

# New topics, new tools and innovative practices adopted by the social partners





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**Authors:** Eckhard Voss, wmp consult – Wilke Maack GmbH and Isabella Biletta, Eurofound

**Eurofound Project team:** Isabella Biletta, Stavroula Demetriades, Camilla Galli da Bino and Andrea Fromm

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European Foundation for the Improvement of Living and Working Conditions

Telephone (+353 1) 204 31 00

Email: [information@eurofound.europa.eu](mailto:information@eurofound.europa.eu)

Web: [www.eurofound.europa.eu](http://www.eurofound.europa.eu)

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## Country codes

### 28 EU Member States

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

### Other

<b>NO</b>	Norway
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## Abbreviations in report

<b>CEE</b>	Central and eastern European countries
<b>EDSE</b>	Economically dependent self-employed workers
<b>SMEs</b>	Small and medium-sized enterprises
<b>TAPC</b>	Temporary Assistance Programme Countries

# Executive summary

## Introduction

The main objective of this comparative study was to gather information on how social partner organisations across the European Union introduce and use new topics and innovative approaches, tools and practices. It focuses on the responses explored by the two sides of industry to address various challenges and needs emerging in working life. The scope of the study is limited to the practices of the social partners at cross-sectoral, sectoral and national level between 2000 and 2014. Building on a literature review of research by Eurofound and others, the study draws on information and analysis provided by Eurofound's Network of European correspondents across the EU and Norway.

## Policy context

Social dialogue still matters in Europe. Thirty years after EU-level social dialogue was established, all actors are agreed on the need for a new impetus for the European social dialogue endeavour. Moreover, EU-level policy debates have highlighted that, particularly since the 2008 crisis, new debates on social justice, democracy, the quality of work and new models for labour relations have emerged, challenging the traditional ways of industrial relations and social dialogue systems. It is therefore important to study how the social partners have reacted to the multitude of political, legal and social challenges by exploring new topics and new tools, as well as developing innovative approaches.

## Key findings

The study shows that across Europe the social partner organisations are taking action to address the challenges they face. Nevertheless, the importance, development and achievement of these actions remain diverse and are difficult to assess.

### **New and innovative topics on the agenda across all Member States**

The first important element the study deals with is the delimitation of the novel aspect. This has been considered according to each national context and institutional setting, as there are huge differences in industrial relations systems and in the ways social partner organisations interact, depending on the institutional background.

The study identifies two main types of new topics:

- those that are new from an EU-wide perspective (such as climate change);
- those that are new only for some Member States (such as gender equality).

Beyond these differences, one of the study's most important findings is that in all EU countries the social partners have been engaged in adopting new topics on their policy agenda and applying new and innovative solutions to respond to emerging challenges. In several countries they have also been involved in organisational adjustments such as mergers and recruitment drives. Older and newer Member States differ significantly on the scope of new topics addressed and the motivation to address them. Here, three main country groups can be identified. The first comprises 11 countries (those joining the EU since 2004 and the UK), where the national social partners have mainly addressed topics introduced by the EU-level policy agenda. In the second group (10 countries from central, eastern and southern Europe), the social partners have gone beyond the 'minimum catalogue' of new topics, trying to achieve better coverage of new groups in the labour market or those with low wages or skills, and addressing social security issues. In the third group (eight Nordic and western European countries), the social partners have explored the broadest range of new topics in response to internal and external drivers and challenges.

The analysis provides indications that EU-level initiatives, and in particular the agreements of the EU-level social partners – for example, the agreements on fixed-term employment, telework and gender equality – have had a strong impact on the selection of new topics to be addressed by the national social partners. This impact has been particularly visible in countries where both organisational capacity and the political influence of social dialogue and the social partners are comparatively weak (the central and eastern European countries, for example).

### Increased pressure on the social partners to change

The study confirms that the pressures on the social partners to change increased significantly after 2008 throughout all Member States. However, this trend appears to be more pronounced in countries in southern Europe and is particularly evident in the countries most affected by the 2008 crisis.

The study has identified several change factors that are common to employers and trade unions. These comprise:

- **internal challenges**, including organisational ones such as the need to react to an increasingly diversified workforce and business population;
- **external challenges**, such as restructuring, increasing unemployment and legal reforms governing industrial relations.

The analysis also shows that the social partners have common interests and concerns about the need to improve the skills base and to cope with demographic change and with the growing diversification within the labour market. There is also a joint interest in stabilising and strengthening the role of social dialogue itself.

However, there are key differences too. Between 2000 and 2014, trade unions experienced greater organisational restructuring than employer organisations. Significant differences remain between the two sides of the industry in regard to addressing specific topics and applying policies related to working life.

It is evident that not all the social partners have the capacity to adapt and deploy new practices. This mainly results from differences in organisational strength and in their particular industrial relations framework. The study found evidence of a polarisation between Member States where the social partners play a substantial role in working life regulation and those where they play no part at all.

### Three different types of impact

Assessing the socioeconomic impact of the new practices and innovations is challenging. This study identifies three different types of impact:

- a quasi-regulatory impact on working conditions: mainly the case in northern and western European countries;
- a strong but less universal impact: mainly in the southern European group of countries;
- a marginal impact: mainly central and eastern European countries.

The study found that these three types of impact, by and large, overlap with the different industrial relations models that exist across Europe. The strongest impact has been achieved in those countries in northern and western Europe that are characterised by strong unions as well as employer organisations.



## **Conclusions**

The social partner organisations already display some innovative approaches in trying to address new needs and to explore the room for manoeuvre left by the most recent reforms to industrial relations systems. However, there is still a considerable need to assess the exact extent and impact of these approaches: measures to help evaluate current actions and develop other useful paths could be devised both nationally and sectorally.

It is acknowledged that the process of social dialogue needs to be strengthened. Again, measures developed sectorally or nationally could increase the capacity of the social partners to respond to new emerging themes and challenges.

The innovative strength and potential of the social partners, as well as social dialogue, has been rooted in their autonomy – and this should be supported.

Finally, beyond employment issues, there is a need for policymakers to support and strengthen the role and involvement of the social partners and social dialogue in discussing the major challenges faced by European societies.



## Background

Since 2008, the European Union has been undergoing one of the worst economic crises in its history. What began as a financial crisis developed into a double-dip recession and a crisis affecting the entire European Economic and Monetary Union. Among the consequences are unacceptably high unemployment, especially among young people, an increasing risk of poverty, and a dangerous polarisation between regions and countries, as well as between societies and different groups of workers. Consequently, there has been a broad joint understanding in Europe that the route to solid and sustainable recovery requires not only sound macro-economic policies but also investments in sustainable and growth-enhancing strategies.

The importance of the roles played by the social partners and by industrial relations in overcoming the crisis and returning to sustainable and inclusive growth was highlighted in a recent report by the European Commission on industrial relations in Europe, which states:

*(...) countries with strong social dialogue institutions are among the EU's best performing and most competitive economies, with a better and more resilient social situation. Social partners can identify balanced and tailor-made policy solutions in response to complex socio-economic developments.*

(European Commission, 2015)

In recent years, there is also a broad consensus among European policymakers and representatives of social partner organisations about the need for 'a new start for social dialogue', the title of a **high-level conference** organised by the European Commission that took place in Brussels in March 2015 in an effort to revitalise social dialogue. This event marked the anniversary of the original inauguration of the European social dialogue process at Val Duchesse outside Brussels almost 30 years earlier, when Jacques Delors (the then President of the European Commission) and the European social partners, established EU-level social dialogue as 'an essential element of the European social model'. Today this forms an integral part of the **Treaty on the Functioning of the European Union** (Articles 152–155).

In recent years, the social partners and social dialogue systems have faced challenges on several fronts. Indeed, divergences between the social partners, especially regarding the causes of the crisis and the economic policy responses, have led to a situation where social dialogue is 'performing below its potential and not contributing as much as it could to EU policymaking' according to a **European Commission fact sheet, issued on 4 March 2015**, ahead of the 'New start for social dialogue' conference. Furthermore, the crisis has transformed not only the topics for discussion but also the processes, as a **2012 Eurofound working paper** underlined:

*'The crisis has meant new debate and action on social issues, social justice, democracy, quality of work, rethinking the quality of products and services, institutions, new models for labour relations, and the future of work and industrial relations'.*

The social partners have had to adapt, explore 'new topics and tools' as well as develop and apply 'innovative approaches'. Even before the most recent crisis, the social partners have reacted to a multitude of political, legal as well as social challenges, including those regarding their organisational capacity, representativeness and legitimacy.

## Objectives and scope of the report

The main objective of this report is to study to what extent social partner organisations in Europe have adopted new approaches to address these challenges.

First of all, it is important to acknowledge that the ‘novelty’ of social partners’ responses to these challenges is not always straightforward. Indeed, it is not always clear what could be considered to be innovative and/or new when applying the terms to social dialogue and industrial relations systems, particularly from a comparative perspective.

Despite being used in very different contexts, several aspects and definitions should be kept in mind when considering the ‘innovative’ concept. For example, the European Commission (Directorate-General Enterprise and Industry) use the term ‘social innovations’ emphasising the links between ‘new ideas (products, services and models)’ and ‘social needs’ in creating ‘new social relationships or collaborations’. However, the notion of innovation linked to change and crisis, as defined by economist Joseph Schumpeter and others, underlines that, rather than simply defining innovation as a new method, idea, tool, or product, it is important to stress the ability to respond adequately to a crisis, challenge or dramatic change.

Therefore, this study attempts to look at not only ‘new ideas (products, services and models)’ but also ‘innovative approaches’, considering methods, tools and practices already implemented, put into practice or distributed successfully. Building on a broad range of previous and more recent Eurofound research on industrial relations developments, the study aims to gather information on new topics and new tools/practices explored by the social partners in response to organisational and social dialogue-related challenges, as well as challenges and needs in working life.

The exploration around novelty (‘new’, ‘innovative’) clearly has to be contextualised. As ‘novelty’ does not exist independently, the innovative approaches and new tools considered in this study should be seen in the context of each national background.

It is, indeed, important to acknowledge that industrial relations systems are different and that the social partner organisations have different ways of interacting, depending on the institutional background. It very much depends on the national context and results from *external* driving forces such as economic, social or political changes or *internal* forces within the social partners’ own organisations.

The novelty of the response should be seen as a proxy for the depth of adaptation required. To continue to contribute, devise and influence labour markets, employment, and the terms and conditions of employment, the social partners have to resort to using tools and practices not traditionally in their repertoire.

The time span of the study encompasses roughly seven years before and seven years after the 2007–2008 financial crisis in the European Union. The focus, however, has been restricted to the practices of the social partners at cross-industry and/or sector level, at local, regional and/or national level, but not at company level.<sup>1</sup>

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<sup>1</sup> The 2015 Eurofound work programme limited this project to the cross-industry and sector levels but a similar study at company level could be envisaged in the future.

This research has been carried out taking into account Eurofound's own research and other strands of research and allowing for consistency and complementarity, especially regarding the period under consideration. One study that is relevant in this context is Eurofound's 2015 report on **collective bargaining in Europe in the 21st century**, which reviewed developments in industrial relations systems across Europe. It analysed the social partner organisations and their practices as just one constituent element of industrial relations, alongside others such as changes in the legal framework or bipartism/tripartism.

In contrast, the current study provides more detailed views on the social partner organisations' practices, orientations and behaviour, and covers a broad range of topics and themes. These encompass aspects related to industrial relations (such as participation, employee – as well as employer – representation, organisational capacities, collective bargaining and social dialogue at various levels and the way the social partners address the current, new and potential needs of members and specific groups), to employment and labour market policy (safeguarding and creating employment, competitiveness, training and skills development, promotion of innovations in employment) as well as issues that are related to economic growth, job-driven recovery and social cohesion.

## Structure of the report

This comparative study builds on the contributions from Eurofound's Network of European correspondents across the EU28 and Norway. The national correspondents were asked to provide data and information in order to gain a better understanding of the social partners' behaviour regarding these issues for the whole study period considered from 2000 to 2014. It should be noted, therefore, that when no other sources are specified, the analysis is based on data reported by the national correspondents.

The rationale has been to identify first the drivers of change pushing the social partner organisations to adapt and adopt new strategies, and then to assess the various potential outcomes. From a comparative perspective and a European view, it is of particular interest to be able to identify what drives the social partner organisations and how much levers and responses differ. These are key issues when considering the potential developments of the social partner organisations.

Therefore, this report adopts the following structure.

Chapter 1 describes the main internal, as well as external, drivers and challenges that force the social partner organisations to adapt and to explore new topics and tools. It also explores practices designed to stabilise or rebuild organisational strength and influence in regard to managing changes in working life.

Chapters 2 to 4 present key results of the comparative analysis in regard to new topics discussed, new tools and methods and innovative approaches/practices applied by the social partners, namely in regard to organisational challenges (Chapter 2), as well as those related to the labour market and working life (Chapter 3) and industrial relations (Chapter 4).

Chapter 5 discusses the impact of new practices and innovations, such as membership developments, attracting new members and the outcomes of social dialogue.

In Chapter 6, some general conclusions are drawn and key aspects for policy consideration are highlighted.



# Factors driving social partners to adapt and explore new topics, tools and practices

1

## Major drivers of change and factors leading the social partners to adapt

### Country-specific perspectives

In order to assess the respective importance of each driver of change identified for each period of time selected (2000–2007 and 2008–2014), the analysis first draws on country reporting, placing a specific factor as an ‘important’ or ‘very important’ driver (see Table 1).<sup>2</sup>

As foreseen, both internal/organisational and external factors result in a constant need for the social partners to adapt and implement changes. Certain factors appear to have been very important over the whole study period in many countries. These are the external factors of ‘restructuring, crisis and unemployment’ and ‘labour market reforms’ (for both, particularly after 2008). The same can be seen for ‘trade union membership losses’ and the ‘growing diversification of the workforce, members’ new needs’ throughout the whole period of 2000–2014.

**Table 1: Internal and external drivers forcing the social partners to adapt, EU and Norway**

Internal and external drivers	Number of countries where this driver is ranked as important or ‘very important’	
	2000–2007	2008–2014
<b>Internal drivers</b>		
Membership losses (trade unions)	16	21
Membership losses (employer organisations)	14	3
Growing diversification of the workforce, members’ new needs	15	20
Collective bargaining coverage	10	16
<b>External drivers</b>		
Restructuring, crisis and unemployment	14	26
Labour law reforms	14	20
Changes in social dialogue	8	13
Regulatory change in the collective bargaining system/rules	7	14

Note: For details and country-specific data, see Table A1.

Source: Author’s elaboration based on national contributions from Eurofound’s Network of European correspondents (2015)

<sup>2</sup> The national correspondents were asked to rate different drivers that result in the need to adapt (on a scale from 1 = not important to 4 = very important). The responses build on national research and discussions, and the overall national correspondents’ knowledge and expertise in the field. The ‘pressure to adapt’ indicator was built on the basis of building the sum of all scores (ranging from 0 = not important to 4 = very important) a country received with regard to eight aspects (for example Austria = 9, Romania = 28). The change indicator was calculated by the difference between the scores for 2000–2007 and those for 2008–2014 (for example, Austria = 0 and Spain = 14). Details of the rankings for all EU Member States and Norway in both time periods are given in Table A1 (Annex).

The correspondents were asked to provide specific ratings for each of the two periods considered, with the aim of identifying the changes in the importance of the drivers, their relevance and the pressures to adapt. The lowest pressure to adapt over the whole study period is reported for Austria, Belgium, Finland, Latvia, Luxembourg, Malta, Norway, Sweden and the UK. In contrast, the highest pressure to adapt was reported for Italy, Poland, Romania and Slovakia.

In regard to changes in the pressure to adapt between 2000–2007 and 2008–2014, the effects of the 2008 crisis and developments in the programme countries become visible. For Cyprus, Greece, Ireland and Spain, the situation between the seven year periods before and after the crisis has changed dramatically. Interestingly, for Portugal the intensity of change seems to have been much less dramatic. However, there is also a group of countries characterised by strong stability and which experienced no change (so the reported pressure to adapt in both periods is exactly the same) in the pressure to adapt before and after 2008. These countries are Austria, Belgium, Denmark, the Netherlands and Norway. Finally, there are two countries – Lithuania and Slovenia – where a negative change has occurred, with the pressure to adapt in the period before 2008 being higher than in the period after 2008.

### Country-cluster-specific perspectives

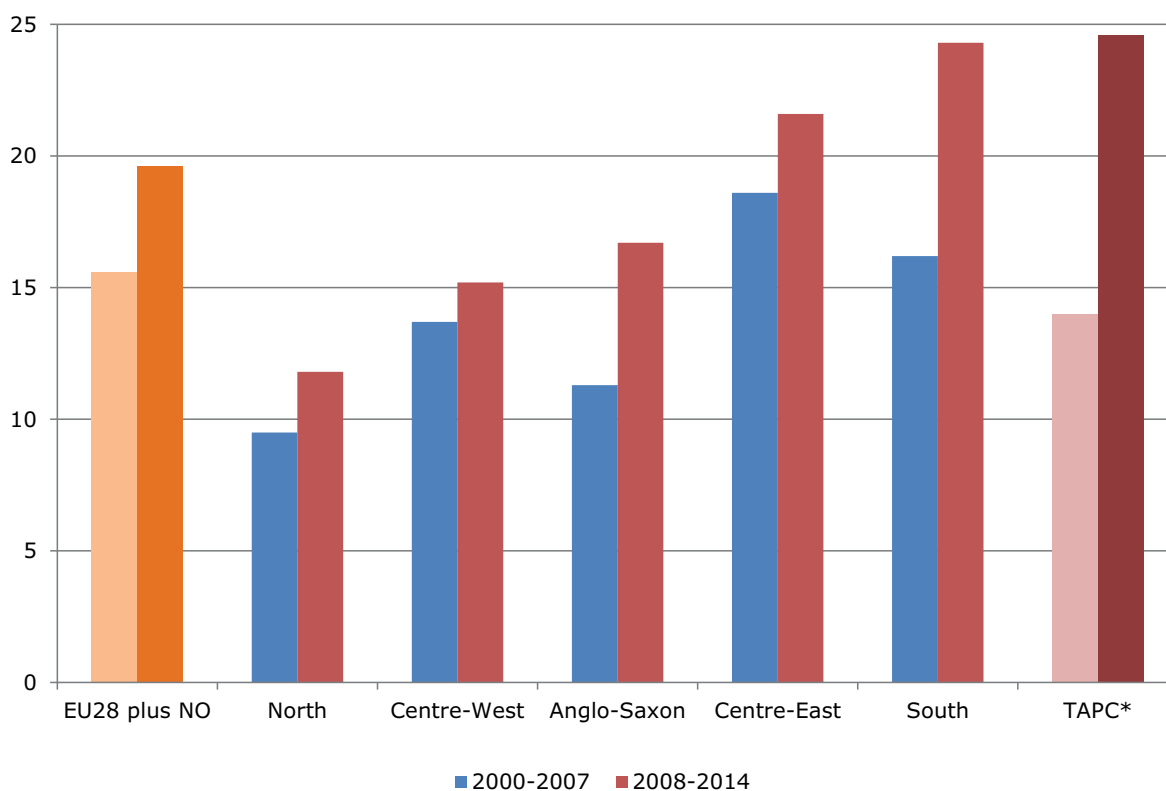
When the European Union is broken down into country clusters or groups that are linked to the different industrial relations models, quite significant differences emerge in regard to the overall pressure to adapt. In accordance with the literature on major industrial relations ‘models’, for the purpose of this study the EU28 plus Norway were clustered into the following groups:

- North (Denmark, Finland, Norway and Sweden);
- Centre-West (Austria, Belgium, Germany, Luxembourg, the Netherlands and Slovenia);
- Anglo-Saxon (Ireland, Malta and the UK);
- Centre-East (Bulgaria, Croatia, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia);
- South (Cyprus, France, Greece, Italy, Portugal and Spain).

There are also marked differences in the level of changes that occurred after 2008, as illustrated in Figure 1.



Figure 1: Pressure to adapt and changes in different geographical groups before and after the crisis



Notes: \* TAPC = Temporary Assistance Programme Countries (Cyprus, Greece, Ireland, Portugal and Spain). The situation for each of the five TAPC has varied. For instance, Ireland left the programme in June 2013, while Portugal exited its programme in June 2014. Spain only had a memorandum of understanding for the banking sector, but was also requested to apply financial consolidation measures affecting many other sectors, and it exited its programme for the recapitalisation of financial institutions in January 2014. For details of the ranking results, see Table A2.

Source: Author's elaboration based on national contributions from Eurofound's Network of European correspondents (2015)

The overall pressure to adapt in southern Europe is much greater than that experienced in the Nordic countries or the Centre-West group. In regard to changes before and after 2008, southern Europe as well as the three countries of the Anglo-Saxon industrial relations model (Ireland, Malta and the UK) report the strongest changes (albeit mainly due to the situation in Ireland), while the lowest are reported in the six Centre-West countries, which in turn are even lower than in the four Nordic countries. When considering the TAPC as a group, the five countries have also been under considerable pressure to adapt, consistent with the trends seen in the geographical clusters.

Differences also appear between clusters when considering the main drivers pushing the social partners to adapt practices, tools and approaches (Table 2).

**Table 2: Most important drivers for country clusters and changes since 2008**

Cluster	Two most important drivers		Driver reported to be the strongest change	Driver reported to have a decreasing weight
	2000–2007	2008–2014		
<b>North</b>	<ul style="list-style-type: none"> <li>Restructuring and unemployment</li> <li>Labour law reforms</li> </ul>	<ul style="list-style-type: none"> <li>Restructuring and unemployment</li> <li>Growing diversification and new needs of members</li> </ul>	<ul style="list-style-type: none"> <li>Changes in social dialogue</li> </ul>	<ul style="list-style-type: none"> <li>Regulatory change in the collective bargaining system</li> </ul>
<b>Centre-West</b>	<ul style="list-style-type: none"> <li>Growing diversification and new needs of members</li> <li>Restructuring and unemployment</li> </ul>	<ul style="list-style-type: none"> <li>Growing diversification and new needs of members</li> <li>Restructuring and unemployment</li> </ul>	<ul style="list-style-type: none"> <li>Labour law reforms/ regulatory change in the collective bargaining system</li> </ul>	<ul style="list-style-type: none"> <li>Membership losses (EO)</li> </ul>
<b>Anglo-Saxon</b>	<ul style="list-style-type: none"> <li>Growing diversification and new needs of members</li> <li>Labour law reforms</li> </ul>	<ul style="list-style-type: none"> <li>Restructuring and unemployment</li> <li>Growing diversification and new needs of members/ collective bargaining coverage/ labour law reforms</li> </ul>	<ul style="list-style-type: none"> <li>Restructuring and unemployment</li> </ul>	
<b>Centre-East</b>	<ul style="list-style-type: none"> <li>Membership losses (TU)</li> <li>Labour law reforms</li> </ul>	<ul style="list-style-type: none"> <li>Restructuring and unemployment</li> <li>Labour law reforms</li> </ul>	<ul style="list-style-type: none"> <li>Restructuring and unemployment</li> </ul>	<ul style="list-style-type: none"> <li>Membership losses (EO)</li> <li>Membership losses (TU)</li> </ul>
<b>South</b>	<ul style="list-style-type: none"> <li>Membership losses (TU)</li> <li>Regulatory change in collective bargaining system</li> </ul>	<ul style="list-style-type: none"> <li>Restructuring and unemployment</li> <li>Regulatory change in collective bargaining system</li> </ul>	<ul style="list-style-type: none"> <li>Restructuring and unemployment/ regulatory change in collective bargaining system</li> </ul>	

Notes: For details and country-specific data, see Table A2.

