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Council Recommendation of 12 June 2023 on Strengthening Social Dialogue in the European Union (O.J. 6 12 2023): How Sweet and Soft is the Candy of Santa Claus?

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1. *Introduction*

This contribution seeks to analyse the Council Recommendation of 12 June 2023 on strengthening social dialogue in the European Union (O.J. 6 12 2023), hereafter called the Recommendation. In the first section, the scope of the Recommendation is analysed. This recommendation will be confronted with the state of the art prior to its adoption. Subsequently, the genesis and the adoption will be analysed. The structure of the Recommendation will be presented as a diptych, constituted by two panels. The first panel dealing with the definitions will be analysed as well as the substance of the recommendation. The recommendation will be analysed in the light of international instruments at ILO level and last but not least compared with the state of the art of social dialogue at the level of the European Union.

2. *Social Dialogue* in *the European Union, what's in a name?*

The Recommendation deals with a concept which is deeply rooted in the often blurry newspeak of the institutions of the European Union: social dialogue. The Recommendation defines this concept in the broadest way possible, taking into account a vast array of levels, actors as well as procedures.

Thus Point 1) of the section on Definitions defines Social Dialogue as follows:

"'Social dialogue' means all types of negotiation, consultation or exchange of information between, or among, representatives of governments, employers and workers, on issues of common interest relating to economic, employment and social policy, that exist as bipartite relations between labour and management, including collective bargaining, or as a tripartite process, with the government as an official party to the dialogue, and can be informal or institutionalized or a combination of the two, taking place at national, regional, local or enterprise level across industries or sectors, or at several of those levels at a time".

As far as the levels are concerned, they all deal with social dialogue *within* the boundaries of the Nation States which are members of the European Union. Although the notion of "dialogue" has a constitutional value due to Article 154 (1) TFEU, the Recommendation does not deal with the Social Dialogue at the level of the European Union. The latter has been the object of another instrument, adopted by the European Commission in the same year[1]. The definition comprehends all possible levels within the boundaries of nation states at a geographical level (national, regional or local) as well as all levels of industrial relations (cross sectoral, sectoral and enterprise level).

As far as the actors are concerned, the Recommendation deals with bipartite as well as tripartite kinds of dialogue. It deals with institutionalized forms of dialogue and informal ones. The types of dialogue can range from the exchange of information, over consultation to "negotiations". The word negotiations suggests that there is a potential outcome which is binding, *id est* an agreement. In my view, the definition of "collective bargaining" of

[1] COM(2023) 40 final, *Strengthening social dialogue in the European Union: harnessing its full potential for managing fair transitions* (focus on the European social).

the Recommendation, is a *species* of negotiations. What distinguishes it from negotiations in the generic meaning, is the fact that it has a bipartite character.

The essence of the Recommendation is about "capacity building", hence the empowerment of actors of the social dialogue.

"Capacity building" is defined as the enhancement of the skills, abilities and powers of the social partners to engage effectively and at different levels in social dialogue[2].

The majority of the recommendations requires action by Member States. Hence there are obligations to promote, to encourage, to enable, to foster and to support. Solely the fifth recommendation (*ensuring*) suggests that trade unions, representatives need to be endowed with rights that they can invoke against the managerial side[3]. Some recommendations deal with the tripartite social dialogue others are specific to collective bargaining *sensu stricto.*

3. *The EU and the social dialogue in the European Union prior to the Recommendation*

The Recommendation is not the first, let alone the most binding, "intervention" of EU institutions with regard to "social dialogue" which takes place within the boundaries of the Nation States. Any legislative intervention is hampered by the exclusion from the legislative competences under the EU Social Policy Title of the subjects listed in Article 153 (5): *id est*, pay, the right of association, the right to strike or the right to impose lock-outs. The obstacle is not insurmountable. In fact, the issue of social dialogue is not excluded. Collective bargaining is not mentioned. Furthermore, the Social Policy Title explicitly recognizes an EU competence in the field of information and consultation, two procedures which are explicitly mentioned in the Recommendation. As a general rule, exceptions indeed need to be interpreted narrowly. Thus, it would be erroneous to interpret the exclusion of the freedom of association in a too generic way, as including *e.g.* "collective bargaining". Freedom of association needs to be understood as the right to form

[2] See Number 4 of the Section Definitions.

