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Under the banner *A Fairer Europe for Workers*, the European Trade Union Confederation (ETUC) held its 14th congress in Vienna on 21–24 May 2019. The congress, attended by over 600 union delegates from across the EU, took place under the shadow of Brexit and imminent European Parliament elections and against the backdrop of a national political crisis in Austria. On the eve of the congress the Austrian government was plunged into crisis when a sting operation conducted by German media unveiled the true nature of extreme right-wing politics and its willingness to sell an integral pillar of a functioning democracy, namely freedom of the press, in return for financial and political favours. Trade unions are only too aware of the threat to democratic values that extreme right-wing populism brings. This threat can also be extended to an anti-social EU, which under an austerity agenda has curtailed the bargaining power of unions, a cornerstone of European democracies. Themes addressed at the congress included, in no particular order, the need for a new social contract to address the structural flaws in the EU's monetary policy, climate change and a just transition, socio-economic inequalities and how to counter xenophobic right-wing Euroscepticism, digitalisation and the gig economy, and workplace democracy.

In his address to the delegates, General Secretary Luca Visentini highlighted the importance of the European election for the future of the EU. 'These elections will be a turning point either for more social Europe, or towards the decline of the EU', he warned. Concerned that there remain 'scars left by the crisis' and that the 'EU has lost its social soul', Visentini declared that 'a fairer Europe for workers' is the only way to counter the extremists. To this end the European Pillar of Social Rights is seen as having played an important role, but with scope for improvement. Other than developing 'capacity-building tools', there was, however, little or no mention of mobilisation as a means of challenging the neoliberal hegemony that resides at the European level. Instead, hope was expressed that the Commission would continue to build on the Pillar of Social Rights and strengthen it – the same Commission, it should be noted, that under Juncker denied, despite rhetoric to the contrary, consultation and information rights to public employees (see below). The curtailment of workers' rights is, according to Visentini, rightly attributed to 'interference by institutions'. Most probably the 'institution' in question is in fact the Commission or a particular Directorate General. The tone of the speech suggests that the ETUC is pursuing a social partnership mode of trade unionism. Whether such a strategy can be effective remains to be seen. Perhaps against a backdrop of rising extreme right-wing populism, a recurrent theme of the Congress, the prospect of a fairer Europe for workers is more hopeful. If such a Europe does not materialise, and not merely symbolically, we might pay a heavy price.

This News and Background article considers some of the main developments of the congress, including keynote speakers, the (few) amendment debates and emergency resolutions. The political landscape has, since the congress, fragmented with the European Parliament elections but what might this imply for the future of the social dimension of the European Union?

‘Long live trade unions!’

European Commission President Jean-Claude Juncker was the first of the invited speakers to address the delegates. With his Presidency coming to a close, Juncker set out his stall by defending his record, which includes the promised creation of a European labour authority, as well as a decrease in the EU’s youth unemployment from 22 to 14 per cent. He did, however, mention that many of today’s workers no longer enjoy decent employment contracts, which is a grave concern. He referred to the phenomenon of posted workers as ‘modern slavery’, which must be tackled. The tech giants, he insisted, have to pay their taxes. Juncker, a former labour minister, was, of course, preaching to the converted and he concluded his speech by exuberantly exclaiming ‘long live trade unions!’. How such a statement should be understood, and whether it would hold under a more conflictual relationship, remains to be seen.

Amendment debates (or the lack thereof)

