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Résumé de l'article

Cet article examine la représentation des intérêts des organisations d'employeurs européens dans l'Union européenne. La littérature antérieure sur les relations d'emploi s'est concentrée sur l'activité des employeurs dans le cadre du dialogue social, tandis que celle en science politique s'est surtout intéressée à la représentation politique et la manière dont les associations d'entreprises font pression (lobbyisme) sur les institutions politiques. Dépassant ce dualisme notre article suggère qu'une compréhension complète de la représentation des intérêts des organisations européennes d'employeurs nécessite une analyse approfondie des interactions entre les sphères politique et du dialogue social. Nous soutenons que les organisations européennes d'employeurs gagnent en légitimité en participant au dialogue social afin de faciliter la représentation de leurs intérêts politiques. Les perspectives stratégiques et institutionnelles de la légitimité permettent de comprendre comment elles répondent aux défis et gèrent leur environnement au sein de l'Union européenne pour poursuivre leurs intérêts.

Gaining Political Legitimacy through Social Dialogue: The Interest Representation of European Employers' Organizations

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Abstract

This article examines the interest representation of European Employers' Organizations (EEOs) in the European Union (EU). Previous literature in employment relations focused on employer activity in social dialogue, while literature in political science focused on political representation and how business associations lobby EU political institutions. Going beyond this dualism in the literature, this article suggests that gaining a full understanding of the interest representation of European Employers Organizations requires analyzing interactions between the political and social dialogue arenas. We argue that EEOs gain legitimacy through participating in social dialogue to facilitate their primary focus of political interest representation. Strategic and institutional perspectives on legitimacy provide insights into how EEOs respond to challenges and manage their environment within the EU to pursue their interests.

Keywords: employers' organizations; legitimacy; European Union; social dialogue; political representation; lobbying; European employment relations

Résumé

Cet article examine la représentation des intérêts des organisations d'employeurs européens dans l'Union européenne. La littérature antérieure sur les relations d'emploi s'est concentrée sur l'activité des employeurs dans le cadre du dialogue social, tandis que celle en science politique s'est surtout intéressée à la représentation politique et la manière dont les associations d'entreprises font pression (lobbyisme) sur les institutions politiques. Dépassant ce dualisme notre article

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Mots-clés: Organisations d'employeurs; Légitimité; Union Européene; Dialogue Social; Représentation politique; Lobbying; Relations d'emploi Européennes

Introduction

The European Union (EU) is the only world region that has developed significant transnational employment regulation. Given the EU's importance in regulating employment relations across the 27 member states, both European Employers' Organizations (EEOs) and European Union Federations represent the interests of their respective constituencies in Brussels, headquarters to many key EU political bodies including the European Commission. Previous literature examined the contemporary interest representation of European Union Federations (Erne, 2008; Platzer & Müller, 2012; Müller & Platzer, 2020) but research on employers is lacking and EEOs have been described as the "hidden face of European industrial relations" (Arcq et al., 2003).

This article addresses this research gap by examining the interest representation of EEOs. Two strands of literature touch upon employer interest representation within the EU. The first is formed from employment relations studies, where the activities of EEOs have been submerged within research on social dialogue processes (Smismans, 2008; Prosser, 2016). These processes were established to enable both sides of the employment relationship to negotiate independently aspects of work and employment. But such a focus has prompted employment relations to neglect employer interest representation towards EU political institutions. The second strand is drawn predominantly from political science. Although there is no literature on employer interest representation, EEO activities are considered within broader research on business interest representation and lobbying in the EU (Woll, 2006; Coen et al., 2021), but this literature has conversely neglected social dialogue. While both strands focus on interest representation, their empirical foci have diverged to concentrate on specific elements of representation as defined by their institutional environment.

We argue that EEOs gain legitimacy through participating in social dialogue to facilitate their primary focus of political interest representation. We explore how employers' continued participation in social dialogue is prompted by two factors. One is their need for legitimacy in an EU environment that stresses a role for the social partners and social dialogue. They manage their environment in one interest representation arena, social dialogue, to accrue legitimacy to deploy when representing interests within the broader political arena formed from other EU institutions. The other factor is that while EEO views are not monolithic, an aversion to binding regulation is common. Participation offers EEOs the ability to focus negotiations on other outputs that help secure legitimacy and advance their lobbying agenda but have less impact on their constituency.

