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NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council
Subject: EMCO Opinion on improving the scope and relevance of data collection at
Union and national level on social dialogue
- Endorsement

Delegations will find attached the above-mentioned Opinion with a view to its endorsement by the Council (EPSCO) at its session on 1 December 2025.



Opinion of the Employment Committee

Improving the scope and relevance of data collection at Union and national level on social dialogue, including on collective bargaining, for monitoring the implementation of the Council Recommendation on strengthening social dialogue in the European Union

INTRODUCTION

1. **Social dialogue is a core component of the European Union's social market economy model, embedded in principle 8 of the European Pillar of Social Rights.** Social dialogue at all levels, including European and national, cross-sectoral and sectoral, provides our labour markets and our economies with the adaptability required to meet the challenges and opportunities facing Europe, such as decarbonisation, digitalisation and the demographic transition. The European Commission, drawing on the political guidelines of President von der Leyen (2024-2029), and the Council, drawing on the Guidelines for the employment policies of the Member States, consider that social dialogue and collective bargaining are key to ensuring both economic competitiveness and social fairness and have put them at the forefront of their priorities. Furthermore, the Commission, the Belgian Presidency on behalf of the Council and the European social partners renewed their commitment to strengthen further social dialogue in the Tripartite Declaration of Val Duchesse of 31 January 2024. The 2024 La Hulpe Declaration on the Future of the European Pillar of Social Rights¹ also emphasises the role of social dialogue. Most recently, on 5 March 2025, the Commission and the cross-industry social partners at EU level signed a new Pact for European Social Dialogue, devised to ensure that the EU's future competitiveness goes hand in hand with quality jobs and a workforce that is equipped with the right skills.

¹ Signed by the Kingdom of Belgium on behalf of 25 Member States

2. **Council Recommendation C/2023/1389 of 12 June 2023 on strengthening social dialogue in the European Union is the first legal instrument in the EU acquis to be fully dedicated to social dialogue.** The Recommendation provides guidance to Member States on how to ensure an enabling environment for bipartite and tripartite social dialogue, including collective bargaining, in both the public and private sectors, at all levels, in a context where the share of workers covered by collective agreements declined by ten percentage points between 2000 and 2019 (from 66% to 56%²). Its provisions have been designed in a way that respects national traditions and social partners' autonomy, while recommending Member States, among other things, to ensure the consultation of social partners on the design and implementation of economic, employment and social policies, and to enable collective bargaining, also addressing new forms of work and atypical and non-standard forms of employment.

3. **Paragraph 13 of the Council Recommendation invited the Employment Committee (EMCO) to explore, in consultation with relevant social partners, and deliver an Opinion to the Council on the possibility of improving the scope and relevance of data collection at Union and national level on social dialogue, including on collective bargaining, appropriate for monitoring the implementation of the Recommendation.** At the end of 2023, the EMCO members agreed to mandate its Indicators Group (EMCO IG) to carry out preparatory work in line with the call set out in the Recommendation. Following a seminar on “Data and statistics on social dialogue including collective bargaining” it organised in March 2024, EMCO IG, between December 2024 and May 2025, discussed policy levers, took stock of existing data sources and identified the needs for possible data collection improvements, with the participation of the European cross-industry social partners. Ultimately, this Opinion should serve to optimise the regular monitoring of the implementation of the Recommendation, as part of the multilateral surveillance activities conducted by EMCO in the context of the European Semester.

² [OECD/AIAS database on Institutional Characteristics of Trade Unions, Wage Setting, Intervention and Social Pacts \(ICTWSS\)](#).

4. **The set of 14 policy levers annexed to this Opinion, based on the preparatory work of EMCO IG, reflects the provisions of the Recommendation in a format tailored to define the information needed to monitor its implementation.** The proposed policy levers were defined to determine whether and how the specific provisions of the Recommendation are reflected in national legislation or practice and/or other relevant policy measures or mechanisms adopted by the Member States. The “values” associated with the policy levers are generally made of concise information on existing national frameworks.

