

EUROPEAN TRADE UNIONS FROM THE SINGLE EUROPEAN ACT TO MAASTRICHT: 1985-1992

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This article takes stock of the scholarly debate over the reasons that brought European trade unions to support the Treaty reforms from the Single European Act to the Treaty of Maastricht. It focuses on the central role played by the European Trade Union Confederation (ETUC) and its major components between 1985 to 1992. On the basis of trade union records and European archives, it argues that the support given by the ETUC to the Treaty reforms defended by the European Commission led by Jacques Delors implied a partial victory for European trade unionism in the context of severe national defeats and a permanent blockade of Social Europe led by Great Britain. As a result, the ETUC became a more cohesive, legitimate and capable organization than before 1985, gaining historical influence in the process of European integration in the context of the Fall of the Wall and the rise of Neo-liberalism.

Keywords: ETUC, Treaty negotiations, Social Europe, Trade Unions, Social Chapter.

Parole chiave: Confederazione europea dei sindacati, Negoziati per il trattato, Europa sociale, Sindacati, Capitolo sociale.

In the memory of European trade unions, the years from the Single European Act to Maastricht remain as the Golden Age of Social Europe. The arrival of Jacques Delors at the head of the Commission of the European Economic Community (Eec) created the political conditions for relaunching European social dialogue. The European Trade Union Confederation (Etuc) decided to support the Single European Act, despite the imbalance between its economic and social dimensions. The acceleration began in 1987, with the launch of the process for approval of a Community Charter of Fundamental Social Rights of Workers, approved in late 1989. The Charter introduced the social dimension of the internal market, as promised by the president of the Commission in Etuc's 1988 Congress in Stockholm. From that moment, the whole of the Etuc, including the traditionally reluctant British

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trade unions, put their weight behind the political initiatives launched by the European Commission for the design of the European Union. European trade unions struggled to influence their national governments with their own agendas during the negotiations in the Intergovernmental Conferences, which included an expansion of Eec competence over labour legislations and an extension of the use of qualified majority in the area of social policy. As is well known, the Maastricht Treaty adopted some of these requests in a Social Protocol approved by 11 members excluding Britain, but with limited gains in their demands for Economic and Monetary Union. The Etuc and its members ultimately supported ratification of the Treaty, because they hoped that this would be the first step towards further change, tabled already in the Treaty of Maastricht, and effectively carried out in the Treaty of Amsterdam of 1997.

The article starts by introducing the historiographical debate about the way trade unions in Europe, particularly the Etuc, evolved in relationship to European integration in the period between 1982 and 1992. The second section reconstructs the reasons behind the support of the Etuc for the Single European Act in 1986 and the Charter of Fundamental Social Rights in 1989. The article concludes with a third part presenting the Etuc position towards the negotiations of the Treaty of Maastricht in 1991, within the context of the fall of Communism, and the transformation of its role and structure during this period.

1. *The historiographical debate on the Etuc and European integration in the 1980s.* The debate on the history of the Etuc during the 1980s is marked by opposing views regarding the capacity of the European labour movement to succeed in introducing a social dimension into the process of European integration. From its creation in 1973, the Etuc's main aim was to create concerted action in a fragmented European trade unionism marked not only by different national traditions, but also by ideological and Cold War divisions. The *raison d'être* of the Etuc lay in its capacity to articulate its own project for a Social Europe as defined by its members, and to sponsor it in the European institutions. It is not by chance that the question of the success or failure of the Etuc to fulfill its original function has created an open and heated debate within the memory of the Etuc itself, reflected in the historiography to which some of the major protagonists of the Etuc have contributed, in cooperation with academics.

Early research came from the Belgian political scientist, Corinne Gobin, who benefited from the support of one of the founding fathers of the

Etuc, and its president between 1982 and 1985, Georges Debunne, a long-serving secretary general of the Fédération Générale du Travail de Belgique. In his writings, he concluded that the project for Social Europe that he supported as Etuc founder and president had failed. The Etuc never managed to develop European industrial relations and a social welfare state at the supranational level on the basis of Keynesian ideas and federal integration¹. Starting from this position, Gobin presented a first interpretation of the role of the Etuc during the relaunching of European integration under the leadership of Jacques Delors. She concluded that the Delors period represented a neo-liberal turn, which cancelled the original project of the Etuc for Social Europe. The Etuc played a role of symbolic justification of the Single European Act and the Maastricht Treaty, which actually blocked the realization of its own project for a social and democratic Europe. The Etuc, indeed, succeeded in being recognized as a privileged interlocutor of European institutions and institutionalized social partner in the process of Social Dialogue. But this symbolic victory cannot hide its defeat in its struggle to create binding social norms and a minimum of European social rights enforceable in all member states. Even worse, this conversion to Europe of European trade unionism marked the victory of a political culture based on consensus and the hegemony of neoliberalism at the European level. In short, the Etuc provided social and democratic legitimacy to a technocratic and conservative turn against labour interests, blocking the development of truly European industrial relations².

Jon Erik Dølvik, a researcher from the Norwegian trade union research institute, reached a more nuanced conclusion than Gobin. He presents both the scholarly and internal debates about the Etuc and Maastricht in two groups: the «Euro-optimists» and the «Euro-pessimists». He concurs with Euro-pessimists that the new Treaties implied a modest intensification

¹ G. Debunne, *A quand l'Europe sociale?*, Paris, Syllepse, 2003; G. Debunne, *Les syndicats et l'Europe*, Bruxelles, Labor, 1988.

² C. Gobin, *L'Europe syndicale, entre désir et réalité. Essai sur le syndicalisme et la construction européenne à l'aube du 21^e siècle*, Bruxelles, Labor, 1997; Id., *La Confédération européenne des syndicats (CES) et le développement du Marché Intérieur. Vers une reconnaissance de l'euro-syndicalisme en trompe d'œil et une dévalorisation de la norme sociale?*, in *Milieus économiques et intégration européenne au XX^e siècle, la relance des années quatre-vingt*, éd. par E. Bussière, M. Dumoulin, S. Schirmann, Paris, Cheff, 2007, pp. 257-276; A. Dufrenne, C. Gobin, *Le dialogue social européen ou la déconstruction du droit social et la transformation des relations professionnelles*, in *L'avantage du dialogue social?*, éd. par P.A. Lapointe, Québec, Presses de l'Université Laval, 2016, pp. 23-63.

of the supranational regulation of labour markets and industrial relations, given the consistent weight of inter-governmentalism in this area, which limited social policies by the power of veto of member states reluctant to enhance employee rights. The Treaty of Maastricht was unsatisfactory for Etuc expectations for European integration, and failed to balance the dominant dynamic of economic liberalisation and monetarist conceptions with economic governance and investments to create employment. As far as the social dimension is concerned, satisfaction was not high: it excluded bargaining around pay or collective conflict regulations such as the right to strike, whereas social security and other key elements were still subject to unanimity. However, the Euro-optimists argued it created an island of Euro-corporatism, which ultimately introduced in the treaties not just a consultative role for social partners, but also a co-regulatory role with the potential for dynamic development and expansion, as proved by developments in the 1990s. It gave way to a minimalist regime of European social policy, which was built without a strong classical path of industrial conflicts, creating a multi-tiered European regime of shared competences. This is not the ideal European model of industrial relations, but it is unreasonable to expect this supranational process to follow one particular national pattern of industrial relations and welfare state building. The Etuc role was indeed reinforced as it opened the way towards a real commitment by national trade unions to the process of integration, which now provided a way to redefine the boundaries of solidarity³.

Much more Euro-optimistic was the research undertaken by the French historical sociologists, Claude Didry and Arnaud Mias, supported in their monograph by the former number two of the Etuc, its deputy secretary general in charge of social dialogue from 1986, Jean Lapeyre, from the French Cfdt⁴. Lapeyre is also the author of a recent monograph on the history of European social dialogue, which expands this research. Both accounts agree that the Delors period was extremely successful in its aims, namely, the shift from limited social policies towards a constitutionalisation of Social Europe. This consisted in the design of the European social dialogue as an institutionalized system of co-legislation introduced by the

³ J.E. Dølvik, *Redrawing Boundaries of Solidarity? Etuc, Social Dialogue and the Europeanisation of Trade Unions in the 1990s*, Oslo, Arena Report 5/97-Fafo Report 238, 1997.

⁴ C. Didry, A. Mias, *Le moment Delors: les syndicats au cœur de l'Europe sociale*, Bruxelles, Peter Lang, 2005.

