



Industrial relations

**Exploring how to support capacity-
building for effective social dialogue**

[Capacity-building for effective social
dialogue in the European Union](#)

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Table of contents

INTRODUCTION: OBJECTIVES, METHOD AND ANALYTICAL FRAMEWORK	1
Objectives.....	1
Method	1
Research questions	2
Analytical framework.....	2
BACKGROUND AND CONTEXT	3
Relaunch of social dialogue and capacity building	3
Definition of capacity building	5
Objectives of capacity building	11
1 CAPACITY-BUILDING AT INTERNATIONAL AND EU LEVEL	13
ILO and capacity-building.....	13
ITCILO and capacity building.....	14
Capacity building initiatives at EU level.....	15
European cross-industry social partners’ integrated projects and ESF	15
European Commission support to social dialogue and capacity building.....	18
Capacity building and the European Semester.....	31
Policy debates on capacity building at EU level.....	35
BUSINESSEUROPE.....	35
ETUC	35
SMEunited.....	36
CEEP	37
2 CAPACITY FOR EFFECTIVE SOCIAL DIALOGUE AT NATIONAL LEVEL	40
Barriers and gaps for capacity building.....	40
Structural gaps in industrial relations system.....	40
Limited social dialogue.....	41
Fragmented landscape of actors.....	44
Lack of social partners’ autonomy	44
Lack of social partners’ representativeness.....	44
Lack of trust between the social partners	45
Lack of social partners’ capacity/mandate to negotiate.....	45
Dominant role of the state.....	46
Needs for capacity building initiatives	50
Institutional capacity.....	50
Structural capacity	53
Skills	56

Capacity building needs of selected members of BusinessEurope.....	56
Examples of good practice for capacity building	58
Institutional capacity.....	58
Structural capacity	61
Policy debates on capacity building.....	64
Academic research on capacity building.....	66
3 FINDINGS FROM STAKEHOLDER SEMINARS IN RIGA AND GDANSK.....	68
Riga	68
Objectives of the seminar	68
What was discussed?	68
Gdansk	73
Objectives of the seminar	73
What was discussed?	73
4 DRAFT POLICY POINTERS AND FURTHER STEPS.....	81
REFERENCES.....	82
ANNEXES	94
ANNEX 1. Network of Eurofound correspondents	94

Introduction: objectives, method and analytical framework

“Capacity building must not be considered an end in itself.”¹

In the framework of the current project Eurofound firstly reviewed its existing work and other sources to identify capacity-building needs and initiatives of social partners (examples of good practice for enhancing the capacity for an effective and meaningful social dialogue, including those currently ongoing and those facilitated by public authorities) in relation to national frameworks for autonomous collective bargaining; involvement in European social dialogue; and developing membership and providing attractive services. On this basis, Eurofound then identified with its stakeholders the capacity needs and issues to be addressed through the exchange seminars which took place in Riga and Gdansk in 2019.

To this end, Eurofound was asked to make available its knowledge and expertise to support capacity-building of social partners as a contribution to an effective and meaningful social dialogue, e.g. by drawing, inter alia, on the conceptual framework and industrial relations index developed by the project cycle on key dimensions of industrial relations. This approach allowed to identify areas where mutual learning or support could be helpful.

The main objective of this working paper is to feed into the discussion on how Eurofound can contribute to exploring how to support capacity building of social partners for effective social dialogue.

Objectives

The objectives of the present working paper are the following:

- to identify capacity needs and issues to be addressed,
- to support possible solutions, and
- to feed into the final report to be published in May 2020

Method

The method applied to this research project consists of three core elements:

- a) A literature review of academic publications and documents of international and EU institutions as well as of the social partners at cross-sector and sectoral level on capacity building;
- b) 28 national report based on a questionnaire (gaps and needs, good practice, policy and academic debate) addressed to the national correspondents of Eurofound;
- c) Expert and stakeholder workshops organised in 2018 (Brussels) and 2019 (Riga and Gdansk).

¹ Floridi, B. Sanz-Corella, S. Verdecchia, (2009), *Capitalisation Study on Capacity Building Support Programmes for Non State Actors under the 9th EDF*, Final Report, IBF - International Business Consulting, p. 28.

Research questions

- What needs for capacity-building have emerged from research and other work, or can be identified through the social partners own work and initiatives (e.g. as funded through the Integrated projects of the EU social dialogue, the ESF, the social dialogue budget line of the Commission, etc.)?
- Which initiatives constitute good practice and could be the subject of mutual learning?
- Are there priority topics on which Eurofound research could contribute to future capacity-building?
- Through what means could Eurofound support exchange and mutual learning to promote capacity-building?

Analytical framework

For guidance to our network as to what constitutes “effective social dialogue” we asked our correspondents to refer to the analytical framework on the functioning and effectiveness of social dialogue as elaborated by the European Commission.² Finally, it is important to stress that this project will only look into the capacity of the national social partners to effectively participate in social dialogue at EU, national and sectoral level. The current project will not analyse the company level.

It is also important to recall in this context that “(...) as the literature on corporatism emphasized, the capacity of organized interests to complement state governance depended on their institutional set-up, in particular their encompassment: This capacity generally increased with growing degrees of ‘corporatism’.”³

² Cf. EC (2018a), Note to the EMCO Informal 22-23 March 2018, Review on the involvement of social partners in the design and implementation of reforms and policies at national level. Annex: Background information-Commission analytical framework on the functioning and effectiveness of social dialogue.

³ Brandl, B. and Franz Traxler (2011), Labour relations, economic governance and the crisis: turning the tide again? *Labor History*, Vol.52, No.1, pp.1-22.

Background and context

Relaunch of social dialogue and capacity building

As part of the planned relaunch of social dialogue, the European Commission is keen to strengthen capacity-building among social partners in the Member States. In 2014, European Commission President Jean-Claude Juncker called for stronger emphasis on capacity building of national social partners.⁴

In 2015, the EU cross-industry social partners prepared a joint statement which they approved in January 2016. This declaration emphasises that there is no blueprint for social dialogue, but provides some guiding principles and key messages for different areas about how social partners can or should be involved at EU level. It also offers a key message about improving the functioning and effectiveness of social dialogue and the capacity-building of social partners in Member States: '...social dialogue requires social partners that are strong, representative, autonomous, mandated and equipped with the capacities needed [emphasis added]. Social partners also need to dispose of the institutional settings allowing for their dialogue to take place and to be effective.' (Declaration, paragraph 4)

On 16 June 2016, the Employment, Social Policy, Health and Consumer Affairs Council adopted Conclusions on 'a new start for a stronger social dialogue'. The Council Conclusions entitled "A new start for a strong Social Dialogue," adopted by the EPSCO Council at its 3474th meeting stress "the importance of capacity-building of social partners at national and sectoral level, which could contribute – amongst other things – to improved representativeness of European social partners in negotiating their agreements;

The Council conclusions also acknowledge that "an effective social dialogue requires social partners that are resilient, representative, autonomous, mandated and equipped with all the capacities needed. Social partners also need institutional settings that allow their dialogue to be effective."

The Ministers then call on the Member States to "promote the building and strengthening of the capacities of the social partners through different forms of support, including legal and technical expertise. This should be ensured at all relevant levels, depending on the needs of countries and social partners, including to become solid and representative organisations;"

Furthermore, the Conclusions call on the European Commission to "contribute to strengthening the capacity of national social partners by promoting the use of European Structural and Investment Funds, notably the European Social Fund, and other relevant EU budget lines, to support social dialogue and capacity building, and encourage the promotion of knowledge-building on social dialogue and support capacity-building through mutual learning, identification, and exchanges of good practices."⁵

⁴ EC (2018d), *Guidance note - Social Dialogue, European Semester 2018/2019*, Brussels.

⁵ <http://data.consilium.europa.eu/doc/document/ST-9891-2016-INIT/en/pdf>.

On 27 June 2016, a ‘quadripartite statement on a ‘new start for social dialogue’⁶ was co-signed by the European cross-industry social partners, the European Commission and by the Dutch Presidency of the Council of the European Union. The quadripartite statement underlines the fundamental role of European social dialogue as a significant component of EU employment and social policymaking. It identifies actions to be undertaken by the signatories with the aim of further strengthening social dialogue at EU and national level. All parties underline their intention and commitment to continue promoting the capacity of social partners:

- The social partners commit themselves to implement actions on capacity building; the European Commission endeavours to examine the use of ESF funds for this end and to encourage the promotion of knowledge-building on social dialogue and support capacity building through mutual learning, identification and exchanges of good practices; and the Council calls on Member States to promote the building and strengthening of social partners capacities through different forms, including legal and technical expertise, at all relevant levels depending on the needs of countries and social partners, including to become solid and representative organisations.⁷
- As stated in a recent study commissioned by the EU level cross-sector social partners “there is a lack of reliable and comparable data on the resources made available for social partner capacity building
- calls for projects are only just being issued.”⁸ The study continues that “where such information is available, the level of resources committed to social partner capacity building is limited and is insufficient to meet expressed needs.”⁹
- According to the Recommendations of the European Social Partners “Capacity Building of Social Partners and the European Social Fund”¹⁰the social partners should identify their concrete needs for capacity building support and the role the ESF can play in helping to strengthen social dialogue, including to support better implementation of the outcomes of the European social dialogue. Furthermore, the EU level social partners stress that “. The European Commission and managing authorities should implement, together with social partners in the Member States, guidance and technical assistance to support their involvement, by sharing good practices, country cases, and fostering mutual learning. ”¹¹

The 2018 employment guideline no.7 adopted on 16 July 2018 reads as follows:

⁶ https://www.buinessurope.eu/sites/buseur/files/media/position_papers/social/2016-06-27_quadripartite_statement_signed_on_a_new_start_for_social_dialogue.pdf.

⁷ Cf. EurWORK, 2017, *National capacity-building initiatives for social partners: experiences in five EU Member States*, <https://www.eurofound.europa.eu/observatories/eurwork/articles/national-capacity-building-initiatives-for-social-partners-experiences-in-five-eu-member-states>.

⁸Tina Weber and Inga Pavlovaite, 2018, EU Social Partners’ project on “*The European Social Fund: Supporting Social Dialogue at National, Regional and Local Levels*”, *Final report*, Integrated Projects of the EU Social dialogue 2016-2018 (EC Grant Agreement VS/2016/0411), p.16.

⁹ *ibidem*, p. 20.

¹⁰ Recommendations of the European Social Partners “*Capacity Building of Social Partners and the European Social Fund*”, <https://www.etuc.org/sites/default/files/publication/file/2018-07/ESF%20recommendations%20%28Final%29.pdf>

¹¹ *ibidem*.

“Building on existing national practices, and in order to achieve more effective social dialogue and better socioeconomic outcomes, Member States should ensure the timely and meaningful involvement of the social partners in the design and implementation of employment, social and, where relevant, economic reforms and policies, including through support for increased capacity of the social partners. The social partners should be encouraged to negotiate and conclude collective agreements in matters relevant to them, fully respecting their autonomy and the right to collective action.”¹²

The European Pillar of Social Rights states in Chapter II (principle 8) that “support for increased capacity of social partners to promote social dialogue shall be encouraged.”¹³

In November 2018 the Commission and the Council stated in their joint Draft Employment Report that “While there is no one-size-fits-all model, timely and meaningful involvement of social partners in policy design and implementation, including by providing support for increased capacity of social partners, should be considered as a common denominator for well performing and effective tripartite social dialogue systems. The latter is equally true for bipartite social dialogue.”¹⁴

Finally, according to the new work programme 2019-2022 of the EU level cross-industry social partners “Capacity building activities remain a priority for the European social partners. They recognise that in order for the European social dialogue to have a positive impact, much needs to be done to strengthen and support social dialogue at all levels. In line with their commitments in the New Start for Social Dialogue, the European social partners will continue their efforts to better use the European social fund for social partners’ capacity building, and support their members, where needed, to achieve better implementation of EU social dialogue outcomes. A subgroup of the social dialogue committee was set up in 2015 on the basis of two-year mandate to look into the implementation of the outcomes of European social dialogue. Following the positive evaluation of national and European social partners, the sub group will continue its work on the basis of a renewed mandate, looking into both implementation of outcomes and the issue of capacity building.”¹⁵

Definition of capacity building

In terms of the OECD, “capacity” is understood as the ability of people, organisations and society as a whole to manage their affairs successfully.”¹⁶

¹² Council Decision (EU) 2018/1215 of 16 July 2018 on guidelines for the employment policies of the Member States OJ L 224, 5.9.2018, pp. 4–9 - <https://eur-lex.europa.eu/eli/dec/2018/1215/oj>

¹³ https://ec.europa.eu/commission/priorities/deeper-and-fairer-economic-and-monetary-union/european-pillar-social-rights/european-pillar-social-rights-20-principles_en.

¹⁴ EC (2019), Draft joint Employment Report from the Commission and the Council accompanying the Communication from the Commission on the Annual Growth Survey 2019, COM/2018/761 final, p.113 <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1547650919951&uri=CELEX%3A52018DC0761>.

¹⁵ ETUC, BusinessEurope, CEEP, SMEUnited (2019), *European Social Dialogue. Work Programme 2019/2021*.

¹⁶ OECD (2006), *The challenge of capacity development — Working towards good practice*, Paris, p.12.

Yet, capacity building is not easily defined.¹⁷ Floridi et al. argue that “ (...) despite its increasing importance from the point of view of dialogue and the activities of organisations, there is not, at this point in time, a single, unequivocal definition of the concept of “capacity building.”¹⁸ Venner agrees that there “(...) does not appear to be agreement on what is meant by capacity and what it means to develop capacity.¹⁹

Nevertheless, Floridi et al. attempt a definition by saying that “(...) in a strictly “institutional” sense, capacity building refers to the process of optimising the skills of individuals and institutional support of one or more organisations.”²⁰ The authors continue that the understanding of capacity building may be facilitated by two key concepts: the notion of mission (capacity building must contribute to aiding the organisation fulfil its mandate) and the notion of the greater good (capacity building must aim to optimise the living conditions of the commune and its populace).²¹

Some organisation and scholars occasionally prefer to speak of capacity development instead of capacity building, since “(...) the “building” metaphor suggests a process starting with a plain surface (...).²² The UNDP, for example, “(...) defines capacity development as the process through which individuals, organizations and societies obtain, strengthen and maintain the capabilities to set and achieve their own development objectives over time.”²³ Nevertheless, in the present working paper, we prefer to use the notion of capacity building which has been agreed upon by Eurofound’s tripartite constituents.

Some starting hypotheses to be tested within this working paper are that further and enhanced capacity building is needed for:

- an effective social dialogue and meaningful involvement of the social partners in the design and implementation of employment and social policies at EU and national levels;
- increasing membership of the social partners and, consequently, their representativeness and legitimacy as actors in the industrial relations systems;
- responding to its increasing importance as result of the quadripartite statement and European Pillar of Social Rights;

¹⁷ Venner, M. (2014), *Capacity Development: old wine in new bottles?* Paper presented to the Sixth Oceanic Conference on International Studies University of Melbourne, 9-11 July 2014, p.6.

¹⁸ M. Floridi, B. Sanz-Corella, S. Verdecchia, (2009), *Capitalisation Study on Capacity Building Support Programmes for Non State Actors under the 9th EDF*, Final Report, IBF - International Business Consulting, p. 28. See also Ch. Potter and Brough, R. (2004), *Systemic capacity building: a hierarchy of needs*, *Health, Policy and Planning*, Vol. 19, No. 5., p.338.

¹⁹ Venner, M. (2014), *Capacity Development: old wine in new bottles?* Paper presented to the Sixth Oceanic Conference on International Studies University of Melbourne, 9-11 July 2014, p.6. The Polish employers’ organisation Lewiatan welcomes Eurofound’s effort to come up with a more operational definition.

²⁰ Ibidem; cf. also European Commission (2011), CiSocH, Civil Society Homepage, 9EDF: Capacity building, https://webgate.ec.europa.eu/fpfis/mwikis/aidco/index.php/9EDF: Capacity_building.

²¹ M. Floridi, B. Sanz-Corella, S. Verdecchia, (2009), *Capitalisation Study on Capacity Building Support Programmes for Non State Actors under the 9th EDF*, Final Report, IBF - International Business Consulting, p. 28.

²² OECD (2006), *The challenge of capacity development — Working towards good practice*, Paris, p.12. Cf. also European Commission (2011b), *ToolKit for Capacity Development 2010, Reference Document No 6*, Luxembourg, Office for Official Publications of the European Communities.

²³ UNDP (2009), *Supporting capacity development. The UNDP approach*, p.4.

- adapting the social partners' organisational structures and work practices according to changing labour markets, globalisation and their impact on industrial relations;
- delivering social and labour outcomes contributing to fair, sustainable and inclusive growth

According to Venner the concept of capacity building finds its inception in the early 1970s and was used in the context of relation US local government, fiscal decentralization and 'new federalism'.²⁴ References to the concept of capacity building increased only slowly in the 1980s, but multiplied considerably from the 1990s onwards.²⁵ In 1991, the **UNDP** and the International Institute for Hydraulic and Environmental Engineering organized the symposium 'A Strategy for Water Sector Capacity Building' in Delft, The Netherlands. Delegates from developing countries, ESAs and supporting institutes defined 'capacity building' as:

- the creation of an enabling environment with appropriate policy and legal frameworks;
- institutional development, including community participation (of women in particular);
- human resources development and strengthening of managerial systems.

UNDP recognizes that capacity building is a long-term, continuing process, in which all stakeholders participate (ministries, local authorities, non-governmental organizations and water user groups, professional associations, academics and others).²⁶ In the UNDP approach capacity development is defined "(...) as the process through which individuals, organizations and societies obtain, strengthen and maintain the capabilities to set and achieve their own development objectives over time."²⁷

Capacity Building is much more than training and includes the following:

- Human resource development, the process of equipping individuals with the understanding, skills and access to information, knowledge and training that enables them to perform effectively;
- Organizational development, the elaboration of management structures, processes and procedures, not only within organizations but also the management of relationships between the different organizations and sectors (public, private and community).
- Institutional and legal framework development, making legal and regulatory changes to enable organizations, institutions and agencies at all levels and in all sectors to enhance their capacities.²⁸

Following the **United Nations Conference on Environment and Development (UNCED)**

"(...) capacity building encompasses the country's human, scientific, technological, organizational, institutional and resource capabilities. A fundamental goal of capacity

²⁴ Cf. Venner, M. (2014), *Capacity Development: old wine in new bottles?* Paper presented to the Sixth Oceanic Conference on International Studies University of Melbourne, 9-11 July 2014, p.4.

²⁵ Ibidem.

²⁶ <http://www.gdrc.org/uem/capacity-define.html>

²⁷ UNDP (2009), *Supporting capacity development. The UNDP approach.*

²⁸ <http://www.gdrc.org/uem/capacity-define.html>

building is to enhance the ability to evaluate and address the crucial questions related to policy choices and modes of implementation among development options, based on an understanding of environment potentials and limits and of needs perceived by the people of the country concerned".²⁹

²⁹ UNCED, *Capacity Building - Agenda 21's definition 1992*, cited in <https://www.gdrc.org/uem/capacity-define.html>.

Box 1: Defining regional industrial policy capacity and capacity building³⁰

Denis and Lehoux (2014) define policy capacity as the ‘capacity of government and other public actors to plan, develop, implement and evaluate purposeful solutions to collective problems’. In the framework of regional industrial policy, this refers to the ability of governments to react to changing economic environments and opportunities that influence industrial performance.

The current study is based on the understanding that regional industrial policy capacity is influenced by four major elements.

- **degree of autonomy:** The region’s ability to influence the setting of policy priorities and their implementation.
- **availability of resources:** The financial and human resources needed to design and implement policy strategies.
- **skills and competences:** The availability of expertise, knowledge and policy intelligence tools that help the identification, design and implementation of the adequate policies and instruments, as well as the existence and effective use of monitoring and evaluation for adaptation and further improvement of the policies and instruments, if required.
- **strength of coordination and cooperation within regional policy stakeholders:** Also, with other regions and administrative levels in the country or cross-nationally.

Following from that, ‘capacity building’ is understood as any action strengthening and further developing human resources (including skills development), organisational arrangements (including cooperation and coordination mechanisms, risk management, multiannual planning and decision support systems), as well as framework developments (for example, institutional or legal) enabling stakeholders to enhance their capacities (EQUAL, 2006; UNCED, 1992; Pucher et al, 2015a and 2015b).

“Policy capacity: ‘The capacity of government and other public actors to plan, develop, implement, and evaluate purposeful solutions to collective problems’ (Denis and Lehoux, 2014).”

In the context of our working paper, Eurofound is focussing on the **social partners’ capacities and not those of the states**. According to the 2017 EurWORK article “National capacity-building initiatives for social partners: Experiences in five EU Member States” the concept of capacity building was approached in the following terms: ‘Capacities of social partners in the Member States can be built through e.g. financial, legal, analytical, institutional and political support. This should be ensured at all levels, depending on the needs of countries and social partners, including to become stable organisations (Declaration, paragraph 28).’³¹

³⁰ Eurofound (2017a), *Developing regional industrial policy capacity*, Office for Official Publications of the European Union, Luxembourg, p.25.

³¹ https://www.business-europe.eu/sites/buseur/files/media/position_papers/social/2016-06-27_quadripartite_statement_signed_on_a_new_start_for_social_dialogue.pdf

The article assumed that capacity-building initiatives were those that help social partners to increase and/or improve their financial, legal, analytical, institutional and political capacities to do their daily work at any level, whether EU, national, regional, sectoral or company.

Box 2: Eurofound's definition of capacity building

In line with the above and for the purpose of this working paper Eurofound defines **capacity building** as the

„enhancement of the skills, abilities and powers of the social partners to engage effectively at different levels (EU, national, regional, sectoral, company and establishment) in

- social dialogue;
- collective bargaining;
- (co)regulating the employment relationship;
- tri-/bi-partite consultations;
- public policy making and
- influencing public policy making via advocacy.

Ideally, this enhancement of abilities and powers should lead to an institutional context of stable and sustainable industrial relations of good quality. The 2016 Eurofound study Mapping key dimensions of industrial relations defines industrial relations as the collective and individual governance of work and employment. The report develops a compass for good industrial relations and a conceptual framework for mapping industrial relations, identifying four key dimensions: industrial democracy, industrial competitiveness, social justice and quality of work and employment.

