

European

TRADE UNION

Information Bulletin

ISSUE 3 of 1996

The Information Society : Putting People First

The scale of the revolution being brought about by new information and communications technologies is difficult to fully comprehend. It already is having an impact on the way we work and the tasks we perform. That impact will continue to develop, leaving few aspects of our working and social lives untouched. Like all technological revolutions, it offers tremendous opportunities but brings with it dangers. The challenge facing us all - the European Union, national governments, social partner organisations - is not new, it is the same challenge that has accompanied each and every wave of new technology : making technology serve the needs of people in order to enrich and improve all our lives.

Putting people first in the Information society is the theme of the European Commissions' new Green Paper (see pages 2 and 3). Perhaps for the first time we have an opportunity to plan for the introduction of new technology and it is an opportunity we cannot afford to miss. We must be able to fully exploit the benefits provided by developments such as the Internet and the World Wide Web (see, for example, Europe on the WWW on pages 4 and 5), but we must also ensure that the inevitable changes such developments bring in the way people work do not lead to new forms of exploitation and new levels of social and economic exclusion. The traditional trade union demands for solidarity are just as relevant in the new information society as they have been throughout our industrial history.

The European Trade Union Information Bulletin is now available on-line on the World Wide Web at:
<http://www.ecu-notes.org/>

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EUROPEAN COMMISSION GREEN PAPER

Living And Working In The Information Society : People First

It was two years ago - in 1994 - that the European Commission first reviewed the challenges posed by the introduction of new information and communication technologies in its Action Plan "Europe's Way To The Information Society". Over recent months, the Commission has embarked on a package of initiatives designed to update and take forward the 1994 Action Plan. These include:

- In February 1996 the High Level Group of Experts - appointed by the European Commission during the previous year to look specifically at the implications of the Information Society - published their first report "Building the Information Society For Us All"
- At the same time as well as establishing the Expert Group, the Commission also created a broad-based Information Society Forum, which has just published its First Annual Report.

The third element of the Commissions' current approach is the publication of a Green Paper - "Living and Working In The Information Society : People First", designed to promote wide discussion and awareness of the social and societal issues involved. Specifically, the Green Paper is intended to:

- Deepen the political dialogue with the European institutions and the Member States, notably on employment policies in the framework of the Essen process (the development of a co-ordinated approach to employment generation);
- Focus the social dialogue between employers and unions on these issues and stimulate joint initiatives at a European level;
- Stimulate civil dialogue notably with the NGOs, on the basis of the Conclusions of the March 1996 European Social Forum.

The Information Society represents the most fundamental change in our time, with enormous opportunities for society as a whole, but with risks for individuals and regions. The Commission believes that the way we develop it must reflect the ideas and values that have shaped the European Union itself. These ideas and values should be transparent and coherent with social justice in order to win the support of citizens.

In particular, the Commission believes that public policy on the Information Society should:

- Strengthen the capacity of the EU economy to create jobs and achieve high levels of sustainable economic growth;
- Improve democracy and social justice;
- Ensure that the objectives of equal opportunity policies are enhanced;
- Help overcome the problems faced by disadvantaged social groups;
- Support people with special needs and improve the quality of their lives;
- Reduce bureaucracy and improve the quality and efficiency of public administration.

The full texts of the Green Paper, the Expert Group Report and the Information Society Report are available on the Internet (see the article on pages 4/5 of this issue of the Bulletin) as well as in the form of traditional paper publications. Comments on the Green Paper are invited from all interested groups and individuals, and should be sent by the 31st of December 1996 to:

People First
European Commission
Employment, Industrial Relations and Social Affairs
(DG V/B/5)
200, rue de la Loi / Wetstraat 200
B-1049 Brussels, Belgium

PEOPLE FIRST IN THE INFORMATION SOCIETY - EXECUTIVE SUMMARY

1. We are living through a historic period of technological change, brought about by the development and the widening application of information and communication technologies (ICTs). This process is both different from, and faster than, anything we have seen before. It has a huge potential for wealth creation, higher standards of living and better services.

2. ICTs are already an integral part of our daily life, providing us with useful tools and services in our homes, at our workplaces, everywhere. The Information Society is not a society far away in the future, but a reality in daily life. It is adding a new dimension to society as we know it, a dimension of growing importance. The production of goods as well as services is becoming more and more knowledge based.

3. However, the speed of introduction of ICTs varies between countries, regions, sectors, industries and enterprises. The benefits, in the form of prosperity, and the costs, in the form of burden of change, are unevenly distributed between different parts of the Union and between citizens. Understandably, people are worried and demand answers to questions about the impact of ICTs. Their concerns can be summarised in two main questions:

- the first has to do with employment. Will these technologies not destroy more jobs than they create? Will people be able to adapt to the changes in the way we work?
- the second question has to do with democracy and equality. Will the complexity and the cost of the new technologies not widen the gaps between industrialised and less developed areas, between the young and the old, between those in the know and those who are not?

4. To meet these concerns we need public policies which can help us reap the benefits of technological progress, and which can ensure equitable access to the Information Society and a fair distribution of the potential for prosperity. This Green Paper aims to stimulate the debate on the development of the European Information Society, and focuses on the key issues of the organisation of work, employment and social cohesion.

Working in the Information Society

5. ICTs have led to an enormous reduction in the cost of storing and processing of information over the last 50 years. We are now witnessing a similar reduction in the cost of transmitting information. This is the beginning of the information distribution revolution. In this way ICTs are reshaping working life, the organisation of enterprises and the whole of society. Enterprises are being transformed away from hierarchical and complex organisations with simple jobs to more decentralised and network-oriented organisations with more complex jobs. The most successful enterprises are combining ICTs with education and training and with organisational transformation in an integrated approach. Fostering this approach presents a number of challenges.

