

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

**The European Pillar of Social Rights,
the European Green Deal,
the Recovery and Resilience Plans**

European Centre
for Workers' Questions (EZA)

Anne Guisset & Karolien Lenaerts



The report *“Participation of trade unions and involvement of social dialogue in key political projects. The European Pillar of Social Rights, the European Green Deal, the Recovery and Resilience Plans”* has been funded by the European Union and has been realised with the work contributed by HIVA (Onderzoeksinstituut voor Arbeid en Samenleving) and the European Centre of Workers' Questions (EZA).

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Shaker Verlag
Düren 2022

**Bibliographical data published by the Deutsche Nationalbibliothek –
German National Library.**

The German National Library lists this publication in the German National Bibliography; detailed bibliographical information is available on the Internet at <http://dnb.d-nb.de>

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Printed in Germany.

Typesetting and layout: HellaDesign, D – 79312 Emmendingen,
www.helladesign.de, helladesign@web.de

ISBN 978-3-8440-9039-0

Shaker Verlag GmbH
Am Langen Graben 15a
D – 52353 Düren
Telefon: 02421/99011 0
Telefax: 02421/99011-9
Internet: www.shaker.de
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ABSTRACT

On behalf of the EZA educational programme European social dialogue 2021/22, this scientific report focuses on the socio-economic governance of the EU and the institutional management of three key political projects: the European Pillar of Social Rights (EPSR) and its implementation, the European Green Deal (EGD) and the Recovery and Resilience Plans (RRP) to be implemented in the Member States in the aftermath of the coronavirus pandemic. On the basis of this political background, the report seeks to identify venues as well as opportunities and barriers for social dialogue involvement and social partners' participation. This approach allows the developments of recommended actions that can be used by workers' organisations as part of the social dialogue to pursue sustained effective actions as well as strategically contributing their knowledge and experience to the key political projects listed above.

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LIST OF ABBREVIATIONS

CEEP	Centre of Employers and Enterprises providing Public Services and Services of General Interest
CSO	Civil society organisation
CSRs	Country Specific Recommendations
DG	Directorate General
DG ECFIN	Directorate General for Economic and Financial Affairs
DG EMPL	Directorate General Employment, Social Affairs and Inclusion
EESC	European Economic and Social Committee
EGD	European Green Deal
EMCO	Employment Committee
EPSR	European Pillar of Social Rights
ESF	European Social Fund
ESG	European Semester group
ETUC	European Trade Union Confederation
EU	European Union
GHG	Greenhouse gas emissions
ILO	International Labour Organisation
JTF	Just Transition Fund
JTM	Just Transition Mechanism
MFF	Multiannual Financial Framework
MS	Member State
NECP	National Energy and Climate Plan
NRP	National Reform Programme
OECD	Organisation for Economic Co-operation and Development
OMC	Open Method of Coordination
RRF	Recovery and Resilience Facility
RRP	Recovery and Resilience Plan
SDGs	Sustainable Development Goals
SEA	Single European Act
SIGI	Services of General Interest
SPC	Social Protection Committee
TFEU	Treaty on the Functioning of the European Union
TJTP	Territorial Just Transition Plan
UEAPME	European Association of Craft, Small and Medium-sized Enterprises

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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 counter-balance 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 coronavirus crisis. 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.

Such contributions from trade unions 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). It could be asked if 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.

The first step in such an investigation, which is the purpose of this report, is to review the types of involvement and participation that are available to social dialogue and social partners (including trade unions) in the framework of these key political projects. The presentation of the EPSR, the EGD and the RRP in the report are, therefore, framed to highlight processes involving social dialogue and social partners. This approach is grounded on social partners' repertoire of institutionalised actions and representation (Tilly, 1984). To do so, in the second step, the three key political projects (EPSR, EGD, RRP) are presented and scrutinised from a governance perspective in order to identify possible venues for social dialogue and social partners' involvement in each of them.

This paper is divided into four parts. The first part provides definitions of key concepts that are mobilised across the entire report. The second part presents

the institutional background and the features of the current European governance framework (based on the European Semester). It highlights governance features related to key political projects that EU institutions are running. It also identifies the changing trends in European governance since the economic and financial crisis starting in 2008. Another part of the institutional background focuses on social dialogue and presents its latest state of play along with the space allocated to social dialogue and social partners' involvement within the European Semester. The third part of the report then presents an analysis of the three 'key political projects' from a social dialogue involvement perspective, with a peculiar attention to the role of trade unions at the European and national levels. The fourth part discusses the pivotal role of the European Semester as institutional cornerstone in the governance of key political projects. Conditions to strengthen trade unions' participation and social dialogue involvement are also examined in this last chapter. From a methodological perspective, the report is based on a qualitative analysis of policy documents and scientific literature as well as selected interviews with social partners' representatives and EU civil servants.

1 CONCEPTS AND DEFINITIONS

One distinctive feature characterising social sciences is the oscillation between objectivity and subjectivity while analysing 'the social reality' (Bourdieu, 1989). This rich yet ambivalent feature of social sciences allows the coexistence of different meanings to studied objects. To mitigate the risk of misunderstandings regarding the terminology of the concepts used in an analysis, it is therefore useful to properly define them. Therefore, this first chapter provides ad hoc definitions of key concepts used in this report.

1.1 Social dialogue

Social dialogue encompasses a broad range of practices across national cultures. However, some common features can be distinguished regarding its organisation. Workplace social dialogue is the form of social dialogue that is the closest to the workers. It takes place in collective structures of participation where workers are represented. The very existence of social dialogue implies the recognition of trade unions by the employer. Information and consultation rights are, therefore, conveyed through this channel, as well as collective bargaining on central economic topics of the employment relationship such as wages, working time and contracts (Van Gyes *et al.*, 2015).

In addition to workplace social dialogue, trade unions are also involved in other structures of consultation and collective bargaining. First, at the sectoral and cross-sectoral level. These structures traditionally handle discussions and negotiations that are closely related to the employment relationship. In that respect, social dialogue can be defined according to the words of Eurofound as *'Negotiations, consultations, joint actions, discussions and information-sharing involving employers and workers. Well-functioning social dialogue is a key tool in shaping working conditions, involving a variety of actors at various levels. It balances the interests of workers and employers and contributes to both economic competitiveness and social cohesion.'* (Social Dialogue | Eurofound, n.d.).

Second, and in addition to these structures, social dialogue also unfolds in more political bodies that are aimed to connect trade unions and employers' organisations to policymaking by governments and decision makers. Such institutional bodies are, for example, economic and social councils that can exist at every institutional level, from local to international. This broader conception of social dialogue can be understood as

'All types of negotiation, consultation or simply exchange of information between, or among, representatives of governments, employers and workers, on issues of common interest relating to economic and social policy. (...) The main goal of social dialogue itself is to promote consensus building and democratic involvement among the main stakeholders in the world of work. Successful social dialogue structures and processes have the potential to resolve important economic and social issues, encourage good governance, advance social and industrial peace and stability and boost economic progress.' (International Labour Organisation, n.d.).

This report focuses on social dialogue involvement at the political level in policies and groups of policies that are larger than the pure employment relationship and its components. Therefore, this is the latest definition of social dialogue that is taken into account in this report. This allows us to consider social dialogue involvement in a more open perspective, including opportunities to strengthen and to further develop it within political institutions and decision making processes.

1.2 Social partners

Social partners refers to trade unions and employers' organisations that take part in social dialogue institutional arrangements, irrespective of the level of social dialogue. The designation of trade unions and employers' organisations as social partners emphasises their role in socio-economic governance, as recognised interlocutors of public authorities. Indeed, in

'most EU Member States, they shape working conditions and influence social policy, either through collective bargaining or tripartite social dialogue. They are interlocking parts in a multilevel system of governance that includes the European, national, sectoral, regional (provincial or local), company and establishment levels.' (Eurofound, n.d.).

Social partners access social dialogue structures because they meet representation criteria established by public authorities. This means that social partners are officially recognised by law. Recognition criteria differ from one country to another, but usually refer to the representativeness of trade unions and employers' organisations that are labelled social partners. The recognition of trade unions and employers' organisations entails several responsibilities that differ from one country to another, depending on the competence allocated to social dialogue structures: from consultative bodies to decision taking structures, or else responsible for policy implementation.

At the EU level, the term 'European social partners' specifically refers to organisations that are engaged in European social dialogue, provided for under Articles 154 and 155 of the Treaty on the Functioning of the European Union (TFEU) (Eurofound, n.d.). In this report, it is the cross-sectoral social partners at the EU level and in the Member States that are considered by default. If references are made to other types of social partners, this will be specified.

1.3 Civil society, civil society organisations, civil dialogue

In a triangular conception of society, 'civil society' encompasses all forms of organisations that belong neither to the state nor the market. Organisations that constitute civil society are usually non-profit and voluntary, even if they can be highly professionalised. They can be organised on a local, national, European or international level. Civil society organisations (CSOs) are involved into politics as they 'perform a variety of services and humanitarian functions, bring citizens' concerns to governments, monitor policies, and encourage political participation at the community level' (United Nations, n.d.). Civil society organisations also provide analysis and expertise to their members, the broad public and political institutions. They encompass a variety of interests on the basis of which they build advocacy activities. In that respect, CSOs can also be considered as interest groups.

Civil society is a key component of European politics. It is part of the European institutions' way of working to engage in their relationship with civil society

organisations in an attempt to overcome the democratic deficit and to narrow the gap between the EU bubble and its citizens (Koutroubas & Lits, 2011). At the EU level, institutions use civil dialogue structures to fill democratic gaps and to receive stakeholders' expertise (Bouwen, 2004). Indeed, civil dialogue is a concept that emerges at EU level and translates the institutional willingness to take decisions based on consultations with stakeholders from civil society.

Civil dialogue is based on extensive consultation processes between CSOs and decision makers. Social dialogue also refers to consultative processes but other dynamics are also involved and in particular collective bargaining. As a result, civil dialogue and social dialogue have interconnections when it comes to consultative processes but social dialogue goes further in terms of social partners' involvement in the decision making process.

At the European level, an overlap is made between civil and social dialogue within the European Economic and Social Committee (EESC), which gathers both workers and employers representatives, but also various CSOs in a third category. The composition of the EESC blurs lines between social and civil dialogue. On the one hand, social partners are recognised and represented following a traditional bipartite organisation (workers representatives on one side, employers' representatives on the other side), and on the other hand, the EESC's competences are purely consultative (no collective bargaining involved) and CSOs are represented in a third side of the triangle. As a consequence, the EESC as 'civil dialogue remains a rather ambiguous notion, seen as being both different from and including 'social dialogue' (De Munck *et al.*, 2012, p. 149).

Excepting the ambiguous EESC, civil dialogue unfolds outside social dialogue structures. It takes the form of consultation processes that are organised in various policy domains (energy, health, food security, etc.) (Jarman, 2011). Participants in civil dialogue are concerned stakeholders amongst CSOs, and policy-makers. CSOs mostly take part in ad hoc consultations launched by EU institutions when developing new policies. The stakeholders are always clearly identifiable or definable because they are involved in a various range of processes (from open public consultation procedures to closed consultative bodies), including at the national level. Most often those bodies are consultative and produce outcomes that are non-binding for decision makers.

In the above triangular conception of society (Market-State-Civil Society), CSOs also encompass trade unions and employers' organisations. In this report, however, social partners (trade unions and employers' organisations) are specifically distinguished from CSOs as they hold a peculiar recognition based on the constituency they represent that provides them with a privileged access to social dialogue bodies. In policymaking processes, these two types of actors are also distinguished, although EU institutions advocate consulting them both.

1.4 Involvement

In democratic societies, political decision makers work together with stakeholders (e.g. social partners, CSOs) to design and implement policies. This collaboration can take various forms depending on stakeholders' level of involvement. To distinguish the degrees of involvement from one another, we have situated them in relation to each other on a 'ladder of involvement'. This process is directly inspired by the 'Ladder of Citizen Participation' developed by Arnstein in 1969 (Arnstein, 1969). This is a typology that aims to categorise the different types of citizen participation observed by the researcher. Through this process Arnstein (1969) demonstrates, on the basis of example situations, that the existence of participation mechanisms does not automatically lead to real control by citizens over decision making, due to a lack of delegation of power to them. Control over the final decision making process is the last rung of Arnstein's scale, the optimum of participation. The previous rungs represent the other types of participation, ordered gradually according to the power that the actors can claim over the final political decision. Through the ladder, Arnstein (1969) shows the instrumentalisation and counterproductive nature of certain participatory mechanisms that leave power in the hands of the political decision makers. Arnstein's ladder is set in the context of citizen (individual) participation, mainly in the field of public health and urban development, in the United States in the 1960s. All these elements distinguish Arnstein's fieldwork from the involvement of CSOs and social partners in European decision making processes. Nevertheless, the ladder of involvement (Figure 1.1) is close to Arnstein's original scale in its gradual presentation of participation, the resulting distribution of power, and the extent of actors' control over the decision, its adoption and implementation.

Figure 1.1 Ladder of involvement



The different levels of the ‘ladder of involvement’ allow distinguishing types of involvement. The ladder should serve as an analytical lens that links involvement types with the expected role in the decision taking. The lower end of the ladder signals less control over the final policy decision, while the upper end describes formal shared control (in this case, between social partners and EU institutions) over the decision making process, its content and its implementation. Its graduation into steps indicates the cumulative nature of the practices: actors at higher levels have the choice of adopting practices at lower levels, while the opposite does not occur.

Grassroots actions (for instance calls for strike action or in the case of trade unions, demonstrations) imply a range of bottom-up actions that the stakeholders choose to conduct in order to influence the political agenda, the content of policies, or to raise awareness among the general public as well as among decision makers. Grassroots actions are organised without going directly through the formal channels of participation.

Lobbying practices are more narrowly directed at decision makers and aimed at directly shaping public policies (Beyers *et al.*, 2008). Stakeholders use lobbying practices for communicating on their positions and attempting to influence decision makers regarding their agenda or the content of the decisions. They focus on a particular issue, in line with the interests they defend and can use various strategies to convey their message to the institutions (Binderkrantz &

Krøyer, 2012). They communicate these positions to the decision makers in charge of the adoption of a regulation during the legislative process leading to the adoption of the policy. Lobbying practices can take various forms including expert knowledge that will be used in consultative processes.

Grassroots actions and lobbying practices can provide various degrees of influence to the stakeholders on decision taking, depending on the context and their resources.

Consultation is the main regime of stakeholder involvement at EU level. Unlike grassroots actions and lobbying practices, consultations are initiated by institutional actors. Consultation practices in the European institutions are enshrined in Article 11 of the Treaty on European Union (TEU).

Article 11, paragraphs 1-3 (Treaty on the European Union)

1. The institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action.
2. The institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society.
3. The European Commission shall carry out broad consultations with parties concerned in order to ensure that the Union's actions are coherent and transparent

This article clearly states that consultation and dialogue have to be organised between EU institutions and relevant representative CSOs for the sake of transparency and coherence of the EU's actions. Stakeholders' contributions constitute the outcome of consultation processes and can be used by the public authorities that initiated the consultation to feed the content of policies, to provide feedback on their implementation, or to raise attention to peculiar aspects important in the eyes of consulted stakeholders.

