

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM (89) 568 final

Brussels, 29 November 1989

COMMUNICATION FROM THE COMMISSION  
CONCERNING ITS ACTION PROGRAMME  
RELATING TO THE IMPLEMENTATION  
OF THE COMMUNITY CHARTER OF  
BASIC SOCIAL RIGHTS FOR WORKERS

TABLE OF CONTENTS

	<u>Page</u>
I. <b>PART I</b> : GENERAL INTRODUCTION.....	3
II. <b>PART II</b> : NEW INITIATIVES	
1. THE LABOUR MARKET.....	9
2. EMPLOYMENT AND REMUNERATION.....	14
3. IMPROVEMENT OF LIVING AND WORKING CONDITIONS.....	17
4. FREEDOM OF MOVEMENT.....	21
5. SOCIAL PROTECTION.....	27
6. ASSOCIATION AND COLLECTIVE BARGAINING.....	29
7. INFORMATION, CONSULTATION AND PARTICIPATION.....	31
8. EQUAL TREATMENT FOR MEN AND WOMEN.....	35
9. VOCATIONAL TRAINING.....	39
10. HEALTH PROTECTION AND SAFETY AT THE WORKPLACE.....	43
11. PROTECTION OF CHILDREN AND ADOLESCENTS.....	50
12. THE ELDERLY.....	51
13. THE DISABLED.....	53

**PART I**

**GENERAL INTRODUCTION**

1. On 27 September 1989 the Commission presented a draft Community Charter of fundamental social rights in which reference is made to an action programme. In its report to the European Council of 8 and 9 December 1989, the Presidency, at the end of the Social Affairs Council of 30 October 1989, has taken note of the Commission's intention to present an action programme relating to the concrete implementation of the rights defined in the Charter. Further, the Presidency "has invited the Commission to take into account the demands expressed by several delegations regarding, in particular, the determination of paid leave, the continued payment of remuneration during holidays and during sickness, the protection of children and adolescents, the situation of pregnant women and of mothers with children of an early age, the professional insertion of the disabled, protection of health and safety at the workplace, vocational guidance, mutual recognition of qualifications and temporary work".

This is the subject of this document which the Commission has prepared under its sole responsibility, pursuant to its right of initiative, with regard to proposals for Community instruments to be presented to the Council and recommendations under Article 155 of the EEC Treaty. The Commission will, however, present this document to the European Parliament, the Economic and Social Committee and the two sides of industry.

2. The attached action programme contains a number of new measures which the Commission sees a need to develop in order to implement the most urgent aspects of the principles of the draft Charter.

These measures are grouped under thirteen short chapters, each covering an area relating to the development of the social dimension of the internal market and which, apart from the chapter on employment and the labour market, correspond to the various sections of the Charter in the context of completing the internal market and more generally, implementing the Treaty as amended by the Single European Act.

That being said, the social dimension has already become a fact. The reform of the structural Funds, the improvement of the working environment in order to protect the health and safety of workers, occupational equality between men and women, the various exchange programmes, etc. are but a few examples of the important fields in which substantial advances have been made.

Each of the thirteen chapters also reviews measures already adopted by the Community with regard to the area concerned. Reference is also made to work that will be continued in each of these areas to adapt existing instruments to social change or change in the Community (for example, adaptation of certain regulations concerning freedom of movement and social security for migrant workers) or technical change (for example, adaptation of certain directives concerning the safety and health of workers).

Each of the new measures is included in a presentation in which the Commission emphasizes the reasons why it considers that action is needed at Community level and the essential components of the proposal it plans to draw up.

3. In accordance with the principle of subsidiarity whereby the Community acts when the set objectives can be reached more effectively at its level than at that of the Member States, the Commission's proposals relate to only part of the issues raised in certain articles of the draft Charter. The Commission takes the view that responsibility for the initiatives to be taken as regards the implementation of social rights lies with the Member States, their constituent parts or the two sides of industry as well as, within the limits of its powers, with the European Community.
4. Furthermore, in choosing the legal instruments it will propose, the Commission will take account of the fact that its proposals should be implemented in the form of laws or collective agreements, this making it possible to adapt to particular situations and enabling the two sides of industry to be actively involved.
5. The Commission has therefore limited its proposals for directives or regulations to those areas where Community legislation seems necessary to achieve the social dimension of the internal market and more generally, to contribute to the economic and social cohesion of the

Community. It mainly concerns proposals relating to social security for migrant workers, freedom of movement, working conditions, vocational training, and improvements, particularly of the working environment, to protect the safety and health of workers. While the Commission is not making a proposal in respect of discrimination on the grounds of race, colour or religion, it nonetheless stresses the need for such practices to be eradicated, particularly in the workplace and in access to employment, through appropriate action by the Member States and by the two sides of industry.

6. In some cases, the Commission is not proposing any initiative. This applies in the case of that section of the draft Charter which is devoted to the right to freedom of association and collective bargaining.

The affirmation of these principles is vital in the field of industrial relations which largely control relations between the two sides of industry in firms, and more widely, on the labour market. Clearly, the problems deriving from the application of these principles must be settled directly by the two sides of industry, or where appropriate, by the Member States.

This section also refers to the social dialogue; in the spirit of Article 118B of the Treaty, the Commission will actively seek to develop it at Community, sectoral or interoccupational level, but also at national and regional levels, it being understood that the dialogue could lead eventually to relations based on agreement at European level.

7. By seeking to make a distinction between the measures to be taken by the Community and those to be taken by the Member States or the two sides of industry, the Commission believes it is acting fully in consonance with the request made by the Heads of State and of Government at the European Council in Madrid which emphasized that "the role to be played by Community standards, national legislation and contractual relations must be clearly established".
8. Although the draft Charter refers to employment policy and the necessary fight against unemployment only in the recitals, the Commission presents in this Action Programme some measures it plans to take to contribute on the one hand to improving knowledge about the labour market and measures to combat unemployment - thus

responding to a request by the two sides of industry in the context of the social dialogue - and on the other hand to solve the problem of unemployment, particularly long-term unemployment, at Community level.

In addition, reference is made, albeit succinctly, in this Action Programme to European Social Fund operations, the main component of Community action in the field of vocational training for young people and for long-term unemployed workers, and thus an essential factor in the campaign against unemployment : the activities of the European Social Fund are henceforth a part of established Community practice.

9. The Commission believes that an Action Programme should include components concerning employment, training and workers' living and working conditions. Thus, by implementing a set of factors contributing to the development of the social dimension of the internal market a contribution will be made to the economic and social cohesion of the Community. It should be stressed that while priority must be given to job creation in the context of reinforcing firms' competitiveness, at the same time it is important to implement an overall policy aimed initially at workers' interests by affirming that the economic, industrial and social aspects form a whole. In this context, the Commission wants to stress the importance it attaches to the monitoring and assessment of the intervention of the structural funds as primary instruments for contributing to employment development and job creation, particularly from the point of view of regional imbalances.
10. In most cases, the Commission has indicated the nature of the proposals to be presented : proposals for directive, regulation, decision, recommendation or communications, or again opinions within the meaning of Article 118 of the Treaty.

However, it has not indicated the legal bases on which proposals will be based. The legal bases to which the Commission could refer are set out in one of the recitals in the Charter. It would be premature, at this stage, to make a statement with respect to the legal bases for proposals to be made in the course of the next three years.

11. With respect to the implementation of this Action Programme, the Commission will present all the proposals set out in the second part of this Action Programme. The

first set of proposals, representing the most urgent priorities, will be put forward in the Commission's 1990 work programme. A second set will be included in the 1991 work programme. Any further proposals will be presented in 1992.

12. The Commission recalls that, in the context of the implementation of the Charter, it should also be instructed to present a regular report on the application of the Charter by the Member States and by the European Community.

The Commission therefore expects the Governments of the Member States to transmit an initial report by the end of 1990 stating how they have applied the principles of the Charter.

13. More generally, the Commission stresses that the Council should reach decisions without delay on the proposals it plans to present.

The Commission therefore asks the Council, as it did in 1974 at the time of the adoption of the social action programme, to undertake to adopt a decision concerning the Commission proposals within a period of 18 months, but in any case within two years at the outside, after transmission of the Commission proposals to the Council, the European Parliament, the Economic and Social Committee and the two sides of industry.

**PART II**

**NEW INITIATIVES**

## **1. THE LABOUR MARKET**

### **A. INTRODUCTION**

Development and the creation of employment are a priority for the Community. This conclusion of the European Council of Madrid assumes all the more importance when one considers that, for nearly two years now, we have been witnessing a reversal of the trend in this area; nearly 2.3 million new jobs have been created and the prospects for growth announced by the Commission in its last economic report (COM(89) 497 final) suggest that, in 1990, unemployment will fall to 8.7% (as against 9% in 1989). On the 1995 horizon, an extrapolation of the current growth figures (growth in employment of 1% p.a.) would mean 6.5 million more jobs and an unemployment rate of less than 7%.

