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The Role of the International Labour Law Principles Concerning Social Dialogue on Management Strategies¹

Aniko Noemi Turi

ABSTRACT

The principles of international labour law are crucial elements in collective labour relations. The paper represents how the principles of the international labour law can positively influence managerial strategies through the social dialogue. Social dialogue provides a communication platform between social partners and by that it is actually creating a socio-economic and social development. Furthermore, social dialogue is a key instrument in planning social development, harmonising different interests, prevent and resolve disputes between the management and labour. Based on the analyse of the international legal acts, their identified values have revealed that one of the most significant added values of social dialogue is the development of trust between the social partners that are crucial for the future employment relations.

Keywords: international labour law principles, social dialogue, employment relations, managerial strategies, added value.

Vloga načel mednarodnega delovnega prava o socialnem dialogu v strategiji managementa

POVZETEK

Načela mednarodnega delovnega prava so ključni elementi v kolektivnih delovnih razmerjih. Članek ugotavlja kako lahko načela

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mednarodnega delovnega prava pozitivno vplivajo na vodstvene strategije preko socialnega dialoga. Socialni dialog zagotavlja komunikacijsko platformo med socialnimi partnerji in s tem dejansko ustvarja družbeno-gospodarski in družbeni razvoj. Poleg tega je socialni dialog ključni instrument pri načrtovanju družbenega razvoja, usklajevanja različnih interesov ter preprečevanja in reševanja sporov med socialnimi partnerji. Na podlagi analize mednarodnih pravnih aktov, njihove ugotovljene vrednosti je ena izmed najpomembnejših dodanih vrednosti socialnega dialoga pri razvoju zaupanja med socialnimi partnerji, ki so ključnega pomena za prihodnja delovnega razmerja.

Ključne besede: načela mednarodnega delovnega prava, socialni dialog, delovne razmerje, strategija managementa, dodatna vrednost.

1. Introduction

The principles of international labour law as a crucial element of collective labour relations constitute an area that has attracted the research interest of many scholars. The field of social dialogue is characterised by the extensive research contributions of accomplished researchers², while some areas still remain un-

² M. Biagi et al., *Industrial Relations in Small and Medium-Sized Enterprises*, Deventer and Boston: Kluwer Law and Taxation Publishers, 1993.

R. Blanpain, *Social Dialogue – Economic Interdependence and Labour Law*, Reports to the 6th European Congress for Labour Law and Social Security Warsaw, 13–17 September, 1999.

R. Blanpain, *European Labour law*, Deventer in Boston: Kluwer Law and Taxation Publishers, 2003.

D. Bossaert and M. Kaeding, *Social Dialogue in the Public Sector of the EU Member States: An Analysis of Different Models at the Level of the Central Public Administration*, Maastricht: European Institute of Public Administration, 2009.

M. Carley, *Social Dialogue*, European Commission, 2012. <http://ec.europa.eu/social/BlobServlet?docId=7384&langId=en>.

G. Casale, *Social Dialogue in Central and Eastern Europe*, Geneva: International Labour Organisation, 1999. E. Franssen, *Legal aspects of the European social dialogue*, Morsel: Intersentia, 2012.

R. Guyet et al., *Social dialogue in times of global economic crisis*, Eurofound, 2012. <http://www.eurofound.europa.eu/pubdocs/2012/21/en/2/EF1221EN.pdf> (zadnjič obiskano: 23.4.2016).

E. Reynaud, *Social Dialogue and Pension Reform*, Geneva: International Labour Office, 2000.

A. Trebilcock, *Towards Social Dialogue: Tripartite Cooperation in National Economic and Social Policy Making*, Geneva: International Labour Office, 1994.

Z. Vodovnik, *Labour Law in Slovenia*. Deventer in Boston: Kluwer Law and Taxation Publishers, 2012.

E. Voss, *European Social Dialogue: Achievement and Challenges Ahead*, ETUC, 2011. http://resourcecentre.etuc.org/linked_files/documents/IP3%20Study%20European%20Social%20Dialogue%20achievements%20and%20challenges%20ahead%20-%20EN.pdf.

