

Background paper to Resolution Nr. 2

A Europe for Commerce workers: how to make a difference in Europe through European Social dialogue and advocacy work:

The Commerce sector and EU lobbying opportunities and strategy

The Commission's report on Retail market monitoring published in 2009 marked the beginning of a specific interest within the EU on the future development of the retail sector. In the framework of the European strategy to create a better and more efficient single market for services that dates back already in the early 90ies and which is still on the current EU Agenda; the Commission decided to explicitly focus on the retail market. In its first report, it identified the barriers to a single market for retail services. This initiative was followed in July 2011, by the European Parliament resolution 'Towards a fairer and more efficient retail sector' which initiated the adoption of the EC's European Retail Action Plan on January 31th of 2013.

This Action Plan provides a roadmap towards a Single Market in Retail by identifying bottlenecks to its full potential for growth in terms of efficiency, competitiveness, productivity and employment.

The European Commission further identified five key drivers/priorities that would enable the sector to be more competitive and, to offer a better working environment (empowering consumers, improving accessibility to retail services, fairer and more sustainable trading relationships, ensuring a better link between retail and innovation, creating a better work environment). A permanent High Level Group (HLG) on retail competitiveness was entrusted to develop further specific objectives for the areas identified.

This HLG, formed by representatives of retailers and suppliers as well as workers' representatives already has set up several working groups, on employment, on internationalization, on e-commerce, on innovation and on SME's. UNI Europa is a full member of the HLG group and of its subgroups on working environment and e-commerce.

The HLG, advised by its subgroups, has as its key role to recommend to the EU Commission policy measures, legislative or not, that would break down or at least reduce the obstacles to a true internal and cross border market for retail services.

The work of the subgroups has already reached a good degree of maturity and different areas for actions have been already endorsed by its members. UNI Europa has been actively involved in the debate and formulation of the recommendations. Not only has UNI Europa shaped the Agenda of the working environment group by defining its key priorities, but it has also ensured that social considerations were incorporated into the strategic plan discussed by the e-commerce group. The sector has gone through a huge transformation with the emergence of new business

models and the increasing investment of retail companies into the on-line business. The new era of digitalization in commerce and the use of new technologies have huge implications on work organisation, working time and employment relationships. This has been at the core of the discussion within the HLG. Issues such as work life balance, skills anticipation, transferability, update of training programmes and qualifications and a European framework for quality apprenticeships are among the topics discussed. While the “new way of doing business” in retail is offering new opportunities for growth to many companies, one should not forget that a fair and inclusive growth means also increasing the opportunities to offer quality jobs and avoid a further precarisation of employment in the sector.

Through its lobbying work, UNI Europa Commerce shall continue to defend the interests of workers and the right of the unions to have an equal voice in all consultative processes set up by the EU Commission. Through its lobbying activities, it shall ensure a correct balance in EU Commission policies. Providing a regulatory framework enhancing the competitiveness and productivity of business shall go hand in hand with the promotion of quality jobs that respect, enhance and improve the wellbeing of workers and their families. This includes increasing visibility of UNI Europa and UNI Europa Commerce in the newly born European Commission DG GROW (incorporating the old DG MARKET and DG Enterprise) as the focus on the retail sector will continue to remain on the EU Agenda.

UNI Europa Commerce shall use its voice to prevent the current neo-liberal one-sided approach whereby the scope of all EU regulations is limited to reducing barriers to cross-border operations while important regulations, such as those on health and safety, are regarded solely as regulatory and/or administrative burdens. All legislative initiatives shall be weighed against their economic AND social impact. To be effective in this regard, UNI Europa Commerce shall develop a network of legal and economic experts and contacts within its affiliates with knowledge and expertise on the matters discussed on EU level in order to advise the UNI Europa Commerce Secretariat.