It is in this context that the role and impact of the structural Funds should be situated following their reform of 1988. The concentration of the Funds' activities on a limited number of priority objectives should make a major contribution to the growth of employment :

- on the one hand, because of the horizontal intervention undertaken by the ESF in the context of objectives 3 (fight against long-term unemployment) and 4 (promotion of the professional insertion of young people);
- on the other hand, in the context of the interventions undertaken in relation to objectives 1, 2 and 5b for less-advantaged regions, regions suffering from industrial decline and rural areas.

The fact that the single market will most certainly be characterized by quite profound changes in the structure of employment and the labour market implies a need for permanent detailed analysis of the employment situation at both macro-economic and sectoral level as well as of trends in the structure of employment and changes in the very nature of unemployment, which remains very high despite a significantly high level of job-creation, especially as regards female employment. It is for this reason that the Commission intends to draw up a yearly report on employment as a complement to the annual report on the economic situation of the Community.

Furthermore, in order to ensure greater transparency on the employment market at Community level and thereby promote the

free movement of workers, a mechanism should be developed by means of which all interested persons can be informed in the Member States, if possible at regional level, of employment vacancies in the other countries of the Community.

The Commission considers that the SEDOC system, which has existed since 1972, is no longer suited to the situation of the labour market. It intends to improve it and will submit a proposal to the Council to this end.

Despite improvements in overall levels of employment, the problem of long-term unemployment remains extremely disturbing and continues to be one of the causes of the persistently high level of unemployment. The problems raised by long-term unemployment are difficult to solve because of the very nature of this type of unemployment. The Commission nonetheless considers that the Community should develop large-scale action based on the programmes currently existing under the European Social Fund and in particular its objectives 3 and 4, in order to be able to gauge both the problems raised by long-term unemployment and the methods used to solve them, especially at local and regional level.

The European Social Fund has become the principal instrument of Community action in the field of vocational training for young people under 25 years of age and the long-term unemployed.

Lastly, it should be borne in mind that many points concerning employment and the labour market also concern the social dialogue and that reference will be made to them in the section dealing with the development of collective bargaining.

#### B. NEW INITIATIVES

- *"Employment in Europe" report*
- *"Observatory" and documentation system on employment*
- *Action programmes on employment creation for specific target groups*
- *Revision of Part II of Regulation 1612/68 on the clearance of vacancies and applications for employment and the related procedural decisions (SEDOC)*
- *Monitoring and evaluation of the activities of the European Social Fund*

#### **"Employment in Europe" report**

The Report published in 1989 is the first of a series which will be produced annually.

It will contain a fixed part, which will analyse the situation and prospects of the economy and employment from a macroeconomic point of view, structural shifts in employment in both its industrial and occupational dimensions, the problem of unemployment, the situation of particular groups, such as women, in the labour market and the policies concerning all those aspects implemented at Community and at national levels.

It will also contain a variable part given over to a more detailed analysis of certain specific aspects. This Report should be seen as a necessary complement to the yearly Economic Report and the Commission has already underlined the necessity to consider them together.

It is intended to provide a sound basis for debate and discussion about the future development of employment in the Community and will be transmitted to the European Parliament, the Economic and Social Committee and the two sides of industry, where it will be the subject of a formal debate, every year. It will also be discussed in the Standing Committee on Employment and in the Council of Ministers.

#### "Observatory" and documentation system on employment

The acceleration of structural change in employment to be expected particularly from the establishment of the internal market, as well as imbalances between supply and demand in the labour market made evident by the recovery in employment levels during the last few years, require anticipation of the problems through forward-looking management of human resources at all levels.

At Community level, this function will be developed through the setting up of an "observatory" of employment, designed to forecast, analyse and monitor the main trends in employment, in collaboration with the labour market authorities of the Member States.

This new action will integrate the already established systems of information on employment policies (MISEP), the employment situation in the Member States (SYSDEM) and on local employment development (ELISE).

#### Action programmes on employment creation for specific target groups

With the aim of helping to increase the effectiveness of Community and national measures for employment creation targeted on specific groups or areas, the Commission has developed programmes which, combining research and action, try to identify the most successful experiences and to disseminate information about them.

Two such programmes are now in operation : LEDA and ERGO.

The LEDA (local employment development action) programme seeks to identify successful local responses to employment problems. It is practical - drawing on concrete experiences in 24 participating areas as well as other experiences - and it is broad - encompassing local development strategies as well as specific job-creation initiatives.

The ERGO action-research programme is designed to identify successful programmes and projects which benefit long-term unemployed adults and young people.

In the light of the evaluation report on these two programmes, the Commission may, by reference to the 1986 Council Resolution on growth and employment, make proposals regarding the full extension of LEDA and ERGO.

**Revision of Part II of Regulation 1612/68 on the clearance of vacancies and applications for employment and the related procedural decisions (SEDOC)**

In its current wording, Regulation 1612/68 lays down the obligation for the Member States to exchange vacancies and applications for employment which have not been satisfied at national level.

In order to comply with this obligation, in December 1972 the Commission adopted two decisions establishing the SEDOC (European system for the international clearance of vacancies and applications for employment).

The radically changing face of today's employment market necessitates a complete overhaul of SEDOC.

Given that employment remains one of the priority objectives in the single market, a better balance will have to be sought between employment supply and demand. The design of the new SEDOC system in collaboration with the competent national authorities and other bodies would thus contribute to greater transparency on the labour market in parallel with other Community initiatives such as current work concerning the comparability of vocational qualifications.

At a later stage and in liaison with the two sides of industry, consideration could be given to any further information requirements implied by the creation of a European labour market.

## Monitoring and evaluation of the activities of the European Social Fund

According to Article 6 of Regulation 2052/88, the effectiveness of the activities of the structural Funds is subject to monitoring and ex ante and ex post evaluation.

The impact of the activities will therefore have to be evaluated in relation to the objectives of the European Social Fund which concern chiefly unemployed young people and long-term unemployed people of more than 25 years of age. More particularly in the regions covered by Objective No 1 (regions whose development is lagging behind), their effect on specific structural problems will also have to be gauged.

It should be pointed out that the principles and methods of evaluation must be clearly defined in the Community support framework and discussed with the Member States in the partnership context. The Commission is therefore now engaged with the Member States in determining the data, methodological criteria and structures most useful to the evaluation which has to be carried out at the various levels of activity, i.e. at the Community, national and regional levels. In the Commission's opinion, the evaluation exercise should focus on employment and training policies in relation to the activities of the Fund, more especially as regards the following :

- observation and evaluation of the labour market,
- observation and evaluation of occupations and vocational qualifications,
- analysis of infrastructures and methodologies of activities for the promotion of employment and vocational training.

On the basis of the evaluations made at national and regional level, an overall evaluation could be made for the Community as a whole.

The results of the evaluation will be presented once a year to the European Parliament and the Economic and Social Committee in the context of the annual report on the activities of the structural Funds.

They will also be referred to in the annual report on employment.

## **2. EMPLOYMENT AND REMUNERATION**

### **A. INTRODUCTION**

The Commission considers that, in matters of employment and remuneration, responsibility and, therefore, initiative lie mainly with the Member States and the two sides of industry according to national practices, legislation and agreements.

One aspect of this section of the draft Charter is that of equal treatment between men and women in matters of remuneration, which is laid down in Article 119 of the EEC Treaty and defined in Council Directive 75/117 while Regulation 1612/68 ensures equal treatment between national workers and workers who are nationals of another Member State.

The Commission nonetheless considers that in a Community of 12 industrialized countries, an equitable wage should be guaranteed to one and all. It is in this spirit that it intends to act in close contact with Member States by delivering an opinion.

The Commission also takes the view that, faced with the considerable development of very varied forms of employment contracts other than those of an open-ended type, there should be a Community framework ensuring a minimum of consistency between these various forms of contract in order to avoid the danger of distortions of competition and increase the transparency of the labour market at Community level. In this connection, it should also be mentioned that two proposals for directives were submitted to the Council in 1982 - the directive on voluntary part-time working and the directive relating to temporary work and fixed-term contracts. The Commission considers that these directives should be updated and will make a proposal to this effect.

### **B. NEW INITIATIVES**

- *Opinion on the introduction of an equitable wage by the Member States*
- *Directive on contracts and employment relationships other than full-time open-ended contracts*

**Opinion on the introduction of an equitable wage by the Member States**

In the Commission's view, wage-setting is a matter for the Member States and the two sides of industry alone. Indeed,

wages are often determined in the context of collective agreements or by reference to them according to the practices in force in the different Member States.

