



DESK RESEARCH BELGIUM

1. Development of trade unions in historical perspective

1.1. Historical overview of the trade unions trajectory in the given country, including information about but not limited to: trade union density over the past 30 years - in general; main trade unions confederations - establishment, organization, membership

Belgium's model for social concertation has remained resilient through changing times and economic cycles and is still one of the most institutionalised systems of social dialogue in Europe. Today, the country has a pluralistic industrial relations landscape based on sectoral, ideological and regional dimensions (Marx & Van Cant, 2018). Unions are organised around the different sectors and are grouped into three federal trade union confederations: Algemeen Christelijk Vakverbond/Confédération des Syndicats Chrétiens (ACV/CSC), Algemeen Belgisch Vakverbond/Fédération Générale du Travail de Belgique (ABVV/FGTB) and Algemene Centrale der Liberale Vakverbonden van België/Centrale Générale des Syndicats Libéraux de Belgique (ACLVB/CGSLB).

The historical origins of the three trade union confederations come from the worker's movements of the three traditional ideological 'pillars' of Belgian society. The Christian pillar stems from the second half of the 19th century, when Belgian society started to emancipate away from the church. To help put a stop to this, Christian organisations started schools, hospitals, newspapers, sporting clubs etc. inspired by the Christian ideology and later also created trade unions to bind workers to them. At the same time the socialist movement did the same and later the liberals followed, giving rise to three pillars with each their own trade unions. These small unions merged throughout the beginning of the 20th century and are now grouped under ACV/CSC as a Christian union, ABVV/FGTB for the socialists and ACLVB/CGSLB for the liberals (Huyse, 2013; Marx, 2019). The robustness of each pillar since the late 19th century has differed, and today these exist more in name than in actual ideological world view; the different civil society organisations which make up each respective pillar changed their political colour into "fifty shades of grey instead of orange [Christian], blue [liberal] and red [socialist]" (Huyse, 2013, p. 32). These pillars do





however have had a lasting impact on the relation between trade unions and civil society, which is covered in paragraph 4.1.

The institutionalisation of social dialogue in Belgium is much younger than the pillars of society and the different unions themselves. A pivotal point for the social dialogue was in 1944. Then, after more than an age of workers' struggles and during clandestine negotiations, the employers' organisations and trade unions agreed on mutual recognition and social peace in the so-called Social Pact. Fuelled by post-war optimism and economic prosperity, the years superseding the Pact saw the establishment of a system of social security and social dialogue institutions giving rise to the economic and social development of the country (Cassiers & Denayer, 2010). The actual functioning of this system is covered more deeply in paragraph 2.1.

In 2018, both ACV/CSC and ABVV/FGTB had more than 1.5 million members, while ACLVB/CGSLB had around 300,000 members, putting total union membership in Belgium at 3.4 million (Visser, 2019). Since people who retire often stay member of their union, students can also become member and many unemployed people are member because of the partial Ghent system (Marx, 2019), Visser put the net union membership in 2018 (total amount of union members inside the active, dependent and employed labour force) at around 2 million. One in three union members in Belgium is thus inactive. To put those 2 million members into perspective: that is half of all employees in Belgium and just less than half of the active population (Visser, 2019). Also remarkable about Belgium is that union membership is not very fragmented as is the case in other countries. In 2016, the last observation year of this variable in the OECD/AIAS ICTWSS database, union density in the public and private sector differed only by 1.6 percentage point. Moreover, in 2018, union density among males was 52.8% and 46.9% among females (OECD & AIAS, 2021). Furthermore, company size does not seem to affect unionisation rate in Belgium, and the unionisation rate of young workers is in line with the national average. Relating to specific groups of workers, unions in Belgium have been targeting migrant workers since the 1960s





and women shortly afterwards. Young people¹ have been targeted by the unions since the 1980s (Eurofound, 2010).

Union density was 49.1% in 2019, the lowest percentage since 1990, an evolution which can be seen in Figure 1. While union density remained relatively stable between 1993 and 2013, union density has been in decline from 2014 and 2019. Overall, union membership in Belgium does remain relatively high compared to other EU member states (Marx, 2019).

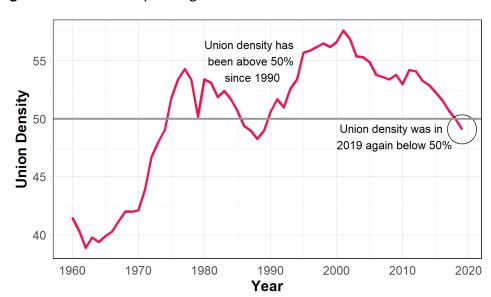


Figure 1. Union density in Belgium from 1960 to 2019.

Source: OECD and AIAS (2021), Institutional Characteristics of Trade Unions, Wage Setting, State

Intervention and Social Pacts, OECD Publishing, Paris www.oecd.org/employment/ictwss-database.html

The relatively high union density in Belgium can be somewhat explained by the partial Ghent system the country uses (as also mentioned above): unemployment insurance is mandatory and trade unions have a major role in the distribution of those benefits. Unemployed can look towards four payout institutions for information on unemployment benefits and the actual payout of those benefits. Those institutions are the three trade

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^{*} Union density counted as net union membership * 100 / amount of wage and salary earners in employment

¹ If there are at least 25 workers younger than 25 years old within a company, there has to be at least one young person (younger than 25) elected to the health and safety committee or works council (Fransen, 2012).





union confederations and the Auxiliary Fund for Unemployment Benefits (Hulpkas voor werkloosheidsuitkeringen (HVW)/ Caisse auxiliaire de paiement des allocations de chômage (CAPAC)). In Table 1, the Number of people reimbursed per payout institution in 2022 is displayed to better gauge the role of trade unions in paying out unemployment benefits in Belgium: 81.51% of unemployed received their benefits from a trade union in 2022. Combined with the regular contact with union officials during an unemployment spell in a worker's life, workers are strongly motivated to join unions (Van Rie et al., 2011). This role was highlighted during the covid-19 crisis, with many workers becoming union member to faster receive their temporary unemployment benefits (Joris, 2020; Sertyn, 2020).

