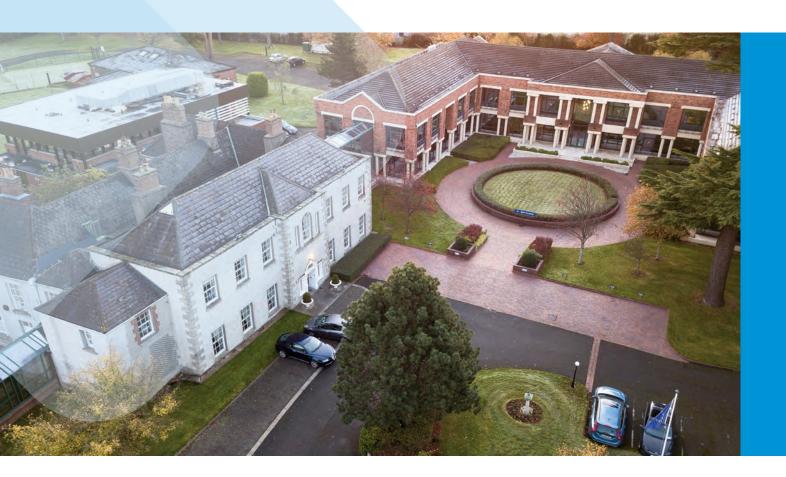


Trends in national social dialogue in responding to external shocks or crises Background paper



Background paper prepared by Eurofound at the request of the Swedish Presidency of the Council of the European Union for the EMCO meeting hosted by the Swedish Presidency, 20–21 March, Stockholm

Trends in national social dialogue in responding to external shocks or crises Background paper



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Introduction

This paper provides an overview of the involvement of the social partners in policymaking and social dialogue in recent years, primarily at national peak level. It will focus on the evolution of social dialogue over the past decade and a half in terms of its response to external shocks, focusing on three key periods: the financial and economic crisis between 2008 and 2012; the subsequent recovery and consolidation phase between 2013 and early 2020; the recent series of new crises, starting in 2020 with the COVID-19 pandemic up to today's combined challenges of inflation, the 'cost of living crisis' and the Russian invasion of Ukraine. Due to the extensive time frame and complexity of the situations and industrial relations covered, the paper cannot present detailed explanations or cover all the intricacies. References to relevant publications will go some way towards completing and clarifying the assessments made.

It is widely acknowledged that the quality of the involvement of the social partners in policy formation and policymaking is one key indicator of the quality of social dialogue at national level. And while every country's industrial relations system is unique, there are similarities among groups of countries. Drawing on a multidimension analysis on the degree of centralisation and coordination of collective bargaining, collective bargaining coverage rates and the involvement of social partners in policymaking, Eurofound identified six clusters of industrial relations regimes across the EU (Eurofound, 2018a). These groups showed a high degree of stability over the analysed periods (Table 1).

Impact of the financial crisis on social dialogue (2008–2012)

The financial crisis (the 'Great Recession') of 2008 had a severe impact on the EU economy, labour markets and industrial relations. In the early phase of the crisis (2008–2010), Member States with robust industrial relations systems were in a better position to manage

the economic and social impacts of the crisis (Eurofound 2012a). During the second period of the crisis (2011–2012), the implementation of strict fiscal consolidation rules to reduce macroeconomic imbalances - the so-called 'austerity policies' - hit some Member States severely (Greece, Ireland, Italy, Portugal, Spain and Romania). In most of these countries, the recession strongly affected or even eroded social dialogue. In Ireland, for example, the social partnership which had been in place since 1987 and which was widely credited with being a huge factor in the country's economic success (the so-called 'Celtic tiger'), ceased to exist as a consequence of the financial and economic crisis (Eurofound, 2012). Another example is Romania, where substantial amendments to the Labour Code in 2011, as well as changes to social dialogue, dramatically changed the industrial relations system.

A large group of countries – predominantly from the corporatist and the voluntary associational governance clusters, including Austria, Belgium, Denmark, Finland, Germany, the Netherlands, Slovakia, Slovenia and Sweden – devised solutions based on tripartite social dialogue, which helped to build consensus despite differences often voiced by one or the other side of industry (Eurofound, 2012). In state-framed industrial relations systems such as in France, the government took the initiative and played a significant role in the national response to the crisis, amid major protests by trade unions. However, employers' organisations and trade unions at sectoral level also played a relevant role and were able to agree some interesting measures in their remit (Eurofound, 2012).

