



# Lobbying by Employers' Organisations

*Tools for Success in Europe*

by  
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## Foreword: The Importance of Lobbying by Employers’ Organisations

With this publication – *Lobbying by Employers’ Organisations: Tools for Success in Europe* – the trilogy of publications for employers’ organisations – on good governance (2004), collective bargaining (2005) and now lobbying (2006) – is complete.

The growing number – currently about 15,000 – of ‘European’ lobbyists active in Brussels illustrates the importance of lobbying in an increasingly complex democratic society. Companies, regional institutions, civil organisations and NGOs all understand the importance of lobbying to influence the very special and complex decision-making process of European institutions. The ongoing enlargement of the European Union and the task of implementing the 80,000 pages of European regulations – also known as the *acquis communautaire* – have contributed to this development.

In this context, the social partners are using lobbying to get their voices heard.

Lobbying is increasingly important for employers’ and business organisations. However, the manner in which it is done has changed fundamentally in recent decades due to the internationalisation or globalisation of the business environment: new regulations and the revision of existing national rules are now coming from the decisions, agreements, recommendations and conventions of international institutions such as the UN, the WTO, the ILO, the EU, and so on.

As a consequence of these changes, more professionalism and greater expertise are required from the lobbyists of employers’ organisations. Information gathering, communications and advocacy, and network-building can no longer be carried out adequately by means of ‘winning and dining’. Nowadays, you have to prepare dossiers and position papers, time interventions precisely, have good communications with the media, and so on.

A particular characteristic of employers' and business organisations is that they have to **promote the common interests** of their members: they cannot focus on a particular interest. By promoting those common interests, they can address the public via the media in order to gain its support. An individual company cannot do this in the same way with any degree of success.

Nevertheless, best practice in relation to effective lobbying is not taught in business schools or specialist training institutions: learning by doing is still the only way. And the successful experiences of other employers' organisations are invaluable.

Effective lobbying must always take into account the local context: what is successful in one country is not guaranteed to be a similar success in another country.

The aim of the present publication is to share with the employers' organisations of Central and Eastern Europe good experiences of successful lobbying. However, it does not claim to be complete. For this reason, the ILO's Bureau for Employers' Activities in Geneva (ACT/EMP) and the Subregional Office for Central and Eastern Europe in Budapest are open to suggestions and proposals that could improve the content of future editions of the present brochure.

The ILO's Employers' Activities specialists are ready to assist anyone wishing to improve their lobbying skills.

We hope that the reader will find this publication useful.

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March 2006

# Introduction

## Definitions

### *What is Lobbying?*

Lobbying encompasses a number of 'transparent' processes, chiefly involving exchanges of information and communications with **public officials and the authorities** in order to influence forthcoming decisions in favour of specific interests.

Lobbying is not a recent phenomenon. In all historical periods there has been lobbying to influence the decisions of emperors, kings, queens, senates, consuls, and so on. However, the democratisation and internationalisation of societies have made lobbying more professional, complex and regulated, and requiring special skills.

### *What is a Lobbyist?*

Anyone performing the abovementioned activities can be considered a lobbyist. They are likely to be paid for performing this service by a client, member or constituent, but they are emphatically not allowed to pay a civil servant for providing information or for taking their interests into account.

On their business cards they are generally not described as 'lobbyists', but rather as consultants in 'government affairs', 'government relations', 'public affairs', 'European affairs' or 'interest mobilisation'.

Lobbying is not available as a course of study at university or high school. No specific training is provided and no certificate required for qualification as a lobbyist. You can only become a lobbyist through practise.

A lobbyist may also be a lawyer, an accountant, the staff member of an association or a company specialist.

In some countries, lobbyists have to be registered in order to approach members of parliament and/or government institutions. To this end they have to comply with a number of formalities, such as periodically reporting on their

activities, their 'clients', the outcome of their activities, revenues and expenses, annual accounts, and so on. The principal aim of registration is to increase the **transparency** of lobbyists' activities, but a side-effect is that it inflates the costs of lobbyists, making their services much more expensive and restricting their availability to wealthy interests.

However, registration does not guarantee that the authorities will only consult with registered lobbyists.

Registration can improve trust and confidence between lobbyists and the authorities, and eliminate or reduce 'male fide' practitioners, but it does not guarantee higher quality. Indeed, the higher costs already mentioned can hinder the effectiveness and success of lobbyists.

Lobbying is not:

- trying to influence public procurement decisions (with or without a tender) – this is more a commercial affair;
- trying to avoid or influence sanctions or adverse decisions (police action, court decisions, tax penalties, and so on) by means of direct contacts, without respecting official procedures;
- threatening civil servants and officials;
- trying to bypass official procedures;
- paying bribes.

### Characteristics

- Lobbying is in essence an **exchange of information** or communication, and does not involve money, gifts, and so on, which amount to bribery and corruption.
- Interlocutors are generally the 'public authorities' in the wide sense, represented by elected politicians or by civil servants, who are not elected, but appointed and have to report to elected ministers, mayors, and so on.
- The whole process of exchanging information has to take place in a 'transparent' way: no hidden agendas, no hidden activities. This means that every action, every contact and every letter can be subject to a report, either to the client or to the members of an association, as well as to supervisory authorities. This can be on a voluntary basis or, where registration is required, a duty.
- Lobbying by employers' organisations has some **similarities** with collective bargaining, but also significant **differences**:

Similarities:

- use of bargaining techniques to convince the authorities or to reach a compromise;
- need for the support of members throughout the lobbying process.

Differences:

- Main interlocutors are not the trade unions – although they can be involved in discussions or the lobbying process – but officials of different levels, including civil servants, members of parliament, ministers.
- The outcome is not an agreement signed with a counterpart, but a decision – which is not in your hands – taken by a civil servant, a minister or parliament.
- Lobbying can require a lot more time before a conclusion is reached or a decision taken.
- A good negotiator – from the employers' side – with trade unions is not always a successful lobbyist: the ways of exchanging information and making deals and compromises are totally different.
- Lobbying is different from 'commercial bargaining' where the aim is to reach an agreement on a commercial contract with concrete definitions of the obligations of each partner.
- Sometimes lobbying is mentioned within the framework of public procurement, once the offer has been submitted and before the decision is announced after the offers have been compared. However, this kind of lobbying is not the subject of the present publication because it is an element in trading and commercial practices.

### Particularities of Lobbying by Employers' Organisations

In Europe, lobbying by employers' organisations has a number of specific features, careful observance or exploitation of which can bring advantages:

- the need for 'political' independence;
- active representation and participation in bipartite or tripartite councils;
- lobbying European institutions by means of a representative office in Brussels.

#### *The Need for Political Independence*

Successful lobbying by employers' organisations generally requires that they be **totally independent and neutral**: this means no institutional links with political parties and political institutions and not being dependent for their existence on decisions of the public authorities.

Neutrality also means not supporting particular candidates in political elections. Individual employers may by all means get personally involved in political activities, but never on behalf of their employers' organisation.

The main reason for political neutrality is simple: the government and political leaders who are today in the majority may tomorrow be the opposition, and vice versa. Representative employers' organisations must be able to talk to both government and opposition equally.

For example, if an employers' organisation has a preferential or institutionalised relationship with a political party that is not part of the government, the government will not look favourably on its proposals, as they will be considered to be inspired by the opposition.

Employers' organisations should have no preferential links with political parties, but on the contrary maintain good relations with all parties. Of course, in the nature of things the programmes of some parties are likely to be more congenial to the interests of the employers than others, but this is no reason for establishing official or institutionalised relations with those parties.

However, individual employers and, a fortiori, board members of the employers' organisation may be members of a political party and actively dealing with party affairs. That is their right as a citizen. However, they can never use this personal link in the capacity of representative of the organisation: if they hold office in the party it is inadvisable for them to hold office in the employers' organisation (for example, president or general manager). In such cases, they should choose one post and relinquish the other.

The existence of an employers' organisation should not depend on a political decision: for example, their statutes and/or incomes are determined by parliament or government. Employers' organisations whose existence is based on a law that can be modified by each new government will never be truly independent. Employers' organisations whose membership fees are decided by the parliament cannot be independent either, and thus are in a very weak position when they have to lobby for the interests of their members. This is one reason why Chambers of Commerce whose statutes and membership fees are decided by law are not appropriate organisations for lobbying.

Independence of political parties and government also relates to premises rented from the public authorities below the average market price, or specific facilities and benefits provided to leaders and representatives of the employers' organisation. They can be used to put pressure on the organisation to stop it criticising government policy.

### ***Representation on Official Councils***

Together with trade unions, and sometimes other interest organisations, employers' organisations are invited onto specific consultative and advisory councils, for example, for the purpose of social dialogue.

This constitutes a unique advantage for employers' organisations in their lobbying activities: they can use such institutions to directly present their views to colleagues on the council, but also to the government. The government is likely to pass on the opinions of council members to members of parliament.

Direct access also means that, as a member of the council, they will receive draft government documents and proposals, without having to ask for them.

However, such consultation processes should not be regarded as a mere formality, a mere obligation to be fulfilled. It requires that the social partners take sufficient time to inform and consult their members, and to work out their answers to draft proposals: consultation is not merely a matter of saying 'yes' or 'no'.

The social partners should receive the draft documents on which they have to present their position at least two weeks in advance, and not just at the opening session. Real consultation means that the social partners will have enough time to work out alternative proposals or amendments, which the government should not reject without consideration and explanation.

Indeed, fruitful consultation takes time and requires a readiness to listen on the part of the other members of the council.

Employers' organisations must take such consultations seriously. They provide a unique opportunity for employers' organisations in their lobbying activities. They must first strive to become representative organisations and then, in close consultation with their members, prepare a position, comments and amendments on proposals from the government and other partners on the council.

