

# **The Impact of Europeanisation on local Social & Labour Policy: Some HR Considerations**

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### **Introduction**

Europeanisation is here to stay. Our insularity may proclaim a natural state of separatism; but geography conceals a deeper truth: the inevitability of externality management for small island states like ours.

The Maltese have braved waves of Gallicisation, Italianisation and Anglicisation (in that order) over the last two centuries (Mallia-Milanes, 1988). External powers have attempted to acculturalise the Maltese at large, with the support of local elites, in order to ensure and secure their sympathy and loyalty as the citizens of a strategic fortress colony (Hull, 1993). The 1990's have seen a new trend: the systematic attempts at Europeanising Malta, not by foreigners this time, but from a broad coalition within.

The Nationalist Party was elected to power in 1987 on a platform of economic liberalisation. Trade (quota) barriers fell soon after; tariff barriers would fall later on as the country lodged its application to join the European Union in July 1990 and proceeded along the long and tortuous path to secure EU membership by 1<sup>st</sup> May 2004.

But this 'road map' towards Europeanisation – to use a popular metaphor – is not to be understood as merely a political process of reform, nor of adopting the EU's massive *acquis communautaire*, not

even of beefing up administrative capacity. There are deeper, cultural and procedural changes taking place. The moving away from neo-feudal Ministerial absolutism towards social dialogue and social partnership; the rise of civil society; the recognition of technical experts in the process of decision making; the voices of non-governmental organisations impacting on public policy, and the space granted by our media to such concerns...these are powerful changes, and the full brunt and scope of their impact will only be appraised and appreciated in the course of time.

Europeanisation is, to quote Laffan (1997: 12), a core component of the symbolic discourse necessary to create that 'imagined community' which is the invention of 'Europe'. The regional manifestation of globalisation, Europeanisation is a process, in part inevitable, in part engineered, to carve a commonly understood and practised pattern of democratic values on the European continent. In itself, this is a 'benchmark-in-progress' which draws upon established traditions mainly from continental Europe. Its essential components include social corporatism, multi-tiered pluralism and a mix of welfare, interventionism and free market policies which stamp governance.

Already, we have come a long way. Malta may have achieved political independence in 1964, but it remains firmly inspired by Britain for its key public policy initiatives, whether in education, law, management practice, trade union organisation or company law. Therefore, Malta was/is bound to be seriously impacted – or better, disturbed – by the substance and the underling principles of the EU's social policy *acquis*. Such a legacy will jar with the poor history of social partnership, the strong tradition of macho enterprise management and paternalist political leadership which still prevails in Malta. This paper will review a range of responses that Human Resource Managers in Malta are likely to deploy in the face of this new cultural challenge.

### **Strategic above Economic Value**

Malta's appears on the threshold of accession to the European Union with a rather peculiar socio-economic structure, so different from that of any other EU member or accession state.

Poor soils and a miniscule land area have ensured that Malta could not become a plantation economy, unlike many other island colonies of the former British Empire. Instead of being a net financial contributor to the British Crown, Malta was a chronic financial liability, a condition starkly experienced in the 1830s: a dismal decade of poverty, hunger and disease. Indeed, Malta has taken on the trappings of a state-financed, centrally-driven, fortress economy ever since the Royal Commission of 1838 concluded that there was hardly any other choice (Busuttil, 1973). Since then, strategic considerations have overshadowed economic ones. The public sector has overwhelmed the private one. Even late into the 1950s, the only Maltese private manufacturing concern of some modest size was a brewery.

The economic profile of contemporary Malta includes the "socialist black hole" found in Central European economies today, a legacy of central planning and state capitalism (Vahčić & Petrin, 1990). There are large numbers of small and micro-enterprises, but very few medium-sized firms. This means that the profile of economic actors is easily clustered into three groups.

The first comprises the public sector. The Maltese State continues to loom large, and remains responsible directly for some 35% of total employment, and indirectly perhaps for up to half the value added in the private sector. In spite of lip service to privatisation, only very few public agencies or corporations have been passed over to private hands.

