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# MASTER-THESIS

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“European Transnational Labour Representation: outcomes  
and prospects”

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## **Abbreviations**

AAP- ABB Alstrom Power

APA- Alcan-Pechiney-Algroup

BUSINESSEUROPE- Confederation of European Business

CEEP- European Centre of Enterprises with Public Participation and of General Economic Interest

ETUC- European Trade Union Confederation

ETUI- European Trade Union Institute

EU- European Union

EWC- European Works Council

IRTUC- Interregional Trade Union Council

SCE- Standing Committee on Employment

UEAPME- European Association of Small and Medium Sized Enterprises

## **Abstract.**

European transnational labour representation is a key force in creating improved working conditions and livelihoods for all Europeans. This master thesis will examine European transnational labour representation- considering how it is constituted; which mechanisms it operates through; the challenges it face and the role it plays within the EU more generally. Following the theory that under the neo-liberal economic policy of the EU, labour representation has had its influence increasingly diminished and has become an increasingly ineffective actor within the EU, the thesis asks what effect European transnational labour representation has in fact had on working conditions within the EU. Moreover the question of European labour representation's future role within a strong neo-liberal economy is discussed. In looking to answer these questions a broad body of academic literature, texts published by the European Union, the European Trade Union Federation and other relevant bodies as well as an expert interview were interpreted. Key examples of ETUC collective actions and framework agreements created as part of the social partners were also evaluated. The master thesis concludes overall that European transnational labour representation has had diminished impact on EU employment and social policy over the last decade to twenty years and that it currently stands in a difficult position facing an uphill struggle. Nonetheless the thesis ends with the sentiment that some hope for the future can be afforded.

## **Zusammenfassung**

Die Europäische Transnationale Arbeitsvertretung ist ein Schlüsselfaktor zur Schaffung von besseren Arbeits- und Lebensbedingungen für alle Europäer. Die Europäische Transnationale Arbeitsvertretung ist in dieser Master These untersucht worden - wie sie organisiert ist; wie sie funktioniert; die Herausforderung, die sich ihr gegenüber stellen; und allgemeiner die Rolle, die sie in der EU spielt. Nach der Theorie, dass unter der neoliberalen Wirtschaftspolitik der EU die Europäische Transnationale Arbeitsvertretung immer ineffektiver wäre, fragte die These welche Wirkungen die Europäische Transnationale Arbeitsvertretung auf die Arbeitsbedingungen in der EU in der Tat ausgeübt hat. Außerdem wird die zukünftige Rolle der Europäischen Transnationalen Arbeitsvertretung diskutiert. Um diese Frage zu beantworten, wurde eine große Menge von akademischer Literatur, Texten, die von der Europäischen Kommission, ETUC und anderen relevanten Organisationen veröffentlicht worden sind, und auch ein Expertinterview, interpretiert. Auch Beispiele von ETUC kollektivem Handel und Abkommen, die zwischen den Sozialpartnern vereinbart worden waren, wurden evaluiert. Die Masterthese fasst insgesamt zusammen, dass der Einfluss von der Europäischen Transnational Arbeitsvertretung auf die Arbeitsbedingungen in der

EU vermindert worden ist. Jetzt befindet sie sich in einer schwierigen Situation mit einem harten Kampf vor sich. Trotzdem endet die These mit der Ansicht, dass manche Hoffnung für die Zukunft bestehen könnte.

# 1. Introduction

*“When countries begin to regard fundamental rights as a flexible component of the economy, aimed at creating higher profits for companies by means of, for example, reduction in wages, what is this but a complete reversal of the original European project?” Bernadette Ségol (2013: 2)*

Improving the working conditions and livelihoods of all Europeans is the aim at the centre of European transnational labour representation. Not only is this the key goal of European labour organisations but also an integral purpose of the EU, as laid down in the Treaty of Rome and consequent Treaties ever since. Labour representation is therefore working to achieve what the founding members of the EU set out also to accomplish. In recognition of this, European labour representation, namely in the form of the European Trade Union Confederation (ETUC) has become an active part of EU governance, operating in a variety of methods such as the European social dialogue or through European demonstrations and strike action. Its formal position has been strengthened from consultative in 1951 to 'co-legislator' under the Treaty of Maastricht.

As a more general aim, the ETUC states that it promotes the existence of 'social Europe', also a key EU concept (ETUC, 2013: 3). The European Commission defines the European Social Model (or 'social Europe' as it is often termed) as a wide variety of values including 'democracy, individual rights, free collective bargaining, the market economy, equal opportunities for all, social protection and solidarity' (European Commission, 1994: 2). 'Social Europe' can be viewed as the element of EU governance that provides for the improvement of European lives enabled by increased prosperity. It also aims to reduce inequality and redistribute this new found European wealth, a 'levelling through process' as described by Jean Monnet (Degryse, 2013: 8). Across the literature there is not generally a consensus as to what 'social Europe' would look like in practice. Hyman (2005: 1, 11) writes that it should 'defend against the challenges' that come with neo-liberal economic policy and integration as well as represent a 'de-commodification of labour'. Generally, the European social dialogue is regarded as a key part of maintaining 'social Europe' (Blanke and Hoffman, 2007: 17; ETUC, 2013: 13). However, beyond this Blanke and Hoffman (ibid: 19) state that a 'closed system of social and economic regulatory mechanisms' to correct market failures does not exist within the EU.

European transnational labour representation not only developed in response to a need to improve European working conditions but also to represent European labour counter to an increasingly



Europeanised firm and economic governance (Erne, 2008: 192). The growing strength of transnational business organisation has stimulated a transnational labour response and in some cases labour mobilization (Bieler, 2006; Erne, *ibid*). Despite this labour organisation's opposition to policies which they regard as disadvantaging workers has often been considered inadequate (Bieler, *ibid*: 4; Gajewska, 2008: 105). By working within the EU's current system of governance which supports 'unemployment, market deregulation and the erosion of social protection', the ETUC and its affiliates are accused of doing little to provide genuine resistance against these policies (Hyman, 2009: 28).

Across the European Union, labour representation is generally facing a struggle. At the national level labour union membership is tending to fall, with the exception of a few member states. On top of this unilateral decision making by governments has increased since 2008 and the financial crisis, thus diminishing the influence of labour unions (Welz, 2015). Strike action has also decreased, perhaps due to certain governments imposing regulation which aim to make this form of collective action particularly difficult, thus once again diminishing the bargaining power of labour (European Commission, 2015: 37). These issues then come to effect labour representation at the EU level as implementing decisions back in the member state becomes more difficult, as does garnering support for campaigns in the first place.

On top of this transnational labour representation has to overcome the issue of 28 very diverse labour representation systems, all of which have developed through their own specific economic and political struggles. Some have faced periods of fascism, some communism and many variants in between. Thus each have strong, distinct, national characters and even the very definition of what a trade union is differs between member states (Hyman, 2001). Finding consensus between transnational actors can therefore prove challenging. EU level labour organisation is generally said to be 'neo-corporatist' in its nature, similar to Benelux, Austrian and Scandinavian countries. However outside these member states (UK, East and Southern Europe) such practices, built around strong tripartite negotiations are uncommon or unheard of (Brunn et al, 2012: 8).

European transnational labour representation operates in a difficult situation. It is the purpose of this Master Thesis to evaluate the state of European transnational labour representation, and explore the theory that the neo-liberal politics of the EU, focused on market building and competition, have led to limited results from labour representation at the EU level. Furthermore this same political path has hindered 'social Europe'. Finally for the 'improvement of the lives and working conditions of all Europeans' as envisaged by Jean Monnet, the impact of labour representation at the EU level must increase.

The Master Thesis is split into five chapters, a first chapter outlining the history of European transnational labour representation and a second outlining how labour representation at the EU level functions. The first main chapter discusses the effect of European labour representation as part of the European social dialogue and draws largely on work of Voss et al, Clauwert and also an interview conducted with Guillaume Afellat of CEEP (European Centre of Employers and Enterprises providing Public Services). Following this is a chapter on the transnational mobilization of workers and the European protest movement, based on literature from Hyman, Erne and Dribbusch amongst others. As a last chapter, European transnational labour representation's role as part of the European integration process is discussed. The work of Bieler, Dufresne and again Hyman, a prolific author on EU labour representation, is investigated to provide the core of the argument.

Overall, the case for European transnational labour representation appears gloomy. However, there are hints that optimism can be afforded. Throughout the Master Thesis there are suggestions drawn from the literature as to how EU labour representation can improve its effectiveness and even begin to stimulate European solidarity and encourage European workers to demand improved working and living conditions. The challenge ahead is not merely of interest of the survival labour unions but to the survival of 'social Europe' and the values it stands for.

## 2. History of Labour Union Representation in the EU.

'Social Europe' has been a key part of the European Union since its inception. Regarding the founding of the European Coal and Steel Community (ECSC) in 1951, Jean Monnet famously said, “We are not uniting states, we are uniting people” (although he actually said “men” not people, but the quote is generally edited today) (The Jean Monnet Association, 2003; Clemens et al, 2008: 277). In this statement, Monnet makes clear that people, the citizens of Europe, are to be its foundation and the impetus for forming the Community. At its core the ECSC was, of course, a peace project although industrial and economic in its means. Its aim was to prevent the human suffering of World War Two ever being experienced on European soil again. As well as peace in Europe, the preamble of the Treaty establishing the European Coal and Steel Community also states that its purpose is to improve the living standards of the people of Europe (European Community, 1951). Clearly, a social aspect, focused on bettering the lives of Europeans in real terms, was a principal, founding goal of the ECSC and consequently the European Union.

The Treaty of Rome followed the ECSC in 1957, encapsulating the European Economic Community (EEC), EURATOM and the original ECSC. This was a big step forward for European integration and showed an acceptance that integration would need to include more aspects than just the trade of steel and coal. Moreover, it was a step forward for 'social Europe'. The opening paragraphs of the EEC states that its “principles [include] establishing economic *and* social progress” (author's emphasis) (European Community, 1957:3). Emphasis was given to improving the living and working conditions of the population as goals of the new European Economic Community (Clemens et al, 2013: 227). At this point there was no attempt by the Community to become involved with national social policies, which were all developing rapidly in this post-war period, but it is clear that the Community's vision for Europe included strong social elements and was to bring about a better life for the people of Europe and not just to increase trade. Although there was no formally recognised European social partners at the time, the ECSC did give provisions for a consultative relationship with the labour unions and employers, creating a basic form of social dialogue (Voss et al, 2011: 7). Therefore, the direct involvement of the social partners however primitive is included from the start.

In these early days of what is now the European Union, those who created and ran the Community

had a handful of distinct goals: to unite and bring peace to Europe, to rebuild Europe and to improve the lives of European citizens (European Community, 1951 and 1957; Bieler, 2006; Clemens et al, 2008). How these goals were to be achieved was often disputed and there were a number of delays and set-backs in the creation of the Treaty of Rome. Nonetheless, how ever much the means may have been debated, the ends were always clear and provided a uniting force for the leaders of Europe in the 1950s.

In 1961, the Council of Europe published the European Social Charter, which guarantees the right to work, the right to organise, the right to social security and secures rights for migrant workers amongst other points (Council of Europe, 1961). The European Social Charter was created as a counter-part to the European Convention on Human Rights and demonstrates an increased concern and awareness about the rights of workers that began in the immediate post-war years and continued throughout the 1960s. However with the turn of the decade this began to change. In comparison to the previous two decades the 1970s is generally regarded as a decade of limited European integration, the term 'Eurosclerosis' is often used to describe the inertia that gripped European activities in these years (Clemens et al, 2008). However this is not to say that no developments occurred in the '70s and with respect to labour union representation at the European Union level, some important progress was made (Voss, 2011; Degryse, 2013).

