

# SOLiD

## SOUTH MED SOCIAL DIALOGUE

“WHAT INDICATORS TO MEASURE THE EFFICIENCY  
OF SOCIAL DIALOGUE?”

AUGUST 2016

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# “WHAT INDICATORS TO MEASURE THE EFFICIENCY OF SOCIAL DIALOGUE?”

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## Part I: The importance of social dialogue

### 1. Historical and strategic role of the social dialogue and the absence of benchmarks to measure its Efficiency.

A guidebook published by the International Labor Organization in 2013 states that “there is no common definition of Social Dialogue. It can be held at different levels and may take different forms according to the national context. Based on the I.L.O. general definition which reflects a wide variety of actions and practices from around the world, Social Dialogue includes all types of negotiations, consultations or information sharing between governmental representatives, employers and employees, or between employers’ and employees’ representatives, about common-interest issues related to economic and social policies.

Historically, following multiple attempts to get out of the conflict circle and put an end to rivalries between employers and employees, remarkable progress occurred in dealing with labor relations after World War II, raising them up from individual to collective relations, and in terms of the legal framework through the emergence of social legislation. Social and economic thinking also appeared to handle production relations, distribution policies, work economy and social security.

This ideological development led to an outbreak of social ideology reflected in several international treaties, such as the Declaration of Philadelphia, adopted by the International Labor Organization in 1944, acknowledging dialogue’s formula and participation between employers and employees at different levels. It also led to the adoption of many standards in the form of international conventions.

Among these treaties, we note Treaty No. 144 concerning tripartite consultations between government, employees’ and employers’ representatives. Collective bargaining is on top of bilateral dialogue between employers and employees adopted by the Declaration of Philadelphia as a right for employees. Its specific conditions were stated in two international important ILO conventions, Convention No. 98 and Convention No. 154. Conditions for bilateral dialogue between employers and employees at the undertaking level were stated in several recommendations adopted in various sessions of the ILO Conference , of which mainly:

- Recommendation 94 concerning consultations and cooperation between employers and employees within the undertaking (1952).
- Recommendation 129 related to communications between the administration and employees within the undertaking (1967).
- Recommendation 130 concerning examination of grievances with a view to their settlement (1967).

The emergence of new standards and their adoption by an increasing number of governments led to the declaration of employees’ right for participation in decision making within the undertaking and the right to benefit from parts of results.

In the light of this social ideology, the forms of participation and dialogue developed in many industrial European countries in the post Second World War era, but these forms remained completely absent or barely practiced in some of the developing countries due to the absence of objective proper enforcement factors.

European countries are the most advanced in terms of social policies and are the most respectful to employees' fundamental rights, paving the way for the development of social dialogue in an intensive way and its ascension to ethical cooperation between social partners.

Globally, the social dialogue and its organization as a bilateral and tripartite process both on national and European levels suggested a socio-economic strategy ending with an agreement on "Social Europe" aiming at the following:

- Promote employment and improve living and work conditions;
- Social protection and professional security;
- Well-structured dialogue between production stakeholders;
- Develop and qualify human resource for a better long-term work quality;
- Fight social and economic exclusion ;
- Sustainable training strategies

Common European properties were behind the development of tripartite or social partnership patterns; such properties are:

- Macro-economic goals based on Maastricht Criteria.
- National-sectoral agreements about wages and workers' rights.
- Work plans on employment, training and labor market reform.
- Reforms and measures in the social security and social integration domains.

These goals resulted in practical initiatives within the European Union later extended to other EU candidate countries to help them fulfill EU affiliation standards.

These social dialogue's forms, both in their bilateral and tripartite aspects, rely on a constructive approach that all partners should optimize in order to find solutions to economic and social problems; they considerably contribute to the consolidation of democracy, preservation of social stability and achievement of equal treatment among the citizens.

Some tripartite pacts and treaties in European countries try to go beyond the traditional distributive conflict and focus on a perpetual partnership to work on economic development, employment and competition.

The tripartite dialogue represented a key issue for EU candidate countries in the economic, social and political integration context. The national tripartite dialogue had two major political goals:

- Maintain the government's leading role and further democratize the design of economic and social policies and the creation of democratic institutions.
- Ensure social partners' support to the European economic integration process and to procedures required during the transitional period in order to cope with integration requirements.

Over the past 10 years, EU candidate countries set up several formal tripartite organizations to handle socio-economic policies in general, and some issues related to occupational health and safety, professional training, social security and unemployment insurance in particular.

