



POSITION PAPER
FROM THE EUROPEAN FEDERATION OF BUILDING AND WOODWORKERS
ON FUNDAMENTAL SOCIAL RIGHTS IN THE EUROPEAN UNION

I – THE COMMITMENTS

In its *Resolution of 22 October 2008 on Challenges to Collective Agreements in the EU*, the European Parliament emphasised that freedom to provide services should be balanced, on the one hand, against fundamental rights and the social objectives set out in the Treaties and on the other hand, against the right of the public and social partners to ensure non-discrimination, equal treatment, and the improvement of living and working conditions;

The European Parliament recalled that collective bargaining and collective action are fundamental rights recognised by the Charter of Fundamental Rights of the European Union and that equal treatment is a fundamental principle of the European Union.

The European Parliament emphasised that the freedom to provide services does not contradict and is not superior to the fundamental right contained in the Charter of Fundamental Rights of the European Union of social partners to promote social dialogue and to take industrial action, in particular since this is a constitutional right in several Member States.

Moreover, it stressed that the intention of the Monti clause was to protect fundamental constitutional rights in the context of the internal market and welcomed the Lisbon Treaty and the fact that the Charter of Fundamental Rights of the European Union is to be made legally binding.

The European Parliament therefore concluded that the recent rulings of the Court of Justice of the European Union in the Viking Line and Laval Cases demonstrate that it is necessary to clarify that economic freedoms, as established in the Treaties, should be interpreted in such a way as not to infringe upon the exercise of fundamental social rights as recognised in the Member States and by Community law, including the right to negotiate, conclude and enforce collective agreements and to take collective action. The European co-legislator emphasized that economic freedoms should be interpreted as not infringing upon the autonomy of social partners when exercising these fundamental rights in pursuit of social interests and the protection of workers.

On the 9th of October 2008, the European Commission organised a Forum to discuss the consequences of the case-law of the European Court of Justice. During this Forum, Commissioner Spidla and French Labour Minister Bertrand called on the European Social Partners to jointly develop an analysis of these consequences and of the challenges related to the increased mobility in Europe, and contribute to the re-establishment of confidence in the further development of the internal market. After the Forum, a joint letter of Spidla and Bertrand was sent to the social partners, reiterating this demand.

In the *decision of the Heads of State or Government of the 27 Member States of the EU, meeting within the European Council, on the concerns of the Irish people on the Treaty of Lisbon*, which took effect on the same day as the Treaty of Lisbon, it is clearly stated that

“The Union's action on the international scene is guided by the principles of democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law.”

In its *Solemn Declaration on Workers' Rights, Social Policy and Other Issues*, the European Council confirmed the high importance which the Union attaches to social progress and the protection of workers' rights. In doing so, the European Council underlined the importance of respecting the overall framework and provisions of the EU Treaties.

To further underline this, the European Council recalled that the EU Treaties, as modified by the Treaty of Lisbon:

- establish an internal market and aim at working 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;
- give expression to the Union's values;
- recognise the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union in accordance with Article 6 of the Treaty on European Union;
- aim to combat social exclusion and discrimination, and to promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child;
- oblige the European Union, when defining and implementing its policies and activities, to 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.

In a document sent to the President of the European Parliament in early September of 2009, President José Manuel Barroso outlined his vision of Europe for the next five years. In the document, entitled *Political Guidelines for the next Commission*, President Barroso unequivocally committed himself to the defence of fundamental social right in the following terms:

“We will not allow basic social rights, such as the right of association or the right to strike, to be undermined. They are fundamental to the European model of society. They are fundamental to the European model of society. And if globalisation puts pressure on our competitiveness, our response should never be to lower our standards.”

