

Trade Union Information

# BULLETIN

Issue No 2 of 1992

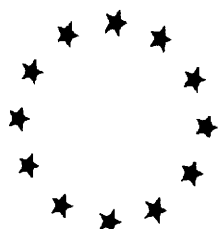
## Ensuring The Means To Match Our Ambitions

"1992 marks the beginning of a new era, the age of Maastricht. It points to a horizon, the dawning of European Union. The Community has honoured its promises on 1992. It must still meet its destiny"

With these words, European Commission President, Jacques Delors, announced the Commission proposals for the future development of the European Community budget to the European Parliament. Mr Delors stated that the Commission estimates that the resources available to the Community will have to increase by about ECU 20 million by 1997. The first major five year programme for the development of the Community budget was introduced in 1987. The start of the second five year programme - covering the period 1993-97, coincides with the completion of the Single European Market.

The need for a substantial increase in the budget of the Community results from the decisions taken during the Maastricht summit last December. The Maastricht Agreement clearly points to the next stage of development within the European Community, and the new budget proposals relate closely to providing the means to match these future ambitions. It is proposed that the increased expenditure will be largely devoted to three key areas, what Jacques Delors called the "super priorities of the European Community". These are: increasing the economic and social cohesion within the Community; improving the competitiveness of European industry; and increasing the external actions of the Community, particularly in terms of aid to Central and Eastern Europe.

The importance of all three priorities was emphasised by the Maastricht Agreement. At Maastricht the Community leaders clearly identified



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# Means and Ambitions

the measures which must be taken to move the Community forwards. Such a movement cannot be achieved without increasing the financial means available, and the Commission have stressed that the increases being proposed are the very minimum required to meet the objectives agreed upon last December. The Commission proposals must now be considered by both the Member States and the Community institutions. However Mr Delors urged both the European Parliament and the Council of Ministers to deal with the proposals rapidly because they would need to be reflected in the 1993 Community budget if what was agreed at Maastricht is to come to fruition.

## The Development of the Community Budget The "Super-Priorities"

### 1. Economic and Social Cohesion

The Maastricht European Council emphasised the importance of economic and social cohesion as one of the pillars of the Community structure. The continued importance of economic and social cohesion will be underlined both by the creation of the Single Market and by the movement towards Economic and Monetary Union. The Commission propose increasing the funding available to the structural funds and the other means of achieving cohesion by some ECU 11 billion, from ECU 18.6 billion in 1992 to ECU 29.3 billion in 1997.

The structural funds would continue to represent the main means by which the policy of cohesion is pursued. A two-thirds increase in funding available to Objective 1 regions (regions lagging behind in development) is being proposed, whilst it is proposed that allocations for the other structural policy objectives (Objectives 2,3,4, and 5b) would be increased by 50%. Although some changes in the eligibility of regions to benefit from Objective 2 (regions in industrial decline) may be necessary, the Commission suggest that a measure of discretion needs to be exercised in order to ensure that too strict an interpretation of eligibility statistics does not mean that it is impossible for the Community to assist regions most in need of help. The Commission also raise the possibility of adding a sixth objective which would concentrate help on regions directly dependent on the fishing industry.

In addition to the expansion in the activity of the structural funds, the Community needs to finance the new Cohesion Fund which the Maastricht Council agreed to establish before the end of 1993. The support of the Cohesion Fund will be directed towards Member States rather than regions. It will seek to help Member States with a per capita GNP of less than 90% of the Community average to implement Community measures in the field of the environment and trans-European networks. It will also promote the convergence towards the economic performance criteria laid down in the context of Economic and Monetary Union, within the countries eligible for its support (Greece, Ireland, Portugal and Spain).

# Means and Ambitions

## 2. Encouraging Competitiveness

The Commission is proposing increasing the support for the competitiveness of European business by ECU 3.5 billion during the five years leading up to 1997. Encouraging research and technological development will remain the main focus of such support. It is felt that Europe's competitive edge has been blunted over recent years, that research potential is being eroded and that Community industry is not in a strong position with regard to future technology. The proportion of total GNP devoted to industrial research and development in the European Community remains well behind the equivalent efforts of both Japan and the United States. Increased support for vocational training can also make an important contribution towards increasing competitiveness and the Commission are proposing to increase funding in this area. Finally, the Commission is proposing additional resources to help the development of trans-European networks in transport, telecommunications and energy.

