

## ETUC resolution on the European Trade Union Democracy Action Plan

Adopted at the virtual Executive Committee Meeting of 3-4 June 2021

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### Background

Trade unionism and democracy are inextricably linked. Trade unions have a long and proud history of fighting for voting rights, for democracy and against dictatorship.

In several countries that had suffered decades of dictatorship, and joined the European Union to guarantee democracy, trade unions played a vital role in resisting oppression and organising popular movements for democracy and rights.

After a partial victory for democracy in Europe in 1945, democracy seemed to be on the march in Europe during the 1970s and 90s. Now the rise of populism and 'strong man' politics puts democracy under threat. The far-right are more prominent in elections that they have been for many decades, even in countries where it seemed unthinkable just a few years ago. Elected national leaders in several countries slowly undermine democratic controls, the independence of institutions vital to the balance of power in society and trust in democracy.

While a very shocking example of this has unfolded in the last four years in the United States, some high-profile politicians in Europe have been behaving in a similar way for several years and democratic leaders at the helm of the EU still seem unsure how to react.

The growth of social media has coincided with this political trend and has certainly been expertly used by populists and extremists to undermine trust in democracy and science.

The trade union movement cannot stand while democracy is under attack.

While many social and economic problems – above all the huge growth of inequality since the late 1970s or early 1980s (and disastrous austerity policies following the 2008 financial crisis) - have contributed to the rise of populism and the far right, trade unions must stand up for democracy itself as well as fight for fairer social and economic policies.

In the face of threats to democracy within the EU, and to protect future European elections, the European Commission published a European Democracy Action Plan in December 2020. Already the ETUC Executive Committee had approved a Discussion Paper in July 2020 setting out ETUC proposals for what should be contained in then-forthcoming European Commission Democracy Action Plan. On the basis of that paper ETUC participated in two European Commission consultations on the Plan.

The ETUC correctly anticipated that the Commission's Plan would focus on disinformation and electoral interference, the media and accountability of online platforms, and underlined the undeniable fact that "These are vital for democracy but are not enough on their own". Indeed, the European Democracy Action Plan covers 3 main topics

- free and fair elections;
- strengthening media freedom;
- countering disinformation.

In each topic the EC proposes some potentially useful actions including

- legislation for greater transparency in sponsored political content (ie political advertising);
- a revision of the Regulation on the funding of European political parties;

- a recommendation on safety of journalists;
- an initiative to curb the abusive use of lawsuits against public participation (SLAPPs);
- a new Media Ownership Monitor;
- efforts to overhaul the Code of Practice on Disinformation into a co-regulatory framework of obligations and accountability of online platforms.

In addition, the Plan promised and the EC has since published two draft Regulations on Digital Services and Digital Markets (the details of which are dealt with separately from this resolution by the ETUC)<sup>1</sup>. Beyond their economic dominance, information society platforms pose systemic risks of a more societal nature, in particular when it comes to human rights, democracy, public discourse, media pluralism and data protection. The Digital Services Act does go some way to increase liability, responsibility and transparency of content moderation on social media platforms and set up procedures for appeal including dispute settlement. Private censorship and removal by default is not an acceptable approach for platforms to quickly deal with content flagged as potentially illegal or harmful. Regulation is needed to ensure platforms do not condition how fundamental rights are exercised in the digital space.

While broadly welcome, these Commission proposals do not add up to an adequate plan for safeguarding democracy in Europe. Instead, the ETUC must now set out its own trade union vision to defend and promote democracy in Europe.

The ETUC has already called for a European Democracy Action plan that:

- a. Commits the European Commission to monitor and use all its powers to uphold the rule of law and the independence of non-political institutions including the judiciary and the media in all EU member states;
- b. Recognises the crucial importance of social dialogue involving trade unions, employers and government, and collective bargaining as well as democracy at the workplace, for democratic discourse and for workers' participation in democracy;
- c. Proposes actions to give all citizens improved opportunities to participate in democratic process without fear of violence, harassment, intimidation or discrimination because of their gender, race or ethnic origin, religion, sexual orientation or disability;
- d. ensures a free and diverse media and quality journalism;
- e. introduces effective regulation of social and digital media respecting free speech;
- f. tackles disinformation and malevolent intervention in elections;
- g. increases civic education about the European Union and media literacy; and
- h. supports the development of accountable and democratic European political parties, and in addition supports more transparency and accountability of EU institutions.

