



EURO-MEI *umi*

**« REINFORCE THE
REPRESENTATIVENESS
OF THE SOCIAL PARTNERS
IN THE SPORT SECTOR:
ROW THE BOAT PROJECT »**

FINAL CONFERENCE – Minutes

*Held on Thursday, 7th and Friday, 8th February 2008
from Thursday 12:00 until Friday 13:00
at the Papendal Hotel and Conference Centre
in Arnhem, The Netherlands*

Welcoming message

Allan PILKINGTON

SkillsActive and the European Observatoire of Sport and Employment (EOSE)

Leif NICKLAGÅRD

EURO-MEI

Allan PILKINGTON welcomed the participants. His feeling was that the time for talking was now over and he hoped that something practical and realistic would be the outcomes of the RBT Final Conference.

Leif NICKLAGÅRD hoped that the Conference would see the start of something new.

RBT project presentation

Marie LEROUX

EASE President Delegate and RBT project Manager

Jim WILSON

Director, EURO-MEI

I. The project

Marie LEROUX explained that the Row the Boat (RBT) project was proposed by EASE and EURO-MEI as a way of finding solutions to the regulation of social issues at European level. Two issues had emerged: the high mobility of workers and employment growth that was higher than in other sectors. The Declaration of Nice in 2000 recognised for the first time the specificity of sports and the recent Lisbon Treaty will provide further recognition. Regulations at European level need to be developed and this has been the subject of action by EASE and EURO-MEI, through use of the European Union (EU) Treaty.

From 2003, EASE and EURO-MEI have worked on social dialogue in the sport sector at European level. Only a few countries in Europe have negotiated collective agreements. Professional sport is an advanced sub-sector, where it is easier to negotiate an agreement because there are less actors to federate. However, Marie LEROUX was sure that what is happening at European level is stimulating social dialogue at national level and that the situation would improve.

The project considers all sports, within the framework of industrial relations and covering as many employees as possible. It is financed by the Directorate General for Employment, Social Affairs and Equal Opportunities (DG EMPL) of the European Commission, with the aim of developing social dialogue through the reinforcement of existing social partners, particularly in countries where social dialogue is just emerging.

II. EASE

EASE was founded in 2003 with a mission to defend the rights and interests of national and European employer organisations and work for the harmonious development of the sport sector. There are two categories of membership: full membership and associate membership. EASE has commissions for voluntary sport, professional sport, fitness and outdoors as it is important to have dialogue between specific areas.

EASE led the Building the Social Dialogue in the Sport Sector project (BSDSS project), which has been an important first step for the organisation. It has also participated in a number of other projects and is currently involved in projects on the European Qualifications Framework (EQF).

III. EURO-MEI

Jim WILSON congratulated EASE on the way it has developed so that social dialogue could now happen as a result of employers being organised. He explained that UNI is a global confederation of trade unions in the services sector and that UNI-MEI is the global sector for media, entertainment, arts and sports. Within UNI, UNI-Europa was the representation for the European region and within UNI-Europa, EURO-MEI represented the relevant sector in Europe.

Although the sport sector within EURO-MEI currently has no real formal structure, unions are active in the same four areas of professional sport, voluntary sport, fitness and outdoors, although

outdoors is less represented as it is not an area that has traditional labour relations. EURO-MEI works very closely with other groups in the sector.

EURO-MEI has adopted 12 principles, with the principle of freedom of association being key to the RBT project. The principle of atypical workers is also particularly relevant to sports. Professional sport and training, and health and safety are issues that EURO-MEI wants to do more about in time, and social dialogue is also key. Increasingly, intellectual property rights are becoming important.

For EURO-MEI, it has not been so much a question of organising sport workers, but finding an appropriate structure to work through. While many people are part of EURO-MEI, it is difficult to quantify an exact number, as people are often spread around other unions. Rather than looking for new members therefore, it is important to find a way in which people could relate.

IV. Social dialogue

1. The Sectoral Social Dialogue Committee

Marie LEROUX explained that the Sectoral Social Dialogue Committee will be created by a decision of the European Commission. The European social partners - EASE and EURO-MEI - have to demonstrate that their members are recognised representative and capable of negotiating at national level. The aim of the Sectoral Social Dialogue Committee is to recognise the sport sector in the same way that other sectors in industrial relations are recognised.

2007's White Paper on Sport remains a good opportunity and it is clear that the European Commission wants the social partners to organise themselves, which the partners would try to do so as quickly as possible.

