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**Representativeness of social partners
in ten European sector social dialogue committees**

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INTRODUCTION

The European sectoral social dialogue (ESSD) has evolved in new institutional settings over the last years, mostly as a result of two changes: the reinforced role for social dialogue provided in the Maastricht Social Agreement (later Articles 138 and 139 of the EC Treaty, and now Articles 153, 154 and 155 in the Treaty on the Functioning of the European Union-TFEU) and the transformation of the 10 joint committees and 14 informal working parties into homogenous 'sectoral social dialogue committees' by a Commission decision in May 1998 (Dufresne 2006). Currently, there are 43 European Sector Social Dialogue Committees (ESSDC) in place.

In the last years there has been a small but growing research focused on the European Sectoral Social Dialogue (ESSD). Some articles consider the establishment or developments in one specific sector (Bandasz 2014, Leisink 2002, Pierre and Buisine 2013, Poissonneau and Nolda 2012). Others drew from a comparative analysis a typology of different dynamics and developments (Pochet et al. 2006). Most attention though has been towards the assessment of the outcomes in terms of agreements and joint opinions (Dufresne, 2006; Pochet et al., 2009; Degryse et al. 2011; Degryse, 2015) and its implementation (Keller, 2005; Keller and Weber, 2011). Some authors have also analysed the relationship between sectoral industrial relations regime similarity and the ESSD output, finding a positive relationship (Bechter et al., 2011). In addition, there has been research focused on the analysis of the dynamics of the ESSDC from a multi-governance perspective that has taken into consideration the relationships between the players involved in the committees and between them and the Commission and also the 'vertical relations' between the European level bodies and national social partners (Marginson and Sisson, 2006; Marginson and Keune, 2012; Leonard 2008). This multi-level governance perspective captured well the process, outcome and implementation aspects of representativeness for European social partners in ESSDCs (Perin and Léonard, 2011).

The issue of representativeness of social partners has been analysed recently by comparing different meanings of representativeness in the different national industrial relations systems (Eurofound 2016). Representativeness is one of the most important fundamentals of the legitimacy of the ESSD that confer them regulatory capacity, being the main criterion used by the Commission to identify the 'management and labour' whom it must consult under Article 154 of TFEU, and who may initiate social dialogue leading to Council decisions under Article 155 of the same treaty. According to the European Commission Communication concerning the application of the Agreement on Social Policy (now Articles 154 and 155 TFEU) of 14 December 1993, European organisations should meet three criteria for been assessed as representative:

- be cross-industry or relate to specific sectors or categories and be organised at European level;
- consist of organisations, which are themselves an integral and recognised part of Member State social partner structures and with the capacity to negotiate agreements, and which are representative of several Member States, as far as possible,
- have adequate structures to ensure their effective participation in the consultation process.

These general criteria are verified by the European Commission. In this process, representativeness studies conducted by Eurofound play a crucial role to check the second criterion. Thus, Eurofound representativeness studies identify the relevant national and supranational social actors – the trade unions and employer organisations – in a given sector, and show how these actors relate to the sector's European interest associations of labour and business, as well as the capacity or mandate of the European social partners to negotiate agreements on behalf of their members.

Eurofound has published 45 representative studies since 2006 using the same methodology. Nevertheless, outcomes of the representativeness studies have not been compared to date. Moreover, representativeness studies barely make references to previous studies when it comes to analysing relevant issues for assessing the representativeness of the European social partners, such as the country coverage or the share of relevant national social partners affiliated. Filling this gap, this paper compares the outcomes of 10 representative studies. The ten representativeness studies included in the scope of this paper are those on which both authors worked upon in the last four years, covering a great diversity in terms of European regulation and harmonisation, employment, or industrial relations' structures.

Comparing the findings of representativeness studies is useful to explore the challenges and difficulties that European social partners may face to affiliate relevant national social partners or to obtain a mandate from the national organisations to negotiate on behalf of them in different and varied sectors. This comparison can also foster the debate on how to interpret the representativeness criteria defined by the European Commission by analysing how and to what extent all the ESSD meet the representativeness criteria. Keller and Weber (2011: 233) consider “*representativeness criteria very broadly defined and quite ‘flexible’ in their interpretation, being therefore open to various kinds of administrative and political opportunism, and arbitrary political decisions regarding questions of including (or not) competitive organisations*” (Keller and Weber 2011: 233). This underscores the importance of representativeness studies. Finally, comparison of the ESSD committees can also favour benchmark analyses of the representativeness criteria of the European social partners that could encourage them to promote capacity building towards a better representation, in those cases where, even if representativeness has been formally obtained, outcomes with regard to some of the criteria appear to be comparatively low.

This paper firstly explains the approach and methodology of the representativeness study, detailing how data is gathered, analysed and verified. Secondly, it analyses and compares the specificities of the ten sectors covered. Thirdly, the paper shows and compares the national social partners in each of the 28 EU member states identified for each of the 10 sectors studied here. Fourthly, the paper assesses and compares the representativeness of European social partner organisations that make up the 10 ESSDC covered, based on the number of relevant national organisations covered, their geographical domain and their capacity/mandate to negotiate agreements.

01. Approach and methodology

Eurofound representativeness studies consider the capacity of parties in ESSDC to represent workers and management of a specific sector. Such representativeness studies are conducted by Eurofound at the request of the European Commission. Every year, Eurofound conducts about 6 new representativeness studies. As there are 43 European Sector Social Dialogue Committees (ESSDC) in place, an up-date of the representativeness study for a sector is normally updated after more or less seven years. When an agreement reached in a ESSDC that needs to be implemented via a Directive, this involves an impact assessment for which an up to date representativeness study is required. This is why, for the implementation of the recent ESSDC agreement on health and safety in the personal services sector (Hairdressers and beauticians) and the ESSDC agreement on information and consultation for the central government administration, an update is being conducted of the representativeness studies from those sectors.