The overall impact of the financial crisis – as well as the subsequent ones – on social dialogue should be disentangled from other factors and developments, such as longer-standing trends. In fact, the crisis accelerated some trends: there was an increased merger and reorganisation of several industrial relations actors during this period and trade union membership overall declined – two pre-existing tendencies that continued beyond the crisis (Eurofound, 2020a). In some Member States, particularly those in the most

Table 1: Industrial democracy clusters in the EU27, 2008–2012 and 2013–2017

Number	Cluster	Countries
1	Corporatist-framed governance	Austria, Belgium, Luxembourg, Netherlands
2	Voluntary associational governance	Denmark, Finland, Germany, Sweden
3	State-framed governance	France, Italy, Portugal, Slovenia, Spain (and Greece 2008–2012
4	Statutory company-based governance	Croatia, Hungary, Slovakia
5	Voluntary company-based governance	Bulgaria, Cyprus, Czechia, Ireland, Latvia, Lithuania, Malta, Romania (and Greece 2013–2017)
6	Market-oriented governance	Statistics Finland, Central Population Register, 2008—2012

Source: Eurofound (2018a)

difficult financial straits, new social movements and industrial relations actors emerged (for example in Portugal, Romania and Slovenia) (Eurofound, 2013a, c). Eurofound research also identified a multi-country accelerated trend towards further decentralisation in collective bargaining. The only countries identified with a certain trend towards centralisation during this period were Finland and Belgium. A combination of these changes and the difficult general economic and financial environment led to a decline in the overall volume of bargaining as well as in the conclusion of agreements of short duration (Eurofound, 2013a, c, 2014, 2015 a, 2020a).

Involvement of social partners during the recovery period (2013–2019)

The recovery period – the timespan of which was uneven across EU Member States – indicates very healthy labour market developments overall. By 2019, 193.6 million Europeans (EU27) were in work, making the EU employment rate of 72.7% the highest ever recorded up to then. This contrasts with the situation in 2013, at the peak of the crisis, when just 180.5 million Europeans (EU27) were in employment.¹

Shift in EU policies regarding social dialogue

During this period, in April 2016, the European Commission, the Council and the social partners launched a drive towards a 'new start for social dialogue', aimed at involving both EU and national social partners more closely in policymaking and in the European Semester process and giving more emphasis to the capacity building of national social partners in the context of the European Commission EU's 'better regulation' agenda. A significant initiative, to introduce a European Pillar of Social Rights², was taken in 2016, and an agreement on such a Pillar, consisting of 20 principles, was reached in late 2017. Principle 8 expressly commits the Commission to strengthen social dialogue and involve social partners in the design and implementation of economic, employment and social policies and recommends they should be encouraged to negotiate and conclude collective agreements. During this period, the European Commission gave priority to strengthening the social framework and, in this light, brought forward new legislation aimed at giving additional rights to workers in the area of work-life balance, posted workers, and, by means of the Directive on Transparent and Predictable Working Conditions, in non-standard and more precarious jobs. These developments also led to a closer involvement of the social partners in the EU Semester, in particular from 2015 onwards.

In this context, the country-specific recommendations (CSRs) consistently highlighted the importance of involving and consulting the social partners during the drafting of National Reform Programmes (NRP) and of implicating them in the design and implementation of relevant policies and reforms (following Principle 7 of the Employment Guidelines). However, although the CSRs have persistently addressed the issue of the weak involvement of the social partners, the shortcomings identified, for example, in Greece, Hungary and Romania, have remained almost unchanged in recent years, and the effectiveness of social dialogue itself in these countries seems to be characterised by stagnation.

What lessons have been learnt from the austerity measures?

