Does mainstreaming lead to deepening? The contradictions of mainstreaming EU social policy

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11/3/99

Paper presented to the workshop, “Enlarging or Deepening: European Integration at the Crossroads”, ECPR Joint Sessions, Mannheim, Germany, 26-31 March 1999. Please do not cite or quote.

Introduction

With the development of European Union’s social dimension in the 1990s, the Commission, Parliament and key European level social policy non-governmental organisations (NGOs) have attempted to bring EU social policy increasingly into the mainstream of EU policy making. “Mainstreaming” social policy offered these actors a number of opportunities. For the Commission (particularly DGV), it offered a chance to expand its policy making sphere, was justified by its European orientation and was a strategy for developing and strengthening NGO allies in the social field. For the Parliament (particularly the socialist majority and Social Affairs Committee) it gave them similar opportunities as well as providing them with increased leverage over the Council. EU social policy NGOs saw it as a great opportunity to integrate social policy into the mainstream policy-making process, raise awareness of social issues, and maintain and strengthen their organisations. However, the mainstreaming strategy contained within it a number of contradictions which led to different results for the distinctive areas of EU social policy. For EU gender policy, mainstreaming has been a successful strategy and has brought gender issues into the core of EU policy
making. For EU elderly policy mainstreaming has been a failure, while it has led to mixed results for EU disability policy.¹

This article will attempt to examine why these three areas of social policy experienced such differing results from the mainstreaming strategy. It will do so by briefly exploring the significant potential of the “mainstreaming” strategy for EU social policy actors, but also its strong limits and contradictions such as, “mainstreaming competition” and “mainstreaming overload”. Following this introduction, the article will review the attempted mainstreaming of EU gender, disability, and elderly policy. It will highlight the key reasons for the success of EU gender policy, failure of elderly policy, and mixed results for disabled policy. In conclusion, it will argue that mainstreaming has a divisive impact on EU social policy areas depending on the existing strength of the policy area. Areas that are firmly entrenched in the treaties and have a significant institutional and political base are able to take advantage of the strategy. Weaker areas are unable to gain advantage and may be even further marginalised by the process. In essence, strategies for deepening integration may be more contradictory and conflictual than was previously assumed.

Mainstreaming, its definition, advantages, contradictions, and implications

The “mainstreaming” strategy is not new or unknown in the field of comparative public policy. The concept of mainstreaming can easily be found in a number of national cases in and outside of Western Europe and in a variety of policy arenas: disabled, education, gender, and health.² Early attempts at educational

² A quick search of sociology abstracts in the 1990s came up with 165 references to mainstreaming in these various fields.
mainstreaming can be found in the early 1970s in the USA (Wilcox and Wigle, 1997). At that time, mainstreaming was a term used to describe the integration of physically disabled children into mainstream educational institutions. During the 1980s and 1990s, this concept of mainstreaming an excluded group into a central institutional or policy framework was expanded to include other groups. Recent examples include the demand of the 1995 UN Conference on Women in Beijing to mainstreaming women’s issues (UN, 1995) and the British Labour government’s attempt to mainstream issues of social exclusion through its new Social Exclusion Unit (Geyer, under review).

As it emerged at the EU level, mainstreaming involved three main administrative elements: the creation of a commitment to open up all general policy areas to the demands of the mainstreamed policy area, a system for evaluating the impact of general policies on the mainstreamed policy area, and a strategy for forcing/encouraging administrative actors to pay attention to and implement the mainstreamed policy. For social policy supporters, mainstreaming was an opportunity for pushing policies into entrenched bureaucratic arenas and routines without directly challenging those arenas and routines and without directly raising the economic costs of the policy changes. To create a Directorate-General (DG) of Gender, Social Exclusion, or the Disabled would have been an extremely difficult political task. The priorities of other DGs would have been challenged, departmental budgets would have to be reallocated, and clear fiscal demands would have to be made on the EU’s budget. European social policy actors rarely had this level of political power. From this position of weakness, mainstreaming appealed to social policy actors precisely because it avoided direct confrontation with existing policy arenas, did not directly add to state costs, and created opportunities for policy co-operation and co-ordination with stronger policy areas. In essence, for European level social policy NGOs, social
policy actors in the Commission (particularly DGV) and the Parliament, and social policy promoters in the Council, mainstreaming offered a cheap and indirect method for subtly shifting the policy balance within the EU in their favour.

Despite these advantages, the mainstreaming strategy has a number of weaknesses and two key contradictions. The administrative weaknesses of the strategy are readily apparent. Other than from good will, why should a DG adjust its routine in order to deal with complicated issues of gender, disability, or the elderly? Bureaucrats may have no interest in the area, feel it is outside of their competence to deal with, and will be under pressure to fulfil a variety of other tasks. As such, mainstreaming runs the risk of becoming a “paper pushing” rather than policy influencing exercise. Mainstreaming demands continual effort and monitoring in order to keep pressure on reluctant and often overworked bureaucratic actors.

