

COUNCIL OF THE EUROPEAN COMMUNITIES
GENERAL SECRETARIAT

PRESS RELEASE

6711/90 (Presse 77)

art/BS/dot

1408th Council meeting
- LABOUR AND SOCIAL AFFAIRS -
Brussels, 29 May 1990

President: Mr Bertie AHERN
Minister for Labour
of Ireland

The Governments of the Member States and the Commission of the European Communities were represented as follows:

Belgium

Mr Luc VAN DEN BRANDE Minister for Employment and Labour

Denmark

Mr Erik KIRKEGAARD Minister for Labour

Germany

Mr Wolfgang VOGT Parliamentary State Secretary to the Federal Minister for Labour and Social Affairs

Greece

Mr Haris CARABARBOUNIS Deputy Permanent Representative

Spain

Mr Luis MARTINEZ NOVAL Minister for Labour and Social Security

France

Mr André LAIGNEL State Secretary for Vocational Training, Ministry of Labour

Mrs Hélène DORLHAC State Secretary for the Family, Ministry of Solidarity

Ireland

Mr Bertie AHERN Minister for Labour

Italy

Mr Ugo GRIPPO State Secretary, Ministry for Labour

Luxembourg

Mr Jean-Claude JUNCKER

Minister for Labour

Netherlands

Mr Bert DE VRIES

Minister for Employment and
Social Security

Portugal

Mr José Albino da SILVA PENEDA

Minister for Employment and
Social Security

United Kingdom

Mr Michael HOWARD

Secretary of State for Employment

o

o

o

Commission

Ms Vasso PAPANDEOU

Member

ACTION TO ASSIST THE LONG-TERM UNEMPLOYED

The Council adopted a Resolution on action to assist the long-term unemployed (see Annex I).

THE FORCE PROGRAMME

The Council adopted a Decision establishing an action programme for the development of continuing vocational training in the European Community (FORCE).

The aim of the programme, which is to run for four years (1 January 1991 - 31 December 1994), is to support and complement the policies and activities developed by and in the Member States in the area of continuing vocational training, a field essential to the completion of the internal market.

ECU 24 million was estimated as necessary for the financing of the first two years of the FORCE programme.

The principal objectives of the FORCE programme are:

- to encourage a greater investment effort in continuing vocational training through the development of partnerships;
- to encourage innovations in the management of continuing vocational training, methodology and equipment;
- to take better account of the consequences of the completion of the internal market;
- to contribute to greater effectiveness of continuing vocational training mechanisms and their capacity to respond to changes in the European labour market.

To achieve those objectives the programme has been given two complementary parts:

- a common framework of guidelines designed to support and complement the policies and measures adopted by the Member States with a view to promoting the development of continuing vocational training;
- a number of transnational measures implemented at Community level designed to support and complement activities developed by and in the Member States.

In the implementation of the programme the Commission will be assisted by an advisory committee composed of representatives of the Member States. Twelve representatives of both sides of industry will participate in the work of the committee as observers.

THE FIGHT AGAINST RACISM AND XENOPHOBIA

The Council and the representatives of the Governments of the Member States, meeting within the Council, adopted a Resolution on the fight against racism and xenophobia (see Annex II).

FREEDOM OF MOVEMENT FOR WORKERS WITHIN THE COMMUNITY

The Council held a general political exchange of views on the proposal for the amendment of Regulation (EEC) No 1612/68 and the proposal for the amendment of Directive 68/360/EEC.

These proposals are intended to improve the situations of migrant workers and of the members of their families, in particular in the light of the jurisprudence of the Court of Justice since 1968.

The Council instructed the Permanent Representatives Committee to continue work on these proposals.

SOCIAL SECURITY FOR MIGRANT WORKERS - NON-CONTRIBUTORY BENEFITS

The Council took stock of the progress made on the proposal for the amendment of Regulation (EEC) No 1408/71 on non-contributory benefits.

It instructed the Permanent Representatives Committee to continue work on the proposal.

HEALTH AND SAFETY OF WORKERS AT WORK

The Council adopted two Directives and a common position in the field of the health and safety of workers at work.