Employers' organisations who want to be heard and respected by colleagues on the council must pay continuous attention to their representativeness. The more representative they are, the greater their authority. In addition, their delegation should be in proportion to the importance of the sector or economy they claim to represent.<sup>1</sup>

<sup>1</sup> See 'Criteria for defining representativeness of employers' organisations' in *Collective Bargaining by Employers' Organisations – Some Key Success Factors*, pp. 53–58, ILO-SRO Budapest, 2005.

Position papers or reports that will be forwarded to government and parliament must be properly elaborated and exactly reflect the opinion of the majority of members: a joint position with other organisations on the council is not recommended as it obscures the employers' main concerns. In that case even a 'minority' position or opinion is preferable. A joint opinion as a consequence of bargaining, which is a compromise position, is only justified if it can be considered final and is likely to be accepted by government and parliament.

Finally, it is worth noting that the better the organisation of the internal consultation process, the stronger the position of the employers' organisation in the council.

### *Representative Office in Brussels*

With the enlargement of the European Union and continuous EU efforts to develop the 'internal market', European-level decisions taken in Brussels have a direct impact on the life of enterprises. Some European decisions, such as European regulations, have an immediate effect and do not need to be confirmed by national regulations.

For this reason employers' organisations, and in particular confederations, need to set up a representative office near the headquarters of the various European institutions. Their task should be not only to collect useful information, especially inside or background information, in order to better understand what is going on in Brussels, but also to build a network and alliances in order to create understanding, consideration and support for their specific interests.

Manpower is the main cost of such offices: competent experts should be appointed who are familiar with European regulations and know their way around Brussels. Costs should be shared among the main employers of a country. The main task of the experts is to report on what the European institutions (in Brussels, Strasbourg and Luxembourg) are doing and to disseminate the position of their organisation.

A particularly important aim for representative offices in Brussels is to establish good contacts with the international media, which are abundantly represented in Brussels. Direct, personal contact with a journalist can be very useful for disseminating the position of the organisation at international level.

### **New Trends in Lobbying**

- In employers' organisations, lobbying has grown rapidly in recent years. This can be explained partly by the need to comply with the *acquis communautaire* not only of new member states but also candidate countries.
- This trend has created a need for **a more professional approach**, by both board members and staff.
- Lobbying requires a **specific strategy** to be followed by the organisation: in collecting data and essential information, in network building, and in advocacy and media relations.
- Given the number of institutions and other parties involved, lobbying often requires **time** to achieve results and can thus give rise to **high costs** for employers' organisations.

A lobbying campaign by an employers' organisation must be based on a well-prepared strategic plan, which should contain:

- Clear goals, objectives and alternative solutions defined by the board of the organisation. The objectives should be laid down in a well-prepared dossier.
- A communication and advocacy strategy.
- Networks, alliances, partners.
- Flexible and effective timing.
- Respect for codes of conduct with the authorities.

# 1. Strategic Plan

Each lobby activity must begin with thorough preparation:

- definition of goals and objectives;
- collection of data and information:
  - for preparing the dossier that will set out the organisation's demands;
  - concerning how decisions are taken: Who decides? Who will be consulted? Who can block a decision and on what grounds? What are the procedures? What persons and institutions are involved? It is crucial to know 'the right person at the right place at the right moment';
- planning of consultation and information of members;
- careful timing of each step in the lobbying process;
- alternative solutions ('Plan B') in case it becomes obvious that the initial proposal is meeting strong opposition and has very little chance of being adopted.

The board of the employers' organisation must decide on goals and strategy. The board must be informed and consulted about the aims and procedures of lobbying, the advantages and disadvantages of each action, its consequences, and alternative solutions.

Proposals on behalf of the members must be approved by the board.

The strategy must consider every possible means:

- network and possible alliances;
- information and data;
- advocacy activities;
- communication policy;
- experts;
- timing;
- finances.

Each strategy must also consider an **alternative programme** (Plan B and even Plan C) in case the first proposal is not accepted, while the goal or objective remains.

It is worth taking time to prepare the strategy and consider alternative solutions: once the action has been launched, it is not always possible to prepare and consider alternatives.

While collective bargaining and the conclusion of collective agreements are always carried out with trade unions, lobbying and advocacy are always directed towards political institutions: government, ministries and political parties.

Although, as already emphasised, employers' organisations should not get involved in party politics, successful lobbying requires that they be well aware of the political agenda, the programme of the government, ongoing political issues, and so on. Full information about the political environment is essential as this will determine the **timing** of lobbying activities: interventions must always take place at the right moment, not too early, but certainly not after a decision has been taken by minister, government or parliament, because it cannot easily be changed.

#### *Need for Desk Research*

The success of a good lobbying campaign depends on how it is prepared.

The more time spent in preparation, the more successful lobbying will be.

First, there must be a complete overview of the relevant **legislation and regulations**, both **national and international**. This will require archive research, access to good databases, good documentation sources, and so on.

**Technical literature and comparative research into laws in other countries** are also valuable. Sometimes experts from universities or private bodies are needed to obtain as complete an overview as possible.

It is also necessary to make an inventory of all arguments 'pro' and 'contra' the envisaged proposal (to play 'devil's advocate').

#### *Decision-Making Process*

Research is also needed about the '**decision-making process**', which determines timing: each administration has its own way of preparing and handling a decision.

How is a proposal prepared by a ministry, what are the procedures followed, who will be involved, and so on?

For this reason, it is very useful to obtain the organisation charts of ministries, the composition of the cabinet, the list of MPs' advisors, and so on.

It is important to know exactly how administrations, ministries, councils or parliaments prepare their decisions. They have all their own rules and practices that a lobbyist should know about.

For example, at European level, the Commission has the specific right of initiative for submitting proposals for decision to the Council of Ministers and the Parliament.

At the ministerial level, the minister's cabinet always has an important role. How does it work? What is the **minister's management style**: are all decisions prepared and taken by the minister? Who does he listen to? Does he trust his administration or does he prefer to centralise all preparatory work? In many cases proposals prepared by the administration, even after consultation with the relevant associations, are completely changed when they reach the ministerial cabinet 'due to political reasons or interference'. In some cases the minister's party interferes or another party in the government coalition.

In each phase of the decision-making process it is important to know who is in charge of the dossier. Who is drafting the new regulation? Who is in charge of the dossier in the cabinet? Who is preparing the report of the parliamentary committee? Who has to present it to the parliament?

There is also formal decision-making and informal decision-making ...

The dossier becomes more complex when several ministries are involved: although they belong to the same public administration, ministries consider themselves autonomous institutions and on some overlapping issues there can be huge competition, especially when competencies are not clearly defined. The same competitive spirit exists between institutions at different levels: for example, state level and local level.

Many lobbyists have experienced the great difficulty involved in bringing representatives of two or more ministries together around the same table and in reaching a common position which all of them support. Each ministry has its own culture and vision of how to solve a problem, and although ministries belong to the same government and to the public sector, they are not used to working together.

Research is also needed on what **networks** can be involved and what is now called 'interest mobilisation': what other interest groups can be involved, and

which should be left out? What message should be delivered to them and what can be expected from them?

Research about the **political environment** and the political agenda is also important:

- electoral deadlines;
- dates of election campaigns;
- relations between parties and their leaders;
- relations between parties and their allies (for example, trade unions, consumer groups, and so on);
- the impact of the economic environment on the political climate;
- dates and agenda of parliamentary sessions: plenary sessions, sessions of the select committee and other committees, dates and times of votes, and so on.

### *Timing and Planning*

This is a particularly important aspect of lobbying.

Employers' associations must try to be involved in the drafting – by the administration or a member of parliament – of new regulations affecting their members **from the very beginning**.

It is the task of lobbyists to seek out and collect all useful information from ministries, the administration and parliament and its committees.

Once important information that concerns the members has been collected, lobbyists must follow the drafting process, how the content evolves, amendments, and so on.

The **best time** for an employers' organisation to intervene is **before a proposal is put down on paper**.

Afterwards it becomes increasingly difficult – and sometimes almost impossible – to make changes: for example, a draft law signed by the minister for presentation to parliament can only be changed by a decision of the parliament.

Similarly, once a minister has taken a public position on a sensitive issue, he is supposed to confirm this in the draft that he submits to parliament and it is much more difficult to change his mind, unless the arguments are particularly strong.

Timing is vital in this context. As long as negotiations with the administration are progressing constructively, there is no need for firm statements in the media. On the contrary, this can sometimes awaken unexpected or undesirable reactions from other interest groups. However, 'neutral' information released to the media on a particular issue can be useful.

Lobbying is always a **long process**, primarily because a final decision can only be taken in accordance with deadlines which cannot be shortened, but also because any proposal has to get the approval of a number of other institutions; if there is no consensus, the decision is postponed.

For example, the European directive on smoking took more than two years from the first draft of the Commission until it was adopted by the Parliament. Its implementation and adoption by all member states will take several more years.

A good lobbyist knows exactly when to act – **the right moment, the right person**, and so on. The officials of an employers' organisation must be ready at all times for when an issue comes to be discussed by the administration, government and/or parliament. The relevant staff of employers' organisations **cannot leave the country** or go on holiday when the government and parliament are discussing the budget and there is a risk that a negative decision might be taken against the employers' interests during their absence. Government and parliament will not wait until the employers' representatives get back from their holidays!

Good lobbying is about 50% timing and planning; it requires exact and complete information about the decision-making process and a reliable network.

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## 2. Dossier – Contents of Proposals

The preparation of the dossier containing the organisation's proposal is the most important task in the preparatory phase and the most important element in the lobbying campaign.