Finally, **concertation** and **collective bargaining** express different forms of co-decision between stakeholders (in this case: social partners) and public authorities. Concertation refers to discussion practices that allow the production of joint declarations, joint position papers, common strategies, etc.

Regarding social partners' involvement, concertation often takes place in tripartite bodies. Collective bargaining is the kind of involvement that provides the most autonomy to social partners since it gives a legal recognition to the outcome of the negotiation in the form of a collective agreement. These types of involvement genuinely allow institutional players to share decision making with social partners (Ebbinghaus, 2010). Outside of the social dialogue framework, such degree of involvement can be referred to as 'co-decision'.

This report focuses on types of 'institutional' involvement, meaning the formal channels of involvement that are organised within the European governance framework. It includes consultation, concertation and collective bargaining.

2 INSTITUTIONAL OVERVIEW: THE EVOLUTION OF GOVERNANCE IN THE EU, INVOLVEMENT OF SOCIAL DIALOGUE AND SOCIAL PARTNERS' PARTICIPATION

This chapter aims at presenting the main features of the European Union mode of governance starting in 2008 from the economic and financial crisis onwards, along with the state of play of social dialogue as part of this governance framework. In the decade 2010–2020, a new governance architecture emerged around the European Semester. The European Semester is since then the coordination mechanism that is used to handle the EU's key political projects such as the European Pillar of Social Rights, the European Green Deal, and the Recovery and Resilience Plans. The first section of this chapter offers an overview of the evolution of the socio-economic governance in the EU before and after the arrival of the European Semester. The second section presents social dialogue and social partners' involvement in the European Semester.

2.1 Governance in the EU: drivers, key features, evolution

The governance style of the EU has evolved across its history. There was a change in the last decade in how economic and social policies are adopted. The economic and financial crisis starting in 2008 emphasised the discrepancies across EU Member States, including disputes on the management of the sovereign debt crisis (Heins & de la Porte, 2015). *'At a macro level, the (...) crisis revealed that the socio-economic convergence the founders of the EMU had hoped for had not taken place'* (Crespy, 2020 p. 135).

The difficulties of the EU in responding quickly to the consequences of economic and financial crisis played a role in the gradual development of a new mode of governance. At the time of this 'Great Recession', the choice of austerity was made, under the aegis of the Eurogroup, a body with no legal basis in the treaties, which brings together the finance ministers of the Member States. Since then, it has been recognised that this strategy has been self-defeating and insufficient to solve problems such as the explosion in youth unemployment and the devaluation of public services (Crespy, 2020). With the arrival of Jean-Claude Juncker as President of the European Commission in 2014, followed by Ursula von der Leyen in 2019, there has been a shift in the direction of European governance away from austerity policies. It is now recognised that attention to fiscal regulation and control on the public debts must be accompanied by investment in structural reforms to boost growth in the medium term as well as addressing social inequalities and fostering social cohesion.

2.1.1 The Lisbon strategy and the open method of coordination

Historically, social policies remain the prerogative of the Member States, while economic policies are the driver of European integration. Member states have to design their social policies at national level while taking into account the framework brought by European economic integration and liberalisation (through the free movement of persons, goods, services and capital) on which they agreed at European level. One of the consequences is that social policies remain mainly at the national level, in the shadow of EU law (Scharpf, 2002). For some time, social policies were rather used as adjustments by Member States to comply with the economic obligations they have towards the EU. This situation was noticeable starting from the 1980s, when economic integration was deepened (with the creation of the internal market with the Single European Act in 1986) and EU competition law was on the rise to ensure the harmonisation and mutual recognition to remove the non-tariff barriers on nationally-differing product standards (Moravcsik, 1991). By agreeing on deepening EU integration, Member States were constrained in their ability to influence their own economies and to invest in social policies. A clear decoupling could, therefore, be observed between economic and social policies resulting in a 'constitutional asymmetry' in the way these policies were governed with the EU on one side and the Member States on the other (Scharpf, 2002).

Although social policies remained primarily in the hands of the Member States, the Open Method of Coordination (OMC) allowed them to coordinate their objectives on a voluntary basis and to learn from each other's practices. OMC was formally implemented at the Lisbon Summit in March 2000, but it was already in use before this. At this summit, the Lisbon Strategy was adopted (European Council, 2000). The aim of the Lisbon Strategy was to set out the broad economic, social and environmental guidelines for the European Union. These three pillars of the Lisbon Strategy already echoed the EU's current political projects (EPSR, EGD, RRP). The Lisbon Strategy illustrates the need to rethink the economy in the context of global competition, basing it on innovation as a growth model. On the environmental front, the Lisbon Strategy emphasises the need to decouple economic growth from the use of fossil resources. Furthermore, the social pillar of the Lisbon Strategy advocates combating social exclusion by encouraging investment in human resources (Bongardt & Torres, 2012). Regarding this latest pillar, the Lisbon Summit listed topics about which OMC could be practised, among them social protection and social policies.

With the OMC, ultimate policy choices remained at the national level. Achieving European legislation is not part of the OMC's missions, quite the opposite. The objective with the OMC is to reach non-binding outcomes that provide incentives for Member States to work together. The purpose of OMC is, therefore, to jointly define issues, policy objectives, and to reach agreements on common goals and common indicators of achievement on the basis of which national policy choices will be pursued. The OMC is based on voluntary cooperation between the Member States. There are no formal sanctions against Member States whose performance does not match the agreed standards. In this regard, some of the OMC's features paved the way for its limitations. Namely, the OMC process depends on the willingness of national actors to participate and comply. Yet, not all the Member States start from the same socio-economic situation nor come from the same traditions of welfare statism. Taking inputs from the OMC into account is, therefore, easier for some than for others. Policy objectives and practices promoted through the OMC are also constrained in that they have to avoid challenging the *acquis* of the internal market and the monetary union. Designing social policies at national level on the basis of OMC inputs brought, therefore, at least two constraints on the MS: path dependency resistance depending on welfare state regimes, and down-

ward pressures of economic competition coming from European institutions (Vanhercke & Lelie, 2010).

2.1.2 The Europe 2020 Strategy and the creation of the European Semester

The Lisbon Strategy and its ambitions were continued from 2010 onwards by the Europe 2020 Strategy (European Commission, 2010a). The Europe 2020 Strategy covers the period 2010–2020. It showed continuity with the Lisbon Strategy, while emphasising the need for growth to be sustainable (Lundvall & Lorenz, 2011). To achieve the ambitions of the Europe 2020 Strategy, the Commission relied on the implementation of a policy coordination instrument: the European Semester. In the scope of the Europe 2020 Strategy, the European Semester's missions were the monitoring of economic reforms within the MS and the surveillance of their public debt and fiscal policy.

The economic and financial crisis starting in 2008 exposed EU weaknesses and failures in absorbing shocks. In the face of this, European leaders decided to discuss the implementation of a new economic governance framework in order to monitor the budgetary discipline of the Member States as well as strengthening multilateral monitoring and European economic coordination. From May 2010, the Commission announced its desire to create a European Semester, which gives the European Union greater scrutiny over state budgets (European Commission, 2010b). Member states commit to take convergent measures and to coordinate their fiscal policies with four objectives in mind: fostering competitiveness by controlling the evolution of labour costs and by re-examining fixing of wages; promoting employment through reforms of labour markets and education and training systems; ensuring the sustainability of public finances through reforms of the pensions, health care and social security systems and finally strengthening financial stability.

This new governance framework was launched in 2011 under the name 'European Semester' (Official Journal of the European Union, 2011). With the European Semester, the European Council, on the basis of recommendations from the European Commission, assigns structural reforms for Member States that go far beyond budgetary and fiscal issues. In that regard, the creation of

the semester also provided a new window of opportunity to develop the EU social dimension. In particular, this concerns the labour market, while social cohesion appears to be less present: recommendations formulated in the framework of the European Semester tackle issues such as training and wage negotiation, pensions or policies to foster employment integration. However, the attention dedicated to some social issues did not bring any changes regarding the fact that social policies were still subordinated to imperatives of economic competitiveness and fiscal discipline (Crespy & Menz, 2015).

The semester stages are anchored in a systematic timeline that repeats itself every year. It consists of an annual cycle of coordination of economic policies and ex-ante budgetary surveillance of the Member States. The main actors in the operational management of the semester are the European Commission with the Directorate General for Employment, Social Affairs and Inclusion (DG EMPL) and Directorate General for Economic and Financial Affairs (DG ECFIN). The semester cycle begins every year in the autumn of the previous year (e.g. the 2022 European Semester cycle began in autumn 2021). The Commission intensifies budgetary surveillance on the Member States of the eurozone, which must present their budgetary plans for the following year. In November, the Commission then launches the annual semester process by publishing:

- the Annual Sustainable¹ Growth Strategy (defining the EU's economic and social priorities);
- the alert mechanism report (starting point for the procedure on macroeconomic imbalances in selected Member States);
- the joint employment report (analysing the EU's situation in social and employment matters);
- a recommendation for the euro area (raising critical issues for the eurozone and concrete measures that can be implemented by Member States to address them);
- an opinion on Member States' draft budgetary plans submitted earlier and their compliance with the fiscal requirement included in the Stability and Growth Pact. Opinions are expected to be taken into account by

1 Until its 2019 version, this document was titled 'Annual Growth Survey'. From the 2020 version onwards and with the inclusion of the EGD targets under the European Semester coordination scope, this document is entitled 'Annual Sustainable Growth Strategy'.

Member States in their budget finalisation for the following year. This way the Commission provides a framework for orientation and monitoring even before Member States establish their final budget for the following year.

The publication of these documents by the Commission is called the Autumn Package. The Autumn Package is followed by the Winter Package in February, which includes country reports in which the Commission assesses Member States' performance regarding Country-specific recommendations (CSRs) that they received during the previous cycle of the European Semester. In-depth reviews of Member States concerned with the Alert Mechanism report are also provided in the Winter Package. In April, the Member States submit to the European Commission their national reform programmes (NRP) and their stability programmes (three-year budgetary plans presented by Member States in the euro area) or convergence programmes (for Member States outside the euro area). In these programmes, countries present the specific policies that they implement and intend to adopt in line with the Commission's Annual Strategy. They also present their plans to ensure compliance with the recommendations issued by the Council the previous year and with EU budgetary rules. The Commission then examines the plans submitted by the Member States and presents a series of Country Specific Recommendations (CSRs) in May. CSRs are drafted by the Commission and then discussed by Member States in the Council and ultimately approved by EU leaders in June, to be adopted by finance ministers in July. This last round of operations from May to July (called the Spring Package) ends the yearly semester.

Since its creation, the semester has encountered several substantive and procedural changes. From a governance perspective, rebalances have been made within the triangle of economic-social-environmental policies. The triangle summits represent the three priorities of the EU institutions over the last 20 years. Yet, it has been identified as a trilemma from which European institutions emerged in the past by favouring the economic dimension (Pochet, 2010). Consequently, in the past, the focus was put solely on macro-economic and fiscal policies, making implicit but significant the subordination of social goals to the rules of the EU fiscal disciplines (Dawson, 2018). Then, increasing attention was paid to social policies and that allowed a growing participation of 'social' actors within the semester (Zeitlin & Vanhercke, 2018). More recent-

ly, new processes have also been initiated in the realm of the mitigation of the coronavirus crisis with the semester as coordinating mechanism of Recovery and Resilience Plans.

From a governance perspective, the semester acts as an articulating tool that allows linking the priorities established by the EU institutions in their annual and pluriannual strategies and key political projects with recommendations to the Member States. As a result, the European Semester is used by EU institutions – in particular the Commission and the Council – as an integrative tool to coordinate political projects and to ensure their implementation. The European Commission repeatedly mentions that the semester follows up on the implementation of targets that can be found within projects such as the EGD (European Commission, 2019a), the EPSR (European Commission, 2021b), the Sustainable Development Goals (SDGs) (European Commission, 2019b), and more recently the Recovery and Resilience Facility which is the financial instrument at the foundation of RRP (Official Journal of the European Union, 2021c). This is why the semester can be considered as the cornerstone of the current governance in the EU towards which the social partners' efforts to strengthen their involvement in EU politics can be directed.

This governance architecture developed in the aftermath of the economic and financial crisis based on fiscal and budgetary surveillance of the Member States through the semester was shaken by the coronavirus crisis. Unprecedented safety nets have been spanned by the EU as an immediate response to the consequences of the pandemic on the economies and labour markets in the Member States (Lindner, 2022). In addition, temporary relaxation has been organised of the fiscal and budgetary rules. A general escape clause is included in the Stability and Growth Pact, allowing the rules of fiscal discipline to be suspended temporarily (initially up to 2022, since extended to 2023 to cope with the effects of the war in Ukraine). This suspension allows national governments to inject public money into the economy to protect the labour market (in the form of subsidies to companies, for example) (Gómez Urquijo, 2021). Then, the adoption of strategies for recovery, such as the Recovery and Resilience Plans, indicates a change of direction from the European institutions' perspective: the EU regulatory approach will be complemented with a redistributive dimension (Ladi & Tsarouhas, 2020). Before investigating how this redistributive dimension could be translated in key polit-

ical projects in Chapter 3, the following section presents the organisation of social dialogue and social partners' involvement in the framework of the European Semester.

2.2 Social dialogue and social partners' involvement

Policymaking in the EU is based on a culture of intermediation encouraging stakeholders' consultation as explained in Section 2.2.1. This feature of European politics is relevant to keep in mind when reflecting on the peculiar involvement of social dialogue and social partners in EU politics. Social dialogue and social partners' involvement evolve following the willingness of the presidents of the European Commission to promote it (2.2.2). Social partners' involvement takes an additional form in the framework of the European Semester. Section 2.2.3 describes what it entails.

2.2.1 Stakeholder's consultation

In November 2021, the European Commission adopted its 'Better Regulation' guidelines (European Commission, 2021n). This document lists instruments that the Commission staff are to use when designing new regulations. It calls for 'evidence-informed policymaking, a stronger approach to stakeholder consultation, burden reduction and the analysis of key impacts, and the integration of strategic foresight' (European Commission, 2021c p. 3). In the Better Regulation guidelines, the Commission calls for a comprehensive involvement of stakeholders in policymaking via stakeholders' consultation. Stakeholders are identified as those affected by the policy, those who will have to implement it, those who have a stated interest in the policy (European Commission, 2021c, p. 77). Policymaking processes involve four phases: preparation, adoption, implementation, and application. The Better Regulation guidelines indicate which type of stakeholders' involvement is appreciated according to the phase of the process. The objectives of stakeholders' consultation differ in the preparation phase (gathering relevant evidence, views, data) and in the implementation and application phases (reviewing the policies and collect feedback). The Better Regulation guidelines are combined with an extensive toolbox (European Commission, 2021m) that details how to implement the guide-

lines. In the case of stakeholders' consultation, the toolbox details how to design the consultation process (duration, formulation of questions, etc.) to achieve insightful results. It also lists 'minimum standards' to identify relevant stakeholders to include in the consultation process.

