Protests in the UK: EMF, EFBWW and EMCEF call for urgent action to tackle the root causes

As the economic crisis intensifies across Europe and anxiety about the future of employment rises, working people are expressing their anger at the prevailing EU settlement which prioritises the needs of business and capital over those of labour.

The scenes witnessed at Total’s Lindsey refinery in Lincolnshire and across the UK at energy and construction sites should be seen in this context. They are an expression of workers’ desire for employment near their own homes. Yet at the same time such episodes carry the danger of setting workers against each other and creating a climate of xenophobia which all trade unionists must unite to resist. Instead, unions must fight for a new settlement across Europe which meets the crisis in the interests of workers rather than corporations, and prioritises measures which underpin employment, union organisation and secure pay and conditions.

The true causes of this social malaise must be tackled. Urgent investigations are needed into the use of subcontracting chains to undermine social regulation, organised local workforces and agreed terms and conditions in our industries. The alleged use of exclusion clauses against local workers must be tackled.

The 1996 Posting of Workers Directive was intended to counterbalance the free movement of services in the EU in the sense that the Directive laid down a “host country principle”, securing posted workers at least minimum working conditions in the host country. After the rulings in 2007 and 2008 by the European Court of Justice – the Viking, Laval, Rüffert and Luxembourg cases – the Directive has been turned on its head, and Member States and trade unions are no longer entitled to enforce working conditions for posted workers above a minimum level. The fundamental principle of equal pay for equal work has been replaced by a principle of minimum pay for equal work. In the context of the ECJ judgements, unions cannot defend workers’ rights without the threat of litigation, even where there is legitimate cause. Companies have all the cards in their hands to set worker against worker. This is an unsustainable imbalance of power which will fuel social unrest if maintained.

The European project is increasingly being called into question by workers finding themselves victims of the internal market and social competition. These demonstrations of frustration demand political responsibility, especially in the context of this year’s EP elections. Together, the EMF, EMCEF and EFBWW wholly condemn the exploitation of this very sensitive situation by those intent on creating division and fuelling xenophobia.

At this time we need solidarity between workers and more social European integration as a means to fight any potential withdrawal into nationalistic populism.

We call on employers and responsible politicians at national and EU levels to address the situation as quickly as possible by:

- Urgently answering the calls of Commissioner Vladimír Špidla and the French, Czech and Swedish Presidencies for a common analysis and concrete proposals on the mobility of workers by the social partners.
- Redressing the imbalance created by the recent ECJ cases between fundamental worker rights and internal market freedoms by revising the Posting of Workers Directive and restoring the Directive into a minimum Directive allowing for a higher protection of workers, and by introducing a European Social Progress Protocol into the new Treaty.
- Addressing indirect discrimination against local workers and prohibiting the use of explicit exclusions of local workers from sub-contracting companies.
- Developing a stronger regulatory framework on corporate social responsibility and the social aspects of public and private procurement and outsourcing.