

**Van:** Etuc-Ces Media <media=etuc.org@mail206.atl61.mcsv.net> namens Etuc-Ces Media <media@etuc.org>  
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**Aan:** Veerle Solia  
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ETUC Press release

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### Council of Europe's European Committee of Social Rights strengthens collective rights!

#### Sweden's Laval legislation is violating the Revised European Social Charter

21/11/2013

*In a decision published yesterday (20 November) the European Committee of Social Rights (ECSR) found that Sweden violated the revised European Social Charter in several respects. Supported by the European Trade Union Confederation (ETUC), its two Swedish affiliates Landsorganisationen i Sverige (LO) and Tjänstemännens Centralorganisation (TCO) filed a complaint against Sweden criticising the 'Laval' legislation, which had been introduced in order to conform to the so-called Laval judgment of the Court of Justice of the European Union (Court of Justice) (C-341/05 - Laval un Partneri).*

This judgment had very much restricted the rights of trade unions in respect of posted workers on the basis of 'fundamental economic freedoms', which were considered as more important than fundamental social rights. Trade unions across Europe have always heavily criticised this jurisprudence.

In their complaint to the ECSR, the LO and TCO argued that the Swedish legislation was not in conformity with the right to strike and to collective bargaining as stipulated in the Revised European Social Charter. They also expressed the view that posted workers had to have the same rights as migrant workers. In its decision the ECSR has backed the trade union point of view.

ETUC General Secretary Bernadette Ségal welcomed this outcome: "*This decision recognises the rights of trade unions to protect posted workers. It obliges the Swedish Government to bring*

*its legislation and practice into conformity with these requirements. At the same time it indirectly criticises the Court of Justice's jurisprudence for not taking social rights sufficiently into account. It therefore opens a new round of challenging this jurisprudence. The Court of Justice should now change its jurisprudence and give trade unions all collective rights which they need to protect posted workers efficiently."*

- ECSR decision on Swedish Laval legislation:

[http://www.coe.int/T/DGHL/Monitoring/SocialCharter/NewsCOEPortal/CC85AdmissMerits\\_en.asp](http://www.coe.int/T/DGHL/Monitoring/SocialCharter/NewsCOEPortal/CC85AdmissMerits_en.asp)

- ETUC positions on the Laval and related CJEU: <http://www.etuc.org/r/846>

Further reading on the Laval and related CJEU (including on their impact), see ETUI website -

<http://www.etui.org/Topics/Social-dialogue-collective-bargaining/Social-legislation/The-interpretation-by-the-European-Court-of-Justice>

***The European Trade Union Confederation (ETUC) exists to speak with a single voice, on behalf of the common interests of workers, at European level. Founded in 1973, it now represents 85 trade union organisations in 36 European countries, plus 10 industry-based federations. The ETUC is also on [Facebook](#), [Twitter](#), [YouTube](#) and [Flickr](#).***

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**More information:**

**Cillian Donnelly**

Head of Press and Communications  
Phone: +32 (0) 2 224 04 30  
@: [media@etuc.org](mailto:media@etuc.org)

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