

## European Level Collective Bargaining: A New Phase?

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Article abstract

After virtually two decades on the side lines, European level collective bargaining is back on the industrial relations agenda. To a large extent, the resurgence of this notion can be attributed to the impact of the EC's 1992 programme on European economic and political life. This article examines whether any significant changes or new developments will result from this increase in interest in European collective bargaining. The article suggests that there are two main dimensions to European level collective bargaining: the vertical dimension which covers attempts to get greater collaboration and dialogue between European trade unions and employers inside the institutional framework of the European Community; the horizontal dimension which includes developments at the enterprise and market levels aimed at promoting trade union / employer contact outside the confines of the nation state.

# *European Level Collective Bargaining A New Phase?*

**John Grahl  
and  
Paul Teague**

*After virtually two decades on the side lines, European level collective bargaining is back on the industrial relations agenda. To a large extent, the resurgence of this notion can be attributed to the impact of the EC's 1992 programme on European economic and political life. This article examines whether any significant changes or new developments will result from this increase in interest in European collective bargaining. The article suggests that there are two main dimensions to European level collective bargaining: the vertical dimension which covers attempts to get greater collaboration and dialogue between European trade unions and employers inside the institutional framework of the European Community; the horizontal dimension which includes developments at the enterprise and market levels aimed at promoting trade union/employer contact outside the confines of the nation state.*

Traditionally, industrial relations systems have been regarded as comprising three institutional tiers. At the top level, governments and other public institutions shape the socio-economic environment in which employers and trade unions operate and which directly intervene to regulate some aspects of industrial relations behaviour or practice. In the middle there is some form of sector level collective bargaining where employer and trade union organisations negotiate on rates of pay and other working conditions as well as devise a wide range of labour market and training programmes. The bottom tier largely consists of company level personnel and

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employee relations policies and issues. Although the importance of each tier would vary across countries and over time it has been more or less assumed that this was the basic structure of national industrial relations systems.

During the late sixties and early seventies, it was widely expected that a new fourth tier was about to emerge as a result of European economic integration (Fogarty 1975; Roberts 1971, 1973). Forms of European collective bargaining were seen as developing at two different levels. One was the creation of combine committees involving trade unionists from different countries in Europe employed by the same multinational corporation. The function of these committees would at least be to transfer information about such matters as the corporation's investment and production plans. The other was the establishment of institutional arrangements at the Community level modelled on the corporatist structures existing in some of the member states so that the social partners (the Community's term for the trade unions and employers' organisations) could have an input into Community economic and social policy making as well as concluding European wide collective agreements.

From the outset, it was recognized by all parties that European collective bargaining would not amount to fully fledged negotiations on wages and working conditions because the institutional preconditions for such arrangements did not exist. Take for instance the notion of some form of European level bargaining on wage determination. Multinational companies would be unwilling to open up such negotiations with the trade unions because labour market conditions vary widely among member states, and these variations (in wage levels, hours and so on) are in fact the basis of the multinationals' locations decisions. In addition there are wide differences in work tasks and productivity levels even within the same occupational groups. Without a common European occupational structure and similar economic performance there is little basis for Community wide wage negotiations. Differences in national systems of employment security, wider compensation packages and labour law compound these problems and pay bargaining is still closely limited in many member states to wider economic goals such as rates of inflation and levels of employment, a link which national governments would try to project.

There are also serious obstacles to fully fledged European collective bargaining at the vertical level. In practice two institutional conditions would have to be met before the Community level employer and trade union organisations could engage in any substantial collective bargaining. Firstly the organisations would need to be mandated to enter formal agreements on behalf of their national members. Secondly they would need sufficient authority to hold their members to any agreements arising from European

level discussions. Thus national trade unions and employer organisations would have to transfer substantial amounts of their authority to the community. Even today such a transfer does not seem possible. Thus in practice European collective bargaining has been more loosely defined to refer to consultative procedures, policy discussions and transfers of information between the social partners at Community level, rather than wage bargaining.

Even using this definition it is clear that few, with perhaps one or two exceptions in the early stages, steps have been taken towards European collective bargaining (Northrup and Rowan 1977). Yet despite its lacklustre record, the idea of trade union/employer collaboration across national boundaries in Europe is currently back in fashion. Thus as part of its programme to complete the internal market by 1992 the Commission is trying to promote the notion of a social dialogue between management and labour at Community level (EC Commission 1988a). In addition, there appears to be increased activity on the question of trade union collaboration at the horizontal level (Coates 1986; Coates and Topham 1987; Palmer 1987). Is this renewal of interest in European collective bargaining wishful thing or can the idea be given real content?

The plan of the paper is as follows: the first section describes the early efforts to establish forms of European collective bargaining; the next section assesses why these initiatives did not live up to expectations; there follows an assessment of more recent attempts to obtain greater activity amongst trade unions and employers across national boundaries; finally some conclusions are drawn on the future of European collective bargaining.

## **THE EMERGENCE OF EUROPEAN COLLECTIVE BARGAINING**

European forms of collective bargainings first emerged as a possible strategic option in the late sixties and early seventies. Although a number of forces were at work the biggest influences were the strong support given to the idea by a large section of trade union opinion and the sponsorship of European initiatives by the Commission of the European Communities (EC). Either as a result of the resurgence of industrial conflict or through being incorporated within a dense network of national economic decision making structures, trade unions found themselves in new positions of strength in many individual states (Crouch and Pizzorno 1978). With this increase in power came a desire to open up new dimensions to their activity so as to increase their presence in previously weak and even uncharted areas

(Levinson 1972). One such area was the position of trade unions *vis-à-vis* the multinational corporations which had mushroomed within the European economy during the previous decade. To establish trade unions as a genuinely countervailing power to these enterprises it was suggested that unions establish combine committees bringing together trade union representatives from the subsidiaries of the same corporation in different European countries (Ulman 1975).

At the same time, the European Commission was concerned that the Community was becoming too confined to essentially negative policies to remove trade barriers and other restrictive practices amongst the member states. Afraid that these policies might limit the Community's influence on European society, the Commission promoted the idea of giving the Community a "human face" (Lodge 1978). A wide range of programmes and initiatives were proposed including the suggestion that the Community should strengthen its links with the European trade union and employer organisations by incorporating them within the institutional and decision making structure operating in Brussels (Kirchner 1980). In this way it was assumed that the social partners might develop a European orientation to their outlook and practice.

