

IRISH TRADE UNIONS AND THE EU

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Trade Union Opposition to EEC Membership

When the 465 delegates to the annual delegate conference of the Irish Congress of Trade Unions gathered in Limerick in July 1971, one of the most contentious and important subjects for debate was the question of Ireland's proposed membership of the European Economic Community (EEC). Six motions on this topic had been placed on the agenda for debate. Some of them advocated outright opposition to EEC membership, others expressed qualified support. In spite of the contradictory terms of these motions, all six were successfully composited into one comprehensive motion, which was debated and adopted by the conference. This followed an earlier decision by the Conference to reject a proposal that the 6 motions would just be discussed and referred to the executive council without the delegates having an opportunity to vote on them.

The decision to debate and vote on the composite motion was taken against the background of an announcement that day by the executive council of Congress to hold a special delegate conference on the question of the trade union attitude to EEC membership. Such a conference would consider this question in detail and enable trade unions to fully debate all the implications of membership and decide on whether or not the trade union movement should support or oppose Ireland joining the EEC. Some delegates were clearly suspicious that this was a ploy on the part of the pro-European members of the executive council of Congress to defer a decision on this crucial policy question. Nevertheless, the conference delegates entered into the debate on the composite motion with gusto and conviction enhancing their speeches with references to economic research and data, international authorities on political and economic theory and quoting poets and writers in support of their arguments.

The composite motion expressed serious concern with "all aspects of the proposed accession of Ireland to the EEC." It was critical of the government's failure to adequately survey and quantify the effects of membership on employment and workers' living standards and its failure to get the EEC to recognise the special industrial and regional development needs of Ireland; it expressed concern about loss of effective control of political and economic policy and possible involvement in military commitments and concluded by stating that the conference could not express any support for the proposed entry of Ireland given the inadequacy of the information available. Adoption of this motion would not therefore amount to a clear-cut decision to oppose EEC membership *per-se*, but would be an interim decision to withhold support for

EEC membership at that stage because of the dearth of information and the perceived weakness of the Irish negotiating position.

The debate was opened by Ruadhri Roberts, General Secretary of Congress. He made a comprehensive statement to the conference which analysed the main economic threats posed by membership of the EEC, identified vulnerable sectors, pointed to the potential negative impact on agriculture, regional development and unemployment. Summing up at the end of his speech, he said:

“the position at the present time is we have not enough information to justify an expression of support for EEC membership and such information as does exist would appear to lead toward the conclusion that the government of Ireland has not done its job in presenting the special position of Ireland to the EEC and in making the necessary plans and taking the necessary steps to secure the development of industry in Ireland”.

The General Secretary was followed by 16 speakers representing a broad cross-section of the unions affiliated to Congress. Most of these contributions continued the negative tone set in the introductory speech expressing serious reservations about job security, industrial development and economic independence. The contributors to the debate included Brendan Corish, T.D. (then leader of the Labour Party and an ITGWU delegate to the conference) who expressed a fear “of Ireland becoming the Alabama of the EEC.” Barry Desmond T.D. (also a delegate from the ITGWU) described the EEC as “a Western European, neo-colonial trading block.” Another delegate (T. Foley from the AUEW) described the EEC as “a rich man’s club in a world where the widening gap between the rich and poor nations was an indictment of modern humanity.”

Even though the debate was overwhelmingly negative, a number of delegates courageously came to the rostrum to put forward a contrary view. Among them was Professor Charlie McCarthy from TCD (a delegate from the Vocational Teachers’ Association) who concluded his speech by saying that “the answer lies in looking vigorously outward, not in putting up the shutters and withering away inside.” D. Nolan (a delegate from the ASTI) posed the following question:

“Do we remain a small country as we are with a small mind and isolate ourselves from mankind or do we see ourselves in a new role with a large mind and a large influence? This can only be achieved within the ambit of the Common Market and there is where our true role lies”.

