

NEW INSTITUTIONAL ACTORS OF SOCIAL DIALOGUE IN THE FRAMEWORK OF THE EUROPEAN EMPLOYMENT STRATEGY

The case of Flanders: Belgium

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The paper makes observations on the way social dialogue on employment topics is taking place in Belgium within the framework of the European Union. The shifts to the regional /local actors of the social dialogue are focused on one particular field of policy: the European employment strategy. This research is trying to assess the effect of Europeanization of the national employment and economic policies applying in the case of Flanders (Belgium).

INTRODUCTION

The paper is written by the director and senior economic consultant of the SERV, Social and Economic Council of Flanders (Belgium). SERV is both a social dialogue institution, a think tank and a knowledge center. SERV is operating in the Flemish region of Belgium (population approx. 6 million people) and represents a leading social dialogue organization. Research at the level of SERV is very closely linked to the world of industrial relations and labour.

After more than 20 years of experience SERV is well placed to overlook the changes that have taken place in industrial relations during the last decades: from a centrally lead to a more decentralized approach, from top-down to bottom up, from national to European, from sectoral to inter-sectoral, and from industrial to service orientated.

The research is mostly based on field experience and is less traditionally academic. It is focused on the way in which the membership of the European union changed the way of working of a regional economic and social council. In an empirical way the paper tries to contribute to the question of multilevel decision-making in social dialogue given the forces of globalization and the trend of decentralization.

The central question that leads the research is: What is the effect of Europeanization of the national employment and economic policies on the different levels of social dialogue in the case of Flanders, Belgium?

Before tackling the question of change there is a brief overview of the social dialogue in Belgium, Flanders and the European Union.

An additional remark on terminology. When using the terms region and regional in this paper we refer to the political notion of regionalization as a process of dividing the national entity into regions with corresponding transferring power from the central government to the regional level. This in contrast to the use of "region" in United Nations terminology that considers regions as the aggregation of a whole group of nations.

BACKGROUND:

Social Dialogue In Belgium And Flanders

The Belgian and Flemish model for social dialogue are characterized by a developed and integrated system of industrial relations on different levels.

On all levels, cross-sectoral, branch level and company level specific industrial relations have been established and social dialogue is taking place in different socio-economic fields such as economic policy, social policy and occupational safety and health.

Since 1970 the Belgian Parliament voted 5 successive constitutional reforms that transformed Belgium into a federal state, with decentralized political decision-making. Belgium is divided into three communities and three regions. Flanders is the Dutch speaking part of the country with its own parliament and government.

The Belgian industrial relations are embedded in a corporatist model of consultation. Social dialogue and consultation is organized on 3 levels: cross industry level of the private sector for a whole, sectoral or branch level and company level. Consultation and negotiation takes place in special bodies set up by public law and is conducted between representative employers' organizations and trade unions. In the public sector separate forms of social dialogue exist.

The division of the competencies between the federal level and the regions and communities has an impact on the industrial relations and the social dialogue. This implies that on the level of Flanders social dialogue is taking place though limited to the Flemish competencies such as employment, training, education... Social dialogue in Flanders is effectively concentrated on the issues of social and economic policies.

Two important bodies are active in the Flemish social dialogue: SERV (Social and Economic Council of Flanders) and VESOC (tripartite commission).

The SERV (Social and Economic Council of Flanders) is the consultative and advisory body of the Flemish social partners, where they determine their common viewpoints and formulate recommendations and advice. SERV provides advice on all matters with a socio-economic impact for which the Flemish government is authorized. In Flanders SERV is viewed as a centre of dialogue and expertise

The tripartite dialogue between government, trade unions and employers takes place within the Flemish Economic and Social Consultative Committee (VESOC). If a consensus is reached within VESOC, the Flemish Government commits itself to carrying out all resolutions for which

there is consensus. The Flemish social partners defend this consensus towards their members and contribute to its implementation. The chairman of the VESOC committee is the Flemish minister president, the head of the Flemish government.

