THE 25th COUNTESS MARKIEVICZ
MEMORIAL LECTURE

THE MAIN CHANGES OF INDUSTRIAL RELATIONS IN THE EU DURING THE LAST 25 YEARS

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I. INTRODUCTION

First let me reduce your expectations. In discussing the main changes of industrial relations in the European Union during the last 25 years my ambition is a very modest one. I will strictly confine myself to the Community's contribution in this area. This means that I will ignore the much broader questions whether and in how far industrial relations have been affected by structural change in society, by technological change or by globalisation.

In spite of the fact that undoubtedly each Member State always has had and still has its unique and, by no means, exchangeable system of industrial relations, the European Union nevertheless has influenced significantly the structure of industrial relations throughout the Community. In the mid-1970s this development started to become visible. In the period from the foundation of the European Economic Community in 1957 to the early 1970s social policy practically did not take place. Social policy only very slowly succeeded in being recognized as a genuine area of Community politics. The Treaty of Rome was abiding to a minimal approach - good economic policy does not need specific social policy support, adequate social conditions will come automatically only if economic policy turns out to be successful. Due to increasing factual problems on the labour markets in many countries of the Community this philosophy more and more came under attack. The famous summit of Paris in 1972 was somehow the turning point. The first social action program was its follow-up. It resulted in a whole range of important directives, on protection of workers in case of collective redundancies; on protection of workers in case of transfer of undertakings; on protection of workers in case of their employer's insolvency; and - of particular importance - on equal opportunities for men and women in employment.

This legacy of the 1970s is still the trademark of the Community's social policy legislation. The Community's influence in promoting equal opportunities for both genders cannot be overestimated. The same is true for the workers' protection in the case of transfer of undertakings. These two directives have given the Community a specific social profile. However, this was only a beginning. Gradually the Community's competence to legislate has been extended, first by the Single European Act in the mid-1980s, by the Maastricht Treaty in the early-1990s and lately by the Amsterdam Treaty. In the meantime the Community enjoys far-reaching powers to legislate. The biggest issue for legislation is in the area of health and safety, but also topics such as working time, parental leave, minimum standards, part-time or fixed term employment are now covered. The still fragmentary set of rules will further increase - the latest results are the Directives on discrimination for reasons other than gender - and one day these will become a comprehensive floor of rights for workers in the European Union.

Once again I would like to reduce your expectations. I have no intention to discuss the impact of all these different Directives. I would like to confine myself to three

developments which in my view are most significant for the Community's influence on industrial relations:

(1) the Community's input in the area of workers' participation;
(2) the social dialogue on European level; and
(3) the establishment of a joint employment policy.

First, I will try to briefly sketch these three developments and then try to give an assessment.

II. WORKERS' PARTICIPATION

Let me start with workers' participation and allow me some preliminary remarks. The systems of workers' participation in a company's decision-making process differs significantly across the Member States of the European Union. Neither the institutional structures nor the intensity of participation are on a similar level. Compared to the German system of workers' participation Austria and the Netherlands are relatively close whereas the Anglo-Saxon countries – for example, Ireland - are a long way from such a system. For them institutionalised workers' participation looks to be almost incompatible with the traditional pattern of industrial relations. Even where institutionalised workers' participation is established (for example in France), it often remains on the level of information and consultation. Most countries do not know co-determination in a strict sense. Workers' participation on corporate boards is even more of a rarity than participation through works councils or similar bodies.

A lower level of institutionalised workers' participation in many countries does not necessarily mean that workers have less influence on management decisions. A much broader analysis would be needed for such an evaluation. Greater possibilities to use industrial action, a more active presence of trade unions in the undertaking, as well as informal means of putting pressure on management should not be underestimated in this context. However, their effect always depends on the trade unions' actual strength. Therefore, they are relatively effective in the Scandinavian countries, whereas in countries with weaker trade union movements - as for example in the UK - they tend to become less and less relevant.

