



## Participation of trade unions and involvement of social dialogue in key political projects

Options for action for workers' organisations



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# 1 FOREWORD

In the framework of the EZA educational programme European social dialogue 2022/23, HIVA prepared a research report that focused on the socio-economic governance of the EU and the institutional management of three key political projects: the European Pillar of Social Rights (EPSR), the European Green Deal (EGD), and the Recovery and Resilience Plans (RRP) to be implemented in the Member States in the aftermath of the COVID-19 pandemic. On the basis of this political background, the report sought to identify venues as well as opportunities and barriers for social dialogue involvement and trade union participation. This approach allowed the development of recommended actions that can be used by workers' organisations as part of the social dialogue to pursue sustained effective actions in the European governance framework as well as strategically contributing with their knowledge and experience to the key political projects listed above.

This brochure explains the political framework of the research work and summarises the resulting recommendations for action for workers' organisations.

## 2 INTRODUCTION

Social dialogue is an important feature of the European social market economy. An important milestone in the recognition of social dialogue at the European Union (EU) level was set in 1985. EU level social partners – the European Trade Union Confederation (ETUC), the Union des Industries de la Communauté européenne (UNICE, renamed BusinessEurope in 2007), and the European Centre of Employers and Enterprises providing Public Services and Services of General Interest (CEEP, renamed SGI Europe in 2020) – met at the Château of Val-Duchesse in the south of Brussels, under the leadership of Jacques Delors, then president of the European Commission. At the time, social dialogue at the EU level was seen as a necessary instrument to counterbalance the European Committee’s strong economic focus and as a critical cornerstone of the social dimension (Lapeyre 2018). By inviting the social partners as organisations, rather than inviting their leaders on an individual basis, Delors aimed to promote social partners’ legitimacy and role as key players on social issues (Lapeyre 2018). This important role was once again confirmed by the Juncker Commission, which brought social dialogue back to the foreground with a high-level conference in March 2015. The conference discussed ways to strengthen social dialogue at the EU level and in the EU Member States, while also improving the articulation of social dialogue between these levels. This high-level conference was followed by a joint declaration adopted by the EU level social partners in January 2016. The aim of the declaration was among other goals to achieve a more substantial involvement of social partners in EU policymaking, notably in relation to the European economic governance and the European Semester.

EU social dialogue and social dialogue in the Member States nowadays have to deal with at least two main features of EU politics. First, the governance architecture of the EU in its relationship to the Member States is now based on the European Semester. Secondly, the current policymaking style in the EU is characterised by the development of “key political

projects”, or policy packages encompassing a range of objectives, measures and instruments to tackle current societal challenges: social inequalities, climate change, and more recently, the economic recovery in the aftermath of the COVID-19 Pandemic. These three key political projects are linked to each other in their ambition to build a resilient EU and in their governance through the semester.

These key political projects obviously impact the core topics of social dialogue: employment, working conditions, etc. Despite the increased attention and efforts to foster social dialogue, questions were raised about the participation and role of social partners and of social dialogue in key political projects set at the EU level. In addition, these developments occur in a context of major economic and societal changes, driven by global trends such as technological transformations, globalisation, demographic change and climate change, and these are accelerated due to the coronavirus pandemic.

Contributions from trade unions to key political projects in the European Union are not self-evident. Previous research on the topic established a rather pessimistic diagnosis regarding trade unions’ involvement in EU affairs. When analysing the social dimension within the Lisbon Strategy and the Europe 2020 Strategy, Hyman concluded in 2011 that trade unions are “manifestly marginalised within EU policymaking” (Hyman 2011, p. 25). More recently, Sabato found out that national trade unions feel they have little influence on the outcomes of the European Semester process (Sabato 2020). This raises the question of whether similar conclusions could be reached in the case of more recent key political projects adopted at EU level such as the implementation of the European Pillar of Social Rights, the European Green Deal, and the Recovery and Resilience Facility.

### 3 EU KEY POLITICAL PROJECTS AND SOCIAL DIALOGUE

The European Pillar of Social Rights, the European Green Deal, and the Recovery and Resilience Plans are key political projects that act as “policy frameworks”: they encompass multiple targets and objectives, they serve as a foundation of numerous policy measures and reforms, and they also have an influence on the shape of governance mechanisms. These features allow them to exert an overarching influence on EU politics.

