

European *Social* dialogue

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Industrial relations & industrial change

1998 Highlights

Employment & social affairs



European Commission

What were the key moments and phases in European social dialogue in 1998? This special issue will try to answer these questions and provide an overview of activities at the interprofessional and sectoral level. The annexes contain the full text of the agreements, opinions and declarations to which reference is made.

It was impossible to present a comprehensive report on all the progress made in social dialogue in 1998. These “Highlights of 1998” therefore give a brief review of progress which, while not exhaustive, seeks to be as wide-ranging as possible.

Contents

I. Social dialogue in 1998

Foreword	3
1. Activity at the interprofessional level	3
2. Activity at the sectoral level	4
3. Enlargement	5

II. Annexes

1. ETUC-UNICE-CEEP framework agreement on fixed-term work	6
2. 1999 Employment Guidelines – Joint declaration of the European social partners to the Vienna European Council	8
3. Joint opinion on the reform of the Standing Committee on Employment	9
4. Joint opinion of the UNICE, ETUC and CEEP on the draft decision for the second phase of the Community programme for vocational training, Leonardo da Vinci II	10
5. FST-ECSA European agreement on the organisation of working time of seafarers	12
6. Agreement between the trade unions and employers in the postal sector in Europe ...	14
7. Joint declaration by the EFCL and Euro-FIET on undeclared work – A contribution from the European social partners of the cleaning industry to the 1999 Employment Guidelines	17
8. Joint opinion of EuroCommerce and Euro-FIET on employment	18
9. Opinion on the safety of fishing vessels under 15 metres	20



I. Social dialogue in 1998

Foreword

Following the debate launched at the end of 1996 by the Commission's consultation document on adapting the social dialogue, the Commission adopted a communication on 20 May 1998 in which it proposes restructuring and modernising social dialogue.

In this context, **at the interprofessional level**, the proposal to set up a reformed Standing Committee on Employment was the subject of many discussions within Council bodies and fuelled debate with the social partners.

In the wake of the 1997 agreement on part-time work, the social partners negotiated a new agreement on fixed-term contracts. This agreement provides a response to the Commission's request for a better balance between flexibility and security.

1998 was also the first year in which the coordinated employment strategy agreed in Luxembourg was implemented: the Social Dialogue Committee became the steering body for contributions by the social partners to this strategy. A joint declaration was submitted at the Vienna European Council.

At the sectoral level, the Commission's communication also fuelled the debate between the social partners: each of the sectors conducted an internal discussion on the proposal to reorganise their dialogue within the framework of the Commission's decision of 20 May setting up sectoral social dialogue committees. After the landmark agreement on agriculture, the agreement on sea transport became the first sectoral agreement implemented by the provisions of Article 139 of the Treaty. An agreement in the railways sector was also signed. In the road transport and fishing sector, however, the social partners failed to reach an agreement and the initiative once more lies with the Commission. In the textiles and footwear sectors, the debate on codes of conduct and social labels was continued in a number of seminars, resulting in a broader partnership initiative.

In the postal, telecommunications, commerce and industrial cleaning sectors, progress was finally made in implementing coordinated action in favour of employment, despite initial reluctance. However, there was little response to the Green Paper on work organisation, except in the telecommunications sector.

A number of sectors, especially agriculture and fishing, are now turning their attention to training, and a number of initiatives could provide the basis for future negotiations.

Finally, the enlargement issue was recognised as a priority in 1998 at interprofessional and sectoral level.

1 Activity at the interprofessional level

a) The framework agreement on fixed-term employment contracts

In the preamble to the 1997 agreement on part-time work, UNICE, CEEP and ETUC had announced their intention to consider negotiations on other forms of atypical work. In March 1998 they initiated negotiations on fixed-term work and in January 1999 they drew up a draft agreement.

This agreement is designed to improve the quality of fixed-term work by ensuring respect for the principle of non-discrimination while at the same time establishing a framework to prevent abuses resulting from the use of successive fixed-term contracts.

b) Implementation of the Luxembourg strategy

The Luxembourg employment summit marked a new departure by defining a new coordinated European strategy on employment, one in which the social partners were granted a significant role. They were first involved in the follow-up process and subsequently requested to contribute in their own areas of responsibility.

As regards **follow-up**, the Social Dialogue Committee effectively became the steering body for the Luxembourg process at the request of the social

partners. The Committee thus provided the link between economic policy and labour market policy, with two technical groups, the macro-economic group and the labour market group, preparing its plenary meetings. Throughout the year the social partners were involved at every stage of the employment process: the National Actions Plans, the Commission communication on the synthesis of National Action Plans and the 1999 Employment Guidelines. On the latter point, on 9 December the social partners adopted a joint declaration at the Vienna European Council in which they welcome the progress made in developing an integrated and coordinated European strategy for employment. They also reaffirmed their desire to contribute to this process, in particular by bringing together initiatives of the social partners in the Member States, primarily with a view to striking a balance between flexibility and job security and identifying factors which were conducive to success. They also announced their intention to prepare a joint declaration on the integration of disabled people at work and submitted a compendium of good practice on this subject to the Vienna European Council.

With regard to the social partners' contribution in their **own fields of responsibility**, the "adaptability" pillar of the Employment Guidelines, and the modernisation of the contractual framework and work organisation in particular, was a key subject in 1998. The Commission's communication in November entitled "Modernising the organisation of work – a positive approach to change" invited the social partners at all levels to study the best ways of facilitating and completing the "adaptability" pillar and of drawing up an action plan at the appropriate levels, including European level.

This question was also on the agenda at the mini-summits held in Brussels on 2 June and in Vienna on 4 December. In Vienna, the social partners agreed to identify subjects which should be jointly examined in the framework of social dialogue and according to a timetable to be determined.

c) Standing Committee on Employment

The Commission's communication of 20 May was accompanied by a proposal for a Council decision on reform of the Standing Committee on Employment. At the beginning of January 1999 the Council reached a political compromise on the subject of this proposal. This reformed committee, which differs from the committee set up in 1970 in terms of composition and functioning, will constitute a forum for three-way dialogue and consultation between the Council, the Commission and the social partners on employment strategy. It differs from the 1970 committee on a number of points: first of all, it permits flexibility in the constitution of delegations depending on the subject discussed and secondly, it has clear criteria for designating the social partner organisations which will participate in the committee's meetings. On 9 December the social partners submitted a joint opinion on the committee's reform to the Vienna European Council.

d) "Working time" seminar

At the social dialogue summit on 13 November 1997 in Brussels, the social partners had expressed the desire to jointly consider the issue of working time. A seminar on the subject was subsequently held in Brussels on 3 July. Trade unions and employers presented practical examples which gave rise to exchanges and debates not just on employment but also on the needs of companies for greater flexibility.

e) Training

Following the Luxembourg jobs summit, the social partners were invited, each at their respective level of responsibility and action, to play a key role in the field of vocational training. At the Bruges seminar in September 1995, the "Education-Training" working group of the Social Dialogue Committee had decided to make a closer study of four themes: lifelong training, the orientation of young people and adults, qualifications and resources. This resulted in the drawing up of four reports which were submitted to the Social Dialogue Committee in 1998. The social partners also sought to make an active contribution to defining the new programmes, as reflected in their joint

opinion on the proposal for a Council decision setting up the second stage of the Leonardo da Vinci programme.

2 Activity at the sectoral level

a) Negotiation

On 18 November the Commission adopted a set of proposals concerning more than five million workers previously excluded from Council Directive 93/104/EC on working time. These proposals are largely inspired by discussions and agreements between the social partners.

The 1997 White Paper on sectors and activities excluded from Directive 93/104/EC, followed by a second consultation between the Commission and social partners in March 1998, gave rise to intensive dialogue between the social partners in the **sea transport** sector. The agreement they concluded on 30 September, and the directive proposed by the Commission which adopts this agreement, applies to all seafarers on vessels registered in an EU country. The agreement sets maximum weekly and daily working hours, guaranteed paid annual holidays, sufficient rest periods and the minimum age for night work.

Similarly, following the consultation process launched at European level, the social partners in the **railways** sector concluded an agreement on 30 September to apply the exemptions in Directive 93/104/EC for mobile railway workers.

The social partners in the **road transport** sector, however, failed to reach an agreement on weekly working hours for mobile staff. The Commission expressed its regret at this failure and decided to submit its own proposals which take into account the common ground identified during the discussions.

