

# SOCIAL EUROPE

## MEDIUM-TERM SOCIAL ACTION PROGRAMME 1995-97



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL  
FOR EMPLOYMENT,  
INDUSTRIAL RELATIONS  
AND SOCIAL AFFAIRS



*Social  
Europe*  
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# **SOCIAL EUROPE 1/95**

## **Medium-term social action programme 1995-97**



**European Commission**

Directorate-General for Employment,  
Industrial Relations and Social Affairs



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# Preface

On 12 April 1995, the European Commission adopted a communication on a medium-term social action programme, covering the three-year period 1995-97. It is the culmination of 18 months of widespread consultation and public debate which started in 1993 with the launch of the Green Paper on the future of European social policy, and continued in 1994 with the White Paper on European social policy.

The social action programme seeks to build on and take forward the achievements of the past – particularly the 1989 social action programme, which it replaces – while at the same time articulating a strategy to meet new needs and challenges.

Social policy is at the heart of the process of European integration. People care passionately about it and attach importance to the way it is dealt with at the level of the European Union. We are living in a period of rapid and profound change which poses major challenges for our societies. Social policy cannot be based on a static vision of the socioeconomic situation, it must be constantly adapted to meet new demands. A balance must be struck between economic and social considerations. The one-dimensional view that economics is all, and that social policy is a luxury that can be afforded in good times but must be jettisoned in bad, has been rejected categorically by the process of consultation.

We cannot have a competitive economic climate in a society which has high levels of unemployment, poverty, crime and poor health and educational underachievement. I do not deny that views on aspects of social policy differ widely, particularly about the need for further legislative action at European level. At the same time, there is increasing pressure for Union-level activity in a range of areas that go beyond the more traditional focus of European social policy. This is the approach I have taken.

Although it is clear that, given particularly the achievements of the 1989 social action programme, there is at present less scope or need for a wide-ranging programme of new legislative proposals, the Commission will continue to review the need for legislation and will not hesitate to make appropriate proposals when necessary and possible.

Five key themes run through the 1995-97 social action programme.



Photo: © EC

## Employment

The fight against unemployment and the creation of new jobs is now at the very top of the European agenda. The action programme sets out in detail how the Commission intends to take forward the conclusions of the December 1994 Essen European Council, both in terms of monitoring employment trends, and in assessing the progress of Member States in implementing their multi-annual programmes. In particular, it contains a range of proposals designed to further develop cooperation between national governments, the Commission and the social partners. It also emphasizes the vital contribution of the Structural and of the Social Funds to promoting employment. At the same time, it focuses on the vital issues of training and education, and free movement of people within the Union.

## Consolidation and development of legislation

Legislation on minimum social standards has long played an important part in European social policy. The action programme places a significant focus on the development and consolidation of this legislative base. It emphasizes the Commission's plans to review the Social Charter with the European Parliament in May. Following this joint discussion, the future of the Charter will also be discussed next year at the first European Social Policy Forum, to pave the way for a possible revision of the Charter to cover individual rights and responsibilities of all citizens. It seeks to drive forward the legislative proposals that are still under discussion in the Council, including, for example, the Directives on the posting of workers, and a number of health and safety Directives. Some of these pending proposals are to be taken forward under the Social Protocol. Furthermore, the action programme launches debates on a wide range of issues which might lead to European legislative action at a later stage. It maintains the Commission's determination to ensure rigorous implementation and enforcement of agreed measures.



## Equality of opportunities between men and women

The action programme maintains and emphasizes the high priority which the Commission seeks to give to equal opportunities. We are aiming to ensure that equal opportunities is mainstreamed and integrated into social policy as a whole. Central to this strategy will be the Commission's fourth equal opportunities action programme, to be presented this year for Council and Parliament approval. The programme will set out a wide-ranging, innovative series of actions, to cover the period 1996-2000.

## An active society for all

Building on the responses to the Green and White Papers, the action programme places a special emphasis on seeking to ensure that people right across the Union are involved in, and able to benefit from, European social policy. It seeks to broaden the focus of social policy so that the Union is better able to meet the needs of all its citizens. The joint discussions on the Social Charter and the question of citizens' rights generally are a vital part of this process. The action programme also places a significant emphasis on social protection policies. It provides for targeted actions for specific groups to tackle, for example, the problems of social exclusion and poverty, older people, disabled people and racism. It also seeks to develop the international dimension of European social policy.

## Medium-term reflection and analysis

One of the things to emerge most strongly from the consultation that preceded the presentation of this action programme was that our societies are having to respond and adapt to an increasingly rapid pace of change. Such change poses enormous challenges to social policy. We have to be able to understand new problems and find new solutions. And this means that we need to strengthen our ability to analyse and assess the implications of the challenges affecting us. The action programme therefore sets out the Commission's intention to develop its medium-term analytical capacity. To give but one specific example of what this means, we are establishing a high-level group of experts to examine the social and societal implications of the emerging information society. In the light of the reports and recommendations of this group, we will present a Green Paper to help develop a strategy to maximize the social advantages of the information society.

This social action programme opens a new phase in the development of social policy. It differs from the 1989 social action programme – which had a largely legislative focus – in that it presents a broader and more detailed overview of action in the social policy field. This new action programme sets out an important and substantial agenda for the coming years. It is not a static 'blueprint'. It cannot be, given the rapid and accelerating pace of social change. It does however provide us with the instruments to support efforts in the social policy field in both the Member States and at the level of the Union itself.

**Pádraig Flynn**

*Member of the European Commission  
with responsibility for employment and social affairs*

# **A – Medium-term social action programme**

**1995-97**

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**Communication from the Commission  
to the Council and the European Parliament  
and to the  
Economic and Social Committee  
and the Committee of the Regions  
(COM(95) 134)**



# Introduction

This communication sets out the Commission's detailed work programme in the social field for the next three years (1995-97). It is the third and final phase in a process which started in 1993, with the launch of the Green Paper on the future of European social policy, and continued in 1994 with the White Paper on European social policy.

Both the Green and White Papers emphasized that Europe is currently living through a period of profound change, and that this change poses major challenges for our societies. Although Europe is now starting to benefit from economic recovery after a period of severe recession, levels of unemployment across the Union remain too high with insufficient employment intensity of growth. The creation of new jobs must remain, therefore, a central objective of the Union.

More generally, the globalization of economic activity poses a major challenge for European competitiveness. The introduction of new technologies and communication systems at work and beyond, and the development of the information society have implications for us all. The Union also needs to give continuing priority to the protection of the environment, through the promotion of sustainable production patterns and technologies, which can contribute to the creation of new jobs and promote competitiveness. Moreover, levels of funding for social protection systems are placing an increasing strain on national budgets, while poverty and social exclusion are becoming all too common. At the same time, demographic changes are altering the very structure of our societies.

The White Paper sought to set out a framework to develop European social policy in order to meet these challenges. It was based on the principle that Europe needs a broadly-based, forward-looking and innovative social policy if it is successfully to meet the challenges ahead. This new social action programme seeks to anchor this approach by both building, on and taking forward, the achievements of the past – and particularly the 1989 social action programme, which this replaces – while at the same time articulating a strategy to meet new needs and new challenges. As such, this action programme should be seen as a continuation of the strategy set out in the White Paper, rather than a radical new departure.

The action programme takes careful account of the extensive consultations and lively debate stimulated by the Green and White Papers, together with the White

Paper on growth, competitiveness and employment. In particular, it draws on contributions from the Member States, the Council Resolution of 6 December 1994, the European Parliament Resolution of 19 January 1995, and the views of the Economic and Social Committee, the Committee of the Regions and those active in the economic and social sphere, especially the social partners.

This wide-ranging consultative process highlighted a broad agreement on a number of key themes which underpin this action programme:

□ The building of Europe is a unique undertaking, based on achieving a balance between a commitment to competition, cooperation and solidarity. Each of these three components has to be developed in relation to the others, and the social dimension plays a large part in this process. At the same time the diversity of national European cultures and practices must be preserved for their inherent value and in respect of the principle of subsidiarity, while remaining compatible with the process of building Europe and with the Treaty. Total harmonization of social policies is therefore not an objective of the Commission or of the Union.

Member States have in common a number of shared achievements, values and practices which underpin their approach to the present and future European social model. This common social heritage lies mainly in the general provision of high levels of social protection and solidarity, the quality of education and training systems, levels of protection at the workplace, efforts to ensure equal opportunities and, finally, the role played by the social partners and by public authorities at different levels. Moreover, these values and objectives also assume a universal dimension, as evidenced by the 10 commitments entered into at the recent World Social Summit held in Copenhagen.

□ The progressive economic integration of the Union and the completion of the internal market have raised a wide range of social issues, in particular about their impact on the living and working conditions and standards of our citizens. The widespread uncertainty triggered by the unemployment crisis has heightened the need to find the right mix of policies to promote growth and competitiveness and at the same time guarantee social protection and solidarity. There is a very clear conviction that the fundamental objective of the European Union, 'to promote economic and social progress



which is balanced and sustainable' (see Title 1 of the Treaty on European Union) must apply to all. People throughout the Union and organizations which represent them, however diverse, expect to feel tangible benefits deriving from the European Union in their everyday lives. The building of Europe must be seen to be for them and not to their detriment, with social policy constituting one of the principal instruments in this respect.

□ The creation of jobs remains the top priority. Responsibility lies mainly with individual Member States, but the Commission has a special role to play in promoting the changes needed to enable European economies to overcome their serious structural deficiencies, as highlighted in the White Paper on growth, competitiveness and employment, and to strengthen their competitiveness. Overcoming such weaknesses requires the adaptation of the overall employment systems, including the interplay of taxation and social policies, of lifelong education and training, and of industrial, environmental and regional policies. Such adaptation does not imply dismantling the social protection arrangements but rather the definition of new ways of providing incentives towards changing patterns of work, leisure, and family roles as well as incentives for active citizenship and active participation in the labour-market. To these ends, the White Paper and the conclusions of the Essen European Council must be followed up vigorously.

□ The economic and social dimensions are in fact interdependent and must, therefore, advance hand in hand. There cannot be social progress without competitiveness and economic growth. Conversely, it is not possible to ensure sustainable economic growth without taking the social dimension into account. Social progress and social solidarity must form an integral part of the European approach to competitiveness.

A new balance must be achieved between the economic and social dimensions, in which they are treated as mutually reinforcing, rather than conflicting, objectives.

□ Community action in the social field cannot be restricted to the world of work. There is already a wide degree of public support for a strong European social policy across the Union. Further support for the future construction of Europe will be forthcoming only through action which is both credible and visible, in which all the citizens of the Union feel involved. This means that, through mutually supporting economic and social policies, Europe should aim to provide 'opportunities for all', to play an active part in society in the years ahead and to engage in building Europe together. The role of civic and voluntary bodies has to be recognized, as well as the

wide range of organizations representing firms, and the different sectors both public and private.

However, it remains clear that views on some aspects of social policy differ widely, and are in some cases contradictory. The White Paper pointed out that Member States and others were divided in their opinions about the need for further legislative action at European level, particularly as it concerns labour standards. While some want to see the focus almost exclusively on the application of existing legislation, with no new proposals, others remain in favour of a gradual extension of the floor of binding and enforceable minimum standards. Still others are calling on the Commission to present a wide range of new legislative proposals, some of which do not fall within the scope of the powers laid down by the Treaty on European Union and/or may be at odds with the principle of subsidiarity.

At the same time there is increasing pressure for Union-level activity in a range of areas that go beyond the more traditional focus of European social policy. Just as the challenges facing European society are becoming more complex, and to a large extent interlinked, so the policy response needs to be refined to meet these challenges.

This implies the development of an additional type of response at European level to complement and reinforce the legislative activity which has formed the backbone of the social dimension in the past, and which will continue to be taken forward where necessary. In particular, it means the development of the role to be played at Community level in terms of providing a catalyst in promoting joint discussion, exchange of experience, and concerted action on a transnational basis in responding to common problems.

For example, a number of Member States have already sought to revise, to a greater, or lesser extent, their employment and social systems, while others are preparing to do so. The subject of employment and the action taken in 1993 and 1994, given fresh impetus by the conclusions of the Essen European Council, provide a good example in this respect. This process could usefully be extended to a range of other social policy questions – for example, social protection, the social impact of the information society – and the action programme makes specific proposals in this respect (e.g. Sections 6 and 10).

To reinforce this process of collective reflection, the Commission is seeking particularly to step up its efforts in the areas of analysis and research, and this is included as a separate section in this action programme (Section 10). Moreover, given the growing demands to develop a European social policy with meaning for all European

citizens, both those at work and those who are not, the programme places a special emphasis on promoting opportunities for all. In this context, the proposal to launch a debate on the future of the Social Charter and its possible extension to cover a wider range of individual rights and responsibilities is particularly important (Sections 4 and 6).

This broader approach is reflected in the structure of the action programme. While it has an initial three-year perspective, within that time frame it is structured to allow greater flexibility and openness in the planning of work.

In this sense, it differs from the 1989 social action programme – which primarily had a legislative focus – in that it presents a broader and more detailed overview of action in the social policy field.

The programme does present a number of new legislative proposals, while also respecting the principles of subsidiarity and proportionality. In this regard, the Commission is conscious of the interaction between legislative proposals and the new powers of negotiation given to the social partners under the Agreement on Social Policy introduced by the Treaty on European Union. Although it is clear that, given particularly the achievements of the 1989 programme, there is at present less scope, or need for a wide-ranging programme of new legislative proposals, the Commission will continue to review the need for legislation and will not hesitate to make appropriate proposals where necessary and possible.

In addition, the action programme also seeks to highlight and give a new emphasis to the increasing number of pending proposals currently before the Council, with a view to ensuring their rapid adoption. A number of pending proposals which are now superseded are being withdrawn.

In line with its general approach, the Commission will ensure that new proposals are preceded by an evaluation of the costs and benefits to the Member States, public authorities and all the parties concerned. Moreover, the Commission will continue its efforts to ensure the effective implementation and application of adopted legislation.

In addition to this relatively limited number of new legislative proposals, the action programme also launches a wide range of studies and debates on specific issues. The purpose of this exercise is to explore in each case the scope and need for further action – both legislative and non-legislative – and to ensure effective preparation of any future proposals.

Over and above this, the programme is also structured to indicate the Commission's intention to launch debates in areas of key importance for social policy. In this sense, it is designed to reflect the increasingly multidimensional nature of social policy, and to provide a comprehensive agenda for action in the social policy field.

To a certain extent, the future development of this programme will be driven by the outcome of the debates and studies that are now being launched, or are already under way. It will also doubtless be influenced by the continuing dialogue both with the other European institutions, and beyond. The Green and White Papers have already demonstrated the rich nature of the contributions which this process can bring, and this action programme also seeks to further develop consultative processes to ensure that this dialogue continues (e.g. Section 9).

Moreover, the programme has also to be viewed against the perspective of the inter-governmental conference in 1996, in the course of which, questions concerning the social dimension in the future development of the European Union will undoubtedly play an important part in the deliberations. In this context, it should be noted that the Commission has already made clear some of its intentions in this regard in the White Paper on social policy.

Finally, it is also important to emphasize the progressive, flexible nature of this action programme. It is deliberately designed as a 'rolling programme', which will be updated annually in the light of the changing situation and emerging needs on the one hand, and the results of studies and specific consultations on the other hand. The transparency of Community social action will be accordingly enhanced, and the opinions of the other Community institutions taken into account on a step-by-step basis.



# 1. Jobs – the top priority

1.0.1. Fighting unemployment is a paramount task of the European Union and its Member States. The Commission's White Paper on growth, competitiveness and employment presented in December 1993 proposed a series of policy actions to increase competitiveness, boost growth and ensure the necessary structural changes to create jobs.

1.0.2. Building on the approach of this White Paper and the conclusions of successive European Council meetings (Brussels, Corfu), the European Council at Essen broke new ground in the employment field, urging Member States to set out their individual policies in multiannual programmes. These programmes will incorporate the five key areas of action agreed by the European Council into a national context.

1.0.3. In addition, the Essen conclusions requested the Employment and Social Affairs Council, Ecofin and the Commission to monitor employment trends, including training policies and the relevant national policies, and to report annually to the European Council, starting in December 1995.

1.0.4. In March 1995, the Commission presented its communication setting out how these objectives and principles should be put into practice both in terms of action by Member States and by further developing co-operative policy-making, including concertation with the social partners. It proposes the progressive introduction of a process of surveillance of the employment systems. The Council has welcomed the approach advocated by the Commission.

## Monitoring and surveillance instruments

1.1.1. Over the next three-year period, the Commission will progressively develop a process of surveillance of employment trends and systems in the European Union. During 1995, the Commission will strengthen its cooperation with Member States with a view to setting up the arrangements for, and assessing the progress of, Member States in applying the Essen conclusions.

This process will include:

1.1.2. **Economic policy guidelines:** to further develop the coherent approach to employment, in the context of Article 103, the Commission will seek to improve

the linkage between the commitment to employment generation and the development of economic policy. In particular, the Commission will seek to include sections dealing with employment trends and policies, including the five points agreed at Essen, in Member States' convergence programmes. As a first step, the Commission will include a larger and more developed employment chapter in its recommendation for the 'broad guidelines' for the economic policies of the Member States and of the Community (first half of 1995).

1.1.3. **Report on follow-up to Essen:** an initial Commission overview report on progress made by Member States in applying the Essen conclusions (second half of 1995). As agreed at Essen, this will also include the effects of tax and income support systems on the readiness both to create and to take up jobs, and the interrelationship between economic growth and the environment. On the basis of reactions to this overview report, the Commission will present its report to the European Council in December 1995.

1.1.4. **The annual employment report:** it will concentrate on the five priorities identified at Essen (1995). Future employment reports will focus in turn on the employment potential of the information society (1996) and on the emergence of new approaches to work organization and local employment initiatives (1997).