M. Weiss, *The Changing Face of Labour Law and Industrial Relations*, Alphen Aan Den Rijn: Kluwer Law International, 1993.

M. Weiss, *Handbook on Employee Involvement in Europe*. Alphen Aan Den Rijn: Kluwer Law International, 2004.

der-researched. One of these is social dialogue and its applicability to management, where social dialogue is to be examined by analysing international conventions, European Union regulations, regulations of the Council of Europe, as well as national laws. The paper aims to present how the international labour law principles concerning social dialogue influence managerial strategies and, moreover, how social dialogue is advantageous for both the managers and workers, as well as what kind of value social dialogue adds in employment relations.

2. The role of the international labour law principles and social dialogue in management

The principles of international labour law³ have been a subject of extensive research since 1919 when the International Labour Organization was established. In almost a hundred years since research in this area started to evolve, remarkable papers have been published. The research exploring international labour principles has taken several directions, such as the ILO Declarations of Freedom of Association and Collective Bargaining and Discrimination in Respect of Employment and Occupation: Freedom of Association and Protection of the Right to Organise, Convention No. 87, 1948, the Right to Organise and Collective Bargaining Convention No. 98, 1949, Equal Remuneration Convention No. 100, 1951, Discrimination Convention No. 111, 1958. Notwithstanding, the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (ILO MNE Declaration) and the United National Global Compact Principles, which represents a key element of labour standards and principles promotion.

After World War II, the International Labour Organisation got involved in disseminating experience and in attempts to ensure efficient forms of negotiations between workers and employers; hence, it adopted the Convention No. 98 (the Right to Organise and Collective Bargaining Convention) in 1949, which is among

³ International labour law principles, also called international labour standards according to The Guide on Employment Policy and International Labour Standards (ILO 2013), are based on eight fundamental Conventions, namely the following: Convention No. 87 (Freedom of Association and Protection of the right to Organise) and No. 98 (Right to Organise and Collective Bargaining) to ensure the right of collective bargaining; Convention No. 29 (Forced Labour Convention) and 105 (Abolition of Forced Labour) to eliminate forced and compulsory labour; in favour of non-discrimination Convention No. 100 (Equal remuneration) and 111 (Discrimination Convention) and for the abolition of child labour Convention No. 138 (Minimum Age) and 182 (Worst Form of Child Labour).

its most frequently ratified conventions. Labour law scholars, besides the core labour conventions, mainly investigated the areas of 1) *Social dialogue* and tripartite cooperation between public authorities, and social partners are increasingly attracting the attention of ILO Member States, as well as that of industrial relations practitioners and political economy experts⁴; 2) *Collective bargaining* can help create a culture of dialogue between trade unions and employers and/or their organizations. A culture of dialogue between social partners regarding the terms and conditions of employment and employment relations can provide foundations for tripartite social dialogue at the national level⁵; 3) The European Union⁶ is equipped to take measures against *discrimination at work*⁷; 4) In a democratic society, unilateral action by the state can be met by resistance including *strikes*, protests, boycotts, or petitions for judicial review of the constitutionality of the measures imposed. Accordingly, it is important that employers' and workers' organizations feel satisfied that public authorities are genuinely willing to obtain their views and intend to take heed of them⁸; 5) *Conflict resolution*: Many workplace conflicts are damaging in terms of wasted time and money, mental health, lost resources, physical illness, and the decline of collegial and or-

⁴ M. Mikkola, *Social Human Rights of Europe*, Helsinki: Legislatico, 2010.

⁵ U. Zachert, *Collective Bargaining in Europe*, 2004. http://www.empleo.gob.es/es/sec_trabajo/ccncc/descargas/CollectiveBargainingInEurope.pdf.

M. Alaluf and C. Prieto, *Collective Bargaining and the Social Construction of Employment*, Brussels: European Trade Union Institute, 2001.

B. Gernigon et al., *Collective Bargaining: ILO Standards and the Principles of Supervisory Bodies*, Geneva: International Labour Office, 2000.

