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Beyond density: Improving European trade unions' representativeness through gender quotas

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Abstract

Trade unions' legitimacy is rooted in membership, since unions result from the organization of workers who found they were stronger through a collective voice. Accordingly, union representativeness has been assessed primarily through 'density' – the ratio of union members to the total workforce. We argue that density is crucial but insufficient. First, the decline in trade union membership jeopardizes internal legitimacy; second, unions have developed external legitimacy when acting beyond their members. Inspired by the multifaceted concept of 'political representation', we suggest a fairer approach which adds the composition of unions' boards – beginning with gender – to density whenever unions act on behalf of *all* workers. Specifically, we contend that trade unions willing to take part in the European negotiations should adopt gender quotas on their boards. This approach is likely to stimulate equality in the labour market, while contributing to unions' revitalization, thus fostering the quality of democratic institutions.

Keywords

Trade unions, gender quotas, density, representation, European social dialogue

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Introduction

The crisis in unionism has long been discussed in the literature (for an overview, see Avent-Holt, 2019). This crisis is mainly one of membership, which is in decline, despite it having been what originally gave the trade unions legitimacy to have a voice in the regulation of the labour market in modern democracies (Visser, 2019). As trade unions are entitled to act on behalf of their members – that is, trade union leaders can negotiate on behalf of the members and exert pressure by calling strikes – internal legitimacy is essential. Accordingly, trade unions have generally been considered to be representative if they have a sizeable share of members in a particular company, sector, or country. In other words, 'density', understood as the ratio of union members to the total workforce, is the most common indicator for assessing union representativeness, and it has been used by public and political agencies, trade unions themselves, researchers, and mass media, among others.

In this article, we argue that density, although crucial, has limitations and should be complemented with other indicators in order to improve union representativeness. This is particularly the case because the growing heterogeneity of the workforce is not being successfully addressed by trade unions (Gumbrell-McCormick, 2011; Meardi et al., 2021), which undermines their role as the voice of *all* workers. Notably, trade unions have been adopting unsuccessful strategies to mobilize vulnerable groups despite their increasing participation in the labour market. Although divisions have always existed in the working class, as Meardi et al. (2021) stress, 'labour market dualization has become a central issue for industrial relations, especially in Europe' (Meardi et al., 2021: 41) having become a pressing issue, today, with emergence of competing actors.

Furthermore, despite being membership organizations, the action of trade unions is not limited to matters directly affecting or concerning their members. In fact, at least in Europe, trade unions are often consulted by legislators during the drafting of legislative acts, involved in the management of public goods and in the implementation of public policies, and consulted by mass media as expert interlocutors. In other words, aside from internal legitimacy, unions' external legitimacy is also essential. Trade unions have in fact achieved an institutionalized position in modern democracies which makes them part of the democratic system, striving for social justice for more than just their own members.

Therefore, inspired by the multifaceted concept of 'political representation', much analysed in the field of political science, the aim of this article is to propose a fairer approach to trade union representativeness that expands the descriptive dimension of representation. Specifically, our proposal contends that the analysis of membership should be complemented by that of the composition of trade unions' boards, beginning with gender. In the future, the representation of other minority groups should follow suit, but we argue that a focus on gender distribution ought to be the first. Hence, whether or not a trade union's board reflects the workforce's composition from a gender point of view should be considered as a criterion for assessing its representativeness whenever a trade union is called to speak on behalf of the general workforce.

We argue that this approach, while applying to trade unions in general, should primarily be applied to the European Social Dialogue. At this level, unions negotiate on

behalf of the general workforce – not only of their members – potentially affecting millions of workers. Furthermore, the European Union (EU) has effective capacity to shape governance of work (Marginson, 2016), namely on gender equality (Rubery, 2015). Finally, the adoption of a top-down measure at the European level is expected to encourage change at the national level.

Our proposal might apply to other representative associations, but our focus is on trade unions. Although companies also base their legitimacy on business associations, the collective voice is only one of the channels through which they exercise their influence. By contrast, the collective voice is the workers' only means of influence (Offe and Wiesenthal, 1980).

