

From Social Dialogue to Civil Dialogue: how governance can change so as to integrate immigration policies

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Abstract

The Social Dialogue is the fundamental of European social model. With this concept the Europe intend: embraces discussions, consultations, negotiations and joint actions involving the representative social partner organisations. The European social dialogue, which can be bipartite or tripartite, supplements the national social dialogue arrangements which exist in most Member States. Based on the principles of solidarity, responsibility and participation, it constitutes the main channel through which the social partners contribute to the establishing of European social standards and play a vital role in the governance of the Union. The Author evidence the importance to apply this model of governance to immigrants policies for equal opportunity and no-discrimination actions.

Introduction

The EU's governance on integration is founded on Social Dialogue with social partners, and constitutes one of the pillars of the European social model. Firmly anchored in the Treaty establishing the European Community, it embraces discussions, consultations, negotiations and joint actions involving the representative social partner organizations. Social Dialogue was born for governance in economic and labour policies, and it includes various welfare thematics. In presenting this model, the article puts forward the thesis of extending this social dialogue to the inclusive political practice in the area of migration. This model brings recognition to the collective actors and the affirmative role can produce activation processes.

From Social Dialogue to Civil Dialogue

Social dialogue is the foundation of the European social model. With this concept one intends to: ‘...Dialogue with social partners constituting one of the pillars of the European social model. Firmly anchored in the Treaty establishing the European Community, it embraces discussions, consultations, negotiations and joint actions involving the representative social partner organizations. The

European social dialogue, which can be bipartite or tripartite, supplements the national social dialogue arrangements which exist in most Member States. Based on the principles of solidarity, responsibility and participation, it constitutes the main channel through which the social partners contribute to the establishing of European social standards and play a vital role in the governance of the Union' (http://europa.eu/legislation_summaries/employment_and_social_policy/social_dialogue/index_it.htm).

Social dialogue came about as governance for the world of work, but has since spread, becoming a civil dialogue, and has transformed into an inclusive policy making model. Within it can be seen the emergence of an ever greater number of people and organizations for the realization and definition of European politics in every field.

The year 1952 is thought of as the birth of social dialogue. As a matter of fact, the Institutive Treaty of CECA foresaw the constitution of a Consultive Committee for technical assistance to the High Authority and Jean Monnet was its first President. The Treaty of Rome of March 1957 established the Economic and Social Committee (articles. 193-198), which foresaw the presence of just the employers, public, and private parts, of the workers. The objective was that of advancing policies of integration of coal and steel markets directly from interested parties, producers and consumers.

The year 1985 represents the turning point for social dialogue because its area of intervention was widened. Jacques Delors, who at the time was president of the European Commission, convened the first meeting in Valdugesse (France), bringing together economic and social agents from within Europe, mobilizing them in order to give new impetus to the building of a communitarian integrative policy (Isfol, 2004).

We can say that this action began the first phase of social dialogue and constituted a period of initiation and of mutual recognition amongst agents. From this we have the common dialogue which allowed the establishing of a series of principles at the European level, giving ample national autonomy to their operation (Tiraboschi 2004). Such a phase ended in 1989 with few concrete agreements, producing opinions and recommendations for permanent or related committees (e.g: telecommunications, postal services etc.), in work groups (e.g.

insurance, cleaning, construction etc.) or informal entities (chemistry, pharmaceuticals, the media etc.).

The second phase, according to various scholars, began in December of 1989, “with the adoption of the Communitarian Charter of fundamental social rights for workers and for a Social Action Program” (Tiraboschi, op. cit., p. 33). This phase came to its conclusion with the agreement reached on October 30, 1991, on the functions and rules of social dialogue. On February 7, 1992, it was added to the Maastricht Treaty, through articles 3 and 4 of the protocol on Social Politics, with which social parties have the ability to define framework agreements which can in turn obtain, from the Council and on the Commission’s proposal, a juridical value *erga omnes*. It was, in this case, a ‘revolutionary’ step in social dialogue, since an agreement between the parties could bring about policies. Thus, the Commission must consult in advance with the social parties each time they present a socio-economic proposal, unless the parties decide to rule on the subject with an agreement worked out among themselves. So as to avoid stalemates, however, the European Commission established that the agreement must be reached within nine months from the beginning of negotiations. The first concrete results of this new phase consist in the adoption of framework Agreements on parental leave (directive 96/34), on part-time work (97/81) and on temporary work contracts (99/70). All of these actions have had a significant effect on the countries within the Union.

The third phase is that of consolidation. It began with the Summit of Laeken in 2001, in which the parties concerned presented agreements accepted by the European Council. This evolutionary phase is marked by the European negotiation which, at the sectorial level, has produced agreements on work hours in railway, maritime, and airline transportation. Up until now, social dialogue was regulated by article 138 of the UE Treaty. This phase has also brought an innovation of the language which has seen an emphasis put on the concept of civil dialogue. This has seen a concretization in the areas of participation, definition, implementation, and monitoring. This modality has seen new social agents of volunteerism, associations, and social society in general, in its various articulations and themes (women, the environment, religion, NGOs and immigration).

