

# Introduction

## European trade unionism in an enlarged Europe

EU enlargement, now almost upon us, raises many questions about social / employment rights in an expanded Europe, and the whole future of the European social model.

Against that background, it is important to understand where European trade unionism stands in an enlarged Europe, especially on health and safety at work - the backbone of the Community social *acquis*.

This gradual shaping of the social actors and labour relations enables knowledge to be developed about real-life social conditions across Europe.

### From transition to membership

It is important to remember when looking at the scope of countries covered, that the choice of countries for inclusion in the enlargement process was dictated by relations that had developed between the European Union and what in the early 1990s were called the "new democracies". After the political and economic upheavals of 1989 in central and eastern European countries (CEECs), and the shift from planned to market economies, diplomatic relations were established between the Union and the CEECs. The EU countries immediately put in place a programme of financial assistance (PHARE) with some countries. "European Agreements" like those that had existed with Turkey since 1963, with Malta since 1970, and with Cyprus since 1972 were signed in the early 1990s with the CEECs.

In 1993, the Copenhagen European Council decided that countries with which the Union had agreements could join if they met three criteria :

- stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities ;
- the existence of a market economy as well as the capacity to cope with market forces within the Union ;
- the ability to take on the obligations of the Community *acquis*, including adherence to the aims of political, economic and monetary union.

From this time on, the Commission published regular reports on how these countries were moving (or not) towards these requirements. The first stage of this process will result in 10 new countries joining on 1 May 2004.

### From the Trade Union Forum to ETUC membership

The ETUC first set up a trade union forum in 1990 as a setting for member organizations to meet with organizations from the CEECs and Balkans. Later, at its 7<sup>th</sup> Congress in Luxembourg, it created an observer status for ten central confederations from Poland, the Czech Republic, Hungary, Bulgaria and Romania. In 1994, the ETUC opened up to trade unions from countries that had agreements with the Union. Its 8<sup>th</sup> Congress, in Brussels, made arrangements to enable trade unions from these countries to join it.

The Trade Union Forum continued to operate with trade unions that have observer status and the countries of the former Yugoslavia, becoming an arena to swap information and experiences, and develop common projects. Through it, the ETUC coordinated trade union projects developed under the PHARE-Democracy Programme.

On the institutional front, the ETUC called for a social dimension to be included in instruments put in place, particularly the PHARE Programme. It demanded trade union recognition from the governments of countries involved in the programme, with which relations had been established. The European institutions would refuse to set up consultative structures under “European Agreements”.

It was increasingly borne in upon the ETUC<sup>1</sup> that the enlargement process would radically alter the European Union’s agenda. Enlargement would create opportunities to strengthen democracy and respect for human rights, security and stability, economic prosperity and consolidate the social model in Europe, but it would bring with it challenges both for the institutions and the common policies. The social and institutional differences between the member countries and candidate countries were massive in both quantitative and qualitative terms.

The ETUC constantly argued that the process was too market-focused. It called for the social dimension to be made a full part of the negotiation process, for trade union participation, and for the Commission to make it clear to the candidate countries that social partner consultations were part and parcel of the European social model. A joint conference of the European social partners reaffirmed this principle in Warsaw in 1999, and an ETUC / UNICE joint project to promote the Social Dialogue was launched in 2000<sup>2</sup>.

To support trade unions in the candidate countries, the ETUC from 1997 promoted the setting up of standing trade union committees to collect and analyse information to inform a national trade union policy position in negotiations with the Union. These committees, which came to be known as “integration committees”, operated in all the candidate countries except Bulgaria.

