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1. SUMMARY OF GREEN PAPER ON EMPLOYEE PARTICIPATION

The European Commission issued in November 1975 a Green Paper on Employee Participation and Company Structure in the European Community. From the end of January 1976 onwards, a series of press conferences on the subject will be given in the nine member countries.

The Green Paper (the term is borrowed from British parliamentary procedure) aims to give a new impetus to the debate amongst all interested parties on the decision-making structures of industrial and commercial firms. After the period of debate the Commission will prepare definite proposals for decision by the Council of the European Communities.

N.B. The trade union information division will be publishing shortly a number of "European documentation - trade union series" setting out in detail Commission views on employee participation.

Form of the paper

The first part begins with an Introduction which deals primarily with the need for Community legislation in this field. Emphasis has been placed on fundamental aspects of social and economic policy at Community level. Participation at enterprise level is acknowledged to be only one aspect of a more general evolution. Recognition is given to the need for a Community framework which takes account of current economic, social and political goals and realities, including the reality of past divergent development. In this connection, a distinction is drawn between the European Company Statute and the fifth directive. The purposes, form and content of the green paper are explained.

The chapter "The Need for Community Legislation" deals at greater length with the question of why the Commission is proposing Community legislation on companies, and, in particular, on employee participation in companies' decision-making processes.

The chapter "Community Programmes and Proposals" seeks to show that the proposals on employee participation in company boards are only one element in the whole range of Community policies concerned with participation and industrial relations.

The chapters "Company Structure" and "Employee Participation" contain an account of the development of the main characteristics of the existing systems in the Member States. More detailed information on these matters is to be found in the second part of the paper which is a country-by-country survey, giving a picture of the situation in each of the Member States of the Community, and which is a summary of the information which formed the factual basis for the paper's analysis.

The chapter "Convergences" derives from the preceding two chapters certain guidelines and conclusions as regards the construction of a Community framework for the decision-making structures of public companies, and employee participation therein.

The final chapter "Flexible Approaches" affirms that Community legislation must be drafted flexibly to make proper allowance for divergences in existing systems and attitudes, and makes certain suggestions as to how this might be done.

Appendix I deals with the special problems of groups of companies, a matter of some importance since most so-called multinational enterprises are groups of companies. Appendix II deals with the functions attributed to a European Works Council by the same Statute. These have been included to serve as a point of departure for a consideration of the possibility of providing in Community legislation either for a degree of approximation as to employees' representative institutions generally, or for an enterprise level representative institution to serve as a transitional substitute for representation on supervisory boards.

Principal viewpoints

The paper does not make detailed, formal proposals, but presents certain orientations as a focus for debate. The Commission

- indicates that the dual board system is the more desirable for public companies and remains one of the Commission's objectives, but suggests that a transitional period is probably required during which Member States would have to give public companies a choice between a dual and a single board structure. The length of the transitional period is left open at this time;
- argues that employee representation on the supervisory boards of public companies has a valuable role to play in the Community framework, being one of a whole range of methods, including collective bargaining, plant level representation, and participation at sectoral, national and Community level, whereby employees can influence the decision-making of enterprises and social institutions;
- suggests that, as far as employee representation on company boards is concerned, a transitional arrangement is also required, the best alternative appearing to be to permit Member States to give their public companies an option to adopt, instead of board representation, a company level representative institution, which need not to be an organ of the company, with extensive rights as to information and consultation, particularly as regards the economic policy-making of the enterprise. Again, the length of the transitional period is left open;
- undertakes, also as far as employee participation on company boards is concerned, to consider carefully any suggestion which is made as to the inclusion in an amended fifth directive of other provisions on employee representation on the supervisory board as alternative to those in the existing proposal;
- indicates that the amended fifth directive should not contain uniform rules as to the methods by which employee representatives are to be appointed, but should contain certain general provisions

ensuring that all systems in force guarantee that employee representatives are truly representative of the company's employees. All employees should be able to participate in the election process, according to procedures guaranteeing a free expression of opinion;

- indicates willingness to consider a provision that representation on the board should not be implemented against the wishes of a majority of an enterprise's employees;
- suggests that, in principle, Community legislation is also desirable in order to bring about a degree of convergence as to the system whereby employees' representatives are informed, consulted and, on occasion, approve or disapprove proposed decisions. Such legislation might well have to be applied to enterprises generally, and not merely to public companies;
- states that collective bargaining has important functions to perform, that it is likely to develop, and that this development is to be encouraged for example, as regards international bargaining with multinationals. But it is argued that collective bargaining does not at this time form a suitable general basis for Community legislation on employee participation in the decision-making of enterprises, though, for certain issues of a relatively well-defined nature, such as the establishment of social plans, obligations to bargain collectively do have a substantial role.

