

Workshop ‘Trade unions, democracy and political power in France, the UK and Europe’

Oxford, Thursday 30th May 2019

Co-hosted by La Maison Française d'Oxford/European Studies Centre, St Antony's College/the Europaeum association

Venue: Maison Française d'Oxford (MFO), 2-10 Norham Rd, Oxford OX2 6SE

Draft programme (20 May 2019)

Thursday 30th May - Workshop

0830 Registration - Tea & coffee

0900 Welcome from MFO/ESC

Keynote address: [Paul Novak](#), Deputy Secretary General of the British Trades Union Congress (TUC)

The British trade union movement today

1000-1145 Panel I Relating to France

Chair/Discussant – Agnès Alexandre Collier (MFO)

Dominique Andolfatto (Uni de Bourgogne)

When unions make public policy

Sylvie Contrepois-Crespita (Centre de Recherches Sociologique et Politiques de Paris)

Macron's reform and trade union power in the field of health at work

Darragh Golden (UCD), Roland Erne (UCD), Élodie Béthoux (ENS, Paris)

A Primordial Attachment to the Nation? French and Irish Trade Unions in Past EU Referendum Debates

Lorenzo Cecchetti (Università di Bologna)

The European Court of Justice role (ECJ) in enhancing trade union power in Europe

1145-1200 Tea & Coffee

1200-1300 Discussion ‘The Gilets Jaunes movement’

Chair – Barry Colfer (Oxford)

Discussant – Yoann BAZIN (EM Normandie, Oxford)

1300-1400 Lunch

1400-1545 Panel II Union strategies

Chair/Discussant – Thomas Prosser (Cardiff)

Martin Štefko (Charles University, Prague)

Legal changes in the Czech Republic relating to the organisation of trade unions

Rolle Alho (University of Helsinki)

Whose interests? A Comparative Study on Trade Union Responses to International Migration in Finland, Ireland, and Portugal

Eusebi Colàs-Neila (Universitat Pompeu Fabra)

Pension Reform, Trade Union Participation and New Forms of Collective Action in Spain

David Coats (University of Leicester/Smith Institute)

Good Work and Worker Voice: A Provocation

Tea & Coffee 1545-1600

1600-1630 Address by [Esther Lynch](#), European Trade Union Confederation Confederal Secretary – Perspectives from the 14th ETUC Congress in Vienna (21-24 May 2019)

1630-1815 Panel III Labour markets - global perspectives

Chair/Discussant Richard Hyman

Julia López López (Universitat Pompeu Fabra)

Conflict as regulation: union solidarity against the uberization of labor markets.

Dario Cositore (Universitat Pompeu Fabra)

Political participation and local, national and international assemblies

Pieter Pecinovsky (KU Leuven),

The right to collective bargaining of economically dependent workers in the digital age

Jordan Brown (St Andrews)

The Normalcy of Militancy: Reframing the UWC and UCS in an Era of Radical Activism

1815-1830 Tea & Coffee

1830-2000 Roundtable discussion - The future of the labour movement in Europe

Chair Barry Colfer (Oxford)

Esther Lynch (ETUC), Richard Hyman (LSE), Dominique Andolfatto (Uni de Bourgogne),
Julia López López (Universitat Pompeu Fabra), Thomas Prosser (Cardiff)

2000 Ends

Abstracts

Panel I

Dominique Andolfatto – Uni de Bourgogne

When unions make public policy

The relationship between trade unionism and politics has been a very traditional issue since the industrial revolution and the development of democratic societies. We propose to examine it from a new perspective. It is no longer a question of decoding the links between trade unionism and ideologies or political parties. Nor is it a question of differentiation between professional and political action. What seems new is the fact that some labour reforms are now being built by the government and trade union organisations. In France, this is the consequence of a 2007 reform that makes it able the French trade unions to draw up a reform agenda regarding particularly trade union representativeness, collective bargaining (law renewing social democracy in 2008, law on social dialogue in the civil service), the financing of trade unionism (law on professional training, employment and social democracy). This communication proposes to analyse the making and the implementation of these various reforms and, through it, to understand the new nature of trade unionism.

