

industriAll 30/2013

INDUSTRIALL EUROPE SOLIDARITY PACT

*(Document adopted by the 3rd Meeting of the industriAll Europe Executive Committee
Luxembourg, 26-27 November 2013)*

1. Our objectives

Under the conditions of Economic and Monetary Union and facing the challenges of a more and more integrated European labour market with still existing national social security systems, there is a strong wish on the part of industriAll Europe and its affiliated organisations to increase the protection of and support for industriAll Europe trade union members across the borders of our countries. For that reason, the industriAll Europe affiliates have reached the following agreement.

2. Membership and services

When working abroad, a member of an industriAll Europe affiliated organisation has the right either to the services set out in the guidelines for the practical use of the industriAll Europe Solidarity Pact or the right to become a member of another industriAll Europe union in the host country. In the case of more than one year's employment abroad, the employee will be required to become a member of an industriAll Europe union in the host country in order to benefit from services. The time of membership in his/her home union should be recognised in relation to the provision of services. For cross-border workers, the trade unions involved can make their own agreements, which remain valid.

The fundamental principles of guest membership and other instruments for implementation of the industriAll Europe Solidarity Pact shall be the legislation in force and the rules of the individual trade union organisation.

3. Support

The industriAll Europe unions will support members of any industriAll Europe affiliated organisations in an appropriate way, by information, advice and legal consultation and assistance. They will try to give the best possible service concerning employment issues or similar labour market issues.

4. Companies setting up abroad

When a company sets up in another country, the industriAll Europe unions undertake to ensure that national regulations are complied with and developed with regard to legislation and collective agreements whilst respecting the standards laid down by the ILO conventions.

5. Disputes

Members of the industriAll Europe unions are entitled to assistance from other industriAll Europe unions in the event of disputes concerning terms of employment or similar labour market issues although reimbursement of any costs involved in such assistance has to be agreed in advance by the unions concerned on a case-by-case basis.

6. Strikes

Where strikes occur, the industriAll Europe specifies that the General Secretariat should be informed as quickly and comprehensively as possible. The General Secretariat shall do everything in its power to support the member organisations concerned and prevent strike-breaking measures in other countries - such as transfers of production/services, relocation of workers or other measures. The member organisations undertake to inform the workers in their country of strikes in other countries and to organise measures to prevent strike-breaking using all available means.

IndustriAll Europe strongly recommends that affiliated organisations find practicable solutions for the payment of strike benefits across borders on a bilateral or multilateral basis.

7. Evaluation

Evaluation of this agreement for the purposes of improving this contract shall take place on a regular basis.

GUIDELINES FOR THE PRACTICAL USE OF THE INDUSTRIALL EUROPE SOLIDARITY PACT

1. Any member of a trade union organisation affiliated to the industriAll Europe may benefit from the services referred to in points 6a) to d) when employed abroad in a country where the industriAll Europe has an affiliate.
2. This is conditional upon the member showing proof that he/she is a fully paid up member of an industriAll Europe affiliated organisation by means of a membership card, proof of payment or any other form of proof of membership.
3. The services to the member will be provided by the home trade union or by the relevant host affiliated organisation represented in the company in which he/she is employed. Membership fees will be paid to the home trade union.
4. When national legislation stipulates that the services provided by the host trade union are dependent upon membership of that organisation, the member should be allowed to benefit from guest membership of the host trade union on payment of a recognition of membership fee.
5. The principle of the transfer of membership after one year is subject to the following conditions:-
 - Workers employed abroad in a company of their home country remain members of their home trade union
 - Workers employed abroad in a in a foreign company change their trade union membership. The same applies to workers employed under fixed-term contracts.
6. The following services will be provided by the host union to the members of other industriAll Europe affiliated organisations providing these do not entail any extra cost nor considerable extra work either in organisational, material or expenditure terms.
 - a) Inclusion in collective and other agreements
 - b) Information (trade union press, documentation, info service)
 - c) Consultation with regard to labour, social and employment matters
 - d) Legal consultation, legal protection and legal representation in all matters relating to labour and social law
 - e) The host union may provide other services in addition to those set out under points a) to d).

7. The host union is not obliged to provide services in individual cases incurring costs of 1000 euros or more.

However, agreement may be reached to cover the provision of high-cost services by the host union and reimbursement of costs by the home union on a case by case basis or again by a basic agreement between the trade unions concerned by specific cross-border agreements.

8. The industriAll Europe sets up the database in which the agreements are kept. Thus, there is an overview of the extent to which unions provide services to members of other organisations affiliated to the industriAll Europe. Existing agreements (e.g. FNV/CMB, FNV/DGB) should be added to the database in order to keep a complete picture of cross-border arrangements.
9. The starting date for the project will be; a thorough evaluation of the process and practice should be made three years later. In the meantime, practical improvements can obviously be made.
10. The participating unions appoint national project co-ordinators who are responsible for the co-ordination and implementation of the agreement in their own union, and who serve as information points for officials (co-ordinators) of other unions and for industriAll Europe. Union co-ordinators will have meetings at industriAll Europe level if necessary.
11. Unions shall keep good record of the 'foreign' use of their services. The number of services provided and the costs of these services need to be accounted in a uniform and transparent way. (For this, a method will be suggested by the forum of national co-ordinators).
12. At industriAll Europe level (working group or national co-ordinators' forum) a piece of standard information (e.g. a flyer) should be devised which unions can use for informing their members.
13. Union officials and shop stewards have to be well informed about the agreement and about its practical consequences for they are the ones providing the services. If in doubt they should always contact the national co-ordinator.
14. Cases will occur - especially at the start of the 'project' - in which it is not exactly clear which union should serve the members. In these cases, we ask the participating unions to act in a spirit of cooperation and to serve the member. Such cases will of course need to be evaluated in meetings of the union co-ordinators.

key points for a “cover letter” from the Secretariat to the affiliates

1. Achieving a system of cross-border trade union services that operates well will be a long process.
2. It is better to take numerous small steps rather than to few meaningless big steps (which look good on paper but do not amount to anything). It is also to be remembered that this is a learning experience.
3. It is especially important to get the first step(s) right, because if we do not, the whole process may be put off for a while yet again.
4. Some central (practical) steering is needed in order for this to be successful; the industriAll Europe seems to be the logical candidate.
5. Serving working members transnationally can only be successful when the parties to the agreement act in a spirit of cooperation.
6. Reference shall also be made to the Solidarity Pact and to the guidelines for its implementation; they shall be based on the respective trade union statutes and shall primarily take account of prevailing legislation.
7. The coordinator will have to be familiar with legal, financial and political aspects of assisting members in a national framework as well as transnationally. In addition to competence in this area, the coordinator should also have a policy brief from his/her organisation in order to be able to prepare decisions.
8. Affiliates are requested to use the industriAll Europe logo on new publications or, where possible, for renewal of national member organisation membership cards.
9. In order to increase transparency and ensure maximum cooperation, each affiliated organisation will be asked to nominate a contact person or indicate which department would be responsible in all matters concerning the Solidarity Pact.