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THE EUROPEAN FRAMEWORK AGREEMENT ON DIGITALISATION: CHALLENGES AND PRIORITIES DURING ITS IMPLEMENTATION

Leonardo Battista *

Abstract

Digital transformation of work is an unstoppable phenomenon, and a “multifaceted topic”. Platform and remote work and data manipulation are only aspects of the whole picture, creating new challenges for public stakeholders. The more the world of work changes, the more industrial relations are stimulated to cope with it. With this aim, European social partners have responded to the impact of digitalization on the labour market, with the adoption of the “European framework agreement on digitalization” (EFAD). The

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essay aims at understanding and analysing the implementation of such act at national level, looking for different patterns of interventions, threats and opportunities.

Keyword: European Social Partners, Social Dialogue, Digitalisation, Artificial Intelligence, Implementation, Skills,

1. Preliminary remarks

The relentless progression of technology has the power to generate irreversible changes in various aspects of people's lives. As new technologies and devices continue to shape our routines and behaviours, the digitalisation process is increasingly influencing the world of work. The advent of mobile communications, the ability to work remotely and at any time, and the growth of the gig economy have brought about numerous benefits for employers, workers, and jobseekers, particularly in terms of job opportunities.

However, alongside these advantages, the "digital transition" also presents risks and challenges for any player in the world of work.¹ Concerns such as the potential obsolescence of certain job roles, the implications for worker's dignity and privacy arising from the use of technology and artificial intelligence in employment relationships, data manipulation, the impact on work-life balance for remote workers and the unknown challenges coming from the Metaverse² are among the worrisome aspects associated with digitalisation and technologies.

As the world of work undergoes continuous change, industrial relations are increasingly stimulated to respond and adapt. In this dynamic context, the involvement of social partners can prove to be beneficial for both workers and employers, providing positive support during the digital transition and facilitating the successful integration of digital technologies while mitigating potential consequences.

To address the challenges arising from this ongoing transformation of work, the European social partners have taken action by adopting the "European Framework Agreement on Digitalisation" (hereinafter referred as EFAD).³ This agreement tackles an issue that has been on the legislative and political agenda since 2000. The EFAD concluded on the 22 of June 2020 is intended to serve as the foundation for joint activities aimed at adapting to the rapid evolution brought about by

¹ Among the others, please consider the essays published in E. MENEGATTI (eds.), *Law, Technology and Labour*, Bologna, Italian Labour Law e-Studies, 2023, 1-274, <https://illej.unibo.it/pages/estudies>.

² A deep analysis of the Metaverse has been published in a thematic issue of the *Italian Labour Law e-Journal*, <https://illej.unibo.it/issue/view/1191>. See M. BIASI, *Guest Editorial. The Labour Side of the Metaverse*, in *Italian Labour Law e-Journal*, Vol. 16, 1, 2023, I-X; D. MANGAN, M. NOGUEIRA GUASTAVINO, *The metaverse matrix of labour law*, in *Italian Labour Law e-Journal*, Vol. 16, 1, 2023, 13-27.

³ For a deep evaluation of the coexistence of the European Framework Agreement on Digitalisation please refer to I. SENATORI, *The European Framework Agreement on Digitalisation: a Whiter Shade of Pale*, in *Italian Labour Law e-Journal*, 2, Vol. 13, 2020, 159-175; L. BATTISTA, *The European Framework Agreement on Digitalisation: a tough coexistence within the EU mosaic of actions*, in *Italian Labour Law e-Journal*, 1, Vol. 14, 2021, 105-121; A. ROTA, *Sull'Accordo Quadro europeo in tema di digitalizzazione del lavoro*, in *Labour & LawIssues*, 2, Vol. 6, C.23-C.48; M. PERUZZI, *Il dialogo sociale europeo di fronte alle sfide della digitalizzazione*, in *Diritto delle Relazioni Industriali*, 4, 2020, 1213-1219.

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digitalisation and automation of work in the context of industrial relations. As will be deeply analysed in the following paragraph, the EFAD is an autonomous cross-industry agreement established under Article 155 of the Treaty on the Functioning of the European Union (TFEU). It does not originate from a legislative initiative by the European Commission or by the European Parliament and does not require any implementation by the Council. Instead, it has the “the purpose of being an agenda to guide national social partners in the field of digital transformation of work”.⁴

With this aim, the EFAD should play a dual role. Firstly, it should intercept the challenges driven by the digital transition and transformation of work and, secondly, it should “lift the regulatory floor” by translating these innovations into concrete actions. Both objectives are pursued through the involvement of social partners, regardless of bargaining level, in the design and implementation phases of digital technologies in the workplace.

