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Transfer: European Review of Labour and Research 1996 2: 287

DOI: 10.1177/102425899600200208

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Summary

The trade unions' collective bargaining policy must safeguard the working conditions of all workers who are competing with each other on the labour market. Two basic, alternative mechanisms are available to this end: (1) the collective agreement may be signed at a level which covers all the relevant employees; or (2) several collective agreements may be signed at a lower level and coordinated so as to enable an equivalent settlement of working conditions for all the employees concerned.

This analysis examines the prospects for setting up a European collective bargaining system. It considers, first of all, the institutional and organisational factors that will influence the development of such a system. Secondly, it assesses which collective bargaining policy mechanisms and levels would, within the prevailing context, be most appropriate for a Europe-wide regulation of the labour market.



Résumé

La politique de négociation collective des syndicats doit préserver les conditions de travail de tous les travailleurs qui sont en concurrence sur le marché du travail. Deux mécanismes alternatifs fondamentaux sont mis en place à cette fin: soit la convention collective est signée à un niveau qui couvre tous les travailleurs en question, soit plusieurs conventions collectives sont conclues à un niveau inférieur et coordonnées de manière à régler de façon équivalente les conditions de travail de tous les travailleurs concernés.

Cette analyse examine les perspectives d'établissement d'un système européen de négociation collective. Elle observe en premier lieu tous les facteurs institutionnels et organisationnels qui influenceront l'évolution d'un tel système. En second lieu, elle établit quels seraient, dans le contexte actuel, les mécanismes et niveaux de politique de négociation collective les plus appropriés pour une réglementation du marché du travail au niveau européen.



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Zusammenfassung

Die Tarifpolitik der Gewerkschaften muß die gemeinsame Regelung der Arbeitsbedingungen für all jene Arbeitnehmer sicherstellen, die am Arbeitsmarkt miteinander konkurrieren. Dafür stehen zwei grundlegende, alternative Mechanismen offen: (1) der Tarifvertrag wird auf einer Ebene abgeschlossen, die alle relevanten Arbeitnehmer umfaßt; (2) es werden mehrere Tarifverträge auf einer niedrigeren Ebene abgeschlossen und so koordiniert, daß eine äquivalente Regelung der Arbeitsbedingungen für alle relevanten Arbeitnehmer erreicht werden kann.

Gegenstand dieser Analyse sind die Chancen für den Aufbau eines europäischen Tarifsystems. Dabei werden zunächst die institutionellen und organisatorischen Rahmenbedingungen für einen solchen Aufbau betrachtet. Im zweiten Schritt wird analysiert, welche Mechanismen und Ebenen der Tarifpolitik sich unter den gegebenen Rahmenbedingungen am geeignetsten für die europaweite Regulierung des Arbeitsmarktes erweisen.

**Factors affecting a European collective bargaining policy**

The trade unions' collective bargaining policy is subject to a strategic imperative: the working conditions of all employees who are competing with each other on the labour market must be protected. Otherwise, there is a risk that competition might prompt these employees to undercut existing collective agreements. In accordance with this imperative, the trade unions have, in the course of time, gradually expanded, in parallel with the geographical expansion of the labour market, from local unions, via the regional association, up to the national and supranational umbrella organisations. Industrial relations have expanded in similar fashion and, now that the barriers to the transnational mobility of labour have been removed by the Single European Act, the pan-European regulation of working conditions is an item on the trade union agenda. If their field of action remains limited to the Member States of the European Union, the unions run the risk that their largely nationally-oriented interest group politics will be rendered obsolete by transnational movements in capital. The establishment of Monetary Union will cause wage costs to become an increasingly significant factor in competition, so that the problem of a European collective bargaining policy will become more pressing. This issue is discussed in the light of the prospects for a transformation of "industrial relations in Europe" into "European industrial relations": whereas industrial relations in Europe are, at present, merely the sum of the various systems in operation in the individual Member States, a European industrial relations system would be based on nascent (i.e. genuinely supranational) institutions (Euro collective agreements, Euro worker participation, Euro federations, etc.).

The question of the prospects for the emergence of a European industrial relations system inevitably leads us to consider the main protagonists in this particular policy sphere, namely,

the two sides of industry and the state. The extent to which a European industrial relations system can develop will obviously depend on the extent to which these protagonists are willing and able to organise the collective regulation of working conditions at this level. This is, principally, a factor of the balance of power on the labour market, as well as of the terms of competition on product markets. Whereas the interest in regulation at an overall European level is primarily (but not exclusively) a factor of the relationship *between* business and labour, the organising capacity to this end is dependent on the *internal* relations within each of the two sides. The potential of the state for (procedural or material) regulation of industrial relations is, on the other hand, measured in terms of its capacity to take political control of the process. The problem of building up the organising capacity of the supranational protagonists is thus the key issue in European industrial relations. Unlike in the national industrial relations context, there is at European level no highly-developed state protagonist. While a European institutionalised industrial relations system exists only in the sketchiest of forms, the political order too (a "European constitution") lacks all but the roughest configuration, the expansion and detailed development of which could, in the future, move in any of numerous possible directions.