Social Protocol of the Maastricht Treaty. Social partners (the Etuc, the private employers association Unice and the public employers association Ceep) were empowered by a shift from being simple lobbies to becoming fully representative social actors in the process of European integration. The Etuc fully cooperated with Delors in defining a positive response to neo-liberalism, by introducing the basis for a European social constitution in the Community Charter of Social fundamental rights of 1989, ushering in the most dynamic period of Social Europe, which has had a lasting legacy. This «Delors moment» did not represent a transition towards a technocratic neo-liberal turn, but rather the inverse, the passing from a technocratic integration controlled by member-states into the first serious attempt to fully democratize the European Union by providing social actors with legislative capacity at the supranational level. The final aim was to create a social fabric for European integration in which social actors could play an autonomous role. The Etuc was seriously transformed in this process as it was forced to become a transnational trade union, capable of negotiating industrial relations at the supranational level, and with the potential to represent European civil society. In this way, the Etuc shifted away from being only a lobby for trade unions from various national traditions, blocked by internal conflicts. Further, Etuc became a legitimate institutional actor able to define and influence the process of European integration. The social chapter of the Maastricht Treaty opened the way not just to a few inter-sectoral agreements, but extend to sectorial agreements and even multinational corporations with the 1994 directive on European Works Councils. Social Europe remains as a lasting legacy of this relaunch of European integration, even if the ambition to create a supranational social democracy was not realized. The potential of Maastricht has not yet disappeared, but requires a favourable social and institutional context for its full success⁵.

This Euro-optimistic version is the one maintained in the memoirs and official histories published by Etuc. Juan Moreno Preciados, former head of international affairs in Comisiones Obreras and later an Etuc official, was one of the first within the Etuc to reply to such criticism. The Etuc had indeed historical limits on its action, but these were not the result of the Etuc secretariat in Brussels, instead deriving from the initial reluctance of

⁵ J. Lapeyre, *Le dialogue social européen. Histoire d'une innovation sociale (1985-2003)*, Brussels, Etui, 2017.

some of the largest and more powerful national trade unions to make Etuc a supranational trade union. Furthermore, the creation of the Etuc did not remove the ideological differences and backgrounds of trade unions, even within the same countries, making it difficult to define a common position towards European integration. The reform of the Etuc in 1991 introduced a change in the statutes making a common position possible, where decisions could be implemented without vetoes. However, the 2/3rd majority rule for decisions encouraged the adoption of agreements at a lowest common denominator, creating frustration and paralysis. Taking this into account, the record of the Etuc's performance during this period is generally positive, as it provided the basis for genuine industrial relations. Therefore, evaluating what the Etuc achieved should be fairer, not by comparing it to an ideal never realized, or with one of the many national models, but rather to the original point of departure and in its historical context⁶. To a large extent, Moreno's position is shared by the former secretary general of the Etuc from 1991, Emilio Gabaglio, in their joint book commemorating the 30th anniversary of the Etuc in 2004⁷, later expanded by Gabaglio in his own writings⁸.

The controversy about this period as a golden age of Social Europe or the final capitulation to neo-liberalism has continued until now. In the Euro-pessimist group we find substantial contributions by the French economist, Robert Salais, and the German sociologist, Wolfgang Streeck, for whom the history of Social Europe has been a continuous regression from its origins to today. In Salais' account, there were different historical projects for Social Europe: an original project based on attaining social and economic rights, succeeded by another in which market forces would be subordinated to social justice and solidarity, before arriving at another, represented by Delors' Social Europe, which basically changed the balance between the market and the social. This Social Europe was the human face of market domination, which provided for the progressive erosion of national welfare states, fundamentally undermined by the European single market and monetary union. In a similar vein, the earliest Euro-pessimist, Wolfgang Streeck, argued that during the 1970s the Eec aimed at creating a genuine social policy linked to federal

⁶ J. Moreno, *Trade Unions without Frontiers: The Communist-Oriented Trade Unions and the Etuc (1973-1999)*, Brussels, Etui, 2001.

⁷ J. Moreno, E. Gabaglio, *El reto de la Europa social: 30 años de la Confederación Europea de Sindicatos*, Germania, Alzira, 2006.

⁸ A. Ciampani, E. Gabaglio, *L'Europa sociale e la Confederazione europea dei sindacati*, Bologna, il Mulino, 2010.

unity, but that the Etuc abandoned this project in the mid-1980s in favour of accepting the single market project, with Maastricht being a failed attempt by Delors to build a proto-corporatist social policy. Not only did this project not fulfil its promises, it also opened the path towards a general attack on the most advanced welfare state systems, starting a race to the bottom. This failure was to some extent also resulted from the weakness and heterogeneity of European trade unions, unable to develop enough political influence compared to representatives of multinational corporations like the European Round Table of Industrialists.

This account is strongly contested by the political scientists working in the European Trade Union Institute (Etui), Philippe Pochet and Christophe Degryse. In Pochet's view, rather than «progressive regression» the trend of social policies has been cycles favouring the increase of social policies, but with moments of retreat. After an initial period in which member states were reluctant to introduce a European social policy, European institutions and trade unions organized various transnational networks of administrations, academics, civil society and trade unionists in favour of a Social Europe. From the 1970s, they attained increasing institutionalization, reaching a high point with Jacques Delors, who created a transnational coalition constitutionalizing European social rights in the framework of Economic and Monetary Union⁹. For Christophe Degryse, who elaborated at the Etui the monograph for the 40th anniversary of the Etuc, the Etuc never relinquished its economic and social alternatives for economic integration (fundamental social rights, full employment, reduction of working time, and productive investments), even during the Delors period, in order to adopt the ideas of business associations based on competitiveness. He concurred with Dølvik that the Single European Act and the Treaty of Maastricht created a short-term threat to the Etuc, but a historic opportunity in the long run. The Etuc gave crucial support to the Treaties because they provided foundations for Social Europe. This was the starting point for an effective balancing of monetary union with economic and political union, serving to combat the rising power of financial speculation and transnational business. Delors brought the Etuc out of isolation, by agreeing to some of their key requests, even when the balance between the social and the economic was not fully resolved¹⁰.

⁹ Ph. Pochet, *À la recherche de l'Europe sociale*, Paris, Puf, 2019.

¹⁰ C. Degryse (with P. Tilly), *1973-2013: 40 ans de la Confédération européenne des syndicats*, Bruxelles, Etui, 2013.

Historians writing recently about this period have to a large extent supported this «Golden Age» account. For example, according to Antonio Varsori and Lorenzo Mechi, the Delors period opened up hope in the context of severe defeats of national trade unions. Therefore, the Etuc saw in Delors the only way out from the defensive situation with the new thrust of the European Commission to develop the Social Charter of 1989 with concrete directives in social issues. More decisively, Delors' legacy continued into the second half of the 1990s with the complete institutionalization of Social Dialogue in the Treaty of Amsterdam in 1997¹¹. A recent article by Pierre Tilly concurs with this, but points out the crucial role played by the conversion of some key national trade unions to the European project during this period. As well as the British Tuc, Nordic trade unions had been opposed to the transfer of competencies to the European level in social affairs, as they were not yet members of the Eec but of the Efta. The second key element was the strong push forward by the new president of the Etuc, replacing Georges Debunne in 1985, the Dgb president Ernest Breit, despite the opposition of the most important German Trade Union, IG Metall. Last but not least, the Italian trade unions played a key role, acting unitedly in European affairs with their proposal to transform the Etuc into a functioning trade union organization, not just a liaison office of national trade unions. In particular, a key role was played not only by Emilio Gabaglio from the Cisl, but more fundamentally by the new secretary general of the Cgil, Bruno Trentin¹². The European strategy of the third largest trade union in Europe was designed in a defensive period accentuated by the fall of the Wall in 1989. In Fabrizio Loreto's opinion, Trentin aimed at a federal Europe in order to develop universal citizenship rights and political control of the economy at the supranational level. The common objective put the basis for social rights at the European level in a historic moment of an emerging new world order. The centrality of social dialogue in creating the basis for European neo-corporatism was another important shift for this historical representative of the communist tradition

¹¹ L. Mechi, A. Varsori, *European Social Policy*, in *The European Commission, 1986-2000: History and Memory of an Institution*, ed. by E. Bussière *et al.*, Luxembourg, Opoce, pp. 403-420.

¹² P. Tilly, *La CES entre l'acte unique et le Traité de Maastricht (1985-1993): nécessités et limites d'une conversion transnationale*, in «Journal of European Integration History», XXVI, 2020, 1, pp. 81-95.

of trade unionism¹³. This historiographical interpretation of the structural transformation of the Etuc as a result of the Europeanisation of its major members during the path to Maastricht, is also consistent with other recent research on the Spanish case. Here, the Socialist Ugt and Communist-led Comisiones Obreras, used their adhesion to the Etuc and European integration as a resource for unified action in a period of rupture with fellow political parties on the left and, therefore, interested in transforming the Etuc into a real trade union organization¹⁴.

In conclusion, it is not possible to view the decisive transformation of the Etuc during these years and its contribution to the process of European integration without considering the national and global context in which they evolved. This is what made the Delors moment an opportunity to confront a deteriorating status quo where European trade unions were on the defensive. In other words, the main conclusion from recent historiography is that the Etuc and its members did not have much choice other than to seize the opportunity that Delors presented of defining a «European social model». It cannot be confused with surrender to neo-liberal ideas of the economy and the social. This is the thesis that this article aims to demonstrate, by presenting a succinct account of the period between the Single European Act and Maastricht based on the most recent research and newly available archival sources.