2. DISTRIBUTION OF EUROPEAN SOCIAL FUND IN 1975

In 1975 the European Social Fund distributed almost 43 million units of account (£ 1 at rate for EEC transactions equals 2.4 u.a.) to the nine Member countries of the European Community, to help them combat unemployment among young people under 25 years old.

In France 7.79 million u.a. provided by the European Social Fund for this purpose served to finance vocational training for 30,000 young people seeking their first job.

In Belgium 1.75 million u.a. were granted for the financing of courses by 14,500 young qualified people in factories, while in the Federal Republic of Germany 8.26 million u.a. were granted for financing a programme of training courses designed to facilitate the access of 28,000 persons to their first job.

In total the European Social Fund devoted 375 million u.a. in 1975 to helping Member States to finance retraining in the agricultural and textile sectors as well as for handicapped workers; also to finance programmes for workers threatened with unemployment in disfavoured regions.

In 1976 the budget of the European Social Fund will be raised by 20 per cent and will amount to 440 million u.a.

By countries, Great Britain received the most from the European Social Fund (29.4 %), followed by Italy (27.2 %), France (18.8 %), Federal Republic of Germany (11.4 %), Ireland (5.8 %), Netherlands (2.9 %), Belgium and Denmark (2.1 %), and finally Luxembourg (0.01 %).

3. ETUC REQUESTS CLARIFICATION OF DECISIONS TAKEN BY COUNCIL OF SOCIAL MINISTERS

The ETUC has written to the President of the Council of Ministers of Social Affairs/Labour, requesting clarification of certain decisions of its meeting of 18 December 1975 (See "Trade Union Information" no. 1/76), as set out in the press release issued by the Council. The observations of the ETUC are as follows:

1. Proposed action by the European Social Fund in favour of operations connected with the recession

Simply to note that the majority required for adoption of the proposal was not present, appears to us insufficient. In fact the proposal of the Commission received the approval of the Social Fund Committee, the Economic and Social Committee and the representatives of organisations of workers and employers inside the Standing Committee on Employment.

In these circumstances we think that the Council should justify its position at the next meeting of the Standing Committee on Employment and explain the guidance which it gave to the Commission in this matter.

2. Trade union rights of migrant workers

We should like to emphasize that the regulation adopted by the Council in this matter contains two limitations:

- it concerns only Community migrant workers, a minority of migrant workers in the Community (this is not a criticism but a statement of fact);
- it does not have any effect on legislation preventing migrant workers from being eligible for office in public law organisations, and this substantially reduces its real value.

These two restrictions, the second in particular, should be speedily dealt with in Community acts as part of the application of the resolution concerning an action programme for migrant workers.

3. Equal treatment between men and women workers

We note that the Council intends to adopt legislation at a later date concerning equality of treatment in the matter of social security. We regret however that no time-limit has been established in this respect.

We note with satisfaction that the directive implies a positive right in regard to equal treatment. However, we strongly regret that as far as the area of education and training is concerned, this right is established "without prejudice to the recognised autonomy of certain private establishments".

We consider that this reserve is inopportune and ambiguous.

4. Resolution concerning a social action programme in favour of migrant workers and the members of their families

Whilst considering the contents of this resolution positive, we must nevertheless express reserves as to the real impact of such a text on the situation of migrant workers in the Community.

Moreover, we regret that paragraph 8 of the resolution does not establish a time-limit for the examination of "further development" of the resolution. In regard to paragraph 5, we should like to recall that the European Trade Union Confederation calls for speedy adoption of a Directive concerning clandestine immigration and in particular sanctions in respect of those who traffic in Labour and employers who exploit this labour.

The ETUC reserves the right to return later to other aspects of the Council resolution, after deeper examination.