The article makes two contributions. One explores and explains interactions and dynamics between the European political arena and that of social dialogue, as EEOs manage their environment to enhance their representative activities. The other responds to Doellgast et al.'s (2021) call to use legitimacy to understand employment relations actors and processes in the context of the weakening regulatory capacity of employment relations institutions (Gooberman & Hauptmeier, 2022).

1. Representation of Interests in the EU

EU institutions with responsibilities including those over aspects of transnational employment relations are resource constrained. The European Commission has 32,000 staff to regulate one of the world's largest economic and trading blocs while the European Parliament provides partial political oversight with 751 members and a staff of 7,500 (Greenwood, 2017). This shortage of staff compared to their breadth of responsibilities risks EU policymaking institutions becoming

overwhelmed with data from many stakeholders. EU institutions have responded to this threat by identifying a manageable number of stakeholders that can demonstrate representative authority and supply high-quality information to assist policy development and implementation (Coen et al., 2021). The EU's need for information and expert input provides interest groups, such as EEOs and European Union Federations, with access to political processes.

There are no studies with an explicit focus on contemporary EEOs. Research on such bodies is submerged into studies of European social dialogue, which took its contemporary form in the 1990s when the EU created a single market to strengthen trade and economic growth. But this market also spurred increased labor competition, company restructuring and downward pressures on social and labor standards (Bernaciak, 2015; Hancké, 2000). These dynamics prompted calls to strengthen the social dimension of European integration. The EU sought to develop a wide-ranging social and employment legislative agenda (Compston & Greenwood, 2001; Falkner, 1998) and revised its interest representation structures for employment relations actors (Marginson and Sisson, 2004; Keller and Platzer, 2003; Welz, 2008). Social partners were encouraged to agree how their sectors should be regulated under a “shadow of hierarchy” offering an implicit choice between employment and social regulation imposed by the EU or agreed by the partners for subsequent transposition into EU directives (Smismans, 2008).

Two types of social dialogue emerged. One was intersectoral social dialogue that enabled social policy agreements between cross-sectoral federations of unions and employers. The other was sector-specific and could lead to agreements between employers and employees within one industry. In both cases, the employer or employee organizations had to meet the European Commission's “representativeness” criteria to be eligible for financial support (Keller & Weber, 2011; Weber, 2001). In the 1990s and beyond, EEOs and European unions negotiated joint agreements “in the shadow of the law” that subsequently became EU law via Directives (Keller & Platzer, 2003). But not all joint agreements prompted binding legislation as the European Commission refused to implement those concluded within the hairdressing and civil service processes (Tricart, 2019).

Sectoral dialogue processes became increasingly dominated by non-binding outputs. One example was the construction sector. Voss et al. (2018) found that the European Construction Industry Federation shared a common set of interests with the European Federation of Building and Woodworkers Union around fostering a pan-European level playing field for fair competition around labor market topics such as health and safety. Shared interests prompted non-binding outputs including joint positions developed through frequent meetings between employer and employee representatives. As the European Commission's policy foci evolved away from social and employment topics from the early 2000s, social dialogue did not evolve into a transnational arena where joint regulation was routinely agreed (Begega and Aranea, 2018; Prosser, 2016). Although dialogue has produced some jointly negotiated agreements, it has focused instead on producing joint statements and other outputs of limited regulatory substance (Prosser, 2016; Keller & Weber, 2011; Degryse, 2015; European Trade Union Institute, 2022).

Research on interest representation within EU employment and social policy, including those described above has commonly utilized two analytical lenses. One is euro-corporatism (Grant, 2000; Gospel, 2017). Falkner (1998) argued that EU employment and social policy was located within an emerged system of sectoral corporatism where peak associations of labor and employers play a privileged role as the “bargained procedure” enabled them to become co-legislators. But by 2007, such optimism was dissipating as non-binding outcomes were increasingly prominent (Treib and Falkner, 2017). The other is pluralism. Greenwood (2017), for example, argued that businesses represented their interests within the EU through a pluralistic system of “checks and balances” characterized by a mutually advantageous system where employers provide contemporary market information and expert advice in return for gaining institutional access (Coen et al., 2021; Bouwen,

2004, 2002). However, the growing number of interest groups in Brussels led to “elite pluralism,” whereby the EU uses administrative procedures, including recognition as social partners, to restrict institutional access to a select few, elite members (Coen, 1997). Because elite pluralism generates competition among interest groups, it reduces the risk of representatives from one member state dominating an entire sector.