Developing a network of MEPs, in particular, with members of the Employment and Social Affairs (EMPL) and/or the Internal Market and consumers’ protection (IMCO) Committees should be one of the objectives of the next four years. At present, contacts with MEPs are still very occasional and there is no consistent and regular dialogue with MEPs close to the trade union movement. Affiliates should cooperate with UNI Europa and UNI Europa Commerce in identifying MEPs with a particular interest in the sector in order to develop their support for UNI Europa Commerce demands and policies. Regular meetings together and in coordination with relevant national affiliates shall be arranged with a view to increase our political influence.

European social dialogue in the commerce sector: investing in quality jobs, education and a better working environment in Social Europe

Re-launching the EU Social dialogue, with a better involvement of social partners in EU policy making and in the European Semester together with a reinforced social dialogue at the national level, has been announced as main priorities of President Juncker’s Commission and also the scope of a thorough review started with a high level event on 5 March 2015.

While the objectives per se can be agreed upon, they must be achieved according to priorities established by social partners themselves and not by the Commission.

It is important to recall that the European Social Dialogue (ESD) is an integral part of the European project as well as of the measures and policies that promote employment and growth. However, social dialogue at European level is based on the wealth of social dialogue at national, regional, cross-sectoral and company level. This is not the reality in some European countries, especially in Eastern Europe where a structural, trustworthy social dialogue at sectoral and company level is non-existent. The economic crisis and the high level of unemployment in certain countries together with the imposed EU austerity measures have weakened the bargaining capacity and the representativeness of certain trade unions, especially in Southern Europe and Ireland. The capacity to influence the European Social Dialogue and, in turn, implement its outcomes at sectoral and company level, is linked to the strength of the national social dialogue. However, the European Social Dialogue can support capacity building by promoting social dialogue in weaker countries with specific and tailored measures. The capacity building project carried out in 2012 by UNI Europa Commerce and Euro Commerce and the adopted Action Plan was a first step in this direction. However, more needs to be done.

We should recall that the Commerce sector has a long tradition of dialogue at European level that started back in 1998 when it was formally recognised by the EU Commission. However, a recent survey conducted by UNI Europa on the functioning of the European Social Dialogue Committee, in Commerce as well as in other UNI Europa sectors, highlighted some weaknesses and identified areas for improvement. The survey looked at the level of participation, the commitment and involvement of UNI Europa Commerce affiliates and employers.

Generally speaking, the participation is quite regular (often it is the same person attending who has the mandate from her/his Union though it is not true in all cases) from the following countries: Belgium, Spain, Italy, France, Sweden, Finland, Poland, Czech Republic, most recently but in the past also from Denmark, Austria, Slovakia and Greece. Among those who attend regularly, some do not have the time and capacity to take an active role in the working programme and/or discuss the outcomes of the ESD at the national level. This can sometimes have a repercussion on the outcomes at European level and the ability to influence the debate.

The perception of trade unions who replied to the survey is that there is a systematic discussion in the UNI Europa Commerce Steering committee on the work programme and the outcomes of the ESD. Despite that, the UNI Europa Commerce Steering Committee should play a more active role in leading the UNI Europa commerce delegates to the ESD by accompanying its decisions on the priorities, the work programme and the outcomes (joint declaration, action plan, recommendations etc.).

The majority of respondents believe that the ESD has little if no influence on their organizing capacity or bargaining power with some few exceptions. This is certainly an area for improvement if the aim is to make the ESD more relevant for the daily work of UNI Europa Commerce affiliates. Organizing national/regional round tables to increase awareness and knowledge of European Social Dialogue could be a

positive step to ensure a better link between different levels of social dialogue and a better mutual understanding and learning from each other's.