Table 1. Number of people reimbursed per payout institution in 2022.

Payout institution	Number of people reimbursed per payout institution in 2022	Percentage of unemployment benefits paid out per payout institution
HVW/CAPAC	221.739	18,33%
ACV/CSC	432.497	35,76%
ABVV/FGTB	471.354	38,97%
ACLVB/CGSLB	83.988	6,94%
Sum	1.209.578	100%
Total	1.199.481	

^{*} The total is the total amount of individuals reimbursed in 2022. The sum counts the reimbursements per payout institution. Since some people went to multiple payout institutions in 2022, the sum is not equal to the total.

Source: RVA. Own edit.





1.2. Overview of collective bargaining in the given country, including information about but not limited to: coverage over the past 30 years

Collective bargaining in Belgium happens at three levels. The highest level is the national level, where employers' organisations and unions come together to debate centralised cross-sectoral agreements for the whole economy (Kelemen & Lenaerts, 2022). Below the national level is the intermediate level, the dominant collective bargaining level, covering specific sectors where collective bargaining takes place in joint committees and subcommittees (Marx, 2019; Marx & Van Cant, 2018). Lastly, collective bargaining also takes place at the company level. There are thus three types of collective bargaining agreements (CBA, cao/CTT): intersectoral CBAs agreed upon at the highest level, sectoral CBAs and company CBAs. Collective bargaining is hierarchical: lower-level agreements can only improve (for employees) what has been negotiated at a higher level; there is no derogation (Kelemen & Lenaerts, 2022). Furthermore, any CBA automatically apply to all enterprises which are member of the committee which agreed on the CBA. This essentially extends CBAs agreed upon at the highest level to all Belgian employees, explaining the high collective bargaining coverage of 96% in 2019, a percentage which has not changed in the last 30 years (OECD and AIAS, 2021). Only particular managerial staff (so-called kaderleden/cadres) are not bound by CBA, thus explaining why collective bargaining coverage is not 100% (Van Gyes et al., 2018). This high coverage is also an explanation for the high union density in the country.

Two national negotiation bodies play a role in the bi-partite dialogue at the national level: the National Labour Council (*NAR/CNT*) and the Central Economic Council (*CRB/CCE*). Both these bodies advise the national authorities on issues surrounding labour and social security law and more general economic issues (Marx & Van Cant, 2018). The NAR/CNT primarily advises the federal government and the federal parliament on economic policies such as working time, part-time work, wages, temporary agency work etc. (Federale Overheidsdienst Werkgelegenheid, Arbeid en Sociaal Overleg [FOD WASO], 2023). The council can also decide on national collective bargaining agreements (Kelemen & Lenaerts, 2022). The CRB/CCE has only an advisory function focussed on social policy (Vanthournout,





2011). Examples are single use plastics, CO2 meters, insolvency law, circular economy, sustainability within the e-commerce etc. (https://www.ccecrb.fgov.be/home/nl).

Next to those two bodies, key representatives of employers' organisations and trade unions gather every two years outside the official social dialogue structures in the 'Group of Ten' to decide on a national Interprofessional Agreement (IPA) which covers all companies in the private sector. Input for this negotiation comes from the CRB/CCE (Marx & Van Cant, 2018; Van Gyes et al., 2017). Such an IPA is not legally binding but is more a political and moral commitment by the social partners. It is thus subsequently 'translated' into a CBA agreed upon by the NAR/CNT to gain legal power or the government can enforce the IPA² if there is no agreement among the social partners (Van Gyes et al., 2017). This IPA can cover topics such as employees' contributions, replacement incomes, temporary unemployment benefits and other social benefits etc. but the most important part is the potential wage increase in the private sector (Van Den Broeck, 2011). Bounded by a lower bound (the automatic indexation of wages) and an upper bound (the wage norm), the social partners set a wage increase for the coming two years. The lower bound is the automatic wage indexation, a system which few countries still use in western Europe. This means that wages and social security benefits are automatically linked to a consumer price index, preventing any downward tendencies in real living standards (Marx & Van Cant, 2018; Van Gyes et al., 2018). The index used is a so-called Health Index, which does not consider prices of cigarettes, alcohol and fuel for motorised vehicles. The automatic indexation happens through CBA agreed upon at sectoral level (National Bank of Belgium, 2012). The upper bound of the wage increase is calculated by the law of 26 July 1996 on employment promotion and preventive safeguarding of competitiveness, the so-called wage norm law. This law prevents any wage increase to be more than the weighted average in the three neighbouring countries: the Netherlands, Germany and France. Within these two limits, the Group of 10, agrees on a wage norm, the upper limit for any possible wage increases for sectoral and firm-level pay increases (Van Gyes et al., 2018).

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² For example, the 2009-10 IPA was implemented by CBAs, the 2011-2012 IPA was rejected by ABVV/FGTB and ACLVB/CGSLB and was translated into law by the federal government (Van Gyes et al., 2017).





Bargaining at the intermediate levels happens in around 170 joint committees and subcommittees. These (sub)committees, organised per sector, implement the framework negotiated at the interprofessional level and subsequently bargain over different aspects of working conditions such as pay levels, working-time arrangements and training (Marx, 2019). Any company is assigned to a sectoral joint committee from the moment it applies for a social security number. Any employee registered with the company is assigned to the same committee (Van Gyes et al., 2018). As can be seen from the five biggest joint committees by employment size in Table 1, a single joint committee can apply to at most half a million workers.

Table 1. The five largest joint committees by employment size in Q2 2022.

Joint Committee Number	Joint Committee	Employment size
200	Auxiliary joint committee for white collar workers	506,378
330	Health sector	289,278
322	Temporary agency work/personnel services	281,353
302	Hotels, restaurants and cafés	152,558
124	Construction	141,769

Source: RSZ. (2022). Evolutie van de tewerkstelling volgens paritair comité [Data set]. Accessed at https://www.rsz.be/stats/evolutie-van-de-arbeidsplaatsen-naar-paritair-comite#data. Own edit.

