TRAINING UNITS FOR TRADE UNIONISTS
in the frame of the 6th Framework Programme (FP) for Research and Technological Development (CAPRIGHT)

Euro-unionism at the beginning of the 21st century
An overview of the transnational trade union movement

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The present document was produced by the GRAID research group, the Belgian member of the CAPRIGHT\(^1\) European scientific network. The CAPRIGHT project uses two conceptual approaches, one focusing on capacities (based on the theoretical work of the economist Amartya Sen), and the other on resource regimes, an analytical framework developed by the RESORE network, one of the founding members of CAPRIGHT. The work presented here follows the latter approach.

The general framework of this approach, which takes the remuneration of work as its specific focus, has been presented in a book\(^2\) and led to the concept of «resource regimes». Several types of resource regime have been developed taking into account the specificities of each national history. A regime is defined on the basis of an examination of the institutional, legal and political relations created around the right to remuneration; these include, amongst others, the institutions that legitimate (or do not legitimate) tripartism, collective work relations, legal norms that establish the right to a wage and to other social security resources, and the social legitimation underpinning entitlement to these rights. The combination of these various components of the wage relation form a particular type of resource regime. Bernard Friot has shown\(^3\) that these various resource regimes can be classified according to their greater or lesser capacity to subvert capitalist relations of domination and exploitation. Two of them - the «socialised wage» and the «public service» regimes – were able, over time, to create modes of collective control over the production and the distribution of resources which, in the mid 1970s, made it possible to demonstrate the social uselessness of capitalism.

The history of European construction presented here through our examination of the progressive constitution of Euro-unionism is grounded in the history of the formation of these two resource regimes as collective instruments for emancipation. The socialised wage and public service regimes made it possible to reinforce the socialisation of wealth via policies adopted by the Western European states post-1968 in the face of continuing social, political and economic conflicts. But it is precisely at that time that a vast counter-revolutionary trend was set in motion (starting in 1975), in order to progressively dismantle the institutional and political relations at the core of these two resource regimes. The process of European integration that was launched with the internal market (1986) is one of the key political responses of the business world and a majority of the European political class - which had converted to economic liberalism - to counter this anti-capitalist development of society.

One of the counter-revolutionary policies was to marginalise the union movement in terms of its capacity to protect, consolidate and extend these two emancipatory resource regimes. The analysis of Euro-unionism that we present here is interwoven with the history of this marginalisation of the union actor.

\(^1\) «Resources, rights and capabilities in search of social foundations for Europe» is a programme within the framework of the 6th RTD-FP of the EU, under the direction of Robert Salais, Ecole normale supérieure (ENS), Institutions et dynamiques historiques de l’économie (IDHE), Cachan, France.


\(^3\) Friot, B. (2007) Le salariat : pour une approche en termes de régimes de ressources, in François Vatin et Sophie Bernard (dir.), Salarit : théorie, histoire et formes, Paris, La Dispute, p. 147-186
In the recent sociological literature on trade unionism in European countries, the common trend is to emphasise the weakening, or even the deep crisis, of trade unionism. However this “crisis” of the model of national trade unionism is rarely linked to the emergence of a new dimension stemming from the development of trade unionism policies within the European Union (EU). Yet an analysis of the specificity of “Euro-unionism” has become essential today, due to the development of the Community level as the political level of regulation taking precedence over all national norms in the EU fields of competence. Indeed, the national and Community levels have become increasingly interlinked within the political system that the EU now represents and that imposes on all its members the obligation to respect an ever more extensive set of legal, economic, monetary and political constraints. The increasing rate of Europeanization of the political and economic systems of the Member States is compelling trade union organisations to strengthen the European dimension of trade unionism. This Euro-unionism, which emerged with the setting up of the first supranational political structures (Benelux, ECSC, EEC), is now characterized, after half a century of experience, by specific institutions as well as its own history. From a legal and political viewpoint, it is integrated in the frame of institutional processes linked to the functioning of the EU and creates a tension in order to establish new rights in the field of labour law (for instance transnational strikes). Yet its past as well as its current actions remain largely unknown.

The training units proposed here are very practical, and designed to provide national trade union training structures with a clear pedagogical overview of the composition and the functioning of the trade union organisations constituting what is known as “Euro-unionism”. The experience acquired by both authors in the many training sessions they have organised at the request of Belgian and French trade unions has revealed that national trade union delegates remain widely under-informed as regards the functioning of the European political system in general and the organisation of industrial relations at EU level in particular. Consequently, the goal is to present a range of descriptive information in easily accessible form. Four topics (corresponding to 4 Units and 10 Fact sheets) will give us the opportunity to address this emerging transnational movement and its current key issues.

The set of 4 Units comprises 10 explanatory fact sheets, each followed by additional sections under the headings:

- **«And today?»**: focusing on current debates, such as the Laval/Viking judgments on transnational strikes.
- **«Key details»**: tables and boxes providing additional information.
- **«What do you think?»**: a set of questions relating to the fact sheet, to be used as a basis for discussion between trade union delegates and trainers. The trainers will have to have a thorough knowledge of the industrial relations system and developments in the field of social rights in the country where they teach.
- **«For more on this subject»**: listing bibliographical references.
Summary

■ UNIT I. A HISTORY OF THE DEVELOPMENT OF EURO-UNIONISM

► Fact sheet 0. The seven stages leading up to today’s industrial relations system in the European Union

■ UNIT II. THE INSTITUTIONAL ARCHITECTURE OF EURO-UNIONISM

This institutional framework comprises 4 levels, which will be analysed separately:

► Fact sheet 1. The cross-sectoral level
The European Trade Union Confederation (ETUC)

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The European Industrial Federations (EIFs)

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Interregional Trade Union Councils (IRTUCs).

■ UNIT III. EURO-UNIONISM WITHIN THE POLITICAL FRAMEWORK OF THE EUROPEAN UNION

► Fact sheet 5. Industrial relations at the cross-sectoral level
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Fact sheet 0

The seven stages leading up to today’s industrial relations system in the European Union

1. Europe, the unions, and the cold war
2. Union involvement in the ECSC
3. Marginalisation in the EEC comes as a blow
4. The 1960s: Euro-unions trapped in a role of technical expertise
5. 1968 provides the impetus for strengthening Euro-unionism in the 1970s
7. The 1985 internal market and the launching of social dialogue by the Delors Commission

About the contents

This fact sheet is divided into seven sections that follow the key stages in the development of Euro-unionism from its birth in the late 1940s until the adoption of the Treaty of Maastricht in 1991. The Treaty brought about changes, both at the level of the organisation of industrial relations and with the launching of Economic and Monetary Union (EMU), that effectively constitute the introduction of a new political system. The relations between Euro-unionism and this new system will be examined in Fact sheet #5 in particular.
1. Europe, the unions, and the cold war

Euro-unionism and the political project for European integration emerged in the wake of World War II and in a period marked by the particular context of the cold war.

The trade union movement, since its birth in the 19th century, had not succeeded in achieving unity at international level, and remained divided into different political currents: socialist/social-democrat, communist, christian, and anarchist.

There was a move towards unification between the socialist/social-democrat and communist currents in 1945 with the creation of the World Federation of Trade Unions (WFTU). But their newly found unity was to be shattered in 1949 over the question of whether to accept U.S. financial aid in Europe with the Marshall plan. The communist current argued that this aid would leave Western Europe permanently dependent on the United States and on the new organisation of military cooperation, NATO, that was being set up. The socialist/social-democrat current, on the other hand, chose to support the policy of U.S. aid for the reconstruction of Western Europe, and left the WTUF to found the International Confederation of Free Trade Unions (ICFTU) in December 1949.

During this same period, a new international organisation was set up in Paris to supervise the distribution of U.S. aid to the 18 European countries that had accepted it. This was the Organisation for European Economic Cooperation (OEEC) [which in 1961 would become today’s well-known OECD]. The first European trade union structure, composed of union representatives from the socialist/social-democrat and christian currents, was then set up to monitor OEEC policies.

After that, every time a new European political institution was established, the socialist and christian labour leaders responded by setting up – separately - a specific union structure at the same level: this was the case for the Benelux, the International Authority for the Ruhr, the European Productivity Agency, the European Coal and Steel Community (ECSC), and finally the European Economic Community (EEC).

Why the union leaders supported European integration

The interest these union leaders showed in the emerging institutional Europe was ambivalent from the outset, and based on numerous reasons that were also a source of internal tensions:

- The importance of being recognised at all levels of power as a central and essential interlocutor for the political authorities, seen as a fundamental characteristic of any democratic system.

- To be able to be present in all the power structures organising a part of the economy, in order to ensure the redistribution of wealth and to work towards the generalised improvement of people’s working and living conditions.

- To participate in disseminating this democratic, tripartite model within Europe.

- To neutralise nationalist tensions in order to prevent both the outbreak of nationalist wars and the development of fascism and nazism in the future.

- To sap the legitimacy of the communist labour movement by positioning themselves either as the only responsible leaders for the reconstruction of Europe, or as an active base of support for the USA’s anti-communist campaign.

- To establish the United States of Europe with a view to building a specific, joint European political power as a counterweight to the USA and the USSR.
2. Union involvement in the ECSC

The socialist/social-democrat and christian union leaders actively supported the implementation of the Schuman Plan (1950) which initiated the creation of the ECSC (European Coal and Steel Community) that would be established the following year by the Treaty of Paris. Two union structures, grouping the coal and steel sectors, were set up: one, the Trade Union Committee of Twenty-One, was affiliated with the ICFTU, and the other, the ECSC coordination committee, was established by the christian current (from the International Federation of Christian Trade Unions, IFCTU). This plan for joint political control over steel and coal production at the scale of 6 states was seen as an innovative form of tripartism. The ECSC High Authority, the supranational body in charge of implementing the provisions of the Treaty, included two union leaders among its nine members: the Belgian socialist Paul Finet, former president of the ICFTU, and the German social-democrat, Heinz Potthof. A christian unionist was also appointed as judge to the ECSC Court of Justice. A Consultative Committee composed of equal numbers of representatives of producers, workers, users and dealers in the coal and steel sectors was set up to issue opinions on certain areas of work of the High Authority. The unions obtained the further creation of two joint commissions in 1955, one for coal and the other for steel, with a view to creating face to face communication with the employers’ representatives on a basis of parity, and to work towards initiating transnational collective bargaining.

The political agenda of the ECSC was close to union positions: to prevent the emergence of private production monopolies (anti-trust campaign) and to control production; to generate independent financial resources through a supranational tax on production with a view to implementing common policies (notably in the social field and occupational redeployment); to build a modern economy that would refuse to function on the basis of wage competition.

3. Marginalisation in the EEC comes as a blow

When the European Economic Community was set up in 1958, the loss of the gains the unions had won when the ECSC was formed came as a shock to the socialist/social-democrat labour leaders:

- No union leaders were appointed as commissioners to the European Commission
- The Economic and Social Committee, structured on the representation of three groups (producers, workers and other diverse interests) included no joint commissions with parity representation, and its independence and role were reduced compared to the ECSC Consultative Committee (meeting agendas and internal organisation determined by the Council of Ministers; no own-initiative opinions or freedom to publish opinions; delegates appointed by the member states and not by the union organisations.)
- Tripartism was only recognised for the creation of a committee to manage the future European Social Fund.

Unlike the ECSC, the EEC was no longer limited to a specific branch of the economy, but proposed a particular vision of European integration focused on trade. The aim was not to extend public political control over the organising of economic production, and the EEC was not an extension of the ECSC. It can even be said that it marked a break between two ways of seeing and thinking the relationship that should exist between a society’s political and economic spheres. The action of the EEC would no longer be concerned with what comes before the economic process (production), but with what comes after it: the agenda was to increase the circulation of goods by reducing and then abolishing custom tariffs, in a common market that would progressively be organised into a unified space for trade between member countries. A notable exception, given its weight in the French economy and its importance for General de Gaulle, was the agricultural sphere: here, the “ECSC tradition” of public intervention would be stepped up.
The labour organisations tried to adapt to this new, less defined situation. At the beginning of the 1960s, the trade union forces within the six EEC Member States were divided up as follows:

- The socialist/social-democrat current, representing over 60% of unionised workers, was the predominant force;
- The communist current represented close to 25% of total union membership;
- The christian current around 15%.

Since the communists were considered a hostile political force, EEC institutions would remain closed to union representatives or members of parliament from this movement until the end of the 1960s. This meant that before that date, only representatives from the socialist/social-democrat and christian unions would participate in European institutions (mainly the Economic and Social Committee). These two currents did not unite, but created parallel organisations at the cross-sectoral level:

- The socialists founded the European Trade Union Secretariat (ETUS), (1958)

Despite the dominance of the socialist trade union current, the christian current would be over-represented in the EEC, obtaining 1 representative for 2 socialist representatives, due to the influential role played by the christian-democrat political current in the launching of the EEC. In addition to the two cross-sectoral organisations, Euro-union structures were also created in certain sectors in 1958, but only by the socialist current, since the christian unions were too small to diversify. Five sectoral European organisations were thus set up:

- The Contact Office of the Miners’ and Metalworkers’ Free Trade Unions in the EC, stemming from a transformation of the Committee of Twenty-One;
- The Committee of Transport Workers’ Unions in the EC;
- The European Committee for Agricultural Workers;
- The Coordinating Committee of the European Federation of Chemical and General Workers’ Unions (grouping chemicals, paper, glass and ceramics, and oil industries);
- The Joint Committee for Building and Wood Workers

**4. The 1960s: Euro-unions trapped in a role of technical expertise**

During this first decade of the EEC, Euro-unionism was not able to remedy the fact that labour representation in Community institutions was weak, fragile and poorly adapted to defending a collective, militant (transformative) approach to the organisation of work relations.

Several sector-level advisory committees were set up to assist the European Commission, but only some of these were organised on a basis of parity. In others, such as the Advisory Committee for Policies on Agricultural Structure, union delegates were marginalised (representing 8 of a total of 36 members). Moreover, the functioning of the committees was based on a culture of expertise: members were considered as individual experts who spoke only for themselves, which clashed with the union tradition of collective representation and force. This destabilisation of the collective dimension of unionism was amplified by the fact that no structures for cross-sectoral representation were accredited to the Commission or the Council for examination of proposals for European regulations.
5. 1968 provides the impetus for strengthening Euro-unionism in the 1970s

The climate of protest that spread throughout Western Europe after the social events of 1968 fostered a radical change in the methods and content of government. New political leaders, who were more open to social questions, or more radical, came to power. Their political programmes were closer to union goals and led to a strengthening of collective social rights, with union leaders securing better access to decision-making processes.

At EEC level, this new climate was expressed in the creation of cross-sectoral structures permitting a tripartite encounter between ministers, union leaders and employers’ representatives. A Standing Committee on Employment (SCE) was created at the end of 1970 to discuss directions for Community employment policy; annual tripartite conferences were initiated to discuss the broad macro-social and economic guidelines, and para-public institutions were created (such as the European Foundation for the Improvement of Living and Working Conditions, and the European Centre for the Development of Vocational Training); representation was opened up to communist delegates; the Economic and Social Committee obtained the right to give own-initiative opinions; and the Council decided to open up the institutional functioning to democratic symbolism with the election of the members of the European parliament by universal suffrage.

These changes opened the way to the drafting and promulgation of the first European social directives (laws) in 1975. They also fostered the development of Euro-unionism and enabled it to improve its structuring.

At cross-sectoral level, a transnational trade union confederation uniting ICFTU-affiliated unions from 15 European countries was formed in 1973. This new organisation, the European Trade Union Confederation (ETUC), was joined by the christian current’s European-level organisations in 1974. That same year, membership was also opened up to the communist current with the acceptance of the Italian CGIL, demonstrating the new Confederation’s desire for unity.

At sectoral level, 10 European sectoral trade union committees were set up at the beginning of the 1970s.


Opposition to Keynesian policies surfaced at EEC level at the end of 1975, just when these were beginning to have an effect at supranational level with the adoption of European labour legislation. The annual conferences between ministers, unions and employers grew stormier each year, as the idea of restricting the money supply (monetarism) - notably by a strict control of wages - and of deploying policies on the organisation of working time (flexible working hours and contracts) progressively took root among employers and the European Commission. This was their response to the unions’ vision of a generalised reduction of working time, which the ETUC had declared to be a central goal of the joint trade union programme for Europe adopted at its 1976 London Congress. As of 1979, the ETUC refused to participate in further tripartite conferences, finding that its programme was incompatible with the neo-liberal doctrine which leading European politicians and employers were beginning turn into a programme for government.

The ETUC then took a more militant position, directing its efforts towards organising demonstrations and trade union meetings at European level and, through its affiliates, to seeking out national alliances with governments that had not yet converted to neo-liberalism. In 1984, however, it had to admit defeat: it no longer had any significant political allies at government level, except in France where the socialists were in power under the presidency of François Mitterrand. The French socialists seized the opportunity of France’s presidency of the EEC Council during the first semester of 1984 to open up the way once again for informal meetings between the Social Council, employers and the ETUC. However, employers’ liberal views had by then become so hegemonic that a weak term which would not be seen as an affront to “market forces” had to be found: this was “social dialogue”.
7. The 1985 internal market and the launching of social dialogue by the Delors Commission

With the arrival of Jacques Delors as president of the Commission, “social dialogue” was instituted at European level, thus permitting its stabilisation (the presidency of the Commission being far more stable than that of the Council). But very soon, with the generalised “shake-up” of the European agenda due to the focus on the rapid implementation of a vast internal market, the ETUC grew extremely uneasy. The social dialogue process was launched in January 1985 without the unions having any clear knowledge of the content of the new project for European integration. For the ETUC, extending liberal policies to the entire EEC membership would paralyse initiatives for European social standards and was unthinkable. It was prepared to make certain compromises (such as giving up the demand for the reduction of working time), but in exchange for a tripartite pact guaranteeing EEC social legislation and, on the employers’ side, industrial investment policies which would boost overall economic growth in order to achieve significant job creation. However, a succession of blows lay ahead for the ETUC: the unpleasant surprise of the project for an internal market based on the sanctification of free trade; the Council’s strong opposition to developing European social legislation in the field of labour law; the Commission pressuring the social representatives to take sole responsibility for setting social standards via collective agreements; the development of a “social partner” culture pushing the ETUC to accept free-trade doctrine, including “developing a flexible labour market”. Social dialogue reached a stalemate. And the ETUC engaged in two battles, seeking, on one hand, to impose implementation of a basic framework for social legislation in the field of labour law, and on the other, to work towards reforming the Treaty in order to obtain a better balance between the roles played by the Community authorities and the social representatives in the production of social standards, and thereby to gain acceptance of the idea of European social regulations. This latter approach also aimed both to open up social dialogue to sectoral unions and to extend majority voting in the Council to social and fiscal policies.
UNIT II
THE INSTITUTIONAL ARCHITECTURE OF EURO-UNIONISM

Summary

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- Fact sheet 2. The sectoral level
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- Fact sheet 4. The regional level

About the contents

From 1991 on, with the reinforcement of the process of European integration, and under pressure from the launching of Economic and Monetary Union, Euro-unionism was faced with the necessity of strengthening its structures and making them more visible not only to the European institutions but also to the world of labour. The diverse, largely uncoordinated initiatives that had been launched earlier were more effectively structured in order to propose a coherent plan for distinct European levels of union intervention.

Euro-unionism was then able to take shape as an inter-related whole comprising four levels:

- Cross-sectoral, with the European Trade Union Confederation (ETUC)
- Sectoral, with the European Industry Federations (EIIFs)
- Company-level, with the ETUC campaign to develop European Works Councils (EWCs)
- Regional, with the Inter-regional Trade Union Councils (IRTUCs)

This unit provides an overview of these 4 levels, presenting each one in a separate Fact sheet.
Fact sheet 1

The cross-sectoral level
The European Trade Union Confederation (ETUC)

The European Trade Union Confederation (http://www.etuc.org) has a membership that currently (September 2008) comprises 82 national trade union confederations from 36 countries (see Key details A), and 12 European Industry Federations (EIFs).

The Congress is the supreme authority setting general ETUC guidelines and policy, and meets once every four years. Since the founding Statutory Congress of 1973, a total of 11 Congresses have been held, the last taking place in Seville in May 2007 (see Key details B). The Congress is always a key time in the life of a union organisation, particularly since it provides the occasion for bringing together delegates from many countries who rarely have the opportunity to meet. It is here that joint union programmes or guidelines are developed, a task that is central to the development of the social transformation goals of Euro-unionism. A landmark programme, based on a Euro-Keynesian approach to transnational regional development and a generalised reduction in working time, was produced at the London Congress of April 1976. It remained the reference for the ETUC until 1985. But since then, the European governments’ alignment with neo-liberalism, and particularly the adherence of the socialist parties to neo-liberal reform programmes have hindered the capacity of the ETUC to defend a new socio-economic programme that is radically different from the pervading liberalism.

The ETUC head offices are in Brussels. The Executive Committee meets there at least 4 times a year, and the Steering Committee at least 8 times a year. The Steering Committee was set up after the 1991 Congress in order to have a smaller decision-making structure since the full Executive Committee comprises over 200 members.

The ETUC is headed by the General Secretary and the President. At the Seville Congress, John Monks (from the TUC, UK) was re-elected as General Secretary, a position he has held since the 2003 Prague Congress, and Wanja Lundby-Wedin (from the LO-S, Sweden) became the first woman President in the history of the ETUC.

At the 1991 Congress, which approved in-depth changes in the ETUC statutes, the importance of these two head positions was switched around. Beforehand, the key person was the president, who left a position at the head of a national organisation to take office at European level, while the general secretary played a secondary role linked more to the administrative management of the organisation. This approach was based on the idea that, given the weight of the national states in setting Europe’s key orientations, it was necessary to have a leader who had built up a solid power base at national level. With the reversal of roles establishing the general secretary as the organisation’s top person, stress was shifted to strengthening the supranational structure of Euro-unionism, in line with the establishment of the European level as the dominant political level for defining the broad socio-economic guidelines. At the same time, the staff of the secretariat was enlarged. It currently also includes two deputy general secretaries (Marie Helena Andre (Portugal) and Reiner Hoffmann (Germany)) and four confederal secretaries (Walter Cerfeda (Italy), Joël Decaillon (France), Jozef Niemiec (Poland) and Catalene Passchier (the Netherlands)).

