

Mr Nicolas Schmit
European Commissioner for Jobs and Social Rights

Dear Commissioner,

On 27 October 2023, Swedish Trade Union IF Metall took up industrial action against electric car manufacturer, Tesla, following several failed attempts to engage Tesla in collective bargaining negotiations for mechanics at Tesla's service centres in Sweden.

Since then, many other federations have joined the strike with secondary actions in both Sweden as well as in neighbouring Member States.

However, according to the Swedish posting register of *Arbetsmiljöverket*, Tesla has recently sky rocketed its import of foreign workers from zero postings in 2023 to 41 postings since February this year in order to replace the workers on strike.

We believe this is a clear case of strike-breaking, which utterly goes against the fundamental right to collective bargaining and to take collective action, including strike action, as well as the spirit and intentions of Directive 2014/67/EU on the enforcement of Directive 96/71/EC and the revised Directive (EU) 2018/957 on Posting of Workers.

Having regard to the so called 'Monti clause' of those Directives, we call on the European Commission to confirm and clarify that companies that are subject to an ongoing industrial action should not be allowed to make use of any transnational or subcontracting measures that involves the posting of workers from another Member State to the territory of the Member State where the company is facing industrial action.

Tesla's misuse of posted workers is a clear attack on the exercise of the fundamental right or freedom to strike or to take other action as well as to negotiate, conclude and enforce collective agreements. In essence, it is an attack on our European social model of collective bargaining and social dialogue.

Yours sincerely, incoming Members of the European Parliament,

Per Clausen, Enhedslisten, Denmark

Li Andersson, Vasemmistoliitto, Finland

Jonas Sjöstedt, Vänsterpartiet, Sweden