On the workplace level, three forms of employee representation exist. Once a company employs more than 50 employees, it is legally required to establish a health and safety committee. This committee, composed of trade union and employer's delegates, advises the company on subjects concerning the health and safety of workers in the enterprise. If a company surpasses 100 employees, a works council has to be established; this is an





advisory body consisting of an equal number of employer's and employees' representatives (Van Gyes, 2015). The works council has information, advise and consultation rights and limited decision-making power (Kelemen & Lenaerts, 2022; Vandaele, 2007). A trade union delegation can be established once one of the three representative unions request the employer to do so and is thus not dependent on any employee numbers (FOD WASO, 2023). Furthermore, in Belgium, there is no employee representation at board level. Collective bargaining legitimacy and representativeness is maintained by social elections, organised every four years. These elections decide on the employee representatives who will participate in every health and safety committee and works council in workplaces across Belgium, with only union members being able to candidate for the seats in the two committees.

The composition of both the health and safety committee and the works council is decided every four years through elections called the social elections. Only members of the three recognised unions can be elected to the two councils. In 2020, the last social elections, 50.36% of the votes went to ACV/CSC, 34.77% to ABCC/FGTB and 13.30% to ACLVB/CGSLB (FOD WASO, 2023).

Following the different state reforms, the regional governments (Flanders, Wallonia, Brussels and the German speaking community) recognised a need for a regional structure for social dialogue given the political culture of structured consultation with intermediary organisations. Flanders installed the Socio-Economic Council of Flanders (SERV) and the Flemish Economic Social Consultation Committee (VESOC) as consultative and advisory bodies to the Flemish government (SERV in a bipartite way, the VESOC is tripartite) and parliament. Both are composed of the Flemish social partners which, from the employees' side, are the same unions as those that also act on the national level. Likewise, in Wallonia and Brussels, there are comparable institutions with an advisory role (Wallonia: Economic and Social Council of Wallonia, CESRW; Brussels: Economic and Social Council of the Brussels-Capital Region (ESRBHG) and Brussels Economic and Social Consultation Committee (BESOC)) (Van Gyes et al., 2018; Vanthournout, 2011). An important caveat when discussing these regional bodies, is that their agreements do not have the legal value





of a CBA. Any agreement within the regional bodies is more a political agreement the legal translation of which depends on the regional governments. The Flemish government for example commits itself to translate into law any resolutions for which there is agreement in the VESOC (https://www.serv.be/serv). Bipartite collective agreements is a purely federal matter (Vanthournout, 2011).

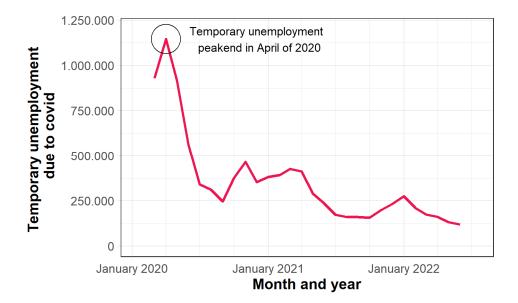
1.3. Assess the Covid 19 crisis impact on the union movement

The Covid-19 crisis in Belgium pushed many workers into the system of 'temporary unemployment', as can be seen in Figure 2. Through this system, workers retain their employment contract with their current employer, but see their hours temporarily reduced or even suspended. Employees confronted with temporary employment can receive unemployment benefits paid out by either the state or by the three unions (the partial Ghent system; RVA, n.d.; Van Rie et al., 2011). At its peak in April of 2020, 1 134 549 employees or 28.0% of total employment were on temporary employment (Struyven et al., 2021). To receive their unemployment benefits, a substantial number of workers became member of one of the three unions, even called an 'explosive increase' by ABVV/FGTB (Joris, 2020). Both other unions also spoke of an increase in membership numbers (Sertyn, 2020). There is, as of yet, no research into how much this has increased membership overall and whether these new members continued their membership after the Covid-19 crisis and their temporary employment.

Figure 2. Temporary unemployment due covid.







* The procedure to file for temporary unemployment was simplified from March 2020 to June 2022. The number of people in temporary unemployment outside that time window is thus counted differently and difficult to compare.

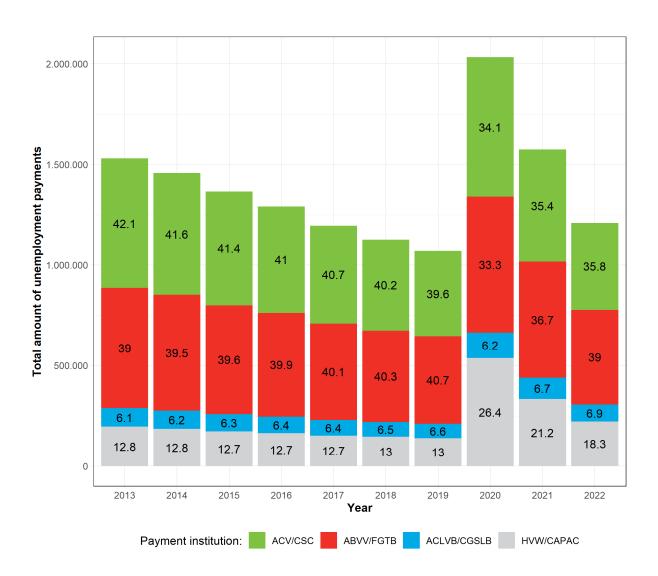
Source: RSZ. (2022). Tijdelijke werkloosheid wegens overmacht crisis per geslacht en leeftijdsklasse [Data set]. Accessed at https://www.rva.be/nl/documentatie/statistieken/tijdelijke-werkloosheid-wegens-coronavirus-covid-19/cijfers

To further illustrate this point, Figure 3 shows the total amount of unemployment benefits payments by year and payment institution. The number of benefits payments was slowly declining since the financial crisis of '07-'09 and the European banking crisis of '11-'12, to increase drastically by 90.16% from 2019 to 2020, the beginning of the coronavirus pandemic. While the percentage of benefits paid out by each union decreased slightly in favour of HVW/CAPAC, the total amount of benefits paid, and thus the total amount of people in contact with the union, increased remarkably; ACV/CSC paid out 63.64% more benefits, ABCC/FGTB 55.30% and ACLVB/CGSLB even 78.64% more.