The ETUC has supported the creation of structures for specific interest groups: the Women’s Committee, Youth Committee, European Federation of Retired and Elderly Persons (EFREP/FERPA), and a Eurocadres group (for professional and managerial staff). The first three each have two votes at the Congresses. The Women’s Committee also has representatives with voting rights on the Executive Committee. EFREP, which rapidly organised as a trade union Federation with its own decision-making bodies and Congresses, would like to have the same status within the ETUC as the Industry Federations (such as more representatives at the Congress and voting rights in the Executive Committee).
it has systematically petitioned each Congress for the ETUC statutes to be changed to permit this (but thus far without success).

The ETUC has also set up “service structures” enabling it to produce expertise in its fields of interest. The most important of these is the European Trade Union Institute for Research, Education and Health and Safety (ETUI-REHS). It comprises three branches: the Research Department (http://www.etui-rehs.org/research), which aims to provide a link with academia, conducts research on socio-economic issues, and publishes the journal Transfer. The Education Department (http://www.etui-rehs.org/education) provides training for unionists with a special emphasis on developing the European dimension of industrial relations in trade union education (notably, language courses to facilitate understanding between different union cultures and industrial relations systems). The Health and Safety Department (http://hesa.etui-rehs.org/uk/default.asp) offers its expertise in the study of the legislative framework of the European Union regarding occupational health and safety and the promotion of safety measures in the organisation of work. It conducts comparative studies of the transposal of European laws and their implementation within each national framework.

Finally, the Social Development Agency (http://www.sda-asbl.org/default.htm) works to promote international social dialogue and serves as an advisory structure for European Works Councils and workers’ representatives in European companies.

The ETUC estimates its total membership to amount to 60 million workers. It is recognised by the European Union authorities, and engages in industrial relations with the European employer organisations, Business-Europe (private sector) and the CEEP (public sector), and also follows social issues in the Council of Europe (an intergovernmental international body created in 1949, focused on protecting cultural diversity and human rights).

**The question of trade union unity and programmatic coherence**

Cross-sectoral Euro-unionism has close to a half-century of history. Its restructuring into the “European Trade Union Confederation” in 1973 corresponded to the consecration of the socialist/social-democrat current, the dominant force in the then 9-member European Community, and was carried out in a socio-economic context marked by a political will to increase the role of public intervention in order to strengthen people’s social and cultural rights. It was thus in all serenity that the ETUC’s socialist leaders, convinced as they were that their position of strength was there to stay, accepted the progressive integration of the other ideological currents. They were certain that the move towards trade union unity would correspond to an overall strengthening of union forces in Europe and in no way be detrimental to the coherence of the programmes and demands of Euro-unionism, quite to the contrary. Thus, at the time of the first major restructuring in 1973, membership was opened to unions affiliated with the international socialist current (ICFTU) from the new countries entering the EEC (Great Britain, Ireland and Denmark) and also from other non-EEC countries (Switzerland, Norway, Sweden, Austria, Iceland and Finland). As a mark of solidarity, the Spanish UGT, an underground socialist union engaged in the resistance to Franco’s dictatorship, was also affiliated. This meant that the geographic spread of affiliation no longer corresponded to the geo-political space of the European Community. The following year, at the 1974 Extraordinary Congress in Copenhagen, the christian current was allowed in. That year also saw the acceptance of the first union from the communist current, the CGIL from Italy.
1991 marked a new stage. From then on, the ETUC decided to extend membership to any trade union considered to be democratic, even if it did not belong to one of the 3 major historical currents. Numerous small corporatist structures then became members.

In 1995 membership was extended to Eastern European unions.

1999 marked the end of the cold war legacy within the ETUC when the French communist union, the CGT, was finally affiliated, after many years of being refused. 2003 vit l’entrée du petit syndical libéral belge, la CGSLB.

2003 saw the entry of the small Belgian liberal union, the CGSLB.

But what ties can possibly remain between the initial ETUC, with its 17 members all affiliated with the international socialist current (ICFTU), and the ETUC as it is today, proud of its quasi-monopoly at European level and representing almost all trade union activity in 36 countries through its membership of 82 national confederations? For the core group of 7 unions from the 6 initial countries, European integration went hand in hand with the need to establish a true, federal political authority as rapidly as possible, in order to construct a political Europe (the United States of Europe) that would work towards creating Social Europe. How much of this original coherence remains, given the wide variety of union cultures that no longer share the same vision of Europe and European integration or of the relations to be constructed between member states and supranational institutions?

Indeed, the entry of the British TUC and the Scandinavian unions contributed, although for different political reasons, to weakening the initial vision of working towards a federal, political Europe. The collapse of the Soviet system in 1989 created disarray and profoundly disrupted the programmes of most of the left unions and parties, and this enabled the christian-democrats and other centrist currents within the ETUC to rise to power. As a result, Emilio Gabaglio (from the Italian ACLI/ICFTU current) was elected as General Secretary, seconded by another christian-democrat, Jean Lapeyre (from the French CFDT). Gabaglio was to remain in office for 12 years (1991-2003), at a particularly crucial time in the history of European integration with the acceptance and implementation of Economic and Monetary Union. The increasingly broad membership resulted in a marked lack of programmatic focus in Congress resolutions. The decision to provide strong ETUC backing for enlargement to Eastern Europe meant that considerations of a political nature (stabilising the zone in order to favour its “democratisation”) took priority over labour issues (how to protect against delocalisations and wage and social dumping, and combat privatisations).

The question of union representation, legitimacy and independence

What is the basis of a union’s strength? In a democratic political system, its legitimacy is two-fold: the legitimacy conferred by its affiliates, and that granted by the political authorities of the time. Thus a union will be all the more powerful if it has a strong capacity for affiliation and/or a strong capacity to mobilise. But its power also stems from the status granted by the political authorities: which union will be recognised as representative and on what basis? Will the definition of a country’s socio-economic policies be organised by the State on the basis of a tripartite deliberation or not? Is an attribute of Public Authority conferred on the union actor and what is the extent of this recognition (capacity for producing social standards through collective agreements that can be extended “erga omnes”; management of social systems of redistribution granting rights to resources such as unemployment benefits and pensions)? It is because, at a certain point in its national history, the State was defined as a democratic public authority that it could have the union fact recognised as a legitimate counterbalance to the “individual responsibility” work culture of the employers’ world. There is a phenomenon of political intervention by the State to impose unionism, without which a relatively balanced bipartite relationship cannot be established.
Moreover, the past two centuries of social history in Western Europe have clearly shown that the unions’ capacity to press demands based on a vision of social emancipation that threatens the monopoly of capitalist property, was a key element in their being recognised as an official interlocutor by the political authorities and as a force to be reckoned with whether the latter liked it or not. In the contradictions of a political system that claims to be democratic while developing a capitalist mode of control of productive property, the failure to accept this inevitable tension between the worlds of labour and management leads to the disappearance of a demand-oriented unionism, either by its “corporatist incorporation” into the State as a “neutral” body, or by employers organising the enterprise in the total absence of the unions.

How was the “union legitimacy” of Euro-unionism constructed?

In the period immediately after the war, the unions represented necessary and/or inevitable allies for the political authorities in each national context: for example, to mobilise the population in the vast effort to reconstruct the national economy; because the participation of some of these organisations in the resistance to the occupying forces had to be acknowledged; or to counter the revolutionary tendencies of social movements more effectively by favouring the so-called “reformist” organisations in the context of the cold war and the military alliance with the USA. This situation, together with the coming to power of left coalitions in several states, may explain why the ECSC incorporated a clear recognition of the union movement.

However, the legitimacy conferred by the ECSC was lost when it came to developing and implementing the EEC: the ETUS, the ECFTU and then the ETUC incessantly expressed their indignation to the heads of the European Community that the recognition of the unions was so much weaker than that existing at national level or internationally through the ILO (International Labour Organisation). For the union leaders, recognition should have been granted automatically at EEC level, given the legitimacy that had already been obtained at national and international level. For many years, this viewpoint prevented them from envisioning the need to mobilise workers at European level in order to build a new, transnational balance of power.

But this mobilisation is difficult to achieve:

- Language differences and differences stemming from distinct social and union models act as a brake.
- Some national laws prohibit spontaneous and/or solidarity strikes, which inhibits the possibility of implementing a right to transnational strikes, and all the more so given that the EU refuses to accept legislative capacity in this field (see Fact sheet #8).
- The ETUC is merely a confederation of confederations and many of its members are unaware of its existence. It relies on the decision-making strength of the national confederations - some of which have less capacity to mobilise than the sectoral structures, and all of which are dependent on national arbitrations and timing that may come into conflict with a transnational mobilisation.

This “internal structural weakness” is accompanied by an “external structural weakness” due to the “deficient” political recognition of unionism by the EU:

- There has been no transposition of a State culture at EU level, and even less so of a culture of an interventionist general public authority that would impose a “balanced” bipartite relationship.
- The evanescence of a public authority accepting to act as such is also expressed in the emergence of a new political culture of “partnership” and the obligation to reach consensus between all the partners. This is at odds with the role of “social tensor” that is part of unionism’s very activity.
- This lack of a public authority culture is also manifested in a poorly developed civil service and has led to the development of numerous lobbying bodies that receive EU funds and also “offer” services of an administrative nature: the influence of these various lobbies (called “civil society” by the EU, and “rewarded” as members of the system through the organisation of “civil dialogue”) reduces the role of the unions and often short-circuits their capacity for influence.
The particular emphasis that the current project for European integration places on policies to expand commercial and financial markets also tends to disqualify the unions as central actors to be consulted, to counterbalance the weight of powerful economic players such as the banking and insurance sectors.

Finally, it must not be forgotten that money is the sinews of war, and this is particularly true in the case of the union, which needs to have its own funds in order to finance its solidarity policies, such as strike support and support for weak and/or persecuted foreign social and union movements. It is also essential to have its own financial resources in order to develop independent analyses (research centre), support services for its affiliates (legal services) and training for its officers and delegates (training centres). National resources, largely derived from membership fees, are far from unlimited, particularly in a generalised context of declining membership. The ETUC’s overall operating costs, which include funding its various service structures and external activities (conferences, meetings, etc), are largely financed by the European Commission. This implies providing something in return: the ETUC, for part of its political action, is turned into an administrative body for the diffusion of European programmes (in the field of vocational training, or “equal opportunity” programmes, for example). A study of the evolution of ETUC vocabulary in its Congress resolutions clearly shows that once it began receiving substantial funds from the Commission (with the election of Emilio Gabaglio as General Secretary in 1991), the vision and the analysis incorporated in ETUC positions increasingly reflected those of the European Authorities. All these elements together mean that it is extremely difficult for the ETUC to play its role as a force of opposition.
And today?

Moving towards a joint European trade union demand?

With the substantial enlargement of ETUC membership and the overall ideological destabilisation of European trade unionism since the beginning of the 1990s, it has grown increasingly difficult for the ETUC Congresses to establish a common programme centred on a few broad key demands. At the 1995 Brussels Congress, for example, the then President of the Belgian FGTB, François Janssens, declared that the list of resolutions was beginning to look like a mail-order catalogue from the Redoute. Everybody could find something that appealed to them in the long list of 34 points adopted as priorities.

The inability to focus on a few broad, strong demands has become even more pronounced since then. The resolutions adopted at the 2003 Prague Congress included 157 points on joint actions, and those at the last Congress in Seville (2007) featured 111 different action points.

However, at Seville, the ETUC insisted on the need to launch an official union campaign for better wages. The German DGB would have preferred focussing on a more precise demand for a legally binding cross-sectoral minimum wage in each European member state, since there is no law of this kind in Germany. But the unions from two of the Nordic countries and Italy, where wages are a central topic in union negotiations, were strongly opposed to this proposal as they thought it might lead to a destabilisation of their bargaining system.

And yet, an organisation called “European Marches for Employment” has been fighting for years to obtain a European law that would set binding minimum levels for wages as well as for pension, unemployment and guaranteed minimum income benefits. Indeed, one way of reinforcing the emergence of European social law would be to demand that these minima be based on a set percentage of the per capita national income: this would serve to create common European political goals while taking into account the substantial discrepancies in wealth within the EU. European researchers who are close to union circles are also militating in this direction.

A European law could thus conceivably set a floor for a guaranteed cross-sectoral minimum wage at 70% of the per capita national income, for the unemployment benefit and pension at 60%, and the guaranteed minimum income at 50%. In Belgium, for example, this would correspond to a minimum wage of 1500 euros, to 1300 euros for unemployment and pension benefits, and 1070 euros for the minimum income. Linking these indicators to national income levels would ensure redistribution between all forms of income, including income from property, and this would create a dynamic of growth based on economic growth (and thus of total national income).

This demand could be completed by a European system of compulsory wage indexation in order to protect wages in times of inflation (with the State then controlling product price systems), with all social benefits strictly linked to wage increases.

Of course, in the long run, virtually all the wealth produced should be “salarised” and “socialised”. But a first joint demand on wages of this kind should stop wage dumping in Europe, where there is a differential today of 1 to 15 between minimum wages in Bulgaria (82 euros) and Luxembourg (1503 euros).
Key details

A) List of the national confederations affiliated with the ETUC

ETUC membership comprises 82 national confederations, with 69 from the 27 EU Member States, and 13 from non-EU countries (September 2008)

-Andorra

USDA Unió Sindical D’Andorra (Trade Union Andorra)

-Austria

ÖGB Österreichischer Gewerkschaftsbund (Austrian Trade Union Federation)

-Belgium

CSC/ACV Confédération des Syndicats chrétiens /Algemeen Christelijk Vakverbond (Confederation of Christian Trade Unions)

FGTB/ABVV Fédération Générale du Travail de Belgique /Algemeen Belgisch Vakverbond (General Labour Federation of Belgium)

CGSLB Centrale Générale des Syndicats Libéraux de Belgique (General Confederation of Liberal (Trade Unions of Belgium)

-Bulgaria

CITUB Confederation of Independent Trade Unions of Bulgaria

PODPREKA Confederation of Labour

-Croatia :

SSSH / UATUC Saveza Samotalnih Sindicata Hrvatske (Union of Autonomous Trade Unions of Croatia)

-Cyprus

SEK Synomospondia ergaton kyprou (Cyprus Workers’ Confederation)

DEOK Democratic Labour Federation of Cyprus

TURK-SEN Kibris Türk isci sendikalari federasyonu (Turkish Workers’ Trade Union Federation)

-Czech Republic:

CMK OS Czech-Moravian Chamber of Trade Unions

-Denmark:

AC Akademikernes Centralorganisation (Danish Confederation of Professional Organisations)

FTF Funktionaerernes og Tjenestemaendenes Fællesraad (Salaried Employees’ and Civil Servants’ Confederation)

LO-DK Landsorganisationen i Danmark (Danish Confederation of Trade Unions)

-Estonia :

EAKL Eesti Ametiühingute Kesk Liit (Association of Estonian Trade Unions)

TALO Teenistujate Ametiliitude Organisatsioon (Association of Estonian Employees’ Unions)

-Finland:

AKAVA Confederation of Unions for Academic Professionals in Finland

SAK Suomen Ammattiliittojen Keskusjärjestö (Central Organisation of Finnish Trade Unions)
STTK Suomen Teknis Toimihenkilökeskusjärjestö (Finnish Confederation of Salaried Employees)

- **France:**
  CFDT Confédération Française Démocratique du Travail (French Democratic Confederation of Labour)
  CGT-FO Confédération générale du Travail -Force Ouvrière (General Confederation of Labour – Workers’ Power)
  CFTC Confédération Française des Travailleurs Chrétiens (French Confederation of Christian Workers)
  CGT Confédération générale du Travail (General Confederation of Labour)
  UNSA Union nationale des syndicats autonomes (National Union of Autonomous Trade Unions)

- **Germany:**
  DGB Deutscher Gewerkschaftsbund Bundesvorstand (German Confederation of Trade Unions)

- **Greece:**
  ADEDY Anotati Diikisis Enoseon Dimosion Ypallilon (Confederation of Greek Civil Servants’ Trade Unions)
  GSEE Geniki Synomospondia Ergaton Ellados (Greek General Confederation of Labour)

- **Hungary:**
  ASZSZ/ATUC Autonomous Trade Union Confederation
  LIGA Democratic League of Independent Trade Unions
  MOSz National Federation of Workers’ Councils
  MSzOSz National Confederation of Hungarian Trade Unions
  SZEFSZEF Szakszervezetek Együttműködesi Fóruma (Forum for the Co-operation of Trade Unions)
  ESZT Értelmiségi Szakszervezeti Tömörülés (Confederation of Unions of Professionals)

- **Iceland:**
  ASI Althydusamband Islands (Icelandic Confederation of Labour)
  BSRB Bandalag Starfsmanna Rikis of Baeja (Confederation of State and Municipal Employees)

- **Ireland:**
  ICTU Irish Congress of Trade Unions

- **Italy:**
  CGIL Confederazione Generale Italiana del Lavoro (Italian Confederation of Labour)
  CISL Confederazione Italiana Sindacati Lavoratori (Italian Confederation of Workers’ Trade Unions)
  UIL Unione Italiana del Lavoro (Italian Union of Labour)

- **Latvia:**
  LBAS Latvijas Brivo Arodbiedrību Savienība (Union of Independent Trade Unions of Latvia)

- **Liechtenstein:**
  LANV Liechtensteinischer Arbeitnehmer Innenverband (Liechtenstein Federation of Employees)

- **Lithuania:**
  LDF Lietuvos Darbo Federacija (Lithuanian Labour Federation)
LPSK/LTUC : Lietuvos Profesiniu Sajungu Konfederacija /Lithuanian Trade Union Confederation

LPSS (LDS) Lietuvos Darbiniku Sajunga (Lithuanian Trade Union “Solidarumas”)

-Luxembourg:
CGT-L Confédération générale du Travail du Luxembourg (General Confederation of Labour of Luxembourg)
LGCB Lëtzebuerger Chrëschtleche Gewerkschaftsbond (Luxembourg Christian Trade Union Confederation)

-Malta:
CMTU Confederation of Malta Trade Unions
GWU General Workers’ Union

-Monaco:
USM Union syndicale de Monaco (Union of Monaco Trade Unions)

-Netherlands:
FNV Federatie Nederlandse Vakbeweging (Netherlands Trade Union Confederation)
CNV Christelijk Nationaal Vakverbond (National Federation of Christian Trade Unions)
UNIE-MHP Vakcentrale voor Middelbaar en hoger personeel (Trade Union for Middle Classes and Higher Level Employees)

-Norway:
LO-N Landsorganisasjonen i Norge (Norwegian Confederation of Trade Unions)
YS Yrkesorganisasjonenes Sentralforbund (Confederation of Vocational Trade Unions)
UNIO Confederation of Unions for the Professionals

-Poland:
NSZZ Solidarnosc Niezalezny Samorzadny Zwiazek Zawodowy „Solidarnosc“ (Independent and Self-Governing Trade Union „Solidarnosc“)
OPZZ Ogólnopolskie Porozumienie Związków Zawodowych (All-Poland Alliance of Trade Unions)

-Portugal:
CGTP-IN Confederação Geral dos Trabalhadores portugueses-intersindical nacional (General Confederation of Portuguese Workers)
UGT-P Uniao Geral dos Trabalhadores (General Workers’ Union - Portugal)

-Romania:
BNS Blocul National Sindical (National Trade Unions Block)
CARTEL ALFA Confederatia Nationalã Sindicalã (National Trade Union Confederation - Cartel ALFA)
CNSLR-FRATIA National Confederation of Free Trade Unions of Romania- FRATIA
CSDR Democratic Trade Union Confederation of Romania

-San Marino:
CSdL Confederazione SanMarineze del Lavoro (San Marino Labour Confederation)
CDLS Confederazione democratica dei Lavoratori sanmarinezi (Democratic Confederation of San Marino Workers)

-Slovakia:
KOZ-SR Confederation of Trade Unions of the Slovak Republic

-Slovenia:
ZSSS Zveza Svobodnih Sindikatov Slovenije (Slovenian Association of Free Trade Unions)

-Spain:
UGT-E Union general de Trabajadores (General Workers' Union – Spain)
STV-ELA Eusko Langileen Alkartasuna (Basque Workers’ Union)
CC.OO Confederación sindical de Comisiones obreras (Trade Union Confederation of Workers’ Commissions)
USO Union Sindical Obrera(Workers' Union – Spain)

-Sweden:
LO-S Landsorganisationen i Sverige (Swedish Trade Union Confederation)
SACO Sverige Akademikers Centralorganisation (Swedish Confederation of Professional Associations)
TCO Tjästemännens Centralorganisation (Swedish Confederation of Professional Employees)

-Switzerland:
SGB Schweizerischer Gewerkschaftsbund /Union Syndicale Suisse/Unione Sindacale Svizzera(Swiss Federation of Trade Unions)
Travail.SUISSE (Organisation faîtière des Travailleurs. Dachorganisation der Arbeitnehmenden)

-Turkey:
DISK Türkiye Devrimci Isci Senikalari Konfederasyonu (Confederation of Progressive Trade Unions of Turkey)
HAK-I S Confederation of Turkish Real Trade Unions
KESK Kamu Emekçileri Sendikalari Konfederasyonu (Confederation of Public Servant Trade Unions)
TÜRK-IS Türkiye Isci Sendikalari Konfederasyonu (Confederation of Turkish Trade Unions)

-United Kingdom:
TUC Trades Union Congress

National confederations with ETUC observer status:

-Bosnia and Herzegovina:
CTUBiH Confederation of Trade Unions of Bosnia and Herzegovina

-FYROM (Former Yugoslav Republic of Macedonia):
SSM Federation of Trade Unions of Macedonia

-Serbia:
NEZAVISNOST Ujedinjeni Granski Sindikati “Nezavisnost”
(“Independence” Trade Union Confederation)
**Key details**

**B) The ETUC Congresses**

* (held every 3 years until 1991, and then every 4 years)

<table>
<thead>
<tr>
<th>Congress</th>
<th>Dates</th>
<th>Place</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constitutive General Assembly</td>
<td>8 February 1973</td>
<td>Brussels</td>
</tr>
<tr>
<td>1st Statutory Congress</td>
<td>9 February 1973</td>
<td>Brussels</td>
</tr>
<tr>
<td>Extraordinary Congress</td>
<td>23-25 May 1974</td>
<td>Copenhagen</td>
</tr>
<tr>
<td>3rd Statutory Congress</td>
<td>14-18 May 1979</td>
<td>Munich</td>
</tr>
<tr>
<td>4th Statutory Congress</td>
<td>19-23 April 1982</td>
<td>The Hague</td>
</tr>
<tr>
<td>5th Statutory Congress</td>
<td>13-17 May 1985</td>
<td>Milan</td>
</tr>
<tr>
<td>6th Statutory Congress</td>
<td>9-13 May 1988</td>
<td>Stockholm</td>
</tr>
<tr>
<td>7th Statutory Congress</td>
<td>13-17 May 1991</td>
<td>Luxembourg</td>
</tr>
<tr>
<td>8th Statutory Congress</td>
<td>8-12 May 1995</td>
<td>Brussels</td>
</tr>
<tr>
<td>9th Statutory Congress</td>
<td>29 June-2 July 1999</td>
<td>Helsinki</td>
</tr>
<tr>
<td>10th Statutory Congress</td>
<td>26-29 May 2003</td>
<td>Prague</td>
</tr>
<tr>
<td>11th Statutory Congress</td>
<td>21-24 May 2007</td>
<td>Seville</td>
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</table>

**C) Decision-making bodies of the ETUC**

1. **Congress**

Congress is the supreme authority of the European Trade Union Federation. It has the following tasks in particular:

- To determine the strategy and general policy of the Confederation;
- To adopt resolutions and other policy proposals submitted by the Executive Committee and the affiliated organisations;
- To examine and adopt the Activity Report;
- To approve the composition of the Executive Committee, and elect the President, General Secretary, Deputy General Secretaries, Confederal Secretaries and Auditors;
- To ratify decisions made by the Executive Committee on applications for affiliation or observer status made by National Trade Union Confederations and European Industry Federations;
- To change the Constitution.

