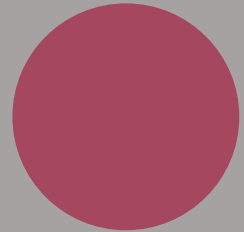


LANDMARKS OF SOCIAL PROGRESS

Social and emancipatory achievements – differing origins, individual pathways and specific trajectories illustrated by examples from various European countries: a reader



European Federation
of Building
and Woodworkers



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LANDMARKS OF SOCIAL PROGRESS

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European Federation
of Building
and Woodworkers



THE MANY DIFFERENT PATHS TO SOCIAL PROGRESS

As trade unions, we find ourselves confronted, in Europe, with many different types of industrial relations, collective bargaining systems, forms of worker participation and participatory practices, vocational education and training systems, as well as differences in many other aspects of work and life in general. The experience of this diversity is shared by many other people and also by other organisations and institutions.

This manifold divergence is largely conditioned by the local and historical situations in which the respective bodies, institutions and applied practices emerged and what preceded them. Moreover, the specific form they have assumed influences their further development over time. Among other things, this means that bodies sharing the same name may differ in how they operate, making them rather difficult to compare. The term coined to describe all such social interactions, in a positive way, is *cultural diversity*. The underlying idea is that we should regard other people and their differing cultural practices as enriching factors in our own lives and that our practices can be a driving force in the lives of others. However, practical problems immediately become apparent when it comes to taking joint steps to shape our common future. After all, how does an identically named institution in another country actually work? Do we truly understand each other? What do our interlocutor's expressions, demands, thoughts and concerns mean? How would any measure taken affect the individual systems we devise to determine labour relations, workforce representation or social security systems?

In an essay, commenting on the historical authenticity of our social institutions, the French sociologist Pierre Bourdieu wrote:

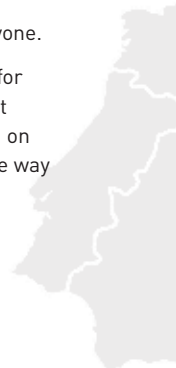
„The social world is accumulated history“. This concise phrase beautifully sums up the powerful effect that bygone times exert on the present day. He goes on to say very clearly, however, that to a certain extent this historicity is also mentally embodied in us, in how we view and interpret the world. What one person finds perfectly normal may be utterly incomprehensible for somebody from another country. What works councils can and should do, how they are elected, and what practices they develop is an example that we – as trade unions – have to deal with again and again.


Moreover, the different traditions and forms of social protest that have developed in a specific country are not always ‚translatable‘ to other countries. This does not mean, however, that the more general goals of our work, such as striving for a social and peaceful Europe or endeavouring to promote citizens' participation in democracy, cannot be articulated relatively quickly and easily. Rather, it means that our starting points are different, and therefore the paths towards achieving those goals are not the same everywhere. This highlights how important it is for the success of our work at European level and with a view to forging understanding between trade unions or colleagues in European Works Councils to see other people against the backdrop of their specific circumstances, and thereby try to understand them better. For this will provide a far sturdier basis on which to chisel out potential common goals and ways of achieving them.

Historically, it has been found that, despite all the national, cultural and societal differences, general emancipatory ideas and practical steps have spread across borders.

- The general human condition and the coexistence of human beings have historically led to the idea of universal human rights. This created a yardstick for the free organisation of our own lives.
- Today, work, technical development, wage employment and the global division of labour create general conditions that serve as reference points for standards shaping society and working life, for work, for protection against risks to life, and so on.
- The more recent emancipatory movements of women are aimed at work and family, and thus at the whole of society. This sets the standard that emancipation must not exclude anyone.

Thus, the foundations have been laid for a notion of emancipation that does not simply consider solidarity to be based on achievement and return, but paves the way for ‚understanding‘ and plurality.





These considerations were the starting point for and consideration behind our EFBWW *Landmarks of Social Progress* project, which we launched at the end of 2017 and which was completed in July 2019, resulting in this booklet. The approach we chose to help improve our understanding of colleagues from other countries was firstly to collect *timelines* that provide insights into the development of the countries involved and secondly to draw up *calendar sheets* showing examples of specific social conflicts and the progress made. These each consist of a main article and accompanying shorter texts, covering specific aspects or people or showing how events were culturally assimilated.

Timelines and *calendar sheets* were compiled by non-historians with different political and denominational backgrounds. Accordingly, the assessment of historical events varies. In short, the contributions in this booklet are subjective. The same applies to the selection of topics and events for the *timelines*. We do not consider this a weakness. On the contrary, it was intentional, because as an organisation the EFBWW accommodates a wide range of different political, religious and other world views. Open exchanges and constructive, vigorous debates are strengths of our organisation, helping to refine people's views and hone and develop their outlook. The fundamental values we share concern people's empowerment at work and in society. In that sense, this booklet is also intended to serve as a kind of invitation.

Naturally, the articles and *timelines* are meant to inform readers and constitute an asset in themselves. But, at the same time, we hope they will encourage readers to continue engaging with the issues addressed.

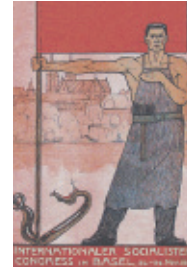
Even after the end of the project, its steering group intends to continue its work on a voluntary basis, acting as a kind of community of interest. We want this booklet to serve as a basis for encouraging European Works Councils to engage with the historical developments in the countries they represent. Yet we also hope the material covered will be taken up in other contexts, by, for example, other trade unions, policymakers, academics, workers and students.

Financial support from the European Commission, among others, has enabled us to present the booklet in eight languages, which will facilitate its dissemination. The project steering group also intends to document the materials on the EFBWW website, which will serve as an open forum, gathering further *timelines* and *calendar sheets* for more countries. Anyone interested in getting actively involved in this would be most welcome.

We hope readers will find this booklet both stimulating and enjoyable. We also hope it will help foster better mutual understanding in our joint European trade union work and thereby contribute in some small way to efforts to secure a social, just and peaceful Europe.

Steering group – 12/7/2019

2019



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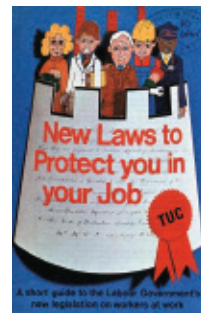
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BELGIUM



The Strike (1886) by Robert Koehler

FOUNDING OF BELGIUM

Belgium was founded in 1830 after seceding from the United Kingdom of the Netherlands. The new neutral State was a monarchy and parliamentary democracy.

ESTABLISHMENT OF THE FIRST MUTUAL HEALTH INSURANCE FUND: *LA SOLIDARITÉ*

The first socialist mutual society, founded in Fayt-lez-Manage in 1869, was called *La Solidarité*. The first regional socialist health insurance funds (federations) were founded in Ghent (1886) and La Hestre (1891). In 1894, these health insurance funds were regulated by law for the first time. Belgium has maintained a strong system of health insurance funds up to the present day.

ESTABLISHMENT OF THE ANTI-SOCIALIST COTTON WORKERS' UNION

The 'pillarisation' of the Belgian trade union movement began with the establishment of the Anti-Socialist Cotton Workers' Union, the Catholics' response to the class struggle strategy pursued by the trade union movement of the time. The Anti-Socialist Cotton Workers' Union later became the Confederation of Christian Trade Unions (ACV/CSC), which remains Belgium's largest trade union confederation today.

1830

1857

1869

1885

1886

FORMATION OF THE 'BROTHERHOOD OF WEAVERS'

Belgium's first trade union was formed in Ghent on 4 March 1857. The Brotherhood of Weavers was initially moderate and open to all philosophies and beliefs. One month later, the 'Association of Needy Brothers' was founded to represent spinners.

CREATION OF THE BELGIAN LABOUR PARTY (BWP/POB)

The first socialist party was founded after a meeting of Brussels' workers, whose prime aim was to secure political representation for the working class, particularly via the universal single vote system. In 1898, the trade union commission (*Syndicale Commissie*) was set up within the BWP/POB. In 1937, this commission became an umbrella association of socialist trade unions independent from the BWP/POB and changed its name to the Belgian Trade Union Confederation (BVV/CGTB). In 1945, the broad, cross-sectoral, unified trade union General Federation of Belgian Labour (ABVV/FGTB) was formed.



Rerum Novarum: the papal encyclical on the social question

REGULATION OF WOMEN'S AND CHILD LABOUR

Restrictions were introduced on child labour and work done by girls and women up to 21 years of age.

OLD-AGE PENSION ACT

The first act on old-age pensions was signed on 10 May 1900, and the State has been involved in providing pensions ever since.

FIRST COLLECTIVE AGREEMENT

The mining regulation (*Mijnreglement*) permitted workers to set up workers' committees. This was the first statutory provision on worker participation.

POULLET LAW

Initially, the Poulet Law introduced compulsory, free education for children aged between 6 and 12, but the school-leaving age was later extended to 14.

UNIVERSAL SINGLE-VOTE SUFFRAGE FOR MEN

Multiple universal suffrage for men had existed since 1893, but 1919 saw the passing of a law that lowered the voting age from 25 to 21 and gave every man a single vote. In 1921, the Constitution was amended accordingly.

REPEAL OF THE BAN ON STRIKES (LAW OF 24 MAY 1921)

Under pressure from the workers' movement, Article 310 (introduced in 1866 and prohibiting strikes) was removed from the criminal code. The new law guaranteed freedom of association in all areas, effectively repealing the ban on strikes. However, the right to strike was not yet explicitly recognised by the legislator.

WOMEN'S SUFFRAGE IN LOCAL ELECTIONS

In 1921, women gained the right to vote in local elections. However, liberals and socialists thwarted further political emancipation as they feared that more women would vote for the Catholic party.

1886

GREAT STRIKES OF 1886

1886 is traditionally seen as a pivotal year. Mass strikes degenerated into riots in southern Belgium. The boost in membership numbers enjoyed by the BWP/POB after this revolt gave it the required momentum for a breakthrough that would lay the groundwork for the subsequent introduction of the first social legislation.

1886

LABOUR INVESTIGATION COMMITTEE (COMMISSION D'ENQUÊTE DU TRAVAIL)

The complaints of the working class were publicly recognised for the first time when a parliamentary committee of inquiry was set up.

1889

1890

CREATION OF A FUND TO SUPPORT VICTIMS OF ACCIDENTS AT WORK

Insurance against accidents at work is one of the oldest areas of social security in Belgium. Workers have received compensation for accidents ever since the support and provident fund (*Steun- en Voorzorgkas*) was founded in 1890, but it was not until 1903 that the first law on accidents at work was enacted.

1900

1905

MANDATORY SUNDAY REST

After several failed legislative proposals, a law on mandatory Sunday rest was introduced in 1905. This bill was successful because it was supported by workers, Catholics and conservatives.

1906

1914

1919

1921

1921

1921



1921 – Trade union action for an eight-hour working day

LAW INTRODUCING THE 8-HOUR DAY AND 48-HOUR WEEK

The 8-hour day and 48-hour week were enshrined in law following a general strike and fears of a revolution.

CHILD BENEFIT ACT

In 1930, the universal right to benefits for children aged up to 14 or 18 was introduced. The very first child benefit payments were made in 1915 and the first child benefit funds appeared in 1922. By 1925, there were 12 of them, to which 773 companies were affiliated, covering a total of more than 130,000 employees. This resulted in universal child benefit being enshrined in law.

THE STRIKE OF 1936

A wave of strikes started in the Port of Antwerp and quickly spread to the whole of Belgium. The reconciliation process led to cooperation between the State, employees and employers that would ultimately result in the introduction of paid leave for all sectors and minimum wages.



The 1936 strike

WOMEN'S SUFFRAGE IN PARLIAMENTARY ELECTIONS

In 1948, women gained the right to vote and stand as candidates in parliamentary elections. In the following years, women's participation in politics put many other feminist issues on the agenda, such as equal pay for equal work and women's right to abortion.

HEALTH AND SAFETY

A law passed in 1952 governed the health and safety of workers and the hygienic conditions of work and workplaces. Committees were set up to promote health, safety and the improvement of workplaces.

INTRODUCTION OF THE 5-DAY WEEK

The principle of the 5-day week was established after a general strike. However, it would be another 10 years before it was implemented in practice.

1924-

1925

1930

1935

IMPLEMENTATION OF A MANDATORY PENSION SCHEME

In 1924, a mandatory pension scheme for blue-collar workers was implemented. A year later, a similar scheme was introduced for white-collar workers. Both schemes were entrusted to the General Savings and Retirement Fund (ASLK/CGER).

1936

CREATION OF THE NATIONAL PLACEMENT AND UNEMPLOYMENT OFFICE

On 27 July 1935, a royal decree published in the Belgian Official Gazette announced the creation of the National Placement and Unemployment Office. Over the years, this became the National Employment Office (NEO), an important institution in Belgium's social security system.

1938

GENERAL ENTITLEMENT TO PAID LEAVE

As early as 1936, bitter strikes forced the Belgian government to agree that dockers would be entitled to six paid days of holiday per year. In 1938, this right to paid leave was extended to all Belgian employees and was subsequently lengthened, for example to three weeks in 1963 and four weeks in 1971. Double holiday allowance was also gradually implemented.

1939

ESTABLISHMENT OF THE GENERAL CONFEDERATION OF LIBERAL TRADE UNIONS (ACLVB/CGSLB)

In addition to the socialist and Catholic trade unions, a liberal trade union confederation was also formed: the ACLVB/CGSLB.

1944

FIRST SOCIAL PACT

In 1944, every employee was granted the right to a replacement income in the event of unemployment, sickness, disability and old age. Moreover, from that point onwards, salaries would be determined in joint negotiations between employers and employees. Schemes governing pensions, child benefit, annual leave, sick pay and disability and unemployment benefits were all grouped together in a single system.

1948

ADOPTION OF A LAW ON THE ORGANISATION OF BUSINESS

Works councils were set up.

1952



For more participation rights in the workplace

1955

LAW ON THE ORGANISATION OF COLLECTIVE BARGAINING AND JOINT CONSULTATION

Official tripartite consultations between the government, employers and employees began. This law led to the establishment of joint committees and the organisation of collective bargaining.

COLLECTIVE AGREEMENTS

The conclusion of Collective Agreement no. 5 in 1971 saw employers recognise trade unions. Shop stewards only represented workers who were members of a trade union. Workforce representatives could determine their own policies independently and make demands to employers.

GUARANTEED MINIMUM INCOME

The social protection model introduced by the law of 1974 on a subsistence minimum provided financial assistance for citizens unable to meet their own basic needs by working.

COMPULSORY EDUCATION UP TO 18 YEARS OF AGE

Starting in 1983, children had to attend school until the age of 18.

GENDER ACT

A law was passed against discrimination between men and women.

ANTI-DISCRIMINATION ACT

A law was passed to combat discrimination based on race, religion and other factors.



Antidiscrimination opens opportunities ...

1958

REVISION OF MARRIAGE LAW

Until 1958, marriage law was based on the Napoleonic Code, rooted in the principle that men had all the power in a marriage and married women were legally incapacitated.

1968



1958 – Women's fight for equal treatment at work and in society and the family

1971

1973

END OF THE BAN ON BIRTH CONTROL

In 1973, the legislation banning the provision of information on and the distribution of birth control was repealed.

1974-

1975

1981

ANTI-RACISM ACT

The law of 30 July 1981 provided for the punishment of certain racist or xenophobic acts.

1983

1996

EMPLOYEE WELFARE ACT

This law formed the basis for a comprehensive reform of legislation on health and safety at work.

1999

2003

MARRIAGE FOR SAME-SEX COUPLES

Same-sex couples gained the right to marry.

2003

2007

GENDER MAINSTREAMING ACT

The adoption of this law required gender mainstreaming to be integrated into all federal policy structures in Belgium in order to promote gender equality.

LAYING FOUNDATIONS FOR A SOCIAL SECURITY SYSTEM

On 23 June 1894, the year in which all men in Belgium aged over 25 were first allowed to take part in parliamentary elections, a law on the establishment of health insurance funds (*mutualiteiten / mutualités*) was passed, marking the end of a lengthy political tug-of-war. It was the first time that institutions set up by workers had been awarded a proper legal personality, allowing them to continue managing these organisations without external interference.

The aforementioned law changed the political landscape and paved the way for social progress. The members of these organisations elected their administrative boards, and health insurance funds that met certain conditions were also awarded government grants. As a result, their memberships grew and grew. Together with trade unions and their closely related political parties, these health insurance funds acquired greater political clout in public debates about the form that social systems ought to take and the possibility of submitting or influencing proposed legislation. They became part of the so-called 'pillarisation' of the Belgian social security system, in which socialist,

Christian and liberal pillars each had – and still have – their own health insurance, trade union, political party and socio-cultural movement.

BACKGROUND – 1830: THE FOUNDING OF BELGIUM

Technologically advanced mining and mechanical engineering technology (Wallonia) and traditional, primarily guild-dominated craftsmanship (Flanders) formed the bases for Belgium's establishment as a country in 1830. The guilds, organised locally into occupational groups, strongly influenced economic and social developments in Europe. Undeniably, guilds exerted a positive impact through their stringent product quality controls. They also made sure that vocational training in Belgium was demanding and

1894

extensive. The guilds' estates, and definitely their incomes, provided funds that could be used to support their respective members and their families in the event of an accident at work, illness or death. This social protection disappeared along with the guilds.

In the eyes of new industry, which was gaining ground in ever more sectors of economic activity, guilds were conservative institutions that slowed down economic development. In guild structures, innovative ideas would hardly have stood a chance if the modernisation of production methods had been delayed. In some parts of Western Europe (including Wallonia), the abolition of guilds during the period of French domination in the early 19th century prompted rapid industrialisation and swift economic development. In the end, guilds were definitively dissolved in the new Kingdom of the Netherlands in 1818.



Constantin Meunier (1831), Miner with Axe

BELGIAN ARTISTS DEPICTING INDUSTRIALISATION

Painters and sculptors in what is now Belgium were quick to pick up on the social changes and upheavals caused by industrialisation, and above all their social impact, which radically altered their way of looking at the world and commanded their attention. CONSTANTIN MEUNIER was one representative of this movement. As a painter, he started depicting the upheavals in the world of work, before turning more to working with sculptures, which he felt were stylistically better suited to highlighting social realities. His

sculptures not only exude realism, but also idealise work and workers. Not for nothing is he regarded as a pioneer of socialist realism in art.

The painter ANTO CARTE chose a different path. His *Pietà* (this and other works can be viewed at www.artnet.com) reminds us of the suffering of Christ, whereby the symbolic dimension is another form of worker glorification. It is a good example of the reshaping of social issues and interpersonal relations in a Christian framework, characteristic of much of the labour movement (not just Christian unions) and its concept of solidarity.

ROLF GEHRING

This left artisans and workers to their own devices. Unions were considered to be 'guilds in disguise' and remained banned until the beginning of the 20th century.

This paved the way for the first Industrial Revolution and was one of the main reasons why social issues were raised in the 19th century. The Industrial Revolution also ushered in a new way of organising production. Work was carried out in return for wages, and the workers lost their independence and influence over the organisation of labour. Much of the work done in factories required little knowledge and few skills, so workers became interchangeable. With no regulations barring the way, men were increasingly replaced by women and children. Most of the work was miserable, dirty and unhealthy, and life expectancy dipped accordingly. Workers lived in overcrowded slum areas with no sanitation; they were undernourished and alcohol abuse became increasingly widespread.

FROM PROHIBITION TO LEGAL RECOGNITION – FROM PROVIDENT FUNDS TO THE STATUTORY ESTABLISHMENT OF HEALTH INSURANCE FUNDS

Belgium's industrial centres were Ghent, Verviers, Liège, Mons and Charleroi. In a bid to improve their working and living conditions, the workers signed up to provident funds and organised themselves into socialist, anarchist or denominational unions and political parties. This led to the establishment of local various aid and welfare funds set up for each sector. These funds were usually financed by contributions from members and in some sectors (mining and shipping) also by employers. A law adopted on 3 April 1851 legally recognised these provident funds.

In the 1880s, the first steps were taken to form unions like the 'Brotherhood of Weavers' and the 'Association of Needy Brothers'. Article 310 of the Belgian Criminal Code ruled out the possibility of trade union activities. The census suffrage applicable at the time excluded workers from parliamentary politics. In the 1870s,

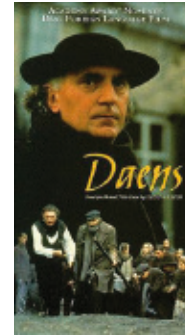
during the period of major clashes and fears about spreading Socialism and Marxism, Father Adolf Daens championed the social interests of workers, drawing on the encyclical *Rerum Novarum*. Among other things, he set up the Christian People's Party (CVP) and was involved in drafting a law on the regulation of child and women's labour (1889), in asserting multiple universal suffrage (1893) and in drawing up the first law on health insurance funds (1894), a law on wage protection (1896), a law on accidents at work (1903) and a law on Sunday rest (1905).

STABILISATION OF THE SOCIAL SECURITY SYSTEM AFTER 1944

Towards the end of World War II, on 28 December 1944, another law was passed that laid the foundations for the social security system we have today and confirmed the system of self-government established in 1894. Between 1944 and 1948, eight national labour conferences took place. It was there that the structures of the Belgian welfare state were specified. This led to the establishment of various advisory bodies, including the National Labour Council (CNT/NAR) and the Central Economic Council (CCE/CRB). These bodies, which bring together unions and employers, played an important role in social security systems' further development.

Belgian health insurance funds are still self-governing and are financed by employer contributions, employee contributions and State-owned shares. Any political plans the government may have that affect these funds must be discussed with them. In the meantime, the group of people covered by such insurance has been extended to include the self-employed.

JAN VOETS



FILM: DAENS – PRIEST OF THE DISFRANCHISED

The film tells the story of the Belgian 'worker-priest' Adolf Daens, who at the end of the 19th century fought against social hardship and the conditions in factories. It is 1890, and the people of Aalst are working in dilapidated textile factories, generating large profits for the rich factory owners. Men are being fired because women are cheaper to employ. Children work day and night and become so tired that they fall asleep and are crushed by the looms. This is the situation encountered by Adolf Daens after a conflict with Bishop Stillemans upon returning to his hometown of Aalst. The factory director Stéphane Borremans dismisses half of his workers, a move supported by the chairman of the Catholic Party.

But Daens rejects such abuses, first speaking from the pulpit, but later also in parliament, to which he is elected after a tough struggle. In an article published in *Het Land Van Aelst*, Daens complains about the abuses in the factories. By choosing to take sides with the poor, Daens comes into conflict with the rich factory managers and the Catholic Church. The church looks on with dismay as Daens becomes the figurehead of the workers' uncompromising struggle for freedom. When the Pope finally imposes political restraint on him, he casts off his priest's cassock. The film is a perfectly crafted social drama whose characters are portrayed in all their complexity in spite of a clear commitment to the oppressed.

ROLF GEHRING



The *Grand-Hornu* complex: one of the earliest examples of a company town built for workers. Whilst they improved living conditions, they often enabled employers to exercise significant control over the social interactions, habits and beliefs of workers and their families.



Contemporary postcard showing the industrial installations at *Le Grand-Hornu*



Le Grand-Hornu is now a museum and a UNESCO World Heritage Site.

THE *GRAND-HORNU* INDUSTRIAL COMPLEX

During the early phase of industrialisation, millions of people's lives were not only characterised by wretched working conditions, but also by miserable living and housing conditions. Probably the first attempt by an industrialist to apply a philanthropic concept and provide humane living and working conditions was made in Hornu, in Wallonia, near the French border, close to Mons. Henri De Gorge, a farmer's son from northern France, made innovative use of the technology available in his day to further develop coal mining techniques. In 1810, he took over the colliery at Hornu. Subsequently, new ore-rich seams were discovered, but the workforce he needed was difficult to mobilise in the sparsely populated region. So De Gorge hit upon the idea of designing a socially oriented settlement, with housing very close to the workplace, bringing about social progress.

The complex was built between 1820 and 1830 to plans by Bruno Renard.

Grand-Hornu is a model of functional urban planning. At its heart is the oval-shaped industrial complex. This is surrounded by

homes for workers (425 houses in a garden city), offices, shops, hay sheds, stable buildings, workshops, a sugar factory and storage facility, all part of the ensemble. A school was also set up early on.

Neoclassical elements characterise the architecture of the brick-built complex. The workers' lodgings had a living space of 23 m² and a kitchen measuring 9 m². The houses were equipped with drains and provided with hot water by a steam engine. Each house had a small garden and every fourth house could set up a pub.

After the collieries in the Borinage area of Wallonia were shut down in the 1950s, the complex fell into disrepair. Today *Grand-Hornu* is property of the province Hainaut. In 2012, it became a UNESCO World Heritage Site and today it houses a museum.

ROLF GEHRING

Source: Yves Robert – *The Grand-Hornu Industrial Complex*; Edition Scala, Paris 2002

LIBERATION OF BULGARIA

The liberation from the Ottoman Empire rule was a result of the Russian-Turkish War, 1877–1878. An independent Bulgarian state was formed. A Constituent Assembly was convened, which on April 16th, 1879, adopted the first Bulgarian Constitution, called the Tarnovo Constitution, modelled on the Belgian Constitution. The gradual industrialization of the country began, and thus the first steps towards organising workers into trade unions were taken between 1879 and 1891. The first to organise were the printing workers and the teachers.



1 May celebration in Shumen

FIRST LABOUR AGREEMENT

In 1905 the first Collective Labour Agreement was signed – for the typography workers, with the participation of representatives of both trade union headquarters and an employers' association.

Noteworthy is the relatively good level of standards agreed on working time, overtime and night work, rest days and holidays, as well as supplementary payments.

BULGARIA BECOMES ILO MEMBER

In 1919 Bulgaria becomes a member of the League of Nations and participates in the work of the International Labour Organisation (ILO).

1878



Delegates of the First (Constituent) Congress of the United Workers' Trade Union, Plovdiv, 21-22 July 1904

1904

FOUNDING OF THE WORKER'S GENERAL TRADE UNION

On July 7th, 1904, the Workers' General Trade Union (WGTU) was established, the same year as the Liberal WGTU. This division was influenced by the partition of the Social Democratic Party into what were known as "narrow" and "broad" fractions. From the creation of the trade unions until the early 1930s, there were many strikes, including of typographers, railroaders, tobacco workers, and textile workers. The largest was the tobacco workers' strike in 1929 (involving 27,000 people).

1905



Girls working at the Zakaro tobacco factory, Plovdiv, 1906

1919

1938

LOCAL ELECTIONS

Local elections were held under the conditions of a non-partisan regime – political parties were banned, with candidates from only two blocks – government and opposition. For the first time, women were allowed to vote, but only those who are married, widowed or divorced.

INDIVIDUALISATION AND REPRESENTATION

During the 1980s there were attempts to reform the trade union movement, mainly with decisions from the “top”: attempts to pay more attention to individual workers and groups of workers, not only to the “collective”; involvement of the trade unions in the “workers’ self-governing” campaign of 1986 to 1988 (suspended at the beginning of 1989).

SPRING OF AN INDEPENDENT WORKERS’ MOVEMENT

In February 1989, the National Professional Union *Podkrepa* was established (later the Confederation of Labour *Podkrepa*), which acted as a dissident syndicate until the beginning of 1990 (there were arrests of its leaders).

REVITALISING OF THE TRADE UNION MOVEMENT

In 1990, the Confederation of Independent Trade Unions in Bulgaria (CITUB) was established, which inherited some of the members of the old trade unions. Since 1990 the trade unions have been actively working within the ILO structures. The National Council for Tripartite Cooperation (NCTC) was established and a revival of authentic employers’ organisations began. From 1990 until now there have been a number of strikes – by sector (miners, railroad workers, teachers, etc.) and in enterprises, mainly industrial, transportation, some budget organisations, etc., as well as protest actions, demonstrations, including a number of national rallies and processions. The longest strike was the strike of the teachers in 2007, lasting about 45 days.

REVITALISED COLLECTIVE BARGAINING AND SOCIAL DIALOGUE

A tripartite cooperation system was settled permanently. There was a revival of collective negotiations at various levels and tripartite cooperation per industry and sector, as well as regional cooperation.

CREATION OF A SOCIAL COUNCIL

The Economic and Social Council of Bulgaria was established with the participation of employers’ organisations, trade unions and organisations representing various interests.

1944-

1989

1980s

1989

1989

1990

1990-

1991

1992

1993

1995

2003

2007

OPPRESSIVE PERIOD WITH AMBIGUOUS CHARACTER

During this period, under the conditions of a totalitarian (communist) regime, new state-controlled trade unions, entirely subordinate to the Bulgarian Communist Party (BCP) and the state, were created and attributed the extrinsic role of a “transmission” between the BCP and workers. Work was assumed to be an obligation, including the introduction of forced labour. However, acceptable labour and social policy standards were established, including gender equality. There was a Collective Labour Agreement in enterprises, but it was rather formal; strikes were virtually banned. Trade unions were provided with a number of social functions within enterprises, sectors and regions. At national and regional levels, state functions were transferred to them, including control of health and safety, labour legislation, social security and social welfare management. In this period there were episodic attempts to strike.

FREE DEMONSTRATIONS

On November 10th, 1989, the members of the Central Committee of the Bulgarian Communist Party dismissed their leader who was later also deprived of his position as President of the State Council. This was followed by the first free rallies and demonstrations, the beginning of a free press and other media, and the establishment of the Union of Democratic Forces – a union of opposition forces.

NEW CONSTITUTION STRENGTHENS PLURALISM

A Grand National Assembly was held, adopting a new Constitution. It sets the foundations and provides the possibility for democratic change. The text guaranteeing the leadership of the BCP in the state was removed.

STRENGTHENING OF HUMAN RIGHTS

In 1992 Bulgaria ratified the European Convention for the Protection of Human Rights and became a member of the Council of Europe. The Confederation of Labour *Podkrepa* became a member of the International Confederation of Free Trade Unions (ICFTU).

BULGARIAN WORKERS JOIN THE INTERNATIONAL WORKERS’ MOVEMENT

In 1995, CITUB and the Confederation of Labour *Podkrepa* became members of the European Trade Union Confederation. CITUB became a member of the ICFTU.

BULGARIA BECAME A MEMBER OF THE EUROPEAN UNION

Since the admission of Bulgaria to the EU, trade union representatives have been involved in European social dialogue structures (multi-sectoral and sectoral) and in the European Economic and Social Committee.

THE BIRTH OF THE LABOUR MOVEMENT AND TRADE UNIONISM IN BULGARIA

Bulgaria was liberated from the Ottoman yoke in 1878. Then it was a poor, mostly agricultural country, with almost no industry and working class. For this reason, the Bulgarian trade union movement had to emerge and form organisationally from ground zero at the end of 19th and the beginning of 20th century.

In its formation, it used the structure of German professional unions – trade unions united workers of one profession while support workers in factories were not accepted as union members. Thus, the terminology as well as the organisational principles drew on experience “imported” from abroad, mainly from Bulgarians working abroad.

In the beginning of 1883, under the influence of Czech and German printing workers working in Bulgaria, the first printing workers’ associations in Sofia and Plovdiv were formed. On 2nd March 1883, at the initiative of Czech printing worker Yaroslav Sholba, the Bulgarian Typograph Association was founded, using the experience of the labour movement in

Austria-Hungary and Germany. In the beginning, the unions were structured as organisations where qualified workers would be offering support to each other. Members were categorized as: founder, actual, supporting, honorary. They had different rights, work experience and membership fees. On 1st March 1883, in Plovdiv the Printing Workers’ Society *Edinstvo* (Unity) was established.

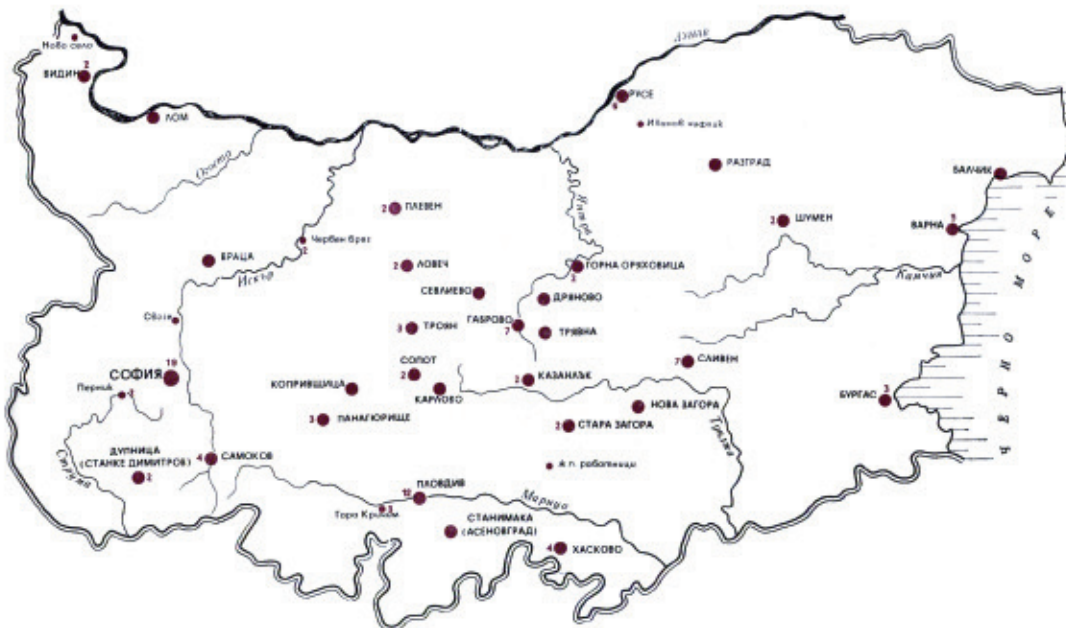
During the 1880s, the first attempts were made to form a national teachers’ organisation.

The trade union movement in Bulgaria started and developed later than in the other European countries. For this reason, it was influenced by their experience and

1883

traditions. The first national signs and specifics began to emerge. In Bulgaria, all forms of trade unionism developed to one degree or another: free trade unionism, trade unionism linked with political parties, anarcho-syndicalism, Christian trade unionism, and state-owned trade unionism.

In its development, the Bulgarian trade union movement was to a great extent a reflection of the various trends in world labour movements, as well as of the different social, political and ideological struggles within the country. It was always under the strong influence of various political forces or under the strong pressure of other political forces that aimed at subordinating or destroying trade unions.



Strikes in Bulgaria (1901 – 1903)



Flag of the tobacco workers' group in Dupnitsa, 1885



reformist wing of Bulgarian social democracy. So, in July 1904, the General Workers' Trade Union (ORSS) was formed. It was closely linked with the "narrow" socialists (the Bolshevik wing) and united mostly with the proletariat in factories, while the Free General Workers' Trade Union (SORSS), which was created in August 1904, was tied to the "broad" socialists (reformists) and worked with the so-called 'craftsmen proletariat'. A lot of energy was spent and lost in the struggle between opportunist-reformers and marxist-revolutionary wings of the labour movement. The existence of two trade union centres was an unavoidable result of the development of the socialist movement in the country.

From 26 July to 6 December 1909, workers at the matchbox factory in Kostenets waged a heroic struggle against foreign monopoly capital backed heavily by the bourgeois state. They fought to defend their right to organise and against extreme forms of exploitation. When the government decided to buy matchboxes from France and ship them to Bulgaria, dockers in Marseille went on strike in solidarity with the Bulgarian workers and refused to load the matchboxes.

A main characteristic of the Bulgarian trade union movement in the period until the communist party came to power in 1944 was its *division on political grounds*. From its very emergence, it was linked with the social democratic idea but, after the split in social democracy in Bulgaria in 1903, two different trade union centres were formed. They were under the ideological and organisational influence of the Bulgarian Workers' Social Democratic Party (BRSDP) – "narrow" socialists, the Bolshevik wing, and BRSDP – "broad" socialists, the

At the beginning of the 20th century, the two social democratic parties in Bulgaria were the most active political formations fighting for political power and for change in the socio-political and economic system. Each had different roadmaps, whereby they used the trade unions linked to them to win the masses and to reach and implement their strategic goals. In that period, the bourgeois parties in Bulgaria, with a few exceptions, were reluctant to create or organise trade unions.

BOYKO ATANASOV



A stamp issued by the Bulgarian Workers' Social-Democratic Party to raise funds in support of striking workers at a sugar factory



Women workers, delegates at the Tenth Congress of the United Workers' Trade Union, May 1914

REBIRTH OF TRADE UNIONISM IN BULGARIA IN 1989 – 1990

The “Wind of change” in Eastern Europe did not pass Bulgaria or the Bulgarian trade unions by. Discontent stemming from the social and economic failure of the system, the enforced change of Muslim names and the international isolation that followed, and the strong influence of *perestroika* ideas led to the appearance of dissident groups and organisations in Bulgaria.

