NEWSLETTER
WORKERS’ GROUP
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340TH PLENARY SESSION

• BREXIT: Debate with EU Chief Brexit Negotiator.
• Plenary Debate with Karl Brauner, World Trade Organization deputy Director-General
• Viorica Dăncilă, Romanian Prime Minister

• World Trade Organization EESC opinion
• Work-life balance agreement between Parliament and Council
• Conference Towards a legally binding instrument on Business and Human Rights
On 24 January the European Parliament, the European Commission and the Member States reached an agreement on the Work-Life Balance.

“This agreement is a concrete step to make the lives of European working parents and carers easier”, said Gaby Bischoff, President of the Workers’ Group at the EESC.

The Workers’ Group at the EESC led the discussions to strengthen the rights of workers with caring responsibilities within the EESC with its opinion on Work-life balance of working parents and caregivers, where trade unions had been pushing for this legislative initiative as an integral part of the European Social Pillar to bring social progress to European citizens.

“We welcome the agreement as it will achieve progress by introducing 10 days paternity leave around the time of birth. This leave is paid at sick leave level for fathers or equivalent second partner, therefore achieving the proposal’s goal of increasing fathers’/partners’ involvement. Mothers and fathers are entitled to parental leave, paid at an ‘adequate’ level. This was a key campaigning issue for trade unions in order to assist parents to achieve better work-life balance. In addition, people caring for a sick relative will be able to take five days of carer’s leave”, said Gaby Bischoff.

“Work-life balance policies are tools that will enable women and men to make their choices starting from a level playing field,” said Erika Koller, the rapporteur for the opinion. “This agreement is not a silver bullet that will solve everything, but it is certainly a step in the right direction.”

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The first debate of the January plenary session welcomed **Michel Barnier, chief EU negotiator for Brexit**, who gave an overview on the state of play on Brexit. Mr Barnier outlined the two main outcomes of Brexit, namely a negotiated exit where each side loses or a chaotic one where everyone loses even more. He stressed that the Withdrawal Agreement was the possible deal, in view of the UK’s red lines and was not open for renegotiation. In particular, he stressed the relevance and importance of the backstop solution regarding border between Ireland and Northern Ireland, as a way of protecting the Good Friday Agreement and an insurance for people on the island of Ireland that no hard border would be set up again.

**Gabriele Bischoff, Workers’ Group President**, agreed that there were no winners in this situation and summed up the regret shared by all Europeans about the UK’s decision to leave the EU. She
pointed out, however, that the priority now was to ensure that it happened as smoothly as possible, as the worst part was yet to come. Protecting workers, citizens and businesses on both sides was fundamental. While recognising the difficulty of the negotiations, she thanked Mr Barnier for maintaining a continuous dialogue and consultation with the social partners and political actors across the 27 EU Member States, stressing that it was more important than ever for the remaining EU-27 to maintain their unity. She asked Mr Barnier for the Commission’s view regarding how the political situation in the UK might impact on the timetable for withdrawal particularly with the forthcoming European elections, the possibilities of an extension to Article 50 and whether the Commission had a concrete strategy to ensure that the uncertainty would not extend to the whole continent.

Judy McKnight, member of the UK Trades Union Congress, also acknowledged Mr Barnier’s dialogue with the trade unions and expressed concern about the Irish border, demanding that no concession be made in preserving the continuation of the work by the Good Friday Agreements and peace in border communities. Ensuring that the Brexit deal came with tariff-free movement, the
guarantee of the rights of citizens and workers on both sides and the halting of job destruction should be guidelines for the negotiation, she concluded.

Also addressing Mr Barnier during the debate, Jack O’Connor, from the Irish Congress of Trade Unions, stressed that the solidarity shown until now must continue, as it was capital not only for the negotiation but also for democracy and the European Project, given the political trends coming from some EU member states. He also stressed to Mr Barnier how important it was for Europe to signal that it was not anti-UK workers and that it was working to protect their rights too, to counteract the ‘Brexiters’ narrative.

