.
 - 95% if this organization has been officially approved by the 'CDIAE' - a local authority body in charge of reintegration, which provides for 'integration through economic activity'.
 - 65% (in the case of a 'CES') if the employer does not fall into the above categories (local authorities, public bodies...)

- A state grant may take care of part or all of the expenses involved in providing extra training for the employee; the limit of this grant corresponds to the type and duration of the training (still to be decided).

- The support programme leading to this type of job is also subsidised up to a limit of 412€.

The bonus paid to beneficiaries of the 'Contrat Initiative emploi' (CIE), was increased at the beginning of 2002 to 500€. From July 2003 onwards, it is granted for a 3 year period; these measures also apply to those beneficiaries of basic social security payments or 'RMI' who are over 50, with no minimum period of unemployment.

For those aged 50 and over (year 2004):

- 23,112 were eligible for a 'CIE'; this represents 25% of all 'CIE' contracts
- 35,527 were eligible for a 'CES' - 15.9% of all 'CES' contracts
- 31,076 were eligible for a 'CEC' through their entitlement to a support measure facilitating access to the labour market - "**Le Contrat d'Avenir et le Contrat d'accès à l'emploi.**" (CAE)

The 'Contrat Nouvel Embauche' or 'CNE' introduced in August 2005 concerns small business of less than 20 employees.

THE NATIONAL PLAN OF CONCERTED ACTION 2006 - 2010

Following the recommendations of the Social Cohesion plan, Management and Unions set up inter-professional negotiations to discuss the issue of employment in the older age groups.

The Inter-professional agreement of 13th October 2005, ratified on 6th March 2006, aims to counteract a tendency to use age as a means to regulate the labour market.

The national plan of concerted action for the employment of older workers makes use of these measures to focus on two main objectives:

- increase the proportion of older workers in employment by combating exclusion factors
- make them more employable – whether they are actually in employment or seeking work

The plan is thus constructed around a 4-point course of action, with the target of a 50% employment rate for the 55-64 year olds by 2010:

Maintaining older workers in employment:

- Gradual abolition of the “Delalande” contribution (see p.13)
- Review of agreements lowering the age of early retirement
- Support for management planning agreements concerning employment and skills

Reintegration into the labour market:

- A specific provision by state employment services
- Making use of job support schemes (especially the 'CIE') for older workers
- Ratification by decree of the 18 month fixed-term work contract (renewable once) for those over 57 who have been seeking work for more than 3 months, and those eligible for an individual retraining programme

“End of Career” measures:

- Encouraging progressive retirement
- Reinforcement of the incentives for extended contributions (+ 3% for each year over 60, + 4% and + 5% beyond 65)
- Improved possibilities of combining work and retirement for the lower paid
- Incentives for the practice of tutoring in firms

Overcoming prejudice

Media campaign beginning in September 2006

d. Some facts regarding Italy

(abstract from report for VADEMECUM, Ms Irene Paolino, DP "EOLO")

POLICIES FOR OCCUPATION

In the recent Communication of the European Commission on the evolution of the rates activity (COM (2002) 9 def. of the 24/01/2002) it is evidenced a regression of the rate participation of the men, beginning from the 50 years, especially for those who insufficient carry out unskilled labors characterized (for the women such regression begins less towards the 45 years but to a supported rhythm). It would seem imputable to the cases of retirement anticipated induced from measures of economic reconversion and, partially, to the impact of the regimes of "sweet" accompaniment to the retirement.

Other factors make to emerge the necessity, for the legislator, to create norms for "the protect" escape from the productive cycle: the modification of the structure of the productive activity (reduction of the weight of the agricultural field to advantage of that manufacturer and of the tertiary) and, regarding the obsolescence of the professional competences, the second circumstance which the participation to formation programs is reduced between the workers over 50 years old (catching up rates minimums between the workers does not specialized).

On purpose of how much said over, Italy finds in a particularly negative situation, if compared to that one of various countries UE, for how much concerns the labor market of over 50. **(Table 1)**

Table 1: Inactivity rates for age (%)

Countries	50-54 years	55-59 years	60-64 years
Greece	65,1	50,4	32,3
France	81,1	52,2	10,7
Italy	60,9	38,4	18,7

Source: Eurostat 2000

Other data useful to be observed, regard the increase of the participation to the job of over the 50, in the biennium 2000-2002 and increase of the rate occupation of 55-64enni of the 1,7 points percentages (to 28.6%) regarding twelve months before.

Table 2. Real age for retirement

	Medium age for oldness retirement	Medium age for seniority retirement
Italy	61,6	56,3
Belgium	62,6	55,6
Holland	65	60
Denmark	67	61
Sweden	64,5	62

Like emerged from recent surveys, in which it was asked the interviewed ones which ages the men and the women had to go in pension, 13% think that the 35 years of contribution are the just door of income to the retirement.

The subjects to elevated professional equipment, species freelance enrolled to the private Agencies of Social security, place side by side to such opinion desire to continue to work beyond the retirement age.

It is necessary to consider, therefore, than the debate on the normative fixation of a retirement age it is overlapped to a social context and cultural in which the concept of “point of start of the pension” it makes reference also to the state of health, to the professional equipment, the availability of yield, the attitudes and personal preferences.

The modalities through which concurring the exercise of a working activity beyond the fulfillment of the retirement age it is a burning but mature topic. The 57% of the workers support that to concur with the old ones to accumulate pensions and yields from job it does not block the creation of new workplaces, in how much the job of the old ones spontaneously favors the transfer of the acquaintances to young and could be harmonized with the graduated reduction graduates them of job and changing between old and young people.

Table 3. Age in which workers think to stop working (%)

Age	Men	Women
Less than 55 years	4,7	14
Between 55 and 57 years	8,6	14
Between 58 and 60 years	29,4	32
Between 61 and 65 years	30,8	16,2
Between 66 and 70 years	12,2	7,5
After 35 years of work, independently from age	8,2	5,3
Total	100,0	100,0

Source Censis research 2001

Evolution of the legal-normative picture relative to the pension system

In last the ten years the political of the job have emphasized their structural tendency towards the juvenile occupation, forgetting and not facilitating real actions in support of the inclusion of over the 40 in the world of the job.

The analysis of the market of the old workers cannot not begin from the study of the correlation that exists between the attainment of the retirement age and the discipline of the lay-off characterizes them. The acquisition from part of the worker of the right to the pension has been traditionally accompanied to one tendential attenuation of the interest of the worker to the stability.

In principle the **law n. 604/1966** previewed the maturation of the right to the pension of old-age through the attainment of the 65 years of age that is the attainment of 40 years of contributive seniority, rendering the worker dismissable *ad nutum* and excluding it from the regimen of protection against the unjustified lay-offs.

Such discipline moreover, has endured in the time some sensitive corrections, also in reason of the changed associate-economic conditions.

With the **law n. 108/1990** the right has acknowledged to the workers over-60 in possession of maximum pension requirement, but of inferior age to

the 65 years, to opt for the following of the relationship until the attainment of the foretold maximum seniority, not recognizing former real protection art 18 Charter of the Workers, if not in the hypothesis in which the lay-off it is founded on discriminatory reasons.

The **DM 23 March 2001 from the Government** previewed favourable dispositions to the following of the job of the subjects after the attainment of the retirement age. The employee workers of the private sector who have matured requirement of contributive ages and for the right to the seniority pension, can renounce to relative the contributive credit to part of the obligatory general assurance, to the aim of being able to obtain one higher retribution.

Ulterior profile closely inherent to the continuation of the job after the pension is constituted from the discipline of the cumulus between pensions and worked yields.

The rules on the cumulus have been recently modified from the **art.72 of the I. 388/2000**.

Until that moment the old age pensions they were cumulable with the yields of independent job subordinate and, not entire, but in equal measure to the increased minimal treatment of 50% of the exceeding quota.

Now, the new system previews that the pensions of old age and the pensions liquidated with equal or advanced contributive seniority to 40 years to cargo of the obligatory general assurance and the substitutive, exclusive and esonerative shapes of the same one, are entire cumulable with the yields from independent job and dependent.

Always in comparisons of the seniority pensions, come also modified in favorable sense to the worker the cumulus regimen with the yields from independent job.

The new contractual institutes of the law Biagi

The s.t. law Biagi (delegation law 30/2003) of reform of the labor market means to modernize the legal instruments of the labor market, being previewed new contractual institutes:

- Intermittent Job: it contemplates the availability of the worker, also to not-determined time, upon request to carry out “performances of discontinuous or intermittent character” (job on call) of “the consistent” giver and with indemnity availability salary, in the periods of stop;
- Job to brace or job sharing;
- Job to plan: for those who they mostly carry out a “job just and without subordination tie” and for which greater protections are previewed;
- Occasional and accessory Job: that is a sporadic working activity, carried out from subjects to risk of social exclusion or not still in the next labor market or to the escape. Such subjects not still communicate their availability to the Shops for the employment provincial in the labor market or next to the escape. The feature symbol is constituted from the modality of stipulates, that it would have to happen between the contracting parts but with the purchase near agencies authorized of voucher or bonds equivalents to a sure one not to pile of performances, cu the correspondent figure comes paid to the worker after the performance.

The reform Biagi previews numerous participations that, in a direct or indirect way, they turn out finalizes to you to promote the permanence or the new coming in the labor market of persons over-50.

1. the institution of s.t. social agencies for the employment or of personal service that, on the base of appropriate convention with the

subject public, are stimulated to the temporary one “taken in cargo” of the not lucky workers to the aim of they more express putting on the labor market;

2. the intermittent job that can be experienced, among other things, for the “workers with more than 45 years than ages that have been expelled from the productive cycle or are enrolled to the lists of mobility and placement”;
3. the insertion contract that previews, between the categories of admitted subjects, the “workers with more than 50 years of ages that are lacking in a workplace” and generally those that wish to resume a working activity that has not worked in order at least two years;
4. the job to plan;
5. the accessory job.

Reform of the pension system

The system of retirement in Italy previews two specific modalities of access to the pension system:

1. Pensions of old age: it is the pension that comes distributed based on the attainment of determines age requirement and after to have matured the demanded minimal contributive requirement from the law. Law 335/1995 has carried the pensionable age from the 57 to the 60 years for the women and from the 62 to the 65 years for the men; such regimen is in vigour only from 1 January 2000.

2. Pensions of seniority: it is the pension performance that comes distributed based on the attainment of a sure number of contribution years. Beginning from the reform of 1995, have been previewed two possibility of access to the seniority pension:

- 35 years or more than contribution and an age at least 57 years
- 40 years of contribution independently from the possessed age

With the law the 335/1995 beside the model of retributive calculation (pensions are calculated on the base of the last retributions) have been introduced the contributive system (the pension are calculated on the base of the payed contributions).

On July 28th 2004 Parliament has approved of a delegation law that ulteriorly reforms the welfare system. The reform is proposed to catch up two main objects:

- to elevate the pensionable age gradually, to the light of the demographic guidelines;
- to develop the private welfare social security to place side by side the public one, to the aim to guarantee a better sustainability of the system. The reform, that will have flood beginning from 2008, previews for period 2004-2007, economic incentives for the employee workers of the private sector who, also in possession of requirement for the seniority pension, decide to continue the working activity. They will receive an increase in satisfied, equal envelope to the amount of welfare contributions that would have to be pour you to the social security agency, that it can catch up beyond 45% of the amount of the retribution. Such increase will be free from every type of tax.

From the check for the old workers to the system of the pre-retirement

The first participation of the legislator in support of the old workers expelled from the labor market laughed them to the law n. 1115/1968, that it institutes a check, of piling par to the pension that would have been up to the moment of the lay-off, to the single old workers dismissed, to which they lack not more than three years to the maturation the old age pension (carrying out in such a way one analogous function to that one of the treatment of unemployment).

To the beginnings of 80ies the institute of the check comes replaced from the pre-retirement, that directly previews the distribution of a pension

treatment, shaping itself like a shape of boosting of the exodus from the labor market of the old staff pertaining to the categories of difficult replacing.

This system, but, on one side has constituted an important instrument of distribution of the yield, from the other it has embezzled at the market working anchor valid and therefore available lend in elsewhere black just the job increasing the imbalances between the entrances and the escapes of the state. Holding present this, the legislator has attributed the greater part of the burdens to the employer and has previewed new and more tightening requirement qualitative you and quantitative you for the access to the pre-retirement.

Long mobility

The institute of the pre-retirement has been exceeded with law 223/1991, that it previews the paying of a mobility indemnity, whose duration must be modulated on the base of the age, in such way to guarantee one more extensive cover to the workers beyond the 50 years.

This system has had the merit, on one side, to conserve the purpose of ricollocamento of the old worker and, from the other to carry out the function of accompaniment to the second pension less onerose modalities for the State.

The progressive pre-retirement

The progressive pre-retirement (said also part-time in escape) is previewed from the law n. 863/1984. It allows to assure to the old worker one nearly total conservation of the yield, permitting him to accumulate for some time the precedent relationship of job, transformed in part-time, with a proportionally anticipated reduced retirement.

Other shape of progressive pre-retirement has been previewed from law 223/1991, based on which it is previewed, for the enterprises that have use of from more than 24 months of the participation of the Unemployment

Compensation Gain, the possibility for the workers with not inferior age to that one previewed for the pension of old age, embezzled of 60 months, to ask the transformation for the relationship of for a long time full job in partial time, with right to enjoy the pension treatment at the same time.

Initiatives of the Regions

The progressive law enforcement 53/2003 has seen the Regions engaged on various plans, for example for how much concerns the realization of the formative booklet. Closely legacy to this the topic of the certification of the competences and the support of the successive ones is made of the accreditation.

Territorial mobility

The process of inner mobility for job reasons quantitatively constitutes a meaningful and increasing phenomenon in our Country. In order to accompany and to facilitate the insertion, not only working, of the persons in mobility, they have been elaborated various actions of support:

- collaboration between Ministry of the Job and the Social Political and Ministry of the Productive Activities in order to realize, in the within of the reprogramming FSE, trainings formed to you in modality of “round-trip” and integrated distances of working insertion for subjects svantaggiati near enterprises and plants realizes thanks to you to the financings publics to the south (Legge 488/92);
- initiative with the Ministry of Infrastructures and the Transports for participations concerts on the inhabited acceptance of the workers in mobility;
- agreement between Ministry of the Job and the Social Political and Italy Development in order to guarantee the interaction between the opportunities of financing and support for the car-enterprise and the services supplied in the net of the laboratories for the self-

entrepreneurialism to the young people in geographic mobility that means to start an activity in own.

The territorial political

Between the instruments of promotion of the job of the old ones, an essential role is assumed also from the s.t. territorial pacts, agreements to local level between social parts and public administration, with the scope to elevate the occupation rates, being favored the income and/or the re-inserting of the unlucky subjects in the labor market.

Such territorial strategy is founded on the attribution to the Regions the local Agencies of one concurrent legislative power in matter of “protection and emergency of the job, professions, complementary and integrating social security” and one exclusive legislative power in matter of instruction and professional formation.

The political for the formation

The political for the continuous formation are based in the first instance on a system wide and consolidated of instruments of financing and management constituted from the FSE and of law 236/93, but also from the new Joint Interprofessional Stocks.

As far as law 236/93, the traditional channel of financing of the continuous formation in Italian, in the course of the 2003 one carried out in the implementing strategy of the law has been come true. The distribution of resources to the Regions has been accompanied from a provision on the criteria generates them for the promotion of the Plans formed to you characterizes them, business and territorial, than it moves in direction of a “specialization” of the existing instruments of such financing to assure the involvement of the addressees of the actions of continuous formation more difficultly reachable from the new Joint Interprofessional Stocks.

It is previewed in fact:

- to favour integration with the FSE and to value the various lines of the public support to the continuous formation being held account of the start of the stocks;
- to assign 70% of the assigned resources to the Regions to participations dedicated:
 1. To the workers of the private companies with less than 15 dependent;
 2. To the workers of whichever private company with working contracts to partial time, determined time or of co-ordinate and continuativa collaboration, let alone inserted in contractual typologies to reduced, modulated or flexible timetable and to plan previewed from law 30/2003;
 3. To the workers of whichever private company place in unemployment compensation to you ordinary and extraordinary gain, **or with advanced age to 45 years** or in possession of the single title it of elementary licence or obligatory instruction.

Relatively to contribution FSE, the D1 measure, dedicated to the development of the continuous formation which instrument of adaptability of the enterprises and the workers, does not leave to still think that the continuous formation can be an instrument of guarantee of the workers more weak people, since the formative choices of the companies are concentrated on relatively strong workers.

As far as the **Personal Continuous Formation**, whose experimentation has taken start with **law 53/2000**, it is based on two organizational devices: **catalogues** and the **voucher**.

The conduct analyses till now signal emerging of some relative necessities to:

- activation of measures of accompaniment adapted to the workers more weak people;

- professional requirements of the territorial of reference and characterized area from logistic conditions and of flexibility adapt you to the characteristics and to the requirements of the user.

The experience of the FCI is being shaped like an opportunity of great importance for the political development of *lifelong learning*. New business behaviours begin to outline themselves also that promote the access of the workers to the CIF, avoiding the organizational complications and the connected economic costs with the activation of formed business plans. Between the emerging formative typologies a particular attention goes on the business voucher, economic incentives of detected nature faced to the financing of documentable formative activity chosen from the addressees.

From an analysis of the voucher distributed through the instruments of national financing (L. 236/93 and L. 53/2000) is evidenced as the workers altogether been involved are nearly 24,000 for 236/93 and 10.000 approximately for the 53/00.

E. THE OBSERVATORY FOR THE PROMOTION OF SOCIAL DIALOGUE ON ACTIVE AGEING (a general approach)

1. Development of a System of Monitoring and Evaluating Developments

As the coordinating partner in the “EXPERIENCE” development partnership and as the main instrument for social dialogue with the participation of all the productive classes on an equal footing, the Economic and Social Council believes that an immediate priority is the development of a system for monitoring and evaluating the developments noted in the labour market with regard to the target group. At the same time, the successful promotion of active ageing requires constant supplying those directly involved (older workers - employers) with information and the development of a channel of communication and sensitisation. The proposed project will be developed and coordinated by the Observatory for the Promotion of Social Dialogue on Active Ageing, which operates as part of the Economic and Social Council with the active participation of almost all the representative organisations of the social partners. The whole undertaking is a pilot effort at a model implementation of social dialogue. The basic individual goals of the proposed project are:

- a) Constant monitoring of national policies and individual actions aimed at promoting active ageing, and evaluation of the course of implementation and their impacts on dealing with the irregularities appearing in the labour market with regard to the target group, improved skills and adaptation of the target group to the requirements of the present-day work environment, and reinforcing and maintaining social cohesion.
- b) Formulation of alternative proposals/additional measures through social consultation processes, where this is deemed necessary for addressing delays and shortcomings which prevent the desired goals from being met.

The results of the evaluations and the proposals that will emerge from the proposed process of monitoring the developments taking place in the labour market will be incorporated and serve the social dimension as a driving force for productivity and growth. It is common knowledge that further reinforcement of social dialogue and social cooperation is an important part of the work environment and a necessary means for achieving the full integration of the target group in the labour market. Promotion of active ageing requires the meaningful involvement and sensitisation of all the social forces.

2. Methodological Approach

Methodologically, the implementation of the proposed monitoring system and mechanism for awareness/sensitisation includes the following individual actions:

I. Constant Monitoring of the Existing Situation

Constant monitoring of the developments taking place as regards employment and unemployment figures for older workers and in general the detailed, constant investigation of the data characterising the labour market, as well as the developments regarding the statutory framework regulating issues of active ageing, are a prerequisite for the subsequent identification of problems and irregularities and the formulation of alternative proposals for addressing them.

The soundness of national policies will be evaluated in the sense of an integrated approach to all the individual goals of the strategy on active ageing. More specifically, the process of evaluation is divided into:

- a) a detailed description of the action or the legislative regulation included in the strategy to promote active ageing and the monitoring of its development. The description refers to the precise definition:
 - i) of the sector for intervention,
 - ii) of the various categories of beneficiaries,
 - iii) of the final product, and
 - iv) of complementarity with the other actions.

Completion of the process will lead to the determination of qualitative indicators that will give a picture of the evolution of the action or the legislative regulation.

- b) defining results indicators. Defining results indicators is a complex process whose final result is determined by the goals sought for as well as the time horizon of the evaluation and the availability of the data. The final choice of indicators must satisfy the basic objective of an “integrated approach to the achievements and the timely identification of problems and delays.”

II. Evaluation of the policies implemented

i) Calculation of the *development* indicators for the various interventions in the work context and the rate of implementation of individual actions.

The development indicators through which the development of the various regulations that meet the goal of active ageing is monitored are divided into two categories:

- a) purpose indicators which give a picture of the expected result at the given moment in time of the evaluation on the basis of the programmed natural object, and
- b) success indicators which give a picture of the real “result” as it has been formed at the time that the specific intervention or statutory regulation is evaluated. The relationship between the two above-mentioned indicators shows the degree of success of the interventions implemented. Any important deviations between the values of the two above-mentioned categories of indicators are indicative of possible ineffectiveness of the regulations implemented, and this steers us towards proposals for their amendment or completion.

A necessary precondition for calculating the above-mentioned development indicators is the interconnection of the Observatory with the competent bodies in central and regional administration. Only direct communication will make possible the systematic collection and monitoring of the various individual regulations.

*ii) Calculation of the **results** indicators.*

Like the development indicators, the results indicators include two basic groups of values:

- a) purpose values which express the desired result quantitatively,
- b) success values which express quantitatively the real “result” of the action at the given time of evaluation. A necessary precondition for calculating the results indicators is the ability to immediately obtain/have available primary data.

*iii) Creation of a **scoreboard** and determination of the degree to which the goal of active ageing has been reached.*

The developments taking place in the labour market and the work environment regarding implementation of the goal of active ageing shall be monitored through the development of a scoreboard table. Completion of the table will be based on the development of suitable econometric models by using the variables corresponding to each case.

iv) Qualitative Evaluation

The various interventions will be evaluated not only using quantitative indicators but also using qualitative ones. Qualitative evaluation is a common demand of the social partners, which has also been expressed in the ESC’s Opinions.[†] Evaluation of adequacy will result from consultation procedures with the social partners and the enunciation of their common and individual approaches. Incorporation of the process of social consultation is a necessary precondition for the active involvement of civil society in the whole effort to promote active ageing.

[†] Initiative Opinion No. 124 “Report by the High-level Group chaired by Wim Kok,” 2004
Initiative Opinion No. 129 “Initiative Opinion No 129 “Priority Sectors in light of the interim evaluation 2005 of the Lisbon Strategy,” 2005

III. Formulation of Alternative Proposals/Additional Measures

i) Overall Policy Evaluation

The ultimate challenge of the proposed monitoring system is the integrated evaluation of the policies implemented on the basis of their quantitative and qualitative evaluation. A central criterion of the evaluation is the suitability and effectiveness of the actions to promote active ageing.

ii) Complementary/Alternative proposals

One basic condition for the whole undertaking to have meaningful impacts on resolution of the problems faced by older workers is the formulation of commonly acceptable proposals both by the workers and by the employers in all three sectors of productive activities. In this way, active ageing will pass from the realm of the desirable to reality.

iii) Annual reports on the course of implementation.