2. *The Etuc on the way to the Maastricht Treaty* (1985-1989). Most recent research concurs on the complete failure of the Etuc during the first decade after its foundation in 1973. It was not just that it did not manage to impose its views in a difficult period marked by economic crisis, but it decided to abandon the two new forums of public dialogue with the member states and European institutions created on its behalf: the Tripartite Conferences in 1978, and the Permanent Committee on Employment in 1982. This coincided with deep internal divisions on the acceptance of Comisiones Obreras to the Etuc in 1981. The Spanish trade union was vetoed by the former president of the Dgb, and of the Etuc, Heinz-Oskar Vetter, who

¹³ F. Loreto, *La Cgil di fronte all'Atto unico europeo e al Trattato di Maastricht*, in *Integrazione europea e trasformazioni socio-economiche. Dagli anni Settanta a oggi*, a cura di L. Mechi, D. Pasquinucci, Milano, FrancoAngeli, 2017, pp. 135-147.

¹⁴ S.M. Ramírez Pérez, *Spanish Trade Unions and European Integration: From the Democratic Transition to the Treaty of Maastricht (1973-1992)*, in «Journal of European Integration History», XXVI, 2020, 1, pp. 61-80.

threatened to quit the Etuc if this Euro-communist, and leading opponent to the Francoist dictatorship, joined. The veto created a direct clash with the president of the Etuc, Wim Kok, and the majority of Etuc members who voted in favour of the accession, but which did not reach a two-thirds majority. For the supporters of Comisiones Obreras such as the Italian Cgil, it became evident that the pressures of the American Afl-Cio on Vetter had been decisive in preventing the enlargement of the Etuc to the largest trade union of a candidate country, showing that Cold War considerations prevailed above the priorities of European integration¹⁵. By 1982, the structural weaknesses of the European trade union movement became clear. There was a gap between deepening European integration in order to counter the increasing power of multinationals and bureaucracies, and the lack of willingness to surrender sovereignty to allow the Etuc to propose common solutions, particularly if they clashed with national positions. This contradiction intensified during the debate on the European directive for information and control of companies submitted by former Dutch trade unionist, Commissioner Henk Vredling. The German Dgb tried to adjust it to a level similar to its law of co-determination to avoid German firms adopting less demanding regulation¹⁶. This excessive ambition imposing the highest standard ended with its rejection by the first directly elected European Parliament in 1982. The Etuc's other core demand, also introduced at the request of the Dgb, the reduction of working time to 35 hours without wage reduction and flexibility, also failed due to the Etuc's inability to agree to a less ambitious, but more politically viable, initiative from the French Presidency. These strategic errors were aggravated by the fact that from 1979, any European initiative was vetoed by Margaret Thatcher and that the largest member of the Etuc, the Trade Union Congress (Tuc), remained consistently hostile to further European integration. In sum, when Jacques Delors arrived at the European Commission, European trade unionism was on the defensive, suffering successive defeats, partly due to internal divisions, partly to structural limitations arising from an institutional and political environment marked by the rise of neo-liberalism and transnational capital in all member states, where the European trade

¹⁵ S.M. Ramírez Pérez, *Iberian Trade Unions and the Etuc: From the Periphery to the Centre*, in *National Trade Unions and the Etuc: A History of Unity and Diversity*, ed. by A. Ciampani, P. Tilly, Brussels, Etui, 2017, pp. 139-161.

¹⁶ Q. Jouan, *European Integration and the Paradoxical Answers of National Trade Unions to the Crises of Capitalism*, in «European Review of History», XXVI, 2019, 4, pp. 600-617.

union movement was losing institutional spaces and industrial conflicts. The deleterious effects of this declining trend were reflected in the Etuc's ineffectual actions¹⁷.

The French Presidency of the Eec in the first half of 1984 was the last hope for Etuc to emerge from isolation. The new president of the Etuc, Georges Debunne, elected in April 1982 at The Hague Congress concluded that his first year in office, marked by European demonstrations, had not brought substantial results. In spring 1983, he changed strategy, visiting all members of the European Council, except Margaret Thatcher, who symbolically declined the meeting. It was telling that in the appointment with the French president on 9th January 1984, Mitterrand expressed his agreement with Etuc ideas, but also made clear that the unilateral experiment of socialism with the reduction of working time from 40 to 39 hours had been disappointing because no other member state had any intention of following. He promised, however, to continue towards building an ambitious social space during the French Presidency, but with little hope considering that Margaret Thatcher blocked any progress and unanimity was required in social policies. In his meeting with Helmut Kohl, Debunne also realized that the problem came from the German liberals, who were in coalition with the German Cdu, and who rejected any request from European trade unions.

As Mitterrand had promised, the French minister for Social Affairs, Pierre Bérégovoy took the initiative to restore European social dialogue, when he convened an informal meeting of trade union representatives and employers' leaders to discuss how to revive it, for the 28th February 1984. The meeting, which took place at the Val Duchesse palace in Brussels, formally stated that these were personal invitations to exchange opinions on how to deal with youth unemployment amid industrial restructuring and the transformation of work organization due to new technologies. Bérégovoy put forward the wish of the Member States' ministers of Labour, consistent with the European Commission, to come back to the path of social dialogue in order to deal with short-term restructuring and define a mid-term social policy based more «on European contractual basis, than on formal legal instruments»¹⁸.

¹⁷ L. Warloutzet, *Creating a Social Europe or Completing the Single Market: Debates within the European Economic Community (1973-1986)*, in *Free Trade and Social Welfare in Europe: Explorations in the Long 20th Century*, ed. by L. Mechi, L. Coppolaro, Abingdon, Routledge, 2020, pp. 109-125.

¹⁸ Iish, Etuc, box 2100, Note of Carlo Savoini *Le développement du dialogue social*, 7.1.1986.

In the meantime, the French government and the Etuc organized a European Conference on Employment on 5th and 6th April in Strasbourg, attended by Eec and Efta governments, including the prime ministers of France and the Benelux countries, the president of the European Commission Gaston Thorn, accompanied by the European Commissioners in charge of Industry (the Belgian Etienne Davignon), Competition (the Dutch Frans Andriessen) and Employment (the British Ivor Richard). Together with the Unice secretary general Bernard Sassen, and its president Guido Carli, Bérégovoy invited Jean-Louis Beffa from the French company, Saint-Gobain, representing the European Round Table of Industrialists. In this high-level forum, Debunne unveiled the economic and social alternatives of the Etuc: the problems created by increasing economic interdependence required concerted European action through industrial policies based on research and a general increase in public and private investments. Ongoing restructuring processes would have to be organized and agreed on with trade unions, in order to avoid sterile competition. In this way, reduction of working time had to be one of the solutions enabling unemployed workers to return to work, reactivating the economy through consumption, and avoiding poverty. The reply from the employers was that instead of reducing working time, part-time work should be extended, along with flexibility and changes of rigid laws, leaving companies to decide their reorganization and helping with a reduction in social security expenses. National governments asserted that employment policies were national competencies, and the European Commission encouraged social actors to engage in discussions to reactivate the «European Social Dialogue», as it was called by the president of the Council, the French prime minister, Pierre Mauroy¹⁹.

It was not a surprise, therefore, that at the second meeting at the beginning of May in Val Duchesse, when Bérégovoy suggested to discussing again the question of new technologies and training for young workers, Debunne again brought to the table the issue of reducing working time. Despite these disagreements, the meeting was fruitful for the French Presidency who took its conclusions to the Permanent Committee of Employment and the Council of ministers of Social Affairs on 7th June. Bérégovoy pointed out that in the introduction of technologies, European social partners might be ready to agree to some common directions as guidelines to the national

¹⁹ Debunne, *À quand l'Europe Sociale?*, cit., pp. 74-75.

and sectorial debates. On the most controversial issue of the reduction of working time, the French socialist government of Mitterrand fulfilled its promise to attempt a European agreement on a 35-hour week. As expected, it only obtained from member states a vague non-binding declaration in favour of the reduction of working time, and not signed by the British government, confirming Mitterrand's fears²⁰. If this French attempt failed with national governments, there was no greater success with the European social partners. In the last meeting organized by Bérégovoy on the 27th June none of the partners was ready to sign the common conclusions from their previous meeting, drafted and presented by the secretary of State for Social Affairs, Georgina Dufoix²¹.

However, these precedents were not in vain as on 10th July, the European Council appointed the French minister of Finances, Jacques Delors, as new president of the European Commission. Apart from having been the minister of Finance of Mitterrand, Delors had previously sat in the European Parliament where he had presided over its Economic and Financial Committee until the electoral triumph of the French Socialists in 1981. A former head of the economic research institute of the social-Christian trade union Cftc, and later an active member of the Cfdt, he followed the way led by Bérégovoy. Just days after his nomination, he met informally in Paris the Belgian Director General of Employment and Social Affairs of the European Commission, Jean Degimbe, and asked him to prepare a social dialogue summit²². The informal meeting was possible because they had met in the past and shared a similar social-Christian background, whose ideas about trade unionism and social policy came from this neo-corporatist tradition, in contrast to the communist Cgt and the socialist Cgt-Fo. The relationship with the Etuc was eased by his previous acquaintance with the Etuc official of the Cfdt in charge of relations with European institutions, François Staedlin. These personal links became crucial and gave to the European network of the Cfdt and its approach to trade unionism a particular weight²³.