- a first challenge is to build knowledge and raise awareness of the potential of the new paradigm of work organisation to deliver both productivity growth and job satisfaction.
- a second challenge is to help SMEs, the job generators in the EU, maximise the potential of this change to become more competitive.
- a third challenge is to modernise the contractual framework for working life to find ways and means to reconcile flexibility and security.

Employment in the Information Society

6. Europe has had steady but low employment growth for several decades. The introduction of ICTs does not seem to have changed the rate of job creation. If anything, growth has become slightly more, not less, job-

intensive. The introduction of ICTs has huge effects on skill requirements and employment policy must become more focused on human resource investment. This is underlined by the already existing mismatch between skill supply and the demand for new skills - the two-speed labour market.

- what Europe needs is a substantial overhaul of education and training that can match the ICT revolution and keep pace with continuing technological development during the years to come.
- the education system must be transformed from teaching to learning. Enterprises must offer more learning by doing. The unemployed must be offered retraining instead of long term unemployment and de-skilling.

Cohesion: Living in the Information Society

7. Strengthening economic and social cohesion remains a key objective of the Union. Progress towards convergence in income per head between Member States has been positive but slow, but disparities between regions within the same Member States have tended to widen over time. ICTs can play an important role in supporting regional and local development and promoting integration and empowerment, and the key issue is how to maximise the opportunities and minimise the risks of new ICTs for cohesion.

- a first challenge is to ensure that the liberalisation of telecommunications proceeds fully and rapidly across the Union and that the new regulatory framework supports cohesion objectives.
- a second challenge is to integrate more closely the Structural Funds and Information Society policies, so as to stimulate the access and use of modern ICTs. The process of stronger local involvement through local and regional employment pacts could be an important vehicle for a new, more employment intensive and human resource oriented cohesion policy.
- a third challenge is to ensure that the Information Society becomes a tool to create an inclusive society. The Information Society should be about people and it should be used for people and by people to unlock the power of information, not to create inequalities between the information rich and the information poor.

Guiding principles for the Information Society

8. The way we develop the Information Society, the most fundamental change of our time, must reflect the ideas and values upon which the European Union is shaped. These ideas and values should be transparent in order to gain and deserve the broad support of European citizens. To this end the Commission invites all interested parties to reflect on the possibilities of formulating a set of common Community principles for the development of the European Information Society.

The full text of the Green Paper can be found in the European Commission Document COM (96) 389 of the 24th July 1996

The Information Society is already affecting all aspects of our lives. Whilst we need to ensure that new information and communications technology serves the interests of ordinary citizens, we cannot afford to ignore the powerful opportunities it provides, especially in the field of information provision.

Increasingly European organisations and European trade unions are beginning to take advantage of the facilities of the Internet - and its' graphical interface: the World Wide Web (WWW) - to make information on their policies and programmes available to their members and to other European citizens.

The following article provides a brief introduction to the resources already available on the WWW. New sites are coming on-line all the time and the Bulletin will attempt to keep readers informed of sites of interest to European trade unionists.

The European Trade Union Information Bulletin Goes On-Line

The English language edition of the European Trade Union Information Bulletin is now available on the World Wide Web. It can be found at:

<http://www.ecu-notes.org/>

The ecu-notes site is also the home of the Trade Union Regional Network (TURN) site, the European Social Review and the Europe A-Z service.

It is hoped that it will be possible to make other language editions of the Bulletin available in the near future.

EUROPE ON THE WORLD WIDE WEB

EU INSTITUTIONS

The starting point for all types of information on the European union is the EU's official WWW site - Europa (<http://europa.eu.int>). Europa is a common server used by most of the institutions of the European Union and operated by the European Commission. The Europa home page provides links to twelve distinct areas:

- A description of the development and achievements of the European Union.
- A guide to the institutions of the EU.
- A summary of the key policy areas.
- The full texts of a number of key documents and official statements, including Green and White Papers.
- A review of the next steps to European integration.
- A listing of publications, on-line services and essential statistics.
- The Newsroom.
- A listing of national and regional contact points.
- Links to WWW servers run by EU offices throughout the world.
- A listing of WWW servers operated by the national governments of Member States.
- A special "What's New" feature which highlights changes within the site on a daily basis.
- A very useful search facility which will allow keyword searches of all the Europa pages.

Each of these areas provides links to thousands of "pages" of information. For example, if you follow the link to the EU Institutions you gain access to dealing with the European Commission, the European Parliament, the Economic and Social Committee, the Committee of the Regions and a variety of EU agencies. Many of these sites incorporate a multi-lingual element, in some cases French and German texts are available, in other cases texts in all official EU languages.

All of the Directorate-Generals of the European Commission now have home pages. These usually incorporate a description of the "mission" of the Directorate, its key policy areas, publications and speeches by the Commissioner. Of particular interest to European trade unionists will be the home pages of DGV (Employment, Industrial Relations and Social Affairs), DGX (Information, Communication, Culture and Audiovisual Policy) and DGXVI (Regional Policy and Cohesion).

FOCUS : Europe On The WWW

The Newsroom link provides a daily summary of the European Commission Spokesman's Service daily Press Conference as well as access to daily reports on the activities of the European Parliament and its various Committees.

The main European Parliament server - Europarl (<http://europa.eu.int/europarl/europarl.htm>) offers a full multilingual service for both the general overview of the work of the Parliament and the main session documents. The daily updates are available in English and French language editions.

The WWW also provides a useful source for the complete texts of important documents and policy statements. For example the following can be currently found on the Europa site:

The White Paper On Education and Training is available in English, French and German editions (<http://europa.eu.int/en/comm/dg22/lbhp.html>).

