

Towards a European system of industrial relations?

The ETUC in
the twenty-first century

Richard Hyman and Rebecca Gumbrell-McCormick

etui.

Towards a European system of industrial relations? The ETUC in the twenty-first century

Towards a European system of industrial relations?

The ETUC in
the twenty-first century

Richard Hyman and Rebecca Gumbrell-McCormick

Cite this publication: Hyman R. and Gumbrell-McCormick R. (2024) Towards a European system of industrial relations? The ETUC in the twenty-first century, ETUI.

© Publisher: ETUI aisbl, Brussels, 2024
All rights reserved
Print: ETUI Printshop, Brussels

D/2024/10.574/06
ISBN: 978-2-87452-701-2 (print version)
ISBN: 978-2-87452-702-9 (electronic version)



The ETUI is co-funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the ETUI. Neither the European Union nor the ETUI can be held responsible for them.

Contents

Foreword: Claes-Mikael Ståhl, ETUC.....	7
Preface.....	11
Chapter 1	
The 1990s: a decade of optimism	13
Chapter 2	
The complexities of an international trade union organisation.....	17
Chapter 3	
Challenges and responses.....	31
Chapter 4	
The European project: Convention, Constitutional Treaty and Lisbon.....	41
Chapter 5	
Enlargement.....	51
Chapter 6	
Economic governance, macroeconomic and labour market policy.....	63
Chapter 7	
Social policy and the European Social Dialogue.....	97
Chapter 8	
Social policy: some key themes	105
Chapter 9	
Responding to the environmental crisis.....	137
Chapter 10	
The global dimension.....	157
Chapter 11	
Political strategies, mobilisation and alliances.....	179

Chapter 12	
In place of a conclusion.....	197
Postscripts: John Monks and Bernadette Ségol.....	209
References.....	213
Abbreviations	221
About the authors	225

Foreword

Milan Kundera famously wrote that ‘the struggle against power is the struggle of memory against forgetting’. It is a quote that rings true to the trade union movement, in particular in this important portrait which traces the history of the ETUC during the period of General Secretaries John Monks (2003-2011) and Bernadette Ségol (2011-2015).

The ETUC plays a fundamental role in the European Union. The EU must be a place for social and economic development, combining social progress with economic efficiency, but also a place of peace. The European trade union movement puts pressure on the European institutions for a more social EU, but the ETUC is also an expression of our broader ambitions – to unify trade unions and represent all working people at European level.

Success seems easy when things go well. For the ETUC, the years of the Delors Commission from the mid-1980s to the mid-1990s were very different from the Barroso years in the early 2000s. With Delors, the social dimension of the European Union won new terrain. The European trade union movement was truly on the offensive. The Social Dialogue, our firm place and function as set out in the EU treaties, and many of the other achievements that we take for granted today are the results of our visions and efforts during this period.

This book, with its main focus on the EU and the ETUC in the early 2000s, assists us in remembering many of the recent struggles we have been through together. Fighting back against the neoliberalism of the Barroso Commission was a monumental challenge, and important experiences and wisdom from the participants in these struggles are shared in the rich interview quotes included within these pages.

We live our life forwards, but understand it backwards. This book helps the ETUC and its affiliates comprehend not only how our victories were won but also, in the age of neoliberalism, how to defend our interests and ourselves. The ETUC’s history is also a story about preventing negative things from happening. What success looks like differs over time.

Our capacity to stay united has been put to the test over the years. It is a sign of strength that the ETUC has gained influence while remaining united in solidarity – including when the going got tough. Ironically, it seems that our capacity to stay united increases when external forces intimidate us. It appears, in the end, that the neoliberalism of the Barroso years also united us.

But the ETUC's struggles have not only been 'against power', as in the quote by Kundera; it has also been a fight to find the ETUC's own power. To become a political actor in Europe on our own merits and with our own strength – in brief: to gain power.

Workers and trade unions have to stay united if we are to do that. The labour movement in Sweden, where I have my background, has adopted a 'trade union vow', which expresses the common commitment of its members:

*We swear that we will never under any circumstances
work for lower wages
or under worse conditions
than what we now promise one another.*

*We make this vow
in the secure knowledge
that if we all are true to our pledge
the employer will be forced
to meet our demands.*

To ensure that the ETUC's own affiliated member organisations make such a commitment to each other can be a challenge. We are more than 90 organisations from 41 European countries. Our traditions, institutions and methods differ across Europe. The forces which ETUC affiliates have engaged with over decades – democracy, employers, political movements – have resulted in different labour market traditions and institutions. Our national trajectories may differ but our unity cannot, and should never, be taken for granted.

The election of Jean-Claude Juncker as president of the Commission in 2014 also meant new promises for Social Europe, bringing a renewed agenda for social progress and development back to the centre stage of the EU. The neoliberal agenda of the Barroso Commission lost its primacy. The European Pillar of Social Rights, unanimously adopted in Gothenburg, and which was also carried on by the 2019-2024 von der Leyen Commission, paved the way for a new European social agenda, including ambitious legislation.

This book shows that the ETUC and our affiliates have been a force for change, taking many political initiatives towards social progress and development over the years. However, at times, as in the struggle over the Bolkestein Directive, we have also managed to curb neoliberalism. We have never allowed ourselves to become a victim of change.

Our movement has been gifted with strong leaders and characters. Their voices can be heard in this book. But the history of the ETUC is much more than that of its leaders and their profiles. It is everyone from our national affiliates, our industry federations and in particular our workplace representatives that gives the ETUC, as a movement, all of its colour and strength.

Looking back over our first 50 years of existence, there is much that we can be proud of. But today we have our most important struggles ahead of us. The far right and right-wing populism are on the rise; fascists are back on our streets; and democracy and fundamental rights are under threat in many corners of Europe. We must win the battle against the far right and right-wing populism. We will do so by fighting for secure jobs, full employment, decent pay, great public services, equality for all and strong workers' rights based on collective bargaining. Democracy has to respond to working people and their demands better than right-wing populists can.

Climate change, environmental degradation, technological development and the consequences of the Russian war of aggression against Ukraine are further contributing to the challenges facing us. And we should remember that neoliberalism is always lurking in the shadows.

Democracy is being challenged. The best way to defend democracy is by practising it. Let us never forget: democracy is the best deal the working class will ever get. This important book shows the ways forward for the ETUC and our affiliates.

Claes-Mikael Ståhl

Deputy General Secretary, European Trade Union Confederation

Preface

Our study is the outcome of an approach to the authors by John Monks, who served as general secretary of the ETUC between 2003 and 2011. This was a crucial period of transition for the Confederation, and John rightly felt that lessons could be learned from this time which would still be relevant today. We agreed that the focus should not simply be on his own role during these eight years but should encompass more broadly the efforts of the ETUC to maintain an effective influence in what were uncertain, and politically and economically challenging, times. The European Trade Union Institute (ETUI) published a study (Degryse and Tilly 2013) to mark the 40th anniversary of the ETUC, but much of it covered the first three decades. We felt it would be useful to look broadly at the development of the ETUC in the twenty-first century; in other words, the years after the 1999 Congress in Helsinki. We were able to obtain the agreement of Bernadette Ségol to cover her period of office from 2011 to 2015. We were asked not to focus to the same extent on the term of office of Luca Visentini, so our detailed account ends in 2015. However, we could not reasonably ignore important developments since then. Thus we cover some more recent events, in particular in order to update the earlier narrative. Although the publication of this book coincides with the 50th anniversary of the ETUC, we do not purport to cover the whole half-century in any detail.

We received the backing of the ETUI in 2019 and we were able to interview a number of key actors at the Vienna ETUC Congress in May of that year. A few months afterwards, the world was transformed by the Covid-19 pandemic. Our programme of research visits was put on hold for what turned out to be almost two years and, given the original plan to complete this work in time for publication before the 2023 ETUC Congress, it had to be greatly abbreviated. We have had to rely much more than intended on archival research, in particular the documents of the congresses and the Steering and Executive Committees.

We have drawn considerably on the historical research reported by Christophe Degryse and Pierre Tilly and we gladly acknowledge our debt to their work. We also thank all those who have agreed to our requests for interviews (and in many cases have commented on drafts of our text) and the staff of the ETUI who have assisted us in our archival work. In addition, we are grateful for transcripts of some of the interviews coordinated for the ETUI by Christophe Degryse, Philippe Pochet and Sigfrido Ramírez Pérez. Our coverage of themes is necessarily selective, and perhaps idiosyncratic, to avoid too much overlap with the work of other researchers.

Both Philippe Pochet and Nicola Countouris made detailed comments on an earlier draft of our text, for which we are very grateful. Special thanks to John Monks, who suggested

that we should undertake this project, and who will almost certainly disagree with some of our assessments, as well as to Bernadette Ségol, though she also may dispute some of our arguments. We are very grateful to both for agreeing to write postscripts to this book.

We have decided to organise our text thematically, with each theme treated largely chronologically. The topics covered reflect in part the assessments of our key respondents, in part the weight of emphasis in the records and in part our own evaluation of the key issues confronting the ETUC. To avoid cluttering the text, we decided not to use footnotes. Where we quote foreign-language sources, the translations are our own.

We felt it inappropriate to attempt to write a conclusion in the standard sense. The work of the ETUC goes on, the challenges it faces continue to evolve and there is no consensus either within the organisation or among external observers regarding its strategies and their outcomes. We therefore offer a final chapter which addresses some of the key dilemmas and the responses to these, indicating where points of historical interpretation may legitimately diverge.

It may be true, as Santayana argued, that those who cannot learn from the past are condemned to repeat it. But history offers no easy lessons. What we hope our book provides is material for understanding both success and failure, and to appreciate how effective strategies can be tailored to challenging and changing circumstances.

Richard Hyman and Rebecca Gumbrell-McCormick

Chapter 1

The 1990s: a decade of optimism

The ETUC was created in 1973, in large measure to provide a cross-national interlocutor to the European Economic Community (EEC) – since 1993 renamed the European Union (EU) – which was on the point of expanding from its original six Member States to include a wider range of countries. The founders of the ETUC were all members of the International Confederation of Free Trade Unions (ICFTU), with social democratic orientations, but, despite some internal opposition, membership was soon opened to affiliates of the Christian democrat World Confederation of Labour (WCL) and, later, to unions with a communist background. Also controversially, it was agreed to include unions from outside the EEC. What was not then resolved, and would continue to be a basis for conflicting views up to the present, was how far the main function of the organisation would be to serve as a pressure group towards the institutions of the EEC/EU and how far to act as a European trade union with much broader ambitions.

For more than a decade, the ETUC served primarily as a fairly low-key lobbying organisation, with very limited resources and a small staff. In some respects this reflected the limited competences of the EEC itself which, as its name indicated, had primarily economic functions as a common market and only a restricted amount of jurisdiction over social and employment policies. In addition, many commentators spoke of ‘eurosclerosis’: an institutional gridlock constraining significant policy initiatives. ETUC demands for Europe-wide employment rules mainly failed to achieve progress because of the need for unanimity between the Member States. But the role of the EEC expanded significantly in the 1980s, particularly under Jacques Delors who served as president of the Commission from 1985 to 1995. He helped drive the increased integration of the Single Market and, partly to gain trade union support for this project, promised a stronger social dimension to Europeanisation and promoted social dialogue between unions and employers at European level as a new channel for labour regulation. According to the Single European Act (SEA) of 1986, ‘the Commission shall have the task of promoting the consultation of management and labour at Community level and shall take any relevant measure to facilitate their dialogue by ensuring balanced support for the parties’. The SEA also removed the requirement for unanimity for legislation on social issues, so that one or two Member States could no longer veto initiatives.

This encouraging environment continued. At the end of 1989 the ‘Social Charter’ (Community Charter of the Fundamental Social Rights of Workers) was adopted by eleven of the then twelve Member States (with the UK dissenting). It defined a wide range of employment rights but, because it was not unanimous, it had the status only of a political declaration though it encouraged the Commission to seek to implement some of its contents. The prospect of Commission-initiated legislation encouraged the main

employer organisation, UNICE (since 2007, BusinessEurope), which had previously resisted any serious outcomes from the Social Dialogue, to sign the 'social partners agreement' at the end of 1991. This had no substantive content, but provided that unions and employers at European level could in principle agree rules on employment issues which could then be adopted as European legislation. The Treaty revisions agreed at the Maastricht Summit in December 1991 and adopted the following year gave the social partners privileged status in the legislative process (Bir 2019). The Maastricht Summit also included a 'social policy agreement' between all Member States except the UK, establishing an explicit legal basis for a wider range of industrial relations legislation and extending the use of majority voting. The new procedures further relaxed institutional constraints on the development of the social dimension. The agreement boosted the role of the social partners: as well as being guaranteed consultative input during the framing of the Commission's legislative proposals, they acquired the right to opt to deal with issues by means of European-level agreements, along the lines of their 1991 agreement. Such agreements were to be implemented either 'in accordance with procedures and practices specific to management and labour and the Member States' or, at the joint request of the signatories and on a proposal from the Commission, by 'Council decision'.

The Maastricht Treaty was in many respects a watershed in the development of European social policy. Advances were subsequently achieved on a range of Commission proposals previously blocked in Council, perhaps most notably the European Works Council (EWC) Directive of 1994. The existence of a stronger 'shadow of the law' (Bercusson 1992) also encouraged European employers to engage in more serious negotiations with the ETUC, resulting in three framework agreements in the second half of the 1990s. Yet the existence of the 'social partners route' could also encourage the EU authorities to abdicate their own role as regulators (Gobin 1997: 34-35). More generally, as Degryse and Tilly (2013: 36) note, the project pursued by Delors was inherently ambiguous. This ambiguity was in several ways advantageous to the aims of the ETUC. But also significant was an increasing emphasis on competitiveness and monetary discipline, particularly in the context of Economic and Monetary Union (EMU), also formalised in the Maastricht Treaty. Could this be reconciled with the social agenda? An uneasy compromise was proposed in the 1993 Delors white paper 'Growth, competitiveness and employment', but the tension between the different objectives would persist and indeed accentuate. What became known as the European Employment Strategy (EES) was agreed at the Essen Summit in 1994, adopting some of the Delors proposals but without the substantial financial backing he had requested. In 1997, an employment chapter was included in the Amsterdam Treaty, reaffirming commitment to a 'high level of employment' (but not full employment), and giving the Commission new powers to coordinate national policies.

The geography of European trade unionism also changed radically in the 1990s as the EEC itself expanded. After the first enlargement of the Community in 1973 (from six countries to nine), the next was roughly a decade later, to three relatively underdeveloped southern countries: Greece (1981), Portugal and Spain (1986). Another decade on, in 1995, Austria, Finland and Sweden also joined, all three having strong institutions of

collective employment regulation and highly developed welfare states, thus helping to shift the political balance.

But overshadowing the changes in the size of the EEC was the impact of the fall of the Berlin Wall in 1989 and the rapid collapse of the iron curtain. By the end of the 1990s, accession negotiations had begun between the EU and the newly independent countries of central and eastern Europe (CEE). Earlier than this, the ETUC had begun the task of uniting trade unions from east and west. Its 1991 Congress created observer status so that CEE unions could participate in its activities without paying the normal membership subscriptions. It developed a programme of capacity building for both 'new' and 'reformed' unions in CEE countries. By the end of the decade, 15 of these unions had become full members of the ETUC while a number more had observer status (Degryse and Tilly 2013: 160-170). To symbolise the opening to the east, it was agreed to hold the 2003 Congress in CEE, with Prague being selected.

The 1990s also saw a substantial reorganisation of the Confederation itself, representing 'a period of growth and consolidation of ETUC integration' (Dølvik 1997: 449). As Degryse and Tilly observe (2013: 75), 'various congresses had, bit by bit, introduced changes to its constitution' but 'the organisation's structures, procedures and working methods were in need of in-depth reform'. Therefore in 1989 the Executive Committee (EC) agreed to set up a review group chaired by the president of the Dutch FNV, Johan Stekelenburg. Key recommendations in its report were that the interval between congresses should be increased from three to four years (with the tenure of the officers and secretariat extended accordingly); that the secretariat should be expanded; that the European industry federations (EIFs; now European trade union federations, ETUFs) should have a stronger role within the Confederation; that a Steering Committee (SC) should be established; and that gender equality within the governance of the ETUC should be an explicit goal. All these reforms were approved at the 1991 Congress – though the necessary corollary of increasing ETUC resources was not fully resolved.

Following these changes, in the 1990s the ETUC possessed an unusually stable leadership team. Emilio Gabaglio was general secretary from 1991 to 2003, while Jean Lapeyre was one of the (now) two deputies over the same period and Erik Carlslund the other but from 1995 to 2003. From 1993 to 2003, Fritz Verzetnitsch served as president.

Over this same period, the ETUC finally overcame the old cold war divisions within European trade unionism. Of the main communist-oriented unions in western Europe, the Italian CGIL had been the first to break with its former political attachments and had joined the ETUC in 1974 with the support of the two existing Italian affiliates (despite opposition from the German DGB and some other unions). But applications from those in other countries caused serious conflicts between existing affiliates and were repeatedly blocked (Mitchell 2014; Moreno 2001). Eventually the Spanish CC.OO was admitted in 1990, the Portuguese CGTP in 1995 and finally the French CGT – after major internal struggles (de Comarmond 2013; Roccati 2017) – in 1999.

For the ETUC, the decade – and the century – culminated with its ninth Congress in Helsinki in 1999. In his opening address, Emilio Gabaglio welcomed the new EU powers

in employment policy but insisted that the changes were ‘not enough. Employment policy cannot be separated from economic policy and still less be considered as its accessory appendage.’ What was needed was an expansionary macroeconomic policy, but the Broad Economic Policy Guidelines (BEPGs) adopted by the European Council from 1993 prioritised monetary stability over growth. The three framework agreements achieved through the Social Dialogue were an important advance, but UNICE had blocked other initiatives, such as on information and consultation, and ‘we have never regarded the collective bargaining route as an alternative to the legislative route. In our view, the two are complementary and the political decision-makers cannot shirk their responsibilities by passing them on to the social partners.’ The coming enlargement of the EU – which the ETUC had already anticipated by expanding its own membership – was a historic development, but ‘the success of enlargement depends – and in no small measure – on taking into account, as from the preparatory phase, all the social policy, employment and labour market issues... This message has still not been adequately understood either in Brussels or in the countries concerned.’ In conclusion, he suggested that ‘the ETUC’s voice is today more influential in the European social arena than used to be the case, though I am aware that this does not mean that our voice is always heard and even less that our recommendations are followed’. Nevertheless, trade unionists across Europe increasingly regarded the ETUC as ‘a common heritage, an organisation with which to identify, an indispensable instrument at a time when the deepening of European integration requires that opportunities be found for broadening the horizon of trade union action’.

Gabaglio’s speech anticipated the key themes agreed by Congress in its General Policy Resolution and in a resolution entitled ‘Towards a European system of industrial relations’. Among the many specific commitments agreed were to ‘promote and defend the basic values and institutions of the European social model at all levels’; to ‘ensure that the principle of economic and social cohesion is respected and integrated in the policies of the Union’; to ‘ensure the adaptation and modernisation of the European social model on the basis of balance between economic efficiency, competitiveness and the social rights of working people’; to ‘campaign at all levels and in a European perspective to reinforce collective bargaining and social cooperation as the best means to achieve the social reforms which are needed’; to ‘call on the Commission, in cooperation with the European Parliament, to take action for the establishment of minimum standards on the outstanding social dimension issues’; and to ‘defend and promote public services’. Moreover, ‘in the final analysis the Europeanisation of industrial relations requires a Europeanisation of trade unions’. This implied ‘such steps as the cross-border recognition of trade union membership and the mutual provision of trade union protection and services’. These were ambitious objectives, thoroughly in keeping with the optimism of the 1990s. In the coming decades, however, the obstacles were to become increasingly evident.

Chapter 2

The complexities of an international trade union organisation

An international trade union such as the ETUC is a distinctive institution: its members are not individual workers but affiliates which are themselves trade union organisations. In academic discourse, such organisations of organisations, or ‘associations of associations’ (Platzer and Müller 2011: 864), are known as ‘meta-organisations’ (Ahrne and Brunsson 2008). Before discussing the specific ways in which the ETUC operates, we therefore refer briefly to some of the literature on associations of this type.

Not all ‘meta-organisations’ are international in scope. Most national union confederations do not recruit individuals as members; it is their affiliates which do so. But since it is national confederations which are the affiliates of the ETUC, this results in additional complexity: an international trade union is an organisation of organisations of organisations.

One consequence is that the governance of international union organisations is distinctive (Hyman and Gumbrell-McCormick 2020). In a national trade union, leaders are selected and policy determined, at least in theory, according to the principle of ‘one member, one vote’. But the affiliates of international trade unions often differ radically in size, resources, interests and priorities. In addition, all claim their own democratic mandate, possess their own capacity to act collectively and may have little incentive to delegate key functions (and resources) to the umbrella body. As Ahrne and Brunsson (2005: 435) note in their pioneer study, ‘potential and actual members of meta-organizations often have far more resources, a much greater action capacity and higher status than the meta-organization itself. The members are potential competitors of the organization’. The same authors (2008: 3) ask pointedly, ‘how is it possible to lead organizations that already have leaders of their own?’. Groux et al. (1993: 52-53) suggest that the first two general secretaries of the ETUC (Théo Rasschaert and Mathias Hinterscheid) were largely subservient to the leaders of its main affiliates; while Peter Coldrick (a member of the secretariat from 1976 to 2003) told us that Hinterscheid ‘used to complain that the Germans treated him as a page boy’. Even after the strengthening of the central organisation in 1991, the largest affiliates could still exercise an effective veto power.

In contrast to the principle of ‘one member, one vote’, meta-organisations typically apply much more complex voting rules and are particularly dependent on affiliates with the greatest resources or influence. According to the ETUC Constitution (quoting from the 2003 version), the ‘supreme authority’ is the Congress, with the responsibility to ‘determine the strategy and general policy of the Confederation...; approve the composition of the Executive Committee; elect the president, the general secretary, two

deputy general secretaries, the confederal secretaries and the auditors', with the number of delegates from each affiliate (roughly) proportionate to their membership. The growing acceptance that women should be represented in the secretariat was formally enshrined in the Constitution in 2003 and strengthened in 2011. This represented one aspect of a much more general and ongoing process of encouraging gender balance in the governance of trade union movements which traditionally were heavily male dominated.

Affiliates may submit nominations for officers and the secretariat, while 'the general secretary is entitled to make proposals for the composition of the secretariat'. The EC then gives recommendations for elections at Congress. On the EC, national affiliates are entitled to between one and five representatives, according to size, with representation also from the ETUFs and the Women's Committee. The SC, which meets more frequently, comprises 20 members elected by the EC from among its own membership, including at least four representatives of the ETUFs and the president of the Women's Committee. As in most national trade unions, this implies a form of what could be called 'managed democracy', as we explain further below.

Policymaking is subject to a preference for consensus, increasingly important as the growing diversity of the membership makes agreement on policy more difficult (Braud 2000; Gläser 2009). Under the ETUC Constitution, both Congress and the EC should 'endeavour to achieve the widest possible measure of agreement'; if a vote is necessary, a proposal requires a two-thirds majority to pass. Beyond this, a number of 'tacit agreements' (Degryse and Tilly 2013: 68), or unwritten rules, constrain the scope for simple majority decision. We consider some of the aspects of crafting policy in Chapter 3.

2.1 Forming a leadership team

The formal rules for electing the ETUC leadership, outlined above, tell less than the full story. One of the unwritten rules is that the composition of the secretariat should reflect the geographical spread of the membership (and also its ideological diversity) (Degryse and Tilly 2013: 68). In addition, as in very many national trade unions, it is virtually unknown for the Congress actually to choose between rival candidates and rare for the EC to require a formal vote. In practice, it is normal for the key affiliates to agree behind closed doors – perhaps after difficult bargaining – on the composition of the leadership team to be submitted to the EC and then to Congress. As Monks commented, 'the negotiations about that are the most dangerous things you do'. Typically, unhappiness with the choices submitted may be indicated by abstention rather than opposition; again, as in many national unions, the votes cast provide a kind of popularity index.

Judith Kirton-Darling, who had experience of the terms of office of four general secretaries, concluded that 'the culture of the ETUC is heavily influenced by the leadership at the top. They were very different elected teams in all four: the profile of the deputies and confederals compared to the general secretary in each case.'

As well as the elected officers and secretariat, an important role is played by appointed advisors (rather as EU commissioners depend on the support of a cabinet). For example, Gabaglio relied heavily on Peter Seideneck from the DGB in developing policy and building links with trade unions in central and south-eastern Europe; while Juan Moreno from CC.OO provided expertise on trade union developments in Latin America for several general secretaries. Monks had support from Tom Jenkins from the TUC. At times, retiring members of the secretariat may be retained as expert consultants, as was the case more recently with Józef Niemiec.

Until 1991, the ETUC had only had two general secretaries. Both Rasschaert and Hinterscheid were from smaller countries (Belgium and Luxembourg); this often seemed the norm in international trade unions. A conflict between several major affiliates and Hinterscheid led the latter to resign (Dølvik 1997: 162); but the choice of a successor was unusually fraught, with two candidates – Emilio Gabaglio from the Italian CISL and Johan van Rens from the Dutch FNV (Moreno 1999: 254-257). The British TUC believed that there was broad consensus on the choice of van Rens; but the DGB decided to support Gabaglio (Hyman 2017: 112). ‘This caused tension within the ETUC, despite German attempts at damage repair by offering Norman Willis (TUC) the somewhat ceremonial post of ETUC president’ (Dølvik 1997: 162-163). When the vote was taken at the EC, Gabaglio won a decisive majority and van Rens withdrew. The tensions were then quickly overcome.

A very different problem arose in agreeing a successor when Gabaglio retired. He was anxious that the post should be held for the first time by someone with experience as general secretary of a major affiliate. He told us:

My own idea was that my successor should be someone who had exercised a leadership role in a major national union. I myself had not held a prominent leadership role in CISL, though I had policy responsibilities in the secretariat. My idea was to find someone in a national leadership position who would be willing to invest in the European level with the strength and prestige to give new status and visibility to the role of ETUC general secretary.

For a time there seemed agreement that the candidate should be Nicole Notat of the French CFDT but, not long before the 1993 Congress, she decided not to run. After rapid soundings, John Monks signalled that he was willing to stand and he was the sole candidate. Unlike many British trade unionists, Monks strongly supported European integration and a more effective ETUC (Taylor 2000: 262). He chaired its Constitution working group, which began work in January 2001 and was mandated to make recommendations on proposed rule changes.

Given that the current or incoming general secretary has a key role in selecting the new leadership team and drafting the main Congress documents, the relatively late agreement on Gabaglio’s successor led to a compressed timetable. The choice of the two deputies was uncontentious: the only candidates were Maria Helena André, confederal secretary, the only member of Gabaglio’s team who was not retiring, and Reiner Hoffmann, who had headed the ETUI since 1994. In Hoffman’s words: ‘John

said, “one of you take charge of personnel and the other finances”. My French was very poor, Maria Helena was fluent; and I said I’m an economist, I can deal with figures; so I took responsibility for finances and she for staff.’

It had been agreed that the number of confederal secretaries should be increased from four to five, and there were nine nominations which – in contrast to previous practice – were not narrowed down before the closing date for applications in February 2003. It was agreed that Monks, André and Hoffmann should assess the nominations and present recommendations to the EC before the Congress. The process entailed some problems. Two of the candidates were excluded and the remaining seven were invited to a seminar in Brussels to discuss the future of the ETUC.

The day before the seminar, the candidate from LO Sweden withdrew his nomination. As Monks reported to the April EC:

LO asked me if I would accept another nominee from them – this time a female trade unionist. [It was reported at the time that Monks had previously pushed the Nordic group to nominate a woman in order to strengthen female representation in the secretariat, but they had failed to do so.] I said in reply that this would not be in order as the closing date for nominations had passed. The LO reiterated their view – and that of the Nordic group as a whole – that there was a need for a person in the political leadership reflecting the Nordic trade union tradition. This would not be possible unless the Executive Committee decided to accept a new nomination despite the fact that the closing date had passed. Such a decision would be in breach of the rules and would inevitably lead to the whole position regarding confederal secretaries being reopened. For that reason, I advised the Executive Committee not to reopen the list of nominations for confederal secretaries.

The EC agreed with this recommendation.

A second problem was finance. As Monks reported, the enlargement of the secretariat was:

... based on the assumption of an increase in affiliation fees of around 30 per cent over the period 2003-2007. If a lower increase in the affiliation fee was decided upon by the Executive Committee, this would necessitate a reduction in the budget. In reality, this means a cut in the number of proposed confederal secretary positions. In broad terms, a fee increase of 15 per cent – over four years – meant that three confederal secretaries could be afforded while a fee increase of 17.5 per cent meant four confederal secretaries could be afforded. At least 20 per cent was needed to be able to afford the expansion of the number of confederal secretaries to five.

In the event, affiliates could not agree a sufficient increase in fees to raise the number as planned, with opposition from the German and Nordic unions in particular (Gobin 2004: 16). This meant that there were now four vacancies and six candidates (indeed, on the criteria cited above, the 15 per cent increase eventually agreed implied a reduction in

numbers to three). Three choices seemed relatively unproblematic. It had been agreed that the secretariat should include a trade unionist from CEE, and the largest and most prestigious affiliate was the Polish *Solidarność*. Their nominee was Józef Niemiec, secretary of their National Commission; there were also nominees from Romania and Slovakia but they had been excluded in the first filtering process. It was also agreed that the French CGT should be represented so their candidate, international secretary Joël Decaillon, was an obvious choice. Walter Cerfeda from CGIL was jointly nominated by all three Italian affiliates.

The remaining position, however, was problematic. According to Gobin (2004: 15), there was prior agreement between the Benelux trade unions to support a nominee from the Belgian FGTB/ABVV but, late in the day, the Dutch FNV nominated Catelene Passchier. In addition, the women's committee had submitted their own nomination. As a trained lawyer, Passchier was particularly well qualified, but the choice of her over the two unsuccessful candidates caused bad feelings. Indeed the FGTB/ABVV boycotted the 2003 Prague Congress in protest (which was unprecedented), also objecting to the refusal to raise affiliation fees substantially (which, it argued, would have enabled a fifth confederal secretary and reduced financial dependence on the Commission, allowing the ETUC to develop into more of a 'countervailing power' at European level) (Gobin 2004; Jouan and Tilly 2017). However, according to Reiner Hoffmann, 'less than six months after the Congress we had restored relations with the FGTB and there was no long-term damage'.

One other casualty of the leadership transition was the incumbent president. It appeared that Verzetnitsch saw Gabaglio's retirement as an opportunity to strengthen the role of the president in relation to the general secretary (in many European countries the top union official is the president). However, this was not favourably received; as Gabaglio indicated to the EC in November 2002, 'no-one is calling for dual leadership in the ETUC and that is why there is no reason to change the existing provision. Concerning the president, under the present rule relations between the general secretary and president have proved to work well over the last ten years.' The proposals for constitutional amendments not only sustained the primacy of the general secretary (it is difficult to imagine that Monks would have accepted nomination otherwise) but they also reduced the presidency to a single four-year term of office. The new rules specified that the role of the president was simply 'to chair the Congress, the Executive Committee and the Steering Committee'.

Verzetnitsch was nominated for re-election together with Cándido Méndez from the Spanish UGT. At the SC in March 2003, Michael Sommer of the DGB argued that 'two candidatures are not desirable. We do not want a specific vote on this.' In the event, Verzetnitsch withdrew his candidacy.

The other main changes proposed by the Constitution working group were that confederal secretaries should be elected at Congress rather than appointed by the EC, which gave them 'more democratic legitimacy in the fulfilment of their role', as Gabaglio commented. Of more practical importance, the new rules prescribed that 'the mandate of the general secretary, deputy general secretaries and confederal secretaries cannot

exceed two Congress terms' (though this denoted the same office so that, for example, a confederal secretary elected to a higher position could perform two further mandates). As Gabaglio commented, 'limitation of the number of mandates means that we do not consider ETUC functions as a career but rather as an assignment for a given period of time. The more so today when the ETUC has very much expanded.'

This change of rule had two, perhaps unanticipated, problematic consequences. Since all members of the secretariat were newly elected to the positions they attained in 2003, they were all eligible for, and obtained, re-election in 2007. Only the president changed, according to the new rule allowing only one four-year term of office; Wanja Lundby-Wedin of LO Sweden took over the role. But, as a result, an almost complete change of personnel was required in 2011, meaning the advent once again of a relatively inexperienced team. As Coldrick said to us, 'Emilio pushed through electing all the confederal secretaries and a limit of two terms – that was stupid. John was unable to oppose it. It means that there is no continuity.' Monks himself commented that he:

... wondered whether the rule change was a good idea. It was just my faith in Emilio that said, 'OK, I'll go along with it.' I was particularly uneasy about the two-term rule. How do you get good people from Member States and member trade unions to give up what they've got in that country if they're going to be limited to a maximum of eight years...? I was wondering, how do I attract good people? Because you won't get leave of absence from anybody for eight years. You won't even get it for four years.

The second problem was that, as members of the team approached the end of their mandates, they had an incentive to seek positions elsewhere and possibly leave their posts early. In the autumn of 2009, Maria Helena André left to become Minister of Labour in Portugal while Reiner Hoffmann went to head a key region of IGBCE in Germany. André had been widely envisaged as the next ETUC general secretary. Hoffmann, who had made it clear that he was not a candidate, had been approached about the possibility of eventually standing for the position of president of the DGB (to which he was indeed elected when Michael Sommer retired in 2014); the main obstacle was that he had never held a leadership position in a DGB affiliate, and an opportunity had now arisen. As Monks quipped, 'to lose one deputy general secretary was a misfortune; to lose two looked like carelessness... Their departures left some holes in the ETUC team and some problems too.' But 'no-one was indispensable and a good organisation should be able to cope with sudden departures or absences'. He recommended that Joël Decaillon be elected acting deputy general secretary for the period until the next ETUC Congress. 'I have had in mind that decisions taken now to deal with the immediate and medium term do not restrict the options of the next general secretary and Congress when they consider the team to be presented to the next Congress', Monks told the EC. 'Joël, like me, will not be standing for a further term'. The recommendation was approved unanimously. Some of the dossiers were re-allocated and special advisers were appointed from some affiliates.

In 2010 there were two further departures: Catelene Passchier left to join the FNV leadership as the member of the Executive Board in charge of social dialogue and

collective bargaining; and Walter Cerfeda left to head a trade union institute in Italy. ‘So from a team of seven, only three of us will be there at the next Congress’, Monks told the EC in October, adding that ‘for the future, consideration will have to be given to how to handle premature departures from the secretariat’. Again, temporary measures were needed to cover the work.

These events meant that, as in 2003, the search for a successor to John Monks took place far later than was ideal. It was impossible to find consensus behind any potential candidate from a national affiliate. Bernadette Ségol, who was to be elected, had spent her career in international trade unionism first with the ITGLWF, the textile workers global union, then, from 1985, at Euro-FIET, which covered the finance and commercial sector. When FIET took part in the merger to form UNI, she became general secretary of UNI Europa. From 1985 she had been an active member of the EC and SC of the ETUC. When she was approached to consider being nominated for the general secretary post – as the first official of an ETUF to be elected to the role, as well as the first woman – this was, she said:

... something I had not really expected, and I wanted to be up to it... I reflected on the possibility of my candidature. I took several months with different advice at the beginning, but decided I would go for it... John’s support was very important; he encouraged me. If I had had the feeling from him that I was not the right candidate, I would not have done so.

Given that she was approaching retirement age, she agreed to stand for one four-year mandate.

In the new leadership team only Niemiec, promoted to deputy general secretary, continued from the Monks era; the other deputy was Patrick Itschert, general secretary of the textile workers global union (which was about to be merged into IndustriAll). The new confederal secretaries were Luca Visentini from the Italian UIL; Claudia Menne from the DGB and president of the ETUC Women’s Committee; Veronica Nilsson from TCO Sweden; and Judith Kirton-Darling, who had worked at the European Metalworkers’ Federation (EMF) since 2008. At the age of 33, she was the youngest confederal secretary since Maria Helena André; in nominating her, she told us, the TUC ‘had made a decision to skip a generation’ and some large affiliates were extremely unhappy. She left in 2014 when elected an MEP, but afterwards became deputy general secretary of IndustriAll Europe. The new ETUC president was Ignacio Fernández Toxo from CC.OO in Spain.

There was another major change in 2015. In September 2014 the SC ‘decided to create an informal group on nominations to facilitate the process leading to the composition of the next secretariat’. In December, it was noted that ‘the preference was, and still is, that the new general secretary should be a “heavy hitting” leader from a national confederation. However, no such names have come forward up to now.’ At the EC in February 2015, it was reported that there were three formal nominations for general secretary: Visentini, nominated by the three Italian affiliates; Peter Scherrer, who had been general secretary of the EMF, nominated by the DGB; and Ségol, nominated by the British TUC although

she had made clear that she would not stand. One delegate commented that it was ‘a positive development that we now have a few candidates while a few months ago we did not have any’. The DGB and the Italian unions ‘agreed that the four organisations would only propose one candidate and survey affiliates to decide between the two’ – with the unsuccessful candidate becoming a deputy general secretary. Subsequently, it emerged that there was a further candidate, Plamen Dimitrov, nominated by the two Bulgarian affiliates. It was agreed that the three nominees would address the EC which would then hold a secret ballot. After his presentation, Dimitrov withdrew. In the ballot, Visentini gained a narrow majority and the DGB withdrew Scherrer’s nomination.

In the new secretariat, the only other member continuing from the previous team was Nilsson who became a deputy general secretary alongside Scherrer. The new confederal secretaries were Esther Lynch from the ICTU (Ireland), Montserrat Mir Roca from CC.OO, Thiébaud Weber from CFDT and Liina Carr from EAKL (Estonia). The new president was Rudy De Leeuw (FGTB/AABV).

In 2019, Visentini was re-elected while Lynch became deputy general secretary together with Per Hilmersson from TCO. Because of financial difficulties the number of confederal secretaries was reduced to three; Carr was re-elected alongside Isabelle Schömann, who had worked at the ETUI from 2005 to 2016, and Ludovic Voet from the Belgian CSC/ACV. Laurent Berger of CFDT France was elected president. In 2021 Hilmersson left for a position in the European Parliament and was replaced by Claes-Mikael Ståhl from LO Sweden. In November 2022, Visentini was elected general secretary of the International Trade Union Confederation (ITUC), leaving the ETUC prematurely; he was succeeded by Esther Lynch. A fortnight later Visentini, along with several political figures, was held by the Belgian police for questioning over alleged financial corruption involving Qatar. The ITUC then suspended him from office for three months pending a special investigation; following its report in March 2023 he was dismissed.

It is clear that, since 2011 in particular, there has been a high turnover in the leadership team, with many members serving only a single term. This instability is partly, but not wholly, attributable to the rule changes adopted in 2003. In some union organisations, an experienced president might help ensure continuity, but the new rules have also prevented this.

Effective membership of the secretariat requires a distinctive type of experience, a capacity to adapt to differences in trade union culture from one’s national origins and a process of ‘bonding’ with other members of the team. Conceivably, giving all members of the secretariat democratic legitimacy through election at Congress may have hindered effective team working since each could claim a personal mandate from their election. In addition, the limit to their tenure of office was an incentive to devote time to cultivating links to the home country with an eye to future career opportunities. To the extent that confederal secretaries harbour ambitions for promotion to a senior role, the secretariat might constitute a ‘team of rivals’.

The EU is a foreign country: they do things differently there. Coming to terms with this requires a difficult learning process. Catelene Passchier commented on the problems

facing a new member of the secretariat: 'In your own country you know how your parliament works, you know the key people. If you come to Brussels, you have to learn everything again. How exactly does this Commission work? How exactly does this Parliament work? What are the tricks? How do you get inside? Everything has to be learnt, and you don't get any time for it, because on the second day people expect you to perform.'

Coming from the EMF, and having worked before at UNI-Europa, Judith Kirton-Darling told us that 'with my Brussels background I understood the dynamics; someone my age coming straight from a national union would have been lost... I understood some of the non-verbal things that were going on in the room.' Conversely, she said, there were derogatory comments about 'Brussels insiders'. 'Are you really a proper trade unionist if you're coming from inside this building rather than from a national union office?'

Passchier also reflected that:

Above all, we had too much work and not enough staff. John woke up at five in the morning, wrote his own speeches at six... I did a similar thing. I travelled the whole of Europe; in the evening I would be totally exhausted, I woke up at five in the morning in my hotel, wrote my speeches... And travelling around, still dealing with the European Parliament, with the Commission, with all the affiliates, and it was never enough because everyone can still complain about the ETUC... What I also learnt was that it is better to do three things right than ten things half well... So you start as a newly elected confederal secretary, I had a very interesting package of responsibilities but it was far too much. It's a full table with 29 issues, if you want to eat all of them you get sick. So I had to decide, 'what's my priority, where do I think I can make a difference?' So my first term was an overload of far too many responsibilities, I learnt enormously...

There are interesting parallels with the remarks of a senior official of a major affiliate, whom we interviewed over a decade ago:

Our view was that, for many years, ETUC policy was in most important respects decided by the general secretary and only by the general secretary. This had functioned well in terms of European activity, but in our view Monks made an important step in remaining a strong general secretary but building a strong team around him, with two deputy general secretaries who play an important role. But they are executive members, department heads, advisors and secretaries at one and the same time. There is no substructure and it is astonishing what they do without proper backing.

2.2 Managing people

Those running trade unions, whether at national or international level, do not tend to regard themselves as employers: employers are their interlocutors, negotiating 'partners' or antagonists. Yet large trade unions have many employees, ranging from

senior officials to administrative and secretarial staff, all with distinctive interests as employees. In many national unions, and also in international organisations, they themselves are members of and are represented by trade unions. Yet those in charge of trade unions typically lack any training in the skills necessary for managing their own staff.

In terms of staff numbers, the ETUC can be considered a small to medium-sized enterprise. It developed from very modest origins and gradually expanded. Degryse and Tilly (2013: 66) quote an interview with former deputy general secretary Jean Lapeyre: 'when I arrived at the ETUC in September 1985, it was a family-sized operation run by about 20 people, with scant resources and very limited expertise'. In the Delors era, numbers expanded substantially: Dølvik (1997: 408) records 36 staff in 1990 and 45 in 1996, 'many of whom work with translation'. By 2010, the ETUC had over 50 staff while there were another 60 in the ETUI (which is not formally part of the ETUC but provides it with a range of services). Numbers have since remained relatively stable. Staff themselves are organised within one or other of the Belgian trade unions and under Belgian law are represented on a works council.

Monks recalled that, when he arrived at the ETUC:

I had a lot of staff problems to deal with... There was quite a queue of people wanting regrading. Nobody but the general secretary had authority yet to deal with this. In the TUC, the deputy general secretary dealt with all this, but here this would not have been accepted so I would have been involved anyway. So I had to meet the FGTB and CSC [the main Belgian unions] over various grievances and that never quite stopped. In all my years there, there was usually something bubbling around. The staff were not used to me; and I was not quite used to them.

Given his prior experience at the TUC, 'I was not under stress or strain dealing with staff issues, but it took up more time than it should have done'.

An international organisation also contains distinctive types of tension. He added that:

At the TUC, the culture was fantastic loyalty to the general secretary; that ethos runs right through the TUC. That was not the case at the ETUC, with the elected confederal secretaries, people building little empires with the ETUI etc., and they had links with their own affiliated organisations; they might have a call from their own president about some problem or other. There was more of that than I expected, but I wasn't surprised by it, and we bedded it down quite well in about a year... There was always a risk that you would get involved in an argument with a major affiliate; there were tensions among the staff below me; I was accepted but the deputy general secretaries were not and some confederal secretaries would not accept that they were subject to their authority. But they had a lot of scope, the ETUC was not tightly centralised.

2.3 The issue of finance

As noted above, international unions depend on financial resources from their affiliates who are often reluctant to provide adequate funding, particularly if they themselves face straitened finances. Writing of the organisational reforms in the 1990s, Dølvik (1997: 408) commented that ‘ETUC resources are scarce, compared to most national unions’ – even though dues per member roughly doubled over the period of his study. In the following decade they continued to increase (though less so in real terms). With expansion of membership to CEE, affiliates from the region paid only a quarter of the fees per member required of those in the west; by 2015 this had increased to over a third. Since 2005, a third tier has existed, with Bulgaria, Romania and Turkey paying less. However, Monks told us that ‘the only financial difficulties were a bit when we came in. I think reserves were only about 500 000 euros but, by the time I left, they were about six million.’ The financial report for 2003–2006 noted that ‘thanks to the yield of investments made by the Foundation ETUC Fund set up in 1992 and the positive results on the working budget’, the ETUC’s assets had risen from 22 per cent to 35 per cent of yearly expenditure, ‘which made the ETUC a more healthy organisation’. By 2009, assets had risen to 65 per cent of annual expenditure and increased again to 90 per cent by 2014. In later years, however, there seems to have been a more difficult financial climate, with deficits on the current account in some years.

The ETUC depends not only on affiliation fees but also on subsidies from the European Commission. Most notably, its research and education arm, the ETUI, which is formally a separate organisation, is largely funded by the Commission – more than 10 million euros was paid for its 2009–10 work programme, substantially above the annual affiliation fee income – while major sums are also received for other projects. In addition, considerable support for workshops and conferences – meeting facilities, interpreters, travel costs – is derived from the same source. The ETUFs likewise receive significant Commission support. As Dølvik (1997: 409) comments, ‘the real costs of running ETUC activities can be assumed to be at least twice the revenues from membership dues... This reflects the circumstance that affiliates are not yet ready to underwrite the real costs of running trade union activities at the European level.’

According to Gläser (2009), the ETUC faces tension between political independence and financial dependence on the European institutions; or, in the words of Martin and Ross (2001), ‘the dilemma of borrowed resources’. The resulting contradictions have provoked intense debates between unions at national level, sometimes overt but often implicit. ‘Because national union movements in Europe were reluctant to allocate resources and to grant it significant opportunities to acquire capacities on its own, the ETUC had to seek its building materials elsewhere, from friendly, but self-interested, European institutional elites’ (Martin and Ross 2001: 54).

One immediate threat to the financial position emerged as the new secretariat elected in Prague took office. At the EC in March 2003, it was reported that ‘the EU has changed its strategy concerning a large number of actions of the ETUC’. New budget rules were introduced following the ‘Eurostat scandal’, when it was revealed that some five million euros had been lost through financial malpractice at the EU statistical agency. There

were particular implications for the three ETUC institutes – the ETUI, the ETUCO and the TUTB – responsible respectively for research, education, and health and safety; since the Commission wished henceforth to fund only one institute, it was necessary to combine the three in a single legal entity. A year later, Monks reported ‘that the issue had not yet been resolved and that the next stage was not clear for the moment’. Warning that he would not want the ETUC institutes at risk, he said that, ‘this is a very serious matter for the ETUC family. They are unique in Europe in their research, in trade union education and in health and safety at work issues.’ Eventually the three institutes were merged into one body with formal status under Belgian law, which ‘attracted an increased budget’. Since the ability of the ETUC itself to receive funding for various social and development projects was also compromised, it created a new body, the Social Development Agency, as a not-for-profit organisation ‘to promote Europe’s social dimension in a globalised world’.

As already indicated, a long-standing issue was the level of affiliation fees. There were repeated disagreements between affiliates seeking more substantial payments and those – often led by the DGB – who opposed this. On several occasions the EC set up working groups to review the setting of membership fees, but agreement remained elusive. For example, following the Seville Congress a finance working group was established under Bernard Thibault (CGT) but, when its report was considered in 2011, it was agreed to defer most of the recommendations until 2014.

2.4 The sectoral dimension: the ETUFs and the ETUC

A trade unionist may be represented in the ETUC through two different channels. The first is through their national confederation, to which they are indirectly affiliated in most countries through a specific sectoral or occupational union, although in some a worker can hold membership of their national confederation directly. The ETUC was created as a confederation of national confederations – and the same is true of the ITUC and its predecessors at global level. But in addition, sectoral unions are also affiliated to ETUFs (and to the global union federations, GUFs).

Originally loosely linked to the ETUC, in 1991 the ETUFs were assigned formal rights of membership, including a presence at Congress and on the EC. They did not pay affiliation fees and, as a corollary, could not vote on financial matters.

At global level, relations between the ICFTU, the main predecessor of the ITUC, and the GUFs (then known as international trade secretariats, ITSs) were sometimes fraught. The ITSs were jealous of their autonomy and indeed many of them traced their origins to before the creation of the ICFTU and its predecessors; whereas some within the Confederation wanted to see them integrated as subordinate components of its own structure. As Monks commented, despite the major practical problems confronting the ICFTU, ‘a lot of people were spending an enormous amount of time on these internal tensions... People spent a lot of time arguing about the relative merits of the ICFTU and the ITSs. I got quite impatient.’

The relationship between the ETUFs and the ETUC was less tense, but was affected significantly during the period covered by this study by three main factors: first, the expansion of the sectoral social dialogue while the cross-sectoral dialogue stalled; second, the creation of European Works Councils, which gave ETUFs important new coordinating functions; third, EU enlargement, which brought the challenge of building union organisation in the new Member States and where the ETUFs played an important role in their own sectors. Looking back on this period, Philip Jennings, general secretary of FIET at the time (and subsequently of UNI), recalled that, almost overnight, the ETUFs changed ‘from an office that was an observatory of what EU legislation is about to an industrial dimension through social dialogue and then an enterprise dimension through EWCs’. Reiner Hoffmann commented that:

The sectoral social dialogue [which we discuss in more detail in a later chapter] got more impact and more relevance, which was a good thing but was always a little difficult for Emilio and Jean Lapeyre. They had been focusing strongly on the inter-sectoral social dialogue and relations with the EIFs was been easy... The ETUC [thought it] should always be in the lead and [regarded] the industry federations as an appendix; they should not become too strong. To my understanding, this was wrong probably because I come from Germany where the sectoral unions are very powerful because they are negotiating, representing workers and councils at plant level; they are the key players.

One early point of conflict, which seems subsequently to have been contained, was the degree of autonomy for the ETUFs to negotiate on issues which were already covered in the inter-sectoral social dialogue (Lapeyre 2017: 156-159). In 1995, EURO-FIET entered negotiations with EURO-COMMERCE over parental leave; this was already the subject of an inter-sectoral agreement but EURO-COMMERCE was not a signatory (Dølvik 1997: 395). The ETUC secretariat proposed that the EC ‘should define negotiating mandates and the levels of responsibility, i.e. European and/or sectoral’. This was supported by affiliates from the Nordic countries and Italy, where the confederation was the supreme bargaining agent, but opposed by the DGB, reflecting the autonomy of German sectoral unions. The compromise agreed in 1996 moderated the original proposals of the secretariat without conceding full autonomy to the ETUFs; one observer commented that the ETUFs were ‘unlikely to accept being voted down on issues of controversy’ (Dølvik 1997: 396-401).

In our discussion, Jennings reflected on the relationship between the ETUFs and the ETUC:

Years back it was evolving, one side reminding the other that we’re in the game together. There was a lot of maturity about how it was managed and also mutual encouragement to move things along. I think the ETUFs would say, if I have an employer in front of me and we are negotiating, it’s our business, without being seen as negative... So I would put the accent more on harmony than on discord. There has always been a vigilance on the ETUF side and, from time to time, they might say, hang on a moment... But I don’t think we ever felt under threat.

However, as with unions at national level (Gumbrell-McCormick and Hyman 2018: 92), mergers between ETUFs which form new ‘conglomerate’ federations may weaken the authority of the central confederation. Joël Decaillon told us that the creation of IndustriAll in 2012 shifted the balance of forces within European trade unionism. Thomas (2001b: 1222-1223) writes that ‘the sheer size of IndustriAll Europe, the result of a merger between different European sectoral federations and counting 7 million members, poses a challenge to the ETUC’s internal balance of power’. He quotes a former member of the secretariat as arguing that ‘what weakens the ETUC is IndustriAll Europe... The relationship with IndustriAll Europe is not dynamic and the ETUC finds itself with a giant next to it that covers almost the entire industrial sector.’

Chapter 3

Challenges and responses

John Monks often recalls that, when he came to the ETUC in 2003, the secretary-general of the European Commission, David O'Sullivan, told him 'you're eight years too late'. The Delors Commission ended its term of office in 1995. Soon the pace of social legislation had slowed and José Manuel Barroso, who headed the Commission from 2004 to 2014, was a fiscal conservative with little enthusiasm for social protection and for new employment legislation. The political climate within EU countries shifted to the right, a trend reinforced after eastern enlargement in 2004, and employment rights and social welfare were increasingly regarded as obstacles to competitiveness rather than as essential elements in the European social model. This was symbolised by the draft Services Directive submitted in 2004 by Frits Bolkestein, Commissioner for the Internal Market, as we discuss below.

As the 'shadow of the law' faded, employer willingness to reach significant agreement through the Social Dialogue process also waned. Reiner Hoffmann said to us that 'the years of the early 2000s were much better than now; since then they have been getting worse'. The last new agreement through social dialogue to be implemented as a directive was that on fixed-term contracts in 1999. Subsequently, Hoffmann said:

We tried to set up an agenda with the employers... what topics would be of common interest on which to negotiate under the umbrella of Social Dialogue. It became clear that the employers, UNICE at that time, had no interest at all in getting anything done at the negotiating table because the composition of the Commission had changed; there was no longer a Jacques Delors. Santer [who headed the Commission after Delors] was a nice guy but very weak; he couldn't exert any pressure in the Commission to put things on the table where they could offer us 'take it away and negotiate it' or we will do it by law.

The EU Treaties provide for the free movement of goods, persons, services and capital, and also for the freedom of establishment of economic activities. However, a central theme of the Delors years was that stronger economic integration should be counterbalanced by enhanced employment rights, epitomised by the 1989 Social Charter. This uneasy equilibrium was put in question not just by the changed political orientation of the Commission and the Council but also by the European Court of Justice (ECJ; now Court of Justice of the EU). Its landmark decisions in the *Viking* and *Laval* cases in 2007 implied that, although there was a 'fundamental' right to strike, this was less fundamental than the right of businesses to supply cross-border services. Irrespective of national law, industrial action which interfered with market freedoms was legitimate only if it satisfied strict tests: it must be justified by overriding reasons

of public interest, must be undertaken as a last resort and must be 'proportionate' to trade union objectives. Such an assessment was ultimately for the courts to make, under direction from the ECJ (Bercusson 2007; Bücker and Warneck 2010; Höpner and Schäfer 2010).

The political and judicial threat of economic liberalisation without compensating social policy instruments was to preoccupy the ETUC from the turn of the century. The global economic crisis unleashed in 2007-08 reinforced the challenges, as did the drive to austerity which was the dominant response of the EU and most Member States.

John Monks sets out what he recollects as the key issues of his period of office:

The things that were going on were the European Convention, on which Emilio was an observer... Out of loyalty to Emilio we supported the idea of the Constitution – the TUC was not all that comfortable with it, but went along with it because of me – and there was quite a lot of opposition simmering, particularly on the left...

The second thing was Bolkestein which began to explode [see our discussion in Chapter 5 below]. The Belgian unions were on to it quickest. The principle was the Single Market within services based on the country of origin of the provider... I was called in by Pascal Lamy [a French socialist who had headed the Delors cabinet], who at that time was Commissioner for the Single Market, and he said: 'what are you doing about this? This is not Jacques Delors territory but absolute free market liberalism, designed to depress wages, working conditions, welfare in the EU'. So he gave me a sort of kick, what is the ETUC doing about it? And the answer was at Prague: absolutely nothing. So that became the first real campaign that we got our teeth into. Headed by Józef Niemiec and in particular Catalene Passchier, who as a lawyer was drafting alternatives – they worked very well together as a team – and we ran a good campaign... In the end there was a services directive, it was not perfect but was much better than being based on the country-of-origin principle... This was my first campaign and helped establish me, people said 'he's done quite a good job'. I addressed the parliamentary groups and got quite a lot of support...

Monks stressed the adverse political context of the period when he became general secretary. In particular, Tony Blair, who was elected British prime minister in 1997, had little sympathy for the social democratic traditions of continental Europe but rather supported those who argued for weaker labour market regulation. As Monks told us:

Blair was in his pomp around 2003, he was about to commit us to a war in Iraq but was extremely influential in Europe. His mission was to stop social Europe going any further. In 1996, he gave a commitment to Aidan Turner [head of the Confederation of British Industry] that nothing would happen that the CBI disliked... He didn't trust French ambitions for a greater Europe based on a greater France and didn't really trust Germany to give inspiring leadership, and the Anglo-American liberalisation agenda was very powerful. Barroso bought into it, indeed supported it earlier... Merkel [Angela Merkel, German chancellor from 2005 to 2021] had argued that European welfare states were too expensive.

Juncker [Jean-Claude Juncker, premier of Luxembourg and President of the EU Commission from 2014 to 2019] had said, we know what we need to do but we won't get elected if we do it. So the general mood among the leaders was: social Europe, we've probably got too much of it and we don't need any more. I couldn't find many friends among Europe's leaders for any developments on social Europe. They just about went along with the changes to Bolkestein but that was about it.

Accordingly, the Blair government was as hostile to new proposals for EU social regulation as its Thatcherite predecessor had been. For example, Monks highlighted:

The directives on information and consultation and on agency workers... were in abeyance, mainly because of British opposition. Some of the other European leaders were like Juncker; they wouldn't have minded it if they could get away with it. They were not ideologically opposed to what we were saying but could hide behind the British position, and the fact that it was a Labour government confused a lot of the parliamentary groups... Blair was no fan of Delors, he was suspicious of unions, they had not backed him for Labour Party leader... We got the Information and Consultation Directive through in 2001 [when Monks was still at the TUC], in a watered-down form admittedly... We had built up enough support, particularly in Germany with Schröder [Gerhard Schröder, German chancellor from 1998 to 2005]; Blair didn't fancy a fight so it got through, but the procedure for implementation was skewed in favour of the CBI... It was not a victory; for me it was a disappointment.

This adverse political climate dominated the first years of the Monks secretariat, meaning an uphill struggle for the ETUC.

We were aware that inequality was getting worse across Europe; real wages were stagnant despite the buoyant state of the economy in most countries; there was growing concern about free movement of labour. The ETUC took a principled position in favour of it and against transitional measures. I had quite a row with the DGB and the CGT about that on the Executive and I won the vote. They wanted transitional measures to apply across Europe. The TUC had rejected the idea; Blair and Straw [Jack Straw, British Foreign Secretary from 2001 to 2006] raised it with us; our feeling was that we never did anything for Poland in 1939 or 1945, we could do something now, we had full employment... I was rather proud of that, although it could have rebounded on us since...

So we felt very much on the defensive, though we should have been on the offensive because the economic situation was quite good, but governments were not in the redistribution business, they were into encouraging entrepreneurial flair, they wanted to make Europe more competitive, they were worried about their productivity and about the rise of new powers, particularly in Asia. That was the backdrop to the decision to have the theme 'On the offensive' at the Seville Congress in 2007. This was my idea, we had to stop being bounced around by economic liberalism, and with whatever power we could muster we should start a fightback. You can see the justifications for that in the 2007 Action Plan and the

Manifesto – I invented the idea of a Manifesto and so on. I thought at the time that went down pretty well. The Congress was pretty unified, apart from the usual row about minimum wages, with Italians and Scandinavians on one side against the others. Otherwise we were shaping up to go on the offensive.

The second phase of the Monks secretariat was dominated by the global economic crisis. In 2006, before the crisis struck, Monks gave the annual Aneurin Bevan memorial lecture which commemorated the Welsh socialist politician and founder of the post-war National Health Service. As Monks told us:

I was already aware of the machinations of the financial world, not particularly sub-prime mortgages which were the catalyst for the disaster but the activities of private equity and the hedge funds. I began to get quite a few of the affiliates excited about some of this and it became a major concern. I was criticised for being an extremist by the CFDT after an article in *Libération* [a leading French newspaper], one of the few times in my life I have been accused of being too leftist. But Chérèque [François Chérèque, CFDT general secretary] was to learn soon after that I was not too far out. So I claim a bit of credit for a bit of prescience on financial markets...

I gave a couple of lectures which were then published, which became my main passion and theme for a couple of years thereafter. But we had just gone on the offensive in May 2007 when all of a sudden we were hit by a massive storm. I got a new audience in some corners of Europe with my anti-capital speeches. I was invited by the Finnish Finance Minister to address all the Ecofin ministers on the new financial capitalism and its dangers... So then we were in the throes of the economic crisis. Confidence in economic liberalism was massively dented, but there was still no appetite for improving social Europe.

The next major challenge, which dominated the final years of Monks' leadership, was the series of adverse decisions by the European judges. In his words:

Action shifted to the ECJ and the court cases, *Laval* and *Viking* in particular, and the sense that the Single Market was now the dominant theme in European policymaking, without being balanced by a concern for social Europe. That became my number one preoccupation, trying to establish a Social Progress Protocol, between the Seville Congress and when I finished in Athens. We had some governments that were more favourable than others. The disaster from my point of view was that we had a Social Progress Protocol included in the Irish protocol when they were going to vote again on the Lisbon Treaty [which had been rejected in their first referendum]. With the ICTU we got the Irish government to include it. But Gordon Brown [who succeeded Blair as British prime minister in 2007], in the plane across to Brussels, said 'What is this? It's about the right to strike.' He called Barroso and the Taoiseach [Irish prime minister], saying 'I can't accept the Lisbon Treaty if this is in it', so it was crossed out... That was extremely disappointing to me, to put it mildly.

