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COMMISSION OF THE EUROPEAN COMMUNITIES

DIRECTORATE-GENERAL FOR EMPLOYMENT,
SOCIAL AFFAIRS AND EDUCATION

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Editorial

Of the positive results obtained this year by the Community, those of the meeting of the Council of Ministers for Labour and Social Affairs on 7 June 1984 are certainly worth recording. The Ministers produced a resolution or joint conclusions on three important subjects: first, on the contribution of local employment initiatives to combating unemployment; second, on action to combat unemployment amongst women and, last, on technological change and social adjustment.

The Resolution on the contribution of local employment initiatives extends the Resolution on youth employment adopted in December 1983.[1] Its adoption is evidence that Member States are aware of the need for a flexible and decentralized device to combat unemployment. Public authorities are expressly requested to support and encourage, through their national policies, the maintenance or creation of jobs, particularly in small undertakings. The Commission is encouraged to support these initiatives, mainly through consultations and exchanges of information at Community Level, and also by financing innovative projects and studies or evaluating results obtained.

The other Resolution, on action to combat unemployment amongst women, is the follow-up to a Commission Communication on women's unemployment in the Community.[2] Here, for the first time, the Council is formally acknowledging that female unemployment has its own characteristics and that if any meaningful reduction is to be achieved, specific measures are needed to eliminate women's handicaps in employment. The Council therefore recognizes that an improvement in women's employment must necessarily be achieved through a reduction in the inequalities affecting them on the labour market in relation to men. Thus the Ministers are already paving the way to the development of positive measures on behalf of working women in order to facilitate their integration into the working world.

As to the text on technological change and social adjustment, it confirms the fact that the Ministers all believe that the introduction of new technologies is inevitable in view of the specific need to strengthen the competitiveness of European undertakings and reestablish economic growth. The social dimension of this decision lies in the affirmation that since technological change has consequences for employment, work organization and production, 'these ought to form the subject of dialogue between labour and management'. It is particularly interesting to note here that the Council's conclusions are virtually the same as those drawn two months earlier by the Chairman of the Standing Committee on Employment, the body composed of representatives of labour and management. This unanimous consensus shows that everyone – unions, employers, governments – recognize the solid and irreplaceable role which the two sides of industry can play in implementing actions advocated at Community level in the field of employment. They equally recognize the incontrovertible nature of the social consensus in maintaining an efficient economy. It must, however, be said that the idea is not a new one and that its reaffirmation – however necessary – does not guarantee its implementation in the field or by the appropriate authorities. As the reader will see in the article on social dialogue in the Community, it is not enough to want to dialogue, in this field like in others, in order to agree on commitments that are binding on all the parties present.

Nevertheless, there is no doubt that for the three subjects in question, the important need now is for a clear framework and principles on which to base future Community action. But the positive results obtained in June do not stop here: shortly before the meeting of the Heads of State and of Government in Fontainebleau, the Ministers reached agreement on the possibility of undertaking a series of actions and initiatives over the next few years. This decision constitutes a new medium-term social action programme for the Community.

The preceding programme goes back to January 1974.[3] It came into being thanks to the political impetus provided in October 1972 by the Heads of State and of Government at their meeting in Paris. Today, some 10 years later, the economic and social context has altered considerably. In spite of the array of measures taken by the Community and the Member States during those years of crisis, notably those aimed at combating rising unemployment, employment has continued to drop. On the other hand, however, new development prospects have emerged. It was therefore the moment to promote an overall appraisal of the strategies to be implemented or to pursue so as to ensure that Europe adapted as smoothly as possible. In short, Community action had to integrate the facts of a radically changing society affected by stronger international competition and fast technological change.

The new social action programme is relatively concise and forms a framework on which the new Commission will have to build. The themes and the guidelines it contains will need to be developed in close collaboration with labour and management. The areas it deals with are now more topical then ever; the emphasis is on employment, especially youth employment, and on the factors conducive to improvement: the social aspects of the new technologies and training. It also provides for the necessary adjustments to the social protection systems and for a detailed examination of the problems posed by the demographic trend.

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[1] See *Social Europe* No 0, September 1983, p. 11, and Special Issue for 1983, p. 9.

[2] See *Social Europe* No 1/84, May 1984, p. 15

[3] Council Resolution of 21 January 1974 on a social action programme. OJ C 13, 12. 2. 1974

Lastly, it strongly emphasizes the need to improve the way the social dialogue operates at Community level.

If, in the light of the results of the June Council meeting, one had to make a value judgement of their significance in the present context, it would be that valuable milestones have now been set along the road to a European social area.

Jean Degimbe

Part One
Actions and trends

The social dialogue in the Community

The European Community, being more affected by the crisis than its partners among the other industrialized countries, is also faced with a number of challenges seriously threatening its future development: monetary fragility, differing economic performances among the member countries, insufficient development of the internal market, deteriorating competitiveness in many sectors, increasing backwardness in new technologies and research, an employment crisis producing dramatic levels of unemployment – especially among young people – with labour skills ill-suited to new requirements on the labour market, and finally, a crisis in the social protection systems.

To take up these challenges, the Governments of the Member States and the main economic and social forces propose to introduce strategies at Community level which are often diverging and contradictory, despite the existence of a consensus on the objectives to be pursued.

In spite of major disagreements as to the policies and practical measures to be promoted and developed, all the parties are convinced that, on the one hand, only the European dimension is capable of guaranteeing the future of our countries and, on the other hand, the social dialogue is of prime importance to ensure that the necessary social cohesion is maintained in our societies, thus avoiding the risk of grave social disintegration.

The joint meeting of the Ministers for Economic and Financial Affairs and the Ministers for Employment and Social Affairs, on 16 November 1982, stressed the need for close and sustained cooperation with the two sides of industry in the development of Community policies and underlined the importance of the social dialogue, stating in this connection that: 'We shall be able to face up to the dangers and risks involved in the present conjuncture and remedy the situation only if appropriate policies are supported by a general willingness to accept and share the necessary costs of the process of adaptation. Close consultation between the two sides of industry is of special importance in this respect.' More recently, on 5 April last, at the Conference on employment organized in Strasbourg by the European Trade Union Confederation, the French Prime Minister, Pierre Mauroy, noted as President in office of the Council of Ministers of the Community that: 'The presence of several heads of government, along with the President and Vice-President of the Commission of the European Communities, bears witness to the urgent need for a trustful dialogue between the European governments and both sides of industry. The dialogue must be not only trustful but also constructive, with about 11 % of the working population in the Community currently unemployed.' On the same occasion, President Thorn stressed 'the particular importance which the Commission attaches to establishing a real dialogue between management and labour, especially in these difficult times of industrial restructuring and technological changes'.

This appeal for an effort to find a 'social consensus' through dialogue, which has become a constant preoccupation at all recent meetings of the Council of Europe, has not gone unanswered within the main economic and social forces in the Community.

For instance, the President of the Union of Industries of the European Community, addressing the Presidents of the Community institutions in the light of the Council of Europe meeting in Athens, emphasized the prime importance attached by heads of companies to reviving the construction of Europe and said that European industry was 'ready to participate in the combined efforts of all the parties concerned with a view to implementing this programme (for the revival of the Community) aimed at re-establishing growth and employment and guaranteeing Europe its role as a world power'. More recently, European industry sent a message to the candidates in the European elections ('Give us more Europe' – April 1984) stating that 'putting Europe back to work calls for a dialogue between the workers' and employers' representatives to bring job supply and demand more into line', and further on, after expressing the employers' grave concern with regard to the employment situation, emphasizing that since European society will inevitably have to 'move without delay into the era of new technologies, the two sides of industry are going to have to discuss the social consequences of the structural changes involved: the creation of stable and productive jobs will depend on the dialogue between the two sides of industry'.

From the workers' side, readiness to take part in the dialogue can be considered 'active' in that the initiative taken by the European Trade Union Confederation of organizing the Conference on imployment, to which were invited the representatives of the Community institutions, of all the governments of Europe, of all the political parties and of the employers' organizations, provided a unique framework aimed at promoting the social dialogue and, as the General Secretary of the ETUC said, 'at bringing points of view a little closer together . . . with a view to reaching, despite the possible frictions, confrontations and even fierce discussions . . . compromises not entirely satisfactory to either side but at least capable of breaking the deadlock'. 'To do this', President Debunne said in concluding his speech, 'we must democratize the decision-making powers, especially by enlarging the scope of social relations between the two sides of industry at all levels and involving them in the elaboration of the overall policy at Community level'.

This review of the recent positions adopted by the main interlocutors in favour of the Community's social dialogue shows, on the one hand, their profound and unanimous conviction that the search for a consensus is the keystone to ensure revival of the Community and to base its future development on solid foundations. It also confirms that all the parties concerned are ready to take part in this confrontation of respective ideas, positions and proposals with a mind open to dialogue, if

Video has made its entry into French labour relations, where it is used to expose employer-union sides of the argument. Photo: Marc Bulka · Gamma, Paris

not to compromise, considering that this is the price which must be paid to maintain the necessary social cohesion in these difficult times of deep uncertainty, unavoidable restructuring and technological changes wiht as yet uncertain social repercussions. Finally, and above all, it bears witness, 15 years after the first tripartite conference giving rise to the decision to create the Standing Committee on Employment and 12 years after the meeting of Heads of State or Government in Paris, which expressed for the first time the need 'to have growing participation by the two sides of industry in the economic and social decisions of the Community', to a shared dissatisfaction with the insufficiencies of the social dialogue, as conducted at present, and to a growing awareness of the need to improve the methods and contents so that it can catalyse the practical behaviour of the interlocutors, at both Community and national level, by mobilizing them on the basis of a consensus capable of ensuring a vigorous and lasting recovery of the European economy.

Relaunching the social dialogue and preparing for the organization of the European social area 'with a view to fully involving the social forces in the economic and technological changes determining the prospects for the revival of the Community', according to the guidelines submitted by the last meeting of the Council of Europe for the attention of the Council of Ministers, calls for prior examination of subjects which have not been studied in sufficient detail so far.

This is a question, first of all, of drawing the necessary conclusions at Community level following recognition of the fact that in all the Member States (although to differing degrees according to the different specific national conceptions and practices) the economic, industrial and social policies of the authorities largely condition, and are at the same time influenced by, the choices and behaviour of each side of industry with regard to their individual responsibilities or of both sides together in the field of their recognized contractual autonomy. The result is a constant interaction between the decisions of the authorities and the decisions of the two sides of industry, which finds concrete expression in the extensive overlapping, in each of our countries, between legislative intervention and government policy on the one hand and the results of collective bargaining and the behaviour of the two sides of industry on the other hand.

Shifting the implications of this interaction to Community level is particularly difficult and comes up against numerous obstacles; however, it is the *sine qua non* for any effective social dialogue.

This presupposes that the Community's social dialogue will develop in parallel on two different but closely linked levels: the dialogue between the Community institutions and the two sides of industry, and the joint dialogue at appropriate levels between the two sides of industry themselves.

In so far as the dialogue between the Community institutions and the two sides of industry is concerned, the bodies for dialogue already exist – the Standing Committee on Employment and the tripartite conferences – but the results obtained are generally considered to be largely insufficient.

A unique body within the Community context, the Standing Committee on Employment has the task of ensuring a permanent dialogue and consultation between the Council – or, as the case may be, the representatives of the governments of the Member States – the Commission and the two sides of industry, with a view to facilitating coordination of the employment policies of the Member States and bringing them into line with Community objectives.

Numerous efforts have been made by the President and by the Commission within the Standing Committee on Employment to improve preparations for the meetings and to produce conclusions, at the end of the discussions, which are shared by the greatest possible number of participants. In this way, a generally positive overall assessment can be made of the effectiveness of the debates conducted within this body over the last few years, especially with regard to fields falling within the competence of the Ministers for Labour and Social Affairs.

However, despite the recent progress achieved, such a positive evaluation does not prevent attention being drawn to the persistence of numerous difficulties still hindering the full de-

Mobilizing the interlocutors on the basis of a consensus capable of ensuring a vigorous and lasting recovery of the European economy. Photo: Yves Smets - Copyright 'Photo News', Brussels

velopment of the social dialogue within the Standing Committee on Employment.

The first difficulty concerns the different meaning which each of the parties involved in the work of the Committee attaches to the terms 'dialogue', 'concerted efforts' and 'consultation', especially from the point of view of each party's commitment at Community level. In fact, whilst the dialogue between the authorities and the two sides of industry is fairly widespread in all the Community Member States, the practical application of the dialogue, the fields covered, with particular reference to the autonomous contractual action of management and labour, and the undertakings in which it results are strictly dependent on each country's own conceptions and systems. The result at Community level is a degree of uncertainty in relation to both the nature of the discussions and the scope of any undertakings entered into. This uncertainty often gives rise to a lack of an unequivocal willingness between the parties resolutely to seek out the largest possible convergence and consensus and to make a real effort to negotiate.

The second difficulty relates to the still insufficient progress made (in spite of some significant advances revealed by the controversial dossier on the reduction and reorganization of working time) by those involved towards Community 'action'. One only has to recall in this respect that whilst the employers and workers have both set up their own internal discussion structures to define a coherent position in advance for their Community organization, the Community's Council of Ministers is still hesitating about firmly committing itself to this course. In fact, there is still no Community framework allowing Ministers to establish joint negotiating positions for meetings with the two sides of industry, and despite the coordination efforts made by the President before the meetings, the tendency is still for the representatives of the Member States to have heterogeneous positions. Consequently, management and labour feel in a way that they are not obliged to make the necessary efforts to seek out the essential compromises to reach a real and constructive consensus. As recently stated by the Dutch Minister for Labour and Social Affairs, if the two sides of industry do not learn to act with a greater Community spirit and if the Ministers for their part do not learn to take their decisions with the two sides of industry, the outcome of the social dialogue will still be more often than not a simple juxtaposition of respective positions, which will end up by considerably restricting the potential value of the social consensus in Community dynamics.

The result is a third difficulty which has led several observers to wonder whether there really is a firm will to promote a more profound social dialogue at Community level. In fact, there is a general worrying lack of interaction between dialogue and the consultation practised at European level and that practised at national level by the authorities and the two sides of industry in accordance with each country's own systems and methods. It is a question of capital importance for the future of the Community's social dialogue, to which one will have to come back after conducting proper in-depth analyses and debates.

However, it should be pointed out straight away that only too often at the sessions of the Standing Committee on Employment the government representatives from the Member States find themselves sitting with interlocutors who are not the same (and frequently do not have the same level of political responsibility) as those with whom they usually talk, on the same subjects, at national level. Most of the time, the labour and management delegates within the Committee are civil servants specializing in employment problems or international social questions, and therefore not having real political representativeness. This is a major reason holding back the desired overlapping between national social dialogues and the Community's social dialogue. This gives rise to a lack of convergence between the conceptions, policies and behaviour of each of the interlocutors, a convergence which is the very objective of the consensus on which the European economic and social area must be constructed.

In these conditions, whilst the revival of meetings within the tripartite conferences between Ministers for labour and economic and financial affairs on the one hand and the Commission and the two sides of industry on the other calls for careful efforts beforehand for a better definition of

either the realistic objectives actually pursued or the most appropriate working methods to be used, there can be no doubt that it is only within such a body – given the distribution of competences within the decision-making mechanisms of the Community among the different specialized Councils – that it is possible to define the outlines of an economic and social area capable of guaranteeing Europe a prosperous, competitive and solid future.

However, for the dialogue between the Community institutions to be able to develop to its full potential, it must be based on a direct dialogue on a basis of parity between the two sides of industry, which represents an essential component of the European social area.

It is undeniable, in fact, that the nature and quality of the relations of parity, together with the climate of cooperation or confrontation surrounding the relations between the two sides of industry in the fields coming under their contractual autonomy, have a great influence on the dialogue between the two sides of industry and the authorities and directly condition any possibility of social consensus. Under these circumstances, if the objective of the social consensus is regarded as essential to maintain and strengthen the social cohesion of the Community in these times of sluggish growth and radical changes, it is clear that the Community institutions cannot afford to remain indifferent to the irrefutable need to promote industrial relations at European level.

It is not a question of failing to recognize that industrial relations in the Community countries have developed within widely differing institutional frameworks and that it is difficult to compare the social climate and the trade union situation in one country with those in other countries. Over recent years, however, numerous similarities have gradually emerged which have allowed a certain capacity for 'European action' to develop within the European organizations of management and labour, despite persisting inertia in other fields.

Consequently, a willingness to conduct an active industrial relations policy within the European context should be steadily developed both at inter-trade level and at the level of the main sectors of economic activity.

In this connection, however, it should be made clear, on the one hand, that the implementation of such a policy could not be seen as a further level of commitment to be added arithmetically to the negotiation levels already in existence in each of the Member States: it should rather provide a coherent framework contributing towards the gradual convergence of the national behaviour of the two sides of industry and the national systems of industrial and contractual relations, so as to make them compatible with the major economic and social objectives of the Community, as defined by the Community institutions in their dialogue with the two sides of industry. On the other hand, it should be noted that whilst the Community institutions must continue to involve themselves in the promotion of industrial relations at European level (for which thought should be given to the advisability of designing a possible common legal framework, especially with regard to the responsibilities and disciplines inherent in a collective bargaining mechanism), it is essentially the autonomous responsibility of the two sides of industry to find the necessary will for the embryo of a European industrial relations policy finally to be implanted. In this way, management and labour would be making their irreplaceable contribution to the construction of the European area.

Carlo Savoini

Local job-creation schemes: a gamble on self-development

Over 12 million unemployed and virtual economic stagnation with no light at the end of the tunnel... The crisis has thrown Europe into disarray.

Whole regions have become museums of the industrial society, whilst large sections of the population (young people, women, immigrants and unskilled workers) are tending to be excluded from social life. Unemployment can plunge workers into a state of despair, but it can also lead them to react, on the basis that there is no point in 'waiting' for a job to come along.

It is this more positive attitude that has led to local job-creation schemes being developed, and it would come as no surprise to learn that they have been growing in number over the past few years.

Considered some 10 years ago as an adventure for a few somewhat rebellious fringe elements, this type of enterprise is now arousing considerable interest among economists and politicians alike. Local authorities in particular see these schemes as the only possibility for development in areas which investors seem to have turned their backs on for good.

It is against this background that we must view the survey conducted by the EC Commission between June 1982 and July 1983 in the countries of the Community. Twenty consultations carried out in conjunction with the OECD allowed an analysis of the socio-economic contribution and the needs of the local job-creation initiatives, whose very expression covers a complex sociological phenomenon and very distinct economic realities.

These initiatives can be 'pure' enterprises such as social and cultural entities linked to economic production. They can have various kinds of legal status (private companies, cooperatives, limited companies or even *de facto* associations). But unlike traditional small businesses, these local initiatives try to combine profitability requirements with a concern for social change.

Retraining group: management training. Photo: Vandemeulebroucke, Brussels

For some, the accent is placed on the creation of jobs for socially handicapped groups (immigrants, delinquents, handicapped persons), whilst others have established innovations in the field of labour relations and are tending to create models based on self-management and equal pay. Many promoters place their project within the more political context of developing their region or put a great deal of thought into the type of production to be encouraged (non-polluting and socially useful products). The enterprise is then seen as a way of meeting social needs which are not being satisfied by other means and as a way of steering society towards a better quality of life. [1]

Extremely heterogeneous groups

Local initiatives are generally well integrated in their environment, which can be a rural area as well as a city or an average-sized town. Their main common denominator is that they are small (10 to 15 people employed on average). However, it is difficult to estimate the exact number of jobs created in each country, especially as there is still some ambiguity as to what the very term 'job' actually means. In fact, many local initiatives operate with voluntary workers or with unemployed gaining work experience. [2]

It is just as difficult to forecast the viability of these enterprises. The phenomenon of local initiatives is relatively recent and many enterprises have not yet passed the critical threshold of three years of existence. Their promoters are usually individuals, people unemployed or on the point of

[1] There can be differences from one country to the next as to the predominance of certain types of local initiatives. In Germany, for instance, 'alternative' groups concerned with ecology and non-authoritarian labour relations are particularly active, but their non-conformity gives them little 'credibility' with the authorities or the financial institutions. In Belgium, on the other hand, the alternative world tends to favour cooperatives for the creation of new jobs.

[2] By way of an example, in 1982, during the consultation in Faulx-les-tombes (Belgium), the Fondation Rurale de Wallonie considered that about 50 local companies had created 580 full-time jobs in the region. In France, the measures introduced in 1980 to help the unemployed create their own jobs would seem to have led – with the new programme for local initiatives – to the creation of 50 000 jobs.

becoming so, but the enterprise can also be the result of action by the local or regional authorities (conversion or regional development programmes), trade unions or action groups such as ecologist or feminist movements.

What training?

Local employment initiatives involve highly labour-intensive activities. Due to lack of resources, they are often found in relatively unskilled sectors (agriculture, salvage, renovation, machinery repairs, etc.), but this is obviously not a hard and fast rule. Many of them have diversified and some have had no hesitation in turning to new technologies.

The training of workers is a major problem encountered in most local initiatives. One cannot improvise at being a 'manager' any more than one can as an accountant, yet many promoters have been driven into becoming employers by force of circumstances. They have learnt how to manage an enterprise by 'trial and error', but continue to feel that their lack of recognition is a substantial handicap. In addition, training is often inappropriate for the enterprise or inaccessible to the workers.

That is why bodies specializing in technical and financial assistance for enterprises are regarded as indispensable for the development of local initiatives. In France and Great Britain, these specialized management bodies are particularly numerous and effective.[1] These associations are set up in a region to encourage local initiatives which are being introduced or already exist. They offer a whole series of services from worker training to market research, technical and legal advice, marketing assistance, etc.

Unfortunately, worker training is not the miracle solution either. Even with adequate assistance, some local initiatives have been unable to get off the ground or to continue their activities. The main problem is still financing. Practically all these new enterprises are undercapitalized and this lack of money remains a handicap throughout the various stages of their development.

Retraining group: training must match the enterprise set up. Photo: Vandemeulebroucke, Brussels

Countless numbers have had to close down because they have been unable to make the necessary investments. With local initiatives being high-risk, low-profitability enterprises, it is difficult for them to obtain money from banks. Even in countries like Great Britain and France, where money is more readily available for the promoters of local initiatives, the latter still complain about the administrative difficulties encountered and the waiting periods involved in obtaining financing. The most positive results seem to be obtained in areas where the financing of job-creation schemes is recognized as being the responsibility of the local authorities.

Essential support

Even though they have some genuine advantages in their flexibility and the adaptation of their production to suit the requirements of their clientele, most job-creation schemes accumulate handicaps through the lack of capital or training on the one hand, but also due to the demands at social level. It is not an easy job to manage an enterprise in 1984 to begin with, but when to these economic difficulties is added the desire for self-management or employment of marginalized workers, it becomes a real feat. To a certain extent, local initiatives serve to 'plug the gaps' in governments' social programmes by rendering services to the population which are not remunerated. These social or ideological concerns obviously have repercussions on working conditions. Many workers put in longer hours for less pay than in normal enterprises. That is why some trade unions were suspicious – in the beginning – about

[1] In France, there are some 40 'Boutiques de Gestion' calling for 'new' entrepreneurs such as unemployed workers, social workers and regional development agents. They were set up in collaboration with traditional economic promotion bodies (Chambers of Commerce) and offer their services both before and after enterprises are created. In Great Britain, 140 Local Enterprise Trusts and Agencies have been set up on the initiative of local authorities, employers or non-profit-making organizations. Some even provide premises and risk capital for young enterprises.

local initiatives, which they claimed constituted a form of social regression. But with unemployment running so high and with the trade unions needing to keep in contact with their members, they have gradually come to invest in this type of action. And in some countries today, they are the main driving force behind local job-creation schemes, as is the case in Italy, for instance.

The State too can and should play an important role in the promotion of local initiatives. Broadly speaking, promoters want substantial decentralization, giving the local authorities the means and the powers to take charge of the economic development of their region. Helping to set up enterprises also presupposes more flexible social legislation, making it easier, for example, for the unemployed to retrain and change their occupational status. Similarly, access to financing should be facilitated. State subsidies for management bodies would seem to be the most appropriate way to help local actions without distorting the conditions of competition. It is difficult to measure the present and future impact of local initiatives in the economic development of a region. The promoters of local enterprises are the first to recognize that this kind of action is not *the* solution to unemployment, but at least, they say, we can help people to stand on their own feet again and get out of the state of social exclusion in which unemployment has placed them.

In fact, it is as if the hopes kindled by these initiatives were as important as the concrete results obtained. The most sceptical will see them as a sophisticated form of 'ergotherapy' for the unemployed. Perhaps we can also detect in local initiatives the first signs of a resurgence of the regions, through the acquisition of a capacity for self-development.

Not just workers but people
Migrant workers in the European Community

The migration of workers is not a new phenomenon in Europe, but before the Second World War it was restricted to certain sectors, particularly coal mining. The 1950s and 1960s saw the beginnings of a movement of the industrialized areas of the Community which assumed much greater proportions and did not decline significantly until 1973/74. The nature of the phenomenon has changed completely in the last 15 years: in 1959 some three quarters of migrant workers came from the six Member States at that time, particularly Italy, but thereafter the situation gradually reversed: in 1973 73 % of migrant workers in the enlarged nine member Community came from non-member countries, particularly in the Mediterranean area and – in the case of the United Kingdom – the former Commonwealth. At that time the number of immigrants employed in the EEC was put at 6.6 million; if members of their families are included, the figure rises to some 12 million.

With the onset of the crisis, the main host countries called a halt to the mass recruitment of foreign workers. After an initial period of extremely severe restriction on new immigration and considerable return migration (1974-76), the migrant workforce has become relatively stabilized at a level not very different from that of 1973. Since stabilization has meant the foundation and reunion of families, migrant population has increased to perhaps 14 million, about 75 % non-Community in origin. New movements have been minimal, but have included a notable influx of refugees (about 450 000) and illegal migrants. Migrants have continued, despite the crisis and a high rate of unemployment, to offer themselves for those jobs which are still not acceptable to the native population, because of their hours or conditions of work, the low wages, the need for mobility, etc.

Photo: Paul Versele · Copyright 'Photo News', Brussels

The current situation of migrant workers

We will look first at the rights of migrant workers from the Community.

Rights of Community citizens

Any Community citizen has the right to take up an occupational activity in any Member State. He has the same right to take up available employment as nationals of that State and may move freely within the Community in search of employment.[1] For example, an Irishman who now wishes to work in Italy may spend three months there in search of a job. He can also seek the help of the Irish authorities with regard to information on vacancies in Italy and the occupational skills required.

To make it easier for the employment authorities to obtain preliminary information on supply and demand on the labour market, the European system for the international clearing of vacancies and applications for employment (Sedoc)[2] was set up in conjunction with the competent authorities of the Member States.

If the person in question finds a job and is taken on, he must first be granted residence in Italy and, second, he may not be treated differently from an Italian worker because of his nationality: he has a right to the same conditions of employment, the same pay, the same protection against dismissal, etc.

The spouse, children and grandchildren under the age of 21 as well as parents who are dependent on our Irish migrant worker have a right of residence in the country of employment. If his children live in Italy, they have a right to education and vocational training under the same conditions as Italian children. They are also entitled to free reception tuition in the language of the host State.[3]

The Irish worker may join a trade union and stand for election to the Works Council as a trade union representative. He may, however, be excluded from taking part in the management of bodies governed by public law or from holding an office governed by public law.[4]

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[1] Cf. Council Regulation (EEC) No 1612/68 of 15. 10. 1968, OJ 257, 19. 10. 1968.

[2] Abbreviation of the French 'Système européen de diffusion des offres et demandes d'emploi enrégistrées en compensation internationale'.

[3] Council Directive of 25. 7. 1977, OJ L 199, 6. 8. 1977, p. 32.

[4] See page 26: 'Nationality condition for access to employment in the public service and free movement of labour'.

In the event of unemployment or temporary incapacity for work, he may at first continue to live in Italy. If, however, he is unemployed for more than a year, there is a risk that he will be granted a residence permit for only a limited period, which must, however, be at least 12 months.

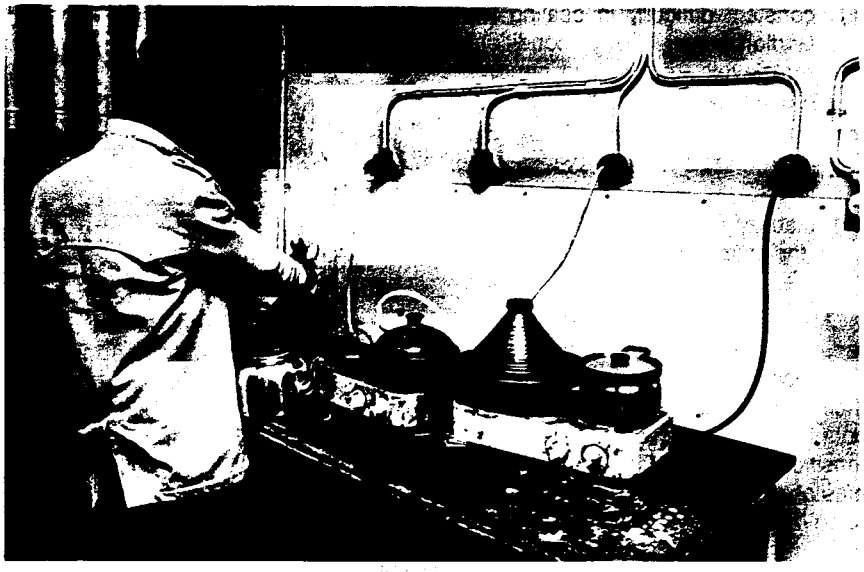
As regards taxes and social insurance, the Irish worker must be treated in the same way as an Italian. If he has already acquired pension rights in another Member State, the periods of calculation are added; he may draw his pension in either Italy or his native country.[1]

Workers from non-member countries

Migrant workers from outside the Community are in a much less secure position. Their legal position depends on the status granted to them by the respective host country, i. e. on its laws on foreigners or on bilateral and multilateral agreements with the country of origin. Workers from non-member countries cannot freely enter a Community country in order to take up employment; they require a contract of employment in advance and have to undergo an official authorization procedure.

A lack of basic vocational training is the first obstacle for most. During their stay in the host countries, workers from non-Community countries generally do not have an opportunity to undergo vocational training; the majority never get beyond the level of an unskilled worker. Furthermore, the skills that they do acquire can very rarely be used in their native countries. To give just one example: 45 % of the Senegalese living in France work in the motor vehicle industry, 20 % in the textile industry and 15 % in road building. Scarcely any of them work in sectors which are important for the development of their own country: agriculture or the foodstuffs industry.

Having used migrant workers as labour in its industries for decades, the Community is now faced with the problem of a large group of foreigners who bear all the burdens of society but do not have the same share in its benefits as nationals.



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We will consider just one aspect in greater detail: housing.

The housing of migrants

Migrant housing means living in the less-favoured districts of cities and towns. These areas provide migrants with accommodation at a cost which, while extortionate for the poor facilities provided, is less than that of rented public sector housing (supposing they qualified for it), and leaves them with some possibility for saving, the main reason for emigrating in the first place. This arrangement also suits migrants, who are dependent on public transport or who want to live in proximity to their employment, or to those possibilities which exist for them, for example, in the services or in sub-contracting, in an increasingly compartmentalized labour market.