This article is structured as follows. The first section looks at trade unions, not only as membership organizations but also as democratic institutions whose intervention goes beyond their members' interests, thus calling for the importance of external legitimacy. The following section describes the prevalence of density as a crucial indicator at the European social dialogue, before summarising its limitations. Section three is dedicated to the debate on 'political representation' in political science and some of its practical impacts on political life. Section four highlights the existent state of the art on gender and quotas in the trade unions' leadership. Finally, we present our proposal and the advantages of expanding descriptive representation to encompass social composition whenever trade unions are called to intervene on behalf of the workforce as a whole, arguing in favour of the adoption of gender quotas in the European social dialogue. We conclude by reflecting on the main contribution of our proposal to the strengthening of trade unions as democratic organisations.

From internal to external legitimacy

Trade unions were formed because there was a need to represent workers' shared interests. In the words of Dufour and Hege: 'For many industrial relations theories, the founding principle of trade unionism resides in the existence of objective interests shared by members of the workforce' (2010: 357). Although trade unions are not the exclusive representatives of workers' interests, they have assumed a dominant representative role throughout history. According to Müller-Jentsch: 'Union power is based on organization, which, in turn, is based on membership strength and on the potential for mobilizing that membership' (1985: 20). It therefore follows that membership grants trade unions internal legitimacy to act as a disruptive force (Müller-Jentsch, 1985).

Besides membership, another source of trade unions' internal legitimacy is their internal democracy. As Hyman and Gumbrell-McCormick put it: 'union advocacy of 'democracy at work' lacks legitimacy unless unions themselves can demonstrate their democratic credentials' (2020: 257). Trade unions are private organizations but differ from other civil society organizations, namely 'advocacy' organizations, because they usually choose their leaders through free and fair elections. Furthermore, they aim to be responsive to their members – even if, in practice, that does not always happen (Darlington and Dobson, 2015; Kröger, 2018).

The principle of 'voicing' led trade unions to notable successes through the establishment of socially achievable and desirable standards (Dufour and Hege, 2010) but is being challenged by the heterogeneity of the workforce. Some social segments of the workforce, vulnerable groups in particular, have a growing presence in the labour market yet remain outside of the trade unions (Dufour and Hege, 2010: 355; Meardi et al., 2021), despite some trade unions' efforts to include them. These segments include women, young workers, immigrants, small business employees (Dufour and Hege, 2010), and nowadays cover platform workers and others. Consequently, the interests of these groups are often overlooked, calling into question the validity of the assumption that trade unions represent *all* the workforce.

Up until now, we have focussed on trade unions' internal legitimacy, but the perception of trade unions as a 'sword of justice' for the improvement of society is a more-than-100-year-old question, and it also explains their capacity for attracting members (Fiorito and Padavic, 2020). Nowadays, it is evident that trade unions not only have the strength of their membership, but also the strength of their prosocial value (Fiorito and Padavic 2020) and institutional structures (Meyer, 2019). In the EU, in particular, they became institutions that acquired a specific social and legal status after the Second World War. Since then, they have been seen by law, business, and civil society organizations, as well as by public opinion, as consolidated institutions which contribute to the common good (Fiorito and Padavic 2020) and as part of the so-called European Social Model. In this sense, in some European countries, they serve a public function in the face of social and economic uncertainty (Müller-Jentsch, 1985). Furthermore, in Europe, centralized collective bargaining prevails, and its coverage might go beyond union membership, including in situations where governments extend collective agreements to an entire sector or branch (Fitzenberger et al., 2013).

Hence, in Europe, the trade union crisis is not due to an external legitimacy problem (Dufour and Hege, 2010). In fact, in Europe, trade unions are pretty much supported by their external legitimacy.

In short, when it comes to assessing union representativeness, no indicator besides density is usually used. In our opinion, it is time to rethink the union representativeness system from a gender democracy point of view (Cockburn, 1996), considering the increasing heterogeneity of the workforce and the undeniable relevance of external legitimacy.

Density as a crucial yet limited indicator in Europe

The bias in the European social dialogue

Although density is the most common indicator for representativeness within the European Union (EU), it is not explicitly mentioned as such in the EU treaties. The Treaty on the Functioning of the European Union (TFEU) actually states that, to participate in contractual relations, including agreements susceptible to implementation following a European Council decision, both unions and business organizations, that is, the so-called

social partners, need to be *representative*.[1] However, the definition of representativeness is not provided.