At the start of each representativeness study an agreement is made between the social partners and the European Commission on how the sector is defined by a combination of NACE codes¹. This way it is clear what kind of economic activities fall within the sector. A questionnaire is subsequently distributed to one single national Eurofound correspondent in each EU member state. Eurofound has a longstanding experience with this wider network of correspondents that covers much more industrial relations and working conditions issues, besides their national contributions for representativeness studies.

These national correspondents collect information on the affiliates of the European social partner organisations involved in the ESSDC. This is the top down approach. This is combined with a bottom up approach in which other sector related trade unions and employer organisations are searched for. With the information on all sector related trade unions and employer organisations, a national contribution is submitted to Eurofound, that is checked in terms of coherence by a Eurofound research manager and a contractor, who will draft the overview report. Social partners will be given three chances to provide feedback and comments; firstly on the national contributions, secondly on the draft overview report, and thirdly during the evaluation meeting where the final draft of the overview report is endorsed before it can be published on the Eurofound website.

The content of a representativeness study is, just like the questionnaire at the origin of the study, fairly standardised. An overview report contains three main parts. A first part is on employment and economic trends and specificities in the sector. A second part is on national social partners, while a third part looks upon the representativeness of the European social partners, through an analyses of their affiliates and their capacity/mandate to negotiate on behalf of their national members. The sector related social partner organisations not yet affiliated to the European social partners involved in the ESSDC, or those affiliated to other European associations, are indicated as well. This can sometimes be perceived by the social partners themselves as shortcomings pointing at the limits of their representativeness. While, just the same it offers opportunities for future capacity building, strengthening European social partner organisations.

¹ Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2, OJ L 393, 30.12.2006, p. 1–39.

02. The specificities of the ten different sectors

In this section we describe and compare the specificities of the ten sectors covered by the ESSDC analysed in terms of their economic and employment relevance, workforce characteristics and EU regulation coverage.

As detailed in Table 1 below, the ten ESSDC analysed here, cover six manufacturing sectors, two transport sectors, one service sector and one energy sector. Looking at the 43 sectors for which ESSDC are established, almost half of them are in private and public services, about 15 cover manufacturing sectors and 6 concern transport sectors. Thus, manufacturing sectors are relatively speaking 'overrepresented' in the sample of sectors included in this report. However, the manufacturing sectors included, differ with regard to several properties. In terms of employment, the food and drink industry is the biggest manufacturing industry, employing 2.3% of total EU employment. The chemical industry provides 1.7% of total EU employment while the remaining sectors provide less than 1% of total employment. These sectors also differ in their contribution to the overall Europe's GDP and their degree of capital/labour intensity. While the chemical sector is considered a capital insensitive sector that represents around 1.1 % share of EU GDP² and record a higher added value per person employed than most of the manufacturing activities, providing highly-skilled jobs, the remaining industry sectors covered are considered labour intensive sectors, since they record a lower added value per person employed than the average of the manufacturing sectors, employing workers with low or intermediate educational level. In addition, it is worth noting that although most of the manufacturing sectors are exposed to international competition in terms of products and production locations, some differences also appear to this regard. While the European chemicals industry does not face significant structural disadvantage and exposure in terms of delocalisation of companies, global competition from third countries has been usually cited as one of the major causes explaining employment decline for textile and clothing and furniture industry (Eurofound, 2008; European Commission, 2009; CEPS, 2014). As far as EU regulation is concerned, its existence has some implications, as some research has shown that sectors regulated at EU level are characterised by greater cross-country similarity than other sector in terms of industrial relation structures (Bechter et al., 2011). With regard to the manufacturing sectors, all of them but the graphical sector have been covered by EU council and Parliament Regulation (food and drink, chemical and woodworking) or Directives (furniture).

As far as the two transport sectors are concerned, data from road transport and logistics, as defined in the ESSDC, according to four NACE code digits, is not available in the Eurostat Labour Force Survey. In the 2010 edition of the European Commission's report on recent developments in European sectoral social dialogue, it was estimated that the road transport sector employed 4.5 million people and accounted for 1.6% of Europe's' GDP. A more recent report from the European Commission (2014) noted that some three million people were employed in the road transport sector in 2011. Finding reliable statistics on sectoral employment in the maritime transport sector is also problematic as a result of the ESSDC sectoral definition. In 2014, the EU-LFS estimated that 226,650 people in total were employed in the maritime transport sector, excluding service activities incidental to water transportation. A study on the employment of EU seafarers (Sulpice, 2011) estimated that the number of active seafarers in maritime EU Member States plus Norway was 254,119 in 2010. The total number of seafarers in western Europe countries (EU plus Norway) was 146,231 and the number from eastern Europe was 107,988. Both road and maritime transport are labour intensive sectors employing low qualified workforce. They are also male dominated and record a high share of non-EU workers, especially the maritime transport sector. A common and marked feature of both transport activities is that they are seen as one of the least favourable sectors with regard to working conditions (Eurofound, 2012). Flexible contracts, self-employment relationship and temporary work are widespread. In addition, these sectors face problems related to misuse of employment contracts and other contracting forms (Broughton and Curtarelli, 2015; Richard, 2014). Both sectors face also increasing competition. In the road transport sector, a particular problem is related to business practices exploiting wage differentials between European countries and regulatory loopholes related to the Posting of Workers Directive, (Richard, 2014). Maritime transport mostly faces high competition from third countries. As far as EU regulation is concerned, road transport sector has been subjected to liberalisation and harmonisation of transport markets while in the maritime transport sector there are

² http://ec.europa.eu/growth/sectors/chemicals_en

Commission's Community Guidelines on State aid to maritime transport, but also regulations on liberalising maritime transport services ([4055/1984](#) and [3577/1992](#)) of which the latter contains even clauses on application of [working conditions](#) of the host country to manning of ships providing maritime cabotage.