The second concerns the typical small Maltese family firm. This is small, or rather micro, with less than 10 employees on its books... and assuming that there are books. Here, the family basis of ownership and management stands out. Loyalty and commitment to the boss is often a discreet precondition for recruitment. Relatives

are preferred to professionals. Informal recruitment and remuneration is standard; abrupt hire-and-fire practices are rampant; total trade union absence is obvious; while management and ownership are often intertwined and embodied in the (typically male) owner-manager (Cassar, this volume).

The third is an outcome of a successfully attractive industrial development package, coinciding with capital flight from Europe (Sklair, 1993). This policy has positioned Malta as a platform for foreign direct investment in manufacturing activity since the early 1960s (Vella, 1994). Maltese employees, often with Maltese management, but with clear targets and standards determined and received from abroad, operate in a relatively 'low wage, high skill' environment producing goods for primarily European markets. There were, as at 2002, only 14 manufacturing firms with more than 300 full-time employees, responsible for some 30% of total manufacturing employment and for over 90% of total export output by value:

Name of Firm	Full Time Workforce
ST Microelectronics (Malta) Ltd.	2,130
Dowty-Forsheda O Rings Ltd.	1,290
Playmobil (Malta) Ltd	870
V F (Malta) Ltd.	590
Simonds-Farsons-Cisk Ltd.	540
Menrad Ltd.	480
Toly Products Ltd.	475
Methode Electronics (Malta) Ld.	465
Baxter Ltd.	410
De La Rue Currency & Security Printing Ltd.	380
Bortex Clothing Co. Ltd.	370
Medwear Clothing Ltd.	350
Lloyd Shoe Manufacturing Co. Ltd.	345
Falks Veritas Ltd.	310

Source: Employment & Training Corporation, 2002.

This is the context for assessing what I consider to be a cultural collision between local employer, management and worker attitudes on one hand and the integration of European Labour Law and Social Policy *acquis* into the local labour code. I will argue that the matter may be profitably viewed as a cultural clash because it represents a tension between two distinct cultural packages of how work should be organised in principle, versus what employers, managers, workers and unions are accustomed to do. Meanwhile, this tension between what I consider to be essentially two alien cultures should serve to propel an interesting discussion about what is, or what should be, after all, not a foreign, cosmopolitan or European, but an essentially *Maltese* system of labour-management relations. Subsequently, I will conclude with a profile of the key challenges being faced at the micro level by human resource managers in implementing the letter and spirit of the EU social policy *acquis*; along with a macro assessment of what kind of labour law do we really want, and deserve, for ourselves.

### **The German Model**

To kick off, however, let us assess the basic principles of European Labour Law. In summary, the package consists in the export of the German model of industrial relations as this has gelled and came into being during the post Second World War period. The escalating strike levels across Europe in the late 1960s and 1970s were construed as indicators that organised labour required a stronger institutional voice. The proposed solution at the time was to adopt the German 'co-determination' model lock, stock and barrel and attempt to introduce a pan-European legislative instrument introducing labour representation on company boards. This was the background behind the so-called draft 5<sup>th</sup> Directive proposed in the late 1970s.

The draft directive was never brought into force. There was the emboldened resistance of employers; the appreciation of different

cultural frameworks to national practices of industrial relations; the protection of national sovereignty in workplace dynamics; and an understanding to move away from dirigist imposition towards an '*à la carte*' system with each country being able to choose out of a number of options. The thrust of European Labour Law reform subsided during the 1980s. Its mild achievements in the years of the Jacques Delors Presidency consisted essentially in two measures: the adoption of the Social Charter, with the UK opt-out, in 1989; and the introduction of principles governing basic worker rights and minimum standards in enterprise practices. Both these measures were not exactly radical, and not even socially motivated. The Social Charter was simply a code of practice, without any associated legal obligation to its implementation; while the promotion of minimum standards and worker rights was triggered by an essentially economic agenda, intended to prevent social dumping in a Europe keen on setting up its single market without internal barriers to trade and movement by 1992. Indeed, even after 1992, some of the introduced key labour law directives are actually measures intended to promote and safeguard minimum health and safety standards. Consider, for example, the directive on minimum standards for young persons at work (94/33/EC), that on the organisation of working time (93/104/EC) and that concerning conditions of employment for women workers who are pregnant, breast-feeding or have just delivered a baby (92/85/EC). These are also, in this respect, meant to ensure a level playing field and promote fair competition.