## 3. External Actions.

Recent political developments, particularly those in Central and Eastern Europe, have brought new responsibilities for the Community and raised expectations both amongst traditional partners and countries aspiring to closer links. Quite clearly it is a major responsibility of the Community to play a part in building up security and stability in those parts of Europe where such fundamental changes are taking place. Such a contribution is essential for the maintenance of peace, and also from the point of view of furthering international trade. More than the other industrialised countries, the Community is dependent on the outside world: one in four jobs in the European market rests on international trade. The external responsibilities extend further than just Central and Eastern Europe however: increased funding is required to provide support for the Mediterranean region and the developing countries of the third world.

Total resources allocated to external actions have increased from ECU 1.2 billion in 1988 to ECU 3.6 billion in 1992. The Commission are proposing to double the funding available for external action by 1997.

### THE COMMUNITY BUDGET - PROPOSED CHANGES Commitment Appropriations at 1992 prices (ECU billion)

	<u>1987</u>	<u>1992</u>	<u>1997</u>
1. Common Agricultural Policy	32.7	35.3	39.6
2. Structural Operations (including Cohesion Fund)	9.1	18.6	29.3
3. Internal Policies (other than structural operations)	1.9	4.0	6.9
4. External Actions	1.4	3.6	6.3
5. Administrative Expenditure	5.9	4.0	4.0
6. Reserves	0	1.0	1.4

# NEWS BRIEF

## VOCATIONAL QUALIFICATIONS

Work is progressing with the sectoral approach to the comparability of vocational qualifications. Reports covering 9 sectors and some 123 occupational groups have already been published and a further four reports are in their final stages of preparation for publication in the Official Journal of the European Communities.

These four reports will cover clerical and administrative occupations in the banking and finance sector; the chemical industry; transportation, and the food industry. Together, these reports will bring another 65 occupational groups within the scope of the detailed profiles and comparative tables which characterise the approach adopted by the European Centre for the Development of Vocational Qualifications (CEDEFOP) on behalf of the European Commission.

Work on a further six sectors is progressing, and in each case national experts have been identified to help produce the necessary comparative tables. For the leather and wood sectors preparations have now been made for the first meeting of experts. Expert meetings have resulted in a joint agreement in both the iron and steel sectors and the printing and media sector. A Table of comparable qualifications has been drawn up for the tourism sector, whilst a final report has been circulated for the public works and civil engineering sector.

When work in all these sectors is concluded, over 200 skilled occupational groups will be covered. Further details about the development of this approach to the comparability of vocational qualifications throughout the European Community can be obtained from CEDEFOP (for contact address see page 15 of the Bulletin).

## EUROPEAN INDUSTRIAL RELATIONS COURSE

A new international distance learning programme aimed at bringing trade unionists and human resource managers up to date on European industrial relations and personnel practices is being launched by two European universities. Keele University in Staffordshire, UK, and Grenoble University in the Rhone-Alpes, France, are collaborating on a course that leads after two years part-time study to a British MA (from Keele) and to a French 3eme cycle postgraduate diploma (from Grenoble).

Topics dealt with on the course include: European trade unions and labour organisations; pay determination; bargaining systems and conflict resolution; European management and employers' organisations; training, recruitment and appraisal; theories of organisational behaviour; human resource management and European Community law, social, economic and labour market policy. The course involves four residential weeks each year with students spending 9 days at Keele and 9 days at Grenoble. The distance learning work involves following a course of directed reading and preparing five reports in the first year and three in the second along with a major study of a particular European issue chosen by the participant.

All students enrolling will have a working understanding of written and spoken English but will be permitted to write their reports in the language of their choice. Supplementary language training in the specialist terms of industrial relations is a core component of the course. Special bursaries are available to European trade unions enrolling officials or members on this course.

For further information about the programme, contact:  
Dr Steve Jefferys, Keele University, UK, ST5 5BG.  
Tel 44 782 717911 Fax 44 782 613847, or  
Francoise Durand, ESA, 1 rue Voltaire, 3800 Grenoble.  
Tel 33 76 443457 Fax 33 76 445885



## EUROPEAN COLLECTIVE BARGAINING CONFERENCE

The European Trade Union Confederation and the European Trade Union Institute are jointly sponsoring a conference on the European dimension to collective bargaining which will be held in Luxembourg on the 1st and 2nd June. A number of reports are being prepared as background documents for the Conference. These include a new edition of the ETUI survey of collective bargaining in European countries and reports on the three main themes which the conference will focus upon. These are the different levels of negotiations; the negotiators' mandate and the nature of agreements; and the implementation of agreements. Further details of the conference can be obtained from either the ETUC or the ETUI (for contact addresses see page 15 of this Bulletin)

## ETUC SUPPORT FOR DELORS II

The European Trade Union Confederation has given its support for the proposals contained in the "Delors II" package of budgetary reforms. The ETUC General Secretary, Emilio Gabaglio, said, "if the Community wants to live up to its ambitions and be able to follow through decisions taken at Maastricht, then a substantial increase in the Community budget is quite indispensable". The ETUC supports the plan to provide further funding for the structural funds and the new Cohesion Fund, but it also feels that a better targeting of the funds could improve their results in terms of job creation.