When Bernadette Ségol took over, many of the challenges were the same but the priorities had shifted somewhat. As she recalled, the economic crisis was the overriding theme which confronted her:

The first challenge I faced was the continuation of the crisis and the setting up of the economic governance structure in the EU. ETUC had to say something, to be there and to influence this system. What I found particularly challenging was to keep a balance between what we had to say on the economic governance, on wages, on austerity and attacks on public services and so on, and the ETUC position and certainly my position that we could not be in an anti-EU campaign... The ETUC had to keep the balance between a position which was favourable to the EU in general and the type of economic governance that was put in place. We had to recognise that, in a monetary zone we had to have certain rules, but the economic governance system that was put in place was oriented in too neoliberal a direction. So for me this was at the top of the agenda. So I took responsibility for economic governance in my portfolio. I took this on as a political responsibility but obviously I needed support and technical assistance from within the ETUC because I am not an economist, and also I needed to be able to explain in a non-technical way what are the issues, because the documents are very technical but the job of the ETUC is to be political, not technical, and to put it in terms that can be understood by 'normal' people.

It was necessary to develop a multi-faceted response, involving action at EU level but also ensuring complementary pressure at national level.

We participated in macroeconomic dialogue; we made a number of interventions in the EP and with Barroso. We tried with some success to get our members involved at national level in the building up of the country reports and economic governance at their level. One of the essential elements for the ETUC was the connection with national unions, because if the ETUC says something at European level that is not taken up by the members at national level, we are not very strong. It is very clear, if the DGB, or the TUC, Nordics are pressing their governments in the same direction, then we are doing much better. So that is a key issue: don't make wages and social protection the balancing element of your policy. For that we had to argue not on moral grounds but on economic and social cohesion grounds, and we had to try to get political leaders to understand that if they push too hard on wages and cuts in social protection, the result will be social unrest, increasing inequalities and what goes with this. Political leaders understand that better. Coupled with this, we had to continue the work on banking system reform; we couldn't forget the banking crash of 2008. We had limited success – we never succeeded with private equity – but we had some success...

Ségol listed many issues that were important during her term of office, but found it difficult to rank them in order of priority:

During my period, the question of migration was gradually becoming very important. The main influx of migrants came later, after my time, but... I was

convinced, and we were as a team, that migration would not stop. So we wanted to build safeguards... I remember very clearly, when I discussed this with Luca when he became confederal secretary with migration in his dossier, I told him that the three big themes for the trade union movement in the future were migration, social cohesion and the environment.

This was also a period when negotiations over international trade agreements acquired growing significance, provoking often conflicting views among ETUC affiliates. In Ségol's words:

Then, very important, we had the question of trade. During my period there was ongoing discussion about TTIP [Transatlantic Trade and Investment Partnership; see our discussion later]. The balance for the ETUC was to say, as a trade union body we are not against trade because in many countries our members' jobs depend on it – the Nordic countries were very clear about this – and the fact that international trade agreements should not be used as a way to attack public services and social rights. We built up in the ETUC a very solid and structured argument concerning international trade, because it was not simplistic – just saying we are against globalisation – but at the same time we insisted on the social aspects, we should respect social provision. We had to fight for it, [Trade] Commissioner De Gucht was annoyed – which was very positive in my opinion – he saw all our arguments as protectionist... It was very difficult in the ETUC to find a balance. On the EC you had some affiliates who were strongly pro-trade, others said stop TTIP. Being general secretary of the ETUC involves keeping the balance between our members; the worst you could do is to split the organisation into two parts, those who are against trade and those who are pro, and in the end even those trade unions who are more 'politically' oriented understand that if you completely reject globalisation, what do you do? You are not just talking ideas, you are talking about jobs.

Another key issue, already significant in the previous decade, as we discuss below, was the environmental crisis.

I wanted it to be very important. John did an excellent job about it, with the position on REACH [see our discussion of this legislation in Chapter 8]. I was convinced that on this issue, the trade unions were very brave. They were keeping exactly what is the function of a trade union, defending the interests of their members but also the general interest. With the environment, this is particularly difficult. Keeping our affiliates convinced that the environment was a question for them, and they had to prepare their members for it, and the fact that it had an impact on jobs. Our message as a European organisation is that we believe that the environment, climate change is a key question for the future, you can't deal with it top-down, you have to care for those people who will be affected. It is very difficult when you talk to a trade union in Poland whose members are 75-80% miners, or even a German chemical union, they agree on the theory but the practice is more difficult. So I think the trade union movement has been first class in dealing with that question... You can see the increasing awareness of decision-makers that, if

you want to do something about the environment you have to take the people who will be affected with you to find solutions.

As was already the case in the previous decade:

One other big thing, though this was not new, was everything concerning social dumping and the posting of workers. If the EU was seen as a mechanism to put pressure on existing worker protections, it would be challenged. And this is the case.

One of my biggest concerns was also the drop in membership. As the person responsible for the running of the organisation, including its financial aspects, I see every year what is happening to trade union membership. Explanations are multiple; in my opinion, during the last 30 years, the trend to individualisation of work, the development of precarious work, very short-term contracts, part-time work, makes it extremely difficult for trade unions to recruit. The growth of often false self-employment is enormous. So the issue is not that unions are outdated, but decades of societal change... The idea that trade unions are an obstacle to a good society developed considerably after Thatcher came to power... The question of precarious work was always on the table for us. But the loss of membership is a vital question for the ETUC. We have projects, we have contributions from the EU, but basically we live on our members' fees for our staff and the running of the organisation...

As we have already discussed, there are many complexities involved in policy formulation in a disparate organisation with affiliates which are themselves trade union organisations and whose leaders have their own resources – sometimes greater than those of the confederation itself – and their own authority. This is doubtless one reason that Emilio Gabaglio wanted his successor to be an established leader of a major affiliate. As John Monks commented, ‘the other number ones recognised that they had an experienced general secretary who was used to summing things up, giving a lead, if necessary adjusting it in a way that they could support. I had that experience and skill which stood me in pretty good stead.’

Reiner Hoffmann elaborated on this point:

My assessment, even if probably a bit biased, is that we had a stronger secretariat, under the leadership of John and certainly before, with Emilio... Also the political perspective and the understanding why affiliates have different opinions was much more elaborate than nowadays. Emilio was perfect, John did very well, with close relations to the Nordics, to the CEE affiliates and so on. And we had much higher coherence inside the secretariat than has been the case after John, which is always to do with leadership. The leadership style in a European organisation is quite different – or probably not, if I compare what I have to do in Germany with eight unions it's difficult. But what I learnt... to give you an example, in my time at the ETUI we conducted a huge project on working time. We had a clear frame, but it took us probably 9 to 12 months to get a research design which was based on

common understanding. It was not a language question, we all spoke in English, but it doesn't tell you anything about the working time regimes in Italy, in France, in Germany or whatever. So you have to conceptualise this, and then understand why there are such differences, and there have been political reasons, historical reasons, cultural reasons, so this is quite complex to understand the diversity of the construction of the affiliates of the ETUC. This diversity has increased after enlargement significantly.

Hence a key challenge for the ETUC leadership was to achieve unity out of diversity, to prevent internal differences from spilling out into public conflict. As Hoffmann explained to us:

That means you have to build up your strategy and your policy, talk to your affiliates and get a common view or a clear orientation of what kind of political issues, topics, priorities to push forward. One other example in which John was very helpful: I was also responsible for the whole area on worker participation. We got the European Company law, the *Societas Europaea*. Coming from Germany, my interest was not only to get workers' participation in the SE based on negotiations, which we succeeded; this was different from Germany, based on law, but nevertheless this we could defend and even develop further... But in Germany, a member of the supervisory board gets the same fees as the employer side – this is written in the law... But all the money goes to the Böckler Foundation. Then I started, which was very difficult, a process to say we need something like a worker participation fund, where not only the Germans but the colleagues from every country would transfer their supervisory board remuneration, not put it in their own pockets, but to a fund. This idea was unique in Europe, and the Swedes were heavily against. At that time, Stefan Löfven was the president of the Swedish Metalworkers, and Bertold Huber in Germany. With the Germans, I had to make a deal before talking to the others, that we establish such a fund, meaning the money from German members of the supervisory board would go to the European fund and not to the Böckler Foundation. And Bertold said, I understand your idea, but do you think this will be implemented by our Italian colleagues and all the others? I said yes, we have to push for it. He replied, if you are convinced this will work, I will support you. Then Bertold Huber and I were in Stockholm to visit the Metalworkers and Stefan Löfven and discussed for a long evening. We more or less convinced them, and then I had to convince some other affiliates because they didn't have any experience of this.

When the issue was discussed at the subsequent EC there was broad support for the proposal but not unanimity.

At a crucial moment in the EC I was ready to push on but John came to me and said, 'Reiner, my instinct tells me we should postpone for another three months'. I was quite sure that we would get the crucial majority but agreed... And, three months later, the resolution was approved almost unanimously. The worker participation fund is not peanuts, it is managed by the ETUI and I think they receive 2.5-3 million euros every year, coming from the fees of the employee

members of supervisory boards in European Companies... This is a good example of how you need to operate in such a diverse organisation to get on crucial topics a consensus, if not always unanimity, that this organisation can have an impact... It is the opposite with minimum wages, which is dividing the organisation, splitting the organisation.

Hence leadership of a trade union organisation, whether at national or at international level, requires the exercise of very sensitive diplomatic skills.

This was what I learned from the example of the [ETUI] working time project in the mid-90s, to get a feeling and understanding of what is going on, how you can take people with you; to have a common target, that's easy, but to have the instruments to reach that target is different. In this respect John was perfect... And we have to see at European level you would never get consensus if you just pushed for it and neglected national circumstances and sensitivities.

3.1 Towards 'deliberative democracy'?

The official machinery of union democracy is not necessarily the best mechanism for dialogue and deliberation. The ETUC Congress, like trade union conferences more generally, is less a forum for discussion than a platform where representatives of affiliates deliver time-limited, prepared speeches primarily for dissemination to their own memberships. Within the EC there is far more interaction, but discussion can often focus more on minutiae than on the broad picture.

An initiative to create a more deliberative forum was taken with the launch in 2004 of an ETUC 'summer school' for union leaders, without a decision-making function but which sought to enable intensive discussion of key policy issues. As reported to the EC in March 2005:

The aim is, given the strengthening of neoliberalism, the economic problems in many European countries and given a near general decline in union membership, to conduct a frank assessment of where we are and where we are going as the ETUC. The school should be open to the chief officer (or deputy) *only* of each affiliate. The aim is to provide a more relaxed and informal atmosphere than is possible at an executive meeting and for leading figures in the European trade union world to be invited to lead and contribute to sessions on the future of Europe and its unions and workers.

The first was held in July 2005 and repeated annually, followed by the introduction of similar 'winter schools'. Another, though somewhat different, initiative was the convening of short mid-term conferences between each Congress; the first of these was held in Paris in May 2009.

Chapter 4

The European project: Convention, Constitutional Treaty and Lisbon

In our opening chapter we described the deepening of European integration in the Delors years, with new EU competences in the social field to complement the creation of the Single Market. The process continued with the Treaty of Amsterdam in 1997 which, among other changes, strengthened the powers of the European Parliament (EP) whose role had previously been primarily consultative rather than legislative. In the same year, the new Labour government in the UK ended the opt-out from the Maastricht Protocol on Social Policy. In 2000 the EU Council in Nice approved further Treaty revisions but was unable to agree fundamental reforms; it also agreed a new Charter of Fundamental Rights which was more comprehensive than the 1989 Social Charter, including rights to bargain collectively and to strike; but, like the previous document, had no binding legal status.

A key political debate involved the relative priority of 'broadening' the EU by extending its membership, which we discuss in the next chapter, and 'deepening' it by expanding its competences and extending the scope for majority decision rather than unanimity. This was an important question since there was a risk (which would be borne out in practice) that the wider and more diverse the membership, the harder it would be to get agreement unless the decision-making procedures were first reformed. In 2001 the Council established a Convention on the Future of Europe comprising representatives of the governments and parliaments of all the Member States and candidate countries, together with observers from the various stakeholders, to recommend a new constitution for the EU.

In the policy resolution adopted at the 1999 Helsinki Congress, the ETUC recalled that, at the previous Congress, it had:

... called on the Intergovernmental Conference, when revising the Treaty, to remedy the social and political deficit of the Union and to increase the democracy, transparency and openness of its institutions. The Treaty of Amsterdam satisfied these demands only to a limited extent. While significant progress – to which trade union mobilisation also contributed – has been made on the social front (new employment provisions, and incorporation of the Social Protocol into the Treaty), and the co-decision powers of the European Parliament have been stepped up, there can be no denying that Political Union remains a mere embryo and that Social Union is still a fragile construction.

The ETUC's demands are as relevant and urgent as ever, particularly now that EMU is in place and preparations for enlargement are underway. Should these

demands not be met, the chronic imbalance of European integration will continue, giving ever more weight to the economic and monetary dimensions. The ETUC's demands are especially relevant in view of enlargement of the Union, which calls for a reform of the institutions, geared to increasing both their efficiency and their democracy. Furthermore, the demands of trade unions for a strong social dimension, which enjoy widespread support among other sections of civic society, will not be fully met unless there are clear advances towards Political Union.

The resolution continued by stressing that 'the method to be followed in reforming the institutions is particularly important', and specified:

Each institution, as defined in the existing Treaty, must act, using its powers and assuming its responsibilities: the Commission, which has the power of proposal, must put forward reforms to the Parliament and the Council which hold the legislative powers. Citizens' organisations, and especially trade unions, should be involved at every stage in this process. Countries in the process of accession should also be consulted. The new 'European Constitution' should be the fruit of a 'Constitutional Pact' which reflects the whole of European society and all its citizens. Transparency and closeness to citizens can only be guaranteed by the involvement of the latter in the decision-making process.

These demands were reiterated in a memorandum in November 2001, when the decision to establish the Convention was announced:

ETUC supports the proposal... to mandate a Convention to prepare the concrete reform proposals to be submitted for final decision at the IGC [Intergovernmental Conference] 2004. The future European treaty should take the form of a 'Constitutional Pact' which reflects the whole of European society and all its citizens. It will also be a top priority for the European trade unions to ensure that the Constitution and the policy treaty recognise and strengthen the autonomy and the role, also as co-regulators, of the social partners at all levels.

The EU Charter of Fundamental Rights is one of the key issues on the Future of Europe agenda and the ETUC calls on the European Council... to decide to make this text legally binding, as well as setting up a follow-up procedure aimed at the integration of the Charter in the Treaty, and likewise to set up a monitoring procedure with a view to its further evolution. Such a procedure would also be an opportunity to revise the EU Charter for further improvements.

The creation of the Convention could be seen as a concession, albeit modest, to demands such as these. The EC nominated Emilio Gabaglio as an official observer to represent the ETUC in the process. According to the Report on Activities 1999-02:

It was a major breakthrough that the ETUC, as a social partner, got observer status in the Constitutional Convention. Both in respect of having the opportunity to contribute directly to the work of the Convention and as a recognition of the co-regulatory role of the European social partners. ETUC has participated in all

meetings of the Convention, including the working group activities; and has had permanent close contact with the EP and the other institutional players. Especially important was the setting up, finally, of the working group on 'social Europe', which the ETUC had called for actively to address key social reform demands. The ETUC, in its capacity as observer, contributed to discussions in the meetings of the plenary and working groups, as well as submitting written contributions, including amendments, to the drafting procedure of the Constitutional treaty.

In a resolution entitled 'A constitutional treaty for a social and citizens' Europe', adopted by the EC in October 2002 for submission to the Convention, the ETUC declared that:

It is now time to make a fundamental overhaul of the treaties developed step-by-step at consecutive IGCs... A 'constitutionalisation' of the EU treaties and hence the foundation of the EU cooperation, its missions and 'finality', will be a key question. ETUC endorses the need and the aim to agree now on an 'EU Constitutional Treaty' (as a historical step towards a genuine 'Constitution'), reflecting the development of the Union according to a federally balanced scheme, simultaneously practising subsidiarity, complementarity and solidarity, and one which clearly defines the aims, jurisdiction, missions and competencies of the Union.

A key issue for the European Convention to address in preparing the 2004 IGC treaty reform will be the very vital challenge of bringing the Union closer to its workers and citizens. There is a clear need to increase popular backing for the European integration project. The inclusion of the EU Charter of Fundamental Rights in the 'EU Constitutional Treaty' will be pivotal in this respect... The EU integration project goes beyond a Single Market and a single currency; the aim must be to achieve a proper Political and Social Union.

However, as an indication of internal disagreements within the ETUC on the future of the EU, there was a significant number of abstentions, particularly from the Nordic affiliates. The Swedish unions explained that they objected to the references to a constitution, which 'gives a strong impression of federalism'. They argued that 'the present resolution exceeds the decisions made by the ETUC at its Congress in 1999 regarding the views on increased supranational governance and federalism'.

The Report to the Prague Congress explained that:

Since the start of the work of the Convention in Spring 2002, ETUC activities have been geared to match the work of the Convention and its three-step working schedule: the listening, discussion and drafting phases... The Convention is expected to conclude its proposal for a Constitutional treaty in mid-2003... The final, and crucial, step in this process will then be its ratification by the Member States, which would make it possible to have the new Constitutional treaty in force in time for the enlargement taking effect in April 2004 and for the next general elections to the European Parliament in mid-2004.

This scenario was over-optimistic, however. In July 2003 the Convention submitted a draft EU Constitution which would replace the existing treaties with a single text, give legal force to the Charter of Fundamental Rights and expand the scope for qualified majority voting (QMV) in the Council. The ETUC welcomed the outcome as 'a significant step towards a more effective and democratic EU' but regretted that 'more far-reaching goals could not be attained'. However, it was soon clear that the task for the ETUC would be to defend the results of the Convention rather than to attain more ambitious objectives. In November, Monks told the SC that 'it was becoming more and more difficult to know what exactly was going on. The IGC process was more closed than the Convention had been.' It was also suggested by representatives of the French CFDT and Dutch FNV that, if the eventual Treaty was put to a referendum in their countries, it could well be rejected.

At the end of 2003, the IGC was suspended without agreement. The ETUC complained that:

The Heads of State and Government... have failed to avoid a major European crisis. A minority of countries, more interested in national blocking capacities than effective European decision-making procedures, interrupted the IGC. As a result, the European Constitution was not adopted and the work of the European Convention and the IGC has been put on hold. The ETUC is very concerned that the preparation of the first European Constitution has been interrupted in the final stages.

There were concerns in particular that the UK government would seek to exclude the incorporation of the Charter or deprive it of practical effect. At the beginning of April 2004, the ETUC organised a series of demonstrations across Europe in order to 'highlight the need for a strong social dimension in any new Constitution'. In a statement issued before the IGC reconvened, the ETUC expressed 'grave concerns' at proposed amendments which would 'water down the status of the Charter of Fundamental Rights, making it more a declaration than a measure that will have a concrete impact on workers' rights'. It warned of 'rising anger among European workers at moves to weaken the EU Constitution's social dimension', adding that 'this could put trade union support for the Constitutional Treaty in jeopardy, with potential repercussions especially in countries planning to hold referendums'.

The IGC in June indeed adopted a diluted version of the draft Constitution, now known as the Treaty for Establishing a Constitution for Europe (TCE). The new text created a dilemma for the ETUC. In July it organised a special conference and an extraordinary meeting of the SC, which adopted a resolution stating that the revised version did not fulfil the ETUC's demands and involved 'regressions and restrictions' compared to the outcome of the Convention. Nevertheless, it was an improvement on the existing Treaties, hence 'support is the only pragmatic and realistic approach for trade unions... We achieved the maximum possible in the given political, social and economic situation.' Interestingly, the DGB representative asked 'what would be the "red line" below which the ETUC would not any longer be able to support the Constitution and what actions

would have to be taken in this case'. This would become a salient question once the Member States signed the new Treaty in October.

At the SC in September, Monks 'stressed that the new Constitution is far from perfect, but better than the Treaty we currently have... To reject the Constitution would put Europe's trade unions in the same camp as the nationalists and the far right'. Wanja Lundby-Wedin for LO Sweden noted that 'our members are concerned in particular by social dumping, the Services Directive, relocalisation etc. and it is not their view that the Constitution is part of the solution. Many blame the EU'. This was to prove prescient. In 15 Member States, governments proceeded to ratify the Constitution; but in ten it was decided to submit the decision to popular referendums. And, as a leading official later commented wryly, previously 'not one affiliated organisation raised objections or concerns with regard to the ETUC approach to the Convention or the IGC. Once the process was finished, major and fundamental criticisms were voiced' (Kowalsky 2006: 449). In the event, only the French FO voted in the EC against support for the Treaty, while twelve affiliates (including the CGT) abstained. Roccati (2017: 53, 59-60) notes that the FO leadership had, for several years, been highly critical of what it saw as the neoliberal foundations of European integration and of the refusal of the ETUC to offer more forthright opposition.

After decisive support for the Treaty in the Spanish referendum in early 2005, French voters rejected it by 55 per cent in May. The CFDT campaigned strongly in favour, the FO took no official position while the CGT leadership – which had wished to remain neutral – was rebuffed by its own national committee and committed to opposition. An interesting initiative was the 'trade union appeal in support of the TCE', published by the CFDT in collaboration with the ETUC secretariat a week before the French referendum; only 16 of the 77 national affiliates signed up, perhaps suggesting a widespread lack of enthusiasm (Hyman 2010: 14-15). As Béthoux et al. (2018: 664) comment, 'the appeal for "another Europe" and the will to change Europe gained ground..., even among those who historically supported European integration'. One influential issue was the 'Polish plumber' question, when it was argued that the Bolkestein directive would allow workers from central and eastern Europe (CEE) to operate in France on Polish rather than French wages and thus undercut French workers. Even more of a shock was the Dutch result a few days later, with a 61 per cent 'no' vote, despite support for the Treaty from all the mainstream parties and from the FNV, which insisted that 'the European Constitution is a step forward'.

In his report to the June EC, Monks argued that:

The rejection of the EU Constitution by the voters of France and the Netherlands – and the subsequent decision of the United Kingdom not to proceed with its own referendum at least for the present – have caused a major crisis in the European Union. In the two referendums, it was clear that workers had voted particularly heavily against the Constitution, along with the young. The reasons for this rejection included fear that Social Europe would be replaced by a minimalist, 'Anglo-Saxon' approach to welfare in the name of efficiency; high unemployment and a sense of insecurity; fear of immigration from the new Member States and from beyond; a

rejection of the idea of a pro-European elite building an ever-expanding EU; and in the Netherlands in particular, concerns about national identity.

The effects of the rejection of the Constitution are already becoming clear. At a stroke the EU has been transformed from a strengthening, expanding organisation into something weaker and less coherent. Currency markets have considered whether the euro can survive without a political framework to support it... The entire EU edifice, and all the benefits it has brought in terms of prosperity, trade, stability and peace, is at risk as national self-interest is beginning to be asserted and the wider European interest discarded. So far the response of the politicians to this has been unimpressive... France, Germany and others, recognising, fairly, that 10 countries have already adopted the Constitution, want all countries to proceed...

For the ETUC, as for all European institutions, this is a difficult time. The heavy rejection of the Constitution by working class voters in the two countries was also a rejection of the ETUC position. This emphasises the need for a frank discussion at the Executive about how to handle the current situation.

Monks continued with the wry comment that:

The ETUC can take some grim satisfaction in saying – ‘we warned you’. In January 2005 in its memorandum to the Luxemburg Presidency, the ETUC said: ‘The general mood is worse now than at the time when in some countries citizens were called to vote on the Maastricht Treaty... Such a situation has arisen because of the fears of social dumping, of economic restructuring, high levels of unemployment; and the citizens, in particular working people, expect clear answers to these threats... Many citizens perceive the Constitution as linked to liberalisation and privatisation, longer working hours, pension reform, the proposed Services Directive and other issues.’ The EU Constitution, which is not a neoliberal text, is the victim of neoliberal policies.

A statement drafted by the secretariat concluded that:

The people of France and the Netherlands, two founder Member States of the EU, have delivered a powerful blow not just against the EU Constitution but against the current European project. They voted ‘no’ for many reasons, European and national, but fear of lower social standards and neoliberalism, of insecurity and precarious work, and of high unemployment played key parts. The EU must reflect on these verdicts and not rush to judgment. It should consult the people through a ‘grand conversation’ about the hard issues facing Europe, its states and its peoples and seek to build a greater measure of understanding, commitment and common action.

In the discussion at the EC, there were evident disagreements. The head of FO argued that ‘French voters had rejected a neoliberal Europe, not Europe. It had been a class-based vote and the Constitution did not offer enough to warrant popular support.’ The

CGT also insisted that, while ‘France could not expect to derail everything... the vote was significant. The young, as well as the workers, had been overwhelmingly negative. A different document would be needed to alter perceptions and spell out a different, attractive and credible Europe.’ Conversely, Solidarność argued against delay: ‘Poland had as much right to vote as France and the Netherlands and the ratification process should continue in those countries yet to make a decision’. The Italian representatives were also ‘very critical’ of the secretariat’s proposal: ‘the “Nos” could not dictate to the majority. The ETUC should go on the offensive with no pauses, no shelving and urge the continuation of the ratification process. The “grand conversation” idea should be abandoned.’

Within days, however, EU leaders had decided to suspend the ratification process for a year, to allow a ‘pause for reflection’. ‘In 2006 it became a standing joke that this process entailed rather more pause than it did reflection – a situation that arguably suited a less enthusiastic member state like the UK more than it did those which hoped somehow to put the pieces back together and carry on regardless’ (Bale 2007: 205). The ETUC organised a workshop in March 2006, which supported new initiatives to re-launch ratification, including the addition of a social protocol. Monks suggested at the June EC that ‘there was a need to be politically creative while maintaining support for the Constitution,’ and proposed a campaign to be launched in the autumn ‘for a stronger social dimension aligned to the Constitution’. While many affiliates urged continuing with ratification of the TCE, the DGB argued that the existing version was ‘dead’ and that the EP should be involved in drafting a new text. Monks strongly contested suggestions by some governments for a ‘mini-treaty’ which would omit the Charter, later adding that ‘those who advocate this mini-reform are jeopardising the support of the entire European trade union movement’. ‘If an EU constitution did not include the Charter of Fundamental Rights,’ he told the EC in December, ‘it was very difficult to see how the ETUC might support it’. And in the Activity Report to the Seville Congress in May, the ETUC insisted that ‘if workers feel that Social Europe is being wound down, they will regard Europe as a whole as a threat, not as a support. Their natural reaction would be resistance and opposition.’

The EU summit in June 2006 restarted the IGC process with the aim of agreeing a Reform Treaty which would supplement, rather than replace, the existing Treaties. The ETUC organised a demonstration outside the EU building, ‘essentially to say – “no Charter (of Fundamental Rights), no Treaty”, i.e. to make it clear that the ETUC could not support any Treaty without a Charter binding on Member States’. In his report to the EC, Monks insisted that ‘if the Council of Ministers did not agree a text which included the Charter of Fundamental Rights as a binding obligation on Member States, then the ETUC would oppose such a Treaty and ask the European Parliament not to endorse it’. In October, it was reported that:

The EU plan now is that, providing the text of the Reform Treaty is agreed in October, the Charter will be ‘proclaimed’ in November by three European institutions – Commission, Parliament, Council of Ministers. They will accept its terms as legally binding. This is an awkward moment for the ETUC as the ‘new’ Charter will contain the UK’s red lines and opt out – unlike the present text agreed

at Nice in 2001 which was binding on the EU institutions but not on Member States. Only at the point when the Reform Treaty is ratified in all Member States will it become legally enforceable on Member States (except for the UK and Poland). So in the interim, which will be a minimum of two years, we will be stuck with a text less satisfactory than the one agreed at Nice without the compensatory advantage of it being binding on Member States.

At the EC held in Lisbon in October on the eve of the EU summit there, the DGB complained that 'the ETUC had to face the fact that it was looking defeat in the face. It had been excluded from the process of drawing up the new Treaty and the text of the Charter was not included.' In the event, the Lisbon Treaty included many, though not all, of the changes contained in the TCE; while the Charter was not included but was subject to a separate agreement conferring legally binding status (though with several nationally specific opt-outs as the price of agreement).

This time, governments avoided any referendum on the Treaty, except in Ireland where this was constitutionally required. The ICTU endorsed Lisbon, but Irish unions were divided, partly because the industrial relations climate had been inflamed by a bitter confrontation at the end of 2005 between the main Irish union, SIPTU, and Irish Ferries, when the company re-flagged its vessels and replaced the existing crews with mainly Latvian agency workers. The outcome was a 53 per cent no vote, with three-quarters of manual workers in the 'no' camp. In an initial assessment, the ETUC secretariat argued that 'the Irish people have delivered a powerful blow against the way the current European project is being managed... When working class people have the tendency to reject Europe after decades of permissive consensus, then official Europe should listen to the message and must do better and do more for workers.' Discussion in the EC linked the result to the recent adverse judgments in the ECJ. Monks commented that 'Social Europe was not advancing; it was retreating... The ETUC supported the EU Reform Treaty but in the inevitable confusion that now existed, there was an opportunity for the ETUC to make its case for a Social Progress Protocol linked to the Treaties.'

The Irish issue was eventually resolved: at a meeting of the EU Council in December 2008, the Irish government obtained a set of 'legal guarantees' aimed at addressing issues raised by the 'no' campaign. These did not include workers' rights which were, however, the subject of a 'solemn declaration' without legal effect. In a second referendum in October 2009, the result was a two to one majority in favour of Lisbon. The Treaty came into force in December. This was the last Treaty revision to be agreed and, given the political minefield involved, it is hard to envisage another.

For the ETUC, the final adoption of the Lisbon Treaty brought some welcome improvements but, as the Activity Report 2007-11 declared, 'we were deeply disappointed by the uninspiring content of the final text which does little to advance social progress'. The demand for a Social Progress Protocol with legal status was to remain a key issue but to little effect. Indeed, this was one of a number of instances where demands for stronger social rights could lead to initiatives in the opposite direction. This was the case with the so-called 'Monti II' regulation. In 1998 Mario Monti, who was EU Commissioner for the Single Market, was responsible for a regulation in response to

protest actions by French farmers which had blocked imports of agricultural products. Here his final proposals were acceptable to the ETUC. Governments were required to remove obstacles to the free movement of goods but, following trade union protests that the measure could prohibit strike action, in particular by transport workers, it was specified that ‘this Regulation may not be interpreted as affecting in any way the exercise of fundamental rights as recognised in Member States, including the right or freedom to strike’.

Following the *Laval* judgment, and the related issue of ambiguities in the Posting of Workers Directive (which we discuss in Chapter 7), in 2012 the Commission asked Monti to draft a new regulation. This time his agenda was very different: his proposals were to be part of a broader report on ‘A new strategy for the Single Market’ in which Barroso’s priorities would predominate (Bruun and Bücker 2012). In December 2011, the EC adopted a resolution reiterating the demand ‘for fundamental social rights to take precedence over economic freedoms and for this principle to be enshrined in a Social Progress Protocol in the European Treaties and internal market regulation known as Monti II. In particular, a Regulation cannot replace our demand for a Social Progress Clause.’ More specifically, it added that ‘the proportionality test laid down in the *Viking* judgment constitutes an intolerable interference with the fundamental right to take collective action’. However, in February 2012 Ségol reported that ‘our demands for a Social Protocol, a revision of the Posting of Workers Directive and a Monti clause ensuring the right to strike and the social partners’ autonomy are still on the table... realists that we are, we have reasons to doubt that our demands will be met any time soon’.

The following month, the ETUC told the Commission that its ‘proposals for a Monti II regulation and enforcement of the Posting of Workers Directive will not meet the demands of the ETUC. The general secretary of the ETUC explained that trade unions would not accept any direct or indirect references to the proportionality principle nor any interference with the right to strike, and that the stated objective of Monti II was to alleviate the concerns of the court cases’. But the proposed regulation reasserted the ‘proportionality’ principle and the ETUC mobilised opposition. In the words of Degryse and Tilly (2013: 139), ‘the Commission proposed establishing full equality between economic freedoms and social rights. A perfectly neutral balance would be struck, it stated, and it would be up to national courts to decide between the two on a case-by-case basis. This proposal instantly provoked strong reactions, not only within the ETUC but also in a number of Member States and within the European Parliament. In the ETUC’s view, a fundamental right, by definition, could not be subject to any restriction’. At the EC in June, Ségol could report success: the Commission proposal:

... was contested by 12 national parliaments or parliamentary chambers for not complying with the principle of subsidiarity. The required threshold of one third of votes allocated to Member States’ parliaments was met thanks to the lobbying efforts of affiliates... It is the first time since the entry into force of the Lisbon Treaty that national parliaments have triggered the ‘yellow card’ procedure.

In response, the Commission withdrew its proposal. In this respect, as Ségol told us, the outcome was ‘successful for the ETUC’ – though a Social Progress Protocol was no nearer. As Degryse and Tilly (2013: 140) put it, ‘without any such clarification set in stone, Europe was condemning itself in future not to the settlement but to the multiplication of conflicts between fundamental rights and economic freedoms’.

In her report to the EC in February 2015, shortly before the completion of her term of office, Ségol noted that ‘our support for the EU has been conditional and restrictive: Europe must be a social Europe. In the absence of progressive alternatives, it becomes increasingly difficult to defend the European project.’ The warnings of popular reactions against the European project were to prove all too correct in the following year, with the narrow majority in favour of ‘Brexit’ in the 2016 UK referendum.

As a former national leader commented to us, Brexit underlined the message: ‘if you ignore workers for such a long time, you should not be surprised if workers say this is not my Europe’. Ironically, this provided some leverage for those within the Commission who supported a stronger social dimension.

.

Chapter 5

Enlargement

The extension of the EU in 2004 to eight CEE countries (plus Cyprus and Malta), followed in 2007 by the accession of Bulgaria and Romania and in 2013 of Croatia, was strongly welcomed by the ETUC. But enlargement also created far greater disparities than ever before in social and economic conditions among Member States, with consequential risks of social dumping, and inevitably brought major challenges to the task of maintaining a common programme within European trade unionism.

As we noted above, the 1991 ETUC Congress created an observer status so that CEE unions could participate in ETUC activities without paying the normal membership subscriptions. In the same year, representatives from six CEE countries attended a European Trade Union Forum in Luxembourg. During the 1990s the ETUC developed a programme to build organisation and effectiveness in both 'new' and 'reformed' unions in the candidate countries. It established a European integration working group, but this attracted 'little involvement from western European trade unions' (Degryse and Tilly 2013: 163-164). By the time of the Prague Congress, twenty unions from CEE countries had become full members of the ETUC, while a number more were observers.

In the Report on Activities 1995-98, the secretariat insisted that:

The enlargement of the European Union is inevitable and offers opportunities for the future. From a trade union point of view, the enlargement of the Union offers prospects for democracy and human rights, economic prosperity and the strengthening of the European social model which is based on the principle of solidarity and the welfare state. From a political angle, the ETUC believes that enlargement will increase the unity of Europe... Since the 7th Congress [1991], there has been a standing working group composed of member organisations and observers from central and eastern European countries and a number of other ETUC member organisations... It meets exclusively in central and eastern Europe and works in the languages of those countries. It has become a valuable instrument for consultation and a forum for east-west dialogue. The integration of new members from CEE has also made progress in the ETUC secretariat and institutes. Since the 7th Congress, the secretariat has been welcoming assistants and trainees.

However, it was important that 'the social dimension of enlargement should be brought to the fore'. So far the enlargement discussions had been 'too exclusively hinged on the interests of the market'. What was necessary was 'the complete incorporation of the social dimension into the negotiating process', since 'without solid social consensus,

the transformation process cannot succeed'. Accordingly, 'the ETUC has asked the Commission to expressly inform the governments of candidate countries that consultation with the social partners is an integral part of the European social model and that they should also have an opportunity to be heard in the accession negotiations'.

The Report on Activities 1999-02 explained further:

Three objectives are at the heart of cooperation with the affiliated organisations of the candidate countries, namely:

- to reinforce integration and participation in all ETUC structures and work on the challenges of enlargement in the key policy areas of the ETUC;
- to consolidate the influence of the affiliated organisations on membership negotiations in the areas which affect in particular trade union interests;
- to concentrate the instruments available on the most relevant themes of social policy and society.

The General Policy Resolution adopted at the 1999 Congress looked specifically at the labour market implications in both east and west:

The application of the 'four freedoms' of the internal market could have a major impact on labour markets, especially in border regions. The extent of this impact will depend on the degree of success achieved in securing economic and social stability and development in the applicant countries. There is a responsibility on the EU in this respect to support economic and social progress in the applicant countries through active policies and financial aid. The negotiations must be conducted in a spirit of solidarity, and conflictual issues will require careful management. Previous accessions have been successful on the basis of agreed transitional periods. A positive outcome will only be reached if there is a global trade-off within which all the parties can find genuine advantage.

The Report to the 2007 Congress noted the continuing efforts to integrate trade unions from the now 12 new Member States, and also 'a number of recurrent debates which we have had to "manage"... These debates were not easy, but [the] European trade union movement successfully overcame the normal antagonisms in a participative democracy such as the developing ETUC.' There were two key issues for the ETUC in the years surrounding enlargement: first, as indicated in the Resolution, the transitional arrangements regulating the free movement of labour; second, the country of origin clause in the draft Bolkestein directive.

5.1 Transitional measures

Writing shortly before the Prague Congress, Meardi (2002: 93) remarked that 'while officially, almost all [West European] organizations support enlargement, almost all add a "but", specifying conditions'. The extreme position in this respect was taken by the Austrian ÖGB: it supported enlargement and the corollary of free movement, 'but

not until wages in the candidate countries have reached 80 per cent of the Austrian average. If one took this demand seriously, even some Austrian regions would be kept outside the EU.' The Report on Activities 1999-02 referred to the:

... stormy debates on the freedom of movement of workers after accession. The ETUC attached considerable importance to reaching an acceptable compromise between the extreme positions defended initially ('immediate introduction of freedom of movement without any transition period' or 'introduction of freedom of movement subject to the level of income which must correspond to at least the current lowest EU income level'), since it was important at this stage to demonstrate the Confederation's bargaining capacity in a controversial dossier.

Fears regarding possible substantial negative effects on the labour markets in the current Member States were expressed (and continue to be expressed), mainly in the States with borders with the candidate countries (Austria and Germany) and, more specifically, in their cross-border regions. The public debate on freedom of movement is still highly emotive and, consequently, unrelated aspects are associated in people's minds (including among trade unionists) and this is an obstacle to a rational debate (free movement of workers, asylum rights, undeclared employment). The trade unions have had difficulty overcoming this problem. The discussions within the ETUC have been complicated, all the more so since affiliated organisations have sometimes taken decisions, probably under the pressure of public opinion, before a common, consistent position could be reached within the ETUC...

After a wide-ranging debate and in-depth consultations, notably in the group on enlargement, a compromise proposal was formulated which was approved by the Executive Committee. The keystone of the resolution is as follows: 'If transition periods seem essential, they must be as short as possible and be treated with flexibility'.

This could be seen as a partial defeat for the original secretariat position (Meardi 2012: 168).

The SC returned to the issue in February 2004, shortly before enlargement. In the debate:

... it was argued that the ETUC should emphasise that it was against limits on the free movement of labour after May 1. The LO in Sweden had not sought the controls being imposed there and the TUC approved moves to improve restrictions in the UK. The accession countries were very disappointed and upset with what was going on and any restrictions should be as short and flexible as possible. However, it was also argued that the necessity for some restrictions was caused by unemployment and other pressures in the existing countries of the EU... There was a need for an EU budget for growth and respect for minimum social standards in the accession countries. There was also a need to take the fears in the west seriously if extreme politicians were not to flourish. There would be

no ETUC consensus to remove all restrictions. And if there was such a decision, the signs of Eurocepticism in many workers in many countries could only be strengthened. There were responsibilities too on the accession countries to avoid wild privatisation and boost labour standards and action was needed on a directive about services and countries of origin... The general secretary recalled the policy adopted at Prague which leant against transitional arrangements but commented that this matter was being dealt with at national level and that there was little useful that the ETUC could add at present.

In the event, transitional measures were imposed in twelve of the fifteen 'old' Member States, for periods ranging up to the prescribed maximum of seven years. The three exceptions were Britain, Ireland and Sweden. According to Cateleene Passchier:

I had a lot of discussions with the Germans and the Austrians about transitional measures. And then immediately at the start of 2004 we had the Services Directive coming out of Bolkestein. Officially that was the dossier of Józef Niemiec, but he found it quite difficult to deal with all the debates about country of origin and how that related to the social dimension, especially the posting of workers and free movement. So very quickly we developed a team approach...

What we tried to develop was a strategy where I always got the full support of John – this was very important – where we said, 'we are not against open borders, we are not against enlargement, our message is that we need strong social policies, minimum wages, labour inspection, equal treatment...'. On all these issues [the Commission] just dismissed the unions as xenophobic... The fight on the Services Directive in 2005-06, we always made it a package, combining messages on the Services Directive with those on transitional measures, saying: 'we are ready to drop the transitional measures on free movement, among other reasons because they have a counterproductive effect, they create second-class citizens, but we are not ready to accept the country of origin principle because it has totally destructive effects socially'.

This position, Passchier continued, was not universally accepted within the ETUC:

I played a bit of an unpopular role, being responsible for all these policies and having to defend them both with our members and in the Executive. The Germans were very unhappy and it was one of the first times the ETUC went against Germany. So we had a position on free movement and transitional measures without the support of Germany and Austria. The Austrians actually said, behind the scenes, 'if you go in this direction we cannot support it officially because we will be killed by our members, but we understand the arguments'. I went to Austria and had a number of discussions with them, and saw the quite impressive work they were doing with cross-border migrant workers. Germany was more difficult; within the DGB there was also division, some people said we should abandon the demand for transitional measures and put our emphasis on minimum wages, but the official line was that we should keep the transitional measures and they were very shocked that the ETUC took a position that was not in line with theirs. But it was

an important message to other affiliates that the ETUC would not always listen to Germany because some of them complained that the ETUC always followed the DGB line... So for many reasons, it was an important strategic position for the ETUC to take.

And Passchier added: 'I still think that if the EU had taken our approach and demands in those years more seriously, the EU might have been in a better position to prevent Brexit and many other right-wing anti-migrant developments in Member States'.

Some years ago we talked to a leading official in LO Sweden who had argued strongly against transitional restrictions: these would simply drive the employment of CEE workers underground, creating more serious problems in the longer run. When we spoke to Józef Niemiec he gave a different assessment: in his view, the introduction of transitional measures:

... made it easier for our western colleagues to defend their position towards their members. Obviously my colleagues from Solidarność pushed them to try to avoid these arrangements, to minimise them or make them as flexible as possible. But we are convinced in the ETUC that this was not a real problem because everybody was aware that these workers were already there. Poles were in Germany. At the end of the seven years the market was totally open, but this only improved labour market performance because it ended the shadow market. This is sensitive because it is difficult to estimate, but the UK government estimate of likely labour migration was much lower than actually happened so the reality was different, it was more challenging for labour markets. But at least the same status could be applied. When I was still in Poland I participated on the Polish side in an advisory committee for our negotiators, in meetings with German and Austrian trade unions. We tried to convince them, but it was no go... So these arrangements did not solve problems, but were necessary to keep political agreement and in this respect were quite successful. In the UK, what happened may have contributed to Brexit.

Conversely, 'looking back, the leaders of trade unions from CEE agreed in private conversations that transitional periods were in some ways useful because they slowed the brain drain from their countries' (Adamczyk 2018: 184). But Catelene Passchier disagreed strongly:

This was certainly not how we approached the issues in my time at the ETUC. There were many reports showing that transitional measures created second- and third-class citizenship for migrant workers from CEE countries and, at the same time, had an enormous impact in terms of encouraging those workers to move in the context of services (as agency workers) or as self-employed (which was not restricted), thereby creating a dynamic that we have not been able to reverse since then.

In 2006, the Council was to review the functioning of these transitional provisions on the basis of a Commission report. To contribute to this review, the EC adopted a resolution ‘Towards free movement of workers in an enlarged European Union’:

Some ETUC affiliates, especially in the border regions with the new Member States, have reported that the transitional measures have had a positive effect for them because they have reduced the pressure of migratory flows from the new Member States, in a situation of stagnating economic growth and growing unemployment rates that are especially high [among] migrants and their descendants, thereby allowing their labour markets to gradually adapt without creating major shocks and imbalances.

However, other ETUC affiliates have reported to the ETUC that the transitional provisions with regard to the free movement of workers in their Member States seem to have an adverse effect: they create and maintain a situation of second- and third- class citizenship for workers from the new Member States, or make legal admission for work impossible for them, thereby stimulating:

- unfair competition on wages and working conditions to the detriment of the working classes in the old Member States;
- an increase in undeclared work and false self-employment which disturbs local and sectoral labour markets;
- exploitation and discriminatory treatment of workers from the new Member States.

At the same time, experiences in many countries – including those that have not taken any transitional measures – show that there are serious concerns with regard to the protection of workers and industrial relations systems arising from increased cross-border mobility and the emergence of a European labour market, although often in the framework of the free movement of services, that threaten social cohesion and the support of citizens and workers in many Member States for the European project and that demand measures be taken at national as well as at EU level.

To counteract the potential adverse consequences of the removal of transitional measures, the aforementioned EC resolution argued that it was necessary to create a ‘supportive framework’ comprising:

... a set of minimum standards established at EU level, the establishment of clear principles of equal treatment in wages and working conditions applying to the place where the work is done, the obligation to respect the host country’s industrial relations systems... [and] mechanisms and instruments, including liability of principal contractors, for cross-border monitoring and enforcement of working conditions and labour standards.

This was debated against the background of the *Laval* and *Viking* cases and the ongoing Bolkestein issue, and revealed continuing internal divisions in the ETUC. For example,

at the SC in November 2005, the ÖGB representative ‘agreed that we should not argue for second- and third-class citizenship, but... the major issue was and still is the problems on the Austrian labour market. He did not agree with the negative evaluation of the transitional measures, as they had been positive for Austria. There should be one labour law for all on the same territory, but their labour market still needed protection against irregular migration.’ In the event, some affiliates voted against the resolution.

As the time frame for the transitional measures came to an end, the ECJ appeared to redefine the rules for free movement with its decisions in *Laval* and other cases. In a resolution adopted in April 2009, the ETUC warned that:

... the support for the unrestricted implementation of free movement provisions is currently undermined by the following developments:

- a. the politics of deregulation and one-sided emphasis on ‘flexibility’ have led to increased numbers of workers in precarious jobs, as well as outsourcing and subcontracting. A general sense of insecurity, and fear of the ‘undercutting of wages and working conditions’ by such practices is on the rise;
- b. in many countries, insufficient measures have been taken to ensure that national social and industrial relations systems are ‘mobility proof’, leading to a lack of enforcement of wages and working conditions and labour exploitation of migrant and mobile workers;
- c. the cross-border mobility of workers in the framework of ‘services’ (via subcontractors and intermediaries) is increasingly replacing the free movement of ‘workers’, leading to unfair competition on wages and working conditions;
- d. in countries with transitional measures, these have not always had the intended effect of controlling inflows, but sometimes led to employing more migrant/mobile workers as undeclared workers and as (false) self-employed...

According to the ETUC, a European labour market requires European ‘rules of the game’, combining open borders with adequate protection. These key conditions are:

- a. equal wages and working conditions for work of the same value on the same territory;
- b. respect for national collective bargaining and industrial relations systems as indispensable and dynamic tools to manage change in a democratic way;
- c. equal access of all workers to social benefits;
- d. proper instruments and tools for monitoring, enforcement and application in practice for stakeholders at all relevant levels, including the social partners.

Since 2005, the ETUC has stressed on numerous occasions the importance and urgency of accompanying increased mobility on the emerging European labour market(s) with appropriate policies and conditions; however, the European Commission and the Council have remained deaf and blind to this demand.

The ETUC argued that only ‘more protection of workers and fair competition’ could resolve the problems of a European labour market and restore public confidence in free movement, the erosion of which had been a major factor in the referendum defeats over the Treaty changes. Such demands were to continue as part of the unsuccessful proposals for a Social Progress Protocol. However, it was also clear that unions with a tradition of ‘voluntarism’ in industrial relations, notably those from Nordic countries, were opposed to any solution which would impose tighter legal regulations at the expense of collective bargaining. This was to be very apparent in the case of minimum wages, which we discuss in Chapter 6.

5.2 Bolkestein

We have previously described how Monks recalled the struggle over the Services Directive. Commissioner Bolkestein presented his initial draft in March 2004, a few weeks before enlargement took effect. The most contentious aspect was the provision that a firm in one Member State could use its own employees to perform services in another and would only need to provide the wages and conditions prevailing in the home country. Clearly this threatened employment conditions in countries with higher wages or better conditions and it provoked massive protests. The EP, with which the ETUC collaborated closely behind the scenes, amended the draft substantially and, at the end of 2006, the amended directive was adopted. We discuss the ETUC campaign in more detail in Chapter 10, but focus here briefly on the challenge of maintaining unity between ‘old’ and ‘new’ Member States.

Some saw the aim of the original proposal was to weaken labour by stoking division between unions from east and west (Gajewska 2009: 51). Clearly this presented the ETUC with a radical challenge. As Monks told the EC in December 2005,

...the ETUC needs to win the ‘language war’, needs to use sophisticated language and recast the debate, and work on replacing the images of ‘protectionist unions’ from the west that attack ‘poor eastern Europeans that try to earn a living’ with the image of a responsible and modern trade union movement that defends all workers’ rights in solidarity; in this there is a major task ahead, linked to many other important areas of our current work: the Services Directive, the transitional measures for free movement of workers, migration, etc.

As part of this process, Cateleene Passchier recalls that ‘we developed a legal team (including Brian Bercusson, Niklas Bruun and other important labour law professors, and not to forget Klaus Lörcher from DGB) to support us in our responses, including developing with us this idea of a Social Progress Protocol.’

Perhaps surprisingly, the ETUC succeeded in rallying a united front of affiliates, from east and west, in opposition to Bolkestein. The core argument was that preventing the undermining of standards in the west was also in at least the longer-term interests of workers in the east. This analysis proved effective, most importantly in Poland, by far the largest new Member State. As Bernaciak (2007: 6) reported, ‘practically all documents

issued by the Polish trade unions underlined the necessity of preserving the European social model in the West. Two sets of arguments were usually given in support of this demand.' First, Polish unions 'did not want their country workers to introduce unfair competition and prompt social dumping in old EU Member States'. Second, they were motivated by what they saw as their own members' long-term interests. 'The issue of upward, not downward, convergence of economic and social conditions between new and old EU Member States was repeatedly raised in the rhetoric of Polish, Czech and Romanian trade unions'. Bernaciak (2007: 10) quotes the analogy offered by a senior official of *Solidarność*: 'of course, we accept a Belgian driving licence [in Poland]; a Belgian driver is permitted to drive in Poland, but according to Polish traffic rules!'

Asked about the problems of maintaining a common ETUC position, Józef Niemiec responded that 'in fact the most difficult was to keep some [industry] federations [in line], [as they were] afraid of anything European, especially from EPSU. They were the most tough and opposed, especially CGT, also FGTB.' In the French debate there was 'this crazy idea of the Polish plumber', an artificial scare created by journalists and politicians. 'We were concentrating on workers' rights whereas the plumber issue mainly involved self-employment and had nothing to do with the free movement of workers.' Still in the words of Niemiec:

All this mixture of different approaches and realities made it quite difficult, but our approach to find a way between the extremes was accepted by everybody; there was no major fight between trade unions from west and east. Colleagues from Poland and other countries understood that, for the medium and long term, they needed to follow the same line to protect the equal treatment of workers despite the fact that, in the short term, this proposal would make it easier to get to Belgium, France or Germany but they understood that, once you destroy a system, to rebuild it is difficult. It was different at political level: the socialist group were divided in their approach, west-east, but we were able to show what were the interests of workers and this changed the minds of some of them. In the end, most of the socialists supported us, despite national pressures. This shows that we can have an influence when we are united and can push in the same direction.

Explaining why CEE unions agreed to take this 'solidaristic' line despite the position of some of their national governments, he added:

I think the main reason they did so was that they understood the problem. I was one of the facilitators to get there. For them, having knowledge of what was happening and being involved in this policy of the secretariat was something that helped. But they understood that they should privilege long-term objectives over short-term. Obviously governments and employers always privilege the short term, they want to have profit now... and they want guarantees as well. I remember when we discussed the strategy of the Polish government, it was clear in a paper by the Economics Ministry, they saw competitive advantage in low wages... In contrast, trade unions look to the longer term and consider that they should fight together for equal treatment for their workers even if in the short term it could result in less employment. So they took the risk, even though it was not popular and they

were heavily criticised by the media, employers and government. And this fight still continues.

Passchier added that ‘for the CEE unions it was also very important that, in the same period, the ETUC came out strongly in favour of the free movement of workers without transitional measures and the package of ‘conditions’ to this (such as equal pay) was widely endorsed’.

5.3 The contribution of the ‘new’ members to the ETUC

We have already described how affiliates from the new Member States were integrated into the machinery of the ETUC. The confederation made efforts to support the new organisations in their capacity building, affiliation fees were kept low and the choice of Józef Niemiec as confederal secretary was an important symbolic move. Nevertheless, there were difficulties. In most new Member States, union density was significantly below the western average and unions were fragmented, meaning that resources were limited. Officials often had domestic priorities with little time for international involvement.

Language was a major issue. When the EEC was founded, the six Member States shared four official languages, giving six possible combinations for the purpose of simultaneous translation. The first enlargement brought two more languages (leaving aside Irish, not normally used for these purposes), yielding fifteen combinations. Before eastern enlargement, the EU had gained another five official languages, meaning 55 possible combinations. Each CEE country had its own language, adding exponentially to the complexity (and cost) of translation facilities. This was an enormous burden for the EU and even more so for the ETUC (even though it received EU funding for such provision).

One early indication of the problems was given at the SC in November 2003. Maria Helena André reported on social dialogue negotiations on work-related stress and said that ‘the negotiations lacked participation from colleagues in the acceding countries and that there had been no-one present at all from any of the CEE countries in the negotiations’. In response, the representative from Solidarność pointed out that ‘because of the absence of language interpretation, many of the trade union experts in CEE countries could not participate’.

In their study of involvement in EC discussions between 2005 and 2012, Furåker and Lovén Seldén (2016) find that representatives from CEE countries were only one-third as likely to contribute to debates as were those from other affiliates. Recalling the arguments over free movement and transitional arrangements in the EC, the former leader of a major ETUC affiliate commented to us that:

I remember all the western Europeans were debating this and our eastern European colleagues were sitting silent. This was totally wrong. It was uncomfortable, this debate, people making a song and dance about it and those who were representing labour migrants staying totally silent or feeling they should not open their

mouths... The way we in western Europe talk about social dumping leads to the feeling on the other side 'are you comparing us with garbage?' The whole language was not very inclusive.

A sense of marginalisation was articulated a few years ago by a senior official of *Solidarność*, who wrote of the persistence of 'two worlds of European trade unionism'. More specifically, he described a sense of disillusionment after initial high hopes (Adamczyk 2018: 188):

Unions from CEE, aware of the weaknesses of social dialogue in their own countries, perceived the ETUC as a way to strengthen their voice and position. They therefore counted on real support in the area of collective bargaining and the pursuit of wage growth. One can understand these expectations since, in most countries in the region, transnational corporations from Western Europe have a significant impact on the practice of industrial relations. Instead of such support, they have been given the option to join in the defence of social gains in the West (which may be losing their effectiveness for members of these organizations). This is why, increasingly, they feel that they are treated paternalistically and instrumentally. A Czech union official complained, 'there is still not adequate understanding within the ETUC and its member organizations about the situation and challenges in new member countries', while a Hungarian colleague added that 'after 13 years of our joining the EU, they still perceive that we can only learn from them and they cannot learn from us'. Much of the blame lies on the side of unions from CEE. They are not very visible and they are reticent when there is a need to present their own different narratives in the ETUC. This is not only a result of organizational weaknesses, staff shortages, language problems, meagre financial resources but also a certain acceptance of the fact that Western Europe dictates the rules of the game. 'We are too often more on the defensive, think only of today and do not want to think about the future challenges', said an Estonian official. There is the growing belief among CEE trade unions that, if they articulate their demands within the ETUC together, there would be more chance of being heard. For a Hungarian trade unionist, 'unfortunately the potential of cooperation like the Visegrád Group has not been used and this is a mechanism that must be developed'. 'We should articulate our needs in a more focused, preferably joint way', said a Czech expert.

Conversely, the same senior *Solidarność* official noted signs of 'fatigue' among western union representatives regarding developments in the east.

They expected CEE to recreate their familiar (Western) patterns of industrial relations, aided by the initiatives supported by the European Commission aimed at capacity building, training and negotiation skills. That is why it is increasingly difficult for them to understand why collective bargaining is not developing in the region, why the main partner for trade unions is the state rather than employers, why there are no effective organizing and recruitment programmes, why CEE trade unions do not actively participate in internal ETUC debates. The problem of

the over-politicization of unions in the region is also raised. After 20 shared years in the ETUC, the two 'union worlds' are still very far apart.

Many would dispute this assessment, but it seems to be widely endorsed by CEE trade unionists.

Chapter 6

Economic governance, macroeconomic and labour market policy

Founded as a common market, the EU has always had economic integration as its central mission. In the opening chapter, we noted the ambiguous efforts of Delors to reconcile a bias to competitiveness and monetary discipline with rights and protections for workers. This ambiguity was at the heart of the Maastricht Treaty which was welcomed by the ETUC for its enhanced social competences but which, through the initiation of EMU, imposed major constraints on collective bargaining over wages at national level. With exchange rates no longer adjustable, labour costs became the main equilibrating mechanism for national economies. Moreover, in several Member States the Maastricht criteria meant cuts to the provision of public services, and the public sector in general, in order to reduce budget deficits and public debt. Hence EMU ‘represented both a promise and a threat’ (Degryse and Tilly 2013: 116). The key challenge for the ETUC was how to prevent the new monetary regime from resulting in a ‘race to the bottom’ and to ensure that the new European Central Bank (ECB) would not simply be the German Bundesbank writ large with the same restrictive monetary agenda.

In their account of the introduction of the new regime, Degryse and Tilly (2013: 117-118) comment that:

... the ETUC supported the planned EMU, seeing it as an essential stage in the process that was supposed to lead to real European economic governance. Its support came with several conditions, however. First of all, the objectives should not be limited to price stability, but should extend to the promotion of growth and jobs. Next, the ECB should operate democratically. The social dimension and the role played by the social partners should be strengthened within the European institutions. Finally, the benefits of EMU should be distributed fairly, which required a more robust European regional policy, as well as the creation of a special fund to finance it. It also saw in the introduction of a single currency the opportunity to coordinate certain areas of taxation.

However, few of these conditions were actually met. As Degryse and Tilly (2013: 117) remark ironically, ‘once Europe had put its trust in the markets and embraced globalisation, what need would there be for a “European economic government”? Would the Member States’ economies not naturally tend towards equilibrium thanks to the self-regulating nature of the markets? That was the neoliberal argument and the one that still dominates today.’ The deflationary functioning of EMU was affirmed in the Broad Economic Policy Guidelines (BEPGs) introduced in 1993, with price stability the overriding priority. While the BEPGs were without legally binding effect, this was changed with the Stability and Growth Pact (SGP) adopted in 1997, which prescribed

maximum limits for government deficits and debt. Countries which did not respond to demands for corrective action could be subject to economic sanctions (Buti et al. 1998). The core underlying principle was that economic imbalances among Member States should be addressed by deflationary pressure on countries with ‘excessive deficits’, not by expansionary policies in those with ‘excessive surpluses’. All this despite official EU unemployment rates averaging around 10 per cent for most of the decade. Having endorsed EMU, much of the subsequent ETUC intervention on economic policy was a struggle against its deflationary and neoliberal application.

Addressing the 1999 Congress, Emilio Gabaglio complained that the EU remained committed to a one-sided SGP, whereas in reality ‘monetary stability cannot be an end in itself’. He went on to say that, with EMU, ‘a European economic government must follow’. Hence the Congress agreed to ‘support the establishment of a “European economic government” to enable the EU to act as a single economic entity... To this end, the EU will increasingly have to ensure the co-ordination of budgetary policy across the European economy.’ A modest step in this direction was the launch of macroeconomic dialogue between the ECB, the Council and Commission and the European social partners in June 1999. The problem, however, as the SGP increasingly demonstrated, was that coordination might entail coercing governments with more progressive (neo-Keynesian) budgetary policies in more conservative and deflationary directions. This was to become ever more apparent.