The Standing Committee on Employment (SCE) was created by a council decision in 1970 following pressure from employers' and workers' representation. The purpose of the committee was to ensure that dialogue and consultation between the social partners and the bodies of the EU occurred and representatives from the commission, workers' and employers' unions were to constitute the committee (Council of the European Union, 1970). The founding document contained no further policies or suggestions on how labour and employer representation could or would be strengthened at the EU. However, it was a step forward for employer and worker representation at the EU level (Voss et al, 2011). Following the formation of the SCE came a particularly key development in the history of labour union representation at the EU. In 1973 the European Trade Union Confederation (ETUC) came into being. At the time it was made up of 17 unions, from 15 countries and saw its purpose as (Degryse, 2013):

*“to act as the driving force behind the European Union's promise of better living and working conditions”* (Degryse, *ibid*: 8)

With this in mind the ETUC aimed (and still aims today) to provide a 'single voice' of workers in the EU and to maintain and promote 'social Europe' (ETUC, 2013). The ETUC came into being at a time in which there was a lot of change in the social, political and economic landscape and consequently challenges for the confederation. The oil shock of 1973 brought to an end the economic prosperity that had been enjoyed in the decades following the war and the rest of the decade was riddled with recessions leading to unemployment and negative effects on wages (Sadler, 2000; Hyman, 2001; Erne, 2008). Under these conditions national governments and the EU began to follow increasingly neo-liberal economic policies that prioritised competitiveness (Prosser and Perin, 2015). This proved a difficult time for labour unions across Europe and likewise hindered the work of the ETUC in its infancy. The confederation was viewed as lacking cohesion and although there were six attempts at tripartite conferences in the 1970s, they generated limited results (Sadler, 2000). The increasingly neo-liberal economic climate created a new form of resistance for the labour unions as governments and employers opted for policies which favoured competitiveness over the wage share and livelihood of their employees (Prosser and Perin, 2015: 1; Hyman, 2001). Sadler (2000: 144) suggests that the failure of the tripartite conferences in the 1970s was largely rooted in the unwillingness on the part of the employers' organisations to cooperate, they were “deliberately disorganised” in order to slow down negotiations.

Under these circumstances it is considered that the workers' representation altered their working practices to remain 'in the game'. The cost of maintaining high level conflict with the employers' representation and the EU bodies was generally considered higher than that of cooperating with the Commission and employers, leading to the ETUC and other worker representation bodies to embark on a programme of 'damage limitation' (Hyman; 2001). Hyman (ibid: 52) states that pre-1970 the social partners i.e. workers' and employers' representation “were a mechanism for positive social change”, but with the end of the boom period of the '50s and '60s, the oil shocks and recessions of the 1970s, as well as changes in production practices, this position diminished (Sadler, 2000: 139; Prosser and Perin; 2015:1). Now the social partners, namely the workers' representation were left in a position of trying to minimise the negative effects for their members, rather than negotiate for the improvement of living standards for all Europeans envisaged by Jean Monnet in 1951 (Hyman, 2001; Erne, 2008).

A further shift to the political right and continued neo-liberal policies continued into the 1980s

(Hyman, 2001:51). This was particularly characterised by the deregulation and privatisation policies of then British Prime Minister, Margaret Thatcher. Thatcher is also credited with further stalling the European integration process, and specifically regarding the strengthened involvement of the social partners. Despite that, following the stagnation of the previous decade, there was a desire and perceived necessity from EU bodies and other member states to integrate the nations further (Clemens et al, 2008:277; Ségol, 2009).

As the countries of the EU moved towards the completion of the single market in the mid-'80s it became clear to many that the planned proposals for the four freedoms were not sufficient in ensuring social standards across the EU. Jacques Delors, who became president of the European Commission in 1985 was particularly concerned that a 'social component' should be embodied in the single market (Bieler, 2006: 178; European Commission, 2007). Throughout the '80s workers' average wage share experienced a decrease, whilst productivity across the EU rose steadily, (Erne, 2008:58, 59) underlining the need to support 'social Europe' and labour representation at the EU level. Delors himself came from a labour unionist background as did other key members of the Commission at the time, thus perhaps influencing his decision to seek active engagement from the social partners (Welz, 2008).

### ***Val Duchesse and beyond.***

On January 31<sup>st</sup> 1985 Delors held a crucial conference at Val Duchesse, which brought together the social partners and the European Commission formally for the first time. The Val Duchesse Conference marked the beginning of a formal social dialogue and tripartite negotiations at the EU level (European Commission, 2007; Prosser and Perin, 2015: 2, 3). A key concern for all at Val Duchesse was preventing 'social dumping' and although it seems there was scepticism from both sides of the social partners as to how effective cooperation with each other and the Commission would be, it was clear that this was a necessary step forward if they were to make progress (Beirnaert, in European Commission, 2007).

The Val Duchesse conference set in motion the process which led to the creation of an agreement between the social partners, signed on 31<sup>st</sup> October 1991 and was annexed to the social protocol in the Treaty of Maastricht. Importantly this allowed agreements negotiated by the social partners to have legal effect, if deemed necessary, as well as further formalising the tripartite consultation process (ETUC, 2010). Jean Lapeyre, former deputy secretary general of the ETUC, describes this

as a key step for the social partners as it made them in to actors within the community legislation process as opposed to being on the outside trying to influence the process through lobbying (European Commission, 2007). Due to resistance from the UK the social agreement could only be contained in the annex of the Treaty of Maastricht. However with a change of government in 1997 Tony Blair signed the protocol, thus ensuring that the agreement could become part of the Treaty of Amsterdam (Voss et al, 2011).

Having established a systematic framework for representation and involvement of the social partners at EU level, social dialogue was able to evolve substantially from the early '90s onwards. Informally, this decade is often referred to as the 'golden age' of the social dialogue, due to the relatively high number of agreements that were generated by the social partners, as well as the increased level of consultation on initiatives from the Commission (G. Afellat, *in interview*, 2015). Furthermore, the social partners were generally of the opinion that the EU had been becoming too technocratic as the 1980s progressed. This was one of the reasons that they had agreed to the social charter in the first place and this now acted as a continued impetus for the social partners to give their input to the activities of the EU (Degimbe, in European Commission, 2007).

A number of notable agreements by the social partners were reached following, specifically cross-sector framework agreements on parental leave (1996), on part-time working (1997), fixed-term work (1999), on teleworking (2002), on work-related stress (2004), on harassment and violence in the work-place (2007) and inclusive labour markets (2010). All of these were either implemented through directives or autonomous agreements, meaning that they have binding effect in the member states (Voss et al, 2011: 8, 9). These agreements allowed for a degree of harmonization in certain areas of the labour market and also helped to ensure a guaranteed level of protection and rights for workers across the EU (Clauwert, 2011). Overall, it is considered that these agreements did have an effect on the labour and social conditions in the member states, particularly those where there were few provisions in place for the topic in question e.g. parental leave (Voss, et al, 2008: 14).

Attitudes towards negotiating at the EU level also became more positive during the 1990s, particularly from the side of the labour unions. Hyman (2009) relates this change to increasing disdain at national neo-liberal policies exemplified by Thatcher. Although the EU did not provide a perfect alternative many labour unions still viewed 'social Europe' as preferable and more relatable and thus more likely to garner positive results for workers. Moreover as the effects of the single

market increasingly took hold- businesses began increasingly working across the EU, mobility of workers increased and the EU gained a more influential role in the economies and consequently politics of the member states- it became untenable for the labour unions and employer associations to ignore representation at the EU level. Although some scepticism remained from the labour unions, by 1999 the ETUC had grown to represent 50 million members and had a staff of 50 people making it one of the largest EU interest representation groups (Sadler, 2000: 143, 146).

With the introduction of mandatory impact assessments certain commission proposals in 2002, it was stated that the social partners would be consulted on any initiative which touched on social issues (Clauwert, 2011: 175). This led to a widening of the scope of the social partners and increasing their involvement in EU policy making.

Since the 'golden age' of the 1990s the social partners have continued to create new agreements, however few have been viewed to be quite as influential as the agreement on parental leave and part-time work created in the mid-nineties. Furthermore the social partners have faced continued criticism about how effective social dialogue actually is at attaining results, with the effects being described as 'patch-work' and compared unfavourably with the relatively effective output of the 1990s (Prosser and Perin, 2015: 18,19). In particular the labour side of the social partners receives added criticism that they are not doing enough to protect workers' interests against market forces which are still increasingly favoured in national and EU level economic policies (Bieler, 2006; Erne, 2008: 189). This is highlighted by concern over issues such as 'flexicurity' an often discussed term but also over social dumping, which was one of the key catalysts for creating a formal process for the social dialogue in 1985 and continues to be a key driver in the process today (Voss et al, 2011: 40; G. Afellat, *in interview*, 2015).

There have also been a number of events that have stood as a challenge for the effectiveness of the work of the social partners: namely the Eastern enlargement of 2004, which brought with it an increased inequality between the member states, and also the financial crisis, which began in 2008 and has led to widespread unemployment across the EU ever since (Degryse, 2013:8; Natali, 2013:1, 21). Alongside these events has been an increase in Euroscepticism coupled with a rise the populist, right-wing parties gaining power in member states (Ségol, 2009; Natali, *ibid*: 14). Generally the situation for 'social Europe' can be said to lacking at current (Degryse, 2013: 9).

Bernadette Ségol, secretary general of the ETUC, went as far as to say that they EU “has neglected the aim of a better life for the people of Europe” by focusing purely on competition (Ségol in Degryse, *ibid*: 2). With this criticism in mind, Jean-Claude Juncker, who took over as president of



the European Commission in 2014, has made the promotion (or as some have said creation) of 'Social Europe' a priority (Junker, 2014). A number of changes have been made which bring the social partners once again closer to the policy making process such as a higher involvement in creating legislations as well as a new focus on the social dialogue which was 'relaunched' at a conference on the 5<sup>th</sup> March 2015 (G. Afellat, *in interview*, 2015). Overall it would appear that attempts are being made to bring the social partners back into the fold of the EU and consequently workers and employers as well as bringing national concerns up to the EU level (European Commission, 2015). This is with the aim to revive the 'social Europe' that was envisaged with the inception of the EU but which so many regard now as absent.