In order to achieve this end the ETUC believes that it is important for the trade union movement and the other social partners to be fully involved in the determination of the objectives and priorities of the funds. They also call for trade unions to be associated with the implementation of structural fund actions.

## EUROPEAN PARLIAMENT OF SENIORS

The view that the ageing of the population in Europe represents a catastrophe is one which must be challenged according to George Debunne, the President of the European Federation of Pensioners and the Elderly. Speaking at the meeting of the "European Parliament of Seniors" which was organised by the Socialist Group of the European Parliament in Luxembourg at the end of March. Mr Debunne stressed that pensioners of today were part of that generation which had worked for solidarity. The conference considered a call for the minimum pension to be at least equal to the minimum wage or the equivalent of 40% of the average national earnings. The conference, which was attended by European Commissioner Vasso Papandreou and Luxembourg Foreign Minister Jacques Poos, adopted a Charter on pensioners rights and an associated Action Programme.

## EUROPEAN PARLIAMENT CALLS FOR BAN ON NIGHT WORK

The European Parliament has adopted a resolution calling for a ban on night working. The resolution states that night working can be damaging to health, family and social life and that it should be banned on principle, with possibilities for dispensations in limited and justifiable cases.

The resolution, which was adopted by the April plenary session of Parliament, deplores the lack of EC legislation on night working and calls on the Social Affairs Council to adopt the draft directive on working hours. The resolution also calls on the European Commission to submit an action programme on the possibility of reconciling professional, social and family activities.



### **Collective Redundancies Amended Draft Directive**

The last issue of the Bulletin (Issue 1/92) provided a detailed review of the Commission proposals for an amendment to the 1975 Directive on collective redundancies. The Commission have now published an amended proposal, taking into account some of the issues raised in the Opinion of the European Parliament on the original proposals.

The amended proposal contains three principle changes:-

- (1) The coverage of the Directive has been amended to ensure that contracts terminated for reasons other than redundancy - but not related to the individual workers - are included within its scope.
- (2) The amended Directive provides the right for workers' representatives to call on the assistance of technical experts in the course of consultations over proposed collective redundancies.
- (3) The scope of such consultations is widened to include the proposed social measures geared to assisting the rehabilitation, redeployment and social and vocational reintegration of the workers to be made redundant.

## **European Parliament Resolution on the Maastricht Agreement**

The April plenary session of the European Parliament adopted by a large majority (226 votes in favour, 62 against and 31 abstentions) a resolution urging national parliaments to ratify the Maastricht Treaty. Nevertheless, the resolution draws attention to a series of major "shortcomings", several of which relate to the treatment of social policy issues.

In the opinion of the EP, one such shortcoming is that the Treaty provides for only a limited increase in the scope of Community action in the field of social policy. Equally Parliament regrets that the right of association has been excluded from the social policy protocol. Parliament, however, welcomes the fact that the social dimension has been strengthened by the agreement of the eleven Member States on social policy. Parliament also welcomes the fact that the majority of Member States are not prepared to see action directed at implementing the Social Charter blocked by the attitude of one Member State - the United Kingdom. It believes that the derogation from parts of social policy is not sustainable and should be rectified as soon as possible.

## **European Parliament Approves Draft Recommendation on Employee Participation in Company Profits.**

The European Parliament has approved the Commission's draft Recommendation concerning the promotion of employee participation in company results and profits. The need for a Community initiative was highlighted in the Social Charter Action Programme.

Whilst supporting the draft Recommendation, the European Parliament stressed that the approach was over-cautious and it called for an examination of the use of a Directive in this field. Parliament also felt that the deadlines provided in the Commission draft should be brought forwards. They also emphasised that employee financial participation should not interfere with the normal processes of collective bargaining on terms and conditions of employment.

# EUROPEAN SOCIAL DIALOGUE

## Joint Opinions

In presenting the Commission work programme to the European Parliament in January 1985, Jacques Delors - the new President of the European Commission - stressed that the creation of a single market had to go hand in hand with the creation and organisation of a European social area and that one of the cornerstones of this should be the social dialogue between employers and workers' organisations at European level. The new Article 118b of the Treaty, introduced by the Single European Act, provided the legal force for the development of the social dialogue and over the last six years there have been regular meetings which have resulted in a series of joint opinions.