In practice, trade unions' representativeness, and, hence, their eligibility for social dialogue at a sector level, is being assessed for the European Commission (EC) by the correspondents of the European Foundation for the Improvement of Living and Working Conditions (Eurofound) through the so-called Rep studies (Eurofound, 2019: 2). Specifically, three criteria have been used by said correspondents: the union[2] must (1) have European affiliation, (2) participate in collective bargaining or consultation in its respective country, and (3) have organizing membership in its sector to be considered sector-related.[3] Each of these criteria raises doubts about the process for assessing representativeness. First, European affiliation is sometimes limited to one organization per country, as occurs with sector organizations, meaning that representativeness criteria are sometimes constrained by *numerus clausus* and that the determination of who is chosen to be representative hinges on negotiations between national organizations (Eurofound, 2019: 6). At the national level, there are tensions related with the various union cultures, namely ideological differences (Dufresne and Gobin, 2017). Second, while participation in collective bargaining or consultation in their respective country may guarantee unions' relevance, it does not in itself guarantee that more representative unions are being included. Third, organizing membership is a subjective way of making reference to density without actually providing a threshold. Consequently, under the current European-level representativeness assessment system, countries with fragmentation of unionism risk being represented by irrelevant organizations. Furthermore, a newly created union organization has very little chance of ever participating in the European social dialogue.

The European social partners consulted by the EC include dozens of international organizations.[4] Although a relatively under-researched topic (Dufresne and Gobin, 2017; Hyman and Gumbrell-McCormick, 2020), one must be aware that international organizations, also called supra-national or meta-organizations, do not work exactly as other union organizations. At this level, affiliated members are organizations and not workers, thus, members may be potential competitors, and differ greatly from each other (on interests, resources, etc.); also, international unions often become dependent on some affiliates, and the individual union members hardly reach the top of the organization (Hyman and Gumbrell-McCormick, 2020: 261).

Furthermore, sectoral international organizations, through their attempt to shape confederal policy, create 'a horizontal field of internal contention' (Hyman and Gumbrell-McCormick, 2020: 265), which means that transparency is low (Hyman and Gumbrell-McCormick, 2020: 267). At the same time, as Dufresne and Gobin say, they are an added value to national unionism and get their legitimacy from it (2017: 6). Therefore, there are grounds to question the system that underlies the formation of the current 43 European sectoral social dialogue committees which represent more than 80% of the EU workforce (Eurofound, 2019). In fact, findings show that only 65% of trade unions are represented in these European committees (Eurofound, 2019: 5), which means that one third of the existing organizations are deprived of influence at the European level.

Behind the EC's lack of an assertive definition of union representativeness is the challenge of the diversity of national representativeness systems in the member-states (MSs). This diversity is difficult to address, considering that, for instance, in 2015, 17 of the 28 MSs used density to identify the eligible unions, yet diverged considerably, notably, on the threshold and sources adopted (Eurofound, 2016). Whereas Malta, for example, recognizes labour unions at the workplace level as being representative if they have 50% density, the threshold in France is 10% of the ballots in social elections (Eurofound, 2016). In addition, many countries combine quantitative and qualitative criteria (such as a minimum period of activity, or financial and ideological independence).

Not surprisingly, due to the absence of assertive criteria, in the 1990s, the EC was asked by some excluded organizations to clarify its understanding of what a representative union is. In response, the EC put forward three principles (CEC, 1993) which then led to the aforementioned Eurofound REP studies (Eurofound, 2019). Those principles were the following: first, the same representativeness criteria should apply to both sides of the social dialogue, that is, trade unions and business associations; second, the organizations must be considered social partners in their MSs, having previously negotiated on behalf of and represented cross-industries; finally, organizations must have sufficient resources to participate in the process (CEC, 1993). Despite the merit of being the first attempt to define representativeness, these principles did not address union representativeness in depth, and, in their implementation through the REP studies, the EC delegated the decision regarding what a representative union is to MSs. As such, there is a representation bias at the national level that is being amplified at the European level, as Cockburn (1996) already stressed in the 1990s.

More than 20 years after the establishment of the representativeness principles at the European level (CEC, 1993), and despite the fact that several international institutions, including the International Labour Organization (ILO), have been insisting that '…precise, objective, and pre-established representativeness criteria' (ILO, 2019: 72) are needed to avoid partiality and abuse, there is still no single harmonized model (Eurofound, 2016). The European Union seems to keep being the result of a disputed and ambiguous ideal where neo-liberal logic prevails (Hyman, 2005). However, as Hyman (2005) stresses, supranational regulation depends above all on political determination and cannot stay weak (2005: 13).

A systematization of density's limitations

While the European social dialogue illustrates the biases associated with the use of density in a subjective way and how the representativeness problem is not being dealt with by the EC, as shown in the previous section, the possibility of objective and predictable use of density has important limitations as well.

