European social dialogue: collective autonomy at European level?  

Isabelle Schömann

The decision of the European social partners to launch an autonomous multiannual work programme\(^2\) emerged from their shared resolve to contribute, in a way which would complement the work being done by the European Commission, to the Lisbon Strategy and EU enlargement. Their intention was to do so by creating a strengthened form of bipartite social dialogue at European level. European social dialogue, which had developed at a rate unprecedented in the history of European social policy, found itself, around the beginning of the twenty-first century, at a crossroads\(^3\) which required it to become more autonomous in nature\(^4\). Thanks to the success of the first multiannual work programme, for 2003-2005\(^5\), adopted at the Genval social dialogue summit on 22 November 2002, and which focussed on three major priorities (employment, mobility and enlargement), the social partners drew up and implemented a second work programme covering the period 2006-2008. The purpose of this article, as well as analysing this second work programme, is to examine its implementation, in order to assess its impact, firstly, on social dialogue in Europe, and, secondly, on the

---

1. The author would like to thank Stefan Clauwaert, of ETUI, for his comments during the drafting of this article.
3. There was a need, in particular, to embark on new negotiating processes, to diversify social dialogue instruments, and to strengthen their implementation at national and sectoral level (ETUI and ETUC, 2009: Chapter 6.1).
4. See the 2003-2005 multiannual work programme, introduction, paragraph 1, restated in the 2006-2008 multiannual work programme, paragraph 3, as well as in the 2009-2010 multiannual work programme (http://www.resourcecentre.etuc.org/).
5. Two major agreements were signed: the framework agreement on telework, in 2002, and that on work-related stress, in 2004. Moreover, two frameworks of actions were adopted: the framework of actions for the lifelong development of competencies and qualifications, in 2002, and the framework of actions on gender equality, in 2005. Finally, an assistance programme was set up for social partners in the new Member States joining the European social dialogue.
evolution of this European social dialogue, in particular on the strengthening of its collective autonomy.

1. The 2003-2005 work programme: a decisive initiative

In response to a Commission communication of June 2002 on the future of social dialogue (CEC, 2002), the European social partners acted on their wish for a more autonomous type of social dialogue. The underlying idea was to strengthen and expand social dialogue, to diversify its instruments by means, in particular, of the open method of coordination (OMC), and to give greater force to the implementation of the joint agreements, guidelines and other instruments which had not become part of Community social legislation through the legal process.

In general terms, the work programmes have opened up new areas for social dialogue. The European social partners, while respecting the spirit of Article 139 of the EC Treaty, may act together in a more autonomous fashion (ETUI and ETUC, 2005: 85), dealing with issues other than those proposed by the Commission in the consultations referred to in Article 138 of the Treaty. The adoption of multiannual work programmes, moreover, in no way affects the power of the Commission to take social policy initiatives, pursuant to Article 138(1) of the Treaty.

The work programmes consist of a list of actions, grouped into sub-categories. This list is neither exhaustive nor restrictive, as is emphasised, at the request of the European Trade Union Confederation (ETUC), in the last paragraph of the 2006-2008 multiannual work programme (‘CEEP, UNICE/UEAPME and ETUC consider that this work programme

6. In the 2003-2005 multiannual work programme, these were employment, mobility and enlargement. In the 2006-2008 programme, there are two sub-categories: one containing initiatives relating to joint analysis of key challenges facing European labour markets (points 1 to 3), and another grouping together more diverse initiatives (points 4 to 8).

7. The European employers' organisations interpreted this list, throughout the first work programme, as being exhaustive and not open to modification (ETUI and ETUC, 2004: 88). This unilateral and highly restrictive interpretation was a real obstacle to the development of autonomous social dialogue at European level (ETUI and ETUC, 2006: 104) and was a subject of discussion during preparation of the 2006-2008 work programme.
does not constitute an exhaustive list. The social partners may decide to up-date it in the light of developments in the EU. Furthermore, they will continue to monitor the implementation of the European Growth and Jobs Strategy’ (ETUC et al., 2006a). The list can be made up of studies, reports and seminars geared to helping the European social partners reach a shared or separate stance, generally expressed in the form of a declaration, with a view – where necessary – to negotiating an agreement on one or more defined topics.

