

SOWELL

Social dialogue in welfare services



Employment relations, labour market and
social actors in the care services

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The European Social Dialogue in the care services

WORK PACKAGE 4 (WP4)

Table of contents

1. What European social dialogue is.....	3
2. Historical background.....	5
3. How European social dialogue works, its actors and main achievements.....	7
4. The European social dialogue in the ECEC and LTC services.	
The lack of a sectoral committee in care services.....	11
5. The role of other sectorial social dialogue committees.....	13
5.1 The Sectoral Social Dialogue Committee for Central Government Administrations	
5.2 The Sectoral Social Dialogue Committee for Local and Regional Governments	
5.3 The Sectoral Social Dialogue Committee for Hospital and Healthcare	
5.4 The Sectoral Social Dialogue Committee in Education	
6. From informal to formal social dialogue in social services: the role of social partners.....	20
7. Towards a sectoral social dialogue committee in social services: the role of EU institutions...	26
References.....	30
Overview of interviews for WP4.....	31

In this report, we will reconstruct and analyse the main features of social dialogue in the care services, at European level. The report is organised in two main parts: the first describes what European social dialogue is, its history, how it works and what its main actors are, in general terms (par. 1, 2 and 3). In the second part, we will analyse the developments of European social dialogue in the care services, highlighting the lack of an own sectoral social dialogue committee in care and social services (at least, until 2022), the development of an “informal” social dialogue in the last decade, and the role of other sectoral social dialogue committees, which in some ways are involved in the representation of the social service sector. Par. 4 focuses on the lack of the sectoral social dialogue committee in social services, making some possible explanations. Par. 5 analyses the structure and role of the other sectoral social dialogue committees which are involved in the social service matters. Par. 6 and 7 reconstruct the steps made in the last 10-15 years towards the establishment of a own sectoral social dialogue committee in social services, focusing first on the role of European social partners in the care and social services (par. 6) and then on that of EU Commission and EU institutions, ending with some considerations on the next future (par. 7).

1. What European social dialogue is

European social dialogue refers to “discussions, consultations, negotiations and joint actions involving organisations representing the two sides of industry (employers and workers)” (see the EU Commission website, at: <https://ec.europa.eu/social/main.jsp?catId=329&langId=en>). According to Article 151 of the Treaty on the Functioning of the European Union (TFEU, ex Article 136 TEC), “the Union and the Member States...shall have as their objectives the promotion of employment, improved living and working conditions, so as to make possible their harmonisation while the improvement is being maintained, proper social protection, dialogue between management and labour, the development of human resources with a view to lasting high employment and the combating of exclusion. To this end the Union and the Member States shall implement measures which take account of the diverse forms of national practices, in particular in the field of contractual relations, and the need to maintain the competitiveness of the Union economy”. The promotion of dialogue between management and labour, and then between employers’ and employees associations, is defined as a common objective of the EU and the Member States, which implement measures taking account of the diverse national practices, including contractual relationships.

Under Article 152, TFEU, “the Union recognises and promotes the role of the social partners at its level, taking into account the diversity of national systems. It shall facilitate dialogue between the social partners, respecting their autonomy”. Moreover, Article 152 states, also, that “the Tripartite Social Summit for Growth and Employment shall contribute to social dialogue”.

Social dialogue is financial supported by transnational projects carried out by social partners and other actors active in the field of industrial relations. It is also financed by the European Social Fund (ESF) for capacity-building of social partner organisations at national level, which is an important objective of European social dialogue.

In a broad sense, social dialogue can take mainly two forms:

1) *tripartite social dialogue or tripartite concertation*. This directly involves the public authorities and their representatives at European level, along with social partners. Forms of tripartite social dialogue or of tripartite concertation date from the very start of European integration, as economic and social stakeholders have been always consulted and involved, in many ways, in drawing up European legislation. Historically institutionalised bodies, which allowed this kind of consultations, were the Consultative Committee for Coal and Steel and the European Economic and Social Committee. Nowadays, the main arena for tripartite social dialogue is the Tripartite Social Summit for Growth and Employment (quoted in Article 152 TFE), which, since 2003, has brought together high-level representatives of the EU Council presidency, the Commission and the social partners with the aim of facilitating ongoing consultation. This body meets at least twice a year, before the spring and autumn European Council summits. Another important arena for tripartite social dialogue are the Macroeconomic Dialogue and the European Employment Strategy. Tripartite social dialogue covers macroeconomic issues, employment, social protection, education and training;

2) *bipartite social dialogue*. As reported by the website EU Commission (<https://ec.europa.eu/social/main.jsp?langId=en&catId=329>), bipartite social dialogue takes place both at cross-industry or inter-sectoral level, between the European Trade Union Confederation and employers' organisations, and at sectoral level, mainly within sectoral social dialogue committees, between the European trade union federations and the European employers' organisations. Bipartite social dialogue started developing since the 1980s.

Tripartite social dialogue is not always considered "real" or "autonomous" social dialogue and a part of the specialised literature identifies bipartite social dialogue with social dialogue as a whole. Bir (2023) excludes tripartite social dialogue from social dialogue, referring it as "tripartite concertation", which is considered by him something different from social dialogue. More generically, tripartite concertation provides opportunities to "exchanges between the social partners and European public authorities" (Bir, 2023, p. 76). While tripartite social dialogue and also bipartite inter-sectoral social dialogue have been problematic in their developments so far (despite many efforts in recent years), bipartite sectoral social dialogue has provided more tangible results and it has been reputed less negative (Degryse, 2017).

Bipartite social dialogue is the most relevant form of social dialogue to our purposes, especially sectoral social dialogue. In this report, we will mainly refer to bipartite social dialogue.

Before analysing in more details the characteristics of social dialogue, some historical background is provided in the following paragraph.

2. Historical background

The first steps by the EU institutions in promoting social dialogue trace back to the 1980s, with the Val Duchesse social dialogue process, initiated in 1985 by the Delors Commission, to involve social partners in the process of creation of the internal market, and, above all, with the 1986 Single European Act (Article 118b), which set the juridical legal basis for the development of an European social dialogue.

Among social partners, in 1991 ETUC, UNICE and CEEP adopted a joint agreement calling for mandatory consultation of the social partners on legislation in the area of social affairs and for a possibility for the social partners to negotiate framework agreements at community level. In 1992, the Agreement on Social Policy annexed to the Maastricht Protocol on Social Policy of the Treaty of Maastricht in 1992, then incorporated in the Treaty of Amsterdam in 1997, acknowledged these requests. The Agreement provided a recognised role for the social partners in EU legislative process; social partners achieved a mandatory consultation on social affairs legislation and also the possibility to negotiate framework agreements at European level. At national level, the social partners were given the opportunity to implement directives by way of collective agreements (see also Bir, 2023).

In 1992, the Social Dialogue Committee (SDC) was established, taken the place of the previously existing steering committee. The SDC is the main forum for bipartite social dialogue at European level (for more details, see the EU parliament website, at: <https://www.europarl.europa.eu/factsheets/en/sheet/58/social-dialogue>).

In the following years, inter-sectoral social dialogue considerably developed. Social partners entered three important framework agreements during the 1990s (on parental leave in 1996, then revised in 2009, on part-time work in 1997 and on fixed-term work in 1999), which were implemented by Council directives.

Since the end of the 1990s, following Commission Decision 98/500/EC, also sectoral social dialogue emerged, substituting the pre-existing nine joint committees, and considerably developed, with the creation of several other sectoral committees in many economic fields, up to the current 43. The Committees delivered many sectoral and multi-sectoral agreements, which then were often, though not always, implemented by Council Directives (see below).

In the first decade of the twenty-first century, social dialogue strengthened and increased its legitimation at EU level. An important step in this process was the joint contribution made by inter-sectoral social partners to define the role of European social dialogue in preparation for the Laeken European Council in December 2001. This joint declaration (known as the “Laeken declaration”) comprised four major sections on (see Bir, 2019) the specific role of the social partners in European governance; the distinction between bipartite social

dialogue and tripartite concertation; the need to improve the structuring of tripartite concertation in relation to the definition of the objectives of the Lisbon strategy; the will, by social partners, to develop a work programme for more autonomous social dialogue.

In the following years, there was an increasing recognition of the importance of the European social dialogue by EU institutions, which brought, to the creation of the above mentioned annual Tripartite Social Summit for Growth and Employment, which took the place of the pre-existing Committee for Employment.

