

## **Strengthen the Directive on adequate minimum wages to put an end to trade union busting!**

The right to join a trade union and bargain collectively is a fundamental human right recognised by numerous European and international human rights instruments. However, union busting is on the rise in Europe. The situation has got worse in the last year, with reports of union rights violations, victimisation and discrimination in several countries.

The European Trade Union Confederation, calls on the European institutions to take decisive action and put an end to union-busting practices. We call in particular on the Government and MEPs to amend the Directive on adequate minimum wages in the EU to prohibit union-busting practices and to guarantee protection against victimisation and access for trade unions to the workplaces.

The best way to secure fair wages is through [collective bargaining](#) with trade unions. Article 4 of the proposed Directive obliges Member States to commit to the “promotion of collective bargaining on wage setting”. Member states should work with social partners (unions and employers) to promote “constructive, meaningful and informed” negotiations and to reinforce sectoral and cross-sectoral collective bargaining. In countries where less than 70% of workers are covered by collective agreements, governments will have to provide for a framework of enabling conditions and draw up an action plan to promote collective bargaining.

These are important steps, but the proposed Directive still fails to require Member States to ban employers’ attacks on workers’ right to organise and take collective action – if necessary through strikes – without risk of reprisals, dismissal, victimisation or discrimination.

The obligation on the EU and its Member States to ensure full respect for workers’ right to organise and to collective bargaining could not be clearer. It is established in the [Charter of Fundamental Rights](#) of the EU, and in several International Labour Organization (ILO) Conventions. Principle 8 of the [European Pillar of Social Rights](#) calls on the social partners “to negotiate and conclude collective agreements in matters relevant to them, while respecting their autonomy and the right to collective action”.

Yet union-busting practices are spreading throughout Europe. Trade unionists are too often victimised, detained or denied the right to access workplaces or communicate with the workers they represent. There is growing evidence of anti-union activities by well-known companies such as McDonald’s and Intercontinental Hotels. A recent [Vice report](#) highlighted how the notoriously anti-union company Amazon carried out surveillance of workers in different EU countries, including [Spain](#), Austria and Czechia, to spy on trade union activities. Indeed, union busting is now part of the business model of major companies like Ryanair. Many employers are refusing to enter negotiations or are choosing to bypass legitimate trade unions in favour of non-union and non-representative ‘sweetheart’ organisations.

Governments are too often complicit in these activities. [ITUC Global Rights Index 2020](#) shows that 38% of European countries excluded workers from the right to join or set up a union, 56% failed to uphold the right to collective bargaining, and no less than 72% violated the right to strike.

The ETUC is calling for specific measures to be added to the Directive on adequate minimum wages in the EU to prevent and tackle these violations of workers' right to organise and to collective bargaining. We call on the government and MEPs to support the trade union call for the necessary changes to the Directive on adequate minimum wages.

The definition of 'collective bargaining' in the Directive should refer only to negotiations between employers and trade unions, rather than undefined "workers' organisations". Collective bargaining must be the prerogative of genuine, democratic and independent trade unions, and cannot be open to arbitrary groups often set up to undermine union strength and to impose unacceptable conditions on workers. Trade union officials must have the right to access workplaces, and union representatives should have time and facilities necessary to carry out their duties. Governments must act firmly to protect trade unionists from victimisation and discrimination. Employers should be prevented from interfering in trade unions' internal affairs and from intimidating workers to stop them joining a union.

To make the proposed national action plans effective in increasing the number of workers covered by a collective agreement, the EU should require Member States to ensure that the right to collective bargaining, in particular at sectoral level, is respected.

The ETUC, has put forward other key demands. The first is for changes to EU public procurement law: only companies which respect workers' right to bargain collectively and have collective agreements should be able to access public contracts, grants and funding. Secondly, Member States should guarantee that non-standard and self-employed workers are not prevented from organising together in a trade union and concluding collective agreements. Collective agreements must not be made subject to competition rules. Freedom of association and to act collectively are fundamental human rights and must be defended, not just by trade unions but by the EU and governments too.