

Enhancing the Effectiveness of Social Dialogue Articulation in Europe (EESDA)

Project No. VS/2017/0434

Stakeholders' views on and experiences with the articulation of social dialogue and its effectiveness

Bringing together five consortium partners, the EESDA project, implemented during 2017-2019, advances the current knowledge and expertise on the articulation of social dialogue in Europe and its effectiveness. It studies the ways in which social dialogue at different levels functions and the channels through which EU-level social dialogue - across and within sectors – affects the actors, decisions and outcomes at national and sub-national level, and vice versa.

Research conducted within the EESDA project includes an assessment of social dialogue articulation between national and European level across 27 EU member states by means of desk research, an online survey among national social partners and interviews with EU-level social partners as well as other national stakeholders. It then concentrates on the effectiveness of social dialogue in six EU Member States (i.e. Estonia, Ireland, France, Portugal, Slovakia and Sweden – with distinct industrial relations models and traditions) and four sectors (i.e. construction, commerce, education and healthcare, with a focus on a specific occupation in each sector). Findings from interviews, case studies and discourse analysis are completed using network analysis that sets out to visualise and reveal strong and weak ties between different actors and to draw lessons for experiences and best practices in other sectors and countries.

The analysis considers efforts that have a direct and indirect impact on social dialogue, such as EU Directives, Autonomous Agreements, Framework of Actions, joint projects, joint statements or programme funding.

Co-funded by
the European Union





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October 2019

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List of abbreviations

Country abbreviations

| | |
|-----------------|----|
| Austria | AT |
| Belgium | BE |
| Bulgaria | BG |
| Croatia | HR |
| Cyprus | CY |
| Czech Republic | CZ |
| Denmark | DK |
| Estonia | EE |
| Finland | FI |
| France | FR |
| Germany | DE |
| Hungary | HU |
| Ireland | IE |
| Italy | IT |
| Latvia | LT |
| Lithuania | LV |
| Luxembourg | LU |
| Malta | MT |
| Netherlands | NL |
| Poland | PL |
| Portugal | PT |
| Romania | RO |
| Slovak Republic | SK |
| Slovenia | SI |
| Spain | ES |
| Sweden | SE |

Other abbreviations

| | |
|---------|--|
| CSR | Country-specific recommendations |
| EESC | European Economic and Social Committee |
| ESD | European Social Dialogue |
| ESDC | European Social Dialogue Committee |
| ESSD | European Sectoral Social Dialogue |
| (E)SSDC | (European) Sectoral Social Dialogue Committee |
| EU | European Union |
| ILO | International Labour Organization |
| OECD | Organisation for Economic Co-operation and Development |
| TFEU | Treaty on the Functioning of the European Union |
| WHO | World Health Organization |

EXECUTIVE SUMMARY

This report studies the articulation and effectiveness of social dialogue at the European and national levels. It provides an overview of the existing social dialogue structures describing the main actors involved. The overall approach of the study is actor-centred in the sense that the interactions and perception of actors are in the core of this research. The analysis also takes into account the multilevel governance structure in Europe by considering the interaction and vertical/horizontal articulation of social dialogue between the EU and national levels.

The study also benefits from original data collection comprised of several layers including both the EU and national levels and through at least two methods. First, semi-structured interviews were conducted with European social partners as well as with national social stakeholders in a selection of six Member States. Second, an EU-wide online survey collected responses from national social partners in 27 Member States. The remainder of the analysis is complemented with desk research.

The EU-level analysis based on the interviews with European social partners suggests that the articulation of social dialogue is considered to be an essential element of the overall social dialogue process that has evolved largely over the last decades. The recent initiatives of the European Commission and institutions to boost European social dialogue, in addition to the proclamation of the European Pillar of Social Rights – which has specific mentions on the role of social dialogue in designing employment and social policies – has led overall to more consultations, exchanges with social partners and the involvement of the latter in processes such as the European Semester.

Both at the EU and national levels, it is noted (based on both interviews and survey results) that there are different preferences toward social dialogue outcomes depending on the type of organisation. For example, employees' organisations tend to favour binding outcomes (e.g. directives or agreements), while employers' organisations mostly prefer non-binding outcomes with simpler practical implications. In terms of effectiveness of social dialogue, coalition building, cooperation, informal ties and the need to support capacity building are highlighted as being among the key factors for an inclusive and effective social dialogue process both at the EU and national levels.

The survey results suggest that social partners that responded are in general participants in various social dialogue structures at the European and national levels. They consider the bottom-up (from national to European level) articulation as a possible option, but in most of the cases when it occurred and they initiated a topic of discussion on EU social dialogue platforms, this only remained at the information exchange stage and did not lead to binding outcomes. The national social partners also consider the major topics discussed at the European Social Dialogue Committee meetings over the last few years as highly relevant, but the priorities for topics differ depending on the social partner organisation and the sector of interest.

In an innovative approach, the study also provides a network analysis with the aim of capturing the interdependence of relational information provided by the national social partners responding to the EU-wide survey. The network analysis suggests that cross-border strategic partnerships are mainly between parallel organisations; for example, trade unions have strategic relations with other trade unions abroad (and similarly for employers' organisations). Moreover, there appears to be regional clustering between some countries, where social partners from one country are in a closer network with other social partners from nearby neighbouring countries (e.g. Visegrád, Baltic or Scandinavian countries). Nevertheless, the various visualisations suggest that there is a relatively dense affiliation network across Europe among social partners (and slightly denser among trade unions compared to employers' organisations).

The last part of the report provides a brief overview of the articulation and effectiveness of social dialogue experiences from a selection of six Member States (Estonia, France, Ireland, Portugal, Slovakia and Sweden), mainly considering the cross-sectoral level. The selection of countries reflects not only the diverse industrial relations regimes in Europe, but also the diversity of economic settings. For example, the recent economic downturn had a massive impact on the functioning of social dialogue structures in some countries leading to important changes in the role of the actors and their respective legitimacy. Nevertheless, it appears that European social dialogue is well perceived across these countries and interaction between the European and national levels is considered important for an effective social dialogue.

1. Introduction

EESDA is a research project aiming to increase expertise on the articulation of social dialogue in Europe. Social dialogue articulation is understood as *“the ways in which 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.”* The current paper delivers a comprehensive analysis of the stakeholders’ views on social dialogue articulation and effectiveness in Europe overall and in more detail in selected Member States as part of the EESDA research framework.

As highlighted many times, social dialogue has been long considered as one of the prime building blocks of Europe’s social model (European Commission, 2015a; 2015b). As the main actors in social dialogue, social partners, therefore, traditionally play a key role in this setting. However, in recent years, both the European social model and the social partners have been under severe pressure. The economic crisis starting in 2008 resulted in government budget cuts, which have often targeted social policies.

Against this background, the European Commission has taken several initiatives to give a new impetus to social dialogue. Its flagship initiative *“A New Start for Social Dialogue”*, launched in 2015, sets out to strengthen social dialogue in Europe. With this initiative, the Commission aims to foster social dialogue in all Member States, though specific attention is paid to countries where capacity building is needed to further develop social dialogue.

In Europe, social dialogue occurs at many different levels that are closely intertwined. Therefore, in the enhancement of social dialogue, it is important to account for diversity in the industrial relations and social dialogue traditions and structures that prevail in the Member States, as well as particular social dialogue structures developed at the EU level (Kahancová et al., 2019). EESDA research takes these into account by looking first at the European level broadly and then focusing on the experiences of social dialogue articulation and effectiveness at European and national levels in selected Member States.¹ The selection of the Member States reflects the diversity of European industrial relations and established mechanisms of social dialogue. Last but not least, four sectors in the selected Member States are considered in depth to obtain further insights about the articulation and effectiveness of social dialogue in different sectors in these countries.

Methodologically, EESDA research consists of a mix of research methods, combining qualitative and quantitative research tools. It builds on existing knowledge and data, but it also collects new information and data through surveys and semi-structured interviews with stakeholders from 27 EU countries to examine social dialogue articulation in Europe and as well as the factors determining its effectiveness. The latter is done through desk research by reviewing academic and grey literature, conducting an EU-wide online survey and in-depth interviews with national stakeholders in selected countries. In addition, a network analysis is generated using the data collected through an EESDA online survey. The approach of the network analysis (see Section 4 for more details) in this context is to see social dialogue as a network of interactions. The objective is to identify weak and strong ties between different social dialogue actors (considering horizontal and vertical relationships), and to capture power relations and structural roles. In the EESDA research, network analysis of social dialogue

¹ The selected Member States for detailed country case studies in EESDA research are Estonia, France, Ireland, Portugal, Slovakia and Sweden.

is more explorative in nature and is used to complement insights gained through other approaches.

The plan of this paper is as follows: Section 2 provides a general overview of the articulation of social dialogue at the European level and the analyses based on the responses of interviews conducted with the main European-level social partners; Section 3 provides an empirical analysis of the results of the EESDA project EU-wide survey targeting national stakeholders from 27 Member States; Section 4 conducts a network analysis using the data from the EU-wide survey and displays visual representations of relational and network maps in the social dialogue context in Europe; Section 5 analyses the articulation of social dialogue and its interaction between national and European levels by showcasing the experiences of national stakeholders from six Member States (Estonia, France, Ireland, Portugal, Slovakia and Sweden) based on literature reviews and in-depth interviews; Section 6 provides a discussion of the overall findings of the EESDA project presenting the stakeholders' views so far followed by concluding remarks.

2. Articulation of social dialogue at the European level

2.1 A brief historical introduction to European social dialogue

The European Parliament (2018) describes social dialogue as the fundamental right of the European social model. The beginning of European-level social dialogue goes back to the year **1985**, when the **Val Duchesse social dialogue** was initiated by the then President of the European Commission, Jacques Delors. This initiative aimed at involving the social partners in the internal market process. The European Trade Union Confederation (ETUC), the Union of Industries of the European Community (UNICE)² and the European Centre of Public Enterprises (CEEP) were the representatives of the social partnership and arrived at several joint agreements on topics like employment, education and training. The Single European Act of 1986 serves as the legal basis of the 'Community-wide social dialogue' establishing a steering committee that later became the main representation of bipartite social dialogue at European level with the current title of Social Dialogue Committee (SDC).

A recent ETUC publication (ETUC, forthcoming) marks 1991 as a turning point in the timeline of social dialogue development, as there had not been any legally binding agreement involving social partners prior to this. The **1991 Treaty of Maastricht** integrated the social partners' agreement stating that agreements that have been negotiated by the social partners can become legally binding by means of a Council decision. According to the European Parliament (2018), social dialogue partners acknowledged in 1991 the need for obligatory consultation with the representatives of both sides of industry before negotiations for further policies or adopting of other legislation in the area of social affairs. The 1997 Treaty of Amsterdam for the first time included an 'Agreement on Social Policy' that represented a single common framework for social dialogue across all Member States. As a result, a cross-industry framework on parental leave in 1995, part-time work in 1997 and fixed-term work in 1999 were implemented as Council directives. While social partners are recognised as the main actors for better facilitation of social dialogue, the Lisbon Treaty of 2009 emphasises the need for autonomy and diversity within the partnership. Lastly, in 2016, a joint agreement was signed by European Commission Vice-President, Valdis Dombrovskis, and the European Commissioner for Employment, Social Affairs, Skills and Labour Mobility, Marianne Thyssen, regarding an increased involvement of

² The former name of BusinessEurope.

social partners in the policymaking and development of the European Semester, which marked a new start for better social dialogue. Furthermore, in 2017, the European Parliament proclaimed together with the European Commission and the Council the '**European Pillar of Social Rights**', encouraging the autonomy and right for collective action of social partners when it comes to designing and implementing employment and social policies (European Commission, 2018; European Parliament, 2018).

Social dialogue at the European level refers to the bipartite relationship between the European employers' organisations and the trade unions that represent the employees' organisations. These organisations operate at an international level and are federations and confederations representing national-level organisations. Moreover, **European social dialogue is carried out at a cross-industry level as well as at a sectoral level**, where the issues are discussed in sectoral social dialogue committees (SSDC). Aspects of the European-level tripartite social dialogue can be found from the very beginning of the 1960s. Since then, social and economic stakeholders, who were representatives of national and European-level employers' and employees' organisations, have worked as advisory committees on the development of Community legislation. Until 2003, the tripartite social dialogue operated as the Standing Committee on Employment. Later on, however, it was replaced by the Tripartite Social Summit for Growth and Employment. The aim of the latter is to establish a stronger participation in the overall European social dialogue and enable social partners to contribute to the developments of economic and social strategy as well as to the sustainable development dimension. In a recent publication of the European Parliament (2018), it is stated that since 2014, the overall involvement of social partners in European-level discussions has strengthened; however, national-level social partners see their involvement not as consultative, but rather as informative. European Commission (2016) states the following regarding European social dialogue:

“Developing and fostering social dialogue is an essential element of the European social model, as it plays a crucial role in promoting competitiveness and fairness and enhancing economic prosperity and social well-being. European social dialogue complements the social dialogue happening at the national level.”

2.2 Perspectives from EU-level social partners³

2.2.1 Actors of the social dialogue as resource of the involvement

The bipartite social dialogue partners at the European level are the parties that are involved in the official consultations organised by the European Commission under Articles 153 and 154 of the Treaty on the Functioning of the European Union (TFEU). These organisations, working at the cross-sectoral level, include the **European Trade Union Confederation (ETUC)** and the employers' organisations representing the opposite side of industry. The employers' representation is formed by three organisations, which are namely **BusinessEurope** (formerly known as *UNICE*), **CEEP** (*Centre Européen de l'Entreprise Publique*) and **SMEunited** (formerly known as *UEAPME*, the European Union of Craft

³ The semi-structured interviews with European social partners are done between January-May 2019 as part of EESDA research's Work Package 2 "Stakeholders' views on and experiences with the articulation of social dialogue." The research team has conducted ten interviews with European level (recognised) social partners, composed of five employees' organisations and five employers' organisations. The majority of these organisations are part of cross-sectoral social dialogue structures, while some of them operate mainly on the sectoral level. For a list of interviewed organisations, please see the Annex.

Industries and Small and Medium-Sized Enterprises). Moreover, while **social dialogue at cross-sectoral level** involves the confederation level of social partner organisations, sectoral-level social dialogue is established between the European trade union federations and their counterpart employers' organisations.

One of the cross-sectoral employer representatives mentioned that European social dialogue is somehow a closed shop with the "usual suspects" negotiating with each other – namely, one European-level confederation against three employers' organisations. Some of the cross-sectoral employers' organisations highlighted that certain social partners have a greater weight than others in the dialogue due to their representativeness and/or size of membership. Additionally, there appears to be considerable differences in the **representativeness of social partners** (both employee and employers' organisations), with some of the organisations having relatively high representativeness based on their membership and country coverage in terms of where their affiliates are located, while other social partners are experiencing lower levels of representativeness generally and occasionally none at all in some countries.

2.2.2 Topics and the process of defining them

The social dialogue programme is the core tool when creating the **work programme** for social partner organisations. These programmes adopt and prioritise work that is carried out jointly by both employers' and employees' organisations, subsequently as integrated projects in the organisations. Most of the organisations interviewed stated that they first create the work programme of their organisation by internally discussing and addressing the issues brought up by the national members. After negotiations and coordination of topics, they then set out their priorities and forward them to their respective social partner organisations.

Throughout the EESDA interviews, organisations stressed that **internal councils and regularly organised meetings** are good ways for national members to share their priorities and issues with the European level. One of the sectoral employers' organisations highlighted **digital tools** as a key part of the communication with the national members, especially when some members are not able to send their representatives to these internal meetings. This way, even though some members cannot attend meetings in person, they continue to be part of the discussions and communicate virtually with European-level social partners about the priorities and topics they would like to raise at the European level. All this forms part of **the vertical articulation of social dialogue** issues from national members towards the European level through the European social partners as intermediaries.

Almost all social partners at the cross-sectoral level stressed in interviews that **regular meetings** are key for robust communication and that **multilateral discussions** work relatively successfully. The key characteristics of multilateral meetings is that they tend to bring together if not all, at least the majority of members, thus allowing more issues and arguments to be represented.

Using a word frequency-based text analysis of the mostly discussed topics at the European Social Dialogue Committees and as mentioned in the interview questionnaire distributed to respondents, EESDA research has identified the following **list of topics as the most prevalent ones at the European level**:

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

The topic of skills, training and employability is one of the most frequently discussed topics together with the topic of health and safety, well-being at work. Not surprisingly, most of the representatives from both European employee and employers' organisations could agree that all three of the topics are relevant for their organisations. One of the sectoral employers' organisation representatives highlighted the health and safety topic as a key priority for them. A representative of the cross-sectoral employees' organisation stated that all these topics are relevant, but it is not clear to them how **effective the social dialogue tools** could be in addressing them. The same respondent explained that considering that these topics are mostly *not* addressed in a legally binding manner, they could mainly serve as **tools for best practices and raising awareness**.

Additionally, a cross-sectoral employers' organisation representative pointed to **other topics** that are of high interest for them; for instance, **inclusivity and functioning of labour markets, digitalisation, sustainability of social protection systems, ageing population, lack of skills and labour shortages** as well as **capacity building**. Related to the latter topic, the lack of capacity of some countries to provide representation appears to lead to lower chances of the topics or issues of those countries to be brought to the European level, which weakens the vertical social dialogue articulation.

2.2.3 Social dialogue outcomes

As the main outcomes of successful European social dialogue, the ETUC (forthcoming) acknowledges the **eight European Framework Agreements and three Frameworks of Actions**. Three of these Framework Agreements on **parental leave**⁴ (2010), **part-time work**⁵ (1997) and **fixed-term work**⁶ (1999) have become European Directives. A further five (autonomous) agreements have been implemented directly at the national level: on **telework**⁷ (2006), **work-related stress**⁸ (2004), **harassment and violence at work**⁹ (2007), **inclusive labour markets**¹⁰ (2010) and **active ageing – an intergenerational approach**¹¹ (2017). Furthermore, the European social partners have already negotiated six **multiannual work programmes** that serve as an autonomous bipartite roadmap of the objectives for a three-year period. The latest **Social Dialogue Work Programme**¹² that is published by all four cross-sectoral social partners covers the period of **2019-2021**. This Work Programme addresses **six key priorities**, which are (i) **digitalisation**, (ii) **improvement of labour markets and social systems**, (iii) **skills**, (iv) **addressing psychosocial aspects and risks at work**, (v) **capacity building for a stronger social dialogue** and (vi) **circular economy**. Additionally, there are up to 80 joint reports, recommendations, statements and opinions or compilations of good practices that have been concluded in relation to European social dialogue.

Another product of social dialogue, **non-binding outcomes** mainly serve as declarations that aim to inspire, guide and support any action in a certain field. Commonly, they are structured as a statement of key principles and guidelines for activities. One of the sectoral employers' organisation

⁴ http://www.europarl.europa.eu/doceo/document/TA-8-2016-0226_EN.html

⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:31997L0081>

⁶ <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A31999L0070>

⁷ http://resourcecentre.etuc.org/linked_files/documents/Framework%20agreement%20on%20telework%20EN.pdf

⁸ <https://travail-emploi.gouv.fr/IMG/pdf/StressAccordCadresEuropeen.pdf>

⁹ <https://drive.google.com/file/d/0B9RTV08-rjErYURTckhMZzFETEk/view>

¹⁰ https://www.etuc.org/sites/default/files/20100325155413125_1.pdf

¹¹ https://www.etuc.org/sites/default/files/press-release/files/framework_agreement_on_active_ageing_003.pdf

¹² https://www.businessseurope.eu/sites/buseur/files/media/reports_and_studies/v2_sd_work_programme_2019-2021.pdf or https://www.etuc.org/sites/default/files/publication/file/2019-02/V2_SD%20work%20programme%202019-2021.pdf

representatives explained that there are non-binding outcomes regarding skills, training and employability that employers' organisations have adopted together with the employees' unions. Similarly, they have agreed on creating Frameworks of Actions on recruitment and retention of workers. This organisation, together with other sectoral employees' and employers' organisations, pointed to an agreement and implementation of **Multi-sectoral Guidelines to tackle Third-Party Violence and Harassment**. Most of the respondents from the European-level employers' associations (both cross-sectoral and sectoral) appear to favour non-binding outcomes to binding outcomes in social dialogue as a result of interview responses.

One of the sectoral employers' organisation representatives stated that there has been a Framework Agreement on **occupational safety and health**, which was later transposed into a directive in 2010. The social partners published guidance, handbooks, toolkits and films accessible for everyone. Another representative of cross-sectoral employers' organisation considered that there is no strong effect of binding agreements at European level and thus non-binding outcomes at the European level are the most relevant social dialogue outputs to have. These employers' organisations (both cross-sectoral and sectoral) favour the **practical aspects of non-binding agreements** and consider that the recommendations or guidelines are more helpful and **easier to implement at the national level**, while largely politicised **binding agreements** are less beneficial and **more complicated**, slowing down national implementation.

However, the opposite is the case according to **cross-sectoral and sectoral employees' organisations** at the European level, who appear to expect and **ask for more binding outcomes** to come out of social dialogue. For example, several social partners representing employees' organisations at cross-sectoral and sectoral levels pointed out that **agreements that are not binding have no legislative impact**, hence they have **lower impact** in terms of labour market changes **at the national level**. They argue that binding outcomes have the capacity to be implemented as directives by the European Commission and then these outcomes can be transposed to the national level. This would **strengthen vertical social dialogue outcome implementation** (top-down). In contrast, they add that **non-binding regulations**, say, on quality measures are much more **difficult to assess and control** as they only establish guidelines and no binding rules. At the same time, some sectoral employees' organisations assert that application of some of these non-binding outcomes to certain sectors can still be effective. For this to happen, specific or targeted topics should be tackled and then the effect of non-binding outcomes can be better overseen. Therefore, the sectoral employees' organisations argue that rather than drawing non-binding agreements over large extent topics like education or working hours, which mostly come under Member State competence and where European-level social partners have relatively less important roles to play, more targeted and **specific sectoral issues** or topics could be chosen where **tailored non-binding outcomes could prove effective**.

2.2.4 Actors' interactions and level of involvement

A representative of a cross-sectoral employees' organisation acknowledged that over the last five years the **European Commission has been more open for consultations** with trade unions compared to the past. For example, the Commission has organised a number of events and consultations to help and inform employees' organisations – and social partners, generally – at the European level with the objective of enhancing their involvement. Further activities from the Commission side have also been

pursued towards **capacity building**, especially in some countries, aiming at **increasing representativeness and involvement of social partners** in those Member States, where capacity constraint is an issue.

On the horizontal level, almost all social partners acknowledge that there is **better communication between organisations at the same level**: for example, trade unions are engaging with each other more than they used to. They have also been sharing their expertise with each other (i.e. with other employees' organisations) on the horizontal dimension through various **events, workshops, fact-finding seminars and projects**. Similar remarks were also made by cross-sectoral employers' organisations, which believe that further **interactions between social partners is a strength of social dialogue**.

In terms of **coalition building** at the European level, the four main cross-sectoral social partners at the table, namely BusinessEurope, SMEunited and CEEP representing the employers' side, negotiate with the ETUC, which is the sole European-level representative of employees' organisations. Representatives of these organisations all admit that they have to **compromise at some point to reach an agreement**; therefore, **coalitions are unavoidable** in seeking a **strong social dialogue**. They also admit that there is less partnership between these four main cross-sectoral organisations and the sectoral organisations at European level, for there are already sectoral level members within their own organisations, which deal directly at the sectoral level. Overall, based on the interviews with a wide range of organisations at the European level, and not surprisingly, we notice that employers' organisations tend to engage more closely with other employers' organisations, while employees' organisations do more so with other trade unions.

The interviewed sectoral employers' organisations explained that their organisations are recognised as a social partner by the European Commission and hence they regularly participate in sectoral social dialogue committees (SSDC), which meet several times annually.¹³ They also express that thanks to **vertical social dialogue mechanisms** and through their affiliates in the Member States, they can bring up the issues **from national to the European level**, hence contributing to the **bottom-up information sharing**. Additionally, as many other sectoral level organisations, they are part of the European association representing employers and participate in the EU-level **Social Affair Board Meetings**. These meetings happen just before the **sectoral social dialogue committees'** annual meetings, thus providing somewhat a **top-down stream of information** that shows the relevance of topics to be discussed at the sectoral level in SSDC. The sectoral employers' organisation's secretariat then shares the outcomes of these meetings as well as ongoing debates at the European level and informs their affiliates in Member States.