First, the EPSR can be seen as the emblematic outcome of a progressive pathway that fostered social dimensions in EU politics. As such, the adoption of the EPSR and then its implementation to be monitored within the semester put into question the traditional asymmetry between the economic and the social dimension that used to characterise EU policymaking. Then, the EGD introduced a paradigmatic change by including climate neutrality as a precondition in the design of any policy at EU level as well as in the coordination of national policies through the European Semester. And lastly, the RRP guide post-pandemic recovery in the Member States and include the targets and strategic principles from the EPSR and the EGD by contributing to their implementation.

In regard of social dialogue and social partners’ involvement in policymaking, these three key political projects certainly have an impact. Their content is connected with the “core business” of social dialogue and involves important policy areas such as employment, working conditions, social policies, industrial policies, etc. These policy domains are expected to be affected by the principles, targets and objectives of the EPSR, the EGD, and the RRP. The review of policy documents related to the key political projects published by the European institutions (communications, guidelines, recommendations, regulations, etc.) indicates a convergence to push social dialogue involvement forward, along with enhancing social

partners' participation. However, such involvement and participation is usually limited to consultative processes (the quality of which varies from member state to member state) where social partners are asked to provide non-binding inputs.

The multi-levelness of the EU governance is an additional challenge to social dialogue involvement. The diversity of national contexts and traditions of social dialogue influences the terms and conditions along with the quality of social partners' participation. From the perspective of the European institutions, ensuring social dialogue involvement at the level of Member States can only be conducted by soft means. The EU can only influence social dialogue within the Member States by encouraging and supporting national governments and social partners to engage in social dialogue, notably in every key political project (such as the EPSR, the EGD and the RRP). Where the allocation of competences between the EU and the Member States, and the autonomy of the national social partners is concerned, European institutions cannot impose social dialogue practices on Member States. These limitations in the EU institutions' scope of intervention constrains the opportunity of further involvement of social dialogue in the implementation of these political projects at the level of the Member States.



## **4 THE EUROPEAN SEMESTER AS THE CORNERSTONE FOR SOCIAL PARTNERS' INVOLVEMENT IN KEY POLITICAL PROJECTS**

The European Semester is a “governance arrangement” (Sabato & Fronteddu 2020) launched in the aftermath of the economic and financial crisis starting in 2008. It was created as a budgetary monitoring tool following this crisis. Then it evolved to become a coordinating instrument of social, economic and environmental policies (Creel et al. 2021). From a horizontal perspective, it aims at articulating targets from key political programmes into the strategies of EU institutions (as presented in documents such as the Annual Sustainable Growth Survey) and policy measures and reforms adopted by the Member States. This can be a convoluted task since the European Semester has to deal with various objectives and pressures from different political projects (Vanhercke & Verdun 2022). Sabato and Fronteddu (2020, p. 33) summarised what it requires:

“A comprehensive analysis of synergies and trade-offs between the objectives, initiatives and recommendations proposed by the EU in the various policy areas of the semester would require a high degree of policy integration and coordination between the various institutional actors responsible for economic, social and environmental policies, and an improvement of their analytical capacities.”

The integration of the EPSR's action plan and EGD's objectives have already guided the semester in the path of coordination. The semester is also seen as the integration tool of the SDGs into European and Member States' politics, although the inclusion of the EPSR and the EGD within the European Semester already cover the implementation of some SDGs (Sabato & Mandelli 2021).

From a vertical perspective, the semester must ensure the coherence of policies' orientation, adoption and implementation between (with the integration of the SDGs) the international, European, national, regional and local levels. From the EU level to the national level, the three EU key political projects shape policies adopted or reformed in the Member States. In addition, they also represent an interplay between the European and the international level by contributing to the implementation of the UN SDGs at the EU level. Coordination between the different levels of governance is made through soft governance tools (formally non-binding) but this makes it difficult for the Member States to act without taking them into account. As stated by Verdun and Zeitlin (2018, p. 138):

"Although the semester involves no legal transfer of sovereignty from the Member States to the EU level, it has given the EU institutions a more visible and authoritative role than ever before in monitoring, scrutinizing and guiding national economic, fiscal and social policies."

