

# TRADE UNION INFORMATION BULLETIN

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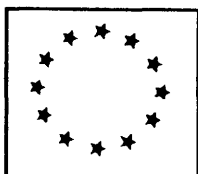
## Social Charter Action Programme

### Progress and Delays Mark the Latest Stage of the Social Charter Action Programme

The latest stage of the implementation of the European Commission's Social Charter Action Programme is marked by both progress and delays. Considerable progress has been made in terms of the publication of proposals by the Commission and firm proposals have now been made for the vast majority of subjects contained within the Programme. But serious delays continue to be encountered at the level of the Council of Ministers, where a number of key proposals are currently blocked.

Such delays emphasise the need for the extension of qualified majority voting to social policy issues, a question which will be debated at the European Council meeting at Maastricht in December.

The latest progress of the Action Programme can be judged from the new edition of the Action Programme Checklist published in this edition of the Bulletin. Also included are details of the latest Commission proposals on child care and the recently adopted Directive on employment contracts. The success of the social dimension is central to the future of the Community and for this reason trade unionists throughout Europe will be anxiously awaiting the outcome of the Maastricht summit.



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# Draft Council Recommendation on CHILD CARE

## BACKGROUND

The Commission Action Programme on the Community Social Charter includes proposals for the adoption of a Council Recommendation on child care. The Community Social Charter, adopted by eleven Member States in December 1989 called for the continued development of equal opportunities for men and women and the reconciliation of occupational and family obligations. The Commission have now published their proposals for a Council Recommendation on child care (COM(91) 233 final, 28 August 1991). The need for a Community initiative is based on the need for a closer approximation in levels of support for employed parents, including services providing care for children, in order to eliminate imbalances in the labour market and facilitate mobility between Member States. The Single European Market will produce new jobs and women will be able to take advantage of these if support measures are both available and affordable. Such support measures are also clearly essential if women are to undertake training and retraining and make the optimum use of their skills, talents and abilities.

## THE CURRENT SITUATION IN MEMBER STATES

Statistics clearly show the reduced rate of activity within the workforce of women with young children. Only 44% of women with children under the age of 10 were active within the Community workforce in 1988. The figure for men with children under the age of 10 was 92%. The figure for childless women of child-bearing age was 71%. The percentage of women with children under 10 active within the workforce also differs considerably between Member States.

	% active		% active
Germany	38% (21%)	France	56% (16%)
Italy	42% (5%)	Netherlands	32% (27%)
Belgium	54% (16%)	Luxembourg	38% (10%)
United Kingdom	46% (32%)	Ireland	23% (7%)
Denmark	79% (32%)	Greece	41% (5%)
Portugal	62% (4%)	Spain	28% (4%)

Figures in brackets are the percentage employed part-time.

Whilst such low activity rates may be partly accounted for by the fact that many mothers prefer not to work whilst their children are young, they also undoubtedly reflect the considerable problems facing mothers who want to work on either a part-time or a full-time basis.

## Background Briefing - Draft Council Recommendation on Child Care

The fact that the lack of effective child care provisions is a key factor in limiting the ability of women with young children to participate in the labour market can be seen from the different levels of child care provision in Member States. In many cases the countries with the higher levels of child care provision have the higher levels of participation.

Places in publicly funded child care services as a % of children in the age group			
Member State	Date	For Children under 3	For children from 3 to compulsory school age
Germany	1987	3%	65-70%
France	1988	20%	95%+
Italy	1986	5%	85%+
Netherlands	1989	2%	50-55%
Belgium	1988	20%	95%+
Luxembourg	1989	2%	55-60%
United Kingdom	1988	2%	35-40%
Ireland	1988	2%	55%
Denmark	1989	48%	85%
Greece	1988	4%	65-70%
Portugal	1988	6%	35%
Spain	1988	not available	65-70%

### DRAFT COUNCIL RECOMMENDATION

The proposed Recommendation calls on Member States to develop, with the appropriate involvement of central, regional and local authorities, the Social Partners and other relevant organisations, measures in the following four areas:-

- (1) the provision of care for children while parents are in or seeking employment, education or training;
- (2) leave arrangements for employed parents with responsibility for the care and upbringing of children;
- (3) the environment, structure and organisation of the workplace, to make it more responsive to the needs of workers with children;
- (4) the sharing of family responsibilities arising from the care and upbringing of children between women and men.