In the meantime, the Council unanimously adopted the directive to implement the agreement concluded by the social partners in the **sea transport** sector.

With regard to **non-mobile workers** in these sectors, the Council adopted a joint position on the Commission's

proposal aimed at extending the provisions of the working time directive to this category of workers.

For the **railways** sector, the Council, as proposed by the Commission and provided for in the agreement between the social partners, authorised application of the exemptions in the working time directive.

For workers in the **sea fishing** sector, in which the social partners were unable to reach an agreement on working time, the Council included a new article in the working time directive introducing minimum conditions similar to those in the agreement for the sea transport sector.

b) Codes of conduct and social labels

The social partners gave very concrete undertakings in a number of sectors (footwear, textiles/clothing, commerce).

An agreement was concluded on 16 September between the CEDDEC (European Confederation of Footwear Retailers) and Euro-FIET in order to widen the field of application of the charter on child labour, adopted in 1995 and updated in 1997 by the social partners in the **footwear sector**. In June, the social partners in the **textiles/clothing** sector made an initial assessment of the application of the code of conduct concerning observance of six international labour agreements which they had adopted in 1997. The social partners of several Member States have already incorporated the code in their national collective agreements. In the **commerce** sector, a joint project is being conducted on initiatives designed to combat child labour.

A number of events which made it possible to achieve progress in the debate were also held in 1998. In the framework of transatlantic dialogue, a conference was held in February involving European and US social partners, companies and NGOs, providing an opportunity for an initial exchange of experiences on codes of conduct. A second conference was held in Washington on 10 and 11 December which revealed the need to organise a more structured exchange of opinions and more coordinated

action. The Commission indicated that it was ready to support the launch of a network and any action that the network partners would like to undertake.

The Commission organised a European conference in Brussels in November 1998 in order to consider the central issue of monitoring codes of conduct and social labels. The conference's conclusions were debated at subsequent meetings in Washington.

c) Employment

The social partners in the **postal** sector (IPTT-IC, Eurofedop and the public and private operators) signed a framework agreement in Brussels on 29 October entitled "Promoting employment in the postal sector in Europe". This is an ambitious agreement aimed at promoting employment in the sector and includes important undertakings by the social partners to: improve the quality of services; modernise work organisation; sustain recruitment levels among young people; encourage promotion and career advancement for employees by providing them with lifelong training, retraining and instruction; seize opportunities to generally reduce working hours and achieve greater flexibility.

The agreement also includes an undertaking to begin discussions which could lead to an agreement on minimum social standards for postal sector workers in the European Union.

In the **telecommunications** sector, the social partners began a series of national round-table talks on employment in the sector which will continue in 1999 and close with a European round table. The conclusions will be operational in nature and will be used in the framework of a series of training and retraining actions.

The first national round-table talks were also held in the **cleaning** sector, on new employment opportunities. A joint report on these meetings between the social partners and national authorities was transmitted to the European Council in Vienna. Another joint statement on undeclared work, adopted in November, was submitted as a joint contribution to the European employment strategy.

On 30 November the social partners in the **commerce** sector adopted a joint declaration on employment. This was submitted to the Vienna European Council as a joint contribution to the European employment strategy.

d) Training

Major progress was made in the **agriculture** sector in the field of vocational training. A European forum on continuous training in agriculture was held on 5 and 6 June in Strasbourg. This prompted some very rewarding debates on the various systems in force in the Member States and the implementation of a joint project in the form of a White Paper on training which is in the process of being drawn up. Recognition of qualifications was also recognised as a priority in the **fishing** sector.

In the **cleaning and textiles/clothing** sectors, the debate on training produced its most concrete development in the form of projects under the Leonardo da Vinci programme: completion of a training kit for industrial cleaners, a training plan for domestic cleaners, health/safety training and follow-up on the multi-skills survey in textile and clothing companies.

In the **hotels and catering-tourism** sector, the debate on training was clearly linked to mobility. The plan for a European qualification passport

was discussed at length. The social partners in this sector also decided to cooperate in order to broaden and develop the BEEFT (European employment, training and tourism grant) project. This is aimed at facilitating mobility and improving training for workers in this sector while taking into account the seasonal nature of activities.

e) Health and safety

The subject of health and safety was widely debated by the social partners in the agriculture sector. Community legislation in this area is general and fails to take account of sector-specific characteristics. The social partners are still examining this issue and may envisage negotiating on it. The social partners in the fishing sector adopted a common opinion on safety on board fishing vessels under 15 metres in length, previously not covered by Council safety directives. Accident prevention on board fishing vessels was also discussed. Finally, in the sugar sector the social partners drew up a joint three-year project, cofinanced by the Leonardo da Vinci programme, aimed at reducing the number of accidents at work.

3 Enlargement

Two round-table sessions were held in Estonia and Hungary between the EU social partners and the CEEC social partners in the commerce sector.

At the interprofessional level, a steering committee was set up following a request submitted by the ETUC requesting the European Commission to organise a conference with the social partners in the applicant countries on the implications of enlargement. The conference was held in Warsaw in March 1999.

II. Annexes

1. ETUC-UNICE-CEEP framework agreement on fixed-term work

Preamble

This framework agreement illustrates the role that the social partners can play in the European employment strategy agreed at the 1997 Luxembourg extra-ordinary summit and, following the framework agreement on part-time work, represents a further contribution towards achieving a better balance between “flexibility in working time and security for workers”.

The parties to this agreement recognise that contracts of an indefinite duration are, and will continue to be, the general form of employment relationship between employers and workers. They also recognise that fixed-term employment contracts respond, in certain circumstances, to the needs of both employers and workers.

This agreement sets out the general principles and minimum requirements relating to fixed-term work, recognising that their detailed application needs to take account of the realities of specific national, sectoral and seasonal situations. It illustrates the willingness of the social partners to establish a general framework for ensuring equal treatment for fixed-term workers by protecting them against discrimination and for using fixed-term employment contracts on a basis acceptable to employers and workers.

This agreement applies to fixed-term workers with the exception of those placed by a temporary work agency at the disposition of a user enterprise. It is the intention of the parties to consider the need for a similar agreement relating to temporary agency work.

This agreement relates to the employment conditions of fixed-term workers, recognising that matters relating to statutory social security are for decision by the Member States. In this respect the social partners note the Employment Declaration of the Dublin

European Council in 1996 which emphasised inter alia the need to develop more employment-friendly social security systems by “developing social protection systems capable of adapting to new patterns of work and providing appropriate protection to those engaged in such work”. The parties to this agreement reiterate the view expressed in the 1997 part-time agreement that Member States should give effect to this Declaration without delay.

In addition, it is also recognised that innovations in occupational social protection systems are necessary in order to adapt them to current conditions, and in particular to provide for the transferability of rights.

The ETUC, UNICE and CEEP request the Commission to submit this framework agreement to the Council for a decision making these requirements binding in the Member States which are party to the Agreement on social policy annexed to the Protocol (No 14) on social policy annexed to the Treaty establishing the European Community.

The parties to this agreement ask the Commission, in its proposal to implement the agreement, to request Member States to adopt the laws, regulations and administrative provisions necessary to comply with the Council decision within two years from its adoption or ensure¹ that the social partners establish the necessary measures by way of agreement by the end of this period. Member States may, if necessary and following consultation with the social partners, and in order to take account of particular difficulties or implementation by collective agreement have up to a maximum of one additional year to comply with this provision.

The parties to this agreement request that the social partners are consulted prior to any legislative, regulatory or administrative initiative taken by a Member State to conform to the present agreement.

Without prejudice to the role of national courts and the Court of Justice, the parties to this agreement request that any matter relating to the interpretation of this agreement at European level, should in the first instance, be referred by the Commission to them for an opinion.

General considerations

1. Having regard to the Agreement on social policy annexed to the Protocol (No 14) on social policy annexed to the Treaty establishing the European Community, and in particular Article 3.4 and 4.2 thereof;

2. Whereas Article 4.2 of the Agreement on social policy provides that agreements concluded at Community level may be implemented, at the joint request of the signatory parties, by a Council decision on a proposal from the Commission;

3. Whereas, in its second consultation document on flexibility in working time and security for workers, the Commission announced its intention to propose a legally-binding Community measure;

4. Whereas in its opinion on the proposal for a directive on part-time work, the European Parliament invited the Commission to submit immediately proposals for directives on other forms of flexible work, such as fixed-term work and temporary agency work;

5. Whereas in the conclusions of the extra-ordinary summit on employment adopted in Luxembourg, the European Council invited the social partners to negotiate agreements to “modernise the organisation of work, including flexible working arrangements, with the aim of making undertakings productive and competitive and achieving the required balance between flexibility and security”;

1. Within the meaning of Article 2.4 of the Agreement on social policy annexed to the Protocol (No 14) on social policy annexed to the Treaty establishing the European Community.