EO = employer organisation; TU = trade union

Source: Author's elaboration based on national contributions from Eurofound's Network of European correspondents (2015)

In most cases, restructuring and unemployment is highlighted in Table 2 as one of the two most important drivers leading the social partners to adapt and implement changes for both study periods. Restructuring and unemployment has also been defined, for most countries, as the driver experiencing the strongest increase in significance after 2008. Interestingly, before 2008, only the North and Centre-West cluster included this driver as one of the two most important ones. This picture has changed quite significantly since 2008 and, since then, restructuring and unemployment is reported in all country groups as among the two most prominent drivers. However, when it comes to drivers that have increased most, in terms of change, the Nordic countries as well as the Centre-West countries again differ from the others. Here, it is not restructuring, but regulatory change and changes in social dialogue institutions and practices that are reported to have gained most influence.

Furthermore, differences between country clusters in terms of industrial relations models should also be highlighted. Before 2008, labour law reforms and regulatory change in respect of collective bargaining seem to have been important drivers for the social partners to adapt their practices in all country clusters apart from the Centre-West and South groups. In these two groups, both drivers appear to have become much more important since 2008. This may be also interpreted as a way of making up lost ground on certain aspects of the industrial relations system. Also internal/organisational drivers such as trade union membership losses, growing diversification and members' new needs were reported as strong drivers.

Finally, it is also remarkable that very few countries reported drivers that have a decreased weight in respect of the need to adapt. This is the case in regard to the membership losses of employer organisations in the Centre-West and Centre-East countries.

## Organisational challenges

### Membership losses

As highlighted above, a key driver for the social partners to adapt throughout the past 15 years – or even longer – has been membership losses. This, however, has not affected both sides of the industry in the same way (Table 3); membership losses are reported for employer organisations only in a few countries, while the situation seems to have improved since 2008.

In contrast, very few trade unions do not report a declining membership density as among the most important organisational challenges and a reason to adjust. The exceptions are Belgium, Finland, Luxembourg and Norway where trade union membership since 2000 is considered relatively stable. Examining the situation after 2008, there are a number of countries including the Netherlands, Spain, Sweden and many central and eastern European (CEE) countries where the challenge of coping with membership losses seems to have increased (Table 3).

**Table 3: Membership losses regarded as ‘important’ or ‘very important’ driver for the need to adapt**

Cluster	Employer organisations	Trade union organisations
2000–2007	DE, ES, LT, RO, SK	AT, CZ, DE, DK, EE, HR, HU, IT, LT, LV, NL, PT, RO, SI, SK, UK
2008–2014	IT, RO	AT, BG, CY, CZ, DE, DK, EE, EL, ES, HR, HU, IE, IT, LT, LV, NL, PL, PT, RO, SE, SI, SK, UK

Note: For details and country-specific data, see Table A1.

Source: Author’s elaboration based on national contributions from Eurofound’s Network of European correspondents (2015)

A declining trade union membership, with severe effects on resources and capacities, is most evident in those countries that joined the EU more recently such as Bulgaria, Croatia and Romania.

In Bulgaria, the trend of decreasing membership over the past decade, which accelerated after accession to the EU in 2007, is regarded as an important challenge. This is particularly true for the trade unions, as the two largest organisations – the Confederation of Independent Trade Unions in Bulgaria (CITUB) and the Confederation of Labour ‘Podkrepa’ (CL Podkrepa) – report a significant decline in membership of nearly one-third in the period 2003–2012.

In Croatia, union membership since the beginning of the 2000s has roughly halved from more than 600,000, particularly since 2008 when the country entered into a deep economic crisis that still persists. Perhaps the most dramatic decline of trade union membership has been in Romania, mainly as a result of the changes in the economic structure due to the transformation process. Privatisation of the former, large and well organised publicly owned companies, and the trade unions’ difficulties in organising workers in the new private sectors have substantially reduced union membership density, from about 70% in 1993 to below 30% today.

A continuing decline in trade union membership is also reported from those CEE countries that joined the EU in 2004. Poland is an interesting case within this group, although even here, overall trade union membership is also reported to be declining: it has been stressed by national sources that this trend has slowed more recently and, in the case of some trade unions, has been reversed. This seems partially as a result of more proactive trade union strategies to recruit new members in the private sector and the fact that job losses, due to the privatisation of large, formerly state-owned companies, peaked some years ago.

In contrast, the situation of employer organisations seems to be much more stable as well as characterised by a different dynamic. As shown in Table 3, only a handful of countries (Germany, Italy, Lithuania, Romania, Slovakia and Spain) report that membership losses are a major driver and pressure for implementing organisational and other changes. Regarding these countries, however, quite different underlying factors explain similar trends.

In the CEE countries, employer and business organisations have emerged only in the context of the economic transformation and are young; thus they mainly face a challenge to organise employers' interests from scratch and to compete with other business interest organisations that have emerged since accession.<sup>3</sup> Whereas, in many CEE countries, the density before 2008 had been unstable and decreasing, countries such as Croatia, the Czech Republic, Estonia, Latvia and Slovakia have been reporting relatively stable, or even increasing, membership density since 2008. According to the report from the national correspondent for the Czech Republic in 2015, the three largest employer organisations in the Czech Republic – the Confederation of Industry (SP ČR), the Confederation of Employer and Entrepreneur Associations (KZPS ČR) and the Czech Confederation of Commerce and Tourism (SOCR ČR) – were reported as having an increasing membership density, covering about 48% of employees.

In contrast to the CEE countries, employer organisations in western Europe are characterised by different patterns of change and trends. While most countries seem to be characterised by an overall stable (Austria, Finland, France, the Netherlands and Sweden) or even increasing (Belgium, Denmark after 2008, and Portugal and Spain before 2008) membership density<sup>4</sup>, Germany, Italy and Spain report increasing pressure due to a decline in membership mainly resulting from the erosion of the collective bargaining system and employers leaving the organisations in order to 'escape' from collective bargaining agreements.

### Changes in the workforce and new needs of members

The growing 'diversification of the workforce and new needs' expressed by members have been highlighted particularly in the North, Centre-West and Anglo-Saxon country clusters as among the most important drivers and factors that require the social partner organisations, particularly trade unions, to adapt and innovate.

The following two factors and drivers are highlighted as arising from the national analyses carried out in the context of this study:

- the effects of structural changes in the economy, namely the ongoing and accelerating shift towards the service and knowledge economy;
- a growth in non-traditional forms of work and a growing segmentation within the labour markets – between 'core and periphery' and/or linked to gender and ethnic issues.

Coping with the long-term decline of traditional strongholds of trade union membership in the manufacturing industry and attempting to increase membership among white-collar workers, as well as addressing the increasingly blurred boundaries between blue-collar and white-collar work, have certainly been some of the most important challenges for trade unions during the past few decades. This has also resulted in significant shifts of membership strength within the trade union organisations.

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<sup>3</sup> This is also illustrated by **figures on the development of employer organisation membership density** as provided, for example, by the ICTWSS database.

<sup>4</sup> Based on figures from the ICTWSS database.

The case of Sweden is a striking example here. During 2007 and 2008, Swedish trade unions experienced comparatively extensive decreases in the number of white-collar and blue-collar members, unparalleled at any other time during the past 100 years. The membership numbers of employer organisations, however, were stable during this period. Nevertheless, due to accelerated de-industrialisation since 2008, the decline of blue-collar jobs has been much stronger than the reduction in white-collar work. This is also reflected in trade union membership, where there has been a significant shift from blue-collar workers towards white-collar workers according to [research at Lund University](#), with white-collar trade unions reporting the strongest increase in membership. Similar developments are reported in other countries: for example, in Austria, where membership of the largest union, the white-collar Union of Private Sector Employees, Printing, Journalism, and Paper (GPA-djp) has increased much more than that of the blue-collar trade unions.

In Denmark, the significant decrease of trade union membership was mainly due to changes within the labour market and a new distribution of workers over different branches. For example, membership of the Danish Confederation of Trade Unions (LO) fell from 1.4 million members in 2003 to 1.07 million in 2013. According to recent data from the Confederation of Danish Employers (DA), the trend of a growing share of the service sector at the expense of the industrial sector has **speeded up significantly since 2008**, resulting in increased pressure on the social partners (particularly trade unions) to adapt.

The case of Denmark also illustrates another effect of structural changes in the labour market causing challenges for established and traditional trade unionism. This is the emergence of union sectionalism or ‘yellow unions’ outside the large confederations, which reflects the increasing fragmentation and individualisation of labour relations and workers’ interest representation. Such yellow unions have been able to increase their membership base from around 200,000 to 336,000 between 2003 and 2013, according to Statistics Denmark.

At the same time, employer organisations also have to cope with other structural changes in the labour market, namely the decreasing share of employment in traditional sectors and large companies. There has also been a decline in workplaces covered by collective agreements and the overall business economy, as well as the workforce, has become more diversified since the mid-1990s.

The challenge of coping with the longer term trends of a decline of traditional strongholds in large companies, in manufacturing and in blue-collar work has been on the agenda of the social partners for a long time. Although this decline has accelerated since the crisis and because of technological trends such as digitalisation of the economy and work, there are also much more recent trends that have resulted in new challenges.

In particular, there has been a large reported increase in the share of workers on more flexible contracts and non-traditional forms of employment (agency work, casual work, freelancing and dependent self-employment or mobile workers) during the past two decades. This has again resulted in challenges, mainly for trade unions, as membership has diversified further. However, as the following quote from the report by the Austrian national correspondent illustrates, it also affects employer organisations:

*In both [sides of industry] furthermore, the membership changed in the past 15 years. In the case of the trade unions, membership became increasingly female and a growing number of trade union members have a migration background. In the case of the Chamber of the Economy, the most important change was the growing number of so-called one-person-companies, i.e. self-employed workers with trade licences (Gewerbeschein).*

The under-representation of specific groups in the labour market, such as migrants, women and young workers, has long been a feature of trade union membership. However, this lack has become more and more striking against the decline of male, full-time and direct employment in the labour market.

These patterns have been reported as common and key features in EU Member States. In France, trade unions traditionally build their memberships around employees in the public sector and those with a permanent, full-time job. Thus, the shrinking share of those groups makes it increasingly necessary for the unions to enlarge their core targets and increase membership among women, part-time, migrant and young workers. Similarly, in Luxembourg, the increased diversification of the workforce, including migrants, cross-border employees, young people, women and people with disabilities, is regarded as a main internal driver of change, raising the need to provide better services to these specific groups.

In the UK too, several analyses have shown that the workforce has become more diverse in its composition. The relationship between employers and employees is increasingly characterised by non-standard forms of employment. The profile of the workforce has also changed, with the increased participation of different social groups. One of the most notable changes in this regard has been the increase in the number of migrant workers. Unions, particularly those in sectors with high migrant worker populations, have responded to this by adapting their approaches to become more relevant to this group of workers. However, these approaches have focused on individual employers, rather than sector-wide attempts at gaining new members.

The growing diversity within the labour market also has another dimension. Women, mobile workers (for example, permanent, seasonal or other workers from other EU or third countries), as well as young people, are much more likely to face higher employment insecurity, social risks and precarious working conditions. In Italy, for example, the rapidly increasing number of atypical contracts, particularly among young people, has contributed significantly to a growing fragmentation on the labour market and the emergence of new forms of employment insecurity that are not covered by the traditional tools of collective bargaining and regulation. In Spain, the growing importance of flexible forms of work, the increasing use of new technologies, the interest in reducing hierarchical levels or moderating too centralised systems in organisational structures, as well as greater numbers of fixed-term contracts and diverse working time practices, have also been described as important aspects of such fragmentation and the disappearance of traditional forms of work that are related to the ‘Fordist’ model of production and service provision (Fernández, 2008; Otaegui and Rocha, 2014).

Similarly, in Finland, a country with a relatively high coverage of companies and workers through collective bargaining, the more diversified workforce and greater variation of working conditions have been highlighted in a **discussion paper from the Research Institute of the Finnish Economy (ETLA)** as major challenges for the social partners. An increase in (partly involuntary) part-time work has put discussions about ‘mini-hours’ on the social partners’ agenda in the 2000s. According to 2013 **data from the Ministry of Employment and the Economy**, about one-third of all part-time workers are in a part-time job due to a lack of full-time employment. Overall, zero-hours contracts, fixed-term contracts and a rapid growth of temporary agency work – all responses to the employers’ needs for even more flexible solutions – have challenged the traditional organisational principles and contributed to a greater span in both skills and wage distributions. Issues such as fixed-term employment or temporary agency work have been on the political agenda and a topic of public debate, particularly as these forms of employment are increasing rapidly and are significantly above the overall average among young workers. Furthermore, in some sectors ‘posted workers’, or intra EU workers employed via transnational subcontractors, can also lead to a ‘segmentation of the labour market’ by competing with domestically domiciled workers whose employment is more tightly regulated according to **research at the University of Helsinki**.



The growing diversification of the workforce not only results in organisational and recruitment challenges, but also leads to trade unions, as well as employer organisations, facing different and new demands and expectations by their members. In Poland, for example, **trade unions have increasingly to respond to the changing needs of actual and potential members** who are in ‘atypical’ employment and, more broadly, those in the ‘outsider’ segments of the labour market. According to the report from the Belgian national correspondent, trade union membership in Belgium no longer seems to be based on:

*... the political scope of the organisation (Christian, socialist or liberal); ... (potential) members give more attention to the specific services, the kind of support and the concrete points of action provided. Moreover, as Belgian trade unions support not only employed persons, but also unemployed and (pre)pensioners, a lot of issues are on their agenda.*

To sum up, national analyses show that the social partner organisations are faced with significant pressures and need to adapt. The change of practices and policies mostly arise from membership losses and changes in membership composition. These are linked to economic and social changes in society that, in general, have resulted in a stronger diversification, polarisation and also individualisation of employment conditions and the respective expectations and demands of workers, as well as companies. Although these trends and challenges have been described and discussed much more in terms of their effect on trade unions (also because it touches the core of their organisational and political strength and capacities), this does not mean that employer organisations are not affected. Business interest organisations also have to cope with structural changes that require new practices, for example, the decreasing share of large companies, the emergence of new services or the increase in self-employment.

### Need to restore legitimacy and trust

Another reason for trade unions and employer organisations to adapt is related to their image and reputation among the general public, as well as among members.

In a number of countries it is reported that social partner organisations suffer from a rather conservative and backward image which makes it difficult to attract new members and to engage efficiently in public debates and campaigns. While this seems particularly relevant in CEE countries and has been addressed by initiatives of organisational modernisation, there are also national examples in western Europe.

A prominent example is Spain, where corruption and fraud scandals have affected both trade unions and employer organisations and discredited them in the view of the general public, as well as among members. This has severely damaged the reputation of the organisations and led to some structural revisions, such as changes in the employers’ interest organisation landscape. In 2011, the Business Council for Competitiveness (CEC) was created as a think-tank, built around 15 large companies, supported by the Spanish Government and dominating business lobbying matters in Spain. Members of this council are also members of CEOE, but the CEC does not take part in social dialogue. However, trade unions also no longer seem to have the confidence of Spanish citizens (in 2010, 71% of Spaniards had low, or no, confidence at all in trade unions). Thus, experts suggest that trade unions should reconsider how to reach new members, particularly in groups that have suffered most from the crisis and from precarious working conditions, and how to ‘re-connect’ with Spanish society as a whole.

However, in a number of countries, it seems that the 2008 crisis has increased the reputation of the social partners. For example, in the Czech Republic, according to a 2012 survey, trade unions are ‘fully’ or ‘rather’ trusted by 43% of the respondents, a 12 percentage point increase compared with 2000 (31% of the respondents) and a six percentage point increase compared with 1995 (37% of the respondents).

In Austria and Germany, it has been reported that the **crisis had a positive effect on social partnership** and the reputation of the social partners in the public, leading to a revival of the social partners' negotiations (as an example of what a German scholar has called 'crisis corporatism'). Even though collective bargaining proved rather difficult in 2009–2010, the social partners regained political influence in the formulation of anti-crisis measures and particularly in the reform of the existing short-time working scheme. This subsequently led to the conclusions of dozens of short-time agreements negotiated at company level.

### Labour market challenges: Restructuring, unemployment and crisis

As shown in Table 1 (p.9), restructuring and unemployment could be highlighted as the most important 'external driver', resulting in a general pressure on the social partners to:

- adjust as organisations;
- take on board new topics for policy, bargaining and social dialogue;
- explore new tools and instruments in regard to organising, lobbying and shaping policies.

This driver also is closely linked to various regulatory changes in the labour market that have been made by national governments during the last two decades.

The CEE countries illustrate the effects of macro-economic changes and crisis situations on the role of the social partners. The case of Hungary illustrates many features and aspects that also hold true for other countries in the region. The economic transformation and the privatisation of the large, formerly state-owned companies not only resulted in declining membership but also in the need to improve the membership basis in the emerging private sector, which is dominated by small and medium-sized enterprises (SMEs). A further task was to establish some forms of coordination and cooperation in a competitive environment of trade union pluralism and to develop bipartite dialogue.

Here, also, the Hungarian employer organisations face similar challenges as they seek to respond to the changing economic structure, especially to the growing weight of foreign and multinational companies and to the many emerging small and one-person companies.<sup>5</sup> Indeed, Hungarian employer organisations – including the Confederation of Hungarian Employers and Industrialists (MGYOSZ) and organisations in some sectors such as the Hungarian Federation of Consumer Cooperative Societies and Trade Associations (ÁFEOSZ-COOP Szövetség) – have not been very successful in affiliating new members. However, they have remained the representatives of some large enterprises, and some sectors. While the 2008 crisis in Hungary was also accompanied by a deep crisis of tripartism, in other CEE countries the effect was different. In Bulgaria, in 2009, there were intensive negotiations for anti-crisis measures between the government, the trade unions and the employer organisations. The National Council for Tripartite Cooperation managed to reach agreement on an anti-crisis package in March 2010. The anti-crisis measures were also important for the implementation of the extension of the sectoral collective labour agreement; this option had existed in the legislation since 2001, but was first used in 2010.

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<sup>5</sup> It should be noted, however, that although there is no reliable information about the affiliation of the major multinational companies, major foreign and multinational companies are less inclined to join Hungarian employer organisations as they usually have direct access to the government and politicians in order to enforce their interests.



While the case of ‘crisis corporatism’ in Austria and Germany has already been described above, Cyprus is also a case where the crisis has increased companies’ need to seek support by business and employer organisations. In the view of the Employers and Industrialists Federation (OEB), the new economic situation, the insecurity of enterprises in the new environment and the urgent need to find solutions have led more and more enterprises to seek a means of representation and protection of their interests. For example, companies not previously affiliated to employer associations now join them as a way to deal with issues resulting from the economic crisis, such as dismissals, consultation in relation to collective bargaining and access to external financing.

All of the Nordic countries report that structural changes in the economy and the labour market (the increase in fixed-term employment or temporary agency work) resulted in the emergence of new forms of employment and – against the high wage profile of northern Europe – social dumping, increasing the pressure on wages and working conditions. In Denmark, social dumping has been a major issue for the social partners since the expansion of the EU in 2004 and 2007. In the Danish debate, social dumping describes situations where foreign businesses work in Denmark without complying with national laws and rules. It also describes the situation when a foreign labour force works in Denmark without the mandatory legal documents or under illegal circumstances. Facing a growing and unorganised workforce ready to work at a lower wage than agreed in collective agreements, the response of the Danish social partners (primarily the trade unions) has been to **launch campaigns for union membership and collective agreements**.

In the UK, non-standard forms of employment have become much more common, since the 2008 recession. These changes have been driven by employers’ behaviour and their perceived need to have greater flexibility, which these contracts allow. Moreover, the use of these contracts may also have implications in terms of tax liabilities: employers pay national insurance contributions only for employees when earnings reach a certain threshold. Therefore it is cheaper for employers to employ large numbers of workers who have earnings below the threshold in order to minimise national insurance costs. Several debates on this issue are ongoing. Underemployment is usually interpreted as the other side of the coin where there are workers who would like full-time hours, but have been forced, by necessity, to take part-time jobs. Debates about self-employment have touched upon whether individuals have taken this route as a genuine choice, or whether they have had no other reasonable option, in light of an incredibly challenging labour market.

It is not only the high wage and welfare countries of northern Europe that have experienced an increase in low wage and precarious work, often disadvantaging migrant workers. Countries such as Spain or Italy – at least before 2008 – also experienced a changing status, from emigration countries to immigration ones, with an inflow of migrants and mobile workers redesigning employment relations and workforce profiles.

In Spain, until 2007, employment creation rates were relatively high. Since the mid-1990s the country experienced an inflow of migrant workers that filled jobs in sectors such as construction, agriculture or domestic service work, often under very precarious working conditions and not covered by collective agreements. Since the beginning of the economic crisis in 2008, the Spanish labour market has been hit by high unemployment rates, particularly among young people. This deterioration of the labour market has **significantly affected collective bargaining and social dialogue in Spain**. In this sense, high unemployment rates, low-quality jobs and employment insecurity negatively affect workers’ bargaining power, unbalancing power relationships between employers and workers (Otaegui and Rocha, 2014). Moreover, research shows that an **increase in unemployment rates negatively affects trade union membership rates**.

## Industrial relations challenges: Changes in social dialogue and collective bargaining

Apart from membership losses and other organisational challenges, a further important driver that has required social partner organisations in all EU countries to make significant adjustments has been the significant changes experienced in collective bargaining practices and processes. Among the most prominent features of these changes, **as analysed in a previous Eurofound report**, some are of particular importance here, such as the accelerating decentralisation of collective bargaining and the increasing role of local bargaining, the conclusion of more flexible agreements and the growing demand of companies for opt-out possibilities. Overall, the collective bargaining landscape has become significantly more complex and also fragmented during the past two decades.

At the same time – and strongly linked to the structural changes in the European economy – the continuous decline and erosion of collective bargaining coverage results in the need for the social partner organisations to rely on other forms of action with a view to influencing pay and working conditions.

### Decline of collective bargaining coverage

The decline in the collective bargaining coverage rate (Table 4) is a trend throughout the EU, despite an **overall average of 61% in 2012** according to the European Commission. Furthermore, the group of countries where 60% or more workers are not covered by any collective bargaining agreement has increased. The number of countries within the group with a very low or low coverage rate has nearly doubled from six countries at the end of the 1990s to 11 today. Quite dramatic slumps in bargaining coverage have occurred in Greece, Poland, Romania and Spain. Simultaneously, the group reporting a very high or high coverage rate of more than 60% has experienced erosion; the number of countries belonging to this group decreasing from 17 to 12. It should be noted that Malta is the only country where existing data indicate an increase in collective bargaining coverage over the period studied.

**Table 4: Collective bargaining coverage rates**

Period	Very low (<20%)	Low (20%–40%)	Medium (40%–60%)	High (60%–80%)	Very high (80%–100%)
End of 1990s	LT, LV	BG, EE, HU, UK	CZ, IE, MT, PL, SK	CY, DE, EL, HR, IT, LU, PT, RO	AT, BE, DK, ES, FI, FR, NL, SE, SI
2013 or latest	EE, LT, LV, PL	BG, EL, HU, IE, RO, SK, UK	CY, CZ, ES, LU, DE	HR, IT, MT, PT	AT, BE, DK, FI, FR, NL, SE, SI

Source: *ICTWSS database on institutional characteristics of trade unions, wage setting, state intervention and social pacts in 51 countries between 1960 and 2014, Version 4.0, April 2013*

### Changes in collective bargaining issues

When it comes to bargaining issues, there are quite contradictory trends reported in the EU countries. In many countries it is suggested that, during the past decade, there has been an extension and broadening in the scope of the topics covered by collective bargaining. For example, in Belgium, collective bargaining was once focused strictly on wages and working conditions; however, now other themes have begun to be discussed, such as well-being at work, training and education, stress and psychosocial risks, career planning, mobility, globalisation and climate issues. Similar trends can be observed in many other countries, particularly in western and northern Europe (see Chapter 3).