It should be added that the majority of the Member States, either through their constitution, their ordinary legislation or by means of the international agreements to which they are party, guarantee the right of workers to sufficient remuneration to provide them and their families with a decent standard of living. The fact remains however that the difficulties encountered on the labour market have led to the development of wage practices which no longer afford those concerned a decent standard of living. The reasons for this situation are very complex. They can in some cases be attributed to the current economic situation or the lack of vocational training and inadequate qualifications.

It is not the task of the Community to fix a decent reference wage. This concept corresponds to different criteria from one country of the Community to another and should be defined at the level of the Member States.

Nonetheless, the Commission considers that in this field it does have a responsibility to assert its views on an important problem for a not inconsiderable proportion of the working population by delivering, in close contact with the Member States, an opinion. In the same optic, account should be taken of another specific issue which is the maintenance of remuneration in respect of periods of leave or sickness.

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

Two proposals for directives in this field were presented by the Commission in 1982.

The first was a proposal for a directive concerning voluntary part-time work (modified by the Commission in 1983) and the second a proposal for a directive relating to temporary work and fixed-term contracts.

Neither of these proposals has been adopted, the second never having been discussed in detail by the competent Council group.

The Commission considers that the proposals in question now have to be revised and adapted in the light of the present situation in the field concerned. It is for this reason that it intends to present a single proposal for a directive.

In the eyes of the Commission, this proposal is of great importance. More precisely, even if what are termed "atypical"

forms of employment are contested in some quarters, they nonetheless constitute an important component in the organization of the labour market. For example, part-time working in all its forms, casual work and fixed-term working have grown considerably in recent years, often in a quite anarchical manner.

Unless safeguards are introduced, there is a danger of seeing the development of terms of employment such as to cause problems of social dumping, or even distortion of competition, at Community level.

This proposal would therefore lay down at Community level minimum requirements, concerning working conditions and social protection in particular, which would have to be complied with in contracts or employment relationships of this nature in all the countries of the Community.

### **3. IMPROVEMENT OF LIVING AND WORKING CONDITIONS**

#### **A. INTRODUCTION**

In the Community, the field of the improvement of living and working conditions depends to a considerable extent on relations based on agreement or on national legislation. It is also a field in which it would be highly desirable for the dialogue between the two sides of industry to develop at European level leading, if the two sides consider it desirable, to relations based on agreement (Article 118B).

Hitherto, there have only been three instruments of a Community nature : Directive 77/187 on the approximation of the laws of the Member States pertaining to the safeguarding of workers' rights in the event of transfer of firms, establishments or parts of establishments, Directive 75/129 on the approximation of the laws of the Member States pertaining to collective redundancies and Directive 80/987 on the insolvency of employers. There is also a Council recommendation of 1975 on the introduction of four weeks' paid holidays.

The directive on collective redundancies should be completed so as to cover cases where the redundancy decision is taken by a decision-making centre or an undertaking located in another Member State.

Furthermore, the Commission considers that, given the importance of adaptation, flexibility and the organization of work in the countries of the Community as a whole, it would be worthwhile defining at Community level minimum rules of reference concerning specific employment situations which would be imposed in all the Member States.

In addition, given the increased freedom of movement of workers, provisions should be introduced whereby workers would have a document serving as proof of an employment contract or relationship.

Furthermore, in the Commission's view, even if free movement only applies to the workers of the Community and their families, the fact cannot be overlooked that there are at present several million non-Community workers in the Community. The Commission intends to submit a memorandum on this subject, which should be the subject of a wide-ranging debate with the circles concerned.

## B. NEW INITIATIVES

- *Directive for the adaptation of working time*
- *Council directive on the introduction of a form to serve as proof of an employment contract or relationship*
- *Revision of the Council Directive of 17 February 1975 (75/129/EEC) on the approximation of the laws of the Member States pertaining to collective redundancies*
- *Memorandum on the social integration of migrants from non-member countries*

### **Directive for the adaptation of working time.**

In 1983 the Commission submitted to the Council a draft recommendation on the reduction and reorganization of working time.

The Council of Ministers of Employment deliberated on this matter at its meeting of 7 June 1984 but failed to arrive at an agreement. Discussion of this subject has not been resumed at Council level.

The adaptation, flexibility and organization of working time are crucial aspects as regards both working conditions and the dynamism of firms and play a not inconsiderable role in determining the situation of the labour market and the creation of employment.

More precisely, the flexibility of labour enables firms to undertake the internal organization of work and production, which is an important factor in the adaptation of firms to the terms of competition and the improvement of their competitiveness.

Furthermore, flexibility is important for the organization of jobs, more especially in the field of atypical employment, which should be a source of job-creation.

Moreover, collective agreements on this matter are increasing in number in many industrial sectors throughout the Community.

In order to avoid excessive differences in approach from one sector or country to another, the basic conditions which these agreements should comply with ought therefore to be clearly defined.

The Commission considers moreover that as regards this diversity care should be taken to ensure that these practices do not have an adverse effect on the wellbeing and health of workers.

For this reason, as regards the maximum duration of work, rest periods, holidays, night work, week-end work, systematic overtime, it is important that certain minimum requirements be laid down at Community level.

For the Commission it would be a matter of proposing minimum reference rules without entering into details as regards their implementation.

#### Council directive on the introduction of a form to serve as proof of an employment contract or relationship

A great diversity of terms of recruitment and a multiplicity of types of employment contract are currently to be seen in the Member States of the Community. Moreover, after the completion of the internal market, the mobility of workers can be expected to increase throughout the Community.

In this situation, the Community worker must have the right to have those of his tangible working conditions which are not governed by law or collective agreement laid down in writing. Such a right is of particular importance to workers covered by atypical contracts (e.g. open-ended contracts, temporary work, part-time work, etc.).

The Commission will therefore propose a draft directive granting those concerned the right to request their employer to provide a means of proving the existence of an employment contract and thereby ensuring greater transparency in the respective rights and obligations of employers and employees throughout the Community market. In particular, the document to be issued by the firms will have to define the nature of employment, stipulate the duration of the contract, indicate the system of protection provided and contain a reference to the relevant law and/or collective agreement.

This directive would not cover those persons who, in the public sector, are subject to public service regulations.

#### Revision of the Council Directive of 17 February 1975 (75/129/EEC) on the approximation of the laws of the Member States pertaining to collective redundancies

The Council Directive of 17 February 1975 on the approximation of the laws of the Member States pertaining to collective redundancies does not affect the freedom of the employer to proceed with collective redundancies. Its aim is to protect workers by obliging the employer to consult the trade unions in advance and to inform the public authorities when he is planning to carry out redundancies.

Furthermore, the directive does not apply to workers affected by the termination of the activities of the establishment resulting from a decision by the courts.

Several years' application of this directive, socio-economic changes and the establishment of a single European market necessitate a revision of this directive. There will most certainly be cases of transfrontier restructuring which, justified though they may be, will have to be accompanied by appropriate information and consultation. A response at Community level appears the most appropriate approach especially since the directive should apply in cases where the decision concerning collective redundancies is taken by a decision-making centre or an undertaking located in another Member State.

This legal loophole should be eliminated.

**Memorandum on the social integration of migrants from non-member countries**

The establishment of "an area without internal frontiers in which the free movement of ... persons ... is ensured ..." (Single European Act) will undoubtedly highlight the importance of this issue at Community level.

The geographical area of observation as regards the foreign population will therefore become the entire territory of the Community. In this way, the movements of Community nationals will increasingly come to resemble movements within one State and the beneficiaries will correspond less and less to the traditional definition of migrants.

This memorandum, as an extension of the Council Resolution of 16 July 1985, will lay stress on the quality of administrative and social services afforded to migrants, especially in fields such as education and housing.

#### **4. FREEDOM OF MOVEMENT**

##### **A. INTRODUCTION**

The freedom of movement of persons is already largely established as regards the workers of the Community. More precisely, in accordance with Article 49 of the Treaty, the measures necessary for its implementation have gradually been adopted with a view to ensuring the free movement of workers.

The rules laid down in Regulation (EEC) 1612/68 and Directive 360/68/EEC as regards the free movement of employed persons and in Regulations 1408/71 and 574/72 as regards the social security of migrant workers have been the subject of a series of new proposals on the part of the Commission which are currently under discussion at the Council (in the field of social security, they relate to unemployed workers, the inclusion of non-contributory benefits of a mixed type, the standardization of the system of granting family allowances).

The Commission will closely follow the development of all the problems concerning the beneficiaries of free movement and the social security of migrant workers. It intends to return to this matter at a later stage but considers that the proposals submitted to the Council satisfy the main preoccupations in this area.

The Commission nonetheless believes that it is important to continue deliberation on two aspects. On the one hand it is a matter of coordinating supplementary social security schemes, which are at present not transferable from one country of the Community to another, a situation which places a brake on free movement.