The most important difference between the Member States is the basic philosophy of industrial relations. In countries like Germany, Austria or the Netherlands, as well as in the Scandinavian countries, they are based on co-operation, whereas in the Anglo-Saxon, as well as in the southern European countries, they are based on conflict. This difference has far-reaching consequences for the perception of systems of workers' participation. Where a spirit of co-operation prevails, trade unions and workers are, in principle, prepared to share responsibility with management for decision-making, whereas in a system dominated by conflict and antagonism they insist on a strict separation of tasks and responsibilities. The different cultures of industrial relations are deeply rooted in the traditions of the respective countries. It is the result of political, cultural and economic developments. In view of this heterogeneous situation

it would - at least in a mid-term perspective - be totally unrealistic to shape the structure of workers' participation identically throughout the European Union. It has to be stressed that institutional identity would, by no means, lead to functional identity. The conditions under which such institutions operate are too different. At best, there is a chance to approximate the systems in a functional sense, thereby eliminating any distortions of competition which might arise due to the existing differences. A more important reason for such an approximation, however, is that the EU no longer a mere common market and economic community but it is on its way to becoming a political union. If democratisation of the economy is understood to be a stabilising element for democracy in society as a whole, workers throughout the EU should have a similar chance to influence decisions by which they are affected.

However, it would not be sufficient to approximate the different systems. Whatever the shape of the national patterns of workers' participation might be at least, in principle, their scope of application is limited to the national territory. If decisions are made by the headquarters of a transnational undertaking or group of undertakings in another country, the national system of workers' participation tends to become irrelevant. Therefore, it is also necessary to extend workers' participation beyond national borders.

Workers' participation, in respect of certain specific issues, is the strategy which first succeeded in promoting the approximation of workers' participation in the European Union. I have already mentioned these, for example, the protection of workers in case of collective redundancies and in the event of the transfer of undertakings and on health and safety. The first two of these Directives both provide for information and consultation of workers' representatives according 'to the law and practice' of the respective Member State. This also applies to the Framework Directive on the introduction of measures to encourage improvements in the safety and health of workers at work (1989). Therefore, the employer is not only obliged to inform and consult workers' representatives but, in addition, has the duty to 'balanced participation in accordance with national law and/or practice' (Art. 11 par. 1). What 'balanced participation' means, in this context, remains obscure. There is, however, at least consensus, in so far as it is interpreted, that it provides a higher degree of influence than mere information and consultation. It will be the European Court of Justice's task to clarify the meaning of this concept.

The approximation initiated by these Directives is successful only to a very limited extent. The actors on the workers' side in the different countries are too different. In a country like Germany the works council equipped with a whole set of instruments to influence management's decision-making fulfils the task of workers' representatives. In some countries there are much weaker bodies - for example, the comité d'enterprise in France – or, in others, no specific bodies at all, as in the case of the UK, where shop stewards were supposed to take over this role. In view of the weakening of the trade union movement they, however, exist to a lesser and lesser extent. In addition, since it is possible for employers to recognize or de-recognize trade unions the European Court of Justice, in two spectacular judgements of 1994, considered this situation to be incompatible with the requirements of the Directives on

collective redundancies and transfer of undertakings. According to the ECJ the requirements of these Directives are only met if there is a guarantee that workers' representatives are available in cases of collective redundancies or transfer of undertakings. Accordingly, the UK had to amend its legislation to provide for workers representatives in such circumstances, an almost revolutionary step in the British context. This example shows that the affect of these Directives in reference to certain specific issues should not be underestimated.

In addition to the approximation of systems of workers' participation in regard to specific issues, the EU has succeeded in extending workers' participation to the transnational level. This happened by amendments to the Directive on collective redundancies, in 1992, and to the Directive on transfer of undertakings, in 1998. These Directives now apply also to measures and decisions taken by headquarters of transnational undertakings or groups of undertakings situated in another country. These amendments, however, are of only marginal relevance compared to the importance of the Directive of 1994 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees. The Directive on European Works Councils is the result of long and difficult negotiations by which one can learn a lot on the limit of Community regulations in this area. Therefore, it should be described here at least in a sketchy way.

Countries which already had well established systems of workers' participation took the initiative for the introduction of such a transnational system. They were frustrated by the limits of their respective national systems being confined within the national borders. The national systems became irrelevant if decisions were been taken in the headquarters of transnationals based abroad.