European institutions also encourage the Member States to consult with relevant stakeholders, organised at the national and infra-national levels. In different policy packages (such as the EPSR, the EGD, the RRP), such consultations are required in the formulation process of national contributions. In that regard, good practices can be highlighted, but most research reports inconsistency in stakeholders' involvement across the Member States (Caimi & Fintan, 2020; Contreras & Sanz, 2022). For instance, the EESC organised consultations on the involvement of social partners and CSOs in the National Recovery and Resilience Plans in January 2021. The results of the consultation pointed to a lack of real participation from CSOs and social partners in some Member States. When consultations are organised, CSOs and social partners have to face obstacles such as insufficient time to provide their contributions, or the cosmetic aspect of consultation trying to hide the apparent unwillingness of some national governments to include CSOs and social partners' contribution in the drafting of the plans (European Economic and Social Committee, 2021). The lack of organised involvement by national governments leads some CSOs and social partners (among others, the ETUC) to advocate for a true assessment by the Commission of national consultation practices in the evaluation of plans and programmes (such as the National Resilience and Recovery Plans or National Energy and Climate Plans) to be submitted by the Member States.

In comparison with CSOs, social partners have additional levers to be involved in policymaking. To begin with, their role in social dialogue structures provides them with an automatic right to be consulted on certain subjects. At the EU level, Article 154 of the TFEU enshrines social partners' rights to be consulted before EU institutions take action in the social field. An overview of social dialogue structures at the EU level is further presented in the next section.

2.2.2 The European Union and social dialogue: some history and the state of play

Spillover theories of European integration indicate that the deepening of economic integration would have a spillover effect on other policy domains, such as social policy, entailing the participation of social actors (Falkner, 1998). However, the spillover effect on the social policy domain and social dialogue as one of its instruments appears to be rather soft at the European level (Prosser, 2016). One of the reasons lies in the intergovernmentalist thinking that sees the Member States as primarily responsible for the social protection of citizens and workers. However, the existence of European social partners and European social dialogue bodies demonstrate that at least some parts of the social policy domain can be negotiated at EU level, even though the room for manoeuvre is limited.

The history of European social dialogue goes back to the 1970s. Before Delors' ambition to establish a European social dialogue, social partners' representatives were involved in sectoral joint committees and tripartite meetings on the development of European construction. Since the 1980s there have been attempts to push social integration forward. The idea behind this is to re-establish a balance (or correcting the asymmetry) between economic interests (market-making) and social interests (market-correcting) (Scharpf, 2002). As President of the Commission, Jacques Delors promised to develop a social dimension alongside economic integration, in an attempt to avoid social dumping by establishing common social standards. However, agreements on further integration of social Europe were impossible to reach because of the economic and social diversity between Member States (especially following the enlargements). Nevertheless, Delors' Commission achieved laying the foundations for the future of the European social dialogue in the Single European Act (SEA) in 1986. Article 118b of the SEA formally recognised European social partners and stipulates that the European Commission has to endeavour to develop social dialogue at European level. These provisions mirrored Delors' intention to associate European social partners with the political projects of the Commission (Didry, 2009).

After the summit of Val Duchesse organised by Delors in 1985, tripartite meetings were organised between the European social partners and representa-

tives from the Commission. European social partners also gathered in working groups led by the European Commission. These working groups (working on topics such as 'New technologies and social dialogue' and 'Macroeconomics') produced joint opinions, without any legal value (Henni, 2001). During the period between 1985 and the end of the eighties, the bipartite relationship between European social partners grew stronger. In 1991, in the framework of the preparatory discussions for the Maastricht Treaty, the European social partners discussed the way to give a legal basis to the social partners' involvement in the legislative process. The Agreement of 31 October 1991, and the Agreement on Social Policy annexed to the Protocol on Social Policy of the Treaty of Maastricht, officially institutionalise European social dialogue. Thus establishing the formal role of the European social partners in the legislative process.

This formal involvement of social partners is today enshrined in Articles 151-155 of the Treaty on the Functioning of the European Union (TFEU). These articles provide legal recognition and legitimacy to European social dialogue as well as the autonomy of European social partners to negotiate agreements in the framework of the social dialogue. Article 154, in particular, states the obligation of the Commission to consult the European social partners prior to taking action in the social field. The precise issues on which social partners must be consulted are detailed in Article 153 TFEU:

- (a) improvement in particular of the working environment to protect workers' health and safety;
- (b) working conditions;
- (c) social security and social protection of workers;
- (d) protection of workers where their employment contract is terminated;
- (e) the information and consultation of workers;
- (f) representation and collective defence of the interests of workers and employers, including co-determination, subject to Paragraph 5;
- (g) conditions of employment for third-country nationals legally residing in Union territory;
- (h) the integration of persons excluded from the labour market, without prejudice to Article 166;
- (i) equality between men and women with regard to labour market opportunities and treatment at work;

- (j) the combating of social exclusion;
- (k) the modernisation of social protection systems without prejudice to point (c).

Consultations of social partners by the Commission usually unfold in two phases, with a first consultation phase on the opportunity and direction of the initiative, and a second consultation phase on its content. The TFEU articles also state the EU's commitment to supporting and promoting European social dialogue. With regard to collective bargaining, the European social partners are allowed to engage in a bipartite social dialogue on the topic of the initiative, in order to negotiate a collective agreement. The work that is done by European social partners in order to reach collective agreements unfolds within the social dialogue committee. It was set up in 1992 and acts as a bipartite social dialogue body within which social partners meet three to four times a year to exchange views, to discuss, and to negotiate cross-sectoral agreements if possible (Bir, 2019). If they succeed, the collective agreement has legal value. Such agreements constitute a form of governance clearly limited to the sectoral area of the employment relationship and occurring outside of the main political legislative avenues of decision making. If negotiations between European social partners fail and they cannot reach an agreement, the Commission takes over the negotiations and the preparation of the initiative.

The formulation of collective agreements by European social partners has often been characterised as difficult and operating 'in the shadow of hierarchy' (Smismans, 2008). It means that the process and the outcome of social partners' negotiations are influenced by European institutions. For instance, incentives to negotiate between social partners often emerge on the initiative of the Commission. Moreover, implementation of European collective agreements cannot be taken for granted either, when it relies on the procedures and practices of social dialogue at the national level. The implementation often requires the Council to intervene by adopting a directive, as provided for in Article 155. Even if this latest step does not have to be systematically applied, such interventions foster the implementation of collective agreements at the level of the Member States (either by the national social partners or by national governments).

Article 154 TFEU

1. The Commission shall have the task of promoting the consultation of management and labour at Union level and shall take any relevant measure to facilitate their dialogue by ensuring balanced support for the parties.
2. To this end, before submitting proposals in the social policy field, the Commission shall consult management and labour on the possible direction of Union action.
3. If, after such consultation, the Commission considers Union action advisable, it shall consult management and labour on the content of the envisaged proposal. Management and labour shall forward to the Commission an opinion or, where appropriate, a recommendation.
4. On the occasion of the consultation referred to in paragraphs 2 and 3, management and labour may inform the Commission of their wish to initiate the process provided for in Article 155. The duration of this process shall not exceed nine months, unless the management and labour concerned and the Commission decide jointly to extend it.

Article 155 TFEU

1. Should management and labour so desire, the dialogue between them at Union level may lead to contractual relations, including agreements.
2. Agreements concluded at Union level shall be implemented either in accordance with the procedures and practices specific to management and labour and the Member States or, in matters covered by Article 153, at the joint request of the signatory parties, by a Council decision on a proposal from the Commission. The European Parliament shall be informed.
3. The Council shall act unanimously where the agreement in question contains one or more provisions relating to one of the areas for which unanimity is required pursuant to Article 153(2).

Besides the formulation of collective agreements, European social partners are granted consultation rights. This can take place in different institutional bodies and gathering forums:

- the Macroeconomic Dialogue was launched in 1999. Meetings are organised twice a year between European social partners, the European Central Bank, the Commission and the Council. The purpose of these meetings is to exchange views, knowledge and information amongst European decision makers involved in European macroeconomic policies (budgetary, fiscal and wage policies) and European Social partners (indirectly) involved in wage formation;
- Tripartite Social Summits are held every few years, on an irregular basis but mostly twice a year ahead of European Councils meetings. Such summits exist since the early 2000s and were then enshrined in Article 152 of the TFEU;
- participants in the Tripartite Social Summits are the president of the Council, the president of the Commission, the head of the State who held the rotating presidency of the Council of the EU, and the European social partners. Regarding social dialogue, the goal of these summits is to discuss the involvement of social dialogue in supporting European strategies (such as the Lisbon Strategy or Europe 2020) and coordinating national social policies. The European Pillar of Social Rights was launched during a tripartite social summit in Gothenburg in 2017.

At the sectoral level, sectoral committees created by the European Commission exist since the 1960s. Sectoral committees draw up joint opinions intended for the Commission but also constitute reciprocal commitments between sectoral social partners. Sectoral committees are present since the beginnings of the European Economic Community (6 committees: mines, road transport, inland navigation, rail transport, agriculture and fishing). However, since 1998, sectoral social dialogue committees are set up by the Commission (European Commission, 1998). These committees have the ability to formulate sectoral collective agreements to be translated into regulations by the Council. The Commission has constantly encouraged the setting up of sectoral committees (43 today). However, the formulation of sectoral collective agreements has been scarce. The outcomes of these sectoral committees tend to take the form of joint opinions aimed at influencing the work of European institutions. All the joint statements and agreements can be consulted in the European social dialogue database (<https://esddb.eu/en>). Since most results of the sectoral social dialogue are legally non-binding, it raises implementation problems. Ensuring a follow-up on these statements and agreements is complex

for European sectoral organisations. One of the reasons is the low response rate of their affiliates or the conflicting interests between national and European organisations (Keller & Weber, 2011). Besides, there is no implementation assessment system. All these features make the European sectoral social dialogue appear relatively weak in terms of influence in EU politics. However, the European sectoral social dialogue provide avenues for social partners to exchange practices, such as within the liaison committee or liaison forum that gathers together social partners from the different EU sectoral social dialogue committees.

At the cross-sectoral level, the advent of the OMC from the 2000s onwards has been detrimental to the formulation of agreements by European social dialogue structures. To support progress in the social domain, the OMC favoured the formulation of (non-binding) agreements at the European level to be implemented at the national level. In that framework, the role that is expected from social partners changes: the European Commission perceives them as facilitators in the implementation of labour market reforms (Crespy, 2019).

When Jean-Claude Juncker took over the Presidency of the Commission in 2014, the revival of social dialogue was a key element of his programme. This ambition came around the 30th anniversary of the Val Duchesse summit and translated the willingness of the Commission to present social dialogue as a prerequisite for a fair and competitive social market economy (European Commission, 2016a). It was also the opportunity to insist on the necessity of a genuine and responsible involvement of the social partners to make social dialogue work (Welz, 2015). Juncker's Commission attempt to revamp social dialogue has resulted in a 'new start for social dialogue' that took the form of a joint statement agreed between the European Commission, the Dutch presidency of the Council and the European social partners (European Commission et al., 2016). The statement mentions that: 'In the follow-up, the Commission boosted the role of social partners in the European Semester, improved the involvement in policymaking and lawmaking by introducing new forms of social partners' consultations, and placed greater emphasis on capacity building for national social partners in its proposal for the ESF+' (European Commission, 2016a). Since then, the European Commission has been committed to fostering social dialogue involvement also in the EU Semester (European and national level).

More recently, the European Social Pillar Action Plan and the Commission's Work Programme 2022 announced a 'social dialogue initiative' (communication and proposal for a Council recommendation) to be presented in 2022. The initiative will include contributions from a dedicated consultation with social partners.

The Commission will also put forward a Communication to strengthen the social dialogue at EU and national level to support the key role of social partners in fostering a fair economic, social and cohesive recovery and the green, digital and labour market transitions.' (European Commission, 2021j p. 6).

The Commission is also tasked with fostering social dialogue in the Member States. In a number of EU policy frameworks, EU institutions require Member States to consult with national social partners. However, the outlook is not really bright. Social dialogue institutions suffered in the aftermath of the economic and financial crisis (Welz, 2015). Austerity measures – but also the 'new economic governance' – reduced social dialogue involvement in policymaking and, as a result, contributed to the ongoing decline of trade unions' influence (Rathgeb & Tassinari, 2020).

In a recent report aimed at framing proposals to strengthen social dialogue at European and National level, Nahles (2021) formulates a pessimistic diagnosis on social dialogue. Despite support and encouragement from international and European institutions, social dialogue has been under pressure in the last decade, both at EU level and in the Member States. Nahles points out the changing landscape of the labour market as well as non-favourable governments and political decision making processes that carry the risk of weakening social dialogue. At the national level, the variety of 'models' and realities brings an additional difficulty in drafting recommendations on how to strengthen social dialogue. As a result, '(t)he right to be involved often exists on paper only, not in practice' (Nahles, 2021 p. 9).

The latest developments in the history of social dialogue at EU level outline that there is great attention from EU institutions, and especially the Commission, to promote it as well as a willingness to help foster it. However, the direction of the support mainly goes towards consultation of social partners' involvement in European politics, rather than participation as co-decision makers. This is namely the case in the 'new economic governance' that is organised around the European Semester.

2.2.3 Social partners' involvement in the European Semester

Sabato *et al.* (2017) extensively studied the social partners' involvement in the European Semester during the first five years of its existence (2011-2016). This section is mostly based on their findings. In the first years of the semester, social partners were not formally involved in the process. They were at best informed about its developments and outcomes.

Since the arrival of Jean-Claude Juncker as President of the European Commission, the Commission sought to enhance social partners' participation in the semester. The 'New Start for social dialogue' in 2015 has further strengthened the consultation of social partners in the semester. The social partners were granted more time to provide contributions to the different publications produced during the semester cycle; they are consulted prior to the publication of the Annual Sustainable Growth Strategy and they are invited to informal meetings with ministers in the Employment, Social Policy, Health and Consumer Affairs Council (Welz, 2015).

From that point on, formal stages of involvement (through systematic consultation) of social partners in the European Semester were established (Sabato *et al.*, 2017, p. 9-13):

- first, the Commission consults with the European social partners before the publication of the Annual Sustainable Growth Strategy. The positions of each partner are then annexed to the report;
- exchanges on the CSRs between the Commission and European, and national, social partners. The EESC is involved in the organisation of some of these meetings with national social partners;
- European social partners and the Employment Committee (EMCO) meet regularly to discuss the different stages of the ongoing European Semester. For instance, EMCO invites the European social partners for consultation when the country reports are published and when specific recommendations are published, on which they can react on the basis of the inputs of their national members;
- similar meetings unfold between the European social partners and the Social Protection Committee (SPC).

With these channels for involvement, social partners' participation into the European Semester cycle is considered as improved since 2015. Social partners can indeed formulate inputs in a timely manner, ex-ante to the publications (Annual Sustainable Growth Survey, country reports and CSRs) related to the different stages of the European Semester. The ETUC, however, raised the issue that such involvement remains fragmented, with few articulations with existing social dialogue bodies (such as the Macroeconomic Dialogue and the Tripartite Social Summits) (European Trade Union Confederation (ETUC), 2015).