⁶ Article 19, Paragraph 1 of the current Treaty on the Functioning of the European Union, one of the highest EU law texts, says: "Without prejudice to the other provisions of the Treaties and within the limits of the powers conferred by them upon the Union, the Council, acting unanimously in accordance with a special legislative procedure and after obtaining consent from European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation." Article 19, Paragraph 1 of the Treaty on the Functioning of the European Union, is reaffirmed in Article 21 on non-discrimination, Paragraph 1 of the Charter on Fundamental Rights, an equally important and binding piece of EU legislation states: "Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited".

⁷ M. Viprey, *New Anti-discrimination Law Adopted*, Eurofound, 2002. <http://www.eurofound.europa.eu/eiro/2001/12/feature/fr0112152f.htm>.

E. Landau, Y. Beigbeder, *From ILO Standards to EU Law: The Case of Equality between Men and Women at Work*. *European Journal of International Law* 21 (1): 264–267, 2008. <http://ejil.oxfordjournals.org/content/21/1/264.full.pdf+html>.

⁸ Gy. Kiss, *Flexibility In Labour Law – Country Study on Hungary*, Hagen/Leiden: Study Group on a Restatement of European Labour Law, 2006.

T. Novitz, *International and European Protection of the Right to Strike: a comparative study of standards set by the International Labour Organization, the Council of Europe and the European Union*, Oxford monographs on labour law, Oxford and New York: Oxford University Press, 2003.

ganisational trust. But conflict can also be constructive in promoting communication, joint problem-solving and positive change for all involved.⁹

The ILO definition of social dialogue includes all types of negotiation, consultation, and exchange of information between or among representatives of governments, employers and workers on issues of common interest. The social dialogue represents an expression of the democratization of society¹⁰ as it ensures the co-operation of social partners in forming and implementing the law in economy and social politics. Its other main value is that it is based on some of the main principles of democracy, such as inclusion, cooperation, endeavour for a consensus and inclination to reach a compromise, thus providing options for solving the problems and differences that exist between capital and labour and, hence, ensuring social peace and opening options for harmonized economic and social development. Arrigo and Casale¹¹ stressed also the importance of social dialogue and highlighted the fact that social dialogue was not really defined and respected as it was supposed to be. The research effort should accordingly be directed towards the problems of international regulations on social dialogue and towards investigating its role in collective labour relations. Communications between employees and employers, represented by the management, should reach as high a quality as possible, irrespective of the actual economic situation. Furthermore, social dialogue has a significant role in advancing the principles of international labour law that should be implemented in managerial practices. It follows that employers are permanently facing the question as to how they respect the fundamental rights and increase productivity by way of inspiring labour force at the same time¹², where on the other side, workers strive to adapt to the social and economic environment¹³. The question arises in all areas of corporate relations, in both private and public sector alike especially nowadays.

⁹ A. Bilous, *New Proposals on the Prevention and Resolution of Industrial Dispute*, 1998. [Http://www.eurofound.europa.eu/eiro/1998/04/feature/fr9804102f.htm](http://www.eurofound.europa.eu/eiro/1998/04/feature/fr9804102f.htm).

J. Hayes, *Workplace Conflict and How Businesses Can Harness it to Thrive*, 2008. [Https://www.cpp.com/pdfs/CPP_Global_Human_Capital_Report_Workplace_Conflict.pdf](https://www.cpp.com/pdfs/CPP_Global_Human_Capital_Report_Workplace_Conflict.pdf).

¹⁰ J. L. Cohen, and A. Arato, *Civil Society and Political Theory*, Cambridge: The MIT Press, 1994, 58.

¹¹ G. Arrigo, G. Casale, *Glossary of Labour Law and Industrial Relations*, Geneva: International Labour Office, 2005, 27.

¹² *Ibid*, 27.

¹³ A. Peršič, M. Markič, *The Impact of Social Responsibility Vision and Strategy on Successful Corporate Operations, Managing Global Transitions*, 11 (1): 27–40, 2013. [Http://www.fm-kp.si/zalozba/ISSN/1581-6311/11_027-040.pdf](http://www.fm-kp.si/zalozba/ISSN/1581-6311/11_027-040.pdf), 30.

