

# WORKING PAPER FORSCHUNGSFÖRDERUNG

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## What Do European Employers' Organisations Do?

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### **This Working Paper at a Glance**

This paper identifies four roles of contemporary European Employers' Organisations. European Employers' Organisations are lobbyists in Brussels that represent the interests of their members, seeking to influence institutions. European Employers' Organisations are reluctant social partners that engage with labour unions, though mostly with the aim to avoid binding regulation. European Employers' Organisations are service providers, amongst others informing members about EU legislative and programmatic developments. Finally, European Employers' Organisations are standard setters in Europe, focussing on voluntary, flexible norms and codes of conduct.

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## Abstract

This working paper suggests that European Employers' Organisations have four roles, namely as lobbyist, reluctant social partner, service provider and standard setter. First, European Employers' Organisations lobby European Union institutions, aiming to influence their programmatic and legislative initiatives. A key focus is on preventing binding employment and social legislation, which in the view of employers limits their flexibility and creates additional costs.

Second, European Employers' Organisations engage with labour unions in the context of European Union institutions such as sectoral social dialogue committees. In exceptional circumstances, this interaction results in European Union legislation; however, European Employers' Organisations primarily focus on stalling labour's agenda and avoiding binding joint regulation. Hence, European Employers' Organisations are a reluctant social partner.

Third, European Employers' Organisations provide a range of services to their members, including informing members about European Union initiatives, organising events and networking opportunities for members, providing training and a range of services related to sectoral labour markets, including compiling comparative labour market data, offering staff exchange programmes and online job boards.

Finally, European Employers' Organisations contribute to standard setting in the European Union, promoting work rules and defining jobs. They pursue this voluntary agenda through accredited training, European professional training frameworks, codes of conduct and benchmarking. European Employers' Organisations also assist their members in implementing European Union rules and regulation through guidelines and handbooks, which enhances compliances and facilitates implementation of European Union laws.

The literature on European employment relations has focussed on key actors such as European Works Councils and European labour unions; however, there is no research with an explicit focus on contemporary European Employers' Organisations. To some extent, and this applies to researchers and practitioners alike, it is not fully known what European Employers' Organisations do. This working paper attempts to address this gap in our knowledge through an examination of all 136 European Employers' Organisations identified by the research project "Interest Representation by European Employers' Organisations". The research was funded by the Hans Böckler Foundation.

# 1 Introduction

The European Union (EU) has evolved into a world region with distinctive employment relations. A rich literature on European employment relations has examined key actors, arenas and processes (Marginson and Sisson 2004; Keller and Platzer 2003; Meardi 2018; Begega and Aranea 2018), focussing on European labour unions (Erne 2008; Platzer and Müller 2012), European Works Councils (Hann, Hauptmeier and Waddington 2017), EU board-level representation (Keller and Rosenbohm 2020), EU employment and social legislation (Rhodes 2015), labour competition in Europe (Greer and Hauptmeier 2016) and cross-sectoral and sectoral social dialogue (Degryse 2015; Smismans 2008; Welz 2008).

As in the national employment relations literature, labour-side actors and issues have attracted significantly more attention compared to research on employers and their collective organisations. There is some consideration of employers in the context of research on social dialogue (Keller and Weber 2011) and European Works Councils (Pulignano and Waddington 2020) and historical studies on European Employers' Organisations (EEOs) (Platzer 1984) exist. What is missing in the literature is research with an explicit focus on contemporary EEOs (Arcq, Dufresne and Pochet 2003). This working paper addresses this research gap.<sup>1</sup>

EEOs are the counterpart of European labour unions or European labour federations in the EU. While European labour unions focus on representing the interests of national unions and workers, EEOs represent the interest of national employer associations and individual employers. Both types of collective transnational organisations feature a concentration on employment relations, work, labour, and social and employment legislation.

Our research identified 136 EEOs that represent employer interests in the EU. This goes beyond the 70 EEOs registered as social partner organisations with the European Commission (European Commission 2019). These social partner EEOs usually engage with labour unions in cross-sectoral and sectoral social dialogue. While social dialogue is an important channel for employer interest representation (Degryse 2015; Smismans 2008; Welz 2008), it is not the only such channel.

As our research shows, EEOs represent employer interests in a variety of ways and thus we include all collective employer bodies with a focus on employment relations, work, and labour, even those not registered as EU social partner organisations. Thus, the goal is to capture the full range

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1 We would like to thank the members of our Project Advisory Board who have supported the research project with their constructive and helpful feedback and advice.

and extent of EU-level employer interest representation and move beyond a narrow focus on EU social dialogue.

This paper argues that EEOs have four roles in European employment relations, namely as political lobbyist, reluctant social partner, service provider and standard setter. First, EEOs lobby EU institutions, aiming to either influence, stall or prevent EU programmatic and legislative initiatives.

Second, EEOs engage with labour unions in the context of EU institutions. In exceptional circumstances, this interaction results in EU legislative initiatives; however, EEOs primarily focus on stalling labour's agenda and avoiding the negotiation of joint regulation (Degryse and Pochet 2011; Prosser 2016); hence we describe them a reluctant social partner.

Third, EEOs provide services to their members, including informing them as to EU initiatives, organising events and networking opportunities for members, offering training and a range of services related to sectoral labour markets, including compiling comparative labour market data, offering staff exchange programmes and online job boards.

Finally, EEOs contribute to standard setting in the EU, promoting work rules and defining jobs. EEOs pursue this voluntary agenda through accredited training, European professional training frameworks, codes of conduct and benchmarking. EEOs also assist their members in implementing EU rules and regulation through guidelines and handbooks, which enhances compliance and facilitates implementation of EU laws.

Rigid boundaries between the EEO roles described above do not exist, instead there are linkages between them. For example, some EEOs offer voluntary codes of conduct in their standard setter role to prevent or preempt binding EU legislation, which ties in with corresponding EEO lobbying of EU institutions. A further example of linkages between the different roles are EEO information services on EU programmatic or legislative initiatives, and networking opportunities for members in their role as service provider, which both support EEO lobbying.

The vast majority of the EEO population are sectoral organisations (92.6 %). EEOs are well represented in manufacturing industries (31 EEOs, 22.8 %) and transport sectors (26 EEOs, 19.1 %). Other sectors with significant EEO presence are finance including insurance (eleven EEOs, 8 %), administrative and support services (ten EEOs, 7.4 %), information and communication (eight EEOs, 5.9 %) and arts and entertainment (ten EEOs, 7.4 %). One EEO exclusively represents public employers, the Conseil des Communes et Régions d'Europe (CEMR). Ten (7.4 %) were cross-sectoral, amongst them the largest and most prominent such as BusinessEurope.

Our research is based on qualitative and quantitative data. We collected information on each EEO, using organisational websites and EU

archival records and compiling the information into an EEO database. The individual EEO profiles within this database are published in a “Handbook of European Employers’ Organisation” (Aranea et al. 2021), which is the companion publication to this HBS working paper.

Our EEO database allowed activities and roles of the EEO population to be mapped. We complemented the database findings with information from more than 100 interviews. We primarily conducted interviews with EEO representatives and policy officers, but we also talked with actors who have knowledge of and interact with EEOs such as European labour union federations, national employer associations, consultancies, and researchers in Brussels. Further information on our research methods is provided in the appendix.

The following empirical sections of this working paper examine the four roles of EEOs sketched above. The conclusion discusses and assess contemporary EEO activities and roles against the background of developments in the 1990s, when EEOs and European union federations contributed to the development of a social dimension to European integration. The working paper concludes that a continuation of the contemporary EEO roles as lobbyist, reluctant social partner, service provider and standard setter is the most likely scenario for the future development of employer organisation in the EU for the 2020s.



## 2 Lobbyist

EEOs' primary role was that of a lobbyist of EU institutions in Brussels with a focus on influencing or preventing employment, labour, and social legislation. All 136 EEOs were registered with the Brussels lobbying register, the European Transparency Register, meaning they had standing relations with EU institutions and enjoyed at least potential access to policy makers. The main target of EEO lobbying was the European Commission given its importance in initiating and developing new European legislation and preparing new treaties and programmes of work.

This section focusses on the main EEO channels for the political representation of their members, i.e., European Commission consultation (2.1), direct meetings with EU Commission departments and their staff (2.2), participation in European Commission expert groups (2.3) and lobbying the European Parliament (2.4). We also consider the coordination between different EEOs to strengthen their lobbying efforts (2.5), EEOs' headquarters locations and lobbying budgets (2.6).

There were important differences between the 70 EEOs registered as social partner organisations with the EU, and the 66 EEOs that were only registered with the European Transparency Register. Social partner organisations were procedurally and formally involved in the early stages of Commission initiatives on employment and social policy matters, and they had the prerogative to comment on the direction and content of new EU Commission proposal.

EEOs that were only registered with the European Transparency Register had no such consultation rights, but they could still influence EU institutions in other ways including through meetings with EU Commission staff and lobbying more broadly on topics in the employment and social policy area.