The ETUC Congress is composed of delegates from the affiliated organisations in proportion to their membership. The Congress elects the members of the Executive Committee, the President, the General Secretary, the two Deputy General Secretaries and four Confederal Secretaries.

The General Secretary is the head and the spokesperson of the Confederation. The President’s role is to chair ETUC's governing bodies.
2. The Executive Committee

The Executive Committee is the supreme authority of the European Trade Union Confederation between Congresses.

The Executive Committee has the following powers:

- It decides on policies needed to implement the general strategy adopted by Congress;
- It decides on the positions to be taken vis-à-vis European employer organisations and the European Institutions;
- It decides on trade union action to be taken in support of joint trade union demands and positions;
- It oversees the work of the Steering Committee and of the Secretariat; the latter report on their activities at each Executive Committee session;
- It fixes the level of affiliation fees and approves the budget and the extra-budgetary resources.

The Executive Committee meets four times a year. It is composed of representatives from the affiliated organisations in proportion to their membership. If necessary, decisions can be taken by a qualified two-thirds majority vote.

3. The Steering Committee

The Steering Committee, a smaller body, is responsible for following up the decisions of the Executive Committee between its sessions. It meets eight times a year and is composed of 21 elected members from the Executive Committee.

The Steering Committee is responsible for

- deciding on urgent and medium-term action to be taken,
- overseeing negotiations with employer organisations and representations made to the European institutions,
- dealing with financial and administrative matters, and preparing the Executive Committee’s agenda and submitting recommendations to the Executive Committee.

4. The Secretariat

The Secretariat conducts its activities under the leadership of the General Secretary who is assisted by two Deputy General Secretaries. It also comprises 4 Confederal Secretaries.

The Secretariat carries out all tasks entrusted to it by the other institutions of the Confederation, in the framework of the Constitution. Specifically, it:

- develops and maintains relations between the component parts of the Confederation and with all the institutions coming under its auspices;
- prepares the documents and agenda for all the meetings of the statutory institutions and of those bodies created by them;
- convenes, as necessary, ad hoc working groups, and determines their tasks, composition and modes of operation;
- organises representations to be made to the European institutions and in the dialogue with European employer organisations;
- plans and recommends trade union action to be taken by the Confederation and all its component bodies in order to attain objectives and support common demands.
“What do you think?”

a) The generalisation of what has become known as “globalisation”, that is, the worldwide extension of the principles of free trade and the financialisation of the economy, appears to have also led to “union globalisation”, that is, a unified grouping of unions not only at European level but also at world level with the setting up of the new International Trade Union Confederation (ITUC). But neither European nor global unity seems for the moment to have helped revive a strong programme of union demands permitting to pursue the general aims of political and socio-economic emancipation.

1. Does institutional unity necessarily mean safe, neutral programmes? Is it possible to set up a common programme when union philosophies are so distinct? What would be the best possible union dynamic to deal with these divergent philosophical currents: cooperation between the different organisations, or their merger into a single structure?

2. Is it possible for capitalism to “have a human face”? Should union action seek to “adjust” this system in order to “humanise” it, or can unions be a force for pursuing and strengthening collective autonomy and emancipation?

3. Do you think it makes sense for unions to become “apolitical” organisations?

b) Reorganising the ETUC into a “force of opposition”, as demanded by some of its affiliates (such as the Belgian FGTB), would require a significant financial contribution from all its members in order to make it less dependent on a political authority whose programmes contradict sharply with the values of labour law and union rights.

4. Can the need for new arbitrations over resources be ignored, at a time when a common European system has become the political system of reference?

5. Do you think that the right to strike should be incorporated into European law (superior to national law) and that this would be an essential European right to obtain? Why?

6. What kind of mobilisations would you want to see organised at European level, and what do you think are the most urgent union demands at European level that should be included in the ETUC’s programme? What actions do you think should be undertaken to strengthen union influence in Europe?

c) If Euro-unionism is to be revitalised, a common core of demands needs to be developed that would reach beyond differences between national union cultures. Traditionally, it is at the Congresses that the arbitrations permitting to develop an updated union programme are made.

7. Have you ever participated (in any form) in an ETUC Congress and the preparation of the resolutions? After these resolutions have been adopted, how well are they circulated within your union? Do you know about the union guidelines adopted at the Euro-Congresses?

8. Do you think that it will be possible to bring the ETUC’s 82 union confederations to agree on a major common demand that would remain the reference for joint union struggles until it has been obtained throughout the EU? What do you see as a priority for this kind of joint demand?
For more on this subject

Barnouin, B. (1986), The European Labour Movement and European Integration, Frances Pinter Packages, London and Wolfeboro.


Fact sheet 2

The sectoral level
The European Industrial Federations (EIFs)

In the majority of the Member States (with the exception of the UK), the sector remains an important bargaining level. Its specific role is to “determine a homogenous zone of interest”. Employers and unions, traditionally somewhat distrustful of company-level bargaining, have long found that the sector represents a pertinent level for regulating competition in relatively homogenous labour markets. Sectoral players have the same customs, training methods and wage structures, which forge a shared occupational identity.

Today, although the sector remains a predominant force in the industrial relations systems of the various EU countries, there is a marked trend towards decentralised collective bargaining at company level. This trend, which has been on the rise since the 1980s, has become more pronounced since 1993 with the introduction of EMU, as has the downward spiralling of wages. Today, the unions face growing constraints on setting and defending wage levels, and the sectoral level is being increasingly challenged by employers who do not hesitate to walk out of the representative organisations and thus to exclude their enterprises from the scope of collective agreements.

Can the sectoral unions create a relevant space for bargaining at European level (within the European Industrial Federations), where they could find that second wind they are progressively losing at national level?

The twelve European Industry Federations (EIFs)

The 12 European Industry Federations (EIFs) constitute the European actors at branch level. It was only in 1991, the year of the Luxembourg Congress, that these Federations became full ETUC members with voting rights at Congresses and internal executive meetings (Executive Committee and Steering Committee), except on affiliations and financial matters. They bring together national organisations representing one or more sectors and affiliated with their respective national confederations. The EIF European secretariats (all located in Brussels, except for certain private sector branches) are very small structures and are desperately short of resources. As a result, most lack both visibility and legitimacy vis-à-vis the national structures.

The EIFs are extremely heterogeneous, each one operating under its own rules and determining the number of delegates apportioned to its different member countries. There is, however, a notable predominance of German representatives on the governing bodies of the European secretariats or in presidency.

During the 1990s, an increasing number of inter-union MERGERS brought about frequent changes in the configuration of the Community sectoral landscape. Several EIFs also merged (see Key Details).

- 1993, mergers in the cultural sector led to the creation of EURO-MEI, which became the European Entertainment Alliance (EEA) in 1999, and then the European Arts and Entertainment Alliance (EAEA)
- 1996, the chemical and mining industries merged to form EMCEF
- 2000, agriculture, food, tourism and HORECA (hotels, restaurant and catering sector) merged to form EFFAT
- 2000, private sector services were concentrated in UNI-Europa, the European Regional Organisation of the giant Union Network International.
These mergers narrowed the number of IEFs down to 12, and the possibility of further mergers in the future cannot be excluded.


1996, les secteurs chimie et mine fusionnent dans l’EMCEF.
- 2000, agriculture, alimentation, tourisme, et Horeca fusionnent dans l’EFFAT.
- 2000, les services privés se concentrent dans le géant Union Network Internationale Europa (UNI-Europa).

Suite à ces concentrations, il ne reste plus que 12 FSE, et on ne peut exclure de nouveaux regroupements à venir.

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<thead>
<tr>
<th>The 12 European Industry Federations*</th>
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<tbody>
<tr>
<td>EPSU</td>
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<td>UNI-Europa</td>
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<td>EMF</td>
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<td>ETF</td>
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<td>EFFAT</td>
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<td>EMCEF</td>
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<td>ETUF-TCL</td>
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<td>EuroCOP</td>
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<td>EFJ</td>
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<td>EAEA</td>
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*For details on their structures, see "Key details"

The mergers reveal two points of interest regarding the EIFs:
- their similarity with the German sectoral federations
- the problem of their non-correspondence to all the other national structures

Inter-union mergers based on the German model

For the most part, European mergers have tended to follow the German model, with the Community trade union structure essentially reflecting the German structure. This influence of the German system on the European structures is not surprising given that the German union movement remains the largest in Europe today. This is why it is important to recall the specific characteristics of collective bargaining in Germany: the importance of the sectoral level and the principle of contractual autonomy.

A “dislocated” union architecture

The second point highlights the non-correspondence between the sectors merging at Community level, on the one hand, and at national level on the other, which makes the architecture of European-level trade unionism more complicated. One of the current problems facing the EIFs stems from the fact that national unions tend to merge for defensive reasons rather than to produce a common strategy at Community level, that is, to europeanise their strategy. The creation of heterogeneous configurations at national level further complicates the task of building a European structure.

Moreover, the question can be raised as to whether for certain sectoral unions - textile and clothing for instance - the various national mergers do not result in a loss of identity. In which case, there
could conceivably be an opposition between the national multi-sector mergers, and the European-level merger of national unions from the same sector. In other words, these two types of mergers (between sectors nationally, or between nations sectorally) may be going in opposite directions.

All these difficulties in articulating the national and EU levels may work against the development of a common zone of interest by branch in the European space, and thus thwart the possibility of instituting European sectoral collective bargaining – a necessary step if the branches are to find that second wind.

**Sectoral wage co-ordination**

However, since the beginning of the 1990s, and following the pioneering initiative of the European Metalworkers’ Federation (EMF), there have been increasing efforts to create structures for the coordination of sectoral collective bargaining. At the 1999 Helsinki Congress, the ETUC urged the sectoral unions to “deal with coordination efficiently and in a way that is adapted to the sectors concerned”.

Coordination practices within the EIFs differ widely from sector to sector. There is generally a first phase where the focus is on informal exchanges of information and comparing national bargaining systems. Then comes the necessary phase of setting up the coordinating body, which raises questions of structure. Depending on the sector, the Federation’s internal coordinating body – working group, committee for the coordination of collective bargaining, or restricted working committee – will be more or less capable of providing political impetus.

Four EIFs have already set up their own collective bargaining coordination committee: metals (1993), the graphical sector (1995), mining/chemistry/energy (1996), and leather/clothing/textiles (1997), while two others (building/woodwork and public services) have set up working groups (a step that generally precedes establishing a committee). Several other Federations have also initiated discussions on the topic and the concept is likely to be extended to many more sectors. However, the pioneering role played by the metalworkers must be stressed: in this sector, historically, “the ECSC experience served to strengthen the trade union federations’ involvement in Europe”.

The EMF is also the largest Federation (see Key Details, b) representing over 6 million members from 72 affiliated unions in 33 countries. It plays a particularly influential role in developing European trade-union policies and strategies. In terms of coordination, the approach it has adopted (and passed on to the other EIFs) is to coordinate national sectoral collective bargaining policies. Starting out as an internal initiative, this coordination strategy has permitted to move ahead outside of the social dialogue process, in spite of the absence of an interlocutor on the employer side. It is even conceivable that, in this pioneering sector, the employers’ initial refusal may have contributed to the development of this kind of union strategy. “The topic of coordination arose after it became clear that joint negotiations would not be possible”. Since the 2nd Conference on collective bargaining (1996), coordination has been adopted as a “default” principle, in the absence of any real possibility of negotiating with employers who are not prepared to even envisage the prospect. The goal is to develop a sufficiently robust coordinated collective bargaining policy in order, ultimately, to exert pressure on national and Community employer organisations and force them to enter into collective negotiations.
Topical debate: The Siemens case in Germany

While the decentralisation of collective bargaining towards the company level takes different forms from country to country, this trend is particularly apparent in Germany where the strength of the sectoral unions long lay in their capacity to formulate demands and to obtain satisfaction through the bargaining process. However, like the majority of unions, they feel under increasing pressure to accept the policy of wage restraint imposed by the government. In addition, the sectoral level is being increasingly challenged by the employers who do not hesitate to walk out of the representative organisations and thus to exclude their enterprises from the scope of collective agreements.

The Siemens case is a recent example illustrating the decline in the centrality of the sectoral level and the trend towards decentralisation. Because of threats to delocalise production, the management of the group succeeded in concluding an agreement with the IG Metall union federation in two German plants on 25 June 2004, imposing an increase in working time from 35 to 40 hours (on an annual basis of 1760 hours) without a wage increase. In exchange, Siemens guaranteed to maintain jobs for two years. In reality, the management’s goal was not so much to delocalise production as to set a precedent for an increase in working time, that is, for a reduction of “labour costs”. IG-Metall did not put up a resistance to this offensive mounted by management, with the union’s vice-president, Bertold Huber, even going so far as to declare, “The framework agreement in question is a great success for employees and shows that alternatives to job cuts do exist”.

While the Siemens case received much media attention, particularly in France, it was far from an isolated occurrence in private and public sectors alike. Today, IG Metall, which still claims to be the most powerful union federation in Germany, and even in Europe, has proved incapable of organising an efficient defence to face up to these difficulties. While the agreement undoubtedly contributed to weakening the trade union, its aim was also to generalise the “model” of sectoral agreement opt-out clauses. And indeed, their use has spread in Germany, as well as in its neighbours, further reducing the power of the sectoral unions, which attach particular importance to their capacity for negotiating agreements.

We find this recent event extremely important because it is revealing of the current context. It not only highlights the trends towards the destruction of social gains and the undermining of sector-level bargaining, but it also reveals how a national union setback can provoke a downwards spiral in neighbouring countries (particularly when it is a German union). These trends seem to be growing to a scale that has not been seen since the 1990s.

Discussion topic

Have you ever had to handle the social consequences of a downward spiral (like the Siemens case) in your sector? If so, explain the union actions conducted at the time.
## Key Details

### A) Composition of the 12 EIFs

<table>
<thead>
<tr>
<th>Name of the EIF</th>
<th>Sector (number of sub-sectors)</th>
<th>Countries</th>
<th>Affiliated Orgs.</th>
<th>Affiliated Members (millions)</th>
<th>Internat. Org.</th>
</tr>
</thead>
<tbody>
<tr>
<td>EPSU</td>
<td>National administration/ Local government/ Health and Social services/Public utilities (4)</td>
<td>33</td>
<td>185</td>
<td>8.0</td>
<td>PSI</td>
</tr>
<tr>
<td>UNI-Europa</td>
<td>Private sector services (10)*</td>
<td>33</td>
<td>282</td>
<td>7.0</td>
<td>UNI</td>
</tr>
<tr>
<td>EMF</td>
<td>Steel/Shipbuilding/Automotive/ Arms/ICT/ Mechanical Engineering/Lifts (7)</td>
<td>65</td>
<td>30</td>
<td>6.5</td>
<td>IMF</td>
</tr>
<tr>
<td>FST=ETF(1999)</td>
<td>(transport) Civil aviation/Railways/Road transport/ Maritime transport/Inland Navigation/Fisheries (6)</td>
<td>34</td>
<td>199</td>
<td>3.0</td>
<td>ITF</td>
</tr>
<tr>
<td>EFFAT</td>
<td>Food/Agriculture/Tourism (3)</td>
<td>35</td>
<td>120</td>
<td>2.6</td>
<td>IUF/UITA</td>
</tr>
<tr>
<td>EMCEF</td>
<td>Mining/Chemicals/Energy (3)</td>
<td>35</td>
<td>128</td>
<td>2.5</td>
<td>ICEM</td>
</tr>
<tr>
<td>EFBW</td>
<td>Construction/ Woodwork/ Furniture (3)</td>
<td>17</td>
<td>50</td>
<td>2.3</td>
<td>IFBWW</td>
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<tr>
<td>ETUCE</td>
<td>Education (1)</td>
<td>19</td>
<td>81</td>
<td>2.1</td>
<td>EI</td>
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<tr>
<td>ETUF: TCL</td>
<td>Textiles/Clothing/Leather (3)</td>
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<td>1.2</td>
<td>ITGLWF</td>
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<tr>
<td>EuroCOP</td>
<td>Police (1)</td>
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<td>29</td>
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<tr>
<td>EFJ</td>
<td>Journalism (1)</td>
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<td>IFJ</td>
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<tr>
<td>EAEA</td>
<td>Arts and Entertainment (1)</td>
<td></td>
<td></td>
<td>0.3</td>
<td></td>
</tr>
</tbody>
</table>

Source: Personal compilation based on EIF documents; ETUI 1993

*Insurance, Finance, Commerce, Cleaning, Electricity, Post and Logistics, Private Security, Hair and Beauty, Telecom, Temporary Agency Work, Graphical, Gaming, Tourism, Media/culture

(1) It is the national sectoral organisations that affiliate with the EIFs. If an organisation has members from different sectors, it can join each of the corresponding EIFs.

(2) The EIF can be the European regional structure of the ITS (International Trade Secretariat), like the ETF for example. This is not the case for the EPSU since its members are not all affiliated with the ITS.
Key Details

B) Structure and composition of the European Metalworkers’ Federation (EMF)

Congress
The Congress is the highest EMF statutory body and meets every four years. It is composed of some 400 delegates and advisors from organisations affiliated to the EMF. The Congress makes decisions regarding elections, affiliations, financial issues, the Statutes, basic policy guidelines and the Work Programme of the EMF. The last Congress took place in Lisbon on 6-7 June, 2007.

Executive Committee
The Executive Committee is the decision-making body of the EMF in between Congresses. The Executive Committee consists of 65 members from 72 affiliated organisations in 33 countries and meets twice a year. It is chaired by the President of the EMF.

Steering Committee
The Steering Committee was established in June 1999 as a body whose role is to advise and support the Secretariat in the preparation and implementation of Executive Committee decisions. It comprises the President, the Vice-President and regional representatives from the eight EMF regions as established by the Statutes.

Secretariat
The Secretariat implements the decisions of the Executive Committee and prepares the meetings. It consists of 16 staff members and is headed by the General Secretary.
“What do you think?”

1. What are the points that you think need improving in order to make the European Industry Federations (EIFs) more representative of the national sectoral organisations?

2. Do you keep up with the topical events concerning your EIF? Do you participate in one of your EIF’s working groups in Brussels?

   In Germany, IG Bergbau, the mining union, merged with the chemicals union in 1993, and these same sectors merged to form the EMCEF at EU level in 1996. Then, in 2000, the German private-sector service unions merged to form Ver-di and at the same time, UNI-Europa, the European private sector services mega-trade union was established.

3. What do you think about this parallel between the German mergers and those concluded at European level?

4. What are the general long-term trends regarding inter-union mergers in your country? Do they also correspond to European mergers (see p.1)?
For more on this subject


The enterprise level
European Works Councils (EWCs)

**Historical background**

The 1960s saw the growth of a particular phenomenon: it was called the expansion of "multinationals" or the internationalisation of the economy. At the time, large industrial groups based in the US, Japan or Europe that had originally specialised in a single sector began to increase the number of their subsidiaries in foreign countries (other than the country where their head offices were established). These giant groups rapidly introduced a policy of competition between their subsidiaries, putting pressure on working conditions and pay. The first union reactions came from some of the large industrial sectors where the impact of this competitive policy was particularly strong. In the chemicals sector, union leader Charles Levinson pushed for world councils to be set up (with regular meetings at group level to exchange information between union delegates and to avoid competition strategies between different plants, and financed by the International Trade Union Industry Federations). But in most of the multinationals, management refused to establish any official contact with these union councils. This led the trade unions to demand the setting up of bilateral bodies to ensure a legal, mandatory and structured right to consultation and information of workers, which had already been obtained at some national levels. Although the European trade union movement began to articulate this demand at the beginning of the 1970s, it took many long years before it became law as a mandatory European standard. This was finally achieved with the adoption of Council Directive 94/45/EC of 22 September 1994 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees (Official Journal no.L254 30.9.1994).

The obstacles blocking the process were numerous and complex, which may explain why it took over 20 years to produce the directive:

- The legal basis for proposing the standard was weak, inasmuch as the articles of the Treaty of Rome are taken as the sole basis of Community law.
- It was necessary to reach agreement on a policy that would be accepted by all the Member State governments, since the question required unanimous vote.
- It was necessary to ensure that the political world would impose this European standard, since the European private sector employer organisation (UNICE) was strongly opposed to it.
- It was also necessary for the European trade unions to harmonise their points of view; however, the issue was the source of much tension between the German union movement that not only wanted to keep its system of "co-determination", but also, if possible, extend it to the entire group, and others that were radically opposed to the German system (such as the Belgian FGTB which, with its philosophy of worker control, considered the union to be an opposition institution within the company and refused to see union delegates being turned into "company decision-makers").

