

RAISING WAGES & INCREASING BARGAINING COVERAGE



**How to make the most of
the European Directive on
Adequate Minimum Wages**



INTRODUCTION AND PURPOSE OF THE GUIDE

The European Directive for Adequate Minimum Wages (EMWD) was finally adopted in October 2022. This Directive came after years of austerity and marked the beginning of a new era as the European Commission recognised the added value of collective bargaining for the workers, the economy, and society as a whole. However, the damage done by the years of attacks against centralised collective bargaining and trade union rights cannot be corrected overnight. The Directive is a step in the right direction to improve that situation, but it does not offer all the solutions.

With this guide, industriAll Europe aims to highlight the key instruments from the Directive that national trade union members can use in order to strengthen their collective bargaining systems and their trade union rights to access companies and organise workers. The guide clarifies the aims of the Directive, explains the different starting points of Member States to reach the EMWD goals, and points to the biggest obstacles – the key one remaining employers' refusal to sit at the bargaining table, especially in Central and Eastern Europe.

Our assessment is the result of a targeted tour that we undertook in Romania, Slovakia, Bulgaria, Poland and Hungary. The meetings in those countries with representatives from the national governments, local trade unions and experts provided invaluable insights into the reality on the ground.

It is too early to draw any final conclusions, but it is clear that the adoption of the EMWD was only the beginning of the road to build, rebuild and strengthen collective bargaining and trade union rights across Europe. Trade unions need to push at all levels to ensure an adequate transposition in the spirit of the Directive, while fighting for useful national action plans to increase collective bargaining coverage. At the same time, the European Commission needs to shoulder its responsibility by monitoring the implementation of the Directive and by holding those who violate its spirit accountable.

IndustriAll Europe will continue to support national trade union members in their efforts to increase their collective bargaining coverage and trade union density. This guide highlights the main legal articles of the EMWD that support these efforts and that are fundamental to the national transposition and national action plans. In addition, it also provides useful tips and recommendations on how to overcome some of the obstacles, based on best-case examples from across Europe.



WHAT IS THE EUROPEAN MINIMUM WAGE DIRECTIVE?

The goal of the European Directive for Adequate Minimum Wages is to promote social convergence and combat wage inequality and in-work poverty. This objective is pursued through two main approaches:

1. Minimum Wage Setting aims to oblige Member States with statutory minimum wages to define clear criteria for the adequacy of minimum wage levels. To assess which wages this can mean, the Directive proposes an indicative reference value known as **60% of the gross median wage and 50% of the gross average wage**. In 2022, only Slovenia meets this double decency threshold.

Using a mix between a “living wage approach” and a “wage distribution approach”, the Directive imposes that the national criteria to determine the minimum wage should consider four key elements:

1. The purchasing power of statutory minimum wages, taking into account the cost of living
2. The general level of wages and their distribution
3. The growth rate of wages
4. The long-term national productivity levels and developments

2. Reinforcement Collective Bargaining aims to oblige Member States to develop policies to strengthen autonomous collective bargaining. Countries with a Collective Bargaining Coverage of less than 80% must submit a National Action Plan to reach at least that 80% threshold. In 2024, **only 8 countries fulfil the 80% threshold**, being mostly the Central Eastern European Countries, and Greece the one with the lowest percentage. **National Action Plans should be reviewed every 5 years**, to monitor the effectiveness of the measures.

This new piece of legislation comes as a shift of the paradigm of the EU towards social policy. After years marked by the austerity measures implemented by the Troika (the International Monetary Fund, European Commission and European Central Bank), and the narrative of the lack of competitiveness in the continent due to excessive overregulation and high labour costs, the EMWD represents a political project which aims to somewhat rebalance power relations in favour of labour. By pushing Member States to enable policies to increase collective bargaining coverage, the EMWD provides an opportunity for Building Trade Union Power and reinforces the autonomy of the social partners in wage-setting and increasing democracy in the workplace.

