

SPORT EMPLOYERS' GUIDE TO SOCIAL DIALOGUE



FOREWORD

It gives me great pleasure to write the first page of this Sport Employers' Guide to Social Dialogue. Since this Guide is the work of René VAN DEN BURG from the Dutch employers' association for the sport industry ("Werkgeversorganisatie in de Sport", WOS) and Emilie COCONNIER from the French sport employers' organisation ("Conseil Social du Mouvement Sportif", CoSMoS) they deserve all our thanks for their remarkable effort.

This Guide refers to "good practices", which could also be described as "existing practices" since they are based on the Dutch and French experiences, the two countries of the European Union out of three (Sweden) having a National Collective Agreement covering the whole sport sector or several of its segments.

At a time when European social dialogue is celebrating its 20th anniversary – adoption of the European Social Partners' Agreement in 1991 – it is quite appropriate, although belatedly, that sport shows that it is joining the fray and working towards the establishment of a European Sectoral Social Dialogue Committee (ESSDC) through the mutual recognition between the European Association of Sport Employers (EASE) and the European trade union federation in sport (UNI Europa Sport) and the demonstration of their representativeness.

In this new land of social dialogue, the authors have been acting as explorers. They had to identify the boundaries, allocate the land between the three sub-sectors of not-for-profit sport, professional sport and active leisure, identify the national social partners (quite difficult on the employer side), have them recognise each other and guide them into discussions, negotiations and hopefully agreements.

The authors of this Guide have acted as explorers in their respective land and by sharing their experience they have volunteered to become missionaries.

I hope that this message will be understood and accepted and that this Guide will help the promotion and spread of social dialogue through the European Union.



Marcel MARTIN, EASE President



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INTRODUCTION

What is social dialogue?

Social dialogue is defined by the International Labour Organization to include all types of negotiation, consultation or simply exchange of information between, or among, representatives of governments, employers and workers, on issues of common interest relating to economic and social policy.

It can exist as a tripartite process, with the government as an official party to the dialogue or it may consist of bipartite relations only between labour and management (or trade unions and employers' organisations), with or without indirect government involvement.

The social dialogue process can be informal or institutionalised, and often it is a combination of the two. It can take place at the national, regional or at enterprise level. It can be cross-industry, sectoral or a combination of these.

Successful social dialogue structures and processes have the potential to resolve important economic and social issues, encourage good governance, and boost economic progress.

European social dialogue projects

A European social dialogue in the sport and active leisure sector aims **to secure the working relation** between employers and employees and **to define minimum employment standards** as required by the high worker mobility.

Following all the work that has been done since 2003 to develop social dialogue at European level, **EASE** – the European Association of Sport Employers – and **UNI Europa Sport** – as the European trade union federation in sport – jointly brought to



a close the **CC-project** ("Moving forward towards European social dialogue in the sport sector: Content and Contact", 2008).



This project aimed at continuing the previous European project entitled **RBT project** ("Reinforce the representativeness of the social partners in the sport sector: Row the Boat project", 2006), and at preparing for the creation of the **European Sectoral Social Dialogue Committee (ESSDC) for the sport and active leisure sector which is the central body for consultation, joint initiatives and negotiation between the social partners.**

The RBT project concentrated on identifying social partners in the European Union Member States whereas the CC-project focused on the content of the European social dialogue in the sector. The CC-project has borne fruit for both employers and employees through **2 joint documents** of great importance for the sector:

- Joint Recommendations on minimum requirements of employment contracts.
- a Joint Statement on health and safety.

On the employer side, the main challenge is **the absence of employers' organisations** in many countries of the European Union.



Consequently, from 1st July 2010 until 31st December 2011, **EASE** focused on the **reinforcement of its representativeness** through the **IMPACT project** ("Social dialogue in the sport and active leisure sector: **IMPLEMENT**, **AFFILIATE**, **CREATE**", 2010) funded by the European Commission. The project activities were developed through 3 levels of social dialogue and the 3 identified sub-sectors (not-for-profit sport, professional sport and active leisure):

> **Level 1** focused on continuing the European social dialogue with UNI Europa Sport – the European trade union federation in sport.

> **Level 2** targeted the employers' organisations which had a social dialogue at national level but were not affiliated to EASE.

> **Level 3** concerned the countries which had not developed any social dialogue in the sport sector.

As a result of **level 2**, two organisations joined EASE and contacts with eight other bodies are at an advanced stage.

The highlight of **level 1** was the Informal Social Dialogue Meeting (17th June 2011, Brussels). It drafted the structure of the future official meetings of the ESSDC for the sport and active leisure sector. At this event, the national social partners affiliated to EASE and UNI Europa Sport met, by sub-sector, in order to deal with specific or transversal issues, such as working hours. They ratified the **Joint Statement on the Informal European Sectoral Social Dialogue Committee for sports and active leisure** that includes the work programmes for the future.

Sport Employers' Guide to Social Dialogue: background and tips

Level 3 was marked by a meeting with the Confederation of Employers' Associations of the Czech Republic (15th April 2011, Prague), which has no sport section yet.

On top of that, a **round table with National Olympic Committees (NOC)** was organised on 27th June 2011 at the head office of the French National Olympic and Sports Committee (CNOSF) in Paris.

During the round table, the participants discussed the benefits of national social dialogue in the sector **through the French experience**.

Even if social dialogue may seem far from the priorities of the NOC, EASE insisted on the fact that they can be real intermediaries to the sport institutions, due to the key role they play in the organisation of sports in their country and they are, therefore, **able to give impulse to the creation of employers' organisations, as was the case in France, the Netherlands and Sweden**.

The participants have understood that social dialogue is a tool which takes **into account the specific characteristics of sports in employment related issues such as working time** (the salary issue of a coach who supervises a group during a sport competition during several days, for instance).

You will find in this Guide some speeches and quotes from this round table.

As part of the **level 3** results, this Sport Employers' Guide to Social Dialogue is intended to be a practical guide explaining how to set up an effective national employers' organisation in the sector. It has served as a basis for visiting the organisations present to the round table and is, more generally, a tool to initiate the creation of employers' organisations.

In the 90s, not only the CNOSF took the initiative to create a sport employers' organisation but also the Dutch NOC (NOC*NSF). Both wanted to structure social dialogue for the sport sector. The process of social dialogue is very broad: it is not only about discussing working hours, it is also about the structuring and professionalization of the sport movement. Those issues concerned the CNOSF and the NOC*NSF. Therefore, they took the initiative to create a sport employers' organisation: the CoSMoS¹ in France and the WOS² in the Netherlands.

In all modesty, the French and Dutch models are just examples. It is not a directive or universal system that should, or could, be adopted to achieve guaranteed results. The situations in the different countries are too diverse for that. But there are most certainly similarities, areas of congruity and recognisable elements.

This Guide will provide you with some stories, tips and good practices based on the **CoSMoS** and the **WOS experiences** regarding national social dialogue in the sport sector.

Employers' organisations are institutions set up to organise and advance the collective interests of employers. Given that the range and content of such collective interests vary from one country to another, the structure, membership basis and functions of employers' organisations differ widely between countries.

Employers' organisations fulfil a variety of functions. While the historic *raison d'être* for many employers' organisations is its direct role in the collective bargaining process, employers' organisations are also involved in influencing labour market and industrial relations.

Employers' organisations also provide services to members such as the provision of information, training and consultancy.








The Bureau for Employers' Activities of the **International Labour Organization (ILO)** has developed five different guides on governance, strategy, advocacy, revenue building and communication designed to help employers' organisations build and run their organisations more strategically and effectively.

You will find in this Guide some extracts, checklists, practical exercises and best practices from the ILO guides that are useful for all employers' organisations.

Even if the journey towards national social dialogue is a long one, it is worth taking this route because the **clarification of the rules between employers and workers, the improvement of working conditions and the professionalization will be of benefit to the whole sport and active leisure sector.**

This Guide was produced with the financial support of the European Commission

ICONS GUIDE

-  Checklists
-  Back to the round table
-  Speeches from the round table
-  CoSMoS good practices
-  WOS good practices
-  Best practices
-  Practical exercise

1 "Conseil Social du Mouvement Sportif" – French sport employers' organisation

2 "Werkgeversorganisatie in de Sport" – Dutch employers' association for the sport industry

Checklist on the relevance of national social dialogue in the sport and active leisure sector



PLAY THE QUESTIONS/ANSWERS GAME TO KNOW IF SOCIAL DIALOGUE COULD FACILITATE THE RECOGNITION OF THE SPECIFIC CHARACTERISTICS OF SPORT IN YOUR COUNTRY!

