

European Trade Union Confederation
Mr John MONKS, General Secretary
5, Boulevard Roi Albert II
1210 Brussels
Belgium

Your ref.:

Our ref.:
759-2004/RB-rah

Date:
25 August 2004

Re: Proposal for a directive on services in the internal market

Reference is made to the proposal for a directive on services in the internal market, and the discussion concerning the effects on employment conditions.

The Confederation of Vocational Unions – YS acknowledges the goal of the proposed directive as to creating a true internal market also for services. We support actions which will contribute to economic growth and sustainable jobs. However, we also share the same scepticism as to possible consequences of weakening workers rights and increase of social dumping. As other trade unions we would like to point to the posting of workers directive and the need for a legal guarantee of the hierarchy between the posting of workers directive and the services directive.

Reference is made to information from the European Commission where it is stated i.e. that "The proposal leaves unchanged the rule that a service company posting workers to another Member State, applies that Member State's employment conditions including minimum wages in order to avoid social dumping".

Since there still seems to be debate over possible consequences, we would like to table a suggestion for an amendment in the current text. Given that there is a real agreement as to the protection of employment conditions, it would seem natural to emphasize this clearly either in one of the articles or the preamble of the directive.

Hence, one solution would be to adjust current paragraph 58 of the preamble along the following lines: "...The present directive does not aim to address issues of labour law as such. *As the aim of this directive is not to deteriorate employment rights, any conflict of interest between this directive and the posting of workers directive (96/71/EF) should be ruled in favour of the latter. The goal of the services directive is to ensure an internal market for services, while simultaneously respecting and contributing to employment rights.* The division of task...."

Reference is also made to some clarification in the proposed services directive articles 17 and 24. However, as we are afraid that this does not fully take into

account the concerned expressed by European trade unions, we hope that our suggestion for an amendment in the preamble could be seriously looked into.

As to the consultation process on this matter in the ETUC, we regretfully were not able to forward our response within the deadline as our officer in charge of this matter suddenly had to undergo a serious cardiac operation, which resulted in some delay. We apologize for any inconvenience a late response might cause, however, due to the circumstances and considering the importance of this matter we trust that all suggestions will be carefully considered in order to reach an acceptable solution.

Yours sincerely

Confederation of Vocational Unions/Yrkesorganisasjonenes Sentralforbund – YS

Mrs Randi BJØRGEN
President