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Panel discussion: the status and development of European social dialogue

Thank you very much for your kind invitation to me to attend this Conference. I was asked to give a brief statement on the status and development of European social dialogue from the public service broadcasters' point of view and I am happy to stress and discuss four "headers" and four conclusions which are of importance to public service broadcasters in the context of the Social Dialogue in the audiovisual sector, just recently established at Community level.

The first point is history.

The history of European social dialogue in the audiovisual sector means, to date, "social dialogue in the European Member States". There is a long history of social dialogue in Western Europe within the public service broadcasting sector. Traditionally, public service broadcasting has always had, throughout the Western European Member States, a rate of union membership which is well above average. Since the 1960s and 1970s, there have been negotiations in most, if not all, Western European Member States on collective agreements regarding working conditions within public service broadcasting organizations, covering employees as well as, in some cases and to some extent, even freelance workers, dealing with salaries, working time, sickness payments, holidays, pension rights, etc. I think it is fair to say that public service broadcasting is, within all the media, the sector with the most successful and sustainable history of negotiations history and with the most detailed collective agreements.

The main reason for this history, in my view, is the fact that the social partners realized that if high-quality broadcasting services are to be offered on a sustainable basis, social dialogue is indispensable. And this successful history, I may add, has been helped by the fact that the financing of public service broadcasting has been stable.

Second point: diversity.

The audiovisual sector is diverse. There are the cinema, television, radio, new media services, there are public service broadcasting and commercial broadcasting, there are a hundred different types of profession within broadcasting alone. As regards the level and intensity of social dialogue, a major difference exists between social dialogue in broadcasting and social dialogue in film production. Within broadcasting there is a large gap between public service broadcasting and commercial broadcasting. And even within public service broadcasting itself, there are differences between Member States, as well as between public service broadcasters within Member States. These differences relate not only to salaries and other economic working conditions but also, *inter alia*, to pension rights, social security, protection against dismissal, working conditions and social benefits for freelance workers, etc. These differences can be easily explained by, in particular, the different economic situations of broadcasters and the different competitive environment which exist in various Member States and even within one

Member State. Another reason is that the broadcasting systems differ to quite a large extent between Member States.

Third point: sector specificity.

The Social Dialogue Committee for the audiovisual sector has been created to cover broadcasting, both public service and commercial, and film and television production. The purpose is to safeguard the sector-specificity of the sector as a whole. This is not in contradiction with the diversity as outlined above. The audiovisual sector serves social, democratic, pluralistic and cultural goals. It shares these goals with other media, such as the print media. However thanks to its mass appeal, the audiovisual sector is subject to specific conditions, obligations and regulations. These apply specifically to public service broadcasting, but they also play a role in commercial broadcasting. And they are also mirrored, at least indirectly, by film and television production.

At the same time, audiovisual work is specific in practical terms. To achieve the goals mentioned earlier, there is need for highly qualified employees who are able to react quickly and to adapt creatively to constantly-changing viewer demands, and at the same time they need to cope with a rapidly-developing technical environment. European social dialogue in the audiovisual sector will need to discuss any employment topics in the light of such sector-specificity.

Fourthly, enlargement.

In addition to history, diversity and sector-specificity there is now the enlargement of the European Union, which will duplicate and multiply each and every aspect that has already been mentioned here. Of course, each public service broadcaster in the new Member States has its own history as regards social dialogue, each will add to the existing diversity within Europe, and each will contribute in its own way to the common understanding of the sector-specificity.

Where there is not yet social dialogue - and as we learned earlier today there are already quite a number of collective agreements in public service broadcasting within the new Member States - it should be for the social partners in the respective Member States to develop the mutual understanding necessary for a social dialogue relationship. Each side will need to assess the need and possible advantages of social dialogue and the extent to which it is necessary. The Social Dialogue Committee may offer help in that assessment and in finding a common understanding. What should not happen is European social dialogue replacing national social dialogue in such countries.

Fortunately, the EBU put "enlargement" into practice more than ten years ago, when the EBU and its sister union OIRT merged in 1993 after the end of the Cold War. Since then, the EBU has benefited from discussions with broadcasters from Eastern Europe on the whole range of broadcasting issues, including labour and employment. And the Eastern European Members are already quite familiar with the situation in Western European countries as regards audiovisual law and policy. For the Social Dialogue Committee, we hope that we can benefit from this ongoing process of reciprocal education.

Conclusions

From these four points four conclusions can be drawn for future European social dialogue:

The first task of social dialogue at the European level is to learn, i.e. to gather and share information, and particularly information on employment systems and social dialogue practice within the audiovisual sector. This can be carried out systematically, as undertaken by the study on "Culture and Media" which has recently been ordered by the Commission. It also *needs* to be undertaken in a topical way, by considering current Commission and EU legislation developments which concern the audiovisual sector.

The second task is, first on each side separately and then jointly, to establish common topics for further treatment within the Social Dialogue Committee. The element of sector-specificity should help to identify those topics where a sector-specific discussion is possible and where a sector-specific view can be shared. A first step has been taken by the Committee in identifying the following five topics: Follow-up to Community legislation and policies, training as a tool for adapting to change, health and safety at work, equal opportunities and, of course, challenges through enlargement. Further refinement is naturally required.

The third task is to develop a relationship based on communication and negotiation and trust within the Committee. The present structure, with an Assembly, a Steering Committee and Expert Working Groups seems appropriate for this task. However, everyone involved in that bargaining knows that it takes time to create the trust and understanding necessary for that collective bargaining to be successful, and that this relationship is much easier to develop on a day-to-day or weekly basis at the company, regional or national level.

This leads me to a final point, the working principle.

The Social Dialogue Committee should apply as a working principle the principle of subsidiarity, which I believe is particularly important at the start of its work. It is, firstly, one of the fundamental principles of the European Union and is now defined in Article I-9(3) of the new Constitutional Treaty as follows: "Under the principle of subsidiarity (...) the Union shall act only if and insofar as the objectives of the intended action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level". Everything that can be dealt with better by means of social dialogue at the national, regional or company level should be dealt with there. It is, secondly, also one of the basic and common labour law principles in national and European labour where laws provide for the possibility of opt-out clauses on the basis of collective agreements on the national, regional or company level. The Social Dialogue Committee at EU level should always, at every stage, reflect on whether, and to what extent, an employment issue needs to be treated by the Committee at the European level. In so doing, the Committee can also support the Commission in drawing the appropriate line between the need for a common European approach and a national approach.

Subsidiarity would also reflect the points I briefly mentioned at the outset: the history, diversity and sector-specificity of the audiovisual sector, and particularly of public service broadcasting, within the various Member States. Of course, all the points mentioned do not make social dialogue easier. But I think they help in providing a realistic basis for the Social Dialogue Committee to bring about constructive discussions, negotiations and solutions as a result of the efforts by all members on both sides.

Thank you.