First, for ensuring presence in the European sectoral social dialogue committees, density is generally calculated using data provided by the trade unions themselves, but, while some organize and publish data, others provide no reliable information. The situation not only varies from organization to organization but also from country to country,

since Europe is an arena that encompasses multiple identities (Hyman, 2005: 14). Therefore, data quality is often a problem, as acknowledged by Visser (2019: 11).

A second limitation of density as an indicator is that the unions' own system is steeped in inequality. Specifically, unions' membership and leadership are, in many cases, mostly composed of permanent, old, male, white workers. However, when they participate in collective bargaining or other levels of social dialogue, their decisions also affect precarious, young, female, and migrant workers. The ILO, for instance, recognizes that a gender bias tends to be perpetuated due to the fact that negotiators are mainly male (ILO, 2018). What might be referred to as the assumption of the workforce's representation, according to Dufour and Hege (2010), is often not reflective of the reality. In fact, considering only the number of members, as occurs with density, does not do justice to the rich heterogeneity of the total workforce, notably in what pertains to its gender heterogeneity, where the discrepancy is one of the most striking.

Finally, the third limitation of density is that trade union representativeness should not be based on membership alone. As argued by Kerckhofs (2017: 282), a high number of members does not always translate into more representativeness. In this sense, Frangi et al. (2017) demonstrated with European Values Survey data, for instance, that trade unions have acquired what the authors call 'social legitimacy', which is related to the prosocial value or external legitimacy, mentioned previously in this article. Namely, 'while union density has declined, confidence in unions experienced an overall growth across Western European countries between 1981 and 2009' (2017: 16). What is more, vulnerable social groups are among those that trust unions the most (Frangi et al., 2017). In the face of this trust, it is important not to shatter their expectations, and density alone gives no guarantee of that happening.

In short, as some authors have already acknowledged, trade union representativeness is complex and cannot depend on density alone (Dufour and Hege, 2010; Frangi et al., 2017; Hagen and Jensen, 2018; Visser, 2019; Wauters et al., 2014).

The concept of political representation through the lens of political science

Pitkin's concept of political representation (1967) has proved central to political science. We argue that it is also useful to other fields of study, in particular to industrial relations, where it remains scarcely explored. The particularity of Pitkin's definition is that it conceives representation in a multifaceted way, with four dimensions or forms of representation, namely, formal, symbolic, substantive, and descriptive.

The formal dimension refers to the institutional rules and procedures through which representatives are chosen (Schwindt-Bayer and Mishler, 2005: 407). It deals with the authorized procedures that take place at the outset, before the actual representation begins, and that lead a person to become a representative, that is, to become '…someone who has been authorized to act' (Pitkin, 1967: 38). Pitkin follows a 'standard approach' to political representation and, hence, puts an emphasis on both authorization and accountability: representatives are authorized and held accountable, notably, through elections, which are considered the central institution of representative government (Manin, 1997: 6).

According to the concept of political representation's symbolic dimension, representation is a kind of symbolization; therefore, a representative should be understood as a symbol, much as a flag represents a nation (Pitkin, 1967: 92). In Pitkin's words: 'When we speak of something as symbolizing (…) we are emphasizing the symbol's power to evoke feelings or attitudes' (Pitkin, 1967: 97). Accordingly, a representative is someone in whom people believe and whom they accept as representing them (Pitkin, 1967: 102).

The third dimension centres on the substantive part of representation. It refers to the extent to which an elected body or representative 'acts for' or 'stands for' its constituents and responds to their interests. As Pitkin says: '…true representation entails responsiveness to the represented, attention to his wishes or needs' (1967: 113). Responsiveness comprises the most consensual understanding of representation, that is, it is often perceived as the real meaning of representation, not only by political scientists (Barnes, 1977; Converse and Pierce, 1986) but also from a common-sense perspective.

The last dimension of the concept of political representation is the descriptive dimension, which focusses on who the representatives are, their characteristics, and how they resemble the represented – like a 'mirror'. This is related to the importance of 'being present' or the 'politics of presence' (Phillips, 1995), which is increasingly advocated nowadays. According to authors that defend an overly descriptive-based representation, 'true representation (…) requires that the legislature be so selected that its composition corresponds accurately to that of the whole nation' (Pitkin, 1967: 60). While most advocates of descriptive representation are not so radical, they do believe that the representation of people based strictly on their expressed ideas, rather than on who they are, is unsatisfactory (Phillips, 1995: 157).