The composite motion was passed on a vote and the debate concluded on the understanding that the issue would be fully aired again at the promised special delegate conference. That special delegate conference was held on 27/28 January 1972. Four motions were before the conference. The first motion simply called for special safeguards for employment in the event of EEC membership; the second motion was pro-EEC membership recognising that it was in Ireland’s interest; the third motion explicitly opposed EEC

membership on social, economic and political grounds and the fourth motion called on Congress to organise a trade union campaign of opposition to membership. The first motion was adopted; the second motion supporting EEC membership was defeated and the third and fourth motions opposing membership were adopted. The underlying division on this issue among trade unions was reflected in the votes on the third and fourth motions opposing membership. The third motion was adopted by a majority of only 45 votes; the fourth motion was adopted by a majority of only 51 votes. The significant minority voting against these was a clear signal that there was a substantial number of unions in favour of EEC membership, a fact which is often overlooked.

Following this conference, a campaign committee was established which was chaired by Senator Fintan Kennedy (President, ITGWU and Treasurer of Congress). The campaign committee concentrated on the publication and dissemination of an 8page broadsheet paper entitled "Economic Freedom". It comprehensively analysed the economic implications of EEC membership; presented detailed data on production and employment in individual sectors; vigorously promoted the view that there were viable alternatives to EEC membership and focused on the cost of living increases which EEC membership would inevitably bring with it. This latter aspect was reinforced by reference to a Financial Times survey which compared prices across a number of European cities, including Dublin. For example, its survey on the cost of women's clothing showed that in Brussels, the cost was 124 per cent above the Dublin price. The women's clothing priced included "two medium-priced summer dresses off-the-peg from a multiple store, a pair of medium-priced nylons and a pair of day shoes." Readers of "Economic Freedom" were assured that "we are not considering high fashion wear here" and even went so far as to acknowledge that "it may not be surprising that Parisians paid even more" - a staggering 255 per cent above the Dublin price!

The first print run of "Economic Freedom" was 500,000 copies. Due to an unexpected heavy demand for additional copies, a second printing of 250,000 copies was necessary. The 1972 executive council report states that "the physical distribution of some 60 tonnes of printed matter throughout the country itself posed problems which were, however, resolved by the excellent co-operation received from CIE." The report also records dissatisfaction with the level of media coverage given to important statements from Congress and complains bitterly that "no publicity or wholly inadequate publicity" had been given to their views during the referendum campaign.

Given the outcome of the referendum held in early May, 1972 which recorded overwhelming support for EEC membership based on an exceptionally high electorate turn out of 70 per cent, it is clear that the trade union campaign had very limited impact and had spectacularly failed to convince workers and their families to vote 'No'. Congress accepted that the campaign was not successful. In analysing this failure in its report to the 1972 annual delegate conference, it identified a number of factors, which it believed contributed to this failure. These included the unanimous support of all the national newspapers, the support of the two

largest political parties and of the farmers' organisations for EEC membership and "other irrelevant, political considerations." On that desultory note, the executive council concluded its report on the campaign thus closing this contentious chapter in the first phase of its relationship with the EEC. In sharp contrast to the 1971 annual delegate conference in Limerick, there were no motions on the EEC on the agenda of the 1972 annual delegate conference and no debate on the outcome of the referendum or the Congress campaign. The brief section of the executive council report on the EEC was agreed without discussion.

Adapting to EEC Membership

Throughout 1972 and 1973 the trade union movement set about coming to terms with the practical implications of membership of the EEC. In September 1972, Congress appointed an EEC information officer to deal with the demand for information on matters relating to the EEC including the organisation of seminars and courses and "the general establishment of a line of communication and information on EEC matters of particular trade union interest." The appointment was initially made for only a 6 month period but at the end of that period, it was confirmed as a permanent post. By the end of 1972, Congress had submitted trade union nominations to a number of important EEC advisory and consultative committees and had participated in a number of briefing sessions on a wide range of issues. At that time, there were twelve committees/commissions at European level, which provided for trade union representation and by the end of 1973, Congress had ensured its participation in all of these.

