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Is social dialogue still effective in Europe? Ritualisation, technocratisation and the vacancy of collective agency

Abstract

The paper examines the contemporary condition of social dialogue in the context of structural transformations in labour markets and governance. It argues that social dialogue has not disappeared but has undergone a progressive hollowing-out: while its institutional forms persist, their capacity to redistribute power and translate conflict into binding outcomes has significantly weakened. The analysis situates social dialogue within two genealogies: conflict-based and cooperative-ethical, and shows how their historical coexistence was sustained by the post-war paradigm of embedded liberalism. Building on this framework, the paper identifies three interrelated processes shaping the current transformation of social dialogue: ritualisation, technocratisation, and dis-embedding. It further demonstrates that commonly invoked alternatives – direct democracy instruments, labour law utopias and ethical consumption – fail to generate durable forms of collective agency or institutional leverage. These developments are linked to broader structural shifts, including platformisation and the emergence of

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techno-feudal economic architectures, which limit the space for meaningful negotiation.

The paper concludes by conceptualising the present condition as a vacancy of collective agency and proposes a research agenda focused on emerging micro-dialogical forms, fragmented, hybrid, and experimental practices that may signal new, though still fragile, configurations of collective action.

Keywords: social dialogue, ritualisation and technocratisation, embedded liberalism, ethical consumption, vacancy of collective agency

Introduction

In late November 2025, social media feeds once again filled with images of Amazon warehouses: banners, megaphones, clusters of high-visibility vests. As part of the Make Amazon Pay campaign, strikes and protests were organised across more than 30 countries and on six continents, from India and Germany to the United Kingdom, Canada and the United States (UNI Global Union, 2025; Farrant, 2025). The coordinated actions were deliberately timed to coincide with the Black Friday–Cyber Monday shopping period, symbolically confronting what campaign organisers describe as Amazon’s extractive labour model, tax avoidance practices, and environmental externalities.

In Germany, where the services union ver.di has pursued one of the most consistent and long-term campaigns targeting Amazon’s refusal to enter collective bargaining, around 3,000 workers participated in strike actions across nine major logistics centres, including Bad Hersfeld, Dortmund, Frankenthal, Graben, Koblenz, Mönchengladbach, Rheinberg, Werne, and Winsen (Reid, 2025). From a trade-union perspective, the action was meaningful: it covered strategically important hubs, formed part of a coordinated transnational mobilisation and achieved high public visibility. Yet, as in previous years, Amazon issued a familiar statement that “customer deliveries will not be affected” and that operations would continue as planned (Reid, 2025). Algorithmic systems of labour allocation, logistical redundancy and the reserve workforce absorbed the disruption before protestors had finished their speeches in front of television cameras. This scene illustrates a paradox that increasingly defines the contemporary world of work: protest is highly visible, yet its disruptive capacity is structurally neutralised. Conflict has not disappeared, but its capacity to alter rules, redistribute power or reshape institutional arrangements appears diminished. This case should be read as a boundary instance rather than a representative one, illustrating dynamics that are particularly visible in sectors characterised by high logistical redundancy, algorithmic control, and fragmented labour forces. It is against this background that the central question of this article emerges: What happens to social dialogue and collective agency when conflict persists, yet ceases to translate into meaningful institutional change?

Although social dialogue has, for decades, been one of the core concepts of European and international labour governance, it is surprisingly rarely subjected to

sustained critical interrogation. Unlike concepts such as workers' rights, participation or collective bargaining – each of which has generated rich theoretical and empirical literatures – social dialogue is often treated as an axiomatic and normatively self-evident good, difficult to question. In the official discourse of institutions such as the International Labour Organization, the European Trade Union Confederation, Eurofound, and the European Commission, it is presented as a rational mechanism of interest mediation, a tool of social stabilisation and a condition of democratic legitimacy in economic decision-making (Streeck, 1992; Hyman, 2001).

Although such framings are not incorrect, they are incomplete. In practice, we increasingly encounter forms of dialogue that neither enable genuine co-decision, nor redistribute power or resources, nor open space for contesting the underlying social and economic order. Instead, they risk evolving into ritualised procedures that symbolically reproduce institutional order without altering its distributive foundations. While notions of ritualisation, façade participation or post-democratic governance appear in analyses of neoliberal policymaking (Fraser, 2019; Fraser, 2022; Zeitlin & Vanhercke, 2014), they have rarely permeated debates on social dialogue itself as an institution. Similar dynamics have been observed in research on European wage coordination, where collective practices persist despite limited material outcomes, suggesting a decoupling between discursive commitment and practical effect (Seeliger, 2018).

The aim of this paper is, therefore, not to negate the idea of social dialogue, but to reclaim it through critique by questioning whether its present institutional forms may in fact undermine its original normative promise. The argument proceeds from two genealogies. The first, conflictual and labour-centred links social dialogue to trade unions, collective bargaining and the institutionalisation of class conflict, as exemplified by ILO Conventions 87 and 98 and the broader tradition in which bargaining is both a regulatory instrument and a recognition of structurally opposed interests between labour and capital (Hyman, 2001). The second, ethical-co-operative derives from Catholic social teaching and the post-war *Soziale Marktwirtschaft*, emphasising social partnership, shared responsibility and the moral duty to cooperate in pursuit of the common good (Streeck, 1992).

For several decades, these genealogies co-existed and mutually reinforced one another within the broader paradigm of embedded liberalism (Ruggie, 1982), in which market liberalisation was constrained and socialised through welfare institutions, sectoral bargaining and forms of co-determination. In a Polanyian sense, social dialogue was one of the key mechanisms through which markets were “embedded” in society (Polanyi, 2001) – not an accessory to capitalism, but a structural counterweight that translated conflict into negotiated compromise.