The First Annual Report of the Information Society (<http://europa.eu.int/en/record/info-soc.html>).

The Green Paper "Living and Working In The Information Society" is available in English, french and German (http://europa.eu.int/en/comm/dg05/general/docs/ls_gr_bk/cover.htm)

"Working on European Social Policy - A Report On The European Social Forum" is available in French, German and English (<http://europa.eu.int/en/comm/dg05/general/forum96/cover.htm>).

The Memorandum From The Commission President on the European Pact Of Confidence For Employment is available in all official languages (<http://europa.eu.int/en/record/europact/en/Index.html>).

All these documents can be both viewed on-line and downloaded.

A number of the European Unions' agencies have their own WWW servers and sites. These include the European Environment Agency (<http://www.eea.dk/>), the European Training Foundation (<http://www.etf.it/>), and the European Centre For the Development of Vocational Training (<http://www.cedefop.gr/>).

TRADE UNIONS

An increasing number of trade unions and trade union confederations are establishing WWW sites. The best way to discover the range of material available on the WWW is to make use of a site that

has "dynamic links" to other trade union sites and servers (this means that you can move from one site to another at the click of a button). One such site is the Home Page of the European Trade Union Education Network (<http://www.fb.no/>) Currently much of the information is in English, although a full multilingual site is in the process of being constructed. The ETUC has also a new site currently under construction (<http://www.etuc.lrt.be/>)

At an international level, the International Transport Workers' Federation (<http://WWW.ITF.ORG.UK>), the International Federation of Chemical, Energy, Mine and General Workers' Unions (<http://www.icem.org/>), and the International Federation of Commercial, Clerical, Professional and Technical Employees (<http://www.fiet.org/>), all have extensive sites. The Trade Union Regional Network has a site containing profiles of both participating organisations and current projects. (<http://www.ecu-notes.org/turnwho>).

At national level in EU Member States, many of the trade union confederations have active sites, some of which have multilingual information. Examples are the Swedish LO (<http://www.lo.se/>), the Finnish confederation SAK (<http://www.sak.fi/>), the German IG Medien (<http://dakota01.ifkw.uni-muenchen.de/igmedien/>), the Dutch FNV (<http://www.fnv.nl/>), the Austrian OGB (<http://edvvie.edvg.co.at/oegb>), and the British TUC (<http://www.tuc.org.uk/>).

OTHER ORGANISATIONS

There are a number of other sites on the WWW which will be of interest to European trade unionists. These include:

The International Labour Organisation (ILO) (<http://www.unicec.org/ilo/>).

The Organisation Of Economic Co-operation and Development (OECD) (<http://www.oecd.org/>)

LabourNet (<http://www.gn.apc.org/labournet/>)

European Social Review (<http://www.ecu-notes.>)

The Council of Europe (<http://www.coe.fr/>).

This list is by no means complete and merely provides a few examples of the kind of information which is currently available. Many of the above sites contain dynamic links to similar sites and pages which are constantly updated. The Bulletin would welcome information about new European trade union sites - the information should be sent to:

BULL@mboelma.demon.co.uk

The European Commission Launches A New EU Disability Strategy

The European Commission has published a Communication and a Draft Resolution on Equality of Opportunity for People With Disabilities.

About one in ten of the population of the European Union - some 37 million people - suffer from some form of disability. The Communication makes the point that many years of accommodating people to their disabilities has proved, in the main, to be insufficient and a new approach is now gaining momentum - that of identifying and removing the various barriers to equal opportunities and full participation in all aspects of life. Whilst primary responsibility for action in this area rests with Member States, the Commission is proposing that the Council endorses this new approach by adopting a Resolution on Equal Opportunities as a "solemn political commitment of the Member States - both individually as well as collectively - to the goal of achieving equal opportunities and non-discrimination in the field of disability".

In addition, the Commission believes that Community level support can continue to bring significant added value to bear of the process of reflection and action within, and between, Member States. The Commission therefore envisages a strategy for concrete action consistent with the Resolution including the following initiatives:

- The Commission will optimise the integration of disability issues into mainstream Community policies.
- A High Level Group of Member State Representatives on Disability will be established.
- The Commission wishes to strengthen the development of co-operation between NGO's.
- In preparing a single report on employment for the Dublin Council, the Commission will take initiatives to strengthen policies for the integration of disabled people in working life.
- The Commission is anxious to harness the potential of the Information Society in the pursuit of equal opportunities and will set up an internal ad hoc group to that end.
- As part of the mid-term review of the Structural Funds, the Commission will try to assess the extent and impact of actions in respect of people with disabilities.

The full text of the Communication can be found in the Commission Document COM (96) 406 of the 30th July 1996

Commission Communication On Trade and Labour Standards

The European Commission has just published a Communication to the Council on the international trading system and internationally recognised labour standards. For some time now there has been growing pressure for some form of linkage between trade concessions and the acceptance of basic international labour standards, both within the EU and the World Trade Organisation (WTO). Earlier this year a WTO sub-committee recommended that the links between international trade and working conditions should be explored further, and the new Commission Communication is a contribution to this on-going debate.

The Communication provides an overall review of the linkage debate to date, both within the EU and the contributions made by international organisations such as the OECD, the ILO and the Group of Seven (G7). Whilst infringements of basic labour standards and low wages are in themselves important targets for concerted action, the Communication makes the point - previously made in the Growth, Competitiveness and Employment White Paper - that neither are the root cause of the poor competitiveness of the EU or its associated unemployment. Nevertheless, it is accepted that the EU has a social as well as an economic responsibility to promote international human rights.