Content and assessment of the first work programme
The first work programme, for 2003-2005, concentrated on three main priorities: employment, enlargement and worker mobility. Under each of these headings a series of themes was agreed upon; then, for each of them, a number of actions was devised and a timetable set. Under the employment heading, for example, the social partners selected 12 themes: the employment guidelines, lifelong learning, stress at work, gender equality, restructuring, disability, young people, racism, the ageing workforce, harassment, telework and undeclared work. One or more actions were listed for each theme, depending on the desired objective. The social partners decided, for instance, to organise a seminar on equal opportunities and gender discrimination. It was held in 2003, and concluded that negotiations should take place on the subject, with a view to drawing up a framework of actions. Negotiations were held, and the framework was signed on 22 March 2005.

At the end of 2005, the first autonomous work programme came to an end and it was possible to make an initial evaluation of its impact (ETUI and ETUC, 2006: 104; Degryse, 2006: 226-230). This was generally positive; most of the actions planned had been carried out. Nevertheless, the outcome of these actions was quite variable and difficult to assess, given, in particular, the uncertainty inherent in the instruments used and the fact that these were not legally binding. Some

---

8. Two joint reports on implementation of the guidelines, three follow-up reports and a final report on lifelong learning, a new framework of actions on gender equality, two joint declarations on restructuring and disability, a joint seminar on undeclared work, a series of seminars on industrial relations and restructuring, lifelong learning and implementation of the Community acquis in the new Member States, as well as a seminar on mobility and qualifications (ETUI and ETUC, 2006: 105).
actions, including those concerning young people, racism, harassment and violence at work, would have to be finalised under the next work programme. On the basis of these conclusions, a second multiannual work programme was negotiated; quite a task, given the large gap between the (substantial) initiatives proposed by the ETUC and those put forward by the employers’ organisations, which were more akin to lobbying activity (Degryse, 2007: 73).

2. The 2006-2008 work programme: significant results

On 23 March 2006, the European social partners adopted a second autonomous work programme, covering the period 2006-2008. In its preamble, this programme confirms the desire of the social partners to plan their work fully in line with the Lisbon Strategy, in order to help turn Europe, through the creation of a more autonomous European social dialogue, into ‘the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion’ (European Council, 2000). In practical terms, the work programme is intended to contribute to growth, employment and modernisation of the European social model by focussing on two main areas:

1) addressing the major economic and social challenges facing the EU, in order to ensure that the social dialogue at European level deals with the major concerns of Europe’s workers and employers;

2) contributing to enhancing Europe’s employment and growth potential and the impact of the European social dialogue, by ensuring proper follow-up and monitoring activities of jointly adopted measures, but also by conducting further negotiations.

2.1. European social dialogue as a response to the economic and social challenges facing Europe: spearhead of the 2006-2008 work programme

In order to help enhance the EU’s employment and growth potential and the impact of European social dialogue, the social partners carried out a joint analysis of the key challenges facing Europe’s labour markets
(ETUC et al., 2007). They examined macro-economic and labour market policies, demographic change, active ageing, youth integration, mobility and migration, lifelong learning, competitiveness, innovation and the integration of disadvantaged groups on the labour market, as well as the balance between flexibility and security.

