

Enhancing the Effectiveness of Social Dialogue Articulation in Europe (EESDA) (VS/2017/0434)

Comparative policy recommendations on improving social dialogue articulation and effectiveness in Europe¹

**Mehtap Akgüç and Sara Baiocco²
December 2019**

Background

The history of European social dialogue dates back to the mid-1980s with the Val Duchesse social dialogue initiative by the European Commission. The aim then was to involve social partners in the internal market process. This initiative was followed by the Single European Act of 1986, which served as the legal basis of the community-wide social dialogue and established a steering committee, which then became the main bipartite body, known as the European Social Dialogue Committee. Following the Act of 1986, another turning point in the history of social dialogue was the Treaty of Maastricht in 1991, which paved the way for agreements negotiated by social partners to become legally binding by means of a Council decision. Later, the Amsterdam Treaty of 1997 included an Agreement on Social Policy representing the single common framework for social dialogue across all Member States, resulting in the implementation of a cross-industry Framework Agreement on Parental Leave (1996)³, Part-time Work (1997)⁴ and Fixed-term Work (1999)⁵ as Council directives. The Lisbon Treaty of 2009 further emphasised the need for autonomy and diversity within the social partnership in Europe.

More recently, the European Commission has taken several initiatives to give new impetus to European social dialogue. One of these initiatives is the “A New Start for Social Dialogue” launched in 2015 with the aim of strengthening social dialogue in all Member States. This initiative is followed by the joint agreement endorsed by the European Commission to increase the involvement of social partners in the policymaking and development of the European Semester process. Last but not least,

¹ This document constitutes Deliverable 4.3 of the EESDA project and is based on summarising the comparative findings from previous EESDA research outputs. It also highlights areas where the articulation and effectiveness of social dialogue could be improved as well as includes suggestions and initiatives by social partners and other stakeholders to move things forward.

² Mehtap Akgüç is Research Fellow and Sara Baiocco is Researcher at CEPS. The authors would like to thank all EESDA research consortium partners for valuable inputs through the country reports, EU-wide survey and network analysis. The comments and contributions by interviewed social partners as well as participants at the final conference in November is also acknowledged.

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31996L0034>

⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:31997L0081>

⁵ <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A31999L0070>



the European Pillar of Social Rights, proclaimed in 2017, further encourages the autonomy and right for collective action of social partners to participate in the design of employment and social policies.

European social dialogue takes place both at the cross-sectoral level through the Social Dialogue Committee with the participation of cross-sectoral European social partners as well as at the sectoral level through European Sectoral Social Dialogue Committees with the participation of sectoral European social partner organisations. As recognised in various communications and publications (e.g. European Commission, 2016), “European social dialogue is an essential element of the European social model... and complements the social dialogue happening at the national level.”

Articulation of social dialogue between European and national levels

The interaction between European and national level social dialogue shows variations across the different Member States covered under the EESDA project. National social partners perceive the articulation of national interests in EU-level social dialogue structures as generally important and positive. To make this work, internal councils, diverse working groups of European social partners as well as regular meetings provide ample opportunities for national members to share their priorities and topics of concern with the European level. In this respect, digital tools are also a key part of the communication between national and European-level social partners, since not all national members are able to attend all meetings due to staff capacity, financial or other resources constraints.

Most of the European social partners interviewed acknowledge that there is better horizontal communication between the same type of organisations, both trade unions and employer organisations. Such horizontal interactions include various conferences, workshops, fact-finding seminars and joint projects often funded by the European Commission. It is highlighted that the strong interactions between social partners are a strength of social dialogue in Europe.

A challenge recognised by many relates to the diversity of industrial relations regimes across Europe, which has further increased since the Enlargement of the European Union. The diversity is both a source of richness in European social dialogue and a challenge to it, since diverse industrial relations traditions from different Member States entail different priorities between national social partners as well as diverse practices or tools to tackle the topics of concern.

As regards the European Semester process, despite the push from the European Commission towards more involvement of social partners in the process, EESDA results suggest that the experience of social partners remains limited in many Member States and there seems to be a lack of awareness about the process. Some social partners raised the point that there should be more support from the European Commission and European-level social partners in raising awareness at national level. This support can take the form of informing/training national social partner affiliates in the discussions concerning national reform programmes, going beyond information sharing towards more effective consultation, supporting funding of social partners to attend Semester meetings that usually take place in the capital of the country as well as endorsing more engagement between national stakeholders and European Semester officers.