The implementation of strict fiscal consolidation rules imposed by EU policies to reduce macroeconomic imbalances had a direct impact on wage setting – as one of the main objectives aimed at decreasing or moderating wages – and subsequently on the quality of tripartite social dialogue, since the state interfered in the autonomy of social partners to generate wage negotiation. Wage setting and collective bargaining, once changed, did not return to their previous practice or levels before the financial crisis. In **Greece**, the most significant change was in terms of wage setting. A new statutory minimum wage setting mechanism was introduced, including social partner consultation, but this was not applied until 2019. Although the social partners have the right to negotiate, any agreement on wages is binding only for the members of the signatory parties (a contractual minimum wage). The social partners have chosen not to negotiate the contractual minimum wage since the statutory minimum wage is the only universally mandatory wage. The central National General Agreement (EGSEE) is still in place but does not deal with wages any longer; however, the scope of topics covered in the agreement has been extended and sectoral collective bargaining is on the rise again.

¹ Figures are from 2020 and relate to the EU27, excluding the UK (Source: Eurostat, Labour Force Survey, LFSI_EMP_A).

² The European Pillar of Social Rights in 20 principles.

In Romania, collective bargaining has been completely decentralised and there was no return to sector-level bargaining. This is due to the passing of the 2011 law on social dialogue (62/2011), which redefined the representativeness of the social partners. Only recently, on 25 December 2022, a new social dialogue law (367/2022) repealing the 2011 law was passed, aiming to promote social dialogue at different levels. It facilitates the set-up criteria for trade union representation in companies and reduces the threshold for representativeness at company and sectoral level. In addition, it makes collective bargaining compulsory for employers with at least 10 employees (down from the earlier 21 employees), makes sector bargaining compulsory and changes the rules for collective disputes. In Hungary, while there is scarcely any collective bargaining, statutory minimum wages are in some years established in close collaboration with the social partners and there are peak-level exchanges in tripartite consultative fora, though these are rather limited.

At national level, the quality of social partners' involvement in the preparation and development of NRPs as part of the European Semester remained uneven in most Member States in this recovery period, although in some Member States partial improvements in the quality were acknowledged. The main criticism relates to the lack of effective consultation, leading to the involvement often been seen as a mere formality.

Consultation and tripartite exchanges as the predominant approach

During this period, the aims and strategies of the different actors differed greatly. While trade unions looked to restore pay and working conditions to pre-crisis levels, employer organisations proposed further wage moderation to maintain global competitiveness. Nevertheless, collective bargaining coverage continued to decline in the EU during these years (Eurofound, 2020a). National industrial relations

remained very diverse within the EU. Eurofound's analysis (2020a) points to a clear division between Nordic and continental countries and the southern, liberal and central and eastern Member States. Measured on Eurofound's industrial relations index, the Nordic countries yielded the best scores in industrial democracy whereas the southern, liberal and central/eastern Member States performed less well.³ In national peak-level social dialogue, consultations and tripartite debates were the most widely applied instruments, often leading to legislative initiatives. Bipartite dialogue, between the social partners themselves, on the other hand, was much less frequently resorted to at peak level, based on studies carried out in 2017 and 2018 (Eurofound, 2018b, 2019b). While employment-related topics featured most commonly at the top of national social dialogue agendas, the social partners were also involved in changes to social protection schemes and in discussions on taxation and labour costs with governments.

Examples of joint social partner initiatives which led to government action during the period

According to the mapping of peak-level social dialogue carried out in 2017, social dialogue on the terms and conditions of employment – while also recording a broad range of forms of interaction – was found to take place relatively often as bipartite negotiations or debates. Examples of this combination include negotiations within the Dutch Social Agreement around dismissal rights and the Work Security Act (which were dropped due to disagreement); the Belgian social partners' joint dismissal of a proposed lower taxation for some contracts, so as to ensure fair competition; the Polish social partners jointly urging the government to include social clauses in public procurement; bipartite debates around telework in Estonia; and bipartite debates on working rights in the gig economy within the Taylor Review in the United Kingdom. In Sweden, where no tripartite peak-level institutions exist, the government supported the bipartite social dialogue by establishing a new research centre on the working environment, thereby reacting to a longstanding demand from social partners (Eurofound, 2018b).

