

6 YEARS OF AUSTERITY AND THE IMPACT ON COLLECTIVE BARGAINING

**Maison de l'Europe
15th November 2014**

- 1. COLLECTIVE LABOUR LAW REFORMS IN TIME
OF CRISIS**
- 2. TRADE UNION STRATEGIES AGAINST EU CRISIS
MANAGEMENT**

**Isabelle Schömann
ETUI Senior Researcher**

TABLE OF CONTENT

I. Context: Labour Law in time of crisis

- Context: 2008- financial and economic crisis in Europe
- Large scale deregulation: labour law structural reforms
- New methods, new actors, new procedures

II. Collective labour law: labour rights as adjustment factors

- Legitimising ad hoc structures of representation of workforce
- Changes in the scope and content of collective bargaining

III. Consequences and role of EU law

- Consequences: de collectivisation of labour relations
- Short analysis on how EU law can contribute to fight against the regression

IV. Trade union strategies in Europe against policy austerity

I. CONTEXT: Labour Law in the crisis

- **Financial and economic crisis in Europe 2008-**
 - New tools and methods, less democracy
- **European crisis management: Large scale deregulation**
 - Labour law (including health and safety, reforms of judiciary)
 - Social protection
 - Public services,....
- **And it is far from over....**
 - Troika is still active
 - European Semester, CSR, etc...
 - European Commission's Better Regulation agenda, TTIP, Ceta,

I. CONTEXT: Labour Law in the crisis

New tools and methods, new actors,

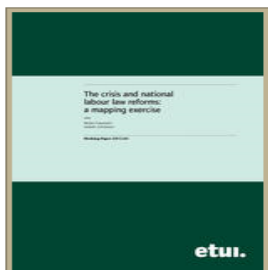
1. **Memorandum of Understanding** and **Stand-by Arrangements** making wage cuts and collective bargaining reforms a precondition for financial assistance
2. **Country-specific recommendations** as part of European Semester
3. **ECB intervention** by making the purchase of government bonds conditional on structural reforms including the area of wage policies

I. CONTEXT: structural reforms of labour law

WORKING PAPERS

The crisis and national labour law reforms: a mapping exercise

Isabelle Schömann (ETUI), Stefan Clauwaert (ETUI)



Publication date : 2012

Number of pages : 19

Author(s) :

Stefan Clauwaert (ETUI) and Isabelle Schömann (ETUI)

This Working Paper maps the labour law reforms in various European countries either triggered by the crisis or introduced using the crisis – falsely – as an excuse. Such reforms generally render existing labour law provisions more flexible and loosen minimum standards, shifting the emphasis to soft law (deregulation).

In some countries it consists only of piecemeal although significant deregulatory measures, while in others it involves far-reaching overhauls of the whole labour code. Furthermore, in several countries fundamental changes are being made to industrial relations structures and processes which might jeopardise social dialogue and collective bargaining there.

The authors critically address this large-scale deregulation of labour law currently taking place, in particular the lack of democratic foundations underlying the reforms and their negative impact on fundamental social rights and workers' protection.

The working paper is also complemented with individual country reports which analyse on a country-by-country basis latest developments as regards national labour law reforms. These country reports are only available in English. They can be found in the right column of this webpage. These reports will be regularly updated.

LATEST:

Members of the Transnational Trade Union Rights Experts Network (TTUR) drafted a **Manifesto** with the intention of raising awareness about these developments in deregulation of labour laws in Europe and call upon the European Union to respect and promote fundamental social rights particularly as regards crisis-related measures. As of 18 February 2013, more than 320 social and labour lawyers with an academic affiliation have signed this Manifesto. More on this can be found on the [TTUR webpages](#).

in f t J'aime 29 Share 11

LANGUAGE VERSIONS

English
French
German
Italian
Spanish

COUNTRY REPORTS

Austria (Feb 2013)
Belgium (Mar 2012)
Bulgaria (Feb 2013)
Croatia (Feb 2013)
Cyprus (Feb 2013)
Czech Republic (Feb 2013)
Denmark (Feb 2013)
Estonia (Feb 2013)
Finland (Feb 2013)
France (Mar 2012)
Greece (Mar 2012)
Hungary (Feb 2013)
Ireland (Feb 2013)
Iceland (Feb 2013)
Italy (Feb 2013)
Latvia (Feb 2013)
Lithuania (Feb 2013)
Luxembourg (Mar 2012)
Netherlands (Mar 2012)
Norway (Feb 2013)
Poland (Feb 2013)
Portugal (Mar 2012)
Romania (Feb 2013)
Sweden (Feb 2013)
Slovakia (Feb 2013)
Slovenia (Feb 2013)
Spain (Mar 2012)
United Kingdom (Feb 2013)

I. CONTEXT: structural reforms of labour law

What are the deregulatory measures?