6.1 From the Lisbon Strategy to EU 2020 and the juggernaut of casino capitalism

The Lisbon European Council in March 2000 famously declared that ‘the Union has today set itself a new strategic goal for the next decade: to become the most competitive and dynamic knowledge-based economy in the world capable of sustainable economic growth with more and better jobs and greater social cohesion’. The aim was ‘to raise the employment rate from an average of 61% today to as close as possible to 70% by 2010 and to increase the number of women in employment from an average of 51% today to more than 60% by 2010’. The strategy identified four key objectives: ‘improving employability and reducing skills gaps’; ‘giving higher priority to lifelong learning’; ‘increasing employment in services, including personal services’; and ‘furthering all aspects of equal opportunities’. These themes overlapped quite closely with the four ‘pillars’ of the EES adopted in Luxembourg at the end of 1997: employability, entrepreneurship, adaptability and equal opportunities.

The ETUC assessment was enthusiastic. It declared that:

... the Lisbon Summit has to mark a turning point in the economic and employment policies of the Union. The Summit represents an opportunity to build a real European Employment Pact based on policies for economic growth, structural reform and the better functioning of the labour market. Lisbon has to guarantee the coherence and integration of the currently distinct Luxembourg, Cardiff and Cologne processes [defined by Heise (2002: 88) as ‘the three pillars of current EU

employment policy’] into a single strategy for full employment. The ETUC supports the proposal of the Portuguese presidency to give the European Council a steering role in the fixing of general objectives for the economic and social development of the Union supported by joint contributions from the EcoFin and Social Affairs Councils. This also requires a reinforcement of social concertation at European level in the defence and promotion of the European social model... The European Union must agree an ambitious strategy for achieving 3.5% growth which is more qualitative, employment-generating and environment-friendly. This should be supported by a ‘policy mix’ based on the real and determined coordination of macroeconomic policy and its components of budgetary, structural and investment policies, capable of thereby realising economic governance in addition to monetary policy.

Gabaglio stated that ‘the Lisbon Council has marked a change of spirit and priority as far as addressing the problems facing the European economy is concerned. Stability is no longer the dominant feature. Growth and employment are also being taken into account.’ He ‘welcomed the European Council’s recognition of the social partners’ role in this whole process and appreciated the encouragement given to the social partners to negotiate agreements in the areas of innovation and lifelong learning, noting that trade union proposals on these issues have already been drawn up and are awaiting a response from European-level employers’. Three years after the Lisbon Council, the ETUC Report on Activities still insisted that Lisbon marked a break with deflationary, neoliberal policies: ‘in March 2000 the Lisbon Strategy was adopted, and the [Stability and Growth] Pact was effectively buried. During the Strategy’s preparatory phase some governments had attempted to push just an “economic reform”, deregulation agenda, but the strategy which finally emerged was, as the ETUC had sought, a broad and integrated one of economic and social renewal.’

Yet as van Apeldoorn and Hager remark (2010: 209-10), ‘what is perhaps most notable about the Lisbon strategy... is the enthusiasm with which it was embraced by actors ranging from business lobbies and employers’ associations to trade unions and social NGOs’. The ‘new strategic goal’ was a political compromise and, as such, an attempt to achieve the unity of opposites: could all the desirable goals which were itemised be achieved simultaneously; and if not, what were the real priorities? The employers were confident that these matched their own agenda. Key themes embodied the economic and structural reforms which UNICE welcomed: a call for ‘a regulatory climate conducive to investment, innovation and entrepreneurship’; ‘a complete and fully operational internal market’; ‘to speed up liberalisation in areas such as gas, electricity, postal services and transport’; ‘to promote competition’; ‘to make rapid progress on the long-standing proposals on takeover bids’; to ‘redirect public expenditure towards increasing the relative importance of capital accumulation’. All these objectives contained threats to trade unions and their members. The specific labour market proposals, like the EES itself, were exclusively oriented to supply-side measures: whether ‘more and better jobs’ could be fostered without appropriate macroeconomic policies was simply ignored. One specific goal, increased employment in ‘services, including personal services’, might well be read as a call for more low-paid, low-quality, precarious jobs which were typical of this expanding sector. One may note that a key concept embraced by the EU at the

time of the Lisbon Strategy was ‘flexicurity’. As originally defined by Wilthagen and Tros (2004: 169), this denotes ‘a policy strategy that attempts, synchronically and in a deliberate way, to enhance the flexibility of labour markets, work organisation and labour relations on the one hand, and to enhance security – employment security and social security – notably for weaker groups in and outside the labour market, on the other hand’. It involves, as the 2001 Employment Guidelines put it, ‘providing the right balance between flexibility and security’. Yet who would decide what was the ‘right balance’? Increasingly, as the ETUC would complain repeatedly in the coming years, flexibility was to be privileged over security.

At the time, the ETUC view of Lisbon was more optimistic than most academic assessments (Hyman 2012). According to Begg (2008: 429), ‘the remedy that underlies the Lisbon strategy is “structural reform”, an expression that manages simultaneously to be ill-defined, obvious and accepted in most quarters as a “good thing”. Yet it is also a source of contestation, implies losers as well as winners, and often has a delayed or uncertain pay-off’. Daly (2006: 468) notes that the Lisbon declaration moved ‘hardly without pause for breath between concepts that are from different intellectual universes and spell quite different approaches to social policy... In terms of policy focus and ideology, the Lisbon embrace of poverty and social inclusion is a continuation of the subsidiary, market-making role attributed to social policy in EU development to date’. Serrano Pascual and Jepsen (2006: 17-19) are critical of the ‘mythical status... accorded to gainful employment’ and the assumption that increasing employment was a purely supply-side policy issue. The central concept of ‘employability’ entailed that ‘political problems are... turned into matters of personal motivation and will’. As part of this ‘individualistic reformulation of the social question... the function of the welfare state becomes helping subjects to adapt to the new rules of the game of the current economic set-up’. Similarly, Ashiagbor (2005: 3003) concludes that ‘the version of full employment embedded in the Lisbon Strategy, lacking the social solidarity of the post-war ideal, is heavily supply-side orientated, with strong echoes of the workfare-inspired philosophy underpinning the “Third Way” approach to labour markets and welfare states, with all that this implies for equality and social cohesion. The post-Lisbon discourse on “modernized” and “active” welfare states focuses on improving the self-sufficiency of individuals in the market.’

The suggestion that the SGP was ‘effectively buried’ proved premature. In June 2001 the ETUC criticised the BEPGs for 2001-02 as unsuited to a phase of economic slowdown. Then in February 2002, a document signed jointly by the leaders of Italy and the UK insisted that ‘modern, flexible labour markets require a new approach to employment and the regulation of labour law’ – by which they clearly meant an acceleration of deregulation. At the EC the following month, Gabaglio warned that ‘the Lisbon Strategy risks being derailed by focusing essentially on market liberalisation and flexibility in the light of the Blair-Berlusconi document and of similar announcements from other quarters, including that of business’. In May, he wrote to the Commission to argue that the SGP ‘despite its name... has been a stability rather than also a growth mechanism – and a rather rigid one at that. Because of this, the ETUC has always been critical of the Pact.’ In a memorandum to the Danish presidency of the EU, which took office in the second half of 2002, the ETUC insisted that ‘it is important that the Broad Economic

Policy Guidelines for the year 2003... contribute both to growth and stability. ETUC underlines the necessity of keeping the target of 3% growth to make it possible to meet the employment target.’ In October, its comments on the draft Constitutional Treaty suggested that ‘the provisions... should be clarified to ensure that the objective of budgetary balance is assessed on a cyclically adjusted basis; that investment expenditure does not count towards a deficit... and that Member States with low debt should have greater flexibility on deficit levels’. In 2003, in a submission to the Greek presidency, it was again necessary to urge a return to the 3 per cent growth target.

The Action Programme adopted at the Prague Congress called for changes to the SGP along the lines that the ETUC had previously demanded. In his address to a forum within the macroeconomic dialogue in November 2003, John Monks stressed that:

... it is not enough for Europe’s policymakers to wait and see, not enough to hope for the best. A new macroeconomic policy mix is necessary to boost growth and employment; moreover a fresh approach to the Lisbon Strategy is overdue and not only for economic reasons. Lisbon looks more asleep than late as we are now further from the targets than we were three years ago... At present, we have a worrying combination of public deficits, high private aggregate savings, low growth and high unemployment. Fortunately, there are relatively few worries on the inflation front and a recent survey of trade unions in Europe confirms that there is little to fear in relation to wage inflation. There are variations – but generally we see deceleration of the rate of wage increases rather than the Commission’s more cautious approach... Inflation is not the haunting spectre that it was when the Stability and Growth Pact was drawn up. The spectre now is unemployment and low growth... A rigid reading of [the SGP] will make it an instability and anti-growth pact by forcing governments to tighten fiscal policies when economies are doing poorly, so intensifying deflationary pressures and curbing public investment in the new innovative economy.

As the EC insisted in a resolution in December on ‘Relaunching the Lisbon agenda’, ‘instead of chasing the inflationary ghost of the past and relying on what might or might not happen in the rest of the world economy, European policymakers should take up the challenge of a homemade recovery of the European economy’.

Repeatedly, the ETUC now called on the EU to ‘rebalance the Lisbon Strategy’. For example, in its memorandum to the Irish presidency in the first half of 2004, it insisted on the need to:

... work towards the reinforcement of the implementation of the Lisbon Strategy, particularly the commitment to ‘more and better jobs’, full employment and the creation of a knowledge-based society, an increase in women’s participation in the labour market with the necessary accompanying measures together with a policy mix allowing for a sustainable annual growth rate of 3%. Economic forecasts together with growing social unrest clearly show that Europe is far from achieving these objectives. At the same time, the economic and social situation is much too serious to continue to use the principles of the Stability and Growth Pact as

an excuse to render action impossible. The ETUC recognises the need for rules allowing for a strengthened economic governance at European level. However, these rules must be sensible and applied intelligently. In current circumstances, it does not make sense to force Member States into taking restrictive, pro-cyclical measures, pursuing stability as the only objective; rather, they should be encouraged and enabled to adopt, on a coordinated basis, investment-oriented measures which will both help restore confidence and economic potential... A new macroeconomic policy mix is necessary to boost growth and employment; moreover a fresh approach to the Lisbon Strategy is overdue.

The EU authorities showed little willingness to listen, however, particularly after the Barroso Commission took office in late 2004.

In defining its 10-year targets, the Lisbon Council envisaged a mid-term review of progress. In advance of this deadline, it commissioned two studies headed by former Dutch premier Wim Kok (previously president of the Dutch FNV and also of the ETUC). In his first report (Kok et al. 2004a: 11) he concludes that, 'it is clear that, overall, Europe has a large gap to bridge to achieve the employment objectives set at Lisbon. Moreover, with the economic slowdown, unemployment has increased.' The response, he argues, should involve 'increasing adaptability of workers and enterprises, attracting more people to the labour market, investing more and more effectively in human capital, ensuring effective implementation of reforms through better governance'. In effect, this reiterated the supply-side focus of Lisbon together with the 'structural reform' demanded by employers. The second report again focuses on the supply-side, market-oriented elements integral to the original Lisbon Strategy, calling for 'the completion of the internal market and promotion of competition, including services and financial services, the establishment of a favourable climate to business and enterprise, building an adaptable and inclusive labour market' (Kok et al. 2004b: 18). Many of these arguments seemed to echo those of Bolkestein, whose draft directive was issued at virtually the same time.

The mid-term review, entitled 'Working together for growth and jobs: a new start for the Lisbon Strategy', embraced the same perspective. The Commission defined the 'two principal tasks' as 'delivering stronger, lasting growth' and 'creating more and better jobs'. But the path to these desirable goals was to follow the old prescriptions, with a central role for 'adaptability of the workforce... flexibility of labour markets... a more mobile workforce'. There was again a call to 'modernise social security systems'; and to 'extend and deepen the internal market...; competition rules must be applied proactively...; a healthy and open services sector is increasingly crucial...; structural reforms... should be pivotal in the renewed Lisbon Strategy'. The euphemistically named 'better regulation' agenda was highlighted while 'the continued pursuit of stability-oriented macroeconomic policies and of sound budgetary policies will be crucial', with a particular emphasis on 'maintaining or pursuing sound public finances'. In its call for neoliberal restructuring, the 'New Start' – warmly welcomed by the employers – largely reasserted what had gone before but the fig leaf of a 'social dimension' was largely dropped.

For the ETUC, this signalled a dangerous change of direction. A resolution adopted by the EC in March 2005 complained that ‘a number of important elements are missing... The different documents of the Commission rarely give the impression of a new start to the Lisbon Strategy, they are to some extent contradictory and therefore not a good example for a better European governance.’ The Lisbon targets for growth and employment had been dropped or ‘scaled down’ and hence ‘the Commission’s proposals for the mid-term review fall short of what is needed’. It questioned whether ‘economic, social and environmental policies’ remained in balance and contested the Commission’s fixation with ‘the mantra of labour market and welfare reform’. In a subsequent ETUI publication, Degryse (2010: 11-12) argues that the renewed Lisbon Strategy ‘broke with the equilibrium of the early days, in that the economic objective of competitiveness became the sole priority’ and embraced a ‘logic of deregulation (the “better – i.e. less – regulation” mantra) and flexibility’. As Van den Abeele (2009: 1) observes in another ETUI publication, ‘scrutiny of the Better Regulation agenda reveals the European Commission’s use of doublespeak. Feigning a concern for modernisation, simplification and improvement of the quality of Community regulation, the Commission has embarked, with the help of the Council and the tacit approval of the European Parliament, on an insidious enterprise to deregulate the Community *acquis*’ – since any rules providing rights and protections for workers necessarily constitute ‘burdens on businesses’. According to Degryse and Tilly (2013: 122), ‘the Lisbon Strategy had been transformed into an agenda for the deregulation of labour markets, but also for structural reforms, liberalisation... and the “streamlining of the regulatory environment”’. As Monks commented in 2006, ‘there is a widely held, almost theological belief in too many Member States, and in parts of the Commission too, that any regulation will kill off growth and competitiveness and harm employment’ (Degryse and Tilly 2013: 122).

The Activity Report presented to the 2007 Congress complained that the Barroso Commission was attempting:

... to rewrite the whole concept of Lisbon... First, Lisbon (vintage 2005) is prioritising the pillar of competitiveness over the pillar of social cohesion. Jobs, irrespective of the quality of jobs, are seen as the best social policy and the best guarantee for social cohesion. Social Europe is either said to be non-existent (‘there is no single social model in Europe’) or to be in good shape anyway. This line of thinking represents a major shift away from seeing social policy as a factor for productivity, towards viewing Social Europe as a financial burden for competitiveness. Secondly, a major delegation of responsibility for policymaking accompanies this shift in contents. The role of the European level is being narrowed down to opening up the European marketplace for even more competition...

In the new 2005-08 European social agenda, no single reference to a tangible social policy proposal was made, thereby installing a *de facto* moratorium at the European level. Under the guise of ‘simpler regulation’, attempts were made to delete the draft directive on temporary agency work. The new Employment Guidelines covering the period of 2005-08 no longer call upon Member States to fight the phenomenon of poverty wages and ‘in-work poverty’. And recently, the

green paper on labour law suggests that workers' rights, such as the right to job protection and the right to a regular work contract, represent 'rigidity' protecting 'insiders' at the expense of 'outsiders'.

On the SGP, the Activity Report noted:

... one key principle at the basis of European monetary union and the economic pillar of the Maastricht Treaty is a set of fixed rules to constrain macroeconomic policymakers. Both the excessive deficit procedure of the 1991 Maastricht Treaty, forcing European Member States to keep public deficits below a certain reference value (3% of GDP), as well as the 1997 Stability and Growth Pact stressing the medium-term objective of zero deficit or even slight public surplus, testify to this.

These rules on fiscal discipline posed no particular problem in the late nineties when growth was robust. However, with the economy after 2000 entering the slump in growth, public deficits rapidly increased and in 2004 no fewer than eight countries were confronted with a deficit higher than 3%, with the Commission calling for structural consolidation in the midst of an economic slowdown... Behind the technicalities of the Stability Pact lies a certain ideological agenda of limiting the role of government and public policy: if all public deficits are eliminated, the share of public debt in GDP will be gradually but totally eliminated in the long run. It also means that the state's capacity to undertake public investments by borrowing on capital markets is hindered.

Yet arguably, the ETUC position remained somewhat ambiguous. Two weeks before the EC adopted its critical resolution in March 2005, a joint declaration with UNICE and CEEP placed central emphasis on 'competitiveness' as the core of a renewed Lisbon Strategy. The statement consisted partly of bland generalities but also called for 'entrepreneurship and entrepreneurial spirit across society', a focus on 'employability' as the main labour market issue, a demand for 'efficient' social protection systems, 'better regulation' with 'no distortions of competition' and 'sound macroeconomic policies' involving discipline in fiscal, monetary and wage policies. This was hardly consistent with what the ETUC had been arguing previously. What was the real ETUC position? Was there disagreement at the heart of European trade unionism? The debate on the draft Constitutional Treaty was at its height, with the French referendum which was to kill the Treaty taking place in May 2005. It is plausible to assume a desire not to rock the boat.

In November 2009 the European Commission published its consultation paper on a new EU 2020 Strategy. By then, the European – and global – economy was in crisis. In November 2006, John Monks had given the Bevan lecture (which we mentioned earlier) with the title 'The challenge of the new capitalism' (Monks 2006).

Executive pay rose 28% last year. Incomes Data Services recently reported that never in its 15 years of monitoring executive pay have so many earned so much I had not realised how much time and energy some boards spent on setting their own remuneration and incentives... More and more they resemble the Bourbons – and

they should be aware of what eventually happened to the Bourbons... Optimists hope that all this will be contained by better informed, more active shareholders. After all, today's shareholders are largely pension funds and life insurance companies and mutuals, seeking to get as high a return as possible for members, for us, and millions like us. They hope that our values will put pressure on the tycoons and boardroom titans to behave responsibly and improve governance. [But] some investors who are proud to work to a corporate social responsibility agenda can also be the toughest seekers of high returns. Thus the world's largest pension fund is switching more and more over to hedge fund investment...

Hedge funds are not new, just notorious. They have been around since the late 1970s. But their scale is accelerating and the funds they manage are equal to the GDP of the eighth largest economy in the world – Brasil... They are often based in tax havens...

But if hedge funds are the provisional wing of the sector, then there's plenty of more mainstream players contributing to the situation of debt financed casino capitalism, with public companies, unless very strong, being chips on the gambling tables.

So we are seeing therefore a yet further disintegration of the social nexus between worker and employer. This relationship, dating back to the industrial revolution and beyond, has produced layer upon layer of employment law and, importantly, a culture containing broad social rights and obligations. The new capitalism wants none of it. It wants to be foot loose and fancy free, without obligation. In the old days, when trade unions – especially those in North America – realised that corporate campaigning could be more effective than striking, we had some noticeable successes. But what if the ultimate owner is a hedge fund? Can you go and lobby the AGM, as we did with our corporate campaigns? Can you organise with other disgruntled groups of shareholders as we did then? Not so easy.

In September 2007, Monks reported to the SC on 'the turmoil in financial markets originating in the American mortgage market'. At subsequent meetings of the EC, it was agreed to call on the ECB for interest rate cuts in order to avoid a recession.

A year later, Europe – and the world – was in the throes of a full-blown crisis. The EC in October 2008 adopted a paper 'The financial crisis and the economic recession: a turning point for casino capitalism'.

At the time of writing this resolution..., all is confusion and disarray on world financial markets. A number of bank rescues have not worked first time...; a number of countries have taken action to guarantee all bank deposits causing problems for banks in countries where there are no such guarantees...; and stock markets have plunged worldwide. The crisis has arrived in Europe.

The ETUC... denounced the dominant model of financial capitalism: 'liberated' financial markets, no longer constrained by adequate oversight and effective regulation, are seeking to obtain excessive profits over the shortest run possible. They are doing so by developing 'innovative' but highly risky financial techniques, resulting in extremely high levels of leverage, excessive indebtedness, structural mismatches between assets and liabilities and pure and simple speculation. At the same time, this model of 'borrow and speculate' has distributed wealth and richness to the benefit of the few in a spectacular way, while wages and working conditions of workers have been put under pressure. Now financial capitalism threatens the real economy. Confidence which is key to investing is undermined and credit is being squeezed. Recession looms and workers and governments are – once again – left behind to clean up the mess after the 'boom' has died and the bubble of irrationality has burst.

The ETUC's key message is that this must be a turning point. Governments cannot simply bail out the financial markets without public influence to make sure such a thing does not happen again. There needs to be a policy response to stop the irrationality and greed of financial markets, to end their dominance over the real economy and to promote fair and decent wages instead of pursuing maximum stakeholder value.

Meanwhile, the real economy is suffering as well. Economic activity has shrunk in the second quarter and, with indicators like the purchasing managers' index falling, prospects for the coming quarters do not bode well either. Unemployment has already started to rise in several countries. This downturn in the real economy is certainly related to the credit squeeze fall-out from the financial crisis. However, the economic slowdown is also rooted in the fact that central banks over the past years have switched to contractionary policies, in the excessive appreciation of the euro currency and in the bursting of the construction boom in countries like Spain and Ireland. In other words, even if there had been no financial turmoil, the real economy would still be suffering. Here, the president of the Commission, together with the Economic Policy Committee, identifies the financial and the economic crisis as an opportunity to lecture and force Member States to implement more structural reforms and in that way make the labour market more 'resilient'. One wonders however how a labour market can be made resilient and what kind of jobs such a labour market would create in the absence of aggregate demand and well-functioning financial markets.

The paper continued with a series of policy proposals on the themes of 'Saving the financial sector from the profiteers and the speculators', 'Saving the real economy from misguided policy' and 'Saving wages from central bankers'.

The crisis forced governments to abandon – at least temporarily – the constraints of neoliberal policy and, in November 2008, the Commission launched a Recovery Plan which met some of the ETUC demands. But this was to prove a temporary and limited shift of direction. Monks (2009: 366-367) complained that, 'to what is evidently the worst economic crisis ever experienced in the EU, the response has been inadequate

both in scale and in urgency in key areas'. The Recovery Plan 'was more a list of uncoordinated national measures than a truly European plan. It lacked the unity of purpose that the ETUC has been seeking.' He proposed a series of policy initiatives for 'a wide-ranging New Social Deal' and concluded that 'political will and vision are essential'. However, official responses were to the contrary: 'largely irrespective of partisan orientation, governments have systematically responded to the crisis and its consequences on public finances, deficits and debts by imposing social protection cuts and containment measures' (Barbier 2012: 391).

The main theme of the mid-term conference in May 2009 was the response to the crisis. The declaration adopted insisted that:

Europe is now at a crossroads. Europe is facing the return of mass unemployment. The coming year will see job destruction on a scale unprecedented since the 1930s yet so far the response of the authorities (both European and national) has not been adequate to meet the size of the problem. The reason for this surge in unemployment lies in the dominance of the neoliberal economic model over the past 30 years, the collapse of which has caused the economic catastrophe that Europe and the rest of the world are now experiencing. Too many at the top of the overblown financial services sector indulged in a modern day version of alchemy. Long-term prudence was ignored as greed and speculation became the order of the day in Wall Street, London and other major financial centres. The result before the crash was rapidly rising inequality, the growth of precarious jobs and pressure to cut the influence of welfare states, worker rights and collective bargaining.

Now to that must be added growing unemployment, cuts in public expenditure and a collapse in demand in many countries. Citizens are looking to governments through public sector action and to trade unions to restore the democratic balance that had been ceded to the markets. The ETUC is demanding that 'never again' must financial capitalism be allowed to inflict a comparable crisis on the world, on Europe and on workers; and that never again can growing inequality receive the encouragement, indifference or neglect of democratic governments.

To combat unemployment, the ETUC therefore called for 'a New Social Deal in the EU as a driver for social justice and more and better jobs'. The main points of such a programme should be:

- More and better jobs: Investment in an expanded European recovery plan to mobilise a new drive for growth and jobs...
- Stronger welfare systems to provide more security and equality and avoid social exclusion...
- Stronger workers' rights and an end to the dominance of short-termist market principles...
- Better pay: stronger collective bargaining...
- European solidarity as a protection against the excesses of financial capitalism...

The twin aims of this Declaration are: fight the crisis – and win the aftermath. Its ideas need wide dissemination and debate as the disaster made in the financial world hits Europe hard. But European trade unionism must seize the moment and win a better, fairer society and a stronger, more integrated, social Europe.

Again, the authorities seemed deaf to ETUC arguments. At the EC in July, Monks reported that ‘the economic crisis continues to worsen. While some claim to see “green shoots” of recovery, mainly because of rising equity prices and bank profits (and bonuses), unemployment continues to rise strongly... Industrial production has fallen sharply and orders are low. The ETUC has issued a warning about premature claims that a recovery is under way.’ In October, he reported that EU finance ministers had ‘launched a co-ordinated exercise to plan exit strategies from the current high levels of public spending. That EU governments act prematurely and choke off the recovery must be the ETUC’s biggest current worry.’ In response, he suggested the need for a ‘battle plan’ with campaigns directed in particular to unemployment, particularly among young people, and resistance to attacks on public services and the welfare state.

When the EU 2020 Strategy was published at the end of 2009, trade union attitudes were far more critical than of its precursors in the previous decade. Indeed the Commission’s language was in some respects new: its final Communication (though not the original consultation paper) was subtitled ‘A strategy for smart, sustainable and inclusive growth’. Seven ‘flagship initiatives’ were announced: an ‘Innovation Union’, ‘Youth on the move’, a ‘Digital agenda for Europe’, ‘Resource efficient Europe’, an ‘Industrial policy for the globalisation era’, an ‘Agenda for new skills and jobs’ and a ‘European platform against poverty’. How would these goals be achieved? The recipes remained very familiar: ‘a stronger, deeper, extended single market’; removal of ‘bottlenecks to cross-border activity’; ‘improving the business environment’; ‘reduce administrative burden on companies’, ‘modernising labour markets, training and social protection systems’; ‘define and implement the second phase of the flexicurity agenda’; ‘pressing ahead with the smart regulation agenda’ (a new euphemism for less regulation of the labour market); and ‘consolidation of public finances in the context of the Stability and Growth Pact’. All this would require ‘stronger economic governance’. A new framework would increase EU surveillance of national policies, linking the EU 2020 Strategy explicitly to the SGP.

The Director of the ETUI (Pochet 2010b) pointed out that the implications of the new economic governance (NEG) were very disturbing since they institutionalised pressures for pension cuts, wage restraint and cutbacks in social protection. Even more radical was the pact endorsed by 26 Member States in December 2011 which provided that the EU institutions could impose austerity measures on Member States with budget deficits.

As before, the response of the ETUC to the evolving 2020 Strategy was ambivalent. When the final version was issued in March 2010, Monks issued a statement declaring that:

... the 2020 exercise so far is flawed and disappointing. There is a desperate need for the EU and the rest of the world to digest what caused the crisis and how we can avoid a repeat. How to deal with rising unemployment, especially among the young; how to tackle all the incentives in current tax systems and capital markets which encourage speculation and short-termism at the expense of long-term commitment to the real economy; and how to find new ways of raising public funds, especially using financial transaction taxes and Eurobonds... The Commission cannot expect to go back to business (and the Lisbon Strategy) as usual.

Indeed a paper issued at the same time argued that the deflationary policies being pushed by the EU were ‘worse than “business as usual”’. What was required was a radical change of course, to replace an ideologically driven economic strategy which had clearly failed. Employment policy should ‘refocus on the demand side of the labour market’; renewed growth should be founded on quality jobs, enhanced security and stronger workers’ rights. To avoid the risks of social dumping, the EU should adopt a Social Progress Protocol – first demanded by the ETUC in 2008 – and should strengthen the Posting of Workers Directive. The ETUI also presented an analysis (Pochet 2010a) which concluded that the [EU’s] proposals were ‘weak and contradictory’. The strategy defined ambitious targets, but these could not be achieved if the SGP and the internal market were assigned priority. ‘No reflection is given to the tensions or contradictions between the different aims’; these were ‘camouflaged by “euro-jargon newspeak”’. Any concern with job quality had ‘disappeared from the new strategy’, a reflection of the subordination of social to economic rights. As a later and more elaborate critique insists (ETUI 2011: 5), ‘if the (macro)economics are wrong, all the other laudable targets and procedures in the Europe 2020 Strategy – raising education standards and R&D spending, reducing poverty – will prove entirely illusory, further undermining the credibility of Europe’.

In all these respects, the ETUC was highly critical of the EU’s strategy, far more so than when Lisbon was launched a decade earlier. Yet this scepticism coexisted with a more accommodating stance, as we suggested above. In March 2010, a few weeks after denouncing EU 2020 as ‘business as usual’, the ETUC signed with the employers an ‘Agreement on inclusive labour markets’ notable for its failure to go beyond bland and ambiguous generalities. ‘The European social partners consider that an inclusive labour market is fundamental in terms of fostering economic development and social cohesion’; but the proposals for achieving this goal largely involved improved information channels, awareness-raising campaigns and enhanced employability. Perhaps unsurprisingly for a social partner agreement, there was no reference to macroeconomic policy, the demand side of the labour market, the need for decent pay and conditions, the problems of precarious work, the need for strengthened workers’ rights and collective voice – all factors highlighted in the reactions to EU 2020. This silence, however, implied acquiescence in the employer-oriented policy priorities of the Commission and the Council.

Perhaps even more remarkably, in June 2010 the ETUC, together with the employer organisations, issued a ‘Joint statement on the Europe 2020 Strategy’. This called for ‘more and better jobs’ but also ‘fiscal sustainability’; ‘improving competitiveness’ but

also ‘social cohesion’. At times the document verged on the incomprehensible: ‘the clear objective of macroeconomic policies should be to regain scope for action and be able to mobilise the necessary resources to sustain growth-enhancing investments while ensuring the sustainability of public finances and social protection systems in order to maintain intergenerational solidarity and cohesion’. In reality, the positions of the signatories were fundamentally incompatible. There were repeated calls for a ‘right balance’ between inherently contradictory objectives; but the overall tenor of the statement was more in harmony with employer demands and the neoliberal logic of the Commission and Council strategy than with the positions which the ETUC had elsewhere defended. Its signature, in our view, added legitimacy to an employer-driven reshaping of EU policy.

6.2 Liberalisation, public services and Laval

The emphasis on monetary discipline under EMU, and the almost exclusive reliance on supply-side measures as a remedy for labour market problems, formed part of a broader shift to neoliberalism in EU governance.

We have already described the struggle against the draft directive presented by Frits Bolkestein, Commissioner for the Internal Market, in January 2004. The ETUC succeeded ‘in triggering a campaign that today remains unparalleled within the European debate’ (Seeliger 2019: 2), involving both public protests and more discreet lobbying of MEPs. There was also unprecedented behind-the-scenes collaboration between the ETUC and key figures within the EP. This culminated in the vote in the EP in February 2006 which removed most of the more objectionable elements. As Dølvik and Ødegård (2012: 69) conclude, the outcome reflected ‘first, the crucial role the EP has obtained under the legislative procedure of co-decision making; second, the ability of the ETUC to provide expertise and act as broker in the processes of coalition-building and negotiations within, and across, the EU institutions; and, third, [the] external pressure [instigated] by fostering broad public and political mobilisation in key Member States and at European level.’ The exceptional nature of this success was also emphasised by Kovacs (2008: 10):

This combination of tough public campaigning, effective internal cooperation and intensive networking led in the end to the modification of the directive in favour of many trade union demands, and proved that the trade union movement can have a significant impact on the European legislative process. Nevertheless, despite the – even for many trade union representatives – surprisingly successful outcome, the Services Directive campaign remains a positive exception to the rule. In most cases, the European trade union movement has tried to defend its concerns with similar efforts, but due to diverging national interests, political circumstances or opposing interest groups, has failed to have a comparable impact.

In the assessment of Kirton-Darling (2007: 305), ‘most importantly the European trade union movement was unified, albeit with different national and sectoral accents, in its constructive opposition to the Commission’s vision of the internal market’. At the EC

in March 2006, Monks was able to declare that ‘it is very pleasing to be able to report a great victory over the original Bolkestein text of the Services Directive. This is a victory in a battle, not the end of the war... By stopping Bolkestein we have also stopped for the present the spearhead of the neoliberal attack on Social Europe and reasserted our values over those of rampant capitalism.’ In June, he described the new text agreed by the European Council after ‘tough negotiations’, which was not altogether satisfactory but retained ‘the basic points of the European Parliament’s position’. The adoption of the revised directive in November was welcomed as ‘burying for once and for all the original Bolkestein proposal’, though limitations in the final text meant that this was only a qualified success.

It should also be noted that there were some differences of approach within the ETUC. EPSU (the European Federation of Public Service Unions) ‘tried through various ways – for example, media interviews – to put pressure for a clearer exclusion of public services from the scope of the directive. This was not well received within the ETUC secretariat at the time, who feared – rightly or not – that the compromise in reach might be jeopardised’ (Fischbach-Pyttel 2017: 94).

Public services were under a much broader attack, however. The very concept had been expunged from the official vocabulary of the EU in 1996 with the invention of the term ‘services of general interest’ (SGI). As Clifton et al. (2005: 423-424) explain:

A decision was taken within the EU to phase out the term ‘public service’ in official discourse and to replace it with ‘Services of General Interest’. According to the [Commission], this was because the term public services was ambiguous... On the one hand, it referred to the enterprises themselves (which were usually publicly owned and managed) that were in charge of supplying the public services. On the other hand, it was interpreted as the actual services to which all citizens had equal rights to access and enjoy. Since the EU must take a neutral stance on the issue of ownership, what it wished to stress was this latter definition. It was thought that the eradication of ‘public services’ would indicate that EC policy was about the provision of the general interest, and not about whether the provider organization was privately or publicly owned. The EU thus wished to show itself as neutral, for instance, as to whether a train service was provided by a privately or publicly owned firm: what was important was that the citizen-traveller had a reliable, efficient and accessible train service. Providers of the service were known as ‘service managers’. At the same time, this was also related to the view that public services must no longer be deemed an exception to competition rules... Thus, an effort to start ‘rebalancing’ the competition/public services equation was begun... Though the [Commission] claimed it was motivated to show its neutrality on ownership, cynics tended to interpret this new terminology as a means of attempting to clear the way for the privatization of public enterprises.

According to Fischbach-Pyttel (2017: 91), who was EPSU general secretary from 1996 to 2014, ‘differences in concepts and terminology have been used or even abused to follow an exclusive market or liberalisation logic’. As she describes in detail, the uphill battle against overt or covert privatisation in such sectors as energy, water and healthcare,

together with the enforced liberalisation of public procurement, was to be a continuing feature of the trade union agenda in the twenty-first century. Jacobi and Kowalsky (2002: 186-187) comment that there were three driving forces behind the attack on public services:

1. The understanding of the state has changed right across the political spectrum to the effect that the core business of the state is the provision of sovereign services. The task of the state is not independent provision but rather the sovereign guaranteeing of basic needs, which must still be met even when they are not profitable for the market.
2. Private companies are increasingly thronging to the market for SGI, which is regarded as a lucrative one. They are demanding discrimination-free access with equal rights. In many cases private companies and their associations have gone to the European Commission or even the European Court in order to enforce their rights.
3. By means of the Single Market the market for SGI has also been Europeanised and so made subject to the general competition regulations of the EU. This is foreseen in the Treaty on European Union, which was unanimously passed by the Member States. The policy of opening up markets is therefore a politically desired liberalisation.

In June 2000, the ETUC signed a 'Joint charter on services of general interest' with CEEP, the public sector employer organisation, insisting that high-quality public services were an essential feature of the European social model. This was followed in November 2001 by a 'Joint declaration on services of general economic interest':

ETUC and CEEP strongly believe that Services of General Interest constitute a basic pillar of the European social model... [and] would very much welcome... the elaboration and submission of a proposal for a regulatory framework directive on Services of General Economic Interest (SGEI). ETUC and CEEP consider it important to establish a framework directive on SGEI with the aim of ensuring a coherent approach and increasing the certainty of the provision of these services, by setting horizontal principles and the rules to be applied in all the sectors concerned. Such an approach is needed to ensure better coherence and complement what has so far been a sector-by-sector approach and to re-balance and reconcile the competition rules and the objectives of the [Treaty]. It could serve to improve the legal clarity as regards competition rules, including clarifying the competencies of public authorities, and which SGI should be excluded per se from its scope.

After several years without progress on this aim, in October 2006 the secretariat presented a strategy document calling for the Commission 'to take the initiative and stop refusing to go ahead, to compile an analysis of the impact of liberalisation and privatisation that has already taken place on both consumers and workers [and] for a liberalisation pause/moratorium'. To this end, the ETUC should 'start a campaign to collect 1 million signatures for a petition addressed to the European Commission to submit a legislative proposal on SG(E)Is'. According to the strategy document:

On 28 November 2006, the ETUC launched a Europe-wide petition calling on the European Commission to take action to protect and strengthen public services that are vital to the wellbeing of all European citizens. The ETUC believes it is time to take decisive action to safeguard key public services – known in the EU as services of general interest (SGIs) or services of general economic interest (SGEIs) – which are being undermined by liberalisation, privatisation and the introduction of free market rules. The ETUC adopted a strategy urging the European Commission to propose a framework directive to create a legal basis for vital services, ensuring that public interest takes precedence over commercial profit. The petition campaign will be coordinated by the ETUC in cooperation with its affiliates in EU Member States and other partners. The petition will be available for signature both online and on paper, and will be an opportunity for the ETUC and affiliated organisations to launch a wide debate on public services in the EU.

In presenting this strategy to the EC in October 2006, Józef Niemiec ‘stressed that the idea of launching a petition is risky in itself, but it allows us to mobilise public opinion’. In the discussion, however, a number of speakers expressed reservations about the petition and doubted whether a million signatures could be achieved. In some respects, these reservations may have been self-fulfilling: it seems that affiliates that were less enthusiastic put little energy into the process. At the Congress in May 2007, a special effort was made ‘to issue a clarion call at European level’. But at that stage, only a third of the targeted million signatures had been achieved, with Romania, Belgium and France providing more than half of these. By contrast, the Nordic countries together accounted for barely 1 per cent of the signatures, the UK for just over 1 per cent and Germany for somewhat over 2 per cent. At the EC in June, it was reported that about 400 000 signatures had been obtained against the target of a million by the autumn. As Monks commented, ‘it would be appreciated if all affiliates could put in the same effort’ as those who had achieved the bulk of the signatures. In October, the number had risen to just under half a million – still less than 1 per cent of the total ETUC membership – and ‘it looks unlikely that there will be many more’. ‘The ETUC had to stop shortly unless it was to reinforce what was really a failure’. And, indeed, in November the Commission rejected the whole idea of a directive. The ETUC responded that ‘the Commission will be accused of regarding public services as a derogation from internal market rules and as a promoter of more liberalisation and privatisation’.

Józef Niemiec, who played a major role in the campaign, argued to us that this should not be dismissed as a failure. He said that, ‘We felt that we had a moral obligation to try’ and, in addition, the trend in ECJ jurisprudence in itself presented a threat to public services. Given the success of the Bolkestein campaign, it was reasonable to see whether this could be repeated. But it was harder to mobilise in support of new demands than against attacks on existing rights. An underlying problem was that ‘our trade unions are very divided on social issues at European level’. In addition there was a problem of language: ‘public services’ meant different things in different countries because national realities were so different; and what constituted a burning issue in some countries was not seen as important in others. ‘Maybe our mistake was to overestimate our own capacity’, he said, but, in reality, the ETUC could do little without the commitment of all its affiliates.

Writing a decade later, Fischbach-Pyttel (2017: 103) complained that ‘a number of ETUC affiliated unions were not in a capacity or were not willing to bring this campaign to a success’ and that ‘the resources contributed to the campaign were not sufficient, both in staffing and financial terms’. This points, as Niemiec noted, to ETUC affiliates themselves not being united on this issue. Furåker and Lovén Seldén (2016: 66-67) write of ‘disapproval above all from Nordic and British unions. They were negative to a petition campaign... as this was not part of their tradition and were also concerned about what this effort could achieve.’ When it was proposed in September 2013 that the ETUC should support another citizens’ initiative on the theme ‘Invest for good jobs’, there was considerable opposition in the EC, partly because of the earlier failure, and the idea was dropped.

We have already mentioned the *Laval* judgment by the ECJ in 2007, part of a quartet of cases together with *Viking*, *Rüffert* and *Luxembourg*. These are discussed in some detail by Degryse and Tilly (2013: 135-137), as well as in other sources mentioned earlier, so we do not need to refer to these at length here.

In the Activity Report 2003-06, the ETUC stressed that:

The *Laval* and *Viking Line* cases raise fundamental questions as to whether EU law can – and should – restrict European trade unions’ basic rights to collective bargaining, to strike and to take collective action. The position of the Commission on the issues of principle at stake has until now been ambiguous. There is a need to clarify where the Commission actually stands with regards to the fundamental nature of the right to collective bargaining and, in the case of conflicts of interests, to strike and to take collective action in relation to the [European Community] Treaty. The ETUC will have to continue to follow the activities of the Commission and the European Court of Justice. The ETUC must continue to develop its role and strengthen [the] European Court of Justice.

Four years later, the Activity Report 2007-11 noted that ‘these four cases have had chilling effects on trade unions’ capacity to defend workers’ rights. The four ECJ cases have exposed the weaknesses of the current EU legal framework applicable to fundamental social rights and the free movement of workers and services. The ECJ has confirmed a hierarchy of norms, with economic freedoms ranking at the top and the fundamental social rights of collective bargaining and collective action in second place.’ The response, as discussed previously, was to call for a Social Progress Protocol in the revised Treaty.

We have seen that the outcome did little to satisfy trade union demands. Indeed, the Barroso Commission seemed determined to weaken employee rights further. In November 2006, it issued a green paper under the title ‘Modernising labour law to meet the challenges of the 21st century’. The stated aim was ‘to launch a debate in the EU on how labour law can evolve to support the Lisbon Strategy’s objective of achieving sustainable growth with more and better jobs’. According to the Commission, ‘the modernization of labour law constitutes a key element for the success of the adaptability of workers and enterprises’. The question posed was ‘the role labour law might play

in advancing a “flexicurity” agenda in support of a labour market which is fairer, more responsive and more inclusive, and which contributes to making Europe more competitive’.

Sciarra (2007) comments that the green paper posed a succession of ‘rhetorical questions’ but failed to engage with the extensive weight of scholarship which had analysed these issues. In its response, the ETUC insisted on ‘the need for urgent action to strengthen the capacity of labour law in all its dimensions to cope with the modern world of work while providing for fair and decent working conditions and labour standards to all workers on EU territory’. But ‘the ETUC does not agree with the analysis presented by the Commission and has major questions about the questions raised (and those not raised!)’. The ‘restriction of the debate to individual contract law is unacceptable’. The solution to ‘two-tier labour markets’ should be to improve the protection of ‘outsiders’ and not to reduce the protection of so-called ‘insiders’ who themselves were often also under attack. At the EC in March 2007, Cateleene Passchier explained that a false dichotomy was being created whereby ‘standard permanent workers are the new target and are being blamed for blocking access of other workers to the labour market’. Since UNICE had rejected the argument that precariousness was a problem, the ETUC had supported the idea of a green paper and ‘therefore, we now cannot reject it altogether.’ However, in the debate many speakers called for much stronger opposition. In the event, the whole issue was to be subsumed within the more general question of responses to the crisis.

6.3 From bad to worse? The Euro Plus Pact and the new economic governance

Despite opposition from the ETUC, the growing consensus within the EU institutions was that the priority was now to cut back public deficits and impose austerity. This was elaborated in June 2010 by the European Council, and further by the Commission in its Communication ‘Enhancing economic policy coordination for stability, growth and jobs: tools for stronger EU economic governance’. This gave the green light for initiatives imposing an austerity regime across the EU, with a draft directive published in September 2010 on ‘Requirements for budgetary frameworks of the Member States’, adopted in autumn 2011. In a further turn of the screw, in March 2011 all but five Member States adopted the Euro Plus Pact, an even more stringent successor to the SGP. Later, in March 2012, this was followed by the Treaty on stability, coordination and governance in the Economic and Monetary Union (TSCG or Fiscal Compact), signed by all Member States except the Czech Republic and the UK. The most drastic effect was felt in the countries covered by bail-out packages governed by the ‘Troika’ of the Commission, the ECB and the International Monetary Fund (IMF).

The Eurozone crisis that followed the great recession of 2008 led to an unprecedented centralization of political power in the hands of EU institutions. In June 2010, the then Commission President Barroso talked about a ‘silent revolution’ in European economic and fiscal policy-making. In turn, all member state governments and the majority of the European Parliament approved in November 2011 the Six-Pack on European economic

governance. In 2012, all EU countries – with the exception of the Czech Republic and the UK – ratified the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union... Furthermore, the European Central Bank (ECB) used its power as lender of last resort within the Euro system to impose its agenda in countries, such as Spain and Italy, which were facing increased borrowing costs. Finally, a Two-Pack of new EU laws that reinforced the supranational surveillance of national fiscal policies followed in 2013 (Erne 2015: 346).

‘The European Commission’s proposals on economic governance were lethal,’ Monks told the EC in October 2010. ‘If the Commission started imposing fines and sanctions, there would be a popular reaction against it.’ In the discussion, Bernadette Ségol complained that ‘we had been swindled... We should have a clear trade union front to oppose.’ But as Monks told the SC in November, ‘governments and authorities were more afraid of bond markets than us... Finance ministers had taken over the process of European policymaking.’

By March 2011, it was clear that many EU leaders were seeking to tighten the screw even more. ‘In 2011, the EU introduced the European Semester..., a yearly cycle of country-specific recommendations (CSRs), surveillance and enforcement’ (Jordan et al. 2012: 193). ‘European institutions are intervening directly in wage negotiations, forcing countries like Ireland, Greece and Romania to cut minimum and public sector wages and weaken collective bargaining structures in return for a “bail-out”... The proposals emanating from the French and German governments seek an end to wage indexation and an increase in the retirement age.’ ‘The ETUC,’ added Monks, was ‘totally opposed to a “European competitiveness law”, which would lead to deep cuts in wages.’

The extreme example of ‘shock therapy’ was the response to economic crisis in Greece. The country was admitted to the euro area in 2001, two years after the eleven initial members. In the view of many observers, its debt-to-GDP ratio did not satisfy the original Maastricht convergence criteria and its entry was a political decision facilitated by creative accounting on the part of successive Greek governments. In the following years there was impressive economic growth, but ‘the notably high GDP increases during the period... relied on external borrowing’ (Vogiatzoglou 2017: 120). Soon, ‘the global financial crisis turned a high but manageable debt into an uncontrollable and unsustainable one’ (Karamessini 2012: 165). As Fazi (2014: 38) notes, ‘in October 2009 the newly elected Greek government of George Papandreou revealed a black hole in the national accounts. It declared that the budget deficit was double the previous government’s estimate and would hit 12.7 per cent of GDP.’ Two months later, the government announced that the national debt amounted to 133 per cent of GDP. With a collapse in its credit ratings, Greece was unable to draw on international bond markets and, to avoid a default on its debts, the government agreed with the Troika a loan conditional on a programme of austerity and economic liberalisation (Koukiadaki and Kokkinou 2016: 141). The austerity measures involved ‘one of the most radical structural adjustment programs ever implemented in Europe’ (Kretsos and Vogiatzoglou 2015: 218), with a succession of tax rises, cuts in public expenditure, privatisation and radical deregulation of the labour market. The measures failed to resolve the debt crisis but

resulted in escalating unemployment and social deprivation, leading to sustained social protests, general strikes and, in 2015, the election of the radical left Syriza government.

In March 2010, the EC declared:

... full solidarity with Greek workers in their struggle against job cuts, wage freezes, wage and pension cuts. Europe's message to the Greek people should be one of stability and social progress and not one of economic stagnation and social dumping. European trade unions are monitoring with the greatest concern the situation in Greece and in particular the pressure by the Commission, the Eurozone ministers and the ECB on the Greek government for even harsher austerity measures that will mainly and irreversibly affect working people and the most vulnerable segments of society and upset the social fabric in Greece.

The decision to hold the 2011 Congress in Athens was in part an expression of solidarity with Greek workers and the ETUC continued to oppose the increasingly brutal austerity measures imposed on Greece by the EU authorities. Notably, a resolution adopted in June 2011 declared:

Social unrest in Greece is considerable. The Greek government and population is confronted with daunting choices to redress the situation. Fears that Greece would become a 'colony of Europe' are being strongly expressed... If not handled with the necessary vision, the situation could degenerate into an economic and social catastrophe. There is a clear risk of contagion. A restructuring of the Greek debt could have dramatic consequences on other EU countries. Developments in Portugal and Ireland might take a similar turn. Problems could spread to more and bigger countries. Banks in Germany, France, Belgium and the UK are heavily committed to the Greek market. If the situation goes wrong we could experience a crisis similar to the one which followed the Lehman Brothers' collapse in 2008. Another course of action is necessary. It should be based on a more generous offer for Greece and other distressed countries, something like a new Marshall Plan. Such a plan would insist on tax collection, taxes on the rich and comfortable in the distressed countries, taxes on financial services and transactions, use of structural funds available for investments, Eurobonds, project bonds, growth and innovation initiatives in line with the Europe 2020 Strategy and less pressure on wages, welfare and public services and on the poorer sections of society. It is important to stress that trade unions must be involved at all levels in drawing up plans for growth and innovation, as well as for debt reduction. Voluntary debt relief might have to be considered.

In Europe more generally, the ETUC denounced the lurch from bail-outs to austerity. As the Activity Report 2007-11 declared:

What we have been left with are austerity measures, the likes of which have never been experienced before in some countries. The consequences for workers and their families are disastrous. We cannot accept this approach. Cutting in a recession is crazy and we must fight it. Europe's workers are angry. You can see

it on the streets of so many of our towns and cities from Athens to Copenhagen; from Madrid to Bucharest, during the many demonstrations and days of actions we have organised. They are angry because they are being made to pay for the greedy mistakes of others. They are angry that bank profits soar, bonuses are back, taxes remain unpaid by the wealthy. They are angry, as unemployment rises – we are hitting 23 million – and public expenditure falls, while pensions come under attack. We will channel that anger. All workers must be treated equally according to the prevailing terms and conditions provided by law or collective agreements that apply where they work. Market rules must not trump fundamental rights. We need a more sensitive, less rigid approach from our European leaders to reconcile growth and debt repayment if Europe is to avoid a double dip recession. We want a new social deal.

The ETUC organised demonstrations against austerity in Brussels and Budapest in March and April 2011, but these were followed by the Euro Plus Pact with wage targets which Monks criticised as incompatible with ‘the autonomy of collective bargaining’. By October, the EC declared that ‘the economic situation of the Eurozone had gone from bad to worse... It is very difficult to see how the crisis would be overcome without the stronger economies financially supporting the weaker ones’ but ‘the rules defined... in the “six pack” shift the burden of the crisis to workers and their families.’

The Strategy and Action Plan 2011-15 which was adopted at the Athens Congress made the objections of the ETUC very clear:

The so-called ‘bail-outs’ of Greece, Ireland and Portugal have resulted in pressure from the EU on those countries, and indirectly on others, to cut wages and pensions, and to introduce greater ‘flexibility’ (i.e. weaker collective bargaining and labour laws) into their labour markets. At the same time, workers are experiencing how Member State governments increasingly misuse the flexicurity approach by hand-picking the elements that increase flexibility. The new rules on economic governance will make many of these requirements general, particularly for the euro area. The flexicurity approach is a holistic approach. A more flexible labour market therefore presupposes a higher level of income security. It has also been observed that the austerity policies have not solved the problems and that the deficits have increased in Greece, Ireland and the United Kingdom.

EU leaders argue that this is necessary to protect the euro and restore growth and now propose major interventions in the labour markets and social security systems of Europe without an accompanying deepening of democracy at EU level – including a proper involvement of the social partners – nor any new specific commitments on Eurobonds and taxes on financial transactions. Economic governance of the kind currently proposed, which breaches the Treaties and threatens sovereignty in matters of wage and collective bargaining and attacks on Social Europe is unacceptable. The new rules on economic governance and the Treaty changes should not be disguised by Europe’s leaders as a technical matter. The ETUC cannot support these Treaty changes...

There could yet be a political crisis. Social unrest is growing as a result of the widespread application of austerity measures. Strikes and demonstrations are growing both in terms of frequency and intensity. People are angry about the rewards for top banking executives and other senior directors and the contrast with austerity for the majority of citizens. Politically, voters are turning towards introspection. The nationalist parties are gathering strength.

These crises must be confronted head on. Europe's unions must resist the current proposals for economic governance... We must rebound from the defensive position caused by the crisis in order to regain the initiative to strengthen the trade union movement... At the heart of our work in the 2011-15 period will be efforts to secure a reversal of austerity strategies and changes to the current economic governance rules... The ETUC has long argued that austerity in a recession makes the recession worse; this was a lesson learned from the experience of the 1930s. It is disturbing that so many in European governments choose to forget or ignore that lesson and seem more intent on establishing punishments for EU countries in trouble than in providing help through economic and social governance. Meanwhile unemployment rises, the young suffer especially as they find it hard to secure quality rather than precarious jobs or pseudo-self-employment, while the bank executives return to business – and bonuses – as usual...

The ETUC has also been highly critical of the proposals agreed at the EU summit... (the 'Euro Plus Pact'), which addressed the issue of the permanent facility needed for bail-outs of distressed Member States in the euro area accompanied by the monitoring of pay, pensions and austerity... Running as a red line through all of this is the idea to turn wages into the main instrument of adjustment: currency devaluations (which are no longer possible inside the euro area) are to be replaced by a devaluation of pay taking the form of deflationary wage cuts. To achieve this wage 'flexibility', labour market institutions which keep wages from falling are perceived as constituting a 'rigidity' that should be eliminated... Europe needs urgently to change course and adopt positive proposals on economic governance.

Degryse and Tilly (2013: 126-127) give a concise summary of the growing chasm between the position of the ETUC and the policy direction of the EU under Barroso:

... throughout this crisis, a divide has materialised between the labour movement and the European institutions. Indeed, what is known as 'the new economic governance' and its armoury of new procedures and recommendations has appeared primarily, as far as workers, pensioners, the unemployed and the sick are concerned, to be a series of anti-social restrictions that threaten or dilute labour law provisions... The doggedness with which the European institutions and certain governments are pursuing this path of the internal dismantling of social rights and of policies that exacerbate the recession is causing the European Union to lose its legitimacy in the eyes of the labour movement.

As Bernadette Ségol indicated in our interview, quoted above, the NEG overshadowed her term of office. Economic conditions continued to worsen for most of the period

while austerity measures dominated EU policy. At the EC in December 2011 she ‘outlined the ever deteriorating economic and social situation and recent initiatives from the European Commission... Austerity was not working and social, economic and financial pressures were all increasing. Protests across Europe continued and the ETUC’s immediate objective was to have our social concerns heard, particularly our fears regarding the difficult and worsening employment situation.’ Addressing the winter school in February 2012, she asked:

What can we do to prevent the free movement of goods, services, capital and people being exploited to undermine the mechanisms and outcomes of collective bargaining?... Our mobilisation must be high. We must be visible and stand against the doctrinaire approach which wants the adjustment burden to be almost exclusively achieved through wage reductions and the weakening of labour legislation, social protection and public services... What is at work here is indeed an economic convergence process which is leading us to a social convergence process and to a social convergence we do not like.

She insisted that, in the view of the ETUC, the fiscal compact ‘must go hand-in-hand with a social contract for Europe, giving priority to investments that promote a sustainable economy, quality jobs and social justice, while fighting inequalities’. Already in December 2011, eight major affiliates had issued a joint declaration (Toxo et al. 2011) calling for ‘an innovative European social contract which includes as the main issues: employment, wages – which the social partners must be able to negotiate autonomously – pensions, unemployment benefits, education and health’.

To press for an alternative approach, in June 2012 the EC unanimously approved an initiative for what was now called a ‘Social Compact for Europe’. This declared that ‘we support coordinated economic policies as well as the objective of sound public accounts, but we deplore the economic governance measures put in place that undermine the social achievements of the past decades, stifle sustainable development, economic recovery and employment, and destroy public services’. An alternative European approach should reinforce collective bargaining and social dialogue, encourage sustainable growth and employment (among other means, allowing the ECB to issue Eurobonds), and promote economic and social justice. In October, Ségol repeated that, although ‘austerity measures were leading most countries to failure, with an unbearable increase of unemployment... there was no significant policy change in sight in the coming weeks, including at the upcoming summit. It was therefore important that the ETUC continued to press for a change in direction and insist on the role that trade unions could play in this very difficult period.’ To back this up, a Day of Action and Solidarity was called in November intended, she declared, as ‘a strong signal of the widespread social discontent that the political leaders would be wrong to ignore’.

In 2013, the ETUC developed proposals for an ‘Investment plan for job recovery’; at the EC in June, ‘the general secretary reminded colleagues that there is no public intervention she makes without mentioning the need for an investment plan’. However, this seemed to achieve only limited traction. The Commission pressed on with its ‘REFIT’ proposals, designed to facilitate further deregulation (Van den Abeele 2014).

At the EC in April, Ségol indicated that ‘we are particularly worried to see proposals which could have the effect of weakening workers’ rights, and we say quite clearly: “no”’. The plan was subsequently disseminated under the title ‘A new path for Europe’ and presented as a manifesto for the EP elections in May 2014. While this seemed to achieve few positive results, the election of the Juncker Commission to succeed Barroso in November 2014 was initially seen to offer some prospects of relief. At the first tripartite social summit under the new Commission in March 2015, with the theme ‘Investing in growth and creating jobs: stepping up the contribution of the social partners’, the ETUC ‘welcomed a certain change of course taken by the new Commission. However European trade unions not only wanted to be listened to but also to be heard; the economic and social situation had further deteriorated in 15 Member States whilst the countries which reformed the most were those which were performing less well; the investment plan should first be directed towards the most affected regions/populations...; there had been no measures in favour of social cohesion and job quality yet.’

This was an intimation of the ambiguities that would confront the ETUC under the Juncker Commission when the new secretariat took over in May 2015. In her Activity Report 2011-15, Ségol gave a rather sombre assessment of the challenges of her period of office:

Four years ago, when I took over the leadership of the ETUC from John Monks in Athens, the economic crisis was at its peak. Yet few of us would have predicted just how far it would reach into the lives of European workers and how much damage it would continue to wreak, year after year, on jobs and livelihoods, on trade union rights and social dialogue and on the social fabric of Europe in general.

Much of our energy in the intervening years has been dedicated to defending existing rights and agreements and resisting the worst excesses of the devastating austerity policies imposed in many EU countries. I cannot deny that it has been a difficult four years for the trade union movement, but I am convinced that life for European workers over this period would have been even worse if the ETUC had not been militant in opposing austerity, demanding investment and growth, defending workers’ rights and taking a stand against extremist parties and their xenophobic policies that have offered false remedies to voters in a number of EU countries...

The ETUC supports the EU’s four fundamental freedoms of goods, services, capital and people as a means to achieve greater prosperity for all. But already, before the Athens Congress, European case law had upset the balance between these freedoms, giving priority to business and the interests of the market. As a result, over the last four years, we have continued to battle against a tide of social dumping which has, in turn, fanned the flames of social unrest, racism and xenophobia.

There are clear parallels with a recent academic assessment (Rathgeb and Tassinari 2022: 22): ‘the reform trajectories of labour market and social policies cannot be understood without recognizing the Eurozone’s in-built pressure to stimulate the

economy through internal devaluation... The fortunes of labour movements rest to a growing extent on their transnational cooperation against the “new economic governance” in favour of concerted labour-friendly growth strategies... The alternative, it seems, is a Eurozone-like race to the bottom.’ Likewise, Jordan et al. (2021: 194) insist that, despite arguments by some commentators that the Semester process has been ‘socialised’, as had been suggested by Zeitlin and Vanhercke (2018), ‘our main conclusion is that the EU’s substantive policy interventions in the area of industrial relations and labour market regulation continue to be dominated by a liberalization agenda, which is ultimately leading to the further commodification of labour’.

6.4 A European labour market? Bargaining coordination and the minimum wage

For roughly a third of a century after the Second World War, income inequality in western Europe declined. This reflected the growth in trade union membership and the spread of encompassing collective bargaining; and also, in many countries, the use of tax and benefit policies to reduce disparities in post-tax incomes. But, from the late 1970s, with the shift in government policies towards neoliberalism and the pressures of globalisation on national economies, this trend was reversed, with a long-term decline in the wage share of GDP in most countries (ILO and OECD 2015). It was in this context that EMU was introduced; the single currency removing the option for euro area governments to use exchange rate adjustments to respond to competitiveness issues, making labour costs the main alternative adaptation mechanism and hence placing further pressure on the wage share.

Clearly these developments posed serious challenges for trade unions at national level and for the ETUC. As Peter Coldrick, who was a key figure in the ETUC when monetary union took effect, said to us: it was obvious ‘that monetary union... would link with the development of European collective bargaining, it would be necessary... and if trade unions didn’t play the game, didn’t adjust their bargaining tactics and objectives to reflect monetary union, then things would get a bit dire’. As early as 1993, the ETUC pointed out that EMU would necessitate the European-level coordination of national and sectoral bargaining. The first practical steps were taken in the late 1990s with the ‘Doorn process’, when confederations from Germany and the Benelux countries agreed a set of ‘bargaining guidelines’ (Schulten 2002: 7):

- a) the participating trade unions aim to achieve collective bargaining settlements that correspond to the sum total of the evolution of prices and the increase in labour productivity;
- b) the participating trade unions aim to achieve both the strengthening of mass purchasing power and employment-creating measures (e.g. shorter work times);
- c) the participating organisations will regularly inform and consult each other on developments in bargaining policy.