Careful preparation is indispensable:

- **Statistics:** figures must be **correct and exact**, and **sources must be mentioned**. Wrong statistics or statements, out of context, can be a source of trouble and will seriously damage your position.
- When using or copying statements or findings from researchers, academics, and so on, who like to stay out of the debate, always inform them beforehand and ask for their agreement.
- In order to be convincing, the contents should be:
  - **consistent and relevant** in relation to the policy and practice of the members;
  - **realistic:** 'don't try to swim against the tide': take into account the present political environment and respect agreed 'higher political goals'. It is not realistic to lobby for the complete withdrawal of an issue agreed by the coalition government after long and difficult negotiations: it would be better to ask for amendments that can improve the outcome;
  - **helpful and constructive:** the proposal should be a contribution to solving a problem, not to creating a new one;
  - **precise and easy to understand:** complicated, technocratic wording will create confusion among your interlocutors. Furthermore, what is difficult to understand is also difficult to explain and to defend and promote.

About the argumentation:

- Always put the most important argument at the top of the list.
- However, pay careful attention to your interlocutor: what is important to you is not necessarily important to the interlocutor and that is who you want to convince!
- Strong arguments always take the form of **comparisons** of government proposals with regulations in other, **neighbouring countries** and/or their conformity with **international regulations** – for example from the EU – and pointing out the possible contradictions.

- Point out the impact on the competitiveness of a particular sector or the economy as a whole, and possible damage to enterprises, including job losses, and so on: only the minister of finance will be interested in the impact on company profits, but **all members of the government will be concerned by arguments about the impact on jobs.**
- If possible, the proposal can be made the subject of an opinion poll and the results incorporated in the dossier: media and politicians are always sensitive to such polls.

Politicians are always very sensitive about issues related to employment: they will be very open to proposals that will stimulate job creation and will reject proposals which will have a negative impact on jobs. Employers' organisations should always refer to the impact of a draft regulation on the labour market: if a draft regulation on fiscal issues or the environment will destroy jobs in a particular sector, the employers' organisation should underline this negative impact and try to quantify it.

Presentation of the dossier:

- On top, always a **Summary** (1 page only) containing the essence of the proposal, the objectives and the arguments: Ministers, members of parliament and high-ranking civil servants are always busy and usually have no time to read long documents. They have to be convinced by strong arguments, facts and short but clear presentations. Their assistants will then have a more detailed look and confirm – or not – the first impressions.
- This is followed by the contents of the proposal.
- Next comes the argumentation: take care to draft the argumentation in such a way that it is convincing for your interlocutor, and does not hurt him: for example, when your organisation wants to change a regulation on environmental protection, don't tell a Green Party MP that it costs too much: he will not be swayed by this argument. If you tell him that it is technically unfeasible in the short term, however, or that you will have to close a department and it will cost jobs, then he will be more receptive.

### *'If you can't beat 'em, join 'em'*

It's not enough to say that you are opposed to a particular government proposal: you should also formulate a **realistic alternative**, and that is not always easy, as it has to be prepared in agreement with the members, either the board or the general assembly.

It may turn out during the negotiations with the government and the administration that the initial proposal has no chance of being accepted, but

that an alternative proposal might get somewhere: again, this must be drafted in close consultation with the members.

After all, the task of the lobbyist of an employers' organisation is to identify, prepare and submit proposals on which consensus can be reached and which can be considered a 'win-win' solution.

An important tool for verifying whether a proposal has any chance of being accepted by politicians is the 'media test'. This involves submitting – in a strictly confidential manner – a draft of the proposal to journalists with whom the organisation has good, reliable contacts and asking them for their opinion as representatives of public opinion. Their reaction can be a great help in better formulating or presenting the proposal, or even in deciding to wait for a better moment. In addition, if the journalist later discovers that his advice has been followed, he will be even more favourably disposed to the organisation's cause.

### *Use of External Experts*

For the preparation of the proposal or 'dossier' containing the organisation's position, it can be useful to add the opinion or comments of external, highly qualified experts, for example from universities or research institutes.

Usually, such experts and researchers wish to remain neutral and insist on delivering an objective opinion, especially on sensitive issues. If their conclusions or opinions might influence the political debate, however, some will refuse to contribute, as they don't want to get involved in a political discussion that could damage their reputation or compromise their independence. This must be respected: that is why it is also important to make a clear commitment to such experts concerning their contribution, its contents, follow-up and consequences.

Usually, external experts who are not on the organisation's pay roll want to be paid for their contribution. Payment of a success fee is not advisable when hiring an external expert, but any fee should reflect the importance of their contribution, time spent, research done and the relevance of their conclusions.

Anyway, in order to avoid subsequent disputes it is strongly recommended to conclude a contract which clearly lays down the expert's task and research duties, as well as the possible uses of their contribution, in order to avoid disputes and conflicts afterwards.

A special case is the contribution of experts from member companies. As they are on the pay roll, they naturally think that their contribution must primarily reflect the company position rather than the general interest of the sector. For this reason, when the company's interests are not necessarily in line with those of the association, it is necessary from the beginning to set clear rules about what is expected from their contribution and what to do in case of conflicting positions. Furthermore, it is not in the interests of the sector for the employers to show a divided rather than a united front.

Another special case is the use of former ministers, retired high-ranking civil servants, and so on. Of course they have a large network of contacts and are very familiar with how decisions are made. They can be very helpful on how to approach officials, how to formulate a proposal, the use of particular terms, and so on. However, they usually have their own ideas on how to solve a particular problem and are not always flexible enough to take into account the opinion of the organisation. In addition, their intervention can be expensive. For this reason, however 'respectable' they might be, there should be clear agreement about what is expected of them from the outset.

#### ***Input from Members***

When preparing the dossier of proposals to be submitted to the authorities, the positions and concerns of members cannot be ignored. Members must be involved in the preparation of the dossier.

For technical issues, member experts can be asked to draft a contribution or a proposal. However, they have to work out a proposal that can be supported by all members, not only by their company.

Also, when preparing a draft proposal a questionnaire can be sent to the members with questions concerning data, statistics, experiences, positions, and so on. The staff must work out a common view, a common position which will be presented as the view of all or the majority of members.

At present, the Internet and the organisation's website can be an excellent tool for collecting information and positions on a specific issue from the members.

Box 1 presents the interesting example of how the Bulgarian Industrial Association (BIA) used its website during Bulgaria's EU accession negotiations.

#### **Box 1 How BIA used its website for dialoguing with its members on the 'accession negotiations'**

Bulgaria's EU accession negotiations from 2001 to 2004 concerned the 32 chapters of the *acquis communautaire*. On the Bulgarian side, the negotiations were conducted by the government which was supposed to consult all interested organisations and associations affected by the 80,000 pages of the *acquis communautaire*.

Several chapters were of direct importance to the social partners. On the employers' side, the main organisation was BIA, the Bulgarian Industrial Association.

BIA was a member of a special committee set up by the government and the social partners with the aim of preparing the positions of the Bulgarian negotiators.

As the deadlines for consultations were sometimes extremely short, BIA created a special section on its website about the accession negotiations, containing the contents of the 32 chapters and the issues discussed at each meeting.

The members were invited to react to each proposal submitted by the EU Commission for the agenda of forthcoming negotiations: this was a kind of online consultation of the members by BIA representatives involved in the meetings with the government.

The BIA website was a strong and useful tool for fast and efficient preparation of positions in the accession negotiations.

Web address of BIA: [www.bia-bg.com](http://www.bia-bg.com). There is also the possibility of free subscription to 'BIA Daily', BIA's daily online newsletter.

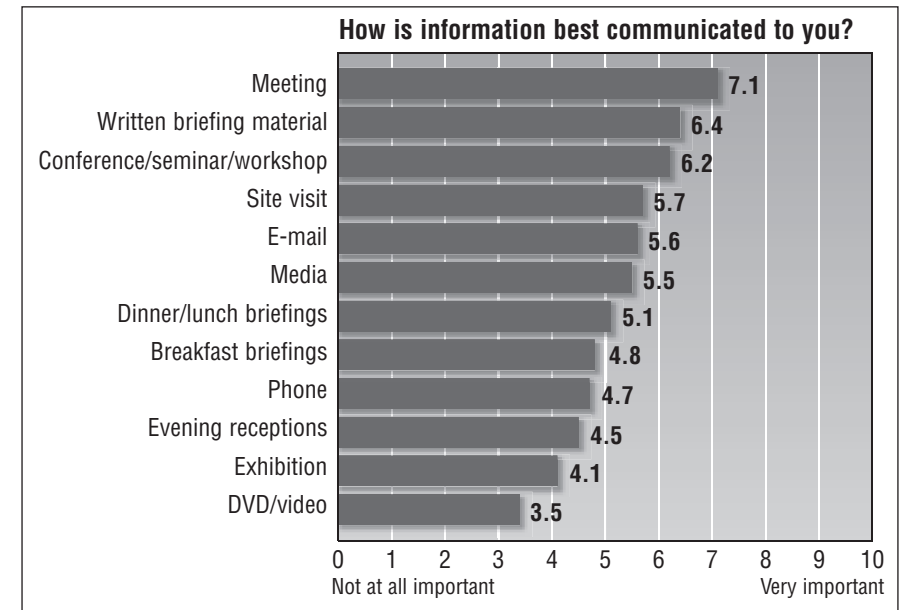
### 3. Communication and Advocacy

#### A. How to Communicate your Message

Once the goals and objectives are defined (and approved by the members or the board), decisions must be taken about how to communicate it to the authorities.

A survey on lobbying European institutions commissioned by Burson-Marsteller in 2005<sup>2</sup> contained a very interesting figure presenting the most effective ways of communicating a message.