While this situation was not considered abnormal in the beginning, it is not acceptable in the longer run either to migrants or to the native population. There are very few true 'ghettos'. Nonetheless, the quarter which might have been the place where integration begins develops a characteristic network of social organizations, unscrupulous lodging-house keepers, legitimate and clandestine labour markets, a social hierarchy dominated by fellow countrymen who are longer settled, perhaps a criminal sub-culture.

These images, sharpened by media comment, serve to widen the gulf between migrants and the native population. Public disturbances have brought all these issues and indeed the wider issues of racial harmony before public opinion.

The migrants themselves do not necessarily accept these conditions. They are increasingly inappropriate to the needs of large, growing and, in practice, settled families. What surveys we have of migrant opinion indicate that housing, rather than the hostility of the native population, is the grievance most acutely felt. There is much evidence as to:

(i) failure of migrants to obtain access to housing to which they ought to be entitled, whether through discrimination, lack of information, or failure to cope with administrative procedures;

[1] See *Social Europe* Special issue 1983, p. 33.

(ii) constant difficulty in dealing with landlords over tenancy conditions, rent levels, repairs and improvements;

(iii) lack of access to normal sources of finance for mortgages and loans;

(iv) inability to benefit from State aids (for example, for house improvements).

Many solutions have been attempted – to what is after all the quintessential urban problem of our time. All have their drawbacks and all have proved counter-productive on occasion. Intensification of social and welfare benefits and services to migrants can lead to an increasing burden from infiltrating migrants from other areas. Dispersal of migrants to public sector housing in outer city areas simply leads to further alienation, violence and poverty if divorced from labour market opportunities.

Thus, in many ways we are no nearer a solution to the problems than we were in the first days of the Community's direct involvement with the migrant housing problem.

Nevertheless, the Commission's efforts have shown the importance of enabling migrants to take advantage of those opportunities which are now available to them. Community based information and advisory services have helped migrants to gain access to these housing benefits to which they are entitled and, where need be, to organize effectively in defence of their legal rights. Migrants have been encouraged to reduce their dependence on fringe banks and money lenders.

Recent Community-assisted projects have tried to bring together unemployed and homeless black youth, property needing renovation or reconversion and training in building skills on the job, a difficult pioneering job, but one which at the very least preserves hope. This is perhaps the most important task, until such time as it is really possible, politically and economically, to mount a sustained onslaught on housing conditions, which remain an affront to decency and dignity.

Common trends in the policies of Member States

In spite of a number of differences, common trends can be seen in the Member States' policies towards foreigners.

Almost all countries are making efforts to restrict the entry of foreign workers and to impose tighter controls on members of workers' families wishing to join them. As early as April 1974, Belgium imposed a ban on entry for workers from non-member countries and adopted measures in 1983 to make immigration even more difficult. For example, further restrictions have been imposed on the rights of members of workers' families to join them, which even before applied only to spouses and children under the age of 21. In addition, foreigners may in future be refused the right to register in certain communes with a high percentage of foreigners.

Like Belgium, the Federal Republic of Germany imposed a ban on the recruitment of foreigners from non-member States at the end of 1973. In principle, no work permits have been issued since then for first jobs, except for members of the workers' family joining him. Here, too, the Minister responsible expressed the intention of lowering the age limit for workers' children wishing to join them.

Some Member States have gone beyond this in seeking to reduce the actual proportion of foreigners in the total population by encouraging them to return to their countries of origin. As early as 1977, France took measures to this end and these have recently been complemented by bilateral agreements on reintegration aid for those wishing to return. The Federal Republic of Germany also recently introduced similar measures for a limited period: workers from some non-member countries affected by short-time working or the partial or total closure or winding up of their firm may claim a repatriation grant of DM 10 500 plus DM 1 500 for each under-age child living in Germany.

Workers wishing to return to their country of origin are also entitled to an individual grant to further their occupational reintegration in that country, e.g. technical guidance or investment aids if they wish to set up a business.

In addition, the Member States are taking steps to curb illegal immigration and clandestine employment and the abuse of the right to asylum. Greece, for example, imposes penalties on both workers who are not properly registered and firms employing them, whereas the United Kingdom penalizes the employer only.

However, the measures taken in recent years have not all been of a restrictive nature. In view of the stabilization of the immigrant population, Member States have expressed their intention of doing more to help foreigners integrate. Efforts are being concentrated on education and training programmes, measures in favour of the second and third generations and action to combat intolerance and xenophobia. For example, Belgium is making it easier from January 1985 to acquire Belgian citizenship, while the Federal Republic of Germany is encouraging pre-training and vocational training for young foreigners. Similarly, Luxembourg adopted measures on pre-school education for foreign children and is also planning to include tuition in the mother tongue and on the native culture of foreign children in the normal school timetable.

Denmark and the Netherlands stand out above all other States in their efforts to encourage integration. In Denmark, foreigners who have lived in the country for at least three years are able to vote and stand as candidates in local council elections; and in the Netherlands a similar arrangement is being prepared for the local elections in 1986. This country has also incorporated the principle of equal treatment for ethnic and cultural minorities in its constitution.

Of course, the solutions to the problem adopted by the Member States are often subject to severe criticism. The

Almost all countries are making efforts to restrict the entry of foreign workers and to impose tighter controls on members of workers' families wishing to join them.
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repatriation grants, in particular, are seen as a two-edged affair, first because they could indirectly confirm the prejudiced view that foreigners are responsible for the high rate of unemployment, and second because they are in fact only composed of the money to which foreign workers are entitled in any event, since they have paid their social insurance contributions for a number of years. Moreover, the amounts would not be enough to start a new life in countries where the employment situation is in most cases even worse than in the EEC.

Citizens' associations and organizations opposed to racism complain that not enough is being done to counter racist and xenophobic acts. They criticize the fact that foreigners are often used as scapegoats for social problems whatever their causes.

Community policy on migration

The spirit of Community policy

Freedom of movement of Community workers, along with freedom of movement of goods and services, is a basic principle on which the European Communities were founded. The Treaty of Rome conceives of such movement, not only as an essential condition of achieving economic and social progress, but as serving the objective of that 'ever closer union among the peoples of Europe', of which the Treaty speaks. While the Treaty addresses itself specifically to migration of workers who are nationals of Member States, it confirms 'the solidarity which binds Europe and the overseas countries' and stands generally for the progressive abolition of restrictions within the international economy. This solidarity is seen in the efforts to achieve equal treatment for migrant workers from non-Community countries as regards pay as well as other working and living conditions.

The historic development of Community policy

Community policy on migration has developed within three fairly clearly defined periods. The first period ends with the coming into full effect of the basic provisions of the Treaty of Rome on free movement with the adoption of Regulation (EEC) No 1612/68 of the Council of 15 October 1968, on freedom of movement of workers within the Community. The second period takes us up to the end of 1974, when, in response to the challenge of massive migration of labour, largely from third

countries, the Commission defined its position in an 'Action programme in favour of migrant workers and their families'. The programme was subsequently adopted in a Council resolution of 9 February, 1976.[1] The third period spans the onset of the economic crisis, the beginning of severe restrictions on migration from third countries and, broadly speaking, the political challenge to liberal, progressive assumptions about social integration, which characterized the action programme.

The consolidation of free movement

Regulation No 1612/68, concerning the right of free movement, remains the corner-stone of the edifice of Community legislation, which also covers such matters as the right of residence of workers after they have ceased to be employed, the scope of any exclusion from free movement on grounds of public policy, public security or public health, the adoption of necessary measures in the field of social security, the exercise of trade union rights.

The edifice is not complete. Much remains to be done to make free movement the simple, normal, and positive reality envisaged in the Treaty. Emigration procedures need simplifying. There should be more joint recognition of qualifications, more acceptance of the need for education and vocational training employment policy to adapt to a labour market, conceived in European terms. Progress in extending political rights to migrants from within the Community has been painfully slow. It can be fairly said, however, that the edifice of Community law and practice has not only stood up to the constant attempts at erosion to which it has been subject in difficult times. The efforts of the Commission and the creative jurisprudence of the European Court of Justice have ensured that here at least, European construction has continued.

The challenge of third-country migration

It was acknowledged that this migration from third countries had contributed to a faster rate of growth than would otherwise have been obtainable. The flexibility of migrant labour also facilitated adjustment to short-term changes in demand, both nationally and in individual enterprises. These gains, for migrants and for native workers, had to be balanced against the social costs – bad living and working conditions for most migrant workers, the overloading of social infrastructures and adverse environmental effects. The right of residence of these migrant workers, their rights to be joined by their families, their place in the labour market in the society of the host country depended on the status granted by the latter one.

Third-country migration – Community objectives and strategies

In these circumstances, the Community, while maintaining the distinction between Community and non-Community migrants, set itself the objective of achieving equality of treatment for non-Community workers, as well as for members of their families, in respect of living and working conditions, wages and economic rights. It is significant that this objective should have been set down at a time of incipient economic recession and general ambivalence about the future of migrants in the Community.

The action programme, adopted by the Council in February 1976, sets out the broad lines of the Community's strategy for the attainment of this objective. Firstly, where problems were common to Community and non-Community workers, as in education, housing, vocational training, health and safety, Community action was to be extended to include both categories. Secondly, it was accepted that the social integration, to which these measures were designed to contribute, would not be achieved if illegal immigration was allowed to go unchecked. Member States must therefore cooperate to repress trafficking and abuses. Thirdly, it was envisaged that consultation between Member States on migrant policies *vis-à-vis* third countries should be greatly strengthened, whether through existing institutional bodies, such as the Advisory and Technical Committee, or otherwise.

The Advisory Committee

In 1961, the Community set up a body to promote cooperation between the Member States: this body is the Advisory Committee which is responsible for matters concerning the freedom of movement of workers and their employment. The Treaties of Rome had not done away with the problems; rather the principle of freedom of movement now had to be translated into practice. As the Commission was of the opinion that the labour market could not be managed without the participation of the two sides of industry, the Committee was set up on a tripartite basis: there are six members for each country, two representing the Government, two the employers' associations and two the trade unions.

It delivers an opinion on any new draft directive or regulation aimed at facilitating freedom of movement in Europe. It helps to ensure, before decisions are taken, that the interests of the Member States and the two sides of industry are taken into account and coordinated.

The main concerns of the Committee in recent years have been checks on illegal immigration and clandestine employment, the implementation of the Directive on education for migrant workers' children, the problems of second generation immigrants and the coordination of national policies on migrant workers.

These strategies have enjoyed only a limited success. The Council has not, for example, acted on the Commission's proposal for a directive on illegal immigration and illegal employment, submitted in 1976. It has not so far proved possible to obtain that strengthened cooperation which might, for example, have achieved such practical

[1] OJ C 34, 14. 2. 1976.

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results as the creation of a standard form of bilateral agreement for use by Member States and third countries. It has, however, been possible to introduce social provisions into certain Community cooperation and association agreements. New ground was broken by the declaration of the Council confirming its political resolve to achieve the objectives of the Directive on the education of the children of migrant workers for the children of non-Community as well as Community migrant workers (1977).

Since then a number of projects have received financial support, from the European Social Fund among other sources, to help make sure that particularly successful pilot projects, e.g. on the integration of foreign children in schools, are continued and developed. We would like to present one of these projects here.

A pilot project assisted by the European Social Fund in Stommeln on the Rhine

'When we started our school here, people thought that we had taken away their hospital'; this is the way Fr. Lombardi describes the attitude of the inhabitants of Stommeln to the Germano-Italian lower secondary school there. It all began in 1968 with a purely Italian 'Scuola Media' in the former hospital on the outskirts of the small suburb of Cologne.

In 1975 the school authorities, the Archdiocese of Cologne, completely changed the nature of the operation. A brief description would be as follows: the Pope John XXIII Institution consists of a lower secondary school and a boarding section. The school is attended by some 300 German and Italian children, of whom 220 are boys and 80 girls. Barely a third are German. The Italian pupils can obtain the Italian intermediate school certificate at the end of the 8th year; all pupils take the German lower secondary leaving certificate at the end of the 10th school year. German and Italian curricula are coordinated so that the leaving certificates are recognized by both countries. The head prefers bilingual teachers, but attaches great importance to tuition being given in the mother tongue of the pupil. 50 % of the teaching staff are of Italian origin. On leaving the school almost all pupils are bilingual and this gives them advantages over other lower secondary pupils; in particular, the Italian children at least have fewer difficulties than their compatriots living in the Federal Republic of Germany. Of course, this is achieved not just through the lessons, but also through intensive coaching of a large proportion of the pupils (both day pupils and boarders) in the afternoons by the fathers in charge of the boarding school.

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Present trends in Commission policy

The stabilization of migrant work would seem to justify a 'more of the same' approach to Community policy. There are, however, destabilizing forces at work – on the one hand, an increasing politicization of the whole issue of migration, including vocal demands for their 'return' on the false assumption that natives can simply take over their jobs; on the other, a rejection of social integration in certain migrant circles.

There is justified anxiety about the prospects of social integration of the second generation of migrants, who now have to compete on the labour market, without adequate educational qualifications or vocational training.

These issues take on an added delicacy, given the change in relationships – political, economic, financial, even strategic – between countries of emigration and immigration. The prospect of the adhesion of Spain and Portugal, following the accession of Greece, alters the balance between countries of emigration and immigration in the Community, thus making the situation of immigrants far more of a Community issue, and at the same time forcing a change in perspective.

This, then, is the background to the present revival of Community interest in migration policy, as witnessed by the Resolution of the European Parliament on the Nielsen Report (November 1983), the Commission's report on the implementation of the Directive on the education of the children of migrant workers (February 1984) and the recent Memorandum of the Italian Government. The Commission intends to respond to this upsurge of interest and is in the process of reviewing Community policy in the whole field of migration, with a view to focusing attention on realities and stimulating concerted action.

European law and case-law

The principle of freedom of movement in the European Community has been in force for more than 15 years. However, Community law is implemented at national rather than European level, and experience has shown that problems often arise in day-to-day legal matters. Let us take just one example: in France, an Italian widow looking after her four children was refused the reduced-rate rail travel concession for large families. The argument was that the woman in question had no job, whereas social benefits for foreigners were linked to employment. The case came before the European Court of Justice and ultimately the family obtained justice before the national court as well.

There are many such cases and it must be acknowledged that Community directives are often interpreted in a restrictive way or European Court judgments ignored.

In many cases, both the courts and the authorities responsible for aliens are simply not acquainted with the Community regulations. However, this lack of knowledge can and must be overcome through university and civil servants' training, special 'back-up' courses for officials responsible for foreigners and events arranged to provide information for social workers. A *vade mecum* making the difficult legal texts more comprehensible is to be drawn up particularly for those officials coming into direct contact with foreign nationals.

In addition, it has proved necessary to rectify certain omissions and clarify certain provisions in the laws, since in recent years changes have occurred in

day-to-day matters which are not automatically taken into account in case-law. For example, the position of a foreign worker who has held a number of short-term contracts in succession or with brief interruptions is not adequately covered. Such a worker has not hitherto been able to claim a five-year residence permit.

There are also gaps in the laws concerning certain categories, such as frontier and seasonal workers, teachers and seamen, to name but a few. Each of these categories has its own peculiarities, and often its legal position is not caught by the general rules.

Solutions have already been found to a number of specific problems, e.g. income tax for frontier workers; however, there is still a great deal of detailed legal work to be done.

Labour market and social integration

Negotiations and experiments

The international movement of labour has its roots in a whole range of causes and mechanisms. The determining factors vary so much from one Member State to another and from one region to another within the individual Member States that it is necessary to base Commission policy on joint discussions and consultations. By exchanging experience and carrying out pilot schemes, the Commission hopes to be able to make useful contributions to the development of policies or prepare Community measures. A coordinated approach is needed in the following fields:

(i) integration of foreigners, particularly second and third generation, into society;

(ii) social security for foreign nationals;

(iii) health and housing;

(iv) employment problems, such as illegal immigration and employment;

(v) the reintegration of voluntarily repatriated foreign workers in their country of origin.

Of course, these complex matters cannot be dealt with in detail here, but we would like to outline general policy by means of a few examples.

Integration at school and in society

The culture and language of the country of origin shape the character of the immigrant; they determine the relationship between parents and children, husband and wife, the individual and his environment. The culture and language of the immigrants are largely unknown to nationals of the host country and are therefore underrated and subject to prejudice. Bilingualism and 'dual culture' are however an essential instrument of integration and can contribute to the mutual enrichment of different cultures.

The Member States of the Community are paying more and more attention to a policy of integrating foreign workers and their families. However, the fact remains that the situation has not changed fundamentally. Let us take just two examples: to be able to live, work and establish social contacts in the host country, immigrants must learn a new language as quickly as possible, and in many cases how to write at all. In no country, however, is language tuition compulsory.

Special problems are faced by housewives. They often have neither the opportunity nor the incentive to learn the foreign language. As a consequence, however, they have enormous social difficulties: complete dependence on their husbands and no knowledge of their basic rights. Day-to-day shopping, dealings with authorities and health care become a nightmare and vocational training is more or less impossible.

These aspects must therefore be taken into account from the time of reception in the host country. In this connection, the Commission is proposing discussions on regular financial support for language courses. These discussions will also have to take account of the demands on foreign workers arising from the introduction of new technologies and the decline of certain industries employing mainly immigrants.

Particular attention is to be paid to the social and occupational integration of foreign women. Integration should not however mean adapting oneself completely; the links with the language and culture of the country of origin should be maintained.

The future of the children of migrant workers is determined in the main by their education and vocational training. For this reason, Community measures are being concentrated on school, preschool and the transition to working life. Probably the most effective means of integrating children is the nursery school, for it is here that they make contacts without encountering prejudice and are most likely to learn the new language. Pilot projects have shown that psychological are broken down most effectively if the child's mother tongue is also spoken, and that this can be achieved with little expenditure. Projects such as the one at the Cologne lower secondary school show that schools too have much to contribute.

The Commission is planning to consult the Member States on the problems of second and third generation migrants at school and during the transition to working life and to continue to play its role of catalyst in this connection. It will act as an intermediary in the exchange of information and experience and support new approaches by means of the Social Fund. In addition, the Commission feels that the legal status of second and third generation migrants must also be discussed. The right of residence and employment should apply not only for EEC nationals, but also for young people from non-member countries who were born or educated in the Community.

Information and cooperation

Lack of information has been the subject of a great deal of discussion and criticism, but it still remains a stumbling block for the foreign population in their day-to-day lives. How can a

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foreigner claim his rights if he does not know what they are? How can an official give information on complex pension problems of frontier workers if he is not sufficiently acquainted with Community provisions? The prejudices against foreigners, however, are also based on a lack of information or on misinformation. Naturally the Commission is aware that it does not have the means to eliminate xenophobia or racism. It can, however, encourage a moral commitment in the Community against the daily manifestations of intolerance and prejudice towards foreigners. The Commission is therefore planning to unite all European institutions in a declaration of principle against racism and xenophobia. This declaration is intended not only to set out specific measures on information, but also, and above all, to help change the general political climate.

The aim of providing better information is to be served, for example, by a programme under which the Commission will cooperate with the Member States to promote cheaper or free legal advice.

All efforts to integrate the foreign population have shown that their organizations must be involved. The number of welfare organizations run solely by foreigners or by immigrants and nationals together has multiplied in recent years. Today, there are already horizontal structures and associations of some foreigners' organizations. In many Member States immigrants are guaranteed the right of association and foreigners are represented on a number of national, regional and local bodies.

Illegal immigration and clandestine employment

In the present situation, it is not possible to give an accurate estimate of the extent of illegal immigration. What is known, however, is that there are enough illegal and semi-legal openings into which illicit workers are eager to step and where foreign workers also find employment. Since their situation is in no way regulated and they often cannot invoke any rights, the door is wide open for their exploitation. At the same time, however, they damage the position of legally employed native and foreign workers.

As early as 1976 the Commission drew up proposals to combat illegal immigration and illegal employment but they were blocked in the Council. It is hoping to resolve the legal and political problems which have hitherto stood in the way of a decision through discussions in the near future.

Reintegration of foreign workers

Various forms of repatriation aids have attracted public attention recently. Of course, it is unrealistic to believe that the problem of unemployment could be solved if foreign workers were sent back to their country of origin. Nevertheless, under certain circumstances repatriation is in the interests of

the migrant worker himself as well as the host country. Usually, a foreign worker will decide of his own free will to return to his country of origin only if his living and working conditions can be guaranteed. A policy encouraging voluntary repatriation can therefore be pursued satisfactorily only through assistance with reintegration in the country of origin, if the interests of all concerned are taken into account.

Guarantees concerning living and working conditions would have to be secured mainly via bilateral discussions, while the Community can contribute to the occupational integration of those wishing to leave in cooperation with some of the countries involved. This contribution could take the form of vocational training in a field in which the country of origin requires skilled workers or training as instructors.

Of course, a distinction would have to be made between persons who emigrated as adults and those who were born in the host country or went to school there. In the case of the latter, return to the country of 'origin' would be more like emigration; solutions would have to be found which allow such people to make a free choice as to their country of origin.

Nationality condition for access to employment in the public service and free movement of labour

The free movement of labour within the Community is one of the fundamental principles of the Treaty establishing the EEC.

Subject to restrictions justified on grounds of public policy, public security and public health, Article 48 of the EEC Treaty recognizes the right of every worker of the Community to go and work in another Member State and enjoy total equality of treatment in relation to the workers of the country of establishment.

Aware of the advantages afforded them by the provisions of the Treaty and of the regulations and directives issued by the Council of Ministers of the EEC, a number of Community workers have availed themselves of the right freely to move from one Member State to another.

However, some have been confronted with a situation which is unpleasant to say the least. Convinced that they had been finally assimilated with the national workers of the host country, they applied for certain jobs for which they considered themselves eligible given their professional qualifications. What a surprise it was for them when they were told that they could not be employed because they were not citizens of the Member State in which they wished to live and work.

Mr X, for instance, a citizen of Italian nationality born in and living in Belgium, applied for a job 'with a public establishment exercising a financial activity similar to that of private banks'; he was told that whilst he satisfied the professional conditions for the post in question, he could not be taken on since he did not have the nationality of the country in which he lived.

The same reason was given for turning down the application submitted by Mr Y, a Belgian national resident in Italy – where he had completed his studies – for a job with the Italian State Railways (a public establishment).

Mr Z, a British national, suffered the same disappointment when he moved to France in the hope of working in a public sector hospital. The competent authorities informed him that in view of the fact that it was a public establishment, it was out of the question for him to become an established official or employee in a permanent post because he did not have French nationality, despite his excellent professional qualifications. At most, he was told, he could be taken on as a contract worker or an auxiliary, not having the status of established official – the status enjoyed by his French 'colleagues'.

These few examples give an idea of the perplexity experienced by Community nationals when faced with such an application of the provisions governing the free movement of labour. Convinced that these provisions presupposed equal treatment in relation to the nationals of the host Member State in matters of access to employment, they have surprisingly suffered discrimination sanctioned by national legal standards emanating from Member States.

How can such situations still be encountered when the EEC has been in existence for over 25 years? Are there limits, therefore, on the free movement of labour and equal treatment for all Community workes?

In fact, these restrictions derive from the exception to the rules on free movement indicated in paragraph 4 of Article 48 of the EEC Treaty, which reads: 'The provisions of this Article shall not apply to employment in the public service'.

The effect of this clause is to justify any discrimination on the part of the authorities of the Member States against nationals of other Member States with regard to access to positions in the public service.

The wording of this provision is clearly fairly vague and therefore difficult to interpret. What are the criteria determining which positions are involved? How does one define the notion of public service? In other words, what is the scope of these provisions and according to what criteria is this clause applied in the different contexts of the public law systems of each Member State?

Each Member State has its own public service structure resulting from the country's history and the evolution of the – ever-growing – tasks and functions for which the State is responsible, primarily in the economic and social field. So the doctrine of administrative law is right to reject the expression 'public service' when it refers traditionally to a collection of institutions responsible for organizing and defending the body politic.

And it is because of the diversity of approaches envisaged for the public service within the Community that Community nationals seeking work in

another Member State are treated differently in terms of the application of Article 48 (4). The same Community citizen can be refused a post in a public establishment in one Member State and yet be offered a similar post in another Member State, without having the nationality of the country in question in either case. It seems to us that this is an example of the distortions to which application of the above-mentioned clause can give rise.

To prevent a situation of this kind developing, the Court of Justice of the European Communities has laid down criteria for interpretation of Article 48 (4) and has defined its position on the implications of this clause, as shown by the judgments given in Cases 152/73 (Sotgiu versus Deutsche Bundespost) and 149/79 (Commission versus the Kingdom of Belgium).[1]

The Court first of all considered that the interpretation of this clause could not be the exclusive competence of each Member State. It then expressed the opinion that given the importance of the principle of free movement within the system established by the Treaty the exemption clause set forth in paragraph 4 of Article 48 could not have the effect of annulling the implications of free movement and therefore had to be interpreted in a restrictive manner. In other words, according to the Court of Justice, the national authorities could not arbitrarily prevent workers who were nationals of other Member States from taking up any post defined as 'public' by international laws or regulations and access to which was subject to a nationality condition.

Case 149/79

In Case 149/79, for instance, the Court of Justice took the functional concept as an instrument allowing a clearer definition of the implications of Article 48 (4) and chose to ignore the institutional concept proposed by the national authorities of the Member States involved. For the Court of Justice, the positions covered by Article 48 (4) must be determined on the basis of material criteria founded on the duties inherent in the positions proper and on the basis of the functions actually performed by the holders of the positions. On the other hand, one has to disregard the public character of the institution within which the position exists or the public character of the legal link between the official and the public body employing him.

On the basis of this hypothesis, in its judgment in Case 149/79, the Court formulated hermeneutic criteria likely to determine posts in the public service, access to which could be legally prevented for nationals of other Member States. These posts are those involving participation, direct or indirect, in the exercise of public power and functions with the objective of safeguarding the general interests of the State or local or regional authorities. It may also be a question of posts which are 'characteristic of the specific activities of the public service in so far as it is invested with the exercise of public power and responsibility for safeguarding the general interests of the State'. Finally, it can be a question of positions 'related to the activities of the public service' as defined above.

The Court concluded on the basis of these material criteria that the exemption clause contained in Article 48 (4) cannot be legitimately invoked for positions which clearly do not correspond to the criteria referred to above, even when from an institutional point of view they form part of the public service of the Member States and are governed by public law regulations.

It would appear that the criteria put forward by the Court should help Community workers in search of a job in the other Member States; in fact, it is hard to imagine the authorities of the Member States, bound to comply with the will of the Court, being able to exclude nationals of the other Member States from access to a post in the public service simply by advancing the fact that it is a public service post. To justify such a refusal, the national authorities would in theory have to set forth the characteristics, duties and functions of the post for which the condition imposed on the applicant of having the nationality of the Member State is essential to obtain the post.

Whatever the case may be, it will no longer be possible following this judgment by the Court for discrimination relating to nationality to be justified simply by referring to the clause of Article 48 (4) of the EEC Treaty.

So what remains to be seen is the scope of the Court's judgment with regard to the public service in the Member States, and in particular one still has to determine the value and the implications of the nationality condition which must be met for access to a position in the public service.

It must be noted that the public law system in all the Member States includes constitutional provisions or common law provisions which, implicitly or explicitly, favour nationals of the Member State when it comes to access to the public service.

The difficulties encountered by Community citizens looking for work in other Member States do not derive only from the legal context; they are also due to the fact that the radical changes in the functions of the State and the regional and local authorities have led to a considerable enlargement of the operational scope of the civil service or the public service and, consequently, a substantial increase in the percentage of jobs in the public service in relation to the total number of jobs offered on the labour markets of the Member States. As soon as Member States attach a nationality clause to a large number of jobs offered on the labour market, on the pretext that they are 'public' posts, they immediately deprive workers who are nationals of other Member States of the possibility of obtaining these jobs.

And this in fact is the practical effect in almost all the Member States of the application of constitutional provisions, common law and other regulations concerning the various aspects of employment in the public service.

[1] Reports of Cases before the Court, 1974-2 pp. 153 *et seq.*, 1980-8 pp. 3881 *et seq.*, 1982-5 pp. 1845 *et seq.*

Comparison of the public law provisions

A brief comparison of the public law provisions concerning access to posts in the public service in all the Member States seems to confirm the theses that we have just put forward.

Italy, Belgium, Luxembourg, Greece and Denmark all have a provision in their Constitution reserving access to posts in the public service for their nationals alone.

Article 6 of the Belgian Constitution and Article 11 of the Luxembourg Constitution both state that only citizens of these States may be employed in civilian and military posts, apart from the exceptions provided for by law. This nationality rule applies to all positions with the State, the communes and the provinces and with public bodies, together with public agencies. Specific laws and regulations comply with these provisions. Needless to say, such a uniform application does not take into account either the type or the quality of the activities in public employ, but depends exclusively on the nature of the employing body and the public law provisions governing the professional link. Such an approach is contrary to the approach adopted by the Court of Justice in defining the criteria for interpretation of Article 48 (4) (functional concept of the public service).

In so far as *Belgium* is concerned, it should be noted that in the judgment of 26 May 1982 in Case 149/79 referred to above (a judgment ratified by the Commission of the European Communities pursuant to Article 169 of the EEC Treaty) the Court of Justice listed certain posts in the public service to which derogation from the principle of free movement of labour provided for in Article 48 (4) of the EEC Treaty could not be legitimately applied.

This list includes a number of jobs with the SNCB (Société Nationale des Chemins de Fer Belges) (e.g. marshalling yard employee, platelayer), the SNCV (Société Nationale des Chemins de Fer Vicinaux) (e.g. painter, cleaner, workshop hand), the Ville de Bruxelles

According to the European Court of Justice, nursing is a job not covered by the exception provided for in the rules of free movement.

(e.g. under-gardener, nurse, nursery school teacher) and the Commune d'Auderghem (e.g. joiner, electrician).

The importance of such a list hardly needs underlining, in that it illustrates for the first time the practical scope of the criteria selected by the Court for interpretation of Article 48 (4) of the EEC Treaty.

Article 4 (4) of the *Greek Constitution* of 1975 establishes a general principle of Greek public law: it explicitly makes access to all public service posts subject to the condition of having Greek nationality, apart from the exceptions provided for by law. Here too, laws and regulations relating to jobs in the public service conform to this general provision, which covers all jobs with public industrial and commercial establishments.

Article 27 of the *Danish Constitution* stipulates that State employees must be of Danish nationality. This provision applies only to State employees and not to local and regional government employees. Furthermore, almost half the positions in the State sector at present are not covered by the status of civil servant (Civil Service Act), which would suggest that the nationality clause may not apply, thus providing non-Danish Community nationals with the possibility of access to State positions on the basis of a professional link different from that in effect for civil servants.

Be that as it may, unlike the previous cases, the constitutional nationality provision is not systematically incorporated in the laws and regulations in Denmark relating to access to jobs with public bodies, and so it can be seen that in theory the Danish system allows non-Danish Community nationals access to certain posts which they would be refused in other Member States.

The situation in *Italy* is similar to that in Greece, Belgium and Luxembourg; however, Article 51 of the Italian Constitution is limited to a vague clause favouring nationals for access to the public service and leaves it to the legislator to fix the conditions for obtaining a job in the public service. In fact, it is Article 2 of the coordinated text of provisions relating to the status of State employees which lays down possession of Italian nationality as a prerequisite for access to public posts under the State. Within Italian public law, this provision sets the pattern for all specific regulations intended to determine the status of officials of all public bodies under the State and the local authorities.