Furthermore, the opening up of the single market will certainly pose new problems and develop new aspirations of mobility in the frontier regions. The Commission would like to submit two communications on these two subjects with a view to initiating a debate at Community level.

The Commission is moreover already confronted with two specific problems connected with the development of the single market which are important from the point of view of the free movement of persons and the freedom to provide services.

They concern working conditions applicable to workers of one Member State detached to other Member State in the framework of the freedom to provide services and particularly the contracting and subcontracting of services and the introduction of a social clause in connection with the opening up of public

works contracts. A harmonisation of the relevant rules in this field is deemed necessary in order to prevent, inter alia, the anarchical development of practices such as to harm the interests of the workers concerned.

#### B. NEW INITIATIVES

- Revision of Commission Regulation (EEC) 1251/70 of 29 June 1970 on the right of workers to remain on the territory of a Member State after having been employed in that State
- Proposal for a regulation extending Council Regulation (EEC) 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Council Regulation (EEC) 574/72 (laying down the procedure for implementing Regulation 1408/71) to all insured persons
- Proposal for a Community instrument on working conditions applicable to workers from another State performing work in the host country in the framework of the freedom to provide services, especially on behalf of a sub-contracting undertaking
- Proposal for a Community instrument on the introduction of a labour clause into public contracts
- Communication on supplementary social security schemes
- Communication from the Commission to the Council on the living and working conditions of Community citizens residing in frontier regions and of frontier workers in particular

Revision of Commission Regulation (EEC) 1251/70 of 29 June 1970 on the right of workers to remain on the territory of a Member State after having been employed in that State

The free movement of workers within the Community is currently the subject of several instruments of secondary law.

In January 1989, the Commission forwarded to the Council the proposal for the revision of two instruments, i.e. Directive 1612/68 on the free movement of workers within the Community and Directive 68/360 on the abolition of restrictions on movement and residence within the Community for workers of Member States and their families.

If the revision of these two instruments is successful, the Commission will propose the amendment of its own regulation of 19 June 1970 (Regulation 1251/70) on the right of workers to remain on the territory of a Member State after being employed in that State.

This revision is necessary in order to ensure consistency with the amendments to be introduced by the Council to Regulation 1612/68 and to Directive 68/360, particularly as regards the personal scope and the strengthening of the rule of equal treatment.

Proposal for a regulation extending Council Regulation (EEC) 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Council Regulation (EEC) 574/72 (laying down the procedure for implementing Regulation 1408/71) to all insured persons

Article 8A, second paragraph of the EEC Treaty describes the European internal market as "an area without frontiers in which the free movement of goods, persons, services and capital is ensured according to the provisions of the present Treaty".

The Community coordination of social security schemes, realized for employed persons and self-employed persons, shall be extended to other categories of persons such as workers of the public sector, students and non-active persons and ultimately to all insured persons.

Indeed, the effective guarantee of the right to remain as well as the accessibility of employment in the public sector requires, for the beneficiaries, sufficient social protection in case of movement within the Community.

Proposal for a Community instrument on working conditions applicable to workers from another State performing work in the host country in the framework of the freedom to provide services, especially on behalf of a sub-contracting undertaking

The free movement of services, capital, goods and persons will increase considerably with the completion of the single market and is precisely the purpose of the single market.

The fact that, in some sectors, the freedom to provide services induces undertakings to send workers to another Member State raises the issue of their working conditions, which are generally defined by regulations applicable in the country where the undertaking has its registered office. Due to the fact that these working conditions are different, there is a risk that, in addition to disadvantages for workers, this will give rise to distortions of competition between undertakings.

Consequently, the activity of providing services, particularly sub-contracting services, should respect the following principles, it being understood that the diversity of situations, particularly of a temporal nature, will be taken into account :

- application of national legislation on public order,
- respect for generally binding collective agreements.

The Commission will therefore resort to the appropriate Community instruments to ensure respect for these principles.

Similar problems arise in the field of public works contracts. They were put clearly into relief by Parliament during the discussions on the directives concerning public works contracts and public supply contracts.

As indicated by the Commission in its Communication COM(89 400) on the regional and social aspects of public contracts, consideration cannot be given to distortions resulting from differences in working conditions between Member States unless account is also taken of regional problems.

This communication consequently sets out to open the way for a series of practical proposals aimed, in particular, at arriving at a clearer definition of sub-contractors and at standardized terms for sub-contracting contracts.

#### Proposal for a Community instrument on the introduction of a labour clause into public contracts

Within the framework of the Community action on public works contracts, Directive 71/305/EEC (the Works directive) and Directive 77/62/EEC (the Supplies directive) introduce rigid rules on the verification of the aptitude of bidders on the basis of their economic, financial or technical capacity. Fair competition and the promotion of efficiency is an objective which must be attained by the eradication of "social dumping" and by guaranteed equal treatment for detached workers.

Directive 89/440/EEC amending the Works directive introduces a "transparency clause" whereby the contracting authority may provide tenderers with the necessary information concerning working conditions applicable to the work envisaged.

On the basis of an analysis regarding the effective use by enterprises of the opening of public contracts and in the light of the current work in the domain of "excluded" sectors, the Commission could formulate a proposal aiming at the introduction of a "social clause" into public contracts.

### Communication on supplementary social security schemes

The absence of coordination may cause workers to lose rights and may form an obstacle to the development of the occupational mobility of workers between the different Member States; this is especially true in the case of middle and upper managerial workers whose total social protection is more dependent on supplementary schemes. The diversity and multiplicity of supplementary schemes - also on the national level - makes the transferability of rights a very complicated matter. This is why, after studying the problem, the Commission intends - as a first stage - to stimulate debate by means of a communication and, on this basis, may propose appropriate measures. Furthermore, on a more general level, supplementary protection is taking on greater importance in relation to statutory schemes in several Member States.

### Commission Communication to the Council on the living and working conditions of Community citizens living in frontier regions and of frontier workers in particular

The impetus provided by the completion of the single internal market can be expected to lead to an increase in the number of people making use of their right to free movement in the many frontier regions of the Community and, most certainly, also in fairly large geographical areas on each side of the frontiers.

The problem of transfrontier workers was examined by the Commission in 1985 in a Communication to the Council (COM(85) 529) which concluded that the completion of the Single Market would suppress, in the future, any specification of a status for transfrontier workers. Moreover, Regulations 1612/68 and 1408/71 and Directive 68/360 are applicable to frontier workers.

However, owing to the very specific situation of transfrontier workers, many practical problems remain and a solution for some of these problems is now partly to be found in bilateral agreements.

Nevertheless, increased mobility will cause the residents of frontier regions to want to have access to services of every nature, particularly in the field of education, vocational training, health and access to housing. In addition, under Community law as it stands at present, a worker from one Member State may not settle with his family in a frontier region of another Member State with the intention of engaging in gainful activity in a third Member State.

Furthermore, in the context of the completion of the Internal Market, a number of proposals are on the table of the Council, which, once agreed, could solve some problems of transfrontier workers in the fiscal area as well as regarding the right of residence.

However, it is not the responsibility of the Community to solve certain problems in the place of the Member States. Situations and traditions are too diverse and require specific solutions for all these problems.

However, the Commission considers it important to deliberate on a problem common to a large number of Community workers and citizens particularly concerned by the establishment of the single market and the disappearance of internal frontiers.

Such will be the purpose of the communication.

## 5. SOCIAL PROTECTION

### A. INTRODUCTION

The social security schemes vary greatly in nature from one Member State of the Community to another. They reflect the history, traditions and social and cultural practices proper to each Member State, which cannot be called into question. There can therefore be no question of harmonizing the systems existing in these fields.

The fact remains however that it would be worthwhile conducting in-depth deliberations on a strategy for achieving the convergence of the objectives pursued by the various governments so as to determine how and under what conditions differences in the systems can be prevented from placing a brake on free movement.

The Commission proposes to do this by means of a recommendation.

Furthermore, but on the basis of a direct commitment which it intends to seek from the Member States, the Commission wishes the Community and its Member States to undertake to combat social exclusion by ensuring, using ways and means proper to each Member State, sufficient resources and social assistance in keeping with the particular situation of its citizens including the elderly.

In addition, emphasis should be laid on the link between the minimum income and the development of programmes to combat poverty and the programme for the exchange of experiences in the field of integration in the urban environment which will continue to be applied.

### B. NEW INITIATIVES

- *Recommendation on social protection : convergence of objectives*
- *Recommendation on common criteria concerning sufficient resources and social assistance in the social protection systems*

**Recommendation on social protection : convergence of objectives**

The divergence of social security systems may serve to place a brake on free movement and exacerbate regional imbalances (particularly North-South). The harmonization of systems is

illusory, given their diversity and their history. A strategy for the convergence of objectives would make it possible to counteract the dangers referred to above without affecting the systems themselves.

