



**A NEW DEAL FOR SOCIAL POLICY  
ETUC's CONTRIBUTION TO THE PREPARATION OF THE  
"RENEWED" SOCIAL AGENDA – TOWARDS A NEW SOCIAL ACTION  
PROGRAMME**

**Adopted by the ETUC Executive Committee of 4-5 March 2008 (EC179)**

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**The context**

1. The Commission has announced the publication of a “renewed” Social Agenda in June 2008. Discussions and decisions on its contents should happen during the French Presidency of the European Union in the second half of the year. Two contributions from the European Commission seem to be the basis for its internal preparation: the discussion paper from the Commissions’ Bureau of European Policy Advisers (BEPA) on “Europe’s social reality”, published in March 2007<sup>1</sup> and the Communication on "Opportunities, access and solidarity: towards a new social vision for 21st century Europe", published in November 2007<sup>2</sup>. In this Communication, the Commission states that *“in developing this new Agenda, it will review the nature, scope and combination of instruments used in various fields. It will also take due account of the new institutional framework given by the Reform Treaty. Together with the review of the Single Market, this renewed Social Agenda will help deliver further concrete results for Europe’s citizens.”*
2. Based on the contribution made to the “Europe’s social reality” paper, on an internal evaluation on the implementation of the current social agenda<sup>3</sup> and on the growing concerns expressed by the trade union movement in relation to the absence of a European Social dimension answering to the new challenges, of both an internal and external nature, Europe is confronted to, the Secretariat decided that preventive action is needed. The objective of the present document is to give ETUCs main views on the role that social policies must play in an enlarged European Union as well as our main proposals regarding the contents of the future “renewed” Social Agenda, which in our view should be a new Social Action programme.
3. Discussions for the preparation of this document were held on two specific occasions: the seminar jointly organised with the ETUI-REHS on Europe’s social reality, where member organisations also took part, one internal seminar with the members of the ETUI-REHS’s research network<sup>4</sup> and the internal evaluation made by ETUI-REHS researchers and ETUC secretariat and advisers on the current social agenda.

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<sup>1</sup> See ETUC’s contribution to the debate on «Europe’s social reality», adopted by the Steering Committee on 7 February 2008

<sup>2</sup> (COM (2007) 726 final

<sup>3</sup> Annexed to this document

<sup>4</sup> ETUC: Maria Helena André (Deputy General Secretary), Thomas Janson (Advisor), ETUI-REHS: Philippe Pochet (General Director) , Maria Jepsen (ETUI-R Director), Andrew Watt and Stefan Clauwaert (ETUI-R Senior Researchers), external experts: John Morley, Maria João Rodrigues, Janine Goetschy, Anke Hassel, Jill Rubery, Jelle Visser, Allan Larsson.

### What are we talking about?

4. The ETUC has expressed on various occasions its perplexity at the fact that the name and the nature of the European Union's social programme has been changing over the years. We have moved from a Social Action Programme, with clear objectives, clear measures, clear instruments, to a Social Policy Agenda and finally to a Social Agenda.
5. Semantics are not the origin of these changes! In an unambiguous way, ETUC says from the outset that Europe needs to give a clear signal to its citizens and workers showing that social policies are an integral part of the productive factors. For that reason the Europe Union must be clear about its intentions and about its actions, its objectives and instruments in the social policy field. The European citizens and workers need to rebuild their confidence in the capacity of the European Commission to take matters into its hand and to use to the full its right of initiative in the social sphere.
6. Also the status and the time span of this "renewed" Social Agenda must be cristal clear in view of the forthcoming appointment of a new Commission next year.
7. The European trade unions are the first ones to recognise, because they have been key players in achieving that, that Europe is the most advanced and developed geographical integration process in the world and that Europe's specificities in terms of a social safety network are unique in the world.
8. Likewise, trade unions recognise that in the light of the new global challenges there is a need to adapt, to revise, to update our systems. But this will have to be done on a consensual way, through a new deal, honouring Europe's specific characteristic: on an upwards track, with the aim of being always better in social terms and to set the benchmark to be followed by others. Otherwise resistance among workers and the population towards changes will increase.
9. The EU has a multitude of challenges to address resulting from the impact of the globalisation process, demography and of climate change, to name just a few, that have a clear impact on the labour market, on people's lives and on the economy in general. But it also needs to give the necessary answers on how to combat gender discrimination on the labour market in a time of increasing share of women's participation in the labour market. It also needs to implement a new intergenerational pact, between the young workers seeking access to the labour market and older workers wishing to carry on with their active life, or to integrate successfully, in the labour market and in society, migrant workers.
10. Facing these is even more complex when the current situation is far from bright. Alongside with the many successes of the European Union in economic and social terms and its positive impact on important sectors of our population, the increase in inequalities and its consequences on millions of European workers and citizens must be a matter for great concern of the European leaders and for the social partners.