Since its adoption, the EFAD has been actively recalled by European Social Partners in their political agenda, even if the Covid-19 pandemic has undoubtedly delayed its results during the first two year of the entire process. In fact, the EFAD envisions has a three-year process addressed at the introduction of guidelines for national social partners who should be able to negotiate and introduce measures that can adapt their industrial relations environment to digitalisation-induced innovation. Due to this three-year span the EFAD provides an implementation process, named “Implementation and Follow-up”, in which is clearly stated that the agreement “should encourage the adoption of measures that are sustainable and that their effectiveness is valued by the social partners at the appropriate level”. A process that is still pending while the first results can be already reported.

The essay will briefly contextualize the adoption of the EFAD and its objectives devoting a relevant attention to the implementation process. This process will be studied through the reports issued by national trade unions and employers’ associations during 2021 and 2022, looking at the actions undertaken in the framework of EFAD and the problems already noticed by these national actors.

2. The European Framework Agreement on Digitalisation: from its adoption to its implementation

As already anticipated, the European Framework Agreement of Digitalisation, known as EFAD, is an autonomous cross-industry agreement concluded under Article 155 TFEU by the European Trade Union Confederation (ETUC) on behalf of workers and BusinessEurope, CEEP (now SGI Europe) and SMEunited for employers. Due to its autonomous nature, with no institutional intervention or political consultation at any EU level, it could be classified as a Self-Initiated and Self-Implemented Collective Agreement” (Sisica). Such classification, according to Smismans’ studies, stems from the design autonomy of the involved parties and the absence of any legislative intervention by the European Union.⁵ In fact, the EFAD is a pure social dialogue’s output. At the same time, the absence of any EU institutions is relevant with regards to the implementation of the Agreement at national level.

⁴ L. BATTISTA, nt. (3), 106.

⁵ The Sisica acronym derives from the Smismans’ studies about the different social dialogue’s outputs, with or without the institutional intervention. The four possible combinations proposed by Smismans could be classified as follows: Cococa (Commission-initiated and Council-implemented collective agreements), Sicoca (Self-initiated and Council-implemented collective agreements), Cosica (Commission-initiated and Self-implemented collective agreements), Sisica (Self-Initiated and Self-Implemented Collective Agreements). See S. SMISMANS, *The European Social Dialogue in the Shadow of Hierarchy*, in *Journal of Public Policy*, 28, 2008, 161.

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In order to fully understand the impact of the EFAD on the national social partners we should devote attention to the relevant contents and monitoring procedures provided by the agreement.

For what concerns its contents, the primary aim of the agreement is to facilitate a seamless and positive integration of digital technologies into the workplace while also mitigating potential risks for both workers and employers. To achieve these intertwined objectives, the European Social Partners have established a methodological approach that is based on the collaboration between workers and enterprises. This approach involves assessing the effects of digitalisation on various aspects of work organization such as work content skills, working conditions related to the employment contract and work-life balance, work relations and environmental working conditions with a direct reference to health and safety provisions. In order to rationalize the possible effects of digitalisation on the different aspects of work organization, the European Social Partners classified four relevant challenges that are seen as the nucleus of the EFAD and deserve to be rapidly intercepted. The challenges are quite generic and well-known from a labour law perspective due to their disruptive effects⁶ that the ongoing phenomenon of digitalisation can have on the world of work. They have been named as such: “Digital skills and securing employment”, “Modalities of connecting and disconnecting”, “Artificial intelligence (AI) and guaranteeing the human in control principle”, “Respect of human dignity and surveillance”. The first challenge deals with the impact of digitalisation with reference to the ongoing obsolescence of some traditional jobs, processes or skills, while the second issue refers to the modalities of connecting and disconnecting of workers during their working activity. The third challenge covers the famous and still undiscovered topic of Artificial Intelligence (AI) and the need to guarantee and safeguard the “human in control principle”, namely the human supervision and choice on how and whether delegate decisions to an automated system. A challenge that is the most futuristic one and also the one in which the collaboration between management and trade unions is still embryonal. The last challenge highlighted by the EFAD refers to the needed attention devoted to the respect of human dignity and the transparent manipulation of workers’ data through automated control mechanisms and technological devices capable of collecting data.