### 2.1 European Commission consultations

EEOs' most frequent form of lobbying was responding to European Commission consultations (60 EEOs, 44.1 %). EEOs with a large numbers of position papers were the main cross-sectoral organisations such as BusinessEurope, European Centre of Employers and Enterprises providing Public Services (CEEP)<sup>2</sup> and SMEunited, alongside other broad industry

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<sup>2</sup> We use the name CEEP to refer to the organisation now called SGI Europe. The organisation changed its name in December 2020 and now represents public and private companies providing services of general interest.

EEOs such as the European Chemical Employers Group (ECEG), the European Construction Industry Federation (FIEC), EuroCommerce, the Council of European Employers of the Metal, Engineering and Technology-based Industries (Ceemet), or Hotels, Restaurants and Cafés in Europe (HOTREC).

The most common topic of EEOs' consultation responses between 2015 and 2019 were employment conditions and social protection where we identified 39 position papers. The other main topic areas were general labour market regulation, and occupational health and safety, where we identified 23 papers for each.

EEOs regularly used European Commission consultations to voice concerns about binding employment and social legislation. Most EEO policy officers argued that preventing additional employment regulation was important to maintain competitiveness for their sector. In their view, the "European social policy agenda" was an attempt to regulate "things too much in detail", resulting in "a kind of overregulation" (interview with a finance sector EEO representative, 2018; interview with a cross-sectoral EEO representative, 2018).

As one secretary general argued, "whenever the state intervenes, this is well-meant but eventually has bad effects" (transport EEO 2018). Another finance sector EEO representative argued, "we have the approach of subsidiarity, which is strongly integrated in our strategy as employer associations" (interview with a banking sector EEO representative, 2018).

EEOs had an important focus on the European Pillar of Social Rights and subsequent proposals for legislation.

Twenty EEOs responded to the European Commission's 2017 consultation on the Social Pillar. Their responses articulated a rejection of binding social policy. In their joint statement, several EEOs emphasized that "the subsidiarity principle, as enshrined in the Treaty, should be at the centre of policy orientation" (BusinessEurope et al. 2017). CEEP (2016) argued, "[r]especting the principle of subsidiarity will be key for the success and widespread acceptance of the European Pillar of Social Rights". The EEO demanded that "the European Pillar of Social Rights [...] should be a general strategic document which is not legally binding" (CEEP 2016).

Meanwhile, EuroCommerce, BusinessEurope and eleven other EEOs responded to the consultation with a joint call for "more competitiveness to sustain the social dimension of Europe", arguing that "[...] the persisting social problems in Europe are not due to a lack of social policy measures, but to a lack of global competitiveness" (BusinessEurope et al. 2017).

Fourteen EEOs responded to the 2016 European Commission consultation on fair and predictable employment conditions. In their assessment

of the draft Directive on Transparent and Predictable Working Conditions, BusinessEurope defended the prerogative to define which workers are employees and which are not: “BusinessEurope is against harmonisation of the definition of an employee at the EU level”. Service sector EEOs emphasized sectoral needs for employment flexibility. As one EEO representative argued, “we are a service sector so, of course, we need much more flexibility, or at least we would like to preserve the current flexibility that we have to deploy workers in certain ways” (interview with a service sector EEO representative, 2018).

In response to the European Commission consultation, EuroCommerce (2018) stated that member associations “strongly defend the principle of subsidiarity” and therefore “reject [...] a definition of worker at the EU level and horizontal provisions on compliance, protection from dismissal and sanctions”. The European Chemical Employers Group (ECEG) similarly argued that “we do not see the necessity to make the labour market more transparent”. The final European Commission Directive on Transparent and Predictable Working Conditions (2019) replaced the so-called Written Statement Directive of 1991.

Twelve EEOs submitted position papers in response to the 2017 European Commission consultation on social protection in all forms of employment. Employer responses demanded a balance between social protection and protecting the many different employment forms existing in the EU.

The BusinessEurope position paper emphasized the need for “a balance between providing access to social protection schemes and not deterring employers, workers and individuals from using diverse contract forms, becoming self-employed, transitioning between or combining different forms of work”. Employers from the temporary agency work industry rejected the viability of a common pan-European understanding of terms such as work, employment, or employer.

The WEC-Europe position paper deemed it “counterproductive to establish EU level definitions on the terms worker and employment relationship as labour markets are evolving more rapidly and main concepts for regulating and organising the world of work need to be adapted to these changes”. The outcome of the EU initiative on social protection in all kinds of employment was a European Council recommendation adopted in November 2019.

Ten EEOs responded to the 2015 consultation on work-life balance. The metal sector EEO, Ceemet, reminded the European Commission in their position paper that “the proposal of the Commission will inevitably lead to substantial additional costs for companies”, and that “with this proposal, the Commission largely oversteps the EU’s competences”. The

Conseil des Communes et Régions d'Europe (CEMR) agreed with this opinion and suggested to delegate the regulation to the national level. The policy outcome following the consultation was the 2019 European Commission Directive on Work-Life Balance for Parents and Carers.

In the area of labour market regulation, EEOs voiced resistance to European Commission initiatives related to working time and wages. Fourteen EEOs had position papers on working time. They had responded to the consultation on a revision of the Working Time Directive in 2015 or to the sectoral initiative on transport worker's driving and resting times in 2017 – or to both. In response to the 2015 working time consultation, BusinessEurope and nine other EEOs, such as InsuranceEurope, the International Road Transport Union (IRU) and the European Banking Federation (EBF) jointly wrote an open letter to the European Commission Vice-President for the Euro and Social Dialogue, Vladimir Dombrovskis, to express their views on the existing Working Time Directive.

Employers lamented the Directive's "lack of flexibility" especially that "the non-regression clause in the directive limits the opportunity for flexibility in national transposing measures after the adoption of the directive". Employers argued against the introduction of additional legislation because "the world of work has changed considerably since the directive came into force. This creates the need for more flexibility in the organisation of working time for both employers and workers".

The 2017 EU initiative on drivers' working and resting time was part of a bundle of legislative initiatives in the transport sector: the EU Mobility Package. Most transport sector EEOs voiced resistance to regulation that prevented drivers sleeping in their cabins. In an undated position paper, the Federation of European Movers Associations (FEDEMAC) argued:

"FEDEMAC understands the need for regular rest whether it is for the well-being of drivers or the safety of all passengers on the road, however, the safety of the trucks and the goods carried must also be taken into account. Drivers should not be expected to rest in a hotel while their trucks and the goods they contain are further away in a non-secure location."

Only one EEO representing transport sector SMEs voiced an employer need for a level playing field in pay and working conditions across Europe. The European Road Haulers Association (UETR) argued that drivers' breaks "will have to be taken with the vehicle completely stopped, in order to permit a real recuperation of the drivers, avoiding that drivers remain inside the vehicle for up to non-stopping 20 hours".

Two tourism sector EEOs interviewed argued that, while the European Commission should address unfair wage competition in road transport, the bus tourism sector needed "some leniency" because working times were different and, in contrast to the transport sector, in bus tourism there

was no abuse of low-wage drivers (interview with tourism sector EEO representatives, 2018).

In the context of the EU debate on drivers' working and resting times, transport sector EEOs pointed to structural conditions, market forces and poor infrastructure. Various transport sector EEOs lamented that drivers' working conditions were "a disgrace" and the fault was "with the EU and the Commission" because "they don't provide safe parking places" (interview with a transport sector EEO representative, 2018).

One recent labour market regulation initiative was the first stage consultation on the challenge of fair minimum wages in Europe in early 2020. Seventeen EEOs responded to the European Commission consultation. Employers questioned the rationale, proportionality, and policy objectives of the EU initiative on fair minimum wages. The SMEunited position paper disputed the extent of low-wage work and commented on collective bargaining coverage: "Taking into account the low level of low paid workers without collective bargaining coverage, a dedicated European initiative on minimum wage would be disproportionate".

The Ceemet position paper, speaking on behalf of metal sector employers argued that the EU treaties excluded the issue of pay from EU competences and that higher wages would lead to further relocation of production away from Europe. BusinessEurope (2020: 2) argued that "wages exist to compensate the work performed, taking into account the way in which it is done and valued, including in the market and within the enterprise", while they regarded the policy goal to ensure a minimum income as the responsibility of national governments. Similarly, EuroCommerce argued that "issues such as income and poverty are better dealt with by national governments with the competence to redistribute wealth [...] than through blunt instruments such as minimum wages".

EEOs also targeted the European Labour Authority and policy topics related to its mission. The European Labour Authority was established in 2017 as part of the European Pillar of Social Rights agenda, focussing on labour mobility and social security coordination between countries, ensuring, for example, that pension rights accrued in one country could be accessed across the EU.

Six EEOs commented on the European Commission proposal to establish the European Labour Authority. These were BusinessEurope, SMEunited, the European Construction Industry Federation (FIEC), the International Road Transport Union Permanent Delegation to the EU (IRU), the Performing Arts Employers' Associations League Europe (PEARLE) and the European Road Haulers Association (UETR). Employers generally argued that the Labour Authority should not possess regulatory or disciplinary functions. BusinessEurope voiced

“doubts that the setting up of a European Labour Authority is an efficient and cost-effective way [...] to combat fraud in cross-border situations [...] The Labour Authority should leave any intervention in cases of suspected violations of EU labour mobility rules or national labour legislation to national authorities and instead “focus on providing information and advice to help European companies and workers understand what rules apply to them in cross-border situations” (BusinessEurope position paper, 2018).”