In her introduction to the recently published collection of these joint opinions, Commissioner Vasso Papandreou stresses that the social dialogue is of importance for three main reasons:

- firstly, it reflects the will of the social partners to make their own contributions to the management of the social changes resulting from the building of the Community;
- secondly, it contributes in its own specific way to strengthening economic and social cohesion, thus reducing the disparities between different Member States and regions;
- thirdly, and most importantly, it fosters progressive development towards more mature industrial relations, a necessary complement both to completion of the internal market and to full implementation of the social dialogue.

The social dialogue meetings have brought together senior representatives of the European Trade Union Confederation (ETUC) and the European employers' organisations (UNICE and CEEP). Much of the detailed work leading up to the publication of the joint opinions has been undertaken by four working parties (macroeconomics, new technologies, European labour market, and education and training). The six major joint opinions which have been published - and which are brought together in the European

Social Dialogue Documentary Series - Joint Opinions - provide a foundation for the development of an approach to European collective bargaining.

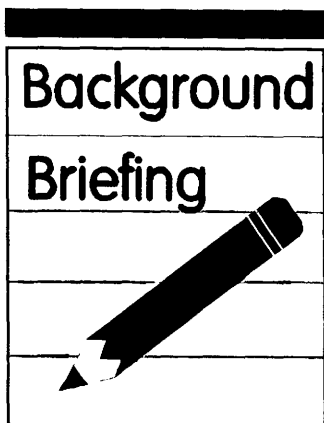
The joint opinions cover the following subject areas:-

- Joint Opinion on the **co-operative growth strategy** for more employment (Adopted November 1986).
- Joint Opinion on **training and motivation and employee information and consultation** (Adopted March 1987).
- Joint Opinion on the creation of a **European occupational and geographical mobility area** and improving the operation of the labour market in Europe (Adopted February 1990).
- Joint Opinion on **new technologies, work organisation and the adaptability of the labour markets** (Adopted January 1990)
- Joint Opinion on **education and training** (Adopted June 1990)
- Joint Opinion on **the transition from school to adult and working life** (Adopted November 1990)

The importance of the social dialogue has clearly been recognised by both the European Commission and the employer and trade union organisations at a European level. However, all sides agree that it is important that the achievements of the dialogue to date should be fully appreciated by the social partners at all levels. Trade unionists throughout the Community have the opportunity to use the joint opinions concluded at European level as the basis for their own collective bargaining efforts. Consequently a thorough knowledge of the content of those opinions is essential, and the volume which has been published by the Commission constitutes an important starting point.

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"European Social Dialogue : Joint Opinions" Published by the European Commission, Directorate-General For Employment, Industrial Relations and Social Affairs.



Commission Proposal for a Directive on:-

# THE PROTECTION OF YOUNG PEOPLE AT WORK

The European Social Charter contained a set of common basic principles in relation to social policy within the Community. One section of the Charter was concerned with the protection of children and adolescents. The Social Charter Action Programme, adopted by the European Commission during the first part of 1990, promised proposals for a Council Directive on the protection of young people at work. The proposal was published in the Official Journal of the European Communities in March 1992, and it contains a series of provisions relating to the minimum working conditions of children and adolescents.

The draft Directive defines adolescents as between the ages of 15 and 18 and children as less than 15 years of age. The term "young persons" is used to refer to both children and adolescents. The general provision contained in Article 3 requires Member States to ensure that employers should provide young persons with working conditions which are appropriate to their age and which will, in particular, avoid damage to their physical and psychological development. Article 3 also requires Member States to adopt the necessary measures to prohibit child work. However a number of exceptions to the generality of such a prohibition are listed. The provisions adopted by Member States should not be an obstacle to:-

- (a) Children pursuing activities of a cultural, artistic, sporting or advertising nature where prior authorisation under conditions determined by the competent authorities in Member States has been granted.
- (b) Children working in an undertaking under a combined work/training scheme such as an apprenticeship or work experience placement.

- (c) Children of not less than 13 years of age performing light work.

None of the provisions of the draft Directive apply where young persons are working on a limited or occasional basis for their family. The draft Directive establishes minimum conditions with respect to the employment of young persons in three general areas - health and safety protection, the duration of work, and the conditions of employment.