All of these issues and challenges are accompanied by a series of suggested guidelines or measures to be considered by national social partners for the implementation at the appropriate level without being obliged to uniquely adopt them and supporting any proposal directly stemming from them. In fact, a relevant part of the agreement is devoted to the “*Implementation and Follow-up*” of the proposal directly proposed and adopted by the national social partners. In this vein, the approach of the EFAD is meant to encourage the adoption of actions that are sustainable and appropriate, and its implementation should be seen as a “blueprint for negotiation”,⁷ adapting their industrial relation system and culture to the ongoing challenges brought by digitalisation and guiding national social partners towards this aim rather than setting common rules of general application.

This process of implementation, control and evaluation of measures and actions starts from a necessary joint study of the already mentioned four issues and challenges related to the digitalisation, gathering the data and information deriving from workers’ representatives and management. Such joint study will report different results depending on the maturity of industrial relations system in the Country and the willingness of the parties towards a tangible adoption of effective measures. It is clear that any obstructive behaviour by one of the parties involved will reduce the possibility of any effective intervention in this field.

⁶ L. BATTISTA, nt. (3), 110-114. In this essay, the Author analyzed the four challenges in terms of disruptiveness.

⁷ ETUC, *Right to disconnect – Joint ETUC/ETUFs Letter to the Members of the European Parliament*, <https://www.etuc.org/en/document/right-disconnect-joint-etucetufs-letter-memb-ers-european-parliament>.

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As second step of this process and thanks to this embryonal joint study, the EFAD requests to national social partners a mapping activity of risks/opportunities driven by the transformation of work with the final aim of adopting tailored strategies and measures at the appropriate level: company, local or national level. This step is clearly the most impacting one as it requests a prior steered and controlled test of the adoptable actions, the evaluation of the necessary economic resources to finance such measures and the responsibilities for the possible positive or negative consequences.

Such process is accompanied by a continuous monitoring, from both parties, that could grant a possible intervention to modify some adopted measures, or, as a follow-up to the effectiveness of the actions.

3. *The implementation model: threat and opportunities*

Since its conclusion, the EFAD has been seen as a three-years programme with a circular process in which the worker's representatives could engage the management and, thanks to proper trainings and information, influence the decision-making process related to the digital transition. This process, already anticipated in the previous paragraph, is accompanied by a regular monitoring based on reports provided by the national social partners. Such monitoring has been programmed on the basis of a report per year during the duration of the EFAD sent by the member organizations of the European Social Partners to the Social Dialogue Committee, composed by ETUC, BusinessEurope, SGI Europe and SMEunited.

Every year, the "Social Dialogue Committee will prepare and adopt a yearly table summarizing the ongoing implementation of the agreement"⁸ and a final comprehensive report on the implementation actions is expected during the fourth year from the adoption of the EFAD in 2024. In fact, as reported by ETUC in the "Interpretation Guide" for the EFAD, the final deadline for the implementation is on the 22 June 2023 and concretely, "the reporting system entails the provision and adoption of a yearly overview on the implementation process to the Social Dialogue Committee in 2021, 2022 and 2023".⁹

During the first two years of the project, the Social Dialogue Committee published two reports, namely the 1st and 2nd Joint report, while the third report is still pending. As described in the agreement, the report is a quite long chart reporting the EU27 Countries with the description of the results and initiative undertaken by the national social partners.

According to the already mentioned Interpretation Guide, "the implementation of the autonomous agreement is thus binding for all member organizations of the signatory parties",¹⁰ meaning that the national organization associated to the supranational social partners are obliged to report any intervention, action or adopted measure within the framework of the EFAD.

Scrolling both implementation reports, it is visible that this binding provision is disappplied by several Countries and it is clearly a threat to the effective implementation of the EFAD. Among the noncompliant Countries we can observe France, Italy, Slovenia, Slovakia and Lithuania for both reports, while Germany and Sweden deposited only the first one. This absence, all the more so that concerns relevant EU Countries with a long-lasting industrial relations tradition such as France, Italy and Germany, is probably the first failure of the EFAD. It is undeniable that the agreement

⁸ *European Framework Agreement on Digitalisation*, 2020, 13, https://www.etuc.org/system/files/document/file2020-06/Final%2022%2006%2020_Agreement%20on%20Digitalisation%202020.pdf.

⁹ ETUC, *European Social Partners Framework Agreement on Digitalisation Interpretation Guide*, 2022, 29.

