

**Enhancing the Effectiveness of Social Dialogue
Articulation in Europe (EESDA)
Project No. VS/2017/0434**

Comparative report

Mehtap Akgüç, Marta Kahancová and Monika Martišková

Co-funded by
the European Union



Acknowledgements: Mehtap Akgüç is a Research Fellow in the Jobs and Skills Unit at CEPS at the Center for European Policy Studies (CEPS) and the coordinator of the EESDA project. Marta Kahancová is the Managing Director and Senior Researcher at CELSI and the scientific coordinator of the EESDA project. Monika Martišková is a Researcher at CELSI and a PhD. candidate at the Department of Social Geography and Regional Development of Charles University in Prague. The authors acknowledge the contribution of the entire EESDA research team, all survey and interview respondents, participants of national EESDA workshops in 6 countries and participants in the EESDA final conference. The findings presented in this report and any errors are the sole responsibility of the authors.

Table of Contents

| | |
|--|----|
| LIST OF ABBREVIATIONS | 4 |
| LIST OF FIGURES | 4 |
| LIST OF TABLES | 4 |
| 1. INTRODUCTION | 5 |
| 2. PROJECT SCOPE AND METHODOLOGY | 7 |
| 3. CONCEPTUAL AND ANALYTICAL APPROACH | 8 |
| 4. SOCIAL DIALOGUE AT THE EU-LEVEL | 9 |
| 4.1 ACTORS | 9 |
| 4.2 STRUCTURE AND TOPICS | 10 |
| 4.3 OUTCOMES | 12 |
| 4.4 EFFECTIVENESS | 13 |
| 4.5 SUMMARY | 14 |
| 5. SOCIAL DIALOGUE AT THE NATIONAL LEVEL: A 6-COUNTRY COMPARISON | 15 |
| 5.1 ACTORS | 15 |
| 5.2 STRUCTURE AND TOPICS | 15 |
| 5.3 OUTCOMES | 17 |
| 5.4 EFFECTIVENESS | 17 |
| 5.5 NETWORK ANALYSIS OF SOCIAL DIALOGUE | 19 |
| 5.6 SUMMARY | 20 |
| 6. SOCIAL DIALOGUE AT THE SECTORAL LEVEL: A FOUR-SECTOR COMPARISON | 21 |
| 6.1 COMMERCE | 21 |
| 6.2 CONSTRUCTION | 22 |
| 6.3 EDUCATION | 23 |
| 6.4 HEALTHCARE | 25 |
| 6.5 SUMMARY OF SECTORAL FINDINGS | 26 |

| | |
|--|----|
| 7. ARTICULATION OF SOCIAL DIALOGUE AND ITS EFFECTIVENESS | 28 |
| 7.1 ARTICULATION BETWEEN NATIONAL AND EU-LEVEL SOCIAL DIALOGUE | 28 |
| 7.2 ARTICULATION BETWEEN SECTORAL SOCIAL DIALOGUE IN 6 EU MEMBERS STATES AND EU-LEVEL SECTORAL SOCIAL DIALOGUE COMMITTEES | 29 |
| 8. CONCLUSIONS | 32 |
| BIBLIOGRAPHY | 33 |

List of Abbreviations

| | |
|---------|---|
| CCP | Portuguese Commerce and Services Confederation |
| CEEP | Centre Européen de l'Entreprise Publique |
| CELSI | Central European Labour Studies Institute |
| CEPS | Centre for European Policy Studies |
| EESDA | Enhancing the Effectiveness of Social Dialogue Articulation in Europe |
| EFBWW | European Federation of Building and Woodworkers |
| EPSU | European Federation of Public Service Unions |
| ESSD | European Sectoral Social Dialogue |
| ETUC | European Trade Union Confederation |
| ETUCE | European Trade Union Committee for Education |
| EU | European Union |
| FIEC | European Construction Industry Federation |
| HOSPEEM | European Hospital and Healthcare Employers' Association |
| ILO | International Labour Organization |
| SD | Social Dialogue |
| SDC | Social Dialogue Committee |
| OECD | Organization for Economic Cooperation and Development |
| WHO | World Health Organization |

List of Figures

| |
|--|
| Figure 1 Networks of interactions among national social partners in the EU |
| Figure 2 Areas of improvement for a more effective EU-level SD (views of national social partners) |

List of Tables

| |
|---|
| Table 1 Typology of outcomes of EU-level SD |
| Table 2 Assessment of EU-level SD effectiveness by national social partners (%) |
| Table 3 Social dialogue in the commerce sector in 6 countries |
| Table 4 Social dialogue in the construction sector in 6 countries |
| Table 5 Social dialogue in the education sector in 6 countries |
| Table 6 Social dialogue in the healthcare sector in 6 countries |

1. Introduction

Social dialogue (hereafter SD), referring to “*interactions, such as negotiation, consultation or exchange of information, between or among social partners and public authorities*”, has since long been regarded as one of the prime building blocks of Europe’s social model (European Commission, 2015a; 2015b). While the post-2008 economic crisis caused financial constraints that, together with the burden of an ageing population and technological change, have resulted in government budget cuts and challenges for social dialogue, the European Commission has taken several initiatives to give a new impetus to social dialogue. Nevertheless, in this endeavour, it is crucial to account for the fact that the architecture of social dialogue in the EU is enormously complex. Yet a vertically integrated EU-specific system of industrial relations and social dialogue does not exist. Social dialogue is practiced at the EU level, national level and sub-national levels; it exists within as well as across sectors; and it involves public and private actors. To understand how social dialogue is articulated in this complex context, it is crucial to analyse the dynamics of both bottom-up and top-down relationships as well as the various interactions between the involved actors.

This report summarizes the findings from a two-year, EC-funded project Enhancing the Effectiveness of Social Dialogue Articulation in Europe (EESDA), which empirically studied *how social dialogue between public and private actors at different levels functions and the channels through which EU level social dialogue influences decisions, outcomes and positions of actors at the national and sub-national levels and vice versa* (shortly referring to **SD articulation**). Besides mapping the structures of SD and the relationships and topics that emerge therein and are articulated between various levels of SD, the analysis also provides a better understanding of the factors that determine the effectiveness of SD.

The EESDA project was implemented in 2018 – 2019 by a research consortium led by the Centre for Policy Studies (CEPS) in Brussels (Belgium), and four research partners: the University of Gothenburg (Sweden), the University of Tartu (Estonia), the Central European Labour Studies Institute (CELSI) in Bratislava (Slovakia), and the *Portuguese Commerce and Services Confederation* (CCP) in Lisbon (Portugal). In addition, Carl Nordlund from Linköping University (Sweden) served as a subcontractor delivering a network perspective on European SD.

By mapping social dialogue articulation in Europe, the EESDA project’s aims were to (a) Enhance the collection and use of comparative information on SD articulation in Europe across various levels and countries; (b) gain further understanding of how SD can contribute to tackling social concerns; and (c) promote awareness and exchange information of effective SD practices. Within the EESDA project, the following outcomes were published on the

project website at <https://celsi.sk/en/projects/detail/28/>:

Deliverable 1.1: Working paper presenting a literature review on the articulation of social dialogue between the EU, national and sub-national levels and a conceptual and analytical framework of the project (Kahancová, Martišková and Nordlund 2019)

Deliverable 2.2: Working paper presenting findings on stakeholders' views on and experiences in the articulation of social dialogue (Akgüç, Martišková, Szüdi and Nordlund 2019)

Deliverable 3.2: Six national reports, each presenting four sector-specific case studies on social dialogue, its articulation and effectiveness. The sectors covered include construction, education, healthcare and retail in the following countries: Estonia, France, Ireland, Portugal, Slovakia and Sweden.