The electricity and postal and courier activities present relevant differences between them and compared to manufacturing and transport sectors. They have the different sector-specific properties that can be found in energy and service sectors. The electricity sector is the one recording the highest added value per person employed of the ten sectors covered while the postal sector records the second lowest value. However, both electricity and postal sectors share a relevant property. The two sectors have been gradually liberalised by means of European Directives since the 90s. As a result, they are characterised by the presence of large operators which are usually the former national major players. However, it is worth noting that while in the electricity sector, the process resulted in the shift of operators from the public to the private sector, in the postal sector, the liberalisation process regulating full market opening, has resulted in the continuation of public and semi-public operators in most of the EU countries which now compete with private operators. Interestingly, research shows that these process did not have great impact on industrial relations, remaining relatively stable, with social partners and collective bargaining strongly positioned (Eurofound, 2012; Eurofound, forthcoming).

Table 1. Sectoral definition and features

SECTOR	NACE code	Total employment (data in thousands) 2015	Share of employment as % of total EU employment 2015	Apparent labour productivity (Gross value added per person employed) 2013	EU regulation
<i>Manufacture</i>				55	
Chemical	20, 21 and 22	3,728.0	1.7	95 (NACE 20), 143 (NACE 21), 50 (NACE 22)	EU parliament and Council regulation
Food&Drink	10 and 11	4,936.1	2.3	43 (NACE 10)	EU parliament and Council regulation
Furniture	31	1,154	0.5	29	Directives on consumer obligations
Graph	18.11; 18.12; 18.13 and 18.14.	814.9 (2013)	0.4 (2013)	41	No
Textile	13 and 14	1,770.9	0.8	35 (NACE 13) 19 (NACE 14)	EU parliament and Council regulation and Directive
Woodworking	16	1,016.4	0.5	31	EU parliament and Council regulation (EU Timber Regulation)
<i>Transport</i>					
Mar. Transport	50.10, 50.20 and 52.22	226.650 (excluded 52.22, year 2014)	0.1	Na.	Regulations & EC guidelines
Road Transport	49.31,49.32, 49.39,49.41, 49.42,52.10, 52.29 and 53.2	Na.	Na.	Na.	Directives
<i>Energy and services</i>					Regulations and directives
Electricity	35.1	1,550.4 (code 35)	0.7	189	EU parliament and Council regulation and Directives
Postal	53	1,777.1	0.8	33 (2012)	EU parliament and Council regulation and Directives

Source: Employment, Eurostat European Labour Force Survey; Apparent labour productivity, Structural Business Statistics

In a nutshell, the 10 sectors present some differences. In terms of employment, sectors covered range from around 5 million of workers in the food and drink sector to around 250,000 workers in the maritime transport sector. All the sectors except electricity and chemical industry can be considered labour intensive, generally employing workers with mostly low or intermediate educational levels. Transport sectors present a higher degree of flexible contracts, self-employment relationship and temporary work as well as less favourable working conditions than the other sectors. Finally, all the sectors except the graphical industry have been affected by EU legislation (Regulations and Directives). Moreover, in some sectors regulation has mostly affected environmental issues ((woodworking) while in others, such as the chemical industry, regulation has covered a broader scope of issues (safety of workers, consumer health, and the environment). Finally, some sectors (road freight transport and maritime transport, electricity and postal) have been affected by liberalisation processes.

2. National social partner organisations

Eurofound representative studies identify relevant national social partners and assess how these actors relate to the sector's European interest associations of labour and business. In the process of identifying relevant national social partners, the organisations that are involved in sector-related collective bargaining are considered plus the national affiliates of European social partners with members in the sector, even if they are not involved in collective bargaining. The involvement in collective bargaining criterion is crucial to ensure that those organisations are "an integral and recognized part of Member States social partner structures, and have the capacity to negotiate agreements" as is required by [Commission Decision 98/500/EC](#). Welz (2016: 79) argues that it can be interpreted that the capacity to negotiate agreement only is required for European social partner organisations in ESSDC, but not for all the national members they are composed of. All the affiliates of European social partners involved in the ESSDC are thus included in representativeness studies, as through their involvement in the ESSDC, experience is assumed that should prove their capacity to negotiate agreements.

Those organisations neither affiliated to a relevant European association, nor involved in collective bargaining in the sector are not included in the standard methodology of Eurofound representativeness studies, conducted from 2007 to 2016. This approach has advantages and drawbacks. Main advantages are: that the clearness and consistency in the approach allows comparative analyses of results between different ESSDC. Within each ESSDC, it allows an assessment of the representativeness of European associations by comparing the affiliates of European associations involved in the ESSDC with those other relevant organisations that are not affiliated, or affiliated to other European organisations not (yet) involved in the ESSDC.

Excluding an association not involved in collective bargaining from a country where there is no collective bargaining practice, might not mean the same as excluding one from a country where there is collective bargaining taking place. The first drawback of this standard methodology affects thus employer organisations most, as they are normally only involved in multi-employer collective bargaining at sector level, and not in single employer collective bargaining, that is conducted between companies and trade unions. In countries without any practice of multi-employer bargaining, the chance for an employer organisation to be included as national sector related social partner organisation thus depends on its affiliation to a European association. This may be partly explaining why this methodology found in the first subsection a higher pluralism among sector related trade unions than among sector related employer organisations.

A second drawback is that social partnership in social dialogue arrangements, or in participation in bipartite or tripartite bodies, does not count to make a sector related organisation a relevant social partner as long as there is no European affiliation and no collective bargaining; Final drawback is that the standard methodology makes a snapshot of a given situation, without considering future developments as it is not including potential future members of European associations that are not involved in collective bargaining, before they actually became a member, or become involved in collective bargaining. Other European sector related associations are often only included in the bottom up approach of representativeness studies. Without consistently considering the full list of their national affiliates, the scope of their representativeness can thus be underestimated in comparison to the assessment of the established actors in the ESSDC.