Today, however, the material conditions that once made this embedding possible have been progressively eroded. This erosion is particularly visible in Central and Eastern European contexts, where the institutionalisation of social dialogue has often remained shallow and fragmented despite EU-driven reforms. The bargaining coverage of trade unions has declined in many European countries; labour markets have fragmented; non-standard and platform-mediated forms of work have multiplied; and the right to strike is increasingly constrained in law or hollowed out in practice. At the same time, the language of social dialogue has undergone technocratisation and

managerial colonisation: power asymmetries are reframed as issues of compliance, risk management or stakeholder coordination, while references to conflict, redistribution or class interests recede from view (Ahmed, 2012; Eller, 2025). Dialogue becomes a procedure rather than a site of negotiation, a mechanism of symbolic legitimacy, not of power rebalancing.

Against this backdrop, the European Union has attempted to re-institutionalise the conditions for collective bargaining from above, most notably through Directive (EU) 2022/2401 on adequate minimum wages, which explicitly links wage adequacy to the expansion of collective bargaining coverage, and through its judicial confirmation in the Court of Justice of the European Union judgment of November 11, 2025 in Case C-19/23. This is a normatively significant gesture: it expresses institutional faith in the potential agency of collective bargaining even where its material foundations have weakened. Yet, as this paper argues, such regulatory reinforcement may amount to a form of “re-animation from above”, unable to compensate for the erosion of power resources at the base of labour relations.

The hollowing-out of social dialogue is further intensified by the emergence of techno-feudal economic architectures, characterised by informational asymmetry, infrastructural dependency and platform-mediated control of labour, data and value extraction (Srnicsek, 2017; Zuboff, 2019; Morozov, 2022; Dencik et al., 2022). What disappears is not conflict itself, but the negotiable space in which conflict can be translated into institutional outcomes. The result is not the end of social dialogue, but its ritualisation – a structurally persistent form emptied of redistributive capacity.

The central thesis of this paper is therefore that the erosion of social dialogue should be understood not merely as an institutional crisis, but as the manifestation of a broader vacancy of collective agency, in which neither traditional labour institutions nor the most frequently invoked alternatives, including instruments of direct democracy, utopian labour-law imaginaries or consumer-based ethical activism (Donaghey et al., 2014; Fletcher, 2014; Ahmed, 2012) provide viable functional substitutes for workers’ collective power. The paper concludes by suggesting that, instead of seeking to revive 20th-century institutional forms, we should develop a new analytical vocabulary and research agenda oriented towards emerging micro-dialogical forms at the intersection of institutions, social movements and digital infrastructures – fragile, partial and experimental – yet potentially capable of re-articulating collective agency under new structural conditions.

Conceptual framework: social dialogue between conflict, cooperation and embedded liberalism

The conceptual approach developed in this paper rests on the assumption that social dialogue cannot be understood solely as a set of institutional arrangements or participatory procedures, but must be situated within broader historical, normative and distributive constellations. In particular, the analysis draws on two partially overlapping, yet analytically distinct, genealogies of social dialogue: a conflict-centred genealogy, grounded in collective bargaining and the institutionalisation of class

conflict, and a cooperative-ethical genealogy, rooted in Catholic social teaching and the post-war social market economy. These genealogies should be understood as ideal-typical constructions rather than empirically discrete traditions; in practice, they have been historically intertwined and mutually constitutive.

The conflict genealogy: social dialogue as institutionalised class antagonism

In the first genealogy, social dialogue is understood as a product of labour conflict and of the political struggles through which workers' organisations secured recognition as legitimate collective actors. As Richard Hyman has argued, collective bargaining is not only a regulatory mechanism, but an institutional expression of structurally opposed interests between labour and capital, in which negotiation presupposes the possibility of conflict, including the threat of strike action (Hyman, 2001). From this perspective, social dialogue emerges as secondary to power: its existence depends on the capacity of unions to organise, mobilise and compel employers or the state to enter negotiations.

This tradition is normatively embedded in the international labour rights framework, most notably the ILO Conventions No. 87 and 98, which construct freedom of association and the right to collective bargaining as preconditions for democratic labour relations. Dialogue, in this sense, is not a substitute for conflict, but its civilised expression – a means of translating antagonism into institutional compromise without erasing its structural foundations.

The cooperative-ethical genealogy: social partnership and the social market economy

Running alongside this conflict-centred tradition is a second genealogy, shaped by Catholic social teaching and the normative architecture of the Soziale Marktwirtschaft. Here, social dialogue is articulated not as the outcome of power struggles, but as an ethical obligation to cooperate in the pursuit of the common good, grounded in ideas of social partnership, subsidiarity, and shared responsibility. As Streeck shows in his analysis of West German post-war capitalism, this tradition attributed to organised labour and employers a joint role in economic coordination and social stability, with dialogue conceived as a mechanism of co-responsibility rather than confrontation (Streeck, 1992).

The ethical language of cooperation gained credibility because it rested upon the material strength of organised labour; conversely, conflict-based bargaining was stabilised by institutionalised frameworks of participation and co-determination.

Embedded liberalism and the institutional “embedding” of markets

Both genealogies must be situated within the broader post-war paradigm of embedded liberalism (Ruggie, 1982), which sought to reconcile the openness of markets with strong social protections and redistributive institutions. Drawing on Karl Polanyi's

notion of the “embedding” of markets in social order (Polanyi, 2001), social dialogue can be read as one of the core institutional mechanisms through which labour interests constrained and shaped the dynamics of capitalist accumulation. Rather than a technocratic governance device, it functioned as a structural counterweight – an arena in which distributional conflicts were negotiated and partial power asymmetries were corrected.

From genealogy to critique: ritualisation, technocratisation and dis-embedding

While these historical perspectives clarify the normative foundations of social dialogue, they also provide a lens through which to interpret its contemporary transformation. To capture this shift, the article works with three analytical categories: ritualisation, technocratisation, and dis-embedding.