In spite of its appeal to social policy actors, a general mainstreaming strategy for all social policy areas is undercut by the contradictions of “mainstreaming competition” and “mainstreaming overload”. As discussed, mainstreaming is an attractive strategy for all areas of social policy. Gender, elderly, disabled, young, anti-poverty groups, etc. could all make reasonable cases for having their particular policy areas mainstreamed. However, each of these must compete for the limited attention and time of EU bureaucratic actors. A 0-sum competition between these groups is the obvious result of mainstreaming competition. Hence, if one area of social policy is successful at its mainstreaming strategy, it would be in its interest to passively or actively block the mainstreaming of other social policy areas in order to monopolise the time and attention of bureaucratic actors. Furthermore, if a number of social policy areas were successfully mainstreamed, the resulting workload and demands on EU bureaucratic actors would be so immense that it would lead to mainstreaming
overload and elicit a general backlash against the mainstreaming strategy, a decline in the effectiveness of the strategy, and/or intensified competition between the mainstreamed areas.

This leads to several key implications of the mainstreaming strategy. The strategy has general appeal. However, due to the dynamics of mainstreaming competition and overload the strategy may be much more divisive than previously assumed. If one policy area is successfully mainstreamed, it may have a direct interest in thwarting the mainstreaming of other areas. In essence, for those who are able to hop on the mainstreaming bandwagon, it is in their interest to run over those who can not. In the following sections, I will examine how gender policy has been successfully mainstreamed, elderly policy has been left out of the mainstream, and disabled policy has been partially mainstreamed. In my conclusion, I will examine the reasons behind these different results and the implications of this on the future of EU social policy.

**EU Gender Policy: Successful Mainstreaming.**

Unlike many other areas of EU social policy, EU gender policy does have a relatively substantial base within the EU treaties. Though not mentioned in the ECSC’s Treaty of Paris, gender policy relating to the question of equal work for equal pay was integrated into Article 119 of the EEC’s Treaty of Rome at the behest of France. However, despite this inclusion, gender policy failed to develop in the 1950s and 1960s.

By the 1970s, driven by the growing pressures of second-wave feminism, the decline of the traditional family, the growing integration of women into the labour

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3 Key works on EU gender policy include: Hoskyns, 1996; Neilson, 1998; Oster and Lewis, 1995; Rees, 1998.
force, the revival of social policy under the 1974 Social Action Programme, and the success of gender issues in European Court of Justice (ECJ) case law, gender policy saw significant developments. These included: the successful resolution of the famous Defrenne Case, which established the direct effect of Article 119 and broadened the interpretation of equal pay, and the adoption of three directives on equal pay, equal treatment in working conditions, and equal treatment in social security.

As the 1970s came to an end, despite the failure of larger and more radical proposals, women’s activists had a substantial amount of European legislation and activity to be proud of. As various commentators noted (Docksey, 1987; Vogel-Polsky, 1985), a developed legal and legislative framework on gender equality had been created. Individual women and women’s groups were increasingly penetrating the EU bureaucracy and legislative processes. Furthermore, The ECJ had taken substantial steps towards promoting de jure equality. The difficult part would be putting these legal guarantees into practice and extending them to non-market oriented arenas.

The 1980s were not a particularly propitious time for EC social and gender policy development. In the major policy documents, gender policy was not mentioned until the Social Charter and Social Dimension in the late 1980s. Moreover, only two new gender directives were added during the decade. However, underneath this cover of stagnation, the foundation laying activities of the European women’s groups, Commission, and ECJ were setting the stage for impressive developments in the 1990s.

The most obvious indicator of this groundwork activity was the development of the Commission’s Action Programmes on Equal Opportunities. In 1981, the Equal Opportunities Unit of DGV created the first 1982-1985 Action Programme (COM
The program promised to continue the EC’s, “longstanding commitment to the improvement of the situation of women” and developed a number of legislative strategies for enhancing the individual rights of women and non-legislative strategies for promoting equal opportunities.

The 1986-1990 Second Action Program (OJ C 203, 12.8.86) was developed during the end of the “Eurosclerosis” period. Reflecting this, the program did not propose substantial new and expensive legislative policies, but primarily re-emphasised the legislative demands of the First Action Program. Despite this constraint, in other ways the program was a bold document. It stressed that gender discrimination was a much deeper and damaging problem than was previously assumed. It argued that the EC would have to go beyond simple legal changes, if it was going to tackle *de facto*, as well as *de jure* inequality. To do so, the EC would have to begin changing attitudes and norms, particularly in regards to the sharing of family responsibilities. In order to begin to address these challenges, the program set up a number of new “equality networks”, in areas such as: equal opportunities in broadcasting, childcare, and equal opportunities in education and raised issues of sexual harassment of women at work, violence against women, and the special needs of migrant women. The key legislative importance of this document was that many of its proposals were taken up and integrated into larger EU social policy initiatives such as the Social Dimension, Social Charter, and 1989 Social Action Programme (SAP).

By the end of the 1980s, gender policy had become one of the main areas of EC social policy, had a firm base in the treaties and EC legislation, had a substantial network of experts and women’s groups to develop and support legislation, and had a growing number of EC “soft law” and judicial decisions to back it up. These factors
combined to make gender policy one of the most successful areas of EU social policy in the 1990s.