The two Directives adopted were the last two of the Article 118a package submitted by the Commission in March 1988; the Council adopted the framework Directive and the individual Directives on the workplace, work equipment and personal protective equipment in 1989. The individual Directives provide that the consultation and participation of workers and/or their representatives must take place in accordance with Article 11 of the framework Directive.

It is provided that the Member States will apply the two Directives adopted no later than 31 December 1992.

- HEAVY LOADS Directive

This Directive lays down minimum health and safety requirements for handling heavy loads where there is a risk of back injury for workers.

It provides that employers must take appropriate organizational measures to avoid the need for the manual handling of heavy loads by workers or, where that need cannot be avoided, to reduce the risks run in the manual handling of heavy loads.

- DISPLAY SCREEN EQUIPMENT Directive

The Directive lays down minimum safety and health requirements for work with display screen equipment.

The Directive obliges employers:

- to analyse workstations in order to evaluate the safety and health conditions to which they give rise for their workers;
- to take appropriate measures to ensure that workstations meet the minimum requirements laid down in the Annex to the Directive on equipment, the environment and the operator/computer interface.

The Directive also provides that:

- a worker's activities must be planned in such a way that daily work on a display screen is periodically interrupted;
- workers must be entitled to an appropriate eye and eyesight test and, if necessary, an ophthalmological examination.

- Common position on the BIOLOGICAL AGENTS Directive

This draft Directive is intended to protect workers against risks arising or likely to arise from exposure to biological agents at work.

It provides that in the case of any activity likely to involve a risk of exposure to biological agents, the nature, degree and duration of workers' exposure must be determined in order to make it possible to assess any risk to the workers' health or safety and to lay down the measures to be taken.

Depending on the project, an employer must avoid the use of a harmful biological agent by replacing it with a biological agent which is not dangerous or is less dangerous.

It also provides that employers must, when requested, provide the competent authority with appropriate information on a series of important matters concerning the protection of workers and that they must take individual health and safety protection measures in the case of all activities for which there is a risk due to work with biological agents.

The planned Directive also includes provisions on the information and training of workers, the keeping of lists of exposed workers and health surveillance.

Finally, the text adopted provides for the Community classification of biological agents within six months of the date of application of the Directive.

art/BS/dot

29.V.90

THE DIGNITY OF WOMEN AND MEN AT WORK

The Council adopted a Resolution on the protection of the dignity of women and men at work (see Annex III).

EXCHANGES OF YOUNG WORKERS

The Council adopted the Decision amending Decision 84/636/EEC establishing a third joint programme to encourage the exchange of young workers within the Community.

The Decision adopted provides for the continuation of the third programme after 31 December 1990 until 31 December 1991 at the latest and for the Council to examine, no later than 31 March 1991, a Commission proposal for a new Community programme for exchanges of young workers.

BRIEFING BY THE GERMAN DELEGATION ON THE REUNIFICATION OF GERMANY, AS REGARDS SOCIAL MATTERS IN PARTICULAR

The Council heard a statement by the German delegation on the progress of the re-unification of Germany, in the social field in particular.

o

o o

At the close of the Council meeting the President mentioned the recent proceedings that within a few weeks had resulted in the adoption by the Council meeting on General Affairs on 7 May 1990 of the Regulation setting up a European Training Foundation and the Decision establishing the TEMPUS scheme, i.e. two instruments that would play an essential role in co-operation between the Community and the countries of Central and Eastern Europe. In that connection the information provided, while the Council meeting was in progress, by the Hungarian and Polish Ministers for Labour for their Community colleagues had been particularly useful.

Turning to the future, the President expressed the hope that the Commission would as soon as possible submit the first series of proposals provided for in its programme of action for the implementation of the Community Charter of the Fundamental Rights of Workers and in particular the proposals for the Directives on unusual work and the adaptation of working hours. As agreed in the framework of the Troïka regarding social policy, the Italian and Luxembourg Presidencies would do everything possible to continue and conclude the proceedings on these proposals.

