

No 2/2003

Tenth Anniversary

CLR News

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NOTE FROM THE EDITOR

A few years ago I spoke in one of my editorial upbeat about the life-cycle of a rabbit.

At the moment when CLR celebrates its tenth anniversary we can conclude that we have survived that rodent. So I will have to choose a subject with a longer life span.

I do not know whether it was difficult for you as a normal reader to handle my double-Dutch over all those years. To say it loud and clear: I often used my *From the editor* as a way to address certain persons (the rabbit was for Ann from the Brussels office, the frustration or anger for the European Commission or another political opponent) or as a means to vent some of my ideas and thoughts that do not belong in a decent scientific article.

A Dutch (or better Flemish) novelist once wrote a novel about a salesman who created and promoted his own “Global magazine”. The magazine’s content was always the same; the cover and the client’s name (and the main heading) changed.

With our own global magazine we have tried the opposite: the headings are often the same, the layout is dull and has been used for years. However, I hope that you have enjoyed the content.

What would an editor of CLR-News be without his sub-editors??

The number 2 issue is brought to you by Jörn Janssen.

He has asked several in- and outsiders to write about 10 years CLR in hindsight.

Furthermore, we have a contribution of Guglielmo Meardi about the development of our industrial relations.

We have our reports, the reviews and personalia.

I can abandon the usual appeal that contributions from our readers are more than welcome.

Jan Cremers, 15th July 2003.

SUBJECT ARTICLES

Tenth Anniversary - CLR-News in hindsight

Elisabeth Campagnac / Directrice de recherche au Laboratoire Techniques, Territoires et Société, Ecole Nationale des Ponts et Chaussées

To celebrate ten years of CLR-News I should like to underline the very important role this review has played, in my view. I say this not only as a researcher working on the construction sector in France but also as a citizen.

In an environment in which the dominant emphasis has been placed solely on aspects of the market economy, the review was able to put forward the major social stakes in the European construction industry. Faced with multifarious reforms which have notoriously changed wage relations in the course of the last ten to fifteen years (in particular around questions of ‘flexibility’ of employment, wages and working time as well as around industrial relations), CLR has played a main role in informing us about the way how these took shape in the different European countries. It has equally shown us the working of social dynamics as developed by the social partners, the issues of debate, the conflicts or negotiations manifesting industrial relations in the construction sector.

CLR was also able to widen our horizons of knowledge of other European countries. It has made us discover not only the different national and social sectoral systems of West-European countries, but also of all these new candidate countries at the doorstep of the European Union. In this respect it has come to be a genuine medium of exchange and mutual understanding.

To conclude, CLR-News seems to me a decisive voice in the making of Social Europe without which I cannot conceive Europe.

Michael Edwards / Bartlett School of Architecture and Planning, London

I am a teacher in a faculty of architecture, building and planning and a recent episode here will help explain why I value CLR.

On the first day of the first year of their studies, I have a group of students in a seminar for the first time and we are discussing the way in which buildings are perceived by people of different backgrounds and professions (this being their first theme). One student - just arrived in England from Denmark - interjects saying that the thing which shocks him most in England is the scaffolding. Other students ask him to explain and he says that the scaffolds used here are heavy (low load-bearing, high mass), slow to erect and very dangerous. "It means that labour is cheap and life is cheap. It makes me very pessimistic for your construction sector."

This led into some very good discussion in later weeks, and some good explorations in the CLR back file in our library. Most of our students arrive without having thought of the actual production conditions of buildings and the insight from CLR papers is very powerful - and important for discussions about migration too, as a challenge to neo-liberalism.

George Fuller / Building Link-up

It was a pleasant surprise when I saw a copy of CLR news. One reason for this was that I had recently been working as a bricklayer in Berlin with a Dutch labour agency that recruited in the UK. My interest in what was going on in EU countries was stimulated - both from the point of work /travel and how things were done. Previous to working in Berlin I'd been an admirer of the continental models of industrial relations I'd read about - after Berlin I was worried they were rapidly going the way of the UK. So CLR News has given me more insight into the EU wide picture - it enlightens - has given me the opportunity to contribute to its columns and be part of something that stimulates ideas to develop positive programmes of action.

Nikolaj Lubanski / R&D Director Centre for Higher Education East Roskilde, Denmark

The tenth anniversary of CLR News also marks my first ten years as researcher. So in some way I can say that we have grown up and matured together. When I think of CLR News I cannot help thinking of my first years as researcher in European IR, especially my first research trip to Brussels in 1994. My project on the Europeanisation of the Construction Industry has just begun when my Director Dr. Jesper Due told me to go to Brussels and gather the most recent information. This trip made me rather anxious, how should I put my questions to persons with a long history in IR work and research, would these experts be willing to spend time on my interviews, etc.

So I went there with the plane from Copenhagen together with what I considered to be all the ‘bureaucrats’ from Denmark (without knowing that I was already one of ‘them’). My first interview was with the General Secretary of the EFBWW, Mr. Jan Cremers. Sounds expensive, eh! I prepared myself extensively, developed an interview guide to hand over to Mr. Cremers at the beginning of the interview and dressed up with a nice shirt and tie (bought in Copenhagen Airport). It was a hot spring day in Brussels, when I got there I was completely soaked in sweat, not only from the walk but also because I was rather nervous for the interview. After waiting shortly I was allowed in to Mr. Cremers whom I found in a T-shirt and with a ‘liberate Palestine’ scarf around his neck. Somewhat different from what I expected and instead of conducting a traditional interview Jan suggested that we took a walk in the nearby park and discussed my questions, but before the walk Jan wanted to know who was funding my research. I think Jan grew a bit suspicious looking at my tie and soaked look.

This trip taught me something about the diversity of people and opinions in Brussels. Before I left EFBWW headquarters, Jan asked me whether I would like to contribute to the newly started CLR News. Since this first contribution, EFBWW and CLR News have been an important meeting point for practitioners and researchers, and I have been involved in several projects that have been initiated here.

In this way my beginning as a European IR researcher is closely connected to the CLR News and like the CLR have matured and grown better, I hope I have done the same as researcher.

Christa Schug

Why have I been reading CLR-News (which I learned to know via my contacts participating in Bartlett Summer Schools in the 80s) all over the 10 years of their existence?

As an in-house lawyer working in a company producing and selling construction materials focussing in Europe I appreciate the information and discussion CLR-News provides on the development of EU-legislation and jurisdiction I also take interest in the results of broader research on the situation in Eastern European countries, especially those to join the EU, such the most recent issue on 'EU-Enlargement- Industrial Relations in Construction as a Pilot.' As a woman I specially welcome CLR-News' ongoing concern on women's rights in construction.

CLR News coming of age

Jörn Janssen

How old are you?

“Ten” is the correct answer of CLR-News.

What do ten years of age mean to an elephant ... or to a turtle? Humans tend to divide their lives into periods of seven years, at least at the beginning. According to their notion CLR-News has not even reached the entry into the stage of adolescence, the age of fourteen. However, a magazine is not a human, nor a rabbit or any other animal. And CLR-News may be a special kind of magazine. Time will tell. We think the tenth anniversary is a good occasion to celebrate and to take stock.

CLR-News definitely went through a stage comparable to childhood when it was printed on yellow paper and featured the editor's design. This stage lasted four years while the maximum number of pages was 16, the minimum 4, the average 11 and the total in all ten issues 108.

We could have celebrated the fourth birthday with the 3/1996 issue when the cover was uplifted with a new design. This was also the year when the European Institute for Construction Labour Research was formally registered as an association according to Belgian law. From now on every issue had a special subject and regular columns started organising the contents and opening up new areas of information. Those subjects often related to CLR workshops and discussions. Incidentally it was in its seventh year – when humans enter the stage of youth – in the 2-3/2000 issue that the returns to a questionnaire to its readers (64 respondents) was evaluated. The results were very encouraging and, following suggestions from the respondents, the range of authors was significantly widened, testifying to the widening of the readership as well as the membership of CLR. In 1998, at the suggestion of Gerhard Syben, the CLR-Observatory was introduced as an annual record of the development of working conditions in construction in EU countries. It appeared for four years as the third or fourth issue in those years. We will come back to this institution later. The latest significant, almost sensational event is a special issue pioneering EU Enlargement in sectoral industrial relations in eight languages, five those of Central European countries. This issue

reflects two new areas of CLR activities, funded research and book publication in a series called 'CLR-Studies'.

In its new shape CLR-News has published 23 issues, that is 33 from its very beginning. Unnecessary to recall that the size of CLR-News has significantly increased to reach a maximum of 88 pages with the 2001/3 issue on 'Employee Representation on Large European Sites'. Meanwhile the number of readers – whether they read or not – has risen from about 200 to about 600.

All this was mainly about quantities and aesthetics. More importantly, CLR-News has focussed on a number of subjects, which have determined its profile as an organ of information and debate on labour and employment in construction. Three subjects stand out as dominant concerns in having provided the heading of two or more issues:

- Posting Directive and Labour Migration
- Works Councils and Employee Representation
- EU Enlargement, East West Integration and the Social Dialogue

The Posting Directive and Works Councils were in fact the subject matters of the second issue published under a heading and the newly designed cover, 1/1997. East-West Integration and EU Enlargement did not come in until 2001 and have been dominating since. This reflects the imminent accession of ten countries to the European Union with the opening of the labour market to Eastern Europe.

Next to these subjects a major concern of CLR has been

- Women in construction

CLR-News had its first issue on this subject in 1997 with reports from six European countries and a note on the employment of women in construction world-wide. Debates, workshops and another issue of CLR-News on women in construction have led to the second book in CLR-Studies to be published this autumn.

Further subjects have been:

- Training and Qualification
- Health and Safety
- Social Protection
- European Industrial Relations
- Working Time

Typically, all these subjects reflect the course of EU legislation as well as major concerns of construction workers. Information, analysis and programmatic articles have dealt with these subjects from

political, practical and academic points of view, often in connection with CLR workshops.

Besides the core issues of CLR discussion the News have also made efforts to review relevant literature as a means to highlight new ideas and to suggest reading. We were lucky to find excellent experts in respective fields to make this an illuminating column worth reading.

The most prolific writer in CLR-News, not accounting for his 'notes of the editor', is the editor himself, Jan Cremers. He contributed no less than 17 ('seventeen') articles. Hans Baumann comes second with 11 articles. The academics Linda Clarke (7), Jörn Janssen (7) and Marc van der Meer (6) remain far behind in the league. Next to these Janet Druker (4), Ernst-Ludwig Laux (4), Nikolaj Lubanski (4), Gerhard Syben (4), Elsebet Frydendal-Pedersen (4) and Justine Byrne (3) belong to the core team of the magazine. In all 59 different authors, again omitting the book reviews and reports, have contributed to CLR-News, mostly during the last five years. (See 'Index of Subject Articles 1993 – 2003' in this issue)

The editor was usually assisted by a duly credited sub-editor, who is responsible for drafting a concept, contacting authors, and editing their contributions. The greater part of the issues were proofread by Linda Clarke, an immensely time-consuming job.

The person, however, who has probably spent more time for CLR-News than anybody else, is Frank Leus. He takes care of the layout, production and distribution of the magazine. He is the engine behind the scene.