#### **Child Care Provision:**

The proposed Recommendation calls on Member States to take measures to enable all parents in or seeking employment, education or training to have access to locally based and good quality child care services. Flexibility and diversity of provision should be encouraged as part of a strategy to increase choice and meet the different preferences of working parents. Member States should also seek to improve the training of workers in the child care services and encourage such services to work closely with parents and with local communities. Member States should also ensure that public funding makes an essential contribution to the development of such services.

## Background Briefing - Draft Council Recommendation on Child Care

### Parental Leave:

The proposed Recommendation calls on Member States to encourage the continued development of measures to ensure that adequate leave is provided to enable all employed parents, both men and women, to effectively carry out their dual working and family responsibilities. The existing situation with regard to parental leave entitlement within Member States is very uneven as can be seen from the following table.

Member State	Parental Leave (*)
Germany	18 months. Low flat-rate payment for 6 months; payment then depends on family income - higher income families get less.
France	Until child is 3 years old. No payment unless there are 3 or more children in the family, then low, flat-rate payment.
Italy	6 months. 30% of normal earnings.
Belgium	None, but workers can take leave for family or personal reasons in certain circumstances.
Netherlands	None, but Government proposals for part-time leave have been made.
Luxembourg	None
U. K.	None
Ireland	None
Denmark	10 weeks. 90% of earnings (up to a maximum level)
Greece	3 months per parent. Unpaid.
Portugal	24 months. Unpaid.
Spain	12 months. Unpaid.

(\*) Parental Leave is defined as entitlement to leave of a given duration to wage-earning fathers or mothers, including staff working in the public sector, consequential upon the birth of a child, during the period following the termination of maternity leave, or the adoption of a child during the period following its reception in the adoptive parents' household, during which period of leave the beneficiary takes responsibility for the actual care of the child.

### Workplace Organisation:

The proposed Recommendation calls on Member States to encourage both sides of industry to incorporate the need for measures supportive of working parents within collective agreements and promote actions within the public sector which will serve as examples of enhanced provision. The proposal also calls on Member States to undertake initiatives to improve the employment conditions of workers in services providing care for children and ensure that the social value of their work is recognised.

### Sharing of Responsibilities:

The Commission proposal emphasizes that women presently carry too great a share of family responsibility and that this is one of the fundamental causes of women's unequal position in the labour market and the consequent inequalities in employment and income. Therefore a greater involvement of men in family responsibilities seems crucial and the draft Recommendation calls for Member States to promote and encourage increased participation by men in the care and upbringing of children.

The current Commission proposal is in the form of a draft Recommendation. If adopted by the Council of Ministers, the Recommendation will not have a legally binding effect, its purpose is merely to encourage Member States to adopt policies supportive of the overall Community approach to child care. The Recommendation requires Member States to inform the Commission, within three years of the date of the 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.

The full text of the proposed Recommendation can be found in COM(91) 233 final, 28 August 1991 along with the text of the explanatory Memorandum and the supporting statistical tables.

# NEWSBRIEF

## Maternity Leave

The Woman's Committee of the ETUC has proposed that women on maternity leave should continue to receive payments equivalent to their normal salary and therefore should not suffer any financial penalty.

The ETUC will be pressing for European legislation to guarantee women on maternity leave payments equivalent to their normal earnings.

## Commission Proposes Revisions to Collective Dismissal Directive

The European Commission has announced that it intends to submit a draft directive aimed at amending the 1975 Community directive on collective dismissals. The 1975 directive requires companies to provide advanced notification of large-scale redundancies and inform and consult trade unions before redundancies are announced.

However, since the directive was adopted, considerable difficulty has been encountered in applying its provisions to multi-national companies, where the decision to restructure - and thereby cause redundancies - is taken outside the Member State where the redundancies will have an effect.