Post 1992, the rejection of the Maastricht Treaty by the Danes, and its razor-thin endorsement by the supposedly Euro-phile French soon after, ushered in a new concern in the corridors of Brussels. This was the new principle of social exclusion. A single internal market may have been good news for European business; but mass unemployment, widening gaps between the rich and the poor, between town and country and between core and peripheral regions, was certainly not good news at all to many EU citizens and workers.

Their resentment was building into an anti-EU lobby. Two key institutional measures were therefore introduced by the EU and intended expressly to break out of this vicious circle. These are: *Social Partnership* and the *European Employment Strategy*. They join a third instrument created back in the 1960s, the *European Social Fund*, which is a distributive mechanism intended to support the economic regeneration of relatively poor regions. The European Employment Strategy is a pan-European pact intended to boost employability, entrepreneurship, adaptability and equal opportunities in the labour market of each member state. But it is the other measure, 'social partnership', again a clear German feature, which has had the major determining influence on European Labour Law as it has unfolded during the last decade.

### ***Lauding Social Partnership***

Social partnership represents the strategic integration of organised employers and organised labour into formal policy formulation, allowing genuine space for intervention, dialogue and ultimately real influence on decision making. Social partnership is expected to find expression at five different levels of public policy: the enterprise; the economic sub-sector or industry; the region; the nation; while, both regional and industrial interests join national ones in lobbying and exercising influence at the fifth, the European level.

Social partnership has been accorded the highest status by the European Union, thanks to the Agreement on Social Policy concluded with the Maastricht Treaty and duly incorporated, after the election of the Blair government in the UK, into the Amsterdam Treaty. The measure enables social partners at the European level to take initiatives and come to their own agreements, independently of the Commission and of the Council of Ministers. Once such agreements are reached, they may then be translated into framework directives, should the social partners consent. We have three such framework directives so far: that on

parental leave (96/34) that on part-time work (97/81) and that on employees working on fixed term contracts (99/70).

Furthermore, most of the European Labour Law directives come along with what is called the Kristoffersen principle: such directives leave ample room for the social partners to conclude agreements which adapt or complement the provisions of each respective directive in a manner which takes cognisance of the specific needs of the social partners concerned. The philosophy behind such measures is clear: rather than pushing harmonised labour law down the resentful throats of millions of European employers and workers, it is the principle, the *why*, which is universal; its manner of implementation, the *how*, becomes a structured opportunity for the social partners to come together and craft their own variant at a national, regional, industrial, even at an enterprise level. The labour law directives thus achieve their objectives without being excessively prescriptive on the manner of so doing; at the same time, they encourage co-ordination and consultation amongst the social partners. This is a key feature, since it is only in the social policy area that the 80,000 page European Union *acquis* allows so much latitude. Perhaps the ultimate intention of many labour law directives is actually the promotion of social partnership, and not the technical and substantive measures that the directives pronounce themselves on.

## **Malta's Experience**

### *a) - with unionism...*

Malta has had its own experiments with social partnership. But the motivation to set these up was shamefacedly expeditious: the giant could not be allowed to wander unbridled in our midst. The setting up of the General Workers' Union in October 1943 and its massive and rapid increase in membership was a phenomenon that astonished not just the British Colonial



administrators but even the GWU's own leadership. It may be described as akin to a cat let loose amongst the pigeons. The event obliged the Maltese state, national or colonial, labour or nationalist, to devise those structures or institutions that somehow took on board this massive organisation of workers and channelled the giant's energy into some controlled expressions. A basic framework of industrial relations in Malta - the Trade Unions and Trade Disputes Ordinance - first became law only in March 1945 - as soon as was politically possible after the set up of the GWU; even though other unions, like the Malta Union of Teachers, had already been in existence for 26 years! The Labour Coordination Committee, the Malta Government Joint Council (1950-1968), various provisions of the Industrial Relations Act of 1976 (such as section 25) and the Incomes Policy Accord of 1990-1993 ... all these were attempts, some veiled, some explicit, to set up over the years a credible machinery of social dialogue. In the meantime, the *Unjon Haddiema Magħqudin*, a small giant in its own right, had also joined the fray. The objective of such machinery, however, was to serve primarily as an instrument of labour market stability and regulation, not as a forum for consultation and joint decision-making. The overlap between GWU and MLP activists during the Mintoff administrations, including the statutory merger of the two bodies between 1978 and 1992, was also intended to ensure that these were indeed the twin arms of the Maltese labour movement - and therefore, by extension, this liaison would see the union support the party line. Indeed, I would argue that the 'love-hate' relationship between the GWU and the MLP is the key dynamic which continues to mould contemporary Maltese industrial relations. The litmus test of the GWU leadership over 50 years has lain in its ability to manoeuvre skilfully between autonomy and affinity with the policies of the MLP. The unfolding of this same dynamic shall significantly affect the prospects for a successful Malta Council for Economic & Social Development.