In the following discussion, the various factors affecting the establishment of a European collective bargaining policy are described and analysed; this analysis is followed by a discussion of the political options arising for the trade unions.

Labour markets are characterised by a structurally asymmetrical power relationship. Due to their "power edge", the employers prefer to settle conditions of employment individually rather than collectively. Employees, on the other hand, are interested in achieving settlement through a process of collective bargaining and agreement. The history of the organisation of the labour market reflects these attitudes. The fact that employers banded together in federations was in most cases a reaction to the formation of trade unions. Despite this alignment of interests on the other side, the trade unions proved able to create the conditions for collective settlements at national level. Our question is, then, how did the unions manage to effect this development and in what way is it of relevance to the European context as a whole?

There are two basic reasons which might persuade an employer to accept collective settlements: either a show of strength on the part of the trade unions and/or the state; or the hope of deriving actual benefits from such settlements. In view of the above-mentioned asymmetry of the labour market, and the resulting advantages of individual settlements to employers, any hope of benefits from collective bargaining can hardly be based on the *labour* market itself. Such benefits are more likely to be found within the specific *product* market interests of individual groups of firms, which prompt them to opt for collective settlements on the labour market.

The term "product markets" is used here to describe any markets on which firms are active, over and above their activity on the labour market. The classic reason for firms being inter-

ested in collective agreements (or more precisely, multi-employer bargaining) is that they reduce competition on working conditions among employers (Müller-Jentsch 1983). A cartel arrangement of this kind covering working conditions thus serves to contain competition between firms on product markets. The effect of such cartels in a global economy is limited, even when collective agreements are concluded at European level. European collective agreements would therefore have to correspond to product market interests of firms. This is the case if Euro collective agreements in global competition offer comparative advantages due to the supply of collective goods (e.g. high-trust relations as a pre-condition for lower transaction costs); and/or if their effects on unit labour costs are competition-neutral.

Firms operate on a wide variety of product markets. Their product market interests and their interest in collective agreements diverge accordingly. The product market interests therefore merely modify the sceptical position of firms in relation to collective agreements; they will not cause them to relinquish that position. Even where there are differences in interests, the lowest common denominator will be to decline collective bargaining. Similarly, on the union side, the intensity of the wish to engage in collective bargaining will also be modified by circumstances. In principle, the employees will share the product market interests of "their" company or "their" industry, since these determine their own prosperity via their prospects of employment and income. Although there is general agreement about the need for a European industrial relations system, there are still some differences in the actual level of interest shown by trade union movements in the individual Member States - e.g. differences between high- or low-wage countries.

In the light of the differences between employers' and employees' interests, but also on account of differing interests within each of the two groups, the prospects of implementing a European industrial relations system become even more dependent on the organising capacity of the employers' federations, trade unions and the state.

The organising capacity of federations is measured by their capacity to reconcile the diverging interests of their members and ensure that members conform to the decisions of the federation. The wider the geographical area covered by the federation, the more difficult it is for that federation to maintain and increase its organising capacity. Among the Member States of the European Union there are only a few national umbrella federations whose organising capacity is sufficient to conclude central macro-agreements. The lack of organising capacity in national umbrella organisations makes it difficult, from the outset, to develop such a capacity on a European level. In addition to the enormous complexity of interests at European level, there is the further problem of the disparity of organisational structures in the national federations. Thus, in Austria, nearly all collective agreements for employers are negotiated through the Economic Chambers (*Wirtschaftskammern*), but, due to their status as a chamber, these bodies cannot be members of UNICE. Neither ETUC nor UNICE cur-

rently has the kind of organising capacity that would be necessary to conclude Euro collective agreements (see Keller 1994, Teague and Grahl 1992, Traxler and Schmitter 1995). The lack of organising capacity among employers is particularly serious. The reason for this lack is that individual firms have more resources than individual employees to push through their own preference for negotiating individually, if necessary short-circuiting the federations. This reduces the motivation for collective goals among firms and forces the employers' federations to adopt more particularistic structures than those of the unions. So, for example, there is not one single sectoral European employers' federation belonging to UNICE, which means that UNICE is not in a position to standardise the sectoral interests of firms. The conclusion of the foregoing is that the European federations can develop organising capacity only through organisational privileges provided by the state.

