



PROVISIONAL VERSION

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Protection of the right to bargain collectively including the right to strike

Report¹

Committee on Social Affairs, Health and Sustainable Development

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A. Draft resolution²

1. Social dialogue, the regular and institutionalised dialogue between employers' and workers' representatives, has been an inherent part of European socio-economic processes for decades. The rights to organise, to bargain collectively and to strike – all essential components of this dialogue – are not only democratic principles underlying modern economic processes, but fundamental rights enshrined in the European Convention for the Protection of Human Rights and Fundamental Freedoms and the revised European Social Charter.

2. However, these fundamental rights have come under threat in many Council of Europe member States in recent years in the context of the economic crisis and austerity measures. In some countries, the right to organise has been restricted, collective agreements have been revoked, collective bargaining undermined, and the right to strike limited. As a consequence, in the affected countries, inequalities have grown, there has been a persistent trend to lower wages, and negative effects on working and employment conditions have been observed.

3. The Parliamentary Assembly is most concerned by these trends and their consequences for the values, institutions and outcomes of economic governance. Without equal opportunities for all in accessing decent employment and without appropriate means of defending social rights in a globalised economic context, the inclusion, development and life-chances of whole generations will be put into question. In the medium-term, the exclusion of certain groups from economic development, wealth and decision-making could seriously damage European economies and democracy itself.

4. Investing in social rights is an investment into the future. In order to build and maintain strong and sustainable socio-economic systems in Europe, social rights need to be protected and promoted.

5. In particular the right to bargain collectively and to strike is crucial to ensure workers and their organisations can effectively take part in the socio-economic process to promote their interest in wages, working conditions and their social rights. "Social partners" should be considered as what they are: "partners" in achieving economic performance and sometimes opponents in striving to find a settlement of their interests in the distribution of power and scarce resources.

¹ Reference to Committee: Doc.13043, Reference No. 3913 of 05.10.12; deadline for adoption: 05.10.14.

² Draft resolution adopted unanimously by the Committee on 2 December 2014.

6. A change in mind-sets is required across Europe and beyond, to overcome the current crisis situation and turn towards a new economic era in the 21st century. The Parliamentary Assembly therefore calls on the member States of the Council of Europe to take the following measures to uphold the highest standards of democracy and good governance in the socio-economic sphere:

6.1. Protect and strengthen the rights to organise, to bargain collectively and to strike by:

6.1.1. ratifying and implementing the revised European Social Charter if this has not yet been done;

6.1.2. developing or revising their labour legislations to make them comprehensive and solid with regard to these specific rights;

6.1.3. restoring these rights wherever institutions and processes have already been undermined by recent legislative or regulatory changes;

6.2. Make economic stakeholders accountable for ensuring that the rights to organise, to bargain collectively and to strike are upheld by:

6.2.1. ratifying and implementing the Additional Protocol to the European Social Charter providing for a System of Collective Complaints if this has not yet been done;

6.2.2. supporting the enforcement, through labour legislation, of collective instruments such as "collective redress" (in particular for trade unions) aimed at the prevention of unlawful business practices;

6.2.3. setting-up or maintaining effective labour inspections provided with sufficient resources;

6.3. Change the focus of current policies, by ending financial and economic austerity policies and putting emphasis on pro-active investment policies, such as coordinated minimum levels of investment, stronger involvement of social partners and the promotion of decent work for all;

6.4. Strive for utmost coherence between decisions taken in different institutional and judicial contexts, including in the framework of the EU, at the national level and at Council of Europe level, so as to ensure the effectiveness of existing mechanisms for the protection of social rights.