A number of cases have emphasised the need for a fundamental revision of the 1975 directive so that it applies to multi-national companies. The case of the closure of their Belgium factory by the French Michelin company and the closure of the Belgium plant of the American Colgate company have both highlighted the weaknesses of the current Directive. During its September plenary session, the European parliament called for an urgent review of the existing directive after studying the case of the closure of the Dutch owned SEDA factory in Barcelona.

## European Construction Workers Meet

The European Federation of Building and Wood Workers recently organised the first European meeting of workers' representatives from major construction companies. Some 80 delegates from both EC and EFTA Member States attended the meeting which was held in Brussels from the 14th to the 17th of September.

The meeting was intended to be the starting point of an intensification of collaboration between trade unionists in the construction sector throughout Europe. Delegates exchanged experience on the operation of labour law in the construction sector and examined future plans for European legislation in this field. The EFBWW is hoping that the meeting will have created the foundations for future union policy on worker participation in the construction sector.

## Commission Launches First Community Programme in Favour of the Elderly

The European Commission launched in September the first Community programme in favour of the elderly. The programme covers joint studies and exchanges of information between Member States on the problems of ageing and older people. The feasibility of establishing a European network of innovative experiences is being examined and a monitoring centre on policies affecting the elderly is to be set up.

During the next decade the population of the European Community will lose its youthful majority and by 2010 the over-sixties will constitute almost one quarter of the entire population. Such developments will call for adaptation by both individuals and by society.

# NEWSBRIEF

## ETUC Secretary-General Calls for Greater European Co-operation Between Trade Unions.

The Secretary-General of the European Trade Union Confederation, Emilio Gabaglio, has called for a greater measure of co-operation and partnership between European trade unions in response to the growing Europeanisation of companies. Speaking to the annual Congress of the British TUC, Mr Gabaglio said that European trade unions must make better use of their capacity for trans-border action to force European employers to the negotiating table.

Mr Gabaglio also called for a rapid movement to greater European integration with the adoption of a new Treaty on political union. He told the Congress that "the reform of the Treaty must provide greater powers for the Community and the introduction of qualified majority voting on social issues". During his keynote address to the TUC, Mr Gabaglio also called for the introduction of a European employment strategy which granted priority to disadvantaged groups and regions in the context of the Single European Market and the move towards economic and monetary union.

## Council of Europe - Social Charter

This year will see the 30th anniversary of the signing of the Social Charter of the Council of Europe. The Council of Europe Social Charter - which provided some of the foundations for the current European Community Social Charter, is currently being amended and reformed. Both the ETUC and UNICE have been invited to participate in the discussions leading to the reform of the Charter and in particular its monitoring mechanism and complaints procedure.

## Military Expenditure and Employment

According to the Chairman of the European Parliament Committee on Budgets, Mr von der Vring, reductions in arms expenditure and the run-down of military bases will reduce employment in defence related industries by between 300,000 and 500,000 people throughout the Community.

## The Social Priorities of the Dutch Presidency

The priorities of the Dutch Presidency of the Council of Ministers in the field of social policy were outlined by Dutch Social Affairs Minister, Mr de Vries, when he spoke to the Social Affairs Section of the Economic and Social Committee in September.

In particular Mr de Vries highlighted the current draft proposals on the protection of pregnant women, working time and the formation of European Works Councils. The Minister regretted the delays that these and other social policy proposals have encountered and said it was crucial that decisions are reached during the period of the Dutch Presidency despite the fact that certain Member States "wish to keep their cards up their sleeves pending the outcome of the IGC's and therefore do not dare to make a commitment to certain directives"

Mr de Vries told the Social Affairs Section that the Dutch Government was of the view that qualified majority voting was needed for certain subject areas in the social policy field, whilst unanimity is still appropriate for issues such as social welfare and social security. Speaking of the current proposals for European Works Councils, the Minister said that he totally supported plans for consultation and information issues to be dealt with by European level Works Councils.