COUNCIL RESOLUTION

of

on action to assist the long-term unemployed

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the commitment of the Community to economic and social cohesion,

Having regard to the conclusions drawn by the Chairman at the close of the thirty-seventh and thirty-eighth meetings of the Standing Committee on Employment on 12 May 1989 and 10 November 1989, respectively,

Whereas, in its Resolution of 19 December 1984 on action to combat long-term unemployment ⁽¹⁾, the Council considered that specific measures should be employed to take account of the serious problem of long-term unemployment, requiring both individual and joint action by governments and both sides of industry at local, regional and national levels, which should be supported at Community level;

Whereas, in its Resolution of 7 June 1984 on the contribution of local employment initiatives to combatting unemployment ⁽²⁾, the Council recognised the contribution which such initiatives could make to the objectives of the fight against unemployment by virtue of the possibilities they offered for the maintenance or creation of jobs, particularly in small undertakings;

Whereas, in its Resolution of 22 December 1986 on an action programme on employment growth ⁽³⁾, the Council considered that further action was urgently needed, inter alia, in promoting and encouraging schemes in Member States which would be of benefit to the long-term unemployed, in the adoption of a Community approach, taking account of the experience and individual circumstances of Member States, with regard to recruitment aids for the long-term unemployed and in the identification of other means of helping more long-term unemployed people into jobs following discussions of the means of doing so with both sides of industry;

(1) OJ No C 2, 4. 1.1985, p. 3.

(2) OJ No C 161, 21. 6.1984, p. 1.

(3) OJ No C 340, 31.12.1986, p. 2.

Whereas Article 4 of Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on co-ordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽¹⁾ provides for partnership in relation to Community operations;

Whereas Article 3 of Regulation (EEC) No 2052/88 states that the European Social Fund has, as priority missions, to provide support throughout the Community for vocational training measures and aids for employment and for the creation of self-employed activities, in order to combat long-term unemployment,

HEREBY ADOPTS THIS RESOLUTION:

1. Seriousness of Long-term Unemployment

The Council notes that:

- there are at present over 7 million persons unemployed for over a year in the Community; long-term unemployment constitutes over 50% of total unemployment;
- for most Community countries, recent economic growth and decreases in unemployment have not contributed significantly to a reduction in the number of long-term unemployed;
- young people have benefitted more from the decline in unemployment than have older age groups;

(1) OJ No L 185, 15. 7.1988, p. 9.

- the long-term unemployed are concentrated mainly in urban "black spots" which often suffer many disadvantages, including poverty, bad housing, high crime rates, health problems and poor education;
- long-term unemployment is a complex problem which, although it particularly affects workers with inadequate or obsolete skills and living in areas of high unemployment, can also affect workers who are skilled and/or are living in areas of low unemployment;
- the Community, in view of the demographic situation in most Member States, will need to utilise all its labour resources, including the long-term unemployed, in order to reach its economic potential.

2. Responses to Long-term Unemployment

- (a) The Council considers that the long-term unemployment of adults and young people is one of the essential labour market problems and that national and Community actions must reflect this.

While it is recognized that competence for labour market policies lies principally with the Member States, a response is called for at Community, national and local level, involving the Commission, governments, employers and trade unions, in order to make actions in favour of the long-term unemployed more effective.

(b) The Council recognizes that long-term unemployment is a social as well as an economic problem. Policy responses should aim primarily at re-insertion of the long-term unemployed into the labour market and must be relevant to the social circumstances of the long-term unemployed as well as the labour market situations that they face.

Thus, policy measures should:

- be appropriate for the individual's needs and circumstances;
- reflect the local and regional labour market needs and circumstances;
- subject to national labour market policies and practices, embody counselling, advice, support, work experience and efforts to assist the transition to stable employment in addition to whatever vocational training support is needed;
- combine the efforts of the various agencies concerned, especially at the local level;
- aim to prevent people entering long-term unemployment through a systematic approach to increased preventive measures in the form of information, counselling, aptitude testing and training.

3. Responsibilities for Action

- (a) The Council considers that public authorities, both sides of industry and individuals themselves have a distinct role to play, each within its own area of responsibility, in tackling the problem of long-term unemployment.

Public support can be strengthened by making measures fully relevant to individual and employers' needs.

- (b) Employer responses are crucial in the re-integration of the long-term unemployed.

Employers, in order to meet their own need for skilled workers, will need to turn to the long-term unemployed.

In addition, they should assist public authorities in identifying the most appropriate forms of support in order to assist the recruitment of the long-term unemployed.