This joint study was presented by the social partners at the tripartite social summit of 18 November 2007. Having made a detailed analysis of the issues facing labour markets in Europe, they put forward a series of recommendations to European and national institutions, and specified certain actions to be carried out by the social partners. Their recommendations are structured around the following main themes:

1) Active labour market and economic policies. The main need here is to create measures to integrate disadvantaged groups into the labour market, stressing the need to promote access to education, to lifelong learning, to the validation of qualifications acquired, as well as the development of competencies based on the needs of individuals and businesses. Emphasis is also placed once again on the importance of macro-economic social dialogue, as well as on the need to create a favourable business environment;

2) Social protection, cohesion and inclusion. These are approached from two angles: taxation and efficient public services. Equal access must, in particular, be ensured to healthcare, education, housing and social security services;

3) Compliance with labour law and industrial relations, as established at national and European level. Social dialogue based on mutual trust between the social partners is the key to managing the labour markets. Obstacles to labour mobility must be removed; there must be a strong commitment to combating undeclared work. Labour law and contractual arrangements governing the labour market must be adjusted to achieve a balance between flexibility and job security;

4) Flexicurity, with a view to creating more and better jobs, thanks to the right mix of policy measures striking a balance between labour market flexibility and security for workers. The recommendations propose that the social partners be involved in defining and establishing flexicurity principles.
The key aim of these flexicurity recommendations, clinched just before the tripartite social summit of October 2007, was to help national social partners during negotiations on changes affecting labour market regulation. Their success will depend on the extent to which they are used by the Member States and social partners. On the basis of their analysis, the European social partners agreed on two initiatives: to negotiate a framework of actions on employment, which should fall under the 2009-2010 work programme, and to negotiate a European cross-industry framework agreement on the labour market, to promote integration. Negotiations on this last point will focus on integration or reintegration measures to make it easier for individuals to join the labour market, maintain their position and make progress. So far, two meetings of the social partners have decided on a number of main topics for negotiation and on the target population: workers at the margins of the labour market, and those in precarious employment (thus avoiding an excessively rigid approach concentrating only on certain groups such as young people, women and migrants). The major topics selected for discussion are training, re-training and lifelong learning, quality and attractiveness of jobs, access to the labour market with a focus on active integration, and encouraging businesses to take on more staff by promoting financial and partnership incentives. Finally, the social partners agreed on the need for an approach based on partnership, seeking collective solutions, but within the context of a binding framework agreement setting out the role of the social partners. Negotiations are planned to continue until May 2009, with a view to concluding a framework agreement according to the procedure set out in Article 139(2) of the Treaty.

2.2. Follow-up to social dialogue outcomes and further negotiations

The 2003-2005 work programme had left some work unfinished, work which was taken up in the 2006-2008 programme: harassment and violence at work (point 4), managing change and its social consequences as well as the joint lessons learned on European Works Councils (point 5), capacity building for the social dialogue in the new Member States.
European social dialogue: collective autonomy at European level?

and candidate countries (point 6), follow-up reporting on the implementation of the framework agreements on telework and work-related stress, and follow-up to the framework of actions on gender equality (point 7). On the basis of this last point, the social partners stated their intention to further develop their common understanding of social dialogue instruments (point 8).

Harassment and violence
The issue of harassment and violence at work had been the subject of a joint seminar held on 12 May 2005, which identified a need for action by the social partners. Since the first work programme was about to come to an end, negotiation of an autonomous agreement was postponed to the 2006-2008 work programme. Negotiation finally led to the signing of a framework agreement on harassment and violence at work, on 26 April 2007. It was the third autonomous framework agreement, following those on telework (2002) and work-related stress (2004). Since the signing of the agreement, the ETUC has done a great deal of work to help its member organisations take ownership of it. Information (a guide to interpreting the agreement) has been provided and disseminated (translations supplied and an interactive resource centre set up) and training organised (two regional seminars). An initial joint report on implementation of the agreement was adopted by the Social Dialogue Committee on 18 June 2008 (ETUC et al., 2008).