In parallel, IG Metall launched a similar initiative for the metal sector, specifying that each of its district organisations should develop a network for cooperation with the

metalworking unions of neighbouring countries. Such collaboration might range from mutual participation in each other's collective bargaining to joint planning (Schulten 2002: 8). The European Metalworkers' Federation (EMF, now part of IndustriAll Europe) adopted a 'European coordination rule' in 1998, prescribing a pay target of inflation plus productivity growth, and established an information network, Eucob@n. Other ETUFs followed suit.

At its 1999 Helsinki Congress, the ETUC adopted the principle of a 'European solidaristic pay policy' to counter the danger of social dumping. The resolution insisted that:

These new steps will only be possible through the full involvement of affiliated organisations at all stages of the process. The sectoral dimension will be essential in collective bargaining co-ordination and this requires the European industry federations to create the structures and instruments needed, adapted to the needs of the sector concerned. The ETUC will be competent for overall co-ordination, to provide the necessary framework to guarantee the overall coherence of the process. To this end an ETUC committee for collective bargaining co-ordination will be created. Building on past experience, the ETUC must also further develop the capacity for European-wide actions and mobilisation.

This was followed in 2000 by a 'European guideline' specifying a 'golden rule' for national bargaining: 'nominal wage increases should at least exceed inflation, whilst maximising the proportion of productivity allocated to the rise in gross wages in order to secure a better balance between profits and wages; any remaining part of productivity increases should be used for other elements in the collective bargaining agenda, such as qualitative aspects of work where these are quantifiable and calculable in terms of cost'. Affiliates were asked to report annually on the application of this guideline (Schulten 2004). However, reporting was only partial (Mermet 2002) and all the evidence shows that affiliates failed to achieve the targets – which themselves were an attempt to stabilise the existing wage share rather than recover the losses of previous decades (Erne 2008).

In any event, the ETUC delegated the main responsibility for coordination to the ETUFs. For Schulten (2004: 307) the key problem with all such initiatives was their voluntaristic nature: ETUFs possess few sanctions over their affiliates and enthusiasm for coordination differs considerably across countries. Busemeyer et al. (2008: 443) highlight that 'trade union leaders in the Scandinavian countries fear that collective wage bargaining on the EU level undermines their ability and power in national level wage bargaining'. On the other hand, 'union leaders in southern countries supported stronger coordination of wage agreements. Some unions who have sceptical views on coordination were at least in favour of stronger consultation and the exchange of information.'

In the view of Dufresne (2015: 148), 'the failure of wage bargaining coordination policy can also be ascribed to its technocratic nature'. Given the resistance by key affiliates to a 'top-down' coordination of wage negotiations, the process came to rely increasingly on 'soft law' methods, with priority given to information exchange and 'procedural rules and guidelines' (Glassner and Pochet 2011: 15). Moreover, 'the success and effectiveness

of unions' initiatives aimed at the cross-border coordination of collective bargaining are strongly dependent on the institutional configurations of industrial relations systems and relationships with governments. Furthermore, the financial, organisational and personnel resources of European sectoral unions are limited... As a consequence, the coordination of collective bargaining policies has not generally ranked very high on trade union agendas' (Glassner and Pochet 2011: 23).

With efforts at voluntary bargaining coordination largely unsuccessful, the focus of debate in the ETUC shifted to the possibility of 'a European minimum wage, as a second-best or better as a complementary option for the coordination of collective bargaining' (Dufresne 2015: 149). A major advocate of the principle was the DGB which, in 2006, had agreed to launch a campaign for the introduction of a statutory minimum wage in Germany.

This European-level demand first appeared as a promising issue at the Seville ETUC Congress of May 2007, receiving support from delegates from two other major countries, France and the UK, as well as from the European Federation of Public Service Unions (EPSU). But the delegations from Italy and Scandinavia, where minimum wages are negotiated at sectoral level, categorically refused to follow this path, fearing that it would mean handing over union power – which is based on unions' bargaining capacity – to the state. They vetoed any demand for a European minimum wage. (Dufresne 2015: 149)

The Strategy and Action Plan adopted in 2007 noted that:

... wage trends make depressing reading both in the aggregate and regarding wage structures. Overall, real wage growth in almost all countries lags behind productivity growth – itself sluggish... As a result the overall distribution of national income shifts from labour to capital. Moreover, the downward pressure on wages is strongest at the bottom: minimum wages have often failed to keep pace with average wage growth, widening the gap between low-wage and average-wage workers, with many low-wage workers being women, and exacerbating the problem of the 'working poor'.

Following the Seville Congress the ETUC therefore launched a 'fair wages campaign'. However, the Activity Report 2007-11 did recognise the internal divisions over the issue:

The ETUC argued and continues to argue that workers should not have to pay for a crisis that they were not responsible for. We support a positive policy for both nominal and actual wages to avoid the risk of deflation and economic recession and to reinforce the role of collective bargaining and prevent wage competition, particularly at the bottom of the wage ladder.

In that context we have tried to go further and achieve results in terms of minimum salary in line with the mandate received in Seville. We have actively supported all initiatives undertaken at national level to strengthen the existing minimum salary systems, to increase such salary and/or to implement it, either through confederal

or sectoral negotiations or legislation, in countries where it does not exist yet but is called for by trade unions. We have also set up an ad hoc working group within the Collective Bargaining Committee to discuss and develop the ETUC's position to determine the feasibility of defining criteria for a European minimum salary. However, marked differences remain within the ETUC as some trade unions strongly oppose a European initiative in this matter. Currently, with the economic governance discussion turning into a European law on wages, several affiliates argue that Europe needs a minimum wage which would, in their view, balance European finance pressure. However, others point to the danger of providing those who are keen on downwards flexibility of wages with an instrument or an alibi to argue that social dumping or breaching the autonomy of collective bargained wages is not an issue once the European minimum wage level is not being breached. The subject remains a key one and an issue which will no doubt be on our agenda for some time to come.

Divisions were again apparent at the Athens Congress in 2011. In advance, Monks issued a discussion paper entitled 'Towards a European labour market?' This was presented 'without the intention of prompting decisions at the 2011 Congress' but to explain 'the various pressures and issues which need to be fully understood at national and sectoral levels. During the next mandate and after due reflection, the Executive Committee will be called upon to decide on the way ahead.' The document referred to previous debates on the issue:

Colleagues from France and Belgium led those who believe that a minimum wage in the EU is necessary – or at least to start with, a coordinated mechanism or a common formula for minimum wages at national level is necessary – to prevent social dumping. Against that, Nordic and Italian colleagues had no objection to the idea that each country should set minimum wages whether by collective bargaining or by law but that the processes and level of such wages should be set sectorally or nationally, not at European level. This has been the formula agreed at the Seville Congress. The debate has been given extra urgency by the proposals for European economic governance emerging now from the Council of Ministers and the Commission after the March Summit. These are signalling that the EU will have a view on unit labour costs in each euro area country and, perhaps, the other EU countries too. The EU is on track to compare on unit labour costs, raise retirement ages, control minimum wages, reduce employment protection laws and weaken collective bargaining machinery. These are the emerging standards of a European labour market!

In consequence, 'a degree of greater Europeanisation could be less a matter of choice than of necessity'. The ECJ and the Troika were already constructing a European labour market – but not the kind the ETUC would wish for. 'How realistic is it for the ETUC to try to insulate national systems against pressures from the EU's single market?' As a starting point, 'a more ambitious programme' which might achieve consensus could be a demand for a framework directive establishing 'a universal right to negotiate and to collective bargaining within a Member State and at European level'.

The draft Strategy and Action Plan for the Congress retained the cautious approach to this issue which had been adopted at Seville. Nevertheless, affiliates submitted 400 amendments, with wages policy one of the most contentious issues. At the EC immediately before Congress, Monks urged 'that the Committee should not have a theoretical debate on the minimum wage'. The Plan initially stated that 'the ETUC supports the introduction of a European minimum income on the basis of common European principles' and 'will support its members' initiatives... for a statutory national minimum wage. Where such minimum wages do not exist, the ETUC will encourage its members' efforts to improve the effective coverage of all workers through negotiated collective agreements.' But several Nordic participants insisted that 'we could not afford adopting a resolution mentioning a minimum wage'. The Italian affiliates also proposed numerous amendments. Eventually the Plan was amended to call for 'a social minimum income in every Member State', adding that 'the ETUC will support its members' initiatives... in pursuit of fair wages for all European workers including supporting union campaigns for effective minimum wages in those countries where the unions consider them necessary'. Congress adopted a resolution noting the:

... urgent need to examine the full implications of the Euro Plus Pact and its provisions on pay, which are likely to introduce a strong element of wage competition. This will also take account of the various propositions on minimum wages which have been submitted during the Congress preparatory phase, and of the fact that collective bargaining and its co-ordination is a matter for trade unions only. The new Executive Committee is charged urgently with conducting this examination as soon as possible with a view to maximising unity and coherence and finding joint answers in the face of some of the most difficult circumstances ever faced by the ETUC, and to launch the necessary action including initiatives and campaigns to prevent social dumping and to promote coordination of collective bargaining policies in order to set up an autonomous and successful strategy about wages and trade unions in Europe.

Addressing the EC in November 2011, the new general secretary Bernadette Ségol declared that she was:

... keen to progress the issue of minimum wages. Although in some countries the structures were strong enough to set wages via collective bargaining, this was not the case everywhere and in some countries national minimum wages were necessary to counter inequalities and low wages. The difference from the Seville compromise is that a framework for national minimum wages – 50% of the average wage or 60% of the median wage – is suggested. Countries where the minimum wage is already at this level should aim to go further. She had consulted bilaterally, particularly with those countries where the issue was particularly sensitive, and with the Steering Committee. There was an indication of possible support provided this quantification was not used as a criterion across the board. She also emphasised that minimum wages were a possible element of the solution and not the complete answer in themselves.

The Social Compact approved in June 2012, which we mentioned previously, specified that while ‘negotiations between social partners at the relevant level are the best tool to secure good wages and working conditions, the statutory minimum wage, in those countries where trade unions consider it necessary, should be increased substantially. In any event, all wage floors should respect Council of Europe standards on fair wages’. Ségol told us that ‘all the words were carefully thought through’; the reference to the Council of Europe meant that ‘we got people to agree at least the 50 per cent [of median income] that is set by the Council of Europe as the definition of poverty’.

In 2014, the secretariat initiated a ‘new debate’ on the issue. A discussion note issued in October called for a European minimum wage policy:

In the light of the great diversity of national minimum wage levels..., a staged living wage approach seems politically more feasible. Such a staged approach could include the short-term objective of raising minimum wages in all European countries to at least the poverty wage threshold of 50 per cent of the national median wage. Once this threshold is achieved the next target then is the living wage threshold. Such a European wage standard or living wage should in any case be set by law and/or by collective bargaining according to the different national practices and trade union strategies.

The Manifesto adopted at the Paris Congress the following year continued the search for an accommodation between the conflicting views of affiliates:

Workers across Europe need a pay rise. Negotiations between social partners at the relevant level are the best tool to secure good wages and working conditions. Wage-setting should remain a national matter and be dealt with according to national practices and industrial relations systems. Statutory minimum wages, where trade unions want them, should be set with the involvement of social partners.

Summarising the uneasy compromise between conflicting views on EU-level coordination and the role of legal regulation, Furåker (2020: 348) comments that:

... while many unions in Europe are strongly in favour of such regulation, most Nordic unions are very negative towards it. The ETUC supports the idea of statutory minimum wages, but has solved the disagreement through a compromise, saying that wage setting should ‘remain a national matter and be dealt with according to national practices and industrial relations systems’ and that ‘negotiations between social partners at the relevant level are the best tool to secure good wages and working conditions’. Still, where trade unions find it necessary to implement statutory minimum wages, this should be done and these minimum levels need to be raised significantly.

But with the Vienna Congress in 2019, this compromise seemed to unravel. Swedish unions submitted some 150 amendments to the draft Action Programme; furthermore ‘of all the suggested amendments, approximately 80 per cent came from the Nordic

countries and of those, Swedish trade unions made up about 90 per cent. As might be expected, the suggested changes that came from the three peak-level union organisations in Sweden, LO, TCO and Saco, revolved around structures for wage setting and collective bargaining' (Lovén Seldén 2020: 327). The version eventually adopted called for 'a solidarity-based wage policy' which involved both 'the strengthening of sectoral collective bargaining' and 'a common ETUC minimum wage policy – valid for both collectively-agreed minimum wages and statutory minimum wages – which serves the objective of ensuring a decent life for all wage earners and their families and of supporting upward wage convergence in Europe'. The Programme continued that:

... another key element in the strategy for wage increases and upward wage convergence is the pursuit of a common ETUC minimum wage policy. On one hand, the ETUC will, therefore, continue to support its affiliates in their efforts to strengthen the role of collective bargaining in wage setting mechanisms and to set a statutory minimum wage, in countries where it exists and/or trade unions want it, of at least 60 per cent of the national average/median wage; and, on the other, to support the renewal of national cross-sectoral and sectoral agreements.

Lovén Seldén (2020: 334-335) comments that this process demonstrates that 'it is important for the ETUC to strike a balance between diverging interests on the matter. The key words "where it exists" [in relation to statutory minimum wages] can be understood as an attempt to find the middle ground. Previous research also suggests that there has been a concern among Nordic trade unions that the issue of the minimum wage risks creating open conflict within the ETUC.' Shortly after the Vienna Congress, the president-designate of the new EU Commission, Ursula von der Leyen, sought to win backing for her nomination by promising to propose a European framework for minimum wages; and, in September 2020, she announced a proposal for a legal instrument for minimum wages across the EU. This 'was in various respects a watershed moment' (Müller and Platzer 2020: 301). According to Lovén Seldén (2020: 334-335), 'some member organisations, as well as the ETUC secretariat, appear to have seen the Commission's initiative as a window of opportunity for taking action in this area. This may also have been encouraged by the Commission stressing the fundamental importance of the ETUC in the process.'

In fact, the ETUC response largely respected the previous reservations concerning statutory minimum wages, in particular insisting that 'any EU action in the area of collective bargaining and minimum wages needs to build upon the recognition that one size will not fit all' and that 'wages, as a fundamental rule, are autonomously agreed by national social partners; therefore minimum wages should not be introduced in countries where the national social partners do not consider them necessary. No Member State should be required to introduce statutory minimum wages where they do not currently exist.' However, Nordic affiliates felt that, in some respects, their 'red lines' had been breached, and unions from four countries wrote jointly to the Commission expressing their dissent from the ETUC submission. They argued that 'binding rules' on wages at European level would shift the balance of power between Member States and the EU, and would 'undermine the foundation for the social partners' self-regulation of

the labour market'. This unprecedented action clearly weakened the ETUC's authority as the collective representative of European trade unions.

Nevertheless, in October 2020 the European Commission proposed a directive to ensure that workers have access to minimum wage protection 'set at adequate levels' and 'to strengthen collective bargaining as the main instrument for ensuring fair wages and working conditions'. Divisions within the ETUC were again evident: the Swedish LO temporarily stopped payment of its affiliation fees and halted its participation in meetings 'in protest against the ETUC's handling of the directive on adequate minimum wages' (Dingeldey and Nussbaum Bitran 2023: 2). This resistance was, however, unsuccessful. After the EP sought to reinforce some of the provisions, the directive was adopted in 2022 establishing a common framework for minimum wages. No new mechanisms are required in countries where collective agreements already set almost universal pay levels (Austria, Cyprus, Denmark, Finland, Italy and Sweden). Member States are obliged to establish 'a reliable monitoring system to combat abusive subcontracting, fake self-employment and unregistered overtime'. Where collective bargaining coverage is below 80 per cent, governments are required to develop, in conjunction with the social partners, an 'action plan' to increase the percentage. The ETUC, and in particular Esther Lynch, played a crucial role in winning the directive; but the outcome could also be seen as a vindication of the previous initiative of Bernadette Ségol in pushing the issue at the beginning of her mandate. As Kirton-Darling told us:

I sat through so many meetings where Bernadette was trying to find a place of consensus on minimum wages. If all that work had not been done in 2010-11 through to 2015... We had mid-term conferences on 'Can we agree on the 60 per cent threshold?', 'Is this a line that we can all stick to?'; it was really intense and all that groundwork has created the space to have a directive now... I hope that this will be recognised because it is partly Bernadette's legacy. She put so much meticulous work into it and lots of discussions with different economists, going off to understand the wage-setting systems of every single country to try and find out where the compromises were. It was impressive watching it.

The Directive may be interpreted as a significant shift in EU policy and hence as one of the most substantial achievements of the ETUC in recent years. 'As regards its underlying view of the role of wages and collective bargaining, the European Minimum Wage Directive represents a paradigm shift: appropriate minimum wages and comprehensive collective bargaining systems are no longer seen as obstacles to economic growth. On the contrary, they are regarded as key institutional prerequisites for a sustainable and inclusive economy' (Müller et al. 2023: 86).

Chapter 7

Social policy and the European Social Dialogue

As we have seen, the Delors Commissions and the Maastricht Treaty made the 1990s a ‘golden age’ for trade union policy objectives at European level. The combination of progressive governments in many Member States, an activist EU leadership and a new constitutional framework which made it easier to override the veto of individual Member States made it possible to adopt directives which had previously been blocked, notably the 1993 Working Time Directive and the 1994 European Works Council (EWC) Directive. The new capacity for the ‘social partners’ to act as co-legislators – and the realistic prospect that the Commission would act if they failed to agree – gave a major boost to the social dialogue.

But by the turn of the century, many national governments (including several that were traditionally social democratic) were veering towards neoliberalism and the EU authorities were increasingly reluctant to initiate new legislation in the employment field, often indeed tending to regard existing European law as a ‘burden on business’. The leaders of many of the new Member States regarded weak labour regulation as a competitive advantage. Increasingly, the ETUC was obliged to devote much of its energy to defending previous achievements in social policy legislation or, at best, to obtain revisions to redress evident weaknesses in existing directives. At the same time, as employers were no longer faced with the threat of Commission action if they failed to reach agreement with the ETUC, the processes of the Social Dialogue became increasingly problematic. As Joël Decaillon (2016: 63) commented, social dialogue had been running out of breath but was now being stifled.

7.1 The rise – and decline? – of Social Dialogue

The concept of the Social Dialogue (like that of the social partners, indeed) was virtually unknown in the English language a few decades ago but rapidly became a key component of ‘eurospeak’. From the outset, the EEC possessed procedures for the consultation of the social partners at European level in the processes of policy formulation, but their practical significance was marginal (Degryse and Tilly 2013: 92-96). As noted earlier, this changed radically when the incoming Delors Commission in 1985 strongly promoted Social Dialogue as a precursor – or perhaps an alternative – to legislation (Bir 2019; Didry and Mias 2005; Lapeyre 2017). The Single European Act specified that ‘the Commission shall endeavour to develop the dialogue between management and labour [in most Community languages the term used was ‘social partners’] at European level which could, if the two sides consider it desirable, lead to relations based on agreement’.

This resulted in various joint declarations and joint opinions, but the main employer organisation, UNICE, strongly resisted any formal agreements.

The 1990s brought a substantial new dynamic. As we described in our summary of developments in that decade, on the eve of the Maastricht Summit UNICE abandoned its traditional opposition to the very principle of European-level agreements, prompted by the prospect of Treaty revisions which would enable extensive use of QMV for employment legislation and hence facilitate the legislative route if no agreement was reached through Social Dialogue. According to the Maastricht Treaty, the social partners were guaranteed consultative input during the framing of Commission legislative proposals and also acquired the right to opt to deal with issues by means of European-level agreements. We observed earlier that it would be possible for such agreements to be implemented through European legislation.

The first big issue to be directed to this procedure was the EWC proposal. There were ‘talks about talks’, but these broke down. The first agreement between the social partners was on parental leave (December 1995), implemented as a directive in June 1996. Many thought it significant that this was a relatively ‘soft’ issue and that the terms of the agreement did not impose significant costs on employers. Previously deadlocked legislative proposals on ‘atypical’ employment were reintroduced under the Maastricht procedure to avoid the UK veto. UNICE agreed to negotiate as long as the different elements were separated. In June 1997, agreement was reached on part-time work and in March 1999 on fixed-term contracts; both were speedily adopted as directives. Though talks continued on other issues, these three agreements were the only pieces of ‘negotiated legislation’ (Degryse and Tilly 2013: 102) to emerge from the cross-sectoral Social Dialogue.

The resolution adopted at the 1999 ETUC Congress noted that, ‘under present circumstances the European employers’ organisation (UNICE) will negotiate only on the basis of a legislative initiative from the Commission’. Though the ETUC pressed the Commission to maintain ‘a strong political commitment in the social policy field’, this shadow of the law was already fading. Hence as viewed by Degryse (2011: 39), ‘from a union perspective, the golden age of European Social Dialogue thus far was the period 1995-1999, during which an embryonic form of a European industrial relations system appeared to be emerging with the adoption of three collective bargaining agreements’. But soon afterwards, ‘in 1999, European employers adopted a paper on the future of European social policy and European Social Dialogue, which marked a turning point: from that time onwards, negotiated legislation was no longer an objective for employers’.

However, ‘while UNICE increasingly had reservations about negotiated legislation, it was not necessarily opposed to a softer form of social dialogue that would lead to documents that were not legally binding. It was an approach that [it] would gradually attempt to impose in the course of the 2000s’ (Degryse and Tilly 2013: 103). In December 2001 the ETUC and the employers declared their continuing commitment to the Social Dialogue process and in November 2002 they adopted a joint Work Programme for the following three years, to be renewed after this period. This marked a new departure: whereas previous discussions had taken place on an issue-by-issue basis, it was now agreed to

maintain a continuing dialogue on a broad agenda encompassing employment, EU enlargement and mobility. In addition, rather than simply responding to Commission policy initiatives, it was now intended that the social partners should develop their own joint agenda. The Action Programme adopted at the 2003 Congress called for ‘a social partner agreement setting out the framework for autonomous negotiations at European level’.

Initially there was significant progress. Discussions on telework led to a framework agreement in 2002. A second such ‘voluntary’ agreement, on work-related stress, was signed in 2004; a third, on harassment and violence at work, in 2007; and a fourth, on inclusive labour markets, in 2010. After a significant delay, agreements on active ageing and on digitalisation were reached in 2017 and 2020. In addition, ‘frameworks of action’ were adopted relating to lifelong development of competencies and qualifications (2002), gender equality (2005) and youth employment (2013).

These agreements were to be implemented (as the employers insisted) not by a request to adopt the terms as a directive but by the social partners at national level. This of course implied that they possessed the will and capacity to do so, which was far from universally the case.

At the EC in June 2004, Maria Helena André pointed to problems with the implementation of the initial agreement on telework, which was to take effect by July 2005. ‘Obstacles have clearly appeared over the last two years and in particular the question of the translation of the agreement by the national social partners, which considerably prolongs the duration of the negotiations. What also poses a problem is the question of the interpretation of the nature of the agreement.’ She explained that ‘problems came up on the use of the expression “voluntary agreement” which exists in the agreement but which also equally applied to the negotiations on work-related stress and harassment in accordance with the Social Dialogue Work Programme of the European social partners 2003-05... Employers in some countries consider that implementing the results of the negotiations is not obligatory.’ Unless this was overcome, ‘the credibility of social dialogue at all levels’ was at risk. Shortly afterwards, Clauwaert (2005: 459) was able to write that the ETUC ‘welcomes the replacement of the notion of “voluntary agreement” by “autonomous agreement” as the only thing which is “voluntary” to EU Social Dialogue is the fact that the social partners accept to enter into negotiations. Any result reached puts, however, a duty for proper implementation on the signatory parties and their affiliated organisations.’ As Degryse and Tilly (2013: 2005) comment, ‘the question of the status and monitoring of this new type of agreement has never been fully clarified, especially given that the enlargement of the EU to the countries of central and eastern Europe has raised questions as to how far-reaching these agreements are in countries in which the structures of and partners in social dialogue remain weak’. Hence Czarzasty et al. (2020: 314) report that ‘the central and eastern European unions seem to be disappointed with the content of autonomous framework agreements, which they regard as too vague and inadequate to meet the actual needs of workers in their countries. These frustrations were reflected in the joint letter written by the leaders of three Polish organisations to the ETUC general secretary in November 2016,

warning against the adoption of the active ageing agreement in a form devoid of binding provisions’.

At the end of the first three-year Work Programme, André told the EC in December 2005 that discussions on the content of a second programme suggested ‘that UNICE’s real interest in the exercise was to do as little as possible at European level and, according to their opinion, the Work Programme should concentrate on a number of discussions at EU level to launch a dynamic for actions at national level’. However, most members of the ETUC Social Dialogue Committee ‘felt that the proposal presented [by UNICE] was a starting point for further discussion that needed to be further reinforced, and shared the opinion that the ETUC should not break the dialogue with employer organisations at European level’. According to the Activity Report 2003-06, ‘the final Work Programme reflects many of our concerns and sets out an ambitious plan for the coming years. The overall aim of this new Work Programme is to enable the European social partners to contribute to and promote growth, jobs and the modernisation of the EU social model’ – concepts which, as we have seen, were open to very different interpretations by unions and employers.

The agreement on inclusive labour markets demonstrated the difficulties of negotiating with BusinessEurope (as UNICE became in 2007): it saw the main point of any text as encouraging greater labour market flexibility. At the EC in December 2009, the DGB representative argued that ‘there was no commitment by the employers whatsoever. They used Social Dialogue to get others to commit to them.’ In March 2010, the secretary of the Belgian ACV/CSC complained that ‘flexicurity had become the miracle concept to solve all problems related to employment. BusinessEurope was using our joint analysis to claim that we had a common view.’ When Decaillon presented the final agreement, he noted that, for some affiliates, it entailed no improvement on their current national situation and could even be seen as a dangerous weakening; what tipped the balance was that it contained a non-regression clause. In the debate, there were a number of criticisms and seven affiliates abstained, though none voted against.

In an assessment of the first decade of the autonomous Dialogue, Prosser (2006: 18) concludes:

First, the ‘new phase’ concentrates on issues that are typically related to ‘employability’, and in a form acceptable to employers. This is because the ‘new phase’ is closely linked to the achievement of the European Commission’s Lisbon Strategy, which links employability to the pursuit of competitiveness. Second, and linked to the first point, the topics addressed by the ‘new phase’ tend to be ‘integrative’ rather than ‘distributive’ in nature. The management of issues such as lifelong learning and harassment tend to promote the mutual advancement of both sides of industry or, at least, tend not to involve zero-sum outcomes. Finally, the ‘new phase’ involves a voluntary mode of implementation, which is the final pre-condition for the willing participation of European employers.

In effect, the most contentious industrial relations issues were purged from the agenda.

As reported in the Strategy and Action Plan 2011-15:

... the cross-industry Dialogue has undoubtedly entered a new phase and is currently experiencing a very difficult period. The employers, during the last ten years, have gradually refused the idea of binding framework agreements... The guidelines of European and national policies are all too often leaning towards deregulation and the dismantling of the welfare state. The Commission, meanwhile, obsessed in particular with its programme for 'better regulation' (now relabelled 'smart' regulation which frequently means 'less regulation'), has provided ever less input for the Social Dialogue.

7.2 Sectoral dialogue

In 1998 the Commission decided to establish Social Dialogue committees at sectoral level; in the ensuing years some 40 were created, resulting in a range of agreements. Despite the stance of UNICE at cross-sectoral level, some sectoral employers remained willing to negotiate legally binding agreements; but these were to encounter new obstacles from the policies of the Commission under Barroso. We have noted above that the Maastricht Treaty stated that Social Dialogue agreements (without specifying whether cross-sectoral or sectoral) would be given legal effect 'at the joint request of the signatory parties... on a proposal from the Commission'. The unwritten assumption was that a joint request would lead automatically to legislation; but, in line with the new economic governance and the pursuit of labour market deregulation, the Commission introduced a novel system of scrutiny and, in 2012, refused to submit an agreement in the hairdressing sector for implementation as a directive, a veto which it was to repeat (Bir 2019: 91-92). This constituted a 'unilateral reinterpretation by the Commission of the provisions on collective bargaining at European level, but also a reconfiguration of some of the paradigms underlying the relationship between the Commission and the social partners in the context of European Social Dialogue' (Tricart 2019: 48). As Degryse (2015: 39) also comments, this was 'likely to sow doubt in the minds of the sectoral social partners regarding the determination and ability of the Council to transpose their agreements into directives'. The new policy stance 'affected collective bargaining at European level as a whole, whether as part of cross-industry or sectoral Social Dialogue, and in this area it signified a fundamental breach of trust between the Commission and the European social partners... The reinterpretation undertaken by the Commission was... the expression of what is now the Commission's concern to protect itself from any kind of involvement of the social partners in the European legislative process' (Tricart 2019: 48-49). At the EC in June 2015 it was reported that the Commission planned to go further, by subjecting social partner agreements to public consultation – a suggestion which the ETUC and the employers both opposed.

7.3 Evaluating the dynamics and outcomes of the Social Dialogue

At a conference to mark 20 years since the launch of the Social Dialogue in 1985, John Monks commented that 'after the strong encouragement and important initiatives of

the Delors Commission, Social Dialogue was reduced to a sort of folklore, similar to the Changing of the Guards outside Buckingham Palace. It was important once but is no longer'. In the new political climate, the Commission 'opened up extremely important topics for discussion but without giving them an institutional framework' (Didry 2005: 30).

Joël Decaillon, who had taken over responsibility for Social Dialogue from André, commissioned a study led by a team of experts and a survey of affiliates to assess opinions on achievements in the 20 years since the pre-Maastricht agreement of 1991. As he reported to the SC in February 2011 and the EC a month later, 'the driving forces of the European Social Dialogue were political, strategic and institutional: support from Member States and the European Parliament; the "shadow of the law" role of the European Commission; trade union mobilisation; negotiators' expertise; and the unity and coherence of national and European trade union strategies'. The weakening of these 'driving forces' was reflected in a qualitative deterioration in outcomes and in 'difficulties in implementing autonomous agreements (with differences between countries)'. 'Over the course of the last fifteen years, the contents of these documents... have been of an increasingly poor quality, according to our respondents' (Degryse 2011: 80). Nevertheless, in the survey 'an overwhelming majority of respondents did not agree with the idea that the European Social Dialogue was of no benefit to the workers and should therefore be abandoned'. Degryse and Tilly (2013: 106-107), discussing the same study, conclude that:

... the verdict was mixed: while the three framework agreements signed in the 1990s received a relatively favourable evaluation, there was a far more varied, or plain negative, response regarding the other joint documents from the 2000s, which were described as lacking in ambition, insufficiently binding and as bringing little social progress for European workers. The report concluded with the following words: 'Though historically this Dialogue has achieved almost constant progress (albeit sometimes slight) almost until the year 2000, during the past 10 years (2000-10) there has been both an increase in the number of [...] documents and themes adopted, and a significant weakening of its concrete results, at least in the interprofessional context. In this regard [the European Social Dialogue] has lost much ground during the past decade, and this is giving rise to tangible dissatisfaction on the part of some member organisations.

More recently Jean-Paul Tricart (2020: 72-73), Head of the Unit for Social Dialogue and Industrial Relations in the Commission for most of the period of our study, notes that 'the history of the European Social Dialogue is made up of both a factual history of actual stages in its development and a story accompanying these facts; a real history and a mythical story'. In summarising the experience, he argues that:

... over the last twenty years, the European Social Dialogue has developed in very uneven and often contradictory ways: progress has been made, but there have also been setbacks, and overall the Dialogue has slowly deteriorated in two main stages. At the beginning of the 2000s, while the political need to develop the 'social dimension' of European integration was still widely recognised and still

had its champions and sources of support, new paradigms gradually emerged in the fields of social and employment policy. These turned their back on legislation as a way to bring about change, instead promoting flexible forms of political coordination. Despite these developments, the European Social Dialogue was able to maintain its social concertation role. However, its role as regards collective bargaining, linked in the past to mechanisms enabling the adoption of legislation implementing the collective agreements reached, suffered as social legislation fell out of favour, although it could still develop other types of agreements – the so-called ‘autonomous’ agreements.

Tricart continued by noting that:

... under the Barroso Commissions (2005-14), and particularly with the onset of the euro area crisis in 2009, there was a clear deterioration of European Social Dialogue as a whole, since it then no longer fitted easily into European economic and social policies and governance. This was a time when the Union was developing the austerity policies it deemed necessary under its interpretation of the causes of the crisis, was strengthening European coordination of budgetary policies and structural reforms and was firmly encouraging the decentralisation of social dialogue to company level; meanwhile, social concertation at European level on the economic and social developments taking place increasingly became a dialogue of the deaf. And the very essence of European collective negotiations was challenged by the distrust, even growing hostility, of the Commission towards the progress of social legislation resulting from agreements between the European social partners.

For the ETUC, the social partner route to legislation embodied in the Maastricht Treaty absorbed substantial energy and resources. According to Lapeyre’s (2017: 197) comment to the EC in 1998, it required ‘about 120 hours of preparatory discussion for just 10 hours of actual negotiation’. Even under favourable conditions, there were limited results. On major issues, such as EWCs, agreement proved impossible. As noted above, the three pieces of negotiated legislation between 1995 and 1999 – on parental leave, part-time work and fixed-term contracts – involved somewhat less contentious issues. Moreover, as we have seen, as the ‘shadow of the law’ faded, employers became willing to reach a common position only if the outcome was not applied as European legislation.

The autonomous Social Dialogue which developed after the turn of the century is clearly different in scope and intensity from the process which evolved between 1985 and 1991; but in procedural terms there are clear parallels between the joint opinions of the earlier period and the outcomes of the work programmes of the past two decades. Any cost-benefit analysis is difficult; but, for some critics, the ETUC became committed to the process of the Social Dialogue regardless of the outcome. And indeed, Emilio Gabaglio (2003: 51-52) wrote that ‘the process itself, that is negotiating agreements in order to negotiate agreements, is more important than their content. To establish yourself and be recognised as a key actor, you have to produce agreements, if necessary whatever they may be.’ Subsequently Maria-Helena André (2007: 6-7), then deputy general secretary,

defended the principle of non-binding agreements in similar terms: 'the biggest net benefit of the agreement is having it,' adding that 'we have to face facts – the days of social directives may not be over, but are increasingly numbered'. In difficult times, did the myth overtake the reality?

Chapter 8

Social policy: some key themes

We now consider in more detail a selection of the key social policy issues in which the ETUC has been involved, both through the Social Dialogue and the more direct legislative route, some of which we have already touched on in Chapter 7.

8.1 'Atypical' employment: part-time, fixed-term, agency, posted workers and teleworking

For trade unions in most countries, it was traditionally assumed that the 'typical' worker was employed full-time by a single employer and on an indefinite contract. This was never universally the case and became even less so with the increasing feminisation of the workforce and the growth of 'flexible' labour markets. The question for trade unions was thus increasingly how to regulate 'atypical' employment, and in particular how to ensure that 'atypical' workers were not exploited with pay and entitlements inferior to those of 'typical' employees. This was a demand at the 1988 ETUC Congress, repeated at the following Congress in 1991 (Lapeyre 2017: 174).

In 1982-83 the Commission had issued proposals for the regulation of the conditions of part-time and temporary workers, designed primarily to ensure equality of treatment between part-time/temporary workers and full-time/permanent employees in respect of statutory and contractual employment rights. These were blocked, but the initiative was revived as a package of three directives on atypical employment in 1990, of which only the health and safety element was adopted. Subsequently the Commission consulted the social partners on a proposed initiative on flexible working time and security for workers. Initially UNICE insisted that there was no need for either European legislation or a European collective agreement. But it became clear that the Commission would proceed with a directive if there was no negotiated agreement. UNICE then softened its position and negotiations between the social partners began in October 1996.

At UNICE's insistence, part-time and temporary work were considered separately. Jean Lapeyre, who played a key role in the negotiations, described the difficulty of the process in respect of part-time work: 'after three months of discussion, we had not advanced a millimetre' (2017: 177). Some members of the SC suggested it would be better to break off negotiations rather than pursue an agreement 'at any cost', but the secretariat insisted that an agreement 'would strengthen the legitimacy of the social partners'. Negotiations continued but, in the face of continued employer intransigence, it was agreed in February 1997 to threaten publicly to break off the process unless the employers softened their position. This resulted in some progress, though some of

the ETUC negotiating team still asked, 'is this worth the effort?' (Lapeyre 2017: 179). Eventually a compromise text was drafted, acceptable to the majority of the negotiating team (though the DGB was opposed). At the EC at the beginning of June 1997, there was a 'lively debate', but the votes were 58 for acceptance, 11 against and 6 abstentions (Lapeyre 2017: 181). The agreement on part-time work was then signed and its terms were adopted as a directive in December 1997.

Negotiations then turned to workers on fixed-term contracts. Throughout 1998 there was minimal progress and in November the ETUC decided to 'suspend' negotiations. At the EC the following month it was agreed to allow six weeks to determine whether there was any prospect of agreement (Lapeyre 2017: 198-199). Again, UNICE softened its position. Negotiations resumed and a draft agreement was presented to the EC in March 1999. Some affiliates were critical of the outcome but others – in particular from Britain and Ireland – argued that it brought real improvements in their countries for temporary workers who currently enjoyed no protections. Others approved the agreement 'without enthusiasm' and it was accepted almost unanimously (Lapeyre 2017: 200). It was implemented as a directive in June 1999.

The next aspect of atypical work to be addressed was the issue of temporary agency work, the use of which was growing rapidly despite legal restrictions in many countries. Negotiations began in June 2000 but proved even more difficult than in the two previous cases. While the ETUC pushed for stronger regulation of agency work, the organisation representing private employment agencies, CIETT, wanted liberalisation. In addition, ETUC affiliates were divided: in some countries and sectors their preferred solution was to achieve permanent status for those employed by the agencies, while other members strongly opposed the whole principle of agency work (Lapeyre 2017: 212). On the employer side, as reported to the SC in February 2001, there were 'divisions... linked to the participation of representatives of temporary agencies – whose interests in these negotiations are not the same as other employers representing user-enterprises'. The report continued:

After eight months of negotiations we recognised yesterday that we have reached an impasse and we identified the main points of disagreement. We have not been capable of writing the shortest line together with the employers and the drafting group has only met once. The ETUC delegation has carried out an enormous work of synthesis and has proposed to the employers coherent and open texts, without receiving a reciprocal opening in return. It has expressed its willingness to continue to find a negotiated solution to this form of work which continues unrelentingly to develop and which needs to be assured equal treatment and an improvement in quality through good conditions of use.

The ETUC delegation proposes to the Steering Committee to make a last attempt to take the negotiations out of the current impasse. The possibility may be slight but it is worth trying... The more we are successful in obtaining a strong non-discrimination clause, and in particular a reference to the user-enterprise, the more we can be flexible in the drafting of the clause on conditions of use.

However negotiations broke down definitively, as reported to the EC in June 2001, ‘provoked by an ideological blockage by the employers (our proposals give them all the flexibility they could have wanted) and the rigidity of their decision-making procedures’. As Lapeyre (2017: 210) puts it, the breakdown left ‘a bitter taste’. The Commission therefore resumed the legislative route and issued a draft directive in March 2002.

Here too, progress was blocked, largely because of fierce resistance by the ‘New Labour’ government in the UK (where the rules governing temporary work agencies were particularly weak), while the advent of the Barroso Commission merely reinforced the obstacles. Nevertheless, at the SC in November 2007 it was ‘reported that there was movement on the dossier... The UK government was looking increasingly isolated.’ However, as part of the usual horse-trading between Member States, Germany agreed to back the UK in exchange for support in resisting the liberalisation of company takeover rules. Monks reported to the EC in December that ‘one issue at stake was whether a qualifying period for equal pay, perhaps of six weeks, was required or whether it should be, as the UK was arguing, six months at least. The other was the role of collective bargaining and whether it could be used to vary the qualifying period; on this, the UK was opposing a role for collective bargaining. The ETUC could probably live with a six-week qualifying period with a role for collective bargaining.’

A breakthrough was eventually reached in May 2008, when the British TUC and CBI, the employer organisation, agreed terms for a mutually acceptable but weaker directive. This was then adopted in December 2008, providing for ‘equal treatment’ for temporary agency workers in respect of basic working and employment conditions (pay, working time) as compared to a worker directly recruited by the end-user. However, Member States were permitted ‘to establish arrangements, where social partners agree, to derogate from the principle of equal treatment on the condition that an “adequate level of protection” is still provided’. This enabled the UK to end its veto and apply the terms of the TUC-CBI agreement, ‘at the heart of which was the decision to allow a twelve-week qualifying period before agency workers would qualify for equal treatment’ (Countouris and Horton 2009: 333).

As Countouris and Horton (2009: 337-338) remarked at the time:

The Directive is the first Community instrument on atypical work to be adopted since the official launch of the flexicurity agenda in 2006, and as such, it both bears the marks of this new policy mantra and can be used as a litmus test to assess its concrete regulatory impact... We would suggest that, overall, the Directive represents a departure, in everything but rhetoric, from the regulatory concepts commonly associated with job, and labour market, security, in favour of deregulation, precarization of work and further labour market segmentation... What emerges is a regulatory instrument that seeks to remove any remaining stigma, restriction or prohibition associated with temporary agency work without providing for a sufficiently protective, equitable and fair regulatory framework. Thus, far from reducing labour market segmentation, the Directive actually reinforces it.

The ‘posting’ of workers involves an employer in one EU country sending employees to undertake work in another Member State. Should their pay and conditions of employment be those prevailing in the country where the work is performed or those of the home country? If the latter, posting could be a means of undercutting established conditions in countries with higher standards, a risk that was intensified with EU enlargement.

The ETUC contributed to pressure in the first half of the 1990s which resulted in the Posting of Workers Directive of 1996: employers should not undercut the pay and other core employment conditions in the host country (Degryse and Tilly 2013: 131). This ‘host country principle’, was threatened by the Bolkestein proposals and more decisively challenged by the CJEU judgments in *Laval* and related cases which embraced an extremely restrictive interpretation of the protections contained in the Directive. The ETUC called for a review of the Directive to establish whether the original intentions were being frustrated and also for stronger enforcement mechanisms. After lengthy delays, in 2014 the EU adopted a directive to strengthen enforcement and, in 2018, a revision to the Posting of Workers Directive in order to widen the range of applicable employment conditions. The ETUC regarded the changes as inadequate, but nevertheless an improvement on the existing position.

The framework agreement on telework, as we indicated earlier, was the first to be negotiated within the autonomous Social Dialogue. Though it was autonomous in the sense that implementation was left to the social partners themselves, it was a response to a Commission consultation in 2000 on modernising work organisation, which dealt with telework alongside other issues. At the EC in June 2001 it was reported that ‘pending discussions with UNICE-UEAPME and CEEP on the implementation and legal status of an eventual agreement, we were willing to start a negotiation process on telework on the basis of the propositions put forward in the Commission’s consultation paper’.

Negotiations ‘proceeded in a constructive climate’ (Lapeyre 2017: 229) and, at the SC in May 2002, Lapeyre reported that ‘an agreement is in sight. The bulk of work has been done.’ The next month he was able to present a draft agreement and, following discussion, indicated that ‘progress has been made concerning equal treatment for teleworkers. The implementation is now up to the member organisations and there is no reason to believe that the employer federations will not honour the UNICE collective signature.’ The draft was unanimously accepted and the agreement was signed in July 2002.

A joint report by the ETUC and the employer organisations in 2006 offered a positive account of the implementation process, though noting that ‘the reporting exercise shows heterogeneity both in reporting and implementation. This is partly due to the fact that it is the first time that member organisations have had to do this. It is also partly due to the novelty of the issue itself and partly due to the diversity of industrial relations systems.’ However, Lapeyre (2017: 224-233) subsequently gave a less favourable assessment: it was ‘a good agreement, but bad implementation... For the ETUC it was clear that there was an obligation for the national social partners to give effect to this European

framework agreement. This is what we sought to confirm with UNICE through an exchange of letters before opening negotiations. It seemed to us that the employers shared this commitment as a factor in the credibility of our autonomous negotiations. I believed this sincerely, but the reality has shown that this was not the case.'

8.2 Information and consultation: European Works Councils

Employee participation was probably the most controversial and intractable of EU social policy issues, with continuous debate since the early 1970s. Until the 1990s, only measures requiring information, consultation or participation on specific issues had reached the statute book: on collective redundancies (1975), business transfers (1977) and health and safety (1989). More comprehensive legislative proposals by the Commission in the 1970s and 1980s were unsuccessful. Three main initiatives were the drafts of the European Company statute (1970/75); the fifth company law directive (board-level employee representation) (1972/83); and the Vredeling directive on information and consultation in multinational corporations (MNCs) (1980/83). All were blocked as a result of employer opposition (including strong lobbying by US firms), resistance by some governments (primarily the UK) and problems in harmonising diverse national practice in respect of channels of employee representation. Early drafts tended to attempt to generalise the German model; later drafts were more flexible but still alien for many Member States.

The European Single Market was expected to lead to an acceleration of cross-border mergers and acquisitions and encouraged new Commission proposals on transnational information and consultation procedures, including successive drafts of the EWC Directive, and new proposals for a European Company statute. The EWC Directive adopted in September 1994 was a major breakthrough: the first measure to be enacted via the Maastricht Protocol on Social Policy route. The rationale for the Directive was that nationally-based rights of employee participation were being outflanked by the transnationalisation of corporate structures; and there was a political need for 'social acceptability' of such restructuring. Pressure by the ETUC was an important factor, as was the precedent set by the voluntary establishment of 'prototype' EWCs in some (mainly French and German-owned) companies. With the ratification of the Maastricht Treaty, measures adopted under the Protocol were not directly applicable in the UK, thus circumventing its veto; and directives concerning the information and consultation of workers were subject to QMV among the eleven other Member States. As noted above, consultation of the social partners led to 'talks about talks' between the ETUC and the employers, but these broke down; and an amended Directive was adopted in September 1994.

The aim of the EWC Directive was to create a European legal framework for transnational information and consultation within MNCs. Member States were given considerable scope for ensuring that the legal framework for EWCs reflected national traditions and practices. The Directive required enterprises with a thousand or more employees in the European Economic Area (EEA) and at least 150 in each of two countries, on a request by employee representatives, to set up EWCs (or transnational information and

consultation procedures). Its terms were a political compromise, less than satisfactory to the ETUC, but after the many years of deadlock a major achievement nevertheless. Within a few years, nearly a thousand EWCs had been established, though roughly three times as many companies met the size threshold. As a general rule, the larger the company the more likely an EWC would be operating.

Some of the limitations became manifest in 1997 when Renault closed its Vilvoorde plant in Belgium while expanding production elsewhere, without prior consultation with the EWC, provoking mass protests. The ETUC called for a number of changes to the Directive, including a more comprehensive definition of information and consultation; a lower threshold on the size of companies covered; stronger sanctions against companies that breached the law; a right to training for EWC members; better access to expert advice; and the right to hold preparatory and follow-up meetings. The Directive prescribed that, by the fifth anniversary of its adoption, the Commission should review its operation but it failed to do so. The ETUC pressed repeatedly for the review to be initiated, working with supporters in the EP, which approved several resolutions calling for 'a timetable for the long-awaited revision of the Directive' and lobbying the countries which assumed the rotating presidency of the European Council.

In April 2004 the Commission finally initiated the review process, proposing a 'recast' directive, and opened a first stage consultation with the social partners. In its response, UNICE vehemently opposed any change to the Directive and the whole process again stalled. Only in February 2008 did the Commission launch a second consultation procedure. This time, BusinessEurope agreed to discuss possible revisions, but adopted delaying tactics. As Reiner Hoffmann reported to the EC in April 2008:

BusinessEurope was asked to declare its clear readiness to accept the substantial result of negotiations, which must include four core areas of the revision of the EWC. If no reliable agreement with BusinessEurope could be reached, the ETUC would declare itself opposed to negotiations. In a written procedure affiliates were asked to vote on the mandate. A huge majority (more than 90 per cent) agreed that negotiations should take place 'only if BusinessEurope commits itself to early negotiations lasting six to eight weeks and, at the same time, offers a credible guarantee that it will accept a substantial revision of the Directive.

The employers refused to comply and the ETUC therefore asked the Commission to proceed with legislation. Monks told the EC that he 'would without doubt favour the negotiation path' and that he 'very much [regretted] that BusinessEurope was not in a position, under admittedly difficult circumstances, to contribute to the creation of a robust basis for negotiation.'

As Hoffmann told the EC in June, 'in cooperation with the European industry federations a campaign was launched on 1 May 2008 with the objective to support the Commission to present a draft revised Directive and to make sure that the Council of Ministers will be in a position to approve the Directive before the end of 2008'. He added that 'a first assessment of the current draft shows that the revision will have some substance but at the same time a number of shortcomings and concessions vis-à-vis

the employer organisations'. In September he explained that BusinessEurope had now agreed to provide 'joint advice' on the draft revision; on many key issues no agreement was possible, but 'especially the definition of information and consultation, but also other issues such as training and the role of trade unions in the special negotiation body, would improve the text of the Directive'. Monks explained the huge time pressure to finalise the joint advice, necessary to support the French presidency 'which had been committed to the recast of the Directive since spring and had confirmed its clear political will to get the recast achieved by the end of the year. Due to the summer holidays only few colleagues have been consulted. Nevertheless they had supported the effort of the ETUC to reach a common position with BE for joint advice to the Council and the Parliament.'

The following month, Monks:

... explained that a second letter of joint advice from the social partners had become necessary and then had been sent to the French presidency. If not, the French presidency would have ceased to push for an early resolution of the recast Directive because they know that the situation in the Council would be made more difficult if there were differences between the social partners... The ETUC is aware that, if the recast cannot be decided in December, it will be very difficult under the Czech presidency. Indeed, the issue may yet fall if the European Parliament could not agree on a fast track procedure. But if we had not agreed to the terms of the second letter it would have fallen now because of our decision.

In the discussion there was considerable criticism of the procedure followed and reservations about the failure to achieve several of the key ETUC demands but, in the end, the CGT was the only major affiliate to oppose. In effect, the balance of forces within the EU institutions meant that UNICE could block any more radical changes to the Directive. The legislative process then proceeded rapidly and the revised Directive was adopted in April 2009.

The terms of the recast Directive prescribed a new review in 2016. Assessments by the ETUI (De Spiegelaere 2016; De Spiegelaere and Waddington 2017) conclude that the revisions were 'too little and too late', failing to yield significant improvements in either the number of EWCs established or the quality of their outputs. The ETUC pressed for further amendments which would strengthen EWCs, but to no effect. When the Commission finally published a review of the recast Directive in 2018, it offered a complacent evaluation and made no proposals for further legislative changes (De Spiegelaere et al. 2018).

8.3 Information and consultation: the European Company statute

The idea of a cross-national status of 'European Company' (*Societas Europaea* or SE) dates back to the early years of the EEC, well before the ETUC was created (Gold and Schwimbersky 2008). The aim was to create a free-standing Community-level instrument under which cross-frontier European companies could be voluntarily

created, independently of existing national laws. The proposals alarmed trade unions, particularly in Germany, where there were strong legal provisions both for works councils and for employee representation on supervisory boards in major companies. Would the formation of SEs allow German companies an 'escape route' from their highly regulated national system? The ETUC and its predecessors therefore insisted that any legislation for SEs should include analogous provisions for employee representation. This in turn alarmed UNICE, which feared that any decision on an employee participation package in optional SEs could form the basis for progress on more general, compulsory directives on employee representation in companies. Draft instruments in the 1970s were heavily influenced by the German system and failed to progress. The proposals revived in 1989 and 1991 were more flexible, offering SEs a choice between employee representation on the board, a works council or a collectively bargained alternative. But this too failed to make progress.

In 1996 an expert group was set up to break the deadlock. It proposed a flexible structure reflecting the EWC Directive: in any SE, representation procedures should be negotiated by a special negotiating body (SNB) with prescribed arrangements as a fall-back. The resolution adopted at the Helsinki Congress in 1999 insisted that 'for the ETUC, it is a basic principle that European legislation must require companies which choose to become European companies, under the statute, to respect rights to information and consultation and to workers' participation'. As the Report to the 2003 Congress explained:

We approached the Directive with the following essentials: no European Company shall be created without worker involvement (information, consultation and participation), the provisions on consultation need to be strengthened and not just copied from the EWC Directive, experiences from Renault and similar cases shall be taken on board and the importance of trade unions shall be recognised... Due to the fact that we had concrete practical arguments and suggestions at any point in time, we were able to influence the debate to a certain degree.

Agreement was finally reached by the EU Council in December 2000, and a directive was adopted in October 2001 to take effect in October 2004 (though most Member States missed the deadline for transposition). A similar directive to establish a European Cooperative statute was adopted in 2003. The ETUC assessment in 2003 was that:

The Directive offers many advantages: worker participation in the supervisory body is recognised; worker involvement is the object of negotiations; if negotiations do not end in an agreement, reference clauses apply under certain conditions; no [European Company] may be registered without a solution found for worker involvement. The lessons from Renault and similar cases are drawn, as the provisions for information and consultation are much stronger and much more to the point than in the EWC Directive. Trade unions can participate in negotiations, the experts of the SNB are sitting at the negotiating table and it is company management that has to open negotiations... The point of departure for the special negotiating body is rather favourable, as management has to give comprehensive information and has an interest not to delay the negotiations.

While the Directive represented a rather satisfactory outcome for the ETUC, it gave rise to a distinctive issue which we mentioned in Chapter 3. In Germany, where roughly half of all active SEs had their headquarters (Stollt and Kelemen 2013: 30), employee representatives on company boards receive the standard remuneration of company directors. However, they are expected to hand over these payments to the Hans-Böckler-Stiftung, which provides research and training for trade unions. What would happen if a German company adopted SE status? Reiner Hoffmann, whose dossier included the development of SEs, attempted to devise a solution under which he persuaded the German unions, and the HBS, to accept a solution whereby 50 per cent of directors' fees should go to a European Worker Participation Fund (EWPFF) administered by the ETUI. But the tradition in Sweden was very different: unions had one representative on the single-tier boards of major companies and these directors kept the remuneration for themselves. Interfering with this practice by 'taxing' these payments would cause trouble. Conversely, in some countries there was no previous system of board-level employee representation; or where there was, they did not receive fees.

Within the ETUC, a series of meetings in 2007 and 2008 addressed the issue. As Hoffmann reported to the EC in June 2008:

... strong awareness and support of national trade unions is required to achieve a binding self-commitment of workers' representatives to accept the principle of giving away major parts of their remuneration and keeping another part in accordance with the ceiling defined by the European trade unions. Another question concerns the amount of money workers' representatives can keep for themselves and the suggestion of a need to introduce a ceiling... Different opinions exist still on the question which part should be transferred to the European level (50 per cent or one third). Others supported the idea to request an entire transfer to the European Fund so that the entire use of the money can be used for European activities. Others were of the opinion that the part remaining at national level shall be dedicated for investment also in European activities, either to support the activities of members of the supervisory board or for the SE works council.

It was agreed to endorse the general principle while deferring a decision on the practical details.

In October, it was possible to achieve unanimous agreement to establish a European Worker Participation Fund and a European Worker Participation Competence Centre (EWPCC) as part of the ETUI. Workers' representatives on the supervisory and administrative boards of SEs would transfer 50 per cent of their remuneration to the Fund, with unions at national level deciding how the other 50 per cent would be allocated.

Subsequently, the Athens Congress in 2011 demanded 'stronger rights for information and consultation and, in those Member States where such rights exist, a stronger right of representation for workers on company boards. There should be also more worker and other stakeholder participation and a new paradigm for corporate governance in which primary company responsibilities are extended beyond the interests of shareholders

or owners.’ In October 2014, the EC agreed a resolution ‘Towards a new framework for more democracy at work’, arguing that ‘European company law is full of loopholes, gaps and discrepancies. Procedures and principles for workers’ involvement vary widely between different pieces of legislation. Today, the level of rights and obligations achieved in the SE Directive is regularly put into question in subsequent instruments.’ Hence ‘a coherent and unambiguous approach to workplace democracy is needed.’

This demand was reiterated at the Paris Congress in 2015, which pressed for stronger ‘information and consultation rights in areas including restructuring and anticipation of change, according to national practices, and board-level workers’ representation in decision-making in European Company forms. The ETUC calls for a directive introducing a new and integrated architecture for workers’ involvement. Building on the existing EU acquis, the directive should set high standards for information and consultation, with ambitious minimum standards for board-level representation in European Company forms.’

Board-level representation was a sensitive issue. As the debates over the EWPF indicated, in some countries no such procedure existed and trade unions opposed its introduction. In June 2016 the EC sought to reconcile the differences in a position paper entitled ‘Orientation for a new EU framework on information, consultation and board-level representation rights’. Its proposals for a new directive included the principle of ‘an escalator approach with a lower proportion of [board representatives] for small enterprises and increasing to higher proportions depending on the size of the company’.

This proposal was elaborated in December 2020 in an ETUC resolution on a new EU framework on information, consultation and board-level representation for European Company forms and for those making use of EU company law instruments enabling mobility. ‘Despite strong advocacy by the ETUC and the European Parliament, the 2019 Company Law Package failed adequately to define a high European standard for information, consultation and workers’ board-level representation in cases where companies restructure across borders. Several loopholes and inconsistencies remain or have even been newly created in the new legal package.’ Hence, according to the Resolution, a new directive was needed to:

... oblige companies to open negotiations with the workforce in order to reach an agreement on workers’ board-level representation in all transnational companies resulting from cross-border legal restructuring. The new framework would therefore introduce a right for workers to put in place a system for workers’ representation on the board. This can either be the board of directors or board of management (for one-tier systems) or supervisory board (for two-tier systems). If an agreement is not reached within the time limit defined in the horizontal framework for negotiations with the company management, subsidiary provisions would apply, including the escalator approach.

Though there was some sympathy within the von der Leyen Commission, there is currently no prospect of achieving such a reform given the strength of employer opposition.

8.4 National-level employee information and consultation

Formal mechanisms of employee representation in company decision-making have generally been regarded as a key element in the European social model, but their nature differs enormously. They include works councils with varying powers and, in some countries, employee representation on company boards, as well as less structured systems of consultation. All the original six EEC countries had systems underpinned by law, but in most Nordic countries institutions of information and consultation were based on peak-level collective agreements rather than legislation. Britain and Ireland had no tradition of encompassing institutions of this kind, and the same was true of most CEE countries.

In the 1970s and 1980s there were initiatives to establish a basic framework of EU law, but these all failed, partly because they were seen as attempts to generalise the German model. After Maastricht the project was revived. In 1995 the Commission proposed a 'Community instrument' on employee information and consultation at national level to complement the EWC Directive. After protracted 'talks about talks', UNICE announced in March 1998 that it would not negotiate. The Commission prepared a draft directive; under new leadership, UNICE agreed to reconsider its position but reaffirmed its refusal. The Commission then issued a draft directive applicable to undertakings with at least 50 employees. There would be an obligation to inform and consult employee representatives on recent and foreseeable developments in the firm's financial situation, employment and work organisation, with opportunities for representatives to respond and seek agreement before implementation of changes. There would be provision for sanctions against companies which breached the requirements.

The Resolution adopted at the 1999 ETUC Congress demanded:

... recognition of the right to information and consultation in all companies, irrespective of their size and in the public sector. European legislation must guarantee the universal coverage of this right, while the precise methods of its application either by law or collective agreement will reflect the diversity of practices in Member States. This right must extend to environmental questions and permit the involvement of workers in 'eco-audits'. The right of workers' representatives to use the internal communications networks of companies to diffuse trade union information must also be recognised.

There were considerable differences of opinion within Council, with strong opposition in particular from the UK government which, according to Lapeyre (2017: 192), tried its utmost to 'sabotage' any directive; but political agreement on a revised (and diluted) text was reached in 2001 and the Directive was adopted in 2002, to be transposed into national law by March 2005. The main changes from the 1998 Commission draft were a weakening of sanctions against non-complying companies and a phased application to firms with under 150 employees in countries without current information and consultation arrangements. In practice, the UK was the main country where significant institutional innovation was required – though after EU enlargement in 2004 most of the new Member States also had to introduce new mechanisms.

According to the Report on Activities 1999-02:

... the ETUC had to struggle on two fronts simultaneously. We defended the principle of a European directive against those, particularly amongst employers, who pretended that [it] was a straightjacket... Actually the Directive is just a framework with a couple of principles that can easily be adapted to any system of industrial relations in the European Union. At the same time we tried everything possible to get a framework with substantial rights, above all an effective right of information and consultation of workers before decision-making, including sanctions, as otherwise there is no effective management of change.

The ETUC was able to exert significant influence on the EP, but ‘unfortunately the readiness of Council to take the viewpoints of the EP on board was very limited. The Directive on a general framework for information and consultation is thus a modest step forward in the right direction, helpful particularly for workers in smaller companies, but still has serious shortcomings that are hopefully changed in a future review.’ Despite ETUC efforts, no such review has ever occurred.