1.1.5. **Employment assessment:** the Commission will take careful account of the employment implications of its proposals, including the assessment of possible burdens on firms, especially SMEs. In addition, the Commission's 1996 report on the internal market will include an analysis of the impact on jobs.

## Intensifying collaboration

1.2.1. **Regular meetings of Directors-General for employment and of social security:** to provide continued coordination and forge closer links between national administrations in this field. The scope for building collaboration with the Ministries of Finance will be examined (1995-96).

1.2.2. **Employment action research programmes:** the Commission will present a proposal to develop a closer and more structured collaboration with the Member States in the field of employment and labour-market

policy. This proposal will build on the work already carried out in previous actions in this area and existing networks. It will rationalize these instruments and provide a framework for Union support to the implementation of the conclusions agreed at Essen, and be complementary to the innovatory operations and initiatives supported by the Structural Funds. The Commission's proposal will be presented in the first half of 1995 and will cover the period 1996-98. It will incorporate the idea of creating a European platform to pool experience about local employment initiatives.

**1.2.3. Strengthening the Employment Observatory:** the Commission will present a report reviewing the functioning of its Employment Observatory in the light of the new tasks required to undertake surveillance of employment trends and systems and in particular the need to improve information on the impact of employment policies (second half of 1995). The scope for increased cooperation with the OECD and the ILO will also be examined. Furthermore, in cooperation with Eurostat, a review will be produced of the effectiveness of data collection (1996), including the need for a target structure for a more frequent Community labour force survey and a set of short-term statistical indicators on employment to be defined and collected regularly.

**1.2.4. Supporting the social dialogue:** the Social Dialogue Committee will assess developments in the Member States particularly regarding the negotiation of collective bargaining and other agreements linked to job creation. The Commission will support the exchange and transfer of experience in this field, and generally promote concertation with and dialogue between the social partners. A first report on national experience will be established by the social partners in the second half of 1995 and could be updated regularly in future years, with the assistance of the European Foundation for the Improvement of Living and Working Conditions. The Commission will also explore ways of supporting similar initiatives in the sectors.

**1.2.5. Standing Employment Committee:** the Commission considers that the Standing Committee for Employment, set up by the Council in 1970, should be used as the main institutional forum for concertation between the Council, the social partners, and the Commission on the Union's employment strategy. The Commission will present a proposal for a new Council decision to update the role, composition and functioning of this Committee (1995).

**1.2.6. Listening to companies:** the Commission will extend its arrangements to enable companies to make suggestions about the creation of jobs and the attack on

unemployment. These will include regular meetings with directors of human resources and company leaders.

**1.2.7.** In the field of enterprise policy, in order to facilitate the creation of jobs in SMEs, the Commission will continue to promote actions aimed at reducing obstacles to the creation and growth of SMEs, through the improvement of their administrative, legal and financial environment and through the development of support services.

## **Adapting and strengthening the role of the Structural Funds and particularly the European Social Fund**

**1.3.1.** The Structural Funds all contribute in their complementary ways to promoting employment. During the period 1994-99, the European Union will commit ECU 141 billion for this purpose (1992 prices). As part of the process of monitoring the contribution of the Structural Funds, the Commission will:

**1.3.2.** Assess the implementation of the Community support frameworks carefully in the light of the Essen conclusions and may recommend adjustments later in 1995 in the light of the information transmitted by Member States in application of Article 103, and ensure that the conclusions are incorporated in the CSFs to be launched in the three new Member States;

**1.3.3.** Follow-up and assess the operation of Structural Fund measures, when necessary, in order to further adapt actions and funding to the ongoing policy adjustments, arising in the implementation of the present action plan. The Commission will regularly report on the situation, including in the context of its triennial report on economic and social cohesion, the first of which will be issued in 1996.

**1.3.4.** Review the contribution of the Structural Funds to the promotion of equal opportunities for men and women, as provided for explicitly in the Regulations governing the Structural Funds, in the CSFs and in the Council Resolution of 22 June 1994 on the promotion of equal opportunities for men and women through action by the European Structural Funds. A first report on this subject will be issued before the end of 1995, and a European conference will be held in the first half of 1996.



1.3.5. Encourage the active participation of the social partners in ESF operations as an essential feature of the partnerships needed to maximize the impact of the Fund. These arrangements will be reviewed with the ESF Committee during the second half of 1995, so as to pave the way for more effective involvement in the following years.

1.3.6. Present an analysis of the contribution of the Structural Funds to human resource development, drawing on the experience gained in relation to all the Objectives (1996).

1.3.7. The implementation of Objective 4 of the ESF is of special strategic significance, with its focus on the need for firms to develop a better capacity to anticipate industrial and technological change. A European conference will be held in September 1995 in Toulouse to take stock of progress in the implementation of Objective 4, and will be followed in 1996 by an appraisal of the new perspectives opened up by the ESF in this field. In 1996, a first report will be presented on the implementation of Objective 4.

1.3.8. The Community initiatives to be launched during 1995 all involve to a greater, or lesser extent a commitment to the promotion of employment and a concern for social inclusion. The employment, ADAPT and SME initiatives are especially focused on encouraging trans-European cooperation and partnerships in creating the conditions for more active labour-market policies and in targeting specific needs. Together, these initiatives will generate in the region of 5 000 transnational projects designed to support the process of innovation within key areas of employment and training policies. A first review of their progress and impact will be presented by the Commission in the second half of 1996, and a series of special European events will be arranged over the next three years to disseminate information and good practices.

1.3.9. The special Community initiative for peace and reconciliation in Northern Ireland and the Border Counties is currently being launched and is expected to make a real contribution to the regeneration of the economic and social fabric of the areas concerned.

1.3.10. European Coal and Steel Community (ECSC): resources for the readaptation of workers affected by industrial change in the coal and steel industry are being reduced rapidly in the context of the phasing-out of a specific policy for both of the industries concerned. This requires close coordination between ECSC and the Union's other financing instruments. A review of the situation will be presented before the end of 1995.

1.3.11. Emphasis will also be placed on strengthening job creation in rural areas by targeting the measures included in the rural development programme (in Objective 1 and 5b areas) and structural horizontal regulations (Objective 5a). Special account will be taken of the measures provided by EAGGF to support restructuring and job lay-offs in the agricultural and fishing sector.



## 2. Education and training: key factors for social stability in the Community

2.0.1. Increased investment in the development of human resources is a central element of the Union strategy to strengthen medium-term growth, improve competitiveness of the European economy, create more jobs and promote solidarity. The great technological changes and rapid shifts in work patterns put a premium on investment in human capital. The need is widely recognized to develop a more competitive edge and to secure maximum employment by helping the workforce adapt to change; initial education and training have to become more flexible and vocationally relevant and a new culture of commitment to lifelong learning is necessary. This has been recognized by successive European Councils and confirmed most recently in the Essen action plan, as well as in a series of joint opinions adopted by the social partners at European level.

2.0.2. The Commission will analyse current developments in the Member States, the extent of convergence of policies and the links with labour-market and macro-economic policies, with a view to the identification of common problems and objectives.

2.0.3. To this end, comparative analyses of education and training are currently being updated with the co-operation of Directors-General for vocational training and the social partners, so as to identify the main lessons to be drawn. Similar contacts will also be held with directors of human resources, and with appropriate consultative structures within companies, especially those at European level.

### Main new initiatives

2.1.1. New impetus was given at Community level by the adoption in December 1994 of the Council Decision on the Leonardo programme for the implementation of a Community vocational training policy and by the Socrates programme on cooperation in the area of education, which has recently been adopted by the Council. The Commission and the Member States will closely monitor the implementation of the common framework of objectives set out in the Leonardo programme, and an overall report on vocational training will be drawn up by the Commission on this basis in 1997.

2.1.2. On the basis of the experience to be derived from these programmes and the employment (Youth-start) initiative, the Commission will present proposals in 1997 for the more effective integration of young persons into the labour-market. The Commission will at the same time report on the situation of unqualified, untrained young people in the European Union, on the basis of a special enquiry to be launched in collaboration with the Member States in 1996.

### Launching of debates

2.2.1. The Commission will issue later this year a White Paper on education and training: the levers of the year 2000. This White Paper will set out a coherent presentation of all the planned initiatives and instruments of the Commission in these areas in order to develop Community action, especially under the terms of Articles 126 and 127. As announced in its work programme for 1995, the Commission will outline new proposals including a Community initiative on quality training (1996) and on policies to promote lifelong learning (1996). It will also launch the necessary debates on new ways of accrediting and recognizing prior learning and skills and on the advisability of – and the conditions for – introducing European rules for apprenticeships in the context of mobility.

2.2.2. Following on from the White Paper on social policy, this White Paper on education and training will examine the options and arrangements for introducing tax incentives for businesses and people to widen access to and participation in continuing training.

2.2.3. The Commission will publish a Green Paper on the legal, administrative and practical obstacles concerning young people on transnational placement in another Member State as part of their vocational training (second half of 1995). More specifically, the Commission will analyse the remaining barriers to the mobility of researchers (doctoral and post-doctoral) in the European Union.

2.2.4. This Green Paper, which follows on from the work done notably as part of the PETRA programme,

should make it possible to identify the obstacles in the areas of law, administration, regulations or social protection which inhibit European mobility opportunities of young people for training, and more generally of anyone following an apprenticeship or training. This Green Paper will provide an opportunity for wide consultations. On that basis proposals will be presented before the end of 1996.

## **Implementation of policies**

2.3.1. The Leonardo and Socrates programmes will be key elements in the Commission's policy of supporting the improvement of the quality of education and training systems and the development of concepts and models of lifelong learning. In this context, there will be a focus on a range of issues, including: new models of apprenticeship, new qualification structures (particularly in the areas of new jobs), improving the anticipation of skill needs and developing skills for a technology culture and the information society, and promoting the use of new technology in education and training. Complemented by the Community initiatives, notably Employment and ADAPT, these programmes will expand considerably the scope for trans-European cooperation and they will be monitored on a regular basis throughout their duration.



# 3. Building a European labour-market

3.0.1. Freedom of movement is one of the fundamental principles of the European Union. The freedom to move from one country to another to work, study and reside is also one of the most tangible benefits of the Union for individuals in the different Member States.

3.0.2. An important body of legislation is now in place to give effect to the objective of freedom of movement as set out in the Treaties. But although significant progress has been made, there remains a need for further efforts at Union level, not least to ensure that the existing Community provisions are up-to-date, understood and applied. It is also clear, not least from the Commission's surveys of the functioning of the internal market, that some real obstacles – both legal and practical – still confront European citizens seeking to exercise their rights to free movement and residence within the Union.

## Main new initiatives and legislative proposals

3.1.1. **Pension rights:** workers who move across the Union often face problems in transferring rights built up in occupational or supplementary pension schemes. The Commission will propose a draft directive to establish a general framework to protect individual rights acquired, or being acquired, in such schemes for people who cross national borders (first half of 1995).

3.1.2. **Rights of residence:** the Commission will bring forward proposals to recast the current legislation, incorporating the decisions of the European Court of Justice to take into account the scope of Union citizenship and fill gaps in the existing system (second half of 1995).

3.1.3. **Recognition of diplomas:** the Commission intends to bring forward a proposal to extend the general system for recognition of diplomas to professions not yet covered (skilled crafts, etc.); the date will be determined after the consultation of the Member States and of the numerous associations concerned. It will also present a report to the European Parliament and the Council on the state of application of the general system for recognition of diplomas during its first five years, including, as appropriate, proposals for improvements. The Commission will also take forward its work on improving the methods of recognition of diplomas and qualifications for academic and professional purposes, between the

Member States and interested groups, following the current debate on its communication of December 1994 on this topic.

3.1.4. **Social security for migrant workers:** the Community framework for the coordination of national social security provisions for people moving about the Union has to be constantly updated to take account of new developments. In addition to the annual technical amendment, the Commission will therefore present proposals to:

3.1.5. Codify the Regulations, to provide a single, up-to-date version for greater clarity (second half of 1995);

3.1.6. Introduce provisions covering early retirement schemes (second half of 1995 – the existing proposal in this area will be withdrawn – see paragraph 3.2.2 below);

3.1.7. Revise the provisions covering unemployment benefits (second half of 1995 – the existing proposal in this area will be withdrawn – see paragraph 3.2.2 below);

3.1.8. Facilitate greater access to cross-border health care and services (first half of 1996);

3.1.9. Extend to third-country nationals the provision of immediate medical care and other limited benefits (second half of 1996).

3.1.10. **Taxation:** the Commission has started consultations with the Member States to identify what measures they have taken to adapt their legislation to the 1993 recommendation on the tax treatment of people who live in one Member State but work and pay tax in another. During 1995, the Commission will present a report on this recommendation and in the light of this report and recent European Court of Justice case-law, will consider further action in this area, including the adoption of a memorandum on this issue.

## Pending proposals

3.2.1. **Free movement of workers:** in 1989, the Commission proposed an amendment to the existing provisions to improve the situation of workers as regards

family reunion, equality of treatment and residence and consolidate European Court of Justice law (see Annex). The proposal will be reviewed in the light of the report of the high-level panel (see paragraph 3.3.1. below).

**3.2.2. Social security for migrant workers:** the annual updating amendments are currently under discussion in the Council, and the Commission will continue to press for the adoption of its 1991 proposal to extend the existing Regulations to cover all insured people, students and special schemes for civil servants (see Annex). The 1980 proposal on unemployment and pre-retirement benefits will be withdrawn by the Commission (see paragraphs 3.1.6 and 3.1.7 above).

## Launching of debates

**3.3.1. High-level panel on free movement:** the outstanding obstacles to free movement of persons and workers generally raise a variety of complex and often interrelated problems. So as to gain a clear overview of these different problems, the Commission is establishing a high-level panel on free movement. At the same time, the Economic and Social Committee will be invited to make its distinctive contribution on this subject. The panel will report to the Commission by mid 1996. On the basis of these reports, the Commission will present a White Paper setting out an integrated strategy including specific proposals aimed at tackling the outstanding problems (1996).

**3.3.2. The accreditation and recognition of prior learning and experience:** the Commission intends to launch a series of studies, pilot measures and debates in order to test new ways of recognizing the prior learning and experience of workers in order to increase the transparency of qualifications (1996).

**3.3.3. Opening-up the public sector:** in 1988, the Commission launched a series of actions to encourage Member States to open up employment opportunities in the public sector, in line with the case-law of the European Court of Justice. The Commission will issue a memorandum to review progress made and, taking account of the report of the high-level panel and other studies, propose further measures to promote free movement in the public sector (1996). The Commission will also, in this context, identify the scope for increasing collaboration between the public services, and promote the social dialogue in this field.

**3.3.4. Social security for migrant workers:** the Commission will launch in 1996 – in close collaboration with national authorities – a wide-ranging review of the

existing Regulations, to prepare the way for a comprehensive revision and restructuring of the provisions so as to take account of significant changes in national social security systems and simplify the rules (1997 and beyond).

**3.3.5. Third-country nationals legally resident in a Member State** in spite of the establishment of an internal market without frontiers, third-country nationals who are permanently and legally resident in one Member State currently do not have the right to move to another Member State to engage in economic activity. As a first step, the Commission will present a recommendation (first half of 1996) inviting Member States to give employment priority to third-country nationals permanently and legally residing in another Member State when job vacancies cannot be filled by EU nationals or nationals of third countries legally residing in the Member State concerned.

## Implementation of policies

**3.4.1. EURES** (European Employment Service) was launched in November 1994. Over the next three years, in cooperation with national employment services, the Commission will consolidate and develop the network to provide an effective mechanism for the Union-wide exchange of information on job offers and demands, the evolution of the labour-market, living and working conditions and to develop activities in the cross-border regions. The target of the EURES network is to increase substantially the number of job vacancies offered and filled by the network and to develop transnational cooperation between the public employment services.

**3.4.2. TESS** (Modernization of the exchange of information between national social security institutions) is a transnational telematics system designed to link the social security institutions in all Member States. A series of projects are planned for step-by-step implementation by 1998, including:

- ☐ linking seven national institutions covering old-age pensions (under way);
- ☐ creation of a glossary of terms and standardized electronic messages (1997);
- ☐ development of a reference model to coordinate pension schemes and sickness benefits (1996-98);
- ☐ modernizing the E111 (health care entitlement) and other similar forms;
- ☐ study of legal aspects including protection of personal data in relation to electronic data transfer in the social security field.



## 4. Encouraging high labour standards as part of a competitive Europe

4.0.1. The promotion of improved working conditions has always been an important objective of the Union. As European social policy has developed, a number of important steps have been taken towards achieving this objective, and the adoption of the Social Charter in 1989 gave a particular impetus to this process. Reactions to the White Paper have reaffirmed the need to continue to promote improved working conditions, both as a common objective of the Union, as set out in the Treaty, but also as a key element in the search for improved competitiveness.

4.0.2. In the first half of 1995, the European Parliament will organize, in collaboration with the Commission, a public hearing on the 1989 Social Charter. The hearing will address both whether there is a need to revise the Charter to extend its scope and whether some or all of its provisions should be incorporated in the future Treaty.

4.0.3. Meanwhile, the priority for the coming period will be the further development of a common framework of minimum social standards, completing where necessary the 1989 social action programme while at the same time taking account of the increasingly rapid changes in the working environment and the diversity between Member States.

### Main initiatives and new legislative proposals

4.1.1. **Part-time, fixed-term and temporary work:** given the blockage in the Council on the Commission's existing proposals in this area see Annex, the Commission will launch consultations with the social partners under the Agreement on Social Policy to consider what further action might be taken, including as a first step the possibility of a directive on part-time work (second half of 1995). Once this consultative process is under way, the Commission's existing proposals will be overtaken, and will therefore be withdrawn at the appropriate stage.