The European Union And Social Dialogue In The Member States

The most important features of the European industrial relations systems are often characterized as:¹

- centralized and strong organizations of both employers' associations and trade unions;
- relatively centralized and co-ordinated forms of collective bargaining;
- policy consultation of the social partners in the socio-economic field;
- integration of labour at enterprise level through mechanisms of information and consultation

Despite and due to the very different industrial relations between the member states the need was and is felt for a more common and European collective action in the field of employment, social security and economic growth.

For governments and social partners tackling unemployment is a major concern. The European Employment Strategy (EES) was launched at the Jobs Summit in 1997 and came into force through provisions in the treaty. It was the European answer to the challenges of high unemployment in the whole union. The EES sets out objectives, priorities and targets that are agreed at EU level in so called guidelines.

Since 1997 EES has been the model for several open methods of coordination including social protection, education and training and has achieved concrete results. The open method of coordination (OMC) is used as an instrument to develop a European collectively based employment policy. Basically OMC provides a framework for cooperation between the Member States in which national action plans are evaluated by one another (peer review) and in which the role of the Commission is limited to surveillance.

The strategy works with quantified targets, indicators, measurements and benchmarks that are tailored to the monitoring and evaluation of the progress.

The EES is the first European process where social partners have active assigned roles in monitoring, evaluation and peer review.²

In 2005 the Employment Guidelines (limited to 8) became part of a total package of 24 guidelines in the Lisbon Strategy³, in conjunction with the macro-economic and micro-economic guidelines for a period of 3 years. (see annex 2).

CASE STUDY: THE EUROPEAN EMPLOYMENT STRATEGY AND THE REGIONAL SOCIAL PARTNERS IN FLANDERS

From the start of the European Employment Strategy the Flemish Government, steered to do so by the social partners, decided to take up the EES challenge.. The Flemish government, together with the social partners of SERV and some of the environmental NGO's concluded a pact (the Pact of Vilvoorde) in 2001 in which 21 objectives were set out for the next decade. The Pact document contained a long-term socio-economic vision for the region. Recently a new Pact has been concluded, the "Pact for the Future 2020".⁴ This pact is the result of an even broader consultation and dialogue with social partners and other stakeholders.

Since it is the Member States' responsibility to draw up Reform Programs and follow up reports, and the European Commission officially only deals with the national member state authorities, the Flemish Government acts as a partner in the Belgian context and passes its reports and documents to the Belgian government for further communication to the EU Commission.

The contribution of Flanders is structurally imbedded by the participation of the Flemish government in a political monitoring committee and editorial committee on the federal level. Every year, bilateral consultation takes place between the European Commission and Belgium regarding the progress made in implementing the reform programs. The federal government as well as the Belgian communities and the regions participate in this consultation round. The most recent consultation at the time of writing took place in 2008.

In Flanders the tradition of social dialogue and the commitment of the social partners remains central. The social partners prepare and discuss the texts, documents and proposals of the government in their council (SERV) and eventually develop and propose own initiatives to government. The drafts are usually submitted via VESOC, the tripartite social dialogue committee and are finally decided by the Flemish government.

In the renewed Lisbon cycle the Flemish government put forward 5 priorities for work and social economy. For each of the priorities and the guidelines the Flemish government created specific measures.

Table 1 gives a brief illustrative examples for each guideline

Table 1: Some concrete measures for each of the 5 priorities

Flemish Policy priorities	Example of concrete measures
1. Encouraging older people to work and ensuring that restructuring takes place efficiently	financial incentives to contribute to an age-aware human resources policy in Flemish companies (diversity plans, 50+ employment premium..)
2. Improving the links between education and the labour market and promoting lifelong learning	Special “bridge builders” for supporting schools and companies that organize learning in the workplace for pupils and teachers.
3. A comprehensive preventive approach to unemployment and offering opportunities to the long-term unemployed by means of an active labour market policy;	intensive and customised guidance for jobseekers within the framework of a “rights and obligations” approach. (the individual route counseling)
4. Promoting proportional participation of ethnic minorities and other disadvantaged groups in the labour market;	developing more powerful experience certificates in cooperation with the branches (esp. for shortage occupations)
5. Achieving a flexible combination of work and family.	incentive premiums for career breaks and time credit

The Flemish social partners play an active role in the implementation process.