²⁰ Warloutzet, *Creating a Social Europe*, cit., p. 117.

²¹ Didry, Mias, *Le moment Delors*, cit., p. 106.

²² Historical Archives of the European Union, Oral history collection, Histcom 2, *Interview of Pierre Tilly with Jean Degimbe*, 13.7.2010, p. 21.

²³ C. Roccati, *Europe and the Divisions of French Trade Unionism: A Growing Awareness*, in *National Trade Unions and the Etuc*, cit., pp. 45-67.

On 17th December, a few weeks before taking office, Delors held an informal meeting with Debunne and the secretary general of the Etuc since 1977, Mathias Hinterscheid, a former secretary general of the Cgt-Luxembourg. The Etuc's aim was to present its objectives to the new president of the European Commission, which included a social-democratic trade unionist, Alois Pfeiffer from the Dgb. He held the key portfolio of Economic Affairs and Employment, whereas the social affairs portfolios were in the hands of the conservative Irish Commissioner, Peter Sutherland, until 1986, when the Spanish socialist Manuel Marín took over this portfolio reserved for the new member state. Following this first contact meeting, Delors consulted the Etuc again a week before his first speech on 14th January 1985 at the European Parliament where he introduced his long-term political agenda. The speech made clear that the new president of the Commission bet publicly on negotiated reforms carried out by social partners in a contractual approach, enabling a minimum harmonization at the European level through the approval of European collective agreements. As a result of these meetings, there was a clear change in Etuc tactics on the question of working time. As the employers rejected this, Debunne accepted to focus on technologies in the organization of work. This more constructive approach allowed the success of the First Meeting in Val Duchesse on 31st January. For the first time, member states were not at the table, just the European Commission and the social interlocutors represented by delegations appointed by their European associations (Etuc, Unice), to which Delors and the secretary general of the Commission, Emile Noël, had also added strategically the European Association of Public Employers (Ceep). Delors laid out his wish to integrate their input to his political program for reforming European integration. European social partners were asked not only to provide their input on social and economic issues, but also on industrial and single market issues. Delors asked, in exchange, that the social partners should agree on common positions regarding issues of community interest, and to develop European employment regulation through contractual agreements rather than by national laws or European directives²⁴. This new approach to European industrial relations was the starting point not only to balance the Single Market Project at the core of Delors' project in 1985, but also to create a new dynamic to legitimize the

²⁴ Iish, Etuc, b. 2001, Unofficial minutes of the Val Duchesse meeting by Emile Noël, undated note.

process of European integration with the direct participation of European social actors²⁵.

Another more important element of this social turn was that the Etuc commenced internal reflection on how to deal with Delors' proposals to resume social dialogue, showing the necessity to change in order to succeed. There were three positions on the strategy to follow to meet the high expectations put forward by Delors' proposal: the first, represented by Debunne and Hinterscheid, to keep the previous strategy of finding common ground on the distribution of working time and macro-economic issues, but asking the Commission to proceed after social dialogue to legal regulations. The other perspectives implied two different approaches to the issue. On the one hand, Peter Coldrick, representing the Tuc at the Etuc secretariat, aimed to leave any negotiation of collective agreements to the European industry federations. In charge of macro-economic issues, the British economist realistically presented the internal limitations of Unice to take any position in European collective bargaining, and the Commission's lack of ability to transform into legislation any agreement given the request for unanimity at the Council. As in the British case, the key role in collective bargaining remained in the hands of industry federations, and not national confederations, bringing the Etuc to concentrate on lobbying activities, in order to influence the wider debate with European institutions about economic policies around investments. The third position was represented by the leader of the Italian Cgil, Bruno Trentin, who rejected the views of Debunne and Hinterscheid, which condemned the Etuc to remain in splendid isolation without any impact on social and political reality. He agreed with Delors on going into European social dialogue with the Etuc given an authentic role of negotiator on behalf of its national members, who would delegate some of their competencies, becoming a proper trade union organization. This was the position which ultimately prevailed at the Etuc, led by the three Italian trade unions (the Communist-led Cgil, the socialist-led Uil and the Demo Christian-led Cisl) in close alliance with the Cfdt, which replaced in September 1986 Staedlin, who went to lead the workers' group of the European Economic and Social Committee, with Jean Lapeyre, who took over the strategic responsibility of relations with European institutions²⁶.

²⁵ Aheu, Emile Noël-937, Handwritten notes of the meeting by Noël, 31.1.1985.

²⁶ Didry, Mias, *Le moment Delors*, cit., pp. 116-117.

Internal divisions about how to carry out Delors' proposals for social dialogue were also present on the part of the employers. The Ceep was much closer to Delors than Unice. Its president, Marcel Boiteux, was also the president of one of the most socially advanced state-owned companies in France, Electricité de France (Edf), and its secretary general, Werner Ellerkmann, had been a former Director General of the European Commission. Unice was divided on what path to follow after a significant change in its leadership. The Dutch secretary General Bernard Sassen was replaced by the Polish-British Zygmunt Tyszkiewicz, who had been a top manager of British Oil group, Shell. The British president of the Cbi, Lord Pennock, retired to make way for the German Karl Gustaf Ratjen, president of the industrial firm, Metallgesellschaft and of the Supervisory board of Volkswagen.

In spring 1985, Delors consulted the Etuc again when the Commission was completing the White Paper on the achievement of the internal market to be submitted to the Council in Milan in mid-June during the Italian presidency. At the inauguration of the 5th Etuc Congress in Milan, he presented the White Paper, which included a Europe of technology and a social dimension, in which the Commission would take a proactive role to maintain and develop social dialogue. In his opening speech, Debunne anticipated the position of the Etuc to the White Paper. It was generally positive but requested measures to guarantee it would not result in social dumping by creating a regional policy to balance the new liberalization of the economy. It required that the single market program would be complemented with industrial and commercial policies capable of meeting the Japanese and American challenges. Debunne's successor at the helm of the Etuc, the president of the German Dgb, Ernst Breit, supported these points adding that the single market project presented by Delors would be decisive not just to defend the European social model, but also to avoid Europe being marginalized in international economic relations²⁷.

By mid-1985, the stakes became very high for Delors as the Summit of Milan asked for the creation of an Intergovernmental Conference (Igc) to modify the European Treaties by the end of the year. At the request of the Etuc, Delors convened a new Val Duchesse meeting in mid-October to reinforce his proposals for the new Treaty. The format was very similar to the previous meeting and two working groups were created: one on

²⁷ Degryse, *1973-2013*, cit., pp. 36-37.

macroeconomic issues, including the social and employment dimension of international competitiveness, and the other on microeconomic issues focusing on how social dialogue could help the adoption of new technologies. One Commissioner headed each of the working groups: Pfeiffer for the macro group, and Sutherland for the micro group. These were prolonged as working groups, led respectively by top civil servants from the European Commission: Ludwig Schubert, a German trade unionist of the European civil service and member of Pfeiffer's cabinet, and Jean Degimbe who, as Director General of Social Affairs, ensured continuity after Commissioner Manuel Marín took this portfolio from Sutherland in 1986. Some common conclusions were submitted to the press at the meeting, revealing that social dialogue was not just a vague hope, but a concrete process agreed by the European social partners who were able to reach first agreements in the form of «common opinions»²⁸.

These tripartite working groups created the first template for how European social dialogue would work and gave public legitimacy to the two new articles introduced by Delors in the Single European Act: article 118B, which institutionalized social dialogue by opening the possibility of European contractual agreements between social partners giving a mandate to the Commission to ensure its development; and article 118A, directly linked to the upward harmonization of working conditions, in particular safety and health, but opening the door to dealing with larger issues related to the working environment. As these provisions were related to the single market they obtained a decisive shift from unanimity to qualified majority, limiting the veto power of the British government.

In 1986, the Single European Act was approved and ratified, but for the Etuc the urgency was to deliver concrete results in these fields, as the Single Market program dismantling internal barriers would begin in 1992. The Etuc requested a meeting with Delors and the other four commissioners who had contributed to Val Duchesse. In this meeting, held on 5th November, Etuc asked for the elaboration of a Social Program to be implemented in conjunction with the Single Market program, using the new Treaty's potential to enable the Commission to propose binding European regulations. Delors and Marin confirmed that they agreed, dependent on the success of social dialogue. If progress was not obtained,

²⁸ Lapeyre, *Le dialogue social européen*, cit., pp. 41-53.

the European Commission would take the regulatory road²⁹. This social dialogue in «the shadow of the law» was the key resource that adopted by the European Commission determined the success of social dialogue. The day after, in a third meeting of European social partners at the Egmont Palace in Brussels, the social partners reached their first common opinion in the macro-working group concerning the strategy of cooperation for growth and employment. This was the first time that the Etuc had adopted a common document giving the secretariat a European bargaining mandate with the Unice and the Ceep. This agreement was not to the liking of all Etuc members, but this was exactly the whole new dimension of the Etuc, an organization with bargaining power and responsibility able to reach decisions without internal vetoes.