4.1.2. **Individual dismissals:** during 1995 the Commission will complete a detailed study on national rules and practices on individual dismissals. In the light of this study, the Commission will initiate consultations with the

social partners on the advisability and possible direction of Community action in this area (first half of 1996).

4.1.3. **Working time:** during 1995, discussions with the social partners and/or studies will continue on how best to ensure that the activities and sectors excluded from the Directive on the organization of working time are appropriately covered (transport, sea fishing, inland waterways, civil aviation, sea transport, doctors in training and other work at sea). If necessary, the Commission will consider bringing forward proposals to complete the working time Directive in 1996-97.

4.1.4. **Homeworking:** homeworking is an increasingly common phenomenon in our societies. The Green and White Paper consultations demonstrated significant concerns about the situation of people working at home. The Commission will therefore adopt a recommendation on homeworking with a view to encouraging Member States and the social partners to develop and implement measures to improve the working conditions of homeworkers covering, for example, working time and health and safety issues (second half of 1995) and will continue to monitor developments in this rapidly evolving area.

4.1.5. **Health and safety at work:** the Commission will present a communication, including a draft Decision, on the fourth programme concerning safety, hygiene, and health protection at work (1995-2000) setting out the measures necessary in this area, and including a proposal for a specific programme, SAFE, to promote better awareness of health and safety legislation in small and medium-sized enterprises (see Section 11.3.4). Once adopted, the proposals in the fourth action programme will be integrated into the social action programme.

### Pending proposals

4.2.1. **Transfers of undertakings:** the Commission's proposal to amend and update the 1977 Directive on the transfer of undertakings is currently under discussion in the Council and the European Parliament (see Annex). The Commission will press for its adoption in the course of 1995.



**4.2.2. Posting of workers in the framework of the provision of services:** in view of the progress made in Council discussions on this proposal, the Commission will continue to press for its adoption in 1995 (see Annex). If this does not happen, the Commission will initiate consultations with the social partners to identify how best to resolve the problems in this field.

**4.2.3. Information and consultation of workers:** the Commission is currently examining whether and to what extent the system of workers' involvement established by the information and consultation Directive could help the adoption of the four amended proposals for Regulations concerning the European Company Statute, the Statute for a European Association, the Statute for a European Cooperative and the Statute for a European Mutual Society.

**4.2.4.** Given that little progress has been made on the information and consultation provisions of the draft fifth Directive (see Annex), the Commission will consider the possibility of deleting those provisions from the proposal during 1995. In that case, having regard to the Parliament's opinion on the White Paper, the Commission will initiate consultations with the social partners on the advisability and possible direction of Community action in the field of information and consultation of employees in national undertakings.

**4.2.5.** Given the fact that the Directive on information and consultation of workers is now in place, it is proposed to withdraw the draft European Works Council Directive and the so-called 'Vredeling Directive' (see Annex) which are now overtaken.

**4.2.6. Health and safety at work:** the Commission will continue to press for adoption by the Council of the proposals concerning physical agents, chemical agents, means of transport and work equipment (see Annex). These proposals seek to develop and consolidate Community health and safety standards. In addition, a new proposal for a Council Directive on risks from explosive atmospheres will soon be submitted to the Council. During 1995, the Commission will formally request the Council to take forward these proposals, with a view to their adoption.

## Launching of debates

**4.3.1. Rights of workers to be consulted on internal company matters:** during 1995, the Commission will carry out a study on national legislation and practices regarding the individual rights of workers to be consulted on internal company matters which concern them. In the light of this study, the Commission will consult further with the social partners and then determine the action to be followed (1996).

**4.3.2. Flexibility and work organization:** the Commission will carry forward its work and launch further studies on work organization and productivity, including payment systems, working time, reduction and reorganization of working time, occupational and geographical mobility and stability of employment. The social partners and national experts will be closely involved in this work. As appropriate, the Commission will present specific communications, including good practice guidelines on different aspects of flexibility and work organization and will consider the scope for a Green Paper on reduction and reorganization of working time (1996-97).

**4.3.3. Illegal work:** with a view to eliminating practices which distort fair competition between Member States and which are detrimental to the welfare of workers and a proper functioning of the European labour-market, the Commission will complete research on the issue of illegal work. A Green Paper will be prepared to provide a basis for consultations with the social partners and national experts on the scope for Union action in this field (1996).

**4.3.4. Telework:** the Commission will present a communication on the social and health impact of telework, to provide examples of good practice including adequate training support and stimulate debate with all interested parties (first half of 1996). This will be linked with the overall work of the Commission on the implications of the information society.

**4.3.5. Protection of the privacy of workers:** during 1995, the Commission will complete its study on rules in different Member States regarding the protection of the rights of workers with regard to the processing of personal data, including teleworking situations. In the light of this study and progress made following the Council's common position on the general framework Directive on the protection of individuals with regard to the processing of personal data, further consideration will be given to the need for, and possible scope of, Community intervention in this area (first half of 1996).

4.3.6. **The right to payment of wages on public holidays and during illness:** this question will be covered by the first report on the Commission's opinion on an equitable wage, which will be adopted in the second half of 1996. The Commission will then decide whether and to what extent further Community action in this field is appropriate.

## Implementation of policies

4.4.1. **Insolvency of undertakings:** a report on the application of the 1980 insolvency Directive will shortly be presented by the Commission, and this report will be supplemented in 1995 to take account of the new Member States. In the light of this report and existing studies on the Directive, the Commission will then decide whether and to what extent the insolvency Directive should be revised (first half of 1996).

4.4.2. **Report on the Social Charter and Social Protocol:** the Commission will continue to produce an annual report on progress in achieving the objectives in Article 1 of the Agreement on Social Policy, and on the implementation of the Social Charter (second half of each year).

4.4.3. **Health and safety:** the Commission will present a number of specific reports on health and safety measures (e.g. a report on the asbestos Directive), as well as guidance documents on matters such as risk assessment for pregnant workers, violence, and stress at the workplace (1996). The Commission hopes that the European Agency for Health and Safety (Bilbao) can be launched towards the end of 1995.

4.4.4. **Monitoring of information and consultation Directive:** the Commission has established a working group with the Member States with a view to finding concrete and coordinated answers to a range of technical problems which have to be addressed in the transposition and implementation of the Directive by the Member States. In this context, the Commission will present a report reviewing progress and analysing current experience (1997).



## 5. Equality of opportunity for men and women

5.0.1. On the basis of the significant achievements already made in this field at Community level, it is now necessary to launch a new phase underpinned by a medium-term strategy entailing action on a number of fronts: reconciling working and family life, desegregating the labour-market including reinforced access to training opportunities, and extending the principle of equal treatment, and promoting the concept of citizenship for women (gender balance in decision-making, strengthening of active citizenship).

5.0.2. Giving women the opportunity to realize their potential in all spheres of society by promoting their full participation at all levels and all sectors of public and economic life will be a central issue which the Commission will address between now and the end of the century.

### Main initiatives and new legislative proposals:

5.1.1. **Fourth action programme:** the Commission will present a communication including a draft Council decision for a fourth action programme on equal opportunities for men and women, to come into force in January 1996 (second half of 1995). This proposal will include the provision of an annual report on the situation of the Member States in this field, which could also serve as a monitoring instrument for the fourth action programme. The new measures proposed in the programme will then be incorporated into the social action programme.

5.1.2. **Framework proposal on reconciliation of family and professional life:** in February 1995, the Commission launched consultations with the social partners under the Agreement on Social Policy to consider the possibility of negotiating an agreement on the reconciliation of professional and family life. The aim of such a proposal will be to promote equal opportunities and encourage the introduction of new, flexible models better suited to the changing needs of European society. Future action will depend on the outcome of the current consultations. Now that this consultation process is under way, the Commission's existing proposal on parental leave (see Annex) has been overtaken, and will therefore be withdrawn at the appropriate stage.

5.1.3. **Follow-up to the Barber judgment:** the Commission will propose an amendment to Directive 86/378/EEC on equal treatment between men and women in occupational social security schemes to align it with the jurisprudence of the European Court of Justice in the light of the *Barber* judgment and subsequent judgments interpreting Article 119 of the Treaty (first half of 1995).

5.1.4. **Burden of proof:** it has been shown in practice that it is difficult and sometimes impossible for complainants to prove that differences in pay or treatment amounts to discrimination. The Commission will launch consultations with the social partners under the Agreement on Social Policy on possible actions on this area (first half of 1995). Once this consultative process is under way, the pending proposal from 1988 (Annex) will be overtaken and therefore will be withdrawn at the appropriate stage.

5.1.5. **Code of practice on equal pay:** the Commission will adopt a code of practice for the implementation of equal pay for work of equal value for men and women in the workplace, designed to provide practical guidance in eliminating direct and indirect sex discrimination where grading, classification and job evaluation systems are used as the basis for pay structures (first half of 1995).

5.1.6. **Women in decision-making:** the Commission will present a draft Recommendation to the Council defining measures and actions to promote the participation of women in the decision-making process in both the public and private sectors (second half of 1995).

5.1.7. **Dignity of men and women at work :** the Commission will produce a report (second half of 1995) evaluating the impact of its 1991 recommendation on the protection of the dignity of men and women at work. This report will serve as the basis for any future action in this area.



## Pending proposals

### 5.2.1. **Equal treatment in social security schemes:**

this proposal is designed to complete the Community framework on equal treatment in social security (see Annex). Despite favourable opinions from the European Parliament and the Economic and Social Committee, it has not been discussed by the Council since 1989. The Commission will seek to relaunch the debate on this proposal during 1995.

## Launching of debates

5.3.1. **Individualization of rights:** given that social protection systems in Member States often create gender inequalities in respect of rights and contributions, and that there are also coordination difficulties where benefits are established through derived rights, attention needs to be paid to the question of the individualization of social security rights. The same is true of tax questions. The Commission will carry out studies and expert discussions during 1995-96, with a view to the presentation of a Commission communication on the subject (second half of 1996).

5.3.2. **Fourth UN conference for women:** the Commission will present a communication summarizing the Union-level actions taken since the last conference (1985) and perspectives for the future (first half of 1995). In the light of the Beijing conclusions, the Commission will review the scope for further initiatives during 1996.

## Implementation of policies

5.4.1. During 1995, the Commission will explore ways of improving the functioning of the Advisory Committee on Equal Opportunities. Moreover, the group of Commissioners set up under President Santer will review the question of equal opportunities and women's rights as the basis for identifying its future strategy in this field (1995-96).

## 6. Social policy and social protection – an active society for all

6.0.1. The White Paper deliberately aimed to set out a broad conception of social policy, which included, but also went beyond the traditional focus on the needs of people at work. If the Union is to meet the broad objective of raising the standard of living and quality of life in Europe, a greater emphasis needs to be given to the problems faced by society as a whole.

6.0.2. To date, the Commission's actions in this area have tended to take the form of targeted measures for specific groups with specific needs, such as those excluded from the labour-market, disabled people and older people. What is needed in the future is a more broadly based approach which is still sensitive to the specific problems of certain groups but which seeks to help Member States in their efforts to address the larger policy issues such as the functioning and the financing of social protection systems and the overall quality of life.

6.0.3. The Commission fully recognizes that the main responsibility for policy in these areas rests at national, regional or even local level. However the Commission firmly believes that the Union can play a valuable role in promoting cooperation and even common action. Many of the problems faced are common to all Member States. While there is no question of imposing uniform solutions, the advantages of deepened exchanges and dialogue at European level are already demonstrable in a number of areas. The specific proposals in each of these areas are set out in the subsections below.

6.0.4. Over and above these proposals, the Commission will launch a debate on the question of fundamental social rights in the EU. The Green and White Papers have shown that there is a growing debate at European level about the establishment of the fundamental social rights of citizens as a constitutional element of the European Union. It is clear that this will be one of the issues to be discussed at the 1996 Intergovernmental Conference. As part of its contribution to this debate, the Commission has already announced its intention to hold a public hearing with the European Parliament on the 1989 Social Charter (Section 4). In the light of this hearing, the Commission will consult the European Forum on Social Policy in February 1996 about the possible extension of the Social Charter to cover a wider range of individual rights and responsibilities.

### Social protection

6.1.1. Framework initiative on the future of social protection: the Commission proposes to launch in partnership with the Member States and taking full account of sensitivities regarding subsidiarity in this area, a process of joint medium-term reflection on the future of social protection. As a first step and on the basis of the two Recommendations adopted in July 1992 (92/441/EEC and 92/442/EEC) and of the conclusions of the informal meeting of the Social Security Ministers of 2 February 1995, a common framework for analysis of problems and solutions could be established (1995-96). The purpose of this framework would be to maximize exchanges of information, experience and best practice in this area, with a view to enabling Member States to develop and adjust their national systems on the basis of optimum understanding of what is happening in other Member States. One particular example where common exchanges would be fruitful is the whole question of the implications of the ageing of the European population for our societies. Directors-General for social security will be closely associated with this initiative.

6.1.2. The Commission will continue to produce a bi-annual social protection report (second half of 1995 and 1997) so as to provide an up-to-date analysis of Member States' social protection systems and policies. It will also continue to develop the Missoc (Mutual information system on social security within the Community), which provides an analytical tool through the publication of comparative tables and periodic newsletters, as well as Esspros (European system of social protection statistics). Arrangements for strengthening Missoc will be reviewed during 1996.

6.1.3. In addition, building on the discussions at the informal meeting of Social Security Ministers (2 February 1995), the Commission will present a communication on the financing of social security. The communication will look at ways of improving the coordination of the different national systems with regard to the recovery of social contributions, prepare an inventory of the benefits that could accrue from increased cooperation and consider how to reconcile the reforms in hand with the smooth operation of the single market (second half of 1995).



6.1.4. **Complementary health insurance:** this kind of insurance, which supplements public provision, plays an important role in many Member States. The Commission will present a communication assessing the current situation and identify problems and obstacles which these insurance schemes may pose to mobility within the European Union (second half of 1995).

6.1.5. **Care insurance for persons becoming dependent:** as the Union's population ages, increasing numbers of people in our society are becoming dependent: they need long-term help and constant care. An expert discussion is planned for 1995, to prepare the ground for a comparative report. The Commission may then present a recommendation on this issue (1997).

6.1.6. The Commission will also present a second report on Recommendation 85/308/EEC on social protection for volunteer development workers (first half of 1996).

## Poverty and social exclusion

6.2.1. The Commission will continue to press for the urgent adoption by the Council of the final phase of its action programme to combat social exclusion and promote solidarity (Annex). The question of building a new relationship between work and welfare will be examined in the context of the framework initiative on the future of social protection. The year 1996 will be dedicated to the opening-up of a Europe-wide debate on poverty and social exclusion as the basis for identifying the scope for concerted action. A report on all relevant Community actions will be presented in 1996, embracing the contribution of the Structural Funds, the new specific Community research programme on targeted socioeconomic research, etc. Account will be taken of the 10 commitments adopted at the Social Summit of Copenhagen.

6.2.2. The Commission will endeavour to build on the Declaration of European Businesses Against Exclusion which was adopted by a number of major business interests in January 1995. The Commission is anxious to play its role in the follow-up to the conclusions of the Conference which is being organized by the companies concerned in London in May 1995. In particular, the Commission is prepared to support a data bank on innovative business practices in the field of exclusion, should such a facility be considered necessary or desirable. Among other things, the Commission will explore the possibility of extending the scope of the Declaration of European Businesses so as to involve the social partners, civic and voluntary bodies, foundations and trusts.

6.2.3. The Commission will continue to promote co-operation on housing issues, social developments in urban areas, and homelessness, on the basis of existing exchanges of information, regular informal meetings of Housing Ministers and support for pilot action and projects. During 1996, the Commission will draw together all its work concerning urban development and social exclusion and present a review which could serve as the basis for further consultations on the scope for action at the level of the Union.

## Disabled people

6.3.1. The Helios II programme ends in 1996. In the light of the interim evaluation of the programme (1995) the Commission will launch wide-ranging consultations on possible future Union-level action in this field.

6.3.2. The Commission will focus in 1996 on the issue of the employment of disabled persons, in the overall context of its follow-up to the European Council of Essen. The European Disability Forum will be invited to give its opinion on this subject, and on the potential of new technologies and communication systems (see also Section 10). In the light of this and other analyses from the Member States, the Commission will issue its proposals (first half of 1997). The Commission will also prepare a code of good practice on the employment of disabled people within the Commission and other European Union institutions (second half of 1995) and will initiate discussions, in the framework of the social dialogue during 1996 with a view to encouraging good practices among employers throughout the EU.

6.3.3. The Commission will present a communication on the measures to be taken to remove discriminatory barriers still facing disabled people in Europe (second half of 1995). To help facilitate freedom of movement for disabled people, the Commission will present a recommendation on reciprocal recognition of parking cards for disabled people (second half of 1995). Furthermore, the Commission will continue to press for the adoption of the proposed Directive on the travel conditions of workers with motor difficulties.

6.3.4. Finally, the Commission will present a recommendation concerning the practical implementation of the general rules adopted in 1993 by the UN General Assembly on affording equal opportunities to disabled people (1996).

## Older people

6.4.1. The Commission has recently presented a draft decision for a series of actions in favour of older people (see Annex), which it hopes will be adopted by the end of 1995 to run for the period 1996-99. These actions will follow up the European Year of the Elderly.

6.4.2. The Commission will continue to examine the demographic developments in the Member States and to produce periodic reports.

## Racism, xenophobia and anti-Semitism

6.5.1. To give further impetus to the Union-wide global strategy, the Commission will draw up a communication presenting an action plan against racism. This communication will include a Council decision to designate 1997 as European Year against Racism (second half of 1995). Account will also be taken of the conclusions which the European Council at Cannes will draw from the various inputs it requested at its meeting in Corfu, including the recommendations of the Consultative Commission on racism and xenophobia.