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5. The whole of the observations formulated above have as their sole objective the establishment of a genuine dialogue between the Council and the ETUC, in areas which are of vital importance to European workers.

4. EQUAL PAY IN IRELAND

On 16 January 1976 the European Trade Union Confederation, after discussions with representatives of the ETUC-affiliated Irish Congress of Trade Unions, issued the following statement on equal pay in Ireland:

The European Trade Union Confederation fully endorses the position of the Irish Congress of Trade Unions in opposing the proposal by the Government of Ireland to postpone the implementation of the equal pay legislation passed by its Parliament in 1974.

The ETUC consequently wishes to make it quite clear that it will immediately urge the European Commission to reject any application by Ireland for any derogation under Article 135 of the Treaty of Accession from its obligations under the EEC Directive 117 on equal pay which must be implemented in Member States by 10th February 1976.

All trade union centres in the ETUC are being notified of the position of the ICTU and of the ETUC's full support for the stand of the Irish Congress on this issue.

Donal Nevin, ICTU assistant general secretary, said after the meeting with the ETUC that in view of the ETUC position, it seemed "most unlikely" that the European Commission would grant Ireland any derogation.

On 21 January the Irish Government announced that it proposed to abolish sex discrimination but not discrimination between married and unmarried workers in the public service, and to establish mechanisms by which unions and managements might arrange exemptions from equal pay in the private sector. The proposal for the public service — which means a rise of 7 per cent for married women, up to the rate for married men — would reduce the number of workers affected from 35,000 to 9,500. It had been understood hitherto that abolition of discrimination meant bringing single men, single women and married women up to the rate earned by married men.

In regard to the other aspect of its proposal, the Government considers that implementation of the principle could in certain cases lead to serious unemployment of both men and women. It will therefore introduce amending legislation. It states:

"Temporary exemptions from the 1974 Act will be allowed when the workers' representatives agree with employers to modify the application of the terms of the Act. If agreement is reached, the matter will be referred to the Labour Court which, if it considers it appropriate, will issue a Certificate of Exemption for a period not beyond December 31st, 1977.

"In order to comply with our E.E.C. obligations, the Government will enter into immediate discussions with the E.E.C. Commission to ensure that the proposed legislation will comply with E.E.C. law".

5. FRENCH CGT VIEWS ON LOME CONVENTION

A delegation from the European Secretariat of the French CGT was received in Brussels on 23 January 1976 by Claude Cheysson, member of the European Commission concerned with development policy of the EEC.

The discussion centred on the Lomé Convention and the normalisation of the relations between this department and the European Secretariat.

The CGT delegation emphasized that the Lomé Convention was a step forward and not an end in itself. It stated this in a note delivered to Claude Cheysson, which contains observations on:

- commercial exchanges, which should contribute to the development of economic growth benefitting the community of interest of the workers concerned;
- the system of financial stabilisation, which must be considered as badly operated, to the extent that the problem of inflation, of the international monetary system are not solved in a positive way;
- industrial cooperation will be insufficient unless the workers unite their efforts to control the multinational companies so as to open the way to genuine economic cooperation.

6. NETHERLANDS NVV DISCUSSES TRADE UNIONS AND SOCIETY

At the confederal assembly of Netherlands NVV (Amsterdam 24 - 26 November 1975) Wim Kok, President, set out the policy followed by the NVV in the last three years and indicated guidelines for future action.

Given the present situation and the social and economic policy followed by the Netherlands government, Wim Kok also introduced a debate on current preoccupations.

Before indicating any willingness of the Netherlands trade union movement to cooperate with the government on its wages policy, the NVV lays down four prior conditions:

- 1) following a strict price policy as a means of fighting against inflation;
- 2) imposing the same restrictions on non wage-earners as on wage-earners;
- 3) achieving in 1976 the trade union VAD proposals (VAD, vermogensaanwasdeling = distribution of the increase in GNP);
- 4) ploughing back any profits into employment creation.

The constitution of the European Trade Union Confederation was for Wim Kok a highpoint of the period under review. It was thanks to the pressure of this new organisation that a tripartite European conference on employment recently took place.