Figure 3. Total amount of unemployment benefits payments by year and payment institution.







^{*} The y-axis shows the absolute values, the numbers on the bars themselves show the percentage values of each payment institution. Source: RVA/ONEM. Own graph.

Eurofound mentions that tripartite social dialogue in Belgium remained important during the Covid-19 pandemic (Molina, 2022). However, 'traditional' procedures for involving the social partners in policy making altered during the pandemic. For example, the traditional oral conversations between the Prime Minister and the social partners on the national reform programme could not take place and were also not replaced by digital meetings. Both the NAR/CNT and CRB/CCE were however informed on the national reform programme and also provided their advice (Eurofound, 2021). Next to its advisory function, the NAR/CNT also agreed on CBA 147, which extended the temporary unemployment





benefits arrangement to white collar workers in companies without an existing agreement. Next to this CBA 147, the social partners also informed the government and decided on CBAs on topics such as social distancing, telework, vaccination leave, temporary increase of the voluntary overtime limit etc. At the sectoral level, the social partners tried mitigating the wage impact of the crisis as well as providing information to both companies and workers in dealing with the crisis (Eurofound, 2021; Van Herreweghe, 2021).

During the Covid-19 pandemic, the social partners were involved in the Economic Risk Management Group, an advisory committee which provided input for the Consultation Committee (Dutch: *Overlegcomité*, French: *le Comité de concertation*) which took most of the policy measures during the pandemic (Van Herreweghe, 2021). The government further consulted regularly with the social partners on policy in the field of work and social security (Eurofound, 2021).

Additionally, at the workplace level there was an impact of the pandemic on social dialogue. The social elections, which were scheduled for May of 2020, were postponed to November of 2020. While these normally take place in person, Covid-19 pushed 15% to voting online and one-third voted via postal ballot (Allinger & Adam, 2021). These social elections had a slightly lower participation rate than those in 2016; at the time, 63.85% of employees casted a vote, slightly higher than the 60.99% of 2020 (FOD WASO, n.d.). The next social elections are planned for May of 2024.

The 'actual' social dialogue at workplace level, did for the most part continue functioning during the Covid-19 pandemic. In a survey of more than 4,000 union representatives, 75% of them report monthly meetings for the works council or health and safety committee during the pandemic, albeit in completely physical, digital or hybrid form. Furthermore, 71% report to have been involved in consultations on Covid-19 measures in their health and safety committees before they were implemented. For the works councils, that is 55% (Hermans et al., 2021).

1.4. The EU Minimum Wage Directive





While Covid-19 has been the main topic within industrial relations of the last few years, other debates and issues at the European level have come forward. The EU Minimum Wage Directive is shortly covered here.

On the 4th of October 2022, the EU ministers approved the EU Minimum Wage Directive, starting a period of two years in which the member states need to implement this Directive. Within the Directive are multiple new regulations with a direct impact on social dialogue and trade unions. Firstly, member states are required to have a statutory minimum wage which is considered "adequate." Minimum wages in Belgium are decided upon by the social partners within the joint committees and not by the government as is the case in other countries. The state can however influence this minimum wage by its fiscal policies and social security contributions. Additionally, there is a national minimum wage of some sort called the Guaranteed Minimum Average Monthly Income (GMAMI) which is agreed upon in the NLC. Employees should always earn on average over one year at least as much as this GMAMI. This means however, that the GMAMI does not necessarily reflect a monthly wage since payments like an end-of-year bonus are included in its calculation (FOD WASO, 2023). Today, the GMAMI equals 1,954.99 euro per month (www.minimumlonen.be). With this GMAMI, Belgium ranks third highest among EU Member States, just after Luxembourg and Germany (Eurostat, 2023). When looking at the minimum wage relative to the median of full-time workers, the GMAMI was equal to 40.9% of the median wage in 2021 (OECD, 2023). Using administrative data from 2016, the CEC calculated in 2018 that 3.72% of employees have a wage less than the GMAMI plus 5% (to account for errors in the data).

Given these numbers, the GMAMI should rise in Belgium, to comply with the Directive suggesting that adequate minimum wages should be equal to 60% of the gross median wage (Allenbach-Ammann, 2022). The Directive also asks for an increase in collective bargaining coverage to 80% in all EU Member States, which is 16 percentage points lower than the actual coverage in Belgium.

2. Legal and political-economic context for trade unions





2.1 Legal framework for trade unions: representation and functioning of trade unions; tripartism, bipartism, collective bargaining and resolution of collective labour disputes; rights for unionisation and strike; legislation for collective bargaining

Belgium's extensive institutionalisation of social dialogue emerged only gradually in the last 70 years. The first key moment is the Draft Agreement on Social Solidarity or Social Pact of 1944 (Marx & Van Cant, 2018). This Pact, which was merely a declaration of principle between the trade unions and employer's organisations and not even ratified by either side, was concluded while Belgium was still under German occupation. In the Pact, the social partners declare a wish for social peace after more than an age of labour struggles based on a mutual recognition of the social partners as representatives of workers and companies, and the promise to aim for a common goal of increasing the living conditions of the whole population (Cassiers & Denayer, 2010). Another concept introduced by the Social Pact is the idea of social peace (CCE-CRB, 2022). Trade unions sign collective agreements for guarantees on better working conditions for workers, while employers sign those agreements for guarantees that the employees will not stop working (De Spiegelaere, 2015). The clause of social peace guarantees that the social partners will comply with the CBA while it is in effect and that the unions will not organise any collective action on subjects within the CBA (relative or implicit social peace, implicitly included in every CBA). For instance, if the CBA signed is on wages, the unions cannot organise a strike demanding higher wages. Social partners can also include a clause of absolute social peace within a CBA which would prohibit any collective action as long as the agreement is in force (CCE-CRB, 2022; De Spiegelaere, 2015). When talking about collective action – and more specifically strike action – later in this paper, it is thus important to keep the idea of social peace in mind.