In a speech entitled *Passion and responsibility: Strengthening Europe in a Time of Change* before European Parliament Plenary in Strasbourg on the 15 September 2009, President Barroso went one step further in his commitment to the respect of fundamental social rights in the following terms:

“In my guidelines, I explained why the crisis calls for a much stronger focus on the social dimension in Europe at all levels of decision making. The financial sector may be showing signs of recovery, but the crisis is not over for those who have lost their jobs. So I would like to make my commitment to high levels of employment and social cohesion even more concrete through a number of actions:

I have clearly stated my attachment to the respect of fundamental social rights and to the principle of free movement of workers. The interpretation and the implementation of the posted workers Directive falls short in both respects. That is why I commit to propose as soon as possible a Regulation to resolve the problems that have arisen. This Regulation will be co-decided by the EP and the Council. A Regulation has the advantage of giving much more legal certainty than the revision of the Directive itself, which would still leave too much room for diverging transposition, and take longer to produce real effects on the ground. If we discover during the preparation of the Regulation that there are areas where we need to revisit the Directive itself: I will not hesitate to do so. And let me be clear: I am committed to fighting social dumping in Europe, whatever form it takes.

The issue of social impact assessments for all future proposals was also raised, and I agree that this is needed. The first test case for such a social impact assessment should be the revision of the working time Directive. On the basis of this impact assessment, the next Commission will consult social partners and will come with a comprehensive legislative proposal.”

In the Communication of the Commission Europe 2020 - A European strategy for smart, sustainable and inclusive growth COM(2010) 2020, the Commission has committed itself that it will work at the EU level “[t]o strengthen the capacity of social partners and make full use of the problem-solving potential of social dialogue at all levels (EU, national/regional, sectoral, company), and to promote strengthened cooperation between labour market institutions including the public employment services of the Member States”.

In the Programme for the Spanish EU Presidency *Innovating Europe*, it is stated that “initiatives or proposals will be drawn up regarding the Directive on the Posting of workers and the guarantee of workers’ rights within the framework of the freedom to provide services.

At the PES Prime Ministers’ and Leaders’ meeting on 25 March 2010, Commissioner Laszlo Andor was one of 31 European PES leaders that undersigned a Declaration in which it is stated: “To ensure equal pay for equal work, the directive on posting of workers needs to be revised.”

In the report “A New Strategy for the Single Market” 9 May 2010, written by Mr Mario Monti at the request of Mr Barroso, the question is posed “whether the Posting of workers directive still provides an adequate basis to manage the increasing flow of cross-border temporary secondment of workers, while protecting workers’ rights. On a normative ground, the question concerns the place of workers’ right to take industrial action within the single market and its status vis-à-vis economic freedoms. There is a broad awareness among policy makers that a clarification on these issues should not be left to future occasional litigation before the ECJ or national courts. Political forces have to engage in a search for a solution, in line with the Treaty objective of a ‘social market economy’”.¹

II – THE PROBLEM

In its *Report on Joint Work of the European Social Partners on the ECJ rulings in the Viking, Laval, Rüffert and Luxembourg cases* of 25 February 2010, the European social partners were able to agree on the following statement:

“Economic freedoms and social fundamental rights are essential features of European economic and social systems. Through its rulings in the Viking and Laval cases, the European Court of Justice ruled on the extent to which the exercise of workers’ fundamental social rights can be legitimate to justify restrictions on economic freedoms, in particular the freedom of establishment and the freedom to provide services.

¹ A New Strategy for the Single Market – At the Service of Europe’s Economy and Society, Mario Monti, p 69.

The European social partners agree that economic freedoms and fundamental social rights interact within their own field of competence. They have different views on the concrete implications of this interaction and especially what this would mean in terms of setting limitations on the right to take collective action and/or the freedom of establishment and the freedom to provide services.”

The employers’ organisations consider that the ECJ rulings have not affected the relationship between social fundamental rights and economic freedoms, not making either of them subordinate to the other.. According to their view, a proportionality requirement is necessary to ensure that exercise of fundamental rights does not unfairly hollow out enterprises’ right to establish or provide services in another Member State and/or exclude foreign service providers from any national market.

The ETUC, on the other hand, is very concerned about the alleged balance introduced by the ECJ between economic freedoms and social fundamental rights. In ETUC’s view, the ECJ judgments limit the right to take collective action significantly, but leave the economic freedoms untouched.

The ETUC notes that the right to take collective action is recognised in international standards, EU law and national constitutional laws. EU law should not be interpreted as imposing restrictions on fundamental rights which have the effect of undermining Member States’ duty to comply with their obligations under international law as recognised by the ILO, Council of Europe and national Constitutional law. The ETUC considers that setting limitations with reference to EU internal market rules is unacceptable. Furthermore, such restrictions or limitations cannot result from an economic test. The ETUC recalls that international norms of for instance the ILO do not allow the application of such economic tests and do not accept the concept of proportionality.