- (c) Public authorities should pay special attention to coming up with specific measures designed to assist the re-insertion into the labour market of those long-term unemployed who are particularly disadvantaged.

4. Evaluation of Policy Measures

The Council recognises the need to continue and intensify the efforts of the Member States, with a view to bringing about a significant reduction in long-term unemployment.

In this connection, and while recognizing the primary role of the Member States in evaluating their own labour market policies, the Council awaits with interest the results of the evaluation of Community activities, notably within the framework of the European Social Fund and the ERGO and LEDA programmes.

5. Community Action

- (a) The Council takes note with interest of the Commission's intention to undertake actions in the framework of a Community initiative within the meaning of Article 11 of Regulation (EEC) No 4253/88 ⁽¹⁾, inspired particularly by successful actions already taken to assist the long-term unemployed.

The initiative would facilitate the transfer of good practices, assisting re-insertion of the long-term unemployed into the labour force, between Member States and between local labour markets, on the basis of experimental, innovative pilot projects.

Such projects would demonstrate the best ways of assisting re-insertion of the long-term unemployed into the labour force. The projects would cover such matters as particularly disadvantaged groups (such as those who have several personal disadvantages in obtaining work or who have been unemployed for a particularly long time). The projects would also cover preventive measures, guidance, counselling, relevant training, work experience, entrepreneurship, the role of employers, initiatives taken by the two sides of industry and integrated approaches to the problem of long-term unemployment.

(1) OJ No L 374, 31.12.1988, p. 1.

The Council notes that the Commission will involve the Member States in the drawing up of the guidelines and the selection of projects, in accordance with Articles 14 and 28 of Regulation (EEC) No 4253/88.

- (b) The Council, in the context of the partnership between the Commission and the Member States, attaches considerable importance to the principles underlying the actions which the Commission intends to undertake to assist the long-term unemployed. The Council considers that the Community initiative should in particular benefit specific target groups among the long-term unemployed.

The Council calls on the Commission to report to it on its proposals in the framework of the Community initiative, and their implementation, on a regular basis in the context of the reports provided for under Articles 25 and 31 of Regulation (EEC) No 4253/88.

**RESOLUTION OF THE COUNCIL
AND THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES,
MEETING WITHIN THE COUNCIL,
of**

on the fight against racism and xenophobia

THE COUNCIL OF THE EUROPEAN COMMUNITIES AND THE REPRESENTATIVES OF THE
GOVERNMENTS OF THE MEMBER STATES, MEETING WITHIN THE COUNCIL,

Having regard to the Treaties establishing the European Communities,

Having regard to the Opinion of the European Parliament ⁽¹⁾,

Having regard to the Opinion of the Economic and Social Committee ⁽²⁾,

(1) OJ No C 69, 20 3.1989, p. 43.

(2) OJ No C 23, 30.1.1989, p. 33.

Whereas the fight against racism and xenophobia forms part of the broader context of protecting fundamental rights; whereas the joint declaration by the European Parliament, the Council and the Commission on Fundamental Rights of 5 April 1977 ⁽¹⁾ bears witness to the prime importance that the Community institutions attach to respect for fundamental rights;

Whereas, in the Single European Act, the Member States stressed the need to "work together to promote democracy on the basis of the fundamental rights recognized in the constitutions and laws of the Member States, in the Convention for the Protection of Human Rights and Fundamental Freedoms and in the European Social Charter, notably freedom, equality and social justice";

Whereas, in its Resolution of 16 July 1985 concerning guidelines for a Community policy on migration ⁽²⁾, the Council stressed that "with a view to the harmonious coexistence of nationals of the Member States and migrant workers and their families, initiatives should be developed at Community, Member State and local level to inform and to promote awareness";

Whereas, in its Resolution of 16 January 1986 ⁽³⁾, the European Parliament, noting the recommendations contained in the Committee of Enquiry's report on the rise of racism and fascism in Europe, called on "the Commission, the Council, the other Community institutions, the parliamentary committees, the Bureau of the European Parliament and the governments and parliaments of the Member States to take the measures necessary to put them into practice";

(1) OJ No C 103, 27.4.1977, p. 1.
(2) OJ No C 186, 26.7.1985, p. 3.
(3) OJ No C 36, 17.7.1986, p. 142.