The general feeling is that the participation from the employers is rather passive and with no real involvement in the discussion during the meetings with some exception for Croatia and France (Carrefour). The reluctance of employers to engage in discussions on “nonconsensual issues” is true with varying degrees of dissatisfaction. The highest concerns were highlighted by Polish affiliates and to a lower extent by Swedish and Finnish affiliates which is, of course a reflection of the “wealth” of their social dialogue at home. The issue of part time, and in general, on issues such types of contracts, wages, working hours and working time, are a typical examples of recent discussion where major divergences were raised when it comes to what and which is the appropriate level of social dialogue. This will continue to be a challenging area to be addressed. The recently concluded project on “more and better jobs for young people in Commerce” has shown this difficulty and created a tense dialogue with employers around the issue of which measures are to be promoted at the European level to increase the attractiveness of jobs in the sector for the youngest generation.

The coordination and interactions between the ESD and other trade union structures such as EWCs or trade union alliances is considered to be very useful and some of the unions suggest to do it on a more regular basis.

When it comes to the role of the EU Commission, the overall view is that the EU must better promote the role of the social partners and facilitate a dialogue between them, but respecting their autonomy.

To conclude, European social dialogue needs to be strengthened and the work of UNI Europa affiliates needs to be more proactive including the capacity to make suggestions on concrete steps to be taken for a more social Europe.

Additionally, the European social dialogue should be seen as an integral part of the global sectoral strategy reflecting objectives and priorities of other UNI Commerce campaigns and other areas of trade union activity where UNI Commerce is involved. This could be achieved, as a first step, by ensuring that ESD activities have more visibility in UNI Commerce and UNI Europa Commerce statutory meetings and by encouraging those attending the ESD meeting on behalf of their trade union organisations to report back to and discuss with their national constituencies about the outcomes of ESD.

It is important to remember that, at the beginning of 2015, UNI Europa Commerce and EuroCommerce agreed a list of priorities where the work of the ESD Committee will focus for the next two years (find the list of future priorities enclosed to this document as Annex 1).

Annex 1

European Social Dialogue for the Commerce sector – Priorities for 2015/2016

- 1. Emerging skills in e-commerce and digitalization**, UNI Europa Commerce and EuroCommerce will

- ✓ cooperate with the relevant sub-group of the HLG on retail competitiveness by prompting an analysis of the impact on employment of e-commerce
- ✓ Follow up on the European Skills Council for commerce with the new EU Commission Unit on skills by enlarging the scope to more countries and focusing on the digitalization of the commerce sector, the new job profiles and the definition of a new qualification framework adapted to evolution of jobs and skills on the labour market.
- ✓ Working closely on the forthcoming EC Communication on single digital market for services, in particular, by highlighting the impact of existing and future jobs in Commerce in the digital era

2. Commerce labour market analysis, UNI Europa Commerce and EuroCommerce will

- ✓ Introduce a project proposal to be carried out between the end of 2015 and 2017 on a comprehensive labour market analysis. The project consists in mapping in a comprehensive, fact-based and objective manner the functioning and evolution of the commerce sector labour market in the different EU countries.

3. Follow-up of HLG on retail competitiveness UNI Europa Commerce and EuroCommerce will

- ✓ Actively and jointly cooperate in the drafting of the final recommendations of the HLG on retail competitiveness, insisting on the importance of the European Social Dialogue (in the context of the relaunch proposed by the EU Commission)
- ✓ Work jointly on the subgroup on working environment and proactively lobby the EU Commission to follow up on its recommendations drafted in cooperation with social partners and industry's representatives.

4. Project on health and safety

- ✓ Implement the different activities of the project which includes an in-depth independent research and the organization of specific workshops on three aspects of health and safety at work: muscular skeletal disorders, psychosocial risks and stress at work.

5. Implement the Action Plan on capacity building for the Central and Eastern EU countries and in EU candidate countries

- ✓ Meet relevant MEPs in coordination with social partners in the countries concerned
- ✓ Meet with Cabinet Valdis Dombrovkis, EU Commission Vice President in charge of European Social Dialogue and the social dimension of the EMU to discuss concrete measures to promote social dialogue in countries with a weaker capacity.