2. Project activity

Within the project, some preliminary research was done by the European Observatoire of Sport and Employment (EOSE) on social dialogue, with a database mapping existing employer and employee organisations - social partners - within the 25 EU Member States (as of 31.12.2006), and the 4 sports sub-sectors identified and represented within EASE. This work produced two 'Maps of the 100', with one for employers and one for employees, and more than 200 organisations are now registered. The research also provided an overview of sport systems in the EU Member States, showing how sport is organised.

After the preliminary research, at level 1 - social partners identified at national level who are already affiliated at EU level - the aim was to establish and maintain contact with the sport social partners, and EASE and EURO-MEI organised informal meetings with football organisations and representatives of other professional sports. A "Professional Sports Meeting" was organised in Brussels. This meeting was the opportunity for the EASE and EURO-MEI representatives to present their organisations and the RBT project. Representatives of the EC actively participated in this meeting. The football representatives presented their work on building a European social dialogue for professional football. This meeting gave the participants a good overview of the social dialogue stakeholders at European level in the sport sector and confirmed that social dialogue is an instrument which would allow social partners to contribute to the shaping of employment relations in an active and co-operative way. An "Informal Social Dialogue Meeting" in Brussels was organised, where the structure of the Sectoral Social Dialogue Committee was discussed, as well as the subjects it might cover. This provided a means of indicating willingness to participate in social dialogue for the sport sector. The outcome of the work at level 1 will be a feasibility study for the future application for the creation of a Sectoral Social Dialogue Committee. The Conference today will identify some of the elements that the study should cover.

At level 2 - social partners identified at national level but not yet affiliated at EU level - round tables were organised in Spain, Denmark, Finland, Italy, Portugal and Austria on the benefits of European social dialogue. The round tables showed the importance of learning from each other and made it clear that not all countries that have employee and employer organisations are ready to be affiliated at European level, but first need to develop social dialogue at national level.

At level 3 - countries where social partners do not exist at national level or are not recognised as official social partners and not affiliated at EU level - the aim was to meet local authorities and share with them the knowledge of creating national employer and employee organisations. Bulgaria, Hungary, Poland and the Czech Republic were targeted. Small informal meetings were held with identified stakeholders and the benefits of national as well as European social dialogue, were presented. A draft feasibility study was carried out on the creation of employer and employee organisations and this will be sent with all comments to the European Commission, with the final report, and will play a key part in developing social partners at the national level in those countries. Recommendations were given for each country on what might be done to develop social dialogue.

All employer and employee organisations in the different sub-sectors are listed in the database. Currently, 227 social partners have been identified, with more employee organisations than employer organisations. The most organised sector is the professional sport sector. There are also an information card for each country targeted, providing details on how social dialogue is organised.

Today's Conference brings together all organisations and stakeholders that were targeted in the project and is an important occasion for disseminating the results of the project.

V. Conclusion

The aim of the project was to strengthen European social partners, with the goal of giving equal importance to each sub-sector. The project focused on the identification of the social partner organisations in the European Union in the whole sport sector and on the stimulation of social dialogue at national level. A lot remains to be done, but the benefits of the project will be felt in the months ahead.

European sectoral social dialogue framework

Heinrich WOLLNY

**Social Dialogue and Industrial Relations Unit, Directorate General for Employment,
Social Affairs and Equal Opportunities, European Commission**

I. Social dialogue

1. The European framework

Heinrich WOLLNY explained that his interest in sports relates mainly to the social dialogue side, as well as the free movement of labour and social inclusion. European social dialogue allows partners to shape employment relations and to give opinions on European Commission's initiatives.

European social partners need to be organised at European level within a specific sector or at cross-industry level and be established from national members who are themselves recognised social partners at national level. European social dialogue is therefore very much based on the social dialogue systems in the Member States. Partners also need to demonstrate that they have appropriate structures to be able to work at European level. Sport federations do not usually have a social partner role. However, they are often employers and could be part of social dialogue as long as they are independent organisations. The European Commission feels that it makes sense to include governing organisations in social dialogue as far as sport governance is concerned.

The Commission provides Sectoral Social Dialogue Committees on the basis of autonomy and responsibility. The social partners decide what subjects should be covered and what the outcomes should be. Partners have this responsibility because they are committed to regulating employment relations in their areas.