# Social Charter Action Programme Checklist

This is the third edition of our Social Charter Action Programme Checklist. It follows the same style and layout as the first two editions published in issues 2/90 and 2/91 of the Bulletin. It is based on the list of initiatives contained within the European Commission Communication "Communication from the Commission Concerning its Action Programme Relating to the Implementation of the Community Charter of Basic Social Rights" (COM (89) 568 final - 29 November 1989). In each case the subject of the initiative is followed by a brief description of its content. The third column summarises the key developments to date and provides references to the Official Journal and to Community Documents.

The checklist has been revised to take account of developments up to mid October 1991.

<b><u>Initiative:</u></b>	<b><u>Description:</u></b>	<b><u>Developments:</u></b>
Employment Report	An annual report from the Commission on the employment situation in the Community.	Three annual employment reports have now been published, the third and latest in July 1991
Industrial Relations Observatory	Creation of an employment forecasting and documentation centre.	Invitation for tenders to run the service issued in March 1990.
Action Programmes on Employment Creation	Development of specific programmes to identify most successful experiences and disseminate results.	LEDA (Local Employment Development Action) and ERGO (EC Programme to Combat Long Term Unemployment) already in operation.
Clearance of Vacancies	Revision of European System for international clearance of vacancies and applications for employment (SEDOC).	Proposal for the revision of the SEDOC system published in September 1991. See COM(91) 316 final, 5 September 1991.
European Social Fund	Monitoring and evaluation of the activities of the European Social Fund.	On-going process. Results to be presented annually by the Commission to the European Parliament and the Economic and Social Committee.
Equitable Wage	Opinion on introduction by Member States of a basic equitable wage.	Opinion to be published during 1991. Van Ourtrive Report on Employment and Wages considered by EP - September 1990 .
Atypical Contracts	Directive on employment relationships other than full-time, open-ended contracts.	Three draft Directives on atypical contracts - part-time, temporary and seasonal work - adopted by Commission : June 1990. Draft Directives published in OJ C224 - 8/9/90. Re-examined draft directive on Health and Safety of atypical workers published June 1991 and adopted in July 1991 . See OJ L206 - 29 July 1991.

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<u>Initiative:</u>	<u>Description:</u>	<u>Developments:</u>
Proof of Employment Contract	Directive on the introduction of a form to serve as proof of an employment contract or relationship	Proposed Directive published - January 1991 (COM(90) 563 final) . Amended proposal published July 1991 (COM(91) 294 final) Adopted by Council 14 Oct 1991 (OJ L288 Oct 1991)
Working Time	Proposal of minimum reference rules on adaptability of working time.	Proposed Directive adopted by the Commission - July 1990. Published as COM (90) 317 - 20 September 1990. Economic and Social Committee Opinion - December 1990. Amended proposal published in May 1991 - OJ C124 24 May 1991.
Health and Safety on Board Vessels	Directive on minimum standards for medical assistance on vessels.	Proposal for a Directive published - July 1990 (OJC183). Amended February 1991 - COM(91) 65 - 27 February 1991.
Mobile Work Sites	Minimum health and safety requirements for mobile work sites.	Proposal for a Council Directive published in OJ C213 28/8/90. Amended by European Parliament - February 1991.
Exploration and Drilling	Directive to improve health and safety conditions.	Draft Directive to be published.
Quarrying and Open Cast Mining	Directive to improve health and safety conditions.	Draft Directive published - January 1991. (COM (90) 663 ) ESC Opinion - July 1991
Fishing Vessels	Directive establishing minimum health and safety requirements.	Draft Directive to be published during first half of 1991.
European Schedule on Industrial Diseases	Updating of existing recommendations.	Recommendation published by the European Commission - (OJ L160 26 June 1990)
Safety Signs at the Workplace	Directive updating existing requirements.	Draft Directive published - December 1990. (OJ C53 28 February 1991). See also COM (90) 664, December 1990
Protection Against Dangerous Substances	Introduction of preventive and corrective measures.	Draft Directive on protection of workers from risks relating to exposure to biological agents at work published December 1990 (OJ L374 December 1990). Draft Directive on exposure to risks caused by physical agents to be published in 1991. See also Pisoni Report discussed at September 1990 Plenary Session of EP.
Safety, Hygiene and Health Agency	Establishment of support Agency.	Draft Decision awaiting publication.
Asbestos	Amendment to existing 1983 Directive of risk protection.	Draft Directive published June 1990 (OJ C161 30 June 1990)
Safety and Health in Transport Sector	Directive establishing minimum standards.	Draft Directive to be published during 1991.
Protection of Young People	Approximation of laws on the protection of young people from exploitation at work.	Draft Directive to be published during second half of 1991. See also Nianias Report debated at the September 1990 Plenary Session of the EP.