Nevertheless, the European Road Haulers Association (UETR) representing road transport SMEs deviated from the general employer position, arguing that the Labour Authority “should support initiatives to seek convergence of fiscal policies and price of labour at the EU level”.

In the policy area of occupational health and safety, EEOs responded for example to the 2016/17 consultation on carcinogens at work. The Industrial Minerals Association (IMA-Europe), which represents several mineral industry branches as umbrella organisation, voiced support for legislation on worker exposure to crystalline silica: “The industrial minerals industry welcomes the European Commission’s proposal for a binding limit value [of exposure to crystalline silica] which aims at protecting workers, defining a clear ‘level playing field’ across the EU”.

Ceramic industry employers represented by Cerame-Unie, and the high-temperature wool insulation industry represented by ECFIA, voiced concerns as to changes in the regulation of refractory ceramic fibres (RCF). The ECFIA position paper argued that “during over 60 years of industrial use of RCF products, there have been no reports of occupational health effects in workers exposed to RCF dust”.

EEOs regularly argued that the regulation of health and safety should be left to companies, suggesting that “we have to protect the employees, as employers, from the [...] products they use in the workplace. Otherwise, they leave the sector, and we will not have healthy employees anymore” (interview with a service sector EEO representative, 2019).

A small group of five interviewed EEO representatives actively lobbied for a harmonization of employment and working conditions across Europe. These EEOs represented sectors characterized by a predominance of SMEs, low wage levels, labour shortage, and competitive pressures from self-employment and undeclared work. To deal with these sectoral challenges, they saw a need for higher wages or better working conditions in their respective sector. The Union Internationale des Entrepreneurs de Peinture (UNIEP), representing painting contractors, called in a 2018 position paper for “increased competitiveness in Europe as a result of harmonized national employment standards and uniform/common rules”.

The European Road Haulers Association (UETR), in a 2017 position paper, called for EU regulation to prevent driver fatigue. The position paper named “reducing drivers’ fatigue and ensuring road safety” as “two

core principles UETR believes in". While most transport sector EEOs and manufacturing EEOs viewed automation as a possible solution to labour shortages, some also acknowledged that "eventually the prices and wages will have to go up in order to attract people" because "this is a hard job, unfortunately, and not very well paid" (interview with a transport EEO representative, 2018).

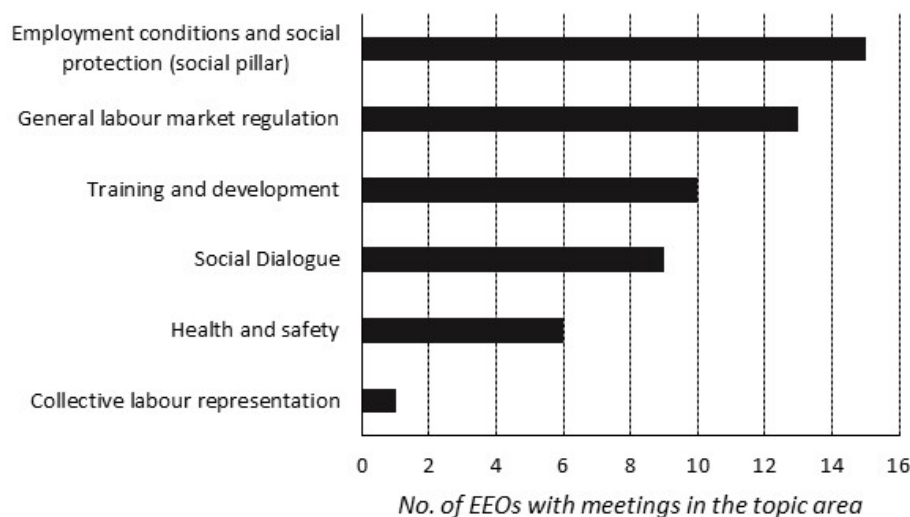
The policy officer of one commerce sector EEO reflected on possible tensions between employers' positions on employment and social policies, and their market integration agenda on the European level: "As business representatives, we ask normally for harmonisation of [market] rules across the EU – but then for social issues, social protection, it should remain at national level. It's a bit contradictory" (interview with a service sector EEO representative, 2019).

## **2.2 Meetings with European Commission departments and staff**

Forty-two EEOs had direct meetings with high-level European Commission staff in DG Employment between 2015 and 2019 (30.9 %). Meeting dates, participants and main topics addressed (see Graph 1) were available from European Commission websites and, since September 2019, also from the European transparency register. EEOs used high-level meetings to express their views on draft pieces of legislation and raise general or sectoral employer concerns.

DG Employment meetings complemented other lobbying activities. One EEO representative explained that in some cases they met with DG Employment staff "so we can give input directly to the Commission", while on other occasions "we go via BusinessEurope or through the national employer representatives" (interview with a manufacturing sector EEO representative, 2018).

*Graph 1: Main topics of EEO and DG Employment meetings (2015–2020)*



The most frequent topic areas appearing in meeting records were employment conditions and social protection, as well as general labour market regulation. Fifteen EEOs met with DG Employment staff to address employment conditions and social protection, including the European Pillar of Social Rights and employment transparency. The European Cement Association (CEMBUREAU), for example, met with DG Employment in early 2015 to discuss “employment and labour law issues”. In addition, in early 2015, the European Road Haulers Association (UETR) met with high-ranking DG Employment staff to discuss “labour conditions in the transport sector”.

Thirteen EEOs had met with DG Employment staff to address topics related to general labour market regulation. The Council of European Employers of the Metal, Engineering and Technology-based Industries (Ceemet) met with DG Employment several times between 2015 and 2019 to discuss labour mobility. The Branded Food and Beverage Service Chains Association (ServingEurope), representing fast food employers, met with DG Employment in 2016 to discuss jobs and growth. Ten EEOs met with DG Employment to address issues related to training or skills, for example, the European Round Table for Industry ERT, formerly European Round Table of Industrialists, and the European Metal Union.

Nine EEOs had meetings to discuss social dialogue. These EEOs represented mainly civil aviation sectors, SME employers and service industries. EEOs such as the Civil Air Navigation Services Organisation (CANSO), Airports Council International – European Region (ACI Europe) or the Airport Services Association (ASA). The discussions both with DG



Employment and DG Transport reflected the break-down of social dialogue and labour conflicts in the air traffic control sector.

EEOs generally did not name collective labour representation as a topic for their meetings with DG Employment, according to European transparency register meetings records. Only one EEO registered collective labour representation topic – strikes – as a topic of DG Employment meetings. Airlines for Europe (A4E) met several times with DG Employment and DG GROW between 2015 and 2019 to discuss the economic impact of air-traffic-controller strikes on EU growth and jobs.

Six EEOs met with DG Employment to discuss occupational health and safety. Manufacturing and chemical sector employers, for example, used DG Employment meetings to raise employer concerns about expanding European regulation over hazardous substances at work.

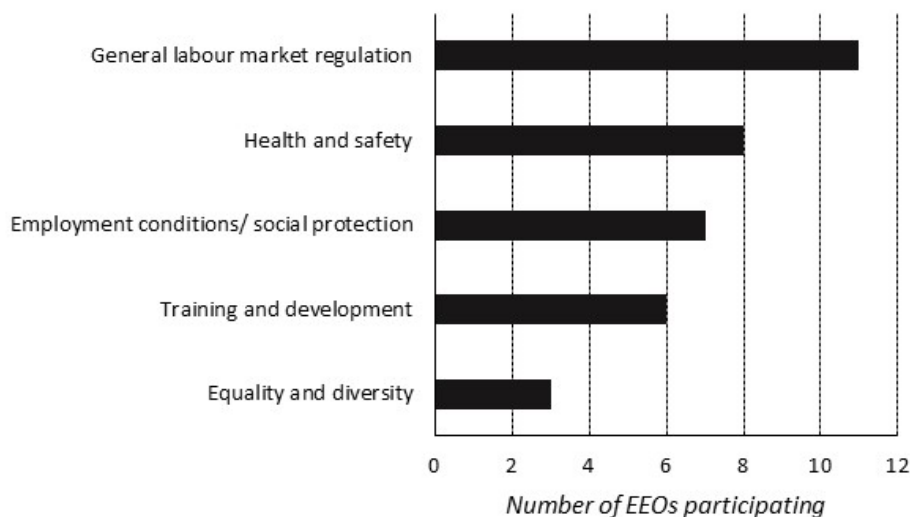
The transparency register named “occupational safety and health” as the topic of a 2016 meeting between high-level DG Employment staff and the European Chemical Industry Council (CEFIC). One EEO representative stated that they “contacted DG Employment on the topic of worker exposure to carcinogens [because] it is a very big topic [for us], and I think we have also some best practices that we are promoting within our industry” (interview with a manufacturing sector EEO representative, 2018).

## 2.3 European Commission expert groups

Twenty-four EEOs (17.6 %) participated in European Commission expert groups related to employment topics (see Graph 2). The most active EEOs were the general cross-sectoral organisations BusinessEurope, SMEunited and CEEP. BusinessEurope participated in twelve high-level expert groups in the employment, work, and social protection policy areas, while CEEP participated in seven, and SMEunited in five.

