

Trade Unions... in Search of a Future

By [Tom Hayes](#)

Summary: *We in Europe need an honest and open discussion about the nature of employee and labour relations in today's labour market. Pretending, as so often happens, that we can fit today's world into yesterday's structures is dishonest and misleading. What worked yesterday, does not work today. Trade unions today must find an offer that catches the attention of workers and interests them in joining.*

The history of labour relations in capitalist societies is a history of bloody and violent battles. Dublin 1913, the 1941 River Rouge sit down at Ford, the UK miner's strike in the early 1980s, to name just three.

Labour relations is a battle between capital and labour in pursuit of their own economic interests, even if it may not be acceptable in polite society to call it out as such. Words such as "social partnership", "social dialogue" are used in Europe to disguise the reality that labour relations are rooted in a balance of economic power.

They are blunter about it in the US, whose model of capitalism is redder in tooth and claw than in Europe's "social market" economy.

The EU's social market economy sometimes reminds me of one of those great French chateaux, impressive from the outside, but badly in need of repair on the inside, the owners without the money necessary to restore it to better days. If you look closely, you can also see cracks in the outside walls.

In the 20th century, unions grew to be powerful economic players by recruiting members and forcing employers to the bargaining table. Nothing was handed to them on a plate. They fought to become the force they became. Employers dealt with unions not because they liked them and thought that they would be good for their businesses, but because they had to deal with them or else get badly hurt.

Don't believe me? Point out to me all those employers who voluntarily went out and invited unions to come in, organise their workers, and negotiate on their behalf. You may find one or two, but you won't find many.

With the development of human resource management, employers came to understand that bad pay and working conditions were the reasons workers joined unions and if they could fix these things, workers would not be disposed to join. To coin a phrase, human resource departments became the "identifiers and eliminators of the causes of worker discontent" ... today we call it "employee experience".

These thoughts were occasioned by two pieces I read in recent days, one about the US, the other about Europe.

Kenan Malik on unions in the U.S.A.

The piece about the US was written by Kenan Malik in the UK's *Observer*. You can read it [HERE](#). In his article, Malik discusses a film made about the organising of the Amazon warehouse on Staten Island in 2022. The Amazon Labor Union, through a National Labor Relations Board (NLRB) election, was certified as the bargaining

agent for the Amazon facility. Malik deplores the fact that to this day the unions still has not managed to negotiate a contract. He puts this down to opposition from the company and its lawyers.

Well, what does he think the company was going to do? Just hand over a pot of money to the union? That is not the way the world works. Companies always push back in defence of their economic interests. If the union does not have the economic leverage to force the company to hand over the pot of money, then all the decisions of courts and tribunal to award the union “recognition” will be of little avail. If unions do not have members who are willing to strike, and enough members to make the strike effective, then unions have no negotiating power.

If the union does not have an answer to the question: “What do you do when the employer says no?” then collective bargaining just becomes collective discussions.

Before anyone says, but if the unions cannot strike, what about “reputational damage”? I have yet to see a situation where a company suffered reputational damage because of union recognition issues. If people want a company’s product or service, they will buy it no matter what any union says. Is Tesla still selling cars in Sweden and Germany, even though it refuses to enter into collective bargaining negotiations? As far as I know, the answer is yes.

Companies only suffer reputational damage in the marketplace when the product is so bad that it does not work, it kills or injures people or breaches the most fundamental human rights issues like child labour or forced labour.

Bottom line: You want to negotiate a collective bargaining agreement? You need leverage. You get leverage you need members.

The second piece is an article by the head of Uni Europa, Oliver Roethig, [HERE](#), on EUObserver.

Oliver Roethig on unions in the EU

Roethig’s article focuses the EU’s *Adequate Minimum Wage Directive* and what governments should be doing to promote unions and collective bargaining. Nothing new in it, we have heard much the same from unions over the past years. ILO Conventions 87 and 98 which say essentially the same thing were passed in 1948 and 1949.

The usual solutions are canvassed: capacity building, inspection, the protection of worker representatives and public procurement.

“Capacity building” means giving public money to unions and employers organisations. because they do not have enough members to fund themselves. Labour inspections and the protection of worker representatives speak for themselves. Public procurement means that public sector contracts should only be given to businesses that have collective bargaining agreements and would exclude large numbers of EU-based businesses because their employees have chosen not to join unions.

What I find interesting is the absence of any discussion on why workers are not joining unions. By my calculations, about 25% of European workers are union members. That drops to 15% in the private sector. In France overall density is 9%, 5% in the private sector. In Germany, it is now about 16%. In the US the figure has recently dropped below 10%.

Now, of course, the decline in density can be partly explained by the decline in the traditional manufacturing and extractive industries that were once the unions’ heartlands. But why are workers in the new industries not joining? Is it that the unions do not have an offer that they find attractive? Most employees are well treated and remunerated. When they do have issues, they turn to social media and more modern forms of collective voice rather than unions. Do the unions still have an analogue mindset in a hyper-digital age?

I am not persuaded that in Europe so-called “union busting” keeps membership low. Compared to what happens in the US, it is almost non-existent.

Nor am I persuaded that it is the job of governments to force employers into bargaining arrangements through the use of the law, in circumstances where the unions lack members. Who then gives unions the mandate to negotiate on behalf of workers who are not members? France has mandatory annual negotiations with unions on pay and benefits irrespective of membership, but in the majority of companies these simply replay minimum legal provisions. Performative rather than genuine collective bargaining.

Sometimes you hear the argument made, “look at what the unions have achieved in the past for workers. Today’s workers don’t understand that.” I do not question what has been achieved in the past. The record speaks for itself. But you cannot live off past achievements. You have to make your case for your relevance today, not yesterday. If unions are not connecting with today’s workers, then the failure to connect is down to the unions, not to anyone else.

Let me put it this way. Volkswagen is in trouble because people are not buying its cars. Why are they not buying? Because VW is making the wrong cars at the wrong price. Whose fault is that? VWs and no one else. It can’t say “but we used to make great cars, buy this one today”. It doesn’t work that way.

Conclusion

We in Europe need an honest and open discussion about the nature of employee and labour relations in today’s labour market. Pretending, as so often happens, that we can fit today’s world into yesterday’s structures is dishonest and misleading.

To avoid misunderstandings, I have no issue with unions and collective bargaining. I believe that it is up to the unions to convince workers to join, and to join in sufficient numbers to give trade unions bargaining leverage. No number of laws will compensate for the absence of members.

Want members? Find an offer that catches the attention of workers and interests them in joining. What worked yesterday, does not work today.

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