6. Whereas employment contracts of an indefinite duration are the general form of employment relationships and contribute to quality of life of the workers concerned and improve performance;

7. Whereas the use of fixed-term employment contracts based on objective reasons is a way to prevent abuse;

8. Whereas fixed-term employment contracts are a feature of employment in certain sectors, occupations and activities which can suit both employers and workers;

9. Whereas more than half of fixed-term workers in the European Union

are women and this agreement can therefore contribute to improving equality of opportunities between women and men;

10. Whereas this agreement refers back to Member States and social partners for the arrangements for the application of its general principles, minimum requirements and provisions, in order to take account of the situation in each Member State, and the circumstances of particular sectors and occupations, including the activities of a seasonal nature;

11. Whereas this agreement takes into consideration the need to improve social policy requirements, to

enhance the competitiveness of the Community economy and to avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized undertakings;

12. Whereas the social partners are best placed to find solutions that correspond to the needs of both employers and workers and shall therefore be conferred a special role in the implementation and application of this agreement.

THE SIGNATORY PARTIES HAVE AGREED THE FOLLOWING

Purpose (clause 1)

The purpose of this framework agreement is to:

- a) improve the quality of fixed-term work by ensuring the application of the principle of non-discrimination;
- b) establish a framework to prevent abuse arising from the use of successive fixed-term employment contracts or relationships.

Scope (clause 2)

1. This agreement applies to fixed-term workers who have an employment contract or employment relationship as defined in law, collective agreements or practice in each Member State.

2. Member States after consultation with the social partners and/or the social partners may provide that this agreement does not apply to:

- a) initial vocational training relationships and apprenticeship schemes;
- b) employment contracts and relationships which have been concluded within the framework of a specific public or publicly-supported training, integration and vocational retraining programme.

Definitions (clause 3)

1. For the purpose of this agreement the term “fixed-term worker” means a person having an employment con-

tract or relationship entered into directly between an employer and a worker where the end of the employment contract or relationship is determined by objective conditions such as reaching a specific date, completing a specific task, or the occurrence of a specific event.

2. For the purpose of this agreement, the term “comparable permanent worker” means a worker with an employment contract or relationship of an indefinite duration, in the same establishment, engaged in the same or similar work/occupation, due regard being given to qualifications/skills.

Where there is no comparable permanent worker in the same establishment, the comparison shall be made by reference to the applicable collective agreement, or where there is no applicable collective agreement, in accordance with national law, collective agreements or practice.

Principle of non-discrimination (clause 4)

1. In respect of employment conditions, fixed-term workers shall not be treated in a less favourable manner than comparable permanent workers solely because they have a fixed-term contract or relation unless justified on objective grounds.

2. Where appropriate, the principle of pro rata temporis shall apply.

3. The arrangements for the application of this clause shall be defined by the Member States after consultation with the social partners and/or the social partners, having regard to Community law, national law, collective agreements and practice.

4. Period of service qualifications relating to particular conditions of employment shall be the same for fixed-term workers as for permanent workers except where different length of service qualifications are justified on objective grounds.

Measures to prevent abuse (clause 5)

1. To prevent abuse arising from the use of successive fixed-term employment contracts or relationships, Member States, after consultation with social partners in accordance with national law, collective agreements or practice, and/or the social partners, shall, where there are no equivalent legal measures to prevent abuse, introduce in a manner which takes account of the needs of specific sectors and/or categories of workers, one or more of the following measures:

- a) objective reasons justifying the renewal of such contracts or relationships;

- b) the maximum total duration of successive fixed-term employment contracts or relationships;
- c) the number of renewals of such contracts or relationships.

2. Member States after consultation with the social partners and/or the social partners, shall, where appropriate, determine under what conditions fixed-term employment contracts or relationships:

- a) shall be regarded as “successive”;
- b) shall be deemed to be contracts or relationships of an indefinite duration.

Information and employment opportunities (clause 6)

1. Employers shall inform fixed-term workers about vacancies which become available in the undertaking or establishment to ensure that they have the same opportunity to secure permanent positions as other workers. Such information may be provided by way of a general announcement at a suitable place in the undertaking or establishment.

2. As far as possible, employers should facilitate access by fixed-term workers to appropriate training opportunities to enhance their skills, career development and occupational mobility.

Information and consultation (clause 7)

1. Fixed-term workers shall be taken into consideration in calculating the threshold above which workers’ representative bodies provided for in national and Community law may be constituted in the undertaking as required by national provisions.

2. The arrangements for the application of clause 7.1 shall be defined by Member States after consultation with the social partners and/or the social partners in accordance with national law, collective agreements or practice and having regard to clause 4.1.

3. As far as possible, employers should give consideration to the provision of appropriate information to existing workers’ representative bodies about fixed-term work in the undertaking.

Provisions on implementation (clause 8)

1. Member States and/or the social partners can maintain or introduce more favourable provisions for workers than set out in this agreement.

2. This agreement shall be without prejudice to any more specific Community provisions, and in particular

Community provisions concerning equal treatment or opportunities for men and women.

3. Implementation of this agreement shall not constitute valid grounds for reducing the general level of protection afforded to workers in the field of the agreement.

4. The present agreement does not prejudice the right of the social partners to conclude at the appropriate level, including European level, agreements adapting and/or complementing the provisions of this agreement in a manner which will take account of the specific needs of the social partners concerned.

5. The prevention and settlement of disputes and grievances arising from the application of this agreement shall be dealt with in accordance with national law, collective agreements and practice.

6. The signatory parties shall review the application of this agreement five years after the date of the Council decision if requested by one of the parties to this agreement.

18 March 1999

2. 1999 Employment Guidelines

Joint declaration of the European social partners to the Vienna European Council

1. On the basis of their detailed comments on the 1998 Guidelines, ETUC, UNICE and CEEP welcome the progress that has been made over the last year in developing an integrated and coordinated European employment strategy. For 1999, they agree with the Commission that the key words should be consolidation, continuity, and commitment. Accordingly, further efforts are required to promote a balanced application of the four pillars of the Guidelines - on employability, entrepreneurship, adaptability, and equal opportunities - since otherwise the in-

tegrated character of the strategy will be lost, and the goal of increasing the employment rate in Europe to above 70% will not be attained.

2. The social partners reaffirm their wish to contribute to the process both at EU and national level. UNICE, CEEP and ETUC have decided to examine together initiatives taken by the social partners in the Member States, particularly in the light of the balances struck between flexibility and security. Starting from these practical experiences, they will seek to identify factors for success in time for the December 1999 review. In addition, they ask Member States to ensure that social partners are fully involved in the implementation of the 1999 guide-

lines for employment, in accordance with national practice.

3. European social partners are deeply concerned that the international crisis is jeopardising the prospects for a sustained, job-creating medium-term growth process. In these circumstances, the 1999 Employment Guidelines must be accompanied by an appropriate and coherent coordinated economic response from the Ecofin Council on the basis of the Treaty and of the Stability and Growth Pact, as well as from all the other parties concerned. Structural reforms are complementary to this strategy.

4. ETUC, UNICE and CEEP consider that one important component of the policy

mix for which social partners are responsible, namely wage developments, have contributed to establishing what was becoming a favourable situation, and that likely future developments should not pose constraints on action to deal with the effects of the crisis.

5. The social partners are therefore entitled to call on the two other groups of actors - governments and monetary authorities - to avoid detrimental conflicts between them, and to ensure that Europe has a policy mix which not only maintains stability but which is also conducive to growth and employment. The social partners recognise that the budgetary measures, particularly with regard to investment and taxation, required to achieve this, and designed to prevent losses of investor and consumer confidence, must not jeopardise the

medium term consolidation process. They welcome the decision to reduce interest rates across the Euro-11 area which is an early indication that, with the inflation objective currently met, the European Central Bank is playing its role, in accordance with the Treaty, in supporting the general economic policies of the Union on growth, competitiveness and employment. This decision should both assist the European economy and make an important contribution to the recovery of the international economy.