The first attempt to achieve such a regulation was the draft Directive on procedures for informing and consulting employees, the so-called Vredeling Directive, in 1980, named after the then Commissioner of Social Affairs, the Dutchman Henk Vredeling. This draft was modified and presented in an amended version in 1983. Both drafts focusing on a decentralised system of workers' participation. There should be no new body on the level of the transnational headquarter but information and consultation of existing workers' representatives, according to national law and practice. The idea was that the parent undertaking would inform the subsidiaries and the subsidiaries would inform and consult with the workers' representatives. The model already used in other Directives referring to certain specific issues was simply transferred into these drafts. It was hoped that respect for existing structures would increase the acceptability of the intended Directive.

The drafts set out, in detail, the subjects for information and consultation as well as the respective procedures. At least once a year the management of the parent undertaking would be required to forward to the management of each subsidiary within the Community information on the activities of the parent undertaking and its subsidiaries as a whole. Much more important than the communication of this general information was the special procedure to be followed if certain specific decisions

were to be taken, for example, closure or transfer of an establishment or major parts thereof; restriction of or substantial modifications to the activities of the undertaking; major modifications with regard to organisation, working practices or production methods, including modifications resulting from the introduction of new technologies; introduction of long-term co-operation with other undertakings or the cessation of such co-operation; and, last, measures relating to workers' health and industrial safety. In these cases the management of the parent undertaking, through the management of the subsidiary affected, was required to provide precise information, including details of the grounds for the proposed decision, the legal as well as the economic and social consequences of such decisions for the employees concerned and the measures planned in respect of such employees. It is important to underline that the workers' representatives were allowed thirty days to give their opinion and management could only implement the measures after this period.

This possibility of delaying the decision-making process and the much too detailed provisions for the procedure of information and consultation led to a significant resistance in the employers' camp. Thus, in 1986 the attempts to further promote the Vredeling proposal was given up. It was a first class funeral.

The Community, however, succeeded in finding a way out of this dead-end. This was mainly due to the efforts of the Commission's President Jacques Delors who did everything to organise a revival of the Community's social policy. Most important in this context is the Community Charter of Fundamental Social Rights of Workers. Even if this Charter – signed in 1989 by all Member States except the UK - is only a non-binding declaration, its political weight should not be underestimated. In Section 17 it claims that 'information, consultation and participation for workers must be developed ... especially in companies or groups of companies having establishments or companies in two or more Member States of the European Community'. This gave legitimacy which made it possible to present, in 1991, a new proposal for a Directive. In spite of the fact that this draft was presented after consultation with the social partners it did not get over the hurdle of unanimous voting in the Council. Due to the possibility of qualified majority voting, as established in the Maastricht Social Protocol (and now transferred to the Amsterdam Treaty), it was possible to finally pass the Directive in 1994, after many modifications of the original draft which were mainly necessary to overcome opposition of employers.

There were mainly two reasons for the fact that this opposition was overcome, enabling the Directive to be adopted. First, there was the result of the learning-process in dealing with the Vredeling proposal. The new Directive no longer contains specific provisions on the content and the procedure of information and consultation. Instead, it establishes a procedure which is open-ended - everything is left to the negotiating partners. Only in the case of failing to reach agreement do subsidiary requirements apply. For the employers these subsidiary requirements are to be seen as a threat to be used in the case of failure, so they cannot escape the procedure of information and consultation. This threat, of course, promotes successful negotiations. Second, the new Directive allowed for voluntary agreements until a certain date. The leeway for these voluntary agreements was almost unlimited, certainly much bigger

than under the regime of the Directive. This led to the conclusion of numerous voluntary agreements, from about 40 in 1994 to more than 400 in 1996 - the date when the Directive had to be transposed into the national laws of the Member States. The mere fact that the Directive stimulated these agreements already has to be seen as an enormous success.

The Directive does not focus on a homogeneous model of information and consultation. The change of paradigm from substantial regulation (as in the Vredeling proposal) to procedure which give the actors every possibility to agree on a system which fits best the respective structures of undertakings or the group of undertakings. The models, which evolved in this way, have already become a widely discussed subject of scholarly research. It seems that a very promising learning process on effects of legal regulations can be initiated. When about 1500 European Works Councils are formed under the Directive this will provide a rich sample to illustrate the chances and problems of transnational workers' participation. The present discussion on amendments to the Directive is already very much based on such empirical observations.

A further advantage of the Directive, in comparison to the Vredeling proposal, is that workers' representatives from the different Member States of the EU have to be informed at the same time as those at the headquarter level, which is especially important in cases of closure and/or transnational relocation. This simultaneous information and consultation tends to prevent any attempts to undermine the solidarity between the employees of the different Member States, even if this cannot be totally eliminated.

