

**TRADE UNIONS AND EU POLITICS:  
EXPLAINING VARIATION IN EUROPEAN STRATEGIES**

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## I. Introduction

Already in the years preceding the SEA, broad transformations in the nature of work and economy had undermined the position of many trade unions across Western Europe.<sup>1</sup> Even in cases where trade unions retained influence with government, over the 1980s central political authority was undermined as,

Decisions on macroeconomic conditions were increasingly made, not in national policy arenas where neo-corporatist deals could be struck, but in intergovernmental negotiations and global markets beyond most unions' control.<sup>2</sup>

But especially since the 1986 Single European Act (SEA), European integration has changed the environment in which trade unions act in important ways. In the past twenty years, European integration has moved beyond its relatively narrow economic basis, to impact areas of key significance for trade unions, including macroeconomic policies, social policies and even industrial relations.

This expansion of the EU's competence has changed the opportunity structure facing the trade unions by creating both challenges as well as new opportunities. That is to say that European integration has undermined existing national trade union arrangements while simultaneously creating a new arena of policy-making open to trade union influence. While integration has acted as a force for economic liberalization and deregulation, it also provides for a significant amount of actual and potential *re*-regulation at the European level. And although deregulatory processes have advanced much farther than has European-level social re-regulation, the institutionalization of the European arena nevertheless creates new opportunities for trade union influence.

From labor's viewpoint, the *challenges* posed by European integration include constraints on the macroeconomic policy autonomy of member states, which limits the ways that governments can manage their economies and respond to unions' demands. Furthermore, the free movement of goods and services within an integrated internal market means that companies can "regime shop" and, in essence, relocate to the state with the most favorable business conditions. Unions fear that states will compete to attract mobile capital by fostering a pro-business environment in which the protection of workers and the environment are sacrificed. This competitive deregulation is what trade unionists refer to as "social dumping".

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<sup>1</sup> Beginning in the 1970s, the move to post-industrialism, changes in the locus of political power in Western Europe, and the spread of neo-liberal ideology all contributed to the erosion of unions' power, and by the 1980s trade unions were on the defensive.

<sup>2</sup> Ross, George, and Andrew Martin. "European Unions Face the Millennium." In *The Brave New World of European Labor*, edited by Andrew Martin and George Ross. New York: Berhahn Books, 1999: 8.

But in addition to these challenges, European integration has also opened up new opportunities for trade unions. The expansion of EU authority into the social realm, if limited, has presented trade unions with the hope of checking a decades-long trend of national deregulation – in response not just to European integration, but to a more general trend of economic internationalization – through European-level re-regulation. Furthermore, the establishment in the 1980s and 1990s of European-level negotiations between the social partners (peak associations representing workers and employers) has raised the hopes of some trade unionists that a Europeanized system of industrial relations by means of the social dialogue will lead to a re-incorporation of organized labor into economic management and policy-making more generally.

In essence, then, European integration entices unions with the possibilities for greater economic management,<sup>3</sup> countering social dumping, and harmonizing and strengthening social policies. Especially under the Delors Commission, from the mid-1980s to the mid-1990s, the EU exhibited a willingness to innovate in the area of social policy. As the only regional organization with sufficient political institutionalization to make the prospect of supranational social re-regulation a credible possibility,<sup>4</sup> the EU represents the ‘last best hope’ of the trade unions against the specters ‘globalization’ and ‘Americanization’.

But while European integration has changed the opportunity structure unions face in Europe, the question of how they have *responded* to these new challenges and opportunities has received little attention.<sup>5</sup> Despite the fact that trade unions have been – and remain! – important actors, not only in industrial relations, but also in the political life of most West European countries, few comparative responses have been attempted to the question of how European trade unions have adapted to economic integration and the institutionalization of European-level politics.

Instead, when assessing the impact of the EU on European labor, the focus has been on the evolution of the European-level peak association of labor, the European Trade Union Confederation (ETUC) rather than on national unions and confederations. Founded in 1973, the ETUC was given in a major boost by Delors’ enthusiasm for the principles of social partnership and social dialogue. As a result, since the late 1980s, the ETUC has represented workers in bargaining and tripartite forums,

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<sup>3</sup> However, the ECB is bound by treaty to pursue price stability above all other goals, including full employment.

<sup>4</sup> Martin writes that, “internationalization [in Europe] has taken a distinctive form. Political institutions have been created which have a capacity to control the process of international economic integration that is greater than in any other region”. See also Ross & Martin, 1999: 6.

<sup>5</sup> Although see introduction and conclusion of Martin & Ross, 1999.

alongside the European peak employers' associations (UNICE and CEEP).

The formation of the ETUC might seem to bear out early the neofunctionalist prediction from the 1950s that, "the unions have no alternative but to unite in seeking to influence supranational authorities."<sup>6</sup> But in reality, the ETUC is far from being a unified movement capable of wielding its influence over employers and the political institutions of the EU. Instead, internal divisions loom large as the ETUC's member confederations continue to pull the ETUC in different directions. These national confederations, in short, cannot agree on a common European strategy to advance workers' interests. There may be an imperative for unions to unite in order to exert greater influence at the European level, but at the same time European integration has fostered a real tension within the labor movement about what "Europe" means for workers. As a result, the ETUC remains fragmented. Unions increasingly recognize the *importance* of the European arena, but they are unable to agree on what the appropriate strategy is for pursuing workers' interests within that arena.

The focus in this paper is not on the ETUC, but on its members, the national confederations.<sup>7</sup> The purpose is to develop a framework for understanding and comparing their different European strategies – that is, the different ways that national confederations use the EU arena. We need to look at both the *objectives* that they pursue as well as the *means* that they use to advance those goals, for unions' strategies vary in both of these areas.

Should trade unions support the European integration project as a buffer against the global economy, or is the EU itself a force for liberalization that should be opposed? Should organized labor act at the European level as an interest group or as a protest movement? Understanding how unions answer these questions is the key to understanding why they pursue the specific European strategies they do. The problem for the ETUC is that national confederations respond in different ways to those basic questions; this paper attempts to explain *why* they do.

## **II. Variation in trade unions' European strategies**

We can think of unions' European strategies as being defined by two different factors: the objectives they pursue at the European level, and the

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<sup>6</sup> Haas, Ernest. *The Uniting of Europe: Political, Social and Economic Forces 1950-1957*. Stanford: Stanford University Press, 1958: 388.

<sup>7</sup> I focus on national trade union confederations rather than on the individual unions which comprise them, because it is the confederations that have typically been responsible for dealing with international issues, and it is the confederations rather than the individual unions that affiliate to the ETUC. Also, even though there are important differences among the confederations they are much more comparable units of analysis than are the individual unions and federations which affiliate to them.

means with which they pursue them. What I argue in this paper is that a union's European *objectives* are determined by its assessment of the costs and benefits of EU policies, and those costs and benefits are shaped by domestic institutions which vary from country to country. Specifically, differences in national labor market regulations and public service provisions mean that European developments impact the unions differently. The key element in explaining the difference in unions' *tactics* at the European level is the institutional variation among the trade unions themselves. The tactics that each union chooses for pursuing its interests at the European level are largely a function of institutionalized repertoires of action that were developed within the national setting. In other words, unions are bound by their own legacies; they act at the European level using the tools that they developed within the domestic arena.

On the basis of a textual analysis of unions' reports, congress documents and press, unions' objectives can be classified in terms of two ideal types, which I call *constructive* and *defensive*. Unions with constructive objectives seek to build up new areas of competence at the supranational level. In general, these unions tend to see the EU as at least a potential, if not yet an actual, shield against the neo-liberal international economy. Unions with a constructive orientation see positive integration as the answer to the challenges they face. On the other hand, unions with defensive European objectives seek to protect the national arena from the potentially negative effects of European integration. In general, these unions see integration as a force of globalization, rather than a buffer against it.

I use the term 'tactics' to refer to the program of action that a union pursues to advance its European goals – the term refers to how unions *use* the European arena. To classify the unions' tactics I have relied on the unions' own reports of their activities, as well as interviews with trade union officials in Brussels and the national capitals, interviews with representatives of the EU political institutions, and media reports on popular demonstrations. These different forms of influence can be conceptualized as two ideal types, which I call *institutionalized* and *activist*. Unions that seek influence by forging relationships with the European political institutions, in order to exert pressure over the policy-making process, can be said to pursue institutionalized tactics. These unions tend to approach the EU as interest groups. On the other hand, unions that focus more on periodic mobilization – for example, in European demonstrations – can be said to rely on more activist tactics. In general, they tend to approach the EU more as protest movements than as interest groups. European strategies, then, can be classified into four separate ideal types:

**Figure 1: Variation in European Strategies: Ideal Types**

		<i>Objectives</i>	
		constructive	defensive
<i>Tactics</i>	institutionalized		
	activist		

This paper focuses specifically on the different strategies that the British TUC and the French CGT have staked out with regard to European integration. These two cases make for an interesting comparison because, until the late 1980s, they shared a similarly explicit anti-European position. Then, between the late 1980s and the mid-1990s, each dispensed with its long-held opposition to EU politics and staked out a specific European strategy. Essentially, the two unions were responding to the same European-level environment: the re-launch of integration spurred by the 1986 SEA and the 1991 Maastricht Treaty. Despite that, the European strategies adopted by the two unions are quite different. This is true both in terms of the objectives each confederation has laid out for itself, as well as the means used to pursue those objectives.

In terms of European objectives, the TUC seeks to build up new areas of competence at the supranational level while the CGT is unwilling to countenance the sorts of constraints on national sovereignty this would imply. The TUC seeks to push forward European-level social programs which will provide tangible benefits for British workers: its orientation towards Europe is 'constructive' in the sense that it seeks to achieve its goals through the construction of a new body of European-level policies. The CGT, on the other hand, seeks to protect French social regulations from EU-induced liberalization; it specifically seeks to inhibit the creation of new policies at the European level which might produce negative results for French workers. The orientation of the CGT towards Europe, then, can be seen as 'defensive'.