These two relatively distinct influences ensured that pressure for European collective bargaining operated both in the horizontal (company) dimension and vertical (institutional) dimension. Whilst no coherent or fully worked out form of collective bargaining emerged at either level, more significant developments occurred in the institutional sphere. Probably the main reason for this was the existence of European level trade unions and employers organisations which facilitated interaction with the Commission (Sargent 1986, 1987).

### **The Social Partners at the European Level**

The main employers organisation at the Community level is the Union of Industrial and Employers Confederations of Europe — UNICE (EC Commission 1978). This organisation, formed in 1957 the same year as the Common Market was created, is the European equivalent of national employers' federations. Its main functions are to lobby in an effort to influence the decisions of Community institutions and to provide members at national level with information on Community affairs.

Alongside UNICE there exists a number of sector level employers organisations. An unwritten agreement ensures that UNICE does not comment or make policy on specific sectoral matters while the sector employers

groups stay clear of issues of more general concern. In comparison with European trade unionism, relatively little has been written about the representation of employers interests at Community level. To some extent, this may be the result of UNICE's success in reconciling differences between affiliates from each member state and its tendency not to initiate but to respond to Commission or trade union proposals.

The trade union equivalent of UNICE is the European Trade Union Confederation — ETUC. This organisation was formed in 1973, bringing together a number of different trade union confederations that had been operating at the Community level. Before 1973 the European trade union organisations were highly fragmented, being split on religious and ideological grounds (Teague 1984). A single federation, ETUC, was formed as a number of factors — regionalism, detente, the challenge of the multinationals — encouraged a more united response to Europe-wide developments (Roberts and Libheiberg 1976).

At the same time, sector level European trade union bodies underwent major reorganisations. As a result of the integration process, a number of International Trade Secretariats, which organise trade unions from the same industry at the world level, established European sector committees during the sixties. But these committees lacked effectiveness since they too were split on religious and ideological grounds and had even less power than their parent organisations. To put an end to this organisational fragmentation, new industry-wide European trade unions organisations were set up to which all (non communist) national trade unions could affiliate. To remove external interference from the International Trade Secretariats the new sector committees had to become affiliates of the European Trade Union Confederation. Those sector committees not affiliated to the ETUC were regarded as outside the official European trade union structure. The aim of these changes was to strengthen trade union influence in Europe, although, this did not happen.

### **The European Social Partners and the Community's Institutional Structure**

From the start of the Community, trade unions and employers had representation on the Economic and Social Committee, the main consultative forum for interest groups at the European level. But the Commission regarded this arrangement as insufficient to bring the social partners fully into the Community's decision making structure. Thus in an effort to increase links with trade unions and employers, it proposed several institutional and organisational initiatives. In the first place, between the mid sixties and the early seventies 8 sector committees — outlined in Table 1 —

were set up, composed of management and labour representatives with Commission officials in attendance only in an administrative role. Their purpose was described as "to keep a watch on economic and social developments in their sectors, seek to conclude collective bargaining agreements and submit proposals for Community action to institutions" (Cripps 1987).

**Table 1**

**The Joint Sector Committees (and date of establishment)**

- 1) Joint Committee on Social Problems of Agricultural Workers (1963)
- 2) Joint Committee in Social Problems in Sea Fishing (1968)
- 3) Joint Advisory Committee for Social Problems in Road Transport (1965)
- 4) Joint Advisory Committee for Social Problems in Inland Navigation (1967)
- 5) Rail Transport Committee (1971)
- 6) Joint Committee for the Harmonisation of Working Conditions in the Coal Industry (1955)
- 7) Joint Committee for Harmonisation of Working Conditions in the Iron and Steel Industry (1955)
- 8) A Joint Committee for the Footwear Industry was set up in 1971 but it was suspended in 1982.

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The Commission had high expectations of these committees which were expected to help construct a European system of collective agreements as well as to contribute to the formation of Community industrial and labour market policies for individual sectors. For the most part, however, these Committees have not lived up to expectations. Only the committee covering agricultural workers was able to conclude a collective agreement but as its provisions fell short of those already in place at national level it was not considered very important (Robbins 1985). Unable to reach any concrete agreements or to make any policy proposals for their sector, most of the committees had lost their way by the late seventies, meeting infrequently and discussing little of any substance (Cripps 1987).

The Commission also sought to integrate the social partners within the Community's institutional framework by appointing them to the various advisory and other policy bodies that exist to help formulate and implement EC social policy. These various bodies are listed in Table 2.

**Table 2**  
**Various Bodies of the Commission**

- 1) European Centre of the Development of Vocational Training
  - 2) European Foundation for the Improvement of Living and Working Conditions
  - 3) Standing Committee on Vocational Training
  - 4) Advisory Committee on Vocational Training
  - 5) Advisory Committee on Safety, Hygiene and Health Protection at Work
  - 6) Mines Health and Safety Committee
  - 7) General Committee for Health and Safety
  - 8) European Social Fund Advisory Committee
  - 9) Advisory Committee on Social Security — Migrant Workers
  - 10) Free Movement of Workers Advisory Committee
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The involvement of the social partners varies from committee to committee. In some cases representation is purely symbolic. In others, for instance, health and safety, the social partners input is mainly technical. Because of their detailed knowledge of the real effects of policies, the contribution made by the trade unions and employers is highly valued. In fact, their contributions are indispensable to the workings of these committees. In yet other cases, for example, on the free movement of workers or on vocational training, which are intended to develop common policies, the social partners play a positive role, partly because they do not have to initiate proposals but merely respond to those of the Commission. Only in one or two committees, mainly the Standing Committee on Employment, do sensitive or controversial policies arise. The normal pattern is that unions initiate a policy proposal to which employers respond. If a compromise is not found the issue tends to remain deadlocked until one side softens its position. It is seldom that any policy ratified by these committees represents a victory of either social partner over the other. Thus, overall representation on these advisory committees involves routine low level, non controversial, activity.

Sargent (1986) suggests that institutional incorporation of the social partners can be regarded as a form of corporatism. At a descriptive level this seems valid but it should be remembered, firstly that the European Commission does not have (yet) a major influence on economic policy and, secondly that neither the ETUC or UNICE is in a position to bind the member organisations to specific policies or agreements within the Community.