Thus, authors argue that the lack of diversity in decision-making positions is problematic for two main reasons: first, justice and equality (Evans, 2016: 15), because the absence of some groups gives rise to political inequality (Phillips, 1995: 32); and second, due to the potential impact of that absence on policy, bringing us back to substantive representation. With regard to the latter, admittedly, '…if there is a bias in the recruitment policy, one can assume that there are also distortions in the interests that dominate' (Guldvick et al., 2013: 77). However, the relationship between the descriptive and substantive dimensions, that is, the consideration of whether or not the physical presence of some groups in political forums contributes to a better fulfilment of the interests of those groups, has been portrayed as complicated and not straightforward (Celis and Childs, 2014: 3). In other words, making a group physically present does not always guarantee that the interests of that group will be substantially represented, although it does increase the chances of it happening. One of the groups with a documented low presence in decision-making positions is women, and this has given rise to a solid tradition of studies involving the descriptive and substantive dimensions in particular (Lovenduski and Norris, 1993; Rule, 1994; Tremblay and Pelletier, 2000).

In recent decades, the adoption of gender quotas to address the under-representation of women has become widespread throughout the world, including in Europe (Franceschet et al., 2012). There are two main types of quotas: party quotas, which are adopted voluntarily at the party level, and legislated quotas, in which a law is enacted at the national level. The former is particularly popular in Europe, where they began to be

adopted in the 1970s (in Scandinavia), although the latter type also exists in 15 European countries (Dahlerup et al., 2013: 25–27). More recently, two further types of gender quotas have appeared in some countries: gender quotas for advisory boards and gender quotas for boards of publicly listed and state-owned companies (Comi et al., 2020; Meier, 2013). Quotas in trade unions are a relatively rare event, as we address in the following section.

Gender and quotas in the trade unions' leadership

Although in some developed countries women constitute around half of unions' members, they remain consistently under-represented in unions' leadership and decision-making structures worldwide (Cobble, 2013; Cockburn, 1996; Cooper, 2012; Dean and Perrett, 2020; Kirton, 2015; Kirton and Healy, 2013; Santos et al., 2022). Furthermore, the share of the leadership positions held by women does not increase proportionally to their share of membership (Gavin et al., 2020; Kirton, 2015).

Many trade unions have been developing strategies for decades to assure women's representation in decision-making positions. This is the case with UK trade unions which, since the 1970s, have not only adopted liberal strategies, like holding women's conferences and training for women and appointing specialist women's equality officers but also more radical initiatives, like women's committees and self-organized groups, which have been comparatively more successful (Kirton and Greene, 2002). Although the perception of these initiatives' positive impact exists, there are also limitations, namely, the lack of horizontal communication and influence when women are kept apart in an isolated status, or the awareness that women are not a homogeneous group, as ethnic, age, and other differences can emerge (Kirton and Greene, 2002).

At the European level, some efforts have also been made to promote gender balance in unions' boards, of which the 2008 initiative by the European Trade Union Confederation (ETUC) is illustrative. The ETUC adopted a resolution committing itself to increasing women's representation in its statutory body and, since then, has carried out an annual survey with the aim of assessing progress in reducing representation and decision-making inequalities between women and men in trade unions (ETUI, 2019; Fulton and Sechi, 2019). However, there have so far been no relevant changes which reinforce the perception that the voluntary system is inefficient.

Various gender equality strategies, including gender quotas, have often been advocated by activists and academics internationally as important for increasing women's participation in unions' structures (Kirton, 2018). However, resistance to such strategies is rather common among trade unions' members and leaders (Kirton, 2015; Santos et al., 2022). Therefore, gender quotas are rather uncommon and constitute a relatively recent phenomenon in trade unions, in contrast to political parties, particularly in Europe (Dahlerup et al., 2013: 25–27).

Gender quotas in trade unions were for the first time adopted in the 1980s in France – specifically, in 1982 by the CFDT. In the 21st century, Germanic trade unions followed the trend, for example, the German Ver. di, in 2001, and the Austrian union confederation OGB in 2007 (Kirsch and Blaschke, 2014). In the UK, gender quotas – which assume the

form of reserved seats – have seldom been adopted by either large (Kirton, 2015: 496) or small unions (Kirton, 2018: 154).