One of them was *Podkrepa* formed by adherents of Dr Konstantin Trenchev on 8th February 1989, which unlike other dissident groups did not identify itself as a political organisation, rather as a trade union. This made it the only *de jure* legal opposition group because, according to the Labour Code, it was not formally forbidden to create a trade union aside from the official one. With political organisations, this was not the case. But *de facto* nobody cared about its legitimacy. In fact, during the first year of its existence, *Podkrepa* was a para-political organisation acting as a trade union. After 10th November 1989, *Podkrepa* became a founding member of the Union of Democratic Forces but, because it headed the spontaneous protests of workers,



2007 – Teachers’ strike organised by CITUB and CL *Podkrepa*

it began little by little to embrace the essence of trade union activity, defending the rights of wage labour.

At the same time, the official Bulgarian trade unions were shaken by a crisis of values and motivation. On 18th November 1989, independence from the Bulgarian Communist Party was declared and, in December, the whole leadership resigned. A new leadership of the Independent Bulgarian Trade Unions was elected, headed by Prof. Krastyo Petkov. Its main aim was to prepare an extraordinary congress but it had also to participate in dozens of strikes, in the National Round Table, in the first negotiations with the government and different political forces, and in the replacement of incompetent leaders at “grass-root” level. All this not only stopped the disintegration of Bulgarian Trade Unions but also created the atmosphere for holding the extraordinary congress on 18th February, the Constituent Congress of the Confederation of the Independent Trade Unions in Bulgaria. A new era of trade unionism in Bulgaria began.

The development of the Bulgarian system of industrial relations and the activity of the main social partners were influenced to a great extent by the effect of the transition toward a market economy and democracy, as well as by accession to the EU. In fact, the social dialogue in Bulgaria emerged on a “green field”, having

no traditions and past experience, and no legal framework. Nevertheless, one of the undisputable achievements in the development of democracy in the country was the transformation from a centralized economy preset by the state toward industrial relations built on the principles of modern social dialogue and social cooperation and building up institutions of social dialogue at different levels over a relatively short period.

Due to the specific situation in the country at the beginning of the transition, caused by the liberalization of the economy and characterized by a mass wave of strikes in enterprises, attention was focused on tripartite negotiations as well as on elaborating a legal framework for industrial relations.

BOYKO ATANASOV



2004 – National warning strike by CITUB and CL *Podkrepa*



An Agitator: oil painting by Erik Henningsen showing one of the large solidarity rallies in late 1899

THE 'SEPTEMBER SETTLEMENT'

The newly established key organisations (LO) and the Danish Employers and Technical Association (DA) agree to a settlement (*Septemberforliget*) after three months of lockout. The employers emphasized their right to manage and distribute work. In return, they would acknowledge the trade unions and their right to collectively safeguard the interests of their members (the employees). The settlement has been fundamental for future regulation of pay and working conditions in the Danish labour market.



Cartoon: the negotiations between workers and employers during the lockout in 1899

CONSTITUTIONAL AMENDMENT

Women and servants obtain the right to vote and are thus directly able to influence future political decisions.

THE EASTER CRISIS

A parliamentary crisis occurred when King Christian X rallied against the majority of the Parliamentarians and dismissed the Ministry of Zahle II, with the hope of triggering a general election that could give a majority vote to incorporate Flensburg into Denmark.

1870s

THE BEGINNING OF UNIONS IN DENMARK

Establishment of a federation of trade unions (*De samvirkende Fagforbund*), now called LO, which joined into a nationwide union of what used to be independent local unions.



M. C. Lyngsie was the founder of the Danish General Workers' Union (SID – *Specialarbejderforbundet*, now 3F, the largest union in Denmark.

1891

FIRST PENSION LAW IN DENMARK

The law was based on tax financing without compulsory contributions.

1898

LAW REGARDING ACCIDENT INSURANCE

Law on accident insurance is implemented. Furthermore the principle of the employers' financial responsibility and liability for accidents at work is founded.

1899

1907

LAW REGARDING GOVERNMENT APPROVED UNEMPLOYMENT INSURANCE FUNDS

This law made it possible to obtain government subsidies for unemployment benefit funds, which the trade unions had set up to help unemployed members both financially and in times of conflict.

1915



Photograph taken at the Second International Workers' Conference in Denmark, which was attended by 100 socialists from around the world, 1910.

1920

Karl Kristian Steinke (1880–1963), social democrat known and admired for his dedicated work on Danish social legislation – not least the social reform of 1933



STATE PENSION

This law ensures that all citizens at the age of 67 years and above are entitled to receive a state pension, accessible for all citizens regardless of status and income.

LAW ENSURING PARENTAL BENEFIT DURING MATERNITY LEAVE FOR ALL WORKING WOMEN

A new law was adopted concerning sick pay for all wage workers in Denmark. For the first time, the law also included parental benefit for all women with paid work.

REFORM OF UNEMPLOYMENT BENEFITS AND RESPONSIBILITY

The government takes over the marginal risk of increased unemployment and thereby the government pays the extra costs. Unemployment benefits make up for a maximum 90% of the previous income.

THE DANISH EDUCATIONAL SUPPORT, SU

Due to concerns about future labour shortages, the government proposes SU (Student Benefits), which aims to compensate for social inequalities by offering young people with skills the possibility to continue their education with minimal interruption.

THE JOINT DECLARATION

The Joint Declaration is a tripartite agreement between the then government and central labour market organisations (DA and LO and FTF and AC). The Joint Declaration is the most far-reaching example of cooperation between the social partners and the political system. This was the beginning of the introduction of the occupational pension that was realized through the collective bargaining system in the public sector (1989) and the private sector (1991) and has become a central element in the Danish welfare system.

1933

THE SOCIAL REFORM

A basic principle of rights forms as the citizens are entitled to receive government support without losing certain entitlements. The reform included improvements to health funds, unemployment funds and improved conditions for recipients of disability pensions and state pension. The reform is considered a crucial step in the development of the Danish welfare model.

1956

1958

EDUCATION REFORM

The reform ensures seven years of compulsory primary school education, while giving pupils the possibility to attend 1-2 years more for further education.

1960



Carlsberg workers demonstrating for better pay and working conditions, 1960

1967

1969

1970

MUNICIPAL REFORM

Kommunalreformen (municipal reform) is the largest reform enacted. Due to major changes in occupational distribution and hence the labour market in Denmark, some cities grew in terms of the number of citizens while others stagnated or declined. A solution was found by drastically reducing the number of municipalities and the number of counties.

1970

1976

LAW OF SOCIAL BENEFITS

The social system was simplified by this law since citizens no longer had to refer to several authorities but only one for social benefits: the municipal administration. The law was characterized as containing a transition from a legal principle to a discretionary approach by focusing on actual individual needs.

1987

1998

LAW OF ACTIVATION AS COMPENSATION FOR SOCIAL BENEFITS

During the 1990s, a primary principle and demand for citizens to compensate for receiving government support forms. The law of 1998 requires all citizens, independent of their situation and state of mental and physical health, to actively compensate through different activation programmes in order to be able to receive social benefits. This principle is carried through and exercised up to this day.

THE 'SEPTEMBER SETTLEMENT' – GAINING THE RIGHT TO COLLECTIVE AGREEMENTS

On 5 September 1899, after a three-month lockout, the so-called 'September Settlement' was concluded between the Danish Confederation of Trade Unions (DsF – *De samvirkende Fagforbund*) and the Confederation of Danish Employers (DA – *Dansk Arbejdgiver- og Mesterforening*).

The Settlement marked the end of the most comprehensive labour dispute in Denmark's history and took place during a turbulent phase of the fledgling Danish trade union movement's development. The previous year, the DsF had been founded to maintain a strike fund and enable strike action by handing out financial support from the community. It was a time characterised by extensive unrest on the labour market, resulting in large numbers of minor strikes, a time when the socialist ideas of forming associations, showing solidarity and transforming the social order were starting to firmly take root among the Danish working class. The employers were battling the unions, and the DA clashed with employers over an aggressive enrolment campaign.

APRIL 1899: THE RUN-UP TO THE LARGE-SCALE CONFLICT

The major lockout began with a series of minor strikes by joiners in seven towns in Jutland when, on 1 April 1899, 400 apprentices made a modest wage claim. After several unsuccessful rounds of negotiations, on 2 May the DA locked out all apprentice joiners.

The employers' precondition for fresh talks was a list of eight points, covering matters not exclusively linked to their relations with the joiners. These 'Eight Points' also constituted the employers' first proposal regarding their envisaged bases for a framework agreement, with the DsF bearing the main responsibility for ensuring that any concluded agreements were honoured and respected. The employers also maintained that agreements reached between umbrella organisations should not be subject to votes by the members of local

organisations. Furthermore, they demanded the right to oversee and distribute work within companies. All previous agreements would expire together on 1 January, at the end of a three-month notice period.

These demands were flatly rejected by the DsF, which maintained this was tantamount to "waging war just for the sake of it", whereupon the employers responded by expanding the lockout to many other sectors. In all, 40,000 workers were affected, more than half of the unionised workforce. The whole stand-off lasted 100 days, from May to the very beginning of September 1899.

THE SETTLEMENT IN DETAIL

The Settlement ultimately concluded was a key prerequisite for the general development of the Danish labour market, because it laid some of the labour law foundations that have applied ever since.

1899



Locked-out workers on a trip to Ulvedalene, north of Copenhagen, 1899



Bricklayers return to work after the conflict, which lasted almost five months.

The objectives behind the employers' lockouts were as follows:

- to secure their right to oversee and distribute work;
- to undermine the union's successful strategy of securing improvements by conducting decentralised negotiations and making use of their free right to strike locally in individual companies (holding selective, targeted strikes);
- to set up a centralised system of consultation with an obligation to maintain industrial peace and resolve institutionalised conflicts, in order to prevent companies from continuing to be played off against each other.

The DA achieved its main objectives: wage earners recognised the employers' right to issue them with instructions and also accepted the following conditions applicable to labour disputes:

- the obligation to maintain industrial peace had to be revoked;
- mandatory recognition by deliberative assemblies in the organisations concerned;
- advance warning.



“The Confederation of Danish Employers (DA) and the Danish Confederation of Trade Unions (DsF) hereby agree to the right of the other party to arrange or approve labour disputes. However, neither party shall announce or endorse any lockout or strike unless such an action is decided by at least three-quarters of the votes cast at an authorised meeting convened by the respective organisation in accordance with its statutes.”

Quotation from the ‘September Settlement’, [p. 1, lines 4-8]

SØREN KIERKEGAARD: *EITHER/OR*

IN THE TEXTS written by Danish philosopher Søren Aabye Kierkegaard (1813 to 1855), the banality of the everyday and the infinitely sublime, personal poverty and the absolute requirement of heaven and hell collide head on. For him, everything ‘in between’ is not worth philosophical consideration. Accordingly, Kierkegaard did not write any conventional philosophical works. For him, life was all about lonely souls before their God. This approach made him the pioneer of modern Christian individualism. He asked not “What should ‘one’ do?”, but rather “What should ‘I’ do? Kierkegaard coined the phrase “existential problems”. Subsequently, from the 1920s onwards, both dialectical theology as expounded by e.g. Karl Barth (1886-1968) and Jean-Paul Sartre’s brand of atheist existentialism invoked Kierkegaard. Both men’s line of thinking laid the spiritual foundations for resisting fascism and occupation.

Kierkegaard was serious about a strict form of Christianity devoted to fulfilling the teachings of Jesus. With wit and bitter irony, he fought against his contemporary Evangelical Lutheran Church in Denmark, deriding its ‘protestant mediocrity’ and decay, maintaining that the church and its priesthood had reduced Christ’s suffering and death to an excuse for a remunerative priestly existence.

Kierkegaard’s brand of Lutheranism is dark and melancholy. Thus, in his best-known work *Either/Or* of 1843, he laments: “What is going to happen? What will the future bring? I do not know, I have no presentiment. When a spider flings itself from a fixed point down into its consequences, it continually sees before it an empty space in which it can find no foothold, however much it stretches. So it is with me; before me is continually an empty space, and I am propelled by a consequence that lies behind me. This life is turned around and dreadful, not to be endured.” “When I get up in the morning I go straight back to bed again.” “Come, sleep and death; you



Vilhelm Marstrand (1818 – 1873): Søren Kierkegaard

promise nothing, you hold everything.” His other writings, too, have alarmingly disconcerting titles like *Fear and Trembling* (1843); *The Concept of Anxiety* (1844) and *The Sickness Unto Death* (1849).

Kierkegaard rejects the Hegelian dialectic of the triad (thesis, antithesis, synthesis). His dialectic is a dual anti-logos that knows just yes/no and either/or. There is no synthesis. Kierkegaard found Hegel’s system abstract because in it contradictions are always only resolved at the abstract level, whereas in real-life existence, they remain sharply defined. – Reading Kierkegaard is fascinating.

KARL-HELMUT LECHNER

It was left entirely up to managers whether or not to join the same organisations as the workers.

In return, the employers recognised the unions and their right to collectively represent the interests of their members. One precondition built into the 'September Settlement' was that pay and working conditions should be governed by collective agreements, in an arrangement since referred to as 'the Danish model'. Collective industrial action, such as strikes and lockouts, were now regulated.

The Settlement also stipulated that, if possible, disputes should be decided by negotiation and mediation. If no agreement could be reached, it had to be possible to take the matter to court. This initiated the development of the sectoral legal system currently applicable in Denmark, which

includes a sectoral court of arbitration and sectoral labour legislation. Both parties wanted this to happen. In addition, a central bargaining system was set up.

STILL WITH MAJOR CONSEQUENCES FOR THE DANISH LABOUR MARKET

It is fair to describe this development as an institutionalisation of the class struggle, with unions gaining their place in an existing social and economic framework. Allegedly, the Settlement led to orderly industrial relations and was instrumental in regulating wages and working conditions on the labour market as a whole. Initially, the 'September Settlement' seemed to directly meet the employers' objectives, but in actual fact it promoted the formation of

unions. The newly created, regulated bargaining system became an effective tool for unions to wrest improvements in pay and working conditions and secure their political influence.

The 'September Settlement' became known as the constitution of industrial relations and served as such for over half a century until it was first reviewed in 1960. But both the revised framework agreement and subsequent amendments upheld the basic principles.

PIA BANG JENSEN

HANS CHRISTIAN ANDERSEN'S FAIRY TALES, A SCHOOL OF COMPASSION

WHEN, as was the case at the beginning of the 19th century, political and social constraints in so many European countries make criticism an existential risk, the form of the fairy tale so artfully developed by Hans Christian Andersen in Denmark offers a way out. For the observer becomes a background figure while the plot is shifted into an imaginary world, where everything can be said, but nobody has to feel directly affected. Classical fairy tales confront children with conventions, and critically-minded literary fairy tales use the form to question how the world is set up, with widespread heartlessness: why did the little match girl have to freeze to death?



Power and convention are dazzling, and it takes the unspoilt eyes of a child to see that the emperor in his new clothes is actually naked. Is unrequited love pointless? What becomes of the little mermaid? Cleverly devised fairy tales can raise any issues.

When children listen to fairy tales, they raise questions. Hans Christian Andersen's fairy tales bring the problems of the modern world into an intimate family setting and force us to face up to them. They nurture a debate about norms and standards that cultivate compassion and thus pave the way for solidarity-based political movements.

MARTIN FOCHLER

The Little Match Girl, illustration by Hans Tegner (1852 – 1932)

THE REFORM OF THE DANISH MUNICIPAL PRIMARY AND LOWER SECONDARY SCHOOL (*FOLKESKOLE*) - ON THE WAY TO A COMPREHENSIVE SCHOOL SYSTEM

1958



Teaching situation in a rural school in Thyborøn, North Jutland, June 1951

Before Denmark's 1958 Education Act reformed the country's municipal primary and lower secondary schools, the debate about compulsory education had caused a major stir. The upshot was the abolition of 'middle school' (*mellemskole*) and the allocation of children after their sixth school year to either a general or an academic path, depending on their individual proficiency. In 1960, in an executive order drawn up to implement the 1958 Education Act, a Curriculum Committee drew up teaching guidelines set out in a document dubbed the 'Blue Report'. Henceforth, the purpose of municipal primary and lower secondary schools would be to create "harmonious, happy people".

THE POLITICAL BATTLEFIELD

The *Folkeskole* Act of 1958 replaced its predecessor dating from 1937. The educational policy debate that preceded the law focussed on the issue of an unstructured school system. There were three differing points of view on this issue. Teachers' organisations and the Conservative People's Party (DKF) represented a characteristically conservative, elitist view, seeking the perpetuation of differentiated school careers. Their opponents, who championed comprehensive schools, followed the approach of a *folkeskole* as formulated and implemented by N. F. S. Grundtvig (see accompanying articles). Advocates of this political approach included Jørgen Jørgensen (1888-1974) and his Social Liberal Party (SLP) and the majority of the Liberal Party. Some factions among the Social Democrats (SD) supported the idea of comprehensive schools, so this political party lobbied hard for a compromise. For Julius Bomholt

(1896-1969), a key figure in the Social Democrats, the chief objective was to ensure social equality between urban and rural communities, which he believed could be achieved either within the existing structured school system or by its abolition.

ON THE WAY TO INTRODUCING COMPREHENSIVE SCHOOLS

This political clash ended in an agreement between the Social Liberal Party, the Social Democrats and the Liberal Party. The *Folkeskole* Act of 1958 duly prompted the abolition of 'middle schools' and convergence between the standards of urban and rural schools. General secondary school education now lasted seven or eight years, followed by an optional eighth or ninth year or three years of upper secondary *realskole*. The aforementioned division into a general path and an academic path stemmed from a compromise between the various parties. Both paths offered schoolchildren the possibility of gaining access to three years of upper secondary education at a language- or mathematics- and science-based 'gymnasium'. After completing the first year, pupils could choose between different specialisations.

"The purpose of the school is to advance and develop the talents of the children, strengthen their character and give them useful knowledge."

Preamble to the *Folkeskole* Act

ADULT EDUCATION CENTRES IN DENMARK – MONTHS OF RELAXED LEARNING

All that Denmark's adult education centres share with their German counterparts is their name: *folkehøjskole* (*Volkshochschule* in German). Young people spend months there learning together, in the countryside, in a relaxed atmosphere and without gaining a leaving certificate. Students spend their time there freely, unburdened by specific objectives, and finish without a piece of paper to show for their time there. In Germany, this would be seen as a pretty disastrous state of affairs, but in Denmark it is a deliberate stage in individuals' search for their identity.

In Germany, a course of 10 evening classes might teach the students some Spanish or a little about photography. But the Danes adopt a more radical approach, maintaining that people need an education and should feel entitled to take their time getting it. Anyone in Denmark who wants to take a break during their studies or after leaving school, can take it at an adult education centre. Every year, around 3,500 young State-subsidised adults live out in the countryside, learning whatever takes their fancy. Most subjects taught there are artistic and creative. Whereas many young people in Germany are in a great hurry to switch from school to university, the Danes are far more relaxed:

"After leaving school, I did a lot of travelling. Taking several gap years is perfectly normal in Denmark. I spent my third gap year at the *folkehøjskole* in a final attempt to find out what I really wanted to do."

Quote from a radio broadcast on *Deutschlandfunk* from 1.8.2015

EVA DETSCHER

THE PREAMBLE TO THE *FOLKESKOLE* ACT

The preamble was lifted directly from the *Folkeskole* Act of 1937, stating that: "The purpose of the school is to advance and develop the talents of the children, strengthen their character and give them useful knowledge." This preamble remained in force until the 1975 Education Act. The 1958 reform led to new curricula, the publication of a 'Blue Report' (*folkeskole*) and a 'Red Report' (*gymnasium*), and the construction of new schools across Denmark.

THE BLUE REPORT AND THE EMERGENCE OF REFORMIST EDUCATION THEORY

The Blue Report was published in 1960-61 and contained a range of provisions, advice, instructions, and teaching guidelines for schools. To a certain extent, it distanced itself from the preamble to the *Folkeskole* Act, emphasising the purpose of this type of school set out therein. That wording was meant to serve as a warning against abandoning handed-down ideas and practices regarding school education in Denmark. A special new subject, dubbed 'orientation' was established, supposedly to provide information about the social environment and convey knowledge about professions, trades and both working and family life. This way, children's needs and prerequisites came to occupy a more central place in pedagogical concepts. Accordingly, the nurturing of social skills and the ability to live alongside and respect others became a new fulcrum for pedagogical considerations. It was also stressed that schools should offer children the opportunity to participate in social life and the world of work. This directly raised question marks about tests and performance-based evaluation, and therefore led to new working and teaching methods, new textbooks, audiovisual teaching methods and the introduction of two progressive working methods: group work and interdisciplinary processes.

AFTER THE REFORM THE COMPREHENSIVE SCHOOL WAS STRENGTHENED AND EMPHASIS PLACED ON DEMOCRATIC COMPETENCE

In the 1960s, it became common practice not to split school classes, even after the fifth year of school. Most pupils opted for further education after completing their compulsory schooling. Based on this stable normality, new reforms were launched in 1972 and 1975: an extension of compulsory education and a curricular review. *Folkeskole* now consisted of 9 years of school plus a voluntary tenth year and a voluntary year of nursery school. Pupils could take their school-leaving exam after spending either 8, 9 or 10 years at school. The reform of 1975 also changed the preamble, incorporating (among other things) democratic competence, promotion of the willingness to learn, and cooperation between school and home, but without any denominational attachment to the National Church (aka the Church of Denmark). The act permitted the division of students into a general (i.e. less advanced) and a more advanced stream in mathematics, physics, and foreign languages. An ensuing reform in 1993 abolished these different streams. So it is fair to say that the *folkeskole* became a comprehensive school built on differentiating between pupils' education and personal development, the aim being to adapt the learning experience to individuals' abilities.

PIA BANG JENSEN



FICTION PRODUCED DURING THE YEARS OF EDUCATIONAL REFORM

Klaus Rifbjerg (1931-2015): His first novel *Den kroniske uskyld* (Terminal Innocence) was published in 1958. "It hit like a bombshell. A mother seducing her own daughter's fiancé, whereupon the daughter committed suicide? It was all a bit much for Danish readers. There were arguments about

the author's flippant use of language, about morality and immorality, drama and melodrama. The work was clearly inspired by American literature, especially J. D. Salinger's *Catcher in the Rye*" (*Neue Zürcher Zeitung* (NZZ) 27/4/2015).

A novel about psychological development that vividly conveys the impression of young people's cramped living conditions in Denmark in the 1950s.

PIA BANG JENSEN, EVA DETSCHER

NICOLAI SEVERIN FREDERIK GRUNDTVIG has certainly divided opinions over time.* Even the Nazis initially said they viewed him in a positive light, only to distance themselves from him later on, labelling him a 'hater of Germans'.

Grundtvig was born in Udby, Denmark in 1783 and is variously described, as the situation requires, as an author, poet, educator and politician, among other things. It is probably fair to say that he absorbed the intellectual currents of his day, rationalism and enlightenment, and changes his views and practices quite markedly during his life, not least prompted by a series of study visits to England.

His political and educational views strongly influenced Denmark's development and its deeply rooted inventory of practices and viewpoints. When still a pastor, he summed up his changed views in the maxim '*Menneske først og kristen så*' (First Man, then Christ).

As a result, he campaigned for freedom of education and religion and supported the budding women's movement. However, his main concern was the 'liberalisation of social life', making him someone who today might be described as the champion of an emancipatory approach. Denmark's loss of the German-Danish War (aka the Second Schleswig War) opened up leeway for such an approach in the ensuing political conflicts.



NICOLAI SEVERIN
FREDERIK GRUNDTVIG,
1783–1845

At the time, Denmark was a primarily agricultural country: 97% of its population were farmers. It was difficult for them to gain access to education because the State did not support this. Grundtvig's educational concept was based on people's practical experiences, which he felt should be used as a springboard to independent thinking. He saw no use for grades. Teaching methods were based on dialogue, not lecturing. Self-reliance and historical awareness were meant to underpin self-confidence and self-awareness, a broad general education was intended to foster participation in political life, and attending boarding schools was designed to induce social behaviour. In 1844, the first *folkehøjskole* ('folk high school') opened in Rødding. These schools subsequently spread across Denmark – and still exist today.

The first of these folk high schools led to a marked improvement in crop-growing and livestock breeding methods and resulted in the formation of cooperatives and a sharp rise in exports to the English market. Danish farmers became significantly more productive than their German counterparts. This was probably also one factor that prompted Denmark's southern neighbour to start looking at folk high schools, which were subsequently set up in northern Germany in particular (and incidentally still exist today, in a wonderfully diverse range of forms).

ROLF GEHRING

* Norbert Vogel: For a German view on Grundtvig's ideas about school, see – <http://ojs.statsbiblioteket.dk/index.php/grs/article/viewFile/16026/13868>

ECONOMIC FREEDOM LAW

The Guild Institution was abolished and economic freedom was expanded by law in 1868 and supplemented in 1879.

Employees were legally entitled to work independently and to move from one district to another. There was also now the responsibility to sustain oneself.

ACCIDENT INSURANCE ACT

The employer was required to be accountable for accidents at work. The Act required accident insurance for industrial and construction workers, with the exception of certain cases. The law provided the employee with compensation for permanent invalidity caused by an accident at work. In the case of death, the widow and the children were entitled to receive a small allowance. The main shortcoming of the law was that it did not extend the obligation to compensate for temporary injuries, but only for permanent ones.



First female members of parliament, 1907

RIGHT TO VOTE

The defeat of the Russian Empire in the war against Japan launched a revolution in Russia in 1905 and Tsar Nicholas II agreed to the October Manifesto, which promised to establish a legislative parliament elected on the basis of a broad suffrage. A major strike in Finland broke out during which the labour movement drove through its demands for the right to vote. The November Manifesto of the Tsar issued to Finland contained a mandate for the Senate to prepare a constitutional order based on general and equal suffrage.

It was a concession from the Constitutionalists and the Russian authorities to the labour movement and to the masses.

An exceptionally overwhelming situation made it possible to implement the reforms that were previously impossible and, on the other hand, conservative parties considered it necessary to bend to the radical demands.

Finland was the third country in the world and first in Europe to give women the right to vote in 1906 as part of general and equal suffrage. At the same time, women were also allowed to run for election, and the first female parliamentarians were elected to parliament in 1907.

1868

1889

1895

1905

1906

1907

REGULATION ON THE PROTECTION OF EMPLOYEES IN INDUSTRIAL PROFESSIONS

Rapid industrialisation initiated a debate on the status of the workforce, and in February 1880, the Diet of Finland (Parliament) conducted a study investigating the working conditions of industrial professions. The results led to the 1889 regulation on the protection of workers in industrial professions. The minimum age for working was 12 years, the daily working time for children was 6.5 hours and 12 hours for youth, and night work for children and young people was prohibited, as well as mining work for children and women. The state hired the first professional inspectors to monitor compliance.

GENERAL STRIKE

The working class, with its trade unions, rose as a force in protests against the regime of the Russian Tsar in Finland. As the upper class was promoting independence, the working class wanted its status recognised and the right to vote.

Demonstration of the power of the working class triggered the era of organisation activity. The shop-steward activity that had begun in the late 19th century stabilised in 1906-1907.



General Strike Committee, Tampere, 1905

LABOUR MARKET ORGANISATIONS WERE SET UP

The first steps in the field of labour agreements were taken when the Finnish Trade Union Federation and the Finnish Employers' Union were set up. The first collective agreement dates from 1890, the typesetters and printers, concluded between the Finnish Bookworkers' Union and the Printing House Confederation.

EIGHT-HOUR WORKDAY ACT

In November, a new working-time Act was passed in Parliament. According to this, working time was not more than 8 hours per day and 47 hours per week. In the background, there were large demonstrations and a general strike that paralysed Finland in November, as well as the fear amongst bourgeois decision-makers that there would be a similar revolution in Finland as had happened in Russia where the Bolsheviks, led by Vladimir Lenin, had come into power earlier in November. Eight-hour working days had been one of the primary goals of the labour movement since the late 19th century.



Protest for an eight-hour working day, Helsinki, 1917

CHILD BENEFIT LAW

In Finnish legislation, child benefits came in 1948, following the Nordic model. It was the first comprehensive form of income security. Before these child benefits, benefits for children were paid to government workers as early as the 1920s.

FIRST INCOME POLICY AGREEMENTS

The period of income policy agreements began. It underscored the key role of employer associations and trade unions as societal reformers. The first agreements were signed in 1968, 1970, 1972, and 1974. The agreements affected working life (renewal of the Employment Contracts Act: freedom of assembly, extension of the right to strike, rights of the shop stewards, organisation, non-discrimination, and equal pay), as well as housing, raising child benefits, maternity leave, and other areas of social policy.



1967 poster –
Wear your helmet

1917

1922

EMPLOYMENT CONTRACT ACT

The Employment Contract Act included annual holidays for the first time. At that time, these were 4-7 days, voluntary for the employer. By the end of the 1930s, the Annual Holiday Act provided time off for permanent employees for 5 to 12 days.

1943

1944

STATUTORY SCHOOL MEAL AND LAW ON MATERNITY CLINICS AND CHILD HEALTH CENTRES

Statutory free school meals (1943) and the Act on Maternity and Child Health Centres (1944) created equality and strengthened the status of women in society.



Poster marking 40 years
of women's suffrage

1948

1965

40-HOUR WORK WEEK IN 1965

(Labour organisations) Trade unions and employer organisations agreed to move to a 40-hour working week. Less than ten years earlier (1958) the standard weekly working time was 45 hours.

1968

1969

THE AGREEMENT ON SHOP STEWARDS

In defining professional affiliation in the late 1960s, the position of shop stewards, which had previously improved through a protocol signed between labour market organisations in 1955, strengthened. In 1969, a shop-steward agreement was signed between the Confederations of Trade Unions. At the turn of the 1960s and 1970s, a large number of agreements between employer and trade union central organisations were concluded on information, education, the use of external labour, and rationalisation.

1973

ACT ON THE SUPERVISION OF OCCUPATIONAL SAFETY AND HEALTH

The role of occupational safety in the workplace was strengthened by the Act on the Supervision of Occupational Safety and Health. Occupational health and safety administration was set up and work safety representatives began their work.

CHILDREN'S DAY CARE ACT CAME INTO EFFECT

Against the background of increasing urbanisation, the law on day care for children obliged municipalities to ensure the availability of day-care centres, and, in a few years, the number of day-care centres more than doubled. In 1990, the right for children under 3 years to municipal day care came into force.

STUDY-LEAVE ACT

The purpose of the law was to improve the education and learning opportunities of the working population by using the study-leave arrangement.

OCCUPATIONAL HEALTH AND SAFETY LEGISLATION WAS IMPROVED AND EQUALITY STRENGTHENED

Occupational safety legislation was amended so that the Occupational Safety and Health Authority has the right to suspend dangerous work. The Employment Contracts Act prohibits discrimination in recruitment and the Equality Act comes into force.

INTERNATIONALISATION

The Cooperation Act was amended: European-level cooperation came along. The working conditions of foreign workers were improved and attention was paid to pension provision in atypical employment relationships.

CITIZEN'S INITIATIVE LAW

The Citizens Initiative is a constitutional right, which came into force in March 2012, whereby Finnish citizens with suffrage can get a bill or a proposal for law making to the Parliament if at least 50,000 citizens, or about 1.2% of the voters, are in favour of the initiative.

**GENDER-NEUTRAL MARRIAGE ACT**

In December 2014, the Finnish Parliament approved the amendment of the Marriage Act to allow couples of the same sex to marry in the future. The 'Civic Initiative for Equal Marriages' to change the law, signed by more than 166,000 people, brought the matter to Parliament.

1973

1978

COOPERATION ACT

In order to improve the functioning and working conditions of companies, and to enhance cooperation between the employer and the staff, as well as among the staff, employee representatives had more power to influence matters concerning their work and the workplace due to the Cooperation Act.

Originally, this affected workplaces with more than 30 employees. Later it affected also workplaces with more than 20 employees. The Act on Cooperation Ombudsman and the Ombudsman office came into force in 2010.

1979

1987



Strike by hotel and restaurant workers, 1991

1995

1996

2006

THE ACT ON THE CONTRACTOR'S OBLIGATIONS AND LIABILITY WHEN WORK IS CONTRACTED OUT

The law on a contractor's obligation to report and liability when using an outside workforce obliges the contractor to certify that his/her contractual partners fulfil their statutory obligations as contractors and employers. The law aims to combat the black market and is intended to promote fair competition between companies and compliance with working conditions. The Regional State Administration of Southern Finland oversees compliance with the law in Finland. The law was renewed and improved in 2015.

2012

2012

TAX NUMBER AT CONSTRUCTION SITES

The tax number was introduced in the construction sector, in order to combine tax legislation and occupational safety and labour law and prevent the grey economy.

2015

THE 'RED DECLARATION' HASTENS THE INTRODUCTION OF UNIVERSAL SUFFRAGE

The general strike from October to November 1905 was a sweeping, revolutionary act in Russia's tsarist Empire and in the Grand Duchy of Finland, which was under Russia's jurisdiction. In Finland the strike was both a general popular uprising by the Finns against Russia's tsarist empire and the first real demonstration of the social might of the working class. The general strike ended the first phase of 'Russification' and led to the transformation of the hierarchical, estate-based society into a parliamentary civil society.

Educated middle-class Finns had tried to petition against the tsar's Russification programme, but their attempts had proved fruitless. Only when workers' organisations joined the strike did the necessary pressure build up. Rather than contenting itself with national demands, the working class demanded a better standing in society.

The labour movement's demands set out in the 'Red Declaration' were read out from the balcony of Tampere City Hall on 1 November 1905, during the general strike. The 40,000 workers who turned up to hear them cheered their approval.

The Declaration comprised four points. Firstly, and most importantly, the workers called on the government of the autonomous Grand Duchy to resign. Secondly, they demanded general and equal suffrage. Thirdly, they demanded an end to Russian

1905

oppression. Fourthly and finally, they called for more extensive freedom of association, assembly and speech.

Two days later, the Declaration was adopted in Helsinki and a constituent assembly that included workers' representatives elected an interim government. The next day, the tsar signed a manifesto drawn up by the interim government convening an 'Estates Assembly' and commissioning the new Senate to renew Parliament.

On 20 July 1906, Tsar Nicholas II confirmed the new electoral law and the new order for governing the Grand Duchy, creating a modern unicameral parliament in Finland.

The country's first ever general election based on general and equal electoral suffrage took place from 15 to 16 March 1907. Compared to the previous hierarchical arrangement, in the new system the number of people entitled to

vote rose from 126,000 Finnish men to 1,273,000 Finnish men and women over 24 years of age. Finnish women became the first representatives of their gender in Europe to gain the rights to vote and stand as candidates. In the first elections, 19 women were elected to parliament.

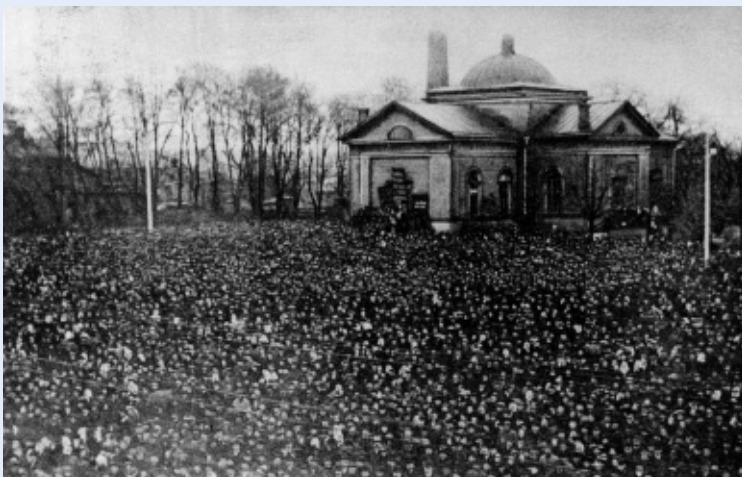
"ONLY TOGETHER CAN WE ASSERT OUR RIGHTS"

For Finland's working class, the experience of social awakening clashed with the limited freedoms associated with early industrial capitalism in the country. Compared to other Western European countries, Finland's industrialisation occurred late and, though comparatively quickly, only on a modest scale. During the latter half of the 19th century, the number of industrial workers increased tenfold, growing at a rate of 5% a year.

