

6. Europe in transition and workplace democracy: towards a strong Social Europe?



Jane
Parker

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The mutuality
of workplace
and social progress stresses
a transformative agenda

Jane Parker

Introduction

Democracy is a founding value of the European Union (EU) and should inform EU and Member States' internal and external policies. However, workplace operations and relations are often considered to be peripheral to democratic life. Since 2020, moreover, all nations have been struggling to adjust to upheavals caused by the pandemic. Covid-19 has also exacerbated the rising trend in authoritarianism in various countries, with many 'sliding back down the democratic scale' (Quraishi 2021), despite the introduction of important reforms in the wake of popular protest. And although the urge for democracy across the EU generally remains strong, the climate change crisis and the ailing condition of our economic systems have reached a critical point as we bear witness to what is, arguably, the largest technological transition in history. This chapter presents an overview of the implications of transition (green, economic policy, digital – particularly in relation to platform work – and geopolitical) and the related regulatory changes for workplace democracy in the EU, along with the finding that democracy deficits in the workplace and beyond have ramifications for the social progress, resilience and sustainable development of the region. Proposed initiatives emphasise the need for an ambitious agenda promoting social transition on the basis of principles that can navigate, and be positively influenced by, these interrelated dynamics.

Workplace democracy

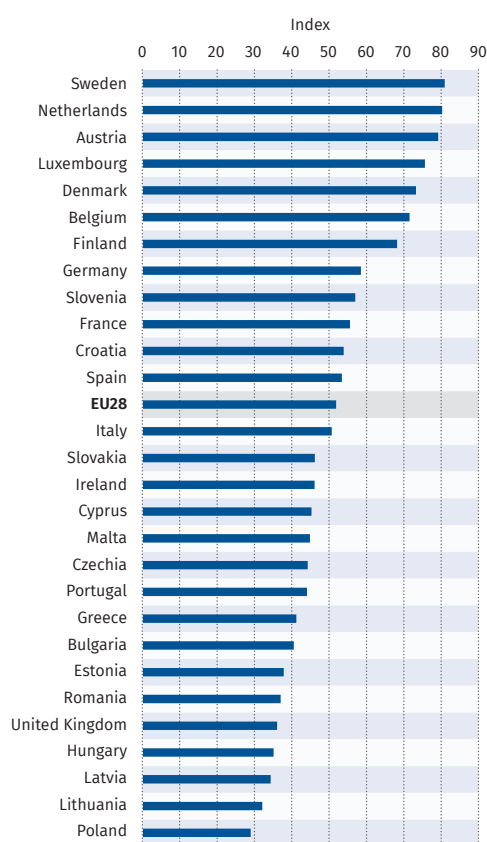
An array of arguments and objectives informs calls for workplace democracy, prompting an equally broad range of institutional and wider responses. Across the EU, democracy at work is widely considered to aid company success, for example, by strengthening worker and employment relations; promoting the employee's work ethic, job and life satisfaction, participation and commitment; broadening the perspectives that inform decision-making and problem solving; increasing productivity, innovation and pay; and promoting workplace equality, health and safety, and business longevity. It is also associated with enhanced civic participation and with fostering the stability of a wider democratic culture (European Parliament 2021; Frega et al. 2019). However, concerns relating to efficiency, the feasibility of a transition to workplace democracy and liberal commitments are among the arguments raised in opposition to this principle.

According to Eurofound's industrial relations index (2021a), the quality of industrial democracy in terms of autonomy, representation and participation varies across the Member States (see Figure 6.1). Differences in their industrial relations and political economy affect how transitions progress and are managed, thus underscoring the extant and potential influence of workplace, industrial and wider democratic configurations.

For their part, workplace instruments encompass structures and processes to encourage worker participation and representation, social dialogue (e.g. German codetermination and board-level employee representation (BLER), European works councils (EWCs)), collective bargaining, health and safety representation, and direct worker engagement. BLER remains a particularly contested form of employee involvement in some countries (e.g. due to the potential for employee co-option – Hyman 2016). Furthermore, some argue that workplace ownership by workers is needed to democratise the organisation of work in a meaningful way, while others view this as the result of an overhaul of political and economic systems (Warner et al. 2019). Opinions on and aspirations for workplace democracy have regained traction, reflecting workers' weakened voices in Europe during the pandemic, as well as the longer-term imbalances, instabilities and inequalities in many Member States, which have resulted in a deepening disaffection for existing systems manifested in social unrest, nationalist Eurosceptic governments and populist forces.

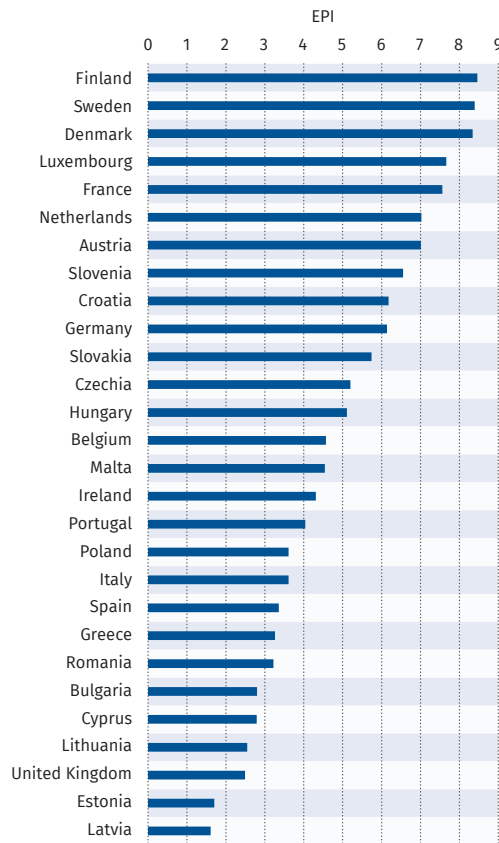
Workplace democracy based on social dialogue, collective bargaining and employee participation is acknowledged to be a long-standing, defining feature of corporate governance in Member States, distinguishing it from other regions that mostly rely on the market or state (European Parliament 2021). However, the European Participation Index, which takes account of different levels of collective representation, shows variability across the EU Member States (see Figure 6.2). Even in countries with higher levels of representation, a significant minority of workers cannot access collective forms of workplace representation, while a greater proportion of employees in countries with low levels of representation are simply not represented at work. Indeed, no Member State can claim to have collective representation at work for its entire workforce, with employees

Figure 6.1 Quality of industrial democracy across Member States, 2013-17



Note: The figures are pre-Brexit and pre-pandemic.
Source: Eurofound (2021a).

Figure 6.2 European Participation Index, 2019



Note: Figures are pre-Brexit and pre-pandemic. The EPI combines data on the proportion of employees who are members of a union, covered by a collective agreement, have access to some form of workplace representation, and on the strength of employee rights to board-level representation.
Source: ETUI (2019).

from smaller companies tending to lack access to such representation (De Spiegelaere et al. 2019). The significance and roles of collective mechanisms vary from country to country, as do participation rights through information, consultation and codetermination (Deakin 2021). Moreover, after 1990, while improvements to workers' codetermination and related representation rights began to plateau across the Member States, shareholder rights significantly increased, with no clear sign of benefit to productivity or innovation (ibid.).

Set against the background of cross-national convergence, the variability in the availability, scope, functioning and impact of workplace instruments reflects the uneven playing field in democratic and other terms due to country specificities (e.g. differing applications of EU regulation), with implications for the breadth of their agenda and worker agency. In Member States without enforceable codetermination rights, for example, other mechanisms such as collective bargaining may facilitate worker influence, depending in part on union coverage and 'clout'. Areas of convergence and divergence have also been drawn into sharper relief by green, geopolitical, technological and economic dynamics that shape organisational responses to the pandemic and other environmental features and determine the capacity of workplace instruments to support the continuing transition to a strong Social Europe.