Stimulated by the successful experience with the Directive on European Works Councils the Community has revitalised a project which was considered to be dead forever - workers' participation in the boards of the European Company. The first attempt to introduce legislation which would make a European Company an option available, in addition to national models of company law, dates back to 1970. According to experts the European Company would lead to significant savings and to increased efficiency and transparency. It no longer would be necessary to create a complicated structure of holding companies in order to overcome the problems arising from the differences of company laws across the Member States. In spite of these evident advantages, the attempts to introduce European Company Law did not succeed because of lack of consensus on how workers' participation on company boards would be provided for.

The first proposal in 1970 could not be successful for the very simple reason that it ignored the basic differences of industrial relations throughout the Community and proposed to impose the same model (namely a cross between the Dutch and German models) to all Member States. In the context of the development of the Single European Market, in 1989 the Commission presented a new draft which tried to draw conclusions from the debate on the first proposal. It offered four options from which the Member States would choose the one which fitted best in its overall framework. However, these options were still considered too rigid to find general acceptance.

Therefore, it was pretty clear from the very beginning that this new attempt would also fail.

Inspired by the success of the Directive on European Works Councils the Commission established a group of experts which presented its final report in 1997, the so called Davignon report, named after the chairperson of this group. Basically this group of experts recommended the same concept which governs the Directive on European Works Councils, providing for a procedure and leaving practically everything to the negotiations between the actors. In case of failure to reach agreement, it provided for a safety net of subsidiary requirements. According to these subsidiary requirements that workers should be represented by one fifth or, at least, two seats in the company board. This proposal was transferred into a draft Directive in 1997, but again it was difficult to reach agreement on the subsidiary requirements. In spite of the fact that the European Company is not supposed to be available for the creation of a company but only in the case of mergers, those Member States (mainly Germany and Austria) with a higher number of seats on company boards were not willing to accept a lower level of workers' representation. They saw the possibility that companies might try to escape the scope of application of the national systems of workers' participation.

Under the UK Presidency in 1998, a compromise was arrived at. According to this new version the highest level of board representation of a company participating in a merger is decisive and to be guaranteed by the subsidiary requirements. If, for example, a German company would engage in a merger, the German level of workers' representation would be transferred to the European Company if not, a different arrangement would have to be negotiated. The disadvantage of this proposal, however, is that there would be no workers' board representation whatsoever if in the merging companies workers' participation schemes do not already exist. In my view this zero solution is too high a price to be paid as a trade-off for the guarantee of the pre-existing higher level. The intended regulation misses its goal to introduce workers' participation in corporate boards – on whatever level - as an inescapable obligation if a different result is not achieved through negotiations. This perspective, however, was not the reason why the proposal was not adopted unanimously by the Council of Ministers in 1998. The reason was due to opposition by the Spanish. Spain did not want the introduction of any obligatory system of workers' board representation whatsoever. The attempts of the German presidency to finally pass the Directive were unsuccessful. The proposal is still pending and the debate on it remains in inner circles. Therefore, it is difficult to give any forecast.

The Directive on European Works Councils has encouraged the European Commission to another, even more far-reaching proposal – a Directive for information and consultation at the national level. Instead of prescribing information and consultation only for certain specific issues, the national systems of information and consultation are to be approximated in a comprehensive way. This time, however, the possibility for the social partners negotiating an agreement – as allowed by the Maastricht social protocol and now included in the Amsterdam Treaty - was not used, due to the opposition of employers. Nevertheless the Commission, in 1998, presented a draft Directive, again based on the approach used in the European Works

Council Directive. It leaves everything to negotiations and only in case of a failure to reach agreement do the subsidiary requirements apply.

Since it launched this proposal the Commission has become silent, as there still seems to be significant opposition. However, it should be remembered that this Directive differs from the proposal for employee board-level representation in a European Company, as it only needs qualified majority voting at the Council of Ministers. It is difficult to give a forecast of what might happen. Maybe the inclusion of the right of information and consultation in the Charter of Fundamental Rights which will be adopted as a political declaration, in December at the European Council in Nice, can be considered as a further push for this project. There is no doubt that this Directive on information and consultation at the national level would strengthen the system of workers' participation in quite a few Member States without forcing them to establish new institutional structures which might not fit into the respective overall framework. It is this flexibility focusing on negotiations which makes the proposal so attractive and which, in the end, might lead to its success.