Initial optimism as to the regulatory potential of social dialogue prompted research on EU level interest representation across employment relations and political science to share a common focus across the political and social dialogue arenas (Keller & Platzer, 2003; Falkner, 2008). But this shared focus has dissipated in recent years as research in both disciplines has diverged. Employment relations researchers remain focused on social dialogue and more recent work tends to stress the importance of non-binding outcomes (Voss et al., 2018). Meanwhile, the business interest representation literature generally focusses on their lobbying of EU political institutions (Woll, 2006). Notably, the regulatory marginalization of social dialogue has prompted neglect within political science; a recent book *Business Lobbying in the European Union* (Coen et al., 2021), for example, barely mentioned such processes.

Our research examines if EU level political and social arenas are interconnected and should be jointly considered to fully understand employer interest representation. Our analytical approach centers on legitimacy. Resource dependency theory (Pfeffer & Salancik, 1978) identifies how organizations are influenced and impacted by external factors whose uncertainty prompts them to manage their environment to create one that better suits their interests; “legitimacy is known more readily when it is absent than when it is present” as organizations judged by actors and audiences as behaving in an illegitimate manner will be questioned. The most influential definition of legitimacy was, however, provided by Suchman (1995) as “a generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions.”

A commonality across legitimacy theorizing is that it forms an important part of organizations’ efforts to manage their external environment. Legitimacy matters as most stakeholders will only engage with organizations seen as legitimate, hereby enhancing organizational effectiveness and survival (Meyer & Rowan, 1991). Two strands of literature seek to capture relationships between organizations and their environments. One is strategic (Pfeffer & Salancik, 1978; Oliver, 1991). This approach emphasizes how organizations manipulate and deploy evocative practices to elicit support and foster perceptions of desirability, propriety, and appropriateness. Complying, or being seen to comply, with institutional norms and practices is part of obtaining strategic legitimacy, reflecting Weber’s (1978) introduction of legitimacy into sociological theory by discussing how social practice was orientated towards generally accepted rules of conduct.

The other strand is institutional. This approach sets out how gaining legitimacy enables organizations to attain social and collective goods that would otherwise not be available; “legitimation is the process whereby an organization justifies to a peer or superordinate system its right to exist” (Maurer, 1971, 361). They are embedded in and constituted by organizational fields where structuration processes shape actor legitimacy and limit the extent to which they can shape their environment (Powell & DiMaggio, 1991). Such legitimacy is formed through consensus as to whether the organization is worthy of institutional support and empowerment. There may be risks involved in such support prompting its provision on a qualified basis, but risks are outweighed by the extent to which the organization is seen as worthy of support.

Both strands focus on mechanisms and strategies for gaining and maintaining legitimacy. Organizations must comply with the rules and norms embedded within their institutional environment, while simultaneously strategically manipulating that environment to further their aims. But obtaining legitimacy entails organizations either actively or passively supporting elements of their institutional environment; active support involves affirmative support to an

external institution expected to provide resources and other benefits and implies obtaining a higher level of legitimacy, while passive support involves accepting the external institution as necessary or inevitable and implies obtaining a lower level of legitimacy (Suchman, 1995). Research on political interest representation provides insight into how actors manage the EU environment. Bouwen (2004, 2002) explored EU level interest representation to argue that private actors require access to the agenda setting and decision-making process within EU institutions, to enable them to represent their constituency interests more effectively. In return for granting such access, EU institutions gain the expert knowledge they need to understand market functioning, the aggregated needs and interests of Europe, and the needs and interests of member states.

Employers in liberal contexts who are disinterested in joint regulation tend to unilaterally withdraw from engagement with unions, but while EEOs share an aversion to the creation of joint regulation they still engage in social dialogue. Our approach sheds light on this puzzle. Legitimacy across strategic and institutional perspectives provides insights into how EEOs manage their environment within the EU to enhance their representative activities, as we demonstrate in subsequent empirical sections.

2. Methods and Data

We use two new datasets to examine the interest representation of EEOs in the EU. The quantitative dataset was our database of EEOs, the first time that these data have been collated. The starting point to identify such organizations was the European Transparency Register of almost 12,000 EU-level interest groups granted access passes to the European Commission or the European Parliament. We then shortlisted potential EEOs from these by identifying those that met four criteria. First, organizations had to represent individual employers or their national bodies, to exclude those representing workers or civil society actors. Second, they needed members in at least two EU-member countries. This criterion resembles that which relates to other European institutions like European Works Councils, where minimum pan-European representation is defined through activity across at least two countries. We also included global employers' organizations whose primary focus was Europe with only minor representation on other continents. Third, organizations had to charge membership fees, to exclude lobbying companies and informal networks. Fourth, activities must encompass a focus on work and employment.