The findings, conclusions and proposals for improvement that will arise out of the mechanism for monitoring the developments taking place in the labour market, the regulations adopted by the state to promote active ageing, and also the business practices on this issue will be made public in periodical reports.

IV. PARALLEL ACTIVITY

In parallel with the development and operation of the mechanism for monitoring the developments taking place in the labour market, as regards the issue of active ageing, the positions and views of the social partners on this issue will be expressed through the Observatory. To be more specific, in keeping with the regulations and policies adopted from time to time, the Observatory will recommend that ESC publish Initiative Opinions on matters presently at the epicentre of the public dialogue which are of vital importance for the promotion of active ageing.

V. AWARENESS – INFORMATION - SENSITISATION

- **Creation of an Internet web page**

A web page has already been created for the Observatory for the Promotion of Social Dialogue on Active Ageing, where the goals of its operation are analysed and its activities to date are presented. The immediate objective is to make the web page a forum for exchange of opinions by all the bodies involved on the National and European levels.

- ***Forwarding of Press Releases***

Press releases on the activities and work of the Observatory will be forwarded.

- ***Publication of periodical reports***

The findings, conclusions and proposals for improvement will be made public in periodical reports on the developments taking place in the labour market and the impacts of policies to promote active ageing.

- ***Cooperation with the prefectural Economic and Social Committees***

In cooperation with the prefectural Economic and Social Committees, wherever they operate, efforts will be made for the publication of the greatest possible number of findings on the local as well as the regional level. Special events as well as the inclusion of the relevant issues in the agenda of the annual meeting of the prefectural Economic and Social Committees are a few of the means for promoting this goal.

The regional Economic and Social Committees will be utilised as a “front office” in the context of the operation of the Observatory.

VI. CREATION OF A FRONT OFFICE

i) The role of the front office

The front office is a function begun for the purpose of providing information, help, guidance and educational services in the context of the Observatory on active ageing which will operate within the national Economic and Social Council, in accordance with the relevant provision in the Final Detailed Action Plan of the Development Partnership “EXPERIENCE”. More specifically, it serves the following goals:

- Understanding the question of active ageing on the local level
- Transmission of knowledge on management of ageing to the local economic and social actors (Guide)
- The professional and human development of workers 55 and over and businessmen on the local level.

Thus the “Front Office” is a dynamic regional “function” capable of monitoring developments and at the same time recording the respective indicators and providing two-way information, to both the partnership and the bodies of which it consists and also on the economic unit level.

The above-mentioned functions of monitoring and information will be ensured by means of:

- The collection and constant monitoring of data and indicators
- Dissemination of the guide to management of active ageing to everyone involved
- Constant information/updating of those directly involved in the process of active ageing (enterprises and workers)

The project entitled “Innovative approaches to social dialogue applications - the case of management of active ageing” refers to workers aged 55+ and is aimed at reinforcing their qualifications and skills for the purpose of keeping them in work. As stated in a previous chapter, the

management of active ageing will be at the core of the decisions that the economic actors, the social bodies and the institutional bodies will be called upon to take. The labour market and the insurance system have been and are influenced by the demographic evolution of the population, making optimum management of active ageing a key point in the search for solutions. It is estimated that by the year 2009 the percentage of workers aged 55-64 will be higher than the percentage of workers aged 15-54.

The Front Office will be capable of providing its services for the management of active ageing on the local level and will encourage the development of a network that will transmit the accumulated knowledge and experience on the question of management of active ageing to the economic units.

For that reason the Front Office undertakes to:

- Develop suitable services for the final beneficiaries on the local level
- Ensure the provision of its above-mentioned services to the largest possible number of final beneficiaries in its area
- Encourage the development of a network of information services on the question of active ageing and the development of human resources in its area
- Support the development of model services (mentoring, tutoring) inside enterprises
- Help to implement innovative methods of human resources development in the area, commensurate with the features of that area (e.g. an area with a strong agricultural sector or with an important presence of small and medium-sized enterprises). Human capital is an important factor for the competitiveness of the enterprises and also more generally for the growth of the economy as a whole. A key point which promotes flexibility and quality at work is the transmission of knowledge and know-how. The transfer of skills (mentoring) and lifelong learning now are now among the biggest challenges for companies, in a world that is constantly changing.

ii) Methodology

The development of the Front Office in the framework of operation of the Observatory to Monitor Active Ageing can be divided according to methodology into the following stages:

a) Carrying out a feasibility study

The feasibility study is the first and basic step for the implementation of the proposed action. In particular a detailed investigation of the existing situation on the local level and a comparative analysis using the figures for the labour force on the national level as concerns the age group of active ageing are required.

Next the needs will be investigated and the requests for provision of advisory services collected and evaluated. During the process of evaluating the needs and requests, an important part will be played by the approach to and analysis of good practices, in particular those that are easily adaptable in each case.

In the end, the most suitable procedure will be chosen so that the intervention is a success. The proposed intervention will be based on flexibility, it will guarantee health and safety in the workplaces and it will promote lifelong learning and transmission of knowledge as key tools for guaranteeing that older workers remain active in the labour market.

b) Detailed definition of individual services – creation of organisational model

The services to be provided by the Front Office are conditional on the one hand on the collection at regular intervals of data with regard to a) the local labour market and the local social and economic network, b) the statutory framework, and c) international good practices, and on the other hand on the development of procedures for providing individualised services to everyone directly involved (enterprises and final beneficiaries).

Schematically the whole system will be based on the development of a database which will be accessible both to enterprises and also to the parties concerned in the target group. The database will be structured in such a way as to provide the required information on a permanent basis and to make it possible for all the bodies involved to constantly update it, so that the information is always up to date.

In more detail with regard to the two general categories of interested parties, the data to be collected and the information to be provided are the following:

The enterprise:

- A professional profile of the enterprise (sector of activity, number of employees, occupations, age composition of employees.....).
- Access to the services of the Front Office and constant updating

The final beneficiary (55+):

- Analysis of needs. The analysis of the needs of the party concerned will be based on an investigation of his/her job profile (occupation, experience, number of years employed.....) in conjunction with the current situation in the local labour market. The aforementioned analysis will be conducted through personal contact between the party concerned and the reception desk that will function as part of the Front Office and will be staffed with suitable individuals.
- Information/Consultation. The consultation/information services will be provided on two levels. The first level involves general information on the existing conditions in the local market as regards the target group (+55). The second level involves an individualised approach with regard to the opportunities, the statutory framework regarding employment and the requirements/ necessary additional qualifications for active retention on the labour market.
- Prospect for mentoring/targeted training. Finally, individualised services will be developed for guidance and targeted training on the basis of a detailed, individualised approach to the needs of everyone concerned.

c) Handling of applications by the front office and dissemination of information

The parties concerned will get in touch with the front office either in person, since as mentioned a suitably staffed reception desk will be in operation, which will handle the applications and also information at a first stage. The reception desk will also class the requested information topics according to type.

In parallel, at regular intervals events/seminars will be organised on the local level to enable the two parties involved in the process of active ageing (enterprises and workers) to receive information, communicate and exchange views.

Also as regards dissemination of information, apart from the printed material that will be distributed to the parties concerned, this will also be done electronically over the Internet and by email. Specifically, a web page will be developed with all available information, which will be directly accessible to all the parties concerned.

d) Services provided

The services provided by the front office are divided into: 1) information, 2) directives and 3) guidelines. More specifically:

1) Information refers to:

- dissemination of good practices
- the institutional environment
- successful pilot actions
- opportunities for vocational training
- incentives and help
- legislation: procedures and final incentives

- active national policies in various sectors (social sector, industrial relations, social dialogue, workplace safety, vocational training)
- local policies
- individual actions for active ageing

2) The directives refer to:

- good practices
- optimum utilisation of accumulated professional experience and knowledge
- implementation of pilot actions (on individual and company level)
- evaluation of the results and utilisation of the results in the professional sector and system feedback
- utilisation of the results on the network, on the national and international level

3) Guidance/monitoring refer to

- the developments and changes that took place during the pilot implementation, and a comparison with the original situation
- evaluation of the result and system feedback
- dissemination of experiences as good practice

VII. PROMOTION OF SOCIAL DIALOGUE ON ACTIVE AGEING

- ***Organisation of seminars and events***

The active involvement of the social partners and their meaningful participation in the process of strengthening the participation of older workers will be reinforced through awareness/information/sensitisation processes and exchange of views on the central issues touching on the issue of active ageing.

- ***Organisation of meetings/contacts with institutional bodies and organisations***

Meetings will be organised with bodies and organisations for exchange of views and experiences as well as awareness-building/sensitisation on the problems and developments taking place regarding the issue of active ageing. Through the above-mentioned actions efforts will be made towards direct involvement of civil society (workers and enterprises) in this effort.

- ***Development of networks for cooperation and exchange of experiences and good practices with other Observatories and Institutes of similar scope in other EU countries***

The proposed project will be reinforced and facilitated by awareness/information meetings and exchange of experiences with similar institutions in other EU countries that are actively involved in the same area. For this purpose, efforts will be made to organise regular meetings in a different country each time, where such an exchange of experiences and concerns will take place.

VIII. THE SOCIAL DIALOGUE ISSUE*

The social dialogue in all its forms - from consultation to bargaining - is a component part of the European Social Model, which incorporates values such as responsibility, solidarity, participation and joint action.

The promotion and enshrinement of the institutions of social dialogue in a society, reinforces the democratic processes in the exercise of power and contributes to better and more effective decision-making, which is conducive to good governance. That is why social dialogue must be extended to the whole spectrum of policies, in particular to facilitate their implementation in the social and economic area, and must cover multiple thematic areas, especially those areas where social discord and conflict are stronger, aiming at smoothing out and better dealing with them.

With the term "social dialogue", this Opinion aspires to examine a broad spectrum of phenomena¹:

- a) bilateral collective bargaining between the collective industrial organisations representing employers and workers, which constitutes the traditional form of dialogue in Greece and was recently extended to public administration.
- b) institutionalised consultation, i.e. the institutionalised participation of the representatives of various social and occupational classes in working out draft bills or other government decisions, which is carried out through the ESC, and
- c) non-institutionalised trilateral consultations or bilateral contacts between the most representative social partners and the State.

In Greece in particular, autonomous social dialogue and collective bargaining between the social partners existed before the State put a central social dialogue instrument in place.

* See opinion nr. 86, ESC OF Greece

As early as 1974, when democracy was restored and the right to bargain collectively was laid down in the 1975 Constitution, there began a slow, laborious process of developing an independent social dialogue between the employers' collective organisations and the trade unions. The developments in the domestic field led on the one hand to the gradual establishment of a climate of trust in the bilateral relations of the social partners and on the other to a tendency for them to be liberated from the state and the political parties. This change in the climate was favoured by the unity and the increased political representativity of the leadership of the trade union movement, as well as by the existence of charismatic figures on all sides. One of the places it left its mark was in the national general collective labour agreement (hereinafter EGSSE), which was concluded without resorting to the arbitration tribunals as early as the late '80s. The course towards autonomy in the relations between the social partners stemmed from a gradual maturing of the views of all those involved, along with the stand they took in regard to the austere fiscal policy pursued in the mid-'80s.

The gradual abandonment of the climate of conflict² also left its mark on the adoption during the 1990s of a modern institutional framework which favoured the consolidation and operation of social dialogue in this country.

That decade saw the creation of dialogue-promoting institutions, instruments and mechanisms, in various forms and at various levels, such as the ESC, the Mediation and Arbitration Service (OMED), the National Institute of Labour (EIE) and the Hellenic Institute for Occupational Health and Safety (ELINYAE), with the exclusive or predominant participation of the social partners.

Nowadays the social dialogue scene is characterised by the limitation of the traditional interventionary role of the Greek state and by reinforcement of the role of the social partners in social and economic policy- and decision-making. One factor leading to this conclusion is the enshrinement of social partner participation in the administration of all the public social policy-making organisations, which has been made tripartite and sometimes (e.g. Labour Force Employment Organisation - OAED) bipartite. Another contributing factor is the fact that permanent dialogue structures have been created on the national level to elaborate individual policies. Such structures include the

National Council for Spatial Planning and the National Competitiveness Committee, as well as the National Employment Committee and the National Social Protection Committee, the two latter being actually under establishment by law.

The aforementioned development, which has resulted from the establishment of a climate of trust in the bipartite relations of the social partners, under the positive effects of the new conditions in Europe, is manifested through the effective operation in practice of the institutionalised dialogue processes. However, it should be noted that the main source of regulation is still state legislation. As a result, although the state has curtailed its interventions somewhat, it still plays a dominant role, both formally and informally.

This fact does not appear to be directly affected either by the institutional or by the practical changes taking place in the European Union (mandatory consultation with the social partners and invitation to take active part in implementing the European Employment Strategy). These changes are enhancing as a whole the part played by the social partners in social and economic policy-making.

To date, the ESC has in its Opinions dealt either with the regional dimension of the social dialogue in Greece, or with its prospects for development in the countries of Southeastern Europe³. To be sure, these approaches are not adequate for recording the important institutional and empirical developments and progress undergone by the social dialogue in Greece, which have not yet been the subject of an overall study or evaluation.

This evaluation is placed in the context of the dynamics of European developments and discussions on laying down social dialogue as an institution and a set of procedures in the new Constitution of Europe. The question of the position of the social partners in European civil society, as well as the special nature of the part played by the social dialogue, as an institutionalised procedure, have already been raised in the discussion that opened up in the wake of the White Paper on Governance (June 2001), simultaneously with the new EU guideline on promoting the dialogue with civil society alongside the social dialogue⁴.

In this Opinion, the developments in the field of social dialogue as a whole, both on the European and on the national level, are dealt with by its agents themselves, that is the social bodies participating in it. This is the first time that a political analysis of the operation and evolution of the social dialogue has been attempted by the social partners and the other bodies participating in the ESC. For that reason, this Opinion has acquired particular importance, since it has become a basic tool for the leading players in the dialogue to analyse the changes and evaluate the operation of the institutions.

The text of the Opinion describes, first of all, the developments on the level of the European social dialogue (II), so as to point up the importance acquired by the dialogue on the level of the European Union. Next the analysis focuses on the developments on the national level (III), and concludes with overall findings and proposals (IV).

3. REGIONAL SOCIAL DIALOGUE AND PREFECTURAL ECONOMIC AND SOCIAL COMMITTEES

Efforts to develop a regional social dialogue in Greece began at a slow pace after the fall of the junta in 1974. Many discussions took place on the issue, alongside efforts to put them into practice. At the beginning of the 1990s the discussion on the regional social dialogue was rekindled. Contributing to this were the positive climate of the times, in particular the enshrinement in law of second-level local government and a series of national social dialogue schemes, culminating in the Economic and Social Council in 1994. In the same year Law 2218/1994 provided for the establishment of regional Economic and Social Committees, as opinion-delivering bodies in the context of prefectural government, which consists of second-level local authorities.

Despite the valiant efforts of individual laws, the regional ESCs displayed certain problems of implementation. These were recorded in a number of unofficial meetings held beginning in 1997 on the initiative of the Economic and Social Council, which were attended by top-level representatives of those bodies. On this occasion, interest in promoting regional social dialogue in Greece was revived, and a will to investigate the conditions that would permit a more effective functioning of these bodies in the future was expressed. The prefectural Economic and Social Committees in our country constitute an example of regional social dialogue which comes to meet the relevant international and domestic concerns about the necessity and usefulness of such practices.

The European experience

Social dialogue on the national level has been tested principally in countries of central and northern Europe and in the past has been associated with a positive contribution to regularising disturbances in the economy. Although it is not possible to easily evaluate the experience of the various countries, it is indicative that in France the functioning of local social consultation bodies has not always been satisfactory. Particularly in the 1980s

decentralisation reforms in general faced the following problems: resistance from the central and prefectural administration as concerns the granting of competencies, political party rivalries, unequal results from one prefecture to another, clientelist relationships moving onto new levels, failure to disseminate consultations and decisions to the local societies, etc. In the long term, however, local societies appeared to be undergoing a revitalisation, mainly through an increased number of voluntary associations and unions, particularly from the time when effective competencies were transferred to local government. On the other hand, even when we have particularly successful examples of the operation of regional social dialogue bodies, it is important not to ignore the nature of the political system and the other factors relating to the national social dialogue systems. These factors play an important part in the success or failure of these bodies.

The federal and multiethnic structure of Belgium, for example, indicates the existence of a particular autonomy and a large range, federal in scope, of the councils there, so that they somehow replace social dialogue bodies. Thus the important competencies and expectations with which they have been surrounded can be explained from this point of view; of course, these are not to be expected in political systems and national traditions of other types. In the same manner, it is not easy to totally copy the example of Holland, with the tradition that country has in a variety of religious/cultural groups, tolerance and volunteerism. However, this does not rule out, *mutatis mutandis*, any effort to adopt the example of choice and volunteerism, even in countries not accustomed to regulation from above.

The Greek context

After the fall of the dictatorship in 1974, one of the strategies Greece's governments tried to introduce was that of decentralisation of competencies to social and economic bodies. The rationale for this included concerns that had developed in other countries such as France, Spain and Portugal. The state would exercise supreme supervision of national development, but its specification and execution in the framework of a **“democratic programming” would be the task of the local productive forces and local government.**

The **Prefectural Councils** (NSs) introduced in Law 1235/1982, which had key competencies (i.e. the “drawing up and amendment... of prefectural public investment programmes”) and were made up of local and trade union bodies, were the first and foremost intervention/implementation of these principles. It was generally admitted that these NSs failed to reach their goals. Apart from the interventions of the Prefect, to whom the Law gave broad discretionary power, e.g. over which social organisations would take part and which would not, apart from formal methods of impeding their operation, which it is important to note are encountered in many collective opinion-forming bodies in Greece, other practices developed which confirmed the view that there needed to be a suitable political culture, without which any institutions that are introduced will be weakened. Thus the NSs displayed unequal results from one area to another, a rational exploitation of the local development potential was lacking, and the sought-for composition of requests remained ineffective, because the extra-institutional tactics outflanked the formal institutional procedures (as is also often the case elsewhere). Of course the well-known doubts also arose around the question of the representativeness of the representatives of the bodies.

Later Law 1622/1986 attempted to mitigate these problems by limiting the participation of the bodies to around 30% of the members of the NSs. But this law remained inapplicable and a number of years went by before real (elective) prefectural government was introduced.

All these efforts became the object of special elaboration in the early 1990s, but the basic principles were not open to question. The idea of social dialogue on the national and local level returned via the national ESC, the Mediation and Arbitration Service (OMED), etc., some experimentation with regional councils and finally the regional ESCs.

The **regional ESCs** were established by Law 2218/1994 “Establishment of prefectural government, amendment of provisions regarding first-level government and the region, and other provisions,” as opinion-forming bodies in the context of the institution of prefectural government, which constitutes the second level of local government bodies.

By Presidential Decree issued on the recommendation of the Minister of the Interior, matters of representation of the organisations described in para. 5

are determined, along with their election and the beginning and end of representatives' terms of office, their recall or replacement, the council's establishment and operation, the compensation paid to its members for their participation in meetings, and all other necessary details regarding its operation.

In the context of the above-mentioned law Presidential Decree 57/95 has been issued, which refers to the establishment and operation of the regional ESCs.

3.1. The developments on the level of the European social dialogue

A. General Considerations

In accordance with Community terminology⁵, social dialogue is a consultation procedure involving the European social partners, i.e. the Union of Industrial and Employers' Confederations of Europe (UNICE), the European Centre for Public Enterprise (CEEP) and the European Trade Union Confederation (ETUC). The members of these three organisations are representative organisations or associations on the national level of the member states. The member organisations take an active and real part in all the forms of dialogue carried out on the Community level.

The European social dialogue includes: the official consultations in the context of Article 138 of the Treaty, the bipartite discussions carried out between the European social partners apart from the official consultations of the Commission, their joint actions and bargaining (on the basis of Article 139 of the Treaty), as well as the tripartite exchanges of views between the social partners and the institutions of the European Union.

The social partners acknowledge that since 1991 the term has been used on a very wide scale⁶ to indicate every form of activity in which they are involved. However, they point out that a clear distinction must be made between three different kinds of such activities: first, tripartite exchange of views, second, consultation (Article 137 of the Treaty) and third, bipartite social dialogue - either in its institutionalised form as described in Article 137 and 138 of the Treaty, or in an informal form - in order to facilitate the

candidate countries in the process of developing an independent social dialogue.

B. The Historical Course and the Basic Institutions of Social Dialogue in the EU

Social dialogue was an attempt by the European Union to offset the institutional deficit in the social field. Historically, the attempt to compensate for this deficit was expressed less through institutions and more through unofficial initiatives of the Community or informal processes to promote dialogue on a cross-occupational or sectoral level⁷.

Initially Article 18 of the Treaty establishing European Coal and Steel Community established an Advisory Committee, which the European Commission needed to consult in accordance with the various articles of the Treaty and whenever it considered it necessary. This Committee was the precursor of the ESC of the EC, established by the EC Treaty as an official instrument for consultation with occupational circles when producing Community decisions.

The European ESC⁸ has three essential missions: a. to play an advisory role vis-a-vis the Council, the Parliament and the Commission, b. to make possible better participation/contribution of the productive classes in European planning, to implement and reinforce Europe's approach to citizens, and c. to reinforce the role of civil society in third, non-Community countries. In fulfilling its missions, the ESC may deliver three types of opinions: first, upon request by the Commission, the Council and the Parliament (following the Amsterdam Treaty), second, initiative opinions, and third, investigations on issues that may later be the object of European regulation.

At present the ESC of the EC is called on to play a broader role and contribute to the development of a new relationship of mutual responsibility between the institutions and civil society, which will be compatible with the amendments of its institutional framework (Article 257 of the EC Treaty), as agreed upon in Nice.

In the early 1970s, another instrument for dialogue was created, the Standing Committee on Employment. This was an advisory body, tripartite in

composition, where the representatives of the member states had a reinforced presence. Its authority consisted of the expression of views on issues of employment and coordination of the member states' employment policies. This body convenes before each meeting of the Council of Ministers of Social Affairs. The institutional framework for the operation of the Standing Committee on Employment was revised in 1999 in the direction of flexibility in forming the delegations, depending on the issue under discussion, and adoption of clearer criteria for determining which organisations of the social partners will attend the meetings of the Committee.

Although it was reformed in 1999, the role of this body has now declined, because its conclusions were always presented as conclusions of the incumbent presidency. Apart from that, new procedures for communication and dialogue were also created, which made its role redundant.

In the mid-1970s, when the Commission's first Social Action Programme began to be created, the so-called Interprofessional Advisory Committees came into being alongside it, as an instrument for dialogue on the Community level. Their mission was to deliver opinions and provide support to the Commission regarding the planning and implementation of specific policies, as well as to convey the opinions of those to whom Community policies were of direct concern.

These Committees are also tripartite in composition, and are made up of representatives of each member state, on a tripartite basis, i.e. the state, workers and employers. The Commission of the European Communities charges these Committees with forming an opinion on regulations the Commission itself will promote in relation to social policy issues (e.g. implementation of regulations of the Social Fund, planning of technical regulations on health and safety, etc.). However, this does not mean that the Community has an institutional obligation to take their opinions into consideration.