1. Working time



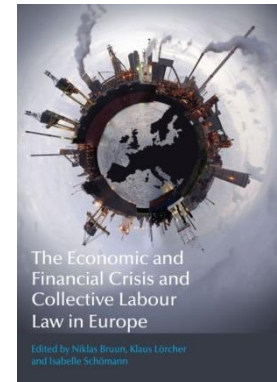
2. Atypical work



3. Redundancies rules



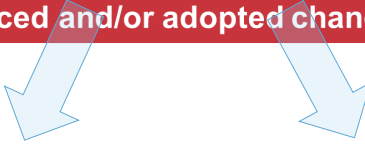
4. Changes to industrial relations
and collective bargaining systems



5. Lack of respect for democratic and participatory foundations
and procedures in passing the reforms

I. CONTEXT: structural reforms of labour law


Figure 7.1 Announced and/or adopted changes to IR/CB systems and certain aspects of labour law



	AT	BE	BG	CY	CZ	DE	DK	EE	ES	FI	FR	GR	HR	HU	IE	IT	LT	LU	LV	NL	NO	PL	PT	RO	SE	SI	SK	UK
Reform of Industrial relations and collective bargaining systems (incl. decentralisation of CB)																												
Changes to individual/ collective dismissal rules																												
Changes to working time legislation																												
Changes to rules on atypical contracts																												
Creation of new types of contract in particular for youth																												

Source: ETUI own research. Benchmarking Working Europe 2014

I. CONTEXT: Country specific recommendations 2013-2014 (social field only)



		AT	BE	BG	CZ	DE	DK	EE	ES	FI	FR	HU	IT	LT	LU	LV	MT	NL	PL	RO	SE	SI	SK	UK
Wages	reviewing wage indexation		●												●									
	reviewing wage-setting system -align with productivity developments		●			●				●	●		●		●								●	
EPL	adjusting Employment Protection Legislation										●			●				●	●					
Labour Market participation	enhancing participation of women	●									●	●					●		●					
	enhancing participation older workers, promoting active ageing, LLL	●	●	●	●						●			●	●		●	●	●	●			●	
	reducing tax disincentives for second earners					●							●					●						
Youth employment	youth guarantee			●				●		●	●	●	●		●				●	●			●	●
	facilitating transition school to work by incentives for companies to hire young people																		●	●	●		●	●
	facilitating transition school to work through apprenticeships and work-based learning		●								●			●		●	●		●		●			●
	reducing school/education “drop outs”	●					●		●				●				●			●				
Pensions	explicit link between pensionable age and life expectancy	●	●	●	●			●	●	●	●			●	●			●				●		
	reducing early retirement	●	●	●	●			●		●				●	●		●		●					
Vulnerable	ensuring the adequacy and coverage of social protection systems			●									●					●	●				●	
	(access to) quality social services			●				●																
	better targeting social assistance												●						●				●	
Child poverty	making child support more effective			●							●													
	access to and quality of childcare services				●	●					●	●				●		●	●				●	●
Tax	shift away from tax on labour (incl. attention for low income earners)	●			●	●					●	●	●		●		●						●	●

Source: European Commission Country specific recommendations 2013-2014; CY, GR, IE, and PT did not get specific recommendations but were in general recommended to implement their respective Memorandums of Understanding (incl. eventual subsequent supplements)

II. COLLECTIVE LABOUR LAW: LABOUR RIGHTS AS ADJUSTMENT FACTORS

1. **Legitimising ad hoc structures of representation of workforce:**
 - **Representativeness**
 - **Prerogatives of workers' rep**

2. **Changes in the scope and content of collective bargaining**
 1. **Decentralisation**
 2. **Concession bargaining**
 3. **Wages / working conditions / employment protection**

II. COLLECTIVE LABOUR LAW: LABOUR RIGHTS AS ADJUSTMENT FACTORS

WHY?

- **Political approach towards WAGES and COLLECTIVE BARGAINING:**
 - **Basic assumption: Lowering labour costs is the key to regain competitiveness, growth and jobs**
 - **self regulation (by economic actors) = more flexibility = deregulation**
- **Whereby**
 - **No evidence of the correlation between decentralisation of wage setting and economic growth**
 - **No evidence that labour market rigidities are reasons for economic crisis**

II. COLLECTIVE LABOUR LAW: LABOUR RIGHTS AS ADJUSTMENT FACTORS

Wage policy interventions (2011-2014)

Country-specific recommendations

	CSR / European Semester	Troika / IMF
Moderate wage developments	BG, FI (2012), IT, SL	
Moderate minimum wage developments	FR, SL	
Freezes/cuts of minimum wage		EL, IE, LV, PT, RO
Freezes/cuts of public sector wages		EL, IE, HU, LV, PT, RO
Freezes of private sector wages		EL
Higher wage dispersion at the lower end of the wage scale	SE	
Wage developments in line with productivity	DE, FI (2013)	
Decentralisation of collective bargaining	BE, ES, IT	EL, PT, RO
Stricter rules for extension of ca		EL, PT, RO
Reform/abolition of wage indexation	BE, CY, LU, MT	CY (since 2013)
No recommendations	AT, CZ, DK, EE, LT, NL, PL, SK, UK	

etui.