- **industrial democracy** refers to the rights of employers and employees to participate in the decision-making defining the employment relationship. The concept acknowledges the autonomy of both sides of industry as collective organisations and their collective capacity to influence decision-making. Industrial democracy plays therefore a central role in Eurofound's conceptual framework, supporting the other three dimensions of industrial relations:

- **industrial competitiveness**: the ability of an economy to achieve a consistently high rate of productivity growth and good performance among its small and medium-sized enterprises;
- **social justice**: the fair and non-discriminatory distribution of opportunities and outcomes within a society, in order to strengthen the capabilities of each individual for self-determination and self-realisation;
- **quality of work and employment**: conditions of work and employment that provide career and employment security, health and well-being, the ability to reconcile working and non-working life, and the opportunity to develop skills over the life course.

The basic tenet of Eurofound's analytical framework is that a balanced and mutually reinforcing pursuit of efficiency (industrial competitiveness) and equity (social justice and quality of work and employment) is the most desirable industrial relations strategy for both employers and employees. The pursuit of a balanced strategy towards sustainable growth and equity requires coordinated efforts among the main actors concerned. To render such a strategy effective both sides of industry need to develop their collective capacity to

influence decision-making (industrial democracy). Participants of the first stakeholder seminar in Riga (July 2019) also stressed the importance of autonomy, mutual trust and equitable power relations between the two sides of industry in the context of capacity building. In this working paper Eurofound is focussing on the capacities of social partners at national level and not those of the European social partners nor those of the Member States.

Objectives of capacity building

According to Floridi et al. “capacity building focuses on the attainment of a concrete objective, even a contribution to the changing of attitudes within the concerned organisations and individuals. In this sense, the capacity building programmes must integrate monitoring and evaluation systems into their results (...).³²

Capacity building initiatives for more effective social dialogue should help social partners to improve their membership basis and their human and administrative capacities; to promote their process-oriented capacities; and to support their organisational development. The present working paper is following this approach.

Table 1: Typical objectives of capacity-building initiatives³³

Area of activity	Objectives
<p>organisation-oriented capacities (e.g. membership, human resources and administrative capacities)</p>	<ul style="list-style-type: none"> • <i>to set up, maintain or expand a stable membership</i> • <i>to inform, organise and protect current and potential members</i> • <i>to provide qualified training and counselling, information and communication for their members, partners, management and administrative staff</i> • <i>to provide and diversify services for members</i> • <i>to obtain or maintain appropriate equipment</i> • <i>to adapt their organisational structures and work practices according to changing labour markets, globalisation their impact on industrial relations</i>
<p>process-oriented capacities</p>	<ul style="list-style-type: none"> • <i>to set up structures for social dialogue</i> • <i>to effectively engage in collective bargaining, social dialogue and dispute resolution</i> • <i>to (co)regulate the employment relationship</i>

³² Cf. M. Floridi, B. Sanz-Corella, S. Verdecchia, (2009), *Capitalisation Study on Capacity Building Support Programmes for Non State Actors under the 9th EDF*, Final Report, IBF - International Business Consulting, p. 28.

³³ Cf. EurWORK, 2017, *National capacity-building initiatives for social partners: experiences in five EU Member States*, <https://www.eurofound.europa.eu/observatories/eurwork/articles/national-capacity-building-initiatives-for-social-partners-experiences-in-five-eu-member-states> adapted.

Area of activity	Objectives
	<ul style="list-style-type: none">• <i>to be able to mobilise members for industrial action</i>• <i>to participate in policymaking at different levels</i>• <i>to participate in international cooperation and interregional/cross-border activities</i>• <i>to be able to engage in advocacy</i>

1 Capacity-building at International and EU level

ILO and capacity-building³⁴

The ILO strongly supports the key actors of social dialogue: “A major focus of the ILO is developing the capacities of its constituents in all aspects of social dialogue. This includes raising awareness of the benefits of social dialogue as a governance tool, building the institutional capacity of the constituents to participate effectively in social dialogue and policy-making, providing necessary training courses, and developing the structures available for bargaining collectively and complying with labour law. To this end, the International Labour Office offers technical assistance to Member States and help them to build the capacity of their tripartite constituents for effective for social dialogue.”³⁵ This assistance includes, inter alia:

- support for the creation of national institutions for tripartite or bipartite social dialogue;
- analysis of the functioning, role and impact of national social dialogue institutions (NSDI);
- capacity-building of employers’ and workers’ representatives to participate fully in the consultation process, including through strengthening their technical knowledge and negotiation skills;
- strengthening NSDI secretariats through more efficient planning, better staffing structures, improved knowledge resources and databases;
- advice to improve the legal and regulatory framework, including on the composition, structure, functioning and competencies of the NSDI;
- sharing of good practices and lessons learned between Member States;
- support for the ratification and effective implementation of international labour standards on freedom of association, collective bargaining and tripartite consultation;
- capacity-building of labour administrations both to facilitate and to participate in social dialogue.”³⁶
- The ILO strengthened its partnerships with the International Association of Economic and Social Councils and Similar Institutions (AICESIS), the European Commission and Eurofound with a view to enhancing the capacity of national social dialogue

³⁴ International Labour Office (2018a), Social dialogue and tripartism A recurrent discussion on the strategic objective of social dialogue and tripartism, under the follow-up to the ILO Declaration on Social Justice for a Fair Globalization, International Labour Conference 107th Session, 2018, Geneva http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_624015.pdf

³⁵ ILO (2018b), ILO programme implementation 2016–17, Governing Body 332nd Session, Geneva, 8–22 March 2018, GB.332/PFA/1, 19 February 2018 http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_618128.pdf

³⁶ ILO (2017a), Voice Matters - Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113), Social Dialogue and Tripartism Unit Governance and Tripartism Department Geneva, http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---dialogue/documents/publication/wcms_617140.pdf, p.25.

institutions and actors and expanding the knowledge base, including in relation to the 2030 Agenda.³⁷

“Partnerships with EU institutions (notably Eurofound and the European Commission) have led to joint activities to build the capacities of national social dialogue actors and institutions to expand their knowledge base and facilitate policy dialogues.”³⁸

ITCILO and capacity building

The Employers’ Young Professional Academy (EYPA) has become one of the flagship initiatives of the Employers’ Activities Programme of the International Training Centre of the International Labour Organization (ITCILO) and BusinessEurope, with the financial support of the European Union. The EYPA aims at building the capacity of high potential staff members of employers’ organisations (EOs) to improve their personal performance and ultimately benefit the EOs. For the past 6 years (2012-2017), the Academy gathered around 200 young staff members of employers’ organisations (EOs) across Europe (EU Member States and Candidate Countries) to train and equip them with the skills required in their day-to-day job.

The Academy has provided tailored and practical training solutions, combining online and face-to-face interactive and practical learning on the key functions of EOs and along three main objectives, notably:

- To enhance skills and knowledge of high potential professionals and hence to contribute to EOs’ organisational development in Europe;
- To promote an understanding of the European dimension of industrial relations and of the business environment;
- To create a network between European EOs’ professionals and among future EO leaders.³⁹

The EYPA was devised back in 2011 to empower EOs in Europe in their role of social partners to strengthen social dialogue as a way to tackle the various challenges in the immediate aftermath of the economic crisis. Particularly, the EYPA would create a capacity building programme for EOs in Europe that would share and transfer knowledge and skills to young staff members needed to promote deeper understanding of the European dimension in industrial relations and social dialogue.⁴⁰

In addition to the above, ACTEMP also ran a capacity building project focussed on Transnational company agreements (TCAs). The project examined TCAs as tools for multinational companies to develop and implement responsible social policies. The action aimed at sharing the latest information and best practices on TCAs as a way to strengthen the capacity of representatives of companies and employers' organisations to have a deeper

³⁷ ILO (2018b), ILO programme implementation 2016–17, Governing Body 332nd Session, Geneva, 8–22 March 2018, GB.332/PFA/1, 19 February 2018 http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_618128.pdf, p.45.

³⁸ *ibidem*.

³⁹ ITCILO (2018a), p.7.

⁴⁰ ITCILO (2018a), p.8.

understanding of TCAs, what they entail, and make better informed decisions when engaging and implementing TCAs.

In updating the latest information on TCAs, the action especially analysed the broader context of international and multilateral instruments to promote responsible business conduct, including the guiding principles on business and human rights, the OECD Guidelines for Multinational Enterprises; ILO Tripartite Declaration of Principles concerning Multinational Enterprises on Social Policy and the ILO core labour standards (ILO MNEs Declaration), among others. As one of the deliverables of the project, [a guide was published with the latest data and information on TCAs](#), including the best practices of companies with TCAs as well as the motivations of companies that chose not to engage in one.

Complementing the guide, a series of five workshops was organised in 2017-2018 across Europe, with the help of the employers' organisations partners in the project: DI, MEDEF, CEOE, BDA and Confindustria, and with the support of BusinessEurope and the IOE. The action targeted representatives of employers' organisations and companies around Europe.⁴¹

Capacity building initiatives at EU level

European cross-industry social partners' integrated projects and ESF

In 2003 the EU level social partners started joint projects (co-financed by the EU) under the umbrella of joint integrated work programmes which covering issues focused on improving the level linkages between the EU and national by the joint capacity building initiatives for the new Member States which were to join the EU in the 2004 and 2007. Since 2004, the four EU cross-sectoral social partners' organisations - ETUC, BusinessEurope, CEEP and SMEunited (formerly known as UEAPME) - have jointly created, developed and run a number of activities under the "Integrated Projects of the EU Social Dialogue" (formerly the "Integrated Programme"). The Integrated Projects include project activities, research, expertise work, conferences, seminars, workshops and other types of meetings aiming to mobilise social partners at national and EU levels and strengthen their cooperation across EU Member States as well as candidate countries. The objective of the Integrated Projects is to foster the effective participation of national social partners in the EU social dialogue, and to address challenges jointly identified. Over the years, the Integrated Projects have proved to be a central tool for reinforcing the link between the national and European social dialogues, as well as identifying relevant issues for the EU social partners, sometimes with a clear link with their Autonomous Work Programme.⁴²

Co-financed by the European Commission, the projects can take account of the European social partners joint work programmes and contribute to their effective implementation. The capacity building activities include: information on ongoing European social dialogue issues; information on past and future activities of the European social partners; support to

⁴¹ ITCILO (2018b).

⁴² Integrated projects of the EU social dialogue 2016-2018, June 2016.

facilitate the link between the national and EU social dialogues (exchange of practices, translation of national social partners agreements having a link with European social dialogue discussions and/or outcomes, etc.); exchange of information on collective bargaining; and more recently, the involvement of social partners organisations in the European semester.⁴³

A stock-taking survey covering projects from 2004 to 2009 among national social partners in the EU Member States and candidate countries “(...) stressed the supportive role of these instruments for their daily role and influence in national policy making. The survey carried out by Voss et al. identified the need for strengthening the capacity and competence of European social dialogue structures as well as the need for capacity-building, mutual learning and exchange of experience of national social dialogue institutions. According to the report numerous respondents from Central and Eastern European countries did emphasise the positive effects and the added-value of the European social partners’ initiatives to strengthen social dialogue and support the capacity-building process.⁴⁴ In the framework of the survey some constructive suggestions made by interviewees regarding the capacity building instruments:

“strengthening the capacity as well as competence of European social dialogue structures and institutions;

continuing the support for capacity-building, mutual learning and exchange of experience in regard to strengths, weaknesses, opportunities as well as threats of national social dialogue.”⁴⁵

The most recent cross-industry social partners (BusinessEurope, ETUC, CEEP and SMEUnited⁴⁶ project on "The Role of the European Social Fund (ESF) in Capacity Building of Social Partners" showed that social partners' needs for capacity building financed through the ESF are currently not met in a number of countries. In their final report⁴⁷ social partners present solutions to improve ESF support notably in the next programming period. With regard to the use of ESF funding to support social partner capacity building, the study found that in most countries, there is no clear indication on the ESF actions to be implemented or the total amount of ESF funding committed to build the capacity of social partners. Where this is done, the amounts allocated to the social partner capacity building projects are small. Where available, social partners can mostly access the ESF funding through project-based systems, which comes with significant associated administrative and monitoring requirements and is always time limited, risking that actions cannot be continued at the end of one project period.

⁴³ More information on Employers’ resource centre <http://erc-online.eu/integrated-projects/> and ETUC Social dialogue resource centre <http://resourcecentre.etuc.org>

⁴⁴ Voss, E. (2011), *European social dialogue: Achievements and challenges ahead: Results of the stock-taking survey amongst national social partners in the EU Member States and candidate countries. Final Synthesis Report – May (2011)*, Brussels, p.33.

⁴⁵ Voss, E. (2011), *European social dialogue: Achievements and challenges ahead: Results of the stock-taking survey amongst national social partners in the EU Member States and candidate countries. Final Synthesis Report – May (2011)*, Brussels, p.49.

⁴⁶ Formerly UEAPME.

⁴⁷ Weber, T. and Pavlovaite, I. (2018), *Future European Social Fund: Better Supporting Capacity Building of Social Partner Organisations*, Final report June 2018, Integrated Projects of the EU Social dialogue 2016-2018 (EC Grant Agreement VS/2016/0411).

ESF social partner capacity building projects can be roughly divided into two categories:

- projects directly aimed at providing support to capacity building through research, training, networking, joint activities etc. These are aimed at allowing them to fulfil their role as partners in collective bargaining but can also include technical assistance projects aimed at building specific capacity among social partners involved in the governance process of the ESF.
- secondly, there are projects providing indirect support to social partner capacity building by allowing them to deepen their work in specific policy areas such as health and safety, digitalisation or lifelong learning, among other things⁴⁸.

According to the study the ESF implementation in the current programming period is slow and, in most countries, the projects to support the social partner capacity building are only starting.

The study also highlighted that the capacity building requirements of social partners vary from country to country, based on established industrial relations systems and linked organisational structures and strengths. Beyond the requirements of European legislative and policy processes, social partner capacity building needs are also growing due to requirements to enhance collective bargaining mechanisms at different levels to respond to the needs of an increasingly globalised and digital economy. Even in countries where social partners are strongly involved in collective bargaining, there are increasing needs to be additionally involved in other social dialogue processes at both national and European level, including those of national decision and policy making linked to the European semester. Key requirement is additional staffing capacity to deal with these rising demands, while working to retain or build membership and membership services; this is particularly the case in view of more frequent and complex demands coming from the EU institutions in relation with the European dimension. There are also increasing needs to exchange information between organisations both at national and European level and to learn from good practice; Furthermore, existing and additional staff have information and training needs to engage with these various processes in an effective and timely fashion.⁴⁹

The sixth autonomous work programme of the European social partners 2019-2019⁵⁰ confirms that capacity building activities remain one of the European social partners' priorities. Within its renewed mandate a subgroup of the Social Dialogue Committee will look into the issue of capacity building through new integrated projects on capacity building and into ad-hoc social dialogue activities 2019-2020 financially supported by the European Commission specific budget line as described in the next chapter.⁵¹

⁴⁸Ibidem.

⁴⁹Cf. Weber, T. and Pavlovaite, I. (2018), *Future European Social Fund: Better Supporting Capacity Building of Social Partner Organisations*, Final report June 2018, Integrated Projects of the EU Social dialogue 2016-2018 (EC Grant Agreement VS/2016/0411).

⁵⁰ [European social dialogue work programme 2019-2021](#), 6 February 2019

⁵¹ Integrated projects of the European Social dialogue: Capacity building and Ad Hoc social dialogue activities 2019-2020, VP/2018/001/0001, 13 March 2019

European Commission support to social dialogue and capacity building

The European Commission has been providing financial support to transnational projects carried out by social partners and others active in the field of industrial relations through the social dialogue budget lines. The most relevant calls in the context of this working paper are the following:

Support for Social Dialogue

This call is used to finance consultations, meetings, negotiations and other actions as outlined in the European Commission's Communication on The European social dialogue, a force for innovation and change (COM(2002)341)⁵², the Communication on Partnership for change in an enlarged Europe – Enhancing the contribution of European social dialogue (COM(2004)557)⁵³ and the Commission Staff Working Document on the Functioning and potential of European sectoral social dialogue (SEC(2010)964)⁵⁴. Actions are also expected to contribute to the priorities and activities of European social dialogue, including those laid down in the work programmes of the EU cross-industry and sectoral social dialogue committees, as well as those that form part of the June 2016 Statement of the Presidency of the Council, the European Commission and the European social partners on "a new start for social dialogue"

In that context, particular emphasis is put on the following objectives:

- strengthening the *involvement of social partners in the European Semester* and enhancing their contribution to EU policy making;
- further *developing and strengthening the membership* of European social partner organisations;
- *building and reinforcing the capacity of national (cross-industry and/or sectoral) social partners to engage in national social dialogue and to participate in and contribute to European social dialogue*, in particular in those Member States where social dialogue is underdeveloped, e.g. through information and training seminars aiming at developing legal expertise or organisational/administrative skills, or at expanding membership and representativeness.

Improving expertise in the field of industrial relations⁵⁵

The overarching objective of this call is to *improve expertise and knowledge on industrial relations* through activities of analysis and research, at EU level as well as in comparative terms (identifying convergences and differences in the industrial relations systems in place in the EU Member States and in Candidate Countries), thereby contributing to developing and reinforcing quality and effectiveness of industrial relations structures and processes in the Member States and in Europe as a whole. Among type of activities to be funded are i) Initiatives to promote awareness of effective industrial relations practices, at both national

⁵² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:c10716>

⁵³ <http://unpan1.un.org/intradoc/groups/public/documents/un-dpadm/unpan039579.pdf>

⁵⁴ <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2012618%202010%20INIT>

⁵⁵ As per Call for proposal VP/2018/004.

and European level, including by bringing together relevant actors such as academia, social partners and policy makers; ii) Measures to identify and exchange information in the area of industrial relations, including through the activities of networks between industrial relations parties and/or experts; and iii) Actions to disseminate such findings in publications, round tables, seminars, conferences, training measures and training tools.

Information and training measures for workers' organisations⁵⁶

Objectives of this call include measures and initiatives to *strengthen the capacity of workers' organisations to address, at EU/transnational level, changes in employment and work and social dialogue related challenges*, such as: modernisation of the labour market, job creation and job matching, quality of work, anticipation, preparation and management of change and restructuring, digitalisation of the economy and society, the greening of the economy, flexicurity, skills, intra-EU labour mobility, migration, youth employment, health and safety at work, modernisation of social protection systems, reconciliation of work and family life, gender equality, action in the field of anti-discrimination, active ageing, healthier and longer working lives, active inclusion and decent work.

Actions are also expected to contribute to the priorities and activities of European social dialogue, including those laid down in the work programmes of the EU cross-industry and sectoral social dialogue committees, as well as those that form part of the June 2016 Statement of the Presidency of the Council, the European Commission and the European social partners on "a new start for social dialogue". In that context, particular emphasis is put on strengthening the involvement of social partners in the European Semester and enhancing their contribution to EU policy making.

Measures which contribute to addressing the employment, social and economic challenges as identified in the European Pillar of Social Rights are also particularly welcome.

In the following we are presenting some **selected projects** (run by sectoral, cross-sectoral social partners, international organisations or academia) promoted and financed by the above-mentioned EC budget lines supporting social dialogue and aiming at further capacity building of the social partners⁵⁷. Some of these projects are run jointly by the two sides of industry, others are run by the employers or trade unions only.

ILO project: 'Enhancing social partners' and social dialogue's roles and capacity in the new world of work'

While previous EC-ILO projects focused on the identification of major trends in industrial relations in the most recent period, as a result of the economic and financial crisis, this project, financed by EC **improving expertise in the field of industrial relations budget line (VP 2017/004)** adopts a longer term view of the major challenges facing social partners in a changing world of work.

⁵⁶ As per Call for proposals VP/2018/002.

⁵⁷ Projects' descriptions are based on information available on EC and beneficiaries' websites related to awarded grants unless stated otherwise

The credibility of social dialogue actors and institutions depends on how they will adjust to the new face of the world of work and formulate adequate and innovative responses to its rapid and deep transformations. As such, a key focus of this project will be to identify and discuss whether social dialogue actors and institutions are well-equipped, well-designed and sufficiently resourced to face these challenges.

This project, aims to:

- have a social partners' self-assessment of their own needs;
- identify the role/capacity of social dialogue and industrial relations in addressing transformations of the new world of work, and to face the following proposed four major challenges: digitalisation/robotisation; the emergence of non-standard forms of employment (NSFE) and interruption of career along working life; the development of outsourcing, sub-contracting along supply chains; the development of the silver economy while ensuring intergenerational solidarity;
- ensure the necessary training/capacity building for social dialogue actors/institutions that will help them to address the challenges ahead through effective policy concertation and dialogue.

These objectives will be realised through extensive national and thematic based research and through a survey among social dialogue actors and institutions within the EU 27. The initial consultation and survey aim to identify challenges and training needs of social dialogue actors, to be then addressed through capacity building/policy workshops on key thematic areas. These results of the research and tripartite workshops will be widely disseminated in the form of thematic policy reports and recommendations.

CEEP project: 'Social services in European cross-industry Social dialogue: towards a strong and deeper involvement'⁵⁸

This project, *financed by the EC Support for Social dialogue budget line (VP/2017/001)*, builds on previous efforts undertaken by CEEP to foster a European network of social services employers. The aim of the research project "Social Services in European Cross-Industry Social Dialogue – Towards a strong and deeper involvement" was to provide a better understanding of how social dialogue is organised (or not) in social services as regards the key actors involved – employees and trade unions, on the one hand, and employer organisations, on the other. Building on previous research of CEEP on the topic, the project focussed on six countries: Bulgaria, Cyprus, Hungary, Lithuania, Malta and Romania.

The project experts analyzed social services and employer organisations and associations representing social services of general interest (SSGIs) as well as systems and practices of social dialogue in the six countries covered by the CEEP project. The study was based on desk research, reviews of existing literature and approximately 60 face-to-face and telephone interviews with national stakeholders (namely representatives of national

⁵⁸This section is based on an input from Carlotta Astori, Project Manager at CEEP from 17 October 2019

Ministries responsible for social services and employer organisations and associations) in the six countries, carried out by the expert coordinator and national experts. Furthermore, it reflected results from a questionnaire-based survey that was carried out between August and December 2018 aiming at gathering primary data from relevant employer organisations and associations in SSGIs in the six countries. The mapping identified more than 130 organisations and associations.