We used eight criteria to test whether each organization met the fourth criterion of a focus on work and employment. A positive result for at least one of the criteria was necessary for inclusion in the database. The criteria were: 1) participation in European social dialogue; 2) publication of policy papers on work and employment; 3) publication of best practice guides or codes of conduct relating to work and employment; 4) meetings with DG Employment senior staff; 5) availability of training to members; 6) participation in European Commission expert groups on work and employment; 7) participation in European Parliament events on work and employment; and 8) participation in a DG Employment Sector Skills Council.

Our main sources were EEO websites and publicly available EU records. We searched EEO websites for information on work and employment activities and on organizational characteristics, such as office locations, legal status and links to other organizations (e.g., EEOs and trade unions). We complemented and cross-checked the data with data from publicly available European Commission and European Parliament records.

The qualitative dataset was interview data. We carried out 101 semi-structured interviews from 2017 to 2020 (Table 1). We began by contacting all the EEOs in our database, eventually interviewing seventy-four (Table 1). We also interviewed experts from European Union

Federations, the European Commission (DG Employment), business interest groups and consultants and representatives from national employers' organizations that were EEO members.

Table 1

Interviews

Type	No.
Sectoral European Employers' Organizations	69
Cross-sectoral European Employers' Organizations	5
European Trade Union Federations, the European Commission, business interest groups and consultancies	9
National Employers' Organizations that were members of European Employers' Organizations	18
Total	101

Most of the interviews were carried out in person in Brussels, with some being conducted by telephone during the COVID-19 pandemic. All were recorded and transcribed. The interviews were semi-structured and followed themes similar to the categories used for database coding while also having open-ended questions. We used the interviews to test the accuracy of the database, to understand the activities in more detail and to generate qualitative data.

In addition to the above two datasets, we also drew on a database of the European Trade Union Institute (2022). It contains data on all social dialogue outcomes, with information on the types of activity in each sector and the leading ones. We drew on data from the post-2008 period.

We then analyzed our quantitative and qualitative data in two stages. First, we coded the activities of all the EEOs to identify the extent of their activities. Second, we developed more abstract and broader coding categories to help us identify the nature and extent of key activities, such as political representation, social dialogue and services to members.

3. Social Dialogue

Seventy EEOs are registered with the European Commission as social partner organizations. Cross sectoral federations representing employers and unions within intersectoral social dialogue possess extended consultation rights within employment and social policy legislative processes as well as rights to negotiate binding agreements that EU institutions could transpose into law.

Social dialogue is strategically important for EEOs. Maintaining the legitimacy and credibility of such dialogue signals to the legislator that social partners can independently coordinate employment and social affairs. Many EEOs have a first order preference of “no binding regulation, no social dialogue” but this is not achievable in the institutional and normative EU context. Instead, EEOs often pursue social dialogue to avoid unilateral regulation by the legislator but focus on non-binding outputs. This creates occasional tensions with unions, some of whose representatives discussed withdrawing from social dialogue in 2019 given employer stalling of some joint

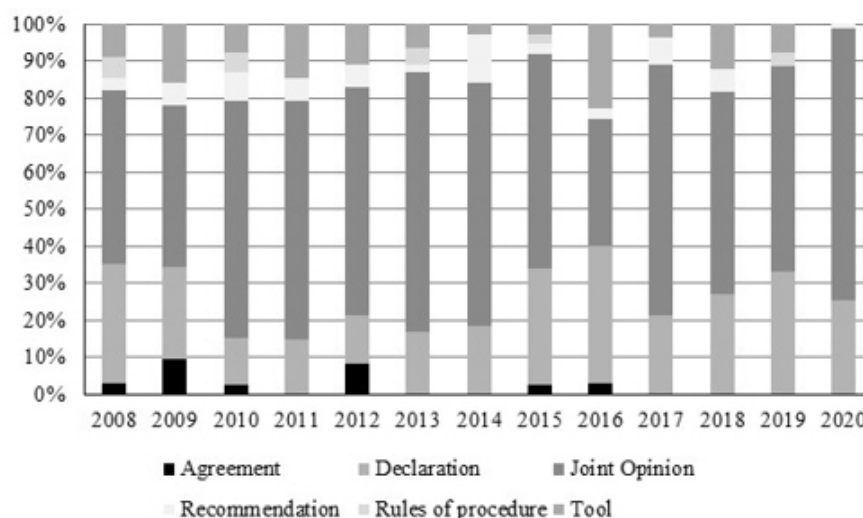
initiatives. Yet one cross sectoral EEO acted, for example, to prevent such breakdown by emphasizing its staffing commitment to the process (interview with cross-sectoral EEO representative, 2018).

