



Resolutions

adopted at the
ETF 2009 Congress



**EUROPEAN TRANSPORT
WORKERS' FEDERATION**



27 - 29 MAY 09 • PONTA DELGADA • AZORES

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PONTA DELGADA, 27-29 MAY 2009

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STRONG UNIONS
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Item 8

Report on Activities

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STRONG UNIONS FOR SUSTAINABLE TRANSPORT



A Trade Union Strategy for Sustainable Transport

Introduction¹

After the adoption of the Rio Declaration on Environment and Development from 1992, the signing of the Kyoto Protocol in 1997 with concrete objectives on the reduction of Green House Gas (GHG) emissions by 2012, the Stern Report 2006 and the decision of the 2007 European Summit to reduce GHG emissions in Europe by 20% until 2020 (on the basis of 1990 values), the problem of global warming finally reached public awareness. Setting the goal of non-polluting and energy efficient transport is of great importance to the well-being of both individuals and the entire mankind.

Changes in the industrial production and trade patterns have increased transport in Europe. On the one hand the new industrial production organization and inherent relocations have actually had a downward impact on the European emissions in other industries. This results at the other side in a steady growth in freight transport activities. Traffic contributes with 23,8 % to GHG emissions and is estimated to be responsible for one third of the final energy demand in Europe ².

The ETF considers that commerce and industry as well as governments in Europe are obliged to make an effort to contribute to progress with GHG emission reduction objectives, as they have had an active role in creating the present low-price production and operation pattern. The transport sector must have an active role in this process. The transport sector also needs to take an active role in promoting non-polluting transport. The ETF is in favour of the promotion of sustainable transport. The ETF insists, however, that sustainability and sustainable transport in particular is not limited to the environmental aspects only, as it is often wrongly anticipated by the public. It is threefold: it also includes social and economical sustainability as clearly stated in the Lisbon Strategy from 2001 in combination with the Sustainable Development Strategy also from 2001. There is no sustainable transport without a sustainable social approach.

The transport sector is directly and immediately affected by the economic crisis as a consequence of the scandalous financial crises and the unfair distribution of wealth. The crisis increases the risk of accelerating social dumping. We insist that national governments and European institutions quickly introduce effective measures to lower the social detriments of this crisis and ensure long term investment in a sustainable future for workers and people. Setting a policy in favour of sustainable development and sustainable transport is however a mid and long term strategy that

- ¹ **Note:** The ETF represents workers in all transport modes and logistics as well as fishery workers. This document concentrates on the transport pillar of the ETF for all Europe, South, East, West and North, within the European Union and outside the European Union. An additional document will address sustainable fisheries policy from a trade union point of view
- ² Figures from the European Environmental Agency, <http://www.eea.europa.eu/themes/transport/about-transport>

must ensure long term survival of the planet and equality and social welfare for all. For transport workers it must ensure a sustainable working life ³.

Why is the transport sector in Europe not sustainable today?

It would be wrong to point “with a moral finger” the transport industry. A number of elements like the change of industrial production patterns, the change in individual citizen’s preferences combined with national transport policies that supported those tendencies and the lack of a sustainable transport policy at European level over the past decades, produced the transport system we have today.

The decline of basic industries like coal and steel has affected the structure of transport. At the same time, the manufacturing and consumer industries changed to just in time and zero stock production; outsourced their own transport and logistics activities while demanding higher flexibility and lower costs. The stock, however still exists. But instead of being stored in the companies it is a “moving stock” now.. The development of logistics, i.e. the whole range of activities upstream and downstream the transport itself (storage, packaging, information management...), has been closely linked to the upsurge of just-in-time deliveries and has been financed by a decrease of the social costs and an increase of casual jobs. The neo-liberal economic model, the delocalisation of industries and globalization, changed the nature of products which are transported in Europe and considerably increased transport volumes and distances. Production processes have changed, semi-finished products are manufactured and assembled in ever more distant areas of the world. The extremely low transport costs due to a wrong transport and social policy favour “unreasonable transport” like for example the famous yoghurt, a clear local product, the components of which travel 10.000 km across Europe before reaching its consumers.

These changes in the organisation of industrial production and the resulting transport and logistic systems are to some extent based on very low transport costs. This is due to the fact that transport has become a very deregulated and fragmented industry with cut-throat competition which keeps the transport rates low. One of the effects is extremely low profit margins in big parts of the transport chain. Many employers try to increase their profit margins through social dumping and precarious labour conditions. The high mobility of workers in the transport sector, which is a characteristic of the sector, is further exploited by cynical employers through social dumping. It is more developed in the maritime, road and inland waterways transport sectors and in warehousing, but more regulated transport sectors like aviation and railways are following this tendency due to the privatisation and liberalisation policies in these sectors. Increasing costs for ensuring security, in particular in the aviation sector, additionally lowered the profit margins and resulted in further pressure on working conditions and pay.

The individualisation of people’s life styles and the possession of a private car as an expression of individual freedom, made the car manufacturing industry to become the major industrial employer in Europe. Infrastructure, housing (urban sprawl) and taxation policies favoured over decades the move towards individual car use to the detriment of

³ “21. A **sustainable working life** means a good level of health and safety at the workplace taking into account also new risks, a working life where workers do not wear themselves out due to work. It also involves modern and stable contractual relations giving possibilities for career advancement, security, equal pay for work of equal value and reconciliation of working, family and private life. To prioritise actions to stop all types of discrimination including gender discrimination is essential for a sustainable and fair working life.” From the ETUC resolution: “A NEW DEAL FOR SOCIAL POLICY” from 4-5 March 2008.

public transport. A continuous disinvestment in public/collective transport solutions took place. The result is congestion and huge pollution problems in cities and urban areas, where 80%⁴ of the European population lives. In Central and Eastern Europe, South Eastern Europe, Russia and Ukraine we can observe the same tendencies after the political changes in the region or in Turkey as a candidate country to the EU, with a decline in the still higher rail transport share and an increase in the road transport share.

Tax advantages for some transport modes and the fact that external costs of transport (for example, costs related to noise and air pollution, GHG emissions) are mostly paid by the general public, contributed to the development of a non-sustainable transport system.

EU transport policy was quasi non-existent until the beginning of the 90ies and then – with the first Transport white Paper from 1992 – it basically focused on liberalisation and the establishment of an internal market for all transport modes. The EU transport policy was limited to better prepare the transport sector in its supporting role for the European internal market through liberalisation. As a result, the European transport policy contributed to the development of a non-sustainable transport system. Only with the second Transport White Paper, in 2001, the European Commission introduced objectives like modal shift, promoting a better balance between transport modes and the decoupling of economic and transport growth. The instruments were, however, still concentrated on liberalisation but more proactive instruments were not developed, such as internalisation of external costs, an integrated spatial planning and infrastructure policy beyond the TEN-T. The new aims therefore ended up as empty rhetoric, and the decoupling of economic and transport growth has even formally been given up.

The EU transport policy has an impact beyond the EU borders. The policy on the development of pan-European transport corridors (for example TRECECA, East-West-Corridor Central Asia – EU – Caspian and Black Sea, which includes among others Ukraine or Turkey, Agreement signed in 1998), replaced by the EU Neighbouring Policy and the extension of the trans-European networks, the negotiation of transport treaties (for example EU – Switzerland, EU – South Eastern Europe) and agreements on the establishment of bilateral dialogues (for example EU – Russia) all aim to export the EU liberalisation and deregulation policies and the restructuring of former public enterprises beyond the EU borders in favour of a fast and unrestricted transport of goods in all Europe. The concentration of financial means on those projects threatens secondary infrastructure or the accessibility of rural areas also in the EU neighbouring countries. The social dimension is completely missing. Even the minimum standards of the EU social acquis do not protect the workers in the countries concerned.⁵

The liberalisation policy led to a transport system which is not sustainable from an ecological perspective. It also supported a socially non-sustainable transport system. From the perspective of transport workers the liberalisation policy and its focus on facilitating the internal market and globalisation, happens on the back of workers in the transport industry: huge employment reductions in some sectors, replacement of quality jobs by low quality jobs, increase in insecurity, loss of European know-how, discrimination of workers also according to their nationality, emergence of agency workers, emergence of (fake) self-employment, increase in atypical work and precarious labour, out-flagging of work contracts, lack of enforcement of the posted workers directive for example in cabotage services, increase in flexibility (working

⁴ Keep Europe moving -Sustainable mobility for our continent -Mid-term review of the European Commission's 2001 Transport White Paper (COM(2006)314), p.14

⁵ There might be an exemption in the case of the future EU-SEE Transport Treaty. The ETF lobbied strongly for a social chapter in that planned Treaty.

time, work intensity, etc.), reduction of investment in training and health and safety at work, social dumping. Underpaid employment and “working poor” are phenomena that more and more appear in the transport and logistics sectors.

In particular for women large parts of the transport labour market remain, under these conditions, inaccessible or – where women are employed – they find themselves more and more in precarious working conditions and part time work. Unable to conciliate the job and family life or to sustain a family, they are often thrown out of the industry.

The ETF notes that today only few studies exist about the social situation of transport workers and women transport workers. No serious studies exist on the social consequences of EU transport policy. The ETF experienced in the past an enormous disinterest and disrespect of the social consequences of reforms in this industry. This is unacceptable, also considering that the transport industry is a labour intensive sector and contributes with 5% to total employment in Europe. Last but not least, bearing in mind the equation between demographic downward trends and the very low attractiveness of the industry jobs, the transport industry will be confronted with major recruitment problems.

What does the ETF want?

In order to prevent the trends described above the ETF calls for a stop with the EU liberalisation and national privatisation policies! Stop with the ideological approach that market forces themselves and competition will bring the most efficient transport system! The ETF wants as a first step a moratorium of the liberalisation of transport modes since it only replaces public monopolies by private monopolies or leads to fragmentation and destructive competition to the detriment of workers. ETF wants **an active and integrated transport, social, financial and cohesion policy** that supports an environmentally, socially and economically sustainable transport system in Europe. This is valid for the entire Europe and not only the countries of the European Union. The EU should support those principles in its cooperation with the neighbouring countries.

ETF wants an **active transport policy** that is based on fair pricing, modal shift and that promotes multimodal transport chains. ETF is against competition between transport modes that favours one transport mode against the other. The whole chain of transport will have to be analyzed and assessed to satisfy the environmental, social and safety requirements. It is a precondition to develop a sustainable combination of transport modes – in passenger and in freight transport – within a multi-modal system. However, the question of who is responsible for organising these sustainable transport chains is important. For ETF this cannot be left to the market. It is the responsibility of the national states in Europe and, within the EU, it is as well the responsibility of the European Commission in cooperation with the EU institutions.

The ETF insists that the short and long term social consequences of a modal-shift between transport modes and changes towards a sustainable multi-modal transport chain are assessed. In particular the negative quantitative and qualitative employment effects (reduction of employment, pressure on working time, salaries etc.) due to an active modal-shift policy must be known and social measures to counter possible negative impacts have to be developed.

The ETF wants an infrastructure policy and infrastructure investments that give priority to more sustainable transport modes and promote combined transport, intermodal nodes and terminals. An integrated and coordinated infrastructure development planning at European, national and regional level is essential in order to develop a sustainable

multi-modal transport chain. Such a policy must support economic and social cohesion. This is valid as well for the pan-European level. Cooperation on infrastructure policy and the promotion of projects has to protect existing environmental friendly infrastructure and not to destroy it.

The ETF wants a social and ecological mobility policy that

- Recognises mobility as an individual right and
- Recognises mobility as a public good that has to be available to each citizen.

Mobility is a public good, because it guarantees access to economic, social and cultural live. **Public transport** is the best means to ensure mobility and therefore must guarantee access for all citizens under safe and environmentally sustainable conditions. It is a public service. This right of mobility is guaranteed by equipments, infrastructures, networks and a know-how which have deteriorated over the years. These must be maintained, improved and transferred to future generations. It is an obligation of the state to guarantee this right. It therefore must be in the heart of the transport policy with regards to passenger transport. The ETF wants a European, national, regional and local policy that promotes modal-shift from private car use to public transport. It is the responsibility of the national states, regions and cities to provide high quality public transport and guarantee its financing.

The ETF wants a combination of transport and social policies that guarantees socially sound working conditions, security against attacks and aggressions by third parties against workers and passengers, operational safety for workers and users, as well as occupational safety for workers in the transport industry. Violence is one of the main factors that prevent women transport workers to be properly integrated in all transport professions and equally making it difficult for them to keep their jobs. Transport comes on second place amongst all industries in terms of occurrence of workplace violence. A complex social transport policy, aiming at attracting women and young workers to the sector and retaining them, would therefore have to tackle violence.

The ETF wants a **social policy for the transport industry** that fights and prevents social dumping and deterioration of working conditions in the transport sector. This transport-social policy must ensure that competition – independently whether it is inter- or intra sector competition – must be based on the quality of the offered services and not on the differences of working and social conditions. The ETF reiterates its support to the goals of the Lisbon strategy of creating “more and better jobs” and the increase of the women employment rate up to 60%. The transport sector is a labour intense sector which is predestined for job creation and for women employment.

When transport policy measures which promote a shift towards ecologically sustainable transport systems, result in short term social and employment problems within the industry, accompanying social measures for the workers concerned have to be provided. This requires consequent social impact assessments.

ETF insists that transport is only sustainable when economic, environmental **and** social sustainability go hand in hand.

The instruments

ETF is convinced that after decades of deregulation a **re-regulation** of the transport sector is necessary. The market is not able to provide a sustainable transport system by itself. This new regulation of the industry must clearly promote

sustainable transport in the wider sense of economic, ecological and social sustainability. It must take into consideration the social consequences it may have. It must guarantee a coherent spatial and transport infrastructure policy that promotes the economic and social development of regions and not only some economic centres in Europe or along the trans-European or pan-European corridors.

The rise of containerization in freight transport or the creation of hub systems in passenger transport, entail a division of the transport chain between the various modes. A container is transported successively by one or several trains, boats or airplanes, barges, lorries from one end to the other end of the supply chain whereas a passenger may use a car or a taxi, a train, a subway, a plane, a bus from one to the other end of his/her journey. Transport corporations are increasingly multimodal in order to control the whole supply chain. These networking tendencies are being challenged by short-term profit ambitions and deregulation which have reinforced the modal transfers onto the road. To re-regulate means to rehabilitate public policies, from the local up to the global level, with a view to promoting, within the supply chains, modal shifts towards economically, environmentally and socially more relevant modes.

The ETF supports a **pricing policy** based on user pays and polluter pays principles. Air pollution, noise related health problems, green house gas emissions, congestion, accidents, etc. are generating costs which are today largely paid by the public in general and not by the users / polluters. Those “external costs” must be internalised in the price of transport.

Policy makers have to ensure however, that higher costs for transport companies due to the charging of external costs are not compensated by a reduction of personnel costs (lower wages, longer working hours, etc.). They have to be transferred to the customers and/or covered by the companies’ profits. One way to do this is to establish tighter rules for access to the industry and by that reduce cut-throat competition due to over-capacity. Only in this case the charging of external costs constitutes an incentive for investment in green technologies and the use of more sustainable transport modes. Only in this case ecological as well as social objectives can be pursued at the same time.

The implementation of the user/polluter pays principle in transport has to take into consideration the international dimension and the social consequences in those transport sectors, which are directly exposed to international competition. The social consequences for transport workers in the different transport modes have to be consequently assessed. A social dialogue has to be established at European, national, sectoral and company levels in order to tackle the possible short and long term employment effects of the ‘internalisation policy’ and to find solutions for the workers concerned.

The EU and national governments have to develop programs to meet short term social consequences due to this policy. They also have to support transfer programs to other employment alternatives. In order to finance such programs a part of the revenues from charges for external costs of the different transport modes could be used, as one possibility. The ETF demands to extend the “Globalisation Adjustment Fund” to the support of social measures to compensate negative effects of policies tackling climate change.

It is a fact that the higher share of green house gas emissions in road transport is produced by the use of private cars. It is urgent to promote clean cars as well as a modal shift from individual transport to collective transport. It is the

responsibility of the national governments, regions and municipalities to decide on the introduction of the user pay and polluter pay principles for private car use. The ETF however insists that alternatives to private car use for the population in form of public transport must be provided and that public transport must be financed adequately in order to provide access to quality services to all users.

The ETF points to the fact that different transport modes are subject to different international, European and national taxation rules. A fair pricing system for all transport modes must take into consideration those different regimes as well.

Infrastructure policy is an essential instrument to promote more sustainable transport modes and inter-modal nodes and terminals as well as combined transport and multi-modal transport solutions. It is clear that every transport mode is necessary.

However, European and national infrastructure policies must not concentrate on developing the huge trans-European and pan-European axes / corridors. In order to promote economic and social cohesion in Europe's regions, a better link between trans-European / pan-European infrastructure and access of the regions to this infrastructure by means of sustainable transport modes, is necessary. This is relevant in particular in Central and Eastern Europe or South Eastern Europe, where financial constraints result in concentrating infrastructure investments on the pan- / trans-European corridors and road infrastructure and where railway lines are closed down and regions are cut off from rail links.

The ETF insists that a better integrated infrastructure development planning between the European, the national and the regional levels is needed. A European instrument should be established for that purpose.

Infrastructure financing must be a priority – particularly in the current situation of financial and economic crisis. However, the existence of the Maastricht criteria has proved detrimental to necessary political and economic action. The limitation of maximum three percent deficit on public spending should therefore be lifted, among other things to allow for investments in building and maintaining sustainable transport infrastructure in EU Member States. This should at the same time signal the start of a full reassessment of the Maastricht criteria in order to include jobs, social and environmental sustainability among future criteria. Revenues from external costs charging have to be partly used for sustainable infrastructure. The ETF demands in the context of the financial and economic crises, the establishment of an investment program that finances among others sustainable transport infrastructure.

The promotion of **clean transport vehicles, vessels and aircrafts** must continue. The promotion of technologies in favour of energy and fuel efficiency and emission reduction is a necessary part of the improvement of the ecological sustainability of transport. The ETF is in favour of an environmental policy that sets emission standards which act as incentives for innovation. The research policy must promote less pollution and higher energy efficiency. The introduction of alternative fuels, however, must avoid negative side effects such as replacing food production by “bio fuel” production, destruction of tropical forest, etc.

Technologies promoting “**intelligent transport use**” can contribute to more efficient transport, avoid empty journeys and thus reduce pollution caused by the transport sector. However, these measures have to be assessed with regards to their social impact. A more efficient planning of transport flows requires a socially acceptable planning of working schedules, working time, breaks and rest time, work load, etc. The research policy must integrate technical research

and social research. It must aim to positively use a better transport flow planning for a better work–life–balance of transport and warehouse workers and thus ease the access for women to the industry.

If the transport workers' and users' safety is not developed, transport sustainability will remain a wild dream. Safety procedures and regulations must be improved, their enforcement must rely on adequate means and sanctions must effectively apply to contractors who do not comply with such rules. To re-regulate also implies that traffic and navigation rules be fine-tuned to limit the impact of traffic jams and pollution, that cabotage is regulated, that the requirements to be fulfilled by transport operators are stricter, that more severe safety standards be imposed on the equipment, that access to the profession is only granted to mobile workers upon completion of initial and continuous training courses.