³ Eurofound's industrial relations index is a composite index that comprehensively measures country performance in four dimensions – industrial democracy, industrial competitiveness, social justice, and quality of work and employment – and in industrial relations systems as a whole; See https://eurofound.link/industrial_relations_index

Overall, tripartite social dialogue took place in most Member States. However, some Member States saw a decreasing involvement of the social partners due to adversarial governmental positions. Countries such as Hungary, Poland and Romania, and sporadically Greece, were under the influence of persistent governmental unilateralism in policymaking (Eurofound, 2020c). In the Nordic countries clustered in voluntary associational governance and those in corporatist-framed governance (social partnership), the social partners were extensively consulted on matters related to working life, employment and social policy, and social dialogue was by and large stable. For example, during 2014–2019, the social partners in Sweden were involved in a key reform to the pension system. However, in some countries with a traditionally strong social dialogue, tripartite policy concertation became increasingly strained during this period - Austria, Belgium and Finland⁴ are examples – in connection with right-wing or right-centre governments coming into power.

In countries in the state-framed cluster (for example, Italy), uncertainty predominated throughout this period, ranging from unilateral governmental action (2014–2016) to the reintroduction of some forms of consultation (2018) and back again (2018–2019). In countries with a more voluntarist approach, there were also some positive developments, for example in Bulgaria in 2015. A similar positive environment in social dialogue was also reported in Czechia. In 2015, two new social dialogue frameworks were established in Ireland, in addition to the already established Workplace Relations Commission: the National Economic Dialogue in 2015 and the Labour Employer Economic Forum in 2016.

Social dialogue confronted by a new series of crises

During times of social and economic crises generated by external shocks, social dialogue and social partnership are tested in a severe way.

The shock of the COVID-19 pandemic and policy responses

The pandemic hit the world in early 2020 unexpectedly and sharply, forcing EU Member States to gear up their policy responses in a bid to cushion the socio-economic impacts on businesses and citizens. At EU level – among many other initiatives - research into a joint vaccine strategy was initiated, the instrument for temporary support to mitigate unemployment risks in an emergency (SURE) was rolled out, the recommendation on the free movement of people aimed at bringing more clarity and predictability in terms of restricting measures was issued, and the Next Generation EU economic recovery fund was established. The cross-sectoral social partners were largely supportive of the EU's reactions and urged Member States to involve national social partners in the design and implementation of the measures.⁶ According to the trade union affiliated research institute ETUI, EU-level sectoral social dialogue proved to have functioned remarkably well and the pandemic in fact boosted it. There was a marked increase in the number of 'common positions' published by many sectoral social dialogue committees, with most of them addressing health and safety and economic and sector related issues. (Degryse, 2021a and 2021b).

The 2015–2019 period was characterised by a certain distancing from the traditional tripartite social dialogue. Initially, the government pressured the social partners to agree to a 'social contract' to improve the country's competitiveness signed in June 2016. The new government entering into office in June 2019 declared that all labour market reforms would be drafted through consensus and tripartite cooperation.

The government adopted amendments to the Labour Code entitling the social partners to conclude agreements related to amendments of the Labour Code and social legislation when (1) the agreement is concluded at their request after consideration by the state and (2) the state has proposed the agreement.

⁶ See Statement of the European Social Partners ETUC, BusinessEurope, CEEP, SMEUnited on the COVID-19 emergency, 24 March 2020.

Eurofound's EU PolicyWatch database: A tool to monitor governments' and social partners' responses

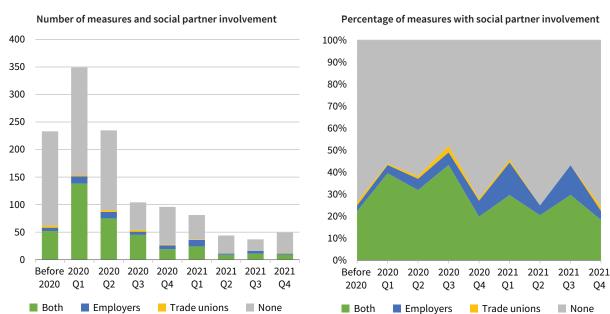
In March 2020, Eurofound began to capture policy measures which were aimed at cushioning the socio-economic effects of the pandemic on businesses, citizens, and workers. This data collection is collated by the Network of Eurofound Correspondents, a team of industrial relations experts in the 27 Member States and Norway, based on publicly available information. For each measure, the form of (non-involvement) of social partners alongside their views – where available – were also recorded in the online EUPolicyWatch database which is regularly updated. Since 2022, the database also collects policies related to the effects of the war in Ukraine (linked to the mass influx of refugees or the rise of energy prices). The database contains more than 40 specific target groups (e.g. various types of companies, self-employed workers, the unemployed, parents, etc.), and all information is publicly available and can be searched and filtered on an online dashboard: https://static.eurofound.europa.eu/covid19db/database.html

Information from the database is the main source for the descriptive analysis presented in this section.