In his replica, Michel Barnier explained that the decisions concerning the extension of Article 50 were in the hands of the Heads of State and Government, but that some flexibility was possible. He also guaranteed that solidarity with Ireland and among Member States would continue, and explained that the extensive dialogue and consultation during the negotiation process was necessary, as such a negotiation could not have been held in secret.
The plenary session also hosted a debate with **Karl Brauner, Deputy Director-General of the World Trade Organization**. Mr Brauner explained that the values of the EU were pillars of the WTO: trade union rights, social dialogue, women empowerment, animal welfare. In times of ‘National Egoism’, the EU and the WTO had to cooperate to ensure multilateralism and international cooperation survived and continued working towards the common good. He explained that common understanding considers the United States as the largest WTO contributor, but that in practice the 27 EU Member States together also had great weight. Mr Brauner added that the multilateral system was in danger as some key positions remained vacant because they were blocked by the US. The Europeans considered the appellation system as a court of justice, while for the US it was be a mere appellation body for members. He acknowledged the need for WTO reform and the need to work together with the EU to make it happen in a constructive way.

**Christian Bäumler, Deputy Federal Chairman of the European Union of Christian Democratic Workers**, expressed satisfaction on the reform process of the WTO. However, he added, some points
should be singled out in it: first, the judges’ independence was fundamental, and a lifetime mandate could be implemented if necessary. Secondly, not only the form, but also the content of the Dispute and Settlement System should be reformed: it cannot remain a tool for liberal free trade; it should also be one for implementing labour rights and ILO core labour standards. As regards the vacant positions and the risk of continued blocking, he suggested the possibility of an internal procedure to select judges.

Following the debate, **Javier Doz Orrit, Member of the Comisiones Obreras Trade Union**, highlighted the support for multilateralism as the only possible peaceful and sustainable approach to international relations. However, he stressed that fair trade, not just free trade, was necessary, and that measures that promote social well-being had to accompany economic growth. Fair trade, he explained, had to be based on three pillars: ILO conventions, the Sustainable Development Goals (SDGs), and the Paris Agreement.

**Thomas Wagnsonner, from the Lower Austria Chamber of Labour**, joined the discussion with a precise demand: Article 20 of the General Agreement on Tariffs and Trade (GATT), dealing with exceptions to trade deals, should be expanded to cover social protection legislation as well. He also suggested that the reform should take on board the SDGs and include other issues such as child labour.
The second day of plenary welcomed Viorica Dăncilă, Prime Minister of Romania, who explained the fundamental role that the EESC played for the Romanian Presidency of the Council of the European Union to make the decisions as close as possible to the citizens. She highlighted cohesion, convergence and protection as cornerstones of the program. Only with these principles and by having the citizens on board could the sustainability and future of the European project be assured.

Regarding the Presidency itself, she explained that her government considered Cohesion and CAP (Common Agricultural Policy) funds as the two most important instruments to achieve the goals of the term. She also explained in detail the 4 priorities of the Presidency: convergence as mentioned above, ensuring the security of EU citizens and EU borders (including cyberspace security and internet), enhancing the global role of the European Union and protecting EU common values.

Dumitru Fornea, Secretary-general of the MERIDIAN Romanian Trade Union Confederation, praised the organisation of the Presidency’s starting ceremony, as well as the cordial atmosphere necessary for cooperation. He highlighted, as an example of cooperation, the High Conference and Round Table on Romanian Coal Regions in energy transitions, held in Petroșani, Hunedoara County, in the Aula of Petroșani University in September 2018[1],
where the social partners and particularly trade unions met and 
discussed with the government and the EU Commissioner for Re-
gional Policy, Corina Crețu.

He expressed support 
for the acceleration of 
social and economic 
convergence proposed 
by the Romanian Pres-
idency, and stressed 
the need for the im-
plementation of the 
European Pillar of So-
cial Rights to accom-
plish this. The wage 
gap, he explained, has 
increased between 
north and south, east 
and west of Europe, 

despite growth in the new EU Member States, and Romania has 
lost already about 4 million people emigrating to the west.

A European action plan was necessary for regions affected by eco-
nomic decline in order to put a positive light on the EU in the face 
of nationalist and populist rising tendencies, and for that, the EESC 
would be willing to aid the Romanian presidency in every step.

José Antonio Moreno Díaz explained that the EESC and he, as pres-
ident of the Working Group on Fundamental Rights and the Rule 
of Law of the Committee, were worried about the rule of law and 
human rights developments in the EU, and in Romania in particu-
lar. “Against 
the mer-
maid chants 
of national-
ism and xe-
nophobia, 
one must 
tie himself 
to the mast 
and keep 
the bear-
ing of fun-
damental 
rights and 
values”, he
expressed, using the Odyssey as metaphor.