Deliverable 3.3: Six national policy briefs summarizing the country-specific and sector-specific findings

Deliverable 5.2: Webinars presenting specific project findings in the following structure:

- EU-wide survey results on social dialogue articulation (Monika Martišková and Gábor Szüdi, CELSI)
- Social dialogue articulation at a sectoral level: construction and retail (Mehtap Akgüç, CEPS and Alexandra Costa Artur, CCP)
- Social dialogue articulation at a sectoral level:
- Enhancing social dialogue articulation in Europe: A Case Study of Sweden (Bengt Larsson and Ylva Ulfsdotter Eriksson, University of Gothenburg)
- Network Analysis of European Social Dialogue (Carl Nordlund, Linköping University)
- European-level social dialogue: a brief overview of its developments, actors and effectiveness (Mehtap Akgüç and Sara Baiocco, CEPS)

This report summarizes the findings from the EESDA project embraced in the above deliverables. Section two presents the project scope and methodology, while Section three highlights the multi-level governance approach that informed the research's conceptual and analytical framework. Section four summarizes findings on the functioning and perceived effectiveness of EU-level SD. Section five presents short findings on the character of national social dialogue across six EU member states representing a diversity of national industrial relations systems. Section six takes a sectoral perspective to summarize sectoral SD across four sectors and six EU member states. Section seven zooms in on the project's findings and on the effectiveness of SD and its articulation across various studied levels. Section eight concludes and draws implications for enhancing the effectiveness of SD in Europe.

2. Project scope and methodology

In order to meet the objectives outlined above, the EESDA project combined a broad and encompassing scope covering the whole EU and a narrower focused scope covering selected member states and four sectoral case studies in each of these member states. This project scope allowed **embracing the diversity in social dialogue and industrial relations' traditions** that exists in the EU.

The **member states studied** were selected after acknowledging several considerations. First, the EU enlargements, especially after 2004, have widened the diversity in the models, institutions and governance of social dialogue in the EU. The 6 studied countries have diverse industrial relations profiles: **Anglo-Saxon** (Ireland), **Nordic** (Sweden), **Southern** (France and Portugal), **Neoliberal** (Estonia) and **Embedded Neoliberal** (Slovakia). The selection of countries further makes for an interesting mix of cases where SD has served an important role in negotiated governance (Sweden) and where SD structures are still in the making, through capacity building initiatives channelled from the EU to the national level (Estonia). Moreover, recent country experiences are relevant for EU level policy-making and debates within the EU-level SD structures (e.g. the implementation of social pacts and increase in labour migration in Ireland). Finally, the selection followed a balanced sample of large and small member states, with a focus on smaller member states in the Southern and Eastern part of the EU. Especially for these countries, there is little in-depth knowledge on their SD articulation and linkages to EU-level social dialogue.

The **selection of sectors and occupations** (construction - construction workers, education - teachers, healthcare and hospitals – nurses, and retail - sales agents) suggested for analysis derives from their relevance related to (a) the size of the workforce in these sectors and their relevance for the countries' economies, (b) the quality of working conditions within sectors (e.g. in education and healthcare sectors), (c) the representativeness of sectors in terms of diversity of skills, and profiles of the workers, companies or organisations represented, (d) topics on the agendas of European Sectoral Social Dialogue (ESSD) Committees in these particular sectors, (e) the strong embeddedness of the chosen occupations within the sector and their share in the sectors' workforce and their easy identification.

The methodological approach of the EESDA project embraced a mix of research methods combining qualitative and quantitative research. **Desk research** involved a review of the current literature on the functioning of EU-level social dialogue as well as theoretical literature that informed the project-specific conceptual and analytical framework (Kahancová et al. 2019). Besides desk research, the project collected original evidence via an **EU-wide survey among social partners** that assessed experiences, opinions and perceptions

about the functioning and articulation of SD between the national and EU levels of social dialogue. Building on the survey results, data collection and analysis was enriched and supplemented with information collected via **semi-structured interviews with EU-level SD representatives** as well as **interviews with national social partners in six EU member states**. The purpose of these interviews was to zoom in on those areas where survey results were incomplete or, by contrast, lead to unexpected or new revelations. Based on the evidence collected through the previously described methods, evidence on sector-specific functioning of SD, its effectiveness, and articulation between the sectoral and national levels as well as the sectoral and ESSD was collected via **sector-specific interviews in four sectors in six EU member states**. The final methodological approach to understanding SD articulation in the EU is to approach it as a network of interactions. **Network analysis** refers to a study of the relations between SD actors and the networks of their interactions. The aim was to identify weak and strong ties between different national SD actors (considering horizontal and vertical relationships), and to capture power relations and their structural roles. In EESDA, network analysis served an explorative purpose to complement the insights gained through the above-presented methodological approaches.

3. Conceptual and analytical approach

The conceptual and analytical framework of the EESDA project follows a **multi-level governance perspective** (MLG, Keune and Marginson 2013). The MLG approach captures the processes, structures and the type of engagement of actors from different levels of the decision-making process while assessing the legitimacy of outcomes from their interaction (c. f. Curry 2016, Kahancová et al. 2019, Piattoni 2009). This framework is feasible to take account of substantial diversity in social dialogue structures in the EU, diverse preferences of national and sectoral actors, as well as diverse challenges across different sectors. Together, these factors imply strong interdependencies between the different actors involved, which allows for an opportunity to study these in the perspective of social networks.

The conceptual framework of the EESDA project covers in particular a (a) conceptualization of the **actors in SD** and their institutional, structural and organizational resources, as well as their rationales and legitimacy to engage in SD; (b) conceptualization of the **forms of actors' interaction within SD**, acknowledging a continuum of competitive and constructive interactions; (c) justification of particular types of **SD topics** that derive from actors' characteristics, resources, priorities and their interactions; (d) formulation of expectations on binding and non-binding **outcomes of SD** and their transposition between various SD levels, most notably the EU-level and national level; and (e) operationalization of the concept of **effectiveness** of social dialogue and its articulation.

The MLG approach acknowledges the presence of **contestation and diverse interests** of social partners (e.g. Bechter et al. 2018). As an example, social partners in certain industries are more interested in articulating topics related to industrial policy to EU-level SD structures than social partners in sectors less exposed to globalized markets. Additionally, the MLG approach may flexibly address the likelihood of diverse interests of the same actors in the national and the EU contexts, having implications for effectiveness of SD articulation and implementation of SD outcomes. Finally, uncertainty of outcomes is an inherent feature of actors' interactions. To capture various **forms of interaction between social partners in SD**, we distinguish between interaction in the form of control, competition, interactive bargaining and cooperation based on shared values (Kahancová et al. 2019).

Effectiveness of social dialogue is conceptualized as the ability of social dialogue committees to deliver specific outcomes (both binding and non-binding outcomes), while the **effectiveness of social dialogue articulation** is conceptualized as the ability to transpose social dialogue outcomes achieved at one level of social dialogue to another level of social dialogue. The latter refers to the procedure whether and how EU-level SD outcomes were transposed into the agendas of national-level and sector-level SD and implemented in nationally specific institutional and legislative conditions of diverse EU members states.

4. Social dialogue at the EU-level

Following the above-outlined MLG approach, this section summarizes the main project findings in a structure derived from the project's analytical framework. Evidence on EU-level SD is structured into presenting the relevant actors, SD structures in which actors' interactions occur, the topics that resonated most intensively in SD since 2017, the outcomes of SD and finally the effectiveness of EU-level SD.

4.1 Actors

Recognized social partner organizations in EU-level SD are established at **cross-sectoral level** and at the **sector level**. While the EU-level SD has been founded as a fundamentally tripartite institution with the involvement of the European Commission, recent years have seen increasing support for bipartite EU-level SD¹. In turn, the EC has supported the establishment of representative sector-specific actors and sectoral social dialogue committees. In 2019, there were 43 ESSD committees operating (Bechter et al. 2018). While SD at a cross-sectoral level involves the confederation level of social partner organisations, sector-level SD is established between the European trade union federations and their counterpart employers'

¹ Source: Jean-Paul Tricart, Associated Researcher at European Trade Union Institute (ETUI) keynote address at EESDA final conference 21.11.2019.

organisations. The overview of actors and EU-level committees is presented in Kahancová et al. (2019).