In contrast, CEE countries, as well as those in southern Europe (particularly since the 2008–2010 crisis), report a narrowing of collective bargaining agendas, which increasingly focus only on wage issues. This is illustrated by Poland, where collective bargaining is reported to be characterised more recently by a decreasing number of issues covered. As noted in the annual reports by the National Labour Inspectorate (PIP), for example, issues of health and safety, training, working time and annual leaves have rarely been addressed in collective agreements in recent years.

### Difficulties in concluding agreements and finding consensus

Poland also illustrates another feature that characterises the development of collective bargaining and that of social dialogue generally, particularly in the post-2008 phase, that is, a stronger pressure from employers and business interests on the outcomes of collective bargaining and social dialogue. In 2013, this resulted, in Poland, in trade unions leaving the Tripartite Commission after it became impossible to reach a compromise with employers on changes to working time regulation.

A stronger pressure of expectations and increased difficulties in reaching agreements and joint understanding is not only felt in many CEE countries. In Finland, discussions on the reform of social dialogue have been on the agenda for several years. The employer organisations are seeking changes in order to respond to the competitiveness brought about by the increasing globalisation and the internationalisation of the Finnish economy. The Finnish labour market has often been criticised for not being flexible enough when it comes to wage-setting and other ways of companies adapting to the local setting and needs; see, for example, a [2007 report from ETLA](#) and [research published in 2013 by EVA analysis](#). The employers are arguing strongly for a more decentralised bargaining system, with increased opportunities for flexibility at company level.

In 2007, the Confederation of Finnish Industries (EK) unilaterally announced that it was no longer interested in central level bargaining. This was motivated by challenges imposed by increased global competition. EK felt that wage development should comply with the global competition in the sector, and respond to the productivity and development in competitiveness in Finnish business life. EK's refusal to negotiate a central pay agreement in 2007 was considered, by many, the end of the era of such agreements and a shift towards sectoral and local level bargaining. However, the central bargaining system was restored in 2011 when EK again agreed to central bargaining. This return would probably not have occurred without the crisis and it remains to be seen for how long the traditional Finnish three-level way of bargaining will last. EK is advocating a negotiation system that allows for more flexibility locally and individually, responding to the situation in the market. The renewal of regulations concerning industrial peace and disputes has been a matter that the employers' side has been promoting for quite a few years, since the current system is considered inadequate for discouraging 'unlawful' disputes.

Italy is a well-documented example of large multinational companies, as well as SMEs, abandoning collective agreements and employer organisations. The most prominent case is Fiat, which left the major Italian employer organisation Confindustria, deciding to apply only its own collective agreement. Lately, other well-known groups or companies such as Nero Giardini, Ideal Standard, Impregilo and Cartiere Pigna have also left their sectoral employer organisations. This has also affected the employers' federation. One of the most relevant cases is the decision of Federdistribuzione, the employer association for retail and distribution activities, which counts some of the largest businesses in the field as its members, to dissociate from Confcommercio and the related collective bargaining agreements.

Furthermore, there is competition between national collective agreements: some of them, concluded by unions and employer organisations having fewer members and considered 'less representative' than big organisations or organisations belonging to representative confederations, display agreement on lower wage levels or less favourable labour conditions in order to attract more members. This fragmentation of collective bargaining is further triggered by the ability of employers to apply other collective agreements than the one usually applied in their particular sector.

These tendencies are quite similar to developments in Germany, where enterprises leave employer organisations in order to avoid having to apply the sectoral agreement. This, in turn, has increased the pressure on employer organisations that have started to offer a quite specific, and perhaps unique, status of membership: companies can become members without being obliged to apply the collective agreement signed by the employer organisation (see next chapter for more

details). This has strengthened the long-term trend of a decreasing collective bargaining coverage rate (see textbox below).

### Germany: Collective bargaining under multiple pressures

In Germany, **sectoral collective bargaining coverage for employees** fell from 70% in western Germany and from 56% in eastern Germany in 1996 to 52% and 35% respectively in 2013.

The reasons for the decline in collective bargaining coverage are manifold. Studies have shown that many employers were dissatisfied with the rigid rules of sector-level agreements and were looking for **opportunities to opt out of the agreements** at times of rising economic competition. Unions, on the other hand, faced declining membership due to unfavourable economic conditions and redundancies, as well as rising retirement figures – difficulties that needed to be overcome if **trade union recruitment was to recover**. However, these changes not only hold true for the private sector. In the public sector, the **collective bargaining alliance of public employers broke down** in the first half of the 2000s. In 2003, the Employers' Association of the German Länder (TdL) decided to leave the alliance in search of **more flexibility in collective agreements**, and of ways of giving its members' interests more priority. Change also resulted from the privatisation of large public employers in the railways, postal services and telecommunications sectors in the 1990s, leading to new collective bargaining arrangements **based on company, rather than sectoral, collective bargaining** in the 2000s.

Also, on the trade union side, the major players and organisations have come under pressure from new occupational unions. In 2010, the Federal Labour Court (BAG) ruled that different collective agreements can exist in one company. This decision ended the long-standing practice of applying only one agreement in each establishment and provoked a strong reaction from both sides of industry. The employers, represented by the German Confederation of Employers Associations (BDA), and the unions, united under the German Confederation of Trade Unions (DGB), issued a joint proposal to amend the Collective Bargaining Act so that when several collective agreements applied in part to the same group of employees, the collective agreement which applied to most union members in the establishment would take precedence. Even though DGB was no longer able to support this joint initiative after 2011, the current federal government coalition of Christian and Social Democrats put together a reform package. The **Act on Collective Agreement Unity** (*Tarifeinheitgesetz*) was passed by the parliament and federal council in May 2015 and came into force in July 2015.

## Regulatory changes

In many European countries, changes in the legal frameworks of key industrial relations areas have had significant impacts on the social partners' room for manoeuvre.

### Reforms of representativeness criteria

In Hungary, significant changes in regard to the governance and role of industrial relations are strongly related to the Orbán government coming into power in 2010. Since then, the social partners have practically been ousted out from policy formulation, while their rights have been curtailed. According to the report from the national correspondent for Hungary, the government has tried to supplement, if not to replace, the social partner organisations with preferred actors, or new ones such as the Chamber of Commerce and Industry (MKIK) and the National Bench of Teachers in education.

### **Hungary: New regulation of employer interest representation**

Hungary's employer organisations have been facing increasing difficulties in attracting new member organisations since 2010 when they had to begin competing with the Hungarian Chamber of Commerce and Industry (MKIK) and its sectoral, as well as regional, units. In other countries, chambers and employer organisations, in principle, have their own distinctive roles and powers and thus complement each other, but this is not quite the case in Hungary. MKIK is gaining growing ground in the world of work, taking over some of the social partners' roles, for example, in vocational training or in consultation on policy proposals at national level. While the membership is entirely voluntary in the case of employer organisations, each Hungarian enterprise has to register with MKIK. Should the current obligation to register be extended to make membership compulsory (resulting also in a higher fee than the current one for registration), enterprises would be tempted to leave their employer organisations. This shift is especially likely to occur if chambers are further empowered to represent enterprises' interests in labour issues (for example, minimum wage negotiations or consultation on labour law issues).

The Labour Code that came into force in 2012 and 2013 established a new legal framework for industrial relations at workplace level which, in particular, made it much more difficult for trade unions to organise and represent workers (by, for example, reducing the paid time-off for trade union officials or lifting the restriction for employers on dismissing trade union representatives). The rules of representativeness have also changed and become more restrictive. In 2010, a new law significantly limited the ability of trade unions to use industrial action, their most important tool, to exercise pressure.

Also, in Romania, the social partners, particularly the trade unions, were confronted with a significant change in the law that weakened the industrial relations system. In 2011, new representativeness rules in the Social Dialogue Act resulted in the collapse of collective bargaining above company level. As a result, in 2010, trade unions in more than 483,000 out of 491,900 companies were no longer able to meet the new rules and establish a trade union group at company level. Moreover, the new legislation required that any unions seeking to bargain and conclude a collective agreement should have members representing at least half plus one of the total number of all employees (as opposed to one-third previously) which, in practice, is almost impossible to achieve in Romania. This also may explain why the number of collective agreements at company level diminished significantly in 2011.

It is not only Hungary and Romania which illustrate a strong influence of changes in the political orientation of governments on labour law and industrial relations regulation. A further example of changes closely related to new government orientations is Slovakia; the situation there went from limiting the possibility of collective agreements to be extended (via new rules of representativeness, as imposed by the government in 2010), back to increasing collective bargaining coverage and strengthening the role of the social partners in various areas, which the newly elected government in 2012 aimed to achieve through a reform of the Labour Code and the law on collective bargaining.

In other countries, legal changes have revised principles and criteria to measure the representativeness of social partner organisations and this has also had quite significant effects.

In Slovenia, for example, there have been major internal changes in some employer organisations due to adjustments to new regulations. The Chamber of Commerce and Industry of Slovenia (GZS) has, in accordance with the new legislation introduced in 2006, switched from obligatory to voluntary membership. This resulted in a decrease of GZS's membership from 66,000 members in 2006 to 9,638 in the beginning of 2012.

Also, in Croatia, in 2014, the government implemented a law on representativeness broadening the ability of employers to cancel collective agreements, restricting the contribution of sectoral trade union organisations. As a result, some sectoral organisations with only a relatively small number of members would no longer be regarded as representative or able to engage in collective bargaining.

The French reforms of representativeness criteria, however, had less immediate significant consequences for social partner organisations. The 2008 reforms of unions' representativeness sought to provide some clarity, introducing specific thresholds. In order to be eligible to negotiate and conclude collective agreements, unions must now receive at least 10% of the votes at company level, 8% at industry level and 8% at national cross-sectoral level. Company agreements are valid only if they are signed by one or several unions with an overall share of the votes of at least 30% in the previous elections. One or several unions with an overall share of 50% of the votes may veto any agreement at company level. Similarly, a 2014 law introduced rules on the representativeness of employer associations. However, it is not expected to bring about substantial changes at this stage.

### **France: Reform of trade union representativeness**

The reforms have changed the position of, and the balance of power between, French trade unions. In the words of a national union official from a major organisation, the reform turned unions into 'election machines'. The last round of elections did not result in changes in national cross-sectional representativeness. All five union confederations previously considered as representative also recorded scores above the threshold. Two of the federations, however, are relatively close to the threshold and might therefore lose their status in upcoming elections.

Probably the most important impact of the reforms is reported at company level, although systematic data are more difficult to obtain. A study on the effects of the 2008 reform indicated that incidents of a trade union losing, or not being able to obtain, the status of representativeness at company level are likely to increase. The most severe effects of this would be less or no time for trade union activities, loss of access to relevant information from the employer, and less or no working facilities within the company.

In 2014 a law introduced similar rules for the employer associations. Hence, the federations must prove that they represent at least 8% of all companies at the respective level. In order to be considered representative at national cross-sectoral level, employer associations must also represent at least four sectors (service, commerce, industry, construction). Sectoral organisations must also show proof of a balanced regional representation. It is not expected, however, that the introduction of new regulation in the previously unregulated field of employer representativeness will have any substantial changes on industrial relations practices, as the thresholds are easy to meet for the existing representative employer associations.

### **Impact of broader reforms**

As mentioned above, significant regulatory change in collective bargaining frameworks and practices also occurred in Spain in reaction to the labour market crisis after 2008. The revision of the collective bargaining system in 2011 and the labour law reform in 2012 are the most prominent events in this context.



### Spain: Reforms of collective bargaining and labour law

The 2011 reform was based on previous criticisms of the Spanish structure: that there are too many collective agreements and that they are fragmented and of reduced scope, as well as the fact that collective bargaining in Spain is said to lack agility and dynamism; enterprises therefore found it difficult to adapt to new economic circumstances and to apply internal flexibility measures. The reform is examined in **research from the University of País Vasco published in 2013** and a **2014 report prepared for the Ministry of Employment and Social Security**.

Thus the formal objectives of the reform were to bring collective bargaining closer to company and sector levels and to increase the capacity of enterprises (so that they could adapt to changes in economic and employment situations). Regarding the first goal, the government modified the structure of collective bargaining by giving greater priority to company-level agreements over multiemployer agreements on issues such as salaries, overtime, working time, occupational categories, type of contracts and work–life balance measures. Concerning the second goal, the government enforced internal flexibility by establishing that collective agreements must identify a minimum and maximum limit of working time that can be distributed irregularly throughout the year (if no agreement is established, by law, it should be 5% of annual working time), as well as the temporary periods for functional mobility within the company. The reform also sought to promote negotiated internal flexibility.

In July 2012, the Spanish government approved Law 3/2012 and implemented a number of labour law reforms that involved further changes to the regulation of collective bargaining, as well as to employment protection. Concerning collective bargaining, the reform tried to decentralise it to allow enterprises to adapt wages and working conditions to their specific company circumstances. Moreover, opting out from collective bargaining was facilitated in cases where the enterprise had recorded a drop in revenues or sales over six consecutive months. Thus, the new rules gave preference to company agreements over multiemployer agreements in order to adapt collective bargaining rights to the real situation of each enterprise, allowing a company not to apply the corresponding collective agreement in specific circumstances. As for employment protection, the 2012 labour reform reduced dismissal costs in open-ended contracts to make them more appealing for employers. At the same time, the **reasons that justify dismissals were modified in a far less restrictive way**.

In other countries, the social partners have experienced the impact of broader structural changes in labour legislation.

For example, in Estonia, the practice and role of the social partners have been radically modified during the past 15 years through major changes in labour legislation such as:

- the establishment of a dual structure of employee representation at company level (Employees' Trustee Act 2007);
- a reform of the employment contracts law (2009) that produced strong opposition by the trade unions;
- a new law (2012) making it easier for employers to terminate collective agreements.

There have been other legal reforms that have also affected the practice and role of the Estonian social partners, for example, those relating to work incapacity or the **unemployment and health insurance systems**. In May 2012, the Estonian government started negotiations with the social partners over a comprehensive industrial relations reform; however, these resulted in such significant controversy and conflicts that the talks were suspended indefinitely in 2015.

Also, in the Czech Republic, a new labour code was adopted in 2006 replacing the old one which had applied, with various amendments, since 1965. This brought about significant change, providing contractual parties with greater freedom to manage their labour law relations and bringing a higher degree of contractual freedom and flexibility in labour law relations. An amendment to the Czech Labour Code came into force on 1 January 2012. It aimed to provide employees and employers with even more contractual freedom and to increase labour market flexibility.

In Greece, crisis-related temporary changes, as well as structural ones, to the regulation of collective bargaining after 2010, and particularly the interventions of the government in the national cross-sectoral and sectoral agreements, have been the cause of major conflict in the national and international context. The two sides of industry expressed a joint interest resulting from the new rules on the extension of collective agreements that were implemented in 2011, stipulating that sectoral and occupational agreements were binding only for the signatory parties, with no possibility of extending the scope of a collective labour agreement and to declare it universally binding. As a result, many employers left their sectoral organisations in order to avoid a binding effect of the sectoral collective agreement. This resulted in a significant decrease in the membership of employer organisations which, traditionally, had enjoyed a membership density of almost 90%.

It was not only in countries strongly affected by the 2008 crisis that legal reforms had a significant effect on the social partners.

In Denmark, new regulation implemented by the government is regarded as a main external driver for change. Since 2008, several initiatives have influenced the social partners. New regulations, for example, the 2010 recovery package (*Genopretningspakken*), targets the social partners on both economic and social security terms. The regulations mentioned below have been explicitly called ‘austerity measures’ by the government and can be related directly to the crisis. Until 2008, one of the major disagreements between the social partners was related to wages. In the spring of 2008, there was a conflict between the social partners in the health sector resulting in a strike. The strike lasted more than a month and ended in a compromise between the affected social partners.

The social partners, mainly trade unions, have also had to adjust to a key regulation that was implemented in 2011. Among the most important initiatives forcing the social partners to adapt are those which potentially affect the incentives to join a trade union.

- The tax-free amount for union membership fees has been lowered, making it more expensive for workers to become members of a union.
- The right to daily unemployment allowance (*Dagpenge*) has been cut from four to two years – suppressing an important reason for joining a union (to become a member of an unemployment fund) and weakening the social security system for ‘secured’ workers.
- The role of the social partners in managing some benefits has been reduced. An example of this is early retirement pay, which was administrated until 2011 by the unemployment funds. In 2011, the regulation abolished voluntary early retirement pay (*Efterløn*); again, this eliminates an incentive to be part of an unemployment fund.<sup>6</sup>

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<sup>6</sup> The total number of workers covered by unemployment funds has been steady at around 2.1 million since. But a lot of workers have moved from social partner driven unemployment funds to independent unemployment funds. The latest numbers from the third quarter of 2014 shows that there are 2,024,510 members all in all. 575,274 are covered by independent funds. For further details see the national report on Denmark.



In Belgium, regulatory change with an impact on the social partners has been unique and linked to regionalisation. For the employer organisations, the 2011 state reform is a good starting point to enlarge the focus of the social bargaining. The reform transferred several labour market authorities from federal level to the regions (Flanders Region, Walloon Region and Brussels Region) controlling and sanctioning the unemployed, stimulating target groups on the labour market and issuing service vouchers.

While no direct causal effect could be demonstrated, European-level discussions and key regulations have been mentioned in many countries (particularly the CEE ones) as triggers for the actions and practices of the national social partners. Several topics discussed at European level became the subject of national discussions, such as re-industrialisation in Luxembourg. Moreover, the recommendations of the European Council in the context of the European Semester greatly impact on the social partners' role and room for manoeuvre. European agreements and conventions with concrete targets put the responsibility for employment evolution and social protection at government level, which also stimulates government mediation in collective bargaining. For example, the **Council Recommendation on Belgium's 2014 National Reform Programme** proposed, among other issues, to restore competitiveness by 'continuing the reform of the wage-setting system, including wage indexation, in consultation with the social partners and in accordance with national practice' to ensure that wage evolutions reflect productivity developments at sectoral and/or company levels as well as economic circumstances and to provide for effective automatic corrections when needed.

Finally, it should be mentioned that only a few countries (Austria, Finland, Latvia, the Netherlands, Norway, Poland and the UK) have reported that no significant regulatory change took place that would have forced the social partners to adapt.



# Organisational challenges: 2 New tools and innovative practices

Across Europe, social partner organisations have tried to address the major challenges linked to organisational changes, legitimacy and membership developments in several ways. Among the responses to the changes identified throughout the 15 years since 2000 (see Table 5), several trends appear such as:

- mergers and cooperation;
- targeting new members and therefore new interest;
- developing incentives to join the organisations;
- restoring legitimacy.

**Table 5: Major responses by social partners to organisational and membership challenges**

Challenges and drivers	Major responses
<b>Membership decline</b>	<ul style="list-style-type: none"> <li>• Mergers and stronger cooperation (shared services)</li> <li>• Establishing new sections/organisations to reach groups with weak membership rates</li> <li>• Attracting new group of members by organising and recruitment campaigns (TU), change in organisational principles (TU: self-employed) or establish specific services (EO)</li> <li>• Explore new incentives to become or remain a member</li> <li>• Restoring legitimacy and image among the public (alliances against corruption, ethical codes, political neutrality)</li> </ul>
<b>Growing diversification and new needs of members</b>	<ul style="list-style-type: none"> <li>• Systematic and professional recruitment campaigns targeting specific groups or companies (TU)</li> <li>• Setting up of tailored sections for specific groups of members (young people, migrants, solo self-employed)</li> <li>• Tailoring existing and exploration of new services (legal advice, counselling)</li> <li>• Providing social and financial support to specific groups of members (such as the unemployed, low-paid workers, students)</li> <li>• Reduced fees and possibility to non-payment in situations of unemployment</li> <li>• Other added-value material (for example, unemployment insurance, support for healthcare, discount rates)</li> <li>• Opening organisations for dependent self-employed workers (TU) or setting up specific support and services (EO)</li> <li>• Target group-specific activities of recruitment, campaigning and organising</li> <li>• Strengthening social dialogue and collective bargaining practices in sectors so far not covered (TU: ICT, agency work)</li> </ul>

Note: EO = employer organisation; ICT = information and communications technology; TU = trade union

Source: Author's elaboration based on national contributions from Eurofound's Network of European correspondents (2015)

## Organisational adjustments

Organisational adjustments have been implemented by the social partners in Europe since 2000. The most radical of these are mergers, but other forms include internal reorganisation, adjusting departmental structures as necessary and new forms of cooperation between social partner organisations. Reflecting the continuous search for improvements, increased efficiency and modernisation processes, reorganisations are not only linked to increased pressure resulting from membership decline, but also to aspects related to the growing diversification of members, of trade unions as well as employer organisations, as the example of Austria illustrates.

**Austria: Trade union mergers and employer organisation reorganisation**

One of the main responses of the Austrian social partners to new challenges such as financial pressures is a process of integration and concentration. In 2006, three major trade unions (the railway workers’ union, the union representing workers in hotels, restaurants and personal services, as well the union for transport, traffic and commerce workers) created Vida as a new trade union, representing nearly 140,000 members. In 2009, the metal, textile and food workers union merged with the chemical workers union to form the Union of Production Workers (PRO-GE) with a total membership of more than 230,000 workers. The white-collar workers’ union GPA expanded its membership base through the merger with the journalists and printing industry union to become GPA-djp and now has more than 275,000 members, while the municipal workers union joined forces with the trade union for workers in the art, media and sports industry. Together they represent more than 150,000 members. However, a planned merger between the metal and white-collar workers’ union, which together would have represented more than 400,000 workers, failed due to conflicting interests. On the employer side there is only one major representative – the Chamber of the Economy – and therefore no need to merge organisations. However, within the Chamber of the Economy there are various subsections representing different sectors (*Fachverbände*). As part of the reform process, some of the subsections have been merged with the result that the overall number decreased from 128 to 95.

The social partners have also introduced new platforms to attract new members and to respond to the specific needs of a changing membership structure. This includes the creation of special interest groups by the trade unions, and new fora for small and very small companies (one-person companies) formed by the Chamber of the Economy. The trade unions also campaign or organise workers to attract new members. As membership in the Chamber of the Economy is mandatory, there is no need for it to engage in any such strategies.

A great variety of adjustments can be seen in Table 6 among social partner organisations and across Member States. Few countries report no change in both employers and trade union organisations (Belgium, Greece, Italy, Luxembourg, Malta, Norway and Sweden) and even fewer countries report major changes in organisations from both sides of the industry. Denmark has seen mergers and reduction on both sides of the industry while, in Slovenia, new organisations were established.

In about a dozen countries, trade unions have been involved in significant organisational adjustments such as mergers or the establishment of new trade union organisations. Prominent examples here are countries in the CEE region, such as Hungary, where a merger of three major union organisations and the creation of a new confederation (MASZSZ) took place. Mergers in parts of the union movement have also happened in Latvia, Lithuania, Poland and Romania. However, as the examples of the Czech Republic and Poland show, significant organisational adjustments in the CEE region often happened before 2000 in the context of the economic ‘transition’ process.

**Table 6: Organisational adjustments of social partner organisations since 2000**

Adjustment patterns	Trade Unions	Employer organisations
No change	BE, EL, IT, LU, MT, NO, SE	BE, CY, EL, IT, LU, MT, NO, SE
Little change	CZ, EE, ES, FI, SK, PL FR, NL (internal reorganisation) IE (unions sharing services)	BG, CZ, DE, EE, ES, FR, HU, IE, NL, PL, RO, UK AT, LT, LV (internal reorganisation) PT (stronger role for CIP)
Mergers and reducing the number of organisations	AT, CY, DE, DK, HR, HU, LT, LV, PT, RO, UK	DK, FI (merger of two major organisations)
New organisations established	BG (home-based workers) SI (new union for the public sector)	SI, SK (establishment of RÚZ SR)

Note: CIP = Confederation of Portuguese Business; RÚZ SR = National Union of Employers of the Slovak Republic  
Source: Author’s elaboration based on national contributions from Eurofound’s Network of European correspondents (2015)

### Trade union reorganisation

Organisational adjustments within national trade union organisations and confederations are linked not only to decreased financial resources resulting from membership decline, but also to the search for greater efficiency in membership recruitment (for example, avoiding competition or creating synergies) or providing services to members and opening up structures for new groups of, as yet, unorganised members and workers. This can result from changes in trade union policy and new recruitment and organising strategies, as has happened in many countries, but can also result from legal changes.