Member organizations worked on a range of issues together :

1. Firstly, **free movement of workers** which was and still is a focus of concern in the member countries. The compromise reached in the ETUC in 2000 was to call for the shortest possible transitional periods and a “flexible” approach. In 2001, UNICE came out for free movement from day one of joining the Union. But it admitted that it was a vexed problem, and recognized the need for “flexible” solutions and special measures in frontier zones.
2. Secondly, **Social Dialogue**. The ETUC pointed out that relations between public authorities and social partners were nowhere near meeting the European criteria in many countries. Also, collective bargaining was not widely practised, as the Commission and Dublin Foundation pointed out in various reports<sup>3</sup>.
2. Thirdly, **labour law**, which has undergone impressive development in several countries. A meeting organized by the NETLEX network of trade union lawyers in 2002<sup>4</sup> heard that central and eastern Europe was suffering a chronic serious failure to implement legislation in practice, and that governments were the worst for flouting their legal obligations. Developments show they are moving away from rather than closer to the European social model. The closing of the social chapter of negotiations actually quickened the pace of deregulation !
4. Fourthly, **social protection**. In 1999, the ETUC published a White Paper on social protection in the CEECs, a working document written with trade unions in the countries concerned and the integration committees. It shows how social protection has changed with the development of a market economy. The aim was to get trade unions to take ownership of the issue by focusing on the challenges faced by existing schemes and providing tools with which to hold out against attempted privatization, especially of health care, promoted by the Bretton Woods institutions.

## Health and safety: a trade union priority

What was the state of play in the working environment after the 1989 upheavals ? At the first meeting organized on this issue by the ETUC<sup>5</sup>, in 1994, the President of the Czech Confedera-

<sup>1</sup> R. Langewiesche and A. Toth (Ed.), *The Unity of Europe: political, economic and social aspects of the EU Enlargement*, ETUI, 2001.

<sup>2</sup> *Report of the Conference on Social Dialogue in Candidate Countries for accession to the European Union, Bratislava, 16 and 17 March 2001*, UNICE, UEAPME, ETUC, Brussels, 2001.

<sup>3</sup> *Industrial relations in the EU Member States and Candidate countries*, EIRO, Dublin, 2002 and *Industrial relations in Europe 2002*, DG Employment, 2002.

<sup>4</sup> ETUC Conference : “Fighting the deregulation of the labour code in Eastern European Countries”, Brussels 2002.

<sup>5</sup> ETUC Seminar : “EU standards for the protection for the working environment and health – frame of reference for central and eastern Europe”, Bratislava, 1<sup>st</sup>-4<sup>th</sup> June 1994.

tion's Health and Safety Council argued that health and safety were sideshows to the social and economic changes under way. Responsibility for safety and health protection had been taken away from the different industry Ministries, the protection system had been weakened and was out of date on a number of counts :

- changes in the production system had created a sharp rise in service industry employment (doubled over two years) and in SMEs. But the latter were unready to address health and safety issues, and the labour inspectorate lacked the resources to tackle the situation ;
- the legislation was inappropriate for changes in progress and the change in ownership systems ;
- there was no organized Social Dialogue at sectoral level ;
- people felt powerless in the face of these changes, and especially at risk of unemployment ;
- workers and employers were conditioned by the system that had prevailed for 40 years : advances on the legislative front were marred by serious exceptions and inconsistencies that stopped the aims of the economic and production plan from being delivered.

### Enlargement central to TUTB activities

The trade unionists from the 16 European countries at the meeting stressed the importance of continuing to exchange information in order to develop a shared knowledge base. The TUTB was tasked with handling this, and proposed that cooperation should centre around four things :

1. appointing a health and safety coordinator on each national integration committee to create the linkage with TUTB activities ;
2. an organized collection of information on national situations in inspection services and the role of tripartite bodies ;
3. systematic monitoring of the national debates on Directive 89/391 ;
4. identifying company-level trade union experiences with information, consultation and participation.

In 1997<sup>6</sup>, the ETUC Executive Committee pledged to step up cooperation on health and safety. The ETUC Secretariat, in cooperation with the TUTB, organized visits in three countries to meet representatives of the social partners and governments, brief them on the ETUC's priorities, but also to sound out the view of the actors involved. The same year, the ETUC and TUTB hosted a joint seminar on a trade union strategy for health and safety at work<sup>7</sup>, attended by trade unions from most European countries. Presentations were given on the first assessments of the application of the Framework Directive in the Union countries, and the findings of the Dublin Foundation's second survey of working conditions. Union representatives from several countries described their national situations and developments. The clear fact was that just transposing the Community directives was not enough ; the conditions in which they were implemented were decisive. Simply laying down employers' obligations did not ensure that they were carried out.