Based on the experience of these countries, it is key to reinforce the capacity of trade unions and

professional organizations so as to develop their ability to influence national policies and upscale their representation in existing tripartite institutions.

ILO's current position about the tripartite dialogue is based on two pillars:

- It is a constitutional commitment for member states in the organization; it finds its roots in the Declaration of Philadelphia and is considered an annex to the constitution; member states must, therefore, acknowledge and enforce it in accordance with their resources and national circumstances.
- The ILO expands its concept to include all negotiations between the government, employers and employees about the implementation of socio-economic policies, regardless of procedures and the nature of institutions hosting such negotiations.

**The basic conditions to develop Social Dialogue (Barcelona Summit March 2002) are:**

- The absolute need for employment and consultation institutions to take into account the relationship between wage increase and work conditions in the context of competitiveness and job creation policies, while respecting the autonomy of social partners.
- The necessity to further involve workers in transformations concerning them.
- The need for social partners to find the best ways to restructure institutions through constructive dialogue and preventive approach.

A seminar on "Tripartite dialogue in the enlarged European Union", held in the city of Elseneur, Denmark on October 29 -30, 2003, represented a good opportunity to examine the "social integration through social dialogue". The most important topics of this seminar focused on the following issues:

- Structure and levels of the tripartite social partnership
- Economic and social goals in the design of bilateral and tripartite strategies
- Challenges of the tripartite model or pattern and supporting institutions ensuring efficiency and representativeness.
- Strategies and opportunities to develop tripartite social partnership patterns

Participants in this seminar stressed the importance of the tripartite dialogue, however, there was no common agreement on its definition, and especially on its types, due to varied national experiences. The necessity to make the difference between the following procedures and forms was stressed:

- Tripartite consultations in the form of meetings between social partners
- Consultations between social partners at the level of advisory committees
- The social dialogue as a bilateral operation between social partners

A recent study of the International Labor Organization shows that financial crises witnessed by the EU, especially the 2008 crisis, had significant impacts on social dialogue and professional relations. In the beginning of the crisis, the social dialogue played a major role in almost all countries, in the design and implementation of reactive policies to the crisis, which are new Keynesian policies based on supporting demand. But with the worsening of the crisis, countries adopted austerity policies aiming at facing unbalances, resulting in the decline or disruption of the tripartite social dialogue in many organizations.

## 2. What is the need for social dialogue indicators? And who sets them?

Despite the strategic importance of the social dialogue, its measurement and development of indicators to monitor its efficiency have not drawn much of researchers' attention, nor have they drawn the attention of politicians, trade unions or professional organizations. This may be explained by the difficulty to find quantitative indicators for social materials in general. Some believe that some parties deliberately chose not to set accurate indicators and conceal necessary information about the measurement process.

However, the need for these indicators has become obvious to check the usefulness and efficiency of social dialogue, and to understand its relationship with other issues such as production units' performance, economic efficiency and social justice. The Alpha Etudes study showed that high profile companies are keen on defining social indicators being part of their social policy.

Trade union organizations need social indicators more than anything to draw a clear picture about the social dialogue's reality and efficiency, and to support the legitimacy of their social demands. The aforesaid study states that trade unions in major European companies ask not only to regularly study indicators, but also to take part in their definition because choosing indicators and its mode of measurement are far from being a neutral issue. They believe that the participatory formulation of indicators is the basis for the institution's social responsibility.

## Part II: Indicators of social dialogue

We note the absence of referential standards for the definition of social dialogue indicators both at the level of international trade union organizations and at the academic level. It is also clear that setting indicators require the availability of information then access thereto. Finding or producing information is the responsibility of the state and that of companies. The state has to find specialized statistical units that detect and distribute information granting access to whoever needs it. Companies, especially large ones, also have to find specialized departments to generate social information, set social indicators and provide access thereto.

The need for indicators to measure the accuracy of social dialogue is obvious. However, indicators cannot all be one common recipe to all countries and organizations. There can be specific indicators in some countries for different reasons such as the development level of the statistical system, or diversity in the economic structures and legislations, and the diversity in form of the union organization.

Indicators of social dialogue can be divided into indicators based on the legal dimension and legislations, others that are more institutional, others stemming from social considerations and others related to professional organizations.