Findings from the network analysis

In an innovative approach to understanding the relational aspects between those social partners responding to the EU-wide survey, EESDA research has also produced a network analysis to map the interdependence amongst social partners.⁶ The purpose here is mainly explorative and descriptive rather than making causal inferences. To conduct this network analysis, the following two questions from the EU-wide survey were used: (i) which EU-level social dialogue platforms the respondent social partner is active and (ii) which countries of organisations that the respondent social partner has collaborations with. The core of the EESDA network analysis relies on these questions to provide visual maps of networks among national social partners across Europe.

The main findings suggest that same type of organisations (e.g. trade unions or employer organisations) tend to have strategic partnerships among themselves across borders. The regional clustering of social partners across Europe is also observed, whereby social partners from certain regions, such as Visegrád, Baltic, Scandinavia or Southern Europe, tend to be in the same network based on survey responses. This finding also hints at the possibility of joint articulation of regional interests at the European level thanks to the strong cooperation between unions and employer organisations from neighbouring countries.

Additionally, an affiliation network analysis was performed, looking at the responses of social partners about which European social dialogue structures they are active in. This exercise results in visualising the density of the network among social partners of different types (trade unions or employer organisations). The results suggest that there is a denser affiliation network among trade unions, compared to employer organisations, across Europe.

Bearing in mind that the network analysis conducted within the framework of EESDA remains explorative without making causal inferences, it nevertheless provides intuitive and interesting findings that can be related to the existing clusters of industrial relations regimes across Europe. It also highlights the countries (e.g. Germany, Sweden) that are in the core (or hub) of relational networks as well as those that are isolated from international networks (e.g. Cyprus, Greece, Malta), when it comes to social dialogue networks in Europe.

Articulation and effectiveness of social dialogue: cross-sectoral findings from selected Member States

Effectiveness of social dialogue is understood as “social dialogue producing relevant outcomes that are implemented at the European and/or national level, where outcomes can result from meetings, negotiations or interactions in a reasonable timespan” (Akgüç et al., 2019; Kahancová et al., 2019). In particular, social dialogue effectiveness is determined by the ability of social partners to reach binding or non-binding outcomes within the EESDA framework.

Using this definition and based on EESDA EU-wide survey results,⁷ national social partners rate the European Social Summit and European-level cross-sectoral social dialogue as having medium

⁶ For more details on the results of the network analysis of EESDA, see [Akgüç et al. \(2019\)](#).

⁷ For more details on the EU-wide survey results of EESDA, see [Akgüç et al. \(2019\)](#).

effectiveness, on average. It is also found that employer organisations prefer non-binding outcomes (e.g. guidelines, joint statements, recommendations and other soft tools), while trade unions reveal a stronger preference for binding outcomes (e.g. directives, legislative changes or agreements).

Table 1 summarises the findings on articulation and effectiveness of cross-sectoral national social dialogue from selected Member States covered in EESDA.

Table 1. National social dialogue articulation and effectiveness in selected Member States⁸

Estonia	<ul style="list-style-type: none"> The Estonian government and social partners restored the tripartite talks during 2018, with the government seeking to involve workers' and employers' representatives in discussions on a more regular basis. The quality and volume of social dialogue is perceptibly improving, but it also depends on coalition government and ruling parties and whether they value social dialogue or not. The desired social dialogue outcome depends on the stakeholder group: national trade unions refer more often to legally binding outcomes, and employer respondents emphasise other types of outcome.
France	<ul style="list-style-type: none"> Recent reforms to the organisation of social partners have impacted the way social dialogue is organised, coupled with social conflicts. There is a shared perception that social dialogue is becoming too formalised and not effective. Top-down articulation is more common. Industrial action is common, yet new strategies for social partners might be needed.
Ireland	<ul style="list-style-type: none"> National social partnership has collapsed with the economic crisis (2008-2009), leading to decentralisation of social dialogue to sector or company level. There appears to be a revival of social dialogue in some sectors only. Stronger social dialogue is sought by many social partners and collective bargaining is a desired social dialogue outcome by trade unions. Bottom-up articulation is emphasised.
Portugal	<ul style="list-style-type: none"> There is a strong state intervention in industrial relations. Social dialogue is based on tripartism with an institutionalised regulatory framework. There is low trade union density, but a reasonable collective bargaining coverage due to the extension mechanisms.
Slovakia	<ul style="list-style-type: none"> There is a fragmentation of employers after lowered representativeness thresholds for tripartism. Outcomes of tripartism are advisory and not binding. There is an increasing trend to introduce legislation outside of social dialogue procedure via members of parliament. Participation in EU-level social dialogue is perceived as an additional resource for improving the effectiveness of national social dialogue.
Sweden	<ul style="list-style-type: none"> National social dialogue and the industrial relations set-up is perceived as highly effective. Sectoral collective bargaining is the most common method, with local adjustments. The objective is to protect the Swedish Model with strong autonomous social partners and national/sectoral collective bargaining. Bottom-up articulation is emphasised.