EEO legitimacy within social dialogue is shaped by procedural and formal requirements for participation in the political process that enable them to differentiate themselves positively from other lobby groups. EEOs must be “representative” to be recognized as a social partner organization. As part of determining the representativeness of EEOs, Eurofound, an EU agency, carries out research studies used subsequently by the European Commission to decide which EEOs should be recognized as social partners (Eurofound, various years). Criteria considered include their European level organization, breadth of representation, and the membership levels of national employers’ organizations recognized as collective actors in member state employment relations systems.

Formal participation within social dialogue is attractive as partners have a range of options, and access to European institutions and political processes. One representative argued that “the status of recognised social partner gives you [...] some rights to be consulted and these kinds of things” (interview with transport sector EEO representative, 2018). EEOs not recognized as social partners lack these privileges, prompting one representative of a social partner to remark that “the issue of which employer organizations represent which sector, and which are social partners and which are not, that is very politically sensitive” and observe that attempts by EEOs to join an established social dialogue structure prompted “each time, a huge fight” around their representativeness (interview with EEO representative, 2018).

The EEOs registered with the European Commission as social partner organizations work with unions within social dialogue through two methods. The first is creating regulation. There are currently 43 European sectoral social dialogue committees; between 2008 and 2016 nine negotiated joint agreements for transposition into EU law but no agreements were concluded between 2016 and 2020 (European Trade Union Institute, 2022). Four represented highly internationalized sectors: maritime transport, railways, inland waterways, and fisheries. In these committees, both sides agreed sectoral regulation of working time, or transposed global regulation from the International Labour Organization into EU law, although the hospital and healthcare committee exceptionally produced a sector framework agreement for transposition into an EU directive in 2010. In total, social partners produced 11 joint agreements, amounting to only 2.1 per cent of all publications produced by sectoral social dialogue committees over the period (see Figure 1).

Figure 1



Social dialogue publications by type, 2008 - 2020

Source: European Trade Union Institute ESD Database.

Meanwhile, employers refused a request from the European Trade Union Confederation to negotiate on parental leave (interview with a cross-sectoral EEO representative, 2020). Following deadlock, the European Commission unilaterally introduced the Directive on Work-Life Balance for Parents and Carers in 2019, replacing the Parental Leave Directive. Subsequently, the European Commission drafted another Directive on Transparent and Predictable Working Conditions. Employers suggested that both sides should instead jointly negotiate a framework agreement, a suggestion rejected by the ETUC (interview with EEO representative, 2020). The lack of legally binding regulation reflects the common focus of EEOs; one representative argued that “the principal reason why our members participate in EU social dialogue is to prevent legislation” (interview with a cross-sectoral EEO representative, 2019). Another argued that “we think that this [social] dialogue can also strengthen consciousness inside the unions that European legislation is not always the best way to deal with things” (interview with service sector EEO representative, 2018).

The other method by which EEOs operate within social dialogue is by using it as a joint lobbying forum with unions as it became what Degryse (2015; 45) described as “consisting for the most part of joint lobbying”. One representative of a union argued, for example, that “having the label as “social partner” or “the social partner” representing a certain side [...] you have a privileged position in relation to consultation and involvement” (interview with union representative, 2018).

Between 2008 and 2020, social dialogue produced 514 publications (see Figure 1); 60 per cent were joint opinions and 23 per cent were declarations. Their purpose was primarily to lobby the EU or member states to influence political developments or specific pieces of draft legislation, e.g., in the areas of health and safety or modernization of law. One example is a collaboration between

finance industry EEOs and the European trade union UNI Finance arguing against some aspects of EU regulation (interview with representative of service sector EEO, 2018).

EEOs use social dialogue to pursue joint economic or sectoral interests; they generally seek support for fostering economic growth and economic competitiveness while unions appreciate that pursuing such broader economic goals can translate into more secure employment, new jobs, and wage growth. One example is their collaboration during Covid-19 to produce an unprecedented number of joint statements calling for government and EU funding across economic measures such as business support and state aid, social measures such as temporary unemployment measures and other benefits, and recovery measures such as support for training and green investment (Degryse, 2021).