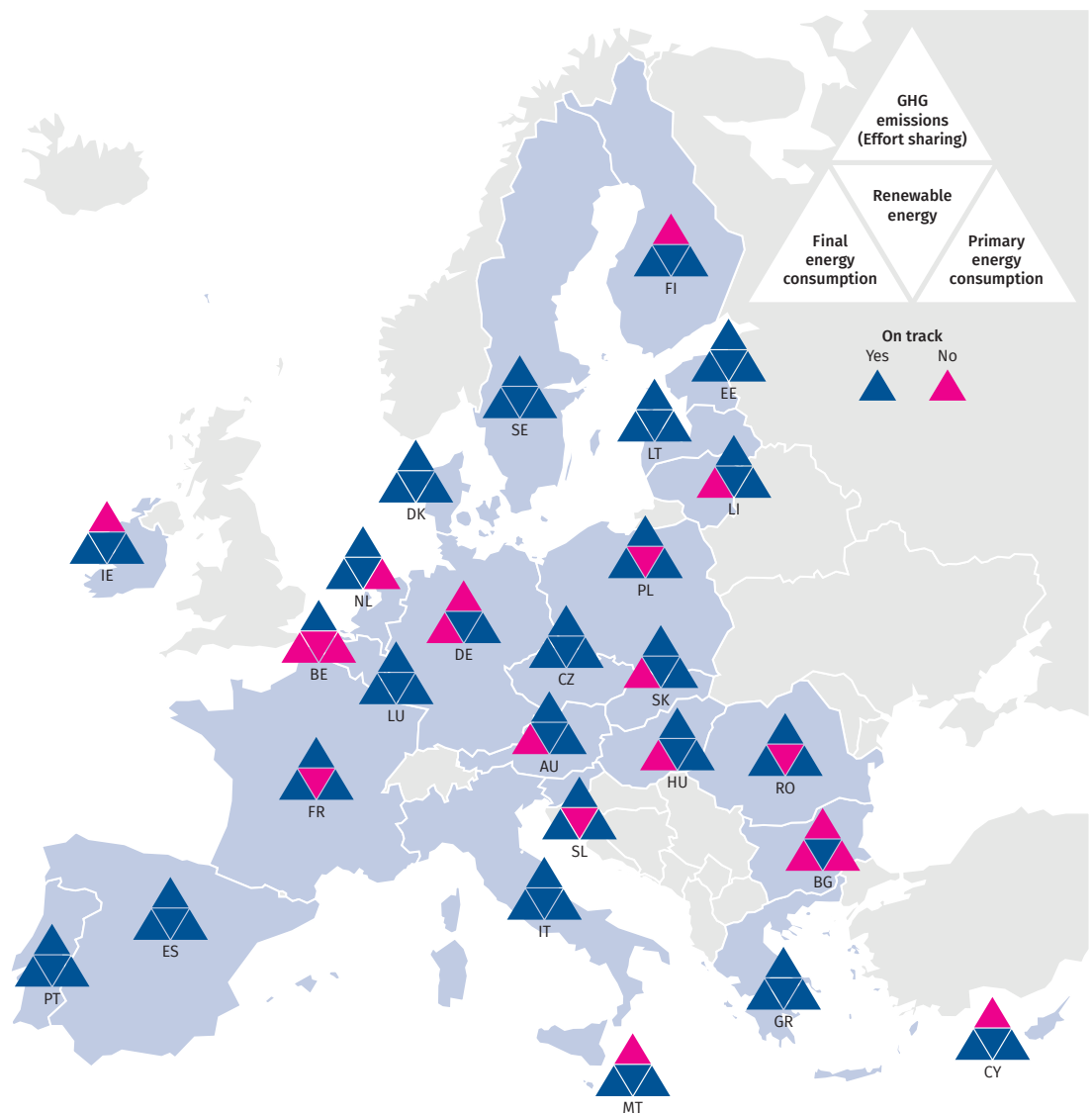
Green transition

The EU has been a front runner on climate change regulation with its European Green Deal (EGD), European Climate Law (ECL) (Regulation (EU) 2021/1119) and Fit for 55 package. With a regulatory emphasis on fairness and solidarity among Member States, together with cost-effectiveness, the 2023 work programme adopted by the European Commission (EC) includes increased support for its new REPowerEU plan and ongoing support for co-legislators to ensure agreement on proposals key to the EGD's delivery (European Commission 2022a). For its part, the EU seeks, through its industrial strategy, to introduce measures contributing

to climate neutrality (European Commission 2020). Updated in May 2021 to reflect pandemic-induced changes, its proposed Carbon Border Adjustment Mechanism (CBAM) seeks stricter emission reduction targets while preserving a level playing field for EU industries and protecting them from carbon leakage (European Commission 2021a).

While the intensity of EU industry emissions is comparatively low, only 21 Member States are expected to reach levels below their national target (see Figure 6.3), the remainder probably needing to 'make use of flexibilities

Figure 6.3 EU Member States' progress towards 2020 national targets



Note: Reflects progress before the use of flexibilities available for the Effort Sharing legislation sectors or statistical transfers for renewable energy. Source: EEA (2021).

to comply with their legal objectives' (EEA 2021). Indeed, national and sectoral variation suggests differential impacts on stakeholders, including workers, and social transition rates. Furthermore, the emission decline could stall as economies gain buoyancy, while national policies fail to keep pace with those adopted at EU level, which in turn have been rated 'insufficient', indicating that they require improvement (Climate Analytics and New Climate Institute 2022).

While acknowledging their positive intention, the EWCs and European and national industry bodies have expressed growing unease about the EGD and REPowerEU: the EU needs to adopt a more strategic approach in finding alternatives to Russian fossil fuel dependency, bearing in mind the accelerated pace of the process capable of exposing European energy-intensive industry to higher production costs that have an impact downstream on job losses and income. Recently established representative structures, such as the EU Industrial Forum in which the European Trade Union Confederation (ETUC) and affiliates are active, and the related co-creation of transition pathways for 14 industrial ecosystems, have thus been hailed for helping to 'identify the actions needed to achieve the twin transitions [i.e. green and digital]' (ETUC 2022a). Furthermore, national company law requires sustainability reporting by many organisations, albeit aligned with different frameworks and standards, while national corporate governance codes recommend a stakeholder-oriented perspective on sustainability.

However, the social dimension of the EU's just transition framework is nascent. The EC's (2019) analysis of individual countries for 2020-30 identified a number of vulnerabilities, including: inadequate measures in relation to its social, employment and skills impacts; the distributional effects of decarbonisation and overlooked impacts for disadvantaged groups; the scale of energy poverty and transitional burden of costs for citizens; social effects generated by labour market changes, and increased climate migration flows (Vas 2021). Furthermore, the proposed non-binding Council Recommendation on ensuring a fair transition towards climate neutrality may not generate the comprehensive policy platform needed to handle the impacts of transition on affected workers, regions and vulnerable individuals.

Clearly, work is needed to ensure that a just transition specifically fosters fairness, equality, inclusion and cost-effectiveness. The EC has encouraged Member States to create tripartite Just Transition Commissions enabling

social partners to provide recommendations, negotiate national and regional plans that inform workplace operations and encourage not only the management but also the anticipation of changes at work. The ETUC (2021a) has called for the EC to propose additional policy measures to strengthen the EGD's social and labour dimension – also an opportunity to promote workplace democracy. It advocates the EGD's establishment of a just transition legal framework, premised on mapping and analysis of the transition's impacts on employment and skills in countries, regions and sectors, including on subcontractors and downstream value chains. This could elicit the knowledge required for developing social policies that reflect regional realities, and for monitoring and assessing future EGD policy implementation. Development of the proposed measures – including a wider scope for the Just Transition Mechanism, which does not currently support all sectors affected by the changes (Akgüç et al. 2022), and the redesign of the Stability and Growth Pact (SGP) to allow for public expenditure that supports a green and just transition and is provided to businesses on condition of their 'respect of applicable working conditions and employers' obligations resulting from labour law and/or collective agreements' – could, more significantly, involve workplace instruments.

More specifically, unions have called for proper involvement by European social dialogue structures (e.g. EWCs, European company works councils (SEWCs), sectoral social dialogue committees, the Tripartite Social Summit) in the development and monitoring of EGD policies and industrial strategies. Within EWCs, for instance, the unions could develop articulation, involvement and training provision to help minimise legislative shortcomings, 'while perhaps also pursuing campaigns within MNCs based around specific themes', such as plenary meeting frequency (De Spiegelaere et al. 2022: 279). Emphasis is also placed on a torquing up of collective bargaining and social dialogue rights so that such matters as redundancy processes become a last resort and unions are able to integrate climate change and just transition topics and strategies formally into social dialogue agendas. While contradictory aspects of the 'jobs versus environment' dilemma highlight the complex workplace and social impacts underlying this transition, unions increasingly recognise the need for them to play a greater role in the transition with a view to empowering workers and communities. For example, their proposed involvement alongside other social partners in skills strategies indicates that EU decarbonisation strategies might be



Climate mitigation measures alone are unlikely to reduce social inequalities, and initiatives remain disjointed

intricately linked to such strategies at EU and national levels. There have also been calls to involve unions more effectively in the design and operation of Territorial Just Transition Plans (TJTJs). Table 1 shows whether union input was reported to have been considered by national/regional authorities in Member State TJTJs by mid-2021.

Table 6.1 **Union involvement in the design of Territorial Just Transition Plans in Member States, mid-2021**

Member State	Union involvement in Member States' TJTJs	Member State	Union involvement in Member States' TJTJs
Belgium	χ	Austria	χ
Bulgaria	√	Portugal	χ
Croatia	√	Romania	χ
Czechia	√	Slovakia	χ
Denmark	χ	Slovenia	χ
Germany	√	Sweden	χ
Spain	√	Netherlands	na
Finland	χ	Luxembourg	na
France	√	Cyprus	na
Greece	χ	Malta	na
Hungary	χ	Estonia	na
Ireland	χ	Latvia	na
Italy	√	Poland	na
Lithuania	√		

Note: Union input taken into account by national/regional authorities according to ETUC/IndustriALL affiliates. na - not available. Source: Based on ETUI (2021).

This assumes adequate training and capacity-building support for unions to extend representatives' competency on climate issues and guide workers towards skills training and validation procedures. Many unions have been challenged with finding ways to broaden their members' democratic engagement; in restoring or strengthening participative education, they may raise the collective consciousness and increase mobilisation as well as normalise their commitment to progress on environment policy (McRae 2021).