The project findings suggest that EU-level social partners perceive the EU-level SD as a ‘closed shop’ with the “usual suspects” negotiating with each other – namely, the European Trade Union Confederation (ETUC) and three employers’ organisations (**BusinessEurope** – formerly known as *UNICE*, **Centre Européen de l'Entreprise Publique – CEEP**, and **SMEUnited** – formerly known as *UEAPME*, the European Union of Craft Industries and Small and Medium-Sized Enterprises). The project findings show considerable differences in the **representativeness of social partners**, with some of the organisations having relatively high representativeness based on their membership and country coverage, while other social partners are experiencing lower levels of representativeness generally and occasionally none at all in some EU member states (Akgüç et al. 2019).

In order to reach an agreement, the interviewed representatives of these organisations all admitted that they have to **compromise at some point to reach an agreement**; therefore, **coalitions are unavoidable** in building a **strong SD**. They also admit that partnership between these four cross-sectoral organisations and the sectoral social partners involved in ESSD is weaker, because of their focus on sector-specific interests. Overall, the project findings show that employers’ organisations tend to interact more closely with other employers’ organisations, while employees’ organisations do more so with other trade unions (Akgüç et al. 2019).

4.2 Structure and topics

EU-level social partners are involved in tripartite and bipartite SD respectively. Tripartite EU level SD occurs in two distinct forms: the **Tripartite social summit** and the **European macroeconomic governance** established in June 1999. The EESDA project has shown that the attention of social partners is concentrated in recent years on the **European Semester** as a platform for elaborating country-specific recommendations to support national reform programs (NRPs). While the European Semester does not yield a binding outcome to be transposed to national legislations, non-binding outcomes of SD remain equally as important as the binding ones (c. f. Keune and Marginson 2013). The reason for an increasing relevance of the European Semester for articulating SD topics despite its non-binding form of outcomes is that social partners perceive it as an opportunity to articulate their interests within the otherwise rigid structures of EU-level SD. Moreover, in conditions where the relevance of EU-level SD is shifting away from traditional tripartite dialogue and a decreasing commitment of the EC to implement the outcomes of EU-level SD, the findings of the EESDA project show that social partner strategies are increasingly being redirected towards greater involvement

in the European Semester. Eurofound (2018: 37) shows that the **vast majority of social partner organisations in most EU Member States are to some degree formally involved in the European Semester**. Their involvement occurs through (mostly tripartite) institutional consultative bodies, which allow for the exchange of information and the participation of social partners in the policymaking of relevant reforms. Nevertheless, while national social partners consider the European Semester important for articulating the national and European interests, the EESDA EU-wide survey among national social partners shows that **social partners have remained critical vis-à-vis the current opportunities for their involvement in the European semester procedures** (Akgüç et al. 2019, Eurofound 2018).

In terms of bipartite EU-level SD, the **Social Dialogue Committee (SDC)** is the main European SD forum at the cross-industry level. Almost all social partners at the cross-sectoral level stressed in the EESDA interviews that **regular meetings** are key for robust communication and that **multilateral discussions** work relatively effectively (Akgüç et al. 2019).

Using a word frequency-based text analysis of the mostly discussed topics at the European SD Committees between 2015 and 2017, the EESDA research team has identified the following **list of topics as the most prevalent ones at the European level**:

- . ***Skills, training and employability;***
- . ***Health and safety, well-being at work;***
- . ***Working conditions (working time regulation, type of contracts etc.).***

In addition to the above topics, 2018 saw the increase of the topic of **digitalization** in the European SD agendas, as well as discussions concerning a European minimum wage. While there is an extreme variety of national social partners' interests towards the issue of the **European minimum wage** and wage setting procedures in the context of the EU, this topic is interesting because it is considered one of the few topics articulated jointly by national trade unions from the CEE member states that have been transposed to the agenda of EU-level social partners (most notably, the ETUC) and EU-level SD structures. The new European Commission, taking office in 2019, has also created expectations towards regulating minimum wage setting procedures across the EU, which sparked the interest of both national and EU-level social partners and fuels discussions on this topic.² Additional topics highlighted in interviews with EU-level social partners include the **inclusivity and functioning of labour markets, the sustainability of social protection systems, ageing population**, lack of skills and

² For example, a frequently discussed topic is whether the EC will issue just a symbolic recommendation regarding country-specific minimum wage setting, or whether it will propose a more substantive regulation on the issue. Another expectation on the side of trade unions related to the minimum wage setting concerns the relationship between minimum wages and national median wages; in particular; whether the EC regulation will support the principle that a statutory minimum wage should equal to 60% of a median wage in a country. Source: Euractiv (2019).

labour shortages as well as **capacity building for both EU-level and national and sector-level social partner organizations** (Akgüç et al. 2019). In terms of topics that national social partners would like to see addressed in EU-level social dialogue structures, in the EESDA survey, trade unions prioritized the **quality of working conditions**, while employers' associations prioritized **negotiations on skills, access to training, and employability**.

In addition to SD at a cross-industry level, **ESSD committees** are a platform to consult and inform the **European sectoral social partners** regarding developments that bear social implications in the respective sectors. Recognized EU-level sectoral social partners are entitled to conclude binding bipartite **autonomous agreements**. The form of interaction and the fact whether such agreements are concluded varies according to particular sectoral interests. Nevertheless, the overall findings show that the ESSD is seen as the most effective form of EU-level SD and one where specific topics and specific outcomes are easier to negotiate and to implement.

4.3 Outcomes

The conceptual framework of the project distinguished between binding and non-binding outcomes. An **Agreement** may bind social partners to implement it at the national level in the form of an **Autonomous Agreement**, or authorize the European Commission to submit the Agreement to the Council and adopt it in the form of a **Council Decision** (see Table 1 Typology of outcomes of EU-level SD).

Table 1 Typology of outcomes of EU-level SD

| Document category | Sub-category | Follow-up measures | Outcome legitimacy | Occurrence |
|---------------------------------------|--|--|---|---|
| Agreement Council decision | Implementation by Directives | Implementation reports | Outcome part of the EU legislative procedure, facilitated by the EC | Rarely (2010- 2012 below 10, in 2012 - 2014 none) |
| Agreement autonomous | Implementation by social partners | Implementation reports | Binding and to be implemented by national social partners | Rarely (2010- 2012 below 10, in 2012 - 2014 none) |
| Process-oriented texts | Framework of actions, Guidelines, Codes of conduct, Policy orientation | Follow-up reports | Not binding | Max 20 per year |
| Joint opinions and tools | Declarations, Guides, Handbooks, Websites, Tools | No follow-up activities, only promotion of the materials | Not binding | 2010-2012 60 2012-2014 80 |

Source: Adapted from Eurofound (2018: 120).

Eight European Framework Agreements and three Frameworks of Actions have been

adopted in total. Three of these Framework Agreements on **parental leave (2010)**, **part-time work (1997)** and **fixed-term work (1999)** have become European Directives. Five (autonomous) agreements have been implemented directly at the national level: on **telework (2006)**, **work-related stress (2004)**, **harassment and violence at work (2007)**, **inclusive labour markets (2010)** and **active ageing – an intergenerational approach (2017)** (Akgüç et al. 2019). Nevertheless, the evidence shows that in the past decade, the incidence of agreements decreases while the number of non-binding outcomes in form of joint opinions and declarations increases (Bechter et al. 2018, Keune and Marginson 2013).

4.4 Effectiveness

Since 2016, most EU-level social partners have perceived that their involvement in European SD structures has strengthened. Involvement ranges from regular meetings to ad hoc opportunities to meet high-level EC officials and opportunities to speak at **high-level European and international conferences** (for example, at ILO, WHO and OECD). Some cross-sectoral EU-level social partners also admit that they have received **political support** from the EC and were granted opportunities to increase their visibility through events at the European Parliament. This evidence facilitates closer cooperative interactions between social partners and policy makers and in fact helps building effective SD. The number and type of outcomes of the EU-level SD presented above shows that the ability to deliver these outcomes does bear signs of effectiveness in EU-level SD.

The effectiveness of EU-level SD has also been assessed by national social partners in the EESDA survey. The results in Table 2 suggest that national trade unions rated the effectiveness of EU-level SD higher than national employers' organisations. National social partners rate the European Social Summit and European-level cross-sectoral social dialogue as having a medium effectiveness, on average.