Moreover, the ETUC believes that preserving the capacity of unions to take collective action is also in the interest of employers who need strong negotiating partners to agree on working conditions collectively. Likewise, the existence of strong trade unions is essential to steer individuals’ expectations and to channel social unrest. The Viking case, however, has created major legal uncertainty, which puts into question the exercise of the fundamental right to collective action. The sustainability of industrial relations systems is therefore at risk. In addition, there is a real risk of juridification of industrial conflict, with companies tempted to use interim injunctions to stop industrial action – even before it has been taken – in any case with a potential cross-border dimension, and the trade union facing potential liability for huge damages in such cases. This can have the – unwanted and undesirable – consequence of promoting wild-cat strikes, as organised collective action is becoming extremely difficult to execute in a lawful manner.

In the Report of the Committee of Experts on the Application of Conventions and Recommendations presented at the International Labour Conference, 99th Session, 2010, the Committee noted in particular that British Airline Pilots’ Association (BALPA), supported by the International Transport Federation (ITF) and Unite the Union referred to two recent decisions of the European Court of Justice, the *Viking Line* and *Laval* cases.

The Committee of Experts concluded:

“With respect to the matter raised by BALPA, the Committee wishes to make clear that its task is not to judge the correctness of the ECJ’s holdings in *Viking* and *Laval* as they set out an interpretation of the European Union law, based on varying and distinct rights in the Treaty of the European Community, but rather to examine whether the impact of these decisions at national level are such as to deny workers’ freedom of association rights under Convention No. 87.

The Committee observes that when elaborating its position in relation to the permissible restrictions that may be placed upon the right to strike, it has never included the need to assess the proportionality of interests bearing in mind a notion of freedom of establishment or freedom to provide services. The Committee has only suggested that, in certain cases, the notion of a negotiated minimum service in order to avoid damages which are irreversible or out of all proportion to third parties, may be considered and if agreement is not possible the issue should be referred to an independent body (see 1994 General Survey on freedom of association and collective bargaining, paragraph 160). The Committee is of the opinion that there is no basis for revising its position in this regard.

The Committee observes with *serious concern* the practical limitations on the effective exercise of the right to strike of the BALPA workers in this case. The Committee takes the view that the omnipresent threat of an action for damages that could bankrupt the union, possible now in the light of the *Viking* and *Laval* judgements, creates a situation where the rights under the Convention cannot be exercised. While taking due note of the Government’s statement that it is premature at this stage to presume what the impact would have been had the court been able to render its judgement in this case given that BALPA withdrew its application, the Committee considers, to the contrary, that there was indeed a real threat to the union’s existence and that the request for the injunction and the delays that would necessarily ensue throughout the legal process would likely render the action irrelevant and meaningless. Finally, the Committee notes the Government’s statement that the impact of the ECJ judgements is limited as it would only concern cases where freedom of establishment and free movement of services between Member States are at issue, whereas the vast majority of trade disputes in the United Kingdom are purely domestic and do not raise any cross-border issues. The Committee would observe in this regard that, in the current context of globalization, such cases are likely to be ever more common, particularly with respect to certain sectors of employment, like the airline sector, and thus the impact upon the possibility of the workers in these sectors of being able to meaningfully negotiate with their employers on matters affecting the terms and conditions of employment may indeed be devastating. The Committee thus considers that the doctrine that is being articulated in these ECJ judgements is likely to have a significant restrictive effect on the exercise of the right to strike in practice in a manner contrary to the Convention.

In light of the observations that it has been making for many years concerning the need to ensure fuller protection of the right of workers to exercise legitimate industrial action in practice, and bearing in mind the new challenges to this protection as analysed above, the Committee requests the Government to review the TULRA and consider appropriate measures for the protection of workers and their organizations to engage in industrial action and to indicate the steps taken in this regard.”