Maybe there is no harm in mentioning some articles I found especially stimulating and sympathetic. I really enjoyed Marc van der Meer's 'Sleeping at Home. The Distance between Amsterdam and Madrid' (2/1998). George Fuller's 'East European Workers on London Sites' showed what illegal employment is for the workers and how employers ignore the Posting Directive (3/2002). Hans Baumann's account of 'Trade Unions and Collective Agreements on Trans-Alp-Sites' demonstrated how transnational bargaining can make progress in an area outside the limelight of EU bargaining policy (3/2001). Equally, isn't it encouraging to see another route towards European bargaining put forward by Ernst-Ludwig Laux in his 'Steps towards Unification of Wage Policy of the European Unions' (2-3/2000)? What an excellent and well-documented survey of 'The Role and Views of European Works Council Representatives' we received from

Jeremy Waddington (3/2001)! I notice that there is lots more I would like to mention and that I am unable to set priorities.

All this work of writers, editors and producers has been offered voluntarily as a commitment to the cause of CLR, which is expressed in the contents of the News. This is perhaps worth summarising in this account of ten years. In most common terms the CLR-News team at large is concerned about the social dimension of the European Union within the construction sector. It is not incidental that CLR was set up in 1993 a year after the signing of the Maastricht Treaty on European Union and at the beginning of the EU Single Market. Yet, attributing it solely to this political process, would be to grossly misunderstand the nature of the individual commitments in the CLR network. What has generated the high level of exciting involvement is, I believe, the quality of exchange between people working in the different spheres of trade union practice on the one hand and academic research on the other. There is equally a wide range of various construction trades and academic disciplines united in the work and debates of CLR. The diversity of aspects and approaches is the yeast of inspiration which has attracted so many people from different backgrounds to play an active part in this forum and which makes it a rewarding experience. Finally, perhaps most importantly, we are aware that CLR is not just an institute for the exchange of thoughts, but a body linked to the political process in which these thoughts have an impact on reality, hopefully in the form of improved working conditions in the construction sector across Europe.

CLR-News, we assume, is looking forward to passing (in human terms) from youth to adolescence in the next decennium. A number of new and old subject matters have been earmarked provisionally for the issues till the beginning of 2005. One major improvement will be the CLR-Observatory in a new format and with a wider range of countries including new eastern EU-member states. Harry Beereboom who has drafted the concept, will take care of the Observatory with the assistance of – at least – Stefan Hochstadt. (see minutes of the CLR-Annual Meeting 2003).

After having sung the praise of CLR-News we shall conclude with its shortcomings:

- A column, which has hardly been used, is ‘Discussion’. It was introduced as a forum to carry out controversies. If this open space

is to be filled accordingly we need more spontaneous response from the readers – and writers.

- ‘New research Projects’ seems to be used selectively, according to whether members wish to inform their colleagues about what they are doing. Research is a market in which competition is not unknown. Nevertheless, everybody should perhaps have more trust in the benefits of cooperation within the network and send their abstracts for the next issue.
- A completely idle column, proposed in the first CLR-Annual Meeting, remained ‘New Developments’, where actualities should be reported in order to inform readers about what is going on in different places. Do we have to accept that a magazine, which does not appear quite regularly, does not qualify for actualities? We shall try a start in this issue with Sam Haegglund’s report on the Baltic Sea area Conference in Riga 5-6 May 2003.
- Similarly, the editor expects in vain to be informed by the readers about ‘Events’ to be announced, even if it is only to inform readers about what is happening elsewhere.

Summarising these criticisms the editor and sub-editors will be pleased to receive more input from the readers in the years to come.

DISCUSSION

The ‘European Social Model’ and industrial relations: Between ‘old’ and ‘new’?

Guglielmo Meardi

During the tense ‘diplomatic’ exchanges that preceded the Anglo-American invasion of Iraq, US defence secretary Donald Rumsfeld put the distinction between Germany and France on one side, and the post-communist countries due to enter the EU on the other, as a split between ‘old’ and ‘new’ Europe. In the polemic turmoil that followed, former French foreign secretary Hubert Védrine defined Rumsfeld’s ‘new’ Europe as Washington’s ‘Trojan donkeys’.

Moving away from *international* relations to the barely less adversarial *industrial* relations, one can hear strikingly similar arguments. Some repeat that Western continental Europe is ‘sclerotic’, while the Central Eastern European countries are the new ‘economic tigers’. Others react with the fear that those countries, by entering the EU, will turn out to be an American Trojan Horse that will undermine the good old European social model. But will the enlargement really affect industrial relations in the EU? In this article, I will try to clarify the terms of this often messy and emotional debate: what European social model and EU-level industrial relations are, and what the effects of the EU enlargement may be.

1. The EU regulations of industrial relations

The EU was born as the European *Economic* Community and its main rationale has always been economic integration, not creating a superstate. Its main achievement has been the creation in 1992 of a ‘single market’, where trade across countries is limited neither formal by tariffs, nor indirect ‘non-tariff barriers’, such as border controls or discriminatory state subsidies and product regulations.

When a single market includes countries of which each produces different goods (one oranges, another beer, another computers), there is no immediate reason for integrating industrial relations. According to orthodox economic theory, free trade will be beneficial for all

(thanks to the ‘comparative advantage’) and everybody will be happy while remaining different. But when, as in the EU, countries are relatively similar, the single market means a single *product* market: producers from different countries will compete on the same market. Then, a problem emerges, as American scholars and politicians discovered already at the beginning of the twentieth century, industrial relations regulations must cover the totality of a product market. Otherwise companies will simply move from states where regulations are restrictive to states where they are less so, and still be able to sell their products back to their state of origin. This was the reason in the US for the emergence of federal regulations (not many in reality).

The danger is usually called – not very precisely – ‘social dumping’. The idea behind this is that, once trade barriers are removed, companies might trigger a ‘race to the bottom’ through which national labour standards would be gradually dismantled. Indeed, it has been the concern with this risk that has led the EU to elaborate its two main interventions in employment regulations: on equal opportunities and health and safety at work. Even if one could spot many limits and shortages in these areas, it is undisputable that the EU has managed to avoid a race to the bottom – it has actually improved equal opportunities and workers’ health and safety in most member states. There are three other main areas of EU competence in employment regulations: integration of people excluded from the labour market (e.g. disabled), information and consultation of workers (notably the European Works Councils), and working conditions.

A few directives and regulations do not however make an industrial relation system, for this requires integrated actors and negotiations. After almost twenty years of effort to develop a ‘European social dialogue’ between European-level employer and employee associations (UNICE and ETUC), observers agree that results are very scarce. Moreover the following step, European-level collective bargaining, seems absolutely remote, and even the European Works Councils do not have any negotiation powers. The main obstacle is that the employers do not have an incentive to engage in supranational negotiations while the trade union side is much too weak to force them to sit at the negotiating table.

As a result, many dismiss EU industrial relations as pure window-dressing, having no relevance whatsoever since industrial relations remain purely ‘national’ matters. Comparing the EU to national

systems goes however against our first premise, that the EU is not a superstate but a regional trade bloc. Blaming the EU (which has no political government and a budget equal to 1.27% of its GDP) for not doing what national states (with elected governments and budgets of 40-50% of their GDP) used to do, makes sense as much as blaming a city council for the same reason. A more appropriate way of evaluating the EU is to consider whether the social regulation that was removed from the national level (because of ‘social dumping’ and of economic liberalisation) has been reconstituted at the European level or not. Many observers opt for a negative answer (e.g. Streeck, Hyman), but it is a more multifaceted problem than just comparing the scope of EU regulations to the national one, especially if one compares the EU to its real counterparts - other international economic organisations, from the North American Free Trade Agreement to the World Trade Organisation. Seen this way, the EU is the only attempt so far to develop at least some social regulation within free trade agreements – the only, however timid, social and political answer to globalisation.

2. The ‘European Social Model’

The embryonic state of EU industrial relations regulations and processes means that differences across EU countries are not eliminated. Nevertheless, however weak EU rules and however deep intra-EU diversity, it is still possible to identify some distinctive elements of European social systems. Their roots are much older than the EU, and they have developed largely independently of EU policies. The most the EU can do about it is defending or adapting it, not enforcing or transforming it.

The distinctiveness of Western Europe becomes visible once it is compared to its main competitors: the USA and Japan. Sociologists like Ferrera, Hemerijck and Rhodes,¹ who have been studying and questioning the existence of a ‘European social model’, have come to the conclusion that there are three features distinguishing EU countries from the USA and Japan. They are: an extensive basic social security for all citizens; a high degree of interest organization (trade

¹ Ferrera, M., Hemerijck, A. and Rhodes, M., *The Future of Social Europe*. Oeiras: Celta Editora (2000).

unions, business associations) and co-ordinated wage bargaining; a relatively egalitarian wage and income distribution. All three indicate that industrial relations look differently in Europe: workers enjoy more security (and therefore more bargaining power), the ‘social partners’ are more influential and organised, and egalitarianism reduces managerial prerogatives as well as the space for ‘poor work’. Such a European social model is of course far from monolithic and one could ask whether Britain and Ireland really belong to it. It remains that the near totality of EU countries represents a different form of capitalism from the North American one. The EU model has been defined in various ways – ‘nonliberal’, ‘organised’, ‘embedded’, ‘institutionalised’, ‘social market’, all concepts indicating that social constraints on economic forces are stronger than under ‘liberal’ capitalism. At company level, this means that governance does not only depend on property, i.e. the shareholders, but involves a broader range of ‘stakeholders’, above all employees and their organisations. In a recent book,² Will Hutton offers a graphic contrast of the European and the American model, and engages in a passionate defence of the former, which he believes able to guarantee social cohesion, to develop a more long-term orientation, and to foster high skills, high investment, and high quality production. The book may be one-sided, but it proves that it is not difficult to find innumerable practical examples of how European and North American society and economy differ.

3. The impact of enlargement

The enlargement to ten mostly post-communist countries in 2004 is likely to affect both EU industrial relations regulations and the European social model. As above, the two issues need to be kept distinct.

Given the narrow competences of the EU on employment, the enlargement should not have an immediate effect on them. All candidate countries have implemented in their own legislation the *acquis communautaire*, that is the existing EU directives, with only a couple of minor ‘transitory periods’ for some health and safety

² Hutton, W., *The World We're In*. Little: Brown (2002).

regulations. As regards European social dialogue (the so-called ‘soft *acquis*’), in most candidate countries employer and employee organisations look at the moment not fully prepared to positively contribute, especially at the sector level. The ‘social dialogue’ agenda over the next few years will probably be quite limited.

After the first transitory period, the issue is whether the enlargement will change the future directions of EU social policy. With the shift from 15 to 25 countries, decision-making will become more difficult, unless radical institutional reforms are introduced, which is unlikely. Finding the large consensus necessary to pass new EU directives on social policies or industrial relations will prove more demanding than it already is. Moreover, socio-economic diversity among countries will increase exponentially. This again will jeopardise social policy initiatives, for cross-national differences in institutions and political preferences are the main obstacle to supranational regulations.