6. The social partners believe that consultation procedures at European level can contribute to ensuring the necessary synergy between the Broad Economic Policy Guidelines and the Employment Guidelines. They recently made proposals to that effect in their joint opinion on the reform of

the Standing Committee on Employment. They very much hope that the Council will take their proposals into account.

7. The Commission proposals for the 1999 Employment Guidelines recommend the inclusion of measures designed to foster integration of disabled persons in the world of work. UNICE, CEEP and ETUC have prepared a compendium of good practices which shows that obstacles to employment of people with disabilities in the open labour market can be overcome. They will now bring these positive experiences to the attention of their members as well as to decision makers so that they are a source of inspiration for action across Europe and will start preparing a joint declaration on that subject.

9 December 1998

3. Joint opinion on the reform of the Standing Committee on Employment

Introduction

UNICE, CEEP and ETUC welcome tripartite discussions in the Standing Committee for Employment (SCE). They agree that the functioning of SCE should be improved and favour a reform of the SCE. However, they do not support all the elements of the proposed modifications to Decision 70/352/EEC as modified by Decision 75/62/EEC which are currently discussed in Council.

ETUC, UNICE and CEEP would like to make five general remarks as well as concrete proposals for amendments of article 2.

General remarks

CEEP, UNICE and ETUC believe that the composition and tasks of the SCE should be brought in line with the present context of the EU following the introduction of a new employment title into the Amsterdam treaty and the Luxembourg extraordinary summit on employment.

The social partners consider that the SCE should not remain linked solely to the Employment Guidelines and be restricted to discussions with the Social Affairs Council or with the new ELC. It should become a forum for discussion of a coherent strategy conducive to growth and employment where the synergy between the broad economic policy guidelines and the Employment Guidelines can be discussed, in the presence of representatives of the Social Affairs and Ecofin Councils.

In order to ensure that the positions expressed in the SCE for employment can have a real impact, the SCE must meet before the Social Affairs and Ecofin Councils take decisions.

UNICE, CEEP and ETUC regret that the proposed modification only foresees meetings with restricted delegations of the social partners. Systematically excluding national social partners who are involved in practical actions on the ground could be counterproductive. It would also be unbalanced and unacceptable to ask social part-

ners to operate in a restricted format if the Council and ELC representation did not obey to the same principle.

ETUC, UNICE and CEEP welcome the procedure initiated following the Luxembourg European Council whereby heads of states or government, the Commission and the European social partners meet on the eve of the European Council meetings. They believe that these meetings should not be linked with the SCE or its reform.

Finally, CEEP, UNICE and ETUC would like to stress that tripartite meetings between social partners and European public authorities should clearly be distinguished from consultations in the context of the social dialogue or discussions between the social partners. The Social Dialogue is an autonomous process between employers and workers representatives leading to declarations and agreements supported by both sides.

Proposals for amendments for article 2

(based on document SN4401/98 (SOC))

Article 2

1. The task of the Committee shall be to ensure, in compliance with the treaty and with due regard for the powers of the institutions and organs of the Communities to ensure that there is continuous dialogue between the Council, the Commission and the European social partners in order to (... deleted) facilitate co-ordination (... deleted) of Member States employment policies and to harmonise them with the objectives of the Community, taking into account the need to ensure synergy between broad economic policy guidelines and Employment Guidelines.

2. The Committee shall fulfil its function before any measures in those fields are adopted by the relevant institutions. The Committee shall meet at least twice a year.

3. The following shall take part in the work of the Committee:

- the troika from the Ecofin and Social Affairs Councils,
- the Employment and Labour Market Committee,
- the Commission,

- European employers organisations,
- European workers organisations.

4. The employers' delegation and workers delegations shall each be comprised of 12 representatives. (... deleted) The (... deleted) workers delegation (ETUC, Eurocadres-CEC) shall be co-ordinated by the European Trade Union Confederation (ETUC) and the (... deleted) employers delegation (UNICE and CEEP, as well as UEAPME, EuroCommerce and COPA) shall be co-ordinated by the Union of Industrial and Employers' Confederations of Europe (UNICE).

5. The Committee shall be chaired by a representative of the Member State which holds the Presidency of the Council.

6. If the Chairperson decides in consultation with Member States to extend representation of the Council beyond the troika from the Ecofin and Social Affairs Councils, the delegations of the workers and employers shall be invited to include one additional representative of workers and one additional representative of employers per Member State added in the Council delegation.

7. The matters to be discussed by the Committee shall be placed on the agenda at the request of any of the parties referred to in paragraph 4.

Documents or proposals to be submitted for discussion shall be forwarded to the chairperson who shall bring them to the attention of the other parties, which may forward their comments in writing.

8. The Chairperson shall make preparations for the meetings in close contact with the Commission and the organisations on the two sides of industry taking part in the work of the Committee. He/she shall convene the preparatory and plenary meetings and shall draw up the provisional agenda therefor, taking into account any communications submitted to the Chair pursuant to paragraph 7.

9. The Chairperson presides over the discussions and summarises them at the end of the meetings. He/she shall draw up a record of the Committees proceedings in close co-ordination with the Commission and the organisations on the two sides of industry.

10. The Commission shall prepare and gather information, which enable the Committee to carry out its task.

11. Representatives of the organisations of the two sides of industry taking part in the discussions shall receive travelling expenses as determined by the Council.

9 December 1998

4. Joint opinion of the UNICE, ETUC and CEEP on the draft decision for the second phase of the Community programme for vocational training, Leonardo da Vinci II

1. ETUC, UNICE and CEEP have noted with interest the Commission's proposal for the second phase of the Community programme for vocational training, Leonardo da Vinci. This provides an opportunity to redefine the principles and objectives of European action for vocational training and to focus resources on the issues where action is most needed.

2. UNICE, ETUC and CEEP firmly believe that Community actions taken in

the area of vocational training should closely involve the social partners, as major actors in this field. The European social partners appreciate the approach which the Commission has adopted in involving them in the development of future Community action in the area of vocational training, and in taking their views into account. CEEP, UNICE and ETUC now wish to express jointly their main concerns and priorities for the Leonardo da Vinci II programme. They

urge the European institutions to take this opinion fully into account in their decisions on the character and structures of the programme.

Life-long learning - Achieving a coherent education and training policy

3. The social partners believe that a coherent approach towards a European education and training policy is

a necessary precondition for the development of a “European Educational Area”. The Leonardo da Vinci, Socrates and Youth programmes represent the main pillars of Community action in this field. CEEP, ETUC and UNICE think that there is a strong need for joint reflection with all the parties concerned, notably the social partners, as to how this coherent approach can be achieved and what the ultimate policy objectives are. The contribution which the Leonardo da Vinci II programme should make towards achieving these goals needs to be clarified.

4. UNICE, ETUC and CEEP strongly believe that the development of vocational training should be seen in the context of life-long learning. On several occasions, the social partners have underlined the importance of encouraging life-long learning, vocational guidance, and updating of skills and qualifications, to improve both the employability of individuals and the competitiveness of enterprises. This is particularly important in the context of the employment strategy, in which on-going education and training play a fundamental role in the implementation of the Employment Guidelines. Life-long learning is an essential response to the problems of unemployment and exclusion, globalisation, rapidly evolving markets and technological change, as well as demographic trends.

5. ETUC, CEEP and UNICE note that actions envisaged under the draft decision for the Leonardo da Vinci II programme essentially refer to young people. The social partners have always recognised that initial training is an essential basis for life-long learning. However, they also believe that the provisions of the new programme should detail how adults will be involved in all the measures.

Complementarity and coherence

6. The social partners welcome the Commission’s aim to achieve complementarity and coherence with other Community interventions that concern knowledge policy. This approach is essential if the maximum benefit is to be made of all the relevant actions.

The social partners believe that the new programme for vocational training should complement the human resource activities of the Structural Funds, especially the European Social Fund. However, care should be taken to distinguish clearly between the nature of the actions of Leonardo da Vinci II and the European Social Fund, to avoid duplication of action or dilution of the Leonardo da Vinci programme’s specificity as a test-bed for innovation and quality in vocational training development.

7. It is therefore essential that mechanisms be put in place to ensure proper co-ordination within the Commission. UNICE, CEEP and ETUC call on the Commission to produce a document outlining how coherence will be ensured, between all Community actions concerning knowledge policy and with the actors involved at all levels, including the social partners.