ETF believes that a prerequisite to guarantee a sustainable transport policy is to take into consideration the social repercussions of modal shifts on all transport employees. In contrast with a policy of competition between the various modes, strengthening thereby the cheapest bidder to the detriment of the social dimension, the aim of a sustainable transport policy is to upgrade both the skills and social conditions of all transport employees. To this end, a forward-looking management of employment, vocational training and qualifications, and the enhancement of all transport professions would be needed throughout Europe. While deregulation is only focused on short-term profit, a sustainable transport policy would enable public authorities to manage a medium and long-term development.

In the heart of the ETF demands on policy measures for promoting sustainable transport is a consequent **social policy for the transport industry**.

With regards to the EU social policy for the transport industry :

- Promote women employment in the transport sector in order to fulfil the Lisbon strategy goals for women employment; with regards to attracting women to professions in the transport industry, it must be mentioned that this will highly depend in the future on incentives to adapt the industry to the specific needs of female workers.
- Improve national and EU working time legislation for all transport modes; include work-life balance measures in working time legislation.
- Effectively enforce social legislation regarding working and rest time in all sectors; introduce and /or improve EU legislation on effective regular checks of working and rest time for mobile personnel in all transport modes and effective sanctions for non compliance; forbid the out-flagging of work contracts, adapt the posted workers directive so that it is effectively applicable for mobile transport workers ensuring host country conditions as a minimum, develop and publicise a black list of companies not respecting social legislation; Member States must strengthen the capacities and quality of their enforcement authorities and better coordinate and communicate among each other.
- Improve training and certification legislation in order to improve qualifications, introduce strong life long learning elements introduce certification where needed and requested by the workers. Certification facilitates workers' geographical mobility which is a EU citizens' right within the EU.
- Health and safety at work standards can not be seen as costs and obstacles to efficiency. They should rather be introduced, improved, enforced.

- Introduce or improve existing EU legislation on minimum manning standards for seagoing ferries, inland waterways vessels and airport activities linked to servicing of aircrafts in order to ensure safety and high qualification levels.
- Impose through EU legislation social, environmental and quality criteria for competitive tendering in public transport, where such competitive tendering is chosen by the local authorities.
- Impose through EU legislation workers job protection in the case of tendering of public transport services, ground handling services or any other tendered service.
- Stop social dumping in cabotage and cross-border services; ensure that host country conditions apply in cabotage services; support a European policy aimed at the coordination of collective bargaining policies across borders in particular for mobile workers who are competing on a same market (e.g. international road drivers).
- Abolish discrimination of transport workers based on nationality (or place of residence) or any other form of discrimination based on gender, age or race.
- Defend and define public services and services of general interest which cannot be subject exclusively to the rules of the market but rather to the interests of the population.
- Make social impact assessments for each transport mode (not only for single measures).
- Establish support programs and accompanying social measures in the case of short term negative social consequences in particular transport modes.

The European Commission must actively promote the European social dialogue in the various transport sectors and strongly encourage social partners to find own solutions within their area of competence at European level.

The ETF reminds that EU social legislation is based on minimum standards. EU Member States have the right to establish better national rules and the ETF calls on them to use this possibility. EU Standards cannot be set based on the lower common denominator which encourages certain States and employers to lower the national standards.

The ETF is of the opinion that similar rights, guarantees and standards have to be introduced through national legislation in all other European countries which are not members of the EU.

The ETF highly values the **European social dialogue** and calls upon the European employers' organisations to engage on joint activities and meaningful results for example in the following domains:

- Improvement of working and rest time rules, training and Life Long Learning, health and safety standards in the various sectors, etc.
- Promotion of women's employment in the different transport sectors.

The ETF calls upon the European employers' organisations and the European Commission to:

- Initiate a debate on the image of employment in the transport sector and the attractiveness of the sector in the light of demographic developments in Europe.
- Include corporate social responsibility (CSR) of both companies and contractors regarding sustainable transport in the agenda of the social dialogue.
- Strongly and consequently encourage social dialogue first; where social dialogue does not lead to results, improve / introduce legislation.

The ETF underlines that trade union rights such as the right to organise and the right to take industrial actions are **core labour standards**. The ETF is extremely worried that within the European Union the “internal market freedoms” seem to undermine (override) those core labour standards. Social dialogue and collective bargaining, whether at European, national or company level are meaningless and a pure alibi when those labour standards are not guaranteed.

ETF makes a strong plea for the introduction of a social progress clause in Europe. ETF opposes that the social dimension be ranked second behind the market as the interpretation of the European Court of Justice seems to indicate and demands a hierarchy of standards combining the market freedoms promotion, the respect for employees' fundamental rights and the fight against climate change and global warming. The most favourable social regulations from the host country and the country of origin should apply.

What will the ETF do?

With regards to the European institutions and the international institutions in Europe :

The ETF will promote its proposals for realising “sustainable transport” towards the European institutions and within the European social dialogue.

The ETF will promote its position as regards “sustainable transport” towards the activities of the international institutions in Europe, in particular the World Bank and the International Monetary Fund.

The ETF proposes the creation at European level of a social and environmental monitoring centre for the various transport modes. It would act as a watchdog overseeing the sector and proposing actions including legislative measures when sustainability objectives are disregarded.

With regards to European employers' organisations and relevant NGOs :

ETF will discuss with the European employers' associations its strategy on sustainable transport in order to jointly assess the social consequences and to negotiate – if necessary – measures for a socially sustainable adaptation of the sectors.

ETF will discuss with all stakeholders, e.g. NGOs and with policy makers in order to raise awareness on the relation between ecological and social sustainability in the transport sector.

With regards to the ETF affiliates :

The ETF will continue the TRUST process (**TR**ade **U**nion **V**ision on **S**ustainable **T**ransport), which initiated a cross-sector discussion within its members. It will deepen the discussion on particular items such as “how to promote inter-modal transport” or “climate change and transport.”

ETF will encourage discussions within its affiliates at national level in order to promote the development of complementary national policies.

The ETF will encourage awareness training for transport workers on the challenges of transport for sustainable development (see ETUC guide for trainers on sustainable development). A particular focus shall be put on young transport workers.

Sector Specific Demands and Concerns

Maritime Transport Sector

- Revive the project of an EU Directive on manning conditions for regular passenger and ferry services operating between Member States.
- Extend the ITF “Athens Policy” to apply to all intra community trade: the social conditions onboard a ship operating between different EU States should be those of the country which applies the most favourable standards.
- Promote the full inclusion of the human element in all maritime safety policies: give the sector the predictability it needs by tackling fatigue, insufficient or inadequate training, excessive workload, unsafe manning.
- Include all Seafarers into EU labour and social law: put seafarers on an equal footing with and land-based workers.
- Fight against FOC: regulate competition by ensuring that FOC ships using EU ports/trading in EU waters are regulated at the same level as national flags.
- Being a major obstacle to a socially/environmentally sustainable development, substandard shipping must be strictly banned from EU waters.
- Eliminate discrimination on grounds of nationality and/or place of residence between EU seafarers.
- Emphasise the attractiveness of a maritime profession particularly towards young Europeans (improve image of the sector/ promote recruitment campaigns). Facilitate lifelong career prospects, upgrade seafarers’ competences. Incentives and training should centre on an EU wide recognized seafarer-training certificate and a guarantee of employment following graduation.
- Address the issue of an ageing work force: no retention beyond the normal age of retirement.
- Greening the maritime industry: impose stricter regulation on air pollutants (SOx, NOx and particulate matter) and greenhouse gases emissions. Burning only quality fuel oil and reducing speed of vessels can make a difference.
- Revision of the Community guidelines on State aid to maritime transport: Future state aids should be granted to EU flagged vessels only and should be strictly linked to the employment of EU nationals.
- Grant all seafarers serving onboard EU ships social security and state pension entitlements (irrespective of their nationality / place of residence).

- Motorways of the Sea should be introduced within the scope of a general rationalization of transport flows (not only for the most profitable corridors).
- Seafarers support the expansion of Short Sea Shipping (SSS) as long as it is compatible with a socially/environmentally friendly development. Ships operating on SSS services should be modern, fly as much as possible EU flags, and operate with efficiency, reliability and safety: all the basic features that depend on quality workers' skills and a steady investment in training.

Civil Aviation sector

- To stop the liberalization of the civil aviation industry
- To create more quality jobs in the civil aviation industry
- To introduce social rights inside of the EU civil aviation internal market legislation
- To integrate a social clause in all international air transport agreements
- To counter the civil aviation sub-contracting developments
- To implement the Just Culture principles everywhere in civil aviation
- To protect ground handling workers in case of call for tenders or partial loss of activities or in case of transfer of staff
- To reduce individual bag weights to 23 kilograms (hold) and 9 kilograms (cabin)
- To define the highest possible standards of training in the ground handling sector
- To extend the cabin crew attestation to more than a training attestation and harmonize the European cabin crew licensing system
- To create more restrictive and harmonize flight and duty time limitations provisions
- To extend the licensing scheme to Air Traffic Safety Engineering Professionals
- To strengthen the civil aviation sectoral dialogue, to consult it officially, before and during the whole legislative process and to make the results binding and effective
- To protect employees in the low cost airlines and in the non-union carriers and to recognize the trade unions inside of these companies
- To regulate employment agencies, which are a way of manning aircraft
- To address onboard air quality, bad effects of toxic substances, fatigue and all other occupational health and safety issues in the civil aviation industry

Road Transport Sector

Being a driver is a qualified profession. The driver plays a key role vis-à-vis road safety, the safety of transported goods or passengers, of operation, of the public at large. However, the developments in the sector reflect the fact that the legislator and the industry are less and less interested to share the responsibility for the quality of the profession, for operational and occupational safety.

The ETF has clearly formulated its overall demands for a future socially sustainable transport policy. To this, the following should be added, as specific demands in what concerns the road transport sector:

The ETF road transport sector further demands from the EU Institutions and the national governments to take strict measures in order to foster fair competition. The following are the most urgent:

- Tighter monitoring and enforcement of the existing EU legislation in a context where the sector is undergoing further steps towards full liberalisation – to this end, the ETF demands the European Institutions to set up a **European Road Safety Agency** to regulate and monitor all safety and social aspects of the sector; in addition, to support better enforcement mechanisms at the level of the individual EU Member States, part of the revenues obtained from the Eurovignette should be dedicated to enforcement (training, establishment of road check points, etc.).
- **EU road transport legislation to apply with no exceptions throughout the sector** – this will eliminate practices such as flagging out truck fleets in search for cheaper labour and less strict rules.
- In relation with the above, **the ETF demands the inclusion of the self-employed drivers within the scope of the sectoral working time directive.**
- Access to profession rules to be tightened, so **to eliminate the existence of the letter box operators.**
- A sustainable road transport sector, contributing to a reduction in the green house gas emission, will mean amongst others modernisation of truck fleets in the EU; to this end, **the ETF road transport section demands clear measures so that fleets are not only be modernised to meet environmental targets, but also with a view to improve workplace ergonomics**, since drivers spend a considerable amount of time in the lorry cabin.
- The ETF road transport section demands for urgent measures to be taken for the establishment of **sufficient, affordable secure parking spaces and rest facilities** for drivers; funding will be secured partly from revenues generated in the future by collection of charges (internalisation of external costs), directly from the EU via the investment banks that fund European infrastructure projects or via European Commission funding dedicated to the same purpose as above.
- In a broader context, with regards to the sustainability of the sector, the ETF is extremely concerned with its fragmented structure and the impact of fragmentation on the industry, as well as with the way this characteristic is misused in order to lower operational costs, on the account of safety, job quality, fair competition. It is common knowledge that small and medium size enterprises are widely spread in the sector. The ETF is wondering how sustainable this is, socially, economically and from the environment point of view. Particularly now, Europe-wide long-term recession, high fuel prices, will cause the SMEs to struggle even harder in order to stay in business. They will be swift in further

cutting on labour costs. This will impact on working conditions, on complying – or, better said, not complying – with sectoral social legislation such as working time and driving and rest time. This must be one of the key concerns for European / national legislators and for enforcement authorities. In relation to the above mentioned, the ETF is aware that the European Commission is now considering easing the administration burden for SMEs and transport is one of the targeted policies. With regards to SMEs in road transport, measures might be proposed with regards to the administrative costs related to driving and rest time. The ETF demands from the European Commission to put an end to this ‘exercise’ at once! We demand for measures to assist to business consolidation in the sector. We demand support for SMEs in two areas: to modernise their truck fleets and to be able to comply with the social legislation in the sector (working time, driving and rest time, training of drivers).

Railway Sector

- Stop further fragmentation and separation of railway companies.
- No initiative to liberalise national rail passenger transport, serious research on the impact of the rail liberalisation, deregulation, fragmentation and privatisation on working conditions in the sector.
- Public investments in railway infrastructure, stations and rolling stock in order to improve quality and attractiveness of rail passenger services.
- Develop integrated railway infrastructure that is promoting regional and social cohesion; in particular eliminate bottlenecks instead of giving per se priority to freight transport on certain corridors.
- Render social and quality criteria in public transport service contracts compulsory; apply the principle that the collective agreement of the place where the service is delivered has to be the basis.
- Make protection of workers compulsory in the case of change of operator due to tendering of public passenger transport services.
- Adopt European legislation on the certification of on-board personnel at a high qualification and safety level.
- European legislation on check and enforcement of working, driving and rest time of mobile personnel in particular in cross border transport; compulsory ‘tachigraph’ in locomotives that register working time in cross-border transport.
- Implement the social partner agreement on “Working conditions of mobile personnel assigned to cross-border services” while respecting the non-regression clause.
- Develop railway specific high level occupational health and safety standards in the context of improving interoperability; stop with the mutual recognition principle that favours harmonization towards the lowest standard; a horizontal working group on occupational health and safety within the European Railway Agency.
- Ensure social standards for agency workers in the rail sector (working conditions, pay, training, health and safety); fight self-employment in the rail sector; fight out-flagging of work contracts in the sector.

- Research on the psycho-sociological impact of cross-border services and limits as regards occupational and operational safety including the phenomena of multi-tasking.

Inland Navigation Sector

- Inland Navigation in Europe is a completely forgotten transport sector despite it being when it is the most environmentally friendly transport mode.
- The Commission makes no distinction in Inland Navigation between freight and passenger transport.
- Accurate employment data are missing and urgently needed to establish EU-policy for Inland Navigation:
 - Freight transport versus passenger transport
 - Nautical personnel versus catering personnel
 - Self-employed versus salaried workers
 - Number of family members helping self-employed
 - Specific information such as per age group, gender balance, etc.
- Accurate information on health and safety in Inland Navigation on EU level is missing. The only thing the European Commission states is: ‘action has to be undertaken to create a better image of the profession’!!
- An EU regulation on Inland Navigation – a sector managed by various River Commissions – is urgently needed, especially in the for:
 - Health & safety regulations
 - Crewing requirements
 - Boatmasters’ certificates.

Since Inland Navigation does not enjoy “flag state legislation” the sector suffers immensely of social dumping practices. These can only be halted by an EU wide legislation.

- The European Commission urgently needs to take initiatives to support Aquapol and other River Police Agencies in their control of the sector to ensure a quantitative and qualitative controlling capacity. A structural future cooperation between the various national water police services is an absolute must and the European Commission must play a leading role in its establishment.
- Climate change has a hard and direct impact on Inland Navigation. Water levels of Europe’s most important rivers drop alarmingly and additional infrastructural investments are needed to safeguard this environmental friendly transport mode.

Dockers' Sector

- Port policy is still poorly integrated in the general transport policy: more efforts should be done to foster ports' role into a truly integrated multi-modal transport chain.
- A significant part of the employment created in the port sector over the last decade is made of by low-skilled and low-paid jobs: that trend should be inverted and the introduction of technological innovation should be coupled with more and better jobs.
- Ports are still very dangerous workplaces: more training is needed, alongside the establishment of specific regulation to improve workplace H&S and the improvement of control on the application of existing regulations.
- Further to reducing the number of workplace accidents, more training is needed for workers to cope with technological changes and innovation.
- Port workers are also citizens of port areas: any decisions on development of port areas should be taken in accordance with local communities and social partners, and following social and environmental impact assessments.
- In view of the growing demand for the expansion of ports' capacity, alternative solutions should be favoured (i.e. re-designing and adapting existing infrastructures). The current crisis clearly shows that incentives leading to overcapacity in ports should be avoided.
- Decisions on creation of additional capacity can not be completely left to the market and a certain coordination should be ensured at regional level. The same principle should apply to the distribution of traffic flows, as currently most of the cargo is handled by few big ports, with associated risk of congestion.
- The increasing size of vessels should also be questioned. For port areas the costs associated to this phenomenon are very high, especially under the environmental point of view, while the benefit for the whole transport chain is unclear.
- A clarification on the application of environmental rules to port activities/development is desirable: ports being nodal points of the logistics chain, they have to comply with regulation applying to different sectors, and which are not always coordinated with each other.

Tourism Sector

- Tourism workers need stable jobs with foreseeable work schedules, allowing them to combine professional and private/family life, providing them with an income they can live on and adequate social protection. They also need to get qualifications and acquired skills recognised and rewarded, and to find career paths in the sector. The ETF underscores that employment in tourism has to be made more sustainable, by reducing the precariousness of employment and by improving social conditions through collective bargaining at the various levels.
- The ETF will ensure that tourism companies comply with the principles and rights as defined by the UN Universal Declaration of Human Rights, the ILO Conventions, the OECD Guidelines for Multinational Enterprises, the UN-

WTO Code of Ethics, the European social legislation, and respect fundamental human rights and workers' and trade union rights at the workplace, such as the freedom of association and the right to collective bargaining.

- Employment in tourism often implies vocational mobility. The ETF declares that social dumping and unfair competition have to be avoided, if workers make use of their right to free movement. Therefore, workers who work in another country have to be entitled to working conditions and social protection at least equivalent to those of workers of the host country, as laid down in laws and collective agreements.
- Transport and tourism companies are increasingly outsourcing parts of their businesses to external service providers, e.g. airlines: ground handling and catering. The ETF claims that such outsourcing must not serve the goal of reducing wages and undermining collective agreements. Companies have to guarantee that all their service providers and suppliers respect workers' and trade union rights, and adhere to legal and collectively agreed obligations, including those covering transferred staff.
- The ETF calls upon tourism companies to promote equal opportunities, and work against all types of discrimination based on gender, age, ethnic or national origin, colour, disability, trade union or political affiliation, religion, sexual orientation or other distinguishing characteristics.
- The ETF emphasizes that the sustainable development of tourism can only be achieved when – alongside the economic aspects and the protection of environment and cultural heritage – the social dimension is taken into account. This means first of all the need to create sustainable employment in the tourism sector, as the quality of services depends largely on employment conditions, qualification of workers and workers' motivation.
- The ETF proposes the establishment of a European social observatory on tourism, with full involvement of the social partners, to facilitate the monitoring of developments in the tourism sector and the assessment of the social sustainability of the tourism industry.
- Employment related challenges and problems have to be dealt with at the most appropriate level, by those who through their investment and through their daily work provide tourism services, i.e. in the social dialogue between employers and workers and their representative organisations, at local, national, European or global level. The ETF demands the establishment of a European social dialogue committee for the tourism sector.