There are more political reasons for pessimism on the future of EU industrial relations. In many of the applicant countries, political leadership has proved to welcome neo-liberal ideas that are much closer to the Anglo-American version of capitalism, than to the European social model. Influential personalities like Czech president Klaus or Polish central bank president and former finance minister Balcerowicz have explicitly rejected the idea of a European social model. Surely, after the enlargement the UK will no longer be the most deregulation-oriented EU country: some socio-economic policies of the Estonian and Latvian governments might make Thatcher look like a socialist in comparison. Examples of such neo-liberal approaches include flat-rate or regressive taxation, fixed-term employment liberalisation, health care and pension systems privatisation, working time flexibility. If the new member states base their competitiveness on flexibility and deregulation, they will probably obstruct EU regulatory attempts in the future. Resistance can be even stronger on an important area of EU social policy such as equal opportunities, given the different Central-Eastern European history of gender relations.

Moreover, subsequent rounds of enlargement to poorer regions and the emergence of different ‘concentric circles’ in the EU may bring into Europe an obstacle to social policy that has historically characterised North America. In the USA, the importance of subsequent waves of immigration, bringing into the country poorer

groups, has prevented the emergence of social support for social policy: unlike in the more stable and homogeneous European countries, the 'core' of the American population has always disliked a developed welfare state because it felt that it would disproportionately benefit the newcomers. In a similar way, the central-northern 'core' of EU countries, even if internally attached to social democratic traditions, may stop supporting EU social policy once it appears to benefit almost exclusively the new entrants.

It is not only European regulations but also the underlying 'European social model' that are under some threat from the enlargement. If we focus on the model's three distinctive features mentioned above, it is apparent that most new entrants do not subscribe to it. The definition of their current models is made difficult by the transitional state of post-communist societies, where some legacies of state socialism (including high regulations, social security, a certain degree of equality) coexist with new phenomena. Yet if we adopt a dynamic perspective and concede that most of the legacies of state socialism are being dismantled (for instance, privatisation has gone so far that for most new entrants the state-owned sector's share of the economy is smaller than in the current EU members), the picture is quite clear on all three dimensions.

First, social security, although originally very comprehensive, is being largely marketised – including the health sector that not even the United Kingdom has yet dared to privatise.

Second, interest organisations are much weaker, with only embryonic employer associations and a union density rate about half that in western Europe. Moreover, wage setting is (with the partial exception of Slovenia) extremely decentralised, with almost no multi-employer bargaining, mere façade tripartism and widespread pay individualisation. If the sector is currently the most important level of industrial relations in 80 % (12 out of 15) of the EU countries, on the 1st of May 2004 this will be the case in only about a half of them (13 out of 25). In 2007, when Romania and Bulgaria are expected to join, the balance will be reverted. This may also have knock-on effects on existing member states, where multi-employer bargaining is not always rock-solid.

Third, inequality is increasing so fast in post-communist countries that some see them joining Latin America rather than Western Europe. At the company level, the pay fork is typically twice as large as for their

western counterparts. Will the term ‘European social model’ still have any meaningful sense once half of the European community’s members clearly depart from it?

4. Conclusion: all in the same boat?

One could be tempted to conclude that EU enlargement will put the official end to what has been called the European mid-century social compromise – a specific way to manage the tensions of the capitalist economy and of work conflicts through extensive redistribution and guarantees to the expression of the workers’ voice. As a consequence, we might expect in future years a much more ‘American’ Europe, with only residual social security, weak and fragmented trade unions, and high inequality levels.

A closer look at the most recent developments should however call for less panic, as the situation is much more open-ended than it appears. After a decade of (with some cross-country differences in timing and speed) free-market passion, local populations appear to grow increasingly sceptical. The political pattern is, almost without exception, that in every election the electorate punishes the ruling party and chooses the apparently more socially aware opposition. (‘Right’ and ‘Left’ labels have little meaning in this process; the actual divide being between market-oriented government and an opposition promising social-security with Right and Left shifting sides at every election). Attitudes towards privatisation have changed radically. Trade unions have shown some signs of renewal, and there have been some (timid) attempts at re-organising industrial relations, such as the law on works councils in the Czech Republic in 2001 or the reduction of working time in Poland the same year. As important social scientists like Polanyi or Hirschman have explained, extreme marketisation leads societies in time to ask for social protection. And it is not only workers who demand more stability. Central Eastern European employers are experiencing that extreme flexibility, if profitable in the short term, reduces employee organisational commitment and makes companies more difficult to manage.

EU enlargement may make this dynamic process more creative. For instance, the progressive inclusion of Central Eastern workforces into the European Works Councils has so far been a positive experience,

providing some means for reducing the East-West gap. The overall activity of multinational corporations shows a different reality than the feared wave of labour-cost oriented relocations and social dumping. In fact, relocations by MNCs occur as frequently from the East to the West as from the West to the East, demonstrating that western and eastern European workers are, so to speak, in the very same boat.³

At EU level, the enlargement may actually highlight the need to expand, instead of reduce, social policies. And if the expected economic benefits for the core countries such as Germany and Austria do - at least in part - materialise, this could also raise the necessary resources to fund such policies. The emergence of social support for them may not be excluded either, as long as 'structural' policies supporting the poorest regions are combined with 'social' policies benefiting both eastern and western citizens (for instance, European minimum unemployment benefits, or more concrete equal opportunities policies). Recent moves, such as the Directive on information and consultation of employees or the inclusion of social rights into the Charter of Fundamental Rights of the EU, show that the EU will not readily accept the undercutting of established employee rights and will guarantee at least some minimum standards across all member states.

There is no doubt that European industrial relations will change after the enlargement, at the macro as well as at the micro level, although in the short term the overwhelming majority of companies and workers will not perceive any change. The way we study industrial relations will have to change too, with more attention to informal rather than formal regulations and a better understanding of cross-border influences and processes. The direction of change, however, is still not determined, and is as usual in the hands of the social parties.

³ The economic explanation is simple. Since new and old member states are economically different (specialised), there is less scope for competition and therefore social dumping than in the current EU. In the multinational companies where competition does exist, western European plants tend to be more productive than the old eastern European ones, so that many foreign investors prefer rationalising production by moving some segments of it from the East to the West. Overall, trade between EU and applicant countries is strongly in favour of the former: Central Eastern European countries, through their imports, have created about a net half a million jobs in the EU.

How about an annual or biennial *parlement* of the company unions?

Regan Scott / Labour & European Research, formerly TGWU National Secretary

Linda Clarke, Jan Cremers, Jörn Janssen: ‘EU Enlargement, construction labour relations as a pilot’, published as the first book in CLR-Studies, is a genuine achievement for the CLR network. This six country, single-sector industrial relations ‘pilot’ study is reasonably readable and useable. If the report does nothing else – and it does – at least one reader now knows something about construction and building industry labour relations in Bulgaria, Estonia, Hungary, Poland, Romania and Slovakia.

The editing and project design has helped a lot with the authority of the study, and the research methodology – interview backed pro forma country studies which are primarily statistical and institutional – feels solid given the limited objectives of a formal ‘pilot’. Non-experts on the countries will find it rich and reliable, and maybe also attractive in its astringency (very few value judgements), at least in the country studies. The old unions in Romania are the exception, and get a mild rebuke for resisting “the reforms required” since the big change in 1989.

The countries also come across as quite different, against the prism of a common analytical format, and convey a sense that even in very hostile circumstances, precise and understandable choices about legal codes, union strategy, labour market regulation and wage-setting mechanisms can make a difference to system outcomes. Teasing out the specificities will prove, I think, as essential in these countries as it is proving in old Europe.

So much for the plaudits: on the other side of the balance, there are some technical observations to be made, and a bigger question about the road mapping (policy analysis) aspect of the report.

Technical points come first.

While wage and conditions information is impressive, covering minimum wages, agreements, average earnings, illegal pay, cash supplements, skills differentials and hosts of key relativities within the

building and construction sector - and between it and the national labour market, it remains difficult to sense what real living standards are like, or what trend inflation has been like, though real wage declines are charted. Since purchasing power parities are starting to be possible to construct, alongside more traditional measures of baskets-of-goods for a family for so many hours work, an effort here would have been welcome. Equally, some physical productivity indicators would have been helpful for major types of work. Since good guess-timates have been done on very difficult and complex issues like migration - both inwards and outwards, and grey to illegal labour markets, I think this point is reasonable.

On labour market structures, I didn't get such a social picture of the workforces. Are the sub-sectors and skill category markets segmented, or contiguous? Is double wage-ing by the same people or different people in separate sectors? Are there still traditional workforces, which might be reconstituted slowly, or are there, in effect, quite new and uncontrollable labour markets? Are there skill shortages alongside massive oversupplies (unemployment)?

Although the sectors are broken down statistically into standard sub-sectors – house building, road construction, repair and maintenance, somehow there is no 'colour' about the leading sectors, and which of the big companies (mainly privatised former state corporations) do what kind of work. Are there still some big civil engineering projects, who builds new factories for inward investors, and renews the airports? Are SME's widespread because they are new, money-making, or in a sense natural? Will some of them fight to a new top status, as happened with dispersed privatisations after a few years in Western countries?

Then, given that a major theme is about union and employer weakness and the need for a stronger industrial relations base, I would like to have seen some pick-up on industrial relations in foreign owned companies, and especially in the cement industry which seems to have been grabbed by western transnationals almost in its entirety across the whole CEE area. Has the same happened to brickmaking, and construction steel? Should not the study have taken in building materials too, since in many countries the relative stability of the manufacturing side of the industry has sustained the more free floating contracting side.

Finally, the short summary conclusions to the country studies are useful, but an overview tabulation of the basic structural data as a background would have been welcome: highly photostatable for teaching, powerpointing etc, and maybe also good for book sales.

On the road map side of the equation, the study sends a clear message about the inheritance in most countries of a special version of industrial relations dualism: that is, central state social partnerships with nothing much in between before you get to actual companies and company unions, whatever they might be. The condition of this group of countries is described as having missing sectoral and regional structures, although Slovakia is the exception. The weakness is most important in the field of collective bargaining and union organisation. It might be called the problem of the absent industrial relations 'middle', like the absent employer social partner problem in lots of European level industrial relations. On the union side, this normally means very weak organisation and inadequate professional resources. As one country report says, it takes two to tango, and that is certainly not happening in any effective way. So the book finishes by formulating terms for a sectoral dance floor, with an outline of possible supports – flanking measures - which might be provided by the EU to extend the European social model to these countries.

I have problems with this formula, not so much to do with its objectives but more with the problem of how it might realistically come about. To use the boxing and dancing metaphor (two to tango) which is cited in one of the country studies, it hardly needs arguing that boxing is the vital, core ingredient of industrial relations rather than dancing and that dancing only ritualises without strong boxing, reflecting the national dancing rituals reported in these studies.

It is both a problem of realism and a problem of relevance. Why would employers want a strong sectoral level, when a state minimum wage offers them the key benchmarks and relativity signals they need ? What might unions offer as industry sector benefits to potential members, and then, in turn, be able to trade with employers ? In other words, what is the value and potential authority of a sectoral model? The space is there, but maybe not the dynamics and mutual if different reasons.