12 06 2014

II. COLLECTIVE LABOUR LAW: LABOUR RIGHTS AS ADJUSTMENT FACTORS

Employment friendly reforms” in the area of collective bargaining

- ➔ **Decrease bargaining coverage**
- ➔ **Decrease extension of agreements**
- ➔ **Reform the bargaining system in a less centralized way**
- ➔ **Extending the possibility to derogate from higher level agreements: concession bargaining**
- ➔ **Removing or limiting the "favourability principle"**
- ➔ **Overall reduction in the wage setting power of trade unions**

II. COLLECTIVE LABOUR LAW: LABOUR RIGHTS AS ADJUSTMENT FACTORS

Employment friendly reforms” in the area of collective bargaining

- ➔ Amendments to representativeness criteria
- ➔ Moving TU prerogatives to works councils or to ‘ad hoc’ workers representation bodies
- ➔ Diminishing role of social dialogue institutions



‘The new economic and political instruments of control must be used with the aim of reducing the wage setting power of trade union’ (page 104)

DG ECFIN

Isabelle Schömann @ etui.org 2014

etui.

III. CONSEQUENCE AND ROLE OF EU LAW

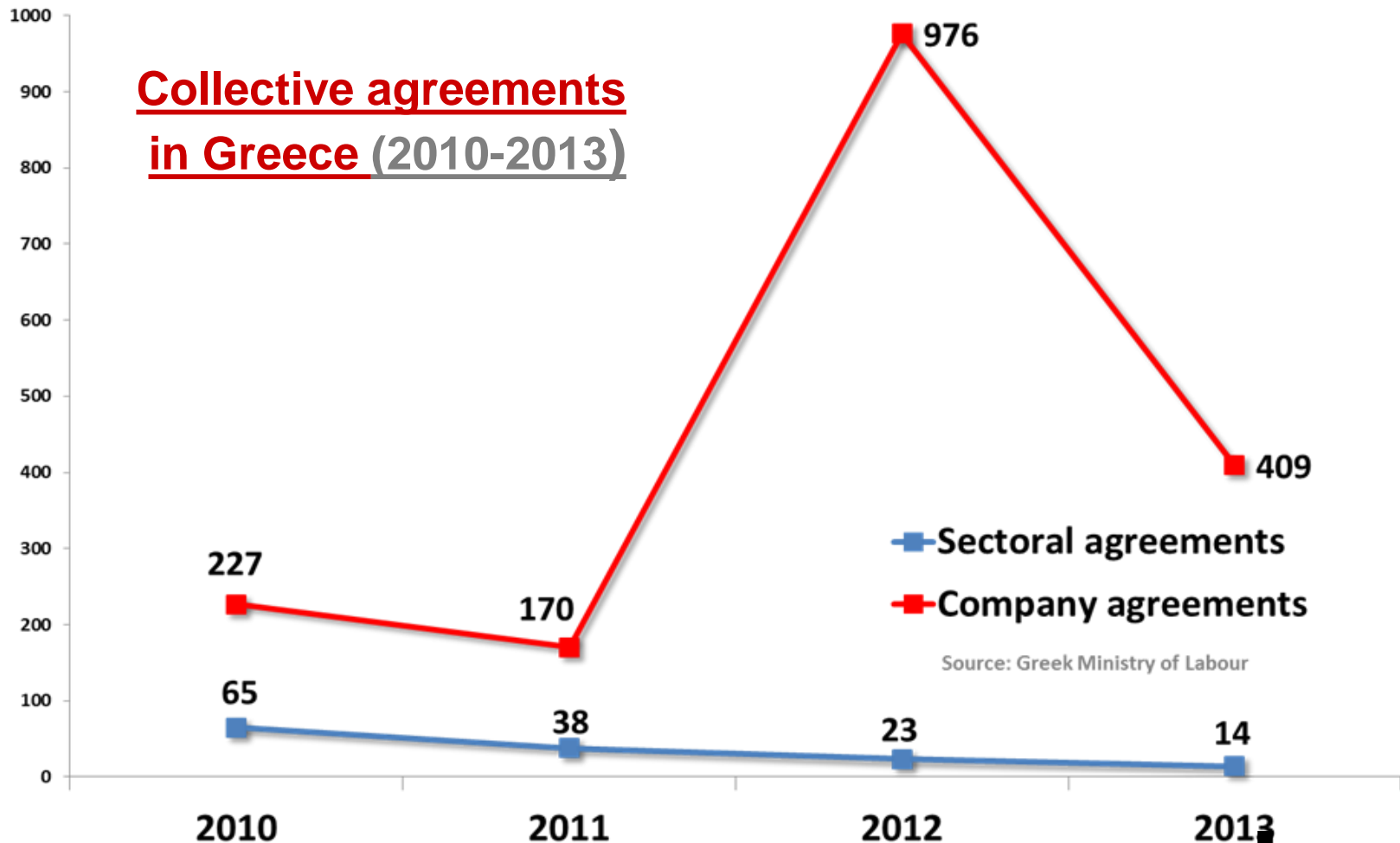
Disorganised decentralisation in southern European countries

Measures:	Affected countries
Facilitating derogation of firm-level agreements from sectoral agreements or legislative (minimum) provisions	Greece, Portugal, Italy, Spain
General priority of company agreements/ abolition of the favourability principle	Greece, Spain
More restrictive criteria for extension of collective agreements	Greece, Portugal
Reduction of the ' after-effect ' of expired collective agreements	Greece, Spain
Possibilities to conclude company agreements by non-union group of employees	Greece, Portugal, Spain

etui.