GENERAL REMARKS

5. **The current state of play of data collection on social dialogue and collective bargaining displays gaps, particularly in terms of data comparability across Member States.** There is room for improving the scope and relevance of data collection to ensure an effective monitoring of the Recommendation in the long term, mobilising up-to-date, accurate and consistent data. This implies defining an appropriate scope for relevant data collection at Union and national level, with due attention to ensuring the comparability of the data selected as well as the continuity of data series in time, while at the same time keeping administrative burden low.
6. **There is a common understanding that improvements in data collection can be achieved without significant increases in administrative burden resulting from new reporting requirements for Member States.** In line with EMCO’s decision of September 2025 to monitor the implementation of the Recommendation through a restructured Social Dialogue Review to be held every two years from 2026 onwards, this Opinion proposes to make use of future reviews to also progressively strengthen the evidence base on social dialogue. This approach would enable the leveraging of existing quantitative information on collective bargaining coverage and trade union and employers’ organisation density, while also drawing the wealth of qualitative data already available on social dialogue and collective bargaining.

7. **In most cases, analysing and measuring progress in relation to the policy dimensions of the Recommendation is likely to be more effectively achieved through the use of qualitative indicators**, as the Recommendation encompasses various policy dimensions contributing to an enabling environment for social dialogue and collective bargaining which cannot all be measured quantitatively. Notably, the Recommendation:

- a) includes policy guidance aimed at guaranteeing the fundamental rights and freedoms necessary to enable social dialogue and collective bargaining, as well as to ensure the protection of workers, employers, their organisations and their representatives;
- b) reiterates the need to provide appropriate institutional support fostering meaningful social dialogue and the effective involvement of social partners in the design and implementation of relevant policies;
- c) enumerates principles applicable to key dimensions such as recognition and representativeness procedures, as well as conciliation, mediation or arbitration procedures;
- d) includes policy guidance on social partners' access to all relevant information for effective participation in collective bargaining, and to relevant support for capacity building;
- e) sets the objective of a higher level of effective collective bargaining coverage, based on enabling it at all appropriate levels while encouraging coordination between those levels;
- f) emphasises, in the current context of digital, green and demographic transitions, the importance of adapting the implementation of such policy principles to the new world of work.

OPTIMISATION OF EXISTING DATA SOURCES

8. **Data collection for the purposes of monitoring the Recommendation should ensure an optimal balance between the need for sufficient up-to-date information and the need to minimise any additional administrative burden.** With this in mind, the proposed policy levers may largely be documented based on the optimised use of existing data. Such optimisation could be guided by two principles. Firstly, existing data sources should be used where available to provide information on the policy levers, thereby avoiding the need for new data collection. Secondly, data already collected in the context of other reporting exercises should be used to the fullest extent relevant.
9. **The existing data sources deemed relevant for the purpose of monitoring the Recommendation include the databases listed in this paragraph. The table in annex provides a detailed mapping of the policy levers they cover.**
- a) The OECD/AIAS database on Institutional Characteristics of Trade Unions, Wage Setting, Intervention and Social Pacts (ICTWSS) is considered particularly relevant to assess the respect of freedom of association and collective bargaining, the level of institutional support to social dialogue, the quality of the frameworks enabling collective bargaining, and the collective bargaining coverage rates (policy levers A, E, J, K).
 - b) The ILO's Legal Database on Industrial Relations (IRLex) and Database of national labour, social security and related human rights legislation (NATLEX) provide relevant additional information. They complement the OECD/AIAS data for the points listed in the previous paragraph. Also, they allow assessing the guarantees of independence granted to social partners, their access to relevant information to participate in social dialogue, the recognition and representativeness determination procedures, the recognition of their role in social dialogue structures and processes, and the existence of systems enforcing collective agreements (policy levers A, B, C, E, G, H, I, J, L).

- c) Eurofound’s reports on the involvement of social partners in policy making, including in the European Semester, provides relevant data on institutional support measures, their application to EU policymaking and the existence of mechanisms of conciliation, mediation or arbitration (policy levers E, F, I).
- d) Resources available within the Commission include the social dialogue texts database, the indicators on ESF+ funding and data on social prerogative funding supporting social dialogue, providing information on the implementation of agreements concluded at EU level and on the use of EU funding to support social dialogue (policy lever N).