Ritualisation

By ritualisation I refer to processes in which formally participatory or consultative institutions continue to exist and operate, however, their capacity to influence distributional outcomes is progressively reduced. Drawing on post-democratic analyses of governance (Streeck, 1992) and critiques of consultationism in EU policymaking, ritualisation describes situations where dialogue performs a symbolic legitimating function – staging inclusion, and deliberation while substantive decision-making occurs elsewhere or remains insulated from contestation. In this sense, ritualisation does not imply the disappearance of dialogue, but its transformation into a reiterated procedural form that reproduces institutional order without redistributing power.

This phenomenon is not merely theoretical. Empirical research on European wage coordination shows that collective practices may persist despite limited material effects, reflecting a decoupling between discursive commitment and practical outcomes (Seeliger, 2018). In such contexts, ritualisation can be understood as a mode of organisational adaptation: actors continue to engage in formally coordinated practices not because they deliver immediate distributive gains, but because they sustain legitimacy, organisational identity and the possibility of future coordination.

Technocratisation

The notion of technocratisation captures the semantic and procedural shifts through which relations of conflict and power are reframed as questions of technical coordination, risk management or compliance. This is visible in the increasing prevalence of managerial vocabularies – stakeholder engagement, diversity management, due diligence, best practices that displace references to conflict, class or redistribution (Ahmed, 2012; Eller, 2025). In this process, social dialogue becomes embedded within a compliance-oriented governance logic, where disagreement is treated as a communication or

efficiency problem rather than as an expression of structurally opposed interests. Technocratisation thus entails a form of de-conflictualisation: contestation is not suppressed directly but neutralised discursively.

Dis-embedding

Finally, dis-embedding is used here as a theoretical short-hand for processes in which the institutional and material foundations that once enabled labour to constrain market dynamics are progressively eroded. In a Polanyian register, dis-embedding signifies not simply deregulation, but the weakening of those institutional mediations such as sectoral bargaining, co-determination or strong representative organisations through which social dialogue historically operated as a mechanism of constraint. In contemporary political-economic conditions, marked by the fragmentation of labour markets and platform-mediated infrastructures, dis-embedding describes the shrinking of the negotiable space within which conflict can be translated into institutional outcomes.

Clarity of terms

For the purposes of this paper, social dialogue is understood not merely as a procedural category encompassing consultation, participation and negotiation, but as a historically situated redistributive institution whose meaning depends on the presence, or absence, of material counter-power on the side of labour. When the capacity to mobilise and negotiate weakens, dialogue may persist in formal terms while losing its substantive content.

Correspondingly, the terms ritualisation, technocratisation and dis-embedding are not used normatively, but analytically, to designate distinct, yet mutually reinforcing, dimensions of the contemporary transformation of social dialogue:

- 1) ritualisation refers to the persistence of form without power,
- 2) technocratisation to the semantic and procedural neutralisation of conflict, and
- 3) dis-embedding to the erosion of structural conditions that once made negotiation effective.

Together, these categories provide the conceptual lens through which the empirical and normative analysis in the subsequent sections is developed.

The hollowing-out of social dialogue: from power to procedure

The weakening of unions and the loss of conflict as a productive force

The first dimension of the hollowing-out of social dialogue concerns the weakening of trade unions as collective actors capable of converting conflict into institutionalised bargaining outcomes. Historically, the effectiveness of social dialogue depended not only on formal participation structures, but also on the underlying capacity of unions

to mobilise, threaten disruption and negotiate from a position of material counter-power. As Richard Hyman notes, collective bargaining has never been a merely technical or cooperative exercise; rather, it is an institutional expression of structurally opposed interests between labour and capital, in which negotiation presupposes the possibility of conflict, including the threat of strike action (Hyman, 2001, pp. 46–48). From this perspective, social dialogue emerges as secondary to power: its existence depends on the capacity of unions to organise, mobilise and compel employers or the state to enter negotiations.

Across Europe, however, a growing body of research documents the erosion of the structural bases of union power since the late 20th century. Declining union density, shrinking coverage of sectoral collective agreements, decentralisation of bargaining and the individualisation of employment relationships have progressively reduced unions' organisational reach and leverage (Streeck & Thelen, 2005; Visser, 2011). In many national systems, coordinated sectoral arrangements have been replaced or weakened in favour of firm-level bargaining, where asymmetries of power are greater and distributive conflict is more easily absorbed into managerial decision-making (Baccaro & Howell, 2017, pp. 63–88). This transformation is particularly pronounced in Central and Eastern European contexts, where the institutionalisation of industrial relations has remained comparatively shallow and fragmented despite EU-driven reforms. Comparative research indicates that mechanisms such as sectoral bargaining, tripartite dialogue or European-level coordination have not translated into durable bargaining capacity, contributing to persistent gaps in wages, representation and institutional effectiveness (Kahancová et al., 2024).

This decline is not only quantitative; it also entails a qualitative transformation of conflict. In highly networked and digitalised production environments, the disruptive capacity of strikes is increasingly mitigated by infrastructural redundancy, algorithmic labour allocation and the availability of temporary or subcontracted workforces. As the 2025 Make Amazon Pay mobilisations illustrate, particularly in sectors characterised by high logistical redundancy and algorithmic labour allocation, strikes may achieve high symbolic visibility while being operationally neutralised by infrastructural flexibility and reserve capacity, particularly in transnational logistics chains (Reid, 2025; UNI Global Union, 2025). Conflict persists, it ceases to function as a productive institutional force, that is, as a mechanism capable of translating disruption into bargaining concessions or regulatory outcomes.

Comparative studies of European industrial relations suggest that this transformation reflects not a cyclical downturn but a broader recomposition of capitalism. Baccaro and Howell describe this as a trajectory of “liberalisation without liberalism”, in which corporatist and collective institutions formally survive but are substantively re-oriented towards flexibility, competition and firm-level adaptation (Baccaro & Howell, 2017, pp. 1–5). Visser likewise warns of forms of “illusory corporatism”, in which high formal coverage coexists with declining enforceability and weakened effectiveness of collective agreements in everyday employment relations (Visser, 2011, pp. 213–216).