These Committees are still in operation, and they are the Advisory Committees of the European Social Fund for the Free Movement of Workers, for Equal Opportunities for Women and Men, for Social Insurance of Workers

Moving in the Community, for Education and Training and for Workers' Health and Safety.

Finally, in the mid-'80s, the social dialogue between the European social partners on a horizontal (interprofessional) level came into being, sparked by the meeting at Val Duchesse organised on the initiative of the then EU President Jacques Delors (for details, see below).

C. The European Social Dialogue in the Context of the Social Policy Agreement

The most important institutional changes to the European social dialogue occurred during the '90s, with the introduction of a new consultation and bargaining mechanism in the framework of the Social Policy Protocol. The Protocol records the Agreement of the European social partners reached on 31/10/91. Initially it was appended as an Annex to the Maastricht Treaty, before being included in full as a chapter on Social Policy in the Amsterdam Treaty.

The Social Policy Agreement made official the Commission's obligation to seek the opinion of the social partners before undertaking initiatives in the sector of social policy; it also laid down a specific consultation procedure. More specifically, the Commission must now seek the opinion of the social partners regarding the feasibility of a particular action it is thinking about promoting, before taking that action, with regard to issues within its field of competency.

In a second stage, provided that the Commission believes it should undertake and carry out an action, it requests the opinion of the social partners. This is again obligatory but now regards the content of the specific regulation. At this stage the social partners may submit an opinion or possibly a recommendation to the Commission.

Furthermore, the social partners may make known to the Commission their intention to independently initiate a bargaining process, which may result in the conclusion of an agreement between the interested parties. The innovative and extremely novel element of this Agreement is the acknowledgement of the power of the social partners to lay down regulations

on the European level. Initiation of bargaining is entirely in the hands of the social partners and the bargaining process is based on the principles of autonomy and mutual recognition of the bargaining parties. What is involved here is the introduction of a new procedure, having the features of collective bargaining and presaging a new model of labour relations on the European level.

The European agreements may be implemented either through the collective agreements of the employers and workers in the member states or through Community legislation, upon request by the social partners⁹.

To date, four European framework agreements have been signed; the contents of three of them has become binding through relevant directives. The directives reiterated the identical text of the agreements, in accordance with the commitment the European Commission had undertaken. Directive 96/34/EC ratified the framework agreement on parental leave; Directive 97/81/EC ratified the framework agreement on part-time work and Directive 99/70/EC gave legal force to the framework agreement on fixed-term contracts. Recently, on 16 July 2002, an optional European collective framework agreement on teleworking was signed. The implementation of this agreement opens new prospects for the social dialogue, since it falls under the procedures and practices of the social partners in the member states, under the supervision of the European social partners.

Bargaining was also carried out on the regulation by European agreement on temporary agency employment, but did not meet with success.

D. The European Social Dialogue on the Horizontal (Interprofessional) Level

Of importance on the interprofessional level is the social dialogue that began in Val Duchesse (a town in Belgium), on the initiative of the then President of the European Commission Jacques Delors, and that was named after the place where the first meeting was held in 1985. Participating in the horizontal dialogue are the three EU organizations ETUC, UNICE and CEEP, which represent the main national interprofessional federations of employers and workers. The participation of the organisations in the Val Duchesse social

dialogue is based on mutual recognition by the sides and not on a Commission decision.

Since 1992 this horizontal dialogue has been conducted in the framework of the "Social Dialogue Committee", in which representatives of the social partners from all the EU countries take part. Operating in the framework of the Committee are three Working Groups, "Education and training", "Macroeconomics" and "Labour Market".

The Social Dialogue Committee has also become the executive instrument for the contribution of the social partners to monitoring the implementation of the coordinated strategy on employment decided on in Luxembourg.

The Social Dialogue Committee produces Joint Opinions. The Joint Opinions are the formal act in which social dialogue culminates. Although they do not impose obligations or commitments on the interested parties, they do express common concerns on issues that are already of particular complexity on the national level. They are of necessity the result of compromises reached following laborious elaboration between the sides and delicate negotiations among their members.

The social partners concluded that their value lies in the fact that the Joint Opinions may, because of their political importance, be used as guidelines for consultations and negotiations at the national level. They aim at striking a balance between the needs of workers and financial limitations, as well as between regulations on the Community and the national level, in accordance with the principle of subsidiarity.

From 1986 on, more than 15 Joint Opinions¹⁰ have been endorsed, regarding issues of education, training, new technologies and the organisation and adaptation of labour to them, employment growth, information, consultation, racism and xenophobia, etc.

The interprofessional dialogue also takes the form of "Social Dialogue Summits", i.e. meetings held at irregular intervals and organised on the initiative of the Commission, on the level of the Chairmen and General Secretaries of the ETUC, UNICE, CEEP and their member organisations.

After 2001, the Social Dialogue Summits have been held regularly after each spring Council.

E. The Connection between the Social Dialogue and European Employment Policies

A field of decisive importance for the development of the European social dialogue was offered by the issue of addressing unemployment and boosting employment, which has been a serious concern for the European Union during the last decade. These issues have been the object of several studies, notices and top-level meetings in the framework of the Social Dialogue, culminating in the inclusion in the new Treaty of Amsterdam of a special chapter entitled "Employment", where the legal basis was laid for Community coordination of national employment policies and the introduction of a European Employment Strategy.

In more detail:

At the Luxembourg summit in 1997, before the relevant chapter of the Amsterdam Treaty came into effect, it was decided to implement the European Employment Strategy, by introducing "employment guidelines", specifying in detail the areas where the member states needed to take action to facilitate employment and the operation of the labour market and reduce unemployment. These actions are recorded every year in the National Action Plans (NAPs) for employment, which since 1998 have been submitted to the Commission, which evaluates them and issues relevant reports and recommendations for further improvements. In this framework the role which, in accordance with the guidelines, the Social Partners are called upon to play in policy-making on the national level to increase employment, is decisively reinforced.

The 2001 employment guidelines further strengthened the involvement of the social partners, affirming the need for them to participate in the planning, supervision, monitoring and implementation of the NAPs for employment, in accordance with national procedures and practices.

F. From Lisbon to Laeken: the Evolution of the European Social Dialogue

The decisive importance of the social dialogue and the participation of the social partners on the national and European levels are described in detail in the Conclusions of most of the summits from Lisbon on, as well as in the Social Policy Agenda endorsed at the Nice summit (2000).

During the Portuguese presidency in the first semester of 2000, the Extraordinary Lisbon European Council was held on 23-24 March. It carried out an interim review of the European Employment Strategy (EES) and resolved to adopt a ten-year strategy with far-ranging objectives, oriented towards more long-term challenges.

The priority areas in the social policy sector were mapped out in Lisbon: to make Europe the most competitive area in the world, capable of achieving sustainable economic development with full employment (increasing the overall employment figures before 2010, with greater participation of women), with better quality of work (more and better jobs) and with a knowledge-based economy (cohesive strategies for lifelong learning/increased mobility).

In Lisbon it was also decided to convene special spring Councils to deal solely with social and economic issues, to which the social partners would contribute.

In a joint declaration on 21 November 2000, the social partners requested that an annual meeting of the social partners be held before each annual meeting of the spring European Council. The purpose of the meeting is to evaluate the progress of the implementation of and contribute to the new Lisbon strategy, which constitutes the basis for all Community actions on employment, innovation, social reforms and social cohesion.

It was decided that the spring meeting must be based on the annual summary report to be issued by the Commission, and that the social partners must also be able to raise these issues before the meeting of the European Council (Conclusions of the Feira Council on 19 and 20 July 2000).

The spring Stockholm meeting (23 and 24 March 2001) examined economic and social questions for the first time. The decisive and active participation of the social partners was judged to be of essential importance for evaluating progress towards the Lisbon strategic goal. To help achieve this

objective, it endorsed the establishment of the European Observatory of Industrial Change, as part of the Dublin Institute.

The next important step came from the Belgian presidency. Together with the EU troika, the social partners and the European Commission, it held a Social Summit on 13 December 2002, on the eve of the Laeken Council, relating to the agenda for the Meeting. It was agreed that such a social summit would from then on be held before each spring European Council.

Fifteen years after the horizontal social dialogue was set in motion at the EU level in 1985 in Val Duchesse, the Social Summit evaluated its progress and determined ways of reinforcing it, taking into consideration the need to address the rapid economic and social changes.

More specifically, the Joint Declaration of the social partners on Laeken opened up new prospects for progress. It was decided to once again place social dialogue in the context of the discussion on the future of Europe and governance, EU enlargement, entry into EMU and coordination of economic and social policies and employment policies.

The social partners declared their full support for the five principles (transparency, participation, accountability, efficiency and cohesion) proposed in the White Paper on Governance¹¹. In their capacity as European social partners and the particular nature of their role, their legitimacy and representativity, they asked to take part as Observers in the Constituent Assembly which will prepare the revision of the Treaty.

In addition, the EU social partners stated in their joint declaration that their goal was to prepare a multiannual action programme for a more independent social dialogue with the active involvement of the national social partners. The multiannual programme was officially presented on 28.11.02 at the Social Dialogue Summit Meeting in Brussels, with the participation for the first time of the partners from the candidate states. The action programme refers to the years 2003, 2004 and 2005 and includes a broad range of issues of common interest for the social partners (lifelong learning, work-related stress, racism, gender equality, company restructuring, etc.), which are structured around three broad priority areas: employment, mobility and enlargement. The new interesting element is that the programme foresees the promotion and implementation of the aforementioned issues through broader

forms of action such as meetings, seminars, reports, joint declarations, studies, etc.

In conclusion, we can focus on three findings with regard to the European-level dialogue.

First, the European collective agreements signed in the context of Article 138 of the Treaty are the first attempt at contractual relations on the European level and constitute proof that the social partners are able jointly - at this level, too - to find appropriate solutions by engaging together in dialogue.

Second, the independent bipartite social dialogue in the framework of the Social Dialogue Committee produces tangible results for the actions of the social partners in the future. The Social Summit is developing into a new legitimate area for conducting the social dialogue, in which the European and national social partners are expected to become involved and work together, clearly reaching joint positions (statements) of broader political interest. The tendency for more independent and structured dialogue is clearly visible.

Third, the Conclusions of the spring European Councils expressly refer to the outcomes of the Social Summits, and the social partners are now insistently called upon to assume an active role in monitoring the implementation and in producing the interim review both of the European Employment Strategy (Luxembourg process) and of the Lisbon Strategy. With regard to all the above issues, emphasis is placed on the synergy between the European and national social dialogue, which marks the beginning of an open and continuous process of interaction between them.

The ESC believes that all the above-described developments are of decisive importance for the future and the quality of the social dialogue on the national level and that they directly influence its content, procedures and methods.

3.2. The developments on the level of the national social dialogue

A. The evolution of collective bargaining and collective regulations in the private sector

A1. The current legislative framework of collective bargaining and the resolution of collective labour disputes in the private sector

Since 1990 the system of collective bargaining has been governed by Law 1876 regarding "free collective bargaining", which should be characterised as particularly innovative, since it introduces a new point of view on collective bargaining and collective labour disputes in relation to Law 3239/1955, which was previously in effect. It is important to stress that Law 1876, which constitutes a radical change for Greece, was passed under a national unity government, by unanimous agreement of the three political parties, the representatives of the GSEE and the three employer organisations [Federation of Greek Industries (SEV), General Confederation of Greek Small Businesses and Trades (GSEVEE) and National Confederation of Greek Traders (ESEE)].

Law 1876/1990:

- a) Created a decentralized system of bargaining and alongside it a system of successive negotiations, in place of the centralized and hierarchically structured system instituted by Law 3239/1955. Free bargaining took on a rather more meaningful content at all levels and the notion of collective autonomy was restored. Furthermore, for the first time two new levels of bargaining were recognised in Greece, the sectoral and the enterprise level, which took priority over the occupational level. Their regulations did away with the traditional craft-based attitude towards the representation of interests.
- b) Broadened the scope of collective bargaining. As a result, any issue regarding the terms and conditions of employment (except for pensions issues), the right to organise collectively within an enterprise and the conduct of business policy can constitute the content of bargaining.
- c) Abolished the arbitration tribunals and did away with mandatory referral to arbitration, which led to inflexibility of the dispute-resolving system, since it

was essentially the main means of resolving collective labour disputes. In place of that system the law introduced a system of mediation and arbitration with optional as well as mildly mandatory elements, which is in essence an extension of collective bargaining, since it comes into operation after free bargaining fails. A central position in the management of the new system is now held by the Mediation and Arbitration Service (OMED), in whose administration the social partners participate, and the Special Mediators and Arbitrators Body, from which the mediators and arbitrators are selected.

A2. The Experience of Collective Bargaining and Regulations in the Private Sector

Collective agreements are the result of free collective bargaining. In the 1990s collective agreements were the predominant mechanism for regulating employment relationships for workers employed in positions of subordination under private law by any employer in the private and broader public sector. Beyond that, collective labour agreements also cover to a large extent the new forms of employment relationships which do not have the typical features of employment in a position of subordination and refer to those who "...provide labour in conditions of subordination and display a need for protection comparable to that of employees."

The institutional exclusion of state intervention from collective bargaining pointed up the regulatory initiative and responsibility of the representative bodies of the employers' and workers' interests in regulating employment relationships, covering questions of economic and qualitative conditions of employment.

The main collective bargaining issues on the national level during the 1990s included:

- Linking regulation of employment relationships, higher employment and the fight against unemployment with broader economic and development objectives.
- Boosting workers' incomes.

- Intervening in the quality of employment through regulations on health and safety, education and training and the new forms of employment.
- Including gender equality in collective regulations.
- Laying down solidarity in specific regulations and resources.

These issues had a profound influence on the other collective regulations, especially at sectoral and enterprise level. Beyond that, they created political conditions that were ripe for legislative measures, which in effect "endorsed" the terms of collective labour agreements.

The purpose of this unit is to highlight the content of collective agreements and the qualitative evolution of their terms. The presentation is divided into two parts. The first part evaluates the content and institutional influence of the National General Collective Labour Agreement (EGSSE), and the second part evaluates the operation of mediation and arbitration mechanisms.

a. The Leading Role of the EGSSEs

The EGSSE is the most decisive means of regulating the terms and conditions of employment on the basis of free collective bargaining between the top-level organisations representing the employers' and workers' interests. Its institutional and political influence springs from its legally binding nature, which covers all employment relationships in the broader public and private sector, including the public services, for workers employed in conditions of subordination, as well as from the ever-broader involvement of the social partners in economic and social developments.

The EGSSE in Greece is of particular significance from the aspect of economic and institutional content, since it provides for the minimum salary and the minimum wage. In other words, it creates a guaranteed wage for thousands of workers by setting minimum levels of general social protection. At the same time it constitutes a guideline for the sectoral collective labour agreements, since it condenses on the national level the particular economic and social conditions within the broader European framework.

The EGSSE also plays an important role in laying down regulations of a social nature which empower and reinforce social policy, employment policies in particular. The following regulations are characteristic in this area:

- The basis is laid for laying down the principle of social solidarity on the institutional and economic level in order to combat unemployment. In addition to the statutory employer and worker contributions to the Labour Force Employment Organisation (OAED), it is agreed to pay additional employer and worker contributions into a special account intended to reinforce programmes to combat unemployment and provide vocational training. The EGSSE laid the basis for creation of the Account for Employment and Vocational Training (LAEK), an independent account whose management and funding have been undertaken exclusively by the social partners (1993 EGSSE).
- Equality issues are regulated on the institutional level, where the EGSSE constitutes a pilot model for sectoral agreements, particularly on questions of parental leave, reduced working hours for parents of young children and maternity leave, part-time employment and sexual harassment in the workplace (1993 EGSSE).
- The Hellenic Institute for Occupational Health and Safety (ELINYAE) was set up by national general collective agreement. It is administered bilaterally by representatives of the parties to the agreement (1991-92 EGSSE).
- Social solidarity was implemented in practice, by providing healthcare to young people under the age of 29, from LAEK funds, that is through employer and worker contributions (1998-99 EGSSE).
- The conditions for extending workers' regular annual leave were improved. Facilities for lifelong learning were also improved (1998-99 EGSSE).
- The insurance contributions of long-term unemployed people are covered by LAEK funds for the last five years before retirement (2000-2001 EGSSE).
- Provision is made for applying the principle of equal pay to men and women workers (1975 EGSSE).
- The statutory length of the working week was reduced at first to 45 hours (1975 EGSSE), then to 41 hours (1982 EGSSE) and finally 40 hours (1984 EGSSE).

The EGSSE ensures better implementation of agreed terms, since it is the object of elaboration, negotiation and final agreement between the two

sides. The member organisations of the two sides are all involved in the whole process, from the stage of creation or evaluation of requests up to the final agreement, in various ways and with specific contributions.

Specifically, the EGSSEs that were reached in the 1990-2001 period display innovations both as regards the approach they adopt to labour relations and as regards their content.

The process brings to light a new viewpoint on the approach, which is expressed through the political will for bargaining, the assumption of responsibility and the commitment of the sides without state intervention or referral to the Mediation and Arbitration Service (OMED). In particular, a new outlook is gradually created, which is translated into the will to diagnose the problems of concern to the Greek labour market and the economy and to resolve them through the discovery of joint solutions. The conditions for consensus prevailing at present in the national collective bargaining procedure have allowed agreement to be reached and the EGSSEs to be concluded through direct dialogue between the sides. The will for stability in labour relations is borne out by their duration, which has now stabilized at two years.

The content of the agreements is extended, and at the national level an important and very rapid utilization is made of the new institutional framework regarding free collective bargaining through Law 1876/90. The workers and employers organisations assume the responsibility for questions of economic and social policy at a difficult time of profound changes involving development, employment, unemployment, competitiveness and the new technologies, in the context of globalisation and European integration. This fact is an element of maturity, programmatic modernisation, and an important step towards the autonomy of the social bodies as collective entities.

b. The Experience of the Operation of Mediation and Arbitration Mechanisms

The Mediation and Arbitration Service (OMED)¹² was established by Law 1876/1990, as an independent, self-administered body corporate under private law with headquarters in Athens. It is an advanced institution by Greek standards, effectively autonomous from government intervention. In itself the

fact that the work of mediation and arbitration was assigned to a private-law body rather than to a public authority of any type is an indication of its independence from government control. The tripartite composition¹³ of the OMED's Administrative Board, dominated by the presence of the social partners and the limitation of the OMED's annual income to the regular payments from the Workers' Welfare Foundation, that is to say from the contributions of employers and workers, is a proof of its independence from state power.

The purpose of the OMED is to support collective bargaining by providing independent Mediation and Arbitration services from a special Body of Mediators and Arbitrators; the responsibility for the organisation and functioning of this body lies with the OMED.

In the period from 1992 to 2001, the mediation and arbitration mechanisms developed into an important tool for promoting dialogue, mainly on the occupational level, but also on the sectoral and enterprise level¹⁴, where a striking shift in the centre of gravity has taken place.

On the basis of the consolidated table of collective regulations on the national level (1961-2001) attached as ANNEX I and the data contained in its 1992-2001 Progress Report, the OMED has drawn the following conclusions:

1. A significant decrease in the number of arbitration decisions has been seen since Law 1876/1990 came into force. During the period that Law 3239/55 was in force, the annual average number of arbitration decisions was 50.5% of collective disputes, whereas the respective average of collective labour agreements was 49.95%. This procedure did not express the free will of the sides (employers and workers); on the contrary, the mandatory arbitration brought about arbitration decisions determined by the interventionary role of the state through the arbitration tribunals¹⁵.

After the OMED came into operation in 1992, the annual average rate of arbitration decisions fell to 13.5% of collective arrangements, whereas the rate of collective labour agreements increased correspondingly to 86.5%. When interpreting this development, account should also be taken of the parallel maturation in the relations between the two sides and the climate of trust which began to be established in the bipartite dialogue between them.

2. In parallel, a variety of types of collective labour agreement came into being, with a simultaneous decentralization of collective bargaining. After 1992, most collective labour agreements signed in the course of a year fell into the category of enterprise-level agreements¹⁶. The enterprise-level and sectoral agreements have consistently outnumbered the occupation-based agreements, which have gradually become marginal.
3. During the 1992-2001 period, just 21.4% of all collective labour agreements were signed through the OMED on the national level.

B. The Extension of Collective Bargaining to Public Administration

B1. The Legal Framework for Conducting Collective Bargaining

Law 2738/1999¹⁷ introduced at long last the institution of collective bargaining to Public Administration. Until then the two ILO Conventions, 150 and 151, which provided for this possibility of collective bargaining and which only in 1996 were ratified by Greek Parliament, remained inoperative. The introduction of the right of public servants to bargain collectively had become a mature demand of the times, as a step towards harmonization with the modern views on Public Administration and public servants. For the first time, moreover, a relevant provision was included in the revised 2001 Constitution (see Article 22, para. 3).

The following are the main provisions of Law 2738:

- a) The right and obligation to bargain are introduced and laid down for determining the terms and conditions of employment of public servants.
- b) Two levels of bargaining are introduced, one central and one decentralized at the level of the Ministry, Region, supervised state-law entity, independent public service, etc., as well as a workplace dialogue level. Referred to each level are the issues that were not the subject of bargaining at a higher level.
- c) The institution of Mediation is introduced, in the event that bargaining fails, and an appropriate Instrument is set up.

- d) Issues that may be the subject of collective agreements are defined as changes in the administrative status of employees, their education and retraining, health and safety measures in the workplace, social insurance, except for pension matters, exercise of trade union rights, leave, length of service and the interpretation of the terms of collective agreements. Due to constitutional constraints, issues such as wages, pensions, methods of appointment, etc. cannot be the subject of collective agreements, but they may be arranged by collective agreement.

B2. The Experience of Collective Bargaining in Public Administration

From the limited experience that has been recorded, and since the operation of collective bargaining in public administration is still at an embryonic stage, we can establish two important facts.

The first (a) refers to the institutional framework itself, and the second (b) to the testing of the institution in practice.

- a. The institutional framework introduces collective bargaining to the public sector on a limited scale and with unpractical procedures. This is due to the constitutional constraints which were retained during the recent revision, as well as to the nature of the relationship of public servant. Thus for some issues - basically of secondary importance - bargaining can lead to the conclusion of collective agreements, whereas for the most crucial questions - including pay - collective bargaining may result in the conclusion of agreements whose implementation depends on whether a regulatory act is issued in each case.

Finally, the mediation system that has been introduced is not considered to be adequate or effective enough to facilitate the resolution of a dispute.

- b. The institutional deficit on the one hand, the lack of a "culture of dialogue" in the public sector on the other, as well as the "addiction" of state power to the imposition of one-sided decisions, have driven the collective bargaining between the government and the ADEDY to failure for two years running. In the same way, second-level bargaining (between the government and the federations) was also driven to fail.

In conclusion, the institutionalised social dialogue in the public sector via the institution of collective bargaining is taking its first hesitant steps; however, there are great deficiencies, and the results to date have been meagre. What is needed appears to be the reform of the institutional framework, so that it can take on a more meaningful content, along with pointing up to the parties involved the value of dialogue as a tool for approaching and resolving problems, which by their nature do not concern only labour issues but also have a social dimension.