The Communication concludes that an international consensus is currently emerging on the need to promote certain core labour standards. The Commission believes that the WTO has a key role to play with regards to the comparative advantage enjoyed by the developing countries and their right to define their own national policies. It is felt that discussion of these issues within the WTO will promote free trade and limit the scope for abuse of unilateral measures or private initiatives liable to degenerate and play into the hands of protectionists. Specifically, the Commission proposes that the Council agrees to the Commission putting forward at the Singapore Ministerial Conference of the WTO, a proposal to create a working party to examine the link between the multilateral trading system and core labour standards and explore areas in which the WTO might act.

The full text of the Commission Communication can be found in the Commission Document COM (96) 402 of the 24th July 1996

Commission Adopts Draft Directive On Burden Of Proof In Sex Discrimination Cases

The Commission has adopted a proposal for a Council Directive on the burden of proof in sex discrimination cases. The proposal provides for a sharing of the burden of proof between plaintiff and defendant. Until now, anyone who alleged breach of the principle of equality has generally had to bear the full burden of proving her (or his) case, even where certain facts were easier for her employer to establish. The Commission plans to change the burden of proof rather than reverse it totally.

Background

A proposal to change the burden of proof in equal pay and sex discrimination cases was first put forward by the Commission in 1988. The proposal was discussed by the Council on various occasions between 1988 and 1994 but as the legal basis of the proposal required unanimous support, it failed to progress. During March 1995, Commissioner Pdraig Flynn informed the Council that he intended to launch a first stage consultation with the social partners under the Maastricht Social Policy Agreement and Protocol procedures. This first stage consultation was launched on the 5th of July 1995. The social partners requested an extension of the normal six week deadline for consultations. Of the 39 organisations consulted, 20 replied, all of whom agreed on the importance of a correct application of Community legislation on equal opportunities.

However, the opinions on the best way to achieve this objective diverged. A number of the social partners thought that action in the field covered by the consultation document was not justified, since the objective sought was already achieved by a series of legal instruments at national level and by the case law of the European Court of Justice. Others judged it necessary to undertake such action at Community level, while respecting the principle of subsidiarity. As for the appropriate level and form of the instrument, some organisations favoured a legally binding Community measure, while others preferred a less rigid approach, for instance, a recommendation. A second stage of consultation was launched in February this year, but again there was no clear agreement on the best way to achieve this desired objective.

New Commission Proposal

The proposal is based on Article 2(2) of the Agreement on Social Policy annexed to the Treaty

on European Union. It has been adopted following consultation with the social partners on 5 July 1995 and 7 February 1996. It is now being submitted to the European Parliament and the Council of Ministers.

The Commission plans to change the burden of proof rather than reversing it totally. The Commissioner responsible for Social Affairs, Pdraig Flynn, explained that "the essence of this proposal is that the plaintiff would be required to provide evidence of probable or presumable discrimination. The defendant would then have to prove that there has been no infringement of the principle of equal treatment between men and women".

The proposed Directive would enable the European Court of Justice's case law with regard to the burden of proof to be applied consistently throughout the European Union. The proposal also provides for a clear definition of indirect discrimination, building on EC case law. The key provisions of the directive are :

Burden Of Proof:

Member States will have to ensure that people who consider themselves wronged because of failure to apply the principle of equal treatment, have the right to establish, before a court or other competent authority, a prima facie case of discrimination. It is then for the defendant to prove that the alleged discrimination is justified by objective factors which are unrelated to any discrimination based on sex. The plaintiff benefits from any doubt which may remain.

Indirect Discrimination:

Indirect discrimination exists where an apparently neutral provision, criterion or practice disproportionately disadvantages the members of one sex, by reference in particular to marital or family status, unless the aim pursued by the application of this provision, criterion or practice is objectively justified and the means of achieving it are appropriate and necessary.

Information:

Member States shall ensure that measures taken as a result of this Directive, together with the provisions already in force, are brought to the attention of all relevant people by all appropriate means, for example, at their place of employment.

Draft Directive On Posting Of Workers Council Common Position Adopted

After considerable delay, further progress has been made on the proposed directive on the rights of posted workers. The original draft directive was presented by the Commission in June 1991 and following opinions of the European Parliament and the Economic and Social Committee - an amended proposal was submitted in June 1993. Within the Council, however, little progress was achieved in reaching agreement on the range of terms and conditions of employment to be covered and the definition of the type of posted workers who would be subject to the new rules.

The Council eventually adopted a Common Position on the 3rd of June 1996. The key elements of the Common Position are as follows:

Article 1 : Scope

The Directive will apply to "undertakings established in a Member State which, in the framework of the transnational provision of services, post workers to the territory of another Member State. In particular it applies to undertakings which:

- post workers under a contract between the employing undertaking and another undertaking;
- post workers to one of their own establishments outside the "home" Member State;
- are temporary employment agencies and hire out workers to undertakings in other Member States.

The Directive will not apply to merchant navy undertakings as regards seagoing personnel.

Article 2 : Definitions

A posted worker is defined as "a worker who, for a limited period, carries out his work in the territory of a Member State other than the State in which he normally works".

Article 3 : Terms and Conditions

Member States will be required to ensure that workers posted to their territories (as defined above) will be guaranteed the terms and conditions of employment laid down by law, in the following areas:

- maximum work periods and minimum rest periods;
- minimum paid annual holidays;
- the minimum rates of pay, including overtime rates (this does not apply to supplementary occupational retirement pension schemes);
- the conditions of hiring-out workers, in particular the supply of workers by temporary employment agencies;

- health, safety and hygiene at work;
- protective measures with regard to the terms and conditions of employment of pregnant women or women who have recently given birth, of children and of young people;
- equality of treatment between men and women and other provisions on non-discrimination.