The key indicators of the success of gender policy in the 1990s were the expansion of gender policy under the 1991 Maastricht Treaty and its mainstreaming through the Third and Fourth Equal Opportunity Action Programmes. The changes in the Maastricht Treaty and the creation of the Social Protocol represented substantial enhancements for gender policy. Obviously, the creation of the Social Protocol as a strategy to get around the militant opposition of the British government opened up a number of opportunities for gender policy development. More precisely, Article 2 of the Social Protocol created qualified majority voting (QMV), subject to the British opt-out, in the Council for policies relating to the creation of "equality between men and women with regard to labour market opportunities and treatment at work". Moreover, other areas of QMV created by the social protocol such as "working conditions", "information and consultation of workers", and "integration of persons excluded from the labour market" also had the potential of substantially opening up opportunities for gender policy development. Overall, the Maastricht Treaty did much to enhance the fundamental treaty foundations of gender policy.

From this growing treaty and political base, the mainstreaming strategy emerged through the Third and Fourth Equal Opportunities Action Programmes. Developing prior to the ratification of the Maastricht Treaty, the 1991-1995 Third Equal Opportunities Action Program (COM (90) 449 final) was a relatively subdued document. There were a number of specific legislative proposals and initiatives demanded. However, most of these had been developed earlier, were already working their way through, or were blocked in the legislative process. This lack of proposals was not surprising given the difficulties in passing gender legislation in the pre-
Maastricht Treaty/ British opt-out period. On the other hand, at a broader level, the document revealed a new bifurcated strategy towards gender policy. The main aims of the Program were, as Susan Cox argued:

> to entrench equality policy as an integral part of the Community’s economic and structural policies, and to promote women’s full participation in economic and social life (Cox 1993, p.56).

What this meant was that gender policy issues transcended the traditional areas of gender policy and other policy areas and actors would have to integrate gender concerns into their policy activities and developments. In essence, gender policy would have to be “mainstreamed” into virtually every area of EU policy development. The obvious advantages of this strategy were that it avoided direct legislative confrontations with the British and the Council, promoted a broader interpretation of EU gender policy, and gave a financially constrained EU a way of promoting gender policies without expensive new programs. This reflected the general “broadening” approach of the Third Action Program and a number of proposals were made to encourage the memberstates to promote the integration of women into the labour market and improve their status and influence in society.

In the wake of the Third Action Program, a number of important legislative and legal developments occurred: the 1992 Pregnant Workers Directive, 1992 Commission Recommendation and Code of Practice on Sexual Harassment, 1992 Recommendation on Childcare, and 1995 Recommendation on Balanced Participation of Women and Men in Decision-making. Moreover the Third Action Programme continued in the tradition of creating and enhancing women’s “networks”, such as the
1995 Families and Work Network, and directly supported the development of European women’s interest groups, such as the European Women’s Lobby (EWL).4

The 1996-2000 Fourth Equal Opportunities Action Program (COM(95) 381 final) was both a continuation of the general mainstreaming approach and a recognition of the new limitations on gender policy development. Despite the institutional advances of the Maastricht Treaty, it became obvious in the early 1990s that radical and expensive new legislative proposals would be frowned upon not only by the Council, but by the Commission as well. The Fourth Action Program recognised these new limitations and redirected gender policy towards a thorough “mainstreaming” approach. As summarised in a 1996 Commission document:

The aim of the programme is to promote the integration of equal opportunities for women and men into the preparation, implementation and monitoring of all policies and activities of the Union and Member States, while respecting their specific responsibilities (Commission, 1996, p.248).

The program then went on to specify that gender mainstreaming would be carried out by (1) integrating equal opportunities into all policies and actions, (2) mobilising groups who support equal opportunities, (3) promoting equal opportunities in “a changing economy”, (4) reconciling family and working life for men and women, (5) promoting balanced participation of women and men in economic and political decision-making, and (6) enabling people to exercise their right to equal opportunity.

Some feminists and gender policy supporters were appalled at the lack of legislation and budgetary demands in the Fourth Action Program. As J. Field argued, “if the first three Action Programmes were relatively modest, the fourth Programme, for 1996 onwards, promises positive humility” (Field, 1995). On the other hand,

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4 As of May 1998, the EWL co-ordinated the activities of over 2,700 member organisations, performed a variety of research tasks on the position of and policies towards women, and actively lobbied for more and improved EU gender policy.
during my own interviews with EU social policy actors in early 1998, it became obvious to me that the mainstreaming approach for gender policy had been quite successful at integrating gender issues and demands into a number of divergent policy areas. A recent Progress Report from the Commission on the mainstreaming of gender issues into EU policy, citing the successful mainstreaming of gender issues into the 1998 Employment Guidelines, the implications of the Euro, the Agenda 2000 policy proposals, and the international relations of the EU (“The Union in the World” document), confirmed my interpretation. Finally, according to a recent interview with the Social Affairs Commissioner, Padraig Flynn, the Structural Funds after 1999 will adopt a much more gender oriented approach to policy and program developments. As he stated:

the (mainstreaming) approach takes a wide-ranging view on the causes of gender inequality - and consequently far more thorough approach to its cures. In the future, Structural Fund programmes will have to do much more than finance specific initiatives for women (Women of Europe Newsletter, 1998).