The main business of the congress is to deal with pan-European trade union questions and to vote on issues that will shape the ETUC’s agenda over the next four years. Here, the lack of debate or initiatives was quite noticeable. This would suggest that debates had taken place prior to congress and much had already been agreed on the Action Programme, which is to be implemented by 2023. Over five chapters, only 15 amendments were suggested on 590 action points. On each vote the Secretariat’s recommendation was upheld. Of particular interest was the amendment put forth by the three Dutch confederations, even though it was rejected by almost all ETUC delegates. The Dutch amendments are interesting as they are at odds with European trade unions’ traditional support for both centralised, multi-employer collective bargaining, as well as an ever more integrated Europe. Instead, the FNV, CNV and VCP argued in favour of local bargaining and asked the Congress to remove the Action Programme’s provisions to ‘Stop the fall in collective bargaining coverage’ and to ‘Prevent the decentralisation of collective bargaining mechanisms’ in their entirety (ETUC, 2019a: 41). Furthermore, the Dutch confederations also opposed the creation of a Minister for the Economy who would chair the Eurogroup and be answerable to the European Parliament. It seems that the changing Dutch union attitudes are related to the ever more Euro-sceptic attitudes of the far-left Socialist Party (SP), which has strengthened ties with unions in recent years (Blank, 2017). However, the SP’s new political strategy, which included a personal attack on Frans Timmermans as the embodiment of the ‘EU elite’, has largely failed, given the losses the SP suffered in the recent national and European elections.

What appears unusual about the Dutch unions’ brand of Euroscepticism is that typically unions are more inclined to adopt such a position where there is an absence of an extreme ethno-nationalist party (Golden, 2016). However, this is not the case in the Dutch context where such a party is already well-established. Hence, the Dutch unions’ stance remains to be fully understood.

A red card to the Commission

In addition to voting on the five chapters of the Action Programme, there were a couple of emergency motions. One such resolution called on the European Commission to respect the Treaty rules on social dialogue. As mentioned above, the Commission has refused point-blank to extend information and consultation rights to central government employees, even though the Social Dialogue Committee for Central Government Administrations agreed on a general framework for common minimum standards on these rights. After voting unanimously in favour of the emergency

resolution, the outgoing ETUC President, Rudy de Leeuw, noted that the Congress was giving the Commission 'a red card'.

The aforementioned social dialogue process was a contentious one, but culminated in a successful outcome in December 2015. The unambiguous intention of the social partners was to implement the agreement via a directive. At the time, it was welcomed by the Commission (European Commission, 2015) as a 'contribution to a modern and high-quality public service across Europe'. The Commission, in a letter to social partners, stated that it 'will carry out a proportionate impact assessment of the Agreement' (European Commission, 2016). Such an assessment was to be part of Juncker's 'Better Regulation' agenda and while the assessment was never conducted, the impact is clear: information and consultation rights have been denied.

This all comes at a time when, as part of the European Semester and the issuing of country-specific recommendations, the restructuring of government administrations is a common topic with little or no information and consultation rights for workers and their trade union representatives.

The Commission's rebuttal flies in the face of the EU Social Pillar, which states that *all* workers in the EU should have access to such rights. Furthermore, the Commission's actions disregard the autonomy of the social partners and effectively conclude the 'New Start for Social Dialogue' launched by the Juncker Commission in March 2015. Confederal Secretary, Esther Lynch, said from the congress podium that 'It is not acceptable for the Commission to say it supports social dialogue, but then do the opposite.' The Commission's decision comes only four months after the proclamation of the European Pillar of Social Rights!

A recent analysis of the evolution of social dialogue by a former Commission official, Tricart (2019), is quite critical of the Barroso and Juncker Commissions. As opposed to previous initiatives in the social dialogue camp, the 'Better Regulation toolbox rather draws on a rationale of mistrust and a determination to shape and close the area for contractual relations' (Tricart, 2019: 42). The Commission's current stance on social dialogue is described as 'unfathomable' and 'regards any negotiation initiated with a view to legislative implementation as dangerous' (Tricart, 2019: 44–45). Hence, Tricart (2019: 46) finds that 'it is not surprising that, in many respects, this reinterpretation [by the Commission] has been divisive, and that its legitimacy has been challenged.'

Following the Commission's refusal to introduce legislation, EPSU brought a case to the Court of Justice of the European Union (CJEU) for breaching Article 155(2), which itself originates from an Agreement concluded by the European social partners in 1991. Hence, the timing of the resolution and the 'showing of the red card' was not unrelated to the court proceedings due to commence the following day. This is the first time that proceedings on a social policy question have been taken by a European trade union against the Commission and inevitably the outcome will set a legal precedent. The strategy is undoubtedly risky and will determine the rights of EU social partners on matters of labour and social law. For this reason, EPSU's decision to take the legal route was met with some disquiet by some trade unionists. Although the judgment is not expected before the end of the year, the ETUC (2019b) still 'demands the new Commission make a proposal to the Council for a directive'.