Most COVID-related policy actions were launched right at the start of the pandemic and into the first half of 2020. An analysis of the 1,051 pandemic related legislative and tripartite 8 measures recorded in the EU PolicyWatch database between 2020 and 2021, shows that social partners were involved (beyond being informed) in 40% of the (new or adapted) measures. Most of these measures had been implemented already at the start of the pandemic in the first and second quarter of 2020. Social partners' involvement peaked in

the third quarter of the pandemic, during which more than every second legislative measure (52%) launched was found to have been implemented following social dialogue. The involvement of social partners dipped somewhat in the second year of the pandemic in 2021, down to 36% of all such policy measures. In the vast majority of cases where social partner involvement was recorded, this included both sides of industry (see figure 1 below). Involvement of employers only was more common in the second year of the pandemic,

Figure 1: Number and share of national policy measures related to COVID-19 and social partners' involvement, 2020–2021



Note: The figure includes 1,051 legislative (or similar) pandemic-related measures of governments, including tripartite agreements, with a starting data before 1 January 2022. 'Involvement' of social partners means that at least one side of industry has been consulted or came to a negotiated agreement with national governments in the design phase of a measure. The horizontal axis marks out the quarter in which the policies were launched. Cases recorded as starting prior to 2020 relate to pre-existing policy measures, which governments adapted in light of the pandemic.

Source: Eurofound PolicyWatch database, extracted on 30 January 2023.

⁷ https://static.eurofound.europa.eu/covid19db/index.html

⁸ The scope of these measures is restricted to those cushioning the socio-economic impact of the pandemic on citizens, workers and businesses. Public health related measures are not included. In addition to legislation and tripartite agreements, the database also captures bipartite agreements, other initiatives and company practices, but these are not included in the cases analysed here.

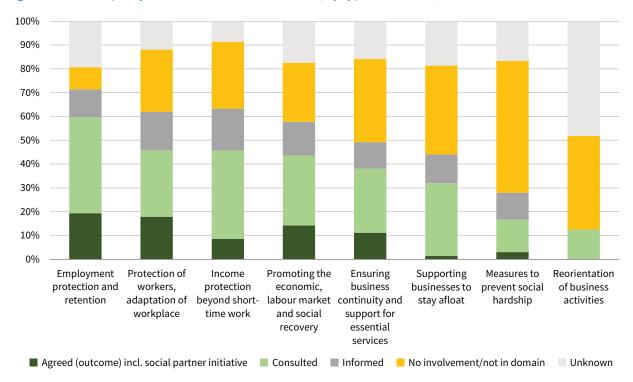


Figure 2: National policy measures related to COVID-19, by type of measure, 2020-2021

Note: 'Involvement' of social partners has been defined as legislative (or similar) pandemic-related measures of governments, including tripartite agreements, where at least one side of industry has been consulted or came to a negotiated agreement with national governments in the design phase.

Source: Eurofound PolicyWatch database, extracted on 30 January 2023.

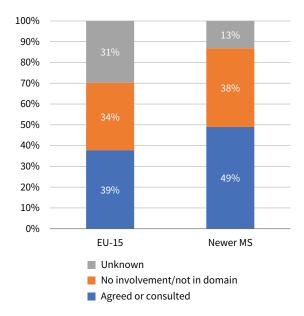
when a greater number of company-level support measures were implemented. As the figures related to 2021 are based on a much lower number of observations, these findings should be viewed with caution.

Figure 2 depicts the same set of cases broken down by thematic categories. Social partners' involvement in such policy measure most frequently related to measures which ensured the protection and retention of employment (i.e., short time work schemes, wage subsidies, etc.). In 60% of such measures, the social partners were consulted or came to an agreement with governments. The degree of involvement was about average for measures related to the protection of workers and adaptation of workplaces, for income protection schemes beyond short time work, as well as for policies which sought to promote the economic, labour market and social recovery. A lower degree of involvement was recorded for measures ensuring business continuity and supporting businesses to stay afloat; while the lowest overall involvement of social partners took place in terms of measures related to preventing social hardship and when reorienting business activities.