The first tripartite European meeting on health and safety took place under the Austrian Presidency in 1998. The debates and reports presented<sup>8</sup> showed that national reports alone are not a sufficient basis on which to establish dialogue ; there was a strongly-felt need for a Commission report on the application of the directives. Various States' first assessments of the application of the Framework Directive gave a patchy picture, focusing on the cost of preventive services to business and the need for freedom of means to achieve the ends. The candidate countries mainly focused on the legislative work being done, and projects supported by the Union, but not a word about problems arising, the role of the social partners, etc.

What this first tripartite European conference mainly showed was the need for internal dialogue and knowledge pooling within each group, and a desire by the Commission and Member States not to allow the European social partners a say in the ongoing negotiations.

After this conference, the trade union representatives on the Luxembourg-based Advisory Committee also voiced their need for a more in-depth knowledge of the situation in the candidate countries and for a pooling of experiences with transposition of the directives. The Committee

<sup>6</sup> ETUC resolution of March 6-7, 1997.

<sup>7</sup> Bucharest 8-10 September 1997.

<sup>8</sup> European Week for Safety and Health at Work "Vienna Workshop" Abstracts, Vienna 21-23 October 1998.

called for the tripartite delegations from these countries to be included in its different interest groups as soon as possible.

### A clearer picture of national situations

From 2000, enlargement rose up the TUTB's work programme agenda. Each national ETUC member organization was invited to second a trainee from each candidate country to the TUTB for 6 months to write a report on the situation in their country. This has resulted in reports being written on the situation in Romania, Slovakia, Bulgaria, the Czech Republic, Estonia, Lithuania, and Poland.

The TUTB stepped up its cooperation with the European industry federations. New meetings have been held involving the trade union members on the Advisory Committee and representatives of trade unions in the candidate countries. The idea was not just to share and discuss the reports written by the TUTB on national situations, but also gain a better understanding of trade union strategies, including on training for workers' representatives. So, at a Prague meeting in October 2002, the inter-branch trade union training strategies in Denmark, Spain, Italy and Portugal were presented and considered in detail.

These trade union meetings have been continued. Beyond the presentation of reports, they have enabled issues of common interest and areas of cooperation to be identified, and especially to lay the groundwork for integrating the new colleagues into the Workers' Group of the Advisory Committee from May 2004.

### Strengthening the Social Dialogue

The Swedish Presidency sponsored<sup>9</sup> the development of implementation projects on the working environment in each of the 13 candidate countries. The TUTB and UNICE therefore developed a joint project to support the Social Dialogue on health and safety to facilitate an exchange between actors from the social partner organizations. Two meetings with participants from the candidate countries were set up in 2003 and the feedback from these highly productive exchanges will be presented in April 2004. These meetings gave an opportunity to exchange, compare and contrast national experiences, identify points of similarity between the different countries, but also challenges that employers' organizations and trade unions must address in terms of both representativeness and abilities to support their members.

Arguably, the work done prompted the Commission and Dublin Foundation to brief themselves more fully on the situation in the new accession countries, and to lay the bases of a debate between all the European actors on the strategy needed in an enlarged Europe.

The materials produced, the links forged between trade unions, the exchanges of experiences, and the - admittedly still cursory - knowledge developed through the activities carried out informed the discussions at our eve-of-enlargement Conference. The work done enabled us to gain critical insights into all the national situations, to identify the challenges and difficulties that trade unionists have to face, and to lay the foundations of a *common health and safety strategy for an enlarged Europe*. ■

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<sup>9</sup> Lena Skiöld (Ed.), *A look into modern working life*, NIWL, Stockholm, 2000.