The incorporation of the social partners in EC institutions is perhaps better understood in terms of European integration. From the late sixties, the Commission has been concerned to increase the legitimacy of Community institutions amongst the citizens of Europe. By bringing the social partner more into the decision making process the Commission hoped it would be able to increase its policy interventions in the labour and employment fields. Thus, the dialogue between trade unions and employers was a type of legitimation process intended to enlarge the scope of Community intervention (Schmitter 1970) although with limited success.

### **Developments in the Horizontal Dimension (1973-86)**

#### *Attempts at Creating European Enterprise Level Bargaining Structures*

Also disappointing has been developments or more precisely the lack of development at company level. When the European trade union structure was reorganized in the early seventies it was assumed that transnational collective bargaining inside multinational corporations would emerge as a matter of course. But efforts made by the ETUC and the European trade union industrial committees to establish horizontal forms of collective bargaining or labour collaboration have produced few results. Until 1986 only two agreements involving workers and management in some form of extra national dialogue, had been concluded between two European multinationals Thompson Grand Public and BSN and the European Metalworkers Federation (EMF).

The main provision of the two agreements was the establishment of a formal structure through which senior management would pass information on such matters as the company's economic, industrial and trading activities, proposed technological and production changes and restructuring plans to trade union representatives from each subsidiary in Europe. In no way could the agreements be described as introducing any form of collective bargaining proper since the trade union representatives were only given the right to express opinions on the information supplied and all matters relating to the determination of pay, working conditions and so on were explicitly excluded. Despite the limited competence of the agreements, they must be seen as important because they represented a long awaited breakthrough by the trade unions towards some type of formal "horizontal" structure at the European level. But it is highly unlikely that the European trade unions organisations on their own would have been powerful enough to oblige either company to enter into such an agreement. EMF

officials freely admitted, in interviews, that the agreements owe more to pressure brought by the French socialist government in the early eighties than to any trade union activity.

### *Independent Trade Union in European Collective Bargaining*

Given the virtual absence of joint management/labour committees at the European level, trade unions have concentrated on establishing their own working parties or combine committees within individual transnational companies. Thus for instance EMF have working parties in Phillips, Caterpillar, Ford, International Harvester, General Motors and CGE — ITT in which trade unionists from the different European plants exchange information on wage structure and earnings, working and employment conditions and so on. Although these committees operate outside the formal company structure with little opportunity of directly influencing managerial decision making, they are nevertheless important. This is primarily because the committees help to reorient the “orbits of comparison” which individual trade unions use as reference points when drawing up their bargaining agenda (Ulman 1975). Previously, these “orbits of comparison” were by and large national in character. Thus for instance, in Britain the outcome of collective bargaining in the large motor companies — Ford, Vauxhall, British Leyland — became the basis of the demands made by other groups in manufacturing industries. Now however, a strong European dimension has been introduced into the formation of collective bargaining demands. For instance trade unions across Europe in the engineering industry have launched a concerted campaign for a reduction of the working week. In Britain the recent campaign of the engineering unions was an exact replica of the one successfully pursued by the German IG Metal in 1984-85. Thus these horizontal contacts between the trade unions increase the influence of European developments on national bargaining processes.

Pan European trade union working parties and combine committees also try to organise solidarity action when a transnational announces redundancies or plant closures. Here, the unions have not been successful. Indeed, the authors do not know of one example where a transnational was obliged to withdraw a restructuring programme by trade union action on a Europe wide basis. One study of a trade union campaign against a multinational closure in Scotland captured the widely held impression, “evidently closure situations where union countervailing power is most urgently needed are also ones where the methods available to labour to hamstring a multinational are at their weakest” (Baldry et al. 1983: 106).

Other attempts have been made to increase European trade union collaboration outside the official structure. For instance on several occasions local government administrations in west European countries have combined to help organise and support extra national forms of action by trade unions. Thus in the early eighties the municipal governments of London and Paris were largely responsible for the trade unions in Kodak plants getting together to fight the company's European restructuring plan (Wainwright 1987). With the local administration providing financial, personnel and political support, the unions were able to coordinate a high professional and effective campaign. Although the unions claimed that the company was obliged to modify its plan as result of the campaigning this appears not to be the case and Kodak have been able to implement its restructuring plan in full.

In another initiative, local authorities in regions whose economies are dominated by the car industry have organised a series of conferences and workshops with the aim of getting the trade unions to develop a European labour strategy for the industry. Whilst such initiatives are interesting and to some extent path breaking, they remain for the most part the exception and they have yet to produce concrete results beneficial to trade unions. Trade union solidaristic action in Europe is still very much a concept rather than a reality (Haworth and Ramsay 1987).

### **WHY DID EUROPEAN COLLECTIVE BARGAINING NOT EMERGE?**

We have seen that the gap between early expectations and subsequent developments in European collective bargaining appears discouragingly large. Three factors largely account for this. One is the deep economic recession experienced by most European countries since the mid seventies. Support for the idea of European or even global collective bargaining gained currency when western economies were still fairly prosperous and when trade unions were in a secure position in most member states of the Community. In this environment the unions had sufficient latitude to address the question of how to build an effective countervailing power to the multinationals.

But with the economic crisis the situation changed. Trade unions became preoccupied with defending their member's jobs in the face of major redundancies and rationalization programmes. Frequently, this defensive action at national level amounted to the trade unions of different national states trying to persuade multinationals to transfer their closure programmes to each other's country (Lange et al. 1982; Gourevitch et al. 1984). Obviously, this almost unavoidable rivalry has not been conducive to developing strong links among European labour organisations.

Another factor, hindering the emergence of European collective bargaining, has been the strong resistance of employers to either collective bargaining across national boundaries in Europe or to a formal Community institutional arrangement involving management and labour. By and large employers organisations have been successful, certainly more successful than the unions, in defending their interests at the European level. Thus for instance, the Commission has been unable to get the member states to agree to any proposals for labour legislation which have been strongly opposed by employers. To show how the employers made their views prevail in the Community we will examine the case of the draft Vredeling Directive.