¹⁰ *Ibid.*

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could have an emulative effect over the different national social partners with the possible adoption of actions and measures who have been effective in another Country. So, the absence of such relevant experiences could deny this aim.

It is still unknown if in the third report the noncompliant Countries will provide their experiences or it will be a matter of the final report, however this is a crucial point that should be assessed and solved at the supranational level by the Social Dialogue Committee.

A partial overview of the actions and measures proposed by noncompliant Countries could be indirectly observed from the reports of other national social partners which are involved in collaboration and partnership with the absent ones. For example, thanks to the Polish report we are aware of the participation of CISL, one of the most important Italian trade unions, in a European based project proposed by NSZZ Solidarnosc for the development of national action plans for the implementation of the right to disconnect, as prescribed as a relevant challenge by the EFAD in its Chapter 2.¹¹ Similarly, other interconnections among social partners belonging to unreported Countries could be easily assessed by other national reports. Even if this could be a possible solution to understand the development of actions in these Countries, it is undeniable that the absence of such relevant Countries is a symptom/threat that needs to be investigated by European Social Partners.

On the contrary, some positive aspects could be underlined from the first two implementation reports.

Firstly, the 1st report is really interesting for the attention paid by national social partners in the evaluation of the current actions already undertaken by the Legislator or through the collective bargaining in their Countries. This starting point is tremendously useful to assess the measures already in place and the possible gaps to deal with during the three-years process. This is the case of the Austrian report, where the national social partners provided an overview of the recent Home-office legislation and the negotiations between the Austrian social partners and the Government. At the same time, the Czech report stressed the fact that during the first year of implementation the efforts of the involved parties have been focused on the “awareness raising among the employers and trade unions’ organization themselves, setting scene for a bipartite cooperation and ensuring complementarity and synergy with the already existing initiatives, platforms and tools”.¹² Such behaviors is totally compliant with the first step of the joint dynamic process provided by the EFAD, in which the national social partners should start from a study and analysis of the issues related to the digitalisation with a view to their internal labour market. Secondly, this mapping activity has been developed in the 2nd report showing the measures put in practice or proposed for the 2022/2023.

Among them we observe the actions proposed on the basis of a collaboration among workers’ representatives and employers’ associations, those singularly undertaken from one of the

¹¹ The partnership is led by NSZZ Solidarnosc with the participation of CISL (Italy), InStrat Foundation (Poland), BLOCUL (Romania), Confederation Lewiatan (Poland), ETUC, LPS Solidarumas (Lithuania), KSS (North Macedonia), LDK (Lithuania) and OEM (North Macedonia). The aim of the project funded by the European Commission No. 101051759 is to initiate the debate on the right to disconnect in order to strengthen the social dialogue and to create a training module based on the advantages and disadvantages of remote working among social partners at company level. For more information please visit: <https://www.centrostudi.cisl.it/progetti-europei/731-101051759-initia-ting-of-activities-to-implement-the-european-social-partners-framework-agreement-on-digitalisation-efad.html>.

¹² Implementation of the ETUC, BusinessEurope, SMEunited and SGI Europe, Framework agreement on Digitalisation. 1st joint report, 2021, 9.

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participating entities, the tripartite initiative with the Government or the transnational partnership with social partners belonging to other EU Countries.

This way of presenting the adopted measures gives the possibility to design a framework (*infra*) in which the different actions could be classified and divided in four patterns of intervention. This is crucial in understanding the different sensibilities shown in every EU Country, looking at the collaboration within the national industrial relation system and the possible dialogue with public authorities. Alongside with this aim, the framework offers the chance to define the relevant and pivotal topics/challenges intercepted at national level showing the importance of them on top of other issues. In fact, thanks to this classification we can observe that the majority of the initiatives promotes actions on Digital Skills concerning the up-skilling and reskilling of workers, the right to disconnect and an embryonal attention to the impact of the Artificial Intelligence in the workplace.

4. Four different patterns of intervention

The initiatives already reported in the implementation documents can be divided into four different patterns of intervention, as could be seen graphically.

As briefly anticipated in the previous paragraph, they are characterized by the presence of a third party such as the Government or the collaboration between national social partners and, in some cases, with social partners belonging to other European Countries.

Alongside with these initiatives, it is impossible to not mention the actions and projects individually launched by employer's association or trade unions aimed at improving the understanding of the phenomenon among the members of their organizations or externally.