*b) ... with Government...*

But, what do we understand precisely by a 'successful' MCESD? We must here question the motives of, and options available to, not just the trade unions, but also those of Government itself. Because here we come across a difficult situation: the current activists of the Labour Party and the Nationalist Party know only of either government or opposition, with precious little in between. A partisan duopoly, in true Christian character, separates the best of goodness from the worst of evil, where those who are not with us are obviously against us. Meanwhile, the long arms of the intrepid state infiltrate every nook and cranny of our civil society, to the extent that there is hardly any room for independent critical judgement or debate. With such a cultural climate, the party faithful can resent any initiatives towards genuine dialogue, now fully used to surviving well in a feudal regime where the proverbial seven years of famine invariably make way for seven years of plenty. In short, partnership is construed as weakness.

*c) ... and with employers*

To the unions' dilemma, and the government's fix, I will now add also the employers' consternation into the partnership cauldron. First, the corporate culture of the owner-manager is widespread in this country. This often boils down to a situation of absolute authority and undivided loyalty to the boss. You know very well what happens to employers in small firms who discover that their employees are entertaining ideas of trade union membership. The act is deemed as treason! Second, many professional managers, including the increasing number being trained at the University, are educated to assume that they are experts in the esoteric science of management, especially strategic management. They believe that they should, therefore, quite naturally it seems, dictate terms to the uninitiated specimens of the human race in the workplace. Thirdly, many employees desire their owners and/or their managers to occupy a position of such haughty absolutism since, in this way,

they can conveniently heap on them all executive responsibility. So much for the devolution of 'ownership'! The outcome is a haughty, lording attitude, an exhibition of power for its own sake, a strict status divide between the management and the operative class. Key markers of difference - dress, language, cars, residence, qualification, and entertainment habits - are deliberately showcased as manifestations of a natural right to give orders and expect obedience (Mifsud, this volume). In such a context, it becomes inconceivable for management to engage in consultation or to share information with employees; as much as it becomes inconceivable for employees to accept to play any such partnership game according to its implicit rules.

I am obviously generalising here; but I would ask you to note the extent to which these characteristics proliferate amongst our workplaces in both private and public sectors. Indeed, the exceptions in a way justify the rule because they tend to occur in those firms, which enjoy a fairly strong tradition or influence of continental industrial relations, again, primarily German.

Am I arguing that social partnership should be construed as an alien imposition on our labour relations? Am I saying that, being essentially German, social partnership has absolutely no chance of becoming integrated into our psyche, our labour relations practices, the Maltese way of doing public and labour policy? Not exactly. This is because I believe that the local 'lording' culture is not really indigenous. It is itself an alien behavioural import. To be more exact, it is of British provenance.

"Guidance and inspiration" from Britain (Attard, 1982:3) meant that the Maltese system of industrial relations developed on the British model, often with the support of British 'consultants' - some would prefer to call these 'agitators' - and often again as local branches of British unions (Ellul Galea, 2001; Fino, 1982; Zammit, 1984). The first trade unions were craft unions in the British mould, and this tendency was only eclipsed by the merger craze of the late 1970s. Until 1977, 26 trade unions out of the 37

on the local register were still UK-style craft unions; by 1985, all of these except two, the MUT and MUBE, had fallen victim to the GWU-UHM polarity (Baldacchino, 1991).