From the perspective of social dialogue, the implications are twofold. First, the credible threat of conflict – once the implicit foundation of negotiated compromise –

becomes weaker, reducing unions' ability to shape macro-level policy or sectoral regulation (Hyman, 2001). Second, conflict itself increasingly takes on a ritualised form: it reappears periodically in the form of visible strikes or protest actions, yet its structurally constrained disruptive capacity limits its translation into institutional change (Baccaro & Howell, 2017; Visser, 2011). What remains is not the disappearance of dialogue, but a form of dialogue increasingly detached from the power resources that historically made it an effective redistributive institution.

This weakening of conflict as a productive force does not imply that unions have lost relevance or that resistance has vanished. Rather, it indicates that the institutional terrain on which conflict is articulated – has shifted – a shift that, as the next subsections argue, is closely connected to processes of technocratisation and dis-embedding, which further transform social dialogue from an arena of negotiation into a procedural device within post-democratic governance architectures.

Technocratisation and the managerial colonisation of language

The second dimension of the hollowing-out of social dialogue concerns what may be described as the technocratisation of participatory and consultative practices, that is, the progressive re-framing of conflictual and distributive relations in the language of technical coordination, stakeholder management and organisational efficiency. Rather than eliminating disagreement, technocratisation transforms the discursive terrain on which it is articulated. Conflict no longer appears as a structural opposition of interests, it is rather a problem of communication, risk, optimisation or governance design.

This process is closely connected to the diffusion of managerial vocabularies across domains traditionally associated with labour relations and democratic participation. Terms such as stakeholder engagement, diversity management, responsible business conduct, supply-chain due diligence or best practices increasingly occupy the semantic space once associated with class, bargaining power, redistribution or structural inequality. As Ahmed shows in her analysis of institutional diversity regimes, practices of inclusion may operate primarily as surface-level performances of commitment, generating narratives of organisational responsiveness while leaving underlying hierarchies intact (Ahmed, 2012, pp. 40–44). In a similar vein, contemporary corporate and policy discourse tends to re-code participation as a compliance obligation – something to be documented, evaluated and reported rather than as an arena of contestation or co-decision.

In the field of labour governance, this re-coding is particularly visible in the relocation of labour-related issues into broader frameworks of corporate social responsibility, ESG accountability and human-rights due diligence. These regimes typically rely on consultation procedures, grievance mechanisms and stakeholder mapping exercises which reproduce the formal grammar of participation but are oriented primarily towards risk mitigation and reputational management (Donaghey et al., 2014, pp. 231–234). As Eller argues in the context of global value-chain regulation, responsibility is dispersed along transnational supply-chain architectures, while the capacity of workers and unions to assert binding claims is displaced by

softer mechanisms of dialogue, monitoring and voluntary commitment (Eller, 2025, pp. 82–84).

Technocratisation does not, therefore, replace social dialogue; instead, it re-codes the debate. Where earlier institutional traditions acknowledged conflict as a constitutive feature of capitalist labour relations, the managerial colonisation of language produces a form of de-conflictualisation: disagreement is translated into an object of expert knowledge to be balanced, coordinated or absorbed into process design. Consultation becomes an input into decision-making rather than a site of shared authority. The promise of participation is retained at the level of form, but its redistributive horizon has narrowed (Ahmed, 2012; Donaghey et al., 2014).

This dynamic is particularly evident in supranational regulatory initiatives, where participatory procedures are embedded within complex technocratic architectures. Public consultations, impact assessments and stakeholder dialogues create an infrastructure of formal openness while simultaneously reinforcing the asymmetry of expertise and resources between corporate and labour actors. As Zeitlin and Vanhercke show in their analysis of the European Semester, social and labour concerns are not excluded from policymaking, but are increasingly absorbed into consultative and coordinative mechanisms that are only weakly connected to binding distributive outcomes (Zeitlin & Vanhercke, 2014).

From the standpoint of social dialogue, technocratisation thus entails a twofold transformation. First, it shifts the grammar of participation from negotiation to management: the emphasis moves from contesting interests to aligning expectations, harmonising positions, and producing consensual policy frames (Eller, 2025). Second, it creates conditions in which participation can be performed without power, where the visibility of stakeholders substitutes for their capacity to influence outcomes (Ahmed, 2012). In this sense, technocratisation operates as a key mechanism through which social dialogue becomes detached from its conflictual and redistributive foundations, reinforcing its evolution into a procedural artefact of governance rather than a site of collective agency.

European attempts at re-embedding: Directive 2022/2041 and CJEU case C-19/23

The adoption of Directive 2022/2041 and the subsequent judgment of the Court of Justice in C-19/23 represent one of the most visible recent attempts to re-embed collective bargaining within an institutional framework at EU level. Although formally presented as an instrument on “adequate minimum wages”, the Directive is, in normative terms, at least as much about the institutional conditions for collective bargaining as about wage floors themselves. This is particularly evident in Article 4, which obliges Member States with collective bargaining coverage below 80% to develop action plans and strengthen the capacity of the social partners – a provision widely recognised in the literature as the Directive’s centre of gravity, especially in countries with structurally weakened bargaining institutions (Janda & Álvarez Alonso, 2025; Schmid, 2025).

The judgment in C-19/23 largely confirms this interpretation while circumscribing its transformative potential. The Court upheld the Directive within the limits of Article 153 TFEU, annulling only those elements that were deemed to amount to direct interference in wage-setting, while characterising the remaining provisions, and particularly Article 4, as imposing procedural obligations of diligence rather than obligations of result (Freshfields, 2025; Brameshuber, 2025; Aranguiz & Garben, 2019; Menegatti, 2025).

This reasoning stabilises the Directive by reframing its core instruments as planning, coordination and capacity-building tools rather than mechanisms of substantive redistribution. As commentators note, the Directive survives not because collective bargaining is recognised as a justiciable social right requiring reinforcement, but because its operational measures are recoded within a procedural and coordinative logic that respects the autonomy of the social partners and avoids binding prescriptions on wage levels or bargaining coverage (Countouris, 2025; Otto, 2025). Article 4 thus becomes a framework for the promotion and facilitation of bargaining rather than a vehicle for restoring its material power basis.