Being aware of the strengths and weakness of the applied methodology, an analysis is made in three subsections of; (1) the degree of pluralism, (2) the sector relatedness and (3) the collective bargaining involvement and coverage.

2.1. Pluralism in terms of number of sector related organisations

The number of trade unions organising the interests of employees in a sector varies from country to country. Looking at the ten sectors studied here, the highest number of trade unions is recorded in Portugal and France. These 2 countries record more than 6 trade unions as an average. At the side of the employers there are more than 6 organisations on average in France and Italy, as is illustrated in table 2.

A pluralistic trade union landscape also exists in Italy, Sweden and Belgium. In these countries the average number of trade unions in each sector is 5. The number of trade union organisations is lowest in Estonia and Lithuania, where for most sectors there is only one sector related trade union. Only for the electricity sector and the road transport sector a second trade union exists in Lithuania. In Estonia there are exceptionally two trade unions in the electricity sector, the road transport sector and here also for the maritime transport sector. In six other countries the degree of trade union pluralism is still relatively low in these ten sectors. This is the case for the Czech Republic, Greece, Croatia, Latvia, Malta and Slovakia.

Table 2– Degree of social partner pluralism in the different EU member states

	TRADE UNIONS		EMPLOYERS ORGANISATIONS	
	Average nr of TU organisations	EU Member states in this situation	Average nr of EO organisations	EU Member states in this situation
EU MS with very low pluralism rate	<1.5	EE, LT	<1.5	CY, CZ, EE, HR, IE, LT, MT
EU MS with low pluralism rate	+/-2	AT, BG, CY, DE, EL, HR, LV, MT, SL, SK	+/- 2	BE, BG, DK, EL, FI, HU, LU, LV, NL, PL, RO, SI, SK, UK
EU MS with average pluralism rate	3-4	DK, ES, FI, HU, IE, NL, PL, RO, UK	3-4	AT, DE, PT, SE
EU MS with high pluralism rate	5-6	BE, IT, SE	5-6	ES
EU MS with very high pluralism rate	>6	FR, PT,	>6	FR, IT

Source: comparison based on 10 Eurofound representativeness studies

The highest rates of employers' organisation pluralism are found in Italy and France, followed by Spain and Portugal. For the ten sectors considered here, there is no pluralism in both Lithuania and Malta, meaning that in both countries there is never more than one sector related employers' organisation. Still a low rate for employer organisations is found in Cyprus, Czech Republic and Estonia, with each only one occurrence of a second employer organisation. For Cyprus this is in the graphical sector, while for Czech Republic and Estonia, this second employers' organisation is in the road transport sector.

At sectoral level, a higher degree of pluralism is found in road transport, the electricity sector and in postal services sector, with more than 100 sector related trade unions. The lowest number of sector related trade unions is to be found in the graphical sector, the furniture sector and the wood sector.

Table 3– Fragmentation in terms of national sector related social partner organisations

	Chem	Electr	Food& Drink	Furniture	Graph	Marit Transp	Postal	Road Transp	Textile	Wood
Nr of sector related TU	75	113	94	58	55	88	105	126	76	59
Nr of sector related EO	57	49	115	41	46	43		157	52	50

Source: comparison based on 10 Eurofound representativeness studies

Comparing the degree of organisational pluralism between the trade unions and employer organisations indicates more pluralism for the trade unions in these ten sectors. On the exception for the food and drink industry and the road transport sector, there are in all other sectors more sector

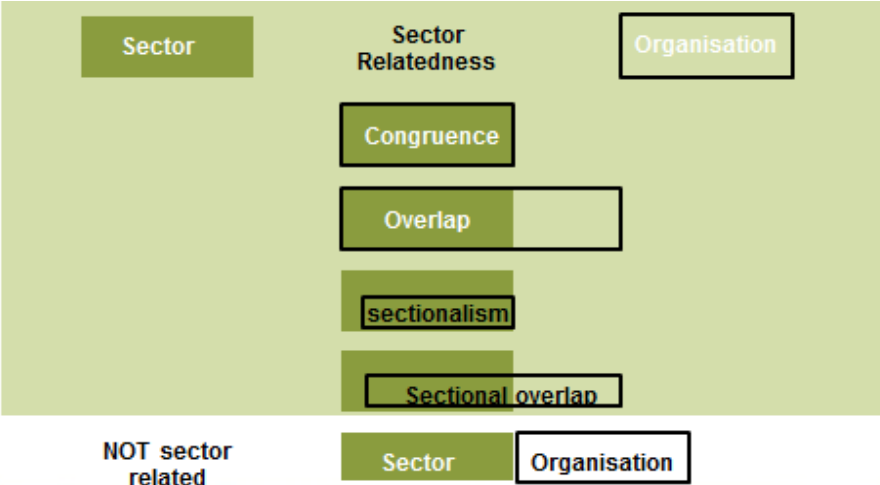
related trade unions, than there are employers' organisations. The food and drink sector and the Road transport sector are the ones with the highest number of sector related employer organisations, each above 100. The road transport sector is also the one with most trade union organisations. In the food and drink sector there are also many trade union organisations, but not as many as in the electricity sector, where there are double as much trade unions as employer organisations. Also in the maritime transport sector there are double as much sector related trade unions than there are employers' organisations.

It has to be noted that degree of pluralism does not always lead to fragmentation in terms of the way social partners represent the interest of their affiliated. It can be that across the different trade union organisations and employer organisations, constructive cooperation is developed, that avoids fragmentation. Moreover, attention should be drawn to the fact that, within the same sector, national social partners can have different domains in terms of activities and types of companies or workers covered, thus avoiding to compete to recruit members. Bearing this in mind, the next section analyses the sector relatedness and domain coverage of national social partners.

