

EUROPEAN SOCIAL DIALOGUE, A HIDDEN PHENOMENA OF THE INTERCULTURAL DIALOGUE IN EUROPE

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Abstract. Talking about intercultural dialogue in Europe we think about the dialogue between the actors within the European Union and/or between its people. The intercultural side of the European social dialogue as it is established in the Treaty on the Functioning of the EU (TFEU) does not automatically come in our minds. If we consider however that the actors of the social dialogue are coming from different industrial relations schemes, that the national social dialogue within the EU member states have its own specific character a look on the cross-border social dialogue is worthwhile. Not only on a national level but on the European stage social dialogue plays an important role in forming a European labour law within the European Common Market. This particular niche of intercultural dialogue in Europe the article is dedicated to.

Within the cross-boarder social dialogue, different systems collide which is a challenge as such. As far as the bipartite and tripartite social dialogue is concerned it is already difficult enough to bring together the different approaches of the national cultures. And it is evident that it is a huge challenge on the corporate level, where workers of different companies of different countries meet each other, obliged to come to common results concerning the information and consultation rights given to the European Works Councils (EWC) by law. This phenomena is to be found in all transnational European companies, namely in those with EWC but also in companies with a specific European legal form such as in the Societas Europaea (SE) where we find works councils and supervisory boards with members from all countries concerned.

Keywords: Intercultural Dialogue; Social Dialogue; European Social Dialogue; Bipartite Social Dialogue ; Tripartite Social Dialogue ; European Works Councils ; Societas Europaea

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Introduction

Intercultural Dialogue in Europe is a topic which has been evident from the beginning of "European culture". Intercultural dialogue in the EU has at least two meanings, the intercultural dialogue between the actors within the EU and the intercultural dialogue with its neighbours. If we talk about intercultural dialogue it is necessary to stress also on the

European social dialogue, which is part of the Lisbon strategy and has been fixed in the Treaty of Functioning of the European Union (Articles 152 ff. TFEU). The social dialogue, on what level ever consists of a conglomeration of different approaches of social dialogue. EU forms new types of intercultural communication that doesn't confine within the limits of the dialogue between separated persons belonging to different cultures.

Employers meet employers of different countries, trade unions meet trade unions of different countries, workers meet workers of different countries and employers meet workers of different countries. All these groups are part of social structure they show themselves through the social dialogue as elements of intercultural communication.

As the systems of social dialogue are extremely different in the European member states and these systems are part of the prevailing culture, social dialogue is an important part of the European social dialogue.

The article is going to describe both, the basics of intercultural dialogue as it is generally understood and the levels of European social dialogue, focusing on the intercultural importance in the social dialogue on different levels.

I. Social rules in the intercultural communication

Communication is not simply exchange of data; communication is a complex process including individual and common characteristics of those who are taking part in it. In the process of communication we send and receive messages. While creating message to send we have to convert our thoughts and feelings into sounds, words and action, we call this process coding, when we receive the message we encode it in order to understand it. To create the sense of our message we realize very specific human cognitive activity that includes our personal characteristics and our cultural experience as social beings. In terms of communication message sense forming is complicated cognitive process that depends on the context of the message where the data are projected upon the dynamic system of patterns. Systems of patterns are different for different people. The system of patterns itself depends on cultural, moral, linguistic environment, behavior rules and stereotypes of the culture we belong to. During the process of communication it (system of patterns) could change. When we communicate and create the sense of messages, the whole process of sense forming depends on the history of communication, on the information we have and also on the physic, social, historic and psychological environment of the process of communication.

To have effective communication the participants of communication process have to understand each other - it means to understand the system of patterns of each other, the code they use in creating the message as well as the background of communicative process, and to take under account their systems of values and psychological and social identities.

We discover the system of patterns in language, behavior, emotions and customs of those who take part in communication.