Managing change
The next issue was that of managing change and its social consequences, as well as the joint lessons learned about European Works Councils. Thanks to a joint project entitled ‘Integrated programme of the EU social dialogue 2006-2008’, a study of restructuring processes in 15 Member States was carried out (following on from a similar study in 2004-2006, covering the new Member States). Seminars and national studies were also organised in at least 10 Member States10. On this basis, two documents were put forward and assessed: the guidelines on managing change and its social consequences, drawn up jointly in 2003 in the broader context of restructuring processes, and the joint text on

---

10. Ireland, Italy, Spain, Denmark, Austria, United Kingdom, France, Netherlands, Sweden and Greece. The remaining Member States (Germany, Belgium, Luxembourg, Portugal, Finland, Bulgaria and Romania) will be covered in 2009.
lessons learned about European Works Councils in the context of implementing the Community *acquis* in the new Member States. The main objectives were to give the social partners a detailed overview of the challenges resulting from restructuring in the 27 Member States, and of economic and social developments in each of the European countries, as well as to highlight the involvement of the social partners in complex restructuring processes.

**Social dialogue in the new Member States**

Following on from the above-mentioned joint project ‘Integrated programme of the EU social dialogue 2006-2008’, the social partners decided to strengthen social dialogue structures in the new Member States. The resulting initiatives express a desire to pursue the ETUC projects, underway since 2004, on capacity building for social dialogue in these countries. Initially (phase I), regional seminars identified the needs of the social partners in Bulgaria, Croatia, Romania and Turkey. In parallel, as set out in a third phase of the ‘Integrated programme’, the ETUC set up an electronic platform to give easier access to information on all European social dialogue activities¹¹, in order to emphasise what was being done by the social partners and to make social dialogue actions and tools more transparent, with a view to enhancing ownership by all stakeholders.

**Follow-up to the telework agreement**

Since the signing of the most recent autonomous framework agreement, and drawing on experience gained from implementation of the other autonomous framework agreements, the ETUC has been working together with the European employers’ organisations, in line with the 2006-2008 work programme, on follow-up to the implementation of framework agreements not taken up in a Community directive¹². After regular annual monitoring, the social partners adopted a final implementation report on the telework agreement on 26 June 2006. In

---


¹². These are framework agreements which have not been the subject of an extension procedure by Council decision, on the basis of a Commission proposal, conferring on them the nature of a Community directive, with legal force. These agreements must be implemented ‘in accordance with the procedures and practices specific to management and labour in the Member States and in the countries of the European Economic Area’, according to the wording of Article 138(2) of the EC Treaty.
parallel, the Commission carried out a similar study (CEC, 2008)\textsuperscript{13}, in cooperation with the social partners. Generally speaking, implementation of the agreement has been successful, in terms of the transposition instruments used and the level of protection attained. This success has demonstrated the added value of autonomous social dialogue (ETUC et al., 2006b: 29). Some aspects may be revised by the social partners, in particular the concepts of telework and homework, temporary and permanent telework, which require some clarification, as well as the protection of teleworkers, cross-border teleworkers and telework in the public sector, and the link between telework and false self-employment (CEC, 2008: 54-55).

**Follow-up to the agreement on work-related stress**

The 2006-2008 work programme envisaged a report on implementation of the autonomous framework agreement on work-related stress, finally implemented on 8 October 2007. Thus two joint interim implementation reports were submitted in 2006 and 2007, and a final joint report was presented and adopted by the social partners at the European Social Dialogue Committee of 18 June 2008 (ETUC et al., 2008). Here again, according to the social partners, the social dialogue has made it possible to improve, or even create, the conditions necessary to enable social partners at national, sectoral and company level to identify, prevent and manage problems of work-related stress. This has been done in spite of widely differing situations in the EU Member States, in terms of the legal and/or contractual protection afforded (differences due in part to the variety of instruments used to implement the agreement). The more general lesson drawn from implementation of this second framework agreement, however, is that it is necessary, at an initial stage, to give assistance to national and sectoral social partners in creating an environment conducive to the understanding and ownership of European social dialogue instruments. At a second stage, it is vital to open up a joint discussion on the effectiveness of European social dialogue instruments.