It is thus that the EU institutions have a key role to play in building up a European industrial relations system. This is shown also by the experience in the Member States. In virtually all countries, the institutionalisation of industrial relations became possible only after the adoption of supportive labour legislation. The obvious exception here is the United Kingdom, where collective bargaining has been declining since the 1970s (Traxler 1995) not least due to the absence of a legal framework of this kind. Furthermore, in some countries, the establishment of cooperative relations between business and labour has been dependent on the threat of direct intervention by the state. To what extent the EU can assume a similar function depends on its organising capacity.

There is still no agreement about the future European constitution. The basic alternatives are as follows: the model of a network of states, designed to facilitate cooperation on common causes, while maintaining national sovereignty; and the creation of a supranational state. With the Treaty of Maastricht, under which the plan is to transfer central sovereign rights (like monetary policy) from the Member States to the EU, the choice to move away from a mere cooperation network seems to have been finally taken. Even so, it is highly improbable that Europe is now on its way to becoming a supranational state (Traxler and Schmitter 1995).

Unlike the state, the constituent features of which include a coherent political order at home and a clear definition of external borders, the EU is characterised by a "variable geometry" in the distribution of its territorial and functional powers and in the drawing of boundaries between within and outside. This situation was perpetuated by the Treaty of Maastricht (e.g. through the conditions governing membership of the Monetary Union).

It can be assumed that variable arrangements will continue in the future to be a feature of the EU's development. The difficulties encountered by many Member States in meeting the convergence criteria, and the future involvement of the post-communist states, are likely to give rise to such arrangements. This will facilitate a variable, "asynchronous" integration, a two-speed, or "several-speed" Europe, and it means, in all probability, that the variable

geometry of the political institutions is not merely a transitional stage on the way from a cooperative federation of sovereign states to a supranational state, but rather a lasting feature of the basic architectural design of the EU (Traxler and Schmitter 1995).

The variability and disparity in the European institutions, which is intensifying rather than diminishing, prompts the conclusion that, on structural grounds alone, the EU lacks the kind of organising capacity required to establish a coherent legal framework for Europe-wide industrial relations.

Like the European federations, the EU's deficit in organising capacity combines with divergences between the relevant institutions at national level. There are, in particular, pronounced divergences in the relative importance of the law and collective agreements as instruments for the regulation of working conditions (Teague and Grahl 1992).

At present, the impetus generated by the EU is not only for the establishment of European industrial relations, but also for preservation of the weakness of the European federations. An example is offered by the Social Protocol in the Treaty of Maastricht, which grants management and labour a formal say in social policy issues. The Protocol itself contains no criteria for recognition as a representative of management or labour. UNICE, CEEP and the ETUC presented a restrictive proposal that would have excluded sectoral federations from recognition as representatives. The reasons for this restrictive interpretation are obvious: it would have strengthened the role of the umbrella federations as the Commission's negotiating partners on social policy issues, thereby stepping up their organising capacity, particularly with regard to the European sectoral federations. As the Commission adopted, contrary to this proposal, extremely broad criteria for recognition as a representative of management and labour (Buda 1995), an opportunity was missed to create an incentive to put in place coherent organisational forms in the European federations.

Options for a European trade union policy

The prospects for establishing a European industrial relations system in the foreseeable future are limited. However, it is in the interest of the trade unions to endow their policy with a European dimension. Given the problems outlined above, the success of such a policy will be determined by the following criterion: what must be achieved, even under the unfavourable conditions represented by the low organising capacity of the European federations and the diversity of national institutions, is a Europe-wide regulation of the labour market. Such regulation ought not to entail any competitive disadvantages for European firms on global markets; indeed it should, ideally, give rise to comparative advantages. Yet even if, on this account, company interests can successfully be taken on board, regulation of this kind can be pushed through only by mobilising the power of the trade unions.

In principle, a trade union Euro-policy can address three levels: (1) the macro level, covering the entire European economy; (2) the meso level, i.e. the individual sectors of the economy; (3) the micro level represented by European firms. In view of the limited resources available, it will be necessary to set priorities with regard to these three options.