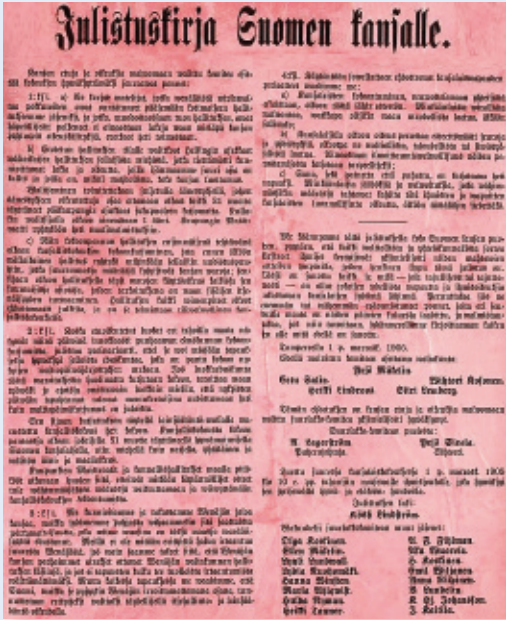
THE SUCCESS OF THE INDUSTRIAL BOURGEOISIE

It was economic reforms adopted by the Senate to liberalise entrepreneurial activity that triggered the industrialisation process. These reforms were fruits of a long, hard fight by the urban middle classes against the aristocratic bourgeoisie, who clung to Finland's traditional values and revered the purity of its rural areas rather than the chimneys of factories in urban areas.

The rising industrial bourgeoisie strove to gain fresh economic clout by bringing in successful, and often foreign, master craftsmen and mechanics, who smuggled leading-edge technology across national



The 1905 general strike



The so-called 'Red Declaration' of Tampere (1905), written by Yrjö Mäkelin, a moderate Finnish social democrat

FREEDOM AND SUBSISTENCE

Hopes of earning a better living and enjoying more freedom drove the rural population to work in factories. By the end of the nineteenth century, factory cities were growing rapidly, due to a fourfold increase in the number of workers.

For the working population in these cities, the capitalist economic system meant a change in the basis of financing their cost of living, and a transition to their own bartering arrangements. Despite shortages, wage labour offered many people the opportunity to improve their livelihood. Between the years of hunger and World War I, the national income (i.e. GDP) and average real wages of the working population are estimated to have doubled.

By making the transition from maids to factory workers, young women managed to increase their standard of living more than anyone else. The workers viewed industrialisation in a positive light because it seemed to offer freedom and progress compared to the old hierarchical estate-based society.

By contrast, rural workers outside towns and cities experienced no comparable change; only the hundreds of thousands who moved to industrial centres in Finland, Russia and America found themselves better off.

THE POLITICISATION OF THE WORKING CLASS

How did a working class arise out of a political class? The Finnish working class would appear to have emerged following a very classical pattern: first, capitalist industrialisation produces wage labourers; next, in a bid to safeguard their standing, these labourers resist the powers that be, forming a class conscious of the socialist objective. However, according to history professor Pertti Haapala, this model did not apply in Finland.

The educated middle classes had read about workers' uprisings in Europe and made a joint effort to 'civilise' the working population. The basic idea was to arrange educational programmes on what being

borders in their heads. James Finlayson, founder of the eponymous textile factory in Tampere, was one of thousands of Britons who transferred technical know-how from Great Britain, the 'Workshop of the World' to continental Europe. There were many comparable examples of immigrant factory founders from elsewhere in Europe.

THE TRANSFORMATION OF THE RURAL POPULATION INTO A WORKING CLASS

The second significant factor was the greater mobility of the dependent class. Previously, especially in rural areas, ordinary people were bound to their place of residence in the long term and forced, by law, to seek legal protection from landowners, employers or parishes. Often this meant working for an annual salary and having to comply with the landowner's orders. This set-up was designed to tie down the rural population as a cheap workforce. The residents of cities were freer.

The 'Great Hunger Years' of 1867 and 1868 claimed the lives of 150,000 Finnish citizens. Although epidemics undoubtedly played a role, hunger was the main cause of these deaths. Poor harvests over several years had depleted stocks of grain. What brought things to a head was that farm owners had food, but farm labourers did not. Bread became a sign of power. Hunger drove many people to seek work and beg for food.

The years of famine prompted the Senate to amend legislation in a bid to speed up the granting of entrepreneurial freedom and eliminate the barriers to workers' mobility. Under a law adopted in 1872, only minors, the elderly and the sick were eligible for support. Henceforth, the guiding principle was that everyone had the right (which subsequently developed into a commitment) to work in order to feed themselves.

The changes in legislation made an employment relationship an individual contract between an employer and worker, both of whom could revoke it with two weeks' notice. Although the law retained its patriarchal character, its amendment legally created the 'free wage earner'.



Workforce of the Finlayson textile factories in 1896

Finnish was all about, with a view to maintaining social peace, strengthening their own power by making a covenant with the people, but also attaining the truly strong ideal of a democratic society.

The ideal of cooperation started to crumble when workers who were members of 'friendly societies' clashed with members of the educated classes over the right to vote. The workers had been given a taste of freedom, but were not entitled to vote in

national elections. Even at the local level, only some of them were entitled to vote and this right was often income-dependent. The message of equality and justice had arrived, but when the working population's ideal came up against harsh reality, it saw independent organisation as the only way of improving its situation. So it organised workers in trade associations and formed the Finnish Labour Party in 1899 (now the SDP). In 1905, this politicisation of the

working class culminated in the general strike, from which it emerged as a potent social force.

It also seems that the wage labourers produced by the capitalist system in the 19th century did not see capitalism as a threat to its existence. So the working class began to get organised, albeit more in order to participate in the bourgeois society of the day than in an attempt to topple it. By participating in the budding civil society, the working class tried to eliminate the inequalities of the hierarchical, estate-based society. According to Haapala, it can be assumed that the Finnish labour movement reflected how workers took ownership of the notion of nationality, doing so in a situation in which the class boundaries of the old society were still very much alive and both the nation state and bourgeois society in the Finnish corner of the Russian Empire were emerging. It is the combination of these factors that explain the strength of the Finnish labour movement, not the change brought about by industrialisation.

JUHANI LOHIKOSKI

AURA KIISKINEN: SECURING EQUAL RIGHTS

The Finnish Trade Union Federation (SAJ) was founded in April 1907. The main driver behind its establishment was the general strike of 1905, which put the working class squarely in the spotlight of Finnish society, put paid to the hierarchical, estate-based society and brought about universal and equal suffrage. The Social Democrats emerged from the 1907 elections as the largest party, securing 37% of the vote.

Unionisation had progressed in leaps and bounds during the previous years, so firm organisational structures were needed. In the early years, the unions primarily served to organise strikes. The SAJ's inaugural meeting was attended by nearly 400 delegates representing workers' associations and ad-hoc committees. That meeting adopted the

principle of the equality of the political and trade union labour movement. During the SAJ's first year, its membership increased to 25,000 affiliates.

Aura Kiiskinen was one of the agitators behind the SAJ. She toured the country, talking (among other things) about the



Aura
Kiiskinen

importance of setting up women's organisations. Kiiskinen attended elementary school in Vyborg and since the age of 16 worked as a maid in numerous households. She belonged to the Maids Union, which subsequently became the Servants Union, and vociferously advocated the eight-hour working day for domestic staff.

Until the Finnish Civil War, Aura Kiiskinen served as a deputy during several parliamentary sessions. She was also a member of the Finnish Committee on Unemployment. Furthermore, Kiiskinen represented women's interests by attending the Women's Congress in Copenhagen in 1910, which was where International Women's Day began.

JUHANI LOHIKOSKI

THE RIGHT TO CHILDCARE PROMOTED EQUALITY IN LABOUR MARKETS

In Finland, urbanisation has progressed in leaps and bounds since 1960, the same time in which deliberate attempts to bolster the Finnish welfare state began. One of the key innovations in this connection was the Day Care Act adopted in the early 1970s.

The 1960s were characterised by major upheavals in Finnish society. Just two decades earlier, Finland had been a primarily agricultural country. Roughly half of all Finns worked in primary production, and some three-quarters of the country's population lived in rural areas.

Finland's key industrial sectors were forestry, metalworking and textiles. However, urbanisation created many jobs in the construction industry, and the tertiary sector needed staff in the

transport, commercial and administrative domains. Among other things, the still modestly sized public sector employed teachers, doctors and police officers. The Finnish rail operator was also a very large employer at the time.

However, the mechanisation of agriculture and forestry reduced the need for labour, and many small businesses were no longer viable. At the same time, industry began to draw rural workers to the cities. As the position of small businesses weakened, young people started migrating from the countryside to towns and cities to find work. As a result, between 1950 and 1960, Finland's rural population shrank by millions. By 1970, less than half of the Finnish population was living in the countryside.

1973

WOMEN COME TO OCCUPY A STRONGER POSITION ON THE LABOUR MARKET

The Finnish welfare state was essentially shaped between 1950 and 1970. During this period, mandatory social security contributions were introduced and the supply of social and health services was significantly expanded.

Following long-standing divisions, the system's rejuvenation was enabled when the trade union movement reached a consensus and left-wing parties won the general election in the late 1960s.

This resulted in one of the most important family policy innovations of the 1970s: the Day Care Act of 1973.

Women had been gainfully employed on the labour market since the start of the industrialisation process in the late 19th



Demonstrating in Helsinki for local authority childcare services in 1968

century. Women-dominated domains included the match manufacturing and textile industries. However, during the early phase of industrialisation, women usually withdrew from working life when they started a family. Social restructuring and urbanisation gave rise to a growing demand for labour in service industries and economic sectors that predominantly employed women, as well as in the public sector. This created a need to set up a system of childcare, to extend the period of time that women were available to work.

The various political parties had very different ideas about how such childcare should be organised. Much debate concerned the sticking point of who should be entitled to benefit from the childcare offered by local authorities. Some felt that the level of income should play a role in determining whether families would be offered a place in a local child day care facility, while others sought to force mothers back into their homes. Thus, the leftist parties strongly supported publicly funded childcare, the Centre Party advocated childcare allowances for mothers caring for children at home, and the right-wing conservative party proposed tax breaks to finance domestic help.

Organising childcare was a pressing problem for working-class families, where both parents were gainfully employed but their funds did not stretch to paying for childcare. Women were under pressure to stay home and look after the children if at all possible. Various professions and civic associations drew attention to this unhappy situation, organising a number of petitions and demonstrations at the end of the 1960s.

It was against this social backdrop that Finland's childcare system was born. The provision of childcare became one of the key sociopolitical measures for laying more sensible foundations for the society of a rapidly urbanising country. The ideology behind the emergence of child day care services was strongly influenced by both labour policy and social policy, as well as by considerations to do with child protection.

Primarily designed to respond to needs dictated by employment policy, the development of the childcare system



Protest to demand more kindergarten places, 1972

The legislative reform gave rise to the new idea that women are also entitled to a career and that children also have a right to good, nurturing, high-quality care outside their home environment.

influenced Finnish society's economic growth and especially women's participation in working life and the creation of training opportunities. So the system promoted gender equality in Finnish society.

Before the legislative reform, the number of childcare places had been limited, making it difficult for women to make the transition to gainful employment. The Day Care Act, which entered into force in 1973, obliged local authorities to guarantee the availability of childcare places. This measure more than doubled the number of available childcare places within just a few years.

The Day Care Act also ended another phase in the history of early education in Finland: the traditional names of day care

facilities for different age groups, such as kindergarten or crèche, were replaced by the single term *päiväkoti*, roughly equivalent to 'day nursery'. At the same time, the conditions of care provision, which had not been uniformly regulated for a long time and differed greatly in terms of their quality, improved. For example, no official body had checked up on the quality of private care provided by 'day parents', known as *perhepäiväkoti*. Previously, the Child Protection Act had merely stipulated that local authorities had a duty to arrange day care to meet the needs arising.

JUHANI LOHIKOSKI

YHDISTYS 9 DEMANDS A GENDER EQUALITY DEBATE

In Finland, the 1960s are closely linked to the lively debate about gender equality.

"In the summer of 1965, Kati Peltola and Ritva Majuri intended to go to a restaurant called Vanha for a beer. However, the doorman knew his instructions: not to admit any women unaccompanied by men! At the time, countless groups of women had been systematically testing the nerves of such 'bouncers', dressing up to the nines and arguing extensively and forcefully with them. In this instance, the doorman also shouted back at them, until the women finally gave in. But Kati decided that she'd had enough. Something had to be done. – 'We had to form an association!'"

In his memoirs*, Johan von Bonsdorff vividly describes how commonplace prejudices against women were in the 1960s. Although the world was changing in many ways, a lot of outdated ideas survived and continued to hold sway in people's

minds and, in particular, in the corridors of power. Women's personal experiences spurred them on to form a new socio-political organisation.

There were lively discussions about gender roles in the journals and magazines of the new leftist movement and in February 1966, *Yhdistys 9* was founded in a packed room in Helsinki.

Yhdistys 9 called for full social equality between men and women. The association rejected not only the subordination of women but also special exemptions and privileges, firmly rebuffing the idea proposed by women's political organisations that there should be specific 'women's affairs' in politics. The traditional women's organisations, however, would not tolerate any deconstruction of the mother archetype. In their view, a mother's prerogative in the rearing of children was indisputable.

As the gender equality debate raged on, the women's organisations founded in both the labour movement and in wider civil society made their voices heard so that they could work towards improving equality.

The new leftist movement had a lengthy discussion on whether the existence of different women's organisations was a good thing. The issue of how men who also wished to advocate equality could take part was seen as problematic.

Yhdistys 9's principle from the beginning was to allow men to join. In fact, they wanted male members, so requests from men were always favourably received. As a result, a third of the association's members were male. Men also had seats on the board and at times even took on the role of chairman.

Yhdistys 9 also focused on working life. They planned to work more closely with the trade unions to establish ties with organised labour. The aim was to strengthen the position of women in both working life and the trade union movement.

Gender equality and professional life took centre stage at a demonstration in Helsinki in the late 1960s, with *Yhdistys 9*'s activists calling for local family day care.

Yhdistys 9 eased off somewhat once it became apparent that their measures were yielding results and their demands were being included in party manifestos and social decision-making processes. Many of the movement's activists then began to get involved in party politics. At the same time, the State-run Council for Gender Equality (TANE) was established in 1972 to further promote equal rights.

JUHANI LOHIKOSKI



Yhdistys 9 appears on the front page of the Finnish Social Democrats' newspaper on 15 February 1966. Kimmo Leppo, Kati Peltola, Ritva Turunen, Klaus Mäkelä and Margaretha Mickwitz represent the association at its first press conference.

* Bonsdorff, Johan: *Kun Vanha vallattiin*. Tammi, Helsinki 1986, pp. 166



Eugène Delacroix:
Liberty Leading the People, 1830

THE DECLARATION OF THE RIGHTS OF MAN AND OF THE CITIZEN

The declaration set out the fundamental rights that still inspire laws in France: liberty, equality before the law, fraternity, and property. Under the 1789 Declaration, these rights can only be guaranteed when the legislative, executive and judiciary powers are separated.



LAW ON SUNDAY AS A DAY OF REST

Following this law, Sunday rest was repealed in 1880 and re-established in 1906.

DECREE OF 27 APRIL 1848: ABOLITION OF SLAVERY IN FRENCH COLONIES

Slavery was only effectively prohibited fully from 1870 due to amendments to the decree or poor implementation of it.

OLLIVIER'S LAW OF 25 MAY 1864: ABOLISHING THE OFFENCE OF COMBINATION

Following the Le Chapelier Law of 1791, prohibiting any form of combination, any form of association in the labour field was illegal (e.g. strikes, corporations and unions). Ollivier's Law only recognised temporary combinations such as strikes, but in fact unions were then tolerated and subsequently developed. This law was therefore the first stage in trade union law.

FERRY LAW OF 28 MARCH 1882 ON COMPULSORY EDUCATION

This law required free, secular compulsory education until the age of 13 for boys and girls. The age limit was upped to 14 in 1936, then 16 in 1959.

LAW OF 2 NOVEMBER 1892: CREATION OF THE LABOUR INSPECTORATE

Through this law, the Labour Inspectorate took its current form with a body of inspectors who are civil servants. In reality, the Labour Inspectorate was created in 1874 but that 1874 law did not truly allow the creation of a body of inspectors.



1789

1804

CIVIL CODE OF 1804

The code still governs civil law in France. Established by Napoléon Bonaparte (sometimes called the Napoleonic Code), the code inspired the legal system of several countries (the Kingdom of the Two Sicilies, the Netherlands, Romania, Italy, Portugal and Spain).

1806

CREATION OF THE FIRST EMPLOYMENT TRIBUNAL IN LYON

The tribunal was established to settle disputes between silk producers and silk workers. The second employment tribunal was only created in 1845 (metal industry) and in 1847 was expanded to all industries.

1814

1841

LAW OF 22 MARCH 1841: PROHIBITION AGAINST CHILDREN UNDER 8 YEARS OF AGE WORKING

This law was voted in following Dr Villermé's "Study of the Physical Condition of workers", which revealed that minors were working under horrific working conditions. The law also limited day shifts for children aged between 8 and 12 years to 8 hours as well as night shifts. Later laws progressively limited work for children and women throughout the 19th century (such as the 1892 law that limited women's working days to 11 hours and prohibited them working nights). A work inspector unit for minors was also created to monitor application of this 1841 law (creation of the work inspectorate).

1848

1864

1881

LAW OF 29 JULY 1881 ON FREEDOM OF THE PRESS

This recognised the freedom of the press, subject to certain limits. For the first time, inciting racial hatred was prohibited and punished.

1882

1884

21 MARCH 1884: WALDECK-ROUSSEAU LAW ON TRADE UNIONS

Trade unions were officially authorised.



Pierre
Waldeck-Rousseau

1892

ASSOCIATIONS ACT (WALDECK-ROUSSEAU ACT)

The Associations Act protects freedom of association and recognises the legal personality of associations.

LAW OF 13 JULY 1907: RECOGNISING THE RIGHT OF MARRIED WOMEN TO ACCESS THEIR SALARY



Interior of a factory, stitching workshop, late 19th century

EIGHT-HOUR DAY ACT

The working day is limited to eight hours.

RECOGNISING WOMEN'S RIGHT TO VOTE

Women were allowed to vote for the first time in 1945 in the municipal elections, then in elections for the Constituent Assembly the following year (this Assembly was in charge of preparing the constitution of the Fourth French Republic, which was to be adopted by referendum).

CONSTITUTION OF THE FOURTH REPUBLIC

The preamble to the Constitution of the Fourth Republic will be incorporated into the Constitution of the Fifth Republic in 1958 and its constitutional value legally recognised on 16 July 1971.

It recognises a number of rights, including: the right to strike; equal rights for men and women; the right of asylum for foreigners; the right to employment (and the duty to work); the right to receive suitable means of existence from society; equal access to education, instruction, vocational training and culture; the right to protection of health; the right to participate in the collective determination of working conditions and in the management of the work place; and the right to rest and leisure.

CONSTITUTION OF 4 OCTOBER 1958 (FIFTH REPUBLIC)

This reiterated the preamble of the 1946 Constitution and the 1789 Declaration of the Rights of Man and of the Citizen. This constitution strengthened the executive power (in particular, the President of the Republic must be elected directly by universal suffrage) to remedy the governmental instability that prevailed under the Third and Fourth Republics.

1898

LAW ON RESPONSIBILITY FOR WORK ACCIDENTS

It would later be added to in 1919 through a law on handling occupational illnesses, which created the first two tables on health effects linked to lead and mercury exposure.

1901

1905

LAW ON THE SEPARATION OF CHURCH AND STATE OF 9 DECEMBER 1905

The law guarantees the principle of freedom of thought and freedom of worship. However, it states that the Republic "cannot recognise, employ or subsidise any religion". Only Alsace-Moselle continues to this day to disregard this law and remains under the 1801 Concordat.

1907

1909

MATERNITY LEAVE ACT (ENGERAND ACT)

The Engerand Act gives women the right to eight weeks' maternity leave but does not provide for any financial remuneration during that period. Paid maternity leave will be introduced for all female workers in all sectors in 1929.

1919

1936

MATIGNON AGREEMENTS OF 7 JUNE 1936 (FOLLOWING THE VICTORY OF THE POPULAR FRONT IN LEGISLATIVE ELECTIONS)

The agreements established a 40-hour working week and the principle of paid leave. At that time, two weeks of paid leave were given. The law granted a third week of paid leave in 1956, then a fourth in 1963, and finally a fifth in 1982. The Matignon Agreements also established collective agreements.

1944

1945

ORDERS OF 4 AND 19 OCTOBER 1945: ESTABLISHING SOCIAL SECURITY

These created the social protection system in France. Social security was divided into four branches, each covering a defined risk: the illness branch (in charge of healthcare, health costs and compensation of sick leave), the work accident and occupational illness branch, the old-age branch (right to retirement), and the family branch (family allowances, housing benefits).



1946

1950

ESTABLISHMENT OF THE MINIMUM GUARANTEED INTERPROFESSIONAL WAGE (SMIG)

On 2 January 1970 it was renamed the "minimum interprofessional growth wage" (SMIC), but its aim remained the same: to guarantee a minimum salary for all employed workers.

1958

1965

REFORM OF THE MATRIMONIAL PROPERTY REGIME OF 13 JULY 1965

Husbands were no longer "head of the family". Wives could now exercise a profession and open a bank account without authorisation from their husbands.

THE VEIL LAW OF 17 JANUARY 1975

The law authorised induced abortion in certain circumstances. From 1982, induced abortion was reimbursed by Social Security.

LAW OF 11 JULY 1975: REFORM OF DIVORCE

Establishment of divorce by mutual consent. Previously, divorce was only possible if one of the spouses was at fault.



Preventing work-related fatalities and diseases has been and remains one of the core tasks of the trade union movement. In France, campaigning and negotiations on this issue led in 1982 to the introduction of health, safety and working conditions committees in companies, with worker participation.

AUROUX LAWS OF 1982

These were four laws in 1982 on the rights of employees in companies. Developments included: creation of a right for employees to discuss their working conditions; annual obligation to negotiate salaries, duration and organisation of work; establishment of the employee's right to withdraw in the event of serious and imminent danger; prohibition against penalising or dismissing an employee due to political opinions, union activities or religious convictions; allocation of means for the works committee; creation of the Committee for Health, Safety and Work Conditions (CHSCT).

SEXUAL HARASSMENT BECOMES AN OFFENCE

This is bolstered by the law of 2 November 1992 on sexual harassment in the workplace. The law of 22 July also criminalises domestic violence, stating that being the spouse or partner of the victim is an aggravating factor in "crimes against the person".

REFORM OF LAW OF SUCCESSION OF 3 DECEMBER 2001

Children born in adultery benefit from the same rights as natural or legitimate children with regard to succession rights.

1975

1975

CO-EDUCATION ACT (HABY ACT)

Co-education in schools and classes is made compulsory at all educational levels.

1975

1980

RAPE IS MADE A CRIME

The law provides for a sentence of 15 years in prison.

1981

BADINTER LAW OF 9 OCTOBER 1981: ABOLITION OF CAPITAL PUNISHMENT

The last person sentenced to death by guillotine (decapitated) was in September 1977. Life imprisonment became the maximum sentence under French criminal law.

1982

ORDINANCE ON THE INTRODUCTION OF THE 39-HOUR WORKING WEEK

(and a fifth week of paid leave).

1982

ORDER OF 25 MARCH 1982: ESTABLISHING THE LEGAL AGE FOR RETIREMENT AT 60 YEARS

Previously, and since the creation of social security in 1945, the legal age for retirement was 65 years. However, a 2010 law progressively decreased this age to 62 years.

1982

1983

ROUDY LAW OF 13 JULY 1983: PROFESSIONAL EQUALITY BETWEEN WOMEN AND MEN

The law prohibits any professional discrimination due to gender.

1988

ESTABLISHMENT OF BASIC GUARANTEED INCOME (RMI)

The law allows all citizens to benefit from basic income if they are not working or receiving income. From 2007 to 2009, basic guaranteed income (RMI) was replaced by in-work benefits (RSA) to encourage out-of-work people to find jobs.

1992

2000

AUBRY II LAW OF 19 JANUARY 2000

The legal working week changed to 35 hours. Later laws gave companies a little bit more room (for instance, the TEPA Law of 2007 allowed overtime, beyond 35 hours).

2001

2013

LAW OF 17 MAY 2013 ON MARRIAGE FOR ALL

This law allows homosexual couples to marry.

FREEDOM OF THE PRESS – THE LAW OF 1881 STILL IN FORCE TODAY

The first half of the 19th century was characterised by toing and froing between censorship and the struggle to ensure press freedom, and wrangling over this continued well into its latter half, too. Finally, in 1881, a far-reaching law was enacted that is still in force today.

The atmosphere during the Second Empire was overwhelmingly authoritarian, because the powers-that-be mistrusted the press. So restrictions were re-applied. Publishers' payment of deposits was reintroduced as a disciplinary measure and an administrative system was set up to oversee press products. A formal warning or reprimand procedure provided for three stages of sanctioning: the first was a call to order, the second resulted in a temporary suspension of publication, and the third imposed a definitive ban on publication (often used to encourage journalists to practise self-censorship).

Nevertheless, the victory of the French Army under Napoleon III's command during the Italian War of 1859 rang in a more relaxed attitude, enabling the start of a new heyday in 1860 and the expansion and diversification of the French press. The pace of innovation – particularly better machinery and technology, but also the development of railways, the improvement of postal services and the introduction of the telegraph – helped to boost the upsurge in the distribution of information. The decline in illiteracy also played an important role. Some subsequently famous newspapers were founded, including *Le Monde* (1860), which is still published today, and *Le Temps* (1861). This period culminated in the law of 11 May 1868, which replaced prior approval of publication with a simple declaration and abolished the system of successive sanctions.

The actions associated with the Paris Commune, a radical socialist government that ruled the French capital from 18 March to 28 May 1871, were directed against both the upper classes in western Paris, who advocated making peace with Prussia and recognising Prussia's victory (known as 'Versailles'), and the popular classes in

eastern Paris, who did not wish to surrender their weapons. The Commune was characterised by the establishment of a self-governing political organisation and a huge increase in the number of newspapers and magazines published. During its short existence, many new newspapers emerged, though some proved only short-lived. The best-known newspapers produced under the Paris Commune included *Le Cri du Peuple* (The Cry of the People), which is probably its most famous publication, and *Le Père Duchêne*, which was subtitled *La République ou la mort* (The Republic or Death).

The Paris Commune was followed by a return to a certain legal and moral order under the government led by Adolphe Thiers. Fears of a return to the monarchy through a takeover by the French general and politician Patrice de MacMahon in 1873 came to nothing.

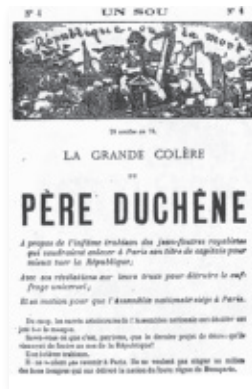
The Third Republic was consolidated by the adoption of constitutional laws in 1875.

The republicans became more influential, winning the 1876 general election. From the 1879 election onward, Jules Ferry became the dominant figure in all subsequent governments until 1885, presiding over a series of reforms on schools, the justice system and key republican freedoms, including freedom of the press. It was during this time (1877-1883) that *l'Egalité*, the first workers' newspaper to be published again after the breakup of the Paris Commune, edited by Jules Guesde, was published. It is often considered France's first Marxist newspaper.

1881

THE LAW OF 29 JULY 1881

On 29 July 1881, nearly a century after the Declaration of the Rights of Man and of the Citizen in 1789, the law on freedom of the press, which is still in force in France today, was adopted. This law finally abandoned the system of prior authorisation in favour of post-publication checks. Only a declaration



Le Père Duchêne, 10 March 1871



Le Cri du Peuple, 28 March 1871



Freedom of the press –
the law of 29 July 1881

of publication was required, as already provided for in the 1868 law during the Second Empire. The requirement to pay a deposit before publishing a newspaper was also abolished. Most importantly, since that time journalistic freedom has been protected by numerous procedural safeguards: the statutes of limitations for violations of the law by the press were shortened (to between three months and a year, depending on the seriousness of the offence) and any summons had to specify and describe in detail the nature of the offence. Detaining accused offenders pending trial was prohibited and limits were placed on the authorisation of searches. Finally, for some offences, such as libel or slander, a victim had to lodge a complaint before legal proceedings could be initiated.

At the same time, offences committed by the press were precisely defined. The first dealt with the incitement to crimes and misdemeanours. A distinction was drawn between wrongdoing associated with public affairs, including the publication of false reports and crimes against the president of the Republic (the latter was repealed in 2015), and crimes against people – offences against a citizen's honour or integrity, such as slander or libel. It is interesting to note

that the Press Freedom Act in 1881 already regarded racism as an offence by treating any libel or slander directed against a person or group of persons "by virtue of their membership of a particular ethnic group, nation, race or religion" as unlawful. Finally, the law of 29 July 1881 clearly set out the chain of responsibility for press offences: first managers and publishers, then authors and printers and finally sellers and distributors.

In conclusion, whereas the law of 29 July 1881 seems to be a high point in a century of change and social struggles, and is even continuing to have an impact in the 21st century, it failed to prevent the occasional return of censorship at specific more or less critical times in history. One example is the 'villainous laws' adopted in 1893 and 1894 in response to a series of anarchist

attacks. For a while they led to the disappearance of almost all libertarian press publications. The outbreak of World War I prompted the adoption of a law on 5 August 1914, which outlawed anything "that might unfavourably impact the mindset of the army and the population" and had a correspondingly restrictive effect on press freedom. During the Occupation and under Vichy France (1940-1944), preventive censorship was reintroduced. And during the Algerian War (1954-1962), the government had no hesitation in confiscating newspapers under the pretext of 'moral damage to the army', especially when torture was reported.

PIERRE-GAEL LOREAL

THE DEVELOPMENT OF LITERATURE, THE PRESS AND JOURNALISM IN 19th-CENTURY FRANCE

At the beginning of the 19th century, artisanal book production increasingly gave way to industrial processes. This industrialisation of book production also contributed towards the breakthrough by a new medium: the daily press.

Newspapers' popularity grew. The circulations of Parisian dailies rose from around 36,000 copies at the beginning of the 19th century to 1,000,000 at the end.

In 1800 precisely, in the *Journal des débats*, a section on the lower half of the page was separated from the rest by a dividing line and reserved for articles on theatre and fiction. This marked the birth of the 'arts section', which almost all the major newspapers adopted and developed into a mirror of the multifarious aspects of cultural and social life. Also, here no criticism of censorship could be levelled and the political opposition could have its say.

Two publications newly founded in 1836, *La Presse* and *Le Siècle* slashed the prices of subscriptions in half and led to

the tried-and-tested English practice of expanding the space set aside for advertising and publicity in a bid to expand their readership. However, more importantly, daily newspapers began to print novels in their arts sections. Almost



Famous inventions: the printing press

J'ACCUSE! – I ACCUSE!

Émile Zola's open letter to French President Félix Faure is still considered one of the greatest journalistic sensations of the 19th century.

The article was published on 13 January 1898 in a new literary journal called *L'Aurore* but was only the last of a whole series of articles on the 'Dreyfus Affair' published in newspapers and brochures¹. In it, Zola turned against the judicial scandal and mounting anti-Semitism. Within hours, 200,000 copies of the newspaper had been sold. And in just two days that figure had risen to 300,000.

In his lengthy article, Zola describes in detail the people, methods used and involvement of the Ministry of War and the

court martial that led to the conviction of Alfred Dreyfus and his exile on Devil's Island. He also covers perversion of justice in the acquittal of the right-wing Major Ferdinand Walsin-Esterházy. His meticulous research led to bold accusations, some of which are cited below:

"I accuse General Billot of ... making himself guilty of crimes against mankind and justice ..."

"I accuse the offices of the Ministry of War of having used the press ... to conduct an abominable campaign to mislead public opinion and cover up their own wrongdoing."

"Finally, I accuse the first court martial of violating the law by convicting the accused on the basis of evidence that was kept secret, and I accuse the second court martial of covering up this illegality, on orders, by committing the judicial crime of acquitting a guilty man with full knowledge of his guilt."

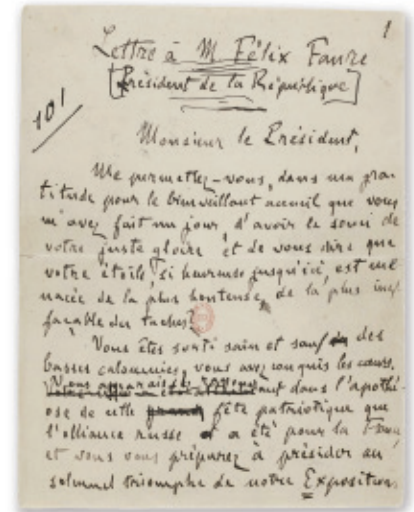
He concluded the letter with these words:

*"In making these accusations I am aware that I am making myself liable to Articles 30 and 31 of the 29 July 1881 Press Act ..."*² Consequently, a lawsuit was initiated against both Zola and the publisher Georges Clemenceau, which ended with a conviction. Zola fled to London, but returned just under a year later, having been pardoned.

Dreyfus' supporters were not the only ones who made use of the pronounced press freedoms in France. Anti-Semitic, clerical, monarchist and militarist forces used them too for deliberate slander, printing sensational reports at the expense of the truth. At the time, French newspapers were only partly financed by advertising, and sensational content significantly boosted



L'Aurore: issue of 13 January 1898



Page one of the 32-page manuscript of *J'Accuse!*, January 1898

their circulation. Zola's article also caused a sensation, but one that was based on facts.

Today, most historians maintain that the press played a pivotal role in both starting and ending the affair.³

HANNE REINER

all well-known French authors of the time wrote serialised novels that were published in the arts sections of daily newspapers, prompting sharp rises in their circulation! In France, there is a special link between the history of the press and the history of literature. Newspapers' introduction of an arts section and the serialisation of novels intensified and influenced the relations between literature and the press.

Daily newspapers became a characteristic print product in France, and the regularity of daily publication not only disciplined journalists and authors, but changed the pace of life throughout the entire country, as the previous orientation to seasons and the church calendar was overtaken by the pace of daily news. The daily reading of serialised novels in newspapers' art sections became a social event, giving even the less prosperous classes an opportunity to read.

MATTHIAS PAYKOWSKI

Comments and sources:

¹ The Dreyfus Affair is the name used to refer to the 1894 conviction by a court martial in Paris of the French artillery officer Captain Alfred Dreyfus for alleged treason (spying for the German Empire) and to the ensuing legal proceedings that dragged on for years, triggering fierce public debate. The conviction of the Alsatian officer of Jewish descent was based on illegal [and partly faked] evidence and dubious handwriting analyses by experts. The affair only 'came to an end' on 19 September 1899 when Dreyfus was pardoned. It became a point of reference for philosophers and literary figures, including Anatole France, Marcel Proust, Franz Kafka, Hannah Arendt and of course Émile Zola (1840-1902) himself.

² See: Pirtke, Gunter: *Justice oder J'accuse ...! Gerechtigkeit oder Ich klage an!*, Brokatbook Verlag 2015

³ See: https://en.wikipedia.org/wiki/Dreyfus_affair

ABOLITION OF THE DEATH PENALTY IN FRANCE

The abolition of the death penalty following the adoption of French law no. 81.908 on 9 October 1981 marked the successful end of a 190-year struggle against capital punishment in France.

After François Mitterrand was elected president in May 1981 with the declared goal of abolishing the death penalty, a decision to deliver on this promise was made in September after sensational debates in the National Assembly (by a three-quarters majority) and Senate. The main protagonist and driving force behind this was the Keeper of the Seal and Justice Minister Robert Badinter, who had as a lawyer previously for many years fought against capital punishment.

Criticisms of the death penalty arose following the inhumane practice of capital punishment described in the 18th century in writings of the Italian criminologist Cesare Beccaria, which were read and remarked on by Jean le Rond d'Alembert and Voltaire, among others.

In a National Constituent Assembly debate held in 1791, Maximilien Robespierre was among those who opposed the death penalty:

“A legislator who prefers death and cruel penalties to gentler means in its power insults public feeling and weakens moral sentiment among the people.”

Nonetheless, a large majority in the Assembly decided to maintain the death penalty, though henceforth only by decapitation, and to abolish torture. The execution of Louis XVI (aka ‘Citizen Louis Capet’), which Robespierre also approved, followed the Reign of Terror 1793-94, in which over 35,000 people were guillotined. Both Robespierre and Louis Antoine de St. Just ended up meeting the same death themselves. Subsequently, in 1795 the National Convention abolished the death penalty for the first time, albeit only “on the day that general peace is proclaimed”. This conditional abolition was rescinded in 1810 under Napoleonic law, though capital punishment was never meted out under that regime.

