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OUTCOME RELEVANT TO EMPLOYERS ON COUNCIL OF EUROPE CASE BROUGHT BY SWEDISH TRADE UNIONS

The IOE and BUSINESSEUROPE together play a key role in collective complaint procedures before the Council of Europe that involve, directly or indirectly, our national employers’ organisation members. Official consultative status allows the two bodies to be a conduit for the voice of business and to support members throughout the collective complaint procedure.

A recent case in point has been collective complaint 85/2012 brought by the Swedish Trade Union Confederation (LO) and the Swedish Confederation of Professional Employees (TCO) against its government over the application in Sweden of European Social Charter Articles 6 (particularly the right to strike) and 19 (migrant workers). This case elicited particular concern because it raised the issue of potentially conflicting obligations arising from European legislation and the European Social Charter and how to accommodate any eventual conflict.

In considering the case, the European Committee of Social Rights (ECSR) took into account the observations of the social partners: the trade unions bringing the complaint, the European Trade Union Confederation (ETUC), the government, BUSINESSEUROPE and the IOE - the only bodies authorised to channel the concerns of the Confederation of Swedish Enterprise.

The ECSR took the view that Swedish implementation of EU law on the matters under consideration was contradictory to the Charter. However, further argumentation to the Committee of Ministers that the ECSR’s interpretation of the charter had been too far reaching and had created unnecessary tension between the twin obligations of EU members with regard to EU law and the Charter, resulted in a neutral outcome in the Ministers’ Resolution.

Speaking on the outcome, IOE Secretary-General Brent Wilton said: “The employers welcome the Resolution as it responds to the call for a neutral decision. This resolution is balanced and avoids recommending changes to the existing law. The Swedish government is simply invited to report on any further developments”.

For details of the case and an analysis of its outcome, please contact IOE Adviser, Ms Alessandra Assenza, at assenza@ioe-emp.org

The IOE is the largest network of the private sector in the world. With 150 business and employer federation members in 143 countries, the IOE is the global voice of business in social and labour policy debate at the international level.