## Health and Safety Protection:

The draft Directive makes it clear that the provisions of the 1989 Framework Directive on health and safety at work apply to young persons. In addition to the 1989 provisions, employers are required to:-

- Carry out an evaluation of the risks likely to be faced by young persons and inform the young person of the results of this evaluation.
- Where the results of such an evaluation indicate a risk to the safety or the physical or mental health of the young person, the employer is required to take the necessary measures to prevent such risks.

Annex 1 to the draft Directive provides a non-exhaustive list of the agents, processes and working conditions which might constitute a risk to young persons. In no circumstances must young persons be required to work in situations where they might be exposed to a second non-exhaustive list of agents, processes and working conditions contained in Annex 2.

## Duration of Work:

A number of conditions relating to the duration of



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## The Protection of Young People At Work

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work for children and adolescents are proposed in the draft Directive. These include:-

- The duration of work performed by children and adolescents who are in full-time education shall be restricted to 15 hours per week and on three hours on a school day for light work.
- Such work can be performed outside the hours fixed for school attendance only.
- Working time for young persons who are not undergoing full-time compulsory education or young persons working during their school holidays may not exceed eight hours per day or 40 hours per week.
- The time spent attending school for training as part of a combined work/training scheme shall be counted as working time.

### Employment Conditions:

The draft Directive also sets out a number of conditions relating to the employment conditions of young persons. These include the following:-

**Night Work:** Young persons may not be employed between 20.00 and 6.00 except where authorisation has been provided in specific sectors. Even where an exemption has been provided by the legislative or regulatory process, no work is to be performed by young persons between midnight and 04.00 hrs. Prior to an assignment to night work, and at regular intervals thereafter, young persons must be given an assessment, free of charge, of their health and capabilities.

**Rest Time:** Young persons released from full-time education or working during their school holidays shall have two consecutive rest days per week and a rest period of 12 consecutive hours during each 24 hour period. If justified on technical or organisational grounds, the weekly rest period may be reduced, but on no condition reduced below 36 hours.

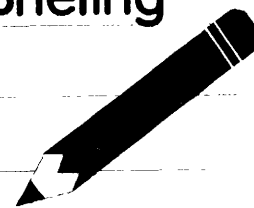
**Paid Leave:** Young persons released from full-time education shall receive annual leave of at least four weeks, paid in accordance with the conditions governing the receipt and granting of leave laid down in national legislation and/or practice.

**Rest Period:** Any working period of four and a half consecutive hours shall be followed by a rest period of not less than 30 minutes.

The draft directive is being proposed under Article 118A of the Treaty and therefore it will be subject to qualified majority voting. If approved, Member States will be required to introduce the necessary laws to meet its requirements by 31 December 1993.

## Background

### Briefing



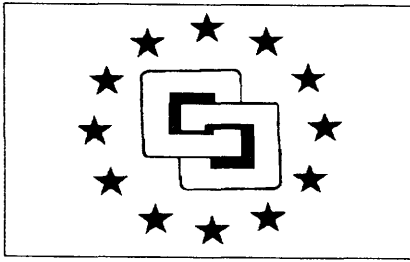
### Health and Safety of Young People at Work

A large number of studies have shown that young workers face particular health and safety at work problems. It has, for example, been demonstrated that young workers have a lower heat tolerance than adults, and that children using seats and work benches designed for adults have more problems in the muscular-skeletal system.

Experience also shows that young people have twice as many accidents as adults during their first year at work. They also often suffer from reduced visual acuity as a result of excessive fatigue or, particularly, inadequate lighting at the workplace.

These are just some of the reasons why young workers are a special risk group, and why there is a need for Community minimum standards of protection.

Further information on the special health and safety problems of young workers is provided in the Commission document outlining the current proposals (COM (91) 543 final).



EUROPEAN FOUNDATION

**N E W S**

European Foundation for the Improvement of Living and Working Conditions

## HYGEIA

The Foundation has published the second edition of "Hygeia" - the newssheet specially produced for the European Year of Safety, Hygiene and Health Protection at Work. The newssheet is designed to provide short and concise reviews of some of the key activities undertaken in the field of health and safety at work by the Foundation.

The second edition of Hygeia looks at the importance of monitoring the work environment and examines the ways in which the work programme of the Foundation are contributing to more effective monitoring methods. The Foundation is:-

- creating a data bank of existing information and monitoring systems in EC Member States;
- setting up a series of networks linking together systems that have a similar purpose;
- implementing the first European questionnaire-based survey on the work environment;
- identifying tools for the assessment of the workplace by companies;
- organising the second European conference on the monitoring of working conditions.