In this respect, it is important to note that the Swedish Labour Court in its final judgment of the Laval case (Judgment No. 89/09), tried the claims for damages that the Laval made in the case, finding the labour unions liable to pay damages to the Company for the harm caused by the industrial actions taken in violation of EC law. The Labour Court ordered the labour unions to pay exemplary damages to the company and to bear the majority of the company's trial costs and legal fees. The Swedish Labour Court held in particular:

“It may also be considered established that there is a general legal principle within EC law that damages are also to be able to be awarded between private parties upon a violation of a treaty provision that has horizontal direct effect. That this principle is not only applicable within the area of competition law but also ought to be applicable with respect to violations against other treaty provisions can be seen from the judgment in the case, *Raccanelli*.

(...)

[T]he Labour Court finds that the actions of the Labour Unions at issue, the industrial actions, in accordance with the European Court of Justice's preliminary ruling, constituted a serious violation of the treaty, as they were in conflict with a fundamental principle in the treaty, the freedom to provide services. Even if the right to take industrial actions has also been recognized by the European Community as a fundamental right, it was found that the actual industrial actions, despite their objective of protecting workers, are not acceptable as they were not proportionate. The Labour Court finds that the stance of the European Court of Justice in these issues entails in this case that there is a violation of EC law that is sufficiently clear. The requisites for damage liability exist therewith.

(...)

In summary and against the background of that stated above, the Labour Court makes the assessment that the suitable effect of EC law would be jeopardized unless the Labour Unions could be ordered to pay compensation as to the Company for the injuries that the Company can prove it has suffered on the basis of that the Labour Unions, in conflict with EC law, took the concrete industrial actions.”

Moreover, the combined effects of the Brussels I, Rome II and Rome I Regulations make it difficult for trade unions to foresee in which courts an industrial action may eventually be tried, should the negotiations between the social partners ultimately break down. This legal uncertainty affects the balance between employees and employers on the labour market as a whole, and contributes to the rising social unrest in Europe. The Brussels I regulation is at present clearly biased against “policies aimed at minimising judicial proceedings”, in questions relating to labour law.

Indeed, the principles of legal certainty do not apply to trade unions, when defending the interests of their members and the rights of workers in general. In labour disputes which may have an intra-Community dimension, trade unions are, both as plaintiffs and defendants, faced with a considerable uncertainty in foreseeing the courts in which they may sue as plaintiffs, and in which courts they may be sued as defendants.

Moreover, the high legal costs and the risk of litigation may make it uneconomic for workers and their representative trade unions to pay court, lawyer and experts fees which may exceed the compensation for a particular worker in an individual dispute regarding pay and working conditions. In terms of cross-border labour disputes, procedures in other jurisdictions are often so complex and lengthy that workers and their representative trade unions may find themselves entangled without any clear perception of when (or if) their case will be satisfactorily resolved, and may therefore prefer to settle a case rather than enforcing their rights.

III – A WAY FORWARD?

With the entry into force of the Lisbon Treaty on 1 December 2009, Article 6(2) of the EU Treaty now makes it an obligation for the EU to accede to the European Convention on Human Rights (ECHR), while Protocol No. 8 requires such accession to preserve the specific characteristics of the Union and of the Union's own legal order.

On 17 March 2010, the European Commission took an important step towards completing the European Union's system of fundamental rights protection. The Commission proposed negotiation directives for the Union's accession to the ECHR.

Accession requires, under Article 218(2), (3) and (8) of the Treaty on the Functioning of the European Union, a recommendation from the Commission for a negotiation mandate; a unanimous Council decision to open accession negotiations with the Council of Europe; unanimous agreement by the Council to the outcome of these negotiations; the consent of the European Parliament to the Accession Agreement; and ratification of the Accession Agreement in all 27 EU Member States and in the remaining 20 countries that are signatories to the Convention (including Russia and Turkey). It can therefore be expected that the accession process will take several years.

The EFBWW recall that the right to take collective action, including the right to strike, is recognised both by various international instruments which the Member States have signed or cooperated in. This is the case of the European Social Charter, signed at Turin on 18 October 1961, to which express reference is made in Article 136 EC.

This is also the case of Convention No 87 concerning Freedom of Association and Protection of the Right to Organise, adopted on 9 July 1948 by the International Labour Organisation. This right is confirmed by instruments developed by the Member States at Community level or in the context of the European Union, such as the Community Charter of the Fundamental Social Rights of Workers adopted at the meeting of the European Council held in Strasbourg on 9 December 1989, which is also referred to in Article 136 EC, and the Charter of Fundamental Rights of the European Union proclaimed in Nice on 7 December 2000.