Having been adopted in October 2022, we are still far from the full implementation of the EMWD, and there is still a long way to go, full of opportunities and threats. The official deadline for transposition of the EMWD into national law is 15 November 2024. After that, in those countries where collective bargaining coverage is below 80%, Member States will be obliged to draw up and implement National Action Plans to increase the coverage. Member States have one more year after the official transposition deadline to present their action plans, meaning that these must be ready by 15 November 2025.

The National Action Plans will have to be implemented in the coming years, with a first assessment analysing the progress due after five years, namely in 2030. Nowadays this means the trade union movement should mobilise its resources to get the best of this Directive at each national level and find a way to advocate for stronger collective bargaining coverage. Moreover, the trade union movement needs to use the Directive as a means to strengthen its affiliation and structures. A weak transposition, a

TIMELINE

14.11.2022

The European Minimum Wage Directive came into force, 2 years of transition period

15.11.2024

Deadline for the Transposition of the Directive

15.11.2025

Deadline for Member States with a bargaining coverage below 80%, to publish their National Action Plans to increase the rate

15.11.2030

Deadline for the First report to be published by each Member State (in implementing their National Action Plans)

Evaluation

takes place every 5 years

negative legal interpretation of the Directive, and the lack of willingness of the employers to negotiate, are among the main threats that this piece of legislation faces.

Another key aspect is how the European Commission will ensure compliance with the Directive and what measures they are prepared to take to obligate Member States. While the expert group's report to the Commission emphasises that the Directive's 80% threshold is more of an obligation to make efforts rather than to achieve specific results,

discussions within the trade union movement indicate that the Commission may still initiate legal infringement procedures if a Member State does not improve its coverage rate.

This guide aims to support industriAll Europe's affiliates and the trade union movement by identifying potential strategies and outlining the various steps for effective transposition of the EMWD, in particular by taking full advantage of the opportunities of the National Action Plans to increase collective bargaining coverage and trade union density.

FIGURE 1 • **Collective Bargaining and state support**



Source: OECD-AIAS-ICTWSS Database

THE REALITY ON THE GROUND: OBSTACLES TO INCREASING COLLECTIVE BARGAINING

Within the framework of a series of conferences organised by industriAll Europe during 2024, especially with affiliates from Central and Eastern European Countries (CEEC), several difficulties regarding collective bargaining and the EMWD's implementation were raised. In this part of the guide, we will summarise the main struggles of the countries visited, and the different ways trade unions can use the EMWD to improve the situation.

It is especially in this region that the EMWD is expected to have the most positive effects, reducing inequalities, increasing collective bargaining coverage and ensuring decent wages. As we know, CEE countries suffered a double backsliding in labour rights, as the impact of the Single Market and the 2008 Financial Crisis pushed for aggressive liberalisation reforms. These reforms and the attacks against centralised collective bargaining and trade union rights weakened the social dialogue systems and the trade union movement. With a weak national-level tripartite system and the absence of sectoral bargaining, most collective bargaining takes place at the company level.

Additionally, the location of the companies in the periphery of the European value chains weakens their bargaining power, as many decisions are taken in the headquarter countries.

This series of national seminars has shown that the obstacles to collective bargaining and social dialogue are the same across Central and Eastern Europe, but not only. Reaching the 80% target of collective bargaining coverage requested by the EMWD will only be possible by overcoming them. By removing these obstacles, we can:

1. Create an enabling regulatory framework for collective bargaining and social dialogue at all levels
2. Overcome employers' refusal to shoulder their responsibility and sit at the bargaining table to negotiate with trade unions
3. Ensure correct representation of the social partners by preventing 'yellow unions' (which

are not democratic and independent) from obstructing social dialogue and collective bargaining

4. Protect trade union members against discrimination and trade union-busting
5. Modernise trade union tools, strategies and communication to increase their capacity

In **Slovakia**, Collective Agreements cover **24.9%** of workers. Nowadays, they do not meet the *double decency threshold*, with the minimum wage around **43%** of the average wage, and **51%** of the median wage. The Slovakian system of Statutory Minimum Wage sets 6 levels of income, depending on which category the workers belong to. Employers are pushing to increase only the statutory minimum wage of the first category of workers, reducing the gap between those categories of workers with qualifications and those without qualifications. Trade unions aim at improving the minimum wage in all the six categories, considering the different nature of each category. However, employers complain of higher costs.