Promoting innovation and quality in vocational training - the main aim of the Leonardo da Vinci programme

8. The European social partners believe that the great value of the Leonardo da Vinci programme lies in its promotion of innovative and high quality training practices. Actions to promote transnational development of innovation in training practices distinguish the programme from other action in the field of training. CEEP, UNICE and ETUC therefore urge the European and national institutions to ensure that the development of innovation and quality in vocational training practices be explicitly reflected in all the objectives of the programme.

9. The social partners believe that efforts should be made to ensure the link between the two phases of the programme. They therefore think that the European Centre for the Development of Vocational Training, CEDEFOP, should play an important role in supporting and disseminating innovation and good practice in the Leonardo da Vinci II programme.

Mobility is not an end in itself

10. The proposal adopted by the Commission puts much emphasis on

mobility of people undergoing training and for teachers. More coherence is needed between the mobility objectives and those of the other measures in the programme. Mobility is not an end in itself and should be organised in such a way that brings real added value in terms of a European dimension to the training or bringing a new perspective on the organisation of training. The parameters of such action should be set out more clearly to ensure that the best possible use is made of the resources available. Such action should be open to all those involved in the training process, including the social partners.

11. UNICE, ETUC and CEEP emphasise however that the Leonardo da Vinci programme should not be just a set of mobility projects. Much of the innovation in the first Leonardo da Vinci programme emanated from the pilot projects. The pilot projects provide value for money for the Community by impacting on a larger number of people. It is important therefore to strike a fair balance in financial terms between mobility actions and pilot projects.

Equal opportunities

12. The social partners welcome the emphasis that the Commission proposal puts on equal opportunities in vocational training. UNICE, CEEP and ETUC believe that the equal opportunity approach should apply to all objectives and measures of the Leonardo da Vinci programme.

Simplification and transparency

13. ETUC, CEEP and UNICE welcome the efforts which have been made in the proposal to simplify the organisation of the second phase of the Leonardo da Vinci programme and to focus on three objectives. This simplification should increase awareness of the nature of the programme’s activities and thereby improve involvement in the programme and dissemination of the results. The social partners do not however believe that the current proposal achieves the aim of providing a better link-up between objectives and measures, since it currently fails to specify the thematic

areas which will meet the objectives set, or to ensure financial balance across objectives and measures. Great care must be taken to ensure that simplification of the programme's organisation does not result in a lack of transparency in the decisions taken.

14. The rationalisation of administrative procedures should contribute to a reduction in unnecessary administrative burden for the actors involved. The social partners emphasise however that decentralisation of the programme's management should in no way dilute the transnational nature of the Leonardo da Vinci activities. A better balance should be struck between the scope of action under the decentralised and centralised selection procedures, while also going further in ensuring stronger links between the actions under these two procedures.

Social partners involvement

15. UNICE, ETUC and CEEP firmly believe that Community actions taken in the area of vocational training should closely involve the social partners, as major actors in this field. The social partners should therefore have a continuing role in the development, implementation and evaluation of the new programme at European and national levels. As stated in their joint declaration in 1996², ETUC, UNICE and CEEP believe that "it is... necessary to encourage closer involvement of the social partners in the definition of programmes and the content of vocational training".

16. The Advisory Committee on Vocational Training in its opinion of 4 and 5 May 1998 on the proposal for the Leonardo da Vinci II programme³

underlined "the importance which it gives to the participation of the social partners at all levels in the programme... It considers it necessary that the social partners participate fully in the whole range of the Committee's work". CEEP, UNICE and ETUC strongly regret that the draft decision continues to give them observer status rather than allowing for their full participation as members of the Leonardo da Vinci Committee.

17. The social partners urge the European institutions to take full account of this opinion and would welcome the opportunity to discuss these issues with the parties concerned.

1 October 1998

5. FST-ECSA (*) European agreement on the organisation of working time of seafarers

Having regard to the Agreement on social policy annexed to the Protocol on social policy attached to the Treaty establishing the European Community and in particular Articles 3.4 and 4.2 thereof;

Whereas Article 4.2 of the Agreement on social policy provides that agreements concluded at European level may be implemented at the joint request of the signatory parties by a Council decision on a proposal from the Commission;

Whereas the signatory parties hereby make such a request;

The signatory parties have agreed the following:

Clause 1

1. The Agreement applies to seafarers on board every seagoing ship, whether publicly or privately owned, which

is registered in the territory of any Member State and is ordinarily engaged in commercial maritime operations. For the purpose of this Agreement a ship that is on the register of two States is deemed to be registered in the territory of the State whose flag it flies.

2. In the event of doubt as to whether or not any ships are to be regarded as seagoing ships or engaged in commercial maritime operations for the purpose of the Agreement, the question shall be determined by the competent authority of the Member State. The organisations of shipowners and seafarers concerned should be consulted.

Clause 2

For the purpose of the Agreement:

a) the term "hours of work" means time during which a seafarer is required to do work on account of the ship;

b) the term "hours of rest" means time outside hours of work; this term does not include short breaks;

c) the term "seafarer" means any person who is employed or engaged in any capacity on board a seagoing ship to which the Agreement applies;

d) the term "shipowner" means the owner of the ship or any other organisation or person, such as the manager or bareboat charterer, who has assumed the responsibility for the operation of the ship from the shipowner and who on assuming such responsibility has agreed to take over all the attendant duties and responsibilities.

Clause 3

Within the limits set out in Clause 5, there shall be fixed either a maximum number of hours of work which shall not be exceeded in a given period of

2. Joint declaration of the social partners on "Action for employment in Europe – a confidence pact", 29 November 1996.

3. Opinion of the Advisory Committee on Vocational Training "Draft decision of the European Parliament and the Council establishing the second phase of the Community vocational training action programme Leonardo da Vinci", 4 and 5 May 1998.

(*) Federation of Transport Workers' Unions in the European Union (FST) and European Community Shipowners' Association (ECSA).

time, or a minimum number of hours of rest which shall be provided in a given period of time.

Clause 4

Without prejudice to Clause 5, the normal working hours' standard of seafarers is, in principle, based on an eight-hour day with one day of rest per week and rest on public holidays. Member States may have procedures to authorise or register a collective agreement which determines seafarers' normal working hours on a basis no less favourable than this standard.

Clause 5

1. The limits on hours of work or rest shall be either:
 - a) maximum hours of work which shall not exceed:
 - i) 14 hours in any 24-hour period; and
 - ii) 72 hours in any seven-day period;
 - or
 - b) minimum hours of rest which shall not be less than:
 - i) 10 hours in any 24-hour period; and
 - ii) 77 hours in any seven-day period.

2. Hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length and the interval between consecutive periods of rest shall not exceed 14 hours.

3. Musters, fire-fighting and lifeboat drills, and drills prescribed by national laws and regulations and by international instruments shall be conducted in a manner that minimises the disturbance of rest periods and does not induce fatigue.

4. In respect of situations when a seafarer is on call, such as when a machinery space is unattended, the seafarer shall have an adequate compensatory rest period if the normal period of rest is disturbed by call-outs to work.

5. With regard to paragraphs 3 and 4, where no collective agreement or arbitration award exists or if the competent authority determines that the provisions in the agreement or award are inadequate, it would be for the competent authority to determine such

provisions to ensure that the seafarers concerned have sufficient rest.

6. With due regard for the general principles of the protection of the health and safety of workers, Member States may have national laws, regulations or a procedure for the competent authority to authorise or register collective agreements permitting exceptions to the limits set out in paragraphs 1 and 2. Such exceptions shall, as far as possible, follow the standards set out but may take account of more frequent or longer leave periods, or the granting of compensatory leave for watchkeeping seafarers or seafarers working on board ship on short voyages.

7. A table shall be posted, in an easily accessible place, with the ship-board working arrangements, which shall contain for every position at least:

- a) the schedule of service at sea and service in port; and
- b) the maximum hours of work or the minimum hours of rest required by the laws, regulations or collective agreements in force in the Member States.

8. The table referred to in paragraph 7 shall be established in a standardised format in the working language or languages of the ship and in English.

Clause 6

No seafarer under 18 years of age shall work at night. For the purpose of this Clause, "night" means a period of at least nine consecutive hours, including the interval from midnight to five a.m. This provision need not be applied when the effective training of young seafarers between the ages of 16 and 18 in accordance with established programmes and schedules would be impaired.

Clause 7

1. The master of a ship shall have the right to require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on board or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea.