Working time

YES NO

- > Is it possible for you to make your employee(s) work on evenings and weekends? ☐ YES ☐ NO
- > Do you comply with the labour law when you have to deal with the supervision of groups: sport courses, competitions on several days that imply supervision during the day and the night? ☐ YES ☐ NO
- > Do you have the possibility to face peaks periods without increasing the labour cost? ☐ YES ☐ NO
- > Is it possible for you to take into account travel time? ☐ YES ☐ NO

Employment contracts

- > Are the employment contracts always in writing? ☐ YES ☐ NO
- > Do they include specific clauses (work during the weekend, benefits in kind, supervision of groups...)? ☐ YES ☐ NO

Salary

- > Do minimum contract wages exist? ☐ YES ☐ NO
- > Do you reward your employees' seniority? ☐ YES ☐ NO

Classification

YES NO

- > Do you have classification tools to define the functions and salary of your employee(s)? ☐ YES ☐ NO
- > Does the sector offer career possibilities? ☐ YES ☐ NO
- > Do you manage to retain your employees (limited turnover)? ☐ YES ☐ NO

Training

- > Does a specific training policy exist? ☐ YES ☐ NO
- > If yes, does it contribute to the professionalization of the sector? ☐ YES ☐ NO
- > Can you benefit from specific financial resources (taxes paid by the companies, funding from the Ministries...)? ☐ YES ☐ NO

Professional sport

- > Does a specific contractual protection exist (employment contracts, minimum terms of contracts, types of breach...)? ☐ YES ☐ NO

Social benefits

- > Do you have social protection specific to the sector? ☐ YES ☐ NO

If you have mostly answered NO to the questions above, social dialogue seems to be the proper tool to take into account the specific characteristics of sport in your country!



BACK TO THE ROUND TABLE WITH NATIONAL OLYMPIC COMMITTEES (NOC)

Organised by EASE on 27th June 2011 at the head office of the French National Olympic and Sports Committee (CNOSF) in Paris.



Latvian NOC (LOK)

Velga MIZOVSKA (International Programmes Manager) went through the main issues linked to social dialogue.

➤ **Working time:** the labour law stipulates that employers have to pay their staff more if they work on evenings or weekends. There could be an agreement to adapt the labour law to the sport sector.

➤ **Contracts:** the contracts in Latvia have some stipulations regarding working time. However, they are very vague. Therefore, more developed stipulations could be agreed.

➤ **Dual careers:** the careers of the athletes are not promoted and when they stop their professional careers, they are unemployed. This issue could be considered.

➤ **Training:** some support to training activities exists. There could be a specific policy for that.

Italian NOC (CONI)

Monica RUFO (Assistant of the Legal Affairs Director) reported that in Italy there is a national agreement signed between the trade unions, the CONI and the national federations covering their administrative staff. She specified that people working in sport clubs are not covered.

According to her, social partners – who are not involved in this agreement – should discuss about stipulations regarding **working time**, **the minimum salary** and about **undeclared employment** that exists in the sector (individuals who are not officially employed by clubs but receive payment).

Polish NOC (PKOL)

Iwona ŁOTYSZ (Executive Manager for Development Projects) explained that **working time** still depends on the labour law. Therefore, working time could be an issue to be included in a social dialogue work programme.

She reported that there is a stipulation on minimum salary in the labour law and that there are written contracts in the sport sector.

“ Take the example of a bicycle race.
Would you pay more to the last cyclist to reach the finishing line one hour after the winner?
Social dialogue allows to take into account these specific characteristics of sport and to adapt labour law to the sport sector.”

Marie BARSACQ, EASE





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EXAMPLES OF THE CREATION OF
EMPLOYERS' ORGANISATIONS
FROM THE OLYMPIC AND SPORT
MOVEMENT



Different ways exist to develop national social dialogue in the sport sector.

Considering the French and Dutch successful experiences where respective National Olympic Committee gave its support to the creation of an employers' organisation specific in the first place to the sport movement, this good practice could be implemented in other European countries.

The French National Olympic and Sports Committee (CNOSF) and the Dutch National Olympic Committee (NOC*NSF) supported social dialogue until the signature of a National Collective Agreement specific to the sport sector.

At the beginning of this process, several issues linked to the **specific characteristics of sport** – such as work on evenings and weekends, supervision of groups during courses and competitions – encouraged the sport stakeholders to develop national social dialogue in the sector.

In France and the Netherlands, social dialogue has secured the working relation between employers and employees which has implied an efficient **professionalization** of the sector and has fostered the **dialogue on the specific nature of sport with public authorities**.

What was the context in which the CNOSF and NOC*NSF took the decision to engage in social dialogue?

*A SWOT analysis is a strategic planning method used to evaluate the **S**trengths, **W**eaknesses, **O**pportunities, and **T**hreats involved in a project or in a business venture. It involves specifying the objective of the business venture or project and identifying the internal and external factors that are favourable and unfavourable to achieve that objective.*



1st example: launch of the process of social dialogue in the sport sector in France (1996)

SWOT ANALYSIS



To achieving the objective

INTERNAL

Strengths

French NOC (CNOSF) leader/spokesperson of the sport movement:

- > Defence of the sport identity
- > Capacity to mobilize the stakeholders (sport federations and clubs)

Direct interlocutor of the Public authorities (Ministry of Labour)

Very supportive elected people of the sport movement

Nothing existing: everything to create, freedom to create

Weaknesses

Lack of human and financial resources

Lack of culture/experience in social dialogue and in employment issues

Huge challenge to address in the long term

EXTERNAL

Opportunities

Necessity to take into account the specific characteristics of sport in employment issues

Ministry of Labour in favour of a National Collective Agreement covering the sport sector (not necessarily specific to the sector)

Professionalization of the sector

Threats

Sport to be covered by another National Collective Agreement (recreation)

Question of credibility of the sport social partners on social affairs and employment issues



BACK TO THE ROUND TABLE WITH NOC OF 27TH JUNE 2011

José MARIAGE (CoSMoS Director) noted that the French labour law is very strict and that, in the 90s, most of the French professional branches had a collective agreement. That means that the representative social partners (employers' and employees' organisations) negotiated together some adaptations of the labour law to their sectors. However, there was neither a collective agreement on sports nor a sport employers' organisation in France.

Therefore, **the CoSMoS was created in 1997 thanks to the help of the CNOSF**. In the same year, social partners of the sport sector started the bargaining process and **signed the French National Collective Agreement on Sports on 7th July 2005**. It was a long process that took 8 years. The agreement covers the whole sector with the exception of golf and horse-riding which have their specific collective agreements. The agreement was "extended" by the Ministry of Labour (French legal procedure) on 25th November 2006 and, as a result, all the sport employers and employees must implement it.

José MARIAGE reported that the French National Collective Agreement on Sports had a double impact:

- The Ministry of Sport and the Ministry of Labour understood the financial, economic and social role of sports in France.
- It gave a structure to the working relation between employers and employees and, for example, to the vocational training issues.

In fact, all the identified employers (17 000) contribute now to their employees' vocational training, which helps employees to develop their qualification and have

better job positions. The percentage of employees who do vocational training went from 4-5% in 2003 to 26% in 2010.

Marie BARSACQ (EASE General Secretary) reported that she is the typical example of what a National Olympic Committee (NOC) can do to develop social dialogue and help to build an employers' organisation. In fact, in the 90s, she used to work for the CNOSF legal department. At that time, in 1997, when the CoSMoS was created, the CNOSF put her at the disposal of the CoSMoS. She worked for the CoSMoS for 8 years and was paid by the CNOSF. The first 2 years, she worked part time for the CoSMoS and the rest of the time for the CNOSF and, afterwards, she worked full time for the CoSMoS. Therefore, a NOC can pay someone to support the development of an employers' organisation and to initiate social dialogue for the sport movement. Today, the CoSMoS is mature enough to have its own employees. It is now an independent organisation.

Marie BARSACQ (EASE) stressed that **the CNOSF General Secretary was very involved in the CoSMoS project** and that this was of great help. Indeed, the General Secretary was convinced by the idea of having social dialogue in the sport sector. Besides, he had the capacity to promote and defend this idea, because he had the legitimacy and authority to do it.

On top of that, **some national federations supported the project of social dialogue** and placed some of their staff at the disposal of the CoSMoS.



THE 3 PHASES OF THE DEVELOPMENT OF SOCIAL DIALOGUE IN FRANCE

The development of social dialogue in France can be divided in 3 phases.