The Second European Conference on the Monitoring of the Working Environment will be held in Dublin on the 11 and 12 November 1992. It will specifically address a number of key issues including how working conditions can be assessed at various levels, how information circulation between and within different monitoring systems can be facilitated and improved, how information can be assessed, and how information can be transformed into action.

Further information about the conference and copies of Hygeia (available free of charge in all Community working languages) can be obtained from the Foundation (For contact address see page 15)

## European Employment and Industrial Relations Glossaries

The Foundation has published the first three volumes of the series of twelve European Employment and Industrial Relations Glossaries. The current three volumes cover the United Kingdom, Italy and Spain.

Each volume provides an introduction to the key issues and aspects of each national industrial relations and labour law system. Each volume provides clear explanations of the specialist terms and the context in which they are used. The glossary entries are cross-referenced throughout, and the texts are supplemented by selected statistical tables and bibliographies.

The glossaries are designed for employers and trade unionists, especially in the context of transnational operations and the development of the social dialogue and the establishment of common understanding within the European Community. Further volumes covering Belgium, France and Germany are to be published soon and eventually the series will cover all twelve Member States of the Community.

The glossaries also form a database on employment and industrial relations in Europe (EMIRE) which will soon be accessible on-line via the European Community host organisation (ECHO). Each volume is priced ECU 24 (excluding VAT and postage) and they are available from the Office For Official Publications of the European Communities (see contact addresses on page 15).

Further information about the glossaries and about the development of the EMIRE database can be obtained from the European Foundation.

# European Works Councils

Whilst discussions continue in an attempt to find agreement within the Council of Ministers on the Commission proposals for the establishment of European Works Councils, two recent publications help to provide a detailed analysis of prototype European Works Councils which have already been established.

The first is a Report prepared by Michael Gold and Mark Hall and published by the **European Foundation for the Improvement of Living and Working Conditions**. The Report is based on research involving a detailed questionnaire submitted to both employers and trade unions involved in prototype European Works Councils in eleven major European multinationals. It concludes that both management and employee representatives involved are generally satisfied with their operation.

The Report reveals strong similarities between existing arrangements for European-level information and consultation procedures. Information disclosure is normally confined to group-level issues and negotiation arrangements are non-existent. There are normally a relatively small number of employee representatives involved and meetings take place once a year. The cost of the meetings is generally borne by the company.

Overall both sides of industry appear satisfied with such arrangements. Management find the meetings helpful in explaining company strategy whilst employees are keen to gather information direct from group headquarters, exchange information and use it for domestic collective bargaining purposes.

Nevertheless, there were trade union complaints about such things as the infrequency of meetings, the lack of follow-up, the determination of the agendas and language difficulties. Divergent aims between trade unions from different countries also sometimes create misunderstandings. For the future, management hope to improve channels of communication, whilst the unions wish to formalise informal arrangements and develop

frameworks for consultation and negotiation at this level.

The second publication forms part of the Info Series of pamphlets published by the **European Trade Union Institute**. It forms the fourth part of the short series on the social dimension of the internal market. The first part of the pamphlet examines the background developments both within the European Community and within the individual multinational companies where European Works Councils have been established. A section is also devoted to examining the slightly different approach towards transnational co-operation which can be found in the Nordic countries.

The second part of the pamphlet provides a set of twelve case studies covering the most important experiences relating to workers' information and consultation rights in European companies. All of the case studies follow a similar pattern, and in particular information is provided on:-

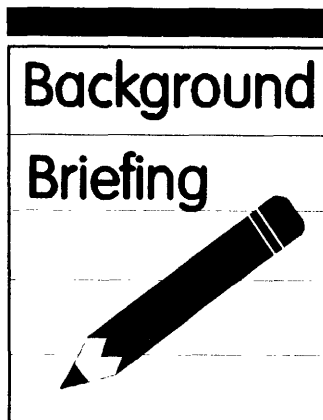
- the structure of the company (turnover, employment, type of production, location);
- the contents of the agreements (type of agreement, date, parties involved, composition of bodies, duration and frequency of meeting, type of information and consultation involved);
- the practical experiences and results of the agreements.

In most cases the full texts of the various company agreements are also provided along with the latest text of the Commission proposals on European Works Councils and the text of the ETUC resolution adopted in October 1991.

"European Works Councils"

Available free of charge from the European Foundation for the Improvement of Living and Working Conditions.