There is no doubt that the involvement of a substantial number of senior trade union leaders in European level activities had a major impact on their thinking and attitude towards the EEC. Apart from participation in formal EEC structures, Congress had also moved to affiliate to the European Trade Union Confederation (ETUC) and this was formally accepted in March 1974. This broadened significantly the perspective of Irish trade unions beyond the traditional close links with the British trade union movement, which, for historical and practical reasons, had a very strong influence on Irish trade unions. The significance of this development was acknowledged by Denis Larkin (Workers' Union of Ireland) when he addressed delegates to the 1976 annual delegate conference of Congress and described his experience of participation in ETUC activities as follows:

We see in this confederation the beginning of an attempt to meet the employers on an international basis, throughout all Europe. We have been heartened by attending these meetings and conferences and by an increasing realisation that the problems of trade unionists in Germany, France, Italy, Holland, Norway, Sweden, Britain and this country are common problems and need common action on many occasions. We believe that this confederation in Europe will be of benefit to all workers.

But it was the equal pay debate which erupted in 1974 which brought the Irish trade union movement face to face with the procedures and institutions of the EEC in an effort to secure the basic right to equal pay

for equal work for women. This would be the first test of the practical value to Irish workers of the lofty principles of the Treaty of Rome and was the first real opportunity since joining the EEC to determine whether or not this so-called 'rich-man's club' was interested in and committed to securing basic rights for workers.

Discussions on the implementation of equal pay in Ireland got off to an inauspicious start in Brussels in October 1973. A tripartite meeting was held on the proposal for a Council Directive on equal pay, which would provide for implementation of the right to equal pay no later than 31 December 1975. An Irish government representative at the meeting implied that the date set in the Directive might not be acceptable to the Irish government. The Treaty of Accession of Ireland did not provide for any exemption nor for any transitional period for the implementation of equal pay even though it emerged that the government in the course of entry negotiations had requested a transitional period but later withdrew the request.

The Anti-Discrimination (Pay) Bill, 1974 was published in February 1974 to transpose the European Directive into Irish law. Even though Congress had serious reservations about many of the provisions of the Bill which did not go as far as similar legislation in Northern Ireland, the Act was passed in July, 1974 and provided for full implementation of equal pay by 31 December, 1975 in accordance with the European deadline. However, on 17 December 1975, the Taoiseach, Liam Cosgrave T.D., announced in the Dáil that the government had decided that amendments were necessary to the Act before it came into force. Congress immediately notified the government that in the event of the non-implementation of the Act, it would lodge a formal complaint to the European Commission. The government persisted in deferring implementation and sought a derogation from the Commission. Congress forwarded a comprehensive submission to the European Commission in February 1976 opposing the application by the government for a derogation. A bitter war of words broke out between Congress and the minister for labour, Michael O'Leary T.D. who publicly criticised the European Commission, contrasting the speed with which the Commission had responded on the question of equal pay to what he described as 'their more leisurely approach' to attempts to enlarge the EEC social fund and regional fund. Congress waded in on the side of the Commission, vigorously defending its integrity and pointing out that "attacks on members of the European Commission must not be allowed to obscure the fact that the Commission has upheld the right of women to have equal pay against the government's attempt to defer the application of this right."

On 5 May, 1976, the Minister for Labour informed the Dáil that the government had received a formal communication from the European Commission rejecting the government's application for a derogation from the provision of the equal pay Directive and that in consequence, the government would not now be proceeding with the proposed amending legislation.

This represented an outright victory for the trade unions with the European Commission as a strong ally. It was a very public engagement, which pitched the trade unions and the European Commission together against the Irish government. The outcome guaranteed the timely enactment of one of the most significant pieces of employment legislation which transformed the Irish workplace for women and still reverberates today - 25 years on. The stereotype of the EEC as only being the voice of big business and capital was shattered.

The equal pay Act was the first in a series of very significant pieces of employment legislation enacted throughout the 1970s and 1980s transposing European Directives into Irish law. A comprehensive code of basic rights based on such initiatives was created for Irish workers, which enhanced significantly their employment conditions and working environment. As Irish workers began to experience the real benefits of this legislation through improved working conditions, the ideological pro and anti-Europe debate began to fade.