Realism says that EU social dialogue is only a half-full glass even at peak macro level: at sectoral level it is a fairly empty box outside soft

partnership areas. So is it likely to succeed and become a secure road to a stronger industrial relations, and stronger unions, in these countries? My instinct is cautious: maybe building (sic!) from little strengths in company unionism and establishment and site organisation (where it exists) should be looked at. In each country. I can see all sorts of protocol and formal problems, of course. But these are not normal times, so how about an annual or biennial *parlement* of the company unions, with elected delegates from the base and the convening power vested in the established unions? And employers invited, perhaps on the second day? This might be called a base-loaded version of European social dialogue. It aggregates rather than isolates. I've been trying to suggest it as a solution to the EWC problem for some time now. It might work, and even be fundable if the European Parliament got behind the idea with some funding as happened with EWCs originally. Something like this might put a bit of life into what otherwise could be just a formal sectoralism.

REPORTS

Construction Trade Union Organisation in the Baltic States and around – *Sam Hägglund*

The Nordic Federation of Building and Woodworkers (NFBWW) has jointly with IFBWW organised a conference for trade unions in the Baltic Sea area. The conference was held in Riga 5-6 May 2003 with 40 participants from trade unions in the Nordic countries, Poland, Lithuania, Latvia, Estonia and Russia.

The topic of the conference was to discuss trade union co-operation under the new conditions for political, economic and labour market exchange in the Baltic Sea area created by the EU enlargement. It dealt with how to work politically as a trade union in an EU environment, using all the channels available. It also dealt with the new conditions for capital movement in the area. And as a main theme it dealt with the new conditions for labour migration in the area and trade union strategies to cope with this situation.

There are many historical ties that have united countries around the Baltic Sea. The recent development in the 1990's has created a new situation where the Baltic Sea once again *unites* the region, instead of *divides*. In many countries in the region, there is a new discussion on creating a "Mediterranean" of the North, a region with a continuous flow of ideas, labour and goods. The aim of the conference was to be a link in a trade union exchange in the region, where trade unions can form alliances, learn from each other and reach common positions on how to work together in the region in the future.

Trade union co-operation across the Baltic Sea has been going on for several years now. During the 1990's there has been an extensive exchange between the Nordic unions and unions in the Baltic countries, Poland and Russia. A number of bilateral projects are running today, and there is also an EU supported project encompassing construction unions in the Baltic Sea region. The aim of this project is to strengthen the unions in the applicant countries in the

region, by organising seminars and exchanging information on basic trade union work. The project is organised by SiD and BAT in Denmark, and the NFBWW is participating in the steering committee.

The historical event next year, when almost all countries around the Baltic Sea may be participating in the same European decision-making process, calls for a closer co-operation in European matters. In the conference, a number of examples of successful trade union lobbying on EU directives were related. The Nordic trade unions have realised that Nordic trade union co-operation is even more important in a situation where all the Nordic countries are either EU or EEA members. This is seen as a way of exporting elements of the “Nordic model” in trade union work.

But the main theme of the conference was the labour migration in the region, in particular when it results in social dumping and the undermining of laws and collective agreements. All of the participating countries have had their experiences of social dumping, which were discussed in the conference. One of the conclusions was that a better trade union co-operation in the area may be an element in combating social dumping. The strategies and instruments used in each country to prevent social dumping were also topics for discussion. The conference concluded in the adoption of a common position (see next page) on working conditions applicable for temporary employment abroad in the region. The common position includes a definition of social dumping, a statement on who should decide whether social dumping is at hand, a recognition on the different European and national instruments used to combat social dumping, and finally, a statement on the fact that bogus “self-employment” and “partnership” in a firm may not be used as methods to circumvent the provisions on minimum working conditions.⁴

⁴ Common principles also available in Swedish and Russian languages

Principles regarding working conditions applicable for temporary employment abroad in the Nordic Area and the Baltic Sea Region.

Naturally, trade unions strive to ensure that individual workers are not deprived of their rights when they take up temporary employment abroad. The trade unions in the sender and recipient countries in the Nordic Area and in the Baltic Sea Region have agreed on the following principles regarding employment abroad.

1. Social dumping consists of using a reduction in wage and employment conditions as a means of competition.
2. Social dumping includes:
 - labour from other countries taking employment under conditions that are inferior to what is the norm in the host country
 - a self-employed person working under conditions that are inferior to what is the norm for employees or self-employed persons within the same sector in the host country
 - workers who are employed in one country but are posted to another country, working under conditions that are inferior to what is the norm in the host country
 - one country creating rules that entail a deterioration in wage and working conditions and thus attracting business that would normally have gone to another country.
3. The principles set out in the EU Posting Directive (96/71) shall apply throughout the region. This means that the wage and working conditions that normally apply for a particular sector in a country shall apply from the first day of work as a minimum level for temporary labour coming from another country. This is in turn based on the principle of treating labour equally regardless of nationality as well as the principle regarding competition on equal terms.
4. The different instruments and methods in place in every country in the region used to comply with the principles of the Posting Directive must be respected. In Finland the laws on “employment

agreements” and “posted workers”, in Sweden “Lex Britannia”⁵, in Denmark the agreement between the LO (the Danish Confederation of Trade Unions) and the Danish Employers' Confederation, in Norway, for example, the “Act on Declaring Collective Agreements Universally Applicable”.

5. When assessing whether there has been an incidence of social dumping – i.e. whether a worker from abroad is enjoying the wage and working conditions of a particular sector that apply in the host country or not – the views of the trade unions in the host country will be decisive. This means in practice that the principle behind the Swedish law Lex Britannia applies.
6. If the trade unions in the host country are of the view that the group social insurance stipulated in the national collective agreements are included in the minimum conditions that must also apply to foreign labour, then their views shall be decisive.
7. Supplying labour via recruitment agencies with head offices in the sender country, recipient country or any other country – may not be used as an instrument to evade the principle regarding the application of the minimum conditions in the recipient country.
8. The principle of the application of the minimum conditions prevailing in the recipient country may not be circumvented by a worker acting like a self-employed person or partner of a firm, despite the fact that the worker in reality has a relationship vis-à-vis the employer that is akin to that of worker employer.
9. When an employment situation is being determined, a worker may not be deprived of his/her rights simply because he or she is “self-employed” or a “partner” in a firm. This principle is based on the judgement pronounced in the Agegate Case (C-3/87) that went to the European Court of Justice:

⁵ A legislation in Sweden that, in case of temporary work in Sweden undertaken by foreign enterprises, permits Swedish unions to take collective actions – strikes, boycotts etc – towards the foreign enterprise, if the trade unions consider the working conditions on the site to be a case of "social dumping". This is permitted even if the Swedish union does not have any members on the site, or if the foreign workers have a valid collective agreement from their home country.

The concept of worker, within the meaning of both Article 48 of the Treaty and Article 55 of the 1985 Act of Accession, must be defined in accordance with objective criteria which distinguish the employment relationship by reference to the rights and duties of the persons concerned. The essential feature of an employment relationship is that for a certain period of time a person performs services for, and under the direction of, another person in return for which he receives remuneration. In order to determine whether such a relationship is absent, it is necessary to take into account all the factors and circumstances characterizing the arrangements between the parties, such as, for example, the sharing of the commercial risks of the business, the freedom for a person to choose his own working hours and to engage his own assistants. The sole fact that a person is paid a "share" and that his remuneration may be calculated on a collective basis is not of such a nature as to deprive that person of his status of worker within the meaning of the aforesaid provisions.

25 April 2003

CLR Annual General Meeting 2003

Utrecht, 23rd May 2003, GBIO-office.

Participants: Hans Baumann, Harry Beereboom, Werner Buelen, Harrie Bijen, Linda Clarke, Jan Cremers, George Fuller, Stefan Hochstadt, Jörn Janssen, Ernst-Ludwig Laux, Sven Ljung, Wolfgang Richter, Barbara Susman, Marc Van der Meer, David Zenth,

Chair: Linda Clarke

Minutes: (Jörn Janssen)

1. Short presentation of current projects

The participants presented themselves outlining their present activities and current as well as recently accomplished projects. These projects will be published in CLR-News 2/2003 in the column 'New Projects'.

2. Report of activities, Jan Cremers

- The last AGM was in December 2001; we have reported about it in CLR-news 1/2002. Announced then were two research projects directly coordinated by CLR. The so-called d-Build project initiated by the paritarian organisations for vocational training in construction in Belgium and Holland together with CLR has not been accepted by the European Commission for funding. The research project has been cancelled. The second project, the EC-funded research on 'Industrial Relations in the Construction Sector of EU Applicant States' has dominated the activities since the last Annual Meeting, see CLR-News.
- Three numbers of CLR-News were produced in 2002. 1/2002 about working time, 2/2002 about the social partners in the CEE-countries and 3/2002 about posting of workers. The CLR-Observatory has not been published any more since the sub-editor has resigned.
- Next to the workshop on working time three international workshops have been held in the context of the project on

‘Industrial Relations in the Construction Sector of EU Applicant States’.

- A contract has been concluded with Reed Business Information for the publication of a series of books, CLR-Studies. This is on the agenda.
- With regard to the finances CLR is depending on contributions of the participants at their own expense. The European Commission funded the IR CEE project. Therefore it was possible to pay the experts, the travel expenses and other research and meetings related costs. We could economise on the overhead through unpaid work for the project, also because EFBWW continued to take care of the production and distribution of CLR-News. By the end of 2002 we had €7.500 on the balance sheet, with outstanding payments for the CEE-publication of €3.200.
- Members have been presenting work of CLR at national and international conferences and workshops, in particular in the context of the Enlargement process.

3. Industrial Relations in the Construction Sector of EU Applicant States

3.1. Short introduction to the results of the project, Jörn Janssen

(See book and CLR-News 1/2003)

The decline in collective bargaining and increasing individualisation of employment conditions stem from the increasing fragmentation of the industry, coupled with the autonomy of the enterprise unions. The weakness of the national federations is compounded by the split caused through the western sponsorship of competing unions. National unions, as well as employers’ organisations, tend to act without mandate. Any attempt to reconstruct collective relations should build on enterprise unions, possibly in bargaining multi-employer agreements at local and regional levels. International contacts should be made preferably with representatives from enterprise unions.

Harrie Bijen underlined the importance of the study and confirmed the findings on the basis of his own information gathered on the situation in applicant countries. He regards this study and its recommendations

as a valuable document for further work to integrate the social partners from CEECs in the Social Dialogue. This will be an important issue in the EFBWW General Assembly in December 2003. Marc Van der Meer questioned whether sufficient attention had been paid with regard to the role of the public client as an investor in enforcing labour regulation and collectively agreed conditions.

3.2. Consequences for the trade unions, Ernst-Ludwig Laux

The need for cooperation with CEE construction unions has been discussed in the IG BAU executive. One entry point for cooperation with the CEE partners will be collective bargaining in multi-national companies. Inactivity concerning international movements of labour and services will create major problems. This has recently also been recognised by other construction unions of member states, such as Denmark, Finland, Italy, Ireland, Portugal, Spain etc. where cheap labour has started undermining existing working conditions.

Harry Beereboom reported that foreign labour has ceased to be a problem in the Netherlands as those workers did not provide sufficient qualification.

Hans Baumann reminded the need for two social partners and the weakness of the employers in CEE states as a problem for collective bargaining. Generally it needs keeping in mind that bargaining power is an element of democracy.

George Fuller reported on the great numbers of foreigners, often illegally employed, on British construction sites.