### 1. Legal-dimension indicators:

\*Indicators based on the degree and actuality of ratification of international conventions :

Global legal principles of the tripartite social dialogue consist of ILO's various conventions related to social dialogue. The ratification degree on these conventions by southern countries varies from a country to another. The ratification and publishing of conventions in the Official Gazette or an equivalent publication are considered to be an important indicator for a favorable climate for social dialogue and for the respect of social and union rights.

It is key to emphasize that some countries only have formal ratification and have reservations against some chapters and even refuse to publish them. As a result, the convention is not enforced.

The following table shows the situation of this qualitative indicator:

Status of international conventions ratification and publication  
Conventions----Ratification----Publication

29: Forced Labor.

87: Freedom of Association and the protection of the right to organize.

98: The right to organize and collective bargaining.

100: Equal remuneration between men and women.

105: Abolition of Forced labor.

111: Employment Discrimination.

135: Protection of workers' representatives.

- 138: Minimum working age.
- 144: Tripartite consultation on international working standards.
- 151: Labor relations in the public service.
- 182: The worst forms of child labor.
- 154: Collective bargaining.
- 150: Labor administration.

\*Indicators based on the national legal foundations of the social dialogue:

Whenever a country has social legislations framing social dialogue even theoretically, the national climate is then appropriate to require and implement it. It is known that many southern countries, particularly the Gulf countries either lack national legislations regulating social dialogue, or have just taken the first steps to implement them.

Generally, the social dialogue is based on the following legislations or at least on some of them:

- A constitutional text that guarantees trade union rights acknowledging the right to establish independent professional organizations based on the social dialogue principle.
- A labor code designed through collective bargainings.
- Legal and ordinal texts related to social dialogue.

For legislations to stress the importance of social dialogue, they should not be vague and inaccurate, they should rather contain all organizational aspects of the dialogue, most importantly:

- Conditions to participate in the tripartite dialogue.
- Scopes and powers of the social dialogue structures.
- Decision-making methods.
- Legal and political viability of opinions expressed.
- Operation and funding of the social dialogue structures.
- Concrete results of the social dialogue.

## 2. Institutional indicators

When a country has institutions and structures that foster social dialogue, it is a proof of good intentions, seriousness, and the belief in the usefulness and importance of social dialogue, whether on the part of politicians or economic institutions.

These institutions and structures host the social dialogue, organize it, administer it and provide concerned parties with necessary working tools; they are independent of the authority.

Institutions and structures can be at the smallest level, i.e. production units or at a national level. It is known that southern countries do not have social dialogue institutions. In case there is such a dialogue, it is usually organized in state institutions during negotiations typically on wages and work conditions.

Social dialogue institutions can consist of the following structures depending on the country's experience and specifications.

- A permanent bilateral committee (undertaking level).
- Parity management committee (undertaking level).
- Bilateral sectoral committees (sectoral level).
- Central or national committees (national level).
- A national council for social dialogue (national level).
- A social and economic council (national level).

Consequently, the more elaborate the institutional network of the social dialogue is, the better social dialogue can be.

### 3. Indicators related to professional organizations

These are employers and employees' organizations. These Indicators relate to the representation of these organizations and their ability to negotiate and suggest alternatives, and about their financial and organizational autonomy.

- Representation is usually measured by membership and by the scope of covered production sectors, first at the undertaking level, then at the sectoral level, and finally at the national level. It is necessary to mention that the representativeness of professional organizations concerns both trade unions and employers' organizations, although it is more important for trade unions. There are many national legislations defining specific conditions related to employers representativeness in addition to standards related to the representativeness of trade unions (French legislation for instance). There is a paradox in Arab countries particularly in the Middle East where government employees are prohibited from joining trade unions, or where the trade union's activity is completely prohibited. In Arab Maghreb countries, unions mainly rely on the public sector, with a limited presence in the private sector because of restrictions imposed by employers on trade unions' activities, and due to the fragility and small size of private sector institutions, which prevents the constitution of company level trade unions.

- The ILO believes that "the choice of the most representative organizations to participate in tripartite and collective negotiations should be based on objective and specific pre-defined criteria to avoid bias or abuse. The lack of clear procedures to determine representation standards leads to risks of political partiality. In other words, the definition of criteria should not be left to the government. In most cases, representation standards are set according to the law after consultations between workers' organizations and concerned employers' organizations. However, in other (more limited) cases, standards are set based on a tripartite consent (the Czech Republic for instance).