8.5 Equality and discrimination: gender

Equality between women and men is an area of social policy where EU law has had a sustained and profound influence. The Treaty of Rome required Member States to ‘ensure and subsequently maintain the application of the principle that men and women should receive equal pay for equal work’. As Beck (1978: 113) commented two decades later, ‘in spite of the apparent clarity of intention expressed in this Article, it has until recently been treated by most Member States, and at times by Community institutions as well, almost as a statement of rhetorical value only’. However, in the 1970s the ECJ (which, as discussed above, has more recently taken very negative decisions regarding employment rights) played a path-breaking role in interpreting and developing EC equality law, particularly with the landmark *Defrenne* judgments. The outcome was a series of directives in the 1970s and 1980s which aimed to outlaw sex discrimination in pay, employment and in work-related benefits (Badger 2009).

The ETUC has been concerned since its creation with issues of gender equality. In May 1973, shortly after the founding congress, it submitted proposals for the first EEC social action programme including ‘equal rights and pay for men and women’ (Degryse and Tilly 2013: 28). The Women’s Committee was established in the 1970s and, with the constitutional changes in 1991, gained direct representation on the EC and the SC. This ensured a powerful voice for women’s rights within the decision-making process alongside pressure to ensure greater gender equality within the union movement and to promote more women into leadership roles. Normally, the member of the secretariat responsible for the equality dossier also handles relations with the Women’s Committee. The ETUC also affiliated to the European Women’s Lobby (EWL), created in 1990, with which it has often collaborated on issues relating to the rights of women workers. In addition, the Women’s Committee has helped focus attention on equality issues within the ETUC itself and its affiliates. The 1999 Congress adopted an Equality Plan which

was reinforced in 2003, calling on affiliates to eliminate (and in the first instance halve) the gender gap in representation in decision-making bodies and to introduce gender mainstreaming in collective bargaining. A Charter on Gender Mainstreaming was adopted at the 2007 Congress and has been regularly updated.

There was significant progress in EU regulation in the 1990s, often in line with ETUC pressure. In 1992 a directive was adopted covering maternity leave, the prohibition of dismissal on grounds of pregnancy, maternity pay, and health and safety provision for new and expectant mothers. The following year, the Commission revived an earlier proposal for a directive on parental leave. As we noted, this became the subject of the first Community-level agreement between the social partners in December 1995 and was adopted as a directive the following year. Another important advance was the reversal of the burden of proof in sex discrimination cases. A directive had been proposed in 1988 and, after Maastricht, referred to the social partners but they failed to negotiate an agreement. The Commission then issued a draft directive under the Protocol on Social Policy procedures and this was adopted in December 1997. This specified that, if a complainant presented *prima facie* evidence of discrimination, the respondent had to prove that they had not breached the principle of equal treatment. The most comprehensive change, however, was the Amsterdam Treaty in October 1997, which specified the promotion of equality between women and men as a task of the EU and introduced a new non-discrimination provision conferring legislative competence on the Community to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. This entailed a substantial increase in the powers of the EU to tackle inequality, though it was still necessary to obtain specific legislation to give them effect.

A priority for the ETUC was therefore to ensure that the new provisions achieved practical results. According to the Report on Activities 1999-02, the first objective was a revision of the 1976 Equal Treatment Directive to define sexual harassment as a form of discrimination and to place the onus on employers to provide a workplace free from sexual harassment. After two years of discussions with the Commission, there followed another two years of lobbying via the EP and Council and at national level through the members of the Women's Committee. The outcome, a directive adopted in 2002, has been described as 'a response to feminist activism' (Zippel 2009: 154) and was enthusiastically welcomed by the ETUC. The second priority was a revision of the 1992 directive relating to the safety and health at work of pregnant workers and workers who had recently given birth or were breastfeeding. The ETUC gained support in the EP, but had less success with the Commission. In addition, in 2000 the ETUC launched a campaign 'Equal pay now – because we're worth it', with financial support from the European Commission.

The secretariat elected in 2003 was consulted over a directive on gender equality covering discrimination not directly related to employment (though including pension systems); this was adopted in December 2004. The ETUC was also involved in the process of consolidating existing legislation on equal opportunities in employment in a 'recast' directive which was adopted in July 2006. According to the Activity Report 2003-06, it was also 'actively involved in the debates and discussions surrounding the

establishment of a European gender institute. In principle, under the right conditions, the ETUC supports the idea. However, two key conditions must be taken on board: a clear role for the social partners, as members of the board; the role of the institute should be to provide assistance and expertise to policymakers, but it should not be a policymaking body.' When the European Institute for Gender Equality was established in Vilnius in 2007, these conditions were only partially met: the ETUC was represented on an expert forum but not on the main board.

Pay inequality was a constant focus of attention. The 'Framework of actions on gender equality' agreed with the employer organisations in March 2005 specified four priorities for their national affiliates during the next five years: 'addressing gender roles, promoting women in decision-making, supporting work-life balance and tackling the gender pay gap. These priorities are interconnected and of equal importance. Actions at national, sectoral and/or company levels are most effective if the various aspects of these priorities are tackled in an integrated approach.' The Charter on Gender Mainstreaming adopted at the Seville Congress in May 2007 noted that, while there had been some narrowing over previous decades, 'the gender pay gap is still around 15 per cent on average in the EU27, but in some countries more than 20 per cent, while in several countries even increasing again'. Most women workers were still confined to 'the lower end of the skills and pay scale'. Moreover, 'the increase of female employment has been mostly in highly feminised jobs and sectors... and they tend to have more precarious employment conditions'. Affiliates should 'prioritise actions to reduce the gender pay gap with all possible means, and especially in collective bargaining, by combating low pay, upgrading the value of women's work and fighting for equal pay for work of equal value'.

In August 2007 the Commission published a Communication on tackling the pay gap between men and women which documented the extent of the gap and identified possible causes. Suggested policy responses were rather unspecific:

Four priority areas, which are complementary, have been identified. From the legal point of view, the Commission must seek to ensure that the existing framework is implemented and applied in full, whilst identifying possibilities for improvement. In areas outside its remit, it will have to rely on the active engagement of all the parties concerned, in particular Member States and social partners. The European Strategy for Growth and Jobs should be exploited to the full and employers should be encouraged to respect and promote equal pay. It is indeed up to them, in the first instance, to implement in practice the principle of equal pay for equal work or work of equal value. Finally, the exchange of good practices at Community level should also help to improve the understanding of the problem and disseminate innovative solutions to combat it.

A resolution adopted by the EC in June 2008 insisted that 'there is also an urgent need for action to be taken at EU level'. Hence:

... while welcoming the thrust of the Communication, ETUC would like to see more concrete measures proposed by the Commission. The most important

ones are: further strengthening the legal framework; re-introducing a concrete target for reducing the pay gap in the Employment Guidelines; adding access to vocational training and recognition of women's qualifications and skills; improving statistics...; supporting collective bargaining as an important instrument for reducing inequalities including the gender pay gap; and promoting equality clauses in public contracts and considering making them compulsory.

In addition, 'one area for urgent action is the wage penalty apparently linked to part-time working. This requires an evaluation and possible revision of the Part-Time Work Directive'.

The Action Programme adopted at the Athens Congress identified the pay gap between women and men as one of the priorities of ETUC work for the subsequent period. The ETUC continued to press the EU authorities on equality issues under the Ségol secretariat. In particular, it carried out a detailed study of 'Gender in the crisis', which showed that 'the austerity policies and unprecedented fiscal consolidation – particularly targeting public sector jobs and services – are having an increasingly negative impact on gender equality and women's rights. Many of these austerity-led reforms are likely to have long-term implications for women's participation and working conditions in the labour market.' Moreover, there was a 'male bias' in the employment recovery programmes pursued after the initial economic crisis. Therefore, the Activity Report 2011-15 explained that 'the ETUC has been lobbying for the adoption of a coherent and progressive new strategy on gender equality between women and men post-2015'.

A Commission review of the application of EU provisions on equal pay in all Member States, adopted in December 2013, concluded that the main challenge was the correct application and enforcement of the existing rules on equal pay. In addition, equal pay was hindered by a number of factors, including a lack of transparency in pay systems. 'The ETUC took part in the consultation process leading to the adoption of this new EU text. While lobbying for the revision of the current directive and for more stringent measures on wage transparency, we also pledged to continue implementing the principle of equal pay in collective bargaining, in line with the spirit of the new recommendation, and called for an in-depth assessment of the implementation of the recommendation in 2017.'

In March 2012, the Commission launched a consultation on gender imbalance on corporate boards in the EU. The ETUC replied in May, and in June agreed to lobby the EU institutions on future legislative developments. It supported the adoption of a directive and proposed that each gender should be represented by between 40 per cent and 60 per cent in company decision-making structures. Non-compliance with quota requirements should be monitored and sanctioned in accordance with national company law. In November 2012, the Commission proposed legislation enforcing a 40 per cent quota for the under-represented sex among non-executive board members in publicly listed companies above a certain size. Parliament adopted a position essentially backing the Commission proposal. The ETUC lobbied for the adoption of a directive along these lines and, after lengthy delays, the Pay Transparency Directive was finally agreed and adopted in 2022.

8.6 Work–life balance

In most European countries, family and childcare responsibilities were traditionally seen as an exclusively female concern and this is an important explanation of women's inferior position in the labour market. Enabling women to combine family life with an occupational career was therefore a major challenge for trade unions (where these accepted that women were workers with equal rights to the men who, in most cases, dominated their membership and leadership).

As mentioned above, a 1992 directive made a step in this direction with provisions for maternity leave and maternity pay. This was adopted primarily as a health and safety measure rather than as an instrument to encourage equal opportunities. From the 1980s, there had been discussions of a broader directive on parental leave, but these were blocked by the UK government. The Maastricht Protocol on Social Policy made a new initiative possible and this was referred to the social partners for negotiation. The outcome, as discussed in Chapter 7, was the first framework agreement, concluded in December 1995 and implemented by a Council directive in June 1996. It set out minimum requirements on parental leave; at the end of their leave, workers would have the right to return to the same or an equivalent job. The aim was to make it possible to reconcile work and family life and to promote equal opportunities and treatment between men and women.

In October 2006 the Commission launched a consultation on a much more comprehensive programme for 'the reconciliation of work, private and family life'. The ETUC 'welcomed this consultation as an important step towards addressing the issue of reconciling private and professional life and as an important element in dealing with the demographic challenge facing the EU'. In its initial response the ETUC stressed a number of points, including the need to upgrade certain parts of the existing legislation on maternity and parental leave and the need for new legislation in such areas as paternity leave and care for dependants. On the basis of the responses, in May 2007 the Commission launched a second phase of consultation of the social partners, asking their views in detail on a series of issues, and encouraging them to initiate negotiations on updating the legal framework. Cateleene Passchier told the EC that:

... there exists nowadays unanimity between all the major stakeholders in the EU that measures are necessary to promote a better reconciliation for men and women, in the interest of achieving the Lisbon goals and tackling the demographic challenges... The European social partners agreed already on this in the 2005 'Framework of actions on gender equality'. The Commission had officially consulted the European social partners at first stage and second stage about a package of measures ranging from flexible work arrangements to childcare and leave facilities. Normally what is expected is that the social partners tell the Commission if they are ready to take up the issue in negotiations or not. In this case, the employers were very reluctant to enter into negotiations but also had strong feelings against the Commission taking initiatives on 'our' parental leave agreement. We therefore asked in a joint letter last summer for a 'time out' to evaluate the parental leave directive.

Progress was difficult but, in September 2008, formal negotiations began on a revision of the 1995 agreement on parental leave. These were concluded in June 2009 and the new provisions adopted as a directive (like the original agreement) in March 2010. Improvements included the strengthening of the status of parental leave as, in part, a non-transferable individual right (to tackle the limited take-up of leave by men) and giving workers a right to flexible working arrangements when returning from leave. The employers refused to include provisions regarding the level of pay. In her report on the agreement, Maria Helena André told the SC in April 2009 that ‘the great majority of... the negotiating team have considered that the progress made with the review is positive and for that reason it has been sent to the ETUC member organisations for final adoption through the written procedure’. It was, she said, ‘a political victory’.

As a separate process, the Commission proposed a package of measures that were outside the scope of social partner negotiations on parental leave. The most important concerned the 1992 Pregnant Workers Directive. In January 2009, the EC adopted a detailed resolution on the issue, concluding with the declaration that ‘the real need is to promote a reorganisation of production that will protect the health of women, men and their offspring’. The proposals were widely disseminated and the ETUC lobbied the EP for the adoption of a new directive. In December 2009, Passchier told the EC:

... the ETUC had worked with MEPs to develop amendments and got majority support for them. However, little progress was made because the positions of the political groups were far apart and not much was done to arrive at acceptable compromises... In recent discussions with MEPs it had become clear that support by a majority in the EP could potentially be achieved by focusing on the core issues regarding the Pregnant Workers Directive: better health and safety protection of pregnant women and young mothers; agreeing on a reasonable length of maternity leave of 18 weeks with full income protection; and leaving aside paternity leave.

The Activity Report 2011-15 recorded that:

... the ETUC had continued to press for revision of the Directive, on the basis of the position adopted in 2009. Joint lobbying action with the EWL took place in 2013 and 2014. Letters and mailings to the EU institutions underlined trade unions’ full and unconditional support for the following demands: maternity leave of at least 18 weeks...; full payment during maternity leave; protection against dismissal for at least six months following return from maternity leave. The ETUC has been lobbying the new European Parliament to seek an adequate compromise with the other institutions and unblock this issue in the Council.

However, no progress was achieved in overcoming the political deadlock.

8.7 Race, disability and sexual orientation

As explained in Section 5, gender discrimination was explicitly addressed in the original Treaty of Rome. Only with the Amsterdam Treaty four decades later was the EU given

the competence to address a far broader range of discriminatory practices. This was followed in June 2000 by the Racial Equality Directive and in November 2000 by the Equality Framework Directive. This framework presented new opportunities, and perhaps new challenges, for the ETUC.

8.7.1 Anti-racism

In June 1986 the EU institutions adopted a joint declaration condemning all forms of intolerance and hostility against those of a different race, religion, culture or social and national background; and in December 1995 the Commission published a communication on racism, xenophobia and anti-semitism (Badger 2009: 87). Echoing this, the Report on Activities 1995-98 recorded that 'the ETUC has intensified its efforts in the fight against racism, xenophobia, anti-semitism and all forms of direct or indirect discrimination. We have been able to coordinate more and better our actions between the European and the national level, we have gained more joint experience, the social partners have jointly committed themselves to this fight, and some progress at institutional level, even if modest, has been achieved.' In October 1995 a declaration was adopted with the employers on 'Prevention of racial discrimination and xenophobia, and promotion of equal treatment at the workplace'; and in 1996 the ETUC launched a European trade union campaign against racism, xenophobia and discrimination at the workplace as a contribution to the European Year Against Racism. The policy resolution adopted at the 1999 Congress included a call for 'effective political measures to curb discrimination against black and ethnic minorities'.

In October 2001, the EC approved a resolution on 'European policy on immigration and asylum', declaring that 'the ETUC has a continuing commitment to the fight against racism. Its members will ensure that equal treatment in access to employment, vocational training and working conditions is implemented through collective agreements... This is the central thrust of trade union action. Furthermore, trade unions will be at particular pains to banish racism from their own ranks and to defend the interests of immigrant workers and those from ethnic minorities, and will involve representatives of ethnic minorities in their decision-making bodies.' The Activity Report 2003-06 likewise noted that:

In 2002, the ETUC launched a large-scale project on anti-discrimination and anti-racism at work, entitled 'Trade union action against racial and religious discrimination'. The main priority of the project was to find ways to remove discriminatory barriers to participation in decision-making and the democratic process. The overall goal of the project was to examine how trade unions in Europe have responded to the problems faced by recent migrant workers and their descendants. In particular we wanted to carry out an analysis of the extent to which this issue is covered in collective agreements as well as to provide an overview of the numbers of people from religious and racial minorities who are involved in the decision-making process of trade unions.

In order to do this, it was necessary first to carry out a detailed assessment of the situation to date across the EU Member States. Data were gathered from

ETUC-affiliated organisations via a questionnaire, results were analysed and compiled into a report. Based on the findings of the report, an Action Plan was prepared which included initiatives to tackle discrimination systematically in collective agreements as well as to increase the representativeness of persons from minorities in trade union decision-making structures (given the clear link to the presence of persons in decision-making bodies and the extent to which issues of concern to them are tackled in collective agreements and trade union actions). The Action Plan was adopted by the ETUC Executive Committee in October 2003 and sets out three chapters: a European policy on migration; internal trade union structures which promote equal treatment and rights for all workers irrespective of racial or ethnic origin, religion and nationality; and the role of the ETUC and its institutions.

What is notable here is that racism is identified as primarily a problem affecting ‘recent migrant workers and their descendants’. This may reflect that, in many countries, in particular where there are relatively few established ethnic minority communities, racism and xenophobia are assimilated as a single problem. This conflation was evident in the Activity Report 2007-11, where the brief section entitled ‘The fight against racism and xenophobia’ insisted ‘it is extremely important to maintain a clear position so as to avoid protectionist reactions which can occur inside unions’ structures. ETUC will continue to fight against racism and xenophobia and promote action campaigns. It is likely that trade unions shall struggle with the increase in conservative positions in national migration policies. The ETUC will remain on the offensive to ensure that the EU Charter on Fundamental Rights will be applied equally to third country nationals.’ Likewise, the report on the following four years discussed racism under the rubric of ‘migration and labour mobility’ (which we examine in a later chapter) rather than as a broader societal problem.

Nevertheless, the Action Programme for 2015-19 did insist that:

... we work closely with NGOs active in opposing discrimination, at European level. Trade unions must be at the forefront in eliminating racism at work and in society as a whole. All trade union leaders and workers should include this challenge at the heart of their priorities. The ETUC should remain a strong, clear advocate for equal rights and a strong anti-racist movement in Europe, and promote the inclusion of workers from ethnic minorities in trade union activities and the better representation of the interests of workers from ethnic minorities.

8.7.2 Disability

The policy resolution adopted at the 1999 Congress noted that disability was one of the characteristics which had been the basis for discrimination and that ‘the Treaty of Amsterdam provides for EU action on these issues which need to be addressed not only in legislation, but also in the Social Dialogue between the European social partners’. The Report on Activities 1999-02 insisted that ‘the integration of disabled people into the world of work has been an ongoing objective involving long-term actions by the ETUC and the trade unions’ and that ‘the ETUC is today a major actor in the integration and

retention in employment process for disabled people'. It cited a number of initiatives during the 1990s and noted that the ETUC had cooperated with the European Disability Forum (EDF) and would organise a number of joint events in 2002 and 2003. In liaison with the EDF, the ETUC called for the Commission, during the European Year of People with Disabilities in 2003, to present a specific directive for disabled people. It also agreed a new declaration with the employer organisations to launch the European Year. 'However, a lot still remains to be done in order to overcome all the obstacles of prejudice and discrimination which still exist in our societies and which are obstacles to the integration of all into society, including into the world of work'.

In November 2002 the EC adopted a resolution welcoming the decision to nominate 2003 as the European Year of People with Disabilities and calling for specific legislation under the 2000 Framework Directive. 'The ETUC will mobilise trade unionists everywhere to make this European Year a success, to make it a year for equal rights and social integration in an ordinary work environment and a launch pad for the future, to develop access to education, employment and the dignity of all persons with disabilities'. The resolution identified three priorities: the right to a job; the right to education and training; and the right to dignity. The Activity Report 2003-06 amplified this last point: in 2005-06 the ETUC joined other organisations to launch an appeal to political decision-makers, urging them to recognise 'a number of rights as fundamental for people needing long-term healthcare, such as the right to respect and to recognition of the human dignity of the person concerned; the right to the existence of, and access to, support structures and services; the right to access and participate in civil life'. Similar initiatives continued in the 2007-11 period.

Subsequently, the Activity Report 2011-15 commented that:

... with the new Juncker Commission taking office in November 2014, it looked as if a new impetus on disability would be possible. The relevant unit was moved to DG EMPL, denoting a special emphasis on employment opportunities. Underlying this inclusive approach was the UN Convention on the Rights of Persons with Disabilities, to which the EU is a signatory. The ETUC secretariat renewed its commitment to working closely with the Commission on employment questions and reinventing its longstanding cooperation with the European Disability Forum.

The ETUC was involved in consultations over accessibility requirements for electronic goods and services, first proposed in 2011, which resulted in directives in 2016 and 2019.

8.7.3 Sexual orientation and gender identity

Discrimination based on sexual orientation was covered by the Amsterdam Treaty and by the 2000 Framework Directive. We found no record of ETUC activities on this issue until the Strategy and Action Plan 2007-11. This included the general declaration:

The ETUC reaffirms that discrimination in all its forms is not acceptable either in the workplace or in society at large and reaffirms its commitment to fight for effective equal rights for all and against all forms of racism, xenophobia, discrimination on the basis of religion and homophobia. All workers are demanding recognition and equal treatment in the workplace (lesbian, gay, bisexual and transgender workers, i.e. LGBT workers) or demanding their fair share of employment and attention to their specific needs (workers with disabilities).

It continued:

Recent research by the European Commission... on the occasion of the European Year of Equal Opportunities for All has shown that it is little known throughout Europe, including in trade unions, that sexual orientation is one of the non-discrimination grounds recognised at EU level. In many Member States, implementation is not taken actively on board. It is therefore urgent to invest in awareness raising activities and to take more effective action on prejudices that may be present in trade unions and among their members.

The ETUC and its affiliates will therefore step up their actions and activities to develop a clearer picture of what is happening at national level and encourage an exchange of experiences and best practices which promote diversity and non-discrimination in trade unions and the effective protection of workers' rights in the workplace, including the setting of clear objectives and targets regarding diversity and non-discrimination, and explore possibilities to develop guidelines or codes of conduct with employer organisations at European level.

The ETUC cooperated with ILGA-Europe, which had been founded in 1996, to launch an 'Extending equality' project at the end of 2007. A two-day conference was held in January 2008, for which the ETUC provided a background report; according to the Activity Report 2007-11, 'this was the first Europe-wide trade union conference on LGBT rights':

It provided an excellent opportunity to share experiences between trade unionists, experts from NGOs and policymakers and to discuss ways to improve trade union attractiveness and performance in this area. Important messages were endorsed in the conclusion of this event:

- LGBT rights are human rights and these are central to trade union activities. It is impossible today for trade unions to ignore these issues;
- LGBT people are often invisible in the workplace and their rights are often not recognised or denied to them;
- discrimination against LGBT workers is no different from discrimination against other groups; all workers have the right to be protected against discrimination; as workers who are discriminated are often in a very vulnerable situation, it is important that they can be supported by a union and their cases taken up, as appropriate, as individual cases or in the framework of a collective approach;

- recruiting and organising LGBT workers helps to make unions strong and representative of all of their members, and workers in general.

The ETUC produced a leaflet in 22 different EU languages containing suggestions on what trade unions could do to promote LGBT equality in the workplace. A new section of the website was added to highlight ETUC work on LGBT issues and an informal network of LGBT trade union contacts and activists was established.

In December 2008 the EC approved a statement on ‘Actions and activities on promoting equal rights, respect and dignity for workers regardless of their sexual orientation or gender identity’. The statement specifies that:

ETUC believes that recognising the value of diversity helps to build good teams and, at the same time, respect is the basis for individual input and commitment. Social support is the environment everybody needs in order to be productive and to contribute. Black or white, man or woman, young or old, and heterosexual or homosexual: we all benefit when there is respect, dignity and equal treatment, in trade unions, in society at large, and certainly at the workplace...

ETUC action in this specific field has been scattered over the years. But a clear commitment was taken by the European trade union movement through the adoption of the Seville Congress Manifesto. The four-year Action Programme in fact also includes, among its priorities for action, a specific commitment to address LGBT workers’ rights. In particular, more effective action was deemed necessary in order to invest in awareness raising activities and to take more effective measures on prejudices that may be present in trade unions and among their members towards lesbians, gay, bisexuals and transgendered people...

The ETUC in the past year has also strongly lobbied for a new directive to prevent and combat discrimination outside employment. The ETUC has argued in favour of a broad initiative that would include discrimination on grounds of age, sexual orientation and religion. This would, in the ETUC’s view, be a clear case of ‘better regulation’ to avoid different rules governing different grounds of discrimination, giving rise to legal and practical inconsistencies... With the ageing of our populations, the growing diversity of our societies in terms of ethnic origin and religion, and the increasing intolerance against people because of their different sexual orientation, a strong and coherent body of law – protecting all our citizens from discrimination wherever they are in the EU – should be the priority target.

In terms of future actions, the statement concluded:

In order to give a follow up and continuity to the work started in defending LGBT workers’ rights, the ETUC and its member organisations should take the following actions and develop the following activities:

ETUC should continue lobbying the European institutions on the full recognition of LGBT rights in employment and social policies, and for extending equality legislation to the fields outside employment;

ETUC and its member organisations should take up a leadership role in publicly advocating equality for LGBT people in general and LGBT workers in particular, while recognising the value of diversity and the right to be ‘different’; a strong message should be sent to trade unions and their members across Europe that LGBT rights are trade union rights;

Programmes should be developed on information, dialogue, awareness raising and LGBT rights at all levels...;

ETUC and its member organisations should mainstream LGBT equality issues into all areas of their work so that it is recognised in all relevant policy documents, progressed through decision-making bodies and in collective bargaining. Collective agreements should recognise the rights of LGBT workers to benefit from partner benefits, pensions, family leave and family benefits on the same footing as heterosexuals;

The ETUC and its member organisations should put LGBT workplace issues on the agenda of their discussions and negotiations with employers, as a part of wider equality policies...

ETUC member organisations should consider promoting the setting up of an LGBT trade union network or group to allow LGBT members to meet and help their union to develop policies, procedures and practices on equality and workplace rights for LGBT workers, including trade union actions to support LGBT workers who are faced with discrimination...

ETUC and its member organisations should continue to work at all relevant levels with NGOs active in the LGBT field who are interested in jointly advancing workers’ rights;

Participation in national and European Pride marches is one occasion at which commitment can be shown; another specific occasion that should be taken up for further public advocacy are the so-called ‘World Outgames’..., which will be organised next year in Copenhagen.

The Activity Report 2011-15 discussed the follow-up to these commitments. It noted various actions by national affiliates in conjunction with LGBT activities. In addition, the ETUC ‘supported the adoption of a report by the European Parliament backing an EU roadmap to protect the fundamental rights of LGBTI (intersex) people. This report... was widely distributed to members and the ETUC continues to press the Commission to take action in this field. Awareness of discrimination against LGBT workers at work has been raised around the international day against homophobia... The ETUC secretariat

continues to manage the informal network of LGBT trade union representatives set up in 2010.’

8.8 Work-related stress and violence and harassment at work

As we described in Chapter 7, stress at work was one of the issues included in the first Social Partner Work Programme. At first negotiations proved surprisingly difficult. Three meetings between September and December 2003 yielded little progress, partly because the employers had not yet developed their own common position. While the ETUC regarded stress as a collective issue, one linked to the working environment and work organisation, employers seemingly preferred to see it as an individual problem.

In February 2004, Maria Helena André reported that ‘almost 3 months afterwards, we are still at the same point. The employers continue to tell us that they are not yet ready within their delegation to start doing serious business with the ETUC on the need to advance and to draft.’ However, a drafting group had now been established. In March she told the EC that ‘when negotiations had started, the ETUC was faced with very tough positions taken by the employers such as their refusal to consider stress at work as a major problem, their insistence that stress was a personal matter, their view on excessive stress, their refusal to concede that the Framework Health and Safety Directive constitutes a legal basis... and their rejection of the notions of external expert evaluation and risk assessment’. She also reported divisions within the ETUC delegation, some of whom ‘took the view that negotiations should be limited to the health and safety aspect’. However, progress had been made towards an agreement. The employers had accepted some of the ETUC arguments, but ‘weaknesses remained’ and some affiliates were disappointed by the lack of value added compared to their current national situation. Nevertheless, ‘if the member organisations did not transpose the potential framework agreement, the very future of the Social Dialogue would hang in the balance’.

In June a final draft agreement was presented to the EC. According to André, it contained ‘both positive and negative points. During the negotiations, the ETUC delegation was, however, divided on several aspects. That was often reflected in the differences in approach between the “health and safety” experts and the negotiation experts’. In the discussion Monks insisted ‘that the draft agreement submitted to the Executive Committee is the most advanced result that we could have possibly reached with the employers. There is to be no weakening of our position’ and he recommended its adoption. André added that ‘the draft framework agreement constitutes a minimum basis on which the national or sectoral social partners can support going beyond the text’.

The agreement was adopted in October 2004. Subsequently, the Commission evaluated its implementation and concluded (2011: 24, 32) that ‘there has been significant progress in introducing a minimum level of protection from work-related stress. However, implementation at the level of the sector or organisation does not seem to be systematic throughout the EU... Implementation of the agreement has not yet ensured a minimum degree of effective protection for workers from work-related stress throughout the EU.’

In 2005 the Commission initiated a consultation of the social partners on the issue of violence at the workplace and it was agreed to seek an autonomous agreement on the issue. Negotiations began in February 2006. According to the Activity Report 2003-06, 'discussions were very difficult from the outset and serious problems remained till the very end'. In June 2006, André told the EC that 'negotiations with the employers had arrived at a blockage. UNICE's refusal to acknowledge that the agreement should also cover third party violence, the recognition of the role of workers and their representatives throughout the process of identifying, preventing and eliminating harassment and violence in the workplace and the unsatisfactory reference to risk assessment are three of the main reasons for the lack of agreement.' In addition, she 'made a detailed presentation of the contents of the agreement so far, signalling the strengths and the weaknesses of the text from a trade union point of view'. Most EC members 'considered that the negotiations should continue and that the negotiating team should be given the mandate to reflect further on how best to balance the interests of both sides. It was generally felt that what had been achieved so far was positive and that it would be a pity to lose that.' However, the DGB argued that 'negotiations with the employers should be stopped'.

In December, the negotiations achieved a compromise which the ETUC was willing to accept. The Activity Report recorded that:

The assessment of the final outcome, given by the members of the ETUC's negotiation team, was positive – a number of our key concerns have been fully reflected in the final text and the ETUC delegation, with the exception of two, recommended the endorsement of the text by the ETUC Executive Committee at its meeting in March 2007.

In terms of content, the agreement fully respects the ETUC mandate. The agreement condemns all forms of harassment and violence at work; it aims to increase the awareness and understanding of employers, workers and their representatives of workplace harassment and violence; and it provides employers, workers and their representatives at all levels with an action-oriented framework to identify, prevent and manage problems of harassment and violence at work.

The agreement notes that, while harassment and violence are due to unacceptable behaviour by one or more individuals and can take many different forms, some of which may be more easily identified than others, the work environment can influence people's exposure to harassment and violence. A number of measures to prevent, identify and manage problems of violence and harassment in their various forms are set out in the text, which also ensures that employers, in consultation with workers and/or their representatives, will establish, review and monitor these procedures to ensure that they are effective both in preventing problems and dealing with issues as they arise.

The text was approved almost unanimously at the EC in March 2007 and the agreement was signed the following month.

A decade later, the Commission evaluation of the implementation of the agreement (European Commission 2016: vii-viii) noted that ‘some concern remains over the ability of some national social partner organisations to implement agreements of this nature’. Indeed, in countries badly affected by the economic crisis there had been a loss of collective capacity. However, there were ‘some positive examples of proactive implementation measures and some evidence, over time, of increasing capacity among social partners at national level to deal with the implementation of such agreements’. A company-level survey found that ‘just over 30% of enterprises surveyed and 41% of respondents among trade union health and safety representatives were aware of the European autonomous agreement on harassment and violence’ (though this meant that the majority were not aware). The study concluded that ‘insufficient evidence is available to ascertain whether workers’ protection has in fact been improved on the ground by any of the national implementation actions... Some limited evidence from the national level indicates that there is a significant number of enterprises which either do not carry out risk assessment or do not include psychosocial risks in such risk assessment.’

8.9 Working time

Traditionally, most (western) European countries had legal limits to working time; the UK was the major exception. In 1990 the Commission published a draft directive which was blocked by the UK government. The Maastricht Treaty made it possible to resubmit the draft as a health and safety measure for which QMV applied. The directive prescribed a maximum working week of 48 hours including overtime (though this could be averaged over a ‘reference period’ of four months); limits to night work; minimum daily rest periods; and minimum annual paid leave of four weeks. In an unsuccessful attempt to win the acquiescence of the UK government, it was permitted to exceed the maximum 48-hour working week if workers signed individual opt-out agreements. The Working Time Directive was adopted in 1993 against the opposition of the UK, which submitted an unsuccessful challenge to the ECJ. The UK government then refused to implement it and it was left to the succeeding Labour government to pass the first regulations at national level in 1998.

For the ETUC this was an unsatisfactory outcome and it pressed for changes. The EC was told in December 2003 that a ‘bitter struggle’ was occurring over the issue. At the start of 2004 the Commission launched a consultation process on possible revisions. Key questions were whether the individual opt-out should be retained; whether time spent ‘on call’ should count as working time; and what should be the ‘reference period’ over which working time was averaged. In March 2004, Cateleene Passchier reported ‘unprecedented strong lobbying from the UK government, supported by the governments of the new Member States... And from the employer side there is a list of extreme demands, asking for more room for flexibility in terms of longer working hours.’ The ETUC would need to mobilise a counterweight.

This indicated a problem which would arise in the context of other policy issues: pressing for the review of an existing directive could be double-edged, opening the possibility of weaker rather than stronger regulations. In this case, the situation was complicated in

that the ECJ had ruled in 2000 that time spent by a doctor working in a hospital on an on-call basis constituted working time in its entirety, even if the employee was resting rather than actively engaged in their duties. The financial implications alarmed many governments, including in Germany where one subsequent case arose.

The Commission subsequently issued proposals which would retain the opt-out, narrow the definition of on-call time and extend the reference period from four to 12 months. The ETUC considered this 'very unsatisfactory' and in 2005 the EP proposed major changes to the Commission's draft. As reported to the EC in June:

The EP is demanding the end of the opt-out..., extends the reference period to 12 months under certain conditions and defines on-call time in its entirety as working time, thereby respecting ECJ case law. The Commission had already declared that it would not accept all of the EP amendments and that an opt-out should continue to exist; Commissioner Špidla has also said that he would rather leave Member States free to decide how to consider the 'inactive' part of on-call time. The ETUC welcomed the result in Parliament as a clear signal to both Council and the Commission from a large number of political groups that oppose neoliberal ideas and want to defend the European social model and better work/life balance. UNICE called for the reversal of the decision that time on-call should include 'inactive' time as this would raise costs for many sectors.

The Employment and Social Affairs Council, meeting on 2 June, debated a revised [Commission] proposal. This proposal stuck to the original definition of on-call, with the inactive part not counted as working time; extended the reference period to 12 months by law or collective agreement and repealed the opt-out three years after the adoption of the directive (as per the EP request) but allows Member States already using it to request its extension beyond that date on the ground of labour market arrangements – the [Commission] would then examine the request case-by-case and decide whether to grant an extension or otherwise. The ETUC took the view that this proposal did not meet the EP demands – which already represented a minimum compromise.

The deadlock persisted. At the June 2006 EC it was reported that there were proposals in the Council to allow the opt-out to continue under stricter conditions and otherwise to deal immediately with the on-call issue and put the other questions on hold. 'Several countries are becoming "more flexible" because they want a solution for the on-call issue and are afraid that the working time dossier will be blocked forever'. Monks added that 'the major question for the ETUC is if in that situation we can count on the mobilisation force of our affiliates. We would probably have to mobilise in terms of visible numbers on the streets on the occasion of the second reading in Parliament.' In October he told the EC that 'if this deadlock persists there is a real risk that the opt-out will spread into many other countries'. It was also reported to the EC that various options were being discussed in Council:

'One option is to introduce in the Directive a choice that would limit the possibility for Member States to use all forms of flexibility at the same time and create an

incentive against UK-style opt-outs. This would, for instance, allow Member States to use only the new regulations on on-call work and a 12-month reference period when they do not at the same time make use of the opt-out... The ETUC has taken the position that this approach is interesting, but we do not see the advantage of having a choice of only bad options. A compromise that does not contain at least a review of the opt-out in a few years and no improvements of the current Council texts on reference periods and on-call work does not warrant ETUC support. [However] this is a fast-moving dossier, full currently of unattractive choices. The UK government, our principal opponent on this question, would be happy to see the dossier 'split' with the on-call issue dealt with. It would also be content to see the Working Time Directive shredded by a proliferation of opt-outs or by a long and chaotic series of infringement proceedings against a range of countries [for not implementing the ECJ ruling on on-call time], some of whom are the ETUC's strongest supporters.

At the December EC, when there was no further progress, 'the ETUC was generally urged to stand firm against any indefinite continuation of the opt-out. This needed ending as quickly as possible as the whole debate was paralysing social Europe. If possible, it would be useful to persuade the employers to come back to the negotiating table. But in any case the ETUC should be mobilising demonstrations like it did on the Bolkestein proposals.'

In June 2008 the Council of Ministers agreed on proposals broadly in line with the earlier Commission draft. As Monks told the EC in October, 'the Council agreement does not respect or even take into account the position of the EP on any of the ETUC's important key points (opt-out, on-call work, reference periods, work-life balance). The ETUC's overall judgement has therefore been very negative. If the Working Time Directive would be revised on the basis of the Council agreement, the overall level of protection would be considerably weakened compared to the current Directive.' It was therefore important to mobilise in respect of the discussions on the new proposals in the EP and to develop a campaign oriented to the wider public. In December, the ETUC organised a large demonstration in Strasbourg on the eve of the vote in the EP, which reaffirmed its original position by a larger majority than expected. The ETUC hailed this as 'a substantial victory', but the result was continued deadlock.

In March 2010 the Commission returned to the issue, again consulting the European social partners. The ETUC reiterated its previous demands. In the second round of consultation the Commission suggested either to focus on on-call work or to undertake a comprehensive review. The EC in March 2011 agreed to pursue negotiations with the employers, though with little expectation of progress. In October the secretariat recommended that 'the opening of negotiations – whatever the result – constituted at this point the best option strategically'. This was accepted almost unanimously.

At the EC in March 2011, 'the discussion was introduced by Józef Niemiec, stressing that the political line of the ETUC remained unchanged and that [its] document was therefore aligned to the text of the reply to the first consultation round. But he made it clear that now the time might be ready for an opening towards negotiations as the

political road, with the proposals of the Commission, did not offer any new elements which would show a way to a more protective Directive on working time.’ There was a general feeling that the prospects of successful negotiations were slim but that it would be imprudent to refuse to negotiate. For its part, BusinessEurope only wished to discuss the issue of on-call time and the EC in June (under the new secretariat) therefore decided on a ‘clarification period... to ensure whether or not real negotiation prospects existed’.

Discussions proceeded slowly, and it was agreed to extend these until the end of 2012. At the EC in December, Patrick Itschert ‘highlighted the difficulty of removing the opt-out... since any agreement would have to pass the Council. The only possibility would be to control it better and limit it... but also otherwise to ensure the actual removal of the opt-out through negotiations in the limited number of sectors which were using it. Unfortunately, we could not but note that employers were not much constructive and that the so-called “final offer” they had submitted on 23 November was quite unbalanced compared to trade union expectations.’ The only options were either ‘to acknowledge the failure of the negotiations with the risk that the Commission would start drafting a new revision which might go against our objectives...; or to pursue negotiations in an attempt to restrict the opt-out’.

In the discussion that followed, it was agreed that:

... the very essence of trade unionism was negotiation. It was important to do the utmost to reach agreements, though not at any cost. Several participants highlighted the arrogance and repeated blackmail and ultimatums of BusinessEurope. If the avenues explored by the trade union delegation were balanced, the same was not true on the employer side. A majority of affiliates therefore thought that there was no further negotiation margin and that adjusting the mandate was not conceivable. An ‘exit strategy’ had thus to be found which, whilst reflecting the situation, would not jeopardise the continuation of the interprofessional Social Dialogue.

The employers would be notified that their proposal ‘was neither acceptable nor open to discussion’.

There matters rested for a further two years, until the Commission announced a ‘comprehensive review’ of the Directive as part of its so-called ‘better regulation’ agenda and launched a public consultation. Reporting to the EC in March 2015, Veronica Nilsson explained that the Commission had set out four options: no new initiative; a clarification of the rules; a sectoral approach; or revision including simplifications and additional derogations. She emphasised that ‘the old ETUC demands remain valid, but for this consultation the safest option is not to reopen the Directive... The reason we are being defensive is that we know very well what the Commission would come up with if the Directive is revised.’ At the start of 2017 the Commission finally announced that there would be no legislative revision to the Directive. It was a sad reflection of the hostile political environment that retaining the Directive unchanged now had to be considered a success.

8.10 Social policy: from advance to deadlock, or indeed retreat?

As we have indicated, throughout this book our focus has been primarily on the period up to 2015 though at many points it has been important to bring the story up to date.

Degryse and Pochet (2018: 32) confirm in their quantitative analysis of trends in EU social policy that there were major legislative advances throughout the 1990s but thereafter the process stalled. With the economic crisis of 2007-08, ‘all the social themes from the 1990s (health and safety, working time, gender equality, individual and collective rights) advanced at only a very slow rate’; indeed, with the lurch to austerity, many previous social gains were put into reverse. As Nicola Countouris told us, ‘there were no real new EU labour law initiatives between 2000 and 2017. It was all about updating, recasting, but nothing really new.’

Has the situation become more favourable for the ETUC, however? Degryse and Pochet (2018: 33) suggest that, ‘with the European Commission presided over by Jean-Claude Juncker since 2014, the “social” seems to be making a tentative comeback to the agenda’. Indeed, one of Juncker’s first declarations as president was a call for the EU to achieve a ‘triple-A’ rating in social policy. This then led to the adoption of the European Pillar of Social Rights (EPSR) in November 2017. Rasnača (2017: 8) remarks that, ‘at least initially, the Pillar was presented as a mechanism to rebalance EMU and infuse it with strong social standards’. However, the EPSR was stronger on general rhetoric than on concrete proposals. It brought a more favourable climate for ETUC pressure on social standards and some significant, though relatively minor, legislative advances were achieved, such as the 2017 Directive on Transparent and Predictable Working Conditions. Hence Rasnača (2017: 37) concludes that, ‘unsurprisingly, the EPSR initiative was taken up by the stakeholders and treated as the last hope for re-establishing a belief in a genuinely social Europe. Again unsurprisingly, however, it has not delivered a fully-fledged response to all the social problems plaguing Europe, not least because there is a constant backlash to transferring more power in the social field to the EU... While the EPSR has the potential to bridge some gaps in EU-level protection, the majority of its potential currently remains untapped.’

In 2021, the Commission launched an Action Plan to provide a new impetus to the EPSR. In the assessment of Rainone and Aloisi (2021: 6-7), the Plan:

... reads as a rather pragmatic to-do list, primarily addressing the need for a sustainable and inclusive growth model and a fair digital and ecological transition. The outlined initiatives range from labour market inclusivity and upskilling to health and long-term care; measures to combat homelessness; working conditions and education; and other social protection and social assistance aspects. The Action Plan integrates the EPSR into the EU recovery strategy and abandons the rhetoric of austerity characteristic of the EU programmatic and policy documents that were published following the European sovereign debt crisis. [However] these promising elements must be balanced against their limitations. The outlined policy solutions primarily address those principles of the EPSR concerning labour market aspects and less so those dedicated to the overall betterment of working

and living conditions... The focus of the Action Plan is mainly on empowering the workforce with the adequate resources to weather labour market adjustments (or even displacements) that the digital and green transitions will inevitably produce.

The most positive conclusion that can reasonably be made is that, in fighting for a social Europe, the ETUC under the Juncker and von der Leyen Commissions has no longer had to face the unremitting hostility of the Barroso years and that renewed progress is no longer off the agenda.

Chapter 9

Responding to the environmental crisis

Writing a decade ago, Uzzell and Rätzl (2013: 1) claimed that ‘over the past 40 years the relationship between environmentalists on the one hand and labour on the other has largely vacillated between distrust and suspicion at best through to rancour and open hostility at worst’. This is surely an exaggeration but what is clearly true is that, some decades ago, environmental concerns rarely featured on the list of trade union priorities whereas today they receive far greater attention. The risks of accelerating global warming are now understood, and the need for decarbonisation policies is broadly accepted, but the process has been uneven and contested. Thomas and Doerflinger (2020: 384-385) write that ‘trade union strategies are characterized by internal tensions and dilemmas arising from concerns over job losses in the traditionally unionized manufacturing and fossil-based power generation industries’. They distinguish three types of policy orientation: opposition, involving resistance to any policies which are considered a threat to employment in the industries which unions represent; hedging, where unions ‘do not deny the need to mitigate climate change but seek to minimize regulation, advocate incremental approaches and construct a dichotomy between the competing priorities of employment and environmental protection’; and support, where unions adopt a proactive approach to decarbonisation. Though these three orientations might be seen as steps in a trajectory, there has been no smooth progression, as the experience of the ETUC indicates.

Degryse and Tilly (2013: 120-121) observe that environmental hazards were first recognised as a trade union issue with the appointment of workplace health and safety representatives: ‘In the early 1990s, concerns were still confined to the working environment: chemicals and dangerous substances, waste treatment, energy and transport systems’. Unions in many countries began to campaign on specific environmental questions, usually workplace related. In many cases, the familiar argument arose of ‘jobs versus the environment’, with conflicts between national and local unions or between confederations and their sectoral affiliates. This would occur in the case of the REACH regulations, as we discuss below.

A key landmark in public awareness of the threat of climate change was the 1987 report of the World Commission on Environment and Development, chaired by Norwegian Prime Minister Gro Harlem Brundtland. It popularised the concept of sustainable development which it defined as ‘development that meets the needs of the present without compromising the ability of future generations to meet their own needs’. Thereafter, global and EU initiatives were to help shape ETUC policies (ETUI 2008). The Treaty of Amsterdam, which took effect in 1997, adopted ‘sustainable development’ as a fundamental objective of the EU. In the same year, the Kyoto Protocol was adopted

under UN auspices, committing signatory countries to reduce greenhouse gas (GHG) emissions in order to alleviate global warming. Also in 1997, the Commission published a communication on the environment and employment, while the ETUC undertook a study and issued a declaration jointly with the European Environmental Bureau (EEB, a network of environmental NGOs), concluding that policies to safeguard the environment had in principle ‘an enormous potential to increase employment and to increase the quality of life’. The Report on Activities to the 1999 Congress noted that ‘this was the beginning of practical cooperation with the EEB and other environmental organisations’. Responsibility for work on environmental issues was assigned to the Trade Union Technical Bureau for Health and Safety (TUTB; from 2005 integrated within the ETUI), which meant that analysis was linked closely to questions of health and safety and the working environment.

The general policy resolution adopted by the 1999 Congress insisted that:

... structural change must respect the environment, and experience shows that there is a positive relationship between active environmental policies and employment creation. Such a positive relationship exists in such areas as public transport, spatial planning and environmental protection including biological agriculture, rural development, energy efficiency and conservation and urban renewal. Political initiatives by government and social partners can create substantial double dividends for both environment and employment. This should inform policies in the fields of taxation, the structural funds and local economic development.

The resolution argued that EMU ‘must be the basis for launching a co-ordinated strategy for sustainable economic growth and development which respects the needs of the environment and which has the objective of ending unemployment and providing improved employment prospects as well as raising living standards for all in Europe’. It also called for ‘social, democratic and environmental clauses... in all the EU’s trade and economic co-operation agreements’. However, nothing was said about potential conflicts between economic growth as conventionally understood and sustainability, and how these might be reconciled; nor about the distribution of costs and benefits in any ‘greening’ of the economy.

The EU summit in Gothenburg (Göteborg) in June 2001 agreed ‘a strategy for sustainable development which completes the Union’s political commitment to economic and social renewal, adds a third, environmental dimension to the Lisbon Strategy and establishes a new approach to policymaking’. The key themes were ‘combating climatic change’, ‘ensuring sustainable transport’, ‘addressing threats to public health’ and ‘managing natural resources more responsibly’. In the Report on Activities 1999-02, the ETUC commented that ‘above all the Council established for the first time that the relationship existing between economic growth, the consumption of natural resources and the production of waste must be changed in a coordinated framework which takes into account economic, social and environmental effects’.

The Action Programme adopted in 2003 contained a wide-ranging set of demands, in many cases addressed to the EU, to:

- ... speak with one voice for democratic reform of the international financial institutions and promote coherence in global economic governance by enhancing the role of multilateralism through the United Nations and promote, in close co-operation with ICFTU, WCL and TUAC, the implementation of a concept of and a strategy for sustainable development, based on the three pillars of economic, social and environmental sustainability;
- pursue the Kyoto goals within the agreed timeframe and promote a Europe-wide energy tax, measures to favour energy savings and improved efforts to double by 2010 the proportion of renewable energies, alongside support for technological innovation to improve energy efficiency;
- promote the full implementation of the EU's Sustainable Development Strategy, approved in Gothenburg (2001), and the changes and measures which arise from this;
- pay special attention to relevant workplace aspects raised in the conclusions and recommendations of the World Summit on Sustainable Development, particularly climate change, foodstuffs and chemical risks;
- reinforce the social pillar of sustainable development and promote, in close cooperation with ICFTU, WCL and TUAC, the full involvement of the ILO in the implementation of the conclusions of the World Summit on Sustainable Development where international labour standards are concerned;
- exhort the Commission and national governments to use the instruments at their disposal, including the enforcement of social and environmental standards in connection with the award of public contracts to companies, or equivalent requirements in the context of granting European development aid or export credit guarantees;
- request the European Commission to promote the ratification of the ILO Convention concerning the prevention of major industrial accidents by all the Member States of the EU;
- call on affiliates to further develop and implement sustainable development policies at national and sectoral level, requiring trade unions to expand their own ecological competences;
- press companies to accept their responsibility for environmental issues and recognise their workers' and trade unions' rights to representation and involvement in the activities of enterprises related to the environment through collective negotiations with the employers, while calling on the EU to promote measures for the protection of workers in the transitional period while sustainable development policies are implemented.

It was the task of the ETUC leadership elected in 2003 to pursue these objectives. Within the secretariat this became primarily the responsibility of Joël Decaillon. It was an issue with which he was already actively engaged, as he explained to us:

At the CGT I initiated activity around sustainable development, even though my role was international secretary... At the ETUC, this was an embryonic theme

which had never been covered by a confederal secretary. To some extent it was handled by Marc Sapir [director of the TUTB]. I found myself with many dossiers – vocational education and training, the labour market, social dialogue, Turkey... But this was a topic that preoccupied me so I asked to have this dossier. John looked at me quizzically. ‘Really?!’...

So I arrived at the ETUC in 2003... In December I attended a conference in Milan on climate change and employment. [This was an international trade union meeting arranged immediately before the COP 9 meeting.] It was at this moment that the notion of just transition was born. Our team organised a conference and I benefited from the work of a particular colleague, Sophie Dupressoir, who took the main responsibility for the dossier in the work of the secretariat.

9.1 REACH

One of the first issues to arrive on Decaillon’s desk had implications for both workers’ health and safety and for the broader environment: the October 2003 Commission proposal for a new regulatory framework for chemicals called REACH (registration, evaluation and authorisation of chemicals). One of the factors stimulating the proposal was the ‘dioxin crisis’ in Belgium in 1999, when animal feed was found to be contaminated with dioxin, a very dangerous carcinogen. The new framework would shift the responsibility for assessing and managing the risks posed by chemicals and providing appropriate safety information from public authorities to the manufacturers or importers. In addition, producers of ‘substances of very high concern’ (like carcinogens or toxic substances that accumulate in the environment) would need to obtain an authorisation before using or placing them on the market.

As Degryse and Tilly (2013: 121) report, ‘this proposal placed the trade union movement under considerable pressure; at cross-industry level, there was support for a system of this kind in the interests of improving the prevention of chemical hazards in the workplace, whereas the European Mine, Chemical and Energy Workers’ Federation (EMCEF) was predominantly in agreement with industry, which was vehemently opposed to the proposal on the grounds that it would put thousands of jobs at risk. Conflict reigned with the ETUC’. Decaillon recalls that, a few weeks after the proposal was issued, he met representatives of the German chemical workers’ union IGBCE and of EMCEF whose secretary, Reinhard Reibsch, was a former IGBCE official. As Decaillon explained to us:

They said we must stop REACH; it was not acceptable and they could not agree to it. I was faced with a joint declaration of employers and unions at European level saying it would destroy a million and a half jobs. It was difficult. Then I discussed this with the people from the TUTB, Marc Sapir and Tony Musu. John knew no more about this regulation than I did, so he talked to the British chemical workers who were no more favourable. But for my part, I thought that the ETUC had to reflect on what it was that it represented. For a trade unionist today, the meaning of work, the sense of meaning in work, is to consider what one produces but

also how one produces. I think that, in future, our understanding of the general interest will become more complicated whether in terms of food safety, public health, ecology or climate change.

We set up a working group within the ETUC, with interpretation in three languages. We did not pay travel expenses, but 70 people turned up, with a very large contingent of Germans; but these did not agree among themselves. Some regions supported REACH, as did IG Metall, in particular because the paint shops in the motor industry were extremely hazardous for workers. So in the EC all the Germans agreed to support REACH, except for EMCEF.

At the SC in November 2003, Monks and Decaillon noted that:

... the ETUC has prepared a paper earlier in the year, supportive of the idea that many chemicals are harmful to both those who are exposed to them and who work with them and to the environment... EMCEF, although supporting the ETUC on health and the environment, is concerned about what this would mean from the point of view of jobs in the chemical sector and the sector had been lobbying on the matter. A meeting with EMCEF was to be held shortly... It was important to work together to produce a balanced outcome. The Commission was modifying its position and this would be considered at the meeting with EMCEF.

In February 2004, the working group adopted a declaration that 'the ETUC is of the opinion that the REACH proposal constitutes a significant contribution to sustainable development in keeping with the commitments made by the EU and its Member States in Lisbon and Göteborg... ETUC calls upon all the economic actors to recognise the principles of registration and vigilance as general principles. ETUC demands that workers' representatives be made members of the future European Chemicals Agency.' This was approved by the EC the following month.

Then followed a major campaign by the chemical industry to dilute the legislation. 'There was a real struggle for influence', said Decaillon, 'and at this point I realised the power of the transnational lobbies.' He told us that the US Secretary of State, Colin Powell, sent a message to all the embassies in the EU denouncing REACH. American companies feared that the new rules would affect their ability to export to the EU. According to a report at the time (Rifkin 2004):

The American chemical industry is furious. The US says the EU chemical regulations threaten the export of over \$20bn in chemicals the US sells to Europe each year. According to the released White House and state department emails, the US government, in collaboration with the American chemical industry, has been putting unprecedented pressure on key European governments to waylay the proposed regulations. Even Secretary of State Colin Powell has intervened. US strong-arm tactics appear to have paid off. Tony Blair, Gerhard Schröder and Jacques Chirac have all urged the European Commission to water the proposed REACH regulations and have partially succeeded. When the final proposal was introduced last October, it was a much weaker version of the original legislation.

Greenpeace described this as ‘one of the most aggressive foreign lobby efforts ever to influence a proposed piece of EU legislation’ (Woolfe 2004). According to Tony Musu of the ETUI (2010: 14):

The European Parliament and Council’s negotiation and adoption of REACH prompted an unprecedented flurry of lobbying. Trade unions worked throughout to improve the provisions on health protection for workers, consumers and the environment. They consistently called for a mandatory substitution principle (to drive business innovation) and for the registration dossiers to supply sufficient data on substances to ensure effective risk management. This, however, was to reckon without the chemical industry which brought its full weight to bear on the various stakeholders to cut back the scope of the law reform and water down the final text of the Regulation compared to what it initially set out to achieve.

Hence the ETUC needed to campaign on two fronts, to prevent further weakening of the legislation in the EU institutions and to neutralise efforts by EMCEF to undermine a common trade union position.

At the EC in March 2005, Monks and Decaillon reported that ‘the ETUC had held a very successful campaign the previous week with all the partners involved – the Council of Ministers, the Commission, Parliament, UNICE and NGOs. The ETUC position was a key reference point in the general debate and was commanding wide respect.’ However, at the SC in May, Reibsch complained that ‘the social consequences of these regulations needed consideration’. In September, ‘concern was expressed about the gap between the ETUC and EMCEF. There had been communication problems which must not recur.’ At the EC the following month, Monks ‘reported on EP discussions of the REACH regulations and expressed regret that ETUC and EMCEF positions on the issue had diverged... On the subject of REACH, that had been raised by colleagues from EMCEF and CISL; there had been extensive efforts to sustain the common position agreed with EMCEF last March and it was not right to say that the ETUC favoured NGOs over industrial concerns.’ Joël Decaillon gave further information ‘about the discussion of REACH in the Parliament. The issue of transparency was central to the debate and the ETUC had been clear on its position throughout the lengthy discussions.’ In November, the SC was told that ‘these regulations on chemicals were about to be decided on in the Parliament and there was contact with EMCEF to try to maximise points of agreement’. Then in December, the report to the EC said that ‘the REACH regulations have now completed their passage through Parliament... The text approved by the European Parliament... at first reading meets some of the ETUC’s key expectations’. It maintained the burden of proof on industry, which must provide information on the hazards and risks of chemicals and on risk reduction measures, and sustained the principle of the ‘duty of care’, under which manufacturers must inform users about the safety of their products. It still guaranteed the principle of compulsory substitution for ‘substances of high concern’. However, ‘we have regretted that the text has been watered down with regards to the safety information required for a significant number of chemical substances produced in low volumes. The EU Council of Ministers must now decide on the REACH proposal.’

Progress was then delayed by disagreements between the EP and the Council, while the differences with EMCEF persisted. The EC in October 2006 was told that ‘contact was being maintained with EMCEF but the ETUC’s position was clear and had been communicated to the European Parliament’. Two months later, Monks reported that ‘there was now a deal between the Parliament and the Council of Ministers. This was a very important development and, despite some late amendments called for by the chemical industry, there was considerable progress on this issue.’ In discussion, the point was made that ‘an exchange between EMCEF and the ETUC revealed the tensions between chemical interests and the wider interest – tensions which had affected many organisations. The present solution was a compromise between the two and needed careful monitoring.’

REACH was finally adopted in December 2006 and took effect in June 2007. An evaluation of the outcome by the ETUI (2008: 77-78) records that:

Throughout the redrafting of REACH, the ETUC campaigned for measures which created an effective framework for the protection of the environment and of workers’ health. The ETUC systematically supported the European Commission in its efforts to increase control over the use of chemicals, which it regards as a step towards sustainable development. At the time of the first reading in the European Parliament, the MEPs agreed on a compromise text which met most of the ETUC’s demands. In particular, the burden of proof remained with the manufacturers and substitutes were made mandatory for ‘substances of highest concern’ where safer alternatives were available.

The ETUC criticised the decision by the ‘Competitiveness’ Council of December 2005 which removed this principle from the authorisation process, a backward step for workers’ health. In October 2006, the ETUC welcomed the reinstatement of these principles by the Parliament’s Environment Committee and called on the Council to accept the Parliament’s position.

Ultimately, the ETUC is convinced of the huge potential benefits of this reform for the health of millions of workers who are exposed on a daily basis to chemicals, and also for the future of the chemical industry. It was able to influence the process which led to this new European regulation and achieved participation in the European Chemicals Agency in Helsinki. However, it disapproved of the increased thresholds, as well as the weakening of the original text on mandatory substitution.

As Musu (2010: 14) remarks, for this reason the result was ‘a lukewarm success in trade union eyes’. Nevertheless, a subsequent academic assessment (Heyen 2013: 102) concluded that ‘given the data requirements and the authorization regime, REACH is currently the world’s most demanding chemicals safety regime’.

The sustained engagement of the ETUC in the REACH campaign helped intensify attention to broader environmental questions. Degryse and Tilly (2013: 121) comment that, ‘REACH made it possible to broaden thinking on the greening of industrial systems,

the creation of green jobs and global warming. The ETUC stepped up its analysis in this area, for instance with its 2007 study on climate change and employment, which has served as a reference for the European institutions but also for the UN and the United Nations Environment Programme (UNEP) and the International Labour Organization (ILO).’

As Decaillon told us:

REACH laid the foundations which allowed us to develop analogous principles for the declaration on nanotechnologies and nanomaterials, adopted by the EC in June 2008. The precautionary principle, reversing the burden of proof – ‘no data, no market’ – also underlay our approach to other innovations affecting health or the environment... I always wondered how the Commission managed to achieve such a regulation covering a multiplicity of dangerous chemicals. The regulation constituted an important reference point, offering new opportunities for constructing a sustainable, low-carbon economy.

However, this policy was not universally accepted. When the European Chemicals Agency was established in 2007 to administer the REACH regulations, the ETUC nominated Musu as the worker representative on its Management Board. According to Decaillon, EMCEF opposed this and subsequently attempted to have him replaced, which occurred in 2012, although Judith Kirton-Darling argues that it was agreed originally that the position would rotate between the ETUC and EMCEF.