The Tripartite Social Summit is established with the task of ensuring “that there is a continuous concertation between the Council, the Commission and the social partners. It will enable the social partners at European level to contribute, in the context of their social dialogue, to the various components of the integrated economic and social strategy, including the sustainable development dimension... For that purpose, it shall draw on the upstream work of and discussions between the Council, the Commission and the social partners in the different concertation forums on economic, social and employment matters” (Article 2, 2003/174/EC: Council Decision of 6 March 2003 establishing a Tripartite Social Summit for Growth and Employment). The establishment of the Tripartite Social Summit was an important political step, since it placed tripartite concertation at the highest level of the EU (Bir, 2019).

The Lisbon Treaty, signed in December 2007 and come in force in late 2009, strengthened and emphasised the role of social partners and social dialogue, under the above quoted Article 151 and 152 of the TFEU and under following articles regulating social dialogue at the European level.

After a relative deterioration in the years following the 2008 economic and financial crisis, social dialogue was relaunched by the Juncker Commission in 2015-16. A high-level conference was organised to initiate “a new start for social dialogue” and for the partnership between social partners and EU institutions. The Commission and the social partners agreed on the need for a more substantial involvement of the social partners in the European Semester; a stronger emphasis on capacity building of national social partners (which is an important part of the activity carried out by European social partners); a strengthened involvement of social partners in EU policy and law-making; and, a clearer relation between social partners’ agreements and the better regulation agenda.

The re-launch a EU social dialogue followed with the signature of a quadripartite agreement (the social partners, the Commission and the Presidency of the Council of the European Union) in 2016. In this statement, the signatory parties agreed to enhance the role of the Tripartite Social Summit on Growth and Employment and of the Macroeconomic Dialogue, and to improve capacity building and implementation outcomes both at cross-industry and sectoral European level. Then, the Commission published a Reflection Paper on the Social Dimension of Europe in April 2017. The Paper recognised social partners’ right to be involved in the design and implementation of employment and social policies, and supported their stronger involvement in policy and lawmaking (Bordogna, 2018).

Also the European Pillar of Social Rights (EPSR), proclaimed on 17 November 2017, re-affirms the autonomy and the right to collective action of social partners, recognising their right to be involved in designing and implementing employment and social policies.

In most recent years, the von der Leyen Commission repeatedly underlined the role of social dialogue in many communications, in the annual sustainable growth strategy and in the objectives for the Recovery and Resilience Facility.

In February 2021, the Commission published a “Report on strengthening EU social dialogue”, known also as the Nahles report, from the name of her author, Andrea Nahles (<https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8372&furtherPubs=yes>), which fed into the action plan implementing the European Pillar of Social Rights presented in March 2021

In May 2021, the Porto Social Commitment (signed by the Commission, Parliament and European social partners) and the European Council Porto Declaration both emphasised the key role of social dialogue, at national and European level. The Commission presented also draft guidelines on collective bargaining for the self-employed in December 2021, launching a public consultation. In 2022, it proposed the directive on adequate minimum wages in the EU, which recommends strengthening the use of collective bargaining in wage setting and requires Member States that have less than 70% collective bargaining coverage to establish an action plan to promote collective bargaining.

At the beginning of 2023, the Commission is expected to propose a Council recommendation on strengthening social dialogue in the European Union and a communication on reinforcing and promoting social dialogue at EU level and at national level. According to what was provided as a preview, on EU level priorities will be the review of sectoral social dialogue, assessment of the existing social dialogue committees, their activities and performance. At national level, priorities will be an assessment of appropriate framework for social dialogue and for the involvement of social partners, mainly in the European Semester process, as well as the development of further capacity building. Funds will be allocated to these purposes and, more generally, to reinforce social dialogue (<https://www.europarl.europa.eu/factsheets/en/sheet/58/social-dialogue>).

3. How European social dialogue works, its actors and main achievements

Social dialogue in the EU legislative process. Article 154 TFEU illustrates how the process of consultation of EU social partners by the EU Commission takes place. Under Clause 1, “the Commission shall have the task of promoting the consultation of management and labour at Union level and shall take any relevant measure to facilitate their dialogue by ensuring balanced support for the parties”. After this general statement, Article 154, defines rules and procedures for institutionalised forms of dialogue and consultation.

Clause 2 identifies a double consultation: “before submitting proposals in the social policy field, the Commission shall consult management and labour on the possible direction of Union action”. After this first consultation, if the Commission considers Union action advisable, it shall consult management and labour on the content of the envisaged proposal. Management and labour shall forward to the Commission an opinion or, where appropriate, a recommendation” (Art. 154, Cl. 3, TFEU)

According to Article 155 TFEU, the social partners at EU level are consulted on all matters relating to employment and social affairs. The social partners may then decide to get an agreement among themselves instead, informing the Commission about their choice, and they have nine months to negotiate.

After these months, social partners can (Art. 155 TFEU):

- conclude an agreement and jointly ask the Commission to propose a Council implementing decision, informing the European Parliament;
- conclude an agreement at EU level and implement it themselves, “in accordance with the procedures and practices specific to management and labour and the Member States”. These are called “autonomous” agreements;
- conclude that they cannot an agreement. In this case, the EU Commission resumes responsibility on the proposal in question and can decide to submit it.

It is worth noting that, under Article 153 TFEU, Member States the possibility to entrust the social partners with the implementation of a Council decision on a collective agreement signed at European level.

The inter-sectoral social dialogue: bodies and actors. As already mentioned, the Social Dialogue Committee (SDC) is the main body for cross-sectoral bipartite social dialogue at European level. It meets three-four times a year. In the UDC meetings, social partners can discuss various subjects, adopt shared texts and statements negotiated and plan future work in European social dialogue. In order to specialise and organise its work, the SDC can set up technical working groups (i.e. the labour market working group, that on equal opportunities for men and women and vocational training) and arrange seminars with the support of the European Commission. When the social partners decide to enter into negotiations on a particular subject, negotiation teams, provided with a specific mandate, are appointed by each side. Negotiation meetings are chaired by an independent mediator and the results are adopted by the SDC. The SDC is flanked by more than forty (43 in 2019) committees for sectoral social dialogue.

Within the SDC and, broadly speaking, at European (intersectoral) level, European employees are represented by the European Trade Union Confederation (ETUC), founded in 1973. ETUC includes 93 national trade union confederations in 41 countries and other 10 European trade union federations.

European employers are represented by BusinessEurope, the former Union of Industries of the European Community (UNICE established in 1958) and the European Centre of Employers and Enterprises providing Public Services (CEEP), set up in 1961. BusinessEurope counts for 40 members from 35 countries, including

the European Union countries, the European Economic Area countries, and some central and Eastern European countries. CEEP is the European association, which represent enterprises and employers' organizations in the public sector or providing public services: this means that CEEP associates can include enterprises with public participation and enterprises carrying out activities of general economic interest, whatever their legal ownership or status.

Furthermore, there are two employers' organisations taking part to the inter-sectoral social dialogue process in association with the above mentioned employers' association which are recognised as partners in the inter-sectoral social dialogue. After having signed a cooperation agreement with BusinessEurope in 1998, the European Union of Craft Industries and Small and Medium-Sized Enterprises (UEAPME), now named SMEunited, also take parts to social dialogue. SMEunited is the employers' umbrella organisation representing the interests of European crafts, trades and small- and medium-sized enterprises (SME). It incorporates around 70 member organisations from over 30 European countries.

According to what reported in its website, SMEunited represents 22,5 million enterprises in Europe which employ almost 82,4 million people (<https://www.smeunited.eu/>).

Two management organisations (Eurocadres and the European Managers' Confederation – CEC), which signed a cooperation agreement with ETUC in 2000. Thanks to this agreement, their representatives can participate in the social dialogue as part of the ETUC representatives.

SDC is made up of members drawn from the secretariats of these European social partners and the national organisations of social partners.

In order to identify the social partners with the right to be consulted under Article 154 of the TFEU, the European Commission uses 'representativeness' criteria, which are mainly set down by a Communication released in 1993. According to this Communication, representative organisations are cross-industry or relate to specific sectors or categories and are organised at European level; are made up of organisations, which are an integral and recognised part of the social partner structures of the Member States, provided with the capacity to negotiate agreements and representative of all Member States (as far as possible); have structures which allow their effective participation in the consultation process (see also the Eurofund website at: <https://www.eurofound.europa.eu/it/node/52122>). Most of the representative organisations are sectoral, while only three are inter-sectoral organisations (ETUC, BusinessEurope and CEEP). List of the representative organisations is made up, on the basis of the representativeness studies carried out by Eurofund, on behalf of the EU Commission.

