

Mr. Marcel Ciolacu
Prime Minister of Romania[Letter sent by e-mail]
pm@gov.ro

Collective bargaining is a fundamental right of self-employed workers

Dear Prime Minister Ciolacu,

On behalf of the European Trade Union Confederation (ETUC) and our members, we write to express our concerns in reaction to the **Romanian Law on the Status of Professional Cultural Workers**.

It is our understanding that this law **prevents self-employed workers in cultural industries from organising in trade unions**, and consequently undermines their right to collective bargaining. Collective agreements are essential to guarantee decent work and a level playing-field in the labour market. There is no reason to exclude a vulnerable and labour-intensive sector such as culture from collectively negotiated and agreed minimum standards just because many of these workers operate on a freelance basis. Depriving certain categories of workers from protection under collective agreements jeopardises their **access to fair working conditions and the autonomy of the social partners**.

We wish to draw to your attention that **collective bargaining is a universal labour right**, guaranteed to **all workers independently of their employment status**, including also the genuinely self-employed, as consistently recognised in both international and European law and case law. Everyone's right to form and join a trade union is an essential element of the freedom of assembly and association, as enshrined in the [Universal Declaration of Human Rights](#), the [International Covenant on Economic, Social and Cultural Rights](#), as well as the [European Convention on Human Rights](#). Inherently linked to this, the right of all workers to collective bargaining is guaranteed under ILO Conventions No. [87\(1948\)](#), [98\(1949\)](#), [151 \(1978\)](#) and [154 \(1981\)](#) as well as by the [European Social Charter](#).

The ILO Committees on [Freedom of Association](#) and [Experts on the Applications of Conventions and Recommendations](#) as well as the [European Court of Human Rights](#) have all held that these fundamental labour rights are applicable also to self-employed workers. More specifically, the Council of Europe's [Committee of Social Rights](#) as well as the [Court of Justice of European Union](#) have explicitly **recognised collective bargaining rights of self-employed professionals in cultural industries** as lawful means to improve their working conditions.

Self-employed workers' effective enjoyment of their rights to unionise (Article 12) and to bargain collectively (Article 28), as guaranteed also under the [Charter of Fundamental Rights of the European Union](#), has been consolidated by the European Commission in its recent [Guidelines on Collective Agreements of Solo Self-employed Persons](#). Similarly, the [EU Copyright Directive](#) recognises the right of authors and performers to collectively negotiate their remuneration. This year's European Parliament [Resolution on Workers in Cultural and Creative Sectors](#) equally underscores the importance of access to collective bargaining in ensuring the sustainability and inclusivity of these industries.

In the light of all these considerations, **we call on Romania to honour its human rights obligations** under international and European instruments and sources. In the same vein,

reaching the 80% target of collective bargaining coverage enshrined into law by the [EU Minimum Wage Directive](#) will require a broad range of national efforts to strengthen social dialogue at all levels and in all sectors, ensuring no worker is left behind.

We count on you and your Government to review the Romanian law in question against applicable human rights standards and the legitimate objectives pursued by collective bargaining, effectively contributing to social progress and fairness for all workers alike.

Thank you for your consideration.

Yours sincerely,

Esther Lynch,



General Secretary of the European Trade Union Confederation