Adopted at the ETF Congress, on 29 May 2009

ETF Strategy for Sustainable Fisheries

Why is the European fishery sector not sustainable today?⁶

If compared to other economic activities, European fishery is a small sector, both regarding its economic significance and in terms of people employed. However, the employment generated by fishing activities is concentrated in coastal areas, whose economy is often fisheries-dependent, as the catching sector also creates a number of indirect jobs, mainly in processing and trading. Moreover, the sector plays a major role in supplying food, as the contribution of fish to a healthy and balanced diet is generally acknowledged. Europe's fish demand is constantly increasing and the Union is already highly dependent on imports.

For all those reasons ETF demands a coherent and long term strategy to make the sector sustainable, economically, socially and environmentally.

Notwithstanding their relatively small economic importance, however, fishing activities have often been in the spotlight, especially due to massive environmentalist campaigns pointing out fishermen as predators who illegitimately make their living out of public resources and in doing so destroy seas and oceans' natural resources.

Such negative image of the sector is certainly to be challenged: European fisheries are in fact a heavily regulated sector, and contrary to what a part of the public opinion believes, fishermen are certainly not predators without any concern for natural resources. In addition, the industry's environmental awareness improved over the last decades, also as a consequence of the legislative measures and restrictions applied to the sector.

Nonetheless, European fisheries have not yet achieved sustainability targets, in spite of the fact that this was precisely the declared objective of the latest CFP's reform, adopted in 2002. Also thanks to the TRUST project, the ETF developed an extensive debate on economic, social and environmental related issues.

Starting with the **economic dimension**, various are the reasons making the sector not sustainable. First of all, due to the fisheries' sector **market structure**, the product gets most of its value only after the first sale. In this way, the catching sector does not benefit from fish's added value and can not get operational costs back directly from the product. This has of course negative repercussions on working conditions as it implies few investments for improving safety and working conditions, as well as on fishermen's remuneration, a part of which is a share of the profits made through the sale of the catch.

⁶ Between 2006 and 2008 the ETF carried out the TRUST project with the aim to develop its strategy on sustainable transport. The debates held in the framework of TRUST are at the base of the ongoing ETF activities on sustainable transport, which are summarized in the relevant Congress paper. However, the fisheries sector being regulated through the Common Fisheries Policy (CFP), the debate around the sector's sustainability is quite distinct from that on transport. For this reason, the ETF Sustainable Fisheries strategy is dealt with in the present document while transport issues are addressed in a separate paper.

Secondly, the **financial instruments** designed to help the sector restructuring in order to adapt to the restrictions on catches, first the FIFG and then the EFF, did not fully accomplish their objectives, as they made some segments of the sector dependent on public funds. This trend should be inverted through the upcoming CFP reform that will take place in 2013.

Any kind of aid should be transitory and flexible enough to cope with the sector's changing needs and developments and should break the vicious circle that makes enterprises constantly dependent on external funds. Aid should not only be granted to dismiss the fleet, but rather to modernize it, making it more respondent to environmental needs, and to improve working conditions and safety at work.

The weak economic situation of fisheries makes the sector very exposed to the influence of external factors, as it was the case with fuel price, which has recently caused two acute crises.

*That is why ETF advocates a **radical reform** of the policies applying to fisheries, to tackle **structural weaknesses** and to confer the sector a long-term stability, to the benefit of all the actors involved in fishing activities. Such reform should be developed at tripartite level, with the full involvement of social partners and national administrations.*

The abovementioned structural problems certainly do not contribute to improve the sector's poor records as far as the social dimension is concerned. Up to now, the CFP has underestimated the importance of the human element in fisheries and has not properly taken into account the **social dimension**. Although unions' appeals and campaigns carried out at European and national levels are often followed by declarations of good will from employers and institutions, working conditions in fisheries are amongst the poorest in Europe and no major improvement was achieved over the last decade. This is mainly due to a lack of political will to improve the current situation: for instance, although funds allocated through abovementioned financial instruments could be used for financing interventions for improving working conditions (training, adjustment of appliances to improve safety, etc.), this dimension has been under-financed in several Member States.

What the ETF wants

ETF wants social issues to be mainstreamed in any policy concerning fisheries and the social dimension to be valued as fundamental as the economic and environmental ones. To date, a social impact assessment of legislative proposals is accomplished in a very superficial way, and in most of the cases with no consultation of social partners.

In the framework of such scarce concern for social aspects, some core issues have not been tackled to the detriment of the sector's sustainable development. As an example, due to the lack of a **common framework for certifications**, the principle/right of free movement of workers can not be fully applied to fishers, with the consequence that vessels are often undermanned due to the shortage of qualified workers for certain professions in some countries.

Next, fishery is still one of the most dangerous sectors to work in. ETF had welcomed the Maritime Policy's action plan as it states the need for improving working conditions and announces a series of measures to be taken by 2008.

ETF regrets the fact that, to date, none of the planned measures has been put forward and urges the European Commission to go ahead with its plan. First of all, data collection on accidents must be improved, as data availability is the basis for any future revision of the current legislation. Measures are needed for small fishing vessels, which do not fall within the scope of existing provisions on health and safety at work (H&S). Moreover, existing rules on H&S must be revised and updated and its enforcement must be monitored more closely.

A further crucial issue which institution failed to tackle is the fishermen's "**share**" remuneration system in place in several Member States. According to such system, at least a part of fishermen's wage is represented by a share of the net proceeds obtained from the sale of the catch. This arrangement has several negative repercussions for fishermen as: it puts pressure to increase productivity and therefore to work longer hours and with as few crew members as possible; in some EU countries fishermen are considered to be self-employed, due to the fact that a part of their salary is variable, and are therefore not covered by social security systems; fishermen participate to paying operational costs, and therefore share the entrepreneurial risks with employers, although they do not benefit from direct aid, when these are granted to enterprises.

The ETF wants the creation of a common EU framework on fishermen's right to minimum pay and access to social security.

*The protection of **third countries' workers engaged in fishing operations in EU waters or on vessels calling EU ports** should be tackled at EU level, as for the time being no EU-level provision is applicable in case of human and labour rights violation.*

As far as the **environmental dimension** is concerned, it has to be acknowledged that significant steps forward have been taken, at least at legislative level. Amongst others, measures have been put forward to eradicate IUU (illegal, unregulated and unreported) fishing, improve the control system and provide more coherence to individual Member States' actions, to establish a strategy to eliminate discards.

Although these measures are still to be fully adopted and/or implemented, they are certainly a step in the right direction and respond to the demands put forward by ETF over the past years. As the enforcement of new regulations will entail workers' contribution, ETF urges the Commission and Member States to organise and finance training and information sessions involving workers and their organisations. Moreover, a rapid ratification and implementation of the "Work In Fisheries Convention" from ILO of 2007 will further contribute to the combat against IUU fisheries as well as improving conditions for non EU fishers.

Support to research and development for applying greener technologies to fisheries should be further fostered, and this should include programs promoting the use of fuel efficient fishing practiced and fishing gears.

The sector's sustainability also depends on its **interaction with other related activities**. That is why the ETF had supported the creation of an integrated maritime policy, which would minimize incongruence and overlapping, facilitating the dialogue and mutual exchange between the various maritime-related sectors. However, an effective link between the various maritime activities is still missing.

ETF asks the creation of a common platform, made of social partners and institutions, dealing with social issues and tackling concerns shared by several maritime-related sectors, especially training, qualifications and recruitment.

Sustainability must also be the leading principle for the **European external fisheries policy**. The EU fishing fleet operating outside European water through fishing agreement between the EU and third countries must operate in full respect of local communities and local workers' rights, according to environmentally friendly patterns, respecting the same rules applied in Community waters. The social clause negotiated by European social partners, and which is included in those fishing agreements, was a major step towards the recognition of local fishermen's rights and of the real value of their work, but proved not to be fully effective.

That is why ETF wants the legal value of this clause to be better defined and strengthened, so as to make the respect of workers' rights a condition sine qua non for the concession of fishing rights in third countries.

Adopted at the ETF Congress, on 29 May 2009

Building Strong Unions

The European Social Model under attack

Europe is going through a period of growing pressure on labour and social rights, with the spread of social and wage dumping, attacks on trade unions and expansion of neo-liberal policies which requires a clear and firm response from European workers and their organizations.

The current international financial and economic crisis where the greed of financial players used people as disposable assets and led to a predictable crisis, is also impacting on the real economy and jobs are seriously under threat.

Amongst ETF affiliates' priorities, protection of jobs has gained the top and this is the moment to confront our governments with their responsibilities: on the one side nothing was done while major banks were making obscene profits and casino capitalism grew, often on the expenses of workers savings and pension funds; on the other side, billions were suddenly found to avoid the collapse of the banking system. In other words, year after year a few filled their pockets with the profits and now the governments had to nationalize the losses.

The trade union movement must go on the offensive and claim that the same support is found for preserving jobs and workers' living standards and enhancing their pay conditions.

This credit crunch came in a moment when the European trade union movement has been confronted with a series of rulings from the European Court of Justice – the Viking, Laval/Vaxholm, Rüffert and Luxembourg cases – whose impact goes much further than just the cases or the countries they address.

Based upon its interpretation of the Treaty, the Court, although recognizing the right to strike, considered actions or legislation aiming at ensuring equal treatment for workers and preventing social dumping, to be in breach of the Treaty because they hinder the free movement of businesses and the freedom of establishment. Suddenly we were told that economic freedoms should prevail over fundamental social rights. In adopting these rulings, the ECJ rewrote the legislation, it did not limit itself to interpret the law and the Treaty but went further even using the law to interpret the Treaty.

The European Commission keeps promoting liberalisation of transport with the argument that it will make transportation cheaper and therefore more attractive to customers. However, the ETF focuses on more cooperation instead of more competition. By exacerbating inter-modal competition, the Commission turns its back on a policy of complementarity between transport modes, which is the only way to re-balance the road share of transport with other transport modes, while allowing for social, environmental and technical aspects to be duly taken into consideration.

The argument of eliminating monopolies, removing barriers and ensuring cheaper services does not stand: what we see, is that many times public monopolies have been replaced by others from multinationals, with the reduction of the work force, increase in prices for the consumers, lower quality of the services delivered and additional burden for the national budget as a consequence.

With the pretext that the way markets are organized, with just-in-time deliveries and zero stocks, requires more flexible – “modern” they call it – forms of labour organization, we have assisted to the development of shameful forms of precarious labour, namely in the freight distribution market. Workers being paid by the kilometer or by the parcel are just examples of how businesses perceive the concept of “modern labour organisation”.

The trade union and labour movement should be proud of what we achieved through the welfare state in the post World War II period. By social mobilization and shifting of the balance of power in society, enormous social progress was gained. Even if the balance of power now has changed and the European Social Model has been under enormous pressure and attacks in the era of neo-liberalism, it is true that Western Europe still is the most advanced region of the globe in terms of social protection and trade union rights. But we should ask: for how long? The downwards pressure risks to undermine the whole system.

However, it is precisely because we are proud of our Social Model, which accommodates the Nordic, the Southern and other European labour relation cultures, that we fight against all attacks it has been subject to during recent years. And it is time to say loud and clear: WE HAD ENOUGH! HANDS OFF OUR RIGHTS!

Collective agreements, the right to take industrial action and social dialogue (bi- and tripartite co-operation) were developed as key pillars of the European Social Model. However, as the balance of power has shifted enormously in favour of employers in the era of neo-liberalism, they have turned increasingly hostile towards trade unions. Employers have started to attack what they earlier accepted in negotiations and agreements with trade unions when the balance of power was more favourable to workers. The social dialogue has thus gradually been drained of real contents in many circumstances. The ETF remains committed to social dialogue, but we realize that what we can achieve at the negotiation table with the employers are dependent of the power we can mobilize at the workplaces and in society. Our main task is therefore to strengthen our unions and mobilize sufficient social forces to change the balance of power in society.

Boosting trade union strength

The importance of transport and transport workers in the functioning of the globalised economy throughout the transport chain must be well perceived by all, starting with transport trade unions. Employers are certainly aware of the weaknesses and threats that result from operating in the global market. That is why transport trade unions are a preferential target in their strategies for market liberalization and de-regulation.

In order to capably respond to the challenges ETF affiliates are confronted with, there is a clear need they make the best use of all possible tools in defense and improvement of their members’ working and living conditions.

This is primarily a task for the unions themselves to put in place: the average level of unionized workers in the transport sector must be increased if we want to have an effective balance of power. This is central to any strategy envisaging

strengthening transport trade unions. However, with few exceptions, there is a generalised loss of members over the four years period since the last Congress.

Despite the impact that the current economic crisis may have had or will still have on employment, the fact is that for the last years we have witnessed a steady growth of transport and this for all modes.

This period of crisis and job losses must be seen by transport trade unions also as an opportunity: it is the moment for reinforcing previous demands for sustainable policies to be adopted, but also to widen the scope for recruitment and organizing and intervention closer to the workplace.

a) Broadening trade union leverage

As mentioned above, the average level of trade union membership in the transport sector remains low and we assist to a downwards trend. Even if we acknowledge that there are many factors external to the labour movement that may contribute to distance workers from their representative organizations, it is known by all that a number of grey areas persist which represent an opportunity for boosting recruitment.

Organising **non-union and precarious workers** is essential in times of crisis. Not only they can see trade unions fighting to protect their jobs too, but also this is a way to prevent the increase in the number of unemployed which put the pressure on the bargaining capacity of those at work.

Promoting **women employment** in the transport sector, accompanied by a better integration of gender related demands in collective bargaining are also measures which deserve more attention from affiliates. Transport has a high potential for increasing women employment and trade unions have all interest in taking part from the beginning in ensuring an adequate, non-discriminatory integration. To that end it is necessary that gender issues are dealt within the highest priorities in trade unions' policies.

Addressing **young transport workers** will require new forms, possibly less formal, to ensure their participation in trade union life and debates. Of particular importance is to ensure an exchange of experiences across the sectors and across Europe. Young workers are not only the future of trade unionism, they are also the future of transport. In fact, more and more we hear about the lack of attractiveness of transport related professions. Trade unions must be able to listen to young people expectations in order to integrate them fully in their bargaining lists. Also important is to include young people demands as citizens in the more general trade union policies thus developing more areas of common interests.

The number of **migrant workers** in transport in Europe is growing and often those workers are not only non-unionised but also no trade unions exist in their home countries capable to represent their interests as mobile workers. Several affiliates are already developing own experiences towards migrant workers in strategic locations where they can be approached. Those relate to information but also recruitment and organizing in the host country unions. Others are focusing in key passing points or hubs where information is made available in the migrant workers main languages.

Managerial and professional staff in transport is also becoming increasingly important with considerable growth rates in recent years for the number of professionals. Understanding the specific expectations from these workers will also

allow for trade unions to cover not only a growing segment in the work force but also to promote a better understanding among different types of workers within the same company or within the transport industry.

Logistics is another sector where transport trade unions have not invested enough resources. Nevertheless much needs to be done with regards to basic rights, working time, appropriate training, etc. areas in which only strong trade unions will be able to exert their influence. With a newly established cross-sectoral Committee on Logistics, the ETF wants to boost its activities towards those workers.

- The ETF will continue to work with its affiliates with a view to increase trade union membership in transport and in particular address the categories of workers identified above.
- The ETF Women's Committee will continue its activities following the action plan to be adopted by the Women's Conference and the positive experiences from specific meetings with the different sections on gender issues should also be continued.
- The ETF will include the topic of organizing the non-organised in its projects under the Information and training heading, identifying key sectors and regions for priority intervention.
- With regards to young workers the ETF will organise a Young European Transport Workers' Conference in 2011, with different preparatory activities over the year of 2010.
- The ETF will further cooperate with affiliates in developing information campaigns for transport workers, including migrant workers, in strategic locations to be jointly agreed.

b) Promoting cross-border cooperation

An important front in developing trade union strength is the increase in cross border cooperation. The growing number of multinational companies dominating key markets and transport axes creates the need for additional trade union coordination and exchange of information.

In the frame of the ITF Organising Globally Strategy adopted at the Durban Congress in 2006, the ETF has a key role to play since most **global operators** have significant activities throughout the European continent. For this reason it is necessary to consolidate the liaison between the two secretariats ensuring timely programming of activities and joint definition of priorities.

Particular attention must be given to **key hubs and corridors** where, with the coordination role of the ETF, affiliates can rationalise their resources, share costs and increase their visibility among transport workers.

- The idea of **cross-border membership** has been discussed on different occasions and is seen as a possible way to overcome the difficulties of organizing transport workers in their home countries, even if temporarily only.

Another area where the ETF must further develop joint work with its members relates to **coordination of collective bargaining** with particular focus on multinational companies. Exchange of information on developments around Europe is essential for trade unions to set up their bargaining strategies and to coordinate their practices with devel-

opments elsewhere. Some experience already exists in the Railway sector and other sections may want to build upon what has been done.

The ETF has adopted a multinational company policy which relates mainly to the coordination of both trade unions and EWCs⁷ in areas such as dealing with restructuring measures at European/multinational level. This type of coordination and exchange of information is fundamental for affiliates to properly handle negotiations with multinational companies.

- The ETF will continue to work closely with the ITF with respect to global operators and multinational companies, liaising with global trade union networks where they exist.
- Existing studies and research will be used to identify and support priority work at European level with regards main hubs and corridors, always in close cooperation with the relevant national affiliates.
- Discussions on cross-border membership and collective bargaining coordination must also be brought to the section level in order to identify which models can better serve transport workers' protection whilst fostering trade union strength.

c) Education and training at the service of the membership

The ETF has an important role to play in promoting the necessary capacity building of its member organizations. Through a closer contact with affiliates in different regions, it has been possible for the Secretariat to identify priority areas for intervention.

In order to close the existing gap between better prepared affiliates and others which are more in need of assistance, the ETF will give priority to developing **basic training modules** addressing communication and negotiation skills, social dialogue and organizing strategies. Affiliates from Central and Eastern Europe as well as newly elected trade unionists from Western European countries should be given priority access to these activities. Cooperation with the ITF Education Department and the European Trade Union Institute should be further developed, ensuring the necessary adaptation to the specific regional needs.

Information is also a major tool for giving the ETF visibility towards its members and sharing experiences and good practices. Apart from section meetings, the Secretariat develops many other activities which affiliates are often not aware of. The implementation of the agreed Communication Strategy, in particular towards ETF affiliates, will remain a top priority.

d) European Sectoral Social Dialogue⁸

Being currently involved in six sectoral social dialogue committees (SSDCs), the ETF has repeatedly reaffirmed its commitment to **European Social Dialogue** where an added value for its members can be achieved. Too often we are confronted with employers' lack of mandate or lack of will to engage in meaningful negotiations.