"The Social Dimension of the Internal Market : Part IV - European Works Councils. Info 33. Published in French, English and German - Dutch, Italian, Spanish and Norwegian to follow - by the European Trade Union Institute. Price BF 300 (available to trade unions, trade union members and students at the reduced price of BF100)



European Commission Recommendation on:

# The Protection of the Dignity of Men and Women at Work

Over recent years considerable research has been undertaken, both within Member states and within the European Community in general, into the problems associated with sexual harassment in the workplace. Such research has clearly shown that sexual harassment is a serious problem for many working women and it is not an isolated phenomenon. For millions of women within the EC sexual harassment is an unpleasant and unavoidable part of their working lives. Defining what constitutes sexual harassment is a difficult task, because it largely depends on what the recipient would define as acceptable conduct. The key to a practical definition has therefore to be the concept of "unwanted conduct".

## **New Commission Code of Practice**

The European Commission has just published its Code of Practice to combat sexual harassment. Its purpose is to give practical guidance to employers, trade unions and employees on the protection of the dignity of women and men at work. In a related Commission Recommendation, Member States are encouraged to take action in the public sector to implement the Code and to encourage employers and employee representatives, in both the public and private sectors, to develop measures to implement the Code.

## **Definitions**

The Code defines sexual harassment as "unwanted conduct of a sexual nature, or other conduct based on sex affecting the dignity of women and men at work, including unwelcome physical, verbal or non-verbal conduct". It is clear that within this definition, a whole range of

behaviour may be considered to constitute sexual harassment. Such behaviour is unacceptable if it is "unwanted, unreasonable and offensive to the recipient" and where a person's rejection of, or submission to, such behaviour on the part of employers or fellow workers is used "explicitly or implicitly as a basis for a decision which affects that person's access to vocational training or to employment, promotion, salary or other employment decisions" and that such behaviour creates "an intimidating, hostile or humiliating working environment for the recipient"

## **Aims of the Code of Practice**

The overall aim of the Code is to ensure that sexual harassment does not occur and, if it does occur, to ensure that adequate procedures are readily available to deal with the problem and prevent its recurrence. Thus, the Code seeks to encourage the development and implementation of policies and practices which establish working environments free of sexual harassment and in which women and men respect one another's human integrity.

The Code provides a number of recommendations for employers. In terms of prevention, employers are recommended to issue a policy statement on sexual harassment in order to underline their concern and their commitment to dealing with the problem. Such a statement should make clear what is considered inappropriate behaviour at work and it should set out a positive duty on managers and supervisors to implement the policy and to take corrective action to ensure compliance with it. Management should be responsive and supportive to any member of staff who complains about sexual harassment and be able to provide

## The Protection of the Dignity of Men and Women at Work

full and clear advice on the procedures to be adopted. The problems of sexual harassment and the procedures for dealing with it should also form an integral part of the training for supervisors and managers.

### **Clear and Precise Procedures**

In terms of procedures, the Code calls for clear and precise procedures to be adopted which can ensure the resolution of problems in an efficient and effective manner. Both formal and informal methods of resolving problems should be available. The Code recommends that employers should designate someone to provide advice and assistance to employees subjected to sexual harassment, and where possible such people should have responsibilities to assist in the resolution of any problem through informal or formal means. Designated officers should receive appropriate training in the best means of resolving problems and in the detail of the organisation's policy and procedures, so that they can perform their role effectively. The Code also stresses that it is important that they are given adequate resources to carry out their functions and provided with protection against victimisation for assisting any recipient of sexual harassment.

### **Formal Procedures**

Where informal methods are inappropriate, or where their use has been refused or the outcome has been unsatisfactory, a formal procedure for resolving the complaint should be provided. Such a procedure should be designed to give employees confidence that the organisation will take allegations of sexual harassment seriously. A formal procedure should specify to whom the employee should bring a complaint, and it should provide an alternative to be used in cases where the normal procedure is inappropriate (because, for example, the employees' immediate superior is involved in the allegation of sexual harassment). The Code also recommends that provision is made for employees to bring a complaint in the first instance to someone of their own sex, should they choose.