### 3. How labour representation at the EU level works.

At the European level workers are officially represented by the European Trade Union Confederation (ETUC), an organisation which was founded in 1973 and currently comprises 90 trade unions from 39 European countries (see table 1). In Addition, the ETUC also contains ten European trade union federations, which represent the interest of workers in ten diverse sectors such as journalism, and the police (see table 2). A number of other bodies such as the European Works Council (EWC), the Interregional Trade Union Council (IRTUC) and the European Trade Union Institute (ETUI) all work as part of the ETUC to achieve its goals (ETUC, 2013). The ETUC itself states that it aims to work as a “unified and pluralistic organisation representing all working people at European level” (ETUC, 2011: 5).

| Countries      | Organisations                              |
|----------------|--------------------------------------------|
| Andorre        | USDA                                       |
| Austria        | OGB                                        |
| Belgium        | CSC / FGTB / CGSLB                         |
| Bulgaria       | CITUB / PODKREPA                           |
| Croatia        | SSSH / NHS                                 |
| Cyprus         | TURK-SEN / DEOK / SEK                      |
| Czech Republic | CMKOS                                      |
| Denmark        | LO / AC / FTF                              |
| Estonia        | EAKL / TALO                                |
| Finland        | SSTK / SAK / AKAVA                         |
| France         | CFDT / UNSA / CFTC / FO / CGT              |
| Germany        | DGB                                        |
| Greece         | GSEE / ADEDY                               |
| Hungary        | LIGA / MszOSz / MOSz / ASZSZ / SZET / ESZT |
| Iceland        | BSRB / ASI                                 |
| Ireland        | ICTU                                       |
| Italy          | CISL / UIL / CGIL                          |
| Latvia         | LBAS                                       |
| Liechtenstein  | LANV                                       |
| Lithuania      | LDF / LDS / LTCU                           |
| Luxembourg     | LCGB / OGBL                                |
| Malta          | CMTU / GWU / For.UM                        |
| Monaco         | USM                                        |
| Netherlands    | MHP / CNV / FNV                            |
| Norway         | LO / YS / UNIO                             |
| Poland         | NSZZ Solidarnosc / OPZZ / FZZ              |
| Portugal       | UGT / CGTP                                 |
| Romania        | CSDR / BNS / CNSLR FRATIA / CARTEL ALFA    |
| San Marino     | CDLS / CSDL                                |
| Slovakia       | KOZ-SR                                     |
| Slovenia       | ZSSS                                       |
| Spain          | UGT / CCOO / ELA-STV / USO                 |
| Sweden         | SACO / LO / TCO                            |
| Switzerland    | Travail Suisse / SGB-USS                   |
| Turkey         | KESK / DISK / HAK-IS / TURK-IS             |
| United Kingdom | TUC                                        |

*Table 1: ETUC Member Organisations, National Trade Union Confederations. (ETUC, 2013)*

Since its inception in 1973 the ETUC has maintained the same aims: to “speak with a single voice

at EU level” for European workers and to promote social Europe (ETUC, *ibid*: 3). The ETUC is funded by contributions from its member as well as support from the EU social dialogue budget and European Social Fund (Sadler, 2000: 143; ETUC, 2011: 18; European Commission, 2014: 25).

|                                                                             |
|-----------------------------------------------------------------------------|
| EAEA – European Arts and Entertainment Alliance                             |
| EUROCCP – European Confederation of Police                                  |
| FETBB – European Federation of Building and Woodworkers                     |
| EFFAT – European Federation of Food, Agriculture and Tourism Trade Unions   |
| FEJ – European Federation of Journalists                                    |
| IndustriAll – European Federation for Industry and Manufacturing Workers    |
| EPSU – European Federation of Public Service Unions                         |
| ETF – European Transport Workers’ Federation                                |
| CSEE – European Trade Union Committee for Education                         |
| UNI-EUROPA – European Trade Union Federation for Services and Communication |

*Table 2: European Trade Union Federations (ETUC, 2013)*

Consultation with trade unions has been part of EU governance since the creation of the European Coal and Steel Community (ECSC) in 1951 (Voss et al, 2011: 1). Overtime, the involvement of worker representation has been increasingly formalised and strengthened at EU level, although not without periods of difficulty.

The Treaty of Maastricht bestowed the ETUC with the official status as the only body to represent workers' interests in EU-wide cross-sectoral relations, whereas the European Trade Union Federations represent workers' in sectoral issues. Generally the ETUC operates using one of three different mechanisms: applying political pressure, social dialogue and/or organising large-scale demonstrations (ETUC, 2013: 13). In the first instance, the ETUC can hold meetings to represent their interests (i.e. lobby) or themselves be consulted by politicians or other members of the European institutions on a topic. Specifically the European Commissions must consult worker (and management) representation, principally the ETUC, on any initiative relating to employment or social policy in accordance with Article 154 of the Treaty of Lisbon (TFEU, 2007).

Social dialogue is a key element in worker representation at EU level and refers to bipartite relations between the worker and employer representation. At EU level this is carried out solely by the social partners, who consist of the ETUC, BUSINESSEUROPE (Confederation of European Business), CEEP (European Centre of Enterprises with Public Participation and of General Economic Interest), and UEAPME (European Association of Small and Medium Sized Enterprises) (European Commission, 2015). There are also occasions in which the social partners work in

conjunction with the European institutions, these are referred to as tripartite relations (ETUC, 2013). Together the social partners set an agenda for the coming years, highlighting the areas that they deemed to require attention and how they propose to go forward in tackling these issues (European Commission, 2007).

When trying to form a solution to a problem, such as work-related stress, all sides of the social partnership will bring their views and conditions to the negotiating table and discuss until they find an agreement that is favourable to all partners (European Commission, 2007). The outcome of negotiations between the social partners can take three forms:

- Framework agreements, which are also ratified by the Council of Ministers and become part of EU legislation, e.g. Parental leave (1996), Part-time work (1997), Fixed-term work (1999).
- Autonomous agreements, which are agreed independently between the social partners and also implemented by them at national level, e.g. Telework (2002), Work-related stress (2004), Inclusive labour markets (2010).
- Framework of Actions, which are guidelines as to how national organisations might handle an issue, unlike the other two forms of agreement, they are not binding, e.g. lifelong learning (2002), Gender equality (2005). (European Commission, *ibid*; ETUC, 2013; G. Afellat, *in interview*, 2015).

How the agreements are implemented at national level varies and it is written in the Treaty of Lisbon (Article 151), as well as the working practices of the social partners, that differing national practices are to be respected and taken into account (TFEU, 2007; ETUI, 2014). Furthermore due to large differences in worker representation structures and existing legislation in member states the effect of agreements by the social partners differs greatly from nation to nation. In some countries the agreements from the EU level negotiations will make only a small difference to existing regulation, whereas in other countries an agreement will result in a regulation being created on an issue for the first time, such as Parental Leave in the Republic of Ireland or Telework in the Czech Republic (European Commission, 2007; Voss et al: 22; G. Afellat, *in interview*, 2015).

Certain states are very quick and thorough at implementing framework and autonomous agreements from the social partners (often Austria or the Scandinavian nations), whilst others may be more reluctant to do so (often Eastern and Central European states) and then there are those who tend to

be somewhere in between. This leads to a problem of a 'three speed Europe' where workers are afforded a varying degree of rights and protection depending on which member state they are in (G. Afellat, *in interview*, *ibid*). This of course contradicts the concept of 'social Europe' for all and could heighten existing social inequalities between the member states.

Negotiations between the partners are not always straight forward. Initially, the concept of the social dialogue was met with scepticism when it was first formalised by Jacques Delors in 1985. This was largely due to worries that agreements reached would have to be in a watered-down form in order to reach consensus. Despite this, there is a sense between the partners that this is a necessary process if they are to reach effective results for both employers and workers and the EU level (European Commission, 2007; Ségol, 2015).

Jean-Claude Junker has made the social dialogue one of his priorities and on 5 March 2015 the European Commission held a high-level conference which brought together representation from both workers and employers. The aim of the conference was to 're-launch the social dialogue' and it has been viewed as a turning point for the social partners with in and the social dialogue (G. Afellat, *in interview*, 2015; Welz, 2015). The conference has led to a number of changes as to how the social dialogue is managed and will ingrain the social partners further into the policy-making process. For example through more extensive consultation in Commission impact assessments, on a more extensive range of issues (European Commission, 2015). However these developments have been criticised by the ETUC as favouring business and threatening the autonomy of the workers representation (ETUC, 2015).

Lastly, the ETUC can organise large-scale protests. These are organised to mobilise workers on an issue that exists at the European-level and would be used to draw attention to the issue and apply pressure to the European Institutions as well as employers (ETUC, 2013).

## **4. Results of Labour Union Representation through the European Social Dialogue.**

Labour union representation has been part of the European Union since its beginning (Clemens et al, 2008: 277). As the improvement of working conditions and the livelihood of Europeans has always been a fundamental objective of the European Union, it seems understandable that worker representation would play a key part in the activities of the Union. Furthermore as the member states of the European Union have become more integrated, worker mobility has increased, as has the number of European companies and the level of economic dependence between the member states, so too has the need to provide EU wide standards and rights for workers developed (Erne, 2008; ETUC, 2013). Primarily, labour representation at EU level is conducted by the European Trade Union Confederation (ETUC) and by the European Trade Union Federations that exist within the ETUC, as discussed previously. The ETUC works 'to represent and promote the interests of workers' at EU level and support the values of a 'European social model' built on 'solidarity, equality and cohesion' (ETUC, *ibid*: 3). For the ETUC, operating as part of the social partners, i.e. cooperation between worker and employer representation, plays a key role in their working methods to achieve this.

The concept of the social partners is used widely throughout the member states to describe the two parts- worker and employer-involved in labour market relations. This is with the exception of the United Kingdom, where the term is not widely in use and reference to the 'two sides' is more common (Hyman, 2001:1). The primary activity of the EU social partners is to carry out social dialogue, defined at EU level as 'discussions, consultations, negotiations and joint actions' in either bipartite or tripartite form. The social dialogue is enshrined in the current Treaty of Lisbon under Articles 152, 154 and 155 (TFEU, 2007; European Commission, 2014). Broadly, the Treaty of Lisbon states that the EU will support the social partners and the facilitation of the social dialogue, that it will ensure their autonomy as well as consulting them on issues regarding social policy. Importantly, Article 155 TFEU allows that social dialogue at the EU level may lead to 'contractual relations, including agreements'. These agreements can be implemented independently by the social partners (autonomous agreement) or at the request of the social partners become part of EU legislation by way of a Council Directive (TFEU, *ibid*). Therefore, Article 155, theoretically, gives the social partners a relatively high degree of influence over employment and social relations at the EU level.

Since the social partners gained the power to create agreements under the Treaty of Maastricht, eight cross-sector agreements have been created- the latest being the autonomous agreement on inclusive labour markets in 2010- and eleven sectoral agreements (Welz, 2015). On top of this, a greater number of joint actions, declarations and texts have been concluded by the social partners. These texts are intended to be used as guidelines and learning materials to help maintain a common standard and set of values across the labour market in the member states (Voss et al, 2011: 16-17). The outputs of the social dialogue are often divided into two phases: 'Guided' (1995-2002), the period when the Council was also involved in the framework agreements and 'Autonomous' (2002-2010) characterised by agreements created autonomously by the social partners (Clauwert, 2011: 172).

Across the literature, the results of the social dialogue are generally considered to have been moderate in the 30 years since Jacques Delors aimed to incorporate worker and employer representation firmly and formally into the EU, and ensure that the single market did not neglect 'social Europe'. Perhaps the added weight of the 30 year anniversary of Val Duchesse (a word now synonymous with European social dialogue) influenced the current European Commission President, Jean-Claude Juncker's decision to 're-launch' the social dialogue at a high-level conference on 5<sup>th</sup> March 2015 (Welz, *ibid*). In the chapter that follows, the results of the social dialogue to date will be discussed with a view to evaluating how successful the process has been and specifically how successful labour representation has been at achieving its aims within the social dialogue, one of its main negotiating mechanisms at EU level.