The number of relevant expert groups decreased between 2018 and 2020, partly as the expert group on the European Labour Authority, created in 2019, replaced several European Commission expert groups, which dealt with the free movement of workers, social security coordination, posting of workers and undeclared work (EU Regulation 2019/1149). Also, a new expert group “The European Commission Expert Group on implementing Directive (EU) 2019/1152 on transparent and predictable working conditions in the EU” started its work in October 2019 and included BusinessEurope, CEEP and SMEunited.

Graph 2: Number of EEOs participating in European Commission expert groups by topic areas (2015–2019)



Eleven EEOs participated in European Commission expert groups in the topic area of general labour market regulation. The European Barge Union and the European Skippers Organisation (ESO), for example, participated in an expert group focusing on social issues in inland navigation. Eight EEOs participated in expert groups in the topic area of occupational health and safety, amongst them the European Cement Association (CEMBUREAU) and the Industrial Minerals Association – Europe (IMA – Europe).

Seven EEOs participated in expert groups in the topic area of employment conditions and social protection. The European Agri-Cooperatives (COGECA) participated in expert groups on posting of workers and on undeclared work. Six EEOs participated in expert groups in the topic area of training and professional development. For example, the Pharmaceutical Group of the EU (PGEU) and the European Hospital and Healthcare Federation (HOPE) participated in the European workforce for health expert group.

## 2.4 European Parliament

We found less evidence for EEOs lobbying the European Parliament compared to representation vis-a-vis the European Commission. Eighteen EEOs (13.2 %) participated in events or hearings at the European Parliament on topics related to work or employment. Only seven EEOs (5.1 %) presented their views during hearings of the European Parliament's Em-

ployment and Social Affairs Committee between 2015 and 2018, including BusinessEurope, the Council of European Employers of the Metal, Engineering and Technology-based Industries (Ceemet), and the European Road Haulers Association (UETR).

However, EEO representatives also mentioned informal meetings with Members of the European Parliament. As one policy officer explained: “We also meet bilaterally with members of the Employment Committee to give them our views on certain dossiers. I was in the European Parliament just earlier this afternoon actually. I met with an MEP on a specific file to tell them what we think” (interview with a cross-sectoral EEO representative, 2018).

Of the various industry forums and intergroups in the European Parliament, only a few, such as the European Forum for Manufacturing focussed explicitly on topics within work and employment relations. The forum organised three dinner debates, one each on posting of workers (2013), European social dialogue (2015) and the European Pillar of Social Rights (2016). Participants included European social partners such as BusinessEurope or WEC-Europe (representing temporary agency work), but also other EEOs such as the European Small Business Alliance or CEFIC (chemical industry).

One EEO from the road transport sector organised a dinner debate in the European Parliament during the time of research. The EEO used the event to present employer perspectives on the EU mobility package, especially driver working conditions and working time, to over one hundred participants, including Members of the European Parliament. As a policy officer recounted, “We brought three drivers with us into the Parliament so they could talk about their experiences on the road and what they wanted. The drivers were employees of our companies and the companies encouraged them to participate” (interview with a transport sector EEO representative, 2018).

The organising EEO did not collaborate with trade unions arguing that “unions do not always represent their members’ point of view very well” (interview with a transport sector EEO representative, 2018). This EEO was not a recognized social partner organisation and did not participate in a sectoral social dialogue committee.

## **2.5 Coordination between EEOs**

Between 2018 and 2020, EEOs increased their efforts to coordinate lobbying activities. Some EEOs interviewed mentioned the BusinessEurope’s European Employers Network as an important forum for coordina-

tion (Eurofound 2018: 16). Other EEOs insisted that “the employer network for SMEs is SMEunited” (interview with a manufacturing sector EEO representative, 2019). The sectoral members of SMEunited worked towards joint industry position papers in various sectoral forums. In the case of SMEunited, this also had marginal effects on formal integration, as several new sectoral EEOs had joined the organisation since 2017.

Both the resources invested in the BusinessEurope employer network and the number of SMEunited sectoral members increased between 2018 and 2020. One EEO representative stated: “I saw, really, during the last year, a multiplication of contacts with sectoral organisations. [...] They come to us when, first of all, they are mature enough to see, really, the need to step up their activities, and when they have enough resources to do that” (interview with a cross-sectoral EEO representative, 2018).

Other EEOs were part of semi-formal alliances, such as the European Business Services Alliance (five EEOs) or the “Safe Silica” industry network on respirable silica in the workplace (seven EEOs). The public sector organisation European Centre of Employers and Enterprises providing Public Services (CEEP) provided an informal forum for public services employers, in which both CEEP members and other EEOs participated.

## **2.6 Headquarter location, lobbying budget, and number of registered lobbyists**

Brussels hosts the most important EU institutions such as the European Commission and European Parliament (the latter in conjunction with Strasbourg). Given the key employer focus on influencing EU institutions, the majority of EEOs had their main office or headquarters in Brussels (105 EEOs, 77.2 %) and even more (118 organisations, 86.8 %) had at least one office in Brussels. Other office locations were in Switzerland (seven EEOs), in the UK (six EEOs), in France (five EEOs), and in the Netherlands (four EEOs).

All but four EEOs stated annual lobbying expenses in the European transparency register, covering the cost of political representation vis-a-vis EU institutions. Their lobbying budgets ranged from five thousand Euros at the European Association of Employers' Organisations in Hair-dressing (Coiffure EU) to over twelve million Euros at the European Chemical Industry Council (CEFIC).

Ninety-seven EEOs (71.3 %) had accredited at least one member of staff for access to the European Commission or the European Parliament. The average number of EEO registered lobbyists was three, but some EEOs had registered more than one dozen lobbyists, for example CEFIC

(33 lobbyists), BusinessEurope (26 lobbyists), InsuranceEurope (24 lobbyists) or EuroCommerce (15 lobbyists).

## 3 Reluctant Social Partner

Seventy EEOs are registered with the European Commission as social partner organisations and they, and other EEOs including those who have participated in sectoral social dialogue without official recognition as social partner organisations, engage with labour unions in a variety of ways. Social partner EEOs possess consultation rights with the Commission (as discussed above), receive funding for meetings and joint projects with unions and can negotiate binding collective agreements, which the EU Commission can transpose into European law.

However, EEOs have mostly stalled the negotiations of such binding regulation with labour unions, which is why we describe EEOs as a “reluctant social partner”. In the following we discuss the channels through which EEOs engage with labour unions, i.e., cross-sectoral social dialogue (3.1), sectoral social dialogue committees (3.2), sector skills councils and the European alliance for apprenticeships (3.3), EU-funded projects (3.4) and EU Agencies (3.5).

### 3.1 Cross-sectoral social dialogue

BusinessEurope, CEEP and SMEunited stood out as recognized cross-sectoral social partner organisations. Together with the European Trade Union Confederation (ETUC), these cross-sectoral social partner EEOs hold the right to be consulted before the start of a legislative process on social policy. A fourth cross-sectoral EEO, the Association of European Chambers of Commerce and Industry (EUROCHAMBRES), enjoyed the same consultation rights as the other organisations, but unlike the other cross-sectoral social partner organisations was not involved in EU-level social dialogue with labour.

To fully understand contemporary EEO activities in this area, it is helpful to consider the background of European cross-sectoral social partner negotiations during the 1990s (Falkner 2003). EEOs and European labour union federations negotiated three binding social partner agreements, which were subsequently transposed into EU Directives. These were the Parental Leave Directive in 1996, Part-time Work Directive in 1997 and the Fixed-Term Work Directive in 1999. European labour union federations and EEOs had different rationales to engage in European level joint negotiations.

European labour unions agreed to some concessions in the negotiation with EEOs, with the intention to permanently establish joint regulation of work and employment at the European level. In our interviews EEO repre-

sentatives pointed to a connection between the creation of European single markets and a proposed social dimension in Europe.

Key politicians were concerned that the liberalization and increased competition within EU markets would trigger restructuring and displacements in labour markets and the EU politicians suggested to counter or cushion these through the introduction of a social dimension to European integration. An EEO policy officer summarized the political pressures and trade-offs employers faced (interview with a BusinessEurope member federation representative, 2020):

“Politically speaking, we knew we were not going to get the single market unless we created a social dimension and we’d better be involved in creating the social dimension so that we can have the best possible rules coming out of that instead of leaving it to civil servants who are far away from the labour market to draw up these [issues]. [...] We reached our target with this. We got some good agreements. For five to 10 years after this Maastricht Treaty it worked very well.”

Following the heyday of cross-sectoral dialogue and the negotiation of social partner agreements transposed into law, EEOs changed course in the new millennium and focussed on stalling new legislative initiatives. As one EEO policy officer explained, “the principal reason why our members participate in EU social dialogue is to prevent legislation” (interview with a cross-sectoral EEO representative, 2019). An exception was the revision of Parental Leave Directive in 2009 through social partner negotiations; since then, EEOs and European labour union federations have not negotiated legally binding cross-sectoral agreements and focussed on non-binding joint declarations and programmatic statements (Clauwaert 2011).

Cross-sectoral social partners reached six voluntary framework agreements, termed “autonomous” agreements in Brussels speech, between 2002 and 2020. These framework agreements addressed the issues of telework (2002), work-related stress (2004), harassment and violence at work (2007), inclusive labour markets (2010), active aging (2017) and digitalisation (2020).