Phase 1: Brain Work (1997-1998)

The triggers of the launch of social dialogue in sports can be listed as follows:

- > The sport sector as one of the last sectors which was not covered by a National Collective Agreement (expectations of the Ministries of Sport and of Labour)
- > Necessity to recognise sports as an economic and social sector in its own right
- > A complex labour law implying an adaptation to the sport sector in order to find solutions to the working time issue (travelling for competitions, working on evenings or weekends, for instance)
- > The CNOSF willingness to think about the professionalization of the sector

Phase 2: Implementation (1998-2006)

This phase was marked by the following steps:

- > Creation by the French National Olympic and Sports Committee (CNOSF) of a sport employers' organisation – the CoSMoS – to be in charge of negotiating on behalf of the sport employers
- > Identification of the stakeholders that could be part of the bargaining process

- > Definition of the scope of application of the National Collective Agreement (NCA)
- > Negotiation and signature in July 2005 of the NCA by 2 employers' organisations and 6 employees' organisations: adaptation of the legal provisions to the specific characteristics of sport (employment contracts, working time, vocational training...)
- > Emergence of a "sport professional branch" in November 2006 with the recognition of the NCA through the "extension" of the text by the Ministry of Labour (French legal procedure)
- > Obligation for all the sport employers to implement this set of common principles that represents the NCA

Phase 3: Development (2006-2010)

In this phase, the social partners – and especially the CoSMoS – went through the following steps:

- > Adaptation of the NCA to the difficulties related to its implementation
- > Information and training of the employers
Concrete organisation of an employers' network (participation in the employment tribunals)
- > Development of the relationships with the institutions and administrations
- > Structuring of vocational training by the social partners and creation of specific qualifications ("Professional Qualification Certificates")
- > Development of tools to professionalize the sport sector

“ One of the threats for the sector in France was to be covered by the National Collective Agreement on recreation. However, the sport movement wanted the **specific characteristics of sports** to be taken into account and did not want to be mixed with the recreation sector. That is why the CoSMoS was created and, as a result, the sector achieved its own National Collective Agreement.

Marie BARSACQ, EASE

“ The National Collective Agreement on Sports was, and it is still, a tool for **developing employers' awareness**.

Marie BARSACQ, EASE

“ One of the most significant employers' successes in the negotiations on the French National Collective Agreement on Sports is that **Sunday has become a normal working day**.

Marie BARSACQ, EASE

“ The project of social dialogue was of great importance for the CNOSF because it included the **structuration and professionalization** of the sport movement.

Myriam ANTOINE, CNOSF

“ The main concern of the French social partners was to correctly evaluate the economic capacity of the sport sector to assimilate the implementation of the National Collective Agreement on Sports. They did not want to make the sport organisations disappear. Therefore, it was necessary to **agree on a framework** that would not have any major consequences on the sport sector.

José MARIAGE, CoSMoS

2nd example: launch of the process of social dialogue in the sport sector in the Netherlands (1986)

SWOT ANALYSIS	<div>+</div> <div>—</div>	
	<i>To achieving the objective</i>	
INTERNAL	Strengths <p>Started in 1986 with very supported people from some sport federations</p> <p>Willingness from the Dutch NOC (NOC*NSF) and a very big sport federation (football) to move forward and to stimulate other sport federations</p> <p>Capacity to cover the whole sport sector (we have the knowledge)</p> <p>Freedom to create: starting small and growing step by step</p>	Weaknesses <p>Lack of human and financial resources.</p> <p>No interest of sport clubs in issues linked to the working relation and no willingness of sport federations to discuss about social dialogue with their clubs</p> <p>Diversity in the size and problems of sport organisations</p>
EXTERNAL	Opportunities <p>Support of the Ministry of Sports</p> <p>Necessity to regulate the working conditions of professional sportsmen and -women</p> <p>Professionalization of the (whole!) sector</p>	Threats <p>Fragmentation of the sector: other collective agreements in sports (professional football) and close to sports (recreation including commercial outdoors and swimming-pools)</p>



SOME TIPS AND LESSONS LEARNED FROM THE WOS EXPERIENCE

The WOS has the experience that in the past period (25 years) there were 3 phases to complete step by step.

Phase 1: From recognition to initiative

- > **Recognise the moment of opportunity.** Is there a shared need (which sounds much more positive than a shared problem) that could be a starting point?
- > **Look for partners and take action.** Do not be critical if the outcome hardly resembles the desired final result at this early stage. In this phase, taking action is more important than winning.
- > **Assess the situation,** do your research and publicise your intentions to all the players on the field.
- > **Make it clear that you are a partner without a hidden agenda.**
- > **Set a future goal,** but be realistic enough to understand that the road to your destination will be long and bumpy. No matter what happens, that mission remains your point of reference. Try not to zigzag too much during your journey, don't tolerate too many distractions and stay true to your course.

Phase 2: From dialogue to execution

- > **Avoid power struggles.** In change processes, people will always try to seduce you into a confrontation about who is truly in charge. In most cases, this doesn't lead to productive results, but is very exhausting.
- > **Focus on what is already there** and not on what is still missing.
- > **Do not make the final goal too concrete,** but use

terms such as "good labour relations in the sport sector", for your own work too.

- > **Keep things simple,** keep raising questions, provide information in small portion and often and put forward themes that are of importance during the process: if you do, your message will automatically sink in.
- > **Make sure that people decide to get involved on their own initiative.** Acknowledge and reward commitment, take it seriously and make it clear that you can see that the party concerned is now truly involved.

Phase 3: Expansion and reinforcement

- > **Work slowly and consistently towards the times when things will take off.** Because they will come: "you reap what you sow", after all.
- > **Make sure the sector maintains its momentum.** Encourage discussion, research and pioneering initiatives.
- > **Learn to listen all the time :** what are your members/ partners telling you, what are their concerns? Listen and act appropriately.
- > **Try to create a shared visualisation.** Paint a picture of the future that everybody can see and join forces in working to achieve it.
- > **Delegate whenever you can.** Not only is this often a necessity, it is a useful way of strengthening support.
- > **Have the courage to think outside the box,** but never forget to return to your core competences, your strength.

More information in the article *The Dutch Case: from "Polder model" to Social Dialogue in three crucial steps*

“

*There was a small group of people who wanted to **regulate labour-related issues properly** in the sector. We wanted the others to join us in that endeavour; that was our goal.*

”

Rob UIJEN, former WOS President

“

Clear guidelines were required on how much a trainer with a particular qualification and x years of experience should earn.

”

Ab MANDERSLOOT, responsible for writing the first true National Collective Agreement for the Dutch sport industry

“

*A quarter of a century of patience, diligence, persistence, trust and, of course, a great deal of passion have led to the creation of a strong and healthy base: **a sector that has reached consensus on its desire to work professionally and provide employment**, a robust basic package of agreements and a dynamic structure that encourages a continuous stream of new developments and the appropriate actions.*

”

René VAN DEN BURG, WOS Director



BACK TO THE ROUND TABLE WITH NOC OF 27TH JUNE 2011

Latvian NOC (LOK)

Strengths (internal): good image, capacity and competence (all NOC employees have a good knowledge/background including lawyers), internal agreement between employers and employees.

Weaknesses (internal): lack of awareness of the importance of social dialogue in the sport sector, lack of political will, of information and of financial resources.

Opportunities (external): good cooperation with governmental organisations (Ministries of Education, Health and Social Affairs) and strong networking with international federations and Non-Governmental Organisations (NGO).

Italian NOC (CONI)

Strengths (internal): national agreement between the trade unions, the CONI and the national federations (about 1 800 employees are covered; people working in sport clubs are not covered).

Weaknesses (internal): sport employers – except the CONI and the national federations – are not interested in social dialogue and have at the moment no money for an effective application of this agreement (budget cuts by the State) but the labour law is respected.

Opportunities (external): structured and strong labour law, experiences.

Polish NOC (PKOL)

Strengths (internal): open-minded officers, country open in general, respect for the labour law.

Weaknesses (internal): structural difficulties (the NOC is an NGO and depends on the Ministry of Sports), no budget, no interest in social dialogue.

Opportunities (external): network with governmental organisations, improvement of the labour law.

German Olympic Sports Confederation (DOSB)

Strengths (internal): umbrella body for organised sport, internal human resources, employment standards for the DOSB employees.

Opportunities (external): partnership (national and regional levels).



*Sport organisations can use public policies of employment aid. They can also use **European structural funds** for the structuring of the sector at national level in terms of employment and social dialogue, for example.*



Myriam ANTOINE, CNOSF

3

GOVERNANCE

Importance and purpose of good governance

Sound governance is the foundation upon which an employers' organisation is built.

Having sound governance indicates that an organisation has the necessary institutions and tools to ensure credibility, integrity and authority in forming rules, making decisions, and developing programmes and policies reflecting members' views and needs. It is primarily through sound governance that an employers' organisation maintains the trust of its members and enhances its reputation and influence with those it interacts with.

The terminology relating to employers' organisations and their constituent parts can vary from country to country and industry to industry. For purposes of consistency, this Guide uses the terms below:

- An **employers' organisation** is a voluntary, membership-based group of companies or employers' associations.
- The most important decision making body of the employers' organisation is the **Member Assembly**. It is often called the General Assembly, Annual General Meeting or simply the General Meeting.
- The member-elected top governing body of an employers' organisation is referred to as the **Board**. Other terms often used include: executive committee, management committee, or the council. This Board is chaired by the President of the organisation.
- The senior manager appointed by the Board is the **Chief Executive**. Other terms include: Secretary General, Director General, Executive Director, Chief Executive Officer (CEO), General Manager and simply, Director or Manager.

The regulatory framework

In most countries, and in order to act with legal authority, employers' organisations are required to register under a specific organisational form designed for not-for-profit membership organisations.