The addition of political projects to be coordinated by the semester, especially since the adoption of the RRP, has hardened the semester's soft governance (Vanhercke & Verdun 2022).

The creation of the European Semester was perceived as a veritable "quantum leap" in EU governance with an increased influence of European institutions on national decision making processes (Vesan et al. 2021). The crucial position of the semester also impacts the dynamic of social dialogue both at European and national level. Regarding European social dialogue, the governance framework based on the semester coordination and monitoring tasks does not include any specific provision for social dialogue involvement. European social dialogue continues to rely on existing mechanisms (Articles 154-155 TFEU) provided for in the Treaties. It is already known that European social dialogue does not succeed in making European social partners enter regularly into formal negotiations and even less in producing binding agreements (Pochet & Degryse 2016). European social dialogue is, therefore, perceived as a

weak policy instrument. The position of the European Semester in the co-ordination of economic, social and environmental policies provides European institutions and the Commission in particular with a leading role in policymaking, but leaves little room for further participation of European social dialogue mechanisms, even though the Commission continues to consult with social partners. To overcome this impediment, some trade unions (such as the ETUC) and institutional bodies (such as the EESC) call for a permanent coordination mechanism between the semester process and social dialogue (European Economic and Social Committee 2021; European Trade Union Confederation 2021). Such a mechanism, however, is not yet on the agenda of the Commission. Nevertheless, actions will be undertaken through the initiative to support social dialogue to be launched during the third term of 2022. The initiative will include the following four actions (already mentioned in Nahles' Report):

- (1) the launch of an award for innovative social dialogue practices;
- (2) information and visiting programme for young future social dialogue leaders;
- (3) the review of sectoral social dialogue at EU level; and
- (4) a new supporting frame for social partners' agreements at EU level (European Commission 2021).

These actions are in line with the EU institutions' willingness to foster social dialogue.

At the national level, the multi-level role of the semester can also be seen as jeopardising national social dialogue and the involvement of national social partners. By imposing national governments' compliance with budgetary and fiscal discipline, this process leaves little room for bipartite or tripartite negotiations involving social partners in the making of socio-economic policies. However, at the same time, EU institutions use the

European Semester to incentivise national governments to better involve national social partners and Civil Society Organisations (CSOs) in the design and implementation of policies. For instance, the semester can play a role in fostering social dialogue involvement and social partners' participation through the CSRs. In 2020, 12 Member States received CSRs "pointing out the need to increase the social partners' involvement in decision making processes" as well as supporting them so that they can actively participate in policy-making (Rainone 2020). In that respect, the semester can be perceived as a supporting tool to strengthen national social dialogue.

In view of these considerations, the influence of the European Semester on social dialogue involvement is ambivalent. Collective bargaining and the co-decision capacity of social partners through the formulation of collective agreements do not play a decisive role in this governance framework so far. Yet, the narrative from EU institutions that are conveyed in the key political projects emphasised the importance of social dialogue in policymaking processes. Moreover, concerns are being raised about the democratic dimension and the accountability of the semester (Papadopoulos & Piattoni 2019). European institutions have already attempted to make the semester more democratic, for example by launching the recovery and resilience dialogue between the European Commission and the European Parliament. The democratic dimension of the semester could be further improved by fostering participation of social partners and formally articulating social dialogue mechanisms into the current European governance framework focused on the semester.

## **5 POINTS OF ATTENTION TO STRENGTHEN TRADE UNION PARTICI- PATION AND SOCIAL DIALOGUE INVOLVEMENT IN KEY POLITICAL PROJECTS**

This section provides elements of reflection intended to contribute to a better involvement of social dialogue and enhanced trade union participation in key European political projects.

