

the institute for employment studies



40 years anniversary seminar

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BRITAIN AND THE EUROPEAN SOCIAL MODEL: CAPITALISM AGAINST CAPITALISM ?

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OVERVIEW

- **the view from 1969**
- **Britain and the EU: capitalism against capitalism ?**
- **the 'social dimension' and British industrial relations**
- **the Anglicisation of Europe ?**
- **an unhappy marriage of conflicting capitalisms ?**

THE VIEW FROM 1969 (1)

- *In Place of Strife*
- 'penal clauses' + Donovan
 - primary commitment to voluntarism (Kahn-Freund)
 - support for collective regulation
- transformation
 - law
 - decollectivisation

THE VIEW FROM 1969 (2)

- de Gaulle departs
- opening UK access to EEC
- uneasy relationship: 'awkward partner'
- Thatcher, Major, Blair, Brown: resist EU employment rights
- but British labour law now partially Europeanised

CAPITALISM AGAINST CAPITALISM ?

- **fog in channel...**
- **de Gaulle: UK, US, Commonwealth are socially, economically and culturally distinct from 'Continental' states**
- **'Anglo-Saxon' and 'Rhineland' capitalisms (Albert)**
- **'liberal market economy': bias to 'lightly regulated labour market'**

'SOCIAL EUROPE'

- **stakeholder capitalism**
- **decommodification and solidarity**
- **bias to collective regulation**
- **institutionalised 'social partnership'**
- **but varieties of welfare/employment regimes**
- **hence 'European social model'**
imprecise: arena of contest

THE SINGLE MARKET AND THE 'SOCIAL DIMENSION'

- **tension between market liberalism (4 freedoms) and social regulation**
- **'Treaty base': limited EU social competence**
- **expansion since Maastricht**
- **but multiple veto points**

EUROPEAN SOCIAL REGULATION AND BRITISH INDUSTRIAL RELATIONS

- **working time**
- **employment protection and
'atypical' work**
- **information and consultation**
- **equal opportunities**

WORKING TIME

- **UK exceptional: no general legal maximum**
- **'health and safety' Treaty base (QMV) ⇒ WTD 1993 ⇒ Regulations 1998**
- **revision? key issues:**
 - **individual opt-out**
 - **'reference period'**
 - **on-call time**
- **what practical impact ?**

EMPLOYMENT PROTECTION AND 'ATYPICAL' WORK

- **unfair dismissal: IRA 1971 – but less protection than in most EU states**
- **ARD 1977 ⇒ TUPE: limits contracting-out as cost-cutting strategy**
- **fixed-term directive: little impact ?**
- **part-time directive: more substantial implications**
- **agency work ?**

INFORMATION AND CONSULTATION

- **UK exceptional: no generalised system**
- **EU: failed initiatives from 1970**
- **EWC directive 1994 under Maastricht social chapter**
 - **how significant ?**
 - **revision ?**
- **ICE directive 2002 ⇒ Regulations 2004**
 - **what impact ?**

EQUAL OPPORTUNITIES

- **Treaty of Rome ⇒ Equal Pay Act 1970**
- **Equal Pay Directive 1975: equal value**
- **harassment, burden of proof, maternity, parental leave**
- **Amsterdam Treaty and Framework directive 2000: race, age, disability, sexual orientation...**
- **a radical cumulation of rights ?**

THE ANGLICISATION OF SOCIAL EUROPE ?

- towards 'shareholder value'
- eastern varieties of capitalism
- EES: supply-side agenda
- adaptability \Rightarrow 'flexicurity' and 'modernisation'
- ECJ: free movement overrides social protection
- the ghost of Bolkestein

AN UNHAPPY MARRIAGE OF CONFLICTING CAPITALISMS ?

- **British IR: reluctant Europeanisation**
- **repertoire of individual rights despite erosion of collective regulation**
- **but market-making threats to European social models**
- **UK: from maverick to mainstream ?**
- **but have 'free markets' lost their credibility ?**

