

# RECOMMENDATIONS FOR THE EC INITIATIVE TO SUPPORT SOCIAL DIALOGUE AT EU AND NATIONAL LEVEL



## RESPONSE

## European Commission releases initiative to strengthen social dialogue

### – What’s in it for Europe’s Roma<sup>1</sup>?

On 25 January 2023, the European Commission put forward an initiative on [strengthening social dialogue](#), aimed at renewing commitments to **social dialogue as a cornerstone of the EU social market economy** and at **empowering social partners** to deliver on their role to **ensure social fairness and democracy at work**, and boost Europe's prosperity and resilience. The initiative includes a [Council Recommendation](#), which sets out how EU member States can further strengthen social dialogue and collective bargaining at national level, as well as a [Communication](#) on reinforcing and promoting social dialogue at EU level.

ERGO Network has engaged with the preparation of this initiative during 2022, with a view to raise awareness on **the specific concerns of Roma workers**, who are often overrepresented in precarious and insecure forms of employment while at the same time are underrepresented in trade union structures, which leads to their labour plight not being adequately picked up in collective bargaining. We [contributed](#) to the call for evidence issued by the European Commission in October last year, based on our [Snapshot on social dialogue and involvement of workers](#). We have reviewed the proposed initiative in light of this input, and the findings of this exercise are reprinted below.

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<sup>1</sup> The umbrella term “Roma” encompasses diverse groups, including Roma, Sinti, Kale, Romanichels, Boyash/Rudari, Ashkali, Egyptians, Yenish, Dom, Lom, Rom and Abdal, as well as Traveller populations (gens du voyage, Gypsies, Camminanti, etc.), in accordance with terminology used by the [European Commission](#).

ERGO Network warmly welcomes this initiative of the European Commission to ensure that **social dialogue continues to fulfil its key role for just, resilient, inclusive, and democratic societies**, particularly at a time when several Member States are attempting to shrink trade union powers, and their membership and coverage has also been declining. The initiative also **delivers on several of the 20 policy principles of the European Pillar of Social Rights**, particularly principle 8 on social dialogue and involvement of workers. The two texts praise social dialogue processes for **driving economic and social resilience** as well as competitiveness, while they **increase transparency of policy making**, all of which are important outcomes that we support. However, the initiative's approach to social dialogue **does not seem to be inspired by a view to contribute to inclusive labour markets**, through supporting diversity and giving a voice to the most disenfranchised, including vulnerable groups, **and its key role in curbing poverty and social exclusion is not mentioned**, save for a solitary reference in the Council Recommendation to "improving wages and working conditions and reducing wage inequalities".

In this context, we are very disappointed to note that there is **no reference to Europe's Roma** in either the proposed Council Recommendation or the Commission communication. Moreover, there is **no mention of ethnic minorities or ethnic background**, and neither document makes any reference to the important potential of trade unions to **reach out to migrant or refugee workers** and provide them with a platform and with representation. These categories of workers are routinely **subjected to rampant discrimination**, including an ethnic pay gap and unfair working conditions, both when looking for employment as well as in the workplace. Other key groups of workers facing discrimination on the labour market (for example, **workers with disabilities or LGBTQIA workers**) are **also not mentioned** in the context of collective bargaining addressing employers' discriminatory attitudes. In fact, there is **no mention of racism or discrimination** at all in the two documents. Additionally, nothing is said about providing anti-bias training, or increasing the capacity of both trade unions and employers' organisations to **pro-actively reach out to such vulnerable workers and take better account of their needs**. This is a glaring oversight that does not seem to take into account the diversity in our workforces.

We further appreciate that the initiative clearly points out **the decline in trade union coverage over the past three decades**, as well as in the share of workers covered by collective agreements, particularly in Central and Eastern Europe – while employer density has remained relatively stable. These findings are **disaggregated by gender, but not by any other indicator** relating for example to race and ethnicity, age, disability, sexual orientation or gender identity etc. The proposed Council Recommendation also mentions recent efforts to **attract new members from underrepresented groups**, but only young people and platform workers are quoted in this regard. There is a striking **lack of data regarding the degree of representation of Roma workers in trade union structures**, which highlights an inadequate data collection system. Unfortunately, the initiative does not include any provisions to collect granular information on membership in order to **improve the coverage of trade unions** in what concerns key categories of vulnerable workers. Instead, it should have explicitly supported **the collection of disaggregated data in trade union membership**, in order to have a clearer picture of how the different concerns of vulnerable workers, including but not limited to Roma workers, are taken up in collective bargaining.