Following numerous fruitless parliamentary initiatives and petitions against the death penalty during the July Monarchy of 1830-48, the death penalty for political offences was abolished in 1848 by the provisional government of the Second Republic. In autumn that same year, an initiative advocating complete abolition, championed by Victor Hugo, was rejected by the Constituent Assembly. His appeal to the Assembly was as follows:

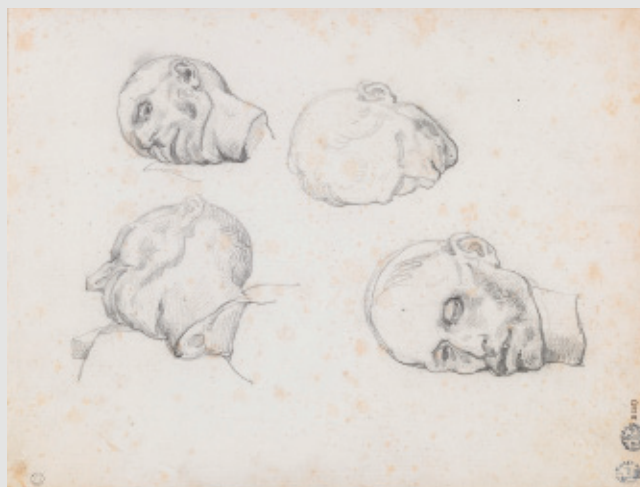
“You have just acknowledged the principle that a man’s private dwelling should be inviolate; we ask you now to acknowledge a principle much higher and more sacred still: the inviolability of human life. (...) Since February, the people have had one thing on their minds: the day after burning the throne, they also want to burn the scaffold!”

The Spanish politician and Catholic royalist Juan Donoso Cortés, who was an ambassador first in Berlin and then in Paris, summed up the views on the reaction to the death penalty as follows:

“Wherever the death penalty has been abolished, society sweated blood from every pore. Its abolition in the kingdom of Saxony was followed by large-scale, bitter clashes in May that brought the State to the brink of death, to the point where external intervention was necessary to save it.”
[Author’s note: this is a reference to the 1848 May Uprising in Dresden, which was quelled by Prussian troops.]

“Its abolition by the provisional government of the French Republic was followed by those terrible days in June that will forever live on, in all their horror, in the minds of the people [this being a reference to the bloodily suppressed mass uprising in Paris in 1848]. (...) Well, if one thing is obvious to me, it is that the abolition of one death penalty [for political offences] will be followed by the abolition fairly soon thereafter. (...) Anyone who abolishes the death penalty as overly extreme in either case also does away with any criminal liability for more minor crimes.”

1981



Theodore Géricault abhorred the death penalty. His portraits of the severed heads of executed convicts capture the unreal moment between life and death.
www.schirn.de/magazin/kontext/die_koepfe_rollen/



Cesare Beccaria, *Dei delitti e delle pene* (On Crimes and Punishments), 1764, cover

“I take pleasure in taking an axe to widen the notch cut 66 years ago by Beccaria in the shameful scaffold.”

Victor Hugo

During the Second French Empire under the rule of Louis-Napoléon Bonaparte, all initiatives and petitions against the death penalty were dismissed, but its abolition for political offences was confirmed. During the Third Republic (1870-1940), legislative initiatives remained unsuccessful. However, during the first year of his term of office (1906-1913), President Armand Fallières systematically pardoned all those sentenced to death. A spectacular murder case and fierce press campaign thwarted the success of the legislative initiative proposed by Justice Minister Aristide Briand, which had been backed by the Socialist leader Jean Jaurès. Its main opponent was the nationalist politician and writer Maurice Barrès, who had been a leading figure in the campaign against Dreyfus. In 1909, executions resumed. After

the guillotining of the German murderer Eugen Weidmann in June 1939, in view of the excessive behaviour of spectators and the press, the practice of public executions was ended.

In Vichy France, women were executed again – including some abortionists – for the first time since 1887, because General Pétain would not pardon them. One of these cases formed the basis for the 1988 film *Une Affaire de Femmes* (Story of Women) by Claude Chabrol. During the Fourth Republic (1946-1958), eight legislative initiatives on the abolition of capital punishment proved unsuccessful. During the Fifth Republic (since 1958), criticism of the death penalty intensified, but failed to win over majorities comprising Gaullist and Conservative parties. One influential

VICTOR HUGO'S NOVEL *LE DERNIER JOUR D'UN CONDAMNÉ* (THE LAST DAY OF A CONDEMNED MAN)

Victor Hugo published *The Last Day of a Condemned Man* in 1829. It consists of a preface, added by the author to the edition published on 15 March 1832, and the first-person narrative of the condemned man.

The reader learns nothing about the name or deed of this doomed convict, who had been incarcerated in Bicêtre, a prison near Paris, for more than five weeks and lost any sense of time. In keeping with the rules, his execution was scheduled for the sixth week. The poignant and captivating description and the thoughts of the condemned man make dramatic reading, full of constantly recurring hopes of the rescission of the sentence and a pardon; the dreams and memories that constantly haunt him in his cell.

In the preface, written in 1832, Victor Hugo writes: “*The Last Day of a Condemned Man* is only a pleading ... for the abolition of the penalty of death. ... I know of no more honourable, nobler purpose than this, the abolition of the death penalty.” He deeply regrets that the July Revolution of 1830 failed to enforce the abolition of the guillotine. “The social edifice used to rest on three columns: the priest, the king and the headsman. It is a long time since a voice exclaimed, ‘The gods have departed!’ Lately another voice has cried, ‘The kings have departed!’. It is now high time that a third voice should be raised to say, ‘The executioner must go!’.” It took nearly 150 years of arguments before the death penalty was abolished in France.

MATTHIAS PAYKOWSKI

text was *Réflexions sur la guillotine* (Reflections on the Guillotine), an essay by Albert Camus criticising the death penalty.

“Retaliation is related to nature and instinct, not to law. Law, by definition, cannot obey the same rules as nature. If murder is in the nature of man, the law is not intended to imitate or reproduce that nature. It is intended to correct it. Now, retaliation does no more than ratify and confer the status of a law on a pure impulse of nature.”

In 1972, when Roger Bontems was executed, despite not having committed the murders for which he and his accomplices had stood accused, his lawyer Robert Badinter became a staunch opponent of the death penalty. In a sensational trial in 1977, he succeeded in convincing the jury not to hand the fate of the convicted child murderer Patrick Henry to the guillotine. But after saving other defendants from the death penalty, he found himself facing growing hostility, including of an anti-



Robert Badinter speaking in Parliament

Semitic nature. [During the Nazi occupation, his father was deported and ultimately murdered in Sobibor concentration camp in 1944. The rest of his family managed to escape.] Only in 1981, after Mitterrand's election was he finally able to 'abolish'

capital punishment when he was appointed Justice Minister in the Socialist government led by Prime Minister Pierre Mauroy. At the time, following the fall of the Franco regime in Spain, France was the last country in Western Europe to retain the death penalty. In 2002, France signed Protocol 13 to the European Convention on Human Rights concerning the Abolition of the death penalty under all circumstances. In 2005, prohibition of the death penalty was enshrined in the French Constitution.

ULLI JÄCKEL

EUROPEAN CONVENTION ON HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS.

On 4 November 1950, the Council of Europe, expressly invoking the Universal Declaration of Human Rights promulgated by the UN General Assembly on 10 December 1948, adopted the *Convention for the Protection of Human Rights and Fundamental Freedoms*. (European Convention on Human Rights). Article 2 protects the right to life, and since 2002, appropriately amended, has explicitly prohibited the death penalty.

“The story of the abolition of the death penalty serves as a narrative of the painful rebirth of Europe, which has regained its moral leadership role and must never again relinquish the insight it has so painfully acquired”, writes Armin Heinen in a study. “The true significance of the agreement came in 1989 with the upheavals in Eastern Europe. No other legislative act could

express the dawning of a new era and the individual's pre-eminence over State impunity quite like the renunciation of the death penalty”. “Outwardly, forgoing the death penalty symbolised a break with the totalitarian past, the limited power of the State. Henceforth, the judicial system accepted the fallibility of human beings, whether criminals or courts, and the ban on capital punishment represented the will to belong to Europe.”

EVA DETSCHER

Source: Armin Heinen: *Das „neue Europa“ und das „alte Amerika“*. *Die Geschichte der Todesstrafe in Deutschland, Frankreich und den USA und die Erfindung der zivilisatorischen Tradition Europas* (‘New Europe’ and ‘Old America’ The history of the death penalty in Germany, France and the USA and the invention of Europe's tradition of civilization). See the Thematic European history portal (2006), URL: <http://www.europa.clio-online.de/essay/id/artikel-33133>



From Protocol No. 13 concerning the abolition of the death penalty in all circumstances (2002):

“The member States of the Council of Europe signatory hereto, (...) Have agreed as follows:

Article 1 – Abolition of the death penalty.

The death penalty shall be abolished. No one shall be condemned to such a penalty or executed.

Article 2 – Prohibition of derogations.

No derogation from the provisions of this Protocol shall be made under Article 15 of the Convention.

Article 3 – Prohibition of reservations.

No reservation may be made under Article 57 of the Convention in respect of the provisions of this Protocol.”

https://www.echr.coe.int/Documents/Library_Collection_P13_ETS187E_ENG.pdf

BIRTH OF THE MODERN COOPERATIVE MOVEMENT

In Germany, cooperative banks called *Raiffeisenkassen* were founded in 1847 to support the rural population, as were the liberal self-help cooperatives set up by the German politician and economist Franz Hermann Schulze-Delitzsch (including the first 'commodity association' for carpenters and shoemakers that same year), which were geared towards self-help and self-management in production facilities. Consumer cooperatives started forming around the same time, and some of them still exist today. The emerging socialist workers' movement was split over these developments.

Some of its members were delighted, others highly critical. Even today, occupying a kind of middle ground between private and state initiatives, cooperatives continue to play an important role in economic life.

FREEDOM OF ASSEMBLY

In the wake of the so-called 'March Revolution' in Germany in 1848, the Frankfurt Vorparlament (German National Assembly) issued a Declaration of the Fundamental Rights of the German People, which stated that: "All Germans have the right to assemble peaceably and without arms; special permission for this is not needed. The association of people outdoors may be forbidden in the event that it endangers public order and security". And even though this right was revoked in 1849, the cat was out of the bag.



Ferdinand Lassalle
(1825–1864)

FOUNDATION OF THE GENERAL GERMAN WORKERS' ASSOCIATION (ADAV)

The ADAV was co-founded in Leipzig on 23 May 1863, largely thanks to the efforts of Ferdinand Lassalle. It was the labour movement's first mass organisation.

COLLECTIVE AGREEMENT CONCLUDED BY PRINTERS

This first nationwide collective agreement was signed in 1873. By 1913, 10,885 collective agreements covered just under 1.4 million workers.

GOTHA UNIFICATION PARTY CONFERENCE AND FOUNDATION OF THE SOCIALIST WORKERS' PARTY (SAP)

At the unification party conference held in Gotha in May 1875, the united Social Democratic Workers' Party (SDAP) and the General German Workers' Association (ADAV) merged to form the Socialist Workers' Party (SAP).

1847



Laying out the March Dead, oil painting by Adolph Menzel, 1848

1848

MARCH REVOLUTIONS IN SOME STATES BELONGING TO THE GERMAN CONFEDERATION

Between March 1848 and July 1849 a number of uprisings took place in the German Confederation, protesting against the ruling nobility. The revolts were part of a wave of liberal, bourgeois democratic rebellions that took place across large swathes of Central Europe, clamouring for national unity and independence. The demands made included press freedom, human and civil rights and a German nation state with a Constitution and national parliament. The revolution was quelled by Prussian and Austrian troops in July 1848.

1848

1849

FIRST ATTAINMENT OF PRESS FREEDOM

The term 'press freedom' first appeared in 1774 in an indignant comment railing against the behaviour of the British press. The German Federal Act or Constitution of the German Confederation (*Deutsche Bundesakte*) of 8 June 1815 was the first treaty under international law, in this case on the establishment of the German Confederation, to guarantee press freedom. In 1819, the Carlsbad Decrees reintroduced censorship. The German revolutions of 1848/49 saw vehement renewed calls for freedom of the press, and for the time being censorship was not reintroduced. In 1854, the first federal law on (restricted) press freedom was enacted. The Imperial Press Law of 1874 guaranteed the right to press freedom across Germany for the first time.

1863

1869

FOUNDATION OF THE SOCIAL DEMOCRATIC WORKERS' PARTY OF GERMANY (SDAP)

The SDAP was founded in Eisenach on 8 August 1869 at the initiative of August Bebel and Wilhelm Liebknecht.

1873

1875



August Bebel
(1840–1913)

'COMPULSORY PROFESSIONAL TRAINING SCHOOLS' WERE LAUNCHED IN MUNICH

The municipal council of Munich, the capital of Bavaria, unanimously voted to replace the previous compulsory general training schools with compulsory professional training schools. This can be considered the birth of vocational training focusing on the acquisition of practical skills.

ACTIVE AND PASSIVE VOTING RIGHTS FOR WOMEN IN GERMANY

After a lengthy struggle by the Social-Democratic and Conservative women's movement, on 19 January 1919 women in Germany were allowed to vote and stand for election to the constituent German National Assembly for the first time. 300 women ran for office. 37 women, most of them representing the SPD, were elected, out of a total of 423 MPs.

"Equal Rights – Equal Responsibilities. Vote Social Democrat", SPD election poster, 1919



SELF-LIBERATION OF BUCHENWALD CONCENTRATION CAMP

Shortly before the end of World War II, some 40,000 inmates were still imprisoned in Buchenwald near Weimar, one of the largest Nazi concentration camps. Knowing that American troops were heading towards the camp, the Illegal International Camp Committee managed to sabotage the evacuation planned by the SS and carry out an armed uprising, occupy the watchtowers and capture camp guards. When American troops arrived, the camp had been liberated.

VE DAY (KNOWN IN GERMANY AS THE DAY OF LIBERATION FROM FASCISM)

On 8 May 1945, the German armed forces unconditionally surrendered, bringing World War II and Nazi rule to an end.

Nazi terror, the Holocaust and the war of annihilation had claimed the lives of more than 55 million people.

ADOPTION OF THE COLLECTIVE BARGAINING ACT

The Collective Bargaining Act regulated collective bargaining autonomy and strengthened the role of trade unions in both society and businesses.

1900

1918

MUNICH SOVIET REPUBLIC IN BAVARIA

In imperial Germany, democratic ideas and goals were matters for the Opposition, only becoming decisive when the empire fell, which happened suddenly, necessitating swift political responses. Parliamentary elections were held and freedom of association and women's rights were secured.

1919

1920

GERMANY'S FIRST WORKS COUNCIL ACT

After the 1918 November Revolution and the defeats suffered by the Executive Council of Workers' and Soldiers' Councils, in spring 1919 a wave of mass strikes swept through the Ruhr region and Central Germany, prompting the government to table a works council bill. Companies with 20 employees or more had to elect works councils, though their participation rights remained limited to social issues.

1920

THE KAPP PUTSCH (AKA KAPP-LÜTTWITZ PUTSCH) AND RUHR UPRISING

The aim of the coup led by General Walther von Lüttwitz and the East Prussian Landscape Director General Wolfgang Kapp was to undo the democratic achievements of the Weimar Republic. Workers responded by staging a general strike. In the Ruhr region, a 50,000 strong Red Ruhr Army formed, as did 'Executive Councils', which assumed power in parts of the area. In April, the uprising was crushed by the German army (*Reichswehr*), resulting in mass shootings.

1945



Members of the Red Ruhr Army, Dortmund, 1920

1945

1945

THE NUREMBERG TRIALS – OPENING OF THE MAIN PROCEEDINGS

For the first time in history, leading representatives of a nation who had made themselves personally guilty were tried. The first of 13 trials was carried out by the four Allied victorious powers, and later by the US alone. In all, 209 members of military forces or administrations, politicians, and businessmen were charged and sentenced. The trials before the Four-Power Tribunal are considered to be decisive for the development of modern international criminal law and for the establishment of the International Criminal Court (ICC) in The Hague.

1949

BASIC LAW OF THE FEDERAL REPUBLIC OF GERMANY

In the three Western occupation zones, the Parliamentary Council in Bonn spent nine months conferring on a kind of Constitution for this new German state: the Basic Law, which was adopted on 8 May 1949, drew lessons from German fascism, strengthened parliament's role vis-à-vis the president and introduced federalist and rule-of-law structures. Focal points of the Basic Law were human dignity, basic personal freedoms and fundamental rights.

ACKNOWLEDGEMENT OF THE DANES AS A MINORITY

After the end of World War II, the Kiel Declaration of 1949 by Schleswig-Holstein's state parliament and the Bonn-Copenhagen Declarations of 1955 laid the foundations for the steady improvement of German-Danish relations. They included the principle of freedom of language and culture, i.e. the right to identify with a national minority, without there being any way of determining this ex officio.

FIRST EASTER MARCH FOR PEACE

The first Easter March for Peace in the Federal Republic of Germany took place in 1960, joining an international movement. The 1960s and 1980s were their heyday, when hundreds of thousands of marchers took part.



Easter March in Hamburg, 1960

HOMOSEXUALITY NO LONGER PUNISHABLE

Paragraph 175 of the German Criminal Code criminalised homosexual acts, threatening imprisonment and the deprivation of civil rights (suffrage). Between 1950 and 1965, some 45,000 people in the FRG were convicted under paragraph 175. Partly thanks to the international gay movement, this paragraph was deleted in 1994.

1949



Hans Böckler was the first president of the DGB, the unified trade union founded in 1949. He worked tirelessly to get worker participation in companies enshrined in law.

1955

1956

PAID SICK LEAVE

18,000 metalworkers in 15 companies based in Schleswig-Holstein went on strike in the strongly unionised shipyards and machine works. Whereas salaried employees had been entitled to continue receiving pay in the event of sickness since 1861, metalworkers had to go on strike for 114 days before they achieved pay parity with them. In 1957, the lower house of Germany's parliament, the Bundestag, passed a law on improved economic security for sick workers (ArbKrankhG). But it was not until the adoption of the Continued Wage Payment Act (LohnFortzG) in 1970 that six weeks of sick pay and full parity with salaried employees was achieved.



"Illness doesn't discriminate: paid sick leave for all workers", campaign poster from 1956

1960

1990

RECOGNITION OF THE SORBS AS A MINORITY

The 1990 unification treaty between the German Democratic Republic (GDR) and Federal Republic of Germany (FRG) recognised the Sorbs as a minority. The Sorbs are a Slavic people living in Lusatia. Although the Sorbs were not deliberately persecuted under the Nazi regime, a clear policy of assimilation was enforced in which all use of the Sorbian language and the practice of Sorbian culture were prohibited and Sorbian associations and organisations were banned.

1994

2000

THE ABOLITION OF CORPORAL PUNISHMENT AND THE RIGHT TO A NON-VIOLENT UPBRINGING

Although a husband's right to chastise his wife had been abolished in 1928 in Germany, it was only in 1949 in the GDR, and in 1973 in the FRG, that parents' right to discipline their children and corporal punishment in schools were abolished, and not until 2000 that they were legally prohibited, with children being awarded an explicit "right to a non-violent upbringing". Quote: "Physical punishments, psychological injuries and other degrading measures are inadmissible."



Procession to the Hambach Festival. The flags feature the recently chosen German national colours of gold, red and black.



THE IMPORTANCE OF FREEDOM OF ASSEMBLY

Demanded in 1848, rejected in 1849: German citizens acquired the right to gather peacefully and without weapons. No special permit was required.

On a conceptual level, modern constitutions are fundamental legal texts on which the judicial system of a State is based. Historically, the idea behind such constitutions arose in pre-democratic times as rights to protection against rulers who were above the law. Such potential arbitrariness could only be limited by a law that was also binding on the rulers.

For this to happen, the ruler's subjects had to violate the law because rulers did not always grant the right of assembly. To form political opinions and articulate these, citizens were forced to meet illegally, in secret.

This was at a time when large sections of the population were striving for political and social change. For those barred from political involvement, especially the powerless, gatherings served as opportunities to interactively express shared views. They were engines of change, which made them a threat from a ruler's perspective.

In the Age of Enlightenment, the concepts of a constitution and democracy and the struggle for fundamental rights started spreading across Europe with the French Revolution of 1789 and the Declaration of the Rights of Man and of the Citizen. For example, in 1792 French revolutionary forces brought not only political ideas, but also symbolic acts like the planting of trees of liberty to Germany.

As in other systems of social order, in Germany there were opportunities for self-convened assemblies long before the political struggle for freedom of assembly and its legal recognition. Medieval

law already allowed corporations to run themselves and schedule their own meetings. However, no general freedom of assembly was derived from this. If gatherings were held nonetheless, rulers reacted by banning consortia and associations. The Imperial Executive Ordinance of 1555 submitted the handling of such matters to the competent regional police authorities, as is still the case today.

Outside closed associations, during the 18th and 19th centuries gatherings became increasingly important as meetings to discuss public affairs. This went hand in

1848

THE HAMBACH FESTIVAL

To some extent the Hambach Festival, which saw the new social classes occupying public spaces and symbolic squares, was a focal point of the struggle for the public realm, or more specifically its reoccupation in a situation of dynamic social upheaval.

Civil liberties, the formation of nation states and the idea of a unified Europe were the main ideas and objectives at the time, yet the first signs of intellectual and social differentiation within bourgeois societies also called for forms of expression and new practices that could only be secured through individual rights, i.e. civil liberties.

Between 20,000 and 30,000 men and women from all over Germany, and other countries, came to Neustadt to celebrate the festival on 27 May 1832.

ROLF GEHRING



J. W. von Goethe (1792): tree of liberty with Phrygian cap in the Moselle landscape

THE TRADITION OF THE TREE OF LIBERTY AS A LIVING SYMBOL OF INDIVIDUAL FREEDOM AND AGAINST TYRANNY (...)

goes back to an elm tree in Boston that served as a meeting place for the growing resistance to English rule shortly before the American Revolution. Subsequently, the tradition was brought to Europe and was punished by the authorities as a sign of protest and commitment to the ideals of the revolution. To a certain extent it was the symbol of the occupation of (what is now) the public space, the emergence of a social group and public presentation of social interests.

THOMAS BIRG

hand with the pursuit of social change and political emancipation against the backdrop of the replacement of medieval social organisations and ever more apparent social conflicts.

The authorities, which were still largely absolutist, tried to oppose this with the help of policing legislation, as a means of authoritarian resistance, stipulating that any confluence of persons at unusual times and in unusual places, especially at night, and disturbances of the residents of a place were to be controlled by serious measures deployed by the authorities.

The so-called 'demagogue persecution' in the subsequent German Confederation also served to suppress efforts to secure freedoms. The Carlsbad Decrees of 1819 cemented the monitoring and combating of national and liberal tendencies and expressed a fear of revolution within a number of royal courts in Germany.

This also explains the reaction of the Bavarian government, which in 1832 sought to ban the first major political event in the history of German democracy.

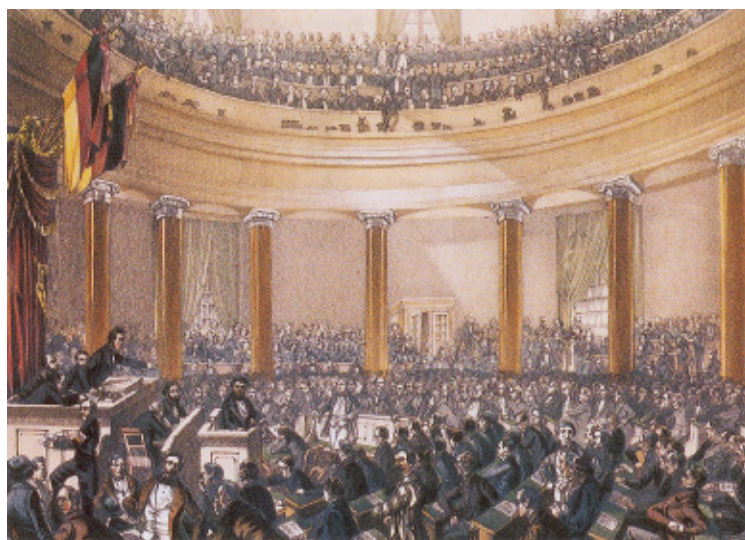
The authorities took the view that there was something inflammatory about the

invitation to the Hambach Festival. However, a major storm of protest forced the government to revoke its ban.

In southern Germany and in several central German states, first constitutions were subsequently adopted, which were at the same time designed to arouse citizens' commitment to the new State. Individual constitutions also contained fundamental rights, one example being the constitution of Baden in 1833. But on the whole the authorities acted too slowly and high-handedly, thereby paving the way for revolution in the form of violent overthrows and liberation from oppression all over Europe.

After the March Revolution in Germany in 1848, in the Declaration of the Fundamental Rights of German People, the Frankfurt Parliament announced that German citizens had the right to gather peacefully and without weapons. No special permit was required. However, open-air public gatherings could be banned if there was an urgent threat to public order and safety.

In 1849, the German revolutions failed and the adoption of the draft constitution of the German Empire was rejected by the Prussian King and other princes.



THE FRANKFURT NATIONAL ASSEMBLY meeting in St Paul's Church: tasked with producing a future constitution for Germany, it was also the scene of political wrangling between emerging factions concerning the design of democratic structures. The resulting constitution was torpedoed by the princes of the individual German states and never implemented.

However, the political struggle and practical exercising of the right of assembly remained on the agenda. Only when the Weimar Constitution was adopted in 1919 was a law listing fundamental rights finally implemented in Germany. However, when the National Socialists came to power and the Reichstag Fire Decree of 1933 was enacted, this law was abolished.

It took liberation from National Socialism on 8 May 1945 to clear the way for the renewed protection of Germany's inhabitants. On 23 May 1949, the Parliamentary Council passed the Basic Law (*Grundgesetz*, abbreviated GG) for the Federal Republic of Germany for the three western occupied zones, thereby cementing a split that ended after 40 years of human gatherings.

In a judgement handed down in 1985 that came to be known as the 'Brokdorf decision', the Federal Constitutional Court (BVG) confirmed the importance of this civil liberty. It acknowledged distortions in the democratic decision-making process against the backdrop of socio-economic conditions. Citizens became involved in decision-making to varying degrees. Powerless citizens were faced with the superior force of large associations, powerful financial backers or mass media. The only way they could exercise collective influence, apart from via organised participation in parties and associations, remained by using their freedom of assembly to hold demonstrations.

By justifying the fundamental right to freedom of assembly as an essential component in a functioning democratic community, the court stipulated that the legislator should observe this civil liberty when issuing regulations restricting fundamental rights. That stipulation also referred to the interpretation and application of provisions by authorities and courts, providing for a 'pro-assembly' approach.

Today in particular it is worthwhile reminding ourselves of this again. Disputes about balancing a legal entity's right to protection and defence against the authorities' duty of protection are continuing.

THOMAS BIRG

ROBERT BLUM

Robert Blum was born in Cologne on 10 November 1807. Highly gifted, but from a poor family, he continued his formal education by teaching himself. After graduating from secondary school, he took on various casual jobs.

As an itinerant brazier and worker employed by the *Schmitz* lantern factory, he ended up moving to Berlin. Although not a student, he visited lectures until he was called up for military service. Due to congenital poor eyesight he was quickly discharged again, but lost his job due to the economic situation and moved back to Cologne.

In 1832, he moved to Leipzig as a theatre secretary and also started working as a journalist and publisher. Before the March Revolution he became politically active in liberal-democratic associations and in the early 1840s produced the opposition publication *Sächsische Vaterlands-Blätter*. When that newspaper was banned, he published the *Constitutionelle Staatsbürgerzeitung*, publicly criticising the small states and oppressive measures taken by the authorities. While initially still a supporter of liberalism, he developed into a republican and democrat, and in 1845 co-founded a movement called the German Catholics.

In 1848, as a member of the preliminary parliament in Frankfurt and of the German National Assembly, he became the stand-out spokesman for left-wing MPs and leader of the democratic wing of the *Deutscher Hof* group.

His political activity (rejection of the constitutional monarchy, emancipation of the working class through education and participation in political decisions, his opposition to the supremacy of nations and his support for a free Europe) led to attacks by liberal and conservative forces, but Blum, being opposed to violence, always sought political compromises.



Robert Blum, portrait by August Hunger (painted between 1845 and 1848)

"Christianity, the Reformation, no national revolution, indeed nothing good and big would ever have happened if everyone had always thought: You won't change anything!"

Letter to his sister, 1844

The Vienna Uprising on 6 October led Blum to the city as the leader of a delegation, and he took part in Vienna's defence. Arrested after the victory of the imperial troops, on 8 November he was sentenced to death, despite having immunity. The sentence was carried out the following day.

"The idea of liberating and redeeming peoples ... The goal of fraternising with the free or soon-to-be freed West, that's something I lend my voice to. Once this goal has been attained, freedom and peace will be secured in Europe. The achievement of this goal will cement the largest and most intelligent group of the European family of nations in an invincible union [...]"

22 July. 1848, St Paul's Church, Frankfurt-am-Main

THOMAS BIRG

WORKERS' SOCIETY

First written documents about the Stone Masons Assistance Society of Pest, one of the oldest workers' societies in Hungary.

FIRST COLLECTIVE AGREEMENT IN HUNGARY

The printers' "pricing rule" could be named as the first collective agreement, negotiated with the owners and the government.

THE AUSTRO-HUNGARIAN COMPROMISE

The age of Dualism begins with heavy industrialisation. There were approximately 560,000 industrial workers in 1873 and 700,000 in 1900; the maximum daily working time was 16 hours, the average working day 12 hours, and Sundays were often used for work too.

Workers' housing conditions were extremely bad.

THE ABOLITION OF GUILDS

MSZDP CONGRESS

The first congress of the MSZDP (Hungarian Social Democratic Party). The party and the trade union movement had very strong ties. Almost all of their MPs were trade union leaders.

CONSTRUCTION WORKERS' UNION

The establishment of MÉMOSZ (National Association of Hungarian Construction Workers), the predecessor of ÉFÉDOSZSZ.

HUNGARIAN WOMEN WORKERS' ASSOCIATION

Subscription to the newly published Women workers' magazine establishes membership of the association.

1818

1848-

1849

1848

1862

1867

1868

1869

1872

1874

1890

1899

1903

1903

1904

REVOLUTION AND WAR OF INDEPENDENCE

This revolution established the first republic in Hungary. During the civil reforms, an individual, one-turn, relative majority election system was installed with voting rights only for Hungarian males over 20 and with a specific wealth census (around 6% of the population). The revolution was subdued by the Habsburgs with Russian assistance and the Monarchy was restored.

BIRTH OF THE UNION MOVEMENT

First Hungarian trade union, the Printing Trade Union.

WORKERS' ASSOCIATION

The establishment of the General Workers' Association, the first social democratic organisation of Hungarian workers.

FIRST WORKERS' PUBLICATION

Typographia, the first trade union newspaper of the Printing Trade Union, which is still published.

RIGHT TO VOTE

The election system changes, introducing a tax census and open voting, which remained until 1938.

FIRST NATIONWIDE TRADE UNION CONGRESS



Factory in the early 1900s

STRIKES BECOME LEGAL

UNIVERSAL SUFFRAGE

The 'Blood-Red Thursday', a mass demonstration for universal suffrage and better living conditions

AUSTRIA-HUNGARY ISSUES AN ULTIMATUM TO SERBIA, WORLD WAR I STARTS

ASTER REVOLUTION

A revolt of soldiers and civilians dissatisfied with the prolongation of the First World War, beginning with street demonstrations, marches and strikes in Budapest and in the big cities. With the victory of the revolution, Hungary broke away from the Austro-Hungarian Monarchy and became a republic.

SOCIALIST REPUBLIC

Due to the territorial claims of the Triple Entente, the civilian government resigns. Communists seize power, resulting in 133 days of Soviet republic, known as the "Red Terror", major social reforms and international armed intervention.

COUNTER-REVOLUTION

Miklós Horthy occupies Budapest, the counter-revolution wins. „White Terror” begins, marked by retribution against socialists, trade unions and liberals. Hungary is a kingdom without a king, Horthy is its governor.

TREATY OF TRIANON

Hungary's territory shrinks to 93,000 km² from 288,000, and its population from 18.2 to 7.6 million. This Treaty continues to have a major impact on the country's internal and foreign politics.

MINERS' STRIKE

A nine-week-long strike by the miners for an eight-hour working day.

MAJOR DEMONSTRATION

Clashes with the police when one construction worker suffered a fatal injury.



Demonstration and riot on 1 September 1930

1912

1914

1918

1919

1919

1919

1920

1920

1921

1925

1930

1937



The daily newspaper *Népszava* was the mouthpiece of the Social Democratic Party. This edition celebrates the proclamation of the Republic in 1918.

TRADE UNIONIST GOVERNMENT

A short-lived social-democratic government tries to consolidate the republic but foreign armed intervention overturns it.

WOMEN'S RIGHT TO VOTE

This was the first time that women voted at the parliamentary elections.

TRADE UNIONS RECOGNISED AS SOCIETAL PROTAGONISTS

Bethlen-Peyer-Pact between the government and trade unions. MSZDP and the unions are not allowed to organise public servants, railway and postal workers, or to organise major strikes. They must also stop republican propaganda. On this basis, the party is legalised and trade unions can begin to organise again. MSZDP can take part in national and local elections but their seats in parliament are capped at ten percent.

NEW LEGISLATION setting weekly working time at 48 hours, establishing paid overtime, paid holidays, a 15-minute lunchbreak and childcare allowance.

HORTHY'S UNSUCCESSFUL ATTEMPT TO QUIT THE WAR,

the Germans force him to resign and establish a fascist puppet government.

THE „LIBERATION” OF THE COUNTRY BY THE SOVIET UNION.

Soviet troops stay in Hungary „temporarily”.

THE NATIONALISATION OF COMPANIES



Activists on the streets of Budapest during the 1956 uprising

REVOLUTION AND WAR OF INDEPENDENCE

The Revolution and War of Independence for the democratisation of domestic politics and for national independence is a fight between different approaches to the social and economic development of the country. On 1 November, Imre Nagy announces Hungary's withdrawal from the Warsaw Pact. On 4 November, János Kádár declares the Revolutionary Worker-Peasant Government and invites Soviet armed forces into the country. The revolution is suppressed and an unprecedented bloody retaliation follows.

HUNGARY IS A REPUBLIC AGAIN

THE SOVIET TROOPS LEAVE THE COUNTRY

FIRST FREE ELECTIONS

From 25 March to 8 April, the first free elections took place.

HUNGARY JOINS THE EU

1941

HUNGARY ENTERS THE SECOND WORLD WAR WITH A DECLARATION OF WAR AGAINST THE SOVIET UNION

1944



Demonstration on 1 May 1950

1945

1948

ONE-PARTY SYSTEM AND COMMUNIST DICTATORSHIP

The “year of the turning”, the communist and social democratic parties merge, Stalinist government begins. Trade unions are nationalised and lose their political role, with membership becoming quasi mandatory. There is very strong centralisation and, instead of protecting the interests of the workers, the main goal is to serve the national economic interest.

1948

1950

CENTRAL CONTROL OVER TRADE UNIONS

In accordance with the centralisation efforts, MÉMOSZ has to merge with the Trade Union of Woodworkers, and the presidium of the national confederation (SZOT) decides to change its name to *Építő-, Fa- és Építőanyagipari Dolgozók Szakszervezete (ÉFÉDOSZ)*.

1956

1981

REDUCED WORKING HOURS

Free Saturdays and a five-day working week of 42 hours, decreasing to 40 in 1984.

1984

1987

NEW IMPETUS FOR THE UNION MOVEMENT

This was the year when the organisation of new independent trade unions began. The trade unions wanted real independence and protection of the real interests of their members. Beginning with the academic workers, the grassroots movement could not be ignored by the old union leaders. In the following years, new unions, federations and confederations were formed in succession, creating the current fragmented structure.

1989

1990



Parade on 1 May 1983

1990

2004



Construction workers' harvest festival in Debrecen, 1923

HUNGARIAN TRADE UNIONS BETWEEN THE WORLD WARS

The trade unions and the labour movement were in a desperate situation in the beginning of the 1920s in Hungary. The tragic loss of the Great War, the humiliating peace dictate followed by the foreign invasion, which put down the republican revolution, and the ensuing soviet republic of the proletariat, instated a new government led by Miklós Horthy, the governor in a kingless kingdom. He himself dubbed his regime a 'counter-revolution', while his opposition called it 'white terror'. The left-wing political parties – social democrats and communists alike – were banned and the labour movement no longer had the right to organise as a lot of unions – mostly those of public servants – were disbanded.

With the nation's economy in ruins, most of the natural treasures were removed from the country to neighbouring countries and unemployment and inflation increased vastly. At its peak – in July 1923 – the inflation rate was 98% in a month.

Trade unions stated that their existence is a "historical necessity" and they turned their focus to giving out union aids. In the 1920s, the biggest problem was growing unemployment and the impoverishment of the working class. For a lot of families, this aid was the only source of income and it strengthened solidarity and gave them a sense of belonging and also built up the popularity of the labour movement amongst the poorer people.