The cases of quotas adoption within trade unions are too scarce and too recent to allow for a systematic analysis. Yet, the few existing studies on the topic, most of which are case studies, demonstrate that, concerning their direct effects (i.e. whether the goals of female presence laid out in the original policy were achieved), the outcome is usually positive. In other words, the implementation of quotas tends to assure a more gender-proportional representation (Kirsch and Blaschke, 2014: 207; Kirton, 2015: 497; McBride, 2001), despite certain limits (Kirton and Greene, 2002: 168).

Furthermore, the implementation of quotas might also lead to indirect consequences, namely, the greater feminization of the decision-making positions. In that regard, existing studies indicate mixed results. On the one hand, some authors suggest a positive (though light) relationship between having more women occupying decision-making positions and the representation of women's interests in a union's agenda (Caiazza, 2007: 29; Cooper, 2012: 141; Kirsch and Blaschke, 2014: 215; Kirton, 2015). As stressed by one woman officer interviewed by Kirsch and Blaschke (2014), quotas do not allow the gender topic to be pushed off the table anymore (2014: 211). Similarly, other authors underline that, often, women representatives contribute to the advancement of other women within unions (Kirton and Healy, 2012: 994), or to slow women's membership decline (Kirsch and Blaschke, 2014), considering they are seen as role models (Kirton and Greene, 2002). On the other hand, other studies report less important consequences of quotas. McBride (2001), for instance, states that the adoption of gender quotas for representative positions is not a sufficient condition for women's concerns to be addressed. Also, Briskin (2014) argues that the gender of the negotiators does not necessarily enhance equality bargaining.

These inconsistent results have several possible causes. The main one is that, as mentioned above, the relationship between descriptive and substantive representation is complicated and not direct (Celis and Childs, 2014: 3), so no steady or strong results are to be expected. Another cause may be the increasing complexity of patriarchal defence. Smolović Jones et al. (2021), in the context of the system of all-women shortlists within the British Labour Party, argue that there is a 'practice that maintains a resistant stance while never opposing issues of gender equality on their own terms' (2021: 652). The authors call it 'oblique resistance'. This manifestation of resistance means an operating angle diverting 'attention from the central aim of initiatives, replacing a simple achievable purpose with a complex set of ideals' (2021: 641). Thus, it can be observed, for instance, when considerations are put forward on the value of meritocracy, arguing that the most qualified succeed regardless of gender, or on the value of local practices, presenting them as merely unfamiliar to outsiders, or each time gender equality is seen as inappropriate because the community is just happy as things are.

Overall, there are cultural and structural barriers to the participation of women at the highest levels in unions (Gavin et al., 2020), and that alone justifies the adoption of gender equality strategies through a top-down approach, irrespective of their indirect consequences. In fact, the cultural and structural barriers have an even more pronounced effect on the participation of other groups. The process of revision of how unions'

representativeness can be assessed, and the step-by-step inclusion of other groups, such as ethnic, to name but one, should therefore be considered, as Kirton and Greene (2002: 171) say.

The proposal – the use of the political representation concept in trade unions

Applying the concept of political representation to trade unions implies reflecting on an important specificity of theirs when compared to, say, parliaments, that is, the fact that trade unions combine several layers of representation. According to Hyman (1997), there are three layers:

1. The elite layer, which consists of the representation of the affiliated workers by the board members or leaders of trade unions.
2. The core layer, which could be characterized as the representation of the affiliated workers by the union delegates/shop stewards.
3. Finally, the periphery layer, which comprises the representation of the workers by the affiliated workers, given that workers who are affiliated tend to be considered, to some extent, representatives of all workers.

In practice, the multi-layer representation system of trade unions is even more complex, if one considers the company, the sector, the national, and the supra-national levels of organization, that is, direct and indirect relationships (Wauters et al., 2014). As Hyman and Gumbrell-McCormick summarize, it is a 'complex, multi-level and multi-faceted system of worker representation' (2020: 268–269).

The proposal put forward in this article focusses specifically on the elite layer, since this layer is the most relevant one in terms of unions' external legitimacy. In fact, the representatives or board members, who are usually the most powerful members, serve as the trade unions' spokespersons in the unions' interactions with the outside world. They tend to be extremely influential, often take crucial initiatives, and usually assume the final decisions (Hyman and Gumbrell-McCormick, 2020). This is true even if the assembly, composed of all affiliated workers, is formally the highest decision-making body. In those interactions with the outside world, board members speak on behalf of *all* workers. Thus, we assume a larger definition of Hyman's elite layer, including the representation of both the affiliated workers and all workers, instead of only the former as he does.

