
COMPLETING THE
INTERNAL MARKET



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COMMUNITY
SOCIAL POLICY

COMMISSION OF THE
EUROPEAN COMMUNITIES

In December 1989, the Heads of State or Government of 11 Member States adopted the Community Charter of the Fundamental Social Rights of Workers. The Commission published an action programme for the implementation of this Charter.

In December 1991, the Commission presented its 'First report on the application of the Community Charter of the Fundamental Social Rights of Workers'.

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COMMUNITY SOCIAL POLICY

How to use this publication

Purpose of this series

- (i) To keep the public informed of the measures taken to put into practice the fundamental principles set out in the Community Charter of the Fundamental Social Rights of Workers.
- (ii) To summarize the strategies being pursued in the various fields of activity.
- (iii) To provide initial information and updates on the various Commission proposals designed to implement the measures in its action programme.

Contents

- (i) Concise description of the Community's legislative procedures.
- (ii) General introduction to the social issues arising in the internal market.
- (iii) Introductions to each individual area of social policy.
- (iv) Summary of pre-Charter legislation in each area.
- (v) Sections on the various measures proposed or taken to ensure that there is an adequate social dimension to the internal market. Where a measure has not yet been adopted, information is given on the opinion of the European Parliament and the current status of the proposal. For measures which have been adopted, the deadline for implementation of the legislation in the Member States is given, together with any follow-up work and Commission implementing measures.

Finding information

- (i) If you are unfamiliar with the Community's procedures for passing legislation and making recommendations, refer first to page iii.
- (ii) An overall idea of the issues involved can then be obtained from the general introduction to social measures on page 1.
- (iii) Finally, consult the table of contents on page vii to find out which sections are of interest to you.

For more detailed information on a specific measure, consult the relevant issue of the *Official Journal of the European Communities*, the reference number of which can be found in the information file. Copies of the Official Journal are available from any of the sales points listed on the inside back cover.

Note to the reader

This guide, available in all the official languages of the Community, is being published as part of an information exercise. It was designed as a documentary tool and in no way binds the Commission.

HOW THE EUROPEAN COMMUNITY MAKES LAWS

AN OUTLINE

It is necessary to be familiar with the procedures by which the Community passes laws in order to understand the detail contained in the summaries. Each summary relates to a specific measure intended to facilitate the creation of the single market. In broad terms:

- (i) the Commission (which has both executive and administrative roles) initiates and drafts a proposal which it submits to the Council;
- (ii) the European Parliament (which is elected by the citizens of the Community) and the Economic and Social Committee (which consists of representatives from employer organizations, trade unions and other interest groups) consider and comment on the proposal;
- (iii) the Council (whose members represent the governments of the Member States, normally at ministerial level) adopts the proposal which then becomes law. In some cases, this power can be exercised by the Commission.

This booklet contains summaries of different types of measures; their consideration and adoption can follow different procedures. These are discussed below.

1. LAWS AND OTHER MEASURES

Regulations

A regulation is a law which is binding and directly applicable in all Member States without any implementing national legislation. Both the Council and the Commission can adopt regulations.

Directives

A directive is an EEC law binding on the Member States as to the result to be achieved, but the choice of method is their own. In practice, national implementing legislation in the form deemed appropriate in each Member State is necessary in most cases. This is an important point as businesses affected by a directive have to take account of the national implementing legislation as well as the directive.

Decisions

A decision is binding entirely on those to whom it is addressed. No national implementing legislation is required. The decisions summarized in this booklet are Council Decisions although in certain cases the Commission has the power to adopt Commission Decisions.

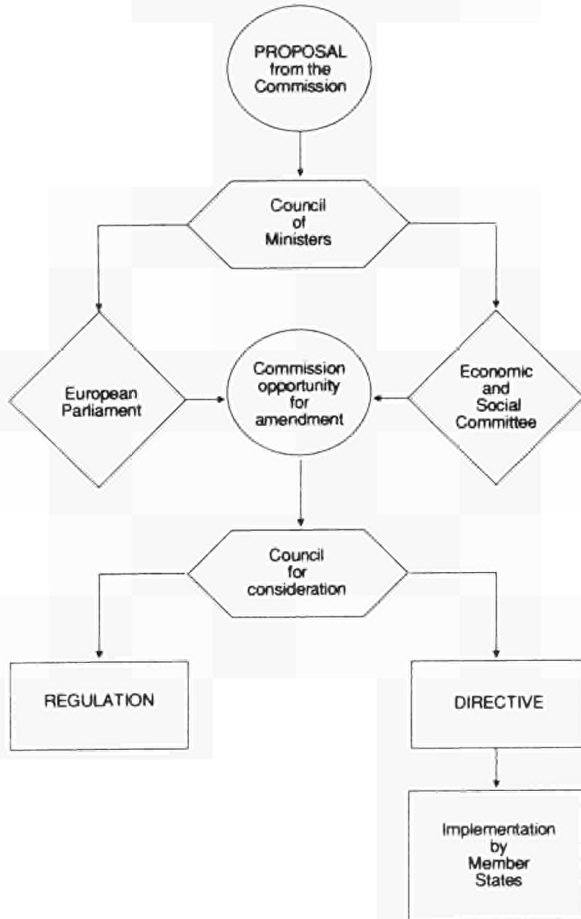
Recommendations

A recommendation has no binding effect (it is not a law). Recommendations can be adopted by both the Council and the Commission.

The majority of the measures included in this booklet are Council Directives.

EEC legislation from start to finish (directives and regulations)

The consultation procedure



The cooperation procedure

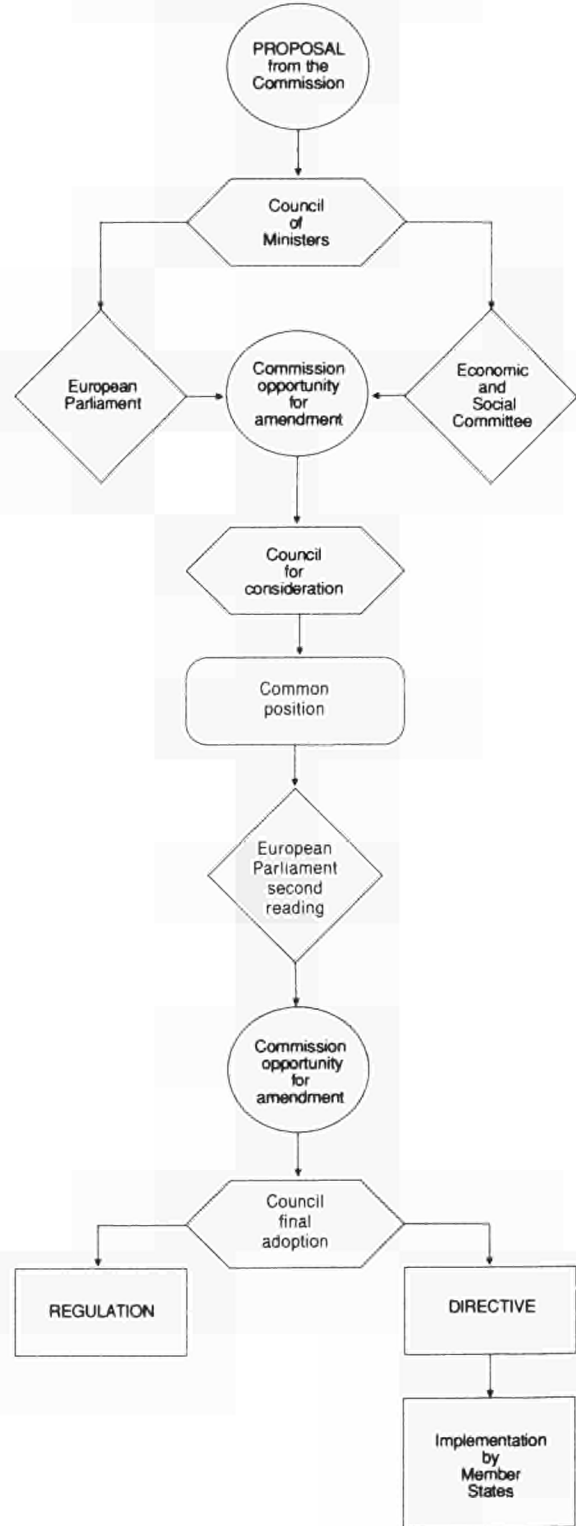


Figure 1

2. PROCEDURES FOR MAKING LAWS

The Community's decision-making procedures are best illustrated by tracing the progress of a directive. The following text should be read in conjunction with the flow chart in Figure 1.

Since the entry into force of the Single European Act on 1 July 1987 there are two distinct procedures for the adoption of a directive: the consultation procedure and the cooperation procedure. The EEC Treaty article upon which a proposal is based dictates which procedure is followed.

In both cases a directive begins with a proposal from the Commission to the Council.

Under the consultation procedure, the Council requests an opinion from the European Parliament and, in most cases, from the Economic and Social Committee. Once these have been given, the Commission then has the opportunity to amend the proposal if it so wishes. The proposal is then examined by the Council which may adopt it as proposed, adopt it in an amended form, or fail to reach agreement in which case the proposal remains 'on the table'.

Under the cooperation procedure, the Council requests opinions from the Parliament and the Economic and Social Committee in the same way. Once these opinions have been received the Council has to adopt what is called a common position, although it seems that the proposal will again remain on the table failing any common position being reached. On a common position being reached, this is transmitted to the Parliament which has three months to accept, reject, or propose amendments to it, on its second reading.

At this stage the Commission may again amend the proposal if it wishes. The proposal is then returned to the Council which has three months to take a final decision. In the absence of a decision, the proposal lapses.

Whether the Council can adopt a proposal by a qualified majority or has to reach a unanimous decision depends in the first instance upon the article of the Treaty which is the basis for the measure. However, there are certain situations where unanimity must be reached by the Council:

- (i) to introduce amendments of its own initiative to a proposal;
- (ii) to adopt amendments proposed by the Parliament but not taken up by the Commission;
- (iii) to adopt a measure when the Parliament has rejected the Council common position under the cooperation procedure.

The question of whether a directive or a regulation is subject to the cooperation procedure, the consultation procedure or neither of these depends on its legal basis.

There are a limited number of decisions summarized in this booklet. The European Parliament and the Economic and Social Committee are consulted on some of these.

There are also a limited number of recommendations in this booklet. Some Council recommendations are submitted to the European Parliament and the Economic and Social Committee for their opinion before adoption.

3. PUBLICATION OF TEXTS

At certain stages in the Community decision-making procedure, texts are published in the *Official Journal of the European Communities*. There is an 'L' series which contains legislation and a 'C' series which contains other information, such as communications issued by the Commission.

This booklet contains summaries of both adopted legislation and proposals for legislation. In the case of adopted legislation, the summary gives the reference to the Official Journal 'L' series in which the text has been published. Readers interested in the legislative history of a measure will find in the text the Official Journal 'C' series references for the corresponding Commission proposal(s) and the opinions of the European Parliament and the Economic and Social Committee.

In the case of proposals for legislation, the summary gives the Official Journal 'C' series references for the Commission proposal(s) and the opinions of the European Parliament and the Economic and Social Committee, if published by 31 December 1991.

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1. INTRODUCTION

1.1. 1957 — Treaty of Rome

In the words of Article 117 of the EEC Treaty, the Member States agree upon the need to promote improved working conditions and an improved standard of living for workers so as to make possible their harmonization while the improvement is being maintained.

However, it is the free movement of workers (Articles 48 to 51 of the Treaty of Rome) and the right of establishment (Articles 52 to 58) within the European Communities which, in the same way as the free movement of goods, capital and services, essentially reflect the primary constructive objective laid down on the signing of the Treaty of Rome, i.e. the eventual realization of a single internal market. This, however, is not the only objective; it is also necessary to design and implement common policies (agriculture, external trade, transport, etc.).

In the course of time, as the institutions based on the Treaties became established, the development of common policies spread to other areas, particularly social policy. The provisions of Article 118 *et seq.* of the Treaty of Rome set out various objectives relating to social aspects, including the improvement of working conditions, encouragement of dialogue between employers and workers, equal conditions for both sexes, hygiene at work, social security and vocational training. The creation of the Social Fund provided an instrument to bolster national employment policies.

This development took place in three phases:

- From 1958 to 1972 the main concern was to establish the principle of free movement of workers. At the same time, independently of the introduction of financial assistance from the Social Fund, the Council outlined a vocational training policy.
- Between 1972 and 1974 the reform of the Social Fund came into force, and the Council of Ministers adopted a social programme based on three priority objectives, namely the improvement of working and living conditions, participation of workers in the running of their firms, and the achievement of full and better employment.
- The period 1974 to 1986 saw the adoption of most of the Directives on harmonization of national legislation concerning the protection of employment (collective redundancies, transfer of firms, insolvency of employers), protection and hygiene at work (protection against ionizing radiation, chemical, physical and biological agents, safety signs), and equal treatment for male and female workers (wages, access to employment, vocational training, working conditions, social protection).

1. INTRODUCTION

1.2. Single European Act: general points

The Single European Act, which was signed in 1986 and entered into force on 1 July 1987, ratified in more than one respect the ways in which the Community's common policies had developed in recent years.

This Act, which amends the Treaty of Rome and was therefore ratified by each Member State, confirms the objective of completing the single European market by 1992 on the basis of the timetable set out in the White Paper of 1986.

It modifies the Community procedures for taking decisions, by associating the European Parliament more closely (cooperation procedure) and extending the field of application of the qualified majority voting system as opposed to the need for unanimity. One particular example is the approximation of legislation under Article 118a, which authorizes the adopting of Directives on improving the health and safety of workers by a qualified majority.

By adding a number of Articles to the EEC Treaty, the Single Act gives new impetus to social policy, encourages dialogue between employers and employees, and stresses the need for social and economic cohesion between the 12 Member States.



1. INTRODUCTION

1.3. Single European Act: Articles 118a and b

'Member States shall pay particular attention to encouraging improvements, especially in the working environment, as regards the health and safety of workers, and shall set as their objective the harmonization of conditions in this area, while maintaining the improvements made.

In order to help achieve the objectives laid down in the first paragraph, the Council, acting by a qualified majority on a proposal from the Commission, in cooperation with the European Parliament and after consulting the Economic and Social Committee, shall adopt, by means of Directives, minimum requirements for gradual implementation, having regard to the conditions and technical rules obtaining in each of the Member States.

Such Directives shall avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized undertakings.

The provisions adopted pursuant to this Article shall not prevent any Member State from maintaining or introducing more stringent measures for the protection of working conditions compatible with this Treaty.'

Article 118b created an additional path towards the construction of the European social area: the social dialogue.

'The Commission 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' (summaries 7.4 and 7.5 to 7.13).

1. INTRODUCTION

1.4. Single European Act: Article 130

With the aim of adapting the Treaty of Rome to the Community of the 1980s, the Single Act brings together all the elements of the policy of solidarity, of 'economic and social cohesion'. In Articles 130a to 130e, the Single Act introduces an additional aim: to promote the 'overall harmonious development' of the Community and, 'in particular, to develop and pursue its actions leading to the strengthening of its economic and social cohesion' (Article 130a).

This is an active policy requiring the Member States to 'conduct their economic policies and (...) coordinate them in such a way as (...) to attain the objectives set out in Article 130a' (Article 130b). The same Article also specifies that the institutions must take into account economic and social cohesion in the implementation of common policies and of the internal market. Furthermore, implementation must contribute to the achievement of the above objectives, in particular the structural adjustment of regions whose development is lagging behind and the conversion of declining industrial regions.

Articles 130c and 130d indicate that the principal means of strengthening economic and social cohesion is the rationalization and improved coordination of the existing structural Funds: the EAGGF (Guidance Section), the European Social Fund and the European Regional Development Fund. The other existing financial instruments, in particular the European Investment Bank, must also contribute. The purpose of mobilizing the resources, actions and energy of these various bodies is to 'reduce disparities between the various regions and the backwardness of the least-favoured regions' (Article 130a). In addition, Article 130d provides that once the Single European Act enters into force the Commission must submit a comprehensive proposal to the Council, the purpose of which will be to make such amendments to the structure and operational rules of the existing structural Funds as are necessary to achieve their new objectives. The reform of the structural Funds was implemented by a framework Regulation adopted in June 1988 which entered into force in January 1989 (Council Regulation (EEC) No 2052/88 of 24 June 1988, Official Journal L 185, 15.7.1988, p. 9). Other implementing regulations have been adopted since then.



1. INTRODUCTION

1.5. Social Charter: background

The preamble to the EEC Treaty includes amongst its objectives 'the economic and social progress' of the Member States and 'the constant improvement of the living and working conditions of their peoples'.

- In June 1988, at the Hanover Summit, the European Council emphasized the importance of the social aspects of the single market.
- On 9 November 1988 the Commission invited the Economic and Social Committee to engage in a general discussion on the possible content of a Community Charter of basic social rights for workers. The opinion was adopted by the Economic and Social Committee at its plenary session on 22 February 1989.
- On 2 and 3 December 1988, the Rhodes Summit emphasized that the 'realization of the single market should not be regarded as a goal in itself'.
- Three months after having been invited by the Commission to draw up a 'European Charter of basic social rights', the Economic and Social Committee (ESC) submitted, in February 1989, the opinion that had been requested. The representatives of the employers, workers, liberal professions, farmers, small and medium-sized enterprises within the ESC outlined the framework of the 'Basic Community social rights', which they considered should be established in conjunction with the single market.

This opinion was adopted by a large majority of 135 to 22 votes. While at the draft stage the emphasis was on a solution at Community level, the text that was finally adopted repeatedly stressed the role and responsibility of the Member States. However, the question as to what procedures should be adopted with a view to establishing social rights in the Community was left open.

- On 15 March 1989, the European Parliament adopted a resolution on 'the social dimension of the single market'. It called for 'the adoption at Community level of the fundamental social rights which should not be jeopardized because of the pressure of competition or the search for increased competitiveness, and could be taken as the basis for the dialogue between management and labour' and, on the other hand, the need to ensure the social dimension of the internal market by implementing a programme of concrete measures comprising a timetable.
- On 12 June 1989 the preliminary draft of the Social Charter was discussed by the Council.
- The Madrid Summit emphasized that, in the context of establishing the single European market, the same emphasis should be placed on the social aspects as on the economic aspects.
- On 14 September 1989, the European Parliament adopted seven resolutions on economic and social cohesion, emphasizing that the Community's social dimension was based on the implementation at Community level of all the fundamental social rights enshrined in Community law, creating a new scope for actions before the Court of Justice, which cannot be called into question.
- On 2 October 1989, the Commission published its draft 'Community Charter of basic social rights'.
- On 17 and 18 October 1989, management and labour were consulted.

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- On 30 October 1989, the Council completed a draft 'Charter of basic social rights of workers'.
 - On 22 November 1989, the European Parliament adopted a resolution relating to the Community Charter of basic social rights.
 - On 9 December 1989, at the Strasbourg Summit, the Heads of State or Government of 11 Member States adopted, in the form of a declaration, the text of the Community Charter of basic social rights of workers. The Council took note that the Commission had elaborated an action programme and invited the Commission to submit, at the earliest opportunity, initiatives falling within the competence of the Community.



1. INTRODUCTION

1.6. Social Charter: contents

The Community Charter of the Fundamental Social Rights of Workers lays down the leading principles on which the European model of labour law and, more generally, the place of work in society is based. It comprises the following headings:

- free movement,
- employment and remuneration,
- improvement of living and working conditions,
- social protection,
- freedom of association and collective bargaining,
- vocational training,
- equal treatment for men and women,
- information, consultation and participation,
- health protection and safety at the workplace,
- protection of children and adolescents,
- elderly persons,
- disabled persons.

The social rights enshrined in the Charter will be implemented, as the case may be, at the level of the Member States or at the level of the European Community, within its terms of reference. In this context, the Commission has presented its action programme.

1. INTRODUCTION

1.7. Commission's action programme

The 47 measures listed in the action programme thus cover all the areas in which the Commission, in the context of the Treaty and in accordance with the principle of subsidiarity, considers it indispensable to make further progress in order to realize, at Community level, the fundamental principles set out in the Charter:

Labour market:

- Report on employment in Europe;
- 'Observatory' and documentation system on employment;
- Action programmes on employment creation for specific target groups;
- Revision of Part II of Regulation (EEC) No 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 and remuneration:

- 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.

Improvement of living and working conditions:

- Directive for the adaptation of working time;
- Council Directive on the introduction of a form to serve as proof of an employment contract or work relations;
- Revision of the Council Directive 75/129/EEC, of 17 February 1975, 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.

Freedom of movement:

- Revision of Commission Regulation (EEC) No 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) No 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) No 574/72 (laying down the procedure for implementing Regulation (EEC) No 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 notably in the framework of a subcontracting venture;
- 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.

Social protection:

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



Freedom of association and collective bargaining:

- Communication on the role of the social partners in collective bargaining.

Information, consultation and participation:

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

Equal treatment for men and women:

- 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 practice on the protection of pregnancy and maternity.

Vocational training:

- 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.

Health protection and safety at the workplace:

- 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 on 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 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 83/477/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.

Protection of children and adolescents:

- Council Directive on the approximation of the laws of the Member States on the protection of young people.

The elderly:

- Community initiative for the elderly (communication and proposal for a Decision).

The disabled:

- Proposal for a Council Decision establishing a third Community action programme for disabled people (Helios) for the period 1992 to 1995;
- Proposal for a Council Directive on the introduction of measures aimed at promoting an improvement in the travel conditions of workers with motor disabilities.



2. LABOUR MARKET

2.1. Current problems and objectives for 1992: Commission's action programme — Introduction

The development and creation of employment are priorities for the Community. This conclusion of the European Council of Madrid assumes all the more importance when one considers that, for nearly three 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 economic report for 1989 (COM(89) 497 final) suggest that, in 1991, unemployment will fall. Looking forward to 1995, 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 (facilitating the occupational integration of young people);
- on the other hand, in the context of the interventions undertaken in relation to Objectives 1, 2 and 5b for less-favoured regions, regions suffering from industrial decline and rural areas.

As the single market will no doubt bring about quite profound changes in the structure of employment and the labour market, there will be a need for a constant and as detailed an analysis as possible

- of the employment situation at both macroeconomic and sectoral level;
- of trends in the structure of employment and changes in the very nature of unemployment, which remains very high despite a high level of job-creation, especially as regards female employment.

It is for this reason that the Commission will henceforth 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 will be developed to provide information for all interested persons in the Member States, if possible at regional level, on 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 current labour market situation. It has therefore sent a proposal to the Council for improvements to the system.

Despite improvements in overall levels of employment, the problem of long-term unemployment remains extremely disturbing. The problems raised by long-term unemployment are difficult to solve because of the very nature of this type of unemployment. The Commission none the less 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 section 7 dealing with the development of collective bargaining (summaries 7.4 and 7.5 to 7.13).



2. LABOUR MARKET

2.2. Current problems and objectives for 1992: Commission's action programme — Initiatives

'EMPLOYMENT IN EUROPE' REPORT (summaries 2.3 and 2.4)

The report published in 1989 was the first of a series which is now being produced annually.

It contains a fixed part analysing 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 implemented at Community and national levels.

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

'OBSERVATORY' AND DOCUMENTATION SYSTEM ON EMPLOYMENT (summaries 2.5 to 2.7)

The acceleration of structural change in employment resulting 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 task is being carried out by an employment 'observatory', set up to forecast, analyse and monitor the main trends in employment, in collaboration with the labour market authorities of the Member States.

This new measure integrates the existing systems of information on employment policies (Misep) (summary 2.6), employment trends in the Member States (System) (summary 2.7) and local employment initiatives (Elise) (summary 2.11).

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 aimed at specific groups or areas, the Commission has developed programmes which, combining research and action, try to identify the most successful experiments and disseminate information about them.

Four such programmes are now in operation: LEDA (summary 2.9) and ERGO (summary 2.8), SPEC (summary 2.10) and Elise (summary 2.11).

The LEDA (local employment development action) programme seeks to identify successful local responses to employment problems. It is practical — drawing on concrete experiments in 24 participating areas as well as other experiments — 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, with reference to the 1986 Council Resolution on growth and employment, make proposals regarding the extension of LEDA and ERGO.

The SPEC and Elise programmes are designed respectively for the support and creation of jobs and for information on local employment initiatives.

REVISION OF PART II OF REGULATION (EEC) No 1612/68 ON THE CLEARANCE OF VACANCIES AND APPLICATIONS FOR EMPLOYMENT AND THE RELATED PROCEDURAL DECISIONS (SEDOC) (summaries 2.12 to 2.14)

In its current wording, Regulation (EEC) No 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.

The Commission has sent a proposal to the Council (COM(91) 316 final) for a complete overhaul of Sedoc, made necessary by the radically changing face of today's labour market.

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 development 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 (summaries 2.15 to 2.17)

According to Article 6 of Regulation (EEC) No 2052/88, the effectiveness of the activities of the structural Funds is subject to monitoring and both *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 chiefly concern the long-term unemployed and young people under 25 years of age. More particularly in the regions covered by Objective 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 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 at national and regional level, an overall evaluation could be prepared 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. LABOUR MARKET

2.3. Report on employment in Europe — 1990

- (1) *Objective* To provide a comprehensive picture of the latest developments in and outlook for employment in the European economy.
- (2) *Community measures* Report on employment in Europe — 1990.
- (3) *Contents*
- I. Employment outlook**
1. (a) Employment in the Community and the challenge of the 1990s
Employment has risen sharply in recent years but the fall in unemployment has been considerably less than the increase in the number of new jobs. Of the new jobs created between 1985 and 1988, 60% were taken by women, 40% were part-time and most of them were in the tertiary sector (health care, education and other services).
- (b) Employment in Central and Eastern Europe
The proportion of the working-age population employed in Central and Eastern Europe is higher than in the Community. This is entirely due to differences in the rate of employment of women: 60% as opposed to 45% in the Community. In contrast to the Community, a far larger proportion of the labour force is employed in agriculture and industry than in services.
2. Short-term outlook
Employment growth continues, although at a lower rate. Unemployment is falling more slowly.
3. Employment prospects and 1992
1992 is bringing both growth and structural changes in employment. The sectors identified as likely to be most affected by 1992 seem to be, in the North, the high-tech industries and the more traditional heavy industries and, in the South, the labour-intensive industries, such as clothing, footwear and textiles. There is a marked increase in mergers between enterprises.
- II. Employment issues**
4. Wages and labour costs
Since 1983, real wages have grown more slowly. Labour costs by unit of output vary much less between Member States than average wages. Productivity is the key to real wage and employment growth. The gap between the wages paid to men and women remains significant throughout the Community, despite equal pay legislation, with men earning on average 25% more than women in manufacturing industry.
5. The environment and employment
Environmental problems are imposing new constraints on economic development in terms of the pattern of growth, the type of goods produced and the methods used to produce them. Approximately 1% of jobs in the Community are in the environmental industries and a larger proportion of jobs are generated indirectly by this sector. The future growth of jobs in this sector will be highly dependent on government policies and the public expenditure allocated to it. A large proportion of its workforce is employed in jobs with a low skill content and it is essential to ensure a significant increase in the number of skilled



employees and improve the extent and quality of training. The Community will undoubtedly lose markets if its products are not environmentally friendly and are not based on sophisticated pollution techniques.

6. Women's access to employment

The participation of women in the labour market is still small. Women seeking employment face many more obstacles than men. Many are employed on atypical contracts sometimes because they are unable to find another job, and working conditions are poor. Childcare facilities, vocational training, transport, coordination between working hours and school hours, and the arrangements for parental and family leave during pregnancy and the child's early years all need to be improved.

7. Managing change in large companies

The way large firms recruit and manage their labour forces has an important impact on standards and practices in the labour market generally. Large firms devote greater attention to human resource management. They are more concerned with their personnel's training and skill levels and with working hours and the flexibility of their production systems. Globalization of markets is bringing many changes, not least in management style.

8. The development of vocational training

Training is receiving increasing attention in the Member States. There is now an awareness that the existing arrangements in many fields are inadequate. Teaching and training structures in the Member States differ widely. The main priorities are to raise the status of vocational training, to adapt content and methods to the new needs, to promote stronger cooperation between providers of training, to promote apprenticeships, to improve vocational guidance and to train more women in technical and scientific fields.

III. Employment policies

9. National labour market policies

National expenditure is still dominated by unemployment compensation but these policies are becoming increasingly active and varied: public employment services, adult training schemes, employment subsidies and special measures for the young and the disabled.

10. Promoting economic and social cohesion: the Community's structural policies

As part of the reform of the structural Funds, five objectives were established: promoting the development of less-favoured regions; aiding the readaptation of industrial regions in decline; combating long-term unemployment; helping young people into employment; speeding up the adjustment of agricultural zones and promoting development in rural areas.

11. Priority to fighting long-term unemployment

Long-term unemployment remains high despite the decline in overall unemployment. The problem is particularly acute in backward and declining regions among unskilled men and women and the disabled. In some regions, the young are most affected. Joint action is being undertaken by national and Community authorities to combat this problem.

(4) Deadline for implementation of the legislation in the Member States

(5) Date of entry into force (if different from the above)

(6) References

Commission communication
COM(90) 290 final

(7) Follow-up work

(8) Commission implementing measures



2. LABOUR MARKET

2.4. Report on employment in Europe — 1991

(1) *Objective* To provide a comprehensive picture of the latest developments in and outlook for employment in the European economy.

(2) *Community measures* Report on employment in Europe — 1991.

(3) *Contents*

I. Employment outlook

1. Employment in the Community

The rapid rate of employment growth since the mid-1980s has come to an end and unemployment has started to rise again in parts of the Community from 8.3% in 1990 to 8.7% in 1991 (or over 12.5 million people). The substantial growth in employment between 1985 and 1990 — an addition of 9 million new jobs — benefited only 3 million unemployed, 4 million jobs being filled by young people coming onto the labour market for the first time and 3 million by people who had previously been recorded as inactive.

2. Short-term outlook

Output growth is not expected to exceed 1.5% in 1991, half the rate achieved in 1990. If this downturn bottoms out in the second half of the year, employment growth, which had averaged 1.5% in the period 1988-90, should nevertheless fall to approximately 0.25% and unemployment should continue to rise to 9.2% in 1992.

3. The complex problem of persistent unemployment

Unemployment remains high for women and young people. The latter, for example, represent approximately 35% of Community unemployed and over 30% of long-term unemployed.

II. Employment issues

4. European integration and regional labour markets

As 1992 approaches, differences in employment conditions remain wide between the less-developed regions and the rest of the Community. Thus, unemployment rose by 0.5% in the poorer regions between 1985 and 1989 but fell by 1% elsewhere. Little progress has been made in narrowing this gap.

5. Employment in agriculture: decline and diversification

Agricultural employment has declined at an average rate of 2.8% a year since 1960, but the sector is still important in many rural areas especially in the south of the Community.

6. Employment in industry: a decade of change

In the 1980s the number of jobs in industry fell sharply throughout the Community. This trend varies considerably from region to region.

III. Employment policies

7. Skill shortages: a growing problem in the Community?

The concept of skill shortage is complex and illusive. While there is no doubt that there are skill shortages, i.e. employers are unable to find people with the right qualifications to fill some posts, it is more difficult to identify the reasons for and the true consequences of these shortages. While there is widespread recognition that inadequate labour force skills are related to weaknesses in training and education systems, it is much less clear what should be done, how change

should be achieved and organized, and who should pay for any new or additional efforts.

8. Action to promote the employment of women

In June 1991 the unemployment rate for women was 11.4% compared with 7% for men. These figures conceal major differences between the Member States, however. Community policy is based on Article 119 of the EEC Treaty which establishes equal opportunities for men and women to enable women to play a full part on the labour market. With this end in view, the Commission adopted its third action programme (1990-95) in October 1990.

(4) Deadline for implementation of the legislation in the Member States

(5) Date of entry into force (if different from the above)

(6) References

Commission communication
COM(91) 248 final

(7) Follow-up work

(8) Commission implementing measures



2. LABOUR MARKET

2.5. Employment observatory and documentation system: NEC — Network of employment coordinators

<i>(1) Objective</i>	To produce reports concerning employment, employment policies and the labour market, with particular reference to sectors affected by the completion of the internal market, and to promote discussion and dialogue between the Commission and national governments, the two sides of industry and other bodies in the economic sphere.
<i>(2) Community measures</i>	NEC programme — Network of employment coordinators, comprising national officials working within the framework of the Council Resolution concerning the European Employment Observatory, whose members met for the first time on 6 April 1990.
<i>(3) Contents</i>	<p>1. Targeting European Community institutions, the Member States and the two sides of industry at Community level.</p> <p>2. How it operates The Commission (DG V) decides on the annual themes after consulting the two sides of industry and the Member States, and defines a methodology to be adopted for the national reports. The national officials collect all the available information in the Member States, coordinate the information-gathering process and draw up general reports. The national coordinators and representatives of the Commission departments concerned hold joint meetings at regular intervals. The network may utilize information collected for other programmes set up by the Commission, as well as the information held by national statistical institutes and by Eurostat.</p> <p>3. Description of the actions</p> <ul style="list-style-type: none"> — The national reports are compiled mainly from information available in the Member States. They present the salient facts and provide a basis for discussions which may shape policies and operational decisions. — The Commission prepares a Community synthesis from the various national reports, which is presented to the Council. The synthesis document is available in December of each year.
<i>(4) Deadline for implementation of the legislation in the Member States</i>	Not applicable.
<i>(5) Date of entry into force (if different from the above)</i>	Not applicable.
<i>(6) References</i>	
<i>(7) Follow-up work</i>	
<i>(8) Commission implementing measures</i>	

2. LABOUR MARKET

2.6. Employment observatory and documentation system: Misep — Mutual information system on employment policies

(1) *Objective* 'To gather, synthesize, translate and disseminate information generally available in the Member States, which can serve each of the national ministries responsible for employment measures in their daily decision-making', and to enable the members to interact by encouraging contacts between correspondents.

(2) *Community measures* Misep programme — Mutual information system on employment policies, launched in 1982.

(3) *Contents*

1. Targeting

The national governments of the Member States and all persons or organizations involved or interested in employment policies.

2. How it operates

The core of the system is a network of national representatives known as 'correspondents' who meet regularly to exchange information directly. These persons hold positions at the operational level within their respective national administrations. They are appointed to participate in the Misep system by, and act under the responsibility of, their director-general for employment. Besides their scheduled meetings, the correspondents regularly submit information to a centralized secretariat for inclusion in the 'inforMISEP' bulletin and periodically update their information reports.

3. Description of the actions

The various elements of the programme are designed to improve the collection, analysis and dissemination of information. The main communication aids employed for this purpose are:

- inforMISEP, a bulletin published on a quarterly basis since 1983, which presents information on changing measures and systems in the Member States;
- basic information reports concerning labour market structures, operations and policies in the Member States;
- synoptic tables providing the latest overall view of employment-oriented systems and measures;
- seminars enabling the national correspondents to explore and analyse findings;
- computerized information is available. Key words provide rapid access to information on current programmes and their legal bases;
- assessment of various national projects by independent consultants, who were to present the results of a detailed study at the end of 1990. The national correspondents hold meetings to look at the results of specific projects.

(4) *Deadline for implementation of the legislation in the Member States*

Not applicable.

(5) *Date of entry into force (if different from the above)*

Not applicable.

(6) References

(7) Follow-up work

*(8) Commission
implementing
measures*

2. LABOUR MARKET

2.7. Employment observatory and documentation system: System — European system of documentation on employment

(1) *Objective* To create a versatile and flexible instrument to observe developments in employment in Europe.

(2) *Community measures* System programme: European system of documentation on employment.

(3) *Contents*

I. Characteristics

The programme was launched by the Commission (DG V) in October 1989, and is open-ended. It has an annual budget of ECU 450 000, 120 000 of which are used by the network. An information service and an analysis service are under the direct responsibility of the Commission.

II. Operation

1. A network of correspondents has been established in each Member State. They are connected with universities or research centres, and provide information on the employment situation in their country.

2. System is administered by a working party which meets every month. Network correspondents meet two or three times a year.

3. The information service disseminates periodic bulletins, special reports analysing and summarizing problems and trends in employment and information on conferences and other activities. It administers a documentation centre and a databank. Its personnel offer advice, their own documentation, use of the databank and the opportunity to consult experts.

4. The analysis service summarizes the information obtained, studies trends affecting employment and publishes reports and bulletins. It answers requests for advice and information forwarded to it by the information service.

5. Its efforts in 1991 will concentrate on the prospects for integrating European labour markets and on Europe's demographic problems.

(4) *Deadline for implementation of the legislation in the Member States*

(5) *Date of entry into force (if different from the above)*

(6) *References*

(7) *Follow-up work*

(8) *Commission implementing measures*



2. LABOUR MARKET

2.8. Programmes — Creation of employment for specific groups: ERGO — Combating long-term unemployment

- (1) *Objective* To organize dialogue, cooperation and the exchange of information between partners at local, national and Community level in order to identify effective measures to combat long-term unemployment.
- (2) *Community measures* ERGO programme: Community action programme for the long-term unemployed.
- (3) *Contents*
- I. Characteristics**
- Three-year research programme, 1989-91.
 - It has an annual budget of ECU 1.5 million.
 - It is based on existing Community programmes.
 - There are two administrative bodies, one responsible for 'action', the other for assessment.
 - Those who have been unemployed for one year are categorized as long-term unemployed.
- II. Operation**
1. A network of national correspondents has been set up to gather information on local projects, organize seminars and conferences and create a network for cooperation between project heads, political decision-makers and the long-term unemployed.
 2. Associate members (USA, Canada, Sweden, Finland and Austria) supply additional information.
 3. A steering group meets every two months to establish short-term policy.
 4. The national correspondents and associate members meet twice annually. An annual conference of ERGO network participants reviews policies and results.
 5. Documentation relating to studies, analyses and statistics on long-term unemployment is freely available. The quarterly magazine 'ERGOnews' is distributed in each Member State. The 'Work again' series presents case studies. A database contains details of over 2 000 activities aimed at combating long-term unemployment in Europe. An assessment based on 120 case studies will provide the basis for drawing up a code of practice.
- (4) *Deadline for implementation of the legislation in the Member States*
- (5) *Date of entry into force (if different from the above)*

(6) References

(7) Follow-up work

*(8) Commission
implementing
measures*



2. LABOUR MARKET

2.9. Programmes — Creation of employment for specific groups: LEDA — Local employment development action

- (1) *Objective* To assist local Community bodies in combating unemployment and in developing new opportunities for employment by exploiting the potential for local development.
- (2) *Community measures* LEDA programme: Local employment development action.
- (3) *Contents*
- I. Characteristics**
- Research and action programme launched in 1986 by the Commission, to study the strategies used to promote employment and economic development at local level.
 - It is in its third phase (1990-93).
 - It has an annual budget of ECU 1 million.
 - It offers support in the form of advice and technical assistance, complementing other Community programmes geared to the provision of financial support.
- II. Operation**
1. The first phase of the programme consisted of pilot projects in 12 areas within the Member States with a high level of unemployment. Twelve new areas have been selected. Local labour markets which have implemented innovative programmes to promote employment will take part in the programme as 'associated areas' and will form a network, allowing the exchange of technical expertise and the sharing of information.
 2. Group discussions, consultations at local level, conferences, interviews and reports have enabled an examination of the various initiatives introduced.
 3. Economic development and employment initiatives are studied, as are research and other activities carried out in areas where there is a need for priority action.
 4. The lessons drawn from the pilot projects are disseminated through seminars, exchange visits and other educational activities. In addition, reports consisting of general or technical notes for local operators are widely disseminated in cooperation with the Elise network. LEDA magazine is published biannually and LEDA newsletter four times per year.
 5. In 1990 and 1991, efforts will be concentrated on the internal market and its consequences.
- (4) *Deadline for implementation of the legislation in the Member States*
- (5) *Date of entry into force (if different from the above)*

(6) References

(7) Follow-up work

*(8) Commission
implementing
measures*



2. LABOUR MARKET

2.10. Programmes — Creation of employment for specific groups: SPEC — Support programme for employment creation

- (1) *Objective* Providing technical and financial support for all innovative regional or local employment creation projects, with a view to accommodating structural changes on the labour market, particularly in connection with the completion of the internal market.
- (2) *Community measures* SPEC programme: Support programme for employment creation launched by the Commission (DG V) at the request of the European Parliament.
- (3) *Contents*
1. The programme is scheduled for three years, from 1990 to 1992.
 2. Beneficiaries:
 - projects designed to help individuals or local firms to combat unemployment arising from the single market;
 - regions facing employment problems which are given priority under Objectives 1, 2 and 5b of the structural Funds;
 - frontier regions, where projects involve transfrontier cooperation. Priority will be given to innovative measures, pilot schemes and measures which are a direct response to the effect of the single market on employment.
 3. Management

Two bodies are jointly in charge of the programme, in close cooperation with DG V:

 - the International Union of Local Authorities (IULA), which is responsible for managing the programme (publicity, selection of a panel of experts, allocation of financial aid, etc.);
 - Local and Regional Development Planning (LRDP) provides technical assistance (technical documentation for all projects, expert opinions on the effect of the single market on local employment, conference for representatives of all selected projects).

Together they organize information meetings for representatives of the local authorities and public services in Greece, Portugal and Ireland.
 4. Finance

Community grants of between ECU 5 000 and ECU 20 000 are awarded, depending on the nature of the proposed project and the number of beneficiaries.

Co-financing of at least 30% for Objective 1 regions and 50% for other regions must be provided by non-Community sources. The IULA informs the projects selected of the detailed conditions for award of the grant; they have one month in which to accept.
 5. Payment of the grant:
 - 50% when the offer is accepted;
 - 50% upon receipt of a declaration of completion, certifying that the grant was used for the purposes specified in the application.
- (4) *Deadline for implementation of the legislation in the Member States*

(5) Date of entry into force (if different from the above)

(6) References

(7) Follow-up work

(8) Commission implementing measures



2. LABOUR MARKET

2.11. Programmes — Creation of employment for specific groups: Elise — Information on local employment initiatives

- (1) *Objective* To collect, process and disseminate information on a decentralized basis to all partners seeking to promote employment at local level in Europe.
- (2) *Community measures* Elise programme: information programme on local employment initiatives.
- (3) *Contents*
1. The Elise programme (European system of information exchanges for local employment initiatives), was set up in January 1985 on the initiative of Directorate-General V. It is administered by the European Association for Information on Local Development (AEIDL, a non-profit-making association) and has an average annual budget of ECU 400 000.
 2. Elise has designated 'special correspondents' in each Member State to collect information, identify case studies and select press articles.
 - Among the thousands of development agencies, groups of undertakings, local authorities, cooperative federations, professional bodies and training networks in Europe, Elise entrusts the task of dissemination to heads of networks. These heads of local development networks have the duty to pass information to their members and they in turn to their respective audiences (the multiplier effect). Membership of Elise gives them two advantages: access to the Elise magazine and telematics network.
 - An advisory committee comprising experts and organizations representing network user groups advises the administrators on basic policy.
 3. Communications media
 - Elise has three databanks:
 - bibliographical, containing 2 000 references to books, studies and publications;
 - case studies, summaries of 1 000 projects with addresses and contacts;
 - agencies and experts, containing 7 000 addresses and contacts. Access to all of these is free.
 - Elise has a computerized press review available. Articles are taken from the daily press, weekly or monthly magazines and specialist publications.
 - Publications: 'Elise news', a monthly magazine. This contains four pages devoted to European information, a small advertisements section available to subscribers, a list of seminars and conferences and case studies.
 - 'Telematics network': 'Elise weekly', sent every week by electronic mail or fax to Elise members.
 - 'Directory and case studies'. The European directory of development agencies, published in October 1989, includes information on 1 666 agencies in the 12 Member States.

(4) Deadline for implementation of the legislation in the Member States

(5) Date of entry into force (if different from the above)

(6) References

(7) Follow-up work

(8) Commission implementing measures



2. LABOUR MARKET

2.12. Sedoc — Clearing system for employment vacancies and applications: Regulation (EEC) No 1612/68 (Part II)

<i>(1) Objective</i>	To ensure the mobility of labour in the Community by means of a system for matching and clearing vacancies and applications for employment within the Community.
<i>(2) Community measures</i>	Council Regulation (EEC) No 1612/68 of 15 October 1968 on freedom of movement for workers within the Community (Part II).
<i>(3) Contents</i>	<p>I. Collaboration between Member States and with the Commission</p> <p>1. Any study of employment or unemployment undertaken in the context of the free movement of workers shall be conducted on the basis of collaboration between specialist services designated by the Member States and with the Commission.</p> <p>2. The specialist service of each Member State shall send to the specialist services of the other Member States and to the European Coordination Office information concerning living and working conditions and the state of the labour market. They shall ensure that wide publicity is given to such information.</p> <p>II. Machinery for vacancy clearance</p> <p>3. At least once a month the specialist service of each Member State shall send to the specialist services of the other States and to the European Coordination Office a return showing by occupation and by region:</p> <ul style="list-style-type: none"> — vacancies unfilled or unlikely to be filled by manpower from the national labour market; — applicants for employment who are prepared to accept employment in another country. <p>III. Measures for controlling the balance of the labour market</p> <p>4. The Commission shall suspend the operation of the clearance machinery for such time as it sees fit at the request of any Member State which undergoes or foresees disturbances on its labour market which could seriously threaten the standard of living or level of employment in a given region or occupation. (Other points covered by summary 5.17.)</p>
<i>(4) Deadline for implementation of the legislation in the Member States</i>	Not applicable.
<i>(5) Date of entry into force (if different from the above)</i>	

(6) References

Official Journal L 257, 19.10.1968

(7) Follow-up work

*(8) Commission
implementing
measures*



2. LABOUR MARKET

2.13. Sedoc — Clearing system for employment vacancies and applications: Sedoc programme

- (1) *Objective* To promote close cooperation between national employment authorities and to set up appropriate machinery for exchanging job vacancies and applications. Additionally, to provide information on living and working conditions, social security, taxation and administrative procedures to be followed in the host country.
- (2) *Community measures* Sedoc programme — European system for the international clearing of vacancies and applications for employment. Decision taken by the Commission in December 1972.
- (3) *Contents*
1. Targeting
Any national of a Member State seeking work. The system also constitutes a 'shop window' for businesses on the look-out for labour and is a useful source of information for policy-makers and administrators who need data on the available European labour force.
 2. How it operates
Specialized Sedoc services, set up within public employment services, concentrate their activities on placement in Europe. They exchange details of unfilled national vacancies and applications. The Sedoc network consists of national correspondents.
 3. Description of the actions: communication
The specialized Sedoc services exchange lists of unfilled vacancies and applications by telex every 10 days or so, using coded language and standard layouts. A register of occupations based on the ISCO (International Standard Classification of Occupations established by the ILO in Geneva in 1968) is used to establish codes for the various occupations.
 4. Specific activities: the DET-JET pilot project
This project links several local employment agencies situated on both sides of the German-Dutch border. It was set up on the initiative of the German Federal Institute of Labour and Dutch training and placement services, with Commission support.
 5. Looking ahead
 - The Sedoc system is being revised, with a view to providing information on opportunities for living and working elsewhere in Europe. The public employment services must modernize their specialized services so as to ensure that the new information system operates smoothly and that pilot projects can be effectively monitored.
 - The 'human resources' aspect is to be given priority. The effectiveness of the new Sedoc system depends largely on its advice and guidance elements. Such work can be undertaken only by specially trained experts, known as 'Euro-advisers'.
 - The European Bureau of Coordination (BEC) will have a key role to play.
 - Communication media are to be updated. The computerized systems should include a number of registers:
 - a quasi-permanent register of functions and diplomas;
 - a periodically updated register on living and working conditions;

- quasi-instantaneous response to employment vacancies and applications.
- Sedoc representatives meet regularly to discuss the system's modernization, and conferences and seminars are also organized.

(4) Deadline for implementation of the legislation in the Member States

Not applicable.

(5) Date of entry into force (if different from the above)

Not applicable.

(6) References

(7) Follow-up work

(8) Commission implementing measures



2. LABOUR MARKET

2.14. Sedoc — Clearing system for employment vacancies and applications: revision of Regulation (EEC) No 1612/68 (Part II)

<i>(1) Objective</i>	To encourage Member States to distribute their vacancies and applications for employment within the context of the mobility of workers in the Community; to provide a high-quality service for those in search of employment; to simplify administrative procedures.		
<i>(2) Proposal</i>	Proposal for a Council Regulation (EEC) amending the second part of Regulation (EEC) No 1612/68 on freedom of movement for workers within the Community (see also that part of the Chapter entitled 'Freedom of movement for workers and the professions' which is devoted to the completion of the internal market).		
<i>(3) Contents</i>	<ol style="list-style-type: none"> 1. The Regulation provides for the removal of restrictions on the selection of vacancies to be processed through the exchange system so as to encourage the employment services to distribute all vacancies which might interest Community workers. 2. A distinction is made between applicants who have formally expressed the wish to work in another Member State and those who are ready and able to accept employment in another country of the Community. 3. The Regulation simplifies the procedure for the exchange of vacancies and applications for employment. 4. The Commission will produce a report based on the information supplied by the Member States. The Commission and the Member States will engage in regular joint analyses of the results of the Community arrangements in this area. 		
<i>(4) Opinion of the European Parliament</i>	Not yet delivered.		
<i>(5) Current status</i>	The proposal is currently awaiting the opinion of the European Parliament.		
<i>(6) References</i>	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Commission proposal COM(91) 316 final Economic and Social Committee opinion</td> <td style="width: 50%;"> <p>Official Journal C 254, 28.9.1991</p> <p>Not yet published in the Official Journal</p> </td> </tr> </table>	Commission proposal COM(91) 316 final Economic and Social Committee opinion	<p>Official Journal C 254, 28.9.1991</p> <p>Not yet published in the Official Journal</p>
Commission proposal COM(91) 316 final Economic and Social Committee opinion	<p>Official Journal C 254, 28.9.1991</p> <p>Not yet published in the Official Journal</p>		

2. LABOUR MARKET

2.15. European Social Fund measures: Regulation (EEC) No 2052/88

<i>(1) Objective</i>	To specify and rationalize the tasks of the structural Funds (ERDF, EAGGF, ESF) with a view to strengthening the Community's economic and social cohesion.
<i>(2) Community measures</i>	Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments.
<i>(3) Contents</i>	<p>1. Objectives</p> <p>The European Social Fund contributes towards:</p> <ul style="list-style-type: none">— promoting the development and structural adjustment of regions whose development is lagging behind (Objective 1);— converting regions, frontier regions or parts of regions (employment areas and urban communities) seriously affected by industrial decline (Objective 2);— combating long-term unemployment (Objective 3);— facilitating the occupational integration of young people (Objective 4);— promoting the development of rural areas (Objective 5 b). <p>2. Means</p> <p>The structural Funds and the EIB contribute to the attainment of the objectives. Other financial instruments may also contribute.</p> <p>3. Tasks of the ESF</p> <p>The ESF is designed primarily to provide support throughout the Community for vocational training measures and aids for employment and for the creation of self-employed activities, in order to combat long-term unemployment and integrate young people into working life. The following categories of persons qualify for ESF support:</p> <ul style="list-style-type: none">— the long-term unemployed;— young people who have completed the compulsory full-time education period;— people out of work, those at risk of unemployment or other categories of persons, with the aim of providing them with the requisite occupational qualifications. <p>ESF support takes into account the requirements of the labour markets and the priorities laid down in employment policies within the Community.</p> <p>4. Arrangements for structural operations</p> <ul style="list-style-type: none">— Community operations are intended to complement or contribute to national operations. Close consultation between the Commission and the Member State concerned, known as 'partnership', covers the preparation, financing, monitoring and assessment of operations.— Financial assistance provided by the structural Funds, the EIB and other Community financial instruments takes a variety of forms such as part-financing of operational programmes, part-financing of a national aid scheme, provision of global grants or support for technical assistance and studies in preparation for operations.