### **5.1 Awareness on the functioning of the Euro- pean Semester**

One of the ambitions of former Commission-President Juncker's attempt to revamp social dialogue was to raise social partners' awareness of what was implied under the European Semester framework. However, in the eyes of many stakeholders, especially at the national level, it remains a bureaucratic exercise between the European Commission and national administrations with little resonance in national arenas (Vanheuverzwijn & Crespy 2018). To foster national social partners' participation in key political projects handled within the semester, there is a need to increase their knowledge about it. Their capacities to participate would for instance be enhanced by organising their involvement in a timely manner to fit in with the different stages of the semester. Increasing knowledge about the semester would also help social partners to develop proactive strategies, to be ready to intervene and to go spontaneously with their positions and concerns to their national governments who

could include them in their country reports, for instance. In that regard, the inclusion of the RRP within the semester could provide incentives for a larger trade union involvement. This conjuncture (the revamped semester that includes the RRP) is favourable to more involvement from social partners. Another dimension that could foster social partners' involvement is a better articulation between the national and the European social partners' contributions to the semester. This is in line with work that is already being undertaken by some European trade union organisations to connect with their members, collecting their inputs and providing them information on the key European political programs. The European Economic and Social Committee could also offer some support in addition to the actions that are already coordinated by the European Semester Group within the EESC.

## 5.2 Capacity building of trade unions

Capacity building is often mentioned as a necessary factor for successful participation of trade unions to policymaking processes (Eurofound n.d.). The ILO highlights more specifically the need for trade unions to strengthen their capacities to analyse and understand the transformations taking place in the world of work; to strengthen their own institutional and organisation processes and to engage in innovative strategies while continuing to invest in education and training programmes (International Labour Office 2022).

Such endeavours depend on the resources available to trade unions. In that regard, there are discrepancies between Member States in terms of resources available to social partners, economic and social councils or other representative bodies within which social partners are involved in the Member States. CSRs from 2020 and 2021 target selected Member States with recommendations to improve social dialogue structures in order to enhance social dialogue and social partners' capacities (Rainone 2020). The European Social Fund Plus is also available to finance capac-

ity-building actions towards national social partners. Improvements in capacity building would encourage trade unions to play a proactive role in policymaking processes, to stimulate social partners to engage with governments when they consider it necessary.

Fostering trade union capacity building also means developing their expertise on the transformations in the world of work including the impact of climate change on labour markets. Politics no longer works in silos and the most recent key political projects have an overarching impact on almost every new policy or reform in the social, economic and environmental domain and beyond. For instance, the objective of reaching carbon neutrality in the EU in the coming decades impacts the design of almost every policy or reform (Bongardt & Torres 2022). As a result, topics of negotiations within social dialogue bodies increasingly expand beyond traditional social dialogue topics of discussion (Eurofound 2018). Regarding these topics, some CSOs have very specific knowledge that could be mobilised by trade unions. This can lead to alliances between trade unions and CSOs such as environmental organisations (Soder et al. 2018). Investing in such coalition building can also be an avenue to strengthen trade unions' ability to actively participate in the consultations and discussions related to key political projects encompassing various topics. In this regard, coalition building between trade unions and CSOs raises the need to ensure the quality of internal democracy processes within trade unions. Trade unions must take a stand on the variety of components included in key political projects and on the strategic ways to convey these positions in the political debate (including building alliances with other CSOs). To do so, the quality of internal democracy mechanisms is crucial to ensure that all members have the possibility of contributing in shaping union positions and strategies (Thomas & Pulignano 2021).

On another note, the involvement of CSOs alongside social partners forms an additional pressure on social dialogue and influences the declining predominance of traditional social partners. The pluralisation of actors in the debate directly affects social dialogue institutions by raising

the risk of increasing interest fragmentation. Traditional social partners may face the dilemma of strengthening social dialogue in its original forms and practices to guarantee its established functioning while also having to address the changing features of the labour market and to acknowledge the presence of other stakeholders by their side.

### 5.3 Well-functioning social dialogue structures

In 2016, the “New start for social dialogue” programme stated that: “EU social dialogue cannot deliver without a well-functioning and effective social dialogue at national level. This requires a conducive institutional setting” (European Commission 2016, p. 3). However, it seems so far that national trade unions are dissatisfied with their participation in the multi-level governance framework dealing with European key political projects (Contreras & Sanz 2022; Sabato et al. 2018).