Recently the ETUC suggested negotiations on a new parental leave agreement, an offer rejected by employers (interview with a cross-sectoral EEO representative, 2020). Following deadlock between the social partners, the European Commission acted independently and introduced the Directive on Work-Life Balance for Parents and Carers in 2019, replacing the Parental Leave Directive.

EEOs opposed such legislation and when the European Commission drafted another Directive on Transparent and Predictable Working Conditions, employers suggested to the union that they should instead jointly

negotiate a Directive, a suggestion rejected by the ETUC (interview with a cross-sectoral EEO representative, 2020). In most cases employers saw no need to initiate the “bargaining track” with labour, but “it’s a strategic consideration, assessing whether we are better off going with the social dialogue group or the lobbying route” (interview with a cross-sectoral EEO representative, 2020).

The European Commission initiated a “new push for social dialogue” in 2015, attempting to strengthen the role of the social partners. EEOs mainly opposed this initiative as indicated by their position papers. They emphasized the need for economic competitiveness and rejected new social and employment regulation. BusinessEurope called for European social dialogue to develop into a “reform partnership” and for trade unions to “acknowledge that European companies face severe global competition, and improved competitiveness alone will allow us to keep Europe’s social model functioning”.

Employers criticized the new push for social dialogue as not helpful in reducing obstacles to job creation: “Nostalgia of the 1990s does not help. We need to address the current challenges” (BusinessEurope Press Release on social dialogue, 2015). Public services employers from different sectors emphasized their commitment “to developing a more Social Dialogue friendly Europe” through “capacity-building”, which however was supposed to take place nationally (Public Services Employers’ Forum 2015).

Meanwhile, the manufacturing organisation Ceemet argued that social dialogue should focus on economic competitiveness: “As an employer organisation and social partner, we welcome the strengthened involvement of sectoral social partners in areas where we can make a positive difference and that are of relevance to the industry as long as [...] the European Commission does not use social dialogue as a tool for social policy making” (Ceemet position paper, 2015).

## **3.2 Sectoral social dialogue committees**

Over half of all EEOs engaged with labour unions in sectoral social dialogue committees. This group included nine EEOs who participated in a sectoral social dialogue without official recognition as European social partner organisations. Three of these were co-signatories of various social partner texts in their respective social dialogue committees. These were the European Chemical Industry Council (CEFIC, chemical sector), the Union of European Football Associations (UEFA, professional football) and the European agri-cooperatives (COGECA, sea fisheries). Another



three EEOs enjoyed semi-formal participation in their respective social dialogue committees without the right to vote or to sign agreements.

These were the European Builders Confederation (EBC, construction sector), the European Demolition Association (EDA, construction sector) and Direct Selling Europe (DSE, commerce sector) (interview with a construction sector EEO representative, 2018; interview with a commerce sector EEO representative, 2019). DSE was an affiliated member of EuroCommerce and pursued advocacy work in relation to DSE companies' extensive use of self-employed workers (interview with a service sector EEO representative, 2019).

Another three EEOs undertook a pilot project to test a European sectoral social dialogue committee for the outdoor, sport clubs and fitness sector at the time of research. These were the European Confederation of Outdoor Employers (EC-OE), the European Association of Sport Employers (EASE) and the fitness sector organisation EuropeActive.

Employers used sectoral social dialogue committees to discuss employment and work matters in their sectors and to explore joint interests that existed in some areas such as health and safety and training and skill development, but EEOs mostly opposed negotiating joint regulation with unions or unilateral sectoral regulation by the European Commission. Most social partner EEOs signed non-binding joint statements, declarations, or letters to the European Commission together with unions (69EEOs, 44.8 % of the population).

One policy officer positively valued the effect social dialogue had on union mentality, stating that "European social dialogue is not designed specially to prevent European legislation, but we think that this dialogue can also strengthen the consciousness inside unions that European legislation is not always the best way to deal with things" (interview with a service sector EEO representative, 2018). As another policy officer explained that one European trade union "is very pragmatic ... they recognise that it's good to have legislation, but jobs should continue as well" (interview with a manufacturing sector EEO representative, 2018).

Joint-interest topics such as health and safety and life-long learning dominated in sectoral social dialogue committees. In the words of one policy officer "it is important for us to clarify that social affairs means jobs and skills" (service sector EEO 2018). One policy officer explained: "On employment legislation, we contact DG Employment on our own [without consulting unions], which is totally fine because those are not things of the social dialogue agenda" (interview with a service sector EEO representative, 2018).

In a similar vein, EEOs attempted to contain the European Pillar of Social Rights initiative, seeking to exclude its topics from sectoral social dialogue committees, as the following quote exemplifies:

“The proposal for a [...] European social pillar, well, all these topics were not really discussed in our European social dialogue committee, because I think that the position between the industry and the labour unions, the two parts are quite far, one from the other” (interview with a manufacturing sector EEO representative, 2018).

Nine EEOs used sectoral social dialogue as an instrument for co-regulation together with unions. Of the over forty European sectoral social dialogue committees installed since the early 2000s, only six signed legally binding agreements (see also Degryse 2015; Tricart 2019; Turnbull 2010; Harvey and Turnbull 2015). Five of these were highly internationalized sectors: maritime transport, civil aviation, railways, inland waterways and fisheries. In these sectoral committees, employers and trade unions used agreements for a sectoral regulation of working time provisions, or to transpose global regulation stemming from the International Labour Organisation (ILO) into EU law.

The hospital and healthcare sector framework agreement on prevention from sharp injuries constituted an exceptional case of EU social partners regulation. In the early 2000s, the European Parliament debated European legislation with the intent to prevent injuries in this sector. As a response to this legislative threat, hospital sector employers formed the EEO HOSPEEM and pursued a joint agreement with the public sector union EPSU. Employers and unions intervened in the legislative process, negotiated a joint agreement, and had it transposed into an EU Directive in 2010. The threat of EU lawmakers to act unilaterally, also termed the “shadow of the law”, was decisive in spurring on employers:

“As employers we’re normally not too eager to come up with new regulation ourselves. I think the initiative that the Parliament took [...] convinced employers that if we did not take over the initiative together with the trade unions, we would be confronted with a European regulation that would not be fit for purpose. [...] So it was actually quite easy to convince the employers that we had to come up with an agreement ourselves that would lead to a binding set of rules” (interview with a HOSPEEM member organisation representative, 2019).

However, there were also examples of sectoral social dialogue committees attempting to jointly regulate their sector but failing. The hairdressing sector organisation Coiffure EU signed a sectoral workplace health and safety agreement with the service sector union UNI Europa in 2012, imposing measures that included mandating gloves for employees operating

with chemicals and limiting the time that employees could wear high heels at work (interview with a cross-sectoral EEO representative, 2019).

However, the European Commission refused transposition of the agreement into EU law (see also Tricart 2019). A former DG Employment staff member explained that the non-transposition of the hairdressing agreement reflected a power imbalance in Brussels between service sector SMEs and chemical sector multinationals.

“The background of the hairdressing sector agreement is that when the Commission prepared the revision of the Cosmetics Directive, the hairdressers asked the Commission to ensure that the Directive would include some consideration of the professional use of some of the products. The Commission refused. [...] The sectoral agreement was to some extent an indirect consequence of the cosmetics file. [...] Commission hostility towards the agreement was extremely strong, right from the beginning. They never accepted [...] that there was a real problem of skin diseases in particular. It is clear that compared to the big companies of the chemical industry, who produce the cosmetic products, the hairdressers don't represent a significant interest” (interview former DG EMPL staff member, 2020).

EEO representatives firmly stated that they had no interest, and no mandate from their members, in discussing or engaging in collective bargaining within sectoral social dialogue committees. Interestingly, some of the fiercest opponents of discussing collective bargaining issues came from countries with well-developed social partnership such as the Scandinavian countries and Germany, as a representative from a manufacturing EEO explained:

“We participate three times a year in the meetings facilitated by the Commission, the social dialogue meetings. [...] We cannot speak there about employment contracts. [...] We don't want to step on any toes. Our members, [...] the Germans, Scandinavians, they are like, no way. They don't want that. [...] It's not in our mandate. [...] There is collective bargaining going on, you know, in member states” (interview with a manufacturing EEO representative, 2018).

However, EEOs positively evaluated sectoral committees' industry lobbying function. According to one EEO representative, “in our social dialogue we want to take up topics, such as emission trading, that strongly affect the competitiveness of our sector vis-a-vis non-European competitors. When we and the unions see jobs in Europe in danger, we go out there and lobby together” (interview with a chemical industry EEO representative, 2018). In the sectoral committee for extractive industries “the main topic is energy policy and the fact that coal is disappearing from Europe” (interview with an extractive industries EEO representative, 2018).

One extractive industries EEO aimed to counter this by collaborating with unions in an anti-dumping campaign (interview with an extractive industries EEO representative, 2019). In the finance sector, EEOs collabo-

rated with trade unions to make a joint case against EU-regulation in the banking sector: “In this project, funded by the Commission, we try to assess the impact of a number of regulations on unemployment in the banking sector” (interview with a banking sector EEO representative, 2018).

