

Resolution of the EuroFIA Group, Dublin Meeting June 2nd 2015

The EuroFIA group reviewed at its recent meeting several instances of wrongful termination or blockage of collective bargaining processes, in particular on behalf of atypical workers. The group was particularly concerned to note the wrongful citation of competition rules to interfere with proper collective bargaining on behalf of such workers. The group considered problematic examples from Denmark, the Netherlands and the Czech Republic.

Atypical workers, including those on short-term contracts, must enjoy access to core labour rights. The group emphasises that short term engagement, working as a soloist or the mere fact that the performer is well known, has absolutely no bearing in this matter. The fundamental principles of freedom of association apply to them also. This was strongly recalled in the ILO ruling in case 2888 (Poland) and the ruling by the ILO Committee on Standards¹ stated in paragraph 1084 that:

“The Committee recalls that the term “organization” used in Convention No. 87 means any organization of workers or of employers for furthering and defending the interests of workers or of employers (Article 10), such organizations should therefore have the possibility of engaging in collective negotiations in the interest of its members [...] to ensure that all workers, without distinction whatsoever, including self-employed workers and those employed on the basis of civil law contracts, enjoy the right to establish and join organizations of their own choosing within the meaning of Convention No. 87.”

The EuroFIA group therefore resolves:

To strongly express its support and solidarity for artists affected by such situations;

To closely monitor the situation, with a view to action if this matter cannot be resolved. Sectoral deliberations in the recent tripartite International Labour Organisation (ILO) Global Dialogue Forum resulted in points of consensus that clearly state that Governments must “ensure that competition legislation does not obstruct the right of media and culture workers to freedom of association or to engaging in social dialogue with their social partners”. Thus EuroFIA believes that a full examination must be made of all solidarity mechanisms, such as a complaint to the International Labour Organisation, an examination which our federation would fully support.

¹ http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:50002:0::NO::P50002_COMPLAINT_TEXT_ID:3057194