⁷ A separate motion will deal with the specific work on EWCs.

⁸ Also on this topic Congress will discuss a specific motion.

Once again, only with strong unions it will be possible to have the balance of power to bring employers organizations to negotiations which can represent an improvement for our members working and living conditions.

While it is important not to loose track of the need to build on trade union strength, the ETF will continue to pursue positive outcomes from the existing SSDCs as well as the possible creation of a SSDC for Port Work.

e) Defending trade union rights

In face of the current wave of attacks to labour and trade union rights, the ETF must continue in the forefront of the European trade union movement which **refuses to compromise on fundamental rights and principles**.

The ETF will continue to work jointly with the ITF, ETUC and other European Trade Union Federations with a view to protect and strengthen the European Social Model, intervening towards the European institutions, promoting alliances with relevant NGOs, fighting back the calls for further de-regulation and elimination of collective social rights.

f) Strong ETF

The strength of the ETF comes from its members. As its affiliates at national level, the ETF can only be effective in its role of representing its members at European level if it is respected for the seriousness of its work and the balance of power given by the affiliates vis-à-vis the institutions and employers' organisations. With more than 70% of our current national legislations resulting from EU legislation, can we afford ignoring the importance of having a strong representation in Brussels?

The ETF will not be a “meeting organisation”, but an organisation which will fight back. The areas for action set above require an active involvement of all, affiliates and Secretariat and new forms of work and communication, new attitudes and a willingness to take action. A serious debate on the priorities and a proper evaluation of the resources must be carried out for the Federation to be able to deliver what affiliates expect and need. Additional **human and financial resources** will be needed for the ETF to keep up to its responsibilities.

A strong ETF will be built upon strong unions with more human and financial resources. They will thus contribute to strengthening the ETF through their national activities and the capacity to engage in fighting for common goals at European level.

Adopted at the ETF Congress, on 29 May 2009

European Sectoral Social Dialogue

The global economic crisis as a result of the collapse of the international financial markets is having a dramatic impact on the livelihoods of workers worldwide. Europe is no exception and jobs are being shed by the hundreds/thousands in all industries. SMEs are closing down and multinational companies are either cutting jobs or cutting working hours. Unemployment and partial unemployment are on the rise. Temporary workers, part time workers and precarious workers are the first victims.

If, in the past, the European social model was attacked, the deepening of the financial, economical and social crises explains more and more each day the need for European social regulation. The “Community social acquis“ has been mainly based on legislation up to now. More recently, some agreements became binding through what is called “European negotiated legislation“, which results from agreements between European social partners, as foreseen in the Amsterdam Treaty.

For years the ETF has been involved in the European Sectoral Social Dialogue (ESSD) covering the following sectors: Railways, Road Transport, Fisheries, Inland Navigation, Civil Aviation and Maritime Transport. These structures have employed a variety of tools (agreements, statements, joint projects...), decided appropriate joint recommendations made to the European institutions and to the social partners’ national members and defined priorities included in their work programs. Those European Sectoral Social Dialogue Committees (ESSDCs) where the ETF is involved are included amongst the most productive ones.

For ETF, ESSD must contribute to and promote growth, quality jobs, social Europe and sustainable Transport policies. ETF sees these work programs as means of further reinforcing the social partners’ autonomy. It should be said nevertheless that for ETF, the legislative approach and the negotiating approach are complementary and both are needed in order to develop social rights. For this, it is necessary that European transport policies integrate the social dimension inside of the legislation, which is not yet the case.

There are still some major hurdles to cross

ETF is aware that the development of European social dialogue presupposes strong involvement of European and national employers and trade unions’ representatives. In this respect, ETF highlights the crucial importance of social dialogue in building trust and good faith between trade unions and employers and in finding balanced solutions to social questions and to develop social cohesion at European and national level. ETF thus deplores the lack of willingness of employers in certain sectors to engage in constructive and fruitful discussions and negotiations. The reluctance from many employer organisations to give a clear mandate to their European association to negotiate on their behalf has been the main obstacle to allow for progress to be made in various ESSDCs.

What is more, ESSD can not be an instrument for keeping transport and fishery workers' representatives busy dealing with others' priorities: when agreeing on joint working programmes or activities, whilst there must be a common interest for both workers and employers' organisations, the ETF must always ensure there is a potential added value resulting from those activities, projects, etc for its members.

EU enlargement brought a number of issues into the spotlight: lack of representative employers' organisations in several new Member States and candidate countries, sometimes highly fragmented trade unions, and consequently, very low coverage rate of sector-based collective agreements in those countries. In addition to such problems in those countries, it is the very future of autonomous European negotiations for social partners (article 139) that is being questioned. Recent declarations from Commission officials that they might envisage revising legal texts resulting from social partners' agreements, without mutual consent, risk to open an unacceptable precedent and thus undermine social partners efforts and trust.

The ESSD must be better interconnected with dialogues / negotiations at national level. The European social dialogue must also be better structured at trade union level (issues regarding delegations, mandates, etc.). These issues must be responded to if the trade union movement is to successfully build a genuine European regulatory and social negotiation level. Strategies should be built among ETF members prior to the meetings.

The Commission Decision on 20 May 1998 foresees that ESSDCs should be consulted by the European Commission on developments that may have social implications at community level. This has not always been the case. The most frequent is that the Commission services (DG TREN and DG MARE) do not consult the relevant ESSDCs on proposals which have social implications, sometimes just informing them on the developments afterwards.

The way forward

The ESSD should enter into a new phase, one that will improve the capacity of social dialogue to negotiate binding agreements and in which European transport employers' associations will engage on joint activities with ETF representatives in order to implement recovery programs and industrial policies guaranteeing the industrial and social future in the various transport and fishery sectors. ETF will seek a more active involvement of the employers in combating the crisis through a mature practice of European social dialogue in the spirit of a win-win approach. ETF will promote jobs strategy management and human capital.

ETF wishes to impose a qualitative leap forward in sectoral social dialogue throughout Europe, notably in ensuring a better interrelation of the latter with national and cross-sectoral levels in Europe. ETF will ensure capacity-building for its members and, in particular, those in new Member States and candidate countries in order to allow them, among other, to fully participate in the ESSD and to strengthen bipartite dialogue at national level too.

ETF will strengthen the implementation and independent monitoring of European framework agreements, joint statements or codes of conducts signed with employers' organisations. ETF will participate in efforts aimed at ensuring "upstream convergence" of these tools.

The ETF will continue to strive for the adequate official consultation of the ESSDCs by the Commission on all matters and proposals at community level that have social implications. All relevant information and reasonable deadlines

must be provided to the ESSDCs, so that they can, in turn, adequately respond to the consultation. The Commission must fulfil its responsibilities as proponent of legislative texts in dialogue with the social partners.

By various means, the Commission should strongly encourage the European transport employers' associations to have a mandate to engage in binding negotiations. The Commission should explicitly confront employers with their responsibilities and hold discussions with the relevant associations on the way forward. The ETF will only be available for meaningful discussions and negotiations, which can bring an added value to the improvement of transport and fisheries' workers living and working conditions.

Adopted at the ETF Congress, on 29 May 2009

Fundamental Rights vs Economic Freedoms

I – The outset

The ILO sets via a tripartite structure, involving not only social partners but also the governments, minimum standards in many industrial sectors. Precisely because of their character of minimum standards, the instruments they adopt constitute a basis below which no Member State should accept to go.

The growing trend in the EU for limiting individual Member States capacity to actively intervene in international bodies, under the understandable pretext of ensuring a coordinated EU approach, raises however concerns on how far the EU can limit its Members' readiness to work for the improvement of the global framework with regards to safety, social, labour and environmental standards.

On the other hand, how is it possible that, having all the EU Member States (and candidate countries) ratified the ILO Core Labour Standards, including those relating to the Freedom of Association, Collective Bargaining and the right to strike, the Commission insists in weighing the exercise of fundamental social and labour rights against the possible effects it may have on the so-called market freedoms?

II – A recognised hierarchy – from global to regional

The ILO was founded in 1919, in the wake of a destructive war, to pursue a vision based on the premise that universal, lasting peace can be established only if it is based upon decent treatment of working people. The ILO became the first specialized agency of the UN in 1946⁹.

On 9 May 1950, the Schuman Declaration proposed the establishment of a European Coal and Steel Community (ECSC), which became reality with the Treaty of Paris of 18 April 1951. This put in place a common market in coal and steel between the six founding countries (Belgium, the Federal Republic of Germany, France, Italy, Luxembourg and the Netherlands). The aim, in the aftermath of World War II, was to secure peace between Europe's victorious and vanquished nations and bring them together as equals, cooperating within shared institutions¹⁰.

According to European legislation and customs, every institution with a higher seniority as the European Union is respected in its functioning, opinions and operation. Since the ILO outdates the European Union by more than 30 years, it deserves to be respected in every way by the European Union.

⁹ ILO website

¹⁰ Commission website

In legal terms we can say that there is a 'hierarchy of sources of law'. This means that a clear order of importance is defined in legislative texts. National laws prevail over regional ones, and regional ones over local ones.

Taking the same reasoning to the global level, we can state that Global texts should prevail over European ones, bearing in mind that this hierarchy of sources of law – which is universally adopted – clearly recognises that more favourable rules can always be developed on different (including regional) levels.

III – International minima vs EU legislation

On a number of occasions the European Commission took the initiative to propose the inclusion of ILO and other international bodies' conventions in the Community legal framework. This was also the case with social partners' agreements, namely in the maritime sector, which transposed ILO Conventions into EU directives, with the full support of the Commission. On other occasions however the Commission has refused to align with already agreed instruments, as was the case with the appeals from port workers for the Commission to promote the ratification by Member States of ILO Conventions 137 and 152 on port work. It argued that the Convention goes against the market freedoms to provide services and of establishment.

Building from the long standing social tradition of the ILO, it is completely unacceptable that ILO Conventions resulting from years of tri-partite negotiations are not recognised by the European Commission as undisputable universal minimum benchmarks.

The recent four rulings of the European Court of Justice – Viking, Laval, Ruffert and Luxemburg – may have profound negative repercussions on workers' labour and social rights throughout Europe. The fundamental freedoms and rights that European trade unions have worked so hard to procure for their members, are now being jeopardized by the ECJ's decree that the said rights must be curtailed in order to avoid any possible limitation to the economic freedoms that are central to the EU Treaty. Although those four disputes occurred in four separate EU countries, the precedent set through the ECJ decisions is applicable in all EU member states and has been fully supported by the European Commission.

Confronted with possible contradictions between the Court rulings and ILO instruments which might have been breached, some in the Commission have clearly stated that Community legislation would prevail over ILO Conventions, namely on the possible infringement of ILO Convention 98 on Freedom of Association and collective bargaining.

The situation is dire: the trade union movement in Europe is being strategically attacked and workers' rights are being compromised; the only long term solution lies in the changing of European law so that workers' rights can be formally secured.

IV – The way forward

Since 2007 all EU Member States have ratified the eight ILO fundamental Conventions or Core Labour Standards:

- Elimination of Forced labour Conventions 29 & 105
- Freedom of Association Conventions 87 & 98
- Elimination of Discrimination Conventions 100 & 111
- Abolition of Child labour Conventions 138 & 182.

The ETF DEMANDS that the European Commission takes all possible measures to ensure that at all stages the EU community *acquis* is in line with those fundamental conventions, without prejudice of the most favourable conditions principle and the non-regression clause.

The ETF FURTHER DEMANDS that all relevant transport and fisheries related Conventions are taken as minima which can not be disputed against the European legislation. The necessary coordination of EU Member States intervention in international global or regional bodies can not be used to prevent individual Member States from submitting proposals that foster safety, social rights or workers protection.

The ETF DEMANDS that ILO Conventions be complied with. ILO recognizes the right to strike as a basic right: “The right to strike is one of the principal means by which workers and their associations may legitimately promote and defend their economic and social interests. The minimum service cannot be imposed except to essential services in the strict sense of the term, i.e. endangering the life, personal safety or health of the population ”. Strikes in the transport sector are not generating such dangers.

The ETF STRONGLY SUPPORTS the ETUC calls for the adoption of a legally binding “social progress protocol” to be added to the European Treaty. The proposed protocol would effectively subordinate the economic freedoms addressed in the Treaty to social and labour rights.

The ETF CALLS on the revision of the Posted Workers Directive in order to clarify that it was never meant to downgrade posted workers protection and rights but rather to ensure the basic fundamental principle of “equal pay for equal work” and that host country conditions apply and prevail.

The ETF CALLS on its affiliates to actively inform and mobilise their members in the frame of the European Parliament elections’ campaign with a view to support those candidates who will engage, when elected, in promoting the above mentioned principles and causes.

The ETF DEMANDS the setting up of an European Social Observatory to assess the implementation of social legislation, to monitor the efforts for promoting a high level of employment, the guarantees for social protection, the fight against social exclusion, a high level of education, training and protection of human health, and the social progress protocol.

Adopted at the ETF Congress, on 29 May 2009

ETUC Proposal for a Social Progress Protocol

Protocol on the relation between economic freedoms and fundamental social rights in the light of social progress

The high contracting parties,

HAVING REGARD to Article 3 (3) of the Treaty of the European Union,

CONFIRMING their attachment to fundamental social rights as defined in the European Social Charter signed at Turin on 18 October 1961, and in the 1989 Community Charter of the Fundamental Social Rights of Workers,

RECALLING that the Union shall work for a highly competitive social market economy, aiming at full employment and social progress, (Article 3 (3) sub par. 1 of the TEU)

RECALLING that the single market is a fundamental aspect of Union construction but that it is not an end in itself, as it should be used to serve the welfare of all, in accordance with the tradition of social progress established in the history of Europe;

WEREAS, in accordance with Article 6 (1) of the Treaty of the European Union, the Union recognises the rights, the freedoms and principles set out in the Charter of Fundamental Rights and in particular the fundamental social rights enshrined in this Charter;

BEARING IN MIND that, according to Article 9 (new horizontal social clause) of the Treaty on the Functioning of the EU, in defining and implementing its policies and activities, the Union shall 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,

HAVING IN MIND that the Union and the Member States shall have as their objectives the improved living and working conditions, so as to make possible their harmonisation while the improvement is being maintained (Article 136 (1) EC Treaty = Article 151 (1) TF EU);

RECALLING that the Union recognises and promotes the role of social partners, taking into account the diversity of national systems, and will facilitate dialogue between the social partners, respecting their autonomy (Article 136a new = Article 152 TF EU);

WISHING to emphasise the fundamental importance of social progress for obtaining and keeping the support of European citizens and workers for the European project;

DESIRING to lay down more precise provisions on the principle of social progress and its application;

HAVING AGREED UPON the following provisions, which shall be annexed to the Treaty of the European Union and to the Treaty of the Functioning of the European Union:

Article 1 – Principles

The European social model is characterised by the indissoluble link between economic performance and social progress, in which a highly competitive social market economy is not an end in itself, but should be used to serve the welfare of all, in accordance with the tradition of social progress rooted in the history of Europe and confirmed in the Treaties.

Article 2 – Definition of social progress and its application

Social progress and its application means in particular:

(1) The Union:

- a. Improves the living and working conditions of its population as well as any other social condition.
- b. Ensures the effective exercise of the fundamental social rights and principles, and in particular the right to negotiate, conclude and enforce collective agreements and to take collective action.
- c. In particular protects workers by recognising the right of workers and trade unions to strive for the protection of existing standards as well as for the improvement of the living and working conditions of workers in the Union also beyond existing (minimum) standards, in particular to fight unfair competition on wages and working conditions, and to demand equal treatment of workers regardless of nationality or any other ground.
- d. Ensures that improvements are being maintained, and avoids any regression in respects of its already existing secondary legislation.

(2) The Member States, and/or the Social Partners,

- a. Are not prevented from maintaining or introducing more stringent protective measures compatible with the Treaties.
- b. When implementing Union secondary legislation, avoid any regression in respect of their national law, without prejudice to the right of Member States to develop, in the light of changing circumstances, different legislative, regulatory or contractual provisions that respect Union law and the aim of social progress.

Article 3 – The relation between fundamental rights and economic rights

(1) Nothing in the Treaties, and in particular neither economic freedoms nor competition rules shall have priority over fundamental social rights and social progress as defined in Article 2. In this case of conflict fundamental social rights shall take precedence.

(2) Economic freedoms cannot be interpreted as granting undertakings the right to exercise them for the purpose or with the effect of evading or circumventing national social and employment laws and practices or for social dumping.

(3) Economic freedoms, as established in the Treaties, shall be interpreted in such a way as not infringing upon the exercise of fundamental social rights as recognised in the Member States and by Union law, including the right to negotiate, conclude and enforce collective agreements and to take collective action, and as not infringing upon the autonomy of social partners when exercising these fundamental rights in pursuit of social interests and the protection of workers.

Article 4 – Competence

To the end of ensuring social progress, the Union shall, if necessary, take action under the provisions of the Treaties, including under (Article 308 EC Treaty = Article 352 of TF EU).

Coordination in the Field of Multinational Companies and European Works' Councils

The ETF affiliated members, participating in the ETF 2009 Congress

Acknowledge the transnational nature of transport within the EU Internal Market. In Europe, transport is organically linked to ways in which the economy is currently being re-shaped within the EU Internal Market. The freedom of business to expand all over Europe and, on the other hand, the increased mobility of people within the continent, require fast and efficient Europe-scale transport services and operations. Hence the growing presence – in transport – of multinational companies that strive to position themselves in an extremely competitive environment. Transport is an industry exposed to external structural changes (such as those induced by, for instance, delocalisation of manufacturing and production). Additionally, transport is subject to changes from within, driven by the need to permanently and rapidly adapt to requirements for greater mobility of goods and people. There are over 80 transport multinational companies operating in Europe and with them comes a diversity of reorganisation measures, varying from consolidation via mergers, take-overs, acquisitions to downsizing via outsourcing, sub-contracting, transfer of business divisions.

Acknowledge that transnational companies mean transnational business reorganisation measures, that translates into transnational social impact. In transport, like in most of the industries, any European-scale merger, take-over, outsourcing, has an immediate impact on labour and employment. Business reorganisation measures are nowadays decided upon by central managements, they rarely affect a single country and are rarely communicated – let alone discussed – with the concerned groups of employees. In transport, despite their transnational character, these measures will be less visible – compared with, for instance, reorganisation of production and consumption activities – and consequently the associated social impact will be less evident. While the relocation of a plant would make headlines throughout Europe, transnational subcontracting of courier express services would go un-noticed. Due to this, national unions may be less able to tackle social consequences of Europe-wide restructuring in transport (job-loss, transfer of staff, replacement of full-term contracts with agency workers) by, for instance, informal networking.