Table 2 Assessment of EU-level SD effectiveness by national social partners (%)

| SD effectiveness | N/A | 0 | 1 | 2 | 3 | 4 |
|--|-------------|------------|-------------|-------------|-------------|------------|
| Tripartite SD (including the European semester) | 12.5 | 1.4 | 18.1 | 40.3 | 19.4 | 8.3 |
| By employers' associations | 6.9 | 1.4 | 2.8 | 16.7 | 6.9 | 2.8 |
| By trade unions | 5.6 | | 15.3 | 23.6 | 12.5 | 5.6 |
| Bipartite cross-sectoral SD | 12.5 | 2.8 | 1.4 | 40.3 | 19.4 | 5.6 |
| By employers' associations | 6.9 | 1.4 | 2.8 | 19.4 | 8.3 | |
| By trade unions | 5.6 | 1.4 | 16.7 | 20.8 | 11.1 | 5.6 |
| Bipartite sectoral SD | 15.1 | 1.4 | 13.7 | 38.4 | 23.3 | 8.2 |
| By employers' associations | 9.6 | 1.4 | 5.5 | 15.1 | 5.5 | 1.4 |
| By trade unions | 5.5 | | 8.2 | 23.3 | 17.8 | 6.8 |

Source: Authors' elaboration based on the EESDA survey, Akgüç et al. (2019).

Notes: N/A: do not know, 0: no effectiveness, 1: weak effectiveness, 2: medium effectiveness, 3: strong effectiveness, 4: very strong effectiveness

In addition, in the EESDA survey respondents were asked to indicate their preferred type of **SD outcome**. The analysis shows that trade unions reveal stronger preference to binding outcomes, such as Directives, while employers' associations prefer non-binding outcomes, e.g. Guidelines, Joint Statements or other soft regulatory tools. At the same time, both unions and employers emphasise non-binding outcomes as suitable, which points to the information exchange role of SD and the desire to maintain flexibility in the top-down articulation of SD outcomes.

However, a number of **challenges** still persist, including the extent of commitment of the EC to support the implementation of binding (and also non-binding) outcomes in the EC member states.³ Moreover, EU-level social partners perceive the EU enlargements since 2004 as a challenge for SD effectiveness because after the enlargement of the EU, it has become even more complicated to have every member's opinion covered or even to agree on some common interests. The relaunch of social dialogue in 2016, with the intention of increasing the level of activity and awareness of European social dialogue, appears to have given a new boost and incentivised more active participation, but some social partners believe that there is still a lot of progress to be made given the **heterogeneities observed across Member States**. In addition, the project findings show the **importance of informal ties** in the interaction of social partners to facilitate more effective SD at the EU-level.

4.5 Summary

European SD is a firmly established system of governance at the EU-level, aiming to collect and articulate the interests of EU-level sectoral and cross sectoral, national and sectoral social partners vis-à-vis their counterparts in SD including the EC. Evidence analysed in the EESDA project suggests **two important findings**: first, the **role of tripartite SD at the EU-level has been decreasing** while the interests of social partners increasingly concentrate on two specific SD structures: These include the **sectoral SD** and the **European Semester** process of formulating country-specific recommendations for national reform programs. While **EESD is**

³ A perceived lack of commitment to enforce the outcomes of EU-level SD in form of binding EU legislation on part of the EC is demonstrated by a recent case when the European Federation of Public Service Unions (EPSU) was looking to annul an unprecedented decision by the EC to refuse to make a proposal to Council for implementation of the central government social partners' agreement on information and consultation rights adopted in 2015. The agreement was, according to EPSU, initially welcomed by the EC, but in 2018 the EC rejected the social partners' request to transpose the collective agreement into EU legislation. The 2019 Court judgement stipulates that the EC's right of initiative means it can decide on whether or not to make social partner agreements legally binding in all EU member states. EPSU considers this ruling highly disappointing and opening serious challenges for the future of EU-level SD in terms of implementing binding outcomes via a Council decision. Source: EPSU website (2019): <https://www.epsu.org/article/highly-disappointing-eu-court-ruling> [accessed December 17, 2019].

considered the most effective form of EU-level SD structures in the view of surveyed social partners, the **European Semester has been exposed to criticism for not giving enough opportunities for social partner involvement** despite addressing topics of high relevance for SD. The second finding supports the available earlier evidence documenting a **shift from binding to non-binding outcomes of EU-level SD**. The implementation of non-binding outcomes in the context of particular member states is closely related to the capacities of national social partners and the regulatory scope of national SD structures. The next section provides a comparative analysis of national SD across six EU member states.

5. Social dialogue at the national level: a 6-country comparison

This section summarizes the main findings from in-depth qualitative analysis of the functioning of national-level SD across six EU member states. These countries were selected to resemble different industrial relations regimes, and the findings indeed point to the differences in the functioning and impact of SD on policy making and legislation based on country-specific traditions.

5.1 Actors

The analysis of six countries shows that while the structure of actors involved in national-level SD is stable, the overall impact of SD on policy making has varied and facing several challenges. Estonia, Ireland and Sweden have a **balanced representation of social partners** in national SD. While in Estonia and Ireland one trade union confederation and one peak-level employers' association are represented in national SD, Sweden has three representative union confederations as well as three representative employers' organizations. In other studied countries, some fragmentation in the actors involved in SD is observed: **fragmentation on the side of trade unions** refers mostly to France, where five trade unions are representative for national SD (compared to three representative employers' organizations). **Fragmentation on the side of employers' organizations** is found in Portugal and Slovakia: in both countries, four employers' associations are representative for national SD against a single union confederation in Slovakia and two representative union confederations in Portugal.

5.2 Structure and topics

The way national social dialogue is organized differs across the studied countries. The most important difference lies in the **extent of state involvement in SD**. Sweden clearly represents a country on one end of the continuum: while SD is perceived as highly effective, its objective

is to protect the Swedish Model with strong autonomous social partners and predominantly sectoral SD and collective bargaining **without the direct involvement of the state**. Evidence from Ireland shows that especially after the economic crisis that weakened the existing institutions for tripartite SD, there is nearly a consensus that the terms and conditions of employment are best determined by voluntary collective bargaining between an employer or employers' association and one or more trade unions, without the intervention of the State⁴.

In contrast to Ireland and Sweden, France and Portugal demonstrate a **direct involvement of the state in national SD structures**. In France, recent reforms to the organisation of social partners have impacted the way SD is organised. There is a shared perception that SD is becoming too formalised with a focus on top-down articulation. In turn, industrial action and conflicts among SD actors are common, which impacts SD effectiveness. In turn, social partners may need new strategies to address these conflicts and improve the current functioning of SD. In Portugal, the state extensively interferes in SD. The most important national-level SD takes place in form of tripartism and is governed by an institutionalized regulatory framework. This framework partially makes up for low union density: unions draw on institutional resources for their SD involvement rather than on their structural and organizational power.

Finally, the two CEE countries Estonia and Slovakia resemble specific cases where national-level SD is fairly institutionalized, but **subject to political pressures** and the attitude of a particular government as to facilitate SD and the implementation of its outcomes. In Slovakia, national tripartism, despite its transparent structure and functioning, serves only as an advisory body to the government, and thus the government possesses high discretion about the implementation to SD outcomes. A similar situation has been documented in Estonia: in case of an extraordinary change in the government or the government's desire to quickly implement a certain legislation, the government does not always follow the *good engagement practice* of consulting social partners. In turn, social partners are looking into alternative strategies for gaining policy influence, such as direct lobbying, which further weakens the role of national tripartite SD.

⁴ Source: The Workplace Relations Commission (WRC) website, www.workplacerelations.ie [accessed May 25, 2019] in Akgüç et al. (2019).

