



New Social Europe: Safeguard workers' rights

Declaration adopted by PES Presidency on 10 April 2008

The PES has noted the recent European Court of Justice judgements in the cases of Laval-Vaxholm and Ruffert and wishes to express its deep concern. The PES believes that these judgements have revealed worrying flaws in Community law that undermine the application of fundamental workers' rights.

The Laval-Vaxholm and Ruffert cases would put at risk the right to collective bargaining in some Member States of the European Union. Trade union autonomy is essential for the interests of workers and for social dialogue in the European Union. National collective bargaining systems differ from one Member State to the next. In some Member States, Social Partners are alone responsible for setting minimum rates of pay at national, regional and local levels, without state interference, in order to reflect national, regional and local conditions. Moreover, collective bargaining agreements set minimum pay, not maximum pay, contrary to what the European Court suggests. It is essential that we safeguard fundamental rights, social dialogue and the principle of equal pay for equal work as well as the right of Member States and of the Social Partners to have their own systems of collective bargaining. Failing this, there is a strong risk of wage dumping as a result of worker mobility within the European Union. There is also a risk of a popular backlash against the EU itself. At this critical time of European integration, the EU must retain the trust and support of Europe's citizens.

We want a true social and just Europe – a social market economy – not a market society. Fundamental rights should be guaranteed to all citizens in the European Union, whether they be from the North or South, East or West. That is the ultimate argument for approval of the EU Lisbon Treaty. The European Court of Justice cannot be allowed to sanction social dumping. The PES has noted and supports the statement by European Commissioner Vladimir Spidla that “the European Commission will continue to stand up against any form of social dumping”. The PES calls on the European Commission to review all relevant Community law, notably the Posting of Workers Directive, and propose all necessary changes, in order to ensure that national, regional and local systems of collective bargaining are upheld within the European Union. The PES urges all European institutions and national governments to commit to taking all necessary steps for the protection of fundamental workers' rights.

The European socialist and social democratic family restates its support for the European trade union movement and its commitment to representing and promoting the interests of Europe's workers and citizens in the European Union. European countries will together be stronger if they act together to improve living and working standards - to ensure decent work and decent lives for all people throughout the European Union. The PES and its member parties are determined to make a New Social Europe a reality.