Figure 1



<sup>2</sup> Burson-Marsteller, *The Definitive Guide to Lobbying the European Institutions*, Brussels, 2005 (www.bmbrussels.be).

As Figure 1 indicates, the most effective way is a **'face-to-face meeting'** with the decision-maker, followed by **'written briefing material'** (written dossier).

Evening receptions and exhibitions are important for creating awareness, or for initiating contacts and distributing business cards.

Membership of tripartite or bipartite advisory or **consultative councils or committees** constitutes a unique opportunity for employers' organisations. Such institutions are specially set up for official consultations with representatives of the main economic and social organisations. In every modern democracy, the government must consult with such organisations before a proposal is submitted to parliament. Government and parliament cannot seek the individual opinions of companies, but only of representative organisations.

Such councils and committees have to be included in any communication strategy, and thus participation in such meetings has to be carefully prepared, with position papers drawn up by staff and approved by the board of the organisation. If the employers are represented by several organisations on such committees it is strongly advised to try to prepare a common position paper. Of course, such a paper should reflect the main concerns of your organisation: if this cannot be achieved, it is better to present your own position.

However, employers' organisations should keep in mind some essential rules for fruitful meetings and contacts:

- Representation: at a meeting with a top-level decision-maker, the organisation should be represented by a high-level representative. For example, a meeting with a minister should be attended by the president or, if he is not available, a vice-president and the minister should be informed why the president is unavailable: a business meeting abroad is an acceptable excuse.

For lower level meetings, the organisation can be represented by a board member or by the general manager. However, sometimes even a meeting with the director general of the ministry should be attended by the president if the minister has delegated the director general to negotiate a solution with the association. In such cases, the director general represents the minister.

- There should be no advocacy or media campaign during negotiations with the government unless the media presents inaccurate information that may have an impact on the ongoing negotiations.
- Bargaining should not take place at different levels or institutions: in negotiations, coordination is essential. If negotiations are taking place at both cabinet level and administration level, the outcome is unlikely to be good.

- If the organisation is asked to present a position paper with the official position of the association, this must be done in consultation with the members and the government and the administration must allow time for this. In the end it is in their interest that members be informed and consulted.
- In any case, it is in the interest of the organisation to speak with 'one voice'.

#### *Communication: One Voice*

Lobbying by an employers' organisation involves a whole range of internal and external activities and contacts by representatives on behalf of the members.

Easiest and most efficient are contacts or visits by a delegation to 'friends': little time or energy are expended on persuasion. The purpose is rather to inform.

However, there are also more difficult contacts, meetings which require more time for presentation of the proposal and arguments, and more effort for explaining the proposal's importance.

Of course, such meetings must be well prepared: a spokesman must be appointed to speak on behalf of the organisation, and if necessary they will be assisted by selected experts. Such experts can take the floor only when invited, and should comment only on particular issues and arguments. Such experts can be representatives of member companies and officials are likely to appreciate their input.

It is important that the organisation's delegation shows a **united front** and position in such meetings: the worst case is when a member of the delegation or an expert tells a different story from the leader of the delegation or spokesman. Equally bad is when the explanations provided contradict the contents or arguments of the dossier.

The composition of the delegation should be discussed by the board or presidium. Many board members tend to want to attend such meetings, usually more than needed. Such delegations should not be too large. In the car industry, for example, every important player wants to have a delegate meet the minister.

Such difficult meetings must be prepared carefully: for example, answers to difficult questions that might be raised during the meeting by the minister or a member of parliament should be prepared beforehand. There are established training techniques to prepare better for such meetings and discussions. Staff can be very helpful in preparing to meet difficult questions. The

contents of the answers should be discussed and agreed beforehand by the board or the delegation that will attend the meeting. The worst case is when a member of the delegation takes the floor without being invited and strays 'off message'. This indicates that the delegation is not united: a divided delegation makes the minister's work much easier.

There must be a **debriefing and follow-up** immediately after every meeting, with a report, oral or written, to the board. It may be that, in response to the reaction of the minister or other decision-makers, the initial position has to be adapted.

Difficulties can arise when the organisation is represented by a board member without the assistance of a staff professional. Board members are not always used to preparing a report after such missions. As a result, no information may be transmitted, and no follow-up done. It is therefore strongly recommended that a staff member join a board member when representing the organisation. The task of the staff member will be to report afterwards about the outcome of the official meeting.

If during the meeting additional documentation or explanations in written form are promised, this must be provided immediately, not several days or, still less, weeks after the meeting.

### ***Media Involvement***

In a lobbying campaign, the media play an important role. They can influence the whole decision-making process, either by particular comments or by how they report on the subject overall.

The organisation must therefore handle media relations very carefully at all times.

Within the organisation, a **professional staff member** should take care of media relations: this presupposes that they be very well prepared and briefed about the contents of dossiers and the positions of the organisation.

Their role is to be the sole contact-person through whom relations with the media are channelled. This is not always an easy position: if something incorrect or detrimental is written about the organisation's position it will be their duty to intervene and to ask for a correction, which journalists are sometimes reluctant to do.

Their tasks also include preparing press conferences, press meetings, press statements, interviews, and so on.

They also have to report to the management and the board – especially spokesmen in charge of the dossier – on how the media are reacting and reporting on the issue: again, it is not an easy task to explain why the organisation is not doing well in the media and thus receiving no media support for its proposals.

The most difficult situation for a press officer is when the leaders of the organisation are convinced that they are doing well, but **the media perception** is totally different. It is always difficult for the leaders of an organisation to admit that they are going wrong with the media: they will first blame the media ('they don't know what they're doing; they don't understand the issue; it isn't important'), and next blame their own press officer instead of listening to his proposals for improving media perceptions.

Even if the media's perception of the organisation, its leaders and their proposals is wrong, there is a great danger that politicians will go along with it, since they are reluctant to go against the general feelings of the media.

In recent years, the media environment has undergone important changes, not least with the development of electronic media – especially TV and the Internet – and the emergence of new technologies for printing, transmission, and so on.

The result is that today media competition is intensifying both to win or maintain audiences and to obtain enough advertising revenue to remain profitable.

The editorial side of the news media tries to maintain its autonomy from shareholders and management. Relations between management and shareholders on one side and the editorial staff on the other are determined by a kind of charter or protocol, which also lays down rules on the behaviour of journalists, their independence and the principles of the publication. Professional journalists are becoming more critical and are no longer ready to accept at face value a press statement issued by a company or association. Their views sometimes do not match those of the employers, even if the owner shares the position of the employers' organisation.

In addition, the editorial staff considers itself the representative of 'public opinion', is more sensitive to the interests of readers and thus does not necessarily attribute the same importance as the organisation to some issues.

A thoroughly professional approach to the media is highly recommended, for example, by recruiting professional press officers.

## B. Events

Events are important means of creating contacts and meeting with decision-makers, and for showing the public the importance of the topic.

There are several kinds of events: social, academic and commercial, private or public.

Social events include cocktails or cultural activities (concerts, opera, exhibitions, theatre, and so on) organised or sponsored by the organisation and to which important decision-makers are invited.

For an employers' organisation, the official annual meeting or **general assembly** – at which the annual accounts, the budget and the programme are approved for the following year, and statutory nominations of the board take place – can be followed by a cocktail party where vital contacts can be made with ministers, civil servants, politicians, important decision-makers, media representatives, and so on. This is a unique opportunity to have direct contact with decision-makers.

The annual General Assembly of the association also provides a unique opportunity to invite a member of the government to deliver a speech to the members, after the statutory formalities have been fulfilled. Ministers like to be in the picture when the media also attend such events and there is wide coverage on TV and in the newspapers.

Other kinds of useful events include anniversaries of the organisation's establishment, the election of a new president, the appointment or retirement of the general manager, and so on.

The annual general assembly or other special events can be a good opportunity to distribute **awards and medals for special merit** to 'friends' of the organisation, including former ministers, former high-ranking civil servants, journalists, and so on. Such honours are very much appreciated: the recipients tend to become strong supporters of the organisation.

Of course, such public gatherings cannot be used for a debate or an attack on the policy of the minister or the government: if something unpleasant has to be explained to the minister, it cannot be done in front of the cameras, but at a small, closed meeting where a more open discussion can take place.

Usually such meetings are followed by cocktails, to which non-members, but good friends of the association are invited, such as civil servants, colleagues from other organisations, trade union officials, and so on. Such informal

events are excellent for getting to know one another and sometimes for resolving misunderstandings.

However, the setting of such events and the large number of guests is not favourable for a thorough discussion of important issues for the organisation: it can only provide an opportunity for an initial introduction and an agreement to meet (face to face). If possible, a date for such a meeting should be agreed on the spot. If the date has to be fixed via the guest's secretary, often the secretary will initially reply that they first need to check with the official.

**Academic events** are also useful for making contacts with decision-makers: conferences, round-tables, symposia, and so on. They can provide an opportunity to give the floor to the decision-maker for an objective discussion on some issues. They can even be invited to be an official speaker and to make a presentation that will stimulate an exchange of views about an important issue.

If the conference is followed by a publication including the lectures and discussions, the texts must reflect the various interventions precisely: in case of doubt, it is recommended to check with the author before publication.

(See Box 2, page 35, with the example of the Entrepreneur's Day organised by the Croatian Employers' Association.)

**Commercial events** organised by employers' organisations with and for their members, such as trade fairs, shows and economic missions, can also be used for the 'advocacy' of their concerns to a larger audience, and especially to the government.

At a trade fair, there is always an opening ceremony with speeches by special invited guests, or a government representative. In addition, some weeks before the fair, show or congress, there is a press conference during which a representative of the association can explain its main concerns about the government's economic and social policy.