Dialogue with employers and sectoral bargaining is difficult in the country. With an employer affiliation of around 30%, employers tend to **disband employer organisations** to avoid sectoral collective agreements. Moreover, these organisations may pretend they are just a lobby to avoid any establishment of conversation as social partners with trade unions. **Yellow trade unions** are another problem that Slovak trade unionists face. Not charging any membership fees and attracting employees with other techniques, they undermine the effectiveness of collective bargaining. **Collective bargaining extension** is not working, as mechanisms are outdated and problematic, allowing employers to decide to which company a certain agreement applies.

In **Bulgaria**, collective agreements cover around **28%** of workers. They do not meet the double decency threshold, with the minimum wage around



39% of the average wage and **63%** of the median wage. The process of implementing the minimum wage is lengthy, with disparities between wages, purchasing power and price levels. Having established a tripartite structure as the forum of discussion, employers resist setting higher minimum wages. The **political instability** of the country plays a role in hindering the consistent implementation of reforms and legislative amendments. Political divisions between the unions are also an issue which threatens to undermine the fight for a proper implementation of the EMWD.

Collective bargaining is stable, with a low decline in the last years. Unions find difficulty strengthening their organisational capacity. In view of the implementation of the EMWD, the government has put in place anti-union busting measures, as offences committed to violate workers' right to freedom of association will now be punishable by one to five years' imprisonment or a fine of up to 4,000 euros. The new law looks good on paper, but Bulgarian trade unions are struggling to increase their capacities and to access companies on the ground. Moreover, companies are not engaging in sectoral bargaining and dialogue, and there is not an effective extension mechanism.




In **Poland**, collective agreements cover around **13%** of workers. Its minimum wage is **43%** of the average wage and **53%** of the median wage. There are delays in drafting the transposition, primarily due to the government's lack of cooperation with social partners.

The state of collective bargaining is concerning. Many of our affiliate's report that collective agreements are largely unknown to the public, and particularly restricted in certain parts of the public sector. The few collective agreements that do exist tend to focus almost entirely on traditional issues like wages, leaving new challenges, such as the impact of AI, unaddressed.

The legal framework surrounding collective bargaining can be described as one of "hostile neutrality". There are significant limitations on resolving collective disputes, strikes, and other actions, as well as on state intervention.

Moreover, only 2–3% of employers are organised, and, as seen in other Central and Eastern


European countries, some employer organisations have been accused of altering their legal status to avoid the capacity required for collective bargaining. Sectoral or branch-level negotiations are particularly unpopular with employers, who often prefer to sign informal agreements with trade unions or issue internal regulations – neither of which provide legal protection of workers' interests.



In **Romania**, collective agreements now cover around 15% of workers, compared to 100% in the year 2000. This significant decline is attributed to the stringent policies imposed by the Troika during the 2008 economic crisis, which prohibited cross-sectoral agreements. The minimum wage stands at 40% of the average wage and 55% of the median wage.

The country has historically exemplified extreme disorganised decentralisation of collective bargaining following the 2008 recession. Multi-employer collective agreements are applied automatically only to workers employed by member organisations of the signatory employer organisations, rather than erga omnes (all workers in the sector). Fragmentation and a lack of willingness among employer organisations to associate are also problematic. Our affiliates report difficulties in enforcing labour regulations in non-unionised companies and challenges in mobilising their members at company level.

The newly introduced bill on social dialogue in 2022 (367/2022) signals the end of an era of neoliberal influence on collective bargaining. The new developments will be discussed in the next section.