The research on international labour law principles focusing on managerial strategies may be considered as the source of new values, which prove important for the managerial efforts. Furthermore, managers possess adequate knowledge on participating methods so as to accomplish employee participation. Therefore, some scholars¹⁴ emphasize the importance of negotiations at the company level, which is primarily a result of demands for greater flexibility as well as for the realization that the market is becoming more and more differentiated. Cascio and Boudreau¹⁵ stress how important communication between management and employees is, especially messages conveyed by managers to employees that influence employees' attitude towards the array of human resource processes and communication. Allowing for the understanding of the notion of management, namely that managers are actual persons and employees, it follows that two legal issues actually arise thereof. Firstly, the legal position of managers as employees, and secondly, their legal position associated with the implementation of managerial tasks, namely regulations, which refer to their obligations and responsibilities in carrying out their tasks and duties. Both areas are governed by numerous regulations of different legal subsystems¹⁶. Furthermore, Vodovnik¹⁷ stresses that managers are not necessarily employees in the employer-employee relationship, yet they may carry out their duties on the basis of civil law contracts. So as to regulate the mutual relations between employers and managers, an employment contract may still be used, while certain limitations should be applied to any such contract. In such a case, which concerns mutual relations between managers and employees, in addition he states that private law relations are primarily regarded as contractual relations. This entails that dispositive rules are applied and the free will of contractual par-

¹⁴ L. Neumann, Van-e munkaerőpiaci a decentralizált kollektív alkunak Magyarországon?, *Közgazdasági Szemle* XLVIII (évf.): 409–429, 2001, 423; M. Alaluf and C. Prieto, *Collective Bargaining and the Social Construction of Employment*, Brussels: European Trade Union Institute, 2001.

¹⁵ W. F. Cascio, J. W. Boudreau, *Short Introduction to Strategic Management*, Cambridge: Cambridge University Press, 2012, 37.

¹⁶ Z. Vodovnik, *Management in pravo*, *Management* 1 (1), 7–29, 2006, 10.

[Http://www.fm-kp.si/zalozba/ISSN/1854-4231/1_007-029.pdf](http://www.fm-kp.si/zalozba/ISSN/1854-4231/1_007-029.pdf). Legal status of management may be found in 1) corporate law; 2) the context of European law (the definition of management for example in "Societas Europaea" or in European transnational companies); 3) indirectly in the constitutional law (such as the duty of respecting the *acquis*); 4) administrative law (management in the public sector); 5) status law (for example, the management of economic and non-economic organizations); 6) criminal law (such as the position of manager as a responsible person in cases of crimes or offences); and other areas of law.

¹⁷ *Ibid*, 13.

ties has precedence over state regulations.¹⁸ The content of this authority is limited for management by law and by the employment contract.¹⁹ Furthermore, employers and trade unions both have a significant role in finding solutions to reconciling the economic and social needs of labour market players and to devise concrete arrangements that benefit both companies and employees. Both at the European and national level priority should always be given to the actions of social partners in their fields of competence. Therefore, managers should take into consideration how important freedom of association and effective recognition of the right to collective bargaining are. Freedom of association enables workers and managers to unite so as to more efficiently protect not only their own economic interests but also their civil freedoms. There are large numbers of companies that recognise that their sustainability is linked to a larger sustainability of society. Management policies and practices are determined at different levels and may receive guidance from numerous sources. Companies face many uncertainties in these economically turbulent times. Establishing a genuine dialogue with freely chosen workers' representatives enables both workers and managers to understand each other's problems better and to find ways to resolve them.²⁰ Freedom of association and the exercise of collective bargaining provide opportunities for constructive dialogue such as prevention and resolution of conflict. So as to achieve these results human resource (HR) strategy plays a key role as well. Like all other aspects of HR strategy, employee relations strategies will flow from the business

¹⁸ For example, the Slovenia's provision of Article 4 of the Employment Relations Act (ZDR-1) states that employees work under the direction and supervision of employer. This rule enables employers to exercise authority over employees directly or through management.