The *Dutch Constitution* is limited to the principle of equality for nationals with regard to access to public service positions, without formally excluding foreigners; however, it leaves it to the law and administrative customs to determine the practical conditions governing access to the public service.

Consequently, the laws and regulations make it necessary to be of Dutch nationality in order to have access to a specific number of public posts. However, the law recognizes the right of the public service to recruit foreigners on the basis of a civil law contract – but cases of this kind seem to be rare.

In the *Federal Republic of Germany*, Article 32 (2) of the 'Basic Law of the

Federal Republic' (Constitution) is limited to recognizing the right of German citizens to take up posts in the public service provided that they have the requisite qualifications. Whilst this provision does not expressly prohibit access to public service positions for foreigners, it does not authorize it either.

The general principle making access to jobs in the public service as civil servants dependent on having German nationality derives from the combined application of the provisions contained in paragraphs 4 and 5 of Article 33 of the Constitution. The traditional general principles referred to in paragraph 5 of the said article include a principle which has the force of law, under the terms of which foreigners cannot be recruited for the public service save for the exceptions provided for by law. It is moreover to this principle that the federal law of 3 January 1977 refers, stipulating in Article 4 that being of German nationality is essential for appointment as a federal civil servant, a civil servant of a *Land* or a civil servant of a local authority.

There is an exception to this rule, namely the appointment of foreigners to public service positions because of urgent service requirements in clearly defined posts. However, the public service may recruit foreigners for clerical and manual positions; in this case, those concerned enjoy the status of civil servant, the legal connection being governed by private law contracts whose provisions are included in collective agreements.

If we take part of the German doctrine, the functional concept established by the Court of Justice cannot be applied to the situation in Germany; some consider, in effect, that whilst the law stipulates that a given activity comes within the scope of a public body whose officials have the status of public servant, it is clear that no foreign national may take up such a position, irrespective of the functions allocated to the officials.

Unlike the constitutions of the other Member States, the French Constitution does not have any specific provisions covering access to the public service; it does not include any provision in favour of French citizens and does not exclude foreigners from these posts. Paradoxically, however, of all the public services of the Member States, it is the French public service which is the most firmly closed to foreigners. Nevertheless, it must be emphasized that it is not absolutely sealed (a number of foreigners, including non-Community nationals, work in the French public service sector), but relatively sealed: foreigners – including nationals of other Member States, cannot under any circumstances take up public positions where the holders are established officials or civil servants in a grade in the hierarchy and appointed to a permanent post. Only French citizens are admitted to the rank of government civil servant; foreigners (including Community nationals) can be recruited as contract workers or auxiliaries, in which case their status is lower than that of civil servants, from both the economic and the legal point of view.

Whilst the French Constitution makes no stipulations in this respect, the laws and regulations (one regulation for each category of official in the public service, which covers both the State and public industrial and commercial establishments or limited companies with public capital) expressly lay down the condition of having French nationality for access to public service positions.

At present, access to the public service is governed by the law of 13 July 1983, which stipulates in Article 5 (1) that it is necessary to be of French nationality to become a civil servant employed by the State, a region, a département, a commune or a public establishment, including establishments concerned with public health.

This provision is taken up systematically in all the regulations determining the status of the different categories of public service employees and is applied by a number of public service companies such as the RATP (Régie Autonome des Transports Parisiens), the SNCF (Société Nationale des Chemins de Fer Français), the EDF (Electricité de France), etc. Furthermore, even when the specific regulations do not expressly stipulate the clause in favour of nationals, recruitment practices comply with the provisions mentioned in the law of 1983. In practice, the condition of having French nationality is so firmly established and applied without exception that the French doctrine affirms that it is now a fundamental principle of French law.

In the United Kingdom and Ireland, the situation is completely different from that in the Member States 'on the Continent'. For instance, to take the case of the United Kingdom in particular, this country does not have the public law – private law dichotomy which characterizes the Continent, and the concept of public service takes on another meaning.

Despite the originality and openness of the situation in the United Kingdom – absence of discrimination on the grounds of nationality with regard to access to jobs with local government bodies or public service corporations – there is a clearly defined framework of administrative jobs for which only British subjects and the Irish – in certain conditions – are eligible. This framework encompasses the central government and local government structures, the armed forces, the police and the judiciary, the Treasury and the Ministry for Finance. In fact, the law stipulates that access to certain posts in the service of the 'Crown and Government' (Ministerial Officers) is reserved for British nationals, and the same provision applies to positions in a limited number of public bodies (the British Museum, for example).

In so far as civil servants' jobs are concerned (Civil Service), applicants must in theory have British nationality in order to be able to take up posts in the Home Civil Service, the Diplomatic Service, the Cabinet Office and the Defence Ministry; for the last three categories, staff recruitment is subject to special regulations.

In practice, however, all civil service posts require possession of British nationality.

In the comparative legal context which we have just briefly examined, the Commission is obliged to apply the judgments made by the Court of Justice in Case 149/79 and ensure that they are applied. Needless to say, this is far from being an easy task given that the young, and little known Community law is faced with various legal problems - and not only legal problems. The social interests of national categories protected by the nationality condition must also be borne in mind; they are deeply rooted in society and individuals in all the Member States. In spite of these difficulties, the Commission is still convinced of the validity of its point of view with regard to the application of Article 48 (4), a point of view widely shared to judge by the decisions of the Court of Justice.

In fact, one cannot extend the public service sector too much whilst excluding nationals of other Member States on the basis of their nationality.

Article 48 (4) must be interpreted from a Community angle having force of law for the Member States, without however calling their sovereignty into question. The Court of Justice has accepted the Commission's argument and rejected the point of view of the Member States; in so doing, it has laid the foundations for this Community interpretation. The ball is once again in the Commission's court, and the Commission will have to endeavour to establish the precedence of Community law over the laws of the Member States so as to ensure ever-increasing application of the right to free movement and to reduce as far as possible the legitimate discriminations which Community workers continue to encounter by reason of their nationality.

Durante Rapaccluolo

Equal treatment between men and women
A new proposal for a directive

In the 'new Community action programme on the promotion of equal opportunities for women (1982-85)',[1] the Commission provided for action, in the context of achieving equal treatment by strengthening individual rights, concerning the 'application of the principle of equal treatment for self-employed women and women farmers, especially in family businesses'. The *object* of this additional standard is to improve the occupational status of self-employed women and to give an occupational, legal and social status to spouses helping self-employed workers, with this notion taken in its widest sense.

The European Parliament turned its attention to these problems in its Resolution on the position of women in Europe, adopted on 11 February 1981, in which it considered that the large category of unpaid women working in the family business made a very substantial contribution to the economic and social development of the Community, noted with concern that there were often gaps in their legal, financial and social status and called on the Commission to draw up a European statute in favour of this category, on the basis of the following principles:

(i) the right to recognition of occupational status and the right to legal and financial participation, on an equal footing with the spouse, in the running of the business in which the woman works as a member of the family;

(ii) the right to training and education in the specific fields of the business, in order to acquire the requisite professional qualifications;

(iii) the right to full participation in specific professional organizations at all administrative levels;

(iv) the right to a fair system of social services, especially family assistance and replacement in the business during the last six weeks of pregnancy and the first six weeks of maternity, and in the event of illness or disablement, together with the right to a fair number of days' leave and an individual old-age pension.

The European Parliament went on to stress that unpaid women working in the family business are found above all in the agricultural sector, where pay and working conditions are very poor at present, and urgently called upon the Commission to take this into account in drawing up proposals for reviewing the common agricultural policy.

In its Resolution of 17 January 1984 on the position of women in Europe, the European Parliament asks 'the Commission to draw up a proposal for a directive' on these matters.

Moreover, a draft resolution drawn up by the Economic and Monetary Affairs Committee (rapporteur: Mr Deleau, doc. 1-69/84A of 2 April 1984) concerning Community policy for small and medium-sized enterprises, calls for an improvement 'in the occupational and social legal status of spouses who help out, in particular through recognition of independent social security entitlement, and by providing basic occupational training centres and continuous retraining facilities' (point 15).

The proposal for a Council directive on the application of the principle of equal treatment for men and women engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood[2] was submitted to the Council on 15 March 1984 in the hope that the latter 'could act during the second half of 1984'. By means of this text, the Commission wished to give spouses playing an active part in the family business a legal, occupational and social status. This is an advanced attitude since the status of spouses helping out – mostly women – is still that defined by matrimonial law.

The Commission was careful not to impose a particular solution, but hoped that through this proposal for a directive the Member States would remove the obstacles preventing application of the principle of equal treatment for women in self-employed occupations and for women farmers.

Since the proposal is based on Articles 100 and 235 of the Treaty establishing the European Communities, consultation of the European Parliament and the Economic and Social Committee is mandatory.

The European Parliament had the opportunity to give its opinion on this proposal for a directive at its session in May 1984. While tabling some amendments, the Parliament gave a favourable opinion.

Gerassimos Zorbas

[1] Communication by the Commission to the Council of 9 December 1981 (COM(81) 758 final), the broad lines of which were approved by the Council in its Resolution of 12 July 1982.

[2] COM(84) 57/2 final.

Occupational diseases

The concept of 'occupational disease' has to be clearly defined before it can be discussed. It is more a legal concept than a medical one if one accepts that a disease is called 'occupational' when it features in one of the national (or European) schedules of occupational diseases. Of course, this assertion has to be qualified by noting that a disease's inclusion in the schedule always results from statistical observations on the relationship between exposure and effect or, more precisely, between exposure and an effect requiring compensation.

The use of this concept for the purposes of compensation and the establishment of schedules or tables has, since the 1920s, made it possible to achieve significant social progress inasmuch as those persons with diseases or symptoms, usually non-specific, which are recognized by the scientific community as being occupational in origin, can obtain compensation without having to show that the disease from which they suffer was not caused by something other than occupational exposure. In being required to prove only that their occupation has exposed them to a disease which is recognized as one possibly occupational in origin, they do not bear the burden of proof. In other words, they have the benefit of what is commonly called the presumption of origin.

As long ago as 1962, the Commission of the European Communities came to the conclusion that the national schedules (or tables) were not absolutely identical, that indemnification conditions based on the sufferers' rights to compensation differed from one country to another and that these same conditions defined the period of exposure, the period for which costs were covered, the symptoms and the occupations. It therefore invited the Member States to:

(i) examine more closely the possibility of including, in national schedules, all the diseases listed in the European schedule of occupational diseases (Annex I of the Recommendation of 23 July 1962);

(ii) exchange, bilaterally and via the Commission, information of contentious cases;

(iii) enact a so-called 'mixed' compensation system that would allow those suffering from diseases not yet officially recognized as having an occupational aetiology, to enjoy a right to compensation provided that they can supply proof of the disease's occupational origin. In the latter case, it was understood that the expert's (or experts') decision would not set any legal precedent. It was, however, equally clear that the occurrence of a significant number of similar cases would be likely to result in additions to the existing schedules. In particular, this was the case for 'farmer's lung'.

Indeed, the inclusion of a disease in a national schedule of occupational diseases is the basic condition which assures, in that country, the right of compensation for the victim affected by the disease in question. The restrictive conditions attached to these diseases have a compulsory character and thus constitute conditions in respect of 'the allocation of benefits, conditions in the absence of which the disease cannot be considered as having an occupational origin and cannot therefore give rise to compensation under this heading'.

Certain schedules, moreover, contain items of information which are merely of indicative value to the experts called upon to decide whether or not the disease is occupational in character.

In Appendix II to the abovementioned Recommendation of 23 July 1962, the Commission drew up a schedule of a certain number of diseases for which an occupational origin was merely suspected, expressing its wish that, on the one hand, the Member States would launch an exchange of scientific and medical legal information concerning these diseases, bilaterally and through the agency of the Commission, and that, on the other hand, notification of these diseases should become compulsory in all countries of the European Community. The latter wish applied with even greater force to those listed in Annex I. In order to help the experts to reach diagnostic judgments, and to free the victims from the burden of proof, the Commission, aided by experts from the Member States, published medical particulars on the occupational diseases listed in the abovementioned schedules during the 1970s.

In recommending the so-called 'mixed' system of compensation, the Commission's aim was to extend the right of compensation, under the heading of occupational disease, to every person suffering from a disease which, while not listed in the national schedule, had been contracted through ('à travers' or 'durch') exposure at work or to any person suffering from a disease listed in the national or European schedules but for which the prescribed limiting conditions had not been met, provided that it was evident that these limiting conditions were too strict. It was understood that the conclusions drawn by the experts would not constitute legal precedents but that they could nevertheless be used for statistical purposes. The mixed system has existed in the Federal Republic of Germany since 1963 and in Luxembourg since 1966 while it is also in operation in Denmark. Several countries, particularly Belgium, France and Italy, have shown interest in the way that this system operates in those countries which have adopted it.

It should be noted that the Commission was not attempting to achieve uniformity among compensation systems: these systems are intrinsically subject to variation and feature in annual comparative tables published by the Commission. Nor, in the first instance, did the Commission wish to link the concept of compensation with that of a quantitative measure of exposure. However, it would not have been possible to maintain a rigidly intransigent attitude in the years to come.

The following points are relevant here:

(i) the situation often arises in companies that nuisances, while per-

Prevention of occupational diseases.

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fectly well managed within the plant, are likely to affect members of the public outside the installations;

(ii) workers are also members of the public and, as such, are likely to be exposed outside working hours to nuisances of the same type which, however, are not occupational in character (e.g. noise);

(iii) below certain levels of exposure, the incidence of induced pathology is insignificant because of, on the one hand, its non-specificity and, on the other, the fact that this incidence is the same for workers as for the general public.

Rather than be lost in a complex maze of legal concepts concerning 'compensation', the Commission has preferred to direct its efforts towards the prevention of occupational diseases. For this reason, as a logical extension of the principal Directive promulgated by the Council on 27 October 1980 (OJ L 327, 3. 12. 1980), the Commission has since aimed at the definition of acceptable limits for the exposure of workers to certain risks. These limits are, by their nature, arbitrary ones but have been established in consultation with the trade unions and at levels at which it is almost certain that there is no pathological risk.

However, it should not be thought that the aim of prevention implies rejection of the concept of presumption of origin which frees the victims of the burden of proof where their occupation has been likely to produce pathological consequences which, while non-specific, are undeniable and identifiable as such by experts.

The present situation is that, if we cannot say that the EEC Recommendations of 23 July 1962 and 20 July 1966 concerning the harmonization of compensation rights in the case of occupational diseases have been followed to the letter, since the mixed system is not yet in force in all the Member States, they have nonetheless been very seriously studied by all the countries. Some have extended their schedules and revised the limiting conditions for compensation while others have adopted the Commission's recommendations in their entirety.

At a practical level, much remains to be done in the case of notification because extensive and reliable data are needed to ensure the continued efficiency of preventive measures.

Notification of occupational diseases is the key element of compensatory procedure and is carried out in a number of different ways. The following section describes the varying notification procedures in the countries of the European Community.

In *Belgium*, occupational physicians are required to notify all diseases that are or may be occupational in character to the occupational diseases Fund and to the Labour Inspectorate.

In *Denmark*, doctors and dentists are required to notify all occupational diseases that they diagnose as well as all diseases likely to have an occupational origin. The Danish national schedule is the criterion used. Employers and workers are also required by law to notify such diseases. Sickness insurance organizations are empowered to collect these notifications and check their validity. The Labour Inspectorate is informed of the data gathered and initiates, where necessary, adequate and effective preventive measures.

In the *Federal Republic of Germany*, the notification is the responsibility of either the employer or the doctor and should be sent to the competent insurance authority. Notification is required not only for the diseases on the schedule but also for all diseases likely to have an occupational origin. In fact, in practice the system of schedules makes it possible to resolve most cases. In deciding whether a claim can be accepted, the sickness insurance authorities usually follow a set routine. Where an employee engaged in a particular occupation presents clear symptoms, the doctor diagnoses the disease and notifies the sickness insurance fund which then initiates studies and investigations to prove that the disease in question has an occupational origin (the concept of 'durch'). Of course, the first case or cases will be difficult to recognize and the victims will then receive just the general benefit to which their sickness insurance entitles them. Should they disagree with the ruling, the victims are able to submit an appeal to a conciliation board ('Tribunal Social') which is, where appropriate, empowered to rule against the sickness insurance authorities.

In *Greece*, occupational diseases are treated as a form of industrial accident. A special form is used for notifications, based on the national schedule, and the doctor, the employer and the employee are required to send them to the Social Security Department. The Ministry of Labour is informed of these notifications at the same time.

In *France*, a person suffering from a disease that he believes to be occupational in character notifies the Sickness Insurance Fund, providing a certificate supplied by his doctor. An investigation is carried out by the medical control services and a decision taken by this fund. Checks are made to establish the real nature of the disease and the occupational exposure and to ensure that the time limits, particularly those relating to the period for which costs are covered, have been respected. Notification is compulsory and is usually based on a schedule drawn up for the purposes of notification and compensation. This schedule is more extensive than that used for compensation and is identical to the European schedules (Annexes I and II). This notification is often accompanied by a medical assessment of unfitness for work which may affect the person's employment (reclassification or unemployment).

In *Ireland*, the employer is required to notify the Ministry of Labour and, at the same time, the employee has to inform the Ministry for Social Security. Notification is based on the national schedule.

In *Italy*, doctors are required to notify occupational diseases to the sickness insurance authorities (INAIL). Notification is based on an extended schedule drawn up for preventive purposes (European schedules – Annexes I and II). In addition, the employer sends INAIL a detailed notification. As is the case in France, there is a different schedule for agriculture. For agriculture workers, notification is the responsibility of doctors who send the notifications to the Labour Inspectorate.

In *Luxembourg*, the employee is required to notify his employer of the disease. The latter is required to notify the industrial accident insurance association which sends a detailed questionnaire to the attending physician. Notification is based on the national schedule.

In the *Netherlands*, the employer is required to notify occupational diseases on the basis of the abovementioned European schedules. The sickness insurance authority collects the data and their doctors confirm or dissent from the diagnosis. In case of doubt, a notification is sent to the Labour Inspectorate which determines what preventive measures must be taken.

Since 1 July 1967, compensation is paid without causal differentiation: i.e. irrespective of whether an accident, occupational disease or invalidity is involved. Compensation (or rehabilitation) is provided on the basis of a number of criteria: compensation for lost earnings, reintegration in the workforce and, of course medical expenses, etc.

In the *United Kingdom*, the sick person has to claim 'compensation' from the DHSS. Cases are assessed by independent medical boards on the basis of the national schedule of 'prescribed diseases'. These assessments concern both the extent to which the person's occupation can be held responsible for the appearance of the disease and the identification of the disease itself. Provided that new evidence justifies this course, an appeal may be lodged against this assessment.

Questions

At the present time, the following questions arise:

(i) What can the Commission do in the future to optimize the procedures concerning the right to compensation?

(ii) How can the circulation of epidemiological information be improved?

(iii) What operational measures can be instituted to allow stricter forms of prevention once the diseases have been identified and documented?

(iv) Are there occupational diseases which justify a special preventive campaign?

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Improvement in compensation procedures

The system adopted in the Federal Republic of Germany and in Denmark are extremely interesting because:

(i) they allow cases to be quickly classified according to schedules;

(ii) in contentious cases, the mixed system can be invoked under precise and restricted conditions;

(iii) in addition, the German schedule (like the Belgian one) is coded for statistical purposes.

The French system is a practical one inasmuch as the majority of cases can be quickly decided by consulting the tables. Nevertheless, these tables are often unsuitable – particularly in the case of table 6 which refers to ionizing radiation – and the correlation between occupations and symptoms is often incorrect.

The system in the Netherlands has the advantage of being socially equitable and logical but is weak on the statistical side in that no one – the claimants, medical staff and, even less, the employers – has any particular incentive to notify the disease. It is important to remember that prevention depends on proper notification.

One of the Commission's aims is therefore to review this matter when it brings the Recommendations of 23 July 1962 and 20 July 1966 up to date. This is planned for 1984.

Exchange of information

During the past 20 years, individual Member States have, on several occasions, asked the Commission to provide epidemiological, clinical or medico-legal information on a particular occupational disease or a disease likely to be of occupational origin. The Commission's procedure for replying to these requests proved to be very cumbersome and, in the final analysis, rather inefficient. The result has been a virtual absence of requests during the last five years and one must therefore ask whether it is not advisable – even necessary – to have a European information system providing both input and output. The nucleus of the problem is a prior agreement on a certain number of criteria and definitions.

Application of adequate preventive measures

A sound statistical base should normally result in adequate preventive measures. In this regard, the classical example is that of exposure to vinyl chloride monomer (VCM). Up until 1974, the levels tolerated were much higher than those that are nowadays accepted for the simple reason that in that year a clear relationship appeared between the incidence of hepatic angiosarcoma and exposure to abnormal levels of the compound. The technical preventive measures instituted as a result of this epidemiological discovery were such that one can now quite safely state that there will never again be cases of hepatic angiosarcoma due to VCM. The same applies to the risk of lead poisoning which is becoming less common. It should be noted that lead (or inhaled lead vapours) remain poisonous but exposure to this risk is the result of do-it-yourself activities at home (or moonlighting) and does not occur in the course of regular employment.

The Commission should therefore consider ways of exploiting to the maximum, for preventive purposes, all the information available in national statistics.

Prevailing diseases

This heading covers those diseases which require a special preventive campaign. The four relevant criteria share a financial element.

The first criterion is the likelihood of fatalities. In this regard, it should be noted that silicosis continues to take lives although to a decreasing extent. This is not the case for asbestos which, every year, kills a growing number of workers exposed to it.

The second criterion is that of the number of working days lost. Even though the prognosis is generally good, occupational dermatitis from this point of view gives cause for concern. Cases of dermatitis are frequent, recurrent and often force an employee to change his job.

The third criterion is that of hospitalization costs (or treatment). Quite apart from its seriousness, viral hepatitis contracted in laboratories is a worrying form of disease inasmuch as it often requires prolonged periods of hospitalization, frequent biological examinations and long periods away from work.

Finally, the fourth criterion is that of permanent partial incapacity. The typical example is occupational deafness (or hypoacousia) due to noise. The Commission is aware of the problems that exist in this field and a study is at present being carried out with the aim of producing concrete proposals for the definition of an ideal compensation methodology and the formulation of some kind of preventive code.

One of the major difficulties in the field of compensation is the non-specificity of diseases. Cases will occur in which the level of exposure is so low that the relationship between exposure and effect cannot be reasonably demonstrated. For this reason, and the Commission will stress this aspect, an effort should be made in the field of occupational medicine, to define, with regard to all occupational nuisances, the concept of the worker's exposure. This should not, however, in any way link compensation with any particular level or dose of exposure. Before any exposure, the occupational physician should carry out an examination to establish whether the subject is or is not in perfect health and provide a statement that the present state of health is compatible with a given degree of occupational exposure. In this way, for example, where there is a risk of cataract formation, pre-employment and annual medical checks should include an examination of the intactness or otherwise of the crystalline lenses. This should rule out the possibility of any later medico-legal disputes.

Conclusion

Bearing in mind the non-compulsory nature of the recommendations which, under the terms of Article 189 of the Treaty establishing the European Economic Community, 'have no binding force', the Commission considers that the Recommendations of 23 July 1962 and 20 July 1966 have generally been favourably received by the Member States and have resulted in positive action by them.

Without doubt, the progress so far made along the lines indicated by the recommendations has not always been the direct result of them. In other words, it would not be possible to say that a given improvement to legislation was adopted specifically in response to the recommendations but it is reasonable to believe that the recommendations have often prompted and added weight to proposals put forward at national level.

The Commission would like prompt action to resolve the remaining points particularly with respect to the more generalized adoption of the mixed system.

It is, however, surprised to note that few national parliamentary initiatives have followed up these proposals in spite of their having, at the time, received the formal support of both the European Parliament and the Economic and Social Committee.

By contrast, it is particularly encouraging that the governments have responded to the Commission's questions concerning an updating of the European schedule of occupational diseases. The Commission intends to examine, together with governmental experts, a draft proposal to update the two aforementioned recommendations in order to present the governments with a revised and comprehensive European schedule of occupational diseases. Indeed, the Recommendation of 23 July 1962 provides for such a periodic updating.

Finally, the Commission suggests the study of a statistical framework suited to the European schedule. The general adoption of such a framework would allow the collection of comparable statistics.

The Commission remains at the disposal of the Member States, as in the past, to aid the exchange of information on occupational diseases. This exchange of information, in spite of occasional and inevitable delays, seems to have been useful and appreciated. It fully complies with both the letter and spirit of Article 118 of the Treaty which gives the Commission the task of 'promoting close cooperation between Member States in the social field', particularly in the field of occupational diseases.

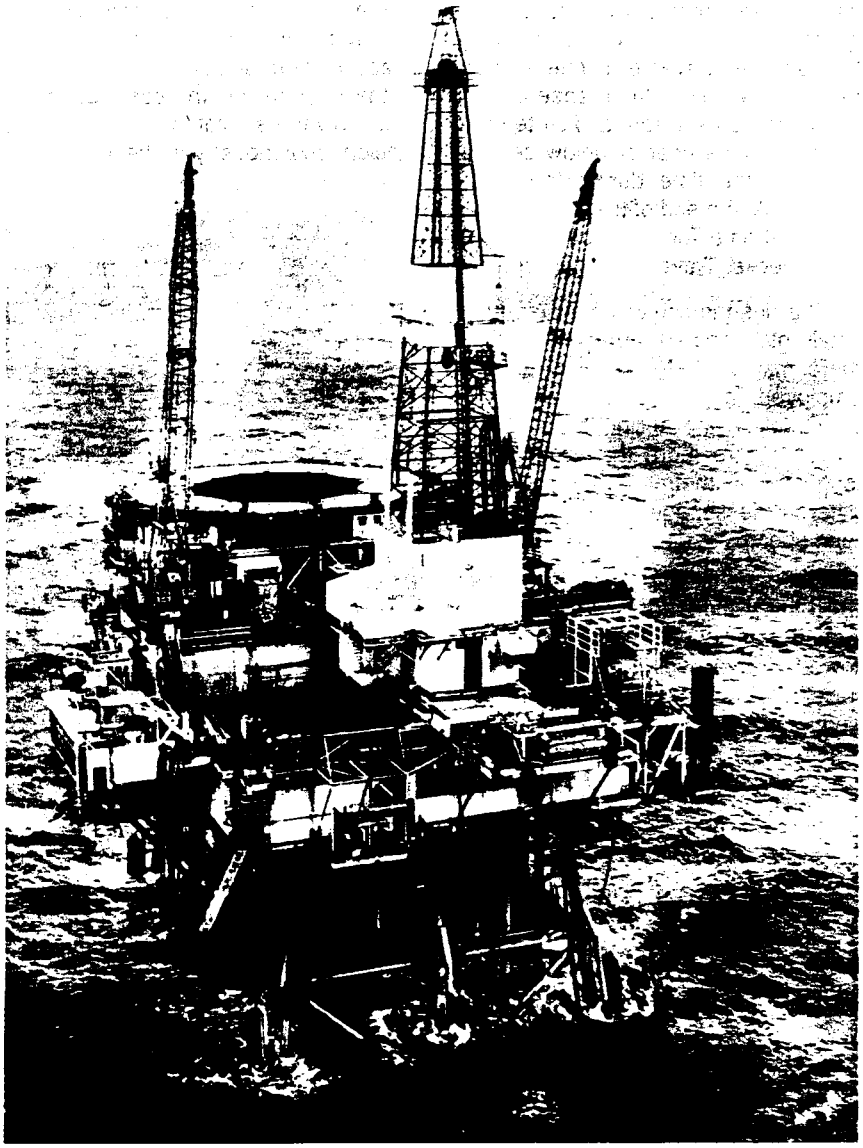
The Commission will, however, strive to streamline the procedures for the exchange of information and to expand them. The 'Medical particulars on industrial diseases recorded in the European schedule of occupational diseases' referred to in the Recommendation of 20 July 1966 were published in 1972 and constitute an important stimulus to this exchange of information. In addition, 'particulars' on the ailments listed in Appendix II of the European schedule provided in the Recommendation of 23 July 1962 (ailments likely to be caused by the occupational environment) were published in 1975.

One of the Commission's concerns in the field of compensation for occupational diseases will be the continued monitoring of legislation in the Member States with regard to the two recommendations to which, on the whole, the Member States of the Community have responded positively.

Dr André Jolivet

Safety and health in the offshore drilling industry

A modern industrial society needs fuel; it needs energy at the right price and in the right form. The price must include the social cost in terms of accident risk, hardship, health and working conditions; all of which must be maintained at an acceptable level.



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The Western European offshore oil and gas industry currently produces 140 million tonnes of oil and in addition, gas which has an energy equivalent of a further 50 million tonnes of oil. About 60 % of this production comes from the UK Sector of the North Sea, whilst the Norwegian Sector accounts for some 30 % and the Netherlands Sector just under 10 %. In total, it means that both the UK and Norway are self sufficient in oil and gas, whilst the Netherlands is still a net exporter of gas. In total, the energy output from the North Sea exceeds that from all the Community coal mining industries together, while the manpower employed offshore is rather less than one tenth of that employed in the coal mining industries.

What then are conditions like for the 35 000 persons employed offshore? Normally, offshore work involves a tour of duty on a platform of from one to two weeks, depending on the sector where one works and the distance of the rig from the shore base. Once there, it is a seven-day working week, 12 hours per day, and continuous working in the

case of an emergency. The work is typical of heavy construction industry, with an often adverse marine environment thrown in. Wind speeds may approach 150 km/hour and air temperatures may be near or below zero for much of the time during the winter months. At the end of the tour of duty it is back home for a period of one to three weeks. Travel is by helicopter.

The rigs themselves may vary from small platforms in production where there may be only 10 to 15 persons employed, to a large platform in the construction and drilling phase, which may measure more than 100 metres long and 85 metres wide, with many different decks, and as many as 1 000 men aboard.

Platforms fall into three main types; fixed installations for relatively shallow water, jack-up platforms which are towed to their working site, and then lower their legs to the sea floor, and semi-submersible or floating platforms, where there is no fixed contact with the sea bed, other than by the anchoring system.

Living conditions resemble those on a modern ship, with each man having his own bunk and being accommodated in cabins with from two to five berths. Cabins normally have their own shower or washing facilities. In the UK Sector, there are no female workers on board, and in no sector is alcohol allowed on board. Smoking is confined to certain permitted areas.

All food and water is brought out by ship, but meals are continuous, good and free.

To date, the overall safety record of the offshore drilling industry has been good, although there have been a number of collective accidents or disasters which have been spectacular, and have caused major public concern, and disquiet in certain sectors of the industry.

Consider first the individual accidents. The frequency of fatal and serious accidents is of the same order as that for the onshore construction industry, or coal mining. However, as a result of the very much greater production of energy per worker employed, the cost in accident per unit of energy produced in the offshore oil and gas industry is much lower than that for even the most efficient coal industry in the world.

The principal causes of accident as might be expected are falling from one level to another and the mishandling of heavy tools and equipment. But to quantify this, there was no fatal accident in the Norwegian offshore industry

EKOFISK: A black gold mine in the North Sea. Life on an oil-rig is not a bed of roses. Men generally work continuously for 12 hours, with a short break at mid-day, for 12 days. After that they go home to their families, mostly in Stavanger, a port on the west coast of Norway. As a result of past catastrophes on oil-rigs, safety measures have been tightened considerably.