### **Investigations**

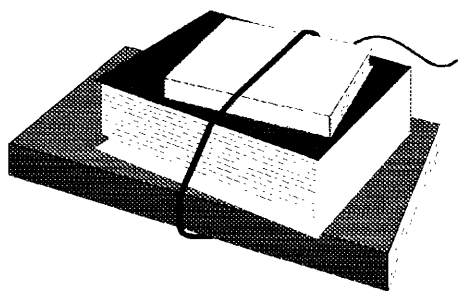
The Code emphasises that it is important to ensure that internal investigations are handled with sensitivity and with due respect for the rights of both the complainant and the alleged harasser. Such investigations should be seen to be independent and objective and those carrying out the investigations should not be connected with the allegations in any way. The Code recommends that both the complainant and the alleged harasser have the right to be accompanied and/or represented by their trade union or a friend or a colleague. The Code recommends that violations of the organisations' policy should be treated as a disciplinary offence and that disciplinary rules should make clear what is regarded as inappropriate behaviour at work. Where a complaint is upheld and it is felt that it is necessary to transfer one party the complainant should have the right to choose whether he or she wishes to remain in their post or to be transferred to another location. No element of penalty should be seen to attach to a complainant whose complaint is upheld.

### **Recommendations to Trade Unions**

In a section dealing with the responsibilities of trade unions, the Code emphasises that sexual harassment is a trade union issue as well as an issue for employers and recommends that trade unions should issue clear policy statements on the subject in order to help create a climate in which it is neither condoned nor ignored. Trade unions could aim to give all officers and representatives training on equality issues, including dealing with sexual harassment and include such information in union sponsored or approved training courses. Trade unions should also encourage employers to adopt adequate policies and procedures to protect the dignity of women and men at work.

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The full text of the Commission Recommendation of 27 November 1991 and the Code of Practice can be found in the Official Journal of the European Communities No. C27 of 4 February 1992.



# ***New Publications***

## **Education and Training**

"Education and Training" is the quarterly periodical published by the European Commission which brings together news of the latest developments within the Community in the field of education and vocational training policy. The latest edition looks at a number of issues including the following:-

### **The Force Programme:**

A review of the first projects supported by the Action Programme for the development of continuing vocational training (FORCE).

### **PETRA II Programme:**

An analysis of the contents of the Council Decision which establishes the Petra II programme in support of initial vocational training.

### **Teacher Mobility:**

A preliminary report of the conference on the teaching profession in Europe.

### **The COMETT Programme:**

A report on the second of three external evaluations of the COMETT Programme (training for advanced technology).

A central "Dossier" section examines in detail the three recent communications of the European Commission on higher education, vocational training and open distance learning.

"Education and Training" is published in French, English and German and the language of the Presidency of the Council. A free subscription is available by writing to:- Commission of the European Communities, Task Force "Human Resources, Education, Training and Youth", rue de la Loi 200, B-1049 Brussels, Belgium.

## **European Community in the 1990s**

Over recent years the European Community has changed significantly. The programmes to create a Single European Market and an associated social dimension are in the process of transforming the Community, and the transformation will continue with the accelerated movement towards economic and monetary union and political union. At the same time the Community faces a process of enlargement which will radically affect the way in which the Community functions and the institutions which provide its government.

For even the most committed European analyst such changes can appear confusing. For many trade union members attempting to gain an initial insight into the European Community it can be very difficult to form an overall picture of the main developments. Thus a new booklet in the "Europe on the Move" series provides a welcome, and simple, introduction to the European Community in the 1990s. In just a few well-illustrated pages the pamphlet reviews the major trends and developments ranging from the Single Market to economic and monetary union. Questions relating to the Social Charter, Community enlargement, and the work of the main institutions are also dealt with in a concise and easy-to-follow manner. The pamphlet therefore provides an ideal introduction for trade union members who wish to know more about the important developments taking place within the Community.

"The European Community in the 1990s" is available in all official Community languages, free of charge, from the national offices of the European Commission.

# The Car, The Environment and Transport

## European Metalworkers' Federation Policy Statement

The Executive Committee of the European Metalworkers' Federation adopted a policy platform on the car, the environment and transport at their April meeting. The platform emphasises the three main challenges which the EMF believes must be met by companies and politicians. Job security and higher competitiveness must be achieved by accelerated product innovation. Major changes to product design and manufacturing systems are necessary to make the car a more environmentally-friendly product. More human and effective transport concepts need developing in order to promote an integrated and efficient transport system. The policy statement goes into detail on how these problems can be addressed, and produces a trade union analysis of the current challenges facing the European automobile industry. The policy statement is important for a number of reasons:-

- It provides an important basis for discussion within the trade union movement of the wider issues facing one of the major European manufacturing sectors.
- It clearly indicates the necessary measures which should be considered by both employers and governments.
- It provides an excellent example of how trade unions can seize the initiative in terms of the wider issues affecting a major European industry.

The full text of the statement can be obtained from the European Metalworkers' Federation, rue Fosse-aux-Loups 39 (Bolte 4) 1000 Brussels, Belgium.

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