III. SOCIAL DIALOGUE

The second phenomenon to be discussed, the so called social dialogue between the European Trade Union Confederation (ETUC) and its counterparts on the employers' side, UNICE, for the private sector employers, and CEEP, for the public sector employers, has already played an important role in the second half of the 1970s. In the early 1980s, however, when the Community's social policy suffered a period of stagnation, social dialogue almost disappeared. It was revitalised in 1985 by the Commission's new President, Jacques Delors, and afterwards institutionally strengthened by the Single European Act.

In the beginning social dialogue was just a forum to exchange ideas, to provide input into Community legislation and to pass joint opinions by which the social partners on the European level tried to stimulate strategies of employment policy in the Member States. Its power was significantly increased by integrating it into the Community's legislative machinery through the Maastricht Social Protocol, which is now integrated in the Amsterdam Treaty. The actors in social dialogue, therefore, are not only entitled to conclude agreements to be implemented in the Member States according to national law and practice but in addition they are now integrated in the legislative machinery. This means an increase of their power in three ways. First, they are to be informed and consulted by the Commission if the Commission intends to initiate legislation in the area of social policy. Second, they are to be informed and consulted a second time on the modalities of the intended legislation. Third, and most important, the social partners at the European level can substitute the Commission's role of drafting legislation by concluding between themselves an agreement within a certain period of time, which can then be transferred by the Council into binding Community law. Already Directives on parental leave, on part-time work and on fixed-term contracts have come through this procedure. Another agreement leading to a Directive on temporary work will follow in the near future, as negotiations on this topic are on going at present.

In addition to this cross-industry social dialogue, sectoral social dialogues have been established to a greater and greater extent. Fifteen of those sectoral dialogues have been set up. The function of these sectoral committees is mainly to be a bridge builder between the national actors of collective bargaining in order to help co-ordinate collective bargaining throughout the Community, to strengthen the respect for certain minimum standards in the sectors covered and to provide services to the national actors. However, it has to be stressed that, so far, the output of these sectoral dialogues is not very impressive.

IV. THE CHAPTER ON EMPLOYMENT

The last of the three phenomena I would like to present refers to the machinery established by the Chapter on Employment (Arts. 125 to 130 European Communities Treaty). Its focus is on a 'co-ordinated strategy for employment' (Art. 125 ECT). The competence of the Member States in this area remains uncontested. The Community is merely required to contribute to a high level of employment 'by encouraging co-operation between Member States and by supporting and, if necessary, complementing their action'.

To make sure that this aspiration has any chance of realisation, the Chapter on Employment provides for several institutional arrangements, such as an Employment Committee, a body of 32 members representing the Member States and the Commission. The role of this committee is to monitor the employment situation and the employment policies in the Member States and the Community as a whole and thereby help to prepare the relevant joint annual report by the Council and the Commission. Most important in our context, in fulfilling its mandate, the Committee is required to consult the social partners. In short, this new Committee is mainly intended to improve the level of information on the development of the employment situation within the Community, but, in addition, it has the power to evaluate these developments and to stimulate new measures by formulating opinions.

In order to ensure that the work of the Employment Committee, as well as the joint annual report by the Council and the Commission, are followed by action, the Chapter on Employment gives additional powers for the Community. On the basis of the report, the employment guidelines are developed but these are not legally binding. There is, however, no doubt that the guidelines put the Member States under enormous pressure to justify their policies and actions, as they have to report annually on the measures which they have taken 'in the light of the guidelines for employment' (Art. 128 par. 3 ECT). If the examination of these reports is not satisfactory, the Council acting on the recommendation of the Commission is empowered to 'make recommendations to Member States' (Art. 128 par. 4 ECT). There is no doubt that such a recommendations has significant political implications for the Member States in question, externally as well as internally. Therefore, politically it would be a great mistake to underestimate this competence to enact such guidelines.

The power of the Community goes even further. The Council is empowered to 'adopt incentive measures designed to encourage co-operation between Member States and to support their action in the field of employment through initiatives aimed at developing exchanges of information and best practices, providing comparative analysis and advice as well as promoting innovative approaches and evaluating experiences, in particular by recourse to pilot projects' (Art. 129 ECT).