### 3.3 Sector skills councils and the European alliance for apprenticeships

EEOs engaged with labour unions to discuss skill development in the context of EU initiatives. Twenty-eight EEOs (20.6 %) participated with labour unions in European sector skills councils, funded by the European Commission, tasked to identify sector specific skills gaps and develop strategies to address them. Social partners from the textile, clothing, leather, and footwear industry formed a European sector skills council to work alongside their sectoral social dialogue committee.

The EEOs involved were the *Confédération Européenne de l'Industrie de la Chaussure* (CEC), the Confederation of National Associations of Tanners and Dressers of the European Community (COTANCE) and the European Apparel and Textile Confederation (EURATEX). The automotive sector skills council included the *Association des Constructeurs Européens d'Automobiles* (ACEA), the European Association of automotive suppliers (CLEPA), and the European Tyre & Rubber Manufacturers' Association (ETRMA). Other sectors that set up European sector skills councils included commerce (retail and wholesale), audio-visual and live performance and marine technologies.

EEOs also collaborated with labour unions in the European Alliance for Apprenticeships, which aimed to strengthen the provision and quality of apprenticeships. Large cross-sectoral EEOs such as BusinessEurope or the European Round Table for Industry (ERT, formerly European Round Table of Industrialists) took part, as did sectoral EEOs such as FoodDrinkEurope, the *Union Internationale des Entrepreneurs de Peinture* (UNIEP), the fitness sector organisation EuropeActive and the machine tool industry (CECIMO).

Another example of the dialogue and collaboration between EEOs and labour unions around skills is the EU digital skills and jobs coalition. The coalition aimed at tackling the lack of digital skills. EEOs became members of the coalitions, took part in its initiatives, and represented employers on the governing board.

### 3.4 EU-funded projects

Twenty-four EEOs (17.6 %) participated in EU-funded projects with unions. Some projects grew out of sectoral social dialogue committees, some out of sector skills councils, but others existed outside of these fora. Civil aviation EEOs pursued a joint social partner initiative with labour promoting social dialogue at national level in the civil aviation sector. Construction sector organisations such as the European Builders Confederation (EBC) engaged in joint EU-funded projects on health and safety together with labour.

The members of the automotive skills council initiated a joint EU-funded project to improve training provisions. The hairdressing sector EEO Coiffure EU coordinated jointly with its counterpart an EU-funded project to improve ergonomic aspects of working in the sector. Eighteen EEOs (13.2 %) participated alongside labour unions in the EU Healthy Workplaces Campaigns, run by the European Agency for Safety and Health at Work.

A few EEOs used their formal campaign involvement to strengthen their credentials as employer representatives within occupational health and safety in the absence of social partner recognition. The European Builders Confederation (EBC) and the European Demolition Association (EDA) both participated in the campaign and enjoyed informal access to the construction sector social dialogue committee. From the chemical industry, both the European Chemical Employers Group (ECEG) and the European Chemical Industry Council (CEFIC) participated in the health and safety campaigns. Twelve EEOs signed the European tourism manifesto, a joint initiative between tourism EEOs and trade unions.

### 3.5 EU Agencies

EEOs were represented along with European labour unions and other stakeholders on the governing boards of key EU agencies active within employment relations and work topics, such as the European Agency for Safety and Health at Work and the European Labour Authority. Such representation allowed EEOs to influence EU Agencies' work program and oversee executive management, although influence was shared with other stakeholders.

The European Agency for Safety and Health at Work promoted European health and safety standards, amongst others, through the above-mentioned EU health and safety campaigns, and collected data and information to establish an evidence-base for European politicians and initi-

atives. The European Labour Authority was founded in 2019 as part of the European Pillar of Social Rights and was tasked with helping to enforce EU rules on labour mobility and social security coordination.

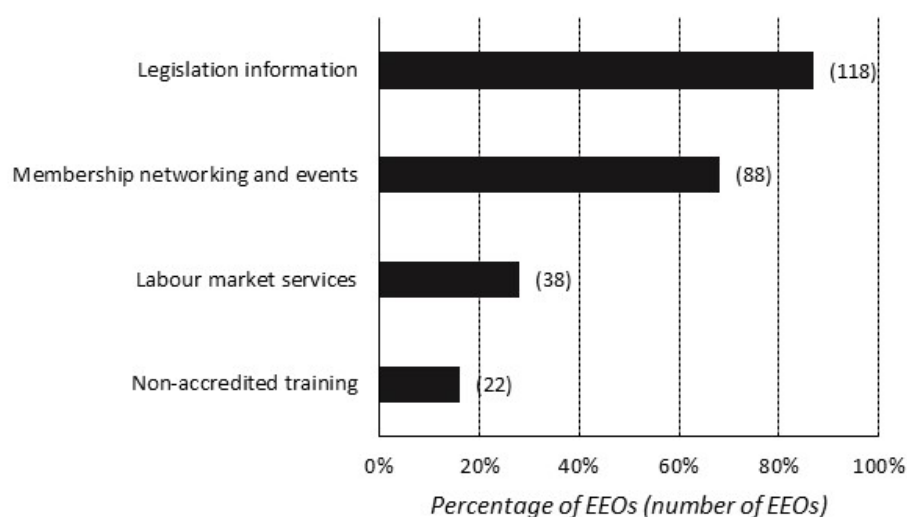
Another EU agency with social partner involvement on its governing board was Eurofound. This Agency was not directly involved in EU employment regulation and its key tasks were collecting evidence and conducting research on work, employment relations and labour in Europe, which provided a shared evidence base for programmatic and legislative EU initiatives. Eurofound also conducted representative studies, which identified EEOs and European labour unions that could represent their constituencies in European social dialogue.

## 4 Service Provider

A third EEO role was that of a service provider to their members (see Graph 3). One hundred and eighteen EEOs (86.8 % of all EEOs) provided information to members on programmatic and legislative EU developments to enable coordination between employers and lobbying of national and EU political actors (see section 4.1).

Eighty-eight EEOs (64.7 %) offered a range of networking opportunities, which EEO representatives as well as members see directly linked to effective political representation and lobbying in Brussels (see section 4.2). Thirty-eight EEOs (27.9 %) provided a range of labour market services, including compiling comparative labour market information and hosting job portals (see section 4.3). Finally, 22 EEOs (16.2 %) offered training for member companies to develop their managers and employees (see section 4.4).

*Graph 3: Member services provided by EEOs*



### 4.1 Informing members about EU initiatives

The vast majority of EEOs (86.8 %) provided information to their members about new legislative or programmatic EU initiatives. EEO members were particularly interested in plans for new EU legislation, as these might result in additional constraints or costs for employers. Many EEOs used monthly or quarterly newsletters to show their members that they “follow and monitor EU policies on a regular basis” (interview with a construction sector EEO representative, 2018).

In a sense, EEOs provided an “early warning system” about new EU developments that are of interest or concern to employers. Such alerts might subsequently spur coordination between employers on the national as well as European level and result in lobbying efforts of political actors with the intention to prevent, water down or influence legislation. The Union Internationale des Entrepreneurs de Peinture (UNIEP), for example, used their newsletter to update members on legislative progress around carcinogens and mutagens at work, and on other pieces of health and safety regulation. Graph 4 gives an overview of work and employment topics covered in EEO newsletters.

*Graph 4: Employment topics covered in EEO newsletters*



In a context of increasing European legislative activities with two Directives adopted in 2019 and a minimum wage debate under way in 2020, employers saw the need to improve information provision to members on EU developments and initiatives. BusinessEurope expanded the information services available through its website-based Employer Resource Centre (<http://erc-online.eu/>) and drew in the other cross-sectoral social partner organisations, SMEunited and CEEP, as service co-providers. The Employer Resource Centre offered information on EU legislation, EU social dialogue and EU funding. The website also included a database of texts emitted by the cross-sectoral social partner organisations.



## 4.2 Membership networking

The majority of EEOs (88 EEOs, 64.7 %) facilitated networking between members through events such as general assemblies (85 EEOs), conferences (72 EEOs) or workshops (42 EEOs). The Union of the Electricity Industry (Eurelectric), for example, organised an annual congress, the Eurelectric Power Summit. Some of these meetings were exclusive to EEO members, creating an additional incentive for organisational membership.

To incentivize participation, some EEOs scheduled them on the day before their social dialogue meetings with European trade union federations, for which the European Commission usually reimbursed EEO members' travel and accommodation costs (interview with a service sector EEO representative 2018).

According to our interviews in Brussels, EEO representatives highly valued networking opportunities between employers. As one policy officer explained: "the Brussels bubble is a very specific world. The personal contacts are extremely relevant. Informal contacts are even more relevant than everything formal" (interview with a cross-sectoral EEO representative, 2018). EEO representatives made clear that their networking was directly related to their lobbying efforts and facilitated more effective political representation of their members in Brussels.

## 4.3 Labour market services

Less than a third of EEOs (38 EEOs, 27.9 %) compiled and provided information on their respective sectoral labour market, including comparison of national labour markets or labour skills. For example, the Union Internationale des Entrepreneurs de Peinture (UNIEP) offered a comparison of different national qualification frameworks for painters, based on member input in the context of an EU-funded project. Sixteen EEOs developed and provided handbooks and policy implementation guides, for example the European Industrial Gases Association (EIGA) provided a guide on safety training for employees and a guide on employee involvement in environmental activities.