In *Viking Line* and *Laval*, the European Court of Justice formally recognised the right to take collective action, including the right to strike, as a fundamental right, which forms an integral part of the general principles of Community law the observance of which the Court ensures. As is reaffirmed by Article 28 of the Charter of Fundamental Rights of the European Union, those rights are to be protected in accordance with Community law and national law and practices.

The recognition of the right to collective bargaining, and the right to strike, as a fundamental right has recently been confirmed by the European Court of Human Rights. In its judgment of 12 November 2008 *Demir et Baykara v. Turkey*, application no 34503/97, the Court considered that, having regard to the developments in labour law, both international and national, and to the practice of Contracting States in such matters, the right to bargain collectively with the employer has, in principle, become one of the essential elements of the “right to form and to join trade unions for the protection of [one's] interests” set forth in Article 11 of the Convention, it being understood that States remain free to organise their system so as, if appropriate, to grant special status to representative trade unions.

In this respect, the EFBWW welcome the finding of the Court in *Viking Line*, to the effect that it cannot be considered that it is inherent in the very exercise of trade union rights and the right to take collective action that the fundamental freedoms set out in Title III of the Treaty will be prejudiced to a certain degree.² The EFBWW shares the point of view of Advocate General Mengozzi in the *Laval*, to the effect that:

“Article 49 EC cannot impose obligations on trade unions which might impair the very substance of the right to take collective action. [...] That assessment must, in my view, be extended to a situation where, as would appear to be the case here, the right to take collective action is allowed not only in order to defend the interests of trade union members but also to enable them to pursue legitimate objectives recognised by Community law, such as the protection of workers in general and the fight against social dumping in the Member State concerned.”

² *Viking Line*, para 51 and 52.

This is confirmed by paragraph 103 of *Laval*, in which the Court pointed out that “the right to take collective action for the protection of the workers of the host State against possible social dumping may constitute an overriding reason of public interest within the meaning of the case-law of the Court which, in principle, justifies a restriction of one of the fundamental freedoms guaranteed by the Treaty”.

The EFBWW also welcome the finding of the Court that the right to take collective action not only is allowed in order to defend the interests of trade union members, but also to enable them to pursue the protection of workers. Indeed, in paragraph 107 of *Laval*, the Court observed that

“in principle, blockading action by a trade union of the host Member State which is aimed at ensuring that workers posted in the framework of a transnational provision of services have their terms and conditions of employment fixed at a certain level, falls within the objective of protecting workers”.

Despite those positive contributions of the European Court of Justice, the EFBWW reaffirms that the exercise of fundamental rights as recognised in the Member States, in ILO Conventions, in the Charter of Fundamental Rights of the European Union, and, most recently, by the European Court of Human Rights, including the right to negotiate, conclude and enforce collective agreements and the right to take industrial action, have nevertheless been put at risk by the European Court of Justice.

Indeed, in *Viking Line*, the ECJ seems to have conditioned the legality of collective action under EC law to the review, by national courts, of

- Whether the jobs or conditions of employment of the members of the trade union undertaking industrial action are in fact jeopardised or under serious threat;
- Whether the collective action initiated is suitable for ensuring the achievement of the objective pursued and does not go beyond what is necessary to attain that objective;
- Whether trade unions do not have other means at its disposal which are less restrictive of freedom of establishment and the freedom to provide services in order to bring to a successful conclusion the collective negotiations entered into with employers; and
- Whether the trade union had exhausted those means before initiating such action.

In this respect, the restrictions on the right to strike imposed by the ECJ can hardly be conciliated with ILO Convention No 87 and the European Social Charter as interpreted by its supervisory bodies.