The Commission action plan does nothing to promote the above proposals a-c of the ETUC. It contains some initiatives to contribute to proposals d-h, but there is clearly still a lot to do to achieve and secure each objective.

Instead, the ETUC reiterates its demands and commits to promote them, including in the Conference on the Future of Europe. This resolution sets out how the EU and trade unions can defend and promote democracy in Europe, and stand up for democracy in the rest of the world.

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<sup>1</sup> ETUC Resolution for a More Sustainable and Inclusive Competition Policy, adopted at the Executive Committee of 22-23 March 2021. [Link](#).

## Rule of law

The Rule of Law is an unalienable part of democracy and forms the cornerstone of any democratic society. Article 2 of The Treaty on European Union states that European Union is “founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights (including the freedom of expression and association)”.

But populism and the rise of the far-right has encouraged increasing challenges to the rule of law – with high profile cases of political interference in the judiciary, media and other institutions which should be independent. In the face of provocations and direct attacks on democracy, the European Union seems hesitant and unwilling to take decisive action.

The ETUC will continue to press EU institutions and in particular the European Commission to increase its efforts to monitor and enforce the rule of law and the independence of institutions such as the judiciary and media in all member states without prejudice or favour. It will use its participation in the Conference on the Future of Europe to press the case for the ‘rule of law’, and effective safeguards for the rule of law.

The ETUC supports calls for a ‘comprehensive European Rule of Law Mechanism’ and making ALL EU funds conditional on respect for the rule of law. We have witnessed the recent difficulties in linking access to recovery funding to respect for the rule of law, and incredibly even to the rule of law applying to the use of EU recovery funds!

Promoting and ensuring the rule of law in the EU also includes the protection, implementation and enforcement of fundamental social rights in UN treaties (in particular the International Covenant on Economic, Social and Cultural Rights), ILO Conventions, Council of Europe treaties (in particular the European Convention of Human Rights, the Revised European Social Charter and the European Code of Social Security) as well as the EU Charter of Fundamental Rights and the European Pillar of Social Rights.

ETUC will press for:

- a) responsive and accountable institutions at all levels of government in member states and EU institutions with foreseeable, rule-based way of preparing and making government decisions in accordance with the rule of law.
- b) access to official documents on which internal decisions about public matters are based, as well as documents received and sent by public authorities, as long as the information is not classified according to clearly defined criteria.
- c) protecting civil servants from undue influence, and all employees in their professional role, from threats, harassment and violence by third parties, including by ratifying and implementing ILO Convention 190

The promotion and respect of the Rule of Law by the EU should not be limited to its internal actions. The 2020–2024 Action Plan on Human Rights and Democracy commits the EU to the promotion of human rights, democracy and the rule of law in all its external actions. EU external policy including trade, enlargement, development cooperation and external relations should defend and uphold democracy and the rule of law. Numerous examples including recent events in Belarus, China (Hong Kong), and Myanmar illustrate the EU’s failure to use its economic power to insist on respect of democracy and the rule of law.

The ETUC will work with the ITUC to offer solidarity with trade unions beyond Europe who are fighting for democracy and to support trade unions calls for action by the international community to defend democracy.

The ETUC will continue to press for EU legislation on Human Rights Due Diligence as one of many possible flagship projects for the rule of law, defence of workers’ rights,

strengthening Democracy at Work and protection of environment, as well as for EU funding to be dependent on respect for the rule of law.

### **Social dialogue and workers participation**

The world of work plays a major role in peoples' lives and in shaping peoples' quality of life. It is a worker's basic and fundamental right to participate in democracy, to participate in democratic processes, not only electoral but also in the workplace through membership of a trade union, social dialogue, collective bargaining and information, consultation and board-level representation.

While respecting the autonomy of the social partners, it is crucial for the EU and its members states to acknowledge the important contribution that social dialogue, collective bargaining, and democracy at the workplace makes to the stability of democracy. Strengthening social dialogue, collective bargaining and democracy at work throughout the EU and in every member state is essential. Increasing union power to negotiate is a necessary ingredient of democracy, for the EU 'social market economy', for a decent life and decent society. Too many workers, including in the public sector, are still unable to join trade unions, to bargain collectively, and/or have the right to strike. ETUC calls on the European Commission to put in place a presumption of employment status, complemented by a reversal of the burden of proof by platforms to ensure that workers can have access to the rights they deserve and are able to exercise them.