The discussions which took place at the Council of 29 September on social protection and the internal market revealed the existence of a broad consensus on the promotion at Community level of a strategy for the convergence of social protection objectives and policies.

**Recommendation on common criteria concerning sufficient resources and social assistance in the social protection systems**

The resolution of the Council of Social Affairs Ministers of 29 September 1989 concerning social exclusion states that the existence of a means guarantee is a fundamental component of the fight against social exclusion.

In an opinion of 16 September 1988, the European Parliament for its part requested the Commission to promote the introduction of a minimum integration income as a factor for the integration of the poorest citizens of the Community.

It should also be stressed that a right to a minimum income already exists - in different forms - in a number of Member States whereas, in some others, it is the subject of regional projects and local experiments.

Whilst taking account of the existing situations and experience in this field, the Commission considers that it would be worthwhile defining certain basic common principles for the Community in this field so that, alongside the many activities which it carries out in the economic and social area, which mainly affect those who play an active part in economic and social life, the Community, in a spirit of solidarity, should at least take an initiative to assist the least advantaged citizens of the Community and the elderly in particular, whose social situation all too often resembles that of persons excluded from the labour market.

## **6. FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING**

### **A. INTRODUCTION**

The right to freedom of association and collective bargaining exists in all the Member States of the Community. The draft Charter reiterates a number of fundamental principles (for example the right to strike) responsibility for the implementation of which rests with the Member States in accordance with their national traditions and policies.

The Commission, in accordance with Article 118b of the Treaty "shall endeavour to develop the dialogue between management and labour at European level which could, if the two sides consider it desirable, lead to relations based on agreement".

Accordingly, the Commission has developed with the two sides of industry an ongoing dialogue procedure associating the leaders of the employers' organizations and the trade unions in the Community.

In the context of the dialogue, currently under study are problems of education and training and problems regarding the organization of the labour market and occupational and geographical mobility in view of the development of the large internal market. The aim of the dialogue is to reach common views which, in accordance with procedures currently under study, would subsequently be presented and discussed with the two sides of industry in each Member State.

The two sides of industry will then establish the new topics to be discussed in depth at Community level, always with a view to reaching common views.

The Commission is also seeking to develop the social dialogue, especially in the area affecting the large internal market, either through the permanent work of joint committees (for example, transport, agriculture, coal, steel) or of ad hoc sectoral groups (for example, banks, insurance).

With the two sides of industry the Commission will also examine the extent to which and under what terms the former could agree to participate, in the framework of the social dialogue, in preparing certain legal instruments which the Commission would subsequently submit to the Community bodies concerned.

The Commission also proposes to consult systematically the two sides of industry on proposals to which reference is made in the action programme.

The Commission is examining ways and means of improving and intensifying information on social matters to be made available in particular to certain target groups (directors of small and medium-sized enterprises, those responsible for staff relations in firms and to trade union leaders at regional level, etc.). It is desirable to improve the present day perception of the problems dealt with at Community level affecting the lives of firms and workers at local and regional level, which are often far removed from Community concerns and initiatives.

#### **B. NEW INITIATIVES**

##### ***Communication on the role of the social partners in collective bargaining***

On the basis of its comparative study on Labour Law (SEC(89) 1137) and taking into account the conclusions of the Council (Social Affairs) of 30 October 1989 as well as the current development of the Social Dialogue, the Commission will prepare a communication on the development of collective bargaining including collective agreements at European level with special reference to the settlement of disputes.

## **7. INFORMATION, CONSULTATION AND PARTICIPATION**

### **A. INTRODUCTION**

In the social field, the Directive of 17 February 1975 on collective redundancies lays down a procedure for the consultation of workers' representatives after the employer has provided them with all the relevant information enabling them to make constructive proposals.

Likewise, the Directive of 17 February 1977 on the safeguarding of workers' rights in the event of transfers of undertakings, businesses or parts of businesses provides for the information and consultation of workers' representatives, specifying that such information and consultation must be timely.

Lastly, the Directive of 12 June 1989 on the implementation of measures to promote the improvement of worker health and safety at the workplace adds the obligation of participation to those of information and consultation.

The Commission has presented to the Council a draft Regulation concerning the European Company Statute and a draft Directive on the question of worker participation under this Statute.

The subject is, however, under discussion in most Member States of the Community.

The completion of the internal market in which national economies will be closely associated, while strengthening the competitiveness of the undertakings, will accelerate mutations and restructurations of a large number of European industries.

In this perspective, as indicated by the results of the social dialogue, there is a general consensus to the effect that these mutations take place in a context which is socially accepted.

To this effect, the interest of promoting and encouraging the development of information, consultation and participation practices is widely shared.

While taking into account the existing diversity between Member States in this area, the Commission considers necessary to propose appropriate instruments with the view of ensuring the generalization of such principles at Community level.

In doing this, the Commission will respond to the Council's conclusions of 21 June 1986 which has accepted to re-open in 1989 the debate on this subject.

**B. NEW INITIATIVES**

- *Community instrument on the procedures for the information, consultation and participation of the workers of European-scale undertakings*
- *Commission instrument on equity-sharing and financial participation by workers*

**Community instrument on the procedures for the information, consultation and participation of the workers of European-scale undertakings**

Procedures for informing and consulting employees as embodied in legislation or practices in Member States do not always correspond with the complex structure of undertakings having establishments in more than one Member State. As information and consultation procedures do not apply beyond national boundaries, employees affected by decisions taken elsewhere by the main undertaking or by the association of undertakings could be unequally treated. This situation is bound to have a direct effect on the operation of the internal market and on the multiplication of mergers, take-overs and concentration of enterprises resulting therefrom. It would therefore be desirable to improve the information and consultation of the workers of these companies, which employ a large number of people in the Community.

The modified Commission proposals for a Council directive on the procedures for the information and consultation of the employees of undertakings with complex structures, in particular transnational undertakings, presented to the Council on 13 July 1983 still awaits the deliberation of the Council.

The Commission considers that, as regards companies of this type, it would be desirable once again to draw the attention of the governments and interested parties to the need to devise appropriate information and consultation systems.

The ideas concerning participation are acquiring a new relevance. Admittedly the approaches to this subject differ from one Member State to another according to their respective traditions and philosophies. The fact remains however that, in the field of health and safety at the workplace, participation is now an established Community fact and discussion has begun with regard to the Statute of the European limited liability company.

Subject to the outcome of the discussions that the Council of June 1986 decided to resume in 1989 regarding the draft directive on procedures for informing and consulting the employees of undertakings with complex structures, in

particular, transnational undertakings, the Commission, following consultation with the social partners will prepare a draft for a Community instrument which, in substance, could follow the following principles :

- (a) Establishment of equivalent systems of worker representation in all European-scale enterprises.
- (b) General and periodic information should be provided regarding the development of the enterprise as it affects the employment and the interests of workers.
- (c) Information must be provided and consultations should take place before taking any decision liable to have serious consequences for the interests of employees, in particular, closures, transfers, curtailment of activities, substantial changes with regard to organization, working practices, production methods, long-term cooperation with other undertakings, etc.
- (d) The dominant associated undertakings shall provide the information necessary for the employer to inform the employees' representatives.

#### Commission instrument on equity-sharing and financial participation by workers

The Commission has underlined in the past the advantages of employee participation in asset formation<sup>(1)</sup> and the advantages of employee participation in productive capital formation as a device for a greater justice in the distribution of wealth and as a means for attaining an adequate level of non-inflationary growth.

The requirements of economic competition as well as new management approaches have led to the establishment of various mechanisms for the financial participation of salaried workers which meet the objectives referred earlier, as well as others whereby the role of workers in enterprises with their aspirations for a better remuneration and the financial equilibrium of the enterprise.

The European Parliament in its Resolution on Employee Participation in asset formation<sup>(2)</sup> requested the Commission to draw up a recommendation on the subject and to consider in a later stage whether a directive should be drawn up, at least in respect of specific forms of asset formation.

---

(1) COM(79) 190 final

(2) O.J. Nr C 307/68 of 14.11.83

In the light of the above considerations, the Commission, due account taken of the latest developments and of the present policies in this area within the Community, will present a Community instrument on equity-sharing by workers.

Depending on national choices and traditions, this participation could be introduced on a statutory basis or be left to free negotiation by the two sides of industry within a legal framework which will facilitate and encourage the development of such practices whether it takes the form of :

- a share by employees in the profits, the capital growth or the capital of firms,
- a redistribution to the salaried workers, under forms to be negotiated, of a share of the enterprise's results.

The proliferation of these measures, at the level of the various European-scale establishments and undertakings, would be facilitated by a convergence of the fiscal procedures and advantages granted by Member States so as to strengthen coherence between their social policies.

## **8. EQUAL TREATMENT FOR MEN AND WOMEN**

### **A. INTRODUCTION**

The directives in the field of equal treatment represent a considerable step forward.