The “Competence agenda” is a good example of this concrete involvement. The agenda is the ambitious program to improve the skills and competencies of every person in Flanders. Employers’ organizations are involved in the action plan that is targetted at learning entrepreneurship. Trade unions are involved in the “learning networks for competence management”. Together with the company management they discuss, promote and represent the workers’ side in the pilot projects.

PRACTICES IN OTHER REGIONAL SOCIAL AND ECONOMIC COUNCILS OF EUROPE CONCERNING THE EUROPEAN EMPLOYMENT STRATEGY

The case of Flanders is complemented with a comparison and description of the experiences in some other regional social and economic councils in the European Union. Regional economic and social councils do not exist in every member state of the European Union. Countries where these kind of councils exists in one form or another are: Spain, Belgium, France, Poland, Italy, Czech republic and Slovakia.

The composition and the tasks of these regional social and economic councils differ a lot. A limited survey was undertaken, by means of meetings and a questionnaire to ascertain the extent of the regional social and economic councils’ involvement in the European employment strategy. The following councils were contacted and willing to cooperate in the survey: the Catalan SEC, the Basque SEC and the Walloon SEC.

Walloon Region (Belgium)

The Walloon social and economic council (CESRW) is a bipartite council, composed of representatives of the trade unions and of the employers' organizations.

The CESRW is located in Liège and is an advisory and social dialogue organization. It is consulted by the Walloon government on a regular basis and is the main institution of the social partners in the Walloon region.

In the CESRW the involvement in the formulating, monitoring and the evaluation of the National Action Plans and the later National Reform Plans takes place on an ad hoc basis and is not exactly following the European agenda. The advices that were given on the plans were always in response to a formal demand for advice from the Walloon minister(s). The initiative clearly lies with the Walloon ministers or government.

The Walloon government is formulating that part of the national plans that fall within the competencies of its region and is submitting this as an advice to the Belgian federal government.

In more concrete cases and topics the Walloon government is able to contact the EU Commission and to speak with its officers.

Despite the fact that the most initiatives come from the Walloon ministers, the CESRW certainly has a significant say on the measures that are proposed by the Walloon government. On every measure regarding employment and labour market the CESRW has given advice. In particular The Walloon social partners were consulted on the two big plans of the Walloon government "le Contrat d'avenir" (contract for the future) and the Plan Marshall comprising the vision for the future of the region. The measures in these 2 plans are guided by the Lisbon objectives and are focused on the realization of those objectives

The social partners in CESRW are most actively consulted when the measures become more concrete and on the verge of being transformed into law or regulation. There is a common understanding within the Walloon government that employment measures can only be successful if the social partners are involved with both the concept and with the implementation.

The EES priorities are similar to those in Flanders but since the labour market is suffering different problems, the solutions and measures have to be targeted in a different way. The first priority in Wallonia is getting the young jobless people to work, whereas in Flanders one of the top priorities is to retain older workers in the workplace.

Unlike in Flanders and due to the specificities of the Belgian state structure the CESRW does not have to be consulted in the field of education and vocational training. They give however regularly advise on these topics. The same is also true for childcare, the valorization of competences and skills, the stimulating of diversity in human resources

In conclusion the involvement of the regional social partners in the setting and implementing of the European Employment Strategy in Wallonia takes place in an informal way. The Walloon government is responsible for drafting the plans and creating the measures. The CESRW is indirectly involved through its advisory function. The general opinion of the CESRW on the European strategy and the Lisbon objectives can be summarized as follows: "it is not important if a measure for stimulating employment and tackling unemployment fits into the Lisbon strategy, it is much more important to set the right priorities on employment in our region"

Catalonia

The Catalan social and economic council (CTESC) is not a bipartite council but composed of 3 groups: one group represents 2 trade unions, the second group is representing the employers' organizations and the third group is a mixed group representing the farmers, the fishery branch..) and some experts. The CTESC is located in Barcelona. It is basically an advisory and consulting body to the Catalan government. It is one of the 17 regional social and economic councils and one national ECS in Spain.