[3] *E.g.* The fifth recommendation of the Recommendation.

and join trade unions. The most relevant restriction constitutes the requirement of unanimity with regard to the exercise of legislative competences related to representation and collective defense of the interests of workers and employers, including co-determination[4]. Inevitably social dialogue raises issues of representation and the procedures and instruments concerned will facilitate the collective defense of workers and employers' interests.

Prior to the adoption of the Recommendation, EU institutions have dealt with issues of social Dialogue within the boundaries of the Nation States by instruments of hard law. These interventions have both facilitated as well as restricted the Social Dialogue. They sprang from primary law, secondary EU law and from the case law of the EU.

As far as primary law is concerned, Article 153 (3) constitutes a gentle nudge allowing Member States to entrust the implementation of directives which are adopted on the basis of the EU legislative competences enshrined in Article 153 (2) TFEU to management and labour. This should in practice amount to agreements concluded between management and labour at the national level. The word entrust is not deprived of ambiguity. It suggests that autonomy is not an original competence recognized in a second time by State authorities, receiving the outcome of the exercise of the autonomy in their legal order. It rather indicates that the autonomy is the result of some kind of delegation. Such an approach to collective autonomy is at odds with a more pluralist approach to the concept of a legal order. Furthermore, according to Article 153 (3) the mere fact that agreements are effectively concluded, does not alter the fact that States are liable to ensure that the results imposed by that directive are fully realized. In a complementary way, the Recommendation also refers to the role of Member States in the tenth Recommendation which relates to measures to support national social partners, at their request, to participate effectively in social dialogue*, including in collective bargaining and the implementation of Union level autonomous social partner a*greements.

A number of EU Directives combatting discrimination have clearly restricted on the one hand the collective autonomy of social partners declaring null and void discriminatory clauses in collective agreements[5], albeit impos-

[4] See Article 153 (2) TFEU.

[5] Article 14 Directive 2000/43, Article 16 Directive 2000/78 and Article 23 Directive 2006/54.

ing to Member States an obligation to promote social dialogue between social partners with a view to foster equal treatment[6]. Other directives have empowered management and labour to derogate under certain conditions from the mandatory obligations imposed by these directives. The latter was the case for rules in the field of working time[7] as well as for information and consultation in establishments and enterprises[8].

Collective agreements do not only have to respect principles of non-discrimination, enshrined in directives but also general principles of EU law, such as principles of free movement. Management and labour are thus being assimilated in the exercise of their legal autonomy with Member States. EU Economic law has thus been mobilized by employers to challenge the outcome of collective autonomy. Furthermore, in both Viking and Laval, the CJEU has restricted the recourse to collective action, insofar as this would hamper the freedom to provide services and the freedom of establishment. The CJEU has erroneously construed the right to collective action as the exercise of legal autonomy, whereas in essence it is about the exercise of economic power through material rather than legal acts, quite often omissions to act[9]. Hence both collective agreements as well as the avenue towards their conclusion can be blocked.

In sum, the Recommendation innovates by the fact that it seeks to adopt a systematic stance towards social dialogue in an attempt to *strengthen* it, rather than to weaken it.

4. *The genesis of the adoption of the Recommendation*

The adoption of the Council Recommendation was rapid and swift. It took less than five months between the adoption of the proposal by the

[6] Article 11 Directive 2000/43, Article 13 Directive 2000/78 and Article 21 Directive 2006/54.

[7] Article 5 Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community.

[8] Article 18 Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time.

[9] See CJEU, 11 December 2007, Case C-438/05 (*International Transport Workers' Federation and Finnish Seamen's Union v Viking Line ABP and OÜ Viking Line Eesti*) and CJEU, 11 December 2007, C-341/05 (*Laval un Partneri Ltd v. Sweden*).

Commission[10] and the adoption of the Recommendation by the Council. The legal basis for the Recommendation is Article 292 TFEU. Since the Commission considered that the subject matter is intertwined with the subjects listed in Article 153 (1) *littera* (f), unanimity was required. Since this was not a legislative initiative subjected to the procedure of mandatory consultation of management and labour, the procedure of Article 154 TFEU did not have to be followed. The Commission opted for a more informal consultation. According to the Commission's Proposal, the Commission has organized "targeted consultations included exploratory seminars and a dedicated hearing with social partners at Union level (31 May 2022)". It also organized "meetings at Commissioner level with the leaders of the European cross-industry social partner organisations, discussions in the Social Dialogue Committee meetings (8 February, 14 June and 27 September 2022) and exchanges with Member State representatives in the Employment Committee (19 May 2022)"[11].