In its action program for 1987, the Commission started to fulfil its promise by preparing directives for workers' health and safety as part of the single market program, and therefore authorized by the new articles of the Treaty. It left all other possible regulations to the concrete results of social dialogue which, on 6th March, came with the first Common Opinion in the micro-group related to training, information and consultation of workers. This was not enough for the Etuc, which raised the point of the status of these common opinions, particularly whether they would become the basis for drafting legal regulations or not. Delors confirmed that this would be the case, but only if both partners agreed on this format of legal regulation. Delors' reply took place in public at the third summit of the European Social Dialogue in the Egmont Palace during the Belgian Presidency on 7th May 1987³⁰. On this occasion, Delors had aimed at the social partners presenting publicly the results obtained at the Council, as it had to decide on the approval of any legislation submitted by the European Commission. The central issue at stake was that Unice opposed in principle giving legislative value to common opinions, which it considered as guidelines for European firms willing to engage in these issues. For the Etuc, these opinions were not just useful for preparing binding legislation, but constituted the minimum basis to extend social dialogue to sectorial and national levels on these precise topics³¹. This strong value difference was without doubt the reason for Delors' calculated ambiguity, as in a private intervention just one

²⁹ Gobin, *L'Europe syndicale*, cit., p. 267.

³⁰ J. Delors, *Mémoires*, Paris, Plon, 2004, p. 313.

³¹ Didry, Mias, *Le moment Delors*, cit., pp. 197-199.

month earlier during the meeting of the Etuc executive committee, he had reassured the Etuc of his intentions to harmonize social regulations in order to prevent the Single Market producing social dumping. Hinterscheid understood this necessary ambiguity well, as the common opinions would remain, in any case, as an indirect legitimation in case the Commission decided to change them³². Therefore, the Etuc had to maintain its commitment to social dialogue, even if no common opinion was approved until January 1990, confirming the fears of some of the Etuc members that social dialogue per se was not the quickest way to compensate the effects of the single market project.

The alternative path of regulation resumed during the Belgian Presidency from the Belgian Christian-democrat minister of Labour, Michel Hansenne. A minister of Labour since 1982, Hansenne had followed the whole debate and contributed to it until he quit to become secretary-general of the International Labour Organisation in 1989. In an informal meeting of the ministers of Labour following the Egmont Summit, Hansenne suggested setting up a pillar of fundamental rights. This pillar would provide social partners with a common and stable minimum base for European collective conventions, which would ultimately balance the internal market with a concrete social dimension³³. Britain and Denmark's blockade in the Council made this alternative road to Social Europe impracticable. The proposal was, however, not completely discarded by the European Economic and Social Committee (Eesc), where Staedlin picked up the baton. He promoted an Eesc opinion approved on 19 November 1987 (the so-called Beretta report), in which it asked for a framework directive to guarantee fundamental social rights. This social dimension of the single market was discarded again by the German Presidency of the Council in 1988³⁴.

To get around the blockade, Delors took the initiative in May 1988 in his speech at the Etuc congress in Copenhagen by publicly committing to obtain three objectives for Social Europe: the creation of a pillar of social rights, the right to lifelong training, and a status of European company which would allow industrial democracy to deepen³⁵. In order to obtain to the first two objectives, he expected social dialogue would help to deliver

³² Lapeyre, *Le dialogue social européen*, cit., p. 50.

³³ J. Degimbe, *La politique sociale européenne. Du traité de Rome au traité d'Amsterdam*, Bruxelles, Etui, 1999, p. 138.

³⁴ Gobin, *L'Europe syndicale*, cit., p. 271.

³⁵ Delors, *Mémoires*, cit., p. 314.

them. Speaking in a non-Eec country, he made clear that following the European Treaties, the convergence of social regulations did not imply a downward harmonization, but rather an upwards harmonization in order to prevent social dumping. The main justification for this social dimension of the single market was not just based on social justice arguments but also on a realist argument: without a social dimension, the potential increase of social dumping would produce social pressures blocking the liberalization of the single market project. This fear was confirmed by the president of the Etuc in his speech, Ernest Breit: the Etuc members could only support the single market project if they obtained guarantees against social dumping. These guarantees were not yet met, and therefore the expectations remained high³⁶.

During his intervention at the Hannover Summit of 27th-28th June ending the German Presidency, Delors introduced the social dimension by asserting that despite the progress of social dialogue, European workers feared the effect of the deregulations of the single market project. It was not only necessary to give a political signal by supporting growth through structural policies, but also by favouring social dialogue in the fields of information, consultation and collective bargaining. Thatcher reacted to his exposition by saying that the economic liberalization amounted to job creation, and therefore no social policy was necessary, citing the British example, and stating that «workers are like any other people», expressing her hostility to any concession to European trade unions. But Kohl supported Delors' proposal and the final statement recalled that any social harmonization would be only upwards. The European Council invited the European Commission to intensify the social dialogue, at the same time that it renewed Jacques Delors' mandate as president of the European Commission³⁷.

This political offensive carried out by Delors continued on 8th September 1988, when he accepted the unprecedented invitation by the British Tuc to deliver an opening speech to the National Congress of the British Tuc in Bournemouth. Existing research confirms that this speech was the turning point in which the Etuc engaged with European integration, abandoning its Eurosceptic position. This European turn of the Etuc's biggest member is the most telling example of how trade unions chose

³⁶ Lapeyre, *Le dialogue social européen*, cit., pp. 56-57.

³⁷ Delors, *Mémoires*, cit., pp. 333-334.

Europe to compensate for their serious weakening at home³⁸. In this case, the Tuc's most relevant expectation was that it would deliver the European Company Act which would provide rights of consultation to maintain the power of trade unions in companies, given the increasing decline in sector-bargaining. This was one of the same three commitments that Delors had mentioned in Stockholm and repeated to the Tuc. Thatcher perceived it as a personal challenge following the clash at the European summit, and it directly influenced her famous speech a few months later at the College of Europe. This Eurosceptic manifesto ultimately initiated the schism regarding Europe within the Conservative Party, leading to her demise and later substitution as prime minister by John Major.

For the time being, however, she was the main obstacle to Delors' strategy of getting the pillar of social rights approved together with a concrete program of social directives to implement it. On 14th September, an interdepartmental working party of the Commission published a first proposal of both issues, but instead of sending the Charter task to the social partners, Delors and Marín chose on 9th November to request an opinion on the pillar of Social Rights from the European Economic and Social Committee. Staedlin managed in February 1989 to pass a text based on the Council of Europe's Social Charter of 1961, regarding the rights of workers. The Commission very quickly submitted the new approved text both to the Parliament and to the Council during the Spanish Presidency. The Spanish minister of Labour, Manuel Chaves, a professor of labour law and leader of the Spanish Ugt, brought it to the informal Council of ministers of Labour in Seville, which approved it in March with the opposition of the UK. He also asked the Commission to submit an action program to implement it. In parallel, in its plenary session in March 15th the European Parliament issued the «Gomes Resolution» which called for the adoption of a binding Charter of Fundamental Social Rights³⁹.

The Etuc was not very enthusiastic about what it saw as a non-binding instrument and Breit wrote on 15th March to Delors to express his misgivings about this strategy of adapting a solemn declaration of the European Council. Delors replied that this was the only politically viable option at the Council and that the Social Charter had been elaborated by

³⁸ R. Hyman, *British Trade Unions and the Etuc*, in *National Trade Unions and the Etuc*, cit., pp. 95-119.

³⁹ Lapeyre, *Le dialogue social européen*, cit., pp. 73-75.

the Commission on the basis of the Opinion of the Eesc, and would be supplemented by an action program that the Commission was preparing for the start of the French Presidency of the Council⁴⁰. The ball passed again into the friendly hands of François Mitterrand, who met the Etuc in July, asking his adviser for European Affairs, Elisabeth Gigou, to take responsibility for its successful achievement. She created a High Level Expert Group to work on a new draft of the Charter on the basis of the one presented by the Commission in September. The French presidency submitted its new draft to the ministers of Labour, who discussed it on 30th October, before it was forwarded to the Head of States and government for the European Summit of 8th-9th December in Strasbourg.

In parallel, the Etuc put pressure on the new Commissioner for Social Affairs, the Greek socialist Vasso Papandreou, and the director general of Dgv, Degimbe, to ensure that the promised action program had been internally approved by the Commission before the Summit, where it would receive political endorsement, together with the Charter. The College of Commissioners approved on 29th November the Social Program of 45 draft directives in the areas of employment, industrial relations, social affairs and training to be approved in the next two years, in such a way that they would constitute an efficient social dimension parallel to the achievement of the single market by 1992. For its approval, Delors had to make some internal compromises in the college, which were not to the liking of the Etuc, which contested publicly that in some of the most important issues included, the legal instruments for the effective implementation of the social rights of the Charter were not specified. Furthermore, proposals in some crucial fields for genuine transnational industrial relations were excluded (right to association, collective bargaining and collective action), when in their view article 118B could have provided a legal basis for them⁴¹.

Unice's statement about the draft Charter was symptomatic of the step forward made by Delors. It was considered to be an inadequate document, whereas the Social Action Program was seen as a disguised attempt by the Commission to go beyond the Treaties with an extensive application of Article 118A of the Single European Act in order to use qualified majority voting for elements only remotely related to working conditions. Unice stated that the Commission was clearly acting to satisfy the Etuc and the

⁴⁰ Iish, Etuc, b. 2304, Letter from Delors to Breit, 2.6.1989.