Influencing and Setting the Agenda

When I joined the Irish Congress of Trade Unions in 1977 as EEC information officer (the third since 1972), I found an organisation which was very much at ease with the European dimension of its work. Draft Directives and Regulations dealing with a wide range of issues were the subject of seminars and workshops and were given detailed consideration by various Congress committees. The approach was to integrate the European dimension, where possible, into mainstream trade union discussion of the particular issue rather than hive it off into a specialist European policy unit. So, discussion on proposals for worker participation (e.g. information and consultation, the European company statute and European works councils) took place in the industrial democracy committee; equality-related proposals were dealt with by the women's committee and the extensive range of occupational health and safety initiatives was integrated into trade union health and safety structures. Congress and its affiliated unions actively contributed to these discussions both at national and European level. At national level, the transposition into Irish law of EEC Directives which affected workers' rights was normally the subject of detailed consultations with the social partners. At European level, through its representatives on various ETUC committees, Irish trade unionists made an input into the consultative process conducted by the European institutions.

These early years of EEC membership were very challenging for the trade union movement. From the position of a failed high profile campaign of opposition to EEC membership, it quickly came to terms with membership and committed the necessary resources to ensure its effective participation. The substantial minority which had voted in 1972 against the decision to oppose EEC membership (including key unions such as the Workers' Union of Ireland) were instrumental in promoting this pragmatic approach. This was in sharp contrast to the UK trade union movement, which chose to pursue a strategy of on-going opposition to the EEC throughout the 1970s. Even when UK trade union representatives were nominated to the

relevant EEC committees, they pursued an 'abstentionist' line and very rarely attended the meetings. This approach continued right through to the mid 1980s.

But the practical approach of the Irish trade union movement and its enthusiastic participation in European activities belied a growing anti-EEC current of suspicion and hostility just below the surface. This was usually expressed in terms of resentment of the apparent riches which the EEC was bestowing on the farming sector which was in sharp contrast to the lack of support for industries which were dealing with closure and job losses in the face of increased competition. The burden of adjustment was felt very much by workers in the traditional industrial sectors while farmers were enjoying a new found prosperity under the price support regime of the Common Agricultural Policy. Even though the Commission had prepared and adopted its social action programme under the leadership of Dr. Paddy Hillery, the first Irish Commissioner, the 'social dimension' to the EEC remained underdeveloped. Trade Unions were very critical of this and continually pointed to the lack of European policies and instruments to deal with unemployment, social disadvantage, industrial restructuring and social dumping. The period of the late 1970s through to the late 1980s was characterised by a sense of frustration at the apparent inability of the EEC to come to terms with the major challenges of poverty and unemployment. The disproportionate influence during this period of the policies of free trade, unfettered competition and deregulation pursued in particular by the conservative British government under Margaret Thatcher, threatened to collapse the EEC into a free trade zone without any civic, social or political dimension. The general sense of alienation from the European project which this generated among trade unions during this period is best illustrated by the fact that Congress did not participate in the referendum on the Single European Act in 1987.

What kind of Europe?

The adoption in December, 1989 of the Community Charter of Fundamental Social Rights of Workers was a milestone in the development of EEC social policy and engaged the trade union movement across Europe in a real debate for the first time in almost a decade about the kind of Europe which was emerging.

The adoption of the social charter transformed Community social policy from being a relatively minor policy area (compared for example to the Common Agricultural Policy, competition policy, transport policy) into one of the most critical and controversial areas of Community policy raising the most fundamental questions about the role of the Community.

Why and how was this fundamental change brought about? First, the increased momentum at the end of the 1980's towards completion of the internal market raised major questions about disparities between member states. These disparities, both economic and social, either directly or indirectly impeded the free movement of labour, which was seen as an essential component of the single market and was the key objective of the Single European Act. The need for a 'level playing field' was obvious if the single market

were to be achieved and if the fears about social dumping among the richer member states were to be allayed. Second, there was within the Community and specifically within the European Commission in the person of Jacques Delors, a recognition of the need for a human face to the Community which would address the growing alienation felt by European citizens in general and workers in particular. He considered it necessary to make some commitments to improve the position of workers in the hope of gaining their support for and co-operation with the emergence of a single market. The Social Charter was the Community instrument brought forward by the Commission to address these two objectives.