In 1980, an alliance took shape between the unions and a European commissioner, the Dutch socialist Henk Vredeling, then vice-president of the Committee on Employment and Social Affairs. In October of that year, he presented a directive proposal for a regulation on the right to "information and consultation of workers in undertakings of complex structure, in particular transnationals". This directive proposal did not seek to institute a mandatory body for representing workers within transnational enterprises. It was limited to imposing the right for each unit to obtain information on the activities of the whole group that would be disseminated according to procedures provided for
locally, and to organise compulsory consultations each time the interests of the workers could be seriously affected by measures taken at group level. However, the proposal invented the famous “by-pass” clause making it possible for workers to address the parent company directly – wherever its location! – if a subsidiary was not fulfilling its obligation to provide information. Moreover, if these obligations were not met, workers would have the right to bring their case before the local courts in the place where the head offices were located.

The proposal provoked an uproar among European employers… but also in the US because of the “by-pass” clause. The United States put pressure directly on the European Authorities and in the autumn of 1982, the European Parliament rejected most of the central points in the proposal. The Commission presented a revised version in 1983, but with US employers threatening to freeze their “investments” in Europe, it was rapidly shelved and dropped into oblivion.

The debate was revived in the mid-1980s when, within the framework of the development of the European internal market, union delegates and the managements of certain transnationals began signing voluntary agreements to set up an internal ad hoc procedure for the dissemination of socio-economic information on the company. Notable examples were Thomson Consumer Electronics (France, 1985), BSN (France, 1986), Alianz (Germany, 1986), Bull (France, 1988) and Scansped (Spain, 1989).

These precedents enabled the Commission to have the right for employees of transnational enterprises to information and consultation included in the 1989 Community Charter of Fundamental Social Rights of Workers. This then permitted it to draft a new directive proposal in 1991.

However, it was not until September 1994 that a directive would finally be adopted, thanks to the changes introduced by the 1991 Treaty of Maastricht (which came into force in 1993) - notably the extension of the principle of majority vote in the Council to new social issues (the UK opted out of this political agreement). The adoption of the directive was also made possible because the powerful German union, the DGB, declared that it would not support the Maastricht Treaty without compensation, and presented the directive as the key element in this “exchange of favours”.

**Summary of the content of the 1994 directive**


The directive imposed an obligation for Community-scale enterprises (or groups) to conduct negotiations with union representatives on setting up a structure or procedure for informing and consulting their workers. The obligation was that negotiations had to take place and agreement on a structure reached, but the directive did not impose a precise form for this structure (which made it possible to get around union tensions over defending a particular model of consultation and concertation).

Any enterprise (and its establishments) or group of enterprises (an enterprise controlling a group of enterprises) with at least 1000 employees in the European Union Member States (as well as Switzerland and Norway) and at least 150 employees in each of at least two Member States, is under obligation to conduct negotiations either on its own initiative or at the written request of at least 100 employees in at least two companies or establishments in at least two different Member States. A special negotiating body comprising workers’ representatives from each country where the enterprise is present was then to be established.

If there was failure to agree between the two parties, or if both so chose, they could decide to apply only the minimum requirements laid down in the directive.

These minimum requirements were:

- A transnational structure for informing and consulting workers in the group must be set up;
- The information must concern the Community level or at least two establishments or enterprises in different States, but not a single enterprise in a single country (obligation to provide information of a transnational nature);
• The European Works Council was to comprise between 3 and 30 members and be composed of employees’ representatives (either elected or designated, depending on national legislation), making it a “unilateral representation” structure vis-à-vis management; if necessary, for practical reasons, a select committee of 3 members could be designated;

• The right to at least one annual meeting with the central management, on the basis of a report provided by the latter, and to an additional meeting whenever exceptional circumstances justified this;

• The European Works Council would be entitled to meet on its own before meeting with management;

• Operating expenses would be paid by management (who controls the agenda as well as the content and organisation of the presentation made to the workers);

• The indications on the content of the information to be communicated at the meeting were as follows: information on the structure, economic and financial situation, the probable development of the enterprise and of production and sales, the situation and probable trend of employment, investments, and substantial changes concerning organisation, introduction of new working methods or production processes, transfers of production, mergers, cut-backs or closures of enterprises, establishments or important parts of these, and collective redundancies.

The shortcomings of the 1994 directive

• The Member States did not really take steps to force managements that had not complied with the legislation to do so.

• The flexibility allowed with regard to the content of the agreement to be negotiated made for a highly variable right that depended on the balance of power between labour and management and that could be tied to a particular period of time (some agreements have time limits and require renewal) and a given place (usually, the contractual right is based on the national legislation of the country in which the agreement is negotiated). Moreover, the diversity of outcomes was amplified by the fact that the European Commission promoted the negotiation of voluntary agreements between 1994 and 1996, the deadline for transposing the directive into national law.

• It was left up to national law and/or practice to define the mechanism for determining the selection of employee representatives: this could be problematic in countries with a weak union tradition or movement, and where legislation in the field is not very explicit (which was the case for some of the new countries entering the EU). Some Western European union delegates expressed doubts as to the truly representative nature of persons presented as “representing” workers from some Eastern European countries.

• The European Works Council (EWC) is a consultative body that does not have the right to negotiate collective agreements.

Recent developments:

• In May 2004, enlargement of the EU extended the geographic scope of the EWC directive from 18 to 28 countries, that is, the 25 Member States plus 3 countries belonging to the European Economic Area (EEA) (Iceland, Liechtenstein and Norway). EWCs have now been set up in 820 large companies across the EU and represent some 14.5 million workers.

• In April 2004, the Commission began consultations with the “social partners” (ETUC, UNICE, CEEP) on a possible revision of the directive. This brought to light the divergent positions between the trade unions, who supported revision, and the employer organisations, who opposed it. The process to update the directive was thus suspended. In March 2005, the Commission initiated another phase of consultation of the same organisations, this time on restructuring and the question of “best practices” with regard to EWCs, and encouraged them to reach agreement over the means required to promote these practices. The “social partners” then included the dissemination
and assessment of their joint conclusions on the EWCs in their 2006-2008 Work Programme. The formulation of these joint guidelines thus replaced the drafting of a new law.

- More recently, on 20 February 2008, a new phase of consultation was launched with the aim, once again, of initiating negotiations on updating and refining the functioning of these structures with a view to revising existing legislation. On 2 July 2008, the European Commission announced its decision to propose a revision of the 1994 directive. Future developments will be worth following...

The social tragedy of the closure of the Renault plant in Vilvorde in February 1997 was to expose the fact that - due to the flexibility granted transnational managements (both the voluntary agreements and those based on the 1994 directive depending on national legislation in the country where the company’s head office is located) - there did not exist a de facto European right to consultation in due time for an alternative to be proposed.

The European Commission thus prepared a new directive proposal with a view to harmonising national laws on workers’ right to be informed and consulted. However, although the Belgian, French and European political authorities all declared that the Renault/Vilvorde case revealed an urgent situation requiring immediate intervention, it took 5 years to adopt this directive proposal, which moreover included a 3-year deadline for transposition into national law (March 2005).

At EU level, this response to a “social emergency” thus took at least 8 years to produce a result (“at least”, because the UK and Ireland obtained a derogation to extend the deadline).

**Harmonising national legislations on procedures for informing and consulting workers: the 2002 directive**


This directive concerns any enterprise or establishment (unit of business in the legal sense) in the public, private and non-profit sectors located within the territory of the Member States. The right to consultation and information of workers must be organised, according to the choice made by Member States, in enterprises with at least 50 employees or in establishments employing at least 20 workers.

**The Directive provides for**

1. The type of information to be communicated:
   a) Information on the recent and probable development of the enterprise’s or establishment’s activities and economic situation;
   b) Information and consultation on the situation, structure and probable development of employment within the undertaking or establishment and on any anticipatory measures envisaged, in particular where there is a threat to employment;
   c) Information and consultation on decisions likely to lead to substantial changes in work organisation or in contractual relations.

2. The fact that information must be provided in due time to enable delegates to prepare for consultation.

3. The fact that consultation must also take place in due time and at the relevant level of management.

These first three elements in the arrangements for the procedures can be modified through an agreement negotiated at enterprise level.
4. Workers’ representatives are bound by an obligation of confidentiality of unlimited duration, and management may abstain from communicating information that it considers to be strategic for the enterprise, within the limits laid down by national legislation. However, an appeal procedure exists in the case of abusive recourse to these provisions.

5. The principle of specific protection for employees’ representatives.

6. The existence of procedures to ensure compliance with the rights provided for in the Directive in the event of non-compliance.

7. The existence of “effective, proportionate and dissuasive” sanctions in cases of infringement of the Directive.

8. Transposition of the Directive should not result in any regression in the level of protection already provided for in national legislations.

Initially, the draft proposal included an important sanction: the nullification of collective redundancies by a Court until the obligation to communicate information was respected or compensation was provided. This provision was dropped.

The shortcomings of the 2002 directive:

- A derogation permitted Ireland and the UK to postpone application of this right until March 2009 with regard to the thresholds of the number of employees set down in the directive.

- An enterprise-level agreement can once again take priority over a national law (although to a lesser extent compared to the 1994 legislation).

- A wide margin is allowed for imposing confidentiality on workers’ representatives, or to not disclose “strategic” information.

- The absence of clearly defined sanctions weakens the text compared to the strong message expressed in the initial proposal: that there are fundamental rights in labour law that should take priority over the private interests of enterprises.

BUT the possibility of extending the right to information and consultation to all enterprises with at least 50 employees, or 20 employees for an establishment, represents a true advance for many national legislations.

Facilitating coordination between EWC delegates has been one of the ETUC’s achievements, in particular through the organising of Euro-conferences. The main goal of these conferences is to bring together delegates from the European works councils to exchange information on how they operate and to see how to improve worker representation in the company. The first was held in Ostende (Belgium) on 16-17 October 1989. They are now organised on a regular basis, the last taking place in Brussels on 8-9 June 2008 on the topic, “On the offensive: for stronger European Works Councils”.
And today?

Topical issue: the non-transposal of an element of the new 2002 Directive into Belgian law

All the provisions of the 2002 Directive should have been transposed into Belgian law by 23 March 2005. However, the Belgian government decided that its national legislation already sufficiently complied with the provisions of the new directive, and that it therefore did not need to do anything.

But Belgian law only provides for a right to information and consultation in the case of works councils established in companies employing at least 100 workers! For the 50-employee threshold, the only consultative body that exists deals specifically with the organisation of health and safety at the workplace! The Belgian government was thus playing with words and cheating thousands of workers out of the extension of this right to socio-economic information.

Moreover, the two large Belgian union organisations, the CSC and FGTB, wanted to take advantage of the directive to improve Belgian law: to lower the threshold from 100 to 50 workers for works councils, and apply the 20-employee threshold for setting up a structure for workers’ representation in SMEs. According to these unions, the “voiceless” workers in small workplaces represent 48% of employees in the private sector, that is, close to 1,200,000 employees. Dropping the threshold to 20 employees would have made it possible to extend the right to representation to an additional 400,000 employees. They thus lodged a complaint against the Belgian state with the European Commission.

The Belgian state was ordered by the Commission to straighten out its position by December 2005, which it failed to do due to strong pressure from SME employers. Belgium was then summoned before the European Court of Justice for failure to fulfil obligations, and was condemned in a judgment of 29 March 2007. Strangely enough, it was the unions who saved face for Belgium. The State should have had to pay a fine of 3 million euros... and immediately promulgate laws and royal decrees to comply with the directive. But the Belgian unions preferred to opt for social negotiations, and concluded an agreement with the employers on 23 November 2007. Jan Vercamst, President of the liberal union, the CGLSB, declared, “The social partners have shown once again that concertation is the best way to find a solution”.

They negotiated a “quid pro quo” agreement, accepting negotiations on the question of spontaneous strikes in exchange for better union representation in the SMEs. On the latter point, they made three advances (which are yet to be “stabilised” in a collective agreement negotiated at the level of the Conseil national du travail (national labour council):

- In enterprises with 50 or more employees, the right to socio-economic information and consultation on socio-economic issues will be ensured by the existing Comités pour la prévention et la protection du travail (Committees for the safety and protection of labour);
- In all companies with less than 50 employees where union representatives are present, the latter will have the right to information and consultation;
- In enterprises with less than 50 employees that have no union representatives, the social representatives must find adequate procedures for informing workers, and these are to be negotiated within joint sectoral committees (with equal representation of labour and management).
What do you think?

A generalised lowering of the threshold to 20 employees, which would have permitted to extend union presence within the Belgian SME sector, was not obtained.

In order to obtain a far more modest agreement, the unions may have accepted to bring the right to strike up for discussion during the negotiations with the employer organisations, who are keen to eliminate the phenomenon of spontaneous strikes. The risk is that this could lead to a restriction of the right to strike.

It can be noted that the unions currently tend to prefer social negotiations - even if this means bringing fundamental rights back to the negotiating table - to the adoption of general laws by the government.

Is it worth it?

And what about you?…

The functioning of the EWCs

1. What problems have you encountered as a union representative participating in a structure for worker representation within your enterprise?

2. Do you find that the quality and content of the information communicated are satisfactory?

3. Does the European and/or international scale of the group make the national-level information that is communicated outdated or incomplete?

4. Does management often invoke the confidentiality clause?

5. Is some essential information never communicated to you?

The ETUC and boosting the EWCs

1. If you are representatives on a European works council, have you ever participated in a Euro-conference of EWC delegates? What did you think about it? What are the strengths and the weaknesses of this kind of action?
For more on the subject


Béthoux É., (2004), “Les comités d’entreprise européens en quête de légitimité”, Travail et emploi, no. 98, pp. 21-35 [this article can be downloaded at:


Fact sheet 4

The regional level
Interregional Trade Union Councils (IRTUCs)

Employees of multinationals have begun to organise within the European Works Councils, and these have fostered the emergence of cross-border solidarity (see fact sheet #3). Another form of collective structure connected to realities in the field are the Interregional Trade Union Councils (IRTUCs). They liaise between unions in the frontier zones and bring together the regional organisations of national ETUC-affiliated confederations in cross-border regions. There are currently 42 IRTUCs ranging from the northern tip of Sweden to the south of Spain, and from Ireland in the West to Hungary in the East (see Key Details).

The idea of creating a cross-border union structure emerged in 1975, in the Saar region between Luxembourg and the French department of Lorraine, when the metalworking industry was hit by recession. There were close to 40,000 frontier workers in this region at the time – Belgians, French, Germans and Luxembourgers. The unionists feared that the rise in unemployment might set off conflicts between workers of different nationalities and were convinced that the economic and social problems facing their respective regions were similar and inter-related. In 1976, they thus decided to institutionalise their informal contacts. Their goal was to devise a joint strategy across national frontiers to address both the concerted policies of the employer organisations and the action of the public authorities. Others then followed their example. In 1981, the ETUC recognised the existence of these agreements, and confirmed the title “Interregional Trade Union Councils” to designate the structures; it also took responsibility for co-ordinating their activities.

The relevant national federations and the ETUC secretariat (see Fact sheet #1) work together to set up an IRTUC, which can form its own working groups to examine specific local issues. The ETUC also convenes the IRTUC Co-ordinating Committee, which meets twice a year.

IRTUC activities aim, in particular, at furthering harmonisation of social security and taxation for migrant and cross-border workers. Their members monitor the implementation of labour legislation and collective agreements in order to prevent companies taking advantage of frontier workers to depress wages. In addition to fighting social dumping, the IRTUCs are also involved in employment and vocational training policy in the broad sense. In order to develop the unions’ capacity for mobilisation, they organise cross-border demonstrations and participate in other protests. They also fulfil the important function of pointing out the paradoxes of the free movement of people. Thanks to their network of union Euro-consultants who work in the framework of EURES-Cross-Border, the European employment services, they can record incidences of unequal treatment of frontier workers regarding taxation and/or social security.

The action plan approved at the last ETUC congress (Seville, May 2007) stressed the importance of this political initiative designed to “encourage, promote and support all initiatives for co-operation at cross-border level”. On the basis of this mandate, the IRTUC Coordination Committee decided to get this activity underway, starting with 7 IRTUCs:

1. Friuli-Venezia-Giulia/Slovenia
2. Anadalucia/Algarve
3. Lombardia/Tessin/Piemonte
4. Viadrina (Berlin-Brandenbourg/Lubuskie)
5. Friuli-Venezia-Giulia/Veneto/ South-West Croatia
6. Elbe-Neisse (Germany-Poland-Czech Republic)
7. Galicia/North Portugal

The ETUC resolved to support cooperation in this first group of IRTUCs, which should enable more effective exchanges of information, while respecting the various collective bargaining systems.
For more on this subject

Key Details

List of the 44 Interregional Trade Union Councils

**IRTUC, countries, and date of creation**

1. Saar/Lor/Lux/Trier/Westpfalz D, F, L 1976
2. Maas / Rhein B, NL, D 1978
3. *Weser-Ems / Noordnederland D, NL 1979
5. *Dreiländereck Haut-Rhin/Nordwestschweiz/Südbaden F, D, CH 1980
7. Lombardie / Tessin / Piemonte I, CH 1982
8. *Pyremed/Piremed F, E 1983
9. *Galicia / Norte de Portugal E, P 1985
10. *Interrégionale Syndicale des Trois Frontières F, L, B 1987
16. Pyrénées Occidentales / Axe Atlantique E, F 1992
17. *Schelde / Kempen B, NL 1992
18. Elbe / Neisse D, PL, CZ 1993
20. Extremadura / Alentejo E, P 1994
22. Friuli - Venezia - Giulia / Slovenia I, SL 1994
25. *Interalp D, A 1995
27. San Marino / Emilia Romagna / Marche I, S.Marino 1995
29. Castilla - León / Beira Nordeste E, P 1995
31. Lombardia-Sondrio-Grigioni I, CH 1996
32. *Alpes Centrales I, A 1996
33. Viadrina (Berlin-Brandenburg/Lubuskie)) D, PL 1996
34. Pouilles / Patras I, GR 1996
35. *BoBa (Böhmen / Bayern) D, CZ 1997
37. Burgenland /Westungarn A, H 1999
38. Kärnten/Gorenjska/Koróska A, SL 2002
40. Dunaj / Vltava A, CZ 2004
41. JiZní Morava / Dolní Rakousko A, CZ 2006
42. HuSloCro H, SL, Croatia 2006
43. DKMT H, RO, Serbia 2007
44. Sicilia-Malta I, MT 2007
UNIT III
EURO-UNIONISM WITHIN THE POLITICAL FRAMEWORK OF THE EUROPEAN UNION

Summary

- Fact sheet 5. Industrial relations at the cross-sectoral level
- Fact sheet 6. Sectoral social dialogue
- Fact sheet 7. The missing link in today’s European system of industrial relations: a European Labour Court?

About the contents

The political system that has been constituted at EU level produces norms that take precedence over national laws and standards. It is thus crucial for the union world that the EU system of industrial relations not only make it possible to defend existing social and labour rights, but also to produce new common rights.

This Unit comprises three fact sheets: the first two provide an overview of the present industrial relations system at cross-sectoral level (Fact sheet #5), and sectoral level (Fact sheet #6). Fact sheet #7 puts a finger on the system’s missing link - a European Labour Court - and the consequences for European social law that is still very much in its embryonic stages.
Fact sheet 5

Industrial relations at the cross-sectoral level

The EEC: Tripartism takes a back seat

The post-World War II period saw a democratisation of political systems, and under the ECSC the tripartite model forged close ties at European level between the political world and the social-democrat and christian labour organisations. By the late 1950s, it had thus become inconceivable for the leaders of these unions that important socio-economic decisions could be taken totally over their heads. And yet this is what happened when the European Economic Community (EEC) was established by the Treaty of Rome of 1957.

The unions were only mentioned on two occasions in the Treaty: first, for the setting up of a tripartite committee to manage the European Social Fund whose initial mission was to finance occupational retraining with a view to increasing worker mobility (Art.124); and secondly, as an interest group represented on the Social and Economic Committee alongside employers and a third group of “diverse interests” (Art.193) - a committee that would always play a marginal role in the functioning of the European Community. Article 118 announced a collaboration between the Member States and the Commission on a range of social issues that directly concerned the union world, but there was no provision for including the latter in this collaboration. More generally speaking, there was no provision for any kind of official consultation or concertation procedure permitting the unions to be informed of the future European standards that would be adopted by the Commission and the Council. Their first European demand to have a unionist appointed as European Commissioner was not at all acknowledged by the new Community Authorities. And there were no signs of a political will to establish a legal basis for collective bargaining at European level.

It was not until the beginning of the 1970s, in the wake of the social protest marking the end of the previous decade, that European political officials once again established links with the union leaders and included them in tripartite initiatives such as the Standing Committee on Employment (1970), the Tripartite Social Conference (1974), and then the Tripartite Economic and Social Conferences (1976, 1977, 1978). It thus took over ten years for union leaders to be able to take part in official meetings with the Commission and the ministers in charge of socio-economic policies. But 1975 brought a change in direction: the employer organisations took a marked neo-liberal turn, with the backing of the European Commission. The ETUC could no longer find common ground for agreement in the process of tripartite concertation, and walked out in 1978. However, in the ensuing period, its strategy to establish an alliance with politicians based on a neokeynesian approach at European level proved unsuccessful. After 5 years of undertaking diverse actions, the ETUC had to admit defeat, and resigned itself to resuming an institutionalised relationship at EEC level.

Entering the era of social dialogue

It was Pierre Berégovoy who, under the French Presidency of the Council during the first semester of 1984, set up an informal structure - social dialogue - bringing together the ETUC and European employer organisations for a first meeting at the castle of Val Duchesse (Brussels). UNICE, the private sector employer organisation, was strongly opposed to any adoption of social standards or collective agreements at European level. The term “dialogue”, totally foreign to the classical vocabulary of consultation and negotiation, was chosen so as not to frighten off the employer world. And indeed, a commitment to engage in “dialogue” amounted to committing to nothing.
When Jacques Delors became President of the Commission on 1 January 1985, the dialogue process was stabilised and attached to the services of the Commission. The point was to get the three cross-sectoral representative bodies - the ETUC as union actor, and UNICE and CEEP (the public sector employer organisation) on the employers’ side - to discuss general texts on the broad socio-economic guidelines with a view to reaching compromises expressed in joint opinions.