6.5.2. The Commission will continue to support discussions within the framework of the social dialogue on the production by the social partners of a code of conduct to combat racial discrimination at work (1995).

6.5.3. The Commission will publish an updated version of its comparative analysis of legal provisions in Member States against racism and xenophobia (first half of 1995).

## Integration of immigrants and ethnic minorities

6.6.1. The Commission will continue to take forward the actions to strengthen integration policies for the benefit of legal migrants set out in its 1994 communication on immigration and asylum policies, including:

6.6.2. **Protection of the rights of migrant workers and their families:** the Commission will adopt a recommendation encouraging Member States to adopt the 1990 UN International Convention on this subject in order to improve the position of migrant workers and their families resident in the Union and ensure that the rights accorded to them correspond to international standards (first half of 1995).

6.6.3. The Commission will continue to promote the exchange of information and experience with governments, NGOs and – as concerns local authorities – with the Elaine network. The Commission will publish a first report on the evaluation of grants to NGOs (second half of 1995).

6.6.4. **Migrants Forum:** as requested by the European Parliament, the Commission will continue to provide support for the Migrants Forum.



## 7. Public health

7.0.1. Articles 3(o) and 129 of the EC Treaty have given a major impetus to Union-level action on public health. The Commission explained how it intends to implement these provisions in its 1993 communication on the framework for action in the field of public health.

7.0.2. The role of the Community is to underpin the efforts of the Member States in the public health field, assist in the formulation and implementation of objectives and strategies and contribute to the provision of health protection across the Community, setting as a target – where practicable – the best results already obtained in a given area anywhere in the Community.

### Main new initiatives and legislative proposals

7.1.1. **Health data indicators:** a proposal for a European Parliament-Council decision aiming to provide the Community and the Member States with comprehensive, comparable and reliable data covering areas such as health status, determinants of health, health system components, impact of policies, needs and priorities (second half of 1995).

7.1.2. **Pollution-related diseases:** a communication and draft European Parliament-Council decision on a programme of action on pollution-related diseases, aiming at combating health problems related to pollution and contributing to their prevention, in particular by supporting and supplementing Member States' efforts through an exchange of information, experience, good practice and coordination of activities at Community level (second half of 1996).

7.1.3. **Accidents and injuries:** the Commission is assessing the scope for a programme on voluntary and involuntary injuries and accidents aiming at combating mortality and illness arising from accidents and injuries, in particular by supporting and supplementing Member States' efforts through an exchange of information, experience, good practice and coordination of activities at Community level. On the basis of this analysis, a programme of action could be presented (second half of 1996).

7.1.4. **Rare diseases:** the Commission is assessing the scope for a programme on rare diseases aiming at combating certain rare diseases in particular by supporting and supplementing Member States' efforts through an exchange of information, experience, good practice and coordination of activities at Community level. On the

basis of this analysis, a programme of action could be presented (second half of 1996).

### Pending proposals

7.2.1. The Commission hopes that the four pending proposals for European Parliament-Council decisions establishing Community action programmes on cancer, health promotion, prevention of drug dependence, and AIDS and certain other communicable diseases, as well as the pending proposal for a Directive on tobacco advertising (see Annex) will be adopted in 1995.

### Launching of debates

7.3.1. **Integration of health protection requirements in other Community policies:** the Commission will present a report on health protection activities in other Community policies (first half of 1995).

7.3.2. **State of health in the European Union:** the Commission will present a report on health status in the EU to provide information on health determinants and the health situation in the Member States (first half 1995).

7.3.3. **A Community system for the surveillance of communicable diseases:** disease surveillance, which involves the timely collection of validated information especially for the introduction of counter-measures and action, is the key to communicable disease control. The Commission will submit a discussion paper on this issue (second half of 1995).

### Implementation of policies

7.4.1. Reports on the previous actions concerning cancer and AIDS will be presented by the Commission, as well as a communication on the evaluation of the European Drug Prevention Week (1995).

7.4.2. The Commission will encourage cooperation between Member States in a variety of areas including fundamental health choices, access to health services, evolution of technology, health aspects of pharmaceuticals, and mobility and health provision, through regular meetings of Directors-General for health, in order to make the best possible contribution towards ensuring a high level of human health protection.

## 8. Developing the international dimension

8.0.1. Social policy is playing an increasingly important role in the external relations of the Union. The challenge for the coming period will be to ensure that the Community develops a clear, overall view of the external dimension of European social policy.

### Main initiatives

8.1.1. **Framework communication:** in the light particularly of the conclusions of the Copenhagen social summit, the Commission will present a framework communication designed to bring together the different activities under way, to define the role of the Union and procedures for cooperating with international organizations, and to propose guidelines for actions in the medium term (second half of 1996).

Five particular areas of focus can already be defined.

8.1.2. **Countries of Central and Eastern Europe:** in order to back up the measures already in hand under PHARE and the Europe Agreements, the Commission will present, in conjunction with the measures carried out in the context of PHARE and the White Paper on the internal market, a programme of cooperation for the purpose of exchanging information and practices, facilitating transfer of know-how and implementing fully the social provisions contained in the Europe Agreements. Ongoing activities exist in the field of education (Tempus) and vocational training which are being managed by the European Training Foundation in Turin.

8.1.3. **Third countries and territories of the Mediterranean region:** in the context of the new Euro-Mediterranean partnership the Commission will support measures to strengthen and develop employment creation; social security and social protection systems; industrial relations and dialogue between the two sides of industry; education and professional training; promotion of participation of women in society; health and safety at work and public health and institution building.

8.1.4. **Social issues connected with world trade:** several initiatives have been taken recently both in the context of the Generalized system of preferences (GSP) and within the World Trade Organization (WTO). With regard to the former, the Commission will establish a report on the outcome of the analyses carried out within international bodies such as the ILO, WTO, OECD on the

relations between trade and workers' rights (second half of 1996). As far as the 'social clause' is concerned, the Commission will report at regular intervals on how this issue is progressing within the various organizations concerned, taking into account the conclusions of the Presidency at the recent Social Affairs Council (27 March 1995).

8.1.5. **Bilateral cooperation:** the programme of co-operation with Japan on social and employment topics of common interest (exchanges of experts, seminars and joint studies), will be further developed. In addition, the Commission intends to build up a similar programme with the United States of America and explore, in the light of its resources, possibilities for organizing some joint actions with other industrialized countries. The Commission is negotiating an agreement with the United States on higher education and vocational training and is examining the possibility of a similar agreement with Japan.

8.1.6. **Multilateral cooperation:** the globalization of commerce and trade and the resulting trans-nationalization of social, employment and industrial relations issues have increased the importance of the role played by international organizations such as the UN, ILO, WHO, WTO, OECD, the Council of Europe and the G7. In this context, the Commission will strengthen the links with these organizations, encourage the nomination, where necessary, of contact points in the social policy field, identify areas for common reflection and cooperation, and set up agreed cooperation procedures with the international organizations concerned. The Commission will publish every two years a report on multilateral co-operation in the social field, starting in 1996. The problems linked with the exercise of the external competence of the Community in the ILO will have to be solved. The Commission will seek close collaboration with the Member States in this regard (1995).



## 9. For a more active society

9.0.1. The social reforms needed to address the challenges and massive structural changes facing the Union require a new balance between legislation and collective bargaining and an increased participation of the social partners in the preparation and implementation of Community social policy. A wide range of voluntary organizations and other representative bodies also need to be much more actively engaged in helping to reconcile economic performance with a widespread social solidarity.

### Main initiatives and new legislative proposals

9.1.1. **Development of social dialogue:** the Commission will present a communication on the development of the social dialogue to review its operation, in particular the implementation of Articles 3 and 4 of the Agreement on Social Policy, including dissemination and awareness-raising actions (second half of 1995).

9.1.2. **Sectoral social dialogue:** the Commission will complete its review of the number, mandate, scope and composition of the sectoral social dialogue committees and present a communication and relevant amending decisions designed to reinforce in a consistent manner, the linkage with the existing inter-professional consultative committees (second half of 1995).

9.1.3. **European Training Centre for Industrial Relations:** the Commission will present a communication to support the operation of a European Training Centre for Industrial Relations recently set up at the initiative of the social partners at European level, and will invite the Council to adopt a resolution endorsing the communication (first half of 1995).

### Launching of debates

9.2.1. **European Forum on Social Policy:** in line with the Declaration on cooperation with welfare organizations annexed to the Treaty on European Union, and without prejudice to the particular role of the social partners, the Commission considers that voluntary and other representative organizations should be consulted on a wide range of social issues, such as social exclusion, racism, issues concerning disability, demographic trends and ageing. The Commission will therefore periodically convene a European Forum on social policy issues involving the widest possible range of interested parties. In

the course of the first meeting, the Commission will also consult the European Forum, and the Economic and Social Committee, on the revision of the Community Charter of Fundamental Social Rights of Workers (first half of 1996).

9.2.2. In order to prepare this, and building on the outcome of the joint hearing with the European Parliament (Section 4), the Commission proposes to establish a 'comité des sages' to prepare a report.

9.2.3. **Consultative body for disabled people:** the Commission will present a proposal for a Council decision establishing a permanent consultative forum of disability organizations building on the European Disability Forum established under the Helios II programme, with a remit to advise on disability issues in all areas of Community activity (1996).

### Implementation of policies

9.3.1. **European Industrial Relations Observatory:** during 1995, the Commission will consolidate arrangements for the effective functioning of the European Observatory on Industrial Relations, in close collaboration with the European Foundation for the Improvement of Living and Working Conditions. A first report on the work of this Observatory will be produced before the end of 1996.

9.3.2. **Support for the social partners:** the Commission will present an annual report on the support provided for the social partners (second half of each year).

# 10. Medium-term social policy analysis and research

10.0.1. The enormous and rapid challenges and changes facing European societies call for greater efforts in terms of joint analysis and reflection by the Community institutions working in partnership. The Commission is taking steps therefore to strengthen its own capacity to address social policy issues in a medium-to long-term perspective. The Commission is particularly well placed to play a role by both promoting, in collaboration with the Member States, the collection of comparable, up-to-date data and by analyses on issues of common interest, and networking the activities of specialized bodies on selected themes.

10.0.2. During 1995, the Commission is reviewing the different observatories set up in recent years with a view to determining their tasks more clearly and enabling them to improve their efficiency. Where necessary these will be rationalized.

10.0.3 The Commission will mobilize all available resources in this operation, both in terms of research and active promotion of policies. It will make extensive use of the targeted socioeconomic research programme set up within the fourth framework research and development programme, and Eurostat. In addition, the Commission will promote closer cooperation with European bodies such as the European Foundation for the Improvement of Living and Working Conditions, the European Centre for the Development of Vocational Training, the European Health and Safety Agency and other bodies in the Member States. Particular emphasis will be placed on linking the different bodies in networks and on the promotion of exchanges. In this context, the Commission will look into the feasibility of setting up a system for the pooling and comparison of results of studies carried out in the Member States and by the Commission on one or more of the themes set out.

10.0.4. The Commission will give priority to furthering its own reflections on themes including: problems caused by disparities in employment and social conditions both within the EU and between the EU and third countries including trends on relocations from, to and within the EU; the question of the organization of working/leisure time considered in the widest social context; and the relationship between competitiveness, productivity, macroeconomic policy (including economic and monetary union), and social policy.

10.0.5. Particular attention will be paid to managing the social and societal consequences of the information society. During 1995 the Commission will, with the support of a high-level expert group and the European Foundation for the Improvement of Living and Working Conditions, launch an extensive debate on the social and societal implications of the information society. Most importantly, the debate will address issues of employment, education and training and how to help those who have difficulty coping with the new challenges.

10.0.6. The high-level expert group will issue its first report in November 1995, with a subsequent report in mid 1996. This will help the Commission to develop a clear picture of the social and societal issues of central concern in the information society, starting from the six priority themes mentioned in the Commission report for the Essen European Council of December 1994, (namely: impact of the introduction of new information and communication technologies on employment, on work organization, including flexible enterprise and teleworking, on social legislation, consequences on the cohesion of Europe's regions and towns, opportunities for adaptation of education systems, for improving management of systems devoted to healthcare, for improving the labour-market situation and developing human resources), and to analyse thoroughly the conditions for the optimal exploitation of the new possibilities for employment and growth linked to technological change.

10.0.7. In parallel, other subjects of particular interest will include the employment effects of liberalization in the telecommunications sector, taking into account the consequent impact on the development of new applications and services and the contribution to new employment opportunities, the promotion of sustainable production patterns and technology and the completion of the internal energy market. In the light of these reports, the Commission will present a Green Paper on the social and societal implications of the information society (second half of 1996).



# 11. Towards a more effective application of European law

11.0.1. The emphasis placed in the White Paper on the need to improve the current level of application of EU law in the social field met with widespread support. At its meeting on 27 March 1995, the Council affirmed its commitment to improve the situation in this regard. The Commission will therefore step up its efforts to ensure that Community law is properly and fairly transposed. It will also take action to review Union legislation in this field regularly so as to improve its efficiency and ensure its transparency. In this context, the conclusions of the Molitor Group will be taken into account. In addition, the Commission will take the necessary measures to promote greater awareness of social legislation throughout the European Union.

## Control

11.1.1. **Transposition of directives:** in addition to its monitoring activity, the Commission will produce an annual report on the situation of transposition into national legislation for each directive in the social field.

11.1.2. **Implementation of directives:** implementation reports play a key role in the analysis carried out by the Commission of the conformity of national implementing measures, providing a clear picture of the situation in each Member State and the need to start infringement proceedings where necessary. A specific obligation to draw up an implementation report will therefore be inserted in all future directives.

11.1.3. So far as existing directives are concerned, the Commission will adopt the implementation report for the insolvency Directive in the first half of 1995 and update by the end of 1995 existing implementation reports with regard to the situation in the new Member States (see paragraph 4.4.1 above). The Commission will also review the implementation situation for directives where no implementation report was foreseen.

11.1.4. **Enforcement of legislation:** the Commission will take forward a number of initiatives to ensure that EU social legislation is fully enforced and promote a closer cooperation with Member States and with social partners.

11.1.5. **Contact points:** in order to ensure the flow of information between Member States and the Commission, a list of contact points will be created (first half of 1995). All future directives will contain a specific obligation for Member States to notify implementing measures to the Commission together with a contact point in the respective national administrations.

11.1.6. **Committee of Senior Labour Inspectors:** the Commission will adopt a decision setting up a Committee of Senior Labour Inspectors thus formalizing the work of this Committee which has been operating informally for the last 12 years and which will help to contribute to effective enforcement of EU law in the area of health and safety at work (first half of 1995).

11.1.7. **Exchange of inspectors and best practice:** the Commission will reflect on how to extend labour inspectors' networks to fields other than those of health, safety and hygiene at work. It will launch a study assessing the general framework of national systems of inspection in the field of labour law and social security and the possible links between these fields. The Commission will also promote the exchange of inspectors, information and best practice between Member States (1996).

11.1.8. **Sanctions:** Member States, authorities must ensure that Union legislation is fully enforced through *inter alia* appropriate systems of control or sanctions, which are effective in practice and have a deterrent value. The Commission will insert in all future legislation a standard clause establishing an obligation for Member States to impose sanctions which are effective, proportionate and dissuasive.

11.1.9. **Implementation of directives by collective agreements:** in the light of the European Court of Justice case-law and the Agreement on Social Policy, and taking into account diverse national practices, the Commission will present a communication addressing the entire area of implementation of Community directives by collective agreements. The Communication will also consider and reflect on ways and procedures to involve the social partners in the process of control of transposition and enforcement of Community law (1996).

11.1.10 A clause concerning implementation by collective agreements will be inserted in all future directives, where the issues concerned may fall under the bargaining power of the social partners.

## Efficiency and transparency

11.2.1. If EU legislation is to be fully enforced throughout the Union, it needs to be simplified, updated and clarified where necessary.

11.2.2. The Commission has already put forward proposals to this effect in the areas of free movement of workers, social security and health and safety at work (see Sections 2 and 3 above).

11.2.3. In 1995, the Commission will take further action in the fields of labour law and health and safety at work with the adoption of proposals concerning collective dismissals (consolidation of Directives 75/129 and 92/56), carcinogens (updating of Directive 90/394) and biological agents (reclassification of agents in Annex II of Directive 90/679 in the light of technical progress). The Commission will also incorporate revision clauses in all future directives.

## Information and guidance

11.3.1. A broad programme of information activities is planned in order to promote awareness of European social legislation and action. The information activities will target European citizens in general, as well as specialist audiences (including companies, social partners, public administrations and NGOs). National and regional authorities also have an important role to play in providing information about programmes and policies in this field.

11.3.2. **Publications:** in addition to existing publications (such as *Social Europe*, the employment report and the social protection report), the Commission will produce a series of publications and adopt a number of documents aimed at providing clear and easily understandable information for European citizens. These will include:

- ☐ a compendium of all Union social legislation (second half of 1995);
- ☐ a guide to national implementing measures;
- ☐ a set of guides on social security for people moving throughout the European Union (first half of 1995);

- ☐ a memorandum on acquired rights of workers in cases of transfers of undertakings (second half of 1995);
- ☐ an annual report on equal opportunities for men and women (1996);
- ☐ an updating of the comparative study on labour law and industrial relations;
- ☐ a general brochure on the European Social Fund 'Human resources development across the Union' 1994-99;
- ☐ an audit manual for the use of SMEs on health and safety in the workplace.