Although the regulations differ from country to country, they generally contain provisions designed to protect the rights and interests of members and third parties. To that extent, they provide a binding general governance framework upon which sound internal practices and procedures can be built.

Employers' organisations and their members

Some employers' organisations serve their members by engaging in collective bargaining on their behalf with trade unions.

Beyond representing its members nationally, an employers' organisation may also represent member interests at European level.

An employers' organisation may serve its members by keeping them informed of relevant industry events, macro-economic trends, government regulations, and social developments. Employers' organisations also frequently provide a range of other member services like training, consultancy or legal representation and advice.

¹ "Guide One Governance – Governance in Employers' Organizations – Designing and implementing sound governance practices", Copyright © 2005, International Labour Organization, Geneva



GOOD PRACTICES: WOS MEMBERS

By means of a voting procedure in writing, the WOS members have the final decision on the conclusion of the National Collective Agreement (updated each year) by a two-thirds majority of members.

On top of that, a few information meetings are organised especially for the members.

Membership criteria

There must be clear and objective membership criteria.

Membership must be strictly voluntary and could be of 2 types:

- Full membership,
- Associate membership.

Institutions of governance

The Member Assembly

The members of an employers' organisation should be the ultimate beneficiaries of the organisation's activities as well as the ultimate authority in its governance.

The authority and legitimacy of Board members and management stem directly from the support of the members. The credibility of the employers' organisation is based on its being truly representative of member interests. Members are usually represented through a Member Assembly, which acts as a key institution of governance.

Formation of the Member Assembly

There must be measures to provide a fair and balanced representation of all members. This may include, for example, a target or percentage allocation on the number of representatives from employers' organisations of a particular size, from a particular sub-sector, or from a particular discipline, commensurate with the percentage of members that match that profile.

Functions of the Member Assembly

Employers' organisation members have several rights and responsibilities. Members have the right to appoint the Board and to dismiss individual Board members. Members should also have the right to nominate their own candidates for Board membership or other work in the organisation (e.g. for special committee work). Other important duties of the Member Assembly include the approval of the budget and amendments to the statutes.

Payment of dues

Employers' organisations rely on fees or dues from members to support their daily operations. The rules of the employers' organisation should address the issue of non-payment of membership dues and indicate the status of membership rights for any member in arrears. Associate members may pay dues on a different scale of contributions. Such case must be detailed in the statutes along with details of the rights of reduced-rate members.

Other responsibilities

In order for an employers' organisation to conduct its affairs effectively, it may also be necessary to collect certain data from its members, e.g. data relating to the remuneration and terms and conditions of employment of members' employees. For that, the members of an employers' organisation should participate actively.

Joining and leaving the organisation

The members of an employers' organisation may freely choose to leave it at any time. The Member Assembly may decide to cancel the membership of any company

that fails to maintain the membership criteria (e.g. fails to pay member fees). The employers' organisation may decide not to refund fees for a member that withdraws from membership.

**THE MEMBER ASSEMBLY CHECKLIST**

- ☐ The rules clearly indicate measures designed to provide a fair and balanced representation of all members of the employers' organisation in the Member Assembly.
- ☐ The rules clearly indicate who may and who may not be a member of the employers' organisation.
- ☐ The rules clearly indicate the process by which the Member Assembly elects or approves the Board of Directors.
- ☐ The rules clearly indicate the process by which the Member Assembly may remove members of the Board.
- ☐ The rules clearly establish the mechanism by which membership fees are determined.
- ☐ The rules clearly address the issue of non-payment of membership dues, including the procedure for expelling non-paying members and the status of membership rights for any member in arrears.
- ☐ The rules clearly indicate other member responsibilities, for instance the type of information members are expected to share with the employers' organisation.
- ☐ The rules clearly define objective membership criteria.
- ☐ The rules clearly indicate that membership is voluntary.

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GOOD PRACTICES: CoSMoS MEMBERS AND GENERAL ASSEMBLY

The members are divided into 3 colleges:

- > a “general college” gathering all the not-for-profit employers whose main activity corresponds to one of the activities listed in the scope of application of the French National Collective Agreement on Sports (CCNS);
- > a “professional sport” college composed of the employers of professional sportsmen and - women as defined in the chapter 12 of the CCNS;
- > a college for “the other employers and their organisations”, composed of all the profit-making employers whose main activity corresponds to one of the activities listed in the scope of application of the CCNS and which does not come under the 2 other colleges.

The membership is granted for 12 months in a row from date to date.

The General Assembly is composed of all the CoSMoS members who have paid their membership fees on the date when the GA is convened.

The GA meets at least once a year.

The GA is the only one with the authority to examine, at its Annual General Meeting, the annual report on the management and on the moral and financial situation of the CoSMoS, as well as to vote, at its Extraordinary General Meeting, on a modification of the statutes



GOOD PRACTICES: WOS ANNUAL MEETING

The Annual Meeting takes place twice a year (usually in April and November) and gathers all the WOS members.

In the First Annual Meeting, a report on the WOS activities and finances is made and voted.

In the second Annual Meeting, the look forward budget and plans for the next year are presented. The budget is voted.

The Board

The Board has a crucial role in ensuring both the good governance of the organisation and its long- term sustainability.

The Board serves members by overseeing management activities; facilitating the decisions of members; maintaining open communication channels with and between members and management; and ensuring the observance of constitutional processes within the employers' organisation.

Composition and structure

The Board should be made up of executives who are considered by the members to be generally representative of the membership of the organisation. It is advisable to keep Board size to the minimum necessary for adequate representation of members.

Election of Board members

There are multiple ways to nominate and elect Board members. Nevertheless, the principle of governance to be maintained is that the means of nominating and electing members of the Board should be transparent and open. Nomination and election should not take place behind closed doors by a single person.

Responsibilities of the Board

The Board has different functions:

- Approving the annual business plan and budget prior to its recommendation to the Member Assembly;
- Reviewing the performance and termination of office of the Chief Executive and appointment of a new Chief Executive as required;
- Electing the President of the Board (and a Deputy President);
- Setting strategic direction for the organisation (as opposed to day-to-day business);
- Making changes to the statutes of the employers' organisation prior to recommending such changes to the Member Assembly.

Through these functions, the Board plays a key role in the governance of the organisation by providing a check and balance system which prevents management from running the organisation without any safeguards or constraints.

Business plan and budget

The business plan and budget are annually approved by the Member Assembly.

The business plan should clearly indicate the priorities and objectives of the organisation for the upcoming year.

The Board should make alterations to the business plan where they feel it does not adequately reflect the priorities and objectives of the organisation and the interests of members.

Performance review

The competence of the Board to terminate the

employment of the Chief Executive is an important feature in the governance of an employers' organisation. Without this feature, poor management could continue unchecked to the detriment of the organisation and its members.

Election of the President

The Board is responsible for electing a qualified candidate to be President of the Board.

Changes to the statutes

While any member should be able to put forward an amendment to the statutes, the responsibility for recommending change and outlining the available options will normally be given to the Board. Any change should require ratification by the Member Assembly.

Admission of new members

The Board's role in this process should be largely confined to ensuring that the applicants for membership actually meet the defined criteria.

Appointment of external auditors

The Board should be responsible for the appointment of external auditors, at least annually, to review the finances of the organisation.

The role of the President of the Board

He leads and manages the Board.

Rules must describe:

- The process by which the President is elected,
 - The role description (duties and authority & difference between the President and Chief Executive & basic qualifications for the position).
- He must maintain the appearance of fairness, in all activities related to the organisation.

Communication between Board and members

It is the Board's responsibility to maintain and facilitate communication with the members and produce an annual report to members detailing the activities of the organisation.



THE BOARD CHECKLIST

- ☐ The employers' organisation rules establish clear measures to prevent the Board from being dominated by larger members or regional/sectoral groups to the exclusion of the interests of other members.
- ☐ The employers' organisation rules, as appropriate, establish a specific number of seats for the Board (not so many as to lose direction/control).
- ☐ The rules clearly document the eligibility criteria for Board members and describe the function of the Board.
- ☐ The rules clearly indicate the process by which Board members are nominated and elected.
- ☐ The procedure for electing members of the Board is transparent and open to the entire body of member companies, or their representatives. The nomination and appointment do not take place behind closed doors by a single person or group (e.g. the President or Chief Executive).
- ☐ The rules define criteria that disqualify certain categories of people from Board membership e.g. currently serving members of government.
- ☐ The rules clearly establish a mechanism by which members may remove individual members of the Board or the entire Board.
- ☐ The rules clearly document the responsibilities of the Board. These responsibilities include the approval of the business plan and budget and the review of the performance of the Chief Executive.
- ☐ The rules give the Board authority to appoint or remove the Chief Executive.
- ☐ The rules establish clear procedures for the nomination and election of the President of the Board.
- ☐ The rules detail the types, or categories, of decision that come under the remit of the Board, and draw a clear distinction between decisions that are the responsibility of the Board and decisions that are the responsibility of the Chief Executive.
- ☐ The statutes contain within themselves a procedure by which the statutes can be amended or changed, involving final approval by the Member Assembly.
- ☐ The rules establish clear objective criteria for the Board's decision on admitting new members to the organisation, involving final approval by the Member Assembly.