11. European workers experience an increased vulnerability, their general purchasing power has stagnated and often policies promote higher job insecurity and weaker social protection systems. Many workers experience a loss of jobs and of income in the wake of globalisation and some of them start being put under pressure by climate change mitigation policies, especially in the heavy industry. Raising energy and commodity prices puts a heavy burden on the low and middle income households. Hedge funds, financial capital and companies have almost unlimited possibilities using the conditions offered by globalisation for the simple exclusive purposes of their shareholders while at the same time workers actions are being stymied. The recent judgements of the Viking and Laval cases are a clear example of that and at this stage the full consequences of these judgements are not yet known, but the lessons drawn from them will certainly have a clear impact on Europe's social policies.
12. Europe's priority policies must be based on the real situation on the ground, on the labour market and on the issues which affect European workers and citizens.
13. The challenges imply huge changes in the terms of the way work and working time are organised, the offer of new qualifications and skills and the recognition of the acquired ones. Europe's policies for full employment must be combined with policies that promote job quality and social progress. The EU must acknowledge the link between a high quality working life and high quality products and services as fundamental for the promotion of Europe's competitiveness. Participation in lifelong learning, career progression and influence over decisions in the workplace, stable employment relations, gender equality, a high standard of health and safety and innovative and negotiated forms of work organisation are parts of the answer to meet the challenges of the changing world of work. They are also part of a balanced and acceptable flexicurity agenda.
14. Access to high quality education and health care provisions, to child and elderly care, to decent housing and to the capacity to be an active member in the society, taking into consideration the new family patterns (with the consequent need to continue progress towards the individualisation of rights in terms of social protection), the need for active inclusion of all, independently from one's sex, age, ethnic origin, sexual orientation, disability or origin are part of the answers to the changing society. At the same time, the social impact of future enlargements of the European Union should not be underestimated and should also be addressed.
15. Europe's demographic evolution call for strong measures to be taken in order to ensure the long term sustainability of public systems of social protection, notably in the areas of pension rights, health care and long term care. Linked to this is the strengthening of social cohesion in the EU, which will depend on the capacity to fully implement and to further develop the European strategy to fight against poverty and social exclusion. The role of progressive and fair tax systems cannot be ignored in this context. It is very important to avoid that future generations will have to bear the burden of the demographic change in our societies.

16. We must not forget that the EU has a social objective, which is an integral part of the Lisbon strategy; to support social progress, a high level of employment for women and men including improved living and working conditions, advancing proper social protection and dialogue between management and labour as well as to achieve balanced and sustainable development. This objective cannot be reached without strong social policies at all levels, including at the European one and through a multitude of coordinated and mutually reinforcing policies as well as with the necessary instruments, including legislation and financial support when necessary, including via the European Social Fund.
17. The ETUC considers that action is needed on the following priority areas:
- Strengthening the “renewed” Social Agenda as a policy instrument.
  - Strengthening action in a number of policy areas.
  - Strengthening the follow up and implementation of social policies.
  - Strengthening the role of the social partners, social dialogue and decide on a system for transnational collective bargaining.

