



# Annual review of working conditions 2009–2010



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2009–2010

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European Foundation for the Improvement of Living and Working Conditions

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# Foreword

This seventh annual review outlines the main legislative and policy developments at EU level in the area of working conditions and quality of work and employment during the period 2009–2010. The report places the spotlight on five key areas: labour market developments and demographic change, social protection, flexicurity and corporate social responsibility (CSR), working conditions, and equal opportunities.

During the reference period, the European Commission presented the EU's growth strategy for the coming decade, 'Europe 2020', and the task of implementing the measures set out in its 2008 Communication on 'New skills for new jobs' began. The Commission also launched new consultations on the revision of the working time and electromagnetic fields directives.

A Commission report on the impact of ICT mobile devices provided a major contribution to the proposed new musculoskeletal disorders (MSDs) directive. The social partners in the hospital and health care sector signed an agreement on injuries caused by medical sharps and the European Parliament urged the Commission to regulate on nanotechnologies and to put in place an asbestos ban.

Although the social partners reached an agreement in June 2009, revising the 1995 framework agreement on parental leave and adding one month to the leave allocated to each parent, the Commission launched a consultation in August 2009 about the next roadmap for gender equality, with the European Parliament recommending a longer period of maternity leave than outlined by the Commission's proposal.

We trust that this comprehensive report will provide an informative overview for key actors in the field of working conditions and quality of work and employment in the EU.

Juan Menéndez-Valdés  
*Director*

Erika Mezger  
*Deputy Director*



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# Introduction

The seventh annual review of the European Working Conditions Observatory (EWCO), which is part of the European Foundation for the Improvement of Living and Working Conditions (Eurofound), summarises the main developments at EU level in the area of working conditions and quality of work and employment during the period February 2009 to January 2010. Divided into five thematic chapters, it explores labour market developments and demographic change, social protection, flexicurity and corporate social responsibility (CSR), working conditions, and equal opportunities.

The analysis broadly follows the paper *Quality of work and employment in Europe: Issues and challenges*, compiled by Eurofound in 2002, which identifies four key dimensions necessary for the promotion of quality of work:

- ensuring career and employment security;
- maintaining and promoting the health and well-being of workers;
- developing skills and competences;
- reconciling working and non-working life.

During the reference period, the European Commission presented the post-Lisbon Strategy Europe 2020 and measures set out in its 2008 Communication, *New skills for new jobs*, were being implemented. Accepting some of the issues raised by the European Parliament, the Commission also launched new consultations on the revision of the working time and electromagnetic fields directives. A Commission report on the impact of ICT mobile devices provided a major contribution to the proposed new musculoskeletal disorders (MSDs) directive.

The social partners in the hospital and health care sector signed an agreement on injuries caused by medical sharps and the European Parliament urged the Commission to regulate on nanotechnologies and an asbestos ban.

Although the social partners reached an agreement in June 2009, revising the 1995 framework agreement on parental leave and adding one month to the leave allocated to each parent, the Commission launched a consultation about the next roadmap for gender equality with the European Parliament recommending a longer period of maternity leave than outlined by the Commission's proposal.



# Labour market policies and demographic change

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## **Towards Europe 2020**

The European Parliament's resolution of 11 March 2009 proposed that the 'Lisbon Plus-Agenda', which must start in 2010, should be based on the general architecture of the present Lisbon Strategy (competitiveness and greening of European industries, more and better jobs, social inclusion and sustainability), but stressed the need to present a more homogenous and mutually supportive approach capable of decisively enlarging the European Lisbon governance capacity. The European Parliament also asked the Commission to conduct a thorough evaluation of the past nine years of the Lisbon Strategy, and to analyse the usefulness of a post-Lisbon strategy with new aims and goals, by assessing its viability and the readiness of Member States to implement it.

Following its preliminary contribution of 5 June 2009, the Social Protection Committee (SPC) issued an opinion on the post-2010 Lisbon Strategy on 11 November 2009. This pointed out that, 'despite the clear redistributive effect of social protection, inequalities have often increased and poverty and social exclusion remain a major issue in most EU countries', combined with a lack of job quality due to the widespread use of precarious forms of employment, affecting women more than men. To tackle such failures, the SPC called for an integrated approach to sustainable growth, job creation and social cohesion, and environmental protection by applying the holistic approach underlying the Renewed Social Agenda supported by a systematic social impact assessment.

In its opinion on the post-2010 Lisbon Strategy of 4 November 2009, the European Economic Social Committee (EESC) noted that limited progress had been made in meeting employment targets. The only exception was female employment, due to the significant increase in part-time work (in some cases involuntary), temporary work and low-paid jobs. The EESC favoured an integrated and global strategy beyond 2010 combining a better balance between the economic, social and environmental dimension. It recommended creating 'quality jobs' and an inclusive labour market by introducing appropriate rules for non-standardised employment with a low social protection in order to ensure effective security.

## **Commission consultation on Europe 2020**

On 24 November 2009, the Commission launched a public consultation over the post-2010 Lisbon Strategy called Europe 2020. The consultation, which closed on 15 January 2010, collected over 500 contributions.

According to the Commission working document, the aim for 2020 is:

*more jobs, higher employment rates of the working age population, better jobs, with higher quality and increased productivity, and fairness, security and opportunities, through a real chance for everyone to enter in the labour market, create new companies, and manage labour market transitions through modern and financially sustainable social and welfare systems.*

The acquisition of new skills, fostering of creativity and innovation, the development of entrepreneurship, and greater adaptability are seen as crucial resources in achieving more jobs: flexicurity will provide the framework strategy favouring labour market transitions while reinforcing the security through lifelong learning and appropriate social protection. In order to make employment the best safeguard against

poverty and exclusion, modern social security and pension systems adapted to the crisis and the ageing of the European population are needed.

### Responses to the consultation

An initial commentary from the European Trade Union Confederation (ETUC) on 6 January 2010 supported the Commission's objectives of 'smart' growth, innovation in new, cleaner technologies, better education and training provided that the focus would shift away from deregulation (as in the 2005 revision of the Lisbon Strategy), while the active labour market policy should aim to equip workers with the skills to meet new challenges rather than encouraging 'workfare' type policies. ETUC stressed the need to build a 'fair' labour market where 'quality jobs' and workers' rights can be highly compatible with a dynamic economy by promoting internal flexicurity schemes, complemented with new social policy programmes. Non-permanent workers should be entitled to 'transitional' rights (such as training, improved access to social security benefits, and moves towards regular contracts) by making atypical jobs the exception and not the rule. Collective bargaining has an essential role to play in correcting market failures in the area of lifelong learning and the training of workers, and in coordinating corporate strategies by funding and developing both initial and further training pathways for work careers.

On 13 January 2010, BUSINESSEUROPE issued a response to the Commission's consultation. This referred to its September 2009 document *Putting Europe back on track* and stressed the need to implement at national level flexicurity principles with:

- flexible contractual arrangements;
- employment-friendly social protection systems aimed at promoting mobility and attracting more people into the labour market;
- activation measures;
- lifelong learning.

BUSINESSEUROPE also urged reform of tax and benefit systems to ensure that working is economically advantageous by decreasing benefit dependency and encouraging active searching for work, while providing adequate income support for those who remain outside the labour market.

In its response issued in January 2010, the European Centre of Employers and Enterprises providing Public Services (CEEP) endorsed the general outline of the 'EU 2020' strategy but noted that it needed to be transformed into specific policy action. Employment creation according the flexicurity model was seen as the priority, combined with strong public services to underpin the delivery of a low-carbon knowledge economy.

The opinion issued by the Council of European Professional and Managerial Staff (Eurocadres) acknowledged that the approach of the EU 2020 document was more balanced than that of the revised Lisbon Strategy of 2005, in which other pillars became subordinate to competitiveness. It pointed out that the balance between flexibility and security was vital, but noted that there was no reference to security provided by the quality of jobs, underpinned by minimum labour standards and collective agreements, as a key component for higher productivity and creativity.

The position paper launched by EuroCommerce on 15 January 2010 stated that the ‘flexicurity’ approach to labour and social security policy, combined with a commitment to CSR, the protection of workers’ rights, and robust health and safety (H&S) policies would provide adequate protection of workers’ rights as a fundamental cornerstone of the social market economy, without the need to resort to trade barriers and disguised protectionism.

The statement by the European Confederation of Independent Trade Unions (CESI) welcomed the focus on social Europe. It suggested greater emphasis on work–life balance in future EU policies, but expressed concern regarding labour mobility promotion in order to ensure, according to the Commission’s view ‘that people can take up new opportunities by moving to where their skills are most needed’.

The statement issued by CEC European Managers supported the priorities set out in ‘Europe 2020’ but felt that the EU should further focus its efforts on creativity and innovation: the innovation process should be achieved by turning into economically useful applications, not appropriately dealt with in current initiatives, and by promoting a policy based on lifelong learning with salaries paid to people who accept such lifelong learning conditions. CEC further called for the development of specific tools aimed at evaluating and further boosting the innovativeness of companies and organisations.

In its position paper issued on 12 January 2010, the European Association of Craft, Small and Medium-sized Enterprises (UEAPME) agreed with the three ‘key drivers’ for the EU 2020 strategy by calling for a better integration of the ‘Think Small First’ principle. The paper included UEAPME’s policy proposals on ‘European crafts’ and SMEs’ contribution to the EU 2020 debate’. UEAPME stressed that the stability and the sustainability of Europe’s social models will be challenged unless social systems become more targeted and efficient with a fair balance between social rights and obligations. UEAPME proposed countering the negative impact of the shadow economy and undeclared work by:

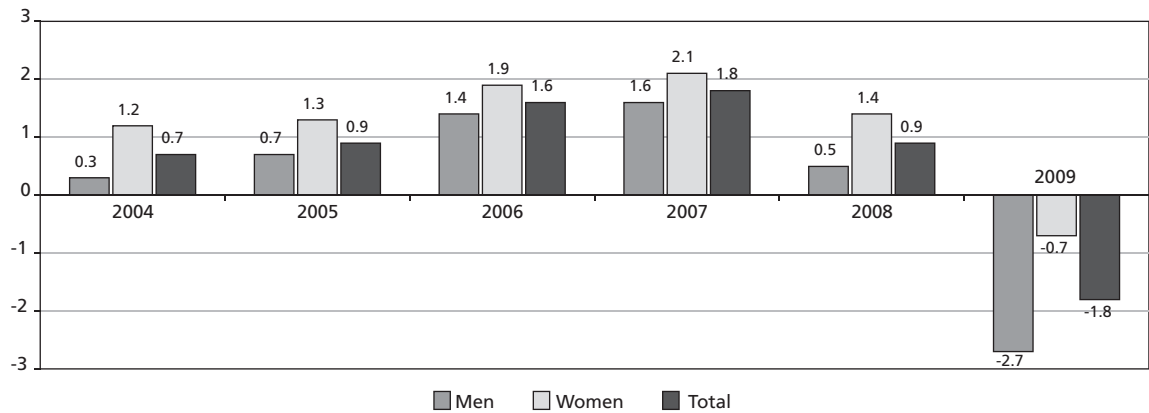
- reducing the taxation or social contribution system;
- simplifying the creation of legal enterprises and employment law for small enterprises;
- strengthening the enforcement of existing regulations.

UEAPME also stressed the importance of access to continuous training and adequate lifelong learning measures, in addition to the validation of informal and non-formal acquired competences. It also called for guidance for everyone throughout their professional life with improved work-based training and education.

### **Official statistics and trends**

After the 2008 deceleration in employment growth (+0.9%), employment fell by 1.8% in 2009 due to the effect of the global recession (Figure 1). Women showed a stronger increase in 2008 and a lower reduction in 2009 (+1.4% and -0.7% respectively) than men (+0.5% and -2.7% respectively).

**Figure 1: Employment growth by gender, EU27, 2004–2009 (%)**

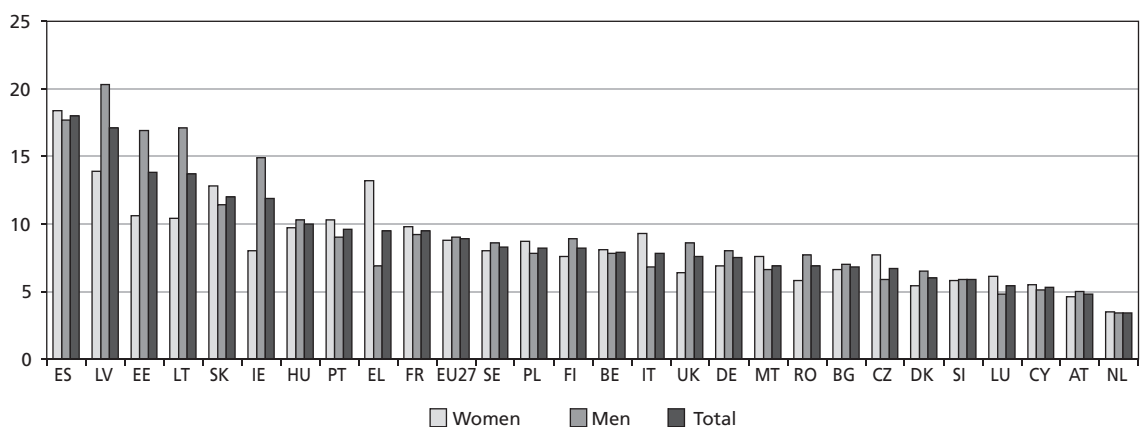


Source: Eurostat, 2010

The total unemployment rate in the 27 EU Member States (EU27) increased from 7% in 2008 to 8.9% in 2009. Spain (18.0%), Latvia (17.1%) and Estonia (13.8%) showed the highest rates and the Netherlands (3.4%), Austria (4.8%) and Cyprus (5.3%) the lowest (Figure 2).

At EU level, women displayed a slightly lower unemployment rate than men (8.8% and 9% respectively). At national level, this was true in 13 Member States (Austria, Bulgaria, Denmark, Estonia, Finland, Germany, Hungary, Ireland, Latvia, Romania, Sweden and the United Kingdom), with the most noticeable gaps in Ireland (8.0% for women and 14.9% for men), Latvia (13.9% for women and 20.3% for men) and Lithuania (10.4% for women and 17.1% for men). Conversely, women reported higher unemployment rates than men in the remaining 14 Member States; the Czech Republic (7.7% for women and 5.9% for men), Greece (13.2% for women and 6.9% for men) and Italy (9.3% for women and 6.8% for men) reported the largest gaps.

**Figure 2: Unemployment rates by gender and country, 2009 (%)**



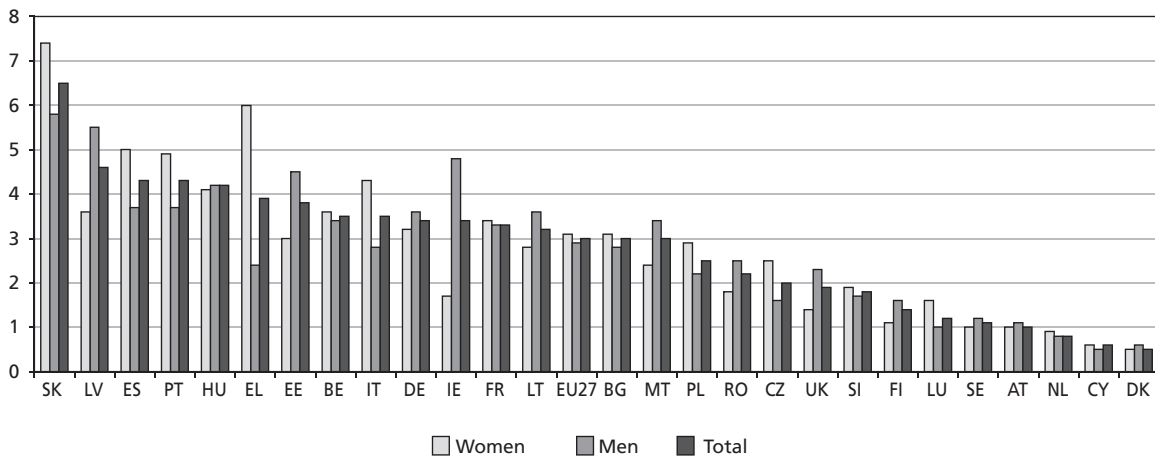
Note: See Annex for list of country codes.

Source: Eurostat, 2010

In 2009, the rate of long-term unemployment (‘long-term’ refers to more than 12 months) was 3% at EU level (Figure 3). Slovakia (6.5%), Latvia (4.6%) and Spain (4.3%) displayed the highest rates and Denmark (0.5%), Cyprus (0.6%) and the Netherlands (0.8%) the lowest.

In the EU27, women displayed a slightly higher long-term unemployment rate (3.1%) than men (2.9%) overall. This was the situation in 14 Member States, with the most noticeable gaps in Greece (6% for women and 2.4% for men), Slovakia (7.4% for women and 5.8% for men) and Italy (4.3% for women and 2.8% for men). Countries with a lower rate of long-term unemployment among women included Ireland (1.7% for women and 4.8% for men), Latvia (3.6% for women and 5.5% for men) and Estonia (3.0% for women and 4.5% for men).