For the particular Romanian case, he conveyed the concerns he gathered during his mission in Romania and his interviews with civil society there, in line with what is expressed by the European Parliament Report[2] and the European Commission Verification report[3]. He highlighted five points in particular: interferences of the government with the judiciary and its independence, urgent legislative procedures lacking any civil society consultation, irregular changes of the Romanian Economic and Social Committee composition, reported attacks and criminalisation of civil society organisations and multiple corruption problems and lack of transparency in dealing with them. He concluded his intervention by pointing out that “civil society is the oxygen of democracy” and that damaging the first endangers the second.

The Romanian Prime Minister thanked the EESC for its support and replied to Mr Moreno Díaz that these accusations were not based on reality and that the situation in Romania was perfectly fine. According to her, the Romanian government had not intervened in justice and that it was all fake news. Disinformation and fake news. That was the problem.

FOOTNOTES
Growth in the Euro area peaked after reaching only 1.7% in 2017: the scars of the previous crisis are still visible in many Member States, particularly in the labour market.

For the Euro Area to become resilient and be prepared for coming shocks without extreme social costs, several issues must be addressed: shifting taxes away from labour, implementing the Social Pillar and ensuring upward convergence among and within Member States, investing in education, preventing tax fraud and tackling the growing labour market segmentation. Member States should stop blocking the completion of the banking and capital market unions and the EU should ensure that all changes are fully compatible with social and labour rights.

**Adjustment of annual pre-financing under the European Funds for 2021-2023**

In order to launch a programme co-financed by European funds, the Member States must advance the resources to the actors involved. Pre-financing allows the EU to ease the cash flow and avoid delays in the funding process.

To allow this system to continue, the Workers’ Group urges the Commission to reconsider its proposal on reducing and suppressing pre-financing of European programmes, as the Commission has enough tools to monitor these pre-financing funds. The reduction and ultimately the suppression of the pre-financing mechanism is, in our view, not justified, and would create funding problems for the actors involved in these programmes.
Common standards and procedures in Member States for returning illegally staying third-country nationals

The Commission proposal aims to toughen measures to expel third-country nationals staying illegally in Europe. In this sense, the Workers’ Group considers that there is a severe lack of self-criticism and analysis in the proposal: a common policy and legislation towards migration at EU level is missing currently, and without it, the proposed changes make little sense.

This should also provide legal ways for immigrants to enter the EU and contribute to our society, thus counteracting the far-right narrative on migration.
The WTO is facing significant institutional and political challenges. Appointments of arbitrators on the so-called Appellate Body – the appeal instance of the Dispute Settlement Body – are currently being blocked by the United States.

Against this background, the appointment of real professional judges and relevant appointment procedures should be considered. Big economies, particularly China, insist on derogations that were foreseen, in principle, for developing countries.

The representatives of the Workers’ Group facilitated the reaching of a clear position in the EESC. For the multilateral trading system to be maintained, the ILO’s core labour standards and the sustainable development goals must become central pillars of the WTO’s work. WTO reports must include the implementation of ILO norms.

Consumers’ rights and the need for environment protection must also be taken into account.
Negotiations are currently underway at the UN on the establishment of a system of corporate responsibility for human rights violations. The mandate of the working group dealing with this issue includes the development of a legally binding instrument to regulate the activities of transnational corporations and other companies in international human rights law.

While the EU and the Member States play a role in this working group, the European Commission has no mandate from the Council to conduct negotiations on behalf of the EU regarding its participation in this group.

- Trade Unionists expressed the need for a binding instrument given the sheer numbers of human rights violations and disregarded the existing voluntary instruments (UN Guiding
Principles and Corporate Social Responsibility) as insufficient and ineffective.

• Members of the European Parliament agreed with the need for the instrument and expressed the need for Member States to give the EU a mandate on this topic.

• Business Representatives expressed doubts on the reach and effectiveness of such an instrument, and insisted on reinforcing existing ones rather than fostering division.

• The EEAS expressed concern on the lack of commitment shown by other industrial nations such as the US or Norway.

• The audience highlighted, among other topics, the importance of the topic, the need for a global campaign, to tackle tax evasion and the need for companies to control the supply chain and the subcontractors.


The Workers’ Group gives its farewell to our member, Spyros Papaspyros, who passed away on the 23rd of January. A member of the Committee since 2006, he developed his work in the sections for External Relations and Agriculture, rural development and environment.

We extend our deepest condolences to his family and friends in Greece and in all Europe.

He will be greatly missed.