Overall, in the context of tough legislative and financial constraints at the EU level in the 1990s gender policy mainstreaming has been a successful strategy for putting gender issues and strategies at the heart of EU policy developments.

**Elderly Policy: Failed Mainstreaming.**

As a social category, the elderly played a minimal role in European social policy development in the 1950s and 1960s. They were not specifically mentioned in either the 1950 Treaty of Paris or 1957 Treaty of Rome. At most they were expected to be indirect beneficiaries of the ECSC and EEC. For example, Articles 51 and 121

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of the Treaty of Rome, designed to promote freedom of movement, did call for the elimination of discrimination in social security benefits (including pension rights) for internal EEC migrants, which would have been a major benefit for elderly migrants. Nevertheless, as a specific social group with distinctive needs they remained unseen at the European level.⁶

The earliest references to the elderly in EC policy were generally as an aside to other issues and concentrated on the position of the elderly in the labour market. In the early 1960s, the European Miner’s Charter called for increased pension provisions and seniority protection. In other areas such as social security and social provisioning, the growing rights of migrants to equal treatment on pensions, health care, old age benefits, etc. reflected both a desire to promote free movement of labour and the conditions of older workers. These developments, combined with the growing political influence of the elderly, led to the inclusion of the elderly in the social groups earmarked for special attention, and funding, under the 1971 reforms of the European Social Fund.

This focus on the needs of the elderly as workers was enhanced by the 1974 Social Action Programme. Strategies for co-ordinating social security schemes and eliminating discrimination against internal European migrants were developed. Furthermore, linked to plans for the continued “erasing of pockets of poverty and hardship”, the programme proposed to encourage the extension of “social protection” to those individuals, “not covered or inadequately provided for under existing schemes” (European Commission, 1974, p.27). This demand, attached to a related call for “action against poverty”, was to form the basis of the anti-poverty programmes

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⁶ For basic works on the development of elderly policy in the EU see: Hugman, 1994; Age Concern, 1992; McGlone and Cronin, 1994.
which included the elderly as an important category. The Commission also mentioned the need to integrate the elderly into the European Social Fund (ESF). Despite these advances, the elderly remained an adjunct to freedom of movement and anti-poverty policy and were not a policy concern on their own.

As with numerous other social policy areas, elderly policy came to a near standstill from the mid-1970s to the late 1980s. The few noticeable legislative developments included: a 1979 Directive on equal treatment in matters of social security and a 1982 Council Recommendation for developing standards for an EC policy on retirement age. In the mid-1980s, the Parliament attempted to push elderly issues through Resolutions on services for the elderly and to improve the situation of the elderly. Unsurprisingly, given the weakness of elderly policy and overall social policy development during this period, these were not influential pieces of legislation.

As with most other areas of social policy, elderly policy was reinvigorated by the 1988 Social Charter. Section 10 on social protection stressed that:

Every worker of the European Community shall have a right to adequate social protection and shall... enjoy an adequate level of social security benefits. Persons who have been unable either to enter or reenter the labour market and have no means of subsistence must be able to receive sufficient resources and social assistance in keeping with their particular situation.

The Charter was clearly trying to establish some degree of minimum rights to social protection, security, and assistance, all of which had significant implications for policy towards the elderly. More importantly, the Charter included a distinctive section on the elderly which again concentrated on establishing basic retirement, social protection, and social assistance rights:

Every worker of the European Community must, at the time of retirement, be able to enjoy resources affording him or her a decent standard of living.
Any person who has reached retirement age but who is not entitled to a pension or who does not have other means of subsistence, must be entitled to sufficient resources and to medical and social assistance specifically suited to his needs.

If rigidly interpreted and fully implemented, these rights could have had a substantial impact on the lives of millions of European pensioners and elderly people, but at a significant and politically unacceptable cost. In attempting to create a policy towards the elderly, the Delors Commission had to perform a delicate balancing act between developing meaningful proposals that would attract the support of elderly Europeans, yet avoid being too expensive and rejected in the Council.

Not surprisingly, the subsequent Social Action Programme fell well short of these rather grandiose social rights claims and returned to the traditional areas of training and employment oriented programmes for poverty alleviation. In the area of social protection, the 1989 SAP began by emphasising that:

The social security schemes vary greatly in nature...(and) reflect the history traditions and social and cultural practices proper to each Member State... There can therefore be no question of harmonising the systems existing in these fields (European Commission, 1989, p.27).

Recognising this diversity the Commission called for a new Recommendation that would promote the “convergence of objectives” of social protection rather than harmonisation. How this convergence was to be done and its impact on the elderly was left undefined by the Commission! Likewise, a second Recommendation was proposed by the Commission for funding the fight against social exclusion. Again, the Commission was rather vague on how this should be done and paid for. However, in that proposal, the Commission argued that the Community should, “take an initiative to assist the least advantaged citizens of the Community and the elderly in particular” (European Commission, 1989, p.28). Similarly, in the section of the 1989 SAP which dealt directly with the elderly, the Commission admitted that the Community had paid
little attention to the elderly in the past and that it considered, “that most action in this area falls within the direct responsibility of the Member States at national, regional or local level” (European Commission, 1989, p.51).