In addition to differing over objectives, the TUC and the CGT also differ in the ways that they have pursued their goals at the European level. The TUC has established an office in Brussels charged with establishing relationships with the political institutions of the EU in order to gather information and to project the TUC's position. The goal is to help the TUC both to shape and to better respond to European policies. The CGT, on the other hand, has no institutionalized relationships with the political institutions of the EU and has no permanent presence in Brussels. However, in periodic demonstrations to support trade union demands related to EU policies, the CGT consistently mobilizes at much higher levels than other trade unions. In short, the two unions use very different

tactics in their attempts to shape European policies: the TUC engages with the EU in a way that we can call ‘institutionalized’ while the CGT engages in a manner that we can call ‘activist’.

One might wonder, at this point, whether constructively-oriented unions simply engage with Europe in a more institutionalized manner while defensively-oriented unions get by with less institutionalized tactics. Intuitively, this line of reasoning is quite plausible, especially given that the decision-making structure of the EU makes the creation of new European-level policies (positive integration) much more difficult than the striking down of national policies which inhibit the free functioning Common Market (negative integration).<sup>8</sup> One might expect that a more sustained effort may be required to pursue constructive rather than defensive objectives.

However, the relationship between means and ends is not that simple, as two shadow cases make clear. I find that the German DGB shares many of the defensive goals of the CGT, but it uses tactics that are different from the CGT’s. In fact, the DGB pursues its objectives in an institutionalized manner that is much closer to the way the TUC pursues its goals. And the Italian CGIL, which shares the TUC’s constructive objectives in Europe, uses activist tactics that more closely resemble the CGT’s actions. The unions’ choice about which tactics to use to exert influence at the European level depends more on the union’s institutional structure and legacies than on their European objectives. Despite their different European objectives, the TUC and DGB on the one hand, and the CGT and CGIL on the other, share important institutional parallels that shape the ways that they engage politically, both at the European level as well as at the domestic. We can classify the four unions’ European strategies in terms of the four ideal-types previously defined:

**Figure 2: European Strategies of the TUC, CGT, DGB and CGIL**

		<i>Objectives</i>	
		constructive	defensive
<i>Tactics</i>	institutionalized	<b>TUC</b>	<b>DGB</b>
	activist	<b>CGIL</b>	<b>CGT</b>

<sup>8</sup> Streeck, Wolfgang. “From Market Making to State Building? Reflections on the Political Economy of European Social Policy.” In *European Social Policy: Between Fragmentation and Integration*, edited by Stephan Liebfried and Paul Pierson. Washington, D.C.: Brookings, 1995.

### III. Trade union objectives in Europe

It is not surprising that trade unions throughout the EU generally support the same basic goal with regard to European integration: the establishment of a “social Europe” to counter-balance the liberal economic space that has been created. Further, there is an unstartling consensus that the creation of European-level social standards should represent a “leveling-up” of national standards rather than a “race to the bottom”. But beyond these very general goals, the specific objectives that national confederations actively pursue within the European context differ in important ways. For instance, the TUC sees European-level developments as a catalyst for change in domestic labor relations. In particular, it hopes that coordination with and strengthening of the ETUC will help it to import to Britain a system of coordinated labor relations more in line with the Continental model. On the other hand, the DGB actively tries to *prevent* European developments from reorganizing German industrial relations. In particular, it has sought to replicate the German system of labor organization at the European level, actively opposing attempts to strengthen the sectoral federations (EIFs) within the ETUC.

But *why* do unions pursue different objectives within the context of the EU? I argue that these different objectives are the result of the ways the unions calculate the costs and benefits of European integration. Differences in national systems of social provision and labor regulation mean that the effects of European integration are not distributed evenly across the unions – they don’t all shoulder the same burden, nor do they all reap equal benefits. The rolling-back of British social services since the 1980s means that many of the unions’ post-war achievements were curtailed or done away with entirely. The dissolution of the NEDC, in particular, struck a blow to the TUC’s influence over national policy-making.<sup>9</sup> On the other hand, the resiliency of the French system of social benefits – complex as it is – means that the CGT’s main struggle is to prevent the sort of retrenchment that has occurred in so many other countries.

These domestic-level differences shape the ways that the TUC and the CGT understand the challenges and benefits of European integration, and thus their orientation towards the EU. The TUC seeks to construct European-level competences in areas of social provision where successive British governments have refused to yield ground, while the CGT seeks to protect France’s high levels of public services from downward leveling, taking a defensive position against the pressures of European integration. The TUC’s European orientation is *constructive* and the CGT’s is *defensive*.

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<sup>9</sup> The NEDC was the most important of the tripartite bodies established in Britain during the 1960s and 1970s. Through it, the TUC played an important role in shaping public and social policy. Under the Thatcher government, the Council was increasingly marginalized and it was done away with entirely by the Major government in 1992.



Let's look a little closer at what those terms mean in practice. Since 1988 the TUC has sought to use the EU arena to improve working conditions for British workers. In the face of government intransigence at the domestic level, even modest efforts in Brussels to extend social legislation, regulate working conditions, and grant trade unions a role in policy-making have been seized upon with gusto. As one TUC officer put it: "had it not been for the EU during the Thatcher period, any notion of expanding trade union rights would have gone out the window."<sup>10</sup> Even after the Labour Party gained office in 1997, the EU has remained an important focus of the TUC's agenda.

To assess the orientation and objectives of the TUC towards Europe I reviewed the union's press releases over the fifteen years from 1990-2005 along with its annual Congress documents for the period from 1988-2005.<sup>11</sup> Although there are certainly instances when the TUC is critical of aspects of European integration, the aggregate portrait that these materials depict is of an EU that delivers real benefits to British workers. More often, when European-level activities receive negative attention, the focus is on the role of the British government in obstructing, delaying or failing to implement EU legislation properly.<sup>12</sup> The TUC actively touts EU activities with triumphant proclamations like, "Millions of [British] workers have the European Union to thank for the right to take an extra week's paid holiday...",<sup>13</sup> and the European directive on worker consultation represents, "a once in a lifetime opportunity to modernize the workplace."<sup>14</sup>

Over the 1990s, the EU came to occupy an important position in the TUC's action programs. In its 1992 Congress Report, the TUC listed "Europe" as one of its six top priorities for the period 1992-94.<sup>15</sup>

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<sup>10</sup> Interview with TUC Collective Employment Rights & Dispute Resolution officer, London, January 2004.

<sup>11</sup> I rely on press releases because the TUC, unlike the CGT, did not have a regular publication during this period which it could use to disseminate its views. In the case of the CGT I have relied on its twice-monthly publication *Le Peuple* along with Congress documents.

<sup>12</sup> See, e.g., the following TUC press releases: "Government should 'think again' on working time changes...", August 20, 1999; "Temporary workers could miss out on equal rights", August 10, 2001; "Listen to tales of abuse from UK temps and act, TUC urges ministers", October 12, 2005; "Workers must be paid for Parental Leave", November 6, 1998; "Time for sensible compromise on working time", May 9, 2005; "Student temps could miss out on equal rights", September 9, 2001.

<sup>13</sup> "Workers to get more holiday thanks to Europe", TUC press release, November 23, 1999.

<sup>14</sup> "European Directive is 'a once in a lifetime opportunity to modernise the workplace'", TUC press release, January 16, 2003.

<sup>15</sup> The six foci being: (i) campaign for full employment; (ii) promoting an employee's charter; (iii) lobbying on the forthcoming Trade Union Bill; (iv) Europe; (v) Developing services related to trade union education, health and safety, equal rights; (vi) Planning the inter-union future. TUC General Council Report 1992: 7.

Reviewing the TUC's congress documents for the period from 1988 to 2005, I found that the TUC undertook no fewer than nineteen campaigns that had a European-level focus.<sup>16</sup> Of these, three in particular have dominated the TUC's European agenda: working time, irregular and part-time work, and the minimum wage. In each of these areas, the TUC has sought to expand workers' rights by advancing EU regulations that go beyond UK standards.

This is quite different from what we see in the CGT's press and congress documents. Over the same period that the TUC publicly welcomed the EU's role in extending paid holiday,<sup>17</sup> parental leave,<sup>18</sup> worker consultation rights<sup>19</sup>, and rights for atypical workers,<sup>20</sup> the CGT was sounding caution over EU policies related to monetary union,<sup>21</sup> public service deregulation,<sup>22</sup> and the insulation of the European Central Bank.<sup>23</sup> Unlike the TUC's emphasis on *extending* EU legislation, the CGT's emphasis is on *circumscribing* the increasingly important role of the EU in French life.

This is not simply a case of persistent Euro-skepticism on the part of the French confederation – after all, the TUC had itself been vehemently opposed to the European project for decades before reorienting only a few years before the CGT itself did so. Rather, the explanation for the different orientations that these two unions have staked out with regard to the EU is based on variations between British and French regimes for worker protection and social services provisions. These differences lead the two unions to calculate the costs and benefits of EU developments in quite different ways and, based on this calculation of interests, the TUC and the CGT pursue very different European-level agendas.

In order to understand why the two unions calculate the costs and benefits of European integration differently we need to look at how the effects of EU politics play out differently in the British and French settings.

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<sup>16</sup> Among other things, these programs have included: establishing greater ties with Continental unions, strengthening the role of the ETUC in policy-making, British adoption of the Euro, establishing European Works Councils in British companies, and strengthening and extending worker protections.

<sup>17</sup> "Holiday right extended to 4 weeks from Tuesday", TUC press release, November 22, 1999;

<sup>18</sup> "Workers to get more holiday thanks to Europe", TUC press release, November 23, 1999.

<sup>19</sup> "Parental leave briefing", TUC press release, April 25, 2001.

<sup>20</sup> "TUC welcomes draft EU consultation directive", TUC press release, November 11, 1998.

<sup>21</sup> "TUC welcomes proposed EU Directive on temps", TUC press release, February 18, 2002;

<sup>22</sup> "TUC comment on court victory for agency teachers", TUC press release, January 14, 2004.

<sup>23</sup> CGT. "La CGT et le passage à l'euro", *Le Peuple*: July 11, 2001: 33-35. CGT. "Regards croisés sur l'euro", *Le Peuple*: September 26, 2001. CGT. "L'euro après Dublin: Les problèmes accumulés", *Le Peuple*: January 15, 1997: 31-34.