For example, in Lithuania, following the 2013 Law on Trade Unions it became possible for anyone over the age of 14 (including self-employed people, students, the unemployed, people who have retired and others) to join sectoral, local and national trade unions. As previously only salaried employees had the right to be members of a trade union, the new law had a strong impact on trade union organisations.

Another pattern is illustrated by the All-Poland Alliance of Trade Unions (OPZZ), which established the Confederation of Labour (KP) in 1999, as an all-grade trade union within the OPZZ and started to organise groups of workers (for example, the unemployed, or those employed on the basis of civil law contracts) who previously had often been ignored. In Latvia, also, the Free Trade Union Confederation of Latvia (LBAS) has established dedicated structures to better represent specific groups of members, namely young people and women.

In Bulgaria, the needs of specific groups are looked after. For example, the Association of Homeworkers, established in 2002, was a driving force behind the creation, in 2014, of the 'Trade Union of Self-employed and Informal Workers', in response to the often poor working conditions, high unemployment and social insecurity of approximately 500,000 home-based workers (both self-employed and outsourced workers).

While these examples show that, in the CEE region, trade unions have also adjusted organisational structures in order to embrace groups of previously unorganised workers, this kind of organisational opening up of trade union structures has certainly been a strong characteristic of trade unions in western Europe during the past 15 years.

A prominent example here is Italy, where all major trade union federations have established specific trade union sections in order to better organise, recruit and support atypical workers such as the atypical workers' branch of the General Confederation of Italian Workers (Nidil Cgil), the temporary workers' branch of the Union of Italian Workers (Uil-Temp) and the atypical workers' branch of the Italian Confederation of Workers' Trade Unions (FeLSA Cisl). These organisations have also signed collective agreements with employer organisations representing temporary work agencies and have been giving atypical workers specific services, such as fiscal counselling, information on their rights and support for issuing disputes. Similar practices are reported from other countries such as Austria, the Netherlands and Norway.

Internal reorganisation in order to strengthen the support and links to specific labour market groups has also been a major motivation in Portugal. Here, the major trade union confederation, the General Confederation of Portuguese Workers (CGTP), had already established in the 1990s specific sections for young members, retired workers and for gender equality to better address their respective needs. At the same time, there have been union mergers in response to a decreasing membership base: for example, within CGTP a new manufacturing and energy federation was established in 2007 by merging several sector-specific unions.

Quite strong merger activities also occurred in Germany and the UK at the beginning of the 2000s where a number of 'super' unions covering several manufacturing or service sectors were established by mergers in response to the crisis in traditional sectors and a declining membership.

### Employer organisation developments

Against the background of the crisis and even before, employer organisations in many countries have adopted similar strategies in order to serve members' interests better and to respond to their needs. Although employer organisations in the EU have faced less pressure from membership decline, there has been some pressure for employer organisations to adapt too, as illustrated by the example of Austria (see textbox on p. 30), even in an overall quite stable and comfortable economic and political situation. Similarly, in Finland, the major employer organisations in 2004 merged into a new confederation.

Against a quite different economic context, and in order to strengthen their public and political standing, the employer organisations in Portugal saw some significant organisational change that happened in the aftermath of the 2008 crisis (see textbox below).

#### Portugal: Organisational adjustment and new orientations within employer organisations

On the employer side, the Confederation of Portuguese Industry (CIP), the most important employer organisation, merged in 2010 with two entrepreneurial associations – the Portuguese Industry Association (AIP) and the Business Association of Portugal (AEP). This merger, which had been attempted for many years with no success, allowed this social partner to morph into a 'mixed' organisation, since it is now both an employer representative and a business representative, thus increasing its overall competence. Moreover, CIP has implemented recent measures to ensure a closer relation with its members and also at European level. For this purpose, after 2008, CIP created an online platform with information only for members, an online newsletter highlighting legal changes, support to the European social partner agreements and an internal collective bargaining observatory.

Moreover, employer organisations could not afford not to adapt given that internal conflict or even organisational splits could happen, as in the case of Slovakia. From 1991 to 2004, the Slovakian employer organisations were affiliated to the Federation of Employers' Associations of the Slovak Republic (AZZZ SR), the only peak employer organisation. In 2004, AZZZ SR split and the National Union of Employers of the Slovak Republic (RÚZ SR) was established. The split was caused by the dissatisfaction of some AZZZ members with the activities of the board. Since then, RÚZ operates independently as a competing peak employer organisation.

### Restoring and strengthening legitimacy and influence

Within industrial relations research, membership erosion of trade unions, as well as a decreasing attractiveness of employer organisations (particularly in emerging economic activities and sectors) is mostly linked to structural changes in the economy and the labour market as well as changes in social values; namely an increased trend toward individualisation and a decrease in collective orientation among workers and business actors. Much less research has been dedicated to the question of whether the social partner organisations themselves have been part of the problem. In this regard, it is interesting to see that there are actions to renew and modernise the structures of social partner organisations in order to increase their attractiveness and range of actions.

In a number of countries, for example, it is reported that public opinion of the social partners, as interest representation organisations in the economic and social field, has improved in terms of reputation, legitimacy and trust. This seems to have happened particularly in countries where political parties and governments have failed to organise a broader consensus within society. Such trends have been reported, for example, in the Baltic states, the Czech Republic, Germany, Poland and Slovenia. In other countries, independently of the crisis, the social partners have tried to rebuild

legitimacy. For example, the Croatian Employers Association (HUP) has started to collaborate with the Croatian arm of Transparency International, the global civil society organisation leading the fight against corruption, in order to fight corruption and promote democratic values and fair competition through collaboration. The cooperation agreement was signed in December 2013 on International Anti-Corruption Day. It was agreed that the partners would produce recommendations and guidelines, organise training, conduct monitoring and assess the reforms implemented by the state and public authorities. In Spain, the involvement of affiliated members of CEOE in a number of corruption scandals, in recent years, has led the organisation to adopt a firm stance against corruption in order to restore its public image and trust. In June 2013, the organisation approved an **Ethical Code**, which includes a collection of practices and guidelines for their members in order not to harm CEOE's image.

The Spanish trade unions faced, in a similar way, the need for a renewal of public trust and confidence. Here, recent surveys by the Sociological Research Centre (CIS) in **2013** and **2014** have indicated that citizens have little confidence in trade union organisations compared with other civic society organisations. Furthermore, the surveys have shown that a significant share of union members do not think that trade unions defend their interests. Moreover, the large trade union organisations have faced public criticism for not being able to reach those groups of workers which have been most severely affected by the economic crisis, such as young people, precarious workers and the unemployed (the so-called 'outsiders'). In response to this scepticism, Spanish trade union organisations have initiated new policies. One of these, for example is the 'Action Programme' approved by The Workers' Commissions (CCOO) in February 2013, in which they highlight a series of proposals for re-establishing a positive role and strengthening social dialogue in Spain, such as promoting trade union action among new disadvantaged social groups, enhancing trade union action at company level, and rebalancing bargaining power between workers and employers.

In the UK, although here there is a different background and purpose, a new tool and innovative approach to modernising trade union practices and legitimacy has been established. In 2005, in response to the demands of the British trade unions, the last Labour Government established a 'Union Modernisation Fund'. The Employment Relations Act 2004 established the fund with the purpose of providing financial assistance to independent trade unions and their federations in support of 'innovative projects which speed unions' adaptation to a changing labour market and new ways of working'. It was intended to 'enhance unions' ability to make a full and effective contribution to constructive employment relations and to the economy as a whole'. However, the scheme was closed after the Coalition Government came into office after 2010 and all projects supported through the fund were completed by 2012.

## **New services and support measures for members**

This comparative study shows that trade unions and employer organisations, during the past few decades, have invested in the improvement of services to serve members' interests better and, in general, to address more closely the needs of individual members. These activities, quite evenly spread throughout the EU, do not display many differences between groups and clusters of countries – although, of course, the availability of resources and particular contexts differ quite significantly. Furthermore, the social partner organisations face pressure from their members to offer solid added value for becoming or remaining a member.

### **Trade unions**

Support for trade union members can take different forms. A traditional way in most Member States is by providing legal advice and support in legal cases. Against the backdrop of the 2008 crisis, and a growing uncertainty in the labour market, trade unions have strengthened and extended this kind of support. For example, in Hungary, the opportunity for workers to receive legal advice and assistance in work-related issues has been extended by cross-sectoral as well as sectoral trade union organisations. In Greece, the General Confederation of Labour (GSEE) has started to give information and legal support on labour law and social security issues to workers as well as to unemployed people.



Furthermore, the GSEE's Institute of Labour provides information and offers training and lifelong learning programmes for employed members as well as those who are unemployed.

Increasingly, trade union involvement goes beyond counselling or providing information to workers, as the Greek unions' direct participation in training activities shows. Moreover, in various countries, union organisations have also initiated and established concrete measures to support members experiencing a personal economic crisis.

A quite far-reaching approach is reported from Cyprus. Here, trade unions, in response to the economic and social crisis, have started to support members who have become unemployed or who face severe financial strain through help with healthcare provision, reduced prices on medications, remedial teaching for students and assistance in acquiring essentials such as food and clothing. Furthermore, the building workers' union has also stepped up its efforts to provide assistance in finding jobs through its special employment office. In the last two years it has also organised special meetings for unemployed members in order to keep in constant touch with them; it also encourages unemployed members to take part in all the training seminars it organises within the framework of the programmes of the Human Resource Development Authority (HDRA).

In Spain, the economic and social crisis also led trade unions to improve their support for members. CCOO has approved a 'Plan of fees' for 2014–2015, which aims to reach potential affiliates among disadvantaged social groups, by creating, for example, a reduced monthly 'support fee' of €2 for people under the age of 30 who have never worked before and who, due to their particular situation, have no reference organisation.

Similarly, in Ireland, trade unions have established a way of retaining members experiencing difficult personal financial circumstances. Instead of charging for unpaid dues, they are allowing these members back without having to pay arrears. This practice, introduced in the context of the crisis, has resulted in increased membership figures and a significant share of union members who stay within the organisation even though they have become unemployed.

Also, in other countries, unemployed workers are specifically supported by their union paying complementary health insurance premiums. For example, in France, the union for managerial employees, the French Confederation of Management – General Confederation of Professional and Managerial Staff (CFE-CGC) does this for retired members (who constitute 12% of total union membership), unemployed members or any other employees without access to complementary health insurance.

Trade unions have also improved services for specific groups of members, namely flexible workers (such as marginal part-time workers or seasonal workers), migrant or temporary agency workers and dependent self-employed workers through targeted activities such as legal advice.

In Belgium, trade unions have developed specific services focusing on gender and equality issues, demographic ageing and older workers, psychosocial risks, temporary agency work as well as on environmental and climate issues.

In Norway, the Industri Energi trade union offers tailored membership for the self-employed. The range of services includes customised training courses and discounts on health insurance, invoice services, home insurance, legal insurance and travel insurance.

The trade unions also focus their efforts on recruiting and adapting their services for temporary agency workers. They have established a separate organisational unit for temporary agency workers (also including members in companies without local union branches).



In order to improve their services, LO in Denmark has carried out surveys to find out more about what its members want. This is to help respond to a more diversified labour market.

Material added value is also quite an established practice to keep members and attract new members in many EU countries. In 2004, LO in Denmark launched a card which provides its members with discounts and benefits in many shops, stores and clubs. Similar practices are reported in many other EU countries.

In the Netherlands, both sides of the industry try to improve services to their members; a general trend has been that collective labour agreements at sectoral level are falling behind decentralised collective agreements and individual arrangements (for example unions offer support in completing tax returns). Nevertheless, the situation remains uneven: while unions are in need of increasing membership, the employer organisations could simply work towards maintaining their membership level.

An innovative approach has been developed in Sweden to meet the specific needs of trade union members and to provide a concrete added value. Since collective agreements cover not only union members but also other employees in the sector, trade unions need to offer additional value to attract members. One approach established mainly by the white-collar trade unions confederations during the 2000s – the Swedish Confederation of Professional Employees (TCO) and the Swedish Confederation of Professional Associations (Saco) – has been to offer members income insurance. According to the confederations, if a person becomes unemployed they will receive a maximum of SEK 15,000 (€1,620 as of 6 April 2016) a month from the public unemployment insurance. A union member with income insurance is guaranteed 80%, or even 90%, of their previous income during times of unemployment. Nevertheless, according to a TCO representative this service can be limited because, due to a higher risk of unemployment in certain sectors, some trade unions have not been as successful as others in their attempts to establish their own income insurance schemes.

Activities to provide financial incentives for trade union members are not limited to western Europe: there are also some signs of this in the CEE countries. In the Czech Republic the Bohemian-Moravian Confederation of Trade Unions (ČMKOS) created an innovative feature to enhance the attractiveness of trade unions in 2013. This was a web portal which offers the union's members various **benefits and bonuses in cooperation with partners**, such as discounts on bank and insurance products, and advantageous prices for holidays or mobile phone rates. ČMKOS thus tries to attract its members by services other than those traditionally provided by trade unions (such as legal advice or information support). Certain bonuses are also offered to newly registered trade unionists.

### Employer organisations

Although employer organisations, with some exceptions, have experienced stronger organisational stability due to stable membership figures, as mentioned previously, they have also faced pressures to adapt and further increase services to members to demonstrate to companies the added value of joining.

This need is quite obvious in the CEE region where the social partner organisations, in general, are weaker and less established than in the other EU regions. In Latvia, for example, employer organisations have increased publicity about the social aspects of business operations – inviting their members to act in a socially responsible way and to support collective bargaining. Organisational innovations included new internet-based tools for communication, more attractive information publications and campaigns, interactive internet tools, surveys, research and expertise. The Employers' Confederation of Latvia (LDDK) has organised an online tool for measuring an individual's impact on the shadow economy and the consequences for social protection. Also, in Poland, employer organisations have strengthened their information and service departments at sectoral level to better serve the needs of business members. An extension of information services or training courses is reported from Hungary as well as other CEE countries; these measures are often supported by EU funds, for example, in the context of capacity-building programmes carried out by the European cross-sectoral social partner organisations.

However, employer organisations in western European countries too have been engaged in improving services to members, often to better serve specific sectors or groups of companies. In Austria, the Chamber of Economy has responded to changes in its membership structure since 2006 by offering special support and services for one-person companies (*Ein-Personen-Unternehmen*). The services include special leaflets and workshops, as well as SME forums to discuss the various problems faced by small and very small companies.

In Portugal, different employer organisations have launched initiatives to engage their members and attract new ones. In 2013, the Confederation of Trade and Services of Portugal (CCP) launched the **Services Forum for Intelligent Specialisation of the Portuguese Economy**. This aims to allow CCP members and other partners to get together and to reinforce the role of services in the economy. The Confederation of Portuguese Tourism (CTP) launched specialised committees in 2012 dealing with vocational training, labour relations and transport. These committees have a consultative nature and are composed of members wishing to get actively involved. In 2008, the Confederation of Farmers of Portugal (CAP) started trying to extend collective bargaining to regions where it did not exist, or regions where members expressed interest in CAP's representation, replacing some who had lost legitimacy. CAP, which has about 250 member organisations, is the only national social partner and the only employer organisation involved in collective bargaining on behalf of its members. Although this function has been provided for by legislation since 2004, it has only recently been implemented. CAP has not only been involved in collective bargaining, but also in further support activities for members, for example, giving advice on legal requirements or on Common Agricultural Policy applications.

Employer organisations in Norway have established services for members that also included financial added value. The Enterprise Federation of Norway (Virke) has established a number of new approaches to reach out to new members. This includes facilitating networking among companies at local level that provides support on themes such as human resources (HR), corporate governance, or the strategic use of social and digital media. Virke also sells HR systems to companies, both members and non-members. Members of Virke, as well as companies buying access to internet-based systems, are also part of benefit agreements that the organisation has negotiated. Virke, as well as the Confederation of Norwegian Enterprise (NHO), are also providing better deals on agreements on occupational pension schemes that have been compulsory for all companies since 2006. NHO offers a different kind of service, exclusive to its members, including guidance on public procurement, guidance on design, and networking.

A unique approach to stabilising membership has been established by the employer organisations in Germany. This offers membership without the requirement to apply the sectoral collective agreement. The country is one of the few where employer organisations report a decrease in membership. In eastern Germany particularly, the willingness of companies to join sectoral employer organisations is traditionally very weak. A major reason for this is that companies are obliged to adopt the relevant sectoral collective bargaining agreement. Also, in reaction to the accelerated trend of decentralisation of collective bargaining, in the 2000s an increasing number of employer organisations introduced a new membership status. Called 'OT' membership, it enables companies to remain members of an employer organisation and profit from all its services without being covered by the industry-wide collective agreements it concludes. While, in many cases, OT membership is reported to have halted the fall in membership figures, studies and social partner organisations have **debated the implications for the German labour relations model**.

### Germany: Membership without adhering to collective agreements

A German report (Behrens, 2011) indicates that 34% of employer organisations had introduced the OT status by 2006, although not all employer organisations publish data on their membership figures. However, the employer association for the metal and electrical industry (Gesamtmittel) publishes membership figures regularly. Some 5,826 and 426 companies, respectively, were members in an employer organisation affiliated to Gesamtmittel in western and eastern Germany in 2000. This compares with 3,978 companies in western Germany and 236 in eastern Germany in 2006. At the same time 1,892 companies in western Germany and seven in eastern Germany were registered as OT members in 2006. Preliminary figures for 2013 show a further decline in regular membership in western Germany to 3,365 companies, but a marked increase in OT membership (3,116). A similar trend can be observed in eastern Germany where, in 2013, only 221 companies were regular members, but 124 companies were OT members.

### E-services and communication

Trade unions as well as employer organisations in the last few years have increasingly started to use the web and social media for communications, public relations and information-providing services. In Denmark, the social partners have been present online for 20 years, with online membership forums, online help and guidance, and news as shown, for example, by the Union of Commercial and Clerical Employees in Denmark (HK.DK). A current trend is that the social partners have increased their use of social media (for example, Facebook) since 2000, and especially since 2007. This, however, cannot be directly linked to the crisis, but is a matter of technological development.

Social partner organisations in the CEE countries also increasingly use electronic communication channels, partly because this often requires much fewer resources than other forms of communication. In Latvia, for instance, LBAS has included, on its website's homepage, online surveys on topical employment relations issues, as well as detailed information about its consultation service. LBAS has also recently introduced a 'Question online' section on its homepage, giving an opportunity for indirect consultation. LBAS also publishes online results of surveys and expertise on topical employment and economic issues, thus making information available not only to its members, but also to the wider public. Similar activities are reported from other countries as well. For example, in Hungary, trade unions have started to use social media as a new means of mobilising their members and the wider public. There have been demonstrations organised via the internet; some sectoral trade unions already address their members, potential members and sympathisers on independent websites, providing up-to-date news and views on events. Although, by 2014, visitor numbers had not exceeded 10,000 on any trade unions' websites, this shift to social media use is remarkable since most union members, on average, are much older than the 'IT generation'.

## Organising, recruitment and targeting new sectors and groups

### Overview and general patterns

Organising and membership recruitment have been a key topic during the past 15 years for trade unions, but much less so for employer organisations (see the textbox below on Poland and Estonia). This comes as no surprise. While employer organisations have not experienced a significant decline or erosion of their membership base and have focused instead on improving existing practices of representing employers and the lobbying of business interests, the erosion of membership for trade unions is much more of a fundamental issue. From the trade union point of view, their ability to engage effectively in industrial relations is heavily dependent upon membership levels. In addition to legitimacy, high trade union density also confers a stronger power base, which may affect the process of dialogue between employers and unions, allowing unions to participate more effectively through this increased bargaining power.

#### **Poland and Estonia: Employer organisation focus on membership orientation**

Poland is a case that illustrates a change of perception in employer organisations that also characterises employer organisations in other CEE countries. It is noted that there has been a shift away from (mostly) lobbying organisations, to organisations strongly involved in social dialogue at national and sectoral level, as well as adopting a more active and supportive approach in regard to company needs. Against this, all employer organisations in Poland have become open, since the early 2000s, to all kinds of business membership, including that of transnational companies and SMEs.

In Estonia, the Estonian Employers Confederation (ETTK) has started to focus more on recruiting new members by providing information, legal advice and other tools. ETTK cooperates with an internet-based recruitment company and a company that conducts research on salaries in different sectors to raise awareness of labour market trends. ETTK is also thinking of developing training-related services for its members.

Regarding trade union practices, the analysis points to considerable differences between countries in terms of basic approaches and experiences of organising and recruiting new members. These differences, by and large, reflect the demarcation line between the 'older' Member States in western and central Europe and those countries in eastern Europe that joined the EU after 2004. While for the latter group (with some exceptions), membership recruitment has focused on general measures and tools that aim at improving the attractiveness of union organisations to workers, illustrating added value available exclusively to members, countries in western Europe are characterised by more intensive and comprehensive approaches of organising and recruitment that is often anchored at sectoral level. Here, trade unions have adopted a range of measures designed to improve membership rates and to extend collective bargaining and collectively agreed standards to different groups of workers and workplaces not yet covered by union organisations. This also implies that it is difficult to distinguish between responses made in regard to general concerns about membership levels and responses to specific challenges.

In the UK, organising and recruitment has a long tradition. In 1998, in response to declining membership and the erosion of the traditional base of union membership, the **Trades Union Congress (TUC) established the Organising Academy**. Women, young workers, service workers, and black and minority ethnic workers were all explicitly identified as targets of the new strategy. Recruitment has focused on raising overall membership levels, though there have been attempts to organise in certain areas and among certain groups of workers. For example, the TUC now organises conferences which aim to address the specific challenges and needs of different groups of workers (for example, black workers or those with disabilities). Topics covered at these conferences include special features and general employment issues, in so far as they affect that particular group of workers. For example, the Black Workers' conference, in 2014, featured debates on the impact of austerity, changes to the employment tribunal system, and immigration. The Disabled Workers' conference in 2014 tabled motions on the effect of zero-hours contracts on disabled workers, support for the independent living fund and calls for the government to reverse its policy on cuts because of the effect on disabled workers.

#### **UK: Unions adopt different strategies for organising**

Union organisations have applied various approaches to organising. For example, prior the formation of Unite – the merger of Amicus and the Transport and General Workers' Union (TGWU) – the TGWU adopted a national organisation strategy involving phased recruitment and training of 100 dedicated organisers. This approach explicitly rejected the strategy of organising at individual workplaces in favour of a coordinated sectoral approach. However, the approach of the general trade union GMB was to mainstream organising activity into the daily work of everyone working for the union. The union was mindful of the fact that having dedicated organising teams might mean that organising became separated from the other activities of the union. The strategic vision for organisers in this model was

still determined nationally by four specialist organisers. Finally, the approach taken by the Union of Shop, Distributive and Allied Workers (USDAW) to organising relies, by contrast, on partnership with key employers and, as such, focuses on companies and workplaces where recognition rights are already conferred. Lay activists are given secondments from their work in order to take part in organising.

Also, in Austria, some trade union organisations have experimented with organising and campaigning strategies developed in past decades in the North American trade union movement. However, there has also been a strong component of addressing specific groups of workers. Campaigning strategies are typically used in sectors with low trade union membership or weak works council representation, such as in parts of the retail trade and the construction industry. Such campaigns can address poor working conditions provided by a particular employer, unusual practices or sector-wide problems such as the substitution of regular staff by self-employed workers. Vida, for example, organised a campaign in 2010 to support self-employed deliverers in the express and parcel services industry and to demand adequate salaries and employment conditions. As part of the campaign, trade union representatives have organised demonstrations outside the major companies and distributed leaflets to the deliverers. Increasingly, campaigning is also used in bargaining processes – when, for example, trade union members protest outside the hotel of the head of the negotiation team of the hotel and restaurant sector employers.