As according to the **Lisbon Treaty**, the European Commission is tasked with reaching out to the social partners for consultations when creating and negotiating the new work programme. Moreover, with the involvement of social partners in the **European Semester** process, the European social partners interviewed largely agreed that there has been an **overall increase in the involvement of social partners** in labour market and social affairs. However, some sectoral European social partners (particularly those representing workers) highlighted that this increased involvement is not always matched by an increased capacity of these social partners, whereby some of them still face **issues of representation in some countries**.

¹³ There are 43 sectoral social dialogue committees (SSDC) in Europe.

2.2.5 Perceived effectiveness of the social dialogue and suggestions to improve it

Since 2016, almost all of the European social partners perceive that they have been increasingly involved in European social dialogue. This involvement ranges from not only participating in regular meetings, but also having opportunities to meet high-level European Commission officials and being given opportunities to speak at **high-level European and international conferences** (for example, at ILO, WHO and OECD). Some cross-sectoral European social partners also admit that they have received **political support** from the European Commission for a joint declaration. Similarly, some cross-sectoral employers' associations have mentioned that they organised events at the European Parliament, which, they believe, has improved their visibility, ensured another channel of communication and built **better relationships with policymakers**. All these could be considered as some key elements of **effective social dialogue**.

Almost all European social partners interviewed expressed that one of the ways to increase the effectiveness of social dialogue would be to **increase the funding dedicated to capacity building at the national level**. For example, one of the representatives from a cross-sectoral employees' organisation admitted that in many cases the **European Semester** officers, who coordinate and inform national stakeholders about their involvement in the process, are located in the capital city of the Member State. This means that social partners from other regions or far-away locations are hindered from participating in the consultation processes due to financial and capacity issues. Therefore, an **increase in funding** would help them to join these consultations, **raise awareness at more local levels** and would allow the **bottom-up transposition of social dialogue articulation** at the national level. This cross-sectoral trade union representative explained that they do not have a lot of resources to raise awareness among local affiliates about what European Semester is and how national members could be involved in the process, even though they consider it necessary to find better ways to **engage national affiliates in the discussions concerning country reforms**. In a similar vein, some of the other cross-sectoral employees' organisation representatives stated that the implementation of country reforms – following country-specific recommendations as part of the European Semester – and other policy suggestions would only work better if there were better financial support at the national level. Therefore, considering the lack of capacity and financial ability for implementing changes, there is a **need of a reform support programme** for some Member States that struggle to finance these on their own.

Another aspect supportive of more effective social dialogue, which was mentioned by almost all the social partners interviewed, is the **presence of informal ties**. Considering not only other trade unions, one of the representatives of cross-sectoral employees' organisations pointed out that informal ties with their counterpart employers' organisations can also be very helpful. Social partners all agree that more informal interactions among social partners can contribute and eventually lead to an **attitude towards one common goal** and there might be a **better understanding of the argumentation of the opposition**, when issues are then negotiated in a formal environment.

At the same time, there has been some criticism from some cross-sectoral employers' organisations about **the lack of activity** within the organisations, which can sometimes be explained by the **enlargement of the European Union** in 2004. Some of the representatives from both cross-sectoral and sectoral employers' organisations argue that 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 diversity of industrial relations regimes and the articulation of social dialogue (or the depth of it) has also become more **diverse in Europe**. 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**. Additionally, some sectoral employers' organisations acknowledge that some Member States are not consulted and informed enough to be able to join the discussions at the European level, which, in turn, leads to a situation where some countries lag behind in following and eventually implementing reforms.

However, a representative of a cross-sectoral employers' organisation also points to a positive development as regards the **effective interaction of social partners**. Accordingly, from the negotiating process to the European Semester, it used to be that for each issue to be negotiated or discussed, there were three statements of priorities coming from each of the employers' organisations at European level, highlighting the issues and topics of concern to each organisation. These separate statements were then matched with three corresponding statements in response from the single employees' organisation representative at the European level. However, this appears to lead to a complication of the whole social dialogue process, with multiple documents of statements circulating. According to the respondent from the cross-sectoral employers' organisation, this longer process has now mostly changed, whereby the two sides of the social dialogue are to give only one statement, one presenting the **employees' joint position** and one presenting the **employers' joint position**. This change is perceived as **strengthening social dialogue**, particularly between the three European-level employers' organisations, since they now have to **produce one common statement**. It was not clear from the interviews whether it is perceived in the same positive manner by the employees' organisations.

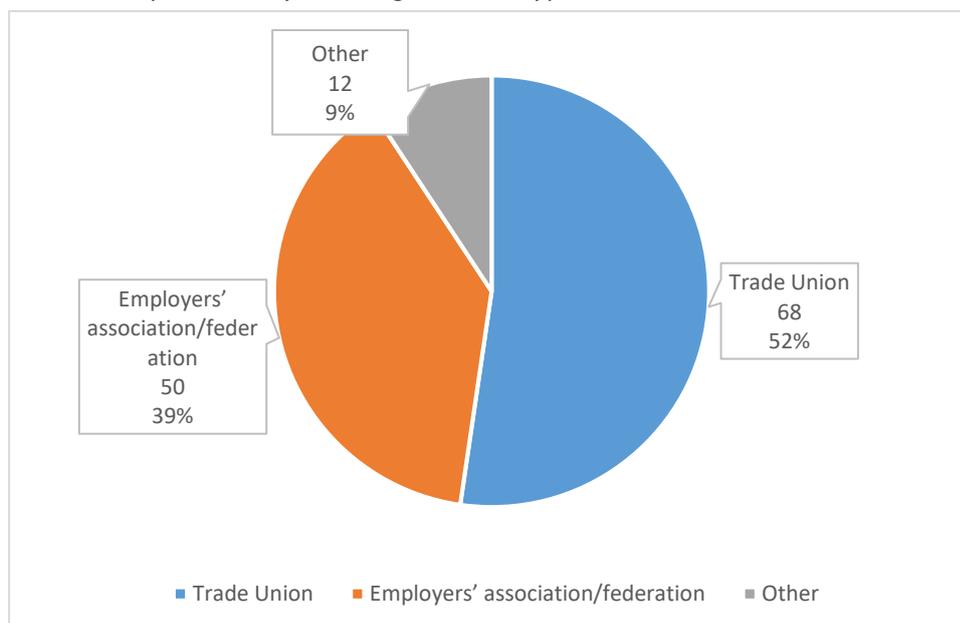
3. Articulation of social dialogue and interaction between national and European levels: evidence from an EU-wide survey

3.1 Sample and respondents' identification

The EESDA EU-wide survey was launched in November 2018 and lasted six months until May 2019. The survey was conducted in 27 EU Member States. The survey link was sent to at least ten national social partners¹⁴ in these countries, a total of more than 250 targets. Altogether **147 responses** were received, among which 17 respondents did not answer the third mandatory question "Does your organisation participate in EU-level social dialogue structures?" which was deemed essential for the analytical purposes of the project; therefore, these answers were not included in the final sample set.¹⁵ The final working sample thus has 130 responses from **68 trade unions, 50 employers' associations and 12 other institutions** as seen in the following table.

¹⁴ The main target was cross-sectoral social partners; however, in some countries, there were not ten cross-sectoral social partners. In this case, the survey was sent to sectoral social partners or other relevant organisations in social dialogue.

¹⁵ 12 out of 17 respondents did not answer the second mandatory question on country affiliation – one Austrian, Belgian, Czech, Danish and Slovak, but answers were disclosed from the dataset. These respondents only gave an answer to the first mandatory question on indicating their organisation type (employers' association/federation, trade union or other).

Table 1. Respondents by their organisation type

Source: Authors' elaboration based on EESDA Survey (Q2).

From the 12 'other institutions', six could be categorised rather under the 'employers' associations' category, while the other two could be categorised as trade unions. The remaining four respondents belong to national authorities (policymakers). The 'Other' category is indicated in the analysis where relevant.

The following table summarises the **response rates per country** in the survey. Given the challenges of collecting the responses from some countries, we aimed for at least five responses from each country, where we had relatively low response rates. Unfortunately, despite the researchers actively reaching out to various stakeholders in some Member States, we were not able to reach the minimum of five responses in some countries (e.g. Austria, Belgium, Cyprus, Denmark, France, Ireland, Italy, Luxembourg, the Netherlands and Romania).

Table 2. Responses by country

| | | | |
|--------------|-----------|------------|----------|
| SK | 10 | PL | 5 |
| EE | 9 | SE | 5 |
| MT | 9 | DK | 4 |
| LV | 8 | FR | 4 |
| CZ | 7 | NL | 4 |
| DE | 6 | SI | 4 |
| FI | 6 | BE | 3 |
| HR | 6 | IE | 3 |
| PT | 6 | IT | 3 |
| BG | 5 | AT | 2 |
| ES | 5 | CY | 2 |
| HU | 5 | LU | 2 |
| LT | 5 | RO | 2 |
| Total | | 130 | |

Source: Authors' elaboration based on EESDA survey (Q3).

In terms of **representation of industrial relations systems** in the survey, we have an overrepresentation of countries from Central and Eastern Europe with **embedded neoliberal and neoliberal regimes**, while countries of **liberal pluralism** and **organised corporatism** are underrepresented in our sample. At the same time, it also shows the challenges that researchers faced in some countries in convincing social partners to respond to the survey, because the latter are notably busy. Nevertheless, a large sample from the post-communist block allows us to understand their opinions on the functioning and effectiveness of European social dialogue.

Table 3. Response rates by industrial relations regimes

| National industrial relations systems | Organised corporatism (Nordic) | Liberal pluralism (West) | State-centred (Southern) | Social partnership (Central-West) | Embedded neoliberal (Central-East) | Neoliberal (North-East, South-East) |
|---------------------------------------|--------------------------------|----------------------------------|---------------------------------------|--|------------------------------------|-------------------------------------|
| Countries | DK (4), FI (6), SE(5) | CY (2), IE (3), MT (9), UK (N/A) | ES (5), FR (4), EL (0), IT (3), PT(6) | AT(2), BE(3), DE(6), LU(2), NL(4), SI(4) | CZ(7), HR(6), HU(5), PL(5), SK(10) | BG(5), EE(9), LV(8), LT(5), RO(2) |
| Nb. of answers | 15 | 14 | 18 | 21 | 33 | 29 |

Source: Authors' elaboration based on the industrial system clusters as summarised in the EESDA analytical framework and survey responses.

3.2 Social partners' involvement in EU-level social dialogue¹⁶

From the 130 responses collected in the EESDA survey, more trade unions answered the questionnaire than did employers' organisations in 14 countries. In Latvia, Luxembourg and Romania, responses were received only from trade unions, while more employers' associations replied to the survey than did trade unions in 12 countries. In Ireland, Italy, Austria and Cyprus, no trade unions responded to the survey.

In the sample, **78% of respondents participated in some form of EU-level social dialogue structure** and, on average, the overall difference between the two types of organisations (i.e. trade unions and employers' organisations) was not significant. 58% of respondents from the 'Other' category also participated in EU-level social dialogue structures.

With regards to participation in social dialogue structures per organisation type, out of 118 respondents 96 trade unions and employers' associations took part in at least one form of EU-level negotiations. According to the responses, it appears that employers' associations are slightly more involved in the social dialogue structures, since only 16% of them reported non-participation (compared to 20% of trade unions), but overall **participation trends across different types of organisations are similar**.

¹⁶ The analysis in this sub-section is based on questions 1-10 in the EESDA survey. For the complete questionnaire, please see the annex of the EESDA analytical framework by Kahancová et al. (2019).

3.2.1 Participation in various European social dialogue forums

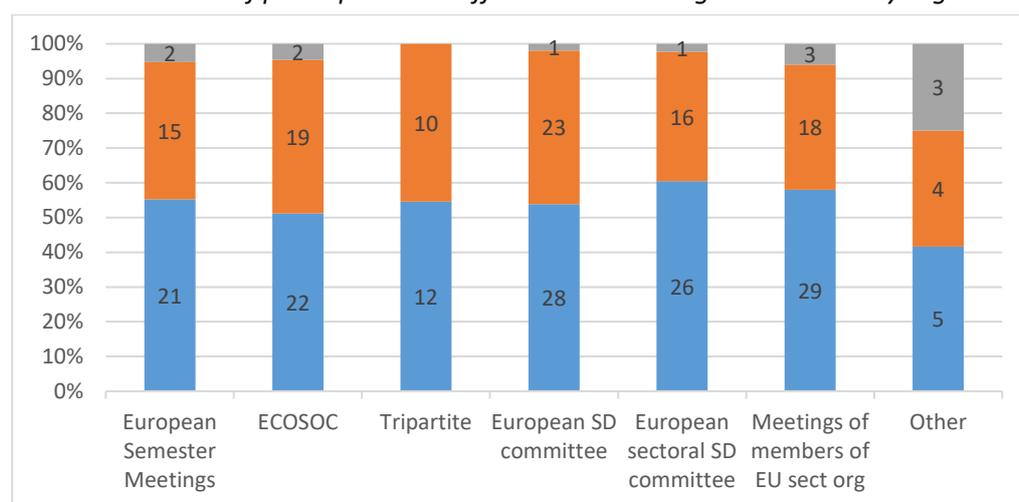
In the EESDA survey, we asked the respondents to indicate which specific committees they participate in at the European level and we allowed the possibility of multiple answers. The options were the following:

- *European Semester meetings;*
- *ECOSOC meetings;*
- *Tripartite Social Summit;*
- *European Social Dialogue Committee;*
- *European Sectoral Social Dialogue Committee;*
- *Meetings of members of EU-level sectoral organisations;*
- *Other forums.*

While most of the respondents indicated **European Social Dialogue Committee** or **Meetings of Members of EU-level Sectoral Organisations** as the main forums where they participated from 2015 to 2017, the least indicated forum was the Tripartite Social Summit. Focusing on the division between organisation types, both trade unions and employers' organisations were mostly active in participating in the European Social Dialogue Committee or the Meetings of members of EU-level sectoral organisations, followed by ECOSOC, which was indicated prominently by employers' associations.¹⁷

Focusing on those 31 organisations taking part in only one committee, most of them (15) participated in the Meetings of Members of EU-level Sectoral Organisations, followed by participation in European Sectoral Social Dialogue Committees (7) and ECOSOC (4). Interestingly no organisation indicated solely participating in European Semester meetings – if they participated, they always did so in combination with other committees. Organisations involved in two committees mostly participated in European Sectoral Social Dialogue Committees and Meetings of Members of EU Sectoral Organisations (6 organisations), while the most common three-committee participation pattern was the one involving European Semester meetings, ECOSOC and the European Social Dialogue Committee (6 organisations).

Table 4. Incidence of participation in different social dialogue structures by organisation type



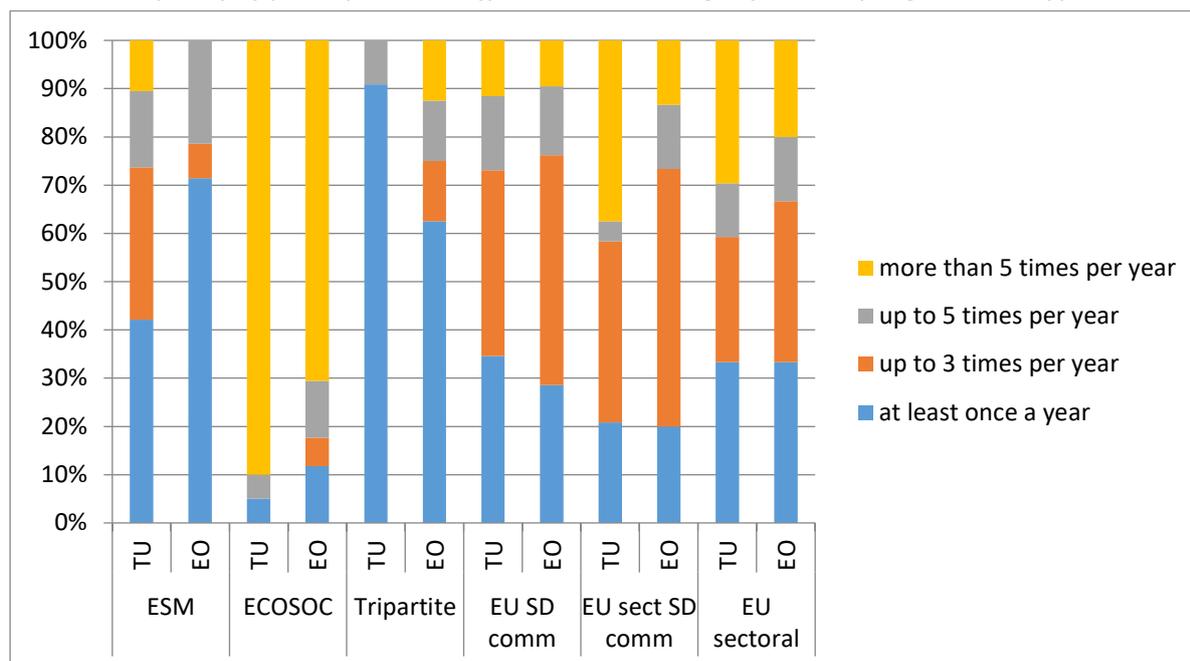
Source: Authors' elaboration based on EESDA Survey (Q5).

Notes: Multiple answers by respondents were possible.

¹⁷ We note that during the interviews with the European-level social partners (summarized in section 2), ECOSOC was almost never mentioned as a formal social dialogue forum, where negotiations take place. Nevertheless, it constitutes a platform, where national social partners meet from across Europe and during which some consultations take place.

As regards the **frequency of participation** in the indicated committees of social dialogue, the highest level of participation can be seen for ECOSOC in the case of both trade unions and employers' associations, where 90% of trade unions and 71% of employers' organisations participate more than five times a year. In other words, **ECOSOC meetings seem to be the most frequently used forum by both social partner organisations from Member States**. In contrast, participation in European Semester Meetings and Tripartite Social Summits usually occurs once a year, while European Social Dialogue Committees and Sectoral Committees are usually organised up to three times per year.

Table 5. Frequency of participation in different social dialogue forums by organisation type



Source: Authors' elaboration based on EESDA Survey (Q6).

As regards **representation within the various committees of social dialogue**, we asked our respondents who represents their organisation at the EU-level social dialogue meetings. Three options were given: (i) *elected representatives*, (ii) *own employees* or (iii) *various representatives depending on the type of the meeting and discussion*. Through this question, we wanted to understand what the organisations' personnel policy is when it comes to EU-level negotiations, assuming that employed staff provides some continuity and expertise while elected representatives might push for a specific agenda more visibly. Since multiple answers were possible, the chart includes an 'other' option for any combinations of the above-mentioned representatives.

In general, **employed staff** tends to represent both types of organisations (trade unions and employers' associations) at European Semester meetings, European social dialogue meetings and sectoral social dialogue meetings, while it is more likely for **elected representatives** to participate in ECOSOC meetings, where specific agenda points are put forward more prominently. In the case of **Tripartite Social Summits**, we observe a difference between the participation of trade unions and employers' associations: while the former more frequently send elected representatives to these meeting, employers' associations are mostly represented by employed staff. This might signal that trade unions are more inclined to push their own agenda points in such summits, while employers' associations might rely more on the expertise of employed staff to deal with all agenda items.

When asked about the reasons for **changes in participation** (multiple answers possible), most of the organisations listed the following reasons (by order): (i) *internal organisational reason*, (ii) *a wish to strengthen the organisation's involvement in EU-level social dialogue affairs*, (iii) *minor organisational considerations* and (iv) *seeking to get more out from EU-level social dialogue committee decisions*. The results are summarised in Table 6. Overall, no clear pattern is visible; however, the main reason for participation changes for **trade unions is related to internal organisational reasons**, while the **employers' associations changed participation mainly in order to strengthen involvement in EU-level social dialogue** structures signalling less satisfaction with the current situation with their representative.

Table 6. Motivational reasons behind participation changes by organisation type



Source: Authors' elaboration based on EESDA survey (Q10).

3.2.2 Barriers to involvement

In the EESDA analytical framework, we identified six **barriers to participation** at the EU-level social dialogue structures. These barriers relate to **personal reasons (language and capacity constraints)**, **organisational (capacity constraints and lack of financial resources)** and **procedural barriers (difficulties in understanding the role and functioning of EU-level social dialogue)**. In our survey, 57 respondents indicated that their organisation is not participating in EU-level social dialogue structures. The most frequent reason was **lack of financial resources and capacity constraints**, which indicate mostly personal and organisational barriers for European Social Dialogue involvement, while procedural transparency is generally not perceived as a reason for non-participation. The responses are displayed in Table 7.

Table 7. Barriers to involvement in social dialogue (%)

| | Language | Lack of interest | Capacity constrains | Lack of financial resources | Barriers of entry ESD | Procedure transparency | Total |
|---------------|----------|------------------|---------------------|-----------------------------|-----------------------|------------------------|-------|
| EO | 1.8% | 3.6% | 5.4% | 10.8% | 0% | 1.8% | 23% |
| TU | 8.7% | 1.8% | 21.6% | 18% | 9% | 3.6% | 61% |
| Others | 0% | 3.6% | 3.6% | 3.6% | 1.8% | 3.6% | 16% |
| Total | 10.5% | 8.8% | 29.8% | 31.6% | 10.5% | 8.8% | 100% |

Source: Authors' elaboration based on EESDA survey (Q33).

Notes: EO: employers' organisations; TU: trade unions.

3.3 Channels of social dialogue articulation

To narrow the focus of our research, we analysed **topics discussed at the sectoral social dialogue committee meetings** between 2015 and 2017. We have identified the three most frequently discussed topics that helped us to narrow our research focus as described in the EESDA analytical framework. These topics are namely (see also topics in Section 2.2.2):

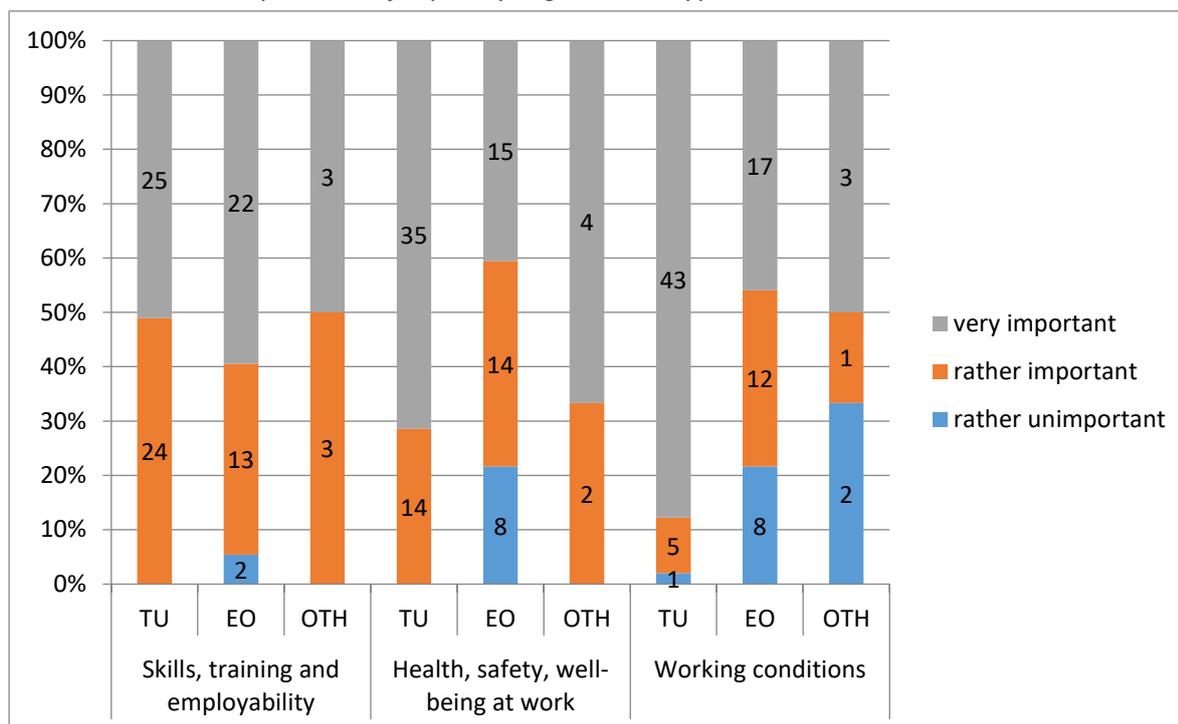
- **Skills, training and employability;**
- **Health and safety, well-being at work;**
- **Working conditions (working time regulations, type of contracts and similar).**

The most important source of data was the minutes from European Sectoral Social Dialogue Committee meetings, supplemented by analyses conducted by Eurofound and others.¹⁸ In the survey we asked respondents to assess the importance of these listed topics from the perspective of their organisation, the satisfaction with frequency of their occurrence at the agenda of the ESSD committees and compared them to the three most important topics as perceived by their organisation.