Equally disappointingly, the European Commission **puts forward no proposals on how to improve trade union membership**. The Council Recommendation has three stated objectives – to improve consultation of social partners, to encourage collective agreements, and to increase social partners’ capacity – **none of which is related to getting more workers represented**. While there is a lone reference to capacity-building also involving expanding the membership base, the objective overwhelmingly deals with social partners’ organisational capacity and the ability to engage with policy processes. The document includes a recital on the social partners’ commitment to “reach out to affiliates not yet covered in Member States and to **improving the membership and representativeness of both trade unions and employers’ organisations**”. This should have been a key objective of the initiative, as a means to strengthen legitimacy and credibility of social partners, by **ensuring broad coverage of diverse categories particularly of workers**. Otherwise, the other objectives of improved capacity and better involvement in policy-making will remain a pro-forma exercise, instead of an actual attempt to hear workers’ voices and to honour their rights.

Empirical evidence indicates that there seems to be low coverage of trade union membership among Roma workers, which in turn leads to **less visibility of the specific issues Roma workers have**. It has also been documented that **the Roma are over-represented in exploitative forms of employment** (and the informal economy), due of a lack of knowledge of their rights. The Roma overwhelmingly work in jobs that are **low paid, on zero-hour contracts**, in factory-based environments or others that require hard physical labour. The consequences for large numbers of Roma are inconsistent working hours and, therefore, unpredictable income. **Insecure contracts lead to vulnerability and to abuse**, as Roma in these working environments are often asked to work extra unpaid hours and **are too scared to make complaints**, even in cases of sexual harassment or unfair / unlawful dismissal.

The Roma working in the “grey” economy continue to be vulnerable – even invisible – workers, finding it **very difficult to assert their employment rights**. We hence salute that the initiative makes a strong plea for trade unions to take into account the emergence of new forms of employment including the self-employed, and to **make efforts to include these workers in their structures**. This can be very positive for Roma workers, often excluded from the traditional labour market due to widespread antigypsyism, and hence forced to engage in atypical forms of work to survive. It is also very welcome that the Recommendation urges Member States to **strengthen the protection of workers against anti-union discrimination**. While it is unfortunate that discrimination on other grounds is not mentioned, these provisions can help **create safe spaces for Roma workers to voice their needs and concerns**.

In the context of the evolving nature of labour markets, it is **regrettable and inaccurate that both documents use “company” in an interchangeable way with “employer”**, thus completely overlooking labour relations in the public and the third sectors, where adequate social dialogue to protect workers’ rights is just as needed. European Commission data shows that 17% of workers in the European Union are employed in the public sector, while independent research points to over 6% working in the non-profit (or third) sector. The current choice of language displays an **undue bias towards the private sector**. The Recommendation also refers to workers in small companies being less likely to be covered by collective bargaining, while nothing is said about workers in small non-profit outfits.

The initiative is keen to **differentiate between social and civil dialogue**, highlighting that the latter is a separate process. While it is surmisable that the introduction of such an explicit distinction is aimed at ensuring that civil society organisations do not avail themselves of the stakeholder involvement opportunities reserved to social partners, it is high time that the European Commission put forward **a similar initiative, codifying, supporting and strengthening civil dialogue**. Such an initiative could emulate some of the very positive objectives and provisions of the current package, including establishing a Civil Dialogue Coordinator in each Commission service, as well as gathering the views of civil society ahead of the Commission Work Programme. **Social fairness and democracy must be guaranteed for the whole of society, not just in the workplace.**

Finally, we are pleased to see the European Commission's commitment to **promote social dialogue and collective bargaining in the context of the enlargement process, supporting candidate countries** to strengthen their social dialogue processes. It is also commendable that the European Union reaffirms its **adherence to the decent work agenda of the ILO**, including a direct reference to responsible supply chains and respect for labour rights, while it stops short of making sound social dialogue a pre-condition in its public procurement.

ERGO Network broadly welcomes the European Commission initiative on strengthening social dialogue in Member States, and recommends that it is implemented also through: **better coverage of the most vulnerable workers**, such as seasonal, migrant, and minority workers, and those in the informal economy who are not covered by standard employment contracts; **anti-bias and anti-discrimination trainings for social partners**, to build better awareness of the specific issues faced by minority workers and other vulnerable groups on the labour market, so that these issues can become a part of social dialogue; and **information campaigns for workers about their employment rights**, including in the Romani language, and specific outreach measures for Roma workers. We hope that these gaps will be remedied through implementation, and we **stand ready to support these efforts** at both EU and national level.

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