The Catalan social and economic council is not directly involved in the process of the European employment strategy: not in conceptualizing, not in monitoring and not in evaluation. It is the Catalan government that is involved in the design of the National Action Plans and the National Reform Plans and that is carrying out the evaluation and the monitoring..

Most of the influencing of the process is done by the social partners themselves, not through the Catalan social and economic council. The lobbying can be directed at the Catalan government but also at the national social partners.

Though formally the CTESC has not been involved, there are informal contacts. The actual president of CTESC is a former Catalan minister of labour with a very explicit knowledge of labour market and employment in Catalonia, so there are contacts with the members of the government but mostly in an informal way.

The European Commission only recognizes the Spanish government as a partner for dialogue and the real protagonist in the European employment strategy are the Spanish government and the Spanish Social and Economic Council. The Catalan government is not officially involved in the dialogue with the European union. Indirectly the Catalans can influence the national plans by proposing specific measures but these measures will not be found or recognized in the national plans as "Catalan".

Up to today the European Employment guidelines and the renewed Lisbon strategy didn't have a high priority on the agenda of the CTESC, but they inspire all decisions taken by the Council. The CTESC is aware of the mismatch between the local and regional authorities that have to work out employment strategies together with the civil society and the European authorities that are giving directions to the national member states.

Though the Catalan government has specific competencies in the field of employment and labour, they are not the real designers of the NAP's and the NRP. The Catalan government has some competences transferred by national government and, in the case of labour policies, is mostly applying the measures of the action plans against unemployment and evaluating them. For example education falls under the competencies of the Catalan government and the government is developing policies in this field.

As in Flanders the Catalan government and the social partners have concluded a Pact or Strategic agreement to improve the labour productivity and to create more added value through the creation of knowledge jobs. In this pact the Lisbon objectives are not far away.

Yearly the CTESC is elaborating a detailed analysis of the labour market in Catalonia. In this surveys the CTESC secretariat makes use of the European EES-indicators and the Catalan government on his turn is using the reports of the Council for the monitoring and the evaluation at the regional level and for communication to the Spanish government.

The priorities of the Catalan government are roughly the same as the priorities of the Flemish government. There is particularly much attention to the measures concerning the reconciliation of family and work. One of the priorities is to increase the participation of women in the labour market and the last years, the specific instruments that have been developed are beginning to show results.

Concluding: the Spanish government is the real actor in designing and evaluating the national plans. The autonomous regions are indirectly involved but the advising and consulting of social partners is mostly taking place on the national level. The contacts with the Spanish Social and economic Council are limited and not specified on these topics. CTESC considers that the direct regional participation and influence in the EES and the Lisbon strategy would be a big opportunity to make the EES more effective and affordable and problems would be easier to tackle.

Basque Country

In the Basque country there are two separate advisory councils: the CES or the Social and Economic council and the CLR or the Council of Labour Relations.

The CLR is a bipartite council with only employers' organizations and trade unions as members. The CES consists of 4 groups: trade unions, employers' organizations, mixed third group (financial sector, agriculture, fishery, cooperatives...) and the fourth group is the group of experts. The division between both councils is sometimes not very clear when it comes to subjects related to social and labour issues.

The Council of Labour relations gives advice on the laws on employment and labour market before they are definitely approved by the Basque government and go to the parliament. The subjects of these laws can only belong to the basic competencies of the Basque autonomous region. The competencies of the Basque government for labour market policies are "mixed" or "shared" competencies. National laws set the standards, the Basque government is executing

the national laws on the regional level. The sharing of responsibilities and the mixed competencies are leaving room for interpretations and conflicting goals, with both parties claiming the broadest interpretation in their favour.

The social partners of the Basque country that are represented in the CLR and in the CES are 1 employers' organization and 4 trade unions (2 national and 2 Basque ones). The Basque employers' organization is belonging to the Spanish national employers' organization. 2 trade unions also belong to a national federation but there are 2 autonomous Basque trade unions.