A further important source of information were round table meetings that were organised by CEEP and its three partner organisations in this project: UDES, the association of social enterprises in France, Unisoc, the national employer organisation of non-profit organisations in Belgium, and ALAL, the association of local authorities in Lithuania. Three round table meetings were held in Brussels in October 2018, Vilnius in December 2018 and Paris in March 2019, each hosted by the respective national project partner. The round table meetings – each of it focussing on two countries addressed by the study – provided the opportunity to present and discuss preliminary findings of the project and exchange on key challenges as well as legal and other framework conditions that in particular employer organisations in social services are facing in these countries.

Two of the project partners, members of CEEP, namely Unisoc and UDES, not only hosted the two round-table meetings in Belgium and France, but also provided important input on their organisations, the role of the social profit sector in both countries, and their embeddedness in national social dialogue and collective bargaining. Thus, also in the context of this report, both countries are serving as reference examples as regards issues such as definition of the sector, representativeness of employer organisations and the added-value of engagement in social dialogue.

A report will be published and disseminated over the final conference, that will be held in Brussels on the 21 November. The report will be structured as follows: after an introductory chapter, chapter two will provide an overview of the nature and structure of SSGIs and the social economy in the European Union in general, including its weight in terms of employment shares and spending. The third chapter will describe the organisation of SSGIs in terms of overall responsibilities and the level and type of service provision, focussing on the six countries addressed by the project.

Based on EU comparative data and analysis as well as country-specific research conducted in the context of this study and results of the three round-table workshops organized in the context of the CEEP project, the fourth chapter will provide detailed information about the social dialogue and collective bargaining in relation to SSGIs. After a brief introduction to the EU concept of social dialogue and representativity, the study mainly focuses on the structural pattern, characteristics and challenges in Bulgaria, Cyprus, Hungary Lithuania, Malta and Romania as regards social services. After a brief overview of key aspects of the industrial relations systems as regards social partner organisations, institutions and process of social dialogue, it focusses on employer organisations and associations in social service sectors. The data of this analysis have been gathered during the last months in the context of a mapping of social services in the six countries. The concluding chapter five will

summarise key conclusions and draws some recommendations for activities in order to strengthen the voice of social services and in particular the social economy in social dialogue at EU and national level. In the annex of the report, a detailed table will be included documenting those sector-related organisations that have been identified by the country-specific mapping of SSGIs.

ETUC project: CB4CB Capacity Building for Strengthening Collective bargaining

The general aim of this project, financed by the EC *Information and training measures for workers' organisations budget line VP 2017/002*, is strengthening cross-sector and sector Collective Bargaining (CB) throughout Europe, by building capacities of trade unions and providing them with support and tools for overcoming the challenges they are facing at national level, in particular to prepare the conditions for the enforcement of the Pillar of Social Rights via collective agreements. EU level initiatives such as the New Start for Social Dialogue have recognised the need for strengthening and extending the actions for social partners' capacity building so to enhance the effectiveness of social dialogue (SD) and collective bargaining at all levels. The Social Pillar envisages a crucial role for the European and national social partners. New capacities are needed.

Capacity building refers to increasing the representativeness of social partners and to strengthening their operational, analytical and legal capabilities to engage in SD and CB as well as to contribute to policy-making at all levels. Building on the EU policy priorities depicted above, the general aim of this project is strengthening cross-sector and sector CB throughout Europe, by building capacities of trade unions and providing them with support and tools for overcoming the challenges they are facing at national level, in particular to prepare the conditions for the enforcement of the Pillar of Social Rights via collective agreements.

The project, will be implemented through 2 main actions:

action 1: Safeguarding, defending and strengthening cross-sector and sector collective bargaining throughout Europe.

action 2: Developing cross-sector and sector collective bargaining in Eastern Europe.

In terms of deliverables, the project will result in:

- 1) National workshops to develop more structured systems of collective bargaining, to promote the dialogue with governments and employers in 11 target countries;
- 2) An action plan for enhancing the institutional/legal framework of those countries;
- 3) Two 3-day summer schools for delivering a common, EU-wide trade union strategy;
- 4) One common, EU-wide TU strategy resulting in an ETUC resolution.

Construction sector

EFBWW, FIEC and AEIP project TANSIRC - Towards A New Start of Industrial Relations in Construction in Central and East European Countries⁵⁹

Over the last ten years the European Federation of Building and Woodworkers (EFBWW), the European Construction Industry Federation (FIEC) and the European Association of Paritarian Institutions (AEIP) implemented several projects targeting Central and East European Countries (CEECs) social partners in construction sector (on paritarian social funds, on issues such as health and safety, vocational educational training, pensions schemes etc.). Unfortunately, it seems that little progress has been made so far in terms of achievement, follow-up and implementation of such initiatives by the concerned national social partners. At the same time, very little progress has been made to strengthen the capacity of both the trade union and employers' representatives in industrial relations.

This situation is seen as a threat for the development of a long-term sustainable industrial policy system in the construction industry, which faces many challenges, such as the greening of the economy, building a fair level playing field, attracting new workers, ensuring high OSH standards, etc. These transitions can only take place if a genuine system of industrial relations is effectively existing and fulfilling its role.

Therefore, EFBWW, FIEC and AEIP have set up a project in 2018 which does not aim to look at the past (focusing on causes, reasons ...), but on the future (challenges and opportunities) to build and strengthen a system of properly functioning industrial relations in the CEEC in the construction industry. With this new two-year project, financed by the EC **Support for Social dialogue budget line (VP/2017/001)** the partners (EFBWW, FIEC and AEIP) aim at creating a stronger added value for the concerned organisations in CEECs and to strengthen the capacity of the trade unions and the employer's federations to enter in "negotiation" within a system of industrial relations.

The objectives of this project are to:

- involve SPs respective members in joint and separate capacity building actions and projects aimed to promote sectoral social dialogue, including their outcomes and actions at all levels";
- assess the needs for further actions in the Sectoral Social dialogues of the construction industry to reach out to affiliates in member states not yet covered;
- improve membership and representativeness of both trade unions and employers' organizations, and
- ensure that there is a capacity to enter into agreements with an appropriate mandate"

⁵⁹The information is based on Social partners' presentations (EFBWW and FIEC) during the Eurofound stakeholders' meeting on capacity building for effective social dialogue held on 25 October 2018 in Brussels, EFBWW 2018 *Tender specifications for subcontracting* <http://www.efbww.org/pdfs/Tender%20specs%20coordinating%20Expert%20FINAL.pdf>, and input from Christine Le Forestier, Director, Social Affairs, FIEC on 16 October 2019.

The initial action will focus on as much as possible of the following countries: Albania, Bulgaria, Croatia, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Montenegro, North Macedonia, Poland, Slovakia, Serbia, Slovenia, Romania and Turkey.

In the First phase of the project (2018) sectoral industrial relations mapping exercise of the construction industry in the CEECs is foreseen to provide an up-to-date picture of the current situation of the national systems of industrial relations in the target group countries. Following the SWOT (strengths-weaknesses-opportunities-threats) assessment for each target country two regional conferences are planned to discuss the state of pay and the SWOT assessment.

The main Common Social Partners Priorities for an effective Social Dialogue in construction sector were identified as follows: health and safety (need for sharing best practices, method to improve OHS measures), vocational, education and trainings (lack of adequate training to attract workers in the construction industry), fight undeclared work (provide studies on advantage to eliminate undeclared work and create a fair level playing field), help/advice members and recruitment new members.

The second phase (from 2019) foresees four thematic seminars on priorities identified during the phase 1:

- Implementing social paritarian funds in the construction industry (Bucharest, September 2019)
- Promoting good practices in public procurement (i.e. awarding the contract to the Most Economically Advantageous Tender) (Prague, October 2019)
- Improving external and internal communication and attracting new members (Riga, December 2019)
- Organising communication campaigns on health and safety (Warsaw, January 2020)

Education sector

European Sectoral Social Partners in Education (ETUCE and EFEE) ESSDE 'Capacity building project III'⁶⁰

This two-year project (2017-2018) co-funded by the European Commission (**Support for Social dialogue budget line VP/2016/001**) wrapped up five years of national and European social dialogue capacity building activities jointly undertaken by the European Trade Union Committee for Education (ETUCE) and the European Federation for Education Employers (EFEE). The promotion of social dialogue has been defined as a continuous task in the work Programmes of the European sectoral social dialogue in the education sector (ESSDE) since its onset, in 2010.

Within the initial 2013-2014 project *"Promoting the potentials of the European sectoral social dialogue in education by addressing new challenges and exploring experience and knowledge"* six round table discussions between ESSDE delegates, organised in five new Member States (Croatia, Lithuania, Slovenia, Slovakia and Romania) and one EU Candidate Country (Montenegro) were complemented by a research on the ESSDE. An online survey for ETUCE affiliates, ESSDE Plenary delegates of the 28 EU Member States was conducted as well as additional interviews with ESSDE delegates from the Netherlands, Finland Portugal and Slovenia. The objective was to map the national affiliates' current topics of interest, actions and organisation, to identify the national affiliates' knowledge of the European social dialogue in place and to identify the national affiliates' needs and expectations towards the ETUCE and the European social dialogue. The issues related to employment, remuneration and social protection, and job security were on the top of affiliates' expectations towards the ESSDE. In addition, issues related to working conditions, job quality, workers' health and job sustainability in the education sector were also identified as important to address. While the work undertaken within the ESSDE was largely reviewed positively, survey findings showed that there was a demand for increased exchange and sharing of experiences, practices, problems, and possible solutions.⁶¹

Drawing on the above results the 2014-2016 project *'European sectoral social partners in education promoting the potentials of their dialogue through knowledge transfer and training' (Capacity building project II)*, focused on seven EU Member States (Bulgaria, Cyprus, Estonia, Latvia, Hungary, Poland and Spain) and one EU-Candidate countries (Serbia). The discussions during the different round tables focussed on trying to determine good practice in the sector and how existing practices could be enhanced.⁶² Three factors have been identified to shape effective social dialogue: communication, capacity building and engagement. The joint EFEE and ETUCE statement *'Promoting the potentials of the European Sectoral Social Dialogue in*

⁶⁰The information is based on data from ETUCE web pages <https://www.csee-etuce.org/en/social-dialogue/29-european-sectoral-social-dialogue-in-education-essde/2157-essde-capacity-building-project-iii-2017-2018> and the Social partners' presentations' (ETUCE and EFEE) during the Eurofound stakeholders meeting on capacity building for effective social dialogue held on 25 October 2018 in Brussels.

⁶¹ Final report of ESSDE project *'Promoting the potentials of the European sectoral social dialogue in education by addressing new challenges and exploring experience and knowledge'*, December 2014

⁶² Final report of the ESSDE project *'European Sectoral Social Partners in Education promoting the potentials of their dialogue through knowledge transfer and training'*, November, 2016

Education’, adopted in November 2016 highlights that *“the joint capacity building actions aim to develop a strong and efficient social dialogue for the benefit of people working in education institutions at all education levels as well as for the benefit of pupils and students. Acknowledging the common challenge to promote social dialogue based on strong social partnership, EFEE and ETUCE agreed to focus specifically on enhancing the capacity of social partners in those countries with a weaker tradition of social dialogue, and/or where social dialogue in education had increasingly come under pressure, as a result of the economic crisis”*⁶³

The ESSDE capacity building project III 2017-2018 ‘*European Sectoral Social Partners in Education striving for sustainable influence on European education policy building through successful social dialogue*’ brought together European and national social partners from eighteen European countries: Bulgaria, Croatia, Cyprus, Denmark, Estonia, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia and Spain. They discussed topics from the ESSDE Work Programme with relevance to the national contexts. The debates identified the following policy outcomes of national and European interests to be further addressed: attractiveness of the teaching profession, support to teachers, trainers and school leaders, occupational health and safety, equity and equality. The discussions made it clear that the need for capacity building and regular sharing of information from the bottom up as well as the top down remains a high priority. The key element of trust and the importance of regular exchange to build such trust was repeatedly emphasized.

EESDE social partners, ETUCE and EFEE, are committed to supporting capacity building not just through the implementation of this and preceding projects, but also through the running of working groups on specific subjects and other project-based activities reflecting common concerns.⁶⁴

Hospital sector⁶⁵

The European Sectoral Social Partners (the European Hospital and Healthcare Employers’ Association (HOSPEEM) and the European Federation of Public Service Union (EPSU)) have conducted two projects in 2008 and 2011, which were targeted at capacity building. The first one on ‘**Strengthening Social Dialogue in the hospital sector in the new Member States and candidate countries**’, financed by *EC Support for Industrial relations and Social dialogue budget line (VP/2008/001)*, had a particular focus on the then Czech Republic and Slovakia. The project partners produced a national overview report as well as one detailed report⁶⁶. The

⁶³ See https://www.csee-etuice.org/images/attachments/EFEE_ETUCE-Statement_Promoting-potential-of-ESSDE-Dialogue_Adopted.pdf

⁶⁴ See for example the recent Joint EFEE and ETUCE Statement ‘*Towards a Framework of Action on the Attractiveness of the Teaching Profession*’ –adopted on 19 November 2018 which reiterates the European education social partners and their members commitment to continue strengthening their “*capacity building at European and at national level for a stronger sectoral social dialogue*” https://www.csee-etuice.org/images/attachments/EFEE_ETUCE-Declaration_Towards-a-FoA_Attractiveness_ADOPTED.pdf.

⁶⁵ The information is based on data from social partners HOSPEEM/EPSU web pages and their input (Simone Mohrs, Policy officer, HOSPEEM and Mathias Maucher, Policy officer, EPSU) on 14 October 2019.

⁶⁶ https://www.epsu.org/sites/default/files/article/files/Overview_Report_EPSU_HOSPEEM.pdf

outcomes of the project have shown the added value of such capacity building exercise and the learning added value which can be achieved by the transnational sharing of experiences.

The research has shown that hospital sector social partners in the Member States addressed share common concerns and have important experiences to share from existing practices. This mutual learning forms an important part of the European social dialogue process. Building on these results, the second project on **‘Strengthening social dialogue in the hospital sector in the Baltic countries’** had a particular focus on Latvia, Lithuania and Estonia. The project, financed by *EC Support for Industrial relations and Social dialogue budget line (VP/2010/001)* and run together with the national social partners’ of Sweden, Finland, Denmark and Austria, resulted in a “Riga Declaration - on Strengthening Social Dialogue in the Health Care Sector in the Baltic Countries”⁶⁷ and produced a project report.⁶⁸ Recruitment and retention were identified as important issues, particularly as the sector faces challenges in attracting healthcare professionals, wage and working time. Migration of healthcare workers to other countries in Western and Northern Europe was voiced as an important concern as well as then forthcoming key reforms in the healthcare sector. Shifting the focus from hospital based towards primary care, would equally bring changes in training and skills requirements. The important role of social dialogue in shaping such developments was highlighted.

The new joint project in the field of sectoral social dialogue capacity building was launched in the beginning of 2019: **‘Strengthening social dialogue in the hospital sector in the East, South and Central Europe’**. This 2019-2020 project financed by *EC Support for Social dialogue budget line (VP/2018/001)* will provide an appropriate framework to continue addressing capacity building needs of social partners. The work will serve to help build the capacity of the hospital sector social partners in 14 targeted countries (Bulgaria, Hungary, Poland and Romania, Cyprus, Greece, Italy, Malta, Portugal and Spain, Croatia, Czechia, Slovakia and Slovenia) by exchanging on and collecting the relevant topics and priorities in view of the EU level sectoral social dialogue.

It aims to identify core priorities and outcomes of the sectoral dialogue between EPSU and HOSPEEM for the three targeted regions, and to assist in feeding into the Sectoral Social Dialogue Committee for the Hospital and Healthcare Sector (SSDC HS) the social dialogue interests and important topics in a “bottom-up” process to support the aim of building capacity. Project outcomes are expected by end of 2020.⁶⁹

The mentioned capacity building projects are supportive tools for the creation and the development of an enabling social and political environment aimed at improving social dialogue structures at national level and to strengthen the cooperation with the European institutions and agencies at EU level. The existence of independent employers’

⁶⁷ <http://hospeem.org/wp-content/uploads/2011/11/Riga-Declaration.pdf>

⁶⁸ Activities of the Sectoral Social Dialogue Committee Hospitals and Healthcare 2006 – 2019 https://hospeem.org/wp-content/uploads/2019/04/Fact-sheet-European-Social-Dialogue_w_links.pdf and <https://www.epsu.org/article/ssdc-hs-main-activities-and-outcomes-2006-2018>

⁶⁹ <https://hospeem.org/activities/hospeem-epsu-project-2019-2020-on-strengthening-social-dialogue-in-the-hospital-sector-in-the-east-south-and-central-europe/> and <https://www.epsu.org/article/strengthening-social-dialogue-hospital-sector-new-hospeem-and-epsu-project>

organisations, which are still lacking in certain EU countries, due to historical and organisational national structures, is the prerequisite for a well-functioning relation with the trade unions, and therefore an efficient social dialogue at national and EU level, also in the backdrop of implementing the principles of the European Pillar of Social Rights, including a reinforced social aspect within the European Semester.

Live performance sector⁷⁰

PEARLE* - Live Performance Europe project 'Behind the stage; A new start for social dialogue: the role and capacity of employers' associations in the live performance sector'

This is the employers' organisation project run by PEARLE* - Live Performance Europe financed by the *EC Support for Social dialogue budget line (VP/2017/001)* which started in 2018. This, 28 months-long, European project aims to address more specifically the challenges expressed in the live performance sector. Many of the challenges arise from external factors such as reduced public support, increase of micro-companies and project-oriented organisations, impact of digital environment on the taste of audiences, greater insecurity for tour planning, increased complexities and administrative burdens for cross-border activities. There was therefore a need to address those challenges in the context of social dialogue. However, employers' associations often lack the capacity to execute their role to the full extent.

The overall aim of the project is to improve industrial relations in the EU live performance sector by strengthening capacities of national employers organisations in a rapidly changing environment, by improving the functioning of employers' associations and encouraging the transnational exchange on thematic issues in the area of EU social policy with a view to better contribute to the European Commission's commitment on a new start for social dialogue and its objectives for a social Europe. The European Pillar of Social Rights therefore serves as a basis for the project.

Throughout 2018 and 2019 a series of activities are being organised including four capacity building meetings in Estonia, Belgium, Bulgaria and Portugal and a high-profile Awards Event in Brussels. Composed of three parts - academy, thematic seminars and workshops - these activities undertook training for representatives of employees and organizations in the live performance sector to improve their knowledge and expertise and exchange experiences and best practices. The Pearle* office launched two surveys among its members at the beginning of 2018 to determine the topics that most concern them and to gather information on what they are currently doing in those areas of concern (the detailed results of both surveys will be included in the final report on the project due to be published in the Spring of 2020).

⁷⁰The information is based on data from social partner's website and input from Anita Debaere, Director, PEARLE, on 2 October 2019.

As a key component of the project, the Pearle* - Live Performance Europe Awards aimed to highlight the role of employers in the following areas: Cooperation, Diversity & Equal Opportunities, Skills/Training/ Lifelong Learning, Social Dialogue/Collective Bargaining and Sustainable Development. On 22nd November 2018 Social Dialogue/Collective Bargaining Ex-aequo Awards shared by: Werkgeversvereniging Nederlandse Podia (Dutch Employers' Association of Theaters and Concert-halls) for its work in favour of the protection of self-employed workers in the cultural sector and Syndicat des Cirques et Compagnies (French Union of Circuses & Creative Companies) for the creation of a "Circus Artist" title in the National Collective Agreement for Artistic and Cultural Enterprises. A special mention was given to Overleg Kunstenorganisaties (Flemish industry for the Arts) for its creation of a single collective agreement for the performing arts and music sectors.

The Project will be brought to a close-up with a forward-looking roadmap, possible options for cooperation, social dialogue and improvement of social partners' capacities in their respective countries.

European Sectoral Social Partners in the Live Performance sector (EAEA and PEARLE*) project 'Mapping the situation of social dialogue in the commercial live performance sector'

In February 2019, the European social partners in the live performance sector (EAEA and Pearle*) have launched a new project to map and assess the situation of social dialogue in the commercial live performance sector, which is largely unmapped in a significant number of EU countries. It is financed by *EC Support for Social dialogue budget line (VP/2018/001)*.

In the past the European social partners in the sector have addressed the challenge of enhancing social dialogue within EU Member States in several joint projects. Previous joint work in the sector has focused on the public sector, particularly in Central and Eastern Europe. Therefore, the European social partners have now agreed to map and assess the situation in the commercial sector, which remains largely unmapped in a significant number of EU countries, particularly in Central and Eastern Europe. This project will focus on five countries: Bulgaria, Czechia, Poland, Romania and Serbia.

As underlined in the 2016 EAEA-PEARLE* joint Paper on the prime role of culture and the arts in society,⁷¹ public funding and the primary role of state support are key for the live performance sector. In many EU countries, cultural institutions are either fully publicly funded or combine funds from public and private sources. There are very few examples in Central and Eastern Europe in which public and private money are combined to sustain cultural institutions or undertakings. On the contrary, there is a clear distinction between public and private sectors. Information on how the commercial side of the sector is set up is lacking in most of the countries from Central and Eastern Europe. According to EAEA members, employers are not very well organized in the commercial sector of these countries and they do not easily reach out to workers involved in it. Therefore, social dialogue is believed to be at a very low level and the cultural ministers have very little statistical and

⁷¹ <https://www.pearle.eu/positionpaper/the-prime-role-of-culture-and-the-arts-in-society>

qualitative information about the role played by the social partners in the live performance of their own country.

The aim of the action is to identify key players in the commercial sector and to research the state of social dialogue in the commercial live performance sector in these countries.

Transport sector

There were many capacity building projects covering the sector⁷² since 2009. We present here the most recent one which covers urban public transport⁷³.