Again, such opening ceremonies in the presence of a government representative and journalists should not be used for issuing negative comments about government policy: this can be better done, if necessary, at the press meeting some days before. Usually on such occasions, the newspapers issue a special edition or TV makes a special programme about the event: the organisation should be invited to use this opportunity to explain the main problems of the sector.

In the car industry, the motor shows are usually organised by or in close association with the branch organisation: the opening ceremony is an excellent occasion for a message from the president about the main concerns of the industry and a uniquely valuable opportunity for making social contacts with important decision-makers, while having a quiet look at the new cars being exhibited.

### ***Business Cards***

All events are unique opportunities for exchanging business cards.

Lobbyists must always have enough business cards with them when participating in a social event.

Business cards have to contain essential information for building further contacts, including:

- full name (first name and family name);
- exact title or position;
- name and full address of the organisation, as well the legal status of the organisation, such as NGO, non-profit organisation, and so on. If there is an official registration number and the law prescribes that it should be mentioned on every printed document, it also has to be mentioned on the business card;
- telephone (direct line or secretary), fax;
- e-mail and website;
- mobile phone number.

There is no need to mention bank details. However, if the organisation has a VAT number, it can also be mentioned.

The **logo of the organisation** should also be printed, preferably in the top left corner.

Normally, business cards should be 'exchanged', and thus are used for building important contacts. They should not be distributed to all and sundry as in an election campaign.

Most cards today are 55 mm high and 90 mm long. They can easily be kept in a box for the purpose. This is hindered if they have an unusual format.

### **Box 2 Entrepreneurs' Day organised by the Croatian Employers' Association (HUP)**

It's an annual event, usually held in springtime. Initially, around 300 entrepreneurs attended, but in recent years this has grown to over 700. In fact, the organisers had to look for new premises.

The event is organised by HUP/CEA (Croatian Employers' Association). Topics are chosen which are important for HUP/CEA members. That is another reason why such a large number of members attend: it is considered a unique opportunity to put 'direct' questions to decision-makers, and ministers are eager to attend as there is wide media coverage.

Opening speeches are given by the President of the Republic and the presidents of HUP/CEA. In the course of the day, panels are organised with the participation of representatives of the members and a minister. HUP/CEA also invites foreign speakers from European employers' organisations and from sister organisations, such as UNICE, to which HUP/CEA is affiliated.

The Day also includes the presentation of a HUP/CEA award to the most successful county in the Republic of Croatia, generally to the county governor. The Day is also used as an opportunity to present some 'exemplary' members, taking into account the agenda of the meeting. The Day always concludes with an Open Discussion involving ministers and entrepreneurs in a 'question & answer' session.

Of course, there is wide media coverage, especially by the electronic media, with interviews, live coverage, and of course particular attention to the speeches by the HUP/CEA president and ministers. Entrepreneurs' Day is usually linked to the HUP annual assembly and is a unique opportunity for the members to meet officials and the media.

More information available at [www.hup.hr](http://www.hup.hr).

### **C. Publications**

Publications are important means by which employers' organisations can communicate with decision-makers.

### *Memorandum to Political Parties and a new Government*

For 'homo politicus', the timing of elections is always very important. Regular elections – that is, not after a crisis, for example, when the government has lost a vote of confidence – are usually planned more than a year ahead. The parties start to raise funds, prepare the list of candidates and draw up their programme. Usually, the main issues and slogans are approved by special congresses.

If employers' organisations want to avoid a party approving a programme with negative proposals for them, they must start lobbying before the party congresses take place.

In some countries, before an election campaign starts, the employers' organisations issue a **Memorandum to Political Parties** presenting their vision of the economic and social policy of the future government. This document is sent to the leaders of all the parties involved in the election (to their programme committee or research department), as well as to various public figures (head of state, parliamentary speaker, and so on). The document is also made public via a press conference.

After the election, the Memorandum is sent to those negotiating the programme of the new coalition with a view to informing them of the employers' positions. Again, these negotiations can be very important for the employers. If intervention is needed, it should be done before, not after the negotiators have reached agreement. The contents of the intervention should provide a positive solution to the problems discussed by the coalition partners: it is not enough to explain that the employers are against a tax increase – an alternative solution should be presented.

Once the government is in place and has the confidence of parliament, it is recommended to visit each important minister in the new government, starting with the Prime Minister, and including the ministers of the economy, finance, labour, social affairs, foreign trade, and so on, and to explain the parts of the Memorandum that concern their ministry. During such meetings, commitments can be obtained in relation to implementation of parts of the Memorandum and a follow-up meeting should be scheduled.

The Memorandum will become the basic document, a kind of '**roadbook**' for evaluating government policy. It has to be constantly updated and supplemented: if some proposals are accepted and implemented, they have to be deleted from the document. Meanwhile, new issues can arise and should be added. This inventory of wishes and expectations should be updated at the highest level of the employers' organisation.

A variant of the Memorandum addressed to the political parties and the government is to send a 'questionnaire' to the parties with questions important for the organisation. The parties' answers can then be published so that the members can make their choice, and, later on, the parties and government reminded about their promises. However, parties do not always reply to such questionnaires or reply very late, with the result that such last-minute publications have little impact on voters.

See Box 3, page 40 on The reports of the 'Bulldozer Commission' of the Employers' Association of Bosnia-Herzegovina (APBiH)

### *Newsletter for Decision-Makers*

It is important that decision-makers regularly receive news and background information about a sector or branch of the economy, and not only when there is an urgent problem to solve, at which time decision-makers have no time to read such information and make decisions on the basis of what they already know.

It can therefore be recommended for a branch association to issue a newsletter to a selected list of decision-makers, such as members of parliament, members of the government, high-level civil servants, members of ministerial cabinets, trade union leaders, teachers, journalists, and the leaders of NGOs with which the employers' organisation is in regular contact, such as consumers' associations, environmental organisations, and so on.

What should be the contents of such newsletters?

- statistics and economic and social news;
- news about the sector and its products;
- challenges: world market, technology, R&D, skills;
- results of research;
- new investments, and so on.

The editorial work should be in the hands of the staff of the organisation, but for specific articles, assistance from external experts can be obtained.

Membership fees should cover the cost of such publications. If not, advertising revenue is a further option, but be aware that the target readers do not like advertisements in such publications.

The contents of the newsletter can also be made available on the website of the employers' organisation, although not because the target reader will look for it there.

See Box 4: page 41 on The 'Annual Business Survey' by the Employers' Confederation of Republika Srpska of BiH.

### ***The 'Open Letter'***

The technique of the 'Open Letter' addressed to the government, a minister or a well-known public figure with authority to make decisions is a very powerful tool. It can be costly, however, and can only be used on special occasions and by surprise, for example when there was no possibility for a last significant meeting with a minister or the government, or if previous discussions with their deputies were not successful.

The 'Open Letter' is published in one or more newspapers as an advertisement, and paid for as such, on the first or second page, and covering a quarter or half a page. It has the layout of a letter addressed to the Prime Minister or a specific member of the government or to the parliament, and is signed by the president or other leading member of the organisation. The contents must be related to a decision to be taken by the addressee in the coming days or even hours which would also interest the readers of the newspaper: for example, taxation or a product that is important to the public, such as cars. The message must be short and clear, easy to understand by everybody who will read the letter.

Some professional journalists don't like such 'open letters' inserted as an advertisement: they consider it a kind of interference in their task of providing the public with information. For this reason, in order to be successful, the organisation should prepare a press communiqué explaining the aims of such action. This also enables the editorial staff of the newspaper to write an article about the open letter, so further motivating the reader to read it.

Such advertisements are very expensive and thus can only be used occasionally. It is better to invest in professional media specialists or a PR manager whose tasks will include preparing press communiqués and statements with interesting ('hot') news about the organisation and the sector. Such inserts in the media cost less than advertisements, and if well prepared and written can be more powerful. A good exercise is to compare the cost of an article based on materials prepared by the press department of the organisation and the cost of placing such an article as an advertisement.

## **D. Other 'Grassroots' Actions**

### ***Sticker Campaign***

In 1981, in order to underline its opposition to government tax policy concerning car drivers, with higher duties on oil, higher road tax, less possibility of tax deductions (including VAT) for professional drivers, the Belgian Motor Industry Association, together with the association of car dealers and the association of car drivers (the auto-clubs), launched a big campaign lasting six months, with advertisements in newspapers, road hoardings, special publications, and a sticker campaign with the campaign logo and the slogan 'Enough'. The logo was a squeezed lemon on wheels. This presented a very powerful message: many car drivers who received a sticker through their dealer put it in the rear window. The result was that the government had to reconsider some of its proposals and for five years there were no new tax measures against car drivers.

The success of such actions depends on the efficient distribution of the stickers to the 'final consumer'. For the car industry, their network of car dealers is an appropriate tool, but it has to be encouraged to cooperate with the distribution.

A large number of cars bearing the sticker, or even the appearance of the sticker on the bags of school kids, and so on, will tell the decision-maker that the aims of the campaign are supported by a large number of citizens!

### ***Petition with Collection of Signatures***

In the same category, the collection of signatures in the form of a petition, which takes the form of a letter addressed to the minister, government or other decision-maker, and the delivery of all the signatures collected in front of press cameras can also generate support for the objectives of the campaign.

### ***Opinion Polls***

In order to create support for a proposal, an opinion poll can be organised by an independent specialist institution and the results can also be used in the dossier sent to the government and the parliament, as well as the media. For the media the results of such polls are always interesting.

### **Box 3 Bulldozer Commission (BiH)**

In 2002, at the request of the leaders of the employers' organisations of both entities of Bosnia and Herzegovina (BiH), the Office of the High Representative (OHR) decided to set up a special Commission with the aim of preparing proposals for reforming the regulations in both the two entities of BiH and the state as a whole in order to boost the economy and improve the labour market.

