

February 7th & 8th, 2009 - Paris (France)

# EUROPEAN WORKERS' CONFERENCE

On February 2nd and 3rd, 2008 a European Workers' Conference to say No to the Lisbon Treaty, repeal of the Maastricht and Amsterdam Treaties, and for the defense and reconquest of the rights and guarantees contained in national legislations was held in Paris. This conference formed a first step toward the construction of a European Workers Liaison Committee

During this conference, the Swedish delegation explained how two judgements by the European Court of Justice (Viking and Laval) seriously threatened the prerogatives of trade-union organisations. This is why the conference of February 2nd and 3rd, 2008 decided to convene in May 2008, in Stockholm, a Workers' Conference for the repeal of these European Court of Justice judgements. Two other judgements by the European Court of Justice have since confirmed this threat to Trade Union rights and especially the right to strike ( Ruffert and Luxembourg)

The Stockholm conference, on May 25th, 2008, gathered 65 activists from Germany, Denmark, Spain, France, Norway, Great Britain and Sweden. It adopted a call reaffirming the demand for the repeal of the European Court of Justice judgements in order to protect, in each of our countries, the rights and guarantees won by our workers' organisations. The delegates present at this conference decided to organise a workers delega-

tion of to the European Commission in Brussels on September 12th 2008.

This delegation was received by the representative of Vladimir Spidla, European Commissioner for Employment. The replies given show clearly that these judgements by the European Court of Justice, leaning on the European Treaties, are in total contradiction with the upholding of the rights and guarantees won in each of our countries. This is why all of the members of the delegation considered it to be indispensable to continue the campaign for the repeal of these judgements. After the meeting, the members of the delegation adopted an appeal which states *"we deny the right of the European Union and its institutions (European Commission, Court of Justice, Central Bank, European Parliament) to put into question any gain whatsoever in whichever of our countries. We state that, faced with the rulings of the European Court of Justice, faced with the European treaties which form its basis (Maastricht, Amsterdam, restated in the draft Lisbon Treaty...), the labour movement has the legitimate right to counterpose the defending, maintaining and winning back of all the rights, guarantees and gains won through class struggle in each country.."*

The delegates formed a committee to organise a European Workers Conference which will take place in Paris on February 7th and 8th, 2009.

**The POI ( Independent Workers' Party) in France, informs :**

**The conference will start on Saturday 7th February at 9 o'clock and end on Sunday 8th February at 12 o'clock mid-day.**

**An international mass rally will be organised by the POI, to be held on Sunday afternoon ( venue and time to be confirmed). All of the delegates are invited to attend. Registration fees for the conference will be 50 euros per delegate ( allowing to finance part of the travels of delegates from Eastern Europe, document costs, and a snack for Saturday lunch-time).**

**Would those delegates who wish to be lodged with French comrades please let us know.**

**The POI invites all delegates to a fraternal dinner on the Saturday evening.**

# They will attend the Paris European Workers Conference February 7th and 8th

## They told us the reasons for their presence..

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### HUNGARY

**Somi Judit,**  
member of the editorial board of the  
bulletin "Informacio es vita" (Information and discussion).

The crisis is with us to-day in full force. And the top leaders of the European Union, who never stop repeating that the stability pact has to be complied with, who remain adamant on public spending, these same people have just forked out 1,700 billion Euros for the US Federal Reserve to bail out speculators.

The aftermath will be devastating. Hungary is not part of the "Euro Zone", the IMF rushes in to help, "to bring technical and financial help and tighten up its adjustment policies, among which the significant budget deficit reduction since 2006"...

As far back as the end of 1989, the IMF had requested that Hungary "especially focus on reducing public subsidies, closing down non profitable firms and devaluing the forint".

As the European Union has taken over, Gyurcsány (Prime Minister) and his cronies have decided to write off hospitals, schools, public transports, to close down firms, to sell off agriculture.... Now, the country is becoming a protectorate

under surveillance!

The Constitutional Court has just annulled the trade unions "right to agreement" to tripartite negotiations, which means that their right to challenge decisions is taken from them, they will just have the right to "give their opinion".

We need to be united more than ever. The interests of Hungarian workers are the same as those of every other country. We shall not let them pit us one against the other, workers from the East against workers from the West, as Brussels representatives tried to do again last September (during the delegation to the European Commission) - when they stated private sector requirements demanded overruling national regulations, - when they dared pretend that in this way they were defending the interests of Eastern European workers faced with dire poverty. A situation which is the direct result of their directives!

These are the reasons for my presence and that of Trade Union colleagues at the Paris European Worker Conference on February 7th and 8th.

and encouraged by the E U. We have paid for this trade union commitment with long years in prison. But the international labour movement has shown that solidarity is not an empty word. Today, in Romania, after Renault Dacia factory workers, teachers have just wrenched a 50% pay raise. Vosganian, the

budget minister had the nerve to state that this decision "posed a threat to the status of Romania as EU member State". But workers have not had their last say. That is what a delegation from Romania will explain at large in Paris on February 7th and 8th.