European Sectoral Social Partners in Urban public transport project ‘Social Dialogue in the Urban Public Transport Sector in Specific Central and Eastern European Countries’

This joint project of the European social partners of the urban public transport sector, the Union Internationale des Transports Publics (UITP) and the European Transport Workers’ Federation (ETF) focused on on the following Central and Eastern European Countries (CEE): Lithuania, Latvia, Estonia, Poland, Chechia, Slovakia, Hungary, Romania, Bulgaria, Croatia, Slovenia and Serbia. A particularity of the social dialogue in urban public transport in many CEE countries is the high level of decentralisation with a lack of sectoral or national organisations or representation. Social dialogue in Central and Eastern European countries is organised predominantly in the tripartite body of the national Social and Economic Councils. They make decisions on state, branch or company level and for different topics. Bipartite social dialogue between workers and employers’ representatives is not very common at regional or national levels. It is often taking place at company level. Nevertheless, outputs of social dialogue in the countries are often limited and are not taken seriously enough. The political will and a spirit of partnership among the social partners and a more intense preparation to negotiate professionally and engage in responsible dialogue still have to be developed.

With this 2017-2019 joint project, financed by *EC Support for Social dialogue budget line (VP/2017/001)*, the European Social Partners’ aimed to strengthen the capacity of social partners to develop the national social dialogue as well as to improve the knowledge of the European social partners about national concerns and demands in the targeted countries. Hence, they organised three country visits with a fact-finding mission and three workshops in Bulgaria, Prague and Warsaw. The workshops “*Dialogue Can Shape the Future of*

⁷² ETF “Training to improve capacity building for Trade union officers of New Member States and candidate countries”, which ran from September 2009 to September 2010, and addressed trade unions representatives from new EU member states and candidate countries. The participants received training in organising and negotiating skills. In the framework of this EU-funded project two training brochures were published and given to the participants on organising and negotiation skills; The topic of capacity building has been the theme of the joint CER-ETF project “Social dialogue in the railway sector in Western Balkan countries” in 2013-2014. The project aimed at raising awareness about the EU social dialogue, its deliverables and ways to get involved. The countries involved in this project were the new member state Croatia and the candidate countries Serbia, Montenegro and North Macedonia. The activities of the project were praised by the European Commission as a good example of strengthening social partner capacity and social dialogue structures in the selected countries. The rail social partners were particularly proud of having been able to bring together rail social partner representatives from Croatia, Montenegro, North Macedonia, Serbia but also from Bosnia and Herzegovina and active members of the European social dialogue from the companies’ and trade unions’ side (see CER-ETF Report the European Social Dialogue and the Social Dialogue in the Railway Sector in Western Balkan Countries, 2014).

⁷³ The information is based on data from social partners’ websites (ETF and UITP).

Urban Public Transport” allowed to gather detailed information on employment and industrial relations in the sector and to exchange on experience on the national and European social dialogue in the sector. This kind of knowledge sharing between experts, urban public transport companies, employers’ associations and trade unions of urban public transport workers was highly prized by participants as very important for the improvement of the communication and dialogue between employers and employee representatives. The future of mobility in cities and national social dialogue situation was debated focusing on issues such as working conditions, health and safety, labour shortages, attractiveness of the sector, wages and training. An additional research on country specific information has been gathered from representatives of the national social partners for the project’s final report “*Social dialogue in the urban public transport sector in Central and Eastern European Countries*”⁷⁴. It includes reports from Companies and Trade Unions which confirm the diversity of industrial relations systems and social dialogue practices amongst the targeted countries, as well as different capacity needs and priority topics identified in the sector.

Capacity building and the European Semester⁷⁵

According to the 2018 Eurofound report on capacity-building has been funded over the past years through Operational Programmes under article 6 of the European Social Fund. Views collected from the social partners in this study with regard to the effectiveness of these actions are mixed, although most of them acknowledge their positive impact supporting them to do their daily work. Furthermore, it is totally shared that these initiatives should continue and further improved to support social partners in their financial, analytical and institutional capacities at different levels.

National authorities in **Cyprus** stated that each social partner organisation should be more involved in the design of such initiatives and mould them according to its own particular needs. The trade union PEO considers there is scope for bigger and more improved involvement in capacity building projects. SEK and PASYDY did not have the opportunity to participate in such initiatives but viewed capacity building initiatives positively.

Both social partners in **Hungary** share that there have been capacity-building initiatives, but they have not resulted in tangible improvement in any respect. Instead of providing access to all national social partners on equal footing, the NRP included only one project, run formally by a consortium of some social partners, while the lion’s share of the funding (in financial terms reaching around EUR 5 million some years ago) went to one particular trade union organisation. There are also police investigations in connection with the programme due to alleged misuse of EU funds and accountancy problems, which have had a negative impact on the image of social partners in general.

⁷⁴ https://www.etf-europe.org/wp-content/uploads/2019/09/Social-Dialogue-in-CEEC_EN.pdf

⁷⁵ This chapter draws directly on Eurofound (2018b), Involvement of the national social partners in the European Semester 2017: Social dialogue practices, Publications Office of the European Union, Luxembourg.

The underlying issue in this case seems to be related to the internal financing. Employers' organization and trade unions are able to finance only a limited number of experts at confederation level. As for building up an expert team, social partners would be better off if they receive a permanent operational support from public sources instead of project-based financing (like in the case of EU funds and some domestic targeted projects). Additionally, trade unions state that they also have to face the consequences of the internal distribution of financial resources derived from membership fees. That is, resources get captured by the sectoral or company level trade unions. Sectoral trade unions only transfer a minimum amount of their income to the confederation they belong to.

Box3 : Capacity-building programmes in Estonia

During 2008-2013 both social partners in **Estonia** carried out ESF financed projects (more than €500,000) concentrated on analysing their capacity, studying other countries' practices, compiling training and information materials, developing strategies, and training their leaders, key persons and employees. According to the trade union EAKL, during the planning phase of the last period, they made a proposal that the budget should be given to cooperation projects between EAKL and ETKL to enhance national level social dialogue and partnership between the two national level social partners and not to each social partner to spend alone. This proposal was made because during the previous period, social partners spent the money on actions that worked against each other's aims e.g. EAKL used the money allocated to them to train their members on how to conclude collective agreements and ETKL used the money allocated to them to train their members on how to prevent signing the collective agreements.

During the period 2014-2020, one ESF financed measure is aimed at increasing the capacity of the labour market parties. The trade union, EAKL has focussed on three activities: 1) increasing the quality of their participation in decision making processes by training trade unions employees and employees' trustees and by developing an information system for draft acts and collective bargaining to be used by EAKL and its affiliates; 2) strengthening their inner structure, concentrating especially on their affiliates; 3) increasing their capacity for tripartite social dialogue by developing their analytical skills and capacity. In turn, the employers' organisation ETKL has set their focus on 1) increasing their capacity in participation in decision making by training the key persons in ETKL and their affiliates and developing their engagement processes, and 2) raising their analytical capacity by developing cooperation network with policy studies centres/think tanks and conducting studies/analysis for finding solutions to problems related to the economy and competitiveness. The budget for both was around €235,000 and through these programmes ETKL has been able to improve their analytical capacity by hiring an analyst.

In **Latvia**, the effectiveness of the capacity-building initiatives for the employers' organisation LDDK implemented over the past could be assessed as high. According to LDDK, they were able to increase its analytical capacity, as well as to introduce measures that made it visible and usable for its members, among many others assistance tools for working environment risk assessment and useful interactive games aimed at training in working conditions and tax discipline issues. LDDK organised and financed working condition and risk

survey – an analytical report that would not be otherwise published. Improving analytical capacity is the most important issue for participation in the design and implementation reforms, while visibility is useful for increasing membership. In future, more attention should be paid to capacity building of lower level employers' organisations. The trade union LBAS also participated in capacity building projects in this country focused on the elaboration of analytical reports on labour legislation, practice of trade union's work, socio-economic and other issues, as well as on informative papers regarding labour legislation.

By contrast, according to both social partners themselves and experts evaluating the outcomes of the projects implemented in **Lithuania** during recent years, they did not play an important role in the capacity building and social dialogue fostering. Projects aimed at development of social dialogue implemented during the 2007-2013 programming period were focused on companies, organisations, sectors where social dialogue already took place. In the result of these projects a number of sectoral, regional, local collective agreements were signed. However, content of these agreements was deemed as rather weak and had little impact on the social dialogue practices. In 2014-2020 programming period ESF support was directed to different training and education activities. Some social partners expressed doubts regarding the possible impact of the funded activities on the improvement of the capacities of social partners.

Quality of Social dialogue in **Slovakia** was supported by National project Centre of Social Dialogue I in 2007-2013. Social partners were indirectly involved; the activities were based on their planned content designed in the initial stage of the project and were difficult to modify them during the implementation stage. The outcomes of the project pointed out the necessity of further capacity building of social partners and now social partners are involved and supported by the National project Centre of Social Dialogue II upon the partnership principle. Social partners propose relevant activities matching their needs, and they are also responsible for their implementation and utilisation of available financial resources. After one year of implementation, this model of support to social dialogue seems to be more effective, even it is too early for making a comprehensive assessment of strengths and weaknesses of the project. The present approach allows social partners to modify their activities in relation to the actual changes during the implementation phase of the project as they can better respond to the actual problems and can accommodate their professional and personal capacities.

More recently, the 2019 country specific recommendations (CSRs) mention capacity-building needs in relation to four Member States: Estonia, Latvia, Lithuania and Slovakia:

Estonia

“Furthermore, engaging with the social partners and strengthening their capacity remain important in a broader context.”

Latvia

“In a broader context, strengthening social partners' capacity is important in promoting the fair working conditions and delivering on the European Pillar of Social Rights.”

Lithuania

“In a broader context, strengthening the capacity of the social partners is important to foster their engagement.”

Slovakia

“Continued capacity building for employers and trade unions is needed to promote their more active involvement.”⁷⁶

⁷⁶ https://ec.europa.eu/info/publications/2019-european-semester-country-specific-recommendations-commission-recommendations_en

Policy debates on capacity building at EU level

BUSINESSEUROPE

The implementation of social dialogue results requires enhanced capacity building support for national social partners. Enhanced capacity is also important for social partners to be able to fully play their role in the European semester process, particularly as concerns the implementation of labour market reforms that result from country-specific recommendations. To make progress, the European Social Fund should be better used to support social partners' **capacity building needs**.⁷⁷ Taking as a basis the work that the European social partners have undertaken, the Eurofound project can be helpful in further identifying the capacity building needs that social partners have and how they could be addressed through initiatives at the EU and member state levels.⁷⁸

In its position paper of June 2019 BusinessEurope proposes to increase "(...) EU and member states' support for capacity building of social partners organisations, in those countries where they are weak, or where there is a lack of or insufficient capacity to get involved in the European Semester or European social dialogue."⁷⁹

Furthermore, BusinessEurope proposes in this context that

" (...) the EU and member states, in line with the implementation of the quadripartite statement on reinforcing social dialogue, should develop further measures to support capacity building of national social partners, including facilitating exchanges of experience. The strengthening of social partnership across Europe requires in a number of countries a stronger use of European Social Fund resources on supporting social partners' capacity building. Together with our social partners, we call on the Commission and European Social Fund (ESF) managing authorities to foresee a dedicated track for social partners' capacity-building needs as regards their role in the European Semester process; to support better implementation of the outcomes of European social dialogue and to support social dialogue development at national and regional level."⁸⁰

ETUC

At the Tripartite Social Summit Brussels, 21 March 2018, ETUC General Secretary Luca Visentini discussed the future of European funding opportunities, in particular the ESF, EGF and Erasmus programme, highlighting that it is important:

⁷⁷ This was one of the main messages given by BusinessEurope Social Affairs Director Maxime Cerutti during the third cluster seminar on "Reinforcing the EU social dialogue and industrial relations", organised by the European social partners in Bratislava on 20 and 21 September 2018. This seminar brought together social partners representatives from Slovakia, France, Netherlands and Romania. – BusinessEurope Newsletter 2018-30, (27/09/2018).

⁷⁸ Robert Plummer, Senior Adviser, Social Affairs, BusinessEurope at Eurofound stakeholders' meeting on capacity building for effective social dialogue on 25 October 2018.

⁷⁹ BusinessEurope (2019), *The future of the social dimension in Europe*, Brussels, p.5. A similar claim was made by the General Union of Romanian Industrialists (UGIR).

⁸⁰ BusinessEurope (2019), *The future of the social dimension in Europe*, Brussels, p.18.

(...) “that the involvement of social partners in the governance of these funds is fully preserved and actually improved, including through dedicated action on **capacity building**.” Adding that “Unfortunately, we see that very little has been done to follow up to the Quadripartite Declaration for the relaunch of social dialogue we signed two years ago. It’s now our common responsibility of Commission, Member States and social partners to deliver. Of Member States, because the level and quality of social dialogue at national level is still too poor: we need more in terms of tripartite dialogue on reforms, of involvement in the Semester, of capacity.”⁸¹

The ETUC aims to continue its work on capacity building together with the other European social partner organisations, including developing a better understanding of the needs at national level and linking these to funding opportunities and political initiatives at both national and European level. In this context the Eurofound project is very welcomed as it can provide a much-needed focus on how to approach the issue of capacity building for a stronger social dialogue. The ETUC looks forward to contributing to the project and will seek to incorporate the results into its ongoing work with its members and its joint work with the European employers. Key issues which need to be considered are how to ensure the involvement and support from national governments to develop social dialogue and collective bargaining structures at national, regional and sectoral level, as well as identifying what resources are needed to achieve this⁸².

SMEunited

According to SMEunited social dialogue needs to be further strengthened. The European social partners held a series of social dialogue mutual learning cluster seminars. While recovery is a reality, social partners have a crucial role in tackling multiple new challenges in a changing economy and continue to ensure competitiveness of the economy. They have to support adaptability and flexibility for companies and workers but also provide stability. Despite the diversity of national systems, they are confronted with similar issues such as digitalisation, ageing workforce, pension adequacy, skills gap and skills mismatch and integration of refugees. Social partners agreed on the need for a common understanding at national and / or sectoral level to find innovative solutions in a time of rapid change. In doing so, they will contribute to inclusive growth and jobs and ensure society’s stability. This new paradigm and the need for their capacity building will be further discussed as part of the ongoing EU social dialogue activities. SMEunited welcomes this Eurofound project and social partners’ involvement from the very outset; based on Eurofound work and social partners’ work it should bring “something new” and allow for better dissemination of results⁸³.

⁸¹ Speech by Luca Visentini, ETUC General Secretary, at the Tripartite Social Summit Brussels, 21 March 2018

⁸² Ruairi Fitzgerald, Advisor, ETUC, at Eurofound stakeholders’ meeting on capacity building for effective social dialogue on 25 October 2018.

⁸³ Liliane Volozinskis, Social Affairs and Training Policy Director, SMEunited at Eurofound stakeholders’ meeting on capacity building for effective social dialogue on 25 October 2018.

SMEunited stresses the need

- to map both positive and possibly less positive evolution /changes in social dialogue due to changes of government;
- to better highlight the role/absence of cross-sectoral social partners in the Member States;
- to address the issue of the involvement of ‘economic partners’ in the EU semester process, notably SME organisations and need for their capacity building

Key issues for SMEs to be addressed are:

- decentralization of social dialogue:
- the need for common collective bargaining at a higher level above the company level (not necessarily at national, but regional/sectoral levels) for ensuring a level playing field while maintaining some flexibility;
- small businesses weaknesses (assist SMEs and micro-enterprises in taking benefit of digitalisation, greening the economy, accessing structural funds).

In its position paper from 2019 “Strengthening crafts and SMEs for the future of the European Union” SMEunited stated as follows:

“in several Member States, social partners and SME organisations need support from public authorities for capacity building to actively contribute to reforms and enhanced social dialogue. The European Commission should strongly encourage Member States to dedicate an adequate part of the structural funds, in particular the European Social Fund, to provide this capacity building.”⁸⁴

CEEP

CEEP welcomes Eurofound support to capacity building issue and thanks for EU SPs involvement from the very outset of Eurofound’s activity. CEEP particularly welcomes the bottom –up approach, i.e. the identification of capacity building needs by national level SPs⁸⁵. CEEP runs various EU SPs activities in this area (seminars within Integrated projects of EU SD over the years, informative events/exchanges on social dialogue between representatives from both sides of industry) and their increased focus on **capacity building** needs.

CEEP as one of the cross-sectoral social partners has a long history in working on capacity building, in particular to strengthen the role of national social partners, together with the other cross-sectoral partners and on our own, such as our current project on social services. A key issue when discussing capacity building is how to reinforce the targeting of ESI funds toward social dialogue. CEEP wants to assess the quality of our members participation in the

⁸⁴ SMEunited (2019), *Strengthening crafts and SMEs for the future of the European Union*, Brussels, p.14.

⁸⁵Guillaume Afellat, Policy Advisor, Social Affairs Board, CEEP at Eurofound stakeholders’ meeting on capacity building for effective social dialogue on 25 October 2018.

monitoring and evaluation of the funding as we are concerned that many opportunities are lost for National Social Partners because of a lack of involvement. In February 2019 CEEP issued a letter to the Prime Minister of Romania, as well as the President of the European Commission and the European Council raising a political demand to “mobilise the means and the appropriate procedures to allocate a dedicated amount of ESF resources through shared management targeting social partners’ capacity building when determining the programmes for the upcoming funding period. “

For CEEP it is important to respect the autonomy of national social partners to be able to develop their own system that fits the national specificities. However, it needs to be recognised that some Member States might need more assistance in achieving this compared to others. CEEP believes that national social partners are at a point where they are able to start their own reflection process.

In the backdrop of the sub-group social dialogue committee CEEP initiated a process to better understand their member’s capacity building needs. Capacity building is an important question for the public sector, since it takes a long time for Public Services employers to develop a strong autonomous social dialogue as they first need to separate themselves from their government. This process is still ongoing in many countries that joined the EU since 2004 and even in some of the older Member States. CEEP will keep working with public services employers all over Europe to empower this social dialogue next to the private sector one, in order for all actors of our economic and social model to be really impacted by the new start.

CEEP has been carrying capacity building activities/project over the years (cf. 2016 report ‘Analysis of implementation of SPs FA’, the outcome of CEEP-ETUC project ‘Training and Promotion of Social Dialogue Measures for Public Services’.) In order to promote a better understanding of the European social dialogue in a selected number of key public service areas (healthcare, education, public administration, road transport), CEEP and ETUC launched a series of training and informative seminars in Brussels and Prague in 2015, bringing together employers and trade unions representatives. The training focused mainly on two results of the EU social dialogue: Framework Agreement on Inclusive Labour Markets and the Framework of Actions on Youth Employment; and focused on the 12 Member States which joined the EU in 2004 and 2007. Capacity building is particularly key for public services employers in the process towards the development of a strong autonomous social dialogue. In many countries, public services employers do not have an autonomous ability to negotiate collective agreements and are still closely depending on central governments’ decisions. Research carried out in the framework of the project also showed that information available on the current situation of social dialogue in public services at national, regional and local level, is scarce. This is due to the complexity and diversity of models of organisation of public services across Europe, with significant differences in

industrial relation systems. Therefore, the implementation of EU Social Partners' instruments is often challenging and, in some cases, does not even occur.⁸⁶

Key issues for CEEP are to assess the public sector, support autonomy of public services as employers and foster their cross-sectoral level representation.

As an example of a sector, the **hospital sector (HOSPEEM and EPSU)**, has set as its objective to strengthen the cooperation with the European Commission as well as with Eurofound regarding capacity building initiatives. The Sectoral Social Dialogue Committee for the Hospital and Healthcare Sector believe that the presence of strong and independent sectoral social partners is a prerequisite for the success of the relaunch of the social dialogue and more particularly now for the implementation of the European Pillar of Social Rights, including a reinforced social aspect within the European Semester.

⁸⁶ CEEP-ETUC report '*Social dialogue to create quality public services*, 2016

2 Capacity for effective social dialogue at national level

The findings of this chapter are based on the national reports stemming from the Network of Correspondents of Eurofound.⁸⁷ Input from the correspondents allows Eurofound to map and compare regulations, policies and practices in industrial relations, working conditions, labour markets and employment as well as in other social policy related areas. A full version of the national reports can be obtained from Eurofound upon request.

Barriers and gaps for capacity building Structural gaps in industrial relations system

In 2006 an OECD report stated that “capacity is not only about skills and procedures; it is also about incentives and governance”⁸⁸ and according to Floridi et al. the environment in which capacity building takes place is of utmost importance: first, as a conditional factor (positive or negative) on the capacity building possibilities and, second, as an element that capacity building can possibly transform.⁸⁹ Thus, industrial relations systems matter when it comes to capacity building for social partners.

Weakness of the social partners

The trade unions are very weak in Estonia. Employers are not very interested in negotiating working conditions with trade unions, thus employees do not see the positive impact of trade unions. As legislation allows, most of the agreements cover all employees working in the signatory party’s company, thus employees lack the motivation to join trade unions. This results in low membership levels and also lack of finances. There is a lack of sectoral level collective bargaining. One of the main challenges for **Dutch** social partners is that there is a trend of de-unionisation at work; less people are joining unions for various reasons. Younger people, entrepreneurs, notably the solo-entrepreneurs, and new forms of employment are typically not captured in the established social partners.

Business structure / predominance of small and medium-sized enterprises

In **Bulgaria** there are a many micro and small enterprises, which is a barrier for establishment of employers’ and trade union organisations. National cross-sectoral collective bargaining is not envisaged in the law. In some of the sectors there is either limited or no sectoral collective bargaining. In Estonia and **Latvia**, the segment of SMEs is not represented directly in the social dialogue, mainly because employees are not covered by trade unions.

⁸⁷ The authors of the national report are to be found under <https://www.eurofound.europa.eu/network-of-european-correspondents>.

⁸⁸ OECD (2006), *The challenge of capacity development — Working towards good practice*, Paris, p.7.

⁸⁹ Cf. Floridi, B. Sanz-Corella, S. Verdecchia, (2009), *Capitalisation Study on Capacity Building Support Programmes for Non State Actors under the 9th EDF*, Final Report, IBF - International Business Consulting, p. 28.

Limited social dialogue

Limited tripartism

Limited or a decline in tripartite social dialogue was mentioned in three Member States as a barrier to effective social dialogue (**EL, ES and RO**).