III. CONSEQUENCE AND ROLE OF EU LAW

CONSEQUENCES



III. CONSEQUENCE AND ROLE OF EU LAW

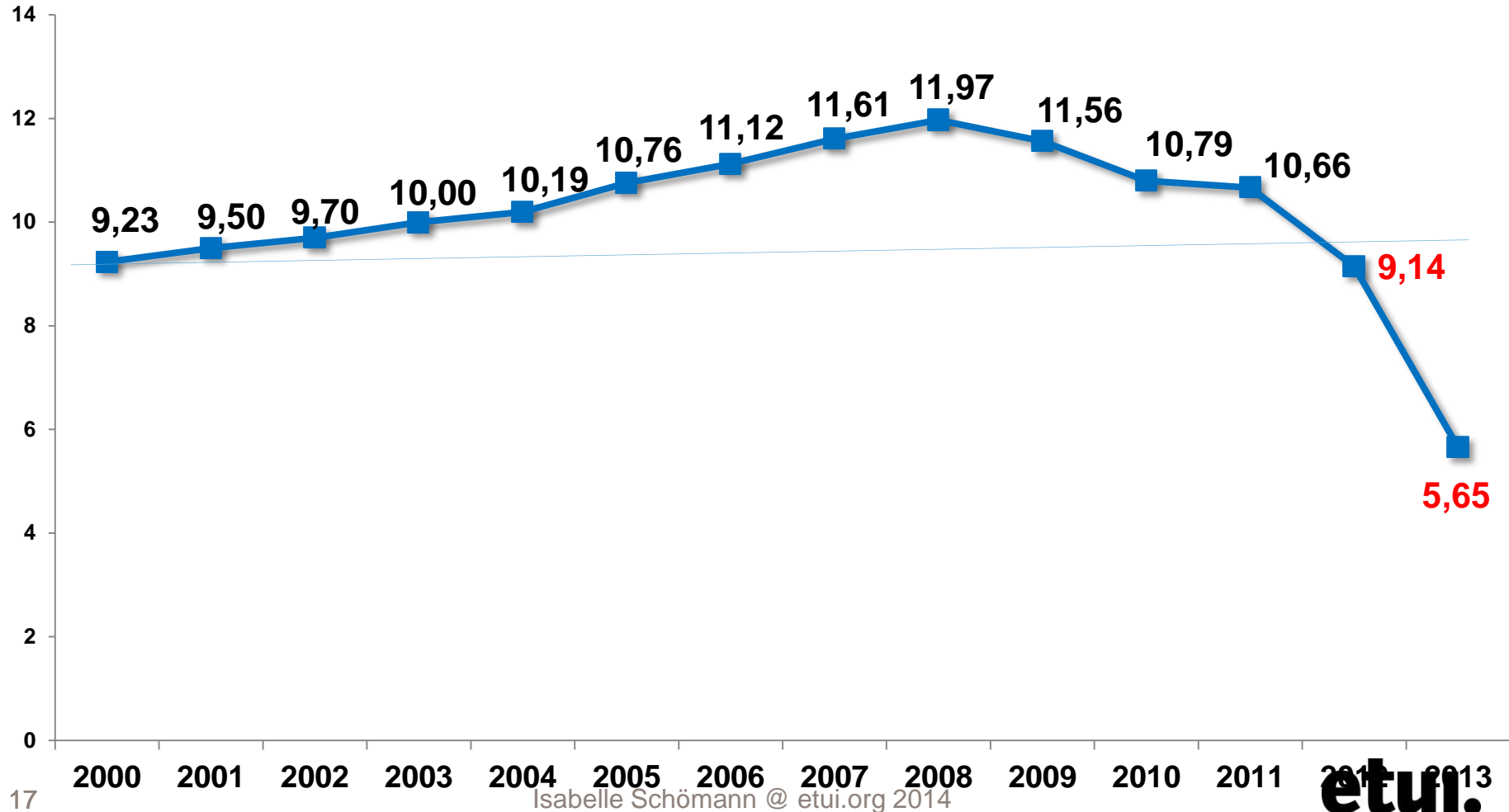
Collective agreements in Portugal (2008-2012)

	2008	2009	2010	2011	2012
Sectoral agreements	200	164	166	115	46
Company agreements	95	87	64	55	39
Number of extensions	137	102	116	17	12
Number of employees covered by agreements	1.9 Mil.	1.4 Mil.	1.4 Mil.	1.2 Mil.	328,000