Photo: Marc Deville · Copyright 'Photo News', Brussels

for 1982, which produced nearly 50 million tonnes of crude equivalent, with 7 000 men. Few if any of the European coalfields could equal this record for safe working.

But major accidents and disasters do occur. For example in 1980 there was the loss of the Alexander L. Kielland platform, and with it 123 lives; and in 1982 the loss of the Ocean Ranger with 83 lives. Fire and explosion, as in any petroleum and gas plant, are a constant risk, and a number of such instances have already arisen. The latter are more serious at sea than on land, as there are the problems of fighting fire from the limited area of the platform and the allied problems of evacuating personnel from a deck which stands at least 70 feet above sea level. Indeed it was the problem of safe evacuation of the personnel which played a major part in the loss of life in the two above incidents.

Since 1974, the Commission has played an active part in supporting the European Diving Technology Committee in its efforts to try to reduce the frequency of accidents in the most dangerous profession of diving, which is largely associated with the offshore oil and gas industry. A code of practice which deals with the training and medical examination of divers has been published with the aid of the Commission, and this has been used as the basis of new legislation in a number of States. Two technical congresses have been held (1978 and 1980) and a follow-up is planned for 1985, by which time a new and expanded code of safe practice should be available.

As part of the organization of the Safety and Health Commission for Mining and the Other Extractive Industries, a Working Party on Oil and Gas was formed in 1975, and this has dealt with both the offshore and onshore industries. This working party meets two or three times per year, and has various small editorial committees producing 'proposals to governments for the improvement of safety and health conditions in these industries' in accordance with the Terms of Reference of that Commission, which were expanded to embrace the oil industry, by virtue of the Council Decision of 27 June 1974.

To date, the Working Party has produced eight proposals for offshore working, and a similar number for the onshore industry. The proposals fall into three main categories:

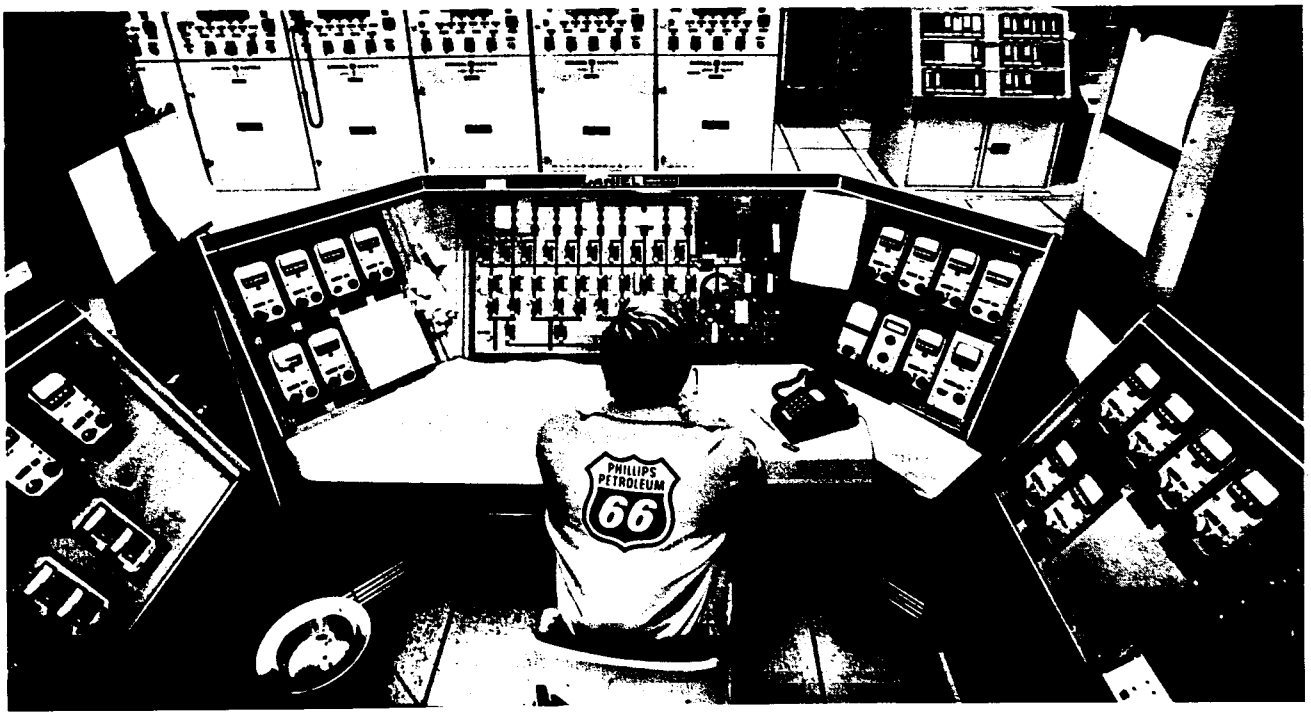
(i) The prevention and control of blowouts (the violent emission of oil and gas under pressure which constitutes the greatest danger of catastrophic explosion or fire on a rig);

(ii) The collection of accident statistics and the exchange of information on dangerous occurrences, so as to try to prevent the repetition of such instances;

(iii) Safety and health training.

The latter is particularly important following recent disaster enquiries. At the Working Party meetings, major accidents and dangerous incidents are discussed and the necessary lessons learned from them.

To give an example of this work, the most recent document deals with the essential survival training for all persons on board platforms; firefighting for the various types of personnel; evacuation drill; training for blowout prevention



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for drilling personnel of all grades. It has been approved in principle by the Safety and Health Commission for Mining and the Other Extractive Industries, and should shortly be sent to the government departments responsible for safety offshore.

A representative of the Norwegian authorities plays an active part in the discussion, although officially he is an 'observer' at Working Party meetings. The Working Party itself, like all others of the SHCMOEI, is tripartite in nature, with representatives of industry, government departments and workers' organizations.

The Working Party may also be called upon to consider certain aspects of health in the future. Hygiene standards on platforms are generally satisfactory. All major oil producers employ doctors full time to advise them, and on each of the larger platforms there is full sick bay under the control of a rig-medic who is capable of giving both routine and emergency medical treatment under the supervision of a shore-based doctor. This poses no serious problem since platforms are in constant radio communication with the company head office. In an emergency, the patient can either be flown back to a shore-based hospital, or a doctor can be flown out by helicopter within two hours or so, depending on weather conditions.

However, sociological and psychological aspects of offshore working remote from the home environment pose problems for some workers, and there may be a case for investigating the selection of workers for offshore duties, together with ways of improving communication between workers and their families.

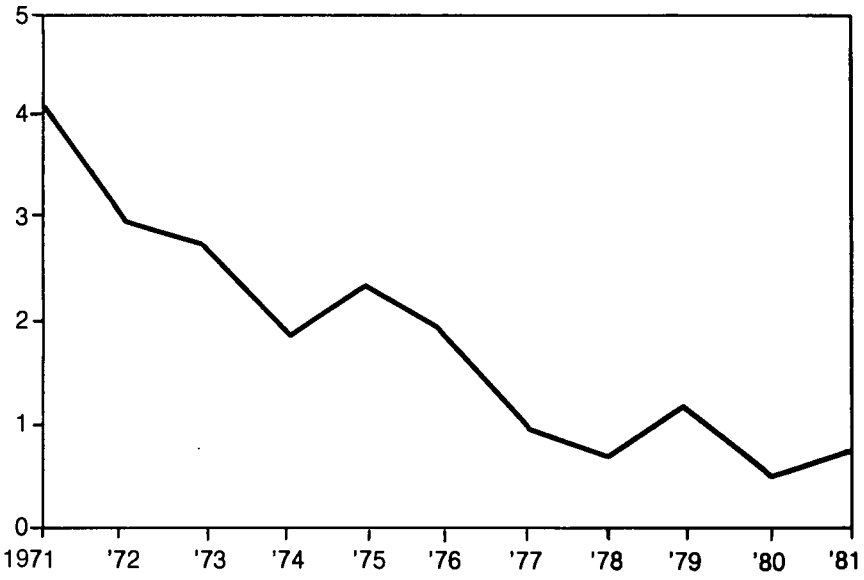
In April 1983, an International Symposium on Safety and Health in the Oil and Gas Extractive Industries was held in Luxembourg, and 31 papers were presented by authors from Europe and the USA to an audience of over 250 persons coming from 20 countries.

The conclusions which were drawn from this symposium have been published in English and French, and they are being followed up by the Working Party as part of its future programme of work. In addition, specific problems are the subject of studies, so that the work may be based on factual information rather than subjective opinion.

The most pressing areas of work for the future seem to lie in training in certain key activities, in safe evacuation of platforms in adverse weather conditions, survival and rescue techniques, and in some aspects of plant inspection for structural integrity. As stated above, there may also be grounds for looking into certain aspects of health care.

In this article, no reference has been made either to the safety aspects of transportation in all weathers by helicopter, or to pollution of the marine environment. In the latter context, most authorities agree that by far the greater amount of marine pollution comes either from land based industries, through rivers etc., or from the spillage of oil from tankers, rather than from platforms, although spectacular exceptions have and can always occur.

Overall, the oil and gas industry, partly due to the cost of offshore installations, and partly due to its awareness of the safety and health requirements, and partly due to political, governmental and union pressure, has devoted very large amounts of time and money to improving its technology in this very hostile environment. The result has shown in a marked improvement in the safety record as is instanced by the following graph produced for the UK Sector of the North Sea.



Fatal and serious accidents per million man-hours – UK Sector

The Safety and Health Commission for the Mining and Other Extractive Industries will continue to play its part in trying to get improved working and living conditions in this industry which is vital to the European economy.

Peter A. Walker

ECSC social research

Article 55 of the Treaty establishing the ECSC (Treaty of Paris) provides for the promotion of research in the coal and steel industries.[1] This covers not only technical research in the coal and steel sectors, i.e. research on the production, valorization and marketing of products, but also research on occupational safety in these industries.

Bearing in mind that the Treaty of Paris was signed in 1951, we can only admire the foresight shown in putting forward the idea of promoting research on safety.

In actual fact, with the unanimous consent of the two sides of industry and on a proposal from the High Authority,[2] the concept of 'safety' has gradually been extended to fields such as industrial hygiene, occupational medicine, safety in mines, pollution control in the steel industry and ergonomics.

These research sectors are now referred to collectively as 'ECSC social research', although there is no mention of this anywhere in the Treaty; it is a convenient term but, unlike 'technical' research which is a simple concept, it requires some clarification.

As it is an important instrument of social policy, this research is of a special nature. Its principle, subjects and aims must be accepted by the two sides of industry.

The programmes are, of course, examined by the ECSC Consultative Committee and before being officially published by the Commission must receive the assent of the Council. In addition, however, the two sides of industry are continually involved in their preparation, the choice of subjects and, of course, the use it is proposed to make of the results with a view to their application in industry. In practical terms, this involvement takes the form of participation in the work of various committees, both scientific (Committee of Producers and Workers) and government (Committee of Government Experts).

Financial resources

ECSC research is financed by funds derived from the levy (Article 50 of the ECSC Treaty).

Each programme is allocated an overall appropriation for a given period, generally five years.

Financial aid for research projects covers only part ot the costs, the aim being to maintain industry's involvement and interest in administering the work. As a rule, the aid granted amounts to 60 % of the direct research costs, but it is sometimes more and sometimes less.

The funds thus committed are strictly controlled, both from a technical point of view and as regards their proper use in accordance with the contracts drawn up, setting out the rights and obligations of the Commission and the institutes chosen to carry out the research.

The contracts include a whole series of clauses guaranteeing compliance with the decisions taken and relating to patenting and licensing.

The programmes

The following programmes are currently under way:

(i) Second programme on safety in mines: total appropriation for five years: 12.5 million ECU.

(ii) Fifth programme on industrial hygiene in mines: total appropriation for five years: 11 million ECU.

(iii) Ergonomics: total appropriation for five years: 13 million ECU. This programme was completed in 1983.

(iv) Occupational medicine: total appropriation for five years: 9 million ECU.

(v) Control of pollution in the iron and steel industry: total appropriation for five years: 15 million ECU. This programme will be completed in 1984.

(vi) Community research on safety in the steel industry: a first 'tranche' of 1 million ECU was allocated in 1983 and a second is scheduled for 1984.

As its name implies, the programme on *safety in mines* relates to the prevention of industrial accidents in mines.

Safety in the steel industry: a feature of every day! Photo: Paul Versele · Copyright 'Photo News', Brussels

[1] Article 55: 'The High Authority shall promote technical and economic research relating to the production and increased use of coal and steel and to occupational safety in the coal and steel industries . . .'

[2] Commission since 1967.

In addition to the traditional chapters for this industry on the prevention of group accidents, e.g. dust explosions, dangers of electrification, haulage and man-riding, mine fires and underground combustion, the new programme has set aside considerable resources for the study of the human factors involved in the origin of accidents. Methods of investigating human motivation and behaviour have been developed and are yielding useful information at the present stage.

The programme on industrial *hygiene in mines* relates mainly to technical dust control. Some resources will be allocated, however, to projects aimed at reducing noise emissions underground.

The general aim of the *ergonomics* programme is to adapt work, i.e. machines, methods and plants, to man. It is therefore designed to bring about greater working comfort and easier performance of tasks by improving controls, visibility and general environmental conditions. Ergonomics is thus an additional safety factor.

Ergonomics has changed considerably since its origin and, whereas at the beginning it concentrated on the correction of design errors (corrective ergonomics), it has moved gradually towards the integration of ergonomics into manufacturing processes (design ergonomics).

There have been several programmes on *occupational medicine,* concentrating on the study of pneumoconiosis, mainly in coal miners. Research on bronchitis and emphysema was added at a later date.

At the request of the European steel industry, new subjects have been added to the current programme,[1] such as industrial dermatitis and lumbar disorders.

The programme on *control of pollution in the iron and steel industry* covers research projects aimed at controlling the emissions of pollutants for which the iron and steel industry is responsible, both within plants (workplaces) and in their immediate environment.

These projects relate to air pollution, liquid effluent (coking plants), the treatment of waste either by non-polluting discharge or by recycling, and the reduction of sources of noise.

The first programme of Community research on *safety in the steel industry* deals with the prevention of dangerous situations arising from technological changes in melting shops, whether using ingot casting (traditional method) or continuous casting (method being used more and more).

Outlay on social research

The total financial aid granted to ECSC social research since 1957 can be estimated at over 500 million ECU.

The breakdown of this aid is quite revealing, since it shows the constancy of the ECSC industries' concerns:

Hygiene in mines:	16.7%	Physio- and clinico-pathology:	20.6%
Safety in mines:	6.3%	Traumatology and rehabilitation:	3.2%
Control of pollution in the iron and steel industry:	26.9%	Occupational physiology and psychology:	20.2%
Miscellaneous:	3.6%	Miscellaneous:	2.5%
	53.5%		46.5%

The proportion allocated to safety in mines is relatively low because this research began later and until around 1965 came partly under technical research on coal.

As regards the prevention of pneumoconiosis, it can be seen that almost identical resources were allocated to the development of methods of technical dust control and to medical research on pneumoconiosis. This is not mere chance but reflects the policy that the Commission has pursued from the outset to improve the lot of mine workers.

Examination of the programmes now under way shows that this concern is still uppermost, albeit in somewhat changed form.

Pierre Lemoine

[1] See *Social Europe*, No 00, July 1983, p. 73.

Part Two

Analyses, debates, studies

Relationship between public authorities, employers and trade unions with respect to local labour markets in Member States of the European Community

Study by Professor D. L. Coombes and Mrs Brigid Lattan, National Institute for Higher Education, Limerick, Ireland

Introduction

The study was designed to make a preliminary survey and analysis of tripartite relationships with respect to local labour markets in selected Member States of the European Community, with the object of suggesting guidelines for further action by the Community, and especially the Commission, in this area. The study relied principally on published sources and consultations at national level, which proved to be a limited means of evaluating what happens at regional and local levels within Member States. A more substantial account will be contained in a series of case studies in various Member States to be carried out over time. The case study for France is annexed to the present report. Part 2 of the report presents an analysis and assessment of the factors that need to be taken into account from a Community perspective in any attempt to evaluate the significance of tripartite relationships with respect to local labour markets. The conclusions of the preliminary study and some guidelines for future action are presented in Part 3.

Analysis

The first part of this section deals with the determinants of labour market policy. It notes from the outset that there has been a general concern in the countries of Western Europe to develop and improve public intervention in labour markets as part of national economic and social policies. Nevertheless, the speed and extent to which labour market intervention developed to an advanced stage varied widely between countries, and any approach to labour market policy from a Community perspective should take account of this uneven development in national contexts, which are themselves different. The report analyses some of the ways in which policy has different objectives and different emphases, starting from the functions of labour market policy themselves, including target groups, the constraints on the scope and methods of labour market intervention. These are themselves dependent on the relative importance of employment policy in the context of national economic policy as well as the perceived role of economic policy objectives.

In the implementation of labour-market policy, Member States have increasingly turned to labour market measures, and certain common elements in the administration of labour market policy can be discerned:

(i) labour market measures requiring intervention by public authorities have a necessary regional and local dimension;

(ii) in all the Member States surveyed, special public agencies with varying degrees of autonomy have been set up at national level for implementing labour market policy;

(iii) all agencies responsible for labour market policy implementation have an extensive regional and local organization;

(iv) a major objective of labour market policy has been to involve representatives of employers and unions in the management of labour markets, in the framework of the general trend towards tripartism in economic and social policy making.

While it is possible to observe some consistent pattern in public intervention in labour markets, in terms of the functions performed and the use of tripartite public agencies with extensive regional and local organization enjoying a measure of devolved responsibility, it is not evident from the formal organization within particular Member States precisely how much devolution to regional and local levels and to employer and labour representatives is achieved in practice.

The way the local dimension is treated in the administration of labour market policy is a further source of complexity for the study, and raises a number of general problems:

(i) regional and local government has a claim to participate in the management of local labour markets, but the formal structures may not be consistent with the appropriate labour markets. In all the Member States studied the preference for centralized modes of public intervention in social and economic affairs has been a general constraint on the influence of local authorities;

(ii) there are signs of increasing interest by local authorities in economic activity in their respective areas, with a specific concern for employment, and consequently the move towards the promotion of economic development and employment creation themselves;

(iii) the question of how officials at the relevant levels organize cooperation with each other and with other interests, given the inherent two-way dependency involved: the relevant local interests on the one hand, and their hierarchical (and financial) superiors on the other.

The role of regional and local authorities in the management of local labour markets depends ultimately therefore on the attitudes of the central governments of Member States, towards both employment policy and the organizational principles for implementing it.

Similarly, employers and labour also have a direct interest in the effective management of labour markets. In all advanced societies, both employers and labour have developed their own organizations for representing their respective interests and conducting their relationships with each other, while the representation of interests with respect to national governments has become increasingly important. Nevertheless, this latter role is not without conflict and the ambivalence of the role of employers and labour organizations can be significant in the management of local labour markets. In this context, there are a number of factors which had to be taken into account:

(i) the attitudes of employers and labour representatives at local level, and their relationships, depend on the nature of their organizations nationally;

(ii) the relationship between public authorities on the one hand and employers and trade unions on the other at national level is also important. While all Member States practise some form of consultation, this is not without limits and constraints on both sides;

(iii) the effective participation of employers and unions at local level will depend on their regional and local organizations. In at least two Member States, they do not play a major role in local employment initiatives and, in general, it is considered unpromising to rely on participation of employers organizations and trade unions at local level without some form of central direction;

(iv) the problem of securing access to, and participation by, the most appropriate interests at the level of individual undertakings, which differs considerably from the more formal structures and varies widely among Member States.

In concluding this part of the study, the report stresses that there are dangers in relying on a simplified perception of tripartite relationships, based on the concept of 'social partners', for the effective management of local labour markets. It believes that if the objectives of labour market policy are to be achieved, considerable ingenuity and flexibility are required in devising suitable procedures of public intervention.

Conclusions and guidelines for future action

The preceding analysis in Part 2 of the study suggests that there are obstacles and risks in an approach from the Community level to tripartite arrangements for the managment of local labour markets. Structures for labour market intervention depend on the commitment of central government. Their degree of autonomy and genuine effectiveness are similarly circumscribed. By that token, Member States are unlikely to welcome any form of direct intervention that appeared liable to affect their own ultimate responsibility for the forms and methods of public intervention in local labour markets. The role of local authorities, trade unions and employers organizations and their relationships between themselves and with central governments is often a delicate political matter. It is therefore difficult to lay down general standards or requirements for such tripartite relationships across Member States. Nevertheless, it is clear that Community countries have already benefited by learning from each other's experiences in labour market policy. Making allowance for incomparability, it is likely that they could still benefit by knowing more about different experiences with, and approaches to, tripartite relationships with respect to local labour markets. In this respect, the report suggests, there is need for a common agency not only to act as a 'clearing-house' of up-to-date information on what is happening within each Member State but also to monitor developments and even offer expert advice on the basis of past experience. The Commission could well envisage itself acting as such an agency, in the framework of the Community's employment policy, especially with the cooperation of the 'social partners' organized at Community level. It would also be necessary to secure the collaboration of the relevant departments and agencies of Member States' governments.

Andrew Chapman

Employment agencies in Italy: roles, objectives and means of intervention

A study by the Istituto di Studi sulle Relazioni Industriali e di Lavoro (ISRIL)

At the beginning of the 1980s, two regulations were issued (Decree 1.1602 and Law No 140 of 16 April 1981), demonstrating the intention of the Italian Government to reform the employment services. The plan provides for, *inter alia,* the creation of Employment Agencies covering significant areas from the point of view of employment. In view of the criticisms expressed by the trade unions with regard to the classic conception of the Agencies' function, namely to bring together and link up labour supply and demand, the Agencies have been given the role of technical secretariat attached to the Regional Employment Committees (CRE), which were set up in 1982 on an experimental basis in the regions of Campania and Basilicata. These agencies have been given three major tasks:

(i) firstly, to estimate the number of jobs created within the context of public and private expenditure programmes (the harmonization of projects at regional and then national level should lead to optimization of gains);

(ii) secondly, a 'study and research' task, essentially with a view to informing the national authorities of the trends (quantitative and qualitative) in the situation on the labour market;

(iii) finally, the actual task of technical secretariat for the CRE.

To carry out these tasks successfully, it is important (especially, consider the authors, in so far as the 'study and research' task is concerned) for the Agencies to be provided with new analytical tools. For instance, details of labour supply and demand at local level cannot be properly collected in the absence of a data bank. However, these are being created at present within the 'Employment Observatories' (regional bodies of the Ministry of Labour). In addition, the Agencies are also faced with the task of forecasting labour supply and demand. And as things are at present, the creation of forward analytical instruments, incorporating both spatial and temporal data, presents considerable difficulties. It must also be borne in mind that data collection brings a wide range of factors into play. When it comes to evaluating the labour supply, for instance, undertakings and their representative organizations are involved at the highest level. Consequently, the authors study point by point the questions of method raised in particular by an exercise such as forecasting labour supply and demand at local and sectoral level.

Broadly speaking, the explanation of problems and their solutions are based on experiments taking place in the regions of Lombardy, Piedmont and Veneto, as well as on economic literature. The authors, for instance, examine the question of estimating labour requirements, an aspect which it is certainly very difficult to tackle and one which is central in any employment forecasting model.

A description of the whole question as developed by the authors would take us too far, certainly beyond the scope of this article. We have therefore selected just two of the problems involved in data collection (in so far as these problems tell us about both the methodology which should be followed and the behaviour of agents, which cannot be left out of consideration). Assuming that one has previously defined the territorial areas on the one hand, and the occupational categories on the other, one remains, the authors continue, confronted with the (major) problem of evaluating the number of jobs vacant in the short and medium term. And at microeconomic level, the problem of forecasting is complicated by the diversity of the sectoral, dimensional and organizational characteristics of the production units to be considered. In the case of rigid organizations, largely resulting from legal or administrative provisions, it is possible to know at any given moment the number and nature of jobs occupied and vacant. On the other hand, this is practically impossible in the case of production units subject to rapid and frequent technical and organizational changes; this is increasingly compounded today by internal mobility, with the established labour force having been transferred to positions other than those occupied initially; at the same time, the intensive process of technological innovation, which has now entered the diffusion stage, has radically altered staff recruitment criteria. In these circumstances, asking an undertaking to provide information on jobs vacant no longer has a great deal of meaning. More often than not, the undertaking will reply that its current problem is eliminating disorder. Consequently, its personnel policy will be focused solely on phased dismantling and the restructuring of departments.

Whatever the case may be, forecasting vacant situations, in the traditional sense of the term, can be applied only to a limited number of situations: public services, large bureaucratic organizations, and undertakings characterized by standardized technology or extreme rigidity. The authors propose in this instance, for operational purposes, to subdivide the entire employment system into three groups:

(i) public services and corporations (i.e. some 20 % of all wage-earners employed in industry and services in Italy);

(ii) small and medium-sized enterprises (10 production units and over), either private or with a State holding, in industry and services (i.e. some 40 % of total wage-earners);

(iii) small companies (fewer than 10 production units) in industry and services (i.e. about 40 % of total wage-earners).

Last but not least, another problem is the high percentage of incoherent or non-existent replies (between 30 % and 50 %, depending on the survey), which would seem to be the norm for surveys on manpower movements conducted among undertakings (regardless of who initiates the survey). There are at least two reasons for this: firstly, the difficulties which some undertakings have in correctly estimating their manpower needs in the short

and medium term; secondly, the fear among heads of companies that their statements will be used by the trade unions (this would be seen as a commitment), in spite of statistical secrecy. The authors consider that making replies legally binding would serve no purpose, that at best it would merely increase the number of replies having no foundation. They conclude, however, that these regional experiments in Italy tend to suggest that forecasting labour requirements is not impracticable – just the opposite in fact.

Paul Descolonges

Positive measures in favour of women

On 26 April 1984, the Commission submitted a draft recommendation to the Council concerning the promotion of positive action programmes in favour of women.

Positive action as part of the new Community Action Programme on the promotion of equal opportunities for women (1982–85)[1] received particular attention in the Council Resolution of 12 July 1982. In this Resolution, the Council approves the general objectives of the Programme, 'namely the stepping-up of action to ensure observance of the principle of equal treatment for men and women and the promotion of equal opportunities in practice by positive measures and expresses the will to implement appropriate measures to achieve them'.[2]

Photo: Dominique Jassin – Gamma, Paris

Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions[3] already recognizes the importance of positive action. Article 2(4) provides for the possibility of promoting such action, in that it states that the Directive is without prejudice to measures aimed at promoting equal opportunity, particularly by removing existing inequalities which affect women's opportunities in the field to which it refers. Although the terms of this article are fairly modest, some stimulus must be derived from it to make use of this possibility, especially in the light of the current situation on the labour market. Consequently, all the Member States have already undertaken some measures and actions[4] on the basis of this article. The different initiatives taken, which concern various forms of action, have been studied and analysed by the Commission and compared with the experiences of the United States, Canada and Sweden, countries with a long tradition in this field. It was, *inter alia*, the findings of these practical studies which guided the Commission in drawing up its Community initiative.

The need for legislation

The research conducted by the Commission has shown in particular that the legal standards in force on equal treatment are not sufficient to eradicate all forms of discrimination if measures and strategies are not undertaken at the same time, either by governments or by other bodies responsible for social life, with a view to reducing the indirectly discriminatory effects on women of employment practices. It has become clear that if a real stimulating influence is to be brought to bear in this respect outline legislation must be introduced, as in the United States and Sweden for instance, aimed at correcting existing discrimination linked with attitudes, behaviour and traditional practices. This is the very reason why the abovementioned Action Programme not only attaches great value to positive measures but also even devotes a specific action (action 9) to the development of positive action programmes, that is to say the promotion of outline legislation at national level.

A common framework for all positive measures has some important advantages, such as:

(i) contribution to the elimination of *de facto* discrimination resulting from the social systems;

(ii) gradual harmonization of the legal, institutional and organizational instruments for positive measures which already exist;

(iii) follow-up of the progress made.

Since this is a field in which a great deal of reluctance is shown, for reasons connected with both the economic situation and the fact that such measures strike at the very heart of certain traditional structures, the Commission decided, on the basis of the opinion expressed by the Advisory Committee on Equal Opportunities for Women and Men[5] on the one hand, and of the conclusions of a high-level symposium held in Athens in September 1983 on

[1] COM(81) 758 final, 9. 12. 1981.

[2] OJ C 186/3, 21. 7. 1982.

[3] OJ L 39/40, 14. 2. 1976.

[4] See interim report on the implementation of the new Community Action Programme on the promotion of equal opportunities for women (COM(83) 781 final).

[5] Set up the Commission on 9. 12. 1981 – OJ L 20, 28 1. 1982.

the other hand, to use a Council Recommendation as its instrument, this being a flexible instrument suitable for preparing the ground and predisposing mentalities for the adoption of a binding instrument at a later stage.

The Standing Committee on Employment underlined the importance of positive measures in its conclusions on the communication on unemployment among women,[1] and the European Parliament also showed great interest in the subject in its Resolution of 17 January 1984 on the situation of women in Europe.

Implementation of positive measures

The research carried out by the Commission has also revealed that numerous obstacles are to be expected in the elaboration of positive measures.

The greatest obstacle stems from the fact that action in favour of equality disrupts the traditional allocation of roles, in which women have subordinate status. And on the employment market, the promotion of equality threatens the organization of labour and, above all, the established power system.

Finally, there are also barriers of an administrative or organizational nature which are by no means the easiest to overcome.

The interim report on the implementation of the new Community Action Programme on the promotion of equal opportunities for women,[2] however, mentions a number of measures by way of example, particularly on the basis of information provided by the Member States. These measures, very diverse in their nature, their scope and the fields that they cover, are implemented by governments, regional and local authorities, undertakings, certain trade unions and the Commission of the European Communities itself.

Examples of some extremely interesting measures are given in the explanatory memorandum attached to the draft recommendation recently submitted to the Council.

These are measures taken by governments such as, in France, the encouragement of implementation of equality plans by undertakings: in some cases, undertakings using them may even receive financial aid.

Other positive measures taken by certain Member States concern vocational training, the furthering of diversification of occupational choice and the promotion of employment opportunities. The introduction of equal opportunity advisers in each regional employment office in Denmark is one example of a positive measure currently being studied by other Member States. Improving the social infrastructure can also be mentioned as a positive measure in favour of women (development of crèche facilities, for instance, in Greece and France).

The measures taken by regional and local authorities also vary considerably, some relating to specific fields (training in some German *Länder*, for example) and others to a global strategy for positive measures (for instance, the drawing-up of a code of conduct for recruitment interviewers in the London Borough of Camden and the Greater London Council).

Both public sector and private sector undertakings have developed positive measures. The explanatory memorandum preceding the draft recommendation quotes a few of them; in the field of training, for example, by Sabena in Belgium and Thomson and Sofinco in France and, more generally, some nationalized banks in France and Aer Rianta in Ireland.

In addition, several undertakings in the private sector have developed various measures to promote women's employment, from training to recruitment and promotion to positions of responsibility and the provision of more nursery facilities.

Very interesting measures have been taken in this connection by Rank Xerox, the National Westminster Bank and Thames Television Ltd in the United Kingdom, and IBM and the Scalbert Dupont Bank in France, for example.

The European Trade Union Confederation has developed a policy of positive measures at European level, whilst other trade unions have done the same at national level. The British TUC, for instance, has drawn up a charter on equality for women in trade unions.