Whereas, on 11 June 1986, the European Parliament, the Council, the Representatives of the Member States, meeting within the Council, and the Commission, recognizing "the existence and growth of xenophobic attitudes, movements and acts of violence in the Community which are often directed against immigrants", adopted a declaration against racism and xenophobia ⁽¹⁾ "vigorously condemning all forms of intolerance, hostility and use of force against persons or groups of persons on the grounds of racial, religious, cultural, social or national differences; and looking upon it as indispensable that all necessary steps be taken to guarantee that their joint resolve to protect the individuality and dignity of every member of society and to reject any form of segregation of foreigners be carried through";

Whereas it behoves the institutions of the Communities and the competent authorities of the Member States, each in keeping with its powers, to take the necessary measures to implement this Resolution,

1. TAKE NOTE of the Commission communication on the fight against racism and xenophobia concerning the implementation of the Interinstitutional Declaration of 11 June 1986 against racism and xenophobia aimed at protecting in that respect everyone within Community territory;

(1) OJ No C 158, 25.6.1986, p. 1.

2. RECOGNIZE that acts inspired by racism and xenophobia may be countered by legislative or institutional measures such as the following:

(a) ratification, by those Member States which have not yet done so, of international instruments contributing to the fight against all forms of racial discrimination;

(b) recognition, by those Member States which have not yet done so, of the individual petitions referred to:

- in Article 25 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and

- in Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination;

ratification, if necessary, of the Optional Protocol to the International Covenant on Civil and Political Rights;

(c) resolute application of laws aimed at preventing or curbing discrimination or xenophobic acts and the preparation of such laws by those Member States which have not yet done so;

(d) efforts at national, regional and local level to integrate the different communities properly and, where appropriate, promotion of national mediation procedures;

- (e) the granting to the bodies concerned in the fight against racism and xenophobia of the right to institute or support legal proceedings, to the extent that this is compatible with the legal system in the Member State concerned;
 - (f) the development of legal assistance, available in accordance with the rules of the legal system of the Member State concerned, to enable those concerned to defend their rights;
 - (g) underlining the importance of substantial measures to counter the possible effects on children of discriminatory acts based on racism and xenophobia;
3. CALL UPON the Member States to adopt such measures as they consider appropriate, paying particular attention to those referred to in point 2;
4. CONSIDER that an effective preventive information and education policy is of considerable importance in the fight against racism and xenophobia, and, in this context:
- (a) in the field of information:
 - (1) note that the Commission, in compliance with Article 4 of the EEC Treaty:
 - will make a comparative assessment of the legal instruments implemented in the various Member States to combat all forms of discrimination, racism and xenophobia and incitement to hatred and racial violence;

- will contribute to improved dissemination of information on these legal instruments;
- will promote demoscopic studies on the perception of democratic values and on the state of relations between the various communities living in Europe;

(ii) invite the Member States to:

- draw attention to the role that the media can play in eliminating racial prejudice and promoting harmonious relations between the various communities living in Europe; encourage reflection on information when faced with instances of violence, particularly of a racial nature;

(b) in the field of education and young people:

(i) expect that the action taken to:

- promote a European dimension in education tailored to the specific situation of each Member State, such as will develop civic-mindedness and the values of pluralism and tolerance;
- promote exchange programmes for young people as a means of encouraging tolerance and understanding;

- develop and extend current community co-operation aimed at improving the education of migrant workers' children,

will make a significant contribution to, inter alia, reducing xenophobia and promoting and encouraging tolerance and mutual understanding;

(ii) recall the action already taken in this context, namely the:

- Resolution of the Council and the Ministers of Education, meeting within the Council, of 24 May 1988 on the European dimension in education ⁽¹⁾;
- Council Decision 88/348/EEC of 16 June 1988 adopting an action programme for the promotion of youth exchanges in the Community - "Youth for Europe" programme ⁽²⁾;
- Council Directive 77/486/EEC of 25 July 1977 on the education of the children of migrant workers ⁽³⁾;
- Actions to promote modern language teaching, actions for the schooling of the children of migrant workers and Community measures for the benefit of their languages and cultures of origin;

(1) OJ No C 177, 6.7.1988, p. 5.