Jörn Janssen warned that British policy, recently again expressed by the Chancellor of the Exchequer, Gordon Brown, in the context of joining the monetary union, remains 'flexibility' of the labour market, in concrete terms as little as possible control of labour conditions and workers' representation. There might be a possibility to mobilise CEE unions and workers against this policy advocated world-wide by Britain and the US.

Harry Bijen sees the greatest challenge in the coming years the defence of collective arrangements against the individualisation of employment conditions.

Werner Buelen pointed to the difficulty of controlling compliance with employment conditions in chains of subcontracting without the main contractor's legal liability.

3.3. Dissemination and follow-up by CLR, Jan Cremers

The project organisation itself had provided for dissemination through the way, in which fieldwork was organised including the project management (LC, JC, JJ) and Hans Baumann. Two issues of CLR-News were devoted to disseminating the results of the first and second stages of the study, the second in 8 languages. An international workshop to discuss the results of the fieldwork was held in Brussels 25th June 2002 with the participation of trade union and employers' representatives. The book publication of the study will further help to widen the discussion on sectoral industrial relations with construction as a pilot. The European Social partners and their national organisations have shown great interest in the outcome of the study. The main worry is, that the European Commission does not react.

4. CLR-Observatory, concept and editorial committee, Harry Beereboom

(See concept paper in the appendix)

Harry Beereboom's proposals for a revamped CLR-Observatory were welcomed and generally approved. The discussion raised only some minor issues.

In order to accommodate about a dozen countries the focus must be on working conditions and collective bargaining. Deeper analyses remain themes of special issues.

In its statistical appendix the CLR-Observatory should not aim at competing with the FIEC annual report.

The proposed survey of 500 – 1000 construction workers could be conducted with the help of the member unions.

In order to allow for a good preparation of the next issue it was agreed that the first issue of next year is a reasonable target.

Stefan Hochstadt agreed to co-operate with Harry on a regular basis. It was suggested that Sten Bonke might join the editorial team with a

view of covering the Scandinavian region. Jörn will try to find out whether somebody from the CEE countries is prepared to assist. Harry will receive a list of contributors from Linda Clarke.

5. CLR-News, future concept and editors, Jan Cremers

The next issue will be under the heading of the 10th anniversary of CLR-News

(contents see appendix 3)

Jan Cremers suggested that the 4/2003 issue should be dedicated to the EFBWW General Assembly (Bijen, Buelen, Cremers) and the policy papers presented there.

Hans Baumann suggested an issue relating to the workshop on trade union structure (see below) perhaps 3/2003.

Jörn Janssen suggested an issue related to the present dispute about pensions and other social wage components in which an article by Bernard Friot, 'Financement des retraites: enjeu des cotisations patronales' would be the main subject article.

Linda Clarke had suggested an issue on the history of construction labour at a meeting of the steering committee.

The 'Liability of the main contractor' and 'Stress in the construction sector' could be subjects for CLR-News in connection with the planned EFBWW projects.

The following list of subjects and sub-editors is a provisional guideline:

2/2003 - 10th Anniversary of CLR-News (appendix) - Jörn Janssen

3/2003 - Restructuring of construction unions in Europe - Hans Baumann

4/2003 - EFBWW General Assembly - Harrie Bijen, Werner Buelen

1/2004 - CLR Observatory - Harry Beereboom

2/2004 - Social Wage components and pensions - Jörn Janssen

3/2004 - Unregulated employment, Liability of the main contractor - Werner Buelen

4/2004 - On the History of Construction Labour - Linda Clarke

1/2005 - CLR-Observatory - Harry Beereboom

6. CLR-Studies, future books, Linda Clarke

CLR-Studies are publications of the work of the European Institute for Construction Labour Research and its network of academics and practitioners open to related contributions from all sources. They will be published by Reed Business Information of the Elsevier group in the Hague. The editors are Linda Clarke, Jan Cremers and Jörn Janssen. They will participate in several projects as key editors.

The first book in this series is

Linda Clarke, Jan Cremers, Jörn Janssen, EU Enlargement – Construction Labour Relations as a Pilot’.

It will be launched at the end of this meeting.

The next book edited by the Women’s Collective (Linda Clarke, Elisabeth Michelsens, Elsebeth Frydendal-Pedersen and Christine Wall), ‘Women in Construction’ (working title), will be launched by October of this year.

A number of proposals were made for further books relating to subjects of CLR and EFBWW workshops and research, e.g. ‘Future Structuring of Trade Union Representation of Construction Workers in Europe’ as a documentation of the workshop to be held by the end of 2003. (Hans Baumann, JC) ‘Undeclared Labour and social dumping.’ (Werner Buelen, JC) ‘Stress in the Construction Industry.’ (Werner Buelen, JC) ‘Vocational Training and Further Training in Construction.’ (Stefan Hochstadt/Wolfgang Richter, JC) ‘Social Wage components and pensions.’ (Jörn Janssen)

7. CLR regional offices, Jörn Janssen.

A CLR-London office will be established at the University of Westminster, one of the founding institutions of CLR,
University of Westminster
35 Marylebone Road
GB - London NW1 5LS

Three officers should represent the CLR-London Office for the construction trade unions:?

for the academic side: Linda Clarke

the editor of the CLR-London Newsletter: George Fuller

The CLR-London Office is to be a platform between the four main unions representing construction workers and academics involved in research and education on construction related social and labour policy. This platform shall provide links between CLR activities at EU and GB levels as well as between trade union and academic work in GB in the field of CLR. It shall initiate related initiatives specific to GB.

The CLR-London Office shall be active in four ways:

- Widening and intensifying the CLR-Network in Great Britain through keeping an address list with membership profiles, collecting and distributing information;
- Editing the CLR-London Newsletter available on the web and sent as a printed version (4 pages, about three times a year preferably related to specific events, e.g. founding the CLR-London Office). Each CLR-London Newsletter should contain
 - a note on a specific topic,
 - discussion on controversial issues,
 - news and events;
- Organising seminars on construction-specific issues of EU social and labour policy, such as in the near future on
 - the implementation of the working time directive,
 - the implementation of EU-directives on information and consultation,
 - construction sector labour relations in the EU enlargement process,
 - illegal employment practices;
- Supporting and disseminating research activities of the Social Partners in construction, the EFBWW and CLR and disseminate their results, such as on
 - EU Enlargement and construction labour relations,
 - Combating social dumping – illegal employment,
 - Stress in the construction sector
 - Liability of the main contractor concerning employment conditions.

The inaugural meeting will take place 26th June 2003 at the London Metropolitan University (agenda in appendix 4). Harrie Bijen will take part in this meeting. (See Report)

More regional offices may be established in

- Stockholm at the Nordic Federation of Building and Woodworkers (Sven Ljung),
- Dortmund at Fachhochschule Dortmund (Stefan Hochstadt/Wolfgang Richter)
- Copenhagen (Elsebeth Frydendal-Pedersen/Sten Bonke)
- The Gewerkschaft Bau und Industrie in Zürich/CH will set up an Institute, which intends to link up with CLR.

All these addresses and their work programmes will feature on the website of the EFBWW.

8. CLR-Workshops (Hans Baumann)

Changes in the structure of trade-unionist representation in the sector:

- Experiences of Building and Woodworkers Unions with National Fusion-projects (Norway, Netherlands, Spain, Germany, Switzerland). advantages, problems, good and bad examples, development of membership, grade of organisation, etc.
- New projects of co-operation and fusion (Austria, Switzerland ...??)
- Concept of Industrial Unions versus concept of an Inter-professional Union
- Situation in Countries with Unions of different political directions (France, Italy)

Consequences of the inter-professional Trade Union concept to the European Level:

- Role of the European Branch-Federations, strength of ETUC?
- National Projects versus European collaboration?
- Special situation in middle and eastern Europe, also in respect of the enlargement of EU
- Proposal of European Trade Union of “Migrant-workers” by IG BAU

Time/place: 20-21 October 2003 in Zürich (provisional)

Participants: Only 1 or 2 representatives of each County/Trade Union (Scientists and/or Trade Union representatives).

Results: Could be published in CLR-Studies.

In order to animate a fruitful debate, it was suggested to hold the meeting informally rather than as an official conference of chief executives under diplomatic restrictions. If resources permit colleagues from CEE-countries should be asked to attend. As an academic Richard Hyman/London School of Economics (author of 'Understanding European Trade Unionism') should be invited. Historical debates about the structuring of trade unions might be included in the programme.

Other workshops may be held in connection with the EFBWW projects, if funding permits.

The CLR-London Office intends to organise workshops with the British trade unions on issues of particular concern such as unregulated employment (Posting Directive) and works councils (Information and Consultation Directive)

The meeting concluded with the launch of the first book in CLR-Studies.

Appendix:

CLR-Observatory, concept:

Harry Beereboom, Economisch Instituut voor de Bouwnijverheid, Amsterdam

The observatory should be set-up on a minimum-basis. In-depth analyses or thematic issues (for example on safety, seasonal unemployment, pensions, qualification issues) though very important, have no place in it.

For the time being, an observatory on an annual basis (like before) seems to be a good starting point. Normally the observatory appears in the last quarter of the year. I would suggest the next issue to appear at the end of the first quarter in 2004. First because it would be meaningful to attach a year-label to it, second because it will probably take some time to set up a network of national contributors.

In the future the global observatory could however be supplemented by a thematic issue, turning the observatory from an annual into a bi-annual one. However, as CLR-News had several thematic issues

before (social protection, women in construction etc.) I regard this as a domain of CLR-News.

As far as funding is concerned, I set up my propositions as if money plays no role. One exception is proposition no.8. It is not relevant for the next observatory, but in the near (?) future could be of some interest. As to my knowledge, the current European survey on working conditions is not construction-specific and I do not know how many construction workers are involved.

As far as construction output is concerned, I regard this as domain of EuroConstruct. So I did not try to incorporate information from them. However, when we are able to assess the construction labour markets reasonably well, this could be the case. Indices like gross output per worker would then become meaningful.

Working-title:

CLR observatory *for the European construction industry in (year)*

Proposition 1:

Purpose of the observatory is to give a short/rough overview of the construction sector in each of the member-states, to be used by researchers, policymakers, interested institutions for quick reference.

Proposition 2:

Being an observatory for the whole of the EU, the accent should be on comparison between the construction sectors of the member-states.

Proposition 3:

The observatory is to be published on an annual basis at the end of the first quarter of the year.

Proposition 4:

The format should be:

1. introduction
2. main body
3. statistical appendix

Proposition 5:

The main body consists of reports from each of the member-states concerning relevant developments in the past year. The report of

Ernst-Ludwig Laux⁶ (especially the third paragraph) seems to be a good starting point.

Proposition 6:

The content of each contribution should be about recent (formal) developments in:

1. wage negotiations
2. working conditions
3. health and safety
4. vocational training
5. social protection

Proposition 7:

The statistical appendix should contain numbers on the basis of common definitions (as recorded by given definitions (like Eurostat) or by best guess). For example:

- central organisations of employers and employees
- applicable collective agreements (by number of workers)
- total number of construction firms (by size)
- total number of employees (by age, trade)
- unemployment
- organisations responsible for health and safety in the construction industry.
- institutions for vocational training, number of pupils etc.
- qualification structure

Proposition 8:

On a yearly basis, a survey should be held under 500-1.000 workers in the construction industry, concerning, for example, actual pay, actual working hours, actual qualification, perception of safety conditions, work & unemployment-spells. This is to be understood as a desideratum for the near future.