In terms of topic relevant for national SD, the findings from all 6 countries show that social partners involved in national-level SD consider the most frequently discussed **topics in EU-level SD** (see Section 4.2) also relevant for national SD. An agreement on the relevance of topics suggests that EU-level SD is responsive to the interests of national members and there is indeed an opportunity for an effective SD articulation between the national and EU levels of SD. In addition, the national reports within the EESDA project reveal a number of **nationally specific topics** that are relevant for SD. In countries where SD is highly responsive to legislative changes, social partners in national tripartism choose their topics according to the current legislative proposals. This is most notably the case in CEE countries – Estonia and Slovakia. In addition, minimum wage discussions resonate extensively in some countries' national SD (Portugal and Slovakia). Additional topics that are addressed within national SD include social protection, equal treatment, working conditions including gender equality and the fight against precarious work, industry transformations and related workplace restructuring and skill demands, as well as the effect of macroeconomic and demographic developments on the labour markets in respective countries.

5.3 Outcomes

The outcomes of national SD depend on the established structure, legislative support and institutional resources for SD in particular countries. Nevertheless, the project findings show that in **none of the six countries does national SD deliver overarching and strictly binding outcomes** that would be implemented in the national context and articulated to the sector level in relevant sectors. In contrast, the findings show a **trend towards non-binding outcomes** of national SD with a high discretion of the state to implement these (Estonia, Slovakia), or a decentralization of SD to deliver binding outcomes at the sectoral (Sweden, Portugal, France) and company levels (Estonia, France, Ireland, Slovakia). In line with the findings on the preferred outcomes in the EU-level SD, the type of outcomes from national SD depends on the stakeholder group: while national trade unions prefer more often legally binding outcomes (but are not always able to achieve these, or use other channels of influence than SD to achieve binding outcomes, or prefer binding outcomes at the sector level instead of at the national level), employer associations emphasise their preference for non-binding outcomes at the national level.

5.4 Effectiveness

The EESDA project findings show that besides a formal institutional underpinning of national SD (e.g., through setting representativeness criteria for social partners and adopting legislation that regulates the functioning of tripartite fora), indeed **trust and informal**

relationships between social partners are crucial for an effective functioning of SD. Even in countries where SD delivers mostly non-binding outcomes or the implementation of outcomes is at the discretion of the government, there is an agreement that in a tighter circle of social partners and a continuity of their active involvement in SD cooperation is better and makes it difficult for partners to withdraw from agreements.

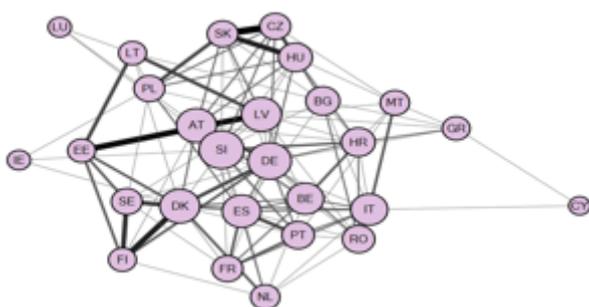
In **Estonia**, the involved actors consider the national SD to be relevant and are committed to gradually improving its effectiveness. In **France**, some social partners perceive the current SD to be less effective than years ago. In particular, some of the interview respondents have remained critical regarding the increase in constraints on the scope of activities of social partners due to various government-led reforms and regulations. Also, French social partners have declared a perception that on certain occasions, the state controls the outcomes of SD and does not provide space for social partners' influence. In **Ireland**, the effectiveness of SD appears to be seen as reasonable, while the effectiveness of sectoral SD is perceived as higher. In **Portugal**, social partners perceived the national level social dialogue as a driver of economic recovery. Building on the strong role of social dialogue in the 2011 – 2014 crisis, most social partners are satisfied with the functioning of SD. This attitude derives from the relevance of trust and confidence between social partners developed over time. Also, the Portuguese social partners underline the need to strengthen the culture of (sectoral) collective bargaining as the most adequate way of implementing the outcomes of national-level SD measures. In **Slovakia**, while SD has been institutionalized and legally underpinned for years, social partners fear that real policy influence is increasingly beyond the scope of SD. From this perspective, the tripartite meetings are thus less effective, as disagreements among social partners are usually not resolved there but need to be solved in earlier processes and with the individual strategies of involved actors. In addition, two recent trends put SD effectiveness under pressure: first, topics, which were traditionally subject to national social dialogue, are often communicated directly by political parties and no longer subject to SD. Second, there is an increasing trend to implement legislation upon direct initiatives of the member of parliament, which means such amendments are not subject to SD. This pushes social partners to change their strategy and weaken their commitment to national SD as an institution and seek other uncoordinated channels of influence. In contrast, national level SD effectiveness is considered very high in **Sweden**. Although, not all social partners' interests are satisfied, the SD process as such and the institutional and organisational structures are strong. Swedish social partners are committed to maintaining the current effective functioning of their SD and avoid influences, e.g., from the EU-level SD, that would undermine the current social partner autonomy at national level in Sweden.

5.5 Network analysis of social dialogue

In an innovative approach to understanding the relational aspects between social partners, the EESDA project has also produced a network analysis of interdependencies amongst national social partners that responded to the EESDA survey. The analysis served an **explorative and descriptive purpose** to provide visual maps of networks among national social partners across Europe. Responses to the following two questions from the EESDA survey of national social partners in 27 EU member states were used for network analysis: (i) which EU-level social dialogue platforms the respondent social partner is active; and (ii) which organizations from which countries does the respondent social partner collaborate with.

Capturing the network of interactions, Figure 1 depicts the network of reported cross-border interactions for all social partners (employers' associations and trade unions). The main finding from network analysis suggests that a particular type of organisations (e.g. trade unions or employer organisations) tend to **interact with the same type of organizations** across borders. Some countries occupy a central location in this network, with particularly strong ties to others: countries like Germany and Sweden are in the core (or hub) of relational networks, while some countries (e.g. Cyprus, Greece, Malta) are isolated from international networks of SD in the EU.

Figure 1 Networks of interactions among national social partners in the EU



Source: EESDA survey among national social partners in 27 EU member states

In addition, the findings also show a **regional clustering** (e.g. Visegrád, Baltics, Southern Europe and Scandinavian clusters), where actors from neighbouring countries in the region have relatively strong interactions with each other. These regional effects are more pronounced when visualising networks by organisation type (union or employers'

association). An example of how a regional cooperation of trade unions helped articulating a joint interest to the EU-level SD structures is the demand of CEE unions to create EU-wide standards for fair wages and set a European minimum wage. This topic has been picked up in the debates of the ETUC and other EU-level social partners upon the joint request of CEE trade unions (see Section 4.2).

Finally, an affiliation network analysis was performed, looking at the responses of social partners about which European SD structures they are active in. This exercise resulted 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.**

5.6 Summary

All six EU member states under scrutiny have established structures of SD and share a number of topics that are relevant for SD. The key points of variation in the functioning of national SD refer to the extent of state involvement, the extent of fragmentation of representative social partner organizations that participate in national SD structures, the ability of SD to deliver binding outcomes at the national level, or the existence of a general consensus among the social partners on the fact that bipartite SD at the level of sectors or even companies is more effective and should be the core of country-specific SD structures. The next section provides a summary of findings on the functioning of SD in four sectors.

6. Social dialogue at the sectoral level: a four-sector comparison

This section summarizes the most important findings from the EESDA project regarding the priorities and articulation of SD in particular sectors. A more detailed account of SD in each sector is included in the national reports written on behalf of each of the six countries studied.⁵

6.1 Commerce

The project focused on SD effectiveness and articulation in the commerce/retail sector, with particular attention paid to the working conditions of sales agents. The findings show that the main topics that SD addresses in the commerce sector include low pay, wage increases, working conditions, working time and flexibility (e.g. Sunday work, night shifts), precarious employment contracts, training, skill development, the impact of digitalization and also health and safety issues. In addition, union recognition featured among priority topics in the commerce sector (see Table 3).