Meanwhile, other activities can emerge from social dialogue. One is participating in EU funded projects and initiatives, generally with partners including trade unions. Twenty-four EEOs participated in EU funded projects, many growing from within sectoral social dialogue committees or sector skills councils. As examples, civil aviation EEOs pursued a joint social partner initiative promoting national level dialogue, while construction sector organizations worked with unions on EU funded projects on health and safety. Eighteen EEOs (13.2%) participated alongside unions in the EU Healthy Workplaces Campaigns, run by the European Agency for Safety and Health at Work. EEOs also took part in European sector skills councils and the European alliance for apprenticeships. Twenty-eight participated with unions in sector skills councils, funded by the European Commission to identify sector specific skills gaps and develop strategies to address them. As examples, the textile, clothing, leather, and footwear industry worked alongside their sectoral social dialogue committee, while other sectors with skills councils included automotive, commerce (retail and wholesale), audio-visual and live performance and marine technologies.

Moreover, EEOs often want to secure EU funding and some, such as the European Construction Industry Federation, employ a secretariat to focus on social dialogue. Receiving funding is linked to the EEOs' procedural and normative legitimacy in the EU; EEO member meetings often take place in proximity to social dialogue meetings where the EU finances up to 28 delegates from each side in plenary meetings, 15 in working groups and five in steering group meetings (interview with representative of EEOs, 2018; Prosser et al., 2022), with such support acting to cross-subsidize other activities. Finally, funding benefits national members by supporting their own participation in sectoral social dialogue committees.

4. Political Representation

EEOs' primary role in general is that of a lobbyist of EU institutions, mostly targeting the European Commission given its importance in developing legislation and preparing treaties. The ability to lobby successfully requires compliance with the EU's informal but substantive norms. social dialogue discourse and norms are deeply engrained in the EU through treaties, speeches and longstanding exchange and practices. For example, Article 151 of the Treaty on the Functioning of the EU states that the promotion of dialogue between management and labor is a shared objective by the EU and member states. Other EU texts emphasize social partner autonomy and encourage independent coordination of their social and employment affairs. As elsewhere, political orientations vary in the EU, such as between the political groups and factions in the European Parliament or temporally across European Commissions, but the norms and discourse of social dialogue enjoy broad support.

Two administrative procedures grant legitimacy to interest representation groups. One is joining the Transparency Register, administered by the EU to select and regulate lobbying groups. Registered organizations are asked to follow a code of conduct and while registration is not

obligatory, some activities necessitate registration. Registration, for example, enables EEOs to access the European Parliament, including being called for hearings that can form part of the legislative process. Interest groups providing consistent and high-quality input to the legislative process increase their credibility and standing with EU institutions, thus enhancing their potential to represent the interests of their constituencies. All EEOs have joined the register. The other procedure is recognition as a social dialogue partner. These organizations are formally involved in the early stages of European Commission initiatives on employment and social policy matters, including the prerogative to comment on the direction and content of European Commission proposals. EEOs only registered with the European Transparency Register lack these rights.

Our data, including those gathered when validating the second-order criteria in our database as well as the qualitative interview data, demonstrated that EEOs represent their interests within European institutions through five methods; responding to European Commission consultations; meeting European Commission staff; participating in expert advisory groups; participating within supervisory or stakeholder boards of EU agencies; and, lobbying the European Parliament.

The most common method was responding to European Commission consultations (60 EEOs) across topics including employment conditions, social protection, labor market regulation, and occupational health and safety. Cross-sectoral EEOs such as BusinessEurope, European Centre of Employers and Enterprises providing Public Services (CEEP) and Small and Medium Enterprises United (SMEUnited) were particularly active given their broad representation, although some sectoral EEOs also responded. EEOs generally used consultations to voice concerns about binding employment and social legislation, with their policy officers arguing that preventing additional employment regulation was important to maintain competitiveness. One representative noted that the relationships that it had built with unions through participation in social dialogue enabled joint lobbying more generally “that makes a bigger impact. You know, it helps in passing our message across” (interview with manufacturing sector EEO, 2018).

One example of EEO lobbying targeted the Juncker European Commission’s (2014-2019) plan to strengthen social and employment legislation through a European Pillar of Social Rights. CEEP, representing public employers, argued in a position paper that this Pillar should be a “general strategic document which is not legally binding” (CEEP 2016). Meanwhile, EuroCommerce, BusinessEurope and eleven other EEOs responded to the European Commission consultation on the social pillar with a joint call for “more competitiveness to sustain the social dimension of Europe” (BusinessEurope et al., 2017). In their statement titled “employer key messages”, EEOs argued for freedom of contract and against further legislation: “Europe stands out globally as the region with the highest levels of social well-being and social equity ... 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).