Acknowledge that, in the given context, the European Works' Councils are the appropriate level of workers' representation at European level. The European Works' Councils respond to the need to adapt social dialogue to the requirements of the Single Market. They are a major step in developing an industrial relations system at European level. It is precisely the transnational character of business reorganisation and restructuring – in transport, as in all other industries – that urge ETF affiliated trade unions to seek solutions beyond the national borders. The European Works' Councils play, in this context, an essential role as workers' representation bodies whose functions and competences are enshrined

in the EU labour law. It is of key importance though to have a strong trade union presence in each and every EWC, in transport. Of those approximately 80 multinational companies operating in transport, 20 have a European Works' Council. Of the latter, a slightly smaller proportion benefit of a strong trade union presence.

Acknowledge the fact that the new EWC Directive brings substantial improvements in this policy field, giving enhanced rights and resources to EWCs. In December 2008 a new EWC Directive was adopted by the European Institutions. This is an improved legal frame, strengthening the workers' rights to be informed and consulted on transnational restructuring measures. Amongst others, it gives a better definition of 'transnational' measures. It acknowledges the European trade union organisations and their role to assist workers in negotiating EWC agreements. It legitimises the link between national workers' structures and the EWCs.

Against this background, the ETF affiliated unions commit to fully cooperate under the coordination of the European Transport Workers' Federation in order to "get the grip" on multinational companies. They will particularly cooperate in setting up European Works' Councils. In doing so, the ETF and its affiliated unions will fully comply with the ETF guidelines. The following will be the key areas of the ETF work in this policy area:

Governing principle

In all matters related to multinationals and European Works' Councils, the ETF holds a full coordination mandate. The ETF will liaise fully with its affiliated unions, will promote and express – above all – the transnational workers' interests.

Aims

By acting in this policy field, the ETF and its affiliated unions will aim to:

- Strengthen the trade union presence in the multinational companies
- Have good quality EWC agreements
- Assist EWCs to make sure their rights are complied with
- Consolidate the links between national unions and EWCs

ETF coordination role

The coordination function will particularly prevail, without being limited to, in:

- Starting up process for an EWC
- Negotiating new agreements
- Ensuring a good trade union presence in the bodies that negotiate EWC agreements, as well as in EWCs
- Exceptional circumstances, when multinationals announce intended transnational restructuring measures
- Strengthening cooperation between national unions and the European Works Councils

Coordination tools and policy

The ETF activity on multinationals and EWCs will be governed by the ETF guidelines. These guidelines and policy constitute an evolving framework, to be updated whenever needed, according to practice and experience.

Institutional arrangements

The ETF will set up an ETF Committee on Multinational Companies. In terms of policy functions, this Committee will assist the ETF Secretariat with formulating guidelines, tools and policies. The Committee will however coordinate and address directly specific cases related to, for instance, national - transnational workers' representation, information and consultation rights, restructuring. Within these boundaries, the Committee on Multinational Companies will develop its own terms of reference. The ETF Executive Committee will be the decision making body in all political matters, and will regularly assess – and endorse – the ETF activity on multinationals and EWCs, based on reports from the ETF Secretariat.

Adopted at the ETF Congress, on 29 May 2009

Economic and Social Crises in Transport

The ETF 2009 Congress believes that the current economic crisis has been unparalleled in its scope, depth and severity since the “mother of all crises” in 1929-1932. A comparison with the crisis in the 1930s is absolutely justified:

All economic regions in the world have been simultaneously affected by the manifestations of this crisis. According to OECD data, the OECD countries' GDP decreased by 1.5% in the 4th quarter of 2008 in a year-on-year comparison; compared to the 3rd quarter of 2008, the decrease was 7.1%, and the corresponding decreases in the Euro zone amounted to 3.5 and 5.9% respectively. For 2009, the OECD forecasts GDP decreases of -4.3% for all OECD countries or -4.1% for the Euro zone. For Germany, leading economic institutes expect a decline of the German economic performance by 6%. This massive decline will not leave the other European states unaffected either. Emerging economies and developing countries are also massively hit by the crisis. According to a report by the World Bank for the G20 summit in March 2009, a large number of developing countries are already hit by the economic crisis. In addition to economic stagnation, many of these countries are also confronted with the collapse of their financial systems and their currencies due to an exodus of capital. In 2009 alone, the financial losses will reach enormous proportions in the developing countries. The situation of people in the countries concerned is exacerbated even further by the current food crisis, which is the result of last year's increases in commodity and food prices in the developing world. In total, the OECD expects world GDP to decrease by 2.75 % in 2009. These bleak economic prospects are driven and enhanced even further by a global shortage of private consumptive demand in combination with the existing credit crunch and a ubiquitous lack of confidence.

These collapses affect all manufacturing sectors. In the developing countries, the construction sector, the mining sector and manufacturing industries in particular are in decline, i.e. the sectors, whose export-oriented production have contributed the lion's share to the income of the countries concerned. Along the same lines, EU production in various sectors has seen the biggest decline in more than 50 years - specifically high losses have been registered in the automotive industry and its closely related sectors as well as the steel or construction industries.

After annual growth rates in world trade of almost 8% in recent years, the downturn in trade was already apparent in spring. In the 4th quarter of 2008 and in the 1st quarter of 2009, world trade showed a massive decline with -20%. In 2009, economists expect the biggest setback in the past 80 years. In its intermediate forecast for the world economy, the OECD estimates that the volume of global trade will decline by 13.2% in 2009. The difficulties in trade are closely connected to the general recession in manufacturing and affects all export-oriented countries with particular severity. And the banks' insufficient commercial lending activity is increasingly developing into another problem for world trade.

The current economic crisis is first and foremost a general crisis of an over-accumulation of capital which is an intrinsic feature of the capitalist mode of production. The reason is the tendency towards a disproportionate production without taking into account the really existing social needs and necessities. The supply of goods is in a seemingly unlimited

expansion and production costs are decreased by wage cuts, which then lead to a minimisation of purchasing power of society as a whole. As a result, it is no longer possible to generate acceptable profit rates and the deployment difficulties of over-accumulated capital are manifest in this crisis, which is characterised by generalized overproduction and under-consumption.

A special feature of the current economic crisis is the apparent worldwide crisis of financial markets and the banks. It started when the speculative bubble on the US real-estate market burst. The trade in “toxic real-estate securities” on insufficiently regulated international financial markets has led major banks and then the entire world economy into disaster. The crisis of the international financial markets is a special manifestation of the regulatory crisis of capitalist manufacturing, which emerged at the same time as the current economic crisis. In order to counteract the declining profit rates developing as a feature of the Fordism crisis and its accumulation regime, a broad and comprehensive paradigm shift has already been made in international economic policies since the end of the 1970s. The content of these policies was/is primarily focused on reducing taxes on corporations and capital, on numerous cost saving programmes, on cutting back and privatising social security systems, on privatising publicly owned companies, on giving priority to the fighting inflation instead of securing employment, on a policy of general market liberalisation and a large number of additional steps towards deregulation and liberalisation in major political fields. But above all, the position of employees and the trade unions was/is weakened by a steadily increasing pressure on wages and working conditions in general.

One of the consequences is the emergence of a financial sector of excessive dimensions and total de-regulation, and this financial sector is characterised by the de-politicisation of the banking system, by numerous waves of speculation and ultimately by tendencies towards an exodus of capital, when it is confronted by inconvenient wage and economic policies. In an economy dominated by financial considerations, companies will increasingly invest in the financial sector instead of the real economy because of better profit perspectives. The inflated financial sector is the consequence and, at the same time the cause of an unbalanced distribution of income between capital and labour which was further enhanced by neo-liberal policies. A lack of investment into the real economy on the one hand and a lack of effective demand due to insufficient incomes especially among the lower wage grades on the other lead to a cycle of continuously weaker growth rates.

For everyone, whose livelihood depends on their income from paid employment, the neo-liberal form of economic “regulation” has far-reaching negative consequences. The societal distribution of assets and incomes is extremely uneven. While capital owners and earners of very high incomes get richer and richer, stagnating real wages lead to a continuous increase in the number of people threatened by poverty or living in poverty already. People in gainful employment must accept (flexible) working hours and working conditions, which introduce major restrictions or even barriers in the life patterns and opportunities for personal development of the individuals concerned and which are totally detached from their personal situation. In addition to the general pressure on wages, companies exert even greater pressure on their employees by playing off employees in various countries against each other and by exploiting different national legislations and labour laws as well as different collective bargaining provisions regulating the workers’ employment or differences in labour productivity. At a time of economic crisis such as this, these tendencies will be further exacerbated for individuals living on the income from their gainful employment. Furthermore, there is a growing number of employees, who are no longer needed by their companies and are therefore made redundant. The OECD expects a sharp increase in worldwide unemployment until the end of 2010. According to the OECD estimates, unemployment will reach little

less than 10% in all OECD countries and as much as 11.7% in the Euro zone. Women will be hit particularly hard by this increase in unemployment.

The concrete manifestations and consequences of the current global economic crisis differ depending on the national and regional situation and economic policies. The collapse of global trade and the general slackening of production due to overproduction or a lack of effective demand has devastating consequences for the transport industry. But the general trend is that the crisis currently hits freight transport harder than passenger transport. With an increasing duration of the crisis, it must be expected, however, that passenger transport will also be increasingly affected by the crisis because of a slump in tourism and already foreseeable savings in public transport services.

Generally, enormous competitive pressure and concentration tendencies dominate the transport industry. In order to save costs and following the example of other sectors, companies try to deregulate employment, to introduce longer or more flexible working hours and to exert pressure on wages. And the relocation of production taking the form of a site change or “flagging out” is especially widespread already. Companies meet with very little resistance in their attempts, as their capital as well as their means of production are characterized by a high level of mobility. And the companies are assisted by general policies of market liberalisation and deregulation in these Attempts. It is typical for the transport industry that capital, the means of production and the deployment of employees are approached differently pursuant to various national legislations. Especially the differences in the provisions governing the employment of employees with different nationalities at the same place of work create pressure on employees rights, which were hard fought for in long labour disputes. In these times of economic crisis, not only concentration tendencies but also the attack on acquired employee rights will be exacerbated. Just as in other economic sectors, employees are confronted with a growing pressure on wages, short time working, cuts in company benefits or further education and further training and ultimately also with the threat of termination and the termination of employment as such.

The transport sector is a field of contradictory and often tension-fraught interests. People are not only employees in transport companies, in the production of the means of transport or in the construction and operation of transport infrastructure; instead they are also participating in transport patterns, their uses of transport facilities in their occupation or leisure time and far too often they also suffer from transport-related stresses. Transport policy therefore is a very broad political field in which the environment, health and leisure time are just as important issues and sub-sectors as the economy and people’s jobs. The current transport policy is however unilaterally oriented towards the interests of (privately owned) companies; the needs of people affected by transport – in their capacity as employees, transport users or sufferers – are not taken into account, however. The EU’s transport policy has not managed to realise a fair, balanced and sustainable transport system. Instead of ensuring a functioning and affordable public transport across its territory, it continues to drive market liberalisation and privatisation policies forward for the benefit of large (monopolist) companies with a high amount of capital. By way of justification for such policies, the EU only mentions the economic cost of service provision, but the overall social cost, the environmental cost or even the social cost for the employees concerned and people depending on transport hardly play any role. Such policies do not only further promote the existing concentration tendencies, they are the reason for social and ecological concern and also threaten transport safety in general.

The current economic crisis clearly exposes the inadequacies of the “neo-liberal regulatory model” and the need for planned state intervention into the economic cycle as well as general structured social planning in all areas of politics become apparent. For this reason, ETF advocates a fundamental political change on a global scale. Neo-liberalism must

be overcome in all states, in all (national) state and international institutions. At the same time, ETF demands a general societal, social and ecological New Deal:

The current financial and economic crisis destroys superfluous capital. The financial sector with its excessive dimensions must contract to a reasonable size. At the same time, functioning financial and banking systems are indispensable elements for funding additional production and for ensuring payment transactions. The current rescue packages for banks around the world, the enormous amounts of assistance provided to the financial and banking systems only make the necessary consolidation more difficult, and they also contribute to the owners of capital assets being subsidised and supported financially with public funds and at the expense of the majority of the population. Public assistance to banks must therefore be indefinitely tied to various conditions and requirements regarding the banks' shareholders' equity, dividend policy, the deployment of resources, credit policies, remunerations, the retention of jobs and certain accountability obligations vis-à-vis elected representative bodies such as parliaments, for example. Generally, the public and the state must have co-determination rights in corporate policies – by having their own representatives in the banks' management, for example –, certain business activities such as highly speculative transactions must be prohibited, the minimum requirements for shareholders' equity must be increased. The banks' lending policies offer a special opportunity for some sort of investment planning by the state. This will be necessary to find a way out of the current economic crisis and to avoid crises of this magnitude in the future. It will also be necessary to (re-)transfer major banks with particular importance for the economy into public ownership.

Like the banking system, the central bank system – the European Central Bank (ECB) and the various national central banks – must be politicised and subjected to democratic control by elected representative bodies. Both the supervision on the banking system and monetary policy must no longer be subject to the private logic of capital exploitation; instead they must be orientated towards societal, social needs and requirements.

Similarly, financial markets worldwide must be subjected to political control and must be regulated accordingly. Financial institutions must be put under state supervision, financial innovations must be subjected to standardisation and mandatory approval. The introduction of taxes on capital transactions is meant to preclude excess speculation by making the movement of capital more expensive; and it is also possible to generate a higher amount of income, which may be redistributed through international institutions. In order to prevent an exodus of capital, which is potentially disturbing for the economic and social development of states and regions, or in order to protect states against blackmail resulting from national social and economic policies, which are undesirable for world capital, the movement of capital must (again) be subjected to state control.

In addition to the necessary re-regulation of the financial sector and its return to its primary macroeconomic mission of funding real investments, a fundamental reorientation of the macroeconomic policies pursued by all states is also necessary. In the past, liberalisation and privatisation policies resulted in a situation, in which more power to capital was a priority, concentration tendencies were enhanced and incomes were unevenly distributed throughout the world to the benefit of incomes generated from profits and assets. Past programmes to alleviate the manifestations of the crisis consist of tax and credit allowances as well as other subsidies for privately owned (major) companies, whose profits will again benefit the capital owners. In the present situation it is indispensable, however, to introduce stimulations of a major magnitude to enhance the general purchasing power of people making their living from gainful employment. What is needed is a worldwide stimulation and recovery programme amounting to no less than 2% of world GDP. The

European Economic Recovery Programme, which has already been adopted by the European Commission, must be expanded accordingly, and the same should apply to national recovery programmes. Above all, these programmes must take into account also those groups who are disadvantaged on the labour market. The various national programmes require an international harmonisation. Especially those states, which were able to generate export surpluses at the expense of other states by introducing their own restrictive monetary, fiscal and social policies, are now called upon to strengthen their internal demand. Areas of key strategic importance for the entire economy or for designing the social conditions in a society, i.e. areas such as the energy industry, the railways and telecommunications whose privatisation would lead to precarious situations for the people concerned, must be returned to public ownership. Capital assistance for private companies must be tied to employment and social conditions; public authorities must obtain voting rights in the governing bodies of such companies. When it comes to “rescuing” companies, it must also be taken into account that the crisis may be used as a cleansing process. In addition to strategic criteria for individual sectors of the economy as a whole, the trade union perspective also calls for the compliance with labour law provisions or the social acceptability of jobs in a company.

On the European level, a fundamental paradigm shift must take place in European economic policy and it must also include a modification of the existing pact for growth and stability. Its future monetary policy must not only pursue the stabilisation of the financial sector; it must also be oriented towards growth and employment effects instead. An expansion-oriented fiscal policy must stabilise private demand on every level as it is required for a satisfactory level of employment. Public investments into the public and social infrastructure, public and subsidised housing as well as institutions of public education must be pushed forward and public employment must be expanded again. Market liberalisation must be stopped or reversed.

On the EU level as well as on the level of the EU member states, a campaign for the social welfare state is necessary which will also include the rights of the gainfully employed. This requires an active “social union” and social welfare states, which organise and implement services of general interest in public responsibility and ownership. Strengthening the social security system by increasing unemployment benefits, for example, also means for the workers in gainful employment that they enjoy additional means and additional protection in labour disputes so that they are not forced to accept without resistance the deterioration of their jobs resulting from actions introduced by their company. Based on the principle of solidarity, well-developed social welfare states must protect all individuals depending on an income from gainful employment against social risks, and they must effectively fight poverty and exclusion. It is especially necessary to establish minimum security systems and to enhance the support for workers becoming unemployed. The development of European-wide social minimum standards is indispensable. And social security systems must not be left to the vicissitudes of private (financial) markets. As a result, the privatisation of social security systems must be stopped and pay-as-you-go contribution systems must be strengthened and further developed. Corporate contributions to social security systems must be based on payments, which are oriented towards the value generated by individual companies. Furthermore, the share of tax revenues allocated to social security systems must be increased. For an equitable funding of well-developed social states, the taxation of property and assets must be further developed, and taxes on income from capital gains and assets as well as taxes on high incomes must be increased.

In the past decades, income from profits has virtually exploded, while the income from gainful employment only registered a moderate development. This disproportionate development is not only unjust under societal and social policy

considerations, this biased distribution also weakens the purchasing power of individuals making a living from gainful employment and is therefore highly questionable for recovery policy reasons. Especially at this time it is necessary to increase the (wage) income of people in gainful employment. It is therefore up to the trade unions to fight even more vigorously for an increase of gross (!!!) real wages instead of accepting a policy of wage restraints or even wage cuts as a result of short-time working. Wage policy must be oriented to the margin of distribution resulting from productivity gains as well as the rate of inflation. On the European level, the determination is necessary that each country shall define the minimum wage in line with its national situation. On the European level, rules governing working hours or other legal provisions for employment must be enhanced on a high level. The EU-wide development of coordinated controls of labour and social conditions by labour inspectorates and public authorities must prevent such labour and social legislation from being circumvented and must prevent collective bargaining agreements from being undermined. The objective must be to create socially secure employment and to strengthen and further develop the rights of the employees vis-à-vis their companies both on the national and the international level.

As a matter of principle, the trade unions' mission is to fight for the situation and the interests of everyone making a living from their gainful employment. It is unacceptable that jobs are created on the basis of inhumane wages and working conditions and simply for increasing the number of jobs. Socially and ecologically questionable areas of production must be redesigned in line with the principles of sustainability. In view of a socially and ecologically sustainable transport policy, the current crisis offers an opportunity to develop concepts which will pursue such objectives in the interests of employees in the transport industry, in the interests of people depending on transport facilities for their jobs and leisure time and in the interest of people suffering from transport-related stress. What is needed are integrative approaches, which will create a fair, balanced and sustainable transport system.

The current liberalisation and privatisation policies must also come to an end in the transport sector. Private monopolistic structures, which are impossible to control, must be broken down by suitable actions. Sustainable transport concepts must be further developed on the EU level and on the national level of the member states by appropriate rules, and the necessary means must be made available for R&D in sustainable transport concepts and not least for the development of the necessary infrastructure. The development and implementation of an ecologically and socially sustainable transport concept will only be successful, when the true costs of all transport modes will be duly taken into account.