We could talk about a new style of corporatism that has succeeded in asserting its conception of social democracy. This social democracy is now under the control of a cartel of trade union organisations (this ‘model’ is very similar than the one of Katz and Mair for political parties). It also tends to make unions less dependent on their members. It therefore confirms their institutionalization and the professionalization of their leaders. Of course, this new ‘model’ does not exclude tensions with the government. When reform projects are not appropriate for trade unions, they refuse negotiation and favour collective action (demonstrations or strikes). But in recent years, this strategy has failed and unions finally prefer face-to-face negotiations and preserve their cartel.

Sylvie Contrepois (Centre de Recherches sociologiques et politiques de Paris)

Macron’s reform and trade union power in the field of health at work

During the last months of 2017, the new president Emmanuel Macron imposed by orders a deep reform of the Labour Code, facing a massive popular opposition. The orders targeted in particular the articulation of the different levels of collective bargaining, the workers representation system, the regulation of dismissals, the employers obligations in the fields of health and safety at work and the regulation of particular forms of work organization such as telework.

When articulated among themselves, these provisions have the effect of undermining the new forms of power that the trade union organizations had gradually established within companies, relying on the prerogatives conferred on them by the Auroux Acts of 1982. These new forms could rely in particular on the arrangements put in place in the field of health and safety at work.

The Macron orders result precisely in considerably modifying the balance of forces in this field. In particular, they transform the way in which occupational risk prevention strategies are developed, they modify the conditions of intervention of employee representatives in the event of industrial accidents and / or occupational diseases and make it more difficult to use external expertise to assess the risks associated with organizational changes.

It is currently too early to establish a detailed account of the effects of the implementation of Macron orders on trade unions organisations power within companies. An initial analysis can, however, be sketched out from a careful examination of the adjustments made by the latter in the field of occupational health.

This is such a first analysis that we propose to present here. We will rely on qualitative material that we collected in companies between November 2017 and February 2019.

**Darragh Golden (University College Dublin), Roland Erne (University College Dublin),
Élodie Béthoux (ENS, Paris)**

A Primordial Attachment to the Nation? French and Irish Trade Unions in Past EU Referendum Debates

The objective of this paper is to contribute to a better understanding of the dynamics that are driving EU politicisation and the rising Euroscepticism of workers and unions in the public sphere. One explanation frames the rise in Euroscepticism in cultural terms, emphasizing workers' alleged primordial attachment to their nation. A second uses socioeconomic frames, linking growing Euroscepticism to the increasingly neo-liberal direction of the EU. The weight of these competing frames in the referendum campaigns on the EU Constitution in France and the Lisbon Treaty and the Fiscal Treaty in Ireland cannot be measured easily, as the categorisation of a phrase as socioeconomic or cultural is in itself subject to political classification struggles. We therefore present the findings of an inductive lexical analysis of all Irish Times, all Le Monde and all worker- or union-related articles published in almost all national media outlets during the mentioned referendum debates. This was made possible by the *Alceste* software package that allowed us to analyse very large corpuses of articles inductively. Our analysis reveals that socioeconomic terms dominated policy debates in both countries. The findings question existing EU politicisation studies that were measuring the salience of different frame types by deductive analysis.

Lorenzo Cecchetti - Università di Bologna

The European Court of Justice role (ECJ) in enhancing trade union power in Europe

Over the last 30 years, the economic process transformations have been driven by the globalization hegemonic dogma. From an economic-viewpoint, the flexibility of work inevitably led to the flexibility of Workers via the dismantlement of Labour law and of collective and solidarity values that, shaping it over the XX Century, allowed restraining the hierarchical relationship between employers and employees (further exacerbated by the so-called gig economy). From a political-viewpoint, Brexit(UK) and *gilets jaunes* (France) and

anti-systemic(Italy) movements share, in different ways, a community dimension restoration that trade unions(TU) failed to embody.