11.3.3. **Training and guidance:** a series of information and training activities will be carried out by the Commission in 1995 and 1996 in order to provide assistance and guidance on the application of European social legislation to enterprises and individuals through the Euroguichets and EURES networks. The Commission will also carry out an information programme targeting personnel managers of large companies. The main actions in this field include:

11.3.4. the adoption of a proposal for a specific programme, SAFE, with the objective of promoting a better awareness of EU legislation on health and safety in small and medium-sized enterprises;

11.3.5. the adoption of guides on practical application of EU legislation in the field of health and safety;

11.3.6. the promotion of a number of meetings involving the social partners in order to improve and enhance the training of social partners with a view to facilitate the conclusion of information and consultation agreements within Community-scale undertakings and groups;

11.3.7. the adoption of a Communication on procedures and remedies for the implementation of Article 119 and the equality Directives with the aim of improving the knowledge of lawyers, judges and other interested parties on procedural problems encountered by complainants in sex discrimination cases.



# Annex

## Pending proposals in the social field

### Free movement and social security

Amendments to Regulation (EEC) No 1408/71 on social security for migrant workers:

- ☐ Concerning unemployment and early retirement benefits (OJ C 169, 9.7.1980, p.22)  
European Parliament 19.12.1980 (OJ C 346, 31.12.1980, p.103)  
Economic and Social Committee 10.12.1980 (OJ C 353, 13.12.1980, p. 13)

**to be withdrawn**

- ☐ Concerning the extension of the personal and material scope (OJ C 46, 20.2.1992, p. 1)  
European Parliament 13.3.1992 (OJ C 94, 13.4.1992, p. 32)  
Economic and Social Committee 26.2.1992 (OJ C 98, 21.4.1992, p. 4)

- ☐ Miscellaneous amendments (OJ C 143, 26.5.1994)  
European Parliament under way  
Economic and Social Committee 14.9.1994 (OJ C 393, 31.12.1994, p. 5)

Regulation to apply Decision 3/80 of the EEC-Turkey Association (OJ C 110, 25.4.1983, p.1)  
European Parliament 11.10.1985 (OJ C 288, 1.11.1985, p.148)

Amendment to Regulation No 1612/68 and Directive 68/360 on free movement for workers (OJ C 100, 21.4.1989, p. 6)  
European Parliament 14.2.1990 (OJ C 68, 19.3.1990, p.93)  
Economic and Social Committee 27.4.1989 (OJ C 159, 26.6.1989, p.65)  
Modified proposal (OJ C 119, 15.5.1990, p.10)

### Labour law

Draft Directive on procedures for informing and consulting workers (the 'Vredeling' Directive) (OJ C 297, 15.11.1980, p.3)

European Parliament 14.12.1982 (OJ C 13, 17.1.1983, p.25)

Economic and Social Committee 27.1.1982 (OJ C 77, 29.3.1982, p. 6)

Modified proposal (OJ C 217, 12.8.1983, p.3)

**to be withdrawn**

Draft Directive on the establishment of European Works Councils in Community-scale undertakings (OJ C 39, 15.2.1991, p.10)

European Parliament 10.7.1991 (OJ C 240, 16.9.1991, p.132)

Economic and Social Committee 20.3.1991 (OJ C 120, 6.5.1991, p.35)

Modified proposal (OJ C 336, 31.12.1991, p.11)

**to be withdrawn**

Draft fifth Directive concerning the structure of public limited companies and the powers and obligations of their organs (OJ C 240, 19.8.1983, p.2)

Draft Directive on contracts and employment relationships other than full-time open-ended contracts:

- ☐ Working conditions (OJ C 224, 8.9.1990, p.4)  
European Parliament 20.11.1990 (OJ C 324, 24.12.1990, p.96)  
Economic and Social Committee 19.9.1990 (OJ C 332, 31.12.1990, p.167)

**to be withdrawn**

- ☐ Distortions of competition (OJ C 224, 8.9.1990, p.6)  
European Parliament 24.10.90 (OJ C 295, 26.11.1990, p.97)  
Economic and Social Committee 19.9.1990 (OJ C 332, 31.12.1990, p.167)  
Modified proposal (OJ C 305, 5.12.1990, p.8)

**to be withdrawn**

Draft Directive on the posting of workers (OJ C 225, 30.8.1991, p.6)

European Parliament 10.2.1993 (OJ C 72, 15.3.1993, p.85)

Economic and Social Committee 18.12.1991 (OJ C 49, 24.2.1992, p.41)

Modified proposal (OJ C 187, 9.7.1993, p.5)

Draft Directive amending the transfer of undertakings Directive (OJ C 274, 1.10.1994, p.10)  
European Parliament under way  
Economic and Social Committee 30.3.1995

## Health and safety

Draft Decision on the ratification of the Torremolinos Convention on safety on fishing boats (OJ C 183, 10.7.1984, p.17)  
European Parliament 14.2.1985 (OJ C 72, 18.3.1985, p.110)  
Economic and Social Committee 27.9.1984 (OJ C 307, 19.11.1984, p.2)

**to be withdrawn**

Draft Decision extending the competence of the Advisory Committee for Safety, Health and Hygiene at Work to cover ionizing radiation (OJ C 111, 25.4.1987, p.6)  
European Parliament 15.4.1988 (OJ C 122, 9.5.1988, p.374)  
Economic and Social Committee 24.9.1987 (OJ C 319, 30.11.1987, p.29)

Draft Directive on activities in the transport sector (OJ C 25, 28.1.1993, p.17)  
European Parliament 14.7.1993 (OJ C 225, 20.9.1993, p.80)  
Economic and Social Committee 28.4.1993 (OJ C 161, 14.6.1993, p.1)  
Modified proposal (OJ C 294, 3.10.1993, p.4)

Draft Directive on chemical agents (OJ C 165, 16.6.1993, p.4)  
European Parliament 20.4.1994 (OJ C 128, 9.5.1994, p.176)  
Economic and Social Committee 24.11.1993 (OJ C 34, 2.2.1994, p.42)  
Modified proposal (COM/94/230 transmitted to Council on 9.6.1994)

Draft Directive on physical agents (OJ C 77, 18.3.1993, p.12)  
European Parliament 20.4.1994 (OJ C 128, 9.5.1994, p.154)  
Economic and Social Committee 30.6.1993 (OJ C 249, 13.9.1993, p.28)  
Modified proposal (OJ C 230, 19.8.1994, p.3)

Draft Directive on work equipment (modification) (OJ C 104, 12.4.1994, p.4)  
European Parliament under way  
Economic and Social Committee 23.11.1994 OJ C 397, 31.12.1994, p.13)

Amendment to Regulation on Health and Safety Agency (COM(94) 651 of 15.12.1994)

## Equal opportunities

Draft Directive on parental leave (OJ C 333, 9.12.1983, p.6)  
European Parliament 30.3.1984 (OJ C 117, 30.4.1984, p.180)  
Economic and Social Committee 24.5.1984 (OJ C 206, 6.8.1984, p.47)  
Modified proposal (OJ C 316, 27.11.1984, p.7)

**to be withdrawn**

Draft Directive on burden of proof (OJ C 176, 5.7.1988, p.5)  
European Parliament 15.12.1988 (OJ C 12, 16.1.1989, p.188)  
Economic and Social Committee 27.10.1988 (OJ C 337, 31.12.1988, p.58)

**to be withdrawn**

Draft Directive on equal treatment in social security schemes (OJ C 309, 19.11.1987, p.10)  
European Parliament 16.9.1988 (OJ C 262 of 10.10.1988, p.179)  
Economic and Social Committee 25.2.1988 (OJ C 95, 11.4.1988, p.4)

Consultation of management and labour on the reconciliation of professional and family life SEC(95) 276 of 22.2.1995

## Exclusion

Draft Decision on a medium-term action programme to combat exclusion and promote solidarity (COM(93) 435 of 22.9.1993)  
European Parliament 24.2.1994 (OJ C 77, 14.3.1994, p.43)  
Economic and Social Committee 21.12.1993 (OJ C 52, 19.2.1994, p.4)



## Disabled people

Draft Directive on transport for workers with motor disabilities (OJ C 68, 16.3.1991, p.7)  
European Parliament 20.11.1991 (OJ C 326, 16.12.1991, p.28)  
Economic and Social Committee 29.5.1991 (OJ C 191, 22.7.1991, p.2)  
Modified proposal (OJ C 015, 21.1.1992, p.18)

## Older people

Proposal for a Council decision on Community support for actions in favour of older people (COM(95) 53 of 1.3.1995)

## Public health

Draft Decision for a programme on AIDS (OJ C 333, 29.11.1994 p.34)  
Economic and Social Committee 30.3.1995

Draft Decision for a programme on cancer (OJ C 139, 21.5.1994, p.12)  
Economic and Social Committee 14.9.1994 (OJ C 313, 31.12.1994, p.8)  
Committee of the Regions 27.9.1994

Draft Decision for a programme on health promotion (OJ C 252, 9.9.1994, p.3)  
Economic and Social Committee 25.1.1995  
Committee of the Regions 16.11.1994

Draft Decision for a programme on drug dependence (OJ C 257, 14.9.1994, p.4)  
Economic and Social Committee 22.2.1995  
Committee of the Regions 16.11.1994

Draft Directive on tobacco advertising (OJ C 167, 27.6.1991, p.3)  
European Parliament 11.2.1992 (OJ C 67, 16.3.1992, p.37)  
Economic and Social Committee 23.9.1992 (OJ C 313, 3.11.1992, p. 27 )  
Modified proposal (OJ C 129, 21.5.1992, p.5)

## International

Draft Decision on the exercise of the Community's external competence at international labour conferences in cases falling within the joint competence of the Community and its Member States (COM(94) 2 of 12.1.1994)



# European Parliament's preliminary report on the White Paper on European social policy – A way forward for the Union

The European Parliament

Having regard to the Commission White Paper on European social policy – A way forward for the Union (COM(94) 333 – C4-1087/94),

Having regard to its resolutions of 10 March 1994 on the social policy implications of the EMU process and on employment in Europe,

Having regard to the Community Charter of the Fundamental Social Rights of Workers,

Having regard

to the Commission White Paper on European social policy – Options for the Union (COM(93) 350 – C4-949/93),

Having regard to the report of the Committee on Social Affairs and Employment and the opinion of the Committee on Women's Rights (A4-0122/94),

Whereas the dynamics of the internal market make it necessary for a genuine European social policy to be established,

Whereas the social dimension of the internal market must be preserved, in particular by ensuring that social protection is maintained and improved,

Whereas unemployment poses a threat to economic and social cohesion, which is a fundamental goal of the European Union as laid down in Article 2 of the EC Treaty; whereas job creation must be the primary objective of the European Union,

Whereas, given the diversity of complexity and legal systems (social legislation and social ordering), it is advisable to take Community action whose value derives precisely from the fact that it is a common endeavour, with a view to achieving a high level of standards of provision within the Union and ensuring that between the national systems,

Whereas subsidiarity should permit the development of social policy,

Whereas the process of establishing economic and monetary union must be accompanied and underpinned by a process of social convergence aimed at improving social protection levels and preventing possible adverse social consequences,

Whereas the groups most affected by poverty, unemployment and low pay are likely to consist mainly of women,

Whereas the most vulnerable social groups, including the most vulnerable in urban and rural areas, is a shared concern affecting all economies in the European Union, and, while certain Member States may have the national and local authorities, it is essential that the major problem be fully addressed in the framework of a Union policy, particularly through the next programme to combat exclusion and promote solidarity,

Whereas the Union's social policy is the most critical problem facing the European Union, and supports the priorities of promoting employment and raising living and working conditions,

Whereas the Commission's White Paper on European social policy – Options for the Union (COM(93) 350 – C4-949/93) and the Commission's White Paper on European social policy – A way forward for the Union (COM(94) 333 – C4-1087/94) are the most critical documents in the process of developing a social policy for the European Union, and support the priorities of promoting employment and raising living and working conditions, and the Commission's White Paper on European social policy – Options for the Union (COM(93) 350 – C4-949/93) and the Commission's White Paper on European social policy – A way forward for the Union (COM(94) 333 – C4-1087/94) are the most critical documents in the process of developing a social policy for the European Union, and support the priorities of promoting employment and raising living and working conditions,

Whereas it is necessary to seek a balance of Union action on the basis of a framework of principles and objectives, and to ensure that the Union's social policy is the most critical problem facing the European Union, and supports the priorities of promoting employment and raising living and working conditions,

Whereas the Commission's White Paper on European social policy – Options for the Union (COM(93) 350 – C4-949/93) and the Commission's White Paper on European social policy – A way forward for the Union (COM(94) 333 – C4-1087/94) are the most critical documents in the process of developing a social policy for the European Union, and support the priorities of promoting employment and raising living and working conditions,



# European Parliament

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# European Parliament Resolution of 19 January 1995 on the White Paper on European social policy – A way forward for the Union

## The European Parliament,

Having regard to the Commission White Paper on European social policy – A way forward for the Union (COM(94) 333 – C4-0087/94),

Having regard to its resolutions of 10 March 1994 on the social policy implications of the EMU process<sup>1</sup> and on employment in Europe,<sup>2</sup>

Having regard to the Community Charter of the Fundamental Social Rights of Workers,

Having regard to the Green Paper on European social policy – Options for the Union (COM(93) 551 – C3-0490/93),

Having regard to the report of the Committee on Social Affairs and Employment and the opinion of the Committee on Women's Rights (A4-0122/94),

A. Whereas the dynamics of the internal market make it necessary for a genuine European social area to be established,

B. Whereas this must be based on the common values which constitute the 'European social model' and which must be preserved, in particular the fundamental right to social protection,

C. Whereas unemployment poses a threat to economic and social cohesion, which is a fundamental goal of the European Union as laid down in Article 2 of the EC Treaty; whereas job creation must be the priority objective of the European Union,

D. Whereas, given the diversity and complexity of national systems (social legislation and social protection), it is justifiable to take Community action, whose value derives precisely from the fact that it is a common endeavour, with a view to achieving a minimum standard of provision within the Union and coordination between the national systems,

E. Whereas subsidiarity should permit the development of social policy,

F. Whereas the process of establishing economic and monetary union must be accompanied and underpinned by a process of social convergence, aimed at improving social protection levels and preventing possible adverse social consequences,

G. Whereas the groups most affected by poverty, unemployment and low pay are likely to consist mainly of women,

H. Whereas tackling social exclusion and the marginalization of the most vulnerable social groups, including the homeless in both urban and rural areas, is a phenomenon affecting all economies in the European Union, and, while primary responsibility rests with the national and local authorities, it is nevertheless essential that this major problem be fully addressed in the framework of all Union policies, particularly through the next programme to combat exclusion and promote solidarity,

## Guiding principles of the Union's social policy

1. Believes that unemployment is the most critical problem facing the European Union, and supports the priority objectives of promoting employment and recognizing and upholding the Community-wide goal of providing a job for every European citizen who wishes to work, and hence the obligation of public authorities to create conditions capable of generating jobs, and recalls the need for greater flexibility in national and European social policies in order to respond more suitably to the new labour-market challenges; warns, however, against covert attempts to dismantle the social model under the pretext of seeking to promote employment;

2. Considers it necessary to seek consensus at Union level on the concept of competitiveness and on minimum standards of social progress; social progress, economic prosperity, competitiveness and increased productivity must not be seen as conflicting ideas; the European Union must improve competitiveness while maintaining the welfare state;

3. Confirms its commitment to the European social model on the basis of the social market economy; takes

<sup>1</sup> OJ C 91, 28.3.1994, p. 230.