### **Strengthening the “renewed” Social Agenda as a policy instrument**

18. The aim of Europe’s social policy cannot restrict itself to balancing the negative social consequences of the Internal Market but must also advance Europe’s social objectives in an enlarged European Union and a global world. Dealing at the same time with the internal and external dimensions requires a considerable step forward, both in terms of detail and ambition compared to previous exercises. In an age of uncertainty and insecurity the Social Agenda needs to restore confidence and be an active element of social progress.
19. The Social Agenda should rest on the three social pillars of the sustainable development strategy: people, progress and planet. Europe must set the example and combine a strong environment strategy with full employment, high levels of education, of innovation and technological maturity, equality between women and men, an efficient public sector, good (social) infrastructures, a high level of welfare and a fairer distribution of richness.
20. Probably one of the questions to address in the context of the post-Lisbon strategy should be how best to have one single European strategy, translated into several areas of action with common objectives, instead of having several strategies, declined into different sets of policies often with little relationship and sometimes even contradictions between themselves? This single strategy of growth, jobs and sustainable development would certainly increase the possibilities for implementation of EU policies in an equally balanced way in order to achieve economic growth, full employment, social cohesion and ecologically sustainable development.

## **Strengthening action in a number of policy areas**

### ***Aim for a sustainable working life including a good level of working conditions and stable contractual relations***

21. For the ETUC a sustainable working life means a good level of health and safety at the workplace taking into account also new risks, a working life where workers do not wear themselves out due to work. It also involves modern and stable contractual relations giving possibilities for career advancement, security, equal pay for work of equal value and reconciliation of working, family and private life. To prioritise actions to stop all types of discrimination including gender discrimination is essential for a sustainable and fair working life.

### **Labour law and contractual relations**

22. A part of the European social model is workers' rights, including employment protection legislation. The ETUC is worried with the dilution and deterioration of contractual relations occurring in Europe. Abuse of European and national legislation or lower employment protection legislation will not result in a better or more sustainable labour market, on the contrary. A proper legal European and national framework will favour more investments in human capital and in innovation and strengthen workers' rights.

23. Legislation adopted at the European level clearly states that non-standard forms of work should remain the exception and not become the rule; open ended contracts should prevail as the rule with regard to contractual arrangements in Europe's labour market.

24. This implies that not just the strengthening but also the respect, the implementation and the monitoring of the social acquis is taken seriously by the European Commission, the Member States and the social partners.

25. Actions to be developed:

- A more consistent follow-up of the European directives in the social policy field, including those that result from framework agreements by the European social partners as it is the case of the fixed term contracts and part time work directives: this must be done in close consultation with the European social partners.
- Adequate measures must be taken in those countries where the exception has become the rule.
- Legislative measures with regard to specific forms of non-standard employment relationships (economically dependant workers, domestic and home workers...) with the active involvement of the social partners and with the objective to improve the situation of workers.
- The European Commission should promote that all countries define national policies aiming to implement recommendation 198 of the ILO on the scope of the employment relationship; trade union organisations should be fully associated to this.

## Public services

26. Public services are an important part of the economic and social system of each Member State and - by permitting the realisation of collective interests – constitute a pillar of the EU's social and economic cohesion. They represent one of the key instruments for realising the objectives of job creation, sustainable development and a knowledge-based economy.

27. Actions to be developed:

- To apply a moratorium in order to halt the ongoing policy of liberalisation. The current policy has not led to more competition but instead the replacement of a public monopoly by large quasi-monopolistic private groups. Added to this, liberalisation has frequently led to job losses, worsened employment conditions and has not contributed to a increased accessibility and quality.

## Health and safety

28. The success of EU-legislation on health and safety at work must be safeguarded and improved. The ETUC considers that the new health and safety strategy 2007-2012 underestimates the fact that the main cause of work place related deaths results from illnesses and especially from cancers resulting from chemical substances. Furthermore, it does not take consistently into consideration the recent adoption of REACH, concerning chemical substances.

29. Due to the rise of atypical contracts in Europe and the extra risks for this group of workers, the ETUC calls on the Commission to monitor more systematically the application of health and safety directives among those workers and especially to assess the practical implementation of the directive on the health and safety of workers with a fixed-term contract or temporary workers.

30. A particular attention should be paid to the structural elements of preventative systems: the Labour Inspection, Preventative Services and Workers' Representation for Health and Safety. The Commission should monitor the situation and presents concrete initiatives in order to improve the present situation.