The inter-sectoral social dialogue: main outputs. The main results of inter-sectoral European social dialogue are the frameworks agreements and the frameworks of action. Eight European framework agreements have been reached so far. Three of them (all adopted in the 1990s) have been transposed into European directives and therefore are integral part of the EU law. Five other agreements are to be implemented directly by the

national social partners. The last one was that on active ageing and an intergenerational approach approved in 2017).

A framework of actions is aimed at promoting the exchange of experiences at national or sectoral level. Three European frameworks of action have been jointly signed by social partners so far. Moreover, the European social partners negotiate also multiannual three-year period work programmes at inter-sectoral level, which identify instruments and themes of common interest for workers and employers.

The sectoral level: committees and agreements. At sectoral level, since the 1990s a variety of agreements has been carried out by European social partners, in the sectoral committees.

As stated by the Commission decision of 20 May 1998 on the establishment of Sectoral Dialogue Committees promoting the Dialogue between the social partners at European level (98/500/EC), and reported also in the EU Commission website (<https://ec.europa.eu/social/main.jsp?catId=480&langId=en>), “each Committee shall, for the sector of activity for which it is established, (a) be consulted on developments at Community level having social implications, and (b) develop and promote the social dialogue at sectoral level” (Article 2). A sectoral social committee can be constituted following a joint request by social partners to take part in a dialogue at European level, and where the organisations representing both sides of industry fulfil the above mentioned representativeness criteria.

A sectoral social dialogue committee can have a maximum of 66 representatives of the social partners, with an equal number of employers' and workers' representatives. A committee is chaired either by a representative of the social partners or, at their request, by the representative of the Commission, who, in all cases, provides the secretariat for the committees.

Each sectoral committee establishes its own internal rules and procedures, together with the Commission, and holds at least one plenary meeting per year. There are meetings of enlarged secretariats and meetings with restricted working parties.

The agreements defined by sectoral social committees can be grouped in three groups.

A first group is made up by those agreements, which were implemented by means of Council decisions. For example, this is the case of the European agreement on the organisation of working time for seafarers (1998) or of that on the working conditions of mobile workers in interoperable cross-border services in the railway sector (2005). Other examples are the Agreement on Workers' Health Protection through the Good Handling and Use of Crystalline Silica and Products containing it (2006), which was the first multi-sector agreement, or of an agreement on the protection of health workers from injuries and infections caused by medical sharps (2010).

A second group consist of those agreements for which the Commission decided not to propose a Council decision. This is the case of agreement concluded by social partners in 2012 on health and safety guidance for hairdressers, which was opposed by some Member States. In June 2016, the hairdressing sector signed a

new European framework agreement on occupational health and safety. After a controversial process, in 2018, the Commission decided not to propose a Council decision, but proposed instead to support the autonomous implementation of the agreement through an action plan. An agreement on a set of activities to support the autonomous implementation of the joint agreement was signed between the hairdressing social partners and the Commission, in 2019.

Other joint agreements were autonomously implemented by the social partners, such as those on teleworking (2002), work-related stress (2004), harassment and violence at work (2007), digitalisation (2020). Autonomous agreements raise critical issues, as their coverage depends on the national system of industrial relations and on representativeness of the social partners. For this reason, unions usually prefer the adoption of directives rather than entering autonomous agreements.

A highly conflictual case regarded the 2015 joint agreement on information and consultation rights. In 2018, the Commission decided not to propose a directive to the Council on this agreement. The European Public Service Union (EPSU) entered a legal action, but the Court of Justice of the European Union ruled on 24 October 2019 that the Commission's right of initiative entitled it to decide whether or not to make social partner agreements legally binding in all EU Member States. The same result had the appeal presented by EPSU, which was dismissed in 2021.

Finally, in a third group of cases the social partners were unable to find an agreement. In these cases, the Commission can propose a directive to the Council. This was, for example, the case of the directive on the directive on temporary agency work, which was finally adopted in 2008, following the inability declared by social partners to find a joint agreement. However, the proposal by the Commission was partially based on the matters in which a consensus between social partners had been reached (for more details, see the EU parliament website, at: <https://www.europarl.europa.eu/factsheets/en/sheet/58/social-dialogue>).

4. The European social dialogue in the ECEC and LTC services. The lack of a sectoral committee in care services

So far, European social dialogue in the care services, including Early Childhood Education and Care (ECEC) and Long Term Care (LTC) services, has not had its own sectoral committee, in charge of dealing with labour and employment relations issues in these sectors. However, European social dialogue in the care and social services considerably developed in the last decade, at informal level. This development was strictly linked with the process aimed at establishing a sectoral social dialogue committee in the social services, promoted by European social partners in the sector and supported by the EU Commission.

Moreover, some interviewees highlighted that, in absence of an own sectoral social dialogue committee, issues concerning labour, working conditions and employment relations in the care sector can be discussed and tackled with other sectoral committees, whose area of competence can partially comprises care and

social services. However, these committees are responsible for social dialogue in much larger sectors in terms of economic size, employment and number of service users, such as national and local government, hospital and health care, education. Therefore, critical issues in the ECEC and LTC services are tackled within much more general issues of these much bigger sectors.

It is not easy to say why there is not a sectoral committee in care services or, rather, whether it has not been established yet. The current activation of 43 sectoral committees seems to call for the constitution of an own committee for the care services or, rather, for the social services as a whole. Even our interviews did not help much to answer to this question. In this paper, we can make some hypothesis.

First, the lack of a sectoral committee in care and social services is likely to be due to the traditionally low interest for these sectors by policy makers as well as by economic and social actors, which has lasted until some decades ago. This negative element was strictly connected to the limited development of the care services, which in turn explains the weakness of unions and employers' sectoral organisations, compared to the interest organisations of other industries, even among public services. However, in the last decades the strong expansion of the care services and of their employment has increased their importance in the view of policy makers and government institutions, both at national and at EU level. This is creating a favourable element to the development of social dialogue and its arenas in the social services.

Second, the development of the social dialogue and the creation of a sectoral committee in the social services are not helped by the dispersion of the care services among other sectors, which are provided by their own European sectoral committee and social dialogue institutions. As already mentioned, ECEC and LTC services are scattered within these much larger sectors, of which they are only a small part in terms of employment, economic weight, and number of users. Demands, needs, interests of the ECEC and the LTC employers and employees are inevitably "overwhelmed" by those of employers and employees, which belong to much bigger sectors. Consequently, social dialogue in the LTC and ECEC services suffer from a marginalisation within the other social dialogue committees. Own issues of the care sector are inevitably very dispersed and watered down in these contexts.

This dispersion within a plurality of sectoral committees is connected to the fragmentation of the social partners in the care sector, which did not help their incorporation in a single social dialogue sectoral committee at European level. This in turn depends on the configuration of service provision, in the single countries, which is variable but quite or very fragmented in most of the European countries. Fragmentation has increased in the most recent decades, as a result of privatisation and marketization in the care sector.

Beside privatisation and neo-liberal policies, more traditional distinctions between kinds of services (0-2 year-olds/3-5 year-olds in ECEC; residential/community/home care services in LTC) and other distinctions according to the nature of providers (state/municipal/private for-profit/private non-profit/charitable or religious providers) are usually reflected in the national configurations of employers' associations and unions.

Occupational and professional distinctions among workers can also contribute to the fragmentation of employees and their representatives. The provider specialisation in different kinds of services, the employer legal status as well as organisational and professional lines of division within both employers and employees in the ECEC and LTC sectors, these are all factors which favour a dispersion of the sectoral interest organisations in a plurality of arenas and sectoral committees at European level.

Finally, some historical trends in the evolution of both the ECEC and the LTC sector do not promote their unification within a single social dialogue arena, although they are contrasted by other opposite trends. In the ECEC sector, services for children aged 3-5 years old and their staff are traditionally associated to primary schools in many countries, rather than to the services for children 0-2 years old and their staff. This brings employees and their representatives of the services for 3-5 year olds to associate themselves to primary school teachers and their unions, separating by the ECEC services, staff and unions for 0-2 year olds. This traditional association is increasingly contrasted in many countries by the policies aimed at integrating all ECEC services for children aged from 0 to 5 years olds, emphasising pedagogical continuity and the common educational value of all these services: the Italian 2017 ECEC reform is an example of this attempt.