The European Employment Guidelines and the Lisbon strategy are based in the national social dialogue on Spanish level. The national Social and Economic Council is giving advice to the Spanish government on the NAP and the NRP. The regional social and economic councils are not involved in the Spanish Council. There are some meetings but in this joint meetings there are no topics of the European Employment Strategy discussed. The Basque social partners can influence the national agenda through their own national organizations.

In the Basque country there have been developed NAP's. Basque plans of Employment are discussed on a tripartite level: with the Basque administration, the trade unions and the employers' organization.

The Basque plan is drawn by the Basque administration and both the CLR and the CES are asked to advice on the draft plans. The Basque Plan is referring to the national Spanish plan and to the European guidelines. In the Basque plan the provincial administrations and the municipalities are involved in the drafting and the monitoring of the plans.

The Employment Plan 2007-2010 is a very complex institutional plan. In the plan the Basque government, the provinces and the local authorities set out the objectives and the measures. There is room for social dialogue but it is complicated. Besides, the autonomous Basque trade unions are not always willing to participate in the social dialogue, due to their action strategies. The main objective of the Basque Employment Plan is the creation and development of employment.

Compared to the 5 priorities of Flanders the Basque measures are very similar. The encouraging of older people to work is not a Basque competency but the others are. The Basque policy on lifelong learning is far ahead of the Spanish policy and could very well be an example for the other regions of Spain/Europe. The special labour market target groups in the Basque Employment plan are similar to the Flemish ones: handicapped, migrant people, women and young jobless. A very specific target group in Basque country are the temporary workers : nearly 30% of working people are temporary workers and this is tackled in the NAP.

Though the Basque government is not an official partner for discussing with the European Commission in some way there may well be informal contacts on the level of the Basque administration.

Concluding: As for the Catalan case, the Spanish government is the real actor in designing and evaluating the national plans. The autonomous regions are indirectly involved but the advising and consulting of social partners is mostly taking place on the national level. The contacts with the Spanish Social and Economic Council are limited and not specified on these topics. The Basque administration is developing its own Employment plans and is asking for advice of both councils CLR and CES. Though in practice the influencing and lobbying is taken place through and within the organizations of the social partners itself.

CONCLUSIONS

In this paper we explicitly focussed on social dialogue in the member states in the framework of the Employment Strategy. The whole system of social dialogue on the European level, on sectoral level as well as on cross industry level was kept outside the scope of this paper.

The social dialogue we focused on in our research is what some authors⁵ call "reacting to agendas" dialogue". The social dialogue in the Lisbon strategy and in the European employment strategy is defined as "the negotiation track".⁶ The other track being the autonomous or voluntary agreements.

The key argument is that the European Employment Strategy converts the social dialogue into a managerial process by decentralizing it to the national level and inviting social partners into the participative process in which they can or cannot decide on the overall objectives.

This kind of reactive and participative social dialogue is put against the “genuine” European social dialogue on European level that is actually taking place in the more than 30 sectoral committees on European level.

In our paper we certainly do not want to deny the importance of the European sectoral and cross industry social dialogue. On the contrary such achievements as the agreements, on parental leave, part-time work and fixed-term contracts, on telework, work-related stress and harassment and violence at work are milestones in the European Union history and are guiding or complementing the national practices of social dialogue which exist in most Member States. Furthermore the European social dialogue conducted on the cross industry level and in the sectoral committees are essential opportunities by which the social partners assist in the definition of European social standards and thus play a vital role in the governance of the European Union.

However, we are convinced that there is no need to put the European social dialogue in contrast or contradiction to the participative approach of the European Employment strategies and the open method of coordination. In our view they are running parallel, they complement each other and represent both variants of social dialogue.

The discussions, consultations and negotiations in the European Employment Strategy are – contrary to its definition- mostly taking place in the member states and in the regions of these states.

Contrary to some opinions we think that this way of consulting and discussing open new approaches can redirect and bring the European agenda to a more decentralized and local level. By taking into consideration the different layers in the member states, the responsibility can be shared with more stakeholders and grass root organizations can be involved. In this way the social dialogue in the framework of the EES eventually contributes to more democracy and better governance.