<sup>24</sup> CGT. "Services publics et Europe", *Le Peuple*: July 10, 2002. CGT. "2004: Quel projet Européen?" *Le Peuple*: January 14, 2004: 19. CGT. "Vers un charter européenne des services publics", *Le Peuple*: October 25, 2000: 14.

<sup>25</sup> CGT. "Quelle Banque centrale pour les citoyens?", *Le Peuple*: December 17, 2003.

### Key areas of EU policy for trade unions

Both economic and social policies of the EU have impacted the way that unions understand their interests and, by extension, the types of goals they set out to pursue within Europe. In general, social policies have taken a back seat to the Single Market project over the course of EU history, but European-level developments, especially since the 1986 SEA have had important effects for workers – but those effects vary from country to country. As a result, the same European-level developments weigh very differently on the TUC and the CGT.

In terms of social developments, the main areas of EU influence have been in the areas of worker health and safety, worker participation and representation, employment rights, and working conditions. Each of these areas will be considered in turn, with an emphasis on showing the different effects of these developments for the TUC and CGT.

#### *Health and safety*

Among the social policy areas that EU has developed, health and safety was the earliest. It was mentioned in the early treaties and established in EC law in the 1970s. Under the SEA, the area of health and safety was given QMV status, meaning that unanimity in the Council was no longer required to pass legislation. In essence, this removes the *de facto* veto held by each member state over legislation in this area. Article 118a of the SEA called for improvements in and harmonization of health and safety conditions in the member states, and in 1989 a framework directive was passed which prompted a flurry of related ‘daughter’ directives.<sup>24</sup>

Even before the 1989 framework directive (89/391/EEC), both Britain and France already had well-developed national systems of health and safety protection for workers. The British Health and Safety at Work Act was introduced in 1974. It established several institutions, jointly composed of employers and workers, to promote, regulate and oversee both industrial safety and worker health and safety.<sup>25</sup> Interestingly, this is the one major social realm that Thatcher never significantly restructured. In France, general working conditions are spelled out in the labor code. Furthermore, workplace-level Committees for Health, Safety and Working Conditions with privileged access to company information and consultative rights are compulsory in firms with more than fifty employees. Because workers in both countries are covered by strong national systems of health and safety protection, EU legislation in this area has generally *supported* existing domestic regulations and has not added significant new benefits for either British or French workers. The other areas of EU social policy innovation,

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<sup>24</sup> Geyer, Robert. *Exploring European Social Policy*. Malden, MA: Polity Press, 2000: 72-80.

<sup>25</sup> Most important among these institutions are the Health and Safety Commission, which regulates specific issue areas; the Health and Safety Executive, which enforces health and safety legislation; and the firm-level Safety Committees, which employers are obligated to form at the request of plant trade union Safety Representatives (often shop stewards).

however, have created very different sets of opportunities for the two unions.

### *Worker participation and representation*

European legislation on the information and consultation of workers was first attempted in the 1970s as a part of a broad Social Action Program, but it was not successfully enacted until the 1990s. In the 1980s, the controversial Vredeling Directive was proposed, which would have required large companies to provide biannual reports to their workforce, sharing, among other things, information about the firm's financial situation, production strategies and investment activities. The proposal was repeatedly vetoed by the UK through the 1980s and early 1990s, even after its most controversial features had been watered down.

After the UK's 1993 veto, the Commissioner for Social Affairs sought to use the Social Protocol attached to the Maastricht Treaty to circumvent Thatcher's resistance to worker consultation rights.<sup>26</sup> The procedure outlined in the Protocol required repeated consultations with the Social Partners (European peak associations of employers and trade unions) before the proposal could be voted on in the Council by the eleven signatories of the Protocol.<sup>27</sup> The employers' associations twice refused the proposal but, in the end, the Social Council approved it.<sup>28</sup> This European Works Councils Directive (94/45/EC) requires that large multinational firms doing business in at least two EU member states form a European Works Council (EWC) and establish procedures for informing and consulting with employee representatives.<sup>29</sup>

The benefits to workers (and unions) of the EWC directive accrue very differently in Britain and France. In Britain, deregulation and liberalization over the decade and a half prior to the directive's passage strengthened the position of employers vis-à-vis workers. The TUC strongly supported the EWC directive as a means of bolstering the position of workers, as well as the representation and influence of the unions, within multinational companies.<sup>30</sup> While there was some trade union skepticism about the potential effectiveness of the EWCs,<sup>31</sup> the TUC fought to ensure that British companies were not excluded from the directive despite the British

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<sup>26</sup> Since the UK had opted out of the Protocol, it did not vote on, and was not subject to, legislation which derived from its procedures.

<sup>27</sup> With the exception of the UK, all of the then-twelve EU member states were signatories of the Social Protocol. They were: Belgium, Denmark, France, Germany, Greece, Ireland, Italy, the Netherlands, Luxembourg, Portugal and Spain.

<sup>28</sup> Britain was not involved since it had not signed the Protocol; Portugal abstained.

<sup>29</sup> The directive applies to companies with more than 1000 employees, doing business in two EU countries, and employing more than 150 workers in each country. The law applies equally to European firms and firms from third countries employing at least 150 workers in more than one member state.

<sup>30</sup> EIRO. "UK Report for Comparative Supplement on EWCs." (1998).

<sup>31</sup> Unlike much of Continental Europe, the UK had no history of any such structures of worker representation.

opt-out. In a survey conducted on behalf of the TUC in 97 multinational corporations with EWCs, of which 36 were UK-based, UK respondents were more enthusiastic than their non-UK counterparts about the usefulness of the EWCs for understanding the company and for exchanging ideas and information.<sup>32</sup>

While the EWC directive introduced a new form of worker representation into the UK, in a period when worker representation had been increasingly constrained for a decade and a half, the directive did not add anything substantively new to the French system of labor representation. In fact, the rights conferred by the directive fall short of the consultation rights of pre-existing *national* works committees. While the EWC directive defines consultation rights as, the “exchange of views and establishment of dialogue”, the consultation rights of French national committees are much more stringent. The committees have a right to prior information and consultation on a large number of issues and must be consulted “in due time” in case of collective redundancies.<sup>33</sup>

### *Employment rights*

Dating from the 1970s, two directives created explicit employment rights for European workers. The first, the 1975 Collective Redundancies Directive (75/129/EEC), requires consultation with workers’ representatives before redundancies are carried out. The second, the 1977 Transfer of Undertakings Directive (77/187/EEC),<sup>34</sup> protects workers’ rights during takeovers and mergers. Under this second directive, in such situations, employment relationships are automatically transferred from the old to the new employer. Workers are protected from dismissal solely on basis of the transfer (although they can still be dismissed on general economic or performance grounds). The directive also requires employers to inform and consult the workers’ representatives in the firm about the upcoming transfer.

As in the case of the EWCs, the European employment directives yielded tangible benefits for British workers while creating few, if any, new rights for French workers. In the case of mergers and takeovers, the French legal system already required new employers to adopt all the rights and responsibilities of the old employer with regard to the existing workforce. On the other hand, in the UK, the employment relationship had traditionally been seen as personal contract; when a business was transferred, all contracts were therefore dissolved and the new employer could choose whether to re-establish them or not. Faced with the Transfer of Undertakings Directive, in the 1980s, Thatcher’s Conservative government first delayed implementation, then failed to fully implement it.

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<sup>32</sup> EIRO. “UK Report for Comparative Supplement on EWCs.” (1998).

<sup>33</sup> EIRO. “The Impact of EWC - the French Case.” (1998).

<sup>34</sup> This is also known as the Acquired Rights Directive.

In 1993 Britain was taken to the ECJ for its failure to implement the directive, and has since fully implemented it, thus creating new rights for British workers in the event of company mergers or takeovers.

### *Working conditions*

There are five main EU directives related to working conditions. Again, all of them brought benefits to British workers but added little of substance beyond what had already existed in French labor law. First, the 1992 Pregnant Workers Directive (92/85/EEC) requires employers to assess health and safety risks for pregnant workers, to establish strategies to avoid such risks, and to inform employees of the risks and the steps taken to mitigate them. It also establishes that pregnant workers are not obliged to work at night, shall be given time off for prenatal exams, and shall be entitled to fourteen weeks' maternity leave, during which they will be protected from dismissal. The UK opposed the directive but, as a 'daughter directive' of the SEA's Art. 118a Framework Agreement on Health and Safety, it was subject to QMV and the directive passed over British objections.

Second, the 1993 Working Time Directive (93/104/EC) mandates a minimum daily rest period of eleven hours, a rest break in any workday longer than six hours, a workweek of not more than forty-eight hours, and – most controversially – four weeks of annual paid leave. It further recommends that night work not exceed eight hours per twenty-four hour period and that night workers receive free health assessments and be transferred to day work if their health is being negatively affected.<sup>35</sup>

The other three directives are all based on agreements by the Social Partners. The first, on Parental Leave (96/34/EC), was negotiated in 1995-96, and provides a right to a minimum of three months' leave for childbirth or family emergency. The Commission proposed the Atypical Workers Directive (97/81/EC), regulating working conditions for part-time, short-term and seasonal workers, but even under QMV, the directive was blocked in the Council. However, as in the case of the EWC, Article 3 of the Social Protocol was invoked, and the Commission asked the Social Partners to negotiate an agreement. Unlike the case of the EWC, however, the negotiations were successful. Consultations began in the fall of 1995 and a proposal was agreed upon in the summer of 1997. It was approved by the Council in December 1997. The Social Partners also negotiated an agreement on working conditions for workers on fixed-term contracts (99/70/EC) which essentially guarantees that such workers will be subject to the same working conditions as permanent workers.

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<sup>35</sup> Certain categories of workers are excepted, and derogations are permitted if employers and workers reached a collective agreement on the subject.

These directives on working conditions all fall short of pre-existing French social provisions but create new rights for British workers. The Working Time Directive, in particular, benefits British workers. According to Geyer, “British industrial relations had never developed a substantial body of legal regulations for working time and the regulations which it did have were eliminated by the Conservatives during the 1980s.”<sup>36</sup> According to the TUC, the directive gives paid vacations to two million British workers who had never been eligible for them under British laws. The much more generous provisions of French industrial regulation meant that the benefits of these directives added few, if any, new rights to the French labor code.