A set of extremely ambiguous relationships was then established. The ETUC engaged in the social dialogue process even though it knew that it was not in a strong enough position to compel UNICE to accept any form of European-level negotiations. The process did nonetheless provide it with official institutional recognition as a Community-level social representative. Because the ETUC thought that Jacques Delors’ unionist past would mean that they would be pursuing similar goals, it hoped that social dialogue would give the President of the Commission the legitimacy to intervene more forcefully and propose legislative instruments based on the joint opinion texts. And here lay the major misunderstanding. Jacques Delors did indeed include the social dimension as one of his priorities for the new project of the Internal Market. But he saw collective agreements as the key, if not sole, path to realising this. While article 118b of the new Treaty (1986 Single Act) recognised social dialogue, it immediately linked it to the two parties’ willingness to enter “relations based on agreement”.

Faced with the booming production of economic legislation to liberalise Europe, the ETUC found itself crushed under the burden of an impossible responsibility: to construct a social Europe via collective agreements negotiated with employers who were willing only to “engage in dialogue”. This situation was to affect Euro-unionism in two ways. Firstly, the ETUC would accept to move significantly closer to the views of the employer world, in the hope of reaching compromises that would open up the way to negotiations in the future (thereby replacing the dynamic of confrontation with a dynamic of consensus). Secondly, it would launch into a battle for an in-depth reform of the Treaty in order to overcome the double bind imposed by employers in the social field: no laws and no collective agreements.

**Cross-sectoral dialogue since the Treaty of Maastricht**

The ETUC did finally manage to negotiate an agreement with UNICE that introduced an original procedure instituting consultation and collective bargaining at EU-level. This agreement, initially only annexed to the Treaty of Maastricht (1991) in a protocol signed by eleven Member States after the UK opted out, would become fully incorporated in a Chapter of the new Treaty signed in Amsterdam (1997, Articles 138 and 139, see Treaties of Amsterdam and Nice).

The procedure provides the representative social interlocutors with the right to a two-stage consultation procedure, first on the appropriateness and possible direction of a legislative initiative proposed by the Commission, and then on the content of the envisaged proposal. After consultation, the organisations can express an opinion or a recommendation to the European Commission, or inform it of their intention to open negotiations on the topic. In the latter case, the social representatives have nine months to conclude an agreement. If they do not reach agreement, the Commission resumes its capacity for action. If they conclude a collective agreement, it will be transposable at national level, either according to practices specific to the State and the social interlocutors, or through a Council decision on a proposal from the Commission.
Two-stage consultation and negotiation procedure ("social dialogue") introduced in 1991.

<table>
<thead>
<tr>
<th>Actors</th>
<th>Commission</th>
<th>Social interlocutors</th>
<th>Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Procedure</td>
<td>1. Initial consultation: on announcement of a legislative initiative. 2. Second consultation: presentation of content</td>
<td>Have the possibility of suspending these two stages by announcing their intention to negotiate on the topic within 9 months</td>
<td>If an agreement is reached, and both parties so wish, it can be transformed into a European law (by Council decision).</td>
</tr>
<tr>
<td></td>
<td>In the absence of an agreement, the Commission resumes its initiative</td>
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</tbody>
</table>

The strong points of the procedure

- For the first time since 1958, the European political authorities instituted an official procedure including the social representatives in a decision-making process, and moreover, at its inception.

- The possibility of suspending the Commission's legislative initiative in order to negotiate a collective agreement to replace it creates a parallel between law and contract, and thereby confers a role of co-legislator on the social representatives.

- The possibility of transforming the contract into a European law further strengthens the parallel: it symbolically attributes a political role of Public Authority to the social representatives and permits extension of the agreement to cover all the European employees concerned.

- The fact that the Commission can resume its legislative initiative if the negotiations fail prevents the employer organisations from using the procedure to block the adoption of a social standard. The worst they can do is to slow down the process.

But, beware of the traps and pitfalls

Indeed, the procedure presents numerous problems:

- The power conferred on the social representatives is limited to the social sphere! But, in European reality, social issues have been taken over by the neo-liberal economic approach. This means that union organisations are not officially consulted on the laws concerning the functioning of the internal market, which form the bulk of the laws that will have a direct impact on the social field, whereas employer lobbies are able to exert influence well before decisions are made, through direct contact with the services preparing the text of the future law. For example: when pension-related issues are approached from the angle of the expansion of a free capital market, the directive that will organise the development of pension funds in Europe will not be included in the procedure, but the banking and insurance lobbies will have had all the time they need to exert prior pressure on the commissioner concerned, and these decisions will substantially influence the content of social legislation on pensions.

- In addition, activation of the procedure depends on the Commission taking legislative initiative. But at the very time that the procedure came into effect in 1993, the Commission published a Green Paper and then a White Paper on European Social Policy announcing that European social laws would be kept to a minimum.

- The procedure provides the social representatives, at least in principle, with a more powerful legislative capacity than that currently held by the European Parliament elected by universal suffrage!

- The procedure is embedded in an overall culture of "social dialogue", that is, a political climate in which the actors are represented as "partners" whose primary aim is to seek consensus, and where the goal of the competitiveness of companies forms the natural framework of the exchange. This is why the agreements concluded at this level make it a rule to refrain from imposing constraints on the development of SMEs.
In addition, since the 1986 reform of the Treaty (Single European Act), it is considered that European social standards should be limited to setting minimum requirements. Collective agreements are also considered to be framework agreements, that is, general and minimum. This constitutes a break from the principle prevailing at the beginning of European construction: the upwards harmonisation of laws levelling with the top, with a view to furthering social progress.

If the Commission does not initiate legislation, the social representatives can, at any point in time, negotiate voluntary agreements on topics of their choice. But in this case, these so-called “autonomous” agreements will no longer be applied to all via a Council decision. The way in which they will be transposed into national laws will depend on the balance of power in each country: in the form of a collective agreement at best, or as a simple declaration of a non-binding guideline in the worst cases. This could lead to disparities between the rights of European employees depending on their nationality!

It should also be noted that the Treaty of Maastricht broadened the scope of EU legislative initiative in the social sphere (increasing the range of issues within European competence and of those decided by majority vote), and permitted the relevant directives to be transposed at national level by a law, a collective agreement, or a mix of both (now Article 137, Treaty of Nice). Thus, the Treaty reinforced the idea of a parallel between laws and collective agreements, and conferred a strong political role on the social representatives. Unfortunately, this all remains highly symbolical in a context where the current EU authorities have chosen to refrain from producing legally binding European social standards.

Given all these problems, the procedure has produced limited results. Only seven framework agreements have been adopted at cross-sectoral level since 1995 (see Table in Key Details). At this rate, and given the decision of the European Authorities to reduce social legislation to the bare minimum, everything has been done to ensure that the EU will be an Economic and Monetary Union and not a social Union.

Moreover, the topics chosen for negotiation have generally not been central to the construction of social legislation, with the exception of the agreement limiting the development of fixed-term contracts. This further increases the asymmetry between Europe’s full-speed production of neo-liberal economic laws, and its marginal production of social laws.

This two-stage consultation procedure, initially designed to organise cross-sectoral industrial relations, was officially extended by the Commission to the representative sectoral actors in 1993. However, it was only organised into a rationalised system at this level in 1999 (see Fact sheet #6).

The notion of social dialogue becomes a generic term

Since the implementation of the two-stage consultation/negotiation procedure and its extension to the sectoral level, the notion of social dialogue has progressively been turned into a generic term used to characterise and define any system of industrial relations anywhere in the world. This is a dangerous development, given that the European Commission has clearly used the notion of “social dialogue” as a vehicle for the cultural transformation of trade unions. It pushes the latter towards a convergence with “partner” organisations from the employer world that have long considered the free market economy, and thus capitalism, as normal and natural. This boils down to imposing consensus as the mode of decision-making. And it seriously jeopardizes a democratic culture based on the clear recognition of the plurality of conflicting societal projects, and thus on the search for compromises where the dynamic is to seek out the collective interest.

The EU social dialogue system has since been extended with the addition of the following new procedures:
**Macro-economic dialogue**

In June 1999, at the Cologne European Council, Oskar Lafontaine, then German Finance Minister, proposed the introduction of a new process: the «Macro-economic dialogue». The aim was to establish a new procedure involving three groups of actors: national governments, in charge of budgetary policies; the social partners, responsible for wage formation and working conditions; and the European Central Bank (ECB), which implements monetary policy. Thus the participants in the dialogue would be the representatives of two configurations of the Council (Ecofin, and Labour and Social Affairs), the European Commission, the ECB and the “social partners” – ETUC, UNICE and CEEP.

In reality, after almost 10 years’ experience, it can be seen that far from contributing to its proclaimed objectives of improving growth and employment, the dialogue has never gone beyond a simple «exchange of views», and remains dominated by the monetary «diktat» of the ECB. Faced with the Bank’s complete control over monetary decisions, the political actors are unable to progress towards a coordination of national budgetary policies and a classical policy mix, and the social representatives, for their part, are not able to coordinate collective bargaining.

Ultimately, as things stand, the dialogue appears to have little impact on the content or implementation of European economic policy. As was to be expected, Oskar Lafontaine, who of course was soon obliged to resign, failed to achieve a victory for the neokeynesians within European institutions. Given the institutional and political configuration of monetary union, it has not been possible for the dialogue to have any real substance or to give rise to a political dynamic. Monetary stability and «structural reforms» are given priority to the detriment of political decision-making at the European level as regards incomes and/or employment.

Although it is important to acknowledge that the dialogue has come to nothing, it is also necessary to recall that the structural framework of the dialogue has gone beyond that defined at the Cologne Council and has been evolving through successive European Councils and as new methods of political action have developed. Indeed, the incorporation of the Employment Title in the Amsterdam Treaty of 1999, and the process following the decisions of the 1997 Luxembourg European Council, have led to varied and uneven venues and times for concertation. Until that point the framework for European social dialogue - apart from the Macro dialogue - was the tripartite Standing Committee on Employment (SCE), where the social representatives, the Commission and Labour and Finance Ministers discuss the economic policy guidelines and employment strategy.

**Tripartite concertation committee for growth and employment**

In March 2000, the Lisbon Council decided that an overall approach to the range of economic, structural and employment initiative would be the focus of a systematic spring European Council. This highlighted the fact that reform of the SCE had not led to a similar integration of tripartite concertation, and that this Committee no longer met the need for coherence and synergy between the various processes in which the social representatives were involved. ETUC, UNICE and CEEP thus proposed that the SCE be replaced by a tripartite concertation committee for growth and employment which would examine the overall European strategy defined in Lisbon before each Spring Council.

**Autonomous three-year work programme**

In their joint contribution to the Laeken European Council of December 2001, the cross-sectoral social representatives (ETUC, UNICE and CEEP) declared their intention to develop an autonomous, three-year work programme. The contribution made a clear distinction between tripartite concertation (social partners and European public authorities), social dialogue (bipartite procedure between the social partners, whether or not prompted by the Commission’s official consultations), and consultation of the social partners (which can take various forms). They also called for a more autonomous social dialogue, built on a spectrum of diversified instruments (various types of European framework agreement, opinions, recommendations, statements, exchanges of experience, awareness-raising campaigns, open debates, etc.)
In December 2002, they presented their first three-year work programme (2003-2005) which comprised over 20 actions grouped around three broad priorities: mobility, enlargement and employment (the latter encompassing close to 2/3 of the initiatives) (see Key details, D). It was followed by a second work programme (2006-2008), which aimed at more concrete outcomes and stressed the need to conclude autonomous agreements (see Key details, E).

This new «autonomous» bipartite dialogue marks a trend towards non-binding voluntary agreements, and a clear loss of ground as regards the adoption of laws. The voluntary nature of the last three cross-sectoral agreements on telework (2002), stress (2004) and harassment (2007) confirms the trend.
Key Details

A) Articles in the European Treaties relative to institutional relationships with the trade unions

- **Treaty of Rome (1957)**

"The Commission shall have the task of promoting close cooperation between Member States in the social field, particularly in matters relating to (...) the right of association, and collective bargaining between employers and workers (Article 118)

"The [European Social] Fund shall be administered by the Commission. The Commission shall be assisted in this task by a Committee presided over by a member of the Commission and composed of representatives of Governments, trade unions and employers’ organizations. (Article 124)

"The [Economic and Social] Committee shall consist of representatives of the various categories of economic and social activity, in particular, representatives of producers, farmers, carriers, workers, dealers, craftsmen, professional occupations and representatives of the general public." (Article 193)

- **Single European Act (1986)**

"The Commission shall endeavour to develop the dialogue between management and labour at European level, which could, if the two sides consider it desirable, lead to relations based on agreement." (Article 118b)

- **Treaty of Maastricht (1991)**

"The Commission shall have the task of promoting the consultation of management and labour at Community level and shall take any relevant measure to facilitate their dialogue by ensuring balanced support for the parties. To this end, before submitting proposals in the social policy field, the Commission shall consult management and labour on the possible direction of Community action. If, after such consultation, the Commission considers Community action advisable, it shall consult management and labour on the content of the envisaged proposal. Management and labour shall forward to the Commission an opinion or, where appropriate, a recommendation. On the occasion of such consultation, management and labour may inform the Commission of their wish to initiate the process provided for in Article 4 (...)" (Article 3 of the Agreement on Social Policy, annexed to the Treaty of Maastricht, which would become 118a in the Treaty of Amsterdam)

"Should management and labour so desire, the dialogue between them at Community level may lead to contractual relations, including agreements. Agreements concluded at Community level shall be implemented either in accordance with the procedures and practices specific to management and labour and the Member States or (...) by a Council decision on a proposal from the Commission." (Article 4 of the Agreement on Social Policy, annexed to the Treaty of Maastricht, which would become 118b in the Treaty of Amsterdam).

- **Treaty of Amsterdam (1997)**

**Article 138 (ex Article 118a)**

1. The Commission shall have the task of promoting the consultation of management and labour at Community level and shall take any relevant measure to facilitate their dialogue by ensuring balanced support for the parties.

2. To this end, before submitting proposals in the social policy field, the Commission shall consult management and labour on the possible direction of Community action.

3. If, after such consultation, the Commission considers Community action advisable, it shall consult management and labour on the content of the envisaged proposal. Management and labour shall forward to the Commission an opinion or, where appropriate, a recommendation.
4. On the occasion of such consultation, management and labour may inform the Commission of their wish to initiate the process provided for in Article 139. The duration of the procedure shall not exceed nine months, unless the management and labour concerned and the Commission decide jointly to extend it.

**Article 139 (ex Article 118b)**

1. Should management and labour so desire, the dialogue between them at Community level may lead to contractual relations, including agreements.

2. Agreements concluded at Community level shall be implemented either in accordance with the procedures and practices specific to management and labour and the Member States or, in matters covered by Article 137, at the joint request of the signatory parties, by a Council decision on a proposal from the Commission.

The Council shall act by qualified majority, except where the agreement in question contains one or more provisions relating to one of the areas referred to in Article 137(3), in which case it shall act unanimously.


  "A Member State may entrust management and labour, at their joint request, with the implementation of directives adopted pursuant to paragraph 2. In this case, it shall ensure that, no later than the date on which a directive must be transposed (…), management and labour have introduced the necessary measures by agreement, the Member State concerned being required to take any necessary measure enabling it at any time to be in a position to guarantee the results imposed by that directive." (Article 137).

- **Treaty of Lisbon (2008)**

  The major contribution of the proposal for a Constitutional Treaty concerned the formal recognition of the social partners and autonomous social dialogue. Thus, in Part I of the proposal, it was stated that, "The Union recognises and promotes the role of the social partners at its level, taking into account the diversity of national systems. It shall facilitate dialogue between the social partners, respecting their autonomy. The Tripartite Social Summit for Growth and Employment shall contribute to social dialogue." (Article I-48). In Part III, devoted to European Union policies, it is stated that the Union and its Member States "shall have as their objectives the promotion of employment, improved living and working conditions, so as to make possible their harmonisation while the improvement is being maintained, proper social protection, dialogue between management and labour, the development of human resources with a view to lasting high employment and the combating of exclusion." (Article III 209). While this Treaty proposal did not significantly modify the European social dialogue procedures, it nonetheless recognised the important role this dialogue plays in the construction of the social dimension of Europe.
B) Agreements implemented in accordance with article 139(2)

The texts in this category establish minimum standards and entail the implementation of certain commitments by a given deadline. Article 139 (2) provides for two main types of agreement, the principal difference concerning their methods of implementation.

<table>
<thead>
<tr>
<th>Type of agreement</th>
<th>Title of agreement</th>
<th>Implementation</th>
</tr>
</thead>
</table>
| Agreement implemented by Council Decision | • Framework agreement on parental leave, 1995  
• Framework agreement on part-time work, 1997  
| Autonomous agreements | • Framework agreement on telework, 2002  
• Framework agreement on work-related stress, 2004  
• Framework agreement on harassment and violence at work, 2007 | • Implemented in accordance with the procedures and practices specific to management and labour and the Member States  
• Implemented and monitored by the social representatives |

Agreements implemented by Council decision

The first kind of agreement concerns those that are implemented at the joint request of the signatory parties by Council decision (in practice, thus far, by Council directives) on a proposal from the Commission. This category includes the three cross-sectoral framework agreements on parental leave, part-time work and fixed-term contracts, as well as the maritime transport and civil aviation sector agreements on working time, and the railway sector agreement on the working conditions of mobile staff assigned to cross-border interoperability services. The three cross-sectoral framework agreements were negotiated as a result of a Commission consultation under Article 138, whereas the sectoral agreements make use of the leeway allowed the “social partners” by a directive (Directive 93/104/EC of 23 November 1993 concerning certain aspects of the organisation of working time) to adapt Community provisions to the specific needs of the sector. The responsibility for ensuring that agreements implemented by Council decision are transposed and implemented lies with the Member States, even in cases where the provisions are implemented through collective bargaining by the social representatives. Responsibility for monitoring the agreements lies with the Commission, although the social representatives are systematically consulted on the implementation reports.

Autonomous agreements

For the second type of agreement – those implemented in accordance with the procedures and practices specific to management and labour and the Member States – it is the employers and unions themselves who are responsible for their implementation and monitoring. The framework agreement on telework of July 2002 is the first cross-sectoral example of this type of agreement, and was the result of an Article 138 consultation. In October 2004, the cross-sectoral social representatives signed their second agreement of this kind on the topic of work-related stress, which was also the result of an Article 138 consultation.
Key Details

C) Fields requiring consultation of the social partners prior to adoption of a legislative proposal (Article 137 of the Treaty of Maastricht)

The entry into force of the Treaty of Maastricht and its social chapter entailed an obligation for the Commission to consult the social representatives before adopting a legislative proposal in the following fields:

- improvement in particular of the working environment to protect workers’ health and safety;
- working conditions;
- the information and consultation of workers;
- the integration of persons excluded from the labour market;
- equality between men and women with regard to labour market opportunities and treatment at work;
- social security and social protection of workers;
- protection of workers where their employment contract is terminated;
- representation and collective defence of the interests of workers and employers;
- conditions of employment for third-country nationals legally residing in Community territory;
- financial contributions for promotion of employment and job-creation, without prejudice to the provisions relating to the Social Fund.
### Key Details

**D) Work programme of the European social partners 2003-2005**

#### 1. EMPLOYMENT

<table>
<thead>
<tr>
<th>Thèmes</th>
<th>Actions</th>
<th>Calendrier</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment guidelines</td>
<td>reports on Social Partner actions in Member States to implement employment guidelines</td>
<td>2003-2005</td>
</tr>
<tr>
<td>Lifelong learning</td>
<td>follow-up of “framework of actions” + evaluation report</td>
<td>2003-04-05</td>
</tr>
<tr>
<td>Stress at work</td>
<td>seminar in view to negotiate a voluntary agreement</td>
<td>2003</td>
</tr>
<tr>
<td>Gender equality</td>
<td>seminar on equal opportunities and gender discrimination aiming at a framework of actions</td>
<td>2003</td>
</tr>
<tr>
<td>Restructuring</td>
<td>identify orientations that could serve as a reference to assist in managing change and its social consequences on the basis of concrete cases</td>
<td>2003</td>
</tr>
<tr>
<td>Disability</td>
<td>update of joint declaration of 1999 as a contribution for the European year on disability</td>
<td>2003</td>
</tr>
<tr>
<td>Young people</td>
<td>promoting young people’s interest in science and technology to help addressing the skills gap through joint declaration and/or awareness-raising campaign</td>
<td>2003-2005</td>
</tr>
<tr>
<td>Racism</td>
<td>updating joint declaration of 1995 (with participation of candidate countries)</td>
<td>2004</td>
</tr>
<tr>
<td>Ageing workforce</td>
<td>seminar to discuss case studies and explore possible joint actions</td>
<td>2004</td>
</tr>
<tr>
<td>Harassment</td>
<td>seminar to explore possibility of negotiating a voluntary agreement</td>
<td>2004-2005</td>
</tr>
<tr>
<td>Telework</td>
<td>monitoring of follow-up to framework agreement</td>
<td>2003-2005</td>
</tr>
<tr>
<td>Undeclared work</td>
<td>seminar aiming at a joint opinion</td>
<td>2005</td>
</tr>
</tbody>
</table>

#### 2. ENLARGEMENT

<table>
<thead>
<tr>
<th>Themes</th>
<th>Actions</th>
<th>Calendar</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial relations</td>
<td>joint seminars on industrial relations (case studies on different ways of articulating different levels of negotiations)</td>
<td>2003-2005</td>
</tr>
<tr>
<td>Social dialogue</td>
<td>2 enlarged Social Dialogue Committees per year</td>
<td>2003-2005</td>
</tr>
<tr>
<td>Restructuring</td>
<td>study on restructuring in candidate countries</td>
<td>2003-2004</td>
</tr>
<tr>
<td>Lifelong learning</td>
<td>include candidate countries in follow-up to framework of actions</td>
<td>seminar in 2004, inclusion in reporting 2005</td>
</tr>
<tr>
<td>Implementation of legal acquis</td>
<td>joint seminar on European Works Councils</td>
<td>2004</td>
</tr>
<tr>
<td>EU social and employment policies after enlargement</td>
<td>prospective reflection to identify issues that will arise in the EU after enlargement such as increase in diversity, migrations, cross-border work, etc.</td>
<td>starting in 2004</td>
</tr>
</tbody>
</table>

#### 3. MOBILITY

<table>
<thead>
<tr>
<th>Themes</th>
<th>Actions</th>
<th>Calendar</th>
</tr>
</thead>
<tbody>
<tr>
<td>Action plan on skills and mobility</td>
<td>seminar to identify areas where joint actions by the social partners at EU level could help addressing obstacles to mobility (notably for managerial staff), including supplementary pensions</td>
<td>2003-2005</td>
</tr>
</tbody>
</table>
Key Details


signed on 23 March 2006

(…)

In order to contribute to enhancing Europe’s employment and growth potential and the impact of the European social dialogue, the social partners undertake to make a joint analysis on the key challenges facing Europe’s labour markets, looking at issues such as

- macro-economic and labour market policies,
- demographic change, active ageing, youth integration, mobility and migration,
- lifelong learning, competitiveness, innovation and the integration of disadvantaged groups on the labour market,
- balance between flexibility and security,
- undeclared work

On that basis, they will

1. decide appropriate joint recommendations to be made to EU and national institutions, and
2. define priorities to be included in a framework of actions on employment by the social partners, and
3. negotiate an autonomous framework agreement on either the integration of disadvantaged groups on the labour market or life long learning. In order to define their respective mandates, they will explore different possibilities.