TU power depends on the understanding of both European and national legal orders primary goals. The ECJ plays a role of primary importance in this regard. The term “power” refers to the capacity of TU to influence the conduct of other economic agents: they exist to the extent they have this power(Plato,Sophist,247), which rely upon two key elements:1)The conception of the value of labour-power, which is the conscious and explicit foundation of TU(Marx,*Capital*(1),1867,p.1069);2)The degree of representativeness of labour-power (Gramsci,1920).

The quantitative-perspective(2) is not examined. The proposal focuses on the TU power qualitative-dimension(1) and, specifically, on the shift experienced by the ECJ over the last-year period. 40 years after *Defrenne-II* and 10 years after *Viking&Laval*, ECJ has demonstrated a renewed emphasis on the social rights enshrined in the Charter of Fundamental Rights(CFR),which embody the collective dimension (Supiot(2015),p.125). The “horizontal dimension” of two major ECJ case lines on Articles 21 and 31 CFR(*Egenberger,IR,Achatzi*(2018-2019), and *Bauer,Max-Planck*,and *CCOO*(2018-pending), seems to be the most relevant attempt to re-balance the employment relationship, thus strengthening the value of work and Workers and, indirectly, the TU. Is there a paradigm shift? Where this trend is compared to the European Pillar of Social Rights and “human capital” detrimental rhetoric(Supiot,2019), the answer may be not but in the affirmative.

Panel II

Martin Štefko – Charles Uni Prague

Legal changes in the Czech Republic relating to the organisation of trade unions

In my contribution I would like to address to legal issues that has evolved in the Czech Republic recently and caused adjustments in organisation of trade unions. They are: local trade union organisations without legal personality that are dominated by the biggest trade union federation in country and full online memberships.

Since 1989, Czech trade unions have been losing numbers. To reverse the situation, they have to implement new strategies. The biggest trade union federation had broken old gentleman agreements concluded with other trade unions and has entered businesses, which were deemed to be outside its scope of operation. However, in order to limit legal risks, it has returned to the weird Communists structure of trade unionism: although it is a federation, it acts as a local trade union at a particular employer.

Because trade union members are aging, trade unions had to go online to address new generations. Unfortunately, these old trade unions have never adhered to a real online union membership for many reasons. However, in last eight months a brand-new trade union confederation established a net of 15 local organisations at various foreign subsidiaries. Supported by a team of three, such as a skilled auditor, an attorney and an active politician, the confederation covered the vacancy in the market. Old structures on the trade union and

employers' sides have been unable to respond. Each particular employer contracted with the online trade union organisation was let on its own. Some of the employers have claimed to be subject of featherbedding, respective trade union officials have remained to be silent.

Rolle Alho - University of Helsinki

Whose interests? A Comparative Study on Trade Union Responses to International Migration in Finland, Ireland, and Portugal

The strategies of trade unions have consequences for immigrants. Their strategies can influence, for example, how liberal or strict a country's immigration policies will be, encompassing matters relating to work permits and language requirements. Unions can also promote migrants' rights and protect their position. On the other hand, they can promote protectionist strategies aimed solely at protecting the interests of the native workers. The way unions respond to immigration tells something about their identity and frame of solidarity. It also illustrates whether they are capable of representing and including a workforce that is increasingly diverse.

My paper is based on my ongoing three-year postdoctoral research project funded by the Academy of Finland that compares trade unions' responses to immigration and immigrants in Finland, Ireland, and Portugal. From having traditionally been countries of emigration, Finland, Ireland and Portugal have relatively recently become countries of immigration. Large-scale immigration to them did not begin until the 1990s and 2000s. In spite of the similarities, the three countries have very dissimilar labour market structures, which provide different conditions for each country's unions in responding to immigration. I am exploring whether it is the countries' different national labour market models, or the sectors in which the unions operate that best explain the unions' approaches to immigration. This is possible thanks to a comparative approach that explores unions representing different sectors in the three countries. The empirical material consists of interviews with union representatives and observations made at union seminars and analysis of unions' documents and statements.