As in freight transport, urban and long-distance public passenger transport systems must be given their properly developed and necessary public infrastructure, which shall be realised by appropriate public policies. Mass transport systems have to be given priority. Unrestricted and barrier-free mobility is a necessary prerequisite for the participation of people in social and public life. This means that public transport must be accessible and affordable for everyone and at reasonable times. The supply of public transport services must therefore be continuously developed and adapted to the needs of the people concerned; their opportunities to use such systems must be ensured by the design of appropriate social tariffs. Funding of urban public transport must be guaranteed by the sufficient provision of public funding and local rates. Generally, a reasonable integrated transport concept means that public transport must be harmonised with all types of individual passenger transport to provide a functioning and balanced overall concept.

Adopted at the ETF Congress, on 29 May 2009

A Charter for EU Seafarers

The ETF 2009 Congress meeting in Ponta Delgada, Azores (Portugal) on 27-29 May 2009,

NOTING WITH DEEP CONCERN the continuing decline of European shipping particularly with regard to EU first registers' fleets, resulting in huge job losses for seafarers in the countries concerned,

NOTING WITH CONCERN that flagging out of European flag vessels and re-flagging of these vessels to flags of convenience and/or EU controlled second registers deregulate the industry, thus adversely affecting all categories of seafarers' employment from the countries concerned whose national economies suffer as a result of the f-o-c anomaly,

DEPLORING that European Governments introduce laissez-faire policies aiming at the liberalisation of employment conditions, deregulating further the shipping industry and go to the extent to propose concepts such as "flexicurity", which is synonymous to "flexexploitation",

DEPLORING ALSO the attitude of Governments, particularly in the European Union which concede to shipowners' demands for self-regulation in shipping,

MINDFUL that there is an urgent need for European Union Institutions in particular, to take on board the proposals of the ETF for the future of EU maritime policy and produce concrete measures aiming at fostering the employment of European seafarers,

CALLS UPON European Governments, the European Parliament and the European Commission and all policy makers concerned for a fundamental review of the terms and conditions of employment of seafarers and employees in the maritime sector of the EU and firmly engage in the promotion, as soon as possible, of a Charter for EU seafarers and for a sustainable maritime industry in Europe,

SUCH A CHARTER SHOULD INCLUDE:

- More employment opportunities for young EU seafarers.
- Elimination of social dumping and the race to the bottom in wages.
- The closing of loopholes in the granting of State aid and in particular the redefinition of an EU seafarer as well as the non-granting of such state aid to flag of convenience tonnage, controlled by EU ship-owners.
- Full inclusion of seafarers in the scope of social and labour Directives as is the case for shore based employees, so that seafarers are not discriminated in their rights.

- Reregulation of the maritime sector with a view to stabilizing and encouraging a sustainable maritime industry within Europe, thus ultimately eradicating the poor living and working conditions and promoting the recruitment and retention of maritime skills.
- Revival of the Manning Directive withdrawn in 2004, so as to create the legislative framework for the implementation of the so called “Athens Policy” , aiming at achieving a level playing field in the intra community ferry sector.
- Regulation of competition in the sector with a view to ensuring that FOC vessels, calling at EU ports and trading between EU countries are regulated in the same level as national flags.
- Seafarers’ rights to safe conditions of employment, including maximum hours of work and rights for social security and state pension entitlements, should be granted and respected at all times.

Adopted at the ETF Congress, on 29 May 2009

EU Representation in International Bodies

The ETF 2009 Congress meeting in Ponta Delgada, Azores (Portugal) on 27-29 May 2009,

NOTING how the globalised economy needs to be based on the implementation of international law and for States to abide by their international treaty obligations,

WELCOMES the moves to regulate tax havens and calls for the regulations and transparency to all aspects of off shore activities, including the provision of flags of convenience,

EXPRESSES grave concern that the EU, its institutions and the ECJ are subordinating international law and the EU Member States international treaty obligations to EU law, EU Regulations and EU Directives, the IMO FAL Convention and the Schengen Regulations are an example,

EXPRESSES grave concern on the EU co-ordinated position in the revision of the IMO STCW Convention, which it seeks to weaken, and the opposition to the adoption of a mandatory minimum safe manning process, which would address fatigue,

CALLS on the EU to respect international law and the EU Member States international treaty obligations, rather than subordinate them to EU law,

CALLS on the EU and its Member States to address the FOC problem as part of the planned initiatives against tax havens,

CALLS on the EU and its Member States to support and uphold the key provisions of the STCW Convention and not weaken it through relaxations or the provision of greater flexibility which would compromise the moves to more competent seafarers, the avoidance of maritime accidents and greater environmental protection,

CALLS on the EU and its Member States to support the adoption of a minimum safe manning mechanism which is transparent and mandatory, and which ensures realistic minimum safe manning scales which mitigate fatigue, and

CALLS on the EU Member States to ratify the ILO Maritime Labour Convention (MLC) and ILO Convention No. 185.

Adopted at the ETF Congress, on 29 May 2009

European Legislation for Inland Waterways

The ETF Inland Navigation Section has learned the hard way that the current laws and regulations applicable to the industry are very complex and not always unambiguous. This is caused by the mere fact that various institutions and organisations are competent in diverse areas of social and economic aspects of Inland Navigation. Inland Navigation is organised by a.o.:

- The European Union;
- National governments;
- The Central Rhine Committee;
- The Danube Committee.

This situation with its historic reasons causes:

- Extreme ambiguity used and abused by some employers who take advantage of the various legislative gaps and controversies to organise social dumping and unfair competition at the expense of the workers.
- A legal “void” where workers’ rights are non-existing – and no means to enforce them.
- The lacking of “flag state legislation” in Inland Waterways transport adds to the existing ambiguity.
- Almost impossible control for the different national governments and institutions – for effective control is hard and time consuming, and in turn also reinforces the ambiguity already in place.

The ETF DEMANDS:

- Uniform and unique European social legislation for the industry, including all workers, even the self-employed – providing clarity for both workers and controlling bodies.
- A call for thorough reforms in several European policy bodies.
- A solid and speeding integration of the Central Rhine Committee seems in this respect inevitable and necessary for uniformity and compatibility with other European legislation.
- A genuine legal link between the owner of the ship and the social rights of the workers on board (to establish the link to the social legislation of the country of the owner of the ship).

Adopted at the ETF Congress, on 29 May 2009

Dockers' Struggle against EU Port Sector Liberalisation Attempts

Between 2001 and 2006 the ETF Dockers' Section struggled against the so called Port Packages, two attempts to liberalize European ports and to deregulate labour organisation in the sector. In both cases, also thanks to the pressure exerted by unions, the European Parliament rejected the texts that had been put forward by the European Commission.

Crucial elements that allowed the Section achieving the campaigns against the afore-mentioned proposals were transnational solidarity and coordination:

- Each member organisation contributed to the campaigns and mobilized its affiliates according to its means.
- The mobilization was not limited to unions' officials: rank and files were fully involved all along the campaigns and extensively informed about the dangerousness of the Commission's texts.
- Actions at national level (strikes, information days, rallies, etc.) were carried out on the same days in every country, so as to underline the European dimension of the struggle and the solidarity relationship linking the various national unions.
- A massive lobbying campaign was performed at European and national level, with the aim to explain in a detailed way to policy-makers the reasons why the Commission's proposals would have been harmful to port workers in particular, and to the sector as a whole.

The example coming from the Dockers' struggles should be shared with all the ETF affiliates and the key feature of the Dockers' campaign should be taken into account in any ETF-led campaign against the attempts to further liberalise transport, worsen working conditions, and casualise labour.

The future port policy

In the past the relationship between European dockers' unions, institutions and ports employers was often characterized by conflict and confrontation. However, following the defeat of the two PPs, both institutional actors and social partners took a more dialoguing approach and looked for more cooperation and shared solutions when it comes to define a European port policy for the future.

Nevertheless, ETF Dockers are always determined to go back to the struggle and question the current climate of dialogue whenever attempts to apply wild liberalisation, deregulate port employment, allow other categories of workers to take over their job or impose undesirable organising patterns are put forward, at both national and European level.

The port sector and the current economic crisis

The current Global Economic Crisis (GEC) and the related drop of transport flows are dramatically affecting European ports. Against this framework, ETF and its affiliated unions believe that:

- The GEC should not be used by employers as an excuse to casualise port labour, fire workers and replace permanent jobs with precarious ones, since:
 - the GEC will be of limited duration, and will be followed by a further growth of maritime transport: ports are therefore essential to economic revival.
 - Trained and skilled labour is essential to the productive and efficient delivery of port services. Moreover, workers' training and skills being one of the indicators to measure ports' performance and reliability, it is fundamental for each port/operator to invest in those dimensions in order to maintain a good reputation and attract new commercial opportunities.
 - Most of the companies involved in port operations are at the moment experiencing profit drops, but not losses. This means that dismissing workers at this stage would be a preventive and inappropriate measure.
- The current slowdown of port activities should be rather seen as an opportunity to train and re-train workers, and to develop new skills, especially as far as the introduction of new technologies is concerned.
- Whenever necessary, national governments should be prompted to allocate funds for compensation and social security measures to alleviate GEC's consequences on port workers, as it is the case for other economic sectors.
- In order to mitigate the effects of the GEC on port labour there should mechanisms aimed at, inter alia, reviewing overtime policies with an emphasis on sharing the available work, using available leave/holidays, eliminating outsourcing, applying early or phased retirement on a volunteer basis. However, decisions on the application of those measures should be negotiated with and agreed by workers' organisations.
- The current GEC demonstrates how vulnerable the occidental economic system is and that workers are those paying the highest price of hazardous financial speculations driven by greed. That is why this critical moment should be overtaken through the establishment of a new system based on concertation and tripartitism.

An action plan for port workers training

Training and qualifications for port workers are a priority issue for the Dockers' Section, both to improve safety levels and to cope with technological change. Against this framework, the Section's outlined the following action plan to be implemented in the next mandate.

- Developing a set of common requirements for training and qualifications (T & Q) at EU level to be done by Social Partners:
 - Respecting peculiarities existing at national level which are the result of different contexts.
 - That should be done without undermining existing good practices.
- The EU Port industry needs a high level of T & Q in order to:
 - Consolidate and enhance European ports competitiveness.
 - Make EU ports safer work places.
 - Provide decent work for port workers.
- Port workers are professional workers. Training provisions should be designed in a way to ensure a career path and provide workers with multitask skills. Certain work organizational models can contribute to reach this objective. Soft skills should be included in training for port workers
- The provisions of training should not be left to the market
 - National States have to fulfil their responsibilities when it comes to contribute to financing and supporting training patterns in ports in view of training's fundamental role to prevent environmental risks and occupational diseases, and to ensure that port workers benefit from a right to be trained.
 - Social Partners should play a major role in this respect whenever possible through Collective Bargaining Agreements.
- Accident reporting should be improved. There is a need to identify the causes of accidents so as to figure out the elements to be improved.
- The current crisis should not divert the efforts put on training: on the contrary, phases of slowdowns should be used as an opportunity for increasing training supply in the perspective of the recovery of the economy.
- National administrations should heavily invest in inspectorate and control as existing regulations are not always fully properly enforced.
- Trade unions should be fully involved in all areas of training, especially health and safety.
- New categories of workers present in ports and that are often unskilled and precarious should also benefit of training programs.
- Small and medium sized enterprises (SMEs) present the poorest record in terms of training provisions and safety levels. Actions should be taken by administrations jointly with social partners to encourage SMEs to apply training schemes and improve their awareness on the importance of training.

EU transport policy and third countries' neighbouring ports

In some areas of the EU territory the proximity of EU ports with third countries' ports can generate ports of convenience, which, due to the fact that they apply lower social standards, play a price-based competition and are therefore more attractive to users.

In some cases, those third countries' ports are part of EU transport corridors and therefore benefit of EU funds in order to increase capacity and/or modernize existing structures.

ETF believes that the allocation of EU funds to third countries' ports should be subject to the respect of social standards and application of fair working conditions, so as to avoid a competition based on prices and social dumping.

Adopted at the ETF Congress, on 29 May 2009

Trade Union Response to Transport Privatisation and Liberalization

Congress welcomes the support and assistance received from the European Transport Workers' Federation for the June 2008 RMT Conference of European Rail Trade Unionists against rail privatisation and Congress sends solidarity to all trade unions fighting privatisation and liberalisation.

Congress believes the consequences of transport privatisation, liberalisation and fragmentation are:

- Attacks on safety, pay, conditions, pensions, trade union organisation and collective bargaining.
- The abandonment of social transport in favour of transport systems run solely in the interests of big business leading to less democratic accountability and the growth of private transport monopolies.
- More expensive, less efficient transport, where profit comes before the needs of the community.

Congress is appalled that liberalisation and privatisation is increasingly a result of directives imposed by the European Union often against the wishes of democratically elected parliaments such as in the case of the compulsory tendering of Caledonian MacBrayne ferry services.

Congress notes that this approach to public services is enshrined in the Lisbon Treaty and therefore urges the ETF to campaign and lobby for this position within the ETUC, European Parliament and the wider Community.

Congress also calls on the ETF to compile specific information that can be circulated to affiliates on developments relating transport privatisation and also successes in retaining or securing publicly owned transport systems in the country of each affiliate and for this bulletin to be updated on a regular basis.

Adopted at the ETF Congress, on 29 May 2009

European Court of Justice Anti-Trade Union Judgements

Congress is appalled that the Viking, Laval, Ruffert and Luxembourg judgements in the European Court of Justice (ECJ) are a fundamental attack on collective bargaining and the right to strike.

Congress believes there is an urgent need to campaign strenuously for restoration of the fundamental human right to strike recognised but overridden in the ECJ cases.

The unelected judges of the EU using the 'free movement' provisions have disembowelled the concept of social Europe and undermined the ability of unions to protect workers.

The Lisbon Treaty would exacerbate these attacks by handing greater powers to the ECJ to interpret disputes concerning the Charter of Fundamental Rights.

Congress notes that this approach to public services is enshrined in the Lisbon Treaty and therefore urges the ETF to campaign and lobby for this position within the ETUC, European Parliament and the wider Community.

As the threat from the ECJ case represents the most fundamental attack on trade union rights for generations, congress also calls on the ETF to consider holding a special conference, to which affiliates will be entitled to send representatives, to raise awareness of the implications of the ECJ cases and to discuss and coordinate campaign strategies to protect and advance trade union rights.

Adopted at the ETF Congress, on 29 May 2009

Social Dialogue and Workers' Rights

The maritime, railway, road, civil aviation and inland navigation transport workers' trade unions from South Eastern European states as affiliated members of the International Transport Workers' Federation (ITF) and its regional European Transport Workers' Federation (ETF): Albania, Bosnia and Herzegovina, Croatia, Former Yugoslav Republic of Macedonia, Montenegro, Serbia and UNMIK in compliance with the UN Security Council Resolution 1244, do hereby make their address to the participants at the ETF 3rd Congress.

In consideration of the fact that the region has been still facing consequences of hostilities which had played their part within the region for years from 1991 onward, we wish to stress the need for the preservation of peace as a prerequisite for economical development and introduction of democracy in South Eastern European countries and coexistence of their peoples.

Whereas:

Taking into account the principles introduced by the process of stabilization and integration for cooperation among EU and the region and the necessity for cooperation between the countries within the region;

Taking into account the fact that it is the transport workers within all the sectors of transport who make connections available both within the countries of the region and with their neighbouring countries and those overseas, thus providing, as active participants, unobstructed flowing of goods and people;

Taking into consideration the fundamental social rights guaranteed by the EU *acquis communautaire*, the ILO Declaration on Fundamental Principles and Rights at Work, 1998.;

Taking into consideration the importance and need for a Transport Treaty between the EU and the countries within the region to be reached, aiming at gradual integration of those countries in a free and unified Pan European market;

We call upon the European Commission to prepare strategies for forecasting, resolving, and monitoring social effects produced by reforms introduced within the sector of transport across the South-East Europe.

We call upon governments of all the member states within the region as well as upon all employers' associations to pursue full appreciation, implementation and development of social dialogue with transport workers' unions. Such social dialogue is particularly important in the opening of markets, in increasing competitiveness and modernization and technical efficiency.

We demand particularly that the principle of social dialogue be respected in focussing upon the following crucial issues:

- Preservation of already acquired and implementation of workers' fundamental rights in compliance with the European Convention for the Protection of Human Rights and Fundamental Freedoms, European Social Chart, the EU Charter of Fundamental Social Rights and the EU Charter of Fundamental Rights.
- The Labour Law, aiming at promoting the improvement of working and social conditions and living standard.
- Protection and safety at work as a particularly important issue within the sector of transport.
- Providing for equal opportunities for women and men and equal pay for equal work.

We demand from our social partners and governments to prepare their plans for action as to provide for such a level of social rights for regional transport workers that will be worthy of contemporary workers.

We consider it absolutely necessary for monitoring to be introduced in respect of working conditions and social effects as well as of the effects to be produced by the implementation of the Transport Treaty on Pan-European transport union upon employment.

We raise our voice publicly against corruption, against irrational privatization of the transport sector and unlimited priorities being granted to the capital with disregard for the public significance inherent in the transport sector and the need for fair pay and social conditions for transport workers.

Adopted at the ETF Congress, on 29 May 2009

Training for ETF Affiliates

The Congress theme “strong unions for sustainable transport” is a very ambitious, and a very challenging theme, which we support to the full extent.

In order to realise “strong unions” the ETF must provide a “sustainable” tool. Training is a key-tool in creating “strong unions”, since knowledge and skills make a world of difference.

Therefore we ask that the Congress supports us in our demand for the development of training programs and means for ETF affiliates.

Adopted at the ETF Congress, on 29 May 2009

ETF Wage Policy on the European Continent

Upward harmonization of wages in Europe is a prerequisite to bring to an end the distortion of competition between companies, which are free to develop their activities on a same market.

Attempts to impose social conditions prevailing in the country of origin unveil the risk that without a proper regulation based on the host country law, there be a rapid and tough setback for all workers in Europe. To support its action against liberal projects, ETF will be working on wages while recognizing that the difficulties to overcome will be enormous.

To avoid social dumping, wages must be increased, and this should apply as promptly as possible to the lowest wages.

In the larger Europe and the European Community, various cultures are living side by side. Wages can be guaranteed by company agreements, sector-based and/or regional agreements, and/or by a legal minimum wage which may be sector-based and/or inter-sectoral.

Among the 20 countries with a minimum inter-sectoral wage, wage differentials are 1 to 17 in gross data and 1 to 7 when taking into account the purchasing power gaps. To set a European minimum wage is not on today's agenda. ETF does not want to set a wage benchmark which would entail a downward harmonization of wages but will rather promote an upward harmonization of wages.

Starting first with employees' categories competing on a same market, ETF and its Sections shall endeavour to define a high-level hourly and monthly wage benchmark and a step-by-step approach with a view to upgrading more swiftly the lowest wages through trade-union action.

ETF demands that paid working hours take into account the whole length of on-call time, i.e. time made available to the employer, and that the maximum working time limit be complied with and applied to all so that pay levels be adequate and do not need to be increased by working longer hours or spending more time on call.