9.2 Climate change

According to Thomas (2021a: 4):

During the early phase of international climate policymaking in the 1990s, the internal politics and organizational set-up of the international union movement constrained its ability to take position on climate policies... Because of international unions’ tradition of consensual decision-making, affiliated unions with a focus on defending the entrenched interests of their members in carbon-intensive industries were initially able to exert disproportionate influence and obstruct the development of encompassing climate strategies by the international union leadership. However, during the debate over a follow-up agreement to the Kyoto Protocol in the second half of the 2000s, internal realignments and the setting up of specific union bodies allowed the international union movement to move away from previous organizational routines and to develop more proactive climate policies.

This move to a more proactive and less defensive approach is indicated by the Activity Report 2003-06: ‘ETUC activities in the areas of sustainable development and the environment have continued and expanded... The ETUC has operated through a working group on sustainable development composed of experts from the national organisations

and the European federations. It has focused on the following themes: climate change; energy; chemical products; the Lisbon Strategy; and sustainable development.’

The EC in March 2004 adopted a resolution calling for a ‘truly European policy on climate change. Such a policy should acknowledge both the social and democratic dimension of the process, the need to take account of aspects associated with employment, the role of public investment, and the principle of solidarity with poor countries, and it should focus on energy efficiency and the development of alternative energy sources, as well as being accompanied by measures to adapt to the socioeconomic impacts of climate change.’ It argued that ‘the absence of any employment-related considerations is a significant weakness in European policy implementing the Kyoto Protocol. It is crucial that the measures and policies contained in the European Climate Change Programme factor in the need to create sustainable, high quality jobs.’ There should be ‘a transition programme for workers in sectors and regions affected by measures to limit GHG emissions’ with adequate funding to develop new energy sources. In addition, ‘the European Union must help third countries that are particularly exposed to the threats posed by global warming and which are vulnerable because they are too poor to bear the burden of adapting’.

In October 2006, with REACH finally on the point of adoption, Decaillon presented to the EC a follow-up resolution on the theme ‘Tackling climate change, a social priority: avenues for action’. He explained that the ETUC was currently undertaking a study on the impact of climate change policies in Europe on employment, and that the fight against climate change must be seen as a major opportunity for society and public health. Furthermore, climate change should become an issue for social bargaining, with the establishment of a social dialogue committee at European level, and with new rights for workers on climate change issues. The resolution affirmed that the ETUC supported ‘an ambitious European policy to tackle climate change’ but insisted that the ‘energy transition must be fair’. This would require ‘better estimation of the impact that climate policies have on employment so that the most appropriate measures are taken; implementation of social transition measures; participation of workers and their representatives in the negotiation and implementation of energy and climate policies within sectors and across sectors, in companies and workplaces and at both national and European level within European Works Councils and European sectoral social dialogue committees’. Given the importance of transport in creating GHG emissions, the ‘ETUC wants to see strategies for sustainable transport coordinated at European level with the objective of transferring road and air traffic to other modes of transport that generate lower levels of GHG (railways, waterways, public transport, cycling, walking) and develop intermodal transport’. In addition, ‘the EU must step up efforts to diversify energy sources and significantly increase the percentage represented by renewable sources’.

In January 2007 the Commission presented its proposals for an ‘energy package’ including a mandatory target to reduce emissions of GHG compared to 1990 levels by 20 per cent before 2020; to be pursued unilaterally even in the absence of a new international agreement after 2012 when the Kyoto objectives would expire. This was broadly consistent with the ETUC policy resolution. The following month, the results of

the study which Decaillon had mentioned in October were presented. This assessed the effects on employment of policies to reduce emissions by 40 per cent by 2030. In some sectors, unchecked climate change would have a damaging effect on employment. In others, the development of climate-friendly policies and technologies would create new employment opportunities. On the other hand, 'there are risks for the sectors involved in electricity production, especially producers basing their operations on oil, coal and gas, and the steel and cement sectors'. For this reason, there was an 'urgent need for tripartite dialogue... on the implementation of climate change policies at all relevant levels'.

The Strategy and Action Plan adopted at the 2007 Congress made the significant acknowledgement that 'increasing consumption in Europe outweighs measures for environmental improvements in production and services'. This implied, at the very least, that previous demands for increased economic growth had to be nuanced. The document continued:

... the acceleration of trends related to overuse of scarce natural resources, global warming and climate change, chemical pollution and food insecurity not only threatens the basis of future economic growth and job creation in Europe. It risks widening the existing inequalities between developed and developing countries, as well as inequalities within industrialised countries. The ETUC recognises collective responsibility for the protection of the global environment from pollution and destruction so as to pass the environment intact to the generations to come... Sustainable development is not a luxury that cannot be permitted in these times of economic doldrums. [Hence] there is an urgent need to revise the quality of economic growth and the kind of productivity growth we aim for. The objective should be 'smart' growth in order to achieve sustainable development.

In line with its previous demands, 'the ETUC and its member organisations will take steps to ensure that worker representatives are granted appropriate rights to information and consultation on environmental and energy issues. At the same time, the ETUC will strive to make sure that social dialogue at all levels – sectoral, national and European – is extended to cover environmental issues.'

The Plan called for 'radical increases in resource efficiency across Europe with a view to tapping the related opportunities for improved quality employment and social cohesion' and for the EU to 'intensify its efforts to fight climate change, with a new commitment to reduce its GHG emissions by 25 per cent in 2020 and by 75 per cent in 2050 in relation to 1990 figures'. In addition, 'the ETUC will campaign for improved efforts to meet EU goals for energy savings and renewable energies, with a particular emphasis on the transport and housing sectors... The ETUC supports a diversified mix of energies with a greater share for renewable sources of energy and electricity-heat cogeneration and the application of low-carbon technologies'. In terms of EU expenditure, 'each budgetary programme wholly or partly financed by the EU should be the object of impact assessment in order to ensure that it remains in the spirit of sustainable development or at least does not contradict that spirit. Particular attention should be reserved for the use of resources allocated as part of the structural funds, cohesion fund, agricultural

costs and trans-European network programmes which represent the greatest part of European spending.’

The United Nations Framework Convention on Climate Change was signed by almost all the world’s countries at the Rio Earth Summit in 1992. Its aim was to combat ‘dangerous human interference with the climate system’, in part by controlling GHG emissions. Since 1995 a Conference of the Parties (COP) has been held almost every year; the Kyoto Protocol was adopted at the third of these. Before COP 11 in Montréal in 2005, the ETUC issued a call for ‘a labour and social dimension to the Convention, covering quality jobs, information and consultation, and union engagement’. COP 13 in Bali in December 2007 was scheduled to agree a ‘roadmap’ for a successor to Kyoto, which was to expire in 2012. The ETUC developed this call in more detail, adding that ‘employment-related objectives should be mainstreamed in all the negotiation items under the Convention and the Kyoto Protocol’. Presenting the ETUC document to the EC immediately before the conference, Decaillon stressed the need for ‘fair transitions so as to anticipate the changes in terms of both the jobs created and the risks of job losses’. Among the points made in discussion were the need for ‘a global social approach because climate change has social repercussions in particular in the poorer countries. The trade unions will need to catch up with the NGOs and ensure that provision is always made for a social dimension.’ Also required was ‘a macroeconomic policy for this development as well as the proper organisation of the social transition’. It was emphasised that ‘the governance of sustainable development and climate change should be a matter in part for the workers, in works councils, health and safety committees and also in European Works Councils’; and that ‘after Bali, we need to shift on to the offensive. This remains a challenge. The member organisations might attract some new members, notably young people, in this way.’ The document was approved unanimously.

At the same time, responding to the consultation on the revision of the directive establishing the European CO₂ Emissions Trading System, the ETUC called for the harmonisation of the distributed quotas to limit the risk of distortions of competition and thus of social conditions as well as to reduce the risk of a relocation of energy-intensive industries. The ETUC also called for increased transparency of the Emissions Trading System and for the effective involvement of trade union organisations in the decision-making and monitoring process.

From 2001, the ETUC cooperated with European NGOs in the social and environmental fields – the EEB, the Platform of European Social NGOs and Concord (which represents humanitarian aid and development NGOs) to submit joint proposals to the spring summit of the EU Council. Decaillon told us that ‘we established a coordinating committee that met regularly, and Sophie Dupressoir and I represented the ETUC. At the time of the European Social Forum in London in October 2004, the NGOs present asked me to speak in the plenary on their behalf.’ In 2008 this collaboration was formalised with the creation of the Spring Alliance – which we discuss in more detail in Chapter 11 – and their joint submission focused on the social and environmental dimension of the EU energy/climate package which the Alliance considered ‘a good starting point to enhance the global environmental leadership of the Commission and EU Member States’, although the proposals and targets were criticised as inadequate.

Three resolutions adopted at the EC in March 2008 developed the ETUC position. The first, 'Reforming the budget, changing Europe', argued that:

Adaptation to the inevitable consequences of climate change is a new challenge for Europe, which will require support from the EU budget by virtue of solidarity between the Member States. Certain regions will be considerably affected by the impact of climate change, which is already being felt today. This will require not only improvements to existing infrastructures to make them more resistant to future climate change..., but also a reorientation of the new infrastructures that will have to be situated appropriately and adapted to the new climate conditions... The sectors most concerned are energy equipment, water distribution and treatment facilities, health systems, port installations and coastal and mountain tourist facilities. Enhancement of the environment must become a factor contributing to quantitative and qualitative improvements to employment. If the Member States adopt the Commission's legislative proposals for a 20 per cent reduction in the European Union's GHG emissions by 2020, important and fast-paced changes can be expected in the economy as a whole, with restructurings in sectors based on fossil fuel, such as heavy industry, electricity generation and road transport, and new opportunities in sectors based on energy efficiency and low-carbon technologies. Adaptation to the inevitable consequences of climate change will also bring about changes in many sectors, especially agriculture and tourism.

The second was a response to proposed EU legislation to impose a ceiling on CO₂ emissions from new passenger vehicles. Since attempts to obtain voluntary regulation by manufacturers had failed, the ETUC welcomed the initiative but added that 'this regulation should be complemented with a global plan for the reduction of GHG emissions from transport in Europe, targeting both goods transport and passenger transport'. An impact study by the Commission did not foresee an overall negative impact on employment in the automotive sector in Europe, but the ETUC considered that its analysis was insufficient and called for trade unions to be included in a more detailed assessment. Discussing the issue with us, Decaillon pointed to differences within the EC and that Monks himself was 'a little afraid' of the implications; but IG Metall was willing to support the legislation and this was decisive.

The third resolution was a response to the Commission's climate change and energy package. The ETUC considered the legislative initiatives proposed 'a major step', but called for 'just employment transition programmes' to ensure 'that workers are not forced to pay for the necessary mitigation measures through the loss of their livelihood'. It proposed a European financial initiative for sustainable growth, adding that 'the energy package will not succeed unless solutions are negotiated by industry, workers and the public authorities' in order to achieve 'a genuinely democratic and fair transition to a low carbon economy'.

Decaillon reported to the EC that:

... we have just received a letter from the Director-General for Social Affairs who asks the social partners to start up the debate on climate change. We will also

take advantage of the summit on 13 March to express our views with the EEB and the Social Platform [i.e. of European NGOs operating in the social field] on the climate change/energy package. Our study on the impact of climate change on employment is reaching a wide audience. Joël had the opportunity to present it to the EP on two occasions in January and Sophie Dupressoir presented it yesterday to the Economic and Social Committee... We can consider that we have serious credibility on this subject and on emissions from new vehicles to the extent that, while defending employment, we also take the climate change challenge into account as well as the protection of the general interest.

The resolutions were approved unanimously.

ETUC policies on climate change were potentially a source of internal conflict: they involved support for ambitious targets to reduce GHG emissions but also insisted that EU programmes should form part of a broader global strategy and that there should be measures to cushion adverse effects on employment in the sectors most at risk. What if these demands were not met? At the SC in February 2008, Monks referred to ‘the European Commission’s tough proposals on GHG emissions – 20 per cent cut by 2020. The ETUC had been very active in calling for help for industries like steel, cement, chemicals and energy so that they did not lose out to rivals who did not comply with European standards.’ But at the EC in December 2008, he noted that while ‘the ETUC had been pressing for the adoption of the Commission’s targets on carbon emissions there had been an EMF demonstration in favour of jobs in the car industry and against too vigorous an application of carbon emissions.’ In the discussion, it was argued that ‘the ETUC should not retreat on climate change. Europe needed to move on to new technologies and close down old ones which were in terminal decline anyway. The car companies had been complacent for years. On the other hand, there was a recognition of the need to support workers directly affected in the recession.’ Later, in May 2010, the EMF adopted a ‘Common position on EU climate policy’ with the European Confederation of Iron and Steel Industries, opposing more ambitious European climate change targets in the absence of other countries committing to comparable measures.

As well as different priorities across sectors, there were also obvious cross-national differences. In preparation for COP 15 in Copenhagen in December 2009, and following proposals from the ETUFs, the ETUC adopted a resolution on ‘Climate change, new industrial policies and the ways out of the crisis’. This resolution insisted that:

... a European low carbon transition strategy must be based on Just Transition principles... At European level the creation of a permanent instrument to ensure the anticipation of socioeconomic transition is urgently needed to coordinate existing instruments such as sectoral councils and reinforce dialogue between the social partners and public authorities. In this framework the EU must commit itself to the challenges of industrial restructuring with which the new Member States are confronted... Every workplace can be a green workplace. There is mounting evidence that unions are taking action to tackle climate change. Therefore, we ask for new and extended rights relating to the protection of health and of the environment at work.

In the discussion at the EC, the Solidarność representative expressed his satisfaction that the resolution was ‘close to expectations’, adding that:

In Poland, 95 per cent of energy comes from coal and a low carbon economy would lead to fundamental changes and risks for workers and a threat to jobs. In the current economic crisis, member organisations expect the ETUC and the ITUC to do what they can to save jobs. In Poland only 20 per cent of the unemployed receive benefits and then only for three months. As a result there is much precariousness. In addition, there are redundancies, more temporary work and precarious jobs. The energy-climate package may well be a pretext to intensify this phenomenon. There is a risk of carbon leakage [where countries with stricter regulations import energy from neighbouring countries with weaker controls] in Poland in particular, with the proximity of Belarus and Russia. We must avoid double standards and remain aware of the danger if the European Union adopts rules unilaterally. He suggested that we try to put in motion elements of the resolution, that we target equivalent norms worldwide, that we have a just transition and assistance for countries which must suffer the greatest consequences. The priority must be the protection of jobs.

Reinhard Reibsch from EMCEF added that ‘we must not forget eastern and central Europe which is different and not in the same situation as western and northern Europe. If we wish to achieve a united position, we must identify specific situations and develop them in this document’.

A year later – after what was generally regarded as failure at COP 15 – the ETUC adopted a resolution on ‘A sustainable new deal for Europe and towards Cancun’:

The EU must adopt ‘A sustainable new deal’, underpinned by a development strategy to secure Europe’s recovery from recession, to adopt a just transition, to create millions of decent, sustainable and green jobs and to make a fair and effective contribution to the global fight against climate change... In recent years, the European Trade Union Confederation has adopted a number of resolutions and positions on climate policy, together with the ITUC, shaped by various studies it has commissioned, on which this resolution is based. This resolution details the position of the European trade union movement, particularly in view of the climate negotiations to be held in Cancun in December 2010.

Another resolution adopted at the same time addressed the EU energy strategy for 2011-20:

The ETUC sees the current debate in energy policy as an opportunity to achieve a socially and environmentally sustainable low-carbon economy through democratically controlled regulators ensuring affordable prices for all, safety and security of supply, demand side management and decent jobs. Our members, as workers and consumers, understand the importance for the economy of safe, reliable, sustainable and affordable energy for businesses and communities. Our jobs and our communities depend on clear policy ensuring that energy is considered

a service of general interest. From this perspective, a coherent EU energy policy is an essential condition to achieve a just transition to a low-carbon economy. Moreover, energy is both an important source of greenhouse gas emissions as well as a main production factor for European industry. Our industries compete in highly globalised markets. With a fragile economic situation, recovery from the crisis in European industry threatens to be undermined by rapidly rising electricity prices, disruptions in energy supply and exorbitant international price increases in basic raw materials. Electricity prices must be affordable for our industries to survive, whilst higher prices have promoted energy efficiency gains in European industry contributing to lower emissions and investment in innovation.

Though many observers saw the outcome of COP 16 as decidedly modest, Decaillon told the EC in April 2011 that ‘trade unions had considered that the inclusion in the agreement of just transition was a victory and would allow the debate to continue. It was important to realise the increasing role of the emerging countries in the negotiations. The agreement did not impose binding objectives but there were openings.’

The Strategy and Action Plan 2011-15 devoted considerable attention to climate change. It cited UN analysis of the ‘rapid and profound change’ in global temperatures during the previous century, to a large extent the outcome of accelerating industrialisation:

As well as being socially unfair, therefore, our current model of economic growth – at European and especially worldwide level – is quite simply unsustainable in the long term. What is at stake is the ‘greening’ of the economy as a whole. We must move on from a society that guzzles energy and raw materials and, moreover, undervalues labour, to a thrifty society based on increased energy efficiency, renewable energy, product sustainability, systematic recycling of materials and new manufacturing processes and procedures.

It is essential to devise, to this end, a European scenario for a just transition to a sustainable low-carbon society in a manner that will enable social inequality to be avoided. For the ETUC, the five pillars of a just transition to a low carbon Europe are:

- a) consultation between government and key stakeholders, including representatives from business, trade unions, local government and regional bodies and voluntary organisations;
- b) green and decent jobs through investments in (new) low carbon technologies, in R&D and innovation;
- c) green skills: government-led, active education/training and skills strategies for a low carbon, resource efficient economy;
- d) respect for labour rights and human rights: democratic decision-making and respect for human and labour rights are essential in order to ensure the fair representation of workers’ and communities’ interests at national level;
- e) strong and efficient social protection systems.

Any effective response required five key policy initiatives:

- a) public policies for sustainable development;
- b) intense investment in research, applied research and innovation;
- c) the introduction of coordinated, regulated horizontal and sectoral industrial policies with medium and long-term programmes promoting a strong and diverse manufacturing base in Europe supported by related services;
- d) enhanced European, national and sectoral social dialogue contributing to the creation of quality jobs, transcending intra-European divisions and the perverse effects of demand for short-term returns on industrial investments;
- e) concerted and ambitious education and lifelong learning policies.

After outlining a detailed set of policy proposals, the Action Plan argued that ‘the economy will not be greened by decree or by sidelining national “good practice”. Greening must receive unwavering political support from the community and full backing from workers. It can succeed only if accompanied by better European governance and a strengthening of social rights.’

In line with the Action Plan, the ETUC made a detailed input into successive COP meetings: Durban in 2010, Qatar in 2011, Warsaw in 2013 and Lima in 2014. As the Activity Report 2011-15 argued:

ETUC activities in the areas of sustainable development and the environment have continued and expanded, building on the work carried out by the previous secretariat and based on the Action Plan adopted by the Athens Congress...

The ETUC has consistently worked for the conclusion of a binding and comprehensive global agreement on GHG emissions, in accordance with the recommendations of the International Panel on Climate Change (IPCC), including a binding commitment to a ‘just transition’ for workers and society. As part of the international trade union delegation, coordinated by the ITUC, the ETUC has closely followed the international negotiations on climate change held under the aegis of the UN...

Ahead of each Conference of the Parties (COP), the ETUC has agreed its position and a set of demands for European negotiators. Before the Durban COP 17, the ETUC adopted a resolution on the EU position. For COP 18 in Doha, the ETUC reiterated its message on the need for a just transition in Europe and in the world and also expressed huge concerns about human rights, including workers’ rights, in Qatar. Similar resolutions have been adopted for COP 19 in Warsaw and COP 20 in Lima. These resolutions have been used in a series of fruitful exchanges with Commission negotiators, as well as with MEPs and national delegations, before, during and after COP negotiations. The ETUC has participated actively in ITUC World of Work COP side-events, hosting sessions and using the opportunity to showcase the work of ETUC affiliates and ETUC projects.

The sectoral dimension of climate change also received increasing emphasis. ‘With much attention given to energy-intensive industries, affiliates felt that sustainable mobility had been neglected for a number of years. Therefore, the ETUC ran a project in conjunction with the European partners for the environment, IndustriAll-Europe and ETF, on the current state of play in sustainable mobility, logistics and transport.’

Another important issue was the EU Emissions Trading System (ETS). In 2012, the ETUC stated in its resolution on just transition that:

European intervention was urgently needed to ensure a strong carbon price signal... Alongside the carbon market, carbon taxation should be used as a means of regulating the price signal, which should not be left to the market alone, subject to conditions for social justice. The risk of carbon leakage from Europe will increase if Europe stagnates further, which is one of the reasons why the ETUC believes it is essential to reform the ETS without delay (including border adjustment measures as a last resort), and tackle unfair trade practices... The ETUC has worked hard in the EU institutions to ensure that carbon leakage is kept to a minimum and that ETS reform is used as a means of creating industrial policy instruments and innovation funds at EU level.

Decaillon emphasised to us how the studies undertaken under the auspices of the ETUC have helped pave the way for the current EU initiatives to establish a carbon border adjustment mechanism as part of its ‘Fit for 55’ programme. More generally, he told us that

... the battles [over environmental questions] were tough, and still are! They confront a fundamental contradiction involving the defence of jobs, which is a central issue for trade unionism, and also the sharing of productivity gains. Nothing is ever achieved definitively, as the fight to ban glyphosate [a dangerous weedkiller] demonstrates.

Subsequently, efforts to tighten the ETS in relation to the steel industry were met by intense lobbying efforts from IndustriAll Europe, led by IG Metall.

In the new secretariat taking office after the Athens Congress in 2011, Judith Kirton-Darling took over the dossier on the environment; as she said to us, ‘we managed to push it to the very top of the general secretary’s agenda’. In her role in the EMF, where she had been responsible for the steel sector, she had developed a close working relationship with Decaillon; and she ‘could build on Joël’s work’. For example, she initiated projects on green workplaces and on sustainable mobility which were, in some respects, ‘ahead of their time’. Given her EMF background, Kirton-Darling explains:

I was trusted by EMCEF in a way that previous ETUC confederal secretaries were not. It meant a period of peace between ETUC and EMCEF because we could find ways of respecting our different mandates without it coming to punch-ups... My personal approach... was at all costs to avoid getting to that position... We have to understand why we have different positions, not slag each other off in

public. In some respects some of the things we were doing were slightly before their time, but probably laying the groundwork for where we are now. In the trade union movement we're now in a very progressive place in terms of climate and the environment. So in the current context where we have enormous challenges because of the energy price crisis, there is no shift in the consensus that the green deal is the direction of travel. You couldn't have had that position today if there hadn't been all these building bricks.

By any criteria, the policy shift towards an environmentally sensitive policy agenda has been impressive and the ETUC has succeeded in working closely with environmental NGOs while also managing potential conflicts among affiliates. A substantial reduction in the use of fossil fuels requires major adaptation in production methods; in some sectors, often where union organisation is strong, this could threaten employment levels, hence the need for a just transition. But in aggregate, the consensus is that the creation of new green jobs could offset the loss of employment in carbon-intensive sectors.

However, many experts question whether this attempt to resolve the 'jobs versus planet' dilemma is enough. For some, the idea of 'green growth' is an oxymoron. Hence Joy (2021) points out that:

... carbon reduction without consumption reduction is only possible through methods that have their own massive environmental impacts and resource limitations. To make renewable energy, fossil energy is needed to mine the raw materials, transport, manufacture and connect the energy capture systems, and finally to produce the machines to use the energy. The new renewable infrastructure requires rare earth minerals, which is a problem in itself. But most of the raw materials required to produce and apply new energy technology are also getting harder to find.

Hence, in this view, the only solution is to abandon the goal of economic growth in favour of 'degrowth' since ever-expanding production and consumption cannot be environmentally sustainable. This, however, is to say the least politically challenging and raises major distributional issues, within and even more across countries.

Bowen and Hepburn (2014: 409, 420) give an assessment which is more optimistic, but not radically so:

Is it true that growth can persist in the long run – and even be increased in the short run – alongside policies aimed at reducing the degradation of the natural environmental and natural capital?... In theory, there is no reason for green growth to be impossible. However, it is undeniable that in practice at present the two objectives – additional GDP growth and the protection of natural capital – are often but not always at odds with each other. Whether we will in practice manage the transition to green growth remains to be seen. It may be one of the most important economic questions of this century. What is required is little less than a transformation in current modes of production and consumption.

This raises the question whether the whole idea of economic growth must be rethought. Jakob and Edenhofer (2014: 448) argue that ‘both concepts – green growth as well as degrowth – are misleading, as they are both based on the notion of economic growth. We propose a reframing of the debate in terms of social welfare, understood as the aspirations of a given society. From this perspective, economic growth is not an objective per se but rather a means to achieve certain ends. As a consequence, economic growth is desirable or undesirable to the extent that it facilitates, or complicates, respectively, the attainment of these ends.’ The implication is a need for a radically different economic model, in which the long-accepted trade union demand for growth is abandoned or at least understood in totally new ways (Nitsche-Whitfield 2023). Degryse and Pochet (2009: 7), in an analysis for the ETUI, warn that:

... global warming cannot be combated merely by making a few technical adjustments to our modes of production and consumption, for example by designing lower-carbon cars. We need profoundly to rethink our model of growth, e.g. means of transport, and hence the whole range of policies currently being implemented in pursuit of development. What must therefore be envisaged as of now is societal change. Whereas technology can and will play an important part in reducing CO₂ emissions..., it would be illusory to believe that technology alone can save the environment.

In the same year, in a document entitled ‘Green growth for jobs and social justice’ (CGU 2009: 19-20), Guy Ryder, then general secretary of the ITUC, called for a ‘new production model’. What this entailed was, however, far from clear.

In any event, it is evident that the trade union movement has transformed its policy away from a world based on fossil fuels. It is not so clear that this is the case with the political and industrial elites. In June 2022, UN secretary-general, António Guterres, declared that ‘we seem trapped in a world where fossil fuel producers and financiers have humanity by the throat. For decades, the fossil fuel industry has invested heavily in pseudoscience and public relations – with a false narrative to minimise their responsibility for climate change and undermine ambitious climate policies.’ Over the period of our study, the ETUC achieved an impressive reputation for its analyses (often developed in cooperation with environmental NGOs) of the threats of climate change and the potential route to a just transition. Some optimists believed, as Joël Decaillon said to us, that there could be a shift towards a ‘green capitalism’. But the political might of fossil fuel interests – together with the conflicting priorities and perspectives of developed and developing economies – have meant that the outcomes of global diplomacy have always been too little, too late. The planet continues to burn.

Chapter 10

The global dimension

While the ETUC is an international organisation, it is not in the common usage of the term a ‘global’ one. But though its day-to-day work is primarily focused on developments within Europe and the EU institutions, it has long been a global player, most notably within the international labour movement, and has been involved in many significant global issues such as international trade agreements, labour standards and development cooperation. We will look into these and other issues in this chapter.

The EU and other European institutions have been accused of a ‘fortress Europe’ mentality and, while this charge has not been aimed at the ETUC itself, the ITUC and other world labour bodies have expressed concern over the years that their European affiliates are devoting more time and resources to the ETUC than to the world body (Degryse and Tilly 2013: 21). As John Monks recalls, ‘I was aware, particularly when Bill Jordan was general secretary and before him Enzo Friso, that there was grave dissatisfaction in the ICFTU about the ETUC: about its autonomy, about its money; it seemed to divert the attention of some of the biggest affiliates away from the ICFTU and into European matters’.

The ETUC’s global involvements can be divided into issues to do with the labour movement, and relations with external bodies and with individual countries or groups of countries. There is some overlap between the two, for example when the ETUC and other international trade union bodies work together or develop a common position on a particular issue. Degryse and Tilly focus largely on the external issues and we will seek to bring their account up to date, though we focus primarily on countries close to Europe. And indeed, as Monks emphasised at the EC in June 2004, ‘resources available for this work were scarce and should not be lost in duplicating the work of the ICFTU, WCL or TUAC’.

In our period, perhaps the single most important question where the ETUC played a major role was the unification of the international labour movement to create the ITUC. This role within the world movement’s search for unity also sheds light on the enduring tensions between European and global orientations.

10.1 The unification of the international trade union movement

The ETUC was uniquely well placed to play the role of ‘honest broker’ in the unification of world trade unionism. The complex and sometimes fraught path to unity at European level, today largely forgotten, provided useful knowledge and perspective for the ETUC

to make a key contribution to the search for unity at world level. Uniting unions within Europe, while they were still members of competing confederations globally, was an enormous challenge and yet it was ultimately successful at both levels. Moreno and Gabaglio (2006: 86) comment that, 'It did not seem easy to maintain the division between ICFTU and WCL at global level and at the same time to transcend it in Europe. Many thought that this unstable situation was bound to lead either to global unification or to the failure of the experiment in European unification... Yet it was only 30 years later that the ICFTU and WCL followed the path begun in Europe in 1973 and consolidated with successive enlargements of the ETUC, from which very few trade unions are still outside.'

Unification at European level is well covered elsewhere, but it is important to recollect how difficult the process was at the time. It involved overcoming a series of obstacles: the long-standing divisions between 'general' or 'social democratic' unions and 'Christian' or 'confessional' ones which had led to bitter conflicts between unions within countries and at the different levels; the even deeper confrontations between these two groupings and the communist or former communist unions, amplified by cold war political divisions; and finally, the differences between the global and European structures of trade unionism. Conflicts over the affiliation of the Christian, then the communist, unions to the ETUC were partly replicated when the time came to seek a unified organisation at world level and many of the same issues – over ideological pluralism, identity and organisational cultures – re-appeared. Several of the same unions that had argued for the admission of the Christian and former communist unions at European level – the Belgian ABVV/FGTB, the Italian CISL and the British TUC – played an equally important role when it came to world unity. In turn, Juan Moreno notes that some of the unions admitted after the formation of the ETUC, in particular the Italian CGIL and Spanish CC.OO, played an equally significant role in seeking the admission of other formerly communist unions at world level.

The role of CISL was particularly important. Unlike most other unions with a Christian orientation, it had chosen to affiliate to the ICFTU after that organisation was created in 1949. Yet it retained some organisational links with Christian labour bodies which were affiliated to the WCL and its predecessor, mainly through ACLI (Associazioni Cristiane Lavoratori Italiani). Emilio Gabaglio, who became the 'moderator' for the global unification process, was at one time president of ACLI (and moved that organisation to the left) before becoming international secretary of CISL and then general secretary of the ETUC. It was he who presided over the admission to the ETUC in 1999 of the French CGT, which had left the communist-oriented WFTU four years earlier but was still linked to the French Communist Party (Moreno and Gabaglio 2006). As Gabaglio (2001: 11) remarks, 'the ETUC is... the only unitary organisation in an international trade union panorama still characterised by divisions which, though appearing less justified with every passing day, remain, nonetheless, all too real'.

The process of unification at world level was a long one, and not all of it is sufficiently related to the ETUC for us to dwell on here. By the 1970s, the ICFTU and the WCL were cooperating closely within the ILO and TUAC (with agreement to support the president of the Belgian ACV/CSC, the most significant WCL affiliate, for a senior position in both

bodies), even while they were still in competition in individual countries and regions (particularly in Latin America). After a variety of failed attempts to unite the ICFTU and the WCL from the 1970s onwards (with leading roles played by the French CFDT and the Dutch FNV), the ICFTU launched a Millennium Review in 2000 which, in the words of one of the participants, would mean that ‘the entire structure of the world labour movement would be on the table’, including not only unity between the ICFTU and WCL, but also the separate existence of the ETUC and the GUFs. For its part, the WCL was also resuming the search for unity. This led to the establishment of regular discussions between the two bodies at secretariat level and a decision in 2001 to create a ‘permanent forum’.

At a meeting of the ETUC EC in March 2002, Willy Thys, general secretary of the WCL, openly called for unity at world level, but not through a simple merger of the two world bodies:

The real challenge is to identify the best ways of strengthening the trade union movement as a whole... I am pleased to announce that, in line with that goal, a first work session between the ICFTU and WCL secretariats has been scheduled for 5 April next, in the framework of the agreement reached in 2001 on the ‘permanent forum’. For us, [this is] clearly a better way of addressing the question of international structures than that which consists of advocating purely and simply a merger. Indeed, we hope that, through the permanent forum, we will be able to enlarge the scope of our cooperation, in a relationship based on mutual respect and recognition, so that we can emphasise what unites us rather than what still divides us.

At the ETUC Congress in Prague in May 2003, the newly elected ICFTU general secretary, Guy Ryder, called for unification of the international trade union movement on the basis of respect for the ideas and values of both the ICFTU and the WCL. Referring to the success of the ETUC in bringing together unions of Christian, socialist, communist and other inspirations, he added, ‘Today, enough time has passed to judge whether or not this ETUC experiment in solidarity in diversity has worked. The verdict is clear and uncontested. Trade union pluralism has not been crushed under an iron heel of unity – it has been enhanced.’ Ryder’s positive reference to ‘pluralism’ was new in the discourse of ICFTU leaders although it was a term much used within the WCL: it was seen as a signal that the ICFTU no longer sought the dissolution of their International and the absorption of their affiliates but was proposing instead a new form of world unification. It was seen as an overture, not just to the WCL but to national centres affiliated to neither confederation, many of which were former members of the WFTU.

Attending the Prague Congress, Thys signalled his agreement and Ryder then asked Emilio Gabaglio to act as ‘moderator’ for talks between the ICFTU and the WCL. As indicated above, Gabaglio had the ideal qualifications to take up this role. As he remarked to us, ‘I was associated with both sides of the fence’. He knew and appreciated the common ideas of both Internationals; in his words: ‘we all have values’. Gabaglio, Ryder and Thys met several times, sometimes alone, sometimes with additional colleagues from their secretariats and regional organisations, and over the next year

worked out the basic principles of the structure and statutes of the new organisation. Gabaglio prepared a paper in March 2004 which formed the basis of the statutes of the ITUC. It was not to be a 'merger' between the two world bodies, but a new organisation that would also take in 'orphan' unions affiliated to neither (such as the Brazilian CUT and the South African COSATU, together with the French CGT). There would be balanced representation of all ideological tendencies on its governing bodies and respect for existing pluralism at national level. His report stated that 'the ICFTU and WCL basic principles... are largely converging', but also made special mention of the 'unique reality' of the 'spiritual values and vision' of the WCL and proposed the creation of an educational foundation to preserve those values.

Alongside the joint talks between the ICFTU and the WCL, Gabaglio and his colleagues – in particular Juan Moreno, international secretary of CC.OO and ETUC advisor on Latin American affairs – arranged discussions with a group of WFTU affiliates and independent confederations, establishing a 'contact group' on the occasion of the January 2005 Porto Alegre World Social Forum. Members of the group included CGT France, CGTP Portugal and OPZZ Poland. This led to further meetings in June 2005, during the International Labour Conference, and in April 2006 in Lille, on the occasion of the CGT Congress. Altogether, 13 confederations took part in meetings of the contact group, but in the end only eight joined the ITUC in November 2006.

However, there remained significant obstacles to unification, both from some of the smaller WCL unions, which feared the loss of its essential character in the new structure, and from some ICFTU affiliates which expressed concerns over the proposed foundation enabling former WCL affiliates to continue their own funding in developing countries. These fears and hesitations on both sides were largely overcome, partly through the diplomacy of Gabaglio and other advocates of unification, partly through an understanding among all parties of the need to work together to respond to the challenges of globalisation.

A proposal based on the 2004 paper was approved by the ICFTU and WCL executives and by their congresses in 2004 and 2005. The final congresses of the ICFTU and WCL and the founding congress of the new unitary body, the ITUC, took place in Vienna in November 2006. Even at this point, while the ICFTU voted for its own dissolution by acclamation, 14 WCL affiliates voted against its dissolution, with a few remaining outside the ITUC and maintaining an explicitly religious identity. Other obstacles remained unresolved at the time of unification; in particular the formation of a unified regional organisation for Latin America and relations with the GUFs (Gumbrell-McCormick 2013).

The ETUC and the ITUC (which still share the same Brussels headquarters) have continued to work closely together, as was seen by the election of Luca Visentini in 2022 to head the latter; although, as a consequence of 'Qatargate', there may be a clearer separation in future.

10.2 The foundation of PERC

One major concern in the unification process was the place of the ETUC in the new global structure. Meetings of the SC and EC discussed the options from 2004 onwards and many expressed fears of a loss of autonomy for the ETUC, as indeed had been envisaged by some within the ICFTU. Reassured on this point by Monks and others involved in the unification process, it was felt that the ETUC should nonetheless have some formal links with the newly formed world body and should seek to play a more active role internationally once unification was achieved. There was particular concern over what structures should be set up for the eastern European countries that were not currently in the ETUC and were unlikely to join the EU. As Monks recalls, the question was:

... how to do something for those countries that were not in the ETUC but were in Europe. Particularly the Russians, perhaps Ukrainians as well. Solidarność took an initiative to try to form a pan-European Council with its own GS to include the countries to the east of the EU. But it was very ambiguous where Poland would fit... I saw the opportunity in this, certainly not to have another ETUC of the east with a muddle as to where the boundary lay, but to have a PERC of which the ETUC was the core, holding meetings with those east of the EU and able to embrace the Russians. That would be a regional body of the ITUC. So the ITUC have got a body that deals with pan-European issues without interfering with the ETUC and its ability to deal with the EU.

At the March 2005 meeting of the EC, there was extensive discussion of a position paper drawn up by the secretariat, proposing a new regional structure to be set up for unions in countries to the east of the present boundaries of the EU, to exist alongside the ETUC. Several participants expressed reservations about the complexities of such a dual structure and particularly about the potential ambiguity it might create for newly admitted EU Member States. One Polish representative referred to a possible 'new Yalta agreement' that would carve up Europe and create 'two Europes', but this was not a view confined to representatives from new Member States. At the SC in September, a revised structure was presented. As Monks argued:

Following adverse reactions to the initial proposal based on a 'two Europes' structure, a new proposal was now being advanced suggesting a unified regional council covering the whole area, coordinated by the ETUC general secretary assisted by existing staff of the ICFTU, WCL and ETUC. The autonomy of the ETUC would be recognised in the rules of the new international and there would be no additional financial commitments for affiliates. At the same time, ETUC involvement was a means of avoiding the confusion which would arise if a separate European body were instituted... The ETUC was in the current position because of its wish to be constructive and help the new international which wanted a regional structure in Europe. The ETUC would be separate from the proposed PERC, the bridge being the general secretary. Other arrangements could be imagined, but any that led to having two different people claiming to speak for Europe would be

worse. It would not be appropriate for ETUC resources to be diverted significantly to the new body.

The EC endorsed the revised arrangements without opposition in October and ultimately the ETUC's proposal was accepted by the ICFTU and the WCL and by the ITUC at its founding congress. The Pan-European Regional Council (PERC) was established shortly afterwards, with its founding congress in 2007. As indicated, the general secretary of the ETUC held the same role in the new body and a representative of the eastern European affiliates was to be named president, the first being Mikail Shmakov of the Russian Federation. Monks recalls that the arrangement worked well under his period as general secretary, with good relations on PERC facilitated by his close relationship with the first ITUC general secretary, Guy Ryder. Over the following years, PERC and the ETUC worked together closely on development projects, such as the EU's Neighbourhood Policy action plans, and on trade union organising. Almost all expert assistance on PERC activities was provided by the ETUC and ETUI.

Other relationships in the European 'periphery' should be mentioned, though because these are covered in some detail by Degryse and Tilly (2013: 173-183, 190-192) we will address them only briefly.

With the break-up of the former Yugoslavia from 1991, the ETUC sought to sustain cooperation with and between trade unions in the region. However, it soon cut its links with the 'official' Serbian confederation which was dominated by the Milošević regime and gave support to the new Nezavisnost confederation. While unions from Slovenia and Croatia (which would join the EU in 2004 and 2013 respectively) became full members of the ETUC from the end of the decade, less formal relations were developed with unions from other former Yugoslav republics. After the devastating war in Bosnia-Herzegovina (1992-95), the ETUC did its best to restore relations between the fractured trade unions in the region. Such efforts were again disrupted by the war in Kosovo (1998-99). In an emergency resolution in April 1999, the ETUC declared that 'military intervention has been rendered inevitable in the light of the repressive action of the Belgrade regime against the Kosovar people now escalated into an ethnic cleansing strategy'. It continued: 'Yugoslav military and police forces and paramilitary gangs must be withdrawn from the province of Kosovo and be replaced by an international peace-keeping force including Russia... In the light of such an agreement, NATO intervention must be immediately suspended' (Seideneck 2013: 390).

Thereafter the focus shifted to assisting in reconciliation and reconstruction, with the creation of a Balkans Forum (Seideneck 2000: 46). This was renamed the SEE [south-eastern Europe] Trade Union Forum after 2007. The Report to the 2015 Congress documented a wide range of initiatives in the region. However, Seideneck (2013: 392) argues that:

... after the war, relations dropped and, up to now, exist at best at a 'protocol' level. Both sides – with notable exceptions, mainly at branch level – are obviously not aware that 'normal' bilateral working relationships and exchanges have been a driving force in the process of European trade union integration and could help

to develop trade unionism in former Yugoslavia... Most unions in the region are falling behind in regard to reform, modernisation and leadership 'refreshment'. Too many unions – too many leaders.

Turkey applied for membership of the EU in 1987 and was recognised as a candidate country in 1999. Formal negotiations for accession began in 2005 but soon stalled. Obstacles included fears in many Member States that admitting a relatively underdeveloped country with a higher population than that of Germany, the largest current EU country, would cause political and economic imbalances; Turkey's problematic human rights record; and the Cyprus issue. Two Turkish confederations joined the ETUC in the 1980s and two others a decade later. The ETUC protested against the suppression of trade unionism under the dictatorship in the 1980s and subsequently liaised with its Turkish affiliates in formulating its position regarding potential EU accession. It also coordinated a number of conferences and seminars as a means of capacity-building for Turkish unions. The ETUC position towards accession was made clear in the Action Plan adopted at the 2007 Congress: 'the ETUC favours the accession of Turkey to the EU provided it meets, in reality and not only on paper, the requirements of membership and the provisions of the EU Charter of Fundamental Rights. A transformation of Turkish society with full rights and freedoms should be sought and completed during the challenging process of negotiations.'

Another important region comprised the southern and eastern Mediterranean countries with which the EU was involved in trade negotiations since 1995. In 1999 the ETUC, together with the ICFTU, helped create the Euro-Mediterranean Trade Union Forum, involving affiliates of the Union syndicale des travailleurs du Maghreb arabe (USTMA) and the International Confederation of Arab Trade Unions (ICATU). Though the ETUC convened a number of projects for trade unionists in the region, achievements were limited. 'The breakdown in the Middle East peace process and the stance adopted by Israel (the blockade of the Gaza Strip, renewal of settlement activities and the assassination of members of a humanitarian flotilla supported by the ETUC's Turkish members) were exacerbating tensions in the region and were, of course, not unconnected with the numerous problems encountered' (Degryse and Tilly 2013: 191). The Report on Activities 1999-02 recorded that 'the conflict in the Middle East has nipped in the bud all attempts to implement concrete projects on important trade union themes'. The Report to the following Congress was rather more positive but, according to the Activity Report 2007-11, 'only moderate progress can be registered... The main reason for the standstill is the paralysed Middle East peace process.'

10.3 The ETUC and international trade

In the aftermath of the Second World War, there were intensive efforts to replace economic nationalism with a multilateral trade regime. The General Agreement on Tariffs and Trade (GATT), adopted in 1947, was designed to encourage the reduction of tariffs cross-nationally and it resulted in particular in a number of regional free trade agreements (FTAs). The formation of the EEC/EU can be seen as a notable example of this process. This system of rules was institutionalised in 1995 with the creation of the

World Trade Organisation (WTO) whose scope was extended from trade in goods to include services and intellectual property. The primary GATT/WTO objective was to negotiate comprehensive agreements for international trade liberalisation. However, the ‘Doha Round’ of negotiations, launched in 2001, stalled in the face of major disagreements between countries and was suspended in 2008.

Since the EEC/EU was a single market, Member States could not themselves negotiate trade deals with external countries: this was necessarily a function for the Brussels authorities. Of the early such agreements, the most important was the Lomé Convention of 1975 with (initially) 62 African, Caribbean and Pacific (ACP) states providing for preferential trade arrangements with what were, in many cases, former colonies of EEC countries. In the 1990s, the US government mounted a successful challenge through the WTO against aspects of the agreement, and in 2000 it was replaced by the Cotonou Agreement signed with 78 ACP countries. Degryse and Tilly (2013: 187) note that, ‘Cotonou marked a shift in EU priorities. “Development cooperation” effectively became cooperation aimed at integrating the ACP states into the multilateral trading system... There was no denying that the Cotonou Agreement formally recognised the importance of social objectives and of sustainable development, but to trade union eyes it was far too concerned with free trade instead of development.’

Furthermore, the authors observe that, ‘Since the late 1980s, Europe has witnessed – but above all contributed to – a considerable speeding up of “globalisation”, that is, the internationalisation of trade flows, investment flows and production networks. This phenomenon, largely championed by multinational companies and governments that hoped to find in it a factor of economic growth, has had significant implications for workers and the organisations representing them’ (Degryse and Tilly 2013: 196). In 2006, in a policy document ‘Global Europe: competing in the world’, the European Commission declared that, ‘in a rapidly changing global economy, we can build a more comprehensive, integrated and forward-looking external trade policy that makes a stronger contribution to Europe’s competitiveness’. In line with the ideology that underlay Bolkestein, it insisted that ‘openness to global trade and investment increases our ability to exploit the benefits of an effective single market. It exposes the domestic economy to creative competitive pressures, spurring and rewarding innovation, providing access to new technologies and increasing incentives for investment.’ While remaining committed to multilateralism, the EU would pursue ‘activism in creating open markets and fair conditions for trade abroad’ by negotiating bilateral free trade agreements. As Choudry (2014: 109) comments, ‘initially seen as a default for slow-moving WTO negotiations, bilateral FTAs came to be viewed as a preferred strategy. Transnational capital has always forum-shopped for international regulatory frameworks enforcing protection of investment and property rights. Bilateral FTA talks isolate and divide governments outside of a multilateral forum where they might bond together to resist Northern governments’ demands. Bilateral deals conveniently had much lower profiles than WTO negotiations and attracted far less scrutiny.’

While agreements such as Lomé and Cotonou involved developing countries, the focus subsequently shifted to major economies. After several years of preliminary consultations, the project for a Transatlantic Trade and Investment Partnership

(TTIP) with the USA was formally launched in 2013, following moves to negotiate a Comprehensive Economic and Trade Agreement (CETA) with Canada. Both initiatives raised major new issues for trade unions, as we discuss below.

10.3.1 Globalisation, anti-globalisation and global justice

What is a progressive position for an international trade union to adopt in response to trade liberalisation? In principle, internationalism implies opposing economic nationalism and in particular favouring solidaristic policies by richer countries to support development in poorer ones. Yet in practice, the nation state is usually the main arena for regulations limiting the commodification of labour, through social welfare arrangements and employment protection legislation. Conversely, the drive for international trade liberalisation was spearheaded by MNCs (particularly US based) and by neoliberal governments in richer countries. In effect, it represented a ‘political project [which] may be called “neo-liberal globalism,” in which the global market is considered the ultimate unit of reference for economic activity, and the main objective of economic policies is to make national economic activities competitive in that global market. International competitiveness is sought by subjecting domestic constituencies to market-based rather than state-managed growth strategies and abandoning domestic policies protecting the constituencies from negative consequences’ (Chorev 2005: 319-320). The arguments which became decisive within EU policymaking involved a ‘clear invocation of globalization as non-negotiable external economic constraint’ (Hay and Rosamond 2002: 153) rather than as a contingent political choice imposed by the dominant superpowers and by economic elites.

As with economic integration in the EU, there was a more sceptical and critical assessment of international trade liberalisation which some called ‘anti-globalisation’ but which became known in French as *altermondialisme* and in English as the global justice movement. This emerged to prominence in the 1990s, in particular with the mass public protests (also involving trade unions) against the WTO meeting in Seattle in 1999 and developing into the World Social Forum (WSF), which we discuss below (Flesher Fominaya 2014). For such critics, the main purpose of trade liberalisation was to enable MNCs from dominant economies to colonise the Global South and to turn public services into profit-generating resources; and therefore this project required unqualified resistance.

ETUC policy was an attempt to negotiate an accommodation between support in principle for the reduction of trade barriers on the one hand and defence against the ‘negative social effects’ of ‘unchecked globalisation’ on the other. It was also mediated by contrasting national and sectoral interests among its affiliates. As Ségol commented in the interview which we quoted earlier, ‘it was very difficult in the ETUC to find a balance’.

In terms of the initial agreements with developing countries, key concerns were that these should promote sustainable development and that trade unions should be involved in the negotiations. Degryse and Tilly (2013: 187) record that:

Generally speaking, the ETUC was supportive of the Lomé Convention and its mechanisms, but not unconditionally so. Like the ICFTU and WCL, it called for trade union organisations to be kept informed and consulted on a regular basis, as well as to be closely involved in the industrial cooperation programme and to play a part in the technical and financial cooperation programmes. In the course of the – difficult – negotiations on the new ‘economic partnership agreements’ (EPAs) between the EU and sub-regions of the ACP Group... the ETUC made clear to the Commission that the agreements should promote sustainable development and poverty reduction and support regional integration. In view of the marked reluctance of the majority of these sub-regions to negotiate agreements of this kind, European trade unions were insistent that the EU should not seek to impose them against countries’ will, that it should increase the degree of non-reciprocity and that it should be more flexible in terms of the timetable of negotiations.

From the 1990s the ETUC, together with the ICFTU, pressed for international trade agreements to be tied to the ILO conventions on freedom of association and the right to collective bargaining, the elimination of forced or compulsory labour and of child labour, and the removal of discrimination in employment; in 1998 the ILO declared that these constituted ‘core labour standards’ (CLSs). Little was achieved at global level, partly because of resistance by MNCs and key governments such as the USA, but also because (as with similar arguments regarding EU enlargement) the governments of some developing countries saw inferior labour standards as a competitive advantage. But there was the possibility of additional leverage at European level in the context of EU trade negotiations. The Report on Activities 1995-98 noted that ‘the ETUC has repeatedly called on the Union to include clauses for the respect of democracy, human rights and international working standards in all the cooperation agreements which it signs... Much remains to be done to introduce a global and consistent strategy.’ A specific opportunity stemmed from the Generalised System of Preferences (GSP), which provided tariff advantages for exports by developing countries. In 1994, the EU decided to use the GSP to encourage compliance with international standards (Degryse and Tilly 2013: 198), making it possible for the ETUC to raise complaints about violations of CLSs. In 1998, the EU agreed to provide additional tariff preferences under GSP for countries which could prove that they respected CLSs. With the EU ‘Global Europe’ strategy after 2006, the ETUC demanded ‘the inclusion of ambitious social chapters’ in new bilateral trade agreements, with significant success (Degryse and Tilly 2013: 199). One interesting case was the EU-Korea FTA, signed in 2009, provisionally implemented in 2011 and fully applied in 2015; this contained significant social clauses although the ETUC and the ITUC jointly complained that Korea continued to disregard CLSs.

The ETUC established a trade policy working group which met annually and, when WTO negotiations were resumed in 2001, the European Commission arranged regular briefing meetings with civil society organisations. According to the Report on Activities 1999-02 ‘the key policy issue for the ETUC, as for the international trade union movement, has been to make progress on the respect of core labour standards (CLS). This issue dominated Seattle but the unwillingness of certain countries to see links established between trade and the respect of these standards contributed to the

breakdown of the meeting. In July 2001 the Commission issued a communication on the promotion of labour standards.’ It added that:

A joint ETUC-ICFTU-WCL declaration on services was made in May 2002. In brief, this stressed that public services (above all, education, health and essential public utilities) should be excluded from the negotiations (conducted in the context of GATS), that the EU should not make any commitments that could undermine or force the privatisation of Europe’s public services and that Europe should not put any undue pressure on other countries which might lead them against their will to undermine or privatise their own public services, essentially to the profit of multinational companies.

The Action Programme adopted at the 2003 Congress committed the ETUC to:

... mobilise at national and European level, together with the international trade union organisations and other social movements, in the context of international trade negotiations, in pursuit of agreements that ensure social and economic development of developing countries, sustainability, transparency, growth of qualified and decent employment, rebalance between strong and weak economies, debt relief, social justice, eradication of poverty and child labour and respect for and the effective implementation of fundamental workers’ and trade union rights and gender equality.

It also committed to ‘intensify its engagement with global civil society groups critical of globalisation in its current form within the World Social Forum and European Social Forum’.

In December 2006, after the publication of the Commission communication on ‘Global Europe’, the EC adopted a resolution which ‘express[ed] its disagreement with the proposed general reorientation of European trade policy in favour of an extremely aggressive liberalisation agenda in the developing countries, without consideration for possible social and ecological implications, both positive and negative’. It continued that ‘future bilateral agreements must include a social dimension. This social dimension should, in our opinion, comprise three essential elements which constitute decent work: the promotion of dignified and fair work; the promotion of social protection...; the guaranteed application of social rights... All bilateral agreements must be accompanied by a social dialogue committee composed of economic and social representatives of urban and rural sectors.’

The Strategy and Action Plan adopted at the 2007 Congress added that ‘the Union must promote an original and transparent approach to external trade, which is not that taken by the United States. The ETUC expects the EU to align its trade policy with the principles it promotes in its policies and treaties, in particular the Charter of Fundamental Rights, namely the primacy of human rights, trade union rights and the core conventions of the ILO – the social, health, environmental and cultural rights of peoples – over trade competition rules.’ And the Action Plan adopted at the 2011 Congress declared that ‘the ETUC will continue to press for a fair globalisation, notably in insisting that sustainable

development should be at the core of international trade policy, contributing to global decent work and growth... The ETUC will campaign together with the ITUC for trade union rights globally and in particular for the ratification and full implementation of the ILO fundamental conventions, starting with all European and G20 countries.

Likewise, the Activity Report 2011-15 stated that:

The ETUC has consistently pressed for all EU trade and investment agreements to contain a sustainable development chapter including, in particular, provisions aimed at ensuring the ratification and full implementation by the parties of a number of ILO standards, including the core standards but not exclusively; a graduated settlement and enforcement mechanism leading if necessary to sanctions in case of non-compliance; and a monitoring mechanism including trade union representation. The Commission has resisted the inclusion of enforcement mechanisms, although the implementation of ILO standards and trade unions' involvement in monitoring are included in newly negotiated EU trade agreements.

The Action Programme adopted at the 2015 Congress reaffirmed that:

The ETUC insists on the strict application of the provisions of the Lisbon Treaty, which lays down that the Union's external and international trade policies should seek to advance its values in the wider world. These include democracy and peace, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the European Charter of Human Rights, the UN Charter and international law. The EU acquis, collective preferences and regulatory practices must in no way be undermined by external trade and investment relationships.

The ETUC has consistently supported equitable trade regulated by multilateral institutions and called for strong cooperation between the World Trade Organisation (WTO) and the ILO. Recently, with the faltering of the Doha Round and a proliferation of bilateral trade agreements, the EU has also engaged in a number of bi-regional and bilateral negotiations in which, generally, trade agreements have been included within association, cooperation and strategic agreements... Such agreements should be negotiated in the public interest rather than in the interests of private investors and must under no circumstance undermine Member States' right to regulate. The ETUC opposes in particular Investor State Dispute Settlement (ISDS) mechanisms – which privilege foreign investors above all others and amount to the privatisation of justice – the negative list approach (covering all services unless specifically excluded) and the inclusion of public services in trade agreements such as TTIP (USA) and CETA (Canada). The ETUC demands the exclusion of public services and a positive list approach in all trade agreements. We reject any lowering of European standards and insist that policy space must be maintained and that the right to regulate should not be limited by undemocratic bodies such as regulatory cooperation boards. The ETUC insists that all EU trade agreements must include enforceable labour protections.

The ETUC insists on the need for transparency in all trade and investment negotiations, democratic oversight by the European Parliament and consultation with the social partners and civil society organisations. Political decisions must not be pre-empted by non-democratic bodies, such as a regulatory cooperation board, in any agreement... The ETUC will cooperate with civil society organisations in initiatives that will advance ETUC policies.

However, perhaps understandably, ETUC perspectives on trade policy seemed strongly oriented to the concerns of affiliates in export industries. For example, a resolution adopted by the EC in June 2017 called for ‘an alternative trading system that is fair and just, providing equal rights and benefits for workers and all citizens’ and which ‘fosters sustainable development and decent work’. But it also insisted that ‘trade policy must ensure a level playing field and fair competition. Clear steps must be taken to ensure that European industries in all sectors open to international competition and workers are not endangered and disadvantaged by unfair trading practices’ and, accordingly, EU trade defence instruments should be used more systematically to combat social dumping. These were not incompatible demands, but might invite the question whether the prime motivation was solidarity with workers in developing countries or protection for those in Europe.

10.3.2 Evaluating the outcomes of conditionality

Campling et al. (2016) assess the effects of labour clauses in EU trade agreements by examining how they influence the legal regime (in particular in terms of CLSs), the outcome in terms of actual working conditions and the degree to which they create space for representation and participation. They argue that far more research is required, but that the evidence suggests that outcomes vary substantially according to national context. Ebert also addresses the practical effects of labour clauses, highlighting that, while they seem to have little direct impact on the observance of CLSs and human rights – ‘the comprehensiveness of the substantive commitments contained in recent EU agreements contrasts with the weak enforcement potential of these provisions’ (2016: 410) – there can be important longer-term, indirect effects by encouraging the development of such institutions as labour inspectorates and by ‘empowering workers’ organizations to ensure the implementation of labour standards in such areas as occupational safety and health’ (2016: 414).

In assessing policies towards trade negotiations, Bieler (2013: 162) argues that, ‘while trade unions from the Global South are highly critical of Global Europe, European trade unions support Global Europe to the extent that it leads to new markets for European exports of manufactured goods’. Such differences were evident in the context of WTO negotiations over non-agricultural market access (NAMA), in which emerging economies were pressed to reduce tariff barriers to manufactured goods from developed economies. In 2008, the EMF joined with the European Automobile Manufacturers’ Association in denouncing as inadequate the proposals for NAMA liberalisation and demanding freer market access for European manufacturers.

Hilary (2014) refers to the same episode and writes of an ‘ambivalent positioning’ by the ETUC. In 2006, trade unions from a number of emerging economies formed the ‘NAMA-11’ group and won ITUC support for a change of position from its ‘earlier reliance on social clauses as a means of mitigating the worst effects of trade liberalisation, towards a position where the ITUC is prepared to withhold its support for free trade agreements based on calculations of the predicted impact of the agreements themselves’ (Hilary 2014: 53). However, he argues (2014: 51, 54) that, ‘despite growing recognition of the ineffectuality of its previous reliance on social conditionalities, the ETUC has continued to support the EU’s overall strategy of pressing ahead with free trade agreements in both the multilateral and bilateral spheres’, and that this ‘essential alignment with the EU’s free trade agenda presents a barrier to international solidarity that still requires considerable effort to overcome’. Of course, this assessment was not widely shared within the ETUC itself.

10.3.3 TTIP and CETA

Trade agreements with developing countries posed no significant threats to European trade unions and might indeed offer new business opportunities. Agreements with major developed economies raised very different issues.

Discussions between the EU and the USA dated back to the 1990s, initially with consultation of representatives of European and US labour. But unions were excluded from the process in 2004 and given only a marginal role after the election of Obama in 2008 (Degryse and Tilly 2013: 199-200). In 2013, negotiations were opened to a tight timescale and in considerable secrecy with the aim of agreeing a Transatlantic Trade and Investment Partnership (TTIP). As Bernadette Ségol explained, this was to be one of the key challenges in her period as general secretary. TTIP was modelled to an important extent on the North American Free Trade Agreement (NAFTA) between the USA, Canada and Mexico which took effect in 1994. For critics, NAFTA had damaging social and environmental implications and resulted in job losses in US manufacturing. One of the most contentious elements was the ISDS provision which enabled companies to sue governments in private courts if legislation (notably on environmental issues) damaged their profits. A detailed resolution adopted in March 2013 set out the ETUC’s concerns and demands.

As specified in the Activity Report 2011-15:

... in March 2013, the Commission adopted a draft negotiating mandate for TTIP. The ETUC called for this to be publicly debated in Parliament and for civil society to be consulted. It noted that such a transatlantic agreement would bear significant consequences not only for jobs and their quality in Europe, but also for the global regulatory framework and attempts to maintain multilateral approaches to trade and investment. It called for a sustainability and employment impact assessment in advance of the adoption of the mandate, and for any agreement to be based on best practices on each side of the Atlantic. It set down a number of demands including binding core labour standards, and the exclusion of public services and Investor State Dispute Settlement (ISDS) mechanisms in the agreement... The

ETUC has constantly stressed the need for transparency, including at a number of meetings with the Trade Commissioner, and acknowledged some advances, though insufficient, in relation to stakeholder consultation... Under pressure, in March 2014, the Commission decided to freeze the negotiations on ISDS while a public consultation was carried out. The ETUC response... expressed fundamental opposition to the inclusion of ISDS in TTIP... The ETUC has been in close contact with the AFL-CIO on the issues.