10. **Complementing the existing datasets listed in the previous paragraph should be done without setting up new burdensome reporting processes.** Member States, in consultation with their national social partners, are best placed to provide concise and informative descriptions of the relevant national frameworks, measures and mechanisms in place. The list of measures to be submitted by the Member States by 7 December 2025 on the implementation of the Recommendation, in application of its Paragraph 11, illustrates how such exchange of information can be organised in a flexible manner. Namely, it can be achieved by reusing information already made available in the context of other exercises. In particular, Member States may draw on the reporting processes stemming from the implementation of already existing EU instruments. Member States could also draw on reporting exercises and re-use contributions set up in other institutional contexts (e.g. OECD, ILO).
11. **Data sources provided by social partners, both at European and at national levels, should be used to their full potential.** This includes data shared in the context of consultations with the national authorities. At the European level, the information communicated by social partners on relevant policy measures related to the implementation of the Recommendation should also be considered by the Commission and EMCO in their respective roles.

IMPLEMENTATION OF AN EFFECTIVE EVIDENCE-BASED MONITORING

12. **An effective evidence-based monitoring of social dialogue and collective bargaining across the European Union should be based on the following principles:** an improvement of the comparability of existing data; an improvement of the quality of the existing recognised databases, including by contributing to the reinforcement of those maintained by the ILO and by the OECD; and a clearly structured Social Dialogue Review based on the Council Recommendation.
13. **Increasing data comparability is an important step towards quality analysis at European level.** The Commission could explore the possibility to work in close coordination with relevant EU agencies for that purpose. The Network for analysis and promotion of EU social dialogue, set up in January 2025 with Eurofound, could contribute to such analyses, delivering a useful contribution to EMCO's Social Dialogue Reviews. Eventually, the evaluation of the actions taken in response to the Recommendation, which is set to be prepared by the Commission, in cooperation with Member States and social partners, by 7 December 2029, would also benefit from such support. Review and evaluation exercises should always be based on up-to-date information.
14. **An even coverage of all Member States by the relevant ILO databases would represent a welcome progress.** This applies to NATLEX, the database of national labour, social security and related human rights legislation, and to IRLex, the legal database on industrial relations. Both constitute useful sources, available in comparable format. Considering that the IRLex database currently covers only 14 of the EU Member States, EMCO encourages Member States and the Commission to closely work with the ILO to explore solutions to increase its coverage to include all EU countries and ensure regular updates, focusing on the sections that bring added value to the monitoring of the Recommendation.

15. **EMCO encourages Member States and the Commission to closely work with the OECD to maintain, and, where relevant, to expand the OECD/AIAS relevant database, as new forms of worker participation emerge** (e.g. board membership, profit-sharing). This applies, namely, to the Institutional Characteristics of Trade Unions, Wage Setting, Intervention and Social Pacts (ICTWSS), which is a key data source on social dialogue. Core variables (e.g. collective bargaining coverage, trade union and employers' organisations density, as well as qualitative information on rights, social pacts and agreements, and collective bargaining levels and their coordination) are updated every two years, while a full update, including country profiles, occurs every four years. This format ensures stability and comparability for monitoring key dimensions of collective bargaining and social dialogue.
16. **Improved data collection will contribute to an optimised Social Dialogue Review. In line with Paragraph 14 of the Recommendation, EMCO, with the support of the Commission, is designing a restructured Review that also ensures appropriate monitoring of the Council Recommendation.** The aim is to ensure that country-specific challenges pertaining to social dialogue are more widely discussed within the EMCO multilateral surveillance activities in the context of the European Semester, combined with an in-depth monitoring of the provisions of the Recommendation, starting in 2026. The Review would allow identifying relevant policy gaps, progress, as well as good practices worth disseminating to improve social dialogue across the EU, following a streamlined and simplified process.