When it comes to **importance of the three mostly discussed topics**, all three topics that we identified in our European Sectoral Social Dialogue Committee minutes analysis were rated as *“rather important”* or *“very important.”* The highest importance was attributed to **working conditions** by trade unions, while employers' associations considered **skills, training and employability** as the most relevant topic. As displayed in Table 8, it can be stated that trade unions deemed all of the three topics more important than employers' organisations, in particular in the case of health and safety.

¹⁸ For detailed methodology and other references, please see EESDA analytical framework by Kahancová et al. (2019).

Table 8. Perceived importance of topics by organisation type



Source: Authors' elaboration based on EESDA Survey (Q11).

Respondents' satisfaction with the topics also varied. Both organisations of employers and employees consider health and safety issues as relevant. Trade unions called for more opportunities of discussion on working conditions and skills and training issues.¹⁹

The bottom-up articulation of social dialogue was rated by the respondents through the question on the possibility to initiate a discussion on the topic of interest. This was similarly rated by trade unions and employers' organisations, although slightly higher by employers' organisations. Average assessment of the possibility to initiate discussion is *"in most cases possible."* In a similar question on whether social partners proposed their own topic in any of the EU-level social dialogue forums, 63% of employers' organisations indicated that they did not propose their own topic. In contrast, 51% of trade unions indicated that they proposed their own topic. The following two tables summarise the responses to these questions on the **possibility to initiate a discussion and propose their own topic**.

¹⁹ See Annex for further tables summarising the topic preferences by organisation types.

Table 9. Possibility to initiate discussion by organisation type

Source: Authors' elaboration based on EESDA survey (Q29).

Table 10. Proposed own topic in EU-level social dialogue forums

| | No | Yes | Total |
|--|----------|----------|-------|
| Employers' association/federation | 63% (35) | 38% (21) | 56 |
| Trade union | 49% (34) | 51%(36) | 70 |

Source: Authors' elaboration based on EESDA survey (Q13).

As per the survey results, we could also identify that the forums where trade unions and employers' organisations propose their topics differ. For employers' organisations, it is mostly ECOSOC meetings and European Semester meetings together with European Social Dialogue Committee, while for trade unions it is through their EU-level umbrella organisation at the European Social Dialogue Committee followed by ECOSOC meetings and European Sectoral Social Dialogue meetings.

3.4 Effectiveness of EU-level social dialogue

Based on the EESDA analytical framework, we distinguish between *effectiveness of social dialogue* and *effectiveness of social dialogue articulation*, which are defined as follows:

"While the former refers to the ability of social dialogue to evolve in a constructive way and yield relevant outcomes, the latter refers to the ability of social dialogue outcomes to travel between various social dialogue levels, the ability of social partners from various levels of social dialogue to interact in a productive way and transpose and implement outcomes reached at one level of social dialogue to other levels." (EESDA analytical framework, p. 16)

For the assessment of **effectiveness of social dialogue**, the respondents were given the definition of effective social dialogue: *"Effective social dialogue produces relevant outcomes that are implemented at the European and/or national levels. Outcomes result from meetings/negotiations/interactions in a reasonable timespan."* Then they were asked to rate effectiveness on a scale of 1-5 from *"no effectiveness"* to *"very strong effectiveness."* The results are displayed in Table 11 and suggest that, overall, trade unions rated the effectiveness of social dialogue higher than employers' organisations.

Table 11. Assessment of effectiveness of social dialogue (%)

| Social dialogue effectiveness | N/A | 0 | 1 | 2 | 3 | 4 |
|---|-------------|------------|-------------|-------------|-------------|------------|
| Tripartite consultation (e.g. European Semester or ECOSOC) | 12.5 | 1.4 | 18.1 | 40.3 | 19.4 | 8.3 |
| Employers' association/federation | 6.9 | 1.4 | 2.8 | 16.7 | 6.9 | 2.8 |
| Trade union | 5.6 | | 15.3 | 23.6 | 12.5 | 5.6 |
| Bipartite dialogue at cross-sectoral level | 12.5 | 2.8 | 1.4 | 40.3 | 19.4 | 5.6 |
| Employers' association/federation | 6.9 | 1.4 | 2.8 | 19.4 | 8.3 | |
| Trade union | 5.6 | 1.4 | 16.7 | 20.8 | 11.1 | 5.6 |
| Bipartite dialogue in Sectoral Social Dialogue Committees (SSDC) | 15.1 | 1.4 | 13.7 | 38.4 | 23.3 | 8.2 |
| Employers' association/federation | 9.6 | 1.4 | 5.5 | 15.1 | 5.5 | 1.4 |
| Trade union | 5.5 | | 8.2 | 23.3 | 17.8 | 6.8 |

Source: Authors' elaboration based on EESDA survey (Q28).

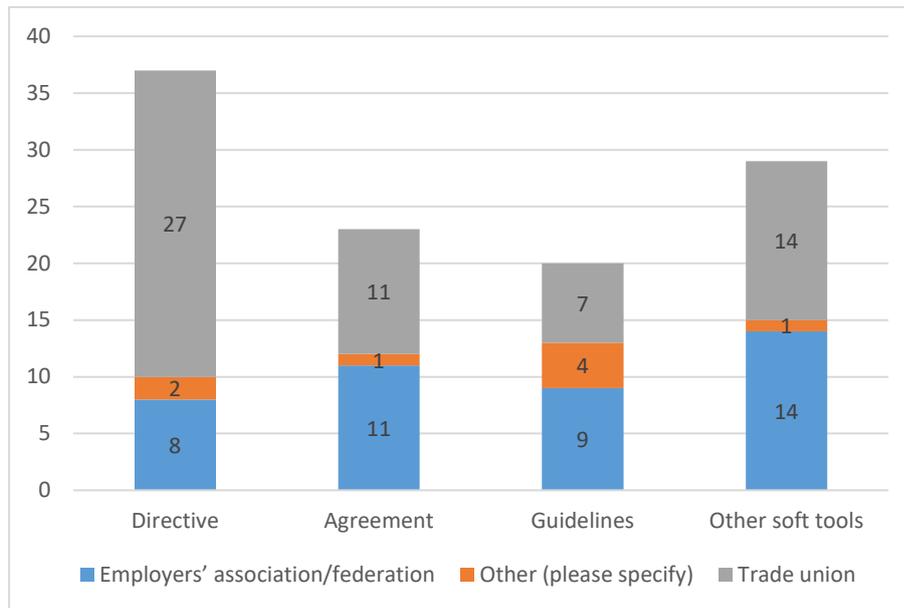
Notes: N/A: do not know, 0: no effectiveness, 1: weak effectiveness, 2: medium effectiveness, 3: strong effectiveness, 4: very strong effectiveness.

In the survey, we investigated the issue of **effectiveness of social dialogue articulation** through a series of questions, where respondents were asked to assess the current structure of social dialogue outputs, **outputs implementation, real-life impacts** and how often the social dialogue meetings lead to **tangible effects**.

Respondents were asked which outcome – among *Directive, Agreement, Guidelines* or *Other Soft Tools* – they consider the most appropriate for each of the three topics that were identified as the most frequently discussed in the last three years at the EU-level social dialogue meetings. **Directives** are defined as Council directives (**the most binding outcome** possible in our analysis), while **Agreements** are a general name for autonomous agreements among social partners in given sectors that oblige them to implement the result at the national level. **Guidelines** refer to process-oriented texts such as frameworks of actions, codes of conduct or policy-oriented guidelines and other instructions of a non-binding nature. Other **soft tools of a non-binding nature** may, among others, encompass **joint opinions** and **declarations, handbooks, websites** or **joint statements**, to name a few.

As regards the topic of **health and safety**, trade unions strongly preferred **Directive** as the most suitable outcome. Interestingly, the **second most preferred outcome** by employers and trade unions was **non-binding outcomes** such as joint opinions, declarations, guidelines, handbooks, websites and other soft tools. This is in line with the frequency of actual outputs from the sectoral social dialogue meetings analysed by Eurofound (2018), which revealed that **the most frequent outputs are of non-binding nature, while agreements and directives are rather uncommon**. It also shows that as regards the topic of health and safety, trade unions consider binding outcomes much more effective in improving employment standards in Europe. The overall results are displayed in the following three tables per topic.

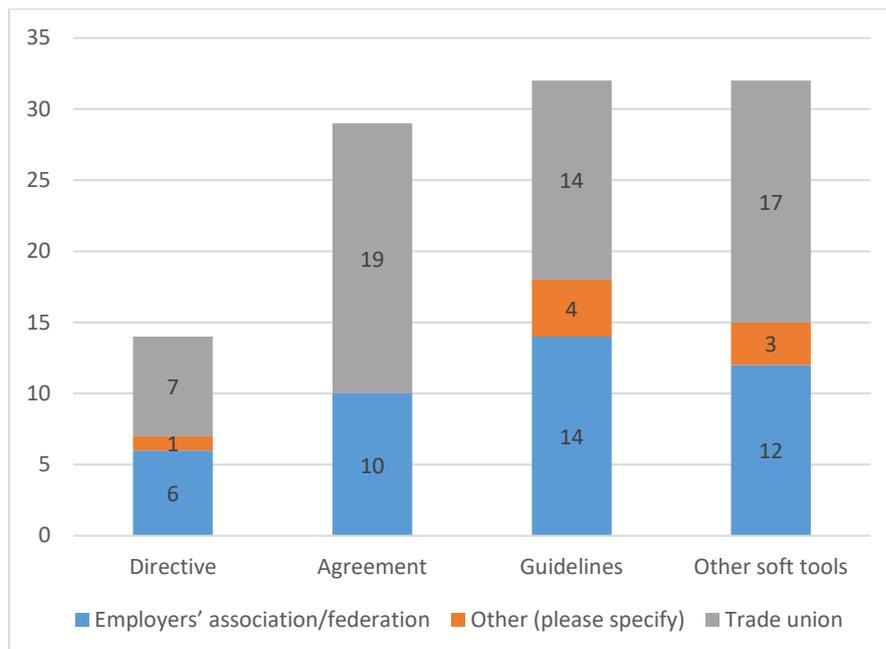
Table 12. Health and safety – preferred social dialogue outcome



Source: Authors' elaboration based on EESDA survey.

Considering the topic of **skills, training and employability**, social partners to a large extent prefer **guidelines** and **other non-binding outcomes** as the most suitable for regulation. However, **trade unions prefer to large extent agreements to guidelines**. Directives, as the most binding kind of output, is the least preferred type of outcome by both groups of social dialogue actors in this case.

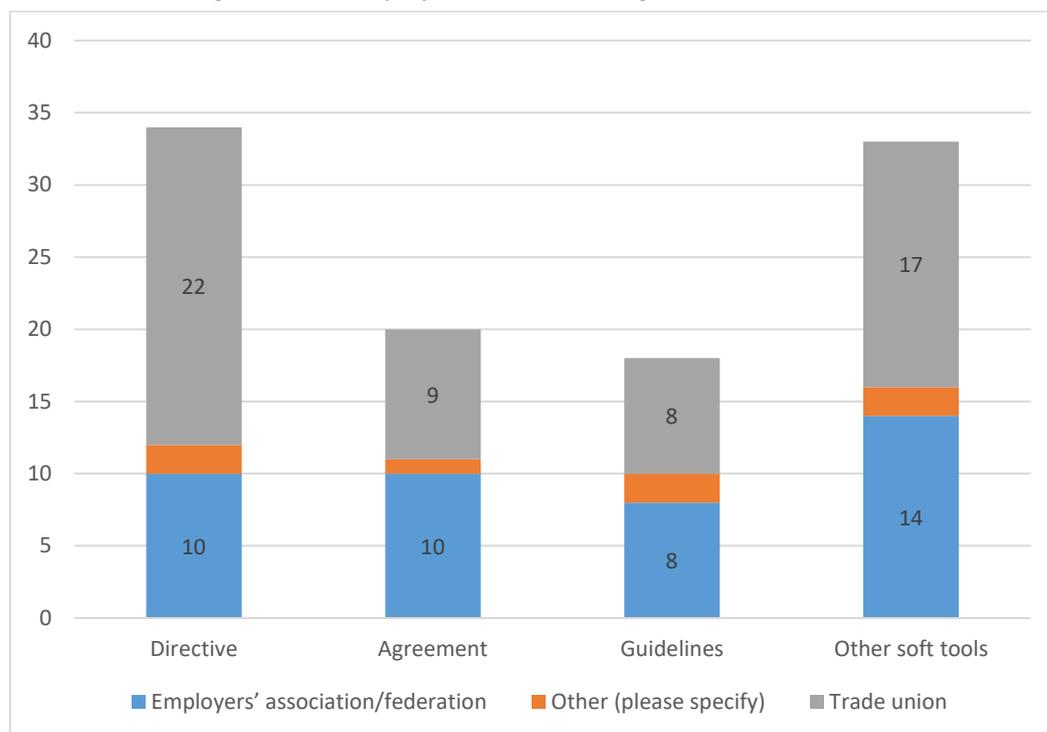
Table 13. Skills, training and employability - preferred social dialogue outcome



Source: Authors' elaboration based on EESDA survey.

The last topic for which outcome preference was studied in the survey is **working conditions**. When analysing the responses, we got a similar picture as in the topic of health and safety. Social partners' **main preferences lie between directive** (a binding outcome) and **soft tools** (non-binding outcomes), with a **small preference to agreements and guidelines**.

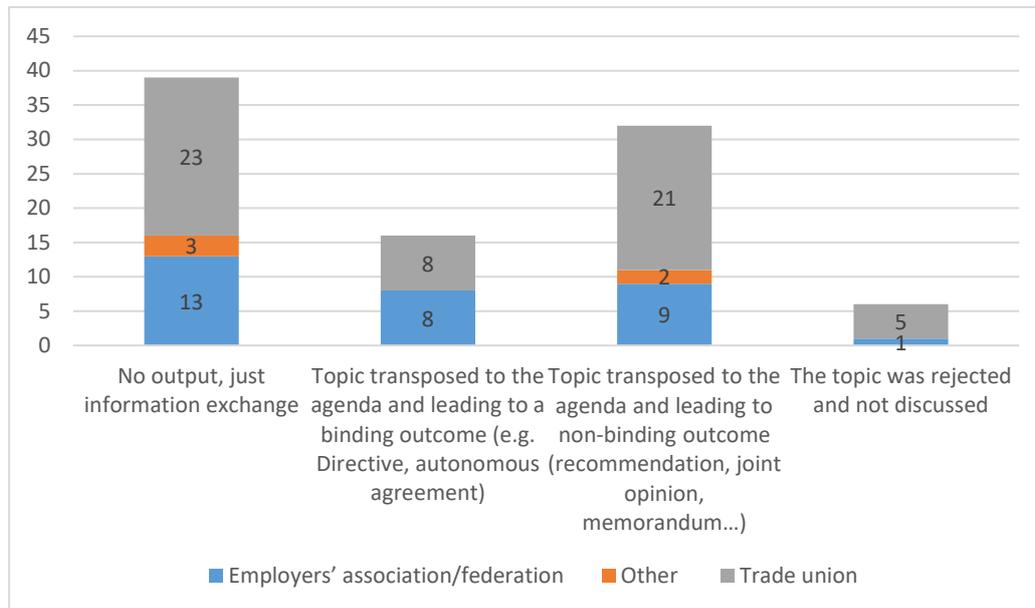
Table 14. Working conditions – preferred social dialogue outcome



Source: Authors' elaboration based on EESDA survey.

The outcomes of bottom-up articulation were further tested by tracking the result of the topic proposal. Respondents were asked about what the final outcome of their topic proposal was. Only six respondents indicated that their proposed topic was rejected. Around 50% of proposed topics ended up being discussed at the level of information exchange, without leading to a firm output. The other half of the proposals appeared to have led to a binding or non-binding agreement, with a higher share of topics being transposed to non-binding outcomes.

Table 15. Result of topic proposal



Source: Authors' elaboration based on EESDA survey.

We investigate these responses further by distinguishing New and Old Member States. We find that while **trade unions from 'new' Member States²⁰** have a strong preference for non-binding outcomes, only a few trade unions from 'old' Member States indicated such outcome as appropriate. Looking at the employers' side, we get a slightly different picture: most of the **employers' organisations from 'old' Member States** prefer non-binding outcome as the most suitable, while the corresponding **organisations from 'new' Member States do not strongly favour any of the social dialogue outcomes.**

Depending on the topic and type of organisation, social partners thus have preferences for two extreme social dialogue outcome options; on the one hand, **directives, as the most binding type of outcome, are favoured by trade unions** (especially in health and safety and working conditions topics). On the other hand, **the least binding outcomes, such as guidelines or other soft tools, on these topics are favoured by employers' organisations.**

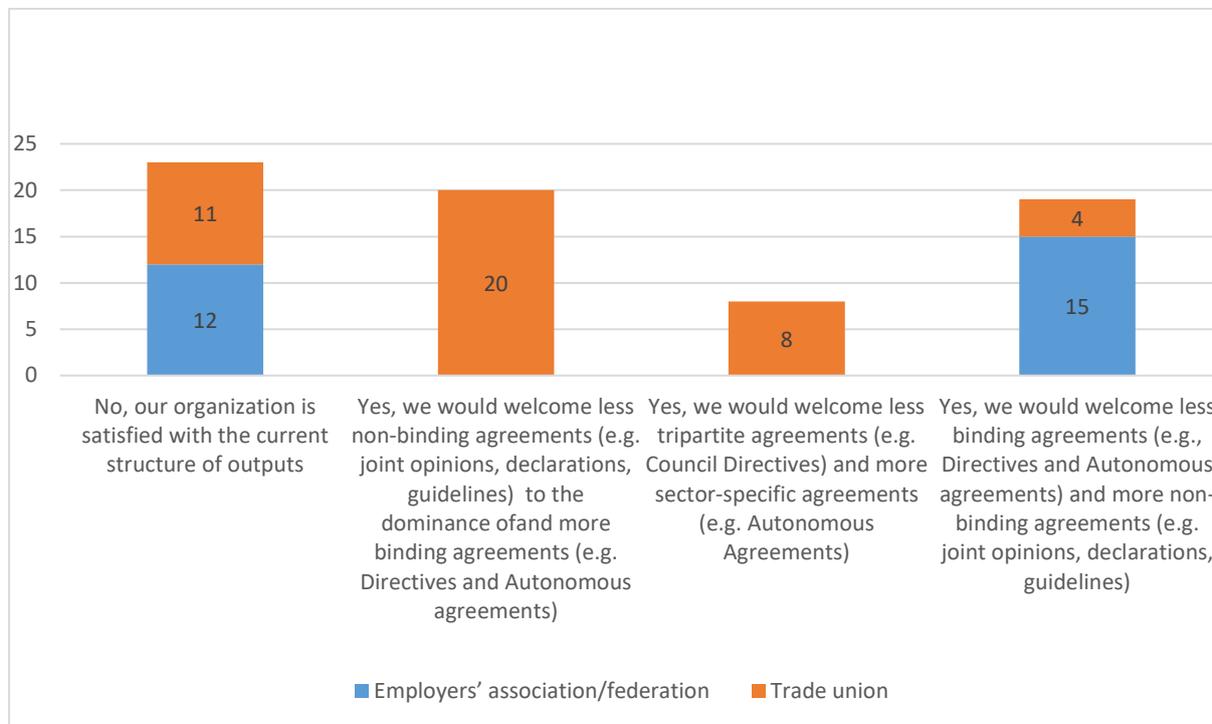
In the subsequent question, respondents were asked about their **satisfaction with the current structure of outcomes.** One third of respondents was satisfied with the current structure, while a similar share would prefer to have less of non-binding agreements such as joint opinions, declarations and guidelines in favour of more binding agreements such as Directives and Autonomous Agreements. The remaining third would welcome binding agreements such as Directives and Autonomous Agreements the least and would prefer non-binding agreements such as joint opinions, declarations and guidelines.

There are, however, significant **differences between trade unions and employers' organisations** about the satisfaction of social dialogue outcomes. While **more than half of employers' organisations would prefer non-binding to binding agreements,** the remainder (44%) is satisfied with the current structure. No employers' representatives indicated the need for more binding outputs at the expense of non-binding outputs and they **favoured sector-specific agreements.** On the **trade unions' side,** in

²⁰ We analysed the country of origin of organisations based on the date of EU accession to distinguish the two groups. 'New' Member States refers to countries that joined the EU after 2004. Although the latter countries are over-represented in our sample, we can still see systemic differences between the two groups.

contrast to employers, **47% of respondents called for more binding outcomes** and only 26% of them were happy with the current structure of social dialogue outcomes. The results are displayed in the following table.

Table 16. Satisfaction with the current structure of outcomes



Source: Authors' elaboration based on EESDA survey.

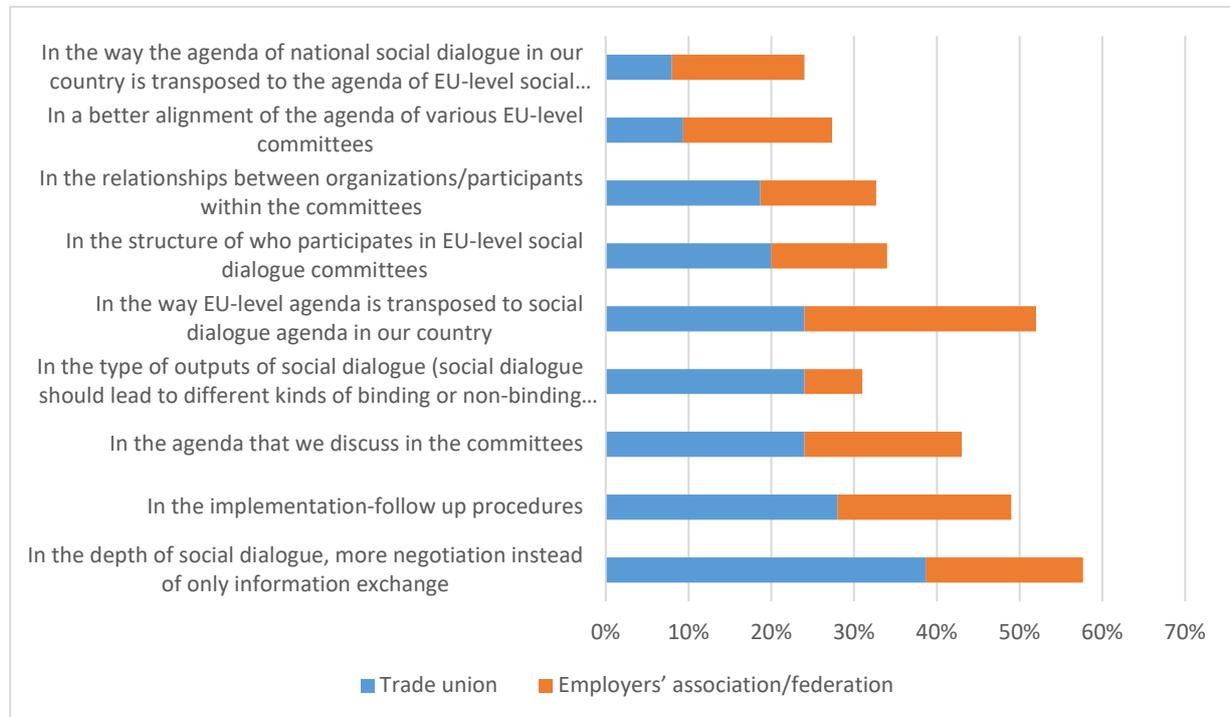
In our questionnaire we also asked social partners whether their **experience in social dialogue has a real-life impact on members' business or working lives**. The results are tied with almost half of them responding "Yes" and the other half responding "No." Then the respondents were asked to rate how often **EU social dialogue meetings lead to tangible effects**. Employers seem to rate tangible effects a little bit higher than employees' representatives, but the results are similar and the option **"sometimes" is thus the average one**.