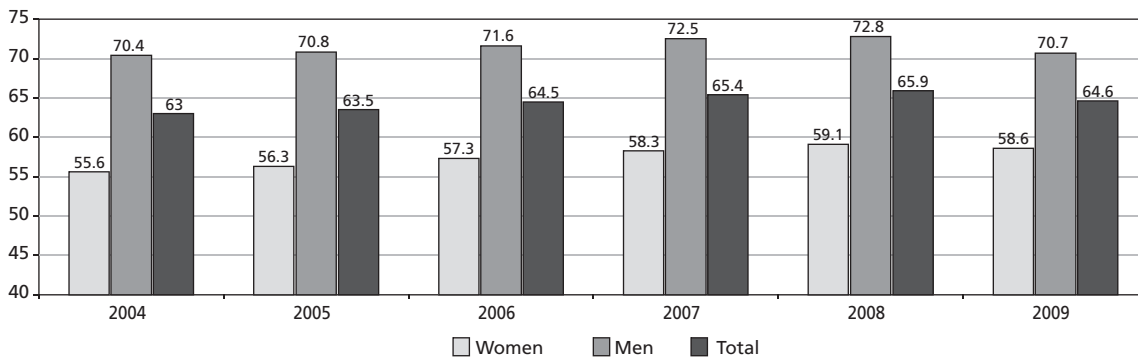
**Figure 3: Long-term unemployment rates by gender and country, 2009 (%)**



Source: Eurostat, 2010

After a long-standing increase up to 65.9% in 2008, employment rates in the EU27 declined to 64.6% in 2009 (Figure 4), even further from the Lisbon target of 70%. Men (70.7%) still displayed a higher employment rate than women (58.6%), but showed a stronger decline compared with 2008 (-2.1 percentage points and -0.5 percentage points respectively). Between 2004 and 2009, men showed a more moderate increase (+0.3 percentage points) than women (+3 percentage points).

**Figure 4: Employment rate by gender, EU27, 2004–2009 (%)**

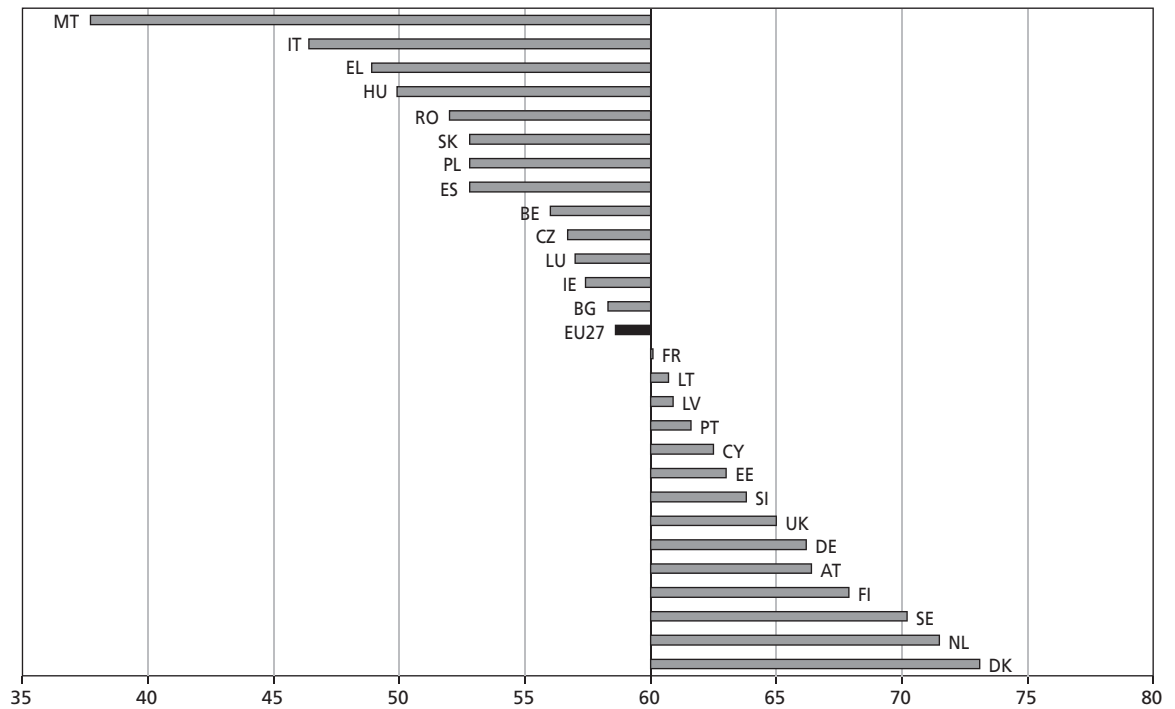


Source: Eurostat, 2010

Although the employment rate for women in the EU27 (58.6%) in 2009 was still below the Lisbon target of 60%, 14 Member States did achieve this goal (Figure 5). Denmark (73.1%), the Netherlands (73.1%) and Sweden (70.2%) reported the highest rates and Malta (37.7%), Italy (46.4%) and Greece (48.9%) showed the lowest rates of female employment.



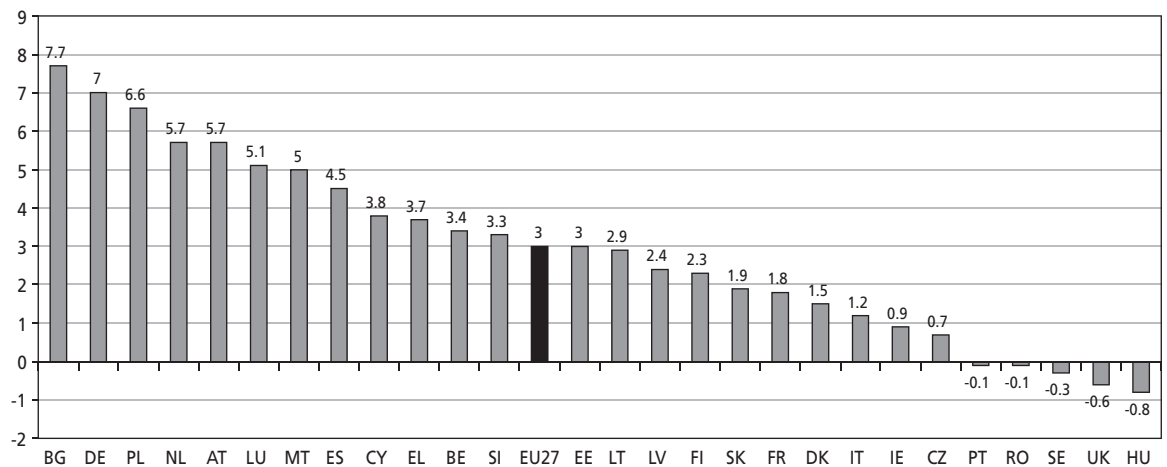
Figure 5: Employment rates for women, by country, 2009 (%)



Source: Eurostat, 2010

Women in the EU27 reported employment growth of 3.0 percentage points between 2004 and 2009 (Figure 6). Bulgaria (+7.7 percentage points), Germany (+7.0 percentage points) and Poland (+6.6 percentage points) reported the strongest increase and five countries (Hungary, Portugal, Romania, Sweden and the United Kingdom) reported a decline.

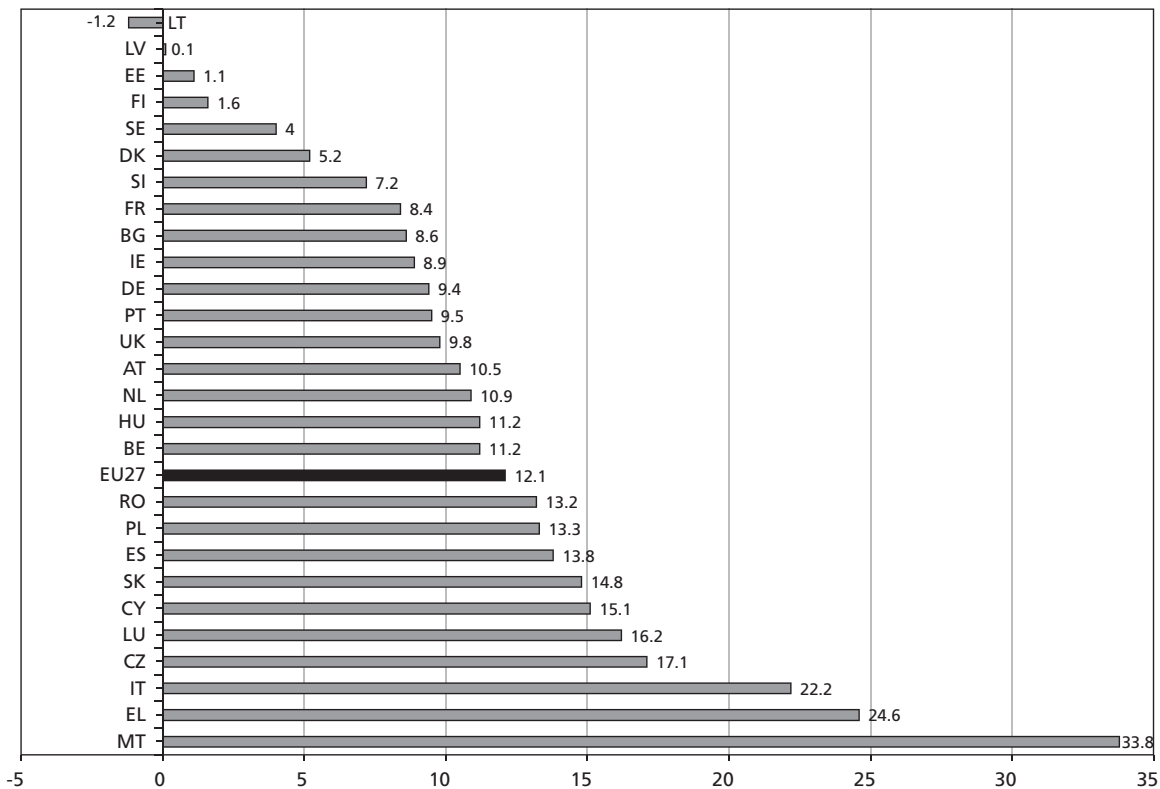
Figure 6: Change in female employment growth rates, by country, 2004–2009 (percentage points)



Source: Eurostat, 2010

The gap in employment rates between men and women – the gender gap – was 12.1 percentage points on average in the EU27 in 2009 (Figure 7). Lithuania was the only country where the gap was reversed (-1.2 percentage points); this was due to higher unemployment among men (see Figure 2). Latvia (0.1 percentage points), Estonia (1.1 percentage points) and Finland (1.6 percentage points) showed the smallest gap, while Malta (33.8 percentage points), Greece (24.6 percentage points) and Italy (22.2 percentage points) reported the widest gap.

**Figure 7: Gender gap in employment, by country, 2009 (percentage points)**



Source: Eurostat, 2010

The report *Employment in Europe 2009* issued by the Commission on 23 November 2009 refers to the 2008 trends which gave the first signals of the impact of the global crisis on employment.

On 13 March 2009, the European Trade Union Institute (ETUI) presented its report *Benchmarking working Europe 2009* evaluating the Lisbon Strategy and summarising the main indicators for both ‘more’ and ‘better’ jobs. The study noted that the increase in employment rates had been mainly in low-skilled occupations, precarious employment and non-voluntary or forced part-time jobs.

## Demographic change and worklife cycle

### Youth

The Commission’s Communication *An EU strategy for youth – Investing and empowering* (COM(2009) 200 final), issued on 27 April 2009, outlined the need to create favourable conditions for young people in order to develop their skills, fulfil their potential, participate actively in society and engage more in

the building of the EU project according to a cross-sectoral policy approach at EU and national level. The current economic crisis affects labour market opportunities for young people, who frequently work in low-quality, temporary jobs and are poorly paid, while youth unemployment is often a result of lack of skills or skills mismatch. Employment policy action in Member States and at EU level should be coordinated to facilitate transitions from school (or inactivity or unemployment) to work and, once in work, upward transitions, with a better matching in the short term and better anticipation in the longer term of the skills needed by supplying the 'right skills' for the labour market.

The *EU youth report 2009* (SEC(2009) 549 final) accompanying the Communication provides an overview of the demographic trends, lifestyles, educational attainment and difficulties in transitions to the labour market and active citizenship of young people. The report urged policymakers to adopt a holistic approach, as envisaged by the Renewed Social Agenda, by involving young workers both in addressing youth exclusion from the labour market and in devising appropriate transitions into employment.

Published on 1 October 2009, the opinion of the EESC focused on the actions needed to prevent youth marginalisation. It called on the Commission to encourage Member States to introduce measures increasing employment opportunities and enabling young people to become independent such as:

- support during the initial training;
- integration allowances for those seeking their first job;
- good quality apprenticeships and internships;
- conversion of internships into open-ended employment contracts.

The *Resolution on a renewed framework for European cooperation in the youth field (2010–2018)*, published by the Council of the European Union on 29 November 2009, agreed that overall objectives for the period up to and including 2018 should be:

- creating more and equal opportunities for all young people in education and the labour market;
- promoting their active citizenship, social inclusion and solidarity.

Achievement of these objectives would require policies and actions specifically targeted at young people in non-formal learning (especially for early school leavers) promoting participation, voluntary activities, youth work and mobility. These would need to be combined with mainstreaming initiatives and supported by a renewed open method of coordination (OMC). The resolution also recommended that youth issues be taken into account when formulating, implementing and evaluating policies and actions in other policy fields with a significant impact on young people's lives.

The draft report issued by the European Parliament Committee on Culture and Education (CULT) on 6 January 2010 welcomed the Commission's cross-sectoral approach as a necessary factor to achieve a maximum level of effectiveness. It encouraged Member States to intensify the interaction between the sides of the 'knowledge triangle' (education, research, innovation) as a key element for growth and job creation. The report recommended:

- fostering stronger recognition of non-formal education and vocational training by offering adequate opportunities and incentives for a 'second chance' for young people who have fallen behind;
- improving the quality of young people's job opportunities and working conditions;
- promoting an entrepreneurial culture.

### Older workers

On 21 April 2009, the Commission issued a Communication, *Dealing with the impact of an ageing population in the EU* (COM(2009) 180 final), which drew on the economic and budgetary projections for EU27 Member States (2008–2060) of the *2009 Ageing Report*. Economic and budgetary challenges deriving from the ageing population must be faced, consistently with the 2001 Stockholm Council Conclusions (raising both employment rates and productivity, and reforming pension, health care and long-term care systems) and according to the Commission's 2006 Communication *The demographic future of Europe – From challenge to opportunity* (COM/2006/0571 final). The 2009 Communication emphasised the need to create better conditions for families and demographic renewal by:

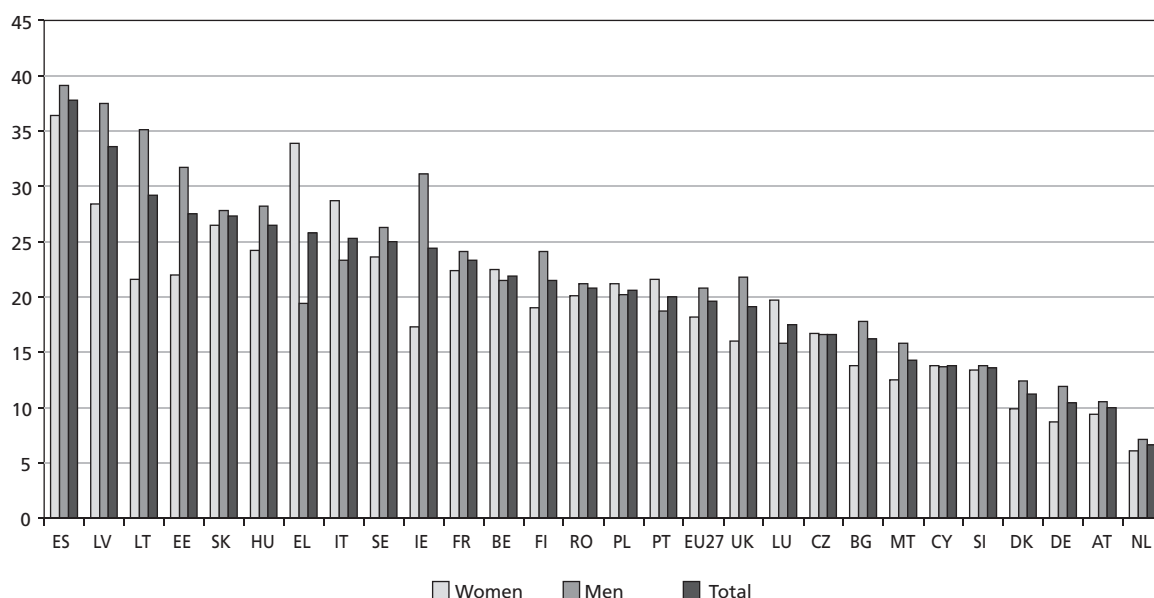
- shifting towards a children-friendly society;
- creating conditions allowing a better work-life balance;
- promoting flexible retirement schemes and part-time work.

The 8 June 2009 *Council Conclusions on equal opportunities for women and men: active and dignified ageing* recommended that Member States integrate the issue of ageing into all relevant policies and called on them, in cooperation with the social partners, to:

- promote active ageing policies for older workers;
- encourage and support employers in recruiting and retaining older workers in employment;
- create the necessary conditions for their success as workers as well as for their self-fulfilment.