At the macro level, the Social Policy Protocol in the Treaty of Maastricht offers a starting point for negotiations. Under the Treaty, management and labour are allowed to enter upon contractual relations which may include the conclusion of agreements on social policy. As such, the way ahead towards a system of European collective agreements appears to lie open. In the light of the above-mentioned criterion for success, this clause offers two advantages: it alleviates the problem of organising capacity for the European federations, insofar as agreements are implemented by the EU and its Member States; and, secondly, Europe-wide regulation of the labour market is guaranteed. However, there are also two significant disadvantages. At the macro level, the harmonisation of interests within employees' and employers' federations already gives rise to serious problems. It is even more difficult to reach compromises between the two categories, so that only on a small number of issues is a macro agreement covering the whole of Europe likely to prove possible. It is no coincidence that, in those Member States where direct negotiations take place between national umbrella federations representing business and labour, binding macro agreements are rather rare, and are signed only on questions of principle. Under no circumstances is the macro level suitable for Europe-wide settlement of pay policy; and yet this is going to become an increasingly important aspect in the context of Monetary Union. The second disadvantage is that in connection with the Social Policy Protocol, the trade unions have no clout to influence the negotiation process (Lecher 1993). The employers can block settlements by refusing to negotiate - unless the Commission exerts pressure (and this is an unknown quantity) to compel them to negotiate. The Social Policy Protocol will therefore lead to agreements only in exceptional cases. These agreements will relate to very general issues and will represent the lowest common denominator of the interests of all groups. As such, the Protocol is not a suitable instrument for establishing a regular and enduring collective bargaining system.

Since the adoption of the Directive on European Works Councils, the micro level now also offers an institutionalised starting point for setting up a European collective bargaining system. The pre-condition for this is that the trade unions should make the European works council the cornerstone of their European policy. This requires an appropriate trade union presence in the companies concerned. The mobilisation of trade union power is possible at this level; it is difficult, however, because it would have to be made compatible with all the

¹ A second aspect of the meso-level is the trans-national regions (Platzer 1992). This is not further examined here because the conclusion of non-sector-specific regional collective agreements is unusual in the Member States so that the institutionalisation of this type of collective agreement at European level can be ruled out.

different national rules concerning industrial disputes. The most important advantage of this option is that it does not require any highly-developed organising capacity. Since the trade unions are negotiating directly with the employer, the organising capacity of the employers' associations is irrelevant. Even within the unions, the problem of harmonising interests is relatively minor. The range of topics which can be settled at micro level is significantly greater than at macro level. The decisive drawback of the micro level is, however, that it is not sufficient for the requirements of Europe-wide regulation of the labour market because European works councils will be set up only by a relatively small number of companies.

In addition, not all the trade unions in these companies will succeed in establishing full-scale collective bargaining. This drawback threatens to place the unions on a fatal "slippery slope" if they make the micro level the main thrust for establishing Europe-wide negotiations.

Social inequality among employees will inevitably increase due to the selective institutionalisation of Euro-Single-Employer Bargaining. This practice erodes solidarity among employees and jeopardises the status of unions as a political force in society. Furthermore, in the long term the existence of the unions is at risk, since Single-Employer-Bargaining is discriminatory not only to employees but also among employers. The consequences of this discrimination effect can be seen from the example of the USA, where Single-Employer-Bargaining led to the coexistence of a union sector and a non-union sector. Since collective bargaining takes place only in the union sector, employee pay is much higher in this sector of the economy than in the non-union sector (Blanchflower and Freeman 1992). This pay gap puts employers in the union sector at a disadvantage in competition with the non-union sector, and is an incentive to union busting: the elimination of unions from the firm means an end to and removal of the competitive handicap represented by wage levels. This vicious circle of discriminatory pay policy and discrimination against the unions led to the dramatic drop in union membership and collective bargaining coverage in the USA (Traxler 1995). A similar trend would occur in Europe in the event of institutionalisation of Euro-Single-Employer-Bargaining. It can be shown that in the 1980s, in all those OECD countries where Single-Employer-Bargaining predominated, collective bargaining coverage went down, while in all the countries where Multi-Employer-Bargaining prevailed, it remained virtually constant (Traxler 1995).

The third option for Euro-negotiations is the meso level. Negotiations at this level are less highly-developed than those at macro and micro level. Initial approaches to sectoral agreements have been made only in the public sector (Lecher 1993). At this level, the problem of organising capacity arises most acutely. The European Industry Federations affiliated to the ETUC do not have any counterparts for negotiation since the sectoral Euro-business associations are trade associations but not employers' associations. Moreover, Visser and Ebbinghaus (1992: 235) perceive "the danger of a rather sectionalist or occupational type of inter-

national unionism developing along the lines of narrowly-defined interests". Any sectors which were to attempt Euro negotiations in accordance with such sectionalist logic would produce comparative disadvantages rather than competitive advantages, and would encounter resistance from firms. Nonetheless, sectoral agreements would meet the minimum requirement of Europe-wide regulation of the labour market, for competition between workers on the labour market occurs mainly within particular sectors. Like the macro level, the Social Policy Protocol in the Maastricht Treaty also offers the possibility of setting up a negotiating system, but the problem of implementation is no less than at the macro level. The complexity of interests at meso level is, on the other hand, admittedly lower; however (at least at present) the problems of organising capacity on the employers' side are greater. The cumbersome nature of the procedure is of fundamental importance, as is the absence of opportunity for the unions to mobilise their power. The interest of employers in concluding sectoral agreements under the Protocol will probably be limited to those (few) cases where the union manages to combine questions of working conditions with topics of industrial policy relevance and sectoral modernisation.