In an open question about **examples of real-life changes**, respondents from trade unions indicated topics such as the working time directive, health and safety regulation in healthcare, the agreement on stress at work, parental leave and the temporary agency work directive. Employers' organisations mostly stressed the working time directive, the posted workers directive and parental leave regulations. Overall, the majority of the answers referred to **binding outcomes of negotiations (mostly directives)** as those that **have impact and changed working and business lives**.

Last but not least, the survey asked about where the respondents would like to see improvements to make EU-level social dialogue more effective. While **trade unions** mostly emphasised the need to **improve the depth of social dialogue** (i.e. more negotiation instead of only information exchange), **employers' organisations** emphasised the need to **improve the way the EU-level agenda is transposed to the social dialogue agenda in their country**. **Trade unions** thus indicated the need to increase **social dialogue effectiveness**, in line with Bechter et al. (2018) – we may also refer to effectiveness "from social dialogue", while employers' associations expressed the need to **increase effectiveness of social dialogue articulation in the top-down direction** (i.e. from the EU to the national

level). Both, employers' and employees' organisations indicated further **follow-up procedures** in general as the second most needed improvement in EU-level social dialogue. The results are displayed in the following table.

Table 17. Suggestions for improvements in social dialogue in Europe



Source: Authors' elaboration based on EESDA survey.

3.5 Concluding remarks on social dialogue effectiveness from the EU survey

Following Curry's analysis (2016), we distinguish *the structural (implementation) and relational (relationship) factors* that affect the extent of actors' involvement, their mutual relations and outcomes implementation in bargaining structures applied to EU-level social dialogue, predominantly to European sector social dialogue committees. **Structural (implementation) factors determine how the outcomes of decision-making will be binding for the actors involved.** A **rigid structure** refers to enhanced legal tools in implementing binding social dialogue outcomes. In contrast, a **flexible structure** leaves actors to implement the outcomes based on their power and understanding of the debated issue (Curry, 2016), thus the latter is associated with the implementation of non-binding outcomes of social dialogue. **Relational factors refer to the level of control that is exercised between the actors.** In the **hierarchical structure**, actors will be less independent of decision-making and more bound by upper level actors, while in the more **autonomous structure design**, actors will enjoy independence in outcome implementation and in suggesting topics to be discussed (Curry, 2016).

In line with the multilevel governance approach and Curry's (2016) definitions, **European social dialogue features a flexible structural design of actors' involvement in social dialogue structures including their ability to propose the level of outcome effectiveness.** As suggested by Curry (2016), the preference of the **output strength by the actors depends on relational factors**, i.e. on their abilities to implement the result in real-life. In the responses of social partners on the **outcome type preference** as asked in the EESDA survey, the two extremes are revealed: **the most binding (e.g. directives) and least binding (e.g. soft tools) outcomes**, which suggest that social partners – depending on the topic

discussed – consider upper level institutional support more effective in the results of implementation (i.e. a directive is preferred), and at the same time, emphasise non-binding outcomes as a suitable outcome, which points to the information exchange role of social dialogue and the desire to maintain flexibility in top-down articulation of the social dialogue outcomes.

In terms of **effectiveness of social dialogue articulation**, we investigated both top-down and bottom-up channels. The **bottom-up channel** was tracked by the respondents' activity in proposing the topic and result of their suggestion. Although the majority of the respondents indicated activity in proposing the agenda and while most of the suggestions were consulted, **only a minority of those led to binding outcomes**. When it comes to **top-down articulation, trade unions call for more binding outcomes, while employers' organisations demand less binding outcomes** or are generally satisfied with the current structure. This relates to the different positions of these two interest groups. For trade unions, EU-level social dialogue is perceived to some extent as a platform, where they can propose and implement changes that lead to real-life impacts at the national level, and thus they perceive the bottom-up articulation as an important element of their involvement in the EU-level social dialogue structures, while employers' organisations indicated the implementation of outcomes at the national level as problematic, and thus they call for an increase in top-down articulation effectiveness. This might also indicate that **employers' organisations lack the capabilities to influence output implementation at the national level**.

4. Network analysis of European social dialogue

4.1 Introduction

The EESDA survey data contains responses from a broad range of employees' and employers' organisations active on various issues of social dialogue in Europe. Whereas most of this data can be summarised and analysed from the more traditional cross-comparative framework, e.g. by estimating and inspecting frequencies and average responses for the various questions, the survey also contains two sets of data that can be approached and analysed from the perspective of a **network framework**. This **relational data** can indeed also be analysed and summarised in various conventional, non-relational ways, e.g. by establishing average response rates, but it is only through a **network-analytical framework** that the inherent interdependence of relational data can be captured. As such, a network analysis of this relational data is not about providing an alternative view or a perspective on data that equally could be understood using non-network methods; rather, by taking into account the latent interdependency of relational data, additional analytical insights regarding a social system as a whole can be obtained.

The two data fields in the EESDA survey that can be approached as **relational** are, respectively, the question on ***which EU-level social dialogue platforms the respondent is active in*** (question 5) and ***the countries of organisations that the respondent has collaborations with*** (question 18). The information from these questions will be **the focus in this network analysis**.

There are additional data fields in the survey data that also could be used for similar relational analyses. For example, the question on ***the frequency of participation in committees*** (question 6) – similar to the previous question 5 – could be approached as a **two-mode network**. Actually, this question theoretically stores the same information as question 5, though with the additional detail on the

frequency of participation.²¹ Although question 5 does not cover the frequency of participation, but only active participation, it allows us to infer a reasonably good **affiliation network** between organisations and EU-level social dialogue platforms.

Moreover, the question “*Please identify your strategic partners by selecting their type of organisation (question 19)*” can be interpreted as a more detailed extension of the question “*Please identify your strategic partners by selecting their Member States (question 18)*”, not only obtaining the countries of foreign organisations, with which responding organisation is strategic partners with, but also it provides additional dimension on the strategic partner broken down by organisational type (employers’ association, trade union, or other). However, these **networks are, nevertheless, very type-wise endogenous**. For example, employers’ associations typically²² only have strategic partnerships with other foreign employers’ associations. Trade unions, on the other hand, have slightly more employers’ associations as strategic foreign partners, but this is relatively insignificant.

The table below illustrates the overall distribution among the types of strategic foreign partners that different types of organisations have. For example, among all 96 strategic partner countries reported by employers’ associations, 84% of these are with foreign organisations that also are employers’ associations. Mirroring this, it can be noted that a similar share – 91% – of all strategic foreign partnerships that trade unions have are with other trade unions abroad.

Table 18. Number of strategic foreign partner by type (percentage share)

| Type of organisation | Employers’ association | Trade union | Other |
|------------------------|------------------------|-------------|----------|
| Employers’ association | 81 (84%) | 5 (5%) | 10 (10%) |
| Trade union | 12 (8%) | 132 (91%) | 1 (1%) |
| Other | 3 (25%) | 4 (33%) | 5 (42%) |

Source: Authors’ elaboration based on EESDA survey.

4.2 EU-level social dialogue participation

Through a multiple-choice question, respondents are asked which EU-level platforms and meetings that they participate in within the framework of European social dialogue. Seven options were given:

- European Semester meetings;
- ECOSOC (EESC);
- Tripartite Social Summit;
- European Social Dialogue Committee;
- European Sectoral Social Dialogue Committee;
- Meetings of Members of EU-level Sectoral Organisations;
- Other, e.g. special tripartite committees.

A conventional way to aggregate and summarise these responses is to calculate the total number of choices for each of these among all respondents. That would, however, discard the data on the actual respondent. The **network approach** would instead view this data as **dyadic – as relations between respondents (organisations) and EU-level social dialogue platforms** – and analyse this as a so-called **two-mode network** (also known as **an affiliation network**, e.g. Wasserman & Faust, 1994). As with

²¹ There are, however, some (minor) data paradoxes in the survey responses; for instance, although one of the respondent states active participation in ECOSOC, they indicate their frequency as “*Not at all*.”

²² An employers’ association in Slovenia constitutes a significant exception, reporting collaborations with other employers’ associations in 15 countries, with trade unions in three countries, and with other types of organisations in seven countries.

two-mode networks in general, this would then be a network with two types of entities: in this case organisations (130) versus EU-level social dialogue platforms (7). This two-mode network could then either be analysed as it is, or – as it is commonly done – by first projecting the data on either of the two types of ‘entities’ that are in this two-mode network. Such projected networks then capture how two entities, such as two organisations, are exposed to each other on the basis of both having ties to the same events, affiliations or similar, where the tie values capture the exact number of events that the two organisations both participate in. Projecting on organisations thus provides us with a network that captures ties between organisations on the basis of **participating in the same EU-level social dialogue platforms**. Although not capturing observed relations between organisations, such a projected network would make it possible to **identify clusters of organisations that tend to attend the same EU-level meetings** and, through this, identify whether there are different arenas on social dialogue in Europe and, if so, which organisations tend to cluster together in respective arena.

As an alternative to the two-mode network that captures ties between specific organisations and EU-level social dialogue platforms, an alternative approach would be to use the respondents’ country of operation rather than the organisation itself. This would instead yield a two-mode network capturing **relations between countries and EU-level social dialogue platforms**. A subsequent projection would thus yield **an international network**, where the tie strength between each pair of countries would indicate how many of the EU-level social dialogue platforms (i.e. up to seven) they both participate in. In a similar vein, a seemingly relevant analysis of such a network would then be to identify communities/clusters of countries. This could then be indicative of whether the participation at the EU-level social dialogue platforms is related to the countries of origin of participating organisations.

Additionally, in both of the above types of analyses, the data could be filtered based on the type of organisation. In other words, by **looking separately at responses from, respectively, trade unions and employers’ organisations, two separate two-mode networks could be created**. As the organisations then would be non-overlapping in these two networks, it might be more interesting, for comparative reasons, to look at countries of operation rather than organisations.

4.3 International collaborations

The second relational survey data is concerned with international collaborations. As respondents constitute individual organisations, this is *de facto* a two-mode network as well: how the responding organisation is linked to countries based on collaborations with country-specific organisations. However, as each of the respondents are linked to a specific country, this is also a network of international organisational collaboration. Contrary to the two-mode network, this would then constitute a **one-mode network**, i.e. where there is only one type of entity in the network (i.e. countries in this case).

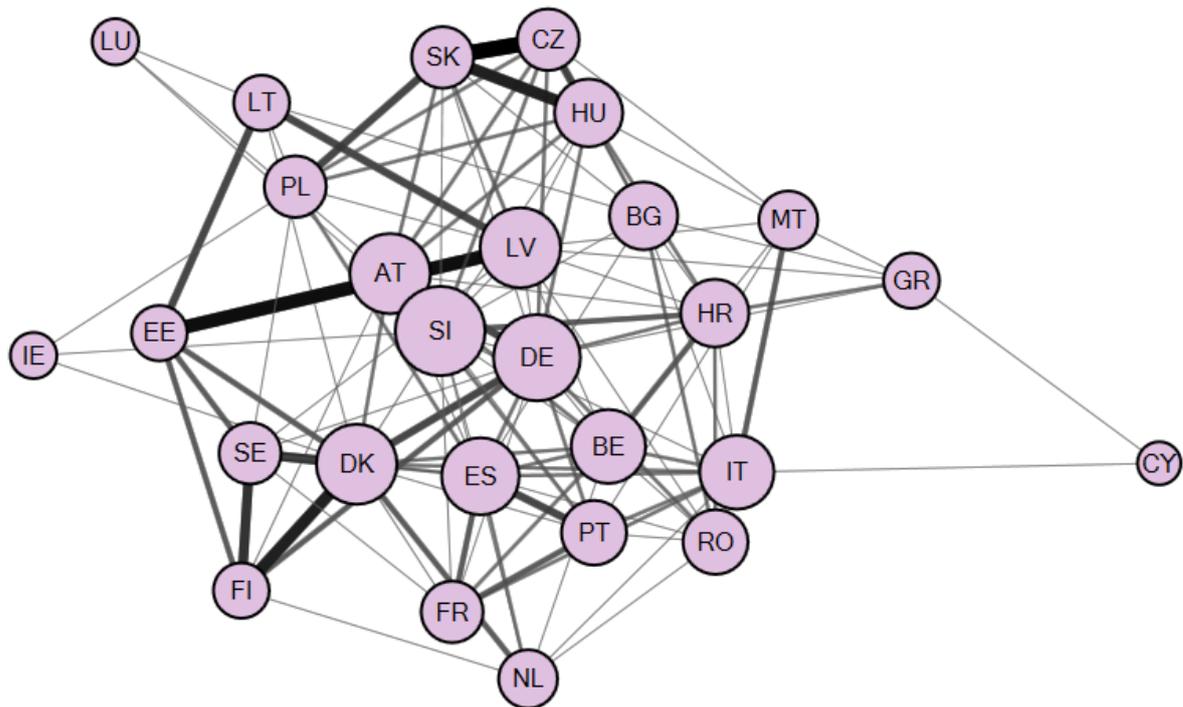
As an organisation can be one of three different types – *employers’ organisation, trade union, or other* – it is similarly possible to extract separate networks of international collaborations by respective organisational type. We will do both in what follows.

4.3.1 Networks of international collaborations

Capturing the network of international collaborations and partnerships between partners engaged in European social dialogue, the visualisation below (Figure 1) depicts the **network of reported international collaborations for all organisational types in our study, i.e. employers’ associations, trade unions and other types**. This, and subsequent networks analysed here, are all **symmetric**, even

though the collected survey data captures the number of directional international partnerships as reported by each organisation. As the number of organisations per country differ in our survey, with the number of organisations also reporting international partnerships differing, the strength of the international ties that we map are indeed associated with such variances. Thus, although the visualisation below indeed captures such strengths, the analytical focus should be more on the overall network structures, i.e. whether ties exist or not, rather than the exact strengths of such ties.

Figure 1. Network of aggregate international collaborations for all organisational types



Source: Authors' network analysis based on EESDA survey.

The above visualisation shows the **total network of collaborations between different countries**, i.e. where the width of ties reflects the total number of reported international partnerships. From the perspective of individual countries, the total number of such ties in a network is called **degree centrality**, which thus translates into the **total number of international ties a country has**. With Germany in the centre of the visualisation, its node size is thus quite large compared to, for example, Cyprus, which has reported ties only to Greece and Italy, respectively, resulting in a degree centrality with the value of 2.

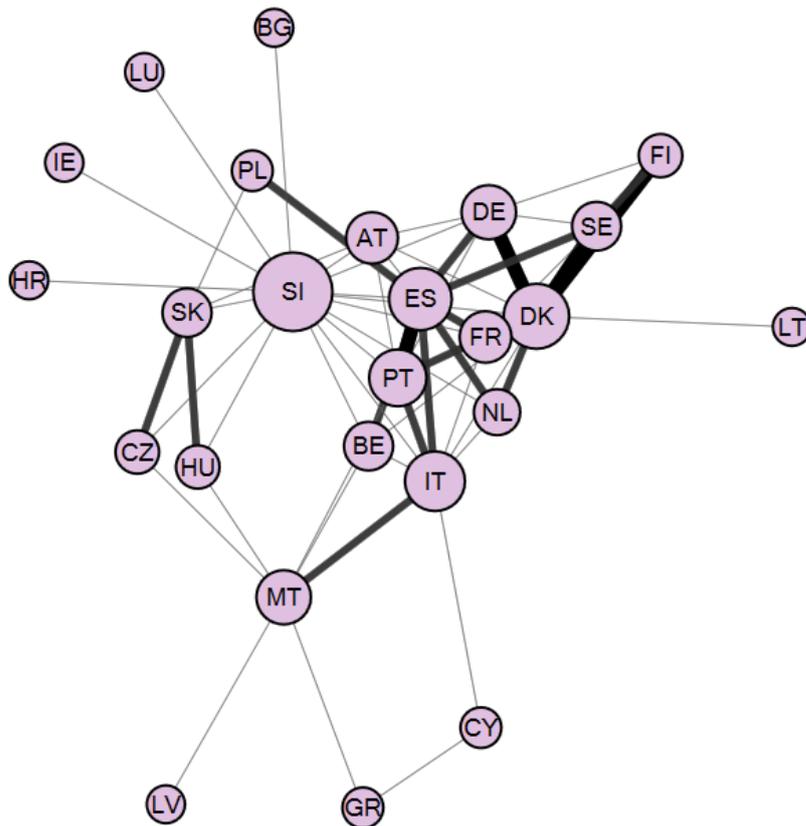
As can be observed, Latvia seems to occupy a central location in this network, with particularly strong ties to Lithuania and Estonia. There seems to be other **regional effects** here as well, with the Visegrád countries having relatively strong collaborations with each other, such as Poland, Slovakia, Czechia and Hungary. We note particularly strong collaborations between Czechia and Slovakia. We also find a Southern European cluster to the bottom right of the visualised networks.

4.3.2 International strategic partners: employers' associations only

With respect to the international network of strategic partners as identified by employers' associations only, there are a number of countries that are quite peripheral: Bulgaria, Luxembourg, Ireland, Croatia,

Lithuania and Latvia are countries where we only observe single-country partnerships among employers' associations. Furthermore, we observe no ties from and to such organisations in Estonia, thus it is removed from Figure 2 below.

Figure 2. International strategic partner networks of employers' associations



Source: Authors' network analysis based on EESDA survey.

Partly, **clustering and linkages** appear to be **geographically determined**. For example, in the collaboration networks of these employers' associations, all Scandinavian countries are connected with each other. We find a similar, though slightly weaker, cohesion among such associations in Central and Eastern Europe, as well as for those in Southern Europe.

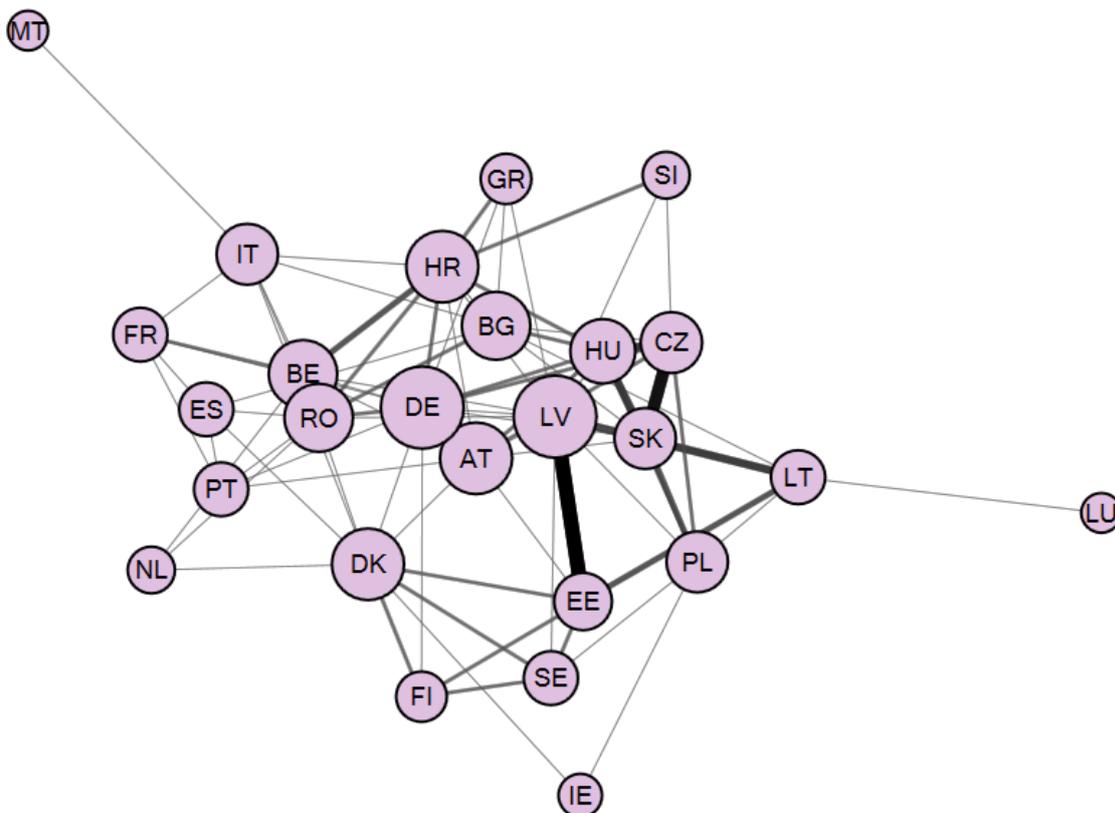
Malta is, surprisingly, **a hub in the networks of international strategic partners**, with a total of seven connections to other countries. However, a closer inspection reveals that all these seven ties are reported by a singular organisation – *Malta Employers' Association* – whereas no other employers' association organisations report Malta to be a strategic partner. This could indicate the possibility that the notion of *partnership* indeed could vary among respondents, or possibly that these collaborative foreign partners are not part of the organisations we surveyed in these partner countries. Equally surprising is Slovenia, where a single employers' association – *Association of Employers in Craft and Small Business of Slovenia* – reports collaborations with organisations in a total of 16 countries. As with the case of Malta, it is noteworthy that corresponding mirror statistics are missing: no other employers' association in any other country reports Slovenia as a foreign partner. Thus, if these 16 foreign ties were to be removed, this network of collaboration among employers' association would

fragment severely, where several of the peripheral countries would join Estonia as isolated (not shown in the figure).

4.3.3 International strategic partners: trade unions only

Repeating the heuristic above done for the employers' organisations, this time only including respondents that are trade unions, we arrive at the following network visualisation as displayed in Figure 3.

Figure 3. International strategic partner networks of trade unions



Source: Authors' network analysis bases on EESDA survey.

This **network of trade unions is somewhat denser than the collaboration networks of employers' associations**. We note that, as we lack survey responses from trade unions in Cyprus, and with no other organisation indicating Cyprus as a strategic partner, Cyprus is isolated in this network and thus is omitted from the visualisation map.

Similar to the aggregate (Figure 1) and employers' association networks above (Figure 2), we find **regional effects** in the international networks of trade unions in Europe. Cross-border trade union collaborations are particularly noteworthy between the Visegrád countries, particularly between Hungary, Czechia and Slovakia, and there are also strong collaborative ties between Latvia, Estonia and, to a slightly lower extent, with Lithuania. For the singular Maltese trade union that our survey covers – Voice of the Workers – a single collaboration with Italy is reported, which compared to the collaborations of the *Malta Employers' Association* is indeed very scarce.

4.3.4 Mapping the functional anatomy of international collaborations

Which countries have the same functional role in the networks of strategic partnerships? The various network-analytical block-modelling techniques make it possible to address this question. By comparing the relational profiles of each node in a network, measures of **structural equivalence** can be obtained. Repeating this for all possible pairs of nodes, a correlation matrix is obtained that subsequently can be analysed, typically by applying hierarchical clustering to find sets of nodes that are structurally equivalent. Each of these sets could also form communities, i.e. where the density of ties among these nodes is higher than the overall network, but it is not a criterion for block-modelling. The identification of communities is thus only one possible outcome of block-modelling, but the procedure could equally find network systems of different types – such as core-periphery structures, hierarchies, transitive structures and so on.