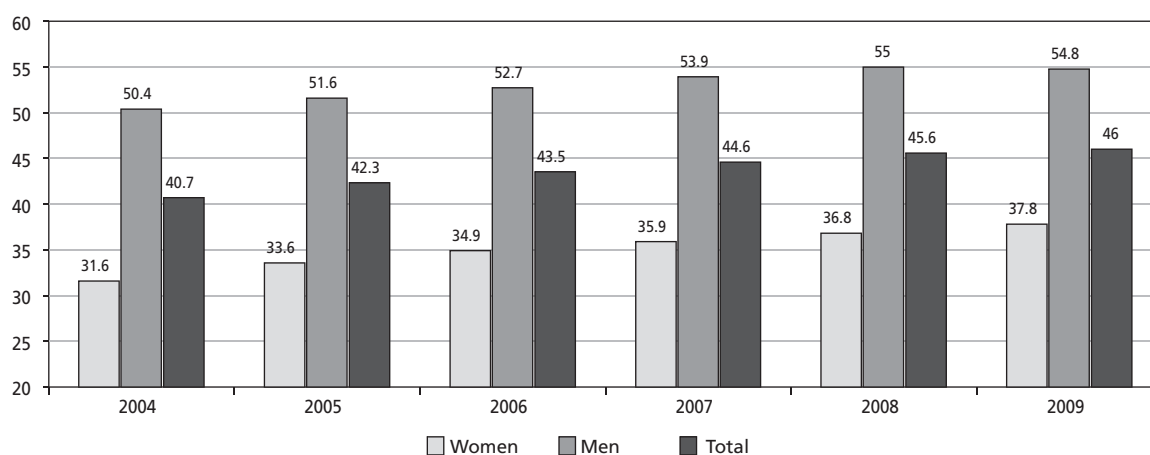
### Official statistics and trends

Figure 8 shows that the youth unemployment rate in 2009 for the EU27 was 19.6% (compared to 15.4% in 2008), being significantly higher for men (20.8%) than for women (18.2%). Spain (37.8%), Latvia (33.6%) and Lithuania (29.2%) had the highest rates while the Netherlands (6.6%), Austria (10.0%) and Germany (10.4%) report the lowest rates of unemployment among young people. While young women reported the widest gap in unemployment with respect to young men in Greece (14.5 percentage points), Italy (5.4 percentage points) and Luxembourg (3.9 percentage points), young men reported the widest gap in unemployment rates with respect to women in Ireland (13.8 percentage points), Lithuania (13.5 percentage points) and Latvia (9.1 percentage points).

**Figure 8: Youth unemployment rates by gender and country, 2009 (%)**

Source: Eurostat, 2010

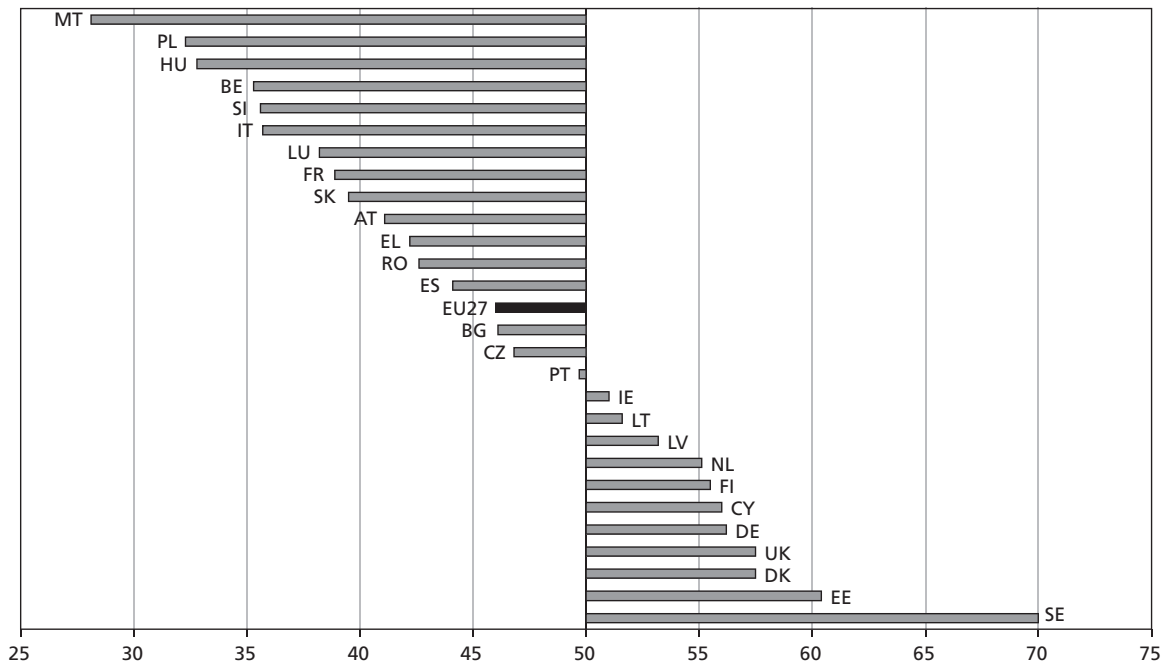
The employment rate for older workers (those aged 55–64 years) continued to increase in 2009 in the EU27, achieving 46% (0.4 percentage points higher than in 2008 and 5.3 percentage points higher than in 2004) but still well below the 50% Lisbon target (Figure 9). Although men had a significantly higher employment rate than women (+17 percentage points) in 2009, the rate for men was slightly lower (-0.2 percentage points) than in 2008 compared with an increase (+1 percentage point) for women.

**Figure 9: Employment rates of older workers, by gender, EU27, 2004–2009 (%)**

Source: Eurostat, 2010

Eleven countries had achieved the Lisbon target in terms of employment of older workers by 2009 (Figure 10), among which were four of the new Member States that joined the EU in May 2004 (Cyprus, Estonia, Latvia and Lithuania). Sweden (70.0%), Estonia (60.4%), Denmark and the UK (both 57.5%) showed the highest rates and Malta (28.1%), Poland (32.3%) and Hungary (32.8%) reported the lowest employment rates of older workers.

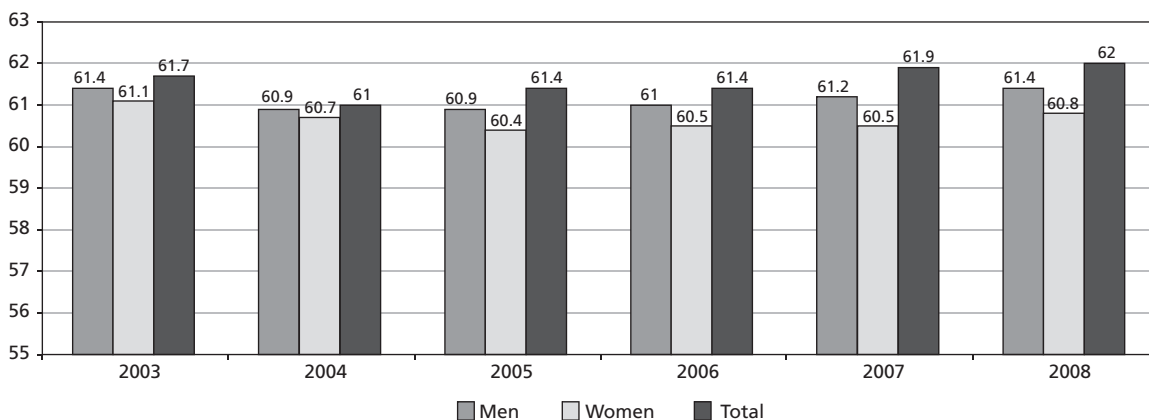
Figure 10: Employment rates of older workers, by country, 2009 (%)



Source: Eurostat, 2010

The average exit age from the labour market (retirement age from work) continued to increase in 2009 (reaching 62), with a one-year increase from 2004 but just a 0.3 year increase over 2003 (Figure 11). Women continued to report a lower exit age than men (60.8 and 61.4 respectively), which is still below the average level in 2003 (61.1).

Figure 11: Average exit age from the labour force, by gender, EU27, 2003–2008 (years)



Source: Eurostat, 2010

According to the 2009 edition of the Eurostat report *Youth in Europe: A statistical portrait*, 51% of the EU population aged 15–29 years was employed at least one hour a week in 2007, though this ranged from over 70% in Denmark and the Netherlands to below 40% in Bulgaria and Italy. Four in 10 employed people aged 15–24 had a temporary contract in 2007, compared with around two in 10 for the 25–29

age group (with educational attainment having little influence on the reasons for having a temporary job).

- Not being able to find a permanent job was the dominant reason for those aged 25–29 (65%) having a temporary contract, while 40% of temporary jobs for those aged 15–24 included training periods.
- The share of those employed in elementary or low-skill non-manual occupations fell from 51% among those aged 15–24 in the EU27 to 35% among those aged 25–29.
- Most people aged 15–24 chose part-time employment. ‘Other reasons’ such as family or personal reasons was the most reported status among part-time workers aged 25–29.
- Saturday work, reported by almost one employee aged 15–29, was the most common type of atypical working hours.

On 19 August 2009, a report for the Commission, *Monitoring the duration of active working life in the European Union*, proposed three indicators of the expected length of working life at different ages (under various institutional arrangements in the different Member States) taking into account gender differences in social and economic conditions for men and women:

- duration of active working life indicator based on average annual activity rates, which measures the number of years a person at a given age can expect to be active in the labour market;
- duration of employment indicator based on average employment rates, which measures the number of years a person at a given age can expect to be employed;
- duration of working time indicator based on annual working hours, which measures the number of working hours a person at a given age can expect to spend in employment.

## Mobility

### European Job Mobility Action Plan (2007–2010)

The opinion issued by the EESC on 25 March 2009 supported the Commission’s European Job Mobility Action Plan 2007–2010 and current legislative proposals to facilitate economic migration from third countries as a further step to promote mobility and economic migration within Europe. It pointed out a series of obstacles preventing workers’ mobility such as:

- limited language skills;
- shortcomings in recognising education and professional qualifications across Member States;
- legal and administrative barriers;
- fragmented information or lack of transparency on education and employment opportunities;
- transport and housing difficulties;
- xenophobia and a loss of confidence (recent barriers).

BUSINESSEUROPE expressed its views during a speech at the high-level debate on the free movement of workers in the EU organised by the Czech Presidency and the Czech Business Representation to the EU in Brussels (CEBRE) on 18 March 2009. Increased mobility can help to address the paradox faced by several Member States where high levels of unemployment co-exist with key labour shortages. It is

therefore necessary to break down the remaining barriers to geographical mobility by fully applying both the free movement of workers and flexicurity principles. The latter promote occupational mobility by facilitating hiring and by improving the employability and adaptability of workers.

### **Posting of workers**

In a resolution adopted on 28 April 2009, ETUC called for the full implementation of the free movement principles in the context of fair competition by establishing European 'rules of the game' on labour markets by combining open borders with adequate protection via a social progress protocol to be annexed to the Treaties.

According to ETUC, the recent problems in EU labour markets had arisen from the lack of application of the free movement of workers' provisions. It therefore called for a restoration of the character of 'minimum protection' limited to clear situations of temporary postings by introducing clear time limits: the European Court of Justice (ECJ) judgments in the cases Laval, Rüffert and Commission v Luxembourg had interpreted the posting of workers directive (Directive 96/71/EC) as a maximum directive.

Following their joint declaration on 28 May 2008, Union Network International-Europa (UNI-Europa) and the European Confederation of Private Employment Agencies (Eurociett) (European social partners for the temporary agency work sector) launched the European Observatory on Cross Border Activities within the Temporary Agency Work Sector (press release, 4 December 2009). The Observatory was set up on the basis of an agreement signed by UNI-Europa and Eurociett on 3 December 2009. It will focus on the impact of the implementation of the posting of workers directive and Directive 2008/104/EC on temporary agency work.

According to its 2010 work programme, the Observatory will:

- carry out research and data collection;
- review existing regulations;
- ensure a better understanding of cross-border activities within temporary agency work by highlighting good and bad practice;
- prepare practical information tools for temporary agency work and those workers wishing to work abroad.

## **Migration**

### **Common migration policy**

The EESC opinion issued on 25 February 2009 on the Commission Communication, *A common immigration policy for Europe: principles, actions and tools* (COM(2008) 359 final), supported the objectives of closer cooperation between governments and reiterated its proposal to abandon the unanimity rule for immigration policy in favour of qualified majority and co-decision by including the European Parliament in the consultation process. It proposed including fundamental rights and the rule of law and fundamental freedoms among new common principles. The EESC supported the Commission's proposal for a common methodology as an initial step towards establishing an OMC by converting common principles into common objective indicators that should be included in national



immigration profiles. The EESC also underlined the need to set up and develop a mechanism for consulting all relevant stakeholders, primarily the social partners but also civil society, immigrant associations, academic experts and international organisations.

On 4 November 2009, the EESC issued an own-initiative opinion on the respect for fundamental rights in European immigration policies and legislation. This pointed out that the tight legal link between work and residence permits ‘makes it perfectly clear that immigrants are not viewed as people but as a workforce ... that foregoes the chance to stay legally once no longer required’. The EESC did not agree with the proposal for a framework directive that would allow Member States to restrict the right to equal treatment in relation to certain working conditions which would undermine the principle of non-discrimination and Article 12 of the Charter of Fundamental Rights of the European Union. However, it encouraged the Commission’s initiative to present a European Immigration Code encompassing the fundamental rights and guarantees of all immigrants to the EU.

### **Sanctions against employers of illegal third-country nationals**

On 4 February 2009, the European Parliament agreed on the text of amendments to the proposed directive providing for sanctions against employers of illegally staying third-country nationals (see COM(2007) 249 final) to complement other measures such as the so-called return directive (Directive 2008/115/EC) and the EU Blue Card. This ‘sanctions directive’ would introduce minimum penalties at EU level in order to eliminate one of the main illegal migration pull factors, namely the possibility of finding a job. Legal penalties are also provided for those employers with many people in irregular or exploitative working conditions. Although agreeing with the general aim of this directive, the UK has opted out of it as it considers the EU to have no competence on the matter.

Although BUSINESSEUROPE supported the efforts to differentiate the black market in labour and the exploitation of illegal migration as a form of unfair competition, a European Parliament press release issued on 2 February 2009 noted that it had expressed disappointment at the compromise because ‘it puts a heavy administrative burden on companies and includes too severe penalties’.

In a statement issued on 4 February 2009, ETUC welcomed the general principle of back payment of wages to migrant workers and the introduction of administrative and criminal sanctions, but criticised the ‘sanctions directive’ as ‘a toothless and counterproductive instrument’. ETUC was concerned that such a regulation could drive a lot of illegal work further underground and induce more complex subcontracting chains and ‘letter box’ companies in order to evade such legislation.

## **Social protection and social inclusion**

A press release on the conclusions of the Council meeting held on 8-9 June 2009 highlighted the crucial role of social services in ensuring social, economic and territorial cohesion throughout the EU, especially to promote the integration of people excluded from the labour market. The OMC represents a framework for the exchange of good practice on social policies to ensure social inclusion, and access to high quality and sustainable health and long-term care. Changes in European economies and societies will demand increasing participation in the labour market. The resulting rise in the demand for social services will pose challenges to their financial sustainability.

On 4 November 2009, the EESC adopted an opinion on social inclusion, promotion of transitions and social mobility in view of the EU post-2010 strategy which also took into account the impact of the current recession (especially for low skilled workers). Social inclusion policies would combine inclusive labour markets, access to quality services and adequate minimum income to guarantee the personalisation of interventions. The opinion emphasised social protection as an investment for the benefit of economic competitiveness and social inclusion, especially when strong competition arising from globalisation is combined with economic crisis. Thus the necessary reforms should not jeopardise the principles of solidarity that underlie social protection and which have served Europe well. The exclusion of many young people from the labour market makes relevant the issue of training and apprenticeship.

In an earlier opinion, the EESC had paid attention to the employment of priority categories such as migrants, people of ethnic minorities, single parents and low-skilled workers – all of whom are at particular risk of both labour market and social exclusion.

### **Working poor**

According to the EESC opinion on work and poverty adopted on 30 September 2009, working poor should be a regular topic on the agenda of the European social dialogue. The EESC called for new ways of combining social protection and jobs (including effective initial and lifelong vocational training for quality jobs) to be explored to secure decent incomes for all workers and thus create the conditions to enable them to meet their basic needs. The EESC proposed:

- the setting up of reliable indicators to quantify the number of people involved, the intensity of the poverty condition and the level of income distribution;
- wage policies at sectoral, national and European levels to increase the income of working poor.

### **Active inclusion of people excluded from the labour market**

Following the 8 April 2009 non-legislative report on the active inclusion of people excluded from the labour market, the European Parliament issued a non-legislative resolution on 6 May 2009 endorsing the common principles and practical guidelines presented in Commission Recommendation 2008/867/EC.

- Active inclusion strategies must recognise individual rights, respect for human dignity and the principles of non-discrimination, equality of opportunities and gender equality.
- They should be developed according a lifecycle approach to education, lifelong learning, social and employment policies.

- They should be tailor-made, targeted and needs-oriented, and based on an integrated approach.