One of the relevant points of discussion of this framework of actions regards the fact that it is impossible to assess which initiative, collaboration or set of actions is suitable to achieve the targets posed by the EFAD, neither this is the willingness of the essay. Each of the reported initiatives has its own positive aspects and depends on the industrial relations context or the power of the

Pattern 1 AT, BE, NL, PL, CK, IE, DE, SE, DE, CY, EE, LI, LV, FI, HE	Pattern 2 DE, NL, AT, BE, NL, PL, CK, EE, LV, LI, IE, LU, PT
Pattern 3 DE, BG, PL, IE, MT, PT	Pattern 4 IE, RO, IT, PL, BG

involved parties. It does not mean that there are actions which are not structured or could be easily replicated in other contexts, but due to the fact that the process is still pending it could be a mistake to rush to granitic conclusions.

4.1. Partnership at national level among trade unions and employers' associations

The first pattern of intervention is devoted to the translation, at national level, of the collaboration among European Social Partners. In fact, in line with the spirit that accompanied the adoption of the EFAD, a collaborative environment at national level is needed to deal with the ongoing digitalisation. As stressed by the EFAD itself, "a shared commitment is needed on the part of employers, workers

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and their representatives to make the most of the opportunities and deal with the challenges in a partnership approach, whilst respecting the different roles of those involved”.¹³ In fact, the EFAD mainly aims at encouraging “a partnership approach between employers, workers and their representatives”¹⁴ thus it is clear that among the different action undertaken in EU27 there is a high percentage of shared initiatives.

Among the different initiatives reported in both Implementation Reports, it is possible to find different initiatives and targets, expressing the multifaceted dimension of the digitalisation in the world of work and the different national sensibilities. For example, in Austria there was a relevant initiative devoted to the analysis of the effects of the Artificial Intelligence at the workplace, through the project “AI for good project – Platform Industrie 4.0”. In this context, the national social partners published a guideline entitled “AI for good – human focused use of AI”. Published in November 2021, the guidelines are based on the thesis that “the consideration of human focused factors makes AI systems more successful”.¹⁵ According to such thesis, it is possible to improve user acceptance factors at the workplace and to promote the effectiveness of these innovative machine learning tools and the respect of the manipulation of data and human dignity.¹⁶ Such action is in line with one of the relevant challenges and issues presented in the EFAD, namely the one related to Artificial Intelligence.

Similarly, Danish national social partners have been involved into a sectorial mapping of labour market trends, mainly those related to digitalisation, and the analysis of new digital needs of companies and workers. Such collaboration has been formalized and regulated at company level by Cooperation Agreements establishing Cooperation Committees at the workplace. The duties prescribed to these Committees are “very similar to the processes described in the European Framework Agreement on Digitalisation”.¹⁷ This practice is very interesting because it gives a pivotal role to local, territorial and company level representatives.

Dutch social partners, on the other hand, worked directly on the regulation of digitalisation-related issues both at a centralized and decentralized level. They monitored the common responses to digitalisation and innovation while promoting tailored actions through sectorial collective bargaining. Among them, it is interesting to highlight the dialogue promoted by the different parties involved in the metals sector that has been translated into the “Strategic Agenda for the Metalektro 2022-2027”.¹⁸ According to this Agenda – namely an annex to the Collective agreement concluded in 2021 – the digitalisation is relevant into the relationship among employers and employees and a sector, such as the metal one, cannot neglect the mutual interest of the parties into its analysis. A collaboration that is highlighted into the already mentioned agenda through the statement that the Dutch social partners should “approach the future in a spirit of partnership rather than confrontation”,¹⁹ adapting their collective actions to the ongoing phenomenon and accelerating the digital transition at the workplace.

¹³ *European Framework Agreement on Digitalisation*, 2020, 3.

¹⁴ *Ibid.*, 4.

¹⁵ Implementation of the ETUC, BusinessEurope, SMEUnited and SGI Europe, Framework agreement on Digitalisation. 2nd joint report, 2022, 3.

¹⁶ https://plattformindustrie40.at/wp-content/uploads/2021/11/AI-for-GOOD-Leitfaden_Plattform-Industrie-40.pdf.

¹⁷ Implementation of the ETUC, BusinessEurope, SMEUnited and SGI Europe, Framework agreement on Digitalisation. 1st joint report, 2021, 12.

¹⁸ <https://caometalektro.nl/app/uploads/2022/03/Strategic-Agenda.pdf>.