In **Czechia**, approximately 35% of workers are covered by collective agreements, a figure that has remained stable over the past decade. The minimum wage is set at 37% of the average wage and 43% of the median wage. The government is currently working on transposing the minimum wage directive, but the proposed changes have

not satisfied trade unions. The proposal aims to set the minimum wage at 45% of the average wage, which is below the 50% recommended by the Directive.

The transposition is complicated by the fact that in Czechia, in addition to the existing minimum wage, there is a system of so-called “guaranteed wages” consisting of seven additional levels of minimum salary according to different job categories based on criteria, such as the level of difficulty of the task performed, responsibility, qualification, etc. The government has plans to abolish this system in its

current form, maintaining a reduced version for the public sector but abolishing it completely in the private sector. Instead of implementing a general raise, workers may risk being declassified and their salaries downgraded.

Trade unions typically initiate the bargaining process, but employer organisations are not required to reach an agreement. There is little motivation for employers, especially in sectors dominated by foreign companies, to engage in high-level bargaining. Extension mechanisms are rarely used because both parties must agree to them.



HOW CAN UNIONS USE THE EMWD TO IMPROVE WAGES AND STRENGTHEN CB?

Art. 3.3

1. A confirmation in the EU legal framework that Collective Bargaining is a prerogative of Trade Unions

The legislative text states that collective bargaining encompasses all negotiations held between an employer, a group of employers or one or more employer organisations on the one hand, and one or more trade unions on the other hand, concerning working conditions and terms of employment and not solely wage-related clauses.

It is a big win for the trade union movement that the EMWD explicitly mentions 'trade unions' (and not 'worker representatives') in the legislative text, reconfirming collective bargaining as a prerogative of trade unions. The definition of 'trade unions' is in the hands of each Member State, with the application of national law. However, the Commission services have clarified in their [Report Expert Group](#) that in case non-trade union organisations have the right to collective bargaining at national level, only collective agreements concluded by trade unions would have to be considered for the purposes of the Directive. This is crucial for the calculation of the 80% coverage and the need for Member States to develop and implement the National Action Plans.

Art. 4.1a

2. The promotion of the capacity of bargaining agents to bargain at cross-sectoral and sectoral level

The aim is to increase collective bargaining coverage, which is most efficiently achieved by enhancing coverage at cross-sectoral and sectoral level.

To achieve this, building and strengthening the capacity of social partners is crucial. Member States should encourage constructive, meaningful and informed negotiations on wages between the social partners on an **equal footing**, where both parties have access to the necessary information and structures to carry out their functions. The mention of equal footing is a key element of the Article. It is intended to prevent the undermining of one side of the social partners in conducting

collective bargaining and is in line with the spirit of ILO Convention 98 on the Right to Organize and Collective Bargaining.

These measures can take various forms, including financial and non-financial means. More information about this will be presented in point 4 of this guide.

3. Protecting the right to collective bargaining, including protection against discrimination of trade union reps who exercise this right

Art. 4.1b-c

Member States should adopt measures prohibiting acts of discrimination or interference and implement effective instruments to prevent such acts. This is especially essential when facing union-busting strategies: trade union representatives should be protected against layoffs and any other forms of reprisals or discrimination.

The right to collective bargaining must be supported by strong regulation and legislation of strikes. Good strike regulation and awareness of strikes as a bargaining tool are therefore vital for the collective bargaining process. Furthermore, allowing secondary and solidarity strikes could enhance trade unions' leverage and increase workers' participation in the economy.

4. Shaping the Collective Bargaining framework for wage-setting for the following years

Art. 4.2

The Directive obligates Member States with a bargaining coverage rate of less than a threshold of 80% to provide for a framework of enabling conditions to increase the coverage. The Member States should establish an Action Plan with the consultation of the social partners.

Furthermore, the Action Plan should set out a clear timeline and concrete measures to increase the rate of collective bargaining coverage, in full respect for the autonomy of the social partners. It should be reviewed every 5 years and be reported to the Commission.

Trade unions need to build the narrative that the 80% threshold is not just desirable, but the goal that Member States should commit to.

