

**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITÉ EUROPÉEN DES DROITS SOCIAUX**



12 March 2004

Case Document No. 1

COLLECTIVE COMPLAINT No. 23/2003

**Syndicat Occitan de l'Education
v. France**

registered at the Secretariat on 18 November 2003

(TRANSLATION)

12 November 2003

Secretary of the European Committee of Social Rights
Council of Europe
67075 STRASBOURG Cedex

Subject: Complaint by the *Syndicat Occitan de l'Education* against France

Dear Sir,

We are writing to submit a complaint to the European Committee of Social Rights.

The complaint relies on Articles 5 and 6 of the European Social Charter (revised, 1996). We consider that **France** fails to comply with the spirit of these articles as it systematically prevents us from standing in elections for worker representatives.

The *Syndicat Occitan de l'Education* is a legally constituted and registered trade union (Appendix n° 1).

There is a law in France on trade union representativity which prevents trade union organisations which are not deemed representative from standing in elections for worker representatives (Appendix n° 2). In our case, the administration of the Ministry of National Education does not consider us representative and systematically declares our candidatures invalid (Appendix n° 3).

We believe that this law seriously undermines the right to organise and the freedom to organise as it effectively bars any new union from presenting candidates for election. This state of affairs has already been denounced by the United Nations Committee on Economic, Social and Cultural Rights (Appendix n° 4).

We further consider that this law violates Article 5 of the European Social Charter, under which "*the Contracting Parties undertake that national law shall not be such as to impair, nor shall it be so applied as to impair, this freedom*". It is an impediment and a deterrent.

We also consider that this law violates Article 6 on the right to bargain collectively, under which the Parties undertake "*to promote joint consultation between workers and employers*". How can joint consultation be promoted when certain unions are barred from presenting candidates for election to represent the workers in the consultations?

For these reasons, Sir, we hope you will declare our complaint admissible.

We remain at your disposal should you require further information.

Yours, etc.

For the bureau of the SOE:

Ives RAUZIER

Member of the national bureau of the SOE
Duly authorised to represent the SOE
for the purposes of this complaint (Appendix n° 5)