2. In accordance with paragraph 1, the master may suspend the schedu-

le of hours of work or hours of rest and require a seafarer to perform any hours of work necessary until the normal situation has been restored.

3. As soon as practicable after the normal situation has been restored, the master shall ensure that any seafarers who have performed work in a scheduled rest period are provided with an adequate period of rest.

Clause 8

1. Records of seafarers' daily hours of work or of their daily hours of rest shall be maintained to allow monitoring of compliance with the provisions set out in Clause 5. The seafarer shall receive a copy of the records pertaining to him or her which shall be endorsed by the master, or a person authorised by the master, and by the seafarer.

2. Procedures shall be determined for keeping such records on board, including the intervals at which the information shall be recorded. The format of the records of the seafarers' hours of work or of their hours of rest shall be established taking into account any available international guidelines. The format shall be established in the language or languages provided by clause 5, paragraph 8.

3. A copy of the relevant provisions of the national legislation pertaining to this Agreement and the relevant collective agreements shall be kept on board and be easily accessible to the crew.

Clause 9

The records referred to in Clause 8, shall be examined and endorsed at appropriate intervals, to monitor compliance with the provisions governing hours of work or hours of rest that give effect to this Agreement.

Clause 10

1. When determining, approving or revising manning levels, it is necessary to take into account the need to avoid or minimise, as far as practicable, excessive hours of work, to ensure sufficient rest and to limit fatigue.

2. If the records or other evidence indicate infringement of provisions governing hours of work or hours of rest, measures, including if necessary the revision of the manning of the

ship, shall be taken so as to avoid future infringements.

3. All ships to which this Agreement applies shall be sufficiently, safely and efficiently manned, in accordance with the minimum safe manning document or an equivalent issued by the competent authority.

Clause 11

No person under 16 years of age shall work on a ship.

Clause 12

The shipowner shall provide the master with the necessary resources for the purpose of compliance with obligations under this Agreement, including those relating to the appropriate manning of the ship. The master shall take all necessary steps to ensure that the requirements on seafarers' hours of work and rest arising from this Agreement are complied with.

Clause 13

1. All seafarers shall possess a certificate attesting to their fitness for the work for which they are to be employed at sea.

The nature of the health assessment to be made and the particulars to be included in the medical certificate shall be established after consultation with the shipowners and seafarers organisations concerned.

All seafarers shall have regular health assessments. Watchkeepers suffering from health problems certified by a medical practitioner as being due to the fact that they perform night work shall be transferred, wherever possible, to day work to which they are suited.

2. The health assessment referred to in paragraph 1 shall be free and comply with medical confidentiality. Such health assessments may be conducted within the national health system.

Clause 14

Shipowners shall provide information on watchkeepers and other night

workers to the national competent authority if they so request.

Clause 15

Seafarers shall have safety and health protection appropriate to the nature of their work. Equivalent protection and prevention services or facilities with regard to the safety and health of seafarers working by day or by night shall be available.

Clause 16

Every seafarer shall be entitled to paid annual leave of at least four weeks, or a proportion thereof for periods of employment of less than one year, in accordance with the conditions for entitlement to, and granting of, such leave laid down by national legislation and or/practice.

The minimum period of paid annual leave may not be replaced by an allowance in lieu, except where the employment relationship is terminated.

30 September 1998

6. Agreement between the trade unions and employers in the postal sector in Europe

Promoting employment in the postal sector in Europe

I - The postal employers and management, the Communications International, Eurofedop and a Portuguese trade union represented in the Joint Committee on Postal Services consider that:

- postal sector is labour-intensive and service to customers (residential, business and public authorities) depends to a large degree on the skills commitment and motivation of the employees;
- the present Agreement is a contribution to European policy on employment. It is a response by the trade unions and management in the pos-

tal sector to the initiatives undertaken by European bodies and recognises that the future success of Post Offices and their ability to satisfy customer's changing requirements, requires appropriate employment policies;

- the postal sector is changing. Technology, deregulation, globalisation and customers' changing requirements are all driving change in the industry because of stronger competition and cost pressure on postal operators as well as the substitution by electronic communications. The promotion of employment and the creation of fulfilling and rewarding work will require that management, employees and trade unions adapt to the services offered and the way they are provided. The sector will continue to be labour intensive and it is impor-

tant for all that the industry is active in terms of recruitment, training, promotion, job security, health and safety and non-discrimination;

- this Agreement signals that management, employees and trade unions have responsibilities and duties to ensure that the industry successfully adapts and changes over the years ahead and gives value for money;
- acknowledging that the legal, economic situations and the competition context are different in Member States, the present Agreement sets out general principles of action to be undertaken, in order to secure and create employment and improve employment conditions in the postal sector and to satisfy demands for postal services. The application

of these principles shall be based on the legal provisions and customs in each of the Member States;

- the Agreement includes commitments on the protection of employment, recruitment, and promotion in the postal sector and non-discrimination. It includes recommendations on the improvement of working conditions and adequate social provisions. It recommends greater consultation in order to adapt employment and organisation to users' requirements and to technical and technological developments.

II - The postal employers, management and trade unions represented in the Joint Committee on Postal Services:

1. considering articles 1 and 2 of the Agreement on industrial relations policy, appended to the industrial relations Heads of Agreement, appended to the Treaty creating the European Community;

2. considering the European Charter on Workers' Fundamental and Social Rights;

3. considering that the European Commission, in its White Paper on growth, competitiveness and employment, has linked economic growth not only to competitiveness, but to employment;

4. considering that the conclusions of the European summit at Essen stressed the necessity to take measures to promote employment and equality of opportunity between men and women, and requested that measures be taken to increase employment, in particular by means of a more flexible organisation of work, which fulfils both the wishes of the workforce and the requirements of competition;

5. considering the agreements between European trade unions and management - CEEP, UNICE, ETUC - concerning paid leave to bring up children, and part-time work;

6. considering that the President of the European Commission has proposed a pact for employment, based on trust, to European labour and management,

insisting on a commitment by both businesses and unions concerned to joint action to tackle unemployment;

7. considering the decisions taken at the Amsterdam summit and extraordinary European Council meeting on employment in Luxembourg, to adopt objectives which are quantifiable and verifiable from one year to another;

8. considering that the directive of 15-12-1997, makes the universal postal service the basic principle of community postal policy;

9. considering that the provision of universal service requires investment in human resources, in order to maintain and improve links between the postal service and users;

10. considering that changes in the sector which will affect employment, the organisation of work, working conditions of employees and will favour new skills, competence, and qualifications;

11. considering the study of employment trends in the European postal sector, carried out by Price Waterhouse at the request of the Commission;

12. considering the essential role played by the postal sector in employment and social stability, by employing 1.7 million persons, 1.4 million of whom are with public operators;

13. considering that the postal sector offers possibilities of employment to all categories qualified and unqualified of the population;

14. considering the indirect contribution to employment made by the presence of the postal service in urban and rural areas, and by its use of a great number of suppliers and industries;

15. considering that labour and management in the sector are justified in seeking solutions meeting the requirements of employers and workers, and that a special role must be granted to them in the implementation and application of the present Agreement;

conclude a framework Agreement for

the promotion of employment in the postal sector, in order to implement at the national level on the basis of the following provisions.

Clause 1: Employment, recruitment, and promotion in the sector

The postal sector ranks amongst the largest employers and recruiters in the Member States. However, structural and technological changes within European postal services, have, in recent years, turned out to be the main factors responsible for the decrease in the number of jobs and changing patterns of employment, diminishing full-time employment and producing an increase in part-time jobs, hourly wage-based jobs and temporary employment.

The Price Waterhouse study on Employment in the Postal Sector underlines these developments and foresees trends which could lead to a loss of 450 000 jobs over a period of 10 years (1995-2005), if the services' performance and postal policies remain unchanged during that period.

In the context that the postal sector will continue to rank amongst the largest employers and recruiters constantly striving to fulfil the customers' requirements, the trade unions, management and employers recognise that the continuity and provision of excellent quality services by the employers to motivate and secure conditions for the workforce is essential to gain the trust of our customers and the maintenance of jobs and hereby undertake to:

- encourage measures to be taken to further improve quality of service all over Europe;

- modernise work organisation, based on principles corresponding to and in compliance with the European social model, including safeguarding job security;

- and demands and ensure the economic success of the company and hereby create new jobs;

- maintain a certain level of recruitment of young people, in order to face up to requirements in new skills and competence, thus making a

contribution to social integration and solidarity made necessary by the situation of the labour market;

- simultaneously encourage the promotion and professional careers of those in employment by developing, complementing or renewing their competence, by offering sufficient training, retraining and education on a life-long basis;
- pursue opportunities for the general reduction of working hours, together with flexibility, to improve the conditions for leave for family care, educational purposes and beneficial retirement arrangements.