A strong and effective ETUC was more and more necessary as a counterweight to the multinationals. In regard to the latter Wim Kok recalled the manifests adopted by the latest ICFTU congress in Mexico. He also made an appeal for the solidarity and interest of the workers of industrialised countries towards those of poor countries.

Results of the statutory elections were as follows:

W. Kok - President
P. Damming - General Secretary
J. Kapper - Treasurer
F. Drabbe - Vice-president
M. Berends - Secretary
A. De Bruin - Secretary
J.M. Ter Horst - Secretary
P.M. Mugerholt - Secretary
P.J.C. Tegelaar - Secretary

Trade Union movement and society

The congress also discussed five themes which form part of a wide project "trade union movement and society".

At the beginning of 1973 the confederal assembly had decided to study and develop a conception of the desired evolution of society and of the role which the trade union movement should play in this regard.

This was the point of departure for the project "trade union movement and society" due to be completed in 1977.

To permit discussion at all levels, informative brochures and questionnaires were prepared on the following subjects:

Already discussed in plenary session:

1. Codetermination

Discussed at the present meeting:

2. Environment

3. Role of work

4. Distribution of income

5. Education

6. Collective equipments and expenses foreseen

7. International division of labour and prosperity

To be discussed in 1976:

8. Employment market

The assembly did not have to take any decisions or draw any conclusions. The aim was merely to deepen the discussion already begun in many working groups.

The final formal decisions on the whole of the project will be taken at the next confederal assembly of the NVV scheduled for 1977.

7. NETHERLANDS FEDERATION OF NATIONAL CENTRES

A federation of the Netherlands trade union movement (Federatie Nederlandse Vakbeweging - FNV) now exists.

18 December 1975 is a historic date for the Netherlands trade union movement. On that day the assemblies of the NVV (the ICFTU affiliate) and the NKV (catholic union centre affiliated to the WCL) decided, in a joint meeting at the Hague, to form the FNV.

Since 1st January 1976 more than one million Netherlands workers have been united in the FNV.

The talks culminating in this event go back as far as 1969.

The CNV (protestant union centre affiliated to the WCL) with around 230.000 members, does not form part of the new federation and concertation between the CNV and the FNV will not be on a systematic basis.

The FNV will have its headquarters in Amsterdam (NKV headquarters were in Utrecht).

For the next three years W. Kok will be president and W. Spit will be vice-president.

The constitution of this merged organisation declare that:

the starting point of the Federation is
the democratic principles and fundamental
rights set out in the Universal Declaration
of Human Rights;
that
the Federation recognises the significance
which faith and conviction can have as a
source of inspiration for trade union activities;
and that
the Federation supports efforts to transform
the European Communities into a Federation
open to all democratic European states.

8. CONGRESS OF THE BELGIAN TRADE UNION CENTRE CSC

Besides discussing the current economic and social situation in Belgium, the XXVith Congress of the Belgian Christian Trade Union Centre CSC (De Haan, 11 - 12 December 1975) debated a special report entitled: "Towards an equitable distribution of income".

European questions

In introducing the report on activities Robert d'Hondt, general secretary, replied to the question "What sort of Europe do we want?". He said:

"We want the EEC to be transformed into a European political union with policies which should be defined as quickly as possible.

Europe owes it to itself above all to be parliamentary, democratic and open to the other European parliamentary democracies. It must offer a model of development aiming at betterment of the conditions of all men.

As a trade union organisation, we have direct responsibility for the construction of the European trade union movement.

The CSC will do all in its power to guarantee the future of European trade unionism.

The ETUC is constituted. Certain results are encouraging, but the ETUC has still to be built. To do this, it is indispensable to surmount national egoisms. The whole of the workers must be made more aware of the imperative necessity of finding solutions and undertaking actions at European level."

The Congress adopted a series of resolutions, including one on European problems, as follows:

The Congress of the CSC confirms the position of the CSC Committee meeting of 5 March 1974 which led - respecting conditions laid down by the CSC - to the dissolution of the European Organisation of the WCL and to the adhesion of EO - WCL affiliates to the ETUC. Congress expresses satisfaction at the confirmation of the process at the second congress of the ETUC (23 - 24 May 1974 in Copenhagen).

Congress demands that the CSC keep its own autonomy, identity and inspiration.