A similar approach can be observed in Germany. All the large unions, especially the United Services Union (ver.di) and the Industrial Union of Metalworkers (IG Metall), have begun actively recruiting new members in order to reverse the decline in membership. Apart from setting up new works councils and employing different organising and recruitment strategies, a variety of campaigns have been launched to attract more members that have focused in particular on emerging sectors (such as wind power and renewable energy industries, the IT sector and media). As in Austria, specific groups have also been targeted by campaigning, for example, on equal pay for temporary agency workers.

#### **France: Active support of union membership through fiscal measures**

France is a special case within the EU regarding trade union membership. On the one hand, union membership traditionally is very low while, on the other hand, collective agreements between the social partners at various levels and an institutionalised role of the trade unions are key aspects of the French model of labour relations. Measures of support have been adopted by the government, such as some tax credits. Traditionally, French union members could deduct up to 66% of their union dues from their taxable income. In 2012, the reduction was transformed into tax credits to make sure employees with not enough annual income to pay taxes would also benefit.

As noted in research on Germany (Freidank, 2010) as well as **research from the Netherlands**, trade unions in these countries have also followed strategies based on improved organising as a comprehensive and multilevel concept. According to these studies, organising is characterised by three elements:

- a recruitment method;
- a strategy to activate and empower members;
- a type of social movement unionism.



A possible strategy at the workplace could involve organising actions and strikes to accompany the claims of the union at the collective bargaining table, with both non-unionised and unionised activists organising the actions and strikes in close cooperation with the workers. The unions therefore become more visible on the shop floor. The strategy is directed at gaining members in relatively poorly organised companies or sectors, which often have low quality jobs. In the Netherlands, there have been organising actions in the cleaning and care sectors (for example, in nursing homes). The strategy can be seen as one which complements national tripartite and bipartite consultation and agreements and collective bargaining results.

Trade unions in other western EU countries (in the Nordic countries) have, since 2000, intensified their activities of organising and membership recruitment. The focus here has been much more on specific sectors and groups of workers, for example, self-employed, migrant workers, and in particular, young workers as described in the next section. A stronger focus on membership recruitment in Denmark, for example, also resulted from the fact that unions have been losing members since 2000, not only by redundancies and restructuring in the labour market, but also because members have been leaving the organisations. In Norway, the trade union Handel og Kontor, which organises employees in the private service sector and is affiliated to LO, is trying out a new strategy for recruiting members at workplaces. It pays local trade union representatives so that they are able to take time off work to spend more time talking to unorganised employees in order to recruit them.

Compared with trade unions in western Europe, trade union organisations in CEE countries have been engaging in active recruitment and membership campaigns to a lesser degree. While this certainly results from a lack of resources at cross-sectoral level and, in particular, at sector level (due to the fact that most membership fees go into the company union structures in most CEE countries), there are also examples of trade unions starting to establish better framework conditions for recruitment. Examples here are the establishment of a Union Development Office at the Independent and Self-Governing Trade Union Solidarity (NSZZ Solidarność) in Poland with an emphasis on coordination and professional union organisers and the creation of the Confederation of Labour (KP) by OPZZ, an all-grade trade union within the OPZZ with a statute formulated to enable less represented categories of workers (such as the unemployed or those employed on the basis of civil law contracts) to join. In Hungary, trade unions have tried to set up or improve local and regional structures and hire full-time, local organisers to reach out to local companies as in the case of the Democratic Confederation of Free Trade Unions (LIGA). In Slovakia, the trade union confederation KOZ SR in 2001 adopted a ‘National Programme for Recruiting’ that has been implemented in cooperation with local trade union branches.

### Targeting emerging sectors and new forms of work

The last 15 years have seen an accelerated erosion of traditional strongholds of trade unions and an increasing share of employment in the service sector as well as emerging sectors (such as IT software, ‘green’ industries and services). Furthermore, and accelerated by labour market reforms, the share of workers that do not hold a traditional, full-time and direct contractual relationship with an employer has increased significantly, particularly in the service sectors.

#### **Hungary: Organising new groups in the labour market**

The example of Hungary illustrates the difficulties of organising and recruiting new groups of workers in the labour market. Here, there are significant new categories of workers, particularly workers involved in public works programmes and temporary agency workers. In 2011, there were around 200,000 workers in public work programmes established by the government to provide unemployed workers with jobs. At the same time, those workers involved in temporary agency work and temporary contracts in general have increased significantly. As both categories of workers are very weakly organised, in 2012 the trade unions established the Trade Union of Workers in Public Works (Közmunkások Szakszervezete) with the aim of representing the interests of this special category of workers. However, so far, the initiative has not been very successful in organising workers and, according to recent estimates, the new organisation has only 200–300 members. Trade unions have also tried to organise more temporary workers, but without any visible success.

Trade unions and employer organisations have not only **responded to these labour market trends by collective bargaining and various social dialogue initiatives**, they also aim to organise workers better, as well as developing recruitment and organising strategies for new businesses and start-ups. (see the next chapter)

Austria provides a good example of a country with a broad range of employment groups in new sectors, as well as categories of workers that, so far, are only sparsely organised by trade unions is Austria. In 2004, GPA-djp established a series of special interest groups to represent groups of workers not covered by their normal remit, those who have special interests, or those who have interests that cut across different sectors such as managers, workers in the IT sector, workers in continuous education, self-employed workers and workers with a migrant background. Taken together, these specific group sections within the union organisation represent more than 10,000 members. The interest groups are also open to non-trade union members. The main purpose is to provide special services for the members such as legal support for self-employed or migrant workers. However, the interest groups can also nominate delegates for various trade union bodies. Most importantly, the interest groups were also set up as a vehicle to reach out to workers who, otherwise, would not necessarily join the union, such as managers.

Similar approaches to the sort of groups mentioned above are reported from other countries. As already mentioned above, in Italy, the major trade union federations have established specific organisational structures for temporary agency workers and ‘precarious’ workers that are reported to have a potential membership base of around 170,000.<sup>7</sup> Though there are no autonomous organisational structures that are also involved in collective bargaining, as in Italy, there is quite a long tradition of organising ‘Flexworkers’ and, in particular, temporary agency workers, as in the Netherlands – the Dutch Federation of Trade Unions (FNV). More recently, unions in Germany have also intensified their organising and representation approach in regard to temporary agency workers and employees that work under civil law contracts (*Werkverträge*). Both IG Metall as well as ver.di and other unions (for example, those in the food sector) along with the DGB have initiated major media campaigns on the issue and have established specific organisational departments better to support these workers.

### Young workers and entrepreneurs

Across Europe, **young workers are often stuck in more insecure and flexible forms of employment** such as part-time, fixed-term, or temporary work. Their membership in trade unions is particularly low and therefore young people in all Member States are a special and important target of organising and recruitment strategies (Waddington, 2015).

There is a broad range of different approaches, tools applied and innovative practices which range from the establishment of youth sections as, for example, in Croatia, Hungary or Slovenia, cultural events and media campaigns, to web platforms and social media specifically targeted at young people. A comprehensive approach in this regard was taken in Slovenia where, in 2005, the Association of Free Trade Unions of Slovenia (ZSSS) established a Committee for Young People named ‘Young plus’ (*Mladi plus*), targeting students, pupils and unemployed young people under the age of 35. The Committee for Young People deals with topics such as youth unemployment and youth housing; it also offers career counselling and law counselling for their members and is managed by a young team. It is innovative in using new tools for communication (Facebook and Twitter), promoting the trade union movement at schools and faculties, and organising public awareness-raising social events. Similar activities are reported from other countries, for example, the Trade Union of the Construction Industry of Croatia (SGH) has established a section for its young members who are very active and in daily contact through Facebook.

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<sup>7</sup> The Italian authorities define precarious work according to the following categories: ‘involuntary fixed-term employment’, ‘involuntary part-time employment’ and ‘dependent self-employment’, the latter being defined as ‘quasi-subordinate and self-employed workers presenting some characteristics: having an employment relations with one single client, using the facilities of the client and being imposed a working time’. National statistical institute ISTAT estimated there were 3 million precarious workers in Italy in 2014.

In western European countries, it is a long-standing and widespread practice to have specific youth sections within trade union organisations, holding their own congresses and managing their own budgets. However, new tools have also been applied here. For example, in Finland trade unions are trying to get closer to the younger generation via social media. Furthermore, peak-level trade unions have cooperated in different projects, for example, in a short information campaign directed towards young employees (*Nuorten duuni-info*) in 2013. In that campaign, the unions provided free advice concerning labour market issues for young people by telephone and through social media. The aim of the campaign was to facilitate the labour market transition of young people, to prevent marginalisation and to support the recently expanded Youth Guarantee Scheme, but it also functioned as a way of recruiting potential members.

### Migrant/mobile workers

There is a long tradition of labour migration in Europe, both within the EU and from third countries. At the same time, activities focusing on better representing and organising migrant workers are quite recent, covering a broad range of specific topics and taking different forms. These reflect the broad variety of the meaning of ‘migrant workers’ that is used to address often very different forms of mobility and migration (such as temporary, permanent, seasonal, posted, intra EU or from third countries).

In the UK, based on previous trade union experience of integrating workers from the country’s former colonies, trade unions have more recently targeted migrant workers in the public sector, such as Unison’s specific recruitment campaign. Since 2005, Unison’s ‘Migrant Workers National Working Party’ has sought to develop a more coordinated approach to migrant workers. The ‘Migrant Workers Participant Project’ aimed to increase the **participation of migrant workers within the union and make the union more relevant to the needs of migrant workers**.

In particular, the increased cross-border mobility in the context of the free movement of workers or posting has resulted not only in national but also joint cross-border trade union initiatives, for example, in the Baltic Sea region between the Baltic and Nordic countries.

#### **Baltic Sea region: Supporting cross-border mobile workers**

In Finland, for example, trade unions have paid particular attention to informing foreign employees about employment legislation and terms of employment in their efforts to secure at least minimum terms of employment for them. In a cooperation project between the Finnish trade unions and the Estonian Trade Union Confederation (EAKL), an ‘Information Point on Finnish Working Life’ was established in Estonia in 2002 providing Estonian workers with information on working life and on the activities of Finnish trade unions. In 2009, the Finnish Construction Trade Union established an office in Tallinn which provides information on the trade union and terms of employment to be followed in Finland. The trade union also recruits Estonian construction workers working in Finland.

In Norway, the LO-affiliated trade union Fellesforbundet has entered into a transnational collaborative agreement with the Latvian Builders Trade Union (LCA). The agreement aims to combat fraudulent forms of employment among Latvian construction workers in Norway and to revive the trade union movement in Latvia. The agreement gives Fellesforbundet, among other things, responsibility for helping members of LCA who work in Norway on issues related to wages and working conditions.

These activities often address the situation of posted workers and other forms of cross-border employment mobility. In this context, trade unions in other major receiving countries in western Europe have also increased cooperation and regular exchange of information with partner organisations in CEE countries.



Furthermore, trade unions have established special advice and information centres for migrant workers, such as in Germany, where the DGB's 'Fair Mobility' initiative receives funding from the Ministry of Labour and Social Affairs.

Similarly, in Slovenia, the trade unions in ZSSS, together with the Employment Service, have established a counselling office for migrant workers and their families advising about the protection of their labour rights, and offering legal assistance and advocacy. Since March 2010, 70,000 people have visited this 'Info Point for Foreigners', with ZSSS advisors performing 4,500 consultations and 600 in-depth counselling sessions and support between 2010 and the end of 2013. In 2008, ZSSS also intensified its organising activities regarding migrant workers (mostly in the construction sector) and campaigned on the often precarious working conditions. As a result, in 2011, the Slovenian government adopted new legislation on the employment of foreigners.

Migration and cross-border mobility has traditionally been an important issue for smaller, open economies. For example, in Luxembourg, more than 40% of the total labour force in 2012 came from neighbouring Belgium, France and Germany. To better integrate and inform these and other workers (for example, those from Italy and Portugal), the Luxembourg trade unions have been very active in establishing and developing special departments for workers with a migrant background as well as for trans-border workers. The trade unions also have established trade union offices in neighbouring countries; for example, the Independent Trade Union Confederation of Luxembourg (OGBL) has three centres in Germany, four in Belgium and four in France.

Although the 2008 crisis has resulted in a sharp decline of migrant workers in the southern European economies, migrant work was an important issue even before then in countries such as Italy, Portugal and Spain. In Spain particularly, the trade unions have been engaged in a number of innovative practices, for example, to better represent and support workers in the agricultural sector. Trade unions such as CCOO and UGT created their own networks of Information Centres for Immigrant Workers, which offer information and assistance on migration issues to individuals (such as current regulations and immigrants' rights, access to public services, social and labour inclusion support).

In the context of posted workers, it is important to highlight that employer organisations have also addressed this issue by developing new initiatives at national and sectoral levels. However, the most elaborate examples have been developed at European level in temporary agency work and construction. The employer organisations in the temporary agency work sector have established a joint observatory of posting in the agency work sector at European level. In the construction sector, there is already quite an established cooperation between employer organisations focusing on the **mutual recognition of social security funds**.

### **Self-employed workers and micro businesses**

As **previous comparative research by Eurofound** has shown, both trade unions and employer organisations are challenged when it comes to organising workers in micro and small companies. However, more recent developments have increased the pressure on social partners to react. These developments are, in particular, the sharp rise in new forms of dependent self-employment and solo self-employment, and the increased number of start-up and business creation activities in new emerging sectors such as IT, media, consultancy or leisure, and cultural services.

The emergence of new forms of self-employment, as well as micro entrepreneurship, raises a number of questions and challenges in terms of representation, membership and interest organisation. A fundamental question, for example, is who is responsible for representing dependent self-employed workers and freelancers? While technically these groups are entrepreneurs and thus potential members of business organisations, there are a number of social and economic characteristics that would qualify them as workers and therefore as potential members of trade unions. The issue is how to determine the individual and collective rights and obligations that these workers have.

Thus, a variety of responses to these challenges have been adopted so far by the social partners. More information is available on trade union activities and initiatives than on those of employer organisations. However, this does not mean that employer organisations have not developed specific approaches to address the issue, for example, by intensifying their counselling activities, and establishing specific groups or structures for young entrepreneurs or start-ups and freelancers. Trade union practices in regard to self-employed workers have evolved in quite different patterns, ranging from the establishment of specific union organisations for self-employed workers, to voluntary membership in organisations in countries where full membership is not possible according to the constitutions of the trade unions.

First of all, there are countries where trade unions have established specific structures for different groups of self-employed people. Examples here are Spain, with the National Association of Self-employed Workers, and Italy, where dependent self-employed workers, in particular freelancers, are organised in the specific trade union sections, as previously mentioned.

Since 2000, trade unions in the Netherlands have begun to organise self-employed workers. Here, the union organisation FNV Self-employment (FNV Zelfstandigen) and its employer counterpart, the Platform for Independent Entrepreneurs (PZO), have been offered a seat by the social partners at the Social-Economic Council, the government's advisory body on labour issues.

This typical Dutch example of consensus decision-making, the 'polder' dialogue model, is also practised by FNV Zelfstandigen and PZO, which cooperate harmoniously.

In other countries, the issue has been more controversial. In Poland, for example, trade unions have challenged, in the Constitutional Court, the Trade Union Act of 1991, according to which only employees (that is, people working on the basis of employment contracts) can establish and be a member of a trade union. In response to the increase of 'junk jobs' or 'bogus self-employment', the trade unions asked, in 2012, for amendments to the law to extend the rights of association and collective bargaining to all workers, including the self-employed (both dependent and independent; the genuine self-employed, representing around 14.7% of the total employment in 2012) and those working on the basis of civil law contracts.<sup>8</sup>

In Lithuania, the Law on Trade Unions previously contained a similar restriction as in Poland. Following a demand from the trade unions, the law was amended in 2013 (see p. 31) and trade union members who do not have employment contracts now have all the rights and duties of trade unionists as specified in the union statute, apart from voting rights in the context of industrial action and the conclusion of collective agreements. In the Czech Republic also, there are, in principle, no barriers for unions to organise self-employed workers and several sectoral trade unions have self-employed members, offering them the same services as other members. However, even ČMKOS states that self-employed workers are a bit 'outside core trade union activities', such as collective bargaining.

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<sup>8</sup> In 2011, a complaint was made by NSZZ Solidarność to the International Labour Organization (ILO) Committee on Freedom of Association (CFA) about the discrepancy between the Trade Unions Act and ILO Convention 87, which, in 2012, issued a recommendation requesting the Polish government to change the legislation so that all workers can enjoy the right to establish and join organisations of their own choosing. In the same year, a complaint about the same issue was submitted to the Constitutional Court by OPZZ. As yet, no legislative changes have followed in either case.

This conflict and discrepancy in regard to the status of self-employed workers also characterise trade union policy and practices in other EU countries. While, for example, in Germany, trade unions so far have focused on the issues mainly in the context of freelancers and bogus self-employed situations, and the representation of dependent self-employment workers, trade unions in Austria and the Nordic countries have started to establish practices that could be best described as ‘union membership light’.

As previously described, the Austrian white-collar workers trade union GPA-djp established in 2004 a series of special interest groups to represent groups of workers who are not covered by the union’s normal remit, who have special interests, or interests that cut across different sectors. The main purpose is to provide tailored services for the members, such as legal support. The interest groups are also open to non-trade union members and can nominate delegates for various trade union bodies. In Norway, LO unions do not normally organise self-employed people. However, Industri Energi has recently introduced a membership for people who are self-employed without employees. Self-employed members can choose between different types of memberships, for example, the number of services they prefer. Among the services offered are legal advice and insurance, as well as a ‘digital office’. Similarly, in Denmark some unions (for example, Dansk Metal) are now offering membership to self-employed workers in reaction to the emergence of different forms of dependent and solo self-employment in the Danish labour market. Besides guidance from the union, a self-employed member can even obtain the right to a daily unemployment allowance.

Also, in France, the issue of economically dependent self-employed workers has recently gained attention. However, the legal status of these workers is somewhat unclear and, unlike Spanish law, French legislation does not include a special category for people working on their own account for only one (or very few) clients. Therefore no special attempt from the trade union organisations to organise this group could be identified so far. This also results from the trade union policy that focuses on the need to clamp down on the bogus self-employed and to support workers’ transition into ‘genuine’ forms of subordinated employment relationships in order to obtain decent social and employment protection.



# Labour market and working life challenges: 3

## Responses by the social partners

Among the challenges and drivers the social partners face in adapting, there are, on the one hand, long-lasting issues of working conditions, and, on the other hand, more recent employment issues, as shown in Table 7. The well-known areas of negotiations/discussions, which occur mainly at workplace level, include issues such as skills, ageing workforce, gender equality, and health and well-being at work. More recent issues encompass regulations on new forms of employment and social dumping.<sup>9</sup>

**Table 7: Major responses by social partners to address challenges in working life**

Challenges and drivers	Major responses
<b>Supporting skills development, employability and adaptability</b>	<ul style="list-style-type: none"> <li>Strengthening practices of workplace learning and vocational and further education and training (in particular the UK and CEE countries)</li> <li>Extending rights and improving framework conditions for lifelong learning, paid educational leave (Nordic countries, western Europe)</li> <li>Targeting groups in the labour market that have been disadvantaged in regard to further education and training possibilities</li> <li>Introducing responsibilities of employers and establishing sectoral training funds</li> </ul>
<b>Tackling the ageing workforce and demographic change</b>	<ul style="list-style-type: none"> <li>Collective agreements complementing and cushioning public pension reforms resulting in a loss of pension incomes and longer working life</li> <li>Improving working conditions (in particular working time schemes) for older workers</li> </ul>
<b>Improving gender equality</b>	<ul style="list-style-type: none"> <li>Strengthening equal pay and addressing the gender pay gap</li> <li>Introducing stronger rules on monitoring and controlling the implementation of rules and agreements on equal pay and gender equality</li> <li>Improving provisions with a view to a better work–life balance</li> <li>Supporting provisions for workers involved in (family) care activities</li> <li>Increasing the career opportunities of female workers</li> <li>Parental leave regulations for fathers</li> </ul>
<b>Strengthening health and well-being at work</b>	<ul style="list-style-type: none"> <li>Developing new regulations, for example on psychosocial risks</li> <li>Addressing issues such as stress at work, psychosocial risks and harassment in collective agreements</li> <li>Joint agreements on banning moral harassment and discrimination</li> </ul>
<b>Contributing to regulating new forms of employment</b>	<ul style="list-style-type: none"> <li>Implementing at country level, the EU-level agreements on telework (autonomous) part-time work and fixed-term employment (implemented by Council decision)</li> <li>Active involvement in the national implementation of the EU directive on agency work</li> <li>Collective agreements on equal pay and other regulation of agency work</li> <li>Sectoral agreements that also cover dependent self-employed and freelancers/liberal professions</li> </ul>
<b>Combating social dumping</b>	<ul style="list-style-type: none"> <li>Improving working and wage conditions, especially for posted workers and cross-border mobile workers in a context of fair competition</li> <li>Company and sector-specific campaigns (trade unions, for example in retail)</li> <li>Campaigns on introducing minimum wages, decent pay or 'living wages' (trade unions)</li> <li>Alliances to fight irregular and illegal practices, ethical codes and company-specific agreements (employer organisations and trade unions as well as single companies)</li> </ul>

Source: Author's elaboration based on national contributions from Eurofound's Network of European correspondents (2015)

<sup>9</sup> Despite the lack of universal definition, the concept of social dumping has been used across Europe and by both sides of the industry to identify practices aimed at circumventing labour, social and fiscal regulations and creating unfair competition between businesses while reducing (when not suppressing) workers' rights.

## Old topics, new responses

### Skills, employability and lifelong learning

The broad themes of skills development, ongoing qualification or lifelong learning as key aspects of maintaining employability are not new, having entered the agenda of social dialogue and collective bargaining at various levels in the context of structural change, internationalisation and accelerated corporate restructuring in the 1990s. However, there are core topics where governments, employer organisations as well as individual companies and trade unions continue to express a strong joint interest. The topics of qualification and skills development have been addressed during the last 15 years relatively equally by the social partners throughout the EU. Gaps and differences between countries are much less pronounced in this area than in regard to other themes.

This is indicated by the fact that, in those countries that are characterised by a rather weak organisational strength and a muted role of the social partners and collective bargaining, the issue of skills development and further training and qualification has been among the issues highlighted as new emerging themes. For example, in the UK, the issue of ‘workplace learning’ has been a prominent topic, linked also to a revival of trade union practices. The government-sponsored Union Learning Fund (ULF), created in 1998, and the associated development of union learning representatives (ULRs) have allowed this development, particularly since 2002 when ULRs were given statutory support for their roles at workplace level.

Also, in countries such as Estonia or Lithuania, topics such as improving the system of vocational education, improving further training and skills development at company level, and employability have been indicators of the significant joint interest expressed by social dialogue actors at cross-sectoral level, including governments; not only in regard to maintaining employment and competitiveness, but also in regard to stopping young talented people from leaving the country. Though no concrete results, in terms of collective agreements at national level, have been reported so far, in countries such as the Czech Republic or Slovenia, the issue of training and skills development of workers is increasingly addressed through collective agreements at company and sector level. For example, the 2014 Slovenian collective agreement in the commerce sector includes provisions for the establishment of a foundation aimed to foster the employability and job security of workers, highlighting in particular ongoing training and further qualification. In the Czech Republic, more than one-third of collective agreements include clauses on ‘personal development’ measures, showing a persistent/sustained increase since the mid-2000s from 26.4% in 2007 to 34% in 2013.

