

**2 September 2009**

### **People's Movement calls for honest debate on workers' rights**

Responding today to the launch of their campaign by the Charter group of trade union leaders in favour of the Lisbon Treaty, the secretary of the People's Movement, Frank Keoghan, has said that trade union leaders heading up the group must honestly engage with the issues and not engage in divisive slagging off of other trade unionists.

Keoghan said that he agreed with Blair Horan's statement at the Charter Group's press conference yesterday that positive measures flowed from the EU, but that was during the period when there was a compact with workers and their organisations – dubbed 'Social Europe'. Those days are long gone and now the Court of Justice of the European Communities rules in the 'interests of the market' over that of workers.

This has been expressed in many of its rulings – see for example the Kjell Karlsson case where it ruled that 'it is well established in the case law of the Court that restrictions may be imposed on the exercise of fundamental rights, in particular in the context of a common organisation of the market ...'

He said that this ruling will now be written into Union law, if we accept the Lisbon Treaty, through Article 52 of the Charter of Fundamental Rights and the explanations attached thereto which must be taken into account when both the ECJ and domestic courts deliver rulings. This is secured by the primacy of EU law as outlined at article 6 of the 28th Amendment to the Constitution Bill and in 'Declaration (17) Concerning Primacy' where it is noted that 'in accordance with well settled case law of the EU Court of Justice (ECJ), the Treaties and the law adopted by the Union on the basis of the Treaties have primacy over the law of Member States, under the conditions laid down by the said case law'.

The statement of the Council Legal Service of June 2007 is added: 'It results from the case-law of the Court of Justice that [the] primacy of EC law is a cornerstone principle of Community law. According to the Court, this principle is inherent to the specific nature of the European Community'. It couldn't be much clearer than that and we can expect that the present incremental diminution in workers' rights resulting from ECJ rulings will accelerate if Lisbon is accepted.

Under Lisbon, Keoghan continued, judgements of the European Court of Human Rights will not necessarily be incorporated into EU law as the Treaty records the accession of the Union to the European Convention on the Protection of Human Rights and Fundamental Freedoms, but Protocol 5 Article 3 qualifies this accession by stating that 'the accession of the Union shall not affect the competences of the Union or the powers

of its institutions'. This clearly indicates that ECJ rulings will take precedence over those of the European Court of Human Rights, should their findings diminish the powers or competences of the Union.

Keoghan concluded by calling for a concise and honest debate around the issue of workers' rights: 'workers deserve that sort of transparency from their leaders'.

[ENDS]

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