However, no Council agreement has yet been reached on three proposed Directives (parental leave, burden of proof, retirement age). The Commission stresses the importance of the Council's resumption of its deliberations in these proposals in order to arrive at a decision.

We must therefore press on with the efforts launched in 1974 when the Commission presented its first proposal for a directive on equal pay.

We are certainly not fettered by the third action programme referred to below nor by the other measures. The measures under way and the additional ones will provide responses to specific needs, for instance in relation to vocational training for women, the positive steps on local employment initiatives and the measures announced but not yet completed under the second equal opportunities programme.

The Commission has played a motive role in promoting equal opportunities. The Commission will, however, put forward recommendations in some fields, for it sees its own task as ensuring that formal equality can become genuine equality. In this way, it will give consideration to the legislative and positive measures needed to ensure that the rights enshrined in Community law as regards the principle of equality are put fully into practice at national level. In particular, the Commission will examine what legal and positive action is necessary to ensure that the rights enshrined in Community law on the principle of equality are fully available in practice at national level. The Commission will particularly examine remedies and procedures and the protection of workers and their dignity at work, having regard to the reports and recommendations prepared on various aspects of implementation of Community law.

### **B. NEW INITIATIVES**

- *Third Community programme on equal opportunities for women*
- *Directive on the protection of pregnant women at work*
- *Recommendation concerning child care*
- *Recommendation concerning a code of good conduct on the protection of pregnancy and maternity*

### Third Community programme on equal opportunities for women

The second Community programme on equal opportunities (1986-90) will come to an end in 1990.

At the informal meeting held on 28 April 1989 the Ministers of responsible for women's affairs unanimously recognized the need for a third action programme to tackle the new challenges for employment and equal opportunities that completion of the internal market raises.

The aim is to prevent any unfavourable repercussions on women's employment and to provide for specific accompanying measures to ensure that women can take full and equal advantage of the favourable effects expected from completion of the single market.

The "strategic guidelines" of this third action programme will be established on the basis of the conclusions and recommendations drawn up in the course of work on assessment and also of the priorities for action established with a view to preparing for and facing the 1992 deadline.

As regards the assessment of the second programme, the Commission will prepare a report on the basis of questionnaires sent to all the Member States and also an inventory of all measures and initiatives.

### Directive on the protection of pregnant women at work

In the past, the Commission has been concerned with the health and safety of women at the workplace within the general context of workers protection (e.g. noise, asbestos, lead, ionizing radiation and vinyl chloride monomer).

The "Europe against Cancer" programme provides for measures designed to protect workers from carcinogens.

The proposal for a directive concerning the protection of workers from the risks connected with exposure to carcinogens during work describes protective measures with regard to substances and industrial processes believed to be carcinogenic.

Lastly, the proposal for a directive concerning minimum health and safety requirements for work with visual display units, which, currently under discussion at the Council, is of particular interest to workers, defines a number of criteria to be complied with by such equipment (glare, noise, design of chairs, etc.).

However, these various measures have not taken sufficient account of the specific problems of pregnant women. This shortcoming should therefore be remedied by the Council by means of minimum requirements at Community level.

At the same time, these measures must take account both of the diversity of occupations and the need to avoid creating additional obstacles to the employment of women.

#### Recommendation concerning child care

As early as 1982, the first action programme on equal opportunities highlighted the links between employment and child care. In the context of the programme the Commission presented to the Council a proposal for a Directive on parental leave on which the Council has been unable to approve.

In its second action programme on equal opportunities (1986-90), the Commission undertook to put forward recommendations for action on child care.

Child care methods, parental leave and maternity leave form part of a whole which enables people to combine their family responsibilities and occupational ambitions. A Community response alone will not suffice if this objective is to be attained.

#### Recommendation concerning a code of good conduct on the protection of pregnancy and maternity

In the twelve Member States of the European Community, there are at present 52 million working women for whom adequate protection in the case of pregnancy and maternity represents an important objective.

Job security is a vital factor in achieving equal opportunities between women and men in working life : recruitment opportunities, protection against dismissal and maintaining of employment and accrued rights in the case of pregnancy and maternity have implications for the propensity of girls to undergo training and further training and as regards the birth rate. If women consider that pregnancy weakens their chances at work, they will be less inclined to have children, and if they want to have children, they risk forgoing opportunities for appropriate training. As a result, women will continue to be largely employed in low level jobs. If they wish both to have a career and children they will have to overcome many difficulties.

In the light of current demographic trends and the search for greater competitiveness with a view to 1992 it is absolutely

essential to make better use of skills and therefore of women workers. Women have in fact an ever increasing role to play in the economy. The work place must therefore be adapted to this change in the economic scene and the social situation, and allow women to carry out both their work and material responsibilities. This would require, in particular, improving the protection of pregnancy and maternity.

It is also necessary in this area to respect the principle of subsidiarity. Social protection should be established primarily at national level and the Community should only intervene further if necessary. A recommendation thus permits States to assume primary responsibility for implementing minimum rules, which would however have to be implemented within a certain time limit.

## **9. VOCATIONAL TRAINING**

### **A. INTRODUCTION**

Vocational training is at the forefront of Commission priorities to spearhead a new and indispensable effort to invest in people in their skills, their creativity and their versatility.

In its recent communication on "Education and Training in the European Community : Guidelines for the Medium Term", the Commission has already indicated the importance it attaches to the promotion of higher standards of training, integral to the priority objectives of the Structural Funds, and with particular attention to training in the rural development context. Community action in the vocational training field currently comprises a range of programmes and activities dealing with different aspects of vocational training policy.

These programmes cover specific fields where the Community considers that there is added value to the efforts of Member States in these fields. COMETT and from 1990 COMETT II, provides supports for partnership and mobility between university and industry in the field of training for technology; EUROTECNET deals with vocational training for technological change for workers in industry; ERASMUS concentrates on the mobility of students and inter-university cooperation in higher education; LINGUA from 1990 onwards, will aim to improve the teaching of foreign languages, including actions in the different economic sectors.

The PETRA programme, which relates to initial vocational training for young people, provides backing for the Member States in the measures which they apply to ensure, as they must, that all interested young people have the opportunity to follow a course of vocational training of at least one year's and, if possible, two or more years' duration after their compulsory education.

The Commission intends to update the Council Decision of 1 December 1987 on the initial vocational training of young people by including the need for young employed people to follow supplementary vocational training courses during working time. The proposal will also take account of the need to improve the transition of young people from school to working life as well as their technical and vocational education.

Furthermore, the Commission recently submitted to the Council a proposal for a decision concerning the development of continuing vocational training based on the Council Resolution of 5 June 1989. The programme thus proposed (FORCE) is designed in such a way as to involve all the parties concerned (competent public authorities, enterprises, two sides of industry).

There is a clear need to complete activities in progress with a further effort in the area of continuing vocational training together with a reinforcement of the initial vocational training activities. The challenges faced by the Community as a whole with the creation of the internal market, against a background of continuing technological, social and demographic change, renders the need for concerted action in the training field essential. Community level action is required to act as an impetus and as a complement to the different actions undertaken by and within Member States.

#### B. NEW INITIATIVES

- Proposal for a Community instrument on access to vocational training
- Updating of the 1963 proposal for a Council decision on the general principles for implementing a common vocational training policy
- Communication on the rationalization and coordination of Community action programmes in the field of initial and continuing vocational training
- Proposal concerning the joint programme for the exchange of young workers and youth exchanges
- Comparability of qualifications

#### **Proposal for a Community instrument on access to vocational training**

In the light of the outcome of the social dialogue with respect to the right to vocational training and access thereto the Commission intends to present a Community instrument on this subject. In order to achieve the aim of ensuring that every worker has the opportunity to continue his vocational training throughout his working life, measures will need to be taken by the Member States, by firms and the social partners, including the provision of leave for training purposes. In order to launch a structured debate within and between the Member States and amongst the different actors concerned.

The proposed instrument should ensure the setting up of continuing and permanent training systems enabling every person

to undergo retraining, more especially through leave for training purposes, to improve his/her skills or to acquire new skills, particularly in the light of technical developments.

**Updating of the 1963 proposal for a Council decision on the general principles for implementing a common vocational policy**

The Commission considers that there should be a revision of the general principles originally established in 1963 for implementing a common vocational training policy. This revision should include a consolidation of the principles adopted within the framework of more recent Council decisions, which cover specific fields, such as youth training. It should also, in close cooperation with the Advisory Committee for Vocational Training, update the general principles themselves, in the light of the definition of the notion of vocational training given by the Court of Justice in recent judgements, and provide a Community-wide commitment to raising the standards and quality of training provisions.