### ***Framework Agreements***

Agreements by the social partners are a key way for them to directly influence the policy of the EU. It is argued by some that the co-legislative powers that were bestowed upon the social partners in the treaty of Maastricht give them more influence over EU policy than the European Parliament (Bruun et al, 2012: 8). But to what extent has this influence been exercised and to what effect? Within academia some, such as Clauwert (2011) suggest that the quantitative output of the social dialogue has actually been fairly substantial, eight cross-sector agreements (see table 3) by 2010 (although this includes one revised version of the 1996 agreement on parental leave). Clauwert's assertion takes into account the average one-and-a half year period it tends to take to reach a collective agreement, as well as considering two Framework of Actions concluded by the social partners -development of skills and qualifications (2002) and gender equality (2005)- and also a

large body of texts that have been published by the social partners. Since 2010 no further cross-sector agreements have been concluded by the social partners.

On the other hand there are many who view the output of the social dialogue to date in a less favourable light such as Hyman (2001), Prosser and Perin (2015) and Welz (2015). Generally these authors suggest that the output of the social dialogue has not been overwhelming and has lost the momentum it experienced in its early years post-Maastricht. Bruun et al (2012) state that the social dialogue has been somewhat dormant for the last decade and has only been used for 'high-profile issues' and therefore not as standard practice. Turning to the sectoral social dialogue, Welz (2015) states that some 700 texts have been published in over 43 sectors but only eleven agreements have been reached. In terms of achieving an impact on labour markets this ratio of publications versus agreements does not suggest an efficient use of energies.

|                                                    |
|----------------------------------------------------|
| <b>Agreements Implemented by Council Directive</b> |
| Parental leave (1996)                              |
| Part-time work (1997)                              |
| Fixed-term contracts (1999)                        |
| Parental leave (revised) (2009)                    |
| <b>Autonomous Agreements</b>                       |
| Teleworking (2002)                                 |
| Work-related stress (2004)                         |
| Harassment and violence in the work place (2007)   |
| Inclusive labour markets (2010)                    |

*Table 3: Cross-sector Framework Agreements concluded by the European Social Partners.*

Regarding the qualitative impact of the social partner agreements opinion is more mixed, ranging from Hyman (2001:174) who describes the effects of the social dialogue as 'imperceptible' to Clauwert (2011: 173), who is more optimistic and believes that the social dialogue does achieve good results under difficult circumstances. Taken individually the agreements have each had a varying impact on the working conditions of Europeans. The Agreement on Parental Leave (1996) was the first to be concluded and was implemented following a Council directive. Some member



states did already have regulation in place regarding parental leave but very few, Ireland for example had no regulation in place at all (European Commission, 2007). Furthermore the topic was largely unknown and did not hold a significant place on most national political agendas except perhaps in the Nordic countries (Clauwert, 2011: 172). Therefore the introduction of the parental leave agreement had a dramatic effect when it was implemented at national level (European Commission, 2007). The agreement lays down basic requirements (which have since been updated) to facilitate managing working and family life, and lays down the right for both men and women to have time off work following the birth or adoption of a child (European Social Partners, 1995). That these rights are now the norm and arguably taken for granted within the EU shows that the agreement has had a strong effect on the working conditions of Europeans.

However, the assessment of the other agreements is not always as positive. The Autonomous Agreement on Teleworking (2002) is an example in which there was very little regulation in place governing this issue, therefore there could have been good scope for the agreement to have a high impact. Despite this, implementation of the agreement was weak due to minimal interest in the initiative at the national level (Clauwert, 2011: 172, 173). As an autonomous agreement, Telework was essentially voluntary and was considered to lack a strong aim. A Dutch labour unionist summarised:

*“It basically brings the framework agreement to the attention of employers and employees, without going beyond it...”* (FNV comments in survey, in Voss et al, 2011: 20)

This shows that, in what was the social partners' first autonomous agreement, few stringent demands were made to change the working conditions across the EU. The agreement was implemented by less than half of the member states (Voss et al, *ibid*: 21) suggesting that the issue of Telework has to date not been taken particularly seriously by employers and that the impact of the agreement has, consequently, remained marginal. The 2004 autonomous agreement on work-related stress can also be viewed as having received a similarly lacklustre response, but for different reasons. Stress is a top cause of absenteeism in the work place and holds an increasingly important place in discussions on improving working conditions (Health and Safety Executive, 2015). In contrast to teleworking there was a high degree of interest in this agreement, but most member states already had some sort of regulation in place, diminishing the real effect of the social partners' efforts (Clauwert, 2011: 173).

Of particular importance to an EU wide improvement to and insurance of good working conditions is the 'patch-work' manner in which the agreements and other outputs of the social partners are

implemented in the member states (Prosser and Perin, 2015: 18). The differences across the member states as to whether or not an autonomous agreement is implemented, in what manner and how quickly, are regarded as key problems in creating harmonized working conditions (Voss et al, 2011: 3). Afellat (in interview, 1.7.2015) states that this difference is contributing to a 'three-speed Europe', in which an inequality, across the EU, is created or exacerbated as certain states (usually the same Nordic states and Austria) implement agreements and actions thoroughly and quickly, whilst others (often Eastern or Central European states) neglect the agreements, potentially leaving the rights and conditions for workers in those member states less developed in comparison to their counterparts elsewhere in the Union. Moreover, the social partners have few powers to enforce their agreements and in the interest of maintaining the autonomy of the social partners, the Council does not get involved to apply pressure for non-compliant states to implement. There is an apparent difference between the guided and autonomous periods of the social dialogue, with the period in which there was more Council input and enforcement appearing to be more effective. Clauwert (2011: 174) suggests however that taking away the autonomy of the social partners is not the solution to this problem (their autonomy being a key aspect of EU democracy), but rather finding a middle ground that involves the Commission and other institutions more thoroughly in the social dialogue to ensure its effectiveness, whilst allowing the social partners to remain autonomous

Reasons for non-compliance do not all stem from lack of interest or desire to implement the agreements. Rather the European social dialogue may not be matched by an equal level of national social dialogue to ensure the implementation of the agreement in the member state, as has previously been the case in Hungary, Lithuania and Slovenia (Voss et al, 2011: 24); or the national social partners cannot reach an agreement on how to implement the agreement in the member state, which has at times occurred in Austria, Czech Republic and Estonia (Voss et al, *ibid*: 22). In the UK it is not normal practice to transcribe national results of collective bargaining into law and therefore here the national authorities more likely to create guidelines or other non-mandatory instruments to implement the agreements from the European social partners. This is likely to diminish the impact of the agreement (Voss et al *ibid*: 24). Industrial relations systems across the EU are very diverse and vary more from state to state than other facets of social policy, such as welfare (Blanke and Hoffman, 2007: 11). Despite managing to reach an agreement at the EU level the European social partners still have the diversity of the member states industrial relations proves a challenge to the integration of working conditions (Hyman, 2001: 174; Degryse, 2013: 8). Seen from the labour representation's perspective this is a significant hurdle to improving the working conditions and livelihoods of European workers within all member states. With the enlargement of the EU in 2004 from 15 to 25 member states and then the subsequent accessions of Bulgaria and Romania in 2007

and most recently Croatia, 2013, the problem of overcoming diverse national industrial relations systems has only increased (Degryse, 2013: 8)

In addition to national level difficulties for labour representation achieving its goals through the social dialogue it is also suggested by a number of authors that the behaviour of the employer side of the social partners can lead to obstacles in reaching effective solutions through the social dialogue. Bandasz (2014: 507) points to an 'imbalance of power' between employers and workers at EU level. Whilst employers are well organised at the EU level, despite effort by the ETUC the organisation of a European work force is not as strong, thus the traditional forms of collective action that could be used to bring about change e.g. striking, are not as viable. This allows employers to have a greater leverage in negotiating. As a result worker representation has been relegated to a position of 'collective begging not collective bargaining' within the social dialogue and other EU policy making processes, as the ETUC and the European trade union federation have been left in a position with little power (Hyman, 2009: 28). Furthermore due to the strong neo-liberal economic policies of the EU and the increasing number of cross-border agreements occurring at company level, there is decreased incentives for employers to negotiate within the framework of the social dialogue (Bieler, 2006: 181). Sadler (2000: 144) writes that in the 1970s the social dialogue was hampered by 'deliberate disorganisation' on the part of the employers. Whilst there no explicit suggestion that this is the case today, it does appear that for most of the 21<sup>st</sup> century there have been few successful attempts by both sides of social partners to coordinate within themselves and then with each other to achieve more substantial social dialogue output (Welz, 2015). The sentiments, held by social partners at the Val Duchesse conference of 1985 and the years that followed, that working together was the best way to achieve an impact within the EU (Beirnaert in European Commission, 2007), seem to have diminished.

Despite this it cannot be said that the social dialogue has not had any positive results: in the case of parental leave these are considered to be strong and in other cases such as teleworking or work-related stress the results may be limited and not have reached all workers as intended, but they are there. Moreover, Voss et al (2011) and Afellat (in interview, 1.7.2015) both stress that although results of the social dialogue may not always be strongly apparent, all the agreements have had some form of impact at the national level. In some cases this may have been to bring the issue onto the national political agenda, where it was previously not in discussion, for example in the case of work-related stress in France. Although drawing attention to an issue is not the same as creating concrete action against it, it is a start (Clauwert, 2011:173) and so can be regarded as a small step towards success in terms of improving the working conditions of Europeans.

Across the literature evaluations of labour representation through the social dialogue is, as stated before, not overwhelmingly positive. Nuances between authors largely vary depending on what they regard as the main purpose of labour representation at the EU level. Labour unions can be regarded as a key aspect of social policy, within the EU or a member state (Blanke and Hoffman, 2007). The main aim of social policy is to provide market correcting policies, in the case of labour unions their aim is specifically to achieve protection of their members- workers- against market forces, maintain labour's share of the income of the state (or EU) and to improve the situation of their members within the current system (Erne, 2008: 50). Hyman (2001 and 2009) states that taking this into account, labour representation has achieved very little through the social dialogue. The agreements concluded by the social partners have done nothing to prevent unemployment and the 'erosion' of social protection, both of which have increased alongside increased European integration (Hyman, 2009: 28). Rather than creating new regulation to improve the situation for workers a neo-liberal process of de-regulation has prevailed 'undermining employment conditions and social standards (Bieler, 2006: 5) and in this sense the impact of labour representation at the EU level can be considered ineffectual.

### ***Social Dialogue and the Crisis***

The financial crisis and following sovereign debt crisis, which began in 2008, presented a new set of problems for labour representation and the social partners, both at EU and national level. National governments have enacted strong austerity measures and the European economic governance has taken on a more active role since the crisis (European Commission, 2013: 116) and has generally been considered to support the austerity policies in member states (Schlager und Kratzer, 2014: 10-15). Together this situation has precipitated growing disillusionment amongst citizens and is credited with a notable rise in popularity of Eurosceptic, generally right-wing, 'populist' political parties (Natali, 2013: 14). At the same time there has been a perceptible shift from member states towards wanting less EU regulation and a preference for 'negative' integration, i.e. removing barriers (legislation) to facilitate integration (Bandasz, 2014, 516). This stands counter to the 'market correcting' goals of labour representation and the European social model, which the ETUC endeavours to ensure and which the EU purports to support as a fundamental value, enshrined in Article 151 of the TFEU.

The financial crisis and the austerity measures taken in response to it, have led to negative consequences for many of the citizens of the EU, such as increased unemployment, poverty and exacerbated gender inequality (European Commission, 2013: 141-143; ETUC, 2015). Under these

difficult conditions the relationship between employer and worker representation has become increasingly strained (Welz, 2015) and reaching collective agreements increasingly difficult (ETUC, 2015). Eurofound (2012) report that few collective agreements have been reached by national social partners since the beginning of the crisis. A well-functioning European social dialogue is dependent on well-functioning national social dialogues (Voss et al, 2011: 15), which currently appear to be struggling. The European social dialogue has faltered in this situation and the relationship between the two sides of the social partners would need to be improved for it to return to the effectiveness it once had in the late '80s and early '90s (Welz, 2015).