The Commission was called the 'Bulldozer Commission' and comprised representatives of the employers' organisations of the entities (the UPFBiH and the ECRS), the trade unions, and other interest groups and NGOs.

In spring 2003 the Commission proposed a first report containing 150 important reforms to the OHR, which was presented at a large conference of representatives of the OHR, the Council of Ministers of BiH, the governments of the entities, members of parliaments, ambassadors, representatives of different international organisations and the media. The aim was that the respective governments and parliaments should examine the proposals within two months and make a decision or report to the OHR.

A second report with new proposals was published in 2004. After this report, the OHR decided that the work and activities of the Bulldozer Commission should be taken over by the Employers' Association of BiH (AP-BiH), the employers' confederation at state level that was set up mid-2004.

On 1 January 2005 the 'Bulldozer Commission' was transferred to the APBiH which had to appoint an ad hoc director and team of assistants who prepared a third report, which was published mid-2005. The main proposals in this report came from the member associations, the entities, the cantons and the municipal organisations.

In 2005 the Bulldozer Commission started to issue a monthly publication containing reports on the follow-up of its proposals.

The Bulldozer Commission is an excellent tool for identifying important obstacles to economic growth and job creation. It continues to have the attention of the OHR and the media are always eager to report on its activities and proposals.

At the beginning of its transfer to APBiH, the Bulldozer Commission ([www.buldozer.com](http://www.buldozer.com)) benefited from financial support from several bilateral donors.

### **Box 4 Annual Business Survey (BiH)**

In 2004, the Employers' Confederation of the Republika Srpska (BiH) issued their first Annual Business Survey with the financial support of SEED BiH (Southeast Europe Enterprise Development, managed by International Finance Corporation and the World Bank).

The Business Survey is based on answers to a questionnaire sent to a representative sample of 172 companies with their seat in the Republika Srpska (RS). The survey is anonymous with the aim of obtaining from the respondents – company directors and owners – an unprejudiced evaluation of their business performance and the business environment.

The answers are compiled by the Economics Faculty of the University of Banja Luka and published with impressive colour graphics, giving a clear picture of the opinions of the business community of RS concerning the policies of the RS Government and the Council of Ministers of BiH, and about their expectations and priorities for future economic and fiscal policy.

The publication containing the results of the Business Survey is presented by the RS Employers' Confederation (ECRS) at a press conference, followed by interviews in the media (TV, radio, newspapers and magazines), with extracts from the publication.

In 2005, the ECRS renewed this survey and made a comparison with the previous year: had there been an improvement in the business environment in the RS?

The annual ECRS Business Survey is a strong tool for RS employers to advocate reforms and changes in the economic and fiscal climate. It forms part of the ECRS's lobbying strategy.

The Annual Business Surveys of 2004 and 2005 are published on the ECRS website: [www.poslodavci.rs.ba](http://www.poslodavci.rs.ba)

In 2005, the ECRS's colleagues in the Federation of BiH, the Union of Employers of the Federation of BiH (UPFBiH) launched a similar initiative and published a Business Barometer.

The Business Barometer of the UPFBiH is published on the website: [www.upfbih.ba](http://www.upfbih.ba)

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## 4. Networking and Alliances

### *The Address Book*

It is well known that the quality of a lobbyist's address book is a key factor in their success. It is their main networking tool.

As data can get out of date, the address book must be constantly updated: not only the addresses (private and office addresses), the phone and fax numbers, and the e-mail addresses, but also – very important – titles, positions and honorary functions.

For example, in many countries former ministers, once they have been in office for 4 years, have the right always to be known as Mr or Mrs Minister. In France a former Prime Minister is always called 'Mr President' (as president of the Council of Ministers). Naturally, the same applies to titles of nobility: baron, count, prince, and so on.

In order to help update address books, some institutions publish the list of their main employees, with title and degree, or it may be available on the Internet. However, printed documents and books are always updated with a delay. That is why it is important before contacting for the first time someone in a high-level position in a ministry or administration to check their data, usually by calling the secretariat.

Other important data sources:

- organisation chart (organigram) of the ministry;
- list of members of a minister's cabinet;
- list of members of parliament with their assistants and their membership of committees;
- editorial offices of news media.

Similar data should be collected for European institutions.

### *Selection*

It is important to select **reliable, trustworthy** contact persons from these addresses and contacts.

To begin with, this is not an easy task, if the person to be contacted is not well known to your organisation. That is why the organisation should collect more information about those persons, including their curriculum vitae (CV), or try to meet them at some events, such as conferences, colloquia, receptions, annual assemblies, and so on. The number of lobbyists attending an event is an index of its importance.

### *Alliances*

Organisations can try to win support for their proposals from other organisations, and thus indicate their importance. It may also be that those organisations may become more effective advocates of the proposal. Sometimes a third party can be more successful.

Make sure that you reach a clear understanding with your allies in order to avoid later disappointments or 'payback' that is unacceptable to your organisation.

For employers' organisations it is very important to look for support from colleagues and to show a broad consensus among industry and business associations.

In addition:

- Such support is not always for free: on a future occasion, the new ally will seek 'payback', often in the form of support for a proposal that the organisation cannot accept.
- Political parties are only interested if there is a benefit for the party, i.e. it can bring more votes and more popular support at the next election. Political parties and movements will only give their support if it will improve their image in the eyes of the public.
- Civil servants can only favour the proposal if it fits in with the objectives of their administration and is not opposed to the programme of the government.

Apart from trade unions, other associations and NGOs which are usually not represented on consultative councils and with which an alliance can be formed include:

- foreign or bilateral economic chambers, such as the American chamber of commerce (Amcham);
- chambers of commerce;
- foreign investors' associations, SME associations;
- consumers' associations;
- environmental protection organisations (for example, Greenpeace, green movements, and so on);
- animal welfare organisations (important for food and agriculture and for the pharmaceutical industry);
- family interests;
- older and retired people;
- young people;
- women's associations;
- minority groups;
- educational organisations;
- sport;
- leisure associations.

Networking can also be organised via:

- alumni associations;
- service clubs;
- charity associations;
- cultural associations (music, theatre, opera, etc.);
- sports clubs (with VIP lounges).

In certain circumstances, it may be worth setting up a **foundation with a specific aim** together with other interest organisations. Such a foundation has the advantage of uniting all interested organisations in one new association with a proper structure and institutions, including board, staff, and so on.

However, experience shows that even if all parties can easily agree on common objectives, difficulties may arise when decisions have to be made and agreement reached on funding. In principle, it should be on a cost-sharing basis and equally divided. However, some organisations have more difficulty collecting money from members than others, while on the other hand the big donors expect that the new association will be more attentive to their position.

An example of such successful alliances are the road federations which unite not only the association of road-builders and their suppliers, but also the associations of users, such as the Road Transport Association, as well as those of goods transport (trucks) and passengers (buses, taxis, and so on), the

auto-clubs, the association of car and truck manufacturers, car dealers, repair businesses, and so on.

Such associations can themselves present the views of a whole sector and all its interest groups to the authorities, for example, the Ministry of Transport and Public Works. If the association is well organised and has a good leadership and management, it can be very successful because the ministry will prefer to negotiate with one representative organisation than to have to consult many organisations and try to negotiate a compromise.

Another example is the cooperation of the food and beverage industry with the packaging industry in order to solve the collection of waste packaging.

The successful establishment of an 'alliance' requires that from the beginning the founders agree on:

- criteria for the selection of representative and reliable partners;
- clearly defined objectives and strategy;
- the budget of the alliance and its financing by the partners;
- management: competent staff members;
- the board members' decision-making process;
- transparent ways of lobbying and advocacy;
- harmonisation of positions in order to avoid conflicts.

An alliance must remain a reliable partner and interlocutor for the authorities. The moment the authorities lose confidence in an alliance, it must reconsider its objectives and strategies.

## 5. Ways of Dealing with the Authorities

### *Code of Conduct – Ethics*

In their relations with members of government and their cabinets, members of parliament and civil servants, the representatives of employers' organisations should respect rules relating to **transparency and openness**.

Those rules can take the form of 'codes of conduct' and are self-regulatory, but they can also be imposed as the obligation to register, together with the obligation periodically to issue a report on their lobbying activities, as well as to declare their sources of income or revenues.

However, the more rules, the higher the costs for employers' organisations, especially the smaller ones. The effectiveness of such rules can also be questioned.

Codes of conduct, registration and all intermediate solutions try to regulate the need for more transparency, openness, fair practices, honesty, integrity, and so on.

The relevant issues include:

- **confidentiality** in relation to documents prepared by official institutions;
- no sale of official documents which were obtained free of charge;
- no financial inducements for civil servants, members of parliament or members of the government;
- no representation of other interests than those of the members of the organisation;
- no dissemination of false and misleading information.

Employers' organisations involved in lobbying are recommended to have their own self-regulatory code of conduct in order to enhance their image.

### *What about Gifts?*

There can be no objection to small gifts, for example for New Year or other special occasions. But what is a small gift? A pen, a diary or an office note block is usual, with or without the name of the organisation. But this is not something specific to employers' organisations: many other organisations distribute similar gifts around Christmas and New Year.

An invitation to a sporting event, a concert or an exhibition sponsored by the organisation is more specific and may be more appreciated, depending on personal taste.

Sometimes it can be beneficial to invite a decision-maker for dinner: around the dinner table it is more convenient to exchange views and opinions in a friendly atmosphere, but it should not become a habit and never be considered a reward.

More expensive and more exclusive gifts are prohibited: it is indecent and immoral if a decision-maker is influenced by your message because of the gift he expects to receive at the end of the year as a reward.