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### FRANCE

**Interview with Sandra Renda,**  
barrister at the French Eure-et-Loir bar.

***You specialise in labour law and employees' counsel for defence. Can you explain the reasons for your presence at the Conference ?***

I am revolted when I see that the world financial crisis is in full force and that 1,700 billion Euros have been forked in to bail out speculation while the European Union with its directives and European Court of Justice judgments, challenges the rights and social gains of working people throughout Europe in order to get labour costs driven down lower and lower.

***Can you be more specific?***

Workers need more than ever, independent and strong trade unions, labour legislation that protects the weaker, social protection, industrial tribunals, social justice, national labour inspectors independent of the powers that be, and not doors flung open to social dumping across the European Union, to the breaking up of the Republic and of democracy with the RGPP (General Revision of Public Policies) and the redistribution of tribunals country-wide.

From the viewpoint of the law, the Viking, Luxemburg and Laval European Court of Justice judgments that advocate submitting labour legislation and trade union rights to unrestricted capitalist economic freedom to exploit workers, can be seen as abuse of

authority.

Labour legislation should lie exclusively within the competence of the Republic, of its elected representatives and not within that of the EU and the European Communities Court of Justice.

There is no compulsion to bow to the European Union and cave in to its directives that threaten the principle of free exercise of trade union rights as guaranteed by ILO convention N° 87.

***Can you give some details?***

Today, its lies with trade unions and democratic organisations to unite in order to establish the balance of forces needed, to put a stop to the on-going processes and to deny European Union institutions the right to threaten our gains and dismantle our national social laws.

From this standpoint, there is a fundamental difference between EU directives, the ECJ judgements and ILO norms.

The ILO recognises the sovereignty of nations and therefore of peoples. Through conventions, it sets social minima in every area and thus guarantees the freedom of trade unions to negotiate, in order to bring in more favourable rules for employees at national level via collective agreements and labour legislation according to the country.

With its directives, the European Union bans national sovereignty and, via the principle of subsidiarity, imposes

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### ROMANIA

**Constantin Cretan, a former miner trade union official.**

Dear friends, if I can announce that I shall be with you this coming February 7th and 8th in Paris, it is thanks to you, thanks to all those in the working class movement who campaigned so that I would be released. This campaign was pursued without a let up right to the International Labour Office. I was released last October 28th, from the high security Targu Jiu penitentiary (and my comrade Dorin Lois was released a short

while ago, on November 11th. from the Deva penitentiary). With our comrades Miron Cozma, Ionel Ciontu (whose tragic death occurred in prison on January 11th 2007), Dorin Lois and Vasile Lupu, who is still in prison, we had committed the "crime" of being mandated by our trade union members to organise the march of miners and their families against the restructuring of Romania's mining industries, as ordered by the IMF

the lowering of labour costs and therefore, the co-optation of trade unions, the destruction of public services, of "social justice" and of the particular French institution of Industrial Tribunals. To-day, all notions of democracy are foiled

**What do you think the solutions are?**

Can one accept that Sunday as a rest day be written off and that Sunday become just another week-day where workers get no extra pay? Can one accept the same argument leading to the end of public holidays, or even to the end of the 5th week of paid holidays, on the excuse that the financial crisis offers no other alternative?

The solution is nevertheless simple: increase agreed minimum wages, since, in nearly 70% of sectors of activity, the agreed minimum wages are below the Guaranteed Minimum Wage. If one wants to increase purchasing power, then for a start, wages should be increased.

But for this, it must be clearly

stated; that employees, pensioners, young people, public services and the social security system do not have to funnel money into the coffers of bankers with the 360 billion Euros "bail-out plan" for speculators; and that this plan must be withdrawn and redirected to social needs, to wages, to public services.

**What is your conclusion?**

The unity of workers, trade unions, organisations, people and people's representatives must enable us to defend and gain social guarantees and reclaim our national social gains with full independence as regards the European Union.

We especially invite all those in the legal profession as well as all trade unionists to prepare this Conference together with us, in order to oppose any supranational "legislation" that would make social dumping legal, because it is urgent to mobilise, in order to rescue workers from the social poverty and chaos that the EU would condemn us to.

jobs, withdraw the redundancy plan".

From a more general point of view, we should take a stand to have the speculator bail-out plan withdrawn. That is the only way we can possibly defend all jobs, the rights enshrined in labour legislation in every country and in Spain, in particular collective agreements (in my country

there are over 5,000 collective bargaining agreements).