In the LTC sector, users' demand has fostered an increasing role by the healthcare component of the services provided to the detriment of the social component and of the social dimension of LTC. This can bring LTC staff and unions to emphasise their similarities in their job and in their interest with the healthcare workers, which are represented by their own unions in their own arena of employment relations. At European level, this means to be included in the healthcare sectoral committee, with all the already mentioned implications in terms of marginalisation.

However, some of the factors, which played against the creation of a sectoral social dialogue committee in the social services in the past, declined, up to faint, in the last decades. On the contrary, other elements highlighted the importance, if not even, the necessity of such a committee. In particular, the great expansion of the care services comes out for an autonomous representation of the sectoral interests in social dialogue. In the last ten-fifteen years, both EU institutions and social partners in social services clearly took many steps in this direction.

Before reconstructing this process which is bringing toward the establishment of a own European sectoral social dialogue committee in social services, we illustrate the structure and the role of the already existing sectoral social dialogue committee, which can deal with care issues.

5. The role of other sectorial social dialogue committees

5.1 The Sectoral Social Dialogue Committee for Central Government Administrations

The European SSDC for Central Government Administrations (CGA) was set up in December 2010 after a test-phase of 2-3 years. It is in charge of social dialogue for civil servants and employees in government ministries,

agencies, services which are financed or run by central government, and in the EU institutions, as reported by the Commission website (<https://ec.europa.eu/social/main.jsp?catId=480&intPageId=1821&langId=en>). The SSDC CGA focuses on issues related EU employment standards, EU policy that affects central government administrations, quality of public services, equality and diversity, ageing workforce, health and safety in the public services. Its scope of interest covers also the promotion of common values, such as the rule of law, neutrality, accountability, accessibility, transparency and equal treatment. Moreover, the exact definition of which activities are included in CGAs differs from country to country (for more details, see Eurofound, 2017). As reported in the EU Commission website, the European-level social partner organisations in the Committee are, on the employees' side, the Trade Unions' National and European Administration Delegation (TUNED) and the European Public Administration Employers (EUPAE). TUNED is a joint organisation resulting from a cooperation agreement between the above mentioned European Public Services Union (EPSU) and the European Confederation of Independent Trade Unions (CESI), signed for the first time in February 2005. EPSU is a member of ETUC and represents 8 million public service workers across Europe (<https://www.epsu.org/>). CESI was founded in 1990 and it is a confederation of 37 national trade union organisations and 4 European trade union organisations, with more than 5 million individual members (<https://www.cesi.org/>). TUNED represents a large majority of unionised workers and civil servants in the EU Member States. The TUNED delegation to the SSDC CGA meetings is coordinated by EPSU, the most representative European trade union organization in the sector, in close cooperation with CESI (Bordogna, 2018). Decisions of the SSDC have to be approved by the relevant decision-making bodies of both EPSU and CESI, and on the recommendation of TUNED (Eurofound, 2017).

EUPAE was founded in 2010 as a non-profit organisation, with the purpose of representing CGAs in EU level social dialogue. It followed the more informal European Union Public Administration Network (EUPAN). In 2017, EUPAE had 11 Member States – Belgium, France, Spain, Greece, Italy, Lithuania, Luxembourg, Romania, Czech Republic, UK (which has left the EU since February 2020), Slovakia – and six observers – Germany, Austria, Hungary, Malta, Portugal and Slovenia. At that time, it represented 88% per cent of the total EU workforce in CGAs, estimated in 9,3 million (Eurofound, 2017). Some important achievements of this Committee comprise a framework agreement on “Information and consultation rights for central governments administrations” (2015); recommendations on “Quality central government services for people in vulnerable situations” (2015) and on “Closing the gender pay gap” (2014); joint policy guidelines on a strategy for “Strengthening human resources by anticipating and managing change” (2014); a joint European framework agreement on “Quality service in central government administrations” (2012) (<https://ec.europa.eu/social/main.jsp?catId=480&intPageId=1821&langId=en>).

These and other achievements can involve ECEC and LTC employees and employers, to the extent in which ECEC and LTC services are within the competence of central government administration in each country. This can especially be the case of ECEC services: in particular, state kindergartens, pre-primary schools and other

educational services for children aged 3-5 years old, unless they are not included in the educational sector of public administration, as happens in France and in Italy. The activity of this sectoral committee can also cover the services for children aged 0-2 years old, especially in case of state integrated ECEC services for children 0-5 years old. The SSDC CGA competences and achievements can involve also public LTC services, although these are more frequently covered by the sectoral committee for regional and local governments.

An important dispute was raised by the framework agreement on “Information and consultation rights for central governments administrations”, signed in 2015 by social partners. This agreement was very relevant for unions, because employees in the sector were previously excluded from the EU information and consultation legal framework and deprived of these rights by many national governments. The agreement provided minimum requirements for employers to inform and consult trade unions on matters such as restructuring and the consequences for working conditions, health and safety, working time and work-life balance, remuneration guidelines, training, gender equality, and social protection. In order to make the agreement effective in all State Members, the social partners TUNED and EUPAE called upon the Commission to conduct this transposition, many times (see Bordogna, 2018). As already mentioned above, after a long process (for details see Bordogna, 2018), the Commission decided not to propose a directive. As above mentioned, the legal action entered by EPSU had a negative result for unions and concluded in 2021. This dispute showed the limitations of social dialogue and of the sectoral committees in the EU governance and regulative process.

In 2020, after the breakout of the Covid-19 pandemic, the SSDC CGAs approved also a joint opinion called which underlined the need to invest on public employees to tackle the emergency and to reconstruct public services after the pandemic (“SSD statement on Covid-19 pandemic and its aftermath: investing in state sector personnel”).

5.2 The Sectoral Social Dialogue Committee for Local and Regional Governments

According to the webpage dedicated to this Committee on the EU Commission website (<https://ec.europa.eu/social/main.jsp?catId=480&intPagelId=1843&langId=en>), social dialogue in this sector mainly covers the activities defined by NACE code 84.11, 84.13, 84.24, 84.25, involving over 17 million people working in public services and around 150,000 local and regional authorities. The Sectoral Social Dialogue Committee for Local and Regional Governments (SSDC LRGs) was formally instituted in 2004, by joint initiative of EPSU and the Council of European Municipalities and Regions (CEMR). The CEMR, born in 1951, is the broadest European association of local and regional governments. It brings together the national associations of local and regional governments from 40 European countries and represents, through them, all levels of territories – local, intermediate and regional. According to what reported in CEMR website, it represents 60 members associations and about 100.000 local governments (<https://www.ccre.org/>).

The SSDC LRGs has the statutory duty to promote quality in public services in the EU, based on values of social and environmental responsibility and accountability.

The SSDC LRGs is also “a forum for exchanging information on labour market issues; responding to consultations and other initiatives by the Commission, Parliament and Council; influencing legislation and policy in the fields of employment, training, social protection, labour law, and health and safety”, quoting the EU Commission webpage for this Committee. Challenges confronting this SSDC are various, including monitoring digitalisation and IT developments and their impact on the workforce and employers, climate change, energy transition, migration and its impact on municipalities and citizens, recruiting young workers and retaining older workers in local public services, and life-long learning. Among the key areas of activity by the Committee, there are migration guidelines, the implementation of the joint framework on restructuring for local and regional government, documents and actions on the impact of economic crisis, information and consultation rights, health and safety at work, as well as follow-up guidelines on third-party violence, and gender equality.

These areas of interest emerge also by looking at the main agreed products by social partners in the SSDC LRGs. In the recent years, these comprise joint statements respectively on Covid- 19 (2020), digitalisation in the regional and local government, with a specific attention to working conditions (2015), and in support of the above mentioned 2015 Commission initiative to relaunch Social Dialogue (2015); a joint response to consultation on the minimum wage directive (2020); “Revised CEMR-EPSU guidelines to drawing up gender equality action plans in local and regional government”(2017) and “Joint guidelines - migration and strengthening anti-discrimination in local and regional governments” (2016).

Importanza ma scarso coinvolgimento autorità locali in diversi contesti

As it covers local and regional governments, this sectoral committee has a competence in labour issues and employment relations for ECEC and LTC services which are provided by these tiers of government, and also for those ECEC and LTC services which local and regional governments are responsible for. Given that these services are often directly or indirectly provided by municipalities and local government institutions in the EU countries, the relevance of the decisions of this SSDC is potentially high. However, this depends by the service governance, the allocation of competences and the level of autonomy of the regional and local governments in each country.