2.2. Sector relatedness and domain coverage

The scope of each sector is defined at European level by an agreed combination of NACE codes. If a trade union or an employer organisation covers the entire sector, without any members outside of the sector it is considered to be congruent with the NACE code definition of the sector. It is however only a small fraction that is congruent. If an organisation covers the entire sector, and on top of this has members in other sectors, its type of sector relatedness is called "overlap". Sectionalism it is when only a part of the sector is covered, and sectional overlap, is sectionalism with some members in other sectors.

Figure 1 –Types of sector relatedness



In table 4, congruence and overlap are counted together, in the first light green row, as both are standing for a complete coverage of the sector. The second darker green row represent the proportion of the sector related trade unions that are congruent, for which the domain covers the entire sector without any overlap with another sector. The percentages below stand for the proportion of overlap (counting together overlap and sectional overlap).

For three sectors, only a third or less than a third of the sector related trade unions cover the entire sector; 26% of the road transport sector trade unions, 29% of the food & drink sector trade unions and 33% of the maritime transport sector trade unions. There are three other sectors, for which about two thirds of the sector related trade unions cover the entire sector. This is the case for the furniture, graphical and textiles sector.

For trade unions the proportion of trade unions covering a domain that is congruent to the sector demarcations is low for all of the ten sectors studied. Only for the Graphical sector it is with 11%, just above 10%. Overlap and sectional overlap counted together, gives the proportion of organisations that include also members in other sectors. For the trade unions in the maritime transport sector this is the

case for two thirds of the trade unions, and for 74% of the postal sector trade unions. For all other sectors overlapping organizational domain patters with other sectors occur for more than 80% of the trade unions.

Table 4 – sector relatedness of trade unions & employers organisations (domain coverage)

	Chem	Food & Dr	Furnit	Graph	Mar. Tr	Post	Road Tr	Text	Wood	Electr
% TU covering entire sector (Congruence & overlap)	48%	29%	64%	64%	33%	44%	26%	65%	52%	45%
% TU congruent with sector	7%		4%	11%	9%	7%	3%	9%	7%	5%
% TU Overlap with other sectors (áverlap§ional overlap)	89%	84%	91%	87%	65%	74%	82%	90%	92%	85%
% EO covering entire sector	32%	25%	72%	44%	30%		14%	60%	74%	65%
% EO congruent with sector	11%	9%	12%	21%	16%		5%	20%	7%	22%
% EO Overlap with other sectors	51%	38	86%	53%	26%		35%	48%	68%	65%

Source: comparison based on 10 Eurofound representativeness studies

For the employer organisations there are also four (instead of three for the trade unions) sectors where only about a third of the sector related employer organisations cover the entire sector; chemicals, maritime transport, road transport and the food and drink sector. Three of these four are exactly the same as the three sectors where also for the trade unions a third or less of the sector related trade union organisations covers the entire sector.

For the chemical sector the relatively lower proportion of sector related employer organisations that cover the entire sector, is because the sector as it was defined for this study also included the pharmaceutical sector, while most of the employers organisations identified did not cover pharmaceuticals as for this separate business associations or employers organisations are established in many EU member states. For the road transport sector, the proportion of sector related employer organisations covering the entire sector is with 14% the lowest. This is probably due to the same reason of separated sub-sectors in road transport for which different employer organisations are coexisting.

Comparing the proportions of organisations that is found to be congruent with the European agreed NACE codes defining the sector, we see more congruence for the employer organisations, than for the trade unions. For three sectors, more than 20 % of the employer organisations identified are congruent to the sector. This is for the graphical sector, the textiles sector and the electricity sector. No such levels of congruence are found for the trade unions. Here the highest proportions of congruent trade unions are around 10%, in the graphical sector, maritime transport and the textiles sector.

While the proportion of congruent organisations is lower for trade unions than for employer organisations in each of the ten sectors, the proportion of organisations with members outside of the sector (overlap & sectional overlap) is much higher, varying between 65% and 92%. For the employer organisations varies from 35% to 86%. There are three sectors for which the proportion of employer organisations with a membership domain overlapping with other sectors is below 40%. This is in maritime transport, road transport and in the food and drink sector.

Generally, this analysis shows that national member organizations domain from both side of industry, but especially from the trade union side, rarely correspond to the scope of the activity as it is defined at European level. This usually occurs because they only cover specific sub-sector (e.g. road transport sector, chemical, etc.) or tend to include other activities based on social partners' traditions or particular national sectoral definitions. In occasions, European sectoral definitions seem to be more specific and technical than the sectoral definitions used at national level. This is to some extent illustrated with the cases of the ESSDCs of furniture and woodworking. Although there are two different ESSDs and these two sectors are distinguished at European level, a high proportion social

partners at national level tend to cover both activities within their sectoral definition. Moreover, it is observed that a high proportion of countries (Austria, Bulgaria, Cyprus, Germany, Denmark, Spain, France, Italy, Portugal, Sweden, Slovenia and Slovakia) tend to conclude collective agreements that encompass both sectors.

These findings show that ESSDCs may be covering diverse socioeconomic situations at national level, a fact that may have some implications. As maintained by Pochet et al. (2009) diversity does not constitute a difficulty in itself, but it does augment the complexity that the European players have to face and may hinder the European sectoral organisations to define shared interests and common goals with national organisations.

2.3. Organizational density

Even if organisations cover the entire domain of a sector, congruently or with an overlap in other sectors, this does not mean that all the employees and companies in that sector are organized. Only in Austria where there is a practice of obligatory membership of companies to an employer’s organization, their organizational density is in theory 100%.