What is at stake is the future of the working class. That is why I support the European Conference in defence of workers' rights and shall attend it, as it comprises the fight for the annulment of the European Court of Justice judgements in the Laval, Viking and Ruffert cases.

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**BELGIUM**

**Henri-Jean Ruttians,**

**Former full time union official FGTB-SETCa industry.**

**T**here are reasons at international-level and reasons that are specific to Belgium, for supporting the European Conference

One of the international reasons is the declaration of a delegate from an Eastern European country, who showed that challenging workers' rights in Sweden did not help workers from new European Union Member States. Quite the opposite, a setback in one country means a setback in every country. Therefore, a worker, whether from Sweden or Latvia has no interest whatsoever in social setbacks in another country.

In Belgium the two major slogans of the recent October 6th general strike were to defend purchasing power and federal social gains.

The Viking and other judgments contribute to challenging existing social gains in

our country. They also strengthen the drive to break them down through regionalisation. These European Court of Justice judgements are radically opposed to the October 6th demands. That is one more reason why we oppose them.

The other point is that social conflicts are handed over to law courts. In Belgium, we have just had two employers bring law-suites against picketing (UCB and Carrefour). The trade union movement has always opposed the intervention of law-courts in social conflicts. We are all the more determined in our opposition to such a process as it is a question of supranational "Justice" that has nothing to do with democracy. We could very likely have a European Court of Justice Judgement to-morrow, against the very principle of picketing, in the name of a breach to free competition.

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**SPAIN**

**Interview with Manuel Iñiesta, shop steward at the Auxiliar motor company in Barcelona.**

**What do you think the result of the bank "bail-out" plan will be?**

The EU institutions' and government's gift of hundreds of billions of Euros speeds up the collapse of the economy. Multinational motor companies use the excuse of the crisis to breach signed collective agreements.

The European Commission uses the treaties and articles on "free and unbiased competition" – the same ones were used by the European Court of Justice – as stepping stones to sponsor off-shoring, lay-offs and closures. Multinational firms flaunt reports on financial losses to justify these measures and brandish the threat of redundancies.

**How do workers in the motor industry react?**

My Trade Union presented a report to the regional government's labour department of Catalonia, showing, with all due proofs and testimonials that this runs against the ERE (Restructuring prospect) plan, i.e. against the social plan. The plan was presented to be

rubber stamped by the government by the Seat Volkswagen multinational motor company.

My trade union asked the government to refrain from approving the plan. But, the left wing - government of Catalonia gave it the green light to comply with criteria from Brussels.

Following hard on that decision, Nissan multinational motor company presented its plan to shed 1,680 jobs. On November 5th, tens of thousands of factory workers from the motor industry flooded the Barcelona streets against the lay-offs and for collective agreements to be abided by.

**You have heard that a European Worker Conference is being convened. What do you think about it?**

First of all, on a political level, we have addressed the representatives we elected to govern according to the will of the labour majority and turn down redundancy plans. That is the reason my trade union branch marched in the streets on November 5th, under a banner reading: "To defend

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**IRELAND**

**Jimmy Kelly, Secretary UNITE the UNION Irish Region.**

**T**he recent rulings by the European Court of Justice constitute a systematic attack on workers' rights.

No longer do trade unionists, according to the Court, have either the right to defend their jobs and living standards, they are prevented from seeking a vindication of those rights in their own country.

Regardless of what the Charter of Fundamental Rights may say, workers' rights are in danger of becoming secondary to the fundamental right of capital as protected by EU competition law.

This is nothing less than an invitation to a 'race-to-the-bottom' everywhere throughout Europe.

Therefore, it is imperative that trade unionists and progressives come together to not only discuss the implications of recent Court rulings, but to chart a realistic way forward for our movement.

This is an issue that can unite all trade unionists throughout Europe and, together, through this Conference we can roll back the neo-liberal agenda which is undermining people's living standards and social protection.

## SWEDEN

**Jan-Erik Gustafsson,**

**President of the Swedish People's Movement No to the European Union.**

With no respect to the Irish vote in June the Swedish "Sarkozy" government has called for a ratification of the Lisbon Treaty in the Parliament on 20 November. This is in a situation of the recent ECJ judgements of which the Laval case is one of them, and in addition to the global financial and economical crisis. The Swedish government has guaranteed the banking system almost 150 billion euro and at the same time continuing to make assaults on the welfare sector and requesting the employees and the public sector to tightening their belts.

But the attacks on the Swedish people has not been unnoticed. Especially trade union leaders and activists in the Building & Construction and Transport Unions have fought back and demanded the repeal of the ECJ judgements, the no ratification of the Lisbon Treaty in the parliament and the respect of the Irish vote. This organisation from below has even enforced the mighty Swedish TUC (LO) with its president Wanja Lundby-Wedin (also the president of ETUC) to

arrange a manifestation in Stockholm 18 November under the banner Stop the assault on the employees – don't destroy the Swedish model!