For its part, the Commission of the European Communities has developed a number of measures at Community level, particularly within the context of the European Social Fund, aimed at promoting diversification of women's jobs. These measures should be developed in those sectors and professions where new technologies are being introduced.

The European Centre for the Development of Vocational Training (Cedefop) ist playing an important role in this field.

Within the context of its action in favour of desegregation in employment, the Commission has conducted a comparative survey with the aim of identifying and recommending practical ways of implementing directives in the civil services (for example, measures to promote access for women to high-level posts and training of women with a view to their access to traditionally male-dominated public services such as the police).

With the help of experts, it is also encouraging research and action on employment and equal opportunities in certain sectors such as, for example, banks and, more recently, industry.

Finally, it is supporting initiatives taken in the Member States in setting up cooperatives, e. g. in Greece and the United Kingdom, within the framework of Community priorities for the creation of jobs.

The proposed recommendation

The Commission's proposal recommends that Member States adopt a

[1] COM(83) 653 final.
[2] COM(81) 781 final.

strategy on positive action, designed to eliminate *de facto* inequalities affecting women in working life and promote desegregation in the labour market.

For that purpose it proposes that Member States adopt and promote appropriate measures of positive action taking account of national practices and provisions, in order

(a) to counteract or compensate for the prejudicial effects on women in employment or seeking employment which arise from existing social attitudes, behaviour and structures based on a perceived division of roles in society between men and women;

(b) to encourage the participation of women in all occupations and sectors of working life where they are at present under-represented and at all levels of responsibility.

The draft recommendation proposes that Member States ensure that such measures are taken in the public sector and by all agencies concerned with vocational guidance, training or placement; that such measures are promoted in the private sector; and that such measures are made known to women, as well as to the public at large.

The Commission gives some examples of measures Member States could take to bolster women's equality of opportunity, *inter alia:*

action to broaden the range of vocational choice of women seeking training and employment;

action to encourage women applicants and increase the recruitment of women to areas of training and employment, including promotion, where they are under-represented;

action to reduce the difficulties parents in full or part-time employment have in meeting their occupational and family responsibilities;

action to inform and increase the awareness of the general public of the need to promote equal opportunities for women in working life.

In accordance with the Council's views expressed in its Resolution on the promotion of equal opportunity for women, the Member States are recommended to ensure that the public sector sets an example in the field of positive action programmes.

The Commission is to receive a report on all the measures taken in the Member States to enable it to draw up a report to be submitted to the Council.

Finally, the draft has an annex containing suggestions and useful examples for drawing up a programme of positive action in the workplace, proposing for guidance a number of stages for the implementation of any positive action project, to be carried out in line with each undertaking's traditions and with the participation of representatives of management and labour.

The Commission hopes that its recent initiative in favour of women will be an effective contribution towards achieving equality in actual practice, something which is still a long way from being attained today.

Marie José Raetsen

Protective legislation for women

(Protective measures and the activities not falling within the scope of the Directive on equal treatment)

This study relates to the subject of exceptions to the principle of equal treatment as laid down by the 1976 Council Directive, and to protective legislation.

The Directive permits Member States to exclude from equal treatment 'those occupational activities and, where appropriate, the training leading thereto, for which, by reason of their nature or the context in which they are carried out, the sex of the worker constitutes a determining factor'.

This study analyses the exceptions which the Member States have seen fit to legislate for and attempts to put them into groups corresponding, in the eyes of the author, to diminishing degrees of legitimacy. For example the first group consists of exceptions where membership of a particular sex is vital to carry out the activity in question, such as the work of a model or an actor, and the seventh group covers exclusions made for reasons of tradition and economic considerations, such as domestic service and employment in small firms.

A certain number of conclusions are drawn from the examination of exceptions, the main one being that there are very few legitimate exceptions as the reason for exclusion must be inherent in the nature of the work and the conditions under which it is carried out, for which membership of a particular sex must be a determining factor. The best method of deciding upon derogations from the principle of equal treatment is recommended as the identification of these few basic situations and then dealing with them by putting them on a closed list.

With regard to protective legislation, the Directive on equal treatment states that Member States shall ensure that 'those laws, regulations and administrative provisions contrary to the principle of equal treatment, when the concern for protection which originally inspired them is no longer well founded, shall be revised'.

This part of the report begins with an outline of the role of the relevant ILO conventions. Since it was set up in 1919 the ILO has only made moderate use of the special regulations on women's work, although these rules aimed at protecting women by barring them from certain jobs deemed to be harmful were among the first to be adopted.

The most recent conventions, on the other hand, affirm women's right to equal treatment and equal opportunities and the ILO has underlined the need to take a fresh look at the protective legislation applying solely to women in the light of the latest scientific and technological knowledge and social progress.

The study gives details of the protective legislation in force in the Member States, drawing a distinction between prohibited jobs and working conditions, although in some cases an obligation to respect certain working conditions may lead employers to refrain from recruiting women for the jobs in question.

With regard to prohibited jobs, these fall into two categories – the traditional, long-standing protective approach banning women from work in mines and quarries, from the manual lifting of loads, from work handling chemicals and other forms of 'dirty work'. More recently a development can be seen in what might be described as the industries of tomorrow in bans including exposure to lead and ionizing radiation.

The provisions then listed under working conditions are divided into two main categories as to whether they seem to be aimed at protecting family life, e.g. limits on working time, Sunday work, night work, or at making unpleasant working conditions less unpleasant for women, early retirement for manual workers, the provision of seats, and a ban on the manual shifting of loads.

The conclusion is drawn that in general legislation protecting women is very largely based on a conception of the traditional sharing of duties between the sexes whereby women have to be spared certain dangerous, unpleasant, difficult and dirty jobs and their working conditions have to be altered to enable them to combine their family commitments and their professional activity.

The premise on which this legislation is based is the physiological difference between men and women. However, specific legislation has not been applied systematically; for example, although night work is forbidden to women in industry, nurses, whose jobs are often both difficult and dirty, may work night shifts without question. The fact that women were found to be on average physically weaker than men has led to a ban on heavy jobs for women, a fact that has remained unchanged despite rapid changes in production processes, which often mean that manual lifting is a thing of the past.

It must also be said that this legislation often ignores a need to protect men as well as women, and that a review of protective legislation should be seen in the context of an improvement of working conditions for all, together with a better distribution of tasks between working life and family life.

Sarah Evans

Sharing occupational, family and social responsibilities

In its Resolution of 12 July 1982[1] concerning the promotion of equal opportunities for women, the Council confirmed the need to increase public awareness and disseminate information to support the change in attitudes to sharing occupational, family and social responsibilities, as defined in the new Community Action Programme on the promotion of equal opportunities for women (1982-85).[2] To attain this objective, the Commission undertook to examine the growing disparities between the evolution of recognized social values and the reality of the labour market on the one hand and that of non-professional activities on the other hand. To this end, it conducted a study, recently completed, which will enable it to pick out points on the basis of which measures can be proposed in this field.[3]

This study, undertaken by the Université des Femmes, Brussels, deals with on the one hand 'individualized' working-time arrangements, such as part-time work, temporary work and 'black' work, and on the other hand 'collective' working-time arrangements, such as a shorter working week, parental leave and improved public infrastructures.

It also tackles working conditions, focusing particular attention on night work, shift work and work in the home, describing the extent, the development, the social aspects and the modifications which would be desirable.

The study also reports on the trends in wages and unemployment among women and ends with a chapter on non-working time in women's lives, before passing on to its conclusions and proposals.

Equality in practice

A socially recognized value, equality between men and women is at the basis of the Community's action. To be attained in practice, equality must apply to all aspects of life in society, so complex is the overlapping between cause and effect. In practice, however, equality is not progressing or is progressing too slowly. In addition to the traditional resistance to equal living conditions for men and women, we now have the effects of the economic crisis, which is tending to break up – to dichotomize – the labour market and the workers' living conditions.

This reshaping of the labour market is generally to the detriment of women workers. They are over-represented in the unemployment statistics, and they more than other groups are forced into working situations which make them even more unequal: part-time work, 'black' work, work in the home, limited duration contracts, etc.

The development of night work and, to some extent, shift work, is indirectly affecting women. Following the prohibition of night work, which is applied more extensively to women, many jobs are closed to them. But in addition, the very conditions of this type of work presuppose, for a decent family life, that the other spouse does not pursue a professional activity or has only a limited professional activity. This other spouse is almost always the wife.

As regards the effects of the introduction of new technologies on women's jobs, it is difficult to make any forecasts. However, given the weak position of women on the labour market, it is highly likely that they will run more of a risk than men of being victims of job losses, of benefiting less from the creation of jobs, of benefiting less from the economic effects of productivity gains and, finally, of finding themselves more than ever in the unqualified corners of the job market.

The report draws attention once again to the importance of the 'remuneration' factor in the process of equalizing the status of men and women. It points out that if this equality of income is not attained, it will always be the woman, and the woman alone, who will have to choose between the savings that she can make by doing more of her own housework and the gains which she can hope for by joining the labour market. If the woman alone has to make this decision, it will also be she alone who will have to do the major part of the housework. All the measures (such as parental leave or family leave) that the Commission will be trying to promote

Photo: Daniel Simon – Gamma, Paris

[1] OJ C 186/3, 12.7.1982.
[2] COM(81) 758 final, 9.12.1981.
[3] This is an experts' report which commits the authors alone.

with a view to greater harmonization of professional and family life will have an unequalizing and discriminatory effect on women who, for strictly economic reasons, will be the only ones to use them.

Employment and unemployment among women

In so far as unemployment among women is concerned, the report illustrates the damaging effects which it has on the sharing of family and social responsibilities. But it also draws attention to one point in particular: seen from a certain angle, the high rate of unemployment among women has a positive aspect. The report observes that now women as much as men stay on the job market in spite of the economic situation, whereas in the past an economic recession tended to lead to a decline in demand for work among women. Despite male and female behaviour moving closer together in this way, unemployment among women is still seen from a different social viewpoint. Women without a job are far too quickly likened to non-active women. If a woman is unemployed, this is regarded as less serious and socially less threatening. Whilst the cost of absorbing female unemployment or creating jobs for women is much lower than for men, fewer absorption and job creation measures are applied for women workers than for male workers. Once again, we are in a situation of economic irrationality, since the same budget would cut unemployment more if appropriated to job creation in the feminine areas of the labour market. Comparing the situation in the different countries, the report notes that women are less regularly or less fully entitled to unemployment benefit, receive less benefit and are more frequently denied any benefit at all. Having more free time and less income, they are *ipso facto* forced to do more housework to make up for their loss of purchasing power. In various complex ways, therefore, unemployment widens the gulf of inequality between men and women and checks the process of sharing occupational, family and social responsibilities.

Working time and free time

Women are also forced into a socially inferior role outside working hours. The study describes the extent to which their lives outside work are dictated by their family activities, housework, bringing up children and being available when other members of the family need them. Too little progress is being made in the sharing of family responsibilities. The surveys which the researchers used suggest that the husband (or male partner) plays a greater part in the household activities if the wife (or female partner) is young and of a high socioprofessional class, if the couple have only recently started living together and if there are no or few children. For women, family responsibilities continue to form part of their duties, whilst for men household and family activities are more a question of 'good will' or even 'pleasure'.

With a double working day, insufficient income and the sociocultural context as it is, women workers, particularly those who are married and in a lower socioprofessional class, have very little free time left for leisure or social, political or cultural life. According to some authors, there is even more discrimination against women outside working life. For them, more free time carries with it a risk of new discriminations. If this is accompanied by a drop in income, women tend to do more domestic work. If the family's leisure activities increase, the woman's family work will probably increase as well. Consequently, it seems essential for any policy to reduce working time to be linked with a vigorous campaign to change attitudes towards sharing occupational, family and social responsibilities.

Proposals

The study then proposes a number of measures likely to further equality and the sharing of responsibilities. It adopts the approach that any collective arrangement of working time brings more equality than individualized arrangements. However, these collective arrangements must be capable of solving a number of individual problems. Consequently, it is proposed that each worker should have a certain amount of free-time credit during his working life, so that he can best arrange the time which he wants to use for political reasons (political leave), social reasons (social work in his own country or in the Third World) cultural reasons (further education), health reasons (therapeutic cures) family reasons (parental leave and family leave), etc. If, at the end of his working life, the worker has not used up all his credit, he could take an early retirement. This reorganization of time would be more useful to workers than a shorter working day or week; overall, it would not cost any more and would encourage recruitment of unemployed workers to replace those using their free-time credit.

The researchers also think that staggering the hours at which services are available to the public (public services, health services, cultural services, shops, etc.) would spread out certain activities and reduce the time wasted in queues, in the rush hour, etc.; furthermore, it is even possible that staggering these activities and longer opening times could ultimately lead to a redeployment of labour.

If politicians recognize that at both individual and social levels the balance between economic values (production, work, income, etc.) and social values (birthrate, health, security of existence, bringing up children, etc.) must be maintained, they will try to promote appropriate measures to encourage a balanced sharing of responsibilities in these fields, as the conclusion of the report indicates.

The Commission is currently studying the proposals made in the report and the most appropriate action to be taken on them.

Marie José Raetsen

Interrelationship between working time and leisure time in Europe

Of the many studies carried out by the European Foundation for the Improvement of Living and Working Conditions,[1] *Social Europe* has picked out one which is a survey of research work on the interrelationship between working time and leisure time in Europe.

Reducing working time is one thing, but researchers must also analyse how this reduction affects leisure time and how it is used. Photo: Yves Smets - Copyright 'Photo News', Brussels

The emergence of interest in the 'leisure society' in 1960 was followed, in 1968, by criticisms of the consumer society which questioned this over-optimistic view of leisure time. At the same time, increasing attention was paid to changing working conditions. Finally, following the first oil shock in 1974, priority was given to the economy and to employment.

It was not until the second phase of the crisis (around 1979) that an understanding of the problems of leisure time and working time appreciably altered. New sociological concerns emerged with regard to the way in which the work relationship was changing during the crisis (unemployment, lowering of the retirement age, the informal economy, etc.). Working time came to be seen as a decisive variable in coping with the problems posed by the crisis; the dividing line between work and leisure became less distinct. Study of the interaction between leisure time and working time thus entered a new phase.

The European Foundation for the Improvement of Living and Working Conditions has taken stock of the research being carried out in nine Member States and produced a consolidated report [2] of which, in view of the scope of the subject, only a few aspects are presented here.

So far, working time and leisure time have been analysed from a quantitative point of view. The issue at the heart of arguments and demands remains the duration of working hours. But the question is now also being posed in qualitative terms. Reducing working time is one thing, but researchers must also analyse how this reduction affects leisure time and how it is used. The effects of working time on leisure time have been the subject of scientific analysis for a few years only. The basic assumption consists in perceiving time as a whole, no longer dissociating one from the other. Thus, job content, job satisfaction, interest in the work, together with working conditions, determine leisure activities. So far, research on new forms of work (flexible working hours, part-time work, job-sharing, atypical work timetables, etc., linked to a reduction of working time) has been

[1] Address: Loughlinstown House, Shankill, Co-Dublin, Ireland.

[2] Survey of research work on the interrelationship between working time and leisure time in Europe – Consolidated report.

studied essentially from the point of view of employment (how to combat unemployment?) and the management of productive structures. Analysing working time in terms of its impact on leisure and the use of time in general is therefore a new trend in research in this field; it is still, however, only partly explored territory.

Other problems connected with the economic crisis are now the focus of attention owing to their very size. They include, in particular, the relationship to time of certain social categories such as the unemployed and persons in early retirement who have broken with working life. A number of research projects were conducted in the Netherlands with the aim of removing the dividing line between paid and unpaid work, essentially by means of concepts of voluntary work and socially-oriented leisure activities. The result could be a new, richer and more dynamic utilization of time.

The concept of time also includes its organization and its repercussions on the social system as a whole. We all know the traffic jams at the same time each day, the problems posed by setting off on holiday and the difficulties created by rigid timetables in the general organization of services. A good deal of research has been conducted with a view to computing the time, energy and facilities wasted as a result of insufficient flexibility in social rhythms. If there is no social management of time, the increase in individuals' free time is liable to be offset by losses in collective time.[1]

All these questions have been the subject of research in nine European countries. Both methods and analyses vary considerably from country to country. This is explained by the specific nature of the different social cultures, and also by the time lags in the effects of the crisis and the way in which these effects are felt in the various countries. France, for example, uses the 'time: budget method', a ponderous and costly research instrument at national level which allows the daily life of a population to be perceived as a whole. Other countries limit their approach to a single population category. For instance, an analytical method which sociologists call the 'target-group' approach is used to perceive the way in which specific 'problem' categories allocate their time. These are immigrants, young people, 'marginals', elderly workers, shiftworkers and nightworkers who are excluded from the life patterns of their social environment.

The report by the European Foundation also analyses the responses made to the time problem by representative institutions in the different countries. Current trade union and political discussions are focused primarily on the organization of working time and do not deal with matters relating to leisure time. The length of the working week, whether or not overtime is worked, the introduction of flexible working hours, part-time work and job protection determine social policy. But how, for example, can one resolve the problem of wage-earners wanting more free time with no loss of income? Concrete schemes have been introduced in some undertakings. These go to feed the central theme of the debate, which is each individual's management of his own time. Thus wage-earners have been given the opportunity to take extra time off work with a corresponding financial sacrifice. Will the right to choose time become a new human right?

New trends in modern research also concern some specific problems involved in the interrelationship between working time and leisure time. Everyone knows about the proliferation of the 'black economy', and not only in Italy where, as we know, 'double working' is assuming considerable dimensions. The production of goods and services outside the conventional framework of paid employment, the so-called 'informal economy', is a field to which researchers have been devoting more and more attention, as distinct from 'black' working proper.

And what about women's employment? Women coming onto the labour market is no longer a recent phenomenon. Yet women's activities remain dominated by existing social models. Free time in particular, even for women working part-time, is still largely devoted to household tasks. In addition, researchers in Germany have analysed the negative repercussions of the development of women's employment on family life within an unchanged framework of rhythms of social life. The difficulty of reconciling working life with family life is generating social costs. The increasing difficulty in harmonizing the timetables of each member of the family is leading to stress, over-indulgence in alcohol and tobacco, abandonment of the educative function and an increase in delinquency. Consideration of ways in which working time can be adapted to the requirements of family structures, whilst also providing for equality of roles between men and women, is becoming a necessity.

At a moment when time is becoming, *inter alia*, a real factor of production, in the same way as capital, labour and raw materials, when control of one's own time, like control of one's labour, is an essential demand, the interrelationship between working time and leisure time constitutes a major theme for reflection. In drawing attention to the main aspects of this problem, the European Foundation is making a contribution to the debate on the adaptation and reduction of working time.[1]

Sophie Cheminant
Alain Coeffard

[1] Specific research is being conducted on this subject under the Foundation's 1984 programme.

[2] See on this subject the special 1983 number of *Social Europe* on the reduction of working time in Europe.

The price of health in Europe

We are told often enough that no price can be put on health. However, the countries of the European Community are now being forced to set priorities on health care, finding themselves squeezed in the grip of cost inflation which has thrust health services to the top of the welfare expenditure league. Health care costs have been rising faster than GDP in all Member States.[1]

This tendency has been less marked in recent years, as GDP has fallen or grown by only a minimal amount in all countries. Despite this, health care continues to claim a substantial share of GDP.

Table 1

Estimated health service costs in 1980 and 1982 as a percentage of GDP

	Costs in % of GDP	
	1980	1982
The Netherlands	8.6	9.1
Ireland	9.0	8.2
Italy	6.8	7.0
Luxembourg	5.0	4.9
Denmark	6.8	6.9
France	8.5	9.3
Belgium	6.1	6.4
UK (England & Wales)	5.7	5.9
FR Germany	8.1	8.2
Greece		

The reasons for this cost inflation

The health care cost structure varies greatly from country to country. In the UK, the whole health service is financed out of general taxation, whereas in other countries the State is directly involved only to a limited extent. This makes it extremely difficult to come up with general solutions or develop a strategy.

One factor is undoubtedly the increasing range of services funded by sickness insurance. The UK, for example, has introduced a free family planning service, and in the Netherlands everyone is insured for long-term treatment in hospitals or other health-care institutions. At the same time, the system of compulsory sickness insurance has been extended to a greater number of people in several Member States.

Photo: Yves Smets · Copyright 'Photo News', Brussels

Another factor which has to be taken into consideration is the demographic pressure from the growing population of elderly people, who proportionately make the greatest demands on health services. In the UK it is estimated that the per capita cost to the National Health Service of people over 65 is three times as great as for the 16 to 64 age group.

The rising toll of road accidents, the increasing use of drugs as an answer to non-medical problems, greater environmental stress and higher consumption of alcohol and cigarettes are all contributing factors.

On the 'supply' side of medical services, factors to be taken into account are the rising wage bill, e.g. for hospital staff, and more particularly the growing demand for highly-qualified personnel. The introduction of new diagnostic and treatment techniques brings with it not only higher capital outlay for the equipment itself but also higher wage costs for the skilled staff to operate it.

The cost of health services has been pushed even higher by the development of many new drugs, some of which are undoubtedly more effective but some of which are quite unnecessary. Doctors often prescribe costly medicines when considerably cheaper but equally effective alternatives are available, since the sheer number of products on the market makes it impossible for doctors to have comprehensive information about all of them. Clever advertising by the drug companies does the rest.

This may encourage patients to visit their doctor more often, since each visit costs less, but at the same time it encourages the doctor to increase the amount of treatment given to each patient, particularly in those Member States where the doctor is paid according to the amount and type of treatment given.

[1] More detailed information on the situation in different Member States may be found in:

'The organization, financing and cost of health care in the European Community', Brian Abel-Smith, Alan Maynard, Collection of studies in the *Social Policy* Series No 36, Brussels 1979.

Cost Containment in Health Care: The Experience in 12 European Countries 1977–83, Brian Abel-Smith, Brussels 1983.

The number of doctors per head of population has risen in all Member States.

Table 2

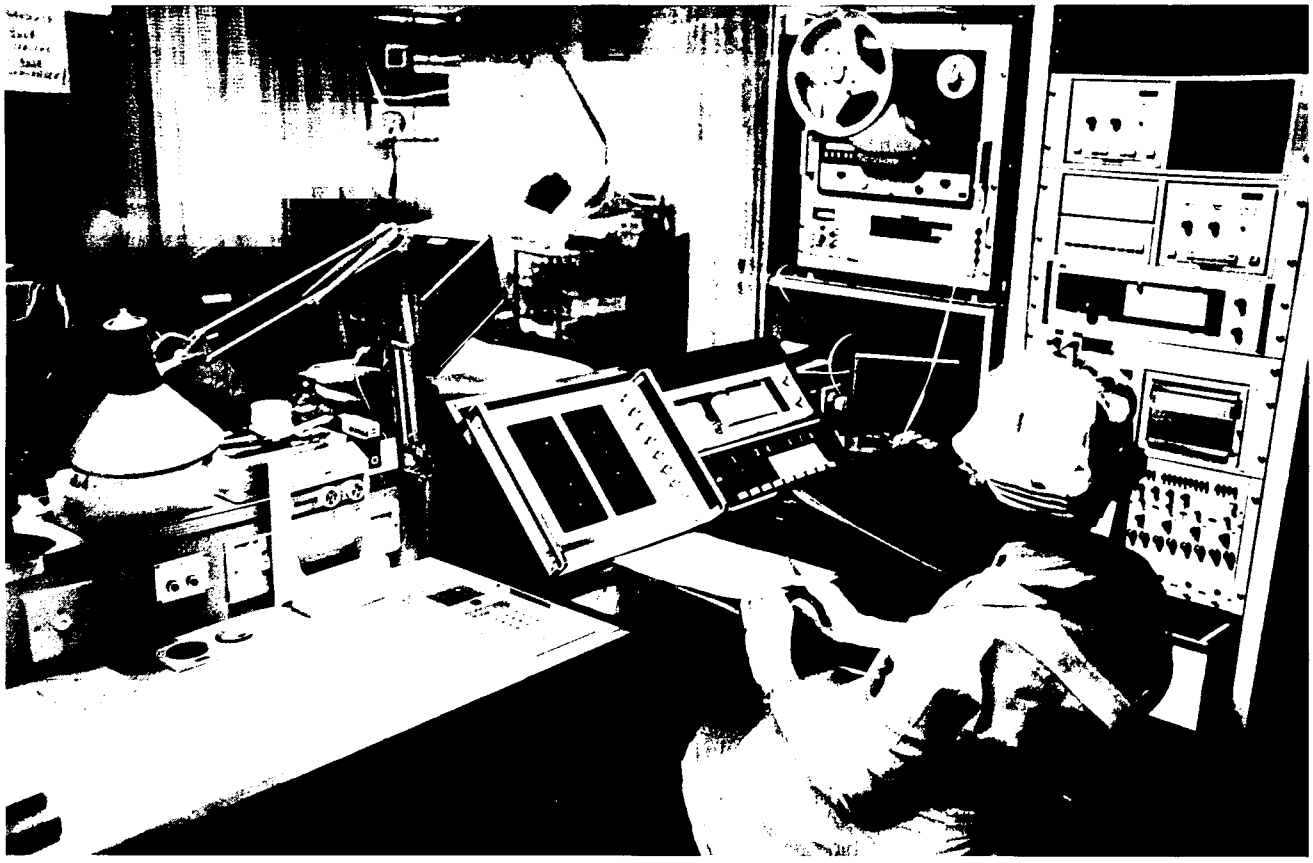
Doctors per 10 000 inhabitants

	1965	1980
Belgium[1]	13.0	22.5 (1979)
Denmark	13.0	21.8
France[1]	12.1	19.4 (1979)
FR Germany	15.7	22.6
Italy	16.0	30.3[2]
Ireland	10.5 (1961)	12.8
Luxembourg	9.9 (1964)	14.7
The Netherlands	11.7	19.0
UK (England and Wales)	11.5	13.2 (1979)

[1] Includes dentists and other general dental practitioners.
[2] Modified statistic.
Sources: WHO, 1965 Statistical Yearbook;
CCE, Chiffres significatifs de l'évolution sociale dans la Communauté Européenne depuis 1960; Brussels, April 1983 (Cos. V660/83).
Definition: Doctors who are active in any area of medicine (e.g. practising, teaching, administration, research, laboratory work).

Hospitals – an important cost factor

An ever-increasing number of serious medical cases are being treated as in-patients rather than by GPs; long-term nursing care now tends to be provided by institutions rather than the family. This has resulted in a considerable rise in the available number of hospital beds in most Member States in the last few years. In Belgium and the Federal Republic of Germany, for example, the rate of increase between 1966 and 1975 was about 10 %. When beds are available, hospitals naturally have a vested interest in having them filled. Particularly where hospital stays are charged by the day, a high occupancy rate for long-term patients is much more profitable than a high turnover of short-term beds, since the first few days of a hospital stay are the most



Hospitals: a major cost factor.

Photo: Yves Smets · Copyright 'Photo News', Brussels

expensive for any clinic. There has also been an increase in the real bed-day cost, due to the number of newly built or renovated hospitals now fitted with expensive apparatus as standard, such as air conditioning, individual bedside oxygen delivery units, and so on. Modern methods of treatment require high investments and generate high wage bills.

Curbing expenditure

Different organizational structures have a different impact on costs; alterations to these structures often have far-reaching consequences for the users of health services. We only have to compare the situation of a patient who has to pay doctor's fees or prescription costs in advance with that of a patient who can go to the doctor or chemist without it costing him a single penny.

Particularly where hospitals are concerned, there are no hard and fast rules for cost control or containment; costs vary enormously from country to country, even when we compare clinics with very similar characteristics and similar demands on the health care system. Costs vary according to wage bills, length of stay, administration and budgeting methods, and indeed the size of the hospital, even within the same country.[1]

However, certain common trends can be discerned in the measures adopted by Member States to deal with the problem.

Reducing demand

Measures which act on the demand for medical services and treatment can be grouped together under the heading of 'cost-sharing' by users. By this is meant that the patient pays a flat rate or a percentage towards doctors' fees, prescription charges or hospitalization costs. In addition, some countries are now placing restrictions on the range of services covered by insurance.

Measures operating on supply

Cost containment measures directed at supply vary to an even greater extent. As regards hospitals, for example, short-term direct controls are being used to good effect; they include budget ceilings, restrictions on staffing levels and controls on bed day charges. Such measures are applied in one form or another in all Member States, although in Greece more stress is being put on improving care standards than on curbing costs.

Medium-term direct controls in many countries are aimed at cutting back on extensions to existing hospitals, the building of new ones and the installation of expensive equipment. In Denmark, in addition to such measures, alternatives to traditional hospital care are being developed.

Many countries use short-term indirect controls, e.g. a positive or negative list for pharmaceutical products. These lists vary greatly in their operation; in Germany, the patient pays for his own cough, catarrh and slight cold remedies, while in the Netherlands doctors are urged to prescribe the cheapest medicines for such complaints.

Long-term controls on the number of doctors exist in nearly all European countries, with the exceptions of Italy and Belgium, and places on university medical courses are strictly limited. Numbers are kept down by means of admission quotas *(numerus clausus)*, entrance tests, lottery selection or very rigorous examinations.

The results

Many of the measures outlined above have already proved their effectiveness, and the rise in health care costs is now beginning to slacken off, at least in some countries.

Making a prognosis or drawing comparisons is difficult at present and will continue to be so in the future; the behaviour of patients and doctors varies too greatly between regions, age groups, occupations and social classes. Overly simplistic or purely economic solutions are to be avoided, as they are liable to do more harm than good to patients, in particular those who are socially disadvantaged in any way.

Table 3

Average yearly growth in health care expenditure as a percentage of national resources

	1966-75	1977-82
Denmark	6.7	Nil[3]
FR Germany	7.4	0.7
France	3.5	3.8
Ireland	9.3	5.7
Italy	6.9	2.3
Luxembourg	7.4	4.6[4]
The Netherlands	6.1[1]	2.6
UK (England & Wales)	2.8[2]	3.2

[1] 1970-76.
[2] 1977-82 (England only).
[3] 1979-82.
[4] 1978-82.

Source: Cost Containment in Health Care: The Experience of 12 European Countries, Brian Abel-Smith, Brussels 1983. Document available from the Office for Official Publications of the European Communities, L-2985 Luxembourg.

[1] cf. Clément Michel: 'The cost of hospitalization', Collection of studies in the *Social Policy* Series No 39, Brussels 1979.

Smoking

Smoking, mainly in young people, causes a variety of diseases which are now well known. The study of what must be called an addiction cannot be separated from the study of the reasons why people become smokers. In the same way it is vital for the Member States, which are all faced with this problem to a similar extent, to define a consistent strategy taking due note of successes and failures in other Member States, not only in health education but also in agricultural policy, fiscal policy, restrictions on advertising, etc.

Although tobacco was introduced into Europe in the seventeenth century, it is interesting and somewhat disturbing to reflect that

(a) cigarette consumption has risen in a virtually logarithmic progression since the end of the Second World War;

(b) the average age of smokers is tending to decrease;

(c) young women and women of reproductive age form an ever increasing percentage of smokers;

(d) smoking-related diseases occupy an increasingly important place in epidemiology. Smoking may play a crucial part (lung cancer) or a secondary one (cardiovascular disease, hypertension, ischaemic heart disease).

These factors lead us to consider the possibilities and limitations of a common strategy which can only be defined on the basis of full knowledge of the problems involved.