C. Institutionalised Social Dialogue in Greece

C1. The Historical Evolution of the Creation of the Institution of the ESC

Of importance with regard to the conduct of national social dialogue is the institution of the Economic and Social Committee, which was established by Law 2232/31.8.94.

The difficulty in developing consensual institutions in this country is the result of a history of clashes and differences between social interests and an all-embracing interventionary political viewpoint on the conduct of social policy by the state. This is borne out by the unsuccessful attempts to operate similar instruments and establish them in the consciousness of the social partners with the participation of the government, specifically the Social Policy Council (SKOP) in 1978 and the National Development and Productivity Council (ESAP) during the 1980s, which fell into disuse. A provision for an Economic and Social Council was included in the 1975 Draft Constitution, but failed to get off the ground. In previous decades, the 1925 Constitution (Article 57) included a council of occupational organisations, expressed in a peculiar way via the occupational composition of the Senate. At any rate, the first time that the institution of the Economic and Social Council was included in a European Constitution was in the Weimar Constitution of 1919.

The Greek ESC was finally put in place in 1994, on the model of the operation of the ESCs of the European Communities.

The philosophy behind the creation of the ESC was that of an organisation and a procedure for consolidating and smoothing out the most

important social and occupational interests appearing in Greek society. This point of view transposes a non-trade union social dialogue approach, which in the framework of the ESC does not refer only to the traditional social partners, that is the employers and the workers. The ESC was created to become a forum for discussion, confrontation and consolidation of views, where the positions of the most representative social categories will be reflected and ultimately opinions necessary for the government will be produced. The main component of the dialogue within the ESC is the equal role of the three interest groups of which it is formed.

This extended identity of the ESC should not cause its role to be misinterpreted. The ESC is not identical with the organisations represented within it, nor is it called on to express their occupational interests in a narrow sense. It is not a trade union tribune of the interests it represents. The members of the ESC, in representing their trade union bodies, also develop an autonomous voice, acting independently in expressing their opinions.

A basic principle governing the establishment and functioning of the ESC is the principle of its institutional independence from state power. It is one of the few instruments in Greece (together with the LAEK and the ELINYAE¹⁸) which is administered exclusively by the social bodies, and its President is an independent figure nominated by the social bodies and chosen from two nominees by the Minister of Finance.

In the recent revision of the constitution in 2001, the ESC emerged as a constitutional institution¹⁹.

After it was enshrined in the constitution, two levels of competency for the ESC were established: on the one hand a new general competency for the ESC was introduced, for carrying out the social dialogue on any issue regarding Greece's general policy, with particular emphasis on social and economic policy guidelines, and on the other the competency also provided for by law is reiterated, i.e. delivering opinions on Draft Bills, and this is broadened to include proposals for laws, i.e. the legislative proposals submitted to Parliament by individual Members.

The true content of the new Constitutional provision must be determined through dialogue with the social bodies, in the framework of the ESC itself.

From the new role reserved for it by the Constitution it also emerges that the institution is very broadly accepted by the majority of political parties, as also became apparent when the proposal was passed by the various parties (with 269 votes in favour) already during the voting on the provisions up for review in the first stage of the Revision.

C2. The Experience from the Operation of the ESC

The experience from the operation of the ESC may be approached initially from the ESC's influence on the political environment as a whole in which it is called upon to act. Secondly, the innate difficulty in the operation of the ESC is noted, as a multi-participatory institution for dialogue, for the purpose of smoothing out differences and achieving compromises.

From data processed by the ESC services, it emerges that in the period between 1995 and 2001 the government forwarded to the ESC for an opinion fewer than half of the draft bills which it was promoting and which initially fell within the competency of the ESC²⁰. This reinforces the belief that the Ministries, with a few invariable exceptions, do not show the necessary sensitivity to upholding their legal obligation, and a frequently noted phenomenon is that they do not respond, even following a question or request from the ESC itself, thus avoiding seeking the ESC's opinion.

There are no official data on the rate of Observations accepted per Ministry, since the Ministries and Parliament have no institutional obligation or custom of informing the ESC on which proposals were finally adopted. In any event, the absence of such data has also been noted in the relevant organisations, both on the European and on the international level.

The difficulty in monitoring the continuity given in an Opinion by the institutions of the state is exacerbated by another element. The ESC's Observations can be taken into account in another legislative initiative taken forward several years later. This was the case regarding the Opinion on Vocational Training (No. 17/1998), which led to longstanding discord with the political leadership, culminating three years later [September 2001] in the Regulatory Framework Draft for the National System for Linking Vocational

Education and Training with Employment (ESSEEKA), in which acceptance of the ESC's proposals is practically universal²¹.

The assessment that could be made that there is a large fluctuation, and the rate of acceptance of ESC Opinions fluctuates from minimal (e.g. draft bill on the National Health System) to unanimous (e.g. draft bill on immigration). Estimations on the reasons for this fluctuation can be found in the Progress Reports on ESC Activities between 1994 and 2001.

Moreover, it should be noted that the Initiative Opinions are widely accepted. This is evidenced both by the increased demand for such Opinions and the fact that they provide material for public debates, seminars, etc. and are encountered as bibliographical references in texts both of a political and of an academic, research or other nature, and are also used as primary sources for research.

In interpreting this phenomenon we should take into consideration the fact that positions and views are expressed through the Initiative Opinions in a organised, cohesive and concise manner on all the broad policy areas, such as competitiveness, employment and vocational training, agricultural policy, etc. This is another reason why the acceptance of the ESC's work by the political leadership cannot be judged statically at a given point in time, but only through a dynamic developed over time, so that the overall evolution of policy may be assessed.

Furthermore, it is not only the number of observations accepted during voting on a draft bill in Parliament that should be taken into consideration, but also the contribution of the Opinion to the discussion preceding or following the passage of a law, along with the invitation to the ESC to attend competent parliamentary committees. It is worth noting that from 1996 to date, the ESC has been called on - through its President - to attend ten meetings of Standing Parliamentary Committees in order to set out its views on specific questions²². The social bodies making up the ESC believe that the quintessence of the role of the ESC lies in a significant dimension of its operation which is not known to the broad public: this is the innate difficulty in its operation as an institution with many members and many voices, whose purpose is to permit expression, confrontation and ultimately an approach to the different interests apparent in a democratic society. In this case, composition should not be an end in itself.

The important factor is that for the first time an institutional tribune, which is in fact enshrined in the Constitution, was created for dialogue between the social bodies on the national level, with permanent scientific and administrative support. Both the draft bills and the other draft opinions often created the opportunity for discussions, exchanges of views, disputes and convergence, both in the Executive Committee and in the Plenary Session itself. The fact that the Opinions are discussed and voted on in the Plenary Session of the Body where all 18 tertiary-level organisations are represented is in itself the institution's most essential innovation.

The collective manner in which the texts are elaborated by the Working Committees, with the participation of an equal number of elected members/representatives of the three Groups, experts from the Groups and permanent scientific advisers of the ESC, constitutes a difficult, interesting and important procedure. And only through this parameter can the value of the finding be seen that of the 68 Opinions delivered by the ESC up to the end of 2001, in only twelve (12)²³ were two viewpoints recorded, with essential differences in principle mainly on the draft bills on employment, labour relations and the restructuring of the OAED (Opinions Nos. 18/1998, 48/2000 and 55/2001), ultimately reflecting a different philosophy of approach between employers and workers also associated with their traditional role in collective bargaining.

C3. The Experience from the Operation of the Prefectural Economic and Social Committees (PESCs)²⁴

In the same year that the national ESC was established, the Prefectural Economic and Social Committees (PESCs) were also set up as opinion-delivering instruments in the framework of the institution of Prefectural Government, which is the second level of local government (Law 2218/1994).

Law 2218/1994 "Establishment of Prefectural Government, Amendment of Provisions on First-level Local Government and the Region and other provisions" defines their competencies as follows: a. delivering opinions to the Prefectural Council on the mid-year and annual prefectural development programme, b. examination of the problems and development capabilities of

the prefecture and formulation of an opinion regarding resolution of the problems and exploitation of such capabilities, c. study of issues regarding the reinforcement of local government and formulation of an opinion on the taking of suitable measures, and d. formulation of an opinion on issues referred to it for an opinion by the Prefectural Council.

The experience from the operation of the PESCs leads us to the following conclusions:

1. From the experience so far of the operation of the PESCs, as recorded in five informal meetings of their representatives with the national ESC²⁵, it emerged that the PESCs have not yet produced any substantial results.
2. The institution of the PESCs is still in an early stage of development. After a long delay, 50 PESCs have now been set up in respective prefectures of the country. However, only a few of them are really functional. This is due to the fact that their role is not absolutely clear, either for the Prefectures or for the bodies themselves that are called on to appoint representatives to them.
3. The difficulties observed in contacts with the prefectural authorities are also expressed in the fragmentary nature of the cooperation between the PESCs and the Prefectural Councils. In practice they are either not invited to attend and deliver an opinion at the meetings of the Prefectural Councils, or they are invited to some of them, but their views are not taken into serious consideration.
4. A lack of legitimisation by the local communities has been noted, due to feelings of suspicion towards the collective bodies (they are often compared to the old prefectural councils). Consequently there is a belief that the real decisions are taken at the level of interpersonal/clientelist relations and on the basis of political and economic power. This fact indicates that the parties involved have no awareness of the role of the PESCs, as institutions of social dialogue between the social partners and agents on the local level.
5. Certain serious deficiencies have been noted in the legal framework (e.g. members are convened only three times a year, there is no provision for resources and infrastructure, there is inequality in composition and representativity, delivering of opinions is optional in nature).

6. The issue of funding is considered to be key for the existence and administrative independence of the institution in general. The complete lack of funds makes it impossible to adopt any programme for action or exercise the competencies provided for by the law.

D. The Non-institutionalised Social Dialogue: Informal Tripartite and Bipartite Consultations between the Government and the Social Partners

In parallel with the institutionalised social dialogue, other social dialogue initiatives are also developed on the national level. These take the form of more or less informal bipartite or tripartite contacts between the government and the social partners. The present Opinion refers chronologically to initiatives developed since 1997.

- a. In the area of employment, competitiveness and development, the most characteristic is the attempt to carry out - for the first time in this country - a tripartite social dialogue on employment, competitiveness and development.

In the spring of 1997, the government introduced an extended form of social dialogue, by addressing a proposal/invitation to the trade unions and employers' associations to attend a tripartite social dialogue.

The dialogue referred to three thematic units: First, the "Structural Policies on Development" (public, private investment, industrial policy, SMEs, financial sectors, ailing companies, effectiveness of state-run utilities and enterprises). Second, the "Policies to Boost Competitiveness and Employment" (incomes policy, investment in human resources, competition policy in markets for products and services). Third, the "Regulation of Forms of Work and Social Protection on the way to 2000" (working time, part-time employment, protection of informal types of work and Local Employment Pacts, employment of pensioners, protection and employment of "vulnerable" social groups).

The whole procedure lasted six months and concluded with the signing²⁶ on 10 September 1997 of a unified final text, entitled "Confidence Pact between the Government and the Social Partners on the way to 2000". The

general characteristics of this agreement are that it contains interesting findings, but as far as proposals are concerned it is formulated in a general, vague manner. On issues where no agreement could be reached, it was preferred to remove them entirely from the text. The points of disagreement of each side were transferred to an Annex of the Pact.

The implementation of the Pact was fragmentary. A characteristic example of this was the promotion of issues through Law 2639/98 regarding labour relations, which either were not discussed or were not touched upon in the Social Dialogue (e.g. content of the Local Employment Pacts, working time arrangements) and the absence of regulations on matters that were discussed and on which there was a convergence of opinion (e.g. fixed-term contracts).

b. In the same period, i.e. the second half of 1997, a structured national dialogue was carried out on the taking of short-term measures aimed at restoring the social insurance system to health. The government set the framework for the dialogue, which began on 18.6.97 and was carried out through the Tinios Committee, in which representatives of the government and the social bodies took part. The Committee had been divided into six subcommittees, which covered the following issues: contribution evasion, exploitation of assets, relations with citizens, administrative simplification, recording of fund benefits and health sectors of funds. The findings of this Committee affected the content of the subsequent law on the organisational and operational restructuring of social insurance bodies.

In its Opinion²⁷ on draft law 2676/1999 regarding what was known as the "small" social insurance package, the ESC made a positive evaluation of the social dialogue preceding the writing of the draft law, in the belief that "it bore fruit, as improvements are being sought that will constitute an important step towards the recovery and ultimately the survival of our insurance system." But at the same time it pointed out that this step was not enough, and that there was an urgent need for the social dialogue to begin during 1999 on the major problems that remained unsolved.

c. On 25 July 2000, the Minister of Labour sent a letter inviting the social partners to an open dialogue on the following policy units related to the issue of employment:

- * CSF funds, the goal of employment and investment in human resources
- * Better quality support mechanisms for employment policies
- * Fiscal, incomes and anti-inflationary policy, linked to the position of workers and social cohesion.
- * Structural policies and competitiveness.
- * Policies regarding the development of entrepreneurship, particularly in SMEs.
- * Institutional framework for human resources policies.
- * Special initiatives for high-unemployment areas and possible alternatives.
- * Safety net against exclusion, inequality and poverty.

At the same time, it proposed the beginning of separate bipartite meetings on 24/8/00, lasting until 28/9/00 at the latest. Following the positive response from the social partners, who, however, pointed out the general nature of the policy units, the Minister resubmitted ten written questions to be answered by the social partners in the second meeting on 24/8/00. The bodies submitted written proposals and the government followed up with bipartite meetings with each side, but no dialogue was carried out. At a certain point in time the government was asked not to proceed because the partners were able to formulate joint proposals. Although this was initially acceptable, pressures were brought to bear to find mutually acceptable solutions in a short time, but this was not possible.

Four months after the beginning of the bipartite contacts, the government took forward a draft law on promotion of employment. The subsequent Law 2874/2000 led to a divergence of opinion in the framework of the ESC, with regard to its individual provisions. Despite the divergence of opinion regarding the substance of the provisions, in a relevant Opinion²⁸ the ESC concluded that "the time limitations placed on the social partners, despite their desire to reach legislative proposals on their own, in accordance with social and economic needs, the spirit of the Lisbon summit and the social consultation practices pursued by almost all the EU member states, weakened the social dialogue and the consensual processes in this country. They also created questions about the reliability and feasibility of the regulations".

On the other hand, the existence of an Opinion with two views on practically all the key articles of the draft bill, despite the fact that the government had taken the initiative to announce the social dialogue, is evidence of the failure of the preceding procedure.

d. In April 2001, the Ministry of Labour and Social Insurance made known its proposals on the inception of dialogue on the Insurance System.

The course of the dialogue was halted even before it began, due to major opposition from the side of labour. Specifically, the GSEE and the ADEDY called a strike to force the Government to withdraw its proposals as ineffective and undermining to society as a whole.

In addition, the Government was accused by all the sides that it brought about a social dialogue with foregone conclusions, and this created a lot of friction and a negative attitude. Another point of friction was the state's failure to commit regarding rectification of the deficiencies of the insurance system and its future funding. It is worth noting that no importance was attached or time devoted to sensitising public opinion on the real problems faced by the insurance system in Greece as well as internationally, mainly due to the demographic problem.

The social partners had nevertheless set the conditions, by agreeing on nine points (See EGSSE 2000-2001) for a meaningful, documented and consensual dialogue on the insurance system.

e. On 5 March 2002, a year after the first unsuccessful attempt at dialogue, the second round of social dialogue began on the reform of the Insurance System.

Under pressure from the European Union, the Government started the discussion from the ground up, a discussion which took the form of a political arrangement of the issue, rather than a real dialogue. The initial orientation towards achieving a National Agreement on the issue was gradually abandoned.

This process was preceded by a Nationwide GSEE Conference in September 2001, with broad participation by the employer and worker organisations and representatives of all the political parties. This Conference was judged by the Government to be an attempt to approach the subject anew by all the sides of the parties concerned, and as a consensual

procedure for approaching this difficult issue. Following the Conference, there were bipartite meetings between the government and the separate bodies, who made their views known in writing. The whole operation was completed in July 2002 with the passage of Law 3029/2002.

In essence, this was not a regular dialogue process, and no official reference was made to the causes and magnitude of the problem. The employer side believed that the dialogue, as it ultimately evolved, did not have the necessary tripartite character and was not meaningful as far as the representatives of the employers were concerned.

In its Opinion²⁹ on the subsequent draft bill (later Law 3029/2002), the ESC pointed out that there had been a significant delay in starting the second stage of reform (the preceding stage was that of 1998-99), in relation both to the initial forecasts and to the developments in the other countries of Europe, which addressed the question during the 1990s and went forward to make significant interventions. The delay was not exploited by the government, the political parties or any of the other players involved, in order, first, to achieve full awareness of the real dimensions of the problem and, second, to carry out a dialogue free from tension that would allow mutually acceptable solutions to be sought for. The ESC unanimously supported the proposal for achieving a national social agreement on the funding of the social insurance system.

f. In April 2002, a structured, extended dialogue on tax reform began, which lasted two months. This dialogue was conducted through the Central Social Dialogue Coordinating Committee, which is made up of representatives of the social actors [the SEV, GSEE, ADEDY, the Central Union of Municipalities and Communes of Greece (KEDKE), the Athens Bar Association (DSA), GSEVEE, ESEE, the Financial Chamber and the Athens Chamber of Commerce and Industry (EVEA)], the political parties, the Ministry of Finance and special experts. The Committee met regularly under the coordination of the General Secretary of the Ministry of Finance. Five subcommittees operated in the framework of the Committee, which devoted their attention to working out proposals on various areas of taxation, such as taxation of the income of natural and legal persons, taxation of capital, etc. The proposals of the Georgakopoulos Committee of Experts formed the basis for the dialogue.

Both the principles and the positions reached by the Central Committee were laid down in the subsequent draft bills on taxation regarding simplifications of the Accounting Books and Records Code, the manner of payment of VAT and taxation of income and capital.

The ESC feels that for the first time an organised, meaningful dialogue was carried out on Greece's system of taxation; it assesses particularly positively the specific experience of a structured social dialogue and believes that important results were produced³⁰.

In conclusion, in the ESC's estimation the repeated attempts by the Greek government to promote consensual solutions in the sensitive area of labour relations, employment and social insurance, through tripartite consultation or bipartite contacts between the employers' associations and the trade union organisations of the workers, failed to produce the expected results, and the discussion was not promoted on the real content of the reforms. These subjects per se, when they touch upon complex, substantive issues for a society, such as insurance reform, can obviously create impediments to the successful outcome of a dialogue. In general, the impression was created that the dialogue was to a large extent a pretext whose purpose was mainly the procedural legitimisation of foregone conclusions.

In Greece a substantial deficiency is created by the lack of tradition in carrying out central dialogue within an organised context on specific subjects, with specific purposes and timetables, planning, documentation, study of alternative scenarios and cost analysis of the proposed measures. In any event, all the sides do not always declare their political will to reach specific results.

The dialogue process in such cases is particularly crucial for its success. The tactics adopted, leaks to the press, the strong political, or sometimes even party political character lent to the dialogue, as well as the assignment by the government of fragmentary studies to foreign firms without publishing them, alongside the publication of studies by the social partner institutes which reach different conclusions, all do irreparable damage to the authority of the dialogue.

E. The Experience of Dialogue on the Local Level: The Local Employment Pacts³¹

The "Local Employment Pacts" (TSAs) began in 1997 as an initiative of the European Commission for boosting the local development of employment. In Greece provision was made for them for the first time in Law 2639/98 (Article 4) as special collective agreements establishing voluntary cooperation schemes in which local authorities and local social bodies and agents of production work together. They aim at creating tools to combat unemployment. Their main characteristic is that they are a form of local social dialogue, which develops within partnership networks.

When they were introduced in 1998, the TSAs were a field for confrontation. In the social dialogue in 1997, the discussion produced a final text which set the framework and the foundations for common acceptance of the TSAs. The issue returned in a one-sided government initiative which included a special provision in Law 2639/98. The ESC's Opinion on the text of the draft bill³² recorded a divergence of opinions on the necessity of the TSAs. The field of disagreement consisted in whether the TSAs are positive measures for addressing unemployment in the framework of the policies of flexibility, or whether the attitude to them should be negative, since they abolish basic principles of collective labour law. As regards the rest, the ESC unanimously pointed out the vagueness with regard to the players³³ and with regard to the areas³⁴ where TSAs can be concluded. In fact, a specific issue was raised regarding the ability to conclude TSAs from the workers' side, and it was proposed that they be concluded only by the Labour Centres in the relevant region, which are in a position to weigh the effects on the labour market; this issue was included in the final text of the law.

The TSAs do not concern predetermined actions and efforts, but are created on the basis of the common will of those involved and the needs of the area. A basic element for their planning is the local social dialogue in each of the selected geographical areas of Greece.

The experience from the implementation of the TSAs has been evaluated up to the year 1999, when their first pilot stage was completed.

A first positive element regards their implementation on the basis of initiatives taken on the local level; consequently they are not imposed by a

higher authority which could lack the ability to assess the structural problems to the extent to which the local players are directly aware of them (this is the so-called bottom-up approach). In any case, the range of initiatives undertaken is thematically restricted. Absent are dimensions such as innovation and the new technologies; there are three reasons for this: a. the rich European experience with regard to the two aforementioned dimensions has not been assimilated by the Greek employment initiatives on the local level; b. funding difficulties have made it difficult or impossible to conceive and implement measures in this direction; and c. guaranteeing the sustainability of the actions is a requirement which cannot be met, since their creation and implementation were based on new mechanisms not familiar to the local developers.

A second positive element is the laying down and implementation of the principle of social consent and participation of the social partners, for the first time on the local level. However, the extent of participation was restricted in practice. The participation of the private sector of the economy was not up to expectations, and was achieved mainly through the Chambers. Small- or large-scale enterprises as contributors to the Greek TSAs are absent. There is no provision for incentives for the participation of the private sector, and bureaucratic processes and often the financial burden of the SMEs have constituted a disincentive everywhere. Furthermore, the connection between the private and the social sector of the economy has not flourished in Greece, due to structures, legislation and culture.

In any event, the ESC still has strong concerns regarding the implementation of the basic objective, which was the promotion of employment on the local level. In the framework of the implementation of the institution of the TSAs, around ten thousand (10,789) new jobs should be created in the seven selected areas as a whole. A special regulation has ensured the subsidization of the new jobs through special programmes to subsidise enterprises and young professionals, which have steadily been released from the narrow limits of the Pacts' actions. However, it is not clear whether these jobs were actually created.