### *Relations with Civil Servants*

One virtue of **civil servants is that they remain in place while ministers and other politicians 'pass away'**! That's why it is very useful to build strong relationships with civil servants based on trust and confidence (but not for money).

In relations with civil servants, professionals from employers' organisations must be aware that they will not always share the same concerns and values.

They are subject to periodic evaluation by their administration and strive to do a good job for their minister to whom they have to report, which is not the same as doing a good job for the organisation. Only if the vision of the lobbyist is shared by the minister will a civil servant take into consideration the interests of the employers' organisation.

Nevertheless, a civil servant is always interested in receiving useful information (technical data, statistics) or position papers which can help him in preparing a new regulation.

He must be open to information from other interest groups, even those which do not share the opinion of the employers, and employers' organisations cannot object to this.

It can happen that a civil servant refuses to meet a representative from an employers' organisation. In this case the organisation has the right to know the reason: if it is for some not clearly evident political reason, the organisation has the right to complain to his superiors or to the minister. In a democratic society a civil servant has to be ready to listen to the concerns of an employers' organisation, like any other NGO.

Sometimes it can be useful to hire the services of retired civil servants: their expertise can be very useful in drafting and wording a document, using the arguments and terms their former colleagues like to hear. They can also help the organisation by 'opening doors' or introducing the representatives of the organisation to former colleagues, but they should never be asked to represent and to act on behalf of the organisation.

### *Relations with Politicians*

The interests of 'homo politicus':

- The main 'deadline' of any politician is always the next election: beyond this date he cannot make any commitment. The situation is problematic when the government is built on a weak coalition agreement, and there is a risk of a no-confidence vote after each debate in the parliament.
- Politicians are always very sensitive about their image or their perception in the media: they always try to appear with good news on TV, in a picture, in a newspaper, and so on, and they are always sensitive to the way the media interprets news.
- Politicians are only interested in what bring them more votes, makes them more popular and can help ensure their re-election. They hate adverse commentary and criticism in the media by pressure groups.
- That is why politicians are keener to listen to the 'public opinion' expressed by the media than by the associations.
- In a closed, private meeting, a minister can fully comply with the vision of an employer's organisation and declare that he fully understands and agrees with your request, and a few minutes later, in front of the parliament or the media, he asserts a totally different, even the opposite position.
- The same tends to happen in relation to a declaration made abroad, during an official visit, in contrast to at home: usually there are fewer cameras and microphones (at least from domestic news organisations) on missions abroad.
- Don't forget that employers' organisations usually represent fewer votes than trade unions or other pressure groups, and that due to the growing influence of populism, ministers are increasingly sensitive to the opinion of organisations which can bring with them a large number of voters.

Today, ministers and political parties hire ‘spin doctors’ whose main task is to constantly improve the image of their clients in the media by organising various events and opportunities, including appearances on TV and radio and in newspapers and magazines.

In view of these developments, employers’ organisations issuing statements criticising government policy are not welcome, especially if their opinion is not shared by the public. Otherwise, they are a ‘nuisance’ to politicians. In their communications with politicians, employers’ organisations should present their demands in a helpful and constructive way, for example, as contributions to solving problems.

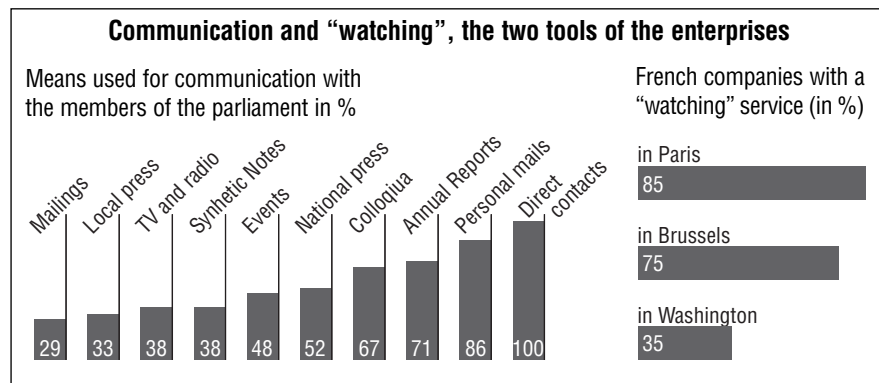
In the present economic and social climate, ministers, members of parliament and local politicians are mainly interested in:

- initiatives for the creation of new jobs (new investments);
- improvements in quality of life (environmental protection, health and safety);
- the special interests of some categories of citizen: children (education), older people (health), gender, and so on.

Nevertheless, it is the task of an employers’ organisation to constantly try to bring its message to the attention of politicians and to try to match their agenda with that of the organisation.

Research done by a French institute in 2002 provided an overview of how French employers’ organisations tried to reach members of parliament.<sup>3</sup>

**Figure 2: Means used for communicating with MPs**



<sup>3</sup> Source: Cabinet de conseil en lobbying Ai2P, published in Le Monde, 21–22 April 2002, p. 14.

Figure 2 clearly shows that direct meetings and personalised briefings are the main means of getting the message through to politicians.

Ministers and members of parliament are always very busy, have overloaded agendas and never like to be presented with problems unprepared. That is why it is always recommended when making an appointment to inform the minister beforehand which issues will be discussed during the meeting, and perhaps to hold a preparatory meeting with one of his advisors a couple of days in advance in order to introduce the topics and problems. In this way, the minister and his advisors can already start to look for solutions, will not be surprised by the questions raised by the delegation and will be happy to announce a solution that can solve the problem.

### Hearings

Before a draft law is presented to the parliament, it is first discussed in a committee. The role of the president of this committee and the rapporteur of the draft law is always very important. For this reason it is always recommended to keep them informed of the organisation’s concerns.

In some countries, the parliament can organise ‘hearings’ with representatives of interested NGOs, including employers’ organisations.

If an employers’ organisation is invited to such a hearing it must make careful preparations. The questions to be answered by the members of the committee are usually transmitted beforehand, but there are always last-minute questions or questions which arise from information provided.

Hearings are always oral, but the oral presentation may be illustrated by written texts, colour graphs and pictures which underline the main points.

If a hearing is a unique opportunity for an employers’ organisation to express directly its concerns about a draft law, and thus has to be prepared carefully, it is not always an ultimate solution: other organisations are also invited, will perhaps express some different opinion and in the end, the members of the Commission will make up their own mind which will be reflected in the report to the plenary of the parliament.

However, a hearing is not a new opportunity for new bargaining in order to reach a better deal: it is only a new opportunity to explain the real concerns of the organisation to decision-makers. In the course of the hearing, if necessary, it can be explained what proposals the organisation has put on the table in order to reach an honourable compromise with, for example, trade unions

or consumer associations, and the fact that this has failed or why it was not accepted.

### *Questions Posed to the Government by Members of Parliament*

A particularly useful tool for raising public awareness of the concerns of the organisation is to put questions to a minister or the European Commission via a member of parliament.

Such questions can be oral, at the weekly plenary session of the parliament, or written, in which case the ministers or the Commission are obliged to reply within a given time, for example two months. If the answer is not satisfactory, a new question can be raised or the minister can be interpellated.

MPs' questions cannot be used for big issues, but only more for particular cases that are important to the organisation, for example, concerning the interpretation of a law by the administration (fiscal code, labour code, environment, and so on). As a result the minister may reconsider the relevant regulation at the next revision or promise to pay more attention to a given problem. It is also a useful technique for getting statistics and other data which are not regularly available because they are too specific in nature.

The minister's answer usually gives an indication of his attitude to the issue raised, and point towards what the next step should be.

## 6. Summary

Some essential rules of behaviour for a lobbyist

- The most important thing is the **contents** of the message

When approaching officials from a ministry or trying to meet a minister, the message must have a concrete content that makes sense to him. The content must be realistic, not utopian: it's a waste of time insisting to the minister of finance that he must reduce taxes when the budget is in deficit! He simply won't listen.

The contents must also contain arguments that the minister or civil servant can use successfully with colleagues, in parliament, before the media, and so on.

- Lobbying happens **at all levels** of the decision-making process

Lobbying should start at the beginning of the process, when civil servants are preparing the first draft of a new regulation. This is usually at the lower level of an administration, where it can be easier to influence particular points or to put forward important arguments than at a higher level, when consultations with other interest groups have already taken place and it becomes more difficult to change parts of a proposal that already represents a compromise.

Sometimes, it is more effective to try to convince an advisor or staff member than the decision-maker himself.

- Never forget the 'political context'

Lobbying is about convincing politicians. Their agenda will of course not always be the same as yours! Don't cause a nuisance to politicians during his election campaign, and certainly never attack him: he will never forget it!

Your argumentation should take into account the 'political sensibility' of the decision-makers: for example, their constituency.

- In contact with officials: be **sincere, open and transparent**

The more sincere and open you are in contacts with officials, the more they will trust you and accept your arguments and proposals. However, if you try to hide something and it comes out, all confidence is lost and it will become very difficult to rebuild it.

- **Communication** should be appropriate

It is not wise to alert the media and hold a press conference to attack the minister if the proposal from his administration has not yet been submitted to him. It is also not wise to bypass high officials in order to get your position through: those officials will then turn against you and reject any reasonable argument from your side.

- Be **patient**: timing is all

In contrast to collective bargaining, in lobbying – in public affairs in general – you never control the agenda: you can only intervene when you are asked to do so, hopefully at the right moment. Patience is a golden virtue in lobbying: the members whose interests you represent must be prepared to be patient.

You cannot force a decision by the government, the parliament or the administration: some procedures and rules have to be respected and ‘your case is never an emergency case’.

However, when your case is discussed by the government or the parliament, the organisation must be ‘on standby’: that is, leaders and representatives should on no account absent themselves at this time.