More broadly, one EEO representative discussed the relationship between social policy and lobbying in terms of the historic development of the single market where the political creation of such a market required necessitated a social dimension, incentivizing their involvement in social policy structures (interview with EEO representative, 2018).

A second method was meeting European Commission staff to express views on draft legislation and raise concerns defined by their membership. Forty-two EEOs met with DG Employment staff between 2015 and 2019. Data from the European Commission website, and from the European Transparency Register after September 2019, demonstrate that the topic discussed most frequently was employment conditions and social protection. Fifteen EEOs met DG Employment staff; the European Cement Association, for example, discussed employment and labor law issues in 2015. The second most popular topic was general labor market regulation where 13 EEOs met DG Employment staff; the Council of European Employers of the Metal, Engineering and Technology-based Industries, for example, discussed labor mobility several times between 2015 and 2019.

Other popular topics discussed in meetings were training and development, social dialogue, and health and safety. Significantly, collective labor representation was the declared topic of only one meeting.

A third method was participating in topic-specific expert advisory groups established by the European Commission. Twenty-four EEOs participated in groups focusing on work and employment with the most active being BusinessEurope, SMEunited and CEEP. Eleven EEOs participated in groups on general labor market regulation; the European Barge Union and the European Skippers Association, for example, participated in an expert group focusing on social issues within inland navigation. Eight participated in groups on occupational health and safety. Seven participated in expert groups on employment conditions and social protection; the European Agri-Cooperatives, for example, participated in expert groups in the posting of workers and undeclared work. Six participated in groups on training and professional development, while three participated in groups focusing on equality and diversity.

A fourth method was EEO participation within supervisory or stakeholder boards of three EU agencies active within work and employment. These included the European Agency for Safety and Health at Work, the European Labour Authority tasked with helping to enforce EU rules on labor mobility and social security coordination, and Eurofound, tasked with conducting research and collecting data on work, employment relations and labor, including representativeness studies. EEOs provide input on the work program and governance of these agencies, although influence is shared with other stakeholders.

A fifth method was lobbying the European Parliament, although there was less evidence for such activity compared to targeting the European Commission. Eighteen EEOs participated in Parliament events or hearings on topics related to work or employment, but only seven presented views to hearings of the Parliament's Employment and Social Affairs Committee between 2015 and 2018. However, EEO representatives often mentioned informal meetings with European Parliament Members; one representative argued that:

“A sign of a good lobbyist or good lobbying organization is when the commission or the parliamentarians come to you and say, “Can you help us?” ... we get that sometimes ... the committee [asking] what do you think about this, or parliamentarians say, ‘Could you give us practical examples of why this is a problem?’” (interview with EEO representative, 2018)

One example of informal lobbying activity was a road transport EEO organizing a dinner debate in the European Parliament to present employer perspectives on the EU mobility package, especially driver working conditions and working time, to over one hundred participants including European Parliamentarians. It also arranged for three drivers to attend and discuss their workplace experiences in the context of workplace regulation (interview with a transport sector EEO representative, 2018). Importantly, relationships built between social partners can result in joint lobbying. One union representative argued that “we’ve been agreeing on a joint position paper [with an EEO] and we would sum up, in one document, our argument, so we can send it to MEPs together” (interview with an EU representative, 2018).

These five methods reflect two dynamics. One is that the success of each depends partially on the extent to which the EEO is seen as both credible and legitimate, recognition of both can be obtained through participation in social dialogue. One interviewee, for example, placed such participation as helping the creation of “good contacts built up over years with the Commission and with the interlocutors and the other institutions” (interview with EEO representative, 2018).

The other dynamic is that one goal manifested commonly within each method is the avoidance of binding legislation. Some EEOs viewed the “European social policy agenda” as an attempt to regulate “things too much in detail” resulting in “a kind of overregulation” (interview with EEO

representative, 2018). But in the same manner that EEO views varied as to the utility of social dialogue, views on deregulation were not monolithic. The European Road Haulers Association, for example, deviated by arguing that the authority “should support initiatives to seek convergence of fiscal policies and price of labor at the EU level”. Meanwhile, an outlier group of five EEOs lobbied for the harmonization of employment and working conditions across Europe. They represented sectors characterized by a predominance of SMEs, low wage levels, labor shortages, and competitive pressures from self-employment and undeclared work. These EEOs argued for higher wages or better working conditions. For example, 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”.