- Autonomy is mainly measured by funding sources. When funding entirely depends on self-resources (memberships and property), this would have positive impacts on the autonomy of organizations and their capacity to engage in social dialogue and social movements with no stress or anticipation. Autonomy is also measured by the ownership of the trade unions' facilities, and the management of recruited agents not assigned by the government. Autonomy is measured also by the organizations' ability to design their statutes and bylaws, and by their ability to elect their representatives, and organize their administration, activities and work plans freely, without the interference of public authorities.

- The ability to suggest and negotiate: this may be reflected in the organizations' study and research structures (departments, centers...) enabling them to discuss various topics of the social dialogue, equally with the other parties.

#### 4. Indicators about the social dialogue topics

When Social Dialogue is limited to material claims and demands, this is an indicator of its weakness, and this is how social dialogue in many southern countries can be described. In order to realize an intensive social dialogue, legal texts must contain issues related to professional relations with socio-economic implications. The following areas can be suggested for an intensive social dialogue:

- Purchasing power and work conditions.
- Professional training.
- Occupational Health and safety.
- Social security.
- Employment policies.
- Major horizontal reforms such as public education, public health, labor legislation and retirement...

The Labor Organization suggests the following list of topics that can be included in Social Dialogue:

- **Labor and employment relationships :**

- Work legislations and compliance with the labor code.
- Setting wages including the minimum wage.
- Settling work disputes of national importance.
- Freedom of association.
- Collective bargaining procedures.

- **Economic policies**

- Macro-economy and economic growth policies framework.
- Structural changes and economic transformation.
- Monetary policy.
- Productivity and economic competitiveness .
- Taxation and financial policy.
- Transition to market economy.
- Regional complementarities.
- Structural adjustment programs.
- Poverty reduction strategies.
- Trade policies.

- **Creation of job opportunities**

- Labor market policies.
- The creation of job opportunities in SMEs.
- Sustainable companies.
- Employment policy.
- Education and training policy.
- Immigration policy.

- **Gender equality**

- Elimination of gender discrimination in employment, including the wage gap between the two genders.
- Sexual harassment and gender-based violence at the workplace

- **Social security and social protection**

- HIV, AIDS and the work environment.
- Social welfare and pension reform.
- Social protection.
- Maternity protection.

- **Work conditions, occupational health and safety**

- Working hours.
- Working time.
- Measures to reconcile between work and family.
- Parental leave.

- **International working standards and I.L.O. programs**

Any subject related to international working standards is a worth-discussing subject in the tripartite social dialogue at the national level

## 5. Indicators of the actual impact of the social dialogue

These are indicators related to the efficiency of Social Dialogue. They are important because they reflect the credibility of authority's political will, the employers' conviction about social dialogue and the unions' ability to make real gains. The issue is of a very important dimension in countries of the south, where agreements often remain in the form of minutes and are not published in the Official Gazette. If published, the authority usually lingers in applying them, which leads to strained work relations and social climate. This can be even worse in the private sector where SME employers do not participate in the dialogue unless under pressure in tense atmosphere and delayed enforcement. Indicators can be specifically set about:

- Coverage scope of social agreements on employees, sectors and specialties.
- Publishing agreements in the Official Gazette.
- Enforced/signed agreements ratio.

## 6. Social movement indicators

They relate to the social climate where the social dialogue is held and to how serious and practical this dialogue is.

When social movements are intense, taking unconventional forms such as sit-ins in businesses, the social dialogue can only be more difficult. The following indicators can be used:

- Number of illegal lockouts (unexpected or unframed by unions).
- The number of lost working days.
- Rate of workers' participation in lockouts.
- Number of concerned companies (public sector/private sector/foreign investors).
- The number of sit-ins.

Absolute numbers are not important here as their size varies from country to another with no major significance, but what really matters is the evolution of indicators from one time period (month, year) to another. If it is a positive and high evolution, then it indicates the intensification of social movements, a difficult social dialogue context and limited efficiency.

## 7. Indicators related to the practice of union activities

This means the support that a country or a business owner can give to a trade union organization or a main union, believing in the importance and necessity of a regular social dialogue. Support can take several forms of which:

- Withhold subscription fees from wages and transfer them to unions.
- Assign some civil servants to work in unions.
- Allow the union to have an office inside the company or to have its own facilities for meetings.
- Grant paid leave authorizations to attend union activities.
- Protect the union representative against dismissal or transfer.

## 8. Indicators about the social dialogue's impact on economic efficiency

Talks about these indicators have started since the release of Richard Freeman and James Medoff's book under the title of "What do unions do?" raising a controversy at the end of the analysis suggesting that unions interfere in political issues, and that strikes have negative effects on the profitability and productivity of institutions, and on economic efficiency in general. Nevertheless, these assumptions face a difficulty which is the absence of direct cause-effect link between strikes for instance and productivity or profitability, which can be affected by other factors such as outdated or broken equipment, or fierce competition.