- ☐ The rules assign clear authority to the Board for miscellaneous housekeeping issues, such as opening bank accounts in the name of the organisation.
- ☐ The rules provide a role description for the President of the Board including the basic qualifications for the job as well as detailed reference to the President's responsibility to review the performance of the Chief Executive.
- ☐ The rules establish the term of office for the President (and the Board members), and limit the number of consecutive terms that can be served by the same person(s).
- ☐ The rules clearly establish the principle of impartiality as this applies to the President's activities on behalf of the employers' organisation. The employers' organisation does not serve as a platform for the President to promote his or her company to the detriment or exclusion of other member companies.
- ☐ The rules assign specific reporting responsibilities to the Board, including the appointment of an external auditor to review the finances of the employers' organisation.



GOOD PRACTICES: CoSMoS NATIONAL COUNCIL AND BOARD

National Council

The National Council consists of a CNOSF representative and of 30 other members, elected for 4 years by the General Assembly.

The National Council meets at least 3 times a year.

The National Council continuously monitors the activities of the National Board.

National Board

The National Board is composed of the CNOSF

representative, the elected President and 9 elected members from the National Council.

Upon the President's proposal approved by the National Council, the Board consists of a General Secretary, a General Treasurer and 3 Deputy Presidents (one for each college).

The National Board meets at least 8 times a year.

The National Board has full power to act on behalf of the CoSMoS in any event.



GOOD PRACTICES: WOS BOARD

The Board consists of 5 members from inside and outside the sport sector who meet 4 times a year. The core quality of the Board is labour relations and knowledge of the sport sector.

The Board politically drives the organisation.

The Board defines a policy plan based on a 4 year cycle including an annual plan with budget.

The Chief Executive and management

Role and responsibilities

The primary role is the day-to-day management of the employers' organisation and its staff, and the implementation of long term strategies and action plans.

In the area of governance, the Chief Executive is responsible for:

- Ensuring that legal requirements and the employers' organisation own rules are observed.
- Hiring and managing the staff of the organisation,
- Producing the business plan and budget.

Eligibility of potential candidates

Where the position of Chief Executive is not full time, particular attention must be given to avoiding potential conflicts of interest.

Remuneration and benefits

The job description of the Chief Executive should also include limits, or an approval procedure, for

other remuneration received for work done outside the role as Chief Executive of the organisation. This is most likely to be applicable to a small employers' organisation where the position of Chief Executive is not full time.

Tools of governance

Employers' organisations rules

The governance rules of an employers' organisation have to be in line with the law and practice of the country which is the legal environment for their operation.

Rule-making bodies can be all of the above mentioned institutions, that is, the Member Assembly, the Board and the Chief Executive.

The core document is the employers' organisation statutes that set out the fundamental structure and rules of the organisation. The statutes lay down the most fundamental operating principles and should only be changed by a majority (and typically by more than a two-thirds majority) of the Member Assembly. Other forms of employers' organisation rules include by-laws, codes of practice and codes of behaviour. These rules are generally subject to more frequent amendment and tend to deal with issues of detail. These documents can normally be changed by decision of the Board.

Subjects normally considered to be within the scope of the statutes are:

- The name and aims of the organisation;
- Definitions, rights and responsibilities of members;
- The operation of the Member Assembly;
- Board membership, tasks and duties and decision making procedures;
- The preparation and presentation of accounts;
- The appointment of an independent auditor;
- The process of amending the statutes;
- Merger and or dissolution of the organisation.



CHIEF EXECUTIVE AND MANAGEMENT CHECKLIST

- ☐ The Chief Executive is responsible for the general administration of the organisation, and ensures that constitutional requirements are observed.
- ☐ The employers' organisation rules provide the Chief Executive with full responsibility for hiring and managing the staff necessary to the day-to-day operation of the organisation.
- ☐ The rules clearly distinguish between the responsibilities and authority of the President of the Board and those of the Chief Executive. The Chief Executive has authority over the daily management of the organisation.
- ☐ The President has the authority to terminate the employment of the Chief Executive in cases of serious misconduct and poor performance.
- ☐ The Chief Executive is responsible for matters related to governance such as the preparation of a budget, even though decisions on these matters remain with the Board. The rules detail the responsibilities of the Chief Executive in a job description.
- ☐ In line with national law and practice, the rules preclude any candidate for Chief Executive who has a record of criminal or civil liability for corporate malpractice.
- ☐ The appointment of a Chief Executive is a function of the Board and/or the President of the Board. The process of selecting and appointing a Chief Executive is well documented.
- ☐ The rules provide a grievance procedure for staff relating to the Chief Executive. These grievances are reported to the President or a designated other Board member.
- ☐ The exact procedure for terminating the employment of the Chief Executive is documented in the contract of employment of the Chief Executive.
- ☐ The remuneration of the Chief Executive is set by the President with the Board's approval.
- ☐ Outside activities and remuneration of the Chief Executive, other than that from the employers' organisation, must be approved by the Board and must not present a conflict of interest for the Chief Executive.

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RULES CHECKLIST

- ☐ A system of employers' organisation (EO) rules, consisting of statutes, by-laws and, as need be, codes of conduct is in place.
- ☐ EO rules are in line with the national legal framework.
- ☐ EO rules define clear competences and provide for adequate controls.
- ☐ The EO statutes contain basic provisions on the name and purpose of the EO, rights and responsibilities of members, as well as the functioning of its bodies.
- ☐ By-laws contain more detailed regulation on procedures, sub-bodies and special issues. There may be codes for the conduct of EO bodies and members.

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Committees

It is common practice in employers' organisations to have several standing committees to which projects/issues are referred as necessary. Increasingly, many employers' organisations also make use of time-limited committees with specific goals; once the goals are achieved or the time limit expires, the committee disbands.

In any case, it should be clear that committees are support structures meant to facilitate decisions by the Board/management, not to take decisions themselves.

Key committees could be:

- The remuneration committee: it helps to define the appropriate level of remuneration and benefits for senior figures in the organisation and to agree remuneration policy for the organisation as a whole.
- The audit committee: its responsibility is to appoint an external accountant/auditor to review the financial records of the organisation.

Committees may in practice be appointed by the Board, the President of the Board, or the Chief Executive, depending on their nature and function.

The appointment of the committee should include a clear job description of the committee members and a clear description of the expected kind of output.

Dissolving a committee should be the responsibility of the authority that created it.

It is important that the rules of the employers' organisation clearly establish the authority of the Board or management in relation to their respective committees. In all cases committees must remain answerable to the Board or management. Board and management should be careful about delegating too much decision making authority to committees. Additionally, a summary of the work of all committees, including those set up by management, should be periodically and transparently reported to the Board.

COMMITTEE CHECKLIST

- ☐ The rules clearly indicate the exact functions, authority and composition of key committees such as policy development, remuneration and auditing.
- ☐ Those directly receiving the remuneration decided on by the remuneration committee are not in a position of authority over the committee.
- ☐ The audit committee reports to the Board or President, and not to the Chief Executive.
- ☐ The rules clearly indicate the types of committees that can be appointed by the Board and the Chief Executive. The authority to appoint certain types of committee corresponds to the formal responsibilities of the Board and the Chief Executive.
- ☐ The appointment of committees includes a clear job description of the committee members and a clear output.
- ☐ Committees can be dissolved by the authority (Board or management) that created them. It is clear that management has no authority over a Board appointed committee and the Board has no authority over a management appointed committee.
- ☐ The rules clearly establish the authority of the Board or management in relation to their committees. The committees are always accountable to the authority that created them.
- ☐ A summary of the work of each committee within the organisation is presented periodically (at least annually) to the Board.

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Transparency and communication

In order to maintain the trust of members and others with which it engages, and to ensure the proper governance and functioning of the organisation itself, concrete steps should be taken to promote transparency and to ensure timely and accurate communication with members, with other organisations and with the general public.

The rules may require the Board to draft a code of

conduct for the organisation, which would be used to guide management behaviour and evaluate their performance.

Internal checks and balances are to be developed: the “4 eye” principle (approval by at least 2 people) can be basic but effective means of building checks and balances into the organisation.



4

STRATEGY

Developing a mission statement

The starting point in the strategic planning process is the creation of a mission statement.

The mission statement is an overarching and succinct description of what the organisation sets out to achieve. It is not a statement of “how” the mission will be delivered nor is it a statement of “what” to be done.

A good mission statement should:

➤ Inform members, staff, partner organisations and the general public of the precise reasons why the organisation exists;

➤ Provide a clear reference point for establishing organisational strategy and objectives, setting priorities to allocate resources and assigning tasks.

The draft mission statement should be put to your Board for review and decision.

Your mission statement should certainly feature in all your major communications and your website.