The system of patterns reflects all the elements of our culture. Being stereotypes patterns influence the process of perception and its results (Lippman, 1965). Patterns are result of culture and social life of our society. So, patterns are related with the rules of social life defined by moral customs, law and political norms. It is clear that every society has its own language, customs, law and political rule, that we adopt in the process of socializing. Some of these rules (as law) have restrictive character, limiting our natural wishes or acts. We accept all this rules as members of the society. In terms of patterns we could say that we use them in our language, our behavior even if we don't realize it. We form stereotypes due the possibility

of our consciousness to fix the information about similar facts, phenomenon and people and to connect this information with categories that already exist in our mind. We form the most part of our stereotypes between the age of 12-th and 30-th years of our life. And these stereotypes conduct our perception, evaluation of the facts, information, and other people. After the period of formation of the stereotypes it's very hard to change them. We fix the similar objects in our consciousness as images, concepts, evaluations and doing this we create the basis to exchange information with other people and that means to understand each other and to elaborate the same system of values. We could see then that cognitive process and communication relate to our experience based on generalization of typical ideas.

In professional terms we could evaluate communicative efficiency analyzing the transformation of pattern (sender)-sign-pattern (receiver), doing this we could predict the result of communication. It is important to analyze the difference between patterns sender - receiver to understand what we have to do to understand better each other, to discover the barriers of communication to overcome them.

As we had mentioned the system of patterns is connected with language, behavior, emotions and customs of those who take part in communication according to the culture they belong to.

So, to improve the intercultural communication (Hirsh, 1978) we have to analyze the cultural factors forming the system of pattern. There are patterns that determine the standards of our behavior according to the rules of the society (written or non-written) (Walton, 1988).

And as we belong to the society we are involved in the concrete culture revealing in the ideas, customs characteristic of group in the certain period of time (Richard-Amato and Snow, 1992). The culture could be regarded as a system of knowledge and rules for perception, evaluation and action. The culture is also the system of behavior standards accepted by society that helps people to interact with their environment (Fatehi, 1996). The culture includes standards and rules (Gudykunst and Kim, 2002), instructions and plans, cognitive (Goodenough, 1957) or symbolic (Geertz, 1997). The culture standards influence the system of patterns being rules and models for behavior (restricting - in some sense). Social rules define what one person is allowed, how he has to do it and what would happen in case if he is doing thing he is not allowed. In the society there is politic, law, moral, religious, corporative and other rules acting in the frame of normative system being specific social regulator. Growing up in the certain we adopt its culture, language and social rules.

In terms of communication we could say that culture standards define the system of patterns as each culture defines its own system of pattern, so culture standards influence the process of inter-cultural communication as social standards.

In fact, our entire repertory of communicative behaviors is dependent largely on the culture in which we have been raised. Culture, consequently, is the foundation of communication. But our perceptions can be influenced by differences in values, approach, or priorities relative to the kind of social organizations to which we belong. Growing up in the society we adopt social rules of the culture we belong to. So, we adopt law and politic rules, religious ideas, corporative rules as a part of culture standards fixed in documents, norms, declarations, religious books and other papers. These rules are deeply found in our behavior, we adopt them (Berry et al., 2011) in the process of socialization when we learn the rules of behavior of our culture (from our birth until we're teenagers). In this period we build the basic principles and models of our perception and acting towards others, some of them are unconscious. All the principles built in this period are very stable and it's really hard to change them, this is why conflict between these stereotypes and new information could arise.

For us is really difficult to accept new law and political rules because of these stereotypes we already have in the context of culture we've adopted (Hall, 1984).

Conflict between stereotypes and law rules could arise while communication in different countries, even we know the rules we could make mistakes, using our stereotypes (knowing how to proceed in the transport in the country we're we could make mistakes acting automatically on the basis of our habits).

With development of European Union new law frame are formed and that could mean appearance new possibilities for communicative misunderstanding. The difference between culture stereotypes EU law could cause a big number of intercultural communicative problems. So, it is very important to discuss such problems analyzing intercultural communication.