- Be **creative** and **flexible**

In lobbying, the employers’ organisations must be ready to reach compromises and to make good deals. However, the essence of any proposal should never be forgotten and each step must have the support of the members.

‘If you can’t beat ‘em, join ‘em!’

Avoid classic mistakes:

- don’t be too early or too late;
- don’t provide inappropriate briefing materials (with trivial matters obscuring the essence);

- don’t try to use emotion rather than facts;
- make sure you understand how things work;
- do not approach the wrong people.

What should never be done:

- threatening a civil servant;
- blackmailing your interlocutor;
- bribery: paying a decision-maker for a service when he is supposed to do it for free;
- embarrassing your interlocutor, putting him in a difficult position;
- lying to a decision-maker (whether a minister or a civil servant): they will never forget it.

Box 5 contains a presentation by the vice-president of the Montenegrin Union of Employers (MUE), Mr Momčilo Popović, to colleagues in the Confederation of Employers’ of the Republic of Macedonia (CERM) on how MUE managed to be recognised as a representative employers’ organisation (so far, the only one) by the Ministry of Labour and Social Affairs of Montenegro thanks to an efficient combination of lobbying and advocacy, with support and advice from the ILO, ACT/EMP and SRO Budapest.

### **Box 5 How the Montenegrin Union of Employers (MUE) became a ‘Representative Employers’ Organisation’**

Extracts from a presentation by Mr Momčilo Popović, Vice-president for Social Dialogue of MUE, at the Conference for the Promotion of the Confederation of Employers’ of the Republic of Macedonia (CERM) in Skopje, 21 September 2005.

#### *The difficult environment*

At the beginning, MUE’s struggle to reach its current position was very difficult and delicate.

The difficulties can best be understood if one knows the circumstances which MUE had to face 3–4 years ago:

– The Montenegrin Chamber of Commerce was by law the only representative employers’ association in Montenegro, regardless of the conflicts of interest which characterised its activities and the fact that the nature of this organisation was not in compliance with international standards. Nevertheless, the Chamber of Commerce was the signatory

of the Labour Code, together with the other two social partners (government and trade unions), participated on an equal footing in the Economic and Social Council of Montenegro, and so on.

- Besides the influence it had through its representatives, it also had at its disposal significant financial resources (compulsory membership fee of 0.35% of gross personal income), as well as other significant resources (own buildings, premises, and so on).
- Besides the Chamber of Commerce, there were also several other employers' associations in Montenegro which were all becoming increasingly important and influential.

In addition, the Union faced difficulties in its own organisation:

- difficulty in financing its activities;
- the lack of working space, offices;
- inadequate organisation for dealing with more and more important and wide-ranging activities.

Finally, another important factor deserves particular mention: employers' enormous dissatisfaction with and distrust deriving from experience with similar organisations under the former regime. Employers considered their participation in organisations of this kind as a waste of time, regarding them as little more than a vehicle for the personal benefit of a few people.

These circumstances and the general environment are indeed similar to all the neighbouring countries of South-Eastern Europe. It is worth recalling them in order to explain how MUE managed to develop its activities, build its strategy and reach the position of the only legitimate representative employers' organisation in Montenegro.

Although of course we cannot list all the activities, it is worth recounting the various strategic actions and individual activities.

#### ***Strategic actions:***

1. enlargement of membership;
2. development of better relations with the other social partners – government and trade unions – which strongly supported our basic statutory orientation, which is 'social dialogue';

3. international activities (ILO, IOE, employers' associations from neighbouring countries);
4. improvement of services, which likewise made the work of the Union itself more efficient.

#### ***Individual activities:***

1. Sharing individual duties among every member of the Executive Board of the Union and utilising every friend of the employers in communicating and presenting our mission and the importance of the Union as a means of providing security to individual employers in running their businesses.
2. Numerous appearances by Union members in the media, including daily newspapers and radio and TV shows dealing with a range of issues (taxes, customs policies, and so on).
3. Numerous meetings with the authorities, including the customs administration, the Department of Public Revenues, the Market Inspectorate, the Central Bank, the Ministry of Labour and Social Care, the Employment Agency, the Ministry of Finance, and so on. On these occasions the Union tried to be positive, but was critical when necessary on issues relevant to entrepreneurs, of course, always ensuring a significant media presence.
4. Organisation of themed conferences, with significant and invaluable help from the ILO and especially ACT/EMP, attaining a stronger media presence, animating more members and inducing them to participate in conferences and to act through the media.
5. Together with representatives of the American Center for International Labour Solidarity (ACILS) we were involved in numerous activities throughout the Republic aimed at setting up municipal-level 'economic and social councils' in Montenegro (14 out of 21). Together with them and ILO representatives, the Union was involved in drafting the new Law on the Economic and Social Council, with the ultimate aim of forming the new Economic and Social Council at the level of the Republic. It is composed of representatives of legitimate and representative partners, which of course also includes Union representatives.

### **Conclusions:**

Over a period of four years, these activities resulted in the following:

- On the day it submitted its request for recognition as representative employers' organisation to the Ministry of Labour and Social Care (2 August 2005) MUE had 547 individual members with 38,000 employees, 65% of total employees in Montenegro.

The members of the Union have revenues of EUR 1.5 billion, 85% of total GDP. (The criterion of representativeness laid down in the law is 25% of employees and 25% of GDP.)

- These membership figures do not include 26 employers' associations which, although collective organisations, are individual members of MUE and recognise it as a peak organisation: if the members of these associations are included, MUE membership greatly increases. For example, the Association of Green Market Vendors has over 5,000 registered members and the Association of Individual Agricultural Producers as many as 10,000.
- In order to improve the economic climate, upon MUE's request, the Government reduced the gross personal income contribution rate by 10%.
- At MUE's request and with significant help from ILO experts, changes were introduced into the Montenegrin Labour Code regarding the representativeness of the employers, which was the first step in MUE's obtaining representative status.
- MUE representatives, together with ILO and IOE representatives, were involved in changing the Law on the Economic and Social Council, whose adoption is expected in the coming months. After that, the Economic and Social Council will be structurally reformed to include MUE members on a parity basis.
- MUE representatives, together with representatives of other social partners and with the help of ACILS, have so far established 14 local economic and social councils in Montenegro, two-thirds of the total number.
- By raising the professional and material level of Union services, MUE has begun to provide professional services to its members (legal advice, and so on), as well as more detailed information on its activities and on changes in the law relevant to entrepreneurs. These services have played a significant part in recruiting new members, and also in the preparation of documents submitted with the request for recognition as representative.

Finally, MUE's success is based on a firm conviction about what constitutes the basis of its success: a small group of people united in mutual trust and a common belief in the possibility of making the Employers' Union exactly what it should be, a representative association of Montenegrin employers, respected by its social partners, government and trade unions, and also by its members, individual employers.

To emphasise once more: employers have no other choice than to associate in a single 'mother' organisation, individually or through branch associations, but one in which they do not lose their identity but strengthen their negotiating position in the tripartite system.

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## Annex: Selected Publications for Employers

### **ILO – Sub-Regional Office, Budapest**

Erik Van Vooren, Director of the Direct Marketing Institute (Gent, Belgium)  
*'Making and Keeping Members: Direct Communication for Employers' Organisations'*  
ACT/EMP n° 33  
Budapest, 2001

Bojidar Danev, Bisser Tzonev and a BIA Work Team:  
*'Internet Guide for Employers' Organisations: The Case of BIA NET'*  
Budapest, 2001

J.M. Standaert, Senior Specialist for Employers' Activities:  
*'Governance of Employers' Organisations – Practical Guidelines'*  
Budapest, 2004

*'Developing an External OSH Service – Opportunities for Employers' Organisations concerning Occupational Safety and Health Issues'*  
Budapest, 2005

J.M. Standaert, Senior Specialist for Employers' Activities:  
*'Collective Bargaining by Employers' Organisations – Some Key Success Factors'*  
Budapest, 2005

*'A Solution for Members of Employers' Organisations: Payroll Administration Services – How to Move from Informality to Formality'*  
ACT/EMP n° 46  
Budapest 2005

*'Services of Employers' Organisations in the Transition Countries of Central and Eastern Europe – The Reference Book'*  
ACT/EMP n° 48  
Budapest 2005

## **ILO – Bureau for Employers' Activities (ACT/EMP):**

IBEC (Irish Business and Employers' Confederation):  
*'Negotiations and Collective Bargaining – Training Package'*  
Geneva, 1994

*'Guidelines for Employers on Equality at Work'*  
Geneva, 1996

*'Developing and Establishing an Occupational Safety and Health Service in an Employers' Organisation'*  
Geneva, 1998

*'Report of the ILO International Symposium on the Future of Employers' Organisations'*  
Geneva, 1999

Alfred Wisskirchen and Christian Hess:  
*'Employers' Handbook on ILO Standards-Related Activities'*  
ACT/EMP N° 37  
Geneva, 2001

*'Employers' Organizations Taking the Lead on Gender Equality – Case Studies from 10 Countries'*  
ACT/EMP N° 43  
Geneva, 2005

*'Reaching Out to SMEs'*  
*An electronic toolkit for employers' organisations*  
Geneva, 2005

*'The Effective Employers' Organisation'*  
*A series of 'hand-on' guides to building and managing effective employers' organisations*  
ACT/EMP N° 44  
Geneva 2005

Angelika Muller:  
*'Legal Frameworks for Employers' Organizations in Eastern European and Central Asian Countries'*  
ACT/EMP N° 45  
Geneva 2005

*'Employers' Organizations & HIV/AIDS. Information, Tools and Good Practice for Workplace Action against HIV/AIDS'*  
ACT/EMP N° 47  
Geneva 2005