Adopted at the ETF Congress, on 29 May 2009

Stop Social Dumping

The European transport market is characterised to far too great an extent by social dumping in various forms. The expansion of the EU, combined with the development of the internal market, has contributed to Europe being opened up to low wage competition in a way that is completely different from what went on before.

The European trade union movement has tried to combat social dumping by maintaining the “country of work” principle and opposing the Services Directive that the Commission put forward in 2003.

The fight was successful but as soon as the European Court pronounced its judgments concerning Laval, Ruffert, Viking and Luxemburg, a large part of the successes were frustrated.

The judgments mean in practice that the land of origin principle of the Directive has been upheld as the norm and that both member states and trade unions have very restricted opportunities to impose their own country’s conditions as a minimum for everyone working in the country.

The European unions have also attempted to mitigate the destructive wage competition by recommending strict application of the rules on cabotage. This work has met with little success and appears likely that the transport market will be deregulated in the long run. This means that all traffic within the EU will be on a level with domestic traffic. The internal transport market will then also become wide open to social dumping.

All in all, the picture is seriously alarming and the whole European trade union movement must work out a strategy to counter it.

This should have several starting points: The ETF should give continued support to the unions in the low wage countries and strive to avert the effects of the anti-union judgments by strengthening union rights at the EU level, to strengthen the Posting of Workers Directive and to make it clear that the country of work principle is the main legal principle as regards posted workers.

In addition, a set of rules that recognise union boycotts and sympathy boycotts as a legitimate method of ensuring acceptable working conditions and effective co-operation between unions in different countries and in different sectors are required.

In the light of the above, it is proposed:

- That: the ETF, together with its member unions, should work to develop a form of cross-border membership, so that our members can have union assistance irrespective of where they live within the EU.
- That: the ETF should work for the effects of the anti-union judgments in the European Court to be averted.

Adopted at the ETF Congress, on 29 May 2009

Against Racism and Xenophobia and for Equal Rights for all Workers

The ETF Congress notes the recent unofficial stoppage by the highly unionised skilled construction workers at Lindsey Oil Refinery in the United Kingdom. This quickly spread to a nationwide unofficial walk-out by fellow workers on construction sites around the country.

Misleading media coverage in Britain and throughout Europe portrayed this as a racist-inspired dispute to keep British jobs for British workers. The reality was rather different. It is true that some of the strikers held up placards bearing slogans including the phrase “British jobs for British workers”, but this was to parody the very words used by Prime Minister, Gordon Brown, in recent speeches. He had clearly used this phrase seemingly to seek to allay fears that Britain’s neo-liberal policies and encouragement of low cost deregulated labour markets would not jeopardise job opportunities for British domestic workers. Such terminology has merely clouded the picture, whilst there is no sign of any attempt to do anything other than bail out the banks, whilst an increasing crisis spreads across the real economy and more and more workers suffer redundancy and lay-off.

The fact of the matter was that the Lindsey strike was never about foreign workers, but about cheap low contract labour increasingly being used in place of labour paid according to the national collective bargaining agreement. In a project to build a refinery for oil-giant Total, not a single job was to go to workers covered by the relevant national collective bargaining agreement. To the credit of the shop stewards and the strikers, most of whom are UNITE members, fascists who sought to exploit their dispute were totally rejected in favour of the UNITE slogan of “equal rights for all workers” and “equal pay for all workers”. The campaign for fair access to jobs for British workers in the construction industry has nothing to do with the exclusion of other EU nationals from work in Britain. It is about protecting those who work in Britain from exploitation regardless of where they come from.

What our hostile anti-union media also failed to point out is the contribution made by a combination of Britain’s anti-union laws (increasingly being admired by other EU states), a drive for deregulation, privatisation and poorly protected labour markets, along with the European Court of Justice (ECJ) recent controversial judgements restricting the right to strike in such situations.

Global companies based in Europe are free under EU law to tender for any services contract in member states and they are free to hire their own direct labour force in their own countries. The workers can then be ‘posted’ to countries like the UK under terms and conditions established in the country of origin. These terms and conditions may be less than the contractual terms and conditions operating here. No matter – all the Posted Workers’ Directive of 1996 says is that workers posted to the UK must be paid the minimum terms laid down in British legislation.

Given the relatively poor level of statutory provision for workers right in the UK, that means that workers posted to there must be paid only the statutory minimum wage, which is in fact extremely low (at less than a half the national male average wage), particularly if it is to be applied to licensed or skilled workers. There are no overtime rates or similar premium payments guaranteed in law. While the Posted Workers' Directive requires foreign owned companies to observe our maximum hours laws, these are laws with individual opt outs tailored in, following the British government's achievement in destroying the Working Time Directive.

In some cases, posted workers must also be paid the rate laid down in collective wage agreements. But this only applies where workers are posted to countries where collective agreements are 'universally applicable', within a given sector and geographical area. That is not the case in the United Kingdom, where collective agreements typically are negotiated at enterprise level. So under the terms of the Posted Workers' Directive, collective wage agreements in this country can be undercut by companies based in other nations. This, coupled with the ECJ decisions, have confirmed the employers' right to use cheap labour as a substitute for unionised labour under collective bargaining agreements, whilst restricting the fundamental right to strike in such situations.

Firstly in the Viking shipping line case, the ECJ ruled against the Finnish Seafarers Union's right to strike when the employer replaced its Finnish crew with one from Estonia on lower wages. Next in the Laval case, the ECJ ruled that the Swedish authorities in Vaxholm were wrong to cancel a contract to Latvian building firm Laval when local unions took action against the use of cheap labour undermining their nationally agreed terms and conditions. In the Rüffert case, the ECJ ruled that Germany could not enforce a Polish contractor to pay its workers any more than the minimum wage. In Luxembourg too, the ECJ ruled against the right to strike restricting an employer from using cheap labour brought in from another member state.

Further implications for restricting collective action has been suggested may occur if industrial action takes place in breach of EC Treaty, Article 43 (Freedom of Establishment). For the employer may sue the union (rather than the Member State), and the fact that the union has complied with domestic law is no defence. This is most likely to be a particular problem in transport sectors and the issue has already arisen in *BALPA v British Airways* (2008), where BALPA was threatened with legal action if it proceeded with industrial action relating to the company's Open Skies initiative, which the union feared would lead to job losses. The action was abandoned despite being in full compliance with British law, since the massive legal costs in litigation and damages, with no limit on the amount that could be recovered, could have led to the bankruptcy of the union. A complaint has been made by BALPA to the ILO, European Social Rights Committee of the Council of Europe and the International Committee on Economic, Social and Cultural Rights on 8th October 2008:

Due to the highly decentralised nature of bargaining in the United Kingdom, unions operating there are peculiarly vulnerable to the restrictions imposed by the *Rüffert* and *Luxembourg* cases. As matters currently stand, it would appear that the existing "London Living Wage" policy brought in by the former Mayor, as well as a new demand by London busworkers for a single set of pay and conditions, will neither be legitimate policies if imposed by local authority or adopted as policy by the Olympic Development Authority.

UNITE - the Union calls on all affiliates of the ETF to raise the temperature amongst working people throughout Europe on the ECJ rulings. We call upon all affiliates to make all and every case they are able to that the ECJ rulings

contradict ILO conventions, complain to the Social Rights Committee of the Council of Europe and to take cases to the European Court of Human Rights, where possible, and to take to the streets to campaign publicly and forcibly on these issues. We call on the ETF to mobilise at the European Parliament and within the Commission at all levels to make our views well understood.

The alternative is that unionised workplaces are smashed by the employers, hiring at ever lower rates of pay in a race to the bottom in workers' living standards. That appears to be the current aim of our neo-liberal European Commission, backed by the ECJ and supported by many of Europe's neo-liberal governments.

It is time not only for workers, but society as a whole, to wake up to the dangerous future laying in store for us. The message for all workers is clear - join a union and fight hard to defend your terms and conditions; fight racism and xenophobia, and fight for equal rights for ALL workers.

Adopted at the ETF Congress, on 29 May 2009

Give Social Europe a Future

Requirements for an Alternative Economic and Social Model in the EU

Priority for social justice in the European Union

With almost 3 generations, the citizens of Europe have gone through the longest period of peace in European history. Those taking this fact for granted overlook the peacemaking function, which the European integration process has had since its early beginnings after the Second World War.

But the current situation of the European project is nonetheless a reason for concern. Peace is more than the absence of war and military violence. Internally, peace also means social peace embodied in social justice. And it is on this front that the European Union shows considerable deficits - and this trend is increasing. The development of economic, social, wage and fiscal policies in the EU leads to social tension in the member states. In order to avoid jeopardising the internal peace of the European Union, it is necessary to reverse its current policies. The EU is in urgent need of an alternative economic and social model.

Since the integration process has been intensified in conjunction with the single market, the economic and monetary union and the EU's enlargement towards Central and Eastern Europe, the citizens in many member states have not perceived the EU as synonymous with growing prosperity, high incomes and more jobs. On the contrary: they regard the EU as a vehicle for the redistribution of income from the bottom to the top, cuts in social security systems, job losses and increasing social inequality. EU citizens experience the impact of radical socioeconomic processes:

- A strong decline of the wage and salary rate in the gross national product of the EU-27, but primarily in the Euro zone.
- A more and more pronounced inequality in the distribution of incomes between rich and poor throughout the EU.
- The development of a low-wage sector with a growing share of employees working in atypical types of employment without social protection throughout the EU.
- Benefit cuts for the unemployed and especially for the long-term unemployed in conjunction with liberal labour market reforms in almost all EU countries.
- A dismantling of the welfare state in terms of old-age pensions and health services throughout the EU.
- A redistribution of the tax burden to the benefit of companies and high-income earners in all EU member states.
- Employment cuts in companies whose return on capital has shown a dramatic increase at the same time.

These developments are primarily due to a radical change of the economic and social policy visions, which was initially defined with the Single European Act of 1987 and the introduction of the single market. These projects introduced a turnaround in the EU from a Keynesian to a neo-liberal vision.

Politically, ETF believes it is urgently necessary to counter the neo-liberal economic and social model enshrined in the former EU Treaties with an alternative model, which is based on the vision of a social Europe. This is the only way for the EU to overcome its current and profound confidence crisis. The EU must stand for a policy of full employment, increase the incomes of the masses, overcome social inequalities, safeguard the social welfare state, abolish employment without social protection and further develop employee rights and industrial democracy. Only when the EU is successful in performing this social transformation, will it enjoy the long-term support of its population.

Redesigning the European Union's economic model

With the Single European Act (1987) and the Maastricht Treaty (1993), the neo-liberal philosophy gained ideological supremacy in the European integration process. The Single European Act (SEA) focused on realising the single market with the four basic freedoms described as the free movement of goods, services, persons and capital. The Maastricht Treaty paved the way for the introduction of an economic and monetary union. When drafting these two fundamental socioeconomic projects, EU member states took a clear decision and refrained from simultaneously creating a social union, a fiscal union and a European collective bargaining system.

In the European form of the Economic and Monetary Union, in which the common currency is subject to common competencies and is therefore European, while wage, social and fiscal policies are intentionally left in the hands of the member states, dumping practices are a logical structural consequence. In such a system, national states compete for the investments of international investors on the basis of wage and social benefit costs as well as the corporate tax rate. The European Economic and Monetary Union has launched a general race for the reduction of labour costs, the dismantling of the social welfare state and a decrease in corporate tax rates.

This type of trans-border competition for the best locations for industry may be described as the system of competing states. The system of competing states is a strong driver to realise the objectives of neo-liberalism: the powers of the state and especially the welfare state may be cut, wage and wage-related costs as well as corporate taxes decrease, and market forces are given more and more room due to deregulation and privatisation.

Furthermore, the macroeconomic objectives of the neo-liberal vision are realised in the European form of economic and monetary union. The Maastricht Treaty established the European Central Bank as an institution, which is primarily committed to the fight against inflation. And on the basis of the Maastricht Treaty and the EU regulations falling under the so-called Growth and Stability Pact, fiscal policy is primarily oriented towards a consolidation of public budgets. The margins for manoeuvre, i.e. managing revenues and expenditures and thus stabilising the economy with the help of fiscal policy, are severely restricted as a result. As, in contrast to the "Werner Plan" from the early 1970s, the Maastricht version of economic and monetary union does not provide for a European economic government, it is de facto impossible to effectively coordinate the fiscal policies of the member states in the Euro zone, let alone to realise the harmonisation and a suitable combination of monetary and fiscal policies (policy mix). The weaknesses of this economic policy design

in the Euro zone became especially apparent, when the New Economy bubble burst in 2001. In contrast to the USA, the European Central Bank and the national governments in the Euro zone did not actively fight the economic stagnation between 2001 and 2005 by introducing stabilisation and stimulation policies.

In the current global economic crisis, which also greatly concerns the European states, the EU's limited ability to act materializes with frightening clarity. Even though the EU is an economic area with a high level of interdependence, where national states are hardly in a position to pursue their own recovery policies, the Commission does not have the competence to prescribe an absolutely necessary economic stimulation programme for the entire European Union. Instead, important national players – Germany and France – get lost in disputes about the scope and the tools of the stimulation programme without the Commission having the right to make these states see reason and to prescribe a European programme for them. In contrast to the United States of America, the EU only has a limited ability to mitigate the scope and to reduce the duration of the economic crisis by a quick and targeted response.

From this criticism of the current condition of the EU's economic policies, ETF derives the following demands for reform:

- The European Central Bank shall be made subject to democratic control and be equally committed to the following targets: high economic growth, full employment and high monetary stability. Conflicting targets, which will emerge again and again as a result of these commitments, shall be accepted; they force the ECB to pursue a flexible monetary policy and to harmonise its policies with fiscal and wage policies.
- In the short and medium term, national policies shall be co-ordinated on the EU level in such a way that the margin for economic policy action is more fully exploited and that an appropriate harmonisation of European monetary policies and European fiscal policies shall be realised. For this purpose, a democratised EU Commission could be given a mandate – in cooperation with the Council of Ministers of Economics and Finance (Ecofin) – to define the basic orientation of fiscal policy in the member states in line with their respective economic situations (consolidation or expansion course).
- A prerequisite for such a policy is, however, that the fundamental principles of the rigid Stability and Growth Pact (SGP) of 1997 are revised. The SGP prescribes for all member states to avoid “excessive public deficits” of more than 3% of the gross domestic product (GDP). This rule, which had already been imposed with the Maastricht Treaty, was further tightened during the Amsterdam Summit. Even after the most recent reforms in 2006, the SGP still clashes with the need to pursue an anti-cyclical fiscal policy. In a crisis situation, EU member states must be able to stimulate demand by increasing public debt in order to close the demand gap created by market processes. In this context, deficits caused by the economic cycle must be accepted. In expansion and growth phases, additional tax revenues must also be used to reduce budget deficits. The restrictions for new public debt should not be a dogma and a target to be pursued at all cost in a booming economy, as deficit spending for future-oriented investments such as investments in the education sector may be a meaningful task for the state.
- Fiscal dumping policies shall be terminated by introducing a common fiscal assessment basis in case of corporate taxes and by introducing minimum tax rates for income tax and corporate taxes and by harmonising profit-accounting rules.

- In the long term, it shall also be considered to increasingly transfer the decision-making powers for economic and fiscal policies to the European level. For many years, France has demanded such a transfer under the heading of the European Economic Government. Its aim is to establish – alongside the powerful ECB – a fiscal policy institution with similar powers to create a level playing field for monetary and fiscal policies and to permit an effective European economic and stabilisation policy. This demand is supported as a matter of principle. Fiscal policies must be better coordinated on the European level. This is especially true for the Euro zone. But coordinating policies must not be an end in itself. It must be used to ensure growth, employment and an ecological transformation of industry. The European Economic Government would be responsible for the implementation of an expansive economic policy for quantitative growth. It will also have to assume responsibility for common activities such as the establishment of a competitive transnational infrastructure. It would be meaningful to give it taxation powers and financial means of its own to fund these activities. A European economic policy worthy of its name depends on its own fiscal prerogative.
- The budget shall be restructured no later than the next financial period (starting in 2014):
 - The budget shall focus on growth, employment and social matters. In order to enhance the weight of social security matters, it is necessary to give greater weight or to restructure the already existing European Social Fund (ESF).
 - This Fund shall be able to act in its own right and outside of structural policies and it shall be given greater financial weight. In contrast to the past, the Fund shall not be primarily available to economically weaker regions; it shall instead be open to all those in need of support in their fight against labour market problems (such as high unemployment, low female employment rates, high numbers of school dropouts, low further education rates - i.e. in achieving the targets set in the context of the current Lisbon process).

Coordinating welfare policies on the European level

Against the background of the turnaround in social ideology and due to various factors such as mass unemployment, budget deficits and demographic changes, the welfare state in Europe has come under pressure since the beginning of the 1990s. According to the supply-side philosophy, the retreat of the state and especially of the welfare state was intended to activate performance-related incentives and to promote growth-related forces. As a result, all European countries carried out reforms of their health, pension and labour market systems, and these reforms were associated with considerable cuts in social security benefits for the citizens. In the health systems, the existing list of benefits was cut back and contributions and individual payments by patients were increased at the same time. In the pension systems, the prerequisites for eligibility were tightened and calculation formulas for old-age pensions were modified. Ultimately, the relative level of pension payments and income replacement ratios was cut significantly, and this is a process which will be considerably exacerbated in the coming decades because of reform decisions, which have already been taken for the pension systems. And as regards unemployment benefits, the duration of payments and income replacement ratios were reduced. Particularly harsh cuts were made for the long-term unemployed.

The downward spiral in social security benefits was further exacerbated by the intra-European system of competing states. Lower spending on social welfare, which accounts for a European average of approximately 30% of GDP, is seen as promoting competition and increasing Europe's international competitiveness. As late as the 1970s and

1980s, spending on social welfare payments had grown faster than GDP. Social security benefit ratios, which measure the ratio of total social welfare payments in the aggregate income of a state, thus showed an increase in all states. The richer the States, the higher their social security benefit ratios, and, statistically, this connection was highly significant (determination rate of 80%).

Since the 1990s, this ratio has declined in Europe, however. States, which had with a very high ratio of social security payments by European comparison, i.e. states such as Sweden, Denmark, Finland and the Netherlands, introduced cuts in their welfare state. Their social security payment ratios sometimes decreased drastically, but they continue to be significantly higher than the Western European average in Scandinavia. Fast growing economies such as Ireland and Spain decoupled the welfare state from economic growth and their payment ratios decreased significantly. Similar developments are evident in the states of Central and Eastern Europe and especially in the three Baltic states, in the Slovak Republic and in Poland. When states decouple and level downward their social security payments from economic growth in order to gain advantages in intra-European competition, this may be called a social dumping policy. Such policies come with a high risk of infection. It may even be said for the welfare states that social dumping will spread even further without the coordination of policies on the European level.

In a new European economic and social model, the logic underlying the system of competing states will have to be broken by introducing re-regulation policies on the European level. ETF therefore demands that the European welfare states set up a social stability pact. This pact would include the agreement that the scope of the welfare state is coupled to the level of economic development in the respective states. Measured in terms of income per capita, there would be four clubs of states in the European Union. For each club, there would be a definition of a range or a corridor of social security payment ratios. The club of the richer states would have a higher corridor than the club of the poorer states. Those states catching up in economic terms would be migrated from a lower into a higher corridor.