Expansion of Topics

Within this evolution, we will point to the General Regulation of the Structural Funds n.1083/2006, and specifically to the Fund Social European, which explicitly recalls partnership and social dialogue as instruments for actualization of development programs and territorial integration. In particular, art.11 states that the pursuance of the objectives of the Funds can come about only within the framework of a close cooperation between the Commission and the partnership defined by the member States, which includes competent public authorities, social and economic parties, or any other appropriate organism representing civil society, environmental partners, NGOs and organisms of equal opportunity. Article. 5 sees the empowerment of social dialogue for activities taken on in unison with other social entities, while article. 3 relative to the application of the Fse in the regions of Convergence, looks at actions aimed at augmenting institutional capacity to favor joint actions by social entities. In this sense, then, partner dialogue is used as a strategic element for the new territorial governance and for the growth and integration of those regions with tardy development. Social parties and organizations of civil society are called to extend their specific role to the end of carrying out a function of integrative negotiation between institutions and various subjects within the territory.

A data base was instituted with this aim as well, in June of 2002 CONECCS (consultation, European Commission and civil society) which offers information on agents of civil society who ask to be consulted by the Commission in order to implement public policies. To this end, the Interactive Policy Making was instituted for the online participation in policy development.

Such measures define a new model of integrative governance of European society, in a period in which the level of legitimization of communitarian operation and the Union is perceived as distant from the problems of citizens in reinforcing the efficacy of formed policies.

The necessity of listening, involving, documenting, and giving voice to the components of civil society has become a necessity starting from the Treaty of Amsterdam ,which has been transferred to the new Constitutional European Treaty, in which article 47 codifies Social Dialogue of social parties, which the Union recognizes, promotes and facilitates it.

From the documents, it is seen as a three-stage process: the first regards the identification of the subjects to be consulted on the part of the Commission in relation to the area of policies; the second regards access to information and documentation of the problem to be resolved; the third is the decisional step the parties present to the Commission.

Where Europe is concerned, a virtuous noteworthy experience is that regarding the topic of **equal opportunity and the policies of non-discrimination**. As is known, in fact, the European Union has done much on this topic, particularly in the past few years through a series of directives, recommendations, action - programs, and convictions by the Court of Justice. In 2007 the European Year of equal opportunity was celebrated and the CESE [European Social and Economic Committee] has approved the creation of a European Institute for equal opportunity which represents the nucleus of a complex strategy able to fight discrimination and to pursue equal opportunity. The member states and social entities have been called to take on rigorous tasks/commitments, to be able to face matters of work policies, promoting education and professional formation, reconciliation of time for private and professional life, female entrepreneurship, overcoming stereotypes regarding women and immigrants. The fact that the European Union, through structural funding, gives huge contributions to this topic, tells us how much these principles inform systems and how much is based upon a politics of equality in which the rights of all, immigrants, men and women, are safeguarded (Marilotti, 2005, p. 2).

Conclusion: Social Dialogue and Immigrants

As we have seen, in fact, at the communitarian level, the inclusive model of policy making has had a long gestation, begun as an experiment in the area of economic and labour policies, to then progress to new areas of application: territorial integration and the development of numerous topics tied to social welfare. It should also open up to all areas of migrant policies.

Certainly, the expansion of this model to policies of non-discrimination ought to be strengthened and extended to policies for immigrants integration. Specifically, civil dialogue ought to be extended to agents of migratory policies, to migrants, to the worlds of associations, institutions and non-profits, who deal

with assistance and integration of migrants, as it would favor a process of activation of the same migrants. In this perspective, migrants would no longer be mere passive recipients of policies, but active builders in the realization of integrative measures in the society they have joined. Such protagonism is necessary in defining objectives to pursue and in the concrete realization of policies. The social dialogue model allows the prevention of situations of conflict which make the very policies difficult or impracticable, and promotes efficacy in inclusive policies.

References

- Council Conclusions, *Common Basic Principles for Immigrant Integration Policy*, 14615/04, Brussels, 19 November 2004.
- European Commission, Staff Working Document, Second Annual Report on Migration and Integration, SEC(2006) 892, Brussels, 30.6.2006.
- ISFOL, *Il dialogo sociale*, “Il punto su”, n. 1, 2004.
- Marilotti L., 2005, *La dimensione della parità nel dialogo sociale europeo. Esperienze e pratiche di dialogo sociale. Progetto 3 Moire*, Atti del Convegno internazionale del progetto “Scenari di dialogo sociale”, Cagliari 7-8 ottobre.
- Tiraboschi M. (a cura di), 2004, *Occupabilità, politiche attive del lavoro e dialogo sociale in Europa: esperienze a confronto*, in collaborazione con Pasquini F., Spattini S., “Collana del Dipartimento di Economia Aziendale dell’Università degli Studi di Modena e Reggio Emilia”, n. 94, Modena.