A less sceptical assessment of the meso level is obtained if we move away from the idea that the setting-up of a nascent Europe-wide institutionalised system (Euro worker participation, Euro collective bargaining, etc.) is the only effective route to a Europeanisation of industrial relations. For an arrangement of this type requires degree of overlap between the sovereign territory of a harmonised economic area and the area covered by collective agreements that is not always possible even within nation states. The examples of Japan and Germany are instructive on this point. Their pay policy exhibits an extraordinarily high level of macro coordination, without the conclusion of central collective agreements applicable to the economy as a whole. This indicates that Europe-wide regulation of the labour market can be carried out even in the absence of Euro collective agreements concluded by Euro umbrella organisations of social partners. It is not the level at which the agreement is signed that is relevant for the scope of regulation of the labour market, but the degree of collective bargaining coordination. In Japan and Germany, as well as in other European countries, macro coordination of pay policy relies on trend-setting in a specific sector, i.e. the metal industry. This means that sectoral collective bargaining platforms do not necessarily have to be sectionalistic. A distinction should therefore be made between two basic mechanisms of labour market regulation by the trade unions: the coordination of trade union collective bargaining policy and the actual conduct of the collective bargaining. Europe-wide regulation of the labour market will succeed only if the two mechanisms are combined in such a way that the shortcomings in organising capacity can be offset.

In conclusion, a trade union Euro-policy must be devised in accordance with the following considerations:

- The sectoral level is the main starting point for embarking on Europe-wide regulation of

the labour market. At this level, the problems of organising capacity are not yet so great as at the macro level, where they have become almost unmanageable; equally, at the meso level the fragmentation of interests is not yet so pronounced as at the micro level, where the risk is that the trade unions may see their power position eroded.

- Instead of a nascent Euro system, the unions will have to make do with a hybrid system, which is a “blend” of existing European institutions and the traditional national industrial relations institutions. The linkage between the supranational and national levels is possible only via concrete policy.
- Since it is the unions which have the main interest in the regulation of a European labour market, their policy must guarantee this linkage. In view of the lack of employer interest in collective bargaining, this means that the decisive mechanism in union policy will be the Europe-wide coordination of sectoral bargaining by national unions through the European Industry Federations.
- Coordination of sectoral collective bargaining policy is required because the sectoral level is the most important in nearly all EU Member States (Traxler 1994). Insofar as collective bargaining policy is coordinated at European level while the actual agreements are concluded at national level, the trade unions can fall back upon the strong legislative framework (in comparison with the USA) governing collective bargaining at national level (e.g. extension rules, representational privileges). The risks of “neo-voluntarism” (Streeck 1995) are thus cut down.
- The more effective the European Industry Federations are in coordinating national collective bargaining policy, the sooner employers will find themselves compelled to set up Euro employers’ associations and enter into direct negotiations. This could in turn be the incentive for the creation of European collective bargaining legislation, which would facilitate stable and cooperative industrial relations at this level.
- To safeguard the international competitiveness of the European economy, it would be useful if an exposed sector were to take on the role of a bargaining pace-setter in relation to the other sectors. Since this role is usually played by the metal industry at national level, the European Metalworkers’ Federation would appear predestined to take on this role at European level within the ETUC. Another measure to prevent a sectionalist orientation would be that within the European Industry Federations, strong industrial unions (e.g. IG Metall in the metal industry) should act as trend-setters.
- Transnational coordination of trade union policy is, insofar as it enables a flexible approach, the appropriate answer to a “variable geometry” in Europe. This means that the sector will be the most important - but by no means the only - level for the institutionalisation of the coordination process. Europe-wide regulation of the labour market would be based, under these conditions, on a complex model of transnational coordination. This

coordination would take place via a partly formal, partly informal cooperation networks, which would consist of trade union bodies at all levels (local, regional, national, supranational). In view of the disparate organisational structures of the unions in Europe such coordination is hard enough to achieve. In any case, this approach to Europeanisation of labour relations entails fewer pre-conditions, and is therefore more realistic, than the goal of creating a coherent system of Euro-institutions in the medium-term.

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