The ETUC calls on the European Commission to strengthen democracy at work, including in public services, and to ensure information, consultation and board-level participation rights of workers and their representatives are complied with and enforced.

Specifically, the ETUC calls on the European Commission to propose an EU horizontal framework for improved information, consultation, and board-level representation rights. The ETUC calls on the Commission to revise and strengthen the European Works Councils Directive. ETUC reiterates its determination to ensure that all relevant EU legislation and initiatives respect and support social dialogue, workers participation and the prerogatives of trade unions to collectively bargain.

ETUC will continue to work for a right to whistleblow and protection for whistleblowers when reporting in all area of the public (and private) sector, both in member states and within the EU. It must be regarded completely acceptable – even appreciated – to inform the media about misconduct in the public sector and in the private sector.

### **Democracy open to all**

The EU and EU member states should ensure the right for everyone to participate in the democratic process, and democratic discourse, without fear of violence, abuse, harassment, intimidation or discrimination because of their gender, age, race or ethnic origin, social origin or wealth, religion, sexual orientation, disability or any other ground or status.

The level of misogyny, racism and homophobia in the EU is unacceptable and is not only a democratic deficit but a serious and dangerous denial of human rights. The recent #MeToo and Black Lives Matter protests are just the latest manifestations of growing frustration with the very slow pace of change.

There should be zero-tolerance of hate speech, and the fight against misogyny, racism and homophobia needs to be strengthened and more widely supported in all areas of life and society and not only in politics and elections – for example in the workplace, in education and training and in decision making.

There is a responsibility here for EU governments (who are bound by EU legislation and ratified the relevant UN, ILO and Council of Europe human rights instruments), for unions

and employers as well as educational institutions, and other public authorities. There needs to be support put in place for those who stand up against hatred so that they are not victimised or treated as troublemakers.

All democratic organisations have a duty to promote and practice diversity, and particularly the representation of women and BAME people, at all levels of the organisation and to ensure full participation of all people regardless of their gender, age, race or ethnic origin, social origin or wealth, religion, sexual orientation, disability or any other ground/status. Good intentions do not change the fact that the community of those working in and around the EU institutions is accurately described as 'so white' and that gender balance in leadership roles in the EU institutions is far from achieved.

The EU and member states should work together to increase popular participation in European and national elections. Specific action is required to avoid a repetition of the exclusion of 800,000 persons with disabilities in the EU who could not exercise their right to vote in the last European elections.

The European Democracy Action Plan is said to be the first EU document to clearly commit the Union to strengthening participatory and deliberative democracy. While the ETUC strongly supports public consultation, it also remains committed to representative democracy and believes that elected representatives cannot simply outsource responsibility for decision-making to randomly chosen groups of citizens. Public policy should not be determined by a jury.

Trade union membership and social dialogue are essential tools for democracy in the workplace and play a key role in building democratic and inclusive societies. The EU must dedicate resources to enhance social partners capacity to promote democratic and inclusive participation in and beyond the workplace.

There is a worrying trend of restrictive measures in a number of EU Member States negatively affecting civic space and the ability of civil society actors to carry out their legitimate tasks.

The EU should recognise the role of civil society and ensure adequate support and protection to all civil society organisations, trade unionists and grassroots activists. The ETUC supports the demands of European Civil Society Organisations for an inter-institutional agreement on civil dialogue for open and regular dialogue with civil society and its representatives in all areas of EU action. ETUC will advocate for adoption of EU wide legislation to protect people across the EU from SLAPP suits.

The ETUC stands ready to show its full solidarity and mobilise support for any affiliate that needs to stand up for democracy and democratic trade union rights within its own country, and to extend solidarity and support to unions beyond Europe fighting for democracy and democratic rights.

### **Free and diverse media and quality journalism**

A free and diverse media that provides citizens with accurate, unbiased information is vital for open and democratic informed debate about elections and political decision-making and is an essential weapon against disinformation. A free and diverse media must be accountable for its content and transparent on ownership and its economic interests.

Increasing violence and intimidation directed at journalists in EU Member States is a worrying trend for European democracy. Measures including a Council recommendation, strengthened cooperation between media stakeholders, and further exchange good practice are useful steps proposed by the European Commission's Democracy Action Plan. They need to be implemented, monitored and followed up on with further measures as necessary.