The role of the social partners has faced another challenge during the crisis as national governments have turned increasingly to unilateral decision making, particularly regarding the public sector and particularly regarding wage-setting (Eurofound, 2012: 2; Welz, 2015). This undermines the influence and importance of the social partners, more so labour representation as wage-setting lies at the centre of their objectives (Erne, 2008: 50). Unilateral economic governance decisions taken by the EU and member state governments reduce the autonomy of the social partners- a stipulation laid down in Articles 154 and 155 of the TFEU- by ignoring collective bargaining and the right for social partners to be consulted on and to prevent initiatives if they deem it appropriate. Moreover, a 2012 Eurofound study reported that member states that maintained a strong social dialogue throughout the crisis tended to fair better and experience less perceivable negative effects of the crisis. ETUC (2015) also states that gender equality has not suffered to the same extent in countries where the social partners and their social dialogue is relatively strong.

The economic crisis has also seen a shift in the priorities of the social dialogue. Negotiations have moved to focus on job security and providing training for workers rather than wage setting, their more traditional focus (Eurofound, 2012: 2). This shift is presumably a response from labour representation, under the unusually difficult conditions that have occurred since 2008, to limit the damage (unemployment) incurred by workers rather than aim for improvement in working conditions. Eurofound (ibid: 74) also noted that the crisis has limited the appetite of the social partners as well as the EU and national governments for innovative legislation. This curtails the possible impact that the social dialogue may be able to achieve and ground breaking regulations, such as parental leave was in 1996, are unlikely to be well received under the current political and economic climate.

In general the financial crisis, which began in 2008, appears to have ushered in a situation in which it is particularly difficult for labour representation at the EU level but also at the national level to have a meaningful impact. Not only have decisions taken by EU and national governments run

counter to the aims of the ETUC – improving the working conditions and livelihoods for Europeans and supporting the EU social policy- but also the influence which labour representation does have a half of the social partners has to effect these decisions has been severely diminished as unilateral decision making by governments has risen and those within power have become increasingly closed to ideas which stray from the austerity path. Overall labour representation at the EU (and national level) has been pushed increasingly out of the policy-making process.

### ***Relaunching the Social Dialogue.***

When Jean-Claude Juncker took over as president of the European Commission in November 2014 he was faced with a situation, as outlined in the section above, in which 'social Europe' was considered to be in trouble. Euroscepticism and right-wing politics continue hold a significant place in European society, many EU states continue to suffer from severe economic difficulties and overall the EU's response to these problems has been deemed slow and ineffectual (Natali, 2013: 16). As part of their solution to this problem, Juncker and his Commission are aiming to 're-launch the social dialogue'. The official 're-launch' took place at a high level conference, attended by national and European level employer and worker representation, on 5<sup>th</sup> March 2015, 30 years after the Val Duchesse conference began the process of the official involvement of the social partners as co-legislators (European Commission, 2015). G. Afellat (*in interview*, 1/7/15), states that the 5<sup>th</sup> May conference acted as a focal point that allowed the social partners to come together, organise and refocus their energies on the social dialogue. The conference 'will be remembered by both sides [of the social partners]' and should provide a good starting point for moving on with the social dialogue (G. Afellat, *ibid*).

In terms of the 're-launched' social dialogue changes include a widening of competencies for the social partners for example more active involvement in the European Semester, through participation in informal as well as formal stages of consultation, there has also been a suggestion that country-specific recommendations should contain a section on the health of national social dialogues (Welz, 2015). Social partners will also be consulted on a wider range of topic at impact assessment (G. Afellat, *in interview*, 1/7/15). Whilst the formal involvement of the social partners is being strengthened at the EU level, there are still a number of hurdles that remain in place before a well-functioning social dialogue can return. For example Rebuilding trust between the two sides of the social partnership remains a difficulty (Welz, 2015). The ETUC continues to see many of the policies of the EU as favouring the employers such as the current REFIT programme which aims to reduce EU regulation. The Employers' representation tend to view this new initiative as very

positive for their members (G. Afellat, *in interview*, 1/7/15). On the other hand workers' representation do not view REFIT in the same positive light. In a recent speech Bernadette Ségol stated:

*“On top of the austerity agenda, we face the deregulation agenda which results from it. We are told that “Better Regulation is the solution to our economic ills.*

*But instead of making EU legislation more effective, this ‘better regulation’ – known as REFIT - is erecting new barriers to proper legislative procedures.” (Ségol, 9/6/15)*

The 're-launch' of the social dialogue appears to be a step in the right direction to strengthening 'social Europe' and supporting the representation of workers again within the EU. However, the attempts are essentially in vain if other EU policies continue to facilitate the economic conditions that the ETUC and national labour representation regard as leading to a deterioration of working conditions, livelihoods and 'social Europe' in the first place.

## ***Conclusion***

Regarding the situation as a whole, Labour representation's impact at the EU level by means of the social dialogue can be viewed as varied and challenged. The most powerful tool that the social partners have, framework agreements, have produced mixed results. Reasons for this are multiple and specific to each agreement and member state, but problems such as lack of interest in the agreement topics, weak national social partners or collective bargaining systems and the lack of a method of enforcement in the case of autonomous agreements, all stand to diminish the impact of the social dialogue. The ETUC's effect as labour representation is further decreased within the social dialogue as companies increasingly turn to company level decision making ignoring traditional collective bargaining. Importantly, the economic policies of the EU continue to support a neo-liberal form of governance, focused on competition, which creates increased challenges for the ETUC in achieving its aims. Therefore reaching agreements that satisfy the purpose of the ETUC i.e. to promote workers interests and the European 'social model', becomes increasingly difficult.

The financial and economic crisis that began in 2008 has only added an extra challenge for the social partners to create an effective output. A strong course of austerity measures and increased unilateral decision making have pushed the social partners out of the policy process, leaving worker interests less well represented at a time when their situation is particularly precarious. The result of

this period of reduced social partner representation in the decision making process has led some to state that the EU now has a 'last chance to rescue Europe'. And to do this, the European social model, with a focus on the social dialogue, must be revived (Natali, 2013).

Current European Commissioner Jean-Claude Juncker has been attentive to these calls and has embarked on a process to 're-launch' the social dialogue. Whilst the move is welcomed by employer and worker representation alike, the ETUC is still unconvinced that this will be able to do enough to correct the effects austerity measures and neo-liberal path that the EU promotes, and lead to an improvement in the working conditions and lives of Europeans ( Ségol, 9/6/2015).



## 5. Mobilization of Workers at the EU level.

Labour unions not only play an instrumental role in representing workers in bipartite and tripartite negotiations, they are also crucial in facilitating the mobilization of workers to demonstrate their support of 'improved terms and conditions of work and employment protection' and to protest actions which pose a threat to this (Ledwith and Colgan, 2002: 1). Collective actions by unions, e.g. strikes, demonstrations, petitions and lobbying, are invoked by labour representation as a means to show that they are unwilling to accept the terms that are being dealt to them, and push for a change to the situation. At the EU level this can be through direct changes made by the Commission or by bringing the issue to the attention of the European Parliament, which can then block Commission initiatives. Collective action is also an important means to show solidarity with other workers (ETUC, 2013) and the overarching cause of improved conditions for all, (Ledwith and Colgan, 2002: 1). Dribbusch (2015: 173) states that 'solidarity is a core principle of trade union activity', it is a way of saying, 'what hurts them, hurts us too' and shows mutual support in the understanding that this support will be returned if and when necessary, thus strengthening ties between workers. This holds for European trade union activity as much as at the local or national level. Moreover, it is of particular importance given the tentative nature of 'social Europe' in comparison to the highly integrated neo-liberal single market, focused on competition.

The European Union was founded with a principle of solidarity in its aim to improve the social and economic conditions for all Europeans through 'collective action' (European Economic Community, 1957). In the present day, in an EU still struggling with the economic crisis that began in 2008, the word solidarity is heard often in relation to European politics, "Solidarity with Greece" or headlines on threats to European solidarity or multiple opinion pieces discussing if European solidarity is dead or whether it ever existed at all. Commissioner Jyrki Katainen (*in speech*, 16/6/2015) called for solidarity between EU citizens, as a fundamental means for ensuring fair integration, maintaining 'social Europe' as a key EU value and preventing social dumping. Despite the importance of solidarity between workers in achieving the aims of the ETUC, the European trade union federations, and their affiliate members, there is scepticism, across the literature on labour representation at the EU level, as to what extent this crucial component of trade union activity exists within the European workforce (Hyman, 2005; Stan et al, 2015). And if solidarity is lacking then the whole project of European labour representation is undermined.

Trade Unions have an established place within society and they represent a key democratic element of national and now European governance. Within labour unions across Europe, traditionally the

situation has held that collective rights of labour have been recognised and respected by governments and employers alike. Collective bargaining agreements usually retain a relatively strong position within legislation, thus ensuring an advantageous position for workers and employers. A primary element of this situation is the organisation and mobilization of labour in the first place to agree together their position and to then make this known (Hyman, 2005: 10-11). Whilst this process is coming under threat at the national level, due to increase unilateral government and company level decisions (Welz, 2015), at the EU level the rudimentary aspect of solidarity between workers is often discerned to be missing, thus hampering European labour representation before it has even begun.

Despite scepticism, shows of solidarity and European collective actions are at times present in the EU. The ETUC does incorporate campaigning activities into its work and organises European-wide demonstrations and campaigns (which are often well attended) on certain issues, such as the inclusion of the Charter of Fundamental Rights into the Treaty of Lisbon or protests that took place in Brussels in April 2014 to denounce European-wide austerity measures (Gajewska, 2008: 106-7; ETUC, 2013: 14; ETUC, 2014). European sectoral federations are arguably more instrumental in organising European collective actions, which will then also be supported by the parent organisation, the ETUC (Eurofound, 2000). The instances of European wide mobilization of workers are relatively few, but there have been successful cases such as ABB Alstom Power (AAP) case, which began in 2000. Across the literature on EU level labour representation this case is often compared to the Alcan-Pechiney-Algroup (APA) case, which began in 1999 but is considered to have resulted in a failure for labour representation (Erne, 2008; Gajewska, 2008). More recently there have also been instances of European-wide labour mobilization in protest against EU directives namely the EU directive on Port Services, which began in 2003, and what has come to be known as the Bolkenstein Directive, which began in 2005 (Dribbusch, 2015). Each of these cases of attempts at European collective action can be evaluated to better understand what conditions need to be present to stimulate European mobilization of workers, as well as how solidarity can be stimulated between workers from different member states. In the chapter that follows, the challenges that stand in the way of mobilizing workers across the EU will be discussed as well as the importance for 'social Europe' of the establishment of European solidarity and what the prospects of a creating a European workforce that can be mobilized to promote EU wide standards and conditions for employment.