¹ “Guide Two Strategy – A Strategic Approach to the Management of Employers’ Organizations – *Developing, agreeing and delivering a sustainable business plan*”, Copyright © 2005, International Labour Organization, Geneva



PRATICAL EXERCISE

Writing your mission statement

Discuss the following questions and agree a mission statement for your organisation based upon your responses:

Q1: What is/are the main problem(s) that our employers’ organisation exists to solve? Describe how the world would be improved, changed or different if our employers’ organisation was successful in solving the problem or responding to the need.

Q2: What is the main purpose of our employers’ organisation? This should be a short statement that describes the ultimate result we are hoping to achieve; making sure to indicate outcomes and results

(e.g. to improve the business environment); note the means of achieving these results (e.g. by lobbying government).

Q3: What is our business? Describe the business or businesses we are in - our primary services or activities.

Q4: What are the fundamental values and beliefs that should guide us in our day-to-day interactions with each other, with our members and with others?

Q5: To be successful into the future, which of these will remain the same, what needs to change and how?

Remembering that a mission statement needs to be:

SHORT
SIMPLE
POWERFUL

COMPELLING
CHALLENGING
REALISTIC

MEANINGFUL
UNAMBIGUOUS
INSPIRATIONAL

... AND EXCITING

Write - in less than 100 words - your mission statement based on the answers to these questions. Review this against your current (if you have one) mission statement and debate whether changes are needed.

Agreeing strategic priorities

The drafting of a strategic plan requires employers' organisations to address the following issues:

- Where the employers' organisation is now;
- The present state of the market including a competitor analysis and the prevailing external environment;
- Deciding where the organisational priorities should be;
- Developing strategies to achieve organisational objectives.

In order to carry out this task, the organisation will need to agree on a planning horizon, which is normally set between 3 and 5 years. Having decided on a planning horizon, the work can be split into 3 stages:

- Internal and external analyses;
- Review of the strategic options open to the organisation and selection of priorities;
- Developing objectives and workplans to meet the strategic priorities.



GOOD PRACTICES: WOS POLICY PLAN AND STRATEGIC AGENDA

Besides a mission statement, the WOS also works with a policy plan for a period of 4 years in a row, accompanied by a strategic agenda which is the operational implementation of the policy plan.

For the development of better working conditions in the sector, a 5 year long-term agenda (2011-2016) has been agreed with the employees' organisations.





COMMUNICATION

Reputation management: mission, vision and values

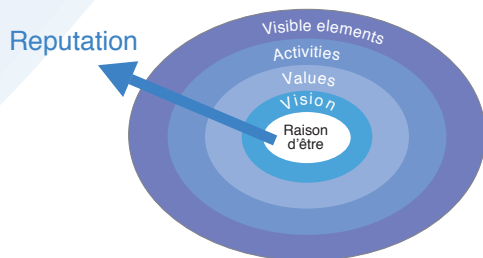
Your organisation's reputation can help open doors, lobby, attract new members, keep current members, work with international organisations, etc. It is thus also capital to nurture consciously and continuously, through principles and behaviour shared by all staff.

A good reputation can significantly boost the performance of any organisation, in all its areas of activity! A new discipline has been created in the field of communication: reputation management.

How to build a reputation

A reputation is built with patience and determination, starting within the organisation.

When we look at an employers' organisation, we can see:



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All of these elements (the whole onion) together will build the reputation of the organisation and make it last.

Raison d'être: the organisation's "mission"

The raison d'être is your reason for existing. Why was your organisation created? What is it supposed to do? In other words, the mission statement is a succinct description of what the organisation sets out to achieve.



GOOD PRACTICES: CoSMoS MISSION STATEMENT

"The CoSMoS is the first and the only organisation that exclusively represents all the sport employers who operate in the not-for-profit sport, commercial sport and/or professional sport."

CoSMoS leaflet 2011



GOOD PRACTICES: WOS MISSION STATEMENT

The WOS is the only organisation on the employer side that represents national, regional and local not-for-profit and commercial sport organisations in the negotiations on the National Collective Agreement on Sports. The WOS is the centre of expertise in labour relations in sports.

¹ "Persuasive Communication – Making the voice of business heard – How to design and implement more efficient strategies, techniques and tools of communication", Copyright © 2010, International Labour Organization, Geneva

A vision, so you know where you are going

The organisational vision is a statement of overall objectives and guiding principles and as such is not subject to frequent revision. It must be motivating to give staff and members direction with which to carry out the tasks of the organisation.



GOOD PRACTICES: CoSMoS OBJECTIVES

“The objectives of the CoSMoS are:

- > to study and protect the interests** of the employers of the sport sector in the widest sense (social economy and commercial sector),
- > to represent** the sport employers in the joint **negotiations** and to the institutions, administrations and local authorities,
- > to support** the employers in terms of labour law and in the implementation of the French National Collective Agreement on Sports,
- > to legally secure** the sport employers with regard to their rights and obligations.”

CoSMoS leaflet 2011

Values to guide action

The third key to creating a strong identity that will distinguish your organisation and build its reputation is values that are shared and embodied by all employees.



GOOD PRACTICES: CoSMoS VALUES

“In its relationships with its members, the social partners and its other interlocutors, the CoSMoS sticks to its values:

- > the professionalism,**
- > the pragmatism,**
- > the mutual respect in its relationships with the employees and their representatives as well as with its other interlocutors,**
- > the will to ensure an harmonious and sustainable development of the working relations,**
- > the importance given to the employers’ training.”**

CoSMoS leaflet 2011

Strategic communication plan

A communication plan enables you to structure your different communication activities. It allows coherent, synchronized implementation of all forms of communication, both external and in-house.

A communication plan cannot be improvised. To get it right, answer the following questions first. They will help you set your goals:

- > Why do you want to communicate?** What are your goals for this year in terms of action on the ground, projects to develop, support or defend? What are your priorities in terms of reputation?
- > What messages** do you want to get across in your communication plan?
- > Who are your target audiences?**

- > What methods will you use?
- > What communication tools?

What messages do you want to incorporate into your communication plan?

You have set out your mission.

Use the vision to devise messages that reinforce the image you want to have. These messages must convince decision-makers, policy-makers, public opinion, captains of industry and other 'stakeholders' of the seriousness of your organisation.

You have identified the values that are dear to your heart. You would like people to associate those values with you spontaneously. This means that every action you take must demonstrate those values. They must be reflected in all your endeavours to lead your organisation in the desired direction.

Make sure that your actions match your words!

Strategic communication with members & tools

Each country has its own specific context. Each employers' organisation has its own priorities and challenges. You therefore need to do some strategic thinking on communication with members, and use it to guide your choices.

The tools for communicating with members are:

- > Your website;
- > Newsletters – send them out via Internet: it is a useful tool for winning your audiences' loyalty and getting them to visit your website regularly;
- > Road shows – go meeting your potential members;
- > Mail shots – mailing potential members with a link to your website and an invitation to join your organisation

but remember to check the email addresses and be persuasive;

- > General annual meeting and annual report – your annual general meeting provides an opportunity to take stock of your activities, and the annual report which follows is a useful document with which to build up your reputation among your external target audiences, and also among your members.

Why communicate via the Internet?

Websites, information portals on the Internet, extranet or intranet are easy ways to meet your target audiences' demand for rapid and effective answers to their questions at any time. You strengthen their trust in you and ensure their loyalty to you by meeting their wish to get the response they expect.

Preparing to communicate on the Web: the initial phase

Set yourself clear objectives and devise a precise plan of attack: what goals? What resources? What budget? What specifications?





GOOD PRACTICES: CoSMoS WEBSITE

www.cosmos.asso.fr

The members have access to a **MEMBER AREA** where they can:

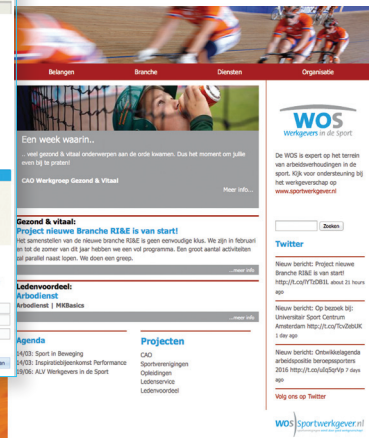
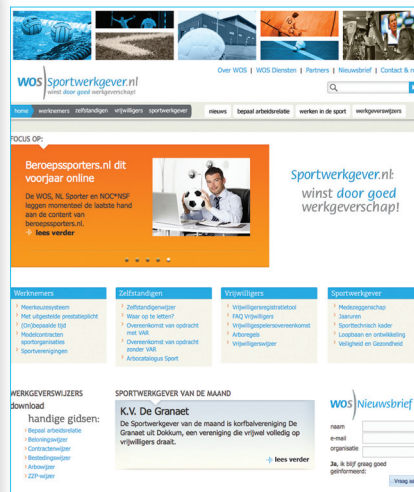
➤ interact online with one of the lawyers,

- archive their questions and the answers,
- bookmark the pages of interest,
- update the contacts of their organisation,
- deal with their subscription to the legal newsletter,
- renew their membership online.