Table 3 Social dialogue in the commerce sector in 6 countries

| | | | |
|---|---|---|--|
| <p>Priorities</p> <ul style="list-style-type: none"> · Low pay, wage increase · Working conditions, precarious contracts, stability of jobs · Working time and flexibility, work during holidays/Sundays · Training and skills, skill development, digitalisation · Union recognition · Health and safety | <p>Articulation at the national level</p> <ul style="list-style-type: none"> · No social dialogue in retail beyond company-based collective bargaining (IE) · Social partners involved in national tripartism and bipartite collective bargaining (e.g. FR, PT, SK, SE) | <p>Articulation at the EU level</p> <ul style="list-style-type: none"> · Some involvement through EU-level associations · Limited (if any) involvement at European Semester process (valid for most of countries covered) | <p>Improving effectiveness</p> <ul style="list-style-type: none"> · Overcome high fragmentation (EE, IE) · Decrease dependence on political preferences of government (EE, FR) · Increase the social partners' capacity (EE, PT) · Wage coordination at the regional level should be improved (SK) |
|---|---|---|--|

Source: Findings from EESDA national reports

SD in the commerce sector is fairly established in most studied countries; however, in Estonia, Ireland and Slovakia, SD structures (including collective bargaining) are facing decentralization and the prevalence of company-level bargaining. In Ireland, there is no formal SD structure beyond company level in the commerce sector and unions are concerned about the lack of union recognition by some employers. In addition, the French social partners highlight their concern about the shift towards non-binding agreements in this

⁵ These reports are accessible at the EESDA project website: <https://cel.si.sk/en/projects/detail/28/>

sector. A similar observation holds for Slovakia, where, despite an established sector-wide collective bargaining, wage setting has been fully decentralized at the company level.

Articulation of sector-specific interests of social partners is generally carried out through bipartite SD in France, Portugal, Slovakia and Sweden. There is a low-to-moderate level of involvement of social partners in the commerce sector in the studied countries with relevant EU-level social partners in commerce (EuroCommerce and EPSU). Their involvement in the European Semester process is also limited.

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 SD in the political preferences of the government (e.g. Estonia and France) and increasing the capacity of social partners to articulate their sectoral interests to national SD structures and to the ESSD (e.g. Estonia, Slovakia and Portugal). Slovak social partners also highlighted the need to improve wage coordination in the CEE region, which would increase the attractiveness of working in the sector and stimulate a more effective sectoral SD in the concerned countries.

6.2 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 young workers to the sector (see Table 4). Sectoral SD structures for the construction sectors are successfully established and SD is practiced in all studied countries. There is a constructive sectoral SD in Ireland through Sectoral Employment Orders governing pay and working conditions, while in Sweden a cooperative and independent SD with direct access to policy making exists. In France, Portugal and Slovakia, the sectoral SD in construction functions well through bipartite and tripartite social dialogue structures.

Table 4 Social dialogue in the construction sector in 6 countries

| <u>Priorities</u> | <u>Articulation at the national level</u> | <u>Articulation at the EU level</u> | <u>Improving effectiveness</u> |
|---|---|--|--|
| <ul style="list-style-type: none"> · Health and safety, working conditions · Social dumping, posting of workers, migration · Lack of skilled workers · Negative image of the sector, attracting young workers to the sector | <ul style="list-style-type: none"> · Constructive sectoral social dialogue (IE) · Cooperative and independent social dialogue with direct access to policy making (SE) · Well-functioning sectoral bipartism and tripartism with policy influence (FR, EE, PT, SK) | <ul style="list-style-type: none"> · Lack of involvement in the European Semester (valid for most countries) · Active in EU-level social dialogue (FR, PT, SE, SK) · Polarized opinions on posting workers and bogus self-employment (FR, IE, SE) | <ul style="list-style-type: none"> · Better disseminate social dialogue outcomes and ensure enforcement (FR, IE) · Strengthen involvement of sectoral partners in the national sectoral tripartism (PT, SK) · Scepticism on top-down involvement of the EU (SE) |

Source: Findings from EESDA national reports

The fragmentation of actors in the construction sector is not that pronounced as in the commerce or healthcare sectors. In addition, most social partners in the construction sector in the studied countries are associated with relevant EU-level organisations (the European Federation of Building and Woodworkers, EFBBW on the unions' side and the European Construction Industry Federation, FIEC) and most of these social partners appear actively involved in ESSD meetings. Nevertheless, the Swedish social partners in construction are sceptical about the top-down SD articulation from the European to the national level. Moreover, the involvement of the construction sector's social partners in the European Semester process is limited, similar to the commerce sector. The Portuguese and Slovak social partners in construction assert that articulation to/from the European level is sometimes easier than between national and sectoral levels, since the former is often non-binding.

Recommendations to improve the effectiveness of sectoral SD in the construction sector include a better articulation of SD outcomes at the regional and company-level, ensuring the enforcement of these outcomes in actual workplaces – construction sites (e.g. France, Ireland and Slovakia) and strengthening the involvement of sectoral social partners in the national tripartite social dialogue structures (e.g. Portugal). Estonia resembles a country with a highly decentralized SD structure in the construction sector. In order to improve the effectiveness of SD and its articulation, there is a need to strengthen the sectoral trade union structure and its capacity to negotiate SD outcomes.

6.3 Education

The specificity of the education sector is that it tends to be part of the public sector, which influences the actors, SD structures and outcomes. Moreover, SD topics in this sector are more nationally specific than in sectors exposed to market competition, e.g., commerce. Finally, the project's focus on teachers suggests that the employment structure in the sector is highly homogenous and therefore it may be easier to articulate the interests of a homogenous group of workers compared to sectors with more diverse workforce structures. 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 (see Table 5).

Table 5 Social dialogue in the education sector in 6 countries

| <u>Priorities</u> | <u>Articulation at the national level</u> | <u>Articulation at the EU level</u> | <u>Improving effectiveness</u> |
|--|---|--|--|
| <ul style="list-style-type: none"> · Working conditions and time, stress at work · Pay restoration after the crisis · Recruitment and retention of teachers · Job security, temporary jobs · Ageing workforce · Digitalisation, reforms to increase the quality of education | <ul style="list-style-type: none"> · Relatively successful social dialogue with more discussion and consultation leading (sometimes) to concrete outcomes (EE, FR, IE, PT, SE) · Part of public sector social dialogue, but recent fragmentation of unions and emergence of non-union actors gaining influence (SK) | <ul style="list-style-type: none"> · Strong interaction and involvement with EU-level, e.g. transposition of Europe2020 agenda (EE, IE, FR, PT) · Cooperation between the sectoral and cross-sectoral European social dialogue valued, but emphasise education as a domain of national competence (SE, SK) | <ul style="list-style-type: none"> · Challenges due to political influence (EE, FR) · Strengthen social dialogue institutionalisation (IE, PT) · Importance of EU-level association affiliations (PT) · Prioritize national and local level of social dialogue in education (SE) · More proactivity by social partners taking initiatives and disseminate its outcomes (EE, SK) |

Source: Findings from EESDA national reports.

The findings of EESDA sectoral case studies in 6 countries point to relatively successful SD with information and consultations processes, often leading to specific outcomes (e.g. Estonia, France, Ireland, Portugal and Sweden). In Slovakia, there has been a recent fragmentation of unions and the emergence of non-union actors gaining influence in the education sector through individual lobbying activities. The divide between traditional and new actors poses challenges for SD effectiveness. In France, while the frequency of SD consultations has increased, social partners are concerned with the character of these there are fewer negotiations taking place compared to before.

There is generally strong interaction and involvement of the countries' social partners in the education sector with the EU-level organizations (e.g., the European Trade Union Committee for Education, ETUCE). The transposition of the Europe 2020 agenda is also perceived positively in most of the studied countries (e.g. Estonia, France, Ireland and Portugal). While the cooperation between sectoral and cross-sectoral European SD 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 SD in the education sector include overcoming challenges from strong political influences (e.g. Estonia and France), strengthening social dialogue institutionalisation (e.g. Ireland and Portugal), prioritising national and local levels of SD in education (e.g. Sweden) and the need for more proactivity and cooperation of fragmented social partners (Slovakia), as well as articulating SD outcomes to particular workplaces and towards the national level of SD (e.g. Estonia and Slovakia).

6.4 Healthcare

In a number of EU member states, healthcare has been exposed to austerity measures and reforms following the new public management principles. This has also put sectoral SD under pressure to deliver outcomes after budget cuts in the sector. Nevertheless, SD in this sector is strongly established and healthcare belongs to one of the best organized sectors within European economies. It also demonstrates high bargaining coverage, reaching almost 100% of workers covered by sectoral collective agreements in many EU member states (Eurofound 2020).