In addition to these different types of involvement, European social partners also discuss the European Semester in regard to topics that usually fall in their arena of consultation in traditional social dialogue venues: the European social dialogue committee, the Tripartite Social Summits, the Macroeconomic Dialogue. However, 'the link between the European Semester and European (and national) social dialogue is still unclear and, to some extent, controversial' (Sabato *et al.*, 2017 p. 22). On the one hand, the involvement (consultation) of social partners in the semester has been improved and formalised. On the other hand, there is a willingness to improve the functioning of the social dialogue structure. Yet, it is not obvious how the two processes can smoothly work together with European institutions having the lead role in the European Semester while social partners have autonomy in social dialogue.

At the national level, the timing of the European Semester frames the work organisation of national governments and national social partners (such as the elaboration of national reform programs). This kind of work, as well as social partners' involvement in it, varies greatly between the Member States. For instance, national social partners can be consulted via the national social and economic councils, via ad hoc committees dedicated to the follow-up of the European Semester's affairs at national level, in tripartite or bilateral meetings with ministers in charge of the follow-up of the semester (Rodríguez Contreras, 2017). Direct contacts between national social partners and the European Commission in the framework of the semester can also be organised, especially through the European Semester group (ESG) within the EESC. The ESG is quite a large group (30 members) that twice a year (autumn and spring) organises a meeting between officials and civil servants of the European Commission and social partners represented in national economic and social councils. These meetings offer a unique venue that allows national civil society

representatives to discuss directly with European Commission staff members. They usually focus on the drafted CSRs published by the Commission on which national civil society representatives express their opinion. The ESG also organises country visits (6 to 7 per year) where members meet with national social partners and CSOs representatives. Both the country visits and the biannual meetings provide inputs on social dialogue and civil society involvement in the decision making processes in each of the MS. More in particular, ESG members also collect feedback regarding the involvement in reforms related to the CSRs. As such, the EESC constitutes a reliable source of knowledge from the field for EU institutions (Crespy, 2019).

There are, nevertheless, several barriers to trade unions' involvement and opportunities to exercise influence in the framework of the semester. The results from the INVOTUNES project on the involvement of national trade unions in the European Semester highlight large divergences between Member States (e.g. whether and how unions are included, on what issues, what strategies are used) (Sabato, 2020). The unions interviewed for the project perceive themselves having little influence on the outcomes of the European Semester process (e.g. national reforms following CSRs), and little to no influence on the agenda setting. Trade unions also report low levels of satisfaction regarding their own impact on the European Semester. These findings are striking, especially considering the European Union's increased focus on the social dimension and the role of the social partners in it, for example as regards the further implementation of the European Pillar of Social Rights (EPSR).

To conclude this chapter, the following paradox may be articulated. On the one hand, European social dialogue, in its current capacity, is not the most effective instrument to push European social policy forward. On the other hand, the involvement of social dialogue and social partners' participation in decision making processes is promoted by EU institutions. The next part of the report presents the main venues for social dialogue and social partners' involvement in three political programmes: the implementation of the European Pillar of Social Rights, the European Green Deal, and the Recovery and Resilience Facility.

3 POLITICAL PROJECTS

This third chapter analyses three key political projects from a governance perspective. This approach allows us to adopt a broad view on each of the projects as well as drawing attention to the constraints and opportunities regarding social dialogue involvement and trade unions' participation. The chapter is organised in three sections, each focusing on a given political project (chronologically ordered by launch date): the European Pillar of Social Rights (2017), the European Green Deal (2019), and lastly the Recovery and Resilience Plans (2021).

3.1 The European Pillar of Social Rights

3.1.1 Presentation of the European Pillar of Social Rights

The economic and social dimensions of the EU have traditionally been seen as separate entities, and it was assumed that social progress would follow as a logical outcome of economic growth. For a long time, the European institutions' social agenda was rather limited and focused on workers' rights whereas 'the European-wide agenda for social investment, in particular, has been left to a large extent to the traditions, willingness and fiscal means of national governments' (Crespy, 2020). At the same time, upward convergence in economic but also social terms is a long-standing political promise of the EU: Member States – and their citizens – joined the EU with the legitimate expectation that this membership would improve their living and working conditions.

In recent decades, substantial and continuous progress has been made towards upward convergence in both dimensions. However, following the economic and financial crisis starting in 2008, EU convergence in some important aspects of Europeans' (working) lives stalled or even reversed. Disparities between Member States increased with economic and financial inequalities, gaps in social protection, increased risk of poverty and unemployment (Eurofound, 2017). As a result of the European debt crisis and the widespread discontent among European citizens on its management by EU institutions, a new – more socially oriented – way of thinking emerged. In the second half of

the 2010s decade, the European Commission expressed a growing concern for social issues in the CSRs (Zeitlin & Vanhercke, 2018). Yet, there were some contradictions in this concern, as some measures required the retrenchment of social benefits (through fiscal discipline) while others encouraged social investments (Crespy, 2020). However, the tone is clearly set in the official narrative and it is now broadly accepted among the EU institutions that economic and social convergence must go hand in hand (European Commission, 2015, 2017b, 2017c). As a result of this commitment, Jean-Claude Juncker announced the development of a European Pillar of Social Rights in its 'State of the Union' speech in 2015. The European Pillar of Social Rights was then launched at the Gothenburg Summit in November 2017 as a major initiative – or 'compass' – to guide, support and promote social progress and inclusion in the EU (European Commission, 2017a). The concept of convergence is one of the cornerstones of the Pillar, based on the principle of social investment in citizens and workers, and is expected to result in both social inclusion and economic growth.

The EPSR serves to deliver more effective social rights for citizens and workers, structured around three main priorities: (1) *Equal opportunities and access to the labour market*, covering education, gender equality and equal opportunities; (2) *Fair working conditions*, addressing labour force structure, labour market dynamics and income; (3) *Social protection and inclusion*, covering fair outcomes through public support and social protection, mainly relating to the provision of services and social safety nets.

With these three priorities, the EPSR aims to build a fairer Europe with a strong social dimension by means of 20 principles to support inclusive and well-functioning labour markets and welfare systems:

Equal opportunities and access to the labour market

- (1) Education, training and life-long learning
- (2) Gender equality
- (3) Equal opportunities
- (4) Active support to employment

Fair working conditions

- (5) Secure and adaptable employment
- (6) Fair wages and adequate minimum wages
- (7) Information about employment conditions and protection in case of dismissals
- (8) Social dialogue and involvement of workers
- (9) Work-life balance
- (10) Healthy, safe and well-adapted work environment and data protection

Social protection and inclusion

- (11) Childcare and support to children
- (12) Adequate Social protection
- (13) Unemployment benefits
- (14) Minimum income
- (15) Old age income and pensions
- (16) Health care
- (17) Inclusion of people with disabilities
- (18) Long-term care
- (19) Housing assistance for the homeless
- (20) Access to essential services

The implementation of these 20 principles involves a mix of hard law (regulations), but mostly soft law (recommendations, guidelines, interpretation framework, etc.). So far, the main pieces of European legislation from the EPSR are the work-life balance directive (Official Journal of the European Union, 2019a) and the Directive on transparent and predictable working conditions (Official Journal of the European Union, 2019b).

Other actions undertaken by EU institutions in the framework of the EPSR include the European Skills Agenda (Principle 1), the Gender Equality Strategy (Principle 2), the EU Anti-Racism Action Plan (Principle 3), the Youth Employment Support package (Principle 4) and a proposal for a Directive on Adequate Minimum Wages (Principle 6), a proposal for a Directive on Pay Transparency (Principle 2) and a new Strategy for the Rights of Persons with Disabilities 2021–2030 (Principle 17), the European Child Guarantee (Principle 11), a new Occupational Safety and Health pluriannual (2021–2027) strategic framework (Principle 10), an initiative to improve the working conditions for people working through digital platforms (Principles 5 and 12), and a European platform to combat homelessness (Principle 19) (European Commission, 2021i).

However, on the basis of the subsidiarity principle, most of the implementation leverages of the EPSR's principles lie in the hands of the Member States (and national social partners, depending on the national systems of industrial relations). The transposition of the EPSR's principles to (infra-) national contexts is therefore one key prerequisite for the EPSR's implementation. The strategy of EU institutions is to push the implementation of the EPSR forward through the European Semester.

To provide incentives to Member States, a support strategy has been set up by the Commission to supervise the EPSR and to foster its implementation (Gómez Urquijo, 2021). The strategy involves:

- endeavours to strengthen EU legislation in the domains in which the EU can legislate, such as the coordination of national social protection systems or occupational health and safety;
- enhancement of national and European social dialogue and capacity building of social partners in the implementation of the EPSR's principles;
- financial support from EU funds (mainly the European Social Fund Plus) to be channelled toward the priorities formulated in the EPSR (Official Journal of the European Union, 2021a);
- the use of the European Commission's European Semester as a procedure for coordination of the implementation of the EPSR in the Member States.

In addition to this strategy, the European Commission has produced two instruments dedicated to the EPSR's implementation.

1. A Social Scoreboard accompanies the Pillar to monitor the Member States' progress in meeting EPSR's goals. Developed by the European Commission in cooperation with the Employment Committee and the Social Protection Committee, the Social Scoreboard provides more than 90 indicators (headline and secondary) to assess the performance of Member States in the three broad priorities of the Pillar. It records the annual level of each indicator and the changes in it, enabling developments in the Member States to be evaluated and key employment and social issues to be identified. The Social Scoreboard complements existing monitoring tools, especially the Employment Performance Monitor and the Social Protection Performance Monitor, and feeds into the policy coordination of the European Semester. The original Social Scoreboard was refined in the EPSR's Action Plan to include missing dimensions in order to cover the EPSR more extensively (Sabato *et al.*, 2018).
2. Following the adoption of the EPSR under the Juncker Commission, the von der Leyen Commission adopted a European Pillar of Social Rights Action Plan in March 2021 (European Commission, 2021b). The purpose of the Action Plan is to push forward the implementation of the EPSR principles, while putting them in line with the green and the digital transitions. Moreover, the Action Plan provides guidance to turn the EPSR's 20 principles into reality. The Action plan also sets three targets to be reached by 2030 (in alignment with the SDGs' timeline):
 - a. at least 78% of the population aged 20 to 64 should be in employment by 2030;
 - b. at least 60% of all adults should participate in training every year;
 - c. the number of people at risk of poverty or social exclusion should be reduced by at least 15 million by 2030.

Next to these targets, the Action Plan proposes the redesign of the Social Scoreboard in order to make monitoring of the implementation process more detailed, to cover the EPSR more extensively alongside linking it more closely to SDGs (European Commission, 2021b). The follow-up of the indicators included in the scoreboard can be followed for each member state on Eurostat.

The EPSR's Action Plan faced criticisms from social actors such as the European Trade Union Confederation (European Trade Union Confederation, 2020a) and the Social Platform (Social Platform, 2021). Criticisms address the Action Plan's ability to deliver the implementation of EPSR's principles (due to the absence of legally binding force) and missing dimensions (both in the EPSR and the Action Plan) for instance related to the protection of intra-EU migrant citizens and workers (Rainone & Aloisi, 2021; Rasnača, 2017).

European institutions' and Member States' willingness to commit to the EPSR implementation via the Action Plan was reiterated at the Porto Social Summit in May 2021. Participants at the Summit (organised during the Portuguese presidency of the Council of the EU) seized the critical moment of the coronavirus crisis to explicitly articulate the social goals from the EPSR with the recovery strategies crisis. In the Porto Social Commitment (the joint declaration concluded after the Summit), the President of the European Commission, the President of the European Parliament, the Portuguese Prime Minister, the European Social Partners and the Social Platform, endorsed the three targets of the Action Plan: (1) at least 78% of the population aged 20 to 64 should be in employment by 2030; (2) at least 60% of all adults should participate in training every year; (3) the number of people at risk of poverty or social exclusion should be reduced by at least 15 million by 2030. The Porto Declaration also confirms European leaders' engagement in a social Europe as well as the importance of social dialogue involvement and social partners' participation to achieve it: 'The social dimension, social dialogue and the active involvement of social partners have always been at the core of a highly competitive social market economy. Our commitment to unity and solidarity also means ensuring equal opportunities for all and that no one is left behind' (European Council, 2021).

3.1.2 Implementation and mode of governance of the EPSR

The 20 principles in the EPSR range from areas where the EU has a clear legislative competence to areas where the competence of the EU is limited or absent. As a result, the EPSR 'goes beyond the limits of the reach of EU law' (Rasnača, 2017 p. 11). In the communication preceding the formal adoption of the EPSR in Gothenburg, the Commission foresaw the enforcement of the Pillar with the help of (four instruments) (European Commission, 2017a):

- 'EU law, with an emphasis on the enforcement of the rich *acquis* already existing to be updated and complemented where necessary';
- 'social dialogue, to engage with and support the work of EU social partners',
- 'policy guidance and recommendation, through the European Semester of economic policy coordination',
- 'financial support, through a diversity of EU funds.'

With these instruments, the EU established a level playing field allowing national (but also local and regional) authorities to endorse and to deliver on the EPSR. Indeed, implementation of the EPSR principles and actions is mainly in the hands of the Member States. It is expected the Member States will design policies in line with the EPSR in cooperation with national social partners. Implementation is organised through soft governance tools, starting with the European Semester that follows up on EPSR principles and the indicators from the Social Scoreboard and embeds them in the formulation of the CSRs. The Social Scoreboard allows the EPSR to be implemented under the semester framework by translating its principles into measurable milestones, objectives and targets. The Social Scoreboard provides in this regard a comparative resource to guide Member States national policies in concrete terms. The Social Scoreboard has been used since the 2018 European Semester cycle: key themes appear in the Annual Growth Survey and a 'social pillar box' is added in the CSRs (Hacker, 2019; Vesan *et al.*, 2021). Thanks to this social pillar box, the socialisation of the European Semester is visible from a procedural point of view. Jean-Claude Juncker, as President of the European Commission, made it explicitly clear that the formulation of CSRs related to social and employment policies should be ultimately done by DG EMPL rather than DG ECFIN. This strengthened the autonomy of DG EMPL on social and employment affairs within the semester and provides guarantees on their visibility in the CSRs (Vesan *et al.*, 2021). There is, however, at least one limitation to this enforcement of the EPSR through the European Semester. Although the economic and social upward convergences are expected to boost each other, each of these dimensions is still (procedurally speaking) treated distinctively within the semester, leading to the 'risk of separate worlds', using separate scoreboards (Pacolet *et al.*, 2018 p. 36).

The EPSR must rely on the effectiveness of the aforementioned instruments and the willingness of the Member States to cooperate in its implementation. Indeed, the adoption of the EPSR alone did not necessarily have a tangible impact on social policy in the EU. Indeed, the two 'legal' documents at the basis of the EPSR (a recommendation and a proclamation) are both soft law instruments without legally binding force (Rasnača, 2017). The ambivalent status of these documents allowed EU institutions to move forward in fashioning the future social dimension of the EU while preserving national sensitivities against too much EU intrusion into national affairs. However, this cautious approach raised doubts amongst social actors regarding the effectiveness of the EPSR implementation. The Action Plan was elaborated make the principles from the EPSR more concrete by providing guidelines regarding their implementation. As such, the Action Plan helps translate the EPSR's principles into measures. In addition to that, a recommendation from the Commission (Effective Active Support to Employment) accompanies the Action Plan and aims at providing guidance to Member States on how they can rely on EU funds to support job creation and transitions following the COVID-19 crisis (European Commission, 2021h). With this recommendation, the Commission aims at anchoring the Action Plan in a long-term perspective, beyond the coronavirus crisis. The Action Plan also states that the implementation of the EPSR principles needs the concerted effort and the involvement of all stakeholders to become a reality: 'all levels of governance, social partners and other actors' (European Commission, 2021a p. 15).