¹⁹ In employment relations employer gives orders, instructions while worker is obliged to implement them. In this aspect manager needs to monitor the implementation and defend the interest of employer. Therefore, managers are people who plan, control, coordinate, organize, command work units, make decisions, form work units, and execute working power so as to achieve objectives of enterprise. In the next chapter this definition will be more explored through the analysis of the Member States' labour regulations. It follows the definition of the management strategies that must be more complex that is why it is important to mention at the beginning that management strategies in this dissertation will be limited only for the strategies of human resource management. That is why strategic human resource management (SHRM) is responsible to promote in achieving the enterprise's goal while taking care of the employees' needs and interests through social dialogue. Concerning the supply and demand from the both side of the enterprise and employees, SHRM also cares about the employment issues, such as hire and layoffs, administration, vocational trainings, benefits, sick and/or parental leaves as well as vacation days.

²⁰ ILO (International Labour Office), ILO Declaration on Social Justice for a Fair Globalization, 2008. http://www.ilo.org/wcmsp5/groups/public/-dgreports/-cabinet/documents/genericdocument/wcms_099766.pdf.

strategy yet will also aim to support it.²¹ Employee relations strategy within HR strategy is concerned by how to build stable and cooperative relationships with employees that minimize conflict; how to achieve commitment through employee involvement and communication processes; and how to develop a common interest in achieving the organisation's objectives.

3. Perspective of the application of the principles by managers

It is an important factor for the HR manager to achieve the desired quality and conflict efficacy, for example by focusing on task-related conflicts, and preventing relationship conflicts.²² According to the impact in decision-making processes, employee representatives (ERs) serve as a bridge between managers and their co-workers, representing a key element of social dialogue. Altogether, employers prefer to negotiate with their own employees, meaning they would appreciate further decentralization. No matter the fact of the differences in the results of social dialogue in EU countries, its added value stands everywhere. As pointed out before, employee representatives want to have an important role in the decision-making processes and they would like to have more impact on the issues discussed inside the organization. Notwithstanding, this would require employee representatives to show a proactive attitude and offering innovative and interesting proposals. This also requires a skilled and informed representative that raises also their motivation. From the employer's point of view, they express a desire to work with open employee representatives who think in a strategic way. Additionally, both social parties share the belief that trust is essential for creating constructive social dialogue and pleasant work environment, yet the overall situation points out to a lack of trust between social partners in a great number of contexts. For the prosperous future, European social dialogue companies should invest into the establishment of competent and empowered employee representatives in favour to achieve power equality with the employer and/or management,

²¹ M. Armstrong, *Strategic Human Resource Management: a guide to action*, London and Philadelphia: Kogan Page, 2006, 38.

²² P. S. Hempel et al., *Conflict Management Between and Within Teams for Trusting Relationships and Performance in China*, *Journal of Organizational Behavior* 30 (1): 41–65, 2009, 58–60.

where both should cooperate in creative conflict management. These developments should be based on positive managements' attitude, where the focus is on to reach a win-win agreement with employee representatives based on the values of social dialogue.

4. The identified values

Through the analyses and the comparison of the international, European and national regulations of industrial and employment relations with special regards to social dialogue certain values of the employment relations we concluded. Therefore, the aim was to point out most significant legal resources and compare international and national legislations concerning social dialogue and employment relations. On the basis of the comparison of the legal framework, an attempt was made to create a hierarchy of the values based on the legal resources that are supposed to be applied in the managerial strategies. That should imply that both managers and employees should make an effort to respect and employ those values.