5. Transitional provisions cover the application of rules governing the structural Funds in force prior to the adoption of this Regulation.
6. Before 1 November of each year, the Commission must submit to the European Parliament, to the Council and to the Economic and Social Committee a report on the implementation of this Regulation during the preceding year.
7. The Council is to re-examine this Regulation five years after its entry into force.

(4) Deadline for implementation of the legislation in the Member States

Not applicable.

(5) Date of entry into force (if different from the above)

1.1.1989

(6) References

Official Journal L 185, 15.7.1988

(7) Follow-up work

On 19 December 1988 the Council adopted Regulation (EEC) No 4253/88 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments, and Regulation (EEC) No 4255/88 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund (Official Journal L 374, 31.12.1988).

(8) Commission implementing measures

2. LABOUR MARKET

2.16. European Social Fund measures: Regulation (EEC) No 4253/88

- (1) Objective* To lay down provisions for implementing Regulation (EEC) No 2052/88 so that the new financial means allocated to the Funds are used in compliance with the new rules and in accordance with the guidelines of the European Council.
- (2) Community measures* Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments.
- (3) Contents*
1. Coordination
The Commission ensures coordination of the activities of the different Funds between themselves and with the operations of the European Investment Bank (EIB) and other existing financial instruments. It seeks the assistance of the EIB in preparing its decisions, where necessary.
 2. Plans
The scope, content and duration of plans to be submitted by the Member States, and the time limits for submission, are specified. The Commission may provide Member States, at their request, with any technical assistance necessary for the preparation of plans.
 3. Community support frameworks
Guidelines are given on the content and duration of such frameworks and on the time limit within which they are to be established by the Commission in agreement with the Member State concerned. It is necessary to ensure that any increase in appropriations from the Funds has a genuine additional economic impact in the regions concerned. Assistance from the Funds must be provided mainly in the form of part-financing of operational programmes.
 4. Assistance from the Funds
The general conditions governing the processing of applications for financial assistance are specified, as are the conditions for providing global grants, part-financing of projects and financing of studies and technical assistance.
 5. Differentiation of Community assistance
Steps are to be taken to ensure that technical and administrative difficulties, particularly in regions whose development is lagging behind, do not result in inadequate take-up of budgetary resources. A measure of flexibility in the implementation of the reform of the Funds is ensured by the method of fixing the rates of assistance from the Funds.
 6. Financial provisions
Common rules and procedures on commitments, payments and control are laid down. The Community's financial entitlements and obligations with respect to the Funds are expressed in ecus.
 7. Monitoring and assessment
In order to assess the impact of assistance, arrangements for the monitoring and assessment of structural action are laid down.



8. Committees

The composition and tasks of the committees set up to assist the Commission are laid down.

9. Reports and publicity

The content of the annual reports is specified. In the annual report of the year preceding completion of the internal market, the Commission must consider the extent to which the Community has become cohesive and the impact of the implementation of Community policies. Adequate publicity is to be given to Community assistance.

10. Transitional arrangements for assistance from the Funds which was approved or applied for before the entry into force of the implementing regulations are determined more specifically.

(4) Deadline for implementation of the legislation in the Member States

Not applicable.

(5) Date of entry into force (if different from the above)

1.1.1989

(6) References

Official Journal L 374, 31.12.1988

(7) Follow-up work

(8) Commission implementing measures

2. LABOUR MARKET

2.17. European Social Fund measures: Regulation (EEC) No 4255/88

- (1) *Objective* To define the various types of measures to be supported by the European Social Fund, eligible expenditure, arrangements for the submission of plans, applications for assistance from the Fund and forms of assistance.
- (2) *Community measures* Council Regulation (EEC) No 4255/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund.
- (3) *Contents*
1. Eligible operations:
 - vocational training operations, accompanied where necessary by vocational guidance;
 - subsidies towards recruitment into newly created stable jobs and towards the creation of self-employed activities.The Fund also contributes up to 5% of its annual budget to the financing of:
 - operations of an innovatory nature which are intended to test new approaches to the content, method and organization of vocational training;
 - preparatory, accompanying and management measures needed for the implementation of this Regulation;
 - measures aimed at staff from undertakings in two or more Member States, concerning the transfer of special knowledge relating to the modernization of the production apparatus;
 - guidance and advice for the reintegration of the long-term unemployed.
 2. Scope
Fund assistance is granted:
 - (a) as regards its priority Objectives (3 and 4), throughout the Community, to operations intended to:
 - combat long-term unemployment by means of the occupational integration of persons aged over 25 who have been unemployed for more than 12 months;
 - facilitate the occupational integration of persons under 25 who are seeking employment;
 - (b) as regards Objectives 1, 2 and 5 b, to measures intended to:
 - encourage job stability and develop new employment possibilities for persons who are unemployed, threatened with unemployment or employed in small and medium-sized enterprises;
 - facilitate vocational training for any working person involved in achieving the development and conversion objectives of an integrated programme;
 - (c) as regards Objective 1, operations for persons:
 - under apprenticeship contracts;
 - trained under national secondary vocational education systems;
 - participating in non-productive projects which fulfil a public need (long-term unemployed persons over the age of 25).
 3. Eligible expenditure
Expenditure to cover:
 - the income of persons receiving vocational training;



- the cost of preparing, operating, managing and assessing vocational training operations and the subsistence and travel costs of those covered by such operations;
- the granting of subsidies towards recruitment per person;
- the cost of other operations.

The Commission determines for each Member State the indicative average amounts for such expenditure to be borne by the Fund according to the type of training involved, in order to ensure that Fund expenditure for operations of the same type does not develop in different ways.

4. Guidelines

The Commission was required to establish, before 15 February 1989, the guidelines concerning action under Objectives 3 and 4 which are to be followed in defining the Community support frameworks. Apart from regions covered by Objectives 1, 2 and 5 b, priority must be given to measures that meet the requirements and prospects of the labour market.

5. Plans

Plans must indicate, in particular, estimates with respect to the disparity between job applications and vacancies, including data on female employment, the nature of unfilled vacancies and the occupational opportunities which appear on labour markets.

6. Forms of assistance — Submission of applications

Applications for assistance are to be presented in the form of operational programmes, global grant schemes (preparatory, accompanying, management and assessment measures) or other measures in respect of which detailed information must be given. Applications must be submitted at least three months before the start of operations.

7. Monitoring

The Commission may carry out on-the-spot checks, if necessary by means of representative sample checks.

8. Transitional provisions are laid down.

(4) Deadline for implementation of the legislation in the Member States

Not applicable.

(5) Date of entry into force (if different from the above)

1.1.1989

(6) References

Official Journal L 374, 31.12.1988

(7) Follow-up work

(8) Commission implementing measures

2. LABOUR MARKET

2.18. Euroform — New professional qualifications, new skills and new employment opportunities

<i>(1) Objective</i>	To grant Community assistance to transnational activities concerning professional qualifications and skills induced by the completion of the internal market and technological change; to promote convergence of professional skills in the Community, as well as the vocational and geographical mobility of workers.
<i>(2) Community measures</i>	Notice to the Member States laying down guidelines for operational programmes/global grants which Member States are invited to establish, in the framework of a Community initiative concerning new qualifications, new skills and new employment opportunities (Euroform initiative).
<i>(3) Contents</i>	<p>1. Eligible measures are those concerned with setting up and operating:</p> <ul style="list-style-type: none">— transnational partnerships between administrations or public or private bodies responsible for vocational training and promotion of employment. The main beneficiaries of such activities are the long-term unemployed, young people, people employed in SMEs, and people who are unemployed, threatened with unemployment or on apprenticeship contracts;— consortia aiming to prepare, programme and implement training and employment measures at regional, local, sectoral or technological level. <p>2. The Euroform initiative is co-financed by the Member States and the Community. The total contribution from the structural Funds during the period 1990-93 is estimated at ECU 300 million. The Community's budgetary contribution depends on the Community dimension of the partnerships, the quality of the programmes and the national and regional situations and capacities.</p> <p>3. The Community will reinforce other Community programmes (Eurotecnnet, Force, LEDA, ERGO), at the same time ensuring their consistency with the objectives of the structural Funds.</p> <p>4. The Member States are invited to present their proposals for operational programmes or global grants and identify them separately according to the objectives of the structural Funds. Priority is being given to proposals submitted in the six months following publication of the notice in the Official Journal, i.e. before 29 June 1991.</p>
<i>(4) Deadline for implementation of the legislation in the Member States</i>	Not applicable.
<i>(5) Date of entry into force (if different from the above)</i>	



(6) References

(7) Follow-up work

*(8) Commission
implementing
measures*

Official Journal C 327, 29.12.1990

2. LABOUR MARKET

2.19. NOW — Equal opportunities

<i>(1) Objective</i>	To provide Community funding for transnational action programmes in the areas of vocational training and promotion of employment for women under Article 11 of Council Regulation (EEC) No 4253/88.
<i>(2) Community measures</i>	Notice to the Member States laying down guidelines for operational programmes/global grants, which Member States are invited to establish, within the framework of a Community initiative to promote equal opportunities for women in the field of employment and vocational training (NOW initiative).
<i>(3) Contents</i>	<p>1. Measures in the following areas will be eligible:</p> <ul style="list-style-type: none">— training and financial assistance for women setting up small businesses and cooperatives;— advice and guidance for women returning to work following long-term unemployment or a career break, vocational training and employment promotion;— complementary measures to develop childcare facilities and technical assistance financed to increase the effectiveness of other actions. <p>2. The initiative is financed jointly by the Member States and the Community. The contribution from the structural Funds, the main source being the European Social Fund, over the period 1990-93 is estimated at ECU 120 million. The contribution from the Community budget takes account of the nature and extent of the problems, the quality of the actions and the funding available from national and regional authorities.</p> <p>3. This initiative forms an integral part of the third Equal opportunities programme.</p> <p>4. Member States are invited to submit proposals for operational programmes or global grants separately in accordance with the structural Funds objectives. Priority will be given to proposals submitted within six months of publication of the communication in the Official Journal.</p>
<i>(4) Deadline for implementation of the legislation in the Member States</i>	Not applicable.
<i>(5) Date of entry into force (if different from the above)</i>	
<i>(6) References</i>	Official Journal C 327, 29.12.1990
<i>(7) Follow-up work</i>	
<i>(8) Commission implementing measures</i>	



2. LABOUR MARKET

2.20. Horizon — The handicapped and disadvantaged groups

(1) Objective To provide Community aid to improve the conditions of access to the labour market and the competitive skills of handicapped persons, as well as gaining a better understanding of the problems of long-term unemployment and the deterioration in the socio-economic situation of certain population groups.

(2) Community measures Notice to the Member States laying down guidelines for operational programmes/global grants, which Member States are invited to establish in the framework of a Community initiative concerning handicapped persons and certain other disadvantaged groups (Horizon initiative).

(3) Contents

1. 'Handicapped' persons are those with serious handicaps resulting from physical or mental impairments. 'Disadvantaged' persons are those suffering from specific difficulties which hinder or act as a brake on their economic and social integration.
2. The principal eligible measures are:
 - transnational actions involving exchanges of training programmes, trainers or trainees, e.g. vocational training in new technologies, adaptation of infrastructure to take account of the specific needs of handicapped persons, and aids to the setting up of SMEs and cooperatives;
 - pilot projects involving the provision of guidance and counselling, vocational training, the exchange of persons involved in the social integration of disadvantaged persons, measures to combat problems of language, aids to recruitment and business creation, and the setting up of places of transit for multiple and collective use by persons forced to adapt quickly to completely new socio-economic situations.
3. This initiative is co-financed by the Member States and the Community. The total contribution from the structural Funds during the period 1990-93 is estimated at ECU 180 million. The rates of assistance are decided in accordance with the regulations governing the Funds, taking account of the financing capacity of the national and regional authorities.
4. The Member States are invited to present their proposals separately according to the objectives of the Funds. Priority is being given to proposals submitted in the six months following publication of the notice in the Official Journal.

(4) Deadline for implementation of the legislation in the Member States Not applicable.

(5) Date of entry into force (if different from the above)

(6) References

(7) Follow-up work

*(8) Commission
implementing
measures*

Official Journal C 327, 29.12.1990



3. EMPLOYMENT AND PAY

3.1. Current problems and objectives for 1992: Social Charter

'Every individual shall be free to choose and engage in an occupation according to the regulations governing each occupation.

All employment shall be fairly remunerated.

To this end, in accordance with arrangements applying in each country:

- workers shall be assured of an equitable wage, i.e. a wage sufficient to enable them to have a decent standard of living;
- workers subject to terms of employment other than an open-ended full-time contract shall benefit from an equitable reference wage;
- wages may be withheld, seized or transferred only in accordance with national law; such provisions should entail measures enabling the worker concerned to continue to enjoy the necessary means of subsistence for him or herself and his or her family.

Every individual must be able to have access to public placement services free of charge.'

3. EMPLOYMENT AND PAY

3.2. Current problems and objectives for 1992: Commission's action programme — Introduction

The Commission considers that the responsibilities and therefore the onus to take initiatives in matters relating to employment and pay lie principally with the Member States and both sides of industry in accordance with national practices in respect of both legislation and agreements.

The Commission feels that in a Community of 12 industrialized countries everyone should be guaranteed an equitable wage. It intends to act in close cooperation with the Member States by delivering an opinion along these lines.

The Commission also believes that the growing, widespread use and very diverse forms of employment contract other than the open-ended type necessitate a Community framework providing a minimum level of consistency between these different forms in order to avoid distortions of competition and to increase the transparency of the labour market at Community level.



3. EMPLOYMENT AND PAY

3.3. Current problems and objectives for 1992: Commission's action programme — Initiatives

OPINION ON THE INSTITUTION OF AN EQUITABLE WAGE BY THE MEMBER STATES (summary 3.4)

In the Commission's view, the fixing of wages is entirely the responsibility of the Member States and the two sides of industry. Wages are often set by collective agreements or in accordance with practices applied in the different Member States with reference to such agreements.

Most Member States do in fact guarantee workers the right to a wage which is sufficient to ensure them and their families a decent standard of living, either through the Constitution, ordinary legislation or on the basis of international agreements to which they have subscribed. Nevertheless, it is a fact that the difficulties affecting the labour market have given rise to wages which no longer provide for a decent standard of living. The reasons for this are complex, but they certainly include the economic situation, the lack of vocational training and insufficient qualifications.

It is not up to the Community to fix a decent reference wage. The criteria differ from one Member State to another, which is why this matter must be dealt with at national level.

However, the Commission feels that it is its duty to provide an assessment of what is a major problem for a significant proportion of workers and to act in close cooperation with the Member States by delivering an opinion. The Commission has therefore drawn up an opinion on this.

DIRECTIVES ON CONTRACTS AND EMPLOYMENT RELATIONSHIPS OTHER THAN THE FULL-TIME OPEN-ENDED TYPE (summaries 3.5 to 3.7)

Two proposals for Directives in this field were tabled by the Commission in 1982.

The first concerned part-time voluntary work (this proposal was amended by the Commission in 1983), whereas the second dealt with temporary work and fixed-term contracts.

Neither proposal succeeded. The second one was never discussed at length by the competent Council group.

The Commission feels that these texts must now be amended and adapted to the present situation. It has therefore presented three proposals for Directives, one of which, supplementing the measures to promote the improvement of the health protection and safety of workers on fixed-term and temporary employment contracts, was adopted by the Council in June 1991. The Commission regards this new Directive and the two proposals as extremely important (summary 3.7). Even if the so-called atypical forms of work are disputed by certain parties, they still constitute an important factor in the organization of the labour market. Part-time work in all its forms, temporary work, fixed-term employment, etc. have become much more common in recent years, often with no proper controls.

If care is not exercised, there is a risk of employment conditions at Community level developing in a manner which would pose problems in terms of social dumping and even distortion of competition.

The Directive and the two remaining lay down minimum Community requirements for working conditions and social protection which should be complied with in all Member States in connection with contracts or employment relationships of this type.

They correspond to three different objectives :

- better operation of the internal market and greater transparency of the labour market in the context of economic and social cohesion ;
- improvement of workers' living and working conditions ;
- protection of workers' health and safety at work.

From the Commission's point of view, the aim is to establish various fundamental provisions which respect both the need of undertakings for flexibility and the aspirations of certain workers (summaries 3.5 and 3.6).



3. EMPLOYMENT AND PAY

3.4. Fair pay arrangements

- (1) *Objective* To step up efforts to combat discrimination in the labour market and adapt information tools to the context of a frontier-free area using a variety of Community measures — subsidiary to the main action undertaken by Member States.
- (2) *Proposal* Commission opinion on an equitable wage.
- (3) *Contents* With a view to implementing the Social Charter, the Commission reaffirms the right of individuals to an equitable wage for the work they do (as opposed to a minimum wage). This right may be guaranteed by observing the following main principles:
- its incorporation in the process of achieving economic and social cohesion and the harmonious development of the Community;
 - the search for higher productivity and high-quality employment;
 - the elimination of discriminatory wage practices;
 - the reassessment of attitudes to traditionally low-paid groups.
- To achieve these objectives Member States should give substance to the commitment they made in the Social Charter to ensure the right of every worker to an equitable wage irrespective of sex, race, religion, ethnic origin or nationality. They should take account of these principles in formulating their economic and social policies and implement the following measures:
- improve the transparency of the labour market as regards wages, in particular by establishing better systems for the collection and dissemination of information on wage structures and fair reference wages;
 - ensure that the right to an equitable wage is respected by protecting groups in the labour market which are particularly vulnerable and open to discrimination.
- Protection against discrimination could be provided by a combination of national and Community legislative and administrative measures, collective bargaining and, possibly, the introduction of codes of good practice and better arrangements for providing information about the labour market. Member States must also ensure that these measures do not force low-paid workers into the informal economy or encourage recourse to unlawful employment practices. The Commission proposes to take measures to improve the quality of information available in the Community and its dissemination for use as a basis for discussion at both national and Community level. It will also help ensure that vocational training matches more closely the changing needs for qualifications and retraining of both workers and firms. Finally, it will encourage the exchange of information at European level on wage practices within firms. The Commission will draw up a report within three years on the progress made and obstacles encountered on the basis of information provided by Member States.
- (4) *Opinion of the European Parliament*
- (5) *Current status* The Economic and Social Committee is currently preparing its opinion on the proposal.

(6) References

Commission proposal
SEC(91) 2116

Not yet published in the Official
Journal



3. EMPLOYMENT AND PAY

3.5. Atypical work: certain employment relationships — Working conditions

- (1) *Objective* To define basic provisions aimed at improving the living and working conditions of part-time and/or temporary workers, in particular so that they enjoy equal treatment to that of other employees (e.g. regarding access to training and social services).
- (2) *Proposal* Proposal for a Council Directive on certain employment relationships with regard to working conditions.
- (3) *Contents*
1. Scope:
 - part-time employment relationships involving shorter working hours than statutory, collectively agreed or usual working hours;
 - temporary employment relationships in the form of employment governed by a fixed-duration contract (including seasonal work) or temporary employment through a temporary employment agency.
 The proposal covers employees in public and private undertakings, with the exception of those whose average weekly working time is less than eight hours.
 2. Access to vocational training and social services provided by the undertaking and the right to benefits in cash and in kind under social assistance schemes or non-contributory social security schemes must be granted to such workers under conditions comparable to those enjoyed by workers employed full-time for an indefinite duration.
 3. The employer must:
 - take these workers into account in calculating the threshold at which workers' representative bodies must be set up;
 - inform the workers' representative bodies of his intention to use part-time and/or temporary workers;
 - give reasons for having recourse to temporary work;
 - inform these workers of any plans to recruit employees for full-time work of indefinite duration in time for them to be able to apply.
 4. The Member States must take the appropriate measures to ensure that:
 - clauses preventing the conclusion of a contract of employment between the user undertaking and a temporary employee supplied by a temporary employment agency are null and void;
 - the contractual obligations (especially the payment of remuneration and social security contributions) of a temporary employment agency are fulfilled where that business cannot do so.
 5. Member States may apply or introduce provisions which are more favourable to workers.
- (4) *Opinion of the European Parliament* Parliament did not accept the Commission's proposal.
- (5) *Current status* The proposal is currently before the Council for adoption.

(6) References

Commission proposal COM(90) 228/I final	Official Journal C 224, 8.9.1990
European Parliament opinion Economic and Social Committee opinion	Official Journal C 324, 24.12.1990 Official Journal C 332, 31.12.1990



3. EMPLOYMENT AND PAY

3.6. Atypical work: certain employment relationships — Distortions of competition

(1) <i>Objective</i>	To eliminate distortions of competition which may result from differences between undertakings in the Member States in the treatment of part-time and/or temporary employment relationships.								
(2) <i>Proposal</i>	Proposal for a Council Directive on certain employment relationships with regard to distortions of competition.								
(3) <i>Contents</i>	<p>1. Scope:</p> <ul style="list-style-type: none"> — part-time employment relationships involving shorter working hours than statutory, collectively agreed or usual hours; — temporary employment relationships in the form of employment governed by a fixed-duration contract (including seasonal work) or temporary employment through a temporary employment agency. <p>The proposal covers employees in public and private undertakings with the exception of those whose average weekly working time is less than eight hours.</p> <p>2. These workers must be afforded social protection under social security schemes on the same basis and according to the same criteria as workers employed full-time/for an indefinite duration.</p> <p>3. Part-time workers must be afforded the same entitlements to annual holidays, dismissal allowances and seniority allowances as full-time employees, in proportion to the total hours worked.</p> <p>4. A temporary employment relationship may not replace an existing job; national laws must provide for a limit on the renewal of temporary employment relationships for a given job so that the total period of employment does not exceed 36 months; provision must be made for some form of equitable allowance in the event of an unjustified break in the employment relationship before the term fixed.</p>								
(4) <i>Opinion of the European Parliament</i>	First reading: the European Parliament approved the proposal subject to 37 amendments, some of which have been accepted by the Commission (in particular to allow Member States to introduce horizontal measures improving protection for workers).								
(5) <i>Current status</i>	The revised proposal incorporating Parliament's amendments accepted by the Commission is currently before the Council for the drafting of a common position.								
(6) <i>References</i>	<table border="0" style="width: 100%;"> <tr> <td style="padding-right: 20px;">Commission proposal COM(90) 228/II final</td> <td>Official Journal C 224, 8.9.1990</td> </tr> <tr> <td style="padding-right: 20px;">Amended proposal COM(90) 533/I final</td> <td>Official Journal C 305, 5.12.1990</td> </tr> <tr> <td style="padding-right: 20px;">European Parliament opinion First reading</td> <td>Official Journal C 295, 26.11.1990</td> </tr> <tr> <td style="padding-right: 20px;">Economic and Social Committee opinion</td> <td>Official Journal C 332, 31.12.1990</td> </tr> </table>	Commission proposal COM(90) 228/II final	Official Journal C 224, 8.9.1990	Amended proposal COM(90) 533/I final	Official Journal C 305, 5.12.1990	European Parliament opinion First reading	Official Journal C 295, 26.11.1990	Economic and Social Committee opinion	Official Journal C 332, 31.12.1990
Commission proposal COM(90) 228/II final	Official Journal C 224, 8.9.1990								
Amended proposal COM(90) 533/I final	Official Journal C 305, 5.12.1990								
European Parliament opinion First reading	Official Journal C 295, 26.11.1990								
Economic and Social Committee opinion	Official Journal C 332, 31.12.1990								

3. EMPLOYMENT AND PAY

3.7. Atypical work: temporary workers — Health and safety

- (1) *Objective* To improve protection of the safety and health of temporary workers, who are more exposed to the risk of accidents at work and occupational diseases than other workers (supplementing the provisions of framework Directive 89/391/EEC).
- (2) *Community measures* Council Directive 91/383/EEC of 25 June 1991 supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed-duration employment relationship or a temporary employment relationship.
- (3) *Contents*
1. Scope:
 - employment relationships governed by a fixed-duration contract (concluded directly between the employer and the worker);
 - temporary employment relationships concluded between a temporary employment business (the employer) and workers.
 2. The workers concerned are afforded the same conditions as regards health and safety at work as other workers in the undertaking; there is no justification for any difference in treatment under the employment relationship with respect to the health and safety aspects of working conditions, particularly regarding access to personal protective equipment. The provisions of Directive 89/391/EEC and specific Directives apply fully without prejudice to the more binding and/or more specific provisions contained in the Directive.
 3. A temporary worker must be informed beforehand of any risks he faces in any activity he takes up. He must be informed of any special occupational qualifications or skills or special medical surveillance required, and whether the job falls within the category of major risks as defined in national legislation.
 4. A temporary worker must receive sufficient training appropriate for the specific aspects of the job.
 5. Temporary workers must not be used for work requiring special medical surveillance over a long period. Where exceptions are made, medical surveillance must continue beyond the term of the temporary employment contract.
 6. Member States may ban the use of temporary workers for work that is particularly dangerous, especially work requiring special medical surveillance. Where Member States do not avail themselves of this option, they must adopt the necessary measures to ensure that the temporary workers and those who are called on to perform work requiring special medical surveillance are given it. They may provide that such surveillance should continue beyond the end of the employment relationship.
 7. For the duration of the assignment, the user undertaking is responsible for the safety, health and hygiene conditions under which the worker has to work, without prejudice to the responsibility of the temporary employment business.
 8. The persons or departments responsible for ensuring that the preventive health rules are complied with must be notified of any assignment of temporary workers.



9. This Directive is without prejudice to national or Community provisions applying or introducing provisions more favourable to workers.

(4) Deadline for implementation of the legislation in the Member States

31.12.1992

(5) Date of entry into force (if different from the above)

(6) References

Official Journal L 206, 29.7.1991

(7) Follow-up work

(8) Commission implementing measures

1. The Member States must inform the Commission of the provisions of internal law adopted or to be adopted.
2. They are to send a report to the Commission every five years on the practical implementation of the provisions in the Directive, stating the viewpoints of the two sides of industry.
3. The Commission must convey the reports to the European Parliament, the Council, the Economic and Social Committee and the Advisory Committee on Safety, Hygiene and Health Protection at Work.
4. The Commission is to present a periodic report to the European Parliament, the Council and the Economic and Social Committee on the implementation of the Directive.

4. IMPROVED LIVING AND WORKING CONDITIONS

4.1. Current problems and objectives for 1992: Social Charter

'The completion of the internal market must lead to an improvement in the living and working conditions of workers in the European Community. This process must result from an approximation of these conditions while the improvement is being maintained, as regards in particular the duration and organization of working time and forms of employment other than open-ended contracts, such as fixed-term contracts, part-time working, temporary work and seasonal work.

The improvement must cover, where necessary, the development of certain aspects of employment regulations such as procedures for collective redundancies and those regarding bankruptcies.

Every worker of the European Community shall have a right to a weekly rest period and to annual paid leave, the duration of which must be progressively harmonized in accordance with national practices.

The conditions of employment of every worker of the European Community shall be stipulated in laws, a collective agreement or a contract of employment, according to arrangements applying in each country.'



4. IMPROVED LIVING AND WORKING CONDITIONS

4.2. Current problems and objectives for 1992: Commission's action programme — Introduction

In the Community, 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 social partners to develop at European level leading, if they consider it desirable, to relations based on agreement (Article 118b).

There are three instruments of a Community nature in this field:

- Council Directive 77/187/EEC on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of businesses (summary 4.4);
- Council Directive 75/129/EEC on the approximation of the laws of the Member States relating to collective redundancies (summary 4.8);
- Council Directive 80/987/EEC on the insolvency of employers (summary 4.5).

The Commission believes that the Directive on collective redundancies needed to be expanded to cover developments which have since occurred in this field, especially to cover cases where the redundancy decision is taken by a decision-making centre or undertaking located in another Member State. It has therefore presented a proposal for a Directive, on which Parliament and the Economic and Social Committee are currently preparing opinions (summary 4.4).

The Commission also felt that minimum requirements could usefully be defined for specific employment situations existing in all the Member States, since the arrangement of working time, its flexibility and organization have undergone significant developments without a legal framework. The Commission therefore put forward a proposal which is now being amended with a view to adoption of a joint position by the Council (summary 4.6).

In addition, given the increased freedom of movement of workers, it was necessary to introduce provisions enabling workers to possess a document serving as proof of an employment contract or relationship (summary 4.7). On 14 October 1991 the Council adopted the appropriate Directive.

Finally, 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. In December 1989, the European Council meeting in Strasbourg requested a list of the immigration policies of the Member States. In December 1990, in Rome, it expressed the wish that the following three fields be examined in more detail:

- assistance for the countries from which the workers have emigrated;
- conditions of entry into the Community;
- aid for the social integration of immigrants.

The Commission proposes drawing up a communication in order to develop these questions.

4. IMPROVED LIVING AND WORKING CONDITIONS

4.3. Current problems and objectives for 1992: Commission's action programme — Initiatives

REVISION OF COUNCIL DIRECTIVE 75/129/EEC OF 17 FEBRUARY 1975 ON THE APPROXIMATION OF THE LAWS OF THE MEMBER STATES PERTAINING TO COLLECTIVE REDUNDANCIES (summaries 4.8 and 4.9)

Council Directive 75/129/EEC 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, socioeconomic 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. The Commission therefore sent the Council a proposal amending Directive 75/129/EEC.

DIRECTIVE FOR THE ADAPTATION OF WORKING TIME (summary 4.6)

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

The Council of Ministers for 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 well-being and health of workers.

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

The Commission has therefore proposed minimum requirements concerning certain aspects of the adaptation of working time (summary 4.6).

COUNCIL DIRECTIVE 91/533/EEC OF 14 OCTOBER 1991 ON THE EMPLOYER'S OBLIGATION TO INFORM WORKERS OF THE CONDITIONS APPLICABLE TO THE CONTRACT OR RELATIONSHIP OF EMPLOYMENT (summary 4.7)

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 Community workers must have the right to have their 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.

This Directive, adopted by the Council on 14 October 1991, is designed to grant 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 must 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 does not cover those persons who, in the public sector, are subject to public service regulations.

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. A Commission proposal is expected to be made in 1991.

4. IMPROVED LIVING AND WORKING CONDITIONS

4.4. Transfers of undertakings — Safeguarding of employees' rights

- (1) *Objective* Since economic trends are bringing in their wake, at both national and Community level, changes in the structure of undertakings, there is a need to provide for the protection of employees in the event of a change of employer, and in particular to ensure that their rights are safeguarded.
- (2) *Community measures* Council Directive 77/187/EEC of 14 February 1977 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of businesses.
- (3) *Contents*
1. The Directive applies to the transfer of an undertaking, business or part of a business to another employer as a result of a legal transfer or merger, in so far as the undertaking, business or part of the business to be transferred is situated within the territorial scope of the EEC Treaty. The Directive does not apply to sea-going vessels.
 2. Definitions of the terms 'transferor', 'transferee' and 'employees' representatives'.
 3. The rights and obligations arising from a contract of employment or from an employment relationship existing at the time of the transfer are transferred to the new employer. Member States may provide that, in addition to the transferee, the transferor continues to be liable in respect of obligations arising from the contract of employment. The terms and conditions agreed in the collective agreement continue to apply until the date of termination or expiry of the agreement or the entry into force of another agreement. The period during which the terms and conditions remain applicable may be limited in time, with the proviso that it shall not be less than one year. Maintenance of rights does not apply to old-age, invalidity or survivors' benefits under supplementary pension schemes outside the statutory schemes. Member States are required to adopt the necessary measures to protect the rights of employees and of persons no longer employed in the transferor's business.
 4. The transfer does not constitute grounds for dismissal, which may only take place for economic, technical or organizational reasons or when Member States make exceptions in respect of certain specific categories of employees. In all other cases the employer is regarded as having been responsible for termination of the employment.
 5. The status and function of employees' representatives are preserved unless, under the provisions or practice of a Member State, the conditions necessary for re-appointment of employees' representatives are fulfilled. If the term of office of the representatives expires on the occasion of the transfer, the representatives continue to enjoy the protection provided by the laws, regulations, administrative provisions or practice of the Member State.
 6. The former employer and the new employer are required to inform the representatives of their respective employees in good time of the reasons for the transfer, the legal, economic and social implications, and the measures envisaged in relation to the employees. This information must be given for the employees transferred before their transfer is carried out, and in any event for all employees before they



are directly affected as regards their conditions of work and employment. When the former employer or the new employer envisage measures in relation to their employees, they must consult the employees' representatives in good time with a view to seeking agreement. Member States whose provisions provide for recourse to an arbitration board may limit the obligations concerning information and consultation where the transfer gives rise to serious disadvantages for a considerable number of the employees. Member States may provide that where there is no employees' representative the employees concerned must be informed in advance when a transfer is about to take place.

(4) Deadline for implementation of the legislation in the Member States

(5) Date of entry into force (if different from the above)

(6) References

Official Journal L 61, 5.3.1977

(7) Follow-up work

(8) Commission implementing measures

Two years after the entry into force of the Directive Member States must forward all relevant information to the Commission, in order to enable it to draw up a report on the application of the Directive for submission to the Council.

4. IMPROVED LIVING AND WORKING CONDITIONS

4.5. Insolvency of the employer

- (1) *Objective* To guarantee payment of outstanding claims to employees in the event of insolvency of their employer.
- (2) *Community measures* Council Directive 80/987/EEC of 20 October 1980 on the approximation of the laws of the Member States relating to the protection of employees in the event of the insolvency of their employer.
- (3) *Contents*
1. This Directive applies to employees' claims arising from contracts of employment or work relations and existing against employers who are in a state of insolvency within the meaning of the Directive. It does not prejudice national law as regards the definition of the terms 'employee', 'employer', 'pay', 'right conferring immediate entitlement' and 'right conferring prospective entitlement'. Member States may, by way of exception, exclude claims by certain categories of employee. The Directive does not apply to Greenland.
 2. Guarantee institutions shall guarantee payment of employees' outstanding claims relating to pay for the period prior to the onset of the employer's insolvency, the date of the notice of dismissal or the date on which the contract of employment was discontinued on account of the employer's insolvency. Member States have the option of limiting the liability of these institutions under specified conditions. The Member States lay down detailed rules for the organization, financing and operation of the guarantee institutions, complying with certain principles.
 3. Member States may stipulate that point 2 shall not apply to contributions due under national statutory social security schemes or under supplementary schemes. They shall take the measures necessary to ensure that non-payment of compulsory contributions due from the employer, before the onset of his insolvency, to their insurance institutions does not adversely affect employees' benefit entitlement in respect of these insurance institutions in as much as the employees' contributions were deducted at source from the remuneration paid. The interests of employees and persons having already left the undertaking at the date of the onset of the employer's insolvency are protected as regards rights conferring on them immediate or prospective entitlement to old-age benefits, including survivors' benefits, under supplementary company or inter-company pension schemes outside the national statutory social security schemes.
 4. Member States may apply or introduce measures which are more favourable to employees.
 5. They shall have the option to take the measures necessary to avoid abuses or to refuse or reduce the liability or the guarantee obligation if it appears that fulfilment of the obligation is unjustifiable because of the existence of special links between the employee and the employer.
 6. The Commission shall draw up a report on the application of this Directive on the basis of data provided by the Member States within the deadline specified.
 7. The categories of employee whose claims may be excluded from the scope of the Directive are listed in an annex.



- (4) *Deadline for implementation of the legislation in the Member States* Thirty-six months from the date of notification.
- (5) *Date of entry into force (if different from the above)* Not applicable.
- (6) *References* Official Journal L 283, 20.10.1980
- (7) *Follow-up work* Council Directive 87/164/EEC of 2 March 1987 amending this Directive on account of the accession of Spain.
- (8) *Commission implementing measures*

4. IMPROVED LIVING AND WORKING CONDITIONS

4.6. Organization of working time

- (1) *Objective* To adopt minimum requirements covering certain aspects of the organization of working time connected with workers' health and safety.
- (2) *Proposal* Proposal for a Council Directive concerning certain aspects of the organization of working time.
- (3) *Contents*
1. The Directive applies to minimum daily, weekly and yearly rest periods and to certain aspects of night and shift work.
 2. Definitions of the terms 'working time', 'rest period', 'night work': work performed during a period of not less than seven consecutive hours between 8.00 p.m. and 9.00 a.m.; 'shift work': method of organizing work whereby workers succeed each other in accordance with a given time schedule; 'night worker' and 'shift worker'.
 3. Daily, weekly and yearly rest. Member States must adopt the necessary measures to ensure compliance with:
 - the minimum daily rest period of 11 consecutive hours per period of 24 hours;
 - the minimum period of one rest day on average following without interruption the daily rest period in every seven-day period.All workers must be afforded an annual paid holiday, with the relevant procedures being determined in accordance with national practices. The performance of overtime must not interfere with the minimum rest periods.
 4. Normal hours of work for night workers must not exceed an average of eight hours in any 24-hour period. Night workers must not perform any overtime before or after a daily period of work which includes night work in occupations involving special hazards or heavy physical or mental strain. In the case of shift work involving night work, the working of two consecutive full-time shifts is prohibited.
 5. Employees are to be entitled to a free health check-up before being employed on night work and at regular intervals thereafter. Anyone suffering from health problems connected with night work must be transferred, as soon as possible, to day work. Employers who regularly use night workers must duly inform the authorities responsible for health and safety matters.
 6. Member States must take the necessary steps to ensure that night workers and rotating shift workers enjoy a level of health and safety protection commensurate with the nature of their work. Employers must ensure that protection and prevention facilities are available or accessible at all times.
 7. Derogations from points 3 (first sentence) and 4 are permitted, provided that equivalent compensatory rest periods are granted to the workers concerned, in certain circumstances (e.g.: *force majeure*, accident, exceptional situations limited in time, collective agreements).
- (4) *Opinion of the European Parliament* First reading: Parliament approved the Commission's proposal subject to certain amendments. The Commission accepted some of these amendments.



(5) Current status The amended proposal is currently before the Council in view of a common position.

<i>(6) References</i>	Commission proposal COM(90) 317 final	Official Journal C 254, 9.10.1990
	Amended proposal COM(91) 130 final	Official Journal C 124, 14.5.1991
	European Parliament opinion First reading	Official Journal C 72, 18.3.1991
	Economic and Social Committee opinion	Official Journal C 60, 8.3.1991

4. IMPROVED LIVING AND WORKING CONDITIONS

4.7. Provision of a form of proof of an employment contract

(1) Objective

In view of the increase in the number of types of employment relationship, the aim is to protect employees who are unaware of their rights by establishing at Community level the obligation for employers to inform employees of their terms and conditions of employment in writing.

(2) Community measures

Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship.

(3) Contents

1. Scope

The Directive applies to all paid employees with a contract or employment relationship defined and/or governed by the law in force in a Member State. Member States may exclude workers who have a contract or employment relationship:

- with a total duration not exceeding one month or with a working week not exceeding eight hours; or
- of a casual and/or specific nature where there are objective considerations justifying non-application of the Directive.

2. Obligation to provide information

Employers must provide employees with the following basic information:

- identity of the parties;
- place of work;
- title, grade, nature or category of work or brief job specification;
- date of commencement of contract or employment relationship;
- in the case of a temporary contract or employment relationship, its expected duration;
- amount of paid leave or procedures for allocating and determining such leave;
- periods of notice to be observed by the employer and the employee should their contract or employment relationship be terminated or, where this cannot be indicated, method for determining such periods of notice;
- basic amount, and other components of remuneration and frequency of payment;
- length of working day or week;
- any relevant collective agreements.

3. Means of information

The information may be set out in a written contract of employment, in a letter of engagement or in one or more other written documents.

These must be given to the employee within two months of commencement of employment, failing which the employee must be given a written declaration signed by the employer.

4. Expatriate employees

Employees required to work in another country must be in possession before departure of one of the documents referred to at point 3 above, which must include the following additional information:

- duration of employment abroad;
- currency to be used for payment of remuneration;

— any benefits in cash or kind attendant in relation to expatriation ;
 — where appropriate, the conditions governing repatriation.

These provisions do not apply where the duration of employment abroad is less than one month.

5. Any change to the terms of the contract or employment relationship must be recorded in writing.

6. The Directive does not affect the Member States' prerogative to apply or introduce provisions which are more favourable to employees.

(4) Deadline for implementation of the legislation in the Member States

30.6.1993

(5) Date of entry into force (if different from the above)

(6) References

Official Journal L 288, 18.10.1991

(7) Follow-up work

(8) Commission implementing measures

4. IMPROVED LIVING AND WORKING CONDITIONS

4.8. Collective redundancies — Directive 75/129/EEC

(1) Objective

To afford greater protection to workers in the event of collective redundancies; to approximate Member States' legislation concerning the practical arrangements and procedures for such redundancies; to introduce measures designed to alleviate the consequences of redundancy for workers.

(2) Community measures

Council Directive 75/129/EEC of 17 February 1975 on the approximation of the laws of the Member States relating to collective redundancies.

(3) Contents

1. Definitions of 'collective redundancies' and 'workers' representatives'.
2. The Directive does not apply to:
 - collective redundancies effected under contracts of employment concluded for limited periods of time or for specific tasks, except where the redundancies take place prior to the date of expiry or the completion of such contracts;
 - workers employed by public administrative bodies or by establishments governed by public law;
 - the crews of sea-going vessels;
 - workers affected by the termination of an establishment's activities as a result of a judicial decision.
3. Consultation procedure

Any employer contemplating collective redundancies must hold consultations with the workers' representatives, with a view to reaching an agreement. These consultations must cover ways and means of avoiding redundancies or reducing the number of workers affected and mitigating the consequences. The employer must supply all the relevant information in writing and must forward a copy of the written communication to the competent public authority.
4. Procedure for collective redundancies
 - The employer notifies the competent public authority in writing of any projected collective redundancies. This notification must contain all the relevant information concerning the projected redundancies and consultations held.
 - The employer forwards a copy of the notification to the workers' representatives, who may send comments to the competent public authority.
 - Collective redundancies take effect at the earliest 30 days after the notification; the competent public authority uses this period to seek solutions. Member States may grant the public authority the power to reduce this period or to extend it to 60 days following notification in cases where the problems raised by the redundancies are not likely to be solved within the initial period. Wider powers of extension may be granted. The employer must be informed of any extension and the grounds for it before expiry of the initial period.
5. Member States may apply or introduce provisions which are more favourable to workers.



(4) Deadline for implementation of the legislation in the Member States

Two years after notification.

(5) Date of entry into force (if different from the above)

Not applicable.

(6) References

Official Journal L 48, 22.2.1975

(7) Follow-up work

(8) Commission implementing measures

On 13 September 1991 the Commission adopted a progress report on the application of Directive 75/129/EEC (SEC/91/1639). According to the report the situation regarding the application of the Directive varies widely from one Member State to another:

- Belgium, Denmark, the Netherlands and the United Kingdom adopted the legislation within the time-limit laid down in the Directive;
- In France the law already broadly complied with the aims of the Directive;
- Greece, Ireland, Luxembourg and Germany adopted legislation after the date of entry into force of the Directive;
- Spain and Portugal were in a special situation owing to their recent accession, but legislation was in force in both countries;
- Italy has recently published a law to give effect to the Directive. It is currently being checked by the Commission for conformity with the Directive.

4. IMPROVED LIVING AND WORKING CONDITIONS

4.9. Collective redundancies — Revision of Directive 75/129/EEC

- (1) Objective* To amend Directive 75/129/EEC in order to tighten up the conditions applicable to collective redundancy decisions taken at transnational or group level and to make the rules concerning information and consultation more detailed.
- (2) Proposal* Proposal for a Council Directive amending Directive 75/129/EEC on the approximation of the laws of the Member States relating to collective redundancies.
- (3) Contents*
- 1. Definitions**
A definition of 'employer' is proposed (any natural or legal person who has an employment relationship with the worker).
 - 2. Exclusions**
Crews of sea-going vessels are no longer excluded, nor are collective redundancies brought about by judicial decision. The Member States retain the power to suspend the application of provisions concerning the period within which dismissals take effect (Article 4).
 - 3. Information and consultation**
A number of clarifications and refinements are proposed in respect of the content of the information and consultation procedures: in future, no account will be taken of any defence on the ground that the employer was not provided in time with the relevant information by the decision-maker (particularly in cases where the decision is taken by the controlling undertaking or the central administration of a multi-establishment undertaking outside the country where his own establishment is located). In addition, the Directive provides for the information of workers even where Member States are not to provide for workers' representatives in establishments normally employing less than 50 workers.
 - 4. Enforcement**
Collective redundancies effected contrary to the requirements of the Directive would be null and void.
 - 5. Transposal**
Provision is made for the implementation of the Directive by collective agreement in the national legal systems, without prejudice to the Member States' obligation to ensure that the requirements of the Directive are complied with at all times.
- (4) Opinion of the European Parliament*
- (5) Current status* The proposal is currently under examination by the European Parliament and the Economic and Social Committee.
- (6) References* Commission proposal
COM(91) 292 final Official Journal C 310, 30.11.1991



4. IMPROVED LIVING AND WORKING CONDITIONS

4.10. Social integration of migrants from non-member countries

- (1) *Objective* To stimulate a discussion on the Member States' analyses and practices when confronted with similar questions and draft proposals for action.
- (2) *Community measures* Commission communication to the Council and Parliament on immigration (SEC(91) 1855 final).
- (3) *Contents*
1. Migratory movements have evolved considerably in recent decades. Increased awareness on the part of the general public and structural changes have brought this question to the forefront of political debate.
 2. The international context is hardly conducive to a calm consideration of the question, for the continuing demographic pressure in the south and the emergence of a potential source of migration flows in Central and Eastern Europe coincide with the aim set out in the Single Act of abolishing checks on travellers at internal frontiers.
 3. The response of the Community and the Member States, both in intergovernmental cooperation and in the Community institutions, has so far been incomplete and limited. There is now a need for a joint response which is both realistic and comprehensive. For the sake of coherence that response should relate to all the various components of immigration:
 - by broadening initiatives to deal with the problems related to the right of asylum (cf. SEC(91) 1857);
 - by acting upon migratory pressure;
 - by controlling migratory flows;
 - by improving policies for integrating immigrants already legally established.
 4. The aim of this analysis is to promote thought about the benefits of approximating Member States' policies without prejudicing the future institutional framework. The Commission, for its part, is suggesting lines of action for each topic.
 5. Since the Member States are confronted with similar questions, joint action will have to be taken and will have to combine realism and solidarity by:
 - countering migratory pressure (through targeted cooperation linked to endeavours by the countries of emigration to establish a balance between the available measures and demographic trends);
 - containing migratory flows (through a shared view and analysis);
 - improving policies for integrating legally resident immigrants (action at Community level may also promote the success of national integration policies, seen as commitments to democracy and solidarity).
- (4) *Deadline for implementation of the legislation in the Member States*
- (5) *Date of entry into force (if different from the above)*

(6) References

(7) Follow-up work

*(8) Commission
implementing
measures*

Not yet published



5. FREE MOVEMENT OF WORKERS

5.1. Current problems and objectives for 1992: Social Charter

'Every worker of the European Community shall have the right to freedom of movement throughout the territory of the Community, subject to restrictions justified on grounds of public order, public safety or public health.

The right to freedom of movement shall enable any worker to engage in any occupation or profession in the Community in accordance with the principles of equal treatment as regards access to employment, working conditions and social protection in the host country.

The right of freedom of movement shall also imply:

- harmonization of conditions of residence in all Member States, particularly those concerning family reunification;
- elimination of obstacles arising from the non-recognition of diplomas or equivalent occupational qualifications;
- improvement of the living and working conditions of frontier workers.'

5. FREE MOVEMENT OF WORKERS

5.2. Current problems and objectives for 1992: Commission's action programme — 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 Regulations (EEC) No 1408/71 (summary 5.8) and No 574/72 (summary 5.9) as regards the social security of migrant workers are the subject of a Commission proposal which was adopted by the Council on 25 June 1991.

The Commission is closely following the development of all the problems concerning the beneficiaries of free movement and the social security of migrant workers.

It also 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 Community country to another; a situation which places a brake on free movement;
- secondly, the opening up of the single market will certainly pose new problems and develop new aspirations of mobility in the frontier regions.

With this in mind the Commission presented a communication on complementary social security schemes (summary 5.11) and a communication on worker mobility in the frontier regions as a basis for discussion at Community level (summary 5.12).

Although freedom of movement has been largely achieved in practice, it is still being impeded by certain tax provisions. Their application means that, in many cases, those who rely on freedom of movement to exercise an activity in a Member State other than the one where they reside are liable for income tax under conditions distinctly less favourable than for local residents.

To remedy this the Commission had, in 1979, presented a proposal for a Directive on the harmonization of income tax provisions in connection with the free movement of workers within the Community. In the absence of a decision from the Council, the Commission has decided on a new initiative in the form of a draft recommendation (see the heading 'Free movement of workers and the professions' in the section 'Completing the internal market').

The Commission is now confronted with two specific problems connected with the development of the single market. They concern:

- working conditions applicable to workers of one Member State posted to another Member State as a result of the freedom to provide services (particularly subcontracting) (summary 5.10);
- the introduction of a social clause in connection with the opening up of public works contracts.