As the foregoing discussion illustrates, workers in Britain and France have been impacted in very different ways by EU legislation. The chart below summarizes the TUC and CGT’s calculation of benefits deriving from EU social policies.

**Figure 3: Calculating the Benefits of European Integration for the TUC and CGT**

	<u>benefits for unions?</u>	
	Britain	France
<b>Health &amp; Safety</b> <ul style="list-style-type: none"> <li>• Single European Act (SEA), Art. 118a</li> <li>• Framework Directive (1989)</li> </ul>	<b>NO</b>	<b>NO</b>
<b>Worker Participation &amp; Representation</b> <ul style="list-style-type: none"> <li>• European Works Council Directive (1995)</li> </ul>	<b>YES</b>	<b>NO</b>
<b>Employment Rights</b> <ul style="list-style-type: none"> <li>• Collective Redundancies Directive (1975)</li> <li>• Transfer of Undertakings Directive (1977)</li> </ul>	<b>YES</b>	<b>NO</b>
<b>Working Conditions</b> <ul style="list-style-type: none"> <li>• Pregnant Workers Directive (1992)</li> <li>• Working Time Directive (1993)</li> <li>• Parental Leave Directive (1996)</li> <li>• Atypical Workers Directive (1997)</li> <li>• Framework Agreement on Rights for Workers on Fixed-Term Contracts (1999)</li> </ul>	<b>YES</b>	<b>NO</b>

As the chart illustrates, the benefits of European social policy developments have been more significant for the TUC than they have for the CGT, and I argue that the costs – both real and potential – of market integration also accrue differently to the two confederations. In the following discussion I will present two such examples: monetary union and service liberalization. In particular, the effects of EMU and the potential effects of the proposed “Bolkestein Directive” (Directive on Services in the Internal Market) have received a great deal of recent attention from the trade unions.

<sup>36</sup> Geyer, Robert. *Exploring European Social Policy*. Malden, MA: Polity Press, 2000: 88.

## *EMU*

Three aspects related to the introduction of the Euro have had implications for the trade unions. First, the convergence criteria required member state governments to meet restrictive guidelines for exchange rate flexibility, interest rates, levels of budget deficit, inflation rates and debt-to-GDP ratio. As a result, many governments were forced to introduce austerity packages reducing government spending. Second, the Stability and Growth Pact (SGP), adopted in 1997 under strong German pressure, was intended to enforce budgetary discipline by imposing sanctions on Eurozone states which violate debt and deficit restrictions. Third, the common currency places control over monetary policy into the hands of the European Central Bank (ECB), an institution which is much more insulated from political pressures than many national central banks, and which values price stability (low inflation) above all else, including – worryingly for the trade unions – employment. Since EMU deprives governments within the Eurozone of control over exchange rates and interest rates as a means of adjusting to imbalances in economic performance, wage policy becomes increasingly important as a tool for compensating for such imbalances.<sup>37</sup>

The French decision to join the Eurozone thus brought with it important checks on government autonomy and the CGT shared the general concerns of the trade unions across the Eurozone about the effect of the SGP on public spending and public services. Given the extensive nature of the public sector in France, general concerns about EMU tying the hands of national governments when it comes to domestic spending are all the more socially and politically relevant. In France in the late 1990s, the convergence criteria became the popular scapegoat for any and all so-called austerity measures.<sup>38</sup> In 1995, wage freezes in the public sector along with proposed social security and pension reforms led to massive strikes. The CGT was not the only French trade union confederation to blame not just the Juppé government, but also the EU for the unpopular measures.

Across the Channel, the UK opted out of the common currency when it was introduced (virtually) in 1999, but the exchange rate flexibility the country enjoys is seen by at least some parts of the TUC as a poor substitute for the potential benefits of joining. While sharing the general criticism of most unions for the restrictive convergence criteria and political unaccountability of the ECB, former TUC General Secretary John Monks argued in 1999 that “...the euro is now a reality ... The UK must not go on outside the European mainstream. It will be bad for jobs, bad for investment and bad for our prosperity if we stay outside.”<sup>39</sup> The TUC also

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<sup>37</sup> EIRO. “Wage Policy and EMU”, July 28, 2000.

<sup>38</sup> This was exacerbated by a government tendency to blame unpopular restructuring measures on the requirements of EU policies in an attempt to shift the blame elsewhere.

<sup>39</sup> EIRO. “UK Trade Unions and the Euro”, May 28, 1999.



holds that embracing the Euro would further strengthen the influence of the 'European social model' on British industrial relations.<sup>40</sup>

Among the TUC's affiliated unions there are mixed feelings about the desirability of joining the Eurozone, but the official position of the TUC is support for joining. The public sector unions, in particular, are skeptical about the fiscal requirements and lack of accountability of the European Central Bank, but their influence is balanced by a bloc of unions which strongly advocate Britain's joining. In any case, whatever the individual unions' positions on the Euro, the fact remains that the legacy of Thatcher's strict monetarism, which has not been significantly relaxed by the Labour government since taking office in 1997, means that the TUC puts the blame for tight fiscal policies squarely on the shoulders of the British government, rather than blaming the ECB, and by extension the EU more generally.

### *EU Services*

Apart from EMU, I will provide just one other example – although there are certainly many – of how policies connected to the internal market bear differently upon the trade unions. In January 2004 the European Commission proposed a draft directive on Services in the Internal Market (also called the EU Services Directive or, more commonly, the Bolkestein Directive after the Dutch Commissioner who proposed it). The stated aim of the proposed directive is to create a true internal market in services, as envisioned in the Treaty of Rome, by requiring EU member states to remove the barriers that currently prevent businesses from offering their services across borders or opening branches in other member states. Member states would be required to remove 'unnecessary barriers' (such as complex, lengthy and costly authorization and licensing procedures) that prevent or discourage operators from other member states from setting up on their territory. Most contentiously for the trade unions, the proposed directive would introduce the 'country of origin' principle to the service sector, meaning that once a service provider is operating legally in one member state, it can market its services in other states without having to comply with further rules in these 'host' member states. Service providers would no longer be subject to numerous divergent national regulations, administrative requirements and duplication of supervisory controls. Essentially, the Bolkestein Directive would permit multinational companies to apply the social regulations of their home country when they do business elsewhere in the EU.

The UK and France would stand to fare very differently if the directive is passed.<sup>41</sup> Britain, substantially deregulated under the Conservative

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<sup>40</sup> EIRO. "UK Trade Unions and the Euro", May 28, 1999.

<sup>41</sup> The ETUC and many national trade union confederations fought against the proposed Directive and, especially, the 'country of origin' principle. On the eve of the EP plenary session vote on the proposal, the ETUC organized a mass demonstration in Strasbourg, France (home

governments that led the country during the 1980s and most of the 1990s, has many fewer public services than France, a country with one of the largest public sectors in Europe. As a result, the UK would be subject to less downward pressure than would France. While the TUC does not support the directive, its opposition to it is nowhere near as vehement as the CGT's.

The French unions, like those from Belgium and Germany, have been especially vociferous in their denunciation of the proposed directive. The unions fear that companies based in highly-regulated states will relocate their headquarters to low-regulation states in order to apply those standards in their dealings in other member states, thus creating pressures for states to minimize social regulations in order to retain or attract companies. Furthermore, they claim that states' capacity to protect employees, manage public resources, guarantee universal access to services, and ensure the quality of services will be sacrificed to market imperatives if the directive were passed in its original form. In particular, they are concerned that 'services of general interest' like healthcare, education and culture will become overly marketized and public service sectors will be privatized. In short, they fear that the quality of public services will diminish if the directive succeeds in removing as many regulations as possible. The unions worry, too, that the 'country of origin' principle creates legal incentives for companies to move to countries with the least strict legislation on social, fiscal and environmental issues, and create 'letterbox companies' offering low-cost services that operate from their registered offices across the whole territory of the EU. Unions expect that such developments will put enormous pressure on countries with social, fiscal and environmental standards that protect the public interest.<sup>42</sup>

The table below summarizes the perceived costs of monetary union and service liberalization within the TUC and the CCT.

**Figure 4: Calculating the Costs of European Integration for the TUC and CGT**

	<u>costs</u> for unions?	
	Britain	France
<b>EMU</b> • Convergence Criteria • Stability & Growth Pact	<b>Low/Disputed</b>	<b>HIGH</b>
<b>EU Services Directive</b> (Bolkestein Directive)	<b>Low/Disputed</b>	<b>HIGH</b>

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of the EP) which drew some 50,000 trade union representatives. In November 2006, a majority within the EP approved a compromise proposal which took into account the main trade union objectives to the draft directive. In particular, the new proposal exempts labor law and 'services of general interest' (for example, healthcare provision) from the provisions of the directive and abolished the 'country of origin' provision. The proposed directive due for a Council vote in 2007.

<sup>42</sup> These critiques have largely been addressed in the EP compromise proposal, but the Commission and Council are not bound to accept the revisions.

### Calculating Interests and Explaining European Orientations

As should be clear by now, the impact of European integration on British and French workers has been quite different. In turn, the ways that the TUC and the CGT understand their interests with respect to the EU are also different. This leads the two unions to pursue different sets of objectives at the European level. Assessing these objectives as a whole, I refer to the general European 'orientation' of the trade unions. Because they calculate the costs and benefits of EU policies differently, the European orientation that each of the two unions has adopted is strikingly different, even though, on the face of it, both unions devised their European strategies in response to the same set of European developments.

Where British workers have gained new rights as a result of European directives, French workers generally have not. Furthermore, the domestic effects of EMU have been a source of considerable contention for the French trade unions. EMU, and the EU by extension, is seen as posing a real challenge to the French social model. The Bolkestein Directive, likewise, is seen as a way of undermining the restrictions and regulations that states place on the businesses that operate within their borders. Deregulation in Britain over the past two decades means that the impact of this directive would be altogether different than in France, which maintains many more restrictions and regulations on business practices. These differences in the impact of European-level developments on the two countries mean that the CGT calculates the costs of the directive to be much higher than the TUC does.

Institutional variation between British and French systems of labor regulation and social service provisions account for the different ways that the TUC and the CGT assess their interests with regard to the EU. Differing national systems of labor regulation mean that the perceived benefits of EU social policy are much more significant for British workers than for the French. At the same time, the costs of monetary union and service liberalization are perceived as higher in France than in Britain as a result of institutional variation at the national level.