As stated earlier in this article, the criticism of the use of density alone is not unprecedented. However, as Meardi et al. observe, '…only rarely has 'representation' been at the forefront of industrial relations reflection' (2021: 4). Furthermore, when addressed, it tends to be approached as an *interest intermediation* problem, referring to legal and operational issues, instead of an *interest representation* one (Meardi et al., 2021). More recently, emerging voices (Saward, 2006), and in particular 'non–representation claims', accusing trade unions of not being representative or of ignoring some groups (Meardi et al., 2021), compelled us to analyse possible new institutional adjustments in matters of interest representation and the assessment of trade unions' representativeness.

Wauters et al. (2014) are among the few authors that have addressed the complexity of representation within trade unions, despite focussing exclusively on the affiliated workers. Specifically, the authors aimed to assess the descriptive and substantive representativeness of a major Belgian trade union by conducting a survey which asked the workers to give their opinion on different topics. They concluded that the trade union under analysis was generally descriptively and substantively representative of its members except as regards gender. The Wauters et al. (2014) study has one main limitation which our proposal seeks to overcome; since they only focus on affiliated workers, they are limited to internal legitimacy.

Although all four dimensions of political representation (Pitkin, 1967) previously described are relevant, our proposal focusses on the descriptive dimension only. Our main argument is that the social composition of trade unions' boards (elite layer) should be considered as an additional representativeness criterion for taking part in the European social dialogue. We contend that trade unions should be considered representative of workers if, on the one hand, they have a relevant number of members and if, on the other hand, there is correspondence between the composition of the workforce and that of the union boards.

There are three main reasons for adding the descriptive dimension of boards to density. First, it may be considered the most accessible step for improving representativeness within trade unions themselves, since the board composition is clearly under unions' direct control, unlike the number or the composition of the affiliated members.

Second, as described above, having more diverse decision-makers might boost substantive representation. Some groups of workers go through specific experiences in life that can hardly be salient, fully discussed, or fairly taken into account if no worker from those groups is present on the board of the union, namely, during internal meetings, negotiations, and external missions. Going through maternity (for many female workers) is an example of experience that affects a specific group which would benefit from descriptive representation on union boards. Hence, a trade union with a homogeneous composition of its board is less likely to be responsive to all workers than a trade union whose leadership is proportionally as diverse in its composition as the group of workers it represents.

Finally, focussing on the descriptive side of board representation echoes a concern that is increasingly effecting change in other democratic institutions, such as through the introduction of quotas within political parties and parliaments and, more recently, large companies' boards.

We argue that, although it is undeniable that women are a heterogeneous group, in a first phase, the focus on the descriptive dimension of boards should fall on gender. In a later stage, it will be possible to deepen this proposal to include other groups, notably ethnic groups. There are three main reasons to prioritize gender. First, following women's increasing integration in the labour market, their membership of trade unions is rising – in contrast to the general European backdrop (Visser, 2019) – thus, there is great urgency in giving them voice. Moreover, there is a history of under-representation of women in all decision-making positions worldwide, including among union leadership (Cockburn, 1996; Ledwith, 2012), which unions are finding difficult to overcome. We reiterate

McBride's question here: 'If decisions are made without women, are they still democratic?' (1997: 217). Third, women more often have precarious professional situations and are more frequently victims of inequality – notably, in the post-pandemic era (Foley and Cooper, 2021). In fact, women are more often underemployed and underpaid compared to men – a crucial issue to which collective bargaining is not being able to provide a solution. On the contrary, collective bargaining and social dialogue in general seem to be part of the problem, contributing to reproduce gender inequality in the labour market (ILO, 2018).

We argue that this approach should apply to trade unions in general, although at first to the European social dialogue. In order to ensure that the necessary change to the gender composition of union boards is effectively adopted and may lead to positive results in the labour market, we contend that trade unions willing to take a seat at the European negotiations should adopt gender quotas. The required representation of gender on union boards should be proportional to the weight of each gender in the workforce (Blaschke, 2015: 727). There are four main aspects to be taken into consideration when considering a European intervention.