Solidarity in times of crisis

Few would disagree that the UK government's decision to leave the EU constitutes the project's nadir. What Brexit actually is, however, is more contested. But whatever impact Brexit might have, the British TUC and wider European trade union movement renewed their commitment to

transnational solidarity. On the final day of the congress a motion was unanimously endorsed by delegates that criticised the Conservative government's 'reckless disregard for workers' jobs, livelihoods and rights' (ETUC, 2019c). For two-and-a-half years following the referendum, Theresa May refused to engage with the TUC and her eventual appeal to unions was too little, too late to amount to anything meaningful.

Should Brexit ever happen the Irish Congress of Trade Unions will occupy a novel position for they will be the only confederation simultaneously to organise members in an EU Member State and a non-member state. The Good Friday Agreement, which brought an end to decades of bloody conflict in Northern Ireland, has come to the fore in an effort, first and foremost, to safeguard the peace process, but also to ensure the integrity of Northern Ireland's social fabric. The dilution of workers' rights would inevitably weaken this social fabric. As ICTU delegate Owen Reidy noted, 'There is no such thing as a good Brexit for working people.'

The solution lies in 'a deal rooted in membership of the internal market and a customs union [which] would deliver a Brexit that protects workers' rights and prevents a border on the island of Ireland' (ETUC, 2019c). Or, alternatively, 'the people of the UK should be given the final say, through a general election or a popular vote' (ETUC, 2019c). Of course, a so-called 'no deal Brexit' cannot be ruled out. The implications of such an outcome are stark, for a hard Brexit would mean tough competition. This would inevitably have implications first of all for British and Northern Irish workers. There could also be implications, however, for the cooperative spirit that underscores the ETUC and the broader European project.

An inconvenient truth

There is an inconvenient truth that was not addressed at the congress, one that unions need to acknowledge and confront. Supporters and advocates of ethno-nationalist and populist politics are the target of much trade union ire; some of the very people that vote for these political forces, however, are also rank-and-file trade union members. Therefore, there is an onus on the trade union leadership right through to the representatives on the ground to engage with this toxic brand of politics and re-engage with the incompatibility between class and nationalism. The dismantling of national social systems is the result of three decades of neoliberal policies that are fuelling insecurity and discontent. Building *A Fairer Europe for Workers* is a noble cause and while it stands in contradistinction to 'Italian/French/Finns first' and so on, ethno-nationalist slogans are clearly resonating with an alarming number of workers. Countering this extremism is of paramount importance to unions, as proponents of right-wing extremism are vehemently committed to undermining unions' function as labour market intermediaries, as well as their role as legitimate representatives of workers. This would only lead to workers' further immiseration. Hence, unsuccessfully criticising neoliberalism and not delivering *A Fairer Europe for Workers* could have far-reaching consequences. This is the objective of the newly elected ETUC Secretariat, which consists of Luca Visentini as General Secretary, Esther Lynch and Per Hilmersson as Deputy General Secretaries and Liina Carr, Isabelle Schömann and Ludovic Voet as Confederal Secretaries. Laurent Berger was elected President and José María (Pepe) Álvarez, Miranda Ulens, Bente Sorgenfrey and Josef Středula as Vice Presidents.

There is, by way of conclusion, a consensus that workers have borne the brunt of the Euro-crisis, resulting in many adopting a Eurosceptic stance. All too often, criticising the EU is equated with xenophobia and nationalism. The original misgivings directed towards the EU, however, are rooted in socio-economic justifications, according to unions and left-wing commentators (Béthoux et al., 2018). The marginalising of unions and an unwillingness to address their concerns will only ready

the political ground for exploitation from a more morbid brand of politics whose Euroscepticism carries more far-reaching consequences for the EU.

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