The TUC's constructive European orientation and the CGT's defensive European orientation are the result of the way that each confederation weighs the overall impact of European integration. The TUC is willing to see Brussels take greater policy-making initiative because it is more likely to get favorable policies out of the EU than from its own government, and – as the TUC often bemoans – this remains true even since Blair's Labour government came to power. The CGT, on the other hand, sees potential threats for the generous French social system if too much policy authority is concentrated in Brussels. The two unions thus pursue very different objectives in the EU, based on their calculations of how well integration

serves their interests. The TUC supports the centralization of certain political powers at the European level while the CGT seeks to shield at least certain areas of national politics from EU influence.

### *Generalizing from the British and French Cases*

I have argued that, in Britain, the higher benefits and uncertain or diffuse costs of integration differ significantly from the relatively lower benefits and higher costs for France. Based on these two cases, I generalize that unions in countries where social provisions and labor regulations are strong and entrenched are less likely to perceive tangible gains from European-level social harmonization and are more likely to perceive incipient EU provisions as a challenge to their existing domestic practices. I expect trade union confederations from such countries to tend towards *defensive* European orientations. On the other hand, for unions in countries where social provisions and worker protections are underdeveloped or regressing, the prospect of European-level harmonization often holds the promise of real gains for workers. Trade union confederations from these countries are more likely to hold *constructive* European orientations.

Generalizing from the cases of the TUC and the CGT, I expect trade unions to hold a constructive orientation towards the EU when they perceive that there are sufficient potential material benefits from doing so to outweigh the costs of strategic innovation and institutional inertia. As a corollary, I hold that unions with a low capacity for achieving their objectives domestically or unions from countries with only modest levels of domestic social provision are most likely to hold constructive orientations towards Europe. On the other hand, unions with a high capacity for achieving their interests within the domestic framework and unions from countries with very high levels of domestic social provision should be expected to hold a defensive orientation towards the EU.

Evidence from both the Italian CGIL and the German DGB supports this hypothesis. Germany, like France, has an expansive system of labor protection and social regulation and the DGB, like the CGT, has taken a defensive orientation towards the EU. As one scholar has written, DGB officials, “rarely miss an opportunity to embrace Europe rhetorically,” but the Confederation’s activities in Brussels have mostly been aimed at *protecting* the German industrial relations model rather than advancing any particularly European program.<sup>43</sup>

Italy, like the UK, falls far short of the high levels of social services provided in France and Germany. Italy never developed labor market

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<sup>43</sup> Silva, Stephen. “Every Which Way but Loose: German Industrial Relations since 1980.” In *Brave New World of European Labor: European Trade Unions at the Millennium*, edited by Andrew Martin and George Ross. New York: Berhahn Books, 1999: 78, 111.

protections as strong as its northern neighbors, and the UK has seen worker protections and social benefits significantly rolled back since Thatcher came to power in 1979. Even the modest EU social policy advances of the 1990s implied tangible benefits for Italian and British workers and the CGIL, like the TUC, has adopted a constructive orientation towards the EU. In fact, the CGIL vision of Europe is far more federal than any of the other unions in this study.<sup>44</sup>

#### **IV. Trade Union Tactics**

We have seen that unions differ with regard to the European objectives they pursue, with some seeking to build up a body of European legislation while others focus more on defending national systems. In this section we will see that unions also differ in terms of the means they use to pursue their European goals.

##### Institutionalized versus Activist Tactics

In this paper the term *tactics* is used to refer to the repertoire of action that a union pursues to advance its European goals – it refers to the different ways that unions *use* the European arena. I conceptualize these different forms of influence as two ideal types, which I call *institutionalized* and *activist*. Those unions which seek influence by forging relationships with the European political institutions in order to exert pressure over the policy-making process can be said pursue institutionalized tactics. These unions tend to approach the EU as interest groups. On the other hand, those unions which focus more on periodic mobilization – for example, in European demonstrations – can be said to rely on more activist tactics. In general, they tend to approach the EU more as protest movements than as interest groups.

##### *The TUC*

The TUC relies on institutionalized tactics to pursue its goals within the context of the EU. The union pushes its agenda through a Brussels office, opened in 1993, which liaises with Members of the European Parliament (MEPs) and the Commission, as well as the Economic and Social Committee (EcoSoc) and even sympathetic (that is, generally, non-British) members of the Council. The TUC's Brussels office fulfills a dual function of gathering information and representing the TUC's interests. The TUC representatives in Brussels are charged with gaining familiarity with the European institutions, key actors, legislation in progress and the ramifications of proposed policies for the trade union movement domestically. At the same time, the TUC viewed opening an office in Brussels as a way to strengthen its presence in this concentrated policy environment.<sup>45</sup> To understand how the TUC pursues its interests at the

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<sup>44</sup> Barnouin, Barbara. *The European Labour Movement and European Integration*. London: Frances Pinter, 1986.

<sup>45</sup> TUC. "Report of 125th Annual Trades Union Congress." Brighton, 6-10 September 1993: 245.

European level, it is first necessary to take a quick detour through the EU policy process. Following this discussion, we will look at a representative case – the revision of the Working Time Directive – to get a more concrete sense of how the TUC interacts with the EU institutions to pursue its European objectives.

Because of the many institutional actors involved in EU policy-making, there are many points at which interest groups can attempt to exert influence over EU policies. Since the Commission initiates all proposals, most interest groups – and the TUC is no exception – seek to focus much of their lobbying effort there, primarily by targeting the appropriate Directorate-General (DG).<sup>46</sup> The TUC has traditionally worked hardest to cultivate relations within DG V (Social Affairs).<sup>47</sup>

However, the EP's increasingly important role in co-legislating alongside the Council makes it an important secondary arena for exerting influence. As a result of the extension of co-determination in EU policy-making since Amsterdam, the EP has gained in stature and organized interests have therefore begun to place greater emphasis on influencing the EP.<sup>48</sup> The EP also holds particular attraction for the TUC, since several of its larger affiliates sponsor individual members of the European Parliament (MEPs). This gives the TUC, as those unions' Brussels-based representative, privileged access to individuals and to the caucus of Labour Party MEPs. Furthermore, the trade union intergroup, a semi-formal caucus of labor-friendly MEPs, provides a point of access for the TUC within the EP.

Finally, because the Council must ultimately approve any policy proposals before they become legislation, interest groups also seek support in the Council for their positions. For unions with close relationships with their own governments, this influence is largely exerted at the national level, within traditional domestic political frameworks. However, for a union like the TUC, which is not particularly well integrated into domestic policy-making, and thus has little influence over the positions of its own government, the Council becomes an important arena for networking with *other* member state governments whose positions are more closely aligned with those of the TUC on specific issue areas.<sup>49</sup> However, at this late stage in the decision-making procedure, exerting influence tends to be much more difficult since the issues are already defined and framed, and positions tend to be much more entrenched than earlier in the policy process.<sup>50</sup>

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<sup>46</sup> Greenwood, Justin. *Interest Representation in the European Union*. New York: Palgrave Macmillan, 2003: 30-1.

<sup>47</sup> Interviews: TUC officer February 2004; TUC European officer, July 2004.

<sup>48</sup> Sometimes this entails targeting specific MEPs and other times unions try to exert influence within specific Committees or party groups.

<sup>49</sup> Interviews, TUC, London and Brussels, 2004.

<sup>50</sup> Greenwood, Justin. *Interest Representation in the European Union*. New York: Palgrave Macmillan, 2003: 32.

The TUC's primary tactic for pursuing its interests at the European level is to lobby the political institutions of the EU in an attempt to build a coalition around the position it has staked out on pending legislation.<sup>51</sup> This tactic requires not only tremendous expertise on European affairs (to understand the intricacies of the EU's various policy-making processes, as well as know what legislation is in the pipes *before* a White Paper or Commission report is issued, since that is when policy is most open to influence) but also an extensive network of contacts within the various EU political institutions. This would be nearly impossible to conceive of without a local administrative and lobbying organization, and the TUC's experience lobbying Whitehall has provided a useful template for pursuing its interests within Brussels.

### *The Working Time Directive and its Revision*

The TUC's attempts to influence the revisions of the Working Time Directive in 2003-04 provide a concrete example of the ways that the union works with the political institutions of the EU – particularly, in this case, with the EP and the Commission.

European legislation on working conditions expanded over the 1980s and 1990s after the SEA removed the national veto each country held in the Council by introducing QMV in certain policy areas, including “the working environment” and “working conditions”.<sup>52</sup> The Delors Commission interpreted these terms expansively and pushed forward with legislation in these areas via the 1989 Social Action Program and the Social Charter. One example is the 1993 Working Time Directive.<sup>53</sup> Using the SEA as its treaty basis, the directive was couched in terms of worker health and safety and thus subject to Art. 118a of the SEA and, significantly, to QMV rather than unanimity voting procedures.

The Working Time Directive limits the average workweek to forty-eight hours for most workers,<sup>54</sup> imposes rest periods between and within workdays and grants four weeks' paid leave per year. It recommends, but does not mandate, further restrictions on nightwork. In 2000, the directive was extended to previously excluded sectors and activities.<sup>55</sup>

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<sup>51</sup> This process was explained to me in a series of interviews with the current and past heads at the TUC's office in Brussels, and is in accordance with information given to me in interviews with the TUC's European officers in London.

<sup>52</sup> The key articles in the SEA were Art. 110a, which established QMV in the Council for the 'approximation' of laws relating to the creation of the internal market, and 118a, which extended QMV to areas related to the 'working environment, as regards the health and safety of workers' and called for an improvement in working conditions. (Geyer, 2000: 86)

<sup>53</sup> The original Directive, 93/104/EC was consolidated as 2003/88/EC.

<sup>54</sup> The Directive provides for derogations for certain types of workers (most significantly, transport workers, sea workers and doctors) and in cases where collective agreements have been reached between employers and the affected workers.