A number of new topics and innovations also appear in countries where issues related to further training at workplace level, lifelong learning or ongoing qualification and skills development are an established feature of social dialogue. For Denmark, it is reported that the issue of lifelong learning and the opportunities of workers to receive additional training throughout their career have gained more and more focus in collective agreements in recent years. In 2006, a paper on **lifelong education and qualifications for everyone on the labour market** was presented to the public by the national, cross-sectoral social partners (LO and DA) and the government. In 2007, lifelong learning was included in collective agreements at national level. More recently, the issue was also addressed in response to the crisis and restructuring, and with a view to overcoming the increasing gap between low and high-skilled jobs in the labour market – for example, by intensifying activities promoting skills development for workers in low-skilled/low-paid jobs – that also is emerging in the Danish labour market.

Similar provisions for lifelong learning or ‘sabbaticals’ also exist in other countries, for example, Austria and Germany, where the social partners have concluded collective agreements at sectoral level that allow for unpaid educational/training leave without specific work-related requirements.

In a number of countries, individual rights for paid educational or training leave have also been introduced or strengthened in recent years. For example, in Finland, in connection with the central framework agreement in 2011, the social partners agreed on a scheme that allows workers to participate in paid training of three days per year that came into force in 2014 (after some disputes on technical and financial issues). The establishment of similar schemes is reported from other countries, for example Austria, where the collective agreement in the electronics industry established the right for paid educational leave (*Bildungsurlaub*) in addition to the general legal rights for educational leave that already exist for all workers. The social partners, however, agreed that it is necessary to go beyond general further training and lifelong learning rights, and support workers in their current positions or prepare them for new tasks within the company where they work. The training can also focus on social skills or the improvement of workplace health and safety.

Further approaches to strengthen measures supporting skills development and workers' employability have been established in countries such as Belgium, France and Luxembourg. In the Interprofessional Agreement 2007–2008, the bargaining partners in Belgium underlined explicitly the responsibility of employers and employees for vocational training. All economic sectors are asked to develop concrete initiatives to either realise a yearly (financial) increase of training efforts by 0.1% or to realise a yearly increase of 5% of the participation rate in vocational training.

In Luxembourg, the social partners have addressed training and employability in collective bargaining for a long time, especially in the construction and temporary agency work sectors. Nevertheless, starting from 1 January 2016, vocational training will be a subject of co-decision in all companies employing at least 150 people. In France, the social partners at interprofessional level concluded an **agreement on skills and lifelong learning** (ANI) in 2003. More recently, the establishment of joint bipartite training funds and institutions in the healthcare and construction sectors has been an innovative approach. Similar bipartite institutions also exist in other countries, based on agreements between the sectoral social partners, such as in Belgium, Italy and the Netherlands. It should be noted, however, that the bipartite institutions in these countries are not restricted to training issues, but also involve other aspects such as additional social security provisions, advice or sectoral monitoring of compliance in regard to working conditions (for example, in the temporary agency work sector or in construction).

### Italy: Role of bipartite institutions

At a territorial and sectoral level, the role of bipartite (paritarian) institutions has increased over the last few years. The growing role represents an answer adopted by the social partners to current social challenges. There is quite a long-standing tradition of paritarian institutions in sectors such as agriculture, craft or construction but, recently, further institutions have been established, for example, in the temporary agency sector. Consequently, duties and functions, established by collective bargaining, have increased. Moreover, additional duties have been delegated by law. Apart from providing financial social support for workers, paritarian institutions play a crucial role in providing services to workers and employers in the context of training services (courses, planning of training activities, and the supply of vouchers). The supplied services range widely, and depend on the sector and geographical area covered by the specific institution. The institutions are financed through the payment of an amount as a percentage of the wage (in some cases through a 'one-off' payment) charged partly to the employer and partly to the worker, as specified in the relevant collective agreement.



### Active ageing and demographic change

In many countries, the issue of pension reform (increasing retirement age and introducing additional pension funds) has also been important for the social partners. While, in many EU countries, the social partners have been involved through consultation with governments in the context of reform packages, there are also examples where the social partners significantly influence public reforms and/or shape new tools and instruments.

In Ireland, in response to the decline of the defined benefit pension schemes, employers and unions at local level moved towards setting up hybrid pension schemes, combining some elements of defined benefit, often up to a certain salary level, with defined contributions over that level. New entrants are often offered hybrid or defined contribution schemes.

The pension system in Germany was reformed at the beginning of the 2000s. The new pension law was intended to motivate workers to invest part of their income in private pension schemes. Subsequently, the social partners in major industries such as metalworking, chemicals and the construction sector negotiated sectoral collective agreements dealing with private pensions. More recently, the issue of ageing and a shrinking workforce has also been increasingly addressed by so-called ‘demography agreements’ in collective bargaining at sectoral level. These agreements cover several topics, such as partial retirement schemes, working time accounts and training measures for older workers. Combining different qualitative elements in a single collective agreement and taking a holistic approach to human resource management at the sectoral level was new. A good example of this is the **demography agreement concluded in the chemical industry** in 2008. Demography agreements also exist in the iron and steel industry, in local public transport and at company level.

Though not explicitly related to demographic change, innovative agreements in Austria establishing additional free time for workers are also an example of new practices that support older workers in particular (see textbox below).

#### **Austria: Introducing free-time options**

A major innovation with respect to the content of collective bargaining in Austria is the introduction of a so-called ‘free-time option’ (*Freizeitoption*). The idea is that employees can use yearly wage increases, such as an increase based on the duration of employment, or wage supplements (for example, for shift working), to reduce their working hours, rather than to earn more money. The option was first introduced in the electronics industry collective agreement in 2013. In order to use the option the works council and management have to reach a company agreement on the subject. In addition, management has to negotiate the terms and conditions with each employee who wants to exchange a higher wage for more free time. The option is very flexible and entirely voluntary. It can be rejected by the employer as well as the employee. The additional free time can be used to reduce daily or weekly working hours and in some cases (for example, where employees are working shifts) to have an additional day off. The ‘price’ of an hour of free time is calculated by dividing the actual monthly wage by 167 (in the case of part-time workers the monthly wage is divided by 4.33 as well as the number of weekly working hours). According to this calculation, a 3% wage increase translates into 60 hours per year or 5 hours per week. According to initial reports, the option seems to be quite popular and the trade unions have already announced that they want to include it in other collective agreements.

### Gender equality

For a number of countries in the EU, topics related to gender equality (including equal pay and the employability of women) have been relatively new topics (or sometimes getting a new visibility) increasingly addressed by social dialogue and collective agreements, which sometimes follow legal measures and obligations. In Belgium, a law aimed at decreasing the gender wage gap came into force in 2012. The law mentions explicitly that the social partners should be involved in creating and working out measures to reduce the gender pay gap (estimated at a level of 22% in 2014). Similar legal requirements such as increasing the share of women in managerial positions are in place in the Nordic



countries and in Austria, Germany and the Netherlands, with the social partners playing an important role in implementing and fostering the implementation of measures in working life at company level.

In France, gender equality topics entered the agenda of social dialogue and collective bargaining as a ‘shadow of new legislation’. As a result of the legal obligation that the social partners have to negotiate regularly (every three years) on gender issues, collective agreements have increased sixfold between 2007 and 2012. It should also be noted here that such agreements not only have to be negotiated at sectoral but also at company level.

In the countries that joined the EU after 2004, gender is an issue increasingly addressed by the social partners. In Slovenia, for example, topics related to gender equality issues (measures to promote employability of women and equal pay), reconciliation of work and family, and prevention of discrimination are covered by the Social Agreement for the period 2007–2009. ZSSS, together with professional associations such as the Manager’s Association of Slovenia (ZM) and non-governmental organisations such as the Women’s Lobby of Slovenia (ŽLS), recently started to raise public awareness about the gender equality issues. ZSSS introduced guidelines in 2008 for mediation as a new tool for dispute resolution and for achieving gender equality on the labour market.

In the Czech Republic, there is an increasing share of collective agreements addressing the issues related to provisions on equal treatment and discrimination, doubling between 2007 and 2013, up from 15.9% to 32.1% according to the Ministry of Labour and Social Affairs (information in the report from the national correspondent for the Czech Republic).

There have also been innovations in regard to fostering the transition from ‘maternal’ to ‘parental’ leave through initiatives of the social partners. In Denmark, for example, the collective agreement in the public sector between Local Government Denmark (KL) and the Financial Services Union (FF) includes one week extra parental leave for fathers.

Similar achievements are reported from Austria. Here the collective agreement for social care includes the opportunity for care leave. Workers who have a close relative in need of care (their spouse, children, siblings, parents or grandparents) can take up to 12 months unpaid leave to care for them. Several collective agreements have, furthermore, extended the time employees on childcare leave can claim for a progression in the pay scale. As most workers on childcare leave are female, this measure is believed to benefit women particularly.

### **Psychosocial risks and harassment**

While the regulation of health and safety issues and working conditions can be regarded as a core issue of social dialogue and collective bargaining, new developments have also been reported. Most prominent of these are topics such as psychosocial risks and harassment, **high on the recent European social agenda**, as can be seen in the 2007 European cross-sectoral **framework agreement on harassment and violence at work**.

In Belgium, there has been a law on the prevention of psychosocial risks since September 2014. Prevention is, from now on, not only seen as ‘already covered risks’ such as violence, harassment and unwanted sexual behaviour, but has been extended to psychosocial risks. Moreover, the procedure has been improved: the tasks and responsibilities of the different actors (such as the employer, prevention advisor, committee for prevention and protection at work, and the medical officer) have been clarified and mechanisms to stimulate the prevention of psychosocial risks at collective level have been set up. It should be noted that the social partners were involved and contributed to the preparation of the law.

In Slovenia, the issue of psychosocial risks as well as harassment has been addressed in new collective agreements at sectoral level, for example, in the financial sector 2011. Provisions include the obligation of employers for the prevention of any form of harassment including ‘mobbing’.

And for Luxembourg it is reported that the issue of harassment is a relatively new topic addressed by collective bargaining. Following the cross-sectoral agreement of June 2009 on moral and sexual harassment at the workplace, many recent collective agreements have included a reference to this issue. One example is the collective agreement on harassment of July 2013 signed by the Luxembourg Bankers' Association (ABBL) and the three representative unions – the Luxembourg Association of Bank and Insurance Employees (ALEBA), OGBL and the Luxembourg Confederation of Christian Unions (LCGB). While the agreement requires employers to adopt a declaration of principle that moral harassment will not be tolerated, it also asks them to establish awareness-raising measures and training on prevention and protection, and to appoint a 'discussion partner' with authority to deal with the issue. Finally, employers must also define the 'means and procedures made available to the victim'. The employees could use different channels in case of moral harassment including for example, employee representatives, trade unions and lawyers.

### Contributing to regulating 'new forms of employment'

Some negotiations at European level leading to the social partners' agreements such as on telework, part-time work or fixed-term employment, have had impacts in several Member States. In particular, the national analysis of those Member States that have joined the EU since 2004 shows that those 'new forms of employment' addressed by agreements made by the European cross-sectoral social partners have then also been addressed nationally by the individual country's own initiatives and collective bargaining practices. Here, in particular, the 2002 European telework agreement seems to have had an important influence on national social dialogue.

In Bulgaria, for example, under the umbrella of the National Council for Tripartite Cooperation, two national agreements were signed that address specific forms of 'atypical employment' – one implementing the European social partners' agreement on telework and the other on home-based workers, following the Bulgarian ratification of ILO Convention No. 177. The conclusion of these agreements was considered a milestone for social dialogue in the country, being the first time that bipartite agreements at national level were later formalised within the labour legislation.

#### Finland: Regulation of fixed-term employment

In June 2006, the Ministry of Employment and the Economy appointed a tripartite working group to examine the use of fixed-term employment and preconditions for their use. In its 2007 report, the group considered the Employment Contracts Act from 2001 to be adequate in regulating the use of fixed-term employment, but called for more active monitoring of the legislation. Nonetheless, in 2011, through continuous tripartite work, the Employment Contracts Act was amended in order to restrict the misuse of the freedom to conclude fixed-term contracts. The act states that the use of consecutive employment contracts is not permissible when the number of fixed-term contracts, or their duration, shows that the employer's need for a workforce is long term. **Further amendments to the 2001 act** were made in 2012, when an obligation for the employer to inform the employee of the grounds for concluding a fixed-term contract was added to the act. For temporary agency workers, however, the information must be provided upon the temporary agency employee's request, even if the contract has been made for a fixed period of less than one month.

In a 2011 framework agreement, the cross-sectoral social partners also agreed that the criteria and principles for concluding fixed-term employment contracts can be combined with the characteristics of different forms of employment relationships. The parties proposed a tripartite analysis of whether the fixed-term employment contracts made for temporary agency work comply with the 'principle of compatibility' in practice. Following this analysis, legislative changes were made to improve the position of temporary agency workers in this respect.

Temporary agency work in all EU countries has been an important topic for both relatively recent legal regulation as well as for social dialogue and collective bargaining. This also results from the Directive on Agency Work and the principle of equal pay, both established in 2008, implemented in most cases with active involvement of the social partners. While the directive, in particular in the CEE and southern European countries, had an **important impact for the initial regulation of this specific form of employment**, regulation in other countries, such as the Netherlands, dates back to the mid-1970s. However, agency work in nearly all EU countries during the past 15 years has been high on the agenda of the social partners, particularly trade unions, as an emerging new form of employment which is becoming increasingly prevalent.

While in Sweden the social partners in the agency work sector in 2000 concluded the first agreement on the regulation of agency work, the social partners in Finland played an important role in the establishment of a legal regulatory framework through the 2001 Employment Contracts Act. Most importantly, it contained the principle that the collective agreement of the user enterprise must be followed if no agreement exists specifically for temporary agency work. Thus all temporary agency workers became subject to collective agreements. The collective agreement applicable at the user enterprise (by direct or overall applicability) is applicable also to temporary agency workers at that enterprise.

The Austrian social partners concluded the first collective agreement for temporary agency workers (*Leiharbeiter*) in 2002. This agreement covers more than 45,000 workers and grants them minimum employment and working standards when they are not contracted out to a client (in this case the collective agreement of the client company applies).

In Belgium, France, Germany, Italy, Luxembourg and the Netherlands, along with legal dispositions, collective agreements play a major role in regulating this form of employment and implementing the ‘equal pay principle’. These can be between employers in the temporary agency work sector and trade unions at cross-sectoral level, as well as within main ‘user’ sectors for agency work. Following the Directive on Agency Work in 2008, the regulation of agency work has been adjusted in many countries. This also involves quite new forms of collective agreements and innovative solutions as, for example, in Germany where the social partners at cross-sectoral level (which on the trade union side is quite unusual) have concluded agreements on a general minimum wage floor for temporary agency workers that are complemented by sectoral agreements on sector premiums (*Branchenzuschläge*) and equal pay rules.

In Italy, for example, in 2008, a national collective agreement was signed for temporary agency workers establishing a common value for the standby allowance provided for in law, stating it must be extended also to dismissed workers who are enrolled in training activities following an agreement with trade unions, and extending maternity guarantees. The agreement was renewed in 2014, settling a minimum pay rate for fixed-term temporary agency workers (equal to the remuneration of 25% of the standard working time in the company where they perform their work).

In Belgium, in December 2012, the law on temporary agency work was modernised based on an agreement between the social partners. Firstly, the new law creates a better protection for the temporary workers by, for example, limiting the use of successive daily contracts. Secondly, the new law creates a legal framework for cases where employers use the temporary agency work as a tool for selecting the right candidate offering them, at the end of the temporary period, a longer term or even indefinite contract.

In Norway, the social partners concluded a trendsetting collective agreement (*Industrioverenskomsten*) in 2012, which they agreed would expand its coverage in the manufacturing sector to also cover temporary work agencies. This was also done in other collective agreements in the private sector. The reasoning was that it would then be easier to ensure equal treatment of workers; it also favoured allowing agency workers to be covered by the regulations of other sectors, such as building and manufacturing. Since Norway is dominated by multiemployer bargaining, this move is seen as particularly important by the trade unions. However, a collective agreement has to be established for each individual

company on the basis of unions having members in individual temporary work agencies. Since the union density rate is low in these companies, few new agreements have been signed for the temporary work agency sector.

In CEE countries, discussions on ‘new forms of employment’ and in particular, temporary agency work have often been heated. Nevertheless, regulation has been devised with an active involvement of the social partners, most of the time considerably influencing legislative frameworks. At the same time, debates about proper regulation had an important impact on the functioning of social dialogue itself, as the example of Poland illustrates (see textbox below).

### **Poland: Towards an agreement on temporary agency work**

As far as temporary agency work is concerned, a compromise was reached by trade unions and employer organisations in the Tripartite Commission (TK) in mid-2007 which gave company-level unions the right of consultation in case the employer intends to hire temporary agency workers. In 2014, the Polish Confederation of Private Employers (Lewiatan) initiated a round table discussion on temporary work covering a code of conduct and the certification of temporary work agencies. However, agreement of the social partners on this issue is difficult to envisage, as trade unions declined to join the discussion under their current policy of boycotting tripartite negotiations.

Other fast-emerging forms of work have been addressed by social partner organisations in several Member States, such as freelancing and dependent self-employment. Here, the examples of Italy as well as Austria and Belgium, are interesting, as the social partners not only concluded some interesting agreements but they also (namely trade unions) took a holistic perspective to better address the emergence of these ‘new forms of work’.

In Italy, the ‘dependent self-employed’ have been generally excluded from national collective agreements, meaning that an increasing number of workers are not covered. However, steps have been taken in regard to specific groups of workers, often also self-employed such as workers in call centres or collectors for debt collection agencies. Some collective agreements try to cover these new forms of employment. For example, in the call centre sector, an agreement signed in 2013 aims at providing a wage floor for call centre operators, linked with the level of wages of workers in the telecommunication sector and a list of previous employed workers to which companies have to refer when activating new contracts. Furthermore, the signatory social partners have agreed to establish a bipartite institution in charge of paying benefits in cases where dependent self-employed workers in the sector have to suspend their contract due to maternity, training or illness. The bipartite institution is to be funded by an additional levy applicable to company members of the signatory employer organisations and to the addressed workers themselves. In 2012 trade unions and employer organisations signed an agreement aimed at increasing guarantees for debt collectors of collection agencies, establishing a link between the pay of dependent self-employed workers and those of dependent workers.

Similarly, in 2009, the social partners in Belgium agreed on the establishment of a Joint Committee (No. 336) concerned with the wages and working conditions for some 27,000 liberal professions, such as auditors, accountants, architects and solicitors. Other newly created Joint Committees are No. 333 Tourist attractions and No. 340 Orthopaedic technologies. So far, however, it has not been possible to establish such a committee for call centres.

In Austria, the social partners, not only in the agency work sector but also in other sectors characterised by new forms of employment, have also succeeded in concluding innovative agreements. One example is the collective agreement for social care that was signed in 2013 and which, since then, has been renewed annually. It covers a workforce of around 60,000, mostly employed by private not-for-profit organisations. Another interesting innovation can be found in the new collective agreement for journalists. In exchange for a reduction in annual bonus payments, employers have agreed to

offer regular employment contracts to permanent freelance staff. The collective agreement, therefore, not only regulates pay and working conditions but also limits the use of atypical employment contracts

## Combating social dumping

Interestingly, in the Nordic countries it has been stressed, mainly by trade unions, that **low wage employment and social dumping** have been important new topics emerging over the past decade. These issues were notably prompted by several cases of the misuse of some new forms of transnational worker mobility such as posting.<sup>10</sup>

In Norway, trade union representatives reported that the most prevalent new topics since 2004 have been new regulations to combat social dumping. Tools foreseen in collective agreements include access to information on wages and working conditions in sub-contracting companies and, since 2012, there have been regulations on the equal treatment of temporary agency workers, as well as co-determination rights for subcontracting work. In addition, five of the main social partner organisations are participating in joint actions to combat the black economy and a special committee, the *Samarbeid mot svart økonomi* body – chaired by the Norwegian tax director with the Finance Ministry holding an observer status – has been created. This body also engages in regional joint actions with regional representatives of the cooperating organisations.

In Denmark, in 2014, the social partners in the construction sector, the 3F Building Workers Trade Union (3f Byg) and the Danish Construction Association (Dansk Byggeri) concluded a collective agreement which established a task force on social dumping. They have campaigned against social dumping and wage-cutting caused by unorganised employers and employees. The task force includes cooperation with the Danish Working Environment Authority and the Danish Customs and Tax Administration (SKAT).

Also, in relation to bad practices and social dumping along the supply chain, the Danish trade unions have been pushing the government to pass a law on the responsibility and liability of companies in regard to their suppliers. The liability chain responsibility makes main contractors responsible for their subcontractors. This **type of measure is usually considered as efficient**. However, in the current Danish context, the reform proposal is not likely to be adopted as it is not backed by the employer organisations and has not got enough support among members of parliament.

Also, in Sweden, trade unions have campaigned against the improper use of flexible forms of employment such as temporary agency work as a source of wage dumping. While accepting temporary employment as useful for temporary adjustments in the supply of labour, the Swedish trade unions oppose the systematic and continuous use of such forms of employment.

Of course, such initiatives are not only limited to the Nordic countries. As mentioned above, trade unions in Poland in recent years have also run public campaigns against ‘junk jobs’ to combat ‘social dumping and unacceptable working conditions’ (for example in large retail chain stores). In Bulgaria, the Bulgarian Industrial Capital Association (BICA) together with CITUB, and with financial support from the government, has established project activities to contain the informal economy and illegal work.

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<sup>10</sup> See the country reports on Denmark and Sweden but also on Germany and Belgium published recently in the annex to a report for the EU Commission: ‘**Study on wage setting systems and minimum rates of pay applicable to posted workers in accordance with Directive 96/71/EC in a selected number of Member States and sectors**’.



Quite prominently, in Germany, trade union campaigns on social dumping, low wage and precarious working conditions in parts of the manufacturing, service and construction sectors have contributed to the establishment of collective agreements on the minimum wage, declared generally binding by the Ministry of Labour, paving the way for the general statutory minimum wage to come into force in 2015.

The German minimum wage act was designed also on the **basis of other European experiences**, in particular the UK minimum wage act. Regarding the UK there is, however, a further interesting context, the ‘Living Wage’, an initiative of trade unions and other civic society organisations.

### UK: Living wage campaign

Prior to 2016, the UK had a national minimum wage that was set through review and recommendation by the independent Low Pay Commission and legally enforceable.

However, anti-poverty campaigners, trade unions, academics and community groups have articulated an alternative wage floor, based on the idea of a living wage, not subject to recommendation, but rather based upon a formulaic calculation. And, since 2001, public and private sector unions have been part of a broad coalition seeking to encourage employers to sign up to become ‘living wage’ employers. The living wage was a voluntary scheme: employers who signed up agreed to pay the living wage to their employees and were also free to withdraw from the agreement at any time.

The living wage campaign has had some successes in terms of extending wage agreements to areas that have traditionally been difficult for unions to organise. However, up to 2016 it lacked statutory underpinning and, as such, an enforcement mechanism.

In July 2015, in its post-election budget, the Conservative government announced the **introduction of a ‘national living wage’** (NLW) for all workers over 25, to be brought into force on 1 April 2016. The NLW will be introduced on a phased-in basis between 2016 and 2020, with the aim of reaching 60% of median UK earnings by 2020. The legislative basis of the new NLW is the National Minimum Wage (Amendment) Regulations 2016 adopted on 26 January 2016.

In the case of the public sector, there is increasing interest in the possibility of building in pay considerations to procurement processes. There have been examples of contracts (Adam et al, 2014) which include stipulations that subcontractors will be required to pay their employees the living wage. The rationale for these interventions may be social, economic, or based on reputational concerns.