31. The ETUC also calls for:

- More coherent preventative policies for chemicals risks seizing the opportunity given by REACH and, in particular, the adoption of common limit-values in the European Union for the most dangerous chemicals.
- The quick adoption of a revised directive on carcinogenic agents.
- The revision of the directive on pregnant workers in line with the European Parliament's recommendations.
- Directive on musculoskeletal disorders.
- Initiatives for a better prevention in the field of psychosocial factors at work.

### *Innovative and knowledge-based workplaces*

32. The ETUC wants to emphasise the importance of the quality of employment, i.e. jobs compatible with skills and expectations where autonomy and control of work are in balance and where the knowledge, skills and capacities of all workers are fully utilised. We need smart growth instead of destructive growth.
33. Tackling climate change is likely to bring about large scale changes in current employment and working patterns as the recent ETUC study on climate change and employment showed. Appropriate tools are necessary to ensure that changes are anticipated and managed fairly, namely new information and consultation rights for workers and their representatives on the company's environmental policy, renewed social dialogue and support measures for workers displaced.
34. Currently, the lack of a skilled workforce is a barrier to achieving ambitious emission reduction objectives. There is a need to train hundreds of thousands of workers to cope with the rapid uptake of renewable energy and energy efficiency activities. Improving working conditions in those new sectors will also turn them into more attractive job opportunities and contribute to the dynamism of the sectors.
35. This requires the right of access to lifelong learning, the recognition and transferability of formal and informal competences that facilitate personal and professional development, the promotion of special programmes where jobs are threatened by restructuring, the safeguarding of professional paths through professional requalification, the maintenance of workers' rights and the right to income support during the transitions between jobs.
36. Actions to be developed:
  - To place the quality of employment at the centre of the reviewed Lisbon strategy.
  - To develop a more concerted action for tackling gender pay gap in the framework of the Employment Strategy and in particular the Employment Guidelines,
  - To address the question of low wages and working poor. Targets for the reduction of the number of working poor and/or of those earning starvation wages must be reintroduced into the integrated guidelines.
  - To introduce targets for other kinds of care facilities (for the elderly, etc.), in addition to the target for child care in order to improve total employment rates and reduce the difference between employment rates for men and women.
  - To change the rules of access to the Globalisation Adjustment Fund in order to open to cover off-shoring operation inside the territory of the European Union as well as to widen the access, including through the reduction of the number of workers touched in order for the Fund to intervene and to promote in a coherent way the actions of this Fund and those from the European Social Fund.
  - Based on the experience acquired with implementation of the Globalisation Adjustment Fund, the EU budget should contribute to help workers affected by both changes linked to the transition to a low-carbon society and from traditional industrial sectors, assisting them in their skills improvement and their job search. A preventative approach in terms of tailor-made measures should be privileged.

- To present a Commission Communication on "Green Jobs" and low carbon labour market, including proposals in the field of initial and vocational training, anticipating and managing the changes associated with the transition to a more sustainable economy and strengthening the European industrial base in a context of globalisation.

**Ensuring a vital Internal Market by mitigating its risks – the promotion of strong social protection systems**

37. Europe has the responsibility to provide a European framework for the Internal Market to evolve in such a way as to prevent social dumping and to ensure adequate macro-economic demand on the internal market. The proposals of the renewed Social Agenda will be crucial in increasing people's confidence in the European Union. Social and economic cohesion and competitiveness are not incompatible but are parts of a beneficial circle upwards.
38. For the ETUC the promotion of employability is not enough. In order to be ready to take risks and to accept change, workers need to feel secure. Social protection systems must play that role and provide individuals with opportunities for education, rehabilitation and adjustment by offering more security to the tens of millions of European workers who change jobs or risk losing their job each year. In this context, special attention must be given to the people furthest from the labour market or that are at risk of poverty and social exclusion. The specific gender dimension of low wage earners and of working poor is a reality of our societies.
39. The Social Agenda must ensure a basis for an upwards mobility and that the gains from the Internal Market and globalisation are broadly shared, so that social policies are in place to facilitate adjustment of those workers adversely affected by globalisation and technological change. Only in this way will it be possible to maintain a support for an open economy.
40. In this framework the ETUC is very worried that the judgements in the Viking and Laval (with the Rüffert case not yet decided ) put together will severely limit the possibilities for trade unions to negotiate equal conditions for posted workers compared to host country workers and thus distort competition in the Internal Market.
41. Actions to be developed:
- The inclusion of the Monti clause<sup>5</sup> in all legislation on the single market in order to ensure that the implementation of the four fundamental freedoms of the single market does not impede collective bargaining rights and the right to strike as defined by national legislation. Also, in the light of the Reform Treaty, a reference to the Charter of Fundamental Rights should be included. The solution found in the Services Directive, not totally satisfactory was a right step in this direction.<sup>6</sup>