⁸ Information on this table is taken from respective country reports and policy briefs, which can be accessed on the [EESDA project website](#).

Articulation and effectiveness of social dialogue: sectoral findings from selected Member States⁹

Commerce

The main priorities of the commerce sector include low pay, working conditions (e.g. Sunday work, night shifts), precarious contracts, working time and flexibility, training and skills and digitalisation. The national articulation of social dialogue is generally carried out through tripartite bodies as well as through bipartite collective bargaining tools (e.g. France, Portugal, Slovakia and Sweden). In Ireland, there is no formal social dialogue structure beyond company level in the retail sector and unions are concerned about the lack of union recognition by some employers. French social partners highlight their concern about the shift towards less binding agreements in this sector.

There is a low-to-moderate level of involvement of national social partners with European-level associations across these countries. The involvement in the European Semester process is also limited for all countries in the commerce sector.

Recommendations to improve the effectiveness of social dialogue in the commerce sector include overcoming the high fragmentation of social partners (e.g. Estonia, France and Ireland), decreasing the dependence of social dialogue on the political preferences of the government (e.g. Estonia and France) and increasing the capacity of social partners (e.g. Estonia, Slovakia and Portugal). Slovak social partners also highlighted the need to improve wage coordination at the regional level to achieve greater effectiveness in social dialogue.

Construction

The priorities in the construction sector revolve around health and safety, working conditions, social dumping, posting of workers, lack of skilled workers and attracting youth to the sector. National social dialogue articulation takes place relatively successfully in all countries considered in EESDA: there is a constructive sectoral social dialogue in Ireland through Sectoral Employment Orders governing pay and working conditions, while in Sweden a cooperative and independent social dialogue with direct access to policymaking exists. In France, Portugal and Slovakia, the sectoral social dialogue in construction functions well through bipartite and tripartite social dialogue structures.

As regards European-level involvement, most national social partners are associated with European-level organisations and most of these social partners appear actively involved in sectoral social dialogue meetings. Nevertheless, Swedish social partners are sceptical about the top-down involvement of European social dialogue at the national level. Moreover, the involvement of the construction sector social partners in the European Semester process is limited, similar to the commerce sector. Portuguese social partners assert that articulation to/from the European level is sometimes easier than between national and sectoral levels, since the former is often non-binding.

⁹ These countries include Estonia, France, Ireland, Portugal, Slovakia and Sweden. More details of the sectoral case studies in these countries could be found in the respective country reports, which can be accessed from the [EESDA project website](#).

Recommendations to improve the effectiveness of social dialogue in the construction sector include better dissemination of social dialogue outcomes at lower levels (e.g. regional or company-level), ensuring enforcement in construction sites (e.g. France and Ireland) and strengthening the involvement of sectoral social partners in the national tripartite social dialogue structures (e.g. Portugal and Slovakia). In Estonia, there is a need for a sectoral trade union organisation to make social dialogue, which is highly decentralised, effective.

Education

The main priorities in the education sector include working conditions and time, stress at work, pay levels, recruitment and retention of teachers, job security, ageing workforce, attractiveness of the teaching profession, digitalisation and reforms to increase the quality of education. The findings of EESDA sectoral case studies from the aforementioned Member States point to relatively successful social dialogue with more discussion and consultations leading to – sometimes – concrete outcomes (e.g. Estonia, France, Ireland, Portugal and Sweden). In a majority of these countries, the education sector is covered as part of the public sector with national agreements shaping the sector in most of the countries. In Slovakia, there has been a recent fragmentation of unions and the emergence of non-union actors gaining influence in the education sector. In the French case, while there are more consultations than before, social partners are concerned that there are fewer negotiations taking place compared to before.

There is generally strong interaction and involvement of national social partners with the European-level organisations. The transposition of the Europe 2020 agenda is also perceived positively in most of the countries covered in EESDA (e.g. Estonia, France, Ireland and Portugal). While the cooperation between sectoral and cross-sectoral European social dialogue is valued, there is also an emphasis by some social partners that the education sector remains a domain of national competence (e.g. France, Slovakia and Sweden).