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<u>Initiative:</u>	<u>Description:</u>	<u>Developments:</u>
The Elderly	Action Programme and initiative for the elderly.	Action programme published - April 1990. See also the De Vitto Report discussed by the September 1990 Plenary Session of the EP. Council Decision of 26 November 1990 (OJ L28 2 February 1991)
Disabled People	Proposal for a third Action Programme.	Action programme to cover the period 1992-1996.
Travel Conditions for the Disabled	Proposals to increase the mobility of the disabled.	Draft Directive published - March 1991 (OJ C68 16 March 1991). ESC Opinion - July 1991
Collective Redundancies	Revision of 1975 Directive on collective redundancies.	Draft Directive to be introduced during first half of 1991.
Social Integration of Migrants	Memorandum on the social integration of migrants from non-Member States.	Memorandum awaiting publication along with an in-depth study of immigration within the Community.
Right of Residence	Revision of Commission Regulation 125/70 on the right of workers to remain in Member State after leaving employment in that country.	Regulation to be proposed during 1991.
Social Security	Application of social security systems to employees, self-employed and their families moving within the EC.	Proposed Regulation amending current 1971 regulations on social security published in OJ C221 5/9/90. See also COM(91) 247 - 12 July 1991
Working Conditions of Transfrontier Workers	Community instrument on working conditions applicable to workers from another Member State, particularly sub contracted workers.	Proposal for a Council Directive concerning the posting of workers in the framework of the provision of services (COM(91) 230 final) See OJ C225. 1991. Published August 1991.
Labour Clauses	Proposal to introduce a "social clause" to guard against "social dumping".	Community instrument to be introduced during 1991 - as yet no indication of the type of instrument envisaged.
Supplementary Social Security Schemes	Communication on the possible harmonisation of social security schemes supplementary to statutory schemes.	Communication published July 1991
Frontier residents and Frontier Workers	Communication on the effects of the single market on living and working conditions of frontier residents and workers.	Communication to be published during the first half of 1991.
Social Protection - Objectives	Design of a strategy to bring about convergence of objectives of social security systems of Member States.	Draft recommendation published - June 1991 See OJ C194 - 25 July 1991.