### ***The role of worker mobilization in labour representation at EU level.***

Hyman (2005: 36) states that 'almost universally' unions have their foundations in challenging the dominant social and economic system. European labour union representation did not evolve in the same way as most national unions i.e. through a 'class struggle', instead the process was more top-down (Hyman, 2001: 175; Gajewska, 2008: 117). However this does not mean to say that European labour representation does not exist with this same concept engrained within. Inequality that exists between European member states has been a fundamental part of the established EU social and economic order that European labour representation has aimed to challenge (Dribbusch, 2015: 171; Afellat, *in interview*, 1/7/15). That this is held as a common cause for workers Europe-wide is however contentious, as illustrated by results of the ETUC's 14 November 2012 'European Day of Action and Solidarity'. The proposed idea was a day of collective action across Europe in protest of austerity measures by national and EU government. In response to this call to collective action, Portuguese and Spanish unions organised an 'Iberian general strike'; Greek and Italian unions also carried out strike action although with less mutual organisation and with a slightly lesser participation; demonstrations were held in France, Belgium and some Eastern European states; whilst most Northern European unions and German released declarations of solidarity with their European counterparts (Dribbusch, *ibid*: 172). This vast difference in actions demonstrates a void in collective will to challenge austerity, show solidarity with other European member states, and stand-up for 'social Europe', the idea that is supposed to protect workers from the market forces so strongly prioritised within usual EU governance decisions.

### ***EU protest movements and their effect.***

Despite failures to mobilize European workers to protest austerity there are some examples of successful collective action at the EU scale. The cases of AAP, APA and the Port services directive both involve sectoral labour representation, whilst the protests against the Bolkenstein directive were cross-sectoral. In the cases of AAP, Port Services and the Bolkenstein directive European labour mobilization acted as an important step in EU integration by politicizing the actions of the Commission and also by bringing together workers and worker representation from a variety of EU states to act together (Erne, 2008: 128). Whilst the APA case stands to further highlight the importance of worker mobilization through the essential failure of their campaign which neglected labour protest and extensive 'rank and file' involvement. Moreover these examples of labour representation functioning at the EU level serve to inform future efforts at European-wide labour

mobilization as to how best to achieve success.

### **Alcan-Pechiney-Algroup (APA)**

The APA case began in 1999 with the proposed merger of three companies, Canadian Alcan, the French Pechiney and the Swiss Algroup, to form what would be the largest aluminium company in the world. The planned merger included a proposed 5% cut to the workforce in order to raise profits. Labour representation from each part of the APA group found this unacceptable and organised to form working groups to negotiate for a better deal and to lobby the Commission to prevent the merger. The working groups took the tactic of operating within the existing Commission framework of merger control procedure, under the logic that if they 'played the game' with the Commission and worked in terms routine to them, it would be more likely to lead to success. Initially it did and the first part of the merger did not go ahead, but this success was not long lived and following a second round of negotiations in 2003, the merger went ahead as planned (Erne, *ibid*: 157). Generally this is deemed as a failed attempt by labour representation to influence the policy of the Commission, although the transnational cooperation between the different unionists was good there was limited involvement from the 'rank and file' of the companies. Furthermore despite trying to work within the Commission's framework it appears that this made it easier for the Commission to ignore the position of labour during the second attempt to conclude the merger, in which no third parties were consulted (Erne, *ibid*: 183).

### **ABB Alstom Power – AAP**

Similar to the APA case, the AAP case was the result of a dispute relating to a merger. In 1999 the power divisions of companies AAB and Alstom were merged to create AAB Alstrom power, and as part of the process the company planned to cut a one fifth of its workforce. The company operates in a number of European countries and on 10<sup>th</sup> April 2000, approximately 2000 of these workers from France, Germany, Belgium and Italy protested in Brussels against the Commission not consulting labour representation prior to the merger. As with the APA case, working groups were also set up to lobby the Commission, which were made up of representatives from the EWC, the European Metalworkers Federation and also national unions (and was supported by the ETUC). The AAP case is considered to be the first time when all these actors came together to jointly organise a protest (Erne, *ibid*, 128). The Commission was forced to accept the criticism that it had acted

improperly and fewer redundancies were carried out than originally planned, in the places where there had been least resistance (Erne, *ibid*: 189, 192).

In comparison with the APA case the Commission and management were forced to listen to labour representation. Through the mobilization of workers and lobbying by the labour representation the issue was politicized and therefore harder for the Commission to ignore (Erne *ibid*; Gajewska 2008: 106). In both the APA and AAP cases the labour representatives from the different countries and organisations had a high level of cooperation with one another, however in the case of AAP the representatives had already worked together and knew each other (Erne, *ibid*: 195; Gajewska, *ibid*: 115). This presumably led to being able to enact a strategy more efficiently. It also supports the purpose of ETUC activities that bring together union members and promote networking and joint actions between them, suggesting that the more this cooperation can be supported the more likely labour representation is to be successful when negotiating at the EU level.

### **Port Services Directive**

When, in 2003, the Commission proposed a directive that included the allowance of unloading ships cargo by the ship's own crew in European ports, strikes, large-scale demonstrations, and lobbying of the European Parliament and Commission were organised in protest by dock workers unions, in affiliation with the International Transport Worker's Federation (ITF). This first wave of collective action was convincing enough to force the Commission to revise the directive, but when it was published again in 2006 with the same controversial article on own-crew loading and unloading, 10,000 dock workers, from multiple member states, took to the streets of Strasbourg to demonstrate their discontent. The parliament, unable to ignore this high degree of pressure, rejected the Commission's proposal with a greater majority than in 2003 (Dribbusch, 2015: 176).

The port services directive is a particularly good example of a European-wide mobilization of workers and also an instance in which the protest movement of the workers had a strong effect on the outcome of the campaign. Dribbusch (*ibid*) writes that the dock workers unions like the AAP case also already had a high level of cooperation, once again highlighting the need to sustain such networking and joint action activities to facilitate successful campaigns. Moreover, the cause of the dock workers was helped by the fact that dock working is a fairly homogeneous industry, not varying much from place to place, making it easier for workers to consolidate their demands and understand one another as well as meaning that the workers from each member state would also be

similarly affected by the directive, thus increasing the feeling of empathy between them. The success of mobilization of the dock workers is also likely to have been helped by the clearly defined challenge to overcome, the own-crew loading and unloading, and a clear strategy to overcome that, lobby and protest the parliament to block the proposal. Overall these conditions worked together to create a successful mobilization of European workers and a successful outcome for the labour representation at EU level (Dribbusch, *ibid*: 177).

### **Services (Bolkenstein) Directive**

The Services Directive, which has come to be known as the Bolkenstein directive, was a highly controversial proposal by the Commission, which the ETUC (2006) suggested was a threat to the fundamental rights of EU workers. Under the Services Directive trade in services between the EU states would be liberalised, whereby services would be regarded under the 'country of origin' principle. Therefore provisions which are not enforced on a service provider in their country of origin would also not apply to them when they provided this service in another member state (Mulder, 2006). This was viewed by many as a clear threat to 'social Europe' (Dribbusch, 2015: 177). In the face of this the ETUC began a campaign to lobby against the conditions of the directive and organised rallies in Brussels in 2005 and again in Berlin and Strasbourg in 2006. Although the target group of this directive was more general of that of the Port services directive, wide-spread support was still drummed-up from labour representation and their members across the EU and obviously hit a nerve for many unions. As a consequence key political figures such as Jacques Chirac, then French President, and Jose Manuel Barroso, then President of the Commission, were forced to take a critical stand on the Bolkenstein directive and in the case of Barroso acknowledge the risk of social dumping (Dribbusch, *ibid*: 178). In this sense the ETUC maintained its aim of supporting 'social Europe'. Although the conflict concerned a far more heterogeneous group of people than the conflicts outlined above, the feeling that the Bolkenstein was a 'shared' threat, a sentiment the ETUC was able to cultivate to mobilize a large number of European workers and achieve the blocking of the directive by the European Parliament (Dribbusch, *ibid*: 174).

As the above examples of EU level collective action show there are instances in which workers have been mobilized across the EU to effect change on EU policy making and the outcomes for their working conditions. Moreover in comparing the case of the APA merger with the others there is the suggestion that lack of engagement from the 'rank and file' in the conflict can make the

Commission less likely to pay attention to their demands. In the other cases the Commission was forced to examine its actions and/or Parliament was persuaded to vote against the Commission's proposal due to political pressure built up through demonstrations by workers. Erne (2008: 189) states that the only way the Commission will be effected by labour representation on issues of competition is if the conflict becomes politicized and enters the European public sphere. Close cooperation between labour representation, a specific idea of what the problem is and a specific plan of action appear to be key factors in a successful campaign that can then lead to a level of politicization that promotes change. It also seems that mobilization of workers will tend to be more effective at the sectoral level, where workers are under similar conditions not just within the sector but across member states and common interest can be more easily found, although the Services (Bolkstein) Directive proved that this does not always have to be the case.

### ***Where is European Solidarity?***

Effectively mobilizing workers EU-wide does not happen very often, although the above examples show that it is possible, can be effective and in fact worthwhile, when considered from the point of view of the failed Alcan-Pechiney-Algroup case. Responses in reaction to EU and national level austerity measures have demonstrated a 'gulf' in attitudes of Europeans that is often geographically (and economically) defined (Dribbusch, 2015: 172). Natali (2013: 1) states that whilst solutions to the crisis implemented by the EU were designed with the idea to build consensus across the EU, they have fallen gravely short of a project for a 'coherent and effective' Europe. Natali (ibid) shares the view of others such as Bernadette Ségol and Christian Welz, that the answer to this divide is more 'social Europe'. Despite the perceived problem of too much austerity and not enough 'social Europe' across labour representation literature and within European labour representation organisations, a concise, European-wide movement of labour against this situation has as yet not materialised (Natali, 2013: 22; Dribbusch, 2015: 179). Unlike the Bolkenstein Directive (also a cross-sectoral issue, viewed as a threat to social Europe), workers from across Europe have not come together in a show of solidarity to demand fairer conditions, rather the response has been wholly mixed. The 'gulf' between member states' reactions to the ETUC's call to demonstrate against austerity in 2014 stands to further widen the divide between the nations as Southern states work together to undertake collective actions, such as the Iberian general strike, whilst Northern states declined to become actively involved, which could be interpreted as an ambivalence in the face of measures which other labour unions define as having great effect on them.

Dribbusch (2015: 179, 180) reflects on reasons why at this, vitally important moment for 'social

Europe', a European-wide mobilization of workers is absent. Firstly, there is 'no common European perception of the crisis', specifically member states and national unions have all been effected very differently by the economic crisis, and the perceived personal negative effects of it differ greatly from country to country. Therefore it is difficult for some unions to drum up support when their members are less sensitive to the issue involved. Secondly, a clear difference is the lack of a clear 'target' or aim as to what a European-wide labour movement against austerity would be aiming to achieve and at whom its actions would be directed. In comparison to the cases already discussed above the issue of austerity and a suffering 'social Europe' is far less defined. The Bolkenstein Directive protests centred on one directive and more specifically certain articles of the directive. The actions were also clear, create pressure on and lobby the parliament to vote against the directive. Nonetheless this does not explain the lack of solidarity shown by Northern states to show support for their ETUC partners in other worse hit areas. In a similar vein to Dribbusch, Erne (2008: 192) makes clear that labour needs to be able to comprehend an effective strategy to demand and achieve change, and moreover that the EU 'cannot just be a threat'. It needs to be clear to unions that the EU is a body that they can negotiate with. Perhaps on the issue of austerity certain unions do not perceive collective actions from labour as an effective method to influence EU policy making. If labour representation is to function well at the EU level it needs to be in a position to influence EU governance and (Hyman, 2005: 9). Gawjeska (2008: 105) highlights the added problem for EU level labour representation that many people are unaware that an issue is an 'EU' matter, as legislation is implemented by national governments and certain governments are slow to mention EU involvement in their affairs. Overall general perception of the EU by union members may be standing in the way of a successful mobilization of workers.