The decree-law of 28 December 1944 of Minister of Employment and Social Welfare Achille van Acker implemented the general principles of the Social Pact and made insurance against unemployment obligatory, the benefits of which would be paid out by the unions. So although the pact was in essence nothing more than a declaration of principle, the





principles of it were largely adhered to following the war, with little debate or disagreement (Pasture, 1993).

The Belgian system of social security and social dialogue expanded gradually in the postwar period: in 1945 the joint committees and subcommittees gained legal status, while the health and safety committee, works council and CRB/CCE were established in 1948 with the NAR/CNT following four years later. The next milestone occurs in 1968 when the law concerning CBAs and joint committees was signed. Due to this law, "all employers who are members of an employers' organisation that has concluded a collective agreement at national or sectoral level, or who have themselves concluded a collective agreement, are bound by such agreement" (Van Gyes et al., 2018, p. 69). Due to Belgian law, as soon as an employer becomes bound by a CBA, its entire workforce also become bound by that CBA, making collective bargaining coverage not dependent on union membership. The law of 1968 thus gives the social partners a high degree of autonomy and being able to sign binding collective agreements on all three levels of social dialogue (Cassiers & Denayer, 2010; Marx & Van Cant, 2018; Van Gyes et al., 2018; Vandaele, 2007).

These 30 years of developments within the institutionalisation of social dialogue are called by some researchers as the "thirty glorious years". The economic and political context in the post-war period gave rise to these glorious years: social pacts, the precautionary states and Keynesian-inspired economic and social policy choices were implemented at the national level in most industrial countries among which Belgium as well as at the international level (e.g., the Bretton Woods agreement, the IMF, the World Bank etc.). Within Belgium, the economic context after the war is very favourable and even widely envied. Contrary to other countries, the factors of production were relatively untouched by the war, and these could quickly start again. The specialisation of the Belgian economy into basic product gave it a comparative advantage since these products were in high demand after the war. When other countries, who have been able to use the funds from the Marshall plan to modernise their factors of production, pass by Belgium in terms of economic growth. This development gives rise to new laws which attract a substantial amount of American investments attracted by the central location of the country in





Europe, the easily accessible port of Antwerp and the abundance of labour because of the decrease in labour in agriculture (Pasture, 1993).

2.2. Political-economic context for trade unions: relationship between political parties and the unions, ties and contradictions over the years; power and strength of trade unions in social dialogue system (e.g. tripartite council, the National Council for Tripartite Cooperation)

Although there were giant steps in the institutionalisation of social dialogue in post-war Belgium, the oil crisis and following economic downturn in the second half of the seventies and beginning of the eighties made any further progress more and more difficult and soured the relations between the trade unions and employers' organisations (Cassiers & Denayer, 2010; Marx & Van Cant, 2018). In contrary to the "thirty glorious years", Belgian social dialogue now entered the "thirty years of reversal" (Cassiers & Denayer, 2010). The economic context at the time made for little manoeuvrability when negotiating CBAs and thus the subjects of such agreements moved from wages to topics such as flexibility, training, work-life balance etc. (Cassiers & Denayer, 2010). The crisis of 2008 further restricted what was possible in collective bargaining and also narrowed the room for negotiation for the IPA of 2009-2010, heightening tensions between the social partners (Marx & Van Cant, 2018). The European banking crisis in the first half of the 2010s put even more pressure on relations between the social partners and the government had to intervene during the IPA negotiations of 2013-2014 (Ajzen & Vermandere, 2013). Following the formation of the Michel I government and its austerity measures - such as a wage index jump preventing wages from following the index, raising the pension age and cutting health spending - social unrest increased even more. The three unions organised several national days of action against these measures with a culmination on the 15th of December 2014 in a huge national strike day (Vermandere & Van Gyes, 2015). During these times, social dialogue was "clearly in disarray" (Marx & Van Cant, 2018, p. 7), further amplified by the fact that these measures were taken without consultation of the social partners.

However, through all this, the institutionalised collective bargaining systems remained in place (Marx & Van Cant, 2018). Today, there is still social tension. In 2022 there were





several national action days organised by the three unions collectively fuelled by the current inflationary climate.

2.3 Challenges, threats and opportunities faced by trade unions in expanding their power and the scope and coverage of collective agreements

While Covid-19 provided opportunities for the Belgian trade unions, the political climate is less favourable for the three unions. The parties associated with their respective pillars are not the biggest political parties in the country anymore. The two biggest parties, NVA (16.03% of federal votes in 2019) and Vlaams Belang (11.95% in 2019; FOD Binnenlandse Zaken, 2019), which are moreover concentrated in Flanders, are both in favour of major reforms to the institutionalisation of social dialogue in the country since they both advocate the abolishment of the partial Ghent system among other reforms, attempting to delegitimise the corporatist tradition in Belgium (Vandaele, 2019).

The electoral importance of NVA and Vlaams Belang is not the only political challenge for Belgian trade unions. During the Michel I government, there were fluctuating tensions between right-wing politicians and the unions. After strikes in autumn of 2014 and 2015, some parties within the government even suggested altering the laws on the right to strike or even revising the partial Ghent system (Van Gyes et al., 2017). Recently, right-wing parties have questioned the collective bargaining system in Belgium, certainly the automatic indexation, but since federal governments so far have always been composed of political parties with historical links to the unions, the institutionalisation of bargaining has not been threatened (Bouteca et al., 2013; Vandaele, 2019).

The role of the government in social dialogue has increased since the financial crisis of '08-'09, with the government controlling, overruling and sometimes even ignoring the social partners, embodied by the Michel I government and their stricter competitiveness law in 2017 (Hermans, 2022). This law, if strictly enforced, could make real wage increases almost impossible while indirectly "further encouraging individualised remuneration packages at the company level" (Vandaele, 2019, p. 54)





Next to these political doubts there is also an increase in regionalisation which influences social dialogue in Belgium and could lead to further decentralisation. Contrary to other European countries, decentralisation of social dialogue happens not by increasing the importance of company level collective bargaining, but by increasing the importance of the regions (Flanders and Wallonia) in collective bargaining (Hermans, 2022). The regionalisation of social dialogue can be seen as trying to decentralise social dialogue by right-wing political parties (Vandaele, 2019). Regionalisation does, however, not necessarily mean a decrease in power for trade unions and social dialogue in Belgian society or changing power relations between the social partners and government. It can be argued however that Belgian industrial relations which operate at the regional level lose their connection to the European level which usually communicates with the federal level (Hermans, 2022).