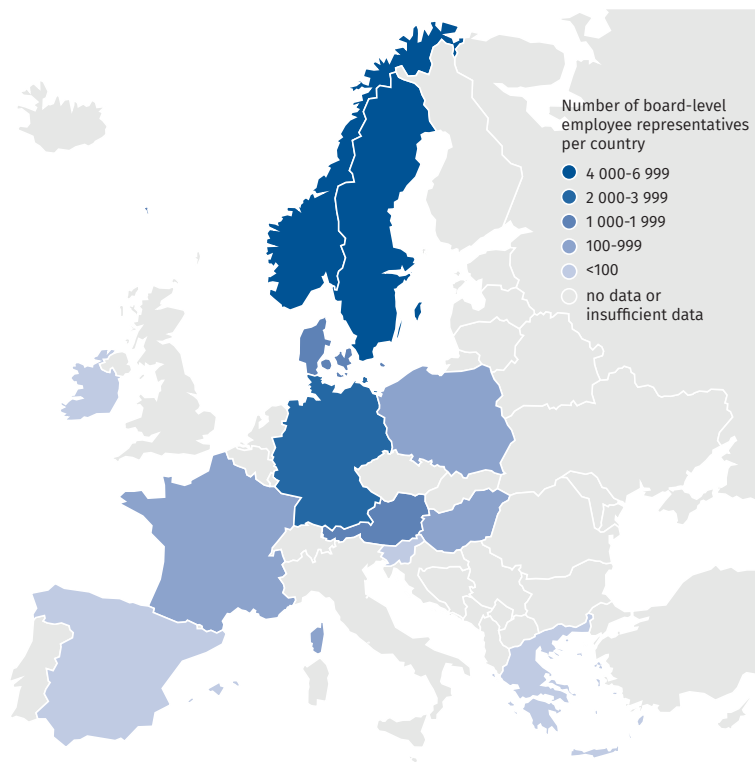
BLER is also the focus of attention in relation to green issues, given its actual and potential significance for workplace restructuring through the voting rights enjoyed by employees on company supervisory boards or boards of directors. These instruments are in operation

in some two thirds of Member States, including Germany, as well as in Norway (see Figure 6.4).

The ETUC's defence of BLER rights largely comes to the fore in response to the social consequences of company restructuring/closures, although, according to a study involving 4 000 BLER representatives, while most representatives exert some influence over restructuring decisions and strategic corporate decision-making, a significant minority do not: despite having full co-decision rights, they are customarily out-voted (Waddington and Conchon 2015; Conchon 2011; cf. Gold and Waddington 2019). However, other research conducted in 2017-18 and involving 607 of the largest European companies indicated that companies with BLER score better than those without it across sustainability domains (Vigeo Eiris, cited in De Spiegelaere et al. 2019). Notwithstanding this, our grasp of the significance of BLER for workplace democracy and its influence on workplace environmentalism is limited by information gaps on its company coverage (De Spiegelaere et al. 2019). Divergence in the EU institutions' conceptions of BLER and specific societal contexts resulting in variable national rules and institutional arrangements also highlight the need to enforce and extend the democratic functioning of BLER (e.g. in respect of selection procedures and eligibility requirements) and its coordination with other instruments to enhance the power and views of workers in board discussions, including on matters that anticipate green transition effects (Waddington 2018; Lafuente-Hernandez 2019). The irreversibility of certain climate effects underscores the urgency for strengthened worker participation and representation that underpin company sustainability.

Despite the pledge for the EGD to 'leave no one behind', climate mitigation measures alone are unlikely to reduce social inequalities, and initiatives remain disjointed. Limitations are observed, for example, in the scope and purpose of the proposed Social Climate Fund and its need to deal adequately with a wider range of distributional effects of climate policy together with the development of green jobs in accordance with the Decent Work Agenda established by the International Labour Organization (ILO) and the European Pillar of Social Rights (EPSR) (Akgüç et al. 2022). Participative arrangements involving social partners, workplace instruments, civil society and others need to cultivate a just transition platform for all affected by the EGD. Indeed, social movement unionism (SMU)

Figure 6.4 Board-level employee representation, EEA



Note: EEA includes EU countries and also Iceland, Liechtenstein and Norway.
Source: Waddington and Conchon (2016).

around green issues has included spontaneous and more regularised coalition. Deliberative, multilateral organising in particular shows how workplace and political democracy are mutually reinforcing (Budd et al. 2018); provides other avenues for voices to be heard; challenges stakeholder roles; and encourages reconciliation of workplace and environmental priorities while advocating social justice (Clarke and Lipsig-Mummé 2020). Although potentially challenging to union democratic arrangements, this approach can foster agile responses to liberal democratic activity and decision-making that do not enable minority voices to be heard, thus affording participants a better sense of representation when policies are adopted.

Geopolitical transition



OSA can thus be seen as a potential geopolitical opening with which ‘to re-establish a fair level playing field for a resilient economy’ (Akgüç 2021)

From its inception, the EU has sought to prioritise lasting peace, developing over time a common security and defence policy in line with United Nations Charter principles (EU External Action 2021). In this policy context, the term ‘open strategic autonomy’ (OSA) has come to the fore; it refers to the region’s capacity to act autonomously in strategically important policy areas and sectors and to uphold democratic values (European Parliament 2022a), while it is increasingly aimed at reinforcing the EU’s twin transitions.

However, recent geopolitical developments amid pandemic disruption and other transitions have provided the backdrop for the re-emergence of OSA in the EU and its extension to other policy fields, including the European Industrial Strategy, technology and health. Russia’s invasion of Ukraine has worsened the energy price crisis, evoking the Versailles Declaration which seeks to strengthen European sovereignty and reduce strategic dependencies while ‘protecting [...] citizens, values, democracies, and our European model’ (Heads of State or Government 2022: 3). The European Council’s EU Strategic Compass sets the roadmap and tools for reducing gaps in critical defence capabilities as well as strategic dependencies on technology and resources. Furthermore, the Temporary Protection Directive, triggered for the first time on 24 February 2022, assists those fleeing the war in Ukraine (European Commission 2022b). A Single Market Emergency Instrument under development, responding to war and pandemic supply shocks, could address fragmentation, barriers and weaknesses, although the ETUC (2022b) points out that it must respect strong social protection and the importance of public services, uphold the protection of mobile and cross-border workers, and protect the role of the social partners. Furthermore, some consider the conflict to be highly divisive for Europe’s foreign policy. Growing Member State unity on some matters (e.g. weapon provision to Ukraine, sanctions against Russia, military non-engagement) sits alongside divergence on others (e.g. companies’ withdrawal from Russia). Arguably, it has thus encouraged greater – rather than radical – EU geopolitical assertiveness (Youngs 2022), with implications for (workplace) democracy.

Other regional developments include the potential EU membership of Ukraine, Moldova and Georgia, and growing authoritarianism in

some Member States. The reforms undertaken by Ukraine to align its legislation and governmental procedures with European standards augment its democracy-building efforts. Meanwhile, the various forms of ‘democratic backsliding’ in Hungary and Poland, eliciting different EU responses, highlight the extent to which shared values across the EU ‘should not be taken for granted’ (Camisã and Luciano 2022: 26). The authors recount the EU’s institutional and political shortcomings in protecting its democratic standards, raising questions over ‘the effectiveness of dialogue promotion with autocracy-prone leadership’ (p. 36). Hesitating over the use of the Rule of Law Conditionality Regulation which could restrict the dispersal of EU budget funds to both countries, the Union may promote democratic reform more effectively by means of conditionalities to EU accession rather than measures within its Member States (ibid.), thus emphasising the need to review the application of democratic criteria relating to both pre- and post-EU membership, and how this involves workplace and other instruments.

Within the workplace setting, the European trade union movement maintains that, while a more coordinated approach on defence is needed, ‘the priority should remain the promotion of negotiated solutions based on multilateral rules’ (ETUC 2022a). This calls for OSA to develop a strong social and democratic dimension that focuses on its interaction with EU labour and social policies, social and economic governance, and the EGD. OSA can thus be seen as a potential geopolitical opening with which ‘to re-establish a fair level playing field for a resilient economy’. As regards social priorities, democratic and redistribution aims are the focus of union advocacy with a view to meeting the objectives of the OSA agenda: to create sustainable, quality jobs; to maintain a strong focus on education, training, the re- and upskilling of workers, and sustainable supply chains; to rely on strong regulation to combat social dumping; to promote practical measures on more sustainable, rule-based trade practices; to develop a strong role for public services and quality public infrastructures; and to rely on sufficient investment to secure revenues and adopt ambitious public budgets (ibid.).