The identified values of employment relations are strictly based on international and national regulations. The most important international legal instruments are the Universal Declaration of Human Rights (UDHR) of the United Nations followed by two significant European human rights regulations, the European Social Charter (ESC or Charter) and the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR or Convention). It is also important to mention the International Labour Organisation's Conventions and Recommendations which are actually the pioneers of the social rights.²³ In addition to the international regulations, national Constitutions also play a crucial role, where numerous values obtain their pertaining legal frameworks for the development of economic and social environment, including employment relations and social dialogue.²⁴ It also seems to be significant to mention the International Labour Organisation's Conventions and Recommendations which are actually the pioneers of social rights²⁵, and additionally also the Directives of the European Council. Furthermore, the creation of the hierarchy of the values will be ex-

²³ M. Mikkola, *Social Human Rights of Europe*, Helsinki: Legislatico, 2010, 24.

²⁴ Z. Vodovnik, *Labour Law in Slovenia*. Deventer in Boston: Kluwer Law and Taxation Publishers, 2012, 39.

²⁵ M. Mikkola, *Social Human Rights of Europe*, Helsinki: Legislatico, 2010, 24.

plored according to two main criteria. The first criterion was the ranking of a certain value, namely what place does a certain value hold within the regulation. Thus, the more important the value is the higher place it takes in the document. That is why, for example, human rights are on the top of the hierarchy, because this particular right mostly holds the highest place in the above-mentioned regulations. The second criterion in the creation of the values' hierarchy is the density of a certain value in the group of legal acts. This is done in such way that after the comparison of the twelve most important international and European regulations according to the above-mentioned criteria, the intensity of the values becomes apparent, and also which values are existing in all of these documents. According to these regulations focusing on employment relations, values were structured within eight groups, namely the group of 1) human rights, 2) democracy, 3) rule of law, 4) economic security, 5) right to work, 6) social dialogue, 7) social security, 8) protection of vulnerable people. It is important to mention that some values may also occur in another group of values which means that values might overlap in various areas.²⁶ Almost all of these groups are subdivided into subgroups and collectively these groups of values are essential for the implementation in the field of employment relations and managerial strategies in regards to social dialogue.

5. The added value of social dialogue

The European Union promotes a constructive social dialogue between employers and employees. Social dialogue is defined as “discussions, consultations, negotiations and joint actions involving organizations representing the two sides of the industry (employers and workers). Social dialogue is a process by which relevant parties seek to resolve employment-related differences via an information exchange.”²⁷ Such a dialogue takes place at European and national levels, in the different work sectors, and within organizations. Even in organizations, this can be at central and local levels. The problem-solving potential of this dialogue is crucial for solving organizational conflicts.²⁸ In order to create a

²⁶ Ibid.

²⁷ A. Bryson et al., *Workplace Social Dialogue in Europe: An analysis of the European Company Survey 2009*, Dublin: Eurofound, 2012, 33.

²⁸ European Commission, *Social Dialogue Guide*, Luxembourg: European Union, 2012, 46.

good framework for an innovative and creative social dialogue, employees need to be empowered to engage in this dialogue. Social dialogue is needed; however, it is also under high pressures, due to the great recession of the past decade. As it was mentioned, social dialogue provides a communication platform between social partners and by that it is actually creating a socio-economic and social development. Furthermore, as it was also mentioned before, social dialogue is a collective communication of social partners, which is carried out in different ways and methods. Social dialogue is a key instrument in planning social development, harmonizing different interests, prevent and resolve disputes between the management and labour. Social dialogue as an important value is also stated in the EU legal acts, where it is important role is emphasized concerning the emerging of the European Social Model. Nevertheless, its value is especially significant in the economic and social crisis when social turbulent time, where dialogue provides a balance to support the traditional social values. In the social dialogue, trust is recognized as key in the relation between management and ERs.

Actually, employment representatives are functioning as a bridge between the employer and employees and their function is strongly based on the trust. However social partners are focusing on trust in social dialogue, they might feel vulnerable, but anyway both sides' expectations are positive. To sum, social dialogue's added value is the development of trust in social partners that are crucial in the future employment relations.

6. Future research direction

Since trust is recognized as key in the relation between management and ERs, definitions of trust focus on the willingness to accept vulnerability based upon positive expectations of the intention or behaviour of the other party.²⁹ It leads to more cooperative negotiation behaviours, while low trust leads to more competitive behaviours.³⁰ Trust gives parties the confidence to be open with

²⁹ D. M. Rousseau et al., Not So Different After All: A cross discipline view of trust, *Academy of Management Review* 23 (3): 393–404, 1998, 398.