1921

However, attempts to silence the MSZDP – the Hungarian Social Democratic Party – were a clear failure, as the party was very popular among factory workers, trade unions and public servants, such as postmen and railwaymen, and this social layer provided a permanent base for the Social Democrats. With their growing strength in the party, the role of the trade unions also changed. Seven out of the eleven members of the MSZDP leadership were union leaders. Despite the harassments, the number of members did not decline and the leadership declared a

practical constructive struggle, step-by-step tactics with strikes and demonstrations.

This situation was overseen by Prime Minister Count István Bethlen, a "consolidator" who came to power in April 1921, and who, as a result of his conservative party-building ambitions, was forced into a two-pronged battle between the far-right on the one hand and the opposing social democrats and liberals on the other hand.

The secret talks between the government and the union leaders began on 8 December 1921, and two weeks later, on 22 December, they signed a secret document on "reconciliation": the so-called Bethlen-Peyer-Pact. The MSZDP and the unions were legalised and trade unions could start organising again. The MSZDP could take part in national and local elections but their seats in the parliament were capped at ten percent.

At the same time, the trade unions paid a very high price for this pact: the union movement had to renounce the organisation



Self-conscious workers and citizens –
Vote for the Social democrats!

of civil servants and rural workers – which meant that the effectiveness of the unions and the party's main weapon, the strike, was also greatly reduced. They had to agree not to create new organisations among agricultural workers, to abandon radical republican propaganda against the government and to stop criticising official foreign policy. In return, the Bethlen government created the opportunity for the party to gain full membership in Hungarian political life, so the Social Democrats were able to test themselves in the 1922 elections and, through the Pact, were represented in the legislature until 1944, though their seats in parliament were capped at ten percent. In the rest of the convention, the right of assembly was restored, the bank deposits of unions and trade unions were released, and official supervision over the Social Democratic Party was reduced. It is

important to mention that the Prime Minister also pledged to secure stable living conditions for workers and undertook to enact the law on the provision of care for the elderly, widows and orphans, and for invalidity insurance. The content of the Convention remained secret until the end of 1923.

The Social Democrats recognised the pact as a great tactical success, which allowed them to have parliamentary representation from the 1922 elections until 1944 and to act in a calm, orderly and legal setting, while the Communists, who remained banned and illegal, accused the pact of being a reconciliation between the “labour aristocracy” and capitalists and dubbed the trade union leaders traitors.

In the second half of the 1920s, rising unemployment affected even those who



István Bethlen



Károly Peyer

BETHLEN AND PEYER

As a result of the Great Depression, everything that Bethlen had been building for almost ten years collapsed. The economy was ruined, the unified government party broke up and Bethlen was forced to resign in 1931, though he retained an important role in politics as a leader of the government party and later as a consultant to Horthy. After the Vienna edicts, he further opposed the unilateral German orientation and the interruption of relations with the Anglo-Saxon countries. He considered it a mistake to enter into World War II, and condemned the anti-Semitic laws. In 1943-44, he supported breaking out of the war and organised various experiments attempts at a separate peace agreement with Great Britain and the US.

During the German occupation he was forced into illegality and suffered two strokes whilst in hiding. In December 1944, the Russians captured him and he was taken to the Soviet Union to prevent him from attempting to unify the anti-communist forces. He died of heart palsy in Moscow at Butirsky Prison Hospital on 5 October 1946. In June 1994, his symbolic remains were buried in Budapest at the Kerepesi Cemetery.

Károly Peyer was a Member of Parliament from 1922 to 1944, leader of the Social Democratic Group from 1931, and from 1927 the Secretary General of the Trade Union Council and an International Labour Conference delegate.

After the Second World War, he opposed the alliance with the Hungarian

Communist Party, which was re-established in the autumn of 1944, so he was excluded from the Social Democratic Party in the summer of 1947. He then joined the Hungarian Radical Party and soon emigrated to the US. In his absence, on 16 February 1948, the People's Court sentenced him to eight years in prison for espionage, a decision that was annulled by the Supreme Court's Presidency Council on 14 December 1989, 33 years after his death, because there was no criminal offence.

On 25 October 1956, two days after the outbreak of the Revolution, he died of a heart attack while listening to the news on the radio.

GYULA PALLAGI

had a job, because employers wanted to cut wages and attacked existing workers' rights. As a result of further rising unemployment, the number of strikes and wage battles dropped significantly. Signs of economic crisis at the end of the decade forced the leaders of the unions and the social democratic party to focus their activities on the fight against unemployment. They demanded unemployment benefits, the regulation of working time to create more jobs, freedom of association for everyone and a halt to police harassment. These demands were backed by strikes, hunger marches and demonstrations. The main slogan was 'Work! Bread!'; in other words the most basic goals of the labour movement.

In the spring and summer of 1930, the government and the authorities did nothing to alleviate unemployment. Preparations for a multi-hour strike and street demonstration in Budapest and in the rest of the country began in the beginning of August. On 11 August 1930, the Trade Union Committee decided to hold a demonstration on 1 September. On that Monday, the factory doors were closed. GYOSZ (National Association of Hungarian Industrialists) ordered a holiday so that it could not be determined how many people followed the invitation of the unions. This was not a good idea. Around 10 o'clock, the crowd began to thicken in the direction of the Nagykörút towards Andrásy Avenue, reaching the Heroes' Square at noon, where mounted policemen pushed into the crowd.



Clashes between demonstrators and police during the unrest of 1 September 1930



Construction workers' strike headquarters, 1935

Somebody threw the first stone and within seconds more cobblestones came crashing into the police. In front of Vajdahunyad Castle, the protesters pulled the policemen off the horses. "Aim at the crowd! Fire!" commanded Károly Nagy, Chief Police Officer for the mounted police. János Darnyik, an unemployed construction worker, lay dead at the base of the kings' statues. Thirteen people were taken to hospital. About 150,000 people took part in the events. Outside the capital, demonstrations, clashes and arrests took place in rural industrial centres and in major cities.

The following year, the Trade Union Council held an extraordinary congress, where Peyer stated that more than one million people were living in poverty because of the wrong economic programme of the government. The hopeless economic situation triggered increasing desperation and a series of hunger demonstrations. At these demonstrations the voice of the illegal Communist Party became stronger and stronger. Some sectoral unions – miners, construction workers, shoemakers – declared their sympathy with their more radical methods. This caused a lot of tension inside the movement.

From 1933 onwards, the unemployment rate decreased and industrial production grew. This slow economic development also had a positive effect on the union membership. The trade unions shifted their focus due to the changed circumstances, wage claims were central but the freedom of organisation

and the strengthening of the right to strike were also emphasised. The strike movement of the construction workers reached its height in 1935. The government had to make amends and issued a regulation on the employment relationship in 1937, which was a great victory for the unions. However, with the government sliding more and more to the extreme right, it never gave up the idea of eliminating the trade unions through a corporatist system with state governed workers' chambers and workers' sports and leisure organisations. This never happened as the war intervened. At that time the Hungarian labour movement and workers' rights were very close to the West-Europeans but participation in the second world war and the following Soviet occupation changed the fate of our country and the trade unions were set on a different development path.

GYULA PALLAGI

Commemorative photo of a section of the Milan Association for the Improvement, Resistance and Mutual Support of Bricklayers, Hodmen, Diggers and Roundsmen, founded in 1886 to improve working conditions



EMERGENCE OF THE 'RESISTANCE LEAGUES' AND THE SECTORAL FEDERATIONS

The start of this decade sees the creation of two key forums for the organisation and representation of workers on an occupational basis: the resistance leagues (initially structured at territorial level), demanding improvements to wages, working hours and legislation – through strike action if necessary – and the sectoral federations (starting with for example construction, typography and textile workers), pushing for the standardisation of working conditions by signing collective agreements for all workers belonging to the relevant trade.

ABOLITION OF THE DEATH PENALTY

The new Penal Code is passed by the Italian Parliament, abolishing the death penalty throughout the Kingdom of Italy (the fascist regime would reintroduce this for civilians in 1926 before being repealed for good in 1947 for all military and civilian crimes committed in peacetime).

INTRODUCTION OF COMPULSORY INSURANCE FOR ACCIDENTS AT WORK

The first law providing compulsory insurance for accidents at work, although limited to only a few productive sectors, puts in place a basic social security mechanism to tackle the growing scourge of accidents of this type.

ENACTMENT OF LEGISLATION PROTECTING ITALIAN EMIGRANTS

The first organic law protecting emigrants is enacted, establishing a single supervisory body for all issues relating to Italian emigration, commissions to ensure compliance with health standards on ships, and arbitration commissions in case of disputes with the destination country. The whole legislative framework would later be reorganised by the consolidated legislation of 1919, officially marking the end of the mass emigration that had started after the unification of Italy, when millions of Italians had left for other countries in search of better living and working conditions.

1840s

SPREAD OF WORKERS' MUTUAL SOCIETIES

Following the dissolution of the former guilds or corporations of craftspeople (*corporazioni di arti e mestieri*), workers join forces to form a vast solidarity movement centred on workers' mutual aid societies (*società operaie di mutuo soccorso* [SOMS]). The main purpose of these entities, growing in number in the course of this decade, is to provide financial support to their sick, disabled or unemployed members.

1860s

ENACTMENT OF LEGISLATION PLACING SAFEGUARDS ON CHILD LABOUR

The first organic law of the Italian State is enacted, placing safeguards on child labour, reiterating the minimum age of nine years old, with this rising to 10 for work in quarries and mines and to 15 for unhealthy or dangerous jobs.

1870s

ENACTMENT OF LEGISLATION ON COMPULSORY EDUCATION

The Coppino Law increases the length of primary school to five years and introduces compulsory schooling for the first three years of that period. In 1904, the Orlando Law would extend compulsory schooling up to the age of 12 by establishing a 'popular course', or *corso popolare* (made up of the fifth and sixth years of school, integrated into the system immediately after primary school), giving pupils some valuable basic vocational training.

1877

1889

ESTABLISHMENT OF THE FIRST 'CHAMBERS OF LABOUR' AND DEVELOPMENT OF CATHOLIC TRADE UNIONISM

The first chambers of labour are established. These are territorial and intersectoral organisations managing employment, providing training and support and acting as an arbitrator in disputes. This is also the year when the encyclical *Rerum Novarum* calls for the development of the Catholic movement and the emergence of associations for the protection of workers, such as the 'white' leagues (operating mainly in the countryside), and for social support mechanisms such as rural banks.

1891

1898

1901



The Orator of the Strike, Emilio Longoni, 1891

CALLING OF THE FIRST GENERAL STRIKE

The first general strike of Italian workers is called to protest against the repression and killing of workers that year during the workers' uprisings and to demonstrate for improved working conditions and higher wages.

FIRST ELECTIONS INVOLVING QUASI-UNIVERSAL MALE SUFFRAGE

The first elections are held in which all men over 30 years old as well as men over 21 years old with a certain level of education or capital can vote. The right to vote would be extended to all adult men in 1918.

RE-EMERGENCE OF DEMOCRATIC TRADE UNIONS

Democratic trade unions are re-established following the two decades of fascist rule and the main union movements (communist, Christian democratic and socialist) form a single confederation to represent workers. The Italian General Confederation of Labour (*Confederazione Generale Italiana del Lavoro*, or CGIL) would split four years later amidst the Cold War climate of the time and the resulting political divide in Italy. In 1950, the Italian Trade Union Confederation (*Confederazione Italiana Sindacati Lavoratori*, or CISL) and the Italian Labour Union (*Unione Italiana del Lavoro*, or UIL) would be set up.

INTRODUCTION OF THE CONSTITUTION OF THE ITALIAN REPUBLIC

The Constitution of the Italian Republic comes into force, enshrining the equality of citizens before the law, without distinction as to sex, race, language, religion, political opinions or personal and social conditions. Work forms the bedrock of the new republic; indeed, the Constitution incorporates the principles of trade union freedom and of labour relations being governed by collective agreements determined by the unions.

LEGISLATION PROTECTING WORKING MOTHERS

This first systematic legislative intervention to provide physical and economic protection for working mothers has a broader scope than the initial legislation from 1902 and 1934 and expands the bans on performing heavy work during the breastfeeding period and on dismissing workers during pregnancy or compulsory maternity leave.

ABOLITION OF 'CELIBACY CLAUSES' AND ACCESS FOR WOMEN TO ALL OCCUPATIONS

Law no. 7 means that marriage is no longer an admissible reason for dismissal for women workers. This year also sees the introduction of Law no. 66, giving women access to all public positions and occupations and public-sector employment (including the judiciary) in various roles, career paths and categories.

1904

1906

1918

1913

1919

1944

1946

1948

1950

1955-

1956

1963

EMERGENCE OF SOCIALIST AND CHRISTIAN TRADE UNION CONFEDERATIONS

The proliferation and development of representative, unitary structures result in the establishment of a trade union confederation, having its basis in reformist socialism: the Italian General Confederation of Labour (*Confederazione Generale del Lavoro*, or CGdL). In 1918, with the development of Catholic trade unions, this would be followed by the foundation of a confederation with Christian roots: the Italian Confederation of Workers (*Confederazione Italiana dei Lavoratori*, or CIL).

INTRODUCTION OF COMPULSORY DISABILITY AND OLD-AGE PENSION INSURANCE

Disability and old-age pension insurance becomes compulsory for all employed workers, and a disability and old-age pension scheme is introduced for those aged 65 and over who have worked for at least 12 years.

INTRODUCTION OF THE VOTE FOR WOMEN

Women participate in elections for the first time (starting with administrative and political elections and then those held alongside the referendum on whether to retain the monarchy or establish a republic). Some 2,000 women candidates are elected to municipal councils and 21 to the Constituent Assembly of the newly established Italian Republic.



Poster calling for better health and safety conditions and a stronger prevention culture

LEGISLATION ON HEALTH AND SAFETY AT WORK

The first organic occupational health and safety framework is published, as standards and characteristics of the relevant work environments are laid down and various basic obligations are set out for employers, specifically the implementation of health and safety measures, the duty to inform workers about risks, the provision of protective equipment and the requirement to monitor individual workers' compliance with the health and safety measures envisaged. This would continue to apply until 2008, when the consolidated legislation on health and safety at work would tailor the previous regulations in this area to technological developments and changes in work organisation.

LEGISLATION PLACING SAFEGUARDS ON WORK BY CHILDREN AND ADOLESCENTS

The new legislation placing safeguards on work by children and adolescents sets 15 years old as the minimum working age and separates the legal framework for work by minors from women (grouped together as equivalent by legislation until then).

INTRODUCTION OF THE 40 HOUR WORKING WEEK

Following a hard-fought struggle by workers and the trade unions, the renewal of national collective agreements in 1969 and 1970 brings with it a reduction in working hours to a 40 hour working week for virtually all sectors.

INTRODUCTION OF DIVORCE AND WOMEN'S RIGHTS

After a long battle fought by radicals and secular figures, the law establishing divorce in Italy comes into force. This decade is also marked by great achievements as a result of the struggle for women's emancipation: the protection of working mothers (1971) with the introduction of legislative, economic and welfare-based solutions enabling working women to avoid compromising childcare; the establishment of municipal nursery schools (1971); the reform of family law (1975), allowing Italian society to abandon its hierarchical conceptualisation of the family and eliminate the unfair distinctions made between natural and legitimate children; and the advent of equal treatment at work (1977). Furthermore, in 1978 abortion is *legalised*.



"No more deaths on construction sites." Demonstration for better health and safety conditions, 15 April 1973

CREATION OF THE ITALIAN NATIONAL HEALTH SERVICE

The healthcare reform legislation creating the Italian National Health Service, with its task of ensuring the prevention of illness among members of the public and their treatment and recovery, is passed. The reform brings in a system based on the principles of equality and universality of care for the whole population.

LAW TO TACKLE GANGMASTERS

The law to tackle the perpetrators of the illegal hiring of workers and the exploitation of labour (or gangmasters), crimes that are very widespread, especially in agriculture and construction, is introduced and added to the offences punishable in the Penal Code in 2011. The Law no. 199/2016 extends liability and sanctions beyond gangmasters to employers making use of the illegal placement of workers. It introduces new criminal measures, such as the confiscation of goods and the use of citizens' arrests (including in the case of repeated failure to apply national collective labour agreements).

1967



In September 1969, construction workers staged a four-day strike calling for a national collective agreement. Their demands related to working hours, constructive negotiations, recognition of qualifications and trade union rights.

1969

1970

WORKERS' STATUTE

The 'Hot Autumn' of 1969, in which strikes calling for renewal of collective agreements, workers' demands in workplaces and other calls of a general nature attracting huge levels of participation, is followed by the publication of the "rules on the protection of the freedom and dignity of workers and of trade union freedom and union activity in the workplace, and rules on the public employment service", known as the 'Workers' Statute'. The Statute enshrines some of workers' fundamental rights (covering the freedom of opinion, regulation of supervisory and disciplinary power, tasks and transfers) and supports and promotes trade union activities in the workplace.

1970s

1973

WORKERS' RIGHT TO 150 HOURS OF PAID LEAVE FOR COURSES OF STUDY

The national collective labour agreement for metalworkers opens up the possibility of workers receiving 150 hours of paid leave to take vocational training courses or alternatively even courses not directly related to their work, with a view to obtaining a degree. Once again through collective bargaining, the right to study would quickly spread to other sectors.



150 hours for individual and collective vocational training

1978

1998

LEGISLATION ON IMMIGRATION FROM ABROAD

The Turco-Napolitano Law regulates the issue of immigration from abroad, promoting legal immigration and discouraging its illegal counterpart by furthering the acquisition of citizenship, family rights, medical treatment and the right to education. This law (incorporated into the consolidated text of the provisions concerning immigration regulations and rules on the legal status of foreigners) supersedes the previous Martelli Law of 1990 which, driven by the pressing needs of the time, was the first to lay down a legal framework for the issue of refugees.

2016

THE BIRTH OF PREVENTIVE HEALTH AND SAFETY MEASURES IN THE WORKPLACE

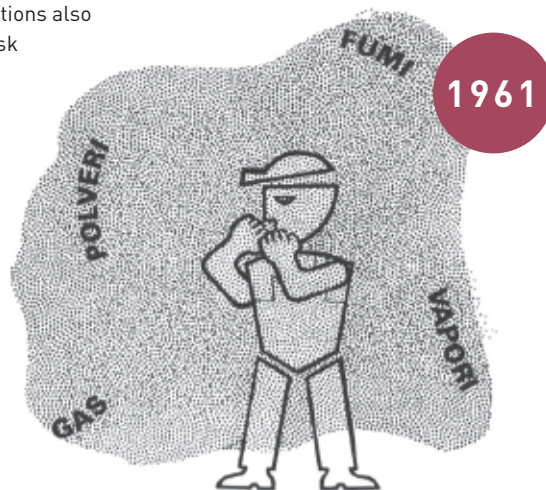
In Italy in the 1960s, workers, occupational health professionals, activists and trade unionists were all trying to develop and implement a new approach in companies, geared towards improving working conditions rather than allowing companies to offer compensation in return for tolerating bad working conditions.

Sweeping industrialisation, mainly in the regions around Milan and Turin, led to a massive influx of workers, many of whom came from rural regions in southern Italy and were being flooded into plants focussed on mass production for the automotive sector and other industries. This led to the emergence of a workforce that was highly heterogeneous in many respects. Traditionally, workers from the south in particular had no trade union ties and often showed little interest in unionisation. However, they were also not tied to specific jobs, let alone businesses. Their strong potential for resistance was also undoubtedly one of the reasons why so many autonomous, non-union structures (so-called 'rank-and-file committees') emerged in Italy at the time, often coloured by the '1968 movement'.

In the early 1960s, fierce clashes over working conditions, specifically the exposure to hazardous substances, broke out at *Farmitalia* in Settimo Torinese, near Turin, a factory manufacturing pharmaceutical products. This prompted workers, occupational physicians and trade unions to launch an investigation into the specific risks, draw up a list of the hazardous substances in circulation and demand that they be replaced by harmless substitutes. However, this specific preoccupation with working conditions also led to demands for influence in risk assessment and the shaping of working conditions. Previously, risk assessment had been a matter for employers or government agencies. But now the workers were demanding to be involved in the assessment of dangers in the workplace as well as in determining work organisation, which they saw as the cause of stresses and

hazards. The new approach was duly taken up by other workforces, including at Fiat-Mirafiori in Turin, and soon spread to many other regions of Italy too. In September 1961, a conference was held in Settimo Torinese, a municipality in the City of Turin, to present the demands of *Farmitalia's* workers and their research. In a way, this marked the birth of preventive occupational health and safety. The model began to catch on and also garnered strong moral and practical support from highly regarded members of society, such as the industrial psychologist Ivar Oddone, who actively gave it their backing. It was also taken up in other countries, where it laid foundations and served as a point of departure for formulating demands specific to the respective situations there. The first slogan "La salute non si vende" (Health is not for sale!) became well known in one form or another in almost every country in Europe.

The disputes at Fiat resulted in the production of a handbook on the study of working conditions, designed to enable workers to assess their own working situation without assuming much prior knowledge on their part. Every risk was illustrated because some of the workers from southern Italy were virtually illiterate.



Manual published by the sectoral federations of the three established industry federations in Italy (FIM – FIOM – UILM) – The gist here is: "The working environment must not be a health-endangering factor".



"Group 1 risks – temperature, noise, lighting, humidity, indoor air" (physical factors).



"Group 4 risks – exhausting pace of work, monotony, repetitive tasks, frightening responsibility, other tiring effects"

The aforementioned handbook was first published in 1969 by the Italian General Confederation of Labour and Italian Federation of Metalworkers (CGIL-FIOM), but two years later it was used as a shared document by all three established trade union federations, with more than 130,000 copies subsequently distributed. In 1972, 3,000 people gathered in Rimini to discuss the factory working situation, occupational risks and ways of improving working conditions. In 1971 alone, 4,567 companies concluded agreements that covered some 50% of industrial workers. The fact that workers were assessing their own working conditions was pivotal, paving the way for an 'emancipatory struggle'. The second slogan was: "Health cannot be delegated!".

This movement definitely directly influenced a new labour law called the Workers' Statute, which parliament adopted on 20 May 1970. Article 9 entitled workers to check that their workplace complied with occupational health and safety regulations. Article 18 gave workers extensive protection against dismissal. Moreover, the new law also guaranteed their freedom of expression. Discrimination against workers on the grounds of their religious or political views was prohibited in a recruitment or job assignment context. The following year, a law designed to protect expectant mothers was passed, including, among other things, a ban on sacking women during pregnancy and the awarding of maternity leave: two months off before and three months off after giving birth.

Ultimately, in recent decades the concepts of prevention and direct worker involvement have rung in lasting changes in the practice of occupational health and safety in virtually every European country.

ROLF GEHRING, LAURENT VOGEL

English-language material on this topic can be found at the following link (material from a February 2016 seminar): <https://www.etui.org/Topics/Health-Safety-working-conditions/News-list/The-struggle-for-health-at-work-the-Italian-workers-model-of-the-1970s-as-a-source-of-inspiration>

In 1982, criticisms of ruthless exploitation and safety shortcomings in industrial work processes led to one of the EU's first occupational health and safety initiatives, the so-called Seveso I Directive (82/501/EEC), which set standards for preventing major accidents.

SOME OF THE WORST CHEMICAL DISASTERS

21 September 1921. Germany: Explosion at a nitrogenous fertiliser plant in Oppau, killing at least 561 people.

28 July 1948. Germany: Tank car explosion at a BASF plant, killing at least 207.

10 July 1976. Italy: Seveso disaster – an uncontrolled chemical reaction released vast quantities of dioxins into the atmosphere.

19 November 1984. Mexico: Just outside Mexico City, more than 400 people (some estimates say between 500 and 600) died after a series of gas explosions (the San

Juanico disaster). An exploding tanker set off a series of explosions. Thousands of people suffered burns.

3 December 1984. India: The Bhopal disaster – A runaway chemical reaction released toxic methyl isocyanate into the atmosphere, killing at least 3,800 people.

23 October 1989. USA: A Phillips chemical complex near the Houston Ship Channel in Pasadena, Texas, released polyethylene after an explosion and fire, killing at least 23 and injuring 314.

21 September 2001. France: 31 people died after an explosion at a fertiliser factory in Toulouse released liquid ammonia gas.

TUTA BLU – THE DIARY OF A SOUTHERN ITALIAN FARMER'S SON WHO FELL IN WITH THE WORKERS!



In 1978, Tommaso di Ciaula (born in Adelfia near Bari/Apulia in 1941) released *Tuta blu* (Blue Collar Thomas), the diary of a southern Italian farmer's son who fell in with the workers. – The German title, *Der Fabrikaffe und die Bäume* (The Factory Monkey and the Trees) refers to a remark made in the book: "What are we waiting for? Why don't we bring in monkeys to work the machines? That's what I'd suggest to the Agnelli family: bring monkeys into the factory and let the workers take to the trees. Sometimes I get the impression we're even dumber than monkeys". The heavy work depicted, the cynicism of the factory's management, the strikes and general strikes of the era, the reflections on the trade union and political movements, memories of the grandfather, life in the countryside, the light, the sea and the air outside the factory all paint a vivid picture of the time and life in the region of Calabria. Anyone who has ever seen the concrete jungles there feels transported back by Ciaula's description. Farmers have to go to work in factories, foreign bodies peppering the landscape, where people endure dehumanising working conditions.

25 December 2003. People's Republic of China: In Chuangdonbei, natural gas and hydrogen sulphide were released into the atmosphere after a gas well explosion, killing at least 191 people.

12 August 2015. People's Republic of China: Two explosions in Tianjin released sodium cyanide, calcium carbide and possibly other substances, killing at least 173 people and injuring 797.

5 November 2015. Brazil: The Bento Rodrigues dam disaster: A catastrophic breach of an iron ore tailings dam triggered a mudslide that sent a flood of toxic waste into local rivers, killing at least 16 people and decimating fish stocks in the Doce River.

ROLF GEHRING

But Ciaula shows more than this: how people live their everyday lives and do not just see themselves as workers: there is more to them than that!

Ciaula himself is this diary-writing worker, the grandson of peasants and son of a carabinieri (member of the military police). In *Tuta Blu*, Ciaula captured more than everyday life. Every line of the book screams out for change. Ciaula's anger, about so many things, comes right from the soul, but also gives readers a clear insight into the social situation in southern Italy. Reviewing the film after it was made, in 1987, by Florian Furtwängler with Alessandro Haber playing the title role, Claudius Seidl said in *Die Zeit*: "Tommaso Blu doesn't just bang on about freedom, it also gives freedom to its viewers, the freedom to form a picture themselves". The same applies to the book, too.

EVA DETSCHER

For recent reviews in Italian, see <https://rebstein.wordpress.com/2009/01/16/per-il-trentennale-di-tuta-blu-omaggio-a-tommaso-di-ciaula/>



NO PERMISSION NEEDED! (ORIGINAL ITALIAN TITLE *SENZA CHIEDERE PERMESSO!*)

At the end of January 2017, the documentary *No Permission Needed!* about the industrial disputes at Fiat was shown in several cities across Germany. In 1969, Fiat-Mirafiori was the largest factory in Europe, employing 60,000 workers.

The screenings were attended by the makers of the film, Pier Milanese and Pietro Perroti. Between 1969 and 1985, Perroti worked as a heating and ventilation engineer at Fiat, which gave him access to all the carmaker's factory buildings, scattered across a 32 km² site.

The film tells the moving story of the social struggles centred around the Fiat factory in Italy from 1969 until the end of the 35-day strike at the company in 1980, which brought a more than 10-year battle to a close. The strike was directed against Fiat's imposition of short-time, zero-hour work on 24,000 workers. The strike ended with a compromise negotiated by the union, which the workforce lamented as a major defeat.

The film showcases creative, unruly means of communication, struggles and spontaneous strike action.

The film's protagonist is Pietro Perroti, who moves to Turin as a young man to work for Fiat and become politically active. He buys a small video camera, which he smuggles into the factory to capture the sights and sounds of everyday working life. Perroti

produced powerful footage of the demonstrations, strikes and picket lines in front of the factory gates. Producing this creative, artistic output was his way of supporting the struggle. This documentary portrays the climate there in these years; mass participation in the factory, support for the workers' struggle from the student movement and the impact of the struggle on society and everyday life. But it also showcases the conflicts with various institutions and elements of the press.

EDITH BERGMANN

transformed society. Intellectuals and university professors also opened their courses to workers and had training provided for trade unions. Former students who used to march alongside workers in demonstrations became teachers of the 150-hour courses themselves. "The 150 hours were an education for workers, where the first protagonists were the workers, followed by women, along with the first students and feminists (...). It was not like the adult education system in the English-speaking world; it was a cultural experiment by the trade union vanguard."³ Key prerequisites for the 150 hours were, on the one hand, the uniform tariff classification system (or *inquadramento unico*) devised by metalworkers' unions in 1972 and the removal of strict separation

between workers and employees (and so-called technicians) and, on the other hand, decentralised collective bargaining. The former called the hierarchical organisation of work into question, while the latter allowed trade unionists and companies to jointly plan local work organisation (shifts, etc.) and thereby ensure individual workers' rights to the 150 hours of training.

PAOLA GIACULLI

1 Quotations from the documentary film *Le 150 ore* (1974) on collective bargaining, including dialogues and interviews with trade unionists and workers and exchanges of experience [all in Italian] <http://patrimonio.aamod.it/aamod-web/film/detail/IL8600001490/22/le-150-ore.html?startPage=0&idFondo=>

2 The July-August 1973 edition of the magazines *Fabbrica e Stato - Inchiesta* ironically titled *150 ore suonata per i padroni*, A play on words in Italian implying 'a thrashing for the bosses'.

3 Paola Melchiori, *Le 150 ore, un esperimento di vita e di cultura* (The 150 Hours, an Experiment of Life and Culture), http://www.universitadelledonne.it/le_150_ore.htm



THE FEMINIST LEA MELANDRI (herself a 150 hours teacher) tells of her astonishment on arriving for a class in the suburbs of Milan only to find that all the students there were women, or more precisely housewives! Technically, the right of access to such education was reserved for employees, but as the courses were open to everyone, housewives suddenly also started turning up for them. Photos of a 150-hours course (Lea Melandri)

OPENING UP THE THEATRE

PIER PAOLO PASOLINI left behind an extensive oeuvre, associated primarily with his films. His literary works, films and plays all analyse the structures of bourgeois society, its characters, the disintegration of social structures that he saw in Italy in the 1960s and 1970s, and fascist tendencies, a new form of expression aimed at extinguishing otherness and cultural differences, but above all his output mirrors his preoccupation with the tough life led by those on the margins of society.

In the late 1960s he sketched out a whole series of plays and set out an approach for a new form of theatre that, unlike books or films, could not be appropriated by the mass media. In 1968, he presented a 43-point manifesto for a new kind of theatre. The interesting thing about it is that in it he allowed the theatre to retain

its (eminently elitist) function in society, but reinterpreted it. Theatre could serve as an exchange between intellectuals and the working class. Plays could be performed in factories, schools or cultural circles. He perceived a need for a theatre of words (*teatro di parola*) that offered no solutions, but explored problems. The plays' staging should be a backdrop, leaving the pros and cons, the analysis in the spotlight. Didactically speaking, he viewed theatre as a forum for discussion or at least as a means of stimulating an individual's further thinking, from their point of view.

Regardless of whether one chooses to understand Pasolini's theoretical derivations, he opened another door that opened up access to education in social areas that had previously been closed. Without overriding theatre, as it were,



Pier Paolo Pasolini (born on 5 March 1922 in Bologna; murdered on 2 November 1975 in Ostia)

this medium should also be accessible to ordinary people. In a way, the 150-hour collective agreement became one of the cheapest entrance tickets.

ROLF GEHRING

Source: Individual interpretations of Italian theatre of the 20th century. Berlin 2008

COMPULSORY EDUCATION

Education became effectively compulsory till the age of 14, schools were opened in every village and education based on the British model was provided free of charge.

THE INCEPTION OF THE LABOUR BUREAU

The lack of a legal framework for collective bargaining and unemployment pushed the Ministry for Posts, Agriculture, Labour and Emigration to conduct a relative study on the situation, which led to the creation of the Labour Bureau.

THE WORKMEN'S COMPENSATION ACT

This Act granted the payment of injury benefit to those workers who were injured on duty. Contributions towards this scheme were compulsory and were made on a tripartite basis, with employers, employees and the State each paying an equal share into the fund so that the scheme would remain viable. The concept of social insurance was thus introduced into Malta for the first time.



The GWU's first big open-air rally

THE GENERAL WORKERS' UNION

On the establishment of the General Workers Union (GWU), some 22,000 members joined within a year. Reggie Miller, a civilian clerk in the Admiralty Drydocks, successfully convinced a small group of workers to set up a strong general union that would in the future leave its mark on the country's recent history.

1846

1885

THE FIRST-EVER GOVERNMENT SPONSORED SOCIAL BENEFIT AS OF RIGHT

The first beneficiaries were the members of the Malta Police Force, for which a pension scheme was brought to being. Next on the list were the members of the Malta Civil Service.

1920

1927

SUPPORT FOR WIDOWS AND ORPHANS

A new Act provided for pensions to be granted to widows and children of deceased Public Officers.

1929

1929

THE USE OF MALTESE LANGUAGE

This new Act ensured that, in both civil and criminal cases, one could ask to have the case heard in the Maltese language.

1933

THE LABOUR BUREAU BECOMES THE LABOUR DEPARTMENT

It was through the Labour Department, that Labour laws such as the Weekly Rest (Bakers and Barbers) Act 1933, the Hours of Employment Ordinance 1936, the Stevedores and Port Workers Ordinance of 1939 and the Factories Ordinance of 1940 continued to be enacted.

1940

THE FACTORY ORDINANCE

Based on the *British Factories Act* of 1937, this Act introduced Health and Safety in factories, though unfortunately several work places were excluded since these were not included within the strict interpretation given to the terms 'factory' and 'place of work'.

1943

1945

TRADE UNIONS AND TRADE DISPUTES ORDINANCE

The enactment of this law was requested by GWU Secretary, Reggie Miller. This was an important achievement for industrial relations mechanisms in Malta as it vested trade unions with immunity from blame in respect of any offence committed in contemplation or furtherance of a trade dispute.

COMPULSORY EDUCATION ORDINANCE

The Compulsory Education Ordinance made school attendance compulsory between the ages of 6 and 14.

OLD AGE PENSIONS ACT

The Old Age Pensions Act was brought into effect and provided for the payment of pensions to persons over the age of 60 years. Unlike the 'Workmen's Compensation Act', this Act was not based on contributions, but on a financial means test of the person claiming such pension. Together with this Act, the Labour Government introduced Income Tax to finance these pensions.

INTRODUCTION OF SPECIAL SCHOOLS

The first special schools, for the blind, the deaf and the mentally disabled were opened in 1956. Up to 1955 the disabled were kept hidden at home, never venturing outside.

GENERAL STRIKE AND RIOTS

A national strike is called by the General Workers' Union which ends in riots and clashes between workers, police and British soldiers. The workers were angry at the way the British Colonial Government was dealing with the country and the issue of work. Threats of dismissal of employees from the services and closing the Dockyard, which employed over 12,000 people, was enough for workers to join together and face the arrogance of the rulers. After the General Strike, Dom Mintoff resigned as Prime Minister and Dr Giorgio Borg Olivier declined forming an alternative government. The colonial governor took direct administration under British rule. Thus, started the Movement for Freedom from the British Empire.

ABOLISHMENT OF CAPITAL PUNISHMENT

Capital punishment for murder is abolished in Malta but continued to be part of the country's military code until it was fully abolished on 21 March 2000.

DISABILITY PENSION SCHEME

A non-contributory Disability Pension scheme was introduced.

1945

VOTING RIGHTS FOR WOMEN AND ABOLITION OF PLURAL VOTING

Plural voting is abolished and the concept of 'one man one vote' introduced. Women were given the right to vote with the help of the Labour Movement in 1945. The first elections when women could vote were held in October 1947. In these, Agatha Barbara becomes the first woman to be elected to the Maltese Parliament. In 1982 Agatha Barbara became the first female President of the Republic of Malta.



Agatha Barbara: the first woman to be elected President of Malta in 1982

1946

1948

1952

ENACTMENT OF THE CONDITIONS OF EMPLOYMENT

The enactment of the Conditions of Employment (Regulation) Act of 1952 (CERA) superseded the Trade Unions and Trade Disputes Ordinance 1945. Among other things, the CERA Act provided for the protection of wages, vacation leave and unfair dismissal. The CERA also provided for the establishment of Wages Councils.

1956

1956

THE NATIONAL ASSISTANCE ACT

The National Assistance Act was brought into being to provide for social and medical assistance (the latter, both in cash and in kind) to heads of household who were unemployed and either in search of employment or unable to perform any work because of some specific disease, providing their family's financial resources fell below a certain level.

