



# Proposal for a Council Recommendation on strengthening social dialogue in the European Union

The Council recommends that Member States in accordance to national law and/or practice, after consultation and in close cooperation with social partners, while respecting their **autonomy**:

Paragraphs	Comments
1. ensure an <b>enabling environment</b> for bipartite and tripartite social dialogue, including collective bargaining, in the public and private sectors, at all levels, including cross-industry, sectoral, company, or regional level that:	The Commission sets seven features of such an enabling environment, including the respect of freedom of association and collective bargaining; promotion of strong trade unions and employers organisations; measures to strengthen their capacity; ensure access to relevant information; promotion of engagement in social dialogue; adapting to the current challenges of the digital age, labour market and green transition; appropriate institutional support.
2. ensure that social partners are <b>systematically, meaningfully</b> and in a <b>timely manner</b> involved in the design and implementation of employment and social policies and, where relevant, economic and other public policies, including in the context of the European Semester.	
3. ensure that social partners have <b>access to relevant information on the overall economic and social situation of their Member State</b> and on the relevant situation and policies for the respective sectors of activity needed in order to participate in social	

dialogue and in collective bargaining.

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4. ensure that **representative employers' organisations and trade unions are recognised for the purposes of social dialogue and collective bargaining**, including by:

A) Competent authorities apply procedures for recognition and representativeness with a view to determining the organisations to be granted the right to bargain collectively, this determination is open and transparent, based on pre-established and objective criteria with regard to the organisations' representative character and that such criteria and procedures are established in consultation with trade unions and employers' organisations;

C) distinction of the role of social partners and civil society organisations

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5. ensure that workers and workers' representatives, including those who are trade union members or representatives, are, when exercising their right(s) to collective bargaining, protected against any measure that may be harmful to them or may have a negative impact on their employment. They should also ensure that employers are protected against any unlawful measures, when exercising their right(s) to collective bargaining.

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6. foster **trust in and between social partners and promote the conclusion of collective agreements**. In case of dissents and, without affecting the right to access adequate administrative and judicial procedures to enforce rights and obligations stemming from law or collective agreements, and taking into account any procedures set by the social partners, they should encourage and promote mechanisms to resolve them, including:

These mechanisms include the use of conciliation, arbitration and mediation. If not in place, Member States should establish mediators that can intervene in case of conflicts between trade unions and employers organisations.

7. ensure that collective bargaining is possible at all appropriate levels, including company, sector, regional or national levels, and encourage coordination between these levels.

8. promote a higher coverage of collective bargaining and enable effective collective bargaining, including by:

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(a) removing institutional or legal barriers to social dialogue and collective bargaining covering new forms of work or atypical employment;

(b) ensuring that the negotiating parties have the freedom to decide on the issues to be negotiated;

(c) ensuring that any possibility to derogate from collective bargaining agreements is agreed between the social partners and limited with regard to the conditions under which it can apply, ensuring at the same time flexibility to adapt to evolving labour market and economic conditions, sufficient stability to enable planning for both employers and workers, and the protection of workers' rights. In Member States where collective bargaining is based on a legislative framework, such derogations should be established in consultation with trade unions and employers' organisations;

(d) ensuring and implementing a system of enforcement of collective agreements, including, where appropriate, inspections and sanctions. Rules and practices of enforcement can also be agreed by collective agreement, according to national law or practice.

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9. actively promote the benefits and the added value of social dialogue and collective bargaining, in particular by targeted communication and means. They should encourage social partners to make the text of collective agreements widely accessible, including by digital means and public repositories.

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10. support national social partners to participate successfully in social dialogue, including in collective

(a) promoting the building and strengthening of their capacity at all levels, depending on their needs;

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bargaining and in the implementation of Union level autonomous social partner agreements, including by:

(b) using different forms of support, including logistical support, training and the provision of legal and technical expertise;

(c) encouraging joint projects between social partners in various fields of interest, such as the provision of training;

(d) encouraging and, where appropriate, supporting social partners to put forward initiatives and develop new and innovative approaches and strategies to increase their representativeness and membership;

(e) supporting social partners to adapt their activities to the digital age as well as to explore new activities fit for the future of work, the green and demographic transitions and new labour market conditions;

(f) promoting gender equality and equal opportunities for all in terms of representation and thematic priorities;

(g) promoting and facilitating their collaboration with the Union level social partners, particularly with a view to enabling them to implement at national level the agreements concluded by social partners at Union level;

(h) providing appropriate support to implement in the Member States social partners agreements concluded at Union level;

(i) making the best use of the available national and Union funding, such as support under ESF+ and the Technical Support Instrument encouraging social partners to use the existing national and Union funding, including the prerogative budget lines dedicated to 'specific competences in the area of social policy, including social dialogue' and to 'information and training measures for workers' organisations'.

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11. submit to the Commission by [ADD date 18 months from the publication of the Recommendation] a list of measures, drawn up in consultation with social partners, which are taken or have already been taken in each Member State to implement this Recommendation.

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12. may entrust the social partners with the implementation of the relevant parts of this Recommendation, where applicable in accordance with national law or practice.

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13. develop commonly agreed indicators by (12 months from the publication of the Recommendation

This will be entrusted to the Employment Committee and the Social Protection Committee.

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### **Questions for discussion:**

- 1) Are you a recognised social partner?
- 2) Do you have interactions with the other social partners? At which level: bipartite or tripartite?
- 3) Are you satisfied with social dialogue at bipartite and tripartite level? What are the challenges?
- 4) What is the level of involvement of social partners in the national reforms and not only related to the European Semester (for example in social protection, employment, minimum wage directive, working time, unemployment, active labour market policies, pension reforms, etc...)?