A last threat for trade unions in Belgium is the declining union density, as could be seen in Figure 1. Union density was in 2018 at its lowest point since 1974. This declining union density poses a challenge to the unions since it can threaten their negotiating position with the employers' organisations. In 2014, 83.8% of employees worked in organisations which are member of an employer organisation (Visser, 2019). The attraction of new members and finding members in new groups within the labour market will prove indispensable for maintaining legitimacy for trade unions in the future (Hermans, 2022).

Summarising the different remarks above and using the Power Resources Approach (PRA, the basic concept of which stems from Wright (2000) and Silver (2003) but further developed later), Belgian trade unions still have multiple power resources at their disposal (Furåker & Larsson, 2020; Schmalz et al., 2018). The organisational power of Belgian unions in high, both in relative and absolute numbers. A union density of 49%, while declining, is still very high in comparison to other countries, ranking fifth in the EU (OECD and AIAS, 2021). With in total around 3.5 million members, the three Belgian unions are very big organisations. Structural power for the unions comes from a current context of a large





number of unfilled vacancies in Belgium, certainly in Flanders³. The institutional power of unions is again very large. The three levels of collective bargaining and the obligation to follow CBAs makes for a large influence of social partners in the Belgian economy. While the regionalisation of social dialogue is continuing, this does not necessarily threaten the institutional power. Lastly, the unions create societal power by building alliances with civil society organisations as will be explained in paragraph 4. Through historical links with certain political parties, this societal power is further cemented. These parties themselves, however, are in decline based on seats in the different parliaments, threatening societal power.

3. Trade unions strategies

3.1. Organizational strategies in attracting members

Trade unions in Belgium mostly use servicing as an organisational strategy. Hereby members pay membership fees in order to receive several services from the union. Examples of different services are the distribution of information on Covid-19 policies, workers' rights, (legal) assistance in labour disputes or the distribution of unemployment benefits (Kelemen & Lenaerts, 2022). Furthermore, unions use mobilising as a tactic to pressure the government and employers' organisations. An example is the national demonstration on the 21st of September 2022, when 10,000 unionists of the three unions demonstrated in Brussels for more purchasing power. The crowd halted at the headquarters of VBO/FEB, one of the employers' organisations, to strengthen their message of not changing the automatic indexation (Schillewaert & Belga, 2022). Also advocacy is a strategy employed by unions in Belgium (Vandaele, 2019). Recently, there have been projects into the organising methodology. Organising, which originally comes from social movement studies, is about building the activism capacity of your base as to make them participants in the work of your movement. Applied to trade unions, this would mean a shift away from servicing towards active member involvement (see among others Heery, 2015; Simms, 2007; Simms et al., 2012). While Belgian unions are experimenting

³ In March of 2021, there were 4.51 job seekers per vacancy in Flanders. Two years later, in March of 2023, that number declined to 1.80 job seeker per vacancy.





with this strategy - an example is the 'wervend organiseren' strategy of ACV Puls, one of the federations of ACV/CSC (ACV Puls, 2021) - this is not yet developed to being the main union strategy.

Belgian unions strongly use their internal networks to strengthen their membership base. They have established networks of contact persons who cover SMEs or small workplaces of big companies to better involve the workers into the trade union activities. Moreover, there is also a system of cooperation between union representatives in contracting and subcontractor companies, in addition to coaching systems of representatives in SMEs by their colleagues of larger companies (Eurofound, 2010).

3.2 Strategies in collective bargaining processes: negotiations with social partners' organizations and state institutions, coalition building with other organizations;

The relations between the social partners and government in Belgium has changed throughout the years. In 2011-2012 and 2015-2016 no IPA was signed, and the government took over the discussions and implementation (Van Gyes et al., 2017).

4. Trade unions, civil society and social movements

4.1 Describe the relationship between trade unions, civil society organizations and social movements: ties and contradictions over the years (up to 5 pages)

Given the history of trade unions in Belgium and them being part of their respective 'pillars' of Belgian society, the three unions all have important historic links to civil society organisations within their pillar⁴. As explained above, the pillarisation of Belgian society was a response to a society which moved away from Church and religion in the 19th century. The clergy tried keeping its churchgoers close by creating its own schools, hospitals, magazines, sporting associations, cultural associations, libraries etc. and later trade unions and health insurance funds (*mutualiteiten/mutualité*). The socialist movement did exactly the same in an attempt to gather its supporters, the liberal movement followed later. These pillars started crumbling in different speeds in the 60ties and 70ties due to

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⁴ Remark that Belgium is not the only country which has seen pillarisation in its recent history with also the Netherlands and Austria having had such a societal structure.





fading religious and ideological credos. That does not mean these organisations do not exist anymore, however. A large majority of organisations within these pillars survived by attracting members by focussing on the services offered, not on the merit of ideological connection (Huyse, 2013). Their connection to the original political philosophy (Catholicism, socialism or liberalism) and the other organisations within the pillars differs by organisation, with some still heavily influenced by their historical philosophy (for example KVHV, a catholic students' union) and others not having any open connections anymore with their original pillar.

The largest pillar and as thus described as an example here is the catholic pillar. ACV/CSC is part of the catholic pillar, which is formally organised in Flanders within Beweging.net and in Wallonia within the Mouvement Ouvrier Chrétien (MOC). Beweging.net is a federation with 11 founding member organisations and five associated partners. These organisations are not the exclusive members of the catholic pillar. An overview of the 11 founding members of Beweging.net can be seen in table 1. As the table shows, the civil society organisations within the Bewegin.net are mostly active in healthcare and leisure activities.

Table 1. The founding members of Beweging.net, the Christian pillar in Belgium.