<sup>55</sup> The extension was the subject of much contention among the EU institutions. Usage of the co-decision procedure to extend the Directive meant that both the Council and Parliament

The TUC strongly supported the directive but was unable to overcome the opposition of the British government. In an attempt to mitigate British opposition, the UK was granted an individual opt-out clause: in essence, British workers were permitted to sign away their right to be covered by the directive. Such concessions notwithstanding, when the directive was voted on in the Council of Ministers in November 1993, the UK abstained and, challenging the legal basis of the directive, refused to implement it.<sup>56</sup> The ECJ ruled against Britain in 1996,<sup>57</sup> leaving the incoming Blair government with the responsibility of bringing Britain into compliance. When it did, it preserved the individual opt-out over the strong objections of the TUC.

In 2004, the Commission launched a consultation procedure in advance of revising the directive. One of the articles up for revision was the British opt-out, something the TUC in particular was eager to do away with. The TUC used all its ties with the EU institutions to advance its position. Within the Commission, the TUC pressed its view within DG-V (Social Affairs) generally and with Anna Diamantopoulou, the Commissioner for Social Affairs, in particular.<sup>58</sup> The TUC presented a dossier to the EU Social Affairs Commissioner calling for a strengthening of the directive which would end the UK opt-out, prevent British employers from counting bank holidays as a part of the four weeks of paid holiday guaranteed by the directive, and enforce violations of the directive more vigorously.<sup>59</sup> It also worked with the EP's Trade Union Intergroup (then headed by a British MEP, Stephen Hughes, who has close ties with one of the TUC's most important affiliates, the GMB). At monthly Trade Union Intergroup meetings, the head of the TUC's Brussels office pushed the EP to amend the directive to end the opt-out. The TUC also pushed its affiliates with MEP sponsorships to move the amendment higher on their agendas.<sup>60</sup>

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were to co-legislate. But failing to agree on a common policy, the institutions had to create a conciliation committee (per Art. 251) to negotiate a compromise text.

<sup>56</sup> The government claimed that, since Britain had opted-out of the Social Chapter appended to the Maastricht Treaty, it was thus not responsible for implementing the social legislation agreed to by the other member states. However, the Working Time Directive had been introduced by the Commission as a health and safety measure rather than by means of the Social Protocol. The Directive was thus subject to QMV and binding on all EU member states.

<sup>57</sup> *UK v Council of the European Union* Case C-84/94 [1996] ECR I-5755.

<sup>58</sup> Along with Delors, Diamantopoulou was instrumental in pressing the TUC to drop its opposition to European integration in the late 1980s. On multiple occasions she addressed the TUC or its member unions, and the TUC developed a particularly close relationship with her as a result. The TUC's relationship with Diamantopoulou was mentioned to me in interviews in 2004 in both the TUC's Brussels office and at its London headquarters.

<sup>59</sup> "TUC welcomes working time review", TUC Press Release, January 5, 2004.

<sup>60</sup> This point was made in an interview at the Brussels office of the GMB, one of the TUC's largest affiliates (2004). The respondent underscored that the TUC and the GMB have a complementary rather than a competitive relationship in Brussels because there is a clear division of labor: since the TUC has no authority to sponsor parliamentarians, the task of maintaining such relationships clearly falls to the affiliates that do.



In the end, the EP backed the TUC position. The Parliament's amendment of the directive called for an end to the opt-out clause by 2010,<sup>61</sup> although the amended directive must be passed by both the Commission and the Council of Ministers before being implemented. The TUC has recently shifted attention back to the Commission and, as the vote approaches in the Council, the TUC will network with representatives of the other member states – many of whom resent the British opt-out – to assemble a majority in favor of amending the directive.

### *The CGT*

The TUC's emphasis in advancing its European objectives is on working closely with the various EU political institutions; the CGT has taken a very different – and less institutionalized – tactic in pursuit of its interests at the European level. It has neither an office in Brussels, nor any permanent contact with the political institutions of the EU. It joined the ETUC in 1999, and since 2003 is represented in the ETUC's Secretariat. But apart from participation in ETUC activities, the CGT does not interact regularly with the European institutions, and has no permanent representative in Brussels. Expertise in European affairs is limited to a few members of the international department. Instead of working within the halls of political power in Brussels and Strasbourg, the CGT has pursued its European agenda since the mid-1990s by mobilizing its rank-and-file for demonstrations organized at the European level, or nationally around European themes.

### *The Euro-strike*

In one such example, the CGT mobilized demonstrations and sympathy strikes with Belgian workers laid off by Renault. This was not merely a case of *international* solidarity, but a particularly *European* one, as one of the main issues of union contention<sup>62</sup> was the charge that the company did not follow the requirements of EU legislation on collective redundancies and worker consultation,<sup>63</sup> and it did not adequately recognize the rights of the European Works Council at the plant.<sup>64</sup>

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<sup>61</sup> Article 22, paragraph 3a.

<sup>62</sup> Along with the unions, the EU Commission and the EP also condemned Renault's "Anglo-Saxon" restructuring and initiated an inquiry into its legality in light of EU legislation. Imig, Douglas R., and Sidney G. Tarrow. "From Strike to Eurostrike: The Europeanization of Social Movements and the Development of a Euro-Polity." *WCFIA Working Paper* 97, no. 1 (1997).

<sup>63</sup> The Directive on Collective Redundancies requires the prior consultation of workforce representatives when mass redundancies are planned. In the *Vilvoorde* case, Renault, in fact, followed the letter of the law, if not its spirit, by informing the plant's workforce representatives a few minutes before announcing the closure in a press conference.

<sup>64</sup> Again, Renault met the specific and narrow requirements of the legislation. The EWC Directive requires the information and consultation of workforce representatives in the event of major restructuring, but also contains a loophole. Companies which established works councils through voluntary agreements prior to the EWC Directive's September 1996 deadline were not compelled to renegotiate them in order to come into compliance with the terms of the Directive.

Renault, which had established a "European Group Committee" in 1993, was thus bound only by the less stringent terms of its own plant-level agreement, and not by the terms of the

In February 1997 Renault announced the closure – by July – of its production plant in Vilvoorde, Belgium, at a cost of some 3,000 Renault jobs plus an estimated 1,500 additional employees in direct supply companies.<sup>65</sup> The decision, announced without advance notice or consultation with unions, workforce representatives, or government, drew an immediate outcry from employees. Following the announcement, employees occupied the plant and gathered for a spontaneous march against the decision.<sup>66</sup> Workers and workers' groups across Europe were outraged by a decision which they claimed contravened both procedural norms as well as EU and national legislation concerning factory closures, collective redundancies and works council rights which stipulate that employees have to be notified *before* a decision about a factory closure is made and informed about the ways in which the company plans to deal with the consequences for the employees.

The decision prompted an unusual show of transnational European solidarity, with French and Spanish Renault employees organizing work stoppages and demonstrations. Union actions took two forms – what Imig and Tarrow called, “‘guerrilla actions’ involving a small number of participants intended for maximum media impact, and mass demonstrations designed to show the workers’ power in numbers.”<sup>67</sup> On March 7 the CGT called a one-hour strike in all French Renault plants in response to the Vilvoorde closing and also mobilized a substantial portion of the 5000<sup>68</sup> French participants at a 10,000-strong demonstration on March 11 at Renault’s headquarters in Billancourt, outside of Paris.<sup>69</sup>

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EWC Directive. The 1993 agreement between Renault and its Vilvoorde workers was that the European Group Committee would meet “at least once a year by order of the chair”, who is also the president of Renault. Despite the unions’ insistence that, under the terms of the EWC Directive, the Committee had the right to be consulted before any major plant restructuring, the company management had no legal requirement to order an extraordinary meeting of the Committee prior to the closure of the Vilvoorde plant.

Nevertheless, both Belgian and French courts ruled against Renault’s actions. In April a Brussels industrial tribunal decided that Renault had breached rules on worker information and consultation. Similarly, a French court in Nanterre, ruled that the company had failed in its duty to inform employees of the impending closure, as required since the decision concerned “Renault’s strategic orientation and was a major change in a European Subsidiary that would have repercussions at European level”. (EIRO, “EU continues to feel impact of Renault crisis” April 29, 1997. See also EIRO, “The Renault-Vilvorde affair: ‘Euro-strike’ against the closure of its Belgian plant”, March 28, 1997.

<sup>65</sup> EIRO, “The closure of Renault-Vilvoorde”, March 28, 1997.

<sup>66</sup> EIRO, “Renault closes assembly plant in Vilvoorde without prior notice”, February 28, 1997.

<sup>67</sup> Imig, Douglas R., and Sidney G. Tarrow. “From Strike to Eurostrike: The Europeanization of Social Movements and the Development of a Euro-Polity.” *WCFIA Working Paper 97*, no. 1 (1997).

<sup>68</sup> Imig, Douglas R., and Sidney G. Tarrow. “From Strike to Eurostrike: The Europeanization of Social Movements and the Development of a Euro-Polity.” *WCFIA Working Paper 97*, no. 1 (1997). Personal communication from European officer of the CGT, June 2004.

<sup>69</sup> The strike on March 7 was not limited to the CGT, but also included workers at French, Belgian, Spanish, Portuguese and Slovenian Renault plants and involved more than half of its workforce Imig, Douglas R., and Sidney G. Tarrow. “From Strike to Eurostrike: The

Later in the month, the CGT sent a delegation constituting upwards of twenty percent of a demonstration of between 75,000 and 100,000 workers in Brussels. Carrying banners with slogans that included “This Europe - no thanks” and “Europe without frontiers: yes; Europe without jobs: no”,<sup>70</sup> demonstrators clearly saw the Renault fiasco as part of a larger issue of EU politics. Yet the CGT, at least, made no move to work within institutionalized policy channels to affect the Renault closing; it relied entirely on protest and mass mobilization to pursue its goals.

### *Journées d’action*

In another form of activist-based influence, the CGT also mobilizes at much higher levels than the TUC for European Days of Action. These events, generally organized by the ETUC in order to raise awareness about and promote European social and labor issues, have taken place with increasingly frequency since the mid-1990s. In some cases, the ETUC merely sets the date and theme (e.g. employment, “social Europe”) and leaves each affiliate to choose its own activity in support of the day of action. On other occasions, the ETUC will organize a march or demonstration and request that affiliates mobilize member participation in a given location.