Furthermore, the call for evidence on the Social Dialogue Initiative, including on the Draft Council Recommendation, was published on the "Have your say" web page and was open for public feedback from 22 September to 20 October 2022. The Commission received 61 contributions, more than half of them coming from social partner organisations[12].

5. *The structure of the Recommendation*

The Recommendation can be broken down in a set of recitals, phrased in twenty-eight statements, preceded by "whereas", a set of four definitions followed by a set of fifteen recommendations. Twelve recommendations are addressed to the Member States, two to the Employment Committee and the Social Protection Committee and a third one to the European Commission.

The Recitals give a better understanding of the context of the recom-

[10] 25 January 2023, COM (2023) 38 final: *Proposal for a Council Recommendation on strengthening social dialogue in the European Union*.

[11] COM(2023) 40 final, *Strengthening social dialogue in the European Union: harnessing its full potential for managing fair transitions* (focus on the European social).

[12] 25 January 2023, COM (2023) 38 final: *Proposal for a Council Recommendation on strengthening social dialogue in the European Union*.

mendation[13]. This context is both described in a societal and a legal way. The societal considerations refer to the need to manage a series of crises, stemming from the economic crisis, the Covid crisis, the ecological crisis, the geopolitical crisis due to the War in Ukraine, the migration crisis and the challenges due to technological shifts.

The legal context which is described in the recitals integrates EU instruments[14], ILO instruments[15] and elements of comparative labour law[16]. Last but not least, a kind of Monti-clause is being put forward in the last recital (28) which states "This Recommendation is without prejudice to the competences of the Member States regarding pay, the right of association, the right to strike and the right to impose lock-outs, in line with the provisions of Article 153 (5) TFEU, or to the autonomy of the social partners".

The essence of the Recommendation is about "capacity building", which is the object of a definition. Some of the Recommendations have no added value at all in my view, since they tend to recommend the respect of fundamental labour rights enshrined in hard law[17].

In concreto, the following issues are dealt with underneath in more detail:

- the issue of recognition of the actors;
- the issue of information to the actors;
- the issue of protection and non-discrimination;
- the issue of the bargaining levels and of derogation;
- the issue of coverage;
- the issue of facilitating the dialogue.

6. In liminis*: definitions*

I have already dwelled on the very broad definition of Social Dialogue. The definitions of "collective bargaining" and "collective agreement" are intertwined and are clearly influenced by Article 2 of the ILO Convention

[13] See Recitals 5, 6, 7, 8, 13, 22, 24, 25, 26 of the Recommendation.

[14] See Principle 8 of the *European Pillar of Social Rights*, *The European Pillar of Social Rights Action Plan* (COM/2021/102final), *Guidelines on the application of Union competition law to collective agreements regarding the working conditions of solo self-employed persons* (2022/C 374/02).

[15] ILO Convention No. 135; See also the indirect reference to ILO Conventions No. 87 and 98 in recital 22, which refers to Directives 2012/24/EU and Directive 2014/23/EU.

[16] See recitals 19 and 20.

[17] See Recommendation 1 a).

No. 154 (collective bargaining) and by the ILO Collective Agreements Recommendation 1951 (No. 91) (collective agreements). However, some divergences need to be highlighted.

First, the ILO consistently uses the word organisations, avoiding the word trade unions. This fleshes out that there is an institutional role for both parties to be played and strengthens the idea of equality between management and labour. The distinction between on the one hand employer organisations and on the other hand "trade unions" is unfortunate. Secondly, the ILO Convention No. 154, contrary to the ILO Recommendation No. 91, identifies that collective agreements have an *obligatory* part. Collective agreements also "regulate relations between employers or their organisations and a workers' organization or workers' organisations". This aspect is not treated in the definition of the Recommendation.

In my view, collective bargaining is erroneously construed as dealing with issues of common interest. Indeed, this focus on common interests stems from the comprehensive definition of social dialogue. The ILO instruments have never linked bargaining in such consensual way. It is difficult to understand why the collective agreement should be the only agreement which is deprived of dialectics. The ILO instruments have in fact reserved such a consensual approach to procedures of worker's involvement (consultation and co-operation) at enterprise level or to the tripartite social dialogue[18].