Harmonization of the relevant rules in this field is deemed necessary in order to prevent, among other things, the uncontrolled development of practices which may be detrimental to the interests of the workers concerned.



5. FREE MOVEMENT OF WORKERS

5.3. Current problems and objectives for 1992: Commission's action programme — Initiatives

REVISION OF COMMISSION REGULATION (EEC) No 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 (summary 5.4)

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

The Commission has forwarded to the Council a proposal for the revision of Regulation (EEC) No 1612/68 on the free movement of workers within the Community (summary 5.17) and Council Directive 68/360/EEC on the abolition of restrictions on movement and residence within the Community for workers of Member States and their families (summary 5.14). The amended proposal is currently before the Council for the adoption of a common position.

If the revision of these two instruments is successful, the Commission (summaries 5.15 and 5.18) will propose the amendment of its own Regulation (EEC) No 1251/70 of 19 June 1970 on the right of workers to remain on the territory of a Member State after being employed in that State (summary 5.4).

This revision is necessary in order to ensure consistency with the amendments to be introduced to Regulation (EEC) No 1612/68 and Council Directive 68/360/EEC, particularly as regards the personal scope and the strengthening of the rule of equal treatment.

COUNCIL REGULATION OF 25 JUNE 1991 AMENDING REGULATION (EEC) No 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 (summary 5.8) AND REGULATION (EEC) No 574/72 LAYING DOWN THE PROCEDURE FOR IMPLEMENTING REGULATION (EEC) No 1408/71 TO INCLUDE ALL INSURED PERSONS (summary 5.9)

Article 8a, second paragraph, of the EEC Treaty describes the European internal market as 'an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of this Treaty'.

Community coordination of social security schemes, already achieved for employed and self-employed persons, will have to be extended to other categories of persons such as workers in the public sector, students, non-active persons and, ultimately, to all insured persons.

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

PROPOSAL FOR A COUNCIL DIRECTIVE 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 SUBCONTRACTING UNDERTAKING (summary 5.10)

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 subcontracting 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 has therefore presented a proposal for a Council Directive.

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 the status of subcontractors and at standardized terms for subcontracting contracts.

COMMUNICATION ON SUPPLEMENTARY SOCIAL SECURITY SCHEMES (summary 5.11)

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 at national level — makes the transferability of rights a very complex matter. This is why, after studying the problem, the Commission has presented a communication (SEC(91) 1331) to stimulate debate 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 (summary 5.12)

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, very probably, 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 specific status for transfrontier workers. Moreover, Regulation (EEC) No 1612/68 (summary 5.17) and Directive 68/360/EEC (summary 5.14) are applicable to frontier workers.



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

Increased mobility will also 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 which are before the Council, once agreed, could solve some problems of transfrontier workers regarding taxes and the right of residence.

However, it is not the responsibility of the Community to solve certain problems on behalf of the Member States. Situations and traditions are too diverse, requiring carefully tailored solutions.

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

5. FREE MOVEMENT OF WORKERS

5.4. Right to remain in the territory of a Member State: Regulation (EEC) No 1251/70

(1) Objective

To determine the conditions under which the right to remain in the territory of a Member State arises for workers and their families when they cease to be employed there.

(2) Community measures

Commission Regulation (EEC) No 1251/70 of 29 June 1970 on the right of workers to remain in the territory of a Member State after having been employed in that State.

(3) Contents

1. The Regulation applies to nationals of a Member State who have worked as employed persons in the territory of another Member State and to members of their families.

2. The following categories have the right to remain permanently in the territory of a Member State:

- a worker who has reached the age laid down by law for entitlement to an old-age pension and who has been employed for at least the last 12 months and has resided there continuously for more than three years;
- a worker who ceases to work there as a result of permanent incapacity to work and who has been residing there for more than two years;
- a worker who after three years of continuous residence and employment in the territory of this Member State works as an employed person in the territory of another Member State while retaining his residence in the territory of the first State, to which he returns, as a rule, each day or at least once a week.

More flexible conditions regarding the duration of residence and/or employment are provided for in certain specific cases.

3. The right to reside permanently is extended to the members of the worker's family. If the worker dies during his working life, members of his family shall be entitled to remain there permanently under certain conditions.

4. The beneficiary is allowed to exercise his right to remain within two years from the time of becoming entitled to such a right. He may leave the territory of the Member State during this period. No formality is required in respect of the exercise of this right.

5. Persons coming under the provisions of this Regulation are entitled to a residence permit which must be valid for at least five years and whose cost may not exceed that of residence permits for nationals. Periods of non-residence not exceeding six consecutive months do not affect the validity of the residence permit.

6. Beneficiaries of this Regulation have the right to the same treatment as the nationals.

7. This Regulation does not affect any provisions of a Member State which would be more favourable to nationals of other Member States. The Member States should facilitate re-admission to their territories to workers who have left those territories after having resided there permanently for a long period and after having been employed there, and who wish to return there when they have reached retirement age or are permanently incapacitated for work.



8. The Commission may, taking into account the demographic situation of the Grand Duchy of Luxembourg, lay down, at the request of that State, different conditions in respect of the exercise of the right to remain in that State.

(4) Deadline for implementation of the legislation in the Member States

Not applicable.

(5) Date of entry into force (if different from the above)

Twenty days after publication.

(6) References

Official Journal L 142, 30.6.1970

(7) Follow-up work

(8) Commission implementing measures

5. FREE MOVEMENT OF WORKERS

5.5. Right to remain in the territory of a Member State: Directive 72/194/EEC

- (1) *Objective* To render applicable to the beneficiaries of the right to remain in the territory of a Member State after having worked there under the terms of Commission Regulation (EEC) No 1251/70, special measures concerning foreign nationals which are justified on grounds of public policy, public security or public health.
- (2) *Community measures* Council Directive 72/194/EEC of 18 May 1972 extending to workers exercising the right to remain in the territory of a Member State and having been employed in that State, the scope of the Directive of 25 February 1964 on coordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health.
- (3) *Contents* The Council Directive of 25 February 1964 applies to nationals of the Member States and the members of their families who exercise the right to remain in the territory of a Member State on ceasing to work there.
- (4) *Deadline for implementation of the legislation in the Member States* Six months from the date of notification.
- (5) *Date of entry into force (if different from the above)* Not applicable.
- (6) *References* Official Journal L 121, 26.5.1972
- (7) *Follow-up work*
- (8) *Commission implementing measures*



5. FREE MOVEMENT OF WORKERS

5.6. Right to remain in the territory of a Member State : Directive 75/34/EEC

- (1) *Objective* To determine the conditions under which the right to remain in the territory of a Member State arises for persons who have pursued therein an activity in a self-employed capacity.
- (2) *Community measures* Council Directive 75/34/EEC of 17 December 1974 concerning the right of nationals of a Member State to remain in the territory of another Member State after having pursued therein an activity in a self-employed capacity.
- (3) *Contents*
1. Member States shall abolish restrictions on the right to remain in their territory in favour of nationals of another Member State who have pursued activities as self-employed persons therein and members of their families.
 2. Each Member State shall recognize the right to remain permanently in its territory of:
 - any person who, at the time of the termination of his activity, has reached the age laid down for entitlement to an old-age pension and who has pursued his activity therein for at least the previous 12 months and has resided there continuously for more than three years, or who has reached the age of 65, where the law of that Member State does not grant the right to an old-age pension to certain categories of self-employed workers;
 - any person who, having resided continuously in the territory of that State for more than two years, ceases to pursue his activity there as a result of permanent incapacity to work;
 - any worker who, after three years' continuous employment and residence in the territory of this State, takes up employment in the territory of another Member State while retaining his residence in the territory of the first Member State, to which he returns, as a rule each day or at least once a week.
 More flexible conditions concerning the duration of residence and/or employment are provided for in certain specific cases.
 3. Exercise of the right to reside permanently shall be extended to members of the family of persons working in a self-employed capacity. If the worker dies during his working life, the right to reside shall be recognized in respect of the members of his family under certain conditions.
 4. The beneficiary may exercise his right within two years from the time of becoming entitled thereto. He may leave the territory of the Member State during this period. No formality shall be required in order to exercise the right.
 5. Beneficiaries of the Regulation shall be entitled to a residence permit which must be valid for at least five years and whose cost may not exceed that of residence permits for nationals. Periods of non-residence not exceeding six consecutive months and longer absences due to compliance with the obligations of military service may not affect the validity of a residence permit.
 6. The right of equal treatment shall be accorded to beneficiaries of the right to remain in the territory.

7. This Directive shall not affect any provisions of a Member State which would be more favourable to nationals of other Member States. Member States shall facilitate re-admission to their territories of self-employed persons who left those territories after having resided there permanently for a long period while pursuing an activity there and who wish to return when they have reached retirement age or are permanently incapacitated for work.

8. Member States may not derogate from the provisions of this Directive save on grounds of public policy, public security or public health.

9. They shall inform the Commission, in sufficient time for it to submit its comments, of all proposed provisions which they intend to adopt in the field covered by the Directive.

(4) Deadline for implementation of the legislation in the Member States

Twelve months from the date of notification.

(5) Date of entry into force (if different from the above)

Not applicable.

(6) References

Official Journal L 14, 20.1.1975

(7) Follow-up work

(8) Commission implementing measures



5. FREE MOVEMENT OF WORKERS

5.7. Right to remain in the territory of a Member State : Directive 75/35/EEC

(1) Objective To render applicable to the beneficiaries of the right to remain in the territory of a Member State after having pursued therein an activity in a self-employed capacity under the terms of Directive 75/34/EEC, special measures in respect of foreign nationals which are justified on grounds of public policy, public security or public health.

(2) Community measures Council Directive 75/35/EEC of 17 December 1974 extending the scope of Directive 64/221/EEC on the coordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health to include nationals of a Member State who exercise the right to remain in the territory of another Member State after having pursued therein an activity in a self-employed capacity.

(3) Contents Directive 64/221/EEC applies to nationals of the Member States and the members of their families who exercise the right to remain in the territory of a Member State after ceasing to work there in a self-employed capacity.

(4) Deadline for implementation of the legislation in the Member States Twelve months from the date of notification.

(5) Date of entry into force (if different from the above) Not applicable.

(6) References

Official Journal L 14, 20.1.1975

(7) Follow-up work

(8) Commission implementing measures

5. FREE MOVEMENT OF WORKERS

5.8. Social security for migrant workers: Regulation (EEC) No 1408/71

(1) Objective

To coordinate national social security legislation with a view to guaranteeing to all workers who are nationals of the Member States and their dependants equality of treatment and entitlement to social security benefits, irrespective of their place of employment and residence.

(2) Community measures

Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community.

(3) Contents

I. General provisions

1. Definitions of numerous terms, including 'employed person', 'self-employed person', 'frontier and seasonal worker', 'member of the family', 'survivor', 'stay', 'residence', 'legislation', 'competent authority', 'insurance period', etc.

2. Personal scope

This Regulation applies to workers who are nationals of a Member State or stateless persons/refugees residing in the territory of a Member State, to whom the legislation of one or several Member States applies, and to the members of their families and their survivors. It also applies to survivors of these workers irrespective of the nationality of the latter, provided the survivors are Community nationals, and to civil servants and persons treated as such in accordance with the legislation applicable.

3. Equality of treatment

Persons residing in the territory of a Member State to whom the Regulation applies are subject to the same obligations and enjoy the same benefits under the legislation of any Member State as the nationals of that State.

4. Matters covered

The Regulation applies to all legislation relating to the social security branches concerning sickness and maternity benefits, invalidity benefits, old age benefits, survivor's benefits, benefits in respect of accidents at work and occupational diseases, unemployment benefits, family benefits and death grants. It applies to general and special contributory and non-contributory social security schemes and to schemes concerning the liability of an employer or shipowner. It does not apply to medical or social assistance or to benefit schemes for war victims or to special schemes for civil servants and persons treated as such.

5. Waiving of residence clauses

Invalidity, old age or survivors' cash benefits, pensions for accidents at work or occupational diseases and death grants acquired under the legislation of one or more Member States may not be subject to any reduction, modification, suspension, withdrawal or confiscation by reason of the fact that the recipient resides in the territory of another Member State.

6. Provisions concerning reduction, suspension or withdrawal of benefit provided for in the legislation of a Member State in the case of overlapping with other social security benefits or other income may be invoked, even if the right to such benefits was acquired under the



legislation of another Member State or such income arises in the territory of another Member State. However, this provision does not apply when the person concerned receives benefits of the same kind in respect of invalidity, old age, death (pensions) or occupational disease which are awarded by the institutions of two or more Member States, in conformity with the relevant Community provisions.

II. Determination of the legislation applicable

7. The worker is subject to the legislation of only one Member State.

8. General rules:

- a person employed in the territory of one Member State is subject to the legislation of that State;
- a person employed on board a vessel flying the flag of a Member State is subject to the legislation of that State;
- civil servants are subject to the legislation of the Member State to which the administration employing them is subject;
- a worker called up or recalled for service in the armed forces or for civilian service of a Member State retains the status of worker and is subject to the legislation of that State.
- retired persons are subject to the laws of the Member State in which they reside.

9. Special rules and exceptions are provided for.

III. Special provisions applying to different categories of benefits: sickness and maternity; invalidity; old age and death (pensions); accidents at work and occupational diseases; death grants; unemployment; family benefits and allowances for workers and unemployed persons; benefits for dependent children, pensioners and orphans

10. In respect of invalidity, old age and death (pensions) benefits, the interested parties enjoy, in principle, all the benefits acquired in the different Member States.

11. Within certain limits and subject to strict conditions, a totally unemployed worker to whom the provisions of the legislation of a Member State for obtaining benefits apply and who moves to another Member State in search of employment, retains the right to these benefits.

12. Employed persons subject to the legislation of a Member State are entitled to family benefits for the members of their families residing in the territory of another Member State provided for in the legislation of the first State, as if they resided on the territory of that State.

IV. An Administrative Commission is established as well as an Advisory Committee on Social Security for Migrant Workers

V. Provisional and final provisions

13. The Member State in which a frontier worker resides shall take into account, in calculating pensions, periods of total unemployment for which benefit was paid by that State.

14. A subsequent Regulation lays down the detailed rules of implementation.

(4) Deadline for implementation of the legislation in the Member States

Not applicable.

(5) *Date of entry into force (if different from the above)* 1.10.1972

(6) *References*

Official Journal L 149, 5.7.1971

(7) *Follow-up work*

The Council has adopted several amending Regulations:

- Regulation (EEC) No 2864/72 of 19 December 1972, Official Journal L 306 of 31 December 1972;
- Regulation (EEC) No 1392/74 of 4 June 1974, Official Journal L 152 of 8 June 1974;
- Regulation (EEC) No 1209/76 of 30 April 1976, Official Journal L 138 of 26 May 1976;
- Regulation (EEC) No 2595/77 of 21 November 1977, Official Journal L 302 of 26 November 1977;
- Regulation (EEC) No 1517/79 of 16 July 1979, Official Journal L 185 of 21 July 1979;
- Regulation (EEC) No 1390/81 of 12 May 1981, Official Journal L 143 of 29 May 1981, extending to self-employed persons and members of their family the scope of Regulation (EEC) No 1408/71;
- Regulation (EEC) No 2793/81 of 17 September 1981, Official Journal L 275 of 29 September 1981;
- Regulation (EEC) No 2000/83 of 2 June 1983, Official Journal of 22 August 1983;
- Regulation (EEC) No 2001/83 of 2 June 1983, Official Journal of 22 August 1983;
- Regulation (EEC) No 1660/85 of 13 June 1985, Official Journal L 160 of 20 June 1985;
- Regulation (EEC) No 1305/89 of 11 May 1989, Official Journal L 131 of 13 May 1989;
- Regulation (EEC) No 2332/89 of 18 July 1989, Official Journal L 224 of 2 August 1989;
- Regulation (EEC) No 3427/89 of 30 October 1989, Official Journal L 331 of 16 November 1989;
- Regulation (EEC) No 2195/91 of 25 June 1991, Official Journal L 206 of 29 July 1991;
- Proposal for a Council Regulation (COM(91) 247 final) amending Regulation (EEC) No 1408/71 to take account of German unification;
- Proposal for a Council Regulation (COM(85) 396 final) concerning non-contributory benefits;
- Proposal for a Council Regulation (COM(89) 370 final) concerning the determination and calculation of pensions.

(8) *Commission implementing measures*



5. FREE MOVEMENT OF WORKERS

5.9. Social security for migrant workers: Regulation (EEC) No 574/72

- (1) *Objective* To establish detailed rules for implementation adapted to the new rules of substance of Regulation (EEC) No 1408/71.
- (2) *Community measures* Council Regulation (EEC) No 574/72 of 21 March 1972 fixing the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons and their families moving within the Community.
- (3) *Contents* The Regulation specifies in particular the competent institutions in each Member State, the documents to be submitted and the formalities which must be complied with by the persons concerned in order to obtain the benefits, details concerning administrative and medical supervision and conditions for reimbursement of benefits provided by an institution of a Member State on behalf of an institution in another Member State, and the functions of the Audit Board.
- (4) *Deadline for implementation of the legislation in the Member States* Not applicable.
- (5) *Date of entry into force (if different from the above)* 1.10.1972
- (6) *References* Official Journal L 74, 27.3.1972
- (7) *Follow-up work* The Council has adopted several amending Regulations:
 — Regulation (EEC) No 2059/72 of 26 September 1972, Official Journal L 222 of 29 September 1972;
 — Regulation (EEC) No 878/73 of 26 March 1973, Official Journal L 86 of 31 March 1973;
 — Regulation (EEC) No 1392/74 of 4 June 1974, Official Journal L 152 of 8 June 1974;
 — Regulation (EEC) No 1209/76 of 30 April 1976, Official Journal L 138 of 26 May 1976;
 — Regulation (EEC) No 2595/77 of 21 November 1977, Official Journal L 302 of 26 November 1977;
 — Regulation (EEC) No 1517/79 of 16 July 1979, Official Journal L 185 of 21 July 1979;
 — Regulation (EEC) No 2615/79 of 22 November 1979, Official Journal L 301 of 28 November 1979;
 — Regulation (EEC) No 3795/81 of 8 December 1981, Official Journal L 378 of 31 December 1981, which extends the scope of Regulation (EEC) No 574/72 to self-employed persons and members of their families;
 — Regulation (EEC) No 2793/81 of 17 September 1981, Official Journal L 275 of 29 September 1981;
 — Regulation (EEC) No 2000/83 of 2 June 1983, Official Journal of 22 August 1983;

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- Regulation (EEC) No 2001/83 of 2 June 1983, Official Journal of 22 August 1983;
 - Regulation (EEC) No 1660/85 of 13 June 1985, Official Journal L 160 of 20 June 1985;
 - Regulation (EEC) No 1305/89 of 11 May 1989, Official Journal L 131 of 13 May 1989;
 - Regulation (EEC) No 2332/89 of 18 July 1989, Official Journal L 224 of 2 August 1989;
 - Regulation (EEC) No 3427/89 of 30 October 1989, Official Journal L 331 of 16 November 1989;
 - Regulation (EEC) No 2195/91 of 25 June 1991, Official Journal L 206 of 29 July 1991;
 - Proposal for a Council Regulation (COM(91) 247 final) amending Regulation (EEC) No 574/72 to take account of German unification;
 - Proposal for a Council Regulation (COM(89) 370 final) concerning the determination and calculation of pensions.

*(8) Commission
implementing
measures*



5. FREE MOVEMENT OF WORKERS

5.10. Working conditions — Provision of services — Subcontracting

- (1) *Objective* To remove uncertainties and obstacles which may impede implementation of the economic freedoms, particularly the free provision of services, by increasing legal certainty and allowing clear identification of the working conditions applicable to workers who carry out temporary work in a Member State other than the State whose law governs the employment relationship.
- (2) *Proposal* Proposal for a Council Directive concerning the posting of workers in the framework of the provision of services.
- (3) *Contents*
1. The proposal for a Directive is designed:
 - to eradicate practices which may be detrimental to fair competition between national and foreign undertakings and prejudicial to implementation of the economic freedoms;
 - to oblige foreign undertakings to observe a 'hard core' of mandatory protective rules in force in the host country;
 - to protect the workers concerned from practices which may develop as a result of an increasing use of external work and employment resources.
 2. The scope of the proposal for a Directive is defined as follows:
 - the proposal applies to undertakings which post a worker to carry out temporary work in a Member State other than the State, whether a Member State or otherwise, whose law governs the employment relationship;
 - the undertakings covered must fall within one of the following three categories:
 - main contractor or subcontractor posting a worker to carry out temporary work on behalf of and under the direction of that undertaking;
 - temporary employment business placing a worker with a user undertaking for the purpose of working there temporarily, in so far as there is an employment relationship between the temporary employment business and the worker during the period of posting;
 - undertaking placing a worker with one of its establishments, or with another undertaking, whether or not associated with the former, for the purpose of working there temporarily, in so far as there is an employment relationship with the worker during the period of posting.
 3. The proposal establishes the 'hard core' list of protective working conditions to be observed by the undertakings in question:
 - the rules should be mandatory or binding in all, or the majority of, the Member States;
 - they should apply to all workers habitually employed in the same place, occupation and sector of activity;
 - they are laid down by laws, regulations and administrative provisions, collective agreements or arbitration awards, having an *erga omnes* effect;

- the rules concern the following matters:
 - maximum daily and weekly hours of work, rest periods, work on Sundays and night work,
 - minimum paid holidays,
 - minimum rates of pay, including overtime rates and allowances, but excluding benefits provided by private occupational schemes,
 - the conditions of hiring out of workers, in particular the supply of workers by temporary employment businesses,
 - health, safety and hygiene at work,
 - protective measures with regard to the working conditions of pregnant women or women who have recently given birth, children, young people and other groups enjoying special protection,
 - equality of treatment between men and women and prohibition of discrimination on the grounds of colour, race, religion, opinions, national origin or social background;
- the rules envisaged should be compatible with the temporary nature of the work and consistent with the proposal's stated aims and objectives. Consequently, mandatory rules concerning the form, suspension, alteration and termination of the contract of employment, and workers' rights on information, consultation and participation, are not dealt with;
- the proposal exempts undertakings from observance of the rules regarding rates of pay and paid holidays when the duration of the worker's posting is less than three months within a reference period of one year.

(4) Opinion of the European Parliament

(5) Current status

The proposal is currently before the European Parliament for its opinion.

(6) References

Commission proposal
COM(91) 230 final
Economic and Social
Committee opinion

Official Journal C 225, 30.8.1991

Not yet published in the Official Journal



5. FREE MOVEMENT OF WORKERS

5.11. Supplementary social security schemes

(1) Objective To abolish the obstacles to the free movement of workers caused by the lack of Community provisions protecting workers against the loss of supplementary pension rights. To start a discussion, without at this stage presenting a proposal for a legal instrument.

(2) Proposal Communication from the Commission to the Council on supplementary social security schemes: the role of occupational pension schemes in the social protection of workers and their implications for freedom of movement.

(3) Contents Supplementary pension schemes are examined from two different but closely related angles.

I. Their place in the social protection of workers

1. Income in retirement, according to the 'three pillars' theory, is derived from:

- the statutory pension scheme;
- supplementary schemes;
- individual retirement provision.

These three elements are interdependent, but the relative weight of supplementary schemes within the whole varies considerably from one Member State to another. Similarly, there is a great diversity of supplementary schemes in the Community.

2. Public policy exerts a great influence on pension schemes, including supplementary schemes, so as to reduce the risk of poverty during old age. This influence is often indirect, being exerted through the legal framework governing the schemes (taxation, regulation of pension schemes, etc.).

3. There are three financing methods for pension schemes:

- pre-funding;
- book reserves (expected pension liabilities are shown in the company's balance sheet);
- pay-as-you-go.

Because of the risk of instability of contribution income and demographic fluctuations, pre-funding schemes tend to be preferred.

4. The long-term effects of these schemes on the macroeconomic situation of a Member State, and even beyond a Member State's frontiers, need to be considered, and for this reason the Community needs to establish an information-exchange system and stimulate closer cooperation between Member States.

5. Besides helping workers to increase their retirement provision in view of the insufficiency of statutory schemes, supplementary pension schemes serve employers as personnel management tools and both employers and employees as tax saving devices. As a result, there is a risk that such schemes may not always meet the social policy objective. Consequently, the legal framework established needs to be both stable and of high quality.

II. The implications of supplementary pension schemes for freedom of movement of workers

1. Freedom of movement of migrant workers and their dependants is covered in Article 51 of the Treaty, under which the following rules are applied to statutory schemes:

- coordination of social security schemes through aggregation of all periods taken into account under the laws of the several countries;
- payment of benefits to persons resident in the territories of Member States.

These provisions were not extended to supplementary schemes.

2. Supplementary schemes contain numerous obstacles to labour mobility, since they tend to penalize scheme members who leave the scheme before retirement, leaving them with significantly reduced benefit entitlements. This distinction between scheme leavers and scheme members is seen:

- in the vesting requirements and waiting periods, which vary considerably from one country to another, even though national legislations usually contain rules requiring rights to become vested and laying down limits on vesting periods;
- in a job changer's entitlement either to maintain his rights in the pension scheme in which they were required or to transfer them. This option is not always open, as transferability is not normally applicable in the case of book-reserve schemes or pay-as-you-go schemes;
- in the taxation of transfers, when tax authorities may levy taxes on transfer values thus making transfers too costly.

3. There are various solutions for improving the social protection of workers and facilitating their mobility. It is necessary to:

- avoid, in certain cases, a change to a different pension scheme and the resultant losses in terms of social security rights, by opting for cross-border membership in a pension fund, the country of employment allowing tax deductibility of contributions paid into a pension scheme established in another country. The Commission has launched infringement procedures against Member States to ensure such tax deductibility and has produced a working paper on cross-border membership;
- facilitate the acquisition of pension rights by making vesting and waiting periods shorter;
- entitle every scheme leaver to maintain his or her acquired rights in a pension scheme until retirement, and provide for such deferred benefits to be revalued;
- give job changers a fair transfer option as regards their acquired rights;
- provide members of supplementary pension schemes with full and regular information;
- ensure that actuarial standards remain the same for transferred and preserved rights;
- and, finally, avoid double taxation of migrant workers' pension rights.

*(4) Opinion of the
European Parliament*

(5) Current status



(6) References

Commission communication
SEC(91) 1332 final

5. FREE MOVEMENT OF WORKERS

5.12. Living and working conditions of frontier workers

- (1) *Objective* To encourage consideration of the subject and prepare the ground for new Community measures.
- (2) *Proposal* Communication from the Commission on the living and working conditions of Community citizens resident in frontier regions, with special reference to frontier workers.
- (3) *Contents*
1. The Commission does not regard it as appropriate to accord a specific legal status to frontier workers.
 2. In the Commission's view the advantages of geographic, economic, social and cultural proximity in the border areas should be exploited so that cooperation between the regions and their inhabitants can be built up.
 3. To this end, over and above legislation, the Commission is paying particular attention to cross-border cooperation in its policy-making.
 4. Regional policy: the Commission supports cross-border cooperation in the form of partnerships between the parties concerned. In this context mention should be made of the Community initiative Interreg, which covers a wide range of fields. The Commission also finances measures to promote cooperation, information and contact between Community regions and studies and pilot projects. As part of the 'observatory' on cross-border cooperation, a Community network of border regions is to be set up and technical assistance provided.
 5. Education, vocational guidance and training: the structural Funds provide active support for cross-border measures (see Interreg, ESF guidelines). The Force, Transition and Petra programmes (summaries 10.9, 10.10 and 10.15) establish cooperative links between frontier regions. As far as rules and regulations are concerned, mention must be made of the significant progress achieved in the recognition of diplomas (Directive 89/48/EEC). Work is also continuing on the equivalence of vocational training qualifications (summaries 10.21 to 10.23).
 6. Employment: the Commission is reorganizing the Sedoc system (summaries 2.5 and 2.12 to 2.14) and has thus given its support to the setting up of a specific border-area-oriented instrument, JET. The structural Funds also give top priority to cross-border schemes designed to create jobs. The Interreg programme takes account of possible job losses resulting from the attainment of the internal market and the disappearance of borders.
 7. Social protection, entitlement to care: under the regulations on social security for migrant workers (summaries 5.8 to 5.9), frontier workers enjoy certain benefits which do not apply to other migrant workers. This is true of sickness insurance under which frontier workers may claim benefits in kind in the country of residence or in the country of employment. This does not apply to members of their families or to retired frontier workers. This gap in coverage affects the latter particularly but the adoption of a proposal for a regulation on early retirement should solve the problems of these beneficiaries. Convergence of the objectives of social security systems (summary 6.5) could relieve the problems arising as a result of differences between



the legislation of the country of employment and of the country of residence.

8. Legal status and right of residence: frontier workers are covered by Community legislation on the freedom of movement for workers (summary 5.12). Directive 90/364/EEC supplements the Community legislation on right of residence.

9. Taxation: direct taxation is now governed by bilateral agreements. Considering that adoption of the proposal for a Directive by the Council is unlikely in the near future, the Commission is now looking into how the proposal could be remodelled. At the same time the Commission intends to continue with measures to eliminate discrimination under the tax rules of the Member States.

10. Monetary questions (rate of exchange, transfer of income, bank accounts in the country of employment, etc.): economic and monetary union should provide a final solution to the monetary problems of frontier workers. Directive 88/361/EEC already provides a solution to the problem of capital movements. Community action on the problem of the high costs sometimes associated with transfers of income is described in Commission communication COM(90) 447.

11. Transport: the establishment of the necessary infrastructure, the coordination of national and regional transport services and the liberalization of the provision of services in the cross-border transport sector will obviously be in the interests of people living in frontier regions. The adoption of the proposal amending the Directive on driving licences will dispense Community citizens from the obligation to exchange their driving licences when transferring their place of residence. The elimination of political borders represents an important step forward.

12. Information: the Commission believes that many of the problems faced by frontier workers could be solved if adequate information were available and will therefore continue the measures in hand (revision of the Sedoc system (summaries 2.5 or 2.12 to 2.14), Institution of Euro-Counsellors). It is aware of the importance of cooperation between national authorities, socio-professional associations, trade union organizations, etc. in this area. The Commission, furthermore, believes that it would be useful to have a sort of ombudsman to provide information, find solutions to specific cases and identify problems which the introduction of national or bilateral regulations could resolve.

13. Cross-border cooperation between local and regional authorities: this has continued to increase in recent years (agreements on the framework for cooperation, joint development programmes). Having set up an advisory council of local and regional authorities, the Commission is investigating the possibility of introducing Community legislation to facilitate the conclusion of cooperation agreements between local and regional authorities.

(4) Opinion of the European Parliament

(5) Current status

The proposal is currently before the European Parliament and the Economic and Social Committee for their opinions.

(6) References

Commission proposal
COM(90) 561 final

5. FREE MOVEMENT OF WORKERS

5.13. Movement and residence of workers: coordination of special measures — Public policy, public security and public health

- (1) *Objective* To coordinate the relevant legislation in Member States to enforce public policy, security and health measures concerning the movement and residence of foreign nationals.
- (2) *Community measures* Council Directive 64/221/EEC of 25 February 1964 on the coordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health.
- (3) *Contents*
1. The Directive is aimed at nationals of a Member State residing in or travelling to another Member State in order to pursue an employed or self-employed activity, or as a recipient of services, and also applies to the spouse and members of the family.
 2. It relates to all measures concerning entry into the territory, issue or renewal of residence permits, or expulsion from the territory, on grounds of public policy, public security or public health. Such grounds shall not be invoked to serve economic ends.
 3. Measures taken on grounds of public policy or public security shall be based exclusively on the personal conduct of the individual concerned. Previous criminal convictions shall not in themselves constitute grounds for the taking of such measures and expiry of the identity card belonging to the person concerned shall not justify expulsion from the territory.
 4. The diseases or disabilities justifying refusal of entry into a territory or refusal to issue a first residence permit are listed in the Annex (e.g. tuberculosis, syphilis, drug addiction, psychosis). Such diseases or disabilities occurring after a first residence permit has been issued shall not justify refusal to renew the residence permit or expulsion from the territory. Member States shall not introduce new provisions or practices which are more restrictive than those in force at the date of notification of this Directive.
 5. A decision to grant or refuse a first residence permit shall be taken as soon as possible and not later than six months from the date of application. The host country may, in cases where this is considered essential, request another Member State to provide information concerning any previous police record, but such enquiries shall not be made as a matter of routine.
 6. The person concerned shall be notified of any decision to refuse the issue or renewal of a residence permit or to expel him from the territory, and of the grounds of public policy, public security or public health upon which the decision is based, unless such notification is contrary to the interests of national security. Except in cases of urgency, the period of notice to leave the territory shall not be less than 15 days if the person concerned has not yet been granted a residence permit, and not less than one month in all other cases.
 7. The person concerned shall have the same legal remedies in respect of any decision concerning entry, refusal to issue or renew a residence permit, or expulsion from the territory, as are available to nationals of the State concerned in respect of other administrative acts. Additional procedural guarantees are applicable in specific cases (e.g.



where there is no right of appeal to a court of law or where such appeal cannot have suspensory effect, etc.).

(4) Deadline for implementation of the legislation in the Member States

Six months from notification.

(5) Date of entry into force (if different from the above)

Not applicable.

(6) References

Official Journal L 56, 4.4.1964

(7) Follow-up work

(8) Commission implementing measures

5. FREE MOVEMENT OF WORKERS

5.14. Movement and residence of workers: abolition of restrictions on movement and residence — Directive 68/360/EEC

(1) Objective

To adopt, with a view to abolishing still existing restrictions on movement and residence within the Community, measures conforming to the rights and privileges accorded under Community law to nationals of any Member State who move in order to pursue activities as employed persons and to members of their families.

(2) Community measures

Council Directive 68/360/EEC of 15 October 1968 on the abolition of restrictions on movement and residence within the Community for workers of Member States and their families.

(3) Contents

1. The right of nationals of Community Member States and that of the members of their family to leave their territory in order to take up activities as employed persons in the territory of another Member State shall be exercised simply on production of an identity card or passport. Member States may not demand an exit visa or any equivalent document.
2. Member States shall allow such persons to enter their territory simply on production of an identity card or passport. No entry visa or equivalent document may be demanded save from members of the family who are not nationals of a Member State. Member States shall accord to such persons every facility for obtaining any necessary visas.
3. Member States shall grant the right of residence in their territory to the persons referred to in paragraph 1 above and shall issue them with a 'residence permit for a national of a Member State of the EEC'. The wording of the statement to be included in the permit is given in an Annex. The Directive spells out which documents are required for the issue of such a residence permit. A member of the family who is not a national of a Member State shall be issued with a residence document having the same validity as that issued to the worker on whom he is dependent. Completion of the formalities for obtaining a residence permit shall not hinder the immediate beginning of employment under a contract concluded by the applicants.
4. The conditions of validity applying to the residence permit are laid down. It must be valid throughout the territory of the Member State which issued it for at least five years from the date of issue. Where a worker is employed for a period exceeding three months but not exceeding a year, the host State shall issue him a temporary residence permit, the validity of which may be limited to the expected period of employment.
5. The residence permit may not be withdrawn from a worker solely on the grounds that he is no longer in employment, either because he is temporarily incapable of work (illness, accident) or because he is involuntarily unemployed.
6. Member States shall, without issuing a residence permit, recognize the right of residence in their territory of a worker pursuing an activity as an employed person where the activity is not expected to last for more than three months, a cross-border worker and a seasonal worker in line with the conditions laid down. In all such cases the competent



authorities of the host Member State may require the worker to report his presence in the territory.

7. The cost of the residence documents may not exceed the amount charged for the issue of identity cards to nationals. Visas issued to members of the family who are not nationals of a Member State shall be free of charge. Member States shall take the necessary steps to simplify as much as possible the formalities and procedures for obtaining such documents.

8. Member States shall not derogate from the provisions of this Directive save on grounds of public policy, public security or public health.

9. The Directive applies to workers with recognized skills in coalmining and steelmaking and in the nuclear energy field as well as to the members of their families, in so far as their legal position is not governed by the ECSC and EAEC Treaties.

10. Member States shall notify the Commission of amendments made to simplify the formalities involved in issuing such documents as are still necessary for the entry, exit and residence of workers and members of their families.

(4) Deadline for implementation of the legislation in the Member States

Within nine months of notification.

(5) Date of entry into force (if different from the above)

Not applicable.

(6) References

Official Journal L 257, 19.10.1968

(7) Follow-up work

(8) Commission implementing measures

5. FREE MOVEMENT OF WORKERS

5.15. Movement and residence of workers: abolition of restrictions on movement and residence — Amending Directive 68/360/EEC

- (1) *Objective* To adapt the provisions of Directive 68/360/EEC in line with the proposed amendments to Regulation (EEC) No 1612/68, to remove the obstacle to free movement of workers constituted by the fact that the procedures linked to the issue of residence cards have in many cases proved too long and the costs too high, to take into account the new conditions prevailing on the employment market, and to underpin the right of residence in the host State.
- (2) *Proposal* Modified proposal for a Council Regulation amending Directive 68/360/EEC on the abolition of restrictions on movement and residence of workers of Member States and their families within the Community.
- (3) *Contents*
1. As proof of the right of residence, a document entitled 'European Communities residence card' shall be issued.
 2. The formalities involved in obtaining the residence card shall be completed as quickly as possible.
 3. The residence card must be valid for at least five years from the date of issue; it shall be automatically renewable for periods of 10 years.
 4. Absences on military service or for medical reasons, maternity or study or when performing temporary contractual duties for the employer either on the territory of another Member State or outside the territory of the Community shall not affect the validity of the residence card.
 5. The host Member State shall issue a residence card to a worker who has held several successive temporary jobs, given certain conditions.
 6. The temporary residence card shall be automatically renewable until entitlement to unemployment benefit has expired.
 7. The residence card may not be withdrawn from a worker solely on the grounds that he is no longer in employment, either because he is temporarily incapable of work (illness, accident or pregnancy) or because he is involuntarily unemployed. When it expires during a period of incapacity for work it shall be automatically renewed.
 8. The residence documents and supporting documents issued to persons enjoying the rights conferred by the Directive shall be issued and renewed free of charge.
 9. Presentation of the residence card may not be demanded on crossing frontiers.
- (4) *Opinion of the European Parliament* First reading: Parliament approved the Commission's proposal subject to certain amendments. The Commission accepted some of these amendments.
- (5) *Current status* The amended proposal is currently before the Council in view of a common position.



(6) References

Commission proposal COM(88) 815/II final	Official Journal C 100, 21.4.1989
Amended proposal COM(90) 108/II final	Official Journal C 119, 15.5.1990
European Parliament opinion First reading	Official Journal C 68, 19.3.1990
Economic and Social Committee opinion	Official Journal C 159, 26.6.1989

5. FREE MOVEMENT OF WORKERS

5.16. Movement and residence of workers: abolition of restrictions on movement and residence — Establishment and the provision of services

<i>(1) Objective</i>	To abolish the existing restrictions on movement and residence within the Community of self-employed persons and their families.
<i>(2) Community measures</i>	Council Directive 73/148/EEC of 21 May 1973 on the abolition of restrictions on movement and residence within the Community for nationals of Member States with regard to establishment and the provision of services.
<i>(3) Contents</i>	<p>1. Nationals of a Member State who are established or who wish to establish themselves in another Member State in order to pursue activities as self-employed persons, or who wish to provide services in that State; and</p> <ul style="list-style-type: none">— nationals of Member States wishing to go to another Member State as recipients of services;— their spouse and their children under 21 years of age irrespective of their nationality;— the ascendants and descendants of such nationals, and of their dependent spouse, irrespective of their nationality, <p>shall have the right to leave the territory of a Member State simply on production of an identity card or passport. Member States may not demand any exit visa or equivalent requirement.</p> <p>2. The persons mentioned in paragraph 1 above shall be admitted on to the territory of the Member States merely on production of an identity card or passport. No entry visa or equivalent requirement may be demanded except in respect of members of the family who do not have the nationality of a Member State; Member States shall grant to such persons every facility for obtaining any necessary visas.</p> <p>3. Each Member State shall grant the right of permanent residence to nationals of other Member States who establish themselves within its territory in order to pursue activities as self-employed persons, when the restrictions on these activities have been abolished. As proof of the right of residence, a document entitled 'Residence permit for a national of a Member State of the European Communities' shall be issued. Breaks in residence not exceeding six consecutive months and absence on military service shall not affect the validity of a residence permit. It may not be withdrawn from a national solely on the grounds that he is no longer in employment because he is temporarily incapable of work as a result of illness or accident.</p> <p>4. Any national of a Member State authorized under the laws of another Member State to pursue any activity within its territory shall be granted the right of abode for a period not less than that of the authorization granted for the pursuit of the activity in question.</p> <p>5. The right of residence for persons providing and receiving services shall be of equal duration with the period during which the services are provided. If this exceeds three months, the Member State shall issue a right of abode; if it does not exceed three months, the person's identity card or passport shall be sufficient to cover his stay. The Member State may, however, require the person concerned to report his presence in the territory.</p>



6. A member of the family who is not a national of a Member State shall be issued with a residence document which shall have the same validity as that issued to the national on whom he is dependent.

7. An applicant for a residence permit or right of abode shall not be required by a Member State to produce anything other than:

- the document with which he or she entered its territory;
- proof that he or she comes within one of the classes of person referred to in this Directive.

8. The cost of the residence documents and certificates necessary for their issue shall not exceed the dues and taxes charged for the issue of identity cards to nationals. The visas issued to members of the family who are not nationals of a Member State shall be free of charge. Member States shall simplify as much as possible the formalities and the procedures for obtaining the residence documents and certificates.

9. Member States shall not derogate from the provisions of the Directive save on the grounds of public policy, public security or public health.

10. They shall notify the Commission of amendments made to simplify the formalities for movement and residence of the persons covered by the Directive.

(4) Deadline for implementation of the legislation in the Member States

Within six months of notification.

(5) Date of entry into force (if different from the above)

Not applicable.

(6) References

Official Journal L 172, 28.6.1973

(7) Follow-up work

(8) Commission implementing measures

5. FREE MOVEMENT OF WORKERS

5.17. Movement and residence of workers: workforce mobility — Regulation (EEC) No 1612/68

<i>(1) Objective</i>	To ensure free movement of workers within the Community, which entails the abolition of any discrimination based on nationality as regards employment, remuneration and other working conditions, eligibility for housing and the workers' right to be joined by their families.
<i>(2) Community measures</i>	Council Regulation (EEC) No 1612/68 of 15 October 1968 on the freedom of movement for workers within the Community.
<i>(3) Contents</i>	<p>Employment and workers' families:</p> <p>I. Eligibility for employment</p> <p>1. Any national of a Member State has the right to take up an activity as an employed person and to pursue such activity within the territory of another Member State in accordance with the appropriate national provisions applicable to nationals of that State. He has the right to take available employment in the territory of another Member State with the same priority as nationals of that State. He shall receive the same assistance there as that granted by the employment offices in that State to their own nationals seeking employment. His recruitment shall not depend on medical, vocational or other criteria which are discriminatory on grounds of nationality.</p> <p>II. Employment and equality of treatment</p> <p>2. A worker who is a national of a Member State may not, in the territory of another Member State, be treated differently from national workers by reason of his nationality in respect of any conditions of employment and work (in particular dismissal and remuneration).</p> <p>3. He shall enjoy the same social and tax advantages as national workers.</p> <p>4. He shall also have access, under the same conditions as national workers, to training in vocational schools and retraining centres.</p> <p>5. He shall enjoy equality of treatment as regards exercise of trade union rights, but may be excluded from taking part in the management of bodies governed by public law and from holding an office governed by public law.</p> <p>6. He shall enjoy all the rights and benefits accorded to national workers in matters of housing.</p> <p>7. The members of the family (spouse, descendants under 21 years of age or who are dependants, dependent relatives in the ascending line) of a worker employed in the territory of another Member State shall have the right to install themselves with him irrespective of their nationality. Member States shall facilitate the admission of any other member of the family dependent on the worker or living under his roof in the country from which he comes. His spouse and his children who are under the age of 21 or dependent on him shall have the right to take up any activity as an employed person throughout the territory of the host State even if they are not nationals of any Member State. The children shall be admitted to that State's general educational,</p>



apprenticeship and vocational training courses under the same conditions as the nationals of the host State.

Clearance of vacancies and applications for employment (summary 2.12)

Final provisions

8. The Regulation applies to workers with recognized qualifications in coalmining or steelmaking and in the nuclear energy field in so far as their legal position is not governed by the ECSC and EAEC Treaties.

9. The Commission shall adopt the necessary implementation measures, in close cooperation with the central public authorities of the Member States.

10. The Commission shall submit to the Council proposals aimed at abolishing restrictions on eligibility for employment of workers where the absence of mutual recognition of diplomas, certificates or other evidence of formal qualifications may prevent free movement of workers.

(4) Deadline for implementation of the legislation in the Member States

Not applicable.

(5) Date of entry into force (if different from the above)

(6) References

Official Journal L 257, 19.10.1968

(7) Follow-up work

(8) Commission implementing measures

5. FREE MOVEMENT OF WORKERS

5.18. Movement and residence of workers: workforce mobility — Amending Regulation (EEC) No 1612/68

- (1) *Objective* To adapt the provisions of the Regulation to the new socioeconomic context and to incorporate the principles enunciated by the European Court of Justice.
- (2) *Proposal* Proposal for a Council Regulation amending Regulation (EEC) No 1612/68 on the freedom of movement for workers within the Community.
- (3) *Contents*
1. Any national of a Member State seeking employment within the territory of another Member State shall receive aid which is available to nationals travelling to take up activity as an employed person, to promote mobility and recruitment.
 2. He shall have access to training, readaptation and vocational retraining under the same conditions as national workers.
 3. He shall enjoy all the rights and benefits accorded to national workers in matters of housing, including housing ownership and access to means of financing and subsidies.
 4. Any national of a Member State who is contractually bound in another Member State where he usually carries out an activity, shall with respect to that Member State, continue to be covered by the provisions of Title II when performing temporary contractual duties for the employer, either on the territory of another Member State or outside the territory of the Community.
 5. A Member State whose laws, regulations or administrative provisions attribute legal effects or make social or tax advantages subject to the occurrence of certain facts or events shall, where necessary, take into account the said facts or events which occurred in any other Member State as if they had occurred on the national territory.
 6. The following shall have the right to install themselves with the national of a Member State who is employed in the territory of another Member State even if they are not nationals of a Member State:
 - the spouse or any person with similar status under the system of the host country and their descendants;
 - relatives in the ascending line of the worker or the spouse or any person with similar status under the system of the host country;
 - any other member of the family in the country of origin who is dependent on or living under the roof of the worker or the spouse or person with similar status under the system of the host country.
 7. The members of the family of a worker who do not have the nationality of a Member State shall have the right to take up any activity as an employed person throughout the territory of the host State, and to perform that activity in accordance with the provisions governing the employment of nationals of that State. The death of the worker on whom the members of the family are dependent or the dissolution of the marriage shall not affect that right.
 8. They shall enjoy the same social advantages as the nationals of the host State; they shall also be admitted to general education, apprenticeship and vocational training courses of university or non-



university level on the same terms as the nationals of that Member State.

9. Member States shall take such measures as are necessary to ensure the application by all natural and legal persons of the principle of equal treatment in the fields covered by the Regulation and to curb any infringement of that principle.

(4) Opinion of the European Parliament

First reading: Parliament approved the Council's common position subject to certain amendments. The Commission accepted some of these amendments.

(5) Current status

The modified proposal is currently before the Council with a view to adoption of a common position.

(6) References

Commission proposal COM(88) 815/l final	Official Journal C 100, 21.4.1989
Amended proposals COM(90) 108 final	Official Journal C 119, 15.5.1990 Official Journal C 177, 18.7.1990
European Parliament opinion First reading	Official Journal C 68, 19.3.1990
Economic and Social Committee opinion	Official Journal C 159, 26.6.1989

5. FREE MOVEMENT OF WORKERS

5.19. Movement and residence of workers: workers' trade union rights

<i>(1) Objective</i>	To specify the scope of the principle of equality of treatment in respect of the exercise of trade union rights.
<i>(2) Community measures</i>	Council Regulation (EEC) No 312/76 of 9 February 1976 amending the provisions relating to the trade union rights of workers contained in Regulation (EEC) No 1612/68 on freedom of movement for workers within the Community.
<i>(3) Contents</i>	A national of a Member State employed in the territory of another Member State shall enjoy equality of treatment as regards the exercise of trade union rights, including the right to vote and eligibility for the administrative or management posts in a trade union; he may be excluded from taking part in the management of bodies governed by public law and from holding an office governed by public law. Moreover, he shall have the right to eligibility for workers' representative bodies in the undertaking.
<i>(4) Deadline for implementation of the legislation in the Member States</i>	Not applicable.
<i>(5) Date of entry into force (if different from the above)</i>	17.2.1976
<i>(6) References</i>	Official Journal L 39, 14.2.1976
<i>(7) Follow-up work</i>	
<i>(8) Commission implementing measures</i>	



6. SOCIAL PROTECTION

6.1. Current problems and objectives for 1992: Social Charter

'According to the arrangements applying in each country:

Every worker of the European Community shall have a right to adequate social protection and shall, whatever his status and whatever the size of the undertaking in which he is employed, enjoy an adequate level of social security benefits.

Persons who have been unable either to enter or re-enter the labour market and have no means of subsistence must be able to receive sufficient resources and social assistance in keeping with their particular situation.'

6. SOCIAL PROTECTION

6.2. Current problems and objectives for 1992: Commission's action programme — 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.

With this in mind, the Commission has laid a proposal for a recommendation before the Council (summary 6.5).

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 (summary 6.6).

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.



6. SOCIAL PROTECTION

6.3. Current problems and objectives for 1992: Commission's action programme — Initiatives

RECOMMENDATION ON SOCIAL PROTECTION: CONVERGENCE OF OBJECTIVES (summary 6.5)

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 1989 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. As a result, the Commission adopted a Recommendation proposal in June 1991 (summary 6.5).