17. **In relation to the possible data collection improvements listed in the Annex, EMCO invites Member States - in close consultation with their national social partners - to take gradual steps to strengthen the evidence base on social dialogue, building on what is already available at national level.** Such improvements could be pursued progressively, starting with the information to be submitted by December 2025 to report on the implementation of the Council Recommendation, and continuing in the run-up to the Commission's evaluation in 2029. In this context, the Social Dialogue Reviews to be organised by the Committee in 2026 and 2028 will represent important milestones to take stock of the progress achieved and to facilitate the exchange of experiences among Member States in improving data collection at national level. Efforts should remain proportionate to the expected analytical benefits and should avoid creating unnecessary reporting burdens, ensuring that progress remains both meaningful and feasible.

18. Annex – Comprehensive table of policy levers, with detailed mapping of useful existing resources and recommended improvements of data collection

Policy lever	Provisions of the Recommendation	Assessment method Existing resources and recommended data collection improvements
<p>A) Nature of rules and mechanisms to guarantee the respect of freedom of association and of collective bargaining, i.e.:</p> <ul style="list-style-type: none"> - protecting workers, employers, social partner organisations members and representatives of both sides from any measure that may be harmful to them, including negative impact on their employment - guaranteeing the autonomy of social partners and the freedom of the negotiating parties to decide on the issues to be negotiated 	<p>(1) (a), (5) and (8) (b)</p>	<p><u>Use of existing sources:</u></p> <ul style="list-style-type: none"> - Level of protection of freedom of association and collective bargaining: use of OECD/AIAS database on Institutional Characteristics of Trade Unions, Wage Setting, Intervention and Social Pacts (ICTWSS) data (section A/rights). - Measures protecting workers, employers, their organisations and representatives: summary extraction of the ILO’s Legal Database on Industrial Relations (IRLex database) (section 3 dedicated to legislative protections). - Additional resource on national labour, social security and related human rights legislation: ILO’s database of national labour, social security and related human rights legislation (NATLEX). - Identification of possible alerts on restrictions of subjects covered by collective bargaining: extraction of variables 63/73 (workers) and 60/70 (employers) of ILO SDG Indicator 8.8.2 on freedom of association and the effective recognition of the right to collective bargaining.
<p>B) Nature of measures to guarantee the independence of trade unions and employers’ organisations, reinforce their capacities and promote their engagement in social dialogue</p>	<p>(1) (b), (c) and (e), and (10) (a), (b), (c), (d), (i)</p>	<p><u>Use of existing sources:</u></p> <ul style="list-style-type: none"> - Existing legal protection against acts of interference: summary extraction of IRLex data (section 3.2). <p><u>Recommended improvement of data collection:</u></p> <ul style="list-style-type: none"> - Member States, together with the national social partners, could provide a concise description of positive measures aiming at building and strengthening social partners’ capacities and independence, and reinforcing engagement in social dialogue on the part of all the parties. This can include funding, logistical support, the provision of training or of legal and technical expertise, support to

		representativeness/membership reinforcement (non-limitative). This data finding exercise is also a call for identification of best practices.
C) Existence of measures and channels to ensure the access of social partners to the relevant information necessary to participate in social dialogue and collective bargaining	(1) (d) and (3)	<p><u>Use of existing sources:</u></p> <ul style="list-style-type: none"> - Social partners' access to information at the workplace's level: summary extraction of IRLex database (section 5). <p><u>Recommended improvement of data collection:</u></p> <ul style="list-style-type: none"> - Member States, together with the national social partners, could provide a concise description of the information measures and channels that exist in the Member State.
D) Adaptation of the rules and measures listed under policy levers A to C to the digital age, the new world of work (including new and non-standard forms of work), fair and just demographic and green transitions, and gender equality and equal opportunities	(1) (f), (8) (a) and (10) (e) (f)	<p><u>No systematic/comparable existing sources</u></p> <p><u>Recommended improvement of data collection:</u></p> <ul style="list-style-type: none"> - Member States, together with the national social partners, could provide concise information on relevant adaptation of their rules and measures, aiming at making them fit for the dimensions listed in the policy lever. This can include promoting collective bargaining in contexts relevant to these dimensions, removing specific barriers to social dialogue and collective bargaining in such contexts, support to the adaptation of social partners' activities (non-limitative). This data finding exercise is also a call for identification of best practices that can prepare the ground for fruitful future exchange.
E) Existence of measures to provide appropriate institutional support for the purpose of fostering meaningful social dialogue, in particular mechanisms, set in the law or in the institutional practice, providing for the systematic, effective and timely involvement of social partners in the design and implementation of employment and social policies, as well as economic and other public policies	(1) (g) and (2)	<p><u>Use of existing sources:</u></p> <ul style="list-style-type: none"> - Core involvement mechanisms: extraction of IRLex (section 4) and OECD/ICTWSS (section "social pacts and agreements") data providing lists of documented mechanisms (with identification of their basis: constitutional, legal, or practice). Member States can provide complementary information. <p><u>Recommended improvement of data collection:</u></p> <ul style="list-style-type: none"> - Member States, together with the national social partners, could provide concise information on the systematic, effective and timely character of social partners' involvement.