Common problems

Two essential aspects must be emphasized in the form of preliminary considerations:

1. Because of the long history, the nature and the spread of smoking behaviour throughout society, it cannot be substantially modified in the short term.

2. The anti-smoking campaign is based on a major contradiction in our societies. While the freedom to produce and sell is maintained, which inevitably involves the freedom to promote and increase sales, it is very difficult to both encourage sales in the name of liberal economic policy and try to reduce consumption for health reasons.

Tobacco makes a modest contribution to the economy and employment in our countries in a time of crisis. On the other hand powerful interests are concentrated in the hands of the multinationals. In addition, smoking is an important source of tax revenue. It should also be borne in mind that in general political parties are not really committed to the fight and that the anti-smoking lobby is still weak. This is why governments prefer to act on the level of production by non-obligatory means. Another stumbling-block is the ambiguous role of the common agricultural policy. Finally, cigarette advertising is a problem which has not yet been solved.

The ideal would be to have new generations of non-smokers by the end of the century, which would justify our concentrating on young people.

In the medium term, more modest objectives can certainly be achieved: almost complete elimination of high-tar and high-nicotine cigarettes, which is happening in the United Kingdom, a general decrease in overall and per capita consumption, by encouraging and supporting these trends, and, as soon as possible, a reduction in smoking-related deaths, which should really affect public opinion.

In the short term the most suitable policy is that of an all-round attack.

All the international organizations which have considered the problem, in particular the WHO and the International Union against Cancer ('Influencing Smoking Behaviour') stress the importance of an attack on all fronts, to the extent that all action is complementary and interdependent:

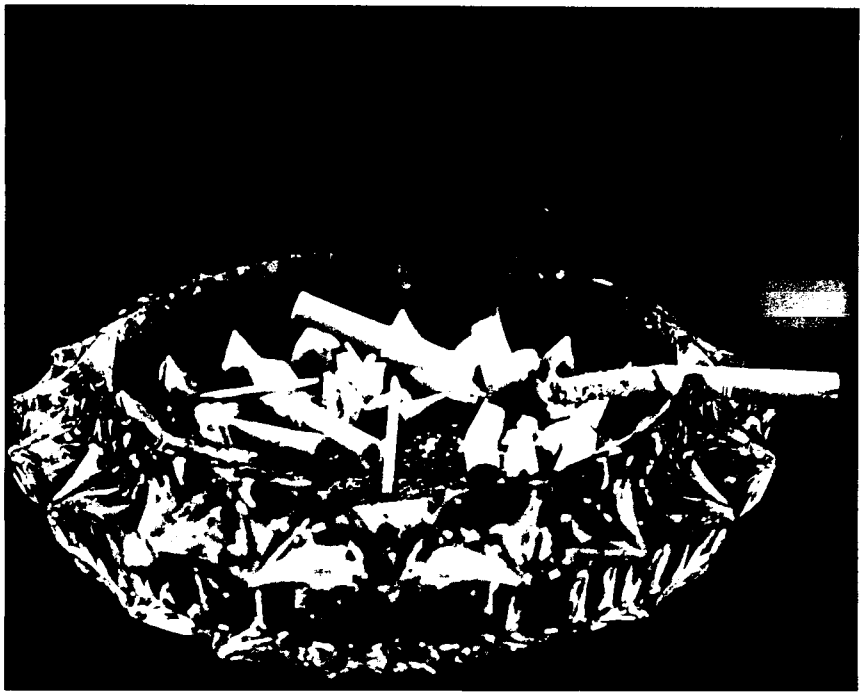
Action to control production

(i) Tobacco growing: possibility of various types of subsidy, grants for destroying plants, etc.;

(ii) products: the possibility of using tobacco leaves for other purposes (animal feed), drawing-up of standards on tar and nicotine levels, encouragement of the development of substitute products.

Action to control distribution

(i) Control of sales points, prohibition of automatic vending machines, prohibition of sales in streets, cafés and restaurants and in general stores (department stores, etc.), prohibition of sales to minors, etc.;



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(ii) total or partial prohibition of sales promotion by classic advertising methods (press, television, radio, posters) or in other forms (sponsorship of sporting and cultural events, free distribution, public relations);

(iii) compulsory health warnings and indication of tar and nicotine contents.

Action to control consumption

(i) By health education: general programmes (education campaigns) and specific programmes concerned with certain target groups (young people, physicians), preparation of teaching material, coordination of action at local and Community level, the types of message conveyed and the amount of fund engaged;

(ii) by measures to prohibit smoking in public places, educational establishments, public transport, places of work, etc.;

(iii) by helping smokers to give up smoking, development of counselling and anti-smoking centres, encouragement of group therapy;

(iv) by measures to support and encourage action to protect non-smokers.

Action to control advertising

Controls on advertising must have priority since they could in the long term result in the gradual elimination of smoking.

Three different approaches have been adopted by Community Member States:

(i) some have passed laws partially or totally prohibiting advertising;

(ii) others have made agreements with the tobacco industry concerning the voluntary reduction of advertising;

(iii) yet others have allowed advertising to continue in almost total freedom.

A common approach should be based on the following three principles:

(i) total prohibition not accompanied by effective checks and penalties is doomed to failure;

(ii) purely national measures can be breached at any time by advertising in the foreign press or on radio or television since these cannot be stopped at frontiers;

(iii) voluntary agreements to restrict advertising, although they constitute an interesting initial step, are not enough.

In the light of these principles, a common approach might concentrate on the following type of action:

(i) adoption of laws on advertising and information on smoking in all Member States which do not have legislation of this type and substitution of legislation for agreements (this would in itself show that the authorities were interested);

(ii) formation, in each Member State, of a control body with adequate resources and constitution of a joint coordination group within the Commission of the European Communities;

(iii) harmonization of the measures taken to prevent evasion of national measures through imports and the mass media.

All the studies made bear witness to the 'cultural' nature of smoking. This is therefore where the attack should be concentrated. Health education programmes have made a start but further action must be more general and may or may not involve legislation. The aim in this context is gradually to persuade the public that the behaviour of the non-smoker is the norm and that the smoker is the odd man out.

This will require a change in the nature of the message we are trying to convey: instead of forbidding people to smoke, they should be persuaded that it is normal not to smoke. Therefore, since they form the exceptions, the circumstances and places in which smoking is allowed should be indicated in a precise and restrictive manner.

In the short term it is necessary to:

(i) have regular education campaigns,

(ii) remove tobacco products from official consumer price indexes,

(iii) levy additional taxes on high-tar and high-nicotine cigarettes.

In conclusion, it does seem that the countries of the EEC, in the anti-smoking campaign, have implicitly or explicitly expressed a preference for what might be called a 'policy of demand'.

In view of the complicated interests involved in a time of economic crisis and difficulty in financing public expenditure, they have in general opted for medium- and long-term measures aimed at modifying consumer taste and behaviour.

Even though this approach, which represents an attempt at regulation via the market, seems fully justified, the process could be speeded up by a parallel supply policy, i.e. more vigorous intervention in industry by the authorities. Some Member States have already come to this conclusion and many know that the credibility of State action against smoking will be measured by the amount of action they are prepared to take, be it in the form of legislation and regulations or economic measures.

Sea fishing

Prevention of accidents at work – medical assistance

Sea fishing is probably the occupation with the highest rate of accidents at work: according to statistics produced by the International Atomic Energy Agency, the rate is three times that of the triad of mining, farming and construction activities.

Efforts to improve safety in this sector were until very recently aimed at vessel safety and, when the latter was endangered, at saving the crew. In 1977, an international conference took place in Torremolinos under the aegis of the International Maritime Organization for the purpose of concluding a Convention on safety measures for fishing vessels. While the Convention has not yet entered into force, it has brought improvements to the design of vessels; much remains to be done, however, particularly as regards safety on smaller vessels (under 24 metres). However, the emphasis on this undeniably essential aspect of vessel safety somewhat obscured the fact that fishing boats are workplaces where a number of accidents take place that could be avoided with adequate preventive measures.

Acting on the initiative of the Joint Committee on Social Problems in Sea Fishing, the Commission carried out a survey in 1977 on the circumstances of accidents at work. The preliminary results of the survey, still ongoing, are given below. At the same time, inquiries were also made into the medical assistance available to fishing vessels, since the latter are often at sea for two weeks and even for several months without a doctor on board. Radio consultation systems have been set up in various countries, but they are often incompatible. It is not difficult to imagine the serious consequences of any delay in providing medical assistance.

The recent setting-up of a common fisheries policy makes it urgent to try to harmonize national social policies, especially social security policies. The Commission has taken steps in several directions to this end: in a proposal for a Council Decision (OJ C 183, 10. 7. 1984, pp. 17-18), it requests Member States to ratify the Torremolinos Convention and implement its provisions pending its international entry into force. The results of the survey mean that progress can now be made towards including safety in the design, manufacture, layout, equipping and utilization of apparatus and, of course, in the design of the vessels themselves. The Commission gave additional impetus to the conclusions drawn from the survey by organizing a seminar in Lorient in May 1984 which, for the first time, brought together all the parties involved in safety integration in vessel design. The conclusions have also enabled it to start preparing modules on safety integration in vocational training. Finally, it is bringing the finishing touches to projects designed to promote closer coordination between two maritime centres for medical consultations by radio and to encourage them to use computerized equipment.

Accidents at work in sea fishing

The European Community's fishing industry provides jobs for a mere 150 000 people – a vanishingly small proportion of the European workforce. However, these people are a special case, since their working conditions are worse than in any other occupation, with a much higher accident rate than the rest of industry. In France, for example, one fisherman in eight was the victim of an accident in 1981, compared with one worker in 14 in industry as a whole. What makes the situation worse is that accidents at sea are generally more serious, as can be seen from the fact that 2% involve fatal injuries, as compared with only 0.1 % for all industrial accidents together.

What makes working in the fishing industry so dangerous? In 1977, the Commission conducted a survey on the circumstances surrounding accidents at work. Questionnaires were disseminated throughout the Member States, on which each accident had to be reported giving details of the type and circumstances of the accident.

It emerged from the questionnaires received between 1977 and 1980 the greatest proportion of accidents happened as the catch was being taken in. Fewer accidents occurred during later processing of the fish or when operating and maintaining machinery. The most critical stage is bringing the catch on board. The direct causes of accidents were first and foremost the fishing gear, winches and cables. Between 30 % and 40 % of injuries were to the hands.

But accidents also occur on the quayside; if the UK and Germany are left out of the reckoning, port accidents accounted for 25 % to 35 % of the total, 39 % of them falls. Just as in accidents at sea, hands are a special risk; 31.2 % of quayside accidents resulted in hand injuries.

The study did not pinpoint any significant correlation between accident rate and other parameters such as time of day or season, weather conditions, length of voyage, age of the victim, etc., mainly because the data base was not extensive enough.

Accidents on board

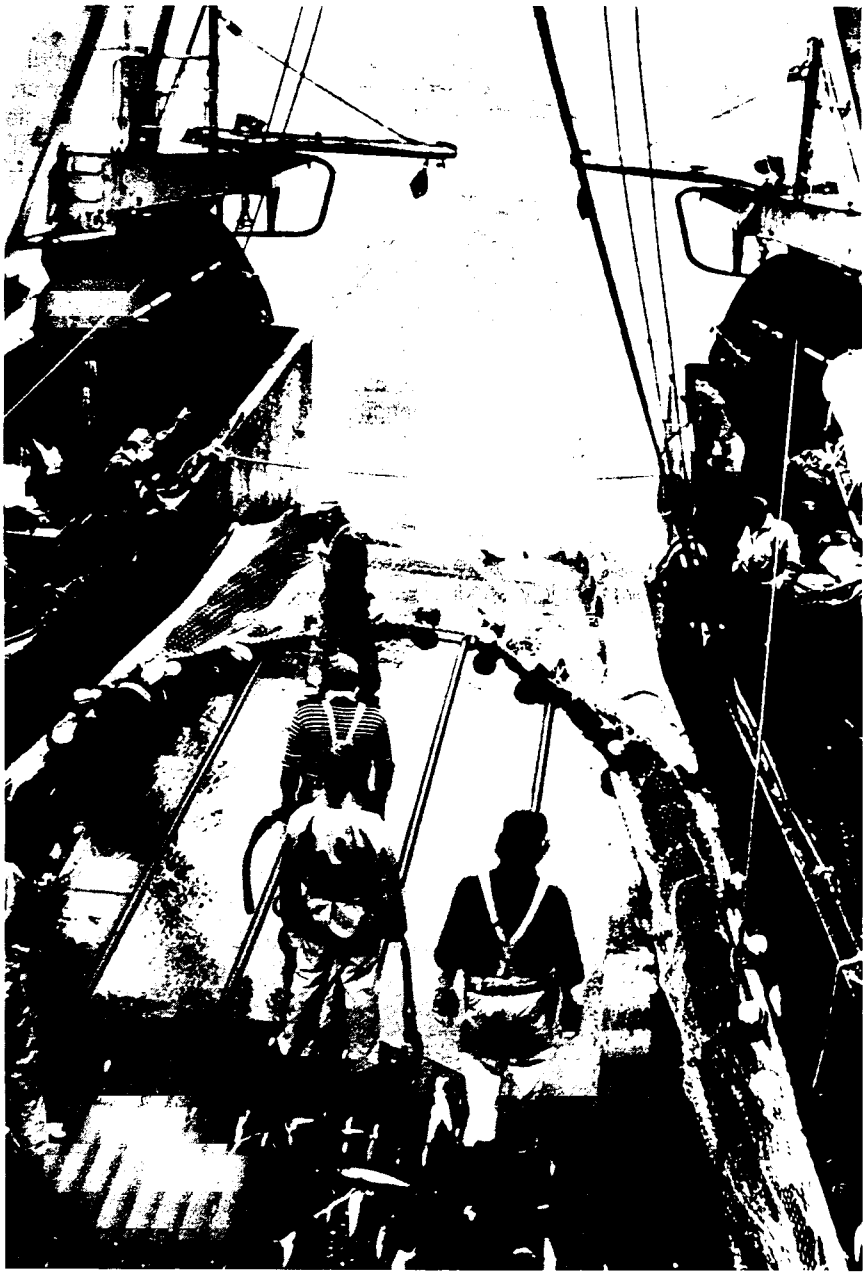
In order to give a detailed picture of working conditions at sea, a study of four French trawlers was carried out. The ships concerned were 50 to 60 metres in length with a crew of 15 or 16, and each voyage lasted about 14 days.

The pattern of work at sea is completely different from activity on land; fishermen do not work an eight-hour day with the rest of the time free. Even when only average catches are taken, the normal pattern consists of six trawls lasting from one to two hours, with no more than three hours' rest in between. During peak fishing seasons, for example in February, they work day and night, stopping only to eat.

The captain is on the bridge the whole time from 6 in the morning to 10 at night except for two breaks of only 20 to 30 minutes for lunch and supper. During the trip out he will normally find an opportunity to sleep in the middle of the day, but never while actually fishing. The mate, boatswain and radio operator all work similar hours.

This adds up to a rhythm and pattern of work which places immense mental and physical stress on the crew; stress which is undoubtedly reflected in the accident figures.

On top of all this, there is a very aggravating noise factor; on the four ships investigated in detail, the average noise level fluctuated between 80 and 100 dB_A throughout the entire voyage. The problem is that fishermen cannot get away from noise like normal workers on land, but have to bear it day and night. Such a noise level obviously increases the risk of accidents as it affects concentration and, in the long term, hearing.



Sea fishing is the cause of many accidents at work. Photo: Paul Versele · Copyright 'Photo News', Brussels

Another major risk factor revealed by the study was the lighting on board ship. Particularly during the most dangerous operations of shooting the nets or hauling in, fishermen may either be blinded by light or not have enough light to see properly; night vision is also hampered by sudden transitions from light to dark.

Prevention is possible

Various concrete recommendations for general improvements to safety on board fishing vessels emerged from the accident statistic studies and investigations into working conditions. The report recommends a thorough review and rearrangement of working methods and techniques with the accent on safety. It cites as examples improvements which could be made in the methods of shooting the nets or emptying them into the hold, and better lighting arrangements for the operating areas around winches. A number of specific proposals were put forward for improvements to lighting and protection against noise hazards.

Other suggestions put forward by the investigating team concerned individual protection for workers. Just two examples – special gloves and a safety harness for certain operations – show what can be achieved at modest expense.

Safety on board should also form a regular part of the training curriculum, not only for fishermen but also for the training personnel themselves and all those with responsibility for safety.

Medical assistance to fishing vessels

Sailors have a right to medical aid just like people who live and work on land, and in many cases they get it. Workers in coastal fisheries rarely experience problems in obtaining first-line medical or hospital treatment, and large, ocean-going vessels usually have a medical officer in the crew. The situation is more difficult in the case of accident or illness on board deep-sea

fishing vessels, which do not usually have facilities for dealing with medical emergencies. Such an emergency poses the difficult choice of breaking off the fishing trip in order to bring the patient to land and suffering serious financial loss in consequence, or taking the risk of the patient getting worse for lack of immediate treatment.

The existing facilities and arrangements for providing medical aid to fishermen have been reviewed and compared in a recent study on medical assistance to fishing vessels[1] sponsored by the European Communities. The aim of the study was to determine the kinds of medical treatment available and the areas in which coordination would be possible and useful.

Facilities on board fishing vessels

These include first-aid kits, medical instruction manuals and sick bays. The study revealed great differences, depending on the size of the ship, the length of the trip and the country. While all ships carry first-aid kits and instruction manuals (in many cases those issued by the World Health Organization), not all countries' ships have separate sick bays. Another facility frequently carried consists of questionnaires for use in medical consultation by radio, enabling the relevant information to be given to doctors on land.

All Member States provide facilities for this type of consultation, either with a number of doctors in different regions or through a telecommunications centre which enables ships to consult a duty doctor at any time of day or night. These centres usually provide direct contact with the emergency case by VDU, radio-telephone or telex.

Most medical consultation at sea is handled by this type of communications system, since it provides rapid assistance and helps to avoid the costs involved in breaking off the voyage or diverting to the nearest port.

However, the system is not yet developed in all countries to the point where any ship can obtain medical consultation by radio anywhere at any time. Accordingly, the study puts forward a series of suggestions which could help to achieve this aim. As well as special training for doctors, it recommends standardizing on-board medical facilities. A standard questionnaire, for example, would make it easier to consult doctors in different countries. The main recommendation is that each Member State should set up a single Maritime Medical Consultation Centre (MMCC), staffed by doctors who have received special training, with a good knowledge of conditions at sea and foreign language skills. They should also have direct contact with the emergency service in charge of evacuation by ship or helicopter.

Evacuation for treatment on land

Cases of accident or sickness requiring treatment on land can be evacuated by rescue vessel or helicopter; in most Member States, this will mean military helicopters. Such special arrangements already apply in European waters, and air-sea rescue services have been increasingly used in recent years, mainly due to improvements in telecommunications and the operational capabilities of helicopters, and the North Sea SAR plan for coordinating the rescue services of neighbouring States.

Emergency treatment is also available in non-European waters, at least in certain zones, either by means of support vessels or arrangements with the medical services of other countries. However, evacuation is not assured in certain sea areas, such as off the coast of Somalia and Mauritania.

Although several Member States maintain deep-sea fishing support vessels, there is no coordination between them over the question of allocating ships among the various fishing grounds or different times of the year.

The report recommends that such coordination should be the responsibility of the Community.

During the last 10 years, various Member States have taken steps to improve medical assistance to fishing fleets and contain costs, but others have still not reached this stage. Coordination could help to cut costs all round.

[1] Dr H. Lemarchand: *L'assistance médicale à la Pêche maritime dans la Communauté Européenne*. Brussels, May 1983.

Part Three

Employment policies in the Member States

In response to the wish expressed by Member States' delegations in the Council to receive information on developments in national employment policies, the Commission set up a mutual information system called MISEP. The system operates on the basis of contributions from correspondents in public administrations or organizations and a Commission representative.

It provides the relevant authorities in each Member State with regular quarterly information on measures and trends in the employment policies conducted in the other Member States.

Social Europe presents a selection of the information exchanged through MISEP in each issue. The Commission accepts no responsibility for the use of this information, which comes from official national sources. It is presented as a summary, on a regular basis to enlighten the reader on the evolution of various aspects linked to national employment policies.

Developments at a glance

Overall developments
- Germany: Employment prospects

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Developments at a glance

Belgium

Following suggestions from the government, the trade unions' and employers' associations reached an agreement which came into force in 1984 on concertation for the introduction of new technologies. Details are now available on the previously announced scheme to encourage entrepreneurship by the unemployed by enabling them to capitalize future unemployment allowances up to some 11 000 ECU via a new Participation Fund. With a view to stimulating municipalities to rehire unemployed workers whom they have encouraged to move into other schemes less onerous to them (CST and TCT), the government has dangled incentives for reaching working time agreements. Finally, a decree seeks to discourage overtime working and its consequent costs to government for short-time working.

Denmark

Following the elections in January, a new government had not been formed by the end of the month. One of the key policy issues in the negotiations for any new government will be youth policy. In the meantime figures are now available for persons employed under the Job Creation Scheme which was brought in by the Act of June 1982.

France

A protocol agreement was reached in January 1984 between the employers' association and three trade union confederations on splitting the UNEDIC unemployment system into two distinct 'volets'. An appraisal has been published of the quantitative impact of the 1981 scheme to encourage the creation of local employment initiatives. An agreement was reached between the employers' associations and the trade union confederations (except the CGT) which should provide some 300 000 people aged less than 26 years with one of three types of 'alternating' or 'sandwich' training in 1984.

Germany

Employment prospects for 1984 depend partly on the economic situation, partly on various labour market measures and partly on time actually worked. Modifications in requirements for and amounts of allowances which came into force in January 1984 are given on p. 73. The Labour Minister has put forward a bill aimed at enabling early retirements to 1988 to be taken by 59 year-olds so as to reduce pressure on the labour market. A recent study of the Federal Employment Institute's research body, the IAB, by profiling the long-term unemployed, seeks to guide employment officers in how best to treat them.

Greece

Parliament has recently passed the law applying the principle of equality of the sexes in labour relations. The latest available figures are provided on various job creation schemes.

Ireland

The Enterprise Allowance Scheme was brought in on an experimental basis in December 1983 to encourage unemployed persons to establish a business. Among the programmes of the Youth Employment Agency is the Marketplace programme aimed at young marketing graduates. The results of the 1982 Cedefop survey to identify trends in innovation in continuing learning and training having particular reference to the employment market have recently been published by AnCO.

Italy

The latest figures for the number of young persons making use of time contracts are provided as are those for the one year opportunity to take up 'nominative' requests for employees. A general review is also provided of the experimental approach of placement offices in two regions.

Luxembourg

A recent Grand-Ducal ruling encourages the trades of handicrafts, hotels and restaurants to take on apprentices. The 1984 budget law has reformed the special measures for integrating young people into working life, the traineeship-initiation contract, in-company preparatory traineeships, and the creation of socio-economically useful jobs. Capitalizing unemployment allowance rights is a new means also brought in by the 1984 budget law to encourage entrepreneurship.

The Netherlands

The employment services have, since September 1983, been emphasizing the need to enhance working relationships with employers. The support provided to the young entrepreneurs to start their own business is the focus of a working group since the nature of aid provided varies considerably from one part of the country to another.

United Kingdom

Encouraging young unemployed persons' access to information technology training centres has proved to be so successful that the scheme is being greatly extended. In Northern Ireland, the Entry to Management Programme is aimed at the unemployed. The Enterprise Allowance Scheme is again being extended so that some 60 000 people should be helped by it in the two years and eight months to March 1986. The Race Relations Employment Advisory Service helps employers and ethnic minorities to enhance race relations especially at the workplace.

Overall developments

Germany: Labour market prospects 1984

1983 saw a deterioration in the labour market situation with a 1.6% (400 000) fall in the number of persons employed and a rise (440 000) in the number of registered unemployed to 2.27 million. Almost every tenth worker experienced unemployment during the year.

However, the underlying upward trend in unemployment since 1980 eased in the summer. This is explained not just by the cyclical upswing but also by special factors:

(i) Through increased deployment of resources during the year, the Federal Employment Institute (BA) has considerably raised the number of people employed in job creation measures (ABM).

In October 1983 33 000 more persons were participating in ABM than in October 1982. Additionally, there were indirect effects of ABM. Overall, through ABM 50 000 more persons were employed in the autumn and 40 000 fewer were unemployed than there would have been without these measures.

(ii) A second exceptional factor stems from the increased number of new training contracts in the dual system. The intensified efforts to cope with the large influx of persons seeking training places caused by demographic trends were demonstrated in the increase of employment of some 30 000 persons (statistically, 'trainees' are gainfully employed persons).

(iii) A certain role was played by the increasing return flow of foreign workers, without which the numbers of unemployed foreigners would probably have risen slightly more. Through their return the increase of potential numbers on the labour market – some 150 000 Germans – was noticeably reduced.

Yet a good half of the change in the labour market situation can be attributed to the economic recovery, with the increase in demand and production since the beginning of the year. As is usual in phases of economic upswing, productivity is now increasing somewhat more rapidly. The delay in the labour market impact of the slight economic upswing is 'normal' when the current increase in labour supply is considered.

The forecasts for 1984 must be based on the available expectations of the research institutes – currently a real GDP increase of 2%. The expectations for the second half of the year are without exception more pessimistic than for the first half. In such economic growth, productivity, as a consequence of slightly rising capacity utilization, will continue to increase (+ 3%) so that the volume of work of the economy overall – the sum of all hours worked – will sink by around 1%.

On the other hand, there is likely to be a further drop in the average time worked annually. For there will be a drop in the number of working days compared with 1983 and the slight changes in the various components (weekly working hours agreed to by collective bargains, annual holidays, part-time working, overtime, short-time working, etc.) add to the slight decline in the average.

Furthermore these estimates assume that the efforts and resources made available in the central areas of active labour market policy will again be increased in 1984. Thus it is assumed according to the BA's draft programme budget that ABM resources will be available for, on average, 70 000 workers, which could hardly be considered an increase on the 65 000 ABM jobs at the end of 1983; it would merely maintain the current ABM employment numbers and prevent them from falling. It is furthermore assumed that particularly for dealing with future labour market problems, in the important area of vocational training and re-education there will be an increase of some 10 000 participants in full-time measures. But the major assumption is that in 1984 there will be a greater number of persons taking up short-time working than in 1983, so that 1984 would have an annual average of 750 000 short-time workers.

Overall, the use of such BA labour market instruments could keep the number of unemployed in 1984 at some 370 000 lower than could otherwise be achieved. Compared with 1983, this relief would constitute again an increase of about 50 000 persons.

In all these premises it is assumed that the annual average working population will not further decline. On the one side the potential labour supply in 1984 will increase by somewhat less than in 1983, since the demographic effect on the German population will be somewhat weaker in impact and the return home of foreigners will continue.

For the labour market overall this means that there is unlikely to be any major change in the number of registered unemployed compared with 1983: 2.3 million. Should the economy pick up better, as the Kiel Institute for the World Economy is forecasting, then, given a 3% GDP increase for instance, the number of unemployed will be lower (2.24 million), one part of the increased activity being absorbed through increased productivity growth. On the other hand, and the mirror image of 1983, there is likely to be an increase in the level of unemployment, should labour market policy efforts not be intensified but even cut. In this case unemployment would rise to 2.35 million or more.

The political decision on allocating resources for the active labour market policy has to be taken having cost considerations and savings in mind. It should be remembered in this respect that active labour market policy and unemployment behave like communicating vessels so that extra costs in one place will inevitably be counterbalanced in another part of the total government spending. Thus, taking an overall fiscal view, which on top of everything includes indirect primary and secondary effects into the calculations, when all is said and done an active labour market policy is not, or hardly any more expensive than financing unemployment.

Aid to the unemployed

France: Reforming the unemployment allowance system

Negotiations which were started on 21 October 1983 to reform the unemployment allowance system (the UNEDIC[1] agreement repudiated by the employer side which was to expire on 31 January 1984) resulted in a draft agreement on 11 January 1984.

This agreement, which was signed by the employers' group and some of the trade union organizations, constitutes a simple protocol and not a final agreement. It brings in important innovations compared with the current UNEDIC agreement.

Whereas the system currently in force is based upon the sole competence of UNEDIC as regards allowances for unemployment, the new unemployment allowance system consists of two separate sides:

(i) a system of unemployment insurance administered jointly by the social partners. This system, which must be in financial balance, is solely for unemployed persons who have paid in contributions for a minimum period; and

(ii) a solidarity system, financed by the State, which will take charge of non-contributory type payments.

The provisional agreement reached on 11 January 1984 deals exclusively with the first side (unemployment insurance). It was signed by only three trade union organizations (FO, CFTC and CGC). The two other confederations (CFDT and CGT), considering that the two systems of insurance and solidarity constitute a whole, have reserved their stance until the second side of the arrangement has been set out. Negotiations must be started to this end between the trade union organizations and the government.

Germany: Modifications to the Employment Promotion Act as of 1 January 1984

With regard to benefits for the unemployed and those participating in vocational training or re-training measures, the following changes came into force in January 1984:

Qualifying period

In the future, the qualifying period will be fulfilled by:

(i) periods of time for which contributions to the Federal Employment Institute had to be paid because of drawing sickness pay, sickness care benefit, injury money or a temporary allowance;

(ii) periods of drawing special assistance according to the maternity protection act or periods of drawing a maternity allowance if, for pregnancy or maternity reasons, a contributory employment or the drawing of unemployment benefit, unemployment assistance or a subsistence allowance were interrupted.

Amount of unemployment benefit/unemployment assistance

Unemployed persons who, from the point of view of taxation, have no children will henceforth be paid a reduced rate of unemployment benefit/unemployment assistance. Unemployment benefit will amount to 63 % and unemployment assistance to 56 % of the remuneration less the normal and compulsory deductions.

Notification requirement

If a child or children is/are registered on the income tax card of one of the parents and if the conditions for registration no longer apply (e.g. when the sole registered 16 year old child has completed his vocational training), the labour office must be notified immediately.

Amount of the subsistence allowance

The subsistence allowance will in future consist of the following percentages of the remuneration less the normal and compulsory deductions:

(i) 70 % for a beneficiary having at least one child who fulfils the conditions of the requisite paragraphs of the income tax law, or whose spouse with whom he cohabits cannot take up employment because he/she needs care;

(ii) 63 % for all other beneficiaries.

Training

Ireland: Survey to promote employment through innovations in training

AnCO, the Industrial Training Authority, has recently published the Irish findings of a European Community survey which sets out to identify trends in innovation in continuing education and training which have particular relevance to the employment market.

This survey, which was sponsored by Cedefop – The European Centre for the Development of Vocational Training – was carried out in 1981/82 as part of their programme to develop sources of information on significant and useful new training and education initiatives taking place within the Community and making these available for use by practitioners and policy-makers within the Member States.

Cedefop identified three specific areas which were to be given priority in the survey:

(i) new training programmes to meet the challenges posed by changes in technologies;

(ii) training initiatives to respond to the threat of unemployment;

[1] Union Nationale pour l'Emploi dans l'Industrie et le Commerce – National union for employment in industry and trade, a jointly managed body for the unemployment allowance system.

(iii) training initiatives to assist the unemployed, particularly the long-term unemployed.

A fourth area was included which reflected significant trends arising from the Irish survey.