Country breakdowns of these data reveal a wide range of practices in the Member States, ranging from near to no involvement in Greece to more than 80% in the Netherlands. It needs to be stressed in this regard that in the case of some countries, for a significant number of cases information on involvement was not available, so the interpretation of the data for these countries is limited.⁹ Figure 4 in the annex shows the extent of available information (and the degree of social partner involvement recorded) for each Member State while Figure 5 gives a breakdown of the number of policy measures by country. The classic distinction between countries with a traditionally strong dialogue and those with weaker dialogue, however, does not seem to hold any more. Neither a breakdown of the data in terms of Eurofound's key dimension clusters, nor by the 'old/newer' Member States dichotomy suggests a significant pattern. Indeed, when looking only at the share of social partner involvement, the newer Member States (post 2005) record a higher average proportion of involvement (49%) than the older Member States (ex EU15) (39%), with the latter having a larger extent of non-available information (Figure 3). The existence of peak-level institutionalised tripartite social dialogue

⁹ This concerns in particular Austria, Belgium, Finland, Romania and Sweden, where for between one third to one half of the reported cases information on social partner involvement was not available. The main reason cited was no access to information on involvement.

Figure 3: National policy measures related to COVID-19, by country group, 2020–2021



Note: 'Involvement' of social partners has been defined as legislative (or similar) governmental pandemic related measures including tripartite agreements, where at least one side of industry has been consulted or came to a negotiated agreement with national governments in the design phase. This graph relates to 1,020 measures in this period. Cases related to the EU level, Norway and the UK, which are also part of the database are not displayed.

fora in most of the newer Member States is likely to have contributed to this result. Documents and information on what has been discussed in these institutions are often more accessible for Eurofound's expert correspondents contributing to this data collection; whereas in the older Member States, tripartite social dialogue is more likely to take place on an ad hoc basis and/or there are no tripartite peak-level institutions, or else the dialogue takes place within tripartite boards of relevant institutions, such as public employment services, making it more difficult to grasp the actual degree of social partner involvement.

Overall, the monitoring based on these figures suggests that the pandemic may have brought an end to the long-standing theory that countries with stronger social dialogue traditions were more likely to engage with the social partners when devising policies. However, it should be underlined that the figures mainly look into the process of social dialogue, and do not capture the depth of involvement or the degree to which social partner input shaped the outcomes. For the cases in which tripartite agreements were found, it can be assumed by definition that they reflect a broad consensus. Consultation, in contrast, does not necessarily lead to commonly agreed positions. ¹⁰

Social dialogue in time of war in Ukraine

With the disruption of supply chains due to the COVID-19 pandemic, the prices of energy and food had already started to rise during the year 2021. A few countries were planning to mitigate the impact of inflation on citizens by subsidising the price of fuels or energy. However, the situation deteriorated with Russia's invasion of Ukraine in early 2022. National governments were faced with the need to roll out continued responses to cushion the effects of rising prices on citizens and companies, as well as ensure the smooth application of the temporary protection directive for refugees from Ukraine.

The analysis of the cases contained in Eurofound's PolicyWatch database shows that social partners were significantly less involved (18%) in the measures launched in the context of the war in Ukraine during the first three-quarters of 2022 than in the pandemicrelated measures. This is, however, not surprising, as the reception and integration of refugees, which are included in the database, is not a domain for the social partners. A much higher degree of social partner involvement was, however, recorded for those policies which were devised to support the integration of refugees from Ukraine into the labour markets (38% out of 16 cases so far). Regarding the first responses to mitigate the effect on citizens' purchasing power, mainly temporary and one-off measures were issued. In contrast to the first responses to cushion the impact of the pandemic, the social partners have been somewhat less involved in the design of these measures (though still in 28% out of the 109 measures recorded to have been launched in 2022).

¹⁰ The database captures the social partners' views for single cases, if they are available, in a descriptive text field, but not in a categorical attribute, which could be analysed here.