\textsuperscript{13} The framework agreement on telework was the result of consultations under Article 138 of the Treaty, which requires the Commission to assess to what extent the agreement contributes to the meeting of Community objectives.
Follow-up to the framework of actions on gender equality
In the same way, the social partners have regularly taken stock of follow-up to the framework of actions on gender equality, ever since its adoption in 2005. Joint implementation reports were produced in 2006, 2007 and 2008. In general terms, the most recent report speaks of the continuity and consistency of the measures taken in 2008. Particular attention has been paid to three main implementation issues: bringing the four main priorities of the framework of actions onto the agenda of national, sectoral, regional and company-level collective bargaining, stepping up tripartite consultations and increasing the number of projects financed by the European Social Fund. The report is largely positive, and concludes that there is a need to develop dissemination measures, via sectoral social dialogue in particular, while supporting the work being done to implement the framework by all member organisations of the signatory parties, with a view to the final report planned for 2009.

Improving understanding of European social dialogue instruments
Point 8 of the 2006-2008 work programme states that, on the basis of implementation of the agreements on telework and work-related stress, and of the frameworks of actions on the lifelong development of competencies and qualifications and on gender equality, the social partners shall ‘further develop their common understanding of these instruments and how they can have a positive impact at the various levels of social dialogue’. This very important point of developing understanding of European social dialogue instruments was postponed to the 2009-2010 work programme. The ETUC has already launched a series of four regional information and training seminars on this subject\(^\text{15}\) with a view to improving the skills and understanding of union representatives as to European social dialogue procedures and mechanisms. Participants at these seminars not only have the opportunity to receive information concerning the most important developments around implementation of European social dialogue instruments, but also have to give a presentation on how their country or organisation

---

\(^{14}\) 1) Addressing gender roles; 2) Promoting women in decision-making; 3) Supporting work-life balance; 4) Tackling the gender pay gap (ETUC et al., 2005a).

\(^{15}\) The first regional seminar took place in Hungary on 26 and 27 January 2009. Others are planned, on dates not yet known at the time of writing this article, in Estonia, Malta and the Czech Republic.
has implemented European social dialogue tools, in order to share their practices and experience. They likewise have a chance to discuss future strategies for strengthening European social dialogue instruments and increasing their impact at national level, as well as pooling their own experiences with those of the other European trade union representatives.

3. Impact of the European social partners' 2006-2008 work programme

The European social partners’ 2006-2008 work programme was carried out in a general political climate not conducive to encouraging dynamic autonomous social dialogue at a cross-industry and European level. The same was true for the 2003-2005 work programme. The ETUC’s declared aim, to draw up and carry out a work programme emphasising the quality of European social dialogue instruments, had to be revised downwards, without, however, the Commission coming up with any substantial legislative proposals in the area of social policy.

Steps taken towards greater autonomy

At the end of this 2006-2008 programme, however, the overall outcome is a positive one. Most of the actions planned by the social partners have been carried out, both the follow-up to initiatives carried over from the previous work programme, with successfully completed negotiations on harassment and violence at work, in particular, and also new projects allowing for – again by way of example – the adoption of recommendations on flexicurity. These will represent the first steps towards negotiation of a framework agreement on integration, as well as negotiation of a framework of actions on employment, both planned for 2009-2010.

Major progress has been made over the last three years, of which the following steps are the most significant:

1) the systematic development of information and training tools to accompany each new European cross-industry social dialogue instrument, for use by the national and sectoral social partners. These are intended to provide information to the social partners at the relevant level, aid their understanding of the instruments of European autonomous social dialogue, and encourage ownership;
2) a more in-depth knowledge of the implementing mechanisms used by the sectoral and national social partners. This is largely due to the systematic organisation of follow-up to European social dialogue instruments;

3) the gradual (and as yet incomplete) development of procedures for European cross-industry social dialogue, especially through the use of implementation reports on European social dialogue instruments;

4) the declared intention of the ETUC, increasingly shared by the European employers’ organisations, to tackle a greater number of subjects directly linked to the key social issues affecting Europe.