⁴¹ Didry, Mias, *Le moment Delors*, cit., pp. 268-270.

Parliament⁴². As if this was not enough, internal discussions in the British government made it clear that Thatcher was so hostile to both elements that she was ready to oppose it at any price. This is exactly what happened in the Strasbourg Summit on 8th-9th December, where the other Eleven approved the Charter and the social action program without the United Kingdom. Delors even tried, unsuccessfully, to sign the declaration on behalf of the European Commission, but the UK blocked this attempt arguing that this was legally impossible as the declaration lacked unanimity. This is the reason why the proclamation of the Charter did not reach the category of a solemn declaration of the European Council, unlike the Stuttgart declaration when the Commission was allowed to co-sign the Declaration with the member states. The British government argued that it would have been ready to sign a modified text, which was prepared for communication purposes at the personal request of Thatcher, who considered that «the tactical objective should be to minimise the discussion in the Council and leave the Charter to be quickly forgotten»⁴³. She argued that the Charter was not binding and was just a symbolic gesture for Mitterrand's internal politics and the other socialists in power at the Eec, to give the impression that the Single Market had a social dimension. However, the Permanent Representative of the UK in Brussels, David Hannay, in his conclusions about the French Presidency could not hide the anger about having been isolated on this point, calling the Charter «a miserably ill-conceived venture». In his opinion, the British veto had succeeded in emasculating it, as without unanimous approval it «is of little practical use for future policy and legislative purposes», and the real danger now was in the social program which included «distinctly troublesome» measures. He counted on blocking these one by one with *ad hoc* alliances in the Council, and more in general by invoking the principle of subsidiarity, which would recommend that some of them were carried out either at the national level, or by private agreements between social partners⁴⁴.

3. *The bumpy road to the Maastricht Social Chapter (1990-1992)*. As Thatcher expected, the Strasbourg Summit of December 1989 had little

⁴² Lapeyre, *Le dialogue social européen*, cit., p. 75.

⁴³ British National Archives, PREM19-2668, Note of Charles Powell, diplomatic adviser of Thatcher, on the European Council of Strasbourg, 1.12.1989.

⁴⁴ Ivi, Report from David Hannay to Foreign Office on the French Presidency and the Strasbourg European Council, 28.11.1989.

space to discuss the Charter and Social Action Program in detail, because the whole Summit had been strongly shaped by Helmut Kohl's speech at the Bundestag announcing the conditions for the reunification of Germany, and the central issue became the eventual European Council support for reunification. According to Roland Dumas, the foreign affairs minister of Mitterrand, and confirmed by the historiography, the crucial European point during the Summit for Mitterrand was to obtain, in exchange for public support for German reunification, the public commitment of Kohl to the launch of an Intergovernmental Conference for European Monetary Union before the end of 1990. This general commitment became more concrete during the subsequent Italian Presidency when Mitterrand and Kohl, pressed by Delors, proposed to set up not one but two Igcs before the end of the year: one on Emu and the other on Political Union. The path to what became the Maastricht Treaty was now open, even when most contemporary attention was drawn to the fall of the Berlin Wall, which suddenly opened up the possibility of a reunification of Europe within the process of European integration⁴⁵.

As Hannay correctly reported to London, in Brussels the Etuc (in a resolution of 15th December), and also the European Parliament (in the Buron Report adopted on 22 November), were not really satisfied with the result of the Strasbourg Summit, but this was the most that the European Commission was able to deliver in an institutional system based on unanimity. The first meeting to discuss the way forward between Delors, Papandreou and the Etuc was on 31st January. The Commission committed to submitting the announced social legislation program before the end of 1991 attempting to make use of the Single European Act, in particular 118A. The clear intention was to circumvent unanimity, but with great care to not overplay this in order to avoid not just a blockade in the Council, but also a possible case at the European Court of Justice (Ecj) which might reduce any future leeway. Delors asked European trade unions to use their own role as social partners to obtain results through the social dialogue in order to use the principle of subsidiarity in a positive way for their own objectives⁴⁶.

This request of the Commission to the Etuc raised a key issue about the

⁴⁵ J.-M. Palayret, *The French Road to European Monetary Integration during the Maastricht Treaty Negotiations*, in *Back to Maastricht*, ed. by S. Baroncelli, C. Spagnolo, S. Talani, Cambridge-Newcastle, Cambridge Scholars Publishing, 2008, pp. 242-266.

⁴⁶ Note by Jean Lapeyre on the meeting, 8.2.1990, quoted in Lapeyre, *Le dialogue social européen*, cit., p. 83.

way that European trade unions had to transform in order to be able to match the higher expectations deriving from the Treaty reforms and a prospective enlargement to Nordic and Central Europe. Already at the Etuc's Stockholm Congress, the Polish trade union, Solidarność, had for the first time been invited as an observer to the Congress, together with Comisiones Obreras, which in 1990 saw its full accession to the Etuc approved. However, in order to dance the social dialogue tango, the Etuc needed a partner, and Unice was clearly resentful of what they considered a step in the wrong direction with both the Charter and the Social Program. It was not a surprise that it initially blocked the social dialogue for the first half of 1990, leading to the complaint by the Etuc to Papandreou that faced with this permanent blockade, the Commission played its legislative card⁴⁷. A smart shift on the part of the Etuc to put pressure on Unice was the signing on 6th September 1990 with the Ceep of a first framework-agreement on new technologies and professional training in two industry sectors, energy and transport, where European state-owned companies had substantial weight. This provided the Commission with a positive example that social dialogue was a viable option if the employers were willing to reach an agreement.

The opportunity to have a direct voice in the Igc for Treaty reform appeared in the form of a meeting between Delors, Papandreou and the Etuc on 21st December 1990 analyzing how to expand community competences in social policies reducing unanimity and introducing social dialogue in the Treaties. Etuc and the Commission decided to suggest to the Ceep and Unice the creation of an *ad hoc* high level group which would prepare a common document for the Igc on European Union in order to suggest their proposals for Treaty reform. This was formally accepted at the meeting on 25th January 1991 of the managing group of the Committee for Social Dialogue at the initiative of Commissioner Papandreou, even though Unice reluctantly agreed to some delay to this exercise which it had initially rejected⁴⁸.

Indeed, the initial positions about the Treaty reforms in the Unice and the Etuc were very far apart. This emerged clearly in their respective communications with the Council for the starting point of the Igcs under the Italian Presidency in mid-December 1990. The common declaration

⁴⁷ Iish, b. 2136, Letter from Hinterscheid to Papandreou, 27.6.1990.

⁴⁸ Lapeyre, *Le dialogue social européen*, cit., pp. 101-103.

of Unice signed in Rome on 4th December 1990, made clear its limited trust in the Commission. More specifically regarding the social legislation, Unice expressed its concern with the implementation procedures of the social action program, complaining that Commission proposals had arrived late and had an «uncertain and doubtful legal basis, without always respecting the principle of subsidiarity». So it requested the Igc to reform the Treaties, strengthening the principle of subsidiarity and asking the Commission to improve the procedures for the elaboration of directives. In particular it suggested issuing Green Books as the basis for the consultation process, which would include impact assessments, together with a «new approach» to directives. This would only provide broad principles, leaving the implementation at national level either to legal regulations or collective bargaining in order to respect the diversity of social models. More generally it asked that the opinions of European businesses be taken into consideration, not just in the framework of the social dialogue but also on bilateral meetings⁴⁹. The general tone of the common declaration, signed by its new president, the Spaniard Carlos Ferrer Salat, each of the presidents of national employers federations and a few top industrial associations, was in favour of deeper economic and monetary integration, but did not go very far on the institutional dimension, as it defined the whole process as a deepening of a successful «economic cooperation». This contrasted with the Etuc request to the Igc, signed by its secretariat at the Etuc's Executive Committee meeting in October 1990. Drafted by Jean Lapeyre, the proposal was based on the democratization of political union, defined as the path towards a federation of the member states of the European Community. Therefore, one of the objectives of the conference was to balance economic integration with stronger social and environmental policies, by abandoning unanimity in these two fields. The most audacious, however, was the request to give a constitutional mandate to the European Parliament in association with national parliaments for the creation of the European Political Union. It considered Emu as an instrument to improve living standards, and the Treaty had to insert four guiding principles: continuous growth, full employment, price stability and socio-economic cohesion. On the economic side, the Etuc advocated that the Commission be endowed with legal instruments for the coordination of competencies in

⁴⁹ Haeu, EN-516, Unice, Communiqué de Presse, *Déclaration des milieux d'affaires européens: La «Nouvelle Europe» entre en action*, 4.12.1990.

the field of macro-economic and structural policies. As far as the monetary dimension was concerned, the European Central Bank had to become a federal institution accountable to the Council and the European Parliament, which would appoint its governing board. Ecb action would be guided by the above-quoted guiding principles without giving priority to any of them, such as price stability. The Etuc went even further: it sent precise amendments to the Single European Act aiming at the democratization of the new economic, social and environmental policies of the Communities. For the social articles, it asked for a qualified majority extended beyond health and security towards employment policies, labour law, working conditions, equality of treatment, lifelong training, social security, health, trade union laws, information and consultation and working environment. An additional paragraph in article 118A included the obligation for the Commission and the member states to ratify all the Ilo conventions before the end of 1992⁵⁰.