¹⁹ *Ibid.*

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In fact, the metalworking industry, through the collective agreement, dedicated several funds for trainings programs that focuses specifically on the development of digital skills,²⁰ even via online platforms or providing a “skills passport” to encourage employees to strengthen their technological competencies.²¹

As seen, the well-known paradigm “different action for different context” is tremendously relevant in this situation. All of the highlighted experiences showed the necessity to promote initiatives directly tailored on the specific industrial relations context and to the domestic labour market. A paradigm that will be transversal to every proposed pattern.

4.2. Tripartite initiatives with the involvement of public authorities

Alongside with the initiatives stemming from the collective bargaining, there are other actions that could produce results in the medium/long-run to manage the ongoing digitalisation. These actions derive from the involvement of public authorities in collaboration with the industrial relations players. Due to the participation of the Government or other public entities, these tripartite initiatives have a different relevance in terms of obligations for the involved parties and to the possible achieved results. In fact, the presence of the Government can create a relevant expectation on results and on the translation of the willingness into effective actions.

This is the case of the Spanish initiatives, namely the Digital Skills Training Plan, adopted by the Spanish Government with the Real Decreto No. 1104/2020. Such plan, based on a 4-years training program, aims at training at least 125.000 workers in digital competencies, independently from the sector. Digital competencies are seen as a tool to grant an impulse to the economic and social growth of the Spanish labour market. An objective in line with another action undertaken by the Spanish Government, namely the Agenda España Digital 2025. A pivotal role is offered to employers’ associations and trade unions in order to gather the needs of companies and workforce. Such collaboration is based on fundings granted by the Government to CEOE, CEPYME and UGT as stressed by the Article 1 of the Real Decreto No. 1104/2020 with a minimum target of workers involved in the program.²²

A similar project can be found in Bulgaria based on training funded by the Government, through national resources or European funds, and offered directly by trade unions and employers’ association (CITUB and BIA). The project “Development of digital skills” is a 2-years project promoted by social partners and the Bulgarian Ministry of Labour. Such joint initiative is funded by European Social Funds (ESF). As reported by Bulgarian social partners in their report, “the project aims to develop, test and validate unified profiles of digital skills of the workforce in Bulgaria for key professions” while “identifying the specific levels of digital skills of the workforce on a sectoral level, the concrete deficits and supporting the acquisition of digital skills, required for the implementation of daily work tasks”.²³ A project that is totally in line with the actions expected by the EFAD.

The reported initiatives confirm the role played by public authorities in granting a possible result to social partners actions thanks to the possibility to finance such measures or to create a legal

²⁰ Implementation of the ETUC, BusinessEurope, SMEUnited and SGI Europe, Framework agreement on Digitalisation. 2nd joint report, 2022, 51.

²¹ <https://caometalektro.nl/app/uploads/2022/03/Strategic-Agenda.pdf>, 14.

²² The involved parties: Confederación Española de Organizaciones Empresariales (CEOE), Confederación Española de la Pequeña y Mediana Empresa (CEPYME) and Unión General de Trabajadores (UGT).

²³ Implementation of the ETUC, BusinessEurope, SMEUnited and SGI Europe, Framework agreement on Digitalisation. 2nd joint report, 2022, 17.

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framework in which they can be easily achieved. The role of Government, for example, is not undeniable in terms of the creation of a positive legal environment that could strengthen the actions undertaken by social partners or could accompany them with reforms or social contributions/fiscal exemptions for companies involved in digital-mediated actions.

4.3. Individual initiatives

Alongside with joint initiatives, many social partners dedicated their attention to promote individual actions tailored on the needs of their members. This is the case of employers' associations involved in granting programs and projects dedicated to companies interested in improving their relationships with digitalisation and innovation. On the other side, trade unions were involved in training their representatives to assist employees and TU members in adapting to digitalisation and managing technological processes.

One the initiatives belonging to the first example comes from Malta, that even being a relatively small labour market, it's tremendously involved in catching up with digitalisation. The Malta Chamber of Commerce, Enterprise and Industry, known as TMC, promoted a policy guideline on the right to disconnect, in order to stress the need for employers to adapt internal procedure to better manage remote work and the disconnection issue. An operation clearly driven by the pandemic but interesting in order to create possible scenario and economic context for "south working" experiences.²⁴ The aim of the TMC regards the importance for the companies and the employers to avoid any misuse of such modality of work. The guidelines outline the responsibilities of employers and workers in the application of remote work while creating more awareness on the topic related to connection and disconnection.²⁵