<sup>2</sup> OJ C 91, 28.3.1994, p. 224.



the view, moreover, that standards must be established at European level in order to prevent unfair competition in the social field;

4. Considers that a basis of minimum legislative provisions in the social field, to be binding and to apply throughout the Union, constitutes a suitable instrument for the achievement of a social union in parallel with EMU;

## Instruments

5. Considers that, rather than allowing a certain trend towards deregulation, legislation must remain the essential instrument for enshrining social rights in law, although it may be appropriate to simplify and update certain provisions in cooperation with both sides of industry;

6. Supports the Commission's aim of using all the opportunities offered by the Social Policy Agreement in order to promote the Union's social policy in cooperation with both sides of industry; any absence of agreement in the social dialogue should not be used to block advances by the legislative route;

7. Takes the view that the *acquis communautaire* in the social field should be accepted by all the Member States;

8. Calls on the Commission also to step up the monitoring of transposition and implementation of existing Community social legislation by means of:

- (i) greater attention to citizens' complaints;
- (ii) prompter implementation of infringement proceedings;
- (iii) recourse to proceedings under Article 171 of the EC Treaty;
- (iv) monitoring of transposition through the development of closer cooperation with national labour inspectorates and involving specialized bodies, such as the Bilbao Agency for Safety and Health at Work, the Dublin Foundation for Living and Working Conditions and Cedefop; and considers that the Commission has enough staff to permit it to achieve these objectives;

9. Considers that the revision of the Treaty on European Union in 1996 and the likely consequences of monetary union at the end of this decade are a sufficient reason to give the Union a genuinely social dimension by including in the Treaty the fundamental social rights embodied in the 1989 Charter (especially the principle of non-discrimination), incorporating the Social Policy Agreement in the Treaty, extending the powers of the Union in this field and making wider use of qualified majority voting and the co-decision procedure on social policy issues;

10. Welcomes in this regard the commitment made by the Commission to organize during 1995, in collaboration with the European Parliament, a joint hearing to assess the achievements, problems and perspectives following the adoption of the Social Charter;

11. Notes that the priorities set out in the White Paper on growth, competitiveness and employment (COM(93) 700 – C3-0509/93) – in particular those approved at the European Council in Brussels in December 1993 – continue to apply, and deplores the fact that sufficient budget appropriations have still not been earmarked to cover all projected investments, in particular, the Edinburgh and Essen Council decisions on the availability of resources, including a European Investment Fund, to finance the trans-European networks;

12. Calls on the Commission to give greater attention to the interrelationship between family policy and social insurance schemes and the problems related to the ageing of the population;

13. Reiterates its demand for social and environmental clauses to be included in international trade agreements and accordingly awaits specific proposals for the implementation of the guidelines adopted for the new 10-year international trade reference system;

## Jobs

14. Reiterates the need for an efficient economy and society, sustainable economic growth taking account of ecological obligations and accompanied by financial operations reflecting the real economy, dynamic structural changes, flexible and improved labour-market functioning, accompanied by measures to promote professional training and active and effective public employment services, taking care to ensure that social protection is not undermined by the introduction of the necessary flexibility;

15. Observes that, in order to combat long-term unemployment, comprehensive measures by manpower services organizations are necessary in respect of individual motivation, education, retraining, work experience and placement services; refers in this context to the Delors White Paper, which indicates that a budget increase from 0.17% of GNP to 0.5% of public employment services over a three-year period will result in a drop in unemployment of 100 000 in the first year, 400 000 in the second year and one million in the third year; recalls that this budget increase should not lead to an overall increase in the national budgets; underlines the importance of intergovernmental cooperation in this field;

calls on the Commission to have an ongoing dialogue with the Council on this subject;

16. Urges the Commission to pursue its plans to:

(i) develop the EURES system, while stressing the irreplaceable role of both sides of industry and accordingly urging the Commission to step up cooperation with them, and also pointing out that border areas provide a testing ground;

(ii) affirm the view that the system should be extended to the local labour-markets, in close cooperation with those responsible for administering it;

(iii) propose that a programme of accompanying social measures (language instruction, installation aid, relocation allowances) should be devised for workers taking advantage of the right to freedom of movement;

17. Stresses the importance of:

(i) investing in clean technology;

(ii) direct aid in the form of risk and start-up capital for ecological production and local initiatives forming part of the social economy;

(iii) the need to support SMUs and small craft industries by means of tax concessions or other forms of financial or management assistance;

(iv) supporting successful and innovative job-creation schemes and promoting entrepreneurial initiatives by young people and women (such as the NOW Programme);

(v) the need to support employment in the services sector, Community initiatives and local development programmes;

18. Requests the Commission to include in the future social action programme the operational proposals contained in its Resolutions of 8 July 1992 on the European labour market after 1992<sup>1</sup> and of 10 March 1994 on employment in Europe,<sup>2</sup>

19. Notes the importance of the self-employed sector in the EU; calls on the Commission and the Council to pay more attention to the fact that, in matters of fiscal and social security policy, this sector needs more support than it currently enjoys;

## Vocational training

20. Considers continuing education and training to be both a basic right of each individual and a positive response to unemployment, and therefore attaches great importance to financial measures at Community level specifically directed at education, training and further training; attaches great importance to the Commission proposal for a European collective agreement on continuing education, to be negotiated by both sides of industry, and considers that the latter should also be invited to negotiate at European level conditions for the recognition of professional qualifications; and calls on the Commission to ensure the full implementation of current rules for the recognition of professional qualifications;

21. Supports the Commission's aim of promoting apprenticeship schemes as a gateway to employment; considers it essential to lay down progressive objectives up to the year 2000 to eliminate illiteracy and the lack of basic qualifications among school leavers; proposes that the Commission should draw up a cross-border programme to help SMUs;

## Legislation

22. Considers that it is a matter of urgency to clear the bottleneck of legislative proposals which were still pending before the Council on 1 January 1995; those which cannot be adopted by the Fifteen must be adopted under Protocol No 14, which will not be possible for matters relating to fundamental rights;

23. Warns the Commission against the dangers of settling for a directive (adopted by 14 Member States) on parental leave alone, and urges it to persevere with its intention of proposing a framework directive covering all the problems of reconciling family life with professional life;

24. Urges the Commission to put forward proposals to safeguard people's equal employment opportunities, irrespective of their age, race, sex, disability or beliefs;

25. Considers that the Commission should study the possibility of proposing a framework directive on possible voluntary work-sharing arrangements, together with directives on individual dismissals, data protection for workers and the right to consultation and information in companies employing more than 50 workers; considers that the Commission should continue to develop policies relating to health and safety at work and aiming to minimize industrial hazards; calls on the Commission, accor-

<sup>1</sup> OJ C 241, 21.9.1992, p. 51.

<sup>2</sup> OJ C 91, 28.3.1994, p. 224.



dingly, to submit a fourth action programme on health and safety at work;

26. Calls for the rapid introduction of a new regulation on cross-border workers, including, in particular, provisions concerning social insurance and taxation;

27. Insists that the new proposals for directives on the various forms of atypical work should include social protection and pay equivalent to that offered for other forms of work;

### **Equal opportunities between men and women**

28. Calls on the Commission to ensure equal opportunities concerning access to all European Union training programmes and to devise measures to promote the acquisition of skills and refresher courses providing professional qualifications for women, particularly in non-traditional activities;

29. Notes that access to employment depends also on the existence and availability of appropriate provisions concerning facilities and services for the care of children and other dependants; calls on the Commission therefore to replace the 1992 Recommendation with a more binding legal instrument with a wider scope and to draw up as soon as possible a report on the implementation of existing recommendations on the subject;

30. Stresses that the third programme of action should be the subject of a detailed assessment so as to improve the structure of the various measures and prepare the way for the fourth programme;

31. Rejects the Commission's plan to settle for a communication on the reversal of the burden of proof and reiterates its demand for a directive;

32. Reiterates its request to the Commission to submit as early as possible a proposal for a directive on equal treatment of men and women for the purposes of taxation;

33. Urges the Commission to introduce codes of conduct regarding equal pay for equivalent work, training and the elimination of 'vertical segregation';

34. Notes the Commission's intention to secure an amendment to the Directive on the principle of equal treatment in respect of social security; calls on the Commission to take account of the considerable difference between men and women with regard to career patterns;

### **Trade union freedom and the role of management and labour**

35. Points to the decisive role which, given that they form an integral part of the European social model, will have to be played by the two sides of industry, collective regulation of work, and peaceful settlement of labour disputes with a view to upholding and furthering the interests of the parties concerned and promoting economic development and social progress; considers, therefore, that trade union freedom and collective bargaining must be guaranteed at all levels and that the powers-that-be must refrain from resorting to repression;

### **Social policy and social protection – active participation in society for all**

36. Calls for the concept of European citizenship to be defined more explicitly so as to ensure that the right of citizens to freedom of movement and the rights of abode and residence can be effectively exercised – in this connection, Community rules relating to all areas of social security should be updated;

37. Supports the Commission in its intention to support a plan of action to eliminate illiteracy and in its efforts to secure the adoption of a fourth programme to combat exclusion as part of an overall policy of combating poverty and safeguarding human rights, taking into account the particular situation of women; considers, nevertheless, that the Commission should go further in combating exclusion, particularly by tackling the problem of housing; insists on the need to facilitate the integration of disabled people and to take comprehensive measures to outlaw discrimination against such people, and stresses the need for solidarity between generations; and reiterates the substance of its resolution of 24 February 1994 on measures for the elderly,<sup>1</sup> while supporting endeavours to find ways of permitting full use of the contribution made by older people;

38. Reiterates its concerns about the continuing threat and consequences posed to society by the availability of drugs and the misuse of chemical substances or products including solvents and the resulting dependency

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<sup>1</sup> OJ C 77, 14.3.1994, p. 24.

problems, particularly among young people, all of which have links to the major social scourges such as exclusion, unemployment and crime in both urban and rural areas and calls for intensified Community actions, initiatives, and pilot projects covering not only prevention, information exchanges and cooperation among the Member States and NGOs but also training on a continuing basis for health professionals and teachers from primary level upwards;

39. Calls on the Commission and the Member States, further to the Commission communication of 23 February 1994 on immigration and asylum policies (COM(94) 23 – C3-0107/94), to draw up the specific proposals needed to guarantee that third-country nationals are granted equal treatment with Community nationals;

40. Calls on the Commission to submit a proposal for a directive containing measures to strengthen legal instruments applicable in the Member States concerning racism and xenophobia;

41. Instructs its President to forward this resolution to the Commission, the Council, the Economic and Social Committee, the Committee of the Regions, the governments and parliaments of the Member States and the representatives of both sides of industry.



# Council of the European Union

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## COUNCIL RESOLUTION

of 6 December 1994

on certain aspects for a European Union social policy: a contribution to economic and social convergence in the Union

(94/C 368/03)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Agreement on social policy, annexed to Protocol 14 on social policy, annexed to the Treaty establishing the European Community,

Whereas one of the objectives of the Union, in the context of the internal market and strengthening cohesion, is to promote and secure economic and social progress for its peoples, in such a way as to ensure that advances in economic integration are accompanied by progress in other fields;

Whereas the Union is thereby committed to social flanking measures to accompany the internal market and to developing the social dimension of the Community;

Whereas, in recognition thereof, all the Member States accepted at the Maastricht Intergovernmental Conference a 'policy in the social sphere comprising a European Social Fund' (Article 3 (i) of the EC Treaty); whereas that decision is the logical continuation of earlier decisions of the European Council in Hanover (June 1988) and Rhodes (December 1988);

Whereas the Madrid European Council was emphatic that 'the same importance should be given to social aspects as was given to economic aspects and that they should consequently be developed in a balanced fashion'.

Whereas the Brussels European Council on 29 October 1993 established that 'the Union Treaty offers new foundations for social policy, subject to the provisions of the Protocol annexed to the Treaty' and expressed its determination swiftly 'to implement — in all their forms — the possibilities afforded by the Treaty for a more mutually supportive Community';

Whereas the social and labour law systems, organized and developed differently as they are in the various Member States, constitute an essential basis for individuals in planning their lives; whereas at their meetings in Madrid and Luxembourg the Heads of State and Government were anxious to stress that particular attention should be paid to existing systems, traditions and practice in the Member States; whereas, specifically in Europe, the national identity of the Member States is particularly defined by their individual paths to solidarity

within society and social balance; whereas Article F (1) of the Union Treaty expressly commits the European Union to respect for national identities;

Whereas European social policy must accordingly pay particular attention to the principle of subsidiarity enshrined as a principle of law in the Maastricht Treaty (second paragraph of Article B of the Treaty on European Union, Article 3b of the EC Treaty); whereas the principle also signifies a policy of closeness to the citizen, in terms of moderation and balanced action, *inter alia* as regards the allocation of responsibilities to the Union and the Member States;

Whereas, with its guidelines for implementation of the subsidiarity principle, the Edinburgh European Council in December 1992 confirmed this fundamental principle of Community legislation and spelled out the division of responsibilities between the European Union and the Member States;

Whereas the Brussels European Council on 10 and 11 December 1993 presented an action plan for implementing the Commission's White Paper on growth, competitiveness and employment; whereas, in implementation of that action plan, the Employment and Social Affairs Council has prepared its own contribution to combating unemployment and will submit it, as requested by the Corfu European Council of 24 and 25 June 1994, to the European Council in Essen;

Whereas the social dimension is increasingly recognized outside the European Union as well; whereas this is also shown by the fact that a world summit on social development is to be held by the United Nations in Copenhagen in March 1995; whereas the European Union is participating actively in this process and is making a committed contribution to its success;

Whereas, in implementing the Commission's action programme resulting from the 1989 Community Charter of the Fundamental Social Rights of Workers, the Council has made far greater progress than hitherto publicly recognized; whereas this is particularly true as regards the technical protection of labour and legislation on dangerous substances; whereas recently, in particular with the directives on the protection of pregnant women, the protection of young people at work and the organization of working time, safety and health at work have been further consolidated by means of minimum



standards; whereas, in the sphere of labour legislation, the directive on the form of proof of an employment relationship and the amending directive on collective redundancies have been important decisions; whereas the Community has also provided quite significant social policy impetus in other fields of action; whereas in this connection mention should be made of the programmes on vocational training, on promoting equal opportunities between men and women, on the integration of people with disabilities and on combating poverty, as well as recommendations such as that on the convergence of social protection objectives and policies;

Whereas these measures have predominantly been adopted in broad agreement; whereas in future too the Council should strive first and foremost for a social policy based on consensus among all 12 Member States and at the same time ensure that the two sides of industry and other representative social groups within Europe are especially involved; whereas, furthermore, the new Social Protocol instrument offers additional opportunities, to which the European Council of 29 October 1993 expressly referred; whereas these were used for the first time when the directive on the establishment of a European Works Council was adopted,

# I

1. NOTES that by means of the Commission's Green Paper on European social policy a detailed discussion has been set in motion in the European Parliament and the Council, between both sides of industry and among the public on the choice of new areas of social policy and a timetable for the future orientation of European social policy;
2. RECALLS the Commission's presentation of its White Paper on European social policy, which summarizes the discussion taking place throughout the European Union and in which the Commission develops its ideas on the future of European social policy in 10 detailed chapters on social policy;
3. IS CONVINCED that the Commission's White Paper on European social policy represents an important contribution to the further development of social policy in the Union;
4. WELCOMES the fact that during 1995 the Commission will submit a detailed new work programme in which it will put forward its proposals for the future organization of social policy until the end of the decade;
5. EXPECTS that in so doing the Commission will also continue the constructive dialogue with the Council and in developing the work programme will take

account of the discussion held in the Council on the White Paper on European social policy and the opinions expressed by the Member States;

6. POINTS OUT that, in its conclusions of 21 December 1992 on the effective implementation and enforcement of Community legislation on social affairs <sup>(1)</sup> and its contribution of 22 September 1994 to combating unemployment, the Council has already adopted a position on areas of social policy which are also covered in the White Paper on European social policy;
7. Against this background, and without wishing to conclude the discussion in the Union and consideration of the White Paper on European social policy, hereby LISTS some central objectives towards which European social policy could be directed;

## *Improving the competitiveness of the Union and increasing the opportunities for job-creating growth*

8. REAFFIRMS its conviction that:
  - a market economy based on free and fair competition is the foundation for a dynamic development of the internal market and the creation of new and secure employment,
  - the internal market must also become increasingly open to the outside world because expanding world trade in free markets represents, especially for workers, a major opportunity to safeguard existing jobs and create additional jobs,
  - economic and social efficiency are inextricably linked and both the economy and the labour force gain from cooperation between the two sides of industry in so far as it is in keeping with national traditions and customs,
  - good industrial relations, socio-political stability and predictability in the Member States and the European Union as a whole are significant factors in the long term for the location of undertakings,
  - with its White Paper on growth, competitiveness and employment, the Commission has given significant impetus to the strengthening of competitiveness and the improvement of the employment situation in the Union,
  - in its action plan the European Council has provided the Member States and the Union with specific goals for the implementation of the White Paper on growth, competitiveness and employment;

<sup>(1)</sup> OJ No C 49, 19. 2. 1993, p. 6.

## 9. IS THEREFORE OF THE OPINION that:

- further development of the social dimension of the European Union and the strengthening of the role of the two sides of industry should be an essential pre-condition for combining market freedom with social balance,
- it is now essential for the emerging upturn in the economy to be transformed into a strong, sustainable process of growth; at the same time the efficiency of the labour market must be improved by means of specific measures so that this renewed growth creates as many jobs as possible,
- in addition, the Union's international competitiveness must be strengthened. While ruling out any form of protectionism, a fundamental consensus should be aimed at worldwide as part of a dialogue, principally with our major competitors on the world market, especially in Asia and the Pacific, so that, in the framework of fair competition as regards the location of undertakings, any economic success is used for the purpose of suitable social progress. The relevant discussions should be conducted constructively in the relevant fora, such as the ILO, GATT or subsequently the WTO, for the future organization of international trade and above all for combating forced and child labour and securing freedom of association and free collective bargaining;

*Protecting the rights of employees by means of minimum social standards*

10. NOTES that, in recent years, the Union has endeavoured to set binding and legally enforceable minimum standards in many social areas throughout the Community in order to develop European social policy. Minimum standards constitute an appropriate instrument for achieving economic and social convergence gradually while respecting the economic capabilities of the individual Member States. They also meet the expectations of workers in the European Union and calm fears about social dismantling and social dumping in the Union;
11. IS CONVINCED that, in view of the complexity and at the same time necessity of minimum social standards, progress along this road should be cautious; takes the view that this does not require a comprehensive legislative programme, but rather agreement on specific fields of action in order to build up the core of minimum social standards gradually in a pragmatic and flexible manner;
12. WISHES that the new legal base of the Agreement of the Eleven on social policy should as far as possible be employed only when the other avenues and possi-

bilities for an agreement covering 12 Member States have been fully explored;

13. TAKES THE VIEW that, in order to develop further the core of minimum standards, the two sides of industry should make their own active contributions to the finding of practical solutions;
14. EMPHASIZES that, when proposals for minimum standards are being drawn up by the Commission and when such standards are being laid down by the Council, the impact on employment and on small and medium-sized enterprises should in particular be assessed;
15. RECALLS that several Member States have already submitted specific suggestions for minimum standards in the form of contributions to the Green Paper on European social policy; while others have also cited areas in this connection in which the Union should not intervene; EXPECTS the Commission to give all suggestions careful consideration in the context of the planned new work programme;

*Respecting the principles of subsidiarity and proportionality*

## 16. POINTS OUT

that the legislation of the European Community, and the supervision thereof, as well as all other Community measures such as, for instance, programmes and recommendations, must comply with the principles of subsidiarity and proportionality, which commit all the institutions of the European Union to respect the multiplicity of economic and social traditions in the different Member States;

## 17. Therefore DEMANDS that, for Union social legislation in particular, Community legislative acts:

- take account of the situation in all Member States when each individual measure is adopted and neither overstretch any one Member State nor force it to dismantle social rights,
- avoid going into undue detail but concentrate on basic, binding principles and leave the development and transposition to the Member States individually and, where this is in accordance with national traditions, to the two sides of industry,
- be flexible enough and confine themselves to provisions which can be incorporated into the various national systems,