Nineteen projects were selected as examples of significant trends in innovation in Ireland. Projects in the new technology area were selected to reflect the particularly high quality of innovation taking place to meet the challenge of change. They were also chosen to reflect the close involvement of the third level education sector in innovatory projects designed to meet the needs of industry and the labour market.

In relation to innovation responding to the threat of unemployment, the survey revealed that Ireland has made a significant contribution through the creative involvement of training in the expansion of new businesses.

Those initiatives submitted for the long-term unemployed were aimed at the younger age group particularly, with specific problems and training needs. A major trend which emerged from the survey was the special attention which is being focused on training and education initiatives to help young people leaving school to gain employment and improve their career opportunities.

Italy: Time contracts for young people

The January 1983 national agreement on labour costs and employment, which was converted into law No 79 of 25 March 1983, foresaw in particular new time contracts for young people. Enterprises are enabled to take on young people from 15 to 29 years of age by name call ('chiamata nominativa') with a time contract which does not exceed 12 months and is aimed at training them by working in the company.

The figures for persons employed through this scheme from July to December 1983 are as follows:

Of the total 83797 young workers with such a time contract for training, 58120 were male and 25677 female. The sectoral breakdown was:

- agriculture 2329
- industry 60798
- services 20670

With the company breakdown by numbers of persons employed being:

- up to 49 persons 61992
- from 50 to 249 persons 16222
- from 250 to 499 persons 2969
- more than 500 persons 2614

Luxembourg: Promoting apprenticeships in the hotel and restaurant trade and the handicrafts (RGD of 21 September 1983)

This Grand-Ducal ruling was taken by virtue of the laws of 8 April and 24 December 1982 aimed at ensuring and maintaining the overall competitivity of the economy.

It enables an employer who in the course of the year 1983 takes on an apprentice or prolongs an apprenticeship in a handicraft trade and the hotel and restaurant trade to request the Unemployment Fund to pay a special apprenticeship promotion premium amounting to:

- 630 francs a month for an apprentice employed and compensated under a first year apprenticeship contract, concluded in 1983;
- 515 francs a month for an apprentice employed and compensated under a second year apprenticeship contract, starting in 1983;
- 420 francs a month for an apprentice employed and compensated under a third year apprenticeship contract, starting in 1983.

The right to premium payment commences after an apprenticeship period of at least six months and terminates at the end of the apprenticeship year for which it has been requested. The aforementioned premiums cannot be drawn concurrently.

The cost of the measure for the Unemployment Fund has been estimated at some 15 million francs in 1983/84. This is based on the number of apprentices employed in the trades in question in 1983:

- 850 first year apprentices
- 830 second year apprentices
- 670 third year apprentices.

For 1983, the breakdown in the number of apprentices was as follows:

	Handicrafts	Restaurant trade	Hotel trade	Total
1st year	760	40	45	845
2nd year	740	40	45	825
3rd year	600	40	30	670
Total	2100	120	120	2340

United Kingdom: Information Technology Centres (ITeCs)

The concept of an ITeC programme came originally from Kenneth Baker (Minister for Information Technology) following a visit he made in early 1981 to an MSC (Manpower Services Commission) funded Training Workshop. Impressed by the micro-computing and electronic skills being taught to young people lacking any formal educational qualifications, the interest generated by these activities and the subsequent success of the trainees in getting jobs in the local economy, he floated the idea of establishing, with the help of major companies in the new technology field, a number of similar training centres throughout the country.

Photo: Paul Versele · Copyright 'Photo News', Brussels

It was subsequently agreed that the MSC and the Department of Industry (now Department of Trade and Industry) would jointly fund an initial programme of 20 centres located mainly in inner city areas. This initiative was announced by the Prime Minister on 27 July 1981. From the outset ITeCs attracted a great deal of interest and support from industry, commerce and local government. The overall target figure for the programme was increased to 30, then to 100 and in October 1982 to at least 150 centres. Currently 103 ITeCs are fully operational.

ITeCs, although launched under the Youth Opportunities Programme, are now an integral part of the Government's Youth Training Scheme (YTS) which commenced in April 1983. They aim to teach unemployed young people basic skills in the area of new technology. The young people eligible to join the ITeCs must be unemployed 16 or 17 year-old school leavers although these rules are relaxed for disabled young people.

ITeCs normally have three distinct areas of activity, namely micro-computing, electronics and the electronic office which enables trainees to learn a broad range of IT and computer related skills.

The courses last up to 12 months and within this period trainees will also have 13 weeks off-the-job training/ further education. This may include life and social skills training, further education and residential training. There is also a limited amount of time spent on work placements. These usually occur towards the end of a trainee's course and are meant to assist them to find permanent employment.

Most ITeCs start with 30 trainee places and six adult instructors. However, as the earlier ones have established themselves they have been able to expand the number of trainee places they offer. As the trainee/adult ratio is 5:1, the number of adult supervisors rises as the trainee places expand. There are therefore ITeCs which now offer 70 trainee places and employ 14 adult instructors.

Most of the central government finance for the ITeC programme comes from the MSC with additional help from the Department of Trade and Industry, which provides UKL 75000 over the first three financial years of each centre. The MSC financial assistance falls into five broad areas:

(i) trainee allowance, currently UKL 25 per week;

(ii) a contribution towards adult instructors' salary costs;

(iii) an operating grant of UKL 600 per trainee/adult place. This grant is available per annum;

(iv) an capital grant of UKL 45 per trainee/adult place. This is a one-off grant;

(v) specific grants to fund further education, staff training and general transport facilities.

The responsibility for the day to day running of an ITeC falls upon the sponsors. These may be any responsible organization with an interest in new technology training including local authorities, private companies and voluntary organizations. One of the most encouraging aspects of the programme is the way in which companies involved in the new technologies such as Plessey, ICL, Ferranti, IBM, Mullards and GEC Marconi have become involved in the ITeC programme. Sponsors assist in the running of an ITeC in a number of ways. They employ the adult staff and are responsible for the ITeC management. They may also donate money, equipment, staff or premises.

One aspect of ITeCs which is different from other YTS schemes is the concept of open access. This involves the ITeC allowing local individuals or groups to have access to the equipment during the day, in the evenings or at weekends, when the trainees are not using it. Local businesses may also use the ITeC facilities and a charge is normally made for this service. ITeCs also undertake other commercial work, including data and word processing, acting as agents for computer suppliers or helping small businesses computerize their workload.

All trainees in the YTS will have to be given some training in computer literacy/information technology. Some of this training will not be readily available and it is envisaged that ITeCs will help provide this for other YTS sponsors.

Results from a survey of ITeCs in 1983 indicated that 71 % of trainees had found employment or had gone into further education.

When the 150 ITeCs are fully operational they will be offering at least 5 500 training places and be providing training for other YTS schemes. Their early success augurs well for the future.

United Kingdom: Management training in Northern Ireland

The Department of Economic Development for Northern Ireland administers two management training programmes. These are the Management Development Programme and the Entry to Management Programme.

(a) The Management Development Programme (MDP) encourages private sector firms to develop management structures and to train individual managers in a planned way to a high level of management competence. The MDP contains three schemes:

The Consultant Grant Scheme encourages organizations to employ a professional consultant to survey their management training needs. The assistance available is a grant of up to 50 %;

The Training Grant Scheme encourages organizations to use external management courses and external management trainers. Within certain limits the assistance available is 50 % grant of course or trainer fee as well as of appropriate expenses;

The Trainee Manager Development Scheme encourages organizations to recruit and train young managers as part of a systematic approach to their management needs. The assistance available is 50 % of the salary for one year of a newly recruited trainee manager (up to maximum of UKL 3 000 assistance).

Eligibility for assistance under the MDP has been confined to:

(i) manufacturing firms;

(ii) service sector firms assisted by the Industrial Development Board or Local Enterprise Development Unit (LEDU);

(iii) hotels registered with the NI Tourist Board.

The question of scope was under review at the end of 1983.

(b) The Entry to Management Programme encourages unemployed persons to undergo appropriate training to fit them for entry or re-entry to jobs in management.

Northern Ireland Management Centre

As well as the management training programmes mentioned above, The Department of Economic Development has encouraged industry to set up a Northern Ireland Management Centre (NIMC) as a focus for leadership in management and entrepreneurial development. The NIMC would be owned by and responsible to its industrial membership. Following a report early in 1983 by a Steering Committee set up by the Northern Ireland Economic Council (NIEC), a Founder Board composed of representatives of relevant interests and chaired by the NIEC Chairman was appointed by the Minister at the Department of Economic Development. The Founder Board has had several meetings since April 1983 and has met representatives of major providers of management training. It is hoped to recruit a suitable NIMC Director early in 1984.

Job creation

Belgium: Loans to the fully compensated unemployed wishing to create an enterprise or become self-employed

Purpose

Some unemployed persons would like to be able to draw on their educational background or professional qualifications to move into a profession or set up their own enterprise. Financial support is often a key factor in deciding on such a start-up.

To meet this need and to trigger off a movement to create a growing number of lasting jobs, the idea has been developed of enabling certain

unemployed persons to capitalize their future unemployment benefits up to an amount not exceeding BFR 500 000.

This idea has been developed through significantly enlarging the legal tasks conferred on the 'Fonds de Participation' (Participation Fund) set up within the CNCP – Caisse Nationale de Crédit Professionnel (National Bank for Vocational Credit) – by the economic orientation law of 4 August 1978. Through the law of 13 July 1983, the Fund has been authorized, provided certain conditions are respected, to give the unemployed persons concerned a subordinated loan not exceeding BFR 500 000.

The Royal Decree of 22 August 1983 sets out the regulatory arrangements necessary for giving these subordinated loans.

The unemployed person who becomes self-employed or sets up his/her own enterprise keeps the right to unemployment benefits for six years following his establishment with the exception of the period constituted by the number of working days, which is obtained by dividing the amount of the money made available by the Fund by the amount of the last unemployment or waiting benefit given to the worker. This period, however, cannot be in excess of three months.

The Participation Fund draws on money made available for these subordinated loans covered by the budget of the Ministry of Employment and Labour.

Originality of the approach

The loan is subordinated in the sense that the lender (the Participation Fund) accepts, when competing with the borrower's other creditors, having their claims put before its claims, with the exception of those of the corporate managers, its associates and its directors and those of creditors whose bad faith would have been established. In other words, if the enterprise does not survive, the loan will be considered as equity by the other creditors; this can, if necessary, provide an incentive for banks to more easily give a supporting loan which is sometimes necessary.

This subordinated loan is provided in the form of a credit line. It covers in particular, entirely or partially, the material, non-material, financial investments as well as the needs for working capital including in this the money required for starting up activities.

The subordinated loan in no way compromises, during the period which it covers, either the freedom or the entrepreneurial spirit of the beneficiary.

The provision of subordinated loans is the subject of an agreement established in the name of the unemployed person solely and without any involvement whatsoever of the spouse in whatever capacity this might be.

The target group of unemployed

Only a fully unemployed person receiving compensation and meeting the following conditions can receive a subordinated loan:

(i) become a self-employed person or work alone;

(ii) become a self-employed person and link up with other partners, whether or not they are unemployed, to set up or take over an enterprise of which he becomes an active associate;

(iii) become self-employed or active associate of an existing company;

(iv) participate in the creation or takeover of an enterprise.

It is essential to note that the Fund requires no guarantee whatsoever by the unemployed person except that his project is, economically, sufficiently viable. However, providing a subordinated loan is subject to the whole of the financing of the project being insured.

Duration of the loan – Write-offs

The minimum duration of the loan is 10 years and the maximum 15 years. As regards so-called 'preferential' activities, the duration is, however, 15 years. A five-year exemption is brought in for reimbursing the capital.

Annual write-offs are set according to ways and means to be decided on, the first reimbursement having, however, to be made at the end of the year following the period of exemption.

If the beneficiary meets any difficulties in honouring his engagements contracted with the Fund, the management committee can rearrange, in as far as the continuity of the activity depends on it, the ways and means set out in the loan agreement.

If the beneficiary fails in his enterprise, the Participation Fund only asks that the remainder of the subordinated loan be paid back if this cessation took place after six years from the beginning of the activities or in cases of being found guilty of certain offences (forgeries, fraudulent bankruptcies, etc.).

Rates of interest

The rate of interest is fixed for the entire duration of the subordinated loan.

The rate applied is that for advances for the same time period specified by the Caisse Nationale de Crédit Professionnel with a 10% reduction. It cannot be less than 5% except for so-called 'preferential' activities, and can in no case be less than 4%.

Conditions for granting money

The contribution of the Ministry of Employment and Labour on which the Participation Fund can draw can only be provided if the unemployed person has obtained a subordinated loan from the Fund in order to enable him to carry out as a main activity:

(1) a so-called 'preferential' activity, i.e., one which, according to the management committee of the Fund, meets one of the following conditions:

(i) is innovative in character;

(ii) deals with manufacturing industry, art handicrafts, and exploiting or enhancing natural resources.

(2) any other activity falling outside those sectors that the Regions of Belgium provide for drawing on an interest rebate foreseen by the economic reorientation law of 4 August 1978. Thus, a horticulturist who is excluded from having an interest rebate within the framework of the 4 August 1978 act can nevertheless draw on a subordinated loan since his activity is considered to be one of enhancing natural resources.

It should be noted that for trades which require professional and vocational standards to be met, the beneficiaries must meet the criteria set out by their regulations. In other activities, beneficiaries must show their professional skill and their managerial talent.

Possible supplementary financing for the project

If the credit needs of the unemployed person exceed the amount of the subordinated credit given under these specific conditions, it is always possible for him to draw upon the aid provided by the Participation Fund for establishing and strengthening the equity of small and medium-sized enterprises by asking for additional aid in the form of credit and/or of subordinated loan, on the usual conditions which could then, in cases of renunciation, be recouped according to the rules of common law.

Use can also be made of ordinary credit bodies. The subordinated loan given within the framework of aid for indemnified unemployed persons with a view to their setting up as self-employed or creating an enterprise is then also prevailed over by the loan given within the framework of aid on usual conditions.

Accompanying measures

Together with the measures indicated above, a set of changes has been brought in regarding unemployment regulations with the aim of opening up access for the unemployed to independent trades. Thus, every unemployed person receiving an allowance who interrupts his period of unemployment in order to become a self-employed person maintains, over a six-year period, the right to be able to draw again on unemployment benefits and to re-register as a jobseeker in cases of failure of his enterprise. Similarly, every unemployed person who wishes to follow management training within an institute recognized by the Ministry of the Middle Classes does not need to sign on over a maximum period of one year. During this period, he will not be considered as a jobseeker. Furthermore, every indemnified unemployed person who wishes to prepare for becoming a self-employed worker is dispensed from signing on during the three months which precede the beginning of his self-employment.

Finally, the government has seen to establishing an infrastructure which enables persons thinking of becoming self-employed or the self-employed who have recently taken up training and technical assistance to start out on their career with the best chances of success. By virtue of this decree, certain bodies whose task is to assist and to advise existing small and medium-sized enterprises as well as those being created can increase their staff by taking on qualified unemployed workers. Their pay and social contributions will be taken over by the State so that they can provide these enterprises with adequate assistance, training and advice.

Denmark: Effects of the 1982 Job Creation Act

The new job creation scheme came into operation on 1 March 1983. The objective of Act No 286 which was passed on 9 June 1982 is to create new jobs by granting support to new local and especially private work initiatives.

In order to be considered as job creation two conditions must be satisfied: first, the work must lead to activities which will increase employment and which would not otherwise be performed, and, secondly, the work must benefit the community as such.

Job creation activities should, as far as possible, be performed by or in cooperation with private undertakings, but anybody can apply for public support for them. Those involving production for sale on the open market must be submitted for the approval of the labour market board whether or not they receive public support. These boards decide whether support should be granted to particular activities. The amount of the support is 80 % of the maximum amount of daily cash benefits as per 1 October of the preceding year; in 1983 the support was about DKR 40 per hour or about DKR 84 000 per year. The support is granted for one year, but may be renewed for a maximum period of three years. The labour market board may attach certain conditions to the granting of support such as recruitment of special groups of unemployed persons for the activities.

Any person recruited to job creation activities must be in the 18-24 age group at the time of recruitment. Where it is necessary for the performance of the work, persons over the age of 25 may be employed in connection with such activities. Persons recruited must at the time of the placement have been unemployed for a period of at least three months preceding such placement. However, under certain conditions exemption may be granted from this requirement.

The Act also enables persons employed in job creation activities to participate in courses during normal working hours with pay.

The following statistical data is available for the 19 months from the time the scheme came into operation until 30 September 1983:

(i) a total of 1 143 job creation projects were implemented, 212 in private undertakings, 169 in cooperation between private undertakings and public institutions, 756 in public institutions and six in other types of undertakings.

(ii) 10 030 jobs were created under the scheme, the majority of which were in the public sector.

(iii) about one third of the jobs created were in projects involving actual production to be sold on the market.

(iv) 80 % of the jobs created were subsidized by the State.

(v) 1 259 jobs were created in private undertakings, some two thirds in the following four sectors: food, beverages and tobacco; iron and steel; building and construction; and sports and recreational activities.

(vi) some 53% of those employed through job creation projects are men.

France: Preliminary outcome of local employment initiatives

Aid to job creation through local initiatives was brought in in October 1981. The annual grant – FF 40 000 for each job created – is aimed at fostering the development of new activities and at helping original approaches to job creation.

By 15 October 1983 some 16 000 jobs had been created through the 'local employment initiatives' programme. From a preliminary statistical analysis the following picture emerges.

General data

Most of the jobs have been created in the private sector, usually in already operating 'associative' structures. Half of these jobs are in the social or cultural field. A majority of the persons taken on are unemployed, being significantly more qualified, younger and with more diplomas than the average.

The 'Mission Promotion de l'Emploi' (the Employment Promotion Group) entrusted with implementing this policy notes, however, that 'too often such local initiative jobs are confined to the margin'. Hence for 1984 it has proposed that its action develop towards 'real' small enterprises, backward regions and young entrepreneurs. 'The dislike of profit-making economic activities must be overcome' is what the LEI promoters say. But this must be done without watering down the aid which must be earmarked for 'social and economic innovation'.

Profile of the bodies

(i) As regards their legal form associations represent more than half of the creating bodies and 47% of the jobs provided. The municipalities ('communes') make up one quarter of the bodies but nearly one third of the jobs created. The average number of jobs created is 1.9 per body.

(ii) As to their size, more than 18% of the private bodies had no wage-earner before hiring someone by drawing on help for creating local initiative jobs. At the other end, 18.3% of the bodies had more than 10 wage-earners.

Thus the vast majority of bodies which have been able to develop through this programme have been small in size.

(iii) As regards the type of activity, it is social activities which most often receive grants (32.5% of the jobs created).

Types of jobs created

(i) As regards the nature of working contracts, nearly 94% signed by employers are of unlimited duration.

(ii) As regards the length of the working week, a significant proportion of jobs are part-time (22% of the jobs created).

(iii) As to their nature, administrative as well as maintenance and security jobs represent nearly one third of the local initiative jobs created. 18.6% of the jobs created are 'socio-cultural', with 'productive jobs' only representing 9%.

Most of the wages paid were in the SMIC + 20% to SMIC + 50% bracket.

Profile of the persons taken on

More than 52% of the persons were not registered at ANPE (previous registration at ANPE, which was not compulsory in 1981 and 1982, was made compulsory in 1983).

The persons taken on were younger than the national average. Compared with the working population of wage-earners, women were 'over-represented'.

Persons holding a school-leaving certificate or a degree represented 43.6% and those with no such qualification 56.4%.

N. B.: It should be remembered that this statistical survey deals to a large extent with jobs created within the framework of the scheme introduced in October 1981. This scheme was modified in March 1983 (decree No 83.149 of 2 March 1983):

(i) public bodies are no longer able to claim aid for local initiative jobs;

(ii) previous registration at ANPE is henceforth compulsory for taking on a person for a local initiative job.

Greece: Recent figures on employment measures

Following the measures on youth unemployment since November 1982, 8 793 people were hired and 1 197 enterprises were financed.

Under measures on job creation by financing local authorities, 9 224 unemployed people (especially building workers) were hired.

According to the job creation programme for people of 30 to 60 years of age, 700 unemployed were hired by local authorities (the programme started in September 1983).

According to the job creation programme for young people aged 18 to 25, 604 young people were hired.

Ireland: Enterprise Allowance Scheme

The Enterprise Allowance Scheme was established in December 1983 on

a pilot basis. It is administered by the National Manpower Service. Its purpose is to encourage unemployed persons in receipt of unemployment payments to establish a business. Projects in most sectors of economic activity will be considered. The business must be new and independent and not linked in any way with an existing enterprise.

To satisfy the conditions for entry to the Scheme applicants must be:

(i) Persons on the Live Register who have been in receipt of unemployment benefit/assistance for at least 13 weeks immediately preceding entry to the Scheme; or

(ii) Persons who immediately preceding entry to the Scheme are attending an approved training course following a period on the Live Register during which they were in receipt of unemployment benefit/assistance provided that the two periods together make up at least 13 consecutive weeks; or

(iii) Persons in receipt of the Disabled Persons Rehabilitation Allowance while attending a training course approved by the National Rehabilitation Board for 13 weeks immediately preceding entry to the Scheme.

Applicants must show that they can invest IRL 500 from their own resources in the business if this is necessary and that they have access to sufficient working capital for the operation of the business.

The enterprise allowance is IRL 50 per week for a married person and IRL 30 per week for a single person and is payable in lieu of unemployment benefit/assistance. The allowance will be paid for a maximum of 52 weeks provided the business continues for that period. In a limited number of cases the enterprise allowance or part thereof may be paid in the form of a lump sum to facilitate the purchase of capital assets.

It is hoped that the Scheme will encourage the establishment of a number of successful enterprises and result in the creation of a number of jobs through the recruitment of employees by those participating in the Scheme.

Luxembourg: Aid to create enterprises by the indemnified unemployed

The budgetary law of 19 December 1983 brings in an aid mechanism of the Unemployment Fund for unemployed persons who create their own enterprises.

According to the text of this law, this aid is reserved for unemployed persons receiving full compensation who are particularly difficult to place. They must either create/take over an enterprise (which they must really control) or take up a non wage-earning job in a sector or branch which is made eligible by means of regulatory decision.

The aid is given in the form of capitalizing the unemployment allowances which would have been paid to the job creator if he had not created or taken over an enterprise or if he had not opted for a non wage-earning self-employed activity.

The capitalization of the allowance rights is doubly limited:

(i) on the one hand, the periods of capitalized indemnization cannot exceed the 12-month maximum period of indemnization written into the law of 30 June 1976;

(ii) on the other, the capitalization of the rights will be limited to the indemnization periods of the first six months which follow the taking up of the activity by the unemployed person.

The maximum cost of the capitalization measure for the indemnified unemployed person can amount, taking account of the allowance ceilings fixed for the first and second half year period of indemnization, to between LFR 294 000 and LFR 367 000.

Netherlands: Support for young entrepreneurs starting their own business

An independent working group has been set up by the Ministry of Social Affairs to prepare policy on support for new business, an area in which there has been growing interest of late. One of the reasons for this interest is the present economic situation and employment trends.

At the moment unemployed people may, under certain conditions, be eligible for additional benefit, for a number of months, usually three, if they start their own business. This procedure is not based on a statutory entitlement but has developed over a period of time. The bodies making payments, the industrial associations in the case of the Unemployment Benefit Act (WW) and the local social services in the case of the Unemployment Provisions Act (WWV) and the RWW, conduct their own policy. They apply social and economic criteria when making decisions. Unemployed persons who have little or no chance of finding a suitable new post in an enterprise and who wish to start a business are eligible. The authorities in question are very willing to provide financial help provided the business is a viable proposition. The best scheme for this to be brought under is the Government Self-employed Scheme (RZ).

It is proposed to provide a financial supplement to those starting out on their own whose income in the first six months is lower than the flat rate national assistance payment, on condition that there is a positive report on the viability of the business idea. Once a further positive report has been made, a six months extension can be obtained. In special cases, when the market obviously needs to be gauged for a longer period, a second extension of six months is possible, again provided a favourable report on the business viability has been received.

For those receiving maximum benefit under the WW and the WWV there are plans to allow the payment to continue for a maximum of three months, provided the viability of the business is verified in the same way as under the Government Self-employed Scheme (RZ). After the first three months the RZ scheme can be used on the under-

standing that the first period is for three months instead of six.

Endeavours are being made to ensure that people are treated uniformly by the independent organizations making payments. This is the reason why a new scheme for the self-employed is being examined, the old one relating only to existing entrepreneurs and not new businesses. The result is that at the moment assistance in the form of income for new businesses is provided on a decentralized basis.

During the first six months of unemployment those receiving a WW benefit who wish to start up on their own may obtain an income up to the national assistance level from the industrial association. The period over which this may be received depends on the industrial association. Local authorities can subsidize those who wish to set up in business and who are receiving a WWV, a RWW or a national assistance payment. To a certain extent the local authorities can decide themselves over what period of time they wish to contribute to a person's income. The disadvantage of such a decentralized approach is that new entrepreneurs are not treated uniformly. The new government scheme for the self-employed is designed to solve this problem by regulating contributions to the income of new businesses on a central basis.

Approximately 11 000 new businesses are set up a year. No data is available on the numbers who resort to government income grants; nor is there any data on the results.

United Kingdom: Enterprise Allowance Scheme

The Enterprise Allowance Scheme provides a taxable allowance of UKL 40 a week for a year to unemployed people wishing to set up a business but who may be deterred by the fact that they would lose their entitlement to unemployment or supplementary benefit. By so doing the scheme aims to encourage the setting up of businesses which would otherwise not exist.

In the first few months as a national scheme (extended on 1 August 1983 from five small pilot exercises) the scheme had helped some 17 000 people. To this number should be added around 3 300 helped by the pilot exercises.

In November 1983 the UK Government announced that provision would be made for a further 35 000 people to be paid the allowance. Between 1 August 1983 and 31 March 1986 some 60 000 people are, therefore, expected to be helped at a cost of around UKL 125 million.

The scheme will be administered by the Manpower Services Commission through its Job centres with the help of

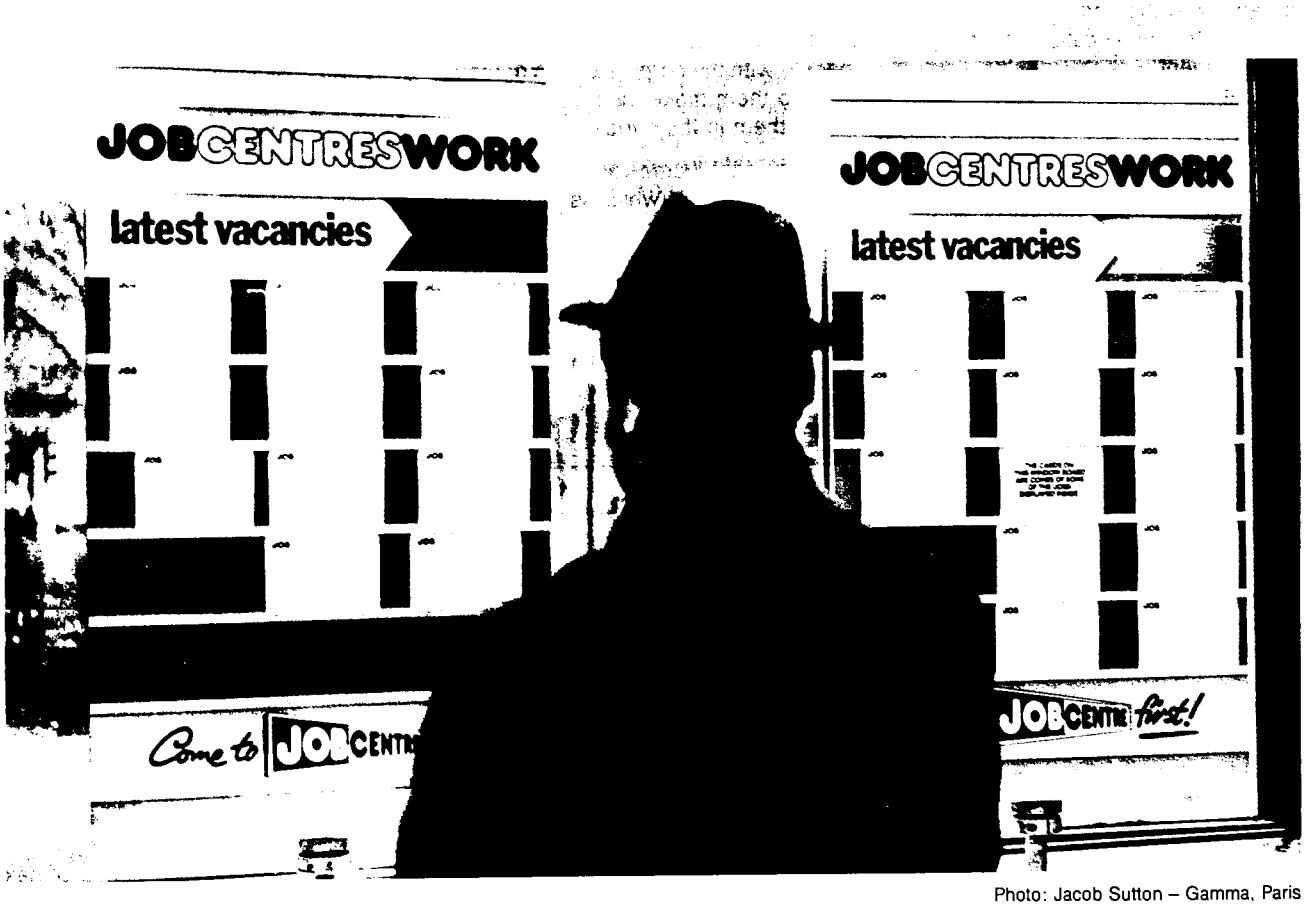


Photo: Jacob Sutton – Gamma, Paris

the Department of Trade and Industry's Small Firms Service whose counsellors provide business advice and guidance to those entering and on the scheme.

Special categories of workers

France: Agreement on alternating ('sandwich') training for young people

At the conclusion of negotiations which had been under way since September 1983 the employers' and trade unions' organizations (with the exception of the CGT) signed an agreement on vocational training for young people on 26 October 1983. This agreement is an annex to the national agreement of 9 June 1970 on vocational training and development.

As from 1984 it should encompass some 300 000 young persons under 26 years of age who will have the choice of three types of sandwich training:

Training aimed at 'adapting to a job or to a type of job'

Such training is carried out within the framework of a particular type of training contract between a young person and an enterprise for an unlimited time period (adapting to a specific job) or for a limited time period (adapting to a type of job where the length is between six and 12 months).

This contract, which is coupled with training (200 hours minimum and 12 months maximum), opens up the right to remuneration: 80% of the remuneration specified in the collective bargain for the wage-earners of the job category corresponding to the job in question.

This formula is similar to the 'employment-adaptation' contract already in existence.

Training aimed at 'acquiring a vocational skill'

This training is carried out within the framework of a particular type of work contract lasting between six months and two years, coupled with training lasting at least 25% of the length of the contract.

Remuneration varies according to age:

(i) from 17% to 45% of the SMIC ('salaire minimum interprofessionnel de croissance' – national minimum growth wage) for young people aged from 16 to 18 years;

(ii) from 60% to 75% of the SMIC for young people over 18 years of age.

This formula is similar to that of 'employment training contract'.