1958



Independence Day celebrations, 1964

1964

INDEPENDENCE DAY

Independence is granted to Malta. After Independence, Malta still served as Military Base to British and NATO Forces. The Queen of England remained the Head of state.

1971

1973

DECRIMINALIZATION OF SAME-SEX SEXUAL ACTIVITY

The decriminalization of same sexual activity starts the long road to LGBTIQ rights.

1974

THE MINIMUM WAGE

A minimum wage of €23.29/week was introduced through the Conditions of Employment (Regulation) Act, standing today at €175.84/week.

THE INDUSTRIAL RELATIONS ACT

This Act provided for freedom of association, collective bargaining and industrial relations, as well as the right to strike.

WOMEN GET EQUAL PAY

Legislation was passed in Parliament that abolished wage disparity based on sex. With this law, males and females were given equal pay for the same job.

THE TWO THIRDS PENSION

Introduction of a new contributory scheme for the payment of a wage/income related retirement pension. A pension scheme for widows, calculated on their deceased husband's wage/income, and a National Minimum Pension were introduced.

With the introduction of social services, the elderly had peace of mind for their later years.



INTRODUCTION OF MATERNITY BENEFIT

13 weeks of paid leave are given to pregnant women. This benefit was made payable to all pregnant females and the relative payment covered the last eight weeks prior to confinement and the first five weeks after confinement.

THE FORMATION OF THE MALTA COUNCIL FOR ECONOMIC AND SOCIAL DEVELOPMENT

The Malta Council for Economic and Social Development (MCESD), a tri-partite body with representatives from Government, Trade Unions and Employers' Organisations, continuously strives to improve Social and Civil dialogue in Malta.

THE CIVIL UNIONS ACT

Through this Act civil unions were granted to same sex and opposite sex couples, giving them the same rights, responsibilities, and obligations as marriage, including the right of joint adoption.

1974

1974

1976

1976

1979

1979

1980s

1981

2001

2011

2014

2017

THE REPUBLIC OF MALTA

Malta becomes a Republic. The Queen of England is no longer the head of State of the Maltese Islands. For the first time in its history Malta has a Maltese Head of State. Sir Anthony Mamo is appointed the first President of the Republic of Malta.



Republic Day, 13 December 1974, left to right: Vice Prime Minister Anton Buttigieg, First President of Malta His Excellency Sir Anthony Mamo and Prime Minister Duminku Mintoff

FREEDOM DAY

The last of the British Armed Forces leave Malta. This was the first time in Malta's history that no foreigners were on the Islands in an authority position.

NATIONAL HEALTH SERVICES

The Maltese National Health Service in its current form was set up in the early 1980s as a comprehensive health service funded from taxation and free to Maltese and EU Nationals.



Pro-divorce press conference during the divorce referendum

INTRODUCTION OF DIVORCE

Divorce is introduced in Malta after a huge majority voted in favour in a referendum held in May 2011. Malta was one of only three countries in the world where divorce was not allowed.

SAME SEX MARRIAGE

Same Sex Marriage becomes legal following the passage of legislation in the Maltese Parliament.

THE BIRTH OF THE GENERAL WORKERS' UNION (GWU)

In 1942, after the end of the siege of Malta during the Second World War, the Maltese faced a high cost of living and food shortages. Many food items remained scarce or were of inferior quality. Peace brought about unemployment at the shipyards. Maltese workers were not even being paid the same wages as their fellow British workers for doing the same work at the dockyards or with the British services. All this brought about great discontent among the Maltese. While the British could live a decent life, the Maltese, were living in poverty in their own country after suffering the same hardships during the war as the British. Malta had been ruled by the British since 1800, and was a colony of the British Empire since 1814.

Towards the end of 1942, Reggie Miller, a civilian clerk at the British Naval Ship Yard, persuaded a small group of workers to set up a strong general union. During the very well attended first meeting of this Union held in March 1943, Reggie Miller was appointed General Secretary. An interim committee was also chosen to draft the Union's Statute which was approved a few days later. Other meetings were held all over Malta to persuade more workers to join this Union; the first members started enrolling on 1st July 1943. In the first year of the Union's existence, 22,000 members had joined the Union. The General Workers' Union (GWU) was officially launched on 5th October 1943. This moment in Maltese history brought a unification of workers never seen before. By their unity within the GWU, the workers began acquiring rights that they could only dream about and hope for.

The GWU's call for the enactment of trade union legislation was accepted in March 1945, with the passing of the Trade Unions and Trade Disputes Ordinance. This law provided for compulsory registration of Trade Unions and the appointment of a Registrar of Trade Unions. It was a

1943



General Workers' Union Building Monument

significant achievement for industrial relations mechanisms in Malta as it vested trade unions with immunity from any offence committed in a trade dispute.

The Union was also instrumental in the enactment of The Conditions of Employment Regulation Act of 1952 (CERA).

This Act established Wages Councils which gave parity between workers doing the same job. Measures were introduced that protected the elderly and disabled at work. Maltese workers saw their working conditions moving closer to those of more developed countries and the rights established by the International Labour Organisation. This Act was highly beneficial for workers in the private sector, who suffered from adverse working conditions due to a lack of updated laws. Ordinance VII of 1868 still regulated Private Sector workers.

Unfortunately, the CERA Act of 1952 made no provisions for the demands of female workers. Women were not given equal pay with men; the right to marry and continue working was not granted and there was no protection during pregnancy. This injustice was finally addressed in 1976 when female workers got equal pay and rights to their male counterparts. The Union practised what it preached; the first female workers employed by the Union in 1945 were granted the same rights and pay as their male colleagues. These women were not made to leave their employment when they got married.

The GWU through General Secretary Reggie Miller took a prominent role in the National Assembly between January 1945 and 3rd March 1947. Reggie Miller was later on elected Secretary of this Assembly. During discussions for a new constitution, the GWU together with the Malta Labour Party proposed that plural voting should be abolished. The practice of one man or woman one vote was to be introduced. A majority in the Assembly agreed that the right to vote be granted to all males on turning 21. The Church and other conservative elements were against women voting. Finally, in 1945 the National Assembly agreed that women would be given the right to vote and the right to stand for public office. Women first voted in 1947.



REGGIE MILLER 1898 – 1970

Reggie Miller was born in the seaside town of Sliema on 1st November 1898. At the age of 16, Miller entered University, but, due to family financial problems, did not complete his studies. In February 1917 he started working as a clerk at the Admiralty Naval Dock-Yard. Miller was present during the riots of 7th June 1919, when British troops fired into the crowd, killing four Maltese.

In 1930 Miller attended his first trade union meeting organised by the *Civil Service Clerical Association* and in 1931 was elected secretary of this Union. Miller considered that to achieve better working conditions, all categories of workers had to unite. The high cost of living brought about by the outbreak of WWII forced the Maltese unions to ask for a war bonus. Miller was chosen to serve as secretary of the committee to discuss this war-bonus. It was at this time that Miller came up with the idea of a General Workers' Union. His dream came true on 5th October 1943 with the foundation of the GWU. After retiring from the GWU, Miller moved to England where he died on 21st July 1970.

JESMOND MARSHALL

Since its inception, the Union attached great importance to the problem of the cost and standard of living. During the first meetings ever held with authorities, the Union made a point of asking for wage increases so that workers could have a decent life. The Union wanted to ensure that, in the absence of adequate social services, the workers would be earning enough money for emergencies, such as in case of ailments, retirement or unemployment.

On 5th January 1946, after talks had failed regarding increases in wages and other pending issues such as the right of arbitration, the Union called for a national protest, which turned into a general strike. This strike brought the country to a standstill. Shops remained closed, public transport stopped working, and everyone, from professional workers to labourers, remained at home following the Union's directive not to report for work. There were



no reports of any incidents throughout the day. This day of protest ordered by the GWU is considered as the first general strike ordered by a Union in Maltese history.

The Union ordered another two general strikes throughout its history, one on the 28th April 1958 and another on the 25th October 1994.

After several meetings and the general strike of January 1946, the British Authorities gave in and accepted the wage increase as proposed by the GWU. The minimum salary for employees with the British Services and shipyards was to be that of three Maltese Lira per week (equivalent to 7.00 Euros). At the time, the private sector based its wage increase on the wages given to the employees of the British Services and Dock-yards. Female workers received only 75 per cent of this salary, which was unacceptable for the Union.



Clashes on 28 April 1958



During a GWU Meeting in 1943, Reggie Miller said that the only solution for Maltese workers to get the same conditions and standard of living as British workers was integration with Britain. Malta had been under British rule since 1800. The Labour Party, in its Electoral manifesto of 1955, proposed two alternatives for Malta's relationship with Britain: integration or self-determination (Independence). The GWU encouraged its members to support the Labour Party in this election. After winning the elections, the Labour Government called a referendum for the Maltese to decide if they wanted integration with Britain. The GWU supported the call for integration. 75% voted for integration; however, the Maltese Government plan crumbled as the British Government never intended to give the same rights to the Maltese as the British. Once the plan for integration had failed, the GWU together with the Malta Labour Party started the Freedom Movement. Malta gained Independence on 21st September 1964, became a Republic on 14th December 1974 and entirely free and sovereign by 31st March 1979, when, during the official celebration, Prime Minister Dom Mintoff and the General Secretary of the GWU George Agius together lit the torch of Freedom.

What had started as a dream for a few shipyard workers in the early 1940s, turned into the most significant trade union movement in Malta. With over 40,000 members, the GWU comprises 10% of the Maltese population. Through this trade union movement, the Maltese achieved great strides, not only in employment conditions but also in civil liberties. The GWU was always at the forefront when it came to minority rights. In 2018 the GWU celebrated the 75th year of its foundation with the motto 'The Future Is Now'.

JESMOND MARSHALL

31st MARCH 1979 – FREEDOM DAY

By 1979, Malta had become strong enough to make do without the need to hire out its land to foreign powers for military bases. The British military base was closed after the UK Government refused to pay rent due to Malta in 1979. On 31st March 1979 at midnight, a commemoration was held on the monument built purposely for the occasion on Vittoriosa seafront. The British flag was lowered and the Maltese flag raised. The Prime Minister Duminku Mintoff and the General Secretary of the General Workers' Union George Agius lit the Freedom Torch. Big celebrations were held all over Malta and Gozo. On 1st April in Valletta Harbour, the President of the Republic Dr Anton Buttigieg saluted HMS London, the last British war ship to sail out of Grand Harbour. The dream of Maltese

Patriots through the ages had become a reality. After centuries of serving one foreign power after another, the Maltese had total sovereignty in their own country. Freedom Day is one of five Public Holidays celebrated in Malta. The other days are Independence Day, 7th June commemorating the riots of 1919, Victory Day, and Republic Day.

JESMOND MARSHALL



Prime Minister Mintoff and GWU General Secretary Agius light the freedom torch.



1 April 1979: the last British warship leaves the island.



Jan Matejko's 1891 painting shows a procession of deputies on their way from the Royal Castle to swear allegiance to the Constitution adopted by the Polish parliament and the King on 3 May 1791.

CONSTITUTION OF 3 MAY

It was the first constitution in Europe and the second constitution in the world (after the Constitution of United States of 1787). The document gave townsfolk and gentry equal rights and incorporated peasants under the protection of the state. Virtually, the Constitution of 3 May never entered into force because of the fact that the territory of Poland was occupied by Russia, Prussia and Austria.

PRUSSIAN PARTITION abolished socage in 1811 pursuant to edicts from the period of 1811-1850.

THE AUSTRIAN PARTITION abolished socage in 1848 pursuant to the patent of April 17, 1848.

THE RUSSIAN PARTITION abolished socage on the territory of the Kingdom of Poland in 1861. The problem of land ownership was solved as late as in 1944.

8-HOUR WORK DAY

The decree on the 8-hour Work Day and a 46-hour Work Week with a 6-hour Work Saturday. In 1933, the work week was extended to 48 hours.

VOTING RIGHTS FOR WOMEN

Passive and active voting rights for women were introduced with the decree issued by the Temporary Head of State Józef Piłsudski.

1791

1808

THE NAPOLEONIC CODE entered into force in the Duchy of Warsaw and in the Kingdom of Poland (officially free, dependent on the First French Empire in the period of 1807-1815) in 1808, remained in effect later on. The last provisions of the Napoleonic Code in Poland expired in 1946.

1811

ABOLITION OF SOCAGE

Socage is a form of feudal rent consisting in peasants' unpaid and compulsory labour for the benefit of the landowner; a form of semi-slavery. Socage was abolished by the governments of countries which participated in the partitions of Poland.

1848

1861

1918

REGAINING INDEPENDENCE

Independent Poland creates brand new democratic institutions and structures based on the legal systems of the three different states which participated in the partitions of Poland. Initially, the Polish government carried out a number of progressive reforms. However, after the Sanation in 1926, democracy was restricted. Conflicts between members of different social classes and nations accumulated in Poland – back then a multi-national state.

1918

1918

NATIONAL LABOUR INSPECTORATE
(PAŃSTWOWA INSPEKCJA PRACY) was established by the decree issued by the Head of State, Józef Piłsudski. The decree gave the Inspectorate extensive controlling power.

COLLECTIVE LABOUR AGREEMENTS
Two acts on settling collective disputes between employers and farm workers, introduced in 1919. The issue of collective agreements was comprehensively regulated on April 14, 1937.

SOCIAL INSURANCE
On May 19, 1920, the Act on Mandatory Sickness Insurance was published. In 1934, the Act on Social Insurance came into force, regulating universal pension insurance.

HOLIDAY LEAVES
Act on Holiday Leaves for workers employed in industry and trade. One month of holiday leave for white-collar workers, from 8 to 15 days for blue-collar workers. In 1933, the right to holiday leave was restricted.

SOCIAL RIGHTS FOR WOMEN
The Act of 1924, which was applicable to workers employed in industry and trade, prohibited the employment of women for underground, dangerous or harmful works; it also prohibited women to work night shifts. The ban on women working night shifts or working underground was revoked in 1951. Protection of employment stability of pregnant women and prohibition of dismissal without employment termination.

LABOUR COURTS
On March 22, 1928, labour courts were established in Poland. Court decisions were made with the participation of a professional judge and two lay judges – the representatives of employees and employers.



Women activists at a centre-left rally in 1930. The democratic parties were protesting against the 'restructuring' instituted by Józef Piłsudski's authoritarian regime. The woman in the centre is Justyna Budzińska-Tylicka, a Polish socialist and feminist activist, member of the Polish Socialist Party and the Warsaw Council.

1919

THE DECREE OF THE HEAD OF STATE "ON THE TEMPORARY REGULATIONS ON TRADE UNIONS"

The first trade unions on the territory of Poland (the territories of countries that participated in the partitions of Poland) were formed by the end of the 19th century. The Association of Construction Workers from Galicia and Cieszyn Silesia, the predecessor of the contemporary trade union *Budowlani*, formed in 1892, was only one of them.

1919

1919



Beginnings of the organised trade union movement for construction workers

1920

1921

MARCH CONSTITUTION (THE ACT OF MARCH 17, 1921 – CONSTITUTION OF THE REPUBLIC OF POLAND)

in force until April 23, 1935. The first modern Polish constitution. It introduced an egalitarian governance system of a republic with parliamentary democracy. Citizens were guaranteed equality before the law, inviolability of private property, life protection, freedom, confidentiality of correspondence, as well as lack of censorship.

1922

1924

PROHIBITION OF CHILD LABOUR

Since 1918, Polish labour law prohibited child labour. The Act of 1924 prohibited the employment of teenagers younger than 15.

1924



1928

1928

EMPLOYMENT CONTRACTS IN THE SECOND REPUBLIC OF POLAND

Two regulations on the employment contracts for blue-collar workers and white-collar workers granted extensive protective rights. These rights were not applicable to farm workers, teachers and educators as well as domestic servants.

1932

RIGHT TO ABORTION

Until 1932, abortion was always punished. The Criminal Code of 1932 named two exceptions to this punishability – abortion due to medical recommendations and abortion when the pregnancy was a result of rape, incest or an intercourse with a minor girl under 15.

THE LABOUR FUND

The Labour Fund undertook to organise large-scale public works. The unemployed received benefits as well as assistance from appropriate institutions within the social support.

RESTRICTION OF PRESS FREEDOM

Preventive censorship was introduced.



POLISH COMMITTEE OF NATIONAL LIBERATION (PKWN) MANIFESTO

Proclamation of the temporary government, which was connected with the USSR. The Manifesto assumed establishing a minimum wage system, development of social insurance system based on self-governance and the solution of the housing issue. Free, universal education at all levels was promised.

PREVENTIVE CENSORSHIP

The decree on establishing the Central Press, Publication and Show Control Office. In 1990 the preventive censorship was abolished.

CONSTITUTION OF THE POLISH PEOPLE'S REPUBLIC - JULY 22, 1952

On December 31, 1989 it was transformed into the Constitution of the Republic of Poland. Officially, all the fundamental freedoms and rights of "working people of cities and villages" were included in the Constitution. But, in fact, it was only the authorities' way of interpreting these provisions that mattered.

"THE THAW"

The end of Stalinism; a number of democratic freedoms was introduced, including a freedom of speech ersatz. The period of "democratization" quickly came to an end.

1934

POLISH CODE OF OBLIGATIONS

Comprehensive regulation of employment relationships – provisions on the obligations of both parties and the principles of remuneration, prohibition of unpaid work.

1934

1935

APRIL CONSTITUTION

Authoritarian presidential system was introduced in Poland.

1938

1939-

1944

WAR AND OCCUPATION

Liquidation of all institutions of the Polish state, including social, educational and cultural infrastructure. Extermination of the population (mainly Jews) by the Nazis.

1944-

1948

POWER STRUGGLE

Gradual elimination of opposition by Stalinists. The beginning of social structure rebuilding in order to ensure blue-collar workers and peasants' support to the governing authorities.



Land reform after the Second World War

1944

1944

AGRICULTURAL REFORM

The decree on the Implementation of the Agricultural Reform. The agricultural reform radically improved the economic and social situation of the indigent peasants, which was a critical factor in gaining their support for the new Polish governing authorities connected with the USSR.

1946

1948-

1956

THE STALINISM PERIOD

A period of totalitarian regime based on repression ruthlessly eliminating political opposition. At the same time, it was a period of introducing centrally planned economy, large industrial investments, the policy of blue-collar workers and peasants' social advancement and the times of creating a "new socialist intelligentsia".

1952

1956

EXPANDED RIGHT TO ABORTION

The Act of April 27, 1956 on the Conditions of Acceptability of Pregnancy Termination introduced the possibility of performing abortion on demand. The Act was amended in 1993; acceptability of abortion was limited to cases when the woman's health and life is threatened, there is a high probability of fetal impairment or when the pregnancy is a result of a prohibited act. As far as abortion is concerned, the Polish legislation is one of the most restrictive legislations in Europe.

1956-

1958

MARCH 1968

Worsening economic situations, power struggles in Polish United Workers' Party (PZPR); the intelligentsia, disappointed with the fact that the authorities diverged from democratization, started to protest. The government reacted to this course of events by conducting a campaign against the intelligentsia and the Jews.

The year 1968 is considered to be the time when the first opposition groups were formed in Poland.

LABOUR CODE

The Labour Code came into force on January 1, 1975, introducing a number of minor regulations which were beneficial to the employees. After 1989, the Code was adapted to the conditions of market economy; since then, it was amended almost 80 times.

After the year 2000, some regulations restricting the rights of employees were introduced.

MARTIAL LAW

A state of emergency introduced on December 13, 1981. Citizens' rights were suspended, including the activities of all trade unions, and their property was taken over.



Martial law, 1981

THE BALCEROWICZ PLAN enabled the transformation from a centrally planned economy to market economy. Because of the plan, the crisis was put under control; however, the deepening of social stratification was another result.

40-HOUR WORK WEEK

The Act amending the Labour Code of March 1, 2001 reduced working hours to an average of 40 hours in a five-day work week.

MINORITY RIGHTS

Act of January 6, 2005 on National and Ethnic Minorities and on the Regional Language.

1968

1971-

1980

1974

1980

1981-

1983

1989

1990

1997

2001

2003

2005

2015

THE GIEREK DECADE

A political group (a part of PZPR) gathered around Edward Gierek deprives Władysław Gomułka of power. From this moment forward, the Polish investment policy was bold, but risky. In this decade, large migratory flows from rural to urban areas occurred as a result of the implemented industrial and housing policy.

AN INDEPENDENT TRADE UNION MOVEMENT

After numerous workers' strikes, the authorities agreed to legalize the Independent Self-governing Labour Union "Solidarity" (*Niezależny Samorządny Związek Zawodowy "Solidarność"*). It was a trade union and a social movement, one of the largest (approximately 10 million members) mass organisations operating in the Polish People's Republic.

THE POLISH ROUND TABLE TALKS

Negotiations conducted by representatives of the government, the democratic opposition and the Church, which led to partially free parliamentary elections conducted in June 1989 and a change in the political system of Poland.



Round table talks and change of political system, 1989

THE CONSTITUTION OF THE REPUBLIC OF POLAND

Poland is a state under the rule of law where the principles of social justice and social market economy are implemented.

EXTENDED PROHIBITION OF DISCRIMINATION IN EMPLOYMENT RELATIONSHIPS

Amendment to the Labour Code of November 2003. Prohibition of discrimination on the grounds of racial or ethnic origin, religion, faith, disability, age, sexual orientation. Prohibition of harassment.

SOCIAL DIALOGUE COUNCIL

A tripartite body, the task of which is to conduct social dialogue and to implement the principle of public participation and social solidarity within the scope of employment relations. The Council replaced the former Tripartite Commission for Social and Economic Issues, which had been operating since 1994 and which was criticised by trade unions and employers.

100 YEARS OF *POLSKA INSPEKCJA PRACY* (POLISH LABOUR INSPECTORATE)

In Poland, the Labour Inspectorate has always been an important institution. On January 3, 1919 – only a few months after Poland regained its independence after 120 years of annexation – Józef Piłsudski, the Head of State, signed the “Provisional Decree on the Establishment and Operation of Labour Inspectorate”. The Inspectorate thus established had considerably broad competencies and operated within the government administration.



Head of state Józef Piłsudski signs the decree establishing a labour inspectorate, 1919

Józef Piłsudski, originally a radical socialist, held remarkably progressive views during the first period of his activities on behalf of the state. They changed in the second half of the 1920s, when, after his military coup d'état of 1926, he began to implement the authoritarian system in Poland. However, Piłsudski had always been supporting the Labour Inspectorate; in the interwar period, the Inspectorate contributed significantly to the process of shaping a market that protects the workers. The Inspectorate was a territorial institution. On July 14, 1927, a Regulation of the President of the Republic of Poland on Labour Inspection was issued. The document expanded the scope of the Inspectorate operations.

The Inspectorate functioned until the outbreak of World War II in 1939. Later, some of the state inspectors were killed as a part of the state official elimination process conducted by the Nazis. Halina Krahelska was a legend of the Polish Labour Inspectorate. Just before her death in 1945 in Ravensbrück, a Nazi concentration camp, Krahelska wrote “Guidelines for the organisation of Labour Inspectorate in the Independent Poland after World War II.”

Many of her remarks were taken into account during the Inspectorate reconstruction after World War II. Today, the Halina Krahelska prize is the top honour in the field of labour protection.

After World War II, in 1946, the Ministry of Labour and Social Welfare was entrusted with the supervision of all matters relating to occupational health and safety and labour protection. The Central Inter-ministerial Commission for Occupational Health and Safety as well as its counterparts in 20 different sectors of business, were established. Among other tasks, the Commission carried out inspections in workplaces with the highest hazard level. By virtue of the Act of March 20, 1950 on Local Bodies of Uniform State Authority, the national councils were granted the authority over the Inspectorate. In 1950, the Training Centre of the National Labour Inspectorate was established in Wrocław. In the future it would become an important organisation providing training, but also performing research and standardization of the Inspectorate operations. Stalinism in Poland restricted the operations of the Inspectorate. Increased production, rebuilding of the

country and competition on the labour market were the priorities of the Stalinist government – quite often at the expense of the workers' health and safety. Although the Labour Inspectorate held extensive powers, it could exercise them to a very limited extent.

On November 10, 1954, by virtue of the “Decree on the Assumption of Tasks by the Trade Unions in the Field of Implementation of the Acts on Labour Protection and Occupational Health and Safety and Conducting Labour Inspections”, labour inspection began to function within the structures of trade unions. The previous field labour inspection was transformed into a technical labour inspection based on the principle of a sector of industry. Seemingly, the rank of inspection was lowered, but, in fact, the chances of its exerting an impact were higher. Trade unions, politically dependent on the government, were granted a high degree of operational autonomy in the workplaces, which enhances the efficiency of the work of the Inspectorate. Following the strikes of 1980 and the establishment of the independent trade union movement, the Act was adopted on March 6, 1981, on the National Labour Inspectorate, a body founded in order to supervise and control compliance with labour law, particularly the rules of occupational health and safety. The government's purpose was to “take over” the Inspectorate and deprive independent trade unions of any influence over its operations. From this moment, the Inspectorate was supervised by the State Council. During the period of political changes, on May 29, 1989, the National Labour Inspectorate became liable to the *Sejm*. This unique solution which subjected labour inspection to the parliament is still

in effect, in spite of the government's attempts to gain control over the Inspectorate.

In 1990, the Labour Protection Council was established for supervision of working conditions and the operations of National Labour Inspectorate. It is an advisory structure of the Chairman of the *Sejm*. The Council is composed of parliamentarians, the representatives of government, trade unions and employers' organisations as well as other social organisations dealing with labour protection issues. Experts and science world representatives are also appointed members of the Council.

Since May 1, 2004, when Poland became a member of the European Union, the National Labour Inspectorate has become a full-fledged member of the Senior Labour Inspectors Committee.

On April 13, 2007, a new Act on National Labour Inspectorate was adopted, which i.a. expanded the competencies of the Inspectorate by the ability to inspect the legitimacy of employment. In Poland, the National Labour Inspectorate has a very extensive range of powers and competencies. It inspects the broadly defined work conditions (including, but not limited to health and safety); it is a liaison body in matters of deputing, it partially controls the use of hazardous substances in economy and supervises the legitimacy of employing migrants. Despite the fact that authorities may influence the process of appointing the Chief Inspector, the Inspectorate is largely an institution independent of the government. In Poland, where the system of collective labour agreements is rather weak, the Inspectorate is a natural ally of trade unions – and it usually fulfils this role. On the central and district level, the Inspectorate establishes sectoral Labour Safety Councils (i.a. in construction and agriculture), which are a kind of forums for social dialogue. Employees rarely file objections concerning the autonomy of the Inspectorate operations.

For trade unions, an intervention of the Labour Inspectorate is the only effective instrument of reaction, apart from strikes, in situations of acute conflicts between employers and employees.

JAKUB KUS

LABOUR CODE OR COLLECTIVE AGREEMENTS? THE DILEMMA OF POLISH INDUSTRIAL RELATIONS

FOR MANY YEARS, Poland has lagged behind the rest of Europe in terms of industry-wide collective agreements, with those that do exist only covering a few groups of workers. Multi-workplace collective agreements encompass for instance some local government workers, personnel (in the military, the forestry sector and the maritime economy) paid by state-run organisations, and energy and lignite mining industry workers.

Why so few groups? Well, there are many reasons for this, including, among those cited, the small membership numbers of professional bodies and the weakness of employer organisations, due in part to the lack of any effective action by professional bodies in small companies and the unattractiveness of employer organisations mergers. Furthermore, many sectors lack representative employer organisations. Polish law does not encourage the use of collective bargaining as a basis for industrial relations. As a result, the number of collective agreements is gradually falling – even at workplace level. Collective agreements are very difficult to bring to fruition and can be terminated very easily. They are difficult to bring about because any collective agreement must feature more favourable solutions for workers than the (already very detailed) Labour Code.

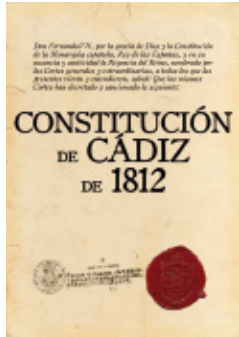
This Labour Code is an interesting piece of legislation. It was passed in 1974 – so in the era of 'real socialism' – and proved its worth to such an extent that later it was simply tailored to the new form of society and market economy that emerged after 1989. However, it has been amended about eighty times over the years. Recently, work on a new Labour Code was shelved. The new social partners could not agree on its contents and the government did not want to take the risk of forcing through such a legislative initiative without their

consent. When the professional bodies wielded huge influence on the process of developing legislation in the 1990s, they are said to have made the mistake of focussing on highly detailed and very worker-friendly legal solutions rather than supporting those that would have boosted autonomous and tripartite dialogue. The result was legislation unfavourable to professional bodies and employers' organisations, inhibiting the development of collective bargaining. Whether this was really the case is hard to say.

The fact of the matter is that currently company collective agreements scarcely differ from the provisions of the Labour Code and often do not include a pay scale for the purpose of wage arrangements. Today, in many cases professional bodies in companies are more exercised by the possibility of negotiating work regulations (a requirement for employers in companies with more than 50 workers) than by collective bargaining. The employer will introduce the initial work regulations after consultation with the professional associations. However, these associations must also agree to any subsequent changes to these. This opens up the prospect of negotiations. Rather than collective agreements, the professional bodies and employers' organisations in Poland make other arrangements, more akin to recommendations, for the sectoral labour markets.

There are hopes that the establishment of sector skills councils may, thanks to the sectoral qualifications frameworks, help with the development of sectoral pay scales for wage arrangements. However, while this could herald a new chapter in the history of sectoral social dialogue, there is still a very long way to go before any real change can be expected.

JAKUB KUS



The Spanish Constitution of 1812, popularly known as *La Pepa*

FIRST SPANISH CONSTITUTION

This Constitution was promulgated by the constituent assembly in Cádiz, where national sovereignty is officially claimed for the first time in Spain. It was one of the most liberal constitutions of that time: freedom of printing and independence of the courts of justice.

1812



Photograph of the builders and shareholders of the Barcelona-Mataró line, 1848

ROYAL ORDER ON THE CREATION OF RAILWAYS

First railway line: Barcelona-Mataró in 1848 (later, Madrid-Aranjuez and Gijón-Langreo). The development of these railway lines meant not only improvement in the transport of goods and the growth of the areas through which it passed, but also the basis for linking the different regions of the country by rail.

1844

FIRST GENERAL STRIKE IN SPAIN

This was against the illegalization of workers' associations and took place mainly in Catalonia, ending with a law that did not include workers' claims.

1855

LAW BENOT

This meant the beginning of labour legislation in Spain, protecting children from abusive work conditions and representing the start of OSH regulations.

1857

FIRST LAW OF PUBLIC INSTRUCTION

This new law (Law Moyano) meant unification of the different levels of the education system, regulation of public and private education, and the form of access of public teaching staff.

1873



Claudio Moyano,
Minister of Education



Child labour

1876

FREE INSTITUTION OF EDUCATION

This new institution (*Institución Libre de Enseñanza*) was founded by a group of professors, separated from the University for defending academic freedom and refusing to adjust their teaching to official dogma in religious, political or moral matters.

1887

LAW OF ASSOCIATION

For the first time, the right of association is legislatively developed through this law, recognizing religious, political, scientific, employer and worker associations.

1890

ESTABLISHMENT OF UNIVERSAL MANHOOD SUFFRAGE

From a legal and theoretical point of view, Spain became a democratic monarchy.

1900

LABOUR ACCIDENTS LAW

The main contribution of this piece of legislation (Law Dato) was the establishment of the doctrine of professional risk, closely related to insurance for work-related accidents.



The *Boletín de la Escuela Moderna* of 31 December 1905. It first appeared in October 1901 and was edited by Francisco Ferrer.

MODERN SCHOOL IN BARCELONA

This new school (*Escuela Moderna*), created by Ferrer Guardia, practices teaching inspired by free thought and is based on coeducation of the sexes and social classes. It was a revolutionary break with traditional methods.

1901

1918

FOUNDATION OF THE NATIONAL ASSOCIATION OF SPANISH WOMEN

Its objective was to promote the rights of women, mainly the right to vote, although they also promoted legal, educational and social initiatives.

1919

STRIKE OF LA CANADIENSE

This strike at an electric company, part of the *Barcelona Traction, Light and Power Company*, lasted 44 days and became a general strike. The strike resulted after long and hard clashes with the legal establishment in the 8-hour working day.

1926

LABOUR CODE

Study, compilation and recasting of the legislative provisions of work, through a systematic grouping of subjects.

1929

ESTABLISHMENT OF MANDATORY MATERNITY INSURANCE

Entering into force in 1931, this insurance led to the development of social insurance schemes and the creation of public charitable funds, introducing major changes in Spanish legislation.

1931



SPANISH CONSTITUTION

This represented a step forward in defence of human rights: recognition of the right to suffrage for women, formal recognition of equality between men and women, legislative power resting with the people, and leadership of the state not falling to the Monarchy.

1931

LAW EMPLOYMENT CONTRACT

This established mandatory standards for labour contracting and regulated collective agreements.

1932

DIVORCE LAW

Passed during the Second Spanish Republic, this was the first law to regulate divorce in Spain.

1976

LABOUR RELATIONS LAW

This meant a very high level of individual labour rights (hiring, dismissal...). (The improvement of collective rights was not possible whilst there was no freedom of association).

1977

LAW OF TRADE UNION ASSOCIATIONS

This law recognized the right of professional association to workers and employers, in each branch of activity

1977

ROYAL DECREE LAW OF LABOUR RELATIONS

This clearly recognized the right to strike and regulated it, as with the lockout.

1977

FIRST FREE ELECTIONS WERE HELD SINCE II REPUBLIC

The objective was to complete the process of political reform with the drafting of a Constitution, which finally saw the light of day in 1978.



Polling station in Toledo, 15 June 1977

LEGALISATION OF UNIONS AND LEFT PARTIES

PSOE (Spanish Socialist Workers' Party), PCE (Spanish Communist Party) and the Unions UGT (General Union of Workers) and CCOO (*Comisiones Obreras*) were legalised .



Closing ceremony of the first party of the Spanish Communist Party, held at the Casa de Campo in Madrid in 1977

WORKERS' STATUTE

This regulates individual work relationships, the rights of assembly and representation in the company, as well as the negotiation of collective agreements.

DIVORCE LAW

The first Divorce Law was suspended in 1939 and this is the one now in force.

Demonstration by feminists in support of members of the Democratic Women's Association (ADM)



GENERAL HEALTH LAW

All Spanish citizens and foreign residents are entitled to public health.

ORGANIC LAW ON COMPREHENSIVE PROTECTION AGAINST GENDER VIOLENCE

It establishes integral protection measures whose purpose is to prevent, punish and eradicate gender violence and provide assistance to its victims. In the workplace, it includes a series of labour rights and Social Security benefits.

LAW OF TERMS (RELATED TO ABORTION)

Decriminalization of the practice of voluntary termination of pregnancy during the first 14 weeks of pregnancy.

1977

1977

MONCLOA PACTS

Agreement between the main political parties on parliamentary representation, business associations and trade unions and involving a process of social agreement. These pacts allowed Spain to begin the path of modernization that would lead it to join the European Union.

1978

SPANISH CONSTITUTION

New legal system that led to the recognition of various rights and freedoms: education, health, social protection. With regard to labour, it meant recognition of the rights to collective bargaining, freedom of association and strike.



First page of the Spanish Constitution of 1978

1980

1981

NEW ABORTION LAW

Decriminalization of abortion in three cases: rape, risk to physical and mental health of the mother and malformation of the foetus.

1985

1985

ORGANIC LAW OF FREEDOM OF ASSOCIATION

This regulated and protected freedom of association, in addition to union action.

1986



March 2005: a crowd celebrates Gay Pride and the new law recognising same-sex marriage.

2004

2005

RECOGNITION OF THE RIGHT TO MARRY FOR SAME SEX COUPLES

The law is approved by an absolute majority and is very advanced because it also allows adoption of children.

2007

LAW FOR EFFECTIVE EQUALITY OF WOMEN AND MEN

Its objective is to combat all manifestations of discrimination, direct or indirect, based on sex and to promote real equality between women and men. This Law establishes the obligation to negotiate equality plans in companies with 250 workers or more.

2010

SPAIN WAS THE FIRST COUNTRY IN THE WORLD TO ACHIEVE AN 8-HOUR WORKDAY

In 1919 the struggle of the workers of *La Canadiense* (The Canadian) set the 8-hour working day, with Spain being the first country in the world to establish this right by law.

Spain experienced a strong economic crisis at the end of the Great War, which can be summarized as: contraction of demand with the closure of companies, increase in unemployment and wage reductions. This situation caused an increase in social conflict, in the middle of the Russian Revolution. With the end of the War in 1918, a drastic brake on production occurred, as well as an increase in the deterioration in workers' socio-labour conditions. There was less work, low wages and exhausting days, but also an atmosphere of enthusiasm derived from European movements and the consolidation of the Bolshevik triumph. Workers' discontent was directed by the unions, UGT and CNT, which were in full expansion. Union action intensified in the countryside, in industrial zones and large cities.

