

Respect for fundamental social rights: an issue at stake in the European elections

During the recent European economic and financial crisis, several member states have experienced a large-scale and dramatic deregulation of their labour markets and social protection systems, leading to a weakening of trade unions, increasingly precarious employment relationships, insecurity and high unemployment, increased poverty, and social unrest.

Not only national governments but also the European Commission, the ECB and the IMF, have forced through austerity measures that have bypassed participatory consultations with social partners, particularly the trade unions. Other cases show that structural reforms affecting workers' rights have, far from mending the economic crisis, actually deepened it. Many fear for the viability not of social Europe alone but of European integration in its wider dimension.

This is the reason why members of the Transnational Trade Union Rights Experts' Network – including labour law professors from eight European member states – drafted a Manifesto¹ to raise awareness of recent policy measures that undermine the founding principles of the European Union. These academics urge policy makers to respect fundamental social rights particularly when adopting and implementing crisis-related measures.

In the meantime, almost 600 social and labour lawyers from all over Europe have signed this Manifesto urging the EU to respect and promote fundamental social rights, and especially collective labour rights in the spirit of the Declaration of Philadelphia' established in 1944 by the International Labour Organisation. It stipulates that freedom to participate in collective bargaining, to join trade unions, and to take collective action, is intrinsic to economic progress. This declaration has formed the basis of much European labour and social law and represented the blueprint of the – currently fragile – European Social Model.

The members of the Transnational Trade Union Rights Experts' Network, who have initiated the Manifesto, as well as the social and labour lawyers who have signed it, have done so as a means of expressing their grave concern about the deconstruction of workers' collective rights.

One clear example of the undermining of rights is the deliberate push to decentralise collective bargaining away from national and sectoral collective agreements to company collective agreements. Developments along these lines are being witnessed in Italy, Greece, Portugal and Spain, the excuse being that such changes will help businesses adjust to new labour market conditions. Why does this matter? It matters because we are now seeing provisions on working time and wages that turn out to be much less favourable for workers when agreed at company levels than those agreed at the higher sectoral and/or national level.

¹ <http://www.etui.org/Networks/The-Transnational-Trade-Union-Rights-Experts-Network-TTUR>

Another worrying trend is the exclusion of representatives of social partner and other representative bodies from participation in collective bargaining in Greece, Hungary, Italy and Portugal. Perhaps the most striking examples are seen in Hungary and Romania where tripartite social dialogue institutions have been dismantled or seen their role diminished by governments' withdrawing their involvement. Less representation equals diminished power to influence agreements that respect and promote the rights of workers.

The Manifesto – respect for European values

The Manifesto urges the European Union and its institutions to respect and promote:

- values enshrined in the Lisbon Treaty, namely, 'respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights'
- its obligation to 'work for the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment'
- the fundamental social rights guaranteed in the legally binding EU Charter of Fundamental Rights, in particular the right to conduct collective bargaining and action (to be interpreted in line with the relevant ILO Conventions and the Council of Europe (Revised) European Social Charter), the right to protection in the event of unfair dismissal, and the right to social security and social assistance.

The present European Commission, together with the Troika, is currently failing to respect basic elements of the European Social Model and the spirit of the Philadelphia declaration. Accordingly, yet in virtual silence, the social model has fallen prey to a thoroughgoing deconstruction that may well lead to its destruction. If the European social model founders, how can the European project as a whole succeed?

What action can we take?

We all have the opportunity to make our voices heard in the European Elections in May. Officials at the European Parliament are fond of claiming that, 'this time it's different'. They are right. These are the most crucial European elections ever. In the wake of the Lisbon Treaty, the European Parliament has gained more power to represent our voices. We should make our voices heard. It is time to act, and to vote for the respect and promotion of social rights in Europe.

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