



### The EU Constitution A Good Deal for Workers

The new Constitutional Treaty for European is the most pro-worker treaty to be drawn up so far. This leaflet explains why, and details the references to workers' rights that are included in the Constitution.

It is a better treaty than the Nice Treaty, the main existing European constitutional treaty. For example, that treaty did **not** include the Charter of Fundamental Rights. This one does.

It will help enlarged Europe to run more effectively; and will apply higher democratic standards for other states who wish to join the EU: for example, Turkey.

It will prompt Europe to pay more attention to workers' concerns, such as delocalisation, because of its stronger social dimension.

### It deserves your support. It deserves any worker's support.

If it does not receive it, Europe will be in crisis. But how can that help trade unionism? For the business world, it will not make much difference. Under globalisation, it goes where it wants to without much hindrance. It does not need a constitution.

But workers do. We need an effective EU to fight for control over globalisation, an EU not afraid of business lobbies, and an EU committed to Social Europe and decent standards.

Support the ETUC – Support the Constitution.

**John Monks**  
General Secretary  
ETUC

1. THE ETUC FOUGHT TO GET THE CONSTITUTION

### 1. The ETUC fought to get the Constitution

As the agreement on the *Treaty of Nice* (December 2000) was heavily criticised from the very beginning, the European Council in Laeken (December 2001) convened the European Convention on the future of Europe. The Heads of State and of Government asked this Convention to elaborate new rules for a unified Europe and the ETUC mobilised for a trade union participation: more than 100 000 workers demonstrated in Laeken for Social Europe and the ETUC's involvement was accepted.

Discussions on the European Constitution were held from February 2002 to June 2003 with the active participation of the ETUC. On 18 June 2004, all Heads of State and of Government finally reached agreement on the very first European Constitution.

This Constitution will enter into force in 2006 once all Member States have ratified it. The time limit for ratification has been set at two years.



2. WHAT IS IN THE CONSTITUTION?

### 2. What is in the Constitution?

The Constitutional Treaty has four main parts:

- Part I.** Values, Objectives, Responsibilities, Decision-Making Procedures, Instruments and Institutions
- Part II.** Charter of Fundamental Rights
- Part III.** Policies
- Part IV.** Revision Methods and Mechanisms for Leaving the EU



3. NEW VALUES AND OBJECTIVES

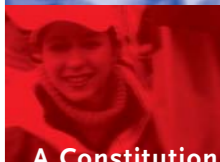
### 3. New values and objectives

Values of major social content, such as the respect for solidarity, equality, non-discrimination, equality between men and women constitute the main foundations of the Constitution.

Many of the Constitution's objectives are common to the trade union movement: the promotion of peace, social welfare, sustainable development, gender equality, social, economic and territorial cohesion, solidarity and the fight against exclusion. Furthermore, a "social market economy" and "full employment" will be anchored amongst the Union's objectives (article 1-43). This is a major step forward, as the Nice Treaty only mentions "open market economy" and "high employment".



### A Constitution for Europe and Workers' Rights



#### 4. What about the Charter of Fundamental Rights?

The Charter was drafted by the first Convention, between December 1999 and October 2000, and signed in December 2000 in Nice. The ETUC rallied in Nice with a demonstration of 60 000 workers demanding that the Charter be made legally binding, but the Heads of State and of Government agreed to sign it only in the form of a political declaration. It sets out in a single text, for the first time in the European Union's history, the whole range of civil, political, economic and social rights of European citizens and all persons resident in the EU.

These rights are divided into six sections: *Dignity, Freedoms, Equality, Solidarity, Citizens' rights, Justice.*

The Charter strengthens fundamental social and trade union rights and makes them more visible, for example:

- Freedom of assembly and of association (article II-72);
- Freedom to choose an occupation and the right to engage in work (article II-75);
- Non-discrimination (article II-81);
- Equality between women and men (article II-83);
- Workers' right to information and consultation within the undertaking (article II-87);
- Right to collective bargaining and action (article II-88);
- Protection in the event of unjustified dismissal (article II-90);
- Fair and just working conditions (article II-91);
- Social security and social assistance (article II-94);
- Health protection (article II-95).

Finally, the Charter, through its inclusion in the Constitution text, acquires legally binding force and is judicable in the European Court of Justice, which was one of the ETUC's main objectives.

4- WHAT ABOUT THE CHARTER OF FUNDAMENTAL RIGHTS?

#### 5. Steps towards a Social and Democratic Europe

In addition to basic rights, the Constitution also contains some new provisions, which comprise a definite step forward towards a Social Europe. These include:

- A regular Summit for employment: the *Tripartite Social Summit*, which unites on a regular basis the President of the European Council, the President of the Commission and the social partners, is recognised as a *tool of the European social dialogue* (article I-48);
- A *social clause* obliges the Union to take account of the social dimension (article III -117);
- A legal base for *Services of general economic interest* will be created: the Constitution provides for adoption of a European law laying down the principles for public services. Only services of public interest are affected – the Union does not intervene as far as administrative public services are concerned (article III -122);
- *Social security for migrant workers* no longer requires unanimity;

- The powers of the European Parliament are strengthened;
- *The open method of coordination* will be recognised as a tool for social and industrial policy; the Commission can propose guidelines particularly for matters relating to employment, labour law, working conditions, social security, and industrial policy;
- *The right of initiative for citizens* (article I-47) will be provided: if citizens succeed in collecting one million signatures in a significant number of Member States, they may ask the Commission to submit an appropriate proposal to the legislator on matters where people consider that a legal act is required.
- Social rights are included in the Charter of Fundamental Rights.

5- STEPS TOWARDS A SOCIAL AND DEMOCRATIC EUROPE

#### 6. Progress compared to existing European texts

The European Trade Union Confederation supports the European Constitution as a springboard for progress towards stronger social values in the European Union. The ETUC therefore supports the Constitution – despite its limits – because the advantages it offers to working people and citizens are real, and certainly an improvement over the present provisions.

6- PROGRESS COMPARED TO EXISTING EUROPEAN TEXTS

#### 7. Yes to the Constitution!

During the ratification process, the ETUC's campaign will stress the importance of progress by reinforcing and modernising the European social model and by strengthening Social Europe for full employment, economic growth, sustainable development and social justice; transnational rights for workers and trade unions; strong social dialogue systems in all EU countries; high quality public services and welfare states; labour standards in services based on the principle of country of destination rather than of origin; and equality. The ETUC's view is that rejection would have the effect of paralysing the EU for an indeterminate period into the future and so play into the hands of the many opponents of the EU who would love to see it flounder into irrelevance. Globalisation, the power of multinational capital and neo-liberalism will not wait or stop if the Constitution is

rejected. Consequently, this means that trade unions need this Constitution to develop the European social model with strong social values.

The new European Constitution should be seen as the springboard for a long process towards Social Europe. The ETUC is ready to take its place in a future Convention and to submit concrete proposals to strengthen Social Europe and transnational trade union rights, to improve the provision on economic co-ordination and governance, to introduce qualified majority voting in social policy and taxation and to align Part III with Part I in respect of the commitment to full employment, to the social market economy and to the horizontal clause. The ETUC and its affiliates will do their very best to ensure that this first step is not the last and that Social Europe in particular can make strong progress in future.

7- YES TO THE CONSTITUTION I



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