The main priorities of social partners in the healthcare sector include wage increases, 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 (see Table 6).

Table 6 Social dialogue in the healthcare sector in 6 countries

| <u>Priorities</u> | <u>Articulation at the national level</u> | <u>Articulation at the EU level</u> | <u>Improving effectiveness</u> |
|--|--|--|--|
| <ul style="list-style-type: none"> · Wages and career progression · Working time, night shifts · Labour/skill shortages, training and lifelong learning · Ageing workforce · Health and safety · Gender equality | <ul style="list-style-type: none"> · Direct access to national social dialogue with various channels of articulation, but criticised for being under political control (FR, IE, SK) · National collective agreements more common in public than in private healthcare in SE as opposed to PT, where the State decides all in public sector | <ul style="list-style-type: none"> · Provides opportunities for information and consultation at the EU level (IE, FR), but face capacity constraints (EE, PT, SK) · EU-level binding outcomes viewed positively because those regulations already covered in the national legislation (SE) | <ul style="list-style-type: none"> · Strengthening the local unions and confederations, improve capacity building, greater political stability and closer interaction between social partners and the government (EE, IE, SK) · Facilitate more cooperation between various occupational groups in healthcare, greater cohesion in policy positions (FR, IE, PT) |

Source: Findings from EESDA national reports

The findings point to a generally well-functioning sectoral SD, which is however subject to strong political influence from the government (e.g. France, Ireland and Portugal). The role of the state for SD in the healthcare sector is also important in Slovakia; however, in not via direct intervention, but via implementation of legislative measures on such topics that were previously subject to collective bargaining (e.g., wage stipulations via law and pay increases for night shifts and holiday work). This trend creates an opportunity for social partners to articulate their interests to the national legislation directly via lobbying and other forms of action beyond the scope of SD. In fact, such action, including protests and the resignation campaigns of healthcare professionals, has been more effective in terms of yielding binding outcomes since 2011 than sectoral SD and collective bargaining. While the outcomes have

been achieved, the methods of their achievement did not involve SD and therefore this trend poses important challenges for the future of SD in the sector.

In Estonia, healthcare social partners succeeded in actively articulating their wage increase demands at the national level. In Portugal, SD in private healthcare is considered more effective than in the public healthcare, because in the latter, the government's influence and discretion over the outcomes is stronger. Sectoral collective agreements are more common in the public than in the private healthcare sector in Sweden. Some government intervention in the healthcare sector has also been recorded in Sweden, which is a country where SD is normally independent from direct state control.

The articulation of healthcare priorities to the EU-level SD structures is considered important by social partners (e.g. from France and Ireland), as it can provide opportunities for information exchange and consultation with EU-level social partners (e.g., EPSU and HOSPEEM) as well as with the European institutions. In addition, the project findings reveal that social partners in the healthcare sector expect EU-level organizations to support them in their domestic agendas and power resources via top-down articulation of SD.

Some social partners face capacity constraints to engage more extensively in EU-level SSD (e.g. Estonia, Portugal and Slovakia) or lack strong sectoral social partners whatsoever. Swedish social partners view binding SD outcomes articulated from the EU-level positively: even though those regulations are already covered in the Swedish national legislation, binding outcomes among EU-level social partners (e.g., an Autonomous agreement or an EC directive) can lead to an upward convergence across the EU.

Recommendations to improve the effectiveness of SD in the healthcare sector include capacity building among local unions and employers' associations, achieving a greater political stability and less political influence on SD processes and outcomes, and closer interactions between social partners (e.g. Estonia, Ireland and Slovakia) to overcome their fragmentation. 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.

6.5 Summary of sectoral findings

The above presented findings demonstrate that sectoral SD enjoys stable structures and a vital functioning in all studied member states. Differences across sectors derive from the extent to which certain sectors are exposed to international competition and market pressures (i.e., commerce), to what extent they are part of the broader public sector that

was exposed to post-crisis austerity measures and a stronger state control over SD (i.e., education and healthcare), and the extent of SD/bargaining decentralization at the company level (commerce). From the studied sectors, construction shows the least fragmented and most stable sectoral SD occurring in both bipartite and tripartite forms in the studied country. In contrast, the fragmentation of actors and the lack of their capacities for SD has been documented to some extent in the education, commerce and healthcare sectors. Despite the diversity of topics prioritized in each of the four sectors, EU-level SSD seems to be responsive to bottom-up articulation of these topics to the EU-level SD. This is the focus of the next section.

7. Articulation of social dialogue and its effectiveness

To recall, **SD articulation** then refers to ways in which decisions, outcomes and actors' positions at one level of SD influence the decisions, outcomes and positions of actors at other levels of SD. An **effective SD articulation** then refers to the action at one level of SD as a consequence of action at another level of SD (Kahancová et al. 2019). This section summarizes the EESDA project findings on articulation between the national and the EU-level SD, and between sectoral SD located in six member states and the EU-level sectoral social dialogue structures.

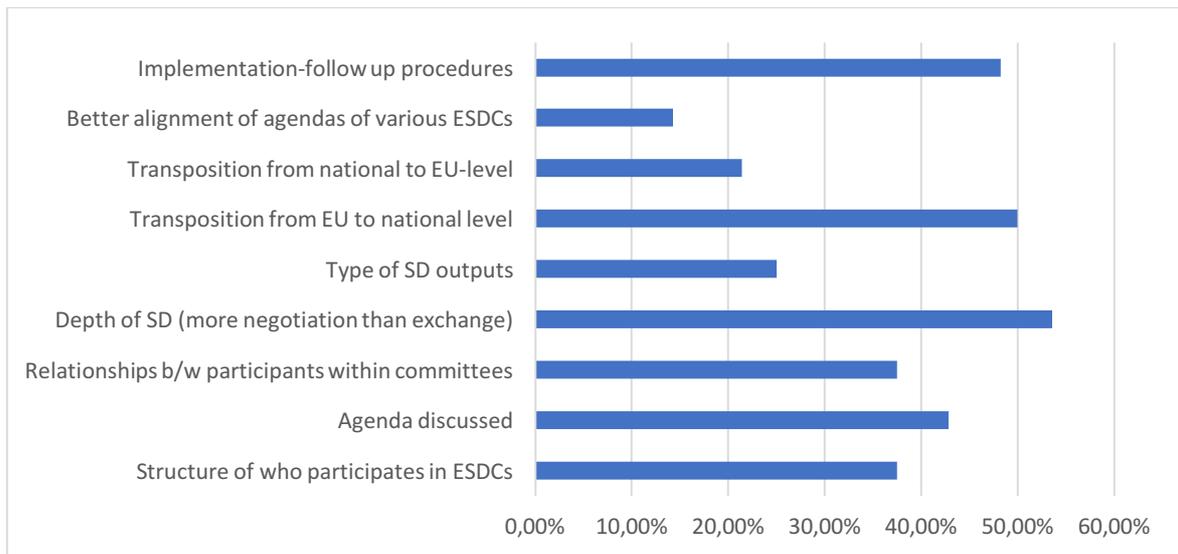
7.1 Articulation between national and EU-level social dialogue

The project revealed that **national social partners perceive their involvement in EU-level SD structures in general as important and positive**. Out of the 118 trade unions and employers' associations responding to the EESDA survey, 96 participate in at least one committee within EU-level SD structures. For those organizations that do not participate in EU-level social dialogue structures, the **lack of financial resources** and **capacity constraints** were the most frequently reported reasons for non-participation.

Both trade unions and employers' associations generally indicated that there is sufficient opportunity to initiate a discussion in EU-level social dialogue. This means that SD articulation is effective in a **vertical bottom up perspective** (transposing topics from the national to the EU-level SD), and also in a horizontal perspective where the agendas of various EU-level SD committees are reasonably aligned (see Figure 2). In contrast, effectiveness should be increased in the **vertical top-down articulation of SD** (transposing topics from the EU-level social dialogue to national or sector level social dialogue structures in EU member states). In this regard, national social partners expect **support from EU-level social partners in national policy influence** and collective bargaining in their home countries.