From the conceptual standpoint developed in this paper, this configuration justifies describing the Directive, as interpreted by the Court, as a form of “re-animation from above”. It constitutes a top-down attempt to revive collective bargaining in systems where it has become fragile or residual, but it does so through administrative architecture, monitoring instruments and national action plans, rather than through the re-establishment of the power resources that historically sustained collective bargaining (Schmid, 2025; Ratti, 2025). The Directive provides a language of encouragement, capacity building and institutional facilitation; it does not (and, within the competence framework, it cannot) supply the conflictual foundations that make bargaining an effective redistributive institution (Countouris, 2025).

For these reasons, the Directive, as read through C-19/23, can be understood simultaneously as a meaningful gesture of re-embedding and as an illustration of its structural limits. It re-introduces collective bargaining into the architecture of EU social governance, yet it does so primarily as an object of procedural reinforcement from above rather than as a practice rooted in renewed distributive power from below. What is restored is the institutional shell of bargaining plans, frameworks and monitoring, while the underlying political economy of conflict remains largely untouched (Schmid, 2025; Countouris, 2025).

Techno-feudal architectures and the disappearance of negotiable space

This section argues that the erosion of social dialogue cannot be understood solely as a weakening of institutions, and rather as a consequence of a deeper structural shift in the organisation of capitalism. Contemporary digital infrastructures – platforms, data-extraction systems and algorithmic management tools – do not merely mediate work, but increasingly constitute a private, enclosed economic space in which the conditions of participation are defined unilaterally by corporate actors. The result is not only a decline in bargaining outcomes, but the progressive disappearance of spaces where negotiation could meaningfully occur.

Following Srnicek, Morozov, and Zuboff, techno-feudalism may be understood as an emerging economic order in which value extraction is grounded not primarily in competitive markets, which on the other hand exerts control over digital infrastructures, data monopolies and behavioural governance, producing forms of dependency and subordination that resemble feudal relations more than market exchange (Srnicek, 2017; Morozov, 2022; Zuboff, 2019). While the term remains contested, it provides a useful heuristic for capturing the concentration of infrastructural power and the asymmetries it generates in contemporary labour relations. Building on this perspective, the section develops three analytical claims.

First, digital platforms restructure labour relations by shifting power from contractual negotiation to infrastructural dependency. Access to work, visibility in ranking systems and remuneration levels are increasingly mediated through opaque algorithmic architectures that cannot be contested through traditional collective bargaining mechanisms. The worker ceases to be a party to a negotiable relationship and becomes a user embedded in a closed ecosystem, whose terms of participation are constantly adjustable and formally non-negotiable (Zuboff, 2019). This dynamic is particularly visible in platform-mediated sectors, where bargaining claims encounter not only employer resistance but the structural opacity of algorithmic governance.

Second, techno-feudal architectures undermine the conflictual foundations of social dialogue. Where industrial relations historically presupposed a shared institutional arena – a factory, a sector, a workplace – contemporary digital regimes fragment workers across jurisdictions, contractual statuses, and interfaces. The possibility of coordinated disruption is weakened not only materially, but also topologically: workers do not inhabit a common social or spatial platform of struggle, rather, they are distributed across infrastructures designed to isolate, individualise and measure performance (Srnicek, 2017).

Third, these dynamics contribute to what may be termed the disappearance of negotiable space. Even where consultation or participation procedures formally exist, they operate downstream of technological architectures that have already fixed the parameters of value creation, allocation and control. In this sense, negotiation is displaced from the level of rules and distributions to the level of acceptance or exit, echoing Morozov's insight that platform governance increasingly functions less as market coordination and more as a form of private sovereignty (Morozov, 2022).

The section concludes that techno-feudal architectures do not simply hollow out existing institutions of social dialogue; they reconfigure the very ontology of labour relations, replacing arenas of contestation with infrastructures of dependency. Institutional attempts to revitalise collective bargaining even when normatively ambitious remain structurally constrained when the space in which bargaining could occur has itself been rendered inaccessible or obsolete.

Direct democracy: high symbolism, low agency

In the context of the weakening of collective bargaining institutions and the erosion of organised labour as a structural actor, instruments of direct and deliberative democracy

are increasingly presented as potential substitutes for traditional forms of collective agency. Citizens' initiatives, participatory consultations and citizens' assemblies are framed as mechanisms capable of reconnecting political decision-making with social expectations, rebuilding legitimacy and opening new channels of voice. However, although these instruments often generate visibility, recognition, and symbolic inclusion, their capacity to produce transferable political power remains limited. They expand participation procedurally yet rarely transform the underlying distribution of authority or resources. As such, they may function less as alternatives to social dialogue than as arenas in which the absence of such alternatives becomes visible.

The gradual institutionalisation of participatory and deliberative formats has taken place within what Sheldon Wolin termed managed democracy – a political constellation in which participatory procedures are preserved and even multiplied, while the range of outcomes they can influence is progressively narrowed. Participation becomes routinised, embedded in administrative cycles and expert-led processes rather than emerging from conflict or collective mobilisation. In this environment, deliberative innovation does not challenge the concentration of power; instead, it is incorporated into governance as a technology of legitimation, producing consent rather than contestation.

This tension has been widely discussed in the literature on post-democracy and participatory governance. Scholars have argued that participatory institutions may, over time, move away from conflict-oriented engagement toward technocratic and problem-solving formats, in which disagreement is reframed as a coordination issue among stakeholders rather than as a clash of interests (Blondiaux, 2018). The role of experts increases, agendas become more tightly structured, and participants are encouraged to deliberate within predefined frames. As a result, deliberative arenas may become procedural rather than political: citizens are often invited to discuss policy design and implementation within given institutional parameters, while questions of distribution, authority and structural control remain only weakly open to contestation (Sintomer et al., 2008).