### **The Social Partners and the Draft Vredeling Directive**

The proposed legalisation known popularly as the draft Vredeling Directive was an attempt by the Commission to give formal information and consultation rights to workers in multinational companies (Blanpain 1983). From the very outset the employers were extremely hostile to the Vredeling proposal, regarding it as the thin edge of a wedge which would lead to full blown international collective bargaining. UNICE's objections were based on four main points: (1) The Commission had not proved the need for an EC Directive in this field, especially as most multinationals keep within OECD guidelines; (2) The Treaty of Rome did not provide a legal basis for the Directive; (3) EC enterprises might be jeopardised in competing with firms from non member states if a stricter law was created in the Community and not in other countries throughout the world; (4) As the Directive was an attempt to convert OECD and ILO recommendations into EC law it would interfere with existing international instruments.

To win support for its views, UNICE launched a major action programme, involving the recruitment of public relations and lobbying experts inside and outside the Community. Alongside UNICE's campaign, industrial relations experts and lawyers working for US multinationals as well as representatives from the four largest American trade organisations — the National Association of Manufacturers, US Council for International Business, US Chamber of Commerce and the National Foreign Trade Council — formed a committee with the sole purpose of lobbying against the Vredeling proposal (*Community Markets* 1983a). This committee organised numerous high level delegations to Brussels and other European capitals to win support for its position. In addition, the Japanese employers organisation, Keidansen, warned Ivor Richards, Social Affairs Commissioner in the early eighties, that Japanese companies might reduce their investments in the Community if the Vredeling proposal was adopted (*Community Markets* 1983b). Plainly multinational corporations, no matter what their country of origin, felt threatened by this initiative.

Inside the Community UNICE urged its members to take action against the proposal. Thus, although the proposed Directive was not very far removed from German law and practice, the German employers federation declared that it 'categorically' rejected the need for such a piece of Community legislation. In Britain as in other member states, most notably Italy and Denmark, the main employers organisation, the Confederation of British Industry (CBI), urged its members to introduce or strengthen consultative arrangements in order to weaken the case for the Directive. To give weight to its campaign the CBI surveyed its top 836 members to determine the extent to which they had consultative procedures. The findings of the survey (which the CBI itself conceded were not representative) suggested that not only did companies have some form of consultative mechanisms but also that the majority had recently strengthened or improved these provisions (CBI 1982). The message of the CBI was clear: as consultation was already widespread in industry there was no need for Community legislation. The CBI used the results of the survey in its campaign against Vredeling, which involved extensive lobbying of MEPs, MPs, Government officials and so on (CBI 1986). Thus opposition to the Vredeling proposals was a high priority for business.

For its part, the ETUC launched a major publicity and lobbying campaign in support of the Directive. An information pamphlet was produced which, it was hoped, would be distributed on shopfloors across Europe. The basic strategy was to create what the ETUC called a "general awareness of the possibilities of the Directive" (ETUC 1982) and to win solid support at worker level. The ETUC hoped that this ground level support would bring wavering member states and politicians into line behind the draft Directive. ETUC also relied on sympathetic Commissioners and Commission officials for support. Unlike the employers however, the ETUC could not enlist the support of their counterparts from countries outside the Community: the statement by the Japanese employers warning of an investment strike could not be matched by Japanese trade unions. Moreover, the trade unions had much fewer resources than the employers for their lobbying and campaigning activities. A reporter captured this point splendidly when covering the European Parliament debate on Vredeling: "On Tuesday taxis swept up to the Parliament building bearing the most formidable galaxy of professional lobbyists Strasbourg has seen [...] the union lobby consisted of a couple of pleasant individuals from the European TUC handing out leaflets" (*Sunday Times* October 11th 1983).

To supplement its own activity, the ETUC called on its affiliates to launch campaigns on the issue within the member state. But in Britain, at least, the Trade Union Congress (TUC) failed to undertake much activity.

In fact, the TUC's action amounted to producing an information briefing for individual British trade unions and a submission to a British Government consultative exercise (interviews with TUC officials). Compared with the CBI's highly visible and active campaign, this was a poor showing on the part of British trade unions. The main reason, however, was not disinterest but a preoccupation with national legislation to reduce trade union immunities and a series of major redundancy programmes in the private and public sectors (Crouch 1986a). This point reinforces conclusions reached elsewhere by one of the two authors that unless the national climate is favourable for trade unions, it is unlikely that they will become actively engaged in European issues (Teague 1989a).

The picture that emerges is that employers were more organised and effective in representing their interests than trade unions. This assessment confirms the views of some trade union leaders. In his address to a conference on multinational companies, Herman Rebhan, the General Secretary of the International Metalworkers Federation said: "We have to be honest and say that multinational companies beat us to the mark in the battle over the Directive" (Rebhan 1985). The lesson he draws from the episode is that the trade unions must learn to become more effective 'manipulators' of the European bureaucracy.

### **Trade Union Weaknesses**

The third main factor behind the slow progress of European collective bargaining is certain organisational and political shortcomings of the trade unions themselves. When the ETUC was established it was widely recognised by the unions that their fragmented European structure needed reorganisation and integration, but there were sharp differences of opinion over the role and functions of that new body. One view, held by some appointed ETUC officials, was that over time the powers and authority of ETUC would increase so as to place it in a better position to enter into European collective bargaining arrangements. A past President of ETUC expressed this viewpoint when he suggested that the creation of ETUC "would mean the member confederations gradually transferring their national sovereignty" (ETUC 1979).

The opposing new view championed by the British TUC was that the main role of the ETUC was to assist national collective bargaining efforts by researching the activities of multinationals and by transferring information on industrial relations developments in other countries. A British trade union delegate captured the essence of this approach "he also expressed the

view that central international collective bargaining was not necessary to counter the power of multinational employers as was suggested in the action programme and he suggested that the ETUC might assist by ensuring that practical information about industry throughout Europe was available to workers on the shopfloor, that advice was available to national centres regarding possible legislative action to control multinational companies and that the ETUC should ensure that their activities were directed towards meeting the practical needs of officials and unions" (TUC 1975: 222). Clearly the TUC considered there to be limits of European trade unionism.