RECOMMENDATION ON COMMON CRITERIA CONCERNING SUFFICIENT RESOURCES AND SOCIAL ASSISTANCE IN THE SOCIAL PROTECTION SYSTEMS (summary 6.6)

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 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 is 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. SOCIAL PROTECTION

6.4. Convergence of objectives : Missoc — Information system on social protection

<i>(1) Objective</i>	To promote exchanges of information on social protection systems and policies in the Member States of the Community.
<i>(2) Community measures</i>	Missoc programme — Mutual information system on social protection, launched in March 1990.
<i>(3) Contents</i>	<p>1. Targeting The Community institutions, national administrations, employers and workers, research institutes and any other individual or institution requiring information on social protection in Europe.</p> <p>2. How it operates The entire network is coordinated by the Institut Européen de Sécurité Sociale (IESS) which is responsible for organizing meetings, collecting information, managing the computer system and preparing and distributing publications. The system operates through a network of national correspondents who meet twice a year. Missoc collaborates with other Community projects and networks concerned with social protection.</p> <p>3. Description of the actions</p> <ul style="list-style-type: none">— Publications: Comparative tables on social security schemes, preceded by an analysis of developments in systems and policies during the previous year. Report on changes in social protection systems and policies during the 1980s.— Database and telematic network :<ul style="list-style-type: none">— short-term: on-line consultation of comparative tables and trend analyses;— medium-term: collection of data by electronic mail and possibility of making detailed enquiries on specific aspects.
<i>(4) Deadline for implementation of the legislation in the Member States</i>	Not applicable.
<i>(5) Date of entry into force (if different from the above)</i>	Not applicable.
<i>(6) References</i>	
<i>(7) Follow-up work</i>	
<i>(8) Commission implementing measures</i>	



6. SOCIAL PROTECTION

6.5. Convergence of objectives: convergence of objectives and policies

- (1) *Objective* To promote — in the context of completion of the internal market — convergence between social protection policies to avoid: (a) differences in social protection levels which might inhibit the free movement of people and (b) competition between the systems with the attendant risk of decreasing social standards. To allow different national systems to coexist and advance in harmony together, and to reduce disparities.
- (2) *Proposal* Proposal for a Council Recommendation on the convergence of social protection objectives and policies.
- (3) *Contents* The diversity of social protection systems, rooted in national cultures, and the principle of subsidiarity mean that the Member States must continue to determine the arrangements for organizing and financing social protection. Nevertheless, other elements point to the need to promote a flexible, progressive and non-compulsory strategy enabling social protection policies to converge. Completion of the internal market means ensuring that worker mobility of the desirable kind does not involve any diminution in social protection or loss of social status. What is more, all the social protection systems face similar problems: the growing phenomenon of social exclusion, emergence of a large fringe population working in atypical jobs, increasing numbers of isolated people and single-parent families, decreasing birth-rates and a concomitant reduction in the proportion of members of the active population to retired persons, growing health care costs, etc. For this reason it is recommended that Member States should:
- (a) direct their general policy towards the following objectives:
- as regards guiding principles:
 - guarantee a decent minimum standard of living to everyone;
 - give everyone, regardless of his or her resources, the chance to receive the necessary care, to benefit from illness-prevention measures and to have access to the requisite services for maintaining an independent way of life;
 - further social and economic integration;
 - ensure that living standards will not be appreciably reduced when workers cease work at the end of their working life or are forced to interrupt such activity due to sickness, accident, maternity, invalidity or unemployment;
 - as regards compliance with general principles:
 - avoid any discrimination based on nationality, race, sex, creed, conduct or political opinion;
 - upgrade the benefits paid to those not professionally active and to the unemployed in accordance with improvements in workers' standard of living;
 - individualize rights and contributions to take account of new types of behaviour and family structures;
- (b) adapt and develop their social protection systems to make progress towards achieving the following aims:

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- sickness or accident:
 - ensure equal access to health care and to illness-prevention measures;
 - maintain and develop a high-quality health care system geared to more prevention, scientific progress, chronic illnesses and elderly dependants;
 - control the growth in health care expenditure;
 - organize the rehabilitation and reintegration of convalescents;
 - provide workers, who are off work due to illness, with benefits equal to the major part of their previous earnings;
 - maternity:
 - organize total coverage of the costs of treatment necessary due to pregnancy, childbirth and their consequences;
 - provide women, who interrupt their work due to maternity, with benefits maintaining their previous earnings during the period they are away from their work;
 - unemployment:
 - guarantee a minimum level of resources for the unemployed, graduated according to their household type and size, plus access to health care for them and for their dependants;
 - make available to the young and the long-term unemployed a range of measures against exclusion and enable them to acquire the necessary vocational qualifications;
 - provide the unemployed with benefits representing a significant part of their previous earnings;
 - incapacity for work:
 - give invalids or disabled persons, and those in their charge, social protection guaranteeing minimum means of subsistence and access to health care;
 - foster their social and, as far as possible, their economic integration;
 - give workers, who are forced to interrupt or reduce work because of invalidity, benefits equal to the major part of their previous earnings;
 - the elderly:
 - guarantee minimum means of subsistence to all elderly persons and adapt any such guarantee to suit their specific needs, in particular where they are dependent;
 - prevent their social exclusion;
 - give all workers the chance to continue working beyond the minimum age for granting retirement pensions;
 - ensure that the pension scheme guarantees a high income replacement rate;
 - reduce the penalization of those workers who have an incomplete career as a result of periods of illness, invalidity or long-term unemployment, or have given up work temporarily to raise their children or to take care of a disabled or invalid relative;
 - gradually adapt the conditions governing acquisition of supplementary pensions so as to eliminate obstacles to mobility;
 - in due course adapt pension systems to demographic changes;
 - family:
 - develop the benefits paid to the most disadvantaged families to avoid a lack of resources dissuading anyone from having children;



- develop the benefits paid to single-parent families and those bringing up a disabled child;
- foster the integration, in particular through training, of people who, having raised children, wish to enter the labour market;
- remove the obstacles to parents' occupational activity;
- provide financial support to persons who, by reason of the need to raise children or care for an elderly or disabled relative, have to reduce or cease work;
- reduce inequality of opportunities amongst children due to their various family backgrounds, in particular as regards their parents' income.

(c) The Commission is requested to submit regular reports to the Council on progress achieved in relation to these objectives, to determine and develop the use of appropriate indicators to this effect, and to present suitable proposals taking into account demographic, economic and social changes in the Community.

(4) Opinion of the European Parliament

(5) Current status

The proposal is currently before the European Parliament for its opinion.

(6) References

Commission proposal
COM(91) 228 final
Economic and Social
Committee opinion

Official Journal C 194, 25.7.1991

Not yet published in the Official Journal

6. SOCIAL PROTECTION

6.6. Sufficient resources and social assistance

(1) Objective

To combat social exclusion by drawing up common principles to ensure, within the social protection systems of each Member State and in keeping with the specific situation there, a general right to sufficient benefits and resources for the least favoured citizens.

(2) Proposal

Proposal for a Council Recommendation on common criteria concerning sufficient resources and social assistance in the social protection systems.

(3) Contents

1. The Recommendation affirms the need to recognize a general right to a guarantee of sufficient, stable and reliable resources and benefits. As part of a comprehensive and systematic drive to combat social exclusion, the Member States shall adapt their social protection systems accordingly.
2. This right shall be extended to all persons residing, in accordance with the national and Community provisions on these matters, within the territory of the Member State and who do not have access to resources equal to or higher than a specified amount, subject to active availability for work in the case of those who have reached the age of civil majority and whose age, health and family situations permit professional activity. Access to this right is not to be subject to time limits; this right may be granted for limited periods, but these shall be renewable as long as the conditions governing access remain fulfilled. This right shall entail automatic access to health protection and help in obtaining access to rights, services or benefits, particularly with regard to housing and training.
3. Implementation of this right shall be based on the following calculation procedures and methods:
 - the amount of resources considered sufficient to cover essential needs beyond subsistence levels shall be fixed, according to the living standards and price levels in the Member State concerned, for different types and sizes of household;
 - where necessary, supplementary amounts to meet specific needs may be fixed;
 - these amounts shall be fixed with reference to appropriate indicators, in particular average disposable income in the Member State, statistical data on household consumption or the legal minimum wage;
 - arrangements for periodic revision of these amounts are to be established;
 - the differential financial aid granted shall bring those involved up to the actual amount; the granting of this aid may not be limited by the implementation of regulations in force in the areas of taxation, civil obligation and social security;
 - all necessary measures are to be taken to offer those concerned appropriate social support, including, in particular, reception/counselling, information and legal aid; administrative procedures shall be simplified, and the appeals machinery, using independent third parties such as tribunals, shall be efficient, fast and free;



— persons whose age and condition make them available for work shall benefit from all arrangements for participating in training courses to prepare for entering or re-entering employment.

4. Member States are called on to take all the necessary measures to implement the Recommendation progressively within five years of it being adopted, and they must conduct a methodical evaluation of its impact. The methods to be used and the funding and administrative arrangements are to be organized in accordance with national legislation and practice.

5. The Commission is to encourage, in cooperation with the Member States, the systematic exchange of information and experience. Within three years of the Recommendation being adopted, the Commission shall submit to the Council, the European Parliament and the Economic and Social Committee a report assessing the national provisions adopted.

(4) Opinion of the European Parliament

(5) Current status

The proposal is currently before the European Parliament for its opinion.

(6) References

Commission proposal
COM(91) 161 final
Economic and Social
Committee opinion

Official Journal C 163, 22.6.1991

Not yet published in the Official Journal

6. SOCIAL PROTECTION

6.7. Poverty II and economic and social integration

(1) Objective	To produce an overall assessment of the nature of poverty in the Community and of the innovatory measures carried out as part of 91 action-research projects centred on eight priority subjects.
(2) Community measures	Final report on the second European poverty programme (1985-89)
(3) Contents	<p>I. Poverty in Europe</p> <p>1. Poverty is not just a shortage of money. It has many different dimensions, including shortcomings in areas such as training, work capacity, health, housing and isolation.</p> <p>2. In December 1984 the Council of Ministers defined the poor as 'persons whose resources (material, cultural and social) are so limited as to exclude them from the minimum acceptable way of life in the Member State in which they live'.</p> <p>3. The face of poverty has changed. It has declined among the elderly, although they remain a vulnerable group. On the other hand, there are certain aspects of economic and social change that constitute new poverty factors, such as the increase in unemployment, insecure forms of employment and the number of single-parent families.</p> <p>II. Activities under the second European poverty programme</p> <p>4. The Commission supported 91 local action-research projects throughout the 12 Member States. It also launched a parallel series of studies and statistical projects on the nature, development and perception of poverty in Europe.</p> <p>5. The projects were divided into eight subject groups: integrated action in urban and rural areas, long-term unemployed, youth unemployment, the elderly, single-parent families, migrants and refugees and marginals. The Commission financed each project's operating budget to the amount of 50%. The scope of the projects and the underlying logic varied from one Member State to another.</p> <p>6. Coordination was provided and a general assessment made through the programme, which involved transnational exchanges held at the project locations.</p> <p>7. Lessons were learnt from the programme in various fields: employment (action aimed at persons and changes in the environment), social protection institutions (facilitating access to social services and entitlements and provision of the most appropriate benefits for fighting poverty), family and neighbourhood, and local development (mobilization of local resources).</p> <p>III. Prospects for solidarity in Europe</p> <p>8. Certain aspects of economic and social change and of the construction of Europe represent a challenge for the fight against exclusion.</p> <p>9. The national authorities have to establish an overall and consistent policy to combat exclusion, with help from the Community institutions. Such a policy is based on a guarantee of resources and a policy of economic and social integration.</p>



10. The Community has already introduced a number of initiatives relating to the fight against exclusion:

- the Council Resolution on the fight against social exclusion;
- a follow-up to the poverty programme;
- cooperation with non-governmental organizations;
- the observatory on anti-exclusion policies;
- activities devoted to training and employment through the structural Funds;
- a series of legal initiatives in the Commission's programme of action relating to the implementation of the Charter of fundamental social rights for workers.

11. The report contains three Annexes:

- statistics and methodology;
- structure of the second European poverty programme;
- publications of the second programme's organization and dissemination unit.

(4) Deadline for implementation of the legislation in the Member States

Not applicable.

(5) Date of entry into force (if different from the above)

Not applicable.

(6) References

Commission report
COM(91) 29 final

(7) Follow-up work

(8) Commission implementing measures

6. SOCIAL PROTECTION

6.8. Poverty III and economic and social integration

(1) Objective

To produce, on the basis of the lessons learnt from the first two programmes, pilot projects involving preventive and corrective measures to combat social exclusion in Europe.

(2) Community measures

Council Decision 89/457/EEC of 18 July 1989 establishing a medium-term Community action programme concerning the economic and social integration of the economically and socially less-privileged groups in society.

(3) Contents

1. The key principles are:
partnership (mobilize all the parties concerned), integration (remove people from marginalized situations), a multidimensional approach (combining a wide range of measures in key exclusion sectors) and participation (involvement of the most underprivileged).

2. Community financing is to be given as a matter of priority to coordinated series of local projects. Thirty-nine projects have been selected to cover those groups who are particularly exposed to poverty ('traditional poverty' and 'new poverty').

3. Structure
Now that the exploratory phase of the first two programmes has given way to a phase of 'selective development', new types of organization have been introduced:

- the Commission (DG V) will be responsible for implementing the programme;
- the Commission will be assisted by a central management and organization unit with eight members;
- coordination will be provided at national and Community levels by a network of nine research and development units covering all the Member States;
- an Advisory Committee comprising representatives of the national governments will be consulted on all important matters.

4. Description of measures
There are three main types:

- pilot projects geared towards the needs of the less privileged;
- innovatory measures designed to develop original ways of providing assistance;
- studies of and research into marginalization processes.

5. Provision of information

- a monthly information letter on the development of the programme will enable the various projects to exchange experiences;
- 'Magazine' will provide information for the general public three times a year;
- an annual report will give an account of the lessons to be learnt from the projects;
- a list drawn up at the end of 1990 describes the measures involved in the various projects.

(4) Deadline for implementation of the legislation in the Member States

Not applicable.



(5) Date of entry into force (if different from the above) Not applicable.

(6) References

Official Journal L 224, 2.8.1989

(7) Follow-up work

(8) Commission implementing measures

7. FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING

7.1. Current problems and objectives for 1992: Social Charter

'Employers and workers of the European Community shall have the right of association in order to constitute professional organizations or trade unions of their choice for the defence of their economic and social interests.

Every employer and every worker shall have the freedom to join or not to join such organizations without any personal or occupational damage being thereby suffered by him.

Employers or employers' organizations, on the one hand, and workers' organizations, on the other, shall have the right to negotiate and conclude collective agreements under the conditions laid down by national legislation and practice.

The dialogue between the two sides of industry at European level which must be developed, may, if the parties deem it desirable, result in contractual relations in particular at inter-occupational and sectoral level.

The right to resort to collective action in the event of a conflict of interests shall include the right to strike, subject to the obligations arising under national regulations and collective agreements.

In order to facilitate the settlement of industrial disputes the establishment and utilization at the appropriate levels of conciliation, mediation and arbitration procedures should be encouraged in accordance with national practice.

The internal legal order of the Member States shall determine under which conditions and to what extent the rights provided for in Articles 11 to 13 apply to the armed forces, the police and the civil service.'



7. FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING

7.2. Current problems and objectives for 1992: Commission's action programme — 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 is endeavouring '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 (summary 7.4).

Currently under study in this dialogue are topics such as education and training, 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 (summaries 7.6 to 7.13).

The social partners will then select 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 social partners the Commission is also examining the extent to which and under what terms they can 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 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.

7. FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING

7.3. Current problems and objectives for 1992: Commission's action programme — 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. FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING

7.4. Social dialogue: background

1. The convening of the first Val Duchesse meeting on 31 January 1985 was seen as a call from the President of the Commission, Jacques Delors, to the economic and social groups to mobilize and play their part in the building of Europe; since that first meeting, social dialogue has acted as a stimulus and created a more flexible psychological climate.

Social dialogue is an instrument which enables the two sides of industry to manage the social changes brought about by company restructuring and the introduction of new technologies into production methods, and to preserve the foundations of the social Europe.

The effectiveness of social dialogue depends on the initiatives of the Commission and the readiness of the two sides of industry to play their part in it. In 1989, a Steering Group was set up, comprising a restricted number of top-level representatives of the two sides of industry. Its role is to:

- ensure an on-going impetus for social dialogue;
- institute and organize work on selected subjects;
- assess joint opinions resulting from social dialogue.

2. Social dialogue results in joint opinions and a framework agreement.

7. FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING

7.5. Social dialogue — Joint opinions: role of the joint opinions

The joint opinions are the formal expression of the results of the social dialogue. While they do not impose any obligation or constraint on the parties involved, they represent a joint policy on issues which are of particular complexity even at national level and must necessarily be the result of hard-won compromise between the parties concerned and delicate negotiation between their own members.

Eight joint opinions have been adopted.



7. FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING

7.6. Social dialogue — Joint opinions: first joint opinion

The first joint opinion (6 November 1986) concerned the fundamental principles behind the cooperative growth strategy for more employment. The social partners endorsed the general thrust of the economic policy proposed by the Commission in its Annual Economic Report 1986-87. The workers' and employers' organizations called upon the Governments of the Member States to make a greater effort to ensure that the cooperative strategy was effectively implemented, and declared their willingness to cooperate.

Full or broad agreement was reached on the following points:

- the important role of public investment and business profitability in the fight against unemployment;
- the need for a low inflation rate and the responsibility incumbent on the social partners to contain inflation;
- the need for a reduction in real interest rates to help direct savings towards productive investment through liberalization of capital movements;
- completion of the internal market would release considerable growth potential;
- an active research and development policy, and upgrading of skills in the labour force would ensure that the Community was competitive;
- free world trade had to be maintained and developed;
- moderate growth of real *per capita* wage costs below productivity gains had to be maintained for some time to come in the countries in which it was already practised, and should be applied in the other countries to create the conditions for job-creating investment;
- appropriate tax measures, the development of new forms of financing, and easier access to risk capital could increase investment and employment, particularly in small and medium-sized firms;
- public and infrastructure investment had suffered under the process of budgetary consolidation and there was some ground to be made up in this area.

7. FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING

7.7. Social dialogue — Joint opinions: second joint opinion

The second joint opinion (6 March 1987) concerned the training, motivation, information and consultation of workers. It expressed the view that the process of introducing new technologies would be economically more viable and socially more acceptable if backed up by effective training and greater motivation through employing good information and consultation practices. To this end, the best possible use should be made of existing procedures, while allowing for their diversity. Information and consultation had to be in good time, and there might, in certain circumstances, be an obligation to observe secrecy or confidentiality to avoid damaging the firm's interests. Final decisions were the sole responsibility of the employer or the decision-making bodies within the firm. This prerogative did not, however, prejudice the possibility of negotiation. Despite their differences as to the appropriateness of applying Community legal instruments, both sides recognized the value of encouraging the development of information and consultation practices, particularly in matters relating to the introduction of new technology.

As regards initial and basic training, responsibility for which lay with the public authorities, there should be more involvement of the two sides of industry in contributing actively towards the transition of young people from school to working life. Priority should be given to developing guidance and counselling services and to the training of instructors. In-service training should enable employees to adapt swiftly to structural changes in firms as they occurred. While retraining should be the responsibility of firms themselves, public vocational training bodies should play a part in ensuring better utilization of resources. In-service training would benefit from more effective forecasting of qualifications and the job situation, particularly at regional and local level. Specific ways had to be found and implemented of accommodating the characteristics of small and medium-sized businesses. Special attention should be devoted to qualified first-time job-seekers, particularly women and those under 25.



7. FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING

7.8. Social dialogue — Joint opinions: third joint opinion

With this opinion, Unice, ETUC and CEEP confirmed their agreement, expressed on 6 November 1986, on the basic principles of the cooperative growth strategy for more employment, and urged the Governments of the Member States to devote more effort to its implementation.

The Community could contribute by creating the conditions for stronger internally generated growth. Such growth would also be in the Community's interests, in facilitating the achievement of its own objectives, to which the social partners subscribed: a significant reduction in unemployment, completion of the internal market and stronger economic and social cohesion.

In view of the dangers of a further slowdown in growth, resolute government action was needed at Community level. Such action had to centre around the following main points:

- The first priority was to strengthen internal growth in the Community.
- Reducing exchange rate uncertainties was an important factor in accelerating private investment. The European Monetary System was a valuable asset in this respect.
- The internal market had to be completed rapidly and with due regard for social policy, which meant full implementation of Articles 118 and 130 of the Treaty as amended by the Single European Act.

Continuation of macroeconomic policies improving the prospects for growth was essential if completion of the internal market was to avoid widening the disparities between the regions of the Community. Accelerated growth would also contribute to overcoming sectoral and social problems.

However, there was also a need for effective parallel structural policies. In this connection, particular emphasis should be laid on research and development policy and improving vocational training for the labour force.

Unice, ETUC and CEEP supported the Commission's basic policy on reforming the structural Funds within the framework of a fairly distributed Community budget as proposed in the communication 'Making a success of the Single Act: a new frontier for Europe'. They considered a significant increase and more effective use of funds to be prerequisites for strengthening economic and social cohesion within the Community.

7. FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING

7.9. Social dialogue — Joint opinions: fourth joint opinion

The fourth joint opinion (13 February 1990) concerned the creation of a European occupational and geographical mobility area and improving the operation of the labour market, the main points being greater adaptability of firms, by ensuring continued development and training for employees throughout their working life, and geographical mobility, including the various forms of transfrontier working.

In a European territory with no internal frontiers, in which every worker was theoretically at liberty to choose his place of activity, there were still many obstacles limiting the range of options. These fell into two categories:

- regulatory: non-transferability of supplementary pensions and certain other social benefits, lack of comparability and reciprocal recognition of qualifications, limitation of access to the public sector, disparities between tax systems, limitation of the right to participate and be represented within social bodies, etc.
- economic and cultural: removal and resettlement costs, language and integration difficulties, housing problems and difficulties with childcare and schooling, difficulties encountered by the working spouse in finding suitable employment in the new place of settlement.

The social partners felt there was a need for measures to tackle these obstacles, by:

- simplifying administrative formalities for the issue of resident permits;
- strengthening the right of residence of unemployed workers or those in short-term employment, and their families;
- extending the scope of persons directly covered by Community law to include relatives in ascending and descending line, spouses and other dependent members of the family;
- improving and, where necessary, reorganizing existing information systems, both Community (Sedoc) and national (public placement bureaux). Pilot projects should be run in the frontier regions.

Current job-creation activities should be based on:

- forward planning of staffing needs by firms themselves;
- a forward-looking employment policy at other administrative levels;
- increased dynamism and modernization of public employment agencies, including more cooperation with the authorities responsible for vocational training.

The following guidelines were defined in this regard:

- firms should increase their competitiveness and upgrade skills and qualifications by identifying future needs and undertaking training and retraining initiatives;
- at sectoral level, account should be taken of the employment factor in the Commission studies on the impact on certain sectors of completion of the single market;
- at regional and/or employment area level, economic and social cohesion in the Community could be improved by structural adjustments in regions whose development was lagging behind, conversion of declining industrial areas, adaptation of agricultural structures and development of rural areas.

To this end, emphasis was laid on the need for close cooperation between employers' and workers' organizations, the public employment agencies, the public authorities and potential investors. It was seen as particularly important that all workers should be in a position to benefit from adequate vocational guidance and advisory and placement services free of charge.

7. FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING

7.10. Social dialogue — Joint opinions: fifth joint opinion

The fifth joint opinion (19 June 1990) concerned basic education, initial training and vocational training for adults. The social partners stressed the importance of high-quality initial training accessible to all young people, with particular emphasis on measures facilitating the transition from school to working life through provision of apprenticeships and on-the-job training schemes. Life-long vocational training compatible with the needs of the firm was the joint responsibility of the employer and the employee, their respective needs having been clearly forecast and identified.

As regards basic education and initial training, the education authorities should be encouraged to take whatever measures may be necessary before the end of compulsory education. Such measures should be implemented under the general responsibility of the public authorities, and with due regard for the views of the social partners. They should encourage the development of learning and entrepreneurial skills, provide a basis for technological training and promote the learning of at least one second language. Measures taken should combine training with work experience and lead to recognized qualifications. Vocational training had to be accessible to all young people, special provision being made for those who had been unable to acquire the necessary qualifications at school, those who had grown up outside their country of origin to help them acquire the basic training they needed to find a job, and for the disabled and unemployed to help them enter or re-enter the labour market. Policies promoting equal opportunities for men and women and, most importantly, training in jobs of the future, should be developed. All the parties concerned should make efforts to ensure that schools, in addition to providing a broad general education and basic training for life in society, should take more account of the realities of working life. The latest tools and methods should be used in the training of teachers and instructors, along with participation in exchange programmes.

Various means of encouraging vocational and adult training should be employed: training plans, authorization of leave, adapted programmes, cooperation between organizations, tax inducements and the use of modern communication facilities. Short training courses should lead, in stages, to broader and additional qualifications. Training programmes should be drawn up on the basis of initiatives from the individual employee, the employer, workers' representatives, professional organizations, the region concerned and the State. Special consideration must be given to integration problems affecting lower qualified workers, small and medium-sized firms, migrant workers and their children, ethnic minorities, disabled people and the long-term unemployed. The social partners reiterated their support for existing Community training programmes such as Petra, Lingua, Eurotecnet and Comett. The exchanges with the EFTA countries were worth maintaining. The Commission should continue with its studies on training costs and terms of access. The cost of training should be borne by the employer and be tax deductible. Employees wishing to follow a course of training of their choice compatible with their personal and career development needs should be assisted in doing so through publicly funded schemes.

7. FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING

7.11. Social dialogue — Joint opinions: sixth joint opinion

The sixth joint opinion (6 November 1990) concerned the transition from school to adult and working life. In it, six priority areas were identified.

1. With respect to the role of basic general education, the joint opinion identified the key factors which could facilitate the transition process, and the qualifications which would be drawn upon increasingly throughout working life (literacy and numeracy, communication skills, working in a team, adaptability, the ability to learn independently and preparation for a process of lifelong learning, ability to use new technology, with an emphasis on computer literacy, the ability to exercise rights and responsibilities as citizens, etc.). Compulsory schooling had to be of sufficient duration, free of regional disparities and have a satisfactory teacher-pupil ratio. It was crucial to make every effort to draw young people into the teaching profession and make their working conditions more attractive.

2. Educational and vocational guidance should be provided free by the Member States in close collaboration with schools, employment services and the social partners. Counselling should be a recognized profession whose members have received appropriate training. Young people should have access to vocational guidance at an early age and receive an effective introduction to working life (visits, work experience, school-company twinning schemes). There should be increased cooperation between the public services, employment agencies, employers and employers' organizations and the unions.

3. Basic training should offer the foundational skills required to respond to the challenges presented by the most rapid pace of change. Full support should be given to the various dual systems of training involving alternance between schools and companies. There should be individualized follow-up for young people who dropped out of training schemes, and help with reorientation and re-entry into training should be made available.

Premature specialization should be avoided to provide maximum opportunity of entry into further and higher education. The social partners would cooperate closely with the Commission to ensure successful completion of current work on comparability and recognition of qualifications in order to contribute to freedom of movement within the Community.

4. Education authorities should forge more contacts between schools and companies. Such initiatives could help young people make important decisions about their future career. Short work experience placements should be an integral part of guidance and counselling. The social partners reaffirmed the potential positive impact of their mutual cooperation.

5. The status of vocational training should make it more attractive to young people, to which end clear information should be provided. Industrial placements as part of a training course should be the subject of a training contract. Young people should have the opportunity to voice their opinion on the training received.

6. The Community programmes on the transition from school to working life should encourage all young people to make better career choices. The social partners lent their support to these programmes and to the work carried out by CEDEFOP.



7. FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING

7.12. Social dialogue — Joint opinions: seventh joint opinion

The seventh joint opinion (10 January 1991) concerned new technologies, work organization and adaptability of the labour market. The participants agreed on the need to seek new rules on a statutory, contractual or other basis, which would allow adaptation to new situations. This would mean more job-creating investment, higher productivity and greater competitiveness, which could be achieved by the introduction of new technologies and by controlling costs. To this end, consideration should be given to the following points:

1. The changes resulting from technological development must contribute to:
 - mobilization and optimum use of human resources;
 - upgrading of qualification levels through vocational and multi-skilled training throughout working life;
 - increased competitiveness of firms through improved working conditions and quality of work, and more rational use of equipment and machinery.

To this end, encouragement should be given to ongoing training accessible to all, good health and safety conditions should be provided at the workplace, and good information and consultation practices set up.

2. Varied and innovatory negotiations and/or agreements were needed to make a significant contribution to reducing and reorganizing working time while maintaining or improving company productivity.

3. Certain types of employment contract (part-time, fixed term, etc.) enabling firms to adapt to changes in demand and allowing employees more flexibility in the organization of their working time, should stipulate the conditions applicable to their execution, in conformity with the practices and statutory and contractual provisions of the country concerned.

4. In the matter of remuneration, the social partners would continue their joint deliberations on the basis of an analysis of the current trends in the Member States.

5. Adaptability measures within firms should be designed to avoid redundancies. Should redundancies prove inevitable, sustained efforts of cooperation were needed to ensure an effective search for other employment possibilities and the creation of alternative jobs.

6. All workers, irrespective of their status and the size of the company, should be entitled to the same health and safety protection at the workplace, the same social security cover and protection in law or on the basis of agreements as regards all other aspects of the employment relationship.

7. FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING

7.13. Social dialogue — Joint opinions: eighth joint opinion

The eighth joint opinion (10 January 1991) concerned ways of providing the broadest possible effective access to training.

The social partners reiterated the needs of businesses (ensuring the success of the internal market, flexible management, respect of the economic environment, adaptability, consideration of the specific situation of small and medium-sized firms, more training in economic, social and management aspects, etc.) and the needs of individuals (importance of certain target groups such as young people, disabled people, the long-term unemployed, ethnic minorities, eliminating the risks of marginalization, combating illiteracy, rapid updating of theoretical knowledge, teaching methods and practical skills, setting up partnership schemes at regional level, etc.).

A certain number of proposals are contained in the joint opinion.

1. Efforts should be made to increase awareness among SMEs in the form of exchanges of information and experience in respect of successful initiatives.
2. In view of the major role of training in the development of regional policy, the social partners should increase their involvement in the European structural Funds. Regional advisory and information units should be set up to analyse supply and demand.
3. Preference should be given to up-to-date methods, particularly those supplementing on-the-job and external training with computer-assisted self-study packages and multimedia support.
4. The social partners were called upon to put forward proposals as a basis for financial and technical aid programmes encouraging companies to expand training possibilities for employees. Such initiatives would supplement existing Community programmes.
5. The Commission should undertake a study of existing or proposed financial or tax incentives.
6. Special efforts were needed to help disadvantaged groups, namely, providing them with access to public training schemes, launching initiatives to improve the prospects of people temporarily interrupting their careers, identification of good practices.
7. Specific programmes should be set up for those with no qualifications. Action by the public authorities should be complemented by agreements between the two sides of industry.
8. Training programmes should include in-service training for instructors, retraining of teachers, the establishment of partnerships between public and private training services, training departments within companies, and bodies managed by the social partners.
9. Ways should be developed of providing lifelong access to training. These could vary according to national practices and be organized under an arrangement arrived at freely by the firm's management and employees. They would cover such matters as responsibility for the organization of training programmes, financing, duration, authorized leave and pay during training. Example scenarios are given in the joint opinion.
10. Individual employees were called upon to take a full part in the training process. The main proposal was for entitlement of each employee to a personal appraisal ensuring that training corresponded as closely as possible to his or her needs and possibilities. Such appraisals would be the property of employees and would contain information on



courses followed, duration, validation, career progression possibilities, and compatibility of training with labour market requirements.

11. Certificates in respect of training programmes and their recognition on the labour market were particularly important factors in effective geographical and job mobility. The social partners therefore recommended that requests for leave to take examinations or for the purposes of skills assessment should be looked upon favourably.

8. INFORMATION, CONSULTATION AND PARTICIPATION OF EMPLOYEES

8.1. Current problems and objectives for 1992: Social Charter

'Information, consultation and participation for workers must be developed along appropriate lines, taking account of the practices in force in the various Member States.

This shall apply especially in companies or groups of companies having establishments or companies in more than one Member State of the European Community.

Such information, consultation and participation must be implemented in due time, particularly in the following cases :

- when technological changes which, from the point of view of working conditions and work organization, have major implications for the work-force, are introduced into undertakings;
- in connection with restructuring operations in undertakings or in cases of mergers having an impact on the employment of workers;
- in cases of collective redundancy procedures;
- when transfrontier workers in particular are affected by employment policies pursued by the undertaking where they are employed.'



8. INFORMATION, CONSULTATION AND PARTICIPATION OF EMPLOYEES

8.2. Current problems and objectives for 1992: Commission's action programme — Introduction

In the social field, the Council Directive 75/129/EEC of 17 February 1975 on collective redundancies (summaries 4.8 to 4.9) 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 Council Directive 77/187/EEC of 17 February 1977 on the safeguarding of workers' rights in the event of transfers of undertakings (summary 4.4), 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 Council Directive 89/391/EEC 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 (summary 8.6).

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 the restructuring 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 it 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 in which it accepted to re-open in 1989 the debate on this subject.

8. INFORMATION, CONSULTATION AND PARTICIPATION OF EMPLOYEES

8.3. Current problems and objectives for 1992: Commission's action programme — Initiatives

PROPOSAL FOR A COUNCIL DIRECTIVE ON THE PROCEDURES FOR THE INFORMATION, CONSULTATION AND PARTICIPATION OF THE WORKERS OF EUROPEAN-SCALE UNDERTAKINGS (summary 8.4)

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. There is therefore a need to improve the information and consultation of the workers of these companies, which employ a large number of people in the Community.

The amended Commission proposal 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 is still before the Council.

The Commission considers that, as regards companies of this type, the attention of governments and interested parties should be drawn 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, in June 1986, undertook to resume in 1989 regarding the above proposal, the Commission has prepared a proposal for a Community instrument, the main principles of which are as follows:

(a) Equivalent systems of worker representation must be established in all European-scale enterprises.

(b) General and periodic information must be provided regarding the development of the enterprise as it affects employment and the interests of workers.

(c) Information must be provided and consultations must take place before any decision is taken which could 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 are required to provide the information necessary for the employer to inform the employees' representatives.



PROPOSAL FOR A COUNCIL RECOMMENDATION ON EQUITY-SHARING AND FINANCIAL PARTICIPATION BY WORKERS (summary 6.6)

The Commission has underlined in the past, in connection with asset formation, the advantages of employee participation in the capital of their company as a device for achieving 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 methods have led to the establishment of various mechanisms for the financial participation of salaried workers which meet the objectives referred to earlier and others too whereby the role of workers in enterprises can be reconciled 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, 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.

For these reasons and in the light of the latest developments and of the present policies in this area within the Community, the Commission has presented a proposal for a Council Recommendation 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, capital growth or capital of firms, or
- 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, will 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. INFORMATION, CONSULTATION AND PARTICIPATION OF EMPLOYEES

8.4. European Works Council

- (1) *Objective* In view of the increasing pace of transnationalization of undertakings prompted by the completion of the internal market, means must be found of creating the conditions needed to improve worker information and consultation procedures while respecting the autonomy of both sides of industry and the principle of subsidiarity.
- (2) *Proposal* Proposal for a Council Directive on the establishment of a European Works Council (EWC) in Community-scale undertakings or groups of undertakings for the purposes of informing and consulting employees.
- (3) *Contents*
1. The proposal does not affect national information and consultation systems, but covers situations which, in the case of transnational undertakings, do not fall within the scope of national legislation.
 2. Scope: the proposal applies to Community-scale undertakings or groups of undertakings with at least 1 000 employees in the Community, including 100 employees in each of at least two Member States, or, in the case of a group, with at least two group undertakings in different Member States, each employing at least 100 employees in the Community.
 3. Responsibility for setting up an EWC rests with the central management. Upon completion of negotiations, an agreement shall be concluded between the two parties defining the nature of the EWC, its powers, functions and rules of procedure, including the possibility of using existing structures. It may in the end be decided not to set up an EWC, provided that the Directive's objectives and minimum requirements are expressly respected.
 4. In the event of failure to reach an agreement, certain minimum requirements apply as laid down in the legislation of the Member State in which the central management of the undertaking is located.
 5. The EWC meets at least once a year to be informed of the progress of the undertaking's or group's business and prospects. It may have a minimum of three and a maximum of 30 members, including at least one member for every undertaking with at least 100 employees. The operating expenses are borne by central management. The EWC has to be informed of and consulted on any management proposal likely to have serious consequences for the interests of the employees, in particular regarding any transfers, mergers, cut-backs or closures of firms, any changes in organization, working methods or manufacturing processes of the firm. The information provided will relate in particular to the undertaking's structure, economic and financial situation, the employment outlook and investment prospects. Consultation must be in good time and based on a report drawn up by central management or at the appropriate level of the group, on which the EWC may put forward its opinion. Consultation covers matters directly concerning the undertaking or group, excluding areas already covered by legislation or by the group's standard practices and any matters relating to establishments or undertakings situated outside the Community in the case of groups whose decision-making centre is located outside the Community.



6. The Commission's proposal includes certain proposals intended to safeguard confidentiality of information, including the right to withhold information which could seriously damage the interests of the undertaking if disclosed.

7. In the interest of ensuring the smooth functioning of the EWC, the workers' representatives shall enjoy, in the exercise of their functions, the same protection and guarantees provided for by national legislation or practice in the country of employment.

(4) Opinion of the European Parliament

Parliament approved the Commission's proposal subject to certain amendments. The Commission accepted some of these amendments.

(5) Current status

The amended proposal is currently before the Council pending final adoption.

(6) References

Commission proposal COM(90) 581 final	Official Journal C 39, 15.2.1991
Amended proposal COM(91) 345 final	Official Journal C 336, 31.12.1991
European Parliament opinion Economic and Social Committee opinion	Not yet published Official Journal C 120, 6.5.1991

8. INFORMATION, CONSULTATION AND PARTICIPATION OF EMPLOYEES

8.5. Shareholding and financial participation of employees

- (1) *Objective* To promote wider development of financial participation schemes without seeking active harmonization or a reduction in the existing wide range of available schemes. To disseminate information on the various systems in use, their possibilities and effects.
- (2) *Proposal* Proposal for a Council Recommendation concerning the promotion of employee participation in profits and enterprise results (including equity participation).
- (3) *Contents*
1. There is a great diversity in the forms of participation encountered in the Community, including cash payments, deferred profit-sharing or share distribution and various types of employee share-ownership schemes. Encouragement at Community level of schemes for employees' financial participation is to be seen as a means of achieving a better distribution of the wealth generated by enterprises, while encouraging greater involvement of employees in the performance of their companies. With regard to the impact of such schemes, there are grounds for supposing that they have positive effects on employee motivation and productivity and on the competitiveness of enterprises.
 2. The proposal for a Recommendation stresses the importance attached by the Community and its Member States to more widespread use of financial participation schemes. It calls for direct involvement of Member States and the social partners. More specifically, the Recommendation invites the Member States
 - to ensure that legal structures are adequate to allow the introduction of the forms of financial participation referred to in the Recommendation;
 - to consider the possibility of according incentives such as fiscal or other financial advantages to encourage the introduction of certain schemes;
 - to encourage the use of such schemes by facilitating the supply of adequate information to all relevant parties;
 - to take account of experience acquired elsewhere in the European Community when selecting the types of scheme to be promoted;
 - to ensure that the social partners have the opportunity to choose from a sufficiently wide range of options on the basis of consultations between employers and employees or their representatives;
 - to ensure that this choice can be made at a level which, taking account of national practice, is as close as possible to the employee and to the enterprise;
 - to encourage consideration of the key issues set out in the report annexed to the proposal when new financial participation schemes are being prepared or when existing schemes are being reviewed;
 - to examine, after a period of three years following adoption of the Recommendation, the data available at a national level on the development of financial participation by employees and to communicate the results to the Commission;



— to enhance the social partners' awareness of these matters.

3. The Commission intends

- to set up a working party to look into the feasibility, with a view to encouraging the introduction of employee participation schemes under comparable conditions throughout the Community, of devising participation formulas at a European level, including
 - profit-sharing,
 - employee share ownership,
 - stock options schemes;
- to submit a report to the Council on the application of this Recommendation within four years of its adoption on the basis of the information supplied to it by the Member States.

(4) Opinion of the European Parliament

Not yet given.

(5) Current status

The proposal is currently before the European Parliament and the Economic and Social Committee for their opinions.

(6) References

Commission proposal
COM(91) 259 final

Official Journal C 245, 20.9.1991

8. INFORMATION, CONSULTATION AND PARTICIPATION OF EMPLOYEES

8.6. European Company Statute

- (1) *Objective* To create a European company with its own legislative framework. This will allow companies incorporated in different Member States to merge or form a holding company or joint subsidiary, while avoiding the legal and practical constraints arising from the existence of 12 different legal systems. To arrange for the involvement of employees in the European company and recognize their place and role in the company.
- (2) *Proposal* Proposal for a Council Regulation on the Statute for a European Company.
- Proposal for a Council Directive complementing the Statute for a European Company with regard to the involvement of employees in the European company.
- (3) *Contents* *Proposal for a Council Regulation on the Statute for a European Company*
1. The statute provides four ways of forming a European company (Latin: 'Societas Europaea', 'SE'): merger, formation of a holding company, formation of a joint subsidiary, or conversion of a public limited company previously formed under national law. Formation by merger is available only to public limited companies from different Member States. Formation of an SE holding company is available to public and private limited companies with their registered offices in different Member States, or having subsidiaries or branches in Member States other than that of their registered office. Formation of a joint subsidiary is available under the same circumstances to any legal entities governed by public or private law.
 2. The SE must have a minimum capital of ECU 100 000. Where a Member State requires a larger capital for companies exercising certain types of activity, the same requirement will also apply to an SE with its registered office in that Member State.
 3. The registered office of the SE designated in the statutes must be the place where it has its central administration, that is to say its true centre of operations. The registered office can be transferred within the Community following the defined procedures.
 4. The order of precedence of the laws applicable to the SE is clarified.
 5. The registration and completion of the liquidation of an SE must be disclosed for information purposes in the *Official Journal of the European Communities*. Every SE must be registered, in the State where it has its registered office, in a register designated by the law of that State.
 6. The statutes of the SE must provide, as governing bodies, the general meeting of shareholders and either a management board and a supervisory board (two-tier system) or an administrative board (single-tier system). Under the two-tier system the SE is managed by a management board. The member or members of the management board have the power to represent the company in dealings with third parties and in legal proceedings. They are appointed and removed by the supervisory board. No person may be a member of both the management board and the supervisory board of the same company at



the same time. But the supervisory board may appoint one of its members to exercise the functions of a member of the management board in the event of a vacancy. During such a period the function of the person concerned as a member of the supervisory board shall be suspended. Under the single-tier system, the SE is managed by an administrative board. The member or members of the administrative board have the power to represent the company in dealings with third parties and in legal proceedings.

Under the single-tier system the administrative board may delegate the power of management to one or more of its members.

The following operations require the authorization of the supervisory board or the deliberation of the administrative board:

- (a) any investment project requiring an amount more than the percentage of subscribed capital fixed in accordance with (e);
- (b) the setting up, acquisition, disposal or closing down of undertakings, businesses or parts of businesses where the purchase price or disposal proceeds account for more than the percentage of subscribed capital fixed in accordance with (e);
- (c) the raising or granting of loans, the issue of debt securities and the assumption of liabilities of a third party or suretyship for a third party where the total money value in each case is more than the percentage of subscribed capital fixed in accordance with (e);
- (d) the conclusion of supply and performance contracts where the total turnover provided for therein is more than the percentage of turnover for the previous financial year fixed in accordance with (e);
- (e) the percentage referred to in (a) to (d) is to be determined by the statutes of the SE. It may not be less than 5% nor more than 25%.

7. Detailed provisions on the powers of the general meeting and the rights of shareholders.

8. The SE must draw up annual accounts comprising the balance sheet, the profit and loss account and the notes to the accounts, and an annual report giving a fair view of the company's business and of its position; consolidated accounts may also be required.

9. Winding-up, liquidation, insolvency and suspension of payments are in large measure to be governed by national law. An SE which transfers its registered office outside the Community must be wound up on application by any person concerned or any competent authority.

Proposal for a Council Directive complementing the Statute for a European Company with regard to the involvement of employees in the European company

1. Definition of employee participation: it does not mean participation in day-to-day decisions, which are a matter for the management, but participation in the supervision and strategic development of the company.

2. Several models of participation are possible: first, a model in which the employees form part of the supervisory board or of the administrative board, as the case may be; secondly, a model in which the employees are represented by a separate body; and finally, other models to be agreed between the management or administrative boards of the founder companies and the employees or their representatives in those companies, the level of information and consultation being the same as in the case of the second model. The general meeting may not approve the formation of an SE unless one of the models of participation defined in the Directive has been chosen.

3. The employees' representatives must be provided with such financial and material resources and other facilities as enable them to perform their duties properly.

(4) Opinion of the European Parliament First reading: Parliament approved the Commission's proposal subject to certain amendments. The Commission accepted many of these amendments.

(5) Current status Amended proposals are currently before the Council pending a common position.

(6) References

Commission proposal COM(89) 268/I and II final	Official Journal C 263, 16.10.1989
Amended proposals COM(91) 174/I and II final	Official Journal C 176, 8.7.1991
European Parliament opinion First reading	Official Journal C 48, 25.2.1991
Economic and Social Committee opinion	Official Journal C 124, 21.5.1990



9. EQUAL TREATMENT FOR MEN AND WOMEN

9.1. Current problems and objectives for 1992: Social Charter

'Equal treatment for men and women must be assured. Equal opportunities for men and women must be developed.

To this end, action should be intensified to ensure the implementation of the principle of equality between men and women as regards in particular access to employment, remuneration, working conditions, social protection, education, vocational training and career development.

Measures should also be developed enabling men and women to reconcile their occupational and family obligations.'

9. EQUAL TREATMENT FOR MEN AND WOMEN

9.2. Current problems and objectives for 1992: Commission's action programme — 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 (summary 9.10), burden of proof (summary 9.12), 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.

The efforts launched in 1974 when the Commission presented its first proposal for a Directive on equal pay (summary 9.4) must therefore be continued.

Neither the third action programme (summary 9.14) nor the other measures are restrictive. 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.



9. EQUAL TREATMENT FOR MEN AND WOMEN

9.3. Current problems and objectives for 1992: Commission's action programme — Initiatives

THIRD COMMUNITY PROGRAMME ON EQUAL OPPORTUNITIES FOR WOMEN AND MEN (summary 9.14)

At the informal meeting held on 28 April 1989 the Ministers responsible for women's affairs unanimously recognized the need for a third action programme (the second being due to end in 1990) to tackle the new challenges for employment and equal opportunities that completion of the internal market poses. This third Community programme on equal opportunities (1991-95) aims to predict the unfavourable consequences on female employment and arrange for specific support measures to ensure that women can derive full and equal benefit from the positive impact that completion of the internal market is expected to have.

DIRECTIVE ON THE PROTECTION OF PREGNANT WOMEN AT WORK (summary 9.13)

In the past, the Commission has been concerned with the health and safety of women in the workplace within the general context of worker 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.

Council Directive 90/394/EEC on the protection of workers from the risks connected with exposure to carcinogens during work (summary 11.32) describes protective measures with regard to substances and industrial processes believed to be carcinogenic.

Council Directive 90/679/EEC on the protection of workers from risks related to exposure to biological agents at work (summary 11.33) sets out an overall strategy for protecting workers against such agents in accordance with the basic risk group to which they belong.

Lastly, Council Directive 90/270/EEC on the minimum safety and health requirements for work with display screen equipment (summary 11.16), which 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.

It is for this reason that the Commission drew up a proposal and, after amending it, presented it to the Council, where it is now being studied (summary 9.13). These measures must, however, 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 (summary 9.15)

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 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. The proposal for a Council Recommendation on child care was adopted by the Commission in July 1991 (summary 9.15). Nevertheless, a Community response alone is not enough to achieve this aim.

RECOMMENDATION CONCERNING A CODE OF GOOD PRACTICE ON THE PROTECTION OF PREGNANCY AND MATERNITY

In the 12 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 foregoing 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 could 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. EQUAL TREATMENT FOR MEN AND WOMEN

9.4. Equal pay principle

<i>(1) Objective</i>	To reinforce the basic laws with standards aimed at facilitating the practical application of the principle of equality to enable all employees in the Community to be protected, as there are still disparities between Member States, despite efforts to date.
<i>(2) Community measures</i>	Council Directive 75/117/EEC of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women.
<i>(3) Contents</i>	<ol style="list-style-type: none"> 1. This principle entails, for the same work or for work to which equal value is attributed, the elimination of all discrimination on grounds of sex with regard to all aspects and conditions of remuneration. Where a job classification system is used for determining pay, it must be based on the same criteria for both men and women. 2. Employees wronged by failure to apply this principle must have the right of recourse to judicial process to pursue their claims. 3. Member States shall abolish all discrimination between men and women arising from laws, regulations or administrative provisions which do not comply with the principle. They shall take the necessary measures to ensure that provisions appearing in collective agreements, wage scales, wage agreements or individual contracts of employment which are contrary to the equal pay principle may be declared null and void. They shall ensure that the equal pay principle is applied and that effective means are available to take care that it is observed. 4. Employees shall be protected against dismissal by the employer as a reaction to a complaint within the undertaking or to any legal proceedings aimed at enforcing compliance with the equal pay principle. 5. The provisions adopted pursuant to the Directive and relevant existing legislation shall be brought to the attention of employees. 6. Member States shall forward all necessary information to the Commission by the deadline specified, to enable it to draw up a report on the application of the Directive.
<i>(4) Deadline for implementation of the legislation in the Member States</i>	Within one year of notification.
<i>(5) Date of entry into force (if different from the above)</i>	Not applicable.
<i>(6) References</i>	Official Journal L 45, 19.2.1975
<i>(7) Follow-up work</i>	With regard to its third action programme on equal opportunities (1991-95), the Commission has stated its intention to clarify the notion of equal pay for equal work.

*(8) Commission
implementing
measures*

Infringement procedures, Case 58/81 *Commission v Luxembourg* [1982] ECR, 2175-2186; Case 61/81 *Commission v United Kingdom* [1982] ECR, 2601-2625; Case 143/83 *Commission v Denmark* [1985] ECR, 427-437.