³⁰ C. K. De Dreu et al., Social motives and trust in integrative negotiation: the disruptive effects of punitive capability, *Journal of Applied Psychology* 83 (3): 408, 1998, 411.

K. T. Dirks, D. Ferrin, The Role of Trust in Organizational Settings, *Organization Science* 12 (4): 450–467, 2001, 458.

each other knowing that the shared information won't be used against them.³¹ Theories on trust define different antecedents³² however, the abilities of parties are always key, along with benevolence and integrity. The ability to develop trust has become a critical competence in employment relations.³³ The trusting qualities of the relations between ERs and management are critical for successful social dialogue.³⁴ The future research direction in this area should focus on the trust between employers and employees and between social dialogues, since social dialogue is giving the platform to trust between parties.

7. Conclusion

With the economic turbulent time and for this end, the challenges in Europe, social partners need new forms of participation, new structures of representation, and the strengthening of competencies of all partners. Clarifying the experiences and expectations of employers' and employees by their representatives in their organizations, is an essential step towards the development of these competencies and towards a more cooperative relation at the organizational level. The aim of the paper was to show the importance of improvement the quality of social dialogue in organizations through the application of international labour law principles as a tool for strengthening and develop the employment relations. By exploring European employers' and employees' experiences and expectations, which is highlighting their opinions on structures, roles, attitudes and competencies, the surveys showed that in favour to achieve more productive, motivated employees for the companies' growth both sides of social partners need better social dialogue and/or communication skills that would also lead to employees stronger involvement into the companies' decision-making processes. By all the analysis of the international legal acts, it is strengthened that the legal environ-

³¹ S. Zaheer, A. Zaheer, Trust across borders, *Journal of International Business Studies* 37 (1): 21–29, 2006, 26.

³² R. C. Mayer et al., An integrative model of organizational trust, *Academy of Management Review* 20 (3): 709–734, 1995, 731.

³³ R. J. Lewicki et al., Trust and distrust: New relationship and realities, *Academy of Management Review* 23 (3), 438–458, 1998, 442.

³⁴ P. Elgoibar et al., Trust: As essential as breathing, Ten steps for empowering employee representatives in the new European industrial relations, Eds. L. Munduate, M. Euwema and P. Elgoibar, 49–56. Madrid: McGraw-Hill, 2012, 51.

ment is given by the international legal instruments; the question is whether the principles and legal acts are implemented or applied in the employment relations. Altogether, employers prefer to negotiate with their own employees, meaning they would appreciate further decentralization. No matter the fact of the differences in the results of social dialogue in EU countries, its added value stands everywhere. As pointed out before, employee representatives want to have an important role in the decision-making processes and they would like to have more impact on the issues discussed inside the organization. Notwithstanding, this would require employee representatives to show a proactive attitude and offering innovative and interesting proposals. This also requires skilled and informed representatives that raise also their motivation. From the employers' point of view, they express a desire to work with open employee representatives who think in a strategic way. Additionally, both social partners share the belief that trust is essential for creating constructive social dialogue and pleasant work environment, yet the overall situation points out to a lack of trust between social partners in a great number of contexts. For the prosperous future, European social dialogue companies should invest into the establishment of competent and empowered employee representatives in favour to achieve power equality with the employer and/or management, where both should cooperate in creative conflict management. These developments should be based on positive managements' attitude, where the focus is on to reach a win-win agreement with employee representatives. Furthermore, open communication, informing unions in time in order to agree with the decision of management, and nevertheless one of the most important is to participate actively in training and educations by manager and employee representatives. To conclude, the paper offers an exploration about social dialogue in strategic human resource management, which emphasizes how to ameliorate employment relations by strengthening the role of employee representatives and managers' attitude towards open communications. All these factors prove the impact of the international labour law principles concerning social dialogue in management strategies.