Source: Portuguese Ministry of Labour

III. CONSEQUENCE AND ROLE OF EU LAW

Collective agreements in Spain (2007-2013)



III. CONSEQUENCE AND ROLE OF EU LAW

CONSEQUENCES: Mixed implications in central and eastern European countries

- **Baltic States: severely affected by crisis but little implications on collective bargaining yet**
- **Poland, Slovakia and Czech Republic: less severely affected and limited implications**
- **Hungary and Romania: hard hit by the crisis and far-reaching changes leading to break-down of collective bargaining**

III. CONSEQUENCE AND ROLE OF EU LAW

How can European law contribute to fight against the regression?

- **The measures conflict with fundamental social rights**
 - protection of collective bargaining and collective action
 - protection against unfair dismissal
 - access to social security
- **Treaty – CFREU (+/-)**
 - **Art. 11 ECHR**
 - **CoE, Art. 4, 5 and 6 ESC**

III. CONSEQUENCE AND ROLE OF EU LAW

- **TEU and TFEU (+)**
- Art. 2 TEU: The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the **rule of law and respect for human rights (...)**
- Art 3 (3) TEU: The Union shall establish an internal market. It shall 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 (...)**

Art. 6 (1) TEU: The Union recognises **the rights, freedoms and principles set out in the Charter of Fundamental Rights** which shall have the same legal value as the Treaties: Art. 28 Right of collective bargaining and action

CFREU is legally binding on:

- EU institutions (i.a. Commission and ECB)
- Member States when implementing Union law

III. CONSEQUENCE AND ROLE OF EU LAW

- Art. 9 TFEU: ‚In defining and implementing its policies and activities, the Union shall take into account requirements linked to the promotion of a **high level of employment**, the guarantee of **adequate social protection**, the **fight against social exclusion**, and a high level of education, training and **protection of human health**’.
- Art. 151 TFEU (TITLE X -SOCIAL POLICY): The Union and the Member States, having in mind **fundamental social rights** (...) shall have **as their objectives** the promotion of employment, **improved living and working conditions** (...) **proper social protection, dialogue between management and labour**, the development of human resources with a view to lasting high employment and the combating of exclusion.
- **EU secondary law: General non-regression clauses:** clauses specifying that the implementation of EU Directives cannot constitute valid grounds for reducing the general level of worker protection in the field covered by that Directive

III. CONSEQUENCE AND ROLE OF EU LAW

TEU/TFEU (-)

Title VIII – Economic and monetary policy,

Chapter 1 – Economic policy (ART.120-126 TFEU)

EU has invoked to bail out Greece, Portugal and Ireland

- Art. 122.2 TFEU (basis for EFSM Treaty)
 1. Without prejudice to any other procedures provided for in the Treaties, the Council, on a proposal from the Commission, may decide, in a spirit of solidarity between Member States, upon the measures appropriate to the economic situation, in particular if severe difficulties arise in the supply of certain products, notably in the area of energy.
 2. Where a Member State is in difficulties or is seriously threatened with severe difficulties caused by natural disasters or exceptional occurrences beyond its control, the Council, on a proposal from the Commission, may grant, under certain conditions under certain conditions, Union financial assistance to the Member State concerned

III. CONSEQUENCE AND ROLE OF EU LAW

Chapter 2 – Monetary policy

- Art. 127, 130 TFEU pertaining to the ECB whereby EU buys sovereign debt in secondary markets despite Article 125

Chapter 3 - Institutional provisions

- Art. 136 TFEU (PROVISIONS SPECIFIC TO MEMBER STATES WHOSE CURRENCY IS THE EURO)

3. The Member States whose currency is the euro may establish a **stability mechanism** to be activated if indispensable to safeguard the stability of the euro area as a whole. The granting of any financial assistance under the mechanism will be **made subject to strict conditionality**

- Case C-370/12 *Pringle v. Ireland*: ESM - EU stability Mechanism Treaty- is compatible with EU law **but it is not an element of Union law = TEU/TFEU/CFR not applicable** (5.12.2012)

III. CONSEQUENCE AND ROLE OF EU LAW

.
Art. 6 (3) TFEU: **Fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms** and as they result from the constitutional traditions common to the Member States, shall constitute general principles of the Union's law..

Preamble of Charter: This Charter reaffirms (...) the rights as they result (...) in particular, the **European Convention for the Protection of Human Rights and Fundamental Freedoms**, the **Social Charters** adopted by the Community and by the Council of Europe and the case-law of the Court of Justice of the European Communities and of **the European Court of Human Rights**

III. CONSEQUENCE AND ROLE OF EU LAW

- **European Social Charter:**

Art. 4: All workers have **the right to a fair remuneration** sufficient for a decent standard of living for themselves and their families.

Art. 5: All workers and employers have **the right to freedom of association** in national or international organisations for the protection of their economic and social interests.