Final remarks

During times of social and economic crisis generated by external shocks, social dialogue and social partnership are sorely tested, as governments tend to look for social legitimacy when adopting unpopular measures. The cushioning effects of anti-crisis measures were more effective in Member States where social dialogue was able to deliver while legitimising harsh policy measures. National social dialogue has proved to be a valuable instrument to find solutions to external shocks. In some cases, the emergency situations even speeded up consultations. While it is claimed that countries with a stronger tradition of social dialogue also used it more during the crisis, there are examples of countries - and sectors within countries - with hitherto less developed social dialogue traditions which have demonstrated using social dialogue to mitigate the external shock created by the pandemic.

Often, however, the involvement of management and labour in social dialogue is quite formal and superficial in some Member States, for example, the participation in the European Semester cycle, albeit strong differences in national social dialogue approaches and practices exist. While involvement of the social partners in the National Reform Programmes has improved over time, there is still room for a closer involvement in many countries. Since the European Semester integrating the Recovery and Resilience Facility will remain at the centre of the EU macroeconomic policy easing the way to a smooth twin transition, the implementation of the various reforms and investments in the national Recovery and Resilience Plans requires reinforcing the involvement of social partners in those Member States in which social dialogue has been reported to be uneven (Eurofound, 2023).

Developments across the periods observed show a growing contribution of sector-related social dialogue. The reason is likely to be that sectors were affected unevenly by the different crises. Bipartite social dialogue and collective bargaining are at the core of the national industrial relations systems. Well-functioning bipartism is the precondition for effective tripartism, in line with the European Commission's initiative to support national social dialogue and collective bargaining frameworks (Eurofound, 2020d).

Research shows that it is quicker to deconstruct existing (collective bargaining) systems, than it is to rebuild or promote them (Brandl and Lyhne Ibsen, 2015). If the shared commitment is to promote social dialogue and collective bargaining, it will be important to achieve this also in countries without a strong tradition in social dialogue. Having tripartite bodies or equivalent structures in place – which most countries do – is a necessary, but not sufficient, condition. Even having regular and formal exchanges in these bodies, again, is necessary, but may also not be sufficient.

Meaningful engagement with social partners can be achieved, if they have the capacity and will to engage in in-depth bi and tripartite dialogue, including tripartite agreements and collective bargaining; and only if governments are genuinely interested and open to do so, and if they see a value in it. Social dialogue cannot be prescribed from the top down. Effective tripartism is grounded in stable social dialogue frameworks and structures that are independent of changes in national policies and governments. It requires genuine, honest commitment and engagement from all three parties, leading to trust over the years, which needs to be continuously rebuilt and nurtured.

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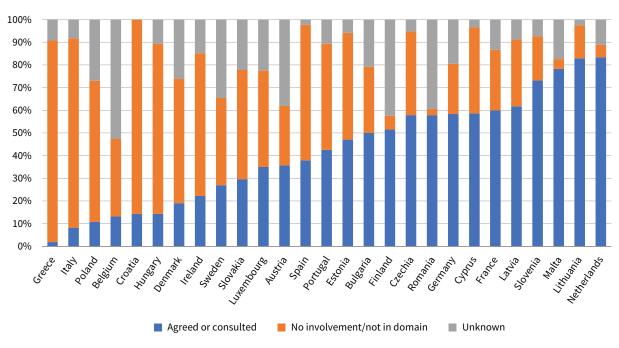
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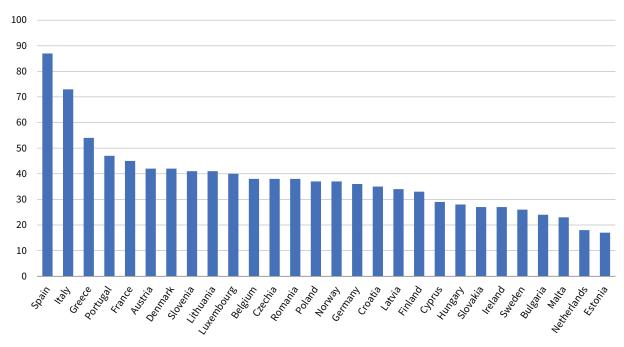
Annex





Note: 'Involvement' of social partners has been defined as legislative (or similar) governmental pandemic-related measures including tripartite agreements, where at least one side of industry has been consulted or came to a negotiated agreement with national governments in the design phase. This graph relates to 1,020 measures in this period. Cases related to the EU level, Norway and the UK, which are also part of the database are not displayed.

Figure 5: Number of measures by country, 2020-2021



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