These developments undoubtedly mark the steps which will lead the European social partners towards greater collective autonomy, in the absence of a regulatory framework for European collective bargaining.

Obstacles still to be overcome

There are still, however, obstacles to be overcome. As well as difficulties in obtaining the resources (financial, organisational and human) required at European, national and sectoral level to provide information and training to member organisations, and to ensure implementation of and follow-up to initiatives, one of the main criticisms levelled at European social dialogue concerns its relative effectiveness. The (legal) uncertainty inherent in the texts emerging from this autonomous social dialogue not only affects their implementation, as they lack binding legal force, but also means that they are less readily acknowledged as a source of law, either part of the Community social acquis or separate from it.

The point of reference here is the framework agreements negotiated by the European social partners and taken up without change in a Community directive, by decision of the European Council. Such was the case for the 1996 agreement on parental leave, the 1997 agreement on part-time work, and the 1999 agreement on fixed-term work and contracts. This procedure, set out in Article 139(2) of the EC Treaty, requires a joint request to be made to the European Commission by the signatory parties. Since 1999, however, the European employers’ organisations have refused to use this procedure for the agreements negotiated on telework (2002), work-related stress (2004) and harassment and violence at work (2007). A great deal is at stake here,
since once the agreement becomes a European directive it is legally binding and must be transposed in the Member States, under the watchful eye of the Commission and European Court of Justice. If there is no joint request, the framework agreement is said to be ‘autonomous’, and can only really take effect if implemented by the social partners at national and sectoral level ‘in accordance with the procedures and practices specific to management and labour in the Member States and in the countries of the European Economic Area’, following recommendations made by the signatories to the agreement\(^\text{16}\).

Some clarification was provided when implementation of the telework framework agreement was completed at the same time as the annual implementation report by the European social partners, which, in its turn, coincided with an implementation report from the European Commission. It may seem wrong to compare transposition of a framework agreement taken up in a Community directive with the implementation of an autonomous framework agreement, since they result from different procedures and cannot, therefore, have the same effects, in particular in terms of full and mandatory coverage of all workers (CEC, 2008: 48 and 51). It is nevertheless important to examine the procedures and practices specific to management and labour in the Member States, as is set out in Article 139(2) of the Treaty. An initial assessment shows very varied outcomes, reflecting the diversity of industrial relations systems in the EU. This disparity is due, in particular, to the differing existing levels of legal and/or contractual recognition (of telework, for example) in each Member State, the priority attached to the matter by the national and sectoral social partners, and the way in which negotiating agendas are organised (these are sometimes set for a number of years at once). The Commission, however, recalls that although framework agreements resulting from European social dialogue are autonomous, they must nevertheless produce tangible results in the legislation of Member States. It also sounds a warning against the use of so-called ‘soft’ implementing instruments.

\(^{16}\) The framework agreements have a final clause stating that ‘this autonomous European framework agreement commits the members of BusinessEurope, UEAPME, CEEP and ETUC (and the liaison committee EUROCADRES/CEC) to implement it (...) The signatory parties also invite their member organisations in candidate countries to implement this agreement.’
In parallel, the Commission has proposed an indicative typology of the results of social dialogue (CEC, 2004: 16 to 22). The social partners themselves, in their 2006-2008 work programme, had planned to develop further their common understanding of European cross-industry social dialogue instruments, in particular of the autonomous framework agreements and frameworks of actions, with a view to clarifying and enhancing the impact of these at various levels of social dialogue (point 8). This initiative was postponed to the 2009-2010 work programme: 'The European social partners will also further develop their common understanding of the various instruments resulting from their negotiations, determine their impact on the various levels of social dialogue, further coordinate the various levels of social dialogue and negotiations, including the development of better synergies between European inter-professional and sectoral social dialogue'.