The EU’s ability to create stability, cohesion and security should thus entail inclusive and sustainable governance involving the social partners, including unions. This, and further

promotion of workers' and union rights, would contribute to the implementation of the EPSR in line with the 2021 Porto Declaration. As with twin transition targets, geopolitical uncertainties point to greater involvement by unions in the anticipation and management of associated economic and industrial changes and in supply chain management (ibid.). EWCs, SEWCs and BLER also require full inclusion at all organisational decision-making stages. Evidence suggests, for instance, that EWCs often have not been engaged in processes until decision-making has occurred (ETUC n.d.). Moreover, results from the ETUI (2019) survey of 1 635 EWC and SEWC representatives from all EU countries showed that, while general company issues and health and safety issues were widely raised, and restructuring issues featured significantly in EWC dialogue, a much lower percentage of respondents felt that there was 'useful' information and consultation on these matters (De Spiegelaere and Jagodziński 2019). Employment forecasts and 'broader' EWC agenda issues (e.g. environment, equal opportunities) were raised far less often, with EWCs seen to engage more in information dissemination than meaningful consultation (ibid.). In short, the survey results echoed those of the ETUI 2007 EWC survey, with most EWCs 'not yet fit for purpose' (De Spiegelaere et al. 2022). Geopolitical influences on many organisational strategies and operations re-emphasise the need to implement regulatory and internal changes to address these limitations and to roll out a stronger strategic EWC role in practice.

Furthermore, EWCs with pre-directive agreements (to foster voluntary negotiations) outside the binding framework are often ignored, while the official rights of legally 'fully-fledged' EWCs are violated and not included in national-level dialogue as increasing numbers of companies take decisions at a supra-national level (Jagodziński 2016). Beyond stronger enforcement, this situation calls for coordination of workplace instruments (e.g. unions in Europe demand participation by their experts in all EWCs and access to all sites, recognition of the role of EU-level union organisations in subsidiary requirements, and rules for negotiations with special negotiating bodies or equivalent over the establishment and future work of EWCs and SEWCs). This could be underpinned by improvements to the EWC Directive, in particular regarding definitions of information, consultation and transnational issues (Jagodziński 2016), and its enforcement capacity. Indeed, a comprehensive report which built on data from EWC agreements stored in the ETUI EWC Database and fed into an EC

evaluation highlighted the Recast Directive's failure to provide sufficient sanctions and enforcement for non-compliance, making it – in these and most other respects – 'too little, too late for enabling the establishment of more and better EWCs' (De Spiegelaere 2016: 5). The EC also acknowledges evidence that the legislation does not function as envisioned, 'fall[ing] short of the regulatory requirements that underpin the social dimension of the European project' (De Spiegelaere et al. 2022). Workplace instruments might include subject experts on workplace and wider redistribution effects, assuming that full dialogue will not be blocked or circumscribed.

With 'illiberal' Member States and varying national geopolitics, again, EWCs and other mechanisms must be able to function consistently and democratically across all country and sub-national locations of affected workplaces, particularly given increasing organisational cross-border decision-making. Therefore, calls are made for their role – as bodies responsible for information and consultation on employment and investment trends, the introduction of new working methods, cutbacks, closures and collective redundancies – to be fully enforced, in particular by implementing improvements to the EWC Directive. In 2021, the European Parliament adopted a report on democracy at work which advocated the creation of a European framework for employees' participation rights and the revision of the Directive (European Parliament 2021). It is currently considering a legislative initiative report on this revision which notes that the 'timely manner of consultation remains an issue' and points to a 'lack of management obligation to take an opinion into account' (European Parliament 2022b: 6; also, De Spiegelaere et al. 2022). It also outlines practical proposals to strengthen and clarify EWC rights, with particular emphasis on their enforcement.

Similarly, the infusion of homogeneous/transnational electoral rules in European companies could encourage a unified political constituency entitled to voting rights in Member States with differing degrees of democratic arrangement. However, analysis in 2016-17 of 62 BLER provisions in companies of that nature found that none of their agreements made any such provision. As Lafuente-Hernandez (2019: 286) observes, although this is a deviation from the prevailing federalist approach, '[s]uch harmonization could encourage the emergence of a European labour identity and promote internal cohesion among employee representatives, enhancing their ability to act more efficiently as a united countervailing power on the board [...]. It could prevent BLER from



There remains considerable scope for workplace instruments to further shape digitalisation at national and European levels

becoming an extension of national industrial relations systems dominated by the home-country culture, a risk that has already been identified in the functioning of EWCs.' However, universalist endeavours raise legal and other issues, such as how negotiated electoral rules would operate in relation to subsidiaries with legal personality, their employees and third parties. Union roles could become uncertain, as their institutional and power resources largely rely on national boundaries, institutions and constituencies. At a policy level, the findings also highlight shortcomings in the application of the regulatory framework governing European companies to BLER, though this may encourage negotiators for workers to focus on securing European and democratic legitimation, as well as rules supportive of improved articulation between board representatives, SEWCs and local employee representation 'if organized labour is to keep up with cross-border corporate power' (ibid.: 287).

The deleterious impacts of rapid labour market change (e.g. restructuring, offshoring) induced by geopolitical, pandemic and energy price developments underline the need for OSA, which, in turn, strengthens coordination at other levels. Through effective management of upward social convergence processes, workplace instruments can demonstrate a capacity to respond to the differential effects of efforts aimed at greater EU self-sufficiency at sectoral, industrial and local levels, extending the democratic premise and practice of industrial relations systems. Ultimately, however, the EU geopolitical vision

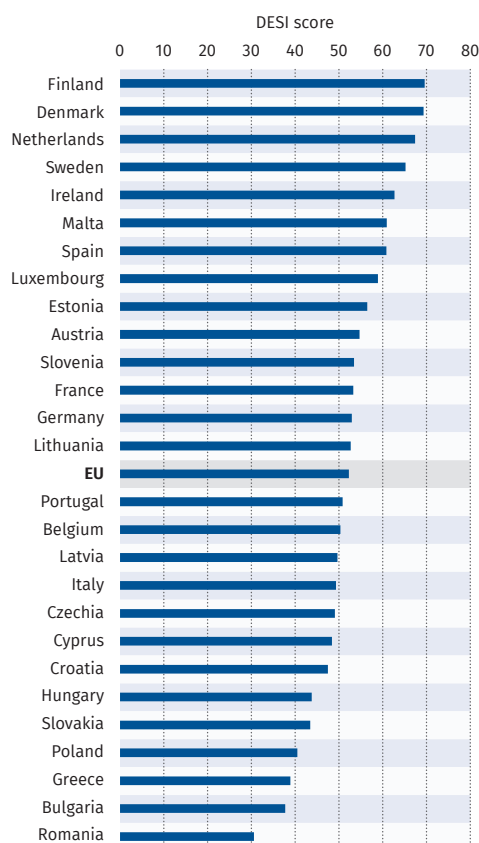
rests on societies. Disenfranchisement from – or diminished capacity to help formulate and govern – (workplace) policies and practices could fuel a 'geopolitical Europe that overlooks the social dimension [which] [...] may lead to a public backlash' (Akgüç 2021). Renewed interest in citizen participation, more participatory and deliberative forms of workplace democracy, and popular mobilisation can facilitate the pursuit of democratic renewal (della Porta 2013; Offe 1985) and respond more effectively to OSA and just social transition. Particularly in authoritarian regimes, consideration of societies' (including workplace) democratic transitions underlines new forms of upward pressure for change, with some seeing Eurosceptic populism as 'a revolt against the way democracy is conducted' (Balfour 2022). Workplace instruments need to place workers as/and citizens at the centre of measures towards strategic autonomy, managing their expectations from an early stage and adopting a transparent approach to proposed impacts. Participatory policy co-design is one vehicle for achieving strategic autonomy that also extends the purview of workplace democratic arrangements. One new institutional example is the Citizens' Panel organised through the Conference on the Future of Europe (CoFoE) which connects work and societal (including geopolitical) interests. Developing such synergies can augment the resources available to address democratic deficits and social need, as variously experienced across Member States.

Digital transition

Digital transformation in Europe is often twinned with green transition, as its contribution to EGD goals is recognised. Related opportunities include economic growth, competitiveness, innovation, new forms of work and facilitated access to labour markets for workers. Challenges concern the lack of work required to sustain a living, long hours, (new) health and safety issues, discriminatory practices, unfair termination, lack of access to dispute mechanisms, skills under-use, low pay, inadequate social protection, difficulties in exercising fundamental principles and rights at work, and workers' uneven access to democratic structures (ILO 2022; ILO 2019).

The Digital Economy and Society Index (DESI) used by the EC to measure Member State performance indicates that Finland and Denmark have the most advanced digital economies, while Romania scores lowest (see Figure 6.5).

Figure 6.5 Digital economy and society index, 2022



Note: DESI is the composite measure of human capital, connectivity, integration of digital technology and digital public services. Source: EC (2022c) Member State reports.

The pandemic has accelerated trends in remote working, e-commerce and automation, and labour mobility (EIB 2022), although Member States' digitalisation efforts have progressed from different starting points at different rates, thus impacting differently on enterprises, workers and citizens. While there was overall convergence by countries starting at lower levels of digital development but growing at a faster pace for 2017-22 (European Commission 2022c), the Europe-wide struggle to close digital skills gaps, digitally transform SMEs and roll out advanced 5G networks varies at the country level (European Commission 2022d).