A European example illustrates this pattern clearly. Over the last decade, citizens' assemblies particularly those addressing climate and social policy have been convened in countries such as France and Ireland. These assemblies are frequently celebrated as democratic laboratories, producing carefully reasoned recommendations and strengthening public deliberation. Yet their institutional status remains strictly consultative. Their outputs are acknowledged, publicly debated and occasionally referenced in political communication, but implementation remains at the discretion of governments and parliaments. Selective uptake is common, while core structural or distributional proposals may be set aside without any formal obligation to justify the decision. The assembly thus becomes a site of symbolic recognition rather than a locus of enforceable authority.

From the perspective of labour relations, the limits of these mechanisms become especially visible. Unlike collective bargaining or strike action, citizens' assemblies do not generate leverage: they do not affect the material capacity of actors to disrupt production, reallocate value or renegotiate institutional rules. Their power lies in moral persuasion, publicity, and discursive framing. They can elevate issues and shape

narratives, but they cannot compel employers, states or transnational corporations to act. Participation is thus decoupled from conflict and, consequently, from redistribution.

Moreover, these instruments rely on an implicit individualisation of agency. Participants are invited as citizens rather than as members of organised groups or social classes. The plurality of social positions is bracketed in favour of a universal standpoint, which can obscure conflicts of interest and flatten structural asymmetries. What emerges is a form of equality within the deliberative space that does not extend beyond it: outside the assembly, actors remain unequally positioned in relation to power, resources, and institutional access. Deliberation thus risks producing an appearance of equality without its material correlate.

This is not to deny that direct-democracy instruments can have symbolic and mobilising effects. They may expand the repertoire of participation, create temporary publics and strengthen political imagination. In some cases, they can amplify broader social movements, prompting more substantive institutional responses. Yet even then, their effectiveness depends on external mobilisation unions, social movements or organised networks capable of exerting pressure beyond the consultative forum. Deliberative arenas themselves rarely generate such pressure; rather, they rely on pre-existing collective capacities.

In this sense, direct and deliberative democracies do not constitute a structural alternative to social dialogue, they are rather a reconfiguration of its symbolic dimension. They preserve the vocabulary of participation voice, engagement, consultation while detaching it from the mechanisms that historically translated conflict into institutional change. What they reveal is not the emergence of a new form of collective power, but the persistence of a vacancy: a condition in which people may speak, deliberate, and recommend, yet lack the organisational instruments through which speech becomes enforceable.

Thus, the paradox at the heart of these initiatives can be formulated as follows: they expand the repertoire of democratic expression while shrinking the domain of actionable power. They provide arenas in which the crisis of representation can be articulated and rendered visible, however, not necessarily resolved. For an analysis concerned with the future of collective agency, their significance lies precisely here – not as replacements for unions or bargaining institutions, but as indicators of a transformation in which participation increasingly operates without leverage, and voice is acknowledged without being translated into shared authority.

Labour law utopias: imagination without institutional anchoring

Alongside the proliferation of deliberative and participatory governance instruments, a different strand of reflection has emerged within contemporary labour law scholarship one that does not seek to revitalise existing institutions of social dialogue, instead it steps outside their conceptual horizon altogether. The body of work gathered under the label *Labour Law Utopias* exemplifies this orientation (Bueno et al., 2024). Rather than asking how collective bargaining might be restored or how trade unions might adapt to new labour markets, these interventions create images of

worlds in which employment, the firm, the wage relation, and the institutions of industrial relations — as well as the central categories of modern labour law — are transformed, displaced, or even rendered obsolete.

This subsection interprets these interventions through the lens of future imaginaries in the social sciences. Such imaginaries do not operate as predictions or policy proposals; instead, they function as epistemic devices that widen the field of what can be thought (Jasanoff & Kim, 2015). By loosening the connection between present institutions and future possibilities, they create analytical distance from what otherwise appears natural or unavoidable. This distance enables a critical interrogation of the normative premises embedded in labour law, for instance, the assumption that wage labour should remain the central organising principle of social cooperation, or that the employer–employee dyad is the primary site at which vulnerability and dependency arise.

In this sense, utopian labour law scholarship belongs to a broader critical tradition that treats the future as a method of critique rather than a projection of existing trends (Levitas, 2013). Imagining labour regimes that depart from current institutional arrangements reveals the contingency of categories such as productivity, value, contribution or dependency, linking them to specific historical configurations of capitalism and the welfare state (Ghai & Dermine, 2024).

Within this framework, two strands of utopian thinking are particularly relevant. One explores scenarios in which the centrality of paid employment is weakened by universal basic income schemes, expanded care infrastructures or shorter working time. Here, labour law is reconceived as a general grammar of cooperation extending beyond wage labour to encompass unpaid care and hybrid forms of contribution (Haberl & Vielle, 2024). Another strand questions the primacy of the employer–employee relationship as the core unit of regulation, proposing instead a shift toward situations of dependency and vulnerability regardless of contractual form (Ghai & Dermine, 2024). In both cases, labour law is detached from its firm-centred architecture and reoriented toward broader patterns of social interdependence.

These perspectives are analytically productive because they foreground the limits of the present institutional configuration. By imagining social orders in which employment is no longer the dominant axis of social citizenship, they illuminate how strongly the current system of social dialogue depends on a specific industrial model: large firms, stable employment, nationally bounded economies, and identifiable bargaining counterparts (Bueno et al., 2024). As this model erodes due to platformisation, global value chains and fragmented contractual arrangements, the institutional scaffolding built around it becomes increasingly fragile. The weakening of collective bargaining thus appears not as an accidental decline, but as the result of a structural misalignment between inherited legal categories and the contemporary organisation of work.

At the same time, a crucial limitation must be emphasised. Utopian labour law imaginaries indicate directions of thought; they do not constitute institutional alternatives capable of replacing collective agency. Their value lies in conceptual estrangement rather than in institutional design. They do not specify how representation should be organised, how bargaining power might be rebuilt, or how conflicts over

value and control could be mediated in practice. They remain deliberately non-anchored in organisational structures, enforcement mechanisms or power relations.