All the Community powers in this Chapter are based of qualified majority voting. This means that enormous pressure can be put on Member States' employment policies even against their will. The last few years have shown quite well that the Community is willing to make use of these powers and to promote an integrated employment policy throughout the Community, or to put it another way, neither the Member States nor the social partners can escape this process.

V. EVALUATION

After this brief description of the development of workers' participation, of social dialogue and of the system of employment policy, the question has to be asked, what does all this mean for the structure of industrial relations in the Community. In trying to make an assessment I would like to offer ten perhaps provocative and controversial propositions:

1. The institutionalisation of workers' participation within the Community has reached a point of no return. Of course, the future appearance of systems of information and consultation is not at all clear. They may be very heterogeneous. This, however, does not change the fact that the spirit of workers' participation, as expressed by the various Directives, on collectives redundancies, on transfer of undertakings and on health and safety, as well as by the Directive on European Works Councils, has become an important element of the Community's social model. This idea of participation in decision-making and of further integrating workers and their representatives into the company's decision-making process will affect all member countries. It evidently means a particular challenge for countries that do not have such a tradition, as, for example, Ireland. The old perception whereby employers are the unilateral decision-makers and the workers and their trade unions merely are obeying or attacking those decisions, the so called them-and-us syndrome, seems to be overcome by this spirit of participation.

2. The Directive on European Works Councils has stimulated transnational communication between workers' representatives. This helps to prevent, at least to a certain extent, the danger of strategies being developed in splendid isolation in companies and groups of companies operating transnationally. It has become more difficult to distribute advantages and disadvantages, for workers throughout the Community, in an arbitrary way. The need for employers to justify their actions has increased. Of course it is too early to assess the question whether and how much actual outcomes are shaped by such an increased requirement of argumentation.

3. Social dialogue is changing. For a long time it could be said that the social partners on the European level were a head without a body, or, to put it differently, the European social partners had no mandate for anything, they were powerless and their infrastructure was almost ridiculous. This has changed due to the new tasks through the social dialogue structures. When agreements were to be made in order to prepare Directives, it became evident that neither the ETUC nor UNICE or CEEP had mandates from their respective constituency to conclude such agreements, which could have such far-reaching consequences at the national level. Therefore, a communication process between the European and the national actors had to be initiated. This has led to a strengthening of the organisations on both sides and to a discussion on the division of labour between national and European actors. The flow of information between the two levels has improved significantly.

4. The implementation of the Directive on European Works Councils has further strengthened the co-operation between trade unions and employers' associations of different countries. Trade unions and employers' associations in all Member States had to make up their minds on how to cope with this new Directive. This has led to a significant increase of horizontal communication. Whereas the integration of social dialogue into the legislative process has helped to strengthen the vertical structure of the organisations on both sides, the Directive on European Works Councils has had a similar effect on the horizontal level.

5. The process of mutual learning, as established by the Chapter on Employment of the Amsterdam Treaty, forces the social partners throughout the Community into an ongoing interaction. This interaction sharpens the understanding for the problems of employment policy in other Member States and of the role played by social partners in other national contexts. Therefore, this interactive task of developing and monitoring guidelines for employment policy turns out to be an effort to better understand similarities and differences among social partners and their relationship to Government in the different Member States. The possibilities and limits of joint strategies, as well as of harmonisation of social policy systems, are becoming more visible than ever before.

6. Even if it is true that the social partners are becoming more European, minded by the mechanisms which I just mentioned, and therefore, the European structures are strengthened, it should be made perfectly clear that social dialogue at the European level has nothing to do with collective bargaining in a strict sense. We are still a long way away from European collective bargaining structures and from collective agreement at the European level. However, it is possible that social dialogue could become the nucleus for a future Community-wide collective bargaining structure. This, of course, would imply that a legal framework is established which clarifies the rules for transnational bargaining, in particular the possibilities for transnational industrial action. According to Art. 137 para. 6 of the ECT, the Community does not have the power to legislate in the area of strikes

and lockouts. This power would have to be granted to the Community if transnational collective bargaining structures would be envisaged.