Art. 6: All workers and employers have **the right to bargain collectively**

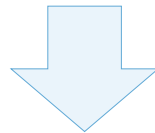
- The European Committee of Social Rights rules on the conformity of national law and practice with the Charter
 - Collective complaint procedure: decisions
 - Reporting: conclusions > recommendation to a State to change the situation in law or in practice

III. CONSEQUENCE AND ROLE OF EU LAW

- **European Convention on Human Rights**
- **Art. 11 – Freedom of assembly and association: (1):** Everyone has the right to freedom of peaceful assembly and to freedom of association with others, **including the right to form and to join trade unions for the protection of his interests.**
 - Case law of the ECtHR: Case *Demir and Baykara* (Application 34503/97 of 12/11/2008), case *Enerji Yapi Yol Sen V. Turquie* (Application 68959/01 of 21.04.2009):
 - landmark cases that affirmed the fundamental right of workers to engage in collective bargaining and take collective action to achieve that end.
 - Third party intervention: ETUC activism
 - EU Accession to the ECHR (Art. 6 TEU)

CONCLUSIONS (-)

- 1. Systematic weakening and dismantling of structures of collective bargaining (at national and sectoral level)**
- 2. Dramatic decline in collective bargaining coverage**
- 3. Strong downward pressure on wages = downward wage competition**



**Convergence towards
de-collectivisation of labour relations**

CONCLUSIONS (+)

- 1. EU anti crisis management under critics**
- 2. Recognition of massive violations of international labour standards and EU fundamental social rights:**
 - protection of collective bargaining and collective action
 - protection against unfair dismissal
 - access to social security
- 3. Large range of litigation proceedings**
- 4. Development of alternatives**

TRADE UNION STRATEGIES IN EUROPE AGAINST POLICY AUSTERITY

VI. STRATEGIES AGAINST POLICY AUSTERITY

- I. **Litigation strategy against violation of labour rights: a new (trade union) battlefield?**
 - At national level
 - At European level
 - At international level

- II. **Other Strategies**
 - Coordination of collective bargaining at European level
 - Development of alternative economic and political concepts
 - Ensuring trade union involvement in European Semester Process
 - Treaty changes: Social Progress Protocol

- III. **Conclusion: A new landscape for industrial relations?**

VI. STRATEGIES AGAINST POLICY AUSTERITY

I. Litigation strategy against violation of labour rights: a new (trade union) battlefield?

International level:

ILO Committee of Freedom of Association: violation of ILO Conventions 87 and 98.

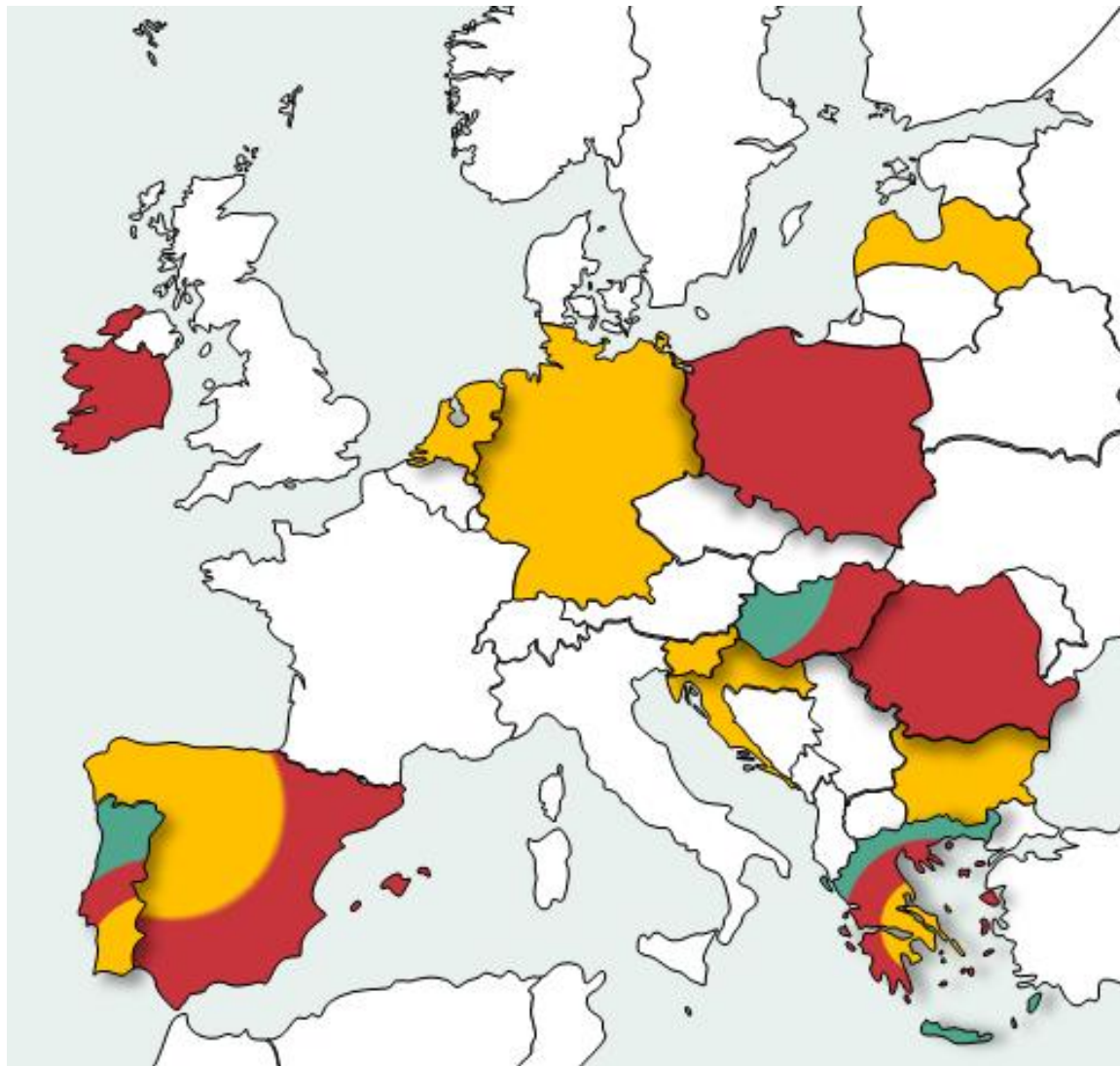
European level:

European Committee of Social Rights: violation of European Social Charter

CJEU: C-128/12 (pending) / C-379/12: *Pringle v. Government of Ireland*

National level: constitutional and labour courts: GR; DE; ES; NL; PT; AU; PL

VI. STRATEGIES AGAINST POLICY AUSTERITY



LEGAL ACTIONS

- International:
ILO, other UN texts
- European:
Council of Europe, EU/CJEU
- National:
(Constitutional) court, human rights commissions, ombudsman, referenda, etc.

VI. STRATEGIES AGAINST POLICY AUSTERITY

International level

ILO – Report of the Committee of freedom of association

(316e session 1-16 /11/ 2012) : **Greece:**

- **Suspension of and derogation to the collective agreements** via Decree (Austerity measures) violate ILO C98
- **Derogation in pejus and decentralisation of collective bargaining** violate ILO C87 and C98
- Closing of Workers Housing Organization (OEK) and Workers Social Fund (OEE): Grave interference in the functioning of OMED
- UN Universal Periodic Review, Working Group Human Rights Council - Ireland – TU's provided evidence on **detrimental review of the CB system as requested by Troika**

VI. STRATEGIES AGAINST POLICY AUSTERITY

Council of Europe Instances:

- **ECtHR** – Hungary – 8,000 applications – pension rights
- **CoE** Parliamentary assembly report/resolution 1884 of June 2012 (**Austerity measures – a danger for democracy and social rights**) – Rapporteur A. Hunko
- **New Report/resolution in 2013 on “Protection of the right to bargain collectively** – Doc 13043 – 2 October 2012 – Rapporteur A. Hunko
- **Collective complaints** – 7 complaints from Greek (public sector) Trade unions

VI. STRATEGIES AGAINST POLICY AUSTERITY

- **No. 65/2011** General Federation of employees of the national electric power corporation (GENOP-DEI) / Confederation of Greek Civil Servants' Trade Unions (ADEDY) v. Greece
- **No. 66/2011** General Federation of employees of the national electric power corporation (GENOP-DEI) / Confederation of Greek Civil Servants' Trade Unions (ADEDY) v. Greece
- **No. 80/2012** Pensioner's Union of the Agricultural Bank of Greece (ATE) v. Greece
- **No. 79/2012** Panhellenic Federation of pensioners of the public electricity corporation (POS-DEI) v. Greece
- **No. 78/2012** Pensioners' Union of the Athens-Piraeus Electric Railways (I.S.A.P.) v. Greece
- **No. 77/2012** Panhellenic Federation of Public Service Pensioners v. Greece
- **No. 76/2012** Federation of employed pensioners of Greece ((IKA – ETAM) v. Greece

VI. STRATEGIES AGAINST POLICY AUSTERITY

The complaint **65/2011** alleges:

- **the derogation by means of a collective agreement concluded at enterprise level from the provisions set out in a collective agreement concluded at sectoral level** leads to a deterioration in working conditions for the employees concerned, in breach of Article 3§1a of the 1988 Additional Protocol to the 1961 Charter;
- **in a situation where there is no trade union in the enterprise, enable for the collective agreement at enterprise level to be concluded by trade unions of a different level** (corresponding to sectoral trade union or federation), in breach of Article 3§1a of the 1988 Additional Protocol to the 1961 Charter.