From this perspective, utopian labour law scholarship does not fill the vacancy of agency created by the erosion of collective representation. It diagnoses, problematises, and re-imagines, yet it does not generate organisational capacity or provide strategies for collective action within existing configurations of platform capitalism, supply-chain governance or techno-feudal infrastructures.

For this reason, labour law utopias should be read not as an escape from the crisis of social dialogue, but as a critical mirror that reflects its depth. They show that the erosion of collective bargaining is not simply a failure of institutions, but a symptom of a broader transformation in how work, value, and dependency are organised. Yet precisely because they remain at the level of conceptual imagination, they reinforce the central claim of this article: the decline of traditional mechanisms of collective power has not been matched by the emergence of viable institutional substitutes. Utopias illuminate horizons of thought, yet they leave unresolved the question of how such domain might be institutionally realised.

Ethical consumption: moral pressure without economic power

Alongside deliberative democracy initiatives and utopian labour law imaginaries, ethical consumption is often presented as another putative alternative to the erosion of collective labour institutions. Consumer boycotts, brand-based campaigns, and “responsible purchasing” strategies suggest that, in the absence of strong unions or meaningful collective bargaining, the market itself – via reputational pressure and consumer choice – might function as a corrective mechanism. In this vision, individuals act as moral agents whose consumption decisions are expected to discipline corporations and compensate for the shrinking capacity of workers to act collectively. Yet although ethical consumption generates visibility, discursive resonance and occasionally targeted reform, its capacity to operate as a substitute for collective agency remains fundamentally limited.

The analysis begins from the premise that ethical consumption operates primarily within the register of moral pressure rather than structural power. Campaigns urging consumers to boycott particular brands, reward ethical producers or support alternative goods from fair-trade products to niche initiatives such as Fairphone are grounded in the assumption that reputational vulnerability will compel firms to modify behaviour. However, as Nancy Fraser argues, many of these practices become integrated into what she terms progressive neoliberalism: a political constellation in which the language of emancipation, responsibility and ethical awareness is combined with ongoing processes of marketisation and inequality (Fraser, 2019). Ethical consumption, in this sense, may signal moral concern while leaving untouched the deeper architecture of value extraction and power asymmetry that characterises global supply chains.

Sara Ahmed’s critique of institutional “performances of inclusion” sheds further light on this dynamic. Ahmed observes that gestures of responsibility or inclusion often function as surface-level confirmations that something has been done, rather than as mechanisms transforming underlying social relations (Ahmed, 2012). Applied

to the field of labour governance, this insight suggests that ethical branding, corporate social responsibility labels, and consumer-oriented transparency rankings may produce evidence of ethical engagement without shifting decision-making authority, bargaining leverage or distributional outcomes. Ethical consumption becomes a mode of affective reassurance rather than a vehicle of structural change.

To move beyond theoretical critique, the subsection turns to one of the most widely cited empirical cases in which consumer-driven mobilisation appeared to contribute to significant corporate and regulatory responses: the aftermath of the Rana Plaza factory collapse in Bangladesh in 2013. In the wake of sustained transnational campaigning and reputational pressure, a group of multinational brands signed the Accord on Fire and Building Safety – a binding agreement that introduced independent inspections and remediation plans for a segment of the garment sector. As Donaghey and colleagues demonstrate, this development represented a departure from the voluntary, non-binding CSR frameworks that had dominated supply-chain governance (Donaghey et al., 2014). Yet the same research underscores the partial and uneven character of the resulting reforms: the Accord covered only a subset of factories, did not fundamentally alter sourcing practices or purchasing pressures, and left the broader political economy of the sector largely intact.

Subsequent research, however, suggests that this process did not remain at the level of reputational pressure but evolved into a more structured form of transnational governance. Analyses of the Accord and its successors point to a shift from “constructive ambiguity” to “escalating commitment”, whereby initially flexible arrangements gradually generated more binding obligations and enforcement mechanisms (Reinecke & Donaghey, 2025). The significance of this case, therefore, lies not in confirming the effectiveness of ethical consumption as such, but in illustrating the conditions under which moral pressure can, under specific circumstances, be translated into institutionalised commitments.

The Rana Plaza case thus illustrates the central paradox of ethical consumption and reputational activism. Under exceptional circumstances, concentrated global attention can produce targeted institutional innovations. Nevertheless, these tend to operate at the margins of systems whose core dynamics remain unchanged. Improvements are often geographically or sectorally circumscribed, temporally constrained, and heavily dependent on continued external scrutiny. They prove that ethical pressure can prompt reform, yet they also reveal its fragility in the absence of durable collective bargaining structures or regulatory regimes capable of sustaining and extending change.

A key argument of this subsection is, therefore, formulated explicitly: the consumer is not a collective negotiator. Whereas collective bargaining and strike action are based on shared organisation, coordinated withdrawal and enforceable mandates, consumer activism is structurally individualised, intermittent, and difficult to coordinate. Participation depends on personal motivation and fluctuates with income level, convenience, price sensitivity, and time. Even when campaigns mobilise large numbers of participants, they lack the institutional mechanisms that give bargaining its force: representation, rules of engagement, recognised counterparts, and credible sanctions. Ethical consumption generates signals such as shifts in brand perception, symbolic pressure, moments of visibility, which unfortunately are not binding commitments or redistributive outcomes.

Moreover, ethical consumption reconfigures the locus of responsibility in ways that further distance workers from agency. Instead of employers, regulators or transnational corporations being positioned as primary decision-makers, the burden of action is displaced onto individual consumers whose capacity to withdraw demand is mediated by class position and market constraints. Workers themselves remain largely outside these processes, appearing primarily as objects of protection or compassion rather than as authors of demands. Campaigns often speak about or for workers but rarely operate with them in forms that would build organisational power or enable participation in negotiation.