Eurofound national correspondents systematically collect information of the membership of trade unions and employer organisations allowing a calculation of organizational density per country for each sector. Organisations with an overlapping membership domain, may not have records of their members linked to NACE codes, so that they may not be able to tell exactly how many of their members fall within the scope of the sector defined by the NACE codes. In those cases, it can be that estimates are provided, instead of exact numbers. Other organisations may have other reasons, not to disclose information on the scope of their membership.

Being aware of the limitations of the available information, Table 5 illustrates variation of trade union density rates between different sectors in each of the 28 EU member states. The electricity sector and the postal sector, show the highest rates of trade unions organisation, as almost half of the employees in both sectors are member of a trade union. The white cells in table 5 are sectors for which no trade union density rate could be calculated, illustrating the incompleteness of the available data.

The organizational density of employer organisations can be calculated by dividing the number of affiliated companies in the sector by the total number of companies in the sector. This way of calculating gives the numbers presented in blue in table 5. These are high for the food and drink sector, and also for the road transport sector, the graphical sector and the chemical sector higher than the trade union organizational density presented in green.

Table 5 –Reported organizational density per sector

	Chem	Electr	Food& Drink	Furnitu re	Graph	Marit Transp	Postal	Road Transp	Textile	Wood
YEAR	2014	2914	2013	2015	2016	2016	2016	2015	2013	2014
Density TU	16%	46%	14%	24%	14%	30%	46%	16%	20%	25%
Density EO in terms of companies	17%	6%	42%	7%	28%	16%		24%	8%	16%
Density EO workforce member companies	50%	93%	48%	19%	47%	74%		35%	51%	45%

Source: comparison based on 10 Eurofound representativeness studies

A second way to calculate organizational density of employer organisations, consists of dividing the sector related workforce of the affiliated companies by the total number of employees in the sector. This calculation is presented in purple, below in table 5. It gives higher density rates for all sectors, than the calculation rate in terms of affiliated companies, because larger companies with more employees are more often affiliated to employer organisations, than are the smaller companies with only a few employees. Especially in the electricity sector the difference in outcome is significant, as

electricity sector companies tend to highest number of employees, together with the postal sector. For the postal sector no employers organizational density figures could be calculated, as in some EU member states there is a postal company still operating most of the postal services in the country, excluding any role for employers organisations.

Density is considered to be the measure of social partners' strength more appropriate for comparative analysis (Traxler et al., 2001). It thus provides a clear and comparable indication of the strength of national social partners' organisations covered by the European social partners' organisations, which is useful to check to what extent they are covering relevant national organisations. However, it presents some limitations (Vernon 2006), beyond those related to the unavailability of information. Assuming that trade union density expresses the significance of trade unions finds a counter example in France (Goetschy 1998). Brandl and Lehr (2016) analysed different meanings of density for employers organisations, depending on other industrial relation variables. Generally, important national divergences are found which in occasions can be attributed to different national definitions of representativeness within the wider industrial relation systems. Instead of only relying on membership, some are based on other criteria such as the organisational resources and capacities, the outcome of workplace employee representatives elections, or mutual recognition mechanisms (Eurofound 2016). The existence of national definitions of representativeness that do not rely on membership may therefore lead to an underestimation of the actual strength of some national organisations, based on its organisation density.

3. The representativeness of European social partner organisations

The composition of the ESSDC reveals that organisational pluralism at European level is exceptional. In most ESSDC there is only one European trade union organisation and one European employer organisation represented. In the exceptional cases where there is more than one organisation involved, this is only at one side, either for the trade unions, or for the employers' side, but never at both sides in one ESSDC.

Table 6 presents the European organisations which are represented in the 10 ESSDC covered. For nine of the ten sectors included in this report, there is only one European trade union organisation covering the sector. The exception is the electricity sector where IndustriAll Europe covers the private sector part, and EPSU the public sector part. For the European employers' associations there are eight of the ten sectors with only one European employer association. The exceptions here are the furniture sector, and road transport with two European employer associations.

Table 6. ESSDC social partners' composition

ESSDC	TU	EO
Chemical	IndustriAll	ECEG
Food&Drink	EFFAT	FoodDrink Europe
Furniture	EFBW	UEA, EFIC
Graph	Uni Europa Graphical	Intergraf
Textile	IndustriAll	Euratex
Woodworking	EFBW	CeiBois
Mar. Transport	ETF	ECSA
Road Transport	ETF	IRU, UITP
Electricity	IndustriAll, EPSU	Eurelectric
Postal	Uni Europa	Post Europ

This section analyses and compares the representativeness of the European actors represented in the ESSDC, assessing, based on the second criterion of the European Commission definition, the number of relevant national organisations covered, their geographical domain and their capacity/mandate to negotiate agreements.

3.1. Organisational density and domain coverage of actors in the ESSDC

In table 7, the number of national sector related trade unions affiliated to the European Trade Union organisation involved in the ESSDC is in the second dark green row, followed by the % of the national sectoral trade unions affiliated. This affiliation rate is lowest for the postal sector, where UNI Europa, has with 46%, slightly less than half of the sector related trade unions affiliated. The highest organizational density in absolute number of trade unions is to be found for the electricity sector. Here there are however two European trade union organisations involved in the ESSDC, IndustriAll Europe and EPSU. Together, they have 69% of the sector related trade unions organized. Separately this is 43% for EPSU and 39% for IndustriAll Europe.