Member States should actively consider a minimum wage policy in order to tackle the growing number of working poor. They should also provide targeted additional benefits for disadvantaged groups such as people with disabilities or chronic diseases, single parents, or households with many children.

### **Eradicating poverty**

At a meeting of its executive committee on 1–2 December 2009, ETUC adopted a declaration stressing the need to combine social protection and employment policies as the economic crisis had deteriorated the situation of those social protection systems that still depended on labour market structure. Nevertheless, ETUC noted that social protection systems played a crucial role in:

- reducing the worst effects of the crisis, especially to ensure a decent income regardless of social, professional or personal situation;
- improving the quality of health care and social services, and making them financially affordable and accessible to all people.

The quality of employment and wages is also decisive in building an ‘inclusive labour market’. The Member States and EU should tackle ‘rehabilitation’ of social protection as a productive investment in order to reduce health care spending and to reduce the risk of poverty. Efforts to ensure a decent income, improve social standards, enhance social services and facilitate access to employment should be the main topics to eradicate poverty within the 27 EU Member States (EU27).

### **Joint report on social protection and social inclusion**

The countercyclical role of social protection was stressed in the *Joint Report on social protection and social exclusion 2009* published by the Employment, Social Policy, Health and Consumer Affairs (EPSCO) Council on 13 March 2009. Structural reforms in the field of social security are seen as necessary to bring more people into employment, strengthening the incentive to work and the resilience of labour markets, prolonging working lives and enhancing economic growth, while long-term adequacy and sustainability of pension systems depend on continued efforts to reach the Lisbon target of a 50% employment rate of older workers.

The report calls on Member States to overcome separation between inclusive labour markets, access to quality services and adequate income by increasing coordination between social and employment services, and by designing better links between out-of-work benefits and in-work support.

Quality jobs are seen as the best safeguard against poverty and social exclusion. Member States should therefore favour job retention or speedy re-entry into employment, and promote adaptability, by offering opportunities to acquire or upgrade skills and by developing personalised action plans outlining pathways to the labour market. Attention should also be paid to supporting job opportunities for the most vulnerable groups, including in the social economy.

### **Mutual information system on social protection**

The report issued by Missoc (Mutual Information System on Social Protection) in 2008 provides an analytical overview of significant developments in social protection and their relations to legislative changes over time according the ‘flexicurity’ framework. The report notes that social protection reforms

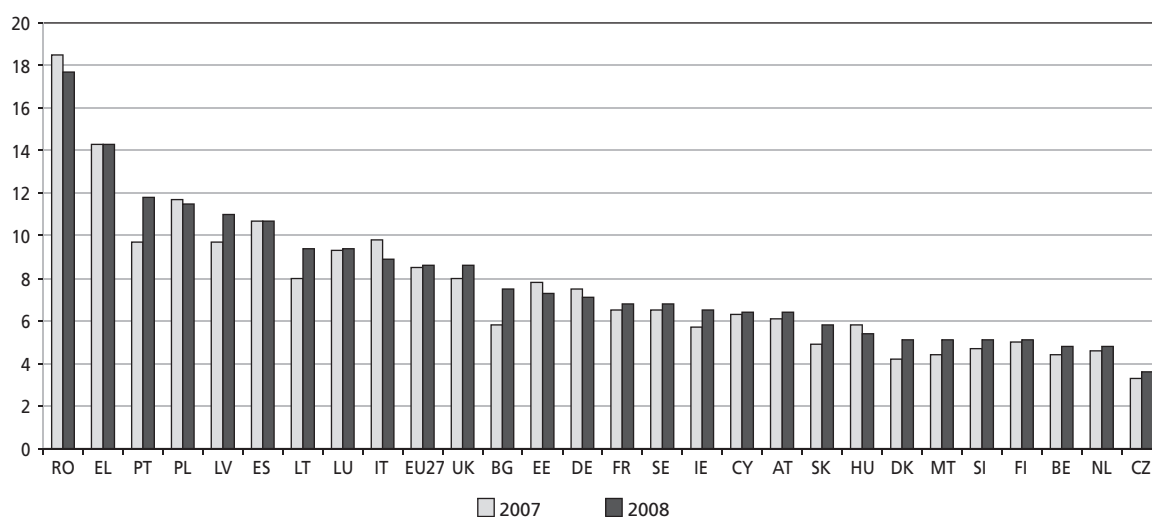
should avoid trap effects while at the same time improving the adequacy of social benefits and ensuring better access to social services.

### Official statistics and trends

In 2008, 8.6% of employees in the EU were in work but at risk of poverty (that is, employed with an equivalised income below the risk-of-poverty threshold, set at 60% of the national median income after social transfers) – a slight increase (+0.1 percentage points) compared with 2007 (Figure 12).

Romania (17.7%), Greece (14.3%) and Portugal (11.8%) reported the highest rates while the Czech Republic (3.6%), the Netherlands (4.8%) and Belgium (4.8%) showed the lowest rates of working people at risk of poverty. Nineteen Member States reported an increase in the rate between 2007 and 2008, particularly remarkable in Portugal (+2.1 percentage points), Bulgaria (+1.7 percentage points) and Lithuania (+1.4 percentage points). Six countries reported some decline, particularly noticeable in Italy (-0.9 percentage points) and Romania (-0.8 percentage points).

**Figure 12: In work at-risk-of-poverty rate, EU27 (%)**



Source: Eurostat, 2010

According to the Special Eurobarometer, *European Employment and Social Policy*, published in September 2009, the overall net job loss due to the economic crisis was 6%, while people's confidence in retaining their job in the coming months had declined from 84% in 2006 to 80% in 2009. In general, the impact of EU social policies is perceived positively, ranging from 78% for 'access to education and training' to 70% for 'fighting against social exclusion and poverty', with a stable outlook compared with the 2006 survey.

In October 2009, the *Eurobarometer survey on poverty and social exclusion 2009* found that 'poverty' assumes different meaning across EU countries: 53% of people surveyed in the Netherlands (51% in Denmark and Germany) considered poverty to be the result of limited education, training or skills while in southern Europe poverty was more related to family condition. The cost of housing is a key factor for Europeans:

- 67% considered decent housing to be too expensive;
- 56% believed that unemployed people were most at risk of poverty;
- 41% believed that elderly people were the most vulnerable;
- 31% considered those with the lowest education levels, training or skills as most at risk.

Many Europeans have known job losses due to the economic crisis, either personally or by their friends, family and work colleagues. Countries with the highest losses were Estonia, Hungary, Ireland, Latvia, Lithuania, Portugal and Spain. Austria, Germany, Luxembourg and Turkey showed the smallest increases in child poverty rates (that is, the share of children living in households with an equivalised income of less than 50% of the median) of all Organisation for Economic Co-operation and Development (OECD) countries.

The Commission's methodological paper *Measuring work intensity* proposed taking explicit account of hours worked as a means of providing insight into the relationship between employment and household income and into the extent of 'in-work' poverty. This measure, like the existing one which considers only the months worked a year, is based on European Union Statistics on Income and Living Conditions (EU-SILC) data on the employment status of individuals during each month of the preceding year and combines these data with details of the usual hours they work a week in their main and any additional jobs.

On 15 January 2010, Eurostat's *Statistics in focus 3/2010* revealed that 17% of full-time employees in the EU are low-wage earners. It also noted that, according to the 2006 Structure of Earnings Survey (SES), low-wage earners included:

- 23% of female full-time employees;
- 28% of those with a low level of education;
- 31% of those with a fixed-term contract;
- 41% of those working in hotels and restaurants.

# Flexicurity and corporate social responsibility

# 3

## European Employment Strategy

According to its 16 February 2009 intervention at the Employment Committee (EMCO) meeting, BUSINESSEUROPE welcomed the Commission's decision to establish a monthly labour market monitor and agreed with the Commission's proposal to maintain the guidelines for Member States' employment policies for 2009 as a good tool for meeting the immediate challenges of increasing unemployment and social exclusion. BUSINESSEUROPE also called for the implementation of the flexicurity approach by focusing on working time flexibility, lower non-wage costs and new skills development.

The report of the special employment summit held on 7 May 2009 in Prague described the main EU aims as being to:

- maintain employment and create jobs;
- increase access to employment, particularly for young people;
- upgrade skills;
- match labour market needs;
- promote mobility.

On 24 June 2009, EMCO endorsed the report *Monitoring and analysis of flexicurity policies*, which assesses flexicurity according to a holistic approach by selecting indicators on inputs (regulations), processes (share of people affected by policy measures) and outputs. These indicators cover five fields:

- contractual arrangements monitoring both internal and external flexicurity;
- lifelong learning systems;
- active labour market policies;
- social security systems including work-life balance;
- inclusive labour markets and 'atypical work'.

The indicators aim to:

- reflect the guidelines closely;
- be clear and unambiguous;
- be estimated through harmonised EU sources (when possible);
- be appropriate and of good quality;
- be linkable with structural indicators.

Indicators at EU level are drawn from harmonised EU data. For each Member State, indicators can be drawn from European Employment Strategy (EES) and Member States' own indicators. The report further illustrated progress both at EU level and for each Member State by means of three radar charts summarising input, process and output indicators, respectively.

In September 2009, a BUSINESSEUROPE briefing called on Member States to implement the flexicurity approach to the labour market in order to alleviate the impact of demographic ageing. This can be

achieved, in particular, through lifelong learning and higher participation of older workers, as well as by removing complex and rigid labour regulations that constrain job creation and result in segmented labour markets.

### **Guidelines for employment policies**

Following its report of 16 February 2009 on the proposal for a Council decision on guidelines for the employment policies of Member States, the European Parliament legislative resolution of 11 March 2009 approved the Commission proposal by outlining the urgent need for a rigorous implementation of the reforms in order to create quality jobs and well-being, and to drive efforts to reverse massive restructuring, avoid jobs losses and prevent further downward pressure on wages and social security provision. The final legislative act was signed on 7 July 2009.

In its opinion issued on 13 May 2009, the EESC endorsed the Commission proposal. However, it pointed out that it did not give enough attention to gender equality and work-life balance, and asked for more emphasis on the integration of young people into the labour market and on combating discrimination, and a more rigorous and focused approach to vocational training and lifelong learning.

A further EESC opinion issued on 11 June 2009 recommended avoiding income cuts as far as possible and promoting equality of opportunities by ensuring greater security in labour markets. It also invited social partners to avoid wage restraints along the lines of a 'beggar-thy-neighbour' policy and to progress with socially acceptable structural reforms, upgrading skills, matching labour market needs more effectively, improving mobility and promoting entrepreneurship. Staying in work, promoting mobility, providing training in line with labour market needs and improving access to labour markets were highlighted as the main priorities.

On 26 November 2009, the European Parliament adopted a non-legislative resolution in favour of the conventions that the International Labour Organization (ILO) classified as up-to-date. The resolution called on the Commission to consider adopting a recommendation to Member States to encourage ratification of those conventions classified as up-to-date and to contribute actively to their implementation.

### **Corporate social responsibility of subcontracting undertakings in production chains**

According to a letter dated 4 February 2009 to members of the European Parliament Committee on Employment and Social Affairs (EMPL), BUSINESSEUROPE felt that subsidiary liability was not an appropriate solution to ensure full compliance with labour legislation since the main contractor is not in a position to monitor compliance in practice; this is the duty of all subcontractors, labour inspectorates and other appropriate public bodies. Furthermore, BUSINESSEUROPE considered that the proposals in EMPL's draft report *Social responsibility of subcontracting undertakings in production chains* needed to be discussed and debated with other European institutions and stakeholders separately so that appropriate solutions could be identified for each one.

Following the motion for a European Parliament resolution passed by EMPL on 17 February 2009, the Parliament agreed a non-legislative resolution on 26 March 2009 inviting the Commission to put forward a proposal on applying the decent work agenda to workers in subcontracting undertakings. It also called on:

- national public authorities to adopt or further develop legal provisions which exclude undertakings from public procurement where they are found to have infringed labour law, collective agreements or codes of conduct;
- policymakers to develop appropriate tools to raise awareness among small and medium-sized enterprises (SMEs).

The European Parliament welcomed the adoption of a transnational legal framework agreed between individual multinational enterprises and global union federations aimed at protecting labour standards at their subcontractors and affiliates across different countries, and framework agreements that define social responsibility and liability in the chain as a complement to the necessary regulation. It invited both sides of industry to promote cooperative subcontracting for specific one-off tasks and to restrict the multiplication of subcontracting.

In a position paper published on 18 March 2009, BUSINESSEUROPE opposed the introduction of liability legislation, in particular at EU level, as an inappropriate means to ensure compliance with social legislation: subcontracting has a strong positive impact on Europe's prosperity as a key factor in the competitiveness of industrial processes, thus contributing to more growth and jobs in the European Union. BUSINESSEUROPE complained that there is very limited knowledge on the social implications of subcontracting and the effectiveness of subsidiary liability as means to ensure compliance with labour laws. It called for more research and better statistics, in particular for an analysis of subcontracting benefits for European economies by looking at its social implications as well as by focusing on the circumstances that led eight countries to introduce subsidiary liability legislation.

The CSR Europe report *Sustainable public procurement* published in May 2009, noted that governments in Europe are in general increasingly integrating social and environmental criteria into their tenders and contracts, although they put greater emphasis on green public procurement (that is goods, services and works procurement with a reduced environmental impact throughout their life cycle) than on socially responsible public procurement such as requiring specific H&S at work measures to avoid accidents at work and specific conditions, commitment to social standards and incorporate sustainability criteria in the technical specifications by requiring certain type of certification as proof of compliance with the criteria. The report presents good practice from the seven best performing Member States (Austria, Denmark, Finland, Germany, Netherlands, Sweden and the UK).

## Lifelong learning

### E-skills

The Commission Communication *Key competences for a changing world* (COM(2009)640 final) of 25 November 2009 focused on literacy, languages and digital competences, particularly among low-skilled and unemployed adults and migrants. Since the implementation and further development of lifelong learning strategies remains a critical challenge, the Commission called for strengthening of those competences required in further learning and in the labour market (often closely interrelated). This could be achieved by developing a common 'language' bridging the worlds of education/training and work to make it easier for citizens and employers to see how key competences and learning outcomes are relevant to tasks and occupations.



### **New skills for new jobs**

The *Council Conclusions on new skills for new jobs* issued on 9 March 2009 called for better monitoring and matching of skills with available jobs. It considered it vital to support Member States in anticipating the future skills needs for workers and employers in the EU through regularly updated projections of labour markets trends disaggregated up to sub-national levels and in the analysis of skills needs. Such tools would contribute to coherent and comprehensive national lifelong learning strategies designed to close skills gaps in the longer term by equipping citizens with key competences. The Council invited the Commission to:

- improve the monitoring of trends in European labour markets by developing tools and services to promote job guidance and mobility;
- address skills mismatches by establishing regular assessments of long-term supply and skills needs.

A position statement by UEAPME on 25 February 2009 welcomed the ‘New skills for new jobs’ initiative. It agreed fully with the proposal to integrate the assessment of skills and labour market needs in the framework of the EU strategy for growth and jobs by means of a European labour market monitor. However, UEAPME was sceptical of the value of long-term skill forecasting for concrete decisions in labour markets and policymaking on vocational and educational training (VET). According to UEAPME, training systems should be demand driven, responding to changing economic needs as quickly as possible by combining highly effective and efficient public employment services and partnerships between education and businesses at all levels, notably in countries where alternating based education systems do not exist.

The resolution issued by ETUC after the meeting of its executive committee on 17–18 March 2009 welcomed the initiative as it confirmed the priorities shared at European level about transparency and compatibility of skills, the recognition and validation of formal and informal learning, and quality assurance mechanisms for training. ETUC considered vocational training at the workplace during working hours as an essential aspect of lifelong learning. However, it noted that participation varied considerably among countries and sectors, and that workers in small companies have fewer opportunities to obtain training. For these reasons, ETUC planned to use social dialogue in order to:

- guarantee workers’ right to training;
- make training accessible for all citizens by regulating access to it, its financing and the use of working time as essential aspects of any agreements.

In March 2009, the opinion from the European Centre of Employers and Enterprises providing Public Services (CEEP) supported the Commission’s initiative to promote forecasting practices at company level. It proposed that best practice in employment and skills forecasting schemes should be shared at the annual conference ‘Partnership for skills and employment’ announced by the Commission. It also welcomed the initiative by the European Centre for the Development of Vocational Training (Cedefop) to produce its own forecast on the supply side to ensure better comparability. CEEP asked for decentralisation of the education and professional training systems within Member States so as to better adapt training offers to the needs of employers. CEEP also supported the development of apprenticeships and diverse forms of ‘learning on the job’ encouraged by adapted tax measures.

While supporting the Commission communication as part of the wider flexicurity approach, the position paper issued by BUSINESSEUROPE on 16 April 2009 agreed with the Commission that better monitoring of labour market and skills requirements would in the long run be a valuable resource for policymaking, although the results should be treated with caution and integrated by short-term qualitative measures. Such measures should take into account the differences across European systems at national, regional, sectoral and local levels by favouring rapid reactions to change. The 'European labour market monitor' and the 'Match and map' web service proposed by the Commission could be useful if all relevant national actors can make full use of them. Finally, BUSINESSEUROPE considered that successful policies should include modern and flexible education and training systems combined with effective mobility and immigration policies, ensuring an efficient allocation of labour and attracting the best and the brightest.