A European mobilization of labour also faces the challenge of an evolving position for labour unions across Europe. A lack of solidarity may not just be an issue for the European workforce rather a problem for workforces at all levels. Hyman (2001:167) states that ties between work and social life are less strong than previously, 'traditional core occupation and industrial' groups that made up much of labour union membership have declined in importance across Europe and that the political context is becoming 'less supportive' for labour representation, a trend that is observed even more strongly today through increased unilateral government decision making since the economic crisis. Overall the factors which lead to strong labour unions, encouraged feelings of solidarity but also a feeling of capacity to cause change have been diminished.



### ***Creating Solidarity and effective labour mobilization.***

Solidarity clearly has a key role to play in the functioning of European level labour representation, as does the politicization of the issues that are being dealt with, which comes in turn from the mobilization of workers, and bringing the issues into the public sphere to build pressure. The instances of this happening successfully are few but there are some suggestions across the literature as to how this situation can be turned around. Stan et al (2015: 136) suggest that the current political environment is 'hostile' for labour unions across Europe, and for this reason they need to look beyond their traditional structures and find new, receptive partners with whom to cooperate in order to achieve their aims. Bieler (2006: 213) writes that, there are multiple other organisations concerned about the neo-liberalisation and its hold over the EU. Through cooperation with groups with overlapping aims labour representation could work towards forming a 'transnational civil society'. However labour unions have often been unsure of making alliances with such groups. Civil participation in EU governance is traditionally differentiated from that of the labour unions, whose position through the autonomous social dialogue and compulsory consultation on social policy is deemed to be considerably stronger (Welz, 2015). Within the EU, a collective civil society has often also been perceived as imperceptible (Hyman, 2001: 175), perhaps further dissuading labour unions from exploring the idea of working with civil society organisations.

Regardless of these problems, successfully promoting a collective European 'public', that incites a sense of solidarity with other Europeans regardless of member state, could bring clear advantages to European level labour representation. Being able to mobilize sufficient people from across the EU is instrumental in politicizing the issues at stake for the ETUC and the European trade union federations and of course their members. This does not have to mean all member states get involved, but enough and in a manner that captures attention that it cannot be ignored such as in the Bolkenstein Directive (Dribbusch, 2015, 182). If people feel that the EU is a level of governance at which they can achieve change, then they are more likely to be willing to engage with collective action. Encouraging a stronger sense of European civil society, through increased cooperation and awareness that this is happening and possible at the EU level would be a step towards achieving this. Moreover this could facilitate a grass-roots approach to EU level labour representation, that it is often criticised as being missing (Gawjeska, 2008: 108). Erne (2008: 3) states that there has been a slow but perceptible 'Europeanisation of the rank and file'. Suggesting that this process of creating a labour force with a willingness to think 'European' may already be underway. Recent issues that have caught the attention of the media such as the refugee crisis in the Mediterranean have had distinctly European elements which have not been lost through transition into national media. This

could potentially signal a growing 'European element' within the citizens of the EU that can be utilised by labour representation to help mobilize on issues at this level.

## ***Conclusion***

Labour mobilization through collective action is a fundamental labour unions activity. Through strikes, protests and demonstration workers can find a way to show government and employers their discontent and to demand change. Unlike other methods of negotiating such as through the social dialogue, labour mobilization is a grass-roots action that is reliant on the participation of workers to be effective. Solidarity with fellow workers is a key factor in achieving strong involvement of the 'rank and file' in this process as are clear goals, a sense that the methods used can effect change and that the object of the action will be receptive to such pressure. At the EU level, examples of labour mobilization are far less common than at national or local level and although there have been some successful attempts at European wide protest, there have also been cases in which the protest movement is conspicuous in its absence such as in recent calls to protest EU austerity measures.

If EU level labour representation is to be successful it seems clear that facilitating the mobilization of workers is a fundamental part of this. Building a more tangible European 'public sphere' that brings Europeans (labour unions members and all others) closer together through a shared sense that the EU is an organisation that effects them all but that similarly is accountable to them could increase the likelihood of carrying out successful European collective actions. For example in the form of strikes such as the 'Iberian strike' in 2014 but on a far wider scale, but also large demonstrations, petitions and forms of protest. The effectiveness of Labour representation at the EU level could benefit greatly from a more 'Europeanised' workforce and in turn help increase the fundamental element of labour unions, solidarity.

## **6. Transnational labour organisation as an integral part of European integration.**

European integration, i.e. the process of uniting the EU, has shaped and determined labour organisation as it has developed over time. But Labour unions have at times also played an influential role in the process of bringing Europe closer together. European integration has not undergone a linear development but rather has had periods in which political will has been on its side and has advanced quickly, such as in the 1950s and early 1960s and also the latter half of the 1980s in which the Single European Act was finalised- implementing the four key freedoms of the EU (Freedom of Goods, Services, Capital and People). On the other hand there have been periods such as the late 1960s and 70s, which saw a slowdown in European integration overall. These are generalisation and whilst at times integration has slowed down or sped up on certain issues, there has always been activity or dispute in one area or another. At present, following years of economic crisis in the EU, including severe problems with the Euro, national governments are generally not pushing for more integration (Natali, 2013: 1, 14). But this does not mean to say that the wheels of integration are not still turning in certain areas and respects. The financial crisis, whilst highlighting the degree to which the EU has become a united system (although perhaps not emotionally), also showed that there are a number of areas in which integration has not occurred to the same extent and that gaps exist.

'Social Europe' is one area which is regarded as being underdeveloped and far less integrated in comparison to the market related aspects of the EU (Blanke and Hoffman, 2007; Bruun et al, 2012; Dufresne, 2015). Blanke and Hoffman (ibid: 5) view this lack of integration of 'social Europe' as having led to an inadequate social policy for Europeans, that does not protect against the strong market forces, which under the neo-liberal economic policy of the EU are consistently strengthened and further integrated. Maintaining and supporting 'social Europe' is a fundamental function of European labour organisations, thus their actions are key to the further integration of this facet of the EU.

Not only has European labour representation been instrumental in advocating further support for a European social policy, it is also an active part in the project to build a 'European workforce' and consequent European public as detailed in previous chapter on worker mobilization. But European labour organisation is not only an active participant in European integration, it has also been shaped by the process that has occurred around it and been forced to function within a strongly integrated European market, often at odds with its aims (Hyman 2005: 10; Bieler, 2006: 196). The process of

European integration has affected the working methods and outcomes of European labour representation as well as labour representation at national and local levels (Bieler, *ibid*; Blanke and Hoffman, 2007).

Hyman (2001: 15) states that labour union activity goes beyond immediate contracts of employment: rather it considers the wider political and social situation and aims to be active within this system. Therefore adapting function as part of an 'Europeanised' economy seems to be an obvious and necessary step for labour representation to be effective. Moving up to form organisations at a wider geographical level is not a new challenge for labour unions. Erne (2008: 186) suggests that the move for labour unions from the national to the European level can be likened to a similar situation in the 19<sup>th</sup> century when economies began to rapidly integrate nationally. Previously, economies and any subsequent labour union activity had to be organised on a more local scale, however the transition to national level was successful. It follows that as the economy of Europe integrates so should labour representation.

In the following chapter the role that European integration has played in influencing the effectiveness and necessity for European labour representation shall be discussed as well as the integral role that labour representation has actively played in facilitating the integration process. Finally the chapter will examine how these processes are likely to effect the future activity of European labour representation in regard to further integration projects, namely the introduction of European wage bargaining.

### ***EU Integration as a driver of European Labour Representation.***

Jean Monnet stated that labour unions (at this time purely national level) should have an input into the development of the ECSC, as part of the aim to improve the working conditions of all Europeans (European Community, 1951). As such labour unions have been involved in European integration since the start. The ETUC was founded in 1973 with the 'self-appointed aim' to push forward the promise of improved living and working standards for all Europeans enshrined in the EU (Degryse, 2013: 8). A main impetus for strengthening EU labour relations through the creation of the ETUC (and a continued impetus today) was the understanding between labour representation that European integration was focusing too strongly on increasing competitiveness whilst ignoring its other aim of improving the livelihoods of Europeans (Ségol, in Degryse, *ibid*: 2).

The signing of the Single European Act in 1986 was an important step forward for European integration and the involvement of labour representation in EU issues. The free movement of goods, services, capital and people created a common market across the EU, however employment

regulation remained attached to national 'foundations' thus threatening their effectiveness as firms began to 'Europeanise' and operate more at the European level (Hyman, 2005: 9). Preventing 'social dumping' became a key concern for labour representation as well as employers under these circumstances. Framework agreements such as the 1996 Parental Leave agreement were created with a view to harmonizing and in fact raising social standards across the EU, thus protecting workers as they moved to other member states and avoiding lower labour standards being implemented by foreign-service providers in the interest of competitiveness (ETUI, 2014). The push to improve labour representation at the European level also came from an increased level of European Companies (companies which can operate transnationally within the EU but under one corporate regime (Eurofound, 2010)). The existence of these firms has forced labour organisation to work together and at the EU level to provide representation for employees in the face of employers who can operate across multiple member states but adhere to the rules of only one (Erne, 2008: 192).

In its prevailing form European integration has favoured market building measures and prioritised competitiveness above all else. For these reasons labour unions were mistrustful of and reluctant to support European integration or to participate in European level labour union activity. However, over time this attitude has changed (Hyman, 2009: 27). Examples of European-wide worker mobilization are on the rise (Dufresne, 2015: 1) and the social dialogue is active even if governments are not receptive to its output. The controversial hairdressers Framework agreement, which moved the social dialogue into an essentially 'non-Europeanised' labour sector (Bandasz, 2014) hints that labour representation are looking more and more to the EU level to operate and in fact moving beyond its obvious remit. It would seem that labour organisation has accepted that providing representation for workers at the EU level as a counterpart to consistent market integration, is the best way to prevent damage to labour standards across the EU.

### ***European Labour Unions as a driver of Integration.***

The movement of labour organisation from the national to the EU level has not only been a passive process forced by integration decisions of the European institutions, rather labour representation has also moved to playing an active role in integrating the EU (Lapeyre, in European Commission, 2007; Erne, 2008: 199). A clear instance of this is the European social dialogue. The sectoral and cross-sectoral agreements of the European social dialogue have led to a standardisation of labour conditions in the areas to which they apply (Clauwert, 2011). Whilst the level of integration that has come from the social dialogue is viewed by many as slight (Hyman, 2009; Bruun et al, 2012: 8; Prosser and Perin, 2015), it has nonetheless taken a step towards integrated labour conditions across

the EU. Furthermore, Voss et al (2011: 9, 25) suggest that operating at the transnational level forges links between labour unionists as well as promotes the exchange of ideas and practices. This then promotes a unity between labour representation across the EU that cannot be quantified in the same way as the outcomes of agreements.