4. OVERALL CONCLUSIONS - PROPOSALS

A. General Conclusions/Proposals

1. The ESC notes that the social dialogue between the country's social actors is a meaningful contribution to Greece's economic growth, and emphasizes the fact that it has helped achieve the convergence criteria which allowed Greece to join the EMU, while preserving social cohesion. A new responsibility of the social partners on the national as well as the European level is their participation in the European structure, as it will take shape through the discussion on the new Constitution, and their contribution to conveying the *acquis communautaire* of social dialogue to the new members of the EU which will emerge from the enlargement³⁵.
2. The ESC stresses that the process of bargaining and conclusion of EGSSEs, as well as the time they remain in effect, has rendered the EGSSEs a factor of stability and perspective in difficult economic circumstances dominated by a climate of uncertainty and anxiety. In their national agreement, the social partners ensure smooth labour relations, demonstrating that when the social dialogue is carried out under clear terms and conditions and in a spirit of overcoming disagreement, it is of benefit for the economy and society as a whole. The need is created to extend the pioneering outcomes of the national level of collective bargaining to the other levels.

It would be useful to examine other margins for improving the agreements at this level, particularly in the direction of adopting European agreements with the consent of both sides, as well as in the direction of the processes of implementation, monitoring and evaluation of the agreements and obligations resulting from the collective labour agreements, which should be the responsibility of the social partners.

Precisely because of the very broad role of the EGSSEs, the ESC proposes that the government commit itself - on the model of the political commitment of the European Commission on the issue of legal ratification

of the European collective agreements through directives (Article 138 of the Treaty) - to immediately lay down in law with identical content all the EGSSE provisions that do not put a burden on the national budget.

3. The attempts by the government thus far to introduce various forms - tripartite or bipartite - of consultation with the social bodies, prior to crucial reforms of a social and economic nature, have not proven to be particularly effective. The ESC believes that the implementation of the operation of the National Employment Committee and the National Social Protection Committee, which will shortly be enshrined in law, will contribute to the effective preparation and management of the changes. These Committees may become a tribune for strategic planning, supervision and monitoring of the implementation of the measures concerning employment, labour issues and social protection, through the joint participation of the social partners and the government.
4. The ESC also believes that during the last ten years the statutory participation of the social bodies in the administration of public policy-making bodies, in the Administrative Boards of state-run utilities and enterprises, in the Monitoring Committees of the Third CSF, etc. has increased, and this helps better create the content of the decisions taken.
5. The ESC believes that in order to achieve the major strategic goal of Lisbon, all the individual goals which have been set must be coordinated. One serious tool for doing this is the social dialogue, since the social partners are basic contributors to the implementation of these goals, as well as participants in the good governance model promoted by the European Union, regarding the manner of decision-making within the EU. In Greece in particular, it is necessary, following consultation with the social partners, to set annual quantitative and qualitative indices for evaluating the progress of the goals set in Lisbon, with a time horizon of 2010.
6. In the framework of the United Europe, the European and national social dialogues overlap more and more. The monitoring of the implementation of the European Employment Strategy (EES), set through the Luxembourg process, as well as the outcomes of the Lisbon summit (2000) is not the

responsibility only of the European social partners but also of their counterparts in the member states of the Union. The achievement of medium- and long-term goals, such as combating unemployment or the creation of a competitive European knowledge-based economy, require the close cooperation of the social partners on the European and the national levels.

The ESC notes that in most EU countries these major issues are managed through consultation and agreements between the social partners, as a necessary prerequisite, as well as through the conclusion together with the government of strategic agreements, in which employment policies are horizontally linked to the economic growth and competitiveness of the national economies. The ESC believes that the conditions are now ripe for a similar development in our country.

7. After horizontally linking employment policies with the structural changes and the competitiveness of the European economy, the social dialogue has become the predominant means of achieving not only the social but also the macroeconomic convergence of the member states of the Union, as well as the smooth linking of the candidate countries with the European structure.

The coordination of the economic and major social policies (employment, education/training, social exclusion, pensions systems) by the EU, through promotion of guiding principles, comparison of annual reports of the member states and the formulation of recommendations (open method of coordination), creates particular obligations for the State, as well as increased responsibility for the social partners.

In particular, the social dialogue carried out on the European level through the adoption of common goals is the basic tool for the orientation of the actions of the social partners on the European level. An awareness of this responsibility at this crucial juncture for the future of the Union has led to the need for an informal coordination of the actions of Community and national social bodies. This fact is recorded clearly for the first time in the decisions of the Social Summit in Laeken (December 2001), where the

goal of setting up a multiannual action programme for a more autonomous social dialogue with the active involvement of the national social partners was announced.

The ESC believes that the social partners that participate in the European processes should be appropriately prepared, by intensifying the European orientation of all their actions and efforts. It is necessary to make use of the new problem-solving tools (Nation Action Plans for employment, European Employment Strategy, resources of the Third CSF, etc.) and form joint approaches for dealing with the developments and challenges of the times.

8. The ESC agrees with the proposal by the European social partners to replace the Standing Committee for Employment by a tripartite Committee for consultation on development and employment, which will become a forum for consultation between the partners and the authorities for the all-round European strategy defined in Lisbon [Joint Declaration of the social partners (ETUC, UNICE, CEEP) at the Laeken European Council on 7 December 2001].
9. The ESC notes that the social dialogue and the dialogue with civil society also overlap, and points out the particular importance of the social dialogue, which also brings about institutional results. The ESC sees these two forms of dialogue as being complementary. This complementarity brings about the necessary cooperation between the social partners and the new agents of dialogue for developing common initiatives on issues of common interest, such as social inclusion, gender equality and protection of fundamental rights. The bodies expressing organised civil society, such as unions, institutes and associations of all kinds are not a new phenomenon. The new phenomenon is the new manner of making use of them and their new role in political management.

Thus, in practice, an era of a multifaceted and multilevel dialogue seems to be opening up; this will lead to new ways of thinking, reflection, tactics and action for all the social partners.

However, the ESC notes that there are problems with regard to the recognisability of the non-governmental organisations (NGOs) which act as

representatives of civil society, their representativity, their means of funding, as well as the lack of clear principles regarding the manner in which they cooperate. Through the increased influence of the NGOs, the issue of their democratic organisation and transparency in their operation takes on a new increased importance and becomes interwoven with the need to provide effective mechanisms for regulating the competition among them, which is a source of many irregularities.

B. Regarding Collective Bargaining in the Private Sector

Regarding Procedure

- * The procedure followed with regard to collective bargaining shows a new outlook in its approach, which is expressed through the political will of the sides to bargain, assume responsibility and commit themselves without state intervention or referral to the Mediation and Arbitration Service (OMED).
- * During the 1992-2001 period, only 21.4% of the Collective Labour Agreements signed nationwide were concluded through the OMED. This confirms that the parties to those agreements have as a rule the ability to reach an agreement without the necessity of mediation of third parties or mechanisms. Resorting to mediation is more likely when there is seen to be a lack of or a reduction in the bargaining power of the workers' side.

Regarding Content

On the National Level

- * A special role in shaping the economic content of the collective labour agreements is played by the economy policy guidelines, as expressed through the national needs, along with the combined need for adaptability and protection of workers' safety.

- * A new attitude is gradually formed, which is translated into the will to diagnose the problems of concern to the Greek labour market and the will to resolve them by finding common solutions. Initiatives and actions are undertaken regarding broader issues of economic and social policy (unemployment, employment, competitiveness, productivity, etc.).
- * The ESC notes the particular nature of the operation of the national general collective bargaining for the Greek system, where it facilitates the setting and annual readjustment of minimum wages and salaries (guaranteed wages) for the country's unskilled labour force³⁶.
- * A phenomenon is observed in which legislation of certain social policy measures [e.g. provision of health care, covered by the LAEK, to unemployed youth up to 29 years of age (1998-99 EGSSE), recognition of the right of part-time workers to vocational training and the company's social services (1993 EGSSE), etc.] follows and ratifies collective regulation. In these cases the law is transformed into a supplement to collective bargaining and an auxiliary source of regulation, where collective autonomy and collective bargaining are of primary importance.
- * Issues such as gender equality and equality of opportunity, health and safety, etc. are the subject of initiatives and agreement. Certain issues, such as health and safety, are the objects of a specially set up joint body (the ELINYAE) and of systematic activity, whereas others, such as gender equality, are marginalized issues dealt with by separate collective labour agreements.
- * The positive evaluation of the steps which have been taken leads to the necessity for constant attention and improvement of the content of the National General Collective Labour Agreement (EGSSE), as demonstrated by the pioneering agreements signed on the national level, and by the exceptional practices and results of collective agreements in other member states of the European Union³⁷.

Regarding the Sectoral Level

- * To a significant extent, the sectoral agreements reiterate institutional provisions of the EGSSEs, given that their coexistence with the occupational-level collective agreements does not yet leave any particular margin for expanding the content of the sectoral agreements.
- * Law 1876/1990 creates a new legal category, that of the "sectoral collective labour agreement", without, however, lending a strictly defined content to the term "sector". This is correct, since the concept of sector is defined on the one hand by economic rather than strictly legal terms, and on the other by the operation of collective autonomy of the parties to the agreement. It should be noted that sectoral agreements with the same content existed before the introduction of the legal category of sectoral collective labour agreement.

The study of the collective agreements of specific sectors shows that in practice what is called a sectoral agreement is not always a single agreement, but more than one occupational-level agreement that makes up only part of the picture of a broader sector. This phenomenon has its roots in the attempt to keep the workers' collective bodies organised around occupations. As a result, there are attempts to create sectoral collective agreements by consolidating several occupational-level collective agreements, but such sectoral agreements do not always cover the whole range of enterprises in the sector, in its economic sense, or all the occupations of the workers in those enterprises. Nevertheless, such collective agreements are recognized as sectoral because they cover a large number of workers in a significant percentage of enterprises (see trade). On the other hand, a phenomenon is noted where more than one collective agreement is signed at the same time, with the participation of the same trade union organisation. Such collective agreements cover similar activities (e.g. pasteurisation, cheese-making, distilleries, etc.).

At the same time one can note a wide dispersion of provisions from the older texts of the individual collective agreements which were consolidated in one sectoral regulation. This sometimes creates problems regarding their

implementation and monitoring. This phenomenon is also a problem for the social partners, who are called on to homogenize certain provisions, sometimes at great cost, which may not be consistent with the structure of the work organisation in the enterprises falling under the new collective agreement.

Regarding the Implementation of the Collective Labour Agreements

There are also some singular difficulties in implementing collective labour agreements:

- * In certain sectors (e.g. the financial sector) or enterprises, due to restructuring or a decline in activities, where a doubt arises as to role of the sectoral agreement or a refusal to implement the collective labour agreement.
- * From the wide dispersion of provisions. One example is the sectoral agreement for traders, which upon homogenisation of certain provisions faces problems of cost or work organisation in certain enterprises.

Regarding the Trade Union Organisation of Employers and Workers

Employer Organisations

- * The main characteristic of the representation of the employers' interests in the field of labour relations in Greece is the plethora of intersectoral, sectoral and regional organisations.
- * Since 1907, the Federation of Greek Industries (SEV) has been the main representative employers' organisation, representing industry, the services and the new economy. In accordance with Law 1876/90, the SEV bargains and signs the EGSSE, as well as about 80 sectoral collective agreements each year. Its members include a large number of sectoral and regional organisations.

- * The General Confederation of Greek Small Businesses and Trades (GSEVEE) was founded in 1919. It represents the whole spectrum of professionals, small businessmen and tradesmen, and its members include 60 local and sectoral federations and 1000 primary unions.
- * The National Confederation of Greek Traders (ESEE), which was established in 1994 as the continuation of the Federation of Commercial Associations of Greece, represents traders, and its members include 12 federations and 132 primary unions.

Trade Union Organisations

- * In the Greek trade union movement there is no distinction on the basis of ideology or political characteristics, as can be encountered in most European countries. The trade union arms of the political parties function within the framework of a structure or a body. Here, too, however, there is fragmentation on the sectoral and occupational level. The resolutions of the conferences of the top-level trade union organisations (GSEE-ADEDY) to unify the Confederations, and that of the GSEE Organising Conference to unify sectors and reorganize the trade unions, are going forward with great delays.
- * A peculiarity can be seen in certain sectors, where a range of occupational-level provisions are consolidated. This is due to the fragmentation of the trade union representation in the specific sector, as well as to the tradition existing in the Greek trade union movement of organising around occupations.

Regarding the Levels of Collective Bargaining

- * The development and further penetration of the collective labour agreements on the enterprise level causes labour problems to be resolved and dealt with in the area where they came into being and specifically apply; this is the cornerstone of the system of collective bargaining.

- * The further development of the sectoral collective labour agreements to cover structured sectors of the production process is seen as positive. A prerequisite for meeting this objective is the organisational restructuring of the trade union movement on the federation (sectoral) level, by unifying federations of the same kind.

C. Regarding Collective Bargaining in Public Administration

1. The ESC stresses that the difficulties existing for the development of the institution of collective bargaining in public administration are due to the institutional and value system of the organisation and operation of Public Administration. However, the changes taking place at the operational and the labour relations levels, as well as the democratisation of the general environment, permit corrective interventions in the legislative framework. These interventions should be oriented towards the enrichment of the issues on which bargaining may lead to collective agreements, and the improvement of the mediation procedure.
2. The ESC believes that the deficiency in bargaining culture which has been observed will be addressed through the dialogue between the Government and the ADEDY, which must be carried out continuously and in good faith.

D. Regarding the Institutionalised National Social Dialogue and the Role of the ESC

1. Since the mid-1990s, the national social dialogue developing in Greece has operated in the framework of the Community guidelines on adaptation and seeking of consensus on the general EU policy guidelines.
2. Despite the attempt at harmonization with the *acquis communautaire* and with the European recommendations and suggestions, the dialogue is not always effective. In particular:

- a. The national advisory body for the social dialogue, the ESC, is not utilized as it should be, as can be seen from the fact that during the period from 1995 to 2001 fewer than half of the draft bills on economic and social policy were sent to the ESC for an opinion (ANNEX III).
 - b. Even more concern is engendered by the picture regarding acceptance of ESC opinions by the government, which reveals that the proposals of the social bodies are not heard as much as would be desirable, and as a result reform efforts are often led to an impasse and result in deficient or inapplicable legislation.
 - c. Given the innate difficulties of the ESC as a multiparticipatory institution, on the basis of the experience acquired as well as its constitutional improvement, an overall reflection and evaluation of its internal functioning is required, for the purpose of maximizing its action and expanding its effect on public opinion and on the bodies that make it up.
3. The ESC notes that its institutional and constitutionally enshrined opinion-delivering role should be respected by everyone (Article 82, para. 3 of the Constitution and Law 2232/1994) and that all draft legislation and social and economic political proposals should be forwarded to it. The European ESC's field of competencies can be of help in drawing useful conclusions with regard to the manner in which the concept of "economic and social policy" is specified³⁸.

It also proposes that there be an official Annual Progress Report on the work of the government and Parliament, where reference will be made to the follow-up to its Opinions.

4. The ESC considers it necessary that draft presidential decrees transposing Community directives into Greek law pertinent to its areas of competency also be forwarded to it for an opinion. Transposition of directives into Greek law is not merely a formality, but a matter of direct interest to Greek society.

5. The national social dialogue in Greece is not limited to the dialogue carried out within the ESC, but is also carried out through other institutionalised (e.g. National Spatial Planning Council) or informal fora (e.g. National Competitiveness Committee), as well as through other forms of consultation, which, however, are not always effective.
6. The existence of the ESC neither confirms nor nullifies the existence of the social partners or the course of the autonomous social dialogue.

E. Regarding the Regional Social Dialogue and the Role of the PESCs

1. The ESC believes that the social dialogue on the regional level is a matter of paramount importance for securing a culture of consensus in the society of the regions, as is also confirmed by the practice of many EU member states, which have developed widespread networks of Regional Social Dialogue (see Annex 2 of Opinion No. 28/99 of the ESC).
2. Consequently the ESC does not believe that the non-national social dialogue should be limited to the framework of the present form of the PESCs. Although the ESC hopes that this form will be upgraded, in the future more developed forms of social dialogue should perhaps be examined, regarding all levels of administration and government. A full system of regional social dialogue should in the future also include the primary level of local government and, when introduced, the tertiary level of local, i.e. regional, government. In the future, and when the conditions are right, all the levels of government should be provided with relevant social dialogue committees.
3. The ESC notes that the existing framework for regional social dialogue is not adequate. It could see that, for example, certain decisions of the primary level of local government regarding development projects, enterprises or interventions take on a broader significance, affecting the well-being of the inhabitants of the area at large. In addition, it could note that the region as a unit of government would allow a better (more all-

round) recording of development needs and a more effective intervention, and that the social dialogue instruments created there would have a more realistic scope and a more supervisory role.

4. The ESC believes that these shortcomings should be overcome gradually and on the basis of realistic estimations. In any event, a medium-term strategy could be proposed consisting in urging the PESC's in the same region to work together for the purpose of creating the conditions for putting into place economic and social committees on the regional level in the future.
5. Specifically as regards the better operation of the existing PESC's, the ESC believes that this will be feasible, provided that the legislative framework of Law 2218/1994 is reformed in the direction which has already been decided on in the annual meeting between the ESC and PESC's in Ioannina on 26.01.01 and which can be summarized as follows:
 - a. Ensure the Prefecture's obligation to set up PESC's for the purpose of organising the social dialogue on the local level. All the organisations of the social categories organised on the prefectural or regional level must assist in this direction.
 - b. Make provision for the mandatory expression of reasoned opinions by the PESC's prior to decision-making by the Prefectural Council regarding development, labour, social and environmental issues, consumer protection issues, etc. of concern to the prefecture. During the discussion of the PESC's' opinions on such matters, the Prefectural Council should be obliged to invite the Chairman of the relevant PESC to attend the meetings.
 - c. Ensure steady funding from the State Budget, so that the PESC's can acquire the necessary financial independence. In addition the needs for accommodation and secretarial support should be met internally, by the Prefecture.
 - d. Ensure uniformity in the composition of the PESC's, which should use as a model the corresponding equal tripartite composition of the national

ESC, and which should take into consideration the particular importance of the sectors of production in the various areas.

F. Regarding the Social Dialogue on the Local Level

1. The ESC acknowledges the manifold importance of the local level for creating jobs, organising and developing vocational education and training, dealing with environmental issues and helping to integrate more vulnerable members of the population. For this reason, the local dimension of employment has taken on a central role in the framework of the Lisbon strategy.
2. Local development cannot be achieved without the active participation of all local actors: the regional and local authorities, civil society and especially the social partners, who are basic factors for local action.
3. The ESC notes that heretofore local social dialogue has not gone forward in Greece, and that the local employment pacts, as a form of such dialogue through partnership networks, did not produce the expected results.
4. From an initial evaluation of the results, it appears that the private sector has not been adequately brought into play, the public and private sectors are unable to work together, it is impossible to bring all the regional and local bodies and mechanisms into play in order to identify needs on the local and sectoral level and provide a clear picture regarding new job creation.
5. The ESC believes that all the local actors should become more active, but also that the third-level trade union organisations of the social partners could be of assistance, by transferring experience and know-how, because of their broader role in such issues. The institutional obstacles encountered in efforts at cooperation between the public and private sectors should be resolved in a manner similar to the way the development cooperation in the framework of the 2000-2006 Community initiative Equal programme is dealt with.

6. The EU should also give greater emphasis to the promotion of awareness-building among the local players and the exchange of good practices among the member states, when implementing the National Action Plans for employment in the area of local development.

NOTES

1. The broad interpretation of the concept, which indicates an evolution from traditional collective bargaining to new forms of seeking social consensus, has also been accepted by researchers on social dialogue. See esp. G. Spyropoulos, "Labour Relations. Developments in Greece, Europe and the International Sphere," A. Sakkoulas Editions, 1998; KEKMOKOP, "Social Dialogue Issues," Gutenberg Editions, 2000.
2. From 20,494,944 working hours lost and 472 strikes in 1980, we saw a gradual decrease to 1,515,347 working hours lost and 38 strikes in 1998 and 45,642 working hours lost and 15 strikes in the first four months of 1999, when the Ministry of Labour stopped collecting data. In between there was a period of increased strikes in 1990, with 200 strikes and 20,335,313 working hours lost.
3. Opinion No. 28/1999 "The Regional Dimension of the Institutions of Social Dialogue" and Opinion No. 29/1999 "Social Dialogue in Southeastern Europe", see www.oke.gr.
4. The EU is using all means to promote the activity of non-governmental organizations, in order to strengthen their power of influence, both on the national and on the European level. As early as 1997, the Commission issued a notice entitled "Promotion of the Role of the Trade Unions and Institutions in Europe", setting as a political target the gradual establishment of a real dialogue with citizens on the European level, to be carried out alongside the social dialogue with the social partners.
5. Entry "Social Dialogue", EU Glossary, <http://europa.EU.int/scadplus/leg/el/cig/g4000j.htm>
6. See Joint Declaration of the social partners at the Laeken European Council, 7 December 2001.
7. The structure of the sectoral social dialogue has been reorganized following the Commission's Notice in 1998. Dialogue committees were set up in 26 sectors and another ten are at present developing joint activities.

8. <http://www.ces.eu.int>
9. Before a legislative proposal is submitted to the Council regarding the implementation of an agreement, the Commission examines the representativity of the parties thereto, the instruction they received, the legality of the clauses in relation to Community legislation and the provisions regarding small and medium-sized enterprises.
10. The texts of the Joint Decisions may be found on the webpage <http://europa.EU.int/scadplus/leg/en/s02211.htm>
11. COM (2001) 428 final
12. <http://www.omed.gr>
13. The OMED is administered by an 11-member tripartite Administrative Board with a three-year term, consisting of three (3) representatives of the Greek General Confederation of Labour (GSEE), three (3) representatives from the employers' side (SEV, GSEVEE and ESEE), three (3) representatives of the university community (professors of labour law or economics recommended by the relevant university schools and the Greek Association of Labour Law and Social Insurance (EDEKA), one (1) representative of the Ministry of Labour and one (1) expert of recognised authority, experienced in labour relations matters, who is elected by the other ten members at the first meeting of the Administrative Board. The Administrative Board elects the OMED's President.
14. The OMED took action in cases of three sorts: relating to the inability to sign a collective labour agreement without the intervention of a third party, the designation of emergency staff during strikes (Article 2 of Law 2224/1994) and the carrying out of public dialogue on strike-provoking issues. Of these, the first and the third are significant for drawing conclusions in the present Opinion.
Specifically, with regard to the requests for provision of mediation services submitted for the purpose of helping the sides reach a collective labour agreement, the rate of success, i.e. of collective labour agreements signed, was 46% on the general level and 81% on the company level. It is

important to stress that although the sides are free to bypass the stage of mediation and resort directly to arbitration, almost all the requests regard provision of mediation services.

With regard to the cases of public dialogue regarding the public or broader public sector, after Law 2224/1994 came into effect there has been a success rate of 49%.

In general, it can be seen that at this stage the sides do not appear to be concerned with questions of education, training, lifelong learning, gender equality, work organisation or company restructuring. On their part, the mediator and the arbitrator operate within the framework of the requests from the sides. See OMED 1992-2001 Progress Report and 2002 Action Plan, Athens, January 2002.