At the European Council summit in December 1988, the summit conclusions stated:

completion of the single market cannot be regarded as an end in itself; it pursues a much wider objective, namely to ensure the maximum well-being of all in line with the tradition of social progress which is part of Europe's history.

At the Madrid summit six months later, the Conclusions stated "social aspects should be given the same importance as economic aspects and should accordingly be developed in a balanced fashion". So this growing awareness of and commitment to what now became known as 'the social dimension' to the single market was given expression in the Social Charter which was adopted by 11 of the 12 member states at the following summit meeting in Strasbourg in December, 1989.

The final text of the Charter was watered down in an effort to secure the agreement of the UK government. In particular, provisions relating to minimum wage and information and consultation rights were weakened. There was also concern, particularly on the trade union side, about the use of a Charter as the mechanism for developing the social dimension. The Charter had no legislative base in the Treaty of Rome and therefore could not have any legally binding effect on member states. It was the first time that such an instrument had been used by the Community (even though it had of course been used by other international organisations such as the UN and the Council of Europe). Nobody was quite sure of its standing at the time. Now - a decade later - it is clear that the Charter provided no more than a framework for principles and a statement of political intent on the part of the signatory member states. Whilst trade unions were critical of the watering down of some of the provisions of the Charter and were concerned about the nature of the instrument itself, they nevertheless recognised that its adoption was a major development for workers.

It was particularly significant that the Charter was adopted at a time when deregulation and opposition to government intervention in labour markets dominated political and economic debate in some of the major economies of Europe and the world.

The Charter itself did not contain any implementing mechanism. This was provided through the social action programme, which was brought forward by the Commission. It contained 47 specific measures designed to give effect to the principles set down in the Charter and all of these measures were to be implemented by the end of 1992 as part of the single market process. But progress on the implementation of these measures was painfully slow. During 1990 and 1991, the Commission prepared all the proposals required for implementing the social action programme and submitted them to the Council. However, the Commission's commitment to the social dimension was continually undermined by the failure of the Council of Ministers to adopt the proposals brought forward by the Commission within a reasonable timescale. Because of the existing voting arrangements at Council level, proposals affecting workers' rights, other than health and safety measures could only be adopted by unanimity. Progress therefore was confined mainly to the area of health and safety. Directives dealing with basic issues such as protection of part-time workers and maximum working hours were being blocked or watered down to such an extent that their provisions were meaningless. On the other hand, substantial progress continued to be made in removing technical barriers to competition and to the free movement of capital and establishing new mechanisms and institutions to achieve economic and monetary union. Therefore a serious imbalance was emerging between the economic and social aspects of the Community contrary to the stated commitment to progress both in tandem.

The Maastricht Treaty attempted to address this difficulty and to renew the Community's commitment to the social dimension, which is reflected in the Social Chapter (i.e. social protocol and agreement) which 11 of the 12 member states signed - the UK opting out once again. One of the most important aspects of the Maastricht Treaty was that it provided for qualified majority voting on workers' rights thereby removing the dead hand of the veto from a number of key areas. This would ensure much speedier adoption of these measures. In addition, Article 118 of the Treaty was substantially revamped at Maastricht to provide for a detailed consultative procedure between the Commission and employers and trade unions on social policy proposals and opened up the possibility for agreements to be concluded at European level between employers and trade unions. The consultation procedure set down in Article 118a ensured that the views of both sides of industry would be fully considered by the Commission when drafting proposals on social policy.

Article 118b provided for the possibility of European agreements between employers and trade unions. This provision was incorporated on the basis of a joint proposal from both ETUC and UNICE/CEEP (the European employers' organisations). Since its adoption, a number of important agreements on parental leave, part-time workers and fixed-term contracts have been successfully negotiated through this process.

These changes contained in the Maastricht Treaty strongly influenced the approach taken by Irish and European trade unions to it. It was clear that the Social Charter had run out of steam and that new thinking

and new possibilities for further initiatives in the social policy field would be dependant on the adoption of the Maastricht Treaty. Based on this analysis, Congress and the broader European trade union movement campaigned for a 'yes' vote in the Maastricht Treaty referendum in 1992.