Conclusion

We explore how employer interest representation activities within the social dialogue arena interact with those within other European institutions that form a political arena. Social dialogue was once characterized as a process producing jointly agreed substantive regulation as part of embryonic “euro-corporatism” (Grant, 2000; Gospel, 2017). But it has produced little substantive regulation in recent years, focusing instead on non-binding outputs (Degryse, 2021; European Trade Union Institute, 2022). Yet EEOs have obtained Commission recognition of their representativeness in relation to their industrial sectors within the context of social dialogue. If an organization is not judged to be representative by the Commission, it will not be invited to become a social partner. EEO activities illustrate the increasingly blurred boundaries between social dialogue and other arenas in terms of interest representation. As examples, employer representatives have helped ensure that social dialogue outputs are non-binding measures such as declarations that increasingly resemble lobbying, while they have formed relationships with unions that have enabled joint lobbying efforts through channels including, but not restricted to, social dialogue.

We use this exploration to address the exclusionary dualism in literature (Keune and Marginson, 2013; Rüb & Platzter, 2018; Treib & Falkner, 2017) on interest representation through our use of legitimacy, responding to Doellgast et al.'s (2021) call to use such theorizing when analyzing employment relations actors and processes. Although EEO views as to social dialogue's utility depend on their constituencies and interests, one commonality is that they use it as a tool to gain legitimacy and enhance their organizational survival (Meyer & Rowan, 1991) through exploiting the EU's adoption of elite pluralism (Coen, 2009). EEOs then deploy such legitimacy to increase their credibility and effectiveness when representing their members' interests within other EU processes and institutions that form a broader political arena.

EEO interest representation behavior combines elements of both strategic and institutional legitimacy (Pfeffer & Salancik, 1978; Oliver, 1991; Powell & DiMaggio, 1991). Their behavior is strategic as they deploy the language of social dialogue when interacting with unions, as evidenced by the volume of jointly agreed non-binding outputs. Meanwhile, their activities are embedded within institutional structures designed to identify a relatively small number of interest groups of sufficient representativeness to be granted privileged access (Coen 2009). Pfeffer & Salancik (1978) and Suchman (1995) argued that organizations depend on their environment, prompting the need to manage external uncertainties and interdependencies with other actors. Legitimacy has two dimensions; it depends on external audiences and authorities, but actors can also strategically influence, create, or manipulate their own legitimacy. EEO involvement in social dialogue despite its waning formal regulatory influence is an example of the latter; it creates legitimacy while enabling employers to oppose formal joint regulation.

We argue that employers' continued participation in social dialogue is prompted by two factors. One is their need for legitimacy that they accrue in one interest representation arena, social dialogue, to deploy when representing interests in the broader political arena. The need to maintain access prompted EEOs to maintain the relationships with unions embodied by social dialogue. Accepting social dialogue also implies accepting unions as an interlocutor, in contrast to approaches taken by EEO equivalents in the UK (Demougin, Gooberman & Hauptmeier, 2019; Gooberman, Hauptmeier, & Heery, 2019) and the United States. EEOs prefer social dialogue to continue because it demonstrates ongoing interaction between social partners while a failure to achieve such interactions might trigger unilateral action by the legislator.

The other factor is that social dialogue offers EEOs the ability to influence, stall or prevent social and employment legislation and promote a focus on non-binding outputs that help secure legitimacy but have less impact on their constituency than binding regulation. Their activities reflect how social partners have been relegated from their previous status of rule-makers within social dialogue towards that of rule-takers (Im, Larsen and Pircher, 2024). But while opposing legislation is a commonly held view, EEOs represent different constituencies, and a small minority hold different opinions. Nevertheless, EEOs' need to maintain legitimacy prompt a careful adherence to EU norms when participating in social dialogue; norms around dialogue and partnership working have for decades been engrained throughout the EU polity. EEOs frame their intent as maintaining EU competitiveness and strengthening economic growth, aligning with EU goals. But they also emphasize the principle of subsidiarity, stressing that social and employment regulation should take place at national or social partner levels, instead of through EU legislation. The infrequent creation of formal regulation does not mean that social dialogue is redundant from an employer perspective; it has instead evolved into an arena where employers build legitimacy to boost their representative ability within a broader EU political arena.

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