In Barcelona, the highest level of violence was concentrated between 1919 and 1923, due to the strength of the CNT and the harsh response of employers. Employers were divided into two sectors: those in the textile industry, who were more inclined to negotiate with unions and open to labour reforms; and those in construction, supporters of force. Before the increasing industrial attacks and strikes, the leaders of both sectors met with the head of

1919



Queuing for coal during the strikes at *La Canadiense*, which cut off supplies

Government in Madrid, Count of Romanones, who, although he preferred to remain on the sidelines, gave in to the requests of Milans de Bosch, Captain General of Catalonia, and of the Civil Governor González Rothwos, to suspend constitutional guarantees in the city until the tense situation had been rectified and echoes of the German Spartacist uprising

had passed. On January 16, 1919 this measure was carried out. Since there was no need to explain why people were detained many workers were arrested and workplaces closed.

The great conflict in Barcelona at this stage centred on the Electricity Company of Irrigation and Forces of the Ebro, also



The *Somatén* (employers' armed militia)



Clashes during the *Canadiense* strike



The military lights the street lighting on the Ramblas during the strike

known as *La Canadiense*, because the Company's main shareholder was the Canadian Bank of Commerce of Toronto, which was engaged in the electricity supply for Barcelona. The conflict arose when the workers decided to organise themselves, provoking the reaction of the manager of the company who tried to disengage the workers. The confrontation was complicated by the dismissal of those who had organised the union.

The strike in the Company began on 5 February 1919, in solidarity with the dismissal, three days earlier, of eight of those in office. Soon the entire workforce was on strike. They went out into the streets, talked to the governor, who promised to intercede, and, when they returned to their posts, they found the police preventing them from accessing the facilities. These events triggered a chain reaction in Barcelona. On February 21, the strike spread to all the companies in the group and on 27 February workers from all over the electricity sector and a large number of other sectors joined, paralyzing

70% of the industry in Catalonia. The strike lasted for 44 days and paralyzed the trams, the newspapers, the distribution of water. The General, Captain Milans del Bosch, decreed military control of the factories to restore the supply. When the order was given, not one of the military workers and employees took a step to fulfill it. Between eight hundred and five thousand were arrested and three thousand workers were imprisoned. In mid-March, a state of war and control of the media were declared.

The strike ended after an agreement, involving the release of prisoners, the reinstatement of those dismissed, an eight-hour working day, wage increases and payment of half the days lost in the strike, for fear of calling a general strike throughout the country if the Barcelona conflict was not solved. The agreement was accepted once all the jailed workers had been released and after the declaration of this agreement to 20,000 workers by union leader Salvador Seguí (*Noi del Sucre*) on 19 March. On 3 April 1919, the Count of Romanones, prime minister of the central



The *Canadiense* plant with its iconic three chimneys

government, signed the decree that promulgated from October of the same year the eight-hour working day for all Spanish workers. He resigned after stamping his signature.

The strike of *La Canadiense* is remembered as a great triumph of the working class and as a model for union organisation. Spain was, therefore, the first country in the world to establish by law the eight-hour working day.

BARCELONA AFTER THE STRIKE OF LA CANADIENSE

THE CONFLICT in *La Canadiense* polarized the social context: there were no intermediate positions. The Patronal Federation of Barcelona, which represented the industrial elite, had sealed an alliance with the most extremist elements of the Army in the region. In addition, the then captain general of Barcelona, Joaquin Milans



The military overseeing electricity generation

del Bosch, incited by the Employers' Federation, refused to release the CNT members in military custody, in an attempt to overthrow the *La Canadiense* agreement and provoke a confrontation with the unions.

Therefore, the year 1919 was an example of how labour issues were taken up by a large part of the authorities as a problem of public order. Although Republicans and Socialists tried to channel discontent from the international agreements sealed in the International Labour Organisation, the hostility of businessmen to the intervention of the State in industry, as well as the hardening of the authoritarian positions of the most reactionary groups of Spanish society, led to the failure of any attempt. In this context, the city had come under military control, a curfew was decreed after 11 pm and the streets were patrolled by almost 10,000 men armed with rifles, the *Somatén*, who persecuted trade unionists. It began as the most multitudinous strike in the history of the city – affecting everyone

from tramcar drivers to dock loaders, passing through factory workers, undertakers, merchants and hotel waiters, but it ended with worn out workers returning to their posts. Then the employers felt legitimized to redouble the pressure and carry out several lockouts, that is closures of companies to harm workers. Between 150,000 and 300,000 workers became unemployed for weeks because of this employer tactic in December 1919. The clash between the two groups would lead in the following years to gun violence, with attacks from both sides, which left more than 250 dead, until 1923, the year of the beginning of the Dictatorship of Primo de Rivera in Spain.

MARÍA ÁNGELES ROMERO CAMBRA

Source in Spanish only:

La efectividad de la acción directa: la huelga de La Canadiense y sus consecuencias. Available at: <https://www.elsaltodiario.com/anarcosindicalismo/efectividad-accion-directa-huelga-canadiense>

But, how has the eight-hour working day evolved?

The achievement of eight hours of daily work in Spain (which in the 1919 decree implied a 48 hour week, that is, six working days) was the culmination of a global movement that had been developing for decades. The commemoration of May 1 as Workers' Day was established in the late nineteenth century, following the struggle for the eight-hour working day by workers of Chicago in 1886. In the same year, 1919, that Spain adopted the measure, it gave form to the International Labour Organisation (ILO), which had this among its objectives.

But, did the 8 hour working day actually come to be applied in practice and remain unchanged until today? On paper, yes, would be the answer of Antonio Rivera, Professor of History at the University of the Basque Country. Neither during the dictatorship of Primo de Rivera nor that of Franco was it abolished. What was discussed as a result of the approval of the decree was which companies and sectors could benefit from exceptions to it and how overtime was to be managed. However, in the end the implementation of the 8-hour day depended on the capacity of union pressure. In the Professor's opinion: "The same as now: it depended on the capacity of organisation that workers did not end up doing 10 or 12 hours for days that on paper were eight".

MARÍA ÁNGELES ROMERO CAMBRA

Sources in Spanish only:

http://escuelasindical.ccoo.es/noticia:359933--Lucha_por_las_8_horas_de_trabajo

https://www.elconfidencial.com/cultura/2019-01-19/jornada-ocho-horas-huelga-canadiense-centenario_1767114/

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https://www.eldiario.es/catalunya/huelga-Canadiense-consiguio-jornada-laboral_0_863014014.html

<https://anarquismoanarcosindicalismoyotrotemas.wordpress.com/2015/07/06/el-pistolismo-y-el-terrorismo-patronal-en-la-rosa-de-foc/>

Video of the strike (in Spanish):

<https://www.youtube.com/watch?v=xDTer93w8kU>

SALVADOR SEGUÍ



Salvador Seguí Rubinat (born in Tornabous, 23 December 1886 – assassinated in Barcelona, 10 March 1923) was one of the main leaders of the anarcho-syndicalist National Confederation of Labour in Catalonia in the early twentieth century.

Seguí was both one of the best exponents of the final result of the strike of *La Canadiense* and one of its most prominent players. He was born in 1886 in a rural family in the province of Lleida and emigrated to Barcelona the following year. The *noi del sucre* (the sugar boy), left school at age 12 to learn the craft of painter, with which he earned his living until the end of his days. However, he was culturally trained in the vast network of libertarian libraries and athenaeums, which in those years dotted the map of Barcelona, to the point of becoming an excellent speaker, polemicist and writer of several works on trade unionism, a short novel – 'School of Rebellion' – and of countless articles in publications of differing orientation. These two ideas – culture as a lever for personal liberation and the union as a tool of collective liberation – shaped Salvador Seguí's ideology, and the fruits of its work were not long in coming. He proposed the abolition

of federations based on trades and the creation of Unified Trade Unions to group all the workers of a single productive branch. This allowed worker anarchism to move from a strategy of resistance to postulate a society based exclusively on unions capable of organizing all aspects of economic production and social life.

Seguí starred in many important episodes in the Barcelona of the time before his assassination in 1923, instigated by the employer's association *Fomento del Trabajo Nacional* (Promotion of National Work) and committed by some gunmen. However, probably the most important legacy of Seguí was the union network that he had promoted.

MARÍA ÁNGELES ROMERO CAMBRA

Sources in Spanish only:

¿Sabes por qué trabajas 8 horas? Los 44 días que cambiaron la historia de España. Available at: https://www.elconfidencial.com/cultura/2019-01-19/jornada-ocho-horas-huelga-canadiense-centenario_1767114/

Salvador Seguí, el chico que hizo madurar al sindicalismo. Available at: <https://www.elsaltodiario.com/anarcosindicalismo/quien-fue-salvador-segui-noi-sucre>



FOUNDATION OF THE SWISS CONFEDERATION

In 1848, Switzerland adopted its first constitution, enshrining the basic values of the French revolution, such as equality before the law, the separation of powers and civil liberties. This created a democratic state with suffrage, a bicameral parliament and fundamental rights in the heart of a Europe of monarchies and failed revolutions. The present-day, 'modern' version of the Constitution only came to be in 1874 when it was revised, extending Swiss citizens' fundamental rights to include the entitlement to 'constitutional initiatives' (i.e. referendums).

FIRST FACTORY ACT ENACTED FOLLOWING A REFERENDUM

After 1848, a few more cantons followed the example set by Glarus until occupational health and safety was finally anchored in national legislation, when a referendum just managed to adopt the first Swiss Factory Act (Labour Law), overcoming resistance from industry. Among other things, it included a ban on employing children aged under 14 or women just before and after childbirth, introduced an 11-hour working day and banned night and Sunday work.

FOUNDATION OF THE SOCIAL DEMOCRATIC PARTY OF SWITZERLAND

Prior to the establishment of the national Social Democratic Party (SPS), the nineteenth century saw the establishment of various workers' organisations, including the Grütli Association, the Swiss Trade Union Confederation and several regional social democratic parties. But most of these workers' parties were only short-lived. The party platform proclaimed democracy, rejected revolutionary aspirations and sought democratic solutions to improve social conditions.

BASEL CONGRESS OF THE SECOND INTERNATIONAL (PEACE CONFERENCE)

The aim of the extraordinary congress of Socialists in Basel in 1912 was to prevent war by all means possible and showcase this to the public. The Congress took place against the backdrop of the Balkan Wars of 1912-13 and the growing fear of a military confrontation between the major powers in Europe.



Poster for the International Socialist Congress



Original of the Swiss Federal Constitution, 1848

1848

1848

PROHIBITION OF CHILD LABOUR UNDER 12 YEARS OF AGE

Textile companies had settled in the canton of Glarus early on, bringing with them the typical problems associated with early industrialisation, such as child labour, excessively long working hours and risks of accidents. In 1848, the cantonal authorities adopted one of Europe's first health and safety laws, which not only included a ban on employing children aged under 12, but also stipulated maximum working hours for day and shift work.

1877

1880

FOUNDATION OF THE CONFEDERATION OF SWISS TRADE UNIONS

Since the previous alliance of various workers' organisations, the Workers' Federation, threatened to disintegrate after successfully fighting for the enactment of the Labour Law, a new Swiss Trade Union Confederation (SGB) was founded in Olten. This was followed in 1907 by a merger of Christian-oriented associations to form the Christian-Socialist Federation of Trade Unions (CSG). By 1920, about 10% of the working population was unionised.

1888

1890

ACCIDENT AND HEALTH INSURANCE

Creation of a constitutional basis for accident and health insurance. The expansion of wage labour also increased the associated risks of lost pay, which in Switzerland are primarily covered by insurance policies. However, it took more than 20 years, until 1912, to pass a corresponding law.

1912



General strike, demonstration in Winterthur on 31 August 1918

1918

GENERAL STRIKE

On 11 November, the so-called Olten Committee, the link between the SPS and the unions, called a general strike. Their demands included proportional representation, women's suffrage, a maximum working week and old-age and disability insurance. After three days, under tremendous pressure, the strike was discontinued. Although this constituted a defeat, it nonetheless succeeded in making an impact, leading to the introduction of the right to proportional representation for the National Council in 1919 and creating a constitutional basis for old-age and invalidity insurance in 1925.

A PEACE AGREEMENT IN THE METALWORKING, MACHINING AND WATCHMAKING INDUSTRY

This first nationwide collective agreement is still a kind of moratorium, renouncing strike action, without normative arrangements like collectively agreed wages. In 1938, it was followed by the first nationwide collective agreement for the construction industry, setting minimum wages and regulating working hours. Fairly extensive strike action was called until the early 1950s, especially in the construction and chemical industries, prompting the conclusion of many new collective agreements.

FIRST PAYMENT OF STATE PENSIONS

Although the constitutional basis for a system of old-age pensions had been created in 1925, the bill failed to be passed in 1931. A majority of (male) voters only adopted the law in 1947, at the second attempt. In various revised versions, the benefits were expanded, leaving old-age and survivors' insurance (AHV) forming the basis for securing livelihoods after the completion of gainful employment. In 1966, this basis was enhanced when a right to supplementary benefits was granted to reduce old-age poverty.

XENOPHOBIC BACKLASH ONLY JUST AVERTED

The expression of more and more anti-immigrant sentiment, starting as early as in the 1960s, was followed by the formation of a right-wing nationalist alliance that succeeded in putting a people's initiative to the vote. This first xenophobic initiative, named after its initiator, James Schwarzenbach, was rejected by 54% of voters. Its adoption would have meant the forced deportation of several hundred thousand people.

A NEW WAVE OF STRIKES

Strike action became more frequent in the wake of an economic slump. The 1963 plasterers' strike was virtually the only action of its kind taken in Switzerland during the post-war decades. Fairly large-scale strikes only started occurring again in 1976, following the country's first massive economic downturn. This ultimate protest turned out to be a way of voicing criticism and implementing change.

ARTICLE ON GENDER EQUALITY WRITTEN INTO THE CONSTITUTION

Following the introduction of women's right to vote and stand for election, another urgently needed step forward was constitutionally secured, namely individuals' right to equal pay for equal or equivalent work. Notwithstanding the adoption of this principle (and subsequent law), equal pay is still far from a reality.

1937

1938

RHAETO-ROMANIC (ROMANSH) BECOMES THE FOURTH NATIONAL LANGUAGE

On 20 February 1938, 91.6% percent of Swiss people voted in favour of including Romansh in the Constitution as the nation's fourth national language. In the context of German and Italian fascism, this was an impressive confirmation of Switzerland's democratic model, with its linguistic and cultural diversity.

1948

1968

A SOCIO-CULTURAL AWAKENING

The years leading up to and after 1968 also symbolised a departure from conservative values in Switzerland and a move towards a different social order. Rock concerts and numerous demonstrations were held in larger towns and cities. This resulted in the formation of a 'New Left', occasionally combated by large-scale police deployment. New political parties emerge and social movements became increasingly popular.

1970

1971

THE INTRODUCTION OF WOMEN'S RIGHT TO VOTE AND STAND FOR ELECTION

Switzerland was one of the last countries to introduce women's suffrage. The long struggle by the women's movement finally induced male voters to consent to these fundamental democratic rights being awarded to female citizens.

1976



"Do you want such women? No to women's suffrage!" An anniversary poster cites a campaign against women's suffrage from the 1920s.

1981

1981

THE INTRODUCTION OF COMPULSORY ACCIDENT INSURANCE

Finally, mandatory insurance against work-related accidents and occupational diseases was introduced for the entire working population. Anyone working more than eight hours a week is also insured against non-work-related accidents. Usually, employees pay the premiums for non-work-related accidents, while employers bear the cost of accident insurance.

WOMEN PILE ON THE PRESSURE

The extremely hesitant implementation of the article on gender equality prompted more than 500,000 women to take part in a national day of protest and nationwide strike. The slogan used was: "Wenn Frau will, steht alles still" (Women can bring everything to a halt if they want to). That momentous day led to progress being made on a gender equality law that came into force on 1 January 1996, above all prohibiting any kind of discrimination against men and women.

THE RIGHT TO SECURE A LIVELIHOOD

This may now be regarded as the core content of fundamental rights in Switzerland. Article 12 of the Constitution states that: "Persons in distress and incapable of looking after themselves have the right to be helped and assisted and to receive the means that are indispensable for leading life in human dignity". Naturally, this refers to all people living on Swiss territory.

A BILATERAL AGREEMENT WITH THE EU

A referendum clearly adopted Bilateral Agreement I with the EU, which entered into force in 2002. One key area it covered was the free movement of persons. As a measure against discrimination and wage undercutting, a Posting Act was drawn up to tighten control over minimum working conditions. This enabled Switzerland to maintain a high wage level compared to other European countries. Over the coming years, the bilateral agreement would be extended and also adopted for Central and Eastern European EU Member States.

MERGER OF THREE MAJOR TRADE UNIONS

SGB-affiliated unions in the machinery and metalworking sector (SMUV), the construction and chemical sector (GBI) and the services sector (VHTL) joined forces with some smaller associations to form a big, new union called UNIA. The declared purpose of the merger was to increase the influence of collective labour agreements and boost the unions' political clout, especially in the tertiary sector.



Over 500,000 women took part in the 2019 women's strike – shown here, a pram march in Bern.

WOMEN'S STRIKE ON 14 JUNE

In the wake of its annual protest days, the women's movement attempted to go one step further, following in the footsteps of other European countries by organising a proper day of strikes. This mobilisation proved successful, helping the women's social movement to continue gaining momentum and making progress.

1991

1992

A BILATERAL AGREEMENT WITH THE EU

Switzerland's accession to the European Economic Area (EEA) was very narrowly rejected in a referendum. Instead, Switzerland launched negotiations for its own bilateral agreement with the EU, leading to the 'autonomous' reproduction of various EU Directives and Regulations in a draft legislative package dubbed *Swisslex*. Labour law was improved with respect to the information and/or consultation of employees and occupational health and safety regulations to bring it in line with the EU standards applicable at the time.



Stand of the right-wing nationalist SVP party against joining the EEA, 1992

2000

2003

ENFORCEMENT OF A PENSIONABLE AGE OF 60 IN THE CONSTRUCTION INDUSTRY

The introduction of flexible provisions for retirement from the age of 60 in the collective agreement governing the construction industry is probably the trade unions' biggest achievement since World War II. After tough negotiations, a nationwide strike on building sites and the blockading of motorways, employers and unions agreed to lower the retirement age for all construction workers, guaranteeing them a pension equivalent to 65% of their last basic salary, with a maximum of CHF 5,688 (as of 2019).

2004

2005

PAID MATERNITY LEAVE

Introduction of 14 weeks' paid maternity leave, with mothers receiving 80% of their previous wage. Maternity protection dates back to the nineteenth century Factory Act. A first petition was initiated in 1904. In 1945, the women's movement succeeded in incorporating it into the Constitution. There is still no legal guarantee of lengthier parental leave or paternity leave analogous to that awarded in the EU.

2019



Picture commemorating the entry into force of the first Swiss Federal Constitution on 12 September 1848

THE FIRST FEDERAL CONSTITUTION OF THE SWISS CONFEDERATION

In 1848, the adoption of the Swiss Federal Constitution turned what had previously been a loose confederation of states into a single, democratic federal state, creating modern Switzerland. Not only was this a milestone for the Swiss Confederation, it was also a remarkable achievement in the international and European context.

The 'revolutionary' aspect of the 1848 Constitution was that it gave rise to a truly democratic state with suffrage, a parliament, the free movement of persons and freedom of establishment, among other things, in the midst of a Europe dominated by monarchies and in the wake of the quelled revolution in Germany. Today, historians agree that Switzerland was founded as a state in 1848, not through the Rütli Oath in 1291, a national myth still presented in some school textbooks today.

Influenced by the French occupation, which lasted until 1803, under which the cantons had been grouped into a centralised 'Helvetic Republic', the fundamental values of the French Revolution, such as equality before the law, the separation of powers and civil liberties, found their way into the Constitution. The two-chamber parliamentary system was one feature borrowed from the US Constitution. That said, the Swiss Federal Constitution was a compromise that had to show consideration for the conservative cantons. For although the liberal-progressive cantons had prevailed

1848

over rural, conservative forces in the Sonderbund War, the text of the Constitution had to be worded carefully so that a majority of the cantons could end up supporting it. Commenting on the tight vote on the Constitution, the Swiss historian Peter Dürrenmatt says: "Die-hard radicals found its contents didn't go far enough, while Conservatives found it went too far". For example, only Christians were awarded the freedom of establishment. The Jewish population was only allowed to live and work in certain regions. Only in the revised Constitution of 1874 were these civil liberties extended to all Swiss citizens.

"Article 2. The aim of the Confederation is to preserve the outward independence of the fatherland, to maintain internal peace and order, to protect the freedom and the rights of the confederates and to promote their common prosperity."

From the Federal Constitution of 1848

“Article 90. The Federal Council (...) shall render an account of its activities to the Federal Assembly and submit a report on the internal as well as on the external state of the Confederation and ... draw the Federal Assembly’s attention to such measures as it deems useful for the promotion of common prosperity.”

From the Federal Constitution of 1848

Robert Grimm, who organised the famous Zimmerwald Conference in 1915 and led the General Strike of 1918, described the 1848 Constitution as a big step forward compared to the previous situation”, but “essentially a cautious, Conservative Constitution. He then went on to say that while other Constitutions from revolutionary eras map out the historical development for decades to come and boldly set out the framework for both state and social life, the new Federal Constitution takes pains not to cover more than the most pressing necessities.

Although the Constitution guaranteed fundamental rights, the only social objective, in the narrow sense of the term,

mentioned by the federal government was “the promotion of common welfare”.

Only Article 41 of the revised Constitution of 1874 redefined fundamental rights, while also empowering the federal government to become active in the domain of occupational safety and social policy. Some liberal cantons had already gone even further prior to 1874. As early as 1848, the year of the federal state’s establishment, social history was written in the Canton of Glarus. Textile companies had settled in this region early on, giving rise to the typical problems of early industrialisation, such as child labour, excessive working hours and risks of accidents. In 1848, it passed a Factory Act, one of Europe’s first, which

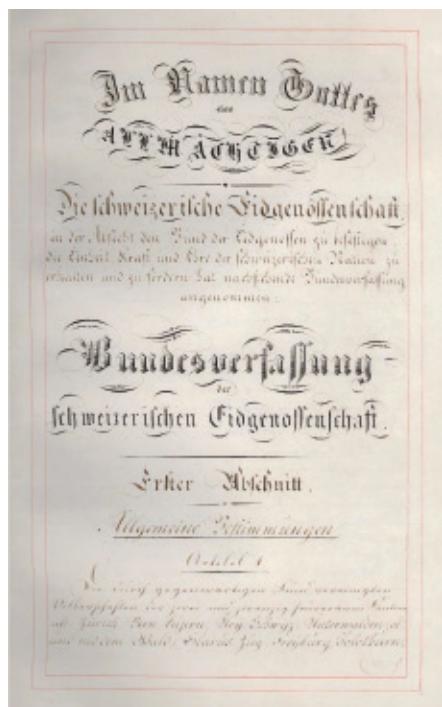
not only prohibited the employment of children aged under 12, but also imposed maximum working hours for day and shift work. During ensuing decades, a few other cantons followed this example, until finally occupational health and safety was also included in the Federal Constitution.

One great proponent of an independent, democratic Switzerland in his day was the poet Gottfried Keller, whose literary output (e.g. *The Banner of the Upright Seven*) and political writings, like the May Manifesto of 1848, influenced the constitutional debate. Keller even served as Second Secretary of the Constitutional Council, which enabled him to participate directly in discussions about constitutional texts. He also played an important role in the subsequent revision of the Constitution, championing direct democracy to counterbalance the growing influence of industry and banks.

The Grütli Association, founded in 1838, a precursor of the subsequent Social Democratic Party of Switzerland (SP), does not appear to have exerted any major influence on the constitutional debate until 1848. Back then, the Grütli Association was a tame, rather petit bourgeois organisation with ideas about social reform. Its membership was restricted to Swiss citizens. In the 1840s, more militant organisations that were actual forerunners of trade unions were the German workers’ associations and educational societies, led by migrants who as revolutionaries had been forced to flee Germany. These early workers’ organisations seem only to have had an impact on the constitutional debate after 1848, but definitely influenced the design of cantonal health and safety laws.

The 1848 Constitution does not include the direct democracy of referendums, considered typical of Switzerland today, although at one point it does state that the Constitution can also be revised by the people. However, direct democracy was anchored in most cantonal constitutions. In subsequent years, the political forces that also leaned towards people’s rights at the federal level, prevailed over those who advocated a representative democracy instead. Criticism of the Escher system played a major role in bringing this about. Alfred Escher, who went on to become a

The 1848 Federal Constitution of the Swiss Confederation



major industrialist, was an early participant in the constitutional debate and was elected to the new National Council in the first parliamentary elections held in 1848. After his economic rise (building railways, founding the *Schweizerische Kreditanstalt*, now known as *Crédit Suisse*), he was nicknamed 'King Alfred I' or 'Princeps', because he linked his economic clout with political power in a plutocratic manner. The criticism of his approach led to a significant expansion of direct democracy in the revised Constitution of 1874.

HANS BAUMANN

Bibliography:

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- Robert Grimm: *Geschichte der Schweiz in Klassenkämpfen*, Zurich 1976
- Ulrich Häfelin, Walter Haller, Helen Keller: *Schweizerisches Bundesstaatsrecht*, Zurich-Basel-Geneva 2008

THE FOLLOWING SELECTION OF QUOTATIONS from documents, literature and archives, should make some aspects of the period prior to the adoption of the **Swiss Constitution (the *Tagsatzung*, or Federal Diet of Switzerland, after the Congress of Vienna) and its consequences (social rights in the Constitution of Glarus, asylum for refugees) accessible and stimulate further reading.**

ROLF GEHRING

THE TAGSATZUNG (1814-1848)

“The *Tagsatzung* succumbed to pressure from the victorious European powers and put an end to Mediation on 29 December 1813. The Congress of Vienna recognised a confederate association forged on 7 August 1815 and Switzerland’s neutrality. The Federal Treaty ensured the return of the cantons to self-rule; cantonal citizenship was reintroduced. The only centralist state structure was the assembly of cantonal representatives, the so-called *Tagsatzung*, which made decisions on military matters and foreign policy.”

Source: Swiss Federal Archives – <https://www.bar.admin.ch/bar/en/home/research/searching/topics/die-moderne-schweiz/epoche-des-wandels--die-schweiz-zwischen-1798-und-1848.html> – These archives provide access to a comprehensive collection of documents on Switzerland’s history.

FROM THE CONSTITUTION OF

GLARUS (*Unlike the Federal Constitution, the State Constitution of the Canton of Glarus of 1842 established freedom to practise a trade – R.G.*)

Section 3. All citizens are subject to the same laws and may exercise the same political rights, apart from the exceptions set out in Section 25. Accordingly, there are no privileges relating to confession, place, birth, status, family and fortune in the canton.

Section 9. Commerce and trades are free, subject to the sovereign laws and legal provisions serving the common good. The same freedom to practise a trade is also enjoyed by the members of other cantons and foreign countries in which citizens of Glarus are guaranteed reciprocal rights.

www.verfassungen.de/ch/glarus/verf42-i.htm



“Freedom through education”, banner of the Arosa Grütli Association, 1897

SWITZERLAND’S REFUGEE POLICY

was generous after the general failure of the 1848 Revolution (in Europe, R.G.): thousands of German and Italian national liberals or republican French poured into the country, By contrast, the neighbouring states were putting pressure on the border, including by deploying troops. Verbally, the Federal Council vigorously defended liberal asylum legislation, but deported refugees to England or America if they wanted to continue the political fight against the government in their home country from Switzerland and thus posed a threat to the ‘internal or external security of the Confederation.’”

Thomas Maissen: History of Switzerland

“However, the primary aim of the Grütli Association is development that enables Swiss citizens to participate vigorously and prosperously in public life... “

From the articles of association of the Grütli Association

RECOMMENDED READING

There is a wealth of literature on Swiss history. The works we would recommend on the years around 1848 are *Uli the Farmhand* and *Uli the Tenant* by the Conservative sympathiser and protestant priest Jeremias Gotthelf and *The Banner of the Upright Seven* from the Zurich novellas by the liberal writer and politician Gottfried Keller.

A PRIZE FOR BOSSES AND THEIR SERVICE PROVIDERS

Remarkably, it was Gotthelf, the conservative pastor, who wrote about the worldly prospects of a hopeless case, for Uli, the Farmhand has nothing (no land or money) and stands to inherit nothing either. His education? Very occasional exposure to printed matter, addition and subtraction and religious precepts. But Uli is at least healthy, accustomed to hard work and very practically-minded. He manages to find work with a landowner, where he can work well and learn something. His master has business interests in addition to the farm, so an astute servant would be useful to him. Thus, the pre-modern master/servant relationship transforms into a freer contractual and negotiated situation between bosses and service providers. In the household, the threads of rural life converge: everyday working life, business, human affairs, birth and death. The housewife knows – and worries



Hans Bachmann (1852-1917). Illustration for *Uli the Farmhand*

about – everything. Thus, the master's wife begins the tale by saying that Uli the have-not should not be allowed to become Uli the good-for-nothing and that he needed a talking to. In short, even poor wretches can make something of themselves by learning to work and take charge of work processes and/or by cultivating good business practices and personal manners. Because the inheritance of rural estates leads to distortions. Diligent, clear-thinking men and good, wise women who are tenants can become 'bosses', owners and wealthy, albeit only if a miracle occurs.

FRIENDSHIP IN FREEDOM

In the *Banner of the Upright Seven*, Gottfried Keller paints a picture of the whole of Switzerland. The prime focus is on urban society, whose figures – whether without assets or wealthy – are united by the fact that courageous individuals in the newly founded federal state will supposedly seek and find their fortunes by working, achieving and being actively involved in public life. The 'banner' consisted of tireless party sympathisers who were willing to run errands and act on behalf of the party day and night for the prospect of a liberal constitution, doing work that could not be entrusted to any paid staff, but only to utterly reliable individuals. Meanwhile, many a Swiss wardrobe contained a rifle. In the book, master tailor Hediger wants to make a living



The Banner of the Upright Seven

with his hands and be viewed as a human being and citizen, whereas Frymann the sawmill operator and contractor is intent on becoming ever wealthier through property development. Between these two opposing blueprints for life, the next generation seeks – and finds – itself by countering the will and plans of the old. As in Gotthelf, by reflection on the good, clever women combine competence with ownership, using their worldly wisdom and eye for what is real to break doctrinairism and the drive for enrichment. The story ends at the shooting match, where Karl Hediger proves both proficient and eloquent and the fathers finally agree to a marriage. The dialogue at the end is characterised by broken optimism. Karl asks Hermine: „... so what about the regiment? Do you really want to me to be henpecked?“ Whereupon she replies: „As much as possible! A kind of law and a constitution will take shape between us, and however it turns out will be just fine!“

Although they concerned different milieus and were products of different philosophical outlooks, what both works have in common is a notion of the 'good life', the apotheosis of which is not the realisation of an ideal and the pursuit of leadership or domination. The characters' development finds its point of reference in respecting fellow citizens. In modern terms, this would be referred to as the human ability to cooperate and reach agreement in a fair contract.

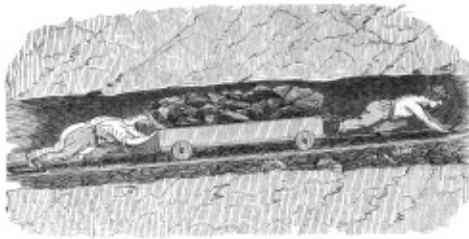
MARTIN FOCHLER, ALFRED KÜSTLER

HEALTH AND MORALS OF APPRENTICES ACT

This curbed some of the child labour abuse in the cotton industry. Very limited standards were set for heat, light and ventilation. Working hours limited to 12 a day. Sleeping quarters for boys and girls to be separate and some form of education to be provided.

INVESTIGATION IN CHILD LABOUR

The Royal Commission, appointed to investigate child labour in factories, was set up as a result of reformers' demands. The first four factory inspectors were appointed because magistrates had failed to enforce the early acts and check the hours of work of young people. A 10-hour day was introduced for those aged 13-18. Now laws covered woollen and linen mills as well as cotton mills, though legislation did not extend to factories outside the textile industry



TRADES UNION CONGRESS (TUC) FORMED

In the 1860s local trade union councils had been formed in many industrial cities, the leaders of which met in Manchester to discuss the idea of an organisation which would provide a united voice in defence of trades union rights. The 34 delegates agreed to set up the TUC and hold a conference every year to discuss issues of importance to the labour movement.

EMPLOYERS LIABILITY

Employers Liability Act together with the principle of common law left the injured workman to prove his case in the civil courts, the contributory negligence of his employer being the basic evidence on which his action depended. This was to be followed by the various Workmen's Compensation Acts of 1897 to 1945.

1802

1832

1833

1842

1848

1867

1868

1871

1880

ENLARGED RIGHT TO VOTE

Reform Act sought to extend the electorate but the right to vote was restricted to men with property so that only one in seven of adult males could vote. With just 650,000 electors among a population of 14 million, they were a small minority.

MINES REGULATIONS ACT

Owners were forbidden to employ women and children underground.

REDUCED WORKING HOURS

Hours of work for women as well as young people restricted to 10 a day.

MASTER & SERVANTS ACT

Trades unions had been unhappy with narrowly defined rights to bargain over wages and conditions and, under the terms of this Act, workers could only be prosecuted for breach of contract.

LEGAL STATUS OF TRADE UNIONS

Trade Union Act gave trades unions legal status. Combining together would no longer be a conspiracy; the common law on restraint of trade through trade union actions was repealed; and trades unions received full protection for their funds and other property.



Emblem and membership certificate of the National Amalgamated Union of Labour, 1895

BETTER SAFETY AND HEALTH

Factories & Workshops Consolidation Act. For the first time, there was a comprehensive code for safety and health. This was won by trade unions, especially miners and cotton workers, allied with radical reformers and in the face of government proposals that would have weakened statutory controls.

COMPENSATION OF OCCUPATIONAL DISEASES

Workmen's Compensation Act now to include some industrial diseases as well as accident injuries.

UNIVERSAL SUFFRAGE

Now all women over 21 could vote. Five million women were added to the electorate and, at the 1929 election with 52% of the total electorate, they were in the majority albeit because many men had been killed in the Great War.

INDUSTRY POLICY FOR SOCIAL NEEDS

The newly elected Labour Government's Nationalisation and Planning programme put the Bank of England under state control in 1946. Coal, gas, and electricity industries were nationalised in 1947, bringing roughly 20% of the national economy, employing 2 million workers, under state control.

HEALTH SERVICES

National Health Service Act – a comprehensive service for all citizens, free at the point of need, providing all medical and surgical care and treatment, and some dental and optical care. This was the long term aim of the Labour Party and the Trades Union Congress (TUC), to secure social benefits for all from the "cradle to the grave", and has remained the cornerstone of social policy in Great Britain.



Leaflet, 1948

REDUNDANCY PAYMENTS ACT

This ensured workplace unions had to be consulted in advance of terminations of contracts. Workers were given rights to notice of redundancy and financial compensation for the loss of their jobs.

1901

1906

TRADES DISPUTES ACT

After the 1906 General Election, the incoming government passed the Act which removed the trade unions' liability for losses caused by their members' strike action.

1907

1918

QUALIFICATION OF WOMEN

This Act first gave some women the vote but only those aged over 30 years, or who were householders, or married to a householder, or occupiers of high rented property, or graduates of a British university were to get the vote.

1928



Annie Kenney and Christabel Pankhurst campaigning for women's suffrage, 1905

1945

1946

INJURIES BECOME COMPENSATED

The National Insurance (Industrial Injuries) Act updating the 1907 Workmen's Compensation Act was an entirely new concept for compensating those injured in works accidents, and sufferers of a range of industrial diseases For the first time women were included. The new scheme was administered by the state. Compensation in the form of Industrial Injuries Disablement Benefit was to be paid from "tax" collected through a National Insurance levy paid by workers and their employers.

1947

1963

CONTRACTS OF EMPLOYMENT ACT

This new legislation gave workers the right of receiving written terms of employment and a minimum period of notice when their employment has ended.

1965

1968

RACE RELATIONS ACT

This new Act and the later Sex Discrimination Act (1975) laid down a foundation of positive rights for men and women of all ethnicity to be treated equally at work.



Poster, 1968

EQUAL PAY

The Equal Pay Act required employers to pay women the same wage as men for the same work.

BRITAIN JOINS THE EUROPEAN ECONOMIC COMMUNITY

Subsequently Europe rather than the British government became the source of most employment rights.

EUROPEAN COMMUNITY MEMBERSHIP

An UK referendum on continued membership of EEC took place in 1975. The electorate voted "Yes" by 67.2% to 32.8% to stay in Europe.

