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European lawyers' declaration on May Day:

Anti Covid-19 policies threaten workers' rights

The Covid-19 pandemic policies of European governments have dramatic consequences, especially for workers, the self-employed and small businesses

- In many sectors of the economy, workers are most at risk to their health, especially in the health and care sector, public transport sector, and retail trade and delivery services sector.
- Occupational health and safety regulations, which are already wholly inadequate in some countries, are increasingly only applied to a limited extent, although compliance with them would be particularly important at this time.
- The health care systems in European countries, already weakened by policies of austerity and neo-liberalism, are not able to provide the medical care necessary in times of pandemics, especially for the socially vulnerable.
- Many millions of workers are being dismissed, are sent on short-time working, and have their salaries cut. The many workers on zero hours contracts and in precarious employment are threatened with homelessness and hunger.
- The already poor working time regulations in the EU states and other European states are being made even worse.
- Neoliberal governments take advantage of the situation to introduce flexibility models that have been prohibited up to now.
- Increased risk of forced labour (work obligations under threat of penalty)
- As workers fall into debt they will increasingly face poverty and homelessness.
- The trade unions' struggle to defend workers' rights will be made much more difficult by the severe economic recession which is now inevitable.
- Collective rights, such as rights of workers' representatives, and freedom of assembly, are disproportionately restricted

Many of these consequences constitute violations of the ECHR (right to life, prohibition of forced labour, right to respect for private life, freedom of assembly), which all EU states and 47 European states altogether have ratified. The President of the Parliamentary Assembly of the Council of Europe has also pointed out the risk of violations.

Notifications of intention to derogate from provisions of the ECHR have been submitted to the Secretary General of the Council of Europe so far by Latvia, Romania, Armenia, Moldova, Estonia, Georgia, Albania, North Macedonia, and Serbia. The number of derogations because of COVID-19 is

unprecedented. Moreover several of these States have also notified the UN about derogating from the ICCPR.

As far as EU members states are concerned, there are violations of the Charter of Fundamental Rights of the European Union (Right to the integrity of the person, Prohibition of forced labour, Right to liberty and security, Protection of personal data, Freedom of assembly and of association, Workers' right to information and consultation within the undertaking)

The ILO therefore rightly issued a warning on 24 April 2020: “The COVID-19 crisis: A wake-up call to strengthen social protection systems”, (at https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_742676/lang-en/index.htm)

European lawyers appeal to the member states of the Council of Europe

- to refrain from any deterioration in the applicable individual and collective labour and social law and the corresponding procedural law
- that they should follow the example of the Spanish government to establish a rule that the termination of contracts or dismissals for reasons related to the Covid-19 cannot be justified.
- not to create a basis for authorising the government to restrict employees' rights by decree; any such actions must be revoked
- to apply in full existing health and safety legislation, and to provide additional protection for workers exposed to increased risks from the Covid-19 pandemic
- to make economic aid to companies conditional, inter alia, on their ensuring, in consultation with workers' representatives and trade unions, that jobs and other social standards are safeguarded, and on their cancellation of dividend distributions and bonus payments
- to refuse economic aid to any companies based offshore or paying tax in another jurisdiction
- to fundamentally strengthen the health care system, neglected and privatized under the influence of neo-liberal policies, especially by rebuilding adequate public protection

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