⁶ Tarifpolitik für das Baugewerbe in Europa – Aktuelle Übersicht für das Jahr 2002 – Brussels, 2003

Suggested timetable:

	to be completed by the end of(month)										
	2003							2004			
	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
participating countries	o	o									
editorial board	o	o									
selection of correspondents		o	o								
elaborated format for the observatory				o	o						
determination of relevant data(-bases)					o	o	o				
composition of contributions								o	o		
statistical appendix									o		
editing										o	o
publication											o

Setting up the CLR-London Office

Inaugural meeting, 26th June 2003, 4³⁰ p.m.

London Metropolitan University

The CLR-London Office is to be a platform linking CLR activities at EU and GB levels as well as between trade union and academic work in GB in the field of Construction Labour Research. It shall initiate related initiatives specific to GB.

Participants:

Werner Buelen/EFBWW, Nick Clark/TUC, Linda Clarke/University of Westminster/CLR, John Friary / GMB, George Fuller / Building Link-up, John Grahl/London Metropolitan University, Stephen Gruneberg/University of Reading, Georg Herrmann/University of Westminster, Jörn Janssen/Fachhochschule Dortmund/CLR, Lou Lewis/UCATT, Barbara Susman/University of Westminster, Chris Wall/University of Cambridge, Kevin Williams/TGWU

Chair: John Grahl

Minutes: Jörn Janssen

John Grahl: Welcome at the Working Lives Research Institute of the London Metropolitan University

Working Conditions in the British Construction Industry under the Auspices of European Integration

Lou Lewis: Short account of UCATT's problems in the past under the auspices of self-employment and increasing casualisation of employment and the main challenges at present. There is a need for research and therefore UCATT welcomes CLR-London as an institution to provide assistance for analysis and as a platform for discussion.

On the structure and work of CLR

Jörn Janssen: (handouts: CLR-News coming of age, 10 Years CLR-News Index, CLR constitution)

The development of CLR since 1992 and as an Institute according to Belgian law since 1996. Its activities: Annual meetings, workshops, CLR-Newsletter, funded research, book publication (CLR-Studies).

The organisational structure and Associate membership as the active network: its bodies - the Annual general meeting, Presidium, Subcommittees such as for CLR-News, CLR-Studies, Observatory and regional offices (Copenhagen/DK, Dortmund/D, London/GB). Regional offices in order to focus on the specific regional problems of construction labour within the European development.

Issues and practicalities for CLR research and workshops in London

Linda Clarke: (handout: ESRC/CLR seminar series) Proposed activities of CLR London (as platform between researchers/academics and trade unionists, link between EU and GB, and taking specific initiatives):

- widen/intensify network through extending address list, circulating interests, distributing information;
- organise seminars/workshops on: topical questions (e.g. implementation of Working Time Directive, illegal employment, Information & Consultation Directive, EU enlargement); ESRC seminar series to begin early 2004 (see handout); other subjects including with Working Lives Institute (e.g. history of building industry);
- support, initiate and disseminate research of social partners, EFBWW & CLR (e.g. EU enlargement, illegal employment, stress in construction, liability of main contractor);
- newsletter
- collaborate with Institute of Employment Rights, Labour Research Department, ETUI, etc. ;
- other proposals (e.g. supporting SERTUC Construction call for Inquiry into London building industry, supporting making of film on conditions in London building industry, submitting research proposals).

A Newsletter for the CLR-Network in Britain and contributing to CLR-News

George Fuller: Presentation of a Newsletter for the CLR-London Office, its role in cross-fertilisation between trade union officials, construction workers and academics, in reporting on CLR activities,

e.g. a planned inquiry on working conditions on London sites. The format should be simple. George would take responsibility.

John Grahl: CLR being faced with increasing tension between EU employment policies and practices in GB.

EFBWW Research and the Participation of the London Office

Werner Buelen: Why the European Federation of Building and Woodworkers (EFBWW) is involved in CLR? We need a research basis in order to improve our arguments in the disputes about improving working conditions. This is particularly important with regard to a new initiative of the Social Dialogue from 2004, which will deal with four main issues:

1. EU enlargement
2. Social policy
3. Health and Safety
4. Vocational training

Ad 1: Trade unions in applicant countries need to be strengthened and a sectoral social dialogue needs to be established.

Ad 2: We want to focus on the problems of undeclared labour (often migrant) and the posting of workers. Difficulties are increasing with self-employment. There is a lack of information in this regard about what is happening in Great Britain. Therefore a network in this country would be very valuable.

The role of CLR for trade unions in Britain

Kevin Williams: The rise of self-employment has caused a great loss of membership. Presently there are problems even to get a clear picture of the conditions on sites, because the employers deny access. Workforce from remote countries such as Brazil, Russia and China does not even speak English.

Nick Clark: In the TUC we work on questions related to Directive on Information and Consultation trying to coordinate between the TUC and the industry federations. A major problem is the legality of employment. It would be advantageous if CLR could help in these fields.

Open discussion

Stephen Gruneberg: CLR should seek to turn CLR-News into a refereed journal. In that status it would gain scientific impartiality and,

thus, command greater authority. Contributions and information committed to improving labour conditions could be disseminated through a separate Newsletter.

Werner Buelen: 'Decent research' is not an academic criterion, it needs to be based on quality. If CLR-News became too theoretical, its influence might be weakened. Presently its information and analyses are appreciated by both employer and employee organisations.

John Grahl: The link with the trade union movement has been a support of my academic work.

Lou Lewis: Trade union officials have found articles in CLR-News quite practical. We are weak in research though we need it. For instance, we would need information on the implementation of the working time directive. As a research basis CLR could also be a platform between the three main construction unions.

Jörn Janssen: Research can be at the same time a means of increasing knowledge, education, dissemination and mobilisation. One issue requiring more enquiry especially in Britain seems to stand out; the various forms of employment. This is a subject that has a bearing in the present process of drafting a new EU procurement directive. Maybe the series of seminars, proposed by Linda could serve to gather and discuss information with a view to publish a report. Given the evidence that a CLR-London office could play a useful part in construction labour research, we should proceed to give it an address with Linda Clarke at the University of Westminster and to ask George Fuller to take care of the Newsletter. These two may provisionally form the regional subcommittee according to CLR-byelaws. We shall discuss the formation of the subcommittee again at the next meeting.

The minutes of this meeting will be published in the first CLR-London Newsletter.

The meeting continued for 45 minutes informally with wine and nibbles.

Legal Aspects of Labour Relations in South East Europe,
Belgrade 14th-15th July 2003

Wiebke Düvel, Researcher at the ETUI, Brussels

On 14th-15th July the Friedrich-Ebert-Stiftung organised a conference in Belgrade on „Legal aspects of labour relations in south east Europe”. Nearly all the countries of the region were represented at the conference by one legal expert.

The first day of the conference was used to present and discuss the ETUI publication “Labour relations in south east Europe – a legal overview in 2003” (Report 78, 165 pp, 15 EUR). With this report the construction of a network of local and European trade union legal experts in south east Europe has been successfully completed, as an extension to the general network of trade union labour law experts NETLEX. This is part of a project intended to unite knowledge and expertise at both national and regional levels and to develop cooperation among trade union experts in the region and in Europe as a whole.

The report gives, for the first time, an overview on labour relations in the region. It consists of national reports from Bosnia Herzegovina, Bulgaria, Croatia, Kosovo, Macedonia, Montenegro, Romania and Republika Srpska written by national experts. Those reports are preceded by a comparative analysis divided into three main topics: a brief historical overview on the situation in the selected countries; a comparative analysis of collective labour provisions; and employment law.

The second day focused on two legal subjects, the European Social Charter and the regulation of non-standard forms of employment.

Isabelle Schömann, ETUI, presented the European Social Charter (ESC) as an instrument at the disposal of trade unions, if the respective State has signed and ratified the ESC, focussing on the whole range of rights linked to employment relationships, and particularly the freedom of association, the right to collective bargaining and the right to strike. Special emphasis was placed, on the

two control procedures foreseen by the ESC to ensure that the Members of the Council of Europe respect their obligations: the proceeding of national reports (case study Romania: Conclusions of the European Committee of Social Rights concerning Articles 5 and 6 of the Revised Charter); and the possibility given to recognised organisations such as the ETUC and (local) trade unions to recourse to collective complaints (case study: collective complaints related to Article 5 ESC [right to organise] and 6 ESC [the right to bargain collectively including the right to strike]). At present Albania, Bulgaria, Moldova, Romania, Serbia, Montenegro and Bosnia Herzegovina have signed and ratified either the European Social Charter or the Revised ESC, but only Bulgaria and Croatia have accepted the collective complaints procedure.

Velitchka Mikova (Bulgaria) explained the situation in Bulgaria regarding the European Social Charter. She pointed out that Article 6 - the right to bargain collectively - of the Charter was not respected concerning civil servants, but that this problem could not be found in the report of the government to the Council of Europe.

The new Romanian labour code in force since March of this year was presented by Lucian Vasilescu (Romania), who showed the necessity for changes due to the signing of the European Social Charter in 1999.

The afternoon session focused on non-standard employment. Wiebke Düvel, ETUI, presented this subject from a European angle. This included: analysis of several forms of non-standard employment - part-time, fixed-term and agency work, and economically dependant workers - regulated or discussed at European level; figures to illustrate the percentage of each form of non-standard employment; the negotiations of the European social partners; a description of the legislation process and an explanation of the legal provisions; and the ETUC's priorities on the matter. This European perception was followed by a national report explaining how the different forms of non-standard employment have been integrated into Croatian legislation.

Throughout the conference the presentations were followed by lively discussions among the participants, which also gave an insight into the

legislative situation in the respective country. Furthermore the conference was used to exchange opinions on the draft law on trade unions and employers associations just presented by the Serbian government, putting the Serbian unions under high time pressure to give their view on the draft.

During the two days it became obvious that one major point of interest for the experts of south east Europe is the establishment of specialised labour courts, as rights in themselves cannot help to improve the situation of workers if there is no real possibility to defend and enforce them.

When Slavoljub Lukovic, Nezavisnost, Serbia, and Grigor Gradev, ETUI/ ETUC, closed the conference they made it clear that the report on labour relations in the region was a very important tool, both for the people in the region to work with and politically. It should be seen as a first version to be developed further in the future.

The NETLEX south east European project will in its second year go on to focus in particular on social dumping, the shadow economy, labour courts and the alternative dispute resolution mechanisms.

REVIEWS

Ranftl, Edeltraut, Birgit Buchinger, Ulrike Gschwandtner, Oskar Meggeneder (Hg.): Gleicher Lohn für gleichwertige Arbeit. Praktische Beispiele diskriminierungsfreier analytischer Arbeitsbewertung. (Equal Wage for Work of Equal Value. Practical Examples of Non-Discriminating Job Evaluation) - Rainer Hampp Verlag, München und Mering 2000.

This book is an account of the wage discrimination against women in various European countries and about initiatives to redress this offence against European law.

Though, according to respective national legislation, the legal background is varies between different countries, all have to comply with the EU Treaty (Article 119) as amended after the 1997 Amsterdam summit and the Directive 97/80/EG. Based on a number of case studies from Austria, Germany, Great Britain and Switzerland, the book presents instruments for analytical job evaluation without gender bias. It shows how these have been used in restructuring wage classifications including the procedures applied to carry out this operation.