As discussed in the previous chapter, the mobilization of labour is a key function of labour representation. The difficulties of achieving transnational collective action are clear and previously there was doubt as to whether this would be possible (Sadler, 2000: 141). However, Erne (2008: 3) points to the increased number of demonstration by the ETUC and European trade union federation to demonstrate a growing 'Europeanisation of the rank and file'. As successful cases of European-wide labour mobilization have taken place this has likely created a positive example as to how transnational cooperation can achieve results and consequently lead to more instances like the demonstrations against the Port Services or Bolkenstein directive. As already hinted at above, an important aspect of European labour union cooperation is bonds and networks that are created through European collective actions and the social dialogue. Labour representation at the EU level may not always produce tangible results in regard to the improvement and harmonization of European labour standards but the efforts that are taken consistently lead to a learning, developing and strengthening the process for labour representation at the EU level (Gajewska, 2008: 118). Labour union organisation at the EU level is engaged in an uphill struggle against European economic governance and it is clear that the integration of employment conditions and social policy has not kept anywhere near the same pace as that of the integration of the European common market. Nonetheless, EU level labour unions have taken steps forward in the integration process to form a unified labour representation and increased European level collective action in the future. In this sense labour organisation has advanced the European integration project.

### ***Labour Representation as part of a neo-liberal integrated Europe.***

European integration has followed a predominantly neo-liberal path, focused on the market and free competition, predominantly using deregulation, i.e. removing barriers as the means to achieve its goals. This logic directly contradicts the purpose of 'social Europe', which broadly defined aims to produce regulation that 'corrects for market forces' (Hyman, 2005; Blanke and Hoffmann, 2007; Bruun et al, 2012). Consequently labour unions are in a difficult position from which to defend 'social Europe' and promote policies that put in place regulations protecting working conditions. Criticism has been levelled at the ETUC that it has itself become a 'neo-liberal' organisation by integrating and choosing to function within the EU governance system (Hyman, ibid: 9; Bieler, 2006: 14; Gajewska, 2008: 105). Hyman (2001) suggests that under these circumstances, labour

representation can only hope the push for the 'least worst option' rather than being able to bring about genuine change and encouraging European social policy. However, despite agreement that the ETUC and the European Trade Union Federations do work in conjunction with the EU, and often 'within the system' e.g. European social dialogue, it is not so broadly accepted that this demonstrates a liberalisation of the unions themselves or an acceptance of the neo-liberal practices of EU governance. A change in the economic situation of Europe after the 1980s can explain a degree of the shift in methods for European but also national level unions, which faced with mass unemployment and restructuring of the state had to concentrate on protecting jobs rather than demanding higher wages (Dufresne, 2015: 143). Viewed from this perspective the actions of the unions still aim to protect their members but have to achieve the best results they can under a political and economic environment not receptive to their demands. Moreover, the existence of successful grass-roots/'rank and file' labour mobilization at the EU level is evidence to suggest that the path of European integration has not completely swept up the labour unions with it (Erne, 2008: 201; Gajewska, 2008: 105,106).

### **Wage Bargaining**

To date European unions have been restricted in their ability to negotiate on wage setting (reference), an action typically regarded as crucial to labour union functioning (Eurofound, 2012: 2; Dufresne, 2015: 143). Like many aspects which fall under social policy, member states have demanded that wage setting remain untouched by the EU, there is no mention of pay in the Lisbon Treaty and wage setting is excluded from the social dialogue (Dufresne, *ibid*: 145). Whilst the ETUC (2015) also states that the current EU governance regime, under the economic scoreboard system, actively works against higher wages by penalising member states that raise wages above a certain percentage. Since the Treaty of Maastricht productivity in the EU has risen dramatically this however has not been matched by any significant rise in the wage share of Europeans. This demonstrates clearly the lack of influence that labour representation has had on the wage share of workers in the EU (Erne, 2008: 57). European integration has led to a significant rise in the productivity of the EU but has not spread the related wealth around, thus showing a failure in the 'social Europe' objective of Jean Monnet that increased economic production and efficiency would be for the benefit of all Europeans.

So far labour representation has not been able to demand better wage levels for European workers, national governments have been able to agree and find compromises to promote the common market and competition, but have shown little desire to discuss wage setting and improving the wage share for the average European worker at the EU level (although enthusiasm is often not much

higher at the national level). However there are signs that this may be slowly changing. Until very recently business was very much against the idea pushed by the ETUC, that wage bargaining could occur at the EU level, but in the light of the persistence of social dumping and growing inequality across the EU, there has been some shift in attitudes to be more receptive to this concept (Stan et al, 2015: 133). Perhaps if there is strong enough agreement from both employer and employees sides of the social partnership, and subsequent pressure was applied to the European Commission, pay could become an issue for the social dialogue. Furthermore, there is tentative evidence that labour mobilization is increasing and becoming easier to initiate across the EU (Erne, 2008: 3; Dufresne, 2015: 141). Dufresne (ibid: 150) states that transnational mobilization of workers will be necessary if a positive wage policy in the EU is to be constructed. If labour representation was able to create a campaign in favour of raising wages and introduce pay (in some form) into the competences of the EU, thus politicising their demands, the Institutions and member states would be forced to seriously examine the issue of diminishing wage share on the EU and growing inequality. Finally, the current Commission under President Junker has vowed to make social policy a priority. In the words of Bernadette Ségol, the Commission is faced with a Europe facing 'social unrest, racism and xenophobia- fanned by a sensationalist media'. Many people see few advantages to the EU and also their current national government regimes, which have not worked to support them but rather the market. Ending the grave inequalities, that have come to Europe under increased neo-liberal politics, and social dumping, which has not been stamped out despite constant references to them, are key to saving the European integration project and 'social Europe'. European labour representation that is effective, autonomous but also integrated into the European governance system has a key role to play in working towards an EU that moves away from these problems and provides better working conditions and livelihoods for all.

## ***Conclusion***

Transnational European labour representation is both a product of and an actor within European integration. As the governance decisions which shape the market and the economy have moved to the EU level so has labour organisation in response to this. The founding of the ETUC in 1973 as well as the European Trade Union Federations is a key manifestation of this process. Not only has labour representation moved to operate at the EU level in response to the Europeanisation of the firm but also with the aim to promote and campaign for 'social Europe'. In this sense the ETUC and its affiliates have attempted to provide a force to counter the neo-liberal politics of the EU, which so strongly favours competition and market forces over a recognisable social system. In both their key



aims the ETUC has struggled to play an influential role in policy making, but this also reflects a wider position of labour unions at all levels of government (Hyman, 2001: 167). Nonetheless, European labour representation has not given-up on its goals and has continues to aim to improve the working conditions across the EU through involvement in the social dialogue and through increased mobilization of workers. For the future of European labour representation and the fight for 'social Europe' it appears vital that workers (and all citizens) can be mobilized to bring about a politicization of EU issues and force change. Wage bargaining at the EU level would be an important next step for European integration and labour representation a like, but for the idea to gain momentum a transnational movement of workers will be required to show to the EU institutions that it is an issue they must go to the negotiating table over.

## 7. Conclusion.

European labour organisation has developed alongside the wider process of European integration. At the national level labour representation came to exist through grass-roots movements of workers who engaged in a 'struggle' to defend their rights, improve the labour market and promote social justice (Hyman, 2001: 2). However, EU level labour representation followed a different path into being. From the outset of the EU, labour unions were incorporated in to the method of governance, with the aim that they would facilitate the promotion of 'social Europe' and the improvement of working and living conditions, thus European labour representation came from a 'top-down' process. In this sense the involvement of 'rank and file' was not as integral to labour representation's inclusion in EU governance, as at the national level, a criticism EU labour representation still faces today (Hyman, *ibid*; Erne, 2008). Nonetheless the ETUC and European Trade Union Federations were founded with the same goal to push for improved living and working conditions for Europeans inherent in their operating practices.

In attempting to achieve their aims European labour representation has worked as part of the social dialogue, as part of which they hold 'co-legislator' status, and have implemented a number of cross-sectoral and sectoral agreements (Voss et al, 2011). Initially, the European social dialogue was considered to have created effective legislation that promoted improved labour conditions across the EU, the 1996 Framework Agreement on Parental Leave is considered a particularly positive example (G. Afellat, *in interview*, 1/7/2015). However, latter outputs of the European social dialogue have been criticised as ineffective. Also due to lack of implementation by member states these agreements have also done little to improve the overall social situation in the EU, rather due to mixed response from national authorities a situation of increased inequality in labour conditions is at risk of occurring (Hyman, 2001: 176; Prosser and Perin, 2015: 18). This trend reflects a wider issue for European integration as well as for labour representation, that of finding compromise and genuine consensus between 28 diverse national systems. Certain member states such as the UK are very unused to implementing decisions from collective actions into national legislation, where as in Austria this is common practice (Voss et al, 2011).

The regulation that labour representation aims to produce through the social dialogue is in direct conflict with the market building project that EU integration generally revolves around. The breaking down of the social dialogue is generally attributed to increased strength of employers at the EU level as well as a move to more unilateral decision making that has excluded the social partners (ETUC, 2015; Welz, 2015). These trends have occurred both at EU and national level,

creating a double hurdle for European labour representation to successfully negotiate and implement effect agreements. In the case of combating social dumping across the EU, an issue viewed a key threat and hindrance to 'social Europe', both employer and labour representation will have to come back to the negotiating table and work towards agreements that will help prevent this problem.

Labour representation at the EU level also suffers from a lack of a coherent 'Europeanised' workforce that holds a sense of solidarity with its contemporaries. Past experiences have shown that a mobilized workforce is a vital instrument in achieving success for European labour organisation campaigns (Erne, 2008; Gajwaska, 2008; Dribbusch, 2015). Although the lack of a united European labour force is often cited as a key failing of European labour representation, there is a small body of evidence to suggest that it exists and protests such as the 'Iberian general strike' in 2014 suggests that although this occasion failed to mobilise workers European-wide, there was a strong reaction to a perceived EU issue. If the ETUC and its affiliates can utilise further transnational organisation that support the same goals of improved working conditions and the protection of 'social Europe' then building a European protest movement that can politicise its demands, then it may increase its effectiveness greatly as well as supporting a wider European civil society that feels more empowered to hold the EU to account.

This vision is perhaps somewhat optimistic when faced with the reality that labour organisation at the national level is also struggling to maintain members and governments are taking increasing steps to block labour representation out of decision making process and make collective actions, particularly strikes, more difficult to undertake ( Hyman: 167, 2001; Eurofound, 2012: 2; Welz, 2015; Dribbusch, 2015: 174). This is on top of the typically understood problems of European labour unions in the 21<sup>st</sup> Century i.e. increasing separation of work and social life, and a strong shift away from the industries that traditionally made up union membership (Hyman, ibid: 167).

However, the European labour market and 'social Europe' is in a state of disrepair, the prevailing neo-liberal economic and political system has not worked to the advantage of 'all Europeans' as envisaged by Jean Monnet and in this sense European labour organisation stands at a crucial point in its history. If the ETUC and the European trade Union Federations can turn to European workers with clear objectives, targeting specific EU level issues then an increase in support for action at this level could be stimulated. European labour representation's next challenge, EU level wage bargaining, has the potential to put an end to social dumping and improve the lives of many across Europe, but it will need a movement of workers EU-wide to come together, show solidarity with one another and demand for this to happen. The neo-liberal system of EU governance works counter to labour representation's goals and therefore they need to also move outside of this

framework to provide sufficient opposition.

Jean Monnet stated that the aim of the EU (then ECSC) was to 'unite people', in order to ensure that the EU fulfils its goals of improving the working and living conditions of all Europeans, labour representation should revisit this sentiment. In doing so they should aim to mobilize European workers to demand that EU governance take this fundament of the European Union into account and remember that the integration and competitiveness of Europe is a project to serve its people not just the market.

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