These were the respective points of departure of the Unice and the Etuc in the *ad hoc* group of the social partners for the reform of the Treaties, which met intensively in order to elaborate a common position for Treaty Reform before the 29th April. For that date, a Summit of the Social Dialogue was scheduled in the framework of the Presidency of the Council led by Luxembourg and its dynamic minister of labour, Jean-Claude Juncker, who had been in this position since July 1984 and therefore was perfectly aware what was at stake in the negotiations. It was in that meeting that a decisive turn was taken by Unice to start engaging with the drafting of a common contribution. Faced with three proposals for reforming the Treaties in the field of social policy on the part of the European Commission, the Luxembourg Presidency, and the minister of Labour of Belgium, Luc Van den Brande, it decided to accept the challenge in order to influence the process. However, the process of conversion of the employers' association to the social dialogue found opposition from the British employers association (Cbi) supported by the Greek and Portuguese sections. This paralysis in Unice to obtain in May and June a mandate from all its members – the French, Italian, Belgian, Spanish were favourable – was broken, again, by the Ceep, which signed a common letter with the Etuc to inform Delors

⁵⁰ Ivi, M. Hinterscheid to the President of the Council, *Conférences intergouvernementales sur l'Union économique et monétaire et sur l'Union politique: Propositions de la Confédération européenne des Syndicats pour la réforme des traités*, 5.12.1990.

and the Presidency of the Council, the prime minister Jacques Santer, of their intention to deliver a draft text for the social chapter of the Treaty. The Unice reacted by stating that it desired a halt to the expansion of European competencies on social affairs, and perceived any agreement in the framework of the social dialogue as blocking any regulatory action of the Commission. On this basis, it accepted in extremis to sign a common letter of commitment to deliver a common text, sent on 27th June, just before the start of the Dutch Presidency, in charge of coordinating the final Treaty negotiations⁵¹.

The history of the Etuc also took a decisive turn during its Luxembourg Congress of 13th-17th May 1991, whose main aim was its reform into a functioning European trade union with the capacity to negotiate on behalf of its members. The reform had been started more than one year earlier in the working group «A more efficient Etuc» headed by the Dutch Johan Stekelenburg from Fnv. As in Unice, the nationality of those at the forefront of reforms were the Italians followed by the French, Belgian and Spanish trade unions. The Italian proposals were the most audacious and had the advantage of being united in spite of the diverse backgrounds of the trade unions. Facing a loss of ground nationally, a European trade union endowed with the means to efficiently balance the transnational turn of business and states was perceived as necessary. In practical terms, this meant the capacity to negotiate European transnational framework agreements on behalf of its members and with a greater integration and institutionalization of industry committees. The trickiest element was the suggestion to create an Etuc Presidency Committee elected at the congress, where the secretariat and its secretary general would change from being a technical body into an executive with representative role vis-à-vis social partners and European institutions. This implied that the Presidency would lose its executive role to the Etuc Secretary General. In the internal debate, the Italian candidate from the Cisl, Emilio Gabaglio, was supported by the reformers, and more decisively by Breit, who imposed his views over those of the Dutch candidate, Johan Van Reens, supported by the Tuc president, Norman Willis, who became the new President of the Etuc. One of the most important resolutions of the Congress requested the transformation of the Eec into a European Union by adopting the form of a «democratic and political, social and economic federation». Last but not least, it started

⁵¹ Dolvik, *Redrawing Boundaries of Solidarity?*, cit., pp. 200-201.

to prepare itself for its enlargement to Central-Eastern Europe with the creation of the status of observer, and a trade union forum to integrate the new members, under the leadership of the German Dgb⁵².

The Etuc Congress publicly supported the introduction in the Treaty of social dialogue, ultimately achieved during the epic negotiations of 30th-31st October, which delivered a common opinion on the reform of the Treaties. The Ceep played a crucial role with the Belgian and German members of Unice, making the agreement of the employers possible. The social partners asked to introduce the articles 118 (4) and 118A and 118B of the Treaty as presented in their letter sent on the 31st to the Dutch prime minister, the Christian-democrat Ruud Lubbers. The crucial achievement is considered to be that for the first time it was agreed that the results of social dialogue were able not only to be implemented by the social partners in member states, but that they would be sent to the Commission for its submission to the Council for direct transposition into European legislation. On 5th-6th December, Etuc's new executive committee approved a resolution that not only supported this agreement, but also pleaded in favor of the extension of community competences in the social dimension to be decided by qualified majority voting⁵³.

These ambitious requests to the Maastricht Treaty negotiations were directly opposed by the United Kingdom represented now by John Major, who had substituted Margaret Thatcher as prime minister a year earlier. He appointed Michael Howard as minister of Social Affairs and Employment, who made it clear during his intervention at the informal meeting of EC ministers for social affairs on 22nd-23rd September, that the stakes were very high for the United Kingdom and pleaded to avoid any upwards harmonization of labour law during the Treaty negotiations. He argued that this would increase labour costs and would be counterproductive in creating jobs when monetary union limited any future devaluation, the new markets of Eastern European countries would attract foreign direct investment, and, last but not least, would prevent the poorer Eec economies from competing within the single market. He made it clear that the UK believed there were only two areas (free movement of workers and health and safety) where there should be a European policy, meanwhile the rest had to remain in control of member states on the basis of subsidiarity and democratic

⁵² Moreno, Gabaglio, *El reto de la Europa social*, cit., pp. 133-153.

⁵³ Lapeyre, *Le dialogue social européen*, cit., pp. 108-111.

accountability to parliaments, citizens and workers. He attacked the draft Treaty submitted by the Dutch presidency on the basis of the proposal of the social partners, because it expanded the concept of working conditions to include information and consultation, and vocational integration of the unemployed. He also made aware that the House of Commons and the House of Lords had recently discussed the issue and desired to maintain national control over social policies⁵⁴.

The opposition of the British Parliament was of great importance for the future of the whole Treaty because as John Major told Lubbers in their earlier bilateral meeting in London before the Summit in November, maintaining the social provisions of the Draft Treaty might prevent approval by Parliament. This was his reply to the statement by Lubbers that the majority of the Heads of State and government «support for the text as an essential part of political union» and therefore the Dutch prime minister «excluded the possibility of removing the chapter altogether and thought that the other member states would not readily agree to taking a step backwards». However, most relevant for the British in the short term, was that the Dutch Presidency also avoided using majority voting to approve in the Council a directive on working time, because it would create a *casus belli* for the British opponents to the new Treaty making it impossible for Major to agree to any social provision⁵⁵.

As expected, the United Kingdom during the Treaty negotiations ultimately opposed only the social provisions. Major's caveats were not just a negotiating tactic. The British cabinet was divided on this point with Howard on the side of those ready not to sign the Treaty and Douglas Hurd, Foreign Affairs minister, favourable to signing in exchange for concessions on maintaining unanimity. The unacceptable elements were not just that the new article 117 on social objectives were couched in a very open-ended way, but also that the obligation to pursue these objectives was not only for the member states, but also for all European institutions. Moreover, article 118 expanded qualified majority voting beyond health and safety to information and consultation of workers, equal treatment, equality of access to the labour market. They were satisfied that unanimity

⁵⁴ NA, Prem 19/3866, *Remarks given by Mr. Michel Howard, UK Secretary of State for Employment at the Informal meeting of the EC Ministers for Employment and Social Affairs, in the Netherlands on 22nd-23rd September 1991.*

⁵⁵ Ivi, *Note from Stephen Wall, Private Secretary of the Prime Minister, Prime Minister's meeting with the Prime Minister of the Netherlands: 22 November 1991.*

was still maintained for social security and social protection, and some aspects of trade union law such as co-determination, financing promotion of job-creation and the employment of third-country nationals. However, they became new European competencies, which would be subject to pressure later to pass from unanimity to qualified majority voting. Even when article 118 listed explicit exclusions from European competencies in rights of association, pay and strikes, the Conservative government found it «clearly unacceptable» that article 118A gave a quasi-legislative role to the European Social partners in any of these new fields of social policy, and that art. 118B gave legal force to European collective agreement⁵⁶. On these grounds, Major threatened during the two-day summit to block the signing of the Treaty, outraging Mitterrand. Kohl initially tried to convince Delors to give away by postponing the debate of the social chapter to the next Treaty reform in 1996, but the French resisted the alternative of giving way on the extension of competencies. Delors requested confirmation from the director of the legal service of the European Commission, Jean-Louis Dewost, that an opt-out from one member state would still allow a general application of Community law. Once legally secured, he suggested directly to Major to request this opt-out which was similar to the one obtained already by the UK for Emu⁵⁷. This was not the preferred option of the Dutch presidency, which had presented a diluted agreement in the context of the discussion to avoid the opt-out. Major had even played with the idea of signing the Dutch proposal, but Michael Howard would have threatened his resignation opening an undesirable break in the heart of the Conservative government weeks before a general election. Mitterrand preferred to obtain an ambitious social chapter to give flesh to the Social Charter at eleven rather than an agreement at twelve with diminishing ambitions⁵⁸. Therefore, it is not by chance that John Major sent a personal letter to Mitterrand after the Summit in which he thanked him for «the understanding you showed this week on our very real difficulties over the Social Chapter in the draft Treaty» as the opt-out made the prospect of ratification feasible in Britain⁵⁹.