Eusebi Colàs-Neila (Universitat Pompeu Fabra)

Pension Reform, Trade Union Participation and New Forms of Collective Action in Spain

The aim of this paper is to analyse the role that trade unions have played in the reforms of the public pension system in Spain. The main mechanism used is known as the 'Toledo Pact' (*Pacto de Toledo*). It is a parliamentary commission whose objective is to achieve the greatest possible consensus among the political parties prior to undertaking any reform. Once the key points have been agreed, a phase of social dialogue takes place between the government, trade unions and employers' organisations. Subsequently, on the basis of this dialogue, the government submits a proposal for a law to be approved in parliament.

However, these consensuses were broken during the first half of this decade, under the conservative government that, inspired by severe austerity policies, carried out unilateral regressive reforms. During this period, an interesting grassroots movement has emerged against these measures led by pensioners who have become self-organised in local groups and

coordinated regionally and nationally under the name of the ‘Pensioner Tide’ (*‘Marea Pensionista’*). They have combined different actions against these measures, such as informative activities about the consequences of the reform and demonstrations. On the other hand, unions have developed strategies for specific collaboration with other agents such as civil associations or NGOs, promoting popular legislative initiatives. A good instance is the civic guaranteed minimum income (*‘renda garantida de ciutadania’*), passed last 2017 in Catalonia.

David Coats (University of Leicester/Smith Institute)

Good Work and Worker Voice: A Provocation

The purpose of this paper is to explore the principled and pragmatic case for worker participation, review the historical experience in the UK and in other developed economies (particularly in Europe), offer an assessment of worker voice today and make some outline proposals for changes to public policy, employer practice and trade union strategy.

This terrain is inevitably contested. Objections will be raised to both the case for reform and the measures proposed. Nonetheless, as will become clear when we review the evidence, it should be a matter of consensus that the UK has a problem and that the status quo cannot be sustained.

One might argue too that the Taylor review, for all its faults, represents an opening of the political argument, creating space for constructive engagement between parties, groups and organisations that have, hitherto, offered very different visions of what constitutes a “good” labour market. The political right was motivated by hostility to regulation and collective action whereas the political left sought to redress the balance between capital and labour. It would be premature to judge whether this opening will lead to better outcomes or a modernised workplace settlement, but we can be confident in saying that there is *some* agreement on the nature of the policy questions to be answered. Government, employers and trade unions all bear the responsibility for constructing responses that can stand the test of time, as was the case for the workplace settlement that prevailed for much of the twentieth century. Successfully implementing new arrangements will depend on the enthusiastic support of all parties, a degree of patience and willingness to compromise.

Panel III

Julia López López - Universitat Pompeu Fabra, Barca

Conflict as regulation: some histories of unions solidarity against uberization of labor markets.

The paper analyzed two cities , Barcelona and New York, to visualize protest as regulation in the context of local and global regulation against liberalization of labor markets. Multinational have converted in a source of regulation not only because the influence of social corporate responsibility but also creating transnational models of governance as walk-mark of uber which challenge domestic labour law. The paper raise the question if there is reaction against the consequences of these models which countervailing the degradation of social rights impose

by a dynamic of social dumping in some sectors as transport. The paper will study the cases of cities as Barcelona and New York to support the idea that protest of medallion drivers and hire-drivers have had as consequence an intervention of local authorities guaranteeing by regulation minimal rights. Interesting point of interaction between workers and unions will be raise. Inter and external unions solidarity will be studied in these processes as strategies. Global models of governance impose by multinationals could be challenges from cities creating a new forms of regulation.

Dario Cositore - Universitat Pompeu Fabra

Political participation and local, national and international assemblies

The thesis is that democracy has disappeared. The decisive turning point for the destruction of trade union, political and productive participation by the lower-middle layers of the population began in the 70s. The decisive epochal turning point is represented by the end of the golden age and the rise of neoliberalism. At the center of these two periods, two phenomena are of vital importance for understanding the disappearance of democracies and the centralization of political decision-making power: the growth of Eurodollars and the 1971 'Nixon break' that inaugurates the era of fluctuating exchange rates.