Among other activities, FNV Academy, a Dutch trade union, devoted attention to the digitalisation through an e-learning module offered to its trade union officials. This is in line with the Digital Skills issue launched by EFAD and with the cascading effects over trade unions members through the training offered to their representative. Such training scheme is one of the most effective in highly unionized context, where the number of members to train it so high that it is easier to improve competencies of representatives and waiting for the dissemination of their knowledge.²⁶

Another kind of initiative, not addressed to the members of the association, can be found in Ireland where the Irish Confederation Trade Union (ICTU) decided to issue recommendations to Irish Government for Ireland's National Reform Program 2022 within the NRP 2022 framework. The recommendations identified the digital transition as one of the major challenges that need to be addressed in the National Resilience Plan. According to ICTU, Ireland has "historically low levels of revenue and public expenditure compared to most other high-income European countries, increasing digitalisation, AI and automation at work, and a growing and ageing population".²⁷

²⁴ For an overview of the phenomenon please refer to A. ALOISI, L. CORAZZA, 'South working': the future of remote work, in *Social Europe*, 2nd May 2022, <https://www.socialeurope.eu/south-working-the-future-of-remote-work>.

²⁵ <https://www.maltachamber.org.mt/social-partners-discuss-the-right-to-disconnect-based-on-a-collaborative-working-culture/>. For other information related to the role of social partners in the context of remote work in Malta please refer to L. A. FIORINI, S. RIZZO, *Industrial relations and social dialogue. Malta: Working life in the COVID-19 pandemic 2021*, Eurofound, 2022.

²⁶ Implementation of the ETUC, BusinessEurope, SMEUnited and SGI Europe, Framework agreement on Digitalisation. 2nd joint report, 2022, 51.

²⁷ ICTU, The European Semester process and the development of Ireland's National Reform Programme 2022, February 2022, point 6, 2. For more information please refer to:

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Looking at the effective proposal, ICTU asked for the introduction of ambitious training strategy linked to the NRP 2022 funds.

The different experiences here reported show a mixture of intervention, from the creation of ad hoc trainings for members to a dialogue opened up with public authorities on the needs of the labour market. Every choice/action/measure should be seen into the context in which it is adopted or related to the initiatives already undertaken by national social partners individually.

4.4. Joint projects with trade unions or employers' association from other EU Countries

Lastly, the adoption of the EFAD relaunched a European collaboration among national social partners on the transversal topics that are threatening their labour market. By exploiting EU funds or their economic resources, many international projects have been promoted with the participation of many social partners from different EU Countries regardless from the involvement of the European social partners. The relevance of such projects can be found in the possible exchange of competencies among the involved parties and a positive emulation effect for those who are less advanced in managing the phenomenon of digitalisation.

Among them, there are two important projects aimed at intercepting the technological innovation and at translating it into positive opportunities for workers, employers and the entire labour market. One refers to the TransFormWork project, also known as “Social partners together for digital transformation of the world of work. New dimensions of social dialogue deriving from the Autonomous Framework Agreement on Digitalisation”.²⁸ The project promoted by Malta Business Bureau, Confederation of Independent Trade Unions in Bulgaria, Bulgarian Industrial Association (BIA), Estonian Employers' Confederation (ETKL), Malta Chamber TMC, Cyprus Workers' Confederation (SEK) and Cyprus Employers & Industrialists Federation (OEB) has been funded by the European Commission and aims at adopting measures in the framework of the EFAD. In fact, the first action related to the project is to “study the national context, existing strategies and methodologies related to the implementation of the European Social Partners' Framework Agreement on Digitalisation, the challenges faced by social dialogue deriving from the digital transformation of the world of work, the new opportunities presented by digitalisation”.²⁹ Secondly, the involved parties should exchange their experiences and good practice, cataloguing them and raising “awareness of the European autonomous social dialogue outcomes and improve understanding of employers, workers and their representatives of the opportunities and challenges in the world of work resulting from the digital transformation”.³⁰ The project already presented several products and a final report has been recently published in which the parties shared the thesis that “with the right strategies, digitalisation can lead to employment growth and job preservation”,³¹ limiting in a certain sense the old paradigm that sees the innovation as the reason for job losses. One of the most important results regards the creation of ad hoc recommendations for each participating Country based on the relevant actions already in place in their industrial context and related to the possible measures at supranational level.³²

<https://ictu.ie/sites/default/files/publications/2022/The%20European%20Semester%202022%20and%20the%20National%20Reform%20Programme%20Feb%202022.pdf>.