From this limited foundation, elderly policy struggled to develop in the early 1990s. In 1990 and 1991, the Commission presented and the Council accepted a proposal for 1991-1993 “actions for the Elderly” (COM(90) 80 final). These actions were given three objectives (to develop preventative strategies for dealing with the problems of an ageing population, to strengthen solidarity between the generations, and to promote the potential of elderly citizens) and based on three main strategies (exchange of information, studies and database creation, and the creation of a European network). The highlights of these actions included the creation of the European Observatory on Ageing and Older People for monitoring the demographic development of the EU and the designation of 1993 as the “European Year of the Elderly and of Solidarity between Generations”. With a small budget of 13 million ECU and no legislative agenda, these actions were only likely to affect a small number of elderly Europeans.

The 1991 Maastricht Treaty did little to enhance the position of elderly policy. The Social Protocol was the only area in the treaty which dealt with some areas that directly affected the elderly. Article 2 of the Protocol encouraged the EU to develop policies to promote the “integration of persons excluded from the labour market” (which included the elderly) and gave these proposals Qualified Majority Voting (QMV) status in the Council. However, section 3 of Article 2 reaffirmed that issues of “social security and social protection of workers” would still be covered by Unanimous Voting (UV) procedures in the Council. Finally, Article 7 required the Commission to make annual reports on the “demographic situation” in the EU. Once
again, social policies that affected the elderly were not designed with them in mind, but were offshoots of other traditional policy areas.

The early 1990s continued to see the development of EU policies which affected the elderly, but not an EU elderly policy as such. The 1993 Social Policy Green Paper and 1995-1997 Medium-Term Social Action Programme (SAP) did little to raise the issue of elderly policy. The Green Paper discussed issues of the ageing of European society and concerns over the growing pensions burden, but did not attempt to lay out any particular policy proposals other than vague references to “intergenerational solidarity” and the need for flexible pensions. Consequently, the 1995-1997 Medium-Term SAP offered no new proposals for elderly policy development. Instead, it focused on the general area of social protection and an extension of the existing action programme for the elderly. Stressing measures to support transnational activities and partnerships to promote the exchange information and “best practice”, this second set of “actions” was given a proposed budget of 25 million ECUs for 1995-1999. With no QMV basis in the treaty, the proposal needed a unanimous vote in the Council in 1996. It was rejected and put into legislative limbo, similar to the fate of the 1994 anti-poverty programme.

It is at this point where one can clearly see the failure of the mainstreaming of EU elderly policy. The action programme was based on a similar logic to the gender action programmes. The Parliament, Commission, and European NGOs, like Eurolink Age (heavily funded by the Commission), were attempting to extend the mainstreaming strategy to EU elderly policy. However, despite their efforts, the fears
of the costs of elderly policy combined with its UV status in the Maastricht Treaty and weak foundation in other areas of EU policy-making guaranteed its failure.\(^7\)

Most recently, the failure of the development of EU elderly policy could be seen in the 1997 Amsterdam treaty and the 1998-2000 Social Action Programme. On the positive side, Article 13 of the treaty gave the EU the ability to “take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation” (my emphasis). However, the article did not have “direct effect”, did not create a right to anti-discrimination, and confirmed that actions to combat discrimination must be based on a unanimous vote in the Council. Hence, age discrimination was given a foundation in the treaty, but one that required a UV procedure in the Council. A more important defeat occurred in the rewriting of Article 118. An early proposed version of the article, which listed policy areas that merit special attention and QMV status, included a reference to the elderly and disabled. If it had been approved, elderly policy would have obtained a firm QMV basis in the treaty. However, due to German and other memberstate fears that this would lead to expensive claims on national and European resources, the references to the elderly and disabled were removed.

Finally, the 1998-2000 Social Action Programme barely mentioned the elderly as a specific group. With the recent success of integrating demands for combating social exclusion and fighting discrimination into the Amsterdam treaty, the document mentioned the elderly in regards to the development of programmes in these areas.

\(^7\) In an ironic twist, the Commission’s attempts to fund this programme despite its rejection by the Council led in 1996 to the UK challenging the discretionary funding powers of the Commission. In May 1998, the EU Court found in favour of the UK and nearly 1 billion ecu of social policy funding was thrown into disarray.
However, no mention was made of the 1995 “actions in favour of older people” which remained in limbo.

In general, elderly policy remains one of the weakest areas of EU social policy. It began as an adjunct to traditional policy areas such as freedom of movement and employment policy and has only succeeded in expanding its influencing by becoming an appendage to social inclusion and anti-discrimination policy. From this position of weakness, it never had the necessary institutional and political power to develop a mainstreaming strategy. For the foreseeable future, EU elderly policy will continue to be a weak adjunct to more successful policy areas, rather than a coherent policy area on its own.