<p>F) In application of the measures and mechanisms referred to in policy lever E, social partners are involved in a systematic, meaningful and timely manner in the context of the European Semester</p>	<p>(2)</p>	<p><u>Use of existing sources:</u></p> <ul style="list-style-type: none"> - Application of the above-mentioned mechanisms to the European Semester: use of Eurofound data (studies on ‘involvement of social partners in policymaking’ – link to the 2024 issue) allows to categorise Member States in the following categories: <p><u>*No:</u> National/ regional social partners are not involved in the European Semester process</p> <p><u>*Yes:</u> National/regional social partners are involved in the European Semester process by means of a by-default application of the mechanisms identified under the previous policy lever.</p> <p><u>*Yes (ad hoc):</u> Social partners are involved in the European Semester process by means of ad hoc mechanisms</p> <ul style="list-style-type: none"> - Member States, together with national social partners, may offer complementary concise information.
<p>G) In the context of granting the right to bargain collectively: existence of transparent recognition and representativeness determination procedures, based on objective pre-established criteria, established in consultation with trade unions and employers’ organisations.</p>	<p>(4) (a)</p>	<p><u>Use of existing sources:</u></p> <ul style="list-style-type: none"> - Identification and characterisation of relevant procedures: IRLex (sections 2.1.3 and 6.2.1/6.2.2 for criteria and legal basis) concise data extraction (criteria, procedures for definition and review, date of last review, consultation of social partners in the process). Member States can provide complementary information. - Section D of the ICTWSS database provides factual information on work councils and employee representation in the enterprise.

<p>H) Existence of rules to ensure that the specific role of social partners in social dialogue structures and processes is fully recognised and respected, notably a) without the positions of trade unions or their representatives being undermined in undertakings where elected worker representatives are present; and b) without confusion with other forms of dialogue involving a broader set of stakeholders.</p>	<p>(4) (b) and (c)</p>	<p><u>Use of existing sources:</u></p> <ul style="list-style-type: none"> - Limited relevant information is provided in the IRLex database (section 3; and section 6.4 covering trade union security), not specific to the abuses defined under the Recommendation’s provision 4. <p><u>Recommended improvement of data collection:</u></p> <ul style="list-style-type: none"> - Member States, together with the national social partners, could provide a concise description of the measures taken in application of provisions (4) (b) and (c) of the Recommendation (key applicable provisions, legal reference).
<p>I) Without prejudice of the right to access administrative and judicial procedures: existence and promotion of mechanisms established by social partners to resolve labour disputes such as conciliation, mediation or arbitration, with the agreement of both parties, aiming at facilitating negotiation and improving the application of collective agreements; and a mediation function that can be activated in case of conflict between trade unions and employers’ organisations.</p>	<p>(6)</p>	<p><u>Use of existing sources:</u></p> <ul style="list-style-type: none"> - Description of existing conciliation, mediation and arbitration mechanisms: IRLex (sections 7.1 and 7.2) concise data extraction - Examples of useful national practices: Eurofound (2022) “Collective labour disputes in the EU” (2022) <p><u>Recommended improvement of data collection:</u></p> <ul style="list-style-type: none"> - Member States, together with the national social partners, could provide complementary information or updates on the establishment and use of conciliation, mediation and arbitration mechanisms applied to the negotiation and application of collective agreements, and to cases of conflict.
<p>J) Existence of a legal and/or policy framework aiming at enabling collective bargaining at cross-sectoral, sectoral and company levels, including policies and/or</p>	<p>(7)</p>	<p><u>Use of existing sources:</u></p> <ul style="list-style-type: none"> - Collective bargaining levels and their coordination: use of OECS/ICTWSS data (section B “Wage Setting”/subsection “Centralisation and organisation of multi-level bargaining”) – this is specific to wage setting but can be used as a proxy/indicator. The variables in section B also allow to monitor the