The CSC will mobilise its efforts in favour of a strong, effective and united ETUC. It will be a loyal partner to the ETUC, while keeping intact its attachment and faithfulness to the WCL.

Congress considers that at the world level the workers must be made conscious of the world dimension to the combat of the workers.

Congress expresses the wish to see the ETUC contributing substantially in the coming months and years to:

- a) guaranteeing and promoting the interests of the workers of Europe, particularly but not exclusively within the EEC. This should be done by the adoption of a real social policy within the EEC. To this end, it is essential to increase the number of European joint committees and other instances, having the task of ensuring concertation between the two sides of industry in all sectors;
- b) better defence of the interests of the workers in multinationals, on which European authorities and governments must be able to exercise strict control so as to prevent them intervening in economic and social matters in an unjustified way;
- c) combatting first and foremost unemployment and inflation in the present period and effectively promoting employment at the European level;
- d) achieving a real democratic European Union corresponding to the aspirations of the mass of workers in Europe;
- e) fashioning an independent, responsible, free, egalitarian, fraternal, happy and pacific Europe which acts in solidarity with the third world;
- f) enlarging the competence and scope for action of the Economic and Social Committee of the EEC, for the benefit of the workers;
- g) organising, together with the trade union committees and if possible on an inter-trade basis, concerted trade union initiatives on common specific claims.

Towards a fair distribution of income

R. Van Depoele, national secretary, presented a report entitled "Towards a fair distribution of income".

The subject of this report had been decided on by the 1972 Congress.

During the whole of 1974, aspects of this subject were studied and discussed during hundreds of days of study seminars, on the basis of a document prepared by a working group.

1076 amendments to the draft resolutions were sent to CSC headquarters.

One striking element in the report, which was taken into the resolutions adopted, was that the ideal relationship between minimal disposable income and maximum disposable income should be from 1 to 5. In justifying this spread of 1 to 5, only the four following criteria should be used:

- need
- effort
- arduous conditions of work
- work useful to society

Closing speech

In his closing speech, President J. Houthuys stated:

"However great our preoccupations, we are obliged to go beyond the Belgian framework. The current crisis shows abundantly that no country, however large it may be, is to-day still capable of solving its problems by itself. Knowing the increasing interdependence of enterprises, how could we instal economic democracy if it was not the subject of a decision at European level ?

This is why we are European trade unionists and why we want to become more so, in order to see established a social and political Europe capable of supervising and dominating financial, technical and industrial realities so as to put them at the service of the worker.

As employment is situated more and more within the scope of action of the EEC, the policy of a fair distribution of income must be associated with it.

9. TRADE UNION LEADERS IN BRITISH GOVERNMENT COMMITTEE ON WORKERS' PARTICIPATION

Jack Jones, general secretary of the Transport and General Workers' Union, is a member of the official British Government enquiry into worker directors and industrial democracy which is expected to hold its first meeting in January 1976. He has been closely involved in TUC and Labour party moves to achieve industrial democracy in recent years.

Other trade union members of the committee are Clive Jenkins, general secretary of the Association of Scientific, Technical and Managerial Staffs, and David Lea, head of the TUC economic department.

The committee has the task of advising the government on "questions relating to representation at board level in the private sector" and has the following terms of reference:

1. Accepting the need for a radical extension of industrial democracy in the control of companies by means of representation on boards of directors, and accepting the essential role of trade union organisations in this process, to consider how such an extension can best be achieved, taking into account in particular the proposals of the Trades Union Congress report on industrial democracy as well as experience in Britain, the EEC and other countries.

2. Having regard to the interest of the national economy, employees, investors and consumers, to analyse the implications of such representation for the efficient management of companies and for company law.

The committee has been asked to report within twelve months so that Legislation can be placed before Parliament during the 1976 - 1977 parliamentary session.

10. DAYS LOST THROUGH STRIKES: NORTHERN IRELAND

In "European Communities - trade union information" no. 9 - 1975 we published a table of days lost through strikes per 1000 workers in the nine Community countries over the period 1964 - 1974. We have received a request from the Director of the Industrial Development Organisation, Department of Commerce for Northern Ireland, to publish equivalent figures for Northern Ireland, and we are glad to comply with this request.