Another example is the practice of non-payment of salaries, still quite widespread in parts of the EU. For example, SGH and the Union of Autonomous Trade Unions of Croatia (SSSH) began permanent consultations with the employers and the government and, in February 2011, the non-payment of wages became a criminal offence in Croatia. The law acknowledges the diversity of potential situations businesses can run into if an employer unintentionally stops paying wages either because they are unable to or due to a lack of money which is not their fault – the employer will not be held liable for non-payment; if the employer subsequently pays the wage arrears, they can be acquitted.

# Industrial relations challenges: 4 Innovative approaches in social dialogue and collective bargaining

Social dialogue processes have, in several ways, been adapting to the various challenges experienced over the period covered by this study. Firstly, social dialogue itself has been considered as a ‘new tool’ in some of the Member States. Secondly, during the crisis, the social partners have been obliged to adapt their ways into the social dialogue systems using several new tools and procedures. Lastly, the social partners have adjusted their collective bargaining practices in response to the new needs which their members have expressed.

## CEE countries: Social dialogue as a new tool

In most CEE countries, social dialogue, and the notion of bipartite and tripartite consultations and negotiations on employment relevant issues, had no tradition before they joined the EU (2004 and after). Therefore, in many CEE countries, social dialogue and related practices have been highlighted as a major ‘new topic’ or ‘innovative tool’.

As the overview of selected examples in Table 8 shows, important features in this context have been the requested compliance with the EU *acquis communautaire* as well as the EU-level social dialogue initiatives that have played an important role as ‘external drivers’.

**Table 8: New topics and tools related to social dialogue and collective bargaining in selected CEE countries since 2000**

Country	Examples
<b>Bulgaria</b>	<ul style="list-style-type: none"> <li>Implementing outcomes of the EU-level social partners’ agreements, for example on telework, part-time work, gender equality and lifelong learning</li> <li>Sectoral collective bargaining, anti-crisis agreements on bilateral basis (2010)</li> </ul>
<b>Croatia</b>	<ul style="list-style-type: none"> <li>Establishment of new social dialogue bodies at sector level after 2010 (bipartite as well as tripartite), for example, in the textile, footwear, leather and rubber, forestry and wood, railways, construction and tourism sectors</li> <li>Sectoral councils contribute to addressing challenges in the labour market and social affairs (for example pensions, managing structural change)</li> <li>Elaboration of innovative concepts, for example the introduction of ‘permanent seasonal worker’ status with special rights regarding social and employment security, concluded in the sectoral council on tourism</li> <li>Capacity building and training measures for actors involved in social dialogue</li> <li>Establishing a permanent bipartite socio- economic council</li> </ul>
<b>Czech Republic</b>	<ul style="list-style-type: none"> <li>New topics were brought by accession to the EU in 2004. Issues addressed in particular were informing and consulting employees at company level, European works councils, equal treatment and gender equality, discrimination at work, work-related stress, telework or related to work–family balance.</li> </ul>
<b>Estonia</b>	<ul style="list-style-type: none"> <li>Intensified dialogue, consultation and cooperation orientation between the social partners (for example, that are based on manifestos of key issues of policy covering demands for several years)</li> </ul>
<b>Hungary</b>	<ul style="list-style-type: none"> <li>Tripartite consultation on establishing relevant and suitable institutions and practices of social dialogue at national level and related institutional frameworks</li> <li>Establishment of sectoral social dialogue committees</li> <li>Social dialogue practice of information and consultation at workplace/company level</li> <li>Employer organisations at sector level</li> </ul>
<b>Latvia</b>	<ul style="list-style-type: none"> <li>Implementing outcomes of EU-level agreements, for example, on telework, part-time work, gender equality and lifelong learning</li> <li>Legal amendments to strengthen involvement of the social partners in employment and social issues</li> <li>Improving sectoral representation of employer organisations and sector level social dialogue</li> </ul>
<b>Lithuania</b>	<ul style="list-style-type: none"> <li>Implementing outcomes of EU-level agreements, for example on telework, part-time work, gender equality or lifelong learning</li> <li>Setting up sectoral structure of social dialogue and the sectoral social partner organisations (so far mainly in public services such as education, healthcare and social security)</li> </ul>

Country	Examples
Poland	<ul style="list-style-type: none"> <li>• New topics addressed by national-level social dialogue in the TK include minimum wage legislation, labour inspection, telework, anti-crisis legislation, pensions, establishing a labour fund and working time regulation</li> <li>• EU-level social dialogue outcomes at cross-sectoral level as well as sector level play an increasing role for the social partners' orientation, for example, on gender equality and new forms of employment</li> <li>• Last example of truly effective negotiations in the TK was the joint elaboration of the anti-crisis legislation by the social partners in 2009</li> <li>• Unions left the TK in June 2013 and proposed to transform it into a bipartite social dialogue council to be consulted by government on labour and social issues; employers are opposed to the idea that government should be obliged to seek an agreement with the proposed council</li> </ul>
Romania	<ul style="list-style-type: none"> <li>• Extending social dialogue institutions and practice by involving also other civic society organisations, SME associations, social economy and associations of migrant workers</li> </ul>

Source: Author's elaboration based on national contributions from Eurofound's Network of European correspondents (2015)

### Innovative tools in response to crisis

The 2008 crisis had various effects on social dialogue and the role of the social partners, especially in the consultation for and production of anti-crisis measures, as well as employment revitalisation strategies. While, in general, the impact reflects the traditional role of social dialogue within specific countries (as highlighted in [previous comparative research by Eurofound](#)), this study has also indicated some further features in regard to changes in the role of the social partners and bilateralism, new topics and the elaboration of innovative approaches.

Examples of innovations in national social dialogue that largely reflect the traditionally strong role of the social partners are the agreements reached at sectoral level in the banking sector in Luxembourg in 2014 on the outplacement rights of workers affected threatened by redundancies (see the textbox below)

#### Luxembourg: Agreement on worker's entitlement to outplacement support

In May 2014, the ABBL and the three representative unions (ALEBA, OGBL and LCGB) signed an agreement that established the right for outplacement in the context in restructuring. The collective agreement states:

*To facilitate the search for a new job, an employee who is made redundant for economic reasons is entitled to benefit, at his/her request, from an outplacement measure. The employee must make his/her request no later than within one month of any notification of the grounds for redundancy for economic reasons. The procedures and criteria must be established between the employer and the representatives of the personnel of the company concerned. If there is no staff representation at the workplace, the procedures and criteria must be determined between the employer and the employee concerned. The employees concerned are invited to seek advice from the trade unions organisations signatories of this agreement. For the employees affected by a social plan, outplacement measures will be negotiated as part of that social plan.*

Based on a long-standing strong role in employment policy, the Dutch social partner organisations have been actively involved in devising employment measures in response to the crisis. The government has invited the **sectoral social partners to develop employment plans** which – after approval by the Ministry of Social Affairs and Employment – would receive a co-funding of 50%.

In contrast to this trend of continuing existing bipartite as well as tripartite, dialogue and concertation, other countries report a rather negative impact of the crisis. In Denmark and Poland (and in the temporary assistance programme



countries of Greece, Ireland and Portugal), an increase in governmental unilateralism is reported. This, in turn, has resulted in trade unions and employer organisations sometimes closing ranks, as reported, for example, in Denmark. Here, trade unions as well as employer organisations are faced with an austerity policy and a continuing erosion of the ‘flexicurity formula’ (the social security footing) that both parties oppose.

A further and quite striking case is Greece. In 2011, in the face of the government’s unilateral measures that significantly restricted the implementation of collective bargaining agreements in the context of the anti-crisis and austerity measures, GSEE and two of the most representative employer organisations, the Union of Commercial Associations of Greece (ESEE) and the Hellenic Confederation of Professionals, Craftsmen and Merchants (GSEVEE) jointly made an official complaint to the ILO Freedom of Association Committee. In this document, they set out their concerns about the impact the state’s intervention in the National General Collective Agreements and the National Sectoral Collective Agreements was having on their membership and representative ability. The employer organisations asked the ILO to intervene over the violation of their fundamental rights, stating that:

*‘these measures have delivered a long term blow to the system and the processes of collective bargaining, namely by creating an incentive to their member enterprises to leave their sectoral employers’ organizations in order not to be bound by the sectoral collective agreements’.*

The two national employer organisations, which cover almost 90% of the enterprises functioning in Greece, participated in more than five general strikes declared by GSEE during 2011 and 2012.

In Ireland, the situation after 2008 and the demise of the formal tripartite partnership system has brought about a return to local/enterprise level bargaining in the private sector. The Irish Congress of Trade Unions (ICTU) and the Irish business and employer association, IBEC, formed a private sector protocol, renewed annually, which encompasses a guide on how bargaining activity can be engaged in an orderly way.

Similarly, the social partners in Portugal have found it important to send a message on the reinforcement of social peace, illustrating the positive role of social dialogue and collective bargaining during the intervention of the Troika. Cross-sector agreements have been signed in 2011, 2012 and 2014 by all the social partner organisations except CGTP. The last cross-sector agreement is perceived as a new phase of social concertation by some of the employer organisations since, with it, the social partners seem to recover influence. What has been remarkable is that employer organisations too, and in particular CIP, have strongly argued for an amendment of the significant restrictions on the extension of collective agreements that were unilaterally imposed by a government decision in 2012 and which resulted in a sharp decline of decrees declaring collective agreements universally binding. As a result, the rules were made less restrictive by an amendment in 2014.

Also, the ‘Agreement for employment and collective bargaining 2012–2014’ concluded by the social partners in Spain has been characterised as a significant step which indicates the willingness and capacity of the unions and employer organisations to **modernise, adjust and improve the Spanish system of wage-setting and collective bargaining**. It should be mentioned, however, that the agreement had not achieved the **intended influence on the 2012 labour law reform** implemented unilaterally by the Spanish government.

Apart from these signs of a revitalisation of bipartite dialogue and bargaining in southern European countries, there are further examples that indicate a strengthening of both bipartism and tripartism which also involve the extension and intensification of social dialogue and bargaining scope, including new and innovative tools.

For example, in Bulgaria, as a consequence of the crisis, in several sectors or companies, new clauses for dialogue and the preservation of jobs and wage levels have been devised. In the retail sector, the sectoral agreement includes a clause allowing management and employees to conclude agreements on concrete measures in order to preserve employment levels and wages. In the tourism sector, the social partners have discussed the possibility of assigning workers new tasks in order to preserve their jobs. A collective agreement in the finance sector (involving DSK Bank) provides that, in order to prevent lay-offs, it is possible to use different internal and external flexibility measures such as short working-time schemes, temporary agency work, part-time work, and seasonal or hourly contracts.

For Slovenia it has been reported that, after the crisis, the scope of the contents of collective bargaining agreements was extended with new topics introduced such as mediation, harassment at work, gender equality and youth issues. Furthermore, employer organisations and trade unions along with non-governmental organisations (NGOs) and government bodies have started to cooperate more frequently, as partners in national and international projects, in relation to youth unemployment, migrant workers, intergenerational cooperation in the workplace, sectoral social dialogue, and health and safety at work so as to respond to the needs of their existing and potential members. The social partners – ZSSS, GZS, the Confederation of Trade Unions of Slovenia (KSS Pergam) and the Employers Association of Slovenia (ZDS) – have also noted strengthened social dialogue on joint projects and influencing public policies, for example, in regard to legislation on the employment of foreign workers.

Similarly, in Slovakia, social dialogue at tripartite and bipartite level has been intensified and deepened. For example in a joint ‘Contract on Cooperation’ signed in January 2013 by the most representative organisations, the social partners expressed their interest in strengthening the social dialogue on cross-sectoral and national levels and its role in maintaining social peace. They also stressed the importance of the role of bipartite meetings and of the exchange of ideas in creating the conditions for finding common positions on issues such as employment, the development of economy and activities of the social partners in the national-level tripartite social dialogue.

### Adjusting collective bargaining practice in response to new needs

One key aspect the crisis highlighted has been the use of negotiation to support workers and businesses.

As previously mentioned, the 2008 crisis triggered measures of working time flexibility and room for manoeuvre on pay-related issues at company level. A prominent example here is the extension of the short-time work scheme in Germany that helped to weather the crisis.

Also, in the Czech Republic in reaction to the crisis in 2010, hundreds of companies decided to adjust their working time – in most cases the working week was reduced to four days. On the fifth day, usually on Fridays, employees stayed at home, obtaining some wage compensation (frequently 60% of their average wage), resulting in a decrease in the average wage according to ČMKOS.

In Sweden, under the umbrella of a ‘crisis deal’ between the industrial social partners, a new approach was developed that involved the substitution of a wage increase by a reduction in working time that implied both lower wages and lower working time.

The need for greater flexibility in trying to adapt to market evolution and economic globalisation has been clearly expressed by employer organisations.

In Spain, for example, the issue of ‘internal flexibility’ is of special interest. In 2000–2008, legislative reforms and new regulations tried to promote flexibility, but the focus was mostly on ‘external’ flexibility, particularly linked to

contracting and dismissal conditions. In any case, collective agreements slowly but progressively advanced towards internal flexibility as well, and company-level agreements were more likely to include **more internal flexibility clauses**. Subsequently, in 2010, the social partners signed an agreement (Agreement for employment and collective bargaining 2010–2012) where they opted for internal flexibility instruments as an alternative to employment destruction, allowing the **adaptation of working conditions to the economic performance of the company**. In addition, the text of the agreement says that collective agreements should promote permanent employment, trying to transform fixed-term contracts into open-ended ones.

As a result, and as reported in particular by those countries that have a strong system of multi-level bargaining, there is evidence that higher level agreements are increasingly aimed at setting general frameworks and guiding principles while, at the lower level (particularly at company level), concrete bargaining of wage levels and other topics are taking place. A prominent example is Italy (see textbox below).

#### Italy: Flexibilisation and decentralisation of collective bargaining

The need to have more flexible regulations and to adapt wage increases to the productivity growth of single companies has been stressed by Confindustria and the government, and was the object of negotiations with trade unions that led to the following agreements.

Under a framework agreement signed in January 2009 (*Accordo Quadro*), the government, Confindustria, the Italian Confederation of Workers' Trade Unions (Cisl) and the Italian Labour Union (Uil) set up a new industrial relations system. The agreement strengthened the role of second-level bargaining, giving it the opportunity to derogate from the national collective agreement. Among other issues, the agreement strengthened the role of company/local level conditions by linking wage bonuses for workers with productivity targets. These provisions were supported by minor income taxation and social security contribution reliefs granted by the government to a portion of the wages agreed in second-level agreements.

In line with this orientation, the role of second-level bargaining was further strengthened by the 2012 'Guidelines to increase productivity and competitiveness in Italy' (*Linee programmatiche per la crescita della produttività e della competitività*), where the social partners specified topics (such as flexibility in working hours, flexibility in employee's duties and flexibility in internal organisation) and the scope of the second-level bargaining, asking the government to reduce taxes affecting labour cost and to stabilise productivity wages, tax and social security contribution reliefs. The **stronger emphasis on decentralised collective bargaining** increased the number of issues negotiated at company level including, apart from criteria and targets linked with productivity wages, working time patterns and classification of workers.

Decentralisation and flexibilisation have also been prominent features of debate, demands and agreements in countries such as France, where it is reported that 'atypical negotiations' at company level have become more widespread in recent years, often linked to action such as direct negotiations by staff delegates instead of union delegates, employee referenda and mediation practices in situations of conflict. Long before the 2008 economic crisis and employer organisations allowing members to opt out of applying the relevant collective agreement, collective bargaining in Germany had been characterised by strong trends of sectoral agreements allowing for deviations at company level in situations of economic difficulty as well as a growing importance of company-level collective agreements (*Haustarifverträge*).

The stronger role of actors at company level also requires more competences and skills from company-level employee representatives and trade union structures. This challenge, and the need to support company-level actors better, has been highlighted, for example, by trade union representatives in Finland. Traditionally, shop stewards there have had more of a monitoring role and functioned as a link between the trade union and the workplace, assisting in recruiting members and coordinating industrial action. Nowadays, shop stewards have also become negotiators having to apply collective agreements and labour market regulations at the workplace. The Central Organisation of Finnish Trade Unions (SAK) has consequently provided increased training for shop stewards to better equip them for this role.

An innovative tool designed to support company-level social partners to cope better with handling the processes of change was developed in Denmark in the context of the agreement between key actors in the public sphere, the Danish Trade Union of Public Employees (FOA) and KL in 2012. Both social partners felt a need to cope with the many organisational changes they faced and established a 'dialogue tool'. This is designed to help workplaces, organisations and institutions to cope with changes caused by new policies implemented at local level.

Dialogue has indeed been a key word in collective agreements since the crisis struck in 2008. Another example is the collective agreement between the employer interest organisation for the five regions in Denmark (Regioner) and FOA, the Danish Confederation of Professional Associations (AC) and the Association of Local Government Employees' Organisations (KTO) in 2011. The agreement includes the establishment of a forum for dialogue and development in human resource policies in 2011.

# New topics, new tools: 5 Achievements and impacts

Assessing the social partners' achievements on adopting new tools and practices is an even more challenging issue than the one of defining the 'new' and 'innovative' characteristics. This chapter aims to explore to what extent the social partners embrace 'new topics' and the concrete impacts these make.

## To what extent do the social partners explore 'new topics'?

In order to assess the social partners' achievements in exploring new topics, it is useful to cluster the Member States according to how much they address these topics. As already highlighted in the earlier chapters of this report, it is not always easy to determine whether a topic addressed by the social partners in the context of social dialogue, their own campaigns or collective bargaining is 'new'. In some EU countries, new topics have been moved to the agenda of social dialogue only recently and what is seen as a new topic in one country could be an established topic in another. As seen earlier, there are significant gaps in this regard between the 'old' Member States and those that joined the EU during the past decade.

This means that at least two types of 'new topics' can be identified: those that are really new from an EU-wide perspective and those that are new only for some Member States. A good example of a topic of the first type is climate change while an example of the second type of topic would be gender equality.

Belgium's Interprofessional Agreement for 2009–2010 falls into the first category: this offered the possibility of paying employees with 'eco vouchers', over and above their standard salary. The vouchers are based on the 'luncheon vouchers' that have been in existence for years and are a tax-friendly way of giving an extra wage increase above the wage indexation. They can only be spent on eco-friendly products such as low-energy light bulbs, rechargeable batteries or train tickets. To the author's knowledge, the topic and the tool of eco vouchers have only been addressed in Belgium.

Further aspects should also be highlighted here. Some topics or tools may be put on a national agenda for social dialogue or collective bargaining, and described as 'new' or even 'innovative' while, in other countries, it would be impossible to include them in the scope of bargaining or social dialogue because they would not fit with national traditions or a country's particular concept of industrial relations. The issue of self-employment, and dependent self-employment in particular, would be such a topic because, in most countries, trade unions do not or cannot organise self-employed workers. Moreover, negotiating on self-employment would be more related to discussing the organisation's economic activity than a worker's conditions of work and employment.

An important aspect also relates to the link between topics, new tools and various forms of social dialogue. Significant features to keep in mind are the various forms of social dialogue (bipartite, tripartite at sector and/or cross-sector level) and collective bargaining (from company to national level), and the various social partners' unilateral initiatives, campaigns and even political demands.

Interestingly, this overview shows that, in all EU countries, the social partners have addressed and dealt with 'new topics' in regard to the main internal as well as external drivers highlighted in previous parts of the report. However, what differs significantly is the scope of the new topics that have been addressed and the motivation to address these topics. Here, more or less three patterns emerge in regard to the exploration of new topics, as well as regarding the role of different forms of social dialogue in addressing or dealing with them (Table 9).

The first group is quite large, including 11 countries where the national social partners have mainly addressed topics introduced at the EU-level policy agenda, either by EU legislative regulation (for example, on information and consultation or temporary agency work) or autonomous agreements as well as other initiatives in the context of capacity-building measures of transnational projects. This group of countries come mainly from those Member States that joined the EU after 2004 but also include the UK (topics here would be, for example, the impact of the information and consultation directive, and agreements and initiatives of the EU-level social partners). A further feature of this group is that new topics, to a limited extent, are addressed by collective bargaining. New topics are mainly consulted and discussed within tripartite or bipartite social dialogue and may result in joint initiatives, orientation or guidelines. National framework agreements or legislative initiatives are much less frequent.

The second group comprises 10 countries from CEE and southern Europe (Bulgaria, France, Greece, Ireland, Italy, Luxembourg, Portugal, Slovakia, Slovenia and Spain) where the social partners more recently added a growing number of additional topics related, for example, to a better coverage of new groups in the labour market, low wages, or skills or social security. This group also contrasts with the first group insofar as ‘new topics’ are not only addressed at the consultative and dialogue-orientated fields of social dialogue, but also in collective agreements and legislative initiatives. However, it should be noted that in Greece, Ireland, Portugal and Spain a further common feature is the significant impact of the 2008 crisis.

The third group identified includes eight countries (Austria, Belgium, Denmark, Finland, Germany, the Netherlands, Norway, and Sweden) where the social partners have explored the broadest range of new topics both in response to internal, as well as external, drivers and challenges. Depending on the specificities of the respective national industrial relations systems, new topics also have been addressed in all relevant fields of social dialogue, bargaining and legislative concertation.

**Table 9: Social partners exploring new topics since 2000 – main results**

Patterns of addressing new topics	Countries exemplifying these patterns
<b>Mainly shadowing EU-level developments and initiatives</b>	CY, CZ, EE, HR, HU, MT, LT, LV, PL, RO, UK
• Exploring also additional topics	BG, SI, SK
<b>Exploring new topics</b>	FR (labour market reforms, restructuring), IT (collective bargaining, labour market flexibility), LU (for example, mobile workers)
• With significant changes after 2008	EL, ES, IE, PT
<b>Exploring a broad range of new topics</b>	AT, BE, DE, NL
• Plus initiating organisational changes and labour market/welfare system reforms	DK, FI, NO, SE

Source: Author’s elaboration based on national contributions from Eurofound’s Network of European correspondents (2015)

### **To what extent are the social partners developing and applying new tools and innovative measures?**

While this study clearly shows that the social partners have taken on board quite a broad range of new topics related to various challenges in all EU countries, the question remains whether this has had any concrete impact on social dialogue processes, scope or outcomes. A first indicator of whether this is the case could be the various levels and fields of social dialogue at which new topics are discussed and elaborated on between the social partners and also with the government and other public actors. Important questions in this context are:

- Are new topics only discussed and debated in purely consultative fora of bipartite or tripartite dialogue?
- Are they further elaborated into concrete measures and tools in the context of legislative initiatives?



- Are new topics also introduced in collective agreements at various levels that make a concrete impact on working conditions on the ground?

In response to these questions, this study's national analysis has shown that the conditions in the EU Member States and Norway differ considerably. In some countries, the social partners (namely trade union organisations) have also been quite sceptical about new topics addressed seriously in the respective national context. For example, in the Czech Republic it has been stated that, although the number of new topics contained in collective bargaining agreements has been growing – even during the crisis – the fundamental problem results from the 'soft' character of their implementation. Although these topics are part of the collective agreements, their wording is often vague, specifying neither activities that will lead to the set objectives nor potential sanctions for those not respecting these obligations. Generally speaking, the highest awareness of these topics is at the level of trade union and employer peak organisations, and the research found that often the social partners at company level do not consider them to be significant. The observation was also made that the more decentralised the level of social dialogue, the more conservative and traditional the topics addressed. At company level, collective bargaining mainly deals with wages, working time and social benefits (such as luncheon vouchers, or supporting the leisure activities of employees).

This pattern is not just identified in the national analysis of those Member States where collective bargaining is regarded as comparatively weak. The situation in developed Western countries has also been assessed quite sceptically. In France, for example, research has suggested that the social partners in some sectors and companies go beyond legal requirements, but it also seems that 'new topics' in collective bargaining are largely triggered by legal changes and, only to a very limited extent, are the result of the social partners' own initiatives.

This research confirms that in those countries where the social partners, either by collective agreements or strong impact on legislation, already play a significant role not only regarding the regulation of 'core' topics such as wage-setting, working conditions and other labour-related matters but also on other topics in employment and social affairs, the translation of new topics into concrete proposals, measures and practices is also the strongest (Table 10).