(2) OJ No L 158, 25.6.1988, p. 42.

(3) OJ No L 199, 6.8.1977, p. 32.

(iii) invite the Member States to:

- encourage the civic and vocational training of teachers, particularly in areas with a large immigrant population, in order to introduce them to the characteristics of the various origins and cultures of their pupils and students;
- encourage knowledge of the languages and cultures of origin;

5. STRESS the importance of all appropriate forms of co-operation between the Community and the Council of Europe;

6. RECOGNIZE the significance of the action, and the initiatives promoted, by the United Nations in the fight against racial discrimination.



COUNCIL RESOLUTION

of

on the protection of the dignity
of women and men at work

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Whereas unwanted conduct of a sexual nature, or other conduct based on sex affecting the dignity of women and men at work, including the conduct of superiors and colleagues, is unacceptable and may, in certain circumstances, be contrary to the principle of equal treatment within the meaning of Articles 3, 4 and 5 of Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions ⁽¹⁾, a view supported by case-law in some Member States;

Whereas, in accordance with the Council Recommendation of 13 December 1984 on the promotion of positive action for women ⁽²⁾, many Member States have carried out a variety of positive action measures and actions having a bearing, inter alia, on respect for the dignity of women at the workplace;

Whereas the European Parliament, in its Resolution of 11 June 1986 on violence against women ⁽³⁾, has called upon national authorities to strive to achieve a legal definition of sexual harassment and has called upon national governments, equal opportunities committees and trade unions to carry out concerted information campaigns to create a proper awareness of the individual rights of all members of the labour force;

(1) OJ No L 39, 14. 2.1976, p. 40.
(2) OJ No L 331, 19.12.1984, p. 34.
(3) OJ No C 176, 14. 7.1986, p. 79.

Whereas the Council is anxious to take account of the study which found that sexual harassment is a serious problem for many working women in the European Community and is an obstacle to the proper integration of women into the labour market ⁽¹⁾;

Whereas the Advisory Committee on Equal Opportunities between Women and Men, in its opinion of 20 June 1988, has unanimously recommended that there should be a Recommendation and Code of Conduct on sexual harassment in the workplace covering harassment of both sexes,

I. AFFIRMS that conduct of a sexual nature, or other conduct based on sex affecting the dignity of women and men at work, including conduct of superiors and colleagues, constitutes an intolerable violation of the dignity of workers or trainees and is unacceptable if:

(a) such conduct is unwanted, unreasonable and offensive to the recipient;

(b) a person's rejection of, or submission to, such conduct on the part of employers or workers (including superiors or colleagues) is used explicitly or implicitly as a basis for a decision which affects that person's access to vocational training, access to employment, continued employment, promotion, salary or any other employment decisions; and/or

(1) "The Dignity of Women at Work, Report on the problem of sexual harassment in the Member States of the European Communities, October 1987"
(ISBN 92-825-8764-9).

- (c) such conduct creates an intimidating, hostile or humiliating work environment for the recipient;

II. CALLS ON the Member States to:

1. develop campaigns of information and awareness for employers and workers (including superiors and colleagues), taking account of the best practice which exists in various Member States, to counter unwanted conduct of a sexual nature or other conduct based on sex affecting the dignity of women and men at work;
2. promote awareness that the conduct described in I may be, in certain circumstances, contrary to the principle of equal treatment within the meaning of Articles 3, 4 and 5 of Council Directive 76/207/EEC;
3. remind employers that they have a responsibility to seek to ensure that the work environment is free from:
 - (a) unwanted conduct of a sexual nature or other conduct based on sex affecting the dignity of women and men at work;
 - (b) victimisation of a complainant or of a person wishing to give, or giving, evidence in the event of a complaint;

4. develop appropriate positive measures in accordance with national legislation in the public sector which may serve as an example to the private sector;
5. consider that both sides of industry, while respecting their autonomy and subject to national traditions and practices, could examine in the context of the collective bargaining process the question of including appropriate clauses in agreements, aimed at achieving a work environment as described in paragraph 3;

III. CALLS ON the Commission to:

1. continue its efforts to inform and make aware employers, workers (including superiors and colleagues), lawyers and members of courts, tribunals and other competent authorities of the importance of the concept set out in I and of the fact that, in certain circumstances, failure to respect this concept may be contrary to the principle of equal treatment within the meaning of Articles 3, 4 and 5 of Directive 76/207/EEC;

2. draw up, by 1 July 1991, in consultation with both sides of industry and following consultation with the Member States and national equal opportunities authorities, a Code of Conduct on the protection of the dignity of women and men at work which will provide guidance, based on examples and best practice in the Member States, on initiating and pursuing positive measures designed to create a climate at work in which women and men respect one another's human integrity.