According to what emerged in some interviews, this last consideration increase the importance of the scope of central governments in many European countries, enlarging the scope of the SSDC for central government administrations. Moreover, some interviewees by the union side complained a frequent lack of interest for the SSDC LRGs’ activities and even the total absence of local government representatives of several countries in this Committee. For those reasons, unions sometimes tend to rely more on the sectoral committee for central governments rather than that responsible for local governments. This process is also favoured by the practice to deal with an issue first in the SSDC CGAs, in which representatives of the central governments are

directly or indirectly are present. Then, discussion and also decisions taken in this committee can be transferred into the SSDC LRGs. This unbalanced relationships between the two committees does not help ECEC and LTC issues emerge. If the objective to raise the attention on the specific problems and needs of the ECEC and LTC workforce employed in the local and regional administrations is difficult to reach within a committee in charge of the issues concerning the whole local and regional government workforce, this task is even harder if the main initiatives are indirectly driven by the representatives of central government employers and employees. Although there are relevant differences among countries, the importance of ECEC and LTC service within central government is minor.

5.3 The Sectoral Social Dialogue Committee for Hospital and Healthcare

The European Sectoral Social Dialogue Committee for Hospitals and Healthcare (SSDC HS) was set up in 2006 between EPSU and the European Hospital and Healthcare Employers Association (HOSPEEM), ending a process started at the end of the 1990s.

HOSPEEM was established in September 2005 to represent the interests of national hospital employers' organisations on workforce and industrial relations issues at European level. As reported on its website (<https://hospeem.org/>), HOSPEEM was created by the members of SGI Europe in the hospital and the healthcare sector to give a distinct voice to these sectors at European level. However HOSPEEM has always been a sectoral member of SGI Europe. It has members across the European Union both in the state or regionally controlled hospital sector and in the private health sector.

As emerged also in our interviews, HOSPEEM does not claim to represent social services. This means that it tends to consider LTC services outside of its area of competence. However, due to many common points and issues with the LTC sector, to the close connections between healthcare and LTC services and to the increasing trend to develop more integrated social and healthcare services, its initiatives and decisions often directly or indirectly affects working conditions of LTC workers. For those reasons, a regular cooperation between HOSPEEM and Social Employers already exists and is likely to become even more intense in the future.

According to the page of the sectoral committee on the EU Commission website (<https://ec.europa.eu/social/main.jsp?catId=480&langId=en&intPagId=1838>), SSDC HS covers hospitals and human health activities defined by NACE Rev.2 code 868, irrespective of the legal ownership status of the provider, and applicable to employees with either public or private employment contracts. However, as it was already noticed (Bordogna, 2018), the domain of this SSDC does not cover the entire set of activities of Section Q of Eurostat-LFS statistics (Human Health and Social Work Activities), which includes also code 87 NACE Rev.2, mostly residential nursing care activities, and code 88, social work activities. This excludes a relevant part of the LTC services, depending also by the organisation of these kinds of services in each

country. As reported in the Eu Commission website, more than 23 million people are employed in the human health and social work sector, of which more than 13 million in hospitals.

The SSDC HS is confronted with many important challenges in the sector, among which there are recruiting and retaining workers, the ageing workforce, health and safety at the workplace, the increased use of digital technology, the development of new care patterns, the skills mismatch and regular upgrading and upskilling requirements, and patients' increasing demands and expectations for high-quality health care services. In the last decades, social partners and the SSDC have contributed to tackle the consequences of cost containment measures and structural reforms in the healthcare sector on health staff, under conditions of increasing service demand determined by an aging population and by the spread of chronic illnesses.

Given these premises, strengthening the capacity of hospital and healthcare social dialogue structures across all EU countries, recruitment and retention policies, occupational health and safety, continuing professional development and life-long learning for all health care staff, and the promotion of exchange of knowledge and experience between social partners' organisations have represented some of the key areas of activity of this SSD.

Among the main achievements of the SSDC HS, there are the joint declarations "Sectoral Social Dialogue Committee for the Hospital Sector on EU-OSHA Campaign 2020-22 Healthy Workplaces Lighten the Load" (2020) and "Continuing Professional Development and Life-Long-Learning for all health workers in the EU" (2016); the "Final report – follow-up on the Directive 2010/32/EU on the prevention from sharps injuries in the hospital and healthcare sector" (2019); the "Guidelines and examples of good practice to address the challenges of an ageing workforce" (2013); a "Joint report on the follow-up and implementation of the 2010 multi-sectoral guidelines to tackle work-related third-party violence and harassment" (2013); the joint opinion "The EC Guide on Socially Responsible Public Procurement (SRPP) (2011), which represents an important attempt to affect the debate about public procurement regulation and it is addressed to both national authorities and European institutions.

The exclusion of residential care homes and many social services by the coverage of this committee reduces the potential application and impact of its activity on the LTC sector (the ECEC sector is not covered by the SSDC HS). However, some kinds of LTC services are included, especially when they are provided by hospitals or hospital-related units. Moreover, decisions concerning the hospital service and its staff often affect or have an impact on the health services and the health professions as a whole. Therefore, LTC services and their staff can be influenced in many ways by the development of social dialogue in this field.

5.4 The Sectoral Social Dialogue Committee in Education

The European Sectoral Social Dialogue Committee in Education (SSDC EDU) was launched in 2010 by the European Trade Union Committee for Education (ETUCE) and the European Federation of Education

Employers (EFEE), after a process which developed over the previous decade and which was supported by the EU Commission.

According to the information reported on its website (<https://www.csee-etuce.org/en/>), the European Trade Union Committee for Education (ETUCE) is a federation of 127 education trade unions in 51 countries, representing in total 11 million members all over Europe. ETUCE is made up of national trade unions of teachers and other staff in all parts of the education sector: early childhood education; primary education; secondary education; vocational education and training; higher education and research. ETUCE was established in 1977 and it is affiliated to the European Trade Union Confederation (ETUC).

EFEE was born in 2009. It represents 24 employers' organisations from 16 countries in all levels of education. The EFEE membership reflects the diversity of education employers: education councils and national ministries of education, regional and municipal authority employers' organisations, state agencies, associations of VET colleges and universities.

Social dialogue in this sector covers early childhood education, primary and secondary education, vocational education and training, higher education and research, teaching, management and administrative staff.

According to the Committee webpage on the EU Commission website, SSDC EDU key areas of activity includes the promotion of civic education, intercultural dialogue and democratic citizenship; trends to the development of open and innovative education, including ICT; the ways and actions to improve teachers' and school management teams' skills and working conditions and to make teaching profession more attractive; the support of teachers, trainers and school principals, with a focus on continuous professional learning and development; vocational education and training and apprenticeships; higher education and research, including the link with the labour market, mobility and gender equality; public-private developments in education. Moreover, key areas include also actions aimed at promoting social dialogue at national level, and further developing the European sectoral social dialogue, as well as at promoting and monitoring implementation of the outcomes of European social dialogue at national level.

Main achievements of the SSDC EDU include many joint statements, such as the "EFEE/ETUCE Statement on the Interim report of the Commission expert group on quality investment in education and training", the "Joint ETUCE/EFEE Statement on Opportunities and challenges of digitalisation for the education sector" (2021), the "Joint ETUCE/EFEE Statement on the impact of the COVID-19 crisis on sustainable education systems at times of crisis and beyond (2020)", and the "Joint statement on Promoting the potentials of the European Sectoral Social Dialogue in Education" (2016); the declaration "Towards a Framework of Action on the attractiveness of the teaching profession" (2018).

According to the EU Commission, the scope of this sectoral committees covers also ECEC services. Therefore, this sub-sector of the care services should have its arena for social dialogue. However, the SSDC EDU has a much larger scope, as its competences extend across all kinds of educational and school institutions, from crèches and nurseries to universities and higher education institutions. Therefore, the committee activity

seldom looks focused on issues, which are specifically related to ECEC services: this is true especially for 0-2 year olds services. In many European countries, these services are not institutionally separated by those for 3-5 year olds, which often involve also the presence of different type of providers, but their educational staff has often a different status and educational background from the teachers employed in the 3-5 year old services and in schools.