GOOD PRACTICES: WOS COMMUNICATIONS TOOLS

The WOS publishes a paper magazine ("the WOS Magazine") 4 times a year for its members and the sport stakeholders.



The WOS has 2 websites:

- > a **public website** for all sport employers www.sportwerkgever.nl
- > a **website for members only** with interactive contact with them www.werkgeversindesport.nl

The WOS issues **newsletters** from both websites.

A **film** for sport clubs was also produced to raise awareness on labour relations.

And, of course, the WOS produces guides, leaflets etc. on the labour law and on the National Collective Agreement on Sports.



6

ADVOCACY

Advocacy is the act of influencing or supporting something or someone.

Employers' organisations that advocate effectively are known to:

- Articulate members' concerns as a unified voice – thus attracting the attention of the policy maker to the maximum extent;
- Meet regularly with decision makers – to discuss key policy issues and to provide well researched publications;
- Establish regular channels of communication and close working relationships with government officials;
- Use these channels to promote members' interests;
- Engage in both proactive and reactive advocacy to their members' benefit;
- Help prevent frequent changes to the business-related legal and regulatory framework;

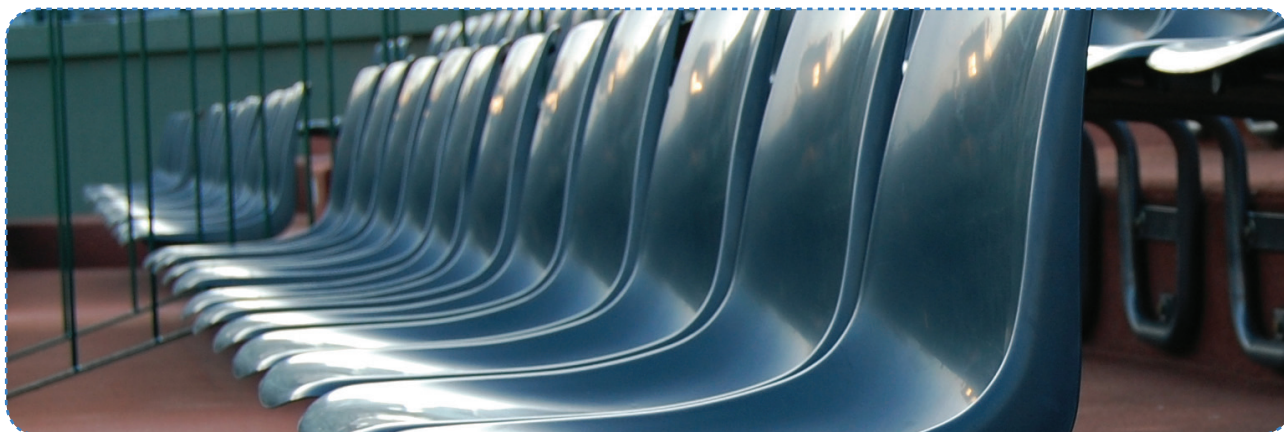
➤ Monitor the administration of policies – to ensure that enacted provisions of interest to their members are applied fairly, consistently and swiftly.

Being recognised as an effective advocate creates a virtuous cycle involving membership growth; a revenue increase from subscriptions and member services; and better and more effective lobbying as more resources are available and representativeness is increased.

Your members need to know what the organisation is advocating and why, so provide information and education to members (briefing meetings, newsletters...)

Having received the information they need, you should inform the members about what they should do to strengthen and support your advocacy efforts.

¹ "Guide Three Advocacy – Maximising Impact of the Voice of Business – *Developing and implementing a successful advocacy strategy*", Copyright © 2005, International Labour Organization, Geneva





REVENUE BUILDING

Revenue generation paradoxes

To build revenue in ways that genuinely strengthen employers' organisations requires the consideration of 3 paradoxes:

Paradox 1 – Membership or member subscription maximization

Organisational strength and representativeness come from increasing the number of organisations (companies and associations) that the employers' organisation represents. Maximizing subscription income will almost certainly mean sacrificing membership in order to ensure higher levels of subscription. So which is the right approach?

Paradox 2 – The cost of effective advocacy and the free rider tendency

Employers' organisations lobby to secure the best operating environment possible for businesses, which benefits all companies, not just the organisation's members. So long as lobbying paid for by "the few" is relatively effective, there is no incentive for the many companies that do not seek positions of influence in an employers' organisation to join it. They take the benefits of a better working environment without contributing to the costs of the advocacy work that helped produce it. They are free riders.

Plainly, the higher the membership fee to join an employers' organisation, the more logical it becomes for a company to be a free rider.

The only way to address the free rider paradox is to keep membership fees at an affordable level for "the many" whilst cross subsidizing advocacy programmes from other income sources.

Paradox 3 – Not-for-profit and the need for profitable services

If the other main revenue source for employers' organisations is the sale of services, then they will need to make money on services to cross subsidize

advocacy activities. To do so, the organisation will enter a competitive environment where it must vie for business, typically with lawyers, specialist consultants and other service providers. To succeed in this environment, the employers' organisation will need a selling proposition that is at least as good, and probably better, than private sector competitors.

The employers' organisation has to find a way of identifying and exploiting areas of comparative advantage.

The basis for revenue building in employers' organisations

It is not logical to generate the revenue needed to survive through membership subscription levels that compromise representativeness.

Employers' organisations must adopt membership fees/service strategies that maximize membership and ensure member representativeness from all categories of business size, ownership, region and area of business interest.

Advocacy initiatives need to be partially financed through service provision.

Decisions to provide additional services must be financially driven.

A sustainable comparative advantage for an employers' organisation is most likely to be generated by a factor that private sector competitors cannot replicate.

Service differentiation will derive initially from the position of unique privilege that the organisation enjoys

¹ "Guide Four Revenue Building – Building Employers' Organization Revenue – *Developing adequate and sustainable income streams*", Copyright © 2005, International Labour Organization, Geneva

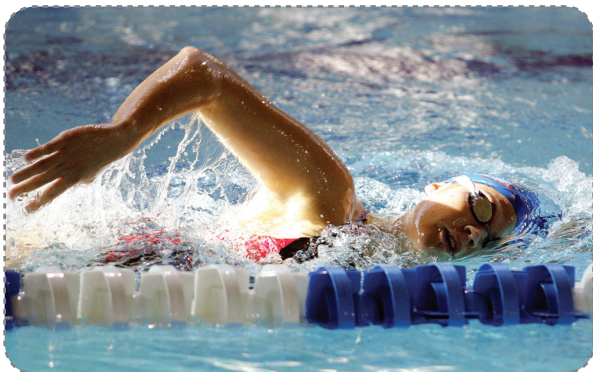
either as a successful advocate or multi-employer negotiator, and from the relationship it builds with its members.

Member fee structures

The vast majority of employers' organisations levy a membership fee, usually payable on an annual basis. Because of significant differences in the size and profitability of member companies, employers' organisations generally adopt a formula to determine the membership fee.

Fees need to be realistic but they should not deter membership to the extent that they compromise representativeness.

Very few organisations adopt a system of fixed fees irrespective of business size. Imposing a standard fee will result in either very few small members or a high membership base with low organisational revenues. Most organisations have a relatively small basic fee that is applicable to the smallest company. The basic fee is raised according to some measure of company size or ability to pay. Individual benefits like online advisory services or defence in tribunals will need to be factored into the fee.



BEST PRACTICES: MEMBER FEES DO'S AND DON'TS

There are a series of issues to consider when setting membership fees:

The fee structure should be transparent and perceived to be fair.

➤ The figures should be auditable – a figure that has to appear in (or can readily be derived from) a company's published annual report and accounts is a good idea.

The mechanism should relate in some way to the services offered – payroll or employee based numbers make sense for an organisation that works exclusively on employment related issues.

➤ Members should be clear about exactly what they get for their membership fee.

The setting of triggers should be sensitively calculated. Relatively broad bands will work best.

When you have a system that works – don't chop and change. The area where changes are most easily effected is in charges for services and not in the basic fee.

Make payment easy – offering credit card payment for small companies might be an option.



GOOD PRACTICES: CoSMoS MEMBERSHIP FEES

Up to 1 Full-Time Equivalent (FTE) employee:
€ 40/year

More than 1 and up to 7 FTE employee: € 50/year

More than 7 and up to 20 FTE: € 150/year

More than 20 and up to 50 FTE: € 300/year

More than 50 and up to 100 FTE: € 800/year

More than 100 and up to 500 FTE: € 1 500/year

More than 500 FTE: € 3 000/year

The members can pay the fee by credit card on the CoSMoS website.



GOOD PRACTICES: FINANCIAL CONTRIBUTION OF THE WOS MEMBERS

The financial contribution for all the members is 0.60% of the total remuneration sum (the total cost for hiring staff).