Challenges identified in relation to better articulation between the national and the EU-level SD include the need for **capacity building of national-level social partners**. While capacity building is a topic of interest to EU-level social partners, the lack of capacity of some countries to provide representation appears to lead to lower chances of the topics or issues relevant for those particular actors to be covered within EU-level SD structures, which weakens the vertical SD articulation from national to EU-level SD. In the view of EU-level social partners, an **increase in funding** would help in raising **awareness beyond national also at local levels** and would allow a **more effective bottom-up SD articulation** to the EU level.

Figure 2 Areas of improvement for a more effective EU-level SD (views of national social partners)



Note: ESDCs refer to European Social Dialogue Committees (bipartite, tripartite, sectoral)
 Source: EESDA survey among national social partners in 27 EU member states

In order to **increase the effectiveness of EU-level SD**, improvements can be made in the depth of social dialogue (more actual negotiation instead of information exchange, explicitly desired by social partners in European Semester negotiations), the articulation of outcomes of EU-level SD to national-level SD structures, and in the procedures of implementing the outcomes of EU-level social dialogue. In particular, national social partners wish to increase awareness among national social partners about the **European Semester** processes. They also call for greater involvement of national social partners in the European Semester, moving from information exchange to consultation (or even negotiation).

7.2 Articulation between sectoral social dialogue in 6 EU members states and ESSD committees

The project uncovered sectoral specificities in the articulation of SD between sectoral social partners in 6 EU member states and social partners involved in ESSD committees. The key findings are summarized in this section.

In the **commerce sector**, there is a low-to-moderate level of involvement of national social partners with EU-level associations across the studied countries. The involvement of sectoral social partners in commerce in the European Semester process is also limited for all countries. Recommendations to improve the effectiveness of SD articulation in the commerce sector include overcoming the high fragmentation of social partners (e.g. Estonia, France and Ireland), decreasing the political dependence of SD (e.g. Estonia and France) and

increasing the capacity of social partners to engage more actively in the EU-level SD structures (e.g. Estonia, Slovakia and Portugal). Slovak social partners also highlighted the need to improve wage coordination in a regional perspective to achieve greater effectiveness in SD articulation.

In the **construction sector**, most social partners in the 6 studied countries are associated with EU-level social partner organisations; and most of these national social partners appear actively involved in ESSD meetings. Still, the Swedish social partners expressed scepticism about the top-down articulation of priorities within the ESSD to the sectoral SD in Sweden. In addition, similarly to other sectors, the involvement of the construction sector social partners in the European Semester process is limited. The Slovak and Portuguese social partners assert that articulation to/from the EU-level is sometimes easier than between the national and sectoral levels, since the former is often non-binding and not exposed to political pressures and diverse interests within a national context. Recommendations to improve the effectiveness of SD articulation in the construction sector include better dissemination of SD 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 SD structures (e.g. Portugal and Slovakia). In Estonia, where SD is highly decentralized, prior to improving the effectiveness of SD articulation there is a need for strengthening the sector-level SD in general.

In the **education sector**, there is generally strong interaction and involvement of national social partners in respective EU-level social partner organizations. The transposition of the Europe 2020 agenda is also perceived positively in most of the countries covered in EESDA (especially in Estonia, France, Ireland and Portugal). While the cooperation between sectoral and cross-sectoral EU SD is valued, social partners from France, Slovakia and Sweden emphasized that the education sector remains a domain of national competence. Recommendations to improve the effectiveness of SD articulation in the education sector include overcoming challenges deriving from strong political influence on the sector (e.g. Estonia and France), overcoming fragmentation of sectoral actors (e.g., Slovakia), strengthening the institutionalization of sectoral SD in education (e.g. Ireland and Portugal), prioritising national and local levels of SD in education (e.g. Sweden) and the need for more proactivity by social partners taking initiatives and advertising their outcomes (e.g. Estonia and Slovakia).

Finally, bottom-up articulation in the **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 EU-level social partners as well as with the European institutions. However, the healthcare sectors of some countries face fragmentation in sectoral social partners and in turn lack of cooperation among social partners and/or capacity

constraints to engage further in ESSD in the healthcare sector (e.g. Estonia, Ireland, Portugal and Slovakia). Swedish social partners view EU-level binding SD 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 SD articulation in healthcare include strengthening the capacities and cooperation between local unions and employers' associations in healthcare/hospitals and achieving greater political stability and closer interactions between social partners. 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.

8. Conclusions

This report summarizes the main findings from different data collection methods within the EESDA project. The analysis is based on a conceptual framework of multi-level governance, that allows for acknowledging the relational perspective among actors in different SD structures and layers.

The findings show that SD at the European, national and sector levels bring together **diverse actors from diverse country-specific traditions of SD**. This diversity has increased further with the enlargement of the EU since 2014. Diversity is acknowledged to enrich SD in Europe, because bringing in new perspectives and priorities in the topics addressed via SD. Coupled with the diversity across Member States, the differences in priorities across sectors adds another layer of complexity to SD in the EU. Sectoral SD seems to be the most effective from the studied SD layers and articulation channels. However, diversity also poses new challenges to SD effectiveness, mainly because negotiating outcomes among a diverse set of stakeholders with diverse interests can take longer or may not produce a consensus at all.

The recent push by the European Commission to involve social partners in social governance and policy making across the EU 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 defining national reform programmes. However, the EESDA findings suggest that the involvement of national and sectoral social partners in this process remains limited (despite sector-specific recommendations provided to most EU member states via the European Semester). A deeper engagement of social partners in the European Semester process is an avenue that needs further strengthening in the future.

In a similar vein, there is also a general perception among social partners that the **EU-level SD is increasingly characterized by information as well as information sharing** at various conferences, workshops and joint projects. This trend does not necessarily translate into more negotiations or agreements arising out of SD.

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 **articulating the outcomes of EU-level SD in the EU member states**. Facilitation of more intensive dialogue between EU-level social partners and the EC to identify common priorities and challenges to be addressed by social dialogue at all levels is also welcome.

Last but not least, the need for **capacity building** of national and sectoral social partners, in particular, strengthening their own organizational resources regardless of political support, is another key finding in the EESDA project. National social partners from some Member States do not have the capacity to actively follow and participate in EU-level SD structures 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 SD more effective in the future and thus support the EU's fundamental principle to facilitate (bipartite) dialogue between the social partners to face the current challenges in European labour markets.

Bibliography

- 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.
- Bechter, B. et al. (2018) Social Partner Engagement and Effectiveness in European Dialogue. *Final report of the SPEEED Project* (Project No. VS/2016/0092), available at: <http://www.speed.uk/publications/>
- Curry, D. (2016). The question of EU legitimacy in the Social OMC peer review process. *Journal of European Social Policy*, 26(2), 168-182.
- Euractiv (2019) Schmit to unveil EU minimum wage proposal in January, available at: https://www.euractiv.com/section/economy-jobs/news/schmit-to-unveil-eu-minimum-wage-proposal-in-january/?fbclid=IwAR2juATO_3l2Oy3SGGcMvujlbD3y1xlcCTDzluGOxs6uvyk2CisqT6DV2g [accessed December 17, 2019].
- Eurofound (2020) Representativeness of European social partner organizations: the hospital sector (forthcoming).
- Eurofound (2018), *Involvement of the national social partners in the European Semester 2017: Social dialogue practices*. Luxembourg: Publications Office of the European Union.

- European Commission (2015a). "Industrial Relations in Europe 2014", Publications Office of the European Union, Luxembourg.
- European Commission (2015b). "Employment and Social Developments in Europe 2015", 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.
- Keune, M., and Marginson, P. (2013) Transnational Industrial Relations as Multi-Level Governance: Interdependencies in European Social Dialogue. *British Journal of Industrial Relations*, 51(3), 473-497
- Piattoni, S. (2009). Multi-level governance: a historical and conceptual analysis. *European Integration*, 31(2), 163-180.
- Von der Leyen, U. (2019) A Union that Strives for More. *Political Guidelines for the Next European Commission 2019 – 2024*, available at https://ec.europa.eu/commission/towards-new-commission_en [accessed November 15, 2019].