²⁸ TransFormWork VS/2021/0014, <https://transformwork.eu/>.

²⁹ *Ibid.*

³⁰ *Ibid.* A similar view can be found in <https://transformwork.eu/wp-content/uploads/2023/02/en-vs01.pdf>.

³¹ *Ibid.*, 4.

³² *Ibid.*, 77-79.

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Similarly, another project with the same aim has been launched by NSZZ Solidarność, a Polish Trade Union, with the participation of social partners from Lithuania, North Macedonia, Romania and Italy (CISL). The project “Initiating Activities to Implement the European Social Partners Framework Agreement on Digitalisation”³³ aims at increasing the synergy of actions of the different partners involved with the implementation of measures related to each challenge of the EFAD. Among the different targets, the right to disconnect is probably the one on which there is the highest degree of attention with the launch of a public debate and the expected creation of national action plans for the implementation of ad hoc initiatives. In the project we can observe the already mentioned cascading effect expected from the training of at least 100 representatives from the social partners organizations.³⁴

As visible in both reported projects, the presence of Eastern European Countries describes their constant involvement in translating the requests raised by the EFAD into concrete actions to improve their labour market. Probably such involvement is linked to the low level of digitalisation of their labour market and to the possibility to improve their industrial relations systems while collaborating with more unionized Countries.

5. Final remarks

Despite its adoption in 2020, the EFAD’s implementation is still in progress. Various issues persist, whether related to the agreement’s nature (as in the case of Sisica) or to the European Social Partners’ intention to provide merely guidelines for national stakeholders. Both of these characteristics could be perceived as potential risks. However, on the flip side, the agreement’s autonomous nature and the latitude afforded to national social partners offer greater flexibility for tailoring actions to the unique industrial and economic context of each respective country.

This is evident from the implementation reports and the diverse initiatives already undertaken at the national level, often involving public authorities or focusing on matters of collective bargaining. Looking at the interventions mentioned in both implementation reports and to the framework created to analyze them, it is possible to observe that some challenges highlighted by the EFAD are probably more visible than others. Thus, the involved players devoted more attention to them instead to others. This is, for the example the case of Digital skills. The majority of the experiences reported in the framework of intervention, as well as those not reported here, are devoted to stress the importance of competencies, mainly digital and technological ones, to intercept the future challenges raised by the world of work. In fact, the topic of upskilling and reskilling workers is a recurrent theme. This constitutes a direct allusion to the initial challenge outlined in the EFAD, labeled as “Digital Skills and Employment Assurance”. Enhancing the workforce’s competencies stands as a potential solution for effectively navigating the realms of artificial intelligence, automation, and fostering a comprehension of the prospects brought forth by digitization among employees. The enhancement of digital proficiencies and the prevention of worker obsolescence might offer a strategy for addressing additional challenges that are presently less conspicuous than others. This is the case of the already mentioned Artificial Intelligence and its application within the work environment. Similarly, the creation of a working environment capable

³³ The project receives economic support from the budget line of the European Commission SOCPL-2021-SOC-DIALOG, sub-measure “Support for Social Dialogue”.

³⁴ <https://www.centrostudi.cisl.it/progetti-europei/731-101051759-initiating-of-activities-to-implement-the-european-social-partners-framework-agreement-on-digitalisation-efad.html>.

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of understanding the importance of technologies and innovations can be a way to anticipate future challenges such as the impact of Metaverse or the restructuring of economic sectors that are currently profitable but that could be substituted by emerging alternatives in the future, such as the green energy sector.

Similarly, another problem can be observed from the EFAD reports, namely the dualism between disconnection and connection of workers. The right to disconnect seems to be a pervasive issue affecting nearly every Country and it has been highlighted by several national social partners as a future challenge to address. As revealed in the reports, there is an imbalanced normative intervention concerning the right to disconnect across European countries, where some national partners have chosen to regulate it through collective bargaining, while others have called for legislative intervention.

As a result, it is evident that a supranational intervention, in the form of a Directive, is still necessary to harmonize the diverse regulations on the disconnection of workers and to safeguard them from potential abuses and the misuse of such working arrangements. This aim, which revolves around the protection of workers from the adverse effects of uncontrolled digitalization, has been a central focus of EFAD since its inception. While the EFAD primarily aims to promote an industrial relations-based intervention, it's evident that a secondary objective involves identifying potential areas for legislative intervention for both national legislators and supranational bodies.

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