From the vantage point of the present, it remains very difficult to envisage what the Maltese labour market looked like even 50 years ago. Today, we may assume that employment relations, and labour-management relations therein, are long established historical truths. Not so. Of 91,333 gainfully occupied in 1948, 22,500 were self-employed in agriculture working their own land (Central Office of Statistics, 1948). Maltese investment remained contained within small scale, mercantile trade operations where family labour was the norm. Only 3 employer associations were registered in 1946: for 304 bus owners, 102 quarry owners and 14 cinema owners (Attard, 1982:35-6). Of the rest, the bulk worked in the Her Majesty's Civil Service or the fortress economy. Even the burgeoning private industry which followed in the next decades remained dominated by such UK investment as Swan Hunter, Bailey's Industries, Barclays Bank D.C.O., British Motor Company or Cable & Wireless. In summary, British management found a *tabula rasa* in Malta and had the freedom and space to deploy that style of labour relations with which it was most accustomed. Out of this legacy emerged those features of the management-labour relationship that I have labelled earlier as the macho, lording syndrome.

It is therefore strange but true to state that employment relations in Malta have been invented and developed under strong British influence, in both private and public sectors. The Maltese have hardly had any time to fashion their own brand of management-labour relations; they have unwittingly inherited the British legacy and often assumed that it represented the only way of running a business. Of course, the persistent resort to UK-inspired theories, advisors and textbooks of industrial relations and human resource management continues to solidify allegiance to this mind-set, even amongst the large numbers of management graduates and undergraduates of our University.

### **The Challenge of Conceiving Alternatives**

Nevertheless, let us admit that the challenge of eventual accession to the European Union may have already started to make us aware that alternatives to set patterns of labour-management relations *do* exist. An obvious, initial reaction on the part of Maltese employers would be to do precisely as the British did in relation to the Social Charter and, later on, in relation to the key 'working time' directive (93/104/EC): to refuse to abide by the charter and opt out; and to challenge the right of the European Commission to 'interfere' into the organisation of working practices of different member states on the pretext that this was an occupational health and safety measure. Both these strategies failed at a formal level; but resistance continues at local enterprise level.

But other forms of reactions are possible. One of these is the realisation that there is, somewhere out there, a distinctly Maltese approach to industrial relations being subtly developed. The prototype has yet to be acknowledged; and I do not know yet of any critical case study or article describing its seminal characteristics. However, I have a gut feeling that a Maltese management style exists; it is being fashioned by practitioners who have been luckily exposed to different styles of management, of leadership, of worker consent and of worker control. Most of the practitioners I have in mind have had training and placements in workplaces abroad and have come to appreciate different cultural expectations from the behaviour and roles of managers as well as of employees. Such different cultural traits may be of a distinct national stamp - such as the German model or the British model I have already described, but also the U.S. and the increasingly attractive Dutch model. But they may also be distinctly corporate, specific to a particular organisation, firm or chain. Take the Total Quality Management approach at ST Microelectronics, or the meritocratic and reward culture of HSBC, or the Progress Initiative amongst employees at Westin Dragonara Resort. All three are component expressions of a global corporate culture in action.

Furthermore, such practitioners have also developed instinctive management tools to defend themselves, and indeed exploit to their advantage, the implications arising from the small scale environment in which they necessarily operate in Malta, with its distinctive 'ecology' of intimacy, monopoly and totality (Baldacchino, 1997). How to guard themselves against gossip; how to be aware of clannish family and friendship networks amongst employees; how to preserve privacy and prevent excessive familiarity; how to cope with big fish in small ponds; and how to operate in a context where the singer is much more important than the song.

### **Six Hurdles**

In summary, let me highlight what I consider to be the six key cultural challenges being faced by Malta in adopting the content and spirit of the EU social policy *acquis*:

1 – Malta lags behind in conceiving of combining work and (re) training in a lifelong learning orientation. Most employers and employees still consider schooling as an exclusively pre-sixteen activity while work is intended to occupy adults on a full-time basis. 86% of local firms surveyed in December 2000 admitted having no continuous vocational training plan or programme (National Statistics Office, 2001:17). The opportunity to enjoy 'time off' from work in pursuit of education or training remains largely limited to union shop stewards in order to attend to union business and courses. We are trying to catch up fast with other European countries in the percentage of citizens who have had access to post-secondary and/or tertiary education.