9. EQUAL TREATMENT FOR MEN AND WOMEN

9.5. Access to employment, vocational training and promotion

- (1) *Objective* To ensure equal treatment for men and women in respect of access to employment, vocational training and career advancement, and working conditions.
- (2) *Community measures* Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.
- (3) *Contents*
1. The principle of equal treatment shall mean that there shall be no discrimination whatsoever on the grounds of sex either directly or indirectly by reference in particular to marital or family status. Member States may, however, exclude from its field of application occupational activities for which, by reason of their nature, or the context in which they are carried out, the sex of the worker constitutes a determining factor.
 2. The Directive shall be without prejudice to provisions concerning the protection of women (pregnancy, maternity), or to measures to remove existing inequalities which affect women's opportunities in the areas covered by the Directive.
 3. Application of the principle means that there shall be no discrimination in the conditions, including selection criteria, for access to all jobs or posts at all levels of the hierarchy.
 4. The principle shall apply to access to all types and all levels of vocational guidance, basic and advanced vocational training and retraining.
 5. Application of the principle to working conditions, including conditions governing dismissal, means that men and women shall be guaranteed the same conditions.
 6. Member States shall take the measures necessary to ensure that:
 - any laws, regulations and administrative provisions contrary to the principle of equality shall be abolished or amended if they were originally based on a concern for protection which is no longer well-founded;
 - similarly unfavourable provisions included in collective agreements, individual contracts of employment, the internal rules of undertakings or rules governing the independent professions may be declared null and void or may be amended;
 - labour and management shall be requested to undertake the revision of such provisions in collective agreements.
 7. Persons wronged by failure to apply the principle shall have the right to pursue their claims by judicial process.
 8. Employees shall be protected against dismissal by the employer as a reaction to a complaint within the undertaking or to any legal proceedings aimed at enforcing compliance with the principle.
 9. The provisions adopted pursuant to this Directive and the relevant provisions already in force shall be brought to the attention of employees by all appropriate means.
 10. Member States shall periodically assess the occupational activities excluded from the field of application of the Directive in order to decide, in the light of social developments, whether there is

justification for maintaining the exclusions concerned. They shall forward all necessary information to the Commission by the stipulated deadline, to enable it to draw up a report on the application of the Directive.

(4) Deadline for implementation of the legislation in the Member States

Within 30 months of notification.

Within four years of notification for an initial assessment and any amendment of laws, regulations and administrative provisions which do not comply with the principle.

(5) Date of entry into force (if different from the above)

Not applicable.

(6) References

Official Journal L 39, 14.2.1976

(7) Follow-up work

(8) Commission implementing measures

Infringement procedures, Case 163/82 *Commission v Italy* [1983] ECR, 3273-3298; Case 165/82 *Commission v United Kingdom* [1983] ECR, 3431-3460; Case 248/83 *Commission v Germany* [1985] ECR, 1459-1490.



9. EQUAL TREATMENT FOR MEN AND WOMEN

9.6. Social security: Directive 79/7/EEC

- (1) *Objective* To implement the principle of equal treatment in statutory social security schemes offering protection against the risks of sickness, invalidity, old age, accidents at work and occupational diseases and unemployment and in social assistance.
- (2) *Community measures* Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security.
- (3) *Contents*
1. The Directive applies to the working population including workers whose activity is interrupted by illness, accident or unemployment, persons seeking employment, retired or invalided workers and self-employed persons.
 2. The Directive does not apply to provisions concerning survivors' benefits and family benefits.
 3. The principle of equal treatment means that there should be no discrimination on grounds of sex, in particular as concerns:
 - the scope of the schemes and the conditions of access thereto;
 - the obligation to contribute and the calculation of contributions;
 - the calculation of benefits and the conditions governing the duration and retention of entitlement to benefit.
 The principle of equal treatment is without prejudice to the provisions relating to the protection of women on the grounds of maternity.
 4. Any laws, regulations and administrative provisions contrary to the principle of equal treatment are abolished.
 5. Any persons who are the victims of failure to apply the principle of equal treatment must be able to pursue their claims by judicial process.
 6. The Member States may exclude from the scope of the Directive:
 - the determination of pensionable age (old-age and retirement pensions);
 - advantages granted to persons who have brought up children (old-age insurance, acquisition of benefit entitlements following periods of interruption of employment due to the bringing-up of children);
 - the granting of old-age or invalidity benefit entitlement by virtue of the derived entitlements of a spouse;
 - the granting of increases of long-term invalidity, old-age, accidents at work and occupational disease benefits for a dependent spouse;
 - the consequences of the exercise, before the adoption of the Directive, of a right of option not to acquire rights or incur obligations under a statutory scheme.
 The Member States periodically examine whether it is justified to maintain the exclusions in the light of social developments.
 7. The Member States pass on to the Commission, within the period specified, all the information it requires to enable it to draw up a report on the application of the Directive and to propose any other measures which are required to implement the principle of equal treatment.
- (4) *Deadline for implementation of the legislation in the Member States* Within six years of notification.

(5) Date of entry into force (if different from the above) Not applicable.

(6) References

Official Journal L 6, 10.1.1979

(7) Follow-up work

On 23 October 1987, the Commission presented a proposal for a Council Directive completing the implementation of the principle of equal treatment for men and women in statutory and occupational social security schemes (COM(87) 494 fin.).

(8) Commission implementing measures



9. EQUAL TREATMENT FOR MEN AND WOMEN

9.7. Social security: report

(1) Objective

To describe the progressive implementation of the principle of equal treatment for men and women in matters of social security by the 10 Member States on 22 December 1985.

(2) Community measures

Report on the implementation of Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security.

(3) Contents

I. Transposition of the Directive into national law — situation in the Member States

1. Belgium

- According to the governmental report, there is no more direct discrimination. The legal steps required have been taken.
- The Constitution states that all Belgians are equal before the law. However, there is no definition of the concept of indirect discrimination.
- Any social security or social assistance decisions can be taken to the labour tribunal initially and then to the Labour Court for appeal. Cases have been brought by unemployed persons applying to have their status as head of household recognized.
- Belgium has availed itself of the exclusion option provided by the Directive.

2. Denmark

- According to the governmental report there is no difference in the treatment of men and women. The Danish social security system is different from that of other countries: it is based on the principle of individual entitlements which ensures equal treatment. It is a single, general system.
- According to the report there is no indirect discrimination.
- There is no information on cases being brought to court.
- The authorities have not availed themselves of the exclusion option.

3. Germany

- According to the governmental report there is equality between men and women. The principle of equal treatment and a ban on any discrimination on grounds of sex are part of the fundamental rights laid down in the Basic Law.
- According to this report there is no indirect discrimination but a non-governmental report does record instances of discrimination.
- Any citizen may invoke the principle of equal treatment enshrined in the Basic Law and bring a case before the Federal Constitutional Court.
- The authorities have availed themselves of the exclusion option.

4. Greece

- The diversity of the social insurance schemes in Greece is one of the basic problems with the social security system. According to the government's report provisions have been made to eliminate discrimination but the great diversity of the schemes does not permit the authorities to establish whether these provisions have been applied universally.

- The government failed to give any reply to the questions concerning indirect discrimination. According to a non-governmental report there is considerable discrimination between men and women in the conditions governing access to social insurance schemes.
- According to the governmental report the right to legal redress is established. The principle of equality of the sexes is enshrined in the Constitution and cases have been brought before the courts.
- Greece has availed itself of the option to make exclusions.

5. France

- In accordance with the governmental report legal measures have been introduced to ensure equality for men and women.
- There is no definition of the concept of indirect discrimination.
- The report gives no details of any legal redress.
- France has in some instances availed itself of the exclusion option.

6. Ireland

- The legislation in Ireland did not conform with the Directive in several respects. New legislation entered into force in 1986.
- There is no definition of indirect discrimination.
- Decisions taken by the employees of the Department of Health and Social Security can be taken to an appeal officer and in certain cases to the High Court.

7. Italy

- The law of 1977 on equal treatment for men and women at work had already eliminated discriminatory practices in sectors for which the Directive authorizes exclusions a year before the Directive was adopted.
- There is no definition of the concept of indirect discrimination. According to the governmental report there is no exclusion from the scope of social security based on marital or family status. The concept of the head of household has been abolished.
- The new procedure for disputes in social security matters stresses the oral, immediate and continuous nature of the procedure, ensuring that justice is faster and more efficient.
- The exclusion option was taken advantage of in certain cases.

8. Luxembourg

- The new legislation of 1986 incorporates the aims set out in the Directive and bans discrimination based on sex.
- There is no definition of the concept of indirect discrimination.
- Disputes can be taken to the Social Security Arbitration Board and, on appeal, to the National Social Security Appeals Board.
- The authorities have availed themselves of the exclusion option.

9. The Netherlands

- According to the government report legal measures have been taken to ensure equal treatment.
- According to the same report there is no definition of the concept of indirect discrimination.
- No new measures have been taken to guarantee the right to legal redress.
- The authorities have not availed themselves of the exclusion option.

10. United Kingdom

- According to the government, legal measures have been taken to ensure equal treatment of men and women.



- The Sex Discrimination Act 1975 defines the concept of indirect discrimination in the same way as the definition of the Commission. According to non-governmental reports there were two instances of indirect discrimination as at 22 December 1984.
- Cases can be taken to the Social Security Appeals Tribunal during the month in which a decision turning down an application for benefit is made. An appeal was brought in respect of the invalid care allowance to which married women were not entitled.
- The authorities have availed themselves of the exclusion option.

II. Conclusions

- As social security in several countries is often characterized by the coexistence of several large and small schemes, it is virtually impossible to maintain that all instances of discrimination have been eliminated.
- Some problems are due to the Directive itself: problems of interpretation, and uncertainty as to what is or is not contrary to it.
- Some progress has been made in eliminating direct discrimination, though not enough, especially in some Member States, and some setbacks have occurred in respect of indirect discrimination.

(4) Deadline for implementation of the legislation in the Member States

Not applicable.

(5) Date of entry into force (if different from the above)

Not applicable.

(6) References

Commission report
COM(88) 769 final

(7) Follow-up work

A report is planned for the application of Directive 79/7/EEC in Spain and Portugal.

(8) Commission implementing measures

9. EQUAL TREATMENT FOR MEN AND WOMEN

9.8. Occupational social security schemes

(1) Objective

To define the meaning, scope and ways of applying the principle of equal treatment for men and women in occupational social security schemes.

(2) Community measures

Council Directive 86/378/EEC of 24 July 1986 on the implementation of the principle of equal treatment for men and women in occupational social security schemes.

(3) Contents

1. Definition of the concept of 'occupational social security schemes'
The Directive does not apply to:
 - individual contracts;
 - schemes with only one member;
 - in the case of salaried workers, insurance contracts not involving the employer;
 - the optional provisions of occupational schemes offered individually to participants.
2. The Directive applies to the working population including workers whose activity is interrupted by illness, maternity, accident or involuntary unemployment, persons seeking employment, and retired and disabled workers.
3. The Directive applies to occupational schemes providing protection against the risks of sickness, invalidity, old age, industrial accidents, occupational diseases and unemployment including occupational schemes which provide for other social benefits, such as survivor's benefit and family allowances if intended for employed persons.
4. The principle of equal treatment implies that there shall be no discrimination based on sex, in particular in respect of:
 - the scope of the schemes and the conditions of access to them;
 - the obligation to pay contributions and the calculation of the contributions;
 - the calculation of benefits and the conditions governing the duration and retention of entitlement to benefits.The principle of equal treatment does not prejudice the provisions for the protection of women in respect of maternity.
5. The Directive lists 10 provisions based on sex (e.g. definitions of persons who may participate in an occupational scheme, different retirement ages, or different contributions for workers) regarded as contrary to the principle of equal treatment.
6. Provisions contrary to this principle which figure in legally compulsory collective agreements, staff rules of undertakings or any other arrangements must be declared null and void or amended.
7. Any provisions of occupational schemes contrary to the principle of equal treatment must be revised by 1 January 1993 at the latest.
8. The Member States may defer compulsory application of the principle with regard to determining pensionable age for old-age and retirement pensions, to survivor's pensions or to the setting of different levels of worker contribution, until the date provided for in the Directive at the latest.
9. Any person who is injured by failure to apply the principle must be able to pursue his or her claim before the courts.



10. Workers are protected against dismissal constituting a response on the part of the employer to a complaint lodged or a legal action brought to enforce compliance within the principle of equal treatment.
 11. The Member States will communicate to the Commission by 31 July 1991 at the latest all the information necessary to enable it to draw up a report on the application of the Directive.

(4) Deadline for implementation of the legislation in the Member States

31.7.1989

(5) Date of entry into force (if different from the above)

Not applicable.

(6) References

Official Journal L 225, 12.8.1986

(7) Follow-up work

Following the judgment of the Court of Justice of the European Communities of 17 May 1990 (Case 262/88 *Barber*) several of the Directive's provisions have become defunct for salaried workers, namely, the exceptions to the principle of equal treatment in Articles 6h and i and 9.

(8) Commission implementing measures

The questionnaire on implementation of this Directive has already been sent out.

9. EQUAL TREATMENT FOR MEN AND WOMEN

9.9. Self-employed activity, including agricultural work

(1) Objective

To pursue the implementation of the principle of equal treatment for persons engaged in an activity in a self-employed capacity and spouses participating in this activity. To protect pregnant women and women who have recently given birth engaged in such activities.

(2) Community measures

Council Directive 86/613/EEC of 11 December 1986 on the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity and in the protection of self-employed women during pregnancy and motherhood.

(3) Contents

1. Definition of the term 'self-employed workers': all persons pursuing a gainful activity for their own account, under the conditions laid down by national law, including farmers and members of the liberal professions. The Directive also covers their spouses, who are not employees or partners, and who habitually participate in the activities of the self-employed worker.
2. The principle of equal treatment implies the absence of all discrimination on the grounds of sex.
3. All provisions contrary to the principle of equal treatment, in particular in respect of the establishment or extension of a business or of any other form of self-employed activity shall be eliminated by the Member States.
4. The conditions for the formation of a company between spouses may not be more restrictive than the conditions for the formation of a company between unmarried persons.
5. Where contributory social security systems for self-employed persons exist in a Member State, spouses who are not protected under the self-employed workers' social security scheme must be able to join a contributory social security scheme voluntarily.
6. The Member States undertake to examine any appropriate steps for encouraging the recognition of the work of the spouses.
7. The Member States undertake to examine under what conditions female self-employed workers and the wives of self-employed workers may have access to services supplying temporary replacements for existing national social services or be entitled to cash benefits (under a social security scheme or public social protection system) during interruptions in their occupational activity owing to pregnancy or motherhood.
8. All persons who consider themselves wronged by failure to apply the principle of equal treatment in self-employed activities must be able to pursue their claims by judicial process.
9. The measures adopted pursuant to this Directive and the relevant provisions already in force are brought to the attention of the bodies representing self-employed workers and vocational training centres.
10. The Council will review the Directive before 1 July 1993.
11. The Member States shall forward to the Commission not later than 30 June 1991 all the information necessary to enable it to draw up a report on the application of the Directive.

(4) Deadline for implementation of the legislation in the Member States 30.6.1989, at the latest 30.6.1991

(5) Date of entry into force (if different from the above) Not applicable.

(6) References Official Journal L 359, 19.12.1996

(7) Follow-up work

(8) Commission implementing measures

9. EQUAL TREATMENT FOR MEN AND WOMEN

9.10. Parental leave and leave for family reasons

(1) Objective

To entitle workers to parental leave and leave for family reasons under uniform conditions in the Member States and without any sexual discrimination.

(2) Proposal

Amended proposal for a Council Directive concerning parental leave and leave for family reasons.

(3) Contents

1. Definitions of the terms 'parental leave', including birth and adoption of a child, granted to parents who are actually taking care of children and 'leave for family reasons': leave of limited duration granted to workers with family responsibilities for urgent and serious family reasons. This leave can be taken by mothers and fathers, adoptive mothers and fathers, mothers and fathers-in-law and any person acting in their stead in circumstances such as serious illness or death of the former. All paid workers, including staff in the public sector and part-time workers shall be entitled to this leave.

Parental leave

2. This is granted to the beneficiary for the sole or main purpose of looking after a child at home. It cannot be granted simultaneously to two parents or other persons listed under 1 for the same child. This constitutes an entitlement and not an obligation and is not transferable. Parental leave will last for a minimum of three months after each birth or adoption, and more for single-parent families or handicapped children living at home. The entitlement ceases when the child reaches the age of two or two years after the adoption of a child of less than five or when a handicapped child living at home reaches the age of five.

3. Parental leave is granted in the form of a continuous period of full or part-time leave, the period of leave being extended proportionally. It is permissible to take only part of the leave. It can be made subject to a period of service or of work which may not exceed one year. It shall be suspended in the event of illness of the parent on leave. During the period of leave, acquired rights or rights in the process of acquisition are upheld and after the period of leave, the worker is guaranteed his former post or an equivalent one. The periods of parental leave are counted as periods of fully paid cover for sickness, unemployment, invalidity and old-age benefit.

4. Workers may be paid a parental leave allowance.

Leave for family reasons

5. Workers shall be entitled to a minimum number of days of leave per year to be determined by the Member States for urgent family reasons such as: illness of a spouse, death of a close relative, marriage of a child, sickness of a child or of the person looking after the child. The duration of this leave may be extended under certain circumstances (single parent families, three or more young children, handicapped person, etc.). These periods of leave are counted as periods of paid leave for the purposes of pay, social security contributions and benefits and pension rights.

6. Any person who is the victim of non-application of the Directive can enforce his rights by due process of law.



7. Workers must be protected against dismissal following steps undertaken to ensure that the Directive is implemented.

8. The Member States shall bring the Directive to the attention of employers and workers, making it clear that parents of both sexes are entitled to leave. They shall abolish any provisions which do not comply with the Directive and will have provisions in collective agreements, individual contracts of employment or internal company regulations which do not conform to the Directive abolished.

9. The Member States shall inform the Commission immediately of the measures taken and shall forward to it information suitable for drawing up a report. Subsequently, they will supply regular information on progress so that a report to the Council can be drawn up every three years.

(4) Opinion of the European Parliament

Parliament approved the Commission's proposal subject to certain amendments. The Commission accepted some of these amendments.

(5) Current status

The amended proposal is currently before the Council for adoption.

(6) References

Commission proposal COM(83) 686 final	Official Journal C 333, 9.12.1983
Amended proposal COM(84) 631 final	Official Journal C 316, 27.11.1984
European Parliament opinion Economic and Social Committee opinion	Official Journal C 117, 30.4.1984
	Official Journal C 206, 6.8.1984

9. EQUAL TREATMENT FOR MEN AND WOMEN

9.11. Statutory and occupational social security schemes

- (1) *Objective* To complete the implementation of the principle of equal treatment for men and women in matters of social security, by covering all the areas excluded from the scope of two earlier Directives. To achieve equality as regards the conditions of coverage by statutory and occupational social security schemes, particularly through the individualization of entitlements.
- (2) *Proposal* Proposal for a Council Directive completing the implementation of the principle of equal treatment for men and women in statutory and occupational social security schemes.
- (3) *Contents*
1. The Directive applies to the working population, retired and disabled workers, members of families, survivors and other persons dependent on those referred to above.
 2. The Directive applies to all matters not covered by earlier Directives.
 3. Survivors' benefits
 - (a) The principle of equal treatment means, as regards surviving spouse's benefits, either the recognition for widowers of entitlement to the pensions and other benefits provided for widows or the replacement of widows' benefits by a system of individual rights open to all surviving spouses.
 - (b) Equal treatment with regard to orphans' benefits means the removal of all forms of discrimination on the grounds of the sex of the deceased parent or the orphan.
 - (c) Other survivors' benefits are granted without discrimination on the grounds of the sex of the deceased person or the survivor.
 4. Family benefits
 - (a) Child benefits and birth or adoption grants are awarded to natural parents or other persons responsible for a child, without discrimination on grounds of sex. Benefits are normally paid to one or other parent. Where parents are living together, benefits are paid to the mother only if the parents have not specified which of them is to receive the benefits. In the event of divorce or separation, benefits are paid to the parent who is actually taking care of the child.
 - (b) The principle of equal treatment means, with regard to benefits for dependent adults, that there must be no direct or indirect discrimination on the grounds of the sex of the dependent adult or the person caring for the dependent adult.
 5. Extension of the principle to areas where its implementation might be excluded or deferred
 - (a) Where a pensionable age is determined for the purpose of granting old-age and retirement pensions, it must be identical for both sexes. If the fixing of an identical pensionable age leads to a reduction or increase in that age for workers of a given sex, provision must be made for gradual implementation and for temporary safeguards for workers who have reached the specified age. If no pensionable age is specified, the prescribed conditions or the number of contribution years to be completed must be identical for both sexes.
 - (b) There must be no discrimination as regards advantages or entitlements in respect of old-age pension benefits granted to persons who have brought up children and interrupted their employment for



that purpose. Only dependent spouses who, on the date of implementation of the Directive, have not built up their own personal entitlements to old-age or invalidity benefits may retain rights acquired by virtue of the derived entitlements of a spouse.

6. Member States may introduce a system of personal entitlements granted to all beneficiaries in place of a system of derived rights granting, to the insured person's spouse, entitlement to social security benefits by reason of his or her legal links with the insured person, in cases of sickness, old age or the death of a spouse.

7. Member States are required to forward, within four years of the date of notification of the Directive, all the necessary information to the Commission to enable it to draw up a report on the application of the Directive.

8. The principle of equal treatment is paramount. Persons injured by failure to apply the principle must have the right to pursue their claim before the courts. Workers must be protected against dismissal constituting a response to a complaint made within the undertaking or to the institution of legal proceedings aimed at enforcing compliance with the principle of equal treatment.

(4) Opinion of the European Parliament

Parliament approved the Commission's proposal subject to certain amendments. The Commission did not accept these amendments.

(5) Current status

The proposal is currently before the Council for adoption.

(6) References

Commission proposal	Official Journal C 309, 19.11.1987
COM(87) 494 final	Official Journal C 262, 10.10.1988
European Parliament opinion	
Economic and Social Committee opinion	Official Journal C 95, 11.4.1988

9. EQUAL TREATMENT FOR MEN AND WOMEN

9.12. Burden of proof — Equal pay and equal treatment

<i>(1) Objective</i>	To ensure effective application of existing equal treatment legislation by taking additional measures in relation to procedure and evidence before national courts or other competent authorities.								
<i>(2) Proposal</i>	Proposal for a Council Directive on the burden of proof in the area of equal pay and equal treatment for women and men.								
<i>(3) Contents</i>	<ol style="list-style-type: none">1. The courts, tribunals and other competent authorities in the Member States must be given the requisite powers to ensure the effective examination of any complaint of discrimination. All relevant information in the possession of either party or reasonably obtainable by either party which is necessary for them to present their case must be supplied, provided disclosure would not substantially damage the interests of the other party for purposes other than the litigation concerned.2. Indirect discrimination exists where an apparently neutral provision, criterion or practice disproportionately disadvantages the members of one sex and is not objectively justified by any necessary reason or condition unrelated to the sex of the person concerned. The intentions of the respondent are not taken into account in determining whether the principle of equality has been infringed in any individual case.3. The provisions adopted pursuant to the Directive, together with the provisions already in force, are to be brought to the attention of all relevant persons by all appropriate means.4. Member States are required to abolish or amend any provisions contrary to the Directive and to take the measures necessary to ensure that similar provisions in collective agreements, individual contracts of employment, internal rules of undertakings or in rules governing the independent occupations and professions are likewise abolished or amended.5. Member States must transmit information to the Commission within a specified period to enable the Commission to draw up and submit a report to the Council and the European Parliament every three years on progress made in application of the Directive.								
<i>(4) Opinion of the European Parliament</i>	Parliament approved the Commission's proposal subject to certain amendments. The Commission did not accept these amendments.								
<i>(5) Current status</i>	The proposal is currently before the Council for adoption.								
<i>(6) References</i>	<table><tr><td>Commission proposal</td><td></td></tr><tr><td>COM(88) 269 final</td><td>Official Journal C 176, 5.7.1988</td></tr><tr><td>European Parliament opinion</td><td>Official Journal C 12, 16.1.1989</td></tr><tr><td>Economic and Social Committee opinion</td><td>Official Journal C 337, 31.12.1988</td></tr></table>	Commission proposal		COM(88) 269 final	Official Journal C 176, 5.7.1988	European Parliament opinion	Official Journal C 12, 16.1.1989	Economic and Social Committee opinion	Official Journal C 337, 31.12.1988
Commission proposal									
COM(88) 269 final	Official Journal C 176, 5.7.1988								
European Parliament opinion	Official Journal C 12, 16.1.1989								
Economic and Social Committee opinion	Official Journal C 337, 31.12.1988								



9. EQUAL TREATMENT FOR MEN AND WOMEN

9.13. Protection of pregnant women, women who have recently given birth and women who are breastfeeding

- (1) *Objective* To take minimum measures to protect the health and safety of pregnant workers, workers who have recently given birth and women who are breastfeeding, considering them to be a specific risk group.
- (2) *Proposal* Amended proposal for a Council Directive concerning the implementation of measures to encourage improvements in the safety and health of pregnant workers, women workers who have recently given birth and women who are breastfeeding. (Ninth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC.)
- (3) *Contents*
1. Application of the framework Directive 89/391/EEC concerning the implementation of measures to encourage improvements in the safety and health of pregnant workers, women workers who have recently given birth and women who are breastfeeding.
 2. Definition of the terms 'pregnant workers', 'women workers who have recently given birth' and 'women who are breastfeeding': all pregnant workers, those who have recently given birth and those who are breastfeeding and who duly notify their employer of their condition in accordance with legal provisions and/or national practices.
 3. General assessment of the chemical, physical and biological agents and industrial processes considered dangerous for the health and safety of the relevant workers, to include physical movements and postures, mental and physical fatigue and other types of physical stress. For all activities liable to involve a risk, the employer or the health and safety service must determine the nature, degree and duration of exposure in order to evaluate the risks and decide what measures should be taken. Workers to be notified of the results and of measures involving health and safety at work.
 4. Exposure of the workers in question to the above risks to be avoided by provisionally adjusting their working conditions or their working hours. Where such adjustment is not technically possible, employers must take the necessary measures to move any workers concerned to another job. Where transfer to another activity is not feasible, the workers in question must be granted leave for the whole of the period considered necessary to protect their safety and health.
 5. Under no circumstances may the workers in question be assigned to duties for which the assessment has revealed exposure to the agents and working conditions listed in Annex II.
 6. Member States to take measures to ensure that women workers are not obliged to work at night during their pregnancy and during a period of time following delivery by transferring them to daytime work, excusing them from work, or extending maternity leave.
 7. Maternity leave to be for an uninterrupted period of at least 14 weeks before and/or after delivery.
 8. Pregnant workers have the right to take leave from work without loss of pay to enable them to attend ante-natal examinations if such examinations take place during working hours.
 9. Women may not be dismissed for reasons related to their condition for the period from the beginning of their pregnancy to the end of the period of leave from work. In the event of dismissal, the employer must

give good grounds. Measures should be taken to protect women workers from the consequences of unlawful dismissal.

10. Work-related rights, including the maintenance of adequate pay or the provisions of an adequate allowance, must be ensured for pregnant workers, women workers who have recently given birth and women who are breastfeeding. In the case of maternity leave, the allowance is deemed adequate if the benefits are at least equivalent to those payable for sick leave. The right to remuneration or to an allowance may be subject to certain conditions though not the condition that a period of work of more than 12 months should have immediately preceded the presumed date of delivery.

11. Technical amendments to Annex I are to be adopted in accordance with the procedure laid down in Article 17 of Directive 89/391/EEC, and to Annex II in accordance with the procedure laid down in Article 118a of the Treaty.

(4) Opinion of the European Parliament

First reading: Parliament approved the Commission's proposal subject to certain amendments. The Commission accepted some of these amendments.

(5) Current status

The Council adopted a common position on 19 December 1991. Within the framework of the cooperation procedure this is now before Parliament for a second reading.

(6) References

Commission proposal COM(90) 406 final	Official Journal C 281, 9.11.1990
Amended proposal COM(90) 692 final	Official Journal C 25, 1.2.1991
European Parliament opinion First reading	Official Journal C 158, 17.6.1991
Economic and Social Committee opinion	Official Journal C 41, 18.2.1991



9. EQUAL TREATMENT FOR MEN AND WOMEN

9.14. Third programme on equal opportunities

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|--|---|
| <i>(1) Objective</i> | To help create the circumstances in which women can participate fully on the labour market and maximize their contribution to economic and social life, through the development of a more integrated, comprehensive approach. |
| <i>(2) Community measures</i> | Third medium-term Community action programme on equal opportunities for women and men. |
| <i>(3) Contents</i> | <p>1. The activities proposed under the third action programme are designed to intensify and develop the work already undertaken in the two previous programmes. The three basic aims of the third programme are:</p> <ul style="list-style-type: none"> — to improve the implementation of existing legal provisions; — to promote the integration of women on the labour market; — to improve the status of women in society. <p>2. The Member States are asked to achieve the following objectives:</p> <ul style="list-style-type: none"> — raise the level of awareness about legal rights and obligations; — develop specific measures for equal opportunities for women and men, and promote women's entrepreneurship and local employment initiatives; — improve the quality of women's employment by maximizing their potential (particularly through the launching of education and vocational training drives and the use of positive action in enterprises); — reduce barriers to women's access to, and participation in, employment, by reconciling the family and occupational responsibilities of women and men; — develop innovatory programmes presenting a complete, realistic picture of women in society; — encourage measures designed to promote the participation of women in the decision-making process in public, economic and social life. <p>3. The two sides of industry are requested to make equal opportunities and equal treatment an element in collective bargaining. They are to ensure that issues of equal remuneration are included in collective bargaining (equal pay for the same work or work of equal value).</p> <p>4. The Commission is to ensure that the programme is implemented and is to make an interim and overall assessment (at mid-term and at the end of the period) of the policy on equal opportunities and equal treatment.</p> |
| <i>(4) Deadline for implementation of the legislation in the Member States</i> | Not applicable. |
| <i>(5) Date of entry into force (if different from the above)</i> | Not applicable. |
| <i>(6) References</i> | |

(7) Follow-up work

Council Resolution of 21 May 1991
Official Journal C 142, 31.5.1991

*(8) Commission
implementing
measures*



9. EQUAL TREATMENT FOR MEN AND WOMEN

9.15. Childcare

(1) Objective

To promote equal opportunities for men and women by measures designed to reconcile family obligations arising from the care and upbringing of children and parents' employment, education and training. To give all parents access to good quality, affordable local services.

(2) Proposal

Proposal for a Council Recommendation on childcare.

(3) Contents

1. It is recommended that Member States :
 - devise a comprehensive and consistent programme for the provision of childcare services, special leave arrangements for employed parents, and a workplace environment, structure and organization which is responsive to the needs of workers with children;
 - adopt measures to facilitate the sharing of family responsibilities arising from the care and upbringing of children.
2. Services must be good quality and affordable, combine safe and secure care with a broad education or pedagogical approach, must be available in all areas and regions, including urban and rural areas, and must be accessible to children with special needs (e.g. linguistic needs, children in one-parent families and children with a handicap). Services should increase choice and meet different preferences, needs and circumstances. To this end, they should be encouraged to work closely with parents and local communities. Member States must seek to improve the working conditions and the initial and continuing training of workers in childcare services and enhance their social status. Member States must ensure that public funding makes an essential contribution to the development of childcare services.
3. Leave arrangements for employed parents with childcare responsibilities must form part of measures designed to take realistic account of the increased participation of women in the labour force.
4. As regards the environment, structure and organization of the workplace, Member States should take measures to encourage the social partners to :
 - promote action within the framework of collective agreements ;
 - undertake initiatives to improve the status of workers in childcare services.
 Member States must promote action especially in the public sector to serve as an example.
5. As regards the sharing of family responsibilities, Member States must take steps, in the form of proposals for action, to encourage increased participation by men, and the Member States and the social partners should seek ways of changing attitudes on the participation of men.
6. The Commission undertakes to promote, in collaboration with the Member States and the social partners, the exchange, assessment and dissemination of information and experience in this field, and to support projects which are innovative and of transnational relevance.

7. The Member States are required to inform the Commission, within three years of the date of adoption of the Recommendation, of the measures taken to give effect to it, in order to allow the Commission to draw up a report on all such measures.

(4) Opinion of the European Parliament

Parliament approved the Commission's proposal subject to certain amendments. The Commission accepted some of these amendments.

(5) Current status

On 3 December 1991, the Council released a political agreement concerning the adoption of this proposal. The formal adoption will take place during the next session.

(6) References

Commission proposal
COM(91) 233 final
European Parliament opinion
Economic and Social
Committee opinion

Official Journal C 242, 17.9.1991
Not yet published

Not yet published in the Official
Journal



9. EQUAL TREATMENT FOR MEN AND WOMEN

9.16. Dignity of women and men at work: recommendation

<i>(1) Objective</i>	To promote greater awareness of the problem of sexual harassment at work and its consequences: to draw attention to the code of conduct and recommend application of the same.
<i>(2) Community measures</i>	Commission Recommendation on the protection of the dignity of women and men at work.
<i>(3) Contents</i>	<p>1. The Member States are recommended to take action to promote awareness that conduct of a sexual nature, or other conduct based on sex and affecting dignity, is unacceptable.</p> <p>2. Sexual harassment is defined as:</p> <ul style="list-style-type: none"> — conduct which is unwanted, unreasonable and offensive to the recipient; — the fact that a person's rejection of, or submission to, such conduct on the part of employers or workers (including superiors or colleagues) is used explicitly or implicitly as a basis for a decision which affects that person's access to vocational training, access to employment, continued employment, promotion or salary; — any conduct which creates an intimidating, hostile or humiliating work environment for the recipient. <p>3. Such conduct may, in certain circumstances, be contrary to the principle of equal treatment within the meaning of Articles 3, 4 and 5 of Council Directive 76/207/EEC on equal treatment.</p> <p>4. Member States are called on to take action in the public sector to implement the Commission's code of conduct, with such action serving as an example to the private sector. Member States should also encourage employers and employee representatives to develop measures to implement the code of conduct.</p> <p>5. The Commission is to draw up a report based on the information forwarded by the Member States concerning the measures taken, with the Commission having to be notified of these within three years of the date on which the Recommendation is adopted.</p>
<i>(4) Deadline for implementation of the legislation in the Member States</i>	Not applicable.
<i>(5) Date of entry into force (if different from the above)</i>	
<i>(6) References</i>	Not yet published
<i>(7) Follow-up work</i>	Declaration on the implementation of the Recommendation adopted by the Council on 19 December 1991.
<i>(8) Commission implementing measures</i>	

9. EQUAL TREATMENT FOR MEN AND WOMEN

9.17. Dignity of women and men at work: code of practice

- (1) *Objective* To provide practical guidance to employers, trade unions and employees with a view to clamping down on sexual harassment, and to ensure that adequate procedures are readily available to deal with the problem and prevent its recurrence. To encourage men and women to respect one another's human integrity.
- (2) *Community measures* Commission code of practice on sexual harassment.
- (3) *Contents*
1. The Commission restates the general definition of sexual harassment contained in its Recommendation. National judges will still have to decide whether cases brought to their attention fall within this category and are to be regarded as a criminal offence, an infringement of statutory obligations (especially in health and safety matters) or a contravention of obligations imposed on employers by contract or otherwise. It calls on employers in the public and private sectors, trade unions and employees to follow the guidelines of the code and to include appropriate clauses in collective bargaining agreements.
 2. Recommendations to employers
 - (a) PreventionEmployers should issue a policy statement which expressly states that sexual harassment will not be permitted or condoned and that employees have a right to complain about it should it occur. The policy statement should leave no doubt as to what is considered inappropriate behaviour which may, in certain circumstances, be unlawful. It should also explain the procedure to be followed for making a complaint or obtaining assistance, and should specify the disciplinary measures applicable. It should provide assurance that complaints will be dealt with seriously, expeditiously and confidentially, and that complainants will be protected against victimization. Once it has been drawn up, the statement must be communicated to everyone concerned, so as to ensure the widest possible awareness. Managers are to explain the organization's policy to their staff, and are expected to take appropriate measures, act supportively towards victims and provide any information required. The provision of training for managers and supervisors is an important means of combating sexual harassment.
 - (b) ProceduresClear and precise procedures must be developed, giving practical guidance on how to deal with this problem. Such guidance must draw the employees' attention to their legal rights and to any time limits within which they must be exercised. Employees should be advised to try first of all to resolve the problem informally by explaining, either themselves or through a third party, that the behaviour in question is not welcome, offends them and interferes with their work. If the unwelcome conduct persists, there will be grounds for making a complaint. To this end, it is recommended that a formal procedure for dealing with complaints be set up, in which employees can place their trust and which specifies the person to whom the complaint should be brought. It is also recommended that someone be designated to provide advice and assistance. The complainant and the alleged



harasser have the right to be represented by a trade-union representative, a friend or a colleague. Employers should monitor and review these procedures in order to ensure that they are working effectively. Investigations of complaints are to be carried out with sensitivity by independent persons, with due respect for the rights of the complainant and the alleged harasser. Complaints must be resolved speedily and confidentially at the end of an investigation focusing on the facts. Any violation of the organization's policy should be treated as a disciplinary offence. Disciplinary rules should make clear what is regarded as inappropriate behaviour and should indicate the range of penalties. Any victimization or retaliation against an employee bringing a complaint in good faith is to be considered as a disciplinary offence.

3. Recommendations to trade unions

Sexual harassment is a trade union issue which must be treated seriously and sympathetically when complaints arise. Trade unions are expected to formulate and issue clear policy statements on sexual harassment and to take steps to raise awareness of the problem, in order to help create a climate in which sexual harassment is neither condoned nor ignored. They should declare that sexual harassment is inappropriate behaviour and should inform staff about its consequences. It is also a good idea to ensure that there are sufficient female representatives to support women subjected to sexual harassment.

4. Employees' responsibilities

Employees have a clear role to play in discouraging any form of reprehensible behaviour and making it unacceptable. They can contribute to preventing sexual harassment through awareness and sensitivity towards the issue and by ensuring that standards of conduct for themselves and for colleagues do not cause offence. Employees should lend support to victims of harassment and should inform management and/or their staff representative through the appropriate channels.

(4) Deadline for implementation of the legislation in the Member States

Not applicable.

(5) Date of entry into force (if different from the above)

(6) References

Not yet published

(7) Follow-up work

Declaration on the implementation of the code adopted by the Council on 19 December 1991.

(8) Commission implementing measures

10. VOCATIONAL TRAINING

10.1. Current problems and objectives for 1992: Social Charter

'Every worker of the European Community must be able to have access to vocational training and to benefit therefrom throughout his working life. In the conditions governing access to such training there may be no discrimination on grounds of nationality.

The competent public authorities, undertakings or the two sides of industry, each within their own sphere of competence, should set up continuing and permanent training systems enabling every person to undergo retraining, more especially through leave for training purposes, to improve his or her skills or to acquire new skills, particularly in the light of technical developments.'



10. VOCATIONAL TRAINING

10.2. Current problems and objectives for 1992: Commission's action programme — Introduction

Vocational training is one of the Commission's priorities in launching a new and indispensable effort to invest in people, in order to develop their skills, their creativity and their versatility.

In its 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 it can add value to the efforts of Member States. Comett, and since 1990 Comett II, have provided supports for partnership and mobility between university and industry in the field of training for technology (summaries 10.13 and 10.14); Eurotecnet deals with vocational training for technological change (summary 10.16); Erasmus concentrates on the mobility of students and inter-university cooperation in higher education (summary 10.12); Lingua aims to improve the teaching of foreign languages, including actions in the different economic sectors (summary 10.18).

The Petra programme, which relates to initial vocational training for young people (summaries 10.9 and 10.10), 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.

A Council Decision of 22 July 1991 updates the 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. Account has also been taken of the need to improve the transition of young people from school to working life as well as their technical and vocational education.

Furthermore, Council Decision 90/267/EEC of 29 May 1990 established the Force action programme for the development of continuing vocational training (summary 10.15).

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.

10. VOCATIONAL TRAINING

10.3. Current problems and objectives for 1992: Commission's action programme — Initiatives

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 during 1991. 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, 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 judgments, and provide a Community-wide commitment to raising the standards and quality of training provisions.

MEMORANDUM ON THE RATIONALIZATION AND COORDINATION OF COMMUNITY ACTION PROGRAMMES IN THE FIELD OF INITIAL AND CONTINUING VOCATIONAL TRAINING (summary 10.8)

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 embarked on deliberations with a view to the rationalization and coordination of specific measures in this field. On completion of these deliberations it presented a memorandum. In December 1991 the Commission presented its analysis of qualification needs for 1990 and of the responses in terms of vocational training (COM(91) 397 final).

PROPOSAL CONCERNING THE JOINT PROGRAMME FOR THE EXCHANGE OF YOUNG WORKERS

The Council Decision of 13 December 1984 establishing a third joint programme to encourage the exchange of young workers within the Community (summary 10.11) was amended by a Council Decision of 29 May 1990. The Council is at present examining the Commission proposal concerning a new programme. On 22 July 1991 the Council decided that the programme should cease to exist as such and be integrated into the Petra programme (summaries 10.9 and 10.10).

COMPARABILITY OF QUALIFICATIONS (summaries 10.21 to 10.23)

Pursuant to the Council Decision of July 1985 on the comparability of vocational training qualifications between the Member States of the European Community (summary 10.21),



the Commission has published the results of the work on establishing comparability in the following sectors: hotel and catering work and motor vehicle repair.

The work on comparability is currently limited to qualifications at 'skilled worker' level. The Commission has examined the need to extend the scope of this activity to other levels of skill, so as to cover all qualifications (summary 10.23).

10. VOCATIONAL TRAINING

10.4. Common policy on vocational training: CEDEFOP — Regulation (EEC) No 337/75

<i>(1) Objective</i>	To establish a European Centre to help the Commission implement a common vocational training policy.
<i>(2) Community measures</i>	Council Regulation (EEC) No 337/75 of 10 February 1975 establishing a European Centre for the Development of Vocational Training.
<i>(3) Contents</i>	<ol style="list-style-type: none">1. The Centre enjoys the broadest legal status in all the Member States. It is non-profit-making. Its seat is in Berlin.2. Through its scientific and technical activities, the Centre contributes to the promotion of vocational and in-service training at Community level. Its tasks are:<ul style="list-style-type: none">— to compile and disseminate selected documentation relating to recent developments, research and vocational training structural problems;— to develop and coordinate research;— to encourage the approximation of standards of vocational training, with a view to the mutual recognition of certificates and other documents;— to provide a forum for all those concerned.3. To attain its objectives the Centre may:<ul style="list-style-type: none">— organize courses and seminars;— conclude study contracts and carry out pilot or individual projects;— publish and distribute documentation (including a Community vocational training bulletin);— establish contacts with specialized bodies, public authorities, educational institutions and employers' and workers' organizations.4. The Centre is administered by a Management Board comprising 39 members representing the governments of the Member States (12), the employers' professional organizations (12), the employees' trade union organizations (12) and the Commission (3). The Director of the Centre is appointed by the Commission.5. The annual work programme is adopted by the Management Board in agreement with the Commission and takes account of the priority needs indicated by the Community institutions.6. A statement of revenue and expenditure, which must be in balance, is drawn up for each financial year by the Management Board. Each year, a subsidy for the Centre is included in the Community budget. By 31 March each year, the Management Board must adopt the annual general report on the Centre's activities and financial situation and forward it to the Commission.7. The financial provisions applying to the Centre have been adopted in accordance with the Treaty. By 31 March each year, the Management Board must send the accounts of all the revenue and expenditure of the Centre to the Audit Board. The Commission's Financial Controller is responsible for checking all expenditure and revenue.
<i>(4) Deadline for implementation of the legislation in the Member States</i>	Not applicable.



(5) Date of entry into force (if different from the above) 16.2.1975

(6) References

Official Journal L 39, 13.2.1975

(7) Follow-up work

Council Regulation (EEC) No 1416/76 of 1 June 1976 on the financial provisions applying to the European Centre for the Development of Vocational Training.

(8) Commission implementing measures

10. VOCATIONAL TRAINING

10.5. Common policy on vocational training: CEDEFOP — Amendment of Regulation (EEC) No 337/75

<i>(1) Objective</i>	To update existing provisions and harmonize them with the current legal situation.
<i>(2) Proposal</i>	Proposal for a Council Regulation amending Regulation (EEC) No 337/75 establishing a European Centre for the Development of Vocational Training.
<i>(3) Contents</i>	<ol style="list-style-type: none">1. The Management Board must adopt, no later than 31 March, the annual general report on the activities and financial situation of the Centre and forward it to the Commission, the Council, the European Parliament, the Economic and Social Committee and the Court of Auditors.2. It must also send the revenue and expenditure accounts, the financial management analysis and the balance sheet of the Centre for the preceding financial year to the Commission, the Council, the European Parliament and the Court of Auditors, no later than 31 March.3. The procedures for giving a discharge to the Management Board are updated.
<i>(4) Opinion of the European Parliament</i>	
<i>(5) Current status</i>	The proposal is currently before the European Parliament and the Economic and Social Committee for their opinions.
<i>(6) References</i>	Commission proposal COM(90) 534/l final Official Journal C 23, 31.1.1991.



10. VOCATIONAL TRAINING

10.6. Common policy on vocational training: CEDEFOP — Regulation (EEC) No 1416/76

- (1) *Objective* To set out the procedures for establishing and implementing a statement of revenue and expenditure of the Centre and for presenting and auditing accounts.
- (2) *Community measures* Council Regulation (EEC) No 1416/76 of 1 June 1976 on the financial provisions applicable to the European Centre for the Development of Vocational Training.
- (3) *Contents*
- I. General principles**
1. Each year a statement of revenue and expenditure must forecast and authorize the estimated revenue and expenditure of the Centre. The appropriations entered must be used in accordance with the principles of economy and sound financial management.
 2. No revenue may be collected and no expenditure effected unless credited to or charged against an article in the statement of revenue and expenditure.
 3. Revenue and expenditure during a financial year must be entered in the accounts for that financial year.
 4. Appropriations relating to staff may not be carried forward. Appropriations not committed by 31 December may be carried forward to the next financial year only. Appropriations in respect of payments still outstanding as at 31 December are carried forward to the next financial year only.
 5. The statement of revenue and expenditure of the Centre is published for information purposes in the Official Journal at the same time as the budget of the Communities.
- II. Presentation and structure of the statement of revenue and expenditure**
6. The Management Board sends an estimate of revenue and expenditure for the following year to the Commission by 31 March at the latest. It may subsequently send supplementary or amending estimates. A list of posts must be produced. Where a change in the number of posts is proposed, an explanation of the reasons for requesting new posts must be sent. A quarterly estimate of cash flow is required. As a preface to the estimate, the Management Board must submit a general introductory note containing an outline of the policy justifying the request for appropriations and an explanation of changes in appropriations from one financial year to the next.
 7. The Management Board adopts the statement of revenue and expenditure for the beginning of the financial year, adjusting it to the subsidy granted. The statement is subdivided into titles, chapters, articles and items according to the nature or intended use of the revenue or expenditure.
- III. Implementation of the statement of revenue and expenditure**
8. The statement of revenue and expenditure is implemented in accordance with the principle that the authorizing officers and accounting officers are different individuals. Appropriations are

administered by the authorizing officer. Collection or payment operations are carried out by the accounting officer. The Management Board is responsible for implementing the statement of revenue and expenditure within the limits of the appropriations allotted.

9. The Financial Controller of the Commission is responsible for checking the commitment and payment of all expenditure and the establishment and recovery of all revenue.

10. Appropriations are classified by chapter and article.

IV. Conclusion of contracts, inventory, accountancy

11. Contracts for the purchase or hiring of goods, for the provision of services or for building works must be in writing. They must be preceded by invitations to tender. However, contracts may be entered into by direct agreement and purchases may be made against an invoice in the circumstances provided for.

12. A permanent inventory of all movable and immovable property belonging to the Centre is kept.

13. The accounts are kept by the method of double entry, on the basis of the calendar year. They are closed at the end of the financial year to enable the balance sheet and the revenue and expenditure accounts to be drawn up.

V. Responsibilities of authorizing officers, accounting officers and imprest-holders

14. Authorizing officers, accounting officers, assistant accounting officers and imprest-holders are liable to disciplinary action and, where appropriate, to the payment of compensation in respect of actions relating to their duties. They must insure themselves against the risks involved. The Centre is allowed a period of two years from the date when the revenue and expenditure account is submitted to take a decision on granting a discharge to the accounting officers.

VI. Presenting and auditing the accounts

15. The Management Board must draw up a revenue and expenditure account each year, preceded by an analysis of financial management in respect of the year in question, following the same subdivisions as the statement of revenue and expenditure. It also draws up a balance sheet, which is accompanied by a statement of accounts showing cash movements and balances at the same date.

16. The Audit Board exercises its powers in respect of the Centre in accordance with the Financial Regulation applicable to the general budget of the European Communities. It must conclude its report on the accounts for the preceding financial year not later than 15 July.

17. Before 30 April of the next year, the Council and the European Parliament must give a discharge to the Management Board in respect of its implementation of the statement of revenue and expenditure.

(4) Deadline for implementation of the legislation in the Member States

Not applicable.