Clause 2: Respecting the principle of non-discrimination

Employers shall undertake to respect the principle whereby a person cannot be excluded from recruitment, nor can any employee be sanctioned or dismissed due to, in particular, race, gender, sexual orientation, political opinions, union belonging, religious beliefs or disablement unless justified. Similarly, when an employee is sanctioned or dismissed due to his/her state of health, this will be in accordance with defined procedures and agreements.

It is most important that measures should be taken to ensure equality of treatment between men and women with regard to access to employment, remuneration, working conditions, professional training, and career development. Both management, employees and trades unions have the responsibility to ensure that discrimination and harassment are condemned.

Clause 3: Encouraging improvement in occupational health and safety

Based on the principle that a good working environment should be the vehicle for well-being and balance in peoples' professional activities, efforts must be made to prevent occupational hazards and to obtain suitable health protection at work by:

- acquiring an in-depth knowledge of various types of work, the difficulty

involved in them, and of employment where there is exposure to occupational hazards;

- making people particularly aware of, and giving them special training in, issues relating to correct working methods, the use of right equipment, hygiene, and safety.

Taking the EU framework and the EU's responsibility for health and safety at the workplace into account, the social partners also commit themselves to encourage the further improvement of conditions within this area in cooperation with the relevant EU bodies.

Clause 4: European social standards

In accordance with Article 118 of the EU-Treaty and with the aim to extend and further develop the European social model, the social partners agree to commence discussions which could lead to an agreement on social minimum standards for postal employees in the EU, in compliance with applicable laws and practices in the Member States.

Clause 5: Consultation and European social dialogue

The significant changes the postal sector is going through technologically, commercially as well as structurally lead to new methods of organising work and changes in working conditions.

The social partners agree that these developments should be carried out on the basis of consultation with the trade unions concerned and that new methods of organising work and changes in working conditions be based on agreements with the trade unions.

At the European level the social partners in the postal sector insist on the need for the Commission to support and promote social dialogue at sectoral level in the framework of the Joint Committee on Postal Services and its respective working groups. The Joint Committee is essential for a European cooperation and comprehension between employers, management, the employees and their respective trade unions.

Within the framework of the Joint Committee the social partners will seek to establish a bargaining frame, in order to reach, with the help of European Institutions, agreements on programmes that will enable and allow employees in postal undertakings to keep up with the technological and commercial developments the sector is going through.

Clause 6

The social partners agree to support studies and analysis of the different factors involved in new organisation of work, notably:

- vocational training, retraining and education opportunities, which can support programmes as mentioned in Clause 5;
- activities promoting the principle of education on a life-long basis;
- employment and working conditions in all postal operators, firstly in private postal companies;
- health and safety at the work place;
- equality of opportunities for employees in the postal sector;
- workers' participation in company affairs.

Clause 7

Every year the Communications International, Eurofedop and the postal employers, who have signed this agreement, will review this agreement in order to further develop the progressive nature of the philosophy contained herein. The agreement may be extended to include more social partners in the postal sector. The results and conclusion of this process will be published and distributed as a report of the Joint Committee on Postal Services.

Clause 8

This framework Agreement will be effective as of 1 June 1998.

29 October 1998

7. Joint declaration by the EFCI and Euro-FIET on undeclared work

A contribution from the European social partners of the cleaning industry to the 1999 Employment Guidelines

I. Introduction

1.1. The European social partners of the cleaning industry, EFCI and Euro-FIET, express their support to the initiative launched by the European Commission concerning the problem of undeclared work.

1.2. Convinced that the fight against undeclared work must constitute one of the main priorities of the European Employment strategy, they wish the present reflection to be integrated in the framework of the debate, which will proceed to the adoption of the Employment Guidelines for 1999. The cleaning industry can play a very positive role in this respect, provided that synergies with the EU Member States can be established.

1.3. A study carried out at the request of the social partners shows that the industry, in particular as regards services to private individuals, is in competition with undeclared work⁴. On 21 October 1996, EFCI and Euro-FIET signed a Joint Memorandum on new sources of employment, covering notably cleaning services for private individuals, by which they asked the public authorities to put the necessary conditions into place to help fund the demand from private individuals for cleaning services, so as to discourage the use of clandestine labour⁵.

1.4. The cleaning industry in Europe consist of more than 2.3 million employees, and about 47 000 companies. It is a labour intensive sector

(the labour cost represents 75 to 85% of the industry's total turnover), and is also characterised by a wide dispersal of workplaces, which goes together with the necessary proximity between companies and customers.

II. The fight against undeclared work and the 1999 Employment Guidelines

2.1. Undertakings of the social partners

2.1.1. The European social partners of the cleaning industry express their willingness to regularly and concretely follow up the situation in the industry at European, national and local level, in cooperation with the authorities concerned, in order to detect the problems, to try and solve them by introducing the necessary controls and to record the progress achieved in the fight against undeclared work.

2.1.2. EFCI and Euro-FIET also wish to undertake regular information and awareness campaigns directed at their members or affiliated associations, as well as towards the national and local public administrations, concerning the harmful effects of the policy of awarding public contracts at abnormally low rates, which can lead to encouraging undeclared work, and therefore to the non-respect of social legislation or collective labour agreements, to the decline in the quality of the service provided and the customer satisfaction.

2.1.3. Moreover, as part of an approach to develop procedures for the certification of the quality and the qualifications of the companies, the indus-

try has in particular undertaken to promote vocational training for its employees.

2.1.4. Insofar as the concrete economic and legal support action(s) will be undertaken by the national governments, EFCI and Euro-FIET undertake to regularly report to the European Commission on progress recorded in terms of job creation in the concerned Member States.

2.2. Demands of the social partners

2.2.1. EFCI and Euro-FIET call upon the European Commission and EU Member States for positive and effective measures to be taken to support the creation of qualified jobs (working conditions, training) which take into account the characteristics of the cleaning industry.

2.2.2. The social partners call upon the European Commission and the EU Member States to take the necessary measures to favour declared work. In this framework, EFCI and Euro-FIET emphasise the importance of tax policies of the EU Member States on the development of employment in the cleaning sector. Thus for example, the reduction of the VAT rate on the services to private individuals could be an element in the fight against undeclared economy.

2.2.3. The fight against undeclared work is also linked to the simplification of administrative procedures relating to recruitment and to the management of companies. The European Commission having embraced this principle, the time has now come for the Member States to commit themselves to pursue in concrete terms the initiative started at European level.

4. "New job opportunities in the European Cleaning Industry", study conducted for the industry by Ecotec Research and Consulting Ltd., Oct. 1996. This study shows that according to the EU Member States, the ratio between the hourly cost of declared and undeclared labour varies from 1 to 2 up to 1 to 5. According to the study, public subsidies could help bridging this gap without generating supplementary costs for the Member States. A declared job indeed occupied by a previous unemployed worker would generate twice as much revenue for the State: on the one hand, from social contributions, income tax, VAT, on the other, from the savings on unemployment benefits.

5. Such measures would contribute to reveal a part of the two million estimated jobs from the underground economy. See: "Out of the darkness and into the light", proceedings of the European Colloquium on new sources of employment, organised by EFCI and Euro-FIET with the support of the European Commission, 9-10 October 1997.

III. Conclusion

3.1. The social partners of the cleaning industry call upon all national governments and the European Union to demonstrate their real determination to fight undeclared work. EFCI and Euro-FIET are ready to assume their respon-

sibilities and to participate in this action. To that end, the necessary legal and economic changes must be implemented in order to support this initiative. Concrete measures must be taken by EU Member States to give the economic and social actors the means to fight against undeclared work, otherwi-

se any commitment would be ineffective and the gap between declarations of principle and the situation resulting from this both important and perverse phenomenon would remain.

4 December 1998

8. Joint opinion of EuroCommerce and Euro-FIET on employment

Introduction

EuroCommerce and Euro-FIET, the European social partners for commerce, welcome the launching of the European Employment Strategy, starting with the publication of the 1998 Employment Guidelines, drawn up on the basis of the Council Resolution of 15 December 1997. They also welcome the draft Employment Guidelines for 1999 to which they want to contribute in a positive and constructive way.