When analysing the binarised network of international strategic partners above using structural block-modelling, we arrive at **an optimal partition into six sets of countries** (which is an analytical result based on empirical data collected as part of EESDA research):

- Partition 1 (P1): Lithuania, Sweden, Estonia, Finland, Ireland, Luxembourg;
- Partition 2 (P2): Bulgaria, Poland;
- Partition 3 (P3): Slovenia, Austria, Germany;
- Partition 4 (P4): Cyprus, Malta, Greece, Romania;
- Partition 5 (P5): Denmark, Spain, France, the Netherlands, Italy, Belgium, Portugal;
- Partition 6 (P6): Latvia, Croatia, Slovakia, Czechia, Hungary.

The complete block-model looks as follows:

Table 19. Complete block-model (country matrix)

| | | P1 | | | | | P2 | | P3 | | | P4 | | | | P5 | | | | | P6 | | | | | | | |
|---------------|----------------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| | | LT | SE | EE | FI | IE | LU | BG | PL | SI | AT | DE | CY | MT | GR | RO | DK | ES | FR | NL | IT | BE | PT | LV | HR | SK | CZ | HU |
| P1 | Lithuania (LT) | 0 | 1 | 0 | 0 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 |
| | Sweden (SE) | 0 | 1 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 |
| | Estonia (EE) | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 |
| | Finland (FI) | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Ireland (IE) | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Luxembourg (LU) | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| P2 | Bulgaria (BG) | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 1 | 1 | 1 | |
| | Poland (PL) | 1 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 1 | 1 | |
| P3 | Slovenia (SI) | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | |
| | Austria (AT) | 0 | 0 | 1 | 1 | 0 | 1 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | |
| | Germany (DE) | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 1 | 1 | 1 | 1 | 1 | 0 | 0 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | |
| P4 | Cyprus (CY) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| | Malta (MT) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 0 | 0 | 1 | 1 | |
| | Greece (GR) | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | |
| | Romania (RO) | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 1 | 1 | 1 | 1 | 1 | 0 | 0 | 0 | |
| P5 | Denmark (DK) | 1 | 1 | 1 | 1 | 1 | 0 | 0 | 0 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | |
| | Spain (ES) | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 1 | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | |
| | France (FR) | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | |
| | The Netherlands (NL) | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | |
| | Italy (IT) | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 1 | 1 | 0 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 0 | 1 | 0 | 0 | 0 | |
| | Belgium (BE) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 0 | 1 | 0 | 1 | 1 | 1 | 1 | 1 | 1 | 0 | 1 | 1 | 0 | 0 | 0 | |
| Portugal (PT) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 0 | 1 | 0 | 1 | 1 | 1 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| P6 | Latvia (LV) | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 0 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 1 | 0 | 1 | |
| | Croatia (HR) | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 1 | 1 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 1 | 0 | 0 | 1 | |
| | Slovakia (SK) | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 1 | |
| | Czechia (CZ) | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | |
| | Hungary (HU) | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 1 | |

Source: Authors' network analysis bases on EESDA survey.

Interpreting this block-model, we note that it is only the countries in P3 and P5, respectively, that form significantly cohesive groups, and to a lesser extent the Eastern and Central European countries of P6. Whereas the countries within the other groups indeed are connected to some degree, their respective equivalences are not based on how they relate to each other, but rather how they relate in similar ways to others. An example is Bulgaria and Poland: although they are not connected to each other, they do seem to fulfil the same functional role in the network of European collaborations, as they both have significant ties to the other Eastern and Central European countries in the P6 subset, while having fairly few ties to the other groups. Furthermore, what is perhaps most characteristic of Cyprus, Malta, Greece and Romania is that they have no partnerships with the Scandinavian and Baltic countries in the P1 subset.

In a block-model analysis, the specific actors/entities that are grouped together into specific subsets thus share specific roles in the network. Whereas this block-model analysis, similar to the network-analytical component in this study as a whole, is merely exploratory and experimental, and the results indeed seem to cluster countries on the basis of having distinct structural roles in the network.

4.4 Two-mode networks: organisations participating in EU-level platforms

In this final expose, we will analyse the previously mentioned two-mode network (based on question 5 of the EESDA survey). In this question, respondents are asked to indicate which of the six EU-level social dialogue platforms they participate in. An additional seventh option is also provided, where the respondents can type in which EU-level social dialogue platform they participate in; in this analysis, we will treat this as a residual category.

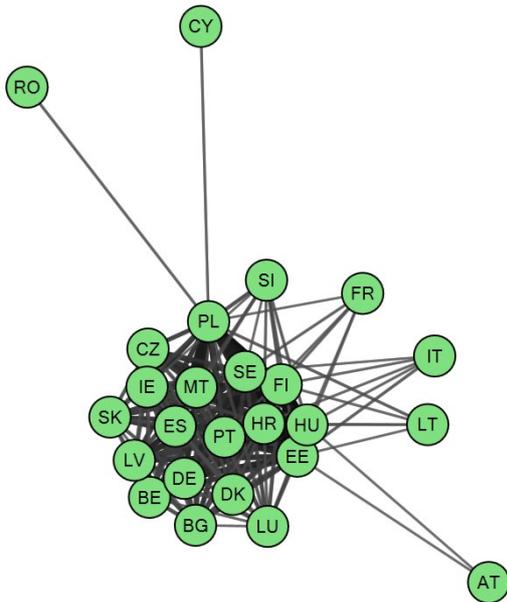
In a typical affiliation-network application, we would like to track how individual organisations participate in different events. Through a subsequent **projection of such affiliation networks**, we can identify and determine **would-be arenas of social dialogue**, yielding inter-organisational networks, where the valued ties indicate the number of shared EU-level social dialogue platforms they participate in.

However, similar to the strategic partnership networks, we can instead utilise the fact that each responding organisation provides data on their countries of operations. From this, we can create a **bipartite network**, indicating which countries participate in the different EU-level social dialogue platforms. Subsequently, we can project this data to obtain similar networks, where *would-be communities* would be indicative of distinct arenas that countries operate within the **social dialogue ecosystem**. These affiliation networks can either be obtained and analysed jointly for all organisational types – *employers' associations, trade unions and others* – or individually. Here, we opt for both types of analyses.²³ Starting with the **aggregate affiliation networks**, i.e. encompassing all three types of organisations, we arrive at a projected **country-country network** as seen in the figure below (note that only ties greater than ten are showed). This visualisation suggests a **dense affiliation network across Europe among social partners**, overall, with a few isolated cases such as from Romania and Cyprus.²⁴

²³ As we lack responses from Greek organisations, this country is excluded from this analysis. Equally, the Netherlands is also excluded in this case as none of the organisations from the Netherlands reported what EU-level social dialogue platforms they participated in.

²⁴ We note that in this figure, these ties are not observed ties between countries; rather, a tie here indicates that organisations from these countries have similar attendances at different EU-level platforms. In other words, a tie here indicates that they go to the same social dialogue arenas.

Figure 4. Aggregate affiliation networks (country-country)



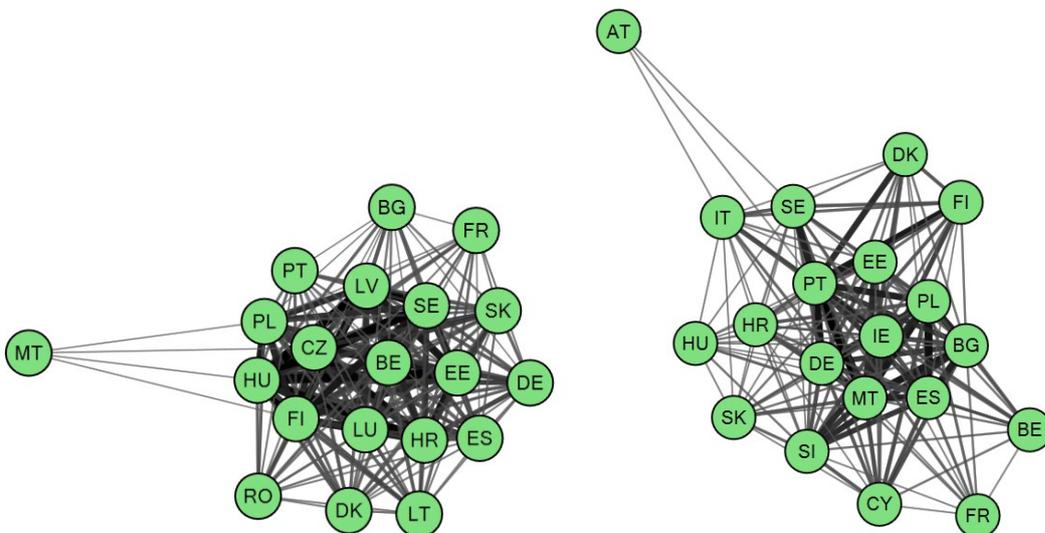
Source: Authors' network analysis based on EESDA survey.

Looking at the affiliation networks of the two core organisational types – *employers' associations* and *trade unions* – separately in our dataset, we arrive at the two following projected affiliation networks by social partner type as shown below.²⁵ We observe that **both types of social partner organisations provide relatively dense affiliation networks across Europe.**

Figure 5. Affiliation networks of social partners in Europe

(a) Employers' associations

(b) Trade unions



Source: Authors' network analysis based on EESDA survey.

²⁵ Note that some countries are absent from both of these networks due to missing data.

5. Articulation of social dialogue and interaction between national and European levels: experiences from six Member States

In this section, short analyses of the articulation and effectiveness of social dialogue from the six Member States covered by EESDA research is provided. As regards these country sub-sections, the main focus has been on national-level cross-sectoral social dialogue articulation and its effectiveness. The analyses have been mainly based on desk research and national-level stakeholder interviews conducted during the first stage interviews of the EESDA project. However, in some countries, there were not as many cross-sectoral social partners to be interviewed due to the country-specific industrial relations structure and actors involved. In this case, the researchers could also interview sectoral social partners and other relevant stakeholders (e.g. government officials or other national bodies relevant in social dialogue) to complement the analysis.

5.1 Estonia²⁶

5.1.1 Introduction

Present-day Estonia's industrial relations are characterised by low union density (7%), limited employer coordination, decentralised collective bargaining, low collective bargaining coverage (most widespread are company-level collective bargaining and agreements), and weak but perceivably improving social dialogue, also dependence on coalition government and ruling parties and whether they value social dialogue or not (Kall, 2017). Members of the national trade union confederations represent trade unions in various economic sectors. Trade unions are not equally present in all areas of economic activity. The Statistics Estonia data shows that unions are generally absent in small and medium-sized enterprises (SMEs) and present in 39% of all organisations employing 250 employees or more, which means that significant parts of the economy and most small and medium-sized companies remain union-free (Statistics Estonia, 2015a and 2015b).

5.1.2 Actors

There have not been any significant changes regarding trade union and employers' organisations in Estonia in recent years (Eurofound, 2016, Kadarik and Masso, 2018). EAKL is the largest Estonian organisation representing workers with approximately 21,000 members in 2016 (Kadarik and Masso, 2018). Member unions of EAKL, such as ROTAL and ETTA have respectively 1,800 and 2,500 members. TALO has about 3,000 members. Some trade unions in Estonia do not belong to any association or central body and act autonomously. According to the EAKL representative, about five or six of their affiliates out of 17 are active in European social dialogue; they participate in different organisations and working groups. Other members are not so active at the European level; some are also struggling with social dialogue at national or sectoral level.

The only employers' organisation recognised as a national-level social partner is the Estonian Employers' Confederation (ETTK), which overall represents around 25% of all employers in Estonia (Eurofound, 2016). ETTK unites employers from all kinds of economic fields, both the industrial and tertiary sectors, including associations. Still, the majority of micro and small enterprises are not involved in employers' associations.

²⁶ This section is provided by Jaan Masso, Merli Aksen and Aivi Themmas from University of Tartu.

5.1.3 Topics

From national-level interviews, it is not possible to highlight the more frequent topics at EU-level social dialogue, as interviewees often described only those topics that they discussed in the committees and working groups in which they participated. The relevance of the different types of topics tackled at the European level varied between the working groups, commissions and the sectoral interests of the organisations.

In general, the national social dialogue issues overlapped with the topics addressed at European-level sectoral social dialogue committees (EESDA Analytical Framework, Figure 1). Usually, the national-level social dialogue topics arise from practical needs (e.g. developments on the labour market or sectoral developments) or changes in legislation. As discussed in the interviews, EU-level engagement and cooperation is more likely when social partners are affected by similar challenges and when topics tackled in social dialogue are of high relevance to social partners in the Member States. Usually, the social partners have a chance to discuss the topics beforehand or come to an agreement before these topics are discussed at the European level. The process of selecting themes is quite long and may take several years.

Social partners' representatives find that initiating social dialogue topics that are important for their organisation or Estonia at the European level is possible through the organisations whose working groups or meetings they attend. Social partners discussed many important topics before and during the Estonian Presidency of the Council of the European Union in 2016–2017. In autumn 2016, the EESC, the Ministry of Social Affairs, and the European Commission Representation in Estonia held a debate about the European Pillar of Social Rights. The most discussed topics during the debate were the labour market relevance of education and skills, the need for intensified social dialogue in finding new solutions for effective social policy measures, and sustainability of social security systems in the light of an ageing and declining population. Estonian employees', employers' and government representatives have only initiated a few topics in EU social dialogue since many issues are relevant for several Member States (e.g. lifelong learning, future skills, and automation) and it is usually a joint initiation.

5.1.4 Social dialogue outcomes

Participating in EU organisations enables social partners to influence the agenda and present their own or state views; it also provides information about the new initiatives or topics at the earliest possible stage and helps to prepare the implementation at a national level later. Such bilateral communication helps to understand the position of other countries and to find opportunities for liaising and cooperation. Trade union representatives use international agreements or trends in the social and work field with their interaction at the national level fostering exchange and making interaction less conflictual. Estonian social partners noted several times in interviews that social dialogue at the European level has improved significantly in recent years; meaning that the topics discussed were more relevant to the social partners and the European Commission supported information sharing and consultations. These changes were associated with the Commission's initiative '*new start for social dialogue*' from 2015. The results from the action have led to more joint discussions, agreements and better cooperation at the European level. The government representatives, on the other hand, did not notice any significant changes in the form or the frequency of social dialogue during that period. The government representatives said in the interviews that initiating topics or influencing other actors at the European level was more complicated during the Estonian Presidency of the Council of the EU.

All public consultation procedures in Estonia stem from *good engagement practices* (GEP): when developing drafts, the government authority has to consult with interest groups and the public at the earliest possible stage of the proceedings and during the whole process. In this way, social partners have opportunities to participate and express their opinion about all significant reforms. However, the state does not always follow the GEP. If there has been an extraordinary change of government, or the state wants to implement some changes quickly, then the trade unions confederations have to work hard to be proactive to avoid some of the unfavourable decisions and direct the government on the right track.

There are signs that practices of social dialogue (also collective negotiations and bargaining), albeit exercised by trade unions, other organisations and the public, often do not have the desired impact and effect on the policymaking process as policymakers and legislators can easily disregard them. Taking into account the opinion of trade unions in social dialogue depends on day-to-day politics and parties. Still, the trade unions believe that they can use the national-level social dialogue more effectively to achieve their goals. The trade union confederations plan to start regular discussions with the employers' confederation and conclude prior agreements on several topics before involving the state.

For the social partners, it is not essential whether social dialogue topics are linked to some directive or regulation. They will select the subjects that matter to them the most and contribute to those discussions. Social dialogue outcomes have to be in the interest of both the trade union and the employer side. They have to be useful for national affiliates, and this is not bound to a certain type of outcome – the preferred and needed outcome depends on the situation (context) and the topic being discussed. The trade union confederations emphasised in interviews that social dialogue at the European level does not always have to end with the binding results, but agreements with non-binding results (more of a soft approach) are also appropriate. For example, the social partners at the European level have concluded two framework agreements; one is about teleworking, and another is on active ageing. Still, national trade union respondents refer more often to the legally binding outcomes, and employer respondents emphasise other types of outcome (e.g. sharing good practices, mutual learning, and joint lobbying). Nevertheless, both of them agree that we should use the EU-level measures only then when they are needed and more effective compared to national-level measures.

In recent years, the most relevant platform for discussion within tripartite social dialogue at European level is the European Semester, its country-specific recommendations (CSR) and their implementation at the national level. Different ministries prepare most of the reforms related to CSR in Estonia, and the social partners have difficulties identifying which of the various engagement events they participate in are directly involved with reforms related to CSRs. Participation in the European Semester activities is voluntary, and smaller trade unions take part in those events if the issues are directly related to their sector or members. Still, the process of the European Semester is somewhat unclear for the primary social partners, as they do not know when they have to participate and what the result of their involvement is.

According to the government representative, social partners are mainly involved in European Semester activities through the working groups in different ministries. The ministries and government agencies cannot always approve social partners' proposals for political reasons, and then partners may get the impression that they are only formally involved and their opinions are not considered.

5.1.5 Actors' interaction

The Collective Agreements Act²⁷ designates the official social dialogue partners (EAKL, ETKK and ministries). Unofficial social dialogue or cooperation involves more parties, including sectoral trade unions, employers, non-profit organisations, civil society actors, educational institutions and government agencies. Some interviewees expressed the opinion that during recent years, the share and volume of feedback and the volume of national social dialogue have increased, while others felt that it has remained more or less the same. Trade union confederations have generally declared themselves as apolitical organisations, representing members with different worldviews and cooperating with all political parties that are willing to work together. Cooperation with civil society actors takes place mostly when unions consult different actors before formulating their opinions on planned policy changes. Trade union confederations have regular meetings with employers, where they have reached some agreements (e.g. minimum wage, teleworking) and communication with employers have recently become better, more meaningful and more effective.

The design and culture of social dialogue structure at the company and sectoral level influences its manifestation at the national level. The content and extent of social partners' involvement differs in Estonia across the economic sectors. This, in turn, influences the content, procedure and enforcement side of social dialogue debates. The most widespread are company-level collective bargaining and agreements; there are only three sectoral level collective agreements (in transport, education and healthcare) in Estonia, because sector-level collective agreements need more time, effort and negotiations. Social partners negotiate minimum wages at the national level. Usually, the trade unions take the initiative to bargain, whereas employers are not that interested in concluding collective agreements.

In general, participants described that the culture of negotiations is cooperative, although there have been some examples where negotiations have been conflicting, contrasting or 'fictitious'. The latter is describing a situation where a decision has already been made, and the meeting with social partners is organised to show cooperation and not actually to discuss and cooperate. Some respondents described an example where at the political level the decision has been made, but social partners are invited together to seemingly discuss matters and even to silence early potential resistance. Nevertheless, the share of 'fictitious' meetings ("putting on a show") is low. A usual interaction is a genuine one aimed at reaching consensus or a compromise. There are only a few strong trade unions in any particular sector, and competition or rivalry in social dialogue is rare.

5.1.6 Perceived effectiveness of social dialogue

The national representatives have a broad understanding of what makes social dialogue successful. They underlined that good and trustful relationships foster effective social dialogue. They also expressed in the interviews that social dialogue does not always have to lead to formal outputs; dialogue and trust between the participants and the respect for differences between social partners are just as meaningful.

The process of EU-level social dialogue has been more efficient during recent years. There have been many training programmes and events to raise the institutional capacity of social partners. Improving the communication and cooperation between social partners is one way to achieve better results not only in politics but elsewhere, including education, culture and society as a whole. If ministries or

²⁷ Collective Agreements Act in English is available at <https://www.riigiteataja.ee/en/eli/518062018002/consolide>

employers are not interested in specific topics, it is difficult to achieve any results. Sometimes the frequent changes in ministerial staff or of the minister of social affairs or prime minister also hamper social dialogue results. To gather information and to present their ideas better, trade union confederations cooperate with sectoral trade unions, other non-profit organisations and government agencies.

In Estonia, it is very often the same people that meet in various working groups and councils during social dialogue. Being in contact with the same people gives some insight into their views and motives and will most likely be of benefit to social dialogue outcomes. In a tighter circle of social partners, cooperation is better, and makes it difficult for partners to withdraw from agreements. Several interviewees referred that the continuity in persons and their thorough knowledge of both the sector and social dialogue help to increase the effectiveness of social dialogue.

Some factors constraining the active involvement of the social partners in Estonia are linked to the lack of appropriate settings and procedures to conduct a social dialogue. The employers' organisations and trade unions brought out in the interviews that quite often the ministries ask their input right before or during the holiday period in June and July. At that time, they cannot mobilise their forces enough to provide the necessary feedback or input. They have repeatedly told the ministries that this period is not suitable for social dialogue, but there are no significant changes yet.

An important factor fostering effective social dialogue is the continuity of participation (Bechter et al., 2018). Estonian social partners have gained a lot of experience at the EU-level social dialogue process and have learned to stand up for their rights. In the early days, it was certainly harder to participate in social dialogue than now. Thanks to this development, Estonia is seen as an equal partner in EU-level social dialogue. The possible room for improving the effectiveness of social dialogue is related to the resources (human and financial) dedicated to social dialogue.

According to the interviewees, another aspect that may influence the effectiveness of social dialogue is the quality – meaning the variety and breadth (coverage) – of representatives, whether a narrow or a wide range of stakeholder interests are represented. The latter, in turn, is related to the transparency of representatives and representative organisations, e.g. who is involved, what is their agenda. One government representative described the importance of the leader/manager, the background and contacts of the leader/manager. Previous experience in politics and lobbying may also prove to be beneficial for representative organisations when conducting and articulating social dialogue at the national and European levels.

Regarding binding versus non-binding outcomes and the efficiency of social dialogue, reaching a non-binding outcome is more flexible, takes less time and is more quickly applicable in real-life cases. To make changes in national or EU-level legislation takes much more time and effort. It may also take more time to inform the public about changes and actually implement them according to the law, as affiliates, citizens, etc. may not acknowledge or be aware of changes in the law, as it is taking place far away from them.

5.1.7 Suggestions for improvements towards a more effective social dialogue

The expectation among social partners is to increase social dialogue further and involve more social partners in the process. The representatives were not specific about, for example, what kind of forms or formats should be used to increase their participation. The social partners are clear that they should

work together to raise citizens' awareness of social dialogue and its relevance, and stress the importance of social dialogue and collective bargaining in policy development and implementation.

The benefits of increased involvement are empowerment, common language and understanding and joint implementation. Only some interviewees agreed that the level and volume of social dialogue is sufficient. There is a contradiction here: although the expectation is to increase social dialogue and its structures, in reality Estonian social partners do not have enough resources (human and financial) to participate fully in European-level social dialogue, thus they have to select and set priorities on the subjects with which they are involved. Some strategic focus and selection would help to prioritise matters. It is not easy but sometimes possible to create working groups at the sectoral level to develop themes and collect inputs from other organisations.

It is essential to have active social partners to improve social dialogue effectiveness, but at the same time, they become stronger through social dialogue. The government representatives mentioned that continuous support for the social partners at the national level is important. Also, the trade union confederations themselves can enhance the capacity of their organisation. The EU offers several training opportunities to improve affiliates' capabilities. The members obtain concrete benefits of training when using this knowledge in the social dialogue process. For an effective social dialogue, it is necessary that employers' and employees' organisations talk and agree on the policy beforehand. The government representatives mentioned that the social partners should communicate with each other more often and achieve some results or agreements without involving the state. According to the state representatives, the social dialogue between the partners is getting better; they have found common topics to address to the government. The effectiveness of social dialogue also depends on the interest of the government. If the government involves social partners in the development of plans, actions and laws, they will be more easily adapted and implemented.

Language skills could be seen as a barrier for some national affiliates and improving language skills may result in more effective social dialogue at the European level. Neither the history nor the size of the country has hampered the possibilities to initiate topics at the European level. Instead, it is related to the ability of the Estonian social partners to participate in EU social dialogue and to contribute meaningfully to the development of topics.

5.2 France²⁸

5.2.1 Introduction

France is a country with a very strong union culture thanks to its long history: the freedom of association in France was recognised by the Waldeck-Rousseau law of 1884. The right to be a union member and to exercise union action was further recognised in the preambles of the 1946 and 1958 Constitutions.²⁹ The country has both trade unions (*syndicats de salariés*) and employers' associations (*organisations patronales*) among its social partners. Within EESDA's conceptual framework, France belongs to the state-centred industrial relations system in Europe.