2 – There is a dearth of practices where workers are involved in consultation and information procedures, certainly in matters of mergers, take-overs or collective redundancies in the spirit of the social charter and in the light of existing Council Directives 75/129 and 77/187; in relation to European Works Councils – in

accordance with Council Directive 94/45; but also on other matters as resulting from a more recent Council Directive on such rights being extended to all enterprises employing at least 50 workers. The less status-marked, 'owner-worker' relationship expected from such EU-driven principles will leave locals feeling rather uncomfortable, certainly in the medium term.

3 – Admittedly, introducing standards, even minimum standards, costs money. The misgivings of Maltese employers on the social policy *acquis* are primarily related to the certainty that they will have to fork out more capital and recurrent expenditure, in relation to equipment, health and safety measures, and the resort to higher manning levels due to shorter working hours. Whether such investments actually translate into improved productivity and profitability is impossible to predict. It is still hard to convince employers that the introduction of standards will ultimately be recouped by reduced occupational accidents, lower turnover, higher job satisfaction and better employee morale.

4 - The magical balance between work and leisure has not been a policy priority, especially for Maltese working males. Both workers and their employers are concerned about the possible implications of the 'Working Time' Directive (Council Directive 93/104, Article 6): employers – used to a situation where overtime requested by an employer cannot be refused by a worker - fear a reticence of workers towards accepting excessive overtime levels; while many workers fear (wrongly) that they will not be able to work more than an average of 48 hours per week! The transitional period obtained for implementing the '48 hours principle' in full may not provide much consolation.

5 – Employability is a source of much local suspicion, since the security of employment is a long and cherished feature of local conditions of employment, especially in the public sector. A similar concern lies behind the pressure to maintain protectionist barriers by those self-employed and businesspersons who are affected by the onset of full liberalisation. Non-agricultural entrepreneurship

is low compared to many other European countries and local self-employment is often adopted adjacent and complimentary to another, typically tenured, job (Delia, 1994; Joint Assessment Paper, 2001:5). The ease and success of political lobbying in a small, island democracy militates against the competitive logic of an open market.

6 - Lastly, we are living at a time of unprecedented change, even in the very nature of work. The EU may have introduced some directives which acknowledge the existence and potential abuse which may arise from 'atypical' forms of work, including part-time work, agency work and definite (or fixed term) contracts. Yet, much remains to be done, since the diversity of the nature of work erodes the influence of trade unions and introduces ample opportunities for abuse and for exercising downward pressure on conditions of employment. The new Employment & Industrial Relations Act (2002) will help to streamline working conditions in a number of employment sectors (such as part-timers, or pregnant workers) but will inevitably allow scope for employer-driven, imaginative employment relations in such sectors as sub-contracting, piecework, 'temping' and the burgeoning sphere of self-employment dependent on one contractor (Baldacchino *et al.*, 2003).

### **A Tortuous Accession Path**

Malta was the third country, after Greece and Turkey, to enter into an association agreement with the then European Economic Community in 1970 (Borg, 1990:113). This means that we are - after Turkey - the applicant state with the longest accession trail. This 34-year span has been an eye-opener in terms of an ongoing process of post-independence social, economic, monetary and cultural de-colonisation from Britain. This 'weaning off' experience has involved an appreciation and encounter with a larger and more diverse assortment of foreign investment, of foreign tourists as



well as of foreign management styles. This has been a process of moving from an absolute and rigid, monopolistic British standard to a kaleidoscope of options existing in a more tolerant and liberal framework.

### **Conclusion: An Opportunity**

In conclusion, the distinctly 'British approach' in European labour relations has been highlighted in an April 2001 issue of *The Economist*. Why so different? The journal argues: "The reason is a different conception of the employee [in mainland Europe], symbolised in the vigorous arguments now under way within the European Union about works councils" (*ibid.*: 25). The shift in the basic conception of the employee is underway in Malta today. The transition is partly identical to the move from the avowedly technical and personnel-based model to an explicitly human resource-based approach to people management at work. Malta must somehow come to terms with the Europeanisation of its work environment; and I can safely say that we Maltese are already conjuring up our own, piecemeal, home-grown approaches to adroitly manage and cope with these expectations from outside. We are experts at getting our way by muddling through (*inbawdu u nirrangaw* - Azzopardi, 2003).

The social partners, as well as the human resource practitioners, here have a unique historical opportunity. They may together craft a model collective agreement and a personnel strategy which reflects their real concerns and which allow them to take on board so many of the principles enshrined in the European labour law directives while bearing sensitivity to the particular features of particular industries or firms. The alternative is to allow the Maltese legislature to dictate terms with a resulting narrow and damaging rigidity.