IV – CALL FOR ACTION

The EFBWW Executive Committee:

- Fully supports the ETUC demand to include a Social Progress Protocol as an attachment to the Treaty in connection with the accession of Croatia to the EU.
- Calls on the Commission to introduce a “Monti Regulation” for services, securing the right to collective bargaining and the right to strike within the framework of the free movement of services and the right of establishment. Regulation 2679/98 on the functioning of the internal market in relation to the free movement of goods among the Member States includes a “Monti Clause”, protecting fundamental social rights, including the right to collective bargaining and the right to strike. But there is no corresponding regulation related to services and the right of establishment. This proposed new “Monti Regulation” should be based on Article 352 of the Treaty on the Functioning of the European Union, and be inspired by Article 28 of the EU Charter of Fundamental Rights.³
- Reminds the European Court of Justice that the role of trade unions in any democracy is not that of a tool of the state and that by definition trade unions are autonomous organizations to represent the interests of the workers whose demands in the negotiation process with the employer thus cannot be put under a prior obligation to observe a one-sided “proportionality principle” in setting up their demands, without structurally shifting the balance towards the employer’s side.
- Reminds the European Court of Justice that it would be a severe discrimination and human rights violation if trade unions in the country of work are not free to negotiate with an employer that posts workers to their country on an equal footing about all relevant working conditions according to the national law in place, but instead has to observe severe restrictions unknown of in the relevant national law of the country of work, just because the employer is registered in another country and is making use his economic freedoms within the internal market.
- Reminds the European Court of Justice that it would be a severe discrimination and a violation of core labour standards if posted workers could not enjoy the full workers’ rights in the country of work, which means to be represented by a union under the same conditions as resident workers including the possibility to demand and negotiate a full collective agreement that covers every item that is usually subject of collective agreements in the country of work and is not restricted to the list of minimum conditions in the Posting Directive. Reminds the European Court of Justice that it would be absurd if posted workers through their union in the country of work would not be allowed to negotiate about conditions such as accommodation, travel costs, allowances, merely because these items are not mentioned in the Posting Directive

³ Mr Monti concludes in the report “A New Strategy for the Single Market” that **there “is a broad awareness among policy makers that a clarification on these issues (the right to take industrial action) should not be left to future occasional litigation before the ECJ or national courts. Political forces have to engage in a search for a solution, in line with the Treaty objective of a “social market economy”** (p 69). However, Mr Monti’s proposal for an “arbitration system” involving the Commission and a prior notification system (p 71) is strongly denounced by the EFBWW.

- Reminds the Commission and the Council that the European Parliament in its Resolution *Challenges to Collective Agreements in the EU* expressed regret that the ECJ Rüffert ruling failed “sufficiently to take into consideration ILO convention 94 and is worried that the application of this Convention in the Member States concerned might be in conflict with the application of the PWD”.
- In line with the demand from the European Parliament, calls on the Commission “to clarify this situation as a matter of urgency and to continue to promote the ratification of this Convention in order to enhance further the development of social clauses in public procurement regulations, which itself is an aim of the Public Procurement Directive”⁴
- Demands that the European Public Procurement Directives are clarified to allow Member States to fulfil their international obligations according to ILO Convention 94.
- Urges all Member States of the European Union to ratify ILO Convention 94.
- Takes note of, and fully support, the conclusions contained in the Report of the Committee of Experts on the Application of Conventions and Recommendations presented at the International Labour Conference, 99th Session, 2010.
- Takes note of, and support, the initiative to open negotiation for the European Union's accession to the European Convention on Human Rights (ECHR). In this process, it is a *sine qua non* that the provisions of the European Convention are not watered down.
- Calls on the Commission to integrate a fundamental social rights perspective within the framework of its social impact assessment, in particular as regards the following legislative and non-legislative initiatives in the Commission’s work programme:
 - i. The “Barroso-Regulation” – or any other legislative initiative deemed necessary – on the interpretation and the implementation of the Posting of Workers Directive. In this initiative, measures combating bogus self-employment should be included.
 - ii. The revision of Regulation (EC) No 44/2001 on Jurisdiction, Recognition and Enforcement of Judgments in Civil and Commercial Matters (Brussels I);
 - iii. The Communication on the Fundamental Rights policy;
 - iv. The Commission’s Communication on Corporate Social Responsibility;
 - v. The Commission’s Green Paper on the use of Alternative Dispute Resolution in the EU, and in particular in the Commission’s analysis of the issue of policy coherence in the field of collective redress, which should not only include disputes on consumers’ rights and competition law, but should in particular include labour law, due to the precariousness of many employment relationships.

⁴ European Parliament resolution of 22 October 2008 on challenges to collective agreements in the EU (2008/2085(INI), article 23