This reframing also narrows the universe of possible interventions. Ethical consumption treats labour conflict as a matter of market preference to buy or not to buy rather than as a site of contestation over governance structures, ownership or distribution. Action becomes reactive and issue-specific, oriented toward particular products or scandals, while the broader institutional mechanisms through which workers might influence decision-making remain underdeveloped or absent. In this way, ethical consumption risks reinforcing a model of politics in which dissent is channelled through individualised acts of refusal rather than through collective strategies capable of modifying structural relations of power.

The subsection, therefore, concludes that ethical consumption neither replaces nor restores the functions once performed by collective bargaining. It can raise awareness, create moral visibility and, in exceptional cases, contribute to targeted improvements in workplace safety or transparency. Rather than a new form of collective agency, ethical consumption should be understood as a symptom of its absence, although, under specific conditions, it may contribute to the emergence of more structured forms of transnational regulation.

Conclusion: a vacancy of representation and the search for micro-dialogical forms

The paper returns, in conclusion, to the central question posed in the introduction: what becomes of social dialogue when conflict does not disappear, yet no longer translates into institutional power? The analysis developed across the paper suggests that social dialogue is not simply in decline or “dead”; rather, it has undergone a process of progressive hollowing-out. It continues to exist in the form of procedures, consultations and symbolic performances, however, it increasingly lacks the material and organisational foundations that once connected it to workers’ collective agency. In this sense, the present crisis is not the absence of dialogue, but its emptiness is a condition in which institutional forms persist while their capacity to redistribute power diminishes (Fraser, 2022).

The argument has shown that this hollowing-out results from the interaction of two mutually reinforcing dynamics. On the one hand, social dialogue has been subject to ritualisation and technocratisation: it has become embedded in managerial and compliance-oriented governance, where conflict is reframed as coordination and disagreement is channelled into controlled procedural formats (Streeck, 2014). On the

other hand, the potential “alternatives” that are often mobilised in response to the erosion of collective bargaining – direct-democracy instruments, utopian labour law imaginaries, and ethical consumption do not generate durable organisational capacities or new forms of leverage. Rather than filling the void left by weakened unions and fragmented labour markets, they reveal the emergence of what may be described as a vacancy of collective agency, in which conflict remains socially visible yet institutionally ineffective.

This diagnosis carries important implications for social and labour policy. The weakening of collective bargaining does not lead to a straightforward transfer of representation to new arenas; instead, representation becomes fragmented, dispersed, and weakly institutionalised. Voice is distributed across deliberative forums, CSR architectures, consumer activism, and episodic transnational campaigns but without shared mandates, enforceable commitments or stable interlocutors (Hyman, 2018). Policy strategies that rely primarily on strengthening procedural participation or consultation risk reinforcing this dispersion, especially when they fail to address the deeper asymmetries of power, data and infrastructural control that characterise contemporary platformised and supply-chain capitalism (Zuboff, 2019; Srnicek, 2017).

At the same time, the analysis suggests that the absence of consolidated alternatives does not imply a complete absence of emergent forms. Recent empirical work points to the existence of fragmented yet tangible practices of bargaining and coordination in new sectors, particularly in the platform economy. These include collective agreements, recognition arrangements and hybrid negotiation mechanisms, often facilitated by supportive legal frameworks but limited in scope and unevenly distributed across sectors and jurisdictions (Forsyth & McCrystal, 2025). Such developments indicate that new forms of coordination are not purely hypothetical, yet they remain structurally fragile, dependent on context and rarely capable of scaling into generalised institutional arrangements.

In a similar vein, the evolution of the Bangladesh Accord demonstrates that under specific conditions moral pressure and reputational activism may be translated into more binding institutional commitments. The shift from “constructive ambiguity” to “escalating commitment” identified in recent analyses shows how initially flexible arrangements can, over time, generate more robust governance structures and enforcement mechanisms (Reinecke & Donaghey, 2025). However, such cases remain exceptional and contingent, requiring sustained transnational coordination and external pressure, and do not in themselves constitute a systemic alternative to collective bargaining.

These developments should also be read alongside countervailing evidence from institutional contexts where collective bargaining retains significant redistributive capacity. Comparative research on Nordic labour markets suggests that, under conditions of high union density, coordinated bargaining and strong institutional embedding, collective negotiation continues to function as a central mechanism of wage-setting and solidarity, even in periods of economic disruption (Ibsen et al., 2024). This contrast reinforces the core argument of the paper: the erosion of social dialogue is not universal but conditional, reflecting the presence or absence of the institutional and material resources that sustain collective power.

For this reason, the conclusion neither advocates a nostalgic restoration of the post-war model of social dialogue, nor assumes that legal or technocratic reinforcement alone can reconstitute its material foundations. Instead, it proposes a research and policy agenda oriented toward the identification and analysis of micro-dialogical forms emerging, hybrid and frequently fragile practices of coordination, representation and solidarity that arise at the intersection of institutions, social movements and digital or infrastructural spaces. These may include experimental local bargaining arrangements, informal coordination networks among fragmented workers, cross-border organising in global value chains, worker-driven data collectives, or new forms of solidaristic infrastructure-building in sectors that lack stable interlocutors.

Micro-dialogical forms do not, at present, constitute a consolidated alternative to the institutional architecture of social dialogue, nor should they be romanticised as inherently emancipatory. However, they indicate where new forms of agency may be crystallising, often in partial, situated and experimental ways. Tracing their conditions of emergence, identifying their limits and understanding how they relate to processes of techno-feudal dependency and infrastructural subordination (Morozov, 2022) is essential if scholarship and policy are to move beyond the binary between technocratic repair and institutional nostalgia.

Consequently, the vacancy identified in this paper should be understood not merely as a sign of institutional decline, but as a transitional space, one in which the boundaries of collective action are being renegotiated under new material and technological conditions. Whether this space becomes a zone of further fragmentation or a terrain for the reconstruction of collective power will depend on both legal innovation and also on the ability to recognise, support and critically evaluate these micro-dialogical experiments as they emerge.

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