VI. STRATEGIES AGAINST POLICY AUSTERITY

European Level

INFRINGEMENT OF LABOUR RIGHTS

- **Deregulation against Treaty values:**

- European Institutions and the Troika are **bound by EU law and the CFREU**
- Measures (Memoranda of Understanding in the Governing Council of the European Stability Mechanism (ESM)) **taken in the frame of the Troika breach EU primary law** (Fischer-Lescano, 2014)

- **Art. 153 (5) TFEU : EU has no regulatory competences in the area of wage policy**

But ...starting in the 1990s, EU Commission and ECB regularly issued (non-binding) recommendations on wage policy

VI. STRATEGIES AGAINST POLICY AUSTERITY

- **European Level**
 - CJEU Case C-128/12 - **Sindicato dos Bancários do Norte and Others v BPN**: Can a Member State **cut its public deficit**, slash **public sector pay**, and not infringe EU law?
 - CJEU C-370/12 - **Pringle v. Gov. of Ireland**: **is the EMS with the no bail out clause compatible with EU law? Is the adoption of crisis measures in the form of intergovernmental acts in the area of exclusive competences of EU of legal validity?**

VI. STRATEGIES AGAINST POLICY AUSTERITY

National Level

- Estonian Supreme Court (Riigikohus) in a judgement of 12 July 2012 Case No. 3-4-1-6-12 □ Art. 4 (4) **ESM Treaty violates the principle of sovereignty in Estonian Constitution**
- Netherlands: The Hague District Court of 1 June 2012 (Wilders e.a. v. State of the NL): **ESM violates Art. 125 TFEU** (no bail out clause)
- German Constitutional Court (BVerfG, 12 Sept 2012) has rejected legal challenges to the creation of a permanent bail-out fund, but not without imposing restrictions on the size of the country 's contribution.
- German Constitutional Court (BVerfG, 18. März 2014) The establishment of the ESM, the fiscal compact, Six-pack are **partially inadmissible and otherwise unfounded**.

VI. STRATEGIES AGAINST POLICY AUSTERITY

- Greek Constitutional C/: (7 Nov 2012) (Areios Pagos) unanimously ruled that the new cuts in judges' and prosecutors' wages were against the Greek Constitution
- Portuguese Constitutional Court Decision of 5 April 2013 has rejected 4 of the 9 austerity measures drawn up by the government, based on the adjustment programme Portugal agreed with the European Union (EU) and the IMF in May 2011.
 - The court rejected **cuts in public-sector pay** and state pensions, cuts in pensioners' and public servants' holiday bonuses, as well as reductions to sickness leave and unemployment benefits that were in breach of the constitution
 - In 30 May, 2014, Portugal's Constitutional Court struck down austerity measures imposed at the start of 2014, to balance Portugal's budget and finance and ruled that **cut public-employee wages** without touching the incomes of other workers violated the constitutional principle of equality.

VI. STRATEGIES AGAINST POLICY AUSTERITY

- Austria: Strache vs. ESM (G104/12-8)
- Poland: Case No. K-33/12. Sejm. 11 February 2013, available at: [http://orka.sejm.gov.pl/stanowiskaTK.nsf/nazwa/Stanowisko_K_33_12/\\$file/Stanowisko_K_33_12.pdf](http://orka.sejm.gov.pl/stanowiskaTK.nsf/nazwa/Stanowisko_K_33_12/$file/Stanowisko_K_33_12.pdf)
- Estonia: Judgment of the Estonian Supreme Court published in English, available at: <http://www.riigikohus.ee/?id=1348>

VI. STRATEGIES AGAINST POLICY AUSTERITY

Other strategies:

- Coordinated and multi-level approach vis-à-vis policy makers at European and national level:
 - Coordination of collective bargaining at European level
 - Development of alternative economic and political concepts
 - Germany: DGB's "Marshall Plan for Europe"
 - Italy: CGIL's "Programme for Jobs"
 - Spain: CC.OO's and UGT's joint "Notes for a European Trade Union Platform"
 - Change the dominant "narrative": Labour rights are not adjustment factors.

VI. STRATEGIES AGAINST POLICY AUSTERITY

- Ensuring trade union involvement in European Semester Process:
 - At EU level: ETUC/ETUFs involvement in CSR
 - At national level: involvement of national trade unions in formulation of “National Reform Programmes” and governments’ adoption of CSRs
- Treaty Change: Social Progress Protocol

VI. STRATEGIES AGAINST POLICY AUSTERITY

Conclusions: A New Landscape for Industrial Relations?

- Fundamental rights v. economic freedoms?
 - Respect of hierarchy of norms?
 - Role of (international and European) legal order?
 - Impact of the new European governance on democratic and work place representative structures
- Actors of social dialogue?
 - Trade unions and employers associations as actors of wages setting mechanisms? / as co-legislators (Art. 155 TFEU)?
 - Reforms induce a 'legitimation crisis'?
- De-collectivisation of labour relations?
 - Convergence towards less protection for workers
 - Emergence of a new model of industrial relations or no industrial relations system any more?

Thank you very much for your attention

<http://www.etui.org/>

European Trade Union Institute

Bd. Roi Albert-II, 1210 Brussels, Belgium

Tel: 0032/2/224.07.24

E-mail: ischoema@etui.org