7. *The issue of recognition of the actors*

The fourth recommendation seeks to confirm the role of representative trade unions and employers organisations as actors of the social dialogue. At first sight, this recommendation is at odds with the fact that there has never been an obligation at an international level obliging States to introduce a system of representativeness. The fourth recommendation in fact states the opposite after the opening statement. It recommends that the choice to reserve the right to bargain collectively to representative actors is based on an open and transparent determination of the representative status through objective and pre-established criteria. Furthermore, these criteria and proce-

[18] See the *Tripartite Social Dialogue. An ILO guide for improved governance* (2013) and especially *R113 - Consultation (Industrial and National Levels) Recommendation* (1960).

dures need to be established in consultation with the trade unions and the employer organisations. This recommendation mirrors the ILO Recommendation No. 163 (1981). The EU Recommendation avoids a vicious circle which is inherent in the ILO recommendation nr 163. Point 3 of the ILO Recommendation No.163 in fact states:

"As appropriate and necessary, measures adapted to national conditions should be taken so that –

(a) representative employers' and workers' organisations are recognised for the purposes of collective bargaining;

(b) in countries in which the competent authorities apply procedures for recognition with a view to determining the organisations to be granted the right to bargain collectively, such determination is based on pre-established and objective criteria with regard to the organisations' representative character, established in consultation with *representative* employers' and workers' organisations".

The question indeed arises how one can identify the representative organisations to be consulted when the criteria are not yet established. The EU Recommendation solves this problem to organise a broader consultation with the trade unions and the employer organisations, irrespective of their representative status.

This requirement of objective and pre established criteria is not extended to the recognition of social partners outside formal collective bargaining, for example in a context of tripartite social dialogue.

Another element of the fourth recommendation is indebted to another ILO Convention No. 135 Workers' Representative Convention (1971), which stipulates that where trade union representatives and elective representatives co-exist, the existence of elected representatives is not used to undermine the position of the trade unions concerned or their representatives and to encourage co-operation on all relevant matters between the elected representatives and the trade unions concerned and their representatives. The Recommendation is interesting, insofar as most EU Directives introduce a concept of workers' representatives as defined by the law and practices of the Member States. This Recommendation to some extent seeks to restrict this freedom to define the notion of workers' representatives.

8. *The issue of information to the actors*

The third recommendation stipulates that "social partners have access to relevant information on the overall economic and social situation in their Member State and on the relevant situation and policies for their respective sectors of activity, which is necessary to participate in social dialogue and collective bargaining".

This recommendation stresses the importance of Information for both tripartite social dialogue as well as for collective bargaining. At first sight, no mention is being made on the issue of information at company level for the purpose of company level social dialogue or collective bargaining.

The importance of information for the sake of collective bargaining has already been fleshed out previously in the Adequate Minimum Wage Directive 2022/2041[19].

9. *The issue of protection and non-discrimination*

The EU has no systematic approach in combatting discrimination based upon trade union membership. Prior to the Recommendation, the AMW Directive stressed already the issue of protection and non-discrimination in the limited field of collective bargaining on minimum wages[20]. The third recommendation takes this logic of protection and non-discrimination a step further *ratione materiae atque ratione personae* by stating that: "workers, trade union members, and their representatives, are protected when exercising their right to collective bargaining against any measure that may be harmful to them or which may have a negative impact on their employment. Employers and their representatives should be protected against any unlawful measures when exercising their right to collective bargaining".

The fact that employers are covered by this obligation to protect is remarkable. Thus, the ILO Convention No. 98 solely construes and prohibits intimidation of union members from the employer's side[21].

Ratione materiae, the protection goes beyond the issue of minimum

[19] See Article 4 1) b) AMW Directive.

[20] See Article 4 1) c) AMW Directive.

[21] See Article 1 ILO Convention No. 98.

wages. It is fairly incomprehensible why the stronger employer side should ratione personae be protected against unlawful measures when exercising their right to collective bargaining.

Contrary to the AMW Directive and the ILO Convention No. 98, there is no specific rule which recommends protecting employers and workers organization against acts of interference.