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<sup>5</sup> "This Directive may not be interpreted as affecting in any way the exercise of fundamental rights as recognised in Member States, including the right or freedom to strike. These rights may also include the right to take other action covered by the specific industrial relations systems in Member States."; EC Reg. 2679/98

<sup>6</sup> Article 1.7 "This Directive does not affect the exercise of fundamental rights as recognised in the Member States and by Community law. Nor does it affect the right to negotiate, conclude and enforce collective agreements and to take industrial action in accordance with national law and practices which respect Community law."

- The single market strategy should strengthen social welfare, workers' rights and ensure fair working conditions. The new horizontal social clause introduced into the Lisbon Treaty has to be visible in the proposals of the Commission. Therefore, the ETUC asks for all Single Market legislation to include a social clause to protect social standards, specifying that the legislation should not affect social security rules, social welfare systems and working conditions. For instance in the Services Directive, the ETUC has fought with success for the insertion of a clause to protect labour law and social security<sup>7</sup> which needs to be further developed.
- Execution and enforcement of the legal framework for cross border mobility of workers, insisting on the principle of equal treatment in terms of wages and working conditions applying to the place where the work is done, equal access to social support systems and the portability of rights, including transnational trade union rights.
- The improvement, adoption and correct implementation of the current proposal for a directive on supplementary pensions.
- To remove the barriers/obstacles to workers' geographical and professional mobility, i.e. by implementing the European Job Mobility Action Plan (2007-2010).
- Insist that social criteria, including respect for collective agreements and employment rights, are integrated into public procurement contracts.
- The quick adoption of the regulation allowing for the application of Regulation 883/2004 on the coordination of social security regimes.
- The guarantee of a decent income and a decent wage across the EU, in order to promote people's dignity and the elimination of the working poor.

### **Need for an intergenerational contract**

42. Young people and older workers are more fragile and vulnerable at a time when employment is particularly unstable.
43. For two thirds of young Europeans, employment means short-term contracts, part-time work without the option of working full-time, temporary work, seasonal work, undeclared work, child labour (which many wrongly believe is only a problem outside Europe) and so forth. These experiences are combined with difficult working conditions, low wages, a lack of training, gaps in social protection and meagre career prospects.
44. Encouraging young people to become independent today comes down to giving them back the right to make their own life-style choice(s) (personal and professional) and not, as is currently the case, in leaving them to cope with a situation that leaves them without hope for the future.
45. On the other hand, life expectancy is longer and therefore a greater attention must be given to the particular needs of older people in general and older workers in particular. This is another area where proposals must be innovative and not primarily, or almost exclusively, directed at the family.

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<sup>7</sup> Article 1.6: "This Directive does not affect labour law, that is any legal or contractual provision concerning employment conditions, working conditions, including health and safety at work and the relationship between employers and workers, which Member States apply in accordance with national law which respects Community law. Equally, this Directive does not affect the social security legislation of the Member States."