An agreement on such corridors would achieve the following targets:

- A stop would be put to social dumping policies. Individual countries would find it impossible to gain competitive advantages by having social security payment ratios, which are below-average in comparison to their income level.
- Less developed national economies would not come under an excessive economic pressure by this form of social-policy regulation. They would only have to provide the level of social security, which they can “afford” with their level of income.
- While the less developed countries would catch-up economically, their social security payment ratios would move closer to those in the rest of the EU; the spending for old age, sickness, disability and unemployment would level out not only in relative but also in absolute terms. The corridors of the low-income and the medium-income groups would shift upwards.
- Quantitative regulation of social policies would initially be limited to a minimum on the EU level, a redistribution of incomes between the member states would not take place. As this regulation would only apply to aggregates (social security payment ratios), the autonomy of EU states enshrined in the subsidiarity principle would initially not be affected, when social security payments are allocated to the various benefit types (old-age pensions, health, unemployment, family benefits).

The realisation of such a regulatory concept would break the neo-liberal regime of competing states in the area of social welfare policies. Pursuant to the principles of the social stability pact, an economic and social policy of harmonisation and common progress would be pursued in the EU. Dumping strategies like those, which were practised by Ireland and Spain in the “old EU“ and have meanwhile been adopted by the three Baltic states and the Slovak Republic in the group of the new member states, could be precluded right from the start.

Revitalising the European Union’s labour market policies

In order to effectively fight unemployment in Europe it is necessary to redesign economic policies (cf. section 2). Labour market policies and structural reforms can only be successful in a favourable macroeconomic environment, which is oriented towards overcoming the present low growth rates. As a consequence and to improve its international competitive position, Europe and its global competitors must enter into a race for quality instead of participating in a race for the lowest wages and social standards. Europe must remember its strengths, i.e. the high quality of its products and services, the excellent training of its labour forces and its regulated and socially protected employment. Consequently, the positive elements of preventive and active labour market policies must be brought to the fore in the EU’s labour market policy: in order to integrate a higher number of people into the labour market and to counteract divisions in the labour market, active labour market policies are therefore required.

National and European initiatives are needed to prevent the “precarity trap” and to improve the contractual situation of new forms of employment so that atypical forms of employment will be secured by the same labour and social legislation standards as the so-called normal types of employment and so that an increasing marginalisation is prevented after an exclusion from the regular labour market. European protection for atypical and precarious forms of employment is indispensable to prevent a further erosion of social standards. But all this implies a strategic vision of a labour market policy, which regards the improvement of labour quality as its core target. By setting better European standards for part-time work, fixed-term employment, temporary work, working hours, protection against dismissal, wage replacement rules in case of unemployment and by pursuing preventive and active labour market policies, Labour markets shall be regulated in such a way that both the “precarity trap” and the “poverty trap” will be fought.

Trans-border employment and employee posting increasingly develop into key areas of European social policy. Increasing migration, the free movement of labour and the unlimited freedom of services jeopardise the European social model, when the interests and acquired rights of wage and salary earners do not constitute the centre of EU policies and are left at the mercy of a neo-liberal single-market policy. In this field, member states are called upon to strengthen the standard type of employment in line with their national customs and to limit any circumvention of the standard by atypical types of employment.

ETF therefore demands :

- An improvement of the EU working time directive which shall not challenge the ruling of the European Court of Justice on availability time (= working time), shall limit the extension of the reference period to the exemptions laid down in bargaining agreements, shall end the practice of undermining the maximum weekly working hours by indi-

vidual “voluntary” agreements (the so-called individual opt-out) and shall provide for a right to change an individual’s working hours for family-related reasons.

- A revision of the EU directive on posted work in view of applying the principle of the place of work with consistency and beyond any doubt so that the principle of equal terms and equal pay for equal work at the same location will be laid down by law.

Strengthening fundamental social rights versus market freedoms

The long years of discussing the European constitution and – following its failure – the Basic Treaty of Lisbon, should have been a trigger to overcome the decoupling of the European economic order from the European social order. Instead, it was an occasion to cement a dual system with neo-liberal European economic system on the one hand and national welfare state traditions and protective social policy mechanisms in the member states on the other. This dual system is not balanced, however. Its imbalance is due to the fact that the so-called basic freedoms, i.e. the “free” movement of goods, the “freedom” of establishment, the “freedom” of service provision, the “free” movement of capital or, in short, the market freedoms are given a higher priority in law. If the Basic Treaty of Lisbon were to enter into force unchanged, this situation would be enshrined in law in a way, which will hardly allow a reversion of this principle.

The pathos of the wording (“economic freedoms”) is meant to cover up the fact that these freedoms are no freedom rights in the tradition of European basic values; they are binding, but mere contractual rules to deregulate the European market instead. The Charter of Fundamental Rights of the European Union is only suitable to overcome this deficit at first glance. By putting the general provisions in Art. 53 of the Charter, the so-called economic freedoms or the freedoms of the market, on a par with human rights, the constitutional guarantees enshrined in the fundamental rights become relative, have to conform to the market and will therefore be less valuable.

The way towards the almost unlimited expansion of the so-called fundamental rights of the EU at the expense of core guarantees enshrined in national constitutional law is increasingly paved by the European Court of Justice, and has progressed especially since the composition of its chambers has been changed in the EU enlargement of 2004. Its rulings are intended to provide for direct competition of different levels of regulation and thus to intensify regulatory competition.

The 2007 rulings of the European Court of Justice in the Viking and Laval cases also systematically grant higher priority to the freedom of establishment (Viking) or the freedom of services (Laval) without any justification by the EU Treaty, when these rights are compared to the right to strike and the right to free collective bargaining.

According to the ECJ ruling, EU member states may only restrict the freedom of services and the freedom of establishment for “compelling reasons of public welfare”. Any strike and any bargaining agreement will be examined by the ECJ to the detriment of the respective member states and in line with its socially unspoilt prior knowledge of whether the reasons given are indeed “compelling”. In this context, the social provisions of bargaining agreements are not supposed to carry decisive weight, as the interests of employees are not identical to the interests of public welfare. And the ECJ – without any authorisation by the EU Treaty – decides by virtue of its own powers and competence which reasons actually are compelling reasons of public welfare. In this context, the right to strike and the right to

free collective bargaining are not protected in their own right, instead they will only be considered in addition to several other considerations in the examination of “compelling reasons of public welfare” and they are devalued as a consequence. In the Viking ruling, the ECJ even erroneously comes to the conclusion that human dignity would have to be “harmonised“ with market freedoms.

In marked contrast to the vote of the ECJ’s Advocate General in the Ruffert case (2008), the ECJ considers the German acts on the compulsory nature of bargaining agreements as a violation of the directive on posted work, which the ECJ therefore restricts in conformity with the freedom of services.

The ECJ ruling against the protective legislation for employees in Luxembourg follows the same line. With its blinkered analysis of social policies and all potential reservations against individual provisions in Luxembourg’s act on posted work, the European Court of Justice shows its extremely extensive interpretation of the services directive. The European Court of Justice falls back into the Bolkestein era, and in its interpretation of the directive on posted work it ignores the improvements, which the European Parliament introduced in the original draft of the services directive proposed by the European Commission.

In its rulings in the Viking, Laval, Ruffert and Luxembourg cases, the ECJ – without any legitimacy in European law – wants to limit the right to strike, the right to collective bargaining and social protective standards in the member states even in the event that they are given priority in the national constitution and therefore establish a claim to protection. Wherever such rights and protective standards have seen only stilted or media developments such as in many states of Central and Eastern Europe, governments will feel justified in their anti-union policies by these ECJ rulings.

ETF criticises that the European Court of Justice, i.e. the EU institution would be nosed level of democratic legitimacy and the highest level of intransparency, sets itself up without any legitimacy as the spearhead and constant executioner of a neo-liberal economic and regulatory system, which is largely removed from any checks introduced by basic rights, and that the ECJ ultimately proclaims the primacy of market freedoms versus the labour and social order of the member states or even versus human dignity, which is supposed to be brought into line with market freedoms. The newest ECJ rulings could put the loyalty of employees in the EU’s core countries to a harsh test. Ultimately, these rulings have to be revoked. Compliance with bargaining agreements must continue to be a social policy pillar of contract legislation.

The ETF Congress demands:

- Social policy legislation such as the directive on posted work and (social) fundamental rights such as the right to strike must not be made subservient to the so-called economic freedoms of the single market. The tension between “economic freedoms” and social fundamental rights must be resolved to the benefit of fundamental rights. Social fundamental rights must take precedence over competitive rules and the economic freedoms of the single market. This must be irrevocably ensured by adjustments in the directly applicable EU legislation (primary legislation). The treaties must also include compulsory provisions that the EU will not only work for economic progress but also for social progress.
- In this context the principle of „equal wages and terms of employment for equal work at the same location“ must be made to prevail. The directive on posted work must be amended so that the wages and terms of employment of

posted employees are subject to the labour and bargaining legislation at the place of performance beyond any doubt and without any reservation - and while maintaining the legal principle allowing a deviation from a collective agreement in favour of the employee.

- For an effective control of the wages and terms of employment of posted employees, an effective transnational cooperation of authorities must be ensured (ensured service and execution abroad). Effective internal national controls must not be counteracted by vague provisions in European legislation.
- ETF calls upon the EU Council to pronounce itself in favour of these principles in the near future. The European labour movement cannot and will not accept a continuation of European integration policy under neo-liberal auspices, i.e. a policy, which fundamentally threatens the interests of millions of European employees. The European Unions therefore reserve the right to stand for a 'No' vote in future referendums on new EU treaties and to block the further integration process until EU primary law gives precedence to social fundamental rights versus the "economic freedoms" of the market.

ETF Congress demands: Not less Europe, but more and a more social Europe!

The analysis of the system of economic and social legislation in the EU and the rulings of the European Court of Justice has shown that the current design of the European Union paves the way for a violation of the interests of employees in a multitude of ways and sometimes with fundamental significance. The decreasing interest of the population in EU matters is associated with the lack of confidence of wage and salary earners in the socially protective powers of the European Union. Their distrust is not based on "information deficits" on European integration or some relics of an awareness, which continues to be shaped by the nation state; it is instead the result of their personal experience that the EU in its current orientation promotes wage dumping and social dumping and is no longer in a position to create full employment.

The ETF criticises the attempt to give constitutional powers to economic and social policies, which have been turned into neo-liberal principles by the EU Treaties and the attempt to grant them an almost eternal value. In this attempt, the EU Treaties go far beyond the political reach of national constitutions in the member states. No EU member state has a constitution prescribing the orientation of monetary and fiscal policy. No state has a constitution which bases its policies firmly on a system of competing federalism. This unilateral determination in the EU Treaties violates the specifications for the content and the protective social barriers enshrined in the constitutions of many member states. The system of competing states with its negative effects on wage, social and fiscal policy would become an everlasting feature by virtue of the Lisbon Treaty. ETF will oppose any such attempt.

The increasing EU scepticism reveals that the consequences resulting from the economic and social chapter of the Treaties increasingly trigger unease among European citizens. Following the failed referendums in France, the Netherlands and Ireland, the EU should give up the policy of an unchallenged "business as usual" and launch an EU-wide societal debate on the social future of the European Union. This would result in a new EU Treaty, whose content addresses the orientation of its social policies, for which the democratically elected governments of member states are

responsible, without any predetermined outcome. Monetary and fiscal policies must be freed from their shackles and must be given room for growth and employment-oriented action. In wage, social and fiscal policy, regulation on the European level must be used to prevent dumping practices.

Our response to the dynamism inherent in the system of national competing states must not be the formula of “more national state and less Europe”. On the contrary: we need more Europe but a different one. But this requires a new regulatory system for economic and social policies in Europe. In other words: policies which will give a future to the alternative European social model. Those who rigidly cling to neo-liberalism, however, will jeopardise the European integration process and contribute to a return to nationalism and protectionism. Those who initiate wage, social and fiscal dumping should not be surprised, when the peoples of Europe increasingly move away from each other instead of coming closer together. The European social model would build bridges, where we see trenches developing at the moment. The risk of a growing alienation of citizens from European ideas and principles can only be overcome through the realisation of a democratic and social Europe.

Adopted at the ETF Congress, on 29 May 2009

European Maritime Transport

The ETF 2009 Congress meeting in Ponta Delgada, Azores (Portugal) from 27 to 29 May 2009

NOTES that the excessively long working hours of seafarers in European coastal shipping are the root cause of numerous maritime disasters,

NOTES with great concern that many seafarers and, in particular, officers of the watch on two-watch-vessels frequently work 18 hours a day,

NOTES with concern that investigations of maritime accidents in France and the United Kingdom have shown that most maritime disasters in European coastal shipping were caused by navigators suffering from a considerable lack of sleep,

NOTES that ILO Convention 180 on working hours provides for two alternative systems of working hours for seafarers, namely the “hours of rest” system and the “hours of work” system. The “hours of rest” system makes it possible that the maximum daily working hours for seafarers may amount to an average of 13 hours (or a weekly average of 91 hours); and the “hours of work” system permits a maximum of 10.3 working hours per day (or 72 hours per week). Despite the stress and fatigue of crew members on maritime vessels, all EU member states opted for the “hours of rest” system and therefore sanctioned the two-watch system. This means that many vessels in European coastal shipping only operate with two certificate holders, i.e. the vessel’s master and one officer,

REGRETS that a reduction of navigators’ working hours is now only achievable by stipulating that all vessels operating a two-watch system must have a minimum of three navigators on board,

CALLS upon the European governments, the European Parliament, the European Commission, and all politicians to make efforts so that vessels operating in European coastal waters on a journey of more than one day must be manned with a minimum of three navigators, who are trained and skilled in watch duties, and that this rule shall apply irrespective of the vessel’s flag/register and fully comply with the look-out regulations set out in the STCW convention.

Adopted at the ETF Congress, on 29 May 2009

Resolution 21

Time to fight back

The trade union movement stands at a crossroads. It is facing the deepest and most serious financial and economic crisis since the 1930s. At the same time the trade union movement has come under immense attacks from the European Court of Justice, which within less than a year delivered four judgements (the Viking, Laval, Ruffert and Luxemburg cases) that restrict trade unions' ability to defend the interests of their members. Furthermore, the entire European Social Model is under threat, as employers are gradually withdrawing from the historic compromise which formed the basis for this social model.

This takes place in a situation in which humankind itself is under threat from a potential environmental/climate catastrophe – mainly caused by human activities. Transport workers all over Europe will be seriously affected by these developments. Together these challenges therefore make it necessary for the trade union movement to rethink its situation, reassess its strategies and mobilise all its forces for social, political and economic change.

The crisis

The financial and economic crisis is neither a natural catastrophe nor a problem created by a rotten US housing market. The crisis is a necessary effect of 30 years of neo-liberal policies. It is a result of internal contradictions in the existing economic order. The deregulation of the economy, the privatisation of public services, the redistribution of wealth from the bottom to the top and the financialisation of the economy have all contributed to creating the current crisis.

The neo-liberal credo told us that deregulation and privatisation would vitalise the economy and make it more efficient; it would regain growth and create increased prosperity and welfare for all of us. This has now been exposed as an ideological smokescreen, covering the interests of the rich and wealthy. Neo-liberalism has therefore become completely discredited. Any measures to counteract the crisis must therefore not only address its symptoms, but its root causes. What we need is widespread reregulation and democratisation of the economy.

The judgments of the Court of Justice

The judgments in the Viking, Laval, Ruffert and Luxemburg cases represent a dramatic new development in Europe. It has now been clear not only that labour legislation is no longer a sole responsibility of the nation states, but also that it is subordinated to the free movement of capital, goods and services; to 'market access'. The judgments have further made clear that any trade union action can be judged illegal if the Court of Justice finds it unproportional in the actual context.

These judgments represent an enormous attack on trade union rights in Europe. Massive social dumping will only be one of the serious effects. Combined with the financial and economic crisis, it becomes even more damaging. The judgments signal a more authoritarian and oppressive policy towards trade unions in order to 'solve' the crises in the interests of speculators and corporate interests. The trade union movement therefore has to meet these challenges with strong resistance to counteract the judgments and correct the legal situation.

The European Social Model

The enormous shift in the balance of power in society, which has taken place over the last 30 years, is undermining the very existence of the European Social Model. Employers are gradually withdrawing from the social pact which formed the basis of this social model in the post World War II period. They have started to attack what they previously accepted as part of broad social compromises.

Unemployment has stabilised at a high level in most of the European countries and is increasing as a result of the crises. Precarious work is exploding in many countries. Flexibility – including in the dressed-up version of so-called flexicurity – is undermining working conditions and labour regulation. Social services, pensions and unemployment benefits are being attacked across Europe. The role of collective agreements and collective bargaining is being undermined by the European Court of Justice.

Time to fight back

The ETF and its affiliates have to meet this situation with a counter-offensive. It is time to fight back. We can learn from our history that in the last resort it is the strength of our unions, our ability to take action and our mutual solidarity which are decisive. We must therefore organise more transport workers, strengthen our trade unions, build alliances inside as well as outside the trade union movement, develop alternative policies and mobilise our members.

The current financial and economic crisis is not only a threat to our members, transport workers and people in general, but also an important opportunity. The discredit of neo-liberalism and the environmental crisis has opened a door to alternative thinking, new analyses and strategies. We should use this opportunity the best we can in order to launch a counter-offensive. Our demands must be to disarm the financial speculators, to democratise the economy, to promote environmental sustainable investments in the real economy, to create jobs and decent work and to secure high quality social services. Trade union rights and other fundamental human rights must have priority to the free market economic dogmas.

In particular, the ETF should take the lead in organising a strong campaign against the anti-union judgments of the European Court of Justice. It should make quite clear that these attacks on trade union rights and restrictions on trade union actions in Europe will never be accepted, and that we will use every possible measure to counter-act them – including industrial action if necessary.

Adopted at the ETF Congress, on 29 May 2009

Statement on Colombia

The ETF Congress, meeting in Ponta Delgada from 27-29 May 2009

Aware that Colombia is the most dangerous place in the world to be a trade unionist and that union activists and members face murder and repression every day.

Aware that the European Union is currently negotiating a Free Trade Agreement with the current regime which allows attacks on union members be treated with impunity.

Declares full solidarity with the Colombian trade union movement including transport unions and supports their call for no Free Trade Agreement to be reached between the EU and the government of Alvaro Uribe without it including a social clause which guarantees freedom of association and has the full support of the Colombian trade union movement.

Calls on the ETF, together with the ETUC, to put pressure on the European Commission to oppose the negotiation of any free trade agreement which does not meet the demands of Colombian trade unions

Calls on the ITF to work closely with its Colombian unions to support their struggle and to raise awareness with its affiliates in Europe about the need to show practical solidarity with unions in Colombia and other countries where trade unionism faces attacks.

Adopted at the ETF Congress, on 29 May 2009



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