Art. 5

5. An opportunity to use the double decency threshold to increase the statutory minimum wage and an opportunity to eliminate different minimum standards for certain groups of the population

The Directive sends a clear message to Member States with statutory minimum wages, who should establish the procedures for setting up and updating them. In the process, it provides a framework to guide the national criteria, which should include:

1. The purchasing power of the statutory minimum wage
2. The general level of wages and their distribution
3. The growth rate of wages
4. Long-term national productivity levels and developments

As indicative reference values, the adequacy of the statutory minimum wages should be guided by **60%** of the gross median wage and **50%** of the gross average wage of full-time workers.

It also demands the establishment of a consultative body to advise Member States on issues related to its setting up and its update. The social partners should be included in those bodies.

Art. 6

Lastly, the Directive calls for ensuring that in those Member States with different rates of statutory minimum wage for specific groups of workers (such as young workers), the variations and deductions should respect the principles of **non-discrimination** and proportionality.

6. The public procurement process should comply with collective bargaining and adequate minimum wages

Art. 9

Trade unions have historically fought for fairer social conditionalities when public money is involved. A key provision states that public procurement contracting authorities should take appropriate measures, including the possibility of introducing wage conditions in the terms of reference. These authorities must ensure that economic operators apply to their workers the wages provided for in collective agreements for the relevant sector and area. This must be done while respecting workers' rights to associate and their right to organise collective bargaining.

This provision should also include subcontracting chains.



GOOD EXAMPLES: HOW ARE UNIONS ALREADY USING THOSE INSTRUMENTS?

Unions are already leveraging the EMWD framework to develop their own strategies and lay the groundwork for its effective implementation. In this section of the guide, we will explore these strategies to inspire you in creating your own:

ADVOCATING FOR THE RAISE OF THE STATUTORY MINIMUM WAGE AND TACKLING AGE DISCRIMINATION



In the **Netherlands**, the minimum wage varies depending on the worker's age. An 18-year-old employee earns about 50% of the standard minimum wage. This amount increases gradually each year until the employee reaches 21, at which point they receive the full minimum wage. As a result, many young students must work significantly more hours than their older counterparts to cover their expenses.

**Voor een beter bestaan
VOOR 16
60% Mediaan**

Article 6 of the EMWD aims to prevent age-based discrimination in wages. In response, the Dutch trade union FNV launched the 'Voor16' campaign, with two main goals:

1. To ensure that the transposition of the Directive grants workers under 21 the standard minimum wage
2. To advocate for a minimum wage linked to 60% of the median wage, raising salaries to 16 EUR per hour

THE DIRECTIVE AS A COMPASS TO IMPROVE SOCIAL DIALOGUE AND REDUCE OBSTACLES FOR COLLECTIVE BARGAINING



In **Romania**, the Directive broadly influenced the new law on social dialogue which was passed in December 2022 – just two months after adopting the Directive. These recent legal changes reversed many of the reforms introduced in 2011 in the dark times of the austerity rules and the Troika, which decentralised and weakened collective bargaining. You can see the changes in the table below (see Table 1).

THE DIRECTIVE AS A TOOL TO BRING TO THE TABLE OF EMPLOYERS' ORGANISATIONS



In **Ireland**, when the proposal of the EMWD was released and the negotiations were still ongoing, the government set up

TABLE 1 Troika VS EMWD: a change of direction in Romania

	Reform of the Troika (2011)	After the influence of the EMWD
Cross-sectoral agreements	Prohibited	Allowed if the employer's association covers at least 20% of the workers
Extension mechanism in sectoral collective agreements	Only possible if the employer's association represents 50% of the employees	Only possible if the employer's association represents 35% of the employees
Mandatory bargaining at company level	21 employees	10 employees
Trade unions' representativeness criteria for bargaining	50% at company level 7% at sectoral level	35% at company level 5% at sectoral level
Threshold for the establishment of a trade union	Minimum 15 members	Minimum 10 members

a tripartite high-level working group on the issue. The purpose of this group was to review collective bargaining in Ireland and explore ways to strengthen it to fulfill the Directive's obligation to achieve **80%** collective bargaining coverage.