IV. CALLS ON the institutions and organs of the European Communities also to:

1. respect the concept set out in I;
2. develop positive action measures aimed at achieving a work environment as described in II 3.

Bruxelles, le 29 mai 1990

433

NOTE BIO(90)155 AUX BUREAUX NATIONAUX
CC. AUX MEMBRES DU SERVICE DU PORTE-PAROLE

PREPARATION DU CONSEIL AFFAIRES SOCIALES DU 29 MAI 1990

L'adoption du programme d'action pour le développement de la formation professionnelle continue dans la Communauté (Programme FORCE), et de la directive "équipements à écran de visualisation", ainsi que de deux projets de résolution concernant la lutte contre le chômage de longue durée la première, et la protection de la dignité de la femme et de l'homme au travail l'autre, seront les principaux résultats de la réunion des Ministres des Affaires Sociales, le 29 mai 1990, à Bruxelles. Le Conseil discutera aussi des prestations non contributives, du programme "échange de jeunes travailleurs", de la libre circulation des travailleurs dans la Communauté et d'un projet de résolution concernant la lutte contre le racisme et la xénophobie.

Programme FORCE (voir aussi P(89) 70)

La proposition de la Commission vise à instaurer un programme d'action pour le développement de la formation professionnelle continue dans la Communauté allant du 1er janvier 1991 au 31 décembre 1994. Le programme vise à faire converger les efforts de toutes les parties concernées (entreprises, organismes de formation, partenaires sociaux) sur certains objectifs (repris du point 15 de la Charte communautaire des droits sociaux fondamentaux), à savoir :

- tout travailleur de la Communauté doit pouvoir avoir accès à la formation professionnelle et en bénéficier tout au long de sa vie active. Il ne peut y avoir dans les conditions d'accès à cette formation de discrimination fondée sur la nationalité ;
- les autorités compétentes devraient mettre en place les dispositifs de formation continue et permanente permettant à toute personne de se recycler.

Quatre délégations (LUX, NL, PORT, UK) ont souhaité atténuer la portée de l'obligation reprise du texte de la Charte et ont suggéré donc que cette référence soit incluse dans les considérants. La Commission a décidé d'accepter la formule consistant à reprendre la référence au point 15 de la Charte dans les considérants. Même cette solution n'a pas été acceptée par la délégation UK.

Les autres points en suspens concernent notamment :

- le financement du Programme : la Commission n'a pas proposé un montant estimé nécessaire pour financer le Programme. Onze délégations ont convenu de prévoir dans la décision un montant de 24 Mécus pour les deux premières années du Programme (ce qui correspond au montant indiqué dans la fiche financière de la proposition). La RFA a maintenu une réserve sur le montant ;
- la base juridique : seule la RFA demande d'ajouter l'article 235 à l'article 128 proposé par la Commission.

Directive "écran de visualisation" (voir aussi BIO(89) 314)

La proposition de la Commission constitue la cinquième directive particulière prévue par la directive-cadre relative à la santé et la sécurité des travailleurs sur les lieux de travail (directive 89/391). Elle contient des prescriptions minimales visant à garantir la sécurité et la santé des travailleurs par un aménagement adéquat des postes de travail utilisant des écrans de visualisation.

Le Conseil du 30 novembre 1989 a arrêté une position commune sur cette proposition.

Suite à l'avis du Parlement européen en deuxième lecture, la Commission a présenté une proposition réexaminée reprenant à son compte certains amendements du Parlement européen.

Un accord a été dégagé sur la directive en apportant certains amendements à la position commune du Conseil. La décision sera prise en point "A".