The Director writes: "We are not claiming that they are outstandingly good. I do feel however that, against the background of civil disturbance which has obtained in Northern Ireland since 1969, our statistics indicate a degree of industrial normality which should assist in maintaining the credibility of Northern Ireland as an investment area."

The Figures are given below. To give some measure of comparison, the statistics for the whole of the United Kingdom from the above-mentioned table are repeated

	<u>Northern Ireland</u>	<u>United Kingdom</u>
1964	73	94
1965	295	124
1966	243	101
1967	107	120
1968	192	203
1969	276	297
1970	244	480
1971	481	613
1972	654	1.082
1973	154	318
1974	561	650

11. BOOK REVIEW: THE LABOUR MOVEMENT IN EUROPE

"The Labour Movement in Europe" by Walter Kendall (Allen Lane - Penguin Books Ltd. £ 5) must rank as the most authoritative comparative study of the trade union movements of Europe yet produced.

The author, who is a senior research fellow at Nuffield College, Oxford, chairman of the Society for the study of Labour History and an active trade union member, sets himself a lofty aim:

"This volume seeks to introduce, across national frontiers, the workers and intellectuals of each nation to the other. If as a result it helps to eliminate past misunderstandings and contribute towards the creation of a common consciousness and sense of purpose, towards a rise in practical working-class and human solidarity, then it will have fulfilled its purpose."

This book ought to have the desired effect. The facts about the trade union movements in France, Germany, Italy, Britain, Belgium and The Netherlands are superbly presented. Walter Kendall has an extremely good grasp of the historical, political, legal and industrial context of trade unionism in these countries, and he has explored thoroughly the structures and methods of work of the unions.

He gives the sort of basic facts that trade unionists embarking on transnational work would want to know about other movements, and a reading of his book will clear up many popular misunderstandings among trade unionists. He starts with a salutary word of warning to trade unionists and other readers from the Anglo-Saxon world:

"Too often it has been assumed that the mode of operation of labour movements in Britain and the USA conforms to some objective norm from which the labour movements in other countries diverge, for unexplained, but by implication irrational, reasons. The burden of this author's conclusions is that on the contrary the British-United States experience has many of the marks of an atypical, special case."

An example of the sort of misunderstanding which occurs is that concerning the works council (conseil d'entreprise, Betriebsrat). It is commonly assumed that a works council in another European country must be the same sort of body as that in one's own country. Yet they differ widely: in the participation or non-participation of the employer in the council, in the relation between the council and trade unions, as well as in the powers and functions. (A new area where such misconceptions could

arise lies in the proposed European Works Council, which forms an integral part of the co-determination machinery of the proposed European Company - although one has only to read the appropriate articles of the European Company Statute to be clear about its structure and purpose). Walter Kendall has all the facts concerning different forms of works councils at his fingertips. A limited number of West European trade union movements are described, and it is to be hoped that future edition will cover at least the other three trade union movements in the European Community - of Denmark, Ireland and Luxembourg. Each of these three movements has its own characteristics and each plays an important part in trade union activity towards the European Community. Moreover, the Danish trade union movement stands for a conception of economic democracy which represents a fresh and important trend in trade union thinking.

The section on the European and international trade union movements is inadequate, compared with the rest of the book. Apart from the fact that it is out of date (so that the foundation of the European Trade Union Confederation, the subsequent unification of movements of different ideological viewpoints inside it and the development of the European industrial committees - specialised union groupings - are not mentioned), he does not come to grips with the existence of the European Community (trade union successes within the European Coal and Steel Community, long struggles in the first years of the European Community, major trade union victories in the establishment of the Standing Committee on Employment in 1970 and the incorporation of a large part of the 1972 European trade union economic and social programme into the Heads of Government communiqué of Paris, October 1972, etc.). On the other hand the chapter on the European motor industry makes an admirable case study of unions making the first faltering steps towards matching employer organisation at European and international level.

The statistical appendix provides much historical and current information on living conditions, trade union membership, unemployment, industrial disputes, socialist party membership, communist party membership, socialist and communist election results, immigrants and foreign workers.

Trade union situations change with great rapidity nowadays; this book provides basic facts about the trade union movements enabling one to understand and interpret the changes which occur.