

## Reforming the Litigation Group into the Fundamental Rights and Litigation Advisory Group

Adopted at the Executive Committee Meeting of 16th and 17th December 2015

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Throughout Europe workers and their unions are experiencing attacks on their hard won rights, and fundamental human rights including labour rights are being questioned.

The ETUC plans to reorient the existing Litigation Group, established almost 10 years ago to accompany the work on the Viking and Laval and similar cases, so that it better supports the ETUC and our affiliates to respond to the current challenges in the legal and human rights supervisory arenas.

The Aim of Fundamental Rights and Litigation Advisory Group

The Advisory Group will provide support to ETUC in our actions to protect fundamental human rights, in particular trade union rights.

The role of the Group is primarily to support ETUC's and affiliates' work on engagement with the various supervisory mechanisms at European level and will include:

- providing analysis of the implications of rulings of particular interest of the
  - European Court of Justice (CJEU),
  - European Court of Human Rights (ECtHR),
  - European Committee of Social Rights (ECSR) as well as any other relevant (in particular quasi-judicial) body within European or international organisations, this may also include the Ombudsman or the Data Protection Supervisor or OECD: decisions in the framework of the Guidelines on multi-national enterprises;
- providing litigation guidance and support to the ETUC, by:
  - developing general strategies and arguments to be used by affiliates in their cases at national level also in view of (future) European litigation,
  - advising and supporting in filing collective complaints before the ECSR
  - providing support for third party interventions in particular in cases before the ECSR and the ECtHR,
- In coordination with the ITUC: Supporting the ETUC engagement with various Human Rights supervisory mechanisms, including UN complaints procedures, as well as legal and policy matters related to international (ILO) labour standards;
- providing support for influencing policy in view of a better protection of human rights, i.e. by:
  - advising affiliates on labour law reforms;
  - supporting the ETUC work on engagement with Human Rights supervisory mechanisms and policy developing bodies,

contributing to improve **ETUC internal** information, activities and procedures, i.a. by:

- providing information for the ETUC tool kit so that it can become the trade union knowledge centre on labour law, human rights and trade union rights in practice.

### Working methods

The Advisory Group will meet twice a year but, but full use will be made of ICT along with the establishment of flexible but efficient Drafting Groups for individual cases and other relevant means.

The Advisory group will draw on the expertise of the ETUI and will prepare advisory notes for affiliates following on from cases. The group will liaise with Netlex and the legal Department in the ITUC.

### **Membership**

The Advisory Group is not a decision making Committee of the ETUC; however, it is expected that Members are of sufficient standing within the nominating organisation. Members are nominated by the ETUC affiliates and should be active in or experts on the field of labour law litigation. The group will meet in person twice a year. Funding is only available for one person from each country but membership is open to every affiliate. Affiliates are requested to cooperate.