In a study realised on behalf of the EESC (upon request of the Workers' Group), Sabato and colleagues (2018) draw up national strategies for implementing EPSR:

- National Economic and Social councils should play a role in the organisation of the involvement of relevant stakeholders in the implementation of the EPSR. National Economic and Social Councils can also gather information and proposals from the organisations (trade unions, employers' federations, CSOs) that are part of them. Such reports could be communicated (for instance through the EESC) to the EU institutions in order to be taken into account in the Country reports and the CSRs elaborated during the semester;
- National governments could take part in a reporting phase where they would detail how they take EPSR into account in the National Reform Plans they present in the framework of the semester.

As stated in the EPSR's Action plan, most of the social rights included in the EPSR are monitored through the European Semester. As such, the EPSR is perceived as a game changer in the economic coordination of national policies that the semester used to perform (Vanhercke et al., 2018). Since the creation of the EPSR in 2017, one of the missions of the European Semester is to monitor social progress alongside economic ones. To do so, the indicators from the revised Social Scoreboard are used as a tool to mainstream the EPSR principles into the European Semester governance process. The Scoreboard allows measuring the Member States' performance on a series of social dimensions. It can also track progress or decline of national social policy on a longitudinal basis. However, the CSRs formulated in the framework of the semester can be confusing: on the one hand, they have to respect a fiscal discipline aimed at limiting public debt, on the other hand, they are encouraged to use social investments in order to achieve social and economic convergence. Before the launch of EPSR, an asymmetry was observed within the semester between the instruments dedicated to the surveillance and implementation of fiscal policy in comparison with the ones aimed at monitoring social policy (de la Porte & Heins, 2016). Afterwards, the 'socialisation' of the EU Semester allowed social issues to gain visibility but did not push social progress upward very much (Copeland & Daly, 2018). Will it still be the case after the adoption of the EPSR Action Plan and in the context of the recovery from the coronavirus crisis? The Commission encouraged investments in the framework of recovery plans in order to tackle – among other issues – salient social problems such as inclusion on the labour market for disadvantaged groups. The COVID-19 pandemic has brought about a change of disciplinary course and narrative by the Commission in favour of social investments. As a result, '(t)he current environment thus represents an opportunity for the implementation of the EPSR.' (Gómez Urquijo, 2021 p. 89). In that regard, one of the opportunities to foster the EPSR implementation comes from the funding available through the RRF. After the EPSR was launched, Sabato and colleagues (2018) insisted on the importance of allocating adequate funding to implement it. With the allocation of the RRF on the basis of national recovery and resilience plans, social goals can be operationalised into national social policies to be implemented at national (or regional or local) level.

3.1.3 Formal involvement of social dialogue?

Extensive consultations were organised by the Commission during the making of the EPSR. A first public consultation was held in March 2016 on the preliminary outline of the EPSR (European Commission, 2016b). The consultation was perceived as broad and open to stakeholders' inputs (EU institutions, national governments and parliaments, experts and civil society, and the social partners) (Sabato & Corti, 2018). In the framework of this first consultation, European social partners expressed conflicting views on the EPSR and its scope, level of ambition, benchmarking, and implementation tools (Sabato & Vanhercke, 2017). Trade unions, and ETUC in particular, call for an ambitious EPSR that would go beyond minimum standards regarding the quality of employment. During the consultation procedure, ETUC was highly active, publishing position papers, collecting national trade unions' opinions and suggestions for EPSR's improvement through a dedicated website (Sabato & Corti, 2018). BusinessEurope and the European Association of Craft, Small and Medium-sized Enterprises (UEAPME) instead called for more structural reforms to enhance competitiveness and growth-friendly policies. Such reforms would, according to BusinessEurope and UEAPME, allow favouring upward convergence in the social domain. Regarding implementation tools, ETUC recommended the use of binding instruments to upgrade existing legal frameworks and to introduce new legislation whereas BusinessEurope expresses its preference not to adopt further legislation and to support reforms promoted through the semester.

This first consultation was followed by the Commission Recommendation on establishing the EPSR in April 2017 (European Commission, 2017a). Following that, two consultations were organised with the European social partners on the basis of Article 154 TFEU. These consultations focused on specific topics covered both by the proposed EPSR and European social dialogue: 'the challenges of access to social protection for people in all forms of employment' and the 'possible revision of the Written Statement Directive' (on workers' right to be in writing about their working conditions). These consultations were broadened in a second stage to include CSOs with a special attention to the self-employed and platform workers who are not represented by the European social partners. The European social partners decided not to enter into negotiations to reach an agreement for either of these topics.

Consequently, the Commission kept the lead in bringing these issues forward. A third consultation was launched in 2016, prior to the adoption of the Commission Recommendation on establishing the EPSR, on the challenges of work-life balance faced by working parents and caregivers. This topic is also covered by the EPSR. In this case again, the social partners did not enter formal negotiations. In these three cases, European Social partners' divergent opinions during the consultation phase led to their refusal to enter negotiations on the above-mentioned initiatives (Sabato & Corti, 2018). Looking at the results of the various consultations, it appears that social partners mostly diverge on the need to enter into further negotiations. For instance, in the case of social protection in all forms of employment, the trade union movement considered that it is necessary to legislate further on these topics while the employers' side does not consider that 'changes to EU legislation in this field are needed or appropriate' and that mutual learning and exchange of practices through the OMC and the semester are better tools to act (European Commission, 2017d). As foreseen in the Treaties, the Commission took over these initiatives and their follow-up.

Other initiatives were launched under the scope of the EPSR and its Action Plan: the European Skills Agenda, the Gender Equality Strategy, the EU Anti-Racism Action Plan, the Youth Employment Support package, a proposal for a Directive on Adequate Minimum Wages, a proposal for a Directive on Pay Transparency, a new Strategy for the Rights of Persons with Disabilities (2021–2030), the European Child Guarantee, a new Occupational Safety and Health pluriannual (2021–2027) strategic framework, an initiative to improve working conditions for people working through digital platforms, and a European platform to combat homelessness. Most of these initiatives involve exchanges between EU institutions and social partners through ad hoc consultations (not according to Articles 154-155) and hearings.

It must be said that the principles included in the Pillar and the measures included in its Action Plan do not replace any of the existing social rights already inscribed in the EU. 'The Social Pillar reaffirms them, and makes them more visible, understandable and explicit' (Pacolet *et al.*, 2018, p. 65). Regarding social dialogue, 'the EPSR does not propose anything new when it comes to the role of social partners and collective bargaining. The explanations merely repeat the same phrase about the obligation to consult the social

partners where it is relevant' (Rasnača, 2017, p. 12). The 8th principle of the pillar simply restates the Treaties' provisions related to the obligations of EU institutions to consult social partners in relevant areas and the right of social partners to conclude collective agreements through social dialogue. There are no indicators related to social dialogue or collective bargaining (for instance, the collective bargaining coverage rate) in the revised Social Scoreboard. As a result, the EPSR represents a missed opportunity to insist on strengthening social dialogue, in regard to the Commission's will to support and strengthen it as well as the role of social partners.

EPSR Article 8. Social dialogue and involvement of workers

- a. The social partners shall be consulted on the design and implementation of economic, employment and social policies according to national practices. They shall be encouraged to negotiate and conclude collective agreements in matters relevant to them, while respecting their autonomy and the right to collective action. Where appropriate, agreements concluded between the social partners shall be implemented at the level of the Union and its Member States.
- b. Workers or their representatives have the right to be informed and consulted in good time on matters relevant to them, in particular on the transfer, restructuring and merger of undertakings and on collective redundancies.
- c. Support for increased capacity of social partners to promote social dialogue shall be encouraged.

The Action Plan elaborates the EPSR a little further on the 8th principle and it formulates suggestions in order to foster social partners' involvement in policymaking processes.

European Pillar of Social Rights Action Plan, pp. 8–9:

Importantly, social dialogue at national and EU level needs also to be reinforced. Social partners play an important role in mitigating the impact of the pandemic, sustaining the recovery and managing future change in the labour market. Strengthened efforts are necessary to support collective bargaining coverage and prevent social partners' membership and organisational density from decreasing. During the consultation in the run-up to this Action Plan, social partners from all parts of Europe emphasised the need to support social dialogue at national level, including by strengthening their involvement in relevant policies and their capacities, as well as improving their outreach to new sectors, young people, and people working through platforms.

The Commission will:

- foster communication activities and the engagement process with all relevant actors to ensure awareness and shared commitment to the Pillar;
- following consultation with social partners in 2021, present an initiative to support social dialogue at EU and national level in 2022. The initiative will include the launch of a new award for innovative social dialogue practices; an information and visiting programme for young future social partner leaders; the review of sectoral social dialogue at EU level; and a new supporting frame for social partner agreements at EU level.

The Commission encourages:

- national authorities, social partners, civil society and other relevant actors to organise communication and engagement activities by collecting and exchanging the best practices across Europe;
- Member States to organise a coordination mechanism to ensure engagement of all relevant stakeholders at national level in implementing the Pillar;
- Member States to encourage and create the conditions for improving the functioning and effectiveness of collective bargaining and social dialogue;
- public authorities to further reinforce social dialogue and consult social partners when designing relevant policies and legislation;
- European social partners to contribute to the successful transformation of Europe's labour markets by negotiating further EU level agreements.

The other principles of the EPSR affect various dimensions of the labour market on which both European and national social partners have to be consulted. To some extent and in the respect of the subsidiarity principle, the European social partners could also autonomously negotiate the formulation of some policy measures on the basis of the principles (for instance Principle 10 of the EPSR on a healthy, safe, and well-adapted work environment). However, due to the distribution of competences between the EU level and the level of the Member States, some other measures, for example the implementation of a minimum income, have to be adopted at the national level. Consequently, the EPSR emphasises the necessary involvement of social partners at national level when it comes to setting out and implementing economic, employment and social policies (Pacolet *et al.*, 2018). However, the Commission cannot interfere with national social partners' autonomy and the competences of national social dialogue. The Commission can only encourage the use of social dialogue to be involved in the implementation but cannot constrain the process (and its outcomes) any further.

3.1.4 Conditions and prospects for trade union participation

The EPSR principles and actions are quite broad but can be seen as a starting point to drive the social dimension within various policy fields. It provides a milestone that can influence the content of future legislative initiatives or collective bargaining by European and national social partners. After the launch of the EPSR, the ETUC repeatedly asked for guarantees in translating the EPSR principles into effective policy measures (Crespy, 2019). Following the publication of the Action Plan, the ETUC declared that it 'will work to make sure that the concrete proposals on capacity building, funding, as well as on the support needed for Social Dialogue will be included' (European Trade Union Confederation, 2020b).

In their study on behalf of the working group in the EESC, Sabato and colleagues (2018) highlight the attitude of national trade unions who consider themselves happy with the content of the EPSR and yet are very doubtful about their involvement in its implementation (Sabato *et al.*, 2018). The recommendation concluding the study is to advocate for the EESC to monitor the implementation of the EPSR at the European and national levels alongside

channelling national trade unions and CSOs proposals to enhance the effectiveness of the EPSR implementation.

In the first years of the European Semester, trade unions felt gloomy or distant about the content of the publications, and their involvement. They considered the semester as an instrument to push austerity policies (Sabato *et al.*, 2017). Future research on this topic would be welcome to determine how trade unions' satisfaction towards the European Semester has evolved, especially since the introduction of the EPSR in its framework. The inclusion of the EPSR and its action plan within the EU recovery strategy following the coronavirus pandemic could be an opportunity for further endorsement of the EPSR principles, including improved participation by the trade unions in their implementation.

3.2 The European Green Deal

3.2.1 Presentation of the Green Deal

The European Green Deal was launched in December 2019 by a Communication from the European Commission (European Commission, 2019d). As a programmatic and strategic document, the aim of the EGD is to deliver on the implementation of the Paris Agreement along with making the EU the first carbon-neutral continent by 2050. It represents the EU political project in response to the environmental and climate crisis. The EGD goes beyond climate policies by expressing the EU's new growth strategy towards a sustainable and inclusive economic model. The EGD serves the ambition of decreasing greenhouse gas emissions, setting a first target of emissions reduction by 55% in 2030 (compared to the 1990 level of GHG emissions). Ultimately, the EGD expresses the willingness and the ambition of the Commission to:

- reach climate neutrality by 2050 (zero net emission of greenhouse gas);
- decouple economic growth from resource use;
- leave no person and no place behind (European Commission, 2019d).

These ambitions were enshrined into the European Climate Law adopted in July 2021, making the net zero greenhouse gas emission by 2050 a legally bind-

ing objective for both the European institutions and the Member States (Official Journal of the European Union, 2021b). Both the EGD and the European Climate Law have a very broad scope aiming to make all EU policies contribute to the goals set in the EGD and in the European Climate Law.

One first step in the implementation of the EGD is the translation of its objectives into various legislative initiatives by the Commission that are gathered together in the 'Fit for 55' legislative package (European Commission, 2021j). Similar to the European Climate Law, the 'Fit for 55' package was released in July 2021. It seeks to update and to reform EU legislation to make it fit the climate goals agreed in the EGD and the European Climate Law. Where needed, new proposals are developed. The reforms and new proposals together form a policy mix that is structured around four categories according to the policy instruments to be used in the implementation of each of them: pricing, targets, rules and support measures. All proposals included in the 'Fit for 55' package were submitted by the Commission to the Council in July 2021 and are from then on discussed in various Council configurations according to their policy areas. Following that, most of these legislative proposals are to follow the ordinary legislative procedure (based on joint adoption by both the European Parliament and the Council).

Figure 3.1 Legislative proposals included in the 'Fit for 55' package

Pricing	Targets	Rules
<ul style="list-style-type: none"> • Stronger Emissions Trading System including in aviation • Extending Emissions Trading to maritime, road transport, and buildings • Updated Energy taxation Directive • New Carbon Border Adjustment Mechanism 	<ul style="list-style-type: none"> • Updated Effort Sharing Regulation • Updated Land Use, Land Use Change and Forestry Regulation • Updated Renewable Energy Directive • Updated Energy Efficiency Directive 	<ul style="list-style-type: none"> • Stricter CO₂ performance for cars and vans • New infrastructure for alternative fuels • ReFuelEU: More sustainable aviation fuels • FuelEU: Cleaner maritime fuels
<h3>Support measures</h3>		
<ul style="list-style-type: none"> • Using revenues and regulations to promote innovation, build solidarity and mitigate impacts for the vulnerable, notably through the new Social Climate Fund and enhanced Modernisation and Innovation Funds. 		

Source (European Commission, 2021j)

Next to the legislative proposals from the 'Fit for 55' package, a series of key actions including the legislative proposals but also non-legislative initiatives, new or renewed strategies, guidelines review, etc. are listed in the Roadmap of Key Actions annexed to the EGD. These initiatives include an update of the

2020 new industrial strategy, a sustainable mobility strategy, a ‘renovation wave’ in the building sector, a circular economy action plan including a sustainable products initiative and particular focus on resource intense sectors, etc. (European Commission, 2019c).

