

# Council of Europe recognises bargaining rights of self-employed: now EU should follow

---

 [etuc.org/en/pressrelease/council-europe-recognises-bargaining-rights-self-employed-now-eu-should-follow](https://etuc.org/en/pressrelease/council-europe-recognises-bargaining-rights-self-employed-now-eu-should-follow)



The European Trade Union Confederation (ETUC) welcomed a decision today by the Committee of Ministers of the Council of Europe that should put an end to restrictions on collective bargaining for self-employed persons.

The Ministers' Committee's decision endorses an earlier ruling by the European Committee of Social Rights (ECSR) following pressure by the Irish Trade Union Confederation (ICTU) and its affiliates, SIPTU, Equity, the Musicians Union of Ireland and National Union of Journalists, and supported by the ETUC.

The decision of the ECSR, affirms that article 6§2 of the European Social Charter on the right to collective bargaining applies to self-employed persons like voice over actors, freelance journalists and musicians and that restrictions based on competition law or commercial law are not legitimate and/or are not necessary in a democratic society.

This European decision is in line with the Irish Competition Amendment Bill which was amended in May 2017 to allow collective bargaining for journalists and artists following pressure from the Irish Equity union and ICTU.

The ECSR Decision also follows the case law on ILO Conventions 98, 151 and 154 which extend collective bargaining rights to all employers and workers, including self-employed workers.

*"Competition law must be tough with the strong and gentle with the weak" said Thiébaud Weber ETUC Confederal Secretary. "We need rules to stop cartels and anti-trust practices by monopolies, not to prevent self-employed workers to organise themselves to negotiate fair remuneration and working conditions."*

*"We call the European Commission to take note of this ruling and to give clear guidelines to member states to stop this violation of a fundamental labour right", added Esther Lynch ETUC Confederal Secretary. "We also welcome the ECSR call on EU Member States to take, when agreeing on and implementing EU legislative instruments, full account of the commitments they have taken upon ratifying the European Social Charter."*

For info and documents relating to Collective Complaint No. 123/2016 ICTU v. Ireland click [here](#).