**Communication on the rationalization and coordination of Community action programmes in the field of initial and continuing vocational training**

Following the adoption of EUROTECNET II and other similar operational initiatives in the field of continuing training, the occupational integration of young people and like Community initiatives, the Commission will embark on deliberations with a view to the rationalization and coordination of specific measures in this field. On completion of these deliberations it will present a proposal for an appropriate instrument.

**Proposal concerning the joint programme for the exchange of young workers and youth exchanges**

The Commission is currently running the Third Joint Programme for the exchange of young workers and the "Youth for Europe" programme, which supports youth exchanges more generally.

The Commission intends to examine the scope for simplifying the presentation of the opportunities available to the youth public by these two programmes and to streamline their administration. A proposal will therefore be presented to extend the Third Joint Programme for the exchange of young workers for one year (to end 1991) and proposals for the Fourth Joint Programme and for the second phase of "Youth for Europe" will be presented together to take effect from the beginning of 1992.

A report will be presented by the Commission in 1990 on youth exchange activities in general, including the recent activity for exchanges of young people with COMECON countries.

#### Comparability of qualifications

In implementing the Council Decision of July 1985 on the comparability of vocational training qualifications between the Member States of the European Community, the Commission has now published the results of the work on establishing comparability in the sectors : hotel and catering work and motor vehicle repair. Publication of results in the construction and electricity-electronics sectors will follow shortly. Work is under way and due to be completed this year in the agriculture, textile, clothing and metal industry sectors.

This means in effect that by 1990 the technical work will have been completed for eight sectors, covering 117 professions which regroup about 300 job activities.

The work on comparability is currently limited to qualifications at "skilled worker" level. The Commission is examining the need to extend the scope of this activity to other levels of skill, so as to cover all qualifications.

## **10. HEALTH PROTECTION**

### **AND SAFETY AT THE WORKPLACE**

#### **A. INTRODUCTION**

Protection of health and of safety in the working environment is ensured by means of technical regulations regarding products and equipments used by workers and by provisions regarding worker protection in the working environment.

Before the Single Act came into force there were already a number of directives applicable in the field of health and safety at work (notably protection against risks from asbestos, noise and lead).

Since October 1987, when the Commission adopted its programme concerning safety, hygiene and health at work which the Council welcomed in its Resolution of 21 December 1987, ten proposals for directives have been presented to the Council. Three of them have already been adopted, including Directive 89/391/EEC on improvements in the safety and health of workers at work, which is of particular importance.

Other proposals should be adopted by the end of the year or during the first half of 1990.

In parallel, the Community has developed the implementation of a new approach regarding technical regulation which entails, for example for industrial machines or for individual protective clothing, compulsory safety requirements for the protection of workers. The implementation of these requirements goes through European standards, to the definition of whose representatives of workers are from now on associated.

The Community already has, therefore, a series of binding provisions which ensure fairly broad protection for workers' health and safety at the workplace. It must be pointed out, moreover, that the Commission will propose, whenever necessary, amendments to the directives adopted to take account of developments occurring after their adoption (new substances, technical progress). Several such proposals will be presented in the next few years.

The Commission considers that priority should be given to new initiatives in areas where safety causes significant problems, notably, the building industry, fisheries, drilling rigs and open-cast mines, the improvement of medical assistance on board vessels and also workplaces excluded from the specific workplace directive.

In addition, when freedom of movement develops further and the labour market takes on a European dimension, the Commission believes that the Member States should endeavour to approximate their ideas concerning the schedule of industrial diseases. This would doubtless not be a question of introducing laws in an area closely connected with national social security systems. The Commission will accordingly put forward a recommendation emphasizing the importance of adopting a schedule of European industrial diseases.

#### B. NEW INITIATIVES

- Proposal for a Council Directive on the minimum health and safety requirements to encourage improved medical assistance on board vessels
- Proposal for a Council Directive on the minimum health and safety requirements for work at temporary or mobile work sites
- Proposal for a Council Directive on the minimum requirements to be applied in improving the safety and health of workers in the drilling industries
- Proposal for a Council Directive on the minimum requirements to be applied in improving the safety and health of workers in the quarrying and open-cast mining industries
- Proposal for a Council Directive on the minimum safety and health requirements for fishing vessels
- Recommendation to the Member States on the adoption of a European schedule of industrial diseases
- Proposal for a Council directive on the minimum requirements for safety and health signs at the workplace
- Proposal for a Council directive defining a system of specific information for workers exposed to certain dangerous industrial agents
- Proposal for a Council directive on the minimum safety and health requirements regarding the exposure of workers to the risks caused by physical agents
- Proposal for a Council directive amending Directive 83/447/EEC on the protection of workers from the risks related to exposure to asbestos at work
- Proposal for a Council directive on the minimum safety and health requirements for activities in the transport sector
- Proposal for the establishment of a safety, hygiene and health agency

**Proposal for a Council Directive on the minimum health and safety requirements to encourage improved medical assistance on board vessels**

Work on board vessels involves specific risks. The consequences of accidents are heightened given that medical equipment on board is often inadequate and much time is required for help and intervention from elsewhere.

The proposed Directive aims to promote better worker safety and health on board vessels by improving medical assistance on board.

**Proposal for a Council Directive on the minimum health and safety requirements for work at temporary or mobile work sites**

Major risks are involved in work on temporary and mobile sites.

The Directive aims to incorporate health requirements from the initial stages of site design; it defines responsibilities as regards the safety and health of all persons operating on temporary and mobile work sites and lays down safety requirements for certain tasks.

**Proposal for a Council Directive on the minimum requirements to be applied in improving the safety and health of workers in the drilling industries**

No steps have so far been taken at Community level to promote improvement in the safety and health of workers in the drilling industries.

Following the disaster in the North Sea on the Piper Alpha oil and natural gas drilling rig, in which the explosions and fire caused the death of 167 persons on 6 July 1988, Parliament requested the Commission to take suitable measures as soon as possible.

**Proposal for a Council Directive on the minimum requirements to be applied in improving the safety and health of workers in the quarrying and open-cast mining industries**

There are no special Community measures covering the quarrying and open-cast mining industries.

The risks and accident rates are higher in these industries than in others and they are not covered by the first individual Directive on the workplace pursuant to Article 16(1) of Directive 89/391/EEC.

On this account steps should be taken at Community level to improve the safety and health protection of workers in these industries.

**Proposal for a Council Directive on the minimum safety and health requirements for fishing vessels**

The risks connected with work on board fishing vessels are greater than those in other "high-risk" occupations. The purpose of the proposed directive is to lay down minimum safety and health requirements in relation, in particular, to working procedures on board such vessels.

**Recommendation to the Member States on the adoption of a European schedule of industrial diseases**

The Commission recommendations of 23 July 1962 and 20 July 1966 established a European schedule of industrial diseases.

Since then, within each Member State the schedule of the various industrial diseases which can give right to compensation has gradually developed on account of many factors, such as changing techniques, the use of new substances, different activities and varying constraints at the workplace.

The number of diseases known as "industrial diseases" (that is where there is good reason to believe that they are closely connected with certain activities, but which the Member States have not yet recognized as giving any right to compensation) has constantly changed.

The Commission takes the view that in as such a complex field it must, as in the past, make use of a recommendation to encourage the Member States to bring about the greatest possible convergence among themselves.

The recommendation would therefore consist in an updating of the European schedule of industrial diseases with the aim of harmonizing at Community level requirements in this area.

**Proposal for a Council directive on the minimum requirements for safety and health signs at the workplace**

The individual directive on workplaces establishes the minimal requirements for workplaces, but does not specifically coer the posting of signs. Some provisions on this subject already appear in the Council Directive 77/575/EEC and Commission Directive 79/640/EEC. This proposal for a directive aims to

revise and extend the above-mentioned directives, updating the previous texts and adding a number of measures which are the result of technical progress.

**Proposal for a Council directive defining a system of specific information for workers exposed to certain dangerous industrial agents**

The proposal concerns the preparation of information sheets on dangerous agents. These sheets should be available whenever new substances are introduced.

This proposal defines the minimum requirements for the protection of workers and takes account of the work carried out by the ILO on chemical substances.

Information sheets on chemical substances are also required by the Council directives on the placing of chemical substances on the market, and these sheets are taken into consideration in this proposal for a directive.

**Proposal for a Council directive on the minimum safety and health requirements regarding the exposure of workers to the risks caused by physical agents**

Physical agents, such as vibration and electromagnetic radiation, give rise to risks which are often considered to be unacceptable. It often takes some time before effects which are damaging to health become apparent. A proposal will be made to introduce the preventive and corrective measures necessary to reduce the possibility of overexposure, accident and illness.

**Proposal for a Council directive amending Directive 83/447/EEC on the protection of workers from the risks related to exposure to asbestos at work**

Certain provisions are laid down by Directive 83/447/EEC to the effect that the Council, acting on a proposal from the Commission, must review this directive before 1 January 1990, taking into account, in particular, progress made in scientific knowledge and technology and in the light of the experience gained in applying this directive.