First, unions are structural to the European Social Model, and Europe is the most union-friendly region in the world. Second, at the European level, trade unions represent the European workforce, and the decisions to which they contribute have implications for public policies that affect almost 200 million workers. Internationalism cannot be an elite concern, and trade unions' Europeanization must overcome its ambiguity (Hyman, 2005). Third, the EU is one of the few international institutions with effective capacity to shape governance of work and employment (Marginson, 2016), while national regulation and initiatives seem to not always adequately deal with the international economic flow (capital, goods, etc.). By intervening at the most centralized level of representation (i.e. the European level), changes at lower levels (i.e. the national level) are to be expected. The ambition of a united world of workers across borders through unionization, the search for a global society project through a full democracy (Dufresne and Gobin, 2017: 9) can receive a boost from a quotas strategy. This strategy would overcome differences until now found in the representation of women, differences related with internal and external union factors (Blaschke, 2015). The centralization of the gender quotas initiative at the European level might mitigate some adverse reactions that the adoption of quotas by trade unions tend to produce, in particular social dumping as a result of a discretionary adoption of quotas (Kirsch and Blaschke, 2014). It is therefore reasonable that trade unions with a seat at the European negotiations are asked to show (the possible) evidence of their responsiveness to their workforce as a whole. Finally, the progress towards gender equality in Europe is highly dependent on public policy, but that progress is beginning to be reversed (Rubery, 2015).

We are aware that trade unions are free private associations and, thus, free to make their own organizing decisions. However, when acting on behalf of workers, namely at a European level, the right to free association must be combined with the right to democratic representation.

In short, although the physical presence of women on trade union boards (descriptive representation) is not necessarily sufficient to guarantee responsiveness (substantive

representation) to women, it is definitely an asset. Therefore, having women physically present in trade unions' leadership is crucial to changing unions' impact on gender equality. In order to be effective, we need to adopt a top-down compulsory procedure, otherwise gender equality in representation is not assured, social dumping may occur, and 'oblique' (Smolović Jones et al., 2021) or other forms of resistance are likely to emerge.

Conclusion

The aim of this article was to propose a fairer approach to trade union representativeness beyond density, arguing in favour of the inclusion of gender quotas as an additional indicator of representation every time unions are called to negotiate on behalf of *all* workers. Bringing the concept of political representation into labour relations, we propose the inclusion of an indicator of the descriptive dimension, that is, the social composition of union boards. The multifaceted concept of political representation has not been fully explored and is far from having been adopted in labour relations. To the best of our knowledge, even though some authors have highlighted dimensions of trade union representativeness which go beyond density (Frangi et al., 2017; Hagen and Jensen, 2018; Wauters et al., 2014), none has ever proposed an operational tool to overcome its limitations. Proposing such a tool is the main contribution of this article.

The main concern of our proposal is that a trade union willing to take a seat at the European negotiations should only be considered representative if, in addition to density, there is correspondence between the composition of the workforce and that of its board. Specifically, we contend that gender quotas should be adopted in a first phase, as they are the only effective device to guarantee a more gender-balanced board. Including descriptive representation as a criterion of representativeness is likely to improve not only unions' responsiveness to the workforce but also foster their revitalization through the engagement of vulnerable groups that the unions currently fail to involve (Kirton and Greene, 2002), notably women.

Like other democratic institutions, trade unions today are faced with a growing claims-making approach which seeks to extend the representation function to non-electoral forms, including different social actors such as activists and lobbyists (Kröger and Friedrich 2013), which go beyond the nation-state and beyond parliaments (Kröger, 2016). This approach entails a much more dynamic and fluid vision of representation (Meardi et al., 2021; Saward, 2006). Given that the democratic foundation of trade unions is their distinct trait which allowed them to assume an institutionalized position in modern democracies, they will only survive as an important pillar of economic democracy if they provide evidence of their effective representation. In order to succeed in that change, Europe must play its part and effectively prioritize social and political integration, which will, at the same time, allow unions to resist an elitist embrace and be more connected to those they represent (Hyman, 2005).

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Notes

1. Cf. Article 155 – Accessed at https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012E/TXT&from=EN (22 April 2022).
2. The REP studies cover both trade unions and employers' organizations, but, as previously explained, we focus only on unions in this article.
3. Cf. Representativeness studies' methodology – Accessed at https://www.eurofound.europa.eu/representativeness-studies-methodology (22 April 2022).
4. The European social partners are: three general cross-industry organizations (ETUC, Businesseurope, and SGI Europe), three cross-industry organizations representing certain categories of workers or undertakings, one specific organization (Eurochambres), and, at a sector level, 65 sector organizations representing employers, and 15 sector European trade unions. Cf. List of consulted organizations, March 2021, https://ec.europa.eu/social/main.jsp?langId=en&catId=329 (31 January 2023).

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