Both adherence to parties and to social or trade union movements has fallen in inverse proportion to the increase in the influence of finance in the political and social sphere. The most basic forms of association and social participation have also been marginalized. Family relationships and friendships have been dissolved. The penetration of finance into social life whose pivot is the family - directly due to the credit system or indirectly due to the social weight of the accumulation of values disconnected from the real economy - has destroyed even the most basic forms of shared power on a cooperative base.

The political emblem of this disintegration is not only the lack of social participation in political life, but also the form that the State has taken. On the one hand, it is decentralized and leads to a real emptying of the functions of its apparatuses. On the other hand, citizens have introjected ways of acting and thinking deprived of a social and democratic meaning. The rational individual, known as homo oeconomicus, has replaced the cooperative society.

The solution to such a state of affection must necessarily pass from a more sustainable development, to an increase in real productivity unlike the speculative one, to a reconstitution of local, national and international assemblies capable of democratically managing social and collective life again.

Pieter Pecinovsky (KU Leuven),

The right to collective bargaining of economically dependent workers in the digital age

The rise of the on demand economy and the popularity of certain types of independent consultancy and freelance work has created a worldwide discussion on the nature of the employment relation of these “new” types of workers and the (minimum amount of) employment protection they should be entitled to. However, next to this issue, another related debate, which often remains overlooked, is the applicability of fundamental collective social rights to these workers. Do platform workers have the right to form trade unions? Can freelancers start collective bargaining in order to negotiate collective agreements on their labour conditions or is this an illegal form of cartelisation? And what if these economically dependent workers take collective action? The Court of Justice has put the discussion with regard to collective bargaining on the map with the FNV Kunsten case (C-413/13) without answering too many questions. Furthermore, the supervisory committees of the ILO and the European Committee of Social Rights have always refused to interpret the scope of collective bargaining rights too strictly.

Further, in a recent decision (Decision on the merits of 12 September 2018, Irish Congress of Trade Unions (ICTU) v. Ireland, Complaint No.123/2016), The ECSR did come to the conclusion that the Irish competition law did constitute a violation of the right to collective bargaining in article 6, §2 ESC related to freelance journalists, but the amended law does not. This contribution will take a closer look at the circumstances of the case, the reasoning of the ECSR and the dissenting opinions, in order to identify its impact on the discussion.

Jordan Brown - St Andrews

The Normalcy of Militancy: Reframing the UWC and UCS in an Era of Radical Activism

For my presentation, I will discuss my PhD dissertation on the Ulster Workers Strike (UWC) of 1974, which aims to bring the strike into closer conversation with a larger history of British trade union activism during the 1970s. In particular, I will be discussing the Upper Clyde Shipbuilders (UCS) as an archetypical moment of militant trade unionism during this period. I will be highlighting the participation of the wider public in activism organised by trade union officials and the impact this had on local communities. This paper is based on a chapter of my dissertation which focuses on the organisational structures of the UCS and UWC and how it enabled a cross-class and diverse collation of support for their stated goals. I aim to demonstrate that the UWC was more than just a moment of paramilitary action and intimidation in Northern Ireland and instead was a moment of trade union activism. Furthermore, I will establish that the UCS work-in at the Glasgow shipyards was considerably more militant than previously considered. Using these two instances of radical trade unionism, I hope to illustrate the concept of a “political strike” and how trade union activism can influence government policy. Borrowing from Keith Faulk’s theoretical framework of “New Social Movements,”

this paper will attempt to place these two organisations in context with social movements more than trade unionism. This interdisciplinary approach will help to better understand the complex relationship between trade unionism, government policy and activism. Ultimately, this paper will provide a more complex and nuanced understanding of social movements and trade unionism as a mechanism not only better working conditions but also for popular dissent against government policy.