²⁸ This section is provided by Mehtap Akgüç and Manon Jacquot from CEPS.

²⁹ For a brief overview of constitutional links, national regulations as well as international conventions (e.g. ILO) on the industrial relations in France, see the dedicated page on the ILO website https://www.ilo.org/dyn/irlex/en/?p=14100:1100:0::NO::P1100_ISO_CODE3,P1100_SUBCODE_CODE,P1100_YEAR:FRA,,2015.

Social partners in France are generally organised into different levels of representation.³⁰ There is a national level (commonly under the name of *confederations* or *federations*), where deliberative bodies define the main guidelines and course of action for the union. The national level is usually led by one person with the title of secretary general. The unions then have local levels, both regional (*federations*) and municipal (*unions*). The unions also have an enterprise level, where there is a union representation within an individual company. Officers of all these levels are appointed through elections. National social dialogue takes place at national, regional, sectoral and company levels through its different structures.

Since 1966, five trade union confederations have been deemed representative at the national level. Prior to 2008, each trade union at a local or sectoral level that was affiliated to one of these confederations was also considered to be representative (*presumption of representativeness*). These principles were modified in 2008 with the law on *social democracy and working time reform*. Accordingly, regardless of affiliation, representativeness now primarily depends on the *electoral audience*; therefore, to be representative and able to participate in bipartite or tripartite negotiations, a trade union must win at least 10% of the votes at the workplace level, and the corresponding ratio is set at 8% for the sectoral industry level.

Unions have different types of funding depending on their representativeness and whether they are involved in bipartite/tripartite consultations: membership fees, contributions from companies, contributions from the local community, public grants for specific union activities and public support in kind (such as free office space in public buildings). In France, the decline in the share of unionised employees is an aspect of the financial fragility of trade unions, just as in other countries. However, the reality of union finances became clear only after 2008 with the demand for financial transparency by law.³¹ Despite the drops in rates of union membership from 30% in the 1950s to 10% more recently (13% in the public sector as opposed to 5% in the private sector), nearly nine workers out of ten benefit from collective bargaining coverage in France.

5.2.2 Actors

In terms of national cross-sectoral representativeness, the second round of elections in 2017 resulted in the status being granted to all five unions that had been considered representative previously. These organisations are namely the General Confederation of Labour (*Confédération générale du travail*, CGT), the French Democratic Federation of Labour (*Confédération française démocratique du travail*, CFTD), the General Confederation of Labour – Force Ouvrière (*Confédération générale du travail – Force Ouvrière*, CGT-FO), the French Christian Workers' Confederation (*Confédération française des travailleurs chrétiens*, CFTC) and the French Confederation of Professional and Managerial Staff – General Confederation of Professional and Managerial Staff (*Confédération française de l'encadrement – confédération générale des cadres*, CFE-CGC). Other relevant actors in the French social dialogue are independent trade unions: the *Union nationale des syndicats autonomes* (UNSA) and its sectoral branch *UNSA-Transport*.

³⁰ The information on this paragraph and part of the industrial relations background in the following is taken from Akgüç (2018).

³¹ The Law of 20 August 2008 introduced the rules of representation. In particular, to be considered as a representative actor and have the right to conduct negotiations on behalf of its members, a union has to fulfil the following criteria: (i) respect for republican values; (ii) independence; (iii) financial transparency; (iv) at least 10 years of existence; (v) be influential on account of its activity and experience; (vi) accounting and membership fees, and (vii) sufficient representation in professional elections.

On the employers' side, the following cross-sectoral organisations are recognised: *Mouvement des entreprises de France (MEDEF)*, *Confédération générale des petites et moyennes entreprises (CPME)*, and previously the *Union professionnelle artisanale (UPA)*, now known as *U2P (Union des entreprises de proximité)*.

The French social partners are very engaged in national and European social dialogue, regularly participate in European level social dialogue meetings and form part of sectoral committees. At the national level, social partners in France also participate in negotiations, such as on unemployment insurance, pension and complementary insurance schemes.

5.2.3 Topics

Almost all topics listed in the EESDA analytical framework as part of the most discussed topics in the European Social Dialogue Committee meetings were deemed important by the interviewees. In addition, among the most important topics mentioned by French social partners are social protection (particularly in some sectors of activity), equal treatment, well-being at work, gender equality, digitalisation, underemployment, access to training, the right to disconnect (also related to work-life balance) and transferability of social security rights. It is also mentioned that anticipating significant trends and their consequences for workers (such as digitalisation), new rights and protections could be discussed and developed at the European level.

Some of these topics (e.g. changing skills, consequences of digitalisation, future of work) were proposed by employee representatives for further discussion at the European level social dialogue through ETUC affiliation. As a consequence, the recent work programme contains chapters on improving the performance of labour markets and on skills and the perspective of a negotiation on the consequences of digitalisation on working conditions.

A cross-sectoral trade union representative asserted that the main topics related to social policies should remain a national competence; therefore, it might not be ideal that those topics are also discussed on European-level social dialogue platforms. However, this separation of topics between national and EU levels is not always possible, hence national social dialogue sometimes covers the same topics. Nevertheless, issues of wages, working time and employment are at the core of the work relationship and are thus mainly negotiated and regulated at the national level.

5.2.4 Social dialogue outcomes

Some representatives of trade unions argue that European social dialogue is considered differently among different types of social partners: it appears to them that employers consider European social dialogue more as a discussion forum, not being willing to create new regulations or legislations. In contrast, workers' representatives aim at negotiating binding rules at European level, whenever possible.

As regards the vertical transposition of social dialogue outcomes from European level to the national level, only one agreement, on active ageing, has been concluded since 2015 at the European level without achieving many concrete results at the national level in France according to a cross-sectoral trade unions representative. More generally, the European social dialogue has only produced a few binding outcomes over many years (for a list of these social dialogue outcomes, see Section 2). In the beginning, different negotiated outcomes were translated into directives (e.g. the Framework Agreements on Part-time Work, on Fixed-term Work and on Parental Leave, etc.). This pattern changed

in the beginning of 2000s when agreements signed by the European social partners began to be implemented by national social partners (e.g. telework and stress at work, etc.). The latter two agreements (telework³² and stress at work³³) were effectively transposed into the French context through national cross-sectoral agreements.

Another transposed social dialogue outcome that was mentioned by an employers' organisation representative is the Directive on Posted Workers. However, this social partner representative was more critical about this transposition and argued that what is imposed from the European level to Member States distorts competition at the national level in this context.

However, employee representatives generally agree that discussions at the European level have shifted from binding outcomes towards voluntary outcomes, which, in turn, implied less concrete transposition of social dialogue outcomes. This remark also concurs with the evaluation of European Social Dialogue outcomes by the recent ETUC publication (forthcoming).

5.2.5 Actors' interaction

At the national level, social partners negotiate at three levels: (i) within companies with less than 50 employees, (ii) negotiations in the professional branches (including companies with more than 50 employees) and (iii) cross-sectoral negotiations on general conditions of work.

Social partners in France are continuously interacting formally and informally to establish the agenda of social dialogue. These intensive interactions – sometimes or often involving disagreements on certain issues – and informal ties are crucial parts of the social dialogue process and can only strengthen the latter. However, some social partners stressed that the historical social dialogue (say, from the 1990s) in its intensive form has somewhat deteriorated nowadays with the increased number of reforms in the country limiting the capacities of the social partners in terms of the number of consultations. Nevertheless, these changes did not overly affect the number of collective agreements at company level.

In addition to participating in national and European-level social dialogue meetings, social partners in France are also consulted as part of the European Semester. This consultation happens during the consultation of the national authorities at different phases of the European Semester cycle. However, participating representatives of trade unions consider that their impact on policy orientation during this process is still rather limited, and that they feel that there is somewhat a dominance of business-friendly policies based on deregulation, liberalisation, flexible labour markets and restrictive budgetary policies. Similarly, employee representatives feel that economic and social issues are not considered in a balanced way in the European Semester. Nevertheless, stakeholders perceive that there appears to be a slight improvement in the recent period with the establishment and monitoring of the European Pillar of Social Rights through the European Semester, putting further emphasis on social dimensions in country-specific recommendations. Therefore, trade unions overall consider European Semester involvement as an opportunity to press for more social Europe and hope that the country-specific recommendations will take social issues more fully into account than they used to do in the past. Moreover, some social partners (both trade unions and employers' organisations) consider this

³² For more details on the Autonomous Agreement on Telework (2006), see http://resourcecentre.etuc.org/linked_files/documents/Framework%20agreement%20on%20telework%20EN.pdf

³³ For more details on the Autonomous Agreement on Work Related Stress (2004), see <https://travail-emploi.gouv.fr/IMG/pdf/StressAccordCadresEuropeen.pdf>

involvement as a way to evaluate the actions and policies of the government and express their opinions on certain issues in the European Semester context.

5.2.6 Perceived effectiveness of social dialogue

In France, social dialogue promotes collective bargaining in order to improve the conditions of workers, while preserving or improving the competitiveness of companies. This balance, however, is far from being systematic, and a poor social dialogue in which actors use their negotiating power without taking into account the externalities generated by their decisions produces opposite effects. From this point of view, the degree of trust between the actors in a negotiation is a key determinant of its effectiveness. However, the specificity of social dialogue in France being inter-professional bargaining, several interviewees mentioned the fact that social dialogue meetings usually result in formalised discussions in which actors are often more concerned with asserting their divergent interests than in achieving effective compromises. According to some trade unionists, this is reinforced by the plurality of employers' organisations and trade unions – sometimes with a relatively small number of members compared to other industrialised countries – as well as the remaining uncertainties as regards the representativeness of the employers' organisations.

Concerning the effectiveness of social dialogue, all the organisations interviewed have also mentioned the obligation for all French companies to have a Social and Economic Committee (SEC) from 1 January 2020. This was planned by the Macron ordinances of 2017 and all unions³⁴ and federations are obliged to accompany their members in 2018 in the organisation of professional elections (often anticipated and the mandates being usually of 2-4 years) and in the negotiation of an agreement for the establishment of their SEC.

In addition to a considerable workload, it has been noted by several unions that the SEC also resulted in a merging of representative bodies of staff (especially in small businesses); therefore, the number of elected representatives has been significantly reduced for certain segments of the workforce. Overall, this impacted the representativeness of organisations at the national level.

Some social partners perceive social dialogue to be less effective than it used to be in France. In particular, some of the organisations interviewed assert that depending on the government, there have been various failures in social dialogue, but what is clear to them is that there are increasingly more constraints on the scope of activities of social partners due to the reforms and regulations, sometimes imposed from the European level. The same representative also stated that sometimes in social dialogue they have the perception that “the state decides for all.”

Both representatives of employers' and employees' organisations agree that social dialogue is effective when it arrives at a concrete result, e.g. in the form of a legislative change or binding outcome. However, it is also the case that the employers' associations appear to have a preference towards more targeted, if any, binding outcomes rather than overly general, but nationally binding outcomes. The latter is particularly the point raised by sectoral social partners, which are usually represented by national federations in public consultations.

³⁴ For sectoral trade unions, representing in the majority small and medium-sized enterprises, the introduction of SEC might be even more damaging as they will favour free enterprise bargaining on all topics that are not contained in the branch agreements (i.e. wages, probationary period, classifications, vocational training, night-shift work and so on).

5.2.7 *Suggestions for improvements*

Some social partners (more than others) welcome the reforms impacting the social partners and believe that these reforms might help rethink the “monopoly of unions.” There also appears to be a push by some social partners (although it might be supported by all social partners and not necessarily by the largest ones) towards a “compromise culture” in companies to enhance the effectiveness of social dialogue in France.

Social partners in general also note that the regularity of discussions has been improved with more formal meetings and additional side consultations. However, this increase does not always mean more efficient discussions. Instead, some trade unions interviewed were rather critical about the process and denounced this transparency *de façade*. They argued that what happens in practice during those meetings is that either the decision seems to have been taken beforehand or people are arriving unprepared due to a lack of access to information.

More inclusion of social partners at the early stages of the social dialogue process, for example in determining the topics to be discussed appearing on the social agenda for the year was also among the suggestions for improvements. Also mentioned systematically during interviews as part of improvements in social dialogue was the need to aim for more efficient meetings with a clear set-up of discussion.

From the employers' side, stakeholders are aware that it is important to raise awareness among companies or enterprises about targeted negotiations or collective agreements at the sectoral and company level, even though it is very likely that some companies are not used to this way of direct and 'local' level of negotiations. It is up to the employers' organisations to which they belong to inform and train them, sometimes through seminars, phone calls or bilateral meetings. Such a context does not mean giving up national social dialogue, but it means attempting to move towards more targeted and specific negotiations at the local or company level.

Finally, some trade unions also mentioned the importance of reconsidering their own role and going back to their initial aim of informing their members and possibly reaching out to a wider audience. As regards the recent yellow vest movement, the necessity to further include the civil society was also mentioned, for example, using social dialogue to take positions on new topics such as climate change. Finally, due to ongoing discussions on the future branches as well as a general willingness to foster social dialogue in its natural environment – at company level, some social partners mentioned the need to improve congruence between trade union and professional activity to create space for further training of social representatives.

5.3 Ireland^{35 36}

5.3.1 *Introduction*

The Irish industrial relations system belongs to the Liberal Pluralist (Western) cluster (according to the EESDA analytical framework by Kahancová et al., 2019, and based on Eurofound, 2018). Such a model is based on only voluntary involvement in labour relations and, therefore, it can have low levels of worker participation and a strong dependency on the state's regulatory framework (European Commission, 2015a, 2015b).

³⁵ This section is provided by Mehtap Akgüç from CEPS.

³⁶ The interviews for this section were conducted with the support of the team lead by Tish Gibbons based in Ireland during April-May 2019.

As described in Ishikawa (2003), since 1987, social dialogue in Ireland has been organised in three-year social partnership agreements (in its historical form), where the negotiations were constituted in a tripartite representation of the government, social partners – employers’ and employees’ organisations – and farmers’ organisations. From 2000, social dialogue in Ireland expanded its participation, as representatives of the community and voluntary sector joined as full social partners. The latter represent social groups of unemployed, women, disadvantaged communities, people with disabilities, youth, the elderly and groups from rural areas (Ishikawa, 2003).

There is a near consensus by almost all sides in Irish industrial relations that “the terms and conditions of employment is best determined by the process of voluntary collective bargaining between an employer or employers’ association and one or more trade unions, without the intervention of the State” (quotation from the Workplace Relations Commission – WRC webpage).³⁶

Historically, Ireland is an interesting case with successful national social dialogue leading to social pacts, which then became institutionalised. Established in 1973, the National Economic and Social Council has been a key player in the success of national social dialogue and development of these pacts. The social pacts then led to the establishment of many new partnerships to facilitate the implementation of social dialogue (Ishikawa, 2003).

However, as described in European Commission (2014), among others, the crisis of 2008 weakened existing institutions for tripartite consultation in Ireland and consequently, in some cases, the role of unilateral state action has risen in importance in industrial action since 2010. This also implies that social dialogue has played a significantly less prominent role in the design of structural reforms as opposed to the period before the crisis. Since the economic collapse, Irish social dialogue has been returning slowly, less strongly at national level, but relatively stronger at sectoral level (e.g. security, construction and contract cleaning sectors). Consequently, since 2009, collective bargaining has not been occurring under the national partnership agreement acts, but has been negotiated at the company and establishment level.

5.3.2 Actors

On the workers’ side, there is only one confederation of trade unions in Ireland – the Irish Confederation of Trade Unions (ICTU), which represents members in two separate political jurisdictions: the Republic of Ireland and Northern Ireland. The ICTU has more than 40 affiliated individual trade unions, which are a mixture of general and occupational unions, altogether representing about 800,000 workers in Ireland.³⁷ It is the sole Irish affiliate of the European Trade Union Confederation (ETUC), which is the representative body for trade unions at European level.³⁸ The confederation participates regularly in European-level social dialogue through its affiliation with ETUC.

On the employers’ side, the Irish Business and Employers Confederation (IBEC) is the largest body among employers’ organisations, representing Irish business both domestically and internationally and

³⁶ Workplace Relations Commission (WRC) is an independent, statutory body, established in 2015 under the Workplace Relations Act 2015 (No. 16 of 2015). Its role and responsibilities are listed on the webpage (<https://www.workplacerelements.ie/en/what-we-do/wrc/>) and include promoting the improvement of workplace relations, advising and apprising the Minister in relation to the application of, and compliance with, relevant enactments and providing information to public in relation to employment.

³⁷ Information taken from ETUC’s summary page for industrial relations in Ireland: <https://www.etui.org/ReformsWatch/Ireland/Industrial-relations-in-Ireland-background-summary>

³⁸ Information taken from ICTU’s webpage: <https://www.ictu.ie/about/>

spanning every sector of the economy. Its members, covering multinational, large and small businesses, altogether employ over 70% of the private sector workforce in Ireland.³⁹ IBEC is a member of BusinessEurope, which is a European-level recognised social partner, representing enterprises of all sizes in 35 European countries whose national business federations are their members.

The Workplace Relations Commission (WRC) is a statutory body with responsibility for promoting and maintaining harmonious industrial relations: it provides conciliation, guidance and arbitration services in addition to an advisory and research remit. It is the national body for social dialogue and enforcement of employment rights. Generally, it gets involved in social dialogue by invitation of the parties to a dispute or the Government; however, it may also itself intervene in situations, when needed. The WRC is considered a neutral body and hence is not supposed to allow either side to be dominant in case of disputes. The WRC is mainly present in national-level social dialogue and is not involved with European-level social dialogue.

5.3.3 Topics

As regards peak-level employees' organisations, the key topics for social dialogue are selected through biannual conferences or gatherings, as well as through executive and general purposes committees. Among the issues considered, the key ones are on housing, pensions, employment rights, collective bargaining, and fair transition. Among the most frequently discussed topics in the European-level social dialogue structures, as listed and ranked by EESDA researchers, skills, training and employability as well as the working conditions (working time regulation, type of contract etc.) are both very important topics for the Irish Confederation of Trade Unions. However, the health and safety and well-being at work topic is not among their top priorities.

While in general the three listed topics are rated somewhat relevant by most of the stakeholders, there are also other topics mentioned during the interviews. To name a few, ageing workforce, transformations in industry and the corresponding changes in skill sets required, inward migration, redundancy, workplace restructuring, workload (also goes under working conditions), types of contract, lack of funding for the tertiary education system (more relevant for trade unions from the education sector), and pensions.

5.3.4 Social dialogue outcomes

Irish industrial relations were characterised by Social Partnership agreements until the collapse of the latter due to the economic collapse in 2008. While no comparable system has replaced the old one, some other mechanisms are in place as regards social dialogue outcomes in Ireland. For example, the current Public Service Agreement, which substantially differs from old Social Partnership agreements, but still counts as an evolution, addresses some issues in public sector employment as in the past. There is also a return to some sectoral bargaining, as seen in the recently concluded Sectoral Employment Orders (SEOs) in Construction and Electrical Contracting. All in all, since 2009, company-level collective bargaining has become the main form of collective bargaining in Ireland (European Commission, 2014).

From the trade unions' perspective, the most important and effective tool of social dialogue is collective bargaining and some Irish trade unions are planning to support the idea of an EU Framework

³⁹ Information taken from IBEC's webpage: https://www.ibec.ie/IBEC/IBEC.nsf/vPages/About_Us~about-ibec?OpenDocument

on Collective Bargaining. To this end, there has been continuous engagement with the European Commission, European Parliament and the Council of Ministers.

It is also observed that there is a clear preference by employees' organisations towards more binding outcomes and directives rather than non-binding or softer outcomes. These organisations consider the binding agreements as part of a mechanism ensuring the compliance of parties with the rules set by the relevant agreement.

From the employers' perspective, what matters in social dialogue outcome is not whether it is a binding or a non-binding outcome, but rather, whether there is engagement by those involved in the outcome. They argue that it becomes pointless when binding outcomes are ignored or not enforced.

5.3.5 Actors' interaction

At the European level, the peak-level confederation of Irish trade unions (ICTU) is closely involved with the European Trade Union Confederation (ETUC), European Commission and with European Parliament representatives. The confederation actively participates in all of the European social dialogue platforms in Brussels.

At the national level, the ICTU is engaged closely with the Irish trade unions, employers (through the Irish Business and Employers Confederation) and the government. They are also in the Labour Employer Economic Forum (LEEF) and National Economic Dialogue (NED). The common understanding among actors is that *"you won't get things done without cooperation,"* implying that there is a willingness to have a dialogue between national social partners. Some social partners also highlight the importance of informal ties, as those can be very helpful when resolving issues. It also appears that after the crisis and its negative impacts on the Irish social dialogue structures, the role of informal ties has grown further.

As regards LEEF, it provides a platform for an exchange of views on employment rights, pensions, housing and more recently also on Brexit, by bringing together representatives of employers, trade unions and relevant ministers of government to discuss economic, employment and labour issues. However, LEEF remains as a platform of exchange and does not lead to, say, a working group where parties could come up with remedies and agree to implement them.

The transformed setting of social dialogue in Ireland in the aftermath of the economic crisis also meant that the existing informal ties became even more important among parties in the new phase of social dialogue. Almost everyone interviewed agrees that as Ireland is a small country and the turnover among social partner organisations is relatively low, so most of the parties have known each other for a long time and this helps building trust among social partners. Informal ties are also important for solving disputes in industrial relations matters. Overall, most stakeholders agree that informal ties are becoming increasingly important in the maintenance of good industrial relations.

Finally, the Irish social partners and government have historically been in close relations with their British counterparts; however, given the Brexit situation, they might now be looking for other allies such as the Nordic countries, the Baltic countries or the Netherlands, according to the representative of the trade unions.

5.3.6 Perceived effectiveness of social dialogue

Among the stakeholders interviewed, representing employees, employers as well as government agencies, the perceived effectiveness of social dialogue in Ireland appears to be seen as relatively functional, yet it needs to improve further and it also depends on whether it is at the national or sectoral level. The perception based on interviews is that particularly the sectoral social dialogue works relatively well, even though “it can take a long time to get the wheels turning and you have to work very hard to get to that point,” as mentioned by a trade union representative. However, the effectiveness of the current state of national social dialogue is less promising according to most of the interviewees. Particularly, the employee representatives are less optimistic about the effectiveness of social dialogue compared to other stakeholders or social partners. In contrast, the employers' association representative is more confident about the effectiveness of social dialogue articulation, especially on some issues such as health and safety, where Ireland is relatively mature in terms of existing legislation.

The stakeholders also highlight the fact that local level negotiations and third-party interventions are important. Some trade union representatives argue that they are the best – and it is the most effective this way, they claim – in conducting direct negotiations at local levels. On a more extreme level of being effective and depending on the topic, one of the sectoral trade union representatives mentioned that the potential to “embarrass a government minister by going public about an issue can be more effective than endless meetings.”

The role of media also appears to be important regarding effectiveness and it was mentioned several times as a tool to be more visible and draw attention in public. Among other ‘toolkits’, active lobbying, campaigns and public action were mentioned as ways of increasing awareness and the effectiveness of social dialogue.

The importance of Sectoral Employment Orders (SEOs) is also highlighted by some social partners as they are considered to be clearer and fairer (as part of sectoral social dialogue), providing a more level playing field for the partners.

5.3.7 Suggestions for improvements

As mentioned earlier, social dialogue in Ireland was undermined as a result of the economic collapse about a decade ago, bringing the traditional social partnership to an end. However, national social dialogue is making a comeback, if much less strongly than it used to be, and more in the form of sector-level social dialogue, which is resurgent. Nevertheless, the stakeholders interviewed almost all agree that social dialogue in Ireland has to be strengthened further.

The trade unions argue that more coordination is needed on both sides (employees' and employers' representatives). As regards employees' representatives, there is a consensus that they also need to cooperate more with each other, arrive at a common position and decide on shared aims in the agenda, which altogether, they believe, would make things more effective. Some representatives of trade unions would like to see social dialogue become stronger and see improvement regarding collective bargaining and a European framework directive on collective bargaining. In this vein, some seek to move away from the voluntary model and towards a more European model of social dialogue.