Preparatory work is already underway, however, thanks to the regular follow-up reports on implementation of the framework agreements on telework, since 2002, work-related stress, since 2004, and violence and harassment, since 2007, as well as the follow-up to the frameworks of actions on lifelong development of competencies and qualifications, since 2002, and gender equality, since 2005. Moreover, in the context of European Commission consultations on reconciling professional and private life, the social partners have taken a joint decision on the need to revise the 1996 framework agreement on parental leave, incorporated into Community law by means of Directive 96/34/EC. This is an unusual situation in Community-level collective negotiations, since it is the first time in the history of European cross-industry social dialogue that the social partners are revising a Community legal text resulting from their negotiations 12 years earlier, and are intending to base this revision on transpositions of the text made in Member States at national and sectoral level. According to the ETUC mandate, once an agreement is concluded the social partners will make a joint request for it to be implemented as a directive by Council decision, on the basis of a Commission proposal, as was the case for the original agreement.

The social partners are thus attempting to increase their understanding of the instruments resulting from autonomous European cross-industry social dialogue, in order to gauge their real impact on workers' rights in Europe. This is not an easy undertaking, particularly since there is no Community-level system of European industrial relations anchored in
the treaties making it possible most notably to give binding legal effect to autonomous framework agreements.

**Conclusion: a degree of European collective autonomy**

Does the adoption of work programmes enable the social partners to affirm their collective autonomy vis-à-vis social policy initiatives taken by the European Commission? Some of the answers can be given to this question, and these are analysed in this article.

It is important to take note of the way in which the work programmes have evolved since 2003, and of the more general evolution towards a less restrictive interpretation of these programmes. One important step forward, then, is the clearly expressed shared wish of the ETUC and the European employers’ organisations to extend their fields of action, and no longer to restrict their autonomous initiatives to the list contained in each work programme and the instruments referred to. The social partners, moreover, are endeavouring to tackle some of the social challenges faced by the EU, and are choosing substantial topics which are increasingly in line with key European social policy issues, such as flexicurity or restructuring, employment, training and working conditions.

In the same way, the social partners have carried out a number of initiatives on the fundamental issue of the quality of European social dialogue instruments. They have done so in an attempt to improve their knowledge and handling of the implementation and impact of these instruments, but also in order to work on the effectiveness of European autonomous social dialogue, to give it its rightful place among the sources of law in Europe. The fact remains that all these initiatives essentially fall within the scope of the strategic priorities laid down by the Union (Degryse, 2007: 77) and that it is difficult to determine the extent to which collective autonomy at European level provides or encourages greater room for manoeuvre. The political and institutional context remains difficult and not conducive to such an increase in autonomy. On the one hand, the Commission is struggling to act as a facilitator, and now makes very little, if any, contribution to European social dialogue, notably by ensuring follow-up to social policy initiatives (Degryse, 2007: 95). Clearly, however, the existence of an autonomous European social dialogue does not mean that the Commission should
withdraw from social policy, as now seems to be the case for many issues. On the other hand, the restrictions imposed by the European employers’ organisations, particularly concerning choice of social dialogue instruments, and especially their refusal, since 2002, to have joint recourse to the Council decision procedure giving binding legal effect to European framework agreements, are holding back the reinforcement of labour law in Europe.

Is it, then, possible to speak of collective autonomy? Although it does still seem premature to describe European social dialogue as autonomous, the work being done by the social partners – including the drawing-up of the 2003-2005, 2006-2008 and 2009-2010 work programmes – is tangible evidence of such autonomy. A gradual process is clearly taking place, whereby the social partners take increasing responsibility for these issues. This process requires time and resources, and its results, as described in this article, are extremely encouraging. For, even if European social dialogue cannot be an alternative to social legislation, it seems that the driving force behind labour law reforms in Europe is still, and has been for at least a decade, European cross-industry social dialogue.

**References**