UNION SAFETY REPRESENTATIVES

Safety Representatives and Safety Committees Regulations made huge differences in workplace health and safety through union safety representatives (reps) and joint safety committees. In the two years leading up to the October 1978 implementation, the TUC affiliated unions trained 70,000 new worker reps.

NATIONAL MINIMUM WAGE ACT

The Act was a flagship policy of the newly elected Labour government, bringing gains for at least 1.5 million low-paid workers and reviewed annually – presently in 2019 set at £8.21 (9.50 Euros), though those under 25 years old are paid at lower rates.

ANTI-DISCRIMINATION

Equality Act brought together over 116 separate laws into one single act. Now there was a new legal framework on equality, sexual, racial, and disability discrimination and equal employment opportunity regardless of religion or belief, or sexual orientation.

FREEDOM OF MARRIAGE OF SAME SEX COUPLES

The Freedom of Marriage Act allowed in England, Wales, and Scotland the marriage of Same Sex Couples from 2014 but, as the introduction of the Act is a "devolved parliamentary issue", it has yet to be introduced in Northern Ireland.

1969

VOTING RIGHTS FOR YOUNG ADULTS

Representation of the People Act lowered the voting age from 21 to 18

1970

UNION RIGHTS

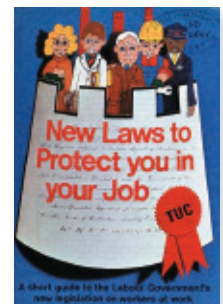
Industrial Relations Act sought to place legal strictures on trade union operations but did introduce the right not to be unfairly dismissed.

1973

1974

HEALTH & SAFETY AT WORK ACT

This piece of law brought major changes compared with previous legislation. All industries and services were now under the same rules – including five million workers who had not been previously covered. Among the new provisions were powers for inspectors to issue improvement notices if it was considered that an unsafe situation needed to be rectified, and prohibition notices could be issued to immediately stop the danger if work activity was deemed to risk serious injury. Provision for trade union safety representatives from amongst the employees.



TUC pamphlet, 1976

1975

1978

1998

WORKING TIME REGULATIONS

The new regulation set a maximum working week, averaged over 17 weeks of 48 hours a week, and a minimum daily rest period away from work and rest breaks during working hours. Extra protection applied for workers aged under 18.

1998

2004

CIVIL PARTNERSHIP ACT

This Act gives same-sex couples the same rights and responsibilities as civil marriages – Civil Partners now entitled to the same property rights as married couples, and the same exemptions on inheritance tax, social security and pensions benefits, and the ability to obtain parental responsibility for a partner's children, as well as responsibility for reasonable maintenance of one's partner and their children. There is a formal process dissolving partnership akin to divorce.

2010

2013

FIRST PUBLIC BATHS AND WASH HOUSES

In 1832, the cholera epidemic raging across the world reached Liverpool. That was the year that Irish migrant and 'labourer's wife' Catherine "Kitty" Wilkinson became the 'Saint of the Slums'.

Kitty was the only person with a boiler in her neighbourhood, so she invited those with infected clothes or linen to use it, saving many lives. This was the city's first public washhouse. Ten years later, with the help of public funds, her efforts resulted in the opening of the United Kingdom's first combined public baths and washhouse.

Now, more than 175 years later, a group of women in Liverpool has set up a co-operative launderette as a tribute to Kitty. Kitty's Launderette will be the first non-commercial washhouse in the city for many decades and will cater to one of Europe's most deprived communities: Everton.

PANDEMIC IN THE 19th CENTURY

In 1826, a cholera epidemic spread from Bengal, India, to Persia (modern-day Iran) and Afghanistan, then along the old caravan routes to southern Russia. By 1830, the whole of eastern Europe was affected. In August 1831, the disease spread from Poland to Prussia, with breakouts in Berlin and the Baltic Sea ports. Passengers travelling from the Baltic Sea to Sunderland in the northeast of England in September 1831 carried the disease to Great Britain, where it quickly spread far and wide to reach 431 cities within a year. In total, 82,528 Britons contracted the disease, with 31,376 succumbing to it.

1842

In the early 1830s, Liverpool was a major port. With Ireland suffering from severe famine, many Irish people went to Liverpool in search of work. In the city's overcrowded slums, where poor sanitation and a lack of community hygiene were rife, it was only a matter of time until the disease spread. The first case of cholera in the city was confirmed in May 1832. The authorities had to set up hospitals where the victims could receive free treatment but the doctors had no idea what caused the disease, or how to cure it. To make matters worse, the public mistrusted doctors, believing that they deliberately let patients die so that they could dissect their bodies in their anatomy laboratories. Riots broke out. As a result, doctors and volunteer nurses were forced to flee from the mob, and the police force had to be reinforced. Carts that took victims to hospital were destroyed and doctors were prevented from entering cholera patients' homes. The unrest lasted almost two weeks.

CAMPAIGN

It was known that boiling clothes, bed linen and other household laundry with chloride of lime killed the cholera bacteria. Kitty seized the initiative and invited her neighbours to use her boiler, wash house and yard to wash and dry their clothes for

a penny a week. News of her success quickly spread and the authorities started supporting her campaign work. The Rathbone family also offered their help again (see *An Irish migrant*). Convinced that cleanliness was vital for fighting diseases, she also pushed for public baths for poor people.



THE SANITARY MOVEMENT originated in the first half of the 19th century in response to the presence of rubbish, filth and excrement at every turn, a lack of personal hygiene facilities and the breakout of disease. The movement is linked to the development of a public health approach involving street hygiene, sewer systems, water closets and a fresh water supply. In 1842, social reformer Edwin Chadwick published his *Report on The Sanitary Condition of the Labouring Population of Great Britain*, which was the impetus for the creation of the Health of Towns Association, followed by the passing of the Public Health Act in 1848 and the establishment of local Boards of Health.

Sources: Wikipedia and Rosen, George (1958) *A History of Public Health*, Johns Hopkins University Press

In 1842, the United Kingdom's first public baths and washhouse opened on Frederick Street in Liverpool. In 1846, the Wilkinsons were entrusted with the management of these baths. Public washhouses became an important public service for working-class families. Not only did they enable cleaner living conditions but they also provided a place for women to meet while doing laundry, where they could share their problems and concerns, and develop community spirit. In recognition, Kitty Wilkinson received a silver teapot from Queen Victoria for her achievements as the 'Saint of the Slums'.

BILL LAWRENCE, EVA DETSCHER



Interior of Frederick Street wash house, 1914. Built in 1842, this was the first public wash house in Britain.

AN IRISH MIGRANT

KITTY WILKINSON was born as Catherine Seaward in County Londonderry, Ireland (modern-day Northern Ireland) in 1786. At the age of nine, she travelled to Liverpool with her parents. Her father and sister drowned when their ship ran aground.

When she turned 12, she became an apprentice in a cotton mill near Preston, Lancashire. Eight years later, after completing her contract, she returned to Liverpool, where she married French seaman Emanuel Demontee.

She had two children before tragedy struck when her husband drowned at sea. She then became a maid for the Rathbone family, relatives of the owners of the factory where she had worked as a teenager. The family gave her a washing mangle, enabling her to work as a washerwoman.



In 1823, Kitty married Tom Wilkinson, who used to work in the same cotton mill. He had also moved to Liverpool to work in a warehouse, which was also connected to the Rathbone family.

EVA DETSCHER



KITTY WILKINSON COMMEMORATIVE BENCH IN EVERTON PARK

A bench in Everton Park displays the images of three 'heroic' figures: Kitty; Molly Bushell, who was famous for her toffees and gave Premier League football club Everton FC their nickname *The Toffees*; and a Liverpool dockerman.

Tips for further reading on the topic:

Kelly, Michael (2000) *The Life of Kitty Wilkinson*. <http://www.michaelkelly.org.uk/page2.php>

Kitty's Launderette (the new project) <http://kittyslaunderette.org.uk/>

Pidd, Helen, *The Observer* (newspaper), 6 June 2018 *Liverpool community launderette honours the Saint of the Slums*, <http://www.theguardian.com/uk-news-/2018/Jun/16/kitty-wilkinson>

COMMUNITY LAUNDERETTE HONOURS THE LEGACY OF WORKING CLASS WOMEN

The days of public baths and washhouses may be over – the last ones in Liverpool closed in 1995 – but they are now needed again. Kitty Wilkinson's legacy lives on in the new *Kitty's Launderette*.

In 2010, the city of Liverpool commemorated Kitty with a statue in its famous St. George's Hall – the only woman deemed worthy of the honour. Her sleeves are rolled up, ready to get her hands dirty – while the men around her are captured in all their pomp, as though they were ready to preach a sermon or deliver a speech.

Kitty is now going to be immortalised, not in marble but in soapy water, with the opening of a community launderette

bearing her name. *Kitty's Launderette*, founded by a co-operative of young activists and local residents will help families in one of Europe's most deprived communities in an inner-city area where almost half of children grow up in poverty and the average family lives on less than £17,597 (€20,000) a year. Many families cannot afford to buy a washing machine and have to choose between rent-to-own electrical outlets and automated launderettes on the high street. An investigation by the public body the Financial Conduct Authority found that customers of such stores paid more than £1,500 (€1,700) for appliances that were sold elsewhere for less than £300 (€350).

The co-operative says: "These companies make lives miserable for so many people. It's one of the hidden consequences of austerity, it really takes its toll on families." The new launderette wants to keep its prices lower than its competitors, with all profits going back into the community. The co-operative also makes the launderette a "warm and welcoming space for arts and social activities" and holds exhibitions, social history projects, children's activities and film nights. There will be plenty of incentives for people to hang around, with a small bar area serving light refreshments, as well as having a great Wi-Fi connection.

EVA DETSCHER



Times and technology may change but the launderette continues to perform an important social function, promoting hygiene and providing a hub for communication.

THE 'WHATS' AND 'HOWS' OF PRODUCTION run through the history of economic activity, albeit in changing constellations. Where an existential plight answers every question and rules out options, the situation is clear: there is no questioning what needs to be done. Options arise when productivity is high and industrial output is centralised. The 'GREATER LONDON COUNCIL' focused on involving citizens in the city's administration and economic planning. LUCAS AEROSPACE tells the story of a similar inspiration. The story of the BIRTLEY BELGIANS digs somewhat deeper in history, where the idea of conversion only managed to gain a foothold after both World Wars.

FIRST ELECTIONS TO THE 'GREATER LONDON COUNCIL'

The establishment of the 'Greater London Council' (GLC) was a structural reform initiated by the Conservative government, motivated by the need for a holistic approach to city planning.

An ulterior political motive for the Conservative Party was the possibility of thus relieving the Labour Party of any responsibility for the UK's capital city. Labour traditionally enjoyed strong support in central London boroughs, but incorporating the outer, traditionally Conservative areas was intended to shatter Labour's influence. The Conservatives' plan misfired though because Labour won the first elections to the GLC.¹ Each London borough was represented by two members on the GLC. Road construction, traffic management, housing, local recreation and public transport were operationally coordinated by the GLC, and plans were drawn up for the growth of Greater London, geared towards the city's economic development. The GLC lasted from 1965 to 1986, until it was abolished by the Conservative government led by Margaret Thatcher, along with other city councils around the country.²

The GLC was not merely another administrative unit, but a body set up to harness knowledge from other social subsystems. In this respect, it also had to be open to new forms of citizen participation. The decisive moment for this turned out to be the local elections held in May 1981, which Labour won, duly appointing as Leader of the GLC Ken Livingstone, who had previously acted from a minority position, not backing the official

election manifesto. Apart from one short interruption, Livingstone chaired the GLC from 1981 until its abolition in 1986.

In addition to popular measures, such as a 25% cut in public transport fares, it was the GLC's programmatic objectives and, above all, forms of participation that marked a change from traditional practices. In line with its programme, the GLC pursued a policy of recognising minorities, fighting anti-gay discrimination and focusing on socially useful production. In one measure it declared London a nuclear-weapon-free zone.

1964

For the actors involved, citizen participation was essential if planning processes were to prove successful. The Popular Planning unit set up programmes for this, for which educational and organisational support was also provided. Especially against the backdrop of structural crises affecting the UK economy, the measures focused on revitalising local economic structures that were not limited to services, but also included the production of goods. Financial support was given to local employment initiatives to revitalise local economic structures, but also to research projects for needs assessments or continuing training on 'economic processes'. The aim was to draw on people's existing skills and pursue an approach of 'social goods for social needs'. To this end, collaboration with scientists was also arranged (see the adjacent article on Lucas Aerospace).

The GLC's framework for involving and enabling people to play an active role in local development processes and provide the formal and administrative structures required to make this possible made waves across the country. In various places, including Tyne & Wear where the adjacent history of the 'Birtley Belgians' played out, Greater Councils were set up, along with union structures that also embraced regional and local development. Concepts based on the 'Popular Planning' model and the approach of focusing on regional and/or local development perspectives were developed in other European countries, too.

ROLF GEHRING

1 The Conservatives and Labour went on to win alternate elections in London, in most cases with the winner being the political opposition, not the party in government.

2 In 1999, after a referendum, Labour set up the Greater London Authority (GLA) as the overarching administrative body for London.

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A street in Elizabethville, Birtley between 1916 and 1918

Artillery and munitions factory



THE LONG-LOST STORY OF THE 'BIRTLEY BELGIANS'

While the Great Powers planned the war in the summer of 1914, socialists and workers were making the case for peace. They included the 'boys from Seraing'.

Seraing is both a town on the River Meuse near Liège and the name of a power plant owned by the Belgian heavy machinery and steel company Cockerill. The industrialisation of Wallonia, the French-speaking part of Belgium, had begun in the 1820s when cheap coal became available. This cheap energy source attracted a number of entrepreneurs, including English-born John Cockerill, whose arms and artillery production business was a competitor of Germany's Krupp and Britain's Armstrong at the end of the 19th century.

In 1866, trade unions were legally authorised in Belgium. In April 1869, a strike at the Cockerill plant was brutally

crushed by Belgium's Civic Guard, which shot and killed numerous workers. The following month, Karl Marx wrote: "There exists but one country in the civilised world where every strike is eagerly and joyously turned into a pretext for the official massacre of the working class. That country of single blessedness is Belgium!" Over the next 30 years, strikes were also held in Wallonia to call for political reforms. In the course of these, more than 90 Belgian strikers were shot dead. The fighting spirit of the 'boys from Seraing' was legendary: a peace rally held in mid-July 1914, with distinguished speakers, made waves throughout Europe, honouring the memory of the slain workers. It was the German communist Karl Liebknecht who coined the term 'the slaughterhouse of Seraing'.

Three weeks later, Germany declared war on Serbia, and days later the British joined its opponents, fighting on Belgian territory among other places, but another

three weeks later the British Army's units withdrew after the Battle of Mons, promptly triggering an exodus of Belgian refugees. Thousands of people fled across the sea from the Port of Antwerp to England, soon followed by wounded soldiers, including 'the boys from Seraing', as the Cockerill engineers were called. These Belgians travelled to a newly built armaments factory in a place called Birtley on the River Tyne in northeast England.

The factory and its community in Elisabethville – a new village named after the Belgian queen – became the home and workplace of 7,000 Belgians right up to the end of the war. Uniquely, it was administered by Belgian civil and military personnel, and was run by Belgian engineers. These war-weary people churned out 2.75 million shells at a production rate exceeding that of any other factory in the UK. The Belgians brought with them not only their know-how, but also their fighting spirit.

In Elisabethville, the unions were very active in spite of the "Defence of the Realm Act" (a law applying throughout the United Kingdom designed to safeguard the country's defence capability), which hampered all union activity in the UK. The Belgians wrested special concessions from their host country. The Birtley workers were so well unionised that at the 1917 and 1918 Trades Union Congresses in London it was written: "Birtley was the strongest of them all in GB".

The workers' repatriation to Belgium began a few days after the end of the war. The last Belgian left Elisabethville on 5 February 1919. Her story appeared in 1919 with a trilingual preface as *Nos 'Hors-Combat' à Elisabethville-Birtley* by Camille Fabry in the series *Pages Héroïques de la Grande Guerre*. Fabry later became a delegate in the Walloon National Assembly, presided over the War Veterans Association and was a recruiting officer for the Resistance in World War II as well as being its underground press editor and a saboteur. In another essay written in 1920, Fabry also gave Karl Liebknecht and his call for peace for the Belgian workers of Seraing a place in history.

For several years in the 1920s, the factory served as a car plant, though not always a successful one. Until the late 1930s, the factory remained shut down, before being re-used for arms production. Indeed, the factory served as some kind of production facility until 2012, when a new plant was built. The 'historic' building was then demolished to make way for new housing.

BILL LAWRENCE

NB: The story of the 'Birtley Belgians' was forgotten for over 80 years, but the memory of the 'Boys from Seraing' will become alive once more as Bill Lawrence is planning to publish a book about them. A musical performed in Belgium also commemorates them.

THE CONVERSION PLAN FOR LUCAS AEROSPACE

In January 1976, Lucas Aerospace employees in the UK presented a conversion plan for the entire company, aimed at switching from military to civilian production.

Founded in the 1850s by Joseph Lucas, the company originally produced oil lamps and later electrical components for the automotive industry, but increasingly developed into an armaments group. Against the backdrop of this orientation and the management's announcement of its intention to lay off thousands of employees, workers from all categories of staff and across the existing union structures worked together to come up with alternative products and devise production concepts.

Mike Cooley, a chief designer at Lucas Aerospace who also chaired the local branch of the technical trade union TASS, was a driving force in the company behind the push for conversion. One year was also spent working on concepts with external experts, one of which was the British Society for Social Responsibility in Science (BSSRS – https://en.wikipedia.org/wiki/British_Society_for_Social_Responsibility_in_Science).



Workers at Lucas Industries' Shaftmoor Lane branch in Birmingham, 1970

The result of this work was presented in six volumes comprising a total of 1,000 pages. Some 150 alternative products that could have been manufactured using the workforce's existing skills and existing technical infrastructure had been developed. The workforce initiative selected 12 products, which they then put to the management. However, the management rejected all their proposals.

All the same, the concept developed at Lucas Aerospace was adopted by various regional trade union councils and the GLC, as well as in many European countries. The main buzzwords associated with the concept are social products for social needs, conversion from military to civilian markets and workforce involvement in product development. The approach set a lasting benchmark for product criticism, workforce participation and self-organisation. In 2016, a conference held in Birmingham used the 40th anniversary of the 'Lucas Plan' as an opportunity to look back and take stock.

ROLF GEHRING

Source: <http://lucasplan.org.uk/>



Flyer for the Lucas Plan Conference, which was held on 26 November 2016 at BVSC in Birmingham



THE EUROPEAN WORKS COUNCIL IS ENSHRINED IN LAW

French sociologist Robert Castel wrote* that the acknowledgement of workers' concerns is a necessary condition for workers' recognition as full citizens (suffrage): dignity and emancipation are achieved through the legal enshrinement of protective rights, the enforcement of collective agreements and, finally, the establishment of representative bodies. It is no coincidence that Germany's first Works Council Act was adopted in the course of the November Revolution.

Similarly, every State in Europe has developed an industrial relations system regulating the representation and participation of employees in companies' economic and social affairs. These systems work very differently and grant very different rights. Workplace practices vary greatly too. However, the actual matters to be addressed are comparable. The growth of international companies, the complex international division of labour, cross-border supply chains and the expansion of the European internal market, as well as cross-border trade union cooperation, have created a situation in which there is a growing need for transnational representative structures and agreements. These structures and agreements are intended to facilitate a response to strategy development, ever-faster corporate restructuring, plant closures and other measures. The first agreements on transnational structures for worker representation were implemented in the 1980s and 1990s.

The adoption, on 22 September 1994, of the European Directive on the information and consultation of workers in multinational companies created a general legal basis for worker representation in Europe. European

works councils could now be established in companies with more than 1,000 employees [and at least 150 employees in each of two countries].

Despite major difficulties, many EWCs were formed: the European Trade Union Confederation (ETUC) reported that there were 1,071 active EWCs in 2015. The Directive paved the way for new forms of cooperation between workers, and between trade unions too. The infrequent, but regular meetings between worker representatives sparked curiosity about other countries, their industrial relations systems and the working conditions there.

Which issues can EWCs address? The subsidiary provisions listed in Annex 1 to the Directive set out the minimum areas of competence of EWCs. While these primarily relate to economic matters, EWCs may handle other issues too. In 2015, 28% of EWC agreements explicitly provided for extensions of the EWC's areas of competence. Issues frequently addressed by EWCs today include occupational health and safety, continuing training, environmental protection, equal treatment and HR matters.

With the establishment of EWCs came the new legal institution of transnational company agreements. Agreements of this type were practically unknown before 2000, but their number has increased significantly since then. An ETUC study indicated that there were 244 such agreements in 2011, half of which were European in scope and half of which were global. A European Commission list indicated that there were some 282 agreements by April 2015. These agreements may draw on ILO conventions in many respects, but they have their own basis: referral, identification of demands,

1994

negotiation and agreement. They are, in a sense, close to the people. While there was critical discussion within trade unions around the idea that company agreements may undermine the function of collective agreements, in the end the bottom line was that they could not be concluded without union involvement. As such, a practice is (potentially) being developed of setting down and implementing standards, demands and workers' rights in agreements on a European or even global scale. Another emerging trend: today, some 2% of EWCs operate as global works councils.

ROLF GEHRING

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* Robert Castel: *The Rise of Uncertainties*.



Der Betriebsrat (The Works Council), 1927, by Jakob Steinhardt

THE COUNCIL MOVEMENT AND THE END OF THE GERMAN AUTHORITARIAN STATE

Although human rights had been declared and the labour movement was in full swing, people living in the German Reich, founded in 1871, were first and foremost subjects. The principles of order of the absolutist State – top and bottom, commands and obedience – survived in the military, where the ensuing mechanisation proved their worth. As a result, the major economic and State bodies adopted the same principles. Chains of command were established everywhere, from battleships to railways and iron and steel works. Goethe's words capture the prevalent mindset of this new era: "To end the greatest work designed, a thousand hands need but one mind." (Faust II). What had been an ideal to strive towards was now a reality.

In October 1918, when sailors learned that the imperial fleet was going to set sail to England for a final battle, the chain of command broke down. The sailors appointed representatives and demanded peace. Consequently, councils became a political force in the world.

In major urban areas, the public were tired of war and eager for peace. As a result, after a massive peace rally organised by figures from a broad party spectrum in Munich on 6 November 1918, the Independent Social Democratic Party (USPD) and what we would today call left-wing groups led protests outside the barracks. A brotherhood was formed and soldiers' councils were set up. Under the old laws, this would have been considered mutiny and would have resulted in summary executions and a shameful death. A new political order therefore had to be established. That very night, talks between the councils and the various opposition parties led to the formation of a government in Bavaria, with Kurt Eisner of

the USPD appointed as Prime Minister. The new government combined legal, orderly, representative democracy with the power of councils. This meant that specialist officials – released from their oaths to the delegitimised and now powerless King – could hold office on the basis of the applicable laws and, under the supervision of the councils, could be compelled to perform urgent tasks, such as demobilisation and the provision of supplies.

The right to information and consultation was the primary right granted to the workers', peasants' and soldiers' councils under the statutes adopted by the new government. Eisner stressed on many occasions that information and consultation would enable the mass movement to gain a clearer insight and learn how to handle public affairs.

However, the state parliamentary elections held in January 1919, under universal and equal suffrage, shifted the balance of power

away from councils towards representative democracy. In Eisner's view, though, this meant that the revolutionary process was not yet complete. He saw the opportunity for council institutions, mass mobilisation and parliamentary opposition work to influence each other, and was also personally prepared to advocate this strategy at state parliamentary level as a simple member of parliament.*

When Kurt Eisner was assassinated on 21 February 1919 on the way to the Bavarian state parliament, the revolutionary movement lost all hope for recognition. Threatened with annihilation, the movement's adherents took up arms, inevitably claiming all power, and were defeated by an alliance of extreme reactionaries and agents of representative democracy. On 1 May 1919, guerrilla and government troops marched into Munich, causing terrible destruction.

However, the political concept behind the Council Movement – that of an institutionalised counterweight to economic and political power – refused to die (see Weimar Constitution, Art. 165). Nevertheless, when the National Socialists came to power, they organised society once more as a chain of command (“the Führer commands, we follow”) and were therefore able to use all public institutions as tools to commit previously unimaginable crimes.

Nowadays – in part thanks to this experience – the right to organise in companies and in civil life is considered self-evident.

Without laws enshrining the right to participate in companies and the duty of disclosure of authorities, transparency and participation are just empty words. This would also be true if the right to strike or the right to a plebiscite did not exist to counter the arrogance of the powerful when conflicts arise over economic or civil matters respectively.

MARTIN FOCHLER

Franz J. Bauer, *Die Regierung Eisner 1918/1919: Ministerratsprotokolle und Dokumente*, pp. 444

* Eisner's speech to the meeting of the workers', soldiers' and peasants' councils in Bavaria on 20 February 1919.

PREVENTING COMPETITION BETWEEN LOCATIONS: THE WORK OF THE EWC AT JUNGHEINRICH AG

JUNGHEINRICH AG is one of the world's top three forklift manufacturers and has direct sales activities in over 30 countries worldwide. Before the EWC Directive was implemented in 1996, the company's management used every ridiculous excuse in the book to prevent exchanges of information between Jungheinrich worker representative bodies in different European countries. No pretext was too flimsy: for instance, they claimed that poor transport connections made it too difficult to get to the Normandy plant, and that 'those communists' from CGT did not want to talk to IG Metall representatives anyway. Since then, it has become normal EWC practice for workers from different European countries to meet and consult with one another.

Alongside the EWC's statutory right to information, worker representatives at Jungheinrich are particularly concerned with preventing competition between business locations and defending the interests of the company's entire workforce. Although the company's workers have very different working conditions, qualifications and activities, they share many common interests: the preservation and creation of jobs, for instance, and permanent employment following apprenticeships. No matter which country they are from, they all set great store by having interesting, varied work and – since this is what they are working for, after all – a steady, high

income and stable benefits. In addition to this, Jungheinrich's workers want democratic rights in the workplace: they want to be respected as human beings and be free to be members of trade unions. Securing all these conditions is the task of the Jungheinrich EWC.

However, this task can only be accomplished if the differences between the individual workforces, worker categories and cultures are kept in mind. Over the years, this was largely achieved as German, French and British workers cooperated in an official and personal capacity. – Yet their collaboration was put to the test in 2003 and 2004. Twice, the EWC was faced with news of plans to close a Jungheinrich plant in another European country. The first time, the Board announced its intention to relocate a production line from Leighton Buzzard, north of London, to Moosburg, near Munich. The second time, it was the MIC plant in Argentan, Normandy, that was in the firing line. The plant was to be closed, and its production activities transferred to China.

The loss of the French production site was an especially hard blow to the French workers. MIC had belonged to Jungheinrich for some 30 years, and was still the world's biggest manufacturer of hand pallet trucks at the time. The workers and the EWC members were seized by anger and grief, especially as the threat that MIC would be allowed to go bankrupt was hanging over their heads and placing them under immense pressure. Vigorous protests by the company's workers throughout Europe forced Jungheinrich's capitalistic Board to the negotiating table. Although the plant ended up being closed, the redundancy payout was at least far higher than would ordinarily have been the case in France.

KARL-HELMUT LECHNER



In January 2004, a delegation of Jungheinrich workers was able to support colleagues at MIC in Argentan under the auspices of the EWC. Together, they protested the closure plans and expressed their solidarity.

EU ANTI-DISCRIMINATION DIRECTIVES – LEGAL AID IN THE BATTLE AGAINST DISCRIMINATION

Europe's history is also a story of migrations prompted by war and economic considerations, bringing about encounters between different cultures, customs, procedures and habits. As minorities, immigrants who did not emerge from war as victors (and probably even those who did) had to fight for recognition of their 'type', their lifestyles and their otherness. Every migratory movement, like that of Polish workers coming to work as miners in Germany's Ruhr Valley, or the frequent migrations within Europe as rural workers switched to jobs in industry, potentially leads to processes of adaptation and recognition, but also leads to discrimination. Industrial society, which is characterised by the global division of labour, has created social differences, but at the same time also leeway for new lifestyles and new forms of socialising, both of which also can trigger exclusion and discrimination.

Differentiation between lifestyles or traditional role attributions can lead to stark clashes and oppression by the majority. For example, the gay movement took more than a century to gain feeble recognition in society, and the struggle for equal pay for women has been going on for decades. Europe's anti-discrimination policy, movements and forms of action have drawn strongly on their equivalents in the USA. Moreover, the form taken by US action has shaped Europe's anti-discrimination movements. The broad and highly resilient mobilisation of the black population in the USA led to the Civil Rights Act of 1964, which outlawed discrimination in the workplace based on race, skin colour, national origin, religion or sex – which are actually core topics in the US Constitution. The law enshrined equal rights not only in the workplace, but also in public places.

2000



IMPLEMENTATION IN EU LAW

"Discrimination in the workplace" was enshrined as an issue in the European Treaties adopted in 1957. Since 1975 (Directive 75/117/EEC), the EU Member States have been legally obliged to annul any legal provisions, be they contained in laws or legal or administrative regulations, that lead to wage discrimination. They have also been obliged to take steps to declare null and void any discrimination in collective agreements, pay and salary scales and similar documents. Back then, France was the main driving force behind these changes.

The Charter of Fundamental Rights of the European Union, signed by the European Council in 2000, identifies a number of

In February 1966, at the National factory in Herstal, near Liège in Belgium, 3,000 female employees went on strike. In accordance with the 1957 Treaties of Rome, they called for "equal pay for equal work". Their strike action lasted 12 long weeks, a landmark in Europe's history of the struggle for equal pay for equal work and for gender equality.

MATTHIAS PAYKOWSKI

THE FIGHT AGAINST GAY DISCRIMINATION IN GERMANY

PARAGRAPH 175 (criminal prosecution of homosexuality) of the German Criminal Code dates back to 1872. Convictions could also result in the deprivation of civil rights (e.g. the right to vote).

The fight to abolish it lasted almost 100 years, though it had been contested right from the start. One of the pioneers of equal treatment for gays was the doctor and sexologist Magnus Hirschfeld, who in 1897 founded the Scientific-Humanitarian Committee, which campaigned for the rights of homosexuals. Even back then, several petitions were launched calling for the abolition of the paragraph, but without success.

Between 1950 and 1965, some 45,000 people in the Federal Republic of Germany still ended up with convictions under paragraph 175. A first criminal law reform in 1969 and a second in 1973 merely lowered the age for “fornication” between men. Only in 1994 was paragraph 175 of the German Criminal Code deleted.



Legally protecting free sexual orientation does not automatically bring about its social recognition.

Public spaces play a special role here, with the flamboyant *Christopher Street Days* being particularly important.

The impetus for this form of occupying public spaces came from the USA, where gays in the Stonewall Inn, a bar on Christopher Street, New York, defended themselves against the usual bullying raids and brutality by police officers for the first time on 28 June 1969. The first demonstration by gays in the Federal Republic of Germany took place in Münster in 1972.

ROLF GEHRING



The gay rights movement in the Federal Republic of Germany brought together the fight for civil liberties and criticism of capitalism – first gay rights march, Münster, 1972.

fundamental citizens’ and individual rights, including Article 21, which proclaims the right to non-discrimination and lists various differential features (“discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation”). Subsequently, in 2000, 2002 and 2004, the EU institutions adopted four directives that transpose this general right into specific rules. This was possible because the Treaty of Amsterdam (1997) extended the Community’s competence to combating discrimination.

In 2004, the directive implementing the principle of equal treatment between men and women (2004/113/EC) was adopted in non-labour-related areas, namely access to and the supply of goods and services available on the market (including housing). Although this limited EU anti-discrimination legislation to certain domains, it also encroached on national contract law (the fundamental right to freedom of contract and the free choice of contractors), imposing a framework on it. The directives provided for mandatory “dissuasive penalties”, but also for positive measures to prevent or compensate for discrimination. All these directives stipulated a joint burden

of proof and made provision for organisations and associations to take legal action on behalf of complainants.

The national transposition of the EU’s anti-discrimination directives left some room for manoeuvre. This was essential for their recognition in society and its practices. The battle against discrimination remains a constant struggle as history has shown us that it constantly re-emerges in different guises. The institutions supporting efforts to combat discrimination and the European Court of Justice (ECJ) also play an important role in this context. The ECJ dismissed complaints about ‘the quota’, i.e. opposing the promotion of identically qualified women, and developed the legal concept of indirect discrimination that found its way into the EU directives.

ROLF GEHRING

From 2000 until 15 March 2017, the ECJ handed down rulings in a number of cases in the following domains:
 age: 22, disability: 5, ethnic origin: 2,
 sexual orientation: 5,
 gender / pregnancy: 12
 and religion / world view: 1.

THE INSTITUTIONAL ANCHORING OF NON-DISCRIMINATION IN THE EU

THE EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS (FRA).

The mission of the Fundamental Rights Agency, which was founded in 2007 and is based in Vienna, is to provide "independent, evidence-based advice on fundamental rights". "The Agency helps to ensure that the fundamental rights of people living in the EU are protected."

The FRA performs the following main tasks:

- collecting and analysing information and data on fundamental rights issues;
- networking with partner organisations and disseminating research results, making sure that they reach the relevant stakeholders;
- submitting recommendations to partner organisations and the general public.

THE EUROPEAN NETWORK AGAINST RACISM (ENAR).

ENAR fosters the equality of all people and facilitates cooperation among civil society anti-racism actors. The organisation was set up in 1998 to achieve legal changes at European level and make decisive progress towards racial equality in all EU Member States.

EU CAMPAIGN: FOR DIVERSITY. AGAINST DISCRIMINATION.

At European level, various activities and programmes have now been implemented, including, for example, the European Commission's initiative *For Diversity. Against Discrimination*. Among other things it has produced a series of publications (the *European Anti-Discrimination Review*), some of them in several languages, which examine the legislation and case law in the EU Member States, as well as containing contributions on the situation of affected groups, for example.

ROLF GEHRING



Civil Rights March on Washington, D.C., author James Baldwin with actors Marlon Brando and Charlton Heston

RECOMMENDED FILM: I AM NOT YOUR NEGRO

In the late 1970s, in memory of his three murdered friends, the human rights lawyer Medgar Evers (assassinated in 1963), Malcolm X (assassinated in 1965) and Martin Luther King Jr (assassinated in 1968), and above all because of his own painful experiences, the writer James Baldwin (1924-1987, see image) started visiting places of significance to the anti-racism and civil rights movements in the USA. He would not live to finish his account of that journey, a project entitled *Remember This House*. The Haitian filmmaker Raoul Peck turned Baldwin's manuscript into a special film: a collage of archive images, film excerpts and news clips, which Max Mohr on the ARD programme *Titel, Thesen, Temperamente* described as a "brilliant and much-needed counterpart to the American dream of the white mainstream".

"The issue here isn't what's happening to black people. The real issue is what's happening to this country."

James Baldwin, 1968

"In this way, Raoul Peck and his editor Alexandra Strauss have put paid to the history of black people being caught in the rut of repeating the same old scenarios since they were kidnapped into slavery in the 17th century. This was just the way Baldwin described it, leading him to conclude that there is no reason for hope, not just not for black people in America, but not for all of mankind. Yet at the same time he was a man who exuded a passion for life as well as against injustice, wickedness, murder, apartheid and white supremacy. A passion that one way or the other shone through in every sentence he wrote." (Verena Lueken writing in the *Frankfurter Allgemeine Zeitung* (FAZ) on 1 April 2017)

EVA DETSCHER

EU ANTI-DISCRIMINATION DIRECTIVES – The links lead to the Eur-Lex database providing access to European law, where the directives are available in all the official European languages:

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<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32000L0078> – Directive 2000/78/EC of 27 November 2000;

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32002L0073> – Directive 2002/73/EC of 23 September 2002;

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32004L0113> – Directive 2004/113/EC of 13 December 2004.

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ISSUES of justice, freedom and equality have preoccupied humanity since the emergence of the earliest social communities. The paths and steps towards achieving these general goals have been as varied as the places, people and organisations involved. Put simply, there is no single blueprint for social progress.

Movements in Europe resulting in improved social conditions have arisen from a multitude of factors and trends. Humanism, the Enlightenment, workers', women's and civil rights movements, the international peace movement and countless small- and large-scale currents and initiatives have contributed to social progress and emancipation in European countries. The pathways may have differed, but the goals have been the same.

Featuring examples from 13 nations across Europe, this publication aims to give readers a better understanding of how the situation has developed in these countries, to foster mutual learning and to encourage further engagement with the specific histories of social progress in Europe. This is a desire shared by all those who participated in this project. After all, recognising and accepting similarities and differences is one of the key prerequisites for developing viable ideas and programmes for a social, just and peaceful Europe.

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