Training aimed at 'initiating into working life'

The purpose is to familiarize young people with the corporate environment, to help them make their choice and to guide them in their vocation.

The legal framework is that of a specific contract (which is not a work contract) lasting from three to six months concluded with one or several enterprises or with an industry or an inter-industry body.

The young people are trained (a minimum of 25 hours per month) and receive remuneration equal to 17% or 27% of the SMIC (according to whether they are under or over 18 years of age).

The arrangements for this agreement will be set out in a law reforming vocational training which is currently (January 1984) being discussed by Parliament.

This law should at the same time set out the conditions for financing this new training, the social partners having expressed the wish that they cover their costs by drawing upon the '0.2%' training levy (compulsory participation in financing training which employers pay each year to the Treasury).

Greece: Application of the principle of equality of sexes in 'labour relations'

The Greek Parliament has recently passed the law applying the principle of equality of the sexes in labour relations. This brings in a goal which the government has constantly had in view: the creation of conditions such that there be real equality between the two sexes. The main objective of this law is the abolition of all discrimination as far as professional guidance and training are concerned as well in hiring, remuneration and in all other forms and conditions of work.

This law furthermore gives meaning to the constitutional provision of Article 22 on equality of the two sexes and also meets the obligation for harmonizing Greek law with EEC Directives 75/117 and 76/207. At the same time a primary objective of the government, the improvement of the position of the Greek working woman, is fostered.

The law applies to any employment in the private sector and also to people who exercise free occupations. Its provisions are:

1. Any discrimination on the grounds of sex regarding vocational guidance, vocational training, retraining, further education, etc. is forbidden.
2. Any discrimination on the grounds of sex in announcements regarding the selection of persons for hiring, vocational training, etc. is forbidden.
3. Free access to any kind of rank of employment and profession, for any person regardless of sex and family status is established.
4. The payment of salaries and wages as well as of any kind of allowance is regulated on an equal basis.
5. Any discrimination on the grounds of sex regarding the forms and conditions of work and professional advance is forbidden.
6. Dismissals on the grounds of sex are forbidden.

7. Notification and information of employees about the measures that have been taken to achieve equality of the sexes is provided for.

8. Special equality services are to be established in the Ministry of Labour and its local offices, for the collection of information and statistical data and the supervision of the special measures for the advancement of equality of opportunities for the two sexes and the eradication of inequality in labour relations as well as for the information of employers and employees about the measures taken on this subject.

   These services will collaborate with the Council of Equality (an advisory organ to the Prime Minister) in common subjects and will elaborate related drafts of laws and of administrative acts.

9. A special tripartite body is to be set up in the Supreme Labour Council (advisory organ to the Minister of Labour). This organ will consist of the Secretary General of the Ministry of Labour as chairman, a member of the previously mentioned Council of Equality, one director of the Ministry of Labour, one representative of the employees and one representative of the employers. It will be responsible for advising on drafts of laws and administrative acts as well as on subjects relating to equality in labour relations.

10. All discriminatory provisions of labour legislation are to be abolished except those protecting maternity and pregnancy.

11. A violation of the law is subject to a fine.

12. The beneficiaries of marriage and family allowances are defined.

13. All provisions of laws, decrees, collective agreements, arbitration and ministerial decisions, internal regulations of organization and enterprises, etc. that are contrary to the provisions of this law are abolished.

Ireland: Activities of the Youth Employment Agency (YEA)

During 1983, approximately 57 000 young people participated in education, training, work experience and temporary employment programmes, funded by the Youth Employment Levy. This figure includes 10 000 young people on the Department of Education's secretarial and pre-employment courses which were not Levy-funded in previous years. However, when this figure is set aside, the total programme participation of 47 000 is considerably greater than the 1982 figure of 33 000 and more than twice that of 1981, the last pre-levy year: 22 500.

Programme participation in 1983 is in line with the targets set by the government. By any standards (e.g. as a proportion of total unemployment or of school leavers) provision of manpower services in Ireland for young people is now one of the highest in the OECD countries.

Two areas of potential growth in job creation – community enterprise and self-employment – were addressed with the launching by the YEA of the Community and Youth Enterprise Programme in July 1983 and the Youth Self-Employment Programme in September 1983.

The Community and Youth Enterprise Programme

The Community and Youth Enterprise Programme was introduced by the YEA to encourage communities to become directly involved in the job creation process. A range of assistance is offered by the programme, including advice, planning grant and grants for the employment of Enterprise Workers. The Enterprise Worker grant is probably the most novel aspect of the programme. To qualify, promoters must ensure that enough research has been done to allow the Enterprise Worker to devote all his/her time to getting projects to start-up stage.

The YEA is examining ways of broadening the range of products that community groups could produce, and it has had discussions with various research and development bodies on how their services can be made more accessible to community groups. The Agency is also investigating how to become involved in communities which do not have any basic infrastructure or social organization to represent their needs. Funding for 13 Enterprise Workers and planning grants for 15 other communities have been approved to date by the YEA under the programme.

The Youth Self-Employment Programme

The Youth Self-Employment Programme is aimed at making bank finance more accessible to young unemployed people by the provision of loan guarantees from the YEA. These loans on normal commercial terms up to a maximum of IRL 3 000, are being provided to promoters of projects, in the 15-25 age group, who have been unemployed for three months or more. The YEA has agreed to guarantee 60 % of each loan provided. This is to ensure that no personal guarantees will be sought from the young promoters or their relatives, thus overcoming one of the principal obstacles to the development of self-employment enterprises by young people: the difficulty of obtaining start-up capital. To date some 40 projects have been approved for loan finance under the programme.

The Young Scientists and Technologists Employment Scheme

In conjunction with the Institute of Industrial Research and Standards and the National Board for Science and Technology, the YEA is funding the Young Scientists and Technologists Employment Scheme designed to promote the employment of young people with science and engineering qualifications and to assist firms in increasing their technological capabilities.

Seventy-three engineering graduates and diploma holders participated in the first year of the programme. Suitably qualified people are placed in pri-

vate firms, which have limited technological resources and could potentially benefit from employing such qualified personnel.

Marketplace programme

Marketplace, which was launched in September 1983, is a job creation programme for young marketing graduates, funded by the YEA and operated by the Irish Goods Council. The objective of the programme is to encourage companies to employ marketing graduates by providing them with grants of up to 60 % of the salary in the first year.

Any manufacturing company supplying the domestic market, which does not already employ marketing personnel, may apply to the Irish Goods Council for the service of a grant-aided marketing executive. The only condition for interested companies is that they give an assurance of their intention to retain the executive at the end of the one year period. The Irish Goods Council provides each participating company with a short list of suitable candidates drawn from a panel selected by the National Manpower Service. To be eligible for this panel the marketing graduates must be under 25 years and unplaced in marketing positions.

Luxembourg: Special measures for integrating young people into working life

An important set of arrangements for encouraging the employment of young people has been operating since 1978 and has subsequently undergone various reforms and additions:

(i) the 'traineeship-initiation contract' approach and that of the 'division d'auxiliaires temporaires' (division of temporary helpers – DAT), both of them revised by the law of 5 March 1980;

(ii) the aid to taking on apprentices brought in by the law of 5 March 1980;

(iii) the guidance premium, reformed in 1980;

(iv) CIOP, the vocational initiation and guidance courses, operating under the law of 24 December 1977 and enlarged by the government;

(v) the special premium for promoting apprenticeships in the hotel and restaurant trades and the handicrafts brought in for 1983.

The budget law of 19 December 1983 concerning the income and expenditure of the State for fiscal year 1984 has kept the following measures with a view to stressing the impact of schemes for promoting the employment of young people which are currently in operation:

1. Reform of the traineeship-initiation and the DAT approaches

The traineeship-initiation contract was set up by the law of 27 July 1978 dealing with various measures encouraging the employment of young people. It aims at providing the young jobseeker, during his working hours, with practical initiation facilitating the transition between school and working life. These young jobseekers enrolled at the Employment Administration must not be older than 25 years of age and must furthermore meet the legal conditions to be able to claim a full unemployment allowance. The Unemployment Fund takes over the employer's contributions to the social charges and reimburses the employer a proportional amount corresponding to 15 % of the training allowance paid to the young people. This traineeship allowance is equal to 85 % of the social minimum wage of unskilled workers.

The purpose of DAT, also brought in under the law of 27 July 1978, is to stimulate the creation of new jobs within the framework of general interest activities and services while at the same time meeting real collective needs. These temporary auxiliaries can thus be temporarily assigned to tasks of public utility, social utility or cultural interest which are proposed and carried out by the State, municipalities, public utility organizations or any other non-profit body, institution or grouping of persons. These auxiliaries are recruited from among jobseekers enrolled at the Employment Administration who are not yet over 25 years of age and meet the legal conditions for claiming a full unemployment allowance. The promoter of a programme for temporarily putting people to work is required to pay the young auxiliary an allowance equal to the social minimum wage which he would receive were he to have a job as an unskilled worker. As financial incentives to the employer, the Unemployment Fund reimburses 15 % of the allowance paid to the young person and takes over the employer's contribution to social charges.

The budget law on the State's income and expenditure for fiscal year 1984 reforms this law of 1978 by making entry conditions for the traineeship-initiation and DAT approaches more flexible as well as by raising the rate of aid granted by the Unemployment Fund to employers choosing to make use of these two approaches. Thus, during 1984, the Employment Administration will be able to suggest these two approaches to all jobseekers enrolled at their local placement office who are not yet more than 25 years of age. The financial incentive rises to 25 % for private sector employers hiring young people for traineeship-initiation contracts, as well as for other employers, excluding the State, who are eligible for DAT aids.

2. In-company preparatory traineeships

The budgetary law for fiscal year 1984 provides for in-company preparatory traineeships which consist of alternating periods of practical training and theoretical training ('sandwich training'). The Employment Administration can propose such traineeships to unemployed jobseekers who are registered at the Employment Administration and who are not older than 25 years.

The jobseeker who is receiving, or who has asked for, a full unemployment allowance cannot, without valid motive, refuse being placed in a preparatory

traineeship proposed by the Employment Administration on pain of being excluded from receiving the allowance in question. Once he has been placed in a preparatory traineeship, he continues to draw the full unemployment allowance.

The jobseeker who accepts being placed in a preparatory traineeship before the expiration of the period of enrolment as a jobseeker giving right to full unemployment allowance, must be remunerated by the employer to a level at least equal to 50% of the full unemployment allowance which he could claim by virtue of the law without prejudice to the supplementary allowance foreseen, when necessary, by the framework agreement mentioned below. The Unemployment Fund tops up the allowance paid to him by the employer to the level of the full unemployment allowance, not including the supplementary allowance foreseen, when necessary, by the framework agreement.

Placement in a preparatory traineeship is limited to employers covered by a framework agreement concluded with the Employment Administration who accept raising the net number of young workers they employ in 1984. The purpose here is to limit the approach to employers who agree to make an additional recruitment effort in 1984.

This framework agreement sets out in particular the conditions for taking on jobseekers (in particular the numbers of young people concerned by preparatory traineeships, the purpose of the sandwich training, the jobs they prepare for, the ways and means for organizing learning), the employer's rate of participation in the full unemployment allowance which cannot be below 50% and, when necessary, the supplementary allowance paid to them by the employer.

It should be noted that placement in a preparatory traineeship ceases in cases of placement in suitable work and at the latest at the end of the right to full unemployment allowance.

3. Aid to creating socio-economically useful jobs

The budgetary law of 19 December 1983 brings in an experimental scheme for the year 1984 for the Unemployment Fund to provide aid for the creation of socio-economically useful jobs.

The purpose of the aid is to facilitate starting, operating and developing lasting projects for services and activities which are not currently undertaken by public services or by for-profit enterprises.

The aid of the Unemployment Fund is given for the creation of jobs meeting the following conditions:

(i) granting aid must not compromise the profitability of existing enterprises which are not drawing on these arrangements;

(ii) the jobs must be reserved for persons threatened by unemployment or for jobseekers registered at the Employment Administration who are not yet older than 25 years of age;

(iii) the jobs must be permanent and lasting;

(iv) the beneficiary of the aid must guarantee the financing of the job created at the end of a period of one year from granting the aid;

(v) the beneficiary must observe the legal, regulatory, administrative and collectively bargained rules dealing with the protection of the wage-earners in the exercise of their job.

The level and modus operandi of the aid will be fixed by Grand Ducal Ruling. It is guaranteed for a maximum of one year. In principle, it cannot be renewed, except in properly justified exceptional cases.

United Kingdom: Race Relations Employment Advisory Service

The Race Relations Employment Advisory Service is a specialist service of the Department of Employment which offers confidential help and guidance on the requirements of the Race Relations Act 1976 and on the problems which can arise within a multi-racial workforce. Its aim is to assist understanding within industry of the ways in which equality of opportunity can be developed and practical difficulties resolved so as to make more effective use of manpower. The Advisory Service is available throughout Great Britain and is free of charge.

Advisers visit employers, regardless of the firm's size, to introduce the service and provide advice and guidance on the sort of general issues which may arise in the management of a multi-racial workforce. This guidance includes advice on the implications of the employment provisions of the Race Relations Act 1976, the implementation of racial equality in the workplace, particularly in relation to personnel procedures and questions related to different social, cultural and religious backgrounds which may affect policies and practices at work.

The work of the advisers is concentrated on the provision of training in race relations matters for managers, supervisors and workers' representatives. This may be arranged on an employer's premises, in offsite seminars or as input to college based courses. Programmes of varying length and content can be provided according to need.

Advisers maintain liaison with ethnic minority groups either directly or through Community Relations Councils. They also develop links with religious groups through the temples and mosques. These links are essential in order to judge developments and attitudes with the communities.

Working time

Belgium: Managing working time in the municipalities: Ministerial decree of 29 December 1983

Putting the unemployed to work is a classical employment policy measure which enables primarily public au-

Photo: Jacob Sutton – Gamma, Paris

thorities (State, provincial, and communal administrations as well as public agencies and teaching establishments) but also certain non-profit associations (social, humanitarian or cultural in purpose) to carry out works of public utility by employing the unemployed.

These unemployed persons are not bound by a work contract when they are taken on.

During the length of their employment, these unemployed persons receive an allowance to which the National Employment Office (ONEM) contributes. The amount of this allowance varies according to whether the level of the job held belongs or is related to level 1, 2, 3 or 4 of civil servants' hierarchical grading.

The statistics on putting the unemployed to work show that their number has dropped regularly in 1983 over 1982 and in 1982 over 1981. This development is to a large extent a result of what, over time, have become the very modest amounts of the current rate of contributions by ONEM.

The significant decline in the attractiveness of the measure, coupled with the present well-known financial problems of the municipalities and of the public social aid centres (CPAS) which has led the latter to cut down on their staffing either by avoiding replacing staff who retire or by doing away with the services of the unemployed who have been put to work (only a part of whose income is taken over by the State), together explain the significant drop registered in less than a year in the number of unemployed persons working for these municipalities and CPAS.

At the same time these bodies seek to make use of the programmes of special temporary jobs (CST-cadre spécial temporaire) or the third circuit of work (TCT-troisième circuit de travail) where the whole of the individual's income is covered by the State.

This thus provokes at the same time an increase in unemployment by the loss of CMT jobs (chômeurs mis au travail – unemployed persons put to work) and additional costs for the State by the increase in the numbers of persons in CST and TCT programmes.

Furthermore, by this excessive reduction in staffing, the municipalities are likely to lose the benefit of programmes mopping up unemployment whilst at the same time compromising the smooth operation of municipal services.

Yet it can be seen from the overall figures of the number of the unemployed working for the public authorities that the greatest numbers are put to work in these very municipalities and CPAS.

With the aim of maintaining at a relatively favourable level the number of the unemployed working for public authorities and of encouraging the municipalities to operate a personnel policy which takes into consideration both the needs of the inhabitants and the requirements of the staff, the government took the initiative by bringing in a royal decree (2 September 1983). This gives the municipalities and CPAS the considerable advantage of receiving an increased ONEM contribution. This is, however, reserved exclusively for those municipalities and CPAS which agree either to maintain (or to bring back by 31 December 1984) an overall level of employment (non-teaching municipal, statutory and temporary officials, the unemployed put to work by public authorities but excluding the CST and the TCT) which is equivalent to that which they had on 30 June 1982 or to reach a special agreement on working time with the Ministry of Employment and Labour.

The State will in fact take on 70% of the remuneration of the unemployed who are put to work, irrespective of the level of hierarchical ranking of the income grade of the civil servants whose function they are equivalent to (instead of, as now, 53% for levels 4 and 3, 50% for level 2 and 34% for level 1).

On the other hand it is quite obvious that the municipalities and the CPAS which do not fulfil the conditions they agree to or respect the agreement reached, are open to sanctions. The first is the immediate suspension of the advantages given, without this prejudicing other measures such as the refusal of CST or TCT projects.

The various ways and means of reaching such an agreement (acceptances and their registration, time limits and a progressive character to be respected as regards bringing back the

overall volume of employment) or for the special agreement on working time, were laid down in the ministerial decree of 29 December 1983.

Public authorities other than the municipalities and the CPAS as well as the municipalities and the CPAS which have not opted for the new system resulting from the royal decree of 2 September 1983 continue to be governed by the normal regulations as regards putting the unemployed to work by the public authorities.

Belgium: Measures aimed at limiting overtime: Royal Decree No 225 of 7 December 1983 (M. B. 15 December 1983)

Workers' protection is an essential basis of the law on work of 16 March 1971, modified by the law of 20 July 1978 reducing the legal length of the working week to 40 hours. Since then the reduction of working time has considerably changed both the character of overtime and the need for such overtime by ensuring that work is rationally organized. This problem has been further accentuated by the recession.

Thus was born the idea of reforming the regulations dealing with working time and overtime.

For the sake of completeness and balance, this reform tried to respond to two sets of concerns.

The first was to bring about the greatest re-distribution possible of the work available. As employment has stagnated and unemployment risen, working overtime, i.e. working more than the normal hours of work, appeared to be socially unjustified while so many other workers were reduced to involuntary inactivity and to looking for a job which could, even temporarily, take them out of unemployment.

Similarly, the fact that workers who are required to work overtime at certain points of time are subsequently laid off for lack of work due to cyclical downturns was not such as to bring the allowance system into balance. This approach was thus harmful, or at least took place at the expense of the whole community and to the detriment of those having no other income than their unemployment allowance.

Combating systematic overtime is particularly important when it is remembered that for 1982 alone overtime warranted by accidents and above all by urgent repairs to machines and by unforeseen needs which were notified to the inspectorate of social legislation amounted to 1 804 219 hours for 289 829 workers. To these declared hours must be added those which did not have to be declared as well as those justified on other grounds (for instance, abnormal increases in work).

Although it would be simplistic to consider that doing away with overtime would bring about a proportional reduction in unemployment (full or partial), it does constitute a not unimportant source of job creation.

The second set of concerns resulted from the growing rigidity of the law following successive reductions in working time. However, shortening the working day and above all the working week could, in certain specific cases, raise problems of work organization which would be difficult to resolve.

Decree No 225 reconciles these two viewpoints: to respect reductions in working time and, when it is indispensable for the proper functioning of the enterprise, to enable the employer and the workers to organize work flexibly and in ways adapted to production requirements.

The prime objective – spreading the available work – could easily be achieved by generalizing the granting of compensatory rest periods for the overtime. Thus new workers could be put to work to replace those who were resting.

To this end the decree authorizes the normal length of working time (daily and weekly) to be exceeded provided that in such cases (which cover most of the exceptions to exceeding the normal length of work allowed under the law on work) the average weekly length of work is respected over a given period, in this case one quarter.

In all these cases of exceeding the normal length of work compensation must be taken by rest periods so that during the period of one quarter work should not on average exceed more hours than those foreseen by the law or by the collective working agreement. Where this would seem to be necessary, a longer period can be fixed by royal decree following the advice of the competent joint commission ('commission paritaire').

Respecting the normal length of work over a specific period does not raise too many problems when the work to be carried out is known well in advance, i.e., when the normal operating of the enterprise requires irregular, but foreseeable, work (e.g. continuous shift-work). The same is not, however, true if the overtime is imposed by unforeseeable events.

In two cases which are, by definition, unforeseeable (extraordinary increase in work and the involvement of an outside enterprise in cases of accidents or urgent repairs to machines or plant), the average can, at the end of each quarter, be exceeded by a maximum of 65 hours. These 65 hours must, however, be compensated for during the following quarter.

Another exception – in the opposite way – to the requirement for compensation for all overtime by rest periods is constituted by overtime which is justified by an accident or urgent repairs to be carried out on machines and on plant by workers of the enterprise. Such cases need not be compensated for by rest periods so as not to penalize an enterprise which has already been hit by technical difficulties impeding the normal running of its activities.

The length of work cannot exceed 11 hours a day or 50 hours a week even in cases of the accumulated application of various arrangements.

To avoid having the worker deprived of his income when making up for the overtime normal remuneration (i.e., not taking overtime payment into consideration) relating to overtime will not be paid when these hours are worked but

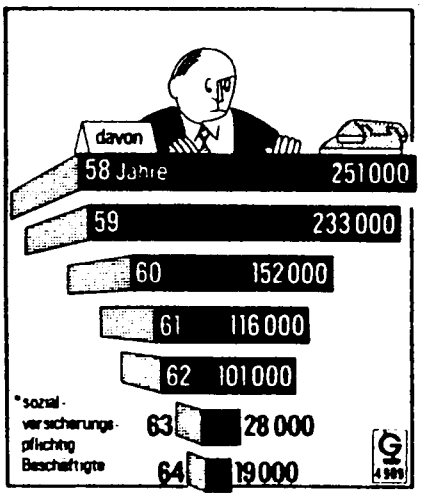
when the rest period is taken. In this way, even if his overtime is irregular, the worker who is required to work overtime and to recoup these hours afterwards, will receive his pay more regularly.

With the aim of straightening out the unemployment allowance system, any interruption in carrying out a work contract due to lack of work for economic reasons, because of the weather or following a technical accident is forbidden before the worker is given the compensatory rest periods to which he has a right. This measure should lead to delaying putting certain workers on short-time working and to making savings in unemployment allowances which should have been paid during compulsory compensatory rest periods.

Finally it should be noted that the introduction of new systems of working within companies should be carried out with the participation of the workers and their representatives.

Germany: Early retirement proposals

In December the federal government approved a bill put forward by its Minister of Labour dealing with promoting early retirements. This bill fits into the federal government's policy of increasing the flexibility of the length of working life and mopping up unemployment.



Older people at the workplace

The bill would enable workers over the coming five years to take an early retirement at 59 years and thus to make their job available to young unemployed persons. The idea is that in addition to the State the whole of the working population would contribute to financing this programme through partially foregoing profits and wage increases.

The bill does not aim at a permanent reduction in the length of working life, but rather opens up the possibility of a working agreement which could be reached between the State and the social partners over a difficult transitional period given demographic trends.

In Germany there are 900 000 socially insured employees aged from 58 to 64 years.

The bill is based on the following principles:

(i) The worker and the employer reach an agreement for the worker to leave his job before time against the payment of a retirement allowance which he could claim until he reaches the legal retirement age, which is 65 years.

(ii) The Federal Employment Institute gives the employer a 40 % grant towards his expenses for making the early retirement allowance and the employer's contribution to social charges provided that he replaces the worker who is leaving by an unemployed person or by a young jobseeker who has finished his vocational training.

(iii) The early retirement allowance must amount to at least 65 % of the worker's gross salary. Higher allowances can be negotiated by a collective agreement or an individual contract. These allowances would be subsidized to a ceiling of 65 %.

(iv) Beneficiaries of an early retirement allowance are also covered by old age insurance and sickness insurance. The early retirement allowance is liable to contributions and to income tax.

(v) An early retirement allowance amounting to 65 % of the gross wage gives the worker, after having made deductions for social charges and income tax, a net allowance of 70 % of his previous income. The early retirement allowance is thus higher than the unemployment allowance and also higher than the pension from the compulsory old age insurance which the worker with an average wage can claim after contributing to the insurance for 40 years.

(vi) The conditions for entry to flexible retirement pensions and to early retirement remain the same. Handicapped persons, workers who are not suitable for employment, unemployed persons and women will be able to draw on their retirement pension at 60 years of age on the same conditions as previously.

The success of the early retirement law will depend on what use the social partners make of it. The State is ready to pay early retirement allowances by making considerable financial resources available to the programme. The 100 000 beneficiaries of the early retirement law would require the Federal Employment Institute (which would be entrusted with implementing the law) to make available some DM 560 million net of deductions of savings made in unemployment allowances and assistance. The number of workers aged 59 years and more who would be covered by the early retirement law would rise from some 770 000 in 1984 to some 840 000 in 1988 because of the age pyramid. If it is estimated that about half the workers aged 59 and two-thirds aged 60 and more years would make use of the early retirement, then after the introductory phase it is likely that some 475 000 workers would take an early retirement in 1985. This figure would rise to 515 000 in 1988. Supposing that half of the jobs thus made vacant were filled again, then some 250 000 more jobs would be created for the unemployed and young people.

The federal government expects the bill to become law in the spring of 1984.

Placement

Italy: 'Nominative and numerical' employment

Law No 79 of 25 March 1983 enabled employers to submit, for one year, a nominative request ('richiesta nominativa') for a quota which is equal to half of the number of workers for whom the numerical request ('richiesta numerica') is compulsory.

Between July and December 1983 this brought about the placement of 51 021 workers, of whom 34 975 were men and 16 046 women.

The company breakdown by numbers of persons employed being:

up to 49 persons	42 934,
from 50 to 249 persons	6 725,
from 250 to 499 persons	769,
more than 500 persons	593.

Italy: Assessment of the experiment conducted on labour market policies and restructuring of placement services in Campania and Basilicata (law No 140 of 1981)

By assigning new tasks to the collegiate bodies of the regional employment commission and the district commission in Campania and Basilicata, law No 140 has modified the structure of the employment services and the management of the labour market. As regards the regional employment commission stress has been put on the following four aspects of its activities:

(i) making the unemployment registers and the criteria for placement transparent;

(ii) establishing training programmes creating jobs for 2 000 people and setting up training programmes for researchers;

(iii) monitoring those enrolled in the placement register to determine those unemployed people who are entitled to be enrolled as jobseekers;

(iv) regulating the migration flows and monitoring seasonal work in the agricultural sector.

Territorial restructuring of the local employment services on the basis of districts

Twenty four districts have been defined in Campania and 13 in Basilicata. A consequence has been the creation of the same number of district placement offices to replace the existing local offices with a view to attempt to manage the local labour market on an enlarged and homogeneous basis. Dysfunctions have occurred in the operation of the district collegiate bodies at the beginning of their activities as well as some shifting as regards the activities of the regional employment commission.

Agencies

Given the short period of the experiment and the time necessary to set up the new organization, the agencies have not been able to carry out the study and promotional activities but have had to limit themselves to the tasks of a technical administrative secretariat on behalf of the regional employment commission and of observers of the local labour market.

Netherlands: Emphasizing employers' needs in placement services

A new policy guideline has been introduced into the work of the Directorate General for Employment since the last term of 1983 following the appointment of a new Director General, Mr F.H.A.M. Kruse.

Emphasis is now being placed on providing services for the regular market. This means putting priority on increasing the share of the activities of the Service aimed at bringing about labour contracts, even those contracts which differ from the standard 40 hour week.

The Director General has stressed that the whole of the Employment organization (Arbvo organization) should understand that the way in which the client employer is approached is of prime importance since, in the current position of the labour market, it is he who plays a key role in determining how much work there is.

It is clear that this new approach of giving much more attention to the position and requirements of the employer, differs considerably from what has been traditional.

Miscellaneous

Belgium: Convention No 39 on new technologies

Collective working convention No 39 on new technologies was concluded within the National Council of Labour (CNT – Conseil National du Travail) on 13 December 1983. It is the outcome of long discussions carried out at the tripartite level, on the one hand, and within the CNT, on the other.

In May 1983, the government proposed to the trade unions' and the employers' associations that a convention be concluded on the social consequences of introducing new technologies. However, it notified them that, were no agreement to be reached before the end of the year, it could intervene in this matter through a royal decree taken on the basis of its special powers.

Being aware of the need for enterprises to stay competitive and to bring in the new technologies as quickly as possible, the trade unions' and employers' associations agreed on December 13 within the CNT on the conclusion of a collective working convention dealing with information and 'concertation' as regards the social consequences of bringing in new technologies.

It was preferable to have a convention dealing with this matter rather than having government use its authority, since a national agreement is a much more flexible instrument than a law: it can be changed and corrected much quicker and more easily.

There was no question of setting up co-determination as regards new technologies; rather the purpose was to make arrangements for the conditions for bringing in these new technologies and to face up to the consequences for the safety and health of the workers as well as vocational retraining and employment within the company.

The convention concerns private sector Belgian enterprises employing at least 50 workers. Should the employer decide to make an investment in a new technology and if this investment has significant collective consequences as regards employment, work organization and working conditions, it requires written information to be provided by the employer three months before starting to install the new technology. This information will deal with the nature of the new technology, the factors which justify its being introduced and the nature of its social consequences.

'Significant collective consequences' are understood within the convention as being those where 50% and at least 10 workers of a given job category are concerned by the introduction of the new technology. The problem will be globalized when at least 100 workers are concerned.

This information must be given to the works council or, where no such council exists, the 'délégation syndicale' (shop-stewards committee).

Furthermore, there must be 'concertation' with the representatives of the workers on the social consequences. This concertation should take place within the works council, the safety and health committee, or the 'délégation syndicale', according to the tasks which each is assigned. It will deal with the prospects and structure of employment, social measures affecting employment, the organization of work and working conditions, the safety and health of workers, skills and possible measures as regards worker training and re-training.

Concertation between the groups should, however, be limited in time so as not to impede installing the new technology. Without paralysing the procedure, the information received must be used with discretion.

In cases where the information disclosure and concertation procedure is not respected, the employer cannot do anything aimed at unilaterally putting an end to a work contract except for reasons not concerned with the introduction of new technologies. Should the employer nevertheless act in this way, he will be required to pay the worker a lump sum indemnity equal to his gross remuneration for three months, without putting at risk allowances due to the worker in case of breaking the work contract.

It was also agreed that an appraisal will be made of the impact of the convention within a period of 24 months.

This convention certainly does not settle all problems (the workers' representatives reserve their right to claim their contribution to productivity gains, etc.); but it does bring the whole question of new technologies into the field of social concertation.

The convention came into force on 1 February 1984.

Germany: The long-term unemployed

The IAB – the Institute for Labour Market and Vocational Research of the Federal Employment Institute – has examined a sample of the unemployed after one year's unemployment: 40% were working again and had not been unemployed in the meantime; one-third remained unemployed; and 25%, although no longer registered as unemployed, have not been able to move into employment.

Whoever is still – or again – unemployed one year later is highly likely to be caught up in a never-ending whirl of unemployment, short terms of employment or changing jobs, down-graded employment, and vocational deskilling. Whether this happens, depends not only on age, sex and health but also on the quality of the training and other risk factors. Once such factors pile up the problem of re-integration on the labour market becomes particularly problematic. The persons with the worst chances are older workers whose ability to work is reduced by ill-health, who gave notice or were dismissed for personal (not economic redundancy) reasons and who the employment officer sees as having poor chances of finding a job.

More details are provided in the IAB publication MatAB 5/1983 by Christian Brinkmann: 'Verbleib und Vermittlungsprobleme von Arbeitslosen'.

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