This difference of view between "maximalists" and the "minimalists" has resulted in a number of tensions and even open divisions which have hampered the work of trade union bodies at the Community level. For instance, in their eagerness to reconstruct the European structure from top to bottom the maximalists wanted not only to make the previously separate sector committees into organs of the ETUC but also to impose fairly strict conditions on how they worked. This move caused an internal dispute inside ETUC for more than two years which was sufficiently important to divert ETUC officials from other more constructive activities (Baranouin 1986).

The minimalists also caused their share of problems. For instance, in the early eighties there was considerable ill feeling between the British TUC and some continental union federations over the former's opposition to the UK's membership of the Community (Teague 1989b). To the Continental European unions the TUC's ambition to play a key role inside ETUC at the same time as opposing Community institutions was inconsistent and opportunistic.

These and other disputes undermined the ability of the ETUC to develop well throughout and coherent proposals. On one occasion the TUC and the German DGB openly clashed on the merits of exchange and import controls in a tripartite meeting with the employers and the Commission. Such embarrassing episodes hardly enhanced the reputation of European trade unions. Fortunately for the trade unions policy coordination has improved in recent years, largely because of the high quality research work conducted by the European Trade Union Institute.

Another practical factor limiting the effectiveness of European trade union organisations is the lack of financial and personnel resources. For example the European Metal Workers Federation, once described by a sympathetic observer, as heralding a new form of working class internationalism (Barratt-Brown 1977), is staffed by only a handful of people who can do little more than the administrative tasks necessary to keep the organisation functioning. This lack of resources coupled with differences

over strategy and policy has resulted in many of the trade union industrial committees losing their way, neither meeting the needs of trade unions at sector level nor making an effective input into the institutional structure of the Community (interview with European Commission officials).

Our argument is that these three factors — serious economic pressures, employer resistance and trade union organisational weakness — prevented any significant form of European collective bargaining emerging during the late seventies or early eighties. In fact there was so little development that European collective bargaining or even trade union/employer collaboration in the European context was virtually written off. Yet in recent years, the idea of increasing the European actions of trade unions and employers has once again gained currency in the context of the 1992 programme. In spite of past experience, the present drive towards European integration has once again raised the question of European collective bargaining. As yet however no convincing strategy has emerged to give content to this idea.

## **RECENT DEVELOPMENTS**

### **The Social Dialogue Initiative**

The current interest in trade union/employer action at the European level coincided with Jacques Delors' arrival as President of the Commission in 1985. One of his priorities on taking office was to establish a 'social dialogue' between trade unions and the employers at the European level (Delors 1986). The main purpose of the social dialogue was more to resolve the stalemate in Community social legislation than to establish European collective bargaining in the strict sense. By using or threatening to use its veto, the British Conservative administration had since the early eighties blocked all substantive proposals for social legislation from the Commission. The argument repeated by Mrs Thatcher and her ministers was that increasing Community labour legislation would impede the efforts of European employers to adapt to the new international competitive environment (Lee 1987). As a result, the British government brought developments in social policy to a virtual standstill (Welsh 1987).

To reduce the likelihood of conflict over Commission proposals for social legislation, Delors intended to revise the policy formation procedure so that trade unions and employers, through a "social dialogue", would themselves initiate policy in the labour and employment fields (European Parliament 1986). The assumption was that Mrs Thatcher could not claim that social initiatives only reflected the interests of employees, if employers had themselves helped to draw up the proposals.



As a first step towards such a social dialogue at the Community level, two working parties were set up involving the European trade union and employers organisations. These working parties — one covering macro economic policy and employment growth and the other covering the introduction of new technologies in the workplace — became known as the Val Duchesse talks. From the start however, it appeared unlikely that the Val Duchesse talks would perform the role for which Delors had hoped. In particular the employers organisation — UNICE — was unwilling to enter in to any talks preparing the way for EC social legislation (Tyszkiewicz 1986). It wanted the working parties to be simple forums for the non-binding exchange of opinions on subjects of mutual interest to employers and trade unions.

Thus, when the two working parties came to communicate their findings, the employers refused to be party to any joint statements unless the Commission undertook not to use them as the basis of future social legislation. This left the Commission with no option but to give the employers the assurance required. But this concession ruined Delors' strategy of using the social partners as the initiators of EC social legislation (Grahl and Teague 1989).

Having obtained the assurance they sought the employers signed with the trade unions what were termed 'joint opinions'. This was a carefully chosen term to make it clear that the employers had not entered into joint agreements committing either party to specific actions. Instead the joint opinions have to be regarded as nothing more than the formal expression of their views on certain subjects. In other words the employers did not want any dialogue at Community level which could be construed as European collective bargaining. In spite of the 1992 programme the employers are as reluctant as ever to enter into any real institutional collaboration with the trade unions.

Despite these chill winds of employer opposition, there is still talk of a social dialogue at the Community level. In a recent policy document on possibilities for a social dimension to the 1992 project, the Commission proposed that discussions at the European level between the trade unions and employers should have an indirect influence on collective bargaining at the member state level, either by drawing up model agreements on specific issues or by exploring new methods and policies to solve certain labour market and industrial relations problems (EC Commission 1988a).

Thus in spite of the experience of the first two working parties the Commission is persisting with the Val Duchesse talks which are currently focused on the theme of labour market adaptability. Although it is recognised that

any joint statement from these talks will not lead to legislative proposals, the Commission is eager to prevent the conclusions which may be reached from being regarded as innocuous and irrelevant guidelines.

It seems very probable that some form of dialogue between the unions and employers will result from the 1992 project, since the idea commands a great deal of political support. Ideally, the Commission would like the social dialogue to establish a series of informal conventions and norms which would regulate European labour markets. One way this might be done is through a connection between the Community social dialogue and national collective bargaining arrangements whereby European agreements would be directly channelled into employer/trade union discussions in the member states. Thus, for instance, the joint opinion from the Val Duchesse New Technologies Working Party would be automatically placed on national collective bargaining agendas. The notion is that the Community dialogue would concentrate on policy principles and goals whereas the negotiations at national level would work on their practical implementation. Over time this process could produce similar labour market policies within the context of different national industrial relations institutions. The trade unions especially support this type of arrangement because it can work without their European organisations acquiring much authority over national affiliates. A Community level trade union/management dialogue would only *complement* rather than *replace* national collective bargaining.