15. The rate of state intervention in periods of austerity (e.g. 1986) was as high as 65.08%.
16. The annual average rate of enterprise-level collective labour agreements for the 1992-2001 period was around 47%. Sectoral agreements represented around 28.5%, and occupation-based agreements represented around 24.5% of all collective labour agreements.
17. See Opinion No. 21.1999 of the ESC "Collective Bargaining in Public Administration".
18. <http://www.eninyae.gr>
19. "The establishment, functioning and competencies of the Economic and Social Council are determined by law. Its mission is to carry out the social dialogue on the Greece's general policies and particularly on economic and social policy guidelines, as well as to formulate an opinion on draft bills and proposals for laws referred to it " (Article 82, para. 3, 1975/1986/2001 Constitution).
20. According to data from the ESC's 2001 Progress Report, Table I, p. 11, 42.3% of draft bills were forwarded. See ANNEX III.
21. Nevertheless, this draft never turned to a Bill till now.

22. These invitations concerned: A. Five meetings of the Standing Social Affairs Committee on the draft bill of the Ministry of Labour "Policy Measures regarding Employment and Vocational Education and Training" (11-06-1996), the draft bill of the Ministry of Labour "Regulation of Labour Relations, Establishment of a Labour Inspectorate and other provisions" (29-07-98), the draft bill of the Ministry of Health and Welfare "Development of the National Social Welfare System" (1-9-98), the draft bill of the Ministry of Transport "Organisation and Operation of Urban Transport in the Area and Vicinity of Athens/Piraeus", and the draft bill of the Ministry of Labour "Organisational and Operational Restructuring of the Social Insurance Bodies and other provisions" (1-12-98); B. In a meeting of the Standing Economic Affairs Committee on the draft bill of the Ministry of National Economy "Regarding the Modernisation of Public Utilities and Organisations" (7-5-96); C. In a meeting of the Standing Committee on Production and Trade regarding the draft bill of the Ministry of Agriculture "Agricultural Cooperative Organisations" (9-2-2000); D. In a meeting of the Special Standing Committee for Evaluation of Technology on the subject of Genetically Altered Products (11-11-2000); and E. In a meeting of the Standing Committee for National Defence and Foreign Affairs regarding the draft Bill "Ratification of the Nice Treaty" (12-03-2002).
23. Opinions Nos. 2 and 3 (modernisation of public utilities and organisations), 6 (farmers' insurance), 7 (abolition of tax exemptions), 14 (draft bill on private investment), 15 (hiring of special categories of people), 18 (labour relations), 37 (rural cooperatives), 48 (promotion of employment), 50 (National Health System), 53 (organisation of the fuel market) and 55 (restructuring of the OAED).
24. This experience was recorded in Opinion No. 28/99 of the ESC.
25. In Athens (17.5.97), in Volos (27.6.98), in Samos (9.10.99), in Kalamata (25.11.00) and in Ioannina (26.01.02).
26. The GSEVEE did not sign this text.
27. Opinion 24/1998.

28. Opinion 48/2000, "Promotion of Employment and other provisions".
29. ESC Opinion No. 75/2002.
30. ESC Opinions Nos. 79/02 and 82/02.
31. The experience presented here is based on the texts of the National Institute of Labour, Local Employment Pacts and the Third CSF: the European experience and practices (draft), edited by Anna Orologa, February 2001, and Final Report on the Greek Local Employment Pacts 1997-1999. Analysis of the Existing Situation and the Distribution of Technical Aid, March 2000.
32. Opinion No. 18/1998 "Regulation of Labour Relations and other provisions".
33. The following may participate in the TSAs: the local authorities, the social partners, large, medium-sized and small enterprises in the private, public and broader public sectors, the Chairman of the ROP Monitoring Committees, the Local Development Corporations, the socioeconomic organisations, the cooperatives and associations, the professional organisations and the chambers of commerce, the education and training organisations, the financial institutions and the institutes of research and technology.
34. The legislator gives no clear definition of the areas eligible for implementation of the TSAs, but merely refers to the areas characterised as "vulnerable" insofar as special programmes to combat unemployment are being or are going to be implemented in them. For the first pilot stage of implementation of the Local Pacts, seven (7) areas were selected: the Kozani-Florina Zone, the western parts of Athens and Piraeus, and the Prefectures of Achaia, Magnesia, Drama, Imathia and Viotia. These areas are characterised by acute problems of unemployment and social exclusion, representativity as regards the population density of the cities and the existence of the necessary structures for the development of local employment initiatives.

35. On the role of the social partners in enlargement, see Opinion of the ESC "The Enlargement of the EU", No. 46/00.
36. The minimum wage is set at the national level in other European countries (Belgium, Denmark, Finland, Ireland).
37. EIRO, 2001 Annual Review, A Review of Developments in European Industrial Relations, <http://www.eiro.eurofound.ie>.
38. The European ESC delivers opinions on the following subjects: nationality (Article 22, Treaty Establishing the European Community), Common Agricultural Policy (37, para. 2), free movement for workers (Article 40), freedom of establishment as regards a particular activity (44), liberalization of a specific service (52), transport (71), harmonization of legislation concerning indirect taxation (93), employment policies (128, para. 2), social policy (137, paras. 2 and 3), principle of equal opportunities and equal treatment (141), executive decisions regarding the ESF (148), education (149, para. 4), public health (152), consumer protection (153), telecommunications and energy (156, para. 1), industry and SMEs (157), organisation of structural funds (161), research and technology (166 and 172), environment (175, para. 1), town and country planning and land use (175, para. 2).

ANNEXES

I. OPINION OF THE ECONOMIC AND SOCIAL COUNCIL (ESC)

"Social Dialogue in Greece. Evaluation - Trends - Perspectives"

Procedure

In the Biennial Action Plan of the ESC (1999-2000) provision was made for publication of an annual Progress Report on the progress of the social dialogue in Greece.

The ESC Executive Committee went forward to implement the above action, by resolving to publish a relevant Own - Initiative Opinion giving a critical report of developments, so as to constitute the basis for the publication of Annual Progress Reports in the future. For this purpose, it set up a Working Committee chaired by Mr. Dimitris Politis, whose members included Ms. Evgenia Tsoumani and Messrs. Nikolaos Giatrakos, Haralambos Kefalas and Konstantinos Kollias.

Also taking part in the Committee in the capacity of experts were Ms. Anastasia Koutsivitou (Group I) and Ms. Fotini Sianou, (Group II), as well as ESC Scientific Adviser Dr. Matina Yannakourou, who undertook the scientific coordination of the work of the Committee.

The Committee expresses its thanks to the Ministry of Labour, the Mediation and Arbitration Service (OMED) and the National Institute of Labour (EIE) for their cooperation and help in documenting the Opinion with information and statistical data.

The Working Committee completed its work in seven (7) meetings and the Executive Committee presented its report to the Plenary Session on 9/12/02. In a meeting on 18 December 2002, at which Mr. D. Politis and Ms. E. Tsoumani were rapporteurs, the Plenary Session of the ESC endorsed the following text as **Opinion No. 86** of the Economic and Social Council.

I. INTRODUCTION

The social dialogue in all its forms - from consultation to bargaining - is a component part of the European Social Model, which incorporates values such as responsibility, solidarity, participation and joint action.

The promotion and enshrinement of the institutions of social dialogue in a society reinforces the democratic processes in the exercise of power and contributes to better and more effective decision-making, which is conducive to good governance. That is why social dialogue must be extended to the whole spectrum of policies, in particular to facilitate their implementation in the social and economic area, and must cover multiple thematic areas, especially those areas where social discord and conflict are stronger, aiming at smoothing out and better dealing with them.

With the term "social dialogue", this Opinion aspires to examine a broad spectrum of phenomena¹:

- a) bilateral collective bargaining between the collective industrial organisations representing employers and workers, which constitutes the traditional form of dialogue in Greece and was recently extended to public administration.
- b) institutionalised consultation, i.e. the institutionalised participation of the representatives of various social and occupational classes in working out draft bills or other government decisions, which is carried out through the ESC, and
- c) non-institutionalised trilateral consultations or bilateral contacts between the most representative social partners and the State.

In Greece in particular, autonomous social dialogue and collective bargaining between the social partners existed before the State put a central social dialogue instrument in place.

As early as 1974, when democracy was restored and the right to bargain collectively was laid down in the 1975 Constitution, there began a slow, laborious process of developing an independent social dialogue between the employers' collective organisations and the trade unions. The developments in the domestic field led on the one hand to the gradual establishment of a climate of trust in the bilateral relations of the social partners and on the other to a tendency for them to be liberated from the state and the political parties. This change in the climate was favoured by the unity and the increased political representativity of the leadership of the trade union movement, as well as by the existence of charismatic figures on all sides. One of the places it left its mark was in the national general collective labour agreement (hereinafter EGSSE), which was concluded without resorting to the arbitration

tribunals as early as the late '80s. The course towards autonomy in the relations between the social partners stemmed from a gradual maturing of the views of all those involved, along with the stand they took in regard to the austere fiscal policy pursued in the mid-'80s.

The gradual abandonment of the climate of conflict² also left its mark on the adoption during the 1990s of a modern institutional framework which favoured the consolidation and operation of social dialogue in this country.

That decade saw the creation of dialogue-promoting institutions, instruments and mechanisms, in various forms and at various levels, such as the ESC, the Mediation and Arbitration Service (OMED), the National Institute of Labour (EIE) and the Hellenic Institute for Occupational Health and Safety (ELINYAE), with the exclusive or predominant participation of the social partners.

Nowadays the social dialogue scene is characterised by the limitation of the traditional interventionary role of the Greek state and by reinforcement of the role of the social partners in social and economic policy- and decision-making. One factor leading to this conclusion is the enshrinement of social partner participation in the administration of all the public social policy-making organisations, which has been made tripartite and sometimes (e.g. Labour Force Employment Organisation - OAED) bipartite. Another contributing factor is the fact that permanent dialogue structures have been created on the national level to elaborate individual policies. Such structures include the National Council for Spatial Planning and the National Competitiveness Committee, as well as the National Employment Committee and the National Social Protection Committee, the two latter being actually under establishment by law.

The aforementioned development, which has resulted from the establishment of a climate of trust in the bipartite relations of the social partners, under the positive effects of the new conditions in Europe, is manifested through the effective operation in practice of the institutionalised dialogue processes. However, it should be noted that the main source of regulation is still state legislation. As a result, although the state has curtailed its interventions somewhat, it still plays a dominant role, both formally and informally.

This fact does not appear to be directly affected either by the institutional or by the practical changes taking place in the European Union (mandatory consultation with the social partners and invitation to take active part in implementing the European

Employment Strategy). These changes are enhancing as a whole the part played by the social partners in social and economic policy-making.

To date, the ESC has in its Opinions dealt either with the regional dimension of the social dialogue in Greece, or with its prospects for development in the countries of Southeastern Europe³. To be sure, these approaches are not adequate for recording the important institutional and empirical developments and progress undergone by the social dialogue in Greece, which have not yet been the subject of an overall study or evaluation.

This evaluation is placed in the context of the dynamics of European developments and discussions on laying down social dialogue as an institution and a set of procedures in the new Constitution of Europe. The question of the position of the social partners in European civil society, as well as the special nature of the part played by the social dialogue, as an institutionalised procedure, have already been raised in the discussion that opened up in the wake of the White Paper on Governance (June 2001), simultaneously with the new EU guideline on promoting the dialogue with civil society alongside the social dialogue⁴.

In this Opinion, the developments in the field of social dialogue as a whole, both on the European and on the national level, are dealt with by its agents themselves, that is the social bodies participating in it. This is the first time that a political analysis of the operation and evolution of the social dialogue has been attempted by the social partners and the other bodies participating in the ESC. For that reason, this Opinion has acquired particular importance, since it has become a basic tool for the leading players in the dialogue to analyse the changes and evaluate the operation of the institutions.

The text of the Opinion describes, first of all, the developments on the level of the European social dialogue (II), so as to point up the importance acquired by the dialogue on the level of the European Union. Next the analysis focuses on the developments on the national level (III), and concludes with overall findings and proposals (IV).

II. THE DEVELOPMENTS ON THE LEVEL OF THE EUROPEAN SOCIAL DIALOGUE

A. General Considerations

In accordance with Community terminology⁵, social dialogue is a consultation procedure involving the European social partners, i.e. the Union of Industrial and Employers' Confederations of Europe (UNICE), the European Centre for Public Enterprise (CEEP) and the European Trade Union Confederation (ETUC). The members of these three organisations are representative organisations or associations on the national level of the member states. The member organisations take an active and real part in all the forms of dialogue carried out on the Community level.

The European social dialogue includes: the official consultations in the context of Article 138 of the Treaty, the bipartite discussions carried out between the European social partners apart from the official consultations of the Commission, their joint actions and bargaining (on the basis of Article 139 of the Treaty), as well as the tripartite exchanges of views between the social partners and the institutions of the European Union.

The social partners acknowledge that since 1991 the term has been used on a very wide scale⁶ to indicate every form of activity in which they are involved. However, they point out that a clear distinction must be made between three different kinds of such activities: first, tripartite exchange of views, second, consultation (Article 137 of the Treaty) and third, bipartite social dialogue - either in its institutionalised form as described in Article 137 and 138 of the Treaty, or in an informal form - in order to facilitate the candidate countries in the process of developing an independent social dialogue.

B. The Historical Course and the Basic Institutions of Social Dialogue in the EU

Social dialogue was an attempt by the European Union to offset the institutional deficit in the social field. Historically, the attempt to compensate for this deficit was expressed less through institutions and more through unofficial initiatives of the Community or informal processes to promote dialogue on a cross-occupational or sectoral level⁷.

Initially Article 18 of the Treaty establishing European Coal and Steel Community established an Advisory Committee, which the European Commission needed to consult in accordance with the various articles of the Treaty and whenever it considered it necessary. This Committee was the precursor of the ESC of the EC, established by the EC Treaty as an official instrument for consultation with occupational circles when producing Community decisions.

The European ESC⁸ has three essential missions: a. to play an advisory role vis-a-vis the Council, the Parliament and the Commission, b. to make possible better participation/contribution of the productive classes in European planning, to implement and reinforce Europe's approach to citizens, and c. to reinforce the role of civil society in third, non-Community countries. In fulfilling its missions, the ESC may deliver three types of opinions: first, upon request by the Commission, the Council and the Parliament (following the Amsterdam Treaty), second, initiative opinions, and third, investigations on issues that may later be the object of European regulation.

At present the ESC of the EC is called on to play a broader role and contribute to the development of a new relationship of mutual responsibility between the institutions and civil society, which will be compatible with the amendments of its institutional framework (Article 257 of the EC Treaty), as agreed upon in Nice.

In the early 1970s, another instrument for dialogue was created, the Standing Committee on Employment. This was an advisory body, tripartite in composition, where the representatives of the member states had a reinforced presence. Its authority consisted of the expression of views on issues of employment and coordination of the member states' employment policies. This body convenes before each meeting of the Council of Ministers of Social Affairs. The institutional framework for the operation of the Standing Committee on Employment was revised in 1999 in the direction of flexibility in forming the delegations, depending on the issue under discussion, and adoption of clearer criteria for determining which organisations of the social partners will attend the meetings of the Committee.

Although it was reformed in 1999, the role of this body has now declined, because its conclusions were always presented as conclusions of the incumbent presidency. Apart from that, new procedures for communication and dialogue were also created, which made its role redundant.

In the mid-1970s, when the Commission's first Social Action Programme began to be created, the so-called Interprofessional Advisory Committees came into being alongside it, as an instrument for dialogue on the Community level. Their mission was to deliver opinions and provide support to the Commission regarding the planning and implementation of specific policies, as well as to convey the opinions of those to whom Community policies were of direct concern.

These Committees are also tripartite in composition, and are made up of representatives of each member state, on a tripartite basis, i.e. the state, workers and employers. The Commission of the European Communities charges these Committees with forming an opinion on regulations the Commission itself will promote in relation to social policy issues (e.g. implementation of regulations of the Social Fund, planning of technical regulations on health and safety, etc.). However, this does not mean that the Community has an institutional obligation to take their opinions into consideration.

These Committees are still in operation, and they are the Advisory Committees of the European Social Fund for the Free Movement of Workers, for Equal Opportunities for Women and Men, for Social Insurance of Workers Moving in the Community, for Education and Training and for Workers' Health and Safety.

Finally, in the mid-'80s, the social dialogue between the European social partners on a horizontal (interprofessional) level came into being, sparked by the meeting at Val Duchesse organised on the initiative of the then EU President Jacques Delors (for details, see below).

C. The European Social Dialogue in the Context of the Social Policy Agreement

The most important institutional changes to the European social dialogue occurred during the '90s, with the introduction of a new consultation and bargaining mechanism in the framework of the Social Policy Protocol. The Protocol records the Agreement of the European social partners reached on 31/10/91. Initially it was

appended as an Annex to the Maastricht Treaty, before being included in full as a chapter on Social Policy in the Amsterdam Treaty.

The Social Policy Agreement made official the Commission's obligation to seek the opinion of the social partners before undertaking initiatives in the sector of social policy; it also laid down a specific consultation procedure. More specifically, the Commission must now seek the opinion of the social partners regarding the feasibility of a particular action it is thinking about promoting, before taking that action, with regard to issues within its field of competency.

In a second stage, provided that the Commission believes it should undertake and carry out an action, it requests the opinion of the social partners. This is again obligatory but now regards the content of the specific regulation. At this stage the social partners may submit an opinion or possibly a recommendation to the Commission.

Furthermore, the social partners may make known to the Commission their intention to independently initiate a bargaining process, which may result in the conclusion of an agreement between the interested parties. The innovative and extremely novel element of this Agreement is the acknowledgement of the power of the social partners to lay down regulations on the European level. Initiation of bargaining is entirely in the hands of the social partners and the bargaining process is based on the principles of autonomy and mutual recognition of the bargaining parties. What is involved here is the introduction of a new procedure, having the features of collective bargaining and presaging a new model of labour relations on the European level.

The European agreements may be implemented either through the collective agreements of the employers and workers in the member states or through Community legislation, upon request by the social partners⁹.

To date, four European framework agreements have been signed; the contents of three of them has become binding through relevant directives. The directives reiterated the identical text of the agreements, in accordance with the commitment the European Commission had undertaken. Directive 96/34/EC ratified the framework agreement on parental leave; Directive 97/81/EC ratified the framework agreement on part-time work and Directive 99/70/EC gave legal force to the framework agreement on fixed-term contracts. Recently, on 16 July 2002, an optional European collective framework agreement on teleworking was signed. The implementation of this agreement opens new prospects for the social dialogue, since

it falls under the procedures and practices of the social partners in the member states, under the supervision of the European social partners.

Bargaining was also carried out on the regulation by European agreement on temporary agency employment, but did not meet with success.

D. The European Social Dialogue on the Horizontal (Interprofessional) Level

Of importance on the interprofessional level is the social dialogue that began in Val Duchesse (a town in Belgium), on the initiative of the then President of the European Commission Jacques Delors, and that was named after the place where the first meeting was held in 1985. Participating in the horizontal dialogue are the three EU organizations ETUC, UNICE and CEEP, which represent the main national interprofessional federations of employers and workers. The participation of the organisations in the Val Duchesse social dialogue is based on mutual recognition by the sides and not on a Commission decision.

Since 1992 this horizontal dialogue has been conducted in the framework of the "Social Dialogue Committee", in which representatives of the social partners from all the EU countries take part. Operating in the framework of the Committee are three Working Groups, "Education and training, "Macroeconomics" and "Labour Market".

The Social Dialogue Committee has also become the executive instrument for the contribution of the social partners to monitoring the implementation of the coordinated strategy on employment decided on in Luxembourg.

The Social Dialogue Committee produces Joint Opinions. The Joint Opinions are the formal act in which social dialogue culminates. Although they do not impose obligations or commitments on the interested parties, they do express common concerns on issues that are already of particular complexity on the national level. They are of necessity the result of compromises reached following laborious elaboration between the sides and delicate negotiations among their members.

The social partners concluded that their value lies in the fact that the Joint Opinions may, because of their political importance, be used as guidelines for consultations and negotiations at the national level. They aim at striking a balance between the needs of workers and financial limitations, as well as between regulations on the Community and the national level, in accordance with the principle of subsidiarity.

From 1986 on, more than 15 Joint Opinions¹⁰ have been endorsed, regarding issues of education, training, new technologies and the organisation and adaptation of labour to them, employment growth, information, consultation, racism and xenophobia, etc.

The interprofessional dialogue also takes the form of "Social Dialogue Summits", i.e. meetings held at irregular intervals and organised on the initiative of the Commission, on the level of the Chairmen and General Secretaries of the ETUC, UNICE, CEEP and their member organisations.

After 2001, the Social Dialogue Summits have been held regularly after each spring Council.

E. The Connection between the Social Dialogue and European Employment Policies

A field of decisive importance for the development of the European social dialogue was offered by the issue of addressing unemployment and boosting employment, which has been a serious concern for the European Union during the last decade. These issues have been the object of several studies, notices and top-level meetings in the framework of the Social Dialogue, culminating in the inclusion in the new Treaty of Amsterdam of a special chapter entitled "Employment", where the legal basis was laid for Community coordination of national employment policies and the introduction of a European Employment Strategy.

In more detail:

At the Luxembourg summit in 1997, before the relevant chapter of the Amsterdam Treaty came into effect, it was decided to implement the European Employment Strategy, by introducing "employment guidelines", specifying in detail the areas where the member states needed to take action to facilitate employment and the operation of the labour market and reduce unemployment. These actions are recorded every year in the National Action Plans (NAPs) for employment, which since 1998 have been submitted to the Commission, which evaluates them and issues relevant reports and recommendations for further improvements. In this framework the role which, in accordance with the guidelines, the Social Partners are called upon to play in policy-making on the national level to increase employment, is decisively reinforced.

The 2001 employment guidelines further strengthened the involvement of the social partners, affirming the need for them to participate in the planning, supervision, monitoring and implementation of the NAPs for employment, in accordance with national procedures and practices.

F. From Lisbon to Laeken: the Evolution of the European Social Dialogue

The decisive importance of the social dialogue and the participation of the social partners on the national and European levels are described in detail in the Conclusions of most of the summits from Lisbon on, as well as in the Social Policy Agenda endorsed at the Nice summit (2000).

During the Portuguese presidency in the first semester of 2000, the Extraordinary Lisbon European Council was held on 23-24 March. It carried out an interim review of the European Employment Strategy (EES) and resolved to adopt a ten-year strategy with far-ranging objectives, oriented towards more long-term challenges.

The priority areas in the social policy sector were mapped out in Lisbon: to make Europe the most competitive area in the world, capable of achieving sustainable economic development with full employment (increasing the overall employment figures before 2010, with greater participation of women), with better quality of work (more and better jobs) and with a knowledge-based economy (cohesive strategies for lifelong learning/increased mobility).

In Lisbon it was also decided to convene special spring Councils to deal solely with social and economic issues, to which the social partners would contribute.

In a joint declaration on 21 November 2000, the social partners requested that an annual meeting of the social partners be held before each annual meeting of the spring European Council. The purpose of the meeting is to evaluate the progress of the implementation of and contribute to the new Lisbon strategy, which constitutes the basis for all Community actions on employment, innovation, social reforms and social cohesion.

It was decided that the spring meeting must be based on the annual summary report to be issued by the Commission, and that the social partners must also be able to raise these issues before the meeting of the European Council (Conclusions of the Feira Council on 19 and 20 July 2000).