In addition terms and conditions as set out in collective agreements or arbitration awards must be guaranteed for workers connected with the building industry.. The precise activities covered by this provision are set out in the Annex. These are:

1. Excavation.
2. Earthmoving.
3. Actual building work.
4. Assembly and dismantling of prefabricated elements.
5. Fitting out or installation.
6. Alterations.
7. Renovations
8. Repairs.
9. Dismantling.
10. Demolition.
11. Maintenance.
12. Upkeep, painting and cleaning work.
13. Improvements.

Exemptions

(a) In the case of initial assembly and/or first installation of goods where this is an integral part of a contract for the supply of goods which is carried out by skilled or specialist workers of the supplying undertaking, the need to provide legal minimum paid annual holidays and legal minimum rates of pay of the Member State where the work is being carried out would not apply if the period of posting was less than eight days. This provision does not apply to the activities in the field of building work listed above.

(b) Member States may, after consulting employers and labour, in accordance with the traditions and practices in each Member State, decide not to apply the requirements to meet minimum levels of pay as specified by law in relation to posted workers (except in the case of temporary employment agencies) when the length of the posting does not exceed one month.

(c) Member States may, in accordance with national laws and/or practices, provide that

exemption may be made from the requirement to meet minimum levels of pay as specified by law in relation to posted workers (except in the case of temporary employment agencies) by means of collective agreements concerning one or more sectors of activity, where the length of the posting does not exceed one month.

(d) Member States may provide for exemptions to be granted to the requirement to meet minimum levels of paid holiday and minimum levels of pay as specified by law in relation to posted workers (except in the case of temporary employment agencies) on the grounds that the amount of work to be done is not significant.

Article 4 : Co-operation On Information

For the purposes of implementing the Directive, Member States will be required, in accordance with national legislation and/or practice, to designate one or more liaison offices or one or more competent bodies.

Member States will be expected to make provision for co-operation between the public authorities which are responsible for monitoring the terms and conditions of employment covered by the Directive. In particular, such co-operation will include replying to reasoned requests on the transnational supply of workers, including manifest abuses or possible cases of unlawful transnational activities

Article 5 : Measures

Member States will be required to take appropriate measures in the event of failure to comply with the Directive. In particular, they must ensure that adequate procedures are available to workers and/or their representatives for the enforcement of obligations under the Directive.

The proposed final implementation date - the date by which Member States will be required to bring in the necessary laws or regulations to meet the provisions contained in the Directive - is 36 months after the date when the Directive is formally adopted. The Commission would be required to review the operation of the Directive within five years of its adoption.

The Common Position will now be examined by the European Parliament, where - under the provisions of Article 189b - it will require the approval of MEP's in order to be adopted.

For the full text of the Common Position see the Official Journal C220 of the 29th of July 1996.

Ionising Radiation Directive Adopted

The Directive on basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation has finally been adopted and published in the Official Journal (L159 of the 29th June 1996). It is a long and highly complex Directive (over 110 pages) which will replace a total of six existing Directives when it comes fully into force on the 13th of May 2000.

Basically, the Directive covers all practices which involve a risk from ionizing radiation emanating from an artificial source or from a natural radiation source in cases where natural radionuclides are or have been processed in view of their radioactive, fissile or fertile properties. Such practices must be reported to a competent authority (except in certain specified situations) and in some circumstances, prior authorisation must be gained before certain practices are undertaken.

Member States are required to ensure that all new classes or types of practice resulting in exposure to ionizing radiation are justified in advance of being first adopted or first approved by their economic, social or other benefits in relation to the health detriment they may cause. In addition, Member States must ensure that all exposures should be kept as low as possible and that they should not exceed the dose limits set out in the annex to the Directive.

In general terms, people under the age of 18 must not be assigned to any work that would result in them being exposed to ionizing radiation. The Directive also sets out measures for the restriction of exposure and means by which exposure will be assessed.

The Directive covers more than just the protection of workers from ionizing radiation and requires Member States to create the conditions necessary to ensure the best possible protection of the population in normal circumstances. It also details the principles to be used in intervention in cases of radiological emergencies or in cases of lasting exposure resulting from the after-effects of a radiological emergency in the past.

For the full text of the Directive see the Official Journal L159 of the 29th of June 1996.

Commission Propose Amendment To 1976 Equal Opportunities Directive

As announced in the last issue of the Bulletin, the Commission are proposing a new Directive amending the 1976 Equal opportunities Directive to ensure the continued legality of positive discrimination measures by employers. The proposed amendment follows last years' Kalanke judgement which held that positive discrimination programmes that did not take account of individual circumstances where not compatible with the 1976 Directive.

The full text of the Commission proposal is as follows:

THE COUNCIL OF THE EUROPEAN UNION,
Having regard to the Treaty establishing the European Community, and in particular Article 235 thereof,
Having regard to the proposal from the Commission,
Having regard to the opinion of the European Parliament,
Having regard to the opinion of the Economic and Social Committee,

Whereas Article 2(4) of the Council Directive 76/207/EEC states that "this Directive shall be without prejudice to measures to promote equal opportunities for men and women, in particular by removing existing inequalities which affect women's opportunities in the areas referred to in Article 1(1)",

Whereas the Member States have undertaken various forms of positive action in order to achieve the implementation of the principle of equal treatment for men and women in respect of access to employment and vocational training and promotion, as well as in respect of working conditions;

Whereas in the light of the case-law of the Court of Justice of the European communities, notably in its judgement of 17th October 1995 in Case C-450/93 (Kalanke v. Freie Hansestadt Bremen) concerning Article 2(4) of Directive 76/207/EEC, positive action measures may favour the access of the under-represented sex to employment, appointment and promotion to particular posts, including the giving of preference to the under-represented sex, provided that any system providing for such preference allows account to be taken of the particular circumstances of a given case;