(5) Date of entry into force (if different from the above)

29.6.1976



(6) References

(7) Follow-up work

*(8) Commission
implementing
measures*

Official Journal L 164, 24.6.1976

10. VOCATIONAL TRAINING

10.7. Common policy on vocational training: CEDEFOP — Amendment of Regulation (EEC) No 1416/76

<i>(1) Objective</i>	To update Regulation (EEC) No 1416/76 to take account of the institutional and budgetary procedure changes since 1975.
<i>(2) Proposal</i>	Proposal for a Council Regulation amending Regulation (EEC) No 1416/76 on the financial provisions applying to the European Centre for the Development of Vocational Training.
<i>(3) Contents</i>	<ol style="list-style-type: none">1. The procedural arrangements relating to the presentation of supplementary or amending estimates are set out in more detail. A new provision relating to 'half-time' work allows the budgetary authority to authorize appropriate compensation.2. In connection with implementation of the budget, the concept of 'sound financial management' is reinforced by mention of the principles of economy and cost-effectiveness.3. The tasks and responsibilities of the authorizing officer, the accounting officer and the Financial Controller are set out in more detail.4. The principle of the one-year budget is stressed, with reference to carrying forward appropriations.5. The term 'unit of account' is replaced by the ecu.6. Provision is made for management by means of computer systems. The creation of a file containing job descriptions permits the identification of posts.7. More detailed provisions for the preparation of accounts and balance sheets will make it easier to incorporate them into the general balance sheets and accounts of the Communities.8. The financial regulations are updated to take into account the foundation of the Court of Auditors.9. The new text officially recognizes the practice according to which the European Parliament gives a discharge. The possibility of postponing the decision is recognized, with a mention of the likely implications.
<i>(4) Opinion of the European Parliament</i>	Not yet given.
<i>(5) Current status</i>	The proposal is currently before the European Parliament and the Economic and Social Committee for their opinions.
<i>(6) References</i>	Commission proposal COM(90) 534/III final Official Journal C 23, 31.1.1991



10. VOCATIONAL TRAINING

10.8. Rationalization and coordination of programmes: memorandum

<i>(1) Objective</i>	To establish an overall reference framework for administering all Community training initiatives and activities and for coordinating the development of measures by the Community to improve the quality of its human resources.
<i>(2) Community measures</i>	Memorandum on the rationalization and coordination of vocational training programmes at Community level.
<i>(3) Contents</i>	<p>I. Context</p> <p>1. There is an element of training in other Community policies, for example in structural policies carried out by the European Social Fund.</p> <p>2. The third outline programme on research and development gives priority to 'human resources and mobility'. The Science and Delta programmes are to be coordinated with Comett and Erasmus.</p> <p>3. Implementation of Community environmental legislation has been slowed down due to a lack of trained personnel.</p> <p>4. The EFTA countries, some Central and East European countries and some countries which are signatories to the Lomé Convention have shown increasing interest in participating in Community programmes.</p> <p>5. The cooperation of the Member States, the two sides of industry and of undertakings is necessary.</p> <p>II. Towards a new action framework</p> <p>6. The general objectives pursued by the Commission, and the specific objectives set out in each action programme, must be clearly formulated.</p> <p>7. The Commission has identified the five main areas of activity in all existing action programmes:</p> <ul style="list-style-type: none"> — initial vocational training and training of young people; — higher education and further training; — continuing education and in-service training; — foreign language teaching; — cooperation with non-member countries. <p>Provisions relating to initiatives for the benefit of young people will also be rationalized. Programmes must be established with regard to these objectives; some of them relate to more than one area.</p> <p>III. Assessment and monitoring</p> <p>8. The Commission will establish an overall procedure for monitoring projects and activities carried out under the major Community programmes and will publish an overall annual report of the results. It will review documentation distributed in relation to all its programmes in order to indicate clearly the objectives, selection criteria and reporting procedures so as to ensure wide dissemination.</p> <p>IV. Dissemination of information and publications</p> <p>9. Improved and simplified presentation of Commission publications relating to training. An integrated data base on training activities will be established.</p>

V. Relations with the Member States

10. The Commission is assisted by a tripartite advisory committee on vocational training. The number of committees and working parties in the first three major areas of activity will be reduced in order to improve the overall aspect.

(4) Deadline for implementation of the legislation in the Member States

Not applicable.

(5) Date of entry into force (if different from the above)

Not applicable.

(6) References

Commission proposal
COM(90) 334 final

(7) Follow-up work

(8) Commission implementing measures



10. VOCATIONAL TRAINING

10.9. Rationalization and coordination of programmes: Petra — Decision 87/569/EEC

- (1) Objective* Petra is the Community action programme for the vocational training of young people and their preparation for adult and working life. It aims to supplement the internal policies of Member States with Community measures to ensure that all young people who so wish have the opportunity of one year's or, if possible, two years' or more vocational training in addition to their full-time compulsory education.
- (2) Community measures* Council Decision 87/569/EEC of 1 December 1987 concerning an action programme for the vocational training of young people and their preparation for adult and working life.
- (3) Contents*
1. The programme was adopted for a period of five years from 1 January 1988.
 2. The programme is intended to promote improvement and diversification of the vocational training available, greater adaptability of such training to economic, technological and social change, and to give a Community dimension to vocational qualifications.
 3. The Community measures are intended to complement Member States' activities in the following main areas:
 - strengthening links between vocational education, training and guidance systems and all sectors of the economy, including young people's organizations;
 - improving awareness of labour market trends and changes in working conditions, particularly those affecting health and safety;
 - promoting equal opportunities for girls and young women;
 - special help for the young people most at risk (handicapped, disadvantaged, those with few or no qualifications);
 - encouraging creativity, initiative and enterprise among young people.
 4. The Community measures are:
 - (a) a new European network of training initiatives;
 - assistance for information projects on the transition from school to vocational training and working life and for projects encouraging the development of entrepreneurial skills, creativity and responsibility among young people;
 - exchanges of specialists;
 - technical assistance;
 - (b) comparative research on vocational education and training issues;
 - monitoring of implementation of the programme by policy-makers and the social partners.

The Commission shall draw upon the assistance of the European Centre for the Development of Vocational Training.
- (4) Deadline for implementation of the legislation in the Member States* Not applicable.

(5) *Date of entry into force (if different from the above)*

1.1.1988

(6) *References*

Official Journal L 346, 10.12.1987

(7) *Follow-up work*

Proposal for a Council Decision amending Decision 87/569/EEC (summary 10.10).

(8) *Commission implementing measures*

An interim report was presented by the Commission on 13 March 1990. A further report on implementation of the programme will be presented to the Council, the European Parliament, the Advisory Committee on Vocational Training and the Education Committee at the end of 1991.



10. VOCATIONAL TRAINING

10.10. Rationalization and coordination of programmes: Petra — Decision 91/387/EEC

(1) Objective To raise the status of vocational education and initial training and to stimulate exchanges of experience between Member States and transnational cooperation between training bodies. To extend the Petra programme until 31 December 1994.

(2) Community measures Council Decision 91/387/EEC of 22 July 1991 amending Decision 87/569/EEC concerning an action programme for the vocational training of young people and their preparation for adult and working life.

(3) Contents

1. The programme is adopted for a three-year period from 1 January 1992. Its aim is to support and supplement, through measures at Community level, the policies of the Member States, which are seeking to ensure that all young people who so wish receive two or more years' vocational training in addition to their compulsory full-time education, leading to a recognized vocational qualification.
2. The programme is intended in particular to:
 - raise the quality of vocational and technical education and initial training;
 - encourage and diversify vocational-training provision;
 - add a Community dimension to vocational qualifications;
 - stimulate cooperation and the development of training partnerships transnationally and within each Member State;
 - allow the following young people to benefit from periods of training or work experience in other Member States:
 - young people receiving technical and vocational education,
 - young job-seekers,
 - young workers,
 - young unemployed people.
3. Support for transnational cooperation, including specific assistance for initiatives involving young people in planning, organizing and implementing activities. Such cooperation is above all intended to promote within the Community:
 - vocational training or work experience placements in another Member State; these must lead to a certificate and form a recognized part of the young person's training course;
 - joint development of initial vocational training modules compatible with national training systems;
 - joint training of instructors working in initial vocational training.
4. Support for measures aimed at introducing a Community dimension into the processes and systems of vocational information and guidance, by:
 - supporting national contact points or centres to create a network for the exchange of guidance data and to explore effective means of transferring up-to-date guidance information throughout the Community;
 - work on standardizing the content of training programmes and supporting supplementary training for vocational guidance specialists and advisers on the European aspects of guidance.

5. Technical assistance, as necessary, in the implementation of the programme; comparative studies on vocational education and training issues, including surveys on the effectiveness of youth training programmes, and review of the evolution of vocational qualifications.

(4) Deadline for implementation of the legislation in the Member States

Not applicable.

(5) Date of entry into force (if different from the above)

Not applicable.

(6) References

Official Journal L 214, 2.8.1991

(7) Follow-up work

(8) Commission implementing measures



10. VOCATIONAL TRAINING

10.11. Rationalization and coordination of programmes: exchanges of young workers

- (1) *Objective* To increase the opportunities for young workers to expand their vocational training, knowledge of languages and cultural and social awareness in a Member State other than the country of residence.
- (2) *Community measures* Council Decision 84/636/EEC of 13 December 1984 establishing a third joint programme to encourage the exchange of young workers within the Community.
- (3) *Contents*
1. Definition of the term 'exchanges of young workers': operations involving the organization of training periods for young workers in a Member State other than the country of residence, aimed at:
 - developing their vocational knowledge and enriching their practical experience;
 - promoting their awareness of the problems of the working world;
 - bringing them into contact with the working environment of the host country;
 - improving the knowledge of living conditions and social relations in the host country;
 - promoting adequate information on the Community's objectives and how it functions.

'Training periods of long duration' means training periods of a predominantly vocational nature spent with an employer and lasting between 4 and 16 months. 'Training periods of short duration' means study training periods, in principle lasting between three weeks and three months.
 2. Young workers who are nationals of a Member State shall be eligible for exchanges if they:
 - are between 18 and 28 years of age and are employed or are available on the labour market;
 - have received basic vocational training or have practical work experience. The Commission may, exceptionally, admit young workers who do not fulfil these conditions.
 3. The implementation of exchanges shall be entrusted to bodies or groups capable of operating at European level and approved by the Commission. The Commission shall conclude individual contracts with them defining the conditions, obligations and financial responsibilities.
 4. Young workers participating in training periods shall benefit from the system introduced under the Treaty to bring about freedom of movement for workers, particularly in respect of social security. The Commission shall ensure that the promoting bodies draw up appropriate insurance policies for young people who are not covered by this system.
 5. Within the framework of existing legislation and practice, the Member States shall lend their support to the implementation of exchanges. They shall be consulted by the Commission in the circumstances specified.
 6. The Commission may contribute towards the cost of the journey between the place of residence and the place of training and provide a flat-rate weekly contribution per trainee, or, exceptionally, grant a

	subsidy for each exchange project. 7. The programme shall not extend beyond 31 December 1991.
<i>(4) Deadline for implementation of the legislation in the Member States</i>	Not applicable.
<i>(5) Date of entry into force (if different from the above)</i>	1.1.1985
<i>(6) References</i>	Official Journal L 331, 19.12.1984
<i>(7) Follow-up work</i>	Council Decision 90/268/EEC of 29 May 1990 amending Decision 84/636/EEC. Official Journal L 156, 21.6.1990. With effect from 1 January 1992, the young workers exchange programme will be incorporated in the Petra II programme, which was adopted by the Council on 22 July 1991 (summaries 10.9 and 10.10).
<i>(8) Commission implementing measures</i>	A two-yearly report to be submitted to the Council on the progress of the exchanges, including an overall assessment.



10. VOCATIONAL TRAINING

10.12. Rationalization and coordination of programmes: Erasmus

- (1) *Objective* To allow around 10% of all students in the Community, by 1992, to follow a university course organized by universities in more than one Member State.
- (2) *Community measures* Council Decision 89/663/EEC of 14 December 1989 amending Decision 87/327/EEC adopting the European Community action scheme for the mobility of university students (Erasmus).
- (3) *Contents*
1. Objective:
To ensure, in the context of the European university network and student grants, that the highest possible proportion of funds is allocated to student mobility.
 2. The Annex describes four actions.
 3. Action 1: Establishment and operation of a European university network. The network is composed of the universities which have concluded agreements under the Erasmus programme. These universities organize programmes providing for exchanges of students and teachers with universities in other Member States and ensure full recognition of the relevant study periods. Support is also provided for exchanges of teaching staff for the purpose of carrying out integrated teaching assignments, for joint curriculum development projects, for the organization of short-duration intensive teaching programmes for students from several different Member States, and for visits by university administrators and teaching staff to other Member States.
 4. Action 2: Student grants scheme. A minimum of ECU 200 000 (approximately 100 grants) is paid to each Member State and the remainder is allocated to the Member States on the basis of the total number of university students, the total number of 18 to 25-year-olds, the average cost of the journey and the difference between the cost of living in the student's country of origin and the host country. Balanced participation across the various subjects is ensured. Grants are administered by the competent Member State authorities, who award up to a maximum of ECU 5 000 per student for a stay of one year subject to the listed conditions.
 5. Action 3: Measures to promote mobility through the academic recognition of diplomas and periods of study.
The European Community course credit transfer system (ECTS) is experimental and voluntary. It provides a means by which students may receive credit for training at universities in other Member States. Grants of up to ECU 20 000 per year are awarded to the universities participating in the pilot system. The development of the European Community network of national information centres on academic recognition also permits the exchange of information on periods of study in other Member States. Annual grants of up to ECU 20 000 are awarded.
 6. Action 4: Complementary measures. Intended to finance support for associations with a view to making initiatives in specific training fields better known throughout the Community, publications designed to increase awareness of study and teaching opportunities in the other Member States, other initiatives to promote inter-university cooperation in the field of vocational training, and Erasmus prizes to be awarded to

students, teachers, universities or projects which have made an outstanding contribution to the development of inter-university cooperation within the Community. The cost of these measures must not exceed 5% of the annual appropriations for the programme.

(4) Deadline for implementation of the legislation in the Member States

Not applicable.

(5) Date of entry into force (if different from the above)

1.1.1991 and 1.7.1990 for item 4 (Action 2)

(6) References

Official Journal L 395, 30.12.1989

(7) Follow-up work

(8) Commission implementing measures



10. VOCATIONAL TRAINING

10.13. Rationalization and coordination of programmes: Comett I

- (1) *Objective* To strengthen cooperation between universities and enterprises in training relating to technology.
- (2) *Community measures* Council Decision 86/365/EEC of 24 July 1986 adopting the programme on cooperation between universities and enterprises regarding training in the field of technology (Comett).
- (3) *Contents*
1. Definitions of the terms 'university' and 'enterprise'
 2. Objectives of the programme
 - to give a European dimension to cooperation between universities and enterprises in training relating to innovation and the development and application of new technologies;
 - to foster the joint development of training programmes and the exchange of experience, and also the optimum use of training resources at Community level;
 - to improve the supply of training at local, regional and national level with the assistance of the authorities concerned, thus contributing to the balanced economic development of the Community;
 - to develop the level of training in response to technological change and social changes by identifying the resulting priorities in existing training arrangements which call for supplementary action both within Member States and at Community level, and by promoting equal opportunities for men and women.
 3. Areas covered by Comett

Comett I was divided into five interdependent fields of action, each comprising one strand of the programme:

Strand A: the development of a European network of university-enterprise training partnerships (UETPs),

Strand B: programmes for the exchange of students and staff between universities and undertakings,

Strand C: the development and testing of joint university/enterprise projects in the field of ongoing training,

Strand D: multilateral initiatives for developing multi-media training systems,

Strand E: additional measures and assessment measures aimed at the analysis and monitoring of important developments relating to Comett.
 4. Framework for implementation of the programme

The Commission is assisted by a Committee consisting of two representatives of each Member State. Two representatives of the social partners participate in the work as observers. The Committee members are responsible for liaison between Comett and similar initiatives in the Member States. The Committee delivers opinions on the guidelines, the financial assistance granted, the procedure for selecting the various types of projects and any measures which require a Community contribution of more than ECU 100 000. Information centres have been set up to assist and promote the dissemination of information on Comett. A group of Comett experts has

been set up by the Commission, to provide an additional source of advice and specialized technical know-how.

(4) Deadline for implementation of the legislation in the Member States

(5) Date of entry into force (if different from the above)

(6) References

Official Journal L 222, 8.8.1986

(7) Follow-up work

(8) Commission implementing measures

The results

Between 1986 and 1990, more than 1 300 projects were launched throughout the European Community, with Community aid amounting to a total of ECU 52.5 million. The projects financed under Comett I have led to the establishment of 125 university-enterprise training partnerships (UETPs), more than 4 000 traineeships for students in enterprises in other Member States and 232 grants for exchanges of staff between universities and enterprises; 329 joint ongoing training projects and multinational initiatives for developing multi-media training systems have also been financed. In addition, more than 6 000 enterprises, 1 500 universities and 1 000 other types of organization were involved in carrying out the Comett I projects. Of the various technological sectors, production and manufacturing dominated, but other fields were also well represented: computer technology, management, biology, chemicals, occupation of land area. The human and social sciences accounted for 3.6% of the total, the projects in question having been proposed by the trade unions concerned about the impact of technological change on the organization of labour, collective bargaining and the organization of the trade unions.



10. VOCATIONAL TRAINING

10.14. Rationalization and coordination of programmes: Comett II

- (1) *Objective* To reinforce training in, in particular, advanced technology and the development of highly skilled human resources and the competitiveness of European industry.
- (2) *Community measures* Council Decision 89/27/EEC of 16 December 1988 adopting the second phase of the programme on cooperation between universities and industry regarding training in the field of technology (Comett II) (1990 to 1994), open to the EFTA countries following the Decision of the Council of Ministers of 22 May 1989.
- (3) *Contents*
1. Comett II is to run for five years from 1 January 1990 to 31 December 1994 and has been allocated a total of ECU 200 million, not including the EFTA contribution. The allocation of Community support is based on the principle of cost sharing between the Community and the project applicants.
 2. Objectives of the programme
 - the contribution of training in technology to economic and social development: 'to improve the contribution of, in particular, advanced technology training at the various levels concerned and thus the contribution of training to the economic and social development of the Community';
 - joint university-enterprise training initiatives: 'to foster the joint development of training programmes and the exchange of experience and also the optimum use of training resources at Community level, notably through the creation of transnational, sectoral and regional networks of, in particular, advanced technology training projects';
 - the training requirements of small and medium-sized businesses: 'to respond to the specific skill requirements of small and medium-sized businesses having regard to the priority measures set out in the Annex';
 - equal opportunities for men and women in training: 'to promote equal opportunities for men and women in initial and continuing training in, in particular, advanced technology';
 - the encouragement of a European dimension: 'to give a European dimension to cooperation between universities and industry in initial and continuing training relating to technologies and their applications and transfer'.
 3. Areas covered by Comett II

Strand A: University-industry training partnerships (UITPs)

This network, created under Comett I, should be extended and reinforced under Comett II. Its role is:

 - to identify training needs and to provide a structured and coordinated basis for resolving them,
 - to provide a support structure for the execution of part or all of the activities,
 - to strengthen cooperation and inter-regional transfer between Member States,
 - to develop links in the form of transnational sectoral networks.

The sum awarded by the Community may not exceed:

- ECU 70 000 per UITP for the first year
- ECU 60 000 per UITP for the second year
- ECU 50 000 per UITP for the third year.

This support is limited to three years and to a maximum of 50% of the project cost. The activities undertaken under strand A will not exceed 12% of the overall budget.

Strand B: Transnational exchanges

These include:

- 3- to 12-month placements for students, as an integral part of their course, in industry in other Member States;
- 6-month to 2-year placement of students who have completed their basic training for advanced training in industry in other Member States for the purpose of taking part in an industrial development project;
- 2- to 12-month fellowships for university staff seconded to enterprises in another Member State or personnel of an enterprise seconded to a university in another Member State.

The sum awarded by the Community may not exceed:

- ECU 6 000 for placement of a student for 12 months
- ECU 25 000 for placement in advanced training for 24 months
- ECU 15 000 for an exchange of personnel for three months.

The activities to be undertaken under strand B will not exceed 40% of the overall budget.

Strand C: Joint projects for training, in particular, in advanced technology

These actions include:

- crash training courses with a European dimension in technology;
- devising, developing and testing at European level joint training projects in technology;
- multilateral arrangements for training in technology aimed at establishing, as a pilot project, systems for home study.

The Community's financial contribution, apart from exceptional cases, is limited to 50%, and may not exceed:

- ECU 30 000 for a crash course (the normal duration of a project is one year)
- ECU 500 000 for a joint training project, for the duration of the project, which may be between one and five years.

The activities to be undertaken under strand C will not exceed 40% of the overall budget.

Strand D: Complementary promotion and back-up measures

These measures include:

- support for preparatory activities particularly for the less-developed regions;
- support for the network of information centres;
- setting up of databanks on projects and establishment of electronic mail facilities between projects and partners;
- conferences and seminars;
- continuing evaluation of Comett II.
- assistance for preparatory visits (ECU 2 000 per person per week) (8% of the total budget).

(4) Deadline for implementation of the legislation in the Member States



(5) *Date of entry into force (if different from the above)*

(6) *References*

Official Journal L 13, 17.1.1989

(7) *Follow-up work*

(8) *Commission implementing measures*

Results — 1991

By the end of the programme, Comett II should have resulted in more than 25 000 exchanges of persons (chiefly placements for students in enterprises), and a minimum of 5 000 courses aimed at approximately 150 000 persons in Europe (chiefly engineers and scientists). In 1991, 414 projects were submitted by 153 of the 158 UITPs for a total sum of ECU 73 million. Placements for nearly 15 000 students were proposed in 140 projects, 10 times the figure for Comett I. 55 projects proposed 215 exchanges between personnel from industry and universities; 131 projects concerned the organization of 1 038 courses and 88 proposed 1 043 preparatory visits for new projects. In terms of total cost, the best represented sectors were: environment, informatics, automation, foodstuffs and materials. 392 projects have been selected in 1991. These include 139 projects for transnational placements involving a total of 5 083 students. 53 projects will involve exchanges for 121 employees of industry or university staff. 724 crash courses will be organized under 130 projects and, finally, 63 projects concern preparatory visits. These projects will account for a total of ECU 21 million, including 1 million for the environment sector. A further 25 million will finance projects accepted in 1990. The projects accepted in 1991 will involve 3 000 undertakings, 1 000 universities and higher education establishments and 1 000 professional organizations.

Participation of EFTA

Following the decision in principle adopted by the Council on 22 May 1989, the European Community concluded a formal agreement with the Member States of EFTA which will enable universities and undertakings in EFTA countries to participate.

Each EFTA country may participate in all strands of Comett, for the five years for which Comett II will run, but their level of participation may not exceed that of the Member States of the European Community. The criteria for eligibility and selection are the same, but at least two Member States of the Community must participate in the project in question. Each EFTA country will make a financial contribution to the project in proportion to its gross national product related to that of the European Community and the Comett budget for the year in question. The EFTA countries and the Member States of the European Community will take the necessary steps to facilitate the free movement and residence of students and persons participating in Comett activities. Advisory services will be provided through a joint committee comprising representatives of the European Community and the country in question.

10. VOCATIONAL TRAINING

10.15. Rationalization and coordination of programmes: Force

- (1) *Objective* To support and complement the policies and activities developed by and in the Member States in the area of continuing vocational training.
- (2) *Community measures* Council Decision 90/267/EEC of 29 May 1990 establishing an action programme for the development of continuing vocational training in the European Community (Force).
- (3) *Contents*
1. The programme covers the period from 1 January 1991 to 31 December 1994.
 2. Definitions of terms: 'continuing vocational training': any vocational training engaged in by a worker throughout his working life; 'undertaking': large, small and medium-sized undertakings, regardless of their legal status or economic sector, and all types of economic activity; 'training body': all types of establishment engaged in vocational training, including autonomous economic organizations and professional associations; 'worker': any person having active links with the labour market, including the self-employed.
 3. Objectives:
 - to encourage investment in continuing vocational training and improve the return from it, in particular by developing partnerships;
 - to encourage measures in those economic sectors or regions where access to, or investment in, such training is inadequate;
 - to encourage innovations in the management of continuing vocational training, methodology and equipment;
 - to support transnational and transfrontier projects and the exchange of experience;
 - to identify better ways of forecasting requirements in terms of qualifications and occupations.
 4. The programme comprises a common framework of guidelines designed to support and complement the measures adopted by the Member States, together with a number of transnational measures implemented at Community level. The aim is to contribute to promoting the convergence of initiatives by the Member States which seek:
 - to improve the conditions for workers' mobility;
 - to enable the least qualified workers to benefit from training;
 - to promote effective equality of opportunity for men and women and to ensure that all workers who are nationals of Member States are afforded equal treatment as regards access to continuing vocational training;
 - to strengthen incentives for undertakings, particularly small and medium-sized ones, to invest in continuing vocational training;
 - to seek to improve the forecasting of trends in qualifications.
 5. The Commission must implement the transnational measures which are aimed at workers in undertakings, taking account of the differing needs and situations which exist in the Member States. Transnational measures include:
 - an exchange scheme to promote the rapid dissemination of innovations;
 - the design and development of transnational or cross-border pilot schemes;



- establishment of a European network of transnational operations;
- sectoral and statistical surveys and analysis of contractual policy and trends in qualifications and occupations.

6. The Commission ensures that there is consistency and complementarity between the Force and other Community programmes. It draws upon the assistance of the European Centre for the Development of Vocational Training and is also assisted by an advisory committee, which it keeps informed about the development of the programme.

7. Objective external assessments of the results of the transnational measures are to be carried out during the first half of 1993 and 1995.

(4) Deadline for implementation of the legislation in the Member States

Not applicable.

(5) Date of entry into force (if different from the above)

1.1.1991

(6) References

Official Journal L 156, 21.6.1990

(7) Follow-up work

Proposal for a Council Decision amending Decision 89/657/EEC (Eurotecnet) and Decision 90/267/EEC (Force), setting up an Advisory Committee on Education and Continuing Training covering both Force and Eurotecnet.

(8) Commission implementing measures

Presentation of an interim report on the launch phase before 30 June 1993 and a final report on the implementation of the programme before 30 June 1995. The Member States must send a report to the Commission every two years on the steps taken to implement the common framework of guidelines, including information on current arrangements and the financing thereof.

10. VOCATIONAL TRAINING

10.16. Rationalization and coordination of programmes: Eurotecnet

- (1) *Objective* To make full use of the possibilities offered by new technologies in vocational training systems.
- (2) *Community measures* Council Decision 89/657/EEC of 18 December 1989 establishing an action programme to promote innovation in the field of vocational training resulting from technological change in the European Community (Eurotecnet).
- (3) *Contents*
1. The programme runs for a period of five years, commencing on 1 January 1990.
 2. It is comprised of a network of national or transnational innovatory projects and a series of Community measures.
 3. The common framework of guidelines taken into account by the network of projects has the following objectives:
 - extending cooperation with public and private bodies;
 - analysing the impact of technological change on the qualifications and skills of the groups of persons concerned, with specific account being taken of the situation of small and medium-sized undertakings;
 - implementing demonstration projects making it possible to innovate in the provision of vocational training;
 - facilitating the entry of young people and the unemployed into working life by providing them with training in the new technologies and in mastering technological development;
 - promoting the access of women to types of training with significant technological content, as well as the retraining of women whose professional activities are affected by technological change;
 - developing the training and retraining of trainers in technical, educational and social skills;
 - disseminating relevant information.Both sides of industry are to be fully associated in the implementation of the common framework of guidelines.
 4. The Community measures supplementing the measures taken by Member States are aimed at:
 - setting up a network of innovatory projects at Community level;
 - strengthening cooperation and the exchange and transfer of methodologies;
 - encouraging both the basic and the continuing vocational training of trainers;
 - launching research work concerning the qualification requirements created by technological change;
 - promoting self-training;
 - disseminating relevant information within the Community.
 5. The Commission is to implement support measures as indicated in the Annex, taking account of the differing needs and situations which exist in the Member States. Both sides of industry are to be fully associated.
 6. The Commission is to ensure that there is consistency and complementarity between this programme and the other Community programmes involving vocational training and/or technological development. It will draw upon the assistance of the European Centre



for the Development of Vocational Training and be assisted by an advisory committee, which it must keep regularly informed of the development of the programme.

7. The results of the projects undertaken by the Member States and of the measures taken by the Commission will be subject to objective external assessments during the first six months of 1992 and 1994.

(4) Deadline for implementation of the legislation in the Member States

Not applicable.

(5) Date of entry into force (if different from the above)

1.1.1990

(6) References

Official Journal L 393, 30.12.1989

(7) Follow-up work

Proposal for a Council Decision amending Decision 89/657/EEC (Eurotecnet) and Decision 90/267/EEC (Force) with a view to setting up an advisory committee for education and continuing training combining Force and Eurotecnet.

Commission report concerning the first phase of Eurotecnet (1985-88) — SEC(89) 1658 final.

(8) Commission implementing measures

Transmission of assessment reports to the Council, the European Parliament and the Economic and Social Committee by 30 June 1992 and 30 June 1994. Transmission of a final report on the results of the programme to the Council, the European Parliament and the Economic and Social Committee by 30 June 1995. The Member States will have forwarded the relevant information to the Commission by 31 December 1994.

10. VOCATIONAL TRAINING

10.17. Rationalization and coordination of programmes: IRIS

<i>(1) Objective</i>	To increase women's awareness by making known what training is available and to promote their training by helping to develop strategies and methods.
<i>(2) Community measures</i>	IRIS programme, European network of training for women launched in December 1988.
<i>(3) Contents</i>	<p>1. Beneficiaries All women prepared to follow a training programme helping them to retrain and get back to work.</p> <p>2. Operating method The network is run by CREW (Centre for Research on European Women). The IRIS network comprises 333 programmes throughout the Member States. The Member States are involved in defining strategies for developing the network via the IRIS working party which meets twice a year.</p> <p>3. Description of activities The 333 programmes are aimed at improving women's access to public and private employment and to vocational training, increasing the number of women working in non-traditional sectors and training women to create businesses. The overwhelming majority of the programmes are aimed at long-term unemployed women trying to get back to work and young women without qualifications. Approximately 36% of the programmes train women in new technologies and 40% of the programmes are co-funded by the European Social Fund. The IRIS inventory supplies detailed information on the programmes. The selection criteria for the projects are being amended in 1991.</p> <p>4. Communications support:</p> <ul style="list-style-type: none">— a database containing the projects and women's training programmes in the Member States;— an IRIS information bulletin published four times a year;— an inventory of training programmes in nine languages and updated annually. <p>5. Main activities Four seminars were held in 1990 on in-house training and creation of businesses by women. Evaluation symposia took place in each Member State to discuss national policies and to propose recommendations. Information meetings are organized in cooperation with the members of the working party as are interprogramme exchange visits.</p>
<i>(4) Deadline for implementation of the legislation in the Member States</i>	Not applicable.



(5) *Date of entry into force (if different from the above)* Not applicable.

(6) *References*

(7) *Follow-up work*

(8) *Commission implementing measures*

10. VOCATIONAL TRAINING

10.18. Rationalization and coordination of programmes: *Lingua*

(1) Objective

To improve foreign language teaching and learning within the Community in order to overcome linguistic difficulties which impede the free movement of persons, goods, services and capital.

(2) Community measures

Council Decision 89/489/EEC of 28 July 1989 establishing an action programme to promote foreign language competence in the European Community (*Lingua*).

(3) Contents

1. The *Lingua* programme will apply for a period of five years with effect from 1 January 1990.
2. Definitions of terms: 'university': all types of post-secondary education and training establishments which offer qualifications or diplomas of that level, whatever they may be called; 'teaching and training establishments': all categories of teaching and training establishments not included in the definition of 'university' which are supported by the Member States or public authorities.
The languages concerned are Danish, Dutch, English, French, German, Greek, Irish, Italian, Letzeburgesch, Portuguese and Spanish.
3. The programme comprises common guidelines aimed at:
 - encouraging all citizens to acquire a working knowledge of foreign languages;
 - increasing opportunities for teaching and learning foreign languages, particularly those which are the least widely used and the least taught;
 - increasing the opportunities for university students to combine foreign language study with their main subjects;
 - raising the standard of foreign language teaching by improving the initial and in-service training of foreign language teachers;
 - encouraging employers and professional organizations to promote foreign language training for workers in order to take full advantage of the internal market;
 - promoting innovation in methods of foreign language training.In addition, Community measures to support and complement Member States' policies and activities take account of the differing needs and situations, with particular regard to the least widely used and least taught languages in the Community.
4. The Member States designate the structures responsible for coordinating implementation of the measures described in the Annex at national level.
5. The Commission, assisted by a Committee, implements the programme in accordance with the provisions of the Annex.
6. The funds estimated as necessary for the execution of the programme amount to ECU 200 million.
7. The Commission must ensure that there is consistency and complementarity between the Community actions to be developed under the *Lingua* programme and other Community programmes involving vocational training and the mobility and exchange of persons. It must maintain contact as appropriate with international organizations active in this field, particularly the Council of Europe.



8. The Annex describes the measures to promote in-service training of foreign language teachers, the learning of foreign languages in universities, knowledge of foreign languages used in work relations and economic life, development of exchanges for young people undergoing professional, vocational and technical education, and complementary measures.

9. The Member States must each present a report by 31 December 1992 at the latest.

- An annual report on the functioning of the programme must be submitted by the Commission to the European Parliament, the Council, the Economic and Social Committee and the Education Committee.
- The Council will evaluate the experience acquired at the end of the second year of operation; if necessary, there will be a proposal to adapt the programme.

(4) Deadline for implementation of the legislation in the Member States

Not applicable.

(5) Date of entry into force (if different from the above)

Not applicable.

(6) References

Official Journal L 239, 16.8.1989

(7) Follow-up work

(8) Commission implementing measures

10. VOCATIONAL TRAINING

10.19. Rationalization and coordination of programmes : Tempus

(1) Objective

To facilitate the restructuring of the higher education sector in the countries of Central and Eastern Europe through inter-university cooperation, exchanges between students and teaching staff and industry-university cooperation between the Community and the Group of 24 countries.

(2) Community measures

Council Decision 90/233/EEC of 7 May 1990 establishing a trans-European mobility scheme for university studies (Tempus).

(3) Contents

1. The programme has been adopted, within a perspective of five years, for an initial pilot phase of three years beginning on 1 July 1990.
2. The eligible countries of Central and Eastern Europe are those designated as eligible for economic aid by the Council.
3. The term 'university' is used to cover all types of post-secondary educational and vocational training establishments which offer qualifications or diplomas of that level, whatever such establishments may be called. The terms 'enterprise' and 'industry' are used to indicate all types of economic activity, including not only large but also small and medium-sized enterprises, whatever their legal status, public and local authorities, independent economic organizations (chambers of commerce and industry and/or their equivalents), professional associations and organizations representing employers or employees.
4. Objectives
 - to facilitate the coordination of the provision of assistance to the eligible countries in the field of exchange and mobility, particularly for university students and teachers;
 - to improve training in these countries;
 - to enable students from these countries to spend a period of study at university or to undertake industry placements within the Member States of the Community, while ensuring equality of opportunity for male and female students, and to enable students from the Community to spend a similar period of study or placement in an eligible country;
 - to increase opportunities in these countries for learning Community languages;
 - to promote increased exchanges and mobility of teaching staff and trainers as part of the cooperation process.
5. Tempus is implemented by the Commission with the assistance of a committee composed of representatives from the Member States. The Commission cooperates with appropriate agencies in each of the eligible countries.
6. The Commission assesses the needs for cooperation and for the mobility of staff and students and establishes on this basis the necessary annual credits.
7. The Commission ensures consistency between Tempus and other actions at Community level in this field, within the Community or in the eligible countries, with particular reference to the activities of the European Training Foundation. It ensures coordination with initiatives of countries which are not members of the Community or of



universities and enterprises in these countries which relate to the same field of action as Tempus.

8. The Commission will submit an annual report on the functioning of Tempus to the European Parliament, the Council, the Economic and Social Committee and to the participating countries. It will assess the experience acquired and submit an interim report, by 31 December 1992, together with, if appropriate, a proposal for adapting the programme. A final report will be presented by 31 December 1995.

(4) Deadline for implementation of the legislation in the Member States

Not applicable.

(5) Date of entry into force (if different from the above)

1.7.1990 (start-up of the initial pilot phase)

(6) References

Official Journal L 131, 23.5.1990

(7) Follow-up work

(8) Commission implementing measures

10. VOCATIONAL TRAINING

10.20. Analysis of qualification requirements

- (1) *Objective* To stimulate discussion by describing new objectives for the 1990s in the field of vocational training, examining achievements so far and suggesting guidelines for future Community policy.
- (2) *Proposal* Commission memorandum on vocational training in the European Community in the 1990s.
- (3) *Contents*
1. What is at stake for the Community?
The socio-economic prospects for the 1990s, which will in many respects accentuate the profound changes which marked the 1980s, mean that education and training policies must be used as a way of achieving a greater capacity for flexibility and innovation. 'Intangible capital' (human capital) has to be seen as a shared resource which must be developed through mobility, exchanges and cooperation. It is one of the keys to the success of the Community's future development. The changing patterns of work organization, for instance, entail a growing need for multiple or crossover skills, i.e. combining information technologies with traditional skills in order to adapt to new work situations. The foreseeable decline of the younger generation as a proportion of the overall working population will exert strong pressure on the development of continuing training policies so as to achieve a higher standard in the training both of young people and of women. A new challenge for education and training policies has emerged in the Community countries. The new challenge of what has come to be known as the skills shortage will involve combating the paradoxical situation where a high level of unemployment is coupled with a shortage of skilled labour. Another priority of Community action is concerned with small business, which represents more than 80% of the Community's firms and plays a preponderant part in the development of training and the growth of the less developed regions. To respond to these challenges, Community policy on occupational skills must seek to ensure the free movement of persons and pursue the common policy on vocational training. These skills need to be approached from a European viewpoint and work on establishing a 'European training and qualification area', which began with initiatives such as Eurydice (education systems) and Comett (training cooperation between the universities and industry), must be pursued in consequence. Continuing training must likewise be provided throughout a worker's working life. The Petra programme, which is concerned with the vocational training of young people, is an example of training geared to the foreseeable needs of the labour market (summaries 10.9 and 10.10). The two sides of industry play a highly active part in the field of vocational training, notably through their active involvement in Community activities.
 2. The achievements of the common policy
Community action in this field is developing progressively on the basis of Article 128 of the Treaty and the Council Decision of 2 April 1963, which establishes its general principles. The rulings of the Court of Justice have confirmed the Commission's powers of initiative, the progressive character of this common policy and the broad definition of vocational training, extending to higher education. The bases for this



action, which must respect the diversity of the Member States' education and training systems, are:

- the coordination of policies (guidelines for Council decisions);
- the convergence of initiatives (framework of joint aims for each area);
- transnational cooperation (between those active in vocational training).

The action must take account of the part played by the consultation bodies and procedures both with the Member States and with the two sides of industry, as well as the principle of subsidiarity. The Council has adopted several decisions on Community action programmes, supplemented by the Commission's memorandum on the rationalization and coordination of programmes. Each action programme lays down common guidelines, transnational measures, and an evaluation procedure, and appoints a programme committee. A highly important step forward was taken when the Council adopted the Directive on the general system for the recognition of qualifications acquired after at least three years of university training. A further step was taken with the general reform of structural policy in 1988, for the European Social Fund was given the priority task of supporting vocational training measures, recruitment subsidies and the creation of self-employed activities and of developing training in regions lagging behind in development, in industrial decline or of a rural character. Following this reform the Community adopted support frameworks with large-scale assistance from the budget.

3. What are the guidelines for the 1990s?

The Commission is determined to provide supporting measures for the structural changes now under way by limiting the adverse affects on the labour market. Efforts are to be made to improve the quality of basic training for young people and to develop continuing training. The issues at stake warrant a quantitative and qualitative boost to investment in training at all levels. Community action must be strengthened in the field of human resources with a view to economic and social cohesion and in compliance with the principle of subsidiarity. Community policy in the field of vocational training must develop in an endeavour to:

- increase the investment in training;
- improve the quality of training courses;
- ensure transparency, i.e. equal access to vocational training.

However, since the main part of the financial investments will come from the Member States, Community action must advance by setting up assessment mechanisms (to implement Community aid and enhance its impact), by showing concern for the coherence of this policy with the other policies concerned with human resources and by developing consultation with the two sides of industry.

(4) Opinion of the European Parliament

(5) Current status

(6) References

Commission proposal
COM(91) 397 final

Not yet published in the Official
Journal

10. VOCATIONAL TRAINING

10.21. Comparability of qualifications: vocational qualifications

<i>(1) Objective</i>	To establish the comparability of vocational training qualifications in all the Member States. The aim is to make known and obtain recognition for workers' occupational skills throughout the entire Community.
<i>(2) Community measures</i>	Council Decision 85/368/EEC of 16 July 1985 on the comparability of vocational training qualifications.
<i>(3) Contents</i>	<p>1. The Decision aims to enable workers to make the best of their qualifications, and in particular to obtain suitable employment in another Member State.</p> <p>2. The Commission has identified corresponding vocational training qualifications for occupations at the skilled-worker level in the following sectors and has published them in the <i>Official Journal of the European Communities</i> :</p> <ul style="list-style-type: none">— hotel and catering industry: Official Journal C 166, 3.7.1989;— motor vehicle repair sector: Official Journal C 168, 3.7.1989;— construction sector; Official Journal C 292, 20.11.1989;— electrical/electronic sector: Official Journal C 321, 22.12.1989;— agricultural sector: Official Journal C 83, 2.4.1990;— textiles/clothing sector: Official Journal C 253, 8.10.1990. <p>The Commission has also drawn up a standard information sheet mainly to enable migrant workers to show what qualifications they have. The model was published in the Official Journal C 209, 14.8.1989.</p> <p>3. On 12 June 1990, the Commission submitted an interim report on the application of Decision 85/368/EEC on the comparability of vocational training qualifications between the Member States of the European Community (COM(90) 225 final). This report outlines the system and takes stock of what is being done and the problems which have been encountered. It also states what action has been taken at Community level and what is planned at national level.</p> <p>4. Each Member State has nominated a coordinating body to act as an information centre and to monitor the application of the comparability of the qualifications system.</p>
<i>(4) Deadline for implementation of the legislation in the Member States</i>	
<i>(5) Date of entry into force (if different from the above)</i>	
<i>(6) References</i>	Official Journal L 199, 31.7.1985



(7) Follow-up work

- On 26 November 1990 the Council adopted a resolution which:
- takes note of the interim report submitted by the Commission on the application of Decision 85/368/EEC;
 - affirms the need to rationalize the work being done on the comparability of vocational qualifications by a sustained effort to disseminate, exchange and make use of information on the corresponding qualifications already identified;
 - considers it necessary, after evaluating the results of the work on the comparability of qualifications, to extend its scope to the other occupations — at all levels of vocational training — which account for most of current mobility flows; one of the priorities should be the vocational training qualifications associated with technological innovation;
 - invites the Member States to submit, by 31 December 1991, an initial report on the application of the system of comparability of qualifications, incorporating any suggestions they deem suitable;
 - invites the Commission to present its proposals in the light of this resolution and of the national reports referred to above.

(8) Commission implementing measures

- Continuation of work already in hand with the technical assistance of CEDEFOP to identify corresponding vocational qualifications in occupations in other sectors of activity.
- Coordination of information activities and activities to make use of what has already been done.
- Evaluation of the results obtained in implementing the system.
- Study of improvements to be made to the current system.

10. VOCATIONAL TRAINING

10.22. Comparability of qualifications: recognition of diplomas, certificates and titles awarded after higher education of at least three years' duration

- (1) *Objective* To enable higher-education professional diplomas gained in a Member State to be recognized — without prior harmonization of training — in the host Member State which regulates the profession.
- (2) *Community measures* Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration.
- (3) *Contents*
1. Definitions of the concepts 'diploma', 'host Member State', 'regulated profession', 'regulated professional activity', 'professional experience', 'adaptation period' and 'aptitude test'.
 2. A Member State which regulates a profession must recognize the qualifications obtained in another Member State and allow their holder to pursue his profession on the territory of the Member State on the same conditions as apply to its own nationals.
 3. The Directive applies to all the professions for which higher education is required and which are not covered by specific Directives governing recognition. Professional activities are deemed to be regulated professional activities if they are exercised by the members of private associations which are recognized in a special form by a Member State (for example chartered bodies in the United Kingdom and their equivalents in Ireland). The diplomas held by Community nationals and obtained in a third country are also covered by the Directive on condition that:
 - the education and training was largely dispensed in the Community;
 - or
 - the holder has three years' certified professional experience in the Member State which has recognized the diplomas.
 4. The Directive provides for the following recognition procedure:
 - basic principle: recognition by the host Member State;
 - exception: recognition by the host Member State after compensation in the form of either:
 - an adaptation period;
 - an aptitude test, if there are substantial differences between the training required and the training received;
 - or professional experience if the duration of the migrant's training is shorter than that required in the host Member State.The applicant has the choice between the two methods of compensation. For the legal professions, this choice is left to the host Member State.
 5. The Directive provides for a coordinating group to be set up under the aegis of the Commission, composed of the national coordinators and responsible for facilitating the implementation of the Directive.
 6. Once it has entered into force the Directive obliges:
 - the Member States to communicate to the Commission every two years a report on the application of the system introduced;



- the Commission to report to the European Parliament and the Council on the state of application of the Directive and its conclusions as to any changes that need to be made to the system.

(4) Deadline for implementation of the legislation in the Member States

4.1.1991

(5) Date of entry into force (if different from the above)

(6) References

Official Journal L 19, 24.1.1989

(7) Follow-up work

On 4 December 1990 the Council adopted a proposal from the Commission, drawn up in August 1990, on transitional measures applicable in the new *Länder* of the Federal Republic of Germany to take account of German unification and progressive application of all Community law in the territory of the former GDR. As regards the mutual recognition of diplomas, Directive 90/658/EEC (Official Journal L 353, 17.12.1990) entered into force on 1 January 1991. As regards the liberal professions, Directives providing for recognition of diplomas based on the Community definition of minimum education or training can be applied directly, subject to some technical amendments. For the regulated professions, the pursuit of which requires a vocational qualification certificate, recognition of these certificates by the Member States will only be granted after detailed examination of the documents submitted.

(8) Commission implementing measures

10. VOCATIONAL TRAINING

10.23. Comparability of qualifications: recognition of diplomas, certificates and titles other than those obtained by higher education of at least three years' duration

- (1) *Objective* This proposal is the last in a series of measures to give all Community nationals the right to have qualifications acquired in a Member State recognized or taken into account by a host Member State. The proposal extends the system of mutual recognition instituted by Directive 89/48/EEC to occupations whose requirements for education and training are less stringent.
- (2) *Proposal* Amendment to the proposal for a Council Directive on a second general system for the recognition of professional education and training which complements Directive 89/48/EEC.
- (3) *Contents*
1. Definitions of the concepts 'diploma', 'host Member State', 'regulated profession', 'regulated professional activity', 'professional experience', 'adaptation period' and 'aptitude test'.
 2. A Member State which regulates a profession must recognize the qualifications obtained in another Member State and allow their holder to pursue his profession on the territory of the Member State on the same conditions as apply to its own nationals.
 3. The Directive applies to all the professions for which higher education is required and which are not covered by specific Directives governing recognition. Professional activities are deemed to be regulated professional activities if they are exercised by the members of private associations which are recognized in a special form by a Member State (for example chartered bodies in the United Kingdom and their equivalents in Ireland). Diplomas held by Community nationals which are obtained in a third country are also covered by the Directive on condition that:
 - the education and training was largely dispensed in the Community; or
 - the holder has three years' certified professional experience in the Member State which has recognized the diplomas.
 4. The Directive provides for the following recognition procedure:
 - basic principle: recognition by the host Member State;
 - exception: recognition by the host Member State after compensation in the form of either:
 - an adaptation period; or
 - an aptitude test,
 - (a) if there are substantial differences between the training required and the training received;
 - (b) if, in the host Member State, there are differences in the fields of activity corresponding to specific education and training in matters substantially different from those covered by the applicants' qualifications.
- The host Member State must give the applicant the right to choose between an adaptation period and an aptitude test; or
- professional experience, if the duration of the migrant's training is shorter than that required in the host Member State.



5. This proposal covers an extremely wide range of qualifications and for this reason these had to be divided into two levels:

- short post-secondary training courses,
- secondary training courses.

6. As a result a way had to be found to enable both schooling to the same level and to different levels, including those covered by Directive 89/48/EEC, to be recognized between Member States.

7. The proposal provides for a procedure for recognition of self-education acquired through professional experience as well as qualifications obtained by formal education and training.

8. The Directive extends to paid workers the scope of certain specific Directives (the so-called transitional Directives mainly covering commerce and crafts) which at present only cover people working in a self-employed capacity.

9. The proposal extends the role of the coordinating group set up by Directive 89/48/EEC and establishes the same obligations for the Member States and the Commission in respect of the reports on the application of the future Directive.

(4) Opinion of the European Parliament

First reading: the European Parliament supported the Commission's proposal and stressed that it was indispensable as a complement to Directive 89/48/EEC. The amendments adopted in the Commission's amended proposal are mainly intended to improve the transparency of the migrant's information system and of his status when he must undergo an adaptation period, and also to provide a more practical means of recognizing paramedical training and training for health workers.

(5) Current status

The amended proposal is currently before the Council in view of a common position.

(6) References

Commission proposal COM(89) 372 final	Official Journal C 263, 16.10.1989
Amended proposal COM(90) 389 final	Official Journal C 217, 1.9.1990
European Parliament opinion First reading	Official Journal C 149, 18.6.1990
Economic and Social Committee opinion	Official Journal C 75, 26.3.1990

11. HEALTH AND SAFETY AT WORK

11.1. Current problems and objectives for 1992: Social Charter

'Every worker must enjoy satisfactory health and safety conditions in his working environment. Appropriate measures must be taken in order to achieve further harmonization of conditions in this area while maintaining the improvements made.

These measures shall take account, in particular, of the need for the training, information, consultation and balanced participation of workers as regards the risks incurred and the steps taken to eliminate or reduce them.

The provisions regarding implementation of the internal market shall help to ensure such protection.'



11. HEALTH AND SAFETY AT WORK

11.2. Current problems and objectives for 1992: Commission's action programme — Introduction

Protection of health and safety in the working environment is ensured by means of technical regulations regarding products and equipment 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) (summaries 11.28 and 11.30).

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, 13 proposals for Directives have been presented to the Council. Most of them have already been adopted, including Directive 89/391/EEC on improvements in the health and safety of workers at work, which is of particular importance (summary 11.8).

Parallel to this, the Community has implemented a new approach to technical regulations which involves — in the case of industrial machinery and personal protective clothing, for example — obligatory safety requirements for protection of workers too (summaries 11.12 and 11.13). These requirements are based on European standards which workers' representatives now help to draw up. The Commission has presented a proposal on the implementation of minimum health and safety requirements at temporary or mobile work sites (summary 11.19).

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. Thus proposals for Directives should be presented by the end of 1991, dealing in particular with the building industry, fisheries, drilling rigs and open-cast mines, 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 must endeavour to approximate their ideas concerning the schedule of occupational diseases. For this purpose, the Commission has adopted a Recommendation concerning the adoption of a European schedule of occupational diseases. There is, however, no intention of introducing legislation in an area that is closely connected with national social security systems.