There will be strong employer opposition to any social dialogue of this type. The experience of the Val Duchesse talks shows that the employers organisations will not voluntarily participate in any arrangement which comes close to being a new Community level industrial relations structure. For them a social dialogue should not be allowed to set norms or conventions whether formal or informal, imposing new obligations and commitments on European enterprises. The employers would probably be happy with a social dialogue which only produced recommendations similar to the OECD's code of conduct for transnational companies, or even the Community's code of conduct for European companies with investments in South Africa, because these agreements have little impact on the actual policies and behaviour of Governments and companies and are thus mainly symbolic (Blanpain 1984; Holland 1985). At the same time, it is unlikely that such limited arrangements would satisfy the supporters of substantial social dialogue.

These two visions of dialogue cannot be reconciled through agreement. The gulf between them is simply too large. Theoretically, the Commission could put pressure on the employers by threatening to impose legislation on labour markets and employment, if employers declined to participate. But

there are few signs that the Commission is prepared to go so far. It would be a high risk strategy since the employers might harden rather than soften their attitude and a conflict similar to that over the Vredeling proposal might erupt. The consequent turbulence, acrimony and tensions would block any attempt at dialogue. Thus in the medium term only a weak form of social dialogue seems possible with very limited impact on national industrial relations.

Could such a weak social dialogue be transformed into more substantial arrangements? Any answer must be speculative. But one prospect is that the 1992 programme, if dully implemented, might create the conditions for more significant discussions between European trade unions and employers organisations. Take for instance the idea of a liberalised European transport area. If this became a reality then the Community would have to adopt a range of regulatory policies and mechanisms to replace existing national systems. Part of a Community regulatory system for the transport industry would be to lay down standards for working conditions (eg limits to the flying hours of pilots) and other health and safety matters. Currently, national governments set such standards, and the common practice is to consult extensively with the trade unions and employers on such issues. Presumably, the same procedure would be needed at European level. Clearly only certain sectors could be affected in this way but if such developments were to occur they would make it difficult to avoid substantive Community-wide dialogue between employers and unions.

In fact, the Commission is already trying to revitalize the flagging sector committees, although the objective is now limited to the promotion of a "frank exchange of views" on issues of concern in the respective industries. Recently there have been signs that the committees are beginning to operate in a more concrete way. For instance, the agricultural sector committee is about to produce a revised and updated version of the agreement first made in the early seventies, and the road transport committee produced in 1989 a joint opinion on certain aspects of health and safety in the industry. Other sector committees however are still far from having any obvious purpose. Thus it appears that there will be a strong push in future years towards overall a deeper dialogue between the trade unions and the employers at the Community level, but that employers will try to limit the impact of such discussions on the actual functioning of enterprises.

### **Horizontal Trade Union Activity**

The 1992 programme has also rekindled trade union interest in horizontal action within Europe. This has happened at two different levels.

Firstly, Europe wide trade union activity has been seen as taking on a wider agitational form rather than simply the creation of combine committees in multinational companies (Palmer 1987; Coates and Topham 1986; Coates 1986). Thus for example Palmer argues that trade unions should join with other social groups in European campaigns to defend welfare provisions, employment and so on. The essential idea is that the trade unions should help create European social movements much in the mould of the European peace movement which had a major impact in the early eighties and undertake similar types of campaigning activity (Teague 1985).

Some attempts have been made to implement this strategy. For instance, a European campaign against youth unemployment was organised which involved young people marching across Europe from various starting points and meeting in Brussels for a final rally. While this initiative was not a complete failure, it had little impact on policy making either at the European or national levels. Moreover, its impact on public opinion was uneven and ephemeral. In many ways the fate of this initiative reflects the more general shortcomings of this model trade union action.

In the first place, it is questionable whether European trade unions can successfully imitate the strategies and tactics of groups like the peace movement. As Offe (1987) has pointed out, interest groups in the latter category emphasise the principled and non-negotiable nature of their demands, normally captured in terms such as "never" or "ban". Moreover, they tend to shun most forms of institutional incorporation, preferring instead direct forms of action like demonstrations. While trade unions can certainly make use of such methods they can hardly adopt them as a model for their European activities, since this would move them too far away from their central role as bargaining agencies.

Recent Europhoria has also prompted the Community trade union organisations to intensify their efforts and to construct information and consultation structures in such companies. The European Metalworkers Federation (EMF) and Euro Fiet (the European trade union organisation covering commercial and technical workers) have been particularly active on this point. Thus for instance EMF signed agreements in 1988 with Machine Bull and Continental Can which established formal information and consultation arrangements similar to those already in place in Thompson and BSN. However, within six months the Continental Can management pulled out of the agreement for reasons that have not been made clear. Despite that setback, EMF officials are confident that similar agreements will be signed in the foreseeable future. The announcement of an information and consultation agreement with the Airbus company appears imminent. Moreover, fairly advanced discussions are taking place with Ford,

Phillips and General Motors. And as a result of national unions increasing their interests in European trade union collaboration preliminary moves are being made in other companies. It is uncertain whether anything concrete will come out of these discussions. But the idea of information and consultation structures inside multinationals has not enjoyed so much popularity since the early seventies.

It is the relaunch of European integration which has put this form of horizontal collective bargaining back on the agenda. *National* trade unions have been woken up to the need for a strong European dimension to their activities by the boom in European mergers and acquisition and other corporate restructuring. The British trade unions are representative of this trend. Previously, the British unions were preoccupied with the essentially political question of whether or not the UK should be a member of the EC, giving little attention to building European economic or labour strategies. Recently however, opposition to EC membership has been abandoned by the TUC and many of its member unions and a new more practical policy has been adopted of forging closer links with other European trade unions and campaigning for European consultative structures.

It is doubtful whether more than a handful of multinational companies can be persuaded to set up formal information and consultation arrangements in the short run. This is mainly because senior management in multinationals remain steadfastly opposed to Europe wide management/union consultation. But in the medium term this situation could change. Recent research indicates that many pan European enterprises are making important managerial innovations in the light of 1992 (Thurley and Wirdenius 1989). In particular, there appears to be a trend towards upgrading and extending the role of European managers and management teams relative to their national counterparts. Moreover, many multinationals are beginning to integrate their corporate and human resource strategies on a Europe-wide basis. These more integrated and centralised Community-wide corporate strategies may well react on the bargaining policies of unions and the standards of comparison which they use. Over time similar issues may be placed on the bargaining table by the different national trade unions. Thus the process of economic integration through the market may lead to more extensive horizontal forms of European industrial relations.