One by one, the WOS succeeded in bringing the employers in the sport sector on board: those who were ready to join were asked to make a tangible commitment.

*“We decided to emphasise that commitment by charging a membership fee. While that may seem a small detail, the effect was crucial. That approach allowed us to **move away from a subsidy arrangement to membership commitment**. Members can distance themselves too easily, if funding is continually available in the form of subsidies. Putting your money where your mouth is ensures greater membership commitment and leads to membership emancipation. If you pay, you are also entitled to decide and vice-versa. **Self-reliance is a source of power.**”*



Rob UIJEN, former WOS President

Services offered by employers' organisations today

Many publications list alternative services that can be offered by employers' organisations as a kind of “menu” approach.

Services are most generally in the broad areas of:

- > Advice;
- > Consultancy;
- > Information provision;
- > Training;
- > Representation;
- > Legal representation;
- > Publications.



GOOD PRACTICES: SERVICES PROVIDED BY THE CoSMoS TO ITS MEMBERS

Represent and negotiate

The CoSMoS participates, as an employers' organisation, in the national commission of negotiation. It also takes part in all the joint committees of the sport professional branch (Employment and training, Interpretation, Professional sport, Health and Safety, Social dialogue...), where it **represents** its members **and negotiates** on behalf of them and, more generally, **protects the interests** of sport employers.

It is also their interlocutor to the institutions and administrations (Ministry of Labour, Employment and Health, Ministry of Sports, National Office of Health Insurance of Employees, Central Agency of Social Security Bodies...), so as to **improve and harmonise the legal provisions** in terms of labour law with regard to the specific characteristics of the industry.

Advise

The CoSMoS relies on its team of lawyers and on its website dedicated to the employers' information to provide several **efficient services** in order to advise its members on a daily basis:

- > a manned line from Monday to Friday as well as an online questions/answers interface with the team of lawyers on the website www.cosmos.asso.fr,
- > cards with practical hints for employers and a legal frequently asked questions,
- > a legal newsletter.

These services are all included in the membership fee.

Inform and train

As the social legislation undergoes rapid change, the French National Collective Agreement on Sports is in constant evolution, too.

On top of that, the associations and the companies of the sport branch are very diverse (activity, size, resources).

So as to meet such a double challenge, the CoSMoS organises, on a regular basis, **training and information sessions** in the regions and departments. The applicant organisations decide on the outline and topics of these sessions. Its Development Department is in charge of their implementation.

The applicant organisations are charged for these sessions. Members are charged at a preferential price.

CoSMoS leaflet 2011



EMPLOYEURS DU SPORT
AVANCER ENSEMBLE

CosMoS
conseil social
du mouvement sportif





GOOD PRACTICES: SERVICES PROVIDED BY THE WOS TO ITS MEMBERS

The following services are all included in the membership fee:

- > Negotiation of the National Collective Agreement on Sports by the WOS staff;
- > Legal advice for the members;
- > Management of projects linked to studies on specific issues like health & safety, performance management or working hours system, for instance, resulting in the production of some materials like guides;
- > Development of “new working conditions” for sport organisations or specific groups/ professionals (such as local sport, sport clubs, commercial sport, professional sportsmen and women etc.);
- > Representation;
- > Publications.

“ The WOS has been able to expand its role to embrace areas that supplement the core tasks of representing its membership and negotiating the National Collective Agreement. The WOS has become a **driving force** behind developments and processes, assumed the role of **partner** in projects, both in the long term and short term and now concentrates increasingly on acting as an **expertise centre**, as the party to approach and the place to be for all issues that are associated with labour relations and terms and conditions of employment, within, and sometimes outside, the sport sector.



René VAN DEN BURG, WOS Director







8

A DESCRIPTION OF EUROPEAN SOCIAL DIALOGUE



What is the institutional framework?

European social dialogue includes discussions, consultations, negotiations and joint actions involving organisations representing the two sides of the industry (employers and workers).

The recognised European social partners are involved in two processes defined in the Treaty on the Functioning of the European Union (TFEU):

- > **the consultation process,**
- > **the negotiation process.**

Article 154 of the TFEU provides for the consultation of social partner organisations at European level on a range of issues concerning employment and social affairs.

The dialogue between employees' and employers' organisations at Union level may lead to contractual relations, including agreements (TFEU Article 155).

Who are the European social partners for the sport and active leisure sector?

The **European Association of Sport Employers**



(EASE) is a European not-for-profit organisation located in France. EASE, created in 2003, is an independent membership association of national sport and active leisure employers'

organisations wishing to promote social dialogue.

The objectives of EASE are:

- > to identify and protect the material and moral interests of its members and represent them at European level;
- > to promote and develop the representativeness of EASE within each European country and/or each sub-

sector identified (not-for-profit sport, professional sport, active leisure including fitness and outdoors);

- > to participate in the European Sectoral Social Dialogue Committee (ESSDC) for sports and active leisure (see below);
- > to negotiate at European level on behalf of employers in sports and active leisure within its mandate.



UNI Europa Sport is part of UNI Europa, the European branch of UNI Global Union, the global trade union federation for skills and services.

EASE and UNI Europa Sport mutually recognised each other as European social partners for the sport and active leisure sector in February 2008.

Why engage in European social dialogue?

> Because of the **strong interaction between national and European social dialogue**

> Because of the **learning process** between the EASE members: learn from each other, exchange experiences of social dialogue, is a driving force for EASE

> Because of the necessity to **secure the working relation** between employers and employees

> Because **worker mobility within Europe** requires **minimum employment standards** that can be defined through reference to **best practices** developed in some countries

> Because of the importance to be part of the process to **structure** and **professionalize** the sport and active leisure sector both at the national and European level:

that means **be proactive** and defend, in this way, the **specificities** of the sector through social dialogue

The arguments in favour of European social dialogue depend on the level of social dialogue in the countries.

For countries where social dialogue is developed, the European level offers the opportunity:

- To disseminate best practices.
- To exchange experiences.
- To find solutions to issues that have not been solved at national level. In that case, European social dialogue is a tool to take into account the specific characteristics of sports.

For countries where social dialogue is not developed, it can:

- Help to establish the framework of the national social dialogue,
- Professionalize and structure the sector thanks to the strong interaction between national and European social dialogue.

For all the EU countries, the European social dialogue is needed to:

- Secure the working relation between employers and employees,
- Define minimum employment standards as required by the high worker mobility in the sector within Europe.

What is the body for negotiation?

EASE and UNI Europa Sport are working together through European projects towards the creation of the **European Sectoral Social Dialogue Committee (ESSDC) for the sport and active leisure sector** as a whole, including the sub-sectors not-for-profit sport, professional sport and active leisure.

Such a committee – intended as central body for consultation, joint initiatives and negotiation and whose

operation is financed by the European Commission – offers the opportunity for the European social partners to be supported in their work and to build the importance of the sector at European level. Their participation to the ESSDC will allow them to be involved in the **consultation process** and **negotiation process**.

The aims of a ESSDC for sports and active leisure are:

- To give a **European recognition** to the sector and especially a recognition of its potential in terms of job creation and economic development,
- To facilitate the development of **European education and training solutions** at the sectoral level (through the European Qualifications Framework process),
- To reinforce the **professionalization** of the sector (to improve the skills of the workforce).

Because of the situation in the sector, EASE and UNI Europa Sport press for the creation of a ESSDC for the whole sport and active leisure sector and to set up **Standing Committees to deal with specific issues and with the specificities of the sub-sectors**. Indeed, numerous gateways exist between the sub-sectors in terms of mobility and employment.

EASE and UNI Europa Sport jointly submitted on 29th September 2010 to the European Commission's DG Employment Social Affairs and Inclusion, their replies to the questionnaires on representativeness, filled out by their national members, along with their request for the establishment of the ESSDC.

What is next?

The European Commission answered them by launching a representativeness study "Sport and Active Leisure" and has charged the European Foundation for the Improvement of Living and Working Conditions (EUROFOUND) with the task to carry out that study.

If the test phase of the ESSDC to be launched by the European Commission in 2012 is conclusive and the results of the representativeness study are positive, the ESSDC for the sport and active leisure sector may be officially inaugurated in 2014.

The European Commission will then provide logistical and operational support to the recognised European social partners for the organisation of the ESSDC meetings.

Encouraged by the positive results obtained through the **IMPACT** project, EASE awaits the test phase of the ESSDC for sport and active leisure with confidence.

Signs from the Commission are positive. It is up to EASE and UNI Europa Sport to continue to consolidate their representativeness and to pursue a social dialogue which is only informal in name.



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Graphic Design

> P A L P I X Palpix Agency

Thanks to



Conseil Social du
Mouvement Sportif



French National Olympic
and Sports Committee



International Labour
Organization



Representation of the
European Olympic
Committees in Brussels

Publication date – March 2012

Avec le soutien financier de la Commission Européenne
Mit der finanziellen Unterstützung der Europäischen Kommission
With the financial support of the European Commission



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