Whereas it is appropriate to clarify Article 2(4) of Directive 76/207/EEC in a manner consistent with

the case law;

Whereas positive action measures should be capable of benefiting members of whichever sex is under-represented in a given sector or level of employment;

Whereas the Treaty provides no powers other than those in Article 235 for the adoption of this Directive,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Article 2(4) of Directive 76/207/EEC is replaced by the following:

"4. This Directive shall be without prejudice to measures to promote equal opportunity for men and women, in particular by removing existing inequalities which affect the opportunities of the under-represented sex in the areas referred to in Article 1(1). Possible measures shall include the giving of preference, as regards access to employment or promotion, to a member of the under-represented sex, provided that such measures do not preclude the assessment of the particular circumstances of an individual case."

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by the 1st December 1998 at the latest or will ensure by that date at the latest that management and labour have introduced the necessary measures by agreement, the Member States being required to take any necessary measure enabling them at any time to be in a position to guarantee the results imposed by this Directive. They shall immediately inform the Commission thereof.

When member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

Article 3

This Directive shall enter into force on the 20th day following its publication in the Official Journal of the European Communities.

Article 4

This Directive is addressed to the Member States.

Commission Consults Management and Labour On the Prevention Of Sexual Harassment At Work

The European Commission have published a consultation document - aimed specifically at the social partners - on sexual harassment at work. The aim is to seek the views of management and labour on the issue of the protection of the dignity of women and men at work. The Commission have in the past adopted several measures in this field, notably a Recommendation in November 1991. A detailed evaluation report concerning the implementation of that Recommendation - in each of the EU Member States - is included with the consultation document.

One of the key reasons for the publication of the consultation document is to gather views on what further action needs to be taken to combat sexual harassment at work. In spite of the number and level of Community instruments stressing the importance of combating sexual harassment at work and the recent actions by Member State governments and social partners, sexual harassment still constitutes a real problem in labour relations. The Evaluation Report on the 1991 Recommendation concludes that:

"It is clear that even if considerable progress has been made in certain countries, the comprehensive approach needed to ensure a working environment where sexual harassment can be effectively prevented and combated has generally not been adopted. This can be explained, at least in part, by the inherent limitations of the original Commission Recommendation, its success depending too much on it being widely known and followed on a voluntary basis"

The Commission, in its new Consultation Document, suggests that there is a need for a new global approach.

Firstly, such an approach could include the comparing and contrasting of different national policies on sexual harassment, of their experiences, successes and failures, in order that a strategy could be outlined for improving the coherence of existing policies.

Secondly, the Commission recognises the important part the social partners have to play in elaborating any form of future action, taking into account their crucial role in implementing any effective method of combating sexual harassment in the workplace. The social partners also have the

practical knowledge which allows them to take into account matters such as the special position of small and medium sized enterprises, and which enables them to find solutions to specific questions such as how to develop a system of help and advice for victims.

Finally, considering the lack of adequate progress in spite of the number and extent of measures taken to date by the Community in this area, an effective new approach could involve a binding instrument setting out a common plan to be adapted to each country's achievements, needs and preferences which would ensure that, on this issue, the benefits of already existing good practice on sexual harassment could be extended to every worker in the European Union.

The Commission believes that further effective initiatives in this area would result in greater efficiency and productivity for employers. They would complement existing legislation in the realisation of equal treatment for men and women and fully accord with another declared priority of the Community - the health and safety of workers.

In particular, the social partners are asked for their views on the following points:

- (1) Do you consider that further action in this area is appropriate?
- (2) If so, should such action be taken at Community level?
- (3) If so, what form should such action take? Should it be a collective agreement or legislation, and, if a collective agreement, should this be a self-standing instrument or subsequently implemented through Community legislation?
- (4) What should be the main elements of such action?

In the light of the reaction of the social partners to the consultation document, the Commission will consider what further action is required. The Commission believe that the more the social partners assume the responsibility for taking effective measures, the less the Commission will feel obliged to envisage legislation, and vice versa.

The full text of the Commission Consultation Document and the Evaluation report on the 1991 Recommendation can be found in COM (96) 373 of the 24th July 1996

Objective 2 Review Finalised

On the 8th of May 1996, the European Commission concluded its review of the regions in industrial decline (objective 2) eligible for EU structural fund aid during the coming three years (1997 - 99). By deciding to make only minor changes to the existing list for the new programming period, the Commission recognises the long-term nature of the problem facing these regions in modernising their industrial base and creating lasting job opportunities. This is also why the Commission made the creation of jobs one of the four priorities set out for the years in question alongside a stress on research and development, environmental protection and equality of opportunities.

"This decision of continuity is an expression of the solidarity of the European Union with the difficulties experienced by its citizens living in the regions worst-affected by industrial decline", said Commissioner Monika Wulf-Mathies. "Having reached a decision on the list and the resources, the way is now clear to ensure that development programmes can begin on time in January 1997".

Only three Member States are affected by the change in eligible regions: Spain, Italy and the Netherlands. One of the biggest changes affects Madrid, the Spanish capital, where eligibility has been extended to cover problem areas containing population of some 5,000 and which have Research and Development and industrial development potential. Belgium, Denmark, Germany, France, Luxembourg, Finland and the United Kingdom elected not to propose any changes to their Objective 2 list.

The finance available for Objective 2 for the period 1997-99 amounts to ECU 8.15 billion in 1996 prices. This represents a real increase of 13.8% compared to the period 1994-96. The increase results from the implementation by the Commission of an agreement decided by the Edinburgh Summit in 1992 which provides for a year-on-year increase in the Structural Funds over the period 1993-99.