Although general issues concerning pay and working conditions, or training concern all levels of schools and educational institutions, the representation of the specific interests and needs of the teachers and educational working in 3-5 year old services inevitably suffers from a lack of attention and recognition, as they seldom emerge among the multiple and various interests and requests of all kinds of teachers. This critical issue emerges both by some interviews we made and by reading some documents of the Committee. The increasing awareness of the nearly inevitable undervaluation and of the connected risk of marginalisation by ECEC services and their staff in social dialogue comes out in favour of their incorporation in a new sectoral social dialogue committee.

Generally speaking, not only the ECEC services but also the LTC services seems to suffer from undervaluation and marginalisation of the specific demands and needs of their employers and employees. This raised the question of the opportunity to set up an own sectoral committee for care services or social services.

6. From informal to formal social dialogue in social services: the role of social partners

In October 2021, the European Public Service Union (EPSU) and the Federation of Social Employers (Social Employers) officially submitted their joint application for a European Sectoral Social Dialogue Committee for social services. The joint application included a work programme, which focused on 4 main topics: recruitment and retention; working conditions; public procurement; capacity building. At December 2022, a decision is expected very soon.

The decision to present a joint application comes from the increasing awareness, by the two social partners, of the deficit of representation of the interests of both employers and employees in social services, at European level. As explained, these interests are currently fragmented and watered down into a plurality of sectoral committees, in which the field of social services is a very small part of their statutory competences. Social partners in these committees on both sides represent a much larger variety of employers and employees. Moreover, as the social service sector has remarkably increased becoming a very relevant sector both in terms of economic value and employment, an own representation in the European social dialogue looks necessary and fully justified. The need of an own representation raises also in the light of the transformation occurred in the structure of service provision. The general increase of the share of non-profit and for-profit private sector provision (whatever it is publicly funded or not) makes the interest representation of the social service sector within committees mainly focused on the public sector, such as

the SSDC CGAs or the SSDC RLGs, even more inadequate both for employers and employees. Finally, an own sectoral committee would also give special status to recognised social partners through the European Treaties and this would be very important for those organisations which are already not represented in other sectoral committees.

For all these reasons, EPSU and Social Employers presented the application, which at the same time is a result of and strengthens their collaboration. EPSU is the most representative employees' organisation in social services and, in many ways, Social Employers share the same status within the employers' organisations.

According to the representativeness study on local government and social services (Eurofound, 2022), EPSU has 61 affiliated in social services trade unions, which are involved in collective bargaining in 24 Member States. The EPSU membership domain is strongest in the public part of social services, which is covered by 60 social services trade unions in 25 Member States affiliated to EPSU. In the non-profit sector of social services, there are 34 trade unions affiliated to EPSU (in 16 Member States), and other affiliated 30 trade unions cover the for-profit part, in 13 Member States.

In terms of trade unions coverage, there is no relevant difference between residential and non-residential social work. Of the 69 (out of 77) social services trade unions directly affiliated to EPSU for which there is detailed information on the kinds of social services they cover, there are (Eurofound, 2022):

- 51 trade unions in 25 Member States that organise employees in childcare social services;
- 60 trade unions in 27 Member States that organise employees in care and support for older people • 62 trade unions in 26 Member States that organise employees in care and support for people with disabilities
- 57 trade unions in 24 Member States that organise employees in mental health care and support for homeless people.

In terms of representativeness in social services, the Eurofound study (2022) reports that EPSU has affiliated trade unions in 27 Member States (and the UK). The trade unions affiliated to EPSU cover all social services activities in 18 Member States. In 21 Member States the largest social services trade union is affiliated to EPSU. In addition, there are 11 Member States where the second-largest trade union in social services is affiliated to EPSU.

The other most representative trade unions in social services at European level are UNI Europa and the European Confederation of Independent Trade Unions (CESI).

Among all social services trade unions that are either involved in collective bargaining or affiliated to a European social partner organisation in the EU27, there are 33 trade unions (20%) affiliated to UNI Europa in 19 Member States (EU27) (Eurofound, 2022). Among the seven EU Member States in which UNI Europa does not have an affiliated social services trade union, are Germany, the Netherlands and Slovakia, which are part of the countries analysed in this research project. Unlike EPSU, the UNI Europa membership domain is slightly stronger in the non-profit part of social services. UNI Europa has 20 social services trade unions in 13 Member

States covering the non-profit part of social services, 16 affiliated trade unions covering the for-profit part (in 13 Member States) and 15 trade unions covering the public part (in 16 Member States). The distribution of the affiliated unions between residential and non-residential social work is balanced, with a slight majority among non-residential care.

Among the 33 social services trade unions affiliated to UNI Europa, there are (Eurofound, 2022):

- 19 trade unions in 13 Member States that organise employees in childcare;
- 26 trade unions in 17 Member States that organise employees in care and support for older people;
- 25 trade unions in 17 Member States that organise employees in care and support for people with a disability;
- 25 trade unions in 15 Member States that organise employees in mental health care and support for homeless

Always according to the Eurofound representativeness study (2022), CESI has 17 affiliated social services trade unions (11%) in 12 Member States, of which 12 trade unions in 9 Member States are involved in collective bargaining. Considering the countries analysed in the Sowell project, CESI represents the biggest trade union in Hungary) and has among its affiliates the second-largest social services trade union in Germany, the Netherlands and Slovakia.

The Federation of European Social Employers was established in 2017 to organise and represent employers and employer organisations in social services, particularly in the area of care for older people, people with disabilities and children. In this field, 25 affiliated national social services employer organisations in 16 Member States are affiliated to Social Employers, along two European associations as observer members: Social Services Europe (SSE) and European Ageing Network (EAN). 17 affiliated social services employer organisations are involved in collective bargaining in 11 Member States.

Social Employers is the most representative employers' organisation in the private sector part of the social services. In particular, its membership domain is focused on the non-profit part of social services activities, with 20 affiliated organisations covering that part. The largest employer organisation (including Wallonia in Belgium, an umbrella organisation not specifically sector related) from 14 Member States is affiliated to Social Employers (including the Netherlands, Slovakia and Spain among the countries studied in the Sowell project) and the second largest in 2 Member States. Given the concentration of union affiliates in the non-profit sector, this result highly depends on the role and the coverage of the non-profit sector in terms of service provision, in each country.

The creation of Social Employers in 2017 came after a seven years process, which passed through a series of capacity building projects, co-funded by the European Union. In particular, the Pessis projects, started in 2011-12, helped to better understand how social dialogue is organised and structured (or not) in the social sector in Europe. The projects had the ambition to collect qualitative and quantitative data on labour issues, social services systems and actors and explore the social and economic role of the social services sector in

view of creating a European employers organisation. PESSIS was split into four project phases (PESSIS, PESSIS II, PESSIS III and PESSIS +), all funded by the European Commission's Programme on Industrial Relations and Social Dialogue (<https://sociaemployers.eu/en/projects/previous-projects/>).

The projects' results highlighted also the lack of representation by social service employers at European level. In particular, there was an increasing awareness by employers (especially in the non-profit sector) of the need of an own representation in the European social dialogue, which, as mentioned, gives a special status to recognised social partners through the European Treaties (more details at: <https://sociaemployers.eu>). Therefore, the birth of Social Employers is strictly linked to this lack of sectoral representation in the European social dialogue.

The other most representative employers' organisations in the social services sector are The Council of European Municipalities and Regions (CEMR) and the European Centre of Employers and Enterprises providing Public Services (CEEP), which have already briefly presented in the previous sections of this report, in general terms. CEMR is the recognised employers' organisation in the SSDC LRGs and CEEP is one of the representative employers' organisation in the SDC. This perhaps helps explain why they did not take the initiative to ask for the establishment a sectoral social dialogue committee for the social services.

As far as social services are concerned, 17 out 113 social services employer organisations are affiliated to CEMR in 12 EU Member States: including Denmark, Germany and Slovakia among the countries analysed in the Sowell project (CEMR has also member organisations in Slovakia and Spain, for which it is not clear whether they can be considered employers in social services). Almost all of CEMR's members (15 out of 17) also organise local and regional government employers. As noticed by the Eurofound study, these form the overlap between local government and social services on the employers' side, highlighting that CEMR represent local and regional government employers in social services.

As already mentioned in the section about inter-sectoral social dialogue, CEEP is a cross-sector umbrella organisation, provided with 10 social services employer organisations directly or indirectly affiliated in 5 Member States (including Denmark and Italy, among the countries of the Sowell project). It organises which represent enterprises and employers' organizations in the public sector or with a public participation, and carrying out activities of general economic interest, whatever their legal ownership or status. Most of CEEP's members themselves are umbrella organisations, which are not specifically focused on social services activities but in large part on other kinds of activities. However, CEEP has a member covering all social services in several Member States (Eurofound, 2022).