II. Social Dialogue

1. Global understanding

a. General definition

There is no universally agreed general definition of social dialogue. There are wide-ranging differences in the use of the term "social dialogue". Let us start with the ILO (International Labour Organization is a specialized agency of the United Nations) definition and then move on to an explanation of other usages of the term.

a. The definition of the International Labour Organisation (ILO)

The ILO has a broad working definition of social dialogue, reflecting the wide range of processes and practices which are found in different countries. Its working definition includes all types of negotiation, consultation or simply exchange of information between representatives of governments, employers and workers, on issues of common interest relating to economic and social policy (ILO Declaration). The ILO recognises that the definition and the concept of social dialogue varies from country to country and over time. Exchange of information is the most basic process of social dialogue. It implies no real discussion or action on the issues concerned, but it is an essential starting point towards more substantive social dialogue. Consultation is a means by which the social partners not only share information, but also engage in more in-depth dialogue about issues raised. While consultation itself does not carry with it decision-making power, it can take place as part of such a process. Collective bargaining and policy concertation can be interpreted as the two dominant types of negotiation. Collective bargaining is one of the most wide spread forms of social dialogue and is institution-realised in many countries. It consists of negotiations between an single employer, a group of employers or employers' representatives and workers' representatives to determine the issues related to wages and conditions of employment. Successful collective bargaining results in collective agreements. Collective bargaining can be centralised at national level or decentralised at sectoral, regional, enterprise or bargaining unit level. It can be regarded as a useful indicator of the capacity for social dialogue within a country to engage in national level tripartite policy concertation (Official website of the International Labour Organization).

The definition of concertation differs depending. For example Visser (2001: 184) uses policy concertation and social dialogue inter-changeably and defines it primarily as a platform for setting out a common understanding of the status quo. Some give a wider definition of the

process of moving towards consensus through dialogue among the social partners. The term “concertation” in English-speaking countries is usually regarded as identical to cooperation or participation, whereas in France and Italy it is regarded as decision-making through consensus. Some, (i.e Compston, 2002, 4), define concertation as “the codetermination of public policy by governments, employers’ organizations and trade union confederations”. Tripartite policy concertation or “social concertation” can be regarded as the “full bloom” of social dialogue whereby “employers’, workers’ representatives and governments have developed a reflex for acting in a concerted multifaceted manner to address all major national economic and social policy issues by seeking consensus” (Trebilcock, 1994, 4). However, this is only possible when the Government fully recognises the legitimacy and constructive functions of social partners’ participating in national policy-making. The results of successful tripartite policy concertation are sometimes manifested in social pacts.

Any of these forms of social dialogue can be informal and ad hoc or formal and institutionalised. However, in reality social dialogue often takes place as a combination of the two. Informal processes are often as important as formal ones. Social dialogue exists as a tripartite process with the Government as an official party to the dialogue or in only bipartite direct relations between labour and management with or without indirect involvement of government. It can take place at the national, regional, sectoral or at enterprise level. It can be inter-professional, sectoral or a combination of all these.

b. Other definitions

A narrow definition (Visser, 2001: 184) differentiates between social dialogue from collective bargaining. According to him, social dialogue “is not the same as bargaining, but provides a setting for more efficient bargaining by helping to separate bargaining over ‘the state of the world’ from bargaining over the division of costs and benefits.” In other words, social dialogue is an initial stage of finding a common understanding or framework of reference by “separating the digestion of facts, problems and possible solutions”, which may lead to collective bargaining where social partners engage in negotiation of their positions. His definition was endorsed by the European Union High Level Group on Industrial Relations, which defined social dialogue as “a process, in which actors inform each other of their intentions and capacities, elaborate information provided to them, and clarify and explain their assumptions and expectations” ([Official website of the European Union](#)).

2. European Social Dialogue

Social Dialogue is an essential element of the social model and European governance. It is the process of negotiation by which different actors of society (or social partners) reach agreement to work together on policies and activities. Social dialogue takes place at European level, sectoral as well as national level. “Bipartite” dialogue social dialogue brings together workers and employers whereas “tripartite” social dialogue also involves governments or EU representatives ([Official website of the European Trade Union Confederation](#)).