**Table 10: New topics and innovative measures and practices addressed, discussed and implemented**

Innovative measures/practices* implemented by collective agreements or legislative initiatives	Countries
Yes, with a quasi-regulatory impact on working conditions and regulation	AT, BE, DE, DK, FI, IT, LU, NL, NO, SE
Yes, but with a less strong impact on working conditions	ES, FR, IE, PT, SI, SK
Only few cases having a concrete impact on working conditions	BG, CY, CZ, EL, HR, HU, MT, PL, RO, UK
New topics have not yet entered the agenda of collective bargaining and legislative initiatives	EE, LT, LV

Note: \* 'Innovative' from the national perspective in the sense of a marked change in problem solving and as identified in the national reports for this study

Source: Author's elaboration based on national contributions from Eurofound's Network of European correspondents (2015)

## Assessing the impact of new tools, practices and innovations on the expected outcomes

It is difficult, if not impossible, to assess whether or not the measures, initiatives and new tools described in this study have had any concrete and measurable impact on the expected outcomes, at least in regard to the organisational strength, capacities and influence of social partner organisations in the wider social and economic fabric. This is illustrated by a great deal of research carried out on trade unions' organising and recruitment campaigns. For example, in the UK, various studies on unions' organising tend to point to noteworthy successes at workplace level, but as aggregate figures show, there is little evidence of a sustained revival of trade unionism. Trade unions largely struggle to build effective strategies at sectoral or national levels.

Similar results have been found in Germany on trade union and employers' strategies to rebuild organisational and political strength and influence, highlighting the difficulty in assessing how many members any single campaign has added to the unions' membership. The decline in DGB membership figures has certainly slowed during the last couple of years, while DGB member unions has increased since 2008, as in the two largest trade unions, IG Metall (since 2011) and ver.di (since 2013). According to research and trade union strategists, organising campaigns as well as industrial actions focusing in particular on low-wage issues and vulnerable groups of workers have had a positive effect on membership trends.

### **Germany: Social partners' views on the impact of new tools and approaches**

With regard to employer organisations, a telephone interview with BDA carried out in the context of this study, confirmed that employers have gained more flexibility since 2000. The new 'OT membership', the use of opening clauses for working time corridors, 'zero months' and longer durations for collective agreements, have all contributed to this flexibility. This, together with wage moderation and the ability to cut costs, has been central to stabilising the German labour market and keeping companies competitive in times of crisis. According to the employer organisations, it is also possible to increase wages again as the economic situation has improved.

As shown above, the decline in union membership has slowed over the past decade and, in some cases, been reversed. The unions' major concerns (introduction of a national minimum wage and stricter regulation of temporary agency work) are embedded in the latest coalition agreement negotiated between the Christian Democrats and Social Democrats after the federal election in autumn 2014. As the employers are happy to acknowledge, the unions' conciliatory collective bargaining policy during the global financial and economic crisis helped to stabilise the German labour market and economy. Nonetheless, the unions still face challenges. The demographic transition means an anticipated decline in employed people, while new members will have to be sought in service-oriented and knowledge-based sectors, renewable energies and ICT. The unions are aware of these challenges and have begun to tackle them.

It is even more difficult to assess the success and tangible impact of the measures and practices, as well as innovation in other countries described in this report. In countries where the social partners traditionally have a strong influence on legislative reforms and regulations in the working life and on social issues, concrete outcomes and impacts are relatively easy to identify. However, these outcomes are much more difficult to identify in countries where the adoption of new topics and the application of new and innovative approaches have remained largely in the sphere of dialogue, consultation and 'soft' tools such as guidelines, joint recommendations or 'numberless' framework agreements without the signatory parties being under any concrete obligation that would result in sanctions if nothing was done. Against this, the overview given in Table 11 provides an assessment of impacts as well as general patterns of the social partners adopting new practices and innovative approaches.



**Table 11: Assessing the impact of new topics and innovative measures and practices addressed, discussed and implemented**

Policy fields and topics	Assessing the impact of new practices, tools and innovations
<b>Organisational adjustments, development of new services and support measures for members</b>	<ul style="list-style-type: none"> <li>• Both employer organisations and unions have made adjustments in order to increase organisational efficiency and become more attractive for members</li> <li>• Union efforts strongly driven by membership losses, financial restrictions and the need to improve attractiveness for new types of members</li> <li>• Marked differences in terms of addressing dependent self-employed by trade unions</li> </ul>
<b>Organising and recruitment</b>	<ul style="list-style-type: none"> <li>• Mainly a union issue, but also for employer organisations in CEE countries</li> <li>• A number of unions as well as employer organisations report a halt in the decline and even an increase in membership figures</li> <li>• Elaborate strategies that are underpinned with organisational readjustment mostly in North and Centre-West countries</li> <li>• In other countries, approaches have been more symbolic and less active</li> </ul>
<b>Skills, employability and lifelong learning</b>	<ul style="list-style-type: none"> <li>• Not new but increasingly relevant issue</li> <li>• Characterised by strong joint interests of unions and employer organisations</li> <li>• The social partners in many countries have been able to set agendas and directly influence legislative initiatives and changes</li> </ul>
<b>Ageing and demographic change Gender equality Psychosocial risks and harassment</b>	<ul style="list-style-type: none"> <li>• Broad range of new topics and involvement of social partner (ranging from collective agreements to involvement in legislative reform procedures)</li> <li>• Significant differences in terms of the social partners having an impact</li> <li>• Gender/health and safety: the social partners' practices in most cases complementing and extending public policy initiatives</li> </ul>
<b>Regulation of 'new forms of employment' and promoting decent working conditions</b>	<ul style="list-style-type: none"> <li>• Unions have been much more active on this topic than employer organisations</li> <li>• Great variety in terms of impact, ranging from initiating and shaping regulation to lack of influence</li> <li>• EU social partners' agreements on part-time work, fixed-term contracts and telework have had a strong impact on Member States that joined the EU during the past decade</li> <li>• Social dialogue and social partner initiatives playing a key role in improving employment and social security</li> </ul>
<b>Flexibility of working time and stronger orientation of collective bargaining towards company level</b>	<ul style="list-style-type: none"> <li>• Important theme for employer organisations, in particular in western Europe and systems with strong, multi-level bargaining systems</li> <li>• As a result of social dialogue as well as governmental unilateralism, collective bargaining practices have become significantly more flexible and decentralised during the last 15 years</li> </ul>
<b>Crisis and restructuring</b>	<ul style="list-style-type: none"> <li>• Crisis in a number of cases has resulted in unions and employer organisations establishing joint initiatives and demands for government/legislative actions</li> <li>• Influence of the social partners very dependent on political environment and broader role of social dialogue in the respective countries</li> </ul>

Source: Author's elaboration based on national contributions from Eurofound's Network of European correspondents (2015)



The main objective of this comparative analytical report has been to gather information on how the social partners, at national level, have responded to the challenges they are facing in terms of organisational capacities and power, as well as the new tasks and topics they are confronted with as interest representation bodies for workers and business. It has also aimed to gather the ‘new topics and tools/practices’ explored by the social partners, regarding internally related challenges as well as organisational ones and those linked to social dialogue, with external challenges and needs in working life.

These objectives should also be seen against the background of increasing concerns regarding the role played by the social partners today, at national as well as European level, with a view to contributing to economic recovery, competitiveness and social cohesion. The ability of the social partners at EU level ‘to deliver’ has been questioned recently and led to the European Commission announcing the need for a ‘new start’ for European social dialogue.

The study’s key findings can be grouped along the following broad themes and the need to:

- systematically contextualise the ‘new’ topics and instruments, as well as the ‘innovative’ approaches and practices, against the background of significant variety within the European system of industrial relations;
- consider the fundamental differences between trade unions and employer organisations in regard to the topics and challenges addressed, as well as new approaches and innovative practices applied;
- take into account the variety of industrial relations systems and other framework conditions in which the social partners are acting to analyse developments and trends in regard to the exploration of new topics and introduction of new practices;
- attempt to better assess the impact of new practices and innovations both on national industrial relations systems and as the outcomes of social dialogue and collective bargaining;
- follow up on this research and make policy recommendations and reflections on the future role of EU-level actors.

## Variety of industrial relations systems and dynamics

The novelty of the tools used by the social partner organisations depends on the institutional context. One important finding of this study is the clear differences between ‘old’ and ‘new’ Member States in this regard. Regarding the latter, for example, the establishment of social dialogue institutions and collective bargaining practices at sectoral level in many countries that joined the EU recently has been highlighted as ‘new’ topics and even ‘innovative’, as no such traditions and practices existed before.

Similarly, issues such as company-based vocational training, ongoing or further qualification and skills development or lifelong learning rights and provisions that have existed in many Member States for a long time have been highlighted by others as relatively recent. Here, not only the demarcation between ‘old’ and ‘new’ countries matters, but also the differences between industrial relations models. In some countries, the social partners are strongly and directly involved in the organisation and monitoring of vocational education and training, the adjustment of curricula and the development of qualification profiles, while in other countries they are not.

At the same time – and somehow against the mainstream of EU-level perception – the analysis in this study gathered strong evidence that EU-level initiatives, and in particular the agreements of the EU-level social partners, have had a strong impact on ‘new’ topics addressed by the national social partners. Examples here are the agreements on fixed-term employment, telework and gender equality.

The impact of EU-level initiatives and regulation (for example, the strong impact of the directive on temporary agency work on social partners' practices) has been particularly visible in those countries where both organisational capacity and the political influence of social dialogue and the social partners are comparatively weak (as illustrated by examples from CEE countries). This study indicates that there is certainly no common, level playing field in the EU in regard to exploring new tools and innovative practices and also actually implementing them (for example, shaping practices at local/regional or national level). While, for example, the social partners are able to shape or even initiate, by institutionalised dialogue and consultation or collective agreements, practices of better balancing flexibility and security in some labour markets or develop new tools of internal flexibility at company level, such practices, from the point of view of other countries, are still unattainable. These fundamental differences have to be taken into account when drawing conclusions in regard to the impact or 'performance' of the social partners regarding changes in working conditions and/or regulation.

### Common and different challenges faced by trade unions and employer organisations

This research has highlighted a number of organisational challenges that trade union and employer organisations face as 'interest organisations'. Both face the need to increase organisational efficiency, adapt services in the light of a more diverse labour market and business structures, and become more attractive for groups of workers and companies that, so far, are less willing to join a trade union or employer organisation. Furthermore, as illustrated by two examples, the need to restore or regain legitimacy in response to the misbehaviour of individual leaders has also been a task for both trade unions and employer organisations in some countries.

However, as analyses of national practices also show, trade unions, much more than employer organisations, have been involved in quite significant organisational restructuring, when mergers and concentration are taken into account. This largely results from trade unions having suffered, much more than employer organisations, from a declining membership and having had, consequently, to cope with a reduction in financial resources.

Importantly also, addressing membership decline is particularly key for trade unions in order to be able to engage in their core activity such as collective bargaining. Moreover, a strong membership basis among workers is a condition for trade unions strength and the ability to involve employer organisations in collective bargaining. For employer organisations this is not always the case: many are business organisations without a mandate for collective bargaining on behalf of their members and pursue more general interest representation functions regarding business interests.

This quite fundamental difference between trade unions and employer organisations has to be taken into account when it comes to an assessment of existing organisational challenges and others, as well as new topics being addressed by both social partner organisations. While this explains, for example, that trade unions have been more active in addressing new issues such as the growing diversity within the workforce (which is regarded as a challenge for working conditions and wage levels), improving the influence of the social partners to socially cushion the effects of restructuring on individual workers or strengthening employment security and social rights of atypical workers, employer organisations follow these trends and new features from a different perspective, for example, the increasing need of not only the internal, but also the external, flexibility within the labour markets.

At the same time, there are common interests and joint concerns that characterise both the social partner organisations: the challenge to improve the skills base, the need to develop adequate responses for an ageing workforce and demographic change, and to invest more in education and training of young people. Furthermore, as several examples show, there is also a joint interest in stabilising or strengthening the role of social dialogue (and sometimes collective bargaining) as an instrument of gaining political influence and shaping regulation; here, the minimum wage agreements at sectoral level or the establishment of bipartite funds are good examples.

## Addressing organisational challenges and new needs and tasks in working life

The differences between the trade union and employer organisations' mandates, and the broader social and economic orientations, have to be taken into account when assessing the performance of the social partners in addressing organisational challenges and 'new' needs arising in the working life sphere, and their capacity to adapt.

This study identifies a number of trends and areas of development by the social partner organisations in addressing challenges in the field of organisational capacities and changes that are quite remarkable. It implies going beyond the too-often used narrative of 'erosion' and 'organisational crisis', as well as the portrayal of the social partners as 'dinosaurs' of a bygone industrial age.

The study indicates that trade unions in certain countries and branches of the economy, especially after 2008, have been quite successful in recruiting new members, particularly in the service sector and among new emerging groups of the labour market. Furthermore, the study gathers evidence of a growing stability and organisational capacity, as well as influence by the social partner organisations involved in tripartite social dialogue, in a number of countries that have joined the EU in the past decade. Several other developments illustrate that the social partners quite actively embark on 'new' topics, applying new instruments and developing innovative practices. These include the campaigns of trade unions on decent wages and working conditions, the opening up of organisations for formally self-employed workers, and the strong and pro-active involvement of the social partners in the regulation of working conditions for agency workers and cross-border mobile workers.

In a number of countries, the study found that unions and employers representatives were in agreement that, in collective bargaining at higher levels, there has been a shift from monetary to non-monetary issues, such as health and safety, working time, skills development, work–life balance and regulating new forms of employment at company level. While higher level agreements seem increasingly to set general frameworks and minimum standards, the focus in regard to wage negotiation has shifted towards the company level.

Decentralisation of collective bargaining, allowing for a more flexible and diversified approach in addressing key challenges in the labour market, seems necessary and indeed has been adopted by the social partners. There are, however, significant differences in the political framework conditions and concrete modes of doing this. Countries characterised by a strong role of multilevel bargaining systems have decentralised their systems further (for example, the Nordic countries) while, in countries characterised by company-level bargaining, the challenge has been (and in many cases still is) to develop a higher bargaining level, (for example, at sectoral level).

## Assessing the impact of new practices and innovations

Against the significant differences between employer and trade union organisations, between countries and industrial relations models, as well as between regulations of social dialogue and collective bargaining, it proves extremely difficult or even impossible to make any assessments regarding the impact of practices or 'innovation', whether it be the social partners' own capacity or on the quality of working life. As industrial relations research shows, organisational strength and influence depend on several factors, such as membership strength, wage increases (trade unions) or wage moderation (employer organisations) (Eurofound, 2013).

While the difficulty in measuring impacts does not come as a surprise, the study has indicated findings that should raise interest. As described in the previous chapter, three different forms of impacts could be highlighted:

- a quasi-regulatory impact on working conditions;
- a strong but less universal impact of social partners' practices;
- experiences where the concrete impact on working life and working conditions is rather weak.

The three types of impact largely overlap with the industrial relations models. The strongest impact has been achieved in those countries in northern and western continental Europe that are characterised by strong unions as well as employer organisations. The intermediate group consists of a small number of countries from southern Europe and other regions, while the group characterised by marginal impacts mainly comprises countries in the CEE region.

This indicates quite a strong message to national as well as European level policymakers. Favouring innovative practices as well as the social partners' capacity in responding to new emerging themes and challenges requires strengthening, while social partners and social dialogue should be actively supported.

### **Outlook and policy recommendations**

The need for social partners to have a 'critical mass' of support from the respective political and industrial relations system leads to a last comment. In the light of this research, the role of national governments and European level actors in supporting and establishing a common level playing field for social dialogue and social partners adopting 'new approaches' and 'innovative responses' needs to be strengthened. This task results from the commitment included in the EU treaty regarding the added value of social dialogue and the role social partners are playing in society.

The innovative strength and potential of social partners as well as of social dialogue have always been rooted in their autonomous role; this autonomy needs to be supported. In addition, there is a need for EU-level and national policymakers to commit to supporting and strengthening the role and involvement of social partners and social dialogue in mastering the major challenges European societies face.

Finally, against the significant lack of available data, more research is needed in terms of gathering more quantitative and qualitative information, in particular about the correlation between practices and results achieved by trade union activities and perhaps, even more, by employer organisations' practices.

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## Detailed data on main drivers

Table A1: Main drivers resulting in the need to adapt – EU28 and Norway: 2000–2007 and 2008–2014

Notes: 0 = not important; 2 = relatively important; 3 = important; 4 = very important; EO = employer organisation; TU = trade union

Main drivers	2000–2007														
	AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE
Membership losses (TU)	4	0	2	2	4	3	3	3	2	2	0	2	2	4	2
Membership losses (EO)	0	0	2	0	2	3	0	0	0	2	0	0	0	2	2
Growing diversification of members, new needs	3	3	3	2	0	3	3	0	2	2	4	3	2	3	2
Collective bargaining coverage	2	0	3	2	3	3	2	2	2	2	0	0	0	3	2
Restructuring, crisis, unemployment	0	3	2	0	2	3	4	0	3	2	4	2	0	3	0
Labour law reforms	0	2	2	2	3	2	4	3	2	0	2	3	3	2	3
Changes in social dialogue in the bipartite and or tripartite domain	0	3	2	0	2	0	0	2	2	2	0	4	3	0	2
Regulatory change in the collective bargaining system/rules	0	0	3	2	3	0	0	0	2	2	0	4	3	0	3
Pressure for adaptation	9	11	19	10	19	17	16	10	16	14	10	18	13	17	16

Main drivers	2000–2007(continued)														
	IT	LT	LU	LV	MT	NL	NO	PL	PT	RO	SI	SE	SK	UK	
Membership losses (TU)	3	4	0	4	0	4	2	3	3	4	3	0	3	3	
Membership losses (EO)	2	3	0	0	0	0	1	0	0	4	2	0	3	0	
Growing diversification of members, new needs	3	3	2	2	3	3	2	3	2	3	4	0	2	2	
Collective bargaining coverage	4	3	0	4	2	2	2	3	2	3	4	0	2	2	
Restructuring, crisis, unemployment	4	4	0	3	2	4	1	3	2	4	4	0	4	0	
Labour law reforms	4	3	0	3	4	2	1	3	2	3	4	2	4	0	
Changes in social dialogue in the bipartite and or tripartite domain	3	2	0	0	0	0	2	3	2	3	4	0	3	0	
Regulatory change in the collective bargaining system/rules	2	0	0	0	0	0	1	2	2	3	3	2	2	0	
Pressure for adaptation	25	22	2	16	11	15	12	20	15	27	28	4	23	7	

Main drivers	2008–2014														
	AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE
Membership losses (TU)	4	0	3	4	3	3	3	3	3	3	0	2	2	4	3
Membership losses (EO)	0	0	2	0	2	2	0	0	2	3	0	0	0	2	2
Growing diversification of members, new needs	3	3	3	2	3	3	3	0	3	4	4	3	2	3	2
Collective bargaining coverage	2	0	3	4	3	3	2	2	3	3	0	0	0	3	4
Restructuring, crisis, unemployment	0	3	3	4	4	2	4	3	4	4	4	3	4	3	4
Labour law reforms	0	2	2	3	3	3	4	4	4	4	2	3	3	4	4
Changes in social dialogue in the bipartite and or tripartite domain	0	3	2	3	3	0	0	3	2	3	2	4	3	4	4
Regulatory change in the collective bargaining system/rules	0	0	2	3	3	3	0	4	4	4	0	4	3	3	4
Pressure for adaptation	9	11	20	23	24	19	16	19	25	28	12	19	17	26	27

Main drivers	2008–2014(continued)													
	IT	LV	LT	LU	MT	NL	NO	PL	PT	RO	SE	SI	SK	UK
Membership losses (TU)	4	4	4	0	0	4	2	2	3	4	3	3	3	3
Membership losses (EO)	4	0	0	0	0	0	1	2	0	4	0	2	0	0
Growing diversification of members, new needs	3	2	4	2	3	3	2	4	2	3	2	4	3	3
Collective bargaining coverage	4	4	3	0	2	2	2	4	3	4	0	4	3	2
Restructuring, crisis, unemployment	4	4	4	3	3	4	1	3	3	4	3	4	4	3
Labour law reforms	4	3	3	2	4	2	2	3	3	4	1	4	4	0
Changes in social dialogue in the bipartite and or tripartite domain	4	0	2	0	0	0	1	3	3	2	2	4	2	0
Regulatory change in the collective bargaining system/rules	4	0	0	0	0	0	1	2	3	4	0	3	2	0
Pressure for adaptation	31	17	20	7	12	15	12	23	20	29	11	28	21	11

Table A2: Main drivers resulting in the need to adapt – Country groups

Main drivers	2000–2007						
	EU28 plus NO	North	Centre-West	South	Anglo-Saxon	Centre-East	TAPC
Membership losses (TU)	2.4	1.3	2.3	2.3	1.7	3.3	2.2
Membership losses (EO)	0.9	0.0	0.8	0.7	0.7	1.6	0.8
Growing diversification of members, new needs	2.4	2.3	3.0	2.3	2.3	2.1	2.0
Collective bargaining coverage	2.0	1.0	1.8	2.0	2.0	2.6	2.0
Restructuring, crisis, unemployment	2.1	2.0	2.3	2.2	0.7	2.5	1.4
Labour law reforms	2.3	2.0	1.7	2.2	2.3	2.9	1.8
Changes in social dialogue in the bipartite and or tripartite domain	1.5	0.5	1.2	2.2	0.7	2.0	1.6
Regulatory change in the collective bargaining system/rules	1.3	0.5	0.5	2.3	1.0	1.6	2.2
Pressure for adaptation	15.1	9.5	13.7	16.2	11.3	18.6	14.0

Main drivers	2008–2014						
	EU28 plus NO	North	Centre-West	South	Anglo-Saxon	Centre-East	TAPC
Membership losses (TU)	2.7	2.0	2.3	3.2	2.0	3.2	3.2
Membership losses (EO)	0.9	0.0	0.7	1.5	0.7	1.2	1.4
Growing diversification of members, new needs	2.8	2.8	3.0	2.8	2.7	2.7	2.6
Collective bargaining coverage	2.4	1.0	1.8	2.8	2.7	2.9	3.4
Restructuring, crisis, unemployment	3.3	2.8	2.7	3.7	3.3	3.6	3.8
Labour law reforms	2.9	2.3	2.2	3.5	2.7	3.3	3.6
Changes in social dialogue in the bipartite and or tripartite domain	2.1	1.0	1.5	3.2	1.3	2.4	3.0

## New topics, new tools and innovative practices adopted by the social partners

Main drivers	2008–2014						
	EU28 plus NO	North	Centre-West	South	Anglo-Saxon	Centre-East	TAPC
Regulatory change in the collective bargaining system/rules	1.9	0.0	1.0	3.7	1.3	2.3	3.6
Pressure for adaptation	19.0	11.8	15.2	24.3	16.7	21.6	24.6
Change before and after 2008	3.9	2.3	1.5	8.2	5.3	3.0	10.6

Notes: Average values per country group, based on country-specific values as presented in table A1.  
EO = employer organisation; TU = trade union







*Social dialogue still matters in Europe. Recent EU-level policy debates have highlighted that, particularly since the 2008 crisis, the emergence of new debates on social justice, democracy, the quality of work and new models for labour relations have been challenging traditional industrial relations and social dialogue systems. The main objective of this comparative study is to gather information on how social partners in the EU28 and Norway have responded to the many new political, legal and social challenges that have arisen in recent years. The report looks at the way social partners are exploring new topics and new tools, and developing innovative approaches. At least two different types of new topics can be identified: those that are new from an EU-wide perspective (such as climate change) and those that are new only for some Member States (such as gender equality). The study examines the practices of the social partners at cross-sectoral, sectoral and national level, covering 2000–2014.*

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