Additionally, the Commission's Social Dialogue Unit checks if the social partners are truly representative and provides support for meetings. It also facilitates contact with other parts of the Commission. On top of that, there are also opportunities for applying for co-financing of projects.

2. Possible outcomes of European social dialogue

In terms of outcomes, there is the possibility of agreeing on joint declarations or joint opinions, or developing tools to share best practices with members, national governments or the European Institutions. A next step is a recommendation on standards and principles, taking the form of guidelines or policy orientations, as well as frameworks of action, where priority areas and minimum standards would be agreed at European level. Evaluations can then be carried out and conclusions drawn. There is also the possibility for management and labour to implement an agreement through national social dialogue. Additionally, the Commission could be requested to pass on national agreements to the European Council where they could be adopted as a directive. This therefore means that social dialogue could shape European law.

II. Social dialogue in sport

The Commission has already received requests for the setting up of a European Sectoral Social Dialogue Committee from the professional football and professional cycling social partners. The Commission said that it will be pragmatic as regards sports and does not insist that everyone should be ready at the same time. However, it is important that there eventually will be some kind of coordination.

If the decision is made to set up a European Sectoral Social Dialogue Committee on sports, the European social partners should send a joint request to the Commission and a questionnaire will then need to be filled out. The Commission will then give formal recognition and invite partners to a meeting where the rules of procedure will be defined and a joint work programme adopted.

Social dialogue in sports is, in fact, already in place in many Member States. There is more and more professionalisation and employment in the sector and it is increasingly synchronising with employment legislation. Social dialogue could therefore become a way of identifying and solving problems. There are challenges in the voluntary sport sector and in the range of sub-sectors. The Commission is ready to work with all stakeholders to move things forward.

Questions and answers

A representative of professional cyclists asked how the different sports would be articulated in the Sectoral Social Dialogue Committee (SSDC).

Heinrich WOLLNY replied that it is up to the social partners to decide how they want to work together. The European social partners have the possibility to divide the SSDC into different working groups (standing committees). Heinrich WOLLNY took the example of Civil Aviation. That SSDC is divided into 3 working groups:

- Air Traffic Management (Air Navigation Employers / Pilots and Transport Workers)
- Ground Handling (Airports and 3 Airline Associations / Ground Handlers and Transport Workers)
- Air Crew (3 Airline Associations / Pilots and Transport Workers).

Jaume FORT, the President of the European Handball Players' Union, asked how he could get support to raise awareness of the situation of handball players from a global, legal point of view.

Marie LEROUX replied that European social dialogue can help raising awareness of their situation and even can help finding solutions to solve some issues. A European SSDC for the sport sector as a whole would be the ideal platform to gather and even merge the efforts taken at several levels and in different sub-sectors of the sport sector: getting a better understanding and sharing issues with others is key. The idea is to find common ground while also respecting the specificities of all sub-sectors.

Welcoming message from the Dutch National Olympic Committee

Marcel STURKENBOOM

Director, Dutch National Olympic Committee

Marcel STURKENBOOM explained that the Dutch National Olympic Committee is the umbrella organisation of all sport federations in the Netherlands. His responsibilities include local sports and he is also a board member of the Dutch employer organisation for sports (the WOS), located at Papendal. Papendal also has a sport innovation centre and many top athletes use facilities there.

There is still a difficult road ahead before the objective of proper representation of employees and employers in all the Member States of the European Union will be achieved. Social dialogue and a sport Sectoral Social Dialogue Committee are very contemporary concepts, dealing with issues such as the freedom of movement of workers, the recognition of qualifications and vocational training, and the creation of legislative proposals. It is important to support the start of social dialogue in the sport sector and an honour for Papendal to host the RBT project Final Conference.

The White Paper on Sport

Andrzej ROGULSKI

Sport Unit, Directorate General for Education and Culture, European Commission

I. 2007: an important year for sport in the European Union

Andrzej ROGULSKI stated that 2007 was a very important year for sports in the European Union, with the adoption of both the White Paper on Sport, the first comprehensive policy initiative ever to be taken by the Commission on sport issues, and the Lisbon Treaty which, for the first time, will include a reference to sports.

II. The White Paper

The White Paper is the culmination of a long process where high expectations were raised in the Commission to promote sports and there had been a call from stakeholders to achieve more legal certainty. After two years of consultation, the Commission considered that there needed to be a comprehensive initiative on sports, while respecting the competence of the Member States in sport policy and the traditional autonomy of sport organisations. At the same time, the Commission also needed to respect the current European Union legal framework. The aim was to strike a balanced approach between all the different sports and not focus simply on football, for example.