**Disability Policy: Partial Mainstreaming.**

Despite early similarities between elderly and disability policy, the disabled have been more successful at maintaining economic support for their programmes and mainstreaming disability issues within the EU policy process than the elderly.8

Like elderly policy, EU disability policy was non-existent in the 1950s and 1960s. The Treaties of Paris and Rome made no mention of the disabled. Early references to the disabled emerged in training and employment proposals in the early and mid-1960s. In 1961 a Commission proposal, later approved by the Council, for the creation of a European vocational training policy explicitly mentioned the disabled as one of several groups that should receive special attention (OJ L 63, 20.4.1963). In May 1963, a Council Regulation (43/63/EEC) broadened the definition of an “unemployed worker” to include individuals who had lost their jobs due to physical or

8 Key works on disability policy and Europe include: Albeda, 1984; Daunt, 1991; Doyle, 1995; Waddington, 1995.
mental incapacity. By 1967, disabled workers were receiving nearly 42 percent of all EU vocational training funds (Collins, 1975, p.64). Later, the disabled were singled out for special attention in the 1971 reform of the ESF (European Commission, 1998, p.14).

Again, similar to the elderly, the first clear reference to the disabled in a major social policy document occurred in the 1974 SAP. In it, the Commission argued that, “the handicapped constitute a group which deserve immediate consideration by the Community as a whole” (European Commission, 1974, p.16). Of the seven “immediate proposals” for action which the Commission presented to the Council in the 1974 SAP, two (a demand for greater assistance from the ESF to handicapped workers and the creation of an action programme for handicapped workers) dealt directly with the disabled.

Despite these advances, disability policy fell prey to the general social policy stagnation during the late 1970s and early 1980s. It was not until 1981 that the first action programme for the disabled was adopted (OJ C 347/1 31.12.81). This small action programme (1983-1987) concentrated on fostering “more concerted and more imaginative action at local level”, rather than developing European level policies to address problems of housing, training, employment, and other areas of concern for the disabled. The next major piece of legislation for the disabled did not emerge until 1986, a non-binding Recommendation and Guideline on the Employment of Disabled People in the European Community (OJ L 225/43, 24.7.1986). Most importantly, the preamble to the Recommendation asserted that, “disabled people have the same right as all other workers to equal opportunity in training and employment”. Significantly,

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9 For an excellent review of this programme and the later action programmes for the disabled see: Waddington, 1995, Chapter 3.
although the action programme was small and the Recommendation non-binding, it was a substantial achievement to see any policy development during this period and a clear indication of the strength of disability policy in the social policy process.

1988-1989 were watershed years for disability policy. They saw the creation of the second action programme for the disabled (HELIOS), the development of the HORIZON programme in the ESF, and the integration of the disabled into the Social Charter and subsequent Social Action Programme. The HELIOS programme (OJ L 104, 23.4.1988) ran from 1988-1991 and followed closely in the footsteps of the previous action programme. Furthermore, during 1988 the ESF was again reformed and given a substantially enhanced role in funding projects for the disabled through the HORIZON programme. From 1989-1993, HORIZON allocated over 300 million ECU to programs for “improving job prospects for people with disabilities or at risk of exclusion from employment for other reasons” (European Commission, 1998, p.21).

More importantly, disability policy was clearly recognised by the 1989 Social Charter and SAP. Reaffirming the growing rights of the disabled, Section 26 of the charter stated:

All disabled persons, whatever the origin and nature of their disablement, must be entitled to additional concrete measures aimed at improving their social and professional integration. These measures must concern, in particular, according to the capacities of the beneficiaries, vocational training, ergonomics, accessibility, mobility, means of transport and housing.

The SAP argued that the EC was already promoting these rights through the existing HELIOS programme and called for the extension and expansion of that programme for 1992-1996. With the development of the Charter and SAP, the vocational training and employment rights of the disabled were being increasingly entrenched in the European policy process.
In the early 1990s a number of smaller legislative and programmatic developments emerged, a 1990 Council Resolution which encouraged memberstates to, “contribute to the social integration of the disabled through school integration” and a proposed 1991 Council Directive for improving mobility and transport services for the disabled (COM (90) 588 final). With an eye to British opposition in the Council, it based the proposed Directive on health and safety elements of Article 118a in the pre-Maastricht Treaty. However, this treaty basis was not accepted and the Directive became bogged down in the legislative and amendments process.

The Maastricht Treaty was a disappointment for promoters of disability policy in the early 1990s. No mention was made of the disabled in either the main body of the treaty or the Social Protocol. At best, the treaty provided some indirect gains for the disabled. Theoretically, their needs could be integrated into proposals for larger groups that were mentioned in the Social Protocol, such as “persons excluded from the labour market”. The Commission could use its newly established QMV status in this area to develop disability policy. However, with this weak basis in the treaty and the various difficulties in passing the treaty itself and proposals made under the protocol, any disabled policy development in this area was bound to be slow and limited.

Where major developments occurred was in the existing action programme (HELIOS) and the structural funds. As promised in the 1989 SAP, the Commission submitted proposals in 1992 for the extension and expansion of the HELIOS programme. In 1993 the Council agreed to support the 1993-1996 HELIOS II programme (OJ L 56, 9.3.1993), allocated 37 million ECU to it and gave it four main objectives: develop and improve information activities with memberstates and non-governmental organisations (NGO), co-ordinate and increase the effectiveness of
existing programmes, promote memberstate policy co-operation and “best practice”, and co-operate with and encourage European level NGO activities. Linked to this programme was the foundation of the European Disability Forum (EDF). The EDF was designed to act as an umbrella organisation and pressure group for a wide variety of disability NGOs in the EU (Hurst, 1995). Another major development was the 1993 review of the structural funds. Following that review, the former HORIZON programme, now labelled EMPLOYMENT-HORIZON, was allocated 730 million ECU for 1994-1999, “to improve the employment prospects of the disabled and other disadvantaged groups” (European Commission, 1996, p.60). Overall, for the 1993-1999 period, nearly 800 million ECU was to be allocated to the disabled and related groups, a substantial sum of EU money.