Résolution relative aux actions en faveur des chômeurs de longue durée

La Présidence a présenté, conformément aux conclusions de la réunion informelle des Ministres des Affaires Sociales à Dublin, un projet de résolution relative aux actions en faveur des chômeurs de longue durée. Dans ce projet, le Conseil souligne la gravité du chômage de longue durée (7 millions de personnes dans la Communauté), les actions qui devraient être menées au niveau national et celles au niveau de la Communauté. A cet effet, il est notamment prévu dans le point 5 de la résolution que le Conseil prend note de l'intention de la Commission d'entreprendre des actions dans le cadre d'une initiative communautaire au sens de l'art. 11 du règlement 4253/88 (qui permet à la Commission de proposer aux Etats membres de soumettre des demandes de concours des Fonds structurels pour certaines actions).

Un accord a été dégagé sur le projet de résolution et la décision sera formellement prise demain au Conseil.

Résolution concernant la protection de la dignité de la femme et de l'homme au travail

Ce projet de résolution invite entre autre :

- les Etats membres à lancer des campagnes d'information et de sensibilisation des employeurs et des travailleurs, en tenant compte des meilleures méthodes pratiquées dans les divers Etats membres, pour mettre fin aux comportements intempestifs à connotation sexuelle ou aux autres comportements fondés sur le sexe qui affectent la dignité de la femme et de l'homme au travail;
- la Commission à élaborer, d'ici au 1er juillet 1991, un code de bonne conduite concernant la protection de la dignité des femmes et des hommes au travail.

Amities,

C. STATHOPOULOS

Bruxelles, le 29 mai 1990

NOTE BIO(90) 155 (suite 1 et fin) AUX BUREAUX NATIONAUX
CC. AUX MEMBRES DU SERVICE DU PORTE-PAROLE

CONSEIL AFFAIRES SOCIALES (C. STATHOPOULOS)

Le Conseil des Ministres des Affaires Sociales a adopté, comme prévu, la décision établissant un programme d'action pour le développement de la formation professionnelle continue dans la Communauté (programme FORCE). Un montant de 24 MECU a été estimé nécessaire pour le financement des deux premières années de fonctionnement du programme (qui est d'une durée de quatre ans, 1991-1994).

Le Conseil a adopté aussi la résolution relative aux actions en faveur des chômeurs de longue durée et les deux dernières directives du paquet présenté par la Commission en mars 1988 et qui concerne la santé et la sécurité au lieu de travail. Il s'agit de la directive "Charges" qui fixe les prescriptions minimales de sécurité et de santé relatives à la manutention manuelle de charges comportant des risques notamment dorso-lombaires pour les travailleurs et de la directive "équipements à écran de visualisation" qui établit des prescriptions minimales de sécurité et de santé relatives au travail sur des équipements à écran de visualisation.

Aussi le projet de résolution concernant la protection de la dignité de la femme et de l'homme au travail a pu être adopté, ainsi que la prorogation du troisième programme d'échange de jeunes travailleurs au-delà du 31 décembre 1990 jusqu'au 31 décembre 1991.

Enfin, les Ministres ont adopté une résolution relative à la lutte contre le racisme et la xénophobie. Il s'agit d'une résolution du Conseil et des représentants des gouvernements des Etats membres qui, entre autre,

- reconnaissent que les actes inspirés par le racisme et la xénophobie sont susceptibles d'être contrecarrés par des mesures d'ordre normatif ou institutionnel;
- invitent les Etats membres à adopter les mesures qu'ils considèrent appropriées et
- considèrent qu'une politique préventive efficace d'information et d'éducation est d'une importance considérable dans la lutte contre le racisme et la xénophobie.

Le Commissaire Mme Papandreou s'est dissociée du contenu de cette résolution qui affaiblit, à son avis, considérablement le texte proposé par la Commission (voir J.O. N° C 214/35 du 16.8.88). En effet, un "considérant" de la proposition de la Commission prévoyait que toute action en la matière doit tendre à protéger toutes personnes se trouvant sur le territoire de la Communauté, ressortissants d'Etats membres ou d'Etats tiers. Hors le texte approuvé ne contient aucune mention explicite aux ressortissants d'Etats tiers. Cette omission ainsi que d'autres affaiblissements du texte ont amené Mme Papandreou à retirer la proposition de résolution de la Commission.

Amittes,

C. STATHOPOULOS