In **Greece** institutionalized social tripartite social dialogue is scarce and not at all important. The national tri-partite social dialogue bodies such as the "National Employment Committee" and the "National Social Protection Committee" established do not function in practice. Also, the Economic and Social Council (OKE), which is multi-partite social institution is not really consulted by the governments. There also is a full absence of tri-partite social dialogue or similar bodies and mechanisms at the sectoral level. In recent years the main responsibility lies with the government.⁹⁰

In **Spain** tripartite social dialogue has shifted from being praised for its vitality in the boom years preceding the recession to a suspension under the pressure of fiscal consolidation policies during the economic crisis.⁹¹

In **Romania** the Economic and Social Council had been regulated by Law no. 109/1997, as a tripartite structure, bringing together the representatives of the social partners and the government. Law no. 62/2011 eliminated the government's participation and integrating civil society representatives, together with trade union and employers' representatives. Another body, the Tripartite National Council for Social Dialogue, was granted the right to establish the sectors of activity. Despite the existence of these bodies decisions are taken unilaterally by the Government without any systematic input from tripartite social dialogue. Between 2012-2018, there were numerous attempts to create social dialogue structures under the coordination of the government in different formats (e.g. Ministry of Civic Dialogue, Ministry of Social Dialogue, Deputy Minister of Social Dialogue coordinated by the Minister of Labour).⁹²

Lack of sectoral collective bargaining

In a number of Member States, the lack of sectoral collective bargaining / decentralised collective bargaining is identified as a barrier to effective capacity building (**BG, CY⁹³, CZ⁹⁴, EE, EL, HR, IE, LU, MT, RO and the UK**).

⁹⁰ According to the Greek employers' association SEV.

⁹¹ The Spanish employers' association CEOE does not share this view.

⁹² According to the Romanian employers' organisation CNIPMMR the statement that the tripartite social dialogue was diminished by the disparity of the Ministry of Social Dialogue in January 2018 is not accurate. The Ministry of Labour took over this activity and the success or failure of the tripartite dialogue is mainly based on the attitude of the political decision-makers.

⁹³ The Cypriot employers' organisation OEB claims that is not really a lack of sectoral collective bargaining rather than a decrease in the trend.

⁹⁴ The Czech employers' association SPCR states that the findings are coherent: no sufficient capacity, lack of experienced staff: this contributes to the low interest from the part of the employers, to negotiate collective agreements (particularly at the sectoral level) and it leads to declining of collective agreements. In this light it is necessary to understand also the conflicting view of social partners on the extension of CAs.

In **Bulgaria** national cross-sectoral collective bargaining is not envisaged in the law. In some of the sectors there is either limited or no sectoral collective bargaining.

In **Cyprus** strengthening sectoral level collective bargaining would entail and increased representativeness in various sectors and the overcoming of employers' unwillingness to engage in it.

In **Czechia** company-level collective agreements form the basis for collective bargaining social dialogue at the sectoral level does not take place in all sectors, usually because employer representatives are not interested.

In **Estonia** there are only few sectoral level employer's organisations involved in collective bargaining. Most of the organisations are business organisations whose purpose is not to negotiate working conditions.

In **Greece** the legislative framework on collective bargaining has radically been changed during 2010-2015. From 2012 the national social partners do not bargain any more minimum wages in the General National Collective Agreement (EGSSE). As a result, the EGSEE has lost its role and importance in shaping wages and work conditions as a minimum standard. (cross sector level). However, the 2018 EGSSE provided for "Guidelines for effective collective bargaining", an opportunity not taken up yet by the social partners, at the national and sectoral level. The sectoral agreements bind only the signatory parties. The pre-existing extension mechanism and the favorability principle were suspended until the end of the Greek support programme. The extension mechanism and the favorability principle have been reinstated at the end of the adjustment programme (August 2018).

Croatian social dialogue suffers from not sufficiently developed bipartite dialogue, poor social dialogue at sectoral level, the lack of capacity on the part of social partners and unions' fragmentation.

In **Ireland** there is no cross-sectoral collective bargaining in private sector and there is a reluctance by both social partners to do so, both prefer the current enterprise-level bargaining for now. Sector-level collective bargaining is very limited.

In **Luxembourg** there are structural gaps at sector level. There are gaps in the sense that it becomes more and more difficult to make sectoral agreements, even if the negotiation system still exists. There are more and more sectors that are not covered (for different reasons).

In **Malta** the only sectoral level collective agreement in Malta is the one signed by government officials and seven trade unions officials representing different categories of employees in the public sector. All other collective bargaining processes are conducted at company level. Yet, the three social partners tend to be in favour of this decentralised system.

In **Romania** law no. 62/2011 brought about the suppression of collective bargaining at national level. According to the employers' association Concordia collective bargaining at national and sector level is no longer compulsory. This view is shared by the employers' organisation CNIPMMR arguing that the statement that "*in Romania, Law no. 62/2011 brought about the suppression of collective bargaining at national level*" is not accurate and that nothing prevents the negotiation at national level. The number of collective labor contracts at unit level has increased, under Law no. 62/2011, to over 14.000 (the highest number ever recorded).

Since the economic crisis 2008–2009 the corporatism shows clear signs of its demise in **Slovenia**. The social pact signed by the tripartite Economic and Social Council in 2007 expired two years later. Afterwards, social partners needed more than six years to negotiate a new agreement, but the most important employer's organization, the Chamber of Commerce and Industry, failed to sign the pact in 2015.

The **UK** is characterised by a high level of decentralisation and a low level of coordination in relation to collective bargaining, with most taking place at the workplace or establishment level. There is no cross-sector bargaining in the UK. Sectoral bargaining is also very rare.

Low collective bargaining coverage

A low or declining collective bargaining coverage and its negative impact on capacity build is reported in nine national contributions (**BG, ES, CZ, DE, EL, IE, LU, LV** and **PL**). This issue was particularly highlighted in **Latvia** and **Poland**. In some of these Member States (e.g. DE), the level of collective bargaining is still very high.⁹⁵

In **Latvia**, the Low collective bargaining coverage is recognised as a critical issue for social dialogue at sector level, as well as at national level. One of reasons of low collective bargaining is transformation of the national economy from such that is based on large scale enterprises with almost 100% trade union representation to such that is based on small and micro enterprises, where trade unions do not exist, and collective bargaining does not have a place.

In **Poland**, collective bargaining is reported to be nearly defunct. Besides the weakness of social partners, other important reasons given for low collective bargaining coverage are: complicated conditions of retreating from the collective agreement, no 'derogation clauses', no option for differentiating entitlements for various groups of employees and no option for concluding an agreement for a selected group of employees.

⁹⁵ Cf. The EurWORK *Working Life Profile for Germany* is reporting a collective bargaining coverage for Germany (all levels) between 70% and 54% according to different academic sources. <https://www.eurofound.europa.eu/country/germany>

Lack of interest to negotiate collective agreements

A lack of interest to negotiate collective agreements from the side of the social partners is mentioned in the reports from **CZ, FI, LV, MT, PL** and the **UK**.

Fragmented landscape of actors

Half of the Member States of the European Union report that a fragmentation of actors is a serious barrier to capacity building (**BG, CY, DE, EL, ES,**⁹⁶ **HR, HU, IT, LU, LV, PL, RO, SI** and **SK**). Nevertheless, in some Member States (e.g. Germany) a number of mergers of social partner organisations has taken place in recent years.

Lack of social partners' autonomy

From 2008 onwards the financial and economic crisis from seems to have had a negative impact on the autonomy of the social partners as reported in a number of Member States (**BE, BG, CY**).

In **Belgium** the introduction of the wage norm in 2008 and the policy of the current right-wing government has led to increasing involvement of the government and decreased autonomy of the social partners on both the national and sectoral level.

In **Bulgaria** and according to the representatives of some employers' organisations there were some attempts for interference in their freedom of association. There are suggestions to prepare a law for sectoral employers'/business associations. However, representatives of other employers' organisations do not share such views

In **Cyprus** a (too) strong connection with political parties is to be observed.

Lack of social partners' representativeness

Issues linked to the representativeness of the social partners as an impediment to capacity building was highlighted in five national reports (**BG, CY, EL** and **RO**).

In **Bulgaria** the Labour Code there are criteria for representativeness of the social partners. There are five nationally representative employers' organisations and two trade union confederations. According to the employers' organisations' representatives, the procedure of determination of the representativeness of social partners (both) is too complicated.

There is a low degree of representativeness in both trade unions and employers in various sectors in **Cyprus**.

⁹⁶ The Spanish employers' association CEOE does not share this view.

In **Greece** there is an important issue of social partners' representativeness, as the tools for assessing it are missing, and the topic is rather a taboo issue for some social partners on both sides of industry, at national, sectoral and company levels.⁹⁷

In **Romania** the new bargaining threshold is extremely difficult to achieve in practice and does not meet the requirements of the ILO's Committee on Freedom of Association. As a result, unions which traditionally represented employees in collective bargaining cannot do it anymore because they no longer fulfil the current representativeness criteria at the unit level.⁹⁸

Practically, trade unions want that if they have one or two members in a unit with 50 employees, only the union will negotiate collectively within the unit. The representation of a trade union like this is not relevant, from our perspective.

Lack of trust between the social partners

Prompted by the crisis trust levels between the social have declined dramatically in recent years. In some member States there is a strong disagreement concerning some particular policies, mainly linked to austerity measures (BG, CY⁹⁹, FI, HR, LU, SK and UK). An interesting example was reported from **Finland**. The prolonged and difficult negotiations leading to the tripartite Competitiveness Pact in 2016 involved Government threats of unilateral action and strained the relations, and improvement has been moderate. Some unions have raised concerns about the government's policies favouring too much the interests of business, while the organisation for SMEs criticised the government for not taking sufficient steps in disputed matters such as local bargaining and the general applicability of collective agreements.

Lack of social partners' capacity/mandate to negotiate

It was only in **Bulgaria** and in **Czechia** where this issue was raised.

In **Bulgaria** the and according to trade union representatives in the process of sectoral level negotiations some of the sectoral employers' associations sometimes declare they do not have mandate to negotiate, but only regarding particular steps or subject of collective bargaining.

⁹⁷ According to the Greek employers' association SEV.

⁹⁸ This view is not shared by the Romanian employers' association Concordia. They state that trade unions which do not reach the threshold, when affiliated to a representative federation at sector level, can participate at collective bargaining, meeting the requirements of the ILO Committee on the Freedom of Association. The Romanian employers' association CNIPMMR claims that this statement is not completely accurate. At company level the trade union, which has half of the members of the unit, participates in collective bargaining, thus being considered sufficiently representative to negotiate for all the members of the unit. If there is no such representative trade union, the employees choose their representatives to negotiate for them.

⁹⁹ The Cypriot employers' organisation OEB argues that it is not so much a lack of trust between the organisations but rather a difference of opinions and approach.

In **Czechia** in some sectors, employers are reported not to be interested in collective bargaining, or that they lack the personnel capacity that would allow them to ensure collective bargaining the sectoral level.

Dominant role of the state

The autonomy of the social partners is an important prerequisite for an effective social dialogue. Yet, a number of reports raised the concern of an increasing dominance of the state in social dialogue and collective bargaining (**BE, BG, IT and PL**).

In **Belgium** a tendency towards centralisation by the current government as they are increasing their involvement on the national level, e.g. the increasing dominance of the wage norm in wage bargaining. Both employers' federations and trade unions are critical of this evolution as it reduces their autonomy.

In **Bulgaria** and according to some of the employers' organisations 'representatives, the dominant role of the state still exists in the public sector and in the sectors where there still are public owned companies (railways, posts, water supply, road maintenance etc).

In **Italy** the governments in office during the last decade in fact opted for unilaterally undertaking the major policy reforms, despite the opposition of mixed constellation of social partners. The Italian employers' association Confindustria stresses the fact that it is important to distinguish industrial relations, on the one side, from labour market and welfare reforms on the other side. There has been no increasing dominance of the State in industrial relations during the last decade, the social partners have signed a number of milestone agreements in full autonomy. Italy is among few countries in Europe where minimum wages are set by collective bargaining and where collective agreements are negotiated in full autonomy by the social partners with *erga omnes* effect and without any legislative intervention. While it is true that, during the last years, labour market and welfare reforms were designed by the governments in office without concertation with the social partners, social partners had the chance to express their views on draft reforms.

Finally, the **Polish** system of industrial relations is often described as state-centred. This thesis echoes to some extent earlier diagnoses formulated by Western scholars in early 2000s, and upheld in 2010s, which stress out the 'façade' nature of tripartite arrangements, which despite having been transposed to the candidate/new member states, failed to become embedded.

Role of extension procedures

Extension mechanisms were mentioned in a few countries as an impediment to capacity building (**CY, CZ, EL, FI and RO**).

In **Cyprus** a legislative change allowing extension procedures is a united trade union demand to improve the capacity building for social dialogue, as it will strengthen tripartism and increase the stakes in collective bargaining. Yet, employers were able to resist with success to date. The Cypriot employers' association OEB rejects the attempt to make collective agreements legally binding as these changes fundamentally the voluntary system that has succeeded in maintaining industrial peace for decades. According to OEB, taking away the flexibility of the system would hinder growth, productivity and jeopardize all that was built by the social partners throughout the years.

In **Czechia** the view of the social partners is conflicting. While employees find the role of extension procedures as sufficient, employers find it too tight, which they see as a barrier to CB.

The Confederation of **Danish** Employers and the **Danish** Trade Union Confederation have issued a statement of intent that collective agreements shall serve as the primary framework for the regulation of the relationship between employees and employers and that it is not consistent with the Danish model to legislate on minimum wage, chain liability or universal application of collective agreements.¹⁰⁰

Until the end of the **Greek** adjustment programme (August 2018), there was a legal suspension of extension mechanisms of the collective sectoral agreements, but they now have been reinstated.

The **Finnish** collective bargaining system is characterised by a principle of general applicability. Trade unions stand up for the system, stating that it guarantees minimum conditions for employees and provides predictability and long-term stability on the labour market. Critics argue that the principle of general applicability hinders the flexibility and competitiveness of the Finnish labour market and that the system makes it harder for companies to recruit new employees because of too high labour costs. The peak-level employer's organisation Confederation of Finnish Industries (EK) advocates more flexibility on the labour market and especially increased local bargaining. Yet, according to EK local bargaining should be increased within generally binding collective agreements. The Finnish employers' association FFE pointed put forward a point of concern in this context. According to the law an employer who is obliged to comply with generally applicable collective agreements may not use the collective agreement's possibilities for local bargaining if it is not a member of the organization having negotiated the agreement. This implies that those employers cannot use the flexibilities that the collective agreement may contain. Furthermore, if a generally applicable collective agreement contains other possibilities for local bargaining than those explicitly mentioned in labour legislation, *all employers*, irrespective of memberships, may use local bargaining on those provisions of collective agreements.

¹⁰⁰According to the Danish employers' association DA.

In **Romania** the optional extension of collective labour agreements at sector level was introduced with the current Social Dialogue Law of 2011; until then the extension was automatic, since the collective labour agreement concluded at national level was mandatorily applicable to all employers in the national economy regardless of the specificity of the sectors and in addition to the provisions of the Labour Code. Yet, during the last 7 years the mechanism of extension has never been applied. Extensions are hampered by the low level of sectors: only 30 sectors are defined for the whole economy.

Role of the favourability principle

According to the national reports from **Greece** and **Portugal** ¹⁰¹the suspension/suppression of favourability principle weakened sector level collective bargaining and constitutes a gap for capacity building.

Role of ultra-activity procedures

Ultra-activity procedure was reformed in **Portugal** and **Spain**. The views of the social partners on these reforms are mixed.

While this limitation has been welcomed by the **Portuguese** employer confederations, the trade union confederations are divided regarding the issue. UGT considers that the present system weakens collective bargaining and should be modified to a certain extent, while CGTP claims the full re-instatement of ultra- activity procedures.

In **Spain**, ‘ultractividad’ of collective agreements was reformed in 2012 by establishing a one-year limit to negotiate a new agreement. In case no agreement is finally signed, workers in those companies will be covered by a higher-level agreement and in case no agreement exists, by the terms established in the law.

Role of opening clauses / opt-out clauses

It is mainly the employer confederations who point to the non-existence of these mechanisms in their national systems as an obstacle to effective social dialogue. In **Belgium** some employers and employers’ federations on the other hand complain that this lack of opt-out clauses makes the system too rigid. In **Spain**, several reforms during the crisis have enhanced the capacity of company collective agreements to opt out from higher level agreements on wage and other working conditions. Particularly relevant was the 2012 reform that gave priority to company level agreements over sectoral ones and empowers

¹⁰¹ The Confederation of Portuguese Business (CIP) disagrees with this assessment. The general negotiating principle introduced in the 2003 Portuguese Labour Code (PLC) along with the end of ultra-activity of collective agreements has allowed the negotiation of modern and innovative solutions in collective agreements, not only in relation to the PLC, but also with regard to previous collective agreements. The general negotiating principle has proven its merit in many sectors. The favourability principle still has its place in PT labour law, since n.º 3 of article 503º of the PLC, clearly states that “*Rights provided by a collective agreement may only be reduced by a new agreement that explicitly states that its overall more favourable to workers.*”

employers to opt out or even non-apply collective agreements under certain conditions. These changes have significantly enhanced wage flexibility. In the **Slovak Republic** employers consider the lack of opening clauses and opt-out clauses as barriers at cross-sector as well as sector levels.

Representation gaps due to new forms of work and changes in the labour force

In a third of the Member States reports identified representation gaps due to new forms of work and changes in the labour force as gaps for capacity building (**AT, DK, EL, ES, FI, HR, IE, LV, SE** and **UK**).

If persons that perform any of the new forms of work do not qualify legally as workers or employees, they are not covered by either employee protection legislation or collective agreements in **Austria**. Nevertheless, they are entitled to join a trade union.

In **Denmark**, there is an ongoing debate about how to categorise platform workers, including crowd workers, with a view to determine if there is an employer-employee relation or not. The platforms see themselves as ‘providers’ and not employers. Thus, they do not organise in EO’s – and subsequently the ‘workers’ are not employees, but self-employed without employees. According to the Danish Employers (DA) the OECD report from “Policy responses to new forms of work” discussed the matter with the social partners within the Danish Disruption Council. It was “widely acknowledged within the Council that the existing classifications were fit for embracing new ways of working, including platform work”. Two platforms have signed a collective agreement covering the workers for the platform that meet the criteria as employees. Those who choose not to be employees but to work as self-employed for the platform are not covered by the collective agreement.

In **Greece**, there is lack of representation of workers with precarious and flexible forms of work, such as employees with bogus self -employment, agency workers platform employees, crowd employees etc. (refers both to cross sector and sector levels)

In **Greece**, there is lack of representation of workers with precarious and flexible forms of work, such as employees with bogus self -employment, agency workers, platform employees, crowd employees, etc. (refers both to cross sector and sector levels), though they are covered in a wider sense by the Greek General Confederation of Employees (GSEE).

Trade unions in **Spain** have encountered difficulties in order to organize workers with non-standard contracts, or under new forms of employment. These problems are common to all sectors.

In **Finland** many trade unions find it difficult to attract members among groups such as youth and immigrants.

The new forms of work have been significantly neglected in the industrial relationship and collective bargaining on the cross-sectoral level in **Croatia**. There are almost no activities regarding representation in the new forms of work.

In **Ireland** competition law prevents self-employed workers from engaging in collective bargaining, but the Competition (Amendment) Act, 2017, exempts certain groups of self-employed workers from these restrictions.

There is an ongoing debate in **Sweden** regarding new forms of work, especially with regard to crowd and platform employment. In some cases, trade unions and the 'Swedish Model' has been criticised for not being able to cope with the very rapid developments. The trade union unions have proposed tripartite talks between the employer organisations, the trade unions and the Swedish government

In the view of employers as well as trade unions in the **Slovak Republic**, representation gaps concern particularly new forms of work. In the view of employers, the lack of social partner's representativeness emerges at both cross-sector and sector levels while uneven structures and lack of negotiation partners and fragmented landscape of actors emerge mainly at cross-sector level.

In the **UK** crowd employment/platforms exist across a wide range of sectors. There is a dearth of union recognition and collective bargaining for such crowd workers. However, a number of trade unions have been active in mounting challenges to the legal employment status of crowd/gig workers, designated as self-employed by the platforms/employers.

Needs for capacity building initiatives

Institutional capacity

Legislative

Legislative reforms to promote capacity building for effective social dialogue were proposed in eight national reports (**BG, DE, EL, LU, MT, PT, RO** and **SK**).

In **Bulgaria** the employers ask for more flexible framework of the labour relations at EU and national level. The trade unions argue that better promotion should be made for the rights for participation in the social dialogue on the EU level.

For stabilising the IR institutions some labour law experts in **Germany** advocate legal sanctions in case of breaches of the Works Constitution and labour law; - introducing a right for association/trade unions to initiate proceeding on behalf of their members (Verbandsklagerecht).

The **Greek** report stresses the importance of strengthening of the operation of the tripartite social dialogue bodies and the participation of the national social partners in decision-

making at national, cross-sector and sectoral levels, particularly in matters relating to industrial relations and social policy.

The **Luxembourg** report argues that there is a need to strengthen the right to strike and according to the trade unions in Malta there needs to be a provision in the law that creates a mechanism that promotes sector-based agreements.

Establishing the favourability principle in the relation between law and collective agreements and agreements at all levels; and securing collective agreements only expire by joint decision would enhance trade unions capacity of negotiation at sector level in **Portugal**.¹⁰²

In **Romania**, trade unions advocate a change in social dialogue legislation, allowing cross-sector negotiation and strengthening bargaining at sector level, while employers' organizations consider the actual legislation adequate for real and effective social dialogue process.

In the **Slovak Republic**, in the view of employers, national labour legislation should be modified in order to equally protect employees and employers and more supportive role of the state would be needed.

Collective bargaining

A stronger support for collective bargaining in order to foster the capacity of social partners was an issue raised in nine national reports (**BG, DE, EE, EL, MT, PL, RO, SI** and **SK**).

In **Bulgaria** the employers' representatives mentioned that amendment of the framework of the collective bargaining is necessary. According to the trade unions the main agreements at EU level are known, but they are still not as much popular and not all of them are implemented. The trade unions also regret that there is no collective bargaining at cross-sector national level and only some municipal cross-sectoral agreements.

Public awareness campaigns on the use and need of collective bargaining are of importance particularly in private and public services were mentioned in the **German** report.

In **Estonia**, legislation does not entirely support the aims of the trade unions as it promotes the termination of collective agreements and it states that the agreements are extended to the entire company instead of only trade union members.

¹⁰² The Confederation of Portuguese Business (CIP) strongly disagrees with this assessment. According to CIP some left-wing parties unsuccessfully proposed in Parliament without consultation with the Standing Committee for Social Concertation, the re-establishment of the favourability principle. The adoption of such proposals would place Portugal, once again, in the list of countries of the European Union with the most rigid labour legislation.