On the other hand, some believe that there is a direct and a positive relationship between the quality

of Social Dialogue and the seriousness and economic efficiency of institutions. What is meant by quality here is a regular dialogue that leads to enforceable agreements not just for decoration.

- On a national level, we compare strikes increasing rate and growth of the GDP, and the evolution of some other variables affecting productivity, such as weather conditions, international competition, tourism.... Econometrics methods can be used to determine variables that affect, more than anything else, productivity and economic efficiency in general.

- On the institutional level, it is possible to compare the evolution of some efficiency indicators such as gross profit, market shares or productivity with social movements and the evolution of some other variables such as market competition, investing in the improvement of productivity tools, presence or absence of professional training....It is also possible to compare the profitability of companies engaged in social dialogue and authorizing union activities with institutions that didn't.

### 9. Indicator on unstructured or informal economy

The larger the informal economy is in the national economy, the less chance there is for the presence of Social Dialogue in this type of economic activities.

In an ILO report, the informal economy was referred to as “economic activities carried out by workers and businesses, and which are not covered or entirely covered by official procedures, whether legally or in practice”.

Today, there is a large percentage of the workforce who earn their living this way. In developing countries particularly, the informal economy offers 35% to 90% of total employment, and it includes an important number of rural workers and migrants. Workers in the informal economy are known for being particularly vulnerable due to the absence of a structure to convey their voice or ask for better work conditions, gender equality and social allowances. However, in 2002, the International Labor Conference adopted a decision related to decent work and informal economy, and suggested a comprehensive tripartite platform made up of government representatives and employers' / employees' organizations in all ILO member states. The conference called for the need to fight against appalling work conditions in informal economic activities in four major areas: employment, rights, social protection and representation. This call was reinforced by the ILO 2008 declaration about social justice for fair globalization, which stated that these four pillars of decent work are “correlated, interdependent and complementary”.

The same source added that “a number of International Labor Conference decisions about the informal economy have been recently issued, specifically the reinforcement of sustainable institutions (2007), rural employment to limit poverty (2008), developing skills (2008), gender equality (2009), conclusions of recurrent discussions about employment 2010”.

### 10. Political indicator and business indicator

There is no doubt that an open and unrestricted political climate, with political institutions and the peaceful alternation of power offer a good context for a sound Social Dialogue, and that the corruption of the business climate would complicate this dialogue in the absence of the rule of law. There are national and international organizations that publish numbered indicators for that purpose.

### 11. Complaints indicator

This refers to complains raised against the state or employers about work relationships, to national organizations or to ILOs inspection bodies , knowing that whenever the number of complaints increases from one period to the other, this indicates the weakness of social dialogue.

### 12. The general indicator of social dialogue

Statistics and quantitative research institutions publish indicators to measure some economic phenomena, such as the general consumption indicator to measure financial inflation, or the human development index. The regional development index was recently published in Tunisia, and it is divided into one main indicator and several sub-indicators and other sub sub-indicators with different weights. Regions are ranked according to their classification in the general index ranging between 0 and 100.

Assuming that we have 10 countries and 5 sub-indicators for Social Dialogue, each worth 20 points, it would be possible to design a general index for the social dialogue as follows:

C o u n t r i e s	Classification	Social Dialogu e General Index	Subindicator 1	Subindicator 2	Subindicator 3	Subnindicator 4	Subindicator 5
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							

## CONCLUSION:

An effective Social Dialogue is a mechanism for good governance, social harmony and economic efficiency.

Serious studies non geared against unions do not deny that a genuine social dialogue is an integral part of the company's social responsibility and is a good governance tool in democratic countries, and that there is a serious social dialogue in economically efficient, industrialized and developed countries, where agreements are respected.

In order to achieve real Social Dialogue that guarantees both social equality and economic efficiency, it is necessary to:

- Support the legitimacy of employees' and employers' organizations by increasing their memberships and their suggestion and negotiation ability;
- Support the contractual autonomy of social partners
- Make collective bargainings in sectors and organizations more flexible
- Clarify the liabilities of the different representing committees to avoid overlapping
- Produce and publish social information at the institutional, sectoral and national levels,
- Support conflict prevention mechanisms
- Support the professional career development of workers' representatives

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