### Commission Social Charter Action Programme Checklist

<b><u>Initiative:</u></b>	<b><u>Description:</u></b>	<b><u>Developments:</u></b>
Social Protection - Resources	Creation of common criteria for minimum resources to assist disadvantaged citizens.	Draft recommendation published - June 1991.
Social Partners and Collective Bargaining	Development of European level collective bargaining and role of the social partners.	Communication from the Commission to the Council to be published during 1991.
Information, Consultation and Participation	Community instrument on procedures for information, consultation and participation of the workers of European scale undertakings. Also Directive to supplement the European Company Statute.	Proposal for a Council Directive published in February 1991 (OJ C39 15 February 1991) Amendment published September 1991 (COM(91) 345 final). Proposal for a Council Directive Complementing the European Company Statute published May 1991 - See OJ C138 29 May 1991
Equity Sharing	Community instrument on equity sharing and financial participation by workers schemes.	Proposal for a Council recommendation published, September 1991 (COM(91) 259 final and OJ C245, 20 September 1991)
Equal Opportunities for Women	Third Community programme to be presented.	Action programme published November 1990 COM(90) 449 - 6 November 1990. Council Resolution 21 May 1991 - OJ C142.
Protection of Pregnant Women at Work	Directive on the protection of pregnant women from risks to their health and safety.	Draft Directive published - September 1990. COM(90) 317 20 September 1990. Amendment published - February 1991 (OJ C25) . Economic and Social Committee Opinion - February 1991.
Child Care	Recommendation on ways to enable workers to combine family responsibilities and occupational ambitions.	Recommendation published - August 1991 COM(91) 233 final - 28 August 1991
Pregnancy and Maternity	Code of Good Conduct on minimum standards on maternity and pregnancy provisions.	Commission Recommendation to be published during second half of 1991.
Vocational Training	Community instrument on access to vocational training.	Action programme on continuing training (FORCE) published in 1989. Adopted by Council of Ministers - May 1990. (OJ L156 21 June 1990) Community instrument to be published in 1991.
Common Vocational Training Policy	Updating of proposals on a common vocational training policy.	Draft Decision to be published during the second half of 1991.
Co-ordination of Action Programmes	Measures to rationalise, simplify and co-ordinate various action programmes relating to training and exchanges of young workers.	Decision on second phase of Youth for Europe programme to be published during 1990. Exchange of Young Workers Programme extended until end of 1991 to achieve better synchronisation. (OJ L156 21 June 1990).
Qualifications	Further preparatory work on comparability of qualifications.	Work to be undertaken during 1991.

# Workers' Information and Consultation Rights in European Multinationals - 12 Case Studies

The European Trade Union Confederation organised a conference on European industrial relations in Maastricht during September 1991 and the European Trade Union Institute prepared a special study of agreements on workers' information and consultation rights in European multinational companies as one of the background documents.

The twelve case studies all conform the same basic structure which includes details of the company (turnover, major areas of production, employment numbers and location), the content of the agreement (whether formal or informal, the signatories, duration, composition of bodies, the frequency of meetings and the availability of technical facilities and financing) and a brief description of the experience so far of the unions involved. With regards to the latter, two basic questions have been put to the trade unions concerned: have the agreements been applied and what advantages have been achieved so far?

The twelve company agreements covered in the report are:-

Thomson Consumer Electronics	Based in France and with production units in France, Italy, Germany, Spain and the United Kingdom.
Bull Computer Group	Based in France and with production units in France, Germany, Italy, Spain and the United Kingdom.
Volkswagen	Based in Germany and with production units in Germany, Belgium, Spain and Portugal.
Europipe (Industrial pipes)	Based in Germany and with production units in Germany and France.
Pechiney (Packaging material)	Based in France with production units in Germany, Spain, the United Kingdom, the Netherlands, Belgium, Italy and Greece.
Nestle (Food)	Based in Switzerland and with production units in most Member States.
BSN Group (Food)	Based in France and with production units in France, Germany, Austria, Belgium, the Netherlands, Italy and Spain.
Allianz Group (Insurance)	Based in Germany with subsidiaries in most Member States.
Rhone - Poulenc (Chemicals)	Based in France with production units in France, the United Kingdom, Belgium, Spain, Italy and Germany.
Elf - Aquitaine (Petrochemicals)	Based in France with production units in most Member States.
St Gobain (Glass and fibres)	Based in France with production units in most Member States.
Scansped Group (Transport)	Based in Sweden with subsidiaries in most Member States.

In a brief introduction to the twelve case studies, the main elements of worker representation are summarised as information, consultation, negotiation and participation in decision-making. The agreements covered by the case studies almost exclusively relate to the provision of information and to consultation. The exception is the Europipe agreement, signed at the beginning of 1991, which provides for the formation of a European supervisory board on which worker representatives from Germany and France will sit, and for the creation of a European Works Council. The supervisory board, is composed of six shareholders and six worker representatives, has genuine co-determination rights. With the exception of the Europipe agreement, the agreements tend to fall short of national legal requirements and practices and therefore emphasise the need for effective minimum requirements for consultation and participation within multinational companies.

Copies of the case studies are available from the European Trade Union Institute, Boulevard de l'Imperatrice 66 (Bte 4) - 1000 Brussels, Belgium.