The EESC opinion of 4 November 2009 pointed out that:

- social partners play a crucial role, 'especially in setting school curricula and establishing a system of trades and qualifications at national level' in collaboration with educational institutions;
- the EU must improve the skills and adaptability of workers who have lost their jobs or are in danger of doing so.

### **Impact of climate change**

The ETUC resolution on climate change adopted at the meeting of its executive committee on 20–21 October 2009 (ahead of the December Copenhagen climate change conference) supported policies aimed at cutting carbon emissions and at developing greener jobs. While recognising the need to enable workers to adapt to new jobs, ETUC pointed out that these objectives can only be achieved in the context of social partner involvement at both company and sector level. It called for action to ensure genuine carbon traceability for such products and the sharing of scientific knowledge between countries through the establishment of a European agency charged with setting benchmarks and the generalised carbon traceability of all products. Moreover, ETUC supported negotiations at international level to secure a binding and comprehensive international agreement to limit the global rise in temperature, reducing emissions by at least 25%–40% below 1990 levels in developed countries.

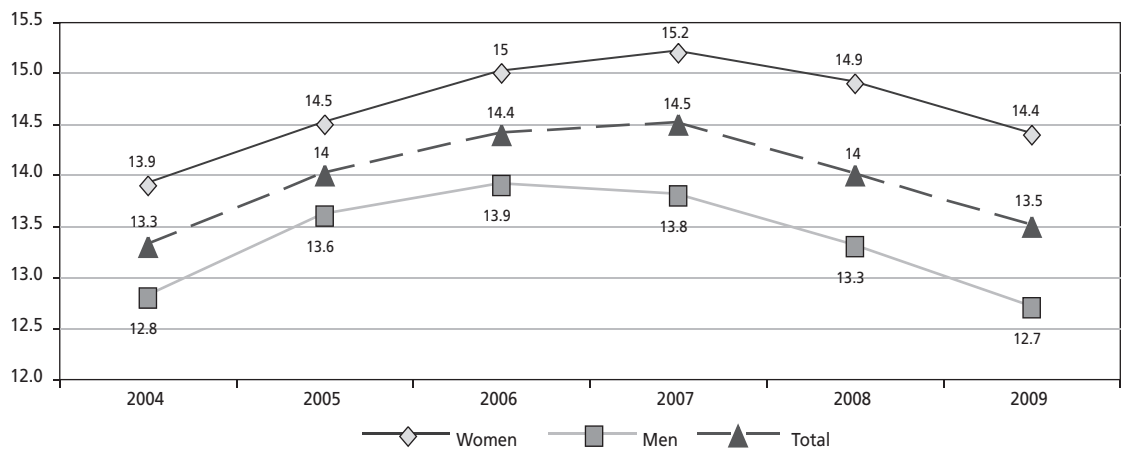
In a speech to the Tripartite Social Summit for Growth and Employment held in Brussels on 29 October 2009, BUSINESSEUROPE's Director-General, Philippe De Kuck, expressed concern about finding global solutions to climate change issues while also identifying ways 'to avoid moving manufacturing out of the EU', and therefore not to move further than the current EU commitment of a 20% carbon reduction 'while other countries outside the EU remain reluctant to even go that far'. A press release from UEAPME following the event, while accepting that Europe must be a leader when it comes to climate change policies, added that 'unilateral reductions in CO<sub>2</sub> emissions are inadequate and cannot lead to sustainable climate policies' and was in favour of an agreement at Copenhagen which sets adequate obligations on all countries. Finally, a speech by the CEEP President, Carl Cederschiöld, confirmed his organisation's commitment to pursuing the fight against climate change and to encourage sustainable development, as witnessed by the promotion of the CEEP-Corporate Social Responsibility (CEEP-CSR) label. The label is based on a methodology that assesses CSR practices and internal voluntary rules (including human resources and health and management) in enterprises offering services of general interest.

## Official statistics and trends

### Flexicurity and labour market transitions

The share of non-permanent employees in the EU27 (that is, those with temporary contracts) in 2009 was 13.5%, continuing to decline from the 2007 peak (14.5%) but still above the level in 2004 (13.3%) (Figure 13). Women steadily showed a higher share of non-permanent employees than men, although declining from 15.2% in 2007 to 14.4% in 2009. The gap continued to increase from 0.9% in 2005 to 1.7% in 2009.

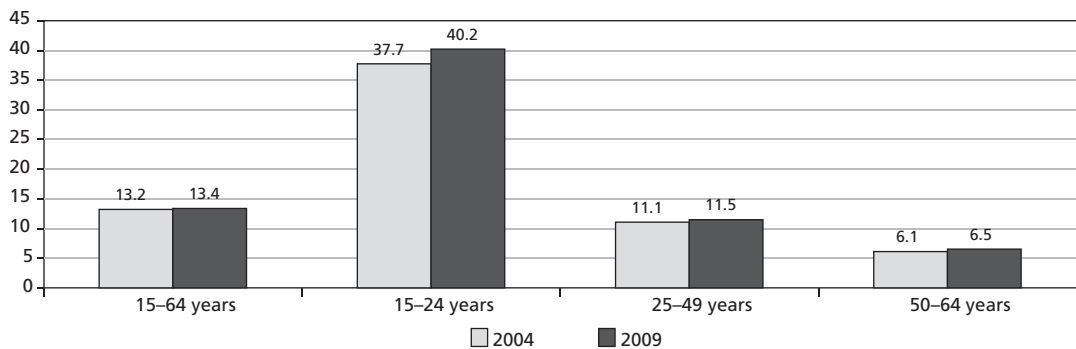
**Figure 13: Employees with temporary contracts, by gender, EU27, 2004–2009**  
(% of total employment)



Source: Eurostat, 2010

The proportion of temporary contracts increased slightly by 0.2 percentage points across all age classes between 2004 and 2009 (Figure 14). In 2009, it was highest among young workers aged 15–24 years (40.2%), who also showed the greatest increase over the period (+2.5 percentage points). Both the next two age groups showed a slight increase during the five-year period (+0.4 percentage points).

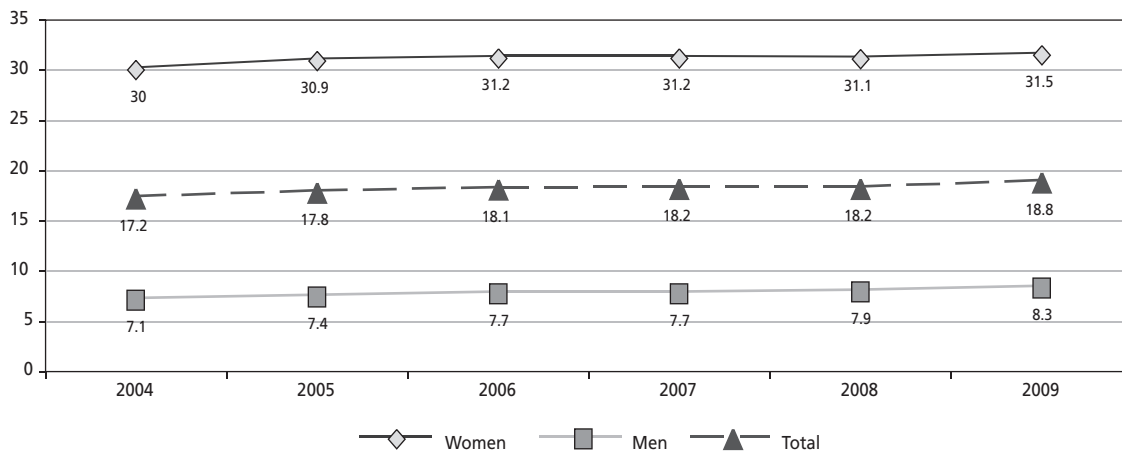
**Figure 14: Employees with temporary contracts, by age, EU27, 2004–2009**  
(% of total employment)



Source: Eurostat, 2010

The proportion of employees working part time in 2009 was 18.8% of total employees, a 0.6 percentage point increase on 2008 (the proportions of men and women both increased by the same amount) (Figure 15). The share of part-timers increased by 1.6 percentage points between 2004 and 2009, with a greater increase among women than among men (+1.5 and +1.2 percentage points respectively).

**Figure 15: Employees working part time, by gender, 2004–2009 (% of total employment)**



Source: Eurostat, 2010

The Eurofound report *Good practice guide to internal flexibility policies in companies*, published on 30 March 2009, discusses several case studies showing different flexicurity mixes focused on internal flexibility which can be grouped according to the focus on either organisational or functional flexibility (typically multitasking, multiskilling and teamworking) or working time flexibility (such as time accounts and flexitime). The report notes that internal flexibility can improve the performance of organisations in terms of enhancing adaptability, innovation and productivity and can contribute to employees' work-life balance, health and employability, but that it needs to be created in a balanced, holistic and participative way.

Chapter 2 of the Commission report *Employment in Europe 2009*, published on 23 November 2009, investigated labour markets flows, transitions and unemployment duration in order to assess the ability of a flexicurity strategy to cope with the current recession. EU labour markets showed increasing dynamics in 2002–2007.

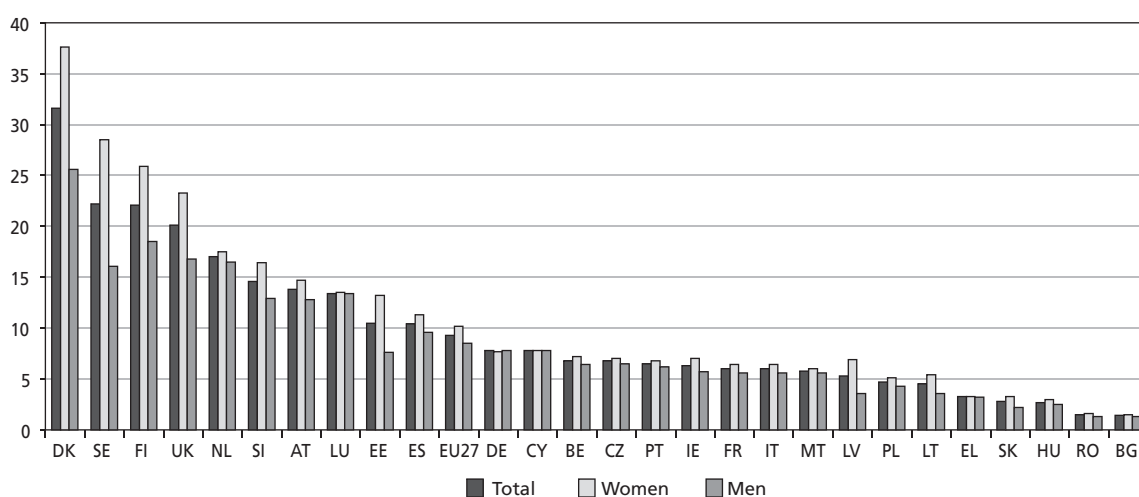
- Turnover fell as age, education, skills level and employment protection increased (the latter was measured using the OECD index summarising legislative and contractual constraints to firing both permanent and non-permanent employees); the increase was higher among women than among men.
- Transition rates from unemployment to employment increased with gross domestic product (GDP) performance.
- Transition rates from inactivity to employment increased with education and declined with age.
- Unemployment duration tended to increase with age and decrease with level of education (12.3 months for low-skilled unemployed compared with 8.1 months for skilled unemployed).

## Lifelong learning

The participation rate in lifelong learning activities was 9.3% in 2009 (Figure 16), though still below the 12.5% benchmark established in 2003. Denmark (31.6%), Sweden (22.2%) and Finland (21.1%) showed the highest participation rates, while Bulgaria (1.4%), Romania (1.5%) and Hungary (2.7%) reported the lowest rates in this regard.

Women participated more in lifelong learning than men both at EU level (10.2% and 8.5% respectively) and in most countries, with the noticeable exception of Germany (7.8% in the case of men and 7.7% for women) and Malta (5.6% in the case of men and 6% for women).

**Figure 16: Participation in lifelong learning, by country and gender, 2009 (%)**



Notes: EU27, SE provisional data, LU break in series.

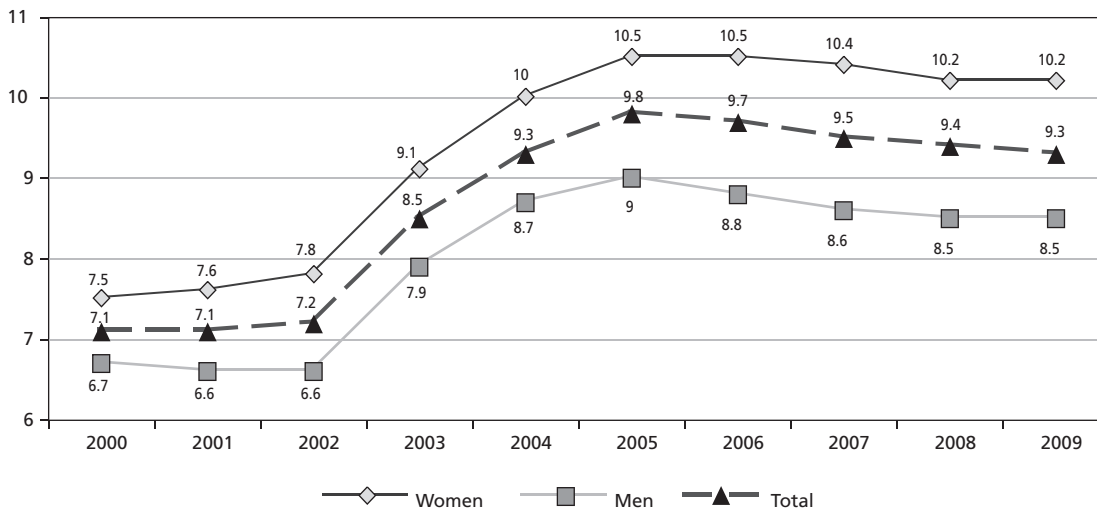
Source: Eurostat, 2010

The participation rate in lifelong learning increased significantly between 2002 and 2005, reaching up to 9.8%; since then it declined slightly to 9.3% in 2009 (Figure 17). Women consistently participated more than men over the whole period, with an increase in the gender gap from 0.8 percentage points in 2000 to 1.7 percentage points in 2009.

The 2009 Cedefop report *Future skill supply in Europe: Key findings*, contained a forecast of skills supply. A substantial further increase in the proportion of the adult labour force with high- and medium-level qualifications was observed, albeit with some variations between countries. Two alternative scenarios (one optimistic and one pessimistic) were calculated to provide margins for the projections: all the scenarios expect increases in medium and high qualification levels, with the high-level qualifications projected to experience the biggest increases and a decline forecast in the total number of low-skilled people.

The findings of the 18 sector reports published by the Commission in late 2009 were summarised in the report *Transversal analysis on the evolution of skills needs in 19 economic sectors*, published in January 2010. The decline in skilled jobs (for example, craftspeople) was compensated by a moderate increase in very low-skilled elementary jobs (for example, elementary occupations/manual labour) and a strong

Figure 17: Participation in lifelong learning, EU27, 2000–2009 (%)



Notes: Data for 2001 are estimates. In 2003, there was a break in the series. Data for 2009 are provisional.  
Source: Eurostat, 2010

increase in highly skilled jobs (for example, managers) – thus increasing skills polarisation. Traditional sector divisions are expected to dissolve because of new technologies, new customer demands and enlarged supply and value chains, resulting in new job profiles and new demands on employees' skills and education. These changes call for new types and mixes of employees and educational backgrounds in most sectors.

Traditional job profiles and work tasks will increasingly show new combinations of skills and competencies. These new skills and competences will be especially related to sustainability (such as environment, climate, health), information and communication technologies (ICT) and to the internationalisation of workforce, markets and supply chains.

### Undeclared work

The Eurofound report *Measures to tackle undeclared work in the European Union*, published in July 2009, found differences in undeclared work across sectors and countries both in extent and in type. This implies that policy approaches and measures will need to be tailored to fit the particular circumstances that prevail in different countries or regions. Such measures are grouped in two broad policy approaches based on deterrence and on positively encouraging compliant behaviour. The report includes a 'knowledge bank' of case studies.

### Impact of climate change

Chapter 3 of the Commission report *Employment in Europe 2009* investigated the impact of climate change and transition towards a low-carbon society on labour markets. The overall impact was marginal, but with significantly different effects across economic sectors, skill types and regions. This is likely to have a less favourable effect on low-skilled workers than on high-skilled workers.



## Working time directive

### Working time

While rejecting some of the European Parliament's amendments on opt-out in order to preserve the clause, the Commission opinion (COM(2009) 57 final) of 4 February 2009 accepted the need to revise the Common Position on:

- the definition of the inactive part of on-call time (that is the time employees are at their company's disposal though not working);
- the 'at most' 12-month reference period in calculating average working time;
- the deletion of the upper limits proposed by the Commission Position (60 hours per week, or 65 hours in some situations, on average) for the working time of workers who agree to opt-out.

The Commission agreed with the European Parliament that there should only be a derogation to the 48-hour maximum working week for people in 'senior management positions' rather than for 'persons with autonomous decision-taking powers'.