In these days of action, the CGT tends to mobilize numbers far higher than the European average, and certainly much higher than the TUC. Of some 75,000-100,000 demonstrators in the Brussels protest that coincided with the Vilvoorde affair, around 20,000 of them marched under the CGT banner. The Spanish unions, which were also directly affected by the Renault restructuring, sent only sixty workers.<sup>71</sup> At the day of action protest in Laeken (near Brussels) in 2001, the TUC was virtually absent while the CGT was represented by a delegation of 15,000.<sup>72</sup> At a March 2005 protest against the Bolkestein Directive the CGT mobilized 15,000 of the total 51-65,000 trade union marchers.<sup>73</sup> (For comparison, the TUC, which has ten times as many members as the CGT, was represented by no more than 200 members!)

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Europeanization of Social Movements and the Development of a Euro-Polity.” *WCFIA Working Paper 97*, no. 1 (1997).

<sup>70</sup> EIRO, “EU continues to feel impact of Renault crisis” April 29, 1997.

<sup>71</sup> Imig, Douglas R., and Sidney G. Tarrow. “From Strike to Eurostrike: The Europeanization of Social Movements and the Development of a Euro-Polity.” *WCFIA Working Paper 97*, no. 1 (1997).

<sup>72</sup> “Sommet de Laeken: une mobilisation syndicale inégalée!” CGT press release, December 18, 2001.

<sup>73</sup> Figures are from an ETUC internal document projecting participation figures in the “More and Better Jobs” demonstration.

Indeed, the CGT has summed up its own position concisely: “In the search for a more effective form of European-level trade union action, the visibility of the ETUC’s actions, and that of its affiliates, is a critical factor.”<sup>74</sup>

### *Weighing Alternate Explanations for Union Tactics*

Are these differences in the TUC’s and CGT’s choice of tactics within the EU a product of their specific policy objectives, or does something else explain why the two unions use such different methods to pursue their interests at the European level? In principle, it is possible that the form of engagement each union decides upon is chosen because it is the best suited to the particular objectives that each union has set for itself. Looking beyond the TUC and CGT, however, it becomes apparent that the form of European engagement the unions pursue is determined, not by their objectives, but by institutional legacies from the unions’ decades of experience pursuing their interests at the domestic level. The unions have, in essence, re-established at the European level, forms of engagement developed to pursue the unions’ interests at the national level. Consequently, the TUC pursues its interests at the European level as an interest group while the CGT acts more like a protest movement.

The shadow cases of the DGB and CGIL lend support for the hypothesis that institutional legacies rather than European objectives structure the means by which unions engage with the EU. Whereas I argued in the previous section that the DGB, like the CGT, holds defensive European objectives, it is clear that the DGB and the CGT use very different tactics to pursue their goals at the European level. In fact, the DGB pursues its interests within the EU in a way that is very similar to the way the TUC pursues its interests. Despite their different European objectives, both confederations have established permanent offices in Brussels that project their positions to the European institutions and create networks of influence. Why? I hold that unions like the TUC and DGB, which rely on lobbying and negotiation to pursue their goals at the national level, re-establish similar relationships at the European level.

Similarly, the CGIL, which, like the TUC, holds constructive European objectives, uses tactics to pursue its goals at the European level that more closely resembles the CGT’s. Although the CGIL has opened an office in Brussels, its function is one of transmitting information, as opposed to exerting influence. In an interview in 2004, the head of the CGIL’s Brussels office told me,

The original goal in setting up a CGIL office in Brussels was to transmit information about the EU back to Rome. Now it’s the opposite and much

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<sup>74</sup> “La recherche d’une plus grande efficacité de l’action revendicative européenne fait de la visibilité de l’action de la Ces [ETUC] et de celle de ses composantes un des facteurs déterminants.” CGT. “Le 10e congrès de la Confédération européenne des syndicats”, *Le Peuple*, June 25, 2003.

greater emphasis is placed on relaying information, interests from Rome to Brussels. Lobbying, however, is not in the culture of the Italian trade unions. Even in Rome, the CGIL doesn't do this.<sup>75</sup>

Unions like the CGT and CGIL, which have traditionally relied on mass mobilization for influence at the national level, pursue their goals at the European level using similarly activist means. Neither has attempted to push its interests through the institutionalized channels of EU interest representation. On the other hand, despite their different orientations, both unions are consistently disproportionately over-represented in the demonstrations and marches to further European "Days of Action".

If unions' orientations were the determining factor in how they engage at the European level, we should expect to see the TUC and the CGIL pursuing their goals in similar ways, and, on the other hand, the CGT and the DGB pursuing their goals in a similar fashion. Instead we see that, instead of unions with similar *objectives* engaging at the European level in similar ways, it is unions with similar *institutional legacies* that use Europe in a similar fashion. Unions' calculation of their interests leads them to pursue specific types of objectives at the European level, but the unions' *institutional legacies* rather than their European objectives, lead them to use the European arena in the specific ways that they do.

#### Historical developments and institutional legacies

There are a number of institutional similarities among the TUC and the DGB on the one hand, and the CGT and the CGIL on the other that lead them to pursue their interests – both national and European – in similar ways. Despite important national differences among the unions, the historical development of the TUC and the DGB have led them to institutionalize repertoires of action based on political influence while the CGT and CGIL have developed more activist, protest-based forms of influence. The TUC and the DGB have traditionally behaved as organized interest groups within the national setting while the CGT and CGIL have acted like protest movements. These domestic legacies have largely determined the ways that each union has pursued its interests at the European level.

#### *Trade Unions as Interest Groups: The TUC and DGB*

Britain and Germany are unique in Western Europe for having nearly unitary trade union movements. Whereas in Italy and France multiple trade union organizations organize workers, in Germany and Britain one confederation represents nearly the entire trade union movement.<sup>76</sup> In

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<sup>75</sup> Interview in the CGIL's Brussels office, March 2004.

<sup>76</sup> Of Britain's astonishing 226 trade unions, 74 of them affiliate to the TUC, representing over 80% of the total trade union membership. In Germany, the 16 sectorally-based unions that affiliate to the DGB likewise comprise just under 80% of all trade unionists. Data are from Ebbinghaus, Bernhard, and Jelle Visser. *Trade Unions in Western Europe since 1945. CD-ROM*. London: Macmillan Reference Ltd., 2000.

neither case, though, does the TUC or the DGB constitute a monolithic bloc with a monopoly on coordinating national union activities. In both cases, affiliated unions retain significant autonomy to negotiate, bargain and strike.<sup>77</sup> Partly because their affiliates retain control over the strike – and thus over industrial affairs more generally – both the TUC and the DGB rely on institutionalized *political* channels to represent labor interests. In the case of the TUC, this takes the form of organized interest representation while in the case of the DGB it more often takes the form of social partnership.

Until the 1980s, the primary sources of the TUC's power stemmed from its role in adjudicating disputes among affiliated unions and, more importantly, its position as conduit to the government, through its position in tripartite bargaining and on consultative bodies.<sup>78</sup> In the 1970s and especially during the Labour government of 1974-1979 the TUC reached a peak of influence through its involvement in setting pay policy and participation in a broad range of quasi-governmental economic planning, industrial, training, educational, community and health bodies, which gave a tremendous influence over domestic policies.

It is much the same story in Germany. Because most of the day-to-day work of industrial relations is divided between the sectorally-based industrial unions which affiliate to the DGB (e.g. wage negotiations) and the firm-level works councils (e.g. worker consultation), the DGB itself has tended to focus on broader issues of economic management and social protection, which it pursues through social partnership and government lobbying.<sup>79</sup>

### *Trade Unions as Protest Groups: The CGT and CGIL*

The CGT and CGIL developed in an altogether different manner, and their tactics for exerting influence are radically different from those of the TUC and DGB. Under both the French and Italian systems of labor relations, trade unions in general (not just the CGT and CGIL) are much weaker and less institutionalized than in Britain and Germany, and the unions themselves much more combative. As one scholar has written, "The low level of institutionalized collective bargaining in France, the anti-labor hostility of French employers, and the 'class' orientations of French unions

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<sup>77</sup> The heads of the most important of the individual unions (e.g. the National Union of Mineworkers in Britain and *IG Metall* in Germany) tend to be more powerful figures than the confederal general secretaries since the unions themselves have great discretion in running their own affairs. (See Hyman, 2001) Furthermore, many British unions dispose of political funds and maintain direct links to the Labour Party, something the TUC is expressly prohibited from doing.

<sup>78</sup> Waddington, Jeremy. "Recovering from the Neo-Liberal Assault?" In *Trade Unions in Europe: Facing Challenges and Searching for Solutions*, edited by Jeremy Waddington and Reiner Hoffmann, 575-626. Brussels: ETUI, 2000.

<sup>79</sup> Markovits, Andrei, and Stephen Silva. "Federal Republic of Germany." In *European Labor Unions*, edited by Joan Campbell, 167-83. Westport, Conn.: Greenwood Press, 1992.

made French industrial relations ... a battlefield.”<sup>80</sup> In many ways the same is true of Italy, where trade unions had no legal protection whatsoever until the late 1950s and early 60s, and where existing (fascist) legal codes were commonly interpreted in favor of employers rather than workers.<sup>81</sup> Italy’s “economic miracle” in the post-war years came at a high price for workers: organized business pursued a low-wage, export-oriented growth strategy which exploited the unions’ precarious legal standing in order to avoid labor regulation.

The inherent weakness of French and Italian unions was exacerbated in the cases of the Communist-oriented CGT and CGIL in particular. Seen as “transmission belts”, or agents of their respective national Communist Parties, both the CGT and CGIL were ideologically isolated and political weak.<sup>82</sup> The permanent exclusion of both the French and Italian Communist Parties from government meant that the CGT and CGIL lacked political influence and the other French and Italian unions’ attempts to ostracize their communist-oriented counterparts meant that concerted trade union cooperation was unlikely.