The EGD, the EU Climate law and the ‘Fit for 55’ package triggered reactions from European social partners. From the trade unions’ perspective, the ETUC declared that it supports the objectives in greenhouse gas emissions set by EU institutions. However, following the concrete translation of the objectives of the EGD and the Climate Law into legislation proposals in various policy fields, the ETUC pointed out the lack of social dimensions of the ‘Fit for 55’ package. In its opinion in a position paper published in December 2021 (European Trade Union Confederation, 2021b), the ETUC states that social and economic repercussions are especially expected on workers from regions and sectors dependent on fossil fuel activities where employment prospects are going to be jeopardised. In this regard, the trade unions welcomed the creation of the Just Transition Fund (JTF) and of the Just Transition Mechanism (JTM), while warning that the size of the JTF remains too limited to tackle the challenges at stake. The ETUC also calls for an extension of the Just Transition Platform to all sectors affected by the EGD. Regarding processes, the Just Transition Platform has been coordinated so far by DG REGIO (responsible for regional and urban policy) while DG EMPL is not actively involved, weakening the systematic integration of the employment and the social dimensions in the discussion. In addition, the ETUC warns against regressive distributional effects especially on low and middle income households who may suffer from energy poverty. Overall, the ETUC calls for ‘a stronger social dimension in the EGD policies to deliver on the European Pillar of Social Rights’. To do so, it advocates for the adoption of a Just Transition legal framework as part of the EGD in order to operationalise ILO’s guidelines on Just Transition at EU level.

Financing the EGD and related policies requires important funding sources that are included in the EU Multiannual Financial Framework 2021–2027. The European Green Deal Investment Plan was developed in order to raise at least one trillion euros from public and private investment over the next 10 years to finance the EGD (European Commission, 2020a). Within the Investment Plan, the Just Transition Mechanism aims at providing dedicated attention and support to regions (and workers therein) particularly affected by the green transi-

tion orchestrated within the EGD framework. The JTM addresses the social and economic effects of the green transition using a territorially focused mechanism including a sectoral dimension. Its purpose is to support regions economically dependent on carbon-intensive industries. The regions concerned are determined by the Commission on the basis of a dialogue with representatives of Member States. The Just Transition Mechanism is made of three financial components: the Just Transition Fund (JTF); contributions from the InvestEU programme; and a loan from the European Investment Bank (EIB). The JTF puts the emphasis on the 'retraining of workers, assistance, reconversion and active inclusion of workers affected by the transition' (Sabato & Fronteddu, 2020 p. 27). The JTF relies on close cooperation between the Commission, national and local authorities, who are committed together to complement the JTF by funding from the European Regional Development Fund, by Member States' ESF+, and by national co-financing). To benefit from the JTM and its financial support, Member States must submit a Territorial Just Transition Plan (TJTP). Given the context sensitivity of the green transition depending on territorial factors, tailored support and sectoral policies through the funding of TJTP are part of the European strategy. To help Member States and national stakeholders (CSOs and social partners) to develop and submit their TJTP, the Just Transition Platform was created in June 2020 as a supporting tool for the JTM implementation. Member states are expected to prepare their TJTP 'in social dialogue and cooperation with the relevant stakeholders' (Official Journal of the European Union, 2021a). National trade unions had, therefore, expectations for their views to be taken into account in the preparation of the TJTP. However, in practice, few unions were associated in the design of the TJTP (European Trade Union Confederation, 2021b).

Given its focus on the social dimension and consequences on employment of the EGD, the JTM and related instruments are of particular interest to social dialogue and social partners. Just Transition was already emphasised in the Preamble of the Paris Agreement: 'Taking into account the imperatives of a just transition of the workforce and the creation of decent work and quality jobs in accordance with nationally defined development priorities' (United Nations, 2015 p. 4). The Just Transition Mechanism promotes social ambitions further than green growth, and integrates social and employment concerns in a context to achieve the SDGs and reach a sustainable economy (Sabato & Mandelli, 2021). The Just Transition tackled the third ambition of the EGD that commits

to leaving no one and no place behind in the green transition. Beyond the JTM, guarantees on Just Transition principles in the framework of the EGD are also brought by the inclusion of the EPSR as 'the reference framework' in the EGD (European Commission, 2019d). However, uncertainties related to the concrete implementation of the EPSR as such also apply in the framework of the EGD. Given the fact that the JTM target selected territories only and that the implementation of the EPSR principles within the EGD remains somehow imprecise, European social partners (and trade unions especially) asked for more guarantees on the social and employment dimensions in the EGD (IndustriAll European Trade Union, 2021). Following the publication of the 'Fit for 55' package, the Commission prepared of a proposal for a Council Recommendation dedicated to 'provide further guidance to Member States as how to best address the social and labour aspects of the green transition' (European Commission, 2021o). In the preparatory phase of the proposal, a consultation of social partners and a public consultation were organised to collect inputs from national and European social partners and stakeholders. Results of these consultations emphasised a 'broad support to strengthening social dialogue and collective bargaining, with some respondents calling for workers' right to information, consultation and co-decision' (European Commission, 2021f p. 9). This input was included in the recommendation, advising national governments to 'involve social partners at national, regional and local levels in all stages of policymaking foreseen under this recommendation, including through social dialogue and collective bargaining when adequate' (European Commission, 2021f p. 30).

From the EGD's launch at the end of 2019, European institutions kept moving in the direction of green transition by publishing various documents aimed at materialising the EGD's objectives (the Roadmap of Key Actions, the 'Fit for 55' package, the proposal for a Council Recommendation). It shows that European institutions managed to go ahead with EGD despite the pandemic context, and to take its objectives into account in the responses they quickly had to develop in reaction to the coronavirus crisis. Far from jeopardising the EGD, 'the pandemic crisis introduced governance changes that reinforce the role of the EGD' (Bongardt & Torres, 2022). Indeed, the Recovery and Resilience Facility strengthens the EGD by putting green transition as conditionality of funding measures developed by Member States in their national recovery and resilience plans.

3.2.2 Implementation and mode of governance of the EGD

The EGD is seen a paradigmatic transformation in EU macroeconomic governance and a game changer regarding the European economic coordination. With the Lisbon strategy and then the Europe 2020 strategy, the focus was put on economic growth as the horizon to strive for. The introduction of the EGD into EU governance framework broadened this horizon, formally opening it to sustainability (Bloomfield & Steward, 2020). As a symbolic expression of this openness, the Annual Growth Survey that traditionally launches the annual European Semester cycle became the Annual Sustainable Growth Strategy, putting both EGD and SDGs at the core of the European Semester (European Commission, 2019a). This sustainability component was formally included as one of the European Semester core dimensions from the 2020 edition of the semester onwards.

Like the EPSR, the EGD does not come with a claim for new competences for the EU and its implementation is based on existing EU economic governance framework for implementation (Bongardt & Torres, 2022). Environment, climate and energy alongside most subjects of EU initiatives undertaken in the follow-up of the EGD are part of shared competences between EU and the Member States. Therefore, achieving EGD ambitions means that an interplay is needed between the European institutions and the Member States, mainly handled through the European Semester. In practice, it means that attention is paid within the European Semester to 'environmental sustainability' of private and public investments as well as policy initiatives and reforms (through the CSRs) in order to achieve the goals of the EGD. In addition to coordination mechanisms from the European Semester, each member state had to build a National Energy and Climate Plan (NECP) including policies and reforms up to 2030 to be assessed by the Commission in October 2020. National plans had to be formulated in line with EU recommendations, taking into account the EGD objectives along with the CSRs formulated in the framework of the European Semester.

The EGD sets clear targets but works with an encompassing scope of various policy measures to reach them. From the beginning, the EGD faces a coherence challenge between the different components of its overarching framework. Yet the coherence of the policy framework underlying the transition is

emphasised in policy documents from EU institutions. There are concerns regarding ‘the fair distribution of mitigation efforts towards emission reduction and usage of natural resources’ (Sabato & Fronteddu, 2020). Some stakeholders including trade unions fear that the EGD fails to address social inequalities triggered by climate change in their multidimensionality (Laurent, 2021). EU institutions focus on cushioning the social consequences of the transition on sectors and regions by setting up initiatives such as the JTM as well as investing in education and training policies to facilitate employability (e.g. the Pact for Skills in different sectors). Other consequences of the transition involving socio-economic inequalities, social exclusion, due to distributional effects of EGD and climate policies seemed – at the time the EGD was launched – to be neglected in practice (although this dimension was emphasised in the Commission Communication on the EGD in December 2019. The EGD as a strategic programme failed to develop ‘strong [eco-]social protection systems guaranteeing social rights to all citizens’ (Sabato & Fronteddu, 2020, p. 17). This failure is partly rectified by the introduction of initiatives related to the Just Transition, such as the JTM. These initiatives are relatively recent and future assessments will have to determine if they delivered on the socio-economic inequalities caused by the distributional effects of decarbonisation policies implemented in the framework of the EGD.

Implementation of the EGD is at least a two-step process. Targets of the EGD have to be embedded into various policy packages and measures which must themselves be implemented. This raises concerns regarding the coherence of these policies in the respect of overarching principles such as the Just Transition. Other critiques point out the very basis on which the EGD relies: promotion of growth while decoupling it from the use of resources. The growth paradigm, although green, can be analysed as inconsistent and outdated (Laurent, 2021). The European Environment Agency itself warns that the EU cannot ensure sustainable living conditions in the future by ‘promoting economic growth’ (European Environment Agency, 2019 p. 10). These considerations, if they gain momentum within the European institutions narratives, will shake traditional dynamics of social dialogue, which were originally based on economic growth as a framework for collective bargaining.

3.2.3 Formal involvement of social dialogue?

In a 2020 report, the OECD stresses the importance of social dialogue as a solution for overcoming the challenges of decarbonisation (OECD, 2020). Indeed, decarbonisation entails challenges such as new labour and structural market dynamics, risks towards occupational health and safety, quality of employment and skills development. All of these topics are of primary importance to social dialogue structures. The EGD, the EU Climate Law and the 'Fit for 55' package go beyond the social dialogue's traditional areas for involvement on social policies and working conditions. However, social partners can help to design integrated and consensual policy guidelines related to their impact on social and employment issues that will help their implementation. This is especially the case with Just Transition-related policy measures and instruments. The ILO framework on Just Transition and the way to achieve it clearly states the importance of ensuring an 'active' social dialogue in the formulation, decision and implementation stages (International Labour Organisation, 2015). This is also emphasised in the EGD as a way to commit workers and companies to the EU green transition (European Commission, 2019d). However, this requires formally opening up social dialogue structures to climate and environmental policies. It is already done in practice, and what is henceforth needed, from a procedural perspective, is what the ETUC calls for in guarantees of involvement of existing European social dialogue structures to be 'involved in the monitoring of European Green Deal policies, the development of transition pathways for industrial ecosystems and recovery plans' (European Trade Union Confederation, 2021 p. 4). So far, social partners' involvement has very much depended on the willingness of policy-makers. Although they seem inclined to involve social dialogue structures and social partners, more formalisation is needed to perpetuate this way of working.

At national level, the formulation of the NECPs was based on Governance of the Energy Union and Climate Action adopted in 2018, which directly refers to the need for the Member States to involve social partners for the construction of the NECPs (Official Journal of the European Union, 2018).

European trade unions also insisted for national social partners to participate in the preparation of the NECPs (European Trade Union Confederation, 2019).

Beyond social dialogue, a broader consultation platform was set up in the wake of the EGD: the Climate Pact (European Commission, 2020c). It was presented by the Commission on 9 December 2020. The purpose of this initiative is to bring together citizens, communities and organisations to discuss and to provide inputs on the building of the green transition at the EU level. The Climate Pact also seeks to inform and to improve the understanding of citizens and other stakeholders on the necessity to take decisive actions to ensure the sustainability of future living conditions. One way to do so is through the dissemination of scientific information on climate action. The Climate Pact also aims at providing practical advice to support initiatives at various levels and to encourage the mobilisation and participation of citizens and stakeholders. The Climate Pact consists of an online platform (https://europa.eu/climate-pact/index_en) and various types of participatory events (conferences and summits, workshops, etc.). It relies on ambassadors to disseminate information in their communities and networks. The Climate Pact was designed as an evolving instrument with an open mandate. The Commission picks topics of concern primarily to European institutions. In 2021, the Pact focused on four topics: green spaces; mobility; energy-saving buildings and professional skills related to green jobs. Social partners are one of the targeted stakeholders that the Commission wishes to involve into the Climate Pact's activities:

'We invite social partners to develop joint strategies for just transition to climate neutrality, and to maintain and create jobs in sectors and regions under transformation, in particular by promoting re- and up-skilling opportunities for the new green, high-quality and long-lasting jobs of the future.' (European Commission, 2020c).

Given the current state of development of the Climate Pact, the involvement of social partners would once again be limited to providing inputs in the form of non-binding (joint) opinions and recommendations.

Finally, European social partners are also involved in the follow-up of EGD-related initiatives and policies by other means than providing inputs through consultations and policy papers. One action to be mentioned, as part of EU social partners' work programme 2019-2021 is the commissioning of a joint research report on Circular economy (Cihlarova *et al.*, 2021). Circular economy is one of the building blocks of the EGD to reach the target of decoupling growth from resource use. As the shift towards a circular economy would

greatly impact the world of work, European social partners wished to know more about the opportunities and threats such a shift could bring for EU jobs and economic activities in order to anticipate this transition and protect social dialogue mechanisms. On the basis of this report, European social partners were able to formulate recommendations to strengthen the functioning of social dialogue in the transition towards social economy as well as raising policy-makers' attention to the impacts of this transition on the world of work (European Trade Union Confederation *et al.*, 2021).

3.2.4 Conditions and prospects for trade union participation

Traditionally, environment and climate change were outside of the scope of expertise and mobilisation of trade unions (Stavis & Felli, 2015). However, the impact of decarbonisation policies on industrial activities and jobs led trade unions to build up positions and arguments on these topics. Consequently, trade unions developed their own expertise, and transfer knowledge to their members on these issues, not only to be part of the debate but also to be active contributors (Hyde & E. Vachon, 2019). Contributions from trade unions relate, for example, to the protection of workers' interests in restructuring processes of economic activities towards resources efficiency and low-carbon emissions (Galgoczi, 2014).

The ILO identifies the following opportunities and challenges brought by the transition to environmentally sustainable economies to the world of work (International Labour Organisation, 2015). These opportunities and challenges can be seized by social partners and trade unions in particular to claim more participation in the related policymaking processes.

Opportunities and challenges in the transition to environmentally sustainable economies and societies (ILO)

Opportunities:

- (a) net gains in total employment from realizing the potential to create significant numbers of additional decent jobs through investments into environmentally sustainable production and consumption and management of natural resources;
- (b) improvements in job quality and incomes on a large scale from more productive processes, as well as greener products and services in sectors like agriculture, construction, recycling and tourism;
- (c) social inclusion through improved access to affordable, environmentally sustainable energy and payments for environmental services, for instance, which are of particular relevance to women and residents in rural areas.

Challenges:

- (d) economic restructuring, resulting in the displacement of workers and possible job losses and job creation attributable to the greening of enterprises and workplaces;
- (e) the need for enterprises, workplaces and communities to adapt to climate change to avoid loss of assets and livelihoods and involuntary migration; and
- (f) adverse effects on the incomes of poor households from higher energy and commodity prices.