Pursuant to Article 152 of the Treaty on the Functioning of the European Union (TFEU) the European Union (EU)

- recognises and promotes the role of the social partners at European level
- facilitates dialogue between the social partners, respecting their autonomy

According to Article 154 of the TFEU, the Commission consults social partners before

submitting legislative proposals in the area of social policy. This consultation aims at guiding EU action and, if the Commission considers it necessary the content of legislation.

Consultation with European social partners could lead to contractual relations, including agreements, according to the terms of Article 155 of the TFEU.

There has to be distinguished between the bipartite and the tripartite social dialogue, as the bipartite is conducted between social partner organisations only. In the tripartite social dialogue is conducted between wage earners, employers and European institutions..

Besides this differentiation another structure has to be recognised:

- the cross-industry social dialogue;
- the sectoral social dialogue;
- the corporate social dialogue;

a. The bipartite social dialogue is conducted between social partner organisations. At cross-industry level it takes place principally within the Social Dialogue Committee. Under the framework of their cooperation, the social partners may adopt agreements which are implemented in the Member states through national procedures and practices (Article 155 of the TFEU)

b. The bipartite cross-industry social dialogue (also called “Val Duchesse Dialogue”) is meant to open a social dialogue about big horizontal themes of work and the social issues which concern all branches and all workers.

The employees are represented in the cross-industry **social** dialogue are represented by

- the European Trade Union Confederation (ETUC)
- the European Managers - Confederation Europeenne des Cadres (CEC)
- the Council of European Professional and Managerial staff (EUROCADRES))

The employers are represented by

- BUSINESSEUROPE
- The European Association of Craft, Small and Medium Sized Enterprises (UEAPME)
- The European Centre of Enterprises with Public participation and of Enterprises of general Economic Interest (CEEP)

Tripartite cross-industry social dialogue takes place on political and technical issues, particularly in areas such as macroeconomic policies, employment, social security, education and training.

Outcomes of the cross-industry social dialogue can be either framework agreements implemented by European Directives such as parental-leave (1996/2008), part-time leave (1997), fixed-term contracts (1997), autonomous framework agreements such as telework (2002), work-related stress (2004), harassment and violence at work (2007) and inclusive labour markets (2010) or framework of action such as lifelong development of competences and qualifications (2002) and a framework of action on youth employment (2013). The social partners committed to promote solutions to reduce youth unemployment and called on national social partners, public authorities and other stakeholders to also actively work towards that goal.

The Tripartite Social Summit (Article 152 para 2 TFEU) contributes to the effectiveness of social dialogue for the drafting and implementation of the economic and social policies of the European Union (EU). It is a forum for cross-industry social dialogue, used to conduct a dialogue on general policy issues.

c. European sectoral social dialogue supplements the cross-industry social dialogue. It is led by representatives of European employers and employees, grouped by economic

sector of activity. It represents a level of discussion and negotiation that enables a better understanding of the issues facing each sector.

Each occupational sector may make a request to establish a sectoral dialogue committee. Actually there exist 45 joint committees, 3 in the natural resources sector, 15 in the manufacturing sector and 27 in the services sector. They cover more or less all essential European economic activities. The sectoral social dialogue committees consist of a maximum of 54 social-partner representatives, with an equal number of representatives of both employers and employees. They are chaired either by one of the social-partner representatives or, at their request, by the representative of the Commission, which in all cases provides the secretariat for the committees. The committees have been set up by the Commission. The decisions, declarations and agreements adopted by these committees concern nearly 150 million workers, or three-quarters of Europe's active population. The committees have adopted more than 500 texts, and in particular certain agreements which are set to be implemented in the Member States in the form of directives or national procedures. But not all of these committees are really active although they have to meet at least once a year.

d. The social dialogue on corporate level takes place in multinational enterprises either in European Works Councils (EWCs), Works Councils and supervisory boards in Societas Europaea (SE).