The proposals in the White Paper had to take account of the fact that there was no current specific European Union competence for sports and that led to the adoption of soft instruments. These include studies, the promotion of networks, better use of EU programmes to finance sports, recommendations and enhanced cooperation, and dialogue structures with sport stakeholders. Strategically, the objective was to provide an orientation on the role of sports in the European Union, raise awareness of the specificities of the sector, promote a better understanding of the application of EU law to the sport sector, enhance the visibility of sports in EU policies and programmes, continue the debate on specific problems and define appropriate levels of action.

The White Paper identifies 53 concrete actions to promote sports in the European Union and includes information on the application of competition law and internal market provisions. Its focus is on social, economic and organisational aspects.

2007 was therefore the beginning of a crucial phase for the promotion of sports at European level and some activities set out in the White Paper have already started. However, there is a need for further constructive dialogue with all stakeholders.

III. Conclusion

The European Commission considers European social dialogue in the sport sector to be an instrument that allows social partners to contribute actively to the shaping of employment relations and working conditions. The key challenges are to identify whether all sports or certain specific sports should be involved, who the partners should be and what should be done.

Questions and answers

Jim WILSON asked for clarification on the different references to dialogue in the White Paper.

“5.1 Structured dialogue

(49) The Commission intends to organise the structured dialogue in the following manner:

- *EU Sport Forum: an annual gathering of all sport stakeholders;*
- *Thematic discussions with limited numbers of participants.”*

“5.3 Social dialogue

(53) The Commission encourages and welcomes all efforts leading to the establishment of European Social Dialogue Committees in the sport sector. It will continue to give support to both employers and employees and it will pursue its open dialogue with all sport organisations on this issue.”

Andrzej ROGULSKI replied that the different approaches to social dialogue and structured dialogue can be complementary. The former relates to issues such as working conditions and relationships between management and employees, while the latter is more about governance between sport stakeholders.

Bernadette SEGOL, the Regional Secretary of UNI-Europa, commented that is a common definition of social dialogue is critical.

Andrzej ROGULSKI replied that he understands the concerns raised and that the European Commission will be inviting all the partners to discuss this issue with them.

Marie LEROUX stressed the difference between social dialogue and structured dialogue: social dialogue is exclusive to social partners; structured dialogue is open to all the sport stakeholders.

The importance of social dialogue in the sport sector

Drs. Paul RUIJSENAARS

Ruijsenaars c.s.

I. The “*Stop the Doping Inquisition*” Manifesto

In drugs misuse, it is important not to emphasise differences and recriminations, but to try to identify what is necessary to clean up the mess. The victory of the cyclist Bettini, firstly in the courtroom and then on the road, was a victory over the atmosphere of purity imposed by the cycling and other sport authorities. The “*Stop the Doping Inquisition*” manifesto sums up the

medieval essence and the exaggeration of the legal system on doping regulations. International sport authorities continue to try to ignore the regulations and persevere with their monopolistic and autocratic conduct. However, people at high levels of sport organisations support the manifesto, although they are afraid of making their support public. The World Anti-Doping Organisation (WADA) is an undemocratic, monopolistic legal forum, which excludes any influence from the people affected by it.

Doping has become an instrument for image enhancing for people organising large sporting events, who put themselves up as champions of a new pure order in sports, and it is also used for political reasons. WADA needs to remove non-performance enhancing pharmaceuticals from its list of prohibited substances.

II. Sport as an industrial organisation

Democratic society has industrial relations where employers and employees have equal representation. Sports began with sportsmen and women. The International Olympic Committee (IOC) started off taking care of sport interests, but it is now the world's biggest sport event organiser and gives priority to broadcasters and sponsors. A strong international union of athletes and sport workers should claim a modern co-management position in organisations such as WADA to create a modern structure for the regulation and sanctioning of the use of doping. Large sport organisations would have big problems respecting the autonomy of regulations made by the athletes, workers and employers, who together could again form their own sport community, with no interference from megalomaniac organisations.

Questions and answers

Michael TRINKER of the Austrian Sports Federation (BSO), stated that he did not agree with a lot of things that were said.

Paul RUIJSENAARS admitted that this was a new way of looking at things.