ETUI survey data for 2021 show that the EU27 digital workforce is sizeable and diverse. There are 32.7 million internet workers, as well as 15.6 million platform workers of whom 4.3 million are main platform workers (i.e. deriving at least 50% of their income from completing 20 hours per week in such work). In the case of main platform workers, the largest proportion are men under 35 years followed by women in the same age group. Most have middle and high qualifications, are 'other' rather than EU nationals by country of birth,¹ and are self-employed – either with or without employees – or students (Zwysen 2022). Other evidence shows that the widespread expansion of telework is experienced, for the most part, by high-paid, white-collar employment, with over one million ICT specialists entering the market in Europe since 2015 (Eurostat 2022). The density of workers undertaking offline, internet, platform and main platform work varies in the different Member States (Zwysen 2022).

Diverse worker characteristics and circumstances, and the diverse range of employment relationships, business models, forms of work and cross-border issues mean that the digital economy is 'a moving target which [...] has proved difficult to regulate' (Adăscăliței 2022), with only piecemeal regulatory frameworks and voluntary initiatives thus far. Furthermore, research indicates that individuals subject to atypical work arrangements which offer low job security are more likely to be the object of suppression by their supervisor (Sluiter et al. 2022). Precarious work conditions and job insecurity in one or more positions also

1. Activation of the Temporary Protection Directive is linked to the huge scale of estimated arrivals and platform work entrants.

spill over into workers' wider quality of life and they are less likely to participate politically (Bovens and Wille 2017; Geurkink et al. 2022). Such features underscore the need for stronger workplace mechanisms through which to raise their interests and social issues and to tackle rapidly-emerging digital challenges.

The EU's 2030 Policy Programme sets policy targets for the next 10 years. The Union has dedicated 127 billion euros to digital-related reform and investment in national recovery and resilience plans. Member States have committed an average of 26% of their Recovery and Resilience Facility allocation (above the compulsory 20% threshold), with Austria, Germany, Luxembourg, Ireland and Lithuania investing over 30% (European Commission 2022d). Country reforms will also be supported by the new Technical Support Instrument, and existing and draft regulatory instruments regulate and facilitate the introduction and operation of various emerging digital technologies. These instruments include the new Artificial Intelligence Act and, in December 2021, the EC's proposed Directive on improving working conditions in platform work, which will include setting reporting requirements for digital labour platforms, thereby paving the way for collective bargaining for platform workers (European Commission 2021b). Digitalisation is an ongoing policy priority in the EC 2023 work package (European Commission 2022a), and DESI-based country profiles will support countries' identification of areas requiring priority action.

However, the ETUC (2021b) argues that the proposed EU regulation on AI 'fails to address the workplace dimension' and stresses that AI governance should be a democratic process with unions and workers' representatives participating actively in its development at work. ETUC demands for AI regulation thus include the idea that unions should form part of the governance of the European AI Board rather than be consulted occasionally as one expert group; the active involvement of the social partners in the GDPR's application in the workplace; social dialogue, collective bargaining, information and consultation, and participation of unions and workers' representatives in the development and monitoring of AI at work; and the guaranteed application of the 'precautionary principle' in tackling uncertain AI risks (ibid.).

In regions with successful tripartite agreements, labour organisations may find opportunities to advocate in favour of platform workers through regulatory intervention on industry standards and operating rules, in which case firms may

participate on the condition that they have a collective bargaining agreement in place, and with a view to aligning collective agreements, industry regulation and law (ILO 2019). However, widespread calls for further regulatory and policy changes indicate the need for them to 'catch up with realities on the ground' in order to encourage inclusive labour markets and better social outcomes. For example, the EP has called for the AI Directive's scope to be expanded, notably regarding the employment status of platform workers and algorithmic management systems. Enlarging the presumption-of-employment criteria and relocating them from the body of the Directive to the preliminary recitals mean that they are not binding, thus implying that the presumption of employment set by the Directive would apply automatically to all platform workers (Adăscăliței 2022) and could encourage a more universal application of employment and labour rights alongside approaches tailored to different types of digital work and workers (Eurofound 2021b).

There remains considerable scope for workplace instruments to shape digitalisation further at national and European levels. The introduction of digital technologies and their potential to monitor performance and behaviour, and related changes to work organisation and processes, are subject to information-gathering and consultation. Unions regard the improvement of the EWC Directive (see earlier) as necessary for enabling EWCs to inform this transition (ETUC n.d.). Moreover, unions and workers' representatives are involved at an institutional level through information-gathering and consultation, BLER, collective bargaining and tri- and bipartite commissions on reskilling, with BLER addressing these matters from a strategy and information perspective. Indeed, CEDEFOP (2021) forecasts of skills shortages, for instance, in Europe's digital industries highlight the role that instruments could play in facilitating the identification of and investment in the appropriate skills, in coordination with education and training systems. Instrument coordination could also be strengthened in law and practice. For example, in MNCs, EWCs can be central to the coordination of and influence on company policy and the activities of employee representatives and unions, including when (digital) technologies, forms of work or reskilling programmes are introduced across the company.

A workshop-based study of EWC representatives from 15 MNCs (Astrees and IR Share 2019) emphasises the importance of workplace instruments and their synchronisation on digitalisation. Respondents confirmed challenges

to EWC operation and other issues stemming from the rapid pace and the transnational, often open-ended nature of technological changes and related uncertainties about their impacts for a growing labour force. The EWCs' central position within MNCs can, arguably, make it harder for them to identify and evaluate technological changes affecting work situations at grassroots level. Furthermore, 'cultural' differences (particularly those involving personal data protection) at national level concerning apprehensiveness towards technological change might prevent cohesion between EWC members; alternatively, they might be denied the legitimacy to deal with such change. Presenting digital change as part of company strategy and managerial prerogative could restrict its discussion with EWC workforce representatives when it should be the focus of information-gathering and consultation, BLER and collective agreements. Moreover, the involvement of external economic actors in 'open innovation', a concept regarded by workforce representatives and perhaps their HR contacts as an 'inaccessible black box', means ultimately that EWCs are informed or consulted only when management itself is informed, and they can initiate dialogue only after they have been informed (ibid.).

However, the study also found that social dialogue processes linked to digitalisation and EWC involvement were gathering momentum as digital innovations became more widely deployed. EWCs have begun analysing digital phenomena on the basis of transnational surveys, gained an understanding of digital transformation and its impacts from working parties, trained EWC members on digital issues and the impacts of change, monitored the deployment of a transformation project, regulated digital transformation through a transnational company agreement, and monitored and maintained social dialogue at local levels. These efforts address economic and social considerations of digital work with managers on the basis of discussion rather than dispute (ibid.) and could result in more democratised engagement. Next steps might involve a European-level methodology agreement involving EWCs to identify digital process stages and required resources, as per the Unilever European Framework Agreement on the Future of Work (ibid.). The increase in monopolies by foreign companies in digital, AI and communication fields, which disrupts EU (cyber)security and affects fundamental rights as a result of undue surveillance, also highlights the need for greater vigilance provided by workplace, national and EU instruments (e.g. European Commission 2022e).

Emerging platform democracies?

Focusing subnationally on platform workers, some unions have eschewed their organisation and collective representation due to practical obstacles, namely their geographic dispersion (where workers do not know one another), associated difficulties with generating collective consciousness, compounded by the promotion of an individualistic, entrepreneurial work image by the platforms, frequent worker turnover and possible retribution against those who attempt to unionise without effective protection (Rodríguez-Fernández 2020). However, a growing union strategy, sometimes adopted as part of renewal efforts, has been to push for regulatory reform in order to promote organising around and bargaining on wages and social rights for platform workers. In Europe and North America, well institutionalised unions have spearheaded platform worker organising around legal strategies (e.g. challenging the classification of self-employed platform workers, seeking formal union recognition) and protection of other forms of protest (Bessa et al. 2022). Furthermore, unions are more effective than individuals at acquiring information on algorithmic management and possible discrimination issues for use in legal action. Regulatory areas for union strategising on such matters include the GDPR and data protection rights, anti-discrimination directives and the proposed directive on platform work (Gaudio 2022). For the first two areas, the burden of proof lies with the employer, and while unions may find litigation to be slow, risky, expensive and requiring expertise, the threat of such action can secure responses from platform employers (ibid.).

Other individual union initiatives encourage dialogue and collective agreements within companies, as with IG Metall's 'Work and Innovation' initiative in Germany. Union membership models that do not preclude workers from joining based on their employer or employment status highlight how technological innovation and collective bargaining are mutually inclusive (ILO 2019). Unions have also developed associations and alliances that provide services to gig workers and lobby on their behalf; they have expanded non-standard employed worker outreach efforts to cover platform workers and have restructured themselves internally to create opportunities for non-standard worker affiliation (ibid.). Cross-national collaborative efforts also seek to address structural restrictions on platform workers' rights (e.g. under the 2016 Frankfurt

Declaration on Platform-Based Work, ratified by unions and worker organisations from Austria, Denmark, Germany, Sweden and North America, platforms are regarded as the relevant counterpart for negotiations). Work by IG Metall has also involved the development of a website, FairCrowd.work, which now incorporates cross-border collaboration. The site enables workers to feed back on the apps used for their work and makes that information public. While diverse online labour markets and participant interests make a definitive conclusion regarding a platform's working conditions difficult, unions can play a key role in processing, interpreting and presenting data from platform workers (ILO 2019). Major union backing also means that the concept of an online forum and employer rating system can be upscaled to indicate what it is like to work for different platforms.