In the lead-up to the Amsterdam Treaty, the trade union movement across Europe formulated a clear policy and strategy to ensure that the Amsterdam Treaty would not just concern itself with institutional and technical issues but that the opportunity would be taken to renew and revitalise the spirit of European solidarity. From the start of the Intergovernmental Conference in March, 1996 to the signing of the Amsterdam Treaty in June, 1997, the trade union movement at European and at national level pressed for the inclusion of the two key issues of Employment and Social Rights in the Treaty. This was part of a European-wide trade union campaign to get the IGC to address some real issues in the Treaty and to propose some real solutions to the problems of unemployment, social protection and citizens rights in the European Union.

The inclusion in the Amsterdam Treaty of a new *Title on Employment* marked the culmination of a series of important policy decisions and initiatives taken since the adoption of the Maastricht Treaty which were primarily the result of the pressures for action on employment put on the European institutions and the Member States by the European Trade Union Confederation and national trade union centres. At the beginning of the IGC process, most Member States were opposed to the inclusion of the question of employment on the agenda. Therefore the inclusion of a new *Title on Employment* in the Treaty linked to specific policies and initiatives was a very important breakthrough for trade unions.

The Luxembourg summit on Employment, held in November 1997 brought forward the implementation of the *Employment Title* ahead of ratification of the Treaty. At home the social partners were consulted on the Irish government's national action plan submitted to the Commission in April, 1997 specifying its actions designed to fulfil the different criteria set down in the guidelines adopted at the Luxembourg summit.

On the question of social rights, the Amsterdam Treaty included in the *Recitals* a reference to the Charter on Fundamental Social Rights for Workers; it incorporated the social agreement; it strengthened Article 119 of the Treaty dealing with equal pay and broadened the reference to equal treatment in the workplace; it introduced a new article on non-discrimination which empowered the EU to take action to combat discrimination based on sex, race, religion, disability, age and sexual orientation and it provided for co-operation between the member states to fight social exclusion.

While trade unions understood that the Amsterdam Treaty was not going to radically change the direction in which Europe was going, they recognised that it contained important new commitments in the areas of

employment and social rights which had the potential to impact significantly on the lives of workers and the citizens of Europe generally. Trade unions believed that if these provisions could be activated and developed in a meaningful way, then the Amsterdam Treaty could be an important milestone on the way to building a *Citizens' Europe*. Having regard to the significant provisions of the Treaty in the areas of employment and social rights, Congress supported ratification of the Amsterdam Treaty and urged trade union members to vote 'yes' in the referendum held in May, 1998.

Looking Forward

As the European project continues to evolve, there are many new challenges facing trade unions. The move to a single currency is probably the most significant and creates new opportunities as well as threats. The impact of the single currency on collective bargaining patterns across the European Union is difficult to foresee at this stage but clearly there will be growing pressure on trade unions to have regard to the competitive pressures created by the single currency and the need for greater wage flexibility. But industrial relations and collective bargaining systems are still firmly rooted within national boundaries and have so far proved themselves impervious to change.

There is still the challenge of securing the European social model in the face of economic globalisation, which seeks to build competitive edge on low wages and low standards. Enlargement is part of this debate and trade unions in the European Union will have a critical role to play in ensuring that workers in the new member states will benefit from the code of minimum social standards which has been painstakingly built up over the last 25 years. It is also important that the provisions of the Amsterdam Treaty on fundamental human rights, which includes trade union rights, are fully adhered to by these new member states.

Based on experience over the last 25 years, trade unions in Ireland and throughout the European Union are well equipped to face these challenges. They will continue to be a critical voice and an energetic driving force for building a *Citizen's Europe* while also being capable of acknowledging change and progress towards achieving this goal. This balanced approach has moved the trade union movement beyond the simplistic and sterile pro or anti-Europe debate of the 1970s to a position where it now plays a constructive and participative role in determining the kind of Europe which will evolve in the future.