One exceptional labour market service was the European Lotteries' online job portal, which none of the other EEOs surveyed offered.

In contrast to national employer organisations, EEOs did not provide specific legal advice on the management of labour or labour disputes in individual companies. Generally, EEOs considered employment relations

within individual companies beyond their remit as one EEO manufacturing representative indicated:

“We can talk to European labour unions about European policy and how the policy affects the companies, but when it goes into specific company issues, [...] this is none of our business. I am not going to go into issues that need to be dealt with by European works councils through the companies. [...] We are very, very careful not to go into that area. That's not our role. [...] The works council is really something for the companies to take care of at their level, not for us” (manufacturing sector EEO 2019).

## 4.4 Training and staff development

Twenty-two EEOs (16.2 %) offered non-certified training to their members (certified training is discussed in the next section on standard setting). For example, the European Association of Distance Teaching Universities (EADTU) provided training in virtual teaching skills, delivered in collaboration with members. The Euro Banking Association, representing the payment industry, regularly organised seminars on EU-level regulatory developments and other industry topics. The European Industrial Gases Association (AISBL) provided training on preventing accidents at work.

The Federation of European Manufacturers and Suppliers of Ingredients to the Bakery Industry (FEDIMA) and the Association Internationale de la Savonnerie, de la Détergence et des Produits d'Entretien (A.I.S.E.) jointly developed online training modules on the safe handling of enzymes in the workplace.

Various chemical industry EEOs provided online training modules in conjunction with health and safety training materials for their national members. Training was occasionally offered to non-members as a method of generating additional income for EEOs. As one policy officer explained: “Our academy has actually sold out this year. The people who come are our members, but also the logistics people from their customer companies” (interview with road transport sector EEO 2018).

Ten EEOs provided information on EU funding for training and apprenticeships on their websites. For example, the European Community Shipowner's Associations (ECSA) and the European Transport Workers Federations (ETF) jointly provided a guide on EU funding programmes on apprenticeships and training relevant to the shipping industry.

An exceptional offer to members were staff exchange programs offered by the European Union Federation of Youth Hostel Associations (EUFED) and the Network of European Museum Organisations (NEMO). These programs aimed to develop staff and provide them with additional work experience.

## 5 Standard Setter

A fourth and less frequent EEO role was that of standard setter. Around one quarter of the EEO population (35 EEOs), all of them sectoral EEOs, provided some form of formal standards focussed on employment, work, and jobs in European sectors. These voluntary standards were developed and promoted either unilaterally by EEOs or in conjunction with European labour unions. EEOs promoted such private voluntary regulation through accredited training and professional training frameworks (see section 5.1), codes of conduct (see section 5.2), benchmarking and best practice sharing (see section 5.3).

EEOs promoted voluntary European standards with the aim to prevent or pre-empt binding, less flexible legislation by the EU, to facilitate the working of employees and professionals in different European countries and to improve work and employment practices and performance in different European sectors.

### 5.1 Accredited training or European professional qualifications frameworks

Thirteen EEOs promoted work standards through accredited training, resulting in a professional qualification for employees. EEOs were either the sole provider of such training, or the courses were offered in conjunction with member organisations or education providers. For example, the European Association of Abnormal Road Transport and Mobile Cranes (ESTA) provided a European Crane Operator License, while the hair-dressing sector organisation Coiffure EU offered a European Hairdressing Certificate.

Other examples included the certificate in automobile logistics management provided by the Association of European Vehicle Logistics (ECG) and the professional football management certificate offered by the Union of European Football Associations (UEFA) through its UEFA Academy.

Similarly, the European Festivals Association provided certified festival management courses through its Festival Academy and the Aero-Space and Defence Industries Association of Europe (ASD Europe) offered a Technical English Certificate in collaboration with a university. When discussing accredited training during our interviews, EEOs emphasized developing the workforce and pointed to the need to harmonize standards in their respective European sector.

In a similar vein, a minority of EEOs offered European professional qualification standards for jobs in their sector. For example, the European Confederation of Outdoor Employers (EC-OE) promoted joint standards for outdoor animators and the European Association of Sport Employers (EuropeActive) set standards for fitness workers.

In addition, the European Association of Zoos and Aquaria (EAZA) provided a European professional qualifications framework for zookeepers and offered a European Zookeeper Certificate, whereas the *Confédération Européenne de l'Industrie de la Chaussure* (CEC) endorsed job profiles with corresponding standards for different roles in the footwear industry. The European Union of Private Hospitals (UEHP) promoted occupational standards for healthcare waste managers.

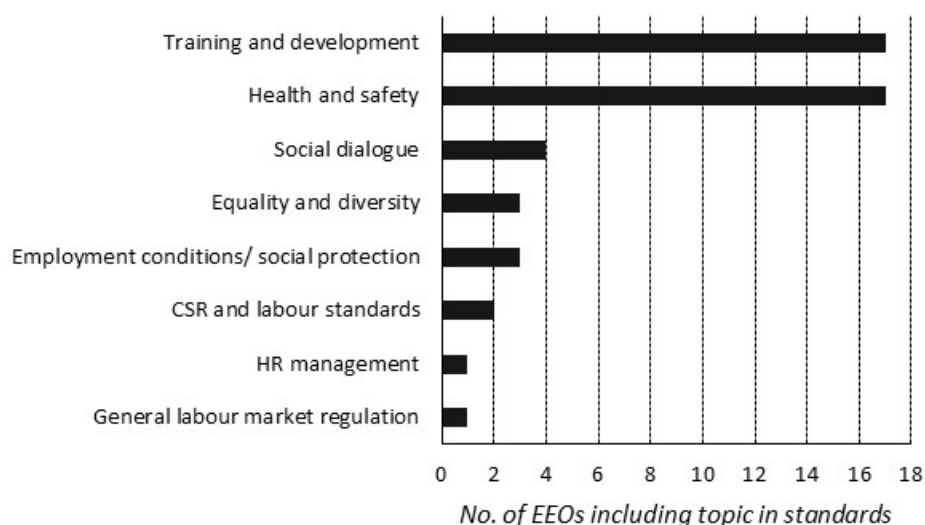
As the representative of one service sector EEO explained, “education and training, of course, is a sovereign responsibility of the member states. We have nonetheless developed, at a European level, a set of harmonised standards which define the knowledge, skills and competencies for professionals in our sector” (interview with a representative of service sector EEO, 2019). Several EEOs described their approach to developing standards as a form of self-regulation of their sector.

Some EEOs envisioned a European level playing field for training and professional qualifications but recognized the obstacles. Various EEOs pointed out that for professionals it was “extremely difficult to be recognized from one country to another” (interview with a representative of construction sector EEO, 2018) and they continued to make the case for professionals to be able to work “across Europe” (interview with a representative of tourism sector EEO, 2018).

## 5.2 Codes of conduct

Seventeen EEOs (12.5 %) promoted standards through voluntary codes of conduct. EEO codes were most likely to focus on standards in health and safety, and training (see Graph 5).

Graph 5: Topics included in unilateral EEO standards



For example, the High Temperature Insulation Wool Industry Association (ECFIA) operated a pan-European product stewardship programme which included occupational hygiene standards related to dust exposure in members' production sites. Other topics were, for example, gender equality or corporate social responsibility (CSR).

Meanwhile, the World Employment Confederation-Europe (WEC-Europe) had a unilateral code of conduct titled "Members' commitment towards a well-functioning European labour market". The code committed members to ten core principles in private employment agency practices, such as free-of-charge provision of services to jobseekers and respect for workers' rights.

A key rationale for unilaterally developing and promoting codes of conduct was to prevent or pre-empt binding legislation. As one EEO with voluntary standards explained, "at the time when there was some proposal, I think at European level to come to fixed quotas for women in company boards, we responded by setting up our own initiative, called voluntary targets for women in leadership positions, to show policymakers that we are really willing and eager to make progress in that field" (interview with a cross-sectoral EEO representative, 2018).

Twenty-three EEOs (16.9 %) established joint standards together with labour unions, often in the context of sectoral committees. These voluntary joint agreements included non-binding voluntary codes of conduct, frameworks, guidelines or toolkits (this goes beyond the nine social partner EEOs discussed above who reached sectoral agreements that were transposed into European law).

For example, the European Telecommunications Network Operators' Association (ETNO) issued health and safety guidelines together with labour unions and the sugar industry organisation CEFS had signed a joint CSR code of conduct with the European agriculture sector labour union EFFAT. Further examples include the code of conduct on respect for human rights at the workplace by the Confederation of National Associations of Tanners and Dressers of the European Community (COTANCE) jointly developed with labour unions.

Beyond a focus on avoiding binding legislation, some EEOs saw voluntary standards as a method of improving their members' public image (interview with a manufacturing EEO representative, 2018).

### **5.3 Informal benchmarking and best practice sharing**

Some EEOs conducted informal benchmarking to help members improve their practices and standards. One EEO representative described this role in the following way: "We have best practice sharing. To give you an example, we do data collection on safety key performance indicators [...] We have information about, for instance, lost time injuries and these kinds of things" (interview with a manufacturing sector EEO representative, 2019).