The focus is indeed on job evaluation, not on personal qualification and a particular model - derived from the 'Geneva Scheme' from 1950, - the ABAKABA method and its adaptations are shown in great detail (ABAKABA = Analytische Bewertung von Arbeitstätigkeiten nach Katz und Baitsch). It seems that this method represents an internationally widely accepted method of job evaluation. Interestingly this method claims not only to be gender indifferent but also to integrate both manual and non-manual occupations on the same scale, in short to do justice to qualifications of different kind required in all kinds of jobs, assessing both equality and differentials. Unequivocally preference is given to remuneration according to job requirements as against personal skills and qualifications. It is claimed, also, that analytical methods tend to be more equitable than summary methods. The example of public sector pay scales in Germany are exposed as blatant offences against the principle of 'equal wage for equal value of work' (ILO Convention) as well as discriminating against women already in the training system in that

many female jobs have no recognised training scheme attached and are, therefore, undervalued.

The book concludes with a valuable overview of the situation concerning gender discrimination in nine European countries and Canada and notes: “A number of examples show that the principle of equality of labour is most likely to be implemented where it is part of a campaign for revaluation (including self-esteem) of female labour and for more social justice generally” (p. 184).

Should somebody believe that this subject has no bearing in the male dominated construction industry, we recommend reading the section where the comparison of secretarial and technical jobs in universities precisely depict typical gender discrimination in contractors’ offices (Anna Stefaniak pp. 135-154). The construction unions ought to scrutinise their wage scales before going into the next round of pay bargaining.

Across the contributions of all the nine authors two sources – available in English – are referred to and should be recommended to all readers who do not read German:

Brian Bercusson and Anni Weiler: Equal opportunities, collective bargaining and the European employment strategy. Edited by the European Foundation for the Improvement of Living and Working Conditions, Dublin 2000 (German version 1999).

Jill Rubery: Equal Pay in Europe? Closing the Gender Wage Gap. Basingstoke 1998

Jörn Janssen/CLR-London

***Richard Hyman: Understanding European Trade Unionism: Between Market, Class and Society* - Sage, London, 2001.**

This latest comparative work by Richard Hyman is an ambitious attempt at a more sophisticated discussion of trade unionism in Europe. In much comparative work analysis does not tend to move beyond typologies and the convergence/divergence debate. Whilst this book does describe the national union movements of Britain, Germany and Italy as oriented towards the poles of market, class or society, there is a greater emphasis on the history and recent evolution of

union movements and their emerging identities. The elaborate and historical nature of the analysis, as determined by the conceptual framework and aims of the study, restricts the discussion to three countries. It would be an extensive contribution to comparative industrial relations if the scope were extended outside these three countries and outside the realm of Western Europe.

The emphasis on the contingent nature of trade union identities is facilitated by the neat conceptual framework, which informs the first three chapters of the book. Hyman analyses the strategic orientations of trade union movements as oscillating between the poles of market, class and society. These concepts represent the 'ideal types' of European trade unionism in terms of 'business unionism', 'class unionism' and 'social-partnership unionism' respectively. The first three conceptual chapters provide a rich detailed analysis of the inherently contradictory nature of the three ideal types and how this leads to union movements struggling to balance two or more of the dimensions. For example, 'class unionism' is difficult to sustain in the long run as there is likely to be pressure on unions to obtain material gains. In relation to unionism based solely on the ideal type of 'social-partnership', there would be pressure on unions to recognise the existence of conflicts of interests between workers and employers. Finally, the ideal type of 'business unionism' may have to appeal to class identities in the collective bargaining arena.

The next three chapters of the book discuss the tensions of compromising between the identities of class, market and society in Britain, Germany and Italy. In Britain the compromise is between the dimensions of market and class, in Germany between society and market and in Italy between class and society. Hyman's emphasis is on the development and contingent roles of the unions in balancing the continuous contentions of their strategic orientations. However, in emphasising contingencies, there is less emphasis on providing any systematic explanations for the evolution of these trade union movements and on providing propositions for the future of these union identities. This is evidently an outcome of the richness of the analysis, which does not easily lend itself to simple explanations or predictions. The concluding chapter moves beyond the main analysis to consider the similar challenges faced by the three union movements discussed in the text. The weight proffered to the 'society' dimension in the conceptual chapters comes through in this concluding discussion.

Hyman argues that this dimension should be developed as the more sustainable orientation for trade union movements. He uses the European level as the potential for developing this dimension, but at the same time he is sceptical of what form it will take, particularly in light of the current state of European social dialogue.

Overall, this book is a significant advance for comparative analysis, particularly in the realm of trade unionism and in providing a conceptual framework, which avoids static categorizations of country systems. It is well written and whilst at times abstract and prone to over-generalisation of the union movements in question, it is engaging and essential reading for those interested in the historical and recent evolution of trade union movements in Europe.

Heather Connolly, University of Warwick

*Wilhelm Eberwein, Jochen Tholen and Joachim Schuster: **The Europeanisation of Industrial Relations: National and European processes in Germany, UK, Italy and France** -Ashgate, Aldershot 2002. Translated by Lionel Fulton and Richard Pond. £ 39.95.*

This book, excellent in its own way, is written about an area of shifting sands, - the ever-moving territory of Europeanisation and globalisation, made even more volatile by the unknown impact of the addition of the new batch of countries to the EU, only impending when the book was being written, but now bound to affect the territory in new ways.

Having said that, the book more than fulfils its aims – “to identify the different national trends as well as the possible interaction between national and European levels”, seeing the “Europeanisation of industrial relations as a socio-political process”. It uses Germany as a point of reference against selected aspects of industrial relations in France, Great Britain and Italy. It achieves this by a multi-layered approach – a combination of studies of the development of industrial relations at national level, followed by a survey of the theories of the process of Europeanisation, selected empirical findings of current research, and the views of “the experts” – trade unions’ and employers’ associations’ national and European experiences. These

are followed by the main section of the book, five case studies related to European Works Councils. It is this combination of material at different levels and in different areas which lends the book its attractiveness, with its main emphasis on the changes within the plant and the company.

It attempts not to be dogmatic, and much of the “on the one hand” and “on the other hand” is the inevitable outcome of any study in this controversial area. The introductory chapter on the development of industrial relations in the four countries accepts that the concept of Europeanisation, like globalisation, “is by no means clearly defined” in “this rapidly developing subject area.” It highlights a whole host of questions and problems, whilst producing, it hopes, a report “having an educational function for worker representatives at plant and union levels.” The comparison between the systems (I prefer the word ‘patterns’: ‘systems’ is too definite to describe what are rarely systematic structures), is comprehensive. Readers are likely to have queries over some of the details, for example, in Great Britain it is doubtful if shop stewards are still as important as the study suggests and there is no assessment of the likely impact on the UK of the recent EU ‘Information and Consultation Directive’.

In the second chapter, on the “process of Europeanisation and the development of industrial relations theories”, it is predicted “that there will be a further development of the European integration”, with the present situation seen as transitional towards an unknown European system. It claims that since the mid-1980s, the EU has been shaped mainly by “negative integration” measures, that recently a multi-layered system of state regulation has emerged in Europe, but “a transformation into a federal state seems impossible”. It rightly stresses the importance of traditions “from centuries ago” in the nation states, slowing any trend toward European standardisation.

The important role of the transnational firm is naturally added to the equation, and the consequences of their activities are assessed in the tension between Europeanisation and growing internationalisation.

Chapter 3 provides a useful survey of current research on plant and company levels, on employee representation in international companies, on the impact of changes in labour organisations, on European Works Councils (EWCs) as contradictory response to Europeanisation, on the EWC’s deficiencies, on solving problems through the EWC, on the attitudes of employers’ associations and

their development, together with the significance of collective bargaining at a European level.

Chapter 4 considers the views of trade unions and employers' associations as 'experts': it concludes that "there is a widespread scepticism towards European negotiations among the trade unions" and that "employers do not have an interest in a uniform European collective bargaining policy, not even in European-wide co-ordination."

Chapter 5 gives extensive details of the five case studies. These cover the role of EWCs in the various plants of the companies, which in four cases have sites in two or more countries. It lists five conclusions from the evidence of the studies: the need for clarity of EWCs' functions and an independent role; the acceptance of EWCs by the parties concerned; the integration of European and local level operations; the importance for employee representatives to develop an informal communication and informal network, and the integration of full-time union officers into the dialogue with management as well as into EWC itself.

The final chapter is on the future prospects in the development of industrial relations in Europe in the contradictory process between national and European regulation. It puts forward nine possible theses:

1. Europeanisation as a multi-level regulation;
2. Trade unions as co-designers of this open Europeanisation process;
3. The European Works Council as a future core element of Europeanisation;
4. Repercussions of Europeanisation on national industrial relations;
5. 'Europeanisation' of collective bargaining within multi-level regulation;
6. The Social Dialogue as a "European Supplement" to national collective bargaining;
7. The complex interweaving of national and European association structures;
8. The modified role of the (European) legislature;
9. Europeanisation of industrial relations as a defining moment within the globalisation process.

The bibliography and index complete a book with a valuable overview and innerview which accept the limitations and contradictions of the fluctuating industrial relations world.

Goeffrey Stuttard / University of Cambridge

Frank Hantke: The role of the Trade Unions in the European Social Dialogue, Friedrich Ebert Stiftung, Warsaw, July 2003.⁷

During the period that CLR worked on the EU Enlargement project⁸ our team had several fruitful debates and practical assistance from two experienced German colleagues based in Warsaw.

Both Herman Bünz and Frank Hantke have been working for almost ten years in the CEE-countries.

Herman Bünz has in the meantime left the office for other FES-engagements; Frank Hantke will move this year to a new Belgrade office.

In an interesting article Hantke has summarised his findings and experiences in the project for “Regional Trade Union Cooperation” in different CEE-countries. It is not a surprise for us that his conclusions fit extremely well with our own findings.

At the beginning of his article Hantke goes back to the starting point for the new and emerging industrial relations in the CEE countries. Rapid privatisation and as a result a fragmented economy, former communist and reformed organisations that were strongly discredited, intermediate structures absent or weakened, “old” against “new” organisations on both the employer and the union side.

In several countries the orientation towards the national government as legislator and towards “friendly” political parties created barriers for autonomous partnership and sectoral bargaining.

On the union side the local, company based union became the dominant representation. The fact that in several national constitutions

⁷ The article “Die Rolle der Gewerkschaften im europäischen Sozialdialog” is electronically available via the CLR-secretariat.

⁸ See “EU Enlargement, Construction Labour Relations as a Pilot, Linda Clarke, Jan Cremers, Jörn Janssen, CLR Studies, Reed Business Information, 2003 (ISBN 90-5901-234-8)”.

the right to install a company union (from 5 or 10 members on) was formulated looked at first glance as an adequate safeguard for workers rights. But it turned out to be a handicap for (sectoral) collective bargaining and for the defence of employment and working conditions beyond the level of the individual company. The majority of company unions is not functioning; furthermore only a minority of these local unions is associated with national federations (in Poland f.i. less than 20 %). With privatisation continuing even the amount of company unions started to shrink.