Furthermore, the European social partners will

4. negotiate a voluntary framework agreement on harassment and violence in 2006;
5. complete the national studies on economic and social change in the EU 10, enlarge them to cover the EU 15 and on that basis promote and assess the orientations for reference on managing change and its social consequences and the joint lessons learned on EWCs;
6. continue their work of capacity building for the social dialogue in the new member states, extend it to candidate countries, and examine how the employers and trade union resource centres providing technical assistance to the 10 new member states could provide help to social partners of all EU countries;
7. report on the implementation of the telework as well as the work-related stress agreements and on the follow up to the framework of actions on gender equality;
8. based on the implementation of the telework and stress agreements and the frameworks of actions on the lifelong development of competences and qualifications and on gender equality, further develop their common understanding of these instruments and how they can have a positive impact at the various levels of social dialogue.

CEEP, UNICE/UEAPME and ETUC consider that this work programme does not constitute an exhaustive list. The social partners may decide to up-date it in the light of developments in the EU. Furthermore, they will continue to monitor the implementation of the European Growth and Jobs Strategy
What do you think?

1. It was not until 1995 that the first European cross-sectoral collective agreement was concluded, whereas the Commission had already, during the 9 years since the 1986 Single Act, undertaken a programme to adopt close to 300 economic directives to implement the internal market. What do you think about this discrepancy?

2. The European Commission’s 1993 White Paper on social policy announced that the laws adopted to form the core of European social law would be kept to a minimum - both in number and content. Do you think that it is possible for the collective bargaining process to compensate for the legislative vacuum resulting from this absence of a political will to promote social laws?

3. Do you think that it’s right to limit European collective agreements to framework agreements establishing minimum requirements that will not impose restraints on small and medium-sized businesses?

4. How have the European agreements been transposed in your national legislation (laws, collective agreements, codes of conduct, etc.)? Has it been more difficult to negotiate the voluntary agreements at national level?

5. What would be the reasons for reactivating the macro-economic dialogue?
   - Could the Dialogue meet the challenge of achieving an overall coherence between the three aspects of economic policy – monetary, budgetary and wages – and can it constitute a genuine lever for concerted economic governance at the level of Economic and Monetary Union (EMU)?
   - Could it also be an element able to promote an ongoing reflection – within each Member State - on the appropriate way to develop the EU’s Broad Economic Policy Guidelines (BEPGs), given national realities?
For more on this subject


Fact sheet 6

Sectoral social dialogue

Evolution of the institutional framework

The history of sectoral industrial relations at Community level — which were not yet called sectoral social dialogue, but more classically social consultation and/or negotiation — dates back to the Treaty establishing the European Coal and Steel Community (ECSC), signed on 18 April 1951. It thus begins with what were two key sectors for the union movement at the time — coal and steel — and largely predates the social dialogue formalised by the recent creation of sectoral social dialogue committees (SSDCs). For it was only after 1 January 1999 that the European Commission decided to harmonise the procedure at sectoral level, and to replace the existing types of structure (informal working groups and joint committees) by SSDCs (see Key details, B). Sectoral social dialogue was thus generalised as an extension of the cross-sectoral social dialogue instituted at Val Duchesse in 1985, and new, more systematic rules were applied to the old structures.

The SSDCs are created at the joint request of the “social partners”, and are ultimately approved by the Commission on the basis of clearly defined representativeness criteria. They comprise a maximum of 40 members (with equal representation of both parties). Each committee adopts its own rules of procedure and (often annual) work programme and holds at least one plenary meeting per year, dealing with more specific questions at meetings of enlarged secretariats or restricted working parties. They receive their mandate to negotiate from the national union organisations.

The number of committees has grown at an exponential rate since the 1999 reform: in the ten years between 1997 (just before the creation of the SSDCs) and 2007, the number of sectors with social dialogue committees rose from 20 to 35. Ten joint committees and 14 informal working groups were transformed into SSDCs, while 11 new committees were directly created in the following sectors: live performance and temporary agency work (1999), furniture (2001), shipbuilding, Local and regional government (2003), audiovisual, chemicals, and local and regional government (2004), and more recently, steel and hospitals (2006), and gas and catering (2007) (see Key details, B).

Without going into the details of the history of European sectoral industrial relations from the 1950s to today, an overview of the period shows that the structures developed during the pre-sectoral social dialogue era corresponded to the unions’ need to provide an institutional response to the evolution of European economic integration. The two conditions fostering the development of these pre-SSD structures were the existence of common policies (agriculture, transport), and the more recent introduction of liberalisation policies making it necessary to lessen the impact of their social consequences (postal services, telecommunications), with the European authorities playing a prime role in both.

These two conditions also correspond to the two generations of joint committees presented in the Table below.
Two generations of joint committees (1963-1994)

<table>
<thead>
<tr>
<th>Five first-generation committees (common policies)</th>
<th>Four second-generation committees (liberalisation policies)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Agriculture (1963)</td>
<td>• Sea transport (1987)</td>
</tr>
<tr>
<td>• Road transport (1965)</td>
<td>• Civil aviation (1990)</td>
</tr>
<tr>
<td>• Inland navigation (1967/1980*)</td>
<td>• Telecommunications (1990)</td>
</tr>
<tr>
<td>• Fisheries (1968)</td>
<td>• Postal services (1994)</td>
</tr>
<tr>
<td>• Railways (1972)</td>
<td></td>
</tr>
</tbody>
</table>

More recently, a study conducted by the Observatoire social européen (2004) attempted to define the dynamics of sectoral social dialogue in terms of sectoral specificities, and the relationship between these dynamics and the nature of the joint texts signed in these sectors (see Key details, C). It found that the sectors could be grouped into six broad categories:

- The sectors covered by European policies (transport, agriculture), which mostly produce framework agreements
- The sectors whose national spaces have been deregulated and subjected to competition and interconnection (telecommunications, postal services, electricity), which mostly produce recommendations
- The declining sectors faced with strong international competition (textiles, footwear, sugar), which mostly produce codes of conduct
- The traditional sectors in search of a “European issue” to discuss (banking, insurance), where social dialogue is not very dynamic
- The sectors seeking a European “public image” (private security, cleaning) and a “quality label”, which experiment with codes of conduct that are not based on ILO standards (such as ethical codes)
- The commercial sector, which tries out the various instruments in order to highlight its specific issues (compared to the other sectors and the cross-sectoral level).

The study shows the extent to which sectoral social dialogue (SSD) is determined by each sector’s economic, political and social context: whether or not it has been opened to international competition, affected by European policies, liberalised, etc.

**Joint texts produced by SSD: “common positions” addressed to the European institutions**

The range of sectoral social dialogue documents produced by officially constituted committees represents a total of over 360 “joint texts”. These texts have a wide variety of official titles: joint opinions, declarations, resolutions, proposals, guidelines, recommendations, codes of conduct, social labels, etc. But, despite this apparent variety, over half are in reality non-binding “joint positions” addressed to the European institutions.

The top three fields in terms of the number of texts signed are “Social Dialogue”, “Economic and/or Sectoral Policies” – which correspond to “technical” questions concerning sectoral, economic, industrial or commercial strategies, and “Working conditions” – largely because this category includes so-called atypical forms of work, such as telework. The fields that are addressed the least include “non-discrimination”, “working time”, and “health and safety”, which are more specifically union topics.
With regard to the formal functions of social dialogue (see Fact sheet #5, cross-sectoral social dialogue), it is to be noted that the SSDCs in reality fulfil a minimum function of consultation by the Commission, and that autonomous bipartite negotiations have produced concrete results in very few cases. And, to date, the only five binding agreements signed at sectoral level have all been in the transport sector (see Key details, A), which has come under particular legislative pressure: this sector had to negotiate implementation of the 1993 Directive on the organisation of working time in each of its sub-sectors (road, railways, etc.) that were excluded from the directive’s scope.

Finally, in practice, SSD seems far more to serve the purpose of consultation on the social consequences of Community policies – in the economic, commercial or industrial spheres over which the unions have little control – than as a space for negotiating social standards.

Negotiations have thus long remained dependent on legislative pressure from the Commission, even if this was relatively weak (depending on the period). However, since the 2001 Laeken European Summit (December 2001), as at cross-sectoral level, the nature of SSD and the role played by the Commission have progressively changed. The Commission’s role as political actor, which consisted in producing a programme of legislative proposals encouraging the “social partners” to engage in dialogue or enter into negotiation, has been reduced. This means that, in reality, the Commission no longer exerts legislative pressure, which effectively excludes the possibility of concluding framework agreements that will be transposed into a Council Directive. Concomitantly, social dialogue has also evolved due to the introduction of the Open Method of Coordination (OMC), an instrument used by the European Commission in the social field as a complement to or substitute for existing social legislation.
### A. Five European sectoral agreements and their implementation

#### Interaction between European and national level

<table>
<thead>
<tr>
<th>Agreement</th>
<th>Provisions for implementation</th>
<th>Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>European Agreement on the Organisation of Working Time of Mobile Workers in Civil Aviation, 22 March 2000</td>
<td>“Having regard to the fact that Article 139(2) of the Treaty provides that agreements concluded at European level may be implemented at the joint request of the signatory parties by a Council decision on a proposal from the Commission, Having regard to the fact that the signatory parties hereby make such a request…”</td>
<td>Council Directive 2000/79/EC of 27 November 2000</td>
</tr>
<tr>
<td>Agreement between the CER and the ETF on the European licence for drivers carrying out a cross-border interoperability service, 27 January 2004</td>
<td>Article 16 – Follow-up of the Agreement. A Committee composed of representatives of all parties having taken part in drawing up the agreement shall meet every 6 months during the first two years, under the auspices of the Social Dialogue Committee, to discuss problems linked to the implementation of this Agreement and shall examine the main experiences of interoperable services. CER-ETF discussions on the main incidents or accidents could lead to joint proposals.</td>
<td>Proposal for a Directive of the European Parliament and of the Council on the certification of train crews operating locomotives and trains on the Community’s rail network COM (2004) 124 final of 3 March 2004</td>
</tr>
<tr>
<td>Agreement concluded by the ETF and the CER on certain aspects of the working conditions of mobile workers engaged in interoperable cross-border services, 27 January 2004</td>
<td>Clause 10 - Follow-up to the Agreement. The signatories shall follow up the implementation and application of this Agreement in the framework of the Sectoral Dialogue Committee for the railways sector, established in accordance with Commission Decision 98/500/EC. Clause 11 - Evaluation. The parties shall evaluate the provisions of this Agreement two years after its signing in the light of initial experience in the development of interoperable cross-border transport. Clause 12 – Review. The parties shall review the above provisions two years after the end of the implementation period laid down in the Council Decision putting this Agreement into effect.</td>
<td>Council Directive 2005/47/EC of 18 July 2005</td>
</tr>
</tbody>
</table>

**Key Details**

**B. Sectoral structures at EU level**
(joint committees and informal working groups) transformed into official sectoral social dialogue committees, by date of creation (updated to 31 December 2007)

<table>
<thead>
<tr>
<th>Joint Committees</th>
<th>Informal working groups</th>
<th>SSDCs*</th>
<th>Sector</th>
</tr>
</thead>
<tbody>
<tr>
<td>1954</td>
<td>X</td>
<td></td>
<td>Mining (Extractive industry)</td>
</tr>
<tr>
<td>1963</td>
<td>X</td>
<td></td>
<td>Agriculture</td>
</tr>
<tr>
<td>1965</td>
<td>X</td>
<td></td>
<td>Road transport</td>
</tr>
<tr>
<td>1967</td>
<td>X</td>
<td></td>
<td>Inland waterways</td>
</tr>
<tr>
<td>1968</td>
<td>X</td>
<td></td>
<td>Sea fisheries</td>
</tr>
<tr>
<td>1969</td>
<td>X</td>
<td></td>
<td>Sugar</td>
</tr>
<tr>
<td>1972</td>
<td>X</td>
<td></td>
<td>Railways</td>
</tr>
<tr>
<td>(1977)</td>
<td>1982</td>
<td>X</td>
<td>Footwear</td>
</tr>
<tr>
<td>1983</td>
<td>X</td>
<td></td>
<td>Horeca/Tourism</td>
</tr>
<tr>
<td>1985</td>
<td>X</td>
<td></td>
<td>Commerce</td>
</tr>
<tr>
<td>1987</td>
<td>X</td>
<td></td>
<td>Sea transport</td>
</tr>
<tr>
<td>1987</td>
<td>X</td>
<td></td>
<td>Insurance</td>
</tr>
<tr>
<td>1989</td>
<td>X</td>
<td></td>
<td>Telecommunications</td>
</tr>
<tr>
<td>1990</td>
<td>X</td>
<td></td>
<td>Civil aviation</td>
</tr>
<tr>
<td>1992</td>
<td>X</td>
<td></td>
<td>Banking</td>
</tr>
<tr>
<td>1992</td>
<td>X</td>
<td></td>
<td>Construction</td>
</tr>
<tr>
<td>1992</td>
<td>X</td>
<td></td>
<td>Cleaning industry</td>
</tr>
<tr>
<td>1992</td>
<td>X</td>
<td></td>
<td>Textiles and Clothing</td>
</tr>
<tr>
<td>1993</td>
<td>X</td>
<td></td>
<td>Private security</td>
</tr>
<tr>
<td>1994</td>
<td>X</td>
<td></td>
<td>Postal services</td>
</tr>
<tr>
<td>1994</td>
<td>X</td>
<td></td>
<td>Woodworking</td>
</tr>
<tr>
<td>1996</td>
<td>X</td>
<td></td>
<td>Electricity</td>
</tr>
<tr>
<td>1998</td>
<td>X</td>
<td></td>
<td>Personal services (Hairdressing)</td>
</tr>
<tr>
<td>1999</td>
<td>X</td>
<td></td>
<td>Tanning and Leather</td>
</tr>
<tr>
<td>1999</td>
<td>X</td>
<td></td>
<td>Live performance</td>
</tr>
<tr>
<td>1999</td>
<td>X</td>
<td></td>
<td>Temporary agency work</td>
</tr>
<tr>
<td>2001</td>
<td>X</td>
<td></td>
<td>Furniture</td>
</tr>
<tr>
<td>2003</td>
<td>X</td>
<td></td>
<td>Shipbuilding</td>
</tr>
<tr>
<td>2004</td>
<td>X</td>
<td></td>
<td>Audiovisual</td>
</tr>
<tr>
<td>2004</td>
<td>X</td>
<td></td>
<td>Chemicals</td>
</tr>
<tr>
<td>2004</td>
<td>X</td>
<td></td>
<td>Local and regional government</td>
</tr>
<tr>
<td>2006</td>
<td>X</td>
<td></td>
<td>Steel</td>
</tr>
<tr>
<td>2006</td>
<td>X</td>
<td></td>
<td>Hospitals</td>
</tr>
<tr>
<td>2007</td>
<td>X</td>
<td></td>
<td>Gas</td>
</tr>
<tr>
<td>2007</td>
<td>X</td>
<td></td>
<td>Catering</td>
</tr>
</tbody>
</table>

10  14  11 new  35

The year of establishment is only given for the 11 sectors directly set up in this form from 1999. The X indicates that the structure was converted into a SSDC between 1999 and 2001 (except for Mining, 2002).
What do you think?

A. Questions for discussion on the topic

What purpose can sectoral social dialogue serve for the European Industry Federations (EIFs)?

* Is the EIFs’ strategic interest in participating in dialogue:
  - to obtain funding from the Commission
  - to be able to enter into the political process of the EU and to gain legitimacy?

Les FSE sont-elles :
  - depend on the Commission’s schedule?
  - serve to validate Community policies?

Do you think that sectoral social dialogue is limited to playing an advisory role?

- Institutionalisation within the framework of social dialogue appears to be the only way for an EIF to gain political recognition. Its representative link to its union base, that is, its potential capacity for social transformation through mobilisation, remains very weak.

In this context, comment on the following statement by Jean-Marie Pernot:

“the legitimacy to represent is not derived from the institution itself, but from the representative ties that union organisations have with the social group ‘on whose behalf’ they speak and act”.

B. Discussion: Comment on the following Tables

**DSS : Nombre de documents par type 1978-2004**

<table>
<thead>
<tr>
<th>Type</th>
<th>1978-1997 (Blanc)</th>
<th>1998-2004 (Rouge)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Position commune</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Déclaration</td>
<td>10</td>
<td>72</td>
</tr>
<tr>
<td>Outil</td>
<td>20</td>
<td>38</td>
</tr>
<tr>
<td>Recommandation</td>
<td>10</td>
<td>18</td>
</tr>
<tr>
<td>Règlement intérieur</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accord</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source : Banque de données (OSE, 2004a)

SSD: Number of documents by type / (white) (red)

Common Position
Declaration
Instrument
Recommendation
Rules of Operation
Agreement

SSD: Number of Documents per year (1978-2004)

Source: OSE Database (2004a)
DSS : Nombre de documents par secteur 1978-2004 (341 docs)

1978-1997 (blanc, 156 docs)  1998-2004 (rouge, 185 docs)

Source: OSE Database (2004a)

SSD: Number of Documents by Sector
(white….) (red….)

- Télécommunications
- Agriculture
- Chemins de fer
- Postes
- Aviation civile
- Pêche maritime
- Commerce
- Horeca / Tourisme
- Transports maritimes
- Sécurité privée
- Nettoyage
- Textile et habillement
- Sucre
- Electricité
- Construction
- Transports routiers
- Chaussure
- Collectivités locales
- Tannerie et cuir
- Navigation intérieure
- Mines
- Bois
- Assurances
- Chine
- Banques
- Travail intérimaire
- Culture
- Services aux personnes
- Armes
- Construction navale
- Audiovisuel

Télécommunications
Agriculture
Chemins de fer
Postes
Aviation civile
Pêche maritime
Commerce
Horeca / Tourisme
Transports maritimes
Sécurité privée
Nettoyage
Textile et habillement
Sucre
Electricité
Construction
Transports routiers
Chaussure
Collectivités locales
Tannerie et cuir
Navigation intérieure
Mines
Bois
Assurances
Chine
Banques
Travail intérimaire
Culture
Services aux personnes
Armes
Construction navale
Audiovisuel

0 5 10 15 20 25 30 35

UNIT 3 - FACT SHEET 6 - WHAT DO YOU THINK?
For more on this subject

BBenedictus, H et al. (2002), “The European social dialogue: development, sectoral variation and prospect”, report to the Ministry of Social Affairs and Employment, AIAS, University of Amsterdam.


ETUI (1993), Comités sectoriels européens et dialogue social : expériences au niveau sectoriel et dans les multinationales, European Trade Union Institute, Brussels.


Fact Sheet 7

The missing link in today's European system of industrial relations: a European Labour Court?

At national level in Western Europe, three institutional elements played a fundamental role in transforming bourgeois political regimes into social democracies: the adoption by parliament of binding social laws that set limits on the principle of the employer's freedom to conduct business; the negotiation of collective agreements by the social representatives; and the development of specialised labour courts. For the development of a substantial body of social laws, it was necessary for the political authorities (executive and/or legislative) to give legal form to a social public order based on a vision in which the social well-being of workers and the general population took precedence over an absolute principle of free trade.

For contractual relations to develop, it was also necessary for the State to organise a balance between private interests and the collective interest of the population so that the collective force of workers could be legitimised in official bargaining procedures. A process of collective bargaining is only autonomous, free and balanced if it is embedded in a legally framed practice that obliges employers to negotiate with union representatives.

Finally, it was necessary to ensure that the norms adopted (laws and collective agreements) were respected in the daily conduct of work relations: specialised law courts were needed to ensure that social laws prevailed over civil laws in order to restrict employers' freedom to trade by upholding what were regarded as more general and fundamental principles.

These three institutional elements exist in varying proportions depending on the specific national social and historical frameworks. But even if the combination varies, it is the presence of all three that provides, de facto, the necessary minimum framework for an industrial relations system to exist.

We have seen in the two previous fact sheets that the EU political authorities fail to fulfil their role as regards the production of social laws (1994 White Paper on Social Policy) and as regards their capacity to compel the employer organisations to accept to play a significant legislative role in the social field through contractual procedures.

Moreover, there is no European court of justice that specialises in conflicts between social laws and commercial laws.

The absence of a political culture of a social public order at European level means that the corpus of binding norms (laws and collective agreements) is very limited (in number and content), and that restrictions undermine the political force of those norms that are produced (social rules must set «minimum requirements» and must not impede SMEs or the competitiveness of businesses; preference is given to developing alternative practices to legislation with the open method of coordination, etc.)

The absence of a European Labour Court can be attributed to an institutional context in which the present European Court of Justice has extensive powers to interpret the general laws governing the functioning of the EU. Recent judgments in the fields of social security and work relations clearly show that this court has been set up to ensure that the commercial freedom of the employer is given primacy, and that social law consequently has only a heteronomous, secondary existence - it can only exist if, and only if, it does not come into direct conflict with economic interests.

The importance, for the world of work, of setting up a legal system that would introduce a logic able to compete with that of commercial law stems directly from the fact that the European Court of Justice has, with the approval of the European political class, imposed the principle of the primacy of Community law over national law, including that enshrined in national constitutions. This became official with the “Costa vs. Enel” judgment of 15 July 1964, and the “Internationale Handelsgesellschaft” judgment of 17 December 1970.

