

Brussels / March 14 2023

EN

**PRIORITIES ON THE EUROPEAN COMMISSION'S INITIATIVE ON STRENGTHENING
SOCIAL DIALOGUE (COM(2023) 40 FINAL & COM(2023) 38 FINAL)**

**POSITION OF THE
PRESIDIUM OF CESI**

The European Confederation of Independent Trade Unions (CESI) is a confederation of more than 40 national and European trade union organisations from over 20 European countries, with a total of more than 5 million individual members. Founded in 1990, CESI is a recognised European sectoral social partner and advocates improved employment conditions for workers in Europe and a strong social dimension in the EU. CESI represents private and public sector workers.

CESI welcomes the European Commission's initiative on strengthening social dialogue of January 1 2023, comprising a Communication focussing in particular on measures it aims to pursue to enhance social dialogue at the EU level (COM(2023) 40 final) and a proposal for a Council Recommendation with suggestions for the Member States to reinforce social dialogue at the national level (COM(2023) 38 final).

CESI regrets that the initiative is overly focussed on the needs of majoritarian unions and established social partners and is, in several respects, a missed opportunity to strengthen sectoral social dialogue and independent unions.

Concerning the Communication on strengthening social dialogue at the EU level (COM(2023) 40 final), CESI:

- agrees with the finding that social dialogue arrangements differ vastly among Member States in terms of collective labour relations, the role of collective bargaining in determining working conditions, organisations' capacity and membership, the formal structures for the involvement of social partners in policy-making and implementation, as well as their political importance.
- concurs of the analysis brought forward in the Communication that social dialogue in Europe is under pressure to deliver in a changing world of work, with trade union density and trade union membership generally diminishing across the Member States.
- approves of the consideration that social dialogue must remain a cornerstone of the European social model and that it therefore needs to be strengthened – because it contributes to higher productivity for businesses and social fairness and quality working environments to employees at the same time, and because it is an important consultative pillar for quality law-making by policy makers.

- consents to the conclusion that European social dialogue has well-established cross-industry structures in place which enables “*a comprehensive bipartite and tripartite EU dialogue*” through participation, for instance, at Tripartite Social Summits, at the Macroeconomic Dialogue, in the Social Dialogue Committee, in the Employment Committee, in the Social Protection Committee, in various ad-hoc topical Dedicated Hearings, and at different stages in the European Semester.
- **notes that a proposed further deepened of involvement of cross-industry European Social partners** for instance through a new ex-ante consultation on the European Commission’s annual work programme or even more topical ad-hoc topical Dedicated Hearings and additional meetings with the Employment Committee and Social Protection Committee **should not be pursued while these remain categorically closed for independent European sectoral social partners which are not part of a recognised European cross-industry trade union organisation.** Rather than focussing even more on cross-sector social partners, a better inclusion of independent sectoral social partners and their national members could bring further added value to policy making and social dialogue.
- **hails the stated need that European sectoral social dialogue committees should always “*strive to be inclusive*” and “*maintain and increase [their] representativeness*.”** The legitimacy of a committee is a factor of its representativeness. The more inclusive and representative a committee is, the less will its output be called into question, and the higher be will the acceptance and pick-up of its output among the workforces and their representatives across Europe.
- **welcomes the objective to review the approach to representativeness studies that Eurofound conducts at the request of the European Commission.** Their methodology and structure, which is in several ways tilted towards established European social partners at the disadvantage of new actors that strive to become newly recognised, needs to be adjusted. Moreover, there needs to be more transparency and automaticity in the recognition process of new social partners. Even where Eurofound studies acknowledge their representativeness, established social partners with vested interests can just ignore this and obstruct any efforts from new organisations to accede to committees. The European Commission – as financier and organiser of the European social dialogue – should take the necessary steps to ensure that organisations which representativeness studies deem representative in a given sector can also effectively access the European social dialogue committee for that sector in a meaningful, proportionate way and maximise its representativeness and legitimacy.

Concerning the proposal for a Council Recommendation with suggestions for the Member States to reinforce social dialogue at the national level (COM(2023) 38 final), CESI:

- **welcomes the suggestion for the Member States to “ensure an enabling environment for bipartite and tripartite social dialogue” which “respects the fundamental rights of freedom of association and collective bargaining”, “promotes strong, independent trade unions and employers’ organisations”, “includes measures to strengthen their capacity” and “ensures appropriate institutional support” (Art. 1.1).** CESI also agrees with the proposal for Member States to ensure that “representative employers’ organisations and trade unions are recognised for the purposes of social dialogue and collective bargaining” including by “ensuring that, where the 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” (Art. 4a). Even if a clearer recognition of inclusive social dialogue would have been desirable in the proposal, articles 1.1 and 4.a feature a clear instruction for Member States to respect the rights and needs of independent national trade unions acting as social partners, in co-existence with majoritarian trade union social partners.
- **agrees with the call on Member States to promote “the building and strengthening of [national social partners’] capacity at all levels” and facilitate “their collaboration with the Union level social partner” while “making the best use of the available national and Union funding” for this.**
- **notes however that the EU institutions should apply the principle of equal opportunities in funding for capacity building** to all EU-level trade union organisations, and all national trade unions and social partners in need should be able to receive adequate access to funding for capacity-building – in particular those that in any case have fewer resources, capacities, and expertise to access it in the first place. Where 0.25% of ESF+ funding should be allocated to the capacity building of social partners (recital 25), those with fewer resources and fewer capacities should even benefit disproportionately. Funding for capacity building should not only target those big organisations that already have a high level of capacity.
- **stresses that references to a needed ratification and effective implementation of ILO Conventions can be problematic for certain Member States with regards to parts of ILO Convention 87.** This convention can be interpreted as meaning that certain categories of civil servants should have the right to strike. This is in stark contrast to the application of functioning the long-established alimentation principle in the civil service in countries such as Germany. Given the competence of the Member States of the EU to organise their own civil services, EU initiatives should abstain from interfering in the alimentation principle.