In a position paper issued on 10 March 2009, BUSINESSEUROPE did not agree with the Commission's opinion on on-call time and criticised its support for the European Parliament position on compensatory rest periods according to a trade-off approach. BUSINESSEUROPE argued that counting the inactive part of on-call time as working time would have negative consequences for both public and private sectors where on-call time is a common feature. This would put pressure on financing in the public sector and on companies, while allowing Member States to count the inactive part of on-call time in specific ways would create uncertainties. However, BUSINESSEUROPE fully supported the Commission's desire to maintain the opt-out (according to a pragmatic approach). BUSINESSEUROPE's preference was for the general rule for compensatory rest to be taken within a reasonable period as this would provide companies with the necessary flexibility when planning working time. It felt that restricting this derogation to senior management would hamper the flexibility afforded to a company from other workers being able to work autonomously.

### Road workers

According to the EESC's opinion of 24 March 2009, the Commission proposal (COM(2008) 650 final) on the amendment of Directive 2002/15/EC on the organisation of the working time of road workers:

- would be difficult to implement;
- would give rise to enormous additional costs and increased administrative burden;
- fails to improve the H&S protection of those performing mobile road transport activities;
- fails to improve road safety;
- fails to align conditions of competition (as set by the directive).

Although employees cannot work more than 48 hours a week (on average) when complying with Regulation 561/2006 on driving time and rest periods, self-employed drivers can work up to 86 hours a week and still comply with the same regulation. The aims of the directive can only be achieved by applying minimum social protection standards in the road transport sector to everyone carrying out mobile transport activities, regardless of their status.



In a draft report published on 24 July 2009, EMPL rejected the Commission proposal on the grounds that, since the distinction between self-employed drivers and mobile workers was unclear, this increased the risk of the phenomenon of ‘false’ self-employed drivers (workers not tied to an employer by an employment contract but without the freedom to have working relationships with several customers). EMPL called for a more precise definition of ‘mobile workers’ (any travelling worker in the staff of an undertaking which operates transport services for passengers or goods by road). Finally, it did not accept the definition of two hours as the minimum period of night work.

On 18 December 2009, the European Parliament issued a draft report which proposed several amendments, including a combined set of requirements, in order to ensure that self-employed people enjoy full autonomy in managing their business. The Parliament called for efficient compliance of driving times and rest periods for all drivers’ rules; monitoring this would require cooperation between Member States and the Commission, together with the contribution of the social partners.

### **Doctors in training**

On 26 March 2009, the Commission launched a consultation on the working time of doctors in training with particular reference to the limits of weekly working times transitionally derogated from the 48-hour limit.

### **Seafarers**

On 14 April 2009, the Commission launched the second-stage consultation on reassessing the exclusion of seafarers from several directives in order to bring them up to the standard enjoyed by workers on shore. While technological progress helped to overcome communication difficulties, making exclusion from European Works Councils (EWCs) and information and consultation directives no longer a convincing argument, the provisos of directives on protection from risks of insolvency, collective redundancies and transfer of undertakings do not appear to be incompatible with the special nature of employment relationships on seagoing vessels. Finally, the issue of exclusion from the posting of workers directive, which was related to uncertainties about ‘territory’, could be overcome by extending the scope of the directive to include ships operating under the flag of a Member State in addition to the concept of territory.

## **Health and safety at work**

### **Simplification**

The opinion of the High Level Group of Independent Stakeholders on Administrative Burdens issued on 28 May 2009 recommended the exclusion of companies with less than 50 employees from the risk assessment procedure and differentiation of information obligations according to company size. This approach was warmly supported in an article by a UEAPME representative, who claimed that risk assessment (usually performed informally) meets the demands expressed by employers in SMEs who generally consider H&S legislation as an administrative fulfilment, or mainly a bureaucratic burden or very expensive. In a special report, ETUI contested such views since ‘work hazards are much more to do with the production process and how it is managed than company size. Size is often associated with poorer quality management, but it does not have to be’ and that this would undermine prevention in SMEs.

### Small fishing vessels

Responding to concerns about the ‘extremely high’ rate of accidents in the fishing sector, the Commission issued a report (COM(2009)599 final) on 29 October 2009 which summarised the legislative and practical implementation by Member States of two H&S at work directives – Directive 93/103/EC (fishing vessels) and Directive 92/29/EEC (medical treatment on board vessels). Social partners considered dissemination and information activities covering the new provisions as inadequate in most Member States. As a consequence of increasing competitive pressures, dwindling fish stocks and high fuel costs affecting the income of the whole sector, crews have been reduced to a minimum, working hours have increased, shifts are longer and underreporting of work accidents has increased, thus making it even more difficult to assess the impact of the new measures. The introduction of a better organised system for providing medical advice via radio medical centres to vessels has been claimed as the major outcome of Directive 92/29/EC. Improvements in information, training and inspections are envisaged, while the Advisory Committee on Safety and Health at Work (ACSHW) and the Commission will formulate non-binding instruments (guidelines) for small fishing vessels.

### Mining

A Commission report (COM(2009) 449 final) published on 3 September 2009 described the monitoring of the practical implementation of H&S at work directives 92/91/EEC (mineral extraction through drilling) and 92/104/EEC (surface and underground mineral extraction). It found no significant differences in the situation between the Member States in large and medium-sized companies or extractive industry sectors, with a satisfactory application of the main minimum safety requirements laid down in the directives. However, it concluded that SMEs (companies with less than 250 employees) needed more support in putting in place an effective H&S policy through the provision of more practical information. National authorities and sectoral social partners are encouraged to reach an agreement on training requirements applicable to workers throughout the EU (depending on the scale and type of risk) with ACHSW and its Standing Working Party for the Mining and Other Extractive Industries. Mutual cooperation and information exchange between these national bodies and the Senior Labour Inspectors’ Committee could provide good practice models for better enforcement.

### Workforce in the health sector

The EESC opinion adopted on 16 July 2009, which welcomed the *Green Paper on the European workforce for health* (COM(2008) 725 final), considered that undesired migration of health care personnel can be countered by higher pay and better working conditions and, where applicable, new responsibilities which require appropriate qualifications. The EESC stressed the role of social partners, social dialogue and social standards in ensuring a high quality of patient care and patient safety by:

- contrasting any attempt to undermine them;
- ensuring gender equality and work–life balance (because of the large proportion of women working in the health care professions);
- recognising the skills used and the onerous nature of the work involved.

However, the EESC was cautious about the Commission’s wish to encourage health care workers to pursue self-employment and expressed its concern for the increasing trend towards apparent self-employment, especially in nursing and care of elderly people.

## REACH

On 31 March 2009, ETUC presented a list to the European Parliament of priority chemicals for authorisation under the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) Regulation including:

- carcinogens, mutagens and reprotoxins (CMR), classified in category 1 or 2;
- persistent, bioaccumulative and toxic (PBT) or very persistent and very bioaccumulative (vPvB) substances;
- other substances identified, on a case-by-case basis, from scientific evidence as causing probable serious effects to humans or the environment.

On 1 June 2009, the European Chemicals Agency (ECHA) issued its first recommendation on inclusion of substances in Annex XIV.

On 27 May 2009, BUSINESSEUROPE issued a position paper claiming that fulfilling REACH requirements had so far proved a very time- and resource-consuming process (with several overlaps and inconsistencies) leading to disruption in highly complex global supply chains, legal uncertainty, unnecessary duplication of administrative burden and costs. BUSINESSEUROPE recommended that sector-specific directives should implement fully all criteria and procedural elements of the REACH regulation instead of developing additional approaches on regulating chemicals in specific articles or products, with uniform procedures across countries. Seven priority areas for action to reduce the financial burden on companies were also identified.

On 6 August 2009, the ECJ issued a ruling (C-558/07) that unreacted monomers (that is, chemical substances composed of relatively simple molecules) must be registered inasmuch as they constitute, under Article 3(6) of the REACH regulation, substances in their own right. Polymers are excluded from the registration obligation because they are composed of monomer units. A monomer is a 'substance' when it is in an unreacted form, and registration concerns monomer substances or any other substances that are constituents of polymers.

## Mental health at work

ETUC, BUSINESSEUROPE, UEAPME and CEEP adopted the 2009 progress report on their framework agreement on harassment and violence on 16 June 2009. The report summarised action taken at national and EU level by social partners, jointly or separately, in order to achieve its implementation and dissemination. Poor awareness among social partners and their affiliates meant that dissemination activities (such as training, seminars and guidance) were the most widespread action reported (15 Member States). In one country (Belgium), monitoring was the most relevant action since its legislative framework already provided adequate coverage. Social partners in 11 countries had implemented the framework agreement directly (in some cases just agreeing on its translation) or indirectly by means of recommending a bipartite consultative body. Two countries had started negotiations in 2008 and another two had modified their legal framework by improving employee protection.

### **Asbestos ban**

On 18 February 2009, the Commission issued an amended proposal (COM(2009) 71 final) to that made in 2006 for a codified version of the 1983 directive on the protection of workers from the risks related to exposure of asbestos at work. In an opinion issued on 10 June 2009, the EESC suggested three amendments to the Commission proposal. These related to the importance of a preventive approach with regard to substitute fibres for asbestos in order to ensure that the alternatives used do not pose any health problems and called for Member States to bring the contents of the exposure register and medical records for workers exposed to asbestos into line with those of the records for workers exposed to other carcinogens. After approval by the European Parliament on 20 October 2009, Directive 2009/148/EC was finally issued on 30 November 2009.

In a resolution adopted on 7 May 2009, the European Parliament urged the Commission to make a legislative proposal by the end of 2009 on the controlled disposal of asbestos fibres and the decontamination or disposal of equipment containing them. On 22 June 2009, the Commission issued a regulation which amended the Annex XVII derogation for chrysotile asbestos diaphragms and stressed that high-voltage installations can be operated successfully with substitute materials.

### **Nanotechnologies**

According to the non-legislative resolution issued by the European Parliament on 22 April 2009, following a report by the European Parliament Committee on the Environment, Public Health and Food Safety (ENVI) published on 8 April 2009, the use of nanomaterials should respond to the real needs of citizens in a safe and responsible manner within a clear regulatory and policy framework. However, this principle, which is advocated by the EU, is jeopardised by the lack of information on the use and safety of nanomaterials already on the market. The European Parliament called on the Commission to:

- review all relevant legislation within two years to ensure the safety for all applications of nanomaterials in products with potential health, environmental or safety impacts over their life cycle;
- evaluate the need to review REACH considering all nanomaterials as new substances;
- ensure that legislative provisions and instruments of implementation reflect the particular features to which workers, consumers and the environment may be exposed;
- promote the adoption of a harmonised definition of nanomaterials at international level;
- evaluate the need to review worker protection legislation.

In a press release issued on 1 April 2009, ETUC called for the application of REACH by reversing the burden of proof on the manufacturer when nanotechnologies are to be implemented by giving priority to H&S at the workplace according to the precautionary principle.

## **Directives on health and safety at work**

### **Directive codifications**

The final legislative act of the codified version of the directive concerning the minimum H&S requirements for the use of work equipment by workers at work was signed on 16 September 2009.

### **Needlestick injuries**

On 17 July 2009, the European Hospital and Healthcare Employers' Association (HOSPEEM) and the European Federation of Public Services Unions (EPSU) signed a framework agreement on injuries caused by all medical sharps (including needlesticks), that is those instruments 'necessary for the exercise of specific health care activities which are able to cut, prick and cause injury and/or infection'. Under the agreement, employers and employee representatives will work together to eliminate and prevent risks including:

- consultation on the choice and use of safe equipment and appropriate training;
- eliminating unnecessary use of sharps through the encouragement of changes in practices.

### **Exposure to environmental tobacco smoke at work**

A first-stage consultation on the protection of workers from risks related to exposure to environmental tobacco smoke (ETS) at the workplace was launched by the Commission on 15 December 2008 (see the *Annual review of working conditions 2008–2009*). In its position paper of 13 February 2009, BUSINESSEUROPE acknowledged the health risks of exposure to ETS and the particular challenges for the hospitality sector, where appropriate solutions must be found at national level. However, BUSINESSEUROPE declared that the issue is not merely a workplace H&S one, but largely a societal issue. It therefore advocated non-binding initiatives at EU level (such as assistance for companies) and action in the public health sphere to encourage Member States to take measures in this field.

Similarly, in its 13 February 2009 response to the first-stage consultation, UEAPME declared that:

- any solution should not be based on H&S in the workplace legislation;
- variations in exposure between countries and sectors would make the attempt to set minimum standards virtually impossible to implement and bring unnecessary administrative, financial and legal burdens for small businesses.

Instead, UEAPME favoured non-binding actions.

In a position paper also issued on 13 February 2009, EuroCommerce was more in favour of consensual solutions since the existing legal framework at both national and EU level had proved to function well and to provide sufficient protection for employees at the workplace.

On 3 March 2009, ETUC issued a news release supporting a legislative initiative that reaffirmed the preventive approach pursued in occupational health by eliminating the ETS risk by means of organisational measures banning smoking at the workplace. Specific arrangements might be possible for workers who do smoke, provided that they guarantee that no non-smoking workers are exposed.

### **Exposure of workers to electromagnetic fields**

In a report on the health effects of exposure to electromagnetic fields (EMF) published on 19 January 2009, the Scientific Committee on Emerging and Newly Identified Health Risks (SCENIHR) concluded from three independent lines of evidence (epidemiological, animal and in vitro studies) that:

- exposure to radio frequency fields is unlikely to lead to an increase in cancer in humans;
- data are still too limited for an appropriate risk assessment.

The report urged giving priority to research on occupational exposure to intermediate frequency fields, which is increasing among workers in, for example, security, retail and certain industries.

Following a report dated 23 February 2009 on health concerns associated with EMF, the European Parliament issued a resolution urging the Commission to review the scientific basis and adequacy of the EMF limits, and calling on it to:

- present an annual report on the level of electromagnetic radiation in the EU;
- find a solution enabling Directive 2004/40/EC to be implemented more rapidly.

On 1 July 2009, the Commission launched the first consultation of the social partners about the adequateness of the directive, which is in force and due to be transposed by 30 April 2012. The directive establishes exposure limit values for electric and magnetic fields by setting 'action values' (levels indicating a threshold above which employers must take one or more of the actions provided for in the directive) for any type of fields. The consultation asked the social partners about both directive revision and non-binding measures such as production of good practice guides, launching regular information campaigns and setting up appropriate training programmes.

In a position paper issued on 18 September 2009, BUSINESSEUROPE acknowledged the potential health risks of exposure to EMF and recognised that such risks should be dealt with adequately. However, it strongly opposed implementation of an unchanged directive since both exposure limit values and action values were set low and favoured an amendment that introduced new revised exposure limit values based on the latest international recommendations. BUSINESSEUROPE did not consider that non-binding measures alone would be the most effective way forward. The confederation called for a more practical approach concerning risk and supported the production of good practice guides, information campaigns and training programmes, as complementary to a Community initiative. A good example, according to BUSINESSEUROPE, was the guide being drawn up by the Advisory Committee on Safety and Health at Work (ACSH) Working Party on Electromagnetic Fields, as foreseen by its *Action programme 2009*.

### **Packaging of chemicals**

Following its 2007 proposal (COM(2007) 355 final), on 9 December 2009 the Commission launched the first-stage consultation (C(2009)9763 final) of the European social partners regarding the amendment of certain EU directives on H&S at work on the classification, labelling and packaging of substances and mixtures which align EU systems to the United Nations Globally Harmonized Handling System of Classification and Labelling of Chemicals (GHS).

### **Portable computers and communication devices**

The December 2009 Commission report entitled *The increasing use of portable computing and communication devices and its impact on the health of EU* investigated:

- existing evidence on H&S risks for the working population from the growing use of portable systems and devices;
- the types of work they are used for;
- the extent they are used by the working population;

- the categories and numbers of workers affected.

The report concluded that the main stressors, which may cause increased stress and mental fatigue, were:

- the blurring of boundaries between work and private life;
- the extension of the working day;
- the difficulties in supervising mobile employees at work;
- the feeling that mobile employees have of being insufficiently involved in company decisions and having poorer career prospects.

Measures to reduce mental strain from the use of such devices can include:

- training and preparation of affected employees to identify and prevent stressors that may impair their health;
- agreements on feedback routines for the evaluation of their performance;
- analysis of the organisation of work, encouraging a more holistic approach in cooperation with other organisational management disciplines.

The main ergonomic risks considered in the report were:

- static and poor posture resulting from using the devices in an unsuitable environment;
- repetitive strain injury from pinching;
- poor legibility resulting from small display;
- cognitive load resulting in accident risks while driving or walking.

Although available data do not allow reliable assessment of these risk factors, the report envisaged several options for adapting existing legislation related to adaptation of the visual display units (VDU) directive (Council Directive 90/270/EEC).

## **Official statistics and trends**

### **Job quality and working conditions**

The Eurofound report *Working conditions and social dialogue* was published on 17 November 2009 following discussions at a conference in Prague on 22–23 June 2009. The report explored working conditions and social dialogue in an effort to deepen existing findings and presented evidence on how social dialogue has been used to improve working conditions. Experiences from six Member States (Austria, the Czech Republic, France, Germany, Spain and Sweden) in the construction and health care sectors highlighted substantial differences regarding the specific role of social dialogue and the social partners in regulating and improving working conditions. Social dialogue and the existence of works councils appeared to have a clear impact on negotiated and institutionalised solutions in the field of working conditions.