The recent European Commission Communication "Modernising the organisation of work - a positive approach to change" gives an important challenge to the social partners to take the initiative in developing the European dimension of labour relations. EuroCommerce and Euro-FIET welcome this challenge and see this Communication as a guideline for their future social dialogue about employment and work organisation related issues.

European commerce is the essential link in distributing goods and services between producers and more than 370 million consumers in the European Union. There are 4.7 million commercial companies operating in the EU, which is 30% of all European enterprises, generating 13% of total European GDP. 95% of these enterprises are SMEs employing fewer than 10 workers.

Commerce is the second largest employer with more than 22.5 million employees representing 16% of total EU employment. In addition, in contrast to other sectors of economy,

there has been a positive employment development in commerce. Between 1985 and 1995, 1.5 million new jobs were created in European commerce. This is half the amount of jobs lost in the manufacturing industry over the same period. In terms of job creation, 15.5% of new jobs came from commerce. However, the prospects for commerce to be able to retain present employment levels, taking account of job losses recorded in some parts of commerce in particular since 1994, and to create new jobs will largely depend on an increase in purchasing power. Economic growth as well as an increase in purchasing power could lead to the development of new services in commerce.

In the context of the enlargement of the EU to the East, EuroCommerce and Euro-FIET have been working with the social partners for commerce in the applicant countries in promoting industrial relations through a series of round table meetings. To date, two round tables have taken place, respectively in Estonia and Hungary and this process will continue through 1999. In view of their future membership, EuroCommerce and Euro-FIET consider it necessary to look at the challenges and the impact of the enlargement, in particular in the area of employment.

I. Employment and the social dialogue dimension

Since the establishment of their Social Dialogue in 1985, the European social partners for commerce have worked closely together on employ-

ment policy matters, including the signing of a *Memorandum on Vocational Training in Retail Trade* and a *Joint opinion on Promoting Employment in European Commerce*.

In recent years, the social partners in commerce have focused their attention on future developments in employment structures, backed up by a number of joint research projects.

Current changes in information technology (IT) and the rapid development of electronic commerce will lead to important changes in the conditions for distributing goods and services. Electronic commerce will lead to changes in the whole structure of the commerce sector. New areas of work will be created, traditional ones will be redefined. Therefore, it is important to consider the influence of technological and structural developments on employment and the conditions of employment in the commerce sector.

With this in mind, EuroCommerce and Euro-FIET commissioned two important studies: the first one on future employment developments in European commerce (Institut für Arbeit und Technik, December 1997) and the second on the effects of the development of electronic commerce on the employment situation in European commerce (Athens University, June 1998). Furthermore, EuroCommerce and Euro-FIET will in January 1999 begin a joint project to analyse the impact of IT (in particular electronic commerce) on vocational training in the retail and wholesale trades. This project illustrates the willingness of the social partners to tackle these

issues through concrete action to support employment in their sector.

The Athens University report concluded that electronic commerce will create new demands in terms of training of employees. For example, changes in logistics systems will have a direct impact on personnel structures in enterprises. As a consequence, employees' skills will have to be enhanced and continuous education and training will be key to enabling all employees to adapt to the changes, in turn leading to greater job satisfaction.

Future developments in commerce will call for changes in work organisation. The fundamental areas of work and work processes in the enterprises will be subject to change in relation to work planning and the use of distance work. Therefore, it is important for commerce to address these challenges and to consider their impact on new organisation of work.

II. Future challenges for commerce

EuroCommerce and Euro-FIET subscribe to the approach set out in the Employment Guidelines for 1998, recognising their importance for reducing unemployment levels and increasing employability. Future dialogue between EuroCommerce and Euro-FIET must focus on the need to improve worker employability and to encourage adaptation of businesses and of their employees to the challenges posed by current technological developments affecting the sector.

EuroCommerce and Euro-FIET are aware that the sector will be subject to structural adjustments due notably to demographic changes. Therefore, where necessary and appropriate, they will promote employment policies to reconcile family and working life following on from initiatives that have already been taken. These policies will also have to meet the need of enterprises to adapt to ever-changing consumer demands.

Furthermore, EuroCommerce and Euro-FIET will endeavour to develop new initiatives to foster employee retention and to ensure that commer-

ce continues to create job opportunities, in particular by creating jobs that are attractive to young people entering working life.

Employees working in the sector must acquire new skills in response to progress in IT to increase their employability on the labour market. Particular attention needs to be paid to mature workers and to employees in SMEs who face changes because of increasing competition.

There is a clear positive trend in some parts of commerce towards the replacement of existing low-skilled jobs by jobs which require a higher level of education. For commerce to continue to offer career prospects to its workers, it is important to provide additional education and training to them. At the same time, new areas of work will emerge which will be attractive to persons with a higher education. In this instance, existing employees, through additional education and training schemes, should also be given a chance to access these new jobs.

European retail and wholesale trade is an increasingly global industry, with enterprises reaching outside their traditional home markets to other EU Member States or outside the European Union. Cross-border activities in commerce as well as labour mobility within the EU will increase. At the same time, as new technologies are applied, international competition will intensify. Further initiatives for employment promotion in commerce will need to take these trends fully into account.

EuroCommerce and Euro-FIET are fully aware of the challenges that commerce is facing and of their responsibility in setting a European framework. The European social partners in commerce will therefore continue to work on initiatives to create and preserve jobs.

III. Proposals for new initiatives

EuroCommerce and Euro-FIET will continue the on-going work on job-creating initiatives and endeavour to translate the priorities described above into concrete actions, particularly in the following fields:

• Analysis of the workforce, job profiles, education and continuing training

Commerce will be subject to considerable changes in the future. Therefore, a more thorough analysis is needed to look at existing areas of work and the current breakdown of the workforce. Employment features in commerce, including a large number of part-time workers, will need to be fully taken into account. This could provide a basis for recommendations on the training needs for employees in commerce to improve their employability in view of the changing nature of jobs in the sector.

• Improving skills of mature workers in commerce

EuroCommerce and Euro-FIET will be bringing forward recommendations on actions to be taken to retain mature workers as part of the workforce. Mature workers must be considered as valuable resources in terms of their experience and skills. In order for them to improve their employability, mature workers should be able to upgrade their skills.

• Analysis of the impact of competition and IT development on the structure of the workforce

Commerce will be faced with growing international competition and new technological development. This will impact on working practices and require further analysis of new skill demands of the workforce.

• Framework for distance working

EuroCommerce and Euro-FIET will work towards a framework for the conditions of distance working. With IT developments, many job functions will become independent of the geographic location in which they are carried out. This also represents a new challenge for employers and employees in the planning and carrying of their work.

• Analysis of training opportunities for SMEs

The European social partners in commerce want to engage in an in-depth study of opportunities as well as the existing barriers for SMEs in training

their staff. In the European Union, there are four million businesses employing less than ten employees. SMEs need particular attention to enable them to provide training for their staff. In this regard, they also want to conduct a detailed analysis of the way in which SMEs make use of the possibilities available to them in

providing education and training for their employees.

In view of the European Employment Strategy, the social partners will review the development of their initiatives on an annual basis and submit any relevant results to the competent European and national authorities.

EuroCommerce and Euro-FIET will continue to work towards making commerce a more attractive sector to work in. Therefore, they will endeavour to maintain and where possible increase employment in the sector.

30 November 1998

9. Opinion on the safety of fishing vessels under 15 metres

The Joint Committee on social problems in sea fishing,

in its Plenary Meeting of 2 February 1998,

following the discussions of the "Health & Safety" working party of 7 November 1997 on the minimum safety requirements for vessels under 15 metres,

in the framework of the study on the need for and feasibility of further community action in the field of fishing vessel safety, carried out by the European Commission,

taking in account the measures of the 93/103 Directive concerning the minimum safety and health requirements for work on board fishing vessels,

take the following positions:

- notes the large number of fishing vessels of less than 15 metres operating in Community waters under a wide range of activities and circumstances;
- notes that no common minimum safety standards exist for such vessels;
- believes that considerations should be given to establishing, where fea-

sible, simple common safety criteria on the main elements involved, especially:

- communications;
- life-saving apparatus;
- vessel inspection and certification;
- vessel stability and flotation;
- training;
- number of crew members.

2 February 1998