But if the EU’s legislative production of these different types of law (social and economic) is compared, it is strikingly clear that the EU is above all a space for organising the free market based on four commercial freedoms (goods, services, capital, and workers); it is competition law that forms the backbone of Community law.
And today?

At the Lisbon Summit of 13 December 2007, after the failure of the proposed Constitutional Treaty due to its rejection in the French and Dutch referendums, the European Heads of State and Government proposed a new version of the European treaty, the Treaty of Lisbon. They declared that although the Charter of Fundamental Rights was no longer incorporated in the new treaty proposal, it would have the same legal force as the treaties, which should ensure a perfect balance between Social Europe and Economic and Monetary Union within the EU.

However, this balance appears doubtful in the light of recent European Court of Justice judgments. At the same time as the Summit, the ECJ pronounced two rulings one after the other that directly delegitimated national union action: the «Viking» judgment of 11 December 2007, and the «Laval» judgment of 18 December 2007.

The “Viking” judgment of 11 December 2007 (International Transport Workers’ Federation and Finnish Seamen’s Union vs. Viking Line ABP and OÜ Viking Line Eestia)

Summary of the dispute

In October 2003, the Finnish shipping company Viking Line, owner of a ship sailing between Helsinki and Tallinn, a sea link that was in deficit, decided to reflag one of its ships to an Estonian flag, to enable it to hire an Estonian crew at a lower wage level than that in force in Finland. ITF succeeded in preventing all its affiliated unions, including the Estonian unions, from entering into dealings with this employer. This blocked the employer’s strategy. But, after Estonia entered the EU in 2004, Viking Line decided to bring a legal claim against the trade unions, arguing that the union action constituted a restriction on the freedom of establishment within the European economic area. The transport unions also threatened to launch strikes with a view to obtaining a collective agreement prohibiting this practice of changing crews.

The first unacceptable aspect in this new European justice is that Viking Line had the right to bring the case before a British court, using the argument that the ITF headquarters are in London. The choice of a British court enabled the company to defuse the shock of its social dumping strategy against its national seamen, and also to choose a political and legal culture more in line with free trade principles. The second unacceptable aspect is the ruling itself.

The Court held that the industrial action (strike threats and demand for a collective agreement) did indeed constitute a restriction on the employer’s right to freedom of establishment. And that this restriction can only be justified by an overriding reason of public interest, such as the protection of workers, and must be suitable for ensuring the attainment of the legitimate objective pursued and not go further than what is necessary to achieve that objective.

Consequences on union rights

The unions must thus prove that they could not have ensured the protection of jobs by any other means than by a threat to strike. Merely threatening to strike, and not even an actual strike ! is thus considered as a very last resort, and unions must thus be able to prove that it is the only possible effective action before being able to use it!!!
The «Laval» judgment of 18 December 2007

Summary of the dispute

Laval un Partneri, a Latvian construction company located in Riga, posted workers from Latvia to work on a Swedish building site to renovate a school near Stockholm. The Swedish unions had tried to negotiate a collective agreement imposing the local terms and conditions of employment. Given the company’s refusal, they initiated a blockade of the building site.

The ECJ ruling is based on its interpretation of the existing European directive on the posting of workers from another Member State, in the framework of the transnational provision of services.

Consequences on union rights

The Court held that a union cannot seek to apply a collective agreement whose terms surpass those provided for in the Directive and the national social legislation, nor undertake industrial action to impose this type of «local standard».

Two further judgments pronounced in 2008 pursue this delegitimation not only of national union action but also of State action when the latter transpose social legislation from EU considered by the Court to be too restrictive by virtue of the primacy of the employer’s freedom of establishment: the «Rüffert» judgment of 3 April 2008 and the judgment «against Luxembourg» of 19 June 2008.

The «Rüffert» judgment of 3 April 2008 (Dirk Rüffert vs. Land Niedersachsen)

Summary of the dispute

The state law of the German Land of Niedersachsen concerning tenders for public contracts stipulates that companies and their sub-contractors must pay their employees the salary fixed according to collective agreements. However, a Polish sub-contractor of the German construction firm "Objekt und Bauregie" only paid their posted Polish employees less than half of the fixed minimum salary.

The Court determined that giving precedence to this collective agreement was in conflict with European law. The Community directive on posted workers stipulates that the requirements for minimum wage rates set by Member States for general application must be respected, but the collective agreement did not have the status of a universally applicable measure (it only concerns public contracts, is not a Federal law, etc.), and it restricts the free provision of services which can only be restricted to protect workers, but there was no evidence that a wage increase higher than the German legal minimum wage would afford such protection.

Consequences on labour law

De facto, the only valid collective agreements would be those aligned with the legal minimum requirements provided for in a universally applicable measure (law or cross-sectoral agreement). This destroys the dynamic of sectoral collective bargaining in national systems where sectors that are strongly unionised have traditionally been a driving force for collective bargaining.

Summary of the dispute

The European Commission introduced an action against Luxembourg, arguing that the Luxembourg legislation of 2002 transposing the Posting of Workers Directive exceeds what is allowed under Community law, and was an obstacle to the free provision of services.

The ECJ upheld the Commission’s complaint on all points, considering that Luxembourg’s interpretation of the “public policy” provision was too extensive and thus harmful to business.

Thus, the Court considered it excessive that Luxembourg impose an indexation of wages for all wages, and not only for those in the minimum wage category.

The requirement of a written employment contract or a written document established in accordance with Directive 91/533 was also considered excessive, on the grounds that service providers had already fulfilled this obligation in their country of origin.

Imposing national regulations on part-time and fixed-term work was ruled just as excessive since these fields were not covered by the Posting Directive.

The Court asserted once again that classification as public policy provisions can only apply to collective agreements which have been declared universally applicable.

It ruled that the provisions requiring prior authorisation before workers could be posted were not sufficiently precise and this could render the posting of workers less attractive.

Luxembourg was also condemned for requiring that the employer of the posted worker provide information which is indispensable for a labour inspection, and that a representative with residence in Luxembourg should keep the relevant legal documents concerning the posting of workers for these purposes.

Consequences on labour law

It is considered that only European minimum requirements fall within the scope of the universally applicable legal order.

A State cannot improve on a European social law if this action comes into conflict with the interests of enterprises in the framework of the freedom to provide services.
**Key Details**

A few examples of ECJ rulings that substantially transform the primacy of national and constitutional law as well as the content of social law

<table>
<thead>
<tr>
<th>Name of Judgment</th>
<th>Date and Case No.</th>
<th>Type of destabilisation of democratic law</th>
</tr>
</thead>
<tbody>
<tr>
<td>Costa judgement</td>
<td>15 July 1964Case 6/64</td>
<td>Declaration of the primacy of Community law over any national law</td>
</tr>
<tr>
<td>InternationaleHandelsgesellschaft</td>
<td>17 December 1970Case 11/70</td>
<td>Declaration of the primacy of Community law over national constitutions</td>
</tr>
<tr>
<td>Viking</td>
<td>11 December 2007C-438/05</td>
<td>Delegitimation of the right to strike and to collective action if this restricts the principle of the freedom to provide services</td>
</tr>
<tr>
<td>Laval</td>
<td>18 December 2007C-341/05</td>
<td>Delegitimation of sectoral collective agreements and collective union actions if they restrict the principle of the freedom to provide services</td>
</tr>
<tr>
<td>Rüffert</td>
<td>3 April 2008C-346/06</td>
<td>Delegitimation of sectoral collective agreements if they restrict the principle of the freedom to provide services</td>
</tr>
<tr>
<td>Judgment against Luxembourg</td>
<td>19 June 2008C-319/06</td>
<td>Imposition of a European minimum social standard as the only possible standard vis-à-vis the freedom to provide services</td>
</tr>
</tbody>
</table>
What do you think?

1. In a political system that establishes the primacy of European law over each national law, don’t you think that a legal system based on the primacy of the principle of free trade deprives the different types of national social law (labour law, union law, etc.) of all substance?

2. What are the implications for ILO international labour agreements?

3. Can social law be a field of law that is complementary to commercial law?
**For more on this subject**


Coron, G., (2007), «La diffusion de nouvelles grilles de lecture des systèmes de retraite par le droit communautaire », article on line :

http://www.rt6.org/IMG/rtf/la_diffusion_de_nouvelles_grilles_de_lecture_des_syste_mes_de_retraite_a_travers_le_droit_communa_2019070701584334514170575506668217601


Summary

Fact sheet 8. Transnational mobilisation
Fact sheet 9. Cross-border initiatives (the Doorn group and sectoral cooperation)

About the contents

While Euro-unionism is essentially characterised by its institutional role of representing labour vis-à-vis the EU Authorities (see Unit III), another aspect of its activity has been to organise transnational mobilisations. This Unit comprises two fact sheets that present the different types of collective action developed at transnational level over the years.

Fact sheet 8 focuses on the different forms of public protest that have been staged - Euro-demonstrations, Euro-strikes and Euro-petitions - and is divided up according to the level at which they have been organised: cross-sectoral, sectoral, and plant level for multinational groups.

Fact sheet 9 describes a type of union action that is specific to certain sectors and regions: the coordination of wage bargaining. For indeed, a union also derives its strength from its capacity to develop autonomous collective strategies to turn round laws or employer programmes that go against workers’ interests. Being able to meet, exchange information and learn more about each other’s different union cultures and social and political systems contributes to reducing the inevitable tensions that are provoked when workers are put into situations of competition with each other. Through the coordination of national wage bargaining, Euro-unionism thus seeks to develop methods for trade unionists to learn to work together across frontiers, to strengthen the coherence between union forces and attempt to curb the competition between workers produced by a free-market economy.
Fact sheet 8

Transnational mobilisation

A strike is the form of collective action that has the most impact on employers in both the private and public sectors, by blocking production or the functioning of the State apparatus.

Existing laws fluctuate between the recognition of collective union actions, such as strikes, as a fundamental right (the ILO Convention no. 87, for instance), and the will to restrict such actions so that they do not “hinder” productive or State activity (thereby depriving them of any real impact). This ambiguity is particularly apparent at EU level.

On one hand, the Treaty instituting the European Union explicitly excludes these fundamental democratic rights – the right of association and the right to strike – from EU legislative competence. On the other, an article of the European Charter of Fundamental Rights expressly mentions the right to negotiations and industrial action, including the right to strike. But the wording of this text provides a perfect illustration of the ambiguity of the European political system:

**Article 28. Right of collective bargaining and action**

Workers and employers, or their respective organisations, have, in accordance with Community law and national laws and practices, the right to negotiate and conclude collective agreements at the appropriate levels and, in cases of conflicts of interest, to take collective action to defend their interests, including strike action.

This means that the right to strike and the right to collective action (such as negotiating a collective agreement) exist, but depend on the content of Community law and of the national legislation in each member state, and thus on the arbitration that the judges will make when these rights come into conflict with EU and national laws: there is thus no single, absolute principle in European social law protecting collective action and strikes.

However, as we have already seen in Fact sheet #7, European Court of Justice case law has become increasingly restrictive of these fundamental union rights, by upholding the principle of the freedom to provide services as an absolute right.

The non-recognition of these fundamental rights at a transnational level has a direct, negative impact on efforts to build solidarity among workers across borders and on the latter’s perception of the legitimacy of transnational union structures. For as long as there is no European-level law protecting transnational union action, Euro-unionism will not be able to fully play its role of defending the interests of European workers.

How indeed can pressure be brought to bear on European employers - who have all the leeway they need to delocalise their subsidiaries to anywhere within the European economic space - when solidarity strikes are not protected by European law, and are even prohibited by certain national legislations, notably in two of the most powerful member states (Germany and the UK)? Moreover, enlargement has brought an increasing diversity of national social legislation, making it all the more difficult for the ETUC to organise broad-based industrial actions without Community-level protection of the right to such action in all member states.
A) Cross-sectoral Euro-unionism in action

Four periods of European mobilisation


*1978-1983*

The first period corresponds to the ETUC’s refusal to accept the neo-liberal turn openly taken by European employers in 1975, and which would progressively be followed by the Community authorities and then the national governments (for example in France with the 1976 Barre Plan, and with the election of Margaret Thatcher in the UK in 1979 and of neo-liberal governments in Belgium and the Netherlands from 1981). The first European cross-sectoral demonstration was held in Brussels on 14 November 1975. The ETUC standpoint and the enormous gap between union positions and those of employers and governments alike, led the ETUC to withdraw from high-level discussions with the Community authorities between 1979 and 1983. Relying essentially on the national union leaders who were trying to get their divergent viewpoint across to their countries’ politicians, the ETUC organised numerous transnational actions, but failed to reverse the trend. It thus resumed an institutional relationship with the Community Authorities in 1984, engaging in the now famous social dialogue.

*1996-1997*

The second period corresponds to the social mobilisation that arose in response to the revision of the Treaty of Maastricht. The demand was for a better “balance” between an EU focussed essentially on achieving Monetary Union and the free market, and a Europe that would integrate genuine social policies. The event that sparked things off was the closure of the Renault plant in Vilvorde, Belgium in breach of national legal provisions on workers’ right to prior information and consultation. “Vilvorde” became a symbol of how management can delocalise production to subsidiaries with lower wage levels and working conditions, not to save the company, but to increase profits – and, at the same time, of European-scale union action that received much media attention.

*2000-2003*

The third period corresponds to the international outbreak of anti-globalisation protest sparked off in Seattle (host to the WTO Conference of 30 November to 3 December 1999), and to developments in the EU, after the Laeken European Summit (14-15 December 2001) decided to entrust a “Convention” chaired by Valéry Giscard d’Estaing with the task of drafting a proposal for an overall reform of the EU institutions (which was to become the draft Constitutional Treaty). Between 2000 and 2003, it became somewhat of a ritual to organise Euro-demonstrations at every important EU Summit (no less than three during the second semester of 2001 during the Belgian presidency of the Council, while another, at the Barcelona Summit, mobilised some 300,000 demonstrators on 4 March 2002). In all, the ETUC organised eight Euro-demonstrations during this period.

*2005-2006*

The fourth peak corresponds to an ambiguous union mobilisation against what became known as the Bolkenstein Directive (on the liberalisation of service activities). The ETUC had firmly supported the draft constitutional treaty (which would be approved by the Heads of State or Government at the June 2004 European Council), basing its position partly on the fact that the Charter of Fundamental Rights adopted by the Nice European Council in December 2000, had been included in the proposed treaty. It asserted that never had a treaty proposal been so “social”. But this assertion ran up against the fact that the European Commission had adopted a directive proposal on 13 January 2004, advocating a far-reaching liberalisation of services within the Internal Market. The ETUC thus sought to counter the argument of the opponents to the constitutional treaty that Europe was going to “constitutionalise” neo-liberalism, by demonstrating that it was still possible to counter a liberal directive without necessarily challenging the whole European political system, including the treaty. It thus mobilised against “Bolkenstein” but in favour of the constitutional treaty, although this did not stop many union activists from demonstrating against both.
The different forms of mobilisation

• **Euro-demonstrations organised by the ETUC**
  The first European cross-sectoral demonstration, calling for secure jobs and a guaranteed income, was staged in Brussels on 14 November 1975. It was held before the tripartite conference between ETUC leaders, employers, the European Commission and ministers of social, economic and financial affairs.

This Euro-demonstration launched a style of action that would, over time, become somewhat of a ritual. The ETUC held another in Venice on 12 June 1980, to coincide with the European Council (5,000 demonstrators). From then on, Euro-demonstrations would be staged regularly at the time of European Summits to show that Euro-unionism exists. While the practice was dropped at certain times (for example, between 1984 and 1988, when the ETUC was re-establishing contact with the EU authorities through the implementation of social dialogue), the periods corresponding to the renegotiation of the Treaties favoured its renewal: in 1996-1997, and regularly since 2000.

A variation of the ritual is to organise a European Trade Union Summit at the same time as the European Council, in the same city or in another city. The first of these took place in Stuttgart on 4 June 1983 and mobilised 80,000 people.

Given the difficulty in activating a European right to strike, Euro-demonstrations held during the week are staged by union staff sent by their organisations in the different member states. The number of participants varies depending on the issues at stake, with the delegations from the countries closest to the location of the demonstration being of course the most numerous. The demonstrations gathering the most people have been those staged at times of social tension over a topical event and when the protest takes place in a central location within the EU (Benelux, Germany or France). Since the early 2000s, the demonstrations coinciding with the major European Councils have also been joined by the anti-globalisation movements, who see the EU as a key actor in the expansion of the free market economy at both European and global level. More recently, these Euro-demonstrations have been organised to coincide with the newly instituted Tripartite Social Summit held on the eve of the spring European Council since 2003.

Another type of Euro-demonstration, although rare, is a protest sparked off by a topical social issue that is not related to the EU institutional calendar or to an EU decision. This was the case for the Euro-demonstration held in Brussels on 16 March 1997 against the closure of the Renault-Vilvorde plant and to protest the brutal attitude of the head of Renault. Since it took place on a Sunday, many more people were able to join the union staff, bringing the numbers up to some 75,000 demonstrators.

• **ETUC European action days**
  These action days can take a variety of forms (such as demonstrations, press conferences, official meetings with governments, or even national strike actions). The main principle is to organise a union event across the EU on the same day.

The first of these action days took place on 5 April 1978. The ETUC wanted to demonstrate the existence of union cohesion to the European Authorities, to back up its programme for economic recovery adopted at the 1976 London Congress.

Since then, most ETUC Congresses end with a decision to stage one or more joint union campaigns before the next Congress. The 2004 Prague Congress scheduled two “Europe that’s us” action days, when the European authorities were in the midst of negotiating the draft constitutional treaty. The last Congress, held in Seville in May 2007, launched a joint union campaign “On the offensive for pay: towards equality”.

• **Euro-petitions**
  This is a far more recent and far less frequent mode of action. FERPA, which defends the rights of retired and elderly people, launched a Euro-petition calling on the EU to recognise the right to union representation for older people, with a view to setting up a concertation process for future European laws. Some 350,000 signatures were collected and handed to the Chair of the European Parliament “Petitions” Committee on 10 October 2005.
In November 2006, the ETUC launched a Euro-petition in support of public services, with a view to obtaining a moratorium on privatisation as well as European legislation (a framework directive) to safeguard high-quality public services accessible to all. Over half a million signatures were collected.

B) Sectoral Euro-unionism in action

Mining

The first sectoral union forces to organise at European level were in the mining and steel sectors, given the creation of a European political authority, the European Coal and Steel Community (ECSC). Mineworkers were quick to mobilise on a European scale to demand a common European status (which they never obtained).

• **Euro-demonstrations**
  The Euro-demonstration organised in Dortmund on 6 July 1963 is a notable example.

Transport

This sector, with its various sub-sector components, has been very active in terms of European mobilisation, since transport was considered a matter for a joint European policy as early as the 1957 Treaty of Rome. Within the framework of organising the common market and then the internal market, it has corresponded to a strategic instrument for free market trade policy.

Railways

• **Euro-demonstrations**
  Railway workers staged their first Euro-demonstration in 1978 in Brussels, mobilising 10,000 participants.

  In 1985, they organised an information train that crossed Europe, from Vienna to Brussels, where it was greeted by a new Euro-demonstration to highlight the absence of a European policy on the railways.

  On 19 November 1996, another Euro-demonstration was staged by over 10,000 railway workers against Commissioner Neil Kinnock’s White Paper on increased deregulation of the sector.

  On 18 June 1998, 2,000 union protesters from 10 European countries demonstrated in the European quarter of Luxembourg during the Council of Transport Ministers.

• **Euro-strikes**
  The railway workers held their first Euro-strike on 27 October 1992, and a Euro-demonstration in Brussels to protest against the first European measures liberalising the railway sector.

  Another Euro-strike was organised on 23 November 1998 against the further liberalisation of the railways, but was only significantly followed in 3 out of 15 countries (Belgium, France and Greece; while in Luxembourg, Spain and Portugal support was more symbolical), since the Nordic countries, the Netherlands and Germany had already agreed to negotiate the main points of the reform. Nonetheless, while German, Austrian and British railway workers did not have the right to strike, they handed out information leaflets to travellers and demonstrations were held in Germany, Austria, the UK, Denmark, Sweden and Finland.

• **European action days**
  On 6 March 2008 several transnational actions were organised by the railway workers against continued liberalisation of rail transport, under the slogans “Safety first”, and “Fight for the Future of Rail”. They included rallies at Hendaye (on the French border with Spain) to greet the train arriving from Lisbon bearing union delegations from Portugal, Spain and France; in Calais for the English, Belgian and French delegations; and in Luxembourg, with delegations from Luxembourg, Belgium, Germany and France; and a training-discussion meeting in Modane (France) on cross-border traffic, interoperability, and the working conditions of employees in the railway sector.
Civil aviation

- **European action days**
On 7 March 1994 a day of protest against European deregulation was organised, with work stoppages in Greece, Portugal and Italy.

On 19 June 2002, air-traffic controllers and the rest of the personnel in the sector went on strike to protest against the "single European sky" plan to liberalise the civil aviation sector.

Road transport

- **European action days**
On 9 June 1997, a European day of action was organised to protest against a 1985 Community regulation setting working time limits at 56 hours a week. French, Spanish, German, Italian and Portuguese delegations blocked traffic at the frontiers.

On 8 September 1998, French, Belgian, German, Spanish, Portuguese and Austrian truck drivers organised actions to demand reduced working hours.

Ports

- **Euro-strikes**
The first Euro-strike was held on 6 November 2001, and the second on 19 December 2002. On 17 January 2003, over 20,000 dockers staged total or partial strikes in the ports of Belgium, Finland, Denmark, Holland, France, Spain and Portugal, and even in new entrants Cyprus and Malta. On 10 March 2003, some 6,000 dockers demonstrated outside the European Parliament in Strasbourg. Thanks to these strikes, the European Parliament voted against the directive proposal to liberalise port services on 20 November 2003.

On 16 January 2006, the dock workers went on strike and returned to Strasbourg for a forceful demonstration outside the European Parliament to protest against the revised version of the directive proposal. Some 10,000 dockers took part, with delegations from France, Belgium, Spain, Germany, Poland and the UK. This show of strength divided the European Parliament, which once again voted down the directive proposal. It was a huge victory for the dockers. Almost all the ports in Europe had gone on strike, and they were even supported by a solidarity stoppage in the Indian Ocean, staged by 600 dockers on the Réunion Island.