The key problem identified by the Working Group was the **employers' reluctance to engage in negotiations with trade unions, both at the sectoral and company levels**. To address this issue, the Working Group made two key recommendations aimed at strengthening sectoral bargaining:

1. To end the employers' de facto veto power on the establishment of new sectoral agreements. This would be achieved through incentives and soft pressure to encourage employers to participate in the negotiation of 'Employment Regulation Orders'. These orders are a form of sectoral bargaining that sets out legally enforceable employment conditions and minimum rates of pay, particularly in low-paid sectors where collective bargaining is limited or absent.

2. To improve collective bargaining at the enterprise level by obliging employers to engage with trade unions in a 'process of good faith'. The term 'good faith engagement' essentially refers to an obligation for the employer to participate in collective bargaining, not necessarily to reach an agreement, if requested to do so by a trade union with meaningful membership within the company.

Despite this reform, and based on legal advice from the Attorney General's Office, requiring employers to participate in negotiations may be unconstitutional. This decision is grounded in the interpretation of the Freedom of Association in Irish jurisprudence: while the right to associate is explicitly stated in the Irish Constitution, and the right to disassociate is implied. Consequently, employers cannot be forced to engage with a union. Furthermore, Irish unions complain about the lack of action after the legal advice was released at the end of 2022. They have been putting pressure on the government to implement the necessary reforms to address this issue with no success.

After the publication in October 2022, nothing has happened, and the unions therefore put pressure on the government to implement the recommendation and to also address the issue of protecting un-

ion reps against discrimination and provide them with access to companies (which also does not exist in Ireland).

This stands in contrast to the practices in Austria and France. In **Austria**, companies are required to register their membership with the national employers' association, the Chamber of the Economy (WKO). Collective agreements are negotiated at the industry level by industrial trade unions and the industry-level organisations of the national employers' association. These agreements then automatically apply to all workers in the sector.

In **France**, the Auroux Law of 1982 mandates annual bargaining on wages and working time in any company with one or more unions, although reaching a settlement is not required.

THE DIRECTIVE AS A WEAPON TO MODIFY PUBLIC PROCUREMENT RULES

In **Germany**, 38 billion euros were awarded at national level through a tendering process. Following the principle that public money should come with social conditions, trade unions have launched actions to ensure that only companies complying with collective agreements in their respective sectors receive public contracts.

This initiative aims to improve the quality of construction services, publicly procured services, and goods. It also reinforces the state's role as a model for guaranteeing fair wages and good working conditions.



Currently, only seven federal states have regulations on comprehensive collective bargaining guidelines for all sectors. The goal is to draft a national law covering the entire German territory. In **Berlin**, the state government specifies a representative collective agreement that is authoritative for public procurement in the respective sector. **In other states, such as Saarland**, the government applies statutory orders in all sectors that are relevant to public procurement, copying into the public call the content of each sector's collective agreement. Furthermore, DGB asks for:

1. Limitation of subcontracting chains.
2. Subcontractors and temporary agency work must be recorded and duly registered
3. In the case of subcontracting, main contractors must assume liability for compliance with collective labour agreements
4. The creation of a central federal control and advisory centre on public procurement
5. Sanction mechanisms for detected violations



In **Italy**, trade unions have advocated for good working conditions in all levels of public contracts within various institutions. One notable example is the Florence municipality, which became the first

city in Italy to establish a minimum hourly wage of 9 euros for all workers, including service workers. If any worker's wage falls below this threshold, the town hall supplements the difference. Additionally, the terms of reference for public contracts now positively evaluate good working conditions.

With these measures, the municipality aims to maintain fair working conditions, prevent the risk of cascading subcontracting, and monitor contracts through "Employment Adequacy Monitoring" tools.

THE DIRECTIVE AS A TOOL TO PUNISH UNION BUSTING



In **Bulgaria**, being inspired by the provisions of the EMWD, the Bulgarian Parliament has decided that offences committed to violate workers' right to freedom of association will now be **punishable** by one to five years' imprisonment or a fine of up to 4,000 euros.