### **Institutional Support for Horizontal Collective Bargaining**

One other scenario is that measures adopted at the institutional level may give a boost to collective bargaining at the horizontal level. More specifically, it is suggested that the adoption of the Social Charter by eleven

of the member states (the United Kingdom refused to sign) at the December 1989 European Council Meeting in Paris and the possibility of a European Company Statute which contains clauses on worker participation being adopted by the member states will create strong institutional pressures for substantive pan European enterprise level bargaining. On the surface the Social Charter appears to lend strong support to horizontal collective bargaining since a number of articles relate to freedom of association and collective bargaining. This involves the right to organise trade unions and to choose whether or not to join them, to conclude collective agreements, and to take collective action. Such action includes the right to strike except where existing legislation stipulates exceptions.

However, since the Charter was adopted by a Solemn Declaration, a term outside the Community's legal vocabulary, these clauses do not place a statutory obligation on the member states. The significance of the declaration is that it politically commits the member states to implement the proposals contained in an action programme accompanying the Social Charter. Thus in many respects it is the action programme and not the Charter itself which is of importance, at least in terms of what will happen concretely. Significantly, however, the general introduction of the action programme states "in some cases, the Commission is not proposing any initiative. This applies in the case of that section of the draft Charter which is devoted to the right to freedom of association and collective bargaining". In other words, little if anything is going to happen to implement the clauses which could assist horizontal forms of industrial relations. The action programme did state that the Commission should draft a communication on the development of collective bargaining, but little importance should be attached to this commitment since communications are only information notes for the European Council and do not carry any weight in policy on legal terms. Thus it is unlikely that the adoption of the Social Charter will have any direct impact on horizontal forms of collective bargaining.

The European Company Statute is another instrument seen as possibly assisting horizontal collective bargaining if adopted by the member states. This proposal first made in the early seventies has the objective of giving transnational companies the option to register with the EC rather than with national authorities. Such an arrangement has obvious attractions for transnational companies as it reduces the financial and administrative costs of conducting business across twelve different countries. But the Commission made it a condition of the proposal, that companies registering under EC Law would be obliged to introduce some form of worker participation structure. The initial proposal was for the German or Dutch workers council model to be implemented. This proposal never got adopted, despite

being revised on numerous occasions, because of the complexities and disagreements surrounding many aspects of the Statute, the workers participation idea only being one.

As part of the 1992 programme, the Commission has produced yet another revised proposal on the issue which it hopes all parties will find acceptable. With regard to the workers participation model, a number of important changes have been made. Instead of laying down one model, the proposal sets out three alternative options from which a company can choose; one model is the old suggestion for the German or Dutch worker council; the next is for a single tier structure similar to the French *Comité d'entreprise*; and the final clause is for any other arrangement that emerges from negotiations between management and workers' representatives. This part of the proposal also states that should these negotiations conclude that no formal participation structure was necessary, then the enterprise would not have to implement any such arrangement. This *à la carte* approach considerably weakens the participation clauses of the Statute and it signifies that the Commission is reluctant to create strong institutional pressures encouraging horizontal collective bargaining. Thus while the Statute would create pressures towards pan European bargaining by obliging enterprises to do something on the issue of participation, they are not as strong as the trade unions would like. In any event it is unlikely that these pressures will become a reality in the near future for the consensus in Brussels is that it will take years before an acceptable compromise emerges from the current negotiations on the new proposals. Thus it appears that only weak institutional pressures will emerge to induce horizontal forms of collective bargaining.

### **Towards Opportunistic Europeanism?**

To those who would like to see trade unions become a genuinely countervailing force to the multinationals at the European level this assessment is fairly bleak. Recently, some supporters of the European labour movement have argued that new strategies need to be advised to compensate for stagnation in both vertical or horizontal aspects of European collective bargaining. One option being explored is an 'opportunistic approach' which would involve the use of Community institutions and legislation as a "third level" entity to reinforce or improve trade union positions within the nation state.

The best example of this kind of behaviour in Britain is the European Community activities of single issue interest groups like the Equal Opportunities Commission (EOC) and the Child Action Poverty Group. Faced by

what they regard as retrogressive legislation at home, these groups are increasingly turning towards Europe to see whether Community law can be exploited to defend and even further the interests of their constituencies. Thus, for example, it was the Equal Opportunities Commission which provided the financial backing and the legal expertise for Mrs Helen Marshall when she took her case against Southampton Health Authority to the European Court of Justice. The Child Action Poverty Group provided similar support for Mrs Jacque Drake in her case against the Department of Health and Social Security. The Court of Justice rulings in both these cases obliged the British Government to make important changes to its domestic labour law (see Brewster and Teague 1989, ch. 7).

Exploiting the potential of European labour law is still very much in its infancy and the strategies pursued by the EOC and the like are also at the experimental stage. Moreover legal procedure makes it difficult to take such measures as standard practice. Nevertheless, the trade unions are attracted to this opportunistic European strategy for a number of reasons. In the first place it circumvents many of the problems associated with vertical and horizontal forms of trade union action. Furthermore, no opportunity costs are involved: attempts by the Commission to establish a social dialogue at the Community level are not compromised by national trade unions taking advantage of European labour law. Of course, this approach does not add up to European collective bargaining but at present it may still be very advantageous for the unions in Britain. Currently, the equality area offers most of these opportunities. There are a whole range of national and company level employment practices and conditions which the trade unions could challenge. And if the proposed social charter is implemented in a manner which makes it part of the primary legislation of the Community then a much wider list of social and employment rights would become exposed to similar strategies by the trade unions and other interest groups.