Name	Type of organisation	Sector
ACV/CSC	Trade union	All
CM	Mutuality	Healthcare
Femma	Women's organisation	Leisure activities
	Association for people with	
Samana	a care need, their informal	Healthcare
	carers and volunteers.	
Kwb	Community association	Leisure activities
Okra	Elderly association	Leisure activities





WSM	Charity	Development cooperation
Pasar	Leisure association	Leisure activities
Familiehulp	Family medical aid	Healthcare
KAJ	Youth association	Leisure activities
Internationaal Comité	Federation of organisations for people with migration background	Leisure activities

Source: https://beweging.net/over-beweging-net. Own edit.

Further connected to the catholic pillar are the Boerenbond, UNIZO and UCM (all employers' organisations), Wit-Gele Kruis (a home care organisation), De Standaard, Het Nieuwsblad and La Libre Belgique (all three newspapers), KVHV, Dexia (a bank) etc. Since these are not part of Beweging.net, their connection to the catholic pillar and more specifically to ACV/CSC is much less strong if not non-existent.

The MOC is a smaller organisation than Beweging.net, with only five member organisations. Along those are ACV/CSC and CM, which are both also part of Beweging.net. Further members of MOC are Vie Féminine, a womens' movement, Equipes Populaires, a community association and JOC, a youth association. ABVV/FGTB and ACLVB/CGSLB are both also part of a bigger pillar (the socialist and liberal movement respectively), but those do not have an umbrella organisation like Beweging.net or MOC and are thus more difficult to cover. Examples of organisations within the socialist pillar are De Morgen (a newspaper), the Vermeylenfonds (a socio-cultural association) and the Foucons Rouges (a youth movement). Examples of the liberal pillar are Het Laatste Nieuws, De Tijd and Le Soir (all newspapers) and the Université libre de Bruxelles (a university).

The contacts with civil society and social movement of the Belgian unions go further than their respective pillars. Unions also build relationships with civil society as a way to increase their legitimacy (Oosterlynck & Wouters, 2020). An example for this is the social movement





Hart Boven Hard⁵, which was founded as an anti-austerity movement in 2014. The movement, which now also advocates the creation of community, fair taxation laws, climate measures, anti-war etc., often supports national actions by the unions, as can be seen during the demonstrations in 2014. Another example is the Klimaatcoalitie⁶, a non-profit organisation consisting of more than 90 organisations who mobilise around climate change. All three unions are part of this organisation. The largest action by the Klimaatcoalitie, for which 65 000 people came to Brussels in December of 2018, was supported by the unions who also mobilised their members to participate (ABVV/FGTB, 2018).

Yet another example of the cooperation between civil society and Belgian unions is the duty of care (zorgplicht/devoir de vigilance) campaign by NGO 11.11.11. The three unions, together with NGOs and human rights organisations are pressuring the Belgian government to implement laws requiring companies to verify that human rights violations are not taking place in their value chain and to offer reparations to the victims of any violations that occur. This campaign also occurs at the European level, where the three unions are also supporting any actions and pressuring the EU government (www.hetacv.be, www.11.be, www.abvv.be, www.aclvb.be). Belgian unions are clearly expanding their area of operations and interact with other actors within civil society.

Belgian trade unions and Flemish extreme right have a very tense relationship, as was already introduced in paragraph 2.3. The anti-union discourse of Vlaams Belang, which is still prevalent today, culminated in 2011 when Flemish extreme right party founded its own trade union called the Vlaamse Solidaire Vakbond (VSV, Flemish Solidarity Trade Union), wanting to participate in the social elections of 2012. This attempt failed however and VSV went into inactivity in the late 2010s (Kim, 2022). Today, all three unions are part of the civil society organisation 8 Mei Coalitie (8th of May Coalition). The goal of this "partnership of trade unions, organisations and personalities from civil society, culture and academia" (https://8meicoalitie.be/about/, translated from Dutch) is to make the 8th of May, the end

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⁵ https://www.hartbovenhard.be/

⁶ https://www.klimaatcoalitie.be/





of the second world war and as such the victory over fascism, a national holiday. The coalition is another example of attempt by Belgian trade unions to form alliances within civil society.

4.2 Describe the most important mobilizations of industrial actions such as strikes, demonstrations and symbolic actions in the latest three decades in regard to issues concerning the bargaining process; (up to 5 pages)

In Belgium, the right to strike is not ordered by a law. There have been several debates within the federal parliament, but these have not led to any legal basis for the right to strike. The consequence of this is that Belgian strike law is dominated by international law which is not very transparent. An overview is as follows. First and foremost, Belgian workers have a right to strike which cannot have any disciplinary action as consequence. It is a right to temporarily halt the execution of work without ending the employment contract with the employer. Striking is a collective, deliberate, voluntary and temporary action. The goal of strikes is to promote interest or enforce rights of the strikers (Doutrepont, 2019).

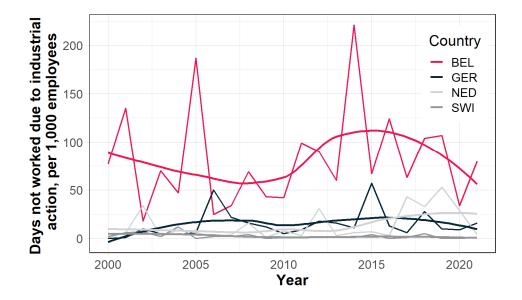
Another peculiarity about Belgium's trade unions is that they are not juridical entities; Belgium's trade union confederations are unincorporated associations (*feitelijke vereniging/association de fait*). This means that they cannot be held liable for strikes and the possible costs attached to those (Blanpain, 2014). The unions argue that this legal principle is indispensable for the safeguard of the right to strike (Doutrepont, 2019).

Following Vandaele's (2022) strike map of Europe, on average, Belgian workers did not work 70.4 days per 1000 workers in the period 2000-2009 and 97.7 days in the period 2010-2019 due to industrial action. Looking at the average days not worked due to industrial action per year for all countries in the social partnership cluster (Austria, Belgium, Germany, Luxembourg, the Netherlands, Switzerland; Furåker & Larsson, 2020), Belgium sees much more industrial action than the other countries in the cluster.

