

Fra: ETUC - CES MEDIA [mailto:media@etuc.org]

Sendt: 26. februar 2008 16:40

Til: Pelle Dragsted

Emne: ETUC presents its position on the the Laval and Viking cases at the hearing of the European Parliament

Brussels, 26/02/2008

At the today's hearing of the European Parliament on the Laval and Viking Cases, the European Trade Union Confederation (ETUC) stressed that those cases are of massive importance to the European trade union world, and not just to the unions directly affected in Sweden/Latvia and Finland/Estonia. Europe needs to move fast to repair the damage.



ETUC has learned from the European Court of Justice (ECJ) on Laval and Viking cases that the right to strike is a fundamental right but not so fundamental as the EU's free movement provisions. Our fundamental right has therefore been relegated in importance. ETUC position has always been equality for migrant workers according to the conditions of the host country. What we have now is a licence for social dumping, and key features of national industrial relations systems face being superceded by the free movement provisions.

John Monks, ETUC General Secretary declared: *"Again, this is intolerable and I am asking you today to initiate action to repair the damage being done. Unions across Europe are now deeply concerned with defending their national systems – and we risk a protectionist reaction. Bolkestein derailed the EU Constitutional Treaty. The Laval case, in particular, could damage the ratification of the EU Reform Treaty as awareness of its implications spreads"*.

What can be done to repair the damage? ETUC proposals are as follows:

- ▶ Firstly, quickly, we need to consider a "Social Progress Clause" to be issued in anticipation of the EU Reform Treaty (article 5(a)), firmly establishes that the Treaty and especially its fundamental freedoms shall be interpreted as respecting the observance of fundamental rights and especially collective action. It should also establish the rights of workers and their representatives to take collective action to improve their working and living conditions above minimum standards. (There is a precedent for this procedure with the Amsterdam Treaty to which the Employment Chapter was added at a late stage. There are also precedents with the Monti clause and the Services Directive).
- ▶ Second, the Posted Workers Directive should be strengthened to fulfil its original aims of protecting workers. We have to reflect on the need for a revision.
- ▶ Third, we need the speedy implementation of the Temporary Agency Workers Directive which has been blocked in the Council of Ministers. This Directive is highly relevant to mobility and migration and its principle of equal treatment would reassure unions that the EU was not to be a vehicle for social dumping.

The idea of social Europe has taken a blow. Put simply, the action of employers using free movement as a pretext for social dumping practices is resulting in unions having to justify,

ultimately to the courts, the actions they take against those employers' tactics. That is both wrong and dangerous. Wrong because workers' rights to equal treatment in the host country should be the guiding principle. Wrong because unions must be autonomous. And dangerous because it reinforces those critics of Europe who have long said that liberal Europe would always threaten the generally excellent social, collective bargaining and welfare systems built up since the Second World War.

Europe needs to move fast to repair the damage.

► [John Monks presentation to the Employment and Social Affairs Committee of the EP](#)

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