ETUI & LRD
TUC Congress Fringe Meeting
10 September 2012
Brighton (UK)

THE CRISIS
AND
THE EROSION OF LABOUR LAW

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1. The ETUI mapping exercise
   ○ Context/sources
   ○ What are the deregulatory measures?
   ○ And it is far from over….

2. Infringing Fundamental Social Rights – a new TU battlefield?
1. The ETUI mapping exercise

CONTEXT

- Developments of worrying trends in labour law reforms
  - piecemeal but important deregulatory measures
  - intrusive overhauls of labour codes
  - fundamental changes to industrial relations structures and processes
- In many both "old" and "new" members states
- Under the argument: deregulatory measures as responses to the current economic crisis in order to render labour markets more flexible; although crisis is result of several reasons but certainly not the LL in MS and the reforms seem to lead only to more precariousness and in-work poverty but not to more employment let alone quality jobs
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“Attempt” to map labour law reforms

- Mostly addressing labour reforms and rather less other anti-crisis /austerity measures (wage setting/amendment to social security protection and benefits/cut in public services) – cfr. other ETUI publications
- Not all MS rely as much on LL due to their IR system
- Available information varies a lot from MS to MS also because of the impact of the crisis on the country
- Reference period: 2010-…

Sources:
- Information provided to the ETUC by its affiliated organisations
- Memorandums of understanding certain EU member states have with IMF, EU, ECB
- Institutional sources/documents (ILO, EU, etc.)
- TU and other electronic newsletters
- Academic reviews, etc.
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WHAT ARE THE DEREGULATORY MEASURES?

1. Changes to industrial relations and collective bargaining systems
2. Redundancies rules
3. Amendments towards more flexible conditions for atypical work
4. Working time
5. Others
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1. Changes to industrial relations and collective bargaining systems

- Decentralisation of collective bargaining to company level (IT, GR, PT, SP, RO)
- Deviate *in pejus* to higher level collective bargaining / statutory rules (GR, IT, SK)
- Amendments to representativeness criteria (PT, RO)
- Moving TU prerogatives to works councils (PT, SK) or to workers representatives (PL)
- Diminishing role of social dialogue institutions (RO, HU)
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2. Amendments towards more flexible conditions for atypical work

- Extending maximum lengths of periods for Fixed term work (CZ, GR, PL, RO, SL, SP)
- Extending the number of renewals (SK, PL)
- Creation of ‘new’ types of contracts for target groups (i.e. young workers) with less protection (CZ, GR, PL, SK, SP)
- Amendments to Temporary Agency Work (CZ, LT)
3. Redundancies rules

- Lowering the severance pay entitlement (CZ, PL)
- Altering the periods of notice in a less favourable way (SK)
- Adding new reasons for allowing for individual dismissals (PT, SP)
- Simplifying procedures in case of collective redundancies by altering the thresholds (LT)
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4. Working time
   - Increasing the maximum lengths of shift periods
   - Increasing the amount of potential hours overtime to be negotiated into the salary (CZ)
   - Extend possibilities for overtime and night work (PL)
   - Change in compensation for overtime rules (PT)

5. Others
   - Extending trial periods (CZ, SK, RO)
   - Cuts in leave/holiday systems (PT/BE)
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“It is far from over yet...!”

- **EU 2020 – 2012 country-specific recommendations**
  - Reform CB / wage setting systems (17 out of 27 member states)
  - Increase attractiveness and availability of more flexible forms of working arrangements (CZ, SI)
  - Review of FTC, TAW and PT work envisaged (but with SP’s) (FI)
  - Amendments to TAW rules (BG, DE)
  - New “intern contracts” (BG)
  - Leave/holiday systems (BE)
  - Review administrative procedure individual dismissals (FR)
  - Collective dismissal (BE)
  - Comprehensive review in relation to FTC, dismissal law and WT arrangements requested (LT)
  - Extension probationary period permanent contracts (PL)

- **Implementation of MoU’s**
  - E.g. Greece recommended to move to six-day working week

- “Creativity of governments unlimited”
- Spill over effects in EU neighbouring countries
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a new TU battlefield?

WHEREAS most reactions were logically until recently at NATIONAL LEVEL (demonstrations, strikes, but even joint SP’s reactions)

AND WHEREAS several measures run counter the obligations member states have under fundamental ILO and Council of Europe standards and EU norms

A (NEW) BATTLEFIELD is explored at EUROPEAN / INTERNATIONAL LEVEL (ILO and other UN bodies, Council of Europe and EU) but TO BE ENHANCED
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- AT THE INTERNATIONAL LEVEL
  - Observations / Complaints to the ILO
    - ILO CEACR observations / direct requests 2012 (e.g. on Convention 122 on Employment Policy)
    - Info send by ES TU’s in relation to TU rights reform (May 2012)
  - ILO Technical Assistance/High-level missions (HU, RO, EL, …)
  - UN UPR Working Group Human Rights Council - IRE
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AT THE EUROPEAN LEVEL

○ Council of Europe instances
  ● ECtHR – Hungary – 8,000 applications – pension rights
  ● ECSR Conclusions in the reporting system
  ● Collective Complaints procedure
    ● Greece – 7 complaints – 5 on pension reform in the public sector and 2 on remuneration and working conditions
  ● COE Parliamentary assembly report/resolution (Austerity measures – a danger for democracy and social rights)

○ EP EMPL COM own initiative report on enforcement of FSR (FR, EL, IT, NL, HU, SE, UK) (FoA, CB, Age discr, H&S)

○ ECJ Case C-128/12 - Sindicato dos Bancários do Norte and Others v BPN – more case law to be expected on austerity/labour law measures (cfr. Increase in FTC cases)
Thank you very much!

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