

Review of the Balance of Competences: Social and Employment

1. Introduction

2. Unite is the largest trade union for Britain and Ireland with 1.5 million members. We represent workers in all areas of industry including food retail and distribution, hotel and casino workers, agriculture, road, rail, air and sea transport, manufacturing, local authorities, the health service, civil service, community not for profit sector, construction and building materials, print and media, finance and legal and utilities.
3. **Unite would like to make it clear at the outset that we strongly believe that the European Union has a legitimate, and indeed important, role to play in the field of social and employment rights and we oppose any attempts to limit EU action in this area.**
4. Unite has strong reservations about the conduct and purpose of the Government review of the Balance of Competences between the United Kingdom and the European Union. This Government has already articulated its view of the need to 'redefine' the relationship between the UK and the European Union in a way which greatly reduces the role of the European Union and will weaken the UK's position in the EU.
5. Despite the stated aim of conducting an objective analysis of the balance of competences, Unite believes that the Government's ideological stance against EU action, particularly in the field of social and employment legislation, can be clearly seen in the selective presentation of information and evidence in the 'Call for Evidence' document.
6. Unite supports the submission that has been made on behalf of the Trades Union Congress and despite our deep reservations about the process Unite also wishes to make its position clear in relation to the first two questions in the response form.
7. **To what extent is EU action in this area necessary for the operation of the single market?**
8. Unite is clear that EU action in this area is not just necessary for the operation of the single market it is crucial for its legitimacy in the eyes of the population of Europe. Indeed on the first page of the Treaty of Rome the founding members of

what was to become the European Union affirmed “*as the essential objective of their efforts the constant improvement of the living and working conditions of their peoples*”.

9. It can therefore be seen that even at the very foundation of what was to become the European Union this was not just a purely economic project but one in which the necessity to ensure that the living and working conditions of Europe’s population constantly improved was clearly recognised.
10. Europe’s population’s acceptance of subsequent economic integration has, we would strongly argue, been predicated on strengthening the social and employment dimension of the European Union. This can be seen in the rapid development of competencies and action in this field following the Single European Act of 1986. The growth in initiatives and action following the Single European Act, followed by the Social Charter, was crucial in maintaining the fundamental balance between social progress and economic integration.
11. Without this balance the legitimacy of the European Union is increasingly called into question. Indeed the current growth of euroscepticism across Europe can be seen in the context of the continuing attack on social and employment rights whilst business interests are protected, leading many to question the benefit to the general European population of the EU.
12. There is also the issue of business operating on a level playing field and ensuring that, in light of the original statement in the Treaty of Rome that has been strengthened in every subsequent treaty, companies cannot seek to compete within the single market by driving social and employment standards downwards – social dumping.
13. It is therefore clear that without strong employment and social rights the operation and legitimacy of the single market is called into huge question.
14. **To what extent are social and employment goals a desirable function of the EU in their own right?**
15. In answering this question it is appropriate to consider the fundamental principles that define the European Union as set out in Articles 2 and 3 of the TFEU:

Article 2

The 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 rights of persons belonging
--

to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.

Article 3

1. The Union's aim is to promote peace, its values and the well-being of its peoples.
2. The Union shall offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime.
3. The Union shall establish an internal market. It shall work for the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment. It shall promote scientific and technological advance.
It shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child.
It shall promote economic, social and territorial cohesion, and solidarity among Member States.
It shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced.
4. The Union shall establish an economic and monetary union whose currency is the euro.
5. In its relations with the wider world, the Union shall uphold and promote its values and interests and contribute to the protection of its citizens. It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter.
6. The Union shall pursue its objectives by appropriate means commensurate with the competences which are conferred upon it in the Treaties.

16. The European Union is much more than just an economic free trade area.

Indeed United Kingdom's members are clear that the EU that they support is one that goes much further than making it easier for companies to do business. Employment and social goals are not just a desirable function of the EU, they are crucial to its public support and its ongoing existence.

17. The challenges of poverty, unemployment, discrimination, exploitation etc. go beyond national boundaries and the EU has a crucial role to play in bringing member states together to tackle these problems and to deliver on the stated aims of the EU as set out in the Articles above.

18. United Kingdom members at our last policy conference clearly articulated our position in relation to the European Union. Central to our support for the EU is the need to further develop the social dimension. Our vision of the European Union is the one articulated in Articles 2 and 3 of the TFEU above, it is not one of a minimalist economic free trade area that would deliver nothing for its populations.