Some platform workers have also set up their own unions, informal forums, works councils and health and safety representation. While minority and independent unions could be susceptible to company influence and co-option (Fine 2015) and foster inter-union competition for representational rights (Harcourt et al. 2014), some have coordinated activity effectively with existing unions. Such efforts can also involve union activism on behalf of disadvantaged worker groups such as migrants, although difficulties can arise during their affiliation (e.g. many do not have a work permit). However, such diverse arrangements are 'establishing a trend towards harmonization, convergence of positions and collaboration' (Hadwiger 2022: 30) (see Table 6.2 for examples).

Additionally, grassroots organisations for platform workers in some countries have relied more on protest action (e.g. demonstrations, strikes, collective log-offs), particularly in ride-hailing and delivery services, and with comparatively high involvement of existing unions (ibid.). However, their classification as self-employed workers or independent contractors and thus their comparative vulnerability when participating in protests can deter subsequent collective action. For example, in Germany in 2021, almost the entire workforce of three warehouses was terminated by Gorillas, an app-based grocery delivery start-up, for 'unannounced' strikes. However, alternative organising efforts rooted in platform worker and community empowerment also help to underpin an inclusive labour movement and social transition. For example, in September 2021, strikes and consumer boycotts led to the decision by Greece's largest food delivery platform E-Food to continue employing its riders and accept the workers' demand for unlimited contracts (Hadwiger 2022). Broad coalitions require reconciliation of diverse *modi operandi*, dynamic forms of digital work and worker diversity, but also provide opportunities with which to support the tenacity, as well as the experimental and adaptive strategies needed, for coordinated, democratised agency. Initiatives shown in Table 6.3 underscore the heterogeneity of work and social aspects raised by platform working.

These measures are unevenly distributed across the EU, with few in eastern Europe, although social media are proving to be useful in increasing

Table 6.2 Platform worker forums in selected Member States

Member State	Platform worker forums
Austria	The Transport and Services Union established a works council for Foodora cyclists aimed at securing better working conditions, additional premiums for night or winter work and permanent employment contracts.
Belgium	Deliveroo created the Riders Forum for consultation and discussion between the management and delivery rider representatives. Twenty Belgian couriers are elected and act as spokespersons for 3 000 couriers. However, they do not constitute a traditional works council, which means that the spokespersons do not enjoy the same protections against dismissal as union representatives.
Germany	Riders for Lieferando established works councils in various cities and a further works council to cover several other cities. However, news articles reported obstruction of their elections by the company in some instances. In 2018, an agreement was signed by a number of unions and union federations to establish an EWC at Delivery Hero, including a requirement to appoint employee representatives to the supervisory board. In 2021, the grocery delivery platform Gorillas appealed to labour courts to prevent workers from organising the election of a works council in Berlin, but a court ruled that the workers were entitled to do so.
Norway	Foodora and the trade union Fellesforbundet signed a collective agreement, setting the framework for introducing shop stewards. The shop stewards' working committee holds meetings with the management, and both parties raise matters for discussion. Foodora must inform workers about upcoming changes and listen to the shop stewards' views.

Source: Based on Hadwiger (2022: 33).

Table 6.3 30 platform initiatives to improve workers' employment and working conditions

Member State	Initiative name	Focus											
		Advice and exchange	Awareness raising, campaigns and information provision	Training	Codes of conduct, standards	Organising platform workers	Covid-19	Negotiation of working conditions	Provision of insurance, social protection	Industrial action	Legislation	Taxation	Arbitration
Austria	Collective agreement for bicycle couriers					✓		✓	✓				
	Works council in Foodora Austria					✓		✓					
Austria, Germany	FairCrowd.work	✓	✓	✓		✓	✓	✓					
Austria, Germany, Norway	SEWCs in Delivery Hero	✓											
Belgium	ACV-CSC United Freelancers	✓	✓	✓		✓	✓	✓					
	Programme Act of 1 July 2016										✓	✓	
Belgium, Ireland, Netherlands*	Deliveroo and Qover									✓			
Denmark	3F union support for platform workers					✓		✓	✓				
	Sharing Economy Council	✓	✓										
Estonia	Taxation system and Simplified Business Income Taxation Act 2018									✓		✓	✓
France	CoopCycle federation of bicycle delivery cooperatives	✓	✓		✓	✓			✓				
	Coursiers Bordelais cooperative					✓			✓				
	Deliveroo France						✓		✓				
	Frizbiz household tasks platform	✓		✓					✓				
	Law No. 2016-1088 of 8 August 2016 on labour, the modernisation of social dialogue and the securing of professional careers			✓		✓		✓	✓	✓		✓	✓
	Law No. 2018-898 of 23 October 2018 on the fight against fraud								✓			✓	✓
Germany	Law No. 2019-1428 of 24 December 2019 on the orientation of mobility			✓		✓		✓	✓		✓		
	Crowdsourcing Code of Conduct				✓								
	Delivering at the Limit works council		✓			✓							
	Ombuds Office for crowdworking platforms												✓
Italy	Uber Eats Covid-19 support		✓				✓		✓				
	Law No. 128 of 2 November 2019 on the protection of digital platform work							✓	✓		✓		
	National collective agreement in logistics, freight transport and shipping							✓	✓				
	Riders' municipal information counter		✓				✓						
	Riders' Union Bologna	✓	✓			✓	✓	✓	✓	✓		✓	
Netherlands	Riders' Union Netherlands		✓			✓	✓	✓		✓			
Norway	Collective agreement between Foodora and United Federation of Trade Unions					✓	✓		✓				
Spain	Asoriders association of courier riders	✓	✓	✓	✓	✓			✓				
	'Make yourself visible!' campaign		✓										
	Sharing Spain		✓		✓								

*Also applies to nine other countries not included in the analysis. Source: Eurofound (2021b: 6-7).

their dissemination, capacity building and the exchange of good practice (Eurofound 2021b). As a whole, they present a picture of short-lived initiatives of representative democracy, undertaken in support of platform workers by organisations which are often under-resourced for moving 'beyond enhanced dialogue to actually improve working conditions' (ibid.). However, some initiatives could evolve into deeper, coordinated democratic forms, which is important given the borderless nature of much digital work. The creative approaches adopted in work instruments by online web-based workers have so far included a smaller range of strategies than their location-based counterparts; indeed, initiatives have greater visibility and resourcing capacity when embedded in wider strategies (ibid.; Hadwiger 2022).

Employers have also established organisations (e.g. Deutscher CrowdSourcing Verband in Germany) or used existing employer organisations to defend platform contracting models (IOE 2019). Some also resort to the

courts to protect the independent contractor classification of platform workers (Hadwiger 2022). More positively for workers, other organisations (e.g. Cabify, Deliveroo) have voluntarily signed the World Economic Forum (WEF) Charter of Principles for Good Platform Work, committing them to workplace and social concerns including diversity and inclusion, social protection, and employee voice and participation, and seeking the prioritisation of fairness and non-discrimination in algorithm design (WEF 2020). However, the digital transition is largely driven by private and profit-seeking initiatives (unlike the green transition which requires significant public and private investment), providing for varying levels of employer responsiveness to workers' interests. And the unilateralism of the Charter does not speak to relations between employers, platform workers, unions, BLER, EWCs and other mechanisms.

Economic transition

Until recently, an open market economy approach was promoted in the region, underpinned by neo-monetarism and austerity measures, along with an SGP whose fiscal rules aim for prudent Member State expenditure. However, the pandemic and economic downturn saw policy responses move towards an EU economic and monetary policy emphasis on sustainable development, balanced economic growth and social market economy (European Union 2010), with the activation of the SGP general escape clause in March 2020 allowing countries to exceed normal deficit and debt limits.

Building on existing work, the EC Work Programme for 2023 lays out six connected priorities: the EGD; a digitally fit Europe; ‘a stronger Europe in the world’; promotion of a European way of life; an economy that works for people; and ‘a new push for European democracy’, although economic proposals will be re-evaluated shortly given that they were developed during high economic uncertainty (European Commission 2022f). Europe’s economic, social and environmental policy agenda should ensure that governments at all levels, businesses, the social partners and households contribute consistently towards twin transition targets and the employment, skills and poverty reduction targets of the EPSR Action Plan, thereby securing economic stability, the smooth functioning of the single market and inclusion (European Commission 2022g). Initiatives include the creation of social safety nets in support of labour mobility, the updating of the quality framework for traineeships to

address issues such as fair remuneration and access to social protection, the Commission’s tabling of a legislative initiative on a statute for European cross-border associations, covering civil society and affording the full benefit of the freedoms offered by the single market, a Council Recommendation to develop social economy framework conditions to help Member States to adapt their policies and laws more effectively to the needs of social economy entities, and the Union’s pursuit of a strengthened budget. Also associated with geopolitical transition, the EU’s sanctions toolbox will deal with corruption, ramping up efforts in security and defence. To strengthen EU resilience and diversify supply chains, the EC will push for the full ratification of trade agreements and continue negotiations with other important partners (European Commission 2022a).