This liaison with the AFL-CIO resulted in a declaration of joint principles agreed in June 2014.

However, Dierckx (2015: 335) comments that, 'it was still largely NGOs, social movements, and left-wing politicians that were active in the public debate and that were reported in the mass media as opposing ISDS. If unions were involved in protests or alliances, it was mostly through more militant coalitions largely supported by the organized labor movement "on paper," but not actively. Whereas there is a Business Alliance for the TTIP, there is no Labor Alliance against the TTIP. Even though the ITUC and the AFL-CIO... express[ed] opposition to the ISDS... national trade unions have not been at the forefront of the anti-TTIP movement. One of the main reasons is that trade unions are in general sympathetic to free trade.' In the event, TTIP negotiations were blocked, not only because of opposition in Europe but because the incoming Trump administration in the USA – which had attacked NAFTA as destroying American jobs – refused to proceed.

Parallel negotiations took place for an EU-Canada Comprehensive Economic and Trade Agreement (CETA). The ETUC cooperated with the Canadian Labour Congress (CLC) in resisting the proposed deal. According to the Activity Report 2011-15, 'the ETUC criticised, in particular, the weak provisions for the enforcement of labour rights, the inclusion of ISDS and inadequate protections of public services in the agreement. The general secretary stated that, while the Commission may have concluded the negotiations, it would be up to Member States and the European Parliament to ratify and that the ETUC would be pressing them not to do so should its concerns not be met. Following the publication of CETA, in October 2014, the Executive Committee opposed the agreement as it did not meet the ETUC's main conditions.' The Action Programme 2015-19 declared that:

... the ETUC opposes the CETA agreement, which does not fulfil our conditions notably in including ISDS, and we will continue forcefully to oppose any further steps towards its ratification... We will continue to monitor progress and press for improvements to promote decent jobs and growth, and safeguard labour, consumer, environmental and health and safety standards through lobbying, campaigning and negotiating, in particular in our work in the European Parliament. We call on all affiliates to act at national level in support of this position.

However, the agreement was signed in 2016, formally adopted in 2017 and applied provisionally because of delays in ratification by Member States.

10.4 Migration and the refugee crisis

Many similar issues have arisen within the ETUC and between its affiliates over international migration – that is, migration from countries outside the European Economic Area – as were caused by migration within the EU. As we saw above, unions in many countries, including Germany and Austria, were initially opposed to ‘unregulated’ migration from the new Member States and supported transitional measures, whereas a few others supported unlimited freedom of movement. These differing views reflected concerns over the lowering of wages and standards and may have been partly explained by the economic situation in each country. In addition to the mainly economic concerns raised by some affiliates over freedom of movement within the EEA, policies towards migration from outside Europe also reflected deep-seated attitudes toward religious, ethnic and racial differences. These also varied considerably across countries and within unions and aroused tensions both within and between unions and confederations. In addition to economic migration, the ETUC has also concerned itself with refugee and asylum issues, which are often linked to general migration.

Migration from outside the EU has always been left primarily to Member States but the EU has, in recent years, set guidelines and passed directives with the aim of protecting the human and social rights of migrants (and their descendants, as they often remain subject to discrimination even if they are born in an EU country) and of refugees. Even its generally modest proposals have aroused opposition from some Member States and may have played a role in the 2016 vote for Brexit in the UK. The ETUC has pointed to the inconsistencies of EU policy (and the policies of many individual states) over migration. As the Report on Activities 1999-02 noted, ‘the current situation... reflects contradictions and ambiguities. The first is that of an EU which calls for more foreign labour while ignoring those working on its territory without papers, as well as the very high level of unemployment among third country nationals in comparison with Community nationals, in particular among “second generation” young people’.

While international migration only became a major concern for the ETUC toward the end of our period, racism and discrimination were important issues early on, as we have discussed above. The ETUC sought both to influence the policies of the European Commission and the Council of Europe and, importantly, the actions of its own affiliates. Following the 2001 Durban world conference against racism, the ETUC ‘launched an initiative designed to multiply collective agreements, at different levels, on this theme, supplementing and/or improving legislation’. In the same report, the ETUC vowed to ‘put its own house in order’, by ‘ensuring that trade union organisations include more migrant workers and second-generation immigrants among their members and on their decision-making bodies.’

A detailed resolution adopted by the EC in October 2001 insisted that:

The ETUC believes that the free movement of persons, whether citizens of EU Member States or third country nationals legally resident in the EU, should be strengthened in all Member States and this principle should also apply to internal frontier controls.

Turning to the rights of third country nationals within the Union who are not legally resident, the ETUC would stress the fundamental rights contained in these proposals together with the Platform of European Social NGOs for the Charter, i.e., ‘every person within the territory of the Union should enjoy the following rights without discrimination based on gender, race, social or ethnic origin, religion or beliefs, disability, age or sexual orientation, etc.’ The ETUC believes that priority should be given to suppressing illegal labour networks and the beneficiaries of this trade rather than to pursuing and punishing their victims.

The key to success in immigration policy lies in the integration of third country nationals. Unless migrants living and working in the EU are given equal treatment, *inter alia* in terms of social security regimes, no integration is possible. A whole range of support measures is also required. The ETUC particularly wishes to highlight the need for permanent residents to take part in local and national political elections and to have the opportunity to hold dual nationality...

The right to join a trade union and its corollary, the right of trade union organisations to defend workers’ interests, should also apply to illegal workers.

The ETUC believes that the main aim of asylum policy is to guarantee protection to persecuted individuals. All Member States must offer the same degree of protection to such people and only a European policy based on the international conventions can guarantee this level of protection. Having said this, the ETUC is anxious to ensure that this European process – initially one of convergence, and subsequently of harmonisation – will improve the application of the Geneva Convention and the other international instruments.

Amplifying these points, a resolution adopted in November 2002 declared that ‘managing migratory flows requires both a European policy of fair and sustainable co-development vis-à-vis the countries of origin and a European integration policy [which] should be based on the principle of equal treatment and opportunities and should form part of the European strategies for employment and social inclusion’. In 2002, the ETUC set up a temporary working group on migrants and ethnic minorities which prepared a report to the Prague Congress. Congress then adopted a section on ‘Mobility, immigration and social integration’ in its Action Programme and the working group was turned into a permanent body to pursue further action. It is important to note that, even at this time, the ETUC took a strong stance in supporting ‘undocumented’ workers as well as those who were legally resident in EU Member States, and addressed the issues of people smuggling and the exploitation of undocumented workers by unscrupulous employers.

Following the Prague Congress, the ETUC organised a series of seminars at national level for its affiliates to consider how to implement the Action Plan on immigration. In June 2004, a confederal secretary and several members of the ETUC migration working group took an active part in an ILO conference in which a ‘general discussion on migration’ was scheduled. According to the Activity Report 2003-06, ‘the conclusions of this debate, laid down in the ILO resolution concerning a fair deal for migrant workers in a global economy, were quite satisfactory from a trade union point of view as they clearly

established that any policy on migration should be based on recognition of the rights of migrants, that a campaign was necessary for the ratification of the international UN and ILO conventions on migration and that the ILO should take the lead in developing more proactive policies on migration’.

In January 2005, the European Commission presented its green paper ‘Economic migration’, as a follow-up to a position on legal migration taken by the Council in 1999. “At its EC in March 2005, the ETUC passed a resolution ‘Towards a proactive EU policy on migration and integration’ which argued that the EU should:

... open up possibilities for the admission of economic migrants by providing a common EU framework for the conditions of entry and residence, while preventing a two-tier migration policy that would only facilitate migration for the highly skilled while denying access and rights to semi- and low-skilled workers. It should be tough on employers applying exploitative employment conditions and sanction those who profit from these abusive situations... rather than penalising the workers who are their victims. And it should create ‘bridges’ leading out of ‘irregular situations’ for undocumented immigrant workers and their families, while respecting their basic human rights.

It concluded that, by protecting the European social model for all Europe’s inhabitants, the Union would ‘counter increasing feelings of social insecurity among millions of workers that might feed into racism and xenophobia’.

In March 2006, the ETUC, together with the Platform for International Cooperation on Undocumented Migrants (PICUM), organised a conference for around 100 participants from trade unions, NGOs and academics to exchange experiences and discuss strategies to protect undocumented workers in Europe. One conclusion was that trade unions would have to rethink their strategies on organising workers, as undocumented migrants were clearly ‘outsiders’ that would have to be taken on board. Some affiliates, such as the French CGT, were already active in organising undocumented workers (Gumbrell-McCormick and Hyman 2018: 61-67), but this was seen as controversial in some other countries. In summer 2006, the ETUC published a press statement in response to the Commission’s communication on illegal migration, calling for the enforcement of minimum labour standards and decent working conditions as a priority in terms of tackling irregular migration.

Subsequently, the ETUC undertook a project designed to help combat labour exploitation and ensure the protection of the fundamental social rights of undocumented migrant workers in Europe through trade union action. The project, ‘What price the tomatoes?’ analysed these issues and a major conference took place in April 2011.

The issue of migration became more and more salient for the ETUC. As we have noted earlier, Bernadette Ségol recalled that:

... the question of migration was gradually becoming very important. The main influx of migrants came later, after my time, but during my period we had

Lampedusa [a small Italian island between Tunisia and Sicily, where a shipwreck in 2013 caused the death of several hundred refugees]; we had all these people coming in boats through the sea. I was convinced, and we were as a team, that migration would not stop. So we wanted to build safeguards, we called for changes in the Dublin regulations [EU rules governing asylum applications], but we did not see the big migration coming from Syria – that came later.

The ETUC continued to advocate ‘fair and equal treatment for migrant and ethnic minority workers throughout Europe’, calling for ‘a coordinated EU-wide approach to managing the flow of people seeking a better life in Europe for themselves and their families’. It organised a large-scale project entitled ‘Workplace Europe’, whose main objectives were to gather information about trade union activities which support migrant and mobile workers and their families and to seek innovative ways of informing, supporting, protecting and organising them.

At the Athens Congress, when Ségol was elected general secretary, the ETUC was given a mandate ‘to act to change the European narrative on the migration phenomenon by highlighting the positive contribution migrants made to European societies and economies’. The ETUC continued to emphasise the ‘equal treatment’ principle in a rights-based approach, but sought to connect this to a ‘correct balance between the right to free movement of labour and the protection of social standards both for workers in the host countries and for migrants’, a balance not always easy to maintain.

In this period, as Ségol said, migration was becoming a major issue, for the EU and for the ETUC itself, with increased political and social instability in the Middle East and north Africa coinciding with economic crisis and austerity in Europe. This created severe pressure in particular for the border countries in southern Europe.

In keeping with the increased importance of migration, the EC adopted an Action Plan at its meeting in March 2013, following suggestions from the migration working group. Addressing the flaws in recent EU declarations on migration, the ETUC expressed concern at the continued focus on ‘utilitarian’ arguments around migration instead of a rights-based approach. In its emphasis on attracting only the most highly qualified migrants from outside the EU, it argued that the Commission failed to recognise the importance to the economies of the Member States of lower-skilled workers, who made up the largest number of these migrants, and failed to address adequately the dangers of discrimination and xenophobia which they faced: ‘low-skilled migrants and their family members are at higher risk of social exclusion, especially in terms of access to the labour market, education and training’. In an annex to the Action Plan, the ETUC listed the priorities to be addressed by the ETUC and its affiliates:

... the equal treatment principle at all levels of EU policy and legislation, in the workplace and labour market...; a more effective integration policy based on access to rights and inclusion of migrants and their families in the social, civil and economic life of the host community; highlighting the problems of undocumented migrants in order to counter exploitation and abuse, and offering them a route to regular status; enhancing the role of trade unions in representing and assisting

the migrant population in the workplace and through integration into host communities.

In the meantime, the ETUC continued to press the European institutions to change the narrative on migration to a more positive appreciation of the benefits of migration for receiving nations' societies and economies. A visible change was observed when the Commission declared that one of the key issues to be addressed in further developing a common immigration policy was how 'to maximise the contribution of migrants to EU economic development and growth'. Following the Lampedusa disaster, the EC adopted a resolution at its meeting in December 2013, deploring the events and the inaction of the EU and some Member States, and made several important policy proposals, most notably the replacement of the Dublin regulations by a 'solidarity and responsibility principle'; the creation of more 'legal channels for migrants, especially for refugees and people in need of international protection'; and 'the respect of the human rights of migrants as enshrined in EU fundamental law and international conventions'.

In June 2014, the EC adopted a resolution in response to the five-year programme on migration presented in the EU communication 'An open and secure Europe: making it happen'. The ETUC urged 'action to eradicate any practice of exploitation of [the] migrant workforce within the informal economy. For that purpose, the EU needs a framework of action on the regularisation of migrants.' Again emphasising its rights-based approach, the ETUC declared that 'equal treatment at work must become an EU standard for third-country nationals. The reference to "fair" treatment and non-discriminatory access to the labour market is not a sufficient standard for EU legislation. Third-country nationals should benefit from full "equal" treatment in the workplace and on the labour market, including access to employment in public services.' It called again for a 'common European asylum system', including the replacement of the Dublin regulations by a more solidaristic, European-wide policy of the resettlement of asylum seekers and greater protection of their rights and welfare.

Throughout this period, the Confederation continued to work with its affiliates to advocate the human, social and employment rights of migrants and refugees. For example, it campaigned for a strengthening of the 2009 Employers Sanctions Directive, which was intended to enable undocumented migrant workers take action against employers who failed to pay the wages to which they were entitled. One major ETUC initiative was to establish a network, UnionMigrantNet, made up of contact points managed or supported by trade unions and delivering services for migrant workers and their families. Its aims were 'to reinforce trade union activities aimed at protecting the individual and collective rights of migrants; to increase the visibility and accessibility of services and facilities supporting the integration of migrants; and to encourage trade union membership among the migrant population'. After two years of preparatory work, the network was formally launched in June 2015, with EU funding, and covered 12 Member States with about 70 trade union contact points. Its mission statement declared that 'the main goal of the network is to support fair labour mobility and migration. The services provided by the UnionMigrantNet contact points are aimed at promoting the collective and individual interests and rights of migrants regardless of their status.'

Subsequently the EC declared in June 2018 that it was ‘outraged but not surprised’ by the upsurge of the humanitarian crisis involving refugees following the refusal of the right-wing Italian government to allow a rescue vessel to land in the country. The episode was, still according to the Executive Committee:

... a symbol of what is going wrong in Europe. It is about more than just the reform of a common asylum system, it is about the basic values of solidarity, unity and humanitarianism that are the foundation of the European project. It is also about populist and nationalist governments blatantly breaking European and international legal rules... What we want instead is a comprehensive migration agenda, based on solidarity, integration and inclusiveness for the benefit of all, based on full equal treatment and non-discrimination. We also advocate for the establishment of new safe and legal channels for migration.

Chapter 11

Political strategies, mobilisation and alliances

In most of Europe, trade unions have long regarded the key element in their activities as collective bargaining with employers and their organisations, with negotiations often resulting in the legally binding contractual regulation of working conditions. This role is scarcely available for the ETUC: the closest it achieved, as we saw earlier, was in the brief period when it was possible to reach agreements within the framework of the Social Dialogue which could be given binding status through EU legislation.

However, in many countries unions have exercised another important function, which has been termed ‘political exchange’ (Pizzorno 1978). Here, unions’ main interlocutor is not employers but the government. It is often argued that governments, in particular those with weak popular legitimacy, are (or at least were, when the concept was developed) keen to make unions co-responsible for potentially unpopular policies through a process of negotiation. The ultimate sanction available to unions is not, as in bargaining with employers, the threat of a strike, but rather the mobilisation of popular discontent with government policies.

At EU level, the weak public legitimacy of the ‘government’ enabled the ETUC to engage in an analogous process of political exchange, particularly when Jacques Delors in the 1980s sought its backing for the Single Market project. As Emilio Gabaglio would argue (2003: 72), ‘the ETUC works to exert an influence on EU legislation and policies by means of direct representations to its various institutions (Commission, Parliament, Council), while guaranteeing trade union participation in a vast process of multi-faceted consultation between the European authorities and the social partners’. In the Report on Activities 1995-98, Gabaglio noted that ‘the ETUC has given high priority to following closely policymaking in the different institutions, and has made efforts to further strengthen contacts with them, including reinforcing the resources of the secretariat. One of the initiatives has been to invite representatives of the European institutions to ETUC “open house” meetings on a regular basis.’ Similar reports were made to subsequent congresses. In 2007, for example, John Monks noted that ‘we have met and kept contact with every presidency of the EU, the Commission, every major political group in the European Parliament (except for the far right), European employer bodies and NGOs’.

11.1 The EU institutions

The EU is a complicated political system, in many respects different from the forms of governance at national level. Dølvik (1997: 91) notes that ‘political decision-making

at the European level evolves through complex, multi-layered and time-consuming processes... While the supranational Commission has proposed new legislation, the representatives of national governments in the Council of Ministers have decided... Thus in order to influence the development and design of Community policy, interest groups have principally had to target the Commission, while in order to influence the final outcome they have had to target representatives of national governments, thus giving rise to a dual track of interest articulation.'

Relations with the Commission have been a major preoccupation of the leadership throughout the existence of the ETUC. Formally there has always been accepted access to the president and to the various commissioners, and in particular the one for social affairs, and more generally to their staff. However, the degree of their influence has been variable and the many directorates-general with primarily economic functions were never in practice receptive to ETUC submissions. In the years after Delors, the difficulty of exerting influence increased significantly.

Within the Council, a key role is played by the country which holds the six-month rotating presidency. The role allows the government holding the position to advance certain issues which are already on the legislative agenda or, conversely, to allow them to languish. At the start of each presidency, the ETUC (together with its affiliates from the country involved) submits a detailed memorandum to its government, outlining the priorities which it wishes to see pursued. In his report to the 2003 Congress, Gabaglio also noted 'the established tradition of inviting the European social partners in the context of the informal meeting of the Labour and Social Affairs Council'. Occasionally the ETUC was also involved in discussions before meetings of other subject-specific councils. Effective pressure by the ETUC depends to an important degree on the ability of national affiliates to lobby their own governments, and discussion in the EC indicates that their commitment and effectiveness have often been uneven.

The ETUC has devoted increasing resources to its role as an interlocutor of the European Parliament, which has obtained greater powers through successive Treaty revisions. The 'co-decision' rights gained by the EP mean that both it and the Council must agree to new legislation. In case of disagreement between the two institutions, it is necessary to seek a compromise through a complex 'conciliation' process. Thus the EP can effectively veto legislative proposals from the Commission. As Kovacs (2008: 7) comments, 'MEPs are, in the majority of cases, independent and bound neither by the constraints of their political groups, nor by the decisions of the Commission or the Council. For that reason, as well as due to the conservative-liberal majorities in all the main European institutions and the trade unions' resultant difficulties in having their arguments considered, compared to the Council and the Commission, the EP is currently perceived by the European trade union movement to be the most important arena for influencing the European legislative process.'

As Kovacs indicates, most MEPs are members of a political party grouping, but these are far less cohesive and disciplined than is usual in national parliaments. Party orientations are cross-cut by national affiliations and this has become increasingly important with EU enlargement. It can thus be a major task for the ETUC to map the composition of the

EP and to identify the best routes to influence, as Cateleene Passchier mentioned in our interview. After each election, an analysis is made for the EC of the composition of the new Parliament. This has become increasingly complex over time: in the first decades of the EU there was a clear dominance of social democratic and conservative/Christian democratic groups (PES and EPP), who often held compatible views on employment issues; but the pattern has since become much more fragmented.

MEPs sympathetic to trade unions have, from the 1990s, been part of an informal (but officially recognised) grouping which provides an important channel of contact for the ETUC. As Gabaglio reported to the 2003 Congress:

... the highly valuable contact with the European Parliament has been further developed... Beyond the particularly important contact with the Employment and Social Affairs Committee [of the EP], closer contacts are also being established with other committees. The ETUC is often invited to hearings, including to the Economic and Monetary or the Legal Affairs committees, and there have been numerous positive contacts with rapporteurs and coordinators from different political groupings on specific issues...

Every second month the EP trade union coordination committee (previously called the intergroup) convenes addressing key policy issues of general interest, and – as a new key body – the EP trade union coordination bureau meets once a month to exchange points of view on specific issues up for decision. The active members of EP are from the PES, EPP, Greens and the United Left political groups, and this has been extended... to also include the Liberal group.

The role of the rapporteur, mentioned by Gabaglio, is of considerable significance in the EP, as in many national parliaments in Europe (Yoshinaka et al. 2010). Rapporteurs are chosen by EP committees through a somewhat complex process to manage debates on legislation and, if necessary, handle negotiations with the Commission over conflicting positions. To secure a positive outcome they have to negotiate consensus across political and national positions; or, if they are personally unsympathetic to the legislation, they may effectively block it.

Managing relationships with this complex political system is challenging. It was accomplished very successfully, as we have described earlier, in resisting the Bolkestein directive. We have also shown that the constellation of circumstances here was exceptional: a particularly effective campaign of mobilisation by the unions, a relatively sympathetic majority in the EP, a Commission and Council which perhaps were not yet fully wedded to neoliberalism. And constitutionally, the EP had the power to block a legislative initiative favoured by the Commission and the Council but not to push through changes which the latter resisted, as was evident in such cases as the revision of the directives on EWCs and on working time.

11.2 Relations with 'civil society'

Union officials often stress that their organisations possess a substantial paying membership and established procedures of internal democracy, unlike many other 'civil society organisations'. Conversely, some NGO representatives often regard unions as part of the establishment, reluctant to engage in radical action which might threaten their institutional status (Gumbrell-McCormick and Hyman 2018: 146). Hence relations between trade unions and other types of NGO – whether at national or at international level – often involve tensions. However, there are a number of reasons for union organisations – including the ETUC – to collaborate with NGOs, particularly over issues (such as the environment) which were not central to the traditional trade union agenda. In such cases NGOs may already possess expertise which the unions lack and they may be recognised as interlocutors by authorities such as the European Commission. Here, influence is multiplied by speaking with a single voice, while all are weakened by arguing at cross purposes.

Degryse and Tilly (2013: 78) note the development from the 1990s of partnerships with specific NGOs on issues of common concern. One of these, mentioned earlier, was the Spring Alliance, established in 2008. The ETUC has also developed working relationships with the European Anti-Poverty Network, the European Women's Lobby and the European Disability Forum, among others. More generally, Moreno and Gabaglio (2006: 235-236) insist that 'strictly speaking, trade unions are themselves NGOs and social movements... In fact, the ETUC habitually associates with numerous NGOs and networks of NGOs in their campaigns and activities for social Europe.'

Frege et al. (2004: 144) contrast trade union collaboration with institutionalised and respectable 'insider' NGOs to create 'coalitions of influence' within mainstream politics, as against cooperation with more radical, 'outsider' groups to create 'coalitions of protest'. The most sustained cooperation by the ETUC has been of the former type, with NGOs which are themselves recognised as interlocutors by the EU institutions. But in the face of increasing resistance to its demands by the EU authorities, the second type of involvement has also occurred. Degryse and Tilly (2013: 194) refer to the World Social Forum (WSF), set up in 2001 as a popular alternative to the annual World Economic Forum in Davos. It met initially in Porto Alegre, Brasil, and the ETUC joined the international committee established to organise future events.

The 2002 WSF saw the organisation of the first 'World Trade Union Forum', at the initiative of the ICFTU, WCL, ORIT, CLAT and ETUC. The latter sent a delegation, which was led by its deputy general secretary, Jean Lapeyre, and included Maria-Helena André, Gérard Fonteneau and Juan Moreno. It was at that same 2002 Forum that the WSF decided to organise regional social forums in Europe, Africa and Asia. The first European Social Forum (ESF) took place in Florence in 2002.

Moreno and Gabaglio (2006: 246-249) describe the first WSF as 'a total success from all points of view'. The ETUC made a significant financial contribution and encouraged trade union delegations to participate. But relations deteriorated, with divisions between 'radical' and 'moderate' groupings. Degryse and Tilly (2013: 195) comment thus:

Gradually, however, these meetings, although continuing to draw huge crowds (more than 150 000 people in 2005), saw the international reach of the earlier Forums begin to dissipate. Above all, the internal disagreements became more heated, while the 'radical' tendency gained the upper hand. On the European side, the debates on the draft Constitutional Treaty left the organisations involved in the Forum deeply divided. The ETUC increasingly criticises the groups that lead the Forum for failing to respect the Charter of Principles, in which the ESF is enshrined in a plural, diversified, non-confessional, non-governmental and non-party context... The trade unions are pulling back from the Forum; the ETUC has withdrawn from its international council.

Moreno, who was part of the ETUC team at various Social Forum meetings, told us that the ESF organisers had given a commitment not to engage in confrontation with the trade unions, but had broken this undertaking and had insulted Maria Helena André during a debate in Florence.

Debates in the EC and SC reveal some of these divisions. At the SC in September 2002, in discussions on participation in the first ESF, Gabaglio argued that 'the ETUC should be present in Florence as it was in Porto Alegre in 2002, accepting to enter into dialogue in full autonomy and with good visibility. We must look to the ESF as an opportunity to present ETUC positions and actions to movements and especially young people who either ignore or are critical of trade unions. We must however minimise the risk of being drawn into situations beyond our control', and this is why he was not in favour of the ETUC taking part in any demonstration which could take place during the ESF. This was followed by a positive but cautious statement: 'For the ETUC, the European Social Forum in Florence represents an opportunity for dialogue with the social movements. We share with them concerns relating to the harmful consequences of globalisation.'

At the WSF in January 2003 there was again a delegation from the ETUC, as well as from the ICFTU and WCL. The Report to the EC commented that:

... this year's WSF was larger than the two previous ones and once again it has won the media battle over Davos... Nearly one hundred thousand people attended the WSF and once again it went off peacefully. The most unanimous call at all the events was a rejection of the threat of war in Iraq. At the same time the demands of previous years for the cancellation of foreign debt, reform of international institutions and the regulation and democratic and social monitoring of the process of economic globalisation were repeated... One of the activities of the WSF was the so-called 'assembly of social movements' which decided on a world schedule for mobilisations. It should be noted that the assembly's decisions – like those taken by other networks (such as our own Trade Union Forum) – are not made in the name of the WSF and are only binding on those who subscribe to them.

The three trade union bodies 'will have to assess the successes and failures of Porto Alegre 2003 and trade union participation at the event' and 'should take a stance in the debate on the future of the WSF in order that the representatives of the three

organisations on the International Committee can establish the necessary alliances with other members to push home our points of view’.

Immediately before the ESF in Paris in November 2003, the ETUC organised a separate Trade Union Forum, as had been done at the WSF. Monks reported to the SC that this had been ‘crowned with great success’ and ‘was masterfully organised by the ETUC and our French affiliates’. It had attracted over 800 delegates and achieved great impact, particularly in the French press. However, he also noted that ‘in the follow-up to the Social Forum, he had heard... that there had been a call from the European Social Forum in Paris for a day of activities on March 20 – *against* the IGC and *for* Social Europe. That was the first the ETUC had heard of it. The ETUC should not dance to the tunes played by such bodies and should make its own decisions, not be led by others. That way we would play into the hands of those who want to relegate unions to the level of NGOs.’

At the next meeting he added that, ‘The ETUC had in mind to engage itself in a campaign of organising activities to highlight the sense that Social Europe is under threat. In the light of the recent European Social Forum held in Paris, the idea had emerged from several NGOs that a European Day of Action would be planned in April/May 2004.’ He had been in recent discussion with Michael Sommer (DGB) and the DGB had decided that they would not be following any action by NGOs or this idea that had emerged from the Social Forum in Paris. Monks reported that he agreed with the DGB’s line of thinking and said that the ETUC would not be used as a tool of various sectarian movements who had been seeking leads on Social Europe and on any outcome that might come in relation to the European Constitution:

Trade unions have very often very different views from NGOs. The European Social Movement produced a manifesto in Paris in the name of everyone present in Paris without any consultation with most who were present. Some in the European Commission would like to label the ETUC as an NGO... [However] the ETUC is a social partner, a negotiator, a tripartite operator, a regulator of the labour market... these are the ETUC’s reasons for being. The bottom line is that, if NGOs cooperate with us, we can cooperate with them but we should not follow their agenda.

As Maria Helena André later recalled, ‘I have always favoured that the trade union movement, be it at the European level or at the national level, should be able to work hand-in-hand with civil society, always making the distinction between what is the responsibility of a trade union organisation in its capacity as an industrial relations actor and in its capacity as pushing the social agenda forward’. But she added that, ‘We are the pilots on this plane. If there are others that want to join us, they’re free to join us. I think we’ve always succeeded in making a division between those that were for and those that were against.’

In the discussion at the EC, the representative of the CC.OO said that:

... at the assembly of social movements in Paris, all present had wanted to focus on European questions but that they were not able to establish convergence especially on the issue of the European Constitution. He said that NGOs are an important

part of the social movement and that, if the ETUC is working for social rights for the whole of Europe, then perhaps some of the NGOs in Spain and in other countries could work at European level too with the networks that exist among these organisations and some of them should be able to join up to union initiatives in the period ahead. He said that he agreed with what the general secretary had said but that he still felt that this shouldn't mean that we cannot work with some NGOs. He felt that, in most countries, social organisations and NGOs are divided into two main groups and that with one half it is OK to work and with the other half it is more difficult.

In response, Monks insisted that 'the ETUC would welcome all the support that we can get and this included from NGOs but that we will only work with those who work with us.' He felt that he had expressed his views strongly but said that the ETUC was organising with the Social Platform and the European Environmental Bureau 'a major conference on sustainable development... [which] proves that we can work perfectly well with some NGOs.' And indeed, collaboration in what would soon be formalised as the Spring Alliance is a good example of continuing joint activity. For example, in the run-up to the 2014 EP elections, the Alliance 'decided to draft a joint manifesto identifying six lines for action which they consider should be priorities for the next Commission and the next European Parliament'. Another example of collaborative action was involvement in the campaign for domestic workers' rights, which culminated in the adoption of the ILO Convention in 2011; in some of the activities the ETUC cooperated with the International Domestic Workers' Network and *Justitia et Pax*.

Nevertheless, there were concerns among some affiliates that 'outsider' NGOs were proving more effective than the ETUC and its more established allies in winning popular support, particularly in the aftermath of the economic crisis. A particularly potent example was the *indignados* movement which was symbolised by the occupation of the *Puerta del Sol* in Madrid in May 2011 as part of a large-scale protest against the impact of austerity measures. The following month, Bernadette Ségol referred to this in her first report to the EC:

... this movement, which started in Madrid and brought together thousands of young people, spread to other cities in Spain and had repercussions on a number of European countries such as Greece. This citizens' and spontaneous movement was born in the context of an economic crisis which particularly hit young people: record unemployment rate, job and life insecurity and shortage if not total lack of prospects for the future. Independent of traditional institutions and organisations, it is still in search of its political dimension. Sometimes allied to and sometimes rejected by the movement, trade unions have to take it into account and together think of a possible answer.

In October, the new ETUC president, Ignacio Fernández Toxo (general secretary of CC.OO) added that 'social unrest was rising, but trade union initiatives were sometimes brought into question by the *indignados*'. In referring to their demonstrations on 15 October, the president said that, 'Trade unions should be very sensitive to those demands. We needed new trade union alliances with civil society.' And, in an article

the following year, he wrote that ‘without the social model whose principles and values are inscribed in the Treaties, and with democracy undermined as a result of the fiscal pact, the EU is on the path to destruction. European politicians should not forget this. European trade unions, with the ETUC very aware of its responsibilities, respond as much through mobilisation as by proposing a social dialogue’ in pursuit of alternative solutions to the crisis (Toxo 2012).

In her discussion with us, Judith Kirton-Darling, whose dossier included relations with civil society organisations, remarked that ‘we had OK relations with the NGOs, but it was not embedded in the work of the ETUC. I think that has radically changed since – now the relationship is far more respectful from the perspective of the ETUC – but at that point it was, “why are we working with these...? We’re god, and they should be happy to be in the same room as us.” There was no recognition that some of the NGOs had representativeness in their own right as well, it was really complicated.’ In the early stage of her career, ‘I had been on the other side of the table, all through that period with the Charter of Fundamental Rights, I was part of the Social Platform – which was very new – [and its] working group on the Charter. I had seen the other side of the coin, so I was never anti-NGO. But even people like John Monks were very ambivalent; he was outraged about the idea of the European Citizens’ Initiative because trade unions don’t petition parliament, we bargain... But I think that has evolved.’

11.3 Campaigns and demonstrations

The ETUC was created, at least as envisaged by most of its founders, primarily as a social partner, an interlocutor of the European authorities and the organised European employers. This was the thrust of Monks’s comments quoted above. But what if the unions’ voice was not heeded? Oppositional forms of action might be the only option, particularly if some affiliates and their national members were pushing for a more radical defence of workers’ interests. Visser and Ebbinghaus (1992: 232) note that the ETUC organised a number of demonstrations against unemployment between 1978 and 1983, while Groux et al. (1993: 60) discuss these in more detail, identifying an oscillation between a trade unionism of ‘mobilisation’ and one of ‘pure institutionalisation’ before concluding (1993: 61) that ‘the potential for a trade unionism of collective mobilisation [had] faded’.

Indeed, these mobilisations, write Degryse and Tilly (2013: 96), ‘made barely any impact on European leaders’. In consequence, ‘following much discussion, the principal leaders of the trade union confederations affiliated to the ETUC decided, in autumn 1983, to resume the approach of institutional representation. The mood within the trade union movement was despondent, but the ETUC had at least been able to demonstrate its capacity for mobilisation and the legitimacy of its battle.’ Furthermore, the Delors years seemed to indicate that partnership could again yield results.

But the shift to a less accommodating EU regime, as we have already discussed in detail, provoked a revival of the mobilising mode from the late 1990s. One key precipitating event, mentioned previously, was the closure of the Renault Vilvoorde plant in 1997. As

described in the Report on Activities 1995-98, 'the call for action from Belgian members quickly took a European turn, with large numbers of French, Dutch, Luxemburg and other trade unions taking part in the streets of Brussels'. This demonstration in March 1997 involved some 75 000 participants and was soon followed by a Europe-wide ETUC campaign for jobs.

In subsequent years there were frequent demonstrations calling for the EU to give higher priority to employment issues and for a stronger social dimension more generally; these often involved mass demonstrations in conjunction with EU summits (Gajewska 2009: 110-113). According to the Report on Activities 1999-02, 'Euro-manifestations [*manifestation* is the French term for demonstration] have now become a normal feature of ETUC action'. These were called to coincide with the European Council meetings in June 2000, December 2000, December 2001 and March 2002, when:

Tens of thousands of workers took part in the countries concerned alongside important delegations of ETUC affiliates in neighbouring countries and beyond. Many other demonstrations of a European character took place in the period, organised by the affiliates in the country holding the EU presidency and on the occasion of industrial actions promoted by European industry federations concerning multinational enterprises, transport, commerce, public services.

Furthermore, as Taylor and Mathers (2004: 268) write: 'There is... evidence that the ETUC is beginning to combine its role as an institutionalized "social partner" with the more campaigning approach associated with "social movement unionism".'

One key initiative at sectoral level was the dock workers' resistance to the directive on port services proposed by the Commission in February 2001 with the aim of liberalising the provision of traditional dock work. A coordinated European campaign of work stoppages and public mobilisations resulted in the rejection of the proposals by the EP in November 2003. In many respects, this provided a precedent for the broader fight against Bolkestein (Turnbull 2006). At the EC in December 2003, Monks reported that the DGB had proposed a European Day of Action in the first half of 2004. He said that 'it would not be just one demonstration like that which had been held in Rome'. Monks said he was 'happy to support the DGB's initiative [and] that, if the national centres supported the idea, it could go ahead. [However, what he] did not want to see was a campaign call made and nothing happening. It should not take the form of a two-day seminar.' It was agreed to hold two days of action in April 2004 in the run-up to the EP elections with the slogan 'Our Europe – Europe that's us!'.

Mobilisation received a new dynamic with the campaign against Bolkestein. As Degryse and Tilly (2013: 133) describe:

... to support the numerous actions carried out at national level, two European demonstrations were organised by the ETUC at key moments in the negotiations. The first was held in the streets of Brussels on 19 March 2005, just a few days before the meeting of the Heads of State and Government on 22 and 23 March. It attracted some 80 000 protesters. John Monks declared on the occasion: 'We

don't want Bolkestein – that Frankenstein of a Services Directive, a directive which will, if passed, start a race to the bottom, pulling down wages, conditions and public services instead of building a Europe of high standards. Not a rush by companies to the country with the lowest costs and lowest standards.' He called on the Commission to throw the text in 'the wastepaper basket' and to write another that took account of people's concerns. 'This is a great battle in a war against the neoliberals who want to bury social Europe. We won't let them. Europe is not their Europe. It's our Europe.'

A second demonstration was held on the same day that Members of the European Parliament debated the directive at a plenary sitting on 14 February 2006. The location this time was the streets of Strasbourg, with French and German member organisations and trade unionists from central and eastern Europe among the crowd of protesters.

At the SC in May 2005, the president:

...congratulated all those affiliates who had contributed to the ETUC demonstration on March 19 on unemployment, Bolkestein and Social Europe. The final estimate of demonstrators was 75 000 and it had had an impact on the summit the following week when the French president and Jean-Claude Juncker had led an attack on the Bolkestein directive, which was now being reviewed. That was good news and congratulations to everybody concerned – and special thanks to the Belgian affiliates for their help with organising and part-financing the demonstration. It was a great effort.

This was followed by a series of European demonstrations in support of workers' rights. As Monks wrote in the Activity Report 2003-06, 'mobilising individual trade unionists, through the ETUC's national affiliates, is more important today than ever. Since 2003, the ETUC has organised a number of major campaigns that have brought thousands of workers on to the streets of European cities in support of trade union demands. Euro-demonstrations are a crucial way of bringing pressure to bear on EU decision-makers and uniting workers from different countries behind one set of objectives and under one banner: the European Trade Union Confederation.'

The turn to mobilisation was reinforced by the decision in Seville to go 'on the offensive' and then by the economic crisis and the austerity policies which followed. In proposing a campaign for tighter financial regulation at the EC in March 2010, Monks argued that:

Given the negative influence of financial lobbyists and the Council, the ETUC cannot counter these solely by relying on the superior quality of our arguments. The effort to influence the legislative process in and alongside the European institutions in Brussels is not sufficient but needs to be underpinned by campaigns and targeted lobbying work in Member States... At best, building a coalition against financial conglomerates would span interests that are social and political as well as economic such as SMEs or savings and mutual banks. A broad coalition-building among trade unions and civil society organisations for financial reform will also

challenge the closed-shop mentality of the financial elites and shed light on the opacity of their business practices and institutions on a wide range of issues.

The Activity Report 2007-11 recorded that:

Since 2007, the ETUC has organised a number of major campaigns that have brought thousands of workers on to the streets of Europe to protest and support trade union demands... More than 50 trade union organisations from some 30 countries responded to the ETUC's call to take part in a large demonstration in Ljubljana on Saturday 5 April 2008 to demand higher wages. 35 000 workers took to the streets of Ljubljana in Slovenia, proving that stagnating wages and purchasing power is a common problem hitting workers across Europe... On 16 December 2008, over 30 000 trade unionists marched through the streets of Strasbourg to protest against the weakening of the Working Time Directive and to defend workers' rights. This march took place on the eve of a crucial vote on the Working Time Directive in the EP. In March 2009, the ETUC launched a large-scale European campaign to fight the crisis. It is unacceptable for workers and citizens to shoulder the burden of a crisis they did not cause... Social protest movements took place in many European countries – such as in France, Iceland, Ireland and Latvia. Demonstrations took place in Madrid, Brussels, Berlin and Prague...

Some 100 000 trade unionists representing 50 member organisations from 30 countries took to the streets of Brussels on 29 September 2010 and thousands of others did the same in many other cities across Europe. They were demonstrating against the austerity measures adopted by many European countries and demanding recovery plans in favour of quality jobs and growth. With this European Day of Action and particularly its key event – the Euro-demonstration in Brussels – the ETUC gave a voice to workers and made it clear to European leaders with responsibility for employment and growth that workers are not willing to be sacrificed on the altar of austerity. Once again, within the context of its campaign against the austerity plans plaguing Europe and ruining both the economy and its citizens, ETUC coordinated another decentralised day of action on 15 December 2010, on the eve of the European Council on 16-17 Dec. The ETUC and its Belgian affiliates gathered in Brussels in front of the seat of the European Commission to express their solidarity with the social protest movements taking place across Europe against the drastic austerity measures whilst the banks continue to pay astronomical bonuses to their traders. Affiliates in other countries organised a range of activities including demonstrations, work stoppages, general strikes, etc.

Monks reported to the SC in September 2010 that 'he had participated recently in a demonstration in Paris. He had also been in Madrid with Spanish affiliates to help prepare their general strike on 29 September. There had been a very good combative spirit. Plans were well advanced for the European demonstration on September 29. Belgian organisations were doing a wonderful job. At least 24 countries would be represented... We needed to fight against austerity measures planned all across the EU... The crisis was getting worse while banks seemed to be doing well... We wanted

solidarity, not punishment.’ The following month, he told the EC that, ‘austerity would soon affect every Member State and its impact would be increasingly felt over this coming winter and into 2011. The austerity regime was prompting a common European trade union reaction. There had been actions in 12 countries on September 29 and around 30 countries had been represented at the demonstration in Brussels. Since then, there had been a number of other actions: a massive demonstration in France on 12 October and another was foreseen the following Saturday; and action in Slovakia on 12 October. There would be a mass lobby at the UK Parliament on 20 October and a general strike in Portugal on 24 November.’

The Activity Report 2007-11 documented the continuing protests:

On 24 March 2011, trade union demonstrations and rallies took place in Brussels as part of a further ETUC European Day of Action. The aim of this Day of Action was to highlight trade unions’ opposition to the European economic governance proposal... Trade unions said NO to the destruction of social standards and the austerity measures that are strangling public spending and hitting workers but not speculators. Other days of action took place around Europe... ETUC organised yet another Euro-demonstration against austerity, calling for a Social Europe, for fair pay and for jobs, which took place in Budapest on 9 April 2011. Over 50 000 trade unionists took to the streets insisting that governing Europe means creating more jobs, more justice and more solidarity. It means giving higher priority to employment and decent jobs. It does not mean more austerity.

Though the crisis continued, and in some respects intensified, this was to be the high point of mobilisation. Under the new leadership team, there were initially several major demonstrations against austerity and unemployment: in Luxembourg in June 2011; in Wrocław in September; a Europe-wide Day of Action in November 2012; and another European Action Day in Brussels in March 2013. As Ignacio Fernández Toxo, ETUC president, recalled, it was impossible to respond to the crisis effectively by national action alone:

And so we launched the initiative, in the Executive Committee, to call for a European general strike. One part of the trade union movement understood this, another part not so much and one part directly opposed it. And I remember an Executive Committee at the headquarters of the Economic and Social Committee where they tried to convince us not to set a date for that general strike... The southern countries, particularly the Italians, the Portuguese and we, Comisiones Obreras and UGT, with the support, I must say, of the DGB... were very much in favour of forcing the call for a date for a strike, for stoppages. Whether it took the name of a general strike or not, it would mobilise the whole European trade union movement on a single date. However, there were alternative proposals for a week of mobilisations in Europe which, in my opinion, meant diluting the call and its effect.

Writing at the time, Horn (2012: 586) suggests that ‘while the ETUC is unlikely to move substantially to a full-blown social movement unionist strategy, the increasingly

political framing of demands and strategies rather than a predominant focus on workplace issues points towards changes in strategy to establish a broader coalition focusing on exploitation beyond the workplace’.

The Activity Report 2011-15 recalled that, ‘At its 2011 Congress in Athens, the ETUC resolved to undertake ‘enhanced campaigning activities on a number of issues’, including to ‘prepare a campaign for the next European elections aimed at determining the candidates’ level of commitment to a Social Europe’. Since then, campaigning has been the regular subject of Executive Committee reports and ETUC activities. In December 2012 it was agreed that a campaign budget of 200 000 euros be established. Hence at the end of 2013 the ETUC published a ‘plan for investment, sustainable growth and quality jobs’ under the title ‘A new path for Europe’ and also issued a manifesto for the EP elections. In April 2014, shortly before these took place, and following pressure from a number of key affiliates, the ETUC called a Euro-demonstration in Brussels; some 50 000 trade unionists participated.

This, however, was the last such demonstration organised in the period covered by this book. The ETUC continued to engage in campaigns, most notably on the theme ‘Europe needs a pay rise’ which ran from February 2017 to June 2018. The ‘New path’ campaign had been pursued mainly through the more restrained processes of lobbying the EU authorities and members of the EP and, likewise, the ‘Pay rise’ campaign was mainly ‘aimed at working more closely with EU policymakers to promote wage increases, upward wage convergence and collective bargaining’.

Why was the phase of mass demonstrations tacitly abandoned? One reason was that such actions were resource-intensive. As Monks told the SC in September 2009, ‘demonstrations could not be over-used. Our means were rather limited at a time when the focus was moving to the national stages.’ Demonstrations in Brussels – where many of the actions took place, in order to address the EU authorities directly – depended greatly on the commitment of the Belgian affiliates. As early as December 2008, one of these reported at the EC that ‘there was a degree of national fatigue with campaigning and it was not likely that a demonstration centred in Brussels on European issues would match previous efforts’.

A second factor was a feeling that demonstrations were failing either to influence policymakers or gain broader popular support. Media coverage seemed to be declining, as often were the numbers of participants. Monks told the SC in September 2009 that ‘we had had many demonstrations which had been successful with regard to participation, less so with regard to the outcomes’. A French union leader said earlier in the same year that ‘we could congratulate ourselves on the recent demonstrations but we could not afford multiplying demonstrations without clear objectives’. Increasingly, there were arguments at the EC that EU-level demonstrations should not be too frequent and the themes should be very specific. Hence in June 2011, Ségol told the EC that ‘we should use mobilisations wisely... We needed to discuss the nature and frequency of Euro-demonstrations in the context of a more general reflection on campaigns decided by Congress.’ Nevertheless, some key affiliates still stressed the value of demonstrations. At the SC in November 2011, the DGB insisted ‘that we should remember the good

experiences. In 2009 millions of people had been in the streets in four major cities in a week. This had been a big success. Demonstrations represented a very positive learning process for participants. It was for them a way to feel European solidarity.’ Ségol replied that ‘not everything was possible. The ETUC had financial as well as capacity limits. We would try our maximum but we needed to adapt our actions to finances and personal resources’ [but she agreed] ‘that demonstrations gave people a feeling of European solidarity.’

A third problem was that ETUC demonstrations might provide an opportunity for anarchist groups to provoke violence, resulting in negative publicity. Before COP 19 in 2009, a representative of LO (Denmark) said that, ‘we should avoid organising demonstrations with violent groups in Copenhagen and feared there would be problems’, while another added that ‘there will be many demonstrations, some of which will be organised by activists who are already in training to provoke the police into physical confrontation’. After the mobilisation in April 2014, Ségol reported that ‘media coverage was extensive and clearly mentioned trade union concerns and demands despite an inevitable focus on the violence of a very small minority’. However, others within the ETUC argued that such fears were greatly exaggerated. In the view of some to whom we spoke, changed circumstances implied a need to devise new methods of activism; a retreat from mobilisation as such was a strategic error.

Underlying these issues was uncertainty as to the role of mobilisations and demonstrations within the repertoire of ETUC action. Could a contestatory approach to the policies pursued by the EU institutions be reconciled with its position as a social partner? Mitchell (2014: 418) argues that ‘for some time, the ETUC has attempted to combine three distinct tactics – negotiation, lobbying, and protest – into a multipronged European strategy. But the problem the ETUC now confronts is that the three roles are ultimately not compatible. Going forward, it will likely have to choose between its “insider” and its “outsider” status or lose credibility in either role.’ The dilemma is clearly indicated by Kowalsky (2011: 86, 90): ‘The unions are increasingly turning their backs on Europe, primarily because Europe has turned its back on them’. Yet ‘the slogan “For another Europe”, long the hobbyhorse of alternative globalisation (*altermondialiste*) movements, has been picked up but quickly dropped for fear of contamination’.

Catelene Passchier gave an alternative assessment of the dilemma:

... the approach taken by John, which I supported, was that this was a false dichotomy. Here you are with a very small group of people in Brussels, the real trade unions are the local, sectoral, national unions, organising people. Don’t expect the ETUC to do that. It’s not supposed to do so. Then the question is: how can the ETUC give the additional strength to the local and national unions, on which issues? So for me it was an important issue to address that national unions had to realise that the world is no longer national, regulation is no longer national, business is no longer national. How are we going to internationalise unions? This is not what the ETUC can *do*, but it can challenge *you* to do so... If businesses move, if workers move, how are we going to deal with it? In terms of regulations? This is the old debate on why it was important for the ETUC to get involved with

European regulation, because a level playing field has to be created at a higher level than just the national level – you cannot deal with a globalising world with national regulations only. And then the other question is, how are you internationalising your unions? How can unions deal with the cross-border dimension of business, of workers' mobility? That is where the ETUC could add value by putting these issues on the agenda and developing a joint response, and we have the ETUI undertaking research on those matters, on innovating your union, making sure that you address non-standard forms of employment and women as a new work group in your constituency. On those issues the ETUC could offer strategies and approaches, but don't make the ETUC the union!

I fully understood that people wanted the ETUC to be strong and to have impact, but I thought, that's *your* job! The ETUC is strong if the German unions are strong, or if the Spanish unions are strong, and if all can strengthen and support the ETUC in what it is doing at European level. On the other hand, sometimes people at ETUC level have not sufficiently understood that they cannot just themselves negotiate with the Commission and the Parliament. You don't need empty seats here [our interview took place during the ETUC Congress when the hall was often more than half empty], you need to know – if I'm sitting here and negotiating with the Commission – that it's full there, that's where [our] power comes from: not from me but from them. This is sometimes a mutual misunderstanding, the ETUC not sufficiently understanding that they really need that connection with their unions as a basis for their power; and the unions not sufficiently understanding not to make the ETUC their alternative power; that they have to back up the ETUC in what it is supposed to do while they have to do all these other things. And we do not sufficiently discuss our expectations of each other.

She added that, at the time of our interview, similar debates arose concerning her role as Chair of the Workers' Group at the ILO:

Some people in some organisations – sometimes the same ones who are criticising the ETUC – are criticising us as the Workers' Group or me as the spokesperson for compromising, for playing a role within the system. But this is my job, I have to play this role within the system! If you are critical, make sure you go out and say, 'We want the ILO to do this'. Because it's good for me if my unions here would say "We really expect the ILO to be more ambitious", because then I can say within the ILO, 'My unions want more than you are currently willing to do'. This is understanding how you play your different roles.

This is a continuous debate for as long as the trade union movement has existed. Do we get more if we enter into negotiations, or if we don't? It's good that this debate is always taking place because you need to decide every time. Maybe this time I won't compromise, because the compromise is just not good enough, and because I think that the power behind me will give me the leverage to get more sooner or later. But sometimes the power behind you is very weak and sometimes you think, maybe if I can find a way to compromise on this or that then we can get something that we will not get otherwise, or we can lay the basis so that later we

can get more. When I started as a feminist in the trade union movement, I was happy that there were feminists outside the trade union movement saying, 'All these terrible unions, all male, pale and stale, we don't want them at all'. Then, inside the trade union movement, I could say, 'We'd better pay some attention to all this criticism, otherwise what will happen to the movement?' So you play your cards and your positions.

Joël Decaillon added a further perspective. From the turn of the century:

... the policies of the EU institutions made any advance more and more difficult. Genuine negotiations, for example over Bolkestein or the directive on port services, would have been impossible without European demonstrations, strikes and a public debate. Without such a campaign there would have been no chance of making the Commission reconsider, or of getting the support of the EP. In the case of Bolkestein, we would have done much worse if we had been content just to lobby the EP. Both Gabaglio and Monks understood perfectly the close articulation between bargaining power, our capacity for public campaigning and broader initiatives, notably together with NGOs, to strengthen and intensify the visibility of the trade unions in the media. We should not underestimate the massive demonstrations against Bolkestein; the Commission and the EP, but also national governments were extremely sensitive to such pressure.

In addition, unions 'must have the courage to stand up to the employers'.

He argued further that, 'today, communication is essential'. Monks had been assiduous in providing regular opinion contributions to the quality European press, such as *Le Monde*, but this had not continued under his successors. Decaillon noted that, in December 2011, the new ETUC president, together with seven other national leaders, had published in *Libération* an appeal for continued mobilisation in defence of Social Europe (Toxo et al. 2011), adding that, in the case of new challenges, for example protection of the environment, food safety and public health, influence on public opinion was vital. The triangulation between negotiation, participation in EU institutions and actions such as demonstrations but also alliances with NGOs was essential to enhance the role and influence of the ETUC. 'Today it is difficult to realise any project without attracting broad public support and without showing the national trade unions that we are effective within the public debate... Today there is no argument for or against negotiation, it is about the visibility of trade unions and the need to develop a broad range of capacities.'

In Decaillon's view, in recent years the ETUC had become too committed to its insider role within the EU institutions, following the Commission's agenda; whereas 'at each EU spring summit, Barroso paid much more attention to the declarations of the Spring Alliance, where the ETUC worked with leading NGOs, than to its joint statements with BusinessEurope'. He continued that, in the context of the current climate emergency and the crisis of public health, many of the old debates were outmoded: there was a need for a new conception of the role of trade unions which transcended classic left-right divisions, since left-wing unions could be as committed to a 'productionist'

economic model as more conservative ones. Instead, 'European trade unionism should be committed to the development of a new form of citizenship, obliging enterprises to assume real responsibility for the general interest'.

John Monks has presented similar arguments:

I think demonstrations are an important part of the ETUC from time to time. It puts the ETUC on the streets, it brings in other people and gives a much greater profile among activists for the ETUC and perhaps also in the media, particularly in the country where the demonstration takes place...

I've always taken the view that trade unions have got to operate at different levels. They've got to be popular; they've got to take members with them; they've got to show that they're supporting workers, that they're encouraging workers to fight for what they need; and so on. There's that side of trade unionism, which I think is very important... I think that's something the ETUC always needs to bear in mind, that you do need mobilisations. On the other hand, you also need to engage intellectually and you've got to be confident in the debates about the labour market and the role of trade unions in successful economies.

However, discussions within Congress and the EC demonstrate ambiguity, uncertainty and evident disagreement on the relationship between negotiation and mobilisation, the roles of social partner and counter-power, of insider and outsider. Predominantly, mass mobilisation seemed to be symbolic and subordinated to the 'real' work of the ETUC within the Brussels institutions rather than integrated in an overall strategy. To be effective, it required the EU authorities to take it seriously as an expression of strong and widespread discontent on the part of European workers. There was diminishing evidence that this was happening, or was likely to happen. In effect, the only options were to retreat from confrontation or to align with more radical forms of protest and with social movements perceived as hostile to European integration.

Was such a degree of opposition ever on the agenda? We return to this question below.

Chapter 12

In place of a conclusion

'People make their own history, but they do not make it just as they please...' This famous maxim was written with reference to 'real' historical actors, but it applies equally to historians. Writing history is an art, not a science. Any honest historian attempts to give an accurate account of the available evidence, if necessary indicating where the reliability of the sources may be questioned. But selecting, interrogating and interpreting the evidence is a subjective task and can never be innocent.

In this study we have presented a detailed account of the ETUC's approach to a variety of issues which, it is clear from the records and from the views of those we interviewed, were of key importance for the Confederation in the period which we investigated. But other researchers might have adopted a different focus. More crucially still, framing an overall narrative which makes sense of the mass of detail is inevitably subjective and potentially contentious. There can be no single, unambiguous 'lessons' from an account such as ours. Rather than offering a specific conclusion, we will therefore consider briefly some of the alternative readings that are possible.

12.1 'Ever closer union'?

The ETUC was created, above all else, as an interlocutor of the then European Economic Community. Relations with its institutions have connected inextricably with orientations towards deepening integration within the EEC/EU. In evaluating these orientations, different and often conflicting narratives have long been apparent. As we have seen, the ETUC was from the outset a committed supporter of 'more Europe'. As Goetschy (1996: 259) puts it, 'the ETUC's political faith in Europe and its very clear support for the European integration process illustrate that the ETUC is definitely a pro-European actor'. The consensus was that integration was inherently progressive, not least as heralding the end of military conflicts among European nations.

Goetschy's reference to 'political faith' is apposite. Trade unionism has never been solely utilitarian in purpose; to motivate actual and potential members, and to inspire the activists whose efforts are essential for success, unions must articulate a vision of a better future. The very idea of a labour movement implies an effort to advance towards a goal. As well as influencing the material economy, unions' explicit mission must be to establish a 'moral economy' (Swenson 1989). And to do so, in the words of Emilio Gabaglio (1995: 111), 'what we need are creative utopias that set new developments in motion'.

Most European trade unions traditionally embraced some form of utopian vision, whether socialist, communist or Christian (Hyman 2001). The exhaustion of western communism, and the post-1989 collapse of the Soviet bloc, eliminated one of these ideological points of reference. The growing secularisation of most European societies resulted, more gradually, in the weakening of the confessional supports of most Christian trade unions. Post-war social democracy, which became the dominant ideological foundation of European trade unionism, depended symbiotically on the Keynesian welfare state. As social democratic parties increasingly abandoned their commitment to state-brokered redistribution (under the twin pressures of globalisation and the pursuit of the ‘median voter’), so the credibility of social democracy as an ideal was hollowed out. It is not fanciful to suggest that ‘Europe’ came to represent a value system and motivating ideology which filled the vacuum left by the erosion of traditional trade union belief systems. For example, Roccati (2017: 52) notes that, as its previous ideological assumptions weakened, the French CFDT ‘made Europe the “target of its hopes”, placing the strengthening of Europe at the heart of its concerns, regardless of the political direction that it might take’. In turn, this political faith – which Weiler (2011) terms ‘political Messianism’ – made it almost heretical to challenge frontally the dynamics of actually existing European integration.

Clearly there were dissenting voices within the ETUC. We have seen that the Nordic affiliates, in particular, tended to resist ‘federalist’ commitments, particularly while they remained confident in their own regulatory capacity at national level. But open debate on the nature of European integration and the capacity to develop a social dimension which could contain the damaging potential of a purely ‘common market’ was typically avoided. Roccati (2017: 53) quotes Marc Blondel, leader of FO, writing in 1999: ‘For several years we have been saying in Force Ouvrière that European integration demands a genuine debate on: Why Europe? On what bases? Under what terms? What are the purposes...? They are now trying to say to us that this debate is no longer relevant, that decisions have been made (including on the euro) and that the important issue is: how should European integration continue in the future? In a way this once again avoids any debate on the fundamental issue.’ But Blondel was in many respects a maverick.

Academic analysis has been more broadly questioning, however. Writing shortly before the ‘completion’ of the Single European Market at the end of 1992, Streeck and Schmitter (1991: 148-149) argue that:

... if one wants a shorthand explanation for the renewed momentum of European integration in the mid-1980s, one would probably account for it as the result of an alignment between two broad interests – that of large European firms struggling to overcome perceived competitive disadvantages in relation to Japanese and US capital and that of state elites seeking to restore at least part of the political sovereignty they had gradually lost at the national level as a result of growing international interdependence... In the 1992 compromise, the project of European integration became finally and formally bound up with a deregulation project. While 1992 is all about sovereignty, it is about sovereignty vis-à-vis Europe’s external environment, not its domestic economy. Indeed part and parcel of the pooling of sovereignties under the Single European Act and of the political deals

that made it possible is a redefinition of the relationship between the Community's 'domestic' institutions and 'the market', under which the latter stands to gain unprecedented freedom from intervention by the former. The mechanism to achieve this, and a powerful reassurance for business... is "negative integration" through pre-emption of national regulatory regimes without a simultaneous supranational restoration of regulatory capacity.

The concept of 'negative integration', which had been familiar for some time in integration studies, denotes the creation of a 'level playing field' through the removal of national rules which can be seen as obstacles to cross-national competition ('mutual recognition' of standards acceptable in any single Member State) rather than through harmonisation of national regulatory standards by the establishment of common rules ('positive integration'). The original Treaty of Rome specified that the objective should be 'to promote throughout the Community a harmonious development of economic activities, a continuous and balanced expansion, an increased stability, an accelerated raising of the standard of living and closer relations between its Member States'. This might be seen as a commitment to 'positive integration', but the text was diluted with subsequent Treaty changes.

In a major study, Fritz Scharpf (1999: 49-50) argues that, within the EU, and as prescribed by the SEA:

... the institutional capacity for negative integration is stronger than the capacity for positive integration... The main beneficiary of supranational European law has been negative integration. Its basic rules were already contained in the 'primary law' of the Treaties of Rome which contained explicit commitments to reduce tariffs and abolish quantitative restrictions on trade between Member States as well as the rudimentary principles of a European law of free and undistorted market competition. From this foundation, liberalization could be extended, without much political attention, through interventions of the European Commission against infringements of Treaty obligations, and through the decisions and preliminary rulings of the European Court of Justice. By contrast, positive integration depends upon the agreement of national governments in the Council of Ministers.