The European Parliament study *Indicators of job quality in the European Union*, issued in October 2009, provided an overview of existing indicators on quality of work, their development and ongoing work

at EU level. It examined the strengths and weaknesses of each set of indicators in order to assess the ‘better jobs’ part of the Lisbon Strategy by stressing the fact that ‘the structural indicators of the Lisbon Strategy that were established to monitor the targets related to employment ... have a marked quantitative component’. After discussing methodological issues and possible approaches for modelling job quality, the report reviewed 18 job quality indicators or systems of indicators. Eight of the indices reviewed are not really (or not strictly) measures of job quality, as they consist of dimensions associated with other issues, while two of the indices reviewed are based solely on subjective variables and another one relies on workers’ subjective evaluations of ‘objective’ job attributes. Many measures present methodological problems when trying to include gender or age group gaps; only eight dealt adequately with them. To provide a sounder basis for job quality analysis, the report recommended better funding to enlarge the scope of the European Union Labour Force Survey (LFS) compiled by Eurostat and the Eurofound European Working Conditions Surveys (EWCS) (the ‘reference surveys’).

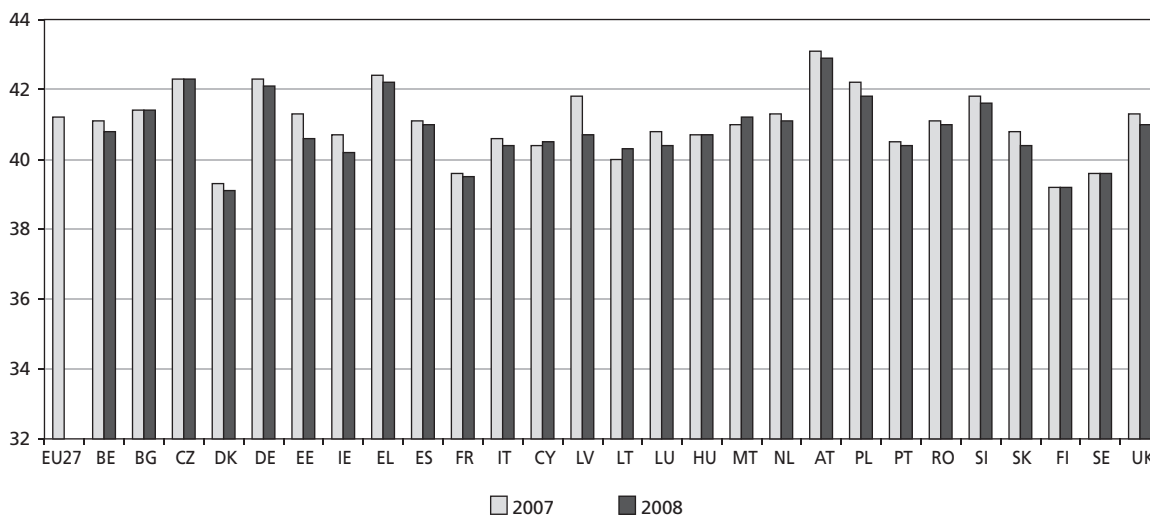
The ETUI report *Benchmarking Europe*, published in March 2009, used the ETUI job quality index (JQI) to show that job quality improved in the 2000s in some dimensions and deteriorated in others, with divergences between countries, employment contract and gender (job quality declined for women, whereas men experienced an improvement). At disaggregate level, indexes for wages, skills development and career showed some improvement, but those for non-standard employment, working conditions and collective interest representation showed a decline.

### Working time

The usual hours worked a week by full-time workers showed a slight decline in 2008 compared to 2007 in almost all countries, notwithstanding the lack of the EU27 figure for full-time and part-time workers in 2008 (Figure 18).

Three countries showed an increase (Cyprus, Lithuania and Malta) and the situation in Bulgaria, the Czech Republic, Hungary and Sweden was stable. Austria, the Czech Republic, Germany and Greece still reported working time of more than 42 hours a week while Denmark, France, Finland and Sweden reported less than 40 hours.

**Figure 18: Usual hours worked a week by full-time workers, 2007–2008**

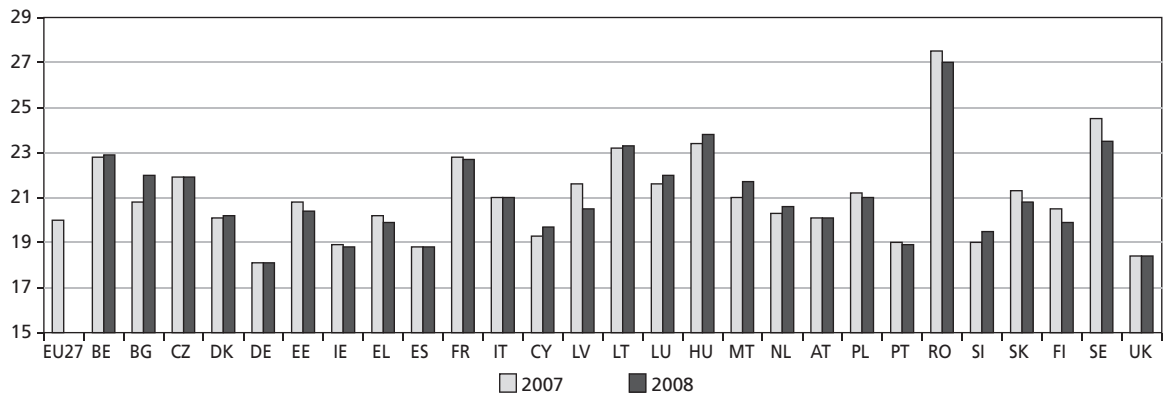


Source: Eurostat, 2010



Part-time workers reported more variable trends (Figure 19). Ten countries showed some increase in the weekly hours worked by part-time workers in 2008 compared with 2007, the most noticeable of which were Bulgaria (+1.2 hours a week) and Malta (+0.7). A total of 11 countries showed some working time reduction, especially in Latvia (-1.1 hours) and Sweden (-1 hour). Romania (27 hours a week) and Sweden (23.5 hours) reported the longest working hours for part-timers, while Germany (18.1 hours) and the United Kingdom (18.4 hours) reported the shortest.

**Figure 19: Usual hours worked a week by part-time workers, 2007–2008**



Source: Eurostat, 2010

### Health and safety

The report *Expert forecast on emerging chemical risks related to occupational safety and health*, published by the European Agency for Safety and Health at Work (EU-OSHA) in April 2009, identified as emerging risks:

- nanoparticles and ultrafine particles, diesel exhaust, siliceous and non-siliceous man-made mineral fibres among particles;
- epoxy resins, isocyanates among allergenic and sensitising agents;
- dangerous substances in waste treatment activities raising biological risks;
- crystalline silica-based products.

A further emerging risk area is chemical risks combined with poor organisational factors, especially among SMEs and outsourced activities performed by subcontracted workers with poor knowledge of chemical risks.

The *REACH baseline study* published on 15 June 2009 by Eurostat proposed an indicator system to monitor the impact of the REACH regulation in reducing risks and enabling changes in the quality of the public data on substances and their safe use to be detected. Instead of gathering scarce data on real risks, the study used available information on hazardous properties, potencies and exposures to characterise the risk of a few randomly selected substances. The evolution of the quality of these data was evaluated by using different types of indicators to monitor the various types of expected effects. Finally, the study described changes that are expected to be caused, or at least strongly stimulated, by REACH.

According to the results of an EU-OSHA *Pan-European poll on occupational H&S at work*, issued in June 2009:

- 28% of respondents thought that a 'great deal of ill health' is caused by the job people have and 48% reported that this is the case to 'some extent';
- 57% of respondents believed that H&S has got 'better' or 'much better' in their country;
- 66% of respondents were 'very well' or 'well informed' about H&S risks at work;
- 21% of respondents believed that the economic crisis might deteriorate H&S conditions at work a 'great deal' and 40% 'to some extent'.

The June 2009 EU-OSHA working paper *Labour inspectorates' strategic planning on safety and health at work* summarised the main occupational health and safety (OSH) related priorities established by national labour inspectorates and provided information on how these priorities are set.

The July 2009 EU-OSHA working paper *Occupational safety and health and economic performance in small and medium-sized enterprises (SMEs): a review* stated that the lack of knowledge and resources to manage their working environment properly (including opportunities to call for external expertise) are the main reason for less favourable H&S conditions in SMEs. While SME employers consider that ensuring safety is costly, they are not aware to the same extent that lack of safety is also costly. A reduction in accidents and damage and improvements to poor health can lead to lower costs and greater availability of people and plant. This, in turn, can improve efficiency and thereby heighten business effectiveness.

Based on the results from the Labour Force Survey 2007 ad hoc module on accidents at work and work-related health problems, Eurostat's *Statistics in focus 63/2009* of 21 August 2009 revealed that 8.6% of workers in the EU experienced work-related health problems. The findings also revealed that:

- 3.2% of workers in the EU27 had an accident at work during a one-year period;
- 10% of these accidents were a road traffic accident;
- 8.6% of workers in the EU27 experienced a work-related health problem;
- bone joint or muscle problems (28%) and stress, anxiety or depression (14%) were most prevalent;
- 40% of workers in the EU27 were exposed to factors that can adversely affect physical health;
- 27% of workers were exposed to factors that can adversely affect mental well-being.

### **Minimum wage**

The Eurostat report *Minimum wages in January 2009*, published on 20 June 2009, noted that 20 EU Member States, one candidate country (Turkey) and the United States (US) had national legislation setting statutory minimum wages. The disparity between Member States ranged from one to six in terms of purchasing power standard (PPS), with Luxembourg (1,413 PPS a month) the highest and Bulgaria (240 PPS a month) the lowest. The monetary value of the minimum wage increased in most EU countries in 2009, with the noticeable exceptions of Ireland and Lithuania (unchanged) and Hungary, Poland and the UK, where they were cut, though there was no decline when PPS was considered.

### **Working conditions and industrial relations**

The comparative analytical report *Self-employed workers: industrial relations and working conditions*, published by Eurofound on 2 March 2009, examines social security as a crucial aspect of the regulation of self-employment. It identifies differences with respect to employees and demonstrates that recent reforms have increased the protection of self-employed people. The report analyses both the working conditions and collective representation of ‘economically dependent workers’ who face low earnings, discontinuous work, low skills, long and non-standard working hours, a high incidence of industrial accidents and work-related health problems. This group requires comprehensive measures at national and EU levels such as welfare provisions, training initiatives, business support services and the promotion of collective representation.

Published on 4 May 2009, the comparative analytical report *Occupational promotion of migrant workers* shows that migrant workers are frequently segregated into low-paid, unskilled and precarious employment, thus confirming previous research. The report summarises public policies and good practice aimed at fostering the occupational promotion of migrant workers by overcoming barriers they face in this respect.

Another comparative analytical report, *Low-qualified workers in Europe*, published on 13 November 2009, outlines the limited employment options of low-qualified workers who tend to be restricted to certain types of jobs and have fewer opportunities to participate in training than people with more education. Social partners play an important role in various respects.

- They have first-hand information of what kind of skills are valued in the labour market and thus should be offered to low-qualified workers (through continuous vocational training) or to unemployed people.
- They can contribute in improving motivation and confidence among low-qualified workers in order to increase their take-up of opportunities and training.
- They could contribute to the validation of skills acquired through work rather than through formal education. This is increasingly highlighted as an important means of strengthening the position of low-qualified workers.

## Gender equality in employment and occupation

According to the European Commission report *Equality between women and men – 2009*, published on 27 February 2009, female employment in the EU was 58.6% in 2009 and thus close to achieving the Lisbon objective of 60% by 2010.

Although the gender gap in employment rates fell from 17.1% in 2000 to 12.1% in 2009, the employment rate gap of women and men with children under 12 years of age almost doubled and there were four times as many women working part time than men in 2009. These figures highlight the unequal share of domestic and family responsibilities and the lack of satisfactory levels of childcare provision, particularly for children under the age of three.

The gender pay gap (17.4% on average in the EU27) has been almost unchanged in most Member States over the past few years, indicating a concentration of women in less valued jobs and positions than men. Occupational and sectoral segregation has been similarly almost unchanged, suggesting that the increase in female employment has taken place in women-dominated sectors. These factors also have an impact on the risk of women becoming unemployed (they are more often on fixed-term contracts than men) and falling into poverty despite better qualifications. The latter is especially true for single parents (32% of women are at risk of poverty) and for women over 65 (21% of them are at risk of poverty, five points higher than men).

The report envisaged four actions to tackle such gaps:

- encouraging equal sharing of private and family responsibilities between women and men by means of reconciliation measures also targeted at men such as paternity leave and flexible work arrangements;
- tackling stereotypes to enable women and men to use their full potential;
- promoting equal participation of women and men in decision-making positions, specific policies and effective measures in order to succeed including, where appropriate, positive action, equality plans, mentoring and targeted training;
- creating higher awareness and better understanding of gender equality by reinforcing gender mainstreaming.

The Council Conclusions of 8 June 2009 urged Member States to adopt, in cooperation with the social partners, appropriate policies to reconcile work, family and private life, based on an equal sharing of responsibilities between women and men in the family. It also emphasised the urgent need for effective measures by Member States to promote the principle of equal pay for equal work or work of equal value for women and men.

The EESC opinion issued on 1 October 2009 stressed that working for gender equality is a means of promoting growth and jobs, strengthening the economic independence of women and reducing in-work poverty, and of creating the conditions for better reconciling work, family and private life, by offering flexible ways of organising working time.

The Council Conclusions of 30 November 2009 considered that the equal sharing of family and domestic responsibilities between women and men, the provision of affordable, accessible and quality

care services, and facilitating work–life balance for both women and men are all essential steps for achieving gender equality and reaching EU objectives for employment and growth. The Council stressed that more efforts are needed both in narrowing the gap between the employment rates of women and men, and in improving the quality of work. It also called on Member States to strengthen the gender dimension when adopting the post-Lisbon Strategy in 2010 and to ensure that the differential impact on women and men of the global economic and financial crisis is taken into account in the development and adoption of policy measures to tackle the crisis.

On 18 December 2009, the Commission report *Equality between women and men – 2010* invited the Council to urge the Member States to:

- strengthen the synergy between gender equality and employment to stimulate recovery and sustainable growth in all parts of the EU 2020 strategy (gender equality policies are a factor for driving growth by exploiting the full potential labour supply, notably in view of future skills shortages);
- reduce the gender pay gap through specific strategies combining all available instruments, including targets where appropriate;
- ensure that diversity in boards of listed companies fosters a balanced decision-making environment;
- improve reconciliation measures for both men and women;
- promote social inclusion and gender equality;
- prevent and combat gender-based violence.

### **Roadmap for gender equality**

On 3 August 2009, the European Commission consulted the European social partners on the follow-up strategy to the roadmap for equality between women and men.

In its reply of 30 November 2009, ETUC called for a reinforcement of the commitment to gender equality according to a long-term strategy by tackling the gender pay gap, the horizontal and vertical professional segregation of women, and precarious forms of work (including domestic work). It also urged that the six priorities of action should be maintained and integrated by measures such as:

- re-introducing a quantitative target to reduce the gender pay gap;
- establishing new indicators on care services and targets about care for dependants and elderly people;
- introducing innovative working time arrangements supporting work–life balance in the revision of the working time directive;
- making part-time work a genuine quality option.

ETUC also outlined the role of social dialogue and collective bargaining in promoting equality between men and women, and proposed compulsory implementation of gender impact assessments in all legislative proposals put forward by all EU institutions.

In its response issued on 13 October 2009, BUSINESSEUROPE considered that, at macro level, encouraging progress had been achieved in terms of female employment rates (though marked differences existed between Member States), but that challenges remained on the proportions of women entrepreneurs and in attracting women to technology-intensive, scientific and technical professions (traditionally male-dominated). At company level, higher levels of educational attainment of women did not yet translate into a more balanced representation at managerial level because of, among other factors, the lack of opportunities for work-life balance and women's choosing occupations where pay is relatively lower. However, companies are increasingly aware that more gender-balanced management structures tend to produce better results.

### **Framework of actions on gender equality**

The *Third follow-up report 2008 to the Framework of actions on gender equality* issued by the social partners summarises how they continued to take into account the four priorities adopted in March 2005 (address gender roles and fight against stereotypes, promote women in decision-making, support work-life balance and tackle the gender pay gap) in collective agreements at national, sectoral, regional or company levels. They were able to do so through tripartite concertation by participating in advisory committees or structures with public authorities to discuss national strategies in the field of gender equality, and jointly between the social partners or separately. Although most of the projects mentioned in the report were supported financially by EU Structural Funds, others have been developed within the framework of regional partnerships between public authorities and social partner organisations (either jointly or separately) and, in some cases, in partnership with civil society organisations.

The *Evaluation report 2009* issued on October 2009 by the social partners on their activities in implementing the four priorities notes that, in the majority of Member States, this was often tackled in an interconnected way. The European social partners consider that the process of policy coordination at European level would gain in clarity, effectiveness and attractiveness for stakeholders by focusing on a few key priorities as articulated in the framework of actions. This framework played an important role in influencing EU policy developments in the field of gender equality such as the 2006–2010 roadmap on gender equality, the 2007 Commission Communication *Tackling the pay gap between women and men* (COM(2007) 424 final) and the two-stage 2007 consultation on the reconciliation of work, family and private life. A number of challenges persist such as:

- achieving the female employment rate of 60% and the Barcelona childcare objectives (childcare services for 33% of children aged up to two years and 95% for those aged three to five years);
- improving the quality of female labour market participation.