Despite this success in generating economic support, disability policy continued to stagnate in the legislative process through the mid-1990s. The strategy of mainstreaming disability policy emerged in the 1993 Green Paper. It argued that in order to promote the social integration of the disabled:

special facilities, institutions and legal rights are obviously necessary, but they should not be an obstacle or an alternative to the principle of “mainstreaming” - that is to say acceptance of people as full members of society (European Commission, 1993, p.48).

However, other than reaffirming its commitment to the HELIOS programme, it did not list any new proposals. The 1994 White Paper, though asserting that “disabled people have the same right as all other workers to equal opportunity in training and employment”, did little to go beyond existing programme commitments. Consequently, the 1995-1997 Medium term Social Action Programme only specified a few actions for the disabled. With the HELIOS II programme ending in 1996, the Commission promised a thorough evaluation of the programme and a proposal for its
continuation. as well focusing on the issue of employment and the disabled in the run-up to the 1997 employment summit (COM 95 696 final).

The next major development was the adoption of the 1996 Communication on Equality of Opportunity for People with Disabilities (COM (96) 406 final). This proposal reviewed the obstacles to establishing equality of opportunity for the disabled and presented a “new Equality of Opportunity approach”. This approach consisted, primarily, of moving away from traditional notions of social and economic compensation for the disabled and towards a “rights-based approach to disability”\(^\text{10}\) which emphasised the “mainstreaming” of the disabled into all relevant areas of policy development. Included in this Communication was a draft Resolution for the Council and a set of guidelines for memberstate action. Memberstates were encouraged to promote equal opportunity for the disabled through “empowering” the disabled to participate in society, removing barriers to their participation, opening up “various spheres of society” (mainly employment), and “nurturing” public opinion towards the disabled. The Resolution, which was approved in 1996 (OJ C 12, 13.1.1997), promoted a new approach to the disabled but did not allocate any further funds for them, nor did it demand further legislation. It was important as an early attempt by the Council to outline and promote a rights-based approach to the disabled, but in practical and legislative terms it remained limited.

This rights-based approach became a key struggle for groups supporting disabled policy during the Amsterdam treaty negotiations. Unlike the failure of the Maastricht treaty to mention the disabled, groups supporting the disabled, particularly the European Disability Forum, were determined to force the rights of the disabled

\(^{10}\) This was closely modeled on United Nations Standard Rules on the Equalisation of Opportunities for Persons with Disabilities, adopted by the General Assembly on 27 December 1993.
into the Amsterdam treaty. At first, it seemed that their hopes would be answered. Building on earlier proposals, the Irish Presidency of the Council (July-December 1996) identified the creation of a non-discrimination clause as a priority. The Dutch Presidency (January-July 1997) discussed the possibility of integrating the disabled into internal market legislation in Article 100a and making it a priority of Article 118.\textsuperscript{11} Up until the last minute, it appeared that the disabled would see a number of substantial gains in the treaty revisions.

However, what came out at the end was much less than they had hoped for, but more than they had in the Maastricht Treaty. The disabled were integrated into the general non-discrimination clause in Article 13 (formerly 6a) which gave the Council (acting unanimously) the power to “take appropriate action to combat discrimination based on... disability”. This was a significant step forwards, but did not imply that the Article had “direct effect”. Moreover, instead of integrating a disability clause into Article 95 (formerly 100a), which would have put disability rights at the centre of EU policy-making, all that the memberstates were willing to accept was a Declaration attached to the end of the Treaty which stated:

The Conference agrees that, in drawing up measures under Article 95 (100a) of the Treaty establishing the European Community, the institutions of the Community shall take account of the needs of persons with a disability.

Finally, like the elderly, the disabled were removed from the special categories for action in Article 137 (formerly 118) in the final draft of the treaty. They were still included in the definition of groups “excluded from the labour market”, but were not entitled to receive more attention than any other excluded group. All of these setbacks were brought about in the final bargaining over the treaty. Key opponents seemed to

\textsuperscript{11} For a review of the debates over the position of the disabled in the treaty developments see: European Disability Forum, 1998.
be the Germans, but opposition to a radical expansion of the rights of the disabled at
the EU level appeared to be widespread. In essence, the Amsterdam treaty gave the
disabled a deeper foothold in the treaties, but one which required further legislation to
entrench their rights-based approach.