## CONCLUSIONS

The recent resurgence of European integration has unquestionably led to renewed interest in the idea of European collective bargaining. Trade unions are now campaigning more actively on this issue than for the last two decades. The Commission, eager to convey to the citizens of Europe that the 1992 project is not simply for the corporate sector has been pushing hard for some type of formal social dialogue between trade unions and employers inside the Community's institutional structure. Yet for all this activity, it still appears unlikely that EC-wide collective bargaining will come to play a significant role in industrial relations in the near future. This



is the case whether we consider "horizontal" consultation between a multinational and its European employees, or "vertical", institutionalised, discussions between the confederations which represent employers and unions at the Community level. The main reason is that the employers have sufficient power to block such developments. The evidence suggests that outside the national-state, employers are more effective at defending their interests than are the trade unions. The Vredeling episode shows that the employers can be powerful enough to defeat even an alliance between the Commission and the trade unions.

But we have also suggested that, as a result of continuing economic integration, circumstances may arise where employers may regard it as in their own interest to participate in more substantial forms of European collective bargaining. Thus, if market completion leads to new regulatory arrangements within the Community, the social partners may be obliged to engage in meaningful discussion about this regulation. Within multinational companies the trend towards creating new European management teams or strengthening those that exist, the development of European corporate strategy and the increasing use of European standards of comparison by the trade unions when setting collective bargaining demands, may create the conditions for trans-national negotiations.

In the past, attempts to establish EC-wide bargaining have expressed political ambitions rather than economic reality. In the wake of the 1992 programme however, the economic conditions may be emerging for a more integrated system of industrial relations within the Community, a key aspect of which may be European level collective bargaining.

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### *Les paliers de négociation collective dans l'Europe des Douze une nouvelle phase?*

À la fin de la décennie 1960 et au début des années 1970, on anticipait qu'une nouvelle plate-forme institutionnelle de relations du travail émergerait en Europe, c'est-à-dire l'établissement de la négociation collective sur une base transnationale. On croyait que ce mode de négociation se développerait à un double niveau. L'un aurait consisté dans la formation de comités mixtes qui incluraient les syndicats des différents pays européens dont les membres travaillaient pour une même entreprise multinationale; l'autre aurait conclu des accords institutionnels modelés sur les structures corporatives existant dans quelques-uns des États qui font partie de la Communauté économique européenne. Bien qu'on ait réalisé, dès le départ, que de vraies négociations collectives — salaires, conditions de travail, etc. — ne pourraient s'établir à ce niveau, on escomptait que les progrès seraient suffisamment marqués pour donner une orientation nouvelle aux points de vue et aux comportements des partenaires sociaux (syndicats et employeurs) de façon à favoriser la mise en place d'un régime de négociations pan-européen.

Les initiatives subséquentes furent loin de répondre aux premières attentes. Des structures nouvelles virent le jour au sein de la Communauté afin d'insérer les partenaires sociaux dans ses processus décisionnels, mais la plupart d'entre elles ne réussirent pas à faciliter davantage l'eupéanisation des partenaires sociaux. Au niveau horizontal, les progrès furent aussi décevants. Seules quelques multinationales se dirent d'accord pour établir des comités d'entreprise incluant syndicats et patrons. Pour y remédier, les syndicats ont formé un certain nombre de comités mixtes multinationaux, mais aucun effort significatif n'a été effectué, en règle générale, pour instituer un réseau de négociations avec des entreprises dont l'origine n'était pas européenne.

Trois facteurs principaux ont empêché la mise en place d'un palier européen de négociations collectives sur une base élargie. Il faut d'abord en attribuer la cause au contexte économique même. Par suite de la récession et de l'augmentation du chômage, les partenaires sociaux ne se préoccupaient que de se défendre au plan national, n'ayant pas le temps de passer à l'offensive au niveau européen. Le deuxième facteur était la résistance des employeurs à toute forme de négociation collective. Ceux-ci craignaient que, si on établissait de nouvelles structures de négociation à l'échelle de l'Europe, les syndicats auraient davantage de moyens de braver, voire de dominer leur autorité. Les campagnes dans la CEE, celle contre le plan Vredeling, par exemple, qui proposait d'accorder aux travailleurs le droit d'être informés et consultés dans les entreprises fort complexes, ont montré que les employeurs ont su résister avec succès aux tentatives de créer un régime pan-européen de négociation collective. Un troisième facteur, responsable du lent progrès de la négociation collective à l'échelle européenne, a trait aux déficiences des syndicats en matière d'organisation et de pensée politique. Par exemple, l'efficacité des organisations syndicales a été entravée par un vieux débat qui consistait à se demander si elles n'étaient que des centres d'échanges ou si elles constituaient des organisations syndicales supra-nationales embryonnaires. Ce débat a retardé leur développement interne et a empêché l'élaboration de leur philosophie politique aussi bien que leur travail de recrutement.

Conséquences des trois facteurs précédents, on a commencé à parler de la notion de négociation collective pan-européenne au début de la décennie 1980. Toutefois, au cours des dernières années, l'idée de rapports plus soutenus entre les syndicats et les employeurs a repris de la popularité. Sans doute, l'échéance de 1992 a-t-elle été responsable de cette résurgence de l'intérêt de la négociation collective pan-européenne. Ceci a donné lieu à certains développements tant au plan vertical qu'horizontal. Au niveau vertical, les syndicats et le patronat se sont engagés dans de nouveaux débats connus sous le nom des pourparlers de Val Duchesse, et il y a aussi une tentative d'accentuer le «dialogue social». Par suite de l'opposition persistante des employeurs, il est improbable que des conventions collectives s'étendant à la communauté européenne puissent en découler. Cependant, en même temps, à cause des pressions de la Commission et des États qui en font partie, il est possible que le dialogue entre les parties prenne davantage de signification que cela n'a été le cas jusqu'ici.

Au niveau horizontal, les syndicats font pression en vue d'en arriver à une négociation collective pan-européenne. Cela réussira-t-il? La question est posée. Les employeurs hésitent à souscrire à de tels accords. Toutefois, conséquence d'une intégration plus grande des marchés, les entreprises commencent à prendre, à l'échelle de l'Europe, des initiatives qui peuvent donner lieu à certaines formes de dialogue avec les syndicats. En d'autres mots, par l'intégration des marchés, le patronat serait en mesure de trouver des avantages à poursuivre diverses actions pan-européennes dans le champ des relations professionnelles. Aussi peut-on conclure, d'une manière générale, que la négociation collective à l'échelle de la Communauté européenne se verra pour ainsi dire amener à accroître avec l'échéance de 1992 qui approche, mais cela n'aura que peu de signification.