EEOs also aimed to improve standards through guides and handbooks, for example, the European Asphalt Pavement Association (EAPA) had a good practice guide on asphalt workers' health protection and the European Chemical Industry Council (CEFIC) provided several best practice guides in the area of employment conditions, including "Social Responsibility in the European Chemical industry" (2014) and "Safe storage and handling of containers carrying dangerous goods and hazardous substances" (2018).

The *Association Internationale de la Savonnerie, de la Détergence et des Produits d'Entretien* (A.I.S.E.) issued "Guidelines for the safe handling of enzymes in detergent manufacturing" (2013). Zoos and aquaria throughout Europe could rely on the European Association of Zoos and

Aquaria (EAZA) “Human-animal interaction guidelines” (2018) for the protection of staff engaging with wild animals.

Twenty EEOs published best practice guides in collaboration with European labour unions. For example, the Community of European Railway and Infrastructure Companies (CER), the European Rail Infrastructure Managers (EIM) and the European Transport Workers' Federation (ETF) used an EU grant to develop a best practice guide on attracting and retaining female employees in the railway sector. Another example was the social dialogue guide developed for members by the Civil Air Navigation Services Organisation (CANSO) in collaboration with the European Transport Workers' Federations (ETF).

## 6 Conclusion

This paper identifies four roles of contemporary EEOs. EEOs are lobbyists in Brussels that represent the interests of their members, seeking to influence the EU Commission and other EU institutions. EEOs are reluctant social partners and engage with labour unions, though they mostly aim to avoid binding regulation. EEOs are service providers, informing members about EU legislative and programmatic developments, organizing events and networking opportunities for members, and offering sectoral labour market information.

Finally, EEOs are standard setters, contributing to shared voluntary norms in Europe through accredited training, European qualification frameworks, voluntary codes of conduct and through providing information about EU regulation and hereby contributing to their implementation.

Nevertheless, these different roles are not of equal importance to EEOs. The most important is that of a lobbyist. The majority of EEOs seek to influence programmatic and legislative agendas of EU institutions. EEOs target the European Commission given its central role in the EU legislative process, where a key focus of EEO activity is avoiding hard regulation. About half of the EEO population have a social partner role and engage with labour unions, primarily through sectoral social dialogue.

However, EEOs are not proactive in sectoral social dialogue and mostly attempt to stall the more ambitious agendas of labour unions. The final roles, as service provider and standard setter, are of lesser importance to EEOs. The vast majority of EEOs provide services to their national member associations and individual companies, but only about 25 % of EEOs engage in some standard-setting activity with a focus on voluntary norms.

One possibility to assess the contemporary role of EEOs is a comparison against the “great expectations” of the 1990s. In this period the EU pursued an ambitious programme of economic liberalization, which led to calls for a “social dimension” to European integration to counter the corrosive impacts of increased market competition. Indeed, the European Commission began to pursue new social and employment legislation. This spurred EEOs to negotiate joint agreements with European labour unions in some targeted areas, as an alternative to unilateral regulation by EU institutions.

The result was three joint agreements between the social partners, subsequently transposed into EU Directives. In addition, the EU developed further mechanisms for engaging labour unions and EEOs, introducing cross-sectoral and sectoral social dialogue, which aimed to facilitate



joint and independent regulation of work and employment relations. This raised expectations that joint negotiation between European actors would result in shared norms, standards, and regulation of employment relations at the EU-level.

However, these “great expectations” remain unfulfilled. EEOs have retreated from the joint regulation of the 1990s and no additional cross-sectoral agreements have been negotiated for transposal into EU Directives, instead partners focussed on non-binding autonomous agreements and joint declarations. EEOs are a similarly reluctant social partner in the sectoral social dialogue committees (despite some joint agreements). Such joint work with labour unions as well as unilateral standard setting by EEOs signals to the Commission that there is no need to intervene and regulate, while the substance of such joint and unilateral voluntary agreements and impact on work and employment relations is limited.

A comparison between the 1990s and developments in the new millennium indicates that EEOs strategically respond to changes in the EU environment. EEOs’ joint negotiations with labour unions in the 1990s took place in the “shadow of the law”, i.e., the EU Commission threatened to act unilaterally if the social partners would not independently regulate targeted policy areas.

This “shadow of the law” spurred and incentivized EEOs to engage in negotiations with labour unions. However, the focus of the European Commission changed in the new millennium and it became less interested in advancing social and employment legislation. In the context of the waning “shadow of the law”, EEOs responded strategically and although they still viewed engagements with labour unions within social dialogue as opportune, they mostly moved away from negotiating joint agreements that could be transposed into law.

It is an interesting question whether the changes in the EU after 2014 were significant enough to trigger adaptations in EEO strategies. The Juncker Commission (2014 to 2020) sought to strengthen social dialogue and the role of employment and social policies. The Commission’s changing focus was a response to the corrosive political dynamics in Europe. The austerity policies of the 2010s during and after the Euro crisis contributed to the rise of populist movements across Europe, mobilising nationalistic and anti-EU sentiments. For example, nationalists swept into government in Poland and Hungary, and subsequently defied the EU and joint decision making.

The outcome was even more pronounced in the UK in the form of Brexit, the first time in the EU’s history that a member state left the union. The Juncker Commission was wary about these political dynamics and sought to articulate more clearly how the EU delivered for its citizens. The

Commission announced a new start for social dialogue and more importantly proposed a new European Pillar of Social Rights. The social pillar synthesized existing EU social and employment legislation and principles, but it also led to new legislative initiatives and a Commission proposal on an EU minimum wage.

Our evidence suggests that the initiatives of the Juncker Commission were not substantial enough to trigger a change in EEO strategies. EEOs continued to have a major focus on avoiding binding EU regulation by lobbying EU institutions. In line with this focus, EEOs negotiated broader autonomous agreements with labour unions and engaged in unilateral and joint voluntary standard setting. These efforts tied in with EEO lobbying as joint and unilateral agreement obviated, in the eyes of employers, binding regulation by the European Commission.

It is unlikely that the new European Commission lead by Ursula van der Leyen with its focus on dealing with the Covid-19 pandemic will trigger any significant shift in employer strategy. A continuation of the current EEO roles as lobbyist, reluctant social partner, service provider and standard setter along the current trajectory seems to be the most likely scenario for the 2020s.

## Appendix

### The EEO Database, sampling criteria and data collection

We created an EEO Database containing the total EEO population as of 2019. The starting point for the database was the European Transparency Register, a list of EU-level interest groups. The Register lists organisations with access passes to the European Commission or the European Parliament and included almost 12,000 entries.

We then used four first-order sampling criteria to identify EEOs within this wider interest group population.

First, organisations had to represent individual employers or their federations, as opposed to organisations representing workers, professionals, or civil society elements. Second, they needed members in at least two EU-member countries, unlike national EOs who represent employers in one country. We included global EOs that focussed primarily on Europe but excluded those that were truly global. Third, organisations had to charge membership fees to distinguish them from private lobby firms, think tanks and informal networks. Fourth, their pan-European activities had to include a focus on work and employment.

We used eight second-order criteria to test if an organisation met the fourth criterion of a focus on work and employment. A positive result against at least one second-order criteria was necessary for inclusion in the database.

The second-order criteria were: (1) participation in European Social Dialogue (2) provision of policy papers within work and employment topics (3) provision of best practice guides or codes of conduct linked to work and employment (4) meetings with DG Employment high-level staff (5) offering training to members (6) participation in European Commission expert groups linked to work and employment (7) participation in European Parliament events linked to work and employment and (8) participation in a DG Employment Sector Skills Council.

Our final database contained 136 EEOs. We populated the database with data on each EEO across their organisational features, activities, and links with other organisations. Our main sources were EEOs' organisational websites and EU archival records. We searched EEO websites for activities in the policy area of work and employment, including position papers, projects, or codes of conduct. Other relevant activities were the provision of services such as training, and media releases or campaigns on labour topics. EEO websites also provided information on organi-

sational characteristics such as main office location, legal form, and links with other organisations.

We complemented and verified these data with those from the Commission and Parliament's archival records. These further data allowed us to include EEOs' participation in relevant European Commission expert groups, meetings with DG Employment staff, European Sector Skills Councils, the EU Alliance for Apprenticeships, or European Parliament hearings.

We triangulated findings from our EEO database with qualitative interview data. We carried out more than 100 semi-structured interviews between 2018 and 2020. Most were carried out in person in Brussels, although some were conducted via telephone (during the Covid-19 pandemic). We selected EEO representatives who were either policy experts in their respective organisation or leading their organisation as director or secretary general.

Interview questions focused on the employment policy issues of interest to the EEOs, forms of interest-representation, and working relations with other organisations representing labour or employers. In addition, we interviewed actors that have a knowledge of or regularly interact with EEOs such as European labour union federations, national employer associations, consultancies, and researchers in Brussels.

The research methods used and applied in this EEO project, such as the database methodology, were based on our previous research project on UK employer organisations (Goberman, Hauptmeier and Heery 2020a/b, 2019a/b, 2018; Demougin et al. 2019; Demougin, Goberman and Hauptmeier 2019; Bowkett, Hauptmeier and Heery 2017; Heery, Goberman and Hauptmeier 2017; Goberman and Hauptmeier 2018).

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