10. *The issue of the bargaining levels and of derogation*

The seventh Recommendation deals with the issue of the coordination between the levels of collective bargaining. It states that collective bargaining should be able to take place at all appropriate levels, and that Member States should encourage coordination between and across those levels.

The Recommendation does not explain how this coordination needs to be arranged. It focuses astonishingly on the States, whereas Point nr 4 of the ILO Recommendation No. 163 tends to favour a more autonomous arrangement of the coordination of these levels among the bargaining parties. In case State authorities regulate the coordination, the recitals do not give a lot of guidance. Recital 16 of the Recommendation highlights that the functioning of the collective bargaining system is determined […] by a combination of features, such as[…] the use of the favourability principle, the hierarchy of norms and the use of deviations practices, either from collective agreements or from law". This descriptive *catalogue raisonné* suggests that any regulation of the co ordination level is fine, irrespective whether it seek to set a floor of rights at sectoral or cross sectoral level or whether it is fully decentralized.

11. *The issue of coverage*

The eight recommendation tends to "promote a higher level of coverage of collective bargaining and enable effective collective bargaining, including by:

(a) removing institutional or legal barriers to social dialogue and collective bargaining covering new forms of work or non-standard forms of work;

(b) ensuring that the negotiating parties have, within the applicable legal framework, the freedom to decide on the issues to be negotiated;

(c) implementing a system of enforcement of collective agreements, either by law or as agreed by collective agreement, depending on national law or practice including, where appropriate, inspections and sanctions".

This recommendation might constitute a source of inspiration for the enigmatic action plans which are envisaged in the AMW Directive in the case the coverage of collective agreements drops underneath the level of 80 percent in those countries. Although the AMW Directive does urge Member States to come up with "measures" to promote the coverage, no measures are suggested at all[22].

12. *The issue of facilitating the dialogue*

The tenth Recommendation relates to a set of policies which Member States are recommended to undertake to facilitate the Social Dialogue. Thus it states:

"10) support national social partners, at their request, to participate effectively in social dialogue, including in collective bargaining and the implementation of Union level autonomous social partner agreements by taking actions such as:

(a) promoting the building and strengthening of their capacity at all levels, depending on their needs;

(b) using different forms of support, which may include logistical support, training and the provision of legal and technical expertise;

(c) encouraging joint projects between social partners in various fields of interest, such as the provision of training;

(d) encouraging and, where appropriate, supporting social partners to put forward initiatives and develop new and innovative approaches and strategies to increase their representativeness and membership bases;

(e) supporting social partners to adapt their activities to the digital age as well as to explore new activities fit for the future of work, the green and demographic transitions and new labour market conditions;

(f) promoting gender equality and equal opportunities for all in terms of representation and thematic priorities;

[22] See Article 4 2) AMW Directive.

(g) promoting and facilitating their collaboration with Union level social partners;

(h) providing appropriate support to implement in the Member States social partner agreements concluded at Union level".

The implementation of this recommendation does not in my view require an adaptation of a legal framework, but in investments through financial means in policies.

13. *The Recommendation in the light of international instruments*

An analysis of the Recommendation clearly shows a direct influence of the heritage of the ILO. Although the Recommendation only refers to one instrument (ILO Workers' representatives Convention No. 135), other instruments seem to be so close to the substance of the Recommendation, that an influence can hardly be denied (*e.g.* ILO Conventions No. 87 and 98, ILO Convention No. 154 as well as ILO Recommendation No. 91).

The Recommendation is more fleshed out than the international instruments in terms of capacity building. It focuses on obligations for Member States to promote the social dialogue, but is rather mute on the obligation of Member States to respect the outcome of the social dialogue. Thus, there are no references to obligations to refrain from wage moderation policies. Neither is there any reference to the idea that Member States should respect the autonomy of social partners in their internal matters. Last but not least, the Recommendation is mute on the quintessential idea of the primacy of collective autonomy above individual autonomy[23].

[23] See ILO Recommendation No. 91:

"(1) Collective agreements should bind the signatories thereto and those on whose behalf the agreement is concluded. Employers and workers bound by a collective agreement should not be able to include in contracts of employment stipulations contrary to those contained in the collective agreement.

(2) Stipulations in such contracts of employment which are contrary to a collective agreement should be regarded as null and void and automatically replaced by the corresponding stipulations of the collective agreement.