Recommendations to improve the effectiveness of social dialogue in the education sector include overcoming challenges from strong political influence (e.g. Estonia and France), strengthening social dialogue institutionalisation (e.g. Ireland and Portugal), prioritising national and local levels of social dialogue in education (e.g. Sweden) and the need for more proactivity by social partners taking initiatives and advertising its outcomes (e.g. Estonia and Slovakia).

Healthcare

The main priorities of social partners in the healthcare sector include wages, career progression, working time (e.g. night shifts), labour and skill shortages, training, lifelong learning, ageing workforce, health and safety, well-being at work and gender equality. The findings from healthcare sectoral case studies point to a generally well-functioning national social dialogue with various channels of articulation, yet also with strong political influence from the government (e.g. France, Ireland and Slovakia). National collective agreements are more common in the public than in the private healthcare sector in Sweden, as opposed to Portugal, where the government mainly decides everything without negotiation.

European-level articulation in healthcare sector is considered important by social partners (e.g. from France and Ireland), as it can provide opportunities for information exchange and consultation with European-level social partners as well as with the European institutions. However, some social partners face capacity constraints to engage further in European level healthcare sector social dialogue (e.g. Estonia, Portugal and Slovakia). Swedish social partners view European-level binding social dialogue outcomes positively (even though those regulations are already covered in their national legislation), since they can lead to an upward convergence across Europe.

Recommendations to improve the effectiveness of social dialogue in the education sector include strengthening local unions and confederations, improving capacity building, achieving greater political stability, closer interactions between social partners (e.g. Estonia, Ireland and Slovakia). Social partners from France, Ireland and Portugal highlight the need to facilitate more cooperation between various occupational groups in healthcare as well as aiming for greater cohesion in policy positions.

Way forward in social dialogue articulation and effectiveness in Europe

European social dialogue brings together a diverse group of industrial relations regimes from different Member States. This diversity has increased further with the enlargement process of the European Union. It is acknowledged by social partners and various stakeholders that this diversity enriches social dialogue in Europe, by bringing in new perspectives and priorities in the topics addressed in the social dialogue committees. However, it also involves certain downsides, as negotiating an agreement and finding consensus among a diverse set of stakeholders can take longer.

Coupled with the diversity across Member States, the differences in priorities across sectors adds another layer of complexity to the social dialogue process. All such developments and considerations could lead to reaching agreements of more non-binding nature than binding ones among social partners in the future.

The recent push by the European Commission to involve social partners in social governance or social policymaking across Europe through their participation in the European Semester process is generally welcomed by social partners, as it provides an opportunity for social partners to play a role in the Semester process. However, EESDA findings suggest that the involvement of, particularly national, social partners in this process remains limited. Further engagement of social partners in the European Semester process is an avenue that needs further development in the future.

In a similar vein, there is also a general feeling among social partners that there have been more consultations or information exchanges over the last five years at the European level through various conferences, workshops and joint projects. However, this trend does not necessarily translate into more negotiations or agreements arising out of social dialogue.

Similarly, the European Pillar of Social Rights encourages the autonomy and right to collective action of social partners, so they could be part of the design of employment and social policies. While the proclamation of the Pillar is seen as a positive development by most of social partners, some are also sceptical about its implementation at the national level due to its soft nature.

There is also a request by national social partners to European-level social partners for them to pay more attention to the procedures of transposing European-level social dialogue outcomes in Member

States. Moreover, facilitation of more intensive dialogue between European-level social partners and the European Commission to identify common priorities and challenges to be addressed by social dialogue at all levels is also welcome.

Last but not least, capacity building is another key issue that comes out from EESDA findings. National social partners from some Member States do not have the capacity to actively follow and participate in European-level social dialogue due to lack of staff, financial resources and time. Language barriers also exist. Therefore, capacity building seems to be one of the key aspects to develop to make European social dialogue more effective in the future.

References

- Akgüç, M., Martišková, M., Szüdi, G. and Nordlund, C. (2019). Stakeholders' views on and experiences with the articulation of social dialogue and its effectiveness. Brussels: CEPS.
- European Commission (2016). *A new start for Social Dialogue*. Publications Office of the European Union, Luxembourg.
- Kahancová, M., Martišková, M. and Nordlund, C. (2019) *Enhancing the Effectiveness of Social Dialogue Articulation in Europe: Conceptual and Analytical Framework*. CELSI Discussion Paper, No. 55/2019. Bratislava: CELSI.