It is not possible to talk about a diverse, free and independent media without considering the declining and deteriorating employment in the media sector. The EU has said nothing about the impact on media independence and democracy of increasingly precarious employment and inadequate protection of intellectual property for journalists, in both traditional and digital media/platforms. More than 70% of the journalists in Europe are forced to be freelancers, with no minimum wages or collective bargaining, very low income (the average for freelancers is 5 euros per article), no social protection or health and safety. This is not acceptable, and ETUC will support its member unions working for decent wages and working conditions in a sector vital to democracy.

Independent journalism is a public good, and the failure to achieve a diverse and plural media represents a market failure. ETUC notes that the European Commission's Democracy Action Plan says nothing about the value (and decline) of public broadcasting and promoting the public interest mission of public service broadcasting.

The ETUC welcomes the €61 million budget for Creative Europe, dedicated to quality journalism, including media pluralism and media literacy in the EU multi-annual budget 2021-27. It also welcomes the acknowledgement in the European Commission's Media and Audiovisual Action Plan that "News media are an economic sector as well as a public good" and notes positively the proposal for a "NEWS" initiative to bundle actions and support to the news media sector".

The ETUC calls for larger and more strategic public investment in professional journalism and media (including transnational collaborative platforms), and increased efforts to find new and sustainable funding models for quality journalism (including non-profit models).

National and EU legislation against media monopolies and dominant market positions should be monitored, enforced systematically, and strengthened. EU initiatives on monitoring media independence and ownership in Europe, such as the Media Pluralism Monitor, should be further supported. European Commission proposals for a Media Ownership Monitor, further possible guidance on the transparency of media ownership, measures for the transparent and fair allocation of state advertising and mapping options for further support for media diversity are positive and need to be pursued with relentless determination. The commitment to review implementation of the Plan in 2023 is welcome, and ETUC will insist that trade unions, civil society and other stakeholders must be asked to participate.

The EU should continue to promote self-regulatory measures and bodies such as ethical codes and press councils to reinforce high standards of journalism, including in digital and social media. The EU must promote equal access to information for all media and oppose the arbitrary exclusion of journalists from government events and information for political reasons.

ETUC will support the actions of its members in journalism and the media to defend and support journalists, free and diverse media and quality journalism, and stands ready to show solidarity and mobilise support when requested.

### **Digital and social media**

Digital and social media gives rapid access to a greater range of information and views and enables people to participate more easily in the democratic debate.

It has also led to a proliferation of disinformation. Behind much of this disinformation are fake accounts. Researchers claim that disinformation had a significant impact on voting in the 2016 US presidential election, the UK Brexit referendum and other elections.

There are significant problems of equality of access - national household access to the internet ranges from 98% to 75% in the EU – concentration of ownership of social media platforms, and secrecy around algorithms that significantly filter the information available on people's accounts.

The ETUC will press for EU investment in strengthening digital infrastructure to reduce the digital gap between and within EU member states.

The EU's draft Digital Services Act does propose greater transparency and clearer processes for political advertising, removing content and/or users from platforms as well as appealing such decisions and is promoted by the Commission as a "co-regulatory backstop" for a reinforced Code of Practice (signed by Facebook, Twitter and other online platforms, social networks and advertising industry with the European Commission to tackle the spread of online disinformation and fake news including through transparency of political advertising and closure of fake accounts).

Nonetheless, the Code of Practice needs significant work before it will lead to substantial improvement that holds platforms accountable, prevents corporations from being judges of democratic debate, blocks hate speech and fake accounts, and fairly labels disinformation. Similarly, the Digital Services Act is a long way from being agreed let alone implemented.

At the same time, the 'threat' of legislation at EU and national level – in Europe and beyond - and the spotlight on social media content (specifically the decisions of platforms to label or block content and suspend/ban users) during the US Presidential elections has created a momentum for change which needs to be maintained.

The ETUC calls on the Commission to further develop and propose the regulation of social media and digital platforms, to increase transparency of all aspects of political advertising: financing, labelling and disclosure rules; and disinformation.

ETUC cannot accept a repeat of events such as those that led to Facebook blocking European trade unions and civil society from advertising legitimate content during the European elections. Nobody wants a repeat of events in the United States during and after the 2020 Presidential elections.