(3) Stipulations in contracts of employment which are more favourable to the workers than those prescribed by a collective agreement should not be regarded as contrary to the collective agreement.

(4) If effective observance of the provisions of collective agreements is secured by the

The added value of the Recommendation in this respect is weak. Thus, the ILO Recommendation nr 163, enshrines *a right* to training as an obvious tool of capacity building. Although training is mentioned in the Recommendation, the word "right" is avoided. The ILO Recommendation No. 163 takes a more clear-cut stance on the issue of the levels of collective bargaining. Thus, it states: "In countries where collective bargaining takes place at several levels, the parties to negotiations should seek to ensure that there is co-ordination among these levels".

14. *Comparing the Social Dialogue in the European Union and at the level of the European Union*

The recommendation does *not* deal with the institutionalised Social Dialogue at European level, neither at "transnational" level. The Commission had previously issued a Communication on the Strengthening social dialogue in the European Union: harnessing its full potential for managing fair transitions, which primarily deals with the European Social Dialogue[24]. In fact, it is also concerned with the national Social Dialogue. In fact, in this Communication the proposal for a Recommendation by the Council is in fact being announced.

The question can be raised whether the European Institutions tend to respect the standards they now recommend to the Member States. The Communication does profess commitments to strengthen the social dialogue at the level of the European Union in several respects. Thus, the European Commission states that it will in close cooperation with social partners:

(a) "modernise the legal framework for Sectoral Social Dialogue Committees through a possible revision of the relevant Commission Decision;

(b) within the current structure of the Sectoral Social Dialogue Committees, facilitate synergies between existing committees, promote the inclusion of new segments of economic sectors in them subject to the fulfilment of the relevant criteria, and adjust the approach for conducting representativeness studies in cooperation with Eurofound;

parties thereto, the provisions of the preceding subparagraphs should not be regarded as calling for legislative measures".

[24] COM(2023) 40 final.

(c) launch a process to review how Sectoral Social Dialogue Committee meetings are organised;

(d) continue to explore the modalities for the setting up of a new sectoral social dialogue for social services at EU level".

Furthermore, the Commission states that it will:

(a) "provide European social partners, at their request and during their negotiations on social partner agreements whose implementation through EU law is envisaged, with administrative support and legal advice;

(b) strengthen the emphasis for projects that support the implementation of autonomous social partner agreements in future social dialogue calls for project proposals".

Last but not least, the Commission states it will: "set up, in cooperation with social partners, a research network for analyzing and promoting EU social dialogue and to following its implementation; support European social partners to improve awareness of EU policies and labour market institutions among their member organisations".

However, in my view the Social Dialogue at the level of the European Union would have benefitted more from a stronger commitment of the Commission to trigger the implementation of agreements concluded by management and labour after a joint request to do so. Such a political commitment would have been beneficial, in the aftermath of the disenchanting outcome of the EPSU case[25]. Furthermore, although as evidenced by the recent Adequate Minimum Wage Directive, is much concerned with the issue of the coverage of Collective Agreements, the institutionalized system of the European Social Dialogue does not ensure any efficient measure outside the transposition of a European Agreement by means of a decision, *id est* a directive to ensure a sufficient coverage of these agreements, in case no implementation takes place, neither a system to measure it or an obligation to come up with some action plan.

Unfortunately, the Communication lacks a clear cut vision on the coordination of levels of bargaining at EU level (cross sectoral and sectoral) and at transnational level (cf. Transnational company agreements).

[25] See CJEU, 2 September 2021, C-928/19P (*European Federation of Public Service Unions (EPSU) c. European Commission*).

Abstract

This contribution seeks to analyse the Council Recommendation of 12 June 2023 on strengthening social dialogue in the European Union (O.J. 6 12 2023). The scope of the Recommendation is analysed. The recommendation will be confronted with the state of the art prior to its adoption. Subsequently, the genesis and the adoption will be analysed. The structure of the Recommendation will be presented as a diptych, constituted by two panels. The first panel dealing with the definitions will be analysed as well as the substance of the recommendation. The recommendation will be analysed in the light of international instruments at ILO level and last but not least compared with the state of the art of social dialogue at the level of the European Union.

Keywords

European Union, Social Dialogue, Freedom of Collective Bargaining, Freedom of association, Information, Non Discriminatrion.