46. The development of active ageing strategies and assistance in getting young people into the labour market lie at the very heart of a true intergenerational approach.
47. Active labour market policies must prevent all risks of social exclusion and discrimination against young and older workers as well as disabled persons.
48. The European Employment Strategy must be used in order to combat the difficulties faced by workers in general - both young and older workers - as regards employment. Policies must be combined with measures to improve the situation for young and older workers on the labour market.
49. Actions to be developed:
- To promote the implementation of the “Youth Pact Programmes” at Member State level as well as measures that encourage the solidarity between the generations; the social partners should be closely associated to such actions.
  - Promote the establishment of observatories on changes in professions and qualifications, putting an end to the existing stereotypes in terms of career choices of young girls or boys.
  - To continue to make a commitment to improve the quality of jobs and to fight for decent work for all by addressing the precarious nature of jobs. Efforts must be made to promote health and safety at work and access to social security for all (which will also prevent some young people from moving into the informal economy and older workers from being prematurely excluded from the labour market because they did not have or were not offered the possibility to adapt to the labour market evolution).
  - Provision of long-term care must be guaranteed and provided in high-quality facilities and by qualified staff. Similar action needs to be taken in this area as has already been taken as regards childcare for young children outside the family unit, i.e. care provided in approved facilities and/or by qualified carers. This would then be a sector that would create recognised and qualified jobs and one that would be economically beneficial for social security resources.

**A more proactive policy on economic migration, more investment in integration**

50. It is high time to recognize the need for more proactive policies with regard to migration and integration at EU level, that are based on the recognition of fundamental social rights of current citizens as well as newcomers, and that is embedded in strong employment and development policies, both in countries of origin and in countries of destination. A common framework of EU rules on admission for employment is urgently needed. However, this framework should not be aimed unilaterally at the demand for temporary migration, as this would favour precarious jobs and hinder sustainable integration.
51. Strengthening the capacity of the EU, member states and social partners to provide and maintain fair and just working and living conditions and proper social protection for all Europe’s inhabitants, local workers as well as immigrants, in a framework of equal rights and equal opportunities is of major importance to guarantee social cohesion and peaceful coexistence in the labour market and in society. This would allow citizens and workers to value the positive contribution migrants are making to

our economies and societies, and to see migration and integration as a positive challenge instead of a negative threat.

52. A stronger emphasis is needed on integration as a two way process, demanding not only from old and new migrants to adapt to their new working and living environment, but also from the receiving workplaces and communities to welcome and reach out to the migrants and their families.

53. Actions to be developed:

- The European Commission should present proposals for Directives that open up possibilities for the admission of economic migrants at all skills levels to prevent a two-tier migration policy.
- To develop policies and measures to combat labour exploitation especially of irregular migrants and providing them with bridges out of irregularity.
- To develop policies, in cooperation with sending countries, to prevent brain drain; these should be linked to trade and development policies that promote rising living standards and opportunities in sending countries, which would allow (potential) migrant workers and their families proper job opportunities at home.
- The promotion of stronger integration policies with regard to employment, education, living and housing conditions and public services.

### **Advancing rights and working life quality outside the European Union**

54. The Union must promote a transparent approach to external trade. The ETUC expects the EU to align its trade policy with the principles it promotes in its policies and treaties, in particular the Charter of Fundamental Rights, namely the primacy of human rights, trade union rights and the core conventions of the ILO – the social, health, environmental and cultural rights of peoples - over trade competition rules. There can also not be optimum development without a parallel social development. These concepts must go hand in hand if economic progress is to be fully effective and thus improve the way of life and the welfare of the people concerned.

55. The objective is to ensure the incorporation of the European social model into external dialogue and measures at bilateral, regional and multilateral level. Strong ethical and humanitarian standards should be an integral part of global trade. Policy coherence is therefore a requisite.

56. Actions to be developed:

- To ensure the primacy of human and trade union rights in trade and partnership agreements. To push for the establishments of social clauses in these agreements.
- An active dialogue between stakeholders on the trade issues and external policies.
- The EU should support consumer purchasing and awareness towards the ethical and responsible. The EU can provide the authority for a scheme to which all initiatives can subscribe.

## **Strengthening follow up and implementation of social policies**

57. The EU has since the first Social Policy Agenda 1989 decided on legislation promoting social progress. A good basis exists. But in many cases social policies protecting workers are not properly implemented by Member States. The Social Agenda should therefore focus on the instruments of implementation where the social partners should have greater possibilities in monitoring and acting on the implementation.