We do not want to go as far as some people that claim that the decisive scale for recasting labour relations and social dialogue in the near future will be at the level of the regions/localities. We believe in parallel and complimenting systems of social dialogue in which each level has its own place.

From the perspective of the Flemish social dialogue council we truly believe in the value of discussing European topics in a regional and in a local context. We hope that we could testify in this paper that the region can make a difference. The conclusion of territorial employment pacts , the rapid rise of industrial innovating regions and the success of local reconversion, are all examples of the dynamics in the regions in which the local social partners are taking the lead as the “living forces” of the region.

On all levels, European, national, regional and local, the consultation economy essentially is about involving people in policy making and let them participate in societal choices.

Rather than promoting one or another level we would welcome more research on the combination and the intersection of the different forms and levels of social dialogue .

We like to conclude this paper with a quote from David Sadler⁷ In interpreting present trends and developing alternative possibilities, it is important not to abandon the local in the pursuit of a European agenda, nor to prioritize the regional in the absence of a clear sense of how a region’s distinctive industrial culture relates to the past, present and future strategies”.

¹ European Commission, Innovation paper. 36, Industrial relations as a key to strengthening innovation in Europe, p.18.

² Gold M., Cressey P. and Léonard E., What ever happened to social dialogue? From partnership to managerialism in the EU Employment agenda. European Journal of industrial relations, March 2007, p.7-25

³ The Lisbon Strategy is the action and development plan for the European Union aimed at making the EU "the most dynamic and competitive knowledge-based economy in the world capable of sustainable economic growth with more and better jobs and greater social cohesion, and respect for the environment by 2010".

⁴ Vlaanderen in Actie (Flanders in Action), signed in Hasselt, 20th of January 2009.

⁵ GOLD, M., CRESSEY, P. and LEONARD, E. "Whatever happened to social dialogue ? From partnership to managerial in the EU Employment Agenda", European Journal of Industrial relations, 2007, vol. 13, nr 1, p.7-25.

⁶ Gold et al. p.9

⁷ SADLER, D. Social dialogue and European Labour: a new scale of governance ?" European Community Studies Associations conferecne, Pittsburgh, 2-5/6/1999.

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APPENDIX 2 INTEGRATED GUIDELINES FOR GROWTH AND EMPLOYMENT (2008-2010)

Macroeconomic guidelines

- (1) Ensure sustainable growth-oriented economic stability.
- (2) Guarantee sustainable economic and budgetary positions as a basis for employment opportunities.
- (3) Promote the allocation of production means in an efficient way that is oriented towards growth and jobs.
- (4) Ensure that salary developments contribute to macroeconomic stability and growth.
- (5) Promote more cohesion between macroeconomic policy, structural policy and employment policy.
- (6) Contribute toward the dynamic and effective functioning of the EMU.

Microeconomic guidelines

- (7) Raise and improve the investments in R&D, in particular in the private sector.
- (8) Facilitate all types of innovation.
- (9) Facilitate the spread and effective application of ICT and build up a completely new information society.
- (10) Strengthen the competition advantages of the European industrial basis.
- (11) Encourage sustainable use of resources and strengthen the synergies between environmental protection and growth.
- (12) Broaden and deepen the internal market.
- (13) Ensure open and competitive markets inside and outside Europe and the advantages of globalization.
- (14) Create a corporate climate with more competition and encourage private investment through better regulation.
- (15) Promote entrepreneurship and improve the climate for SMEs.
- (16) Broaden, improve and interconnect European infrastructure and complete cross border projects.

Employment guidelines

- (17) Strive for a policy aimed at full employment, better quality of jobs and productivity, stronger social and territorial cohesion.
- (18) Promote career policy.
- (19) Make labour markets more accessible, make jobs more attractive and rewarding for jobseekers, including disadvantaged people and the inactive.
- (20) Get supply and demand in the labour market more in tune with each other.
- (21) While giving appropriate attention to the role of social partners, promote flexibility combined with work security and reduce segmenting in the labour market.
- (22) Ensure the development of labour costs and the setting of salaries that are compatible with employment.
- (23) Increase and improve investments in human capital.
- (24) Adapt education and training systems to new competency requirements.