TABLE 7 –organizational density and domain coverage European TU in 10 ESSDCs

	Chem	Food& Dr	Furnit	Graph	Mar. Tr	Post	Road Tr	Text	Wood	Electr	Electr	
											Epsu	IndAll Eur
Nr TU sector	75	94	58	55	88	105	126	76	59	113	113	113
Nr Affiliated	43	54	38	29	56	48	80	49	34	78	49	44
% affiliated	57 %	58 %	66 %	53 %	64 %	46	63 %	64 %	58 %	69 %	43 %	39 %
Nr MS with TU	28	28	23	25	25	26	28	26	27	27	27	27
Nr MS with TU affiliated	23	24	20	21	25	25	26	24	22	27	25	24
% MS with affiliate	82 %	86 %	87 %	84 %	100%	96 %	92 %	92 %	81 %	100%	93%	89%
Nr MS with TU in CB	28	23	23	22	24	26	28	24	25	27	27	27
Nr Ms with TU in CB affiliated	23	23	20	18	23	26	26	24	19	27	24	24
% MS w affiliate in CB	82 %	100%	87 %	82 %	96 %	100%	93 %	100%	76 %	100%	89 %	89 %

Source: comparison based on 10 Eurofound representativeness studies

Table 7 presents in light blue the number of EU member states in which there is a sector related trade union. For the Chemical sector, the Food and Drink sector and for the Road transport sector there are sector related trade unions in all the 28 EU member states. For the furniture sector this is only in 23 EU member states the case.

The number of EU member states in which the European trade union organisations involved in the ESSDC have affiliates is presented in the darker blue row, followed by the percentage of the member states in which there is an affiliate. The maritime transport sector and the electricity sector are both examples where the European trade union organisations have affiliates in (100%) all the EU member states where there are sector related trade unions identified. For the wood sector this is the case in 22 of the 27 EU member states with sector related trade unions, which is the lowest of the ten sectors, but still 81%.

Finally, in purple in table 7 the number of EU member states is given, for which there is a trade union involved in collective bargaining. Only for the chemical and the road transport sector there is in all the 28 EU member states a trade union involved in sector related collective bargaining affiliated to the EU trade unions. For four sectors the European trade union association in the ESSDC has an affiliated involved in collective bargaining in all the EU member states for which this practice exists. These three sectors where the coverage in this perspective is 100% are the post, food, textile and electricity sectors.

For the European employer organisations, the proportion of national sector related affiliates are presented in Table 8. The highest organisational density both in terms of organisations (61%) as in terms of EU member states (100%) is found for Eurelectric, the European employers' organisation in the electricity ESSDC.

The lowest rate in terms of affiliated organisations is found for InterGraf in the graphical sector. While in terms of organised EU member states, CEi Bois in the woodworking sector has only in 18 EU member states an affiliate. As there are sector related employers organisations in 25 EU member states, 18 stands for 72%. Also Intergraf in the graphical sector has affiliates in 18 EU member states, but as there are sector related employers organisations in only 23 EU member states, these 18 correspond to 84%, in figure 9.

TABLE 8 –organizational density and domain coverage European EO in 10 ESSDCs

EO	Chem	Electr	Food& Dr	Graph	Mar. Tr	Road Tr	Road Tr		Text	Wood	Furnit	Furniture	
							IRU	UITP				UEA	Efic
Nr TU sector	57	49	115	46	43	157		52	50	41			
Nr Affiliated	19	30	47	19	22	81	60	13	25	21	24	13	11
% affiliated	33 %	61 %	41 %	41 %	51%	52 %	38%	8%	42%	42 %	58 %	32%	27%
Nr MS with TU	24	27	24	23	23	27		22	25	27			
Nr MS with TU affiliated	23	27	22	18	21	26	14	7	21	18	23	13	11
% MS with affiliate	96 %	100%	92 %	84 %	91%	96%	52%	26%	95 %	72 %	85%	48%	41%
Nr MS with TU in CB	23	19	19	18	16	20		19	19	20			
Nr Ms with TU in CB affiliated	22	10	12	14	12	16	14	7	19	14	15	10	5
% MS w affiliate in CB	96%	53%	63%	78%	75%	80%	70%	35%	100 %	74%	75%	50%	25%

Source: comparison based on 10 Eurofound representativeness studies

Comparing the European density rates of trade unions and employers gives roughly a 10% lower proportion of affiliated organisations for the employer organisations. For the European Trade union organisations in these sectors this varies between 46% and 69%, while for the European employer organisations this goes from 33% to 61%.

In terms of EU member's states with an affiliate, there is no difference to be found. For both trade unions as for employers, the coverage varies from 70% of the EU member states to 100%. Counting and comparing the number of EU member states with an affiliate involved in collective bargaining, these 10 sectors show slightly lower proportions of EU member states for the European employer associations.

3.2. The capacity to negotiate on behalf of affiliates

The mandate that national member organizations are willing to give to their European counterparts is a crucial issue. Not all members are ready to shift powers to the European social partners (Keller, 2005). This leads to a type of 'subsidiarity' when ESSD committees have to set their agenda, as is also the case for the cross-industry social dialogue (Guerre, 2005). Therefore, if the potential to produce norms exists, its translation into practice not only depends on the relationships between unions and employers in the European committees, but also on intra-organizational negotiations and varying degrees of involvement of national players (Perin and Leonard 2011; Pochet et al 2006).

A European organisation has the capacity to negotiate an agreement provided for in Article 155 of the TFEU if it has received a mandate to do so from its affiliates, or if it can receive such a mandate in accordance with a given mandating procedure. The mandate/mandating procedure can be either statutory, that is laid down in the statutes (constitution) of the organisation or annexed to them, or non-statutory, that is laid down in secondary (formal) documents, such as rules of procedures, memoranda of understanding or decisions by the governing bodies of the organisation. Eurofound representativeness studies check this requesting European social partners their statutes or any other written documentation, describing their mandate and capacity to negotiate, as well as the ratification procedures in place within their organisation.

On the employee side, the 6 European trade unions represented in the 10 ESSDC covered have a mandate to negotiate agreements on behalf of their members. EPSU and IndustriAll Europe have a detailed procedure for obtaining a mandate for negotiations and for the endorsement of the result of negotiations, after which the organization can sign the agreement on behalf of all affiliates. Uni Europa has also a legal mandate for collective bargaining and negotiating agreements. EFFAT, EFBW and ETF claim to have a similar procedure, though this is not included or annexed to the statutes of the organization.