Information Technology and Health and Safety

The 3rd International Conference on Information Technologies in Occupational Safety and Health Information, Training and Education will be held in Brussels between the 13th and 15th of November. The Conference, which is being supported by the

European Commission, the European Foundation for the Improvement of Living and Working Conditions, the International Social Security Association, and the ILO, will provide an opportunity for those involved in health and safety (health and safety professionals, management and trade union representatives, and health and safety trainers. The objectives of the Conference are:

- To produce the fullest possible assessment of the existing situation;
- To indicate how new technologies can contribute to the production and use of information;
- To improve the definition of the problems and pinpoint areas where further detailed study or research is needed;
- To issue recommendations for all the parties involved.

An important outcome of the Conference will be to produce recommendations and guidelines directed at the relevant parties involved, which include how new technologies can help promote information and training in practice. The Conference will therefore be participative, with workshops. Participants will have the opportunity to work in a very active way towards recommendations and priorities. The Conference will be accompanied by an exhibition of products and services on information technology in occupational health and safety. The Conference fees are 8,000 Belgian Francs (BF) for those who register before the 15th of August and 10,000BF for those who register afterwards. Further details from ANPAT-NVVA (Fax: 00 32 2 648 68 67, email: Information.Technologies@Anpat-Nvva.be)

ILO Child Labour Report

Though reliable statistics are rare, available information suggests that the number of working children remains extremely high. Child labour is not exclusively a problem of underdeveloped countries. According to a recent report published by the International Labour Organisation (ILO), there is strong evidence of child labour persisting in certain European countries.

Combining various official sources, the ILO estimates that more than 73 million children in the age group 10 to 14 years old were economically active in 1995 worldwide. The highest rates were found in Asia and Latin America, although there was evidence of small percentages of underage workers in some European countries. 1.76% of children between 10 and 14 are believed to be economically active in Portugal. Other European

countries which figure in the ILO survey were Albania (1.11%), Italy (0.38%), Hungary and Romania (both 0.17%). "In Southern Europe, there have always been relatively large numbers of children working for pay, in particular in seasonal activities, street trades, small workshops or in a home setting", notes the Report. Available statistics suggest that more boys than girls work. "It should be borne in mind, however, that the number of working girls is often underestimated by statistical surveys, as they usually do not take into account full-time housework performed by many children, the vast majority of whom are girls, in order to enable their parents to go to work".

Even in the USA, child labour is seen as a growing problem, the Report points out. "The growth of the service sector, the rapid increase in the supply of part-time jobs and the search for a more flexible workforce have contributed to the expansion of the child labour market." The figures for Europe and the USA are very small, however, compared with the situation in countries such as Bangladesh where almost a third of all 10 to 14 year olds are economically active.

Parental Leave Directive Adopted

The Directive on parental leave has been formally adopted and published in the Official Journal. The Directive (96/34/EC of the 3rd June 1996) merely gives legislative effect to the conditions and principles set out in the Framework Agreement on Parental Leave concluded by the social partners at European level last December. As explained in earlier records on the subject, the Directive is extremely simple, containing only two short articles.

Article 1: This sets out that the purpose of the Directive is to put into effect the Framework Agreement (which appears as an annex to the Directive).

Article 2: This is the "final provisions article". Paragraph 1 requires Member States to bring in laws, regulations and administrative provisions necessary to comply with the Directive by the 3rd June 1998 at the latest or to ensure that by that date at the latest management and labour have introduced the necessary measures by agreement. Paragraph 2 allows Member States to have a maximum additional period of one year, if this is necessary to take account of special difficulties or implementation by collective agreement. Paragraph 3 states that any measures adopted to comply with the Directive must make reference to the Directive.

The one line **Article 3** is merely a drafting article - "This Directive is addressed to Member States".

Fourth European Employment Week

The fourth European Employment Week Conference will take place in Brussels between the 5th and 7th of November 1996. The 1995 Conference attracted over 1,000 participants from 32 countries and once again a large number of delegates from a range of organisations - including the social partners - are expected to attend. The Conference this year will concentrate on three themes:

New Technology and Job Creation: a look at the possible impact of new technology on employment, job location and work content.

Social and Urban Innovations For Job Creation: an examination of social exclusion and the challenge of harnessing social and urban initiatives for a better quality of life and linking them more centrally to employment and job creation.

More Enterprises and Small Firms - More Jobs: the role of small and medium sized firms in job creation, including public/private initiatives for urban job creation, partnerships between large and small firms for job creation and improving education and training in small and medium sized firms.

The Conference will be accompanied by a major exhibition which will include many of the leading European organisations in the field of employment policy. Space at the conference is limited and delegates are advised to register early. Full Conference fees are £532.40 (BF 25,410). Further details and a provisional programme can be obtained from:

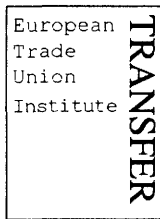
Clare McSheaffrey, Administrator, Touchstone Exhibitions and Conferences Ltd. Haleon House, 4, Red Lion Street, Richmond-upon-Thames, Surrey TW9 1RW, UK (Fax: 00 44 (0) 181 332 0874).

Inflation

Annual inflation rates for EU Member States for July 1996 were as follows:

Finland, 0.5%; Sweden, 0.6%; Luxembourg, 1.3%; Ireland, 1.4%*; Germany, 1.6%; Austria, 1.9%p; Belgium, 1.9%; Netherlands, 2.1%; United Kingdom, 2.2%; Denmark, 2.3%; France, 2.3%; Italy, 3.6%p; Spain, 3.7%; Portugal, 3.9%; Greece, 8.6%; EU15, 2.5%p.