# Brief Guide to the Council Directive on **Employment Contracts**

*Note: This Brief Guide is intended as a summary of the main provisions of the Directive. Reference should be made to the Official Journal for the full text.*

**TITLE:** Council Directive of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship.

**REFERENCE:** Official Journal L 288 18 October 1991 page 32.

**SCOPE:** The Directive applies to paid employees who have a contract of employment relationship as defined by national law. Member States have the right to exempt employees with a contract of less than one month or employees working less than eight hours per week from the scope of the Directive.

**PROVISIONS:** Employers are obliged to notify an employee of the essential aspects of the employment contract or employment relationship. The information provided should cover at least:-

*Information*

- (a) the identities of the parties;
- (b) the place of work;
- (c) the title, grade, nature and category and a brief description of the work;
- (d) the date of commencement of the contract or employment relationship;
- (e) the expected duration (in cases of a temporary contract or relationship);
- (f) the amount of paid leave;
- (g) the length of relevant periods of notice;
- (h) the initial basic remuneration and its component elements;
- (i) the length of the normal working day or week;
- (j) where appropriate, the collective agreements which govern the employee's conditions of work;

*Means*

Such information must be given to the employee, not later than two months after the commencement of employment, in the form of:-

- a written contract of employment; and/or
- a letter of engagement; and/or
- one or more other written documents containing at least the above information.

*Expatriate employees*

Where an employee is required to work in a country other than the Member State whose laws govern the contract or employment relationship, the information must be in his/her possession before his/her departure and must include, where appropriate, the following information:-

- (a) the duration of the employment abroad;
- (b) the currency to be used for payment of remuneration;
- (c) the benefits in cash or kind of employment abroad;
- (d) the conditions governing the employees repatriation.

*Modifications*

Any change in the details listed above must be the subject of a written document given to the employee by the employer not later than one month

after the entry into effect of the change, except in the event of changes in the laws or collective agreements cited in the documents provided by the employer.

*Defence of rights*

Member States must introduce into their national legal systems such measures as are necessary to enable all employees who consider themselves wronged by failure to comply with the obligations arising from the Directive to pursue their claims by judicial process after possible recourse to other competent authorities.

**LEGAL STATUS:**

The Directive is without prejudice to national law and practice concerning

- the form of the contract or employment relationship,
- proof as regards the existence and content of a contract or employment relationship,
- the relevant procedural rules.

The Directive does not affect Member States' ability to adopt or apply laws, or permit the application of agreements, which are more favourable to employees.

**IMPLEMENTATION:**

Member States are required to adopt the necessary laws, regulations and administrative provisions to comply with the Directive no later than 30 June 1993 or ensure that by that date employers' and workers' representatives introduce the required provisions by way of agreements.

## Health and Safety News

### European Safety and Health Agency

The European Commission recently published a proposal for a Council Regulation establishing a European Agency for Safety and Health at Work. The role of the proposed Agency will be:-

(a) to provide the Commission with the technical and scientific assistance necessary for the formulation and evaluation of measures in the health and safety field.

(b) to establish European networks on health and safety at work for the purposes of exchanging information and experiences.

(c) to promote the exchange and dissemination of information on health and safety issues.

(d) to organise training courses for experts and, if necessary, exchanges between experts in different Member States.

(e) to help ensure the compatibility of national data on workplace health and safety.

(f) to promote co-operation in monitoring the application of health and safety measures.

The Commission are proposing that the Administrative Board of the Agency includes six trade union representatives and six representatives of employers' associations. The Administrative Board will be responsible for the adoption of the Agency's annual work programme and its annual report. For full details of the Commission proposals see: the Official Journal C271, 16 October 1991.

## NEW PUBLICATIONS

### An ABC of Community Law

As European trade unionists, more and more of our working rights are protected by European Community legislation. With the creation of a Single European Market and the gradual progress being achieved with the Social Charter Action Programme, European Community law is becoming even more important to the trade union movement. At first sight, the Community legal system can appear complex. The decision-making system itself is different to that of the Member States and the role of directives, decisions and regulations is easily misunderstood.