The spring Stockholm meeting (23 and 24 March 2001) examined economic and social questions for the first time. The decisive and active participation of the social partners was judged to be of essential importance for evaluating progress towards the Lisbon strategic goal. To help achieve this objective, it endorsed the establishment of the European Observatory of Industrial Change, as part of the Dublin Institute.

The next important step came from the Belgian presidency. Together with the EU troika, the social partners and the European Commission, it held a Social Summit on 13 December 2002, on the eve of the Laeken Council, relating to the agenda for the Meeting. It was agreed that such a social summit would from then on be held before each spring European Council.

Fifteen years after the horizontal social dialogue was set in motion at the EU level in 1985 in Val Duchesse, the Social Summit evaluated its progress and determined ways of reinforcing it, taking into consideration the need to address the rapid economic and social changes.

More specifically, the Joint Declaration of the social partners on Laeken opened up new prospects for progress. It was decided to once again place social dialogue in the context of the discussion on the future of Europe and governance, EU enlargement, entry into EMU and coordination of economic and social policies and employment policies.

The social partners declared their full support for the five principles (transparency, participation, accountability, efficiency and cohesion) proposed in the White Paper on Governance¹¹. In their capacity as European social partners and the particular nature of their role, their legitimacy and representativity, they asked to take part as Observers in the Constituent Assembly which will prepare the revision of the Treaty.

In addition, the EU social partners stated in their joint declaration that their goal was to prepare a multiannual action programme for a more independent social dialogue with the active involvement of the national social partners. The multiannual programme was officially presented on 28.11.02 at the Social Dialogue Summit Meeting in Brussels, with the participation for the first time of the partners from the candidate states. The action programme refers to the years 2003, 2004 and 2005 and includes a broad range of issues of common interest for the social partners (lifelong learning, work-related stress, racism, gender equality, company restructuring, etc.), which are structured around three broad priority areas:

employment, mobility and enlargement. The new interesting element is that the programme foresees the promotion and implementation of the aforementioned issues through broader forms of action such as meetings, seminars, reports, joint declarations, studies, etc.

In conclusion, we can focus on three findings with regard to the European-level dialogue.

First, the European collective agreements signed in the context of Article 138 of the Treaty are the first attempt at contractual relations on the European level and constitute proof that the social partners are able jointly - at this level, too - to find appropriate solutions by engaging together in dialogue.

Second, the independent bipartite social dialogue in the framework of the Social Dialogue Committee produces tangible results for the actions of the social partners in the future. The Social Summit is developing into a new legitimate area for conducting the social dialogue, in which the European and national social partners are expected to become involved and work together, clearly reaching joint positions (statements) of broader political interest. The tendency for more independent and structured dialogue is clearly visible.

Third, the Conclusions of the spring European Councils expressly refer to the outcomes of the Social Summits, and the social partners are now insistently called upon to assume an active role in monitoring the implementation and in producing the interim review both of the European Employment Strategy (Luxembourg process) and of the Lisbon Strategy. With regard to all the above issues, emphasis is placed on the synergy between the European and national social dialogue, which marks the beginning of an open and continuous process of interaction between them.

The ESC believes that all the above-described developments are of decisive importance for the future and the quality of the social dialogue on the national level and that they directly influence its content, procedures and methods.

III. THE DEVELOPMENTS ON THE LEVEL OF THE NATIONAL SOCIAL DIALOGUE

A. The evolution of collective bargaining and collective regulations in the private sector

A1. The current legislative framework of collective bargaining and the resolution of collective labour disputes in the private sector

Since 1990 the system of collective bargaining has been governed by Law 1876 regarding "free collective bargaining", which should be characterised as particularly innovative, since it introduces a new point of view on collective bargaining and collective labour disputes in relation to Law 3239/1955, which was previously in effect. It is important to stress that Law 1876, which constitutes a radical change for Greece, was passed under a national unity government, by unanimous agreement of the three political parties, the representatives of the GSEE and the three employer organisations [Federation of Greek Industries (SEV), General Confederation of Greek Small Businesses and Trades (GSEVEE) and National Confederation of Greek Traders (ESEE)].

Law 1876/1990:

- a) Created a decentralized system of bargaining and alongside it a system of successive negotiations, in place of the centralized and hierarchically structured system instituted by Law 3239/1955. Free bargaining took on a rather more meaningful content at all levels and the notion of collective autonomy was restored. Furthermore, for the first time two new levels of bargaining were recognised in Greece, the sectoral and the enterprise level, which took priority over the occupational level. Their regulations did away with the traditional craft-based attitude towards the representation of interests.
- b) Broadened the scope of collective bargaining. As a result, any issue regarding the terms and conditions of employment (except for pensions issues), the right to organise collectively within an enterprise and the conduct of business policy can constitute the content of bargaining.
- c) Abolished the arbitration tribunals and did away with mandatory referral to arbitration, which led to inflexibility of the dispute-resolving system, since it was essentially the main means of resolving collective labour disputes. In place of that

system the law introduced a system of mediation and arbitration with optional as well as mildly mandatory elements, which is in essence an extension of collective bargaining, since it comes into operation after free bargaining fails. A central position in the management of the new system is now held by the Mediation and Arbitration Service (OMED), in whose administration the social partners participate, and the Special Mediators and Arbitrators Body, from which the mediators and arbitrators are selected.

A2. The Experience of Collective Bargaining and Regulations in the Private Sector

Collective agreements are the result of free collective bargaining. In the 1990s collective agreements were the predominant mechanism for regulating employment relationships for workers employed in positions of subordination under private law by any employer in the private and broader public sector. Beyond that, collective labour agreements also cover to a large extent the new forms of employment relationships which do not have the typical features of employment in a position of subordination and refer to those who "provide labour in conditions of subordination and display a need for protection comparable to that of employees."

The institutional exclusion of state intervention from collective bargaining pointed up the regulatory initiative and responsibility of the representative bodies of the employers' and workers' interests in regulating employment relationships, covering questions of economic and qualitative conditions of employment.

The main collective bargaining issues on the national level during the 1990s included:

- * Linking regulation of employment relationships, higher employment and the fight against unemployment with broader economic and development objectives.
- * Boosting workers' incomes.
- * Intervening in the quality of employment through regulations on health and safety, education and training and the new forms of employment.
- * Including gender equality in collective regulations.
- * Laying down solidarity in specific regulations and resources.

These issues had a profound influence on the other collective regulations, especially at sectoral and enterprise level. Beyond that, they created political conditions that

were ripe for legislative measures, which in effect "endorsed" the terms of collective labour agreements.

The purpose of this unit is to highlight the content of collective agreements and the qualitative evolution of their terms. The presentation is divided into two parts. The first part evaluates the content and institutional influence of the National General Collective Labour Agreement (EGSSE), and the second part evaluates the operation of mediation and arbitration mechanisms.

a. The Leading Role of the EGSSEs

The EGSSE is the most decisive means of regulating the terms and conditions of employment on the basis of free collective bargaining between the top-level organisations representing the employers' and workers' interests. Its institutional and political influence springs from its legally binding nature, which covers all employment relationships in the broader public and private sector, including the public services, for workers employed in conditions of subordination, as well as from the ever-broader involvement of the social partners in economic and social developments.

The EGSSE in Greece is of particular significance from the aspect of economic and institutional content, since it provides for the minimum salary and the minimum wage. In other words, it creates a guaranteed wage for thousands of workers by setting minimum levels of general social protection. At the same time it constitutes a guideline for the sectoral collective labour agreements, since it condenses on the national level the particular economic and social conditions within the broader European framework.

The EGSSE also plays an important role in laying down regulations of a social nature which empower and reinforce social policy, employment policies in particular. The following regulations are characteristic in this area:

* The basis is laid for laying down the principle of social solidarity on the institutional and economic level in order to combat unemployment. In addition to the statutory employer and worker contributions to the Labour Force Employment Organisation (OAED), it is agreed to pay additional employer and worker contributions into a special account intended to reinforce programmes to combat unemployment and provide vocational training. The EGSSE laid the basis for creation of the Account for Employment and Vocational Training (LAEK), an independent account whose

management and funding have been undertaken exclusively by the social partners (1993 EGSSE).

* Equality issues are regulated on the institutional level, where the EGSSE constitutes a pilot model for sectoral agreements, particularly on questions of parental leave, reduced working hours for parents of young children and maternity leave, part-time employment and sexual harassment in the workplace (1993 EGSSE).

* The Hellenic Institute for Occupational Health and Safety (ELINYAE) was set up by national general collective agreement. It is administered bilaterally by representatives of the parties to the agreement (1991-92 EGSSE).

* Social solidarity was implemented in practice, by providing healthcare to young people under the age of 29, from LAEK funds, that is through employer and worker contributions (1998-99 EGSSE).

* The conditions for extending workers' regular annual leave were improved. Facilities for lifelong learning were also improved (1998-99 EGSSE).

* The insurance contributions of long-term unemployed people are covered by LAEK funds for the last five years before retirement (2000-2001 EGSSE).

* Provision is made for applying the principle of equal pay to men and women workers (1975 EGSSE).

* The statutory length of the working week was reduced at first to 45 hours (1975 EGSSE), then to 41 hours (1982 EGSSE) and finally 40 hours (1984 EGSSE).

The EGSSE ensures better implementation of agreed terms, since it is the object of elaboration, negotiation and final agreement between the two sides. The member organisations of the two sides are all involved in the whole process, from the stage of creation or evaluation of requests up to the final agreement, in various ways and with specific contributions.

Specifically, the EGSSEs that were reached in the 1990-2001 period display innovations both as regards the approach they adopt to labour relations and as regards their content.

The process brings to light a new viewpoint on the approach, which is expressed through the political will for bargaining, the assumption of responsibility and the commitment of the sides without state intervention or referral to the Mediation and Arbitration Service (OMED). In particular, a new outlook is gradually created, which is translated into the will to diagnose the problems of concern to the Greek labour

market and the economy and to resolve them through the discovery of joint solutions. The conditions for consensus prevailing at present in the national collective bargaining procedure have allowed agreement to be reached and the EGSSSEs to be concluded through direct dialogue between the sides. The will for stability in labour relations is borne out by their duration, which has now stabilized at two years.

The content of the agreements is extended, and at the national level an important and very rapid utilization is made of the new institutional framework regarding free collective bargaining through Law 1876/90. The workers and employers organisations assume the responsibility for questions of economic and social policy at a difficult time of profound changes involving development, employment, unemployment, competitiveness and the new technologies, in the context of globalisation and European integration. This fact is an element of maturity, programmatic modernisation, and an important step towards the autonomy of the social bodies as collective entities.

2. The Experience of the Operation of Mediation and Arbitration Mechanisms

The Mediation and Arbitration Service (OMED)¹² was established by Law 1876/1990, as an independent, self-administered body corporate under private law with headquarters in Athens. It is an advanced institution by Greek standards, effectively autonomous from government intervention. In itself the fact that the work of mediation and arbitration was assigned to a private-law body rather than to a public authority of any type is an indication of its independence from government control. The tripartite composition¹³ of the OMED's Administrative Board, dominated by the presence of the social partners and the limitation of the OMED's annual income to the regular payments from the Workers' Welfare Foundation, that is to say from the contributions of employers and workers, is a proof of its independence from state power.

The purpose of the OMED is to support collective bargaining by providing independent Mediation and Arbitration services from a special Body of Mediators and Arbitrators; the responsibility for the organisation and functioning of this body lies with the OMED.

In the period from 1992 to 2001, the mediation and arbitration mechanisms developed into an important tool for promoting dialogue, mainly on the occupational

level, but also on the sectoral and enterprise level¹⁴, where a striking shift in the centre of gravity has taken place.

On the basis of the consolidated table of collective regulations on the national level (1961-2001) attached as ANNEX I and the data contained in its 1992-2001 Progress Report, the OMED has drawn the following conclusions:

1. A significant decrease in the number of arbitration decisions has been seen since Law 1876/1990 came into force. During the period that Law 3239/55 was in force, the annual average number of arbitration decisions was 50.5% of collective disputes, whereas the respective average of collective labour agreements was 49.95%. This procedure did not express the free will of the sides (employers and workers); on the contrary, the mandatory arbitration brought about arbitration decisions determined by the interventionary role of the state through the arbitration tribunals¹⁵. After the OMED came into operation in 1992, the annual average rate of arbitration decisions fell to 13.5% of collective arrangements, whereas the rate of collective labour agreements increased correspondingly to 86.5%. When interpreting this development, account should also be taken of the parallel maturation in the relations between the two sides and the climate of trust which began to be established in the bipartite dialogue between them.

2. In parallel, a variety of types of collective labour agreement came into being, with a simultaneous decentralization of collective bargaining. After 1992, most collective labour agreements signed in the course of a year fell into the category of enterprise-level agreements¹⁶. The enterprise-level and sectoral agreements have consistently outnumbered the occupation-based agreements, which have gradually become marginal.

3. During the 1992-2001 period, just 21.4% of all collective labour agreements were signed through the OMED on the national level.

B. The Extension of Collective Bargaining to Public Administration

B1. The Legal Framework for Conducting Collective Bargaining

Law 2738/1999¹⁷ introduced at long last the institution of collective bargaining to Public Administration. Until then the two ILO Conventions, 150 and 151, which provided for this possibility of collective bargaining and which only in 1996 were ratified by Greek Parliament, remained inoperative. The introduction of the right of public servants to bargain collectively had become a mature demand of the times, as

a step towards harmonization with the modern views on Public Administration and public servants. For the first time, moreover, a relevant provision was included in the revised 2001 Constitution (see Article 22, para. 3).

The following are the main provisions of Law 2738:

- a) The right and obligation to bargain are introduced and laid down for determining the terms and conditions of employment of public servants.
- b) Two levels of bargaining are introduced, one central and one decentralized at the level of the Ministry, Region, supervised state-law entity, independent public service, etc., as well as a workplace dialogue level. Referred to each level are the issues that were not the subject of bargaining at a higher level.
- c) The institution of Mediation is introduced, in the event that bargaining fails, and an appropriate Instrument is set up.
- d) Issues that may be the subject of collective agreements are defined as changes in the administrative status of employees, their education and retraining, health and safety measures in the workplace, social insurance, except for pension matters, exercise of trade union rights, leave, length of service and the interpretation of the terms of collective agreements. Due to constitutional constraints, issues such as wages, pensions, methods of appointment, etc. cannot be the subject of collective agreements, but they may be arranged by collective agreement.

B2. The Experience of Collective Bargaining in Public Administration

From the limited experience that has been recorded, and since the operation of collective bargaining in public administration is still at an embryonic stage, we can establish two important facts.

The first (a) refers to the institutional framework itself, and the second (b) to the testing of the institution in practice.

- a. The institutional framework introduces collective bargaining to the public sector on a limited scale and with unpractical procedures. This is due to the constitutional constraints which were retained during the recent revision, as well as to the nature of the relationship of public servant. Thus for some issues - basically of secondary importance - bargaining can lead to the conclusion of collective agreements, whereas for the most crucial questions - including pay - collective bargaining may result in the conclusion of agreements whose implementation depends on whether a regulatory act is issued in each case.

Finally, the mediation system that has been introduced is not considered to be adequate or effective enough to facilitate the resolution of a dispute.

B. The institutional deficit on the one hand, the lack of a "culture of dialogue" in the public sector on the other, as well as the "addiction" of state power to the imposition of one-sided decisions, have driven the collective bargaining between the government and the ADEDY to failure for two years running. In the same way, second-level bargaining (between the government and the federations) was also driven to fail.

In conclusion, the institutionalised social dialogue in the public sector via the institution of collective bargaining is taking its first hesitant steps; however, there are great deficiencies, and the results to date have been meagre. What is needed appears to be the reform of the institutional framework, so that it can take on a more meaningful content, along with pointing up to the parties involved the value of dialogue as a tool for approaching and resolving problems, which by their nature do not concern only labour issues but also have a social dimension.

C. Institutionalised Social Dialogue in Greece

C1. The Historical Evolution of the Creation of the Institution of the ESC

Of importance with regard to the conduct of national social dialogue is the institution of the Economic and Social Committee, which was established by Law 2232/31.8.94. The difficulty in developing consensual institutions in this country is the result of a history of clashes and differences between social interests and an all-embracing interventionary political viewpoint on the conduct of social policy by the state. This is borne out by the unsuccessful attempts to operate similar instruments and establish them in the consciousness of the social partners with the participation of the government, specifically the Social Policy Council (SKOP) in 1978 and the National Development and Productivity Council (ESAP) during the 1980s, which fell into disuse. A provision for an Economic and Social Council was included in the 1975 Draft Constitution, but failed to get off the ground. In previous decades, the 1925 Constitution (Article 57) included a council of occupational organisations, expressed in a peculiar way via the occupational composition of the Senate. At any rate, the first time that the institution of the Economic and Social Council was included in a European Constitution was in the Weimar Constitution of 1919.

The Greek ESC was finally put in place in 1994, on the model of the operation of the ESCs of the European Communities.

The philosophy behind the creation of the ESC was that of an organisation and a procedure for consolidating and smoothing out the most important social and occupational interests appearing in Greek society. This point of view transposes a non-trade union social dialogue approach, which in the framework of the ESC does not refer only to the traditional social partners, that is the employers and the workers. The ESC was created to become a forum for discussion, confrontation and consolidation of views, where the positions of the most representative social categories will be reflected and ultimately opinions necessary for the government will be produced. The main component of the dialogue within the ESC is the equal role of the three interest groups of which it is formed.

This extended identity of the ESC should not cause its role to be misinterpreted. The ESC is not identical with the organisations represented within it, nor is it called on to express their occupational interests in a narrow sense. It is not a trade union tribune of the interests it represents. The members of the ESC, in representing their trade union bodies, also develop an autonomous voice, acting independently in expressing their opinions.

A basic principle governing the establishment and functioning of the ESC is the principle of its institutional independence from state power. It is one of the few instruments in Greece (together with the LAEK and the ELINYAE¹⁸) which is administered exclusively by the social bodies, and its President is an independent figure nominated by the social bodies and chosen from two nominees by the Minister of Finance.

In the recent revision of the constitution in 2001, the ESC emerged as a constitutional institution¹⁹.

After it was enshrined in the constitution, two levels of competency for the ESC were established: on the one hand a new general competency for the ESC was introduced, for carrying out the social dialogue on any issue regarding Greece's general policy, with particular emphasis on social and economic policy guidelines, and on the other the competency also provided for by law is reiterated, i.e. delivering opinions on Draft Bills, and this is broadened to include proposals for laws, i.e. the legislative proposals submitted to Parliament by individual Members.

The true content of the new Constitutional provision must be determined through dialogue with the social bodies, in the framework of the ESC itself.

From the new role reserved for it by the Constitution it also emerges that the institution is very broadly accepted by the majority of political parties, as also became apparent when the proposal was passed by the various parties (with 269 votes in favour) already during the voting on the provisions up for review in the first stage of the Revision.

C2. The Experience from the Operation of the ESC

The experience from the operation of the ESC may be approached initially from the ESC's influence on the political environment as a whole in which it is called upon to act. Secondly, the innate difficulty in the operation of the ESC is noted, as a multi-participatory institution for dialogue, for the purpose of smoothing out differences and achieving compromises.

From data processed by the ESC services, it emerges that in the period between 1995 and 2001 the government forwarded to the ESC for an opinion fewer than half of the draft bills which it was promoting and which initially fell within the competency of the ESC²⁰. This reinforces the belief that the Ministries, with a few invariable exceptions, do not show the necessary sensitivity to upholding their legal obligation, and a frequently noted phenomenon is that they do not respond, even following a question or request from the ESC itself, thus avoiding seeking the ESC's opinion.

There are no official data on the rate of Observations accepted per Ministry, since the Ministries and Parliament have no institutional obligation or custom of informing the ESC on which proposals were finally adopted. In any event, the absence of such data has also been noted in the relevant organisations, both on the European and on the international level.

The difficulty in monitoring the continuity given in an Opinion by the institutions of the state is exacerbated by another element. The ESC's Observations can be taken into account in another legislative initiative taken forward several years later. This was the case regarding the Opinion on Vocational Training (No. 17/1998), which led to longstanding discord with the political leadership, culminating three years later [September 2001] in the Regulatory Framework Draft for the National System for Linking Vocational Education and Training with Employment (ESSEEKA), in which acceptance of the ESC's proposals is practically universal²¹.

The assessment that could be made that there is a large fluctuation, and the rate of acceptance of ESC Opinions fluctuates from minimal (e.g. draft bill on the National Health System) to unanimous (e.g. draft bill on immigration). Estimations on the reasons for this fluctuation can be found in the Progress Reports on ESC Activities between 1994 and 2001.

Moreover, it should be noted that the Initiative Opinions are widely accepted. This is evidenced both by the increased demand for such Opinions and the fact that they provide material for public debates, seminars, etc. and are encountered as bibliographical references in texts both of a political and of an academic, research or other nature, and are also used as primary sources for research.

In interpreting this phenomenon we should take into consideration the fact that positions and views are expressed through the Initiative Opinions in a organised, cohesive and concise manner on all the broad policy areas, such as competitiveness, employment and vocational training, agricultural policy, etc. This is another reason why the acceptance of the ESC's work by the political leadership cannot be judged statically at a given point in time, but only through a dynamic developed over time, so that the overall evolution of policy may be assessed.

Furthermore, it is not only the number of observations accepted during voting on a draft bill in Parliament that should be taken into consideration, but also the contribution of the Opinion to the discussion preceding or following the passage of a law, along with the invitation to the ESC to attend competent parliamentary committees. It is worth noting that from 1996 to date, the ESC has been called on - through its President - to attend ten meetings of Standing Parliamentary Committees in order to set out its views on specific questions²².

The social bodies making up the ESC believe that the quintessence of the role of the ESC lies in a significant dimension of its operation which is not known to the broad public: this is the innate difficulty in its operation as an institution with many members and many voices, whose purpose is to permit expression, confrontation and ultimately an approach to the different interests apparent in a democratic society. In this case, composition should not be an end in itself.

The important factor is that for the first time an institutional tribune, which is in fact enshrined in the Constitution, was created for dialogue between the social bodies on the national level, with permanent scientific and administrative support. Both the draft bills and the other draft opinions often created the opportunity for discussions,

exchanges of views, disputes and convergence, both in the Executive Committee and in the Plenary Session itself. The fact that the Opinions are discussed and voted on in the Plenary Session of the Body where all 18 tertiary-level organisations are represented is in itself the institution's most essential innovation.

The collective manner in which the texts are elaborated by the Working Committees, with the participation of an equal number of elected members/representatives of the three Groups, experts from the Groups and permanent scientific advisers of the ESC, constitutes a difficult, interesting and important procedure. And only through this parameter can the value of the finding be seen that of the 68 Opinions delivered by the ESC up to the end of 2001, in only twelve (12)²³ were two viewpoints recorded, with essential differences in principle mainly on the draft bills on employment, labour relations and the restructuring of the OAED (Opinions Nos. 18/1998, 48/2000 and 55/2001), ultimately reflecting a different philosophy of approach between employers and workers also associated with their traditional role in collective bargaining.