- include clauses which allow the two sides of industry room for manoeuvre on collective agreements,
- contain review clauses so that they can be corrected in the light of practical experience;

planned Commission work programme on European social policy to lead to a harmonized and balanced development of economic and social aspects, in compliance with the principle of subsidiarity, and refers in that connection to Title XIV of the EC Treaty on economic and social cohesion;

#### *Convergence rather than unification of systems*

18. RESPECTS the national systems of labour and social law which have evolved over generations; in the light of the principles of subsidiarity and proportionality, considers unification of national systems in general by means of rigorous approximation of laws an unsuitable direction to follow as it would also reduce the chances of the disadvantaged regions in the competition for location;
19. ADVOCATES instead gradual convergence of systems — with due regard for the economic strength of the Member States — by means of an alignment of national goals;

#### *Strengthening social dialogue*

20. WELCOMES the strengthening of the role of the two sides of industry within the social dialogue as a forward-looking result of the Maastricht Treaty and a concrete contribution to the attainment of the subsidiarity principle in social policy;
21. EMPHASIZES that all representative European organizations on the employer and employee sides, with particular reference to small and medium-sized enterprises as well, should be consulted within the social dialogue. Furthermore, the two sides of industry should, in so far as they are empowered to conclude binding agreements, be encouraged to conclude agreements on an independent basis;
22. SUBMITS that the essential features of participation by the two sides of industry pursuant to the Social Protocol can in many respects be applied in the context of the procedure laid down in Article 118b of the EC Treaty;
23. NOTES that, as a means of further defining and following up its communication on implementation of the Agreement on social policy, the Commission intends to submit a working paper on the development of social dialogue;

#### *Meshing of economic and social measures*

24. CALLS for the Commission's White Paper on growth, competitiveness and employment and the

## II

1. STATES that it intends to propose to the European Parliament, with due regard for the powers of all the institutions concerned as laid down in the Treaty:

- joint development of the social dimension of the European Union on the basis of these principles,
- active cooperation in the development of all aspects of European social policy,
- intensified exchanges of ideas;

2. CALLS UPON THE MEMBER STATES to ensure that the Community's legal provisions in the social sphere are fully applied and effectively implemented;

3. ASKS THE TWO SIDES OF INDUSTRY:

- to step up their dialogue and make full use of the new possibilities afforded them by the Treaty on European Union,
- to use the consultation procedure to provide the European Union with improved bases for the creation of a European social policy which is pragmatic and close to the citizen,
- to make use of the possibilities for concluding agreements, since they are as a rule closer to social reality and to social problems;

4. REQUESTS THE COMMISSION:

- with reference to its conclusions of 21 December 1992 on the effective implementation and enforcement of Community legislation in the area of social affairs, to ensure that Community legal provisions in the social sphere are fully enforced,
- to take particular account, when drawing up its proposals, of the effects on employment and small and medium-sized undertakings,
- to analyze more carefully the relationship between social security, employment and competitiveness, thus providing the Member States with an improved basis of information for their initiatives,

- actively to support the exchange of information between Member States regarding measures designed to curtail costs, improve labour incentives and encourage competition,
- to take appropriate measures to foster social dialogue and, in that connection primarily to encourage and contribute to the formation of groups and associations at European Union level which participate in social dialogue or similar forms of economic cooperation or are involved in consultations in accordance with practice in the Member State concerned and, as far as possible, are represented in all Member States,
- account being taken of the existing stimuli from the Member States and bearing in mind the discussion in the Council on the White Paper on

European social policy, to explore possible areas for future measures which will at the same time take account of the need for ease of application and the need for adoption by consensus,

- to take account of the principles and considerations laid down in this resolution when drawing up concrete proposals for future Community social legislation,
- to include, by means of an ongoing process, specific matters relating to women and men and to equal opportunities for them, in the definition and implementation of all Community policies and, to this end, to strive towards developing methods for the ongoing integration of equal opportunities for women and men in economic and social policies.





## Opinion on the White Paper on European Social Policy — A way forward for the Union

(94/C 397/14)

On 3 August 1994 the Commission decided to consult the Economic and Social Committee, under Article 198 of the Treaty, on the White Paper on European Social Policy — A way forward for the Union.

The Section for Social, Family, Educational and Cultural Affairs, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 10 November 1994. The Rapporteur was Mr Cal.

At its 320th Plenary Session (meeting of 23 November 1994), the Economic and Social Committee adopted the following Opinion by a majority, with six dissenting votes and six abstentions.

### 1. Introduction

1.1. With the White Paper on European Social Policy, the Commission intends to 'set out a framework for Union action ... to consolidate and build on the achievements of the past — particularly as concerns labour law, health and safety, free movement and equal treatment between men and women ... to create a new dynamic by putting forward new proposals in these and other areas, such as social protection, equal opportunities for all and public health' <sup>(1)</sup>.

1.1.1. The White Paper is 'based on the principle that Europe needs a broadly-based, innovative and forward-looking social policy if it is successfully to meet the challenges ahead.' In this sense, the Commission seeks to 'stimulate a new cooperative partnership between Member States, social partners, voluntary and civic organizations, European citizens and international bodies' <sup>(1)</sup>. The role of the social partners is nevertheless underlined: 'From now on, it is possible for European social regulation to rest on both the legislative initiative of the Union institutions and collective bargaining between the social partners'.

1.1.2. The Commission stresses that 'jobs must continue to come top of the agenda', and that the objective must be 'to preserve and develop the European social model ... to give to the people of Europe the unique blend of economic well-being, social cohesiveness and high overall quality of life' <sup>(1)</sup>. 'Economic and social progress must go hand in hand. Competitiveness and solidarity have both to be taken into account in building a successful Europe for the future' <sup>(2)</sup>.

1.2. The present White Paper on European Social Policy comes as a follow-up to the presentation and debate on the Green Paper dealing with the same subject published in November 1993.

1.2.1. The contributions collected, whether from Community institutions and Member States, or from employers' organizations, trade unions and other social institutions, all confirm that there is a series of shared values which form the basis of the European social model (see Summary of Responses — Part B of the White Paper).

1.2.2. The extensive consultation process and the large number of responses submitted are proof of the commitment to the social dimension as an essential part of the building of Europe.

1.3. For its part, the Economic and Social Committee issued an extensive Opinion tackling all the questions raised by the Green Paper, and many ESC members were involved in the debates held at both Community and Member State level.

1.3.1. In February 1989, the Committee adopted an Opinion on Basic Community Social Rights (Rapporteur: François Staedelin). In December 1989, a solemn declaration on the Community Charter of the Fundamental Social Rights of Workers was adopted by 11 Heads of State or Government, in which reference was made to the Commission Action programme for its effective implementation. In November 1993, the Green Paper on European Social Policy — Options for the Union was published, to which the Committee responded extensively in its Opinion of March 1994 <sup>(3)</sup>.

1.4. The present Opinion looks into the foundations of European social policy and considers its development over the coming years (1995-1999). Therefore, previous ESC Opinion(s) should be consulted for the content of each of the proposals presented in the various chapters of the White Paper.

<sup>(1)</sup> See the Preface to the White Paper.

<sup>(2)</sup> See the Introduction to the White Paper.

<sup>(3)</sup> OJ No C 148/35, 30. 5. 1994.



## 2. General comments

2.1. The Committee endorses the move to draw up a social policy action programme, at both EU and Member State level, in order to give social policy the requisite stability and predictability.

The action programme should take account of:

2.1.1. An examination of the measures from the 1989 action programme which have already been approved, together with their transposition by the Member States and the practical steps taken to implement and enforce them (this should lead to consultation of the social partners concerned, and not simply mean the drafting of formal reports by the Member States).

2.1.2. A re-evaluation and, if necessary, adjustment of the measures already presented but not yet approved, with a view to their rapid approval at Community level. This concerns such spheres as atypical work, parental leave and leave on family grounds, modification of the burden of proof, cross-border posting of workers, workers' rights in the event of business transfers, the revision of Regulation 1612 on free movement of workers, the extension of Regulation 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, and the fourth poverty action programme.

2.1.3. The extension of 'the floor of binding and enforceable minimum standards, as the appropriate instrument for making gradual progress towards economic and social convergence in the Union, having regard to the economic strength and capacity of the different Member States'. This could lead to proposals such as the inclusion of Community legislative proposals in such areas as protection of workers' privacy with regard to the collection, processing and transmission of personal data, equal treatment in the case of part-time work and work on fixed-term contracts, prohibition of discrimination against workers who uphold their rights or refuse to perform unlawful tasks, the right to payment of wages on public holidays and during illness, and the right of workers to be consulted on internal company matters which concern them personally.

2.1.4. Further efforts to adapt and update legislation in the spheres of occupational health and safety, free movement of workers, recognition of qualifications, convergence of social security schemes including transfer of pension rights, and promotion of equal treatment for men and women, given the fact that the role of women

in decision-making is fundamental to the progress of society.

2.1.5. The need to extend the traditional ambit of European social policy in order to tackle the growing incidence of marginalization and social exclusion, by means of the proposed initiatives (poverty, the disabled, migrants, particularly vulnerable social groups such as older and younger people, public health).

2.1.6. The need to enshrine citizens' rights in the Treaty by including 'a Treaty provision banning discrimination on grounds of sex, colour, race, opinions and beliefs'. [ESC Citizens' Europe Opinion (OJ No C 313 of 30 November 1992 — Rapporteur: Beatrice Ranganoni Machiavelli)].

2.1.7. An examination of the experience gained over recent years, including the results of the last Intergovernmental Conference, in order to prepare carefully for the next revision of the Treaties in the social sphere, in liaison with not only the European Parliament but also the ESC, so that social legislation is applied uniformly and without discrimination throughout the Union.

2.2. The Committee recognizes that the White Paper on European Social Policy offers a broader, more systematic and coordinated insight into the Commission proposals for this important sector over the next few years.

2.2.1. Proposals on European social policy should be consistent with the initiatives being undertaken pursuant to the White Paper on Growth, Competitiveness and Employment, and particularly with the action plan which is to be presented to the European Summit in Essen in December.

2.2.2. Economic efficiency and social performance capacity are mutually interdependent. The further development of the social dimension should, therefore, be an essential condition for linking economic market freedom to social fairness. This fairness can also stimulate the competitiveness of the Community. The Brussels European Summit in December 1993 established a framework for the action to be taken by the Member States. There is evidence that a number of measures have already been taken in the areas of employment, education and training, and social protection policy, and that these measures draw heavily on the suggestions made in the Commission's White Paper. However, they are still being implemented on an ad hoc basis rather than through a comprehensive programme of structural changes which should involve the social partners.

2.2.3. It is therefore important to strengthen coordination between the different tiers of action and that the

measures should be coherent with the objectives, as an integral part of a process of structural reforms.

2.3. The Committee recognizes that European Social Policy should contribute to the creation of stable, high quality jobs, as a prime source of financial security and a key element of social integration.

2.3.1. However, the attempted structural reforms of the labour market may prove fruitless if the broad guidelines of economic policy (Article 103 of the Treaty) do not single out economic growth, job creation and greater competitiveness as the macroeconomic priorities of the Union.

2.3.2. In this context, the suggestion <sup>(1)</sup> that the Social Affairs Council should link with the ECOFIN Council is a step forward but does not go far enough. What is needed is greater consistency in the policies and objectives announced at EU level in furtherance of the approach set out in the White Paper on Growth, Competitiveness and Employment, where it is stated that economic and social progress must go hand in hand.

2.3.3. The credibility of the European model as a whole depends on the extent to which employment potential is successfully utilized and genuine prospects can be offered to the unemployed. It is essential to boost the confidence of economic operators, so that the incipient signs of recovery can be converted into sustainable and permanent economic revitalization.

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<sup>(1)</sup> Point 23 of Chapter I of the White Paper on European Social Policy.

2.4. The Committee agrees that social policy measures should be subject to the subsidiarity principle. This principle should apply not only in a vertical way (EU, Member States, regions, etc.), but also in a horizontal way (the social partners).

2.4.1. Social policy instruments at Community level should therefore concentrate as far as possible on determining the results to be achieved, with the national authorities being left with the task of deciding how this is to be done. The principle of subsidiarity should not, however, be taken as an excuse for inaction or even regression in social matters.

2.4.2. The Committee also considers that, alongside the vertical subsidiarity mentioned above, conditions need to be created for effective horizontal subsidiarity. Full use should be made of the possibilities open to the social partners, particularly by agreements concluded at Community level. The social partners have a special role not only in helping to formulate social policy and employment policy, but also by participating in their implementation at national and sectoral levels.

2.5. The Committee supports the Commission's efforts to bring Member States' social policies closer together through convergence rather than through harmonization of individual state systems. Minimum social standards in particular will make it possible to move step by step towards economic and social convergence.

2.6. Given the present conditions on international markets, cooperation with the relevant international bodies (notably the ILO and the WTO) is vital to ensure respect for decent living and working conditions in all countries. The Committee has already mentioned the need for a 'social clause' in international trade agreements. It trusts that the Community institutions will take firm action on this.

Done at Brussels, 23 November 1994.

*The President  
of the Economic and Social Committee*

Carlos FERRER



## APPENDIX

## to the Opinion of the Economic and Social Committee

The following amendment, which received at least one quarter of the votes cast, was defeated during the discussion:

'2.1. 1996 will be a decisive year for the development of the European Union, when further strides will probably be taken towards closer economic cooperation and the consolidation and expansion of the Single Market.

2.1.1. A key factor in convincing the citizens of Europe of the legitimacy of European Union will be Treaty amendments striking a balance between the social and economic spheres. It is therefore vital that top priority in future discussion about EU labour-market regulation be given to the Commission's reflections in the White Paper regarding: a) the guarantee of minimum standards in social and labour-market policy and b) regulation involving a combination of legislation and collective bargaining agreements.

2.1.2. The success of the regulation model proposed by the Commission, which consists of both legislation and collective bargaining agreements, will depend absolutely on determining the foundations for such a model by enshrining basic rights in Treaty provisions once and for all. This will have the advantage of clarifying the framework for EU regulation for the future; it will then be for the Commission and the social partners to adopt legislation and/or agreements building on these basic rights.' (2.1 then becomes 2.2, and so on.)

Reasons self-explanatory.

Voting

For: 30; Against: 68; Abstentions: 9.

# Committee of the Regions

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# Opinion of the Committee of the Regions on the White Paper on European social policy: A way forward for the Union (COM(94) 333 final)

*The Committee of the Regions decided on 26 July 1994, in accordance with Article 198c of the Treaty establishing the European Community, to draw up an own-initiative opinion on the White Paper on European Social Policy – A way forward for the Union (COM(94) 333 final).*

*The Commission on Economic and Social Cohesion, Social Policy and Public Health, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 12 October 1994. The rapporteur was Mr Bodfish.*

*At its fifth plenary session (meeting of 16 November 1994) the Committee of the Regions adopted the following opinion.*

## Introduction

1. The Committee of the Regions welcomes the opportunity to contribute to the vigorous discussion currently taking place in the European Union on the future of social policy and gives a strong welcome to the White Paper and the debate it has stimulated. The Committee of the Regions wishes to emphasize the crucial role of local and regional authorities in the process of social and economic development, which it feels is not always adequately represented in the White Paper. It is, however, disappointed that consultation on social policy is not specifically provided for in the Treaties.

2. The Committee of the Regions stresses the interdependence between the White Paper on social policy and the White Paper on growth, employment and competitiveness and welcomes the focus that both documents place on unemployment, which the Committee of the Regions agrees is the single most important economic and social problem and challenge for the Union. The two documents taken together represent a comprehensive set of proposals for developing the economic and social policy of the Union into the next millennium.

## 3. The Committee of the Regions:

- ☐ believing that local and regional government already *de facto* play a major role in social policy in all countries of the Union, underlines the critical nature of developing this involvement if the White Paper objectives are to be achieved;
- ☐ noting that local and regional authorities are large-scale employers, employing in some countries of the Union up to 25% of the workforce and that as major employers they have a responsibility not only to their employees on issues relating to working conditions, equal opportunities, training and health and safety, but to the Union to help underpin the conditions necessary for economic growth, seeks full recognition by the Commission of the important role local and regional authorities have in this regard;
- ☐ acknowledging the key strategic role played by regional and local authorities in stimulating and coordinating local economic development, through involvement in urban regeneration and rural development schemes, infrastructure redevelopment and by facilitating or providing training or retraining in anticipation of local changes

in the labour-market, seeks for consultation on all proposed European Union policy development in such fields;

☐ notes and fully endorses the Council of Europe's Charter for Local Self-Government which acknowledges the need to support and nurture diversity through the granting of strong general powers to local and regional authorities, and

☐ above all, emphasizing the role played by local and regional authorities in many Member States as primary service providers in the fields of education, training, social housing, social and welfare services, transport, health promotion and the environment, asserts its pivotal position in representing the interests of local communities.

### **Jobs – the top priority**

4. The Committee of the Regions agrees with the European Council that the seven areas identified at its meeting in Brussels in December 1993 require particular attention by Member States in its action plan resulting from the Commission's White Paper on growth, employment and competitiveness, namely:

- ☐ improving education and training systems, especially continuing education;
- ☐ improving flexibility within enterprises and in the labour-market;
- ☐ the reorganization of work at enterprise level;
- ☐ targeted reductions in the indirect costs of labour (statutory contributions), particularly of less-skilled work;
- ☐ better use of public funds set aside for combating unemployment;
- ☐ specific measures concerning young people without adequate training;
- ☐ developing employment in connection with new requirements.

5. The Committee of the Regions endorses these principles. These are being implemented by the Member States – albeit with varying priority – in order to reduce high levels of unemployment. A uniform and rigid set of objectives in all Member States would, however, preclude a flexible and rapid response to regional labour-market trends, which differ by virtue of the general conditions obtaining in each region.