The ILO recommends tackling the challenges listed above jointly given the urgency of climate change. Amongst institutional arrangements, the ILO advice is to 'provide opportunities for the participation of social partners at all possible levels and stages of the policy process through social dialogue and foster consultations with relevant stakeholders' (International Labour Organisation, 2015 p. 8). In this perspective, strengthening cooperation between trade unions and environmental CSOs can be a strategic endeavour for trade unions to make their positions more visible in the debates on environmental and climate policies. Dialogue between labour and environmental movements is not recent for unions. As of 2015, the International Labour Organisation guidelines set stronger emphasis for governments to work with social partners. The ILO underlined the urgency for actors and stakeholders to

strengthen coordination and work together to achieve decarbonisation while maintaining social and worker's rights (International Labour Organisation, 2019).

The involvement of trade unions in environmental policymaking starts first with internal actions. Some confederations started to organise training and to publish guidelines to support their members in taking a role in policy design for decarbonisation (European Trade Union Confederation, 2018). Guidelines provide, for instance, tools to build knowledge and supportive workers mobilisation (e.g. participation in round tables, supporting transition to green jobs by training and reskilling programmes). Furthermore, trade unions can seize the opportunity of the green transition and green growth to question strategically the neoliberal framework in which they are embedded as workers' representatives (Hampton, 2018).

The topics associated with climate policies can raise tensions and dilemmas within trade unions caught between acknowledgement of the need to mitigate climate change and the fear of job losses following decarbonisation policies in the industry. Thomas and Pulignano (2021) list some prospects that are required for trade unions to be at the forefront of the green transition. A first challenge is to consensually redefine what workers' interests are in the context of climate change and balance them between short-term (job protection) and long-term (environmental safety) goals. This represents a strenuous endeavour, as workers' interests regarding the green transition are heterogeneous depending on the type and location of their jobs. To build coherent and unified positions, trade unions need to strengthen vertical cooperation among their different organisational levels (Thomas & Pulignano, 2021).

Unified positions among trade unions allow them to take part more effectively in consultations and dialogues on climate policies and their impact on social and employment dimensions. However, trade unions can be involved in debate pursuing a just transition only if they are recognised as interlocutors and have a seat in the dialogue structure. This means that social dialogue should function well at the company, sectoral, regional and national levels. It also entails that social dialogue's scope should be formally extended for such structures to be involved in climate-related policymaking and their social and economic impacts. The guarantee of democratic participation of trade unions

and other relevant CSOs through social and civil dialogue structures is important in order to manage conflicts of interests related to the green transition (Galgóczy, 2020).

In sum, stakeholder's participation and vertical coordination mechanisms between regional, national and European level were strongly encouraged in the development and implementation of the EGD and related initiatives. Social partners' involvement is especially emphasised in policies and instruments related to Just Transition. However, once again, this kind of top-down recommendation from international and European institutions to national governments is highly dependent on the quality of social dialogue and social partners' involvement already in place in the different Member States.

3.3 The Recovery and Resilience Plans

3.3.1 Presentation of the Recovery and Resilience Plans

The coronavirus pandemic hit all the continents of the planet from early 2020. The pandemic disrupted life and work across the globe and required urgent measures to contain its impacts on the health, living and working conditions of the populations (International Labour Office, 2021). At the EU level, the first move of EU institutions, regarding the economy and the labour market, was to respond to the emergency by setting up coping mechanisms aimed at protecting health systems, workers and companies, such as the SURE mechanism (temporary Support to mitigate Unemployment Risks in an Emergency) (Lindner, 2022). In a second step, the escape clause of the Stability and Growth Pact was activated (from March 2020 onwards). This clause allows Member States to depart from the fiscal and budgetary requirements of the Stability and Growth Pact in order to cope with a severe economic shock and then recovering from it (European Parliament, 2020). Concretely, the activation of the escape clause allows Member States to inject increased amounts of public money in support of the economy. Thirdly, the Commission worked on a proposal of a coordinated recovery plan to be introduced at the European level with the aim of driving the recovery. More specifically, in May 2020, the Commission issued the proposal for the creation of the financial instrument

NextGenerationEU. Its preparation started with the identification of ‘policy fundamentals’ including the EGD targets in the Annual Sustainable Growth Strategy and the attention to the fact that recovery has to be fair and inclusive (in reference to the concept of Just Transition and to the EPSR) (European Commission, 2020b). In addition to the inclusion of these targets, NextGenerationEU also reflects the willingness of the Commission to involve a broad range of actors, including European and national social partners, in the preparation of the post-crisis recovery. Consequently, Member States’ governments, on the impetus of the European institutions, engaged into the development national Recovery and Resilience Plans (RRPs) to mitigate the social and economic consequences of the pandemic as well as tackling pre-existing challenges (environmental and digital transitions, social cohesion). As a result, RRFs include investments and reforms that are expected to have a long-term and in-depth impact, including on the next generation.

The ‘Recovery and Resilience Facility’ (RRF) is the main component of NextGenerationEU and is dedicated to provide funding to RRFs formulated at the level of Member States and approved by the Commission (Pilati, 2021). NextGenerationEU and the RRF are part of the Multiannual Financial Framework 2021–2027. RRF works with grants and loans to Member States for a total amount of €723.8 billion, borrowed by the European Commission on capital markets. Ultimately, RRFs are meant to increase the sustainability and the resilience of Member States in order to make them better prepared in case of future crises.

The RRF was announced by the Commission in the 2021 Annual Sustainable Growth Strategy. In its communication, the Commission describes the RRF as ‘the symbol of the EU’s determination to address its challenges with a joint approach’ (European Commission, 2020d). Even though the RRF in itself is a financial instrument rather than a ‘political project’, it is presented as a veritable flagship ready to be used to tackle common challenges (economic, social, environmental) faced by the Member States and the EU as a whole entity. Besides, it provides the foundation to the RRFs in each Member State, acting as an umbrella to all these national political projects. RRFs are the outcomes of multi-level governance mechanisms (involving the EU level, the national and regional levels in the Member States). Indeed, the RRF is meant to be used by Member States to implement reforms at national, regional and local levels and

also to invest in line with the EU's priorities (among others the EPSR and the EGD) in compliance with country-specific recommendations formulated in the framework of the European Semester in 2019 and 2020.

To be funded through the RRF, national RRP must be based on six pillars: (1) green transition; (2) digital transformation; (3) smart, sustainable and inclusive growth; (4) social and territorial cohesion; (5) health, and economic, social and institutional resilience; (6) policies for the next generation. Through these pillars, the Commission's strategy is to provide a framework for RRP to foster the 'twin transition' (green and digital) (Pilati, 2021). To enforce these ambitions concretely, the RRF imposes that Member States direct at least 37% of expenditures included in their RRP to policies aimed at climatic ambitions and 20% to digital objectives (Official Journal of the European Union, 2021c). The RRP are also expected to contribute to the implementation of the EPSR although no social targets are set within total expenditures. Despite the absence of social targets, the Commission assessed that approximately 30% of the expenditures budgeted in the RRP are dedicated to social policies (Vanhercke & Verdun, 2022). In addition, contributions to the implementation of the EPSR are considered as a key factor in the assessment of RRP by the Commission. Finally, the RRF regulation requests that Member States organise consultation with social partners, relevant CSOs, local and regional authorities in the preparation of the RRP.

The Commission assesses the RRP in close cooperation with each member state on the basis of several criteria. In addition to a balanced response to the six pillars listed above, the RRP have to take into account the Country-Specific Recommendations issued by the European Semester's 2019/2020 editions. They also have to respect an appropriate balance between loans and grants, as well as the 'do no significant harm' principle for investments and reforms. The 'do no significant harm principle' implies that no measure included in a RRP should lead to significant harm of any of the six following environmental objectives: (1) climate change mitigation; (2) climate change adaptation; (3) sustainable use and protection of water and marine resources; (4) circular economy; (5) pollution prevention and control; (6) protection and restoration of biodiversity and ecosystems (European Commission, 2021f). Finally, Member States must set out a solid control system to ensure that there will be no fraud or double funding in the implementation of the RRP's measures. In

order to support Member States in the preparation of their RRP, the Commission issued guidance and also a template for the RRP (annexed to the Communication on the RRF). In addition, the Commission released a recommendation, in the vein of the EPSR Action plan, especially dedicated to support Member States in designing an 'effective active support to employment following the COVID-19 crisis' (European Commission, 2021h). The recommendation highlights the role of social partners in this endeavour: 'Member States should rely on social dialogue and involve social partners in the design, implementation and evaluation of the policies they devise to address the labour market challenges brought by the COVID-19 crisis' (Ibid., p. 7).

The RRF entered into force in February 2021 and Member States can use it to finance reforms and investments from the start of the pandemic (February 2020) to the end of 2026. Member States had to submit their national RRP by 30 April 2021. National RRP were assessed by the Commission and communicated to the Council in May and June 2021. The Council proceeded to the final approval of RRP in the summer of 2021. From then on, RRP's implementation starts over the next five years and the Commission starts the corresponding funding allocation. Member States must reach targets and milestones related to the measures and the reforms undertaken under the RRP to receive matching financial allocation. Following a stepwise process, when targets and milestones are met by the Member States, they can request additional funds and loans. 70% of the overall grants and loans will be distributed by the end of 2022, and the latest 30% will be delivered before the end of 2026.

3.3.2 Implementation and mode of governance of the RRF

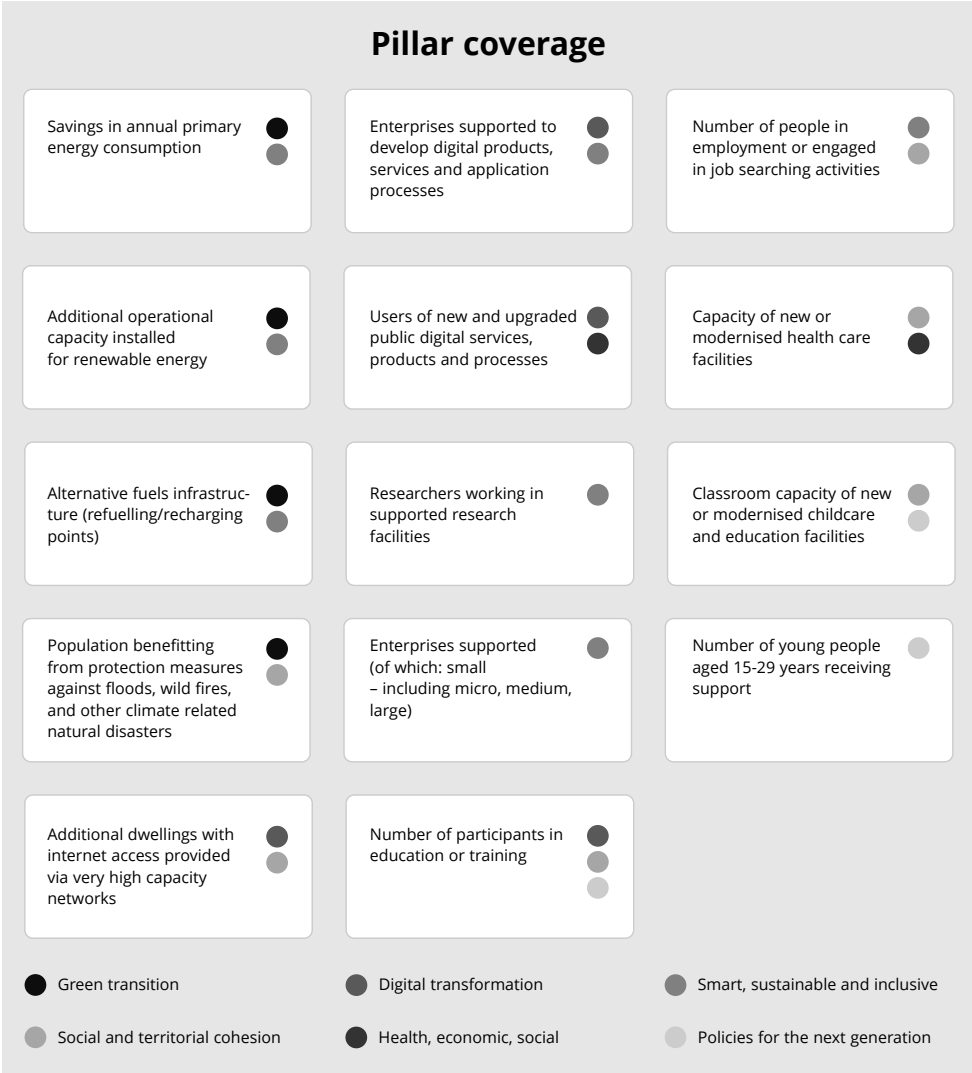
As for the European Pillar of Social Rights and the European Green Deal, the European Semester is used as the main governance mechanism to ensure the coordination and the implementation of the RRP funded by the RRF. Consequently, the RRP, the EGD and the EPSR's implementation are linked to one another through the European Semester coordinating the three of them. Governance and implementation of the RRF require coordination mechanisms from EU Institutions as well as from national governments. The RRF implies a vertical coordination between the European level, the national and also infra-national (regional, local) levels where the measures are actually implemented.

At the European level, a recovery and resilience task force (RECOVER) was set up within the Commission. The task force is responsible for steering the RRF's implementation including through the coordination of the semester.

The European Semester has been temporarily adapted to integrate the RRF and RRP (European Commission, 2020d). In 2021, the Member States could submit in one integrated document their RRP and their national reform programmes (NRP, which Member States submit annually in the framework of the semester where they present the specific policies that they intend to adopt in line with the Annual Sustainable Growth Survey). From the beginning, national RRP are framed to be coordinated through the semester. RRP are meant to contribute to the four dimensions included in the 2021 Annual Sustainable Growth Survey: Environmental Sustainability; Productivity; Fairness; Macroeconomic Stability. From 2022, the semester resumed its activities as an economic policy coordination mechanism while monitoring the implementation of the RRP (Rodríguez Contreras, 2022). The Member States are required to report twice a year (April and mid-October) on their achievements regarding milestones and targets as part of the European Semester. The April report corresponds to the National Reform Programme in which Member States include the progress they have made in the implementation of their RRP (Rodríguez Contreras, 2022). An additional biannual report (February and August) must be prepared by the Member States on the basis of a recovery and resilience scoreboard, using a set of 14 common indicators related to the RRF's six pillars (Green transition; Digital transformation; Smart, sustainable and inclusive growth; Social and territorial cohesion; Health, and economic, social and institutional resilience; Policies for the next generation) (European Commission, 2021c). The scoreboard is publicly available and details the progress for each RRP. Although an effort was made on its transparency, the scoreboard was criticised by the European Parliament regarding its lack of capacity to assess social progress. Although there are some indicators that can be linked to social dimensions ('number of people in employment or engaged in job searching activities', 'capacity of new or modernised health care facilities', 'population benefitting from protection measures against floods, wild fires and other climate related natural disasters', 'Number of people in education or training'), no indicators can be found on other important social dimensions (such as at-risk poverty, equality of opportunities, healthy, safe and well-adapted work environment and data protection). The European Parliament advocates devel-

oping a ‘social tracking methodology’ that closely follows the structure of the EPSR and directly importing indicators from the EPSR social scoreboard in order to assess RRP’s contributions on social dimensions (European Parliament, 2021).