The situation on the employer side is similar. Membership is low, mandate weak or absent and there is almost no autonomous (social) agenda that could lead to social partnership.

At the end Hantke makes it very clear what this means for the industrial relations in Europe.

If the European Social Partners don't formulate their own political agenda for the cooperation in the sector and if within their ranks the mandate of the affiliates is weakened the social construction of Europe comes under threat.

Jan Cremers

NEW PROJECTS

The future of qualification in the construction sector. Internal and external aspects of structural change.

Stefan Hochstadt

Starting with the analysis of current changes in the construction sector, possible implications for the future development of construction work, i.e. qualification, are showed. Therefore the changes themselves are to be analysed in order to name consequences for the structure of work-force. Additionally the changed political situation in Europe is considered. Because not only such fixed changes have an effect, but delicate social dynamics do play an important role, too, they are included as well.

The existing problems can not be explained only with changed imported conditions of competition. The dispossession effects, which took place, are mainly not explainable by changed companies' strategies of employing labour caused by new political reality in Europe. Rather they result from changed companies' strategies of employing labour caused by changed conditions within the sector itself and which have found their empirical manifestation in the new types of employees coming from peripheral European countries. Neither the great number of illegal employment relationships can be understood as an external, given item only. Even without the opportunity of employing legally or illegally foreign workers it would have had come to a break up of previously very extensive ways of regulation. Now the new European reality, and labour migration is part of it, has to be screened politically. None of the actual used strategies is of natural origin. All those strategies are politically tolerated at least. Therefore we have to conclude that they are politically revisable.

Stress in the construction industry.

Werner Buelen

Under the budget heading: B3-4000 the European Federation of Building and Woodworkers (EFBWW), the European Construction Industry Federation (FIEC) and the Construction Labour Research (CLR) have decided to study the problem of stress in the construction sector in order to formulate a position for the construction sector.

The European social partners in the construction sector have identified a very significant problem with negative stress in their sector. In spite of the scientific studies conducted on this subject, it is not always easy precisely to define what this term covers. We know that stress make people feel ill, consequently leading to absenteeism, mistakes being made, a reduction in productivity and the quality of output together with the resulting increase in costs. Stress can be the cause of accidents; it contributes to the demotivation of personnel and undermines the work atmosphere, the so-called corporate culture.

The construction industry is a very specific sector which is highly labour-intensive and often at the mercy of external factors (e.g. weather conditions). The organisation of work as well as management are very difficult (large number of subcontractors). In addition, it is a high-risk sector for the workers.

Given the specific nature of the sector, the social partners in construction want to see a sectoral approach. Consequently, the European construction social partners have decided to submit a project to the European Commission aimed at facilitating and preparing a social dialogue on stress in construction.

The final objective is to draft a publication with the object of informing a broad public, but specific to the sector, about the problems of stress in the construction industry (causes, consequences, solutions, positive experiences, etc.) and to participate in and contribute to the discussions by the social partners (ETUC – UNICE/UEAPME – CEEP) as provided for in the 2003-2005 programme of the cross-sectoral social partners. The project is considered to be a reference point for European social dialogue

between FIEC and the EFBWW on stress in the sector. This European dialogue will also serve as a springboard for negotiations at national level in the construction sector.

The basis for this project is the consultation procedure on stress opened by the European Commission on 20 December 2002.

For this project five countries are concerned, France, Netherlands, Germany, Poland, Hungary. The EFBWW will manage the project.

The project will start in September 2003

Betriebliche Gewerkschaftsarbeit

Wolfgang Richter

The aim of this small project in Dortmund is to find out qualities and deficits of trade unions activities during the strike in the construction industry in 2002. Though the strike, overall, had been a success in nearly every aspect there really had been a lot of problems in organising and leading the activities. And though the Dortmund region of IG BAU especially was a ‚good‘ one in terms of strike action there had been many elements of uncertainty between the actors and inaccuracies in the actions. It seems to simple to explain this situation as a result of lack of experience, though there had not been any national strike in this industry since 1949. So where are the mistakes? And how can qualification regarding these tasks be improved? This will be asked and discussed in a research group including construction workers, works council members, and union officials.

This small research is one of some projects in different regions promoted by the IG BAU - so there will be the possibility to look at comparable results maybe in a years time.

What does ‘equal pay for equal work’ mean?

Jörn Janssen

Convergence and divergence of wage relations during the Cold War in Germany. (Paper for the IIRA World Congress 2003, Berlin, 8th – 12th September)

Concepts of pay equality and, hence, pay inequality differ not only between planned and market economies but also between states of the same camp and they are a matter of permanent dispute and development in pay differentials. Thus wage relations in the two German states between 1949 and 1989 exhibited similarities stemming from their common origin on the one hand and dissimilarities related to the incorporation into the opposite camps of market and planned economies as well as their concomitant wider aspirations of capitalism and socialism. Both states had inherited regional wage differentials and gradually abolished them as they were regarded as contradicting the equality principle. For the same reason gender differentials were formally abolished first in the GDR, later in the FRG. Sectoral differentials were used under the conditions of a competitive market as well as central planning as a means to direct labour into industries of crucial importance for the national economy - e.g. mining. Both states had comparable scales of hourly and monthly pay rates relating to levels of qualification, showing however significant differences from the start and developing in different directions. Fundamentally different paths were pursued by the capitalist and socialist social partners in terms of performance related pay components, including piece rates. Whilst in the FRG hourly and monthly time rates were predominant, in the GDR bonuses and premiums determined the level of earnings. As a result the disputes about wages focussed on different issues. Significantly, the 17th June 1953 uprising in the GDR was against the increase of labour norms, i.e. the reduction of bonuses.

The principle of equal pay for equal work – ‘gleicher Lohn für gleiche Leistung’ – was accepted in both German states but interpreted differently. Looking at wage differentials and modes of implementing them this paper will discuss the issues of dispute and how the criteria for wage justice changed over forty years on both sides of the iron

curtain. It will show how both systems were driven by a process of socialisation in the production process which neither of the two forms of wage relations were conceptually able to respond to and which, therefore, remains on the agenda of wage determination. There is no sign that this challenge will trigger a convergent movement in wage relations, neither in Europe nor globally.

The empirical basis of this paper is collective agreements and labour law concerning wage relations in the German states during the cold war and an ongoing study on wage relations in six central European states.

The Rise of Wage Labour in Construction in England between 1349 and 1562

(Proposal for a contribution to the Settimana di Studi 2004:

The Construction Industry before the Industrial Revolution, 13th – 18th Centuries)

The first statute regulating the employment of labour in England is the ‘Statutum Operariis’ or, as it is commonly called, ‘Statute of Labourers’ from 1349 (23 Edward III, c.1-7) enforced by another statute in 1350 (25 Edward III. C.1-7). Its destination was to stem the rise of wages of labour in construction and agriculture as well as of prices of ‘victual’ after the Black Death.

In the course of the following two centuries almost 40 more statutes on various aspects of the employment of labour, largely synonymous with the landless poor, were passed until a new and distinctly different era was heralded with the ‘Statute of Artificers, Labourers, Servants of Husbandry and Apprentices’ from 1562-3 (5 Elizabeth I, c.4).

It appears from the statutes that building was the determinant sector in which wage labour developed in this period. Wage labour in agriculture, the other sector included in early wage regulation, in contrast, retains distinct features of the servant relationship.

This paper will argue that the release of the poor from feudal ties and its transformation into skilled wage labour generated the productive force which gave rise to the explosive process of urbanisation, road-building and shipbuilding which set in at the beginning of the Reign of

Elisabeth I and prompted the making of the English Colonial Empire. Changes in the form of wages and wage relations, ignored in studies on the development of wage rates (e.g. Beveridge and Phelps-Brown) will be examined through the analysis of labour legislation in the late middle ages. It will be shown that the development of a genuine time rate, as opposed to annual and piece-rates, indicates the rise of wage labour as the determinant productive force in the building process, the demise of the artisan and the emergence of the capitalist industry.

University of Westminster – ETLM

1. *Innovation and Skills*. This project, on the housebuilding industries of Britain, Denmark, Germany and the Netherlands, is now complete and all the results are being written up for a book, to be published in 2004.
2. *Women in Construction*. A second CLR book on women in construction world wide is being prepared for publication in the autumn.
3. *A new research seminar series* on employment in construction has been funded by the research council in Britain, to include international contributors, involve the CLR network and be held every two months – to begin early 2004.
4. *EC project on obstacles and mechanisms to inclusion in strongly-segregated sectors*, covering Britain, Denmark, Germany, Italy, the Netherlands and Spain and including construction, printing and IT (software), with health as a contrasting sector. This project will be complete in the autumn and the findings will be presented at a workshop on September 16th in the EFBWW offices in Brussels.
5. *Proposals* in the process of submission on the Europeanisation of construction firms and the transition from training to work.

EVENTS

9th EFBWW General Assembly

Houffalize (B), 4-5 December 2003

Trade Union Structure in Change: Which Trade Unions will survive?

CLR, together with GBI/Switzerland

Monday, 20th October 2003 in Zurich, 09.00 – 17.00, GBI central seat.

Changes in the structure of trade-unionist representation in the branch:

- Experiences of building, industry and service Unions with merging projects (Norway, Netherlands, Spain, Germany, Denmark): Issues, problems, good and bad examples, development of membership, union density, etc.
- New projects of co-operation and mergers (Austria, Switzerland)
- Concept of industrial unions versus concept of interprofessional union
- Situation in counties with unions of different political directions (France, Italy)

Consequences of the interprofessional trade union concept to the European level:

- Role of the European industrial federations, strength of ETUC?
- National projects versus European collaboration?
- The special situation in middle and eastern Europe, also in respect of the enlargement of EU
- Proposal for an European trade union of "migratory-workers" by IG BAU

Contact: Hans Baumann, GBI

PERSONALIA

Carmen Bauer

Dr. Carmen Bauer (47) joined the EFBWW on 1 January 2003 as a political secretary.

For several years she has worked for a member of the Hamburg state parliament and as a researcher at Hamburg University.

Before joining the EFBWW she worked at the headquarters of the German Postal Workers' Union and subsequently she was the personal referee of the General Secretary of the German Building Workers, Agriculture and Environment Union (IG BAU).

Her coordinates are:

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Werner Buelen

Joined the EFBWW on 1 December 2002 as political secretary. He previously worked for 7 years as collective bargaining advisor for the construction industry in a Belgian trade union. His new main tasks in the EFBWW are collective bargaining and social policy in the construction industry.

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Janet Druker

has left the University of Greenwich. She has been appointed Head of East London Business School in the University of East London.

Her new coordinates:

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Stephen Gruneberg

has left University College London, where he taught construction economics. He joins the University of Reading to concentrate on research as a Research Fellow. His work at Reading will be on changes in construction procurement methods in the UK and on an analysis of a large database of construction projects since 1993. The database is derived from all projects requiring planning permission and gives a far more detailed breakdown of work by type, size and location than has hitherto been available.

He can be contacted at s.l.gruneberg@reading.ac.uk.

Jörn Janssen

has left the University of Westminster after more than four years as a visiting Professor. This move does not imply any major change in his research activities. His present work on the history of wage labour in construction concentrates on two periods, the origins in England from 1349 to 1563 and the Cold War in the two German states.

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