58. Actions to be developed:

- To ensure a more effective monitoring of the social acquis, with the active participation of the social partners.
- To establish possibilities for the European social partners to submit their observations in cases submitted before the ECJ, in particular on cases concerning trade union/workers' rights and those relating to their EU social dialogue framework agreements.

## **The role of the social partners in Europe**

59. To respond to external and internal developments it is crucial to establish a better system of management of change. In the framework of the European social model, the social partners have a unique role which also strengthens the European Union's ability to handle challenges and to manage change. Experience has also shown that social partners' involvement strengthens the implementation of social acquis. The improvement of the social dialogue, collective bargaining and rules on information and consultation are all parts of this system.

60. In this context, attention should be drawn to the particular importance of the regulatory role played by employers' and trade unions within the European social dialogue, both at the interprofessional and sectoral levels, as well as national industrial relations' systems. Collective bargaining has a positive impact on economic and social cohesion. European legislation on information and consultation also helps workers and companies to anticipate and mitigate change.

61. The ETUC proposes that one of the focus points of the forthcoming Social Agenda would be to strengthen social dialogue and collective bargaining.

62. Actions to be developed:

- The European Commission should facilitate discussions at the European level with a view to the establishment of a dispute settlement system and the creation of a specific chamber at the European Court of Justice, with the participation of the social partners, devoted to social and labour problems.
- Strengthen the content of the Tripartite Social Concertation and the Macro Economic (Social) Dialogue.
- The Commission should ensure a proper consultation to the European Social Partners in the framework of Article 138 EC for every (legislative) proposal that might have an impact on and/or concern social policy in general and the rights of workers and their representatives in particular.

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## Annex:

### ETUC/ETUI-REHS mid-term review of the implementation of the Commission's Social Agenda 2006-2010

#### Introduction

“A social Europe in the global economy, jobs and opportunities for all” that was and presumably still is the motto of the Social Agenda covering the period up 2006-2010. Being half way there in 2008 and as it is announced in the Social Agenda itself, it is necessary to take stock of the progress made not only in the implementation of the foreseen policies as such, but also about the participation of the players in this implementation. Despite the fact that the Commission has not yet engaged in and delivered its own mid-term review of the implementation of this Social Agenda, it announced via different ways and in particular the Communication on “Opportunities, access and solidarity: towards a new social vision for 21st century Europe” (COM (2007) 726 final of 22.11.2007) its intention to engage in the “preparation of a renewed social agenda”.

Therefore, and in particular to prepare its own position towards any “renewed” Social Agenda, the ETUC, in close cooperation with its institute, the ETUI-REHS, conducted its own mid-term review. Below, we provide a summary of what ETUC/ETUI-REHS consider to be the main successes, failures and lacunae in the implementation of the current Social Agenda and it is hoped that amongst others the Commission will take this seriously into consideration when elaborating any (re)new(ed) Social Agenda.

#### ETUC/ETUI-REHS's analysis

From the outset it should be reminded that although ETUC welcomed in general the initiative of a Social Agenda, it had put serious doubts and question marks next to the overall (lack of) ambition of the Commission in acting in the social field in general and on the often vague way (both from an action and time-frame point of view) it intended to do so<sup>8</sup>.

#### 1. Achievements

Concrete achievements which should be welcomed are:

- The campaign among all relevant stakeholders in order improve the governance of the EES and to sensitise the ESF players;
- The long-expected launch of the second phase consultation on the revision of the European Works Councils Directive;
- The adoption of Directive 2007/30/EC which will hopefully allow a rationalisation of national reports regarding the implementation of directives in the health and safety area;
- Different programmes relating to health and safety financed by the Community funds in the framework of the PROGRESS initiative in order to strengthen the capacity of administrations and social partners in ensuring effective implementation of health and safety directives;

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<sup>8</sup> See ETUC's initial comments – 25.05.2005

- The continuous willingness and concrete actions to strengthening logistics and technical support to EU cross-industry and sectoral social dialogue;
- The establishment of the high-level group to assess impact of enlargement on mobility which already led to good debates and results and the Commission's report for the Council on decision to be taken on transitional periods which takes rightly account of the social partners' position;
- The concrete work undertaken in order to amend the Regulations on the coordination of social security schemes, in particular Regulation n° 833/2004;
- The introduction of OMC in the fields of health and long-term care;
- The consultation of the Communication on "Modernising social protection for greater social justice and economic cohesion: taking forward the active inclusion of people furthest from the labour market" (COM (2007) 620 of October 2007).