There is also a demand (especially by trade unions) for having more involvement of the government in social dialogue as well as more explicit endorsement by the government of the benefits of social dialogue. This goes along with the request by social partners for further political support of social

dialogue. For example, some social partners openly ask for a proper tripartite social dialogue, where the government sits down with unions and employers' organisations and attempts to achieve real outcomes, rather than having only a form of consultation among these actors. Last but not least, more legislation is desired to ensure better compliance according to sectoral employee representatives.

5.4 Portugal⁴⁰

5.4.1 Introduction

Only after 25 April 1974, the date of the Portuguese revolution and the beginning of the democratisation process, did social dialogue turn out to be a practice in Portugal. After 45 years, it has now gained maturity.

The Economic and Social Council (CES) in Portugal is the main constitutional entity for consultation and social dialogue regarding labour, education and social and economic affairs. This council holds two different types of roles: a consultative role and a social concertation role.

As part of its *consultative role*, CES involves the participation of the most representative organisations in Portuguese society and of its economic fabric (currently 74 members), bringing together representatives from different civil society areas such as government, employers, workers, regional and local government, various interests and individuals with well-established reputations. CES expresses opinions on the drafts of several programmes and policies such as policies for social and economic development, the positions to be taken by Portugal within the European institutions with regard to these policies, the use of European funds at national level and regional development policy. In 2018, four plenary meetings of the CES were held.

As part of its *social concertation role*, CES fosters social dialogue and negotiation between the government and the social partners, four employers' associations and two trade unions. The social dialogue practice is based on tripartite negotiations with representatives of these entities. During negotiations, legislation projects are assessed with regard to social and labour matters, for which social concertation agreements are considered. In 2018, the Permanent Council for Social Dialogue (CPCS) organised 22 meetings (usually two meetings per month), supported by several meetings of working groups. These meetings indicate a regular and significant intensity in social dialogue activity.

The Industrial Relations Centre (CRL), formerly known as the Observatory on Professional Training and Employment, is a tripartite body with technical functions that monitors the labour market and evaluates employment policies. These policies involve imbalances between supply and demand as well as the evolution of collective bargaining and professional training. The aim of CRL is to feed social dialogue with relevant and updated data to support discussions at macro level and collective bargaining.

5.4.2 Actors

From the side of the employers, the peak-level entities involved in social dialogue are the Confederation of Portuguese Business (CIP), Confederation of Portuguese Farmers (CAP), Portuguese

⁴⁰ This section is provided by Alexandra Costa Artur from CCP.

Commerce and Services Confederation (CCP) and Portuguese Tourism Confederation (CTP). From the trade unions side, there are two major confederations: General Union of Workers (UGT) and Confederation of Portuguese Workers (CGTP).

At the European level, these confederations are affiliated to the corresponding European counterpart organisations. For example, CAP is affiliated to COPA - COGECA (Employer's Group of Agricultural Organisations in Europe), CIP is affiliated to BusinessEurope, and CCP is affiliated to Eurocommerce. Portuguese Tourism Confederation (CTP) is not affiliated to any European organisation until now, because the tourism employers are not organised at European level. There are ongoing negotiations among several national confederations. The goal is to set up a European organisation to defend the tourism sector as a whole. There are several associations representing sectoral interest as hotels, catering, car rental, but not an *umbrella* confederation. Last but not least, the two trade union confederations UGT and CGTP are affiliated with the European Trade Union Confederation (ETUC).

5.4.3 Topics

The institutionalisation of the industrial relations system has been intensifying since 1980s. For example, the Permanent Council for Social Dialogue (CPCS) was created in 1984, which has shown a significant dynamic process both in the number of negotiated agreements and in the importance of the topics so far. One of the important topics is the annual discussion on the minimum wage, which is a highly relevant labour market intervention.

In the last ten years, the country was governed in alternate periods by socialists and social democrats. During socialist governance there were periods of major intensity in the social dialogue activities. On the other hand, during the social democratic government, unilateral decisions like freezing of the minimum wage in 2012 and 2013 resulted in strong opposition by the trade union confederations. Nevertheless, the last ten years are a decade of important tripartite agreements on relevant topics such as the revision of the Labour Code, published in 2009. Labour market rules were changed, supported and legitimated through social concertation agreements. The exception is the trade union confederation, CGTP, which did not sign any agreement and defended a strong opposition on the negotiated content.

The topics at macro level include *Competitiveness and Employment*. In 2012, a new Agreement on Growth, Competitiveness and Employment was signed under the *Financial Assistance Programme*. In 2014 and 2016, new agreements were settled updating an increase on the national minimum wage. In December 2016, the government launched the *Green Book on Labour Relations* that underlines the new forms of employment to be included in the discussion on the political agenda. In January 2018, some data from the *Green Book* was updated. A relevant topic, which appears on the discussion, is digitalisation both at national and the European level. A first study on the topic was already presented in 2019 by the CRL (the Industrial Relations Centre) to social partners as a starting point to new reflections and negotiations.

Among the topics mentioned by employers' representative are social Security, tax system (fiscal issues), macroeconomic situation, demography, new forms of employment and skills and training. For the trade unions, continuous training of the workers is a top priority together with the fight against

precarious work. In Portugal, job creation is mostly based on fixed-term contracts, which is an aspect that trade unions are strongly against.

5.4.4 Social dialogue outcomes

In 2017, a tripartite compromise was signed at the Permanent Council for Social Dialogue (CPCS) for a medium-term concertation agreement. In June 2018, a very important agreement to “Combat precariousness and reduce labour segmentation and promote greater dynamism of collective bargaining” was signed. Relevant aspects were agreed as new and atypical forms of work such as the intermittent worker. The Portuguese legal system already provides a set of non-permanent labour contracts (fixed-term employment contract, contract of employment of very short duration and temporary work contract) as well as a set for special arrangements (part-time work, teleworking and secondment). The implementation and addition of these norms to the Labour Code, as agreed in June 2018 by the social partners, were approved in the parliament. Some political parties mentioned that if an agreement was set up with the social partners, it is necessary to follow this agreement. This process was very relevant concerning the importance of the agreements signed in the CPCS and the reinforcement of the role of the social partners.⁴¹

Between 2011 and 2014, Portugal was under the *Financial Assistance Programme*, a considerable constraint to the development of the labour market. The implementation period of the *Memorandum of Understanding* with Troika⁴² was a hard moment for the country. Portugal was under economic and social tension with important cuts in both wages and labour rights including working time arrangements (e.g. ‘banks of hours’ working arrangements by mutual agreement between employers and employees negotiated at company level, reduction of minimum additional pay for overtime, elimination of the compensatory time off for overtime work), reduction on unemployment benefits (in duration and amount), cuts to vacancy time and the elimination of public holidays without compensation, reduction of severance pay and facilitation of individual dismissals. Collective bargaining was blocked and many of the collective bargaining processes were “paralysed”.

The role of social dialogue and the social partners was very important and, as mentioned in some interviews, strengthened the links between the partners. In that period, the effectiveness of social dialogue was well perceived by the partners (except for CGTP) as the collaboration among them was stronger than before. One of the employers’ confederations underlined how important it was to reach an agreement, even though, sometimes, the agreement does not reflect their position. Some agreements were signed with a view to maintaining social peace and avoid radical situations.

The country is now recovering and fast-tracking the process: 220 collective agreements were published in 2018 covering around 900,000 employees.⁴³ While in 2005 there were 256 instruments in force, covering about of 1,174,000 employees, in 2015, only 146 instruments covered 749,348 employees.⁴⁴

⁴¹ As mentioned above it is important to underline the fact that these agreements were signed by only one of the trade union confederations, UGT. The other one, CGTP, follows the discussions and negotiations but, at the end of the process, it has never signed any agreement.

⁴² International Monetary Fund, European Commission, and European Central Bank.

⁴³ Collective bargaining 2018 report by *Centro Relações Laborais*.

⁴⁴ The numbers for collective bargaining - 2005/2016 *Centro Relações Laborais*.

5.4.5 *Actors' interaction*

The national legislation does not incorporate specific rules regarding criteria and mechanisms to access the representativeness of employers' associations and trade unions. All officially registered employers' associations and trade unions are entitled to engage in collective bargaining. The major challenge is to find the right counterpart.⁴⁵

A weak point in national social affairs is the availability of current data, specifically concerning trade union and employer representativeness. The information available is based on data reported by the *Single Report* (annual report to be prepared by companies). This document reports information about several aspects of the company (exclusively for the private sector) such as the affiliation of companies in employers' associations and employees' affiliation in trade unions. According to the data reported by employers in the framework of the *Single Report*,⁴⁶ the affiliation rates of companies and employees for collective representation structures slightly decreased in 2016 compared to the previous year. In 2016, 17.1% of companies declared that they were affiliated to an employers' association, (18% in 2015) varying between 14.4% in micro-enterprises and 47.6% in large enterprises. As regards trade unions, a rate of union membership of 8.3% was declared (8.8% in 2015) varying between 1% in micro-enterprises and 18.1% in large companies. These figures reveal a weak presence of trade unions in the workplace.

There are two aspects to be considered in order to have a clear understanding of collective bargaining in Portugal. On the one hand, the low level of trade union density (less than 9%); and on the other hand, how the affiliations are decreasing from both the employers and trade unions side.

At the same time a new phenomenon is the rise of new trade unions, in sensitive sectors such as health, education and transports. These are considered sensitive since a few employees can cause *chaos* in these services in a strike situation. These trade unions are very recent and are affiliated with neither the UGT nor CGTP, being outside of the formal social dialogue framework.

5.4.6 *Perceived effectiveness of social dialogue*

Social partners perceived the social dialogue at national level as a driver to the recovery of economy and employment in Portugal. As mentioned above, social dialogue was a strong support during the depths of the economic crisis (2011-2014). There is always room for improvement, but in general, social partners are satisfied with their involvement in the process (except for CGTP).

In recent years, there has been concrete legislation for the reforms of the Labour Code, which resulted from the process of tripartite negotiation at CPCS. These results reveal the effectiveness of the tripartite discussions. All the interviewees are involved on a regular basis, both at national and European levels, in a dynamic process, which is perceived in a positive manner by the social partners interviewed.

European social dialogue is observed in different ways depending on whether involvement is at the cross-sectoral level (BusinessEurope and ETUC) or more sectoral, such as commerce and agriculture. The representatives engaged in cross-sectoral European social dialogue perceived it as more effective as they follow the discussions with considerable regularity (some committees organise meetings each

⁴⁵ In the Agriculture Sector (the only case), the entity responsible for collective bargaining is the Confederation of Portuguese Farmers (CAP). This confederation covers both macro national social concertation and the collective bargaining level.

⁴⁶ Year 2016.

month) and the results can be relevant. The regularity of the discussions is an important aspect in the perception of effectiveness. Frequent meetings also reinforce the links among participants in the meetings and increase trust, an important asset in social dialogue.

A representative of the trade unions confederations considers that – more important than the topic – the instrument of agreement (e.g. Autonomous Framework Agreement, fact-finding seminar to identify possible future joint actions, joint actions, and joint projects) is key, which reflects the degree of engagement in future actions. The same respondent expressed the opinion that from employers' side there is currently a strategy of negotiating more joint actions and seminars than signing Autonomous Framework Agreements. This thought finds expression in the new European Social Dialogue Work Programme 2019-2021 signed between BusinessEurope, SMEUnited, CEEP and ETUC.

Concerning themes discussed at European level, one representative of the employers' confederation is very much against the Written Statement Directive, which did not result in an agreement among the social partners at European level. At the same time, the same confederation is against the concept of worker (it cannot be determined at the level of the EU) as well some details of work organisation such as probation periods, working time schedules, parallel employment and training impositions. The previous directive was about a right of information, which is seen as an important element. This new version of the Directive is more about transparency and predictability at work (adopted by the Council on 13 June 2019) and it is about the rights of workers, which each Member State should regulate. The trade unions confederations agree with the rights included in the text of the Directive.

The Posting of Workers Directive is a topic that the same employers' confederation considers a barrier to the freedom of business and a source of unclear situations. The Employers' Confederation involved in cross-sectoral dialogue (CIP) underlined, through an example, how the joint projects can result in more binding outcomes. They expressed that it is not necessary to exclusively negotiate Autonomous Framework Agreements in order to have an impact.

The conclusions of the project on cost-effectiveness of apprenticeship schemes carried out by employers (BusinessEurope, SMEUnited and CEEP) and the European quality framework for apprenticeships organised by trade unions (ETUC) supported a common opinion (employers and trade unions) on the topic within the Advisory Committee on Vocational Training and later, in 2018 a Council Recommendation on a European Framework for Quality and Effective Apprenticeships. This was a proposal based largely on the work achieved by social partners and a good example of cooperation.

The social partners more involved at the sectoral level (CCP and CAP) from one side are in search of inspiration from European-level learning from information exchange and good practices. This action helps them be more effective at the national level. From another side, "to be on board" is important although effectiveness is not well perceived as it is difficult to reach the European level with concrete topics. A small country like Portugal has difficulties in pushing its agenda at the European level.⁴⁷

Participation in common projects at European level through the European social partners was declared as relevant either to learn from other examples or to become more directly involved in social dialogue topics. Common projects in the past have resulted in common sectoral declarations.

Moreover, the engagement in the European Semester is positively perceived. The social partners have meetings with the national European Semester Officers (ESO) and with other staff from the European Commission. The Commission staff comes to Portugal in order to gather the points of view of the social

⁴⁷ Opinion expressed by several interviewees.

partners throughout the *process of implementation* of each semester. Thus social partners are considered as having the opportunity to voice their positions and the European Semester boosted the connection at European and national levels. In parallel, the regular discussions at CPCS are feeding into the European Semester dialogues.

Time is necessary to build up confidence among the social partners. This is a very relevant feature of a smooth environment that can support negotiations. Almost all the interviewees mentioned that the challenges imposed by the financial bailout helped to grow trust and informal ties. For example, there are irregular meetings among the presidents of employers' organisations to exchange views and identify common points for the future agenda.

5.4.7 Suggestions for improvements

All interviewees underlined the need to strengthen the culture of collective bargaining, considered the most adequate way to implement the measures negotiated at national level. Closer employers' and workers' engagement is necessary to bring dynamism to collective bargaining at sectoral or enterprise level. This could be a way out from the permanent discussion around wages as mentioned by interviewees both from employers' and trade unions confederations.

There are important subjects that need to be agreed beyond the discussion of increasing wages. Subjects such as skills and training, productivity, working time flexibility, rest time, part-time work, temporary employment, digitalisation and other topics critical to the improvement of the quality of the labour relations should be included in the agenda.⁴⁸ Furthermore, the need to reinforce the capacity building of social partners was underlined by the employers' confederations.

Concerning the European Semester, two improvements to the process were pointed out: addressing a deficiency concerning the follow-up and evaluation of the measures. While discussions took place at the moment of the recommendations' preparation, subsequent monitoring of the implementation of the recommendations is not performed. The trade union representatives also recommended an impact evaluation of the recommendations.

5.5 Slovakia⁴⁹

Slovakia is a country with clearly defined and well-established structures for social dialogue. Institutionalised access of trade unions and employers to social dialogue developed in the course of their transformation in the 1990s and 2000s. The most important statutory provisions on the fundamental rights of unions and employers in social dialogue and collective bargaining are elaborated in Act No. 2/1991 Coll. on collective bargaining, the Labour Code (Act No. 311/2001 Coll. and its later amendments) and Act No. 103/2007 Coll. on tripartite consultations. The most important levels for social dialogue are the national and the company bargaining levels, with sector-level bargaining still relevant, but showing variation across the economy (Kahancová et al., 2019).

5.5.1 Actors

According to the Act on tripartite consultations, unions with at least 200,000 members and employers' associations representing at least 200,000 employees working in member companies are considered representative and, therefore, entitled to participate in national tripartite social dialogue (Kahancová

⁴⁸ Opinion expressed by several interviewees.

⁴⁹ This section is provided by Marta Kahancová and Monika Martišková from CELSI.

et al., 2019, Barošová, 2013). Each side of the social dialogue, including unions, employers and the government, may be represented by seven representatives. For different issues, different nominees may be present at discussions, thus the overall number of participants in the tripartite committee is around 80. Besides formal access gained from meeting specific representativeness criteria, unions and employers often seek political alliances in order to gain influence in policymaking, as tripartite social dialogue has only an advisory character for the government (Myant, 2010; Uhlerová, 2012). On the union side, a single confederation KOZ SR (*Konfederácia odborových zväzov Slovenskej republiky* – Confederation of the Trade Unions of Slovak Republic) participates in tripartite social dialogue, while on the employers' side AZZZ (*Asociácia zamestnávateľských zväzov a združení*) with three seats, RÚZ SR (*Republiková únia zamestnávateľov* – National Union of Employers) with two seats and recently also the APZ (*Asociácia priemyselných zväzov* – Association of Industrial Associations) with one seat represent peak-level employers' associations involved in tripartite social dialogue. ZMOS (*Združenie miest a obcí Slovenska* – the Federation of Cities and Municipalities) is also considered an employer and has one seat in tripartite social dialogue. The governmental representatives change with the topic of discussion in the tripartite committee, but by law at least four ministers need to be present in order to come to a valid agreement within tripartism.

Actors' resources for involvement in social dialogue are mostly institutional and structural. Institutional guarantees are secured by the clear criteria of representativeness, while structural resources are guaranteed by the strength of an organisation related to particular sectors, member associations or companies in the Slovak economy. The new employers' federation APZ, established only in 2017, joined tripartism in 2018; APZ complies with the representativeness criteria because it organises the strongest industry federations in the country, including the automotive industry.

5.5.2 Topics

The topics discussed in national tripartism are planned one year ahead. Each legislative amendment, proposed by Ministries, government, social partners, and other partners is scheduled to be discussed in the meeting of the plenary tripartite committee. Each member can propose a topic; the approach of the Tripartism Secretary is non-discrimination. The Board of Directors of Tripartism meets before each plenary session and selects from the submitted topics those issues that will be discussed in the plenary discussion. Social partners are informed and materials (e.g. the amendment to be discussed) are sent to them ten days before the plenary meeting.

5.5.3 Social dialogue outcomes

Social dialogue outcomes, especially at the national level, underwent substantial weakening in the last 12 years. The last binding outcome, the national "General agreement" (similar in character to a national-level social pact) was signed in 2000. The 2007 Act on tripartite consultations established the advisory character of national tripartism; decisions taken in tripartism have since then a non-binding character and serve as advice for (mostly) legislative proposals that need to be approved by the government before they are debated in the parliament. Today, legislative procedures that tackle socioeconomic spheres are subject to discussion in the tripartite committee, but in fact this body cannot change decisions already taken (e.g. by the government, by expert committees on the particular topic, etc.).

5.5.4 Actors' interaction

Social dialogue in Slovakia is well established in structural terms, but its impact is weakening. The most important factor undermining the role of social dialogue is that decisions taken in the tripartite committee no longer have a binding character and this body only serves as an advisory body to the government. The horizontal interaction between social partners in national social dialogue is mostly friendly and cooperative, with elements of competition. Competition is mainly due to fragmentation of social partners, both on the side of unions and employers, and the attempts by several new actors to meet the representativeness criteria in order to be able to participate in national tripartite social dialogue, while long-established and stable parties in tripartism strive to avoid fragmentation and hinder the entry of new actors.⁵⁰

Another important characteristic of Slovak social dialogue is the small vertical social dialogue articulation: national tripartite social dialogue has been disconnected from other levels of collective bargaining (sectoral and company level) since 2000 when the peak-level social pact ceased to exist as a binding outcome of national tripartite social dialogue. Multi-employer and industry-level bargaining are still important in Slovakia: they have more relevance in some sectors than in others, and the importance of company-level bargaining is also increasing. The degree of articulation is stronger between sectoral and company bargaining than between sectoral and national social dialogue, although differences exist across sectors.

5.5.5 Perceived effectiveness of social dialogue

In order to understand the perceived effectiveness of social dialogue among social partners we conducted interviews with employers and trade union representatives, as well as with the government coordinator of the tripartite meetings, the highest level social dialogue body in Slovakia. Here, we briefly summarise their perspectives on the effectiveness of the organisation of tripartite meetings and their involvement. We also discuss their perceptions on the outcome efficiency and on top-down articulation to lower organisational levels.

On the employers' side, the interviewed social partners include all three peak-level employers' associations that are part of tripartite social dialogue and as well as the Federation of Towns and Municipalities, which is the fourth employers' association in the tripartite social dialogue in Slovakia. Respondents perceived tripartism as functioning and well established; however, they consider it only as the top of the iceberg. As they reveal, real influence is not practised via tripartite social dialogue, but via lobbying and commenting on legislative proposals within the cross-ministerial commenting period (*medzirezortne pripomienkove konanie*), when real changes can still be accepted and implemented. From this perspective, the tripartite meetings are less effective as disagreements among social partners are usually not resolved there.

Similarly, trade unions are committed to tripartism, which they associate with long-term stability since it is legally underpinned and functions on a regular basis. Nevertheless, they confirm the perception of employers' representatives that the real influence is exerted at earlier stages of the legislative process. Moreover, trade unions are worried about recent trend of getting round the tripartite body through two channels. The first one relates to topics, which were traditionally subject to national social dialogue and now are abused for political reasons: for example, minimum wage increases that are decided by the government instead of social partners. The second is an increasing trend to implement

⁵⁰ This part is elaborated in more detail in the EESDA country report of Slovakia.

legislation through legislative amendments proposed directly upon the initiatives of the member of the parliament – in this case, it is not obligatory to discuss the amendment in tripartite social dialogue and social partners are left out of the process. This pushes social partners to change their strategy and weaken their commitment to tripartism as an institution and seek other uncoordinated channels of influence; e.g. through direct lobbying with members of parliament or government representatives.

In terms of organising the tripartite meetings, social dialogue meetings are guided by a separate piece of legislation and organisation is ensured via a government office. Since 2007, the rules on involvement and the manner of materials delivery is established which, according to the coordinator of the tripartite committee, increases the transparency and efficiency of the whole procedure. Materials are available to social partners ten days beforehand, which was, however, criticised as being too short by both social partner representatives in the interviews. Trade unions also suggested pre-meetings of social partners before actual tripartite meetings to improve the efficiency of social dialogue at the national level.

In terms of vertical coordination, i.e. channels between top/national level and lower levels, respondents confirmed that the national level is not extensively coordinated with sectoral social dialogue nor with the agenda of particular social partners. All involved partners perceive national tripartite social dialogue as a forum for formal policy influence and as part of the legislative process, which is separate from collective bargaining at lower levels. In this perspective, sectoral social dialogue is more specific. Its effectiveness in the public sector is to a great degree influenced by organisational resources, mostly on the side of the relevant ministry. If the minister is eager to foster social dialogue, it tends to be regular, productive and effective. In the private sector, the effectiveness of sectoral social dialogue is mostly dependent on the willingness of the parties to come to an agreement; however, in many sectors, employers avoid dialogue or their representatives are non-existent, so trade unions have no partners to bargain with. This is also the reason why company level collective bargaining is much more important.

5.5.6 Suggestions for improvements

Several interview respondents suggested that it would be effective to introduce so-called *meta-meetings* that precede the meetings of the tripartite coalitions and where social partners would jointly discuss various proposals, their stances on them and so on. Such meta-meetings would lead to more agreement on fundamentally different opinions on some topics of social dialogue. For example, increases to the minimum wage is one of the topics where the interests of employers and trade unions consistently differ and an agreement is unlikely due to the legally stipulated indexation mechanism, which sets the minimum wage in case social partners do not find a compromise.

Currently, the social partners interviewed considered the timing for preparations for social dialogue as inadequate (too short): they often have only a few days at their disposal to study the materials proposed for discussion in the tripartite committee. Since some social partners, e.g. peak-level employers' associations APZ and AZZZ have internal procedures to discuss such topics internally, they are often unable to set out their own expertise and come to an informed and evidence-based argument due to the limited time available. For that reason, tripartite social dialogue is seen as ineffective, since it is the 'tip of the iceberg' where decisions mostly on legislative changes are formally discussed, but in reality, cannot be influenced any longer.