* Quarterly figures (p) Provisional



European Review Of Labour and Research

Transfer - the European trade Union Institutes's European Review of Labour and Research - has entered its second year of publication and is rapidly establishing a reputation for its analysis of key themes in the field of labour relations at European level.

The first issue of Volume 2 highlights the subject of "gender relations". Articles in this volume include:

- "Towards a social reproduction model" by Gudrun Biffi.
- "Pay discrimination between men and women, "all things being equal"" by Rachel Silvera.
- "A comparison of the conditions for reconciling professional and family life in Europe - with special consideration of regulations governing parental leave" by Christiane Schiersmann.
- "Women's interests in the workplace. Between delegation and self-representation" by Eva Cyba and Ulrike Papouschek.
- "The hidden agenda of post-war immigration: barriers to women's equal rights" by Wuokko Knocke.
- "Stressing a woman's agenda. Women of three European sectors define their needs" by Cynthia Cockburn.
- "First round of European negotiations on a key issue for equal opportunities and equal treatment" by Jean Lapeyre.

Volume 2, Issue 2 concentrates on the topic "European Monetary Union and Collective Bargaining". The various articles examine the social and industrial relations impact of the move towards economic and monetary union in Europe. Articles include:

- European Monetary Union - A Quantum Leap by Otto Jacobi.
- European Monetary Union and Employment - Two Sides of the Same Coin by Ludwig Schubert.
- The Single Currency vs. The Rhine Model by Michael Albert.
- EMU, Employment and Social Cohesion by David Foden.
- European Trade Union policy and Collective Bargaining - Mechanisms and Levels of Labour Market Regulation In Comparison by Franz Traxler.
- Wage Bargaining and Industrial Relations Under the Single European Currency. The Problem of

Relationships Between EMU and non-EMU Countries by Lorenzo Bordogna.

- EMU As Seen By Unions In The Banking Sector by the EURO-FIET Confederation.
- Collective Bargaining in the European Building Industry - European Collective Bargaining by Hans Baumann, Ernst-Ludwig Laux and Myriam Schnepf.

Transfer is published four times a year in English (with summaries of articles in French and German). The annual subscription is BF 1,200. Further details are available from the ETUI (see page 16 for address and contact details).



For A Europe Of Civic And Social Rights

Between the 27th and 30th of March 1996 some 1,000 people representing non-governmental organisations, the social partners and the European Commission gathered in Brussels for the first European Social Policy Forum organised by the European Commission. The aim of the Forum was to broaden the scope of interaction between the Commission (and other EU institutions) and those involved at grassroots level in the field of economic and social action and social cohesion, and the social partners involved in the social dialogue.

A "Comité des Sages" - appointed by the European Commission in October 1995 - were responsible for drawing up a wide-ranging report which acted as the basis for discussion within the Forum. The Report - which has now been published by the European Commission under the title "For A Europe of Civic and Social Rights" - looks at the current range of social issues now facing the EU, the current structure of social rights, and the need to create a minimum core of fundamental rights common to all. It also contains a series of 24 proposals which formed the basis of discussion at the Social policy Forum.

The Report (ISBN 92-827-7697-2) is available from the various national agents of the Office For Official Publications of the European Communities, price 7 ECU.

STATISTICS

STAFF COSTS RELATIVE TO VALUE ADDED IN EU MANUFACTURING INDUSTRY

The latest edition of "European Economy" - the regular review of economic trends published by the European Commission focuses on the financial situation of industrial enterprises. Amongst the information provided is a table on staff costs relative to value added, from which the following statistics are taken.

Staff Costs Relative To Value Added - Manufacturing Industry (%)

Country	1990	1991	1992	1993	1994	Change 95/93
Germany	74.8	75.8	78.4	83.3	78.2	- 5.2
Austria	70.3	70.1	73.3	74.1	71.6	- 2.6
Belgium	66.0	68.6	69.4	70.2	65.6	- 4.6
Spain	69.1	71.5	77.0	86.3	69.6	- 16.7
Finland	64.9	68.3	62.0	57.6	58.0	0.3
France	64.7	65.4	67.0	69.9	66.7	- 3.3
Italy	65.6	67.3	67.6	67.1	64.1	- 3.0
Netherlands	62.9	64.1	64.6	66.6	-	-
Portugal	56.0	58.5	62.1	62.3	-	-
UK	-	-	-	62.9	60.1	- 2.8

SOURCE: European Economy Supplement A No. 4 April 1996

Main Features of the Unemployment In The European Union, 1994

Country	Unemployment Rate - % of Labour force	Share of long-term unemployed as a % of all unemployed	Share of those with low educational level amongst unemployed	Unemployment Rate for Youth (%)
Belgium	9.6	58.3	51.8	21.8
Denmark	8.0	32.1	30.6	10.2
Germany	8.7	44.3	21.9	9.0
Greece	8.9	50.5	40.0	27.7
Spain	24.3	52.7	67.9	45.1
France	12.7	37.5	46.4	28.2
Ireland	14.7	59.1	63.5	23.0
Italy	11.3	61.5	58.7	31.6
Luxembourg	3.5	29.6	2.8	7.9
Netherlands	7.2	49.4	31.7	11.3
Austria	3.9	15.6	-	3.5
Portugal	6.7	43.4	78.7	14.5
Finland	18.5	21.4	-	32.5
Sweden	8.1	9.7	-	18.2
UK	9.7	45.4	58.0	16.3

SOURCE: European Economy Supplement A No 3 March 1996

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Produced by MBO Education & Training Ltd 3, Dorchester Road, Fixby, Huddersfield, UK.
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with the support of the Commission of the European Communities (DGX)