## 2. Realised, BUT....

- The Green Paper on "Facing demographic changes – a new solidarity between generations" - despite this, young people have more and more difficulties to find stable employment whereby they enter later and later on the labour market whereas older workers are (often forced) leaving the labour market earlier and earlier;
- Incorporation of the European social model into external dialogue and measures at bilateral, regional and multilateral level: several initiatives have indeed been taken or are envisaged, but it is amongst others regrettable to note that the Commission rejects enforcement mechanisms to ensure the application of the social objectives by parties in the FTA's, applies rather a piecemeal than a holistic approach in Economic Partnership Agreements with ACP countries, and that in almost all bilateral relations the employers were afforded a structured input while the trade union views appeared to be heard under sufferance if at all;
- The different initiatives taken in relation to the "promotion of decent work" agenda are indeed to be welcomed but again cooperation with the European social partners, in particular the trade unions, was far from satisfactory and should be enforced;
- Flexicurity has become the core of the EU agenda; it remains to be seen how the common principles will be implemented and how the social partners will be associated to that exercise;
- The Green Paper on Modernising Labour Law has indeed been launched and created "a lot of commotion" in all corners and circles of Europe. Given the "turbulence" created around it but also the (non)-follow up given to it, this exercise proved rightly so a no-go/fly from the start;
- The launch of consultations concerning cross-border transfers of undertakings although it showed little ambition and neglected key aspects such as transfers through a change of ownership;
- A new Strategy on Health and Safety at work for 2007-2012 has indeed been adopted but can be considered as the most weak one ever adopted in this area since 1978 (e.g. complete underestimation of fact that cancer due to exposition of chemical agents is the main cause for mortality linked to work, no recognition of the recently adopted REACH regulation, etc.);
- The Commission has launched a lot of consultations under article 138(2) EC Treaty but hardly any concerned proposals for the introduction of new social acquis;

- Very regrettably the proposal for a Directive on the portability of supplementary pension rights has throughout its process been emptied of its substance and nevertheless received no acceptance in the Council, the problem remains thus still unsolved;
- Via the “Integrated Guidelines 2005-2008 – Guidelines Employment: n° 19” and the EURES Guidelines 2007-2010 it is indeed tried to facilitate free movement of workers and persons, but the recognition of role of social partners and in particular of trade union organisations should be further enhanced and supported;
- Several actions to ensure equal opportunities for people with disabilities have been taken (new Action Plans, etc.), but no reaction so far to the longstanding plea of ETUC and concerned NGO’s for a proposal for a directive on prohibiting all forms of discrimination in areas beyond employment such as access to housing, education, culture, etc.;

### 3. No action yet, but urgently needed.....

- If the Commission’s interdepartmental group on promoting the external dimension of employment has indeed been set up, this happened completely unnoticed and in any case without any social partner involvement;
- The announced initiative for 2005 on the protection of personal data of workers is still awaited for;
- Although scheduled and announced for 2006/2007, no concrete action took place on the consolidation of various provisions on worker information and consultation;
- Several actions (studies, seminars) were taken in order to arrive at the proposal for an optional framework for transnational collective bargaining, but the concrete proposal is still awaited;
- The announced launched for a proposal of a Directive on “cross border health care”

### **Conclusion**

By way of conclusion, the ETUC regrettably notices that, although several good initiatives have indeed been undertaken, the bulk of announced initiatives are to be classified in the categories of “Realised... BUT” or “NOT realised and urgently needed”

The ETUC therefore strongly urges the Commission to rapidly step up its action in order to ensure an effective implementation of all envisaged measures and actions and thereby fully take into account the views of the EU social partners and in particular the ETUC. And this irrespectively whether its intends to do so in the framework of the current Social Agenda or a “renewed” Social Agenda.

Mottos and slogans are one side of the coin, concrete progress oriented actions and results form inherently the other side of it!

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