EWC are bodies representing the European employees of a company. Through them, workers are informed and consulted at transnational level by management on the progress of the business and any significant decision that could affect them. The right to establish EWCs was introduced by Directive 94/45/EC for undertakings or groups of undertakings employing at least 1 000 employees in the European Union and the other countries of the European Economic Area (Iceland, Liechtenstein and Norway) with at least 150 employees in each of two Member States. Some 970 EWCs represent over 15 million employees, favouring social dialogue and anticipation of change in multinational companies. The legal framework for EWCs dates back to 1994 and needed to be adapted to the evolution of the legislative, economic and social context and to be clarified. After consulting the European social partners and carrying out an impact assessment, the Commission submitted in 2008 a proposal to recast the directive. This new directive was adopted in 2009 by the European Parliament and the Council, with some amendments mainly suggested by the European social partners. Building on the results of the existing legal framework, recast Directive 2009/38/EC aims, in particular, at ensuring the effectiveness of employees' transnational information and consultation rights, at favouring the creation of new EWCs and at ensuring legal certainty in their setting up and operation.

Works councils in SE, also representing the European employees of the company, are also composed of representatives of the countries/companies of the enterprise, sent by the subsidiaries following the relevant national legislation.

III. Social Dialogue as part of intercultural dialogue

On all three levels, the European cross-industry social dialogue, the European sectoral social dialogue as well as on the corporate level an intercultural dialogue takes place and is an essential part of the result finding processes.

In the bipartite and tripartite dialogue between organisations coming from the employers and the workers side the social dialogue is characterized by an exchange of national approach in both the employers and the employee's camp. Different management

cultures based on history, mentality and education on the one side, different work structures, different understanding of labour law, different industrial relations schemes and different mentality have to be considered in setting a common opinion among the members of both camps. But also in the negotiations between the two parties the result finding process is characterized by intercultural differences to be solved, sometimes assisted by European authorities.

Finally the corporate level, European Works Councils and internationally composed supervisory boards in Societas Europaea (SE): Of approximately 2400 companies affected, over 1200 have a EWC. Approximately 18.000 members represent almost 19 million workers. In 2015 almost 2400 SE with “mixed” works councils (SEWC) and “mixed” supervisory boards do exist. This shows the intercultural dimension of the topic. The members of the EWC and SEWC are selected by the relevant legislation of their land. Following the principle of representation, each country/company being part of the group/enterprise is sending, in principle, at least one member in the EWC or the SEWC.

Both councils have to be informed and to be consulted by the management about all across the border matters. The members of both councils are obliged to inform their national committees about the results of the councils. They are responsible to accompany the implementation of the measures following their national regulations.

These processes are of high intercultural relevance. Presentations given by the central management often are not understood properly by the representatives of the countries concerned, the dialogue is often characterized by the above mentioned different factors regarding the dialogue with the management but as well within the councils. This makes result finding processes difficult and perfect transmission is not always guaranteed although papers might be translated in the mother tongues.

Other crucial points are the questions of the role of trade unions/workers representatives as well as how workers are allowed to react on management decisions, which mean the different understanding of industrial relations and industrial conflicts in the European member states. The different models of collective bargaining, the different understanding of participation rights as well as the how different industrial conflicts are understood in the European member states show that intercultural differences influences European social dialogue on the corporate level to a big extent. Strike in the Mediterranean countries has another meaning as for example in Germany, where strike is defined as a “collective action by a number of employees consisting in the agreed cessation of work, with the intention of resuming work once their stated demands have been successfully achieved in the form of a collective agreement” (Weiss, 1992: 296). As a consequence spontaneous cessation of work and political strikes are not legitimated. German representatives have their problems to explain this fact to their colleagues who are coming from countries, where spontaneous and political strikes are important part of their culture.

IV. Conclusion

Intercultural Dialogue as it is defined practiced includes all forms of the European social dialogue previewed in the Treaty of the Functioning of the European Union (TFEU). The dialogue between employers, associations or management of companies, and workers, trade unions or individuals on the one hand and the dialogue in their own groups brings up a great number of intercultural questions caused by different history, culture and mentality in the member states concerned. It is a big challenge to bring together the different approaches

and expectations in order to find an adequate way to produce good results with a (hopefully) common result: to improve work conditions and, with that, to improve living conditions of the people in the common market of the European Union.

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