The new rules cover **all offences**, whether through the use of force, threats, or any other unlawful means, against the right of workers to join trade unions. This includes forcing workers to renounce their membership or preventing them from forming a trade union.



TOWARDS SECTORAL BARGAINING IN THE NATIONAL ACTION PLANS

In this sense, one could question the importance of sectoral collective bargaining:

- **For workers:** At its core, collective bargaining involves workers uniting through a trade union to negotiate on equal terms with their employer. This collective approach prevents individual workers from being targeted by an employer who might otherwise fire, demote, or underpay those who assert their rights. When collective bargaining is weakened or absent, workers are left to sign individual contracts, ostensibly negotiated between the employer and the employee. However, the employer holds a stronger position and can leverage this power to offer low wages, inadequate holiday, sickness, or parental leave, and insufficient health and safety standards.
- **For employers:** It benefits, as it provides a level playing field between companies for wages, retaining employees, investing in training over the long term and adhering workers to the organisational goals. For small- and medium-sized companies, sectoral collective agreements represent an extraordinary time saving, as they do not have to negotiate contracts and conditions for each of their employees.
- **For the society,** workers, through collective bargaining, can negotiate better wages, benefits and working conditions, leading to an overall improvement in the quality of life of workers and their families. It also helps to rebalance power dynamics between employers and employees and reduce inequalities, by ensuring that workers receive a fair share of the profits they generate. Furthermore, sectoral and cross-sectoral collective bargaining generates broader structures of representation of workers, amplifying their participation in the economic democracy and increasing social cohesion.

The next step is to advocate to each national government for the drafting of National Plans to strengthen collective bargaining. These plans should establish adequate measures to achieve the 80% coverage rate threshold. IndustriAll Europe has identified the following key measures to

strengthen unions' and employers' organisational capacity, as well as support collective bargaining:

MEASURES PROMOTING THE ESTABLISHMENT OF SECTORAL BARGAINING ARRANGEMENTS

- Promoting the **establishment** of employers' federations and their **willingness** to assume a negotiation role
- Promoting **multi-employer bargaining** as a stepping stone to sectoral negotiations
- Funding for **capacity building** and training for unions and employers' federations
- Setting up **extension mechanisms** for sectoral agreements
- **Public procurement:** labour clauses in public contracts to exclude those companies which refuse to bargain or implement collective agreements from receiving public funding

MEASURES IMPROVING UNIONS' CAPACITY TO ACT AND ORGANISE

- Right of **access to companies** (also digitally)
- **Anti-union busting measures** to protect trade unionists and other democratically legitimised employee reps from discrimination, dismissal and blacklisting
- Providing **union reps** with sufficient time and facilities
- Preventing wage dumping through agreements concluded by '**yellow unions**' (representativeness criteria)
- Providing union members with **special advantages** when bargaining (e.g. an additional day off yearly, deducting trade union fees from tax declarations, etc.).
- Right to a **collective redress** in case of violation of agreement

CONCLUSIONS

- This guide aims to show trade unions the opportunities and best practices that the EMWD may provide. However, there is no “one size fits all”, as each country has its own specific system and, therefore, specific solutions.
- The drafting of the National Action Plans to increase collective bargaining coverage will take place from November 2024 to November 2025. We are at a critical juncture. The success of the Directive will depend on how ambitiously it is transposed, which requires concerted efforts at national level.
- We are halfway through the implementation of the Directive. Challenges are expected at national, company, and court levels. It is crucial to continue working and advocating to improve the quality of life for workers across Europe.



IndustriAll European Trade Union

Rue des Boiteux 9

1000 Brussels

Belgium

info@industriall-europe.eu

<https://news.industriall-europe.eu>

Responsible for content and editing:

Juan Jose Luis Delgado

juanjose.luisdelgado@industriall-europe.eu

Patricia Velicu

patricia.velicu@industriall-europe.eu

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