C3. The Experience from the Operation of the Prefectural Economic and Social Committees (PESCs)²⁴

In the same year that the national ESC was established, the Prefectural Economic and Social Committees (PESCs) were also set up as opinion-delivering instruments in the framework of the institution of Prefectural Government, which is the second level of local government (Law 2218/1994).

Law 2218/1994 "Establishment of Prefectural Government, Amendment of Provisions on First-level Local Government and the Region and other provisions" defines their competencies as follows: a. delivering opinions to the Prefectural Council on the mid-year and annual prefectural development programme, b. examination of the problems and development capabilities of the prefecture and formulation of an opinion regarding resolution of the problems and exploitation of such capabilities, c. study of issues regarding the reinforcement of local government and formulation of an opinion on the taking of suitable measures, and d. formulation of an opinion on issues referred to it for an opinion by the Prefectural Council.

The experience from the operation of the PESCs leads us to the following conclusions:

1. From the experience so far of the operation of the PESCAs, as recorded in five informal meetings of their representatives with the national ESC²⁵, it emerged that the PESCAs have not yet produced any substantial results.

2. The institution of the PESCAs is still in an early stage of development. After a long delay, 50 PESCAs have now been set up in respective prefectures of the country. However, only a few of them are really functional. This is due to the fact that their role is not absolutely clear, either for the Prefectures or for the bodies themselves that are called on to appoint representatives to them.

3. The difficulties observed in contacts with the prefectural authorities are also expressed in the fragmentary nature of the cooperation between the PESCAs and the Prefectural Councils. In practice they are either not invited to attend and deliver an opinion at the meetings of the Prefectural Councils, or they are invited to some of them, but their views are not taken into serious consideration.

4. A lack of legitimisation by the local communities has been noted, due to feelings of suspicion towards the collective bodies (they are often compared to the old prefectural councils). Consequently there is a belief that the real decisions are taken at the level of interpersonal/clientelist relations and on the basis of political and economic power. This fact indicates that the parties involved have no awareness of the role of the PESCAs, as institutions of social dialogue between the social partners and agents on the local level.

5. Certain serious deficiencies have been noted in the legal framework (e.g. members are convened only three times a year, there is no provision for resources and infrastructure, there is inequality in composition and representativity, delivering of opinions is optional in nature).

6. The issue of funding is considered to be key for the existence and administrative independence of the institution in general. The complete lack of funds makes it impossible to adopt any programme for action or exercise the competencies provided for by the law.

D. The Non-institutionalised Social Dialogue: Informal Tripartite and Bipartite Consultations between the Government and the Social Partners

In parallel with the institutionalised social dialogue, other social dialogue initiatives are also developed on the national level. These take the form of more or less informal bipartite or tripartite contacts between the government and the social

partners. The present Opinion refers chronologically to initiatives developed since 1997.

a. In the area of employment, competitiveness and development, the most characteristic is the attempt to carry out - for the first time in this country - a tripartite social dialogue on employment, competitiveness and development.

In the spring of 1997, the government introduced an extended form of social dialogue, by addressing a proposal/invitation to the trade unions and employers' associations to attend a tripartite social dialogue.

The dialogue referred to three thematic units: First, the "Structural Policies on Development" (public, private investment, industrial policy, SMEs, financial sectors, ailing companies, effectiveness of state-run utilities and enterprises). Second, the "Policies to Boost Competitiveness and Employment" (incomes policy, investment in human resources, competition policy in markets for products and services). Third, the "Regulation of Forms of Work and Social Protection on the way to 2000" (working time, part-time employment, protection of informal types of work and Local Employment Pacts, employment of pensioners, protection and employment of "vulnerable" social groups).

The whole procedure lasted six months and concluded with the signing²⁶ on 10 September 1997 of a unified final text, entitled "Confidence Pact between the Government and the Social Partners on the way to 2000". The general characteristics of this agreement are that it contains interesting findings, but as far as proposals are concerned it is formulated in a general, vague manner. On issues where no agreement could be reached, it was preferred to remove them entirely from the text. The points of disagreement of each side were transferred to an Annex of the Pact.

The implementation of the Pact was fragmentary. A characteristic example of this was the promotion of issues through Law 2639/98 regarding labour relations, which either were not discussed or were not touched upon in the Social Dialogue (e.g. content of the Local Employment Pacts, working time arrangements) and the absence of regulations on matters that were discussed and on which there was a convergence of opinion (e.g. fixed-term contracts).

b. In the same period, i.e. the second half of 1997, a structured national dialogue was carried out on the taking of short-term measures aimed at restoring the social insurance system to health. The government set the framework for the dialogue,

which began on 18.6.97 and was carried out through the Tinios Committee, in which representatives of the government and the social bodies took part. The Committee had been divided into six subcommittees, which covered the following issues: contribution evasion, exploitation of assets, relations with citizens, administrative simplification, recording of fund benefits and health sectors of funds. The findings of this Committee affected the content of the subsequent law on the organisational and operational restructuring of social insurance bodies.

In its Opinion²⁷ on draft law 2676/1999 regarding what was known as the "small" social insurance package, the ESC made a positive evaluation of the social dialogue preceding the writing of the draft law, in the belief that "it bore fruit, as improvements are being sought that will constitute an important step towards the recovery and ultimately the survival of our insurance system." But at the same time it pointed out that this step was not enough, and that there was an urgent need for the social dialogue to begin during 1999 on the major problems that remained unsolved.

c. On 25 July 2000, the Minister of Labour sent a letter inviting the social partners to an open dialogue on the following policy units related to the issue of employment:

- * CSF funds, the goal of employment and investment in human resources
- * Better quality support mechanisms for employment policies
- * Fiscal, incomes and anti-inflationary policy, linked to the position of workers and social cohesion.
- * Structural policies and competitiveness.
- * Policies regarding the development of entrepreneurship, particularly in SMEs.
- * Institutional framework for human resources policies.
- * Special initiatives for high-unemployment areas and possible alternatives.
- * Safety net against exclusion, inequality and poverty.

At the same time, it proposed the beginning of separate bipartite meetings on 24/8/00, lasting until 28/9/00 at the latest. Following the positive response from the social partners, who, however, pointed out the general nature of the policy units, the Minister resubmitted ten written questions to be answered by the social partners in the second meeting on 24/8/00. The bodies submitted written proposals and the government followed up with bipartite meetings with each side, but no dialogue was carried out. At a certain point in time the government was asked not to proceed because the partners were able to formulate joint proposals. Although this was

initially acceptable, pressures were brought to bear to find mutually acceptable solutions in a short time, but this was not possible.

Four months after the beginning of the bipartite contacts, the government took forward a draft law on promotion of employment. The subsequent Law 2874/2000 led to a divergence of opinion in the framework of the ESC, with regard to its individual provisions. Despite the divergence of opinion regarding the substance of the provisions, in a relevant Opinion²⁸ the ESC concluded that "the time limitations placed on the social partners, despite their desire to reach legislative proposals on their own, in accordance with social and economic needs, the spirit of the Lisbon summit and the social consultation practices pursued by almost all the EU member states, weakened the social dialogue and the consensual processes in this country. They also created questions about the reliability and feasibility of the regulations".

On the other hand, the existence of an Opinion with two views on practically all the key articles of the draft bill, despite the fact that the government had taken the initiative to announce the social dialogue, is evidence of the failure of the preceding procedure.

d. In April 2001, the Ministry of Labour and Social Insurance made known its proposals on the inception of dialogue on the Insurance System.

The course of the dialogue was halted even before it began, due to major opposition from the side of labour. Specifically, the GSEE and the ADEDY called a strike to force the Government to withdraw its proposals as ineffective and undermining to society as a whole.

In addition, the Government was accused by all the sides that it brought about a social dialogue with foregone conclusions, and this created a lot of friction and a negative attitude. Another point of friction was the state's failure to commit regarding rectification of the deficiencies of the insurance system and its future funding. It is worth noting that no importance was attached or time devoted to sensitising public opinion on the real problems faced by the insurance system in Greece as well as internationally, mainly due to the demographic problem.

The social partners had nevertheless set the conditions, by agreeing on nine points (See EGSSE 2000-2001) for a meaningful, documented and consensual dialogue on the insurance system.

e. On 5 March 2002, a year after the first unsuccessful attempt at dialogue, the second round of social dialogue began on the reform of the Insurance System.

Under pressure from the European Union, the Government started the discussion from the ground up, a discussion which took the form of a political arrangement of the issue, rather than a real dialogue. The initial orientation towards achieving a National Agreement on the issue was gradually abandoned.

This process was preceded by a Nationwide GSEE Conference in September 2001, with broad participation by the employer and worker organisations and representatives of all the political parties. This Conference was judged by the Government to be an attempt to approach the subject anew by all the sides of the parties concerned, and as a consensual procedure for approaching this difficult issue. Following the Conference, there were bipartite meetings between the government and the separate bodies, who made their views known in writing. The whole operation was completed in July 2002 with the passage of Law 3029/2002.

In essence, this was not a regular dialogue process, and no official reference was made to the causes and magnitude of the problem. The employer side believed that the dialogue, as it ultimately evolved, did not have the necessary tripartite character and was not meaningful as far as the representatives of the employers were concerned.

In its Opinion²⁹ on the subsequent draft bill (later Law 3029/2002), the ESC pointed out that there had been a significant delay in starting the second stage of reform (the preceding stage was that of 1998-99), in relation both to the initial forecasts and to the developments in the other countries of Europe, which addressed the question during the 1990s and went forward to make significant interventions. The delay was not exploited by the government, the political parties or any of the other players involved, in order, first, to achieve full awareness of the real dimensions of the problem and, second, to carry out a dialogue free from tension that would allow mutually acceptable solutions to be sought for. The ESC unanimously supported the proposal for achieving a national social agreement on the funding of the social insurance system.

f. In April 2002, a structured, extended dialogue on tax reform began, which lasted two months. This dialogue was conducted through the Central Social Dialogue Coordinating Committee, which is made up of representatives of the social actors [the SEV, GSEE, ADEDY, the Central Union of Municipalities and Communes of Greece (KEDKE), the Athens Bar Association (DSA), GSEVEE, ESEE, the Financial Chamber and the Athens Chamber of Commerce and Industry (EVEA)], the political

parties, the Ministry of Finance and special experts. The Committee met regularly under the coordination of the General Secretary of the Ministry of Finance. Five subcommittees operated in the framework of the Committee, which devoted their attention to working out proposals on various areas of taxation, such as taxation of the income of natural and legal persons, taxation of capital, etc. The proposals of the Georgakopoulos Committee of Experts formed the basis for the dialogue.

Both the principles and the positions reached by the Central Committee were laid down in the subsequent draft bills on taxation regarding simplifications of the Accounting Books and Records Code, the manner of payment of VAT and taxation of income and capital.

The ESC feels that for the first time an organised, meaningful dialogue was carried out on Greece's system of taxation; it assesses particularly positively the specific experience of a structured social dialogue and believes that important results were produced³⁰.

In conclusion, in the ESC's estimation the repeated attempts by the Greek government to promote consensual solutions in the sensitive area of labour relations, employment and social insurance, through tripartite consultation or bipartite contacts between the employers' associations and the trade union organisations of the workers, failed to produce the expected results, and the discussion was not promoted on the real content of the reforms. These subjects per se, when they touch upon complex, substantive issues for a society, such as insurance reform, can obviously create impediments to the successful outcome of a dialogue. In general, the impression was created that the dialogue was to a large extent a pretext whose purpose was mainly the procedural legitimisation of foregone conclusions.

In Greece a substantial deficiency is created by the lack of tradition in carrying out central dialogue within an organised context on specific subjects, with specific purposes and timetables, planning, documentation, study of alternative scenarios and cost analysis of the proposed measures. In any event, all the sides do not always declare their political will to reach specific results.

The dialogue process in such cases is particularly crucial for its success. The tactics adopted, leaks to the press, the strong political, or sometimes even party political character lent to the dialogue, as well as the assignment by the government of fragmentary studies to foreign firms without publishing them, alongside the

publication of studies by the social partner institutes which reach different conclusions, all do irreparable damage to the authority of the dialogue.

E. The Experience of Dialogue on the Local Level: The Local Employment Pacts³¹

The "Local Employment Pacts" (TSAs) began in 1997 as an initiative of the European Commission for boosting the local development of employment. In Greece provision was made for them for the first time in Law 2639/98 (Article 4) as special collective agreements establishing voluntary cooperation schemes in which local authorities and local social bodies and agents of production work together. They aim at creating tools to combat unemployment. Their main characteristic is that they are a form of local social dialogue, which develops within partnership networks.

When they were introduced in 1998, the TSAs were a field for confrontation. In the social dialogue in 1997, the discussion produced a final text which set the framework and the foundations for common acceptance of the TSAs. The issue returned in a one-sided government initiative which included a special provision in Law 2639/98. The ESC's Opinion on the text of the draft bill³² recorded a divergence of opinions on the necessity of the TSAs. The field of disagreement consisted in whether the TSAs are positive measures for addressing unemployment in the framework of the policies of flexibility, or whether the attitude to them should be negative, since they abolish basic principles of collective labour law. As regards the rest, the ESC unanimously pointed out the vagueness with regard to the players³³ and with regard to the areas³⁴ where TSAs can be concluded. In fact, a specific issue was raised regarding the ability to conclude TSAs from the workers' side, and it was proposed that they be concluded only by the Labour Centres in the relevant region, which are in a position to weigh the effects on the labour market; this issue was included in the final text of the law.

The TSAs do not concern predetermined actions and efforts, but are created on the basis of the common will of those involved and the needs of the area. A basic element for their planning is the local social dialogue in each of the selected geographical areas of Greece.

The experience from the implementation of the TSAs has been evaluated up to the year 1999, when their first pilot stage was completed.

A first positive element regards their implementation on the basis of initiatives taken on the local level; consequently they are not imposed by a higher authority which could lack the ability to assess the structural problems to the extent to which the local

players are directly aware of them (this is the so-called bottom-up approach). In any case, the range of initiatives undertaken is thematically restricted. Absent are dimensions such as innovation and the new technologies; there are three reasons for this: a. the rich European experience with regard to the two aforementioned dimensions has not been assimilated by the Greek employment initiatives on the local level; b. funding difficulties have made it difficult or impossible to conceive and implement measures in this direction; and c. guaranteeing the sustainability of the actions is a requirement which cannot be met, since their creation and implementation were based on new mechanisms not familiar to the local developers. A second positive element is the laying down and implementation of the principle of social consent and participation of the social partners, for the first time on the local level. However, the extent of participation was restricted in practice. The participation of the private sector of the economy was not up to expectations, and was achieved mainly through the Chambers. Small- or large-scale enterprises as contributors to the Greek TSAs are absent. There is no provision for incentives for the participation of the private sector, and bureaucratic processes and often the financial burden of the SMEs have constituted a disincentive everywhere. Furthermore, the connection between the private and the social sector of the economy has not flourished in Greece, due to structures, legislation and culture.

In any event, the ESC still has strong concerns regarding the implementation of the basic objective, which was the promotion of employment on the local level. In the framework of the implementation of the institution of the TSAs, around ten thousand (10,789) new jobs should be created in the seven selected areas as a whole. A special regulation has ensured the subsidization of the new jobs through special programmes to subsidise enterprises and young professionals, which have steadily been released from the narrow limits of the Pacts' actions. However, it is not clear whether these jobs were actually created.

II. Consolidated data on collective arrangements on the national level (1961-2001)

Year	EGSSE		National Occupation-based		Local Occupation-based		Special		Sectoral Nat. & Loc.		Enterprise-level		TOTAL		TOTAL	RATE	
	CA*	AD**	CA	AD	CA	AD	CA	AD	CA	AD	CA	AD	CA	AD	CA+AD	% CA	% AD
1961	1		12	21	36		14	19					63	40	103	61,2	38,8
1962	2		14	12	19		35	18					70	30	100	70	30
1963			10	24	31		20	24					61	48	109	56	44
1964		1	27	27	21		29	32					77	60	137	56,2	43,8
1965	1		21	30	59		40	29					121	69	190	63,7	36,3
1966			28	29	40		37	39					105	68	173	60,7	39,3
1967	1		10	24	26		26	15					63	39	102	61,8	38,2
1968	2	1	14	38	24		23	32					63	71	134	47	53
1969			13	33	16		21	17					50	50	100	50	50
1970		1	20	22	3		30	20					53	43	96	55,2	44,8
1971			17	33	7		22	19					46	52	98	46,9	53,1
1972			44	19	11		33	18					88	37	125	70,4	29,6
1973			47	25	18		93	28					158	53	211	74,9	25,1
1974			21	44	15		34	29					70	73	143	49	51,1
1975	3		30	59	13		85	48					131	107	238	55	45
1976		1	30	52	24		90	40					144	93	237	60,8	39,2
1977	1	1	29	80	15		101	70					146	151	297	49,2	50,8
1978			37	65	14		115	131					166	196	362	45,9	54,1
1979		2	42	94	15		116	126					173	222	395	43,8	56,2
1980		1	56	112	25		140	159					221	272	493	44,8	55,2
1981			54	130	26		153	170					233	300	533	43,7	56,3
1982		1	70	141	42		188	52					300	194	494	60,7	39,3
1983			9	46	8		40	25					57	71	128	44,5	55,5
1984	1		47	170	22		182	79					252	249	501	50,3	49,7
1985	1		51	103	29		194	45					275	148	423	65	35
1986	1		18	43	7		18	16					44	59	103	42,7	57,3
1987		1	21	41	11		44	19					76	61	137	55,5	44,5
1988	1		83	43	28		98	18					210	61	271	77,5	22,5
1989	1		90	63	24		161	33					276	96	372	74,2	25,8
1990	1		65	41	20	18			46	34	53	9	185	102	287	64,5	35,5
1991	1		37	30	35	20			89	25	125	12	287	87	374	76,7	23,3

III. Inauguration of the OMED

Year	EGSSE		National Occupation-based		Local Occupation-based		Special		Sectoral Nat. & Loc.		Enterprise-level		TOTAL		TOTAL	RATE	
	CA*	AD**	CA	AD	CA	AD	CA	AD	CA	AD	CA	AD	CA	AD	CA+AD	% CA	% AD
1992			28	12	14	5			66	8	63	7	171	32	203	84,2	15,8
1993	1		50	11	26	2			98	15	105	2	280	30	310	90,3	9,7
1994	1		44	14	26	2			99	17	117	4	287	37	324	88,6	11,4
1995	1		41	14	25	4			64	13	108	2	239	33	272	87,9	12,1
1996	1		46	16	20	6			76	18	242	3	385	43	428	90	10,1
1997			44	14	25	8			69	96	143	4	281	52	333	84,4	15,6
1998	1		51	13	16	10			87	28	137	7	292	58	350	83,4	16,6
1999			23	20	18	9			70	19	115	3	228	51	279	81,7	18,3
2000	1		54	15	22	4			98	17	122	6	297	42	339	87,6	12,4
2001			34	12	24	1			60	22	146	5	263	40	303	86,8	13,2

Source: Ministry of Labour and Social Insurance, OMED

*collective agreement

**arbitration decision

IV. Table of ESC opinions per year

serial nr.	MINISTRY	1995	1996	1997	1998	1999	2000	2001	2002	Total	percentage
1	Development	0	0	0	0	1	1	1	0	3	5%
2	Agriculture	0	0	0	0	1	1	2	0	4	7%
3	Justice	0	0	0	0	0	1	0	0	1	2%
4	National Economy and Finance	2	2	1	2	4	0	0	2	13	24%
5	Foreign Affairs	0	0	0	0	1	0	0	1	2	4%
6	Labour & Social Security	0	2	2	3	0	1	2	3	13	24%
7	Interior, Public Administration & Decentralisation	0	0	1	1	0	1	0	0	3	5%
8	Transport & Communications	0	0	1	1	0	1	0	0	3	5%
9	Finance	0	0	0	0	0	1	2	0	3	5%
10	Health & Welfare	0	0	1	3	0	2	1	1	8	15%
11	Environment, Planning & Public Works	0	0	0	0	0	0	0	2	2	4%
	Total Opinions per Ministry	2	4	6	10	7	9	8	9	55	100%
		1995	1996	1997	1998	1999	2000	2001	2002	Initiative opinions Total	percentage
	INITIATIVE OPINIONS	0	0	1	1	5	6	9	9	31	
	Total Initiative Opinions per year	0	0	1	1	5	6	9	9	31	100%

YEARS	1995	1996	1997	1998	1999	2000	2001	2002	Total	percentage
OPINIONS ON TEXTS	2	4	6	10	7	9	8	9	55	64%
INITIATIVE OPINIONS	0	0	1	1	5	6	9	9	31	36%
GRAND TOTAL OF OPINIONS	2	4	7	11	12	15	17	18	86	100%

Source: Economic and Social Committee (2002)

V. Laws within the competency of the ESC and Corresponding ESC opinions

MINISTRY	1994	1995			1996			1997			1998			1999			2000			2001			TOTAL		
	A	A	A	B	%	A	B	%	A	B	%	A	B	%	A	B	%	A	B	%	A	B	%		
National Economy		1	2	1	50	1		0	2	1	50	2		0	3		0				10	2	20		
Finance						1	1	100				1	1	100	1	1	100	4	3	75	7	6	85,7		
Development	4	4				4		0				1	1	100				3		0	8	1	12,5		
Labour and Social Security			1	1	100	2	1	50	2	2	100	1	1	100	1	1	100	2	2	100	9	8	88,8		
Health/Welfare		1	1		0	1	1	100	1	1	100	2	2	100				3	3	100	8	7	87,5		
Agriculture		1										1	1	100	1	1	100	1	1	100	3	3	100		
Transport & Communications	3					1		0	2	1	50				3	1	33	2		0	8	2	25		
Education		1	1		0	3		0	2		0	1		0	1		0	2		0	10		0		
Interior, Pub.Adm. & Decentralisation	2		1		0	3		0	2		0	1	1	100				1	1	100	8	2	25		
Environment, Planning & Public Works	1	2				1		0	1		0	1		0				1		0	4	0	0		
Mercantile Shipping									1		0										1		0		
Foreign Affairs															1	1	100				1	1	100		
Justice																		1	1	100	1	1	100		
TOTAL	10	10	6	2	33,3	17	3	17,6	13	5	38,4	11	7	63,6	11	5	45,4	20	11	55	78	33	42,3		

Remarks:

1. The number entered in column A regards the laws passed during the relevant year which fell under the competency of the ESC as described in Law 2232/94, and since 2001 in Article 82 of the Constitution. The number entered in column B regards the number of laws for which the ESC was requested to deliver and did in fact deliver an Opinion.
2. The overall picture is affected, since no draft bills were submitted to the ESC falling within the competency of the a) Ministry of Education (10 total), b) The Ministry of the Environment, Planning and Public Works (4 total), and the draft bills of the Ministry of National Economy regarding stock exchange legislation issues (8 total).
3. Law 2232/94 was published in the Government Gazette on 31/8/94. Therefore the draft bills refer to the period subsequent to that date. Inasmuch as the ESC began operating in 1995, the data for the years 1994 and 1995 (i.e. those draft bills falling within the competency of the ESC) are mentioned only for reasons of thoroughness and do not allow conclusions to be drawn as regards the response of the Ministries to the competency of the ESC during that period.

Source: Economic and Social Committee (2002)