11. HEALTH AND SAFETY AT WORK

11.3. Current problems and objectives for 1992: Commission's action programme — Initiatives

PROPOSAL FOR A COUNCIL DIRECTIVE ON THE MINIMUM HEALTH AND SAFETY REQUIREMENTS TO ENCOURAGE IMPROVED MEDICAL ASSISTANCE ON BOARD VESSELS (summary 11.17)

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 (summary 11.19)

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

The Directive aims to ensure that the principles of accident prevention are incorporated 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.

PROPOSAL FOR A COUNCIL DIRECTIVE ON THE MINIMUM REQUIREMENTS FOR IMPROVING THE SAFETY AND HEALTH PROTECTION OF WORKERS IN THE EXTRACTIVE INDUSTRIES (summary 11.18)

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.

A proposal for a Directive designed to promote improvements in the safety and health of workers in the drilling industries has been adopted by the Commission (summary 11.18).

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 at present 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 pursuant to Article 16(1) of Directive 89/391/EEC concerning workplaces.

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 ON BOARD VESSELS (summary 11.23)

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 for workplace design and work organization on board such vessels.



RECOMMENDATION TO THE MEMBER STATES ON THE ADOPTION OF A EUROPEAN SCHEDULE OF OCCUPATIONAL DISEASES (summary 11.34)

The Commission Recommendations of 23 July 1962 and 20 July 1966 established a European schedule of occupational diseases.

Since then, within each Member State the schedule of the various occupational 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 'occupational 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 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.

This Recommendation was adopted by the Commission on 22 May 1990 and consists in an updating of the European schedule of occupational 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 (summary 11.22)

The individual Directive on workplaces establishes the minimum requirements for workplaces, but does not specifically cover the posting of signs. Some provisions on this subject already appear in Council Directive 77/575/EEC and Commission Directive 79/640/EEC. This proposal for a Directive revises and extends the abovementioned Directives, updating the previous texts and adding a number of measures which are the result of technical progress.

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 noise, 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.

COUNCIL DIRECTIVE 91/382/EEC OF 25 JUNE 1991 AMENDING DIRECTIVE 83/477/EEC ON THE PROTECTION OF WORKERS FROM THE RISKS RELATED TO EXPOSURE TO ASBESTOS AT WORK (summaries 11.28 and 11.29)

The first asbestos Directive already laid down certain measures and it was stipulated that the Council, acting on a proposal from the Commission, should review the Directive taking into account, in particular, progress made in scientific knowledge and technology. Following this review a second Directive on the risks related to exposure to asbestos at work was adopted by the Council in June 1991 (summary 11.29).

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 purpose of the proposal for a Directive will be 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 (summary 11.9)

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 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.

On 30 September 1991, in order to satisfy these demands and whilst retaining its right to supervise the implementation of Community law, the Commission presented a proposal for a Council Regulation setting 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).

IN JUNE 1991, COUNCIL ADOPTED A DIRECTIVE SUPPLEMENTING THE MEASURES TO ENCOURAGE IMPROVEMENTS IN THE SAFETY AND HEALTH OF TEMPORARY WORKERS (summary 3.7)

This Directive on temporary employment (temporary employment and employment governed by a fixed-duration contract) represents the 'health and safety' part of the proposals for Council Directives relating to certain employment relationships.

Its purpose is to ensure that, for the duration of the work performed in an undertaking and/or establishment making use of the services of the temporary worker, the worker concerned is afforded, as regards health and safety at work, the same conditions as those of other workers in that undertaking and/or establishment, account being taken of particular situations.



11. HEALTH AND SAFETY AT WORK

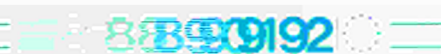
11.4. General measures: Advisory Committee

<i>(1) Objective</i>	To entrust a standing body with the tasks of assisting the Commission in the preparation and implementation of activities in these fields and facilitating cooperation between national administrations, trade unions and employers' organizations.
<i>(2) Community measures</i>	Council Decision 74/325/EEC, of 27 June 1974, on the setting up of an Advisory Committee on Safety, Hygiene and Health Protection at Work.
<i>(3) Contents</i>	<ol style="list-style-type: none"> 1. The Committee's remit covers all sectors of the economy except the extractive industries and the protection of workers' health against the dangers arising from ionizing radiation. 2. The Committee produces an annual report on its activities. 3. It consists of 72 full members, i.e. two government representatives, two trade union representatives and two representatives of employers per Member State, appointed by the Council for a period of three years (renewable). 4. The Committee is chaired by a Member of the Commission. 5. Opinions of the Committee are delivered by an absolute majority of the votes validly cast and must state the reasons on which they are based.
<i>(4) Deadline for implementation of the legislation in the Member States</i>	
<i>(5) Date of entry into force (if different from the above)</i>	14.7.1974
<i>(6) References</i>	Official Journal L 185, 9.7.1974
<i>(7) Follow-up work</i>	
<i>(8) Commission implementing measures</i>	

11. HEALTH AND SAFETY AT WORK

11.5. General measures: safety, hygiene and health

<i>(1) Objective</i>	To improve safety and health conditions at work, an essential feature of the social dimension of the internal market, by adopting minimum requirements laid down in Council Directives.
<i>(2) Community measures</i>	Council Resolution of 21 December 1987 on safety hygiene and health at work.
<i>(3) Contents</i>	<ol style="list-style-type: none">1. The Commission's communication on its programme in this field, which also includes ergonomic measures, is welcomed.2. Equal emphasis must be placed on achieving the economic and social objectives of the completion of the internal market. Community and national measures concerning these objectives must be coordinated.3. It is suggested that the Commission should draw up practical plans of work, paying particular attention to the seriousness of the risk of accidents and/or diseases, the number of workers exposed to risks and the possibilities for prevention.4. The Commission intends submitting minimum requirements at Community level concerning:<ul style="list-style-type: none">— the organization of the safety and health of workers at work,— protection against risks arising from dangerous substances,— arrangement of the place of work.Other areas earmarked for action are: harmonization of statistics on accidents at work and occupational diseases, a study on the organization by the Member States of means of control and of sanctions, and various other measures put forward by the Commission.5. The Member States undertake to make their knowledge and experience available to the Commission and are to look into possible ways of encouraging undertakings to implement preventive measures.6. The two sides of industry will be involved in preparatory work within the Advisory Committee on Safety, Hygiene and Health Protection at Work and will also play a part in implementing the Directives at national level.7. The information, increased awareness and, if necessary, the training of employers and workers will play a fundamental role in the success of the measures recommended.8. The heightening of public awareness is also of prime importance. The Council is in favour of organizing a European Year in this field in 1992.
<i>(4) Deadline for implementation of the legislation in the Member States</i>	Not applicable.
<i>(5) Date of entry into force (if different from the above)</i>	



(6) References

(7) Follow-up work

*(8) Commission
implementing
measures*

Official Journal C 28, 3.2.1988

11. HEALTH AND SAFETY AT WORK

11.6. General measures: improving information

<i>(1) Objective</i>	To set up an information system for laws, regulations and administrative provisions concerning the health and safety of workers at work.
<i>(2) Community measures</i>	Commission Decision 88/383/EEC of 24 February 1988 providing for the improvement of information on safety, hygiene and health at work.
<i>(3) Contents</i>	<ol style="list-style-type: none">1. The Member States shall inform the Commission of all effective and draft laws, regulations and administrative provisions in the area of health and safety at work.2. The Commission shall forward to the Member States any draft provisions it considers relevant, and both the Commission and the Member States shall submit observations to the Member State concerned.3. The Commission shall be assisted by a group of national experts (two per Member State).4. The Commission shall periodically inform the Advisory Committee on Safety, Hygiene and Health Protection at Work of developments, with the exception of those aspects considered confidential by the Member States.
<i>(4) Deadline for implementation of the legislation in the Member States</i>	Not applicable.
<i>(5) Date of entry into force (if different from the above)</i>	
<i>(6) References</i>	Official Journal L 183, 14.7.1988
<i>(7) Follow-up work</i>	
<i>(8) Commission implementing measures</i>	



11. HEALTH AND SAFETY AT WORK

11.7. General measures: Commission programme — 1988

(1) Objective

To promote the physical and mental protection of workers; this is a priority of the social measures which, in implementation of Articles 118a and b introduced by the Single Act, must accompany the completion of the internal market.

(2) Community measures

Commission communication on its programme concerning safety, hygiene and health at work.

(3) Contents

The programme concentrates on five subjects.

1. Safety and ergonomics at work:

- preparation of Directives covering the organization of safety and the selection and use of plant, substances and equipment;
- establishment of a system for the rapid exchange of information on specific safety hazards at work;
- revision of the Directive on safety signs at work to bring it up to date;
- recommendations on good working practices aimed at avoiding back pain, back injury and falls;
- introduction of specific measures for three high-risk sectors: work at sea, agriculture and the construction industry.

2. Occupational health and hygiene

Several Directives are being drawn up or proposed on:

- a Community list of exposure limit values for workers. The list contains 100 biological and chemical agents;
- occupational carcinogens and certain pesticides, pathogenic micro-organisms and genetic engineering techniques;
- proscription of specific very dangerous agents;
- revision of the Directive on noise;
- harmonization of the classification and labelling of dangerous preparations.

In addition, there will be new recommendations on the revision of the European Schedule of Industrial Diseases and on the organization of occupational health services.

3. Information and training of workers

Information:

- when technological changes which imply major consequences for workers are introduced;
- on chemical substances and dangerous preparations;
- on research results and technical innovations aimed at improving working conditions.

Training:

- development of training modules on safety and health as part of adult training in firms and vocational training for women, instructors and persons responsible for the safety of others (e.g. engineers, physicists and industrial chemists) and in the high-risk sectors;
- establishment of a network for collaboration between the various teaching and training centres and the workers.

4. Small and medium-sized enterprises

There are two essential requirements for this programme: to restrict regulations to what is strictly necessary and to take into account the specific health and safety needs of SMEs.

5. Social dialogue

The Commission is assisted here by the Advisory Committee on Safety, Hygiene and Health Protection at Work which comprises representatives of the two sides of industry.

(4) Deadline for implementation of the legislation in the Member States

(5) Date of entry into force (if different from the above)

(6) References

(7) Follow-up work

(8) Commission implementing measures

Official Journal C 28, 3.2.1988



11. HEALTH AND SAFETY AT WORK

11.8. General measures: implementation of measures

- (1) *Objective* To ensure a higher degree of protection of workers at work through the implementation of preventive measures to guard against accidents at work and occupational diseases, and through the information, consultation, balanced participation and training of workers and their representatives. This framework Directive serves as a basis for individual Directives covering, *inter alia*, the areas listed in the Annex.
- (2) *Community measures* Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work.
- (3) *Contents*
1. The Directive applies to all sectors of activity, both public and private, with the exception of certain specific activities in the public and civil protection services.
 2. Definitions of the terms 'worker', 'employer', 'workers' 'representative' and 'prevention'.
 3. Employers are obliged:
 - to ensure the safety and health of workers in every aspect related to the work, primarily on the basis of the specified general principles of prevention, without involving the workers in any financial cost;
 - to evaluate the occupational risks, *inter alia* in the choice of work equipment and the fitting-out of workplaces, and to make provision for adequate protective and preventive services;
 - to keep a list of, and draw up reports on, occupational accidents;
 - to take the necessary measures for first aid, fire-fighting, evacuation of workers and action required in the event of serious and imminent danger;
 - to inform and consult workers and allow them to take part in discussions on all questions relating to safety and health at work;
 - to ensure that each worker receives adequate safety and health training throughout the period of employment.
 4. Workers are obliged:
 - to make correct use of machinery, other means of production, personal protective equipment and safety devices;
 - to give warning of any work situation presenting a serious and immediate danger and of any shortcomings in the protection arrangements;
 - to cooperate in fulfilling any requirements imposed for the protection of health and safety and in enabling the employer to ensure that the working environment and working conditions are safe and pose no risks.
 5. The health of workers is monitored through the application of measures introduced in accordance with national laws and practices.
 6. Particularly sensitive risk groups must be protected against the dangers which specifically affect them.
 7. The Council will adopt individual Directives — *inter alia*, in the seven areas listed in the Annex — to which the provisions of this Directive will apply in full, without prejudice to more stringent and/or specific provisions contained in the individual Directives. This Directive and the individual Directives may be amended by the Council (procedure under Article 118a of the Treaty); technical adjustments are

made by the Commission, assisted by a committee composed of representatives of the Member States.

(4) Deadline for implementation of the legislation in the Member States 31.12.1992

(5) Date of entry into force (if different from the above)

(6) References

Official Journal L 183, 29.6.1989

(7) Follow-up work

(8) Commission implementing measures



11. HEALTH AND SAFETY AT WORK

11.9. General measures: Agency for Safety and Health at Work

(1) Objective To give the Commission direct access to information on and expertise in health and safety at work in particular, and to assist the Commission in implementing successive action programmes. To help the Commission with its regional, national and international contacts in the field of health and safety at work.

(2) Proposal Proposal for a Council Regulation establishing a European Agency for Safety and Health at Work.

(3) Contents

1. The Agency's role is:
 - to provide the Commission with the technical and scientific assistance necessary for the formulation and evaluation of the measures envisaged;
 - to promote the rapid exchange of information, in particular on existing and new work equipment and products and substances covered by Community legislation, and to be responsible for its dissemination to all those concerned;
 - to organize training courses, seminars and exchanges between experts;
 - to help ensure that national data are comparable, to identify data which need to be harmonized and to promote cooperation in monitoring the application of measures;
 - to cooperate with other Community bodies and programmes (in particular the Statistical Office and the research programmes), other international organizations (WHO, ILO, ISO) and other institutions and bodies outside the European Community. The Agency will draw on the experience of existing institutions and bodies including the European Foundation for the Improvement of Living and Working Conditions;
 - to set up a network comprising:
 - the main components of the national information networks;
 - the national focal points responsible for coordinating and/or forwarding data to the Agency;
 - the thematic centres specifically appointed to work with the Agency, by agreement, on certain particular topics.
2. The Member States must notify the Agency of the main components of their networks within six months of the entry into force of the Regulation.
3. The Agency will have legal personality and will have an Administrative Board chaired by a representative of the Commission and comprising one representative from each Member State, 12 representatives from the two sides of industry and three Commission representatives. The Administrative Board will adopt the Agency's annual work programme (which will specify the tasks of the thematic centres), the annual general report on the Agency's activities and the Agency's budget.

(4) Opinion of the European Parliament

(5) Current status

The proposal is currently before the European Parliament and the Economic and Social Committee for their opinions.

(6) References

Commission proposal
COM(90) 564 final

Official Journal C 271, 16.10.1991



11. HEALTH AND SAFETY AT WORK

11.10. General measures: European Year of health and safety

(1) Objective

Industrial accidents and occupational illnesses impose a considerable burden in both human and social terms. The aim is therefore to demonstrate the importance of taking preventive measures and providing a high level of protection for workers. People will be made more aware of occupational risks and how they can be prevented.

(2) Community measures

Council Decision 91/388/EEC of 25 July 1991 on an action programme for the European Year of Safety, Hygiene and Health Protection at Work (1992).

(3) Contents

1. 1992 has been declared the 'European Year of Safety, Hygiene and Health Protection at Work'. The European Year commences on 1 March 1992 and ends on 28 February 1993. The aims are:
 - to bring out the importance of the social and economic aspects of problems relating to safety, hygiene and health at work;
 - to make workers, employers and young people more aware of occupational risks and of what can be done about them.
2. Coordinated actions will be undertaken by the Community, the Member States, the social partners and public and private organizations. The selection criteria for actions are defined in the Annex.
3. Actions to be financed entirely from the Community budget:
 - organization of a European colloquium to launch the European Year;
 - organization of a European colloquium to close the European Year;
 - organization of conferences, colloquia and/or seminars in all Member States;
 - organization of an audiovisual festival;
 - promotion of television programmes and videos, focusing in particular on the most dangerous sectors of activity;
 - production of booklets and stickers on the Community's health and safety policy;
 - design of a logo, and poster campaigns.
4. Actions co-financed by the Community budget. These actions will be financed from the Community budget for an amount not exceeding 70% of the total cost of each project and will cover such activities as the dissemination of information on occupational risks and their prevention, and training in the fields of safety, hygiene and health protection at work. The promoters of such actions may be public or private organizations. Their applications for Community grants must be submitted via their national liaison committees.
5. Actions without financial implications for the Community budget:
 - promotion of the use of the logo;
 - encouragement of the spread of information on the European Year through the mass media;
 - promotion of the incorporation of safety considerations from the earliest design stage.

(4) Deadline for implementation of the legislation in the Member States

(5) Date of entry into force (if different from the above)

(6) References

(7) Follow-up work

(8) Commission implementing measures

Official Journal L 214, 2.8.1991



11. HEALTH AND SAFETY AT WORK

11.11. Safety and health: at work

<i>(1) Objective</i>	To introduce minimum measures designed to improve the working environment, in order to guarantee a better standard of safety and health protection.
<i>(2) Community measures</i>	Council Directive 89/654/EEC of 30 November 1989 concerning the minimum safety and health requirements for the workplace (first individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).
<i>(3) Contents</i>	<ol style="list-style-type: none"> 1. Definition of the term 'workplace', meaning the place which houses workstations and any other place within the area of the undertaking to which the worker has access in the course of his or her employment. 2. The Directive does not apply to: <ul style="list-style-type: none"> — means of transport used outside the undertaking or workplaces inside means of transport; — temporary or mobile work sites; — extractive industries; — fishing boats; — fields, woods and other land situated away from the buildings of an agricultural or forestry undertaking. 3. Employers' obligations: <ul style="list-style-type: none"> — The Directive makes the following distinction: workplaces which are used for the first time after 31 December 1992 or which undergo modifications after that date must satisfy the minimum safety and health requirements laid down in Annex I; workplaces already in use before 1 January 1993 must satisfy, at the latest three years after that date, the requirements laid down in Annex II (four years for Portugal); — Besides being obliged to inform, consult and seek the participation of workers on the matters covered by the Directive, employers must comply with other general requirements such as the regular cleaning of workplaces. 4. Technical amendments to the Annexes are adopted by the Commission (procedure laid down by Directive 89/391/EEC).
<i>(4) Deadline for implementation of the legislation in the Member States</i>	31.12.1992 31.12.1994: Greece.
<i>(5) Date of entry into force (if different from the above)</i>	
<i>(6) References</i>	Official Journal L 393, 30.12.1989
<i>(7) Follow-up work</i>	
<i>(8) Commission implementing measures</i>	

11. HEALTH AND SAFETY AT WORK

11.12. Safety and health: use of work equipment

<i>(1) Objective</i>	Implementation of the minimum requirements for concrete measures concerning the use of work equipment, to improve health and safety for workers.
<i>(2) Community measures</i>	Council Directive 89/665/EEC of 30 November 1989 concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).
<i>(3) Contents</i>	<p>1. Definitions of the terms 'work equipment': any machine, apparatus, tool or installation used at work; 'use of work equipment': any activity involving work equipment; 'danger zone': zone within and/or around work equipment; 'exposed worker': wholly or partially in a danger zone; 'operator'.</p> <p>2. Employers' obligations:</p> <ul style="list-style-type: none">— To base the choice of work equipment on the specific working conditions and hazards existing for workers in order to eliminate or at least minimize those hazards. Equipment made available to workers for the first time after 31 December 1992 must comply with the minimum requirements laid down in the Annex, in as far as no other Community Directive is applicable or is so only partially; work equipment already made available for use by 31 December 1992 must comply with the minimum requirements no later than four years after that date.Use, maintenance or repair of work equipment involving a specific risk may only be carried out by the workers who have been specifically designated to the task;— To provide workers with adequate information and written instructions on work equipment, containing at least adequate safety and health information;— To provide the workers using the equipment with adequate training, including training on any risk which such use might entail;— Consultation and participation of workers in matters covered by the Directive. <p>3. Amendment of the Annex</p> <p>Addition of supplementary minimum requirements applicable to specific work equipment shall be adopted by the Council (procedure under Article 118a of the Treaty); technical adjustments shall be adopted by the Commission (procedure laid down in Directive 89/391/EEC).</p>
<i>(4) Deadline for implementation of the legislation in the Member States</i>	31.12.1992
<i>(5) Date of entry into force (if different from the above)</i>	
<i>(6) References</i>	Official Journal L 393, 30.12.1989



(7) Follow-up work

Addition to the Directive of supplementary minimum requirements applicable to specific work equipment. The Commission's proposal is scheduled for 1992.

*(8) Commission
implementing
measures*

11. HEALTH AND SAFETY AT WORK

11.13. Safety and health: use of personal protective equipment (Directive 89/656/EEC)

<i>(1) Objective</i>	To lay down minimum requirements for the assessment, selection and correct use of personal protective equipment. Priority must be given to collective safety measures.
<i>(2) Community measures</i>	Council Directive 89/656/EEC of 30 November 1989 on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace (third individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).
<i>(3) Contents</i>	<ol style="list-style-type: none">1. Definition of the term 'personal protective equipment': equipment designed to be worn or held by the worker to protect him against hazards encountered at work. A number of items are excluded from the definition, such as equipment used by emergency and rescue services, self-defence or deterrent equipment.2. Such equipment must be used when the existing risks cannot be sufficiently limited by technical means of collective protection or work organization procedures.3. Employers' obligations Personal protective equipment must comply with the relevant Community provisions on design and manufacture with respect to safety and health (see Directive 89/686/EEC) and with the conditions set out in the Directive. The employer must provide the appropriate equipment free of charge and ensure that it is in good working order and hygienic condition.4. Assessment of personal protective equipment Before choosing personal protective equipment, the employer is required to assess the extent to which it complies with the conditions set out in the Directive. This includes analysis of risks which cannot be avoided by other means and definition and comparison of the requisite characteristics of the equipment.5. Rules for use (see Commission communication: summary 11.14). Member States shall ensure that general rules are established for the use of personal protective equipment and/or covering cases and situations where the employer must provide such equipment. There must be prior consultation with the employers' and workers' organizations. Annexes to the Directive contain information for establishing such rules: specimen risk survey table (I), non-exhaustive list of items of personal protective equipment (II), non-exhaustive list of activities which may require the provision of personal protective equipment (III).6. Information, consultation and participation of workers Workers shall be informed of all measures to be taken. Consultation and participation shall take place on the matters covered by the Directive.7. Technical adjustments in the Annexes shall be adopted by the Commission assisted by a committee (Article 17, Directive 89/391/EEC).
<i>(4) Deadline for implementation of the legislation in the Member States</i>	31.12.1992



(5) Date of entry into force (if different from the above)

(6) References

Official Journal L 393, 30.12.1989

(7) Follow-up work

Five-yearly report by Member States on implementation of the Directive, indicating the reactions of workers' and employers' organizations. Periodic report by the Commission.

(8) Commission implementing measures

11. HEALTH AND SAFETY AT WORK

11.14. Safety and health: assessment of personal protective equipment (Commission communication)

<i>(1) Objective</i>	To provide additional information for establishment in each Member State of general regulations for the use by workers of personal protective equipment.
<i>(2) Community measures</i>	Commission communication for the implementation of Council Directive 89/656/EEC of 30 November 1989 concerning the assessment of the safety aspects of personal protective equipment with a view to the choice and use thereof.
<i>(3) Contents</i>	<ol style="list-style-type: none">1. The non-exhaustive supplementary information in the Annex covers the criteria to be taken into account in selecting and using the main types of personal protective equipment, and assessment of the risks to be covered and those arising from the equipment and use thereof.2. The Commission requests Member States to ensure widespread circulation of the data so that they may serve as reference documents during implementation of Council Directive 89/656/EEC.3. The Annex lists nine main types of protective equipment: industrial helmets, goggles and visors, ear protectors, respirators, gloves, boots and shoes, protective clothing, lifejackets for industrial use and protection against falls.
<i>(4) Deadline for implementation of the legislation in the Member States</i>	Not applicable.
<i>(5) Date of entry into force (if different from the above)</i>	
<i>(6) References</i>	Official Journal C 328, 30.12.1989
<i>(7) Follow-up work</i>	
<i>(8) Commission implementing measures</i>	



11. HEALTH AND SAFETY AT WORK

11.15. Safety and health: manual handling of loads involving risk

<i>(1) Objective</i>	To ensure that workers are protected against the risks involved in the manual handling of heavy loads.
<i>(2) Community measures</i>	Council Directive 90/269/EEC of 29 May 1990 on the minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers (fourth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).
<i>(3) Contents</i>	<p>1. Definition of the term 'manual handling of loads': any transporting or supporting of a load which, by reason of its characteristics or of unfavourable ergonomic conditions, involves a risk to workers.</p> <p>2. Employers' obligations:</p> <ul style="list-style-type: none"> — to use the appropriate means to avoid the need for manual handling of loads by workers, or, where this cannot be avoided, to take the appropriate organizational measures to reduce the risk involved, having regard to Annex I; — to ensure that workers receive adequate information on the weight of a load and the centre of gravity or the heaviest side when a package is eccentrically loaded, and to ensure proper training and precise information on how to handle loads correctly, and the risks involved in incorrect handling, having regard to Annexes I and II; — consultation and participation of workers shall take place in accordance with the framework Directive on matters covered by this Directive. <p>3. The Annexes contain reference information on the characteristics of the load and the working environment, the physical effort required, the requirements of the activity and the individual risk factors. Technical alterations shall be adopted by the Commission assisted by a committee (Article 17, Directive 89/391/EEC).</p>
<i>(4) Deadline for implementation of the legislation in the Member States</i>	31.12.1992
<i>(5) Date of entry into force (if different from the above)</i>	
<i>(6) References</i>	Official Journal L 156, 21.6.1990
<i>(7) Follow-up work</i>	<p>Four-yearly report by the Member States on practical implementation of the Directive, indicating the reactions of workers and employers organizations.</p> <p>Regular report by the Commission.</p>
<i>(8) Commission implementing measures</i>	

11. HEALTH AND SAFETY AT WORK

11.16. Safety and health: work with display screen equipment

<i>(1) Objective</i>	To implement specific minimum requirements to guarantee the safety of workstations with display screen equipment.
<i>(2) Community measures</i>	Council Directive 90/270/EEC of 29 May 1990 on the minimum safety and health requirements for work with display screen equipment (fifth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).
<i>(3) Contents</i>	<p>1. Definitions: 'display screen equipment': an alphanumeric or graphic display screen, regardless of the display process employed; 'workstation'; 'worker': an employee who habitually uses display screen equipment as a significant part of his or her normal work.</p> <p>2. Six cases which are excluded from the scope of the Directive are listed, e.g. computer systems on board a means of transport.</p> <p>Employers' obligations</p> <p>3. Analysis of workstations Employers are obliged to analyse workstations, evaluate the safety and health conditions and remedy any risks to eyesight, physical problems and problems of mental stress.</p> <p>4. Workstations put into service for the first time after 31 December 1992 These must meet the minimum requirements laid down in the Annex for equipment, environment (space, lighting, noise, heat, etc.) and operator/computer interface.</p> <p>5. Workstations already in service on 31 December 1992 These must be adapted no later than 31 December 1996.</p> <p>6. Daily work routine Workers' activities must be planned in such a way that daily work on a display screen is periodically interrupted by breaks or changes of activity.</p> <p>7. Protection of eyes and eyesight Workers are entitled to an appropriate eye and eyesight test before commencing display screen work, at regular intervals thereafter, and if they experience visual difficulties. They are also entitled to an ophthalmological examination if necessary. They must be provided with special corrective appliances, if required, at no additional cost to them.</p> <p>8. Information for workers on measures applicable to their workstation and training in workstation use. Consultation and participation of workers on the matters covered by the Directive.</p> <p>Miscellaneous provisions</p> <p>9. Technical adaptations to the Annex are adopted by the Commission assisted by a committee (Article 17 of Directive 89/391/EEC).</p>



(4) Deadline for implementation of the legislation in the Member States 31.12.1992

(5) Date of entry into force (if different from the above)

(6) References

Official Journal L 156, 21.6.1990

(7) Follow-up work

The Member States must report every four years on the practical implementation of the Directive, indicating the points of view of employers and workers.
The Commission must prepare a report at regular intervals.

(8) Commission implementing measures

11. HEALTH AND SAFETY AT WORK

11.17. Safety and health: improved medical assistance on board vessels

- (1) *Objective* To improve medical assistance at sea, since a vessel is a workplace which, on account of its mobility and its geographical isolation, presents high risks to the safety and health of the workers on board.
- (2) *Proposal* Proposal for a Council Directive on the minimum health and safety requirements for improved medical treatment on board vessels.
- (3) *Contents*
1. Definitions:
'vessel': any vessel flying the flag of a Member State, or registered in a Member State, sea-going or estuary-fishing, excluding inland navigation vessels, warships, pleasure boats and tugs operating in harbour areas. Vessels shall be classed in three categories in accordance with Annex I; 'worker': any person carrying out an occupation on board a vessel excluding port pilots and shore personnel carrying out work on board a vessel at the quayside; 'owner': the registered owner or, where appropriate, the demise charterer or manager of a vessel; 'medical supplies': medicines, medical equipment and antidotes listed in Annex II; 'antidote': a substance used to prevent or treat the harmful effects of the dangerous substances listed in Annex III.
 2. Medicines and medical equipment, sick bay and doctor
Each Member State shall take the measures necessary to ensure that:
 - every vessel flying its flag or registered by it always carries on board medical supplies which meet, in terms of quality, the specifications of Annex II for the category of vessel to which it belongs;
 - the quantities of medicinal products and medical equipment are determined according to the characteristics of the voyage, the activities to be carried out during the voyage, the nature of the cargo and the number of workers;
 - the content of the supplies are detailed on a check-list corresponding to the general framework laid down in Annex IV;
 - every vessel carries a watertight medicine chest for each of its lifeboats;
 - the content of such medicine chests is detailed on the check-list;
 - every vessel of more than 500 gross register tons with a crew of 15 or more workers engaged on a voyage of more than three days has a sick bay;
 - every vessel with a crew of 100 or more workers, engaged on an international voyage of more than three days, has a doctor on board.
 3. Antidotes
Any vessel carrying dangerous substances must have medical supplies including antidotes (Annex II) appropriate to the danger presented by such substances; in principle, all antidotes are carried on ferry-type vessels since the nature of the dangerous substances transported on these vessels is not always known well enough in advance. The content of the supplies must be detailed on a check-list.
 4. Responsibilities
The provision and replenishment of the medical supplies are undertaken on the responsibility and exclusively at the expense of the



owner. Responsibility for the management of the supplies lies with the captain. They must be kept in good condition.

5. Information and training

The medical supplies are accompanied by a guide to their use; professional maritime training must include instruction in medical and emergency measures; the captain and the worker or workers to whom he delegates the use of the medical supplies must receive special medical training in accordance with the general guidelines set out in Annex IV.

6. Medical assistance by radio

The Member States designate centres to provide any data which may be required to improve emergency treatment for crew members. Personal data of a medical nature held by these centres remain confidential.

7. Medical supplies shall be subjected to an annual inspection.

8. Technical changes to the Annexes shall be adopted by the Commission or, if necessary, the Council, with the assistance of a committee composed of representatives of the Member States.

(4) Opinion of the European Parliament

First reading: Parliament approved the Commission's proposal subject to certain amendments. The Commission accepted some of these amendments.

Second reading: Parliament approved the Council's common position subject to certain amendments. The Commission accepted some of these amendments.

(5) Current status

The Council adopted a common position on 1 October 1991. Under the cooperation procedure, this position is subject to a second parliamentary reading.

(6) References

Commission proposal COM(90) 272 final	Official Journal C 183, 24.7.1990
Amended proposal COM(91) 65 final	Official Journal C 74, 20.3.1991
Re-examined proposal COM(91) 552 final	Not yet published in the Official Journal
European Parliament opinion First reading	Official Journal C 48, 25.2.1991
Second reading Economic and Social Committee opinion	Not yet published Official Journal C 332, 31.12.1990

11. HEALTH AND SAFETY AT WORK

11.18. Safety and health: extractive industries sector

(1) *Objective* To improve the safety and health conditions of workers in the extractive industries concerned with exploration for and exploitation of minerals by means of boreholes, with a higher than average risk.

(2) *Proposal* Proposal for a Council Directive concerning minimum requirements for improving the safety and health protection of workers in the extractive industries.

(3) *Contents* 1. Definitions of the terms: 'extractive industries': all prospecting and extraction activities and preparation of extracted materials for sale but not the processing of such extracted materials; 'workplace': the whole area housing workstations including sanitary installations, rest rooms and accommodation to which workers have access in the course of their work.

Employers' obligations

2. General obligations: to apply safety considerations to workplaces right from the design stage; ensure responsible supervision; entrust work involving a special risk only to suitably qualified staff; ensure that safety instructions are comprehensible to all the workers concerned; provide first aid facilities and run safety exercises at regular intervals. Prior to the commencement of work, the responsible authorities must be informed of the name of the person responsible for the health and safety of all operations and personnel, and given a document where the risks at an installation or a site for the prospection and/or extraction of minerals are assessed.

Report immediately any serious/fatal industrial accident or dangerous occurrence, and give an account of the measures taken to prevent any repetition.

3. Protection against fire, explosions and health-endangering atmospheres: to take preventive measures appropriate to the nature of the operation.

4. Escape and rescue facilities: ensure that these are provided and maintained.

5. Provide the necessary communication, warning and alarm systems enabling immediate implementation of rescue operations.

6. Sanitary installations and rest rooms: ensure that these are provided and maintained.

7. Inform workers of all measures to be taken concerning safety and health at the workplace.

8. Ensure consultation and participation of workers on the matters covered by the Directive.

Minimum safety and health requirements

9. Workplaces used for exploration for and extraction of minerals by means of boreholes must satisfy the requirements in Annex I.

Deadlines: 31 December 1992 for those used for the first time or any modifications carried out after that date; as soon as possible, and not later than five years after 31 December 1992 for those already in use before that date. A distinction is made between on-shore and off-shore drilling installations.



10. A further Annex will be added covering exploration for and extraction of minerals in mines and quarries.

11. Amendments to the Annexes: to be adopted by the Commission assisted by a committee.

(4) Opinion of the European Parliament

First reading: Parliament approved the Commission's proposal subject to certain amendments. The Commission accepted some of these amendments.

(5) Current status

The amended proposal is currently before the Council pending a common position.

(6) References

Commission proposal
COM(90) 663 final
Amended proposal
COM(91) 493 final

Official Journal C 32, 7.2.1991

Not yet published in the Official Journal

European Parliament opinion
First reading
Economic and Social
Committee opinion

Not yet published

Official Journal C 191, 22.7.1991

11. HEALTH AND SAFETY AT WORK

11.19. Safety and health: temporary and mobile work sites

- (1) *Objective* To foster an improvement in working conditions in this sector, where workers are exposed to particularly high risks, by taking account of safety and health at the project design and organization stages. To prevent risks by establishing a chain of responsibility linking all the parties involved. The provisions of the other individual Directives apply, with the exception of Directive 89/654/EEC on workplaces.
- (2) *Proposal* Proposal for a Council Directive on the implementation of minimum safety and health requirements at temporary or mobile work sites (eighth individual Directive within the meaning of Article 16 of Directive 89/391/EEC).
- (3) *Contents*
1. The extractive industries are excluded from the scope of the Directive. Definitions of the terms: 'temporary or mobile work sites': any site at which building and civil engineering works are carried out (a non-exhaustive list is given in Annex I); 'client': any natural or legal person for whom a project is carried out; 'project supervisor': any natural or legal person responsible for the design and/or execution and/or supervision of a project and acting on behalf of the client; 'self-employed person'; 'person responsible for coordinating safety and health', during the project design and execution stages.
 2. Coordinators — safety and health plan — prior notice
The client or project supervisor indicates the name(s) of the person(s) responsible for the coordination of safety and health at sites where several firms are present. The client or project supervisor also ensures that, before work starts at the site, a safety and health plan is drawn up; exemptions may be allowed by Member States after consulting workers and employers, unless the work involves risks of the type referred to in Annex II. Where the site is expected to remain open for longer than 30 working days, and it employs more than 20 workers at the same time — or involves a volume of work in excess of 500 man-days — the client or project supervisor must give prior notice (contents of which are given in Annex III).
 3. Project design stage:
 - Obligations of the project supervisor and, where appropriate, the client: to take account of the general principles of prevention set out in framework Directive 89/391/EEC when deciding architectural and/or organizational aspects and when estimating the completion time of works or work stages;
 - Obligations of the persons responsible for coordination: to ensure that the general principles of prevention are applied; to prepare a file of useful safety and health information for any subsequent works; to draw up a safety and health plan.
 4. Project execution stage
Obligations of the person(s) responsible for coordination on the site: to ensure that employers and self-employed persons apply the general prevention principles, particularly in respect of the situations described, and that the safety and health plan is taken into account when necessary; to organize cooperation between employers in matters of safety and health and to check that the working procedures



are being implemented correctly; to ensure that no unauthorized persons enter the site.

5. Obligations of project supervisors, clients and employers

Where a person responsible for coordination is appointed, the project supervisor or client remains responsible for the tasks that person performs.

6. Employers' obligations

To adhere to the minimum safety and health requirements applicable to work sites and set out in Annex IV. The aspects covered include energy distribution systems, emergency routes and exits, ventilation, temperature, traffic routes and danger areas, sanitary installations, etc. To act on the comments of the health and safety coordinator.

7. Obligations of self-employed persons

To comply, *mutatis mutandis*, with the principles set out in paragraph 4 above, the relevant provisions of Annex IV and certain provisions of the Directives on the use of work equipment and personal protective equipment, in order to guarantee the safety and health of all persons on the work site.

8. Information of workers on all safety and health measures to be taken on the work site, consultation and participation.

9. A procedure is laid down for amending and adapting the Annexes.

(4) *Opinion of the European Parliament*

First reading: Parliament approved the Commission's proposal subject to certain amendments. The Commission accepted some of these amendments.

(5) *Current status*

The Council adopted a common position on 19 December 1991. Within the framework of the cooperation procedure this is now before Parliament for a second reading.

(6) *References*

Commission proposal COM(90) 275 final	Official Journal C 213, 28.8.1990
Amended proposal COM(91) 117 final	Official Journal C 112, 27.4.1991
European Parliament opinion First reading	Official Journal C 72, 18.3.1991
Economic and Social Committee opinion	Official Journal C 120, 6.5.1991

11. HEALTH AND SAFETY AT WORK

11.20. Safety and health: safety and health signs at work (Directive 77/576/EEC)

<i>(1) Objective</i>	To introduce a Community system of safety signs designed to reduce the risk of accidents at work and occupational diseases.
<i>(2) Community measures</i>	Council Directive 77/576/EEC of 25 July 1977 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the provision of safety signs at places of work.
<i>(3) Contents</i>	<ol style="list-style-type: none">1. Three specific fields are excluded from the scope of the Directive: transport by rail, road, inland waterway, sea and air, the placing of dangerous substances and preparations on the market, and coal mines.2. Definitions of the following terms: 'system of safety signs', meaning a system providing safety information by means of a safety colour or sign; 'safety colour'; 'contrasting colour'; 'safety, prohibition, warning, mandatory, emergency, information and additional signs'; 'symbol'.3. The meaning and use of safety and contrasting colours and the shape, design and meaning of safety signs are explained in Annex I. Special signs are depicted in Annex II.4. Member States must ensure that safety signs conform to the principles laid down in Annex I. Only the signs depicted in Annex II are to be used in the appropriate circumstances.5. A committee composed of representatives of the Member States interacts with the Commission in the procedure for adapting Annex I, points 2 to 6, and Annex II to technical progress.
<i>(4) Deadline for implementation of the legislation in the Member States</i>	1.1.1979 (adoption and publication)
<i>(5) Date of entry into force (if different from the above)</i>	1.1.1981
<i>(6) References</i>	Official Journal L 229, 7.9.1977
<i>(7) Follow-up work</i>	
<i>(8) Commission implementing measures</i>	



11. HEALTH AND SAFETY AT WORK

11.21. Safety and health: safety and health signs at work (Directive 79/640/EEC)

<i>(1) Objective</i>	To adapt the Annexes of Directive 77/576/EEC to take account of technical progress and the future development of international signposting methods.
<i>(2) Community measures</i>	Commission Directive 79/640/EEC of 21 June 1979 amending the Annexes to Council Directive 77/576/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to the provision of safety signs at places of work.
<i>(3) Contents</i>	<ol style="list-style-type: none"> 1. A new provision in Annex I recommends the application of a formula indicating the relationship between dimensions of safety signs and the distance of observation, and also defines the colorimetric and photometric properties of materials used for such signs. 2. A new laser beam warning sign is added to Annex II.
<i>(4) Deadline for implementation of the legislation in the Member States</i>	1.1.1981
<i>(5) Date of entry into force (if different from the above)</i>	
<i>(6) References</i>	Official Journal L 183, 19.7.1979
<i>(7) Follow-up work</i>	
<i>(8) Commission implementing measures</i>	

11. HEALTH AND SAFETY AT WORK

11.22. Safety and health: safety and health signs at work (revision of Directive 77/576/EEC)

- (1) *Objective* To redraft Directive 77/576/EEC, whilst incorporating its technical aspects, with the aim of introducing new signboards and other types of standardized safety signs for use at the workplace. To reduce the risks arising from linguistic and cultural differences as a result of the free movement of workers.
- (2) *Proposal* Proposal for a Council Directive concerning the minimum requirements for the provision of safety and/or health signs at work (ninth individual Directive within the meaning of Directive 89/391/EEC).
- (3) *Contents*
1. This proposal is based on Article 118a of the EEC Treaty and takes the form of an individual Directive within the meaning of Article 16 of Council Directive 89/391/EEC of 12 June 1989. It is concerned mainly with extending the scope of Council Directive 77/576/EEC and strengthening some of its provisions. The proposal aims to make the use of signs compulsory under certain conditions and introduces new signboards and other types of signs, such as those for the location and identification of containers and pipes and of fire-fighting equipment, markings for certain traffic routes, luminous and acoustic signs, adequate verbal communication and hand signals.
 2. The Directive does not apply to signs for the marketing of dangerous substances and preparations, products and/or equipment, or to signs used in the transport sector.
The provisions of Directive 89/391/EEC apply in full, without prejudice to more restrictive and/or specific provisions in this Directive.
 3. Definitions of the terms: 'safety and/or health sign', 'prohibitory, warning, mandatory, emergency or first-aid and informative signs'; 'signboard'; 'supplementary signboard'; 'safety colour'; 'symbol or pictogram'; 'luminous and acoustic signs'; 'verbal communication'; 'hand signal'.
 4. Employers' obligations — General rules: Signs must be provided where there are risks or dangers which have not been eliminated by preventive measures. Signs used for road, rail, inland waterway, sea and air transport must be installed, where appropriate, on the premises of establishments and/or firms.
 5. Safety and health signs used for the first time on or after 1 January 1993 and modifications to existing signs must fulfil the minimum requirements set out in the Annexes; signs already in use must comply with the requirements no later than one year after that date.
 6. Annex I contains the general minimum requirements (types of signs and possibilities for interchanging or combining them);
 - Annex II defines the requirements for signboards (intrinsic features, conditions of use, depiction of signboards to be used);
 - Annex III deals with the marking of containers and pipes (labelling and colour-coding);
 - Annex IV relates to the identification and location of fire-fighting equipment;
 - Annex V lays down the requirements governing signs used for obstacles and dangerous locations, and for marking traffic routes;



- Annex VI relates to luminous signs (intrinsic features and specific rules governing use);
- Annex VII deals with acoustic signs (intrinsic features and codes);
- Annex VIII specifies the features and rules governing the use of direct or indirect verbal communication;
- Annex IX deals with hand signals (depiction of coded signals to be used);
- Annex X contains a table listing the Articles of Directive 77/576/EEC and the corresponding Articles of this proposal.

7. Member States may grant exemption from the obligation to use signs in certain specific cases.

8. Workers must be informed of measures to be taken and must be given suitable training (specific instructions).

9. Workers must be consulted on, and allowed to participate in, the matters covered by the Directive.

10. Technical adjustments to the Annexes are adopted by the Commission, assisted by an advisory committee (Article 17, Directive 89/391/EEC).

11. Member States are to report to the Commission every five years on the practical implementation of the Directive. The Commission will forward periodic reports on the implementation of the Directive to the European Parliament, the Council and the Economic and Social Committee.

(4) Opinion of the European Parliament

First reading: Parliament approved the Commission's proposal subject to certain amendments. The Commission accepted some of these amendments.

(5) Current status

On 3 December 1991, the Council released a political agreement concerning a common position. The formal adoption of this common position will take place during the next session.

(6) References

Commission proposal COM(90) 664 final	Official Journal C 53, 28.2.1991
Amended proposal COM(91) 383 final	Official Journal C 279, 26.10.1991
European Parliament opinion First reading	Not yet published
Economic and Social Committee opinion	Not yet published in the Official Journal

11. HEALTH AND SAFETY AT WORK

11.23. Safety and health: fishing vessels

<i>(1) Objective</i>	To implement minimum practical measures to secure improved health and safety conditions for workers on board fishing vessels.
<i>(2) Proposal</i>	Proposal for a Council Directive concerning the minimum health and safety requirements for work on board fishing vessels (10th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).
<i>(3) Contents</i>	<ol style="list-style-type: none">1. The general provisions regarding improvements in the health and safety of workers (framework Directive 89/391/EEC) are fully applicable.2. Definitions of the terms 'fishing vessel': any such vessel 12 metres or more in length; 'fisherman': any worker carrying out an activity on board a fishing vessel and any person subordinate to the captain of the vessel; and 'owner': the registered owner of a vessel or the demise charterer or person managing the vessel, as appropriate.3. Owners have to meet certain requirements designed to ensure the health and safety of fishermen. They have to make sure, for example, that their vessels are fit for use in conditions which do not endanger the health and safety of the fishermen. Occurrences at sea must be described in a detailed report to be forwarded to the relevant maritime authorities. Owners must ensure that any defects which are likely to affect the health and safety of the fishermen are rectified. They must also make sure that vessels are cleaned regularly, emergency and survival equipment is in working order and the personal protective equipment specifications set out in Annex IV to Directive 89/656/EEC are taken into account. Vessels which are commissioned for the first time or undergo alterations and/or transformations on or after 1 January 1996 must comply with the minimum requirements laid down in Annexes I and III. Vessels already in use must comply with the requirements in Annex II within three years of that date.4. Fishermen must be informed of all measures to be taken regarding health and safety on board vessels. They must be given suitable training for the purpose. Any person likely to command a vessel will be given detailed training.5. Fishermen must be consulted and involved in discussions of health and safety at work.6. Technical adaptations of the annexes will be adopted by the Commission.7. The Member States are required to bring the Directive into force by 1 January 1995 and to report to the Commission every five years on the practical implementation of the Directive.
<i>(4) Opinion of the European Parliament</i>	
<i>(5) Current status</i>	The proposal is currently before the European Parliament and the Economic and Social Committee for their opinions.
<i>(6) References</i>	Commission proposal COM(91) 466 final Official Journal C 337, 31.12.1991



11. HEALTH AND SAFETY AT WORK

11.24. Safety and health: exposure to chemical, physical and biological agents (Directive 80/1107/EEC)

- (1) *Objective* To harmonize national provisions regarding the protection of workers through measures aimed at preventing, or keeping at as low a level as possible, exposure to certain chemical, physical and biological agents.
- (2) *Community measures* Council Directive 80/1107/EEC of 27 November 1980 on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work.
- (3) *Contents*
1. The Directive does not apply to workers exposed to radiation covered by the EAEC Treaty, to sea transport or to air transport.
 2. Definitions of the terms 'agent'; 'worker': any employed person likely to be exposed to an agent at work; 'limit value': the exposure limit or biological indicator limit in the appropriate medium, depending on the agent.
 3. Obligations of the Member States
 - When they adopt provisions concerning an agent, they must take a series of measures, including, in particular, the establishment of limit values:
 - for all agents considered harmful, 14 measures ranging from prevention by engineering control, hygiene measures, the use of signs and medical surveillance to a ban on the agent in cases where adequate protection cannot be ensured;
 - for the specific agents listed in Annex I (asbestos, benzene, lead, etc.), five additional measures, in particular the provision of medical surveillance prior to and during exposure and in some cases after exposure has ceased, access by workers to the results of exposure measurements and of the biological tests, and information for workers on the reasons why the limit values have been exceeded and on the measures to be taken to rectify the situation. They must determine whether and to what extent each of the measures applies to the agent in question.
 - In the case of a limited number of agents listed in Annex II, they must adopt the measures necessary to ensure surveillance of the state of health of workers during the period of exposure and access for workers at the place of work to information on the dangers.
 - They must see to it that workers' and employers' organizations are consulted and that the measures adopted in the implementation of the Directive are consistent with the need to protect public health and the environment.
 4. The Member States may apply or introduce provisions ensuring greater protection for workers.
 5. In the individual Directives on the agents listed in Annex I, the Council lays down limit values and other specific requirements.
 6. Adaptation to technical progress is restricted to the technical aspects listed in Annex III. A Committee consisting of representatives of the Member States has been established to assist the Commission in the adaptation to technical progress.

(4) Deadline for implementation of the legislation in the Member States

Three years from notification ;
four years in the case of Article 3(3), first indent ;
four and five years respectively for the Hellenic Republic.

(5) Date of entry into force (if different from the above)

(6) References

Official Journal L 327, 3.12.1980

(7) Follow-up work

Directive 80/1107/EEC was amended by Council Directive 88/642/EEC of 16 December 1988 on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work (summary 11.25)

(8) Commission implementing measures

Commission Directive 91/322/EEC of 29 May 1991 on establishing indicative limit values by implementing Council Directive 80/1107/EEC on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work (Official Journal L 177, 5.7.1991). The Directive establishes indicative limit values for an initial list of 27 chemical substances. When establishing the limit values referred to in Article 4(4)(b) of Directive 80/1107/EEC, Member States must take account of the indicative limit values listed in the Annex to the Directive of 29 May 1991.