Such agreement, at least in respect of major issues, faced built-in institutional obstacles. Conversely, the ECJ was becoming increasingly interventionist in the cause of unfettered competition: 'by judicial fiat... the freedom to sell and to consume had achieved constitutional protection against the political judgement of democratically legitimized legislatures' (Scharpf 1999: 56). Moreover, 'no area of *service public* is now beyond the challenge of European competition law. Given the great institutional diversity among Member States, it is always possible to argue that existing national arrangements are discriminating against actual or potential private competitors from abroad' (Scharpf 1999: 61). Hence the attacks on public services which were to intensify in the new century could already be anticipated.

Such analyses implied that with 'more Europe', national regulatory systems, including employment protection, would become increasingly open to judicial challenge as barriers

to competition; while achieving effective replacements at European level required an unusually supportive political constellation. In the years of optimism around the turn of the century, this was not an argument to which the ETUC was receptive; on the contrary. For example Wolfgang Kowalsky, who joined the ETUC in 1998 and for more than two decades was a senior adviser with an input into issues of EU integration, published a book in 2000 with the subtitle *Countering Europessimism*, arguing against what he saw as the excessive determinism of writers such as Streeck and Scharpf. 'In the social policy field especially it is true that the Community is an evolving political formation, one which opens up new leeway for acting and therefore keeps open the future as a place of selectable options' (Kowalsky 2000: 75).

But after several years of the Barroso Commission, critical opinions became more widespread. As Reiner Hoffmann (2011: 58) writes:

We should not underestimate the success of European integration since the Second World War – and the trade unions have every reason to stress the role they have played in it. But we cannot assume that this success story will continue. At the latest since the start of the 21st century, Social Europe has been increasingly running into trouble... Employee rights have been curtailed and social achievements restricted under the pretext of responding to 'pressure from world markets'. The burden of coping with the international financial and economic crisis has been passed on to working people and the public in general and those who were actually responsible have not been effectively called to account. Instead, austerity programmes are putting at risk the basic – albeit not unconditional – support of the trade unions for the European integration project.

In the same volume, Kowalsky (2011: 103, 185-188) made this point more strongly – it was:

... totally legitimate for the unions to express their criticism more openly and aggressively put forward their counterproposals. A softly-softly approach is no longer what is required: Eurocriticism has to go on the offensive... The increasingly unequal distribution of wealth, high youth unemployment and, in general, mass unemployment, the growing area of atypical and precarious employment, the expanding low-wage sector and the latest series of CJEU rulings show that employees are not in a win-win situation... The reflex reaction of calling for 'more Europe', which was for decades viewed as a general solution to all possible European problems, has now exhausted its role. Further transfers of competences to Europe, leading only to the relinquishment of social achievements fought for and won at the national level, cannot be in the interest of progressive forces.

It is interesting that Martin Höpner (2018), who might be regarded as a long-standing 'europessimist', has argued rather similarly:

Merely coming up with visionary concepts for future European social policy is not enough. These concepts must be accompanied by a complementary secondary strategy that provides better protection for social concerns at member state level

in the face of the European dynamic of liberalisation... And this is where the circle closes when it comes to the myth of the Social Europe that can be achieved through ever ‘more Europe’. The urgent need to provide greater protection for work and welfare regulations against the destructive European dynamic of liberalisation cannot be integrated into the traditional narrative. The fact that a more social EU sometimes needs ‘more Europe’ but sometimes also needs ‘protection against too much Europe’ remains a taboo among social democrats and trade unionists even today. The result is a dangerous void. There’s a risk that the demands will continue to lag behind what they could actually achieve. It’s difficult for viable solutions to reach progressive agendas because they come into conflict with myths that have become effectively useless, but that nevertheless continue to be perpetuated. Myths may be a necessary aspect of political self-assurance. As we have seen from the myth of the emerging Social Europe, however, too many myths can be destructive. If we want to discover how the EU can become more socially just, we must be prepared to detach ourselves from myths and taboos.

Likewise, Scharpf (2010: 243-244) identifies that, ‘we need... procedures that facilitate the mutual accommodation of European and national concerns. Here, it does, indeed, make sense to leave the definition of fundamental national concerns to national governments or national courts, rather than to the uncertain empathy of the ECJ [but with] a possibility of review in the light of similar or more salient European concerns... In short, good Europeans need to draw a distinction between their continuing support for political and social integration in Europe, on the one hand, and their unquestioning acceptance of policy choices dictated by a non-accountable judicial authority, on the other hand.’ In parallel vein, two leading officials of IG Metall (Lemb and Urban 2014: 50) argue that, ‘for a long time the unions regarded the EU as the place to turn to and their hope for social progress. Now they must recognise that European policies are part of the problem... Until now there has been a striking discrepancy between what is needed and actual trade union practice... This reflects in part conceptual failings, which have developed into a painful vacuum of European strategy.’

As Maria Helena André has insisted, ‘I don’t think there has ever been any doubt... that the ETUC was, at its genesis, a very pro-European trade union organisation and that, in mobilising, its purpose was not to disrupt the European Union in that sense, but it was to support the construction of a stronger, more social Europe. That’s always been part of our motives.’ Kowalsky (2011: 99-100) suggests that, ‘in the union movement and on the political left in general we still find strong currents for which an immutable corpus of pro-European convictions is still an article of faith (culminating at times in a naive ‘Europe-optimism’) and is considered part of the founding consensus of post-war European societies. This European-romantic trend considers “too much” criticism of Europe as impermissible and attempts to block it’. As if to exemplify this problem, the retiring deputy general secretary of the ETUC, Peter Scherrer (2019), was recently still able to entitle an article (with no apparent sense of irony): ‘More Europe – now!’.

Hence despite sharp criticism of the neoliberal direction of EU policy under Barroso, particularly with the lurch from damage limitation after the crisis to enforced austerity, agreeing a common response has been particularly difficult, especially if this implies a

break with the position embraced by the ETUC from its foundation, involving support for the underlying architecture of Europeanisation. In the view of a growing number of critics, this has encouraged the ETUC (and unions at national level) to temper its opposition. But this has left the field for other political forces ‘to campaign uninhibitedly against the current bias of European integration as an elitist project which brings unemployment, labour market deregulation and the erosion of social protection. It requires a major strategic change for unions to offer an effective political antidote to the poison of ultra-nationalism and xenophobia’ (Hyman 2010: 21).

Such strategic uncertainties and ambiguities inevitably affect the interpretations of historians. Did the ETUC for too long embrace a ‘naive Europe-optimism’? Was it so embedded in engagement with the EU institutions that it pulled its punches? Or did it succeed in negotiating the dilemma of retaining support for the European project while challenging policies where necessary, as Bernadette Ségol told us was her priority? Alternative narratives are always possible.

12.2 Insider and/or outsider?

What does it mean to be a ‘non-governmental organisation’ or NGO? Independence from the state was an essential part of the definition of ‘free’ trade unionism, which informed the creation of the ICFTU in 1948 and underlay the debates around the formation of the ETUC a quarter of a century later. Yet in most countries, trade unions are (or aspire to be) privileged interlocutors of government and they are formally recognised as ‘social partners’ by the EU institutions. For this reason, many of those who represent trade unions, including at ETUC level, refuse to regard their own organisations as NGOs and resist any attempt to allow other ‘non-governmental organisations’ a relationship with government analogous to their own.

Previously we noted the distinction between ‘insider’ and ‘outsider’ NGOs which, in the one case, focus on lobbying and influence within mainstream politics and, in the other, engage in more unconventional and at times disruptive forms of action. We discussed how the ETUC, for much of its existence committed to an ‘insider’ role, was at times – particularly in the Barroso years – driven to engage in more forceful types of public mobilisation. The balance – and indeed tension – between negotiation, lobbying and protest has long been a subject of debate among analysts, resulting in a range of different assessments.

Below we look briefly at two issues, already discussed in more detail earlier: social dialogue and international trade.

12.2.1 Social Dialogue

We have examined at length the rise and decline of the European Social Dialogue, regarded within the ETUC as one of the most important achievements of the Confederation in its first decades and as clear confirmation of its role within EU policymaking. However, as we have seen, the hopes in the 1990s that Social Dialogue was becoming established as a

mechanism through which the ETUC could act increasingly as a co-legislator were soon disappointed. As a study of the first 20 years since the Maastricht agreement concludes, ‘though historically this Dialogue has achieved almost constant progress (albeit sometimes slight) almost until the year 2000, during the past 10 years (2000-2010) there has been both an increase in the number of... documents and themes adopted and a significant weakening of its concrete results, at least in the interprofessional context. In this regard [the European Social Dialogue] has lost much ground during the past decade and this is giving rise to tangible dissatisfaction on the part of some member organisations’ (Degryse and Tilly 2013: 106-107). Monks himself reflected that ‘we kept it going in the hope that the context would change and we’d be able to move forward, rather than perhaps tread water as a swimmer does when they want to rest, which was where the Commission really placed the Social Dialogue. We kept it going, kept it lubricated and agreed some interesting joint statements and so on.’

Nevertheless, Juliane Bir (2019: 92), Head of Trade Union Policy at the ETUC, comments thus:

Despite the difficulties encountered, the vast majority of member organisations believe that European Social Dialogue provides added value to workers, regardless of the sector or region concerned. One of the main achievements of this process is the involvement of the European social partners in European decision-making processes... [It is] important for the European trade union movement to question its own responsibility in this whole complex process. Have we always invested the necessary resources for Social Dialogue? Have we not expected problems to be solved at European level that are often difficult to resolve at other levels? Are we not nostalgic for the ‘golden age’ of Social Dialogue instead of bravely facing up to uncertainties over how we can best make use of this unique tool in the future? Are we able to combine our efforts and work towards a joint evaluation in order to develop a stronger and more ambitious Social Dialogue?

Some might ask, however: does the value of the Social Dialogue today mainly relate to status and procedure – ‘involvement... in European decision-making processes’ – rather than concrete outcomes; and if so, is it still worth substantial effort and resources? Are the changes in the EU policy regime since Barroso sufficient to make it possible ‘to develop a stronger and more ambitious Social Dialogue’? If so, how can this be achieved?

These are certainly questions which historians have attempted to explore: how much does ‘insider’ status actually deliver, and at what cost? The literature on these themes is extensive and diverse; as on so many other issues, it shows that very different narratives are possible.

12.2.2 Free trade or global justice?

Earlier we discussed in detail the relationship between the ETUC and other ‘civil society’ organisations, in particular in the context of the World and European Social Forums. It is evident that relations were often tense; and also that the ETUC frequently seemed to differentiate between ‘good’ and ‘bad’ NGOs: on the one hand, those which tended

to prefer to work within the established mechanisms of consultation at EU level; and, on the other, those more inclined to contestation than to dialogue. As Monks declared in December 2003, 'the ETUC would welcome all the support that we can get and this included from NGOs but... we will only work with those who work with us'.

As we have seen, tensions were particularly severe in the controversies over the failed EU Constitutional Treaty and the Lisbon Treaty which followed. Despite many explicit criticisms and reservations, the ETUC view was always that what was on offer was the least-worst option, an improvement on the existing Treaty provisions. For more radical critics, mainly but not exclusively outside the trade union movement, the whole architecture of the EU was demonstrably flawed and ensured that market-making would triumph over market regulation; and thus that a rejectionist response was necessary. From this perspective, a different Europe could not be built on the current foundations. And attitudes to cross-national trade and its regulation were inseparable from these debates.

A similar debate arose at global level. As Ségol said to us, 'the balance for the ETUC was to say, as a trade union body we are not against trade, because in many countries our members' jobs depend on it'; but 'international trade agreements should not be used as a way to attack public services and social rights'. Likewise, Gabaglio told us that some of the tensions with the Social Forum organisers stemmed from different views of the globalisation process. As trade unionists 'we were more pragmatic; our approach was not to oppose frontally but to try to influence and moderate the process, to see that trade union and social rights were preserved, rather than rejecting the process from the start; to try to be positive in influencing the process'. He added, however, that 'maybe we were a bit naive'.

As this indicates, and as we have noted previously, there were voices arguing that the whole idea of free trade should be challenged. Given the imbalance of power between the dominant and the subaltern economies, and the economic and political sway of transnational capital, 'free' trade was considered by some critics as a recipe for attacks on social, employment and environmental standards in both developed and developing countries. Lindberg (2014: 133-134) draws a contrast between what he terms the 'limited free trade' of the first post-war decades, involving the removal of tariff and related barriers to cross-national trade, and the 'extended free trade' which has developed over the past three decades to encompass 'trade in services, investment rights, rules for public procurement and so-called protection of intellectual property'. 'Limited' FTAs often include rules specifying social and environmental protections. By contrast 'extended' FTAs 'typically contain a whole set of neoliberal policy prescriptions, which should be analysed as such, and not through the eyes of basic free trade theories. FTAs may restrict the rights of governments to protect their own country's natural resources. They may make it impossible for a government to impose conditions on foreign investors, for instance demanding joint ventures or a prescribed share of local production input in the production process.' While often encouraging privatisation they may prohibit changes in the reverse direction. 'They may prescribe that governments can be sued at arbitration courts but not corporations'.

From this perspective, the type of regulatory measures favoured by the ETUC were inadequate: what was needed was a challenge to the whole international trading regime as it has evolved since the 1980s. This was not on the ETUC agenda. While the rhetoric of 'fair trade' has been embraced within the European trade union movement as an attempt to square the circle, it has been left to external critics to develop most of the broader strategic implications (Dierckx 2015). Lindberg (2014: 134) suggests that, 'workers in the North tend to think that ongoing trade negotiations are mainly about limited free trade, which they basically believe is a win-win game, whereas workers in the South find that these negotiations are rather about extended free trade, which limits their possibilities to choose and frame their own national development strategies'. Accordingly, as Bieler (2017: 32) argues, fair trade should not only imply 'the practice of ensuring the payment of sustainable prices for a range of products, guaranteeing decent working conditions and local sustainability for farmers and workers in developing countries, as important as these initiatives undoubtedly are'. Rather, it should also involve 'a more comprehensive, alternative trade regime governing the exchange of goods at the global level in a way that allows countries to emphasise national development based on social justice while at the same time prioritising the rights of citizens to water, food, housing and so on'. Here too, historians will certainly present contrasting narratives of the paths taken and not taken by international trade union organisations.

12.3 What are we here for?

The general secretary of the British TUC in the 1960s, George Woodcock, used to ask: 'what are we here for?'. What were the 'point and purpose' of trade unions in general and of the TUC in particular? Were they just representatives of their existing members, or should they seek to represent the interests of all working people? How broadly should these interests be conceived? What forms of action were legitimate and appropriate in order to 'advance and safeguard' these interests? (Taylor 2000: 143-145).

From the outset, this was a key question for the ETUC and there has never been a clear consensus on the answer. 'Different conceptions have coexisted within the ETUC as to what the role of the ETUC should really be' (Goetschy 1996: 259). As we saw at the start of this study, for some (perhaps most) of its founders the central task was to engage with the institutions of the EEC/EU in order to influence social and employment policies and 'to promote a politically integrated Europe' (Degryse and Tilly 2013: 22). For others, however, the priority was to respond to the growing internationalisation of capital, which threatened to undermine the scope for effective collective bargaining at purely national level. As Georges Debunne, leader of the Belgian ABVV/FGTB, declared at the founding congress, 'it is necessary to enlarge our European organisation as the internal market is enlarged because employers and, more specifically, multinationals are making use of the European Community to join forces against us' (Degryse and Tilly 2013: 18-19). Was the ETUC to be primarily a social partner within the EEC institutions, a vehicle for collective bargaining with employers at European level or a 'counterpower' to the forces of capital which were increasingly escaping national institutional regulation? Could it be all of these at the same time and, if so, how? These questions also relate to another: the appropriate division of labour and competences between the Confederation, its

national affiliates and the sectoral organisations of trade unionism at European level. As Degryse and Tilly (2013: 22) put it, 'the ETUC was required to apply a great deal of pragmatism in order to maintain internal unity as regards its ideas and actions'. In practice, given the primacy assigned to consensus in internal policymaking, this implied that 'theoretical' questions of this kind were rarely addressed openly.

Decaillon (2016: 65) suggests that the ETUC can be viewed as 'a vast mosaic, complex and multi-faceted. It possesses neither complete competence to negotiate at supranational level, nor the capacity to mobilise workers directly. In the absence of a European right to strike (to which one must add the restriction on its use in many EU countries), organising a work stoppage at European level involves a real feat of strength. The ETUC is nonetheless capable, through its organic unity, of demonstrating collective solidarity.'

As we have shown, some affiliates have argued that the ETUC should act more like a 'real' trade union, mobilising effective power resources in support of its demands. Could it become 'a European trade union' rather than a 'trade unionism of Europeans' (Mouriaux 1997: 143)? A number of academic observers have regarded this ambition sympathetically, thus interpreting the history as a failure to realise the potential of a European trade union. The contrary narrative is that what the ETUC can do is constrained, first by the context in which it operates; second, by its mandate; third, by its resources.

To consider the contextual limitations: trade unions in most of Europe, at least in the west, operate within national frameworks which have evolved over a long historical period, typically with legal supports for collective employee representation and parallel collective organisation among employers. The EU provides little in the way of analogous supports. The rights to organise, to bargain collectively and to strike do not, in general, apply cross-nationally. In many sectors, European employer organisation is weak and, where it exists, is usually focused on market regulation and lobbying. As Gobin (1997: 41-42) argues, it is mistaken to imagine that 'the balance of power and the legitimacy obtained by the trade union movement at national level could simply and more or less automatically be transposed to the Community level' – though she suggests that some national union leaders acted as though this were the case. And if collective bargaining is the core function of a 'real' trade union, at European level this would more likely be exercised by the sectoral federations than by the ETUC itself.

Of course, contextual constraints need not be iron cages. A strong collective commitment to empower the ETUC to act on behalf of its affiliates and to exercise functions similar to those deployed at national level could shift the dynamics. But, as we have seen, most national unions – and in particular, those still confident of their capacity to achieve acceptable outcomes at national level – have remained jealous of their own autonomy and reluctant to transfer authority to the confederal level. The reforms of 1991 'did not endow the ETUC with the authority and resources to "become a genuine confederation with appropriate competences and tasks"', as the Stekelenburg report had proposed (Martin and Ross 1998: 266). The fraught efforts to agree a 'bargaining mandate' for the ETUC in the context of the post-Maastricht Social Dialogue demonstrated these limitations all too clearly (Dølvik 1997: 243-310; Martin and Ross 1998: 274).

Effective action requires resources. As we have also seen, resistance to proposals for increased financial contributions to the ETUC was a constant, and intensified after the turn of the century as the membership and thus the income of most affiliates declined. Not only did this limit the Confederation's capacity to act, it also increased its dependence on subsidies from the EU authorities and thus tied it more closely to their agenda-setting (Gobin 1997: 119). As Martin and Ross (1998: 250) put it, though 'European unions have "europeanised" to a much greater degree than expected... the fact that they have largely done so in response to incentives provided by the European institutions has had problematical consequences. European policymakers did not offer those incentives to realise any broad vision of a European labour movement; they had their own purposes, which were not necessarily consistent with those of the unions' interests.' Or, as Dølvik and Visser (2001: 32) suggest, financial dependence entails a risk 'that the ETUC representatives might become co-opted by the EU institutions'. Martin and Ross (1998: 292) argue, more forcefully, that 'perhaps, finally, the ETUC had been misled'. How such arguments are evaluated is deeply contentious.

12.4 Coda

'The appearance and expression of solidarities among workers cannot be dissociated from the sentiment of a common European project. The key word for Europe is without any doubt solidarity, the founding principle of every humanist vision... that can enable us to confront and counteract the many risks of conflict that are spreading constantly' (Decaillon 2016: 69). In the world of historical interpretation, as in the world of trade unionism, *la lutte continue*...

Postscripts: John Monks and Bernadette Ségol

The authors of this history have produced a work of first-class scholarship. It is comprehensive, forensic and (mostly) get things right. I hope that it will be followed in due course by a short history of the ETUC which will be suitable for wide distribution across Europe. It is important that trade unionists and others can learn about and learn from our experiences at European level.

I write these words with personal sadness, still grieving at the decision of the British people in 2016 to leave the EU. The full consequences of this woeful decision are yet to reveal themselves, but it is already apparent that there are no upsides to the decision while the downsides are in plain sight – for example, the pleasure expressed by Putin and Trump at Brexit, major dislocations to supply chains in the UK and disruption to trade in general between the UK and the EU, and the risk in Northern Ireland of renewed violence as diplomats wrangle about whether to draw the trade border lines in the island or the seas of Ireland. There are many more problems which I could list, but that is not my purpose in this postscript; the fact is that the EU will continue to develop, and my country will not be part of it.

Turning to the history, two broad themes emerge for me. Perhaps the most important is that the EU institutions have given insufficient weight to the need to develop the social dimension of the European Union; they have not absorbed the lesson of all successful political leaders that it is necessary to have some popular messages to secure wide support. Jacques Delors once said ‘no-one can fall in love with the Single Market’; and no-one falls in love with an EU which positions business at the centre of its work and shows relatively little commitment to developing social matters.

I believe this was a factor in the failure of the Remain side in the UK referendum. Those of us in the trade union movement who were campaigning to remain simply did not have enough European achievements to use in order to combat the rabid nationalist arguments of the Leave campaign; and the worry must now be, if other countries have to hold a referendum on EU membership, it will be difficult for them to win votes for the pro-EU side. A Christian theologian once wrote ‘we can’t let the devil have all the best tunes’; the EU needs to remember that piece of wise advice. In fact, to be fair, the Commission has made a start with the ongoing work on minimum wages. This is due to ETUC pressure. There are social achievements but we need more.

The second theme that I want to address is how do we reconcile what is appropriate for action at EU level with what should be reserved for national action. In my time at the ETUC, we spent many hours discussing this issue. It was an argument used from time to

time to block European initiatives, not just by governments and business but also some trade unions. Of course, every trade union negotiator wants to handle the key issues of interest to union members, and undoubtedly the European level can seem very remote and hard to access. The multitude of languages makes this even harder. But if unions are to be able to exert influence over huge multinational companies, if unions are to check the powers of the great financial markets, if there is to be worker pressure on free movement of labour and to establish fair traffic rules, then bargaining collectively at European level is essential.

I am glad to see that the ETUC has applied itself to this problem. It is recognising that the pressures for action at European level are generated by the Single Market and the rules of the euro, while the Single Market provides freedom for businesses to locate activities in the most hospitable countries. That could be low wage costs, less regulation, the skills of the workforce or a host of other factors. The Single Market also provides for free movement of labour which promotes mobility, especially but not only of workers from lower-wage countries to their richer more prosperous neighbours; all these are major challenges to the nation state and to the trade unions.

The other factor to take into account in this debate is the rules of the euro for those countries which have adopted the single currency. In the financial crisis of 2009/10 we saw the European Commission, the European Central Bank and the IMF impose tough conditions on four countries which were struggling to pay their debts – to qualify for a bail-out, Greece for example was given a long list of measures which included major changes to the shape of the public sector, to wages and to pensions. So social measures, not ones that we would want to see, interfered with established systems and were promoted by the European authorities who were unwilling to help a Member State in distress unless it accepted the diktats of the EU. Now there will be other crises in future which will draw the EU into intervening in some or all of its member countries.

I finished at the ETUC in 2011 having worked with a very good team of colleagues, all dedicated trade unionists and pro-Europeans. I have watched with pride some colleagues go on to highly successful careers in their own national trade union systems, or in international organisations, and it is always a pleasure to see good colleagues fall on their feet and deal with new challenges. I pay particular credit and thanks to Tom Jenkins, who accompanied me from the TUC in London to Brussels. He was an essential friend and advisor in my time as general secretary and also in that of my successor, Bernadette Ségol. I am also particularly grateful to Philippe Pochet, Director of the European Trade Union Institute, for suggesting the preparation of this history and, of course, I must thank Richard and Rebecca for undertaking what was a major task. I believe that they have done the ETUC proud.

John Monks

In 2013 the ETUC was celebrating its 40th anniversary. At that time, I was the general secretary and I could find no books exploring those 40 years. It was important to take an initiative. A reference book had to be published. The ETUI accepted taking up that task and is now in the process of producing a more in-depth historical review since, in 2023, the ETUC will be 50.

In parallel, my predecessor, John Monks suggested to Richard Hyman and Rebecca Gumbrell-McCormick to research the ETUC through the angle of the challenges it faced, its achievements – or, unfortunately, also its failures. This was a great idea: the end product, the book in our hands, is another solid reference for whoever tries to understand what we are standing for, what we did and why we did it.

A European trade union organisation – like all international bodies – is a complex set-up: reflecting its members' orientations. It must face and influence, with one single voice, European political and technical initiatives. Trade union leaders unite behind the view that the future for citizens and workers is in joining forces rather than building more borders. But trade union leaders also unite behind the demand for a social Europe; that is, a Europe that benefits all. The ETUC story is the story of this difficult fight.

Richard Hyman and Rebecca Gumbrell-McCormick's book reflects very well the ups and downs of our organisation but also the continuity in demands and achievements. Their work goes deep into our archives and shows how lively and determined the ETUC has been during the last fifty years.

For years, the ETUC fought to resist austerity, go for investment and wage increases and for a common borrowing facility (we called it 'Eurobonds'); we were told it was 'impossible'. Impossible? No, it came about in 2020.

For years, the ETUC claimed that wages had to go up and that setting a common standard for minimum wages at national level – with no impact on those countries where trade unions were strong enough to set their national wage scale. The idea took decades to be accepted and was finally promoted by the EU Commission.

For years, the ETUC put environment and climate change at the top of its agenda. This is now taken as a key issue at all levels. I also look with satisfaction at European legislation for equality for all, and in particular between men and women, the legislation on European Works Councils, some legislation on health and safety (in particular REACH) and others.

Achievements were often partial achievements – like one step in the right direction; many things remain to be done and many questions remain unanswered.

When, at times, and very occasionally, as a member of the ETUC Executive Committee and, later, as its general secretary, I was getting despondent, wanting the ETUC to go further, to be stronger and to go faster, I looked back and considered the value of a European Trade Union Confederation; I clearly saw what we would have missed if, 50 years ago, trade union leaders hadn't joined forces to create the ETUC.

I take this opportunity to thank Richard and Rebecca, Philippe Pochet and Christophe Degryse, John Monks who supported me, Tom Jenkins who was my competent and friendly senior adviser as well all my dear colleagues who gave me their support, dynamism and competence during my time as general secretary. A period I will never forget.

Bernadette Ségol

References

- Adamczyk S. (2018) Inside the trade union family: the 'two worlds' within the European Trade Union Confederation, *European Journal of Industrial Relations*, 24 (2), 179-192.
- Ahrne G. and Brunsson N. (2005) Organizations and meta-organizations, *Scandinavian Journal of Management*, 21 (4), 429-449.
- Ahrne G. and Brunsson N. (2008) *Meta-organizations*, Edward Elgar.
- André M.-H. (2007) European framework agreements: 'The best option as the politics stand', *HESA Newsletter*, 33, 6-7.
- Ashiagbor D. (2005) *The European employment strategy: labour market regulation and new governance*, Oxford University Press.
- Badger H. (2009) Equal opportunities, in Gold M. (ed.) *Employment policy in the European Union*, Palgrave Macmillan, 66-92.
- Bale T. (2007) Britain and Europe: a pause for reflection?, in Rush M. and Giddings P. (eds.) *Palgrave review of British politics 2006*, Palgrave Macmillan, 205-217.
- Barbier J.-C. (2012) Tracing the fate of EU 'social policy': changes in political discourse from the 'Lisbon Strategy' to 'Europe 2020', *International Labour Review*, 151 (4), 377-399.
- Beck D. (1978) Equal pay and the implementation of Article 119 of the Treaty of Rome, *Irish Jurist*, 13 (1), 112-131.
- Begg I. (2008) Is there a convincing rationale for the Lisbon Strategy?, *Journal of Common Market Studies*, 46 (2), 427-435.
- Bercusson B. (1992) Maastricht: a fundamental change in labour law, *Industrial Relations Journal*, 23 (3), 177-190.
- Bercusson B. (2007) The trade union movement and the European Union: judgment day, *European Law Journal*, 13 (3), 279-308.
- Bernaciak M. (2007) *Stop Bolkestein! An analysis of East-West trade union mobilization against the draft Services Directive*, Central European University.
- Béthoux É., Erne R. and Golden D. (2018) A primordial attachment to the nation? French and Irish workers and trade unions in past EU Referendum debates, *British Journal of Industrial Relations*, 56 (3), 656-678.
- Bieler A. (2013) The EU, Global Europe, and processes of uneven and combined development: the problem of transnational labour solidarity, *Review of International Studies*, 39 (1), 161-183.
- Bieler A. (2017) From 'Free Trade' to 'Fair Trade': proposals for joint labour demands towards an alternative trade regime, in Bieler A., O'Brien R. and Pampallis K. (eds.) *Corporate capital: creating an alternative to neo-liberalism*, Chris Hanj Institute, 31-41.
- Bir J. (2019) The European social dialogue, in Scherrer P., Bir J., Kowalsky W., Kuhlmann R. and Méaulle M. (eds.) *The future of Europe*, ETUI, 75-93.
- Bowen A. and Hepburn C. (2014) *Green growth: an assessment*, Oxford Review of Economic Policy, 30 (3), 407-422.
- Braud M. (2000) Représentation et représentativité syndicales au niveau européen, *Chronique internationale de l'IRES*, 66, 105-112.
- Bruun N. and Bucker A. (2012) Critical assessment of the proposed Monti II regulation: more courage and strength needed to remedy the social imbalances, *Policy Brief 4/2012*, ETUI.
- Bucker A. and Warneck W. (eds.) (2010) *Viking – Laval - Ruffert: consequences and policy perspectives*, Report 111, ETUI.

- Busemeyer M., Kellermann C., Petring A. and Stuchlik A. (2008) Overstretching Solidarity? Trade unions' national perspectives on the European economic and social model, *Transfer*, 14 (3), 435-452.
- Buti M., Franco D. and Ongena H. (1998) Fiscal discipline and flexibility in EMU: the implementation of the Stability and Growth Pact, *Oxford Review of Economic Policy*, 14 (3), 81-97.
- Campling L., Harrison J., Richardson B. and Smith A. (2016) Can labour standards work beyond the border? Evaluating the effects of EU free trade agreements, *International Labour Review*, 155 (3), 357-382.
- Chorev N. (2005) The institutional project of neo-liberal globalism: the case of the WTO, *Theory and Society*, 34 (3), 317-355.
- Choudry A. (2014) Examining the disconnect between mass mobilizations and international trade union/NGO networks in struggles over bilateral free trade and investment agreements, *Globalizations*, 11 (1), 107-117.
- Clauwaert S. (2005) 1985-2005: celebrating 20 years of EU social dialogue, but what about its future?, *Transfer*, 11 (3), 457-461.
- Clifton J., Comin F. and Diaz-Fuentes D. (2005) 'Empowering Europe's citizens'? Towards a charter for services of general interest, *Public Management Review*, 7 (3), 417-443.
- CGU (2009) Green growth for jobs and social justice, Council of Global Unions.
- Countouris N. and Horton R. (2009) The Temporary Agency Work Directive: another broken promise?, *Industrial Law Journal*, 38 (3), 329-338.
- Czarzasty J., Adamczyk S. and Surdykowska B. (2020) Looking for European solutions: trade unions in central and eastern Europe striving for cross-border solidarity, *Transfer* 26 (3), 307-323.
- Daly M. (2006) EU social policy after Lisbon, *Journal of Common Market Studies*, 44 (3), 461-481.
- Decaillon J. (2016) Le 'dialogue social européen' peut-il exister?, *Les débats de l'ITS*, 5, 62-69.
- de Comarmond L. (2013) Les vingt ans qui ont changé la CGT, *Denoël*.
- Degryse C. (2010) Foreword, in Degryse C. (ed.) *Social developments in the European Union 2009*, ETUI, 11-21.
- Degryse C. (2011) Final report. European social dialogue: state of play and prospects, *Observatoire Social Européen*.
- Degryse C. (2015) The European sectoral social dialogue: an uneven record of achievement?, Working Paper 2015.02, ETUI.
- Degryse C. and Pochet P. (2009) Paradigm shift: social justice as a prerequisite for sustainable development, Working Paper 2009.02, ETUI.
- Degryse C. and Pochet P. (2018) European social dynamics: a quantitative approach, Working Paper 2018.02, ETUI.
- Degryse C. and Tilly P. (2013) 1973-2013: 40 years of history of the European Trade Union Confederation, ETUI.
- De Spiegelaere S. (2016) Too little, too late? Evaluating the European Works Councils recast Directive, Report 138, ETUI.
- De Spiegelaere S., Jagodziński R. and Hoffmann A. (2018) Ready. Set. Miss. How the Commission missed the target on EWCs', *Social Europe*, 26.07.2018.
- De Spiegelaere S. and Waddington J. (2017) Has the recast made a difference? An examination of the content of European Works Council agreements, *European Journal of Industrial Relations*, 23 (3), 293-308.
- Didry C. (2005) 20 years of the European social dialogue: state of play and prospects, Pamphlet Series, European Economic and Social Committee.

- Didry C. and Mias A. (2005) *Le moment Delors : les syndicats au cœur de l'Europe social*, PIE-Peter Lang.
- Dierckx S. (2015) European unions and the repoliticization of transnational capital: labor's stance regarding the Financial Transaction Tax (FTT), the Transatlantic Trade and Investment Partnership (TTIP), and the Comprehensive Economic and Trade Agreement (CETA), *Labor History*, 56 (3), 327-344.
- Dingeldey I. and Nussbaum Bitran I. (2023) The European Minimum Wage Directive - and why it is a challenge to trade unions' but not employers' unity, *Economic and Industrial Democracy*. <https://doi.org/10.1177/0143831X231161840>
- Dølvik J.-E. (1997) Redrawing boundaries of solidarity? ETUC, social dialogue and the Europeanisation of trade unions in the 1990s, *Arena/FAFO*.
- Dølvik J.-E. and Ødegård A.M. (2012) The struggle over the Services Directive: the role of the European Parliament and the ETUC, *Labor History*, 53 (1), 69-89.
- Dølvik J.-E. and Visser J. (2001) ETUC and European social partnership: a third turning-point?, in Compston H. and Greenwood J. (eds.) *Social partnership in the European Union*, Palgrave, 11-40.
- Dufresne A. (2015) The trade union response to the European economic governance regime: transnational mobilization and wage coordination, *Transfer* 21 (2), 141-156.
- Ebert F.C. (2016) Labour provisions in EU trade agreements: what potential for channelling labour standards-related capacity building?, *International Labour Review*, 155, 407-433.
- Erne R. (2008) *European unions: labor's quest for a transnational democracy*, Cornell University Press.
- Erne R. (2015) A supranational regime that nationalizes social conflict: explaining European trade unions' difficulties in politicizing European economic governance, *Labor History*, 56 (3), 345-368.
- ETUI (2008) *European trade unions and sustainable development*, ETUI.
- European Commission (2011) *Commission Staff Working Paper - Report on the implementation of the European social partners' framework agreement on work-related stress*, SEC(2011) 241 final.
- European Commission (2016) *Study on the implementation of the autonomous framework agreement on harassment and violence at work: final report*, Publications Office.
- Fazi T. (2014) *The battle for Europe: how an elite hijacked a continent – and how we can take it back*, Pluto Press.
- Fischbach-Pyttel C. (2017) *Building the European Federation of Public Service Unions: the history of EPSU (1978-2016)*, ETUI.
- Flesher Fominaya C. (2014) *Social movements and globalization: how protests, occupations and uprising are changing the world*, Palgrave Macmillan.
- Frege C., Heery E. and Turner L. (2004) The new solidarity? Trade union coalition-building in five countries, in Frege C.M. and Kelly J. (eds.) *Varieties of unionism: strategies for union revitalization in a globalizing economy*, Oxford University Press, 137-158.
- Furåker B. (2020) European trade union cooperation, union density and employee attitudes to unions, *Transfer*, 26 (3), 345-358.
- Furåker B. and Lovén Seldén K. (2016) Patterns of speech activity at ETUC Executive Committee meetings, 2005-2012, *European Journal of Industrial Relations*, 22 (1), 57-71.
- Gabaglio E. (1995) *Perspektiven einer europäischen Arbeitszeitpolitik*, in Hoffman R. and Lapeyre J. (eds.) *Arbeitszeit – Lebenszeit: Perspektiven einer europäischen Arbeitszeitpolitik*, Westfälisches Dampfboot, 111-114.

- Gabaglio E. (2001) Foreword, in Moreno J., Trade unions without frontiers: the communist-oriented trade unions and the ETUC, ETUI.
- Gabaglio E. (2003) Qu'est-ce que la confédération européenne des syndicats ?, *l'Archipel*.
- Gajewska K. (2008) The emergence of a European labour protest movement?, *European Journal of Industrial Relations*, 14 (1), 104-121.
- Gajewska K. (2009) Transnational labour solidarity: mechanisms of commitment to cooperation within the European trade union movement, Routledge.
- Gläser C. (2009) Europäische Einheitsgewerkschaft zwischen lähmender Überdehnung und umfassender Repräsentativität: EGB-Strukturen und die Herausforderung der Erweiterung, *Mitteilungsblatt des Instituts für soziale Bewegungen*, 42/2009, 215-234.
- Glassner V. and Pochet P. (2011) Why trade unions seek to coordinate wages and collective bargaining in the Eurozone: past developments and future prospects, Working Paper 2011.03, ETUI.
- Gobin C. (1997) L'Europe syndicale : entre désir et réalité, Labor.
- Gobin C. (2004) La Confédération européenne des syndicats : résolutions du congrès de Prague et position du syndicalisme belge, CRISP.
- Goetschy J. (1996) The European Trade Union Confederation and the construction of European unionism, in Leisink P., Van Leemput J. and Vilrocx J. (eds.) *The challenges to trade unions in Europe: innovation or adaptation*, Edward Elgar, 253-265.
- Gold M. and Schwimbersky S. (2008) The European Company Statute: implications for industrial relations in the European Union, *European Journal of Industrial Relations*, 14 (1), 46-64.
- Groux G., Mouriaux R. and Pernot J.-M. (1993) L'eupéanisation du mouvement syndical : la Confédération européenne des syndicats, *Le Mouvement social*, 162, 41-67.
- Gumbrell-McCormick R. (2013) The International Trade Union Confederation: from two (or more?) identities to one, *British Journal of Industrial Relations*, 51 (2), 240-263.
- Gumbrell-McCormick R. and Hyman R. (2018) *Trade unions in Western Europe: hard times, hard choices*, 2nd ed., Oxford University Press.
- Hay C. and Rosamond B. (2002) Globalization, European integration and the discursive construction of economic imperatives, *Journal of European Public Policy*, 9 (2), 147-167.
- Heise A. (2002) The 'Cologne Proces': a neglected aspect of European employment policy, *Internationale Politik und Gesellschaft*, 2/2002, 88-102.
- Heyen D. (2013) Influence of the EU chemicals regulation on the US policy reform debate: is a 'California effect' within REACH?, *Transnational Environmental Law*, 2 (1), 95-115.
- Hilary J. (2014) European trade unions and free trade: between international solidarity and perceived self-interest, *Globalizations*, 11 (1), 47-57.
- Hoffmann R. (2011) Proactive Europeanisation of industrial relations and trade unions!, in Kowalsky W. and Scherrer P. (eds.) *Trade unions for a change of course in Europe: the end of a cosy relationship*, ETUI, 57-83.
- Höpner M. (2018) Social Europe is a myth: why a more social EU sometimes needs protection against too much Europe, *International Politics and Society*. <https://www.ips-journal.eu/regions/europe/social-europe-is-a-myth-3037/>
- Höpner M. and Schäfer A. (2010) A new phase of European integration: organised capitalisms in post-Ricardian Europe, *West European Politics*, 33 (2), 344-368.
- Horn L. (2012) Anatomy of a 'critical friendship': organized labour and the European state formation, *Globalizations*, 9 (4), 577-592.
- Hyman R. (2001) *Understanding European trade unionism: between market, class and society*, Sage.

- Hyman R. (2010) Trade unions and 'Europe': are the members out of step?, *Relations industrielles/Industrial Relations*, 65 (1), 3-29.
- Hyman R. (2012) Trade unions, Lisbon and Europe 2020: from dream to nightmare, *International Journal of Comparative Labour Law and Industrial Relations*, 28 (1), 5-28.
- Hyman R. (2017) British trade unions and the ETUC, in Ciampani A. and Tilly P. (eds.) *National trade unions and the ETUC: a history of unity and diversity*, ETUI, 95-118.
- Hyman R. and Gumbrell-McCormick R. (2020) (How) can international trade union organisations be democratic?, *Transfer*, 26 (3), 253-272.
- ILO and OECD (2015) The labour share in G20 economies. <https://www.oecd.org/g20/topics/employment-and-social-policy/The-Labour-Share-in-G20-Economies.pdf>
- Jacobi O. and Kowalsky W. (2002) Regulated and controlled liberalisation: a means to reconcile market efficiency and social cohesion?, *Transfer*, 8 (2), 185-197.
- Jakob M. and Edenhofer O. (2014) Green growth, degrowth, and the commons, *Oxford Review of Economic Policy*, 30 (3), 447-468.
- Jouan Q. and Tilly P. (2017) The Belgian trade union organisations: national divisions and common European actions, in Ciampani A. and Tilly P. (eds.) *National trade unions and the ETUC: a history of unity and diversity*, ETUI, 119-137.
- Jordan J., Maccarrone V. and Erne R. (2021) Towards a socialization of the EU's new economic governance regime? EU labour policy interventions in Germany, Ireland, Italy and Romania (2009-2019), *British Journal of Industrial Relations*, 59 (1), 191-213.
- Joy M. (2021) The idea of 'green growth' is flawed: we must find ways of using and wasting less energy, *The Conversation*, 27.05.2021. <https://theconversation.com/the-idea-of-green-growth-is-flawed-we-must-find-ways-of-using-and-wasting-less-energy-160432>
- Karamessini M. (2012) Sovereign debt crisis: an opportunity to complete the neoliberal project and dismantle the Greek employment model, in Lehndorff S. (ed.) *A triumph of failed ideas: European models of capitalism in the crisis*, ETUI, 155-181.
- Kirton-Darling J. (2007) Anticipating and managing change in the services sectors: UNI-Europa's network on services in the internal market, *Transfer*, 13 (2), 301-305.
- Kok W. et al. (2004a) *Jobs, jobs, jobs: creating more employment in Europe*, Report of the Employment Taskforce chaired by Wim Kok – November 2003, Publications Office.
- Kok W. et al. (2004b) *Facing the challenge: the Lisbon Strategy for growth and employment*, Report from the High-Level Group chaired by Wim Kok, Publications Office.
- Koukiadaki A. and Kokkinou C. (2016) The Greek system of collective bargaining in (the) crisis, in Koukiadaki A., Tavora I. and Martínez Lucio M. (eds.) *Joint regulation and labour market policy in Europe during the crisis*, ETUI, 135-203.
- Kovacs M. (2008) *How do trade unions interact with the European Parliament?*, Working Paper 2008.02, ETUI.
- Kowalsky W. (2000) *Focus on European social policy: countering Europessimism*, ETUI.
- Kowalsky W. (2006) The ETUC's role vis-à-vis the European Constitution, *Transfer*, 12 (3), 447-452.
- Kowalsky W. (2011) Unions and Europe: an imminent parting of the ways?, in Kowalsky W. and Scherrer P. (eds.) *Trade unions for a change of course in Europe: the end of a cosy relationship*, ETUI, 85-194.
- Kretsos L. and Vogiatzoglou M. (2015) Lost in the ocean of deregulation? The Greek labour movement in a time of crisis, *Relations Industrielles/Industrial Relations*, 70 (2), 218-239.
- Lapeyre J. (2017) *Le dialogue social européen : histoire d'une innovation sociale (1985-2003)*, ETUI.

- Lemb W. and Urban H.-J. (2014) Ist die Demokratie in Europa noch zu retten? Plädoyer für einen radikalen Pfadwechsel in der Europapolitik und der Europäischen Union, *Sozialismus* 4/2014, 42-54.
- Lindberg I. (2014) Unions and trade: what kind of solidarity?, *Globalizations*, 11 (1), 131-141.
- Lovén Seldén K. (2020) Challenges posed by the EU minimum wage initiative to the ETUC and European trade union cooperation, *Transfer*, 26 (3), 325-343.
- Martin A. and Ross G. (1998) European integration and the Europeanisation of labour, in Gabaglio E. and Hoffmann R. (eds.) *The ETUC in the mirror of industrial relations research*, ETUI, 247-293.
- Martin A. and Ross G. (2001) Trade union organizing at the European level: the dilemma of borrowed resources, in Imig D. and Tarrow S. (eds.) *Contentious Europeans: protest and politics in an emerging polity*, Rowman & Littlefield, 53-76.
- Meardi G. (2002) The Trojan horse for the Americanization of Europe? Polish industrial relations towards the EU, *European Journal of Industrial Relations*, 8 (1), 77-99.
- Meardi G. (2012) *Social failures of EU enlargement: a case of workers voting with their feet*, Routledge.
- Mermet E. (2002) The coordination of collective bargaining at the ETUC, in Hoffmann J. (ed.) *The solidarity dilemma*, ETUI, 145-193.
- Mitchell K. (2014) The European Trade Union Confederation at 40: integration and diversity in the European labor movement, *Labor History*, 55 (4), 403-426.
- Monks J. (2006) The challenge of the new capitalism. <https://www.etuc.org/en/speech/challenge-new-capitalism>
- Monks J. (2009) Handling the challenges, *Transfer*, 15 (3-4), 365-369.
- Moreno J. (2001) Trade unions without frontiers: the communist-oriented trade unions and the ETUC, ETUI.
- Moreno J. and Gabaglio E. (2006) *Le défi de l'Europe sociale : 30 ans de la Confédération européenne des syndicats*, Editorial Germania.
- Mouriaux R. (1997) Postface, in Gobin C., *L'Europe syndicale: entre désir et réalité*, 143-146.
- Müller T. and Platzer H.-W. (2020) The European Trade Union Federations within the European polity: ETUFs and international trade union activity, *Transfer*, 26 (3), 289-305.
- Müller T., Vandaele K. and Zwysen W. (2023) Wages and collective bargaining: fighting the cost-of-living crisis, in Countouris N., Piasna A. and Theodoropoulou S. (eds.) *Benchmarking Working Europe 2023*, ETUI and ETUC, 77-98.
- Musu T. (2010) REACH: an opportunity for trade unions. Putting knowledge to work in the workplace, ETUI.
- Nitsche-Whitfield P. (2023) Beyond economic growth: the role of trade unions in the transition to well-being, Report 2023.03, ETUI.
- Pizzorno A. (1978) Political exchange and collective identity, in Crouch C. and Pizzorno A. (eds.) *The resurgence of class conflict in Western Europe since 1968. Volume 2: comparative analyses*, Macmillan, 277-298.
- Platzer H.-W. and Müller T. (2011) *Global and European trade union federations: a handbook and analysis of transnational trade union organizations and policies*, Peter Lang.
- Pochet P. (2010a) What's wrong with EU2020?, Policy Brief 2/2010, ETUI.
- Pochet P. (2010b) Social impact of the new form of European governance, Policy Brief 5/2010, ETUI.

- Prosser T. (2006) Is the 'new phase' of the European Social Dialogue the development of an autonomous and effective form of social dialogue?, *Warwick Papers in Industrial Relations* 82, University of Warwick.
- Rainone S. and Aloisi A. (2021) Time to deliver? Assessing the Action Plan on the European Pillar of Social Rights, Policy Brief 2021.08, ETUI.
- Rasnača Z. (2017) Bridging the gaps or falling short? The European Pillar of Social Rights and what it can bring to EU-level policymaking, Working Paper 2017.05, ETUI.
- Rathgeb P. and Tassinari A. (2022) How the Eurozone disempowers trade unions: the political economy of competitive internal devaluation, *Socio-Economic Review*, 20 (1), 323-350.
- Rifkin J. (2004) A precautionary tale, *The Guardian*, 12.05.2004.
- Roccati C. (2017) Europe and the divisions of French trade unionism: a growing awareness, in Ciampani A. and Tilly P. (eds.) *National trade unions and the ETUC: a history of unity and diversity*, ETUI, 45-66.
- Scharpf F.W. (1999) *Governing in Europe: effective and democratic?*, Oxford University Press.
- Scharpf F.W. (2010) The asymmetry of European integration, or why the EU cannot be a 'social market economy', *Socio-Economic Review*, 8 (2), 211-250.
- Scherrer P. (2019) Conclusion: more Europe – now! The role of Europe's trade unions, in Scherrer P., Bir J., Kowalsky W., Kuhlmann R. and Méaulle M. (eds.) *The future of Europe*, ETUI, 95-99.
- Schulten T. (2002) Europeanisation of collective bargaining: an overview on trade union initiatives for a transnational coordination of collective bargaining policy, WSI Discussion Paper 101, Institute of Economic and Social Research.
- Sciarra S. (2007) EU Commission Green Paper 'Modernising labour law to meet the challenges of the 21st century', *Industrial Law Journal*, 36 (3), 375-382.
- Seeliger M. (2019) *Trade unions in the course of European integration: the social construction of organized interests*, Routledge.
- Seideneck P. (2000) No stability without democracy, economic reform and social progress: remarks on the policy of the ETUC and the Stability Pact for South-East Europe, *SEER Journal for Labour and Social Affairs in Eastern Europe*, 3 (4), 43-48.
- Seideneck P. (2013) Trade unions and the fall of Yugoslavia: the potential and the limitations, *SEER Journal for Labour and Social Affairs in Eastern Europe*, 16 (4), 379-392.
- Serrano Pascual A. and Jepsen M. (2006) Introduction, in Jepsen M. and Serrano Pascual A. (eds.) *Unwrapping the European social model*, Policy Press, 1-23.
- Stollt M. and Kelemen M. (2013) A big hit or a big flop? A decade of facts and figures on the European Company (SE), in Cremers J., Stollt M. and Vitols S. (eds.) *A decade of experience with the European Company*, ETUI, 25-47.
- Streeck W. and Schmitter P.C. (1991) From national corporatism to transnational pluralism: organized interests in the Single European Market, *Politics & Society*, 19 (2), 133-164.
- Swenson P. (1989) *Fair shares: unions, pay and politics in Sweden and West Germany*, Cornell University Press.
- Taylor G. and Mathers A. (2004) The European Trade Union Confederation at the crossroads of change? Traversing the variable geometry of European trade unionism, *European Journal of Industrial Relations*, 10 (3), 267-285.
- Taylor R. (2000) *The TUC: from the general strike to new unionism*, Palgrave.
- Thomas A. (2021a) Framing the just transition: how international trade unions engage with UN climate negotiations, *Global Environmental Change*, 70, 1-8.

- Thomas A. (2021b) 'Heart of steel': how trade unions lobby the European Union over emissions trading, *Environmental Politics*, 30 (7), 1217-1236.
- Thomas A. and Doerflinger N. (2020) Trade union strategies on climate change mitigation: between opposition, hedging and support, *European Journal of Industrial Relations*, 26 (4), 383-399.
- Toxo I.F. (2012) Si le modèle social européen meurt, c'est l'Europe qui meurt, *Le Monde*, 29.03.2012.
- Toxo I.F., Mendez C., Sommer M., Camusso S., Thibault B., Chérèque F., Demelenne A. and Rolin C. (2011) Le social doit être le ciment de l'UE, *Libération*, 08.12.2011.
- Tricart J.-P. (2019) Legislative implementation of European social partner agreements: challenges and debates, Working Paper 2019.09, ETUI.
- Tricart J.-P. (2020) Once upon a time there was the European Social Dialogue, in Vanhercke B., Ghailani D., Spasova S. and Pochet P. (eds.) *Social policy in the European Union 1999-2019: the long and winding road*, ETUI and OSE, 71-98.
- Turnbull P. (2006) The war on Europe's waterfront: repertoires of power in the port transport industry, *British Journal of Industrial Relations*, 44 (2), 305-326.
- Uzzell D. and Rätzhel N. (2013) Mending the breach between labour and nature: a case for environmental labour studies, in Rätzhel N. and Uzzell D. (eds.) *Trade unions in the green economy: working for the environment*, Routledge, 1-12.
- van Apeldoorn B. and Hager S.B. (2010) The social purpose of new governance: Lisbon and the limits to legitimacy, *Journal of International Relations and Development*, 13 (3), 209-238.
- Van den Abeele E. (2014) The EU's REFIT strategy: a new bureaucracy in the service of competitiveness?, Working Paper 2014.05, ETUI.
- Visser J. and Ebbinghaus B. (1992) Making the most of diversity? European integration and transnational organization of labour, in Greenwood J., Grote J.R. and Ronit K. (eds.) *Organized interests and the European Community*, Sage, 206-237.
- Vogiatzoglou M. (2017) Re-paving the path to hell? Greek trade unions amid crisis and austerity, in Lehndorff S., Dribbusch H. and Schulten T. (eds.) *Rough waters: European trade unions in a time of crises*, ETUI, 110-127.
- Weiler J.H.H. (2011) The political and legal culture of European integration: an exploratory essay, *International Journal of Constitutional Law*, 9 (3-4), 678-694.
- Wilthagen T. and Tros F. (2004) The concept of 'flexicurity': a new approach to regulating employment and labour markets, *Transfer*, 10 (2), 166-186.
- Woolfe J. (2004) Powell in chemical reaction as US resists EU pollution drive, *The Independent*, 28.11.2004.
- World Commission on Environment and Development (1987) *Our common future*, Oxford University Press.
- Yoshinaka A., Mcelroy G. and Bowler S. (2010) The appointment of rapporteurs in the European Parliament, *Legislative Studies Quarterly*, 35 (4), 457-486.
- Zeitlin J. and Vanhercke B. (2018) Socializing the European Semester: EU social and economic policy co-ordination in crisis and beyond, *Journal of European Public Policy*, 25 (2), 149-174. <https://doi.org/10.1080/13501763.2017.1363269>
- Zippel K. (2009) The European Union 2002 Directive on sexual harassment: a feminist success?, *Comparative European Politics*, 7 (1), 139-157.

All links were checked on 19.09.2023.

Abbreviations

ABVV	Algemeen Belgisch Vakverbond
ACLI	Associazioni Cristiane Lavoratori Italiani
ACP	African, Caribbean and Pacific (States)
ACV	Algemeen Christelijk Vakverbond
AFL-CIO	American Federation of Labor and Congress of Industrial Organizations
BEPGs	Broad Economic Policy Guidelines
CBI	Confederation of British Industry
CC.OO	Comisiones Obreras
CEE	Central and Eastern Europe
CFDT	Confédération française démocratique du travail
CEEP	Centre of Employers and Enterprises Providing Public Services
CETA	EU-Canada Comprehensive Economic and Trade Agreement
CIETT	International Confederation of Private Employment Agencies
CGIL	Confederazione generale italiana del lavoro
CGT	Confédération générale du travail
CGTP	Confederação Geral dos Trabalhadores Portugueses
CISL	Confederazione italiana sindacati lavoratori
CJEU	Court of Justice of the EU
CLAT	Central Latinoamericana de Trabajadores
CLC	Canadian Labour Congress
CLS	Core Labour Standards
CO ₂	Carbon Dioxide
COP	Conference of the Parties
COSATU	Congress of South African Trade Unions
CSC	Confédération des syndicats chrétiens
CSR	Country-Specific Recommendation
CUT	Central Única dos Trabalhadores
DGB	Deutscher Gewerkschaftsbund
DG EMPL	Directorate General for Employment, Social Affairs and Inclusion
EAKL	Eesti Ametiühingute Keskkliit
EC	Executive Committee
ECB	European Central Bank
ECJ	European Court of Justice
EcoFin	Economic and Financial Affairs Council
EDF	European Disability Forum
EEA	European Economic Area
EEB	European Environmental Bureau
EEC	European Economic Community
EES	European Employment Strategy
EIF	European Industry Federation
EMCEF	European Mine, Chemical and Energy Workers' Federation
EMF	European Metalworkers' Federation
EMU	Economic and Monetary Union
EP	European Parliament
EPA	Economic Partnership Agreement

EPP	European People's Party
EPSR	European Pillar of Social Rights
EPSU	European Federation of Public Service Unions
ESF	European Social Forum
ETF	European Transport Workers' Federation
ETS	Emissions Trading System
ETUC	European Trade Union Confederation
ETUCO	European Trade Union College
ETUF	European Trade Union Federation
ETUI	European Trade Union Institute
EU	European Union
EWC	European Works Council
EWL	European Women's Lobby
EWPPC	European Worker Participation Competence Centre
EWPF	European Worker Participation Fund
FGTB	Fédération générale du travail de Belgique
FIET	Fédération internationale des employés, techniciens et cadres
FNV	Federatie Nederlandse Vakbeweging
FO	CGT-Force Ouvrière
FTA	Free Trade Agreement
GATS	General Agreement on Trade in Services
GATT	General Agreement on Tariffs and Trade
GDP	Gross Domestic Product
GHG	Greenhouse Gas
GSP	Generalised System of Preferences
GUF	Global union federation
HBS	Hans-Böckler-Stiftung
ICATU	International Confederation of Arab Trade Unions
ICFTU	International Confederation of Free Trade Unions
ICTU	Irish Congress of Trade Unions
IGC	Intergovernmental Conference
ILGA	International Lesbian, Gay, Bisexual, Trans and Intersex Association
ILO	International Labour Organization
IMF	International Monetary Fund
ISDS	Investor State Dispute Settlement
ITS	International Trade Secretariat
ITUC	International Trade Union Confederation
LGBT	Lesbian, Gay, Bisexual and Transgender
LO (Sweden)	Landsorganisationen i Sverige
LO (Denmark)	Landsorganisationen i Danmark
MEP	Member of the European Parliament
MNC	Multinational Corporation
NAFTA	North American Free Trade Agreement
NAMA	Non-Agricultural Market Access
NEG	New Economic Governance
NGO	Non-Governmental Organisation
OECD	Organisation for Economic Cooperation and Development

ÖGB	Österreichischer Gewerkschaftsbund
OPZZ	Ogólnopolskie Porozumienie Związków Zawodowych
ORIT	Organización Regional Interamericana de Trabajadores
PES	Party of European Socialists
PICUM	Platform for International Cooperation on Undocumented Migrants
QMV	Qualified Majority Voting
R&D	Research and Development
REACH	Registration, Evaluation and Authorisation of CHemicals
SACO	Sveriges Akademikers Centralorganisation
SC	Steering Committee
SE	Societas Europaea
SEA	Single European Act
SEE	South-Eastern Europe
SGEI	Services of General Economic Interest
SGI	Services of General Interest
SGP	Stability and Growth Pact
SIPTU	Services, Industrial, Professional and Technical Union
SNB	Special Negotiating Body
TCE	Treaty for Establishing a Constitution for Europe
TCO	Tjänstemännens centralorganisation
TTIP	Transatlantic Trade and Investment Partnership
TUAC	Trade Union Advisory Committee to the OECD
TUC	Trades Union Congress
TUTB	Trade Union Technical Bureau
UEAPME	Union européenne de l'artisanat et des petites et moyennes entreprises
UGT	Unión General de Trabajadores
UIL	Unione italiana del lavoro
UN	United Nations
UNEP	United Nations Environment Programme
UNI	Union Network International
USTMA	Union syndicale des travailleurs du Maghreb arabe
UNICE	Union des industries de la Communauté européenne
WCL	World Confederation of Labour
WFTU	World Federation of Trade Unions
WSF	World Social Forum
WTO	World Trade Organization

About the authors

Richard Hyman has been one of the most prominent figures in British and European employment relations research for most of the past four decades. He has written extensively on the themes of comparative industrial relations, collective bargaining, trade unionism, industrial conflict and labour market policy. He is Emeritus Professor of Industrial Relations at the London School of Economics.

Rebecca Gumbrell-McCormick is a Senior Lecturer in the Department of Management at Birkbeck, University of London, and Associate Editor of the *European Journal of Industrial Relations*. She has also worked for the International Union of Food and Allied Workers (IUF) and the International Labour Organization (ILO). She has co-authored a number of books with Richard Hyman.

Towards a European system of industrial relations? The ETUC in the twenty-first century

Richard Hyman and Rebecca Gumbrell-McCormick

Often, perhaps too often, the history of organisations is written without due attention given to the actors involved in their construction. This book shows how the role that trade unions play on the European stage is constantly being shaped by internal dynamics, specific political contexts, and disparate national realities.

It mainly covers, but also reaches beyond, the period of 2003-2015, corresponding to the mandates of General Secretaries John Monks and Bernadette Ségol of the European Trade Union Confederation (ETUC). This work is a historical fresco depicting not only the political scene of the period but, more particularly, the continuous formation of an international organisation out of its national affiliates – rich in their diversity but thus also diverse in their structures, traditions and strategies.

The book traces the major political debates in the EU at the beginning of the 21st century, as seen through the trade union prism: the revision of the European treaties, enlargement to include the countries of central and eastern Europe, and the economic governance of the EU. It then goes on to look at issues linked to the core business of European trade unionism: social policy, employment, social dialogue, environmental challenges and the international dimension. Readers are offered an insight beyond the slogans into the complex process of strategy and consensus-building in the service of a more social Europe.

D/2024/10.574/06
ISBN 978-2-87452-701-2



9 782874 527012