On the employer side, it has been argued that European employer organisations face more problems and difficulties to obtain a mandate. On the one hand, there are frequently general business associations instead of specialized employers' associations that exclude from their scope of action the negotiation of agreements (Behrens 2013). Thus, if national affiliates do not act as a 'social partner' within their national system, it is likely that they will not give powers to the European organisations to negotiate agreements (Weber, 2010). A higher degree of collective bargaining decentralisation in some sectors or countries may also hinder the mandate. As sectoral employer organisations in those cases have no competence or experience with collective bargaining, they cannot delegate a competence they themselves don't have.

When analysing the mandate of the employer organisations this is confirmed. Thus, it appears that some organisations have foreseen detailed procedures for decision making in the organization, though none of them explicitly indicates that these procedures can be used for mandating for negotiations or for allowing the organization to sign an agreement, binding as such the affiliates. In none of the statutes of the European employer organisations of these ten sectors, social dialogue activities are included among the objectives or activities for which the organization is established. The legal statutes of ECEG (chemical sector) are very explicit to this regard when it is said that: "The activities of ECEG will in no way bind the chemical industry and will not give rise to European negotiations concerning questions pertaining to national collective bargaining agreements, unless otherwise decided unanimously at a General Assembly of ECEG". In other cases, (for instance IRU, in the transport sector), negotiation of agreements is not excluded, even in the absence of an explicit mandating procedure. In these cases, European employer organisations, only have the capacity to obtain an ad hoc mandate, when needed.

Finally, attention should be drawn to the fact that without explicit mandates or negotiation procedures, European Social Partners can prove their negotiation capacity, by realizing joint opinions, process oriented texts (P.O.T.) or agreements, in a de facto, uncontested way.

Generally, outcomes of ESSD have mainly consisted on **joint statements** by the social partners to the EU or the member states with a view to influencing general policy direction and recommendations. However, in the crisis period it has been observed a greater intensity of **binding agreements** than any other period. As noted by Degryse (2015), out of the total 15 concluded in the current history of ESSDC, 8 were concluded in the 2009-2013 period. However, the author does not see any link exists between the context of crisis and the number of ESSD agreements signed during this period being assessed as a “relayed culmination of the period of strong activity of the ESSDCs that preceded the crisis”. In-between the category of joint opinions without any implementation process, and social partner agreements that can be made legally binding through European Directives as foreseen in Article 155 TFEU, there is a third category of texts. These are called **process oriented texts (P.O.T.)**, and can include for example frameworks of action to which national social partners report in a follow up process activities developed that fit in this framework of action. For some authors, these process oriented texts are expected to have an impact at national level (Pochet et al., 2009) while other authors are more sceptic about its impact as a result of differences between sectors in individual Member States, specially concerning sector collective bargaining coverage, and methodological weaknesses to monitor its progress and impact (Keller and Weber, 2011).

Of the ten sectors analysed here, only the European social partners in the maritime sector ESSDC made agreements that were transposed in legislation, and as such made generally binding. The social partners of all other sectors limited themselves to a combination of joint opinions and process oriented texts or framework of actions. The quantity of the produced texts varies. In a quantitative analysis of Pochet (2009), the ESSDC that produced most of the texts among these ten sectors were: postal, maritime transport and textile sectors. The lowest incident of produced texts is to be found in the two youngest ESSDC. Social partners in the food & drink ESSDC, established in 2012, have only reached one joint opinion. For the ESSDC for the graphical sector, created in 2013, there is only one single process oriented text (P.O.T.) produced. This shows that bringing ESSDC to the level of contractual arrangements takes time, on top of opportunities that can be created by proposals of European legislation or policies.

	Year creation ESSDC	Agreements / texts reached in ESSDC		
		Agreement	Proces oriented texts (P.O.T.) & framework of actions	Joint onions & tools
Chemical	2004		X	X
Electr	1995		X	X
Food& Dr	2001		X	X
Furniture	2012			X
Graph	2013		X	
Mar Tr	1987	X	X	X
Postal	1994			X
Road Tr	1965		X	X
Text	1992		X	X
Wood	1994		X	X
			X	X

Preliminary conclusions

The comparison of the outcomes of representativeness studies for the 10 ESSDC covered show that, even in context marked by relevant sectoral differences, representativeness of the European social partners presents a higher degree of similarity between the 10 sectors.

Some differences appear comparing the representativeness of European trade unions and European employer organisations. Generally, both trade unions and employer organisations cover in all the ESSDC analysed an important proportion of the national social partners found in each sector. With some exceptions (graphical and woodworking, on the employer side), outcomes also prove that European social partners studied tend to be active in almost all the European countries where there are relevant national social partners. More pronounced differences appear in relation to the capacity/mandate to negotiate. In this sense, it is worth noting that none of the European employer organisation represented in the 10 ESSDC covered explicitly indicates to have procedures that can be used for mandating for negotiations or for allowing the organization to sign an agreement. Moreover, in none of the statutes of the European employer organisations of these ten sectors, social dialogue activities are included among the objectives or activities for which the organization is established.

Thus, the paper shows that even if all the European social partners are recognised by the European Commission to formally meet the representativeness criteria, it appears that the European employer organisations are not meeting the criterion related to the capacity to negotiate agreements, an aspect crucial that partly determines the possibilities of the ESSDC to produce bindings agreements. As discusses, this outcome may illustrate the problems that European employer organisations face to obtain mandates from organisations which, at national level, only act as trade associations, being therefore not interested in conducting agreements. This finding rise therefore some questions on the actual relevance of this criterion to determine the representativeness at European level.

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Further reading on

- [European Social Dialogue](#) (ETUI website)
- European commission website – [European Sector Social Dialogue](#)
- [Eurofound representativeness studies](#)