11. HEALTH AND SAFETY AT WORK

11.25. Safety and health: exposure to chemical, physical and biological agents (Directive 88/642/EEC)

<i>(1) Objective</i>	To reinforce the measures laid down in Directive 80/1107/EEC in order to ensure better protection of workers, to harmonize these measures on the basis of common principles and to improve them while adapting them to take account of technical progress.
<i>(2) Community measures</i>	Council Directive 88/642/EEC of 16 December 1988 amending Directive 80/1107/EEC on the protection of workers from risks related to exposure to chemical, physical and biological agents at work.
<i>(3) Contents</i>	<ol style="list-style-type: none"> 1. The Council may amend the list of agents in Annex I with a view in particular to inserting in it other agents in respect of which a binding limit value and/or specific requirements appear necessary. 2. A new Annex comprises a reference method for the establishment of sampling procedures, measuring procedures and procedures for evaluating results in the case of chemical agents. 3. The employer must provide the necessary information and full instruction not only on the potential risks, prevention measures and precautions but also on the risk assessment methods used, the existence of a limit value and the action to be taken in the event of a limit value being exceeded. 4. With regard to the agents listed in Annex I, the Council fixes, in the individual Directives, binding limit values and/or other specific requirements; for other agents, indicative limit values are drawn up by the Commission, with the assistance of the Committee. Indicative limit values reflect expert evaluations based on scientific data. 5. The Directive does not prejudice the right of Member States to apply or adopt other provisions laying down more stringent standards.
<i>(4) Deadline for implementation of the legislation in the Member States</i>	21.12.1990
<i>(5) Date of entry into force (if different from the above)</i>	
<i>(6) References</i>	Official Journal L 356, 24.12.1988
<i>(7) Follow-up work</i>	
<i>(8) Commission implementing measures</i>	

11. HEALTH AND SAFETY AT WORK

11.26. Safety and health: exposure to vinyl chloride monomer

- (1) Objective* To adopt minimum requirements harmonizing national measures for the protection of workers in this important branch of the chemical industry. This substance must be regarded as carcinogenic and as capable of producing occupational acro-osteolysis, a skin disorder, impaired liver function and angiosarcoma. The ultimate objective is to ensure optimum protection of workers.
- (2) Community measures* Council Directive 78/610/EEC of 29 June 1978 on the approximation of the laws, regulations and administrative provisions of the Member States on the protection of the health of workers exposed to vinyl chloride monomer.
- (3) Contents*
1. Definitions of the terms: 'working area': may comprise one or more workplaces; 'technical long-term limit value': the value which must not be exceeded by the mean concentration measured in the atmosphere during the periods in which the plant is in operation, the reference period being the year; and 'competent doctor': the doctor responsible for the medical surveillance of the workers.
 2. Technical preventive measures to reduce the concentrations of vinyl chloride monomer to the lowest possible levels.
 3. Establishment of limit values for the atmospheric concentration of vinyl chloride monomer in the working area. Annex I gives the statistical basis for the technical long-term limit value.
 4. Definition of the measurement methods and establishment of a system for monitoring the concentration. A monitoring system capable of detecting abnormal increases in concentrations must be set up in places where such increases may occur. The establishment of the alarm threshold value, above which personal protection measures must be taken without delay.
 5. Personal protection measures must be provided for certain operations during which it cannot be guaranteed that concentrations will be kept below the limit values.
 6. Appropriate information for workers on the health hazards and the precautions to be taken.
 7. Inscription of workers on a register containing particulars of the type and duration of their work and the exposure to which they have been subjected.
 8. Medical examination of workers on recruitment and thereafter, the competent doctor determining in each individual case the frequency and type of examination to be carried out. Annex II sets out the guidelines for the medical surveillance of workers. The registers and medical records must be kept for at least 30 years from the date on which workers take up their activity.
- (4) Deadline for implementation of the legislation in the Member States* Eighteen months from notification of the Directive.

(5) Date of entry into force (if different from the above)

(6) References

(7) Follow-up work

(8) Commission implementing measures

Official Journal L 197, 22.7.1978

11. HEALTH AND SAFETY AT WORK

11.27. Safety and health: exposure to metallic lead and its ionic compounds

- (1) *Objective* To lay down limit values and specific minimum requirements for the protection of workers against risks associated with exposure to lead in addition to certain provisions laid down in Directive 80/1107/EEC on the risks associated with exposure to chemical, physical and biological agents at work.
- (2) *Community measures* Council Directive 82/605/EEC of 28 July 1982 on the protection of workers from the risks related to exposure to metallic lead and its ionic compounds at work (first individual Directive within the meaning of Article 8 of Directive 80/1107/EEC).
- (3) *Contents*
1. The Directive does not apply to sea transport, air transport, the mining and quarrying of lead-containing ores or the preparation of lead-ore concentrate at the site of the mine or quarry. It does not apply to alkylated lead compounds.
 2. The Member States may apply or introduce provisions ensuring greater protection for workers.
 3. Annex I contains a non-exhaustive list of activities where there is reason to consider that there may be a risk of absorbing lead. The risk must be assessed. If exposure to a concentration of lead in air is greater than 75 microg/m³ or if a blood-lead level greater than 50 microg/100 ml blood is found in individual workers, monitoring of the concentration of lead in air takes place, as a general rule, at least once every three months, in accordance with the technical specifications and the analysis method described in Annex II. Workers are consulted and medical surveillance introduced. This comprises clinical assessment, carried out at least once a year, and biological monitoring — measurement of blood-lead levels and one or more biological indicators, in accordance with the measurement methods described in Annex III — carried out, as a rule, at least once every six months. Annex IV gives practical recommendations for the clinical assessment. If individual blood-lead levels are found to be between 60 and 70 microg/100 ml blood, a clinical examination is carried out. Following this examination, the doctor may advise the withdrawal of the worker from all exposure to lead or a reduction in the period of his exposure.
 4. Limit values to be applied:
 - 150 microg/m³ for lead-in-air concentration;
 - 70 microg/100 ml blood for blood-lead level in individual workers.
 5. (a) Where the lead-in-air limit value has been exceeded, the reasons for the limit being exceeded must be identified and appropriate measures to remedy the situation should be taken as soon as possible. The wearing of respiratory equipment may not be permanent. In the case of incidents likely to lead to significant increases in exposure, workers must be immediately evacuated; in the case of certain operations, in respect of which it is foreseen that the limit value will be exceeded, the employer must define the measures intended to ensure protection and the workers must be consulted before such operations are effected.
 - (b) Where the biological limit value has been exceeded, steps must be taken immediately to ascertain the reasons and to remedy the



situation; such measures may include the immediate withdrawal of the worker from all exposure.

6. For all work presenting a degree of risk, seven preventive and protective measures must be taken, the cost of which must not be borne by the workers: these include avoiding the risk of absorbing lead through smoking, eating or drinking, and providing protective clothing which must be stored separately from street clothes.

7. Information of workers on, among other things, the potential risks, the existence of statutory limit values, the need to refrain from smoking, eating or drinking at the workplace; access to the results of lead-in-air measurements and biological monitoring.

8. Recording and storage of individual data on exposure must be ensured.

(4) Deadline for implementation of the legislation in the Member States

1.1.1986

(5) Date of entry into force (if different from the above)

(6) References

Official Journal L 247, 23.8.1982

(7) Follow-up work

By 28 July 1987 (re-examination of the limit values for the biological parameters): establishment of a limit value for blood-lead levels at a maximum of 70 micog/100 ml blood.

(8) Commission implementing measures

11. HEALTH AND SAFETY AT WORK

11.28. Safety and health: exposure to asbestos (Directive 83/477/EEC)

- (1) *Objective* To lay down limit values and the harmonized, minimum specific values for the protection of workers. To restrict exposure to asbestos in order to reduce the risk of disease.
- (2) *Community measures* Council Directive 83/477/EEC of 19 September 1983 on the protection of workers from the risks related to exposure to asbestos at work (second individual Directive within the meaning of Article 8 of Directive 80/1107/EEC).
- (3) *Contents*
1. This Directive does not apply to sea transport or air transport.
 2. The term 'asbestos' covers six silicates, which are listed.
 3. The application of asbestos by means of the spraying process is prohibited.
 4. To ensure compliance with the limit values laid down, the measurement of asbestos-in-air shall be carried out at least every three months in principle, in accordance with the reference method described in Annex I or any other method giving equivalent results. The workers are consulted on the sampling. They have access to the measurement results, whose meaning must be explained to them.
 5. When the limit values are exceeded, the reasons must be identified and work may not be continued until adequate protection measures have been taken. Workers must be informed as soon as possible. The wearing of individual protection equipment and warning signs ensure the protection of workers during activities in respect of which it is foreseeable that the limit values will be exceeded and in respect of which technical preventive measures are not reasonably practicable. The employer must first consult the workers on these protective measures.
 6. Notification system administered by the responsible authority of the Member State.
The employer must at least notify a description of the types and quantities of asbestos used, the activities and procedures involved, and the products manufactured. Workers shall have access to this document.
 7. Six technical preventive measures to reduce exposure to asbestos dust are cited — for example, transport of asbestos as a raw material and of waste in suitable sealed packing. Other protective measures are provided for and their cost may not be charged to the workers.
 8. Places in which workers are exposed must be clearly defined and indicated by warning signs and smoking must be forbidden in such areas; areas must be set aside where workers can eat and drink without risking contamination by asbestos dust; workers must be provided with appropriate working or protective clothing.
 9. Workers must receive adequate information concerning the potential risks to health, the existence of statutory limit values and the need for the atmosphere to be measured, the hygiene requirements and particular precautions to be taken.
 10. Medical surveillance
Assessment of each worker's state of health prior to the beginning of exposure and at least once every three years thereafter. An individual health record must be established. Annex II provides practical



recommendations on the clinical surveillance of workers. Individual protection of prevention measures may include complete withdrawal of the worker from exposure to asbestos.

The employer must enter the workers in a register indicating the nature and duration of the exposure to which they have been submitted. Each worker must have access to the results which relate to him personally; the workers have access to anonymous collective information in the register.

The register and medical records must be kept for at least 30 years following the end of exposure.

11. Demolition work and removal of asbestos from buildings, structures, plant or installations or from ships. A plan of work prescribing measures for the health and safety of workers must be drawn up before work begins.

12. The Member States must keep a register of known cases of asbestos and mesothelioma. They may apply or introduce provisions ensuring greater protection of the workers, in particular the replacement of asbestos by less dangerous products.

Before 1.1.1987; before 1.1.1990 for asbestos mining activities.

(4) Deadline for implementation of the legislation in the Member States

(5) Date of entry into force (if different from the above)

(6) References

Official Journal L 263, 24.9.1983

(7) Follow-up work

By 19 September 1988, the Council had established a single method for measuring asbestos-in-air at Community level; by 1 January 1990, it had re-examined the limit values and the action level.

(8) Commission implementing measures

11. HEALTH AND SAFETY AT WORK

11.29. Safety and health: exposure to asbestos (Directive 91/382/EEC)

<i>(1) Objective</i>	To re-examine certain provisions of Directive 83/477/EEC, taking account of scientific progress and experience gained in applying the Directive.
<i>(2) Community measures</i>	Council Directive 91/382/EEC of 25 June 1991 amending Directive 83/477/EEC on the protection of workers from the risks related to exposure to asbestos at work (second individual Directive within the meaning of Article 8 of Directive 80/1107/EEC).
<i>(3) Contents</i>	<ol style="list-style-type: none">1. The level of concentration of asbestos-in-air above which certain provisions in the Directive enter into effect (action level) is reduced and varies with the type of fibre: 0.20 fibres per cm³ over 8 hours and/or 12.00 fibres per day per cm³ over 3 months for chrysotile; 0.10 fibres per cm³ over 8 hours and/or 6 fibres per day per cm³ over 3 months for all other forms of asbestos, either alone or in mixtures, including mixtures containing chrysotile.2. A provision has been added prohibiting the use of low-density (less than 1g/cm³) insulating or soundproofing materials containing asbestos in building construction.3. Before 31 December 1995, a single method is to be established for the measurement of asbestos-in-air concentrations at Community level.4. Reduction of occupational exposure limit values: 0.60 fibres per cm³ over 8 hours for concentration of chrysotile fibres; 0.30 fibres per cm³ over 8 hours for all other forms of asbestos, either alone or in mixtures, including mixtures containing chrysotile.5. Technical amendments to the Annexes are to be made in accordance with the simplified procedure involving the Committee on Adaptation to Technical Progress.6. A plan must be drawn up and notified to the competent authorities prior to any demolition work where asbestos is present.7. The entire Directive is to be reviewed by the Council before 31 December 1995.
<i>(4) Deadline for implementation of the legislation in the Member States</i>	1.1.1993 1.1.1996: Greece
<i>(5) Date of entry into force (if different from the above)</i>	
<i>(6) References</i>	Official Journal L 206, 29.7.1991
<i>(7) Follow-up work</i>	
<i>(8) Commission implementing measures</i>	



11. HEALTH AND SAFETY AT WORK

11.30. Safety and health: exposure to noise

- (1) *Objective* To reduce exposure to noise in order to lessen the risk of hearing loss; to reduce noise levels preferably at source, and to provide for the provision and use of personal ear protectors.
- (2) *Community measures* Council Directive 86/188/EEC of 12 May 1986 on the protection of workers from the risks related to exposure to noise at work.
- (3) *Contents*
1. Scope: all workers, including those covered by the EAEC Treaty, with the exception of sea and air transport workers (personnel on board). The Council shall examine, before 1 January 1990, the possibility of applying the Directive to these workers also.
 2. Member States may apply or introduce provisions ensuring greater protection for workers.
 3. Definition of the terms: 'daily personal noise exposure of a worker' and 'weekly average of the daily values'.
 4. The risks resulting from exposure to noise must be reduced to the lowest level reasonably practicable, taking account of technical progress and the availability of noise control measures.
 5. At suitable intervals, noise experienced at work shall be assessed and, when necessary, measured in order to determine whether maximum decibel (dB) levels have been exceeded and whether workers have been affected. Annex I gives indications for measurement.
 - Above an average level of 85 dB(A), workers must be informed of the potential risks to their hearing, of the measures taken in pursuance of the Directive and the obligation to comply with national protective and preventive measures; personal ear protectors must be provided; exposure of 85 dB(A) and above entitles the worker to regular hearing checks (indications given in Annex II).
 - If the level exceeds 90 dB(A) or 200 pascals (Pa), the reasons for the excess level shall be identified and the employer shall draw up and apply a programme of technical and/or organizational measures to reduce exposure; individual ear protectors must be used; the areas of excess exposure must be delimited and identified by signs, and, where appropriate, access must be restricted.
- Member States may, exceptionally, grant derogations under certain conditions.
6. Obligations of Member States:
To ensure that risks are reduced as far as possible in the design and construction of new installations and that adequate information is available on the noise produced by any new piece of equipment capable of reaching or exceeding 85 dB(A) or 200 Pa; to ensure consultation with workers' and employers' organizations before adopting the measures contained in the Directive and monitoring of their application by workers' representatives.

(4) *Deadline for implementation of the legislation in the Member States* 1.1.1990
1.1.1991: Greece and Portugal

(5) *Date of entry into force (if different from the above)*

(6) *References*

Official Journal L 137, 24.5.1986

(7) *Follow-up work* Re-examination before 1 January 1994 to establish more precise indications for noise measurement.

(8) *Commission implementing measures*



11. HEALTH AND SAFETY AT WORK

11.31. Safety and health: banning of certain specified agents and activities

<i>(1) Objective</i>	The uniform application of common principles concerning the health protection of workers: to prevent exposure to health risks or maintain exposure at as low a level as is reasonably practicable and, if adequate protection cannot be ensured by any other means, to ban agents or activities which can give rise to serious effects on health; to encourage the early development of alternative non-dangerous agents.
<i>(2) Community measures</i>	Council Directive 88/364/EEC of 9 June 1988 on the protection of workers by the banning of certain specified agents and/or certain work activities (fourth individual Directive within the meaning of Article 8 of Directive 80/1107/EEC).
<i>(3) Contents</i>	<ol style="list-style-type: none"> 1. The Directive does not apply to sea or air transport. 2. The Member States may apply or introduce provisions ensuring greater protection for workers. 3. Definitions of the terms: 'substances' means chemical elements and their compounds as they occur in the natural state or as produced by industry, including additives; 'agents' means chemical, physical or biological agents present at work and likely to be harmful to health; 'preparations' means mixtures or solutions composed of two or more substances; 'impurities', 'intermediates', 'by-products', 'waste'. 4. Obligation of the Member States : <ul style="list-style-type: none"> — to ban the production and use of four aromatic amines in accordance with the Annex (2-naphthylamine and its salts, 4-aminobiphenyl and its salts, benzidine and its salts and 4-nitrodiphenyl); — to ensure, in the case of the three types of derogations provided for (research, the elimination of the agents present in the form of by-products or waste and the use of the agents as intermediates), that employers take adequate precautions to protect health and that they submit a minimum amount of information to the competent authority, such as the quantities used annually and the numbers of workers exposed. Workers must have access to the documents containing the necessary information on the risks connected with exposure and on the precautions to be taken. 5. The Council may amend the Annex, in particular to include further agents or activities which satisfy the three criteria on which the ban is based: there are serious health risks, precautions are not sufficient to ensure a satisfactory level of protection and the ban does not lead to the use of substitute agents which may involve equal or greater risks.
<i>(4) Deadline for implementation of the legislation in the Member States</i>	1.1.1990
<i>(5) Date of entry into force (if different from the above)</i>	
<i>(6) References</i>	Official Journal L 179, 9.7.1988

(7) Follow-up work The Directive will have to be re-examined by 1 January 1996.

*(8) Commission
implementing
measures*



11. HEALTH AND SAFETY AT WORK

11.32. Safety and health: exposure to carcinogens

- (1) Objective* To lay down minimum requirements for protecting workers against risks arising specifically from exposure to carcinogens; to lessen exposure with a view to reducing health risks, to establish exposure limit values and to take preventive measures.
- (2) Community measures* Council Directive 90/394/EEC of 28 June 1990 on the protection of workers from the risks related to exposure to carcinogens at work (sixth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).
- (3) Contents*
1. The Directive does not apply to workers exposed only to radiation covered by the EAEC Treaty.
 2. Definition of 'carcinogen', meaning a substance or preparation to which the risk-phrase R45 'may cause cancer' is applied (Directives 67/548/EEC and 88/379/EEC) and any substance, preparation or process referred to in Annex I.
 3. Determination and assessment of risks. The nature, degree and duration of workers' exposure must be regularly determined in order to assess any health risk and decide the measures to be taken. Particular attention must be paid to workers who are particularly at risk.
- Employers' obligations**
4. Reduction and replacement
The employer must reduce the use of a carcinogen, in particular by replacing it, in so far as is technically possible, by a substance, preparation or process which is not dangerous or is less dangerous.
 5. Prevention and reduction of exposure
The employer must ensure that the carcinogen is manufactured and used in a closed system. If this is not feasible, the employer must ensure that the level of exposure is kept as low as is technically possible. Thirteen measures are to be applied.
 6. Information for the competent authority
Information is to be made available, on request, concerning such matters as the reasons for using carcinogens, preventive measures taken and the number of workers exposed.
 7. Abnormal unforeseen/foreseeable exposure
Information/consultation of workers. Protective clothing and individual respiratory protection equipment must be worn, with exposure being kept to the strict minimum of time necessary.
 8. Access to risk areas
Access is restricted to workers who, by reason of their work or duties, are required to enter such areas.
 9. Hygiene and individual protection measures are to be taken where appropriate, at no financial cost to workers: workers must not eat, drink or smoke in working areas where there is a risk of contamination;
workers are to be provided with appropriate clothing and separate storage places for work clothing and for street clothes;
washing and toilet facilities are to be provided;
protective equipment is to be properly stored, checked and cleaned before and after each use.

10. Information and training of workers:

- mainly concerning potential and additional risks to health (smoking), precautions to prevent exposure, hygiene, protective clothing and steps to be taken in the event of incidents;
- containers, packages and installations containing carcinogens are to be clearly and legibly labelled, with warning signs clearly displayed;
- workers or their representatives must have the opportunity to check that the Directive is being correctly applied.

11. Consultation and participation of workers in connection with matters covered by the Directive

Miscellaneous provisions

12. Health surveillance

Member States must make suitable arrangements for monitoring the health of exposed workers, with a view to implementing the necessary corrective measures and determining the protective or preventive measures to be taken in respect of individual workers.

Practical recommendations are given in Annex II. All cases of cancer identified as resulting from occupational exposure must be notified to the competent authority.

13. Record-keeping

The up-to-date list of exposed workers, which the employer is required to keep, and individual medical records are to be kept for at least 40 years following the end of exposure.

14. Limit values

The Council lays down limit values in Directives in respect of all those carcinogens for which it is possible and, where necessary, other directly related provisions. These limit values and other provisions are set out in Annex III.

15. Annexes I and III may be amended only by the Council (procedure under Article 118a of the Treaty), whilst technical adjustments to Annex II are adopted by the Commission, assisted by the designated committee.

31.12.1992

(4) Deadline for implementation of the legislation in the Member States

(5) Date of entry into force (if different from the above)

(6) References

Official Journal L 196, 26.7.1990.

(7) Follow-up work

(8) Commission implementing measures



11. HEALTH AND SAFETY AT WORK

11.33. Safety and health: exposure to biological agents

(1) Objective

To establish specific minimum requirements designed to guarantee a better standard of safety and health for workers exposed to biological agents at work.

(2) Community measures

Council Directive 90/679/EEC of 26 November 1990 on the protection of workers from risks related to exposure to biological agents at work (seventh individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).

(3) Contents

1. Definitions of the terms: 'biological agents': micro-organisms, including those which have been genetically modified, cell cultures and human endoparasites which may be able to provoke any infection, allergy or toxicity. They are classified into four groups according to their level of risk of infection; 'micro-organism': a microbiological entity capable of replication or of transferring genetic material; 'Cell culture': the *in-vitro* growth of cells derived from multicellular organisms.

2. Determination and assessment of risks:

- the nature, degree and duration of workers' exposure must be determined for any activity likely to involve a risk;
- the risk is assessed on the basis of the danger presented by all hazardous biological agents present and on the basis of all available information on all activities involving exposure to several groups of agents. The assessment is renewed regularly.

Employers' obligations

3. Replacement

Replacement of a dangerous biological agent by one which is not dangerous or less dangerous, if the nature of the activity so permits.

4. Reduction of risks

- Exposure to risks must be prevented.
- Where this is not technically practicable, the exposure risk must be reduced to as low a level as necessary. Nine ways of doing this are listed, e.g. limiting the number of workers exposed, collective and/or individual protection measures, means for safe collection, storage and disposal of waste by workers.

5. Information for the competent authority:

- where there is a risk, information to be supplied on:
 - the results of the assessment,
 - the activities in which workers may have been exposed,
 - the number of workers exposed,
 - the name and powers of the person responsible for safety and health,
 - the protective and preventive measures taken,
 - an emergency plan in the event of exposure to a group 3 or 4 agent;
- immediate information on any accident or incident which may have resulted in the release of an agent and which could cause severe human infection and/or illness;

— where the undertaking ceases activity, a list of workers exposed and their medical records to be made available to the competent authority.

6. Hygiene and individual protection — five types of measure to be applied without cost to workers:

- workers not to eat or drink in working areas subject to risk;
- protective clothing to be supplied;
- adequate washing and toilet facilities to be provided, possibly with skin antiseptics and eye washes;
- all protective equipment to be properly stored, checked and cleaned, and repaired or replaced;
- procedures for taking, handling and processing samples.

7. Information and training of workers on the potential risks to health, precautions to be taken, hygiene requirements, the use of protective equipment and clothing, and the steps to be taken by workers in the case of incidents and to prevent them.

8. Worker information in particular cases

- written instructions containing at least the procedure to be followed in the event of a serious accident or incident or for handling a group 4 agent;
- immediate information in the event of any accident or incident which may have resulted in the release of a group 3 or 4 biological agent, including the cause and the measures taken or to be taken;
- workers must immediately report any accident or incident involving the handling of a biological agent. They must have access to the information contained in the list of workers exposed, i.e. information which relates to them personally and anonymous collective information.

9. List of workers exposed to group 3 and/or 4 agents

The employer indicates the type of work and the agent concerned. The list is kept for at least 10 years after the end of exposure and, in some cases, for up to 40 years after the last known exposure.

10. Consultation and participation of workers in connection with matters covered by the Directive.

11. Notification to the competent authority prior to the first use of group 2, 3 and 4 biological agents and whenever there are substantial changes of importance to safety or health.

Miscellaneous provisions

12. Health surveillance of workers subjected to risks prior to exposure and at regular intervals thereafter. Practical recommendations are given in Annex IV. If necessary, effective vaccines should be made available. Individual medical records are kept for at least 10 years after the end of exposure and in some cases for up to 40 years. The doctor responsible proposes any protective or preventive measures to be taken in respect of any worker. Workers have access to the results of the health surveillance which concern them and may request a review. All cases of diseases or death must be notified to the competent authority.

13. Health and veterinary care facilities other than diagnostic laboratories

These must specify appropriate decontamination and disinfection procedures and implement procedures enabling contaminated waste to be handled and disposed of without risk. Containment measures must



be selected (Annex V, column A) to minimize the risk of infection in isolation facilities where there are human patients or animals infected with group 3 or 4 agents.

14. Special containment measures are applicable to industrial processes, laboratories and laboratory animal rooms.

15. Use of data

The Commission has access to the processing operations carried out by the competent national authorities based on cases of disease or death.

16. Classification of biological agents

Pending a Community classification, the Member States classify biological agents likely to present a hazard.

17. The Directive is without prejudice to the Directives on the confined use and voluntary release of genetically modified organisms.

18. Technical amendments to the Annexes are adopted by the Commission assisted by a committee.

(4) Deadline for implementation of the legislation in the Member States

28.11.1993
28.11.1995: Portugal

(5) Date of entry into force (if different from the above)

(6) References

Official Journal L 374, 31.12.1990

(7) Follow-up work

The Council is drawing up an initial list of group 2, 3 and 4 biological agents to be included in Annex III within six months from 28 November 1993.

(8) Commission implementing measures

11. HEALTH AND SAFETY AT WORK

11.34. Safety and health: European schedule of occupational diseases

<i>(1) Objective</i>	To revise the schedule notified to Member States in 1966, in order to take account of advances made in the diagnosis of occupational diseases. To use the schedule as a reference document for preventing occupational diseases and accidents at work, and for purposes of compensation.
<i>(2) Community measures</i>	Commission Recommendation 90/326/EEC of 22 May 1990 concerning the adoption of a European schedule of occupational diseases.
<i>(3) Contents</i>	<p>The Commission recommends, without prejudice to more favourable national laws or regulations, that the Member States:</p> <ul style="list-style-type: none">— introduce into their national legislation the European schedule in Annex I and the right to compensation in respect of ailments listed in Annex II which can be proved to be occupational in origin and nature;— progressively make their statistics on occupational diseases compatible with the schedule in Annex I;— develop preventive measures;— take special account of medical information notices on diseases in the European schedule and supply other Member States, on request, with all the relevant information on diseases or agents recognized in their national legislation;— provide the personnel responsible for implementing the national provisions resulting from this recommendation with adequate training;— introduce a system for the collection of data on the epidemiology of diseases, especially those listed in Annex II, and promote research. <p>Member States themselves determine the criteria for recognizing each occupational disease.</p>
<i>(4) Deadline for implementation of the legislation in the Member States</i>	Not applicable.
<i>(5) Date of entry into force (if different from the above)</i>	22.5.1993: the Commission is to determine whether there is a need for binding legislation.
<i>(6) References</i>	Official Journal L 160, 26.6.1990
<i>(7) Follow-up work</i>	
<i>(8) Commission implementing measures</i>	



12. RIGHTS AND PROTECTION OF CHILDREN AND ADOLESCENTS

12.1. Current problems and objectives for 1992: Social Charter

'Without prejudice to such rules as may be more favourable to young people, in particular those ensuring their preparation for work through vocational training, and subject to derogations limited to certain light work, the minimum employment age must not be lower than the minimum school-leaving age and, in any case, not lower than 15 years.

Young people who are in gainful employment must receive equitable remuneration in accordance with national practice.

Appropriate measures must be taken to adjust labour regulations applicable to young workers so that their specific development and vocational training and access to employment needs are met. The duration of work must, in particular, be limited — without it being possible to circumvent this limitation through recourse to overtime — and night work prohibited in the case of workers of under 18 years of age, save in the case of certain jobs laid down in national legislation or regulations.

Following the end of compulsory education, young people must be entitled to receive initial vocational training of a sufficient duration to enable them to adapt to the requirements of their future working life; for young workers, such training should take place during working hours.'

12. RIGHTS AND PROTECTION OF CHILDREN AND ADOLESCENTS

12.2. Current problems and objectives for 1992: Commission's action programme — 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 at the end of 1991 the Commission will propose only one Directive on this question.



12. RIGHTS AND PROTECTION OF CHILDREN AND ADOLESCENTS

12.3. Current problems and objectives for 1992: Commission's action programme — 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 at the end of 1991 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, and 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.

13. THE ELDERLY

13.1. Current problems and objectives for 1992: Social Charter

'According to the arrangements applying in each country:

Every worker of the European Community must, at the time of retirement, be able to enjoy resources affording him or her a decent standard of living.

Any person who has reached retirement age but who is not entitled to a pension or who does not have other means of subsistence, must be entitled to sufficient resources and to medical and social assistance specifically suited to his or her needs.'



13. THE ELDERLY

13.2. Current problems and objectives for 1992: Commission's action programme — Introduction

In the European Community, there are nearly 100 million elderly 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-60s 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 presented 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.

13. THE ELDERLY

13.3. Current problems and objectives for 1992: Commission's action programme — Initiatives

COMMUNITY INITIATIVE ON THE ELDERLY (COMMUNICATION AND DECISION)
(summaries 13.4 and 13.5)

The considerable increase by the end of the century in the number of elderly and very elderly (over 80s) 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 European Year of the Elderly. The Commission will make a proposal to this effect.



13. THE ELDERLY

13.4. Communication on the elderly

(1) Objective

To analyse the social and economic implications of an ageing population and the consequences for the elderly of the completion of the internal market, and to propose actions to be carried out at Community level.

(2) Community measures

Commission communication on the elderly.

(3) Contents

Analysis of the situation

1. The number of young people coming on to the labour market is declining as a result of the falling birth-rate. The working population is ageing. There is also a tendency to shorten the duration of economically active life by reducing the legal pensionable age, adopting pre-retirement schemes and extending periods of study. Current demographic trends will affect social expenditure in several ways: the number of retired people and elderly persons in need of care is rising rapidly. Many elderly people enjoy an active retirement and contribute to economic, cultural and social life.
2. The increased mobility of workers and their families, and of older retired people in the Community, calls for the implementation of social protection systems and measures.

Community measures

3. The Commission does not intend to propose new legislation, except in the case of certain sectoral Community policies (e.g. free movement of persons). It encourages the exchange of information and experience as well as the transfer of knowledge and initiatives on topics of common interest.
 - Several legal instruments concerning elderly people directly have been adopted or are being examined by the Council:
 - Recommendation of 10 December 1982 on the principle of a Community policy on retirement age;
 - Regulation (EEC) No 1096/88 on early retirement for farmers;
 - Proposals for amending Regulation (EEC) No 1612/68 of 15 October 1968 and Directive 68/360/EEC of 10 October 1968 with a view to extending a worker's right of residence to all his or her ascendants;
 - Proposal for amending Regulation (EEC) No 1408/71 of 14 July 1971 on the application of social security schemes to workers moving within the Community, with a view to simplifying the liquidation of pensions;
 - Proposal for a Regulation on unemployment and pre-retirement aimed at the suppression of the condition of residence for entitlement and payment of pre-retirement benefits.
 - In May 1989 the Commission adopted a Recommendation on a European citizens' over-60 card (entitlement to reduced charges for transport and cultural activities).
 - The Commission has carried out a number of studies and seminars in this field, with the emphasis on the contribution of older people to economic and social life, their living conditions (including the impact of new technologies) and their health.

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- The situation of elderly people has been considered and actions concerning them have been carried out within the framework of specific Community action programmes, and various activities have been undertaken by the European Foundation for the Improvement of Living and Working Conditions in Dublin.
4. The Commission proposes that a series of actions be carried out between 1991 and 1993 concerning the situation of elderly people in the context of the completion of the internal market and their positive contribution to their environment. These actions will entail studies and knowledge transfer, organization of events and exchange of information, and preparation for networking of innovative experiences.
5. The Commission proposes that 1993 be designated 'European Year of the Elderly and of Solidarity between Generations'.

(4) Deadline for implementation of the legislation in the Member States

(5) Date of entry into force (if different from the above)

(6) References

(7) Follow-up work

(8) Commission implementing measures

Not yet published



13. THE ELDERLY

13.5. Decision on the elderly

- (1) *Objective* To help improve the situation of old people in Europe through exchanges of information and measures designed to complement actions undertaken at various levels in the Member States.
- (2) *Community measures* Council Decision 91/49/EEC of 26 November 1990 on Community actions for the elderly.
- (3) *Contents*
1. Stimulation measures and exchanges of information, studies, setting-up of a databank and a European network of innovative experiences for the elderly, to be carried out under the responsibility of the Commission in the period from 1 January 1991 to 31 December 1993.
 2. The actions are to focus on:
 - preventive strategies to meet the economic and social challenges of an ageing population;
 - solidarity between generations and integration of the elderly;
 - the positive contribution by the elderly to the development of the Community.
 3. The Commission specifies the necessary annual amounts to be included in the draft budget.
 4. Appropriate measures are taken by the Commission, assisted by an advisory committee composed of representatives of the Member States, under the procedure laid down in the Decision.
 5. The year 1993 is to be designated 'European Year of the Elderly and of Solidarity between Generations'.
- (4) *Deadline for implementation of the legislation in the Member States*
- (5) *Date of entry into force (if different from the above)*
- (6) *References* Official Journal L 28, 2.2.1991
- (7) *Follow-up work*
- (8) *Commission implementing measures*

14. THE DISABLED

14.1. Current problems and objectives for 1992: Social Charter

'All disabled persons, whatever the origin and nature of their disablement, must be entitled to additional concrete measures aimed at improving their social and professional integration.

These measures must concern, in particular, according to the capacities of the beneficiaries, vocational training, ergonomics, accessibility, mobility, means of transport and housing.'



14. THE DISABLED

14.2. Current problems and objectives for 1992: Commission's action programme — 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, on 18 December 1989 the Council adopted a Decision on the further development of the Handynet system (exchange of information on the technical aids available for the disabled) (summary 14.8) and on 2 October 1991 the Commission presented a new draft Council Decision to continue the Community action programme for disabled people (Helios), with the aim of improving equality of opportunity for such people (summary 14.6).

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.

14. THE DISABLED

14.3. Current problems and objectives for 1992: Commission's action programme — Initiatives

PROPOSAL FOR A COUNCIL DECISION ESTABLISHING A THIRD COMMUNITY ACTION PROGRAMME FOR DISABLED PEOPLE (HELIOS) FOR THE PERIOD 1992-96 (summary 14.6)

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 Commission accordingly adopted the draft third Helios II programme on 2 October 1991.

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 (summary 14.9)

In the decision on the Helios programme, 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'.

On 11 February 1991 the Commission laid before the Council a draft Directive on minimum requirements to improve the mobility and the safe transport to work of workers with reduced mobility.

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



14. THE DISABLED

14.4. Second Helios programme — 1988-91

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| <i>(1) Objective</i> | To carry out general and specific actions to promote the social integration and independent lifestyle of people with disabilities. |
| <i>(2) Community measures</i> | Council Decision 88/231/EEC of 18 April 1988 establishing a second Community action programme for disabled people (Helios). |
| <i>(3) Contents</i> | <p>1. The programme covers promotion of vocational training and rehabilitation, of economic and social integration and of an independent lifestyle for people with disabilities. It runs from 1 January 1988 to 31 December 1991.</p> <p>2. Definition of the term 'disabled people': people with serious disabilities resulting from physical or mental impairments.</p> <p>3. Objectives</p> <ul style="list-style-type: none"> — to develop a Community approach based on the best innovatory experience in the Member States; — to develop exchange and information activities which can make a useful contribution; — to contribute to the implementation of Recommendation 86/379/EEC and the Council Resolution of 21 December 1981; — to continue Community support for European cooperation between non-governmental organizations; — to give appropriate attention to the vocational and social needs of disabled women and to those caring for disabled people at home. <p>4. Actions</p> <ul style="list-style-type: none"> — to foster innovation, facilitate exchange of experience and encourage the dissemination of good practice; — to establish a system at Community level using new information technologies for the collection, updating and exchange of information; — to ensure coordination with Community programmes concerning new technologies, with the programme on equality of opportunity for women and with the European cooperation programme on the integration of handicapped children into mainstream schools; — to ensure close coordination with international activities. <p>The specific actions are set out in the Annex.</p> <p>5. The Commission, assisted by an Advisory Committee and a Liaison Group, is responsible for implementing the programme.</p> <p>6. By 1 July 1990, the Commission submitted an interim report on the implementation of the programme and the results obtained. It will submit a full report before 1 July 1992.</p> |
| <i>(4) Deadline for implementation of the legislation in the Member States</i> | Not applicable. |
| <i>(5) Date of entry into force (if different from the above)</i> | Not applicable. |

(6) References

Official Journal L 104, 23.4.1988

(7) Follow-up work

*(8) Commission
implementing
measures*



14. THE DISABLED

14.5. Second Helios programme : interim report

- (1) *Objective* To report on the implementation and the results achieved by 30 June 1990 of the second Community action programme for disabled people (Helios).
- (2) *Community measures* Interim report by the Commission on the implementation and results of the Helios programme promoting economic and social integration of disabled people in the European Community (period 1 January 1988 to 30 June 1990).
- (3) *Contents*
1. Establishment of structures
A number of administrative and consultative structures have been set up in order to assist the Commission, namely: the Helios Team of Experts and the Creativity and Sport Team on the one hand, and the Advisory Committee and the Helios Liaison Group on the other. In addition to this there are a number of technical advisory bodies — the Working Parties on School Integration of Handicapped Children, on Employment of Disabled People, on Handynet and on Mobility and Transport, and the Non-governmental Organizations Dialogue Group.
 2. Helios programme objectives
To foster:
 - economic and social integration and an independent lifestyle through a Community approach based on the most successful pilot projects carried out in the Member States;
 - exchange and information activities;
 - non-discrimination in employment and vocational training;
 - European cooperation between non-governmental organizations.
 3. A number of general actions have been implemented.
 - Stimulation of coordination in the Member States between the various ministries concerned by the specific needs of the handicapped as well as within the Commission.
 - The Handynet system (computerized information system on disability questions) has been set up. The Handyaids inventory of technical aids is in operation.
 - Cooperation has been ensured with the Community programmes on new technologies and with the Community programme on equal opportunities for women.
 - Numerous activities concerning integration at school have been planned.
 - Cooperation with international organizations has been continued.
 4. Specific actions have been carried out as regards:
 - the Community network of vocational training and rehabilitation centres and experiences;
 - the special programme to promote independent living (mobility and transport, access to public buildings and services, housing including equipment and home support);
 - the local model activity networks (school, economic and social integration);
 - further development of the Handynet system (technical aids intended for persons affected by impaired motor, visual, hearing, mental or communication faculties);

- Europe-wide cooperation with independent organizations, particularly associations run by or for disabled people;
- the documentation and information service.

Conferences, seminars and training schemes have been organized and financial aid granted in these fields of action.

5. Numerous policy initiatives have been undertaken and legislative proposals put forward in several fields.

6. Conclusions

The action implemented since October 1988 has been of benefit to the some 30 million disabled people in the Community. A basis and framework for developing a coherent global policy promoting integration of disabled people now exist at Community level. Exchange of information and experience must be promoted at all levels. The Commission will submit a full report covering the whole 1988-91 period before the end of the first half of 1992.

(4) Deadline for implementation of the legislation in the Member States

Not applicable.

(5) Date of entry into force (if different from the above)

Not applicable.

(6) References

SEC(91) 299 final

Not yet published in the Official Journal

(7) Follow-up work

(8) Commission implementing measures



14. THE DISABLED

14.6. Third Helios programme: Helios II programme — 1992-96

- (1) *Objective* To continue, extend and amplify the activities undertaken under Helios I at national, regional, local and European level, particularly by comparing experience and exchanging information concerning innovatory integration measures.
- (2) *Proposal* Proposal for a Council Decision establishing a third Community action programme to assist disabled people (Helios II).
- (3) *Contents*
1. The programme seeks to promote educational, occupational, economic and social integration and an independent way of life for disabled people. It is established for the period 1 January 1992 to 31 December 1996.
 2. Definition: 'disabled people' means people with serious impairments, disabilities or handicaps resulting from physical or mental impairments and restricting or making impossible the performance of an activity or function considered normal for a human being (WHO definition).
 3. Objectives
 - to develop an overall Community integration policy based on the best innovative experience and practice in the Member States;
 - to identify those innovative approaches and measures to be promoted in order to improve the convergence and coordination of actions;
 - to continue to develop exchange and information activities which can make a useful contribution;
 - to reinforce cooperation with non-governmental organizations at European level.
 4. Actions
 - to promote innovation and facilitate exchanges of successful experience and encourage its transfer;
 - to pursue the collection, updating and exchange of information in the context of the Handynet computerized information and documentation system;
 - to promote the participation of disabled people in existing Community programmes;
 - to ensure close coordination with activities undertaken by intergovernmental bodies, and cooperation with other activities at international level. Specific activities are listed in the annex to the Decision.
 5. The Commission will be assisted by an Advisory Committee in implementing the programme.
 6. The Commission will submit an interim summary report on the implementation and results of Helios II before 31 December 1994. It will submit a full report before 1 July 1997.
- (4) *Opinion of the European Parliament*
- (5) *Current status* The European Parliament and the Economic and Social Committee are preparing their opinions on the proposal.

(6) References

Commission proposal
COM(91) 350 final

Official Journal C 293, 12.11.1991



14. THE DISABLED

14.7. Handynet: final report

- (1) *Objective* To set up a computerized information system to provide practical tips relating to the everyday problems of disabled people.
- (2) *Community measures* Commission report to the Council on the establishment of the Handynet system.
- (3) *Contents*
1. Establishment of the system
Description: the information is collected by national data collection centres and disseminated in the Community's nine official languages by information and consultation centres.
The information covers disability prevention, functional rehabilitation, technical aids, education and training, employment, physical independence, creativity, sport and other leisure activities. The following are provided: descriptions of products, methods or logistics, a directory of institutions, organizations and companies, an inventory of laws, regulations, standards and programmes, as well as economic and social statistics.
Two communication systems round off the system: (a) electronic mail, by means of which the system partners can exchange messages via the international telephone network; (b) an electronic newsletter providing the latest information on technical aids.
 2. Implementation of the Helios programme
 - Structure set up in October 1988: advisory bodies and teams of experts.
 - Work carried out since adoption of the Helios programme.
Priority given to developing the Handy aids module relating to technical aids for all disabled persons. Communication systems, based on an intermediate technological configuration, allow disabled people themselves to consult the information and advice centres from home via their own equipment. Computer interrogation is based on keywords, and automatic help is provided.
 - Continuation of activities during the second half of 1989.
Continuation of activities in 1990 and 1991. Completion of the system for persons affected by impaired motor, visual or communication faculties, and of the educational software concerning technical aids.
- (4) *Deadline for implementation of the legislation in the Member States*
- (5) *Date of entry into force (if different from the above)*

(6) References

Commission proposal
COM(89) 450/1 final
Economic and Social
Committee opinion

Official Journal C 56, 7.3.1990

(7) Follow-up work

*(8) Commission
implementing
measures*



14. THE DISABLED

14.8. Handynet: Decision 89/658/EEC

- (1) *Objective* To continue the Handynet system after 31 December 1989 and define the fields for priority action during 1990 and 1991.
- (2) *Community measures* Council Decision 89/658/EEC of 18 December 1989 concerning the further development of the Handynet system in the context of the Helios programme.
- (3) *Contents*
1. The computerized information system is to be continued for the period from 1 January 1990 to 31 December 1991 in consultation with the Member States.
 2. Priority is to be given to activities aimed at completing and putting into operation the Handy aids module on technical aids intended for persons affected by impaired motor, visual, hearing, mental or communication faculties.
- (4) *Deadline for implementation of the legislation in the Member States*
- (5) *Date of entry into force (if different from the above)*
- (6) *References* Official Journal L 393, 30.12.1989
- (7) *Follow-up work*
- (8) *Commission implementing measures*

14. THE DISABLED

14.9. Transport for workers with reduced mobility

- (1) *Objective* The aim is to make it easier for persons with reduced mobility resulting from a physical or mental disability to work in a normal environment by providing adequate and specially adapted (public or private) transport for them.
- (2) *Proposal* Proposal for a Council Directive on minimum conditions with a view to improving the mobility of less-mobile workers and providing them with safe transport to work.
- (3) *Contents* The proposal supplements Community legislation on safety at the workplace (summary 11.11) and the proposal for a Directive on temporary and mobile work sites (summary 11.19) and aims to make transport accessible and reduce the risks encountered on the way to and from the workplace.
1. Definitions. A 'worker with reduced mobility' is any person encountering specific difficulties when travelling by public transport to work because of a serious physical or mental disability; 'transport' means public transport, transport provided by the employer and special transport facilities for disabled persons.
 2. The responsibilities of the Member States:
 - to ensure that transport is available and accessible or provide other ways of enabling workers with reduced mobility to move from place to place;
 - to ensure that these workers are taught free of charge how to move about in safety when being transported, to inform and advise the general public about the needs of workers with reduced mobility and ensure that the staff of transport companies are trained to help such workers when they use the transport facilities.
 3. Transport facilities in the Member States must meet the specific needs of workers with reduced mobility and the minimum requirements set out in the Annex to the Directive. This means a sufficient number and frequency of services and appropriate transport schedules; furthermore, safe access to and from transport facilities (entrance/exit) should be provided either by built-in technical aids (lowered floors, lifting platforms) or by technical aids external to the transport vehicle (mobile ramps, low-lift elevating platform trucks, folding platforms) or by personal assistance from the staff. The corresponding infrastructure of the means of transport must be appropriate. The interior of the means of transport must provide reserved seats, corridors and toilet and washing facilities in appropriate locations. Adequate signs must be provided.
 4. If the worker needs to be accompanied or requires any other form of mobility aid, this must not make the transport more expensive for him.
 5. The Directive is without prejudice to any national or Community provisions which are more favourable to workers with mobility.
 6. Implementation deadlines: 31 December 1993 for the provisions relating to accompanying persons; 31 December 1999 for the application of all other measures. However, measures to incorporate the provisions in national law must be taken before 31 December 1992 and a detailed timetable presented.



7. The Commission will submit a report on the implementation of the provisions of the Directive by the Member States every two years.

(4) Opinion of the European Parliament

First reading: Parliament approved the Commission's proposal subject to certain amendments. The Commission accepted some of these amendments.

(5) Current status

The amended proposal is currently before the Council in view of a common position.

(6) References

Commission proposal COM(90) 588 final	Official Journal C 68, 16.3.1991
Amended proposal COM(91) 539 final	Not yet published in the Official Journal
European Parliament opinion First reading	Not yet published
Economic and Social Committee opinion	Official Journal C 191, 22.7.1991

14. THE DISABLED

14.10. School integration

(1) Objective To contribute to the social integration of the disabled through school integration, with a view to enabling handicapped children to enjoy a more satisfying working life when they reach adulthood. To increase as far as possible the integration of the disabled into ordinary schools and to use specialized establishments if necessary.

(2) Community measures Resolution of the Council and the Ministers for Education meeting with the Council of 31 May 1990 concerning integration of children and young people with disabilities into ordinary systems of education.

(3) Contents

1. The Member States have agreed to encourage integration of pupils and students with disabilities, in all appropriate cases, into the ordinary education system.
2. The work of special schools and centres should be seen as complementary to the work of the ordinary education systems.
3. Cooperation between all the bodies with an interest in and involvement with children and young people with disabilities should be encouraged (school education, preparation for work, leisure activities, health and the social services).
4. Increasing use should be made of the educational potential of new technology to aid communication and the development of language skills.
5. The Council and the Ministers consider it necessary that the report called for by July 1992 on the Helios programme should also report on the measures taken to facilitate integration into mainstream education, to develop the role played by the specialized institutions in promoting the development of integrated education, to develop active cooperation between the education services and the other services, to encourage the formulation of comprehensive and coherent policies with regard to education and to overcome the difficulties which mainstream educational programmes may present for children and young people with disabilities. The Member States are invited to support the Commission.
6. The Commission will ensure that all the programmes and activities which it supports take account of the special needs of people with disabilities who wish to participate in them.

(4) Deadline for implementation of the legislation in the Member States Not applicable.

(5) Date of entry into force (if different from the above) Not applicable.



(6) References

(7) Follow-up work

*(8) Commission
implementing
measures*

Official Journal C 162, 3.7.1990

14. THE DISABLED

14.11. Employment of the disabled

<i>(1) Objective</i>	To promote, at Community level, the vocational rehabilitation of disabled people.
<i>(2) Community measures</i>	Council Recommendation 86/379/EEC of 24 July 1986 on the employment of disabled people in the Community.
<i>(3) Contents</i>	<p>1. Member States are recommended:</p> <ul style="list-style-type: none">— to promote fair opportunities for disabled people in the field of employment and vocational training (initial training and employment as well as rehabilitation and resettlement). The principle should apply to access, to retention in employment or vocational training, to protection from unfair dismissal and to opportunities for promotion and in-service training;— to continue their policies to help disabled people. These policies should provide for the elimination of negative discrimination, for example by avoiding dismissals linked to a disability, and should provide for positive action for disabled people, in particular the making available, in each Member State, of a guide or code of good practice for the employment of disabled people. The Annex comprises a guideline framework for such a guide, setting out examples of positive action;— to report to the Commission on the measures they have undertaken to implement the Recommendation. <p>2. The Commission is invited to:</p> <ul style="list-style-type: none">— coordinate the exchange of information and experience on the rehabilitation and employment of disabled people between national authorities;— maintain appropriate aid from the European Social Fund to assist disabled people of whatever age;— present to the Council a report on the application of this recommendation within two years of 24 July 1986.
<i>(4) Deadline for implementation of the legislation in the Member States</i>	Not applicable.
<i>(5) Date of entry into force (if different from the above)</i>	Not applicable.
<i>(6) References</i>	Official Journal L 225, 12.8.1986
<i>(7) Follow-up work</i>	
<i>(8) Commission implementing measures</i>	

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