The comparative strength of both the CGT and the CGIL was thus their membership. Both unions have been the dominant trade union organization in their respective national setting. And although both have suffered from the general membership decline that has afflicted nearly every trade union in Western Europe since the late 1970s, the position of the CGT and CGIL relative to their national counterparts remained strong.<sup>83</sup> If the CGT and the CGIL did not have the luxury of a responsive government to advance their interests, they could at least use their sheer numbers to compel concessions. Furthermore, mass mobilization was part and parcel of the unions’ Communist lineage. Even after the CGIL’s Eurocommunist turn, as it sought cooperation with the CISL and UIL and celebrated long-overdue changes in the Italian labor code and industrial relations system, the union’s emphasis on mass mobilization never

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<sup>80</sup> Ross, George. “The CGT’s Internationalism: What Europe, What World?” In *A Century of Organized Labor in France: A Union Movement for the Twenty-First Century?* edited by Herrick Chapman, Mark Kesselman and Martin Schain, 215-40. New York: St. Martin’s Press, 1998: 52.

<sup>81</sup> Locke, Richard M., and Lucio Baccaro. “The Resurgence of Italian Unions?” In *Brave New World of European Labor: European Trade Unions at the Millennium*, edited by Andrew Martin and George Ross. New York: Berghahn Books, 1999: 220.

<sup>82</sup> In both countries the mainstream parties pursued a policy of excluding the Communist Party from government.

<sup>83</sup> Until around 1965 the CGT organized at least half of all trade unionists in France, and as late as 1975 the CGT could still claim to represent as many workers as all the other major union confederations combined. It was only in the mid-1990s that the CGT lost its number-one position among the French unions to the CGDT. In Italy, the CGIL’s membership exceeded the combined membership of the CISL and the UIL until 1980, and it remains the largest Italian confederation.

diminished.<sup>84</sup> Even for the CGIL, political influence might *supplement*, but did not replace, the power of bringing people into the streets. The brief inclusion of the PCF in government following Mitterrand's election in 1981 proved a grave disappointment for the CGT, solidifying the union's resolve that mobilization rather than political influence was the best means for pursuing its interests.

By the time the EU began to seriously enter the consciousness of the trade unions, each had institutionalized its own means of exerting influence within the domestic arena. As each of these four trade union organizations has turned its emphasis to the emerging European arena, it has drawn on its traditional repertoires of action to pursue the European goals it sets out for itself, even when those objectives are quite different. In particular, the TUC has drawn on its history as a conduit to government and established itself in Brussels as a hub of lobbying, networking and information flows between its affiliates and the political institutions of the EU, while the CGT has drawn on its main mobilizing device from the 1960s and 70s, the *journée d'action*<sup>85</sup> – day-long strikes or demonstrations – to marshal support from its rank-and-file around European days of action.

#### 'Europeanizing' Old Repertoires

Throughout the post-war period, the TUC and DGB have exerted their influence by working within institutionalized channels – lobbying, sitting on governmental and quasi-governmental bodies, participating in tripartite forums. The CGT and CGIL have exerted their influence by mobilizing their memberships for demonstrations, rallies, marches and other highly visible public manifestations of strength. These differences in the unions' repertoires of action have essentially been replicated as the unions began to pursue their interests within the European arena.<sup>86</sup>

The nature of the four unions' approaches to the EU can be illustrated by looking at the different ways that each union conceptualizes European 'action'. To give just one example, and one that is fairly typical, this is how

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<sup>84</sup> Indeed, it was understood within the CGIL that the industrial and labor market changes of the 1970s were wrought only by the show of trade union strength and militarism during the "Hot Autumn" of 1969 and continuing into 1970.

<sup>85</sup> Ross, George. "The CGT's Internationalism: What Europe, What World?" In *A Century of Organized Labor in France: A Union Movement for the Twenty-First Century?* edited by Herrick Chapman, Mark Kesselman and Martin Schain, 215-40. New York: St. Martin's Press, 1998: 53.

<sup>86</sup> This concept has elsewhere been described as trade unions' "identities" which reflect the specific contexts in which the organizations developed historically. As Hyman writes, these "dominant identities ... have shaped the interests with which [unions] identify, the conceptions of democracy influencing members, activists and leaders, the agenda they pursue, and the type of power resources which they cultivate and apply." (Hyman, 2001)

For a particularly good account of the historical development of trade unions, see also Crouch, Colin. *Industrial Relations and European State Traditions*. Oxford: Clarendon Press, 1993.



the four unions responded to the 1997 day of action around the theme “Europe Must Work”: In Britain, the TUC organized a media campaign and a half-day conference at its national headquarters on the topic of social Europe. In France, the CGT helped to organize a mass demonstration in Paris with about 80,000 participants. In Germany, the DGB organized a conference on Europe and Employment in Frankfurt, the home of the ECB. And in Italy, the CGIL staged a series of sit-ins and protests with the other Italian unions.<sup>87</sup>

The concept of European ‘action’ clearly means very different things to the different unions: the CGT and CGIL pursue more activist tactics than do the TUC and DGB. During an interview, the head of the Swedish unions’ office in Brussels quipped that, “In response to a European day of action, the French and Italians will send a million people into the streets and the Swedes will organize a seminar.”<sup>88</sup> The German and British unions tend to resemble the Swedes in that regard. I argue that these different understandings of trade union action are consistent with the ways of exerting influence that each union has institutionalized at the domestic level.

## V. Conclusion

In the 1980s and 1990s trade unions became a subject of renewed interest for political scientists as their decline in most advanced industrial countries became increasingly apparent. Scholars debated the crisis of unions in response to economic internationalization, economic restructuring, and de-industrialization, but most of these studies have taken decline as a given, and the question of how the unions have responded and adapted to these challenges has received little attention. One way that unions in Western Europe have responded to the challenges posed by economic internationalization and the declining capacity of national governments to pursue autonomous policy goals has been to focus attention on the EU as potential buffer against the global economy. At least since the SEA in the mid-1980s, national trade union confederations have developed European strategies as a way of managing their domestic decline.

But organized labor’s responses to European integration have diverged in important ways. On the one hand, constructively-oriented unions like the TUC and the CGIL see the EU as a bulwark against decline. For them, positive integration within the context of the EU is a source of *benefits* for European workers. The TUC’s General Secretary exemplified this position in a 2005 address to the union’s annual congress, telling British workers:

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<sup>87</sup> EIRO, “ETUC organises European Day of Action for Employment”, April 28, 1997. EIRO, “TUC social Europe conference marks ETUC day of action: June 28, 1997. EIRO, “ETUC-organised demonstration calls for job creation”, June 28, 1997.

<sup>88</sup> Interview with head of the LO/TCO/SACO trade union office in Brussels, March 2004.

Whatever threats there are of a new liberal agenda, this has not originated in the EU.... Crucial social advances have been won through Europe. Social Dialogue is entrenched in Europe's constitutions. We should never forget that it is because of the EU that we have got new laws on equal pay, part time workers' rights, four weeks' paid holiday and much more besides.<sup>89</sup>

On the other hand, defensively-oriented unions like the CGT and the DGB see the EU as a part of the problem facing the unions rather than as a source of solutions. Expressing this very different conception of the EU, Joël Decaillon, then-head of the CGT's European department, wrote in the CGT's largest-circulating journal,

In this liberal and monetarist conception of Europe, the 'social' in general – employment levels, salaries, working conditions and social protections – have become liabilities that must be reduced at any price, since heightened competition gives such immense power to financial markets and multinational firms.<sup>90</sup>

This paper is an attempt to illuminate why two trade union organizations facing the same European-level developments can view the EU in such different ways. But what are the implications of these different understandings of Europe? Perhaps most importantly it spells trouble for the ETUC in attempting to speak and act on behalf of European workers.

In the introduction I quoted Ernst Haas, who wrote in 1958 that, "the unions have no alternative but to unite in seeking to influence supranational authorities." But how can that happen when national confederations pursue different goals and rely on different tactics?

The ETUC has come a long way since its founding in 1973. As the voice of some 60 million workers in Europe, its representative status is broad and unchallenged. Important developments over the 1990s gave the ETUC new influence over EU policy-making, through the Social Dialogue, tripartite concertation, and Commission consultation. Nevertheless, the ETUC faces serious challenges as it moves forward. In addition to employers' hesitance to negotiate and a lack of initiative on the part of the post-Delors Commission, there is the problem of the ETUC's own internal diversity.

Even when the ETUC *does* have the opportunity to negotiate social policies or when it is consulted by the Commission on its policy proposals – as has been required since Maastricht – the ETUC has real difficulties

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<sup>89</sup> TUC. "Report of 137th Annual Trades Union Congress." Brighton, September 12-15 2005.

<sup>90</sup> CGT. "Comment nous nous situons." *Le Peuple*, July 7, 1998.

speaking with one voice. National union confederations continue to disagree over which policy tools (specifically, initiatives from the Commission or negotiations by Social Partners) are best for European social regulation.<sup>91</sup> Given the already high barriers to creating a social dimension within the EU, the inability of labor to concert its efforts poses a very real problem.

The widely divergent preferences held by its affiliates over European objectives makes it very difficult for the ETUC to push a clear and consistent trade union agenda at the European level. And divergent preferences over the methods best suited to pursuing trade union interests also create tensions within the ETUC. The ETUC acquired an institutionalized role in policy-making in the 1990s, but given the market-based priorities of the EU, at least some of its affiliates, along with some academic observers, wonder if the ETUC isn't tying its hands by linking the fate of the European labor movement so closely with the integration project. Since joining the ETUC in 1999 the CGT, in particular, has pushed for greater ETUC mobilization. As discussed above, mass demonstrations organized by the ETUC have become a common feature over the past few years. Some elements of the trade union movement, including the CGT, would like to read these developments as the birth of an activist transnational labor movement. But the EU treaties explicitly leave legislation related to strikes and association rights in the hands of member states, and that reality limits the potential for meaningful transnational action.

As this paper shows, the labor movement in Europe is extremely diverse and has not been able to articulate a common European strategy, even within the ETUC. Given the weak position of the unions vis-à-vis both employers and the political institutions of the EU, it is difficult to imagine labor making any fundamental changes in the nature of the integration project in the absence of some sort of common vision and a shared strategy for achieving it.

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<sup>91</sup> In general, trade unions from the Nordic countries tend to prefer negotiated settlements while those from Southern Europe often prefer the use of Directives. Hoffmann, Reiner. "European Trade Union Structures and the Prospects for Labour Relations in Europe." In *Trade Unions in Europe: Facing Challenges and Searching for Solutions*, edited by Jeremy Waddington and Reiner Hoffmann, 627-53. Brussels: ETUI, 2000.