Before and along with the joint application for the sectoral committee in the social services, EPSU and Social Employers carried out a considerable deal of work together, to address together the main issues impacting the social services sector and its workforce: recruitment and retention, digitalisation, public procurement, and working conditions, including safety and health at work. A common goal is obviously to set up a European

sectoral social dialogue committee for social services. In light of this activity, with its products and achievements, they have created an informal social dialogue, without a sectoral social dialogue committees, since the second part of the last decade.

Six projects have been carried out and developed, along with a wide range of joint statements, position papers and thematic seminars on relevant topics for the sector (for a list: <https://socialemmployers.eu/en/social-dialogue/>). Among the most important documents, there are the “Joint Letter Building EU social dialogue for the social services sector” (2019), the “Joint Position Paper on Digitalisation in the social services sector” (2019); the “Joint Position Paper on recruitment and retention in European Social Services” (2020); some joint position papers on the impact of Covid-19 on social services; a joint declaration on the European Care Strategy and, on the same issue, the “Joint Position Paper on the forthcoming European Care Strategy” (2021).

The Joint Position Paper on digitalisation (2019) is the main output of several meetings and ongoing discussions between the Social Employer and EPSU, which allowed to share a common point of view of both employers and employee representatives on this topic. After having provided a common definition of digitalisation (“the massive adoption of digital technologies to generate, process and share information and implement specific tasks via digital devices. This may include tasks which were formerly carried out by human workforce”), the Paper outlines the major effects digitalisation has on the sector and on employment. These effects will potentially be transformative in the future, given that “digitalisation in social services means the incorporation of digital technologies in everyday social services provision”. The Paper outlines also that “the digital transition is not employment neutral or neutral to different professions, formal qualifications of professions and the distribution of tasks and responsibilities”, even in the social services.

It then describes in more detail the main opportunities and challenges connected to the introduction of new digital technologies in social services. Opportunities include the improvement of current and the creation of new social services; the promotion of independence, quality of life and wellbeing for social service users; the possibility, for social service professionals, to work from any base at any time; new job and career opportunities given by online recruitment; a greater protection in occupational health and safety, especially for lone workers and in case of emergency; the use of simulators for education programmes. Challenges concern the need to ensure quality standards and work regulation protecting the quality of work; the need to acquire digital skills by workers, the problems related to data management; limited financial resources for the digital transformation of the social services sector; an uneven and unequal spread of new technologies among users; the need to strengthen new partnerships and to invest in research, also to understand the impacts of digitalisation on work.

The last part of the Paper is dedicated to the role of collective bargaining and social dialogue to regulate the introduction and use of new technologies; and the possible topics to be addressed on the basis of a joint workplan between the Social Employers and EPSU, in the context of a sectoral social dialogue committee

(<https://sociaemployers.eu/files/doc/Draft-EPSU-Social-Employers-Joint-Paper-Digitalisation-V5-FINAL-06.06.19-EN.pdf>).

The Joint Position Paper on recruitment and retention (2020) examines the impact of working conditions, gender imbalances, financial constraints and ageing of the workforce on the sector and puts forward several approaches to face the sector's recruitment and retention challenges. In order to make the sector more attractive, it focuses on the issues related to decent work, organisational development & work-life balance; the image of the sector; occupational safety and health, which became so urgent after the outbreak of the Covid-19 pandemic; the need to ensure a satisfying training and lifelong learning process; migrant workforce and care drain, which so relevant in many countries; digitalisation and its impact on the job in the care services; the problems of providing care respectively in underserved and rural areas and in big cities. Other emerging issues highlighted by the Joint Paper regard non-standard forms of work, new models of care, and migration.

The paper emphasises the role that European Institution and European Social Dialogue can play in an addressing many of these issues and anticipates the perspective of drafting a joint workplan, in the framework of European sectoral social dialogue (https://sociaemployers.eu/files/doc/SEM%20001-20%20position%20paper_screen%20VS3.pdf).

In the Joint Position Paper on the forthcoming Care Strategy, which was released on 8 December 2021, EPSU and Social Employers state that “strengthening industrial relations and capacity building, recognising collective bargaining and social dialogue are key to improving working conditions and the attractiveness of the sector” (p. 3). The Paper also maintains that “the actors best able to drive the sector forward and address the challenges at hand are the social partners – employers and trade unions”. Therefore “reinforcing a constructive and regular social dialogue in social services, both at national and EU level, is crucial to steer developments in the sector into a sustainable direction” (p. 6). As social dialogue at national level, European social dialogue “can contribute to the improvement of working conditions, help share promising practices and develop guidelines to inspire national social dialogue” (p. 6). For these reasons, the two social partners have submitted an official request to the European Commission for setting up a dedicated sectoral social dialogue committee for social services (<https://sociaemployers.eu/en/news/the-social-employers-and-epsu-release-a-joint-position-paper-on-the-forthcoming-european-care-strategy-/>).

As emerged by some of our interviews, even social partners at national level raised expectations of a highly positive impact of the establishment of a formal social dialogue at European level. According to national unions, this could help increase the legitimization of the initiative taken at national and local level and could also help on issues in which the balance of powers between the counter parts is not favourable at national level. National social partners on both sides underline also the importance of action carried out at European level to stop the development of social dumping.

By and large, a major expectation is that a greater development of social dialogue at European level, with the status acquired in the EU legislative process, allows to exert a stronger initiative and pressure on EU institutions to tackle the main issues of the sector, which often have a cross-national nature. European action to face critical problems such as the staff shortage, the lack of attractiveness of the sector, the need of more qualified training and the impact of digitalisation is expected by national social partners and an European social dialogue in social services should favour this action.

National partners seem also aware that a better coordination between the European level and the national level of social dialogue one, in order to make the action of both levels more effective. They know also that strengthening the European level will raise problems of definition of the competences and of the scope of activity of the two levels. However, all partners agree on the need to reinforce the European level.

The decision to submit the application for a sectoral social dialogue committee came at the end of a process, in which not only the social partners but also the EU institutions and, in particular, the EU Commission progressively became more and more aware of the need of a formal social dialogue arena in social services, at European level. In the next paragraph, we reconstruct and analyse this process, focusing on the role of EU institutions.

7. Towards a sectoral social dialogue committee in social services: the role of EU institutions

As described in the WP1 comparative report and in the country reports, care services and, in particular, ECEC and LTC significantly expanded their provision and coverage in the last decades, in response to rising demand determined by socio-demographic and economic changes. National governments and policy makers gradually increased their interest in these sectors, which benefited of relevant investments, though with considerable differences among European countries.

At European level, increasing attention towards care services and, in particular, ECEC services is connected with the adoption of the social investment approach and strategy (Morel, Palier, Palme, 2012; Hemerijck et al., 2016, Hemerijck, 2017; Fulvimari *et al.* 2019), whose principles are in many ways incorporated in the Lisbon strategy (2000). Among the many initiatives of the Commission and EU institutions inspired by the social investment, the “Social Investment Package for Growth and Social Cohesion” launched by the EU Commission in February 2013 is of particular interest to our purposes. This Package comprised the Communication “Towards Social Investment for Growth and Cohesion – including implementing the European Social Fund 2014-2020” (COM(2013) 83 final), the Recommendation “Investing in Children: breaking the cycle of disadvantage”, Roadmaps for Social Investment Package implementation (released also in the following years), a number of Staff Working Documents (SWD), such as: “Long-term care in ageing societies – Challenges and policy options”, “Investing in Health”, “Confronting Homelessness in the European

Union”, a follow up to the “Recommendation on active inclusion of people excluded from the labour market”, the “3rd Biennial Report on Social Services of General Interest” and other documents (<https://ec.europa.eu/social/main.jsp?catId=89&langId=en&newsId=1807&moreDocuments=yes&tableName=news>).

The social investment approach is reflected also in several principles of the European Pillar of Social Rights (EPSR) proclaimed in 2017 and in the European Employment Strategy, now part of the Europe 2020 growth strategy. These acts and initiatives show the awareness, by EU institutions, that improving access to quality and affordable childcare and elderly care can facilitate to reach the goals to increase employment, by ensuring a greater participation of women and older workers in the labour market. In particular, the European Pillar of Social Rights focuses on care in many dimensions. In the perspective of guaranteeing equal opportunity to enter the labour market, the availability of care services for parents and family carers are considered one of the means to get this purpose for these categories of citizens. As to social protection and inclusion, the right of children to affordable early childhood education and good-quality care provision is emphasised, as well as the right of all citizens to affordable and good-quality LTC services.