Figure 3. Average days not worked due to industrial action per 1 000 employees for the countries in the social partnership cluster.







* The data for Austria and Luxembourg was incomplete, and thus not included. A line graph shows the actual days not worked due to industrial action per 1 000 employees, a curved loess line shows a trend line to compare the countries more easily.

Source: Vandaele, K. (2022). Strike map of Europe [Data set]. Accessed at https://www.etui.org/strikes-map. Own graph.

Looking at specific strikes and other industrial actions, there have been several notable ones in the last 30 years. The short overview below will cover the most important ones.

In 1993, Belgium was struck by an economic crisis, bringing with it rapidly rising unemployment. When the social partners failed to reach an agreement in response to these challenges, the government introduced its own 'Global Plan,' an explicit reformulation of the 1944 Social Pact, with a two-year pay freeze and selective wage reductions. This prompted multiple strike days from the unions and the first general strike of all confederations in almost 60 years (Van Gyes et al., 2000; Vandaele, 2007). The strikes introduced new methods used in industrial actions. Whole industrial sites were blockaded by the unions, affecting SMEs, which were previously relatively unhindered by social conflict, as well (Van Ruysseveldt & Vissers, 1996). This led to all public services shutting down in addition to most larger private companies. In the end, the unions could not agree on a course of action and the strikes failed. The government implemented their plan at the end of the year (De Standaard, 2012; Vandaele, 2007).





The next national strike happened in 2005, as a response to the so-called Generational Pact (*Generatiepact/Pacte de Générations*) of the Verhofstadt II government. Trying to find funds for the increasing costs of healthcare and an ageing population, the government started the debate to increase the number of working people while also wanting to increase the minimum age of early retirement. ABVV/FGTB launched the proposal for General Social Contribution, a tax of 1.5% on labour and capital, which the Flemish socialist party, 'their' political family, rejected. On the 7th of October, the ABVV/FGTB launched a 24-hour strike without the support of ACV/CSC and ACLVB/CGSLB. The success of the strike and the pressure from ACV/CSC's supporters pushed the three unions to reject the government draft of 18 October and a national protest with sectoral strikes followed on the 28th of October with 80,000 to 100,000 participants. But the protest of the unions faded out by the Christmas holidays and the majority of the federal parliament approved the law on the 15th of December (Brepoels, 2015; Devos & Mus, 2010; Vandaele, 2007)

In October of 2014, the centre-right Michel I government was formed. Austerity measures in the coalition agreement such as a wage index and an increase of the pension age, angered the unions who collectively organised a demonstration in Brussels on the 6th of November gathering 100 000 protesters, one of the largest union gatherings in recent years. The demonstration ended with a "cat-and-mouse game" between a few hundred unionists and the police, resulting in burning cars, 24 wounded and a negative perception of the union demonstration in media (De Standaard, 2014; Eeckhout, 2014; Wauters, 2014). The demonstration of power by the unions was also a powerful reaction to the government's scepticism about the value of social dialogue (Eurofound, 2020). Remarkable was also the support from civil society for the demonstration: organisations like Oxfam, 11.11.11 and Hart boven Hard mobilised their members to support the unions (Wauters, 2014). This demonstration was followed by three regional days of strike, and one national day of strike on the 15th of December 2014 (De Standaard, 2014). The concerns of the unions which fuelled the different actions were "the announced 'index jump'; the increase in the retirement age; a general feeling of 'unfair' or 'unequal' savings; and a plea for a big tax shift to capital" (Van Gyes et al., 2017, pp. 65–66).





The most recent industrial action was in 2022. Following the cost-of-living crisis as a result of the post-covid demand shock and the war in Ukraine, the three unions mobilised 70.000 members in Brussels to protest for more purchasing power and against the wage norm law. These actions, under the slogan "for more wages, because everything is too expensive," were combined with strikes on Brussels Airport, public transport, the Port of Antwerp-Bruges etc. Unizo, one of the employers' organisations, spoke of hindrance in one-fifth of SMEs, according to a survey (Schillewaert & Belga, 2022). In a reaction to the action, prime minister Alexander De Croo calls on unions and employers' organisations to sit around the table together to find ways to deal with this crisis (Paelinck, 2022).

5. Summary conclusion

The Belgian model of social dialogue has survived changing economic conditions and troubling times but today still stands strong as one of the most institutionalised systems in Europe. The unions themselves come from a long tradition of trade unionism, which started as a response towards the increasingly harder cry for workers' movements and the threat of de-Christianisation of Belgian society. Countless small unions converged towards the three main confederations which exist today. The institutionalisation of social dialogue itself is younger than the unions themselves and started in 1944 with the Social Pact. Following the Pact, social dialogue on all three levels (national, sectoral and company level) gained formal recognition giving rise to a hierarchal system of social concertation. Today, unions and employers' organisations have bipartite negotiations and can sign binding agreements on all three levels giving rise to a collective bargaining coverage of 96%. While union density is declining, now at its lowest point in 20 years, it is still at 49%, one of the highest densities in Europe. The historical connections of the different unions with their respective pillars have given them relations with other organisations within civil society although the pillars are not as strong as they have been historically. New relationships within civil society are thus developing, with for instance climate organisations or in the fight against fascism, to increase the unions' legitimacy and power.

The unions' power is also evident in the collective actions in the country. Belgium is an active country when considering strike action. The lack of juridical personality protects any





collective action but is not without critique. And even though the clause of social peace is implicitly in every CDA, there are more strike days than in other countries within the social partnership cluster. There have been several large collective actions in recent decades, the most recent one on the 20th of June 2022 when 70.000 unionists protested against the wage norm law and for more purchasing power in Brussels.

Unions have used Covid-19 as an opportunity relating to the Ghent system which made for a substantial number of workers looking to them to collect their temporary unemployment allowance due to Covid. If these new members will stay in the long run, is yet to be decided, however. Their role as negotiator with the employers and informer of their members was also further highlighted during Covid.





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