A new edition of the European Commission pamphlet, "An ABC of Community Law" is therefore welcome, and trade unionists will find it a useful source of information on both the types of Community law in use and the role of the various institutions in making these laws.

The new edition of the pamphlet has been fully revised to take account of the changes in the decision-making procedures introduced by the Single European Act. It also examines the relationship between Community law and national law. In examining the workings of the Community legal system, frequent reference is made to leading case law. The pamphlet also contains a very useful guide to further reading on the subject.

Trade unionists who are involved in the implementation of Community laws will find this a useful source of detailed information and a clear and concise guide to what is a relatively complex field.

"The ABC of Community Law" European Documentation Series, 1991. Available in all the official languages of the Community.

### Consumer Policy in The Single Market

The establishment of a Single European Market at the beginning of 1993 will have immense repercussions on a variety of different groups within society. Obviously it will have an impact on industry and commerce, equally it will affect trade unionists and workers. In the same way it will have important repercussions for consumers within the European Community.

Whilst the Single Market will lead to increased choice and cheaper prices, it is necessary to ensure that consumers within the Community are adequately protected. In particular, consumers must be protected against the disadvantages which could result from the removal of internal frontiers, such as monopolies and restrictive practices, misleading advertising and potentially dangerous products.

Such protection is the function of European Community consumer policy. The basis of this policy is clearly described in a new pamphlet in the European Documentation series. The pamphlet examines the need for a European consumer policy and the achievements of such a policy to date. It also looks at the further development of consumer policy and the Third Commission Action Programme on consumer protection. The four areas of focus of the Third Action Programme - consumer representation, consumer information, product safety and a legal framework for cross-frontier transactions - are all covered in detail within the pamphlet.

"Consumer Policy in the Single Market" (European Documentation series, 1991) is available in all the main community languages and is available from national information offices of the European Commission or from the Office For official Publications of the European Communities, L-2985, Luxembourg.

## NEW PUBLICATIONS

### European Notebook : A Practitioner's Handbook

This new book, which has been compiled by Joe Mitchell and Associates, provides a most welcome addition to the limited stock of European information produced with trade unionists in mind. It is designed principally for trade union activists who are involved with European issues in one way or another - as lobbyists or as potential recipients of funding - and those who want a clearer understanding of European social policy. Nevertheless, it will undoubtedly appeal to a far wider audience and it will provide an essential source book for a whole range of European practitioners.

Designed as a practical handbook, it contains a wide range of factual information ranging from key contact addresses to information on European trade union movements, European funds, and working conditions in the Member States. The information is arranged in four main sections - the decision-makers and procedures, sources of information, the Single European Market and the intervention funds.

The section on the intervention funds will be of particular interest to trade unionists and, indeed, a far wider readership including local authorities and companies. It provides a clear and concise analysis of each of the major funds including objectives, eligibility and contact addresses. Equally, the section of sources of further information provides one of the most comprehensive listings of material on the social impact of the European Community ever published. At the moment the book is only available in English, but nevertheless it will provide an invaluable reference book for trade unionists throughout Europe.

"European Notebook - A Practitioners Handbook" is available in from Joe Mitchell and Associates, 136, Middleton Road, Heywood, Lancashire, UK - OL10 2LU (Fax: 0/706 626059). Price £6.00 (+postage and package)

## Footnotes

### EUROPEAN FOUNDATION:

The latest issue of "News from the Foundation", the regular bi-monthly bulletin of the European Foundation for the Improvement of Living and Working Conditions, focuses on women's issues. Amongst other issues, the bulletin looks at women and teleworking, women and nightshift working and the importance of women in coping with social and economic change at neighbourhood level.

"News from the Foundation" is available free of charge from the EFILWC, Loughlinstown House, Shankill, Co. Dublin, Ireland.

### EUROPEAN CENTRE FOR WORK AND SOCIETY:

The European Centre for Work and Society is an independent non-profit making institution whose aim is to aid the overall development of work related policies and to assess their social and economic impact in a European context. The current work of the Centre is fully covered in their regular newsletter which is available free of charge from:-

The European Centre for Work and Society  
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