In the **Greek** report the following needs were highlighted: the re-installment of the determination of minimum wage by the social partners, of the obligatory extension mechanism of sectoral collective agreements and of the principle of the favorability.¹⁰³

According to the **Maltese** employers the model collective agreement of 1967 between MEA and GWU has formed the basis of existing collective agreements needs to be updated in order to be in line with the exigencies of the present labour market.

In **Poland** there is a strong need for action to improve capacity of the social partners at sectoral level.

In **Romania**, the absence of collective agreement at cross-sector level (national) and the impossibility of its negotiation is a recurrent theme of the trade unions organizations. The return to cross-sector (national) negotiations has been on the trade union agenda for the past 8 years while the employers' rather support the redefinition of the sectors of activity to make them more relevant for the state of the economy, also with a clear demarcation of private and public sectors. The employers' organizations reject cross-sector level (national) bargaining considering that the Labour Code already provides for standard rights and obligations of all parties.

In **Slovenia**, there is a need to strengthen capacities of social partners for social dialogue via collective agreements and dispute settlement mechanisms.

In the **Slovak Republic** many employer organisations are missing in the respective EU level employer organisations.

Supportive role of the State

In **Bulgaria** both social partners voice the importance for more state support for their participation in the EU level social dialogue.

In **Denmark** there is an agreement (statement of intent of 02.09.2015) that the Government and Parliament should continue to assign social partners decisive influence on legislation concerning labour market policy and on frameworks concerning the relationship between employees and employers.¹⁰⁴

Some academic research as well as the DGB in **Germany** see needs for structural capacity building and for an active role by the state with regard to a more frequent application of extension mechanisms. Other academic expert, however, suggest that the application of

¹⁰³ According to the Greek employers' association SEV these issues are not agreed by the social partners and they do not reflect SEV's views. SEV, on the contrary, highlights the following needs: wage formation based on company level bargaining in the modern business sectors; the determination of minimum wage at national level must take into consideration national growth, competitiveness and productivity of the economy as a whole and of the individual sectors; extension mechanism should be implemented according to criteria set by the law.

¹⁰⁴ According to the Danish employers' association DA.

extension mechanisms should remain the exception so as to maintain collective bargaining autonomy.¹⁰⁵

In **Greece** the reduction of the interventionist role of the state in labour relations and strengthening of the collective autonomy of the social partners is voiced time and again.

In **Ireland**, little or no support is provided by state to social partners to negotiate at EU level. Since the end of national bargaining, there is no national bargaining forum outside of the public service.

There is a need for initiatives to reinforce **Luxembourg's** social dialogue within foreign firms. The state could be also more supportive in his attitude, for example, in promoting a better coverage of collective labour agreements.

In **Poland**, there is a need for support of social dialogue by the state, at the cross-sector level especially. As far as building of institutional capacity is concerned the state has done relatively much recently: the attempted reform of the labour law, amendments to the tripartite legislation may serve as a proof.¹⁰⁶

Representatives of the **Romanian** trade unions criticise the lack of support from the state.

Structural capacity

Membership/representativeness

In **Bulgaria** some sectoral employers' associations still are not members of the EU or national umbrella organisations. The large number SMEs is seen as a barrier for organising employers organisations. The 2 trade unions confederations and most of the sectoral trade unions are already members of European organisations. Trade unions in general need better representation, especially in the private services and in new forms of employment.

In **Cyprus**, trade unions need to increase their representativeness in some sectors especially in the private services sectors.

There is consensus among scholars and practitioners in Spain that the main capacity building need for trade unions is membership. Even though the low membership level does not imply less representativeness of trade unions, it nonetheless has a negative effect on trade union legitimacy and resources.

¹⁰⁵ According to the German employers' association BDA.

¹⁰⁶ The Polish employers' association Lewiatan does not agree with the view that the state has done much recently in building institutional capacity. There is a growing view among social partners that the social dialogue in the current institutional form may be reaching its limits, since the state does not want to enter into the genuine and frank dialogue with social partners.

One feature of the **Croatian** trade union scene is a large number of union members and relatively weak confederations. The weakness of the confederations is due to the „cracking” of ties between confederations and their membership base, since leaders in trade union confederations often fail to represent their members.

In **Hungary**, the representativeness of employer organizations is low, and the government should make employers interested in joining employer organizations. There are sectors with very low membership. The representativeness of trade unions is low, because of their fragmentation.

Over the last decades the labour movement has displayed a gradual erosion in **Italy**, including a decline in membership, a declining mobilization capacity and an increasing membership heterogeneity. The trade unions need to relaunch their representation strategies by organising the unorganised segments of the labour market, in particular the new emerging ones. They need to enlarge their membership to young workers, non-standard workers, migrant workers as well as to self-employed.

In **Luxembourg**, the number of seats for trade unions in some institutions is not enough to allow an equal representativeness of the three trade unions which have the national representativeness (e.g. European Economic and Social Committee, Eurofound).

While for both sides of the industrial relations landscape in **Poland** low membership is an issue, representativeness has been mostly discussed in in the context of trade unions. As for union membership, it is the case of strategy, and in particular – organising. As for employer organisations, the problem of low membership has also been observed by.

In **Slovenia**, as in many other Member States, a stronger membership base would automatically contribute to a more solid funding of social partners.

Capacity and mandate to negotiate at national level and EU level

In **Bulgaria**, employers ‘organisations (especially at sectoral level) need a better preparation and clear mandate to negotiate at European level.

TU representatives in **Croatia** believe that they do not have enough staff and skills in general, language skills for EU level, analytical, research and negotiation skills. Therefore, trade union capacity to negotiate at the national and sectoral level are in some cases insufficient.

In **Hungary**, employer organizations have no proper mandate to negotiate and they are not interested in concluding collective agreements.

In the **Netherlands**, the mandate to negotiate not yet broadly recognised. There is a need for the national level social partners to adjust their approach to their negotiation positions and membership recruitment to improve their mandate to negotiate.

Financial resources

In its guidance note on social dialogue the European Commission states that “(...) while social partners' capacity building in terms of members' recruitment and organisation remains their own responsibility, public authorities can provide **technical, financial and/or other support** to their functioning.”¹⁰⁷ This need for technical and financial assistance was echoed in the vast majority of the 28 national reports. Social partners in a large number of EU Member States claim that they need more financial resources for capacity building in view of an effective social dialogue (**AT, BG, CY, CZ, EE, EL, ES, HU, LT, LV, PL, PT, RO, SI and SK**).

The financing of trade unions is unequal (vertically: huge gaps at sectoral and confederal levels, horizontally: political preferences influence the distribution of state supports) in **Hungary**. Trade unions should be independent of the state and employers, but their operation cannot be maintained merely from membership fees, donations and voluntary work. Therefore, the state or the employers should contribute to the maintenance of the trade unions. Such an arrangement, however, may endanger their independence.

An interesting example is **Poland**. Both employer organisations and trade unions have long been struggling with the problem of insufficient financial resources. The situation of trade unions is aggravated by two factors: membership dues are not tax deductible (unlike for members of employer organisations) and pensioners (who make up for a growing part of unionists) are exempt from paying.

Sufficient staff

Similar to finances some national reports point out that many social partner organisations also lack sufficient and qualified human resources (**BG, CZ, EE, EL, ES, IT, LT, LV, MT and PL**). This problem is particularly highlighted in the Lithuanian contribution. The most important areas where capacity building is extremely important for trade unionists is the lack of financial and human resources. These shortcomings limit the possibilities of the unions to receive qualitative analytical and research services or experts' support during the processes of preparation for and participation in collective bargaining and negotiation processes. This limits the possibilities of trade unions to efficiently participate in the national cross-sector and sectoral collective bargaining as well as in the EU level social dialogue. This problem is also underlined by LPK, the Lithuanian employers. Without human resources employer organisations cannot adequately represent the interests of their members both at the EU and national level.

¹⁰⁷ EC (2018d), *Guidance note - Social Dialogue, European Semester 2018/2019*, Brussels, p.17.

Skills

According to Floridi et al. capacity building has as one of its prerequisites that “there must, above all, be a core of skills that can be reinforced.”¹⁰⁸ Yet, as the national reports show, skill shortages of the social partners are common place at Member State level. This is true for skills in general (**EL, HR, RO, SK**), but even more acute with regard to language, analytical/research and negotiation skills.

Language skills for EU level

The lack of sufficient language skills, in particular when it comes to participate in the European social dialogue is voiced in 7 national reports (**BG, ES, HR, HU, LV, PL** and **SK**). This need seems to be more explicit on the trade union (**BG, ES, HR, HU** and **SK**) than on the employers’ side.

Analytical skills

Both employers and trade unions need to increase their research and analytical skills in general and at the EU level in particular. Enhanced research and analytic skills can contribute to better comprehension of the issues at hand and more informed and nuanced positioning on them. The improvement of these skills by means of capacity building is called for in six national reports (**BG, CY, HR, LV, PL** and **SI**).

Negotiation skills

Further training in negotiating skills is mentioned as a field of capacity building by seven Member States (**BG, ES, HR, LU, LV, NL** and **SI**). Interestingly, the Slovenian report links this need to the culture of peaceful resolution of conflicts.

Capacity building needs of selected members of BusinessEurope

Improving the capacity of national social partners is particularly relevant in the context of their increased workload in European semester and their contribution and implementation of country specific recommendations (CSRs). In the second quarter of 2019 BusinessEurope mapped the needs for capacity building selected Members States (Bulgaria, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia). The selection of countries reflects the depth and urgency of capacity building needs to ensure meaningful and timely involvement of employers’ organisation in national policy making and their contribution to the European semester.

With regard to the shared needs for capacity building the survey listed the following:

¹⁰⁸ Floridi, B. Sanz-Corella, S. Verdecchia, (2009), *Capitalisation Study on Capacity Building Support Programmes for Non State Actors under the 9th EDF*, Final Report, IBF - International Business Consulting, p. 28

- long-term comprehensive support: members would like to be supported in creating and accumulating knowledge in the organization to ensure a sustainable development of the organisation;
- hiring and training programmes for staff: members need to finance longer (3-4 years) training programmes to develop the necessary skills of their staff which in turn would have a positive impact on staff retention which is a challenge for many employers' organisations;
- staffing needs: members stress the skill shortage of staff. This shortage becomes even more important within the framework of the European semester process and other regular contribution of the social partners throughout the year.
- appropriate conditions for support: members point out that often capacity building or the conditions to funding for capacity building are defined in a way which makes access impossible or too difficult.
- hiring additional experts (EE-ETTK; HU-MGYOSZ; LT-LPK; PL-Lewiatan; SK-RUZ): the work load related to European semester is increasing every year to a point where additional experts are need;
- forming a special thematic study group, training and increasing knowledge on European semester (EE-ETTK; LT-(LPK));
- raise public awareness on social dialogue issues (LV-LDDK; (RO- CONCORDIA));

With regard to the country specific capacity building needs the survey listed the following:

- need to create sectoral social dialogue committees (BG-BIA)
- activation measures for member organisations (HU-MGYOSZ;
- reaching out to potential new members (HU-MGYOSZ);
- there is a need to diversify offer as well as offer new services (HU-MGYOSZ);
- capacity to participate in the legislative process, in the preparation and implementation of reforms and in the economic development (LV-LDDK);
- strengthen employers 'organizations and workers' organizations as part of civil society (LV-LDDK);
- increasing membership and impact of the social partners (LV-LDDK);
- sharing experience/learning from with other employers' organisations and passing this on to regional and sectoral members (LT-LPK);
- organization of training sessions in sectoral and regional associations (LT-LPK);
- better definition of capacity building: usually a very narrow definition and excludes and long-term activities/programmes that would make a change (PL-Lewiatan);
- monitoring, research and policy analysis (RO- CONCORDIA): necessary to develop monitoring mechanisms of important policy fields, undertake scientific research on social and economic issues, develop mechanisms for economic and social foresight, and foster specific issues such as skills at local and sectoral level.

Examples of good practice for capacity building

“Capacity building needs sufficient time to have an impact.”¹⁰⁹

The material below is presented in two broad categories: examples relating to institutional capacity (and the properties of the IR system as such); and examples relating more directly to social partners and their structures. The material is very diverse, as might be expected from “work in progress”. The examples in the first section point to the importance of the linkages between the different elements of national industrial relations systems. In the “virtuous” examples provided, clear role divisions between actors at different levels in the system, and articulation of these levels supports and is supported by autonomy and representative strength of the actors. The role of the state is perceived as supportive, not threatening. In the second section, a number of examples are cited of the structures which provide training or expertise to social partners, even if the information is far from comprehensive. Perhaps the most striking element is the frequency with which external support from European-level actors is central – whether European social partners, ESF resources or project funding from the EU. This might be a point for further discussion.

Institutional capacity

Legislative

Austria’s extensive collective labour legislation as a paradigm case of an industrial relations model based on very strong institution capacities: it vests the labour market parties with far-reaching regulatory power with binding legal effect. Clear precedence is given to the multi-employer (associational) bargaining level, with all aspects of the employment relationship placed unconditionally within the regulatory scope of collective agreements; in turn, the regulatory scope of co-determination at company level covers only a relatively narrow range of issues. The ArbVG ensures the coherence and integration of this dual system of industrial relations (collective labour relations at company level and at multi-company level) by defining the regulatory scope of the two levels in a complementary manner.

Also, in **Belgium**, social dialogue is well defined and embedded in law. In particular the law of 1968 that arranges the system of joint committees and collective agreements. Sectoral collective bargaining is thus organised in structured and statutory recognised joint committees.

In **Spain**, a new law was passed in 2017 has established clear objective criteria for the representativeness of organizations representing the self-employed.¹¹⁰

¹⁰⁹ Floridi, B. Sanz-Corella, S. Verdecchia, (2009), *Capitalisation Study on Capacity Building Support Programmes for Non State Actors under the 9th EDF*, Final Report, IBF - International Business Consulting, p. 28.

¹¹⁰ According to the Spanish employers’ association CEOE in Spain one differentiates between social dialogue, institutional participation bodies or civil society consultations, i.e. when it comes to the actors between social partners, social agents and civil society. Henceforth, the only legitimate national social partners for participating in social dialogue are the most representative employers’ associations and the most representative trade unions.

New legislation was introduced in **Latvia** to support expansion of the sector level social dialogue.

The Law of Workers' Councils in the **Netherlands** institutionalises as early as 1950 the importance and role of workers in any negotiation with employers, as well as general representation for workers. In this way it legally enshrines the capacity for company-level social dialogue in the Netherlands.

Tripartism

An example of good practice is the tripartite tradition of **Cyprus** in which social dialogue for labour and social policy issues has a long history and a shared evaluation of historical success.

In May 2018, the **Estonian** government and social partners re-established tripartite social dialogue by gathering together and discussing labour and social policy relevant topics. Such tripartite meeting took last place more than a decade ago in 2002.

The social partners in **Malta** are consulted on major economic and social policy initiatives, including an annual pre-budget consultative meeting (since 2004) at MCESD level with the direct involvement of the Finance Minister. The social partners have often claimed that their views and proposals were heeded. The MCESD members are also consulted before the presentation of the National Reform Programme to the European Commission.

Existing legislation in **Lithuania** has created favourable conditions for the active and efficient operation of the Tripartite Council of the Republic of Lithuania (LRTT) in taking decisions important for social and working life.

The **Polish** tripartite social dialogue was re-launched in 2015. The draft legislation eventually adopted was based on the consensus devised by social partners themselves.

Collective bargaining

In **Austria**, bargaining capacity is granted almost exclusively to employees' and employers' organisations above company level. This means that – on the part of organised labour – neither company unions nor works councils and – on the business side – no individual employers (with very few exceptions specified by law) are authorised to conclude collective agreements. Practically, this means that the social partners' (above company level!) capacity to undertake binding obligations cannot be threatened by divergent pay policies within companies. This capacity is also safeguarded by the peace obligation for the duration of a collective agreement.

In **Denmark** the social partners have entered in recent years into a number of important agreements with the government and depending on the issue other key players like local councils for example on integration of refugees into the labour market.¹¹¹

In May 2013, trade unions and employer organisations in **Spain** committed to speed up the process of renewing collective agreements and agreed to negotiate extensions of collective agreements whilst talks to renew them were still ongoing. In this way, trade unions and employers tried to avoid the conflicts around the renewal of some sectoral collective agreements.

On 28 February 2018, the three major union confederations - the **Italian** General Confederation of Labour (CGIL), the Italian Confederation of Workers' Unions (CISL) and the Italian Union of Labour (UIL) – and the employer confederation, Confindustria reached an industry-wide agreement on the collective bargaining system, covering: the certification of representativeness; the collective bargaining system and bargaining issues. Confindustria signed an agreement with the trade unions in 2015 on representativeness and a second one in 2016 on labour relations and collective agreements.

Sectoral level collective agreements (in health care, social work, education) were signed in **Lithuania** in 2017, and according to trade unions, the signing of these agreements should stimulate collective bargaining processes at the sector's company level as well.¹¹²

In **Luxembourg**, there is an obligation to negotiate and autonomy of negotiation. The existence of favourability principle and tripartite institutions (CES, CTE) are also conducive to capacity building.

In **Portugal**, within a tripartite agreement the social partners committed themselves to transmit to their affiliated-members an orientation to suspend any unilateral action or denouncement of collective agreements for a period of 18 months.

Supportive role of the State

Austria records a high collective bargaining coverage rate for several reasons: First Austrian labour law stipulates an automatic extension of collective agreements to cover non-unionised employees provided that they are employed by a company which is a member of a signatory party on the employers' side; second, as a matter of principle, collective agreements remain valid, even after their expiration, as long as no new collective agreement (or individual contracts with the employees concerned) has (have) been concluded; and third, the principle of obligatory membership of the Austrian Chamber of the Economy (WKÖ) and its subunits works as functional equivalent to mechanisms extending collective agreements.

¹¹¹ According to the Danish employers' association DA.

¹¹² According to the Lithuanian Trade Union Confederation (LPSK) there is a lack of quality collective agreements in the private sector. Most collective agreements in the private sector are declarative and have no real impact.

In **Denmark** there is agreement (statement of intent of 2 September 2015) that the Government and Parliament should continue to assign social partners decisive influence on legislation concerning labour market policy and on frameworks concerning the relationship between employees and employers.

Following the relaunch of central tripartite institutions in 2015, the State in **Poland** has remained supportive of the institutional dimension of social dialogue in the context of the draft on new labour codes in 2016.

The Centre for Labour Relations (CRL) in **Portugal** is a tripartite body with technical functions, administrative autonomy and legal personality, which operates under the Ministry of Labour, Solidarity and Social Security. It was established in 2012 'to support collective bargaining and monitor employment and professional training developments, in order to achieve a comprehensive perspective of the labour market'.

Until 2007 those who paid trade union fees in **Sweden** could deduct the cost on their tax declaration. When the Swedish government removed this opportunity in 2007 trade union membership fell from 77 to 71 percent. To counteract this decline, the government has chosen to re-introduce the right to deduct membership fees on tax declaration from 1 July this year. The hope is that this will encourage more workers in Sweden to join a trade union and that the rate of organisation in all sectors will increase.

In the **Slovak Republic**, the state has supported the access of social partners to expertise, and in 2010-2014, social partners in cooperation with the government prepared the project National Centre for Social Dialogue, which was realised with support from the European Social Fund.

Structural capacity

Membership/representativeness

For the **Bulgarian** trade unions there was support from ETUC and European sectoral federations for organising campaigns.

In 2017, the **Estonian** Trade Union Confederation (EAKL) together with their member unions organised a trade unions' recruitment campaign. An important development was the signing of a good practice agreement on extending collective agreements which sets a representativeness criterion for social partners by the national level social partners.

The **Romanian** IT union SITT (Sindicatul IT Timisoara) received a "Breaking Through Award" after their campaign to help tech workers organise gained over 1,100 new members in less than six months. The Timisoara IT Trade Union has been attracting new members by ensuring advice and legal assistance provided by well-known law firms for any labour dispute. It also provides professional training for members and cooperation with student organizations. UNI Global Union also gave a 2017 Breaking Through award to honour outstanding membership growth to the Trade Union Federation of Commerce Romania, who

increased their membership in Carrefour by over 70 per cent, bringing in 4,000 new members within a nine-month period.

Capacity/mandate to negotiate

Despite the centralisation trend in Belgium in recent years the strong capacity to negotiate and high degree of autonomy of social partners is shown by the fact that an agreement between social partners is still required (or sought after) if significant changes are proposed by the ministers of labour.

In **Cyprus**, employers remain highly representativeness and trade unions have maintained their capacity to negotiate even amidst declining collective bargaining.

Financial resources

EU and Government funding of projects for strengthening the capacity building of the social partners in **Greece** (for employers and employees cross sector). Financial support by the government of the Institutes and the Training Structures of the social partners.

The **French** law of 5 March 2014 established a new fund, to come into force from 1 January 2015, to support the social democracy work of employer and trade union organisations. The fund is managed by a bipartite non-profit organisation (Association de gestion du fonds paritaire national – AGFPN) created in March 2015.

The Latvian state institutions agreed to incorporate capacity building program in the EU Social fund.

An example of good practice in **Romania** derives from the way trade unions access European funds designed to strengthen capacity building of social actors. The support provided to the Romanian trade unions by the European trade union bodies, with a view to their organizational consolidation, proved to be fruitful. This is the case for unions supported by UNI-Europe, such as the Romanian Federation of Trade Unions in Insurance and Banking).

Skills

In **Greece**, the training centres of the social partners develop various targeted training projects for enhancing the skills of their members of all categories (general, negotiation, numeric/ITC, soft skills).

One of the most interesting initiatives in relation to skills development in the trade union in **Spain** has been the creation of the School of Work by CCOO. This school was created in the fall of 2017 and its aim is to build skills within the trade union. The objective of this school is to provide skills such as communication and leadership to union members.

The **Hungarian** project EDUCA: This project supported training of trade union and workers' representatives and shop-stewards, members of shop stewards' committees, members of works councils and other trade union representatives of the trade unions affiliated to the Union of Autonomous Trade Unions of Croatia.

A considerable number of capacity building projects were implemented in **Italy** financed by the European Commission.

In 2011, the **Estonian** Transport and Road Workers Trade Union, in cooperation with other organisations, including the Estonian Trade Union Confederation released the Practical collective bargaining handbook. It was co-financed through the ESF. It gives thorough explanations regarding the collective bargaining legislation, process as well as collective disputes, serving as a guiding tool for social partners, but mostly for trade unions.

In **Latvia**, national level social dialogue organisations have produced numerous publications about the role of collective agreements, explanation and interpretation of legislation and its amendments, local and the EU policy regarding the social dialogue, instructions and handbooks, aimed at improving of negotiation skills of their members and providing necessary basic knowledge.

In the **Netherlands** it is quite common to send individuals, be they workers or employers, to trainings on collective labour market agreements. Some of the major social partners (such as the AVWN, one of the largest employer unions), give trainings and provide activities themselves to help employers in their social dialogue activities. There are various organisations in place in the Netherlands which provide training for workers entering the workers' council as well, specifically to help with collective labour agreement negotiations.

Both **Portuguese** trade union confederations include in their training plans, in a regular basis, specific actions tailored to improve negotiation skills. Since 2017, UGT has been involved in an EU funded project to create a e-learning training platform aiming at improving negotiation skills in the domain of collective bargaining.

Access to expertise

Some of the national **Bulgarian** employers' associations have special resource centres. The Trade unions try to establish their own information banks. They use the information from the EESC, ETUI and Bulgarian ESC. CITUB has a resource centre (at the institute and electronic platform). CITUB supports access to expertise via research institute, seminars with international experts and partnership with other academic institutions and NGO-s and makes these mechanisms available to sectoral federations. The Bulgarian trade unions organised training courses and improvement of the research capacity of the institutes; courses to improve research skills; exchange of experience with the research institutes, participation in the TURI and other networks of the ETUI.

In **Finland** social partners on both sides have extensive research and analytical resources in the form of affiliated research institutions, think tanks etc. providing a knowledge basis for their initiatives and policy debates.

The **Irish** Employers organisation, Ibec, maintains a permanent office in Brussels and also has a Dublin-based research arm. Ibec has its own Head of Education and Social Policy, as well as a Labour Market and Skills Forum. ICTU has its own Director of Union Learning. Ibec's research unit engages in systematic collection of data on rates of pay and conditions of employment and surveys members on policy issues. It also conducts annual and one-off surveys on a broad range of issues. Ibec also has an economic policy unit. ICTU avails of the trade union funded Nevin Economic Research Institute (NERI), which conducts economic and social research, as well as research on pay and conditions and wider issues, such as Brexit.

Policy debates on capacity building

By and large, capacity building does not appear to be a major issue in policy debates at national level. A few interesting examples are reported below.

In **Bulgaria**, the main debate concerned the labour code in general and the place and role of trade unions and employers' organisations. Aspects of capacity building are the following: employers often comment the density and influence of trade unions. The views concerning the social dialogue are rather positive but often criticised by some groups (mainly business representatives and think-tank groups). In general, there attempts to underestimate the role of trade unions- in general and concerning particular issues.

In **Cyprus**, there has been no policy debate during the past 10 years about coordinated and comprehensive capacity building to make social dialogue more effective. An important development was the establishment of the Institute of Labour by PEO in 2002 with its yearly reports on Economy and Employment and with its status as Eurofound's national correspondent.

In **Czechia** the debate on capacity building is linked mainly to the declining membership of the trade unions. While at the level of the central trade union confederations a wide range of projects supported by the European Social Fund have been implemented over the past decade aiming at increasing the capacity of social dialogue, the sectoral level (with exceptions) continues to lack sufficient staffing capacity.

In **Greece**, the policy debate in Greece over the past 10en years about the building capacity is affected completely by the crisis. The social partners' capacity for effective social dialogue has been considerable weakened by the economic and financial crisis.

The main debates around capacity building in **Spain** in the last ten years have moved around membership of trade unions. The issue of membership is closely linked to other trade union capacity to effectively negotiate and implement collective bargaining and social dialogue agreements. The other important debate opened has been around the capacity of social partners to manage certain services, and in particularly training.¹¹³

¹¹³ The Spanish employers' association CEOE does not agree with this assessment.

After 22 years of social partnership in **Ireland**, both of the main social partners, Ibec and ICTU were faced with the collapse of tripartite structures. The views of commentators and general media of the role of social dialogue was markedly shaped by the strong public and political reaction to the perceived role of social partnership in Ireland's economic collapse in 2008/2009. Social partnership, and in particular aspects of public service pay formation, was regarded as over-indulging trade unions and paying 'too high a price' for industrial peace. The views of the various political parties in respect of the social partnership period differ to the extent that Fianna Fail would acknowledge the role it played in overcoming a previous economic crisis (of the 1980s). Fine Gael would regard it as having over-reached as early as 2002. ICTU has a far more benign view of the social partnership period than Ibec has, although the employers body is tempered in its critique.

Until 2018 there was no policy debate in **Lithuania** directly addressing the issue capacity building. Only at the beginning of 2018 the SADM initiated meetings of TUs, EOs and researchers with the minister for the SADM Linas Kukuraitis intends to find out the needs of SP in relation to strengthening their organisations.¹ According to the Lithuanian Trade Union Confederation (LPSK) capacity building stays a priority. There is a need to educate more trade unionists so that they would be more competent in collective bargaining on different levels (especially at the enterprise level).¹¹⁴

In **Latvia**, as for capacity building the debate is about:

- how to increase membership (more typical for trade unions;
- how to involve SMEs, independent workers and those who are in new forms of employment:
- how to expand collective bargaining that is considered as a background for the social dialogue.

One of the main recent policy debates in the **Netherlands** regarding capacity building centres mainly on the representativeness of social partners (notably worker organisations), and on the gridlock which national level negotiations seem to reach between the main social partners, triggering the question of the whether the Dutch consensus model, the "polder model" is still relevant for today's economy and labour market.

In **Portugal**, all the labour reforms, starting with Labour code 2009 and continuing with amendments during the Troika period (2011-2014) and recent debates implicitly addressed the problem. In particular the recent debates about the extension of collective agreements and about ultra- activity connected with the tripartite commitment 2017.

The Economic and Social Council of **Slovenia** (ESS) discussed the issues of capacity building. Trade unions and employers' organizations several times tried to open debate on regular co-funding of social partners but without great success. The basic question was the financing of

¹¹⁴ <http://www.lpsk.lt/2019/02/01/collective-bargaining-in-lithuania-current-situation-and-priorities>.

activities, carried out by (representative) social partners on behalf of all employees, not only their members.

Requirements of social partners for the improvement of their capacities for more effective social dialogue has been discussed for a long time in **Slovakia**. Finally, the government decided to assist them, and the Ministry of Labour, Social Affairs and Family implemented the above-mentioned project National Centre for Social Dialogue in 2010-2014. Since 2016, activities continue by implementation of the National project Centre for Social Dialogue II, of which Project Activity No. 1 is aimed at the capacity building of social partners.

Academic research on capacity building

Also, in the academic debate capacity building does not appear to be a major topic of research at national level.

In **Belgium** the ISO-AO study that was aimed at providing advice and guidance for trade unions (representatives, secretaries, militants) within companies that are innovating their labour organisation. The study attempted to develop tools that could assist trade unionists on the company level if they are faced with innovative labour organisation. The tools that were developed in the study have been implemented in a few cases that participate in a so called 'learning network'.

There was not any recent research on capacity building in **Cyprus**.

An interesting finding of an article from 2017 about Employer organisations in **Denmark** – from passive tradition to active adaption (Navrbjerg and Ibsen, 2017) is that the employer organisations have succeeded in adapting for the challenges coming from new types of member companies emerging from rapidly changing technology and sharp international competition. An important measure has been to introduce different types of membership and thus offer differentiated services. Furthermore, it is the first time in more than a decade that the employer organisations - their self-perception of their place in the world, so to speak, and their adjustment strategies have been focussing of research.

As agreed in the 2014 National General Collective Employment Agreement (Article 1), the national Social Partners in **Greece** have developed a joint Action Plan with the participation of the ILO "To restore confidence and strengthen their effective participation in the social dialogue". In this context, over 2014 and 2015, the 4 studies were carried out with the cooperation of all the national social partners. The results of all the above studies were also incorporated into the policy document on "enhancing the effectiveness of the tripartite social dialogue", which is the product of an agreement between the five national social partners. In the 2018 EGSSE national general collective agreement the social partners agreed an agenda with joint initiatives and projects.

A striking feature of the post-social partnership period in **Ireland** has been the relative silence of the employers' body Ibec and the trade union body, ICTU, on the decline of social

partnership. Neither party has committed resources to researching a process that they were engaged with directly for 22 years. On an industrial relations level, however, the Government remains reluctant to accommodate Ibec and ICTU calls for an informal dispute resolution mechanism, as was used in the social partnership period to tackle high profile industrial disputes.

The Union for Worker in the Communication Sector SLC affiliated to **Italian** General Confederation of Labour (CGIL), together with the CGIL research centre Giuseppe di Vittorio, has launched a project called Artists' life with the goal of mapping through an on-line survey the working conditions of workers involved in the artistic sectors and their needs in terms of employment protections and social security system. The survey suggests to re-launch the collective representation by focusing on the provision of ad hoc services such as legal, administrative and fiscal assistance on the one hand, and on the collective negotiation of fair wage levels and unemployment benefits and social protections.

The **Latvian** EurWORK (2017) contribution reports that a lack of resources makes it difficult to engage in meaningful social dialogue or negotiations in Latvia.

There are few academic sources in **Poland** reporting on the research focused specifically on the capacity building. The most meaningful ones were published number of years ago, and are a product of the largest thus far research project launched by the government using ESF funding (2008-2009). The project called "Improving functioning of the social dialogue system in Poland and enhancing institutions and participants if social dialogue" The project produced a series of publications dealing with diagnosis and needs of social dialogue in various dimensions (central, sectoral, regional).

As for **Romania**, a study by Aurora Trif (2015) is dedicated to capacity building of the social partners in the context of the economic crisis. Some of the conclusions are: before the economic crisis, there was a balance of power between trade unions and employers sustained by labour law. These legislative changes have led to an imbalance of forces to the advantage of employers. In this context, the number of employees covered by collective bargaining agreements has dropped dramatically. At national level, trade unions and employers are no longer entitled to negotiate inter-sectoral collective agreements. At sector level, only a third of the branches that had collective labour agreements before 2011 had them in 2014. Legislative changes along with the economic crisis have made collective bargaining more difficult for unions at unit level.¹¹⁵

¹¹⁵ The Romanian employers' association CNIPMMR does not share the above conclusions.

3 Findings from stakeholder seminars in Riga and Gdansk

The project on capacity building builds on 2018 work, in particular the development of a background paper and consultation with stakeholders. In 2019 it is being pursued through the implementation of a two-part exchange seminar on capacity building for social dialogue, aiming to have an exchange of information on capacity needs of social partners, how to address them and on how Eurofound research can be used to support social partners' work in this regard. Accordingly, the seminars aimed to produce a joint commitment among participants to follow up actions in the light of Eurofound's objective (as described in the Founding Regulation) "to provide the Commission, other Union institutions, bodies and agencies, the Member States and the social partners with support for promoting the dialogue between management and labour."

The first session, held in Riga on 2-3 July 2019, focussed on sectoral collective bargaining and bipartite dialogue; the second session, to held in Gdansk on 18-19 September focussed on tripartite governance and public policy making (including the European Semester).

Riga

Objectives of the seminar

The **main objectives** of the RIGA seminar were:

- a) to provide a forum to national actors to exchange on their capacity needs for sectoral collective bargaining and on ways to address them;
- b) to share experiences with regard to the development of strategies and actions to address sectoral social dialogue issues at national level;
- c) to provide ideas for possible solutions;
- d) to feed into the background paper prepared by Eurofound exploring how to support capacity building for effective social dialogue.

What was discussed?

The gaps, constraints and challenges for effective sectoral collective bargaining in selected countries, capacity-building needs and initiatives, good practice and possible solutions were discussed in an opening session.

Liga Mengelsoņe (SG LDDK) welcomed the participants by stating that the seminar is the fulfilment of dreams. The way in which industrial relations had developed in Latvia since the first exchanges with Eurofound on the issue in December 2018 were stunning. Nevertheless, different issues remained to be addressed: the government's needs for information and 'education'; from fact-based exchanges to results. It was also important to invite government representatives in the platforms for exchange in order to share good ideas.

Eurofound could organise a massive informative professional format of exchange to connect to databases and provide governments with intelligence about ‘professional’ industrial relations and social dialogue.

Irena Liepina (LBAS and EF MB member): also welcomed the participants in the name of LBAS. Following December meeting six recommendations were taken on board and one general agreement was expected to be adopted in November this year. The intellectual support from Eurofound was crucial for providing good and positive examples from the EU level.

Iлона Kuikicane (LDKK and EF MB member) referred to collective bargaining in Latvia and was surprised by the fact that all social partners stressed the importance of trust and good rights to be given to the social partners. Sectoral collective bargaining in Latvia was slowly moving towards the ‘Scandinavian model’.

The representative from **HOSPEEM** (speaking on behalf of **CEEP**) reminded that ‘capacity building’ was a European concept and it would be good to see how the national level was intertwined with the EU level concept of capacity building.

The representative from **EPSU** stressed that sectoral collective bargaining in the UK public sector (health, education, local admin) was still functioning. The involvement of national governments was linked to problems within the legislation in place/lack of legislation/ministry of labour, etc.

The representative from **LDDK** recalled the ILO – EC project-related *Enhancing social partners’ and social dialogue’s roles and capacity in the new world of work* and suggested to take this document into account when drafting the report.

The representative from **SMEunited** highlighted the need for governmental support to social partners to be able to negotiate, including the financial support.

The Bulgarian employers’ representative pointed to the collective labour agreements database of the Bulgarian National Institute for Conciliation and Arbitration ([NICA](#)) providing analyses on collective bargaining in Bulgaria and which was openly accessible.

European Social Partners’ panel

The representative from **SMEunited** welcomed the Eurofound project as timely in view of European social partners’ work programme priorities. The governments should foster practical, organisational and political capacities of social partners. It was useful that the Eurofound research included the discussion on the concept of capacity building at the national level in which the governments have a key role (direct or indirect role). Regarding the draft working document, the introductory part was well done while the 2nd part still had to be improved by including written comments from the European social partners’ affiliates. Capacity-building should not be regarded as “means” in itself but as an instrument to build trust, enable dialogue and embed SMEs. The complexity of the concept had also to be shown as well as the notion of ‘trust’ as a key for a dialogue to take place.

The issue of capacity building for strong and representative social partners was a high priority of the European Social Partners’ Work Programme and for SMEunited. European support for capacity building through the European Social Fund was highly necessary for a

number of Member States and in particular SME organisations, especially in Central and Eastern European Countries. It was noted that it was necessary to strengthen social dialogue benefitting employers and workers for higher competitiveness, fair competition and more democratic societies. Well-developed industrial relations were in a position to better balance the role of the state and social partners to adapt in quickly evolving labour markets. Capacity building was needed to have more pro-active social partners involved in the European Semester, able to design and implement structural reforms as set out in the yearly country-specific recommendations. The outcome of the project should be a tool for the members to facilitate mutual learning drawing on solutions which work in neighbouring countries.¹¹⁶

The representative from **BusinessEurope** reminded that real progress takes time, and that we must be ambitious and aim for a dedicated approach to social partners' capacity building in countries where this was needed. The speaker highly appreciated Eurofound's role as a partner in this important project serving the needs of its constituencies by providing research, in particular sound analytical frameworks for both EU and national level social partners. A good example in this context was the Eurofound work on key dimensions of industrial relations, which he considered an important report, despite the difficulty to measure and compare countries, since it offered a good recognition of the diversity of industrial relations balancing different interests and including the important key dimension of industrial competitiveness. Collective bargaining and social dialogue were tools for the management of change. As a follow-up to these seminars, it would be useful to have a secondary analysis stemming from Eurofound research that would analyse in greater depth the way in which different collective bargaining systems in different Member States deal with different issues, or not: e.g. what is the scope of collective bargaining in different Member States; at which level and how social partners in different countries address issues such as working time, pay, flexible work options, gender equality, work-life balance including the way this relates to the autonomy they have in the law. When doing so, it was important that Eurofound made good use of the information gathered as part of its representativeness studies. He recalled the work of the subgroup of the Social Dialogue Committee related to capacity building and the objective to achieve a better implementation of social dialogue instruments at national level; and informed on its latest meeting on 16 June where the European Social Partners discussed the needs from both sides of industry and the way Labour Ministries and Governments should support/foster the use of ESF for capacity building at national level.

The representative from **ETUC** mentioned that the Eurofound work on capacity building was excellent, timely and innovative in a way for understanding the capacity building concept. The lack of the implementation of EU agreements at national level was raised by sectoral social partners and the national social partners' often link difficulties of implementation to capacity issues: lack of resources and management of the resources; the role of social partners in the management of EU funds; lack of government capacity in funds management, etc. The current work in the subgroup of the Social Dialogue Committee was focused on nine countries, however the need to develop stronger social dialogue and collective bargaining was felt across Europe. For the current project on "Capacity building for

¹¹⁶ Cf. also <https://smeunited.eu/news/eurofound-and-social-partners-join-forces-for-capacity-building> accessed on 05.10.2019.

effective social dialogue” a broad definition should be used addressing the following issues: capacity to do “what”? In order to identify what capacities to be developed it is necessary to understand what are the objectives? What do we want to achieve? Better dialogue at national/sectoral level; top-down and bottom-up approach to enhance relationship between the social partners themselves and with the government. Once the objectives could be identified the tools to develop the required capacities could be developed, such as legislative changes to support and protect collective bargaining at cross-industry and sectoral levels, proper involvement of social partners in policy making, funding and training measures, including awareness raising, to reinforce the role of social partners and collective bargaining. The autonomy of the social partners had to be respected, and this required a deeper understanding from governments and policy makers than currently existed in many cases. The speaker cautioned not to mix social dialogue with the involvement of the social partners in the European Semester, since there was no real social dialogue in the latter. He also drew the attention to ETUC’s call for a framework initiative, including the possibility of a framework directive, on collective bargaining, as highlighted at the last Congress, which could reinforce multi-employer bargaining at cross-industry and sectoral level.

The main points from the statement of the **CEEP** are integrated into part **3.5.4** of the working paper. In addition to this, the **CEEP** representative claimed that a key issue of capacity building was how to reinforce the targeting of ESF funds toward social dialogue. This claim had been made in a letter to the Romanian Presidency. A reflection process had also started in the sub-group of the Social Dialogue Committee via a short survey to the address of some Member States.

Session on mutual learning and good practices

Following the social partner panel, the seminar continued in break-out sessions examining the gaps, constraints and challenges for effective sectoral collective bargaining in selected countries, capacity-building needs and initiatives, good practice and possible solutions. Among the topics discussed in the break-out sessions were examples of good practice learned from other national social partners, the extent to which European social partner agreements have prompted negotiations at the national level, and what support was available for capacity building.

Questions to the group:

1. Examples of good practices –learned from other national social partners?
2. Examples of good practices – learned from the group?
3. What support is available and/or needed?

Examples of good practices –learned from other national social partners?

The representative from **EPSU** opened the session and noted that implementing good practices takes time. He expressed his interest to learn more about the ongoing process in Romania that makes collective bargaining and negotiation compulsory at the company level. He was also interested to hear more about how in Lithuania collective agreements would

only apply to members of trade unions but not to workers that were not affiliated to a Union.

Bulgaria highlighted the need for minimum wage setting mechanism in their country. The social partners are currently working on this issue. It was also mentioned that collective bargaining depended on trade union membership and the economic situation. The Tripartite Council is a consultative body. Bulgaria also uses European study findings in national settings.

Greece was using a labour market diagnosis system that predicted and recorded the skills needs of the labour market.

Latvia explained that the Trade Union took part in an exchange visit to Finland where they have informed about three different forms of regulations: 1) regulations that cannot be derogated from; 2.) regulations that can be derogated from depending on the sector; 3.) regulations that can be derogated from on company level. Latvia has set up for the Tripartite Council, which among others discusses the minimum wage setting mechanism. The social partners, together the government, chambers and civil society organisations are part of the Council.

Lithuania noted that the agreements in the public sector are re-negotiated on a national level each year. **Lithuania** informed about their Tripartite Council that operated on a national level. It had to be noted that if the parties involved in the council disagreed, the government had the executive power to decide on the final solution.

Romania informed the participants that they were inspired by the minimum wage setting mechanism of Germany, which involved trade unions, employers, the government and experts. Romania also mentioned that if they referred to examples used in other countries, the national stakeholders had more trust in the example, compared to when it came from within the country.

3. What support is available and/or needed?

Bulgaria noted that VET and dual education was important as they were lacking workforce (brain drain).

Latvia's social partners were involved in several working groups dealing with the ESF. However, it was noted that there was a lack of capacity to go through all the required and relevant documents associated with the application and implementation of the funds.

Romania is part of the 2020-2027 funding programming period monitoring committee in Romania, however, there had not been a clear evaluation or assessment which organisation was qualified to be in the committee (first come first servers basis).

4. What extent have the European social partner's agreements prompted negotiations on a national level?

Romania reported that in the banking sector, there have been some negotiations based on European social partners agreements, in particular on the topic of digitalisation and telework as well as upskilling of workers for digitalisation. **Romania** also noted that some regulations and Directives were only copy-pasted into national law, therefore the

information and consultation of social partners has to be reviewed systematically and how their “opinion” was weighted against that of civil society organisations (differences of definition between the Member States).

Generally, there was a positive influence from European social partners agreements on a national level. Relationship with the European social dialogue and social partners has been perceived as helpful as it provides the opportunity to exchange good practices and gives leverage from national social to governments.

A concluding session considered eventual outcomes of the project beyond the report to be published in 2020. It was noted that no new work was foreseen in the 2020 Eurofound work programme. For the new programming period interest was expressed by participants in Eurofound making a continuing contribution, perhaps through facilitating further information exchange and the provision of relevant research and information (via web).

Gdansk

Objectives of the seminar

The main objectives of the Gdansk seminar were:

1. To discuss and analyse the following questions

- What are the main elements for a more effective tripartite governance at Member State level and what are the priority issues to be addressed in the Member States?
- What are the main elements for a more effective involvement in public policy making (including the European Semester) at Member State level and what are the priority issues to be addressed in each Member State?
- Which capacities are needed for effective participation of the social partners in the above-mentioned processes?

2. To look forward by discussing the following issues:

- What actions can be taken by the organisations present?
- What would have to happen – at European level / at national level?

What was discussed?

Ewa Zydorek (NSZZ Solidarność), Magdalena Gryciuk (Social Dialogue Council) and Andrzej Rudka (Lewiatan) welcomed the participants and raised a number of issues in the context of the current state of play of social dialogue and tripartism in Poland. Unfortunately, the developments in social dialogue in Poland were not positive, since the seminar was timely, and the hosts were looking forward to the discussions. **Andrzej Rudka (Lewiatan)** congratulated Eurofound for this initiative as well as the recently published report «Measuring varieties of industrial relations» as well as the industrial relations index which allowed for cross-country benchmarking and mutual learning in this field. The project and seminar came at a timely moment for Poland, because social dialogue and tripartism were on a downward trend.

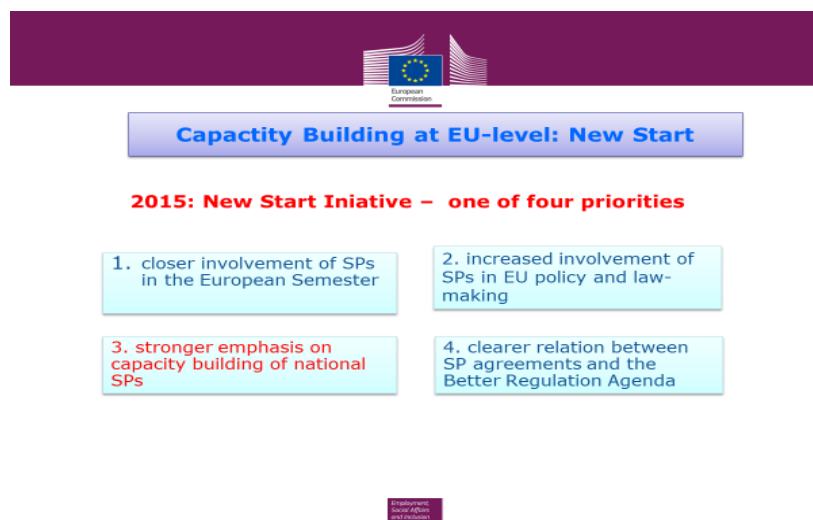
Christian Welz (Eurofound) presented the state of play of the report which had been revised in light of the written comments received from the social partners and the discussions during the Riga seminar.

Maxime Cerutti (BusinessEurope) welcomed the presentation since it took the Riga discussions well on board.

1. Involvement and capacity of the social partners in tripartite governance and public policymaking

Youcef Ghellab (ILO) presented the ILO's approach to tripartism and the recent ILO project on capacity building financed by the European Commission. Tripartism is in the ILO's genetic code since its inception one hundred years ago. According to the ILO there were a number of preconditions for effective bi-partite social dialogue: freedom of association, strong, independent and representative social partners, an appropriate legal and institutional framework, political will and commitment of the two sides of industry, practice and experience, trust and respect by the governments for the role of the social partners. Effective bipartism was the precondition for effective tripartism. Effective tripartism was again contingent upon independent actors on an equal footing. The ILO convention C 144 was the key convention in this context. Today social dialogue and tripartism were confronted with a number of serious challenges: widening inequalities, the weakening of labour market institutions including labour administrations, doubts about the effectiveness of social dialogue and tripartism to deliver sustainable outcomes. In light of these challenges, a new era of partnership was needed. For this to happen the capacities of employers, trade unions and labour administrations needed to be strengthened. This was the aim of the current project of the ILO on capacity building aiming at strengthening labour relations, processes and administration in a number of selected Member States. Promoting the autonomy and legitimacy of the social partners as well as the renewal of the tripartite commitment were among the key objectives of this project.

Jörg Tagger (European Commission) stated that the Commission was pleased with this project run by Eurofound. A stronger emphasis on capacity building of the national social partners was one of the four priorities of the new start initiative of 2015.



It was necessary to identify real gaps and needs knowing that one solution did not fit all. It was necessary for the social partners to identify their own need, an exercise which would also reinforce the European semester process. In the 2019 semester cycle capacity building was addressed either in the recitals of seven Member States (BG, EE, EL, HR, LT, LV, SK.). Hungary and Romania had received CSRs on the functioning of social dialogue, capacity is an important element of the overall functioning of social dialogue.

2. Comments by the European Social Partners

The representative from **BusinessEurope** opened by saying that this seminar in Gdansk was organised in a symbolic place at symbolic time: Europe was about to enter a new political cycle, which was an opportunity to take stock of the progress made following the new start for the social dialogue initiated in 2016, and to make further steps ahead. There is added value in organising a space for informal exchange between tripartite institutional actors, and he welcomed the presence of the ILO as this institution is working on similar issues, and can bring a useful international perspective when considering the most appropriate ways to support some countries that have the objective to improve their collective bargaining frameworks. **BusinessEurope** welcomed this Eurofound exercise while at the same time expressing a certain degree of regret that only few national government representatives were present. Unfortunately, tripartism was rather dysfunctional in some Member States, e.g. Hungary and Romania, and bi-partite collective bargaining at the sectoral level was rather weak in a number of Member States: hence the Eurofound initiative came at the right moment in time. Eurofound's role in this exercise was to provide solid research and networking fora on which the seminars could build. A further output could be a web tool to facilitate access to information which would be helpful for mutual learning exercises. Together with ETUC, CEEP and SMEUnited, BusinessEurope was currently focussing capacity building activities in nine Member States: BG, EE, HR, HU, LT, LV, RO, SK and PL. Furthermore, it was important to recall that BusinessEurope just recently had proposed to the European Commission to create two tripartite advisory committees: on employment policies and social protection. Autonomy was the main motivation for the social partners to engage in collective bargaining. In light of the practice in well-developed industrial relations systems, an essential requirement for employers to invest in social dialogue was to make sure that their engagement can lead to arrangements that support positively the competitiveness of the companies that they represent. In some countries, industrial relations were built on the assumption that social partner negotiations added to the legal framework in a way that is favourable to workers. To attract employers, social dialogue should also serve their needs, supporting them in terms of supporting job creation, and providing for the flexibility they need to deal with changing demand for their products and services.. The way forward is to move in the direction of a solution oriented social dialogue, whereby social partners come forward with solutions to the labour market challenges facing employers and workers in a way that can deviate from the labour law codes, as long as these solutions are jointly agreed by the social partners. In most countries, the state should set the autonomous space for the social partners to engage in. Autonomy was a key motivation for social dialogue and collective bargaining had to serve the needs of industry. In terms of future Eurofound activities, it could provide a space for regular interaction

between governments, employers and workers, to discuss issues that arise when trying to improve collective bargaining frameworks at the national level. It would be useful to also invite tripartite representatives from countries with well-developed industrial relations systems, to favour mutual learning. Future Eurofound tripartite mutual learning seminars could for example focus on the following issues: 1) Autonomy of social partners: What is the role of the law? 2) Different approaches to sectoral bargaining: How to support the development of sectoral bargaining in countries where this is seen positively by the social partners? An interesting theme for a future Eurofound mutual learning seminar only with national social partners and without governments could be to explore the different way in which national social partners organise the coordination of collective bargaining in different industrial relations systems.

The representative from **ETUC** argued that it was important to clarify who had which role in the process of capacity building. We all agreed that capacity building needed to be strengthened in some sectors and countries. The EU level social dialogue could set good examples as to how to assist the national social partners: social dialogue did not need to be renewed, but it had to deliver! As for the legal framework it needed strong social partners, but it should not be too institutionalised. According to **ETUC** well-functioning bipartism was the precondition for effective tripartism.

The representative from **CEEP** was delighted about the seminar and thanked Eurofound and Solidarność for the initiative. **CEEP** sensed a good common understanding among the participants to deepen the knowledge about national issues and the multilevel challenges involved. According to **CEEP** capacity building was a multi-layered challenge. Having institutions in place was not the only pre-requisite for fostering an enabling framework for social dialogue. It required appropriate capacity building and mutual trust between Governments and Social Partners. In particular in view of the forthcoming challenge of adaptation to change, digitalisation climate change and demographic ageing, the role of social partners would be critical and their empowerment a condition for success.

In the subsequent discussion, the following issues were raised:

The representative from the **ILO** stressed the importance of the role of governments in creating an enabling environment when it came to effective social dialogue, e.g. effective and efficient dispute resolution mechanisms. It was important to draw a clear border between bi-partite and tri-partite governance of social dialogue. The state should create legal frameworks, should not decide everything, but leave room for the autonomy of the social partners: tripartism should only complement bipartism.

The European Commission added that it was important to clarify what defined a functioning social dialogue and which indicators should be used to assess and benchmark this. A mere formal social dialogue was not sufficient. It was necessary to identify real gaps and needs knowing that one solution did not fit all. It was also important that the social partners identified their own needs, an exercise which would also reinforce the European semester process.

The representative from **NSZZ Solidarność** asked how to define an employers' organisation since in Poland they did not have the capacity to negotiate collective agreements. Against

this background, there was no sectoral collective bargaining, not even coordination of collective bargaining in Poland.

3. Break-out sessions: experiences of social partners' involvement in tripartite institutional governance and the European Semester governance

The **first break-out session** addressed the following questions:

- What are elements for a more effective tripartite institutional governance at Member State level?
- What are the priority issues to be addressed in the Member States?
- Which capacities are needed?

The **Croatian** government member stated that there needed to be more trust and respect among the social partners. The trade union member said that the government did a good job in promoting social dialogue and tripartism, yet better support for sectoral level collective bargaining was needed. In this sense, it would be a good capacity building exercise to have more examples of good practice.

The **Estonian** trade union member underlined the necessity to make clearer what the benefits were of trade union membership and tripartism. In Estonia, the sectoral level also needed to be strengthened.

The government representative from **Lithuania** remarked that there was a thin line between autonomy and interference. Social partners needed to be strong and incentives alone were not enough. In **Lithuania** over 80% of the provisions of the new labour code, including the criteria of representatives (regarding participation in the tripartite council) had been agreed upon by the social partners in the tripartite council.

The **Latvian** representative for the employers regretted that many of the sectoral employers were not members of the European employers' organisations because of the elevated membership fees.

The **Polish** member from the trade union side summarised the discussions in the following way: bipartism was a rational choice mode of governance, whereas tripartism was often a power game in which the two sides of industry were inclined to seek alliances with the governments at the expense of bipartite social dialogue. Unfortunately, there was no good platform for bi-partite social dialogue in Poland. The sectoral level also needed to be strengthened. The **Polish** employers' representative agreed that solid bipartism was the precondition for effective tripartism. Often the government used the fragmentation of the social partners for its own political purposes. The **Polish** employers' representative was also clear in his statement that he was against compulsory membership and that he considered that civil society and social partnership were complementary.

The **Romanian** employers' representative insisted that the social partners had to build stronger institutions, invest more in bipartism, and also the employers had to deliver more from their side.

Ricardo Rodriguez Contreras (Eurofound) gave an introduction into the second break-out session based on former research on capacity needs identified by the social partners within

the context of their involvement in the European Semester as well as by the replies to the survey prepared for the seminar.

The **second break-out session** addressed the following questions:

- What are elements for more effective involvement in public policymaking and the European Semester process at Member State level?
- What are the priority issues to be addressed in the Member States?
- Which capacities are needed?

The chair of the first group from **BusinessEurope** structured the discussion around the following three questions:

- what is the role of labour law in fostering bi-partite social dialogue?
- if the role is not satisfactory, what could be done?
- if there is an autonomous space for the social partners which is the best level to organise, company or sectoral?

In **Bulgaria**, the labour code only lightly regulated collective bargaining, and there was not a separate piece of legislation.

The **Croatian** social partners agreed that social dialogue and tripartism was well regulated. Sectoral collective bargaining, however, was mainly limited to tourism, catering and construction and the minimum wage at sectoral level was not sufficiently controlled by the labour inspectors.

In **Estonia**, the labour code was rather neutral about social dialogue and there had been many unsuccessful attempts to reform **Estonian** labour law, such as including a definition of worker as strived for by the trade unions.

The trade unions from **Poland** answered by saying that the labour code does not cater for enough incentives to bargain at the sectoral level, instead of the company level. Unfortunately, the redraft of the labour code had been blocked, despite the fact the Polish social partners had agreed upon several proposals in the codification committee, such as new mediations procedures: these non-controversial proposals should be picked up again. The **Polish** employers, by and large, agreed with the trade unions and put forward that the blocking actor was the government.

The **Romanian** employers argued that the labour code was too prescriptive not leaving sufficient room for negotiations. The representativeness criteria were far too strict, to the effect that sectoral collective bargaining only happened in seven out of 23 sectors. Mutual recognition could be a way out of this impasse.

The **third break-out session** addressed the following questions:

- What actions can be taken by the organisations present?
- What would have to happen – at European level / at the national level?
- What future role for Eurofound in assisting the social partners?

There was a general call on the European Commission to continue to support bipartite social dialogue as a precondition to effective tripartism. At the same time, the benefits of social dialogue and tripartism needed to be made more visible. The discussions on the involvement highlighted the weaknesses of institutions in many Member States and the lack of political willingness from certain public authorities to give more space to social partners and to involve them in a regular and meaningful manner in policymaking.

Furthermore, on the social partners' side, several issues were acknowledged such as the lack of expertise and of know-how to engage in a real dialogue, limited human resources at national and regional level, and the difficulty to fully understand the European Semester process. This showed a strong need for further capacity building measures, especially in Central and Eastern European Countries. Good industrial relations require strong, autonomous and representative social partners that are able and ready to take on responsibilities and contribute to the economic and social development. With regard to the European Semester governance the proposal was made to have two separate meetings during the country visits: one first meeting between the European Commission and the national partners only and a second exchange including the governments.

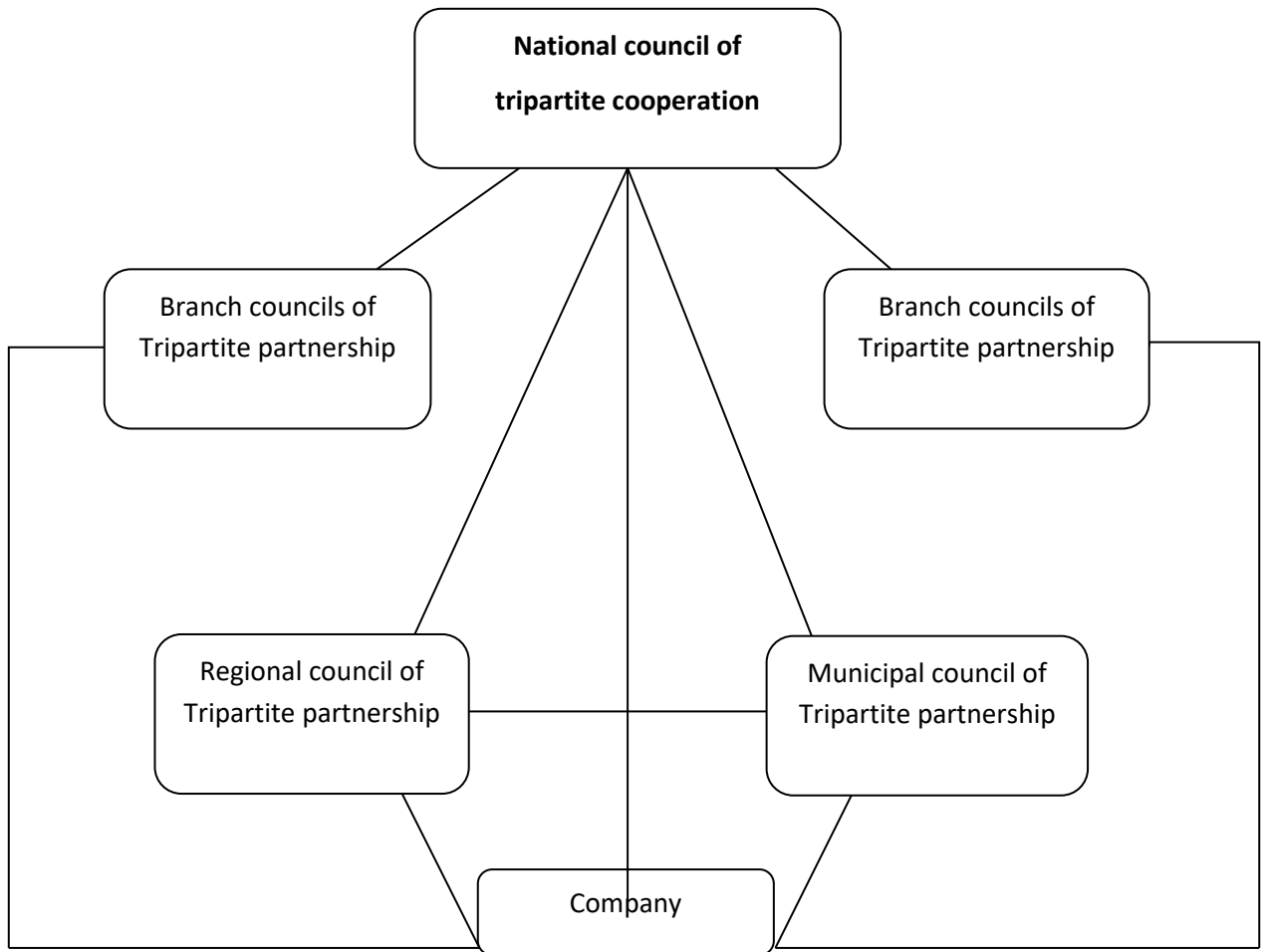
The **Bulgarian** employers stated that they were heavily over consulted. The **Polish** employers agreed with the finding that meaningful bipartism was the precondition for effective tripartism, but what if the governments ignored this premise.

In the conclusions, the **European Commission** insisted on the past and future importance of social dialogue, and on the need to have a good bipartite social dialogue to reinforce tripartism. Capacity building was important and would continue to be important, but it was more crucial than ever to make the best use of all existing EU wide available tools, in particular during the current ESF programming period. The European Commission would continue to support capacity building of the social partners. Yet, the concrete needs for capacity building still needed some clarifications. There was a huge expectation from the European Commission as regards the social partners to come up with concrete proposals. In parallel, the social partners needed to further identify the gaps in the operational level of social dialogue.

Last but not least, the exchange of practices was particularly relevant for mutual learning not only for the social partners but also for public authorities, something that the European Commission has been promoting in the Employment Committee (EMCO). The Gdansk seminar clearly showed the added value of joining forces: ILO, European Commission, Eurofound and national social partners and governments.¹¹⁷

¹¹⁷ Cf. <https://smeunited.eu/news/tripartism-better-involving-social-partners-at-national-level> accessed on 25.10.2019.

Tripartite governance in Bulgaria¹¹⁸



¹¹⁸ A seminar contribution from the Bulgarian Trade Union FCIW-PODKREPA, Confederation of Labour.

4 Draft policy pointers and further steps

Social dialogue and well-functioning industrial relations serve the general interest and as such should be supported by public policy. This should be reflected not only in the actions of social partners but also in the allocation of public monies and in the actions of public authorities to advocate for effective social dialogue.

In light of the findings of this working paper and the discussions at the Riga and Gdansk seminars Eurofound has entered into a discussion and consultation process with the European social partners and their members. The finally agreed policy pointers will be published in a revised and amended report – ***“Capacity -building for effective social dialogue in the European Union”***, based on the current working paper, in the second quarter of 2020 after an evaluation in the Advisory Committee Industrial Relations end of March 2020.

Eurofound stands ready to further assist capacity-building in the framework of its mandate and resources.

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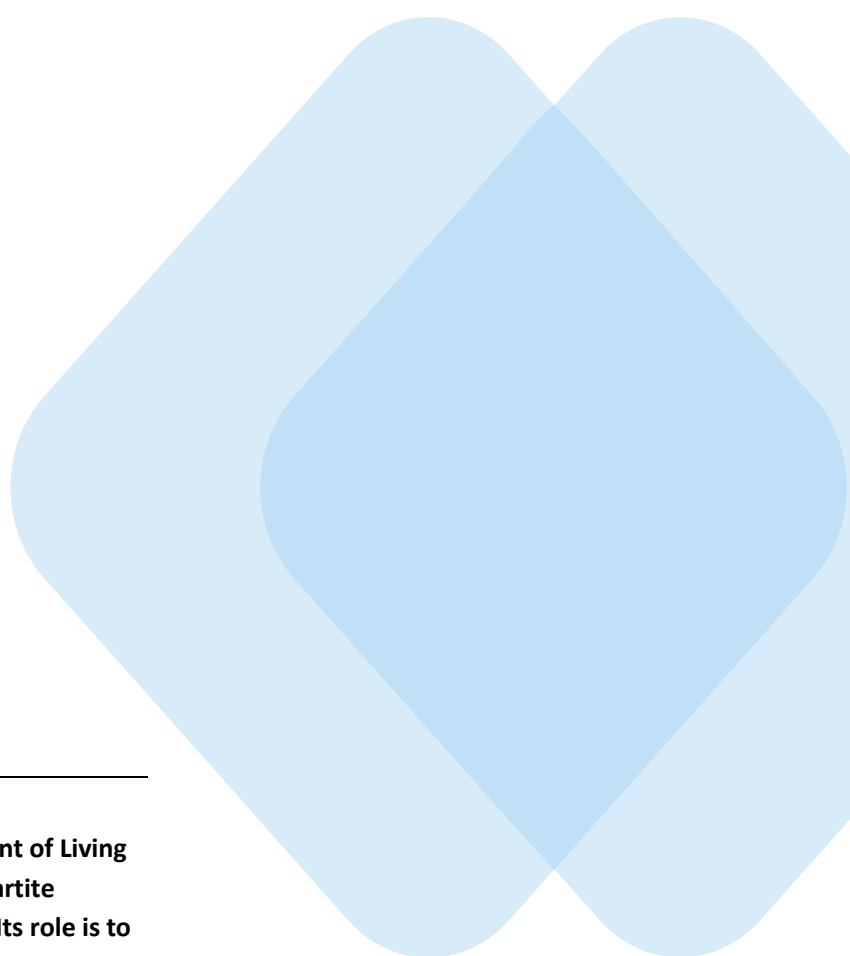
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ANNEXES

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