The Paris conference will be important to exchange experiences to safeguard this movement from below not only in Sweden, but also in other EU member countries. It is of course important to put pressure on top trade union leaders and politicians not to give away the trade union rights due to the ECJ judgements, when all employees are facing an aggravated economic crisis. It is of course also important not to accept the neo-liberal contents of the undemocratic EU treaties including the Lisbon Treaty. The Paris conference will contribute to a needed awareness building inside the European trade union movement in order to fight back the dire consequences of the economic and political crises also arisen in Europe, says Jan-Erik Gustafsson, who participated in the European trade union delegation visit to the EU Commission on 12 September.

## GERMANY

**H. W. Schuster, Dusseldorf, workers' commission of the SPD.**

The delegation of September 12th to the European Commission has decided to continue its campaign for the repeal of the judgements of the European Court of Justice. This is why we have decided to meet on February 7th and 8th 2009 for the «European Workers' Conference for annulment of the judgements of the ECJ»

On November 18th, the assistant public prosecutor Mazak, will place before the ECJ his conclusions concerning the c-350/07 case, the «Kattner-Steel construction» case. In this case, the court must rule on the privatisation of legal hazards insurance which was introduced in 1884. in Germany. In all of our countries, we resist the attacks against our most important conquests. Building up a unified resistance will be one of the tasks of the European Conference, and will give it all its significance.

But I think that we must broaden the framework of our conference. In the follow-up Newsletter n°2, Christel Keiser, member of the National Executive of the POI, writes that the world economic crisis « has given proof once more of the extent to which the institutions of the European Union are at the basis of all the attacks against our rights and guarantees »

She refers to the 1700 billion euros which the European Central Bank has made available to bail out financial speculation, while at the same time «governments, following the orders of the EU, instigate the most brutal attacks against workers.

And she points out that « within this context, the movements of resistance shows no sign of weakening ».

On November 14th, the press agency DPA highlighted « the billions of aid provided in the

wink of an eye » ; 616 billion in the UK, 500 billion in Germany, 400 billion in Ireland, 360 billion in France, 200 billion in the Netherlands, Sweden, 152 billion in Spain 100 billion in Austria, 20 billion in Portugal. The « bail-out programs » of these 9 countries alone amount to 2,448 billion euros. To avoid bankruptcy, Hungary received 25 billion euro from the EU, the IMF and the WB. For the same reason, Ukraine received 16,4 billion dollars and Iceland 6 billion dollars.

In Sweden, 20,000 lay-offs have been announced in October. Thousands of temporary workers have been sacked in Germany since the beginning of the world crisis. The ILO expects that world unemployment will increase from 190 million in 2007 to 210 million in 2009. Hence, we must now ask the question, within the perspective of the conference : can we demand the repeal of the judgements without also taking into account the conditions of the crisis and the role undertaken by the EU and the governments subordinated to its institutions ? We must respect the mandate of the delegation of the 12th September, but also take into account the struggle of the workers, who across Europe, demand the repeal of the « bail-out programs » and the use of the billions given to the banks for immediate measures to protect the working population, the unemployed, the pensioners and the youth. This is why I think that these struggles must have their place at the European Conference. Indeed, we see on one side the judgements of the ECJ and the many brutal attacks upon our rights, and, on the other side, the gigantic « bail-out programs » to finance banks and speculators, accompanied by attacks upon our very existence. These are two faces of the same coin.

I think that the conference must

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achieve two things : the centralisation and the organisation of the struggle for the annulment of the judgements, and also the struggle for the withdrawal of the « bail-out programs ».

The managers of GM/Opel group demand that the German Government provides them with a guarantee of 2 billion. The trade unions, members of the workers' commissions of the SPD, have written on this subject : « This is just a question of rescuing profits, while insisting at the same time upon wage cuts for all GM/Opel group workers in Europe, halts in production, and the preparation of a massive destruction of jobs, as seen in the USA » They conclude that there can be only one reply : nationalisation of the banks, along with all of their assets, and the nationalisation of production, and the protection of jobs guaranteed by the State.

We know that this is incompatible with the legislation of the EU, with its treaties and the judgements of its Court of Justice. We see this with the EU threat; issued November 14th, to lodge a complaint against Germany before Christmas because the Volkswagen Law of November 13th still does not allow the opening up of Volkswagen to the speculators. Each time, there are two possible alternatives : the dismantling of VW by the speculators and the EU, or the rupture with the UE ; the privatisation of hazards insurance, or the rupture with the EU ; further judgements against workers and their trade unions in Europe, or rupture with the EU.

Are these not the same problems and questions which confront workers across all of Europe ? I believe that these problems and questions must be discussed at the European Conference in Paris. What to you think of this proposition ?