Enabling women to make the most of their skills and competences will help to face future societal and labour market challenges, while actions addressing labour market segmentation and fully exploiting Europe's labour force potential should be targeted at both men and women.

### **Parental leave framework agreement**

On 18 June 2009, ETUC, BUSINESSEUROPE, CEEP and UEAPME signed a revised framework agreement on parental leave which amended the 1995 agreement by confirming the individual right of male and female workers to be entitled to parental leave on the grounds of the birth or adoption of a child to take care of that child until a given age up to eight years (to be defined by Member States and/or social partners). This leave is provided on a non-transferable basis. The revised agreement increased

its minimum length from three to four months to encourage a more equal take-up of leave by both parents (the additional month is to be provided on a non-transferable basis). Clauses regarding how to implement the leave (qualification period, splitting over time, postponement for justifiable reasons related to the operation of the organisation) were left unchanged, and the exclusion of atypical workers (both part-timers and non-permanent workers) from the scope and application of the agreement was defended. The agreement encourages workers and employers to maintain contact during the period of leave, possibly making arrangements for reintegration measures (to be decided between the parties concerned).

### **Revision of the pregnant workers directive**

The EESC opinion issued on 13 May 2009 supported the Commission's proposal (COM/2008/0637 final) to amend the pregnant workers directive (Directive 92/85/EEC) by agreeing that a minimum paid maternity leave of 18 weeks should be guaranteed to all pregnant employees. The EESC called for extra support for parents and infants with special needs or in special circumstances such as premature, disabled or sick babies, multiple births or hospitalisation, as well as adoption. It also recommended additional legal and practical solutions which, in terms of space and time, can facilitate breastfeeding. Finally, the EESC strongly supported the proposal that payment during maternity leave should be equal to the previous salary; this is not only a necessity but also a way of recognising the value of motherhood.

On 12 November 2009, the Committee on Women's Rights and Gender Equality (FEMM) of the European Parliament issued a draft report amending the Commission's proposal. This proposed that women employed under any type of contract, including in domestic work, should be granted the right to at least 20 continuous weeks of maternity leave and entitlement to at least 85% of their last or average monthly salary so as to not prevent them losing out financially because they are mothers. Breastfeeding employees should not be obliged to work overtime and at night, and be entitled to two separate periods of leave lasting one hour each.

FEMM called on the Commission to draw up guidelines on the assessment of the chemical, physical and biological agents and industrial processes considered hazardous for the reproductive health of male and female workers (covering ergonomic and physical and mental stress as well). It also urged Member States to adopt suitable measures for the recognition of postnatal depression as a serious illness by supporting awareness campaigns. FEMM further called for measures to support workers in balancing work and family life, by pointing out that the 2009 revised framework agreement on parental leave does not cover remuneration issues and specific types of family-related leave adequately.

### **Childcare**

On 20 January 2010, the EESC opinion on early childhood care and education acknowledged that high-quality childcare is an opportunity to increase quality of life and helps to reconcile working, private and family life for all members of the family. The EESC considered that the qualification and recognition of the labour force employed in the formal, and even more in the informal provision of childcare services, required further improvement and support. It strongly supported the recognition of the responsibility of Member States and the increasing commitment of the social partners to contribute to the improvement of universal, flexible education and care opportunities for all children and their use of all possible ways to contribute to its availability and success.

### **Equal treatment between men and women engaged in an activity in a self-employed capacity**

According to its opinion of 24 March 2009, the EESC considered that the Commission's proposed directive (COM(2008) 636 final) undoubtedly improved the situation (under European law) of self-employed women who have a child and their assisting spouses. However, it urged the Commission to review each of the three separate areas addressed in the directive as individual cases to ensure they are given due consideration in the context of equality. In particular, the EESC found it difficult to conceive how maternity provision for self-employed women could function and noted that there were no proposed measures to improve the social or financial standing or the social protection of assisting spouses.

FEMM issued a draft report on the proposed directive on 11 February 2009 and a legislative report on 7 April 2009. On 6 May 2009, the European Parliament issued the first reading position: this amended the Commission proposal so as to prevent any discrimination based on marital or family status as regards the conditions for setting up a company between spouses or between life partners when recognised by national law. It also required Member States to ensure that assisting spouses and life partners can benefit from at least an equal level of protection as self-employed workers under the same conditions applicable to self-employed workers.

### **Gender pay gap**

According to the opinion issued on 10 June 2009 by the Advisory Committee on Equal Opportunities for Women and Men, the gender pay gap persists at a very high level (17.4%) across Europe and, in some areas, it is widening. The Committee grouped the causes of the gender pay gap into five types:

- undervaluing of women's work;
- a horizontally and vertically segregated labour market;
- wage structure;
- work-life balance;
- traditions and stereotypes.

According to the Committee, social partners play a key role in removing hidden discriminations in collective agreements and stereotypes in job evaluation; where social partnership is weak or non-existent, much more emphasis will need to be placed on the responsibility of employers for delivering equal pay. The Committee recommended:

- more transparency in the composition of wage structures (the gender pay gap is mainly hidden in the invisible aspects of wage composition);
- greater reconciliation measures for women and men to balance professional and private life by strengthening provisions for parental and other family-related leave and care policies, achieving Barcelona targets for the provision of childcare, innovative forms of working arrangements complementing a general family-friendly working time organisation;
- addressing the gender-segregated labour market through periodic campaigns;
- improving statistical data collections, to facilitate an ongoing exchange of good practice between Member States;

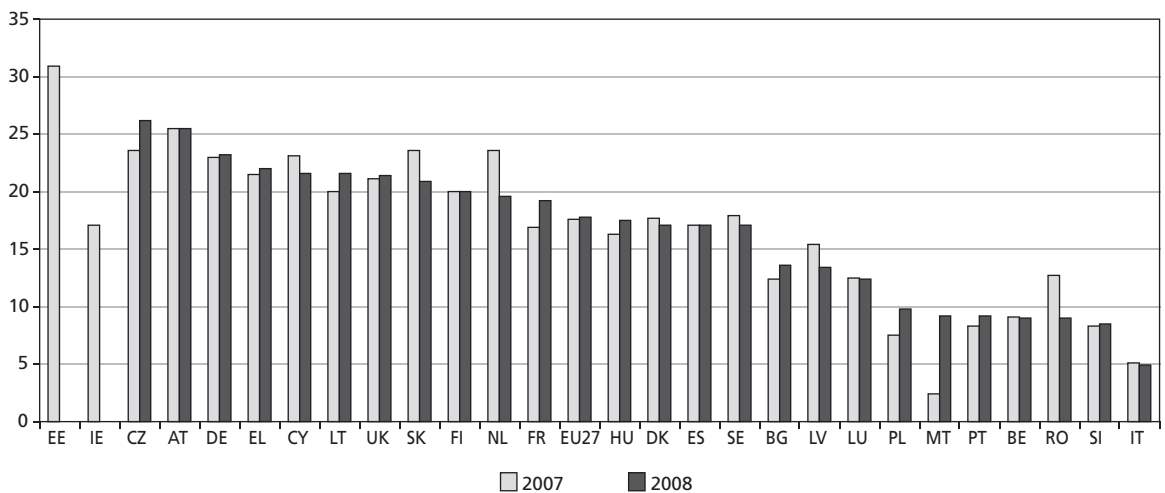


- breaking the cycle of gender stereotypes and traditions;
- mainstreaming the gender pay gap into other EU macroeconomic policies by providing a gender pay indicator in the macroeconomic and/or employment guidelines of the post-Lisbon Strategy on growth and jobs.

### Official statistics and trends

The unadjusted gender pay gap showed a slight increase at EU27 level from 17.6% in 2007 to 17.8% in 2008 (Figure 20). The Czech Republic (26.2%), Austria (25.5%) and Germany (23.2%) reported the highest values in 2008, while Italy (4.9%), Slovenia (8.5%), Belgium and Romania (both 9%) cited the lowest. There was a significant decline in the gender pay gap in the Netherlands (4 percentage points), Romania (3.7 percentage points) and Slovakia (2.7 percentage points). The most noticeable increases in the gender pay were reported in Malta (6.8 percentage points), the Czech Republic (2.6 percentage points) and France and Poland (both 2.3 percentage points).

**Figure 20: Unadjusted gender pay gap as a percentage of men’s gross hourly earnings**



Notes: Ireland and Estonia 2007 data only, 2008 EU27 provisional data.

Source: Eurostat, 2010

On 3 March 2009, the Eurofound report *Childcare services in Europe* highlighted the overall growth of the gender pay gap in the EU. Working conditions vary in terms of employment practices, opening hours and coverage with an evident gender imbalance but a lack of availability, high costs and inaccessibility of services still often prevail across Europe.

The Eurofound report *Women managers and hierarchical structures in working life*, published on 9 February 2009, used information from the EWCS to analyse both the current situation and the obstacles women face on the way to top managerial positions. There is a wide variation across the EU27 on the number of female bosses, who usually supervise other women. Thus, gender equality is not just about proportions of women and men in managerial positions as women managers are mostly working together with other women in female-dominated sectors and occupations. This implies that women have special difficulties in reaching the highest positions. The report noted that no significant differences between male and female bosses had been detected for most areas of human relations at the workplace.

The June 2009 Commission report *The provision of childcare services: A comparative review of 30 European countries* highlights the fact that, at EU25 level, 26% of all children in the age group 0–2 received at least one hour of formal care in 2006. Significant discrepancies were registered at country level (from 73% in Denmark to less than 5% in Austria, the Czech Republic, Lithuania and Poland), while only in seven Member States (Belgium, Denmark, Netherlands, Portugal, Spain, Sweden and the UK), Iceland and Norway was the use of childcare services above or at the Barcelona target of 33%. Subsidies to childcare services varied widely between Member States: the share that parents pay varied from 8% in Sweden to 80% in Poland, while in most countries the costs of childcare were related to family income. Several countries are trying to raise the level of qualification (though there may be crucial budgetary constraints limiting the introduction of such policy measures).

According to the Eurostat report *Reconciliation between work, private and family life in the European Union*, published on 27 October 2009, parenthood has a significant impact on both part-time work (much more widespread in families with children) and the employment rate gap (from 23% to 7.6% at EU level for those without children), which increases with the number of children; the impact on paid working hours is significant only for full-time workers. While men spend less than five hours a week in unpaid work, women devote more than 25 hours: when women work part time, the average time spent on unpaid work exceeds by far that spent each week on paid work (32 hours and 21 hours respectively).

## Equality and non-discrimination

The European Parliament position issued on 2 April 2009 amended the Commission's proposal (COM(2008) 426 final) for a directive 'implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation'. The Parliament called on the Commission to stress that the diversity of European society is a key aspect of the cultural, political and social integration of the Union and prohibition of direct, indirect and multiple discrimination.

On 24 April 2009, the European Parliament approved the conclusion by the European Community of the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities. It called on the Commission and Member States to incorporate its provisions into law by providing adequate resourcing, promoting good practice exchange and social dialogue.

The July 2009 Commission report *Links between migration and discrimination*, pointed out that, notwithstanding the 2004 directive (Directive 2004/83/EC), third-country nationals are not ensured full equality of treatment with nationals in Member States regarding protection from nationality-based discrimination: such a situation is not affected by the Charter of Fundamental Rights. This conflicts with the prohibition of discrimination on the grounds of nationality, emerging as a general principle of international and EU human rights law. When implementing EU law, the Commission calls on Member States to 'take into account the need not to establish or maintain differences in principle between different categories of foreign nationals' or among nationals and foreigners, unless such differences can be justified as pursuant legitimate objectives in a proportionate way.

The Commission's progress report (COM(2009) 409 final) of 29 July 2009 considered the transposition of Directive 2002/73/EC as satisfactory, although efforts were still needed in several Member States to

achieve full and correct transposition. The impact is particularly relevant in gender equality law given the persistence of inequality and discrimination.

On 16 November 2009, the joint declaration by ETUC and Social Platform called on the Commission to:

- continue to ensure adequate transposition and implementation in Member States' legislation;
- tackle remaining gender gaps in gender equality policies and legislation and ensure gender mainstreaming;
- mainstream equality in all EU policies by establishing and requiring national gender equality and non-discrimination benchmarking, evaluation and mainstreaming in all instruments;
- developing rights-based migration and integration policies by guaranteeing fundamental social rights and access to services supporting effective inclusion mechanisms.

### **New disability strategy 2010–2020**

On 4 November 2009, the Commission launched a public consultation on the preparation of a new EU disability strategy 2010–2020. The questionnaire asked for opinions on the problems of persons with disabilities and ways to solve them. No background document was submitted.

Following the EU–US seminar on employment of persons with disabilities held in Brussels on 5–6 November 2009, the seminar report recommended that the Lisbon Strategy and its further development and implementation should be explicitly understood to support the employment of persons with disabilities. Employment programmes, including quota schemes, should be designed in a way that avoids employers being able to use fines as an alternative to meeting quota requirements and/or tackling discrimination. Adequate levels of support for individuals with disabilities to enter and retain desired and well-remunerated employment should be encouraged, with the report highlighting the role of programmes supporting their transitions into employment.

The December 2009 Commission report *Study on the situation of women with disabilities in light of the UN Convention for the Rights of Persons with Disabilities* concludes that, while the share of both men and women with long-standing health problems or disabilities is around 16% of the total population, this group faces the 'intersection' of gender and disability by creating a distinct and particular experience of disadvantage and discrimination. The report notes that employment rates for women with disabilities are consistently lower than those of men with disabilities and of women without disabilities, and that they are closely related to the definitions, criteria and incentives of welfare regimes. The report points out that national systems of social protection are often based on the medical model of disability and, in such cases, tend not to take account of the extent to which women with disabilities are disabled by the working environment.

The most effective approaches to promote the employment of women with disabilities tend to combine requirements for employers to make reasonable adjustments to workplaces and working conditions, with the option for individual cases of discrimination to be heard at employment tribunals. Policies that rely mainly on quota systems often result in the recruitment of individuals into low-skilled or even token jobs. Flexible employment can be an attractive option for women with disabilities, but this requires the support of active labour market policy measures favouring individual choice.

### Case law

On 5 March 2009, the ECJ gave its judgment on the UK's transposition legislation, which specifically permits employers to dismiss their employees at the age of 65 years without considering such treatment as discriminatory. The National Council on Ageing (NCoA), a UK charity promoting the well-being of older people, challenged the legality of the UK legislation as being contrary to Directive 2000/78/EC. The ECJ ruled against NCoA, stating that such a directive 'gives Member States the option to provide, within the context of national law, for certain kinds of differences in treatment on grounds of age if they are "objectively and reasonably" justified by a legitimate aim' such as a social policy objective related to employment policy, the labour market or vocational training, and if the means deployed are appropriate and necessary. The directive further imposes on Member States the burden of establishing to a high standard of proof the legitimacy of the aim relied on as a justification.

On 26 March 2009, the ECJ issued its ruling on the different retirement age between male and female workers with regard to pensionable age and minimum length of service foreseen by the Greek Civil and Military Pensions Code. Since the Greek pension scheme is based on an employment record and is not a social security scheme, it should be regarded as pay since it applies to a wide and varied group of workers and is calculated on the basis of length of service and final salary: this would be contrary to the principle of equal treatment to impose rules that differ on the grounds of the worker's gender as stated by Article 141 of the EC Treaty prohibiting discrimination with regard to pay.

### Official statistics and trends

According to the November 2009 Special Eurobarometer report *Discrimination in the EU in 2009*, discrimination on grounds of ethnic origin (61% in 2009, 62% in 2008) was perceived to be the most widespread in the EU, while discrimination on grounds of age showed a 16 percentage point increase since 2008 to 58%. Other key findings were as follows:

- 16% of Europeans said they were discriminated against in the last year;
- those feeling part of a minority showed an increase in discrimination since 2008 (disability from 31% to 33%, ethnic origin from 23% to 25%, and sexual orientation from 12% to 23%);
- one in four people reported witnessing discrimination or harassment in the past year, particularly related to 'ethnic origin' (12%).



The main efforts of EU institutions and the social partners during the reference period were put into managing the economic crisis and the launch of a long-term vision for the European Union as outlined by the 'Europe 2020' strategy, and based on skills needs, the new youth strategy and the consultation on the new 'roadmap for gender equality'. Regulatory work was more targeted on specific issues, achieving in some cases new regulations (for example, agreements on parental leave and medical sharps). The European Parliament sometimes triggered new advances in EU regulation, though the contrasting views of the Parliament and the Commission on some issues often did not result in concrete advancements.

# Annex

## Country codes

<b>Country code</b>	<b>Country name</b>
AT	Austria
BE	Belgium
BG	Bulgaria
CY	Cyprus
CZ	Czech Republic
DE	Germany
DK	Denmark
EE	Estonia
EL	Greece
ES	Spain
FI	Finland
FR	France
HU	Hungary
IE	Ireland
IT	Italy
LT	Lithuania
LU	Luxembourg
LV	Latvia
MT	Malta
NL	Netherlands
PL	Poland
PT	Portugal
RO	Romania
SE	Sweden
SI	Slovenia
SK	Slovakia
UK	United Kingdom

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