This is the way for us to get that labour code which we really want, and deserve, for ourselves. I repeat that this is an opportunity

which is only available in the social policy *acquis* (Chapter 13) of the European Union. European Labour Law is not, like the rest of the *acquis communautaire*, a fairly rigid code cast in concrete. Our adoption of minimum standards in this area does allow us space and freedom to conceive an adaptation of measures in line with national principles, interests and traditions. The European Union's imposing *acquis communautaire*, and the challenge of its implementation, should awaken in us a stronger sense of identity, of sovereignty, of a non-xenophobic nationalism which renders us more aware of who we are, and what we want, precisely because we are definitively on the road to European integration (Baldacchino, 2002).

Our key problem today is that, in between the competing German, British and possibly other models of labour relations, most of us have no clue as to what, in our principles and traditions, is quintessentially Maltese.

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## Appendix: Major EU Directives on Labour and Social Policy

### *Equal Treatment of Men and Women:*

- Council Directive 75/117 concerning the application of the principle of equal pay for men and women.
- Council Directive 76/207 implementing the principle of equal treatment for men and women with respect to access to employment, vocational training, promotion and other working conditions.
- Council Directives 79/7, 86/378 and 96/97 concerning the principle of equal treatment of men and women in occupational social security schemes.
- Council Directive 97/80 concerning the burden of proof in cases of alleged sexual discrimination.

### *Occupational Health & Safety:*

- Council Framework Directives 80/1107, 88/642, 89/391 & 91/322 concerning the protection of workers from risks relating to exposure to chemical, physical and/or biological agents at the place of work, including the setting up of indicative limit values for this purpose.
- Council Directive 86/188 concerning the protection of the health of workers from excessive noise at the place of work.
- Council Directive 89/654 concerning minimum standards of health and safety at the place of work.
- Council Directive 92/58 concerning the minimum provisions of signs and signals relating to occupational health and safety.
- Council Directive 92/85 concerning the conditions of employment for women workers who are pregnant, breast-feeding or have just delivered a baby.
- Council Directive 93/104 – the ‘Working Time’ Directive – establishing minimum conditions for the organisation of working time, including periods of rest.
- Council Directive 94/33 concerning the protection of the health of youths up to the age of 18 years, including the prohibition of night work, the importance of adequate supervision at work and the guarantee of minimum rest periods.

### *General Conditions of Employment:*

- Council Directives 75/129 & 98/59 concerning the rights of workers on an indefinite contract of employment to be informed and consulted by their employers when the latter are contemplating collective redundancies.

- Council Directives 77/187 & 98/50 concerning the protection of the rights of workers affected by mergers and take-overs of the places where they work, including their rights to be informed and consulted prior to such mergers and take-overs taking place and with the new employers assuming responsibilities regarding the conditions of employment.
- Council Directive 80/987 concerning the guaranteed payments to workers affected by the onset of insolvency of their employer; to be undertaken by the setting up of a guarantee fund for this specific purpose.
- Council Directive 94/45 establishing the parameters for European Works Councils as a forum of information and consultation by company management with workers, at the former's expense. These Councils are mandatory in enterprises based in at least 2 EU member states with at least 150 employees in each of two EU states and with an overall minimum workforce of 1,000 employees.
- Council Directive 96/34 concerning the framework agreement on parental leave.
- Council Directive 96/71 ensuring that employees who are posted (on secondment) to offer their services in another EU member state will enjoy minimum levels of social protection and conditions of employment as may be applicable in that state, irrespective of what is stipulated in their employment contract. Time qualifiers may apply.
- Council Directive 97/81 eliminating discrimination against part-time work and improving the quality of this type of employment; and assisting in the creation of more flexible systems of work which take into consideration the interests of both workers and employers.
- Council Directive 98/49 removing obstacles to the free movement of employees and self-employed persons and their families, while safeguarding their supplementary pension rights.
- Council Directive 99/70 eliminating discrimination against employees who work on the basis of fixed term (that is, definite) contracts.
- Council Directive 99/533 concerning the employer's obligation to inform employees of the conditions applicable to their contract of employment.