Feedback from the working groups

Employer side

Marie LEROUX

EASE President Delegate and RBT project Manager

Marie LEROUX identified the key issues on the employer side. Firstly, the so-called sport specificities need to be defined. On freedom of association and the European standard contract, it is important to be proactive. Education and vocational training needs to be addressed by the social partners, and health and safety needs to be regulated.

The employer representatives agreed that it will be necessary to adapt the Sectoral Social Dialogue Committee to the priorities of social partners and that dialogue should cover very specific issues. As regards the follow-up of the RBT project, it is important to quickly apply for establishment of a European Sectoral Social Dialogue Committee for sports and initiate a project to look in greater detail at the content of social dialogue.

EASE is willing to continue cooperating with EURO-MEI on European social dialogue in the sport sector.

Employee side

Leif NICKLAGÅRD
EURO-MEI

Bernadette SÉGOL
UNI-EUROPA Regional Secretary

Marjolein OORSPRONG
EURO-MEI Co-ordinator of the sport sector

Leif NICKLAGÅRD reported that the group talked about education and training, mobility, health and safety, image rights, doping, minimum salaries and equal opportunities. Some people thought that the White Paper could act as a platform for social dialogue. It was agreed that it will probably be best to start with soft issues: issues on which a consensus is easily reached. It was also felt that it could take time to establish social dialogue and a single subject should therefore be selected for initial focus.

Bernadette SÉGOL underlined the rules and structure under which UNI-Europa works and which allow it to be recognised as a social partner by the European Commission. Dealing with soft issues first is a way of responding to members' needs and interests in the sport sector. UNI-Europa will continue to work with EASE on social dialogue in sports and will seek to construct the dialogue with them in a very positive way, as well as with the European Commission.

Marjolein OORSPRONG stated that, together with EASE, the intention is to apply to the European Commission for financing of a further project consisting of three meetings: two content-based conferences and one informal social dialogue meeting.

Joint declaration

Introduction of the Joint declaration on the mutual recognition of EASE and EURO-MEI and the social dialogue

Jim WILSON
Director, EURO-MEI

Jim WILSON summarised the Joint declaration.

- Firstly, it includes a commitment to support social dialogue at European and national level.
- Secondly, it is the first step towards establishing the European Sectoral Social Dialogue Committee.
- Thirdly, social dialogue is key to improving professional standards in the sector.
- Fourthly, there is an interest in encouraging dialogue at different levels.
- Fifthly, there is a commitment to provide coordination.
- Sixthly, EASE and EURO-MEI believe that the social dialogue should follow the European social model.
- Seventhly, practical measures will be taken to get constituents involved.

“1) EASE and EURO-MEI, and their respective members, hereby recognise each other as social partners at European and national level for the sport sector in all its variety, including voluntary sports, professional sports and commercial sports, keeping in mind the specificities of each.

2) EASE and EURO-MEI believe that this mutual recognition is an essential pre-condition for the development of the social dialogue at all levels. It is the first step towards the establishment of a European Social Dialogue Committee for the sport sector by the European Commission.

3) EASE and EURO-MEI are convinced that social dialogue is a keystone in improving the professional standards of the sport sector.

4) To achieve this, the members of EASE and EURO-MEI have a vital role to play nationally and locally. EASE and EURO-MEI encourage their members at all levels (including the national level) to improve their arrangements for social dialogue and to develop and/or reinforce the content of this dialogue in order to respond to the needs and concerns of both parties.

5) EASE and EURO-MEI believe that coordination between the different levels of social dialogue (European, national and local) needs to be improved to increase the impact and the visibility of the results obtained.

6) EASE and EURO-MEI believe that the social dialogue in the sport sector should follow the European Social Model; promoting freedom of association, recognising representatives from both sides and building constructive dialogue, both at national and European level.

7) Finally, EASE and EURO-MEI will take practical measures to promote mutual recognition between their members and to improve the coordination of the different levels of social dialogue (European, national and local).”

Reaction of the participants

Allan PILKINGTON commented on the historic nature of the Joint declaration and the fact that it provides for next steps. A show of hands unanimously supported the Joint declaration.

Conclusion

Allan PILKINGTON

SkillsActive and the European Observatoire of Sport and Employment (EOSE)

Allan PILKINGTON believed that it had been a historic meeting and that the conclusion of the meeting is contained in the Joint declaration.

Marie LEROUX

EASE President Delegate and RBT project Manager

Marie LEROUX thanked EURO-MEI and the WOS for their valuable help in the organisation of the Final Conference. She also thanked the RBT partners for their co-operation and work in the project.