The proposed review of EU economic governance is informed by the 2021 CoFoE proposals formulated by a wide array of stakeholders. Some directly reference the social partners (see Table 6.4), whose behaviour reflects and has implications for the democratic arrangements, focus and activity of workplace instruments. In brief, proposal 11 focuses on shifting to a sustainable and resilient economic growth model, considering the twin transition with a strong social dimension, and empowering citizens, unions and businesses. Suggested measures include better involvement of the social partners and local and regional authorities in the implementation of the

Table 6.4 Selected 2021 CoFoE proposals for EU economic transition involving the social partners

Proposal	Social partner involvement
11. Sustainable growth and innovation	Better involvement of the social partners and local and regional authorities in implementing the European Semester with a view to improving its application and accountability
12. Enhancing EU competitiveness and further deepening the single market	Establishment of an EACB that includes organised civil society and the social partners in its governance
14. Inclusive labour markets	Ensuring that the EU, together with the social partners and national governments, supports targeted access to decent social housing for citizens, according to their specific needs
14. Stronger social policies	Reduction of inequalities, social exclusion and poverty, including through ensuring that the EU, social partners and national governments support targeted access to decent and tailored social housing, with financial effort shared among stakeholders at all levels
29. Anti-discrimination, equality and quality of life	Consultation with experts and the social partners for developing transparent quality of life indicators including economic, social and rule of law criteria, and involvement of social partners in determining EU-wide criteria on anti-discrimination in the labour market and providing incentives

Source: European Union (2022, various pages).

European Semester (European Union 2022), whose evolution emphasises the need for inclusive recovery and stronger resilience (European Commission 2022g). Enhancement of EU competitiveness and further deepening of the single market (proposal 12) could mean that new EU policy initiatives undergo a 'competitiveness check' to analyse their impact on companies and their business environment, and lead to the establishment of a European Advisory Competitiveness Body for monitoring the checking process which would involve organised civil society and the social partners, extending the democratic arrangements of economic governance (European Union 2022).

Social transition and upward convergence are also emphasised in proposal 13 which is concerned with improving labour market functioning to ensure fairer working conditions and promote gender equality and employment. To that end, the EU, Member States and social partners should seek to end in-work poverty, address platform workers' rights, ban unpaid internships and ensure fair labour mobility. Also advocated is the promotion of social dialogue and collective bargaining. Concurrently, national traditions, social partner autonomy and cooperation with civil society should be respected. Alongside this, suggested measures for stronger social policies (proposal 14) to reduce inequalities, social exclusion and poverty will entail a comprehensive anti-poverty strategy, including a reinforced Child Guarantee and Youth Guarantee, the introduction of minimum wages, a common EU framework for minimum income schemes, as well as EU, social partner and government support for targeted access to decent, needs-sensitive social housing financed by multiple stakeholders. As with proposal 13, this proposal underlines the importance of the EPSR's full implementation, and thus respect for its competences as well as the principles of subsidiarity and proportionality, and the need to include a Social Progress Protocol in the Treaties.

Proposal 29 sets out the objective of taking action to harmonise EU living conditions and improving citizens' socio-economic quality of life. Suggested measures include consultation with experts and the social partners to develop transparent quality of life indicators in order to establish a realistic timeline for raising social standards and achieving a common EU socio-economic structure, including through the ESPR's implementation. These measures should be integrated into the economic governance framework and European Semester process. Social partners should also be heavily involved in determining EU-wide criteria on

anti-discrimination in the labour market and incentivising the hiring by private companies of those usually most subject to discrimination (e.g. young people, the elderly, women, minorities), including through subsidies and, potentially, temporary quotas (*ibid.*).

The proposals anticipate active roles for the social partners on the basis of existing and proposed mechanisms and are strongly aligned with achieving socio-economic aims and equality. However, their input is still to be fleshed out with details on how higher-level engagement by the social partners will frame local workplace input, democratic arrangements and efforts aimed at upward convergence. Furthermore, the ETUC (2022c) is concerned that the EC and Council will respond to proposals 'simply by highlighting initiatives that are already being prepared or are under discussion, without following up on the most ambitious proposals' that will entail change in EU policies and institutions. Moreover, other CoFoE proposals on economic transition (e.g. on health) do not explicitly reference social partner or workplace instruments; this will have implications for their scope and influence on such instruments amid interacting transition dynamics.

Relevant to a number of the proposals, a key feature of economic transition in Europe is the acceleration of transnational corporate (re)organisation and workplace instruments. Echoing in part a response to inconsistencies between Member States' legislation (Biermeyer and Meyer 2018), the EU Company Law Package (CLP), passed in 2019, is currently being transposed into Member States' legislation. Following EP intervention and ETUC demands, greater transparency, information and consultation are sought prior to and during cross-border mergers, divisions and conversions. In particular, the Cross-Border Conversions, Mergers and Divisions Directive (Directive (EU) 2019/2121), while amended to some extent in the CLP, increases the potential for corporate abuse through the use of cross-border reorganisation aimed at avoiding worker participation; however, it lays down anti-abuse safeguards which might be implemented in different ways in individual Member States (Vitols et al. 2019). Under certain circumstances, the CLP also foresees the internationalisation of BLER in company boards that have applied EU law in order to merge or divide across borders or to convert a company form of another Member State. The ETUI's GoodCorp network of company law experts identified three areas and made 13 related recommendations on areas where the package could be strengthened to help protect workers' rights and discourage corporate

abuse. On workers' involvement, prior to and during cross-border legal reorganisation, its recommendations included embedding the CLP explicitly into the EU *acquis* on information and consultation rights at national and transnational levels and applying standard rules for employee involvement, even if the applicable threshold is not attained. After reorganisation, it suggested that adequate information and consultation at European level and employee representation at board level should be acquired, thus securing the protection of acquired rights (see Hoffman and Vitols 2018). For their part, EWCs, established as a unique response to the Europeanisation of business underpinned by neo-liberal political and economic strategies, are widely regarded as key mechanisms in – and assessors of the optimal approach for – matching or anticipating such changes on a legitimate basis. As noted, however, they face a slew of contextual and internal challenges while periodically reforming in order to maintain or extend their scope and influence for the workplace contingent.

These considerations are borne out by France's recent changes to its national laws in order to expand mandatory BLER rights to private-sector corporate groups and to introduce a potential new role for EWCs and SEWCs in appointing one of the two board-level employee representatives, alongside the existing laws allowing EWC worker representatives to vote on corporate boards. As Lafuente (2022: 6) observes, while the concept of European mandates has been fostered in policy and practice by the ETUC and European Union federations to ensure that the interests of corporate groups' European or global workforce are represented, this position did not extend to suggesting changes in employee representation institutions or practices embedded in multinational groups governed by domestic law. French legal provisions allow the second board-level employee representative to be granted a European mandate by the SEWCs and (possibly) to be non-French, potentially extending rights to countries without codetermination. This is a key development, given EWCs' continuing confrontation with 'done deals, especially in the event of transnational company restructuring' (ETUC n.d.). From a sample of

132 French-registered companies with an SEWC, Lafuente (2022) identifies that 41 French MNCs, including French SEs, have applied the Europeanisation option for BLER appointments based on French law. Furthermore, France's recent PACTE Law could allow more BLER mandates to become Europeanised, as more French companies are expected to be obliged to have two employee representatives on their respective boards (*ibid.*).

As well as advancing knowledge on BLER Europeanisation in MNCs governed by national law, the research highlights that these changes to the role of SEWCs raise new legal uncertainties, political tensions and possible opportunities. For example, 'articulation between the parent-company BLER and the [SEWC] is [...] underexplored' in terms of providing unions across Europe with the opportunity 'to gain insights into the decision-making of the governing body'. Furthermore, unions can partake in the appointment of members or propose candidates for 'an arena of potential use for transnational trade union action' (*ibid.*: 7). For French unions, this could alter pre-existing BLER system dynamics while favouring the establishment of (Europeanised) BLER in companies with no previous BLER. This case thus illustrates an increasing level of integration of key mechanisms for workers at a European level, providing a potential impetus for the legitimate extension of democratic arrangements under the national laws of other Member States.

Furthermore, upon EU industrial strategy implementation, the ETUC (2022a) maintains that Important Projects of Common European Interest and industry alliances that have been created to develop large-scale and cross-border industrial projects in strategic domains should contribute more effectively to EU economic and social cohesion policy objectives, and be conditional on effective social dialogue and the respect of workers' rights, notably when it comes to information and consultation, which suggests supporting key roles for EWCs and BLER.

Social transition – underpinning an ambitious agenda

The region's navigation of intertwined transitions reflects and shapes the agency of instruments and processes that encourage worker participation, representation and engagement in organisational decision-making. At once, the challenges and opportunities of these dynamics highlight the underdevelopment of Europe's social dimension, itself an ambiguous concept comprising various national social models and EU social policies (De Spiegelaere et al. 2022; Streeck 2019), thus promoting the formulation of principles that could underpin more ambitious progress.