measures aiming at coordination across those levels.		<p>development of collective bargaining at all levels and encourage coordination between and across those levels.</p> <ul style="list-style-type: none"> - Complementary information on legal effects of collective agreements and extension: summary extraction of sections 6.3 and 6.9 or IRLex database. <p><u>Recommended improvement of data collection:</u></p> <ul style="list-style-type: none"> - Member States, together with the national social partners, could provide complementary information on enabling measures where they deem it justified.
K) National collective bargaining coverage rate (Quantitative indicator).	(8)	<p><u>Use of existing sources:</u></p> <ul style="list-style-type: none"> - Collective bargaining coverage rate, trade union density and employers' organisation density: OECD/ICTWSS data (sections: employer organisations, trade union membership and union density, collective bargaining coverage). <p><u>Recommended improvements of data collection:</u></p> <ul style="list-style-type: none"> - Member States, together with the national social partners, could provide examples of collective bargaining coverage in the case of self-employed workers and/or platform workers.
L) Existence of a set of measures and/or policies covering a system of enforcement of collective agreements depending on national law or practice, including, where appropriate, inspections and sanctions.	(8) (c)	<p><u>Use of existing sources:</u></p> <ul style="list-style-type: none"> - Legal framework applicable to collective agreements' observance/compliance coverage: IRLex database, sections 6.6 and 6.8. <p><u>Recommended improvements of data collection:</u></p> <ul style="list-style-type: none"> - Member States, together with the national social partners, could provide complementary information on measures regulating the enforcement of collective agreements (including existence of inspections and sanctions).

<p>M) Existence of measures, including publication and communication measures as well as repositories, aiming at sharing and promoting the outcomes and the added value of social dialogue and collective bargaining.</p>	<p>(9)</p>	<p><u>No systematic/comparable existing sources</u></p> <p><u>Recommended improvement of data collection:</u></p> <ul style="list-style-type: none"> - Measures taken to promote the benefits and value added of social dialogue and collective bargaining: Member States to provide concise information; and on the existence of repositories and other ways to publish/make collective agreements accessible.
<p>N) Existence of measures and actions aiming at optimising the integration of the European level in effective social dialogue and collective bargaining, including by a) facilitating collaboration between national and European level social partners; b) providing support to the implementation of social partners' agreements concluded at Union level; and c) making the best use of Union funding and encouraging social partners to use existing Union funding.</p>	<p>(10) (g) (h) (i)</p>	<p><u>Use of existing sources:</u></p> <ul style="list-style-type: none"> - Implementation of EU level social partners' agreements: reports to (sectoral) social dialogue committees on the implementation of autonomous agreements (available through the social dialogue texts database of the European Commission). - Use of Union funding: existing data collected by the Commission on targeted ESF+ and TSI funding as well as social prerogative funding in support to social dialogue. <p><u>Recommended improvement of data collection:</u></p> <ul style="list-style-type: none"> - Collaboration with EU level social partners: Member States, together with the national social partners, could provide concise explanation on any relevant targeted measures. - Implementation of EU level social partners' agreements: Member States, together with the national social partners, could provide complementary concise explanation on support measures, where relevant. - Use of Union funding: Member States, together with the national social partners, could consider providing information on measures encouraging to use Union funding.