**Proposal for a Council directive on the minimum safety and health requirements for activities in the transport sector**

Activities in the transport sector often create dangerous working conditions, and transport-related maintenance, handling and loading work also expose workers to considerable risks. The proposal for a directive aims to set the minimum requirements for the prevention of dangerous situations and the protection of all the workers concerned.

**Establishment of a safety, hygiene and health agency**

The Commission's programme concerning safety, hygiene and health at work is high on the list of priorities of a significant social policy initiative.

In its Resolution of 21 December 1987, the Council welcomed the Commission communication on its programme concerning safety, hygiene and health at work. Among other things, it requested the Commission to examine the possible ways of improving the exchange of information and experience in the field concerned, in particular as regards the gathering and dissemination of data and the advisability of setting up Community machinery to study the repercussions at national level of Community measures in the field of health and safety at work.

Moreover, this Resolution called for an intensification of the cooperation with and between the bodies active in the field concerned.

The Council also stressed that it was fundamentally important for workers to be aware of the issues involved and to have access to information and, if necessary, to training if the measures recommended in the Commission's programme referred to above were to be successful.

Recognizing the dangers not only to health and safety, but also to the business environment and the labour markets of divergent health and safety conditions, employers and workers organizations have impressed upon the Commission the need to ensure that directives are implemented accurately, fully and equitably, and enforced correctly; and they demanded that appropriate advice and adequate assistance be provided to undertakings and organizations concerned in order to help them comply with the requirements imposed by Community directives.

In order to satisfy these demands and whilst retaining its right to supervise the implementation of Community law, the Commission will set up a safety, hygiene and health agency which will provide support for the implementation of programmes

relating to the workplace, including technical and scientific assistance and coordination as well as assistance in the field of training. In so doing, it will bear in mind the existence and experience of the European Foundation for the Improvement of Living and Working Conditions (Dublin Foundation).

## **11. PROTECTION OF CHILDREN AND ADOLESCENTS**

### **A. INTRODUCTION**

While being aware of all the problems associated with the protection of children and young people, the Commission's aim in this section of the draft charter was to concentrate on the specific problems encountered by the members of this group on taking up employment for the first time. For this reason, the Commission is proposing only one Directive on this question.

### **B. NEW INITIATIVES**

#### *Council Directive on the approximation of the laws of the Member States on the protection of young people*

Protecting children against any work at too young an age and against excessively arduous working conditions is seen as a vital task. Children should not be given employment before they have reached an appropriate minimum age and should in no event take up an occupation which endangers their health.

Thus, the Commission will propose a Community Directive aimed at fixing the minimum age for admission to employment in the Community, although exceptions will be allowed for young people engaged in specified non-arduous activities (family businesses, artistic activities, participation in public entertainment, etc.) which are not likely to damage their health.

The working hours of young workers aged under 18 will have to be limited to protect their health and safety, take account of their development.

Finally, with a view to protecting the health and safety of young people, night working must also be prohibited, with the exception of certain very specific jobs.

To the same end, the Directive will have to provide for regular medical checks for workers under 18 to ensure that their health is not threatened by the job in question.

## **12. THE ELDERLY**

### **A. INTRODUCTION**

In the European Community, there are nearly 100 million older people out of a total population of 321 million and people aged over 60 years represent nearly 20% of the population. Further, 31% of the population and about 21% of the labour force is over 50 years old. By the end of this century, one person in four will be over 60 in many Member States.

The growing numbers of elderly people, and especially of the very old, as well as the rise in the dependency ratio (number of active people to number of inactive people) will have implications for budgetary expenditure in the years to come, both as regards retirement pensions and as regards the social and medical services to be provided for people in this category. In this connection, account should be taken of Council Recommendation 82/857/EEC of 10 December 1982 on the principle of a Community policy with regard to retirement age.

There is, moreover, growing interest in the potential contribution the elderly could make to society by being more involved in various activities at local level, ranging from social services to training.

This problem has hitherto received little attention at Community level. Community measures have so far been limited to a Council recommendation of 10 December 1982 on the principles of a Community policy on retirement age and the Commission recommendation of 10 May 1989 concerning a European over-sixties' card as well as a number of measures in the area of social protection (Regulations (EEC) Nos 1612/68 and 1408/71 in particular).

The Commission considers moreover that most action in this area falls within the direct responsibility of the Member States at national, regional or local level.

It is, however, vital that given such a large section of its population, the Community should indicate the importance that it attaches to its problems and situation.

With this in view, the Commission will present by the end of 1989 a communication on the elderly accompanied by a draft decision on an action programme which among other things provides for pilot projects, exchanges of experience, improved information and channels of communication between groups representing the elderly.

Apart from specifying certain measures on the social protection of the elderly, particularly retired workers, the Commission will limit its activities in this area to the implementation of the action programme.

#### B. NEW INITIATIVES

##### *Community initiative for the elderly (communication and proposal for a decision)*

The considerable increase by the end of the century in the number of elderly and very elderly (over 80) people in a society where, in most Community countries, the family unit leaves much less room than in the past for the elderly, has made the problems of integration into society and the economic and social consequences of ageing acute throughout the Community. Very few discussions have been held on this problem and, at present, they are often confined to specialist circles.

For its part, the European Parliament has on several occasions called for a Community initiative to be taken on this matter which concerns a considerable number of Community citizens, since soon, depending on the Community country in question, one person in three or four will be over 60.

It is not a question of the Commission's adopting legislation in an area in which approaches, traditions and culture vary greatly from one Member State to another.

The Commission considers, however, that all interested parties should be made aware now of the situation and problems of the elderly. Moreover, in order to ensure a degree of continuity in the action undertaken at Community level, the Commission considers that an action programme should be implemented.

Finally, in response to the call from the European Parliament, it will propose that 1993 be designated as a year for the elderly. The Commission will make a proposal to this effect.

## **13. THE DISABLED**

### **A. INTRODUCTION**

The social and economic integration of disabled people is an important element of the social dimension of the single market, to be completed in 1992. It is not only a question of social justice. It is also an economic issue in so far as their occupational integration in a regular working environment may often represent an asset for the Community.

The Helios programme adopted by the Council on 18 April 1988 represents a pragmatic response to the growing needs and fresh aspirations of more than 30 million Community nationals suffering from long-term physical or mental disabilities of varying degrees who form one of the most disadvantaged sections of the population. This programme establishes for the first time in the European Community a basis and framework for the development, at Community level, of a coherent overall policy to promote the integration and independent way of life of disabled people.

However, the measures taken in this area in the Member States still take the form of innovatory pilot schemes. By definition, these actions are specific whereas there is a need for a coherent overall policy on the occupational and social integration of the disabled both at national and Community levels.

For this reason, not only should the aim be to adopt by special procedure the proposal for a Council decision (COM(89)450 final of 27 September 1989) on the further development of the Handynet system (exchange of information on the technical aids available for the disabled), but also the Commission will propose to the Council a new draft Council decision to continue the Community action programme for disabled people, with the aim of improving equality of opportunity for such people.

The Commission considers, moreover, that the social and economic integration of the disabled depends on their mobility being improved. To this end, it would be necessary to draw up common objectives and harmonized standards in order to ensure that workers with motor disabilities can move in complete safety within the Community, particularly in the working environment. In October 1987, the European Parliament underlined the importance of such a proposal by calling for it to take the form of a directive.

## B. NEW INITIATIVES

- Proposal for a Council Decision establishing a third Community action programme for disabled people (Helios) for the period 1992-1996
- Proposal for a Council Directive on the introduction of measures aimed at promoting an improvement in the travel conditions of workers with motor disabilities

Proposal for a Council Decision establishing a third Community action programme for disabled people (Helios) for the period 1992-1996

After the second action programme finishes at the end of 1991, the European policy on the integration of disabled people should be continued and stepped up by means of a five-year programme.

The economic and social cohesion of the European market means that there has to be greater equality of opportunity for disabled people who form one of the most disadvantaged sections of the population. It is therefore vital to continue and step up an overall policy at European level.

Proposal for a Council Directive on the introduction of measures aimed at promoting an improvement in the travel conditions of workers with motor disabilities

In the proposal for the Helios programme (doc. COM(87)342 final), the Commission undertook to present policy measures, particularly proposals concerning the mobility of disabled people, including transport.

In October 1987, the European Parliament stressed the importance of this proposal and stated that it should be submitted in the form of a Directive.

In its conclusions of 12 June 1989 on the employment of disabled people in the Community (89/C 173/01), the Council invites the Commission to submit proposals in the field of employment "which will ensure better coordination and greater consistency between the measures introduced by the Member States".

Making it easier for disabled people to travel is an essential prerequisite for vocational training and employment.