7. If it is true that European collective agreements cannot be realistically expected in the near future it, at least, should be possible to better co-ordinate national collective bargaining policies. Here the social dialogue arrangements - cross industrial and sectoral - could stimulate and support such co-ordination by framework or model agreements. Those agreements, of course, would not be binding for the actors at national level. However, they could indicate the direction, which might be appropriate to follow from a European point of view. Of course national actors should not be limited in their choices, but at least they would be confronted with a transnational perspective in their national bargaining activities. The idea is to achieve something like awareness improvement. This is an area where social dialogue, in the past, has not been very successful. There are enormous possibilities, which should be further developed in the future.

8. Some actors, through the sectoral social dialogue committees, have initiated another pattern which, in my view, is very promising, even if so far, unfortunately, it is limited to the trade union side. There are communications between the trade unions of different countries on bargaining issues and representatives from different countries take part as guests in the bargaining activities of their sister organisations in other countries. This again is a very interesting mutual learning process, revealing the different bargaining cultures and the different factors influencing the bargaining situation in different countries.

9. Even if the set of regulations on collective labour law in the Community is still rather embryonic, it is clear that due to the phenomena, which I have sketched out, a sort of European industrial relations structure is growing. This is an evolutionary process whose speed has increased significantly in the last decade, even if it had already started about a quarter of a century ago.

10. When we discuss the, so called, 'acquis communitaire' to be implemented in the accession countries, in preparation for the process of enlargement of the European Union, the very important aspect of a growing EU level industrial relation structure, the interrelationship between European and national social partners and the interrelationship between national bargaining systems and European support mechanisms, is normally ignored. This in my view is a big mistake. For it is important that the new Member States will be in a position to join this game by developing their respective national structures. There, however, are still huge deficits. To just give one example, employers' associations in those countries still are a rarity which is, of course, not very promising for them being integrated as a player in the process of European social dialogue.

VI. CONCLUSION

In 1957 the European Economic Community has started with a programme of social policy which was almost nonexistent. In the meantime, social policy has become an important part of the Community's overall policy. The political Union, if it is to be achieved, will only have a chance if the social dimension is treated in a satisfactory way. This is a necessary precondition for acceptability of the project of a European Union by the European population. In this context, in particular, building up collective structures is important. It was my intention to show you that in this respect the Community is going in a good direction, that, in spite of all the criticism which I indicated, it has made tremendous progress in the past 25 years.

When Countess Markievicz died in 1927 the working class people of Dublin lined the streets of her funeral. Their hopes and aspirations were directed to a better future for which Countess Markievicz had been fighting all her life, be it as a Commandant of the Irish Citizen Army in the 1916 Rising or be it as the first woman to be elected a member of the House of Commons. If these people who were present at her funeral would be here to witness the developments I have tried to sketch out tonight they might be pleased. Countries across Europe are no longer left alone in their efforts to promote social justice. This has become their joint task through the European Community. There is reason for an optimistic view, a coherent structure of European industrial relations is no longer an illusionary dream, to a certain limited extent it has already become reality. The speed of growth of such structures in the last decade has been particularly impressive. Optimism may be justified.

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17.*Thirteenth Lecture 1988* The new Right: retreat from consensus	Matt Merrigan

Fourteenth Lecture 1989 Industrial relations in the 1990's - Consensus and partnership	Bertie Ahern T.D., Minister for Labour
Fifteenth Lecture1990 The process of European integration as a challenge for the European Trade Union Confederation	Ernst Breit
Sixteenth Lecture 1991 Education for Partnership	Dr. Patrick J. Moriarty
Eighteenth Lecture 1993 Japanisation and World organisation	Professor Ian Grow
Nineteenth Lecture 1994 Labour market institutions and economic performance in Europe	Professor Paul Teague
Twentieth Lecture 1995 Reconciliation of family and working life- Issues and opinions	Mervyn Taylor T.D., Minister for Equality and Law Reform
Twenty-first Lecture 1996 The Labour Court: Past, present and future	Evelyn Owens
Twenty-second Lecture 1997 Issues at the heart of the emerging European social model	Professor Keith Sisson
Twenty-third Lecture 1998 Europe at the crossroads of globalisation and the Information Society -The social challenges	Professor Roger Blanpain
Twenty-forth Lecture 1999 Involvement, participation and partnership: A review of the debate and some reflections on the Irish context	Professor Paddy Gunnigle
Twenty-fifth Lecture 2000 The main changes of industrial relations in the EU during the last 25 years	Professor Manfred Weiss