Figure 3.2 Common indicators of the recovery and resilience scoreboard



The Commission also reports on the implementation of the RRF to the European Parliament and the Council, including the state of play regarding payments, achieved milestones and targets, the contents of the reforms and investments pursued by the Member States. This reporting is made through the Recovery and Resilience Dialogue held every two months between the European Parliament and the Commission. The purpose of the recovery and resilience dialogue is to ensure greater transparency and accountability in the implementation of the RRF. A part of this reporting from the Commission to the Parliament is also dedicated to encouraging the consultation of social partners, local and regional authorities by the Member States, both in the preparation and in the implementation of the RRFs (European Commission, 2022). The dialogue involving the European Parliament highlights the importance of conducting transitions (green, digital) in a democratic way. Additional democratic guarantees could be envisioned, broadening the RRF accountability to institutional actors such as the European Parliament and social partners at national and European level (Creel *et al.*, 2021). Up to now, the RRF does not formally require the Member States to involve social partners in the implementation phase of their RRFs, although '(t)he Commission calls on Member States to ensure that the recovery and resilience plans are fully implemented in a timely manner and in thorough dialogue with social partners, civil society and other stakeholders.' (European Commission, 2021e). While being recommended, national social partners' involvement is therefore not a condition to receive funding from the RRF.

Prior to the integration of the RRF into the European Semester, a lack of enforcement capacities usually characterised the implementation of the (non-binding) Country-Specific Recommendations at national level (Wieser, 2020). With RRF, policy reforms formulated in the RRFs and their implementation are linked to funding disposal. Further research will have to investigate how the post-pandemic context and the inclusion of the RRF with the semester will strengthen its role and contribute a greater enforcement of the CSRs by the Member States (Mariotto, 2022). However, the increased capacities of the semester have to be framed to avoid jeopardising the Member States' sovereignty. The windows of opportunity provided by the RRF to strengthen the coordination of national policies by the semester must always comply with the subsidiarity principle.

In its first yearly report on the RRF implementation published in March 2022, the Commission provides an overview of the progress made in the implementation of the national RRP (European Commission, 2022). It also reports on the involvement of relevant stakeholders, including social partners, in this process. In this succinct section, the Commission acknowledges the variety of consultation processes that were organised in the Member States. To fulfil the obligation to report on stakeholders' consultation in the submission of their RRP, Member States took different approaches. Some of them organised consultations about the whole RRP and others divided the process to consult with sectoral and/or regional stakeholders. The report also mentions the mixed feedback of national social partners and local and regional authorities regarding these consultation processes. In some cases, it appears that the consultations were rather limited. These elements corroborate the findings of the Eurofound study on this subject (Contreras & Sanz, 2022).

Unsatisfactory consultation processes can be a source of frustration for social partners who are otherwise affected by a range of measures included in the RRP. Measures of interest for social partners and related to employment and the labour market included in RRP cover:

- support to small and medium enterprises (including to finance reskilling and upskilling of their employees and to develop R & D);
- simplification of business regulation and red tape with the purpose of increasing competitiveness and attracting foreign investments;
- support to business infrastructure, industrialisation and reindustrialisation in key policy areas such as mobility and the agri-food industry;
- support to social protection systems (upgrading, expanding and improving social services);
- support to job creation and modernisation of national labour markets;
- support to active labour market policies (investments and reforms to increase the participation of women, young people, and vulnerable groups in the labour market, support job creation and the transition to new sectors and occupations, lifelong learning, assessment and recognition of skills, upskilling and reskilling).

3.3.3 Formal involvement of social dialogue?

3.3.3.1 Social dialogue during the crisis

The coronavirus pandemic produced immediate impacts on living and working conditions, including (temporary) job losses. The stakes for social partners and governments were to maintain employment as much as possible. Another purpose was to adapt working and living conditions while trying to protect social groups, sectors and regions that were hit hardest: young people, women, low-skilled workers, migrants, people with disabilities, those with temporary contracts or in non-standard forms of employment, the self-employed, have been disproportionately affected (European Commission, 2021e). In the Member States, the use of social dialogue bodies helped to design quick responses and enforcement of emergency measures to protect the economy and the labour market. In that regard, social dialogue can play a stabilising role in times of crisis. It acts as a 'circuit breaker', meaning that it can help mitigate the impact of the crisis on the economy, businesses and workers (OECD, 2020). As compromise-based institutions, social dialogue structures allow each represented interest to be taken into account. Temporary solutions to cope with the crisis were developed through agreements where employers agreed not to fire workers, trade unions accepted wage moderation and shortening working weeks, and public authorities (partially) covered wage differences (OECD 2020). As a result, social dialogue and collective bargaining in particular, 'had played a role in mitigating the impact of the COVID-19 crisis on employment and earnings, helping to cushion some of the effects on inequality while reinforcing the resilience of enterprises and labour markets' (International Labour Office, 2022).

To play this stabilising role through the crisis and employment protecting function, social dialogue structures need to be well anchored in decision making processes. The coronavirus pandemic was an opportunity for social dialogue to step up with a tripartite crisis management but the crisis also led to a suspension of social dialogue at certain times. In some countries, social dialogue was bypassed and the role of social partners minimised, while in countries where social dialogue institutions are secure and function well, social partners' involvement was guaranteed. In the latter case, social partners were able to undertake various measures and actions on topics such as: jobs and income

protection, recommendations on occupational health and safety, adaptation of the workplaces, administration of short-time work schemes, etc. (European Commission, 2021a). A study commissioned by the European Economic and Social Committee lists emblematic measures involving social dialogue structures at national level in the crisis management (Adam & Allinger, 2021). In a similar vein, Eurofound launched a COVID-19 EU PolicyWatch database to 'monitor policy initiatives by governments, social partners and other actors to cushion the social and economic fallouts of the crisis, as well as to assist in the recovery efforts' (Eurofound, 2021). To date, 1,499 measures are listed in this database.

Because of the emergency situation, national social partners acknowledged that social dialogue could not proceed as usual (Contreras & Sanz, 2022). In most Member States, social dialogue structures experienced changes in consultation and negotiation processes, starting with the shift to online meetings. The coronavirus crisis weakened social dialogue in some Member States, although social partners recognise the exceptional circumstances of the pandemic that constrained the usual ways of working and involvement of social partners in decision-making processes. For instance, the speed with which measures had to be taken to mitigate the impact of the coronavirus crisis on the economy and labour market jeopardised social partners' involvement.

At the European level, social partners were also committed in supporting their national member organisations to cope with the crisis, providing them guidelines and recommendations in their actions. Regarding social dialogue, European social partners issued a 'joint statement on the COVID-19 emergency' on 16 March 2020, in which they express support for measures taken by the Commission to sustain the Member States. They also encourage governments to take particular measures in the framework of the general escape clause of the Stability and Growth Pact (also adopted in March 2020). Lastly, they insist on the involvement of national social partners in designing and implementing national measures to cope with the crisis (BusinessEurope *et al.*, 2020). On 24 March 2020, the European social partners addressed this joint statement to the heads of States and governments within the European Council, urging them to approve all the measures proposed by the Commission. European social partners remain committed in supporting their members and the Commission in their endeavour to protect jobs and the economy in general. A

tripartite social summit unfolded on 20 October 2021 to discuss ‘transforming Europe’s recovery into long-term sustainable growth supporting more and better jobs’. The need for training and new skills acquisitions to allow workers to find new jobs with decent working conditions was emphasised. In addition, participants underlined the need for crucial reforms to be undertaken (for instance thanks to NextGenerationEU) in order to stimulate investment and anticipation of change. From the trade unions’ perspective, ETUC’s General Secretary called for ‘a renewed Social Contract with decent wages, workers’ rights including in platforms and non-standard work, universal and adequate social protection, strengthened social dialogue and collective bargaining’ (European Commission, 2021).

3.3.3.2 Social dialogue and the making of RRP

National social partners insist on their participation in the design of measures aimed at the world of work in the pandemic context, as a guarantee for success in their implementation (Rodríguez Contreras, 2021). The Commission endorsed this attitude and translated it in the regulation on the Recovery and Resilience Facility. The RRF regulation clearly states that the RRP should allow the strengthening of social dialogue structures and the empowerment of national social partners in the post-pandemic recovery. The introduction to the RRF regulation states that:

‘Reforms and investments in social and territorial cohesion should also contribute to fighting poverty and tackling unemployment in order for Member State economies to rebound while leaving nobody behind. Those reforms and investments should lead to the creation of high-quality and stable jobs, the inclusion and integration of disadvantaged groups, and enable the strengthening of social dialogue, infrastructure and services, as well as of social protection and welfare systems.’

The RRF regulation also indicates that social partners’ involvement is required in the preparation of the RRP (and ideally in their implementation as well) and should be reported to the Commission. Article 18(4)(q) of the RRF regulation asserts that:

‘for the preparation and, where available, for the implementation of the recovery and resilience plan, a summary of the consultation process, conducted in accordance with the national legal framework, of local and regional authorities,

social partners, civil society organisations, youth organisations and other relevant stakeholders, and how the input of the stakeholders is reflected in the recovery and resilience plan.'

Although social partners' involvement is required by the RRF in the preparation of the RRP, this was not an assessment criterion for the Commission. The acceptance or rejection of national plans was not conditioned to the degree of involvement of social dialogue or consultation with national social partners. As a result, consultation processes organised in the Member States to prepare for the RRP are of variable quality (Contreras & Sanz, 2022). During the European Semester annual conference in May 2021, Christa Schweng (the current President of the European Economic and Social Committee) warned that the lack of consultation of civil society in some Member States would negatively impact the adequacy of measures included in recovery plans with the needs on the ground.

3.3.3.3 Social dialogue and implementation of RRP

Implementation of the RRP only started in autumn 2021 and future research needs to address the role of social dialogue as well as social partners' involvement in this process. The Commission along with national and European social partners repeatedly underlined that social partners (and CSOs) have a crucial role to play in the different stages from the formulation to the implementation of the measures included in the RRP. In its guidance to Member States in the preparation of the RRP, the Commission explicitly recommends involving social partners and 'other relevant stakeholders' to ensure an extended endorsement of the RRP as a guarantee for their success (European Commission, 2021d). This message is hammered home by other European institutions and agencies such as Eurofound: 'The social partners' involvement in the implementation of the RRP increases the ownership and the effectiveness of the structural reforms needed to achieve fair and inclusive sustainable economic growth and to ensure social recovery' (Rodríguez Contreras, 2022).

Since the RRP's implementation is monitored through the semester, the review of social partners' involvement can be made in that framework. Social partners' involvement in the semester was already closely scrutinised by the Employment Committee before the coronavirus crisis. Since 2016, Eurofound's

surveys and studies have also contributed to reports on social partners' involvement within the semester, and will allow keeping track of social partners' involvement in the framework of the RRP's implementation.

3.3.4 Conditions and prospects for trade union participation

The available analyses on social partners' involvement and consequently trade unions' participation in the RRP's preparation and implementation express a general concern about the lack – or the uncertainty – of involvement of social partners (Adam & Allinger, 2021; Contreras & Sanz, 2022; European Commission, 2021a). While acknowledging that trade unions, and more generally actors driven by social interest, had gained increased recognition in the semester before the crisis (Zeitlin & Vanhercke, 2018), Vanhercke and colleagues assess the involvement of social partners in the 2021 edition of the semester as rather limited (Vanhercke & Verdun, 2022).

The limitation in social partners' involvement can be explained both by circumstantial and structural reasons. With regard to the coronavirus crisis, it is clear that the urgency of the situation did not permit the time usually necessary for social dialogue discussions and negotiations (Contreras & Sanz, 2022). The inclination of Member States to involve social partners and to respect the Commission's guidance to prepare the RRP was also variable in regard to the prospected amount of money they would receive from the RRF. On the other hand, the limitation in social partners' involvement in the making and implementation of the RRP can also be explained by the structural weakness of social dialogue structures and social partner organisations in some Member States. In her report to strengthen social dialogue in the EU, Andrea Nahles calls for COVID-related capacity-building projects to support national social partners under the European Social Fund Plus (Nahles, 2021). European social partner organisations can also contribute to support national organisations in their endeavours towards more involvement in the implementation of RRP. With the aim of strengthening trade unions' inputs at (infra) national levels, the ETUC developed a toolkit detailing entry points to the European Semester along with a monitoring tool on national trade unions' involvement in the development and implementation of RRP (European Trade Union Confederation, 2021a). In a resolution entitled 'Involvement of Organised Civil Society

in the National Recovery and Resilience Plans – What works and what does not?’ the European Economic and Social Committee aimed at drawing attention to policy contributions from the social partners and national CSOs to the European Semester. The resolution also underlines the need to increase awareness about the semester process among these types of actors.

Beyond actions dedicated to strengthening social dialogue structures and fostering social partners’ capacity building, guarantees of social partners’ involvement could be developed further. The European Economic and Social Committee reflected on avenues to strengthen social partners’ and CSOs participation. On a number of occasions (such as the European Semester Annual Conference 2021 ‘Building a resilient Europe: Civil society and the National Recovery and Resilience Plans’, as well as in different pieces of opinion) the EESC proposes:

The establishment of a binding conditionality principle requiring governments to involve the social partners and other civil society organisations in planning and implementing the national recovery and resilience plans and other instruments under the Multiannual Financial Framework (MFF), on the basis of minimum standards defined at EU level.

In practice, for such a ‘binding conditionality principle’ based on social partners’ involvement in the RRP to be implemented, monitoring tools should be developed. For instance, purposeful indicators in the framework of the recovery and resilience scoreboard could indicate whether or not social partners were formally consulted and through which channel (social and economic councils, ad hoc consultation, bilateral discussions, etc.). These initiatives would allow social partners’ involvement to be closely monitored within the semester. However, it would require setting precise definition of what social partners’ involvement is and what the expected outcomes of social partners’ participation in the policymaking are. Such requirements cannot be pushed too far at EU level because it would be prejudicial to the subsidiarity principle and would jeopardise the autonomy of national social dialogue structures.

4 CONCLUSIONS AND DISCUSSION

This final chapter of this report provides concluding remarks and elements for discussion on social dialogue involvement and trade unions' participation in key political projects, notably the European Pillar of Social Rights, the European Green Deal and the Recovery and Resilience Plans. The first section discusses the overarching nature of these 'key political projects' and what this implies for social dialogue. The second section highlights the central position of the European Semester in the governance of these key political projects. Finally, the third section lists key points of attention to strengthen trade unions' participation and social dialogue involvement.

4.1 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's guide the 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.

With regard to 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 done through soft ways of action. 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). With respect to the allocation of competences between the EU and the Member States, and the autonomy of the national social partners, 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.

4.2 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 coordination 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, 2021b). 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, 2021g). 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 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 policymaking (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.

4.3 Points of attention to strengthen trade union participation 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.

4.3.1 Awareness on the functioning of the European 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.

4.3.2 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 capacity 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.

4.3.3 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.

4.4 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 a better involvement of social dialogue and social partners' participation, but formal links between social dialogue structures and the semester framework are still missing. The question on 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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