



Employers' associations and European social dialogue: chronicles of a stalemate foretold

SUMMARY: Foreword. – 1. The promotional framework of regulation of the European social dialogue. – 1.1. The presumptive-bureaucratic criteria of representativeness and the notion of “sufficient cumulative representativeness”. – 2. The assessment of employer representativeness between national and supranational level – 3. Representative (dys)functions of employers' associations and (the fall of) European social dialogue. – 3.1. Employers' associative fragmentation and sectoral social dialogue. – 4. Conclusive remarks. Employers' organizations and European social dialogue between failures and (supposed) relaunch.

Foreword

It may seem a bit unusual the choice to deal with the topics of representation and representativeness in the supranational context, in times certainly distant from the golden years of the European social dialogue and furthermore characterised, at several levels - also at the institutional ones - by a discrete rate of *europophobic sovereignty*.

The assumption that the European social dialogue is an area that has been, for some time, deprived by relevant juridical and practical results seems to be an undoubted one, especially considering that the kind of cross-sectoral collective bargaining meant to be transposed by legislative acts appears to be stopped in the last century and considering also that even the forms of negotiation at sectoral level produced, over the years, a very limited number of agreements (a dozen).

Equally unusual may appear an analysis of the role and the representative functions of employers' organizations, which, as it's well known, certainly may not be regarded as the driving force of supranational representative and negotiation dynamics (§§ 3 ff.) and, maybe also, but not only, for this reason have rarely been the subject of scientific investigations, even in the context studies specifically devoted to European social dialogue.

And yet, despite the evident decline of negotiating and concertative practices, the relevance of the issue of representativeness of supranational social partners has not faded, not only from a theoretical but also from a practical point of view, considering that, over the last twenty years, the total number of organizations that the Commission must consult under Art. 154 Tfeu has more than tripled (below, §§ 1 ff.).

Moreover, at least in terms of declarations of intents, recently, the institutions of the European Union have repeatedly expressed their willingness to relaunch social dialogue (§ 4). Considering this political-institutional framework of reawakening of the interest for the EU's consultative and concertative practices, in this paper will be analysed: i) role and functions of the representation of business interests at the supranational level (§§ 3 ff.) and the main features of the notion of representativeness in the European social dialogue (§§ 1 ff.).

Without obliterating the profound divergencies between the role and the representative functions of the employers' associations at national and supranational level, the following sections of this paper (§ 2) will also consider the Italian debate on tools and techniques for measuring employers' representativeness – debate re-opened, in the national context, after the stipulation of the so-called *Patto per la fabbrica* – assessing the possible suggestions arising, in this field, from the European notion of employers' representativeness.