Since the creation of the Amsterdam treaty, disability policy has seen a number
of research and programmatic developments (such as the PROMISE programme), but
few substantial legislative ones. The 1998-2000 SAP reaffirmed the Commission’s
support for the 1996 new “European Disability Strategy” outlined in the 1996
Commission Communication and did not call for further legislation. More
importantly, following the conclusion of the November 1997 “employment summit”,
the disabled were integrated into the 1998 employment guidelines. Under the section
titled, “Strengthening the Policies for Equal Opportunities”, Point 79 stated that the
memberstates will: “give special attention to the problems people with disabilities
may encounter in participating in working life”. This demand was vague and only one
among many, but it was a significant victory for activists attempting to mainstream
EU disability policy.\(^\text{12}\) Unfortunately, it was rumoured that the position of the section
on the disabled is under threat by gender policy activists who are demanding that
“equal opportunities” refers only to gender and that a second weaker section should be
designed for the disabled and other social groups.

Finally, the position of programmes for the disabled and EU level disability
NGOs was greatly complicated by the results of the EU Court’s ruling in May 1998.
As of late 1998, several million ECU of project money for the disabled was still in
legislative limbo, the EDF had yet to secure a budget line for 1999, and no new funds

\(^{12}\) The EDF claimed that it was their focused intervention on this issue that got the point inserted in the
guidelines.
for the extension of the disability programme had been allocated. According to the experts in the EDF, the latest proposals from the EU were to consolidate all funding for excluded groups into one central programme, entitled EQUAL. The EDF was very cautious towards this development, fearing that overall spending on social policy programmes would be reduced and that the opportunity for entrenching a mainstreaming rights-based strategy for the disabled would be lessened.

Overall, EU disabled policy has advanced significantly in the 1980s and 1990s. It has access to the ESF and has a number of distinctive programmes to help the disabled and promote their interests at the European level. Moreover, the disabled have made some strides towards mainstreaming a rights-based approach to disability within the EU. They are now mentioned in the treaty, integrated into a number of different policy areas, and have a well organised political base for promoting their interests at the European level. However, as with other policy sub-areas, they continue to lack a central piece of EU legislation, a directive or regulation, that would firmly establish their rights within the EU. Until that is created, the mainstreaming of EU disabled policy is likely to remain only partially successful.

Conclusions

EU social policy actors have a significant number of common interests and have developed a variety of mechanisms for co-operating and co-ordinating their activities. An obvious example of this collaborative strategy is the Platform of European Social NGOs. Funded by the Commission since 1994 and bringing together over 20 of the largest social policy NGOs, the Platform acts as a co-ordinator and facilitator for European social policy and social NGOs. Furthermore, the EU social
policy network is relatively small and EU governmental and non-governmental actors often know each other well.

Under these conditions new policy strategies are quickly diffused throughout the social policy arena. At the European level, mainstreaming emerged in the early 1990s, linked primarily to gender policy, and was quickly dispersed throughout the various social policy actors and areas. At first, it seemed like a perfect strategy for social policy in the 1990s. Fiscal constraints were tight. However, with the end of the British veto, advances in the Maastricht and Amsterdam treaties, and future social policy demands inherent in European Monetary Union and the integration of new East European memberstates, EU social policy seemed well positioned for some degree of legislative and policy expansion. Gender policy had shown the way. It was just a matter of other areas duplicating the strategy.

However, as implied by the concepts of mainstreaming competition and overload and by the cases of EU disabled and elderly policy, duplicating the success of EU gender policy was much more difficult than previously assumed. Without a significant treaty base, substantial EU institutional base, and considerable political pressure, the mainstreaming strategy can easily be blocked in the political process or ignored by EU bureaucrats.

A key question for the future of EU social policy is to what degree gender policy activists will be able and willing to help others jump on the mainstreaming bandwagon. On the one hand, gender policy has strong linkages to other social policy arenas. Elderly and disabled women obviously compose a significant percentage of the elderly and disabled. Furthermore, EU gender policy activists have close personal contacts with other social policy actors. This intimate relationship will obviously encourage gender activists to do everything they can to try and support the
mainstreaming of other social policy areas. On the other hand, the recognition of their own limited resources, their efforts to maintain their own mainstreaming strategy, and the threats of mainstreaming competition and overload pressure gender activists to ignore the demands of other groups and possibly to actively undermine their “rival” mainstreaming strategies.

Finally, there are four main implications from this work for European integration theory. First, memberstates are important, but institutional dynamics can make or break policies as well. Memberstate support for gender policy is only part of the reason for its success. European and national level NGO activity, Commission pressure, legal developments, institutional dynamics all played a role in the mainstreaming of gender policy. Similarly, the failed and partial mainstreaming of elderly and disabled policy cannot be explained solely by reference to memberstate support or opposition. Second, in periods of strong fiscal and bureaucratic constraints policy area competition may lead to policy “spillback” rather than “spillover”. As mainstreaming competition and overload demonstrate, success in one policy area does not guarantee, and may even undermine, success in other areas. Third, in the general academic literature EU social policy is often seen as a policy area of general weakness and common interests. The successful mainstreaming of gender policy demonstrates that social policy can be remarkably influential in some areas and noticeably ineffectual in others. As such, EU social policy should be seen as a much more uneven policy area with significantly divergent interests. Fourth, concepts of “deepening” and “widening” assume that the forces and dynamics of deepening and widening are unified and coherent. The contradictions of mainstreaming demonstrate that, at least, the deepening forces and dynamics are not. As such, the relationship between
deepening and widening may be much more complicated than was previously assumed.
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