Textiles

- **Euro-strikes**
The first recorded Euro-strike related to the development of European integration took place on 2 December 1980, when close to 65% of the 3 million textile workers in the EEC stopped work for 1 hour. The reason was to denounce the decline of employment in the sector, and to put pressure on the European Community which was to negotiate renewal of the multi-fibre agreement with the GATT (in Geneva on 9 December 1980). The previous agreements (signed in 1973 and 1977) had pushed through a liberalisation of trade allowing large-scale importing of textiles from third world countries to Europe. This had provoked the closure of over 4,000 companies in Europe (and the loss of 700,000 jobs).

Postal Services

- **Postcard campaign addressed to the Community authorities, Euro-demonstration and European action day**
In response to a directive proposal on postal services by the Commission in October 2006 scheduling the complete liberalisation of the postal sector for 2009, the European postal union, UNI Postal, organised a broad European campaign «Save our postal services» in defence of postal services.

This included a post card campaign addressed to the European Commissioner for the Internal Market, Charlie McCreevy, during the spring of 2007; a European demonstration in Berlin on 30 May 2007 to demand the withdrawal of the directive proposal; and a European action day on 6 June 2007, calling postal workers to go on strike.
It can be seen than the European sectoral unions regularly go further than simply organising action days or demonstrations, and hold work stoppages, the famous Euro-strikes. Mobilisation is strongest in the sectors most affected by implementation of the notion of the free movement of services, that is services for the transport of people and of goods such as road transport or the postal services. Most of the events have been staged since the 1990s. The railway workers have undoubtedly shown the most persistence. The dockers succeeded in stopping the liberalisation of ports: they occupy a decisive position in power relations since ports are a crucial nerve centre for European trade.

C ) Euro-unionism in action within the multinational groups

Transnational initiatives are also organised by workers at different production sites of a multinational. Although they are usually backed by the European Industry Federations, they concern a single company, and not a sector.

In the examples below, which largely began in the mid-1990s, Euro-strikes and Euro-demonstrations go hand in hand, since workers stop work in order to rally the demonstration.

Chemicals

The first recorded transnational action at plant level in the post-World War II period was staged in 1969 by the International Federation of Chemical Workers’ Unions, headed at the time by the well-known unionist Charles Levinson. He organised a simultaneous strike action against Saint-Gobain, the French multinational, with the Federation’s affiliates in France, Germany, Italy and North America.

Telecommunications: Alcatel

On 22 May 1996, over 1,000 employees from Alcatel’s European plants (France, Belgium, Spain, Germany and Italy) demonstrated in Paris against the plan to lay off 14,000 workers. The participating unions were: IG-Metall (Germany), FIOM-CGIL, FIM-CISL and UILM (Italy), CSC and FGTB (Belgium), CCOO and UGT (Spain), and CGT and CFDT (France).

On 15 March 2007, Alcatel employees organised a European action day to protest the announcement of job cuts in the group after the merger with Lucent, and staged a Euro-demonstration in Paris.

Automotive: Renault

Following Renault’s decision to close its plant in Vilvorde (Belgium), the Belgian, French and Spanish unions called a one-hour strike at all the group’s European production sites on 7 March 1997. Workers in Slovenia, where solidarity strikes are illegal, were unable to join them. In Belgium, all the workers in the automotive sector downed tools (30,000 people).

On 11 March 1997, 7,000 employees (of whom 5,000 were from Vilvorde) demonstrated outside Renault headquarters in Billancourt (France). On 19 March, following the failure of the meeting with Renault's head, 600 workers from the Vilvorde plant occupied the French site at Wavrin (Lille), while union actions were staged on the Champs Elysées in Paris. And on 4 April 1997, a union action day was held with stoppages at Renault’s European sites and a demonstration in Brussels organised by the sector’s Belgian, French and Spanish unions.

Textiles: Levi’s

On 5 October 1998, 1,000 French and Belgian employees (accompanied by former Renault-Vilvorde workers) participated in a demonstration in Brussels coinciding with a meeting of the European works council of the US multinational, to protest against the closure of one French and two Belgian factories.

Distribution: Marks & Spencer

On 17 May 2001, close to 4,000 demonstrators from the company’s various European establishments gathered in London for a Euro-demonstration to protest against the sudden decision taken without concertation by Marks & Spencer to close all its foreign subsidiaries within the following months.

Aircraft: Airbus

On 16 March 2007, Airbus employees staged a decentralised European action day involving all the production sites in Europe, in protest against management’s Power 8 restructuring plan that included 10,000 job cuts. Demonstrations were organised in Germany, Spain, the UK and France against the plan, with a 2-hour stoppage at each site.
And today?

Topical debate: The rocky road to solidarity between company sites

Organising inter-site solidarity within a single multinational is no easy matter, given management strategies to foster competition between its various plants. For example, when one site is closed down, others are promised that production will be transferred to their factory. This makes it possible to cut jobs at sites with the most active unions or the best paid workers, while employees at other plants are led to believe that this will secure jobs and stability at their own site.

Moreover, the different national union cultures do not have the same approach to sustaining a sense of European solidarity. The German unions, which play a particular role in Euro-unionism because of their large memberships (the highest in the EU with the UK) and the political and economic weight of Germany, often tend to see European integration as a path to consolidating their country’s economic strength.

This regularly creates tensions between national unions and complicates the task of the EIFs. Recently, when the decision to organise a joint European action at Airbus was taken, the EMF (Metals industry EIF) was unable to gain acceptance of the idea to stage a joint Euro-demonstration in Brussels on 16 March 2007 with stoppages throughout the EADS group and its sub-contractors. IG-Metall’s earlier decision to back the delocalisation of VW’s Forest plant (Brussels) in order to safeguard jobs at Wolfsburg, the cradle of the German automobile manufacturer, remained an open wound. And IG-Metall had been conspicuous by its absence at the international demonstration on 2 December 2006 in support of the Forest workers. A few months later, the memory of the event remained sufficiently vivid to stop some other European unions in the sector from rallying the IG-Metall demonstration in solidarity.

Have you encountered competitive tensions of this kind within your group? How were they resolved, and by whom?
### Key Details

#### A) Cross-sectoral mobilisation: important dates and actions

<table>
<thead>
<tr>
<th>Date</th>
<th>Euro-manifestations</th>
</tr>
</thead>
<tbody>
<tr>
<td>14/11/75</td>
<td>1st ETUC Euro-demonstration in Brussels, “Secure jobs and a guaranteed income”</td>
</tr>
<tr>
<td>12/06/80</td>
<td>1st ETUC Euro-demonstration coinciding with a European Council (Venice); the practice would later become a quasi-ritual</td>
</tr>
<tr>
<td>04/06/83</td>
<td>1st ETUC European Trade Union Summit (Stuttgart), a European “counter-summit” : the first European cross-sectoral meeting to attract so many participants (80,000 people)</td>
</tr>
<tr>
<td>18/10/89</td>
<td>ETUC Euro-demonstration for “social Europe” in response to the development of economic legislation to establish the internal market (17,000 participants)</td>
</tr>
<tr>
<td>02/04/93</td>
<td>ETUC European Day of Action demonstration in Brussels against unemployment (“Together for employment and social Europe”). At the same time, numerous national (Lisbon, Athens) or transnational demonstrations (Franco-German in Strasbourg: 25,000 participants; Belgian, Dutch and German in Maastricht: 15,000 participants), and strike movements in certain countries (4-hour general strike in Italy with 13 million strikers; in the UK, tens of thousands of miners, railway workers, public transport workers strike to protest threats to cut jobs)</td>
</tr>
<tr>
<td>16/03/97</td>
<td>ETUC Euro-demonstration in Brussels against the closure of Renault-Vilvorde and to safeguard jobs with 75,000 participants (delegations from Belgium, Luxembourg, France, Spain, Slovenia, Germany, Italy, Austria, the Netherlands and Portugal).</td>
</tr>
<tr>
<td>28/05/97</td>
<td>ETUC Day of Action in Brussels “Europe must work”. 12,000 union activists form a human chain around the EU buildings.</td>
</tr>
<tr>
<td>20/11/97</td>
<td>ETUC Euro-demonstration in Luxembourg (“Europe for employment”) during a special European Summit on employment policy, with the large-scale participation of the European Marches against Unemployment and many left activists (30,000 participants)</td>
</tr>
<tr>
<td>06/12/2000</td>
<td>ETUC Euro-demonstration at the Nice Summit on revising the Treaty and the important issue of adopting the Charter of Fundamental Rights. Strong mobilisation of the CGT for its first action within the ETUC, and of anti-globalisation activists (70,000 demonstrators)</td>
</tr>
<tr>
<td>14/03/02</td>
<td>ETUC Euro-demonstration on the eve of the Barcelona European Summit, with the presence of numerous unionists and anti-globalisation activists (300,000 participants)</td>
</tr>
<tr>
<td>19/03/05</td>
<td>ETUC Euro-demonstration in Brussels against the “Bolkenstein” Directive (75,000 participants), with ETUC affiliates from non-EU countries (Romania, Croatia, Switzerland, etc)</td>
</tr>
<tr>
<td>14/02/06</td>
<td>ETUC Euro-demonstration in Strasbourg on the day of the Parliamentary vote on the “Bolkenstein” Directive (40,000 participants)</td>
</tr>
<tr>
<td>05/06/08</td>
<td>ETUC Euro-demonstration in Ljubljana (Slovenia) “More pay, more purchasing power, more equality”, as part of the campaign launched at the Seville Congress (for better wages and against precarious jobs), gathering 40,000 participants.</td>
</tr>
<tr>
<td>05/07/08</td>
<td>Euro-demonstration in Luxembourg of union delegates from Belgium, Luxembourg, Germany, France and Switzerland (with the presence of the ETUC) against negative developments in the social field after the ECJ judgment of 19 June 2008 condemning the way in which Luxembourg transposed the directive on posting of workers.</td>
</tr>
</tbody>
</table>
What do you think?

1. Have you already participated in a Euro-strike or Euro-demonstration? What did you think of it? Was the presence of the ETUC or your EIF clearly identifiable and visible?

2. Wouldn’t it be better to always stage Euro-demonstrations on the weekend so that all workers could participate and not only union staff?

3. Do you think that the union dues of employed workers should include a special allocation for “financing European actions”?

4. There are currently legal restrictions on the right to strike at EU level as well as in many member states. Aren’t these fundamental obstacles to organising transnational union mobilisation? Don’t they represent a threat of further, more extensive restrictions on the right to strike?

5. When a company’s different production sites are affected by management strategies to close down or delocalise, often favouring one plant to the detriment of others, don’t you think that the EIF should organise a Euro-strike at sectoral level each time, and not only at company level?

Discuss the example of the “minimum service” law for the public transport sector and public services in general, that is spreading in Europe.
For more on this subject


Cross-border initiatives (the Doorn group and sectoral cooperation)

Cross-border coordination initiatives introduce the “European dimension” into the everyday work of national unions via this intermediary level, which concerns cross-border regions with relatively homogenous economic and social levels. It represents a first step towards improving understanding between union representatives (with regard to language in particular). The possibilities for cooperation, however, remain relative due to divergences in the ways their respective unions operate.

Cross-border wage coordination was launched by the German unions, in particular IG Metall, which has the most extensive inter-regional network, and the DGB (as well as all the German sectoral federations) for the Doorn Group. In both cases, the processes were initiated in 1997, enabling the Germany/Belgium/Netherlands region to advance more rapidly than the others.

The Doorn Group: a regional initiative

We will thus begin with the cross-border cooperation on collective bargaining policy known as the “Doorn regional initiative”. A pioneer in the field, this initiative served as a stimulus, fuelling union discussions at the European level.

In 1996 the Belgian unions were confronted with a new national law providing for the systematic comparison of Belgian wage levels with pay trends in their country’s three main trading partners (Germany, France and the Netherlands). In response, the two major Belgian unions (the CSC and the FGBT) took the initiative of calling a meeting between the German, Belgian and Dutch confederations along with their main sectoral unions in La Roche (Belgium) in June 1997. The participants resolved to meet annually and to set up a contact group. In 1998, they were joined by the Luxembourg unions for their second meeting at Doorn (the Netherlands). This meeting received much media coverage and the experience was dubbed the “Doorn Group”.

With the adoption of the Doorn declaration on 5 September 1998, what had begun as a preliminary exchange of viewpoints between different union leaders in the Belgian Ardennes was to develop into a group of experts engaged in a regular exchange of information and joint decision-making. They were subsequently joined by France (in 2002). For the first time, union confederations from different countries determined common guidelines for wage bargaining. Their analysis was based on the observation that “the rise in labour productivity has been to the unilateral benefit of capital. Employees’ share of the national income (the wage quota) has gone down.” (Doorn Initiative, 1998). In order to counter this fundamental drift towards a competitive regime between national collective bargaining systems in Europe, they thus called for “a change of trend, to the benefit of workers” by “backing up their demands beyond national frontiers when necessary”.

More recently, it was decided that meetings would only be convened every two years, at executive level. This drop in the number of “political” meetings is revealing of tensions over the validity of the initiative. Today, the Doorn group has lost its initial vitality. Its “failure” can essentially be attributed to the German wage drift since 2000. The aims of the Doorn group were to avoid wage dumping between four neighbouring countries with interdependent trade relations. However, when the largest of the four (Germany) stops following the rules, the question can logically be raised as to whether the coordination process still serves a purpose.

While for their partners, it seemed fruitless to meet under these conditions, for the Germans, it was becoming more and more difficult to explain the situation.

The last two meetings were held in Berlin and then in Brussels in November 2004 and 2006. A joint
declaration adopted in 2004 opposed an increase in working hours and supported ETUC criticism of the Commission’s proposed changes to the working time directive.

**Inter-regional sectoral networks**

Transnational sectoral cooperation takes place between three or four countries. Here, it is the unions themselves that step up their cooperation, under the watchful eye - although the degree of involvement varies - of the European Industry Federation (EIF) representing their sector (see Fact sheet #2). So far, regional agreements to cooperate on collective bargaining have essentially been initiated by Germany, which shares no less than 11 frontiers with neighbouring states. Although not surprising, this does raise the question of the leadership role played by German trade unions in Europe. It could have a negative effect in other European countries that might be wary of German domination and thus only pay lip-service to accepting the texts that have been adopted, finding them inappropriate in reality.

It was thus IG Metall (the leading union in Germany) that, in line with the coordination policy of the European Metalworkers’ Federation (EMF) (see fact sheet #2), was the first to invite foreign union representatives to their collective negotiations. However, since bargaining is conducted at regional or sectoral level in Germany, the coordination strategy adopted was of course, following the German approach, to establish a regional network of sectoral players. In the case of Belgium and the Netherlands, a representative from each country attends negotiations with employers in the North Rhine-Westphalia region; German union delegates are invited to follow negotiations in these two countries.

Numerous other agreements, also originating in Germany, have been concluded in other sectors since 1997 (see Key Details, c). For example, in the building sector, IG-BAU has signed several agreements (with Austria, Switzerland, Denmark, Italy and Poland).

Even if “cooperation” does not mean the same thing in each of these cases, the common denominator between all the agreements is the exchange of observers at negotiations, which is then followed by an exchange of information. For the moment, the main topics addressed essentially concern working conditions, leave and working time. These initiatives thus do not all have the same goals as Doorn (in theory, they do not concern coordination of collective bargaining), but they have the advantage of leading to concrete actions. For example, ensuring foreign workers’ right to assistance through the mutual recognition between unions is an important step for national organisations towards integrating the European dimension of industrial relations.

**Conclusions and perspectives for the transnational level**

What characterises both the Doorn initiative and the sectoral cooperation agreements is their transnational nature. However, it is to be noted that, at Doorn, some unions (especially those from southern Europe) expressed their disapproval of the regional character of the initiative, on the grounds that it might risk fragmenting and weakening the union movement and the ETUC. This is why representatives of the Doorn group repeated on several occasions that, rather than constituting a divisive factor, they considered the group to be “step towards European cooperation on collective bargaining”.

What indeed is the role played by the ETUC or EIFs in these three-or-four-country processes? There could conceivably be some competition between a Community trade union structure (set up by European actors) and a transnational structure (with direct inter-union cooperation bypassing Europe) – which is why the EIFs and the ETUC often seek to head these cooperation agreements, to prevent them from taking power without Community-level control. This raises the important question of the possible forms of Europeanisation and the legitimacy of European players.

Whatever the relationship between the various levels and the transnational dimension that has been chosen, a key element for stabilising and developing cooperation is the confidence that each of the national organisations has in its supranational authority (Secretariat of the Doorn Group, EIF or ETUC). It is the creation of a strong inter-union fabric that will convince national organisations to partially relinquish their sovereignty in favour of a European mandate for supranational bodies. The latter would then be able to reinforce the binding nature of Community standards that have been adopted but remain purely formal for the moment.
Key Details

A) Composition of the Doorn Group

The Doorn group consists of some 50 representatives from the major national sectoral unions and confederations of the four participating countries:

- Fédération Générale du Travail de Belgique (FGTB) / Algemeen Belgisch Vakverbond (ABVV) and the Confédération des Syndicats Chrétiens (CSC) / Algemeen Christelijk Vakverbond (ACV);
- The German Federation of Trade Unions (Deutscher Gewerkschaftsbund, DGB) and the German Salaried Employees’ Union (Deutsche Angestellten-Gewerkschaft, DAG);
- Confédération Générale du Travail du Luxembourg, (CGT-L) and the Luxembourg Christian Trade Union Confederation (Lëtzebuerger Chrëschtleche Gewerkschafts-Bond, LCGB); and
- The National Federation of Christian Trade Unions (Christelijk Nationaal Vakverbond, CNV), The Netherlands Trade Union Federation (Federatie Nederlandse Vakbeweging, FNV) and the Trade Union Federation for Intermediate and Senior Personnel (Middelbaar en Hoger Personeel, MHP).

In addition, representatives from the ETUC, the European Trade Union Institute (ETUI), and the Commission are invited to participate as observers.
## B) Cross-border collective bargaining networks

<table>
<thead>
<tr>
<th>German unions</th>
<th>Partner unions</th>
<th>Date agreement signed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Chemicals</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>IG Chemie-Papier-Keramik(IG CPK)</td>
<td>General, Municipal and Boiler-makers (GMB) (UK)</td>
<td>March 1997</td>
</tr>
<tr>
<td>IG Bergbau-Chemie-Energie (IG BCE)</td>
<td>Chimie-Energie-CFDT (France)</td>
<td>April 1999</td>
</tr>
<tr>
<td><strong>Building</strong></td>
<td></td>
<td></td>
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<tr>
<td>IG Bauen-Agrar-Umwelt (IG BAU)</td>
<td>Filtea-CGIL, Filtea-CISL, Feneal-UIL (Italy)</td>
<td>March 1998</td>
</tr>
<tr>
<td></td>
<td>Switzerland and Austria</td>
<td>March 1999</td>
</tr>
<tr>
<td></td>
<td>Budowlani, NSZZ Solidarnosc (Poland)</td>
<td>October 1999</td>
</tr>
<tr>
<td></td>
<td>FNV Bouw , « Hout en Bouw-bond CNV (the Netherlands)</td>
<td>June 2000</td>
</tr>
<tr>
<td></td>
<td>CCTBB/CCHB, « Centrale Générale » (Belgium)</td>
<td></td>
</tr>
<tr>
<td><strong>Agriculture</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>IG Bauen-Agrar-Umwelt (IG BAU)</td>
<td>ZZPR (Poland)</td>
<td>August 2003</td>
</tr>
<tr>
<td></td>
<td>Portugal, Spain</td>
<td>November 1998</td>
</tr>
<tr>
<td><strong>Other sectors</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gewerkschaft Holz und Kunststoff (GHK)</td>
<td>Filtea-CGIL, Filtea-CISL, Feneal-UIL (Italy)</td>
<td>June 1999</td>
</tr>
</tbody>
</table>

Source: Personal compilation largely based on data from Eironline
### C) IG Metall regional unions’ contractual partnerships

<table>
<thead>
<tr>
<th>IG Metall regional structures</th>
<th>Partner unions (country)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Berlin (Brandenburg-Saxe)</td>
<td>NSZZ Solidarnosc (Poland)</td>
</tr>
<tr>
<td></td>
<td>KOVO (Czech Republic)</td>
</tr>
<tr>
<td>Munich (Bavaria)</td>
<td>GMBE (Austria) SKEI (Slovenia)</td>
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<td></td>
<td>KOVO (Slovak Republic)</td>
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<tr>
<td></td>
<td>KOVO (Czech Republic)</td>
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<tr>
<td></td>
<td>VASAS (Hungary)</td>
</tr>
<tr>
<td>DüsseldorfNorth Rhine- Westphalia</td>
<td>FNV Bondgenoten (the Netherlands)</td>
</tr>
<tr>
<td></td>
<td>CNV Bedrijven Bond (the Netherlands)</td>
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<td></td>
<td>CCMB (Belgium)</td>
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<td></td>
<td>CMB (Belgium)</td>
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<tr>
<td>Hamburg (Coastal district)</td>
<td>CO-Industrie (Denmark)</td>
</tr>
<tr>
<td></td>
<td>Svenska Metall (Sweden)</td>
</tr>
<tr>
<td>Stuttgart (Baden-Württemberg)</td>
<td>FIOM-CGIL (Italy)</td>
</tr>
<tr>
<td></td>
<td>SMUV (Switzerland)</td>
</tr>
<tr>
<td>Frankfurt (Hesse, Rhineland-Palatinate, Saarland)</td>
<td>CFDT (France)</td>
</tr>
<tr>
<td></td>
<td>CGT (France)</td>
</tr>
<tr>
<td></td>
<td>FO (France)</td>
</tr>
<tr>
<td>Hanover (Saxony, Saxony-Anhalt)</td>
<td>AEEU (UK)</td>
</tr>
</tbody>
</table>

Source: Gollbach and Schulten, 2000:168
What do you think?

1. Do you think that this kind of concrete cross-border cooperation has taken place or could take place in your sector or country?

2. What are the necessary conditions for initiating this kind of agreement, and is it possible to conclude an agreement between organisations that do not carry the same weight in terms of the size of their membership?

3. Could you imagine your union and unions from bordering regions negotiating a single collective agreement because of their strong historical ties?

4. Could the EIF in your sector contribute to cross-border cooperation alongside its strictly EU-level political action?