In the same vein, the Council Recommendation of 22 May 2019 on high-quality early childhood education and care systems (T/9014/2019/INIT) aimed at supporting Member States in improving access and quality of their services. The European Child Guarantee, proposed by the Commission and then adopted by the Council on 14 June 2021, has the main objective to prevent and combat social exclusion by guaranteeing effective access of children in need to a set of key services (free early childhood education and care; free education, including school-based activities and at least one healthy meal each school day; free healthcare; healthy nutrition, and adequate housing) (for more details, see the EU Commission website: <https://ec.europa.eu/social/main.jsp?catId=1428&langId=en>; see also the Eurofund website: <https://www.eurofound.europa.eu/topic/care>). These initiatives show the high level of attention paid by the EU institutions to the care services, especially to childcare, with a particular focus on access to and quality. A similar inclination to childcare emerges also among the national policy makers, as reported also at the end of the WP3 comparative report.

In October 2021, EPSU and Social Employers submitted their joint application for a European Sectoral Social Dialogue Committee for social services, as already mentioned. Commissioner for Jobs and Social Rights sent a positive letter in response and a decision was expected by 2022.

On 5 July 2022, the European Parliament approved the resolution “Towards a common EU action on care”. The resolution recognises the need for better pay and working conditions, respect for care workers and greater public investment in the care sector. As to social dialogue: the resolution states that “the provision of quality care depends on the existence of a sufficiently large, well-trained, motivated and specialised workforce, the creation of attractive and decent working conditions through social dialogue and collective bargaining, adequate and fair wages, as well as integrated services and adequate public funding” (letter X);

It recalls also that the EU should make use of the ILO's framework for decent care work...together with guaranteeing care workers' representation, social dialogue and collective bargaining (point 27); finally, it calls "on the Member States to strengthen social dialogue and promote collective bargaining and collective agreements in the care sector, public and private, and profit and non-profit, institutional as well as family- and community-based settings as crucial mechanisms for the improvement of employment and working conditions and for tackling the gender pay gap, and as the most effective tools for securing an increase in the minimum wage and in wages in general"(point 96).

Moreover, on 7 September 2022, the European Commission presented a new European Care Strategy as part of its Work Programme 2022 to ensure "quality, affordable and accessible care services across the European Union and improve the situation for both care receivers and the people caring for them, professionally or informally" (https://ec.europa.eu/commission/presscorner/detail/en/ip_22_5169), on 7 September 2022. According to the Communication on the European care strategy (COM(2022) 440 final), "the Commission will, together with social partners, continue to explore the modalities for the setting up of a new sectoral social dialogue for social services at EU level" (p. 14). These official and other non-official statements showed the willingness of the Commission to establish a European sectoral social dialogue committee in social services. In the Communication, the Commission is also committed to "propose increasing support for capacity building for social dialogue at national level in the care sector, via social dialogue calls for proposals and European Social Fund+ funding" (p. 14).

The Strategy is accompanied by two proposals for Council Recommendations for Member States, which comprise concrete actions to support them in increasing access to high-quality and affordable care services, while improving working conditions and work-life balance for carers. Employees in the care sector are explicitly considered, as emerges also by the EU commission website presentation of the Care Strategy: "investing in care is important to attract and retain talents in the care sector, which is often characterised by difficult working conditions and low wages, as well as to address labour shortages and fulfil the sector's economic and job creation potential" (https://ec.europa.eu/commission/presscorner/detail/en/ip_22_5169).

The first proposal for a Council recommendation proposes the Member States to revise the Barcelona targets on early childhood education and care set in 2002. The Commission proposes to increase the targets regarding ECEC service coverage from 33% to 50% of children under 3 and from 90% to 96% between the age of 3 and the starting age for compulsory primary education.

The second proposal for a Council recommendation ("Proposal for a council recommendation on access to affordable high-quality long-term care", COM (2022) 441 final) addresses key challenges identified in the 2021 Report on long-term care, prepared jointly by the European Commission and the Social Protection Committee (European Commission and Social Protection Committee, 2021). Along with this Report, the recommendation and its explanatory memorandum are underpinned by a Commission staff working

document and are based on a large set of the most recent relevant studies and reports. These were in part carried out by European research institutions, or commissioned by the EU Commission in the previous years (among these studies, fully listed in the recommendation at page 11: Spasova *et al.*, 2018; Cès, Coster 2019; Eurofound, 2020; 2021; OECD, 2020; KPMG, 2022). The recommendation shows a high level of awareness of the importance of the social and economic role of LTC in Europe, as well as of the critical issues to tackle, in order to ensure the further development of the sector.

“This Recommendation aims to improve access to affordable, high-quality long-term care to all people who need it. It concerns all people in need of long-term care, and formal and informal carers. It applies to long-term care provided across all care settings” (p. 19). For these purposes, it aims to support Member States, providing guidelines on the direction of reforms to address the shared challenges of affordability, availability, quality, and the care workforce, and on sound policy governance in long-term care.

In order to reach these objectives, the recommendation proposes Member States to draw up national action plans to make care in the EU more available, accessible and of better quality for all. Plans have to be submitted to the EU Commission within 1 year of the recommendation’s adoption and subsequent progress reports.

Among the challenges existing in LTC, a “workforce challenge” is identified by the explanatory memorandum of the recommendation. This challenge consists of workforce shortages and the spread of non-standard forms of employment. Unfilled vacancies are particularly relevant for skilled care personnel, such as nurses, in the sub-sector of services for older people. The memorandum also underlines the difficulties of attracting and retaining care workers, “due to often poor working conditions and low wages, which could be alleviated through social dialogue” (p. 2). While the text of the memorandum emphasises the importance of social dialogue, it also states that social dialogue plays a mixed role in long-term care: “only in few Member States are almost all long-term care workers covered by collective agreements. In other Member States, social dialogue is almost absent from the long-term care sector” (pp. 2-3).

According to the text of the recommendation, “Member States should ensure fair working conditions in long-term care, in particular by: (a) promoting national social dialogue and collective bargaining in long-term care, including supporting the development of attractive wages in the sector, while respecting the autonomy of social partners; b)(...) promoting the highest standards in occupational health and safety for all long-term care workers”; c) addressing the challenges of vulnerable groups of workers, such as domestic long-term care workers, live-in carers and migrant care workers, including by providing for effective regulation and professionalisation of such care work (pp. 20-21). Social dialogue and collective bargaining at national level are given a high priority among the instruments to employ for ensuring fair working conditions to employees in the LTC sector.

On 8 December 2022, the Council of the EU adopted the two proposals for recommendations to the Member States. Consequently, at the beginning of 2023, the Commission is also expected to present an initiative to further strengthen and promote social dialogue with concrete actions at national and EU level.

At the end of December 2022, all the conditions for the establishment of a European sectoral social dialogue committee and for a formal dialogue in social services seem very favourable. A decision, already expected by 2022, could come very soon

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Overview of interviews for WP4

Organisation	Role	EO/TU/ Other	Sector(s)	Date
Eurofound	Research manager	Other (EU foundation)	LTC	16.06.2022
ETUCE (European Trade Union Committee for Education)	Coordinator	Trade Union	ECEC/LTC	23.06.2022
Eurofound	Research manager	Other (EU foundation)	ECEC/LTC	24.06.2022
EPSU	EPSU representative in EU bodies and working groups	Trade Union	ECEC	24.06.2022
EFEE (European Federation of Education Employers)	Secretary General	Employers' organisation	ECEC	15.07.2022
AKTIZ (NL)	Member of the board	Employers' organisation	LTC	19.07.2022
Grupo Social LARES (ES)	President	Employers' organisation	ECEC/LTC	05.09.2022
NEA-EPSU	Vicepresident NEA-EPSU	Trade union	ECEC/LTC	16.12.2022
EPSU-FP CGIL (IT)	Collaborator	Trade union	ECEC/LTC	15.12..2022
Social Employers	Director, officers	Employers' organisation	ECEC/LTC	25.08.2022 (written interview)

Note: some of the interviews made for the Italian country reports concerned also the issues of WP4 (in particular, interview no. 11 in WP1 and WP2).