Dominant social media companies make profits by generating profiling data from tracking the use of content regardless of its veracity. This type of data manipulation demands full and proper enforcement of the General Data Protection Regulation. If the business model of the platforms encourages the use of disinformation, it is not enough to encourage platforms to remove or label disinformation. EU and national legislation needs to address the dominant market positions of digital and social media companies, putting in place the means to allow communication to flow across platforms.

Platforms need, at the very least, to pay media organisations for the use of their journalism. That there are voluntary agreements in the UK and legislation being discussed in Australia are positive developments.

The ETUC will continue to press for accountability of social media platforms, for transparent content moderation with clear processes for challenging decisions, and for diverse ownership of social media platforms to ensure fair competition. It will also call for restricted, limited, transparent and democratic use of the personal data of users.

### **Disinformation and malevolent intervention in elections**

It is necessary to ensure greater and broader involvement of social partners, civil society, independent media, academics and fact-checkers to counter disinformation. The ETUC welcomes the European Commission's initiative to create the European Digital Media Observatory – "a hub for fact-checkers, academics and researchers to collaborate with each other and actively link with media organisations and media literacy experts, and provide support to policy makers" – and supports further developing it.

Another threat to open and informed democratic debate is interference via fake accounts, social media trolls and state-run outlets. Although much focus has been placed on

foreign interference, domestic disinformation is at least as big a problem, and the distinction between the two is blurred.

The European External Action Service has set up a service (East Stratcom Task Force) to monitor and expose "pro-Kremlin" disinformation, and a "rapid alert system" – a network of Member State government officials working on disinformation. Exchange between this rapid alert system and the European Commission's recently established national election networks (of national electoral bodies) should be developed and involve civil society and fact-checkers as well as the Digital Media Observatory across the EU and in each member state.

EU action against domestic as well as foreign disinformation needs to be stepped up considerably: in a comprehensive way to support timely monitoring, professional journalism and fact-checking and promotes media literacy.

ETUC and its member organisations should call out obvious disinformation which is particularly damaging to workers and the interests of the trade union movement.

### **Civic education and media literacy**

The first principle of the European Pillar of Social Rights clearly states "Everyone has the right to quality and inclusive education, training and life-long learning in order to maintain and acquire skills that enable them to participate fully in society and manage successfully transitions in the labour market".

The promotion of media literacy and active citizenship is vital for building up the EU's resilience to anti-democratic threats. Education, training and lifelong learning have an essential role to play in strengthening democratic citizenship within the EU, a sense of community and belonging, and responsibility of EU citizens, and in encouraging their active participation in decision-making on national and EU policies.

The ETUC calls for new initiatives to inform people about the EU, and to put learning about democratic values and the European Union firmly on the agenda for all age groups.

The EU should support the Member States to ensure that promotion of critical thinking, democratic values and human rights, civic engagement and the responsible use of new technologies are supported in education and training.

Erasmus mobility should provide further possibility to learners and workers involved in VET and adult learning – to help them to strengthen their democratic citizenship and EU identity by participating in quality personal or virtual mobility programmes.

Media literacy for all generations in society, as well as training by and for journalists should be strongly promoted and financially supported by the EU across the EU Member States, in close cooperation with national education institutions, independent national agencies responsible for media regulation and trade unions.

### **Accountable and democratic European political parties and EU institutions**

European political parties contribute to forming a European awareness and to expressing the political will of the citizens of the Union. The regulatory framework for European parties has evolved only since the Nice Treaty in 2003 and remains rather limited.

The ETUC calls for better enforcement of the European parties' legal obligation to observe the EU's founding values. This includes the values espoused in their political programmes and campaigns, internal practices of gender equality and anti-discrimination, and respect for the rule of law and anti-corruption. European political parties should only allow national political parties in their ranks that adhere to democratic principles and the rule of law in their party structures and actual practices. The European

Commission has rightly committed to reviewing the regulations governing the funding of European political parties.

Further action should encourage European parties to be closer and more accountable to the European public, for example through declarations by national parties of their intended European party affiliation, transnational party lists, transparent fundraising and campaigning, individual membership, outreach to the social partners and civil society, and accountability for political content that blatantly undermines EU common values.

ETUC strongly supports actions to improve the democratic functioning of the EU institutions, in particular the Council, especially through greater transparency.

The ETUC will press for these issues to be discussed as part of the Conference on the Future of Europe. The ETUC will maintain its position of not engaging with far-right and anti-democratic forces in the European Parliament and Council.