The aim should be to operate complementary employment policies at EU, Member State and subnational level with closer coordination within the European Union. Therefore the Committee welcomes the Commission's

proposal that cooperation with the relevant national, regional and local bodies be stepped up and given encouragement at Union level.

6. The Committee of the Regions welcomes the focus on the promotion of job creation as the top priority and the recognition in the White Paper on social policy of the contribution of different kinds of enterprises to this task in particular, locally-based initiatives and partnerships, very often initiated and coordinated by local and regional authorities with the assistance of European Union funding. These have encouraged positive and active labour-market measures, emphasizing the need to involve the community in developing creative solutions, while being responsive to national and local labour-market needs in accordance with the subsidiarity principle.

The Committee of the Regions strongly recommends that best practice from such innovative measures at local level should be fed into the debate on social policy and the forthcoming employment action plan.

7. Furthermore, the Committee of the Regions considers that the White Paper should accord more importance to territorial cohesion policies, not only on grounds of social justice, but as a way of boosting economic growth and job creation in the European Union. Regional disparities continue to be the reason for, and consequence of, the inefficient use of productive potential, resulting in social inequalities. Consequently, to achieve maximum growth and job creation, special attention should be given to the exploitation of the productive resources of Europe's less-developed regions; this can be done by providing them with infrastructures designed to bring about regional balance and increase the economic output of these regions. This will not only further economic and social cohesion, but also help growth and job creation in Europe. It is also a good formula for integrating economic efficiency with the objectives of equality and social welfare.

### **Investing in a world-class labour force**

8. The Committee of the Regions endorses the right to training for life and the expression of commitment to the development of lifelong learning opportunities for adults which do not concentrate solely on job-related training but also seek to improve general knowledge. In-service and continuing training should cover a combination of general and job-related skills. This would not only raise the education and skills level of the whole population, but would also contribute to the reduction of the human, social and economic costs of unemployment. Local and regional authorities are major providers of education and training and have a positive contribution



to make in the development of skills, in liaison with firms. Local and regional authorities can also help to meet the training needs of SMEs and have a strong tradition in many Member States of collaboration and partnership with the private sector in the provision of training.

#### 9. The Committee of the Regions:

□ welcomes the proposal to build a Union-wide guarantee that no person under the age of 18 can be unemployed; however it recognizes that this can only be achieved with the support and availability of high quality, appropriate education and training, with no displacement of the existing labour supply, and adequate funds;

□ underlines the important role local and regional authorities have in tackling illiteracy, not just for young people leaving the education system but also for adults entering retraining and supports the setting of targets for its elimination, which must be supported by the provision of appropriate training and resources;

□ believes that extending the scope and range of existing apprenticeship schemes can most appropriately be achieved through the mutual recognition and promotion of broad and modularized training to develop competencies;

□ in welcoming the proposal to increase and improve the coordinated provision of guidance and placement services, believes that this must be part of a continuum of guidance which supports progression through life and is available to all entrants to, and members of, the labour force;

□ advances the suggestion that there should be an examination of tax incentives to promote training, which should include exploration of the idea of a training levy.

### The European Social Fund

10. The Committee of the Regions wishes to emphasize strongly the importance of strengthening the involvement of local and regional authorities in the ESF partnership arrangements. It is important for the provisions to specify that Member States are responsible for ensuring that regional and local authorities, the social partners and educational establishments are involved in preparatory work. The Committee of the Regions welcomes the White Paper's emphasis on targeting more ESF funds within a regional and local framework and participation in the decision-making process to provide for quality, innovative training which effectively addresses local

labour-market needs and which covers both job-related and broader, more general skills, rather than the use of the ESF for mainstream national programmes.

11. The Committee of the Regions further welcomes the use of the new Objective 4 of the ESF and especially the need for pilot projects on retraining to adapt to industrial change to be supported under the ADAPT initiative, and suggests that Objective 4 funds be administered at regional level. The Committee of the Regions welcomes the broadening of Objective 3 from a purely training approach to encompass other areas of social policy. However, the extension of Objective 3 into new areas of exclusion combined with rising unemployment requires that much of the limited resources available must remain concentrated on Objective 3.

12. Furthermore, the broadening of the range of the ESF, also to include a new Objective 4, means that in future there is an urgent need for an increase in resources to pursue these objectives.

### Encouraging high labour standards as part of a competitive Europe

13. The Committee of the Regions agree that the Commission must prioritize the successful conclusion of those aspects of the Social Charter action programme yet to be invoked, notably proposals dealing with the information and consultation of workers, non-standard employment and the posting of workers.

14. The Committee of the Regions believes that the Social Charter and Social Protocol can play a key role in promoting a healthy economic environment based on social justice. However, further progress in this area is needed so that the single market can be achieved and the workforce throughout the Union can expect common minimum standards. To this end the Committee of the Regions supports binding and enforceable minimum standards in the field of health and safety at work, whereas common minimum standards on working conditions should be dealt with within the framework of convergence of policies, not in the form of binding directives. This approach will provide a framework which the various national systems can fit into as well as room for collective bargaining between the social partners. Recommendations on convergence might include:

□ individual protection rights on dismissal;

□ protection of the privacy of workers;

- ☐ the requirement of equal treatment in case of part-time work (where opted for) and work on fixed-term contracts;
- ☐ the prohibition of discrimination against workers who uphold their rights to refuse to perform illegal tasks;
- ☐ the right to payment of wages on public holidays and during illness;
- ☐ the right of a worker to be heard in internal private company matters which concern him or her personally;
- ☐ abolition of indirect discrimination against women in the fields of social protection and individual workers' rights.

15. There is a need for immediate action in these areas without waiting for further developments in the individual Member States, as the Commission intends to do. Great care will have to be taken to ensure that the measures focus on binding minimum standards, which will form a framework for national systems and the social partners' collective bargaining. The Committee of the Regions seeks an unequivocal undertaking from Member States to provide the necessary resources in the public sector to bring such policies to fruition.

16. In noting the emphasis placed on the Social Agreement of the Treaty on European Union, based on a consensus between employers on the one hand, and employees' organizations on the other, the Committee of the Regions believes that regional and local government should have its important role fully recognized. Without such recognition, the future progress of the social dialogue must be doubted, since strengthening and broadening of the social dialogue cannot be reached without the involvement of local and regional authorities, which are such significant employers.

17. The Committee of the Regions is a ready-made forum for discussion of labour-market and social policy issues particularly in so far as they impact upon the competences across local government.

### **Building a European labour-market**

18. The Committee of the Regions supports moves to remove the remaining legal barriers to free movement of workers as proposed in the White Paper and notes that an important part of this process is the mutual recognition of qualifications.

The Committee of the Regions would point out, however, that the further alignment of social welfare benefits and immigration policies is a *sine qua non* for complete freedom of movement of all EU citizens.

The rights of third-country nationals who are legally resident in the EU Member States cannot be extended towards full freedom of movement until Member States' provisions on immigration and asylum have been harmonized.

19. In terms of the fight for jobs and against racism and xenophobia, the Committee of the Regions believes that local and regional authorities have a crucial role; the Union should look at the many positive examples of the promotion of harmonious community relations at the local level. Local and regional governments are in the unique position of being the principal arm of governance at the community level and are well placed to tackle the disproportionately high levels of unemployment faced by ethnic minorities because of the role they play in providing the social care, education, language facilities and conditions of services appropriate to recruit and integrate ethnic minorities into the workforce.

20. The Committee of the Regions welcomes measures in the White Paper designed to encourage free movement of persons and the development of EURES.

21. Racial harmony is one of the keys to a European Union built on solidarity between its citizens, and the Committee of the Regions believes that the Union should provide increased financial support for the exchange of experience among local and regional authorities to encourage best practice in this area.

22. The Committee of the Regions supports the European Commission's intention to debate the question of explicit reference in the Treaties to combating discrimination on the grounds of sex, race, religion, age and disability. The Committee of the Regions intends to play a full part in the debate on revision of the Treaties, particularly with reference to issues of particular concern to local and regional authorities and regrets that there is no requirement in the present Treaty for consultation with the Committee on the negotiations for the review of the Treaties in 1996.

### **Equality of treatment between men and women**

23. The Committee of the Regions, noting that local and regional authorities employ a high percentage of women and therefore have much good practice to share on posi-



tive policies towards women, and have promoted better working conditions for 'atypical' workers, (the vast majority of whom are women), believes that the Commission should promote exchanges of experience between local and regional authorities in their capacity as employers to allow them to further develop best employment practices, and in order that this experience can be better shared.

24. The Committee of the Regions welcomes the intention to:

☐ follow up the child care recommendation, but believes that Member States and regional and local authorities of the EU should take a greater lead in stressing the value of nursery education, kindergarten and other forms of precompulsory schooling by promoting exchange of experience and good practice guidelines;

☐ press for the adoption of the proposed Directive on parental leave, but would also wish the Commission to research the development of new forms of work, including job-sharing, job-splitting, flexitime, moving to and from part-time work, annualized hours, seasonal working, term-time working and the use of information technology for home-working: all of these, which local and regional authorities have pioneered, have advantages to the employer as well as the employee and have a vital role to play in encouraging women into the labour-market;

☐ encourage the adoption of the outstanding proposal for a Directive on the burden of proof;

☐ develop mechanisms to integrate the equality dimension in the operation of the Structural Funds and the Community initiatives through the use of more precise targets, data collection and monitoring.

### **Social policy and protection – an active society for all**

25. The Committee of the Regions endorses the view that European social policies should go beyond employment-related issues and be directed towards social and economic integration of all citizens and that all policies aimed at economic and monetary convergence should be subject to regular monitoring and assessment as to their social consequences. Further, the Committee of the Regions supports convergence between Member States and believes that it should be upward convergence. Legislative action at European Union level should seek to set minimum standards for social protection and avoid excessively detailed legislation; the Committee of the

Regions believes social protection rights should be individualized. Furthermore, there should be a recommendation to consolidate/implement existing proposed directives instead of formulating and publishing new ones.

26. In particular, the Committee of the Regions welcomes:

☐ the White Paper's support for social protection systems throughout Europe based on the concept of the welfare state, and emphasizes the importance of putting systems in place to protect those who are out of work, in low paid jobs, or who are excluded from full participation in the labour-market because of family commitments, illness or disability, whilst maintaining the fight against unemployment;

☐ the proposal to maintain and adapt the European model of the welfare state;

☐ the proposal for a recommendation on the adaptation of social systems, notably the individualization of rights and contributions on the basis of a comparison of actual gender inequalities in social security;

☐ the proposal for a recommendation on the financing of social security setting out common guidelines to promote better adaptation of social security to employment promotion;

☐ the integrated area-based approach in the European Community's anti-poverty/social exclusion programme which was emphasized in Poverty III and stresses the importance of exchange of experience and innovation in these programmes;

☐ the commitment to ensuring that the needs of disabled people are taken into account in relevant legislation, programmes and initiatives;

☐ the proposals for a decision for further Union-wide actions to help meet the challenges of an ageing population;

☐ the Commission's proposals and measures to do away with gender-related segregation in the labour-market and supports the proposals on future action to achieve these goals;

☐ the Commission's view that consistency is needed in pursuing the task of abolishing labour-law discrimination and initiating Union-wide measures to promote the rights of women in the field of gender equality;

□ the proposals to deepen social dialogue in the field of equality of treatment, regarding them as a suitable instrument for achieving progress in this area.

27. In relation to housing, the Committee of the Regions:

□ asserting that access to affordable and adequate housing is fundamental to achieving the objectives in the areas of health, poverty, education and employment;

□ believing that there is a need to strengthen people's rights to housing and for actions to tackle homelessness; and

□ in support of the need to review the adequacy, extent and nature of service provision for homeless people, the main conclusion of the European Federation of National Organizations Working with the Homeless (Feantsa) 1993 report 'Abandoned: Profile of Europe's homeless people';

warmly welcomes the White Paper's recognition of the importance of housing in combating social exclusion.

28. However, the Committee of the Regions notes that a key factor in employment protection is the need to avoid 'poverty traps'. Therefore, the details in social security systems will have a great impact. In addition, social security systems and housing benefits need to be integrated into strategies to combat low pay.

29. In recognition of the need to provide a framework for legislation which leaves the details of implementation to national policy-makers, the Committee of the Regions wishes to propose that the EU focus attention on the outcomes of national social policies as they affect the fight against social exclusion; the development of performance indicators of social exclusion, to be monitored by the EU, would greatly assist in the achievement of this goal.

30. The Committee of the Regions wishes to see clear definition of aims and remit of the new social exclusion programme and above all stresses the need for full and formal recognition of the role of local and regional authorities in combating social exclusion.

### Action in the field of public health

31. The Committee of the Regions, recognizing the role of local and regional authorities in addressing the fundamental determinants of poor health and improving health, finds particularly welcome the emphasis in the

White Paper on preventive action, (proactive disease prevention and health promotion), rather than curative action alone. Within this approach, the Committee of the Regions notes that local and regional authorities have a key role in primary preventive measures to ensure good health: this includes in some Member States direct medical services including hospitals, minimization of exposure to risk factors implicated in the causation of disease and ill health, including air pollution, noise nuisance and the quality of drinking water and through the provision and monitoring of a safe and healthy environment in which people live, work and play.

32. The Committee of the Regions therefore welcomes the recognition, given in the White Paper, to the impact of environmental conditions on health, inequalities in health such as poverty and unemployment, and the importance of accidents, injuries and pollution-related diseases. Local and regional authorities make a significant contribution to improvements in the socioeconomic and physical environments which provide the minimum framework on which more specific and disease-oriented action can be built.

33. The Committee of the Regions invites the Commission to consider therefore, what further measures can be taken to initiate and support local and regional government programmes to improve the basic living framework on which specific action designed to make health gains and improve healthy choices can be based.

### Trade unions, employers' organizations and voluntary organizations as partners in the process of change

34. The Committee of the Regions believes that the role of local and regional government strategies in the creation of economic growth and employment cannot be too strongly emphasized, and therefore argues that the European Union can play an important role in supporting the development of local initiatives and strengthening the capacity of local areas to sustain and generate employment.

35. Therefore, while the Committee of the Regions applauds the proposals in this section of the White Paper, in particular towards increased participation of the social partners and stronger cooperation between employers' and workers' organizations, and would like to see this involvement covering participation in discussions on the scope and nature of solutions, including the financial arrangements. But there is some disappointment that there is no specific reference in this section to local and regional authorities and it does not feel that sufficient regard is placed on the vital role played by local



and regional government. The Committee of the Regions has already argued earlier in the opinion for full recognition of local and regional government in social policy discussions and has advocated the important role that the Committee can itself play in this regard.

### **Enforcement and implementation of European law**

36. The Committee of the Regions notes that under European law, local and regional authorities are recognized as organs of the State with special responsibilities to implement European legislation, especially directives. However, the relationship between legislation and agreements and the status of agreements (binding or normative) is still very unclear. This point must be clarified to avoid a plethora of different interpretations as to when an agreement is binding and when normative. It may help to establish a common culture of negotiation in which it is clearly stipulated who has the competence to negotiate. The Committee of the Regions also notes that organizations representing local and regional authorities have developed useful mechanisms for monitoring the development and adoption of European employment legislative proposals and the dissemination of advice on the application and implementation of European legislation at local and regional level.

37. The Committee of the Regions therefore believes that the European Commission's enforcement strategies should recognize the contribution and experience of local and regional authority associations in ensuring the effective and timely implementation of European law. Further support should be given for the development of such mechanisms and the exchange of information between local and regional authorities across Europe and with other European employers who would clearly benefit from this approach.

### **International cooperation in the role of European social policy**

38. While concurring with the general thrust of the White Paper on the role of European social policy in bilateral and multilateral cooperation, the Committee of the Regions considers that a specific reference is required to the pivotal role of good governance in the development of sustainable socioeconomic models.

39. The Committee therefore considers that the European Union should recognize the link between good governance and sustainable development. In this context the work programme will seek to enhance capacity

building relationships with the less-developed countries, with a view to promoting democratic and efficient local self-government and community participation in economic and social development planning.

40. The Committee of the Regions supports the suggestion that the time is ripe for a well focused policy discussion between the European Union and Central and East European countries on social issues. In addition to organizing cooperation to help formulate responses to difficulties relating to employment policies, the European Commission should extend EU measures aimed at strengthening local and regional democratic structures in Central and Eastern Europe.

41. The European Union should campaign more strongly for the introduction of certain minimum social standards in international trade agreements. However, the formulation and implementation of such standards should not be left solely to the new World Trade Organization as the body responsible for free trade in the world; the International Labour Organization should also be involved.

### **Next steps**

42. In concluding this opinion on the White Paper, the Committee of the Regions would like to emphasize:

☐ the need for the Committee to be fully consulted on the European Commission work programme presented in 1995 based on this White Paper;

☐ the need to place within the context of the 1996 Inter-Governmental Conference and the revision of the Treaties the position of local and regional government and the issues of citizens' rights. The Committee of the Regions regrets however that there is no requirement in the present Treaty for consultation with the Committee on the negotiations for the review of the Treaties in 1996;

☐ that it wishes to make a full contribution to the joint hearing with the Parliament on the Social Charter in 1995, as another key body of democratically-elected representatives and for the reasons stated clearly in the introduction to this opinion;

☐ that whilst the proposal to establish a forum for debate and discussion on social policy is a welcome one, nevertheless feels that for it to meet only every 18 months does not represent an extensive mechanism for fostering debate and involving local and regional levels.

43. Finally, the Committee of the Regions looks forward to making a continuing contribution to the development of the social policy agenda in Europe, and welcomes the impetus that the White Paper will undoubtedly give to this process.

Done at Brussels, 16 November 1994.

**Jacques BLANC**

*The Chairman  
of the  
Committee of the Regions*

**Dietrich PAUSE**

*The Secretary-General  
of the  
Committee of the Regions*













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