⁵⁶ NA, Prem 19/3317, *Confidential and personal note for Stephen Wall by David Hadley, Department of Employment, Social chapter: options for Maastricht*, 18.11.1991.

⁵⁷ Delors, *Mémoires*, cit., pp. 367-368.

⁵⁸ NA, Prem 19/3740, *Kohl's Bundestag Statement on the outcome of Maastricht*, 13.12.1991.

⁵⁹ Ivi, *Major to Mitterrand*, 13.12.1991.

The Etuc had of course continued its pressure on national governments to avoid giving way to the British requests. In November, Gabaglio and Willis had organized a tour of capitals meeting most members of the European Council to defend their positions. Furthermore, the executive committee of the Etuc issued a communication on 27th November in which they threatened a campaign of industrial action and opposition to the Treaty if the social dimension were postponed due to British pressure. They even organized an executive committee on 5th-6th December in Amsterdam where Lubbers was asked to intervene a few days before the Summit. The Etuc's lobbying did not stop at Maastricht, but continued shortly afterwards, as the Dutch Presidency aimed to carry out some modifications on the Social Chapter⁶⁰. Indeed, it was not standard practice to proceed to modifications of the original conclusions of the Presidency after the Summit. Lubbers argued in a letter to the members of the European Council that on the basis of the elements discussed during the Summit, and the bilateral meetings he had had with each member of the European Council, this would facilitate a quick adhesion of Britain. The diluted Dutch proposal introduced new elements limiting indirectly the powers of the European Commission and the extension of qualified majority voting. On the one hand, each piece of legislation presented by the Commission, including those of the social dialogue, would require a report with an impact assessment on employment and national budgets. This responded to the criticism raised by Major with Lubbers in bilateral meetings that European social policies might have a negative impact on these two areas. The second modification also intended to deal with another British complaint: limiting the expansive interpretation of Article 118 by the European Commission, in order to regulate areas which required unanimity by qualified majority voting. This modification, surely inspired by the tense debate over the working-time directive, that the Dutch had wisely withdrawn from the vote at the last moment, required unanimity even when the directive dealt indirectly, and not just directly, with policy fields which required unanimity⁶¹. It is difficult to say whether this was just an initiative of the Dutch presidency or a last-minute request of Major in order to obtain the agreement of the whole cabinet, and later

⁶⁰ Ciampani, Gabaglio, *L'Europa sociale e la confederazione europea dei sindacati*, cit., pp. 91-92.

⁶¹ NA, Prem 19/3740, *Restricted communication from Dutch Presidency to members of the European Council on the Social Chapter of the Treaty*, 13.12.1991.

of Parliament, considering that the Labour opposition was in favor of Britain accepting the social chapter. As argued by the shadow Secretary of State for Employment, Anthony Blair, this would have no implications for the existing UK labour law⁶². A note written by Major's private secretary, Stephen Wall, on 12th December 1991 suggests that this was a petition made by Major to Lubbers, who would have accepted⁶³. This last attempt to dilute the social chapter was successfully prevented by Delors and his legal adviser, François Lamoureux, who found firm support from Mitterrand, Kohl and Giulio Andreotti, to block this last desperate attempt to reduce the social ambitions of the Treaty⁶⁴.

Unice was furious with the final result of Maastricht, not only because the opt-out limited the veto capacity of the British upon most legislation given the extension of areas for qualified majority (in particular the inclusion of working conditions and information-consultation), but also because the calculation rules for qualified majority voting had been modified by the Treaty, and therefore it required the support of fewer countries to pass a directive. On its part, the Etuc evaluated the Maastricht Treaty in the meeting of the Executive Committee on 5th-6th March 1992, where Delors presented the results of the Summit. After that meeting, the Etuc issued a declaration of critical support to the Treaty. The Etuc considered Maastricht a progressive turning point in the history of European integration, even when Emu was not balanced enough by stronger social and political dimensions. As the Treaty foresaw its own revision by 1996, the Etuc was confident that a federalist twist would be achieved before a new enlargement took place. It expressed disappointment at the non-inclusion of Parliament powers in Emu, even if the creation of the Committee of Regions was a first step, together with the creation of the concept of European citizenship. The Etuc praised the Social chapter, which was considered a defeat of the anti-social dogmatism of the British government, isolated in its opposition. This was, of course, the minimum acceptable for the Etuc, in regard to the enlargement of qualified majority voting. It regretted that a community competence on migration was not included, crucial for the social dimension and to avoid discrimination amongst workers. On the

⁶² Ivi, from the Permanent Representative John Kerr to Stephen Wall, *Maastricht: the «Social Chapter» and the UK labour law*, 16.12.1991.

⁶³ NA, Prem 19/3740, *Internal note by Wall on European Council*, 12.12.1991. In the achievements of Britain in the Treaty it was handwritten in the margins (Now-Social dimension).

⁶⁴ Lapeyre, *Le dialogue social européen*, cit., p. 111.

Emu, it gave a positive evaluation, but revealed its concern that there were few common economic policies compared to the monetary dimension, contesting that the European Central Bank was not politically accountable. The neoliberal economic concepts were somehow called into question with the approval of the package relating to social and economic cohesion, which would have to count on the association of European social partners. Last, but not least, the Etuc requested all its affiliates to support ratification by actively participating in all public debates and launching initiatives to prepare already the debate of the 1996 reform⁶⁵.

In conclusion, the Delors period marked a turning point in the relationship between European trade unions and European integration. The qualitative step forward of the European social dialogue helped them to partially overcome a period of devastating defeats at the national level. Moreover, the collapse of the Berlin Wall brought even surprising applications to join the Etuc, such as the letter sent on 7th May 1991 by the secretary-general of the Communist Cgt, Henri Krasucki⁶⁶. That the leader of this stronghold of the French Communist Party, and former vice-secretary general of the World Federation of Trade Unions directly controlled by the Soviet Union, requested to join the new European trade union just a few days before their Luxembourg Congress revealed that the time for Europeanisation had arrived to all trade unions, including those historically hostile to the process of European integration. This period made the Etuc the sole reference point for all trade unions in Eec countries, and candidate countries. It was not just the lack of an alternative to the Etuc that mattered, but also whether there were concrete results for European workers. The Etuc was right because in 1997 the newly elected Labour prime minister, Anthony Blair signed the Social Protocol on behalf of Britain during the negotiations for the Amsterdam Treaty where a chapter of employment was included at the request of the newly elected Socialist government of Lionel Jospin. It was also correct, because just after Maastricht many initiatives started to succeed now that the veto had been removed in social matters. If we follow the British case, the working-time directive was ultimately approved in 1993, creating the first universal regulation of working hours in that country, whereas the European Works Council directive of 1994 also

⁶⁵ Moreno, Gabaglio, *El reto de la Europa social*, cit., pp. 182-183.

⁶⁶ Roccati, *Europe and the Divisions of French Trade Unionism*, cit., p. 61.

succeeded where the Vredeling directive had failed one decade earlier⁶⁷. European trade unions found an additional resource in the Etuc and European integration in their survival strategy. This is still an institutional space that cannot be abandoned in the name of a hypothetical national sovereignty, which most trade unions relinquished when they supported both the transformation of the Etuc into a real transnational trade union, and the European Union as a common political project. Whether the bottle is half full or half empty depends on the historical context from which we view it. Revisiting this period confirms that this was a positive step forward for the European integration of trade unions, which left a lasting legacy of ideas and debates still with us, and deserves to be considered seriously for its successes and defeats. Pretending that weakened national trade unions would have obtained more by refusing to support the Treaties in a moment when they were under serious attack and suffering mounting defeats in the context of the fall of the Communist bloc, is wishful thinking that the European trade union movement was unable to afford when looking at the decade of defeats before 1985. From today's standpoint it might look as if it was insufficient to counter the rise of globalization and neo-liberal hegemony during the 21st century. In our opinion, this was neither the result of an inadequate Treaty, nor of the trade unions who sold their soul for some meager concessions. This was, instead, contingent with the limited political capacity of the partisans of Social Europe to fully develop the potentialities of a political compromise which provided a promising starting point. This was the magic recipe which would solve all problems of European construction at once, torn by the structural contradictions created by capitalist transformations and their impact on national interests and trade union cohesion, which weakened the potential for a deepening of the social dimension⁶⁸.

⁶⁷ Hyman, *British Trade Unions and the Etuc*, cit., p. 115.

⁶⁸ For a recent overview, see S.M. Ramírez Pérez, *¿Esperando a Godot? Los ciclos de la Europea social en la historiografía de la integración europea*, in «Lavoro e Diritto», XXIV, 2020, 3, pp. 369-393.