5.6 Sweden⁵¹

5.6.1 Introduction

Sweden is an example of the Nordic regime of *organised corporatism* in industrial relations. It is characterised by strong social partners negotiating collective agreements with wide coverage and with a high degree of autonomy from the state. The social partners have a relatively strong influence on government policy and regulation through corporatist consultative processes (Visser et al., 2009; Van Rie et al., 2016).

Swedish labour law sets the frame for social partner organisation, collective bargaining and conflictual action, and regulates leave, dismissals and employment protection, consultation and codetermination, and health and safety. Some of the legislation is semi-dispositive in that the unions and the employers can agree on exemptions at the local or national level. There are, however, no laws on minimum wages and no legal extension mechanism for collective agreements (Kjellberg, 2017; Larsson et al., 2012). Conflicts are not absent, but few, and contained within established institutions for dispute settlement, the Swedish Labour Court (*Arbetsdomstolen*) and the Swedish National Mediation Office (*Medlingsinstitutet*).

Trade union density has decreased during the last two decades from around 85% to around 70%, and is higher in the public than the private sector. If measured as a proportion of employees employed by an organisation affiliated to an employers' organisation, the density for public employers is 100% and for private companies around 80%. This means that the collective bargaining coverage in Sweden is higher than the trade union density: 100% in the public sector, around 85% in the private sector, and around 90% in total (Medlingsinstitutet, 2019).

5.6.2 Actors

There are approximately 55 employers' organisations and 60 trade unions in Sweden. Some are small and autonomous, but most are members of confederations. The Confederation of Swedish Enterprise (*Svenskt näringsliv*), organises 49 employers' and industry associations in the private sector, with over 1.8 million employees. In the public sector, there are two main organisations. The Swedish Agency for Government Employers, SAGE (*Arbetsgivarverket*), is for the state sector, with in total 270,000 employees. The Swedish Association of Local Authorities and Regions, SALAR (*Sveriges Kommuner och Landsting SKL*) organises all 290 Swedish municipalities and 20 regions, which jointly employ 1.1 million (Medlingsinstitutet, 2019).

On the trade union side, there are three separate, class-based, peak-level confederations. The Swedish Trade Union Confederation (LO), is mainly a blue-collar federation organising 1.3 million workers. LO is a confederation of 14 trade unions active in both the private and public sectors. The Swedish Confederation of Professional Employees (TCO) is a confederation for white-collar workers/professionals, consisting of 14 trade unions with 1.1 million members. *The Swedish Confederation of Professional Associations* (Saco) is a confederation of 23 trade unions organising 0.5 million professionals with higher levels of academic education. There is also a number of small autonomous trade unions not associated to these confederations (Medlingsinstitutet, 2019).

⁵¹ This section is provided by Bengt Larsson and Ylva Ulfsdotter Eriksson from University of Gothenburg.

Swedish unions are thus strong not only among blue-collar workers, but overall. This is partly because of the Ghent system, the big public sector, well-organised employers' organisations, and the historically strong standing of social democracy (Dølvik, 2007). Few Swedish unions are politically radical, since they are, through these confederations, "encompassing organisations" (van den Berg et al., 2007). The peak-level confederations on the trade union side have had a minor role in collective bargaining since the late 1980s. LO negotiates some issues on insurances, pensions and restructuring, and play a role in coordinating their member organisations' bargaining. TCO and Saco do neither of these. Collective bargaining is mainly performed by bargaining alliances organised by sectoral trade unions in nearby sectors (Baccaro and Howell, 2017; Ulfsdotter Eriksson et al., 2019). In some cases, these alliances encompass unions from more than one of the peak-level confederations. The most important of them is the *Trade Unions within Manufacturing*, since they set the norm for wage developments across all sectors (Medlingsinstitutet, 2019).

In relation to the European level, LO, TCO and Saco are all members of the ETUC and take part in cross-sectoral social dialogue. They share the positions in the Social Dialogue Committee, and in the Macroeconomic group, the Labour market group, and the Education and lifelong learning group. TCO is also member of *Eurocadres*, as was Saco up until last year. In addition, the three confederations have a joint *Brussels Office for Swedish Trade Unions*, to keep track of upcoming policy developments and lobby at the EU level. There is thus a quite coordinated collaboration and pooling of resources, and together with their Nordic counterparts they make up a significant actor within the ETUC and European social dialogue. The joint Nordic confederation, *The Council of Nordic Trade Unions* (NFS), together with the similarities in the Nordic regime of industrial relations, provides a basis for a strong informal Nordic coordination (Larsson and Lovén Seldén, 2014; Bengtsson, 2017). On the employer side, The Confederation of Swedish Enterprise is a member of BusinessEurope, and SALAR is a member of CEEP. In addition, the SME organisation *The Swedish Federation of Business Owners* (Företagarna) is a member of SMEunited (previously UEAPME). Overall, there is thus a strong representation from Sweden in European-level cross-sectoral dialogue.

As for the 43 sectoral social dialogues, Swedish unions and employers' associations are involved in most of them, through membership in their respective ETUFs and European employers'/business associations. Even if not all trade unions and employers' associations from Sweden are represented in sectoral social dialogue, the largest and most important in each sector generally are. As for the trade unions, many take part in more than one of the ESSDCs, since they organise members in areas overlapping the quite narrow sector-delimitations of the ESSDC setup. As an example the largest white-collar union – organising around 660,000 members in both private and public sectors – is involved in no less than eleven SSDCs.

5.6.3 Topics

Swedish social partners see most of the topics on the European-level agenda as important. In fact, they are all topics that the social partners are already working on in collective bargaining and lobbying, nationally. In this sense, the European-level social dialogue is not about other things than what is discussed on the national level, but rather an extra arena to discuss similar issues.

All of the topics of the previous and current work programmes in the cross-sectoral social dialogue are seen as important: active ageing, youth employment, work-life balance, mobility and migration, active labour market policies and systems, digitalisation, skills formation, circular economy, psychosocial risks at work, and capacity building for social dialogue. However, whereas the circular economy was not

specifically mentioned by any of the respondents, some trade unionists put special emphasis on the issues of psychosocial risks and capacity building for social dialogue. These were issues close to their heart, and which they pushed for in agenda setting.

However, not all issues are seen as appropriate to deal with on European level by Swedish social partners. The core issues of collective bargaining, such as wages and working conditions, restructuring, and issues concerning pensions and particular occupational conditions, are seen as best handled in national-level social dialogue. Otherwise, national social dialogue is focused on similar issues as European-level dialogue.

5.6.4 Social dialogue outcomes

At the national level, autonomous collective agreements are the primary outcome aimed for by the Swedish partners, at least when it comes to wages and working conditions in general. In addition, many state that national regulation is important in the areas in which it already exists, e.g. as regards conflictual action, leave, dismissals and employment protection, consultation and codetermination, and health and safety. Finally, there are other softer outcomes that may be of importance from national-level social dialogue, such as joint lobbying projects or campaigns, but also joint cooperative projects of the kind discussed more in detail below (see Section 5.6.5 Actor's interaction).

As regards outcomes from European social dialogue at cross-sectoral and sectoral level, there is a quite strong resistance towards European-level regulation. The reason is that such regulation tends to reduce the social partners' autonomous bargaining capacity nationally and thus fits less well with the Swedish model. In fact, one of the more significant "uploads" to European social dialogue consists in communicating through the Swedish government and directly to the EU institutions how this model works. For similar reasons Swedish social partners are also somewhat sceptical about regulation through framework agreements. Particularly the employers' organisations see a need for more of a bottom-up process in social dialogue. They emphasise that cross-sectoral social dialogue on the European level should be guided by national and sectoral level interests, and they prefer having soft outcomes (e.g. statements, guidelines, good practices, guidelines, recommendations and joint work on projects and conferences).

Even so, there is consensus about the importance of European social dialogue among the Swedish social partners. It is seen as an important extra arena for issues discussed at national level, for keeping track on European developments, exchanging information and good practices, and for building understanding and trust between social partners from different countries. In addition, there are framework agreements and even directives that have been welcomed, and of some importance in Sweden, at least according to some trade unions. Among the ones mentioned from the cross-sectoral dialogue by peak-level unions are the framework agreements on Active ageing (2017), Inclusive labour markets (2010), Harassment and violence at work (2007), and Telework (2002), and as concerns the sectoral dialogue outcomes, the FA/Dir on Prevention from sharp injuries (2009) in the healthcare sector, on Good handling and use of crystalline silica (2006) in the Chemical and Mining sectors, and the Joint Declaration on Reduction of Formaldehyde Exposure (2010) in the Woodworking sector, are also mentioned as important.

5.6.5 Actors' interaction

Social dialogue on the national level in Sweden is well developed. The social partners cooperate through local projects and co-organised national-level activities, beside their regular collective

bargaining. One example of long-term autonomous cooperation is the so-called Security councils, giving trade union members the right to financial support from collective agreement-based joint foundations (Walter, 2015). A number of other joint councils also exists, most of which are sector specific and working on issues such as health and safety, general economic and labour market issues.

The social partners may of course have diverging interests on many issues. However, the relations between them are characterised by trust and understanding, and a constructive ambition to reach compromise. In order for the negotiation to be conducted effectively and smoothly, informal meetings and dialogues are pointed out as essential. Such personal contacts are of course important not only on national level, but on the Nordic, European and international levels as well (Larsson, 2012). In addition, there are strong corporatist elements through which the partners are consulted, and they lobby and work on public opinion to influence national policy as well as the government's position on EU policies (Larsson, 2015). Tripartite meetings include not only representatives from the unions and employers' organisations, but also politicians, state officials and government agency representatives, depending on the issue.

This cooperative and compromising approach also shapes Swedish social partners' European-level work. They create their respective, and sometimes joint, working groups in relation to European-level issues, discussing their respective positions and trying to coordinate joint efforts, e.g. in "uploading" or "downloading" policy developments. When a directive is coming, the social partners regularly establish such working groups to lobby the government, or even the European Parliament, to protect their autonomy, collective agreements or other interests.

There is also cooperation in preparing the work ahead of social dialogue on the European level, particularly on the trade union side, but to some extent also among the employers' organisations and between both parties (Larsson et al., 2016). However, they find that there are obstacles in pursuing this approach at the European level, because of different industrial relations traditions and cultures. The Swedes experience is that their model of industrial relations is an exception within the European context, and that they therefore may appear as less *solidaire* in the eyes of others, when defending the Swedish model. Countries face quite different situations and challenges, and thus have different expectations and perspectives on European-level social dialogue (Larsson, 2017; Gumbrell-McCormick & Hyman, 2013).

5.6.6 Perceived effectiveness of social dialogue

National level social dialogue effectiveness is very high. Naturally, not all interests are satisfied, since these may be conflicting, but the process as such and the institutional and organisational structures are strong. Thus, the main threat the social partners see would be any weakening of the system, or delimitation of social partner autonomy at national level. Against this background there thus exists some scepticism concerning the effectiveness of European-level social dialogue on cross-sectoral and sectoral levels; both as concerns effectiveness *in* and effectiveness *from* social dialogue (Bechter et al., 2018).

Even though Swedish social partners are positive towards European-level social dialogue, they do not believe that the outcomes make that major a difference at home. Many outcomes set standards below the ones in Swedish collective agreements, and many outcomes are soft and vague, or relate to issues already being discussed at national level. Particularly cross-sectoral social dialogue is seen by some as too general and watered down because of compromises, whereas the sectoral dialogues are said to be a bit more issue-specific and the outcomes more useful. Thus, much of what transpires is not

formally implemented as such in Sweden, but rather just translated and disseminated within the organisation in a manner somewhat decoupled from the collective bargaining process, or used just as symbolic support for issues already on the bargaining agenda (Murhem, 2006).

There are of course exceptions to this scepticism. Firstly, as mentioned above, some of the framework agreements concerning health and safety has made a difference. Secondly, also some of the soft projects, benchmarks and exchanges of examples between countries are seen as useful, as are the contacts and the trust-building aspect of social dialogue (Bechter et al., 2018). In order for it to be really useful, though, European-level social dialogue has to be timely in relation to the issues that are being developed for the partners' collective bargaining or overall dialogue nationally.

There is also a bit of scepticism regarding the role of the Commission and its administration in connection to European social dialogue. One critique is that the Commission tends to listen less to the social partners than the Swedish government does, or if it listens it does not really understand the issues the social partners are raising. Another critique is that the Commission puts pressure on the dialogue "from the side" pushing for certain topics, outcomes and deadlines. This does not fit well with the Swedish social partner's view of what *autonomous* social dialogue should be about.

5.6.7 Suggestions for improvements

The interviewees had very little to say about national-level improvements of social dialogue, but as is obvious from the above presentation the European-level social dialogue could possibly be working better. However, the expectation that it actually will come closer to a well-functioning national-level dialogue are not high, and not all would want it to do that. Possible improvements are implicated by the above reasoning from Swedish representatives. In order to improve, though, the Swedish social partners believe there is need for more preparation and coordination from the countries and regions taking part. This in turn requires more capacity building since social partners from many countries lack both the financial resources and organisational and institutional structures to perform well in national-level social dialogue – and that is, according to the Swedish perspective, the foundation for a properly functioning social dialogue at the European level.

6. Concluding remarks

This report provides a comprehensive overview of stakeholders' views on the articulation of social dialogue at European and national levels. Composed of several pillars, it aims to give an overview of the European social dialogue mechanisms and the interactions with the national-level social dialogue actors. It involved desk research as well as data collection and a detailed analysis of the collected data using innovative tools. While doing that, an analysis of the social dialogue articulation and an evaluation of its effectiveness is considered at the level of the EU as well as in selected Member States as covered by EESDA research.

In the first part, the articulation of social dialogue at the European level is considered and its effectiveness is analysed based on desk research and European social partner interviews conducted. The articulation is considered to be an important part of the overall European social dialogue process, which has witnessed a significant evolution over the last few decades. The recent emphasis of the European Commission on social dialogue and the resulting involvement of social partners in regular meetings, European Semester process, various consultations and high-level European/international events are viewed as important steps towards increasing the strength of social dialogue. The recently

adopted European Pillar of Social Rights also highlights the importance of social dialogue for a stronger social Europe.

In terms of social dialogue outcomes, European-level social partners have differing preferences toward binding (e.g. directives or agreements) and non-binding outcomes (softer tools such as recommendations, guidelines or joint opinions) depending on the type of organisation. Trade unions have a preference for more binding social dialogue outcomes at the European level as having a higher impact at the national level (vertical transposition of outcomes). In contrast, employers' organisations appear to be more in favour of non-binding outcomes, which are easier to implement in practice at national level. As regards such non-binding outcomes, those that have targeted and sector-specific aspects are preferred and considered more effective in having impact in labour markets.

Capacity building stands out as one of the key elements towards improving the inclusiveness and effectiveness of European social dialogue. To this aim, increasing representativeness and involving more social partners from all European countries is key to reaching an inclusive social dialogue structure. At the same time, this could also create a challenge: some social partners argue that reaching an agreement across all Member States has become more complicated since the enlargement of the EU, which has implied more heterogeneity in terms of the industrial relations regimes and practices observed in different countries. Nevertheless, this is not viewed as a weakness of European social dialogue, but rather as a strength, and all involved actors such as the European institutions and social partners aim to boost inclusive social dialogue by supporting the participation of actors from all Member States, leaving no one behind.

Coalition building is also emphasised and is sometimes necessary, whereby compromises are needed to reach an agreement between social partners. Most European social partners view this as a strength of European-level social dialogue. Not surprisingly, there is more interaction and coalition-building between similar types of organisations: employers' organisations tend to engage more closely with other employers' organisations, while trade unions do so more with other trade unions. This is also part of the horizontal communication between same level organisations. Furthermore, informal ties between social partners are also viewed positively, as these might help generate a better understanding of the argumentation of the other side. This, in turn, can lead to a more constructive social dialogue between negotiating social partners with better attitudes towards a common goal.

In the second part of the report, a comprehensive empirical analysis is provided based on the results of the EU-wide survey of EESDA. The EESDA survey targeted about 250 social partners across 27 EU Member States and reached a nearly 60% response rate. Slightly more than half of the respondents were trade union representatives from Member States. While the geographical response rate was not perfectly balanced, whereby some regions (e.g. countries from Central and Eastern Europe) were overrepresented relative to others, the overall response still provides a diverse enough sample reflecting different industrial relations regimes in Europe. Most of the survey questions made it possible to analyse the results by the type of the organisation (employers' organisation or trade union), in addition to country of origin, to see different responses and perceptions across different types of actors.

The main findings from the EU survey analysis could be summarised as follows: in terms of participating in EU-level social dialogue (at least one form of EU-level negotiation), both types of social partner organisation showed similar trends, which is relatively high (nearly 80%). European Social Dialogue Committee or Meetings of Members of EU-level Sectoral Organisations were mentioned as the main forums in which responding social partners participated. ECOSOC meetings also appear to be a

frequently used forum by both social partner organisations. According to the survey results, personal reasons (e.g. language and capacity constraints), organisational barriers (e.g. lack of financial resources) as well as procedural barriers (e.g. difficulties to understand the role and functioning of EU-level social dialogue structures) are mentioned as being among the main barriers to participation in EU-level social dialogue. The topics mainly discussed at European Social Dialogue Committee Meetings are also found mostly relevant by the national social partners that responded from both employer and employee sides across the EU. However, the trade unions called for more opportunities of discussion on working conditions, skills and training issues.

In terms of bottom-up (from the national to the EU-level) articulation of social dialogue, whereby the respondents are asked the possibility or ease of initiating a discussion on a topic of interest at the EU-level, the answers mostly pointed to the existence of such possibilities. However, the survey responses of national social partners indicate that initiating a discussion did not necessarily lead to a firm social dialogue outcome, but rather, in most cases it remained at the level of information exchange or led to non-binding outcomes only.

Similar to the responses of the EU-level social partners, results from the survey also point to the fact that trade unions have a preference for binding social dialogue outcomes such as directives or agreements, while employers' organisations tend to favour non-binding outcomes such as guidelines or recommendations. Even though the ranking of preferred social dialogue outcomes by national social partners shows some variation depending on the topic of concern (e.g. health and safety, skills and training or working conditions), the overall pattern is stable.

As regards suggestions for improving the social dialogue towards a more effective one based on the survey results, trade unions mostly emphasised the need to improve the depth of social dialogue with more negotiation (instead of information exchange), indicating a need to increase social dialogue effectiveness. In contrast, employers' organisations stressed the need to improve the way the EU-level agenda is transposed to the social dialogue agenda in their own country, implying a need to increase effectiveness of social dialogue articulation in the top-down direction (from the EU to national level).

In the fourth part, an innovative approach to social dialogue research has been introduced through the implementation of a network analysis to capture the inherent interdependence of relational data based on the information collected through EU-wide EESDA survey. Specifically, the network analysis in this context relies mainly on the information given by national social partners on which EU-level social dialogue platforms they are active and the countries of the organisations with which the respondents have collaborations. The exploratory network analysis provides interesting and sometimes overlapping results from the survey analysis. For example, strategic partnerships are mainly between similar organisations (e.g. trade unions have strategic partnerships with other trade unions abroad). The analysis also points to regional effects, whereby we observe country clusters, such as among Visegrád countries (e.g. Czechia, Hungary, Poland and Slovakia), among Southern European countries (e.g. Italy, France, Portugal and Spain) or among Scandinavian countries (e.g. Denmark, Finland and Sweden). The various visualisations suggest an overall and dense affiliation network across Europe among social partners, with a few isolated cases. Distinguishing the type of social partner organisation (trade union or employers' organisation), the network analysis suggests that while both types of social partner organisations provide a relatively dense affiliation network, overall the network of trade unions is somewhat denser than the collaboration networks of employers' associations.

In the fifth part, a brief analysis of cross-sectoral social dialogue articulation and effectiveness analysis is provided for selected EU Member States (Estonia, France, Ireland, Portugal, Slovakia and Sweden)

reflecting diverse industrial relations regimes.⁵² The diversity of the countries is reflected not only in the variation of the union density or the coordination of the employers' associations, but also in the legitimacy of the social partners in the overall national social dialogue processes or the depth of the social dialogue in general. The economic setting or the impact of the recent financial and economic crisis also have had important role in changing the social dialogue and industrial relations scene in the countries. If one could draw a couple of conclusions from the brief country case studies in this report, the following appear salient: there appears to be a generally positive attitude of social partners and other stakeholders towards European social dialogue and its interaction with the national level; trade unions generally have a tendency to favour more binding social dialogue outcomes, compared to employers' organisations; capacity building, regularity of interactions, informal ties and aptitude for cooperation could be listed among the main factors for a more effective social dialogue.

⁵² The more detailed analyses from the specific national and sectoral social dialogue processes, the experience of the social dialogue articulation and an evaluation of the effectiveness of social dialogue across different sectors in each selected Member State are provided in the respective in-depth country reports.

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Annex

List of European-level social partners interviewed as part of EESDA qualitative data collection for WP2

| Acronym | Organisation name | Type | Level |
|-----------------------|--|----------------|----------|
| BusinessEurope | Confederation of European Business | Cross-sectoral | EU-level |
| CEC-European Managers | Confédération Européenne des Cadres | Cross-sectoral | EU-level |
| CEEP | European Centre of Employers and Enterprises providing Public Services | Cross-sectoral | EU-level |
| CESI | European Confederation of Independent Trade Unions | Cross-sectoral | EU-level |
| EPSU | European Federation of Public Service Unions | Cross-sectoral | EU-level |
| ETUC | European Trade Union Confederation | Cross-sectoral | EU-level |
| FIEC | European Construction Industry Federation | Sectoral | EU-level |
| HOSPEEM | European Hospital and Healthcare Employers' Association | Sectoral | EU-level |
| SMEunited | European Association of Craft, Small and Medium-Sized Enterprises | Cross-sectoral | EU-level |
| UNI Europa | European services workers union | Cross-sectoral | EU-level |

Additional tables from EESDA EU-wide survey*Table 20. Social dialogue outcome preferences on working conditions*

| | Directive | Agreement | Guidelines | Non-binding outcomes |
|-----------------------------------|-----------|-----------|------------|----------------------|
| New Member States | 20 | 12 | 11 | 23 |
| Employers' association/federation | 7 | 5 | 3 | 5 |
| Trade union | 13 | 6 | 7 | 16 |
| Other (please specify) | | 1 | 1 | 2 |
| | | | | |
| Old Member States* | 14 | 8 | 7 | 10 |
| Employers' association/federation | 3 | 5 | 5 | 9 |
| Trade union | 9 | 3 | 1 | 1 |
| Other (please specify) | 2 | | 1 | |

Source: EESDA survey, multiple answers possible.

Table 21. Social dialogue outcome preferences on health and safety

| | Directive | Agreement | Guidelines | Non-binding outcomes |
|-----------------------------------|-----------|-----------|------------|----------------------|
| New Member States | 25 | 14 | 9 | 20 |
| Employers' association/federation | 7 | 6 | 1 | 6 |
| Trade union | 18 | 7 | 5 | 14 |
| Other (please specify) | | 1 | 3 | |
| | | | | |
| Old Member States* | 12 | 9 | 11 | 9 |
| Employers' association/federation | 1 | 5 | 8 | 8 |
| Trade union | 9 | 4 | 2 | |
| Other (please specify) | 2 | | 1 | 1 |

Source: Authors' elaboration based on EESDA survey, multiple answers possible. * includes EU15 without UK and Greece.

Table 22. Social dialogue outcome preferences on skills and training

| | Directive | Agreement | Guidelines | Non-binding outcomes |
|-----------------------------------|-----------|-----------|------------|----------------------|
| New Member States | 11 | 16 | 18 | 21 |
| Employers' association/federation | 5 | 4 | 6 | 4 |
| Trade union | 6 | 12 | 10 | 15 |
| Other (please specify) | | | 2 | 2 |
| | | | | |
| Old Member States* | 3 | 13 | 14 | 11 |
| Employers' association/federation | 1 | 6 | 8 | 8 |
| Trade union | 1 | 7 | 4 | 2 |
| Other (please specify) | 1 | | 2 | 1 |

Source: Authors' elaboration based on EESDA survey, multiple answers possible. * includes EU15 without UK and Greece.