First, transformative social transition requires wider, deeper and connected workplace democracy arrangements across the region. Leaders and citizens alike have called for EU-level democratic reform (e.g. of the Treaty) (European Union 2022); engagement by social partners and workplace instruments to promote European democracy as a dedicated strategy will be essential. For instance, CoFoE proposal 25 (rule of law, democratic values and European identity), if converted into effective action, will focus on education and development, the universal application and enforceability of the EU Charter of Fundamental Rights and annual conferences on the rule of law attended by randomly-selected and diverse citizens, civil servants, parliamentarians, local authorities, social partners and civil society.

Democracy deficits are also flagged up at workplace level. For instance, while around 1 200 EWCs and SEWCs exist, covering over 17 million employees (Jagodziński 2016), half of around 2 400 companies could meet the threshold for establishing an EWC or SEWC. According to the 2018 ETUI survey of EWC and SEWC members, nearly half (46%) meet just once a year (though EWC employee-only meetings are more likely with a union coordinator), while a mere 22% are consulted before final workplace decisions are taken (De Spiegelaere and Jagodziński 2019). Only half of respondents received training and, despite their workforce presence, women formed less than one fifth (18%) of the respondents (ibid.). The existence of multiple EWCs in some companies also suggests their under-tapped

significance in tackling transition changes through inclusive dialogue at sub-European or -national levels. Thus, where workplace instruments exist, their actual and potential capacity to raise and respond to diverse worker and employer voices and circumstances must be more convergent. Full adherence by all parties to processes that facilitate the complete and democratic and/or extended operation of those instruments, along with the coordinated pursuit of improved conditions for workers, is vital. Drawing on ETUI 2018 EWC survey results, for example, Lafuente-Hernandez et al. (2022) show that, while the existence of board-level employee representatives is not linked to better EWC functioning, EWC members who communicate with them report more effective EWC functioning. Workplace democracy and social transition aims may highlight how the achievements of individual instruments are secondary to their achievements in combination with other instruments in particular contexts (Hoffmann et al. 2020), although this review also suggests the pertinence of individual and combined workplace instruments for progressing responses to certain transition issues, and the absence of a single transformation path.

Beyond better regulatory enforcement of the functions of workplace instruments, this result could point to *informed* representation, where representatives or co-optees with transition expertise (e.g. on complex digitalisation issues and their meaning for social progress) are included in operations and workplace exchanges involving EWCs, codetermination and BLER, collective bargaining and other instruments. Effective participative democratic arrangements must also feature at all levels so that the voices of workplace and other stakeholders are heard between elections, their engagement reflecting the connections between workplace, civil and political experience. To this end, the integration of workplace instruments into new and proposed governance mechanisms (e.g. social partner input into national and regional just transition plans that will inform workplace operations) and multi-level coalitions is essential. Furthermore, increasing transnational organisation must

be met with an effective, counterbalancing influence to enhance cross-border democracy at work. Despite the EU's accelerated facilitation of economic and business integration across borders, the strengthening of workers' democratic rights in fulfilment of the goals proclaimed in the Treaties fails to keep pace, as the democratic instruments proposed in legislation such as the CLP fail to materialise (Hoffmann et al. 2020).

A second principle concerns integrated analysis of 'the four transitions' in relation to democratic and social progress. Each transition poses unique and shared challenges for workers, employers and their representatives at different workplace levels, as exemplified by greater geopolitical uncertainty within and across certain EU countries. Democratic reforms are fused with company sustainability and social and other transition effects (ETUC 2019), emphasising benefits for both employers and workers. While much policy and practice by workplace and other mechanisms take account of the twin transitions, or upward economic and social convergence (Eurofound 2020), the interactive influences of green, digital, geopolitical and economic transitions on one another, social progress and EU sustainable development, though significant, have received little systematic attention. The EGD vision, for example, can be seen to go beyond transition to a transformation of how Europe produces and consumes goods and services, and how it ensures that costs and opportunities are distributed across its Member States and demographic and social groups. Holistic transition analysis is complex but central to formulating effective regulatory and policy responses, and to developing strategies that encourage emphasis of workers' voices in workplace instruments, democratic oversight of their work and workplace, and greater social transition. Appropriate resourcing of such measures is vital, particularly if other transitions (e.g. demographic changes) augment the analysis.

A related principle emphasises early engagement by democratic workplace instruments in processes and agendas that prioritise social transition. Workplace mechanisms can be distanced or omitted from key forums and decision-making (including on transnational company restructuring), despite the stakeholder benefits that their input provides for workplace and societal progress. Early definition of the roles of workplace and other instruments can ensure that decision-making in Europe on social transition is not delayed, nor democratic processes and actors (as in the case of social partner prerogatives defined in the Treaties)

undermined. Democratic forms can also evolve in the right workplace and climate, enabling them to keep pace with, anticipate and address dynamic transitional challenges.

A fourth principle concerns upward convergence in social transition facilitated by workplace democracy. Research indicates that upward social and economic convergence patterns are unstable, exacerbated by the pandemic (Eurofound 2020), with the regional labour market recuperating but employment yet to return to pre-Covid levels (European Commission 2022h). Based on Social Scoreboard monitoring of the EPSR that focuses on equal opportunities and labour market access, fair working conditions, and social protection and exclusion, the EC encourages Member States to take action to address identified employment, skills and social policy challenges while availing themselves of EU funding possibilities. In particular, Member States should support job creation, ease transitions from unemployment into employment and between jobs, strengthen economic and social resilience, and ensure that the twin transitions are fair in order to progress towards 2030 headline targets (ibid.; European Commission 2021c). National efforts in social and other policy domains to achieve sustainable upward convergence must involve the social partners, unions, other workplace instruments and coalitions at all levels. For instance, systematic inclusion of Social Scoreboard indicators and key targets in their agendas, representative and participative democratic decision-making and input on specific measures for their improvement could help drive ambitious social transition. The pace at and extent to which workplace instrument agendas will correspondingly widen will vary due to contextual sensitivities but could also be part of a general upward convergence approach to seeking a new social contract.

A final principle extends a 'people-centred approach', already advocated by the EU for the evolving digital economy, to each transition via workplace and wider instruments. Recently established panels are enabling citizens' voices to be heard as part of the EC's policy-making in key areas. Furthermore, the EC's 2023 work programme priority of putting citizens at the heart of European democracy builds on proposals made during the CoFoE and is an exercise in participative and deliberative democracy on a European scale (EC 2022c). The Conference exemplifies the carving out of a new institutionalised but bottom-up space involving social partners, civil society organisations and others in pursuit of worker and other interests, and, within this mechanism, social partners

engage on multiple platforms. Momentum on proposed areas of work may be fostered through multilateral practical measures at all levels while respecting the principles of subsidiarity, proportionality and democratic accountability. The ongoing, coordinated and institutionalised (early) engagement of the social partners and workplace instruments in such forums and their follow-up will be particularly crucial, as will be the regular activity needed to normalise responses to transition issues in work and society. Central to these concerns are connections between workplace participation and representation, and political/civil agency and voice. While most research asserts positive connections, recent work indicates that they are nuanced, and that

negative spillover can occur (e.g. the survey on Dutch workers set out in Geurkink et al. (2022) finds that supervisors' suppression of employee voice triggers both positive and negative effects for different forms of political participation, with other mechanisms coming into play). Workplace instruments might usefully extend such research to other contexts to assess the influence of their labour market characteristics and political systems. They might also ascertain where they have most impact on encouraging workplace and wider participation based on democratic processes and political socialisation at work, and consider how political participation can influence workplace participation.

Conclusions

Comparatively speaking, Europe experiences high standards of living, good working conditions and a good level of social protection (Brown 2020). However, it has reached a critical juncture as inequalities persist across and within Member States, with many gaining no benefit from positive developments. Indeed, the interconnected dynamics of green, geopolitical, digital and economic transitions over time and since the pandemic have functioned differentially in various industrial relations and political economy settings, presenting benefits and challenges to workers and workplaces. Convergences and differences in their distributive effects thus render work and other instruments critical for counter-influencing any tendencies that polarise the labour market and wider society. However, despite its social, economic and political benefits, democracy in Europe's workplaces and societies is under strain, and social progress is underdeveloped. The potential for democratically premised workplace instruments to tackle the transitions more effectively is therefore directly connected to the EU's social progress, resilience and sustainable development. Against the background of countries' differing experiences of the transitions, well-supported, coordinated

and extended forms of workplace and civil democracy must demonstrate upward social convergence such that all workers are treated fairly and can access socially progressive outcomes encouraged by workplace and wider governance systems. The mutuality of workplace and social progress calls for a transformative agenda that navigates the transitions through Treaty changes, inclusive governance and enhanced, interlocking workplace forums encompassing involvement, information, consultation, participation and decision-making at all levels. The broad principles arrived at here could form the basis for further discussion. However, their utility depends on efforts at EU level to address deficiencies in the exercise of democratic rights in the workplace and the related information gaps which curb evaluation of the transition impacts that are to be anticipated and addressed collaboratively by stakeholders.

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