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Harmonization Vs deregulation

In a clear rejection of the European Commission’s approach, the European Parliament voted down the proposal for a port services directive on 18 January 2006 by an overwhelming majority of 532 votes to 120. A little background will help to appreciate the import of what happened.

The proposal for a Directive on the liberalization of port work dates back to 2001. One of its most contentious provisions allowed ships to be loaded and unloaded by non-dockers, either ship’s crew or personnel hired by shipowners, with all the major safety risks and real danger of social dumping that implies. The proposal was informed by an economic approach which sees internationalization of trade as a non-negotiable priority, however much harm trade and transport growth might do to the environment, health or social justice.

The European Parliament had already thrown out the first version of the text by a slim majority (229 votes against, 209 for and 16 abstentions) on 20 November 2003, a dismissal directly informed by intensive trade union lobbying through demonstrations and strikes. The European Transport Workers’ Federation had already been campaigning all-out for over two years.

The new Commission, headed by Mr Barroso, was put in place in 2004. Instead of scrapping such an unpopular proposal, it tried to re-launch it in a slightly rejigged form in a clear symbolic attempt to crush dockworkers’ resistance. Sea transport and port employers were not even convinced that the reform was needed. The transport unions’ response was swift in coming, as a fresh wave of strikes and demonstrations swept through Europe’s main ports.

Nor was it a one-off. On 16 February 2006, just weeks after scuppering the port services directive, Parliament voted through a raft of amendments to the draft Bolkestein Directive, an ultra-free-market proposal that also threatened working conditions, health and safety. The parliamentary vote was taken the day after a 50 000-strong rally in Strasbourg, called by the European Trade Union Confederation.

Both events raise a big political question. After the “no” votes in the referendums on the European Constitution in France and the Netherlands, conservative parties put a

self-serving spin on the outcomes, claiming that the people were rejecting a Europe whose regulations interfered too much in every part of their daily lives. They argued for swingeing cuts in European legislation in various areas. It is an argument that does not stand up. Opposition to reams of red tape does not mean wanting the law of the jungle. What people want in social and environmental matters is stronger Community provisions moving towards a broader harmonization of living and working conditions in Europe.

The European institutions stand at a crossroads. They can take one of two paths. Steady harmonization of conditions in the Union so as to avoid an undercutting war that would push living and working conditions downwards, or more deregulation of markets. Going down the second road would push harmonization of the different national situations down the agenda and put the focus on dismantling existing rules to promote unbridled competition.

Much of how the new Community health and safety programme being prepared for the period 2007-2012 shapes up will depend on the strategy chosen. The Commission will either relaunch the harmonization programme, or opt for voluntary initiatives, non-binding documents or even a relaxation of existing Community rules (spun as a simplification exercise).

The examples of port services and the Bolkestein directive show that the ability of trade unions to explain the issues of intricate legislation, and above all their commitment to energize direct grassroots action, are essential to maintaining an effective balancing force. ■

Marc Sapir,

Director of the Health and Safety Department, ETUI-REHS

THE HEALTH AND SAFETY DEPARTMENT OF THE EUROPEAN TRADE UNION INSTITUTE - RESEARCH, EDUCATION, HEALTH AND SAFETY (ETUI-REHS) aims at promoting high standards of health and safety at the workplace throughout Europe. It succeeds the former European Trade Union Technical Bureau (TUTB), founded in 1989 by the European Trade Union Confederation (ETUC). It provides support and expertise to the ETUC and the Workers' Group of the Advisory Committee on Safety, Hygiene and Health Protection at Work. It is an associate member of the European Committee for Standardization (CEN). It coordinates networks of trade union experts in the fields of standardization (safety of machinery) and chemicals (classification of hazardous substances and setting occupational exposure limits). It also represents the ETUC at the European Agency for Health and Safety in Bilbao.

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