One of the hindrances to trade unions’ participation is related to the timing of their involvement in the consultative processes. While the European Commission pushes for more consultations with social partners, the pace of the decision making process remains tight and pressed according to the calendar of the semester, as described above. As a result, timing for consultations is limited, which leads to frustration among the participants. A second hindrance relates to the stages of the policymaking. Most often, consultations with social partners unfold before the implementation phase. However, the implementation stage is crucial to social partners as it directly affects their affiliates on the ground. Therefore, there is a need to formally strengthen and coordinate trade unions’ participation during the implementation of political projects at the level of the Member States. In addition, the non-binding nature of consultation outcomes can be a barrier to trade unions’ participation. Being actively involved in a consultation process is costly for a trade union. Trade union organisations have to assess whether this kind of involvement is rewarding. So far, social partners have mostly perceived their inputs as purely informative for



European institutions (Rodríguez Contreras 2022). Following the Better Regulation guidelines (2021), the European Commission staff is interested in evidence-based analyses and feedback on the implementation of policy measures. This influences the consultation processes, which is organised according to the Commission's own needs and priorities. However, in their joint contributions following Nahles' report on social dialogue, the European social partners identified the need to have more meaningful social partners' consultations organised by the Commission (European Trade Union Confederation et al. 2020). "Meaningful" consultations would entail participatory procedures that could include feedback from governments, deliberations and co-construction of policies by social partners and policymakers, as the extra mile that would strengthen and deepen social partners' participation.

Besides more meaningful consultation processes, collective bargaining and the adoption of collective agreements by social partners also need to be encouraged. These types of involvement are the most powerful and rewarding in terms of social partners' control in decision making processes. Collective bargaining is also a right which is specific to the social partners and which distinguishes them from other CSOs. It is crucial that collective bargaining remains a central practice in social dialogue structures. Otherwise social dialogue bodies risk being downplayed as simple consultative arenas with no guarantees regarding the influence of outcomes produced.

## **5.4 Case study: Seminar on “The role of labour regulation and social protection systems in meeting the targets of the European Pillar of Social Rights”, organised by CFTL (Centro de Formação e Tempos Livres)**

### **5.4.1 Introduction**

The seminar organised by CFTL in cooperation with Base-FUT and EZA and funded by the European Union aimed to examine the role of the regulation of work and social protection systems in realising the European Pillar of Social Rights (EPSR). The seminar took place in Cartaxo, Portugal, on 3–5 February 2023. It gathered practitioners and experts on social dialogue and social policies. The various backgrounds and nationalities of speakers and participants permitted a rich discussion on this pertinent issue.

This seminar was the opportunity for HIVA-KU Leuven to present some of the results of the study conducted upon request of EZA on the “Participation of trade unions and involvement of social dialogue in key political projects”. Given the main topic of the seminar, the presentation emphasised the section of the report dedicated to the EPSR and the role of social partners in its adoption and implementation.

The following sections highlighted so key points that were specifically emphasized during the two days of debates and exchanges of views.

### **5.4.2 Social rights and policies in the EU**

The opening session emphasised that the “social” dimension is intrinsic to democratic states, and the seminar discussed the convergence of

values between the International Labor Organization (ILO) and the EU as a region of the world. The creation of social policies is indeed part of democratic processes involving social partners and civil society organisations. For instance, in 2020, Portugal held the EU Presidency and developed a Plan of Action for the EPSR – including indicators – to reinforce actions for fairer and more inclusive work. The ILO highlighted the consultation process that led to this plan and the tripartite agreement signed in Porto.

The seminar explored the situation in Portugal, including the challenges of declining birth rate, of decreased coverage in collective bargaining, and the weakening of collective bargaining, of trade unions monopoly of representation and collective labour agreements. The seminar also addressed constraint on the right to strike, including the expansion of sectors with minimum service requirements and extended notice periods for strikes.

### 5.4.3 Challenges faced by welfare states

Participants to the seminar identified and discussed the challenges facing the welfare states with regard to the implementation of the EPSR. The EPSR was created before the COVID-19 pandemic, and the seminar addressed whether it can be adapted to the new ways of working in the post-COVID19 world. The impact of demography and digitalisation was also discussed, including the question of whether robots should pay social security contributions.

The seminar also highlighted the lack of knowledge of social security among young people and the links between the history of social security and the EPSR. The seminar discussed the need to create conditions for the participation of new generations in the trade union movement and stressed the importance of young generations taking the initiative, as the ageing population will otherwise lead to the exhaustion of campaigns.

#### 5.4.4 The future of social protection systems

The seminar addressed future social security systems and how to foster their durability. Participants discussed the idea that social security is better than ever, with coverage at an all-time high, and the system is expanding to meet its objectives. The challenge is to maintain this system and its universal coverage, with solidarity and universality as the primary logic. The demographic problem of low birth rates was discussed, particularly in Portugal. The participants emphasised the importance of the number of workers, regardless of their origin, and the balance between the parties, which has greater effects on the world of work than the government does. The seminar also discussed the shared financing of social security by workers and companies, and the government's ability to obtain more income tax than corporate tax.

The position of trade unions regarding the EPSR was discussed, focusing on the fight against poverty at the European level, which is the main objective of the Pillar. The participants addressed the problem with the use of indicators as guarantee of implementation and the goal of reducing poverty (with a target of reducing poverty among workers by 2030). The seminar proposed intensifying the fight against poverty at the European level and improving decent working conditions by strengthening the social dialogue at national and European level.

The seminar also discussed proposals by the specific committees of the Belgian Christian Trade Union Confederation (CSC) to expand social security coverage, including the youth autonomy allowance, the protection of social security for migrant workers (undocumented migrants), and the sustainability of social security, both financially and socio-ecologically. The seminar emphasised the need for young people to better understand social security and stressed that young people are at the heart of the proposals. The seminar also addressed the tools and approaches used by trade unions to mobilise difficult-to-reach audiences and ensure their participation in social dialogue and policy.

#### 5.4.5 Social dialogue: difficult interplay between national and European levels

The European social dialogue can only be successful if the national social dialogue is functioning well. More articulation is required in that regard in the framework of the European Semester. The involvement of the national social partners should be fostered.

European framework agreements are tools that can bring progress at the national level. The national cultures of work and labour relations are challenges for the creation of European framework agreements. These differences must be acknowledged to foster the formulation of European framework agreements. Collective intelligence must be used to solve problems together, as everyone is affected. Problems affecting work and labor in specific European Member States should be addressed collectively by all Member States and social partners.

At company level, the factors of success for a framework agreement can be summarised as follows: a lot of pedagogy, involvement and support from middle management, realistic and achievable goals, and anticipating the complexity of the tool on the ground. Regarding European agreements, it is important to look beyond the texts and see what actions are taken.

#### 5.4.6 Conclusion

The European Union has succeeded in creating a social model based on economic growth, granting people social rights. The challenge for social rights to continue to be guaranteed in the EU and their coverage to be improved is to be strengthened to face several crises (environmental, demographic, geopolitical, etc.).

Two fundamental axes must be taken into account while reflecting on these issues.

The centrality of work in our societies. The principle that labour is not a commodity, but a human right as ratified in Philadelphia Declaration of 1944 is crucial.

A social democratic state is essential for the protection of citizens. This breaks with a minimalist conception of the state. The sovereign (such as Defence) and social functions of the State are compatible and mutually reinforcing.

Topics such as labour and social protection are often sensitive when discussed in politics. It is important to deconstruct myths and fears that could limit government, social partners and civil society actions by confusing them and the citizens. It is always critical to recall that there is no economy without workers and that there is no social state without participation and citizenship. Labour rights are not limited to work and professional activities; they relate to human rights that are part of the Universal Declaration of Human Rights.

## 6 GENERAL CONCLUSION

The involvement of social partners (European and national) in the European Semester and in key political projects is a topic of attention for EU institutions, especially since the “New start for social dialogue” initiative launched under the Juncker Commission. However, all recent analyses converge in presenting the uneven practices of social dialogue and social partners’ involvement in the implementation of European political projects at national level, along with room for improvement in the participation of social partners and social dialogue mechanisms in the semester governance framework. Official discourses and policy documents support the idea of better involvement of social dialogue and social partners’ participation, but there are as yet no formal links between social dialogue structures and the semester framework. The question of how to make these connections has been little answered so far. The study of three political projects in the framework of this report demonstrated that the main stakes are the quality and the timing of involvement, along with the impact of the outcomes that can